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April 6, 2026

Mr. Ka'āina S. Hull
Director of Planning
Planning Department
4444 Rice Street, Suite A473
Lihue, Kauai, Hawaii 96766

VIA HAND DELIVERY

Re: **In the Matter of the Application of Kaawanui Solar, LLC for
Use Permit U-2026-9, Class IV Zoning Permit Z-IV-2026-12,
and Special Permit SP-2026-4**

Applicant: Kaawanui Solar, LLC,
a Delaware limited liability company
Project: Kaawanui Solar Project (269.195 acres)
Property: Parcel 10 (158.75 acres)
Makaweli, Kauai, Hawaii
Kauai TMK No. (4) 1-7-006:010 (por.)
Parcel 6 (4,847.99 acres)
Makaweli, Kauai, Hawaii
Kauai TMK No. (4) 1-7-006:006 (por.)
Property Owner: Robinson Family Partners

Dear Planning Director Hull:

By action taken March 10, 2026, the Planning Commission approved the Application in this matter pursuant to the terms of the Findings Of Fact, Conclusions Of Law, And Decision And Order dated March 10, 2026 ("D&O"). The approval was final as to the Use Permit and Class IV Zoning Permit and recommended approval of the Special Permit to the State Land Use Commission ("SLUC").

Pursuant to Hawaii Administrative Rules Section 15-15-95(b), the Planning Commission is required to forward its D&O, a complete record of the proceedings, and the complete transcript of the proceedings to the SLUC within sixty (60) days of its action.

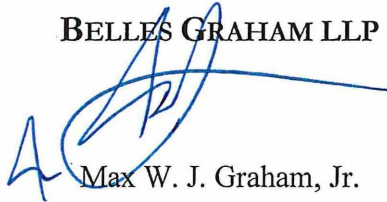
Mr. Ka'āina S. Hull
April 6, 2026
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To assist the Planning Commission in meeting this deadline, the Applicant retained iDepo Hawaii LLC to have a Court Reporter present to transcribe the proceedings in this matter at the Planning Commission's March 10, 2026, hearing. I have enclosed a copy of the Original Transcript, together with twelve (12) copies. I believe that pursuant to Planning Commission Rule 1-6-18(a), the Planning Commission will need to approve the Original Transcript (subject to any corrections it may have), together with the complete record in this matter. The Applicant has no recommended corrections to the Original Transcript and concurs with the designation of the record as contained in Paragraph 10 of the D&O.

Thank you very much for your assistance in this matter.

Sincerely yours,

BELLES GRAHAM LLP



Max W. J. Graham, Jr.

MWJG:jgm
Enclosure

cc: Mr. Kenneth A. Estes, w/o encl. (via email only)
Laura K. Barzilai, Esq., w/o encl. (via email only)

1 KAUAI PLANNING COMMISSION MEETING
2 IN THE MATTER OF THE APPLICATION OF KAAWANUI SOLAR,
3 LLC, FOR PERMIT U-2026-9, CLASS IV ZONING PERMIT
4 Z-IV-2026-12, AND SPECIAL PERMIT SP-2026-4
5 TUESDAY, MARCH 10, 2026
6 9:16 A.M.

7
8 **Original Transcript**
9

10 Report of proceedings of the Kauai Planning
11 Commission public meeting, held at Lihue Civic
12 Center, Moikeha Building Meeting Room 2A-2B, 4444
13 Rice Street, Lihu'e, Kaua'i, Hawai'i, and remotely
14 via videoconferencing on the 10th day of March,
15 2026, commencing at the hour of 9:16 a.m.
16
17
18
19
20

21 REPORTED BY: CHANTELE HEE, RPR
22 State of Hawai'i CSR No. 536
23 iDepo Hawaii, LLC
24 1164 Bishop Street
25 Suite 1111
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(808) 664-6677
www.iDepoHawaii.com

1 APPEARANCES :

2

3 COMMISSIONERS :

4 GERALD AKO, Chair

5 HELEN COX, Vice-Chair

6 JERRY ORNELLAS, Member

7 GLENDA NOGAMI STREUFERT, Member

8 LORI OTSUKA, Member

9

10 STAFF :

11 KA'AINA HULL, Department of Planning Director

12 LAURA BARZILAI, ESQ., Deputy County Attorney

13 KENNY ESTES, Staff Planner

14

15 For Applicant KAAWANUI SOLAR, LLC:

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17 BY: MAX W.J. GRAHAM, ESQ.

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I N D E X

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LIHUE, KAUAI, HAWAII

TUESDAY, MARCH 10, 2026

9:16 A.M.

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DIRECTOR HULL: And I'll move directly into the new business part of the agenda for this item. So I'll turn it over to the staff planner for the director's report on this matter.

STAFF PLANNER ESTES: Good morning, Chair and members of the planning commission. I'll summarize the report for the record.

Before you is consideration of a Class IV zoning permit, a use permit, and a special permit to allow the construction and use of a 43-megawatt new energy solar facility and associated site improvements. It will encompass approximately 269 acres in the Makaweli area of Kauai.

The proposed development will be located on portions of two parcels identified as Tax Map Keys 1-7-006, Parcels 6 and 10, and both of which have a combined area of approximately 5,000 acres. The proposed development will be situated adjacent to and mauka of Kaumualii Highway and will

1 extend approximately 1 mile inland along both sides
2 of Kaawanui Village Road.

3 The majority of the proposed
4 development will be situated within the county's
5 Agriculture Zoning District with a small portion of
6 development situated within the county's Open
7 Zoning District.

8 All development will be situated
9 within the State Land Use Agricultural District.
10 The project area comprises of pasture land and
11 fallow agricultural fields with surrounding areas
12 consisting of former plantation lands repurposed
13 for grazing or left in open pasture.

14 Pursuant to Section 8-2.4 of the Kauai
15 County Code and Section 205-2 of the Hawaii Revised
16 Statutes, the proposed development requires a use
17 permit and special permit as the proposed
18 development will be situated on lands with soil
19 classified by the State of Hawaii Land Study Bureau
20 as having an overall productivity rating of Class B
21 and C soils and the proposed development occupies
22 more than 20 acres.

23 In reviewing the proposal, the
24 department evaluated whether the project complies
25 with the standards outlined in Chapter 205 of the

1 Hawaii Revised Statutes and Chapter 13 of the
2 planning commission's Rules of Practice and
3 Procedures for a special permit; additionally, the
4 policies of the Kauai General Plan and the West
5 Kauai Community Plan and the criteria for a use
6 permit as specified in the Kauai County Code as
7 well as the standards established in the
8 Comprehensive Zoning Ordinance.

9 The department's evaluation and
10 conclusion are detailed in the director's report,
11 and that concludes my summary.

12 CHAIR AKO: Do you have any questions
13 for the planner?

14 If not, do we have a representative
15 from the applicant that would like to share?

16 DIRECTOR HULL: I believe actually you
17 folks have a PowerPoint presentation?

18 MR. GRAHAM: Good morning, Chair Ako
19 and planning commission members.

20 I'm Max Graham, and I represent the
21 applicant in this matter. And the applicant is
22 a -- it's actually a sub-entity of AES Hawaii. The
23 applicant is Kaawanui Solar LLC. And with me is
24 Megan Kane to my left, who is an associate
25 developer with AES Hawaii.

1 AES, by the way, has a history of
2 developing alternative powers sources, including
3 solar energy projects like this one.

4 What I'd like to do is have Megan to
5 narrate a PowerPoint overview of the project.

6 And then after that, we'd like to call
7 Howard Greene, who is a vice president with G&R.
8 So G&R is the manager of the lands in question.
9 The lands are actually owned by Robinson Family
10 Partners.

11 And then we'll have -- we'll call
12 Cameron Kruse, who is the engineering and technical
13 manager for KIUC, and he can talk a little about
14 the -- KIUC's vision of solar power uses for the
15 county.

16 Howard will talk about how this
17 project fits in to G&R's goals toward continued
18 operation of their businesses on their west side
19 lands.

20 So let's start with Megan, and we're
21 ready to go, I believe, on the PowerPoint.

22 MS. KANE: Okay. Hi, everybody. As
23 Max said, my name is Megan Kane, for the record. I
24 am a senior development manager for AES Hawaii and
25 the primary developer for this project.

1 I will be presenting today on behalf
2 of the applicant, Kaawanui Solar LLC. This is an
3 agenda item -- or this is the agenda for today's
4 presentation that I'll be giving.

5 At the end of my presentation, I'm
6 happy to take questions from the commission. I
7 also have a group of subject matter experts that
8 are with me today so I can also call them up. And
9 then after that portion, we'll hear from both the
10 utility and the landowner.

