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FINAL
STATE OF HAWAII
LAND USE COMMISSION
Meeting held on May 13, 2026
Commencing at 10:00 a.m.

Held at
Hilton Garden Inn Kauai Wailua Bay, Kuhio Ballroom
3-5920 Kuhio Highway, Kapa'a, HI 96746

I. CALL TO ORDER

II. SP26-416 Kaawanui Solar, LLC (Kaua'i)

To Consider the Petitioners application for a Special Permit ("SP") to develop and operate a utility-scale solar energy facility. The Project will produce approximately 43 megawatts ("MW) alternating current ("AC")/ 52 MW direct current ("DC") of electrical power and includes a photovoltaic solar system with a battery energy storage system, substations, and related infrastructure to generate and supply renewable energy to the Kaua'i Island Utility Cooperative ("KIUC").

Files pertaining to this docket are available at:
<https://luc.hawaii.gov/sp26-416>

Parcel information: Tax Map Key Nos. (4) 1-7-006:006 (por.) and 010 (por.). Approximately 269.195 acre portion of land located in Makaweli, Waimea, County of Kaua'i, State of Hawai'i.

III. Approval of Meeting Minutes for April 8, 2026

Meeting Minutes are available at:
<https://files.hawaii.gov/luc/meetings/minutes/2026/2026-04-08.pdf>

IV. Tentative Meeting Schedule

VI. ADJOURNMENT

BEFORE:

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PARTICIPANTS

MAY 13, 2026

LUC COMMISSIONERS:

Brian Lee, Chair

Nancy Carr Smith, Vice Chair

Mel Kahele

Ken Hayashida

Bruce U'u

Myles Miyasato (via Zoom)

LUC STAFF:

Daniel Orodener, Executive Officer

Scott Derrickson, Planner

Martina Segura, Planner

Ariana Kwan, Chief Clerk

Miranda Steed, Esquire, Deputy Attorney General (via Zoom)

STATE OFFICE OF PLANNING AND SUSTAINABLE DEVELOPMENT

("OPSD"):

Leo Asuncion, Program Administrator

Aaron Setogawa, Senior Planner

COUNTY OF KAUAI PLANNING DEPARTMENT ("COUNTY" OR "COK"):

Laura Barzilai, Deputy Planning Director

PARTICIPANTS (CONTINUED)

MAY 13, 2026

COUNTY OF KAUAI PLANNING DEPARTMENT ("COUNTY" OR "COK"):

Jodi Sayegusa, Planner

KAAWANUI SOLAR, LLC ("PETITIONER"):

Max Graham, Esquire

Curtis Tabata, Esquire

Megan Kane, Senior Development Manager, Applied Energy
Services

Amy Bolan, Associate Developer, Applied Energy Services

PUBLIC TESTIMONY:

Brad Rockwell, Chief of Operations, Kaua'i Island

Utility Cooperative

Howard Green, Vice President, Gay & Robinson, Inc.

David Shideler, Lead Archeologist, Cultural Surveys Hawaii

HAWAII LUC COMMISSION

HYBRID MEETING

MAY 13, 2026

10:03 A.M.

CHAIR LEE: Thank you everybody. Sorry, a couple minutes late. A few of us had to powder our nose, I guess, so thank you for your patience.

Aloha mai kakou. Good morning. It is now 10:03 a.m., and I'm calling to order the May 13, 2026, Land Use Commission meeting. This is a hybrid meeting being held in person at the Hilton Garden Inn, Kauai, Wailua Bay in the Kuhio Ballroom at 3-5920 Kuhio Highway in Kapa'a, Hawaii, 96746, and with virtual participation via Zoom.

This meeting is open to the public, and please be advised that this meeting is also being recorded via Zoom. The recording will be posted on YouTube and used for court reporting purposes. Your continued participation is your implied consent to be part of the public record of this event. If you do not wish to be part of the public record, you should exit this meeting now.

For those attending via Zoom, please note that the question-and-answer feature will only be used for signing up for public testimony, and all other communications through Zoom will not be monitored nor made

1 part of the meeting record.