11 Next slide. AES Hawaii is proposing a
12 43-watt -- megawatt solar energy facility coupled
13 with a 172-megawatt-hour battery energy storage
14 system sited on approximately 269 acres of land.

15 The storage component to this project
16 is extremely important as it will allow grid
17 stability and dispatchability during high-use peak
18 times like when you guys are at home with your
19 families at night and the sun is not out.

20 The project will sell
21 locally-generated renewable power to KIUC at a
22 fixed rate for 25 years, adding another level of
23 energy security to the island. The project also
24 erects a new switchyard for KIUC at Kaawanui which
25 will not only serve as the interconnection for the

1 project to the islandwide grid but will also harden
2 the grid infrastructure on the west side of the
3 island.

4 And when the project's operational
5 period ends, AES Hawaii will fully decommission the
6 project and restore the land to the state that you
7 see it in today.

8 Next slide. So orienting you to the
9 project location, as Kenny mentioned, the project
10 is sited in Makaweli between Hanapepe and Waimea on
11 land owned by Robinson Family Partners and managed
12 by Gay & Robinson. The project is just mauka of
13 Kaumualii Highway at the intersection of Kaumualii
14 Highway and Kaawanui Road.

15 The area we're requesting to permit
16 today is 269 acres. Of that, about 220 acres will
17 be new project equipment: solar panels, substation
18 batteries, things like that. About 2 acres will
19 comprise the KIUC switchyard. And the rest of the
20 land is really attributed to existing internal
21 access roads on Gay & Robinson land.

22 The -- it's always been AES's goal to
23 disturb the least amount of land possible. We
24 understand solar projects require a lot of land.
25 So as we continue to iterate design, we will shrink

1 that footprint as much as possible with project
2 infrastructure.

3 Next slide. So this is a summary of
4 the major project benefits for the island of Kauai
5 and the State of Hawaii. Among the most impactful
6 are that this project will supply about a fifth of
7 the power needed for the residents of Kauai based
8 on the current load. That will result in about
9 16,000 homes being powered annually for the next
10 25 years.

11 The project will also produce local
12 jobs: local jobs during development, local jobs
13 during construction, and local jobs during
14 operations as well as a significant amount of
15 economic investment to the local economy here on
16 the island and also the state.

17 Lastly, the project will offset the
18 burning of over 179 million gallons of fuel over
19 the course of the 25-year operational period,
20 decreasing the island's reliance on foreign fuels.

21 Next slide. Here are some
22 representative photos of what you'll see on site if
23 the project were to be built.

24 The project will comprise of 545-watt
25 solar panels; so that's the picture in the bottom

1 left. They will sit on single-access trackers
2 which means that the panels will have the ability,
3 to rotate and follow the sun throughout the day
4 capturing the most amount of energy possible.

5 The storage component of the project,
6 if I can orient you to the top right picture, is --
7 will be batteries set in 20-foot containers in a
8 modular layout. There will be 44 battery
9 containers placed on a singular concrete pad in
10 what we call the BESS yard where the batteries are.

11 Next slide. Safety is AES's highest
12 priority. So I recognize the importance that fire
13 awareness and fire mitigation plays in decisions
14 like the one we're putting in front of you today
15 and has become increasingly top of mind for
16 community members.

17 So I want to spend some time today
18 talking about not only the layers of safety that we
19 build into our equipment but also the layers of
20 safety we build into our project design.

21 So here are some photos of what you
22 would see if you were to look inside of a battery
23 container. The batteries sit in a modular layout,
24 as I mentioned before. There is no human access
25 into the battery containers.

1 And you can see that we -- we
2 installed kind of your run-of-the-mill audio-visual
3 fire systems that you would see in buildings to
4 alert people if there was an event. Additionally,
5 the picture on the left illustrates the fire
6 suppression system that AES has built into every
7 single battery unit.

8 So we call this, you know, fire
9 suppression system and, basically, what happens is
10 every battery is wired so that if it reaches an
11 elevated temperature, a nontoxic foam is injected
12 into that singular battery. So this allows AES to
13 mitigate any type of thermal event at the smallest
14 possible level; right?

15 You're getting it at a single battery
16 versus letting it consume a cluster of batteries or
17 a whole container before any type of system is
18 tripped to trigger an event -- or notice you of an
19 event.

20 Next slide. In addition to the
21 audio-visual alarms and the fire suppression system
22 for the batteries, AES has designed this project
23 with other fire mitigation features that not only
24 allow us to neutralize fire events on property if
25 they were to ever happen but also anything coming

1 from outside passing through the west side, as we
2 know has happened pretty recently.

3 So we design all of our project with
4 safety features like clearance zones, nonvegetative
5 firebreaks around major equipment and around the
6 perimeter of the project, as well as multiple
7 ingress and egress points for emergency access.

8 We also have a wonderful local
9 operations team that lives on island. They service
10 the existing Lawai and Kekaha AES plants, and as we
11 bring more projects online on this island, we will
12 grow that team. They report to the sites daily,
13 check equipment regularly. And then when they are
14 not on-site, when they're home with their families
15 at night, sites are monitored from we call "The
16 Rock," makes it sound very cool.

17 Remote Operations Control Centers kind
18 of watch all of the AES sites to catch any type of
19 event that's happening, and then they can pass the
20 message down to the local team who has ability to
21 ramp down plants remotely and then de-energize
22 fully when they're on site.

23 The last thing I want to say about
24 fire mitigation right now is that, you know, AES
25 tries to integrate fire mitigation through every

1 phase of design.

2 So in development, it's making sure
3 that the engineering plans and all of the procured
4 equipment really consider fire safety.

5 During construction, it's
6 implementation of safety plans, making sure that
7 all of our contractors are educated to how to
8 extinguish fire, how to mitigate fire, and then how
9 to keep the site safe.

10 And then during operations, it'll be
11 continuous collaboration with Kauai Fire Department
12 and the landowner to make sure that the site
13 remains safe.

14 I know it's a lot on fire. I'm happy
15 to take any questions on this at the end.

16 Next slide. AES heavily diligences
17 projects and continuously collects community
18 feedback in order to design the best project
19 possible.

20 Next slide. So we invest significant
21 dollars up front to understand the characteristics
22 of the land so that we're not fighting with those
23 characteristics as we site and place the project.

24 So this is a list of all of the
25 studies to date that AES has completed on this

1 project. Some of them are engineering based, some
2 of them are community based, but they all inform
3 engineering and design as we go on.

4 Next slide. In addition to the AES
5 commission due diligence, over the last year, we've
6 also actively engaged with the community to
7 introduce the project, answer questions, and
8 collect feedback. It has been AES's best practice
9 to really do that up front.

10 It is a much more flexible design
11 process when we can try to integrate community
12 feedback from the beginning versus coming in as the
13 design is finalized, closer to going in for
14 constructions permits.

15 So we've started with, you know, Gay &
16 Robinson presented to the board, presented to the
17 employees, all of their subcontractors, and then
18 from there kind of expanded out. We went to the
19 three closest villages. We went to elected
20 officials, community leaders, organizations on the
21 west side, and then culminated kind of our
22 community outreach in a community meeting that
23 happened in Hanapepe in September of last year.

24 The top-right corner identifies the
25 concerns we heard the most from the community. So

1 I'm kind of going to orient the presentation now to
2 how we took those concerns that we heard and we
3 integrated it into our development.

4 Next slide. Traffic, always a
5 hot-button topic for the communities. It is our
6 goal to never make anyone's day worse, never make
7 anyone's commute worse as we add construction or
8 operations traffic to the existing conditions.

9 So what we do to inform our strategy
10 here is we commission a traffic impact analysis
11 report so we can understand what the current flow
12 of traffic is. And then that allows us to see how
13 we're able to add the volumes that we're
14 anticipating for our project without hurting the
15 existing conditions.

16 So what the report identified was that
17 as long as we employ multiple access points which
18 there will now be two for the project, Kaawanui
19 Road and an additional Cane Haul Road that is just
20 west of Kaawanui Road. As long as we, you know,
21 stagger the workers arriving to site during heavy
22 construction periods to those two ingress-egress
23 points, it will allow the flow onto Kaawanui -- or
24 Kaumualii Highway to remain unaffected.

25 We would also consider staggering

1 worker arrival times during the heaviest
2 construction periods where there's an excess of
3 100 workers on-site and then, of course, just basic
4 things like deliveries during off-peak hours and
5 then having manual flagging on the highway, if
6 necessary, to get people in and out off the
7 highway.

8 All of this gets memorialized in a
9 construction traffic management plan that is put
10 together by our contractor ahead of the start of
11 construction.

12 Next slide. AES understands the
13 importance of cultural and archaeological resources
14 and their role in the history of Hawaii. So it is
15 always our goal to not disturb any historical or
16 cultural resource.

17 We've completed a bunch of studies,
18 you know, in the cultural and archaeological realm
19 just to make sure that we have a pulse on what
20 cultural and/or archaeological history of the area
21 is. The cultural impact analysis was completed
22 with a Ka Pa'akai analysis so, of course, the Ka
23 Pa'akai is isolated to the project footprint and
24 the CIA gives us a ahupua'a view of what is
25 culturally important in the area.

1 So we reached out to lineal
2 descendants during consultation, community groups,
3 and were able to gather some feedback from them.
4 They didn't identify any cultural practices within
5 the project area but did mention a few in the
6 adjacent area, a lot of cultural practices around
7 marine resources. Pakala Beach is, of course, very
8 close to the project area so we are making sure
9 that we're not impeding on accessibility, traffic,
10 anything like that.

11 The AIS, of course, informs
12 archaeological and historical properties on the
13 project site. No surprise, I'm sure, to anyone
14 here that there are none because this was formerly
15 sugar cane land and it has been heavily farmed for
16 many, many years.

17 We were very excited to see that State
18 Historic Preservation Division was able to review
19 our AIS and our reconnaissance-level survey and
20 provided that there were no historic properties
21 affected by the project.

22 Next slide. The commission and
23 community members can rest assured that AES will
24 fully decommission the project at the end of the
25 operational term. We will remove all

1 infrastructure and reseed the land within 12 months
2 after the close of operations, per our condition in
3 the state special permit.

4 It's difficult to explain exactly how
5 we'll do that knowing that 25, 30 years from now we
6 won't know the laws in place, but I can guarantee
7 you the following: We will follow all applicable
8 laws at the of time of decommissioning; we will
9 find the highest and best use for all of the
10 equipment, whether that's recycling, salvage,
11 refurbishing, anything like that; and then the last
12 thing is that we will -- no major project equipment
13 like panels or batteries will be disposed of in a
14 Hawaii landfill.

15 Next slide. So strategic earthwork
16 will not only keep the site safe but also protect
17 the important people and places around the
18 property. We work with a wonderful civil engineer
19 who spends a lot of time understanding the current
20 characteristics of the project, whether that be
21 with water or whether that be with grading.

22 The project site will require minimal
23 grading. It's already relatively flat so there
24 will not be a mass grading situation for 269 acres
25 of the project site. The only potential

1 concentrated areas of grading are going to be
2 around the concrete pads that have the major
3 project equipment like the substation and the
4 batteries as well as new internal roads that we'll
5 have to construct.

6 Stormwater facilities, specifically
7 detention ponds, are what we're going to use to
8 make sure that we're not exacerbating any problem
9 that exists with stormwater because of the project
10 being in place. So we've provided some stormwater
11 management information in the application and that
12 will continue to evolve as well as we design the
13 project more.

14 Next slide. Okay. So all of this
15 diligence, all of this information has resulted in
16 this layout of current project design. So all of
17 the blue is PV panels. You can see we have six
18 islanded areas of PV arrays.

19 The central array, which is the
20 largest one in the very middle of the screen, I
21 just want to point out right now the reason that it
22 looks a little bit different in blue color is that
23 we've actually spaced out the panel rows more than
24 we have in the other five arrays. And the reason
25 for this is this is where we would like to

1 concentrate the most compatible ag uses for the
2 project; right?

3 So allowing more land between the
4 panels for the ag partner to consider not only
5 livestock but also planted crops. And I'll
6 elaborate on our compatible ag plan in a little
7 bit.

8 The only other thing I wanted to say
9 about the project design is I also just wanted to
10 point out the major equipment. So kind of in the
11 bottom left quadrant of the screen, you can see all
12 of the major project equipment. So that's the
13 Kaawanui substation that KIUC will own on the very
14 bottom. And then on the Waimea side of Kaawanui
15 Road is the AES substation and the battery yard.

16 Next slide. Of course, the 2D layout
17 is informative but not necessarily what everyone
18 wants to see. They would like to see what the
19 visual impact of the project is going to be once
20 constructed.

21 So in order to inform design changes
22 to mitigate visual impacts, AES commissions visual
23 simulations. So we basically try and replicate by
24 modeling what the project is going to look like
25 from certain vantage points that the public has

1 access to.

2 So I'm going to share a few today.
3 Before I do, I just want to say we do our best to
4 mimic what will be on the property. And as we
5 continue to revise design, we will update the
6 simulations and post them to the website. So,
7 okay.

8 Next slide. Here we go. The first
9 viewpoint I'm highlighting today is taken from
10 Kaumualii Highway as you approach the project area
11 from Hanapepe. From this vantage point, the
12 portion of the project including the major project
13 equipment outlined in yellow is not visible. So
14 the yellow gives you some idea of where it is but
15 you can see existing vegetation as well as the
16 topography block view of that.

17 What you can see in this viewpoint,
18 though, is going to be the mauka-most array areas.
19 So on the bottom right quadrant of the screen, you
20 can see the solar panel arrays as the land slopes
21 up ever so slightly.

22 Next slide. Continuing down the
23 highway towards the project, this vantage point is
24 taken just as you're starting to approach the
25 project area so it's, like, the eastern corner of

1 the project. You can see the Kaawanui substation
2 straight ahead. You can see the H frames.

3 The proximity of the project to the
4 highway is somewhat undeniable, but we plan to
5 implement strategies to ease the visual impact as
6 you're driving by the project. Along the eastern
7 side of the substation, you'll see that we've added
8 a row of landscaping so there is a new tree line
9 that will hide everything except the highest
10 structures that reach over 50 feet. So we're not
11 going to put in 50-foot trees but we will do our
12 best to hide as much of the lower-lying equipment
13 as much as possible.

14 Next slide. Okay. This is the third
15 viewpoint that was taken from the Makaweli post
16 office. So you're basically looking straight up
17 Kaawanui Road with the highway kind of right in
18 front of you.

19 This is the intersection of most
20 congestion for the project. We've got the KIUC
21 switchyard on the right. We've got the AES
22 substation and battery pad on the left.

23 And you can see here our plan is to
24 also implement a new screen of landscaping to mask
25 as much of the major equipment as possible. It's

1 our goal to block what we can from sight with
2 vegetation. Also understanding right there are
3 high-voltage lines and vegetation management
4 requirements around fire mitigation so trying to
5 balance all of that here.

6 Next slide. All right. This is the
7 last one I'll share with you in the presentation
8 today, but this was taken from the opposite end of
9 the project so the Waimea side of the project. And
10 you can see the panels are visible from the highway
11 when you are driving towards the project.

12 To minimize visual impacts of the
13 solar panels, AES has changed the racking system to
14 a lower profile, the lowest profile racking system
15 available on the market. It's called a
16 one-portrait system.

17 We've also moved the panels back from
18 the highway as much as the possible, as much as the
19 project design will allow; so we're at about
20 100 feet back from the highway now. And as we
21 continue to iterate design, if we're able to push
22 back even further, we will.

23 It should also be noted that AES
24 completes a glare analysis. Of course, we want to
25 make sure that we're not, you know, impeding

1 anyone's ability to drive by the project. And the
2 glare analysis did determine that there would be no
3 glare impacts on Kaumualii Highway or with
4 aircraft.

5 Next slide. Just a very high-level
6 project time line for you all. 2026 is a crucial
7 year for the project as we're going out for
8 permitting. We just received PUC approval of our
9 power purchase agreement. And then we would like
10 to continue design so that we can continue to
11 procure major equipment and get to construction
12 permits by the end of this year. All of this work
13 in '26 will allow us to start construction in 2027
14 and become operational in 2028.

15 Next slide. Before the start of the
16 project, of course, we will obtain every permit or
17 approval needed. Of course, I'm speaking with you
18 guys today about the use permit, the county -- and
19 the county discretionary permits needed.
20 Thereafter, we will apply for all of our
21 construction permits.

22 One very important component of the
23 project is a compatible agricultural plan. I had
24 briefly touched on this before. It's a requirement
25 of the state special permit in HRS 205, and we are

1 fully committed to meeting not only the -- you
2 know, kind of the minimum requirement in HRS 205
3 but really partnering with an ag partner to make
4 this a very robust partnership.

5 Next slide. Not many people know ag
6 like the Robinson family. Their long-standing
7 reputation for land stewardship and expertise not
8 only makes them a great landowner partner but also
9 a really amazing ag partner. With over 50 years of
10 experience in agriculture and renewable energy on
11 the islands of Kauai and Niihau, they have
12 demonstrated their commitment to sustainability.