2 Written communications can be emailed to the Land
3 Use Commission office at dbedt.luc.web@hawaii.gov.

4 For all meeting participants, please speak
5 slowly, clearly, and directly into your microphone. And
6 before speaking, please state your name to identify
7 yourself for the record. I will also share with all
8 participants that we will take breaks every 60 minutes or
9 so.

10 For Commissioners participating remotely, I'll
11 ask you to state your location and whether anyone over the
12 age of 18 is present with you.

13 Aloha, my name is Brian Lee, and I am serving as
14 the LUC chair today. There are eight seated Commissioners,
15 and joining me today is Commissioner Mel Kahele from Oahu,
16 Commissioner Ken Hayashida from Oahu, Commissioner Bruce
17 U'u from Maui, Commissioner Myles Miyasato from the Big
18 Island via Zoom.

19 And Commissioner Miyasato, can you confirm you're
20 by yourself?

21 COMMISSIONER MIYASATO: Yes, I'm at home, and I
22 am by myself.

23 CHAIR LEE: Thank you, Commissioner Miyasato.

24 And also here today in person is Vice Chair Nancy
25 Carr Smith from the Big Island. Also in attendance today

1 is the Land Use Commission Executive Officer Mr. Daniel
2 Orodenker, the LUC Chief Planner, Mr. Scott Derrickson, the
3 LUC staff planner, Ms. Martina Segura, the LUC Chief Clerk,
4 Ms. Ariana Kwan, and via Zoom is the LUC Attorney General
5 Miranda Steed.

6 All right. Again, court reporting transcriptions
7 are being done from this Zoom recording.

8 We're going to go to agenda item number two. The
9 next order of business is to consider the Petitioner's
10 application for a special permit to develop and operate a
11 utility scale solar energy facility. This project will
12 produce approximately 43 megawatts alternating current/52
13 megawatts direct current of electrical power and includes a
14 photovoltaic solar system with a battery energy storage
15 system, substations, and related infrastructure to generate
16 and supply renewable energy to the Kauai Island Utility
17 Cooperative.

18 All right. We're going to ask the parties now to
19 please identify themselves. For the record, Petitioner,
20 will you please identify yourself for the record?

21 MR. TABATA: Thank you, Chair. Good morning,
22 Chair, Vice Chair, members of the Commission, Curtis Tabata
23 and Max Graham for the Petitioner, Kaawanui Solar, LLC.
24 Also with us to my immediate right is Megan Kane, the
25 senior vice -- no, I'm sorry -- Senior Development Manager

1 of AES Hawaii, and Amy Bolan, Associate Developer AES
2 Hawaii.

3 CHAIR LEE: Thank you, Mr. Tabata.

4 County of Kauai Planning Department.

5 MS. BARZILAI: Sorry about that. Good morning.
6 Deputy County Attorney Laura Barzilai, along with Deputy
7 Planning Director, Jodi Sayegusa, and our Planner, Kenny
8 Estes.

9 CHAIR LEE: Okay. State Office of Planning and
10 Sustainable Development.

11 MR. ASUNCION: Good morning, Mr. Chair,
12 Commissioners Leo Asuncion, Planning Program Administrator
13 with the Office of Planning and Sustainable Development.
14 And with me is Aaron Setogawa, our Senior Planner in the
15 Land Use Division.

16 CHAIR LEE: Thank you, Mr. Asuncion.

17 Mr. Tabata, have you reviewed Hawaii
18 Administrative Rules Section 15-15-45-1 regarding the
19 reimbursement of hearing expenses?

20 MR. TABATA: Yes, Chair, I have, and we will
21 comply.

22 CHAIR LEE: Okay. Thank you.

23 Now, in accordance with Hawaii Revised Statute
24 Section 84-14, Commissioners are not allowed to take any
25 official action affecting a business in which they or a

1 member of their family has a financial interest. They must
2 therefore recuse themselves from this matter if there's any
3 benefit, monetary or otherwise, to themselves or members of
4 their family.

5 Also, in accordance with legal ethical standards,
6 Commissioners should disclose any relationship, business,
7 social, or otherwise, that they may have with the
8 Petitioner or its representatives or any of the other
9 parties to this proceeding that may give rise to an
10 allegation of bias or impropriety.