13 So AES was thrilled when a branch of
14 the Robinson family stepped forward as an
15 interested party to partner on ag with us.
16 Together, we've made design considerations like the
17 extra -- the extra space in the central array so
18 that they could consider planting crops in the
19 future. We've considered them for access ease with
20 their tractors and other equipment, just to name a
21 few.

22 And then we were also able to secure a
23 water allotment with the help of Gay & Robinson so
24 that we're able to perpetuate an actual operational
25 business; right? Of course, water is always going

1 to be a prohibiting factor with ag.

2 So we are partnering with a group of
3 the Robinson family called Kawailana (phonetic).
4 Their ag program is a three-phase program at the
5 moment.

6 They will start with sheep -- sheep
7 raising is your tried-and-true ag activity with
8 solar; right? The sheep are very kind. They just
9 kind of mull around and then they also act as
10 mowers for vegetation. So that will be the first
11 phase of the ag plan.

12 But then they expect to be able to
13 grow into other types of livestock like poultry.
14 So we've considered custom mobile coops for
15 chicken, free-range grazing, and then they would be
16 able to sell not only chicken meat but also egg
17 products.

18 Kawailana has access to slaughter
19 facilities on site which is something that we'll be
20 able to get them from kind of that farm to table of
21 flow, if you will.

22 And then the last, I think, kind of
23 most exciting thing for AES is going to be that
24 they would like to try vegetable crops. Leafy
25 greens, asparagus, dryland kalo have all been

1 researched with solar microclimates and they've had
2 good success in growing. They like the shade.
3 They, you know, don't require a ton of water.

4 So they would like to get into planted
5 crops so they're able to do, like, a rotational
6 restoration of the land; right? You grow up the --
7 regenerate the soil, grow up the cover crop, and
8 then have your livestock rotate through, and then
9 you're able to also plant.

10 So it's -- they've got a whole plan.
11 I have learned more about ag in just working with
12 them over the last year than I ever thought I would
13 know, and it's just -- it's a really rewarding
14 experience because we're not taking away the land
15 for solar, we're able to put two uses on one piece
16 of land. Okay.

17 Next slide, conclusion slide. I know
18 it's been a lot of information. I just want to
19 wrap up by repeating that, you know, with the
20 commission's support, the proposed project will not
21 only provide a ton of benefit for Kauai's energy
22 goals but also bring ag back to the west side on
23 this parcel that currently remains uninhabited.

24 We'll also -- sorry -- AES will also
25 pride itself on responsible development. I

1 think -- I hope I've exhibited to you today that
2 we've taken our best efforts to make sure that
3 everyone is aware of the project, that the design
4 is done responsibly, and that we're here to listen
5 if there are any issues.

6 Next slide. So now I'm happy to take
7 any questions from the commissioners. And I have a
8 suite of colleagues with me today that can also,
9 you know, answer more technical questions that I'm
10 not -- I might not be able to answer. Thank you.

11 CHAIR AKO: Thank you. Very
12 comprehensive.

13 Questions? Or you want to defer until
14 we have -- listen to the other presenters? Okay.

15 Maybe we'll just hold off for now, and
16 then whoever else you have.

17 MR. GRAHAM: We're going to have
18 Howard Greene come up. I'll let Howard take my
19 place. And he will -- Howard will talk about the
20 growth -- G&R impacts and the vision G&R has for
21 these lands.

22 MR. GREENE: Aloha, Chair Ako and
23 members of the planning commission. My name is
24 Howard Greene. I am vice president of Gay &
25 Robinson, Incorporated.

1 I'm here to tell you -- today to tell
2 you why this project is so important to us, to Gay
3 and Robinson, and to ask for your support for this
4 project for the benefit of the entire west side and
5 the island as a whole.

6 Gay and Robinson's primary business
7 pillar remains in agriculture. We operate Makaweli
8 Ranch. We have over 1,000 head of cattle on 5,000
9 acres of manageable pasture. We welcomed a number
10 of new tenants recently including a water buffalo
11 herd and a Hanalei bison herd, saved it from its
12 demise.

13 We have over 5,000 acres of former
14 sugar cane lands that have highly-developed
15 infrastructure available for diversified ag. Much
16 of that land was designated Important Ag Lands in
17 2016. Approximately 20,888 acres was dedicated
18 IAL.

19 You're all aware of the business
20 difficulties with ag. The challenges since the
21 close of sugar has been enormous. Despite our best
22 efforts, the deck is stacked against agriculture in
23 Hawaii. It's especially stacked against large
24 landowners.

25 There have been a lot of

1 well-intentioned people in programs across the
2 island and a state that tries to support ag;
3 however, it's not enough. To support viable ag, we
4 need alternative sources of income.

5 We had recent challenges in meeting
6 these diversification goals. There are no breaks
7 for us when we have drought, crop loss, equipment
8 failures, loss of market share, or tenants moving
9 on. Renewable energy production, including this
10 AES project, will go a long way in supporting our
11 agricultural endeavors.

12 Our housing program is another pillar.
13 We provide 350 homes for ag and workforce. It
14 makes only a nominal profit. However, it plays an
15 important synergy with our operations and has a
16 significant impact to our agricultural opportunity.
17 With no housing, we have no agriculture.

18 Having a steady income from a fraction
19 of our ag lands on this proposed 269-or-so acres
20 which is less than half a percent of the 50,000
21 acres we operate on, this income would go a long
22 way to providing a stability and cash flow to
23 further invest and continue in agricultural and the
24 housing.

25 The compatible agricultural component

1 that Megan was talking about, this will further
2 solidify our commitment to supporting the
3 agricultural resources on the property. This
4 includes expensive maintenance of dams, reservoirs,
5 ditches, piping and filtration, roads, power, and
6 other farm logistics.

7 This project is on LSB Class B and
8 E lands. This is not our premium Class A lands
9 which are primarily in the Kaumakani area. We have
10 a long-term outlook and consider this a temporary
11 use of the land, preserving future ag uses of the
12 site.

13 I'd also like to add a little history
14 here. Back when we were in sugar on this land, we
15 were harvesting the sunlight for energy. We got
16 about 32 tons of gas per acre, and each ton of gas
17 produced theoretically about 1,000 kilowatt hours.

18 So this is just another way of
19 harvesting the sunlight on this property. So we
20 consider this a good use of the land. It also
21 helps us with land management, including fire and
22 invasive species.

23 You guys are all aware of the
24 Kaumakani fire in July 2024. This would be 269
25 less acres that we have to manage. It'll provide a

1 nice managed buffer for our housing villages of
2 Kaawanui and Pakala.

3 And lastly, we are very excited to be
4 a participating partner with KIUC's renewable
5 energy commitment goals and happy to welcome AES to
6 our -- to our property. Mahalo.

7 CHAIR AKO: Thank you.

8 MR. GRAHAM: Finally, we'd like to
9 have Cameron Kruse from KIUC speak about how the
10 project fits into the KIUC's goal of sustainable
11 energy.

12 MR. KRUSE: Good morning, chair and
13 commissioners. Thank you for the opportunity to
14 speak today on behalf of this project.

15 My name is Cameron Kruse. I'm the
16 engineering and technology manager at Kauai Island
17 Utility Cooperative.

18 KIUC respectfully asks for your
19 support of the AES Kaawanui solar and battery
20 project. This project is a critical component of
21 Kauai's transition to clean, reliably -- reliable,
22 locally-generated energy.

23 As you know, the State of Hawaii has a
24 mandated 100 percent renewable energy goal for --
25 by 2045. KIUC's board has set an even more

1 aggressive goal: 100 percent renewable by 2033.
2 Achieving that goal requires utility-scale projects
3 that are thoughtfully sited, responsibly developed,
4 and compatible with the surrounding land uses.

5 Since becoming a member-owned
6 cooperative in 2002, KIUC has transformed our
7 island's energy portfolio, moving from less than
8 10 percent renewable energy in 2010 when I started
9 to more than 50 percent renewable today. That
10 progress has not only reduced fossil fuel use and
11 greenhouse gas emissions, it has also stabilized
12 and lowered electricity costs for our members. You
13 folks see that.

14 In fact, KIUC moved from having the
15 highest electric rates in the state in the early
16 2000s to having the lowest rates today. Renewable
17 projects like Kaawanui are a major reason why.

18 Over the 25-year term of this power
19 purchase agreement, we estimate approximately
20 \$363 million in total fuel savings compared to
21 continued fossil generation. That translates to
22 about \$4 per month when the project does come
23 online in the early years, per member, growing to
24 more than \$20 per month in later years as avoided
25 fuel costs escalate.

1 Beyond costs, this project strengthens
2 reliability and resilience. The 43-megawatt solar
3 facility paired with the battery storage system
4 will provide firm dispatchable renewal power for
5 us.

6 During emergencies, as Howard was
7 mentioning, in the July 15, 2024, Kaumakani fire,
8 battery-backed solar resources helped stabilize the
9 grid. We were actually able to microgrid the whole
10 west side of the island using the existing PMRF
11 battery and solar project out there on base, little
12 did you know.

13 We were able to reduce outage exposure
14 and we were actually able to keep the power online
15 at Kauai Veterans Memorial Hospital for the entire
16 event because of that -- that technology. It
17 decreases our reliance on imported fuel.

18 We also recognize the planning's
19 commission -- planning commission's responsibility
20 to ensure projects are compatible with agricultural
21 lands and surrounding communities.

22 Gay & Robinson has long been an
23 important partner to KIUC and their hydro
24 facilities are a part of our renewable mix today.
25 We appreciate the collaboration between AES and

1 Gay & Robinson to incorporate meaningful
2 agricultural activity within the project footprint.
3 This is not simply a solar project placed on ag
4 land; it is designed to coexist and support
5 agricultural use.

6 AES is also a proven partner on Kauai.
7 This would be their third Solar Plus Storage
8 project on the island following Lawai and Kekaha,
9 both of which have performed reliably and safely.
10 When Kaawanui comes online, KIUC will approach
11 nearly 70 percent renewable energy. This is going
12 to add 20 percent renewable energy annually to our
13 mix.

14 Together with other planned projects,
15 we are positioning Kauai to lead the state in clean
16 energy while maintaining affordability and
17 reliability for our residents.

18 Finally, timing matters. Federal
19 clean energy tax incentives that help keep this
20 project affordable are scheduled to phase down. To
21 capture those incentives and pass the savings on to
22 our members, the project must be operational by the
23 end of 2030. Delays risk losing those benefits.

24 Most of you are KIUC member-owners.
25 This is your cooperative. This project represents

1 a locally-governed effort to reduce fossil fuel
2 dependence, stabilize rates, strengthen our grid,
3 and responsibly use land in partnership with
4 agricultural stakeholders.

5 We respectfully ask for your support
6 of this application so that Kauai can continue
7 moving forward toward a cleaner, more affordable,
8 and more resilient energy future. Mahalo.

9 CHAIR AKO: Thank you.

10 MR. GRAHAM: So that concludes our
11 presentation. And we're happy to answer any
12 questions the commission may have.

13 CHAIR AKO: Any questions? Who's up?

14 COMMISSIONER COX: This is not a
15 question. This is actually a comment that nobody
16 mentioned, and yet it's true, that not only getting
17 off of fossil fuel has cheaper rates and
18 reliability but also there are health benefits.
19 And you didn't mention those, but thank you.

20 MR. GRAHAM: Thank you.

21 COMMISSIONER STREUFERT: I think that
22 this is a great project, but I do have some
23 concerns. So I will ask those questions.

24 What's the average life span of any
25 one of your solar panels or of the batteries?

1 MS. KANE: Thank you for the question.
2 We typically assess about a 35-year useful life to
3 our major equipment and then build that into kind
4 of the contract runway that we have with our
5 utilities. So, for example, we have an initial
6 25-year PPA with the option to extend another two
7 years if suitable for both the utility, AES, and
8 then, of course, the landowner.

9 COMMISSIONER STREUFERT: Is there a
10 plan for how you're going to rid of these -- I'm
11 not going to say depleted, but electrical batteries
12 that are no longer functional because there's no
13 place on Kauai or in Hawaii to actually take care
14 of them?

15 MS. KANE: Yeah. So AES has been
16 laying the groundwork. I think, as a company, a
17 lot of our renewable resources are fairly new in
18 their contract life so we haven't quite come upon
19 the decommissioning yet.

20 But what AES's strategy is to work
21 first with the manufacturers. A lot of
22 manufacturers are coming out with either recycling
23 or salvage programs. And then, secondly, we would
24 look to implement our own and/or work with a third
25 party that has developed their own. So early

1 conversations around stuff like that has started to
2 happen.

3 COMMISSIONER STREUFERT: Because I
4 think that goes along with the -- like, another
5 question that I have which is on -- these fires
6 burn very hot. And in the past, I think the fire
7 departments all over the country have just let it
8 burn because there's no way to suppress it.

9 You're going to be using foam
10 suppression techniques.

11 MS. KANE: Mm-hmm.

12 COMMISSIONER STREUFERT: Does that
13 really work? Because I don't think the fire
14 department even uses that when they have car fires
15 with electric batteries in cars.

16 MS. KANE: Yeah. So we have projects
17 that are already operational that also employ this
18 foam suppressant system. I think it's becoming
19 somewhat standard.

20 We have never, thankfully, had to use
21 it but, of course, burn tests and things like that
22 do happen by the manufacturers to ensure reliable
23 deployment of the technology.

24 So, yeah, I would -- for us, the
25 experience is neutralizing at the smallest level;

1 right? Once you get a container, it's almost like
2 a runaway event and you must let the container go.
3 There is no amount of fire support; so our goal is
4 to never let it get there.

5 COMMISSIONER STREUFERT: So these
6 containers will be far enough apart that there
7 would not be a -- I'm not going to say
8 contamination, but a expansion of --

9 MS. KANE: Yeah. So, you know, a lot
10 of our business right now is driven by risk, to
11 your point of past events that have happened on
12 other sites, not even necessarily AES sites, but we
13 have a specified distance between containers that
14 the containers must be placed in a cadence and
15 that's determined by the risk and insurance
16 companies.

17 So there is a factual or, like, a
18 scientifically-backed spacing, to your point.
19 There's also, you know, HVAC units associated
20 with -- tied to each containers to keep the
21 batteries relatively cool during high use. So
22 there are ways that we just -- our goal is to never
23 have it get there.

24 COMMISSIONER STREUFERT: That would be
25 good.

1 MS. KANE: Yeah. Yes, yes.

2 COMMISSIONER STREUFERT: And there
3 would be a fire suppression area around -- a
4 containment area, if you will?

5 MS. KANE: Yeah. So there's a fire --
6 non-vegetated fire break. It sits on a concrete
7 pad. The fire break then surrounds it. So there's
8 definitely ways that we try and isolate the BESS
9 pad.

10 COMMISSIONER STREUFERT: And I guess
11 my last question is really one about we're now
12 facing a flood event here on Kauai for the next
13 couple of days or week.

14 Are the connecting wires or your
15 connection to KIUC, is that going to be with
16 underground wires or is that going to be above
17 ground?

18 MS. KANE: Great question. Our two
19 generation tie lines -- our high-voltage lines that
20 will basically connect the AES project to the grid
21 are going to be underground. They will run under
22 Kaawanui Road.

23 COMMISSIONER STREUFERT: Thank you. I
24 think that the west side deserves some of that kind
25 of --

1 MS. KANE: Yeah. Resilient. Yes.

2 Thank you.

3 COMMISSIONER STREUFERT: Thank you.

4 Those are my questions.

5 CHAIR AKO: Other questions?

6 COMMISSIONER STREUFERT: Just to let
7 you know, I am supportive of it, but I do have
8 concerns because of fire --

9 MS. KANE: That's fair.

10 COMMISSIONER STREUFERT: -- and I
11 think that we just had a fire, a battery at the
12 Kauai shrimp station and it was very difficult to
13 put that out. So considering you've got 44 of
14 those containers, it becomes an issue especially
15 when you're in a wildfire area.

16 MS. KANE: Yes. Understood.
17 Absolutely fair.

18 COMMISSIONER ORNELLAS: I think we
19 agree all that every acre of our agricultural land
20 is precious and, you know, I applaud your efforts
21 to make this project compatible. I know Hawaii
22 Agriculture Research Center has done a lot of work
23 looking at compatible uses of solar.

24 MS. KANE: Yes.

25 COMMISSIONER ORNELLAS: That said, you

1 know, agriculture is an energy-intensive business;
2 right?

3 So you need to pump water, you need
4 power for refrigeration, you need power to
5 process -- process agricultural products. I would
6 hope that a lot of this energy will go towards --
7 and it's been alluded to by earlier testimony that
8 a lot of this energy will go towards the ag sector.

9 And, personally, I think -- and this
10 is addressed to KIUC -- I think sort of as an
11 impact fee, farmers should get lower rates for
12 electricity since you are using agricultural land
13 to produce the electricity. I'm not -- I'm not
14 suggesting that this be a requirement of this
15 particular application but I think it's something
16 that KIUC needs to consider.