11 Do any of the Commissioners have any conflicts of
12 interest or disclosures to make?

13 Okay. Seeing none, let me briefly now explain
14 the procedure for today.

15 First, I will recognize the written public
16 testimony that has been submitted on this matter.

17 Second, I will call for members of the public who
18 wish to provide oral testimony.

19 Third, the staff planner will give a briefing on
20 the staff report that has been posted for this docket.

21 Fourth, the Petitioner will then be called upon
22 to make their presentation.

23 Fifth, the Chair will then call on the county
24 planning department and then the state Office of Planning
25 and Sustainable Development for their presentation and/or

1 comments.

2 Sixth, the Commissioners will have opportunities
3 to ask questions of the parties at the conclusion of each
4 of their presentations.

5 Seventh, the parties will be given an opportunity
6 for closing arguments.

7 Eighth, I will then reopen the floor to the
8 public for any new and additional oral testimony on the
9 matter.

10 And finally, ninth, the Commission will
11 deliberate on the matter based on the testimony and
12 evidence presented.

13 All right. I would like to once again remind all
14 our participants to speak slowly, clearly, and directly
15 into the microphone. And before speaking, please state
16 your name and identify yourself for the record. This
17 ensures that our transcriber can produce an accurate
18 transcript of the proceedings.

19 Are there any questions about our procedures for
20 today?

21 Okay. Hearing none, as stated on today's agenda,
22 please be informed that the relevant records and documents
23 pertaining to this matter can be accessed for review on the
24 Land Use Commission website at luc.hawaii.gov/SP26-416.

25 We will now recognize any written public

1 testimony submitted on this matter.

2 Ms. Kwan, has there been any written testimony
3 submitted for this matter?

4 MS. KWAN: Yes, Mr. Chair. We received eight
5 written testimonies that have all been posted on the
6 website, and we received one this morning from SHPD.

7 CHAIR LEE: Okay. Ms. Kwan, are there any
8 members of the public that wish to provide oral testimony
9 on this matter?

10 MS. KWAN: Yes, we have one signed up today. We
11 have a Brad Rockwell.

12 CHAIR LEE: Please proceed to the testimony.

13 All right. Brad, please state your name and ZIP
14 code for the record.

15 MS. ROCKWELL: Brad Rockwell, 96766.

16 CHAIR LEE: Okay. Mr. Rockwell, I will swear you
17 in.

18 Do you swear or affirm that the testimony you're
19 about to give is the truth?

20 MS. ROCKWELL: I do.

21 CHAIR LEE: You will have two minutes for your
22 testimony.

23 Please proceed.

24 MS. ROCKWELL: Thank you, Chair and
25 Commissioners. Thank you for the opportunity to speak

1 today.

2 My name is Brad Rockwell, and I am the chief of
3 operations for Kauai Island Utility Cooperative, KIUC.

4 KIUC is a not-for-profit electric cooperative,
5 which is owned by the rate payers that it serves, all of
6 which are here on Kauai. There are no external
7 shareholders. I've been with KIUC since 2003.

8 On behalf of KIUC, I respectfully ask for your
9 support today in approving the special permit for the AES
10 Kaawanui Solar and Battery Project. This project is a
11 critical component of Kauai's transition to clean,
12 reliable, locally generated energy. As you're likely
13 aware, Hawaii's renewable portfolio standard passed in 2015
14 and updated in 2022, requires 100 percent renewable energy
15 by 2045.

16 More recently, Governor Green signed an executive
17 order in 2025 that targets 100 percent renewable energy on
18 neighbor islands by 2035. And KIUC's board, which is
19 elected by the ratepayers of Kauai, set an even more
20 aggressive target in its most recent strategic plan, which
21 is 100 percent by 2033. Achieving 100 percent renewable
22 electricity requires large utility scale projects that are
23 thoughtfully cited, responsibly developed, and compatible
24 with the surrounding land uses.

25 Since becoming a member-owned cooperative in

1 2002, KIUC