17 You know, 200 acres here, 300 acres
18 there, 500 acres, it's starting to add up. And,
19 you know, we are concerned about agricultural lands
20 even though I understand this is not Prime A land
21 and it is sloping. So, you know, I think you
22 should be commended on the fact that it does not
23 encumber prime ag land. Yeah.

24 So aside from that, I will be
25 supporting the project.

1 CHAIR AKO: I've got some questions.

2 MS. KANE: Okay.

3 CHAIR AKO: I'll leave the technical
4 stuff for those guys.

5 For the camp itself that's up there,
6 is there an exit plan for them or is there just one
7 exit comes down?

8 MS. KANE: So right now --

9 CHAIR AKO: If there's a fire, is
10 there a way to go around?

11 MS. KANE: Howard?

12 MR. GREENE: Thanks for the question,
13 Gerald.

14 You know, right now, there's one
15 primary access but, you know, all the land around
16 us, all those roads are maintained and opened in a
17 northwest-southeast. You know, if we had an
18 emergency, we could evacuate inland, we could
19 evacuate towards Waimea.

20 Part of the requirement in some of our
21 conversations and housing ordinances with the
22 planning department require us to have a designated
23 alternative access once we further develop those
24 under the plantation camp and form-based code
25 ordinances.

1 DIRECTOR HULL: I'll just add to what
2 Howard is speaking to as far as the plantation camp
3 and the wildfire policies that have been enacted
4 recently for this area. The department has a
5 standard from a planning perspective.

6 It had originally pursued getting a
7 designated alternative access for this camp for
8 emergency events. And even the fire department
9 and -- I mean, G&R raised their concerns and -- as
10 did some of the fire department and emergency
11 management because of the fact that, depending upon
12 the event, you may want to use different routes.

13 And both of those agencies have
14 commended G&R in the nimbleness with which they
15 were able to switch and use different routes
16 depending upon the particular emergency. So I can
17 speak to the fact that they are currently using an
18 array of different routes depending upon the event
19 that the community is faced with.

20 CHAIR AKO: I going just throw this
21 other question in for now. Every -- once a month,
22 Friday, I get to deliver produce up Kaawanui.
23 Okay. And it's because I have a truck and that
24 road there is rather -- rather bumpy to go up
25 there. Yeah?

1 You going to pave that road up there
2 for the residents or the workers that can go up and
3 down?

4 MR. GREENE: Well, that's how we
5 control the speed.

6 CHAIR AKO: Well, you do a very good
7 job of it.

8 MR. GREENE: I think there will be
9 some improvements to provide access for the solar
10 project which we'll benefit from, and the residents
11 will as well.

12 CHAIR AKO: I think they would
13 appreciate that a lot. But going back to another
14 question I had here was that KIUC has a plan of
15 going total renewable energy by 2033?

16 MR. GREENE: Yeah.

17 CHAIR AKO: And the state goal is
18 2045.

19 Does that mean that the goal is to go
20 totally renewable by 2033, night and day?

21 MR. KRUSE: Yeah.

22 CHAIR AKO: Yeah. That's what that
23 is? Okay.

24 And then the project will use
25 7 million fewer gallons of oil annually, yeah, with

1 this project?

2 You know, when I read "7 million," I
3 have no idea, I have no concept in terms of what
4 that means.

5 What does that mean? In a picture for
6 my mind, how would you explain that?

7 What is 7 million fewer gallons?
8 16,000 homes?

9 MS. KANE: 16,000 homes will be
10 powered by the project so it would be displacing
11 all of the fuel burned for those 16,000 homes. I
12 think that's probably the easiest way to look at
13 it.

14 CHAIR AKO: So 16,000, we're looking
15 at, like, Kekaha, Waimea? That would be 16,000?

16 MS. KANE: I'm not too positive on
17 density. Yeah, I apologize.

18 I think also the point of the
19 hardening of the grid on the west side and the
20 allowability to charge the batteries from the grid,
21 it just provides a lot of flexibility to -- right,
22 if there's an event that happens in an isolated
23 part of the island like the west side, we're able
24 to provide some grid hardening there, too.

25 CHAIR AKO: My guess is that solar has

1 been quite around for quite a while already. Yeah?
2 Solar panels be it on roofs, on homes, or whatever.

3 You know, my mind -- I'm sure upgrades
4 have evolved since I first -- it first came into my
5 mind, but what intrigues me is the fact that in
6 2026 we're still looking at another 25 years to
7 keep these solar panels up, and yet the size of
8 these solar panels has not really changed too much.

9 So in the past, like, maybe 20 years
10 ago to the next 45 -- to the next 25 years ahead
11 which is 45 years, is there an anticipation that
12 this will be antiquated very soon?

13 MS. KANE: It's a really good
14 question, and I'll just share a couple things on
15 the technology.

16 So we've seen a change to bifacial so
17 solar panels can collect energy both sides of them,
18 whether it be reflected off the ground or directly
19 from the sun. So that's kind of an added
20 technology that's come up with the industry.

21 You're correct, though, you do see
22 them getting larger. And I think the intention is,
23 right, the larger that they are, you need less land
24 in order to capture the same amount of solar
25 production.

1 However, that is offset by safety. So
2 I had spoke a little bit about visual impacts in
3 using a single-portrait system; so it's the lowest
4 possible profile to the ground. So if you would
5 envision it, it would be, like, a panel and the
6 post.

7 A two-portrait system which had been
8 extremely popular in a lot of our other AES
9 projects are our two panels mounted together on a
10 post; right? So you get double the production with
11 the same amount of land.

12 But during hurricane events and flood
13 events, it becomes an issue. So we're now scaling
14 back to use the one-piece systems in order to
15 ensure safety for the surrounding community. So
16 it's a little bit of a trade-off, to your point.

17 Solar panels have commoditized
18 largely; right?

19 They're -- it's not -- like, one
20 company's not, like, a much different panel than
21 the next. But, you know, I think where you see a
22 lot of the development is around batteries.
23 Battery technology getting safer and smaller and
24 denser and more compact.

25 CHAIR AKO: Okay. Start date and end

1 date? I think the end date you're looking at
2 probably before 2028 -- well, actually, before 2029
3 because of the expiration of the federal credit --

4 MS. KANE: Correct.

5 CHAIR AKO: -- it needs to be in
6 operation. If we don't hit that date, what is the
7 monetary impact of -- on the project?

8 MS. KANE: The project has anticipated
9 a 40 percent federal tax credit. So if we do not
10 achieve the 2029 commercial operation, you -- it's
11 money that we haven't accounted for and the price
12 that we're going to be selling energy to KIUC.

13 So it's a huge component to keeping
14 energy prices low, which is why we're also
15 targeting a 2028 start so that if there is anything
16 that happens, right, there is no question that we
17 will hit 2029.

18 CHAIR AKO: Other questions?

19 COMMISSIONER ORNELLAS: I have a
20 question. Is the historic name 'Awa Nui
21 (phonetic)? Is that the historic name of the
22 property?

23 MR. GREENE: The ridge, yes. That
24 area, yes.

25 Are you asking me about the name?

1 COMMISSIONER ORNELLAS: As an 'awa
2 drinker, I was wondering maybe they should try
3 growing some 'awa.

4 MR. GREENE: Yeah. I understand
5 that -- I could be totally wrong here, the
6 Robinsons may kill me -- but I think that area
7 where the village is is like a bowl and it -- the
8 name goes back to that sort of being a -- some sort
9 of kava bowl or something like that.

10 COMMISSIONER ORNELLAS: Thank you.

11 CHAIR AKO: Since you asked that, I'm
12 going to ask one more.

13 Where or what is Makaweli? When I
14 hear people talk about Makaweli, it's this here,
15 it's this here, it's all the same, but Makaweli is
16 what? It's a big piece of property, land.

17 MR. GREENE: Well, ahupua'a of
18 Makaweli. So it runs roughly to the ridge at
19 Kaumakani, like, where the village is all the way
20 to Waimea River. That is the ahupua'a.

21 And Makaweli, loosely translated,
22 means "sore eyes" because it was traditionally a
23 red, dusty area and you get dust in your eyes.

24 CHAIR AKO: Kaumakani Camp and Pakala
25 Camp and Kaawanui, that is all part of Makaweli?

1 MR. GREENE: Yes.

2 CHAIR AKO: I feel smart now.

3 Anything else, commissioners?

4 If not, I want to thank you very much
5 for your presentation. It's been very helpful.

6 With that, if we can turn it over to
7 Mr. Estes for your recommendation.

8 STAFF PLANNER ESTES: Thank you for
9 the recommendation. I believe the applicant would
10 like to go over the decision and order.

11 DIRECTOR HULL: The department has
12 recommended conditions of approval should the
13 commission entertain action today.

14 The applicant did go over with us,
15 just after the agenda was posted, a proposed --
16 what we consider nominal amendments to our
17 recommended conditions of approval and are now
18 circulating and submitting a formal decision and
19 order proposal that reflect those nominal changes.

20 The changes they're proposing are
21 highlighted so we can go over any of the original
22 conditions of approval as recommended as well as
23 the applicant's proposed changes. But,
24 essentially, that's what Kenny is circulating right
25 now.

1 Kenny, if you can make one available
2 for the public.

3 COMMISSIONER OTSUKA: Would I be able,
4 at this time, to ask a question on the
5 Recommendation Number 16? Is this an appropriate
6 time?

7 DIRECTOR HULL: Yep.

8 COMMISSIONER OTSUKA: So regarding the
9 Condition Number 16, I had a question about the
10 language of the last sentence which reads --
11 currently reads:

12 "In addition, in the
13 event of an inadvertent
14 discovery of human remains,
15 the completion of a burial
16 treatment plan, in
17 compliance with HAR 13-300
18 and HRS 6E-43, is
19 recommended."

20 I was -- I'm concerned about the word
21 "recommended" versus "required."

22 DIRECTOR HULL: Max, given the
23 commissioner's concern, do you have any concerns
24 with the phrase "recommended" being amended to
25 "require"?

1 MR. GRAHAM: No, no problem.

2 COMMISSIONER STREUFERT: Could I also
3 ask for two different changes on both 16 and 17,
4 Condition 16 and 17?

5 If there's one thing I've learned and
6 it's been drilled into me for the times that I've
7 been here, there's a difference between "shall,"
8 "will," and "should."

9 So I would like these to be changed to
10 "shall be informed" on 16, and on 17, that they --
11 "project proponents shall be consulted."

12 DIRECTOR HULL: Max, do you have
13 any --

14 MR. GRAHAM: No problem with that
15 change.

16 DIRECTOR HULL: The department would
17 welcome both proposals from Commissioner Otsuka and
18 Commissioner Streufert to amend our report to
19 reflect the subsequent submitted decision and
20 order.

21 MR. GRAHAM: So if I can just talk
22 about procedural matters. In order -- this project
23 requires a CZO use permit, and as a condition of
24 CZO use permanent, a CZO Class IV zoning permit and
25 a special permit approved by the State Land Use

1 Commission.

2 So, today, we're asking that you
3 approve the CZO use permit, the CZO Class IV
4 permit, and recommend -- because that's your duty
5 when we have a special permit situation --
6 recommend approval of the special permit to the
7 State Land Use Commission.

8 And I need to distinguish the -- when
9 we talk about the project, we -- the project
10 encompasses all of the solar arrays and the battery
11 storage and the AES switch station or substation,
12 and that requires the CZO use permit, CZO Class IV
13 zoning permit.

14 The KIUC substation also requires a
15 CZO use permit and a CZO Class IV zoning permit.
16 So the approval will cover all of the project area.

17 When we get to the State Land Use
18 Commission level, the KIUC substation is a
19 permitted use in the Land Use Commission
20 agricultural district so they don't need to approve
21 any permit for that. That's a permitted use.

22 So when you recommend approval, the
23 recommendation is to the entire project except
24 the -- the Kaawanui KIUC substation. And that's
25 important because at the Land Use Commission level,

1 the conditions will include decommissioning of the
2 project at the end of its useful life, but because
3 the KIUC substation is a permitted use and won't be
4 covered by the special permit, it won't be subject
5 to the decommissioning.

6 So once that substation is completed,
7 constructed, it will be transferred over to the
8 KIUC, and KIUC will be the owner of the Kaawanui
9 substation and have a independent lease or easement
10 arrangement with Robinson Family Partners for that
11 portion of the property so that 35 years down the
12 line or whenever this project may be terminated and
13 decommissioned, the Kaawanui substation will remain
14 because that's going to become part of the
15 electrical grid for the island. Okay. So that's
16 the --

17 CHAIR AKO: Is that in reference to
18 that special permit, SP-2026-4?

19 MR. GRAHAM: Yes. So what I did -- so
20 because we're going to the State Land Use
21 Commission, we need to have the commission approve
22 the findings and fact, conclusions of law, decision
23 and order because that's the format that the State
24 Land Use Commission wants to get its
25 recommendation.

1 And so I've prepared that, and I
2 believe the planning department has no problems
3 except --

4 DEPUTY COUNTY ATTORNEY BARZILAI: I'm
5 seeing it for the first time right now. So maybe
6 we could just take a couple of minutes just to go
7 through it?

8 MR. GRAHAM: Okay. So let's go
9 through it.

10 DEPUTY COUNTY ATTORNEY BARZILAI:
11 Recommendation to the commission to have them sign.

12 MR. GRAHAM: So this -- these findings
13 have a decision and order. The decision and order
14 says that you approve -- I'm anticipating you
15 approve the project.

16 DEPUTY COUNTY ATTORNEY BARZILAI: I
17 understand.

18 MR. GRAHAM: But it will be subject to
19 conditions. So let me talk about the conditions
20 first just to highlight it and then you can talk
21 about it.

22 There are 24 conditions. So -- and
23 they start on -- Page 62 is the decision and order,
24 and then 73 we start the conditions.

25 I have copied the conditions out of

1 the planning director's report or the director's
2 report. The only changes I've made other than the
3 changes suggested by the commission are as
4 follows -- and let's go over them so you see it.

5 Condition Number 5, Page 64, bottom
6 paragraph in blue, and it says:

7 "The applicant shall
8 decommission the facility,
9 not including the Kaawanui
10 substation."

11 Because I wanted to make clear that,
12 as we just discussed, the substation owned by KIUC
13 will not be decommissioned.

14 So then we move on to Page 65 and
15 Condition 6. There's a condition that:

16 "The applicant should
17 identify and implement
18 feasible measures to
19 reasonably protect."

20 And then I wanted to add in:

21 "Replace or relocate
22 any indigenous or native
23 plant species."

24 And the reason is because there may be
25 plant species in the middle of the area that's

1 going to be used for the solar array and also used
2 for ag purposes.

3 And so the alternative -- and we need
4 to consult with planning department on this -- but,
5 alternatively, the applicant should be allowed to
6 either protect it -- I don't know, put a fence
7 around it -- or replace it or relocate it so that
8 if you take out an indigenous species, you have to
9 relocate it within the project site somewhere else
10 where it won't be affected by the project.

11 So that's the reason for that; we're
12 just adding the words "replace or relocate."

13 Next page, 66, this is important
14 because the timing is important. Condition 8, we
15 want to say that "The applicant shall" -- and we'll
16 add this verbiage:

17 "Begin commercial
18 operations of the project
19 within four years of the
20 date of the State Land Use
21 Commission decision and
22 order."

23 And then:

24 "The special permit
25 will be valid for a period

1 of 35 years of the date of
2 the start of commercial
3 operations of the project."

4 So that means they have four years
5 from State Land Use Commission approval to begin
6 commercial operations so they have to construct and
7 begin operations of the project. And then once
8 they start commercial operations, the term which is
9 the same, I believe, as the term of the PPA, the
10 purchase power disagreement, is 35 years from the
11 date of Land Use Commission approval.

12 And we had the recommended changes to
13 Paragraphs 16 and 17 that we agreed to. Then
14 Page 69, Condition 19, I think this was just a
15 mistake, a typo or -- anyway, the requirement is
16 that best management practices to ensure that
17 the -- it's says "subdivision," but this is not a
18 subdivision -- that the project does not generate
19 impact. So we delete "subdivision," add "project."

20 Oh, and going up to -- same page, 69,
21 Condition 18, we want to add in that the applicant
22 has to resolve and comply with requirements and
23 recommendations of SHPD, State Historic Properties
24 [sic] Division of DLNR, or Kauai Island Burial
25 Council in case anything comes up.

1 And then, finally, I've added a
2 condition on Page 70, Condition 24, to distinguish
3 the Kaawanui substation from the remainder of the
4 project. There are -- so remember, the special
5 permit will only apply to the portion of the
6 project other than the Kaawanui substation.

7 So we want to make clear that the
8 Kaawanui substation shall not be subject to
9 conditions that apply only as a result of the
10 special permit and will only be subject to
11 conditions imposed by this planning commission
12 specifically on the entire project.

13 So those are the requested changes.
14 And I'm happy to answer questions, or we can take a
15 break now so you can review.

16 CHAIR AKO: You know, on Page 66, "The
17 applicant shall begin commercial operations of the
18 project within four years," does that impact the
19 federal funding?

20 MS. KANE: Technically, yes. It's
21 four years from today or this year when we receive
22 the approval. That would put us at 2030. We would
23 have to be online by the end of '29.

24 CHAIR AKO: So regardless of the 2029
25 deadline, it seems like the project will move

1 forward?

2 MS. KANE: Well, I won't -- I will say
3 that if we are not meeting the 2029 deadline, it's
4 a larger conversation about viability and the price
5 of power. We're committed to 2029.

6 DEPUTY COUNTY ATTORNEY BARZILAI:
7 Mr. Graham, so, essentially, you've taken a portion
8 of your client's application and added the
9 conditions to create this --

10 MR. GRAHAM: Wait. So what I used for
11 the findings is the -- actually, the application we
12 submitted to you. And, yeah.

13 DEPUTY COUNTY ATTORNEY BARZILAI: Does
14 the department have any issue with this initial
15 section since it mirrors the application?

16 DIRECTOR HULL: No.

17 Okay. So then it's just a matter of
18 whether the commission accepts the changes to the
19 conditions recommended by the department.

20 COMMISSIONER STREUFERT: Could I ask
21 one question about this on Condition 6? Will that
22 be also subject to the Condition Number 5 that says
23 that:

24 "Shall decommission
25 the facility including the

1 removal of all equipment."

2 So that if you are going to replace,
3 protect, or remove any of the plants, that that
4 will also be done within that same time frame,
5 because that's not in that time frame? Or is that
6 connected to Condition 5 which is that everything
7 will be done within 6 -- 12 months after
8 decommissioning.

9 MS. KANE: So Condition 6 does not
10 apply to decommissioning necessarily. It's really,
11 like, the initiation of construction.

12 So if there is anything that needs to
13 be relocated within the project site to be -- to
14 save indigenous or endemic species, we would
15 identify that then, move it into the landscape
16 buffer, move it somewhere to preserve the species,
17 but be able to design the project without pukas or
18 anything should it come up that is identified in
19 the field.

20 COMMISSIONER STREUFERT: But within
21 decommissioning, if there was any plants or
22 anything that needed to be replanted, replaced?

23 MS. KANE: Oh, I see. Yes, during
24 decommissioning, there will be a reseeding portion
25 of that 12-month period. Correct. I'm sorry.

1 COMMISSIONER STREUFERT: That's -- and
2 I just wanted to make sure that Condition 6 would
3 be under -- or follow the requirements under
4 Condition 5 which is within 12 months of
5 decommissioning.

6 MS. KANE: Okay. Yes.

7 CHAIR AKO: Let's see. Is it the
8 choice of the commission to take some time to
9 review this?

10 Or, Laura, do you have any concerns?

11 DEPUTY COUNTY ATTORNEY BARZILAI: I'm
12 okay with it, Chair.

13 The motion can be whatever your
14 decision is on the permits. If you choose to
15 approve, you could say "approve findings of fact,
16 conclusions of law pending consultation with Office
17 of the County Attorney and the Planning
18 Department."

19 Or you can improve it -- you could
20 approve it now -- if you feel like you want to
21 consult further, but Mr. Graham explained how he
22 constructed this document. I just haven't seen it
23 before just now.

24 CHAIR AKO: Wish of the commission.

25 COMMISSIONER STREUFERT: And you've

1 agreed to the changes from "should" to "shalls."

2 CHAIR AKO: Are we ready for a motion?

3 DEPUTY COUNTY ATTORNEY BARZILAI: So,
4 therefore -- sorry, Chair.

5 So are you going to revise the
6 document, Mr. Graham?

7 In other words, before they sign,
8 you're going to implement the changes that have --

9 MR. GRAHAM: Yes.

10 DEPUTY COUNTY ATTORNEY BARZILAI: --
11 just been requested?

12 MR. GRAHAM: Yes.

13 DEPUTY COUNTY ATTORNEY BARZILAI:
14 Okay. So we'll get another draft so my office can
15 also read it more thoroughly?

16 MR. GRAHAM: Yes.

17 DEPUTY COUNTY ATTORNEY BARZILAI:
18 Thank you.

19 DIRECTOR HULL: Just for the --
20 because of the LUC record. Just for the record,
21 what's being voted on if a motion was made would be
22 the proposed finding of fact and conclusion of law
23 and decision and order as provided by the applicant
24 and as read onto the record by the planning
25 department.

1 DEPUTY COUNTY ATTORNEY BARZILAI: With
2 changes?

3 DIRECTOR HULL: Yeah. With the --
4 with the changes read onto the record.

5 DEPUTY COUNTY ATTORNEY BARZILAI:
6 Okay.

7 CHAIR AKO: You ready for a
8 recommendation?

9 COMMISSIONER STREUFERT: I'll ask one
10 question then. Does this then -- does this
11 findings of fact, conclusion, and recommendations,
12 does that become the department's -- the planning
13 department -- or planning director's report?

14 DIRECTOR HULL: Correct.

15 COMMISSIONER STREUFERT: I move to --

16 CHAIR AKO: Wait. Approve the
17 recommendation.

18 COMMISSIONER STREUFERT: Oh, sorry.

19 CHAIR AKO: You have a recommendation
20 for us?

21 DIRECTOR HULL: Oh, that's what I was
22 saying, is we're standing by the original
23 conditions as represented. But then upon the
24 submittal by the applicant of the updated decision
25 and order, the department is adopting their

1 recommended decision and order for the conditions
2 of approval with the additional amendments read
3 onto the record pursuant to Commissioner Streufert
4 and Commissioner Otsuka's proposed language. So
5 that's our department's updated conditions of
6 approval.

7 COMMISSIONER COX: I move to approve
8 Use Permit Number U-2026-9, Class IV Zoning Permit
9 Number Z-4-2026-12 and recommend the special permit
10 to the State Land Use Commission for Special Permit
11 Number SP-2026-4; is that correct?

12 CHAIR AKO: Second?

13 COMMISSIONER STREUFERT: With
14 amendments as have been discussed.

15 COMMISSIONER ORNELLAS: Second.

16 CHAIR AKO: The motion has been
17 seconded. Any comments?

18 COMMISSIONER COX: I think this is an
19 incredibly important project, and I commend the
20 thoroughness which all of you have put into this.

21 You know, it wasn't fun, necessarily,
22 to read all of this but, actually, it really did --
23 it helped me, anyway, feel very comfortable. I was
24 already in favor of the idea, but it made me feel
25 very comfortable with the application.

1 Thank you very much.

2 MS. KANE: Thank you.

3 CHAIR AKO: I, too, would like to
4 thank you guys because I think 25 years or 35 years
5 from now, keep on moving on. And not too many
6 people going remember, I think, the day that you
7 came over here -- you know, what you put forward
8 here but, you know, for all those people who
9 probably just use electricity like me, just take it
10 for granted, thank you very much.

11 If not, Mr. Clerk, can we have a roll
12 call vote, please?

13 DIRECTOR HULL: Roll call, Mr. Chair.
14 Commissioner Cox?

15 COMMISSIONER COX: Aye.

16 DIRECTOR HULL: Commissioner -- oh,
17 Commissioner Giovanni is excused.

18 Commissioner Ornellas?

19 COMMISSIONER ORNELLAS: Aye.

20 DIRECTOR HULL: Commissioner Otsuka?

21 COMMISSIONER OTSUKA: Aye.

22 DIRECTOR HULL: Commissioner

23 Streufert?

24 COMMISSIONER STREUFERT: Aye.

25 DIRECTOR HULL: Chair Ako?

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CHAIR AKO: Aye.

DIRECTOR HULL: Motion passes, Chair.

CHAIR AKO: Okay. Thank you very
much.

(Whereupon, the meeting was
adjourned at 10:43 a.m.)

1 STATE OF HAWAII)
2 CITY AND COUNTY OF HONOLULU)

3

4 I, Chantelle Hee, Certified Court
5 Reporter, Certificate No. 536, for the State of
6 Hawaii, hereby certify:

6

7 That the foregoing proceedings were taken
8 down by me in machine shorthand at the time and
9 place herein stated, and was thereafter reduced to
10 print by means of computer-aided transcription;

10

11 That the foregoing is a full, true, and
12 correct transcript of said proceedings to the best
13 of my ability.

13

14 I further certify that I am not of counsel
15 of attorney for any of the parties to this case,
16 nor in any way interested in the outcome hereof,
17 and that I am not related to any of the parties
18 hereto.

16

17

18 Dated this 23rd day of March 2026 in
19 Honolulu, Hawaii.

19

20

21

Chantelle Hee

22

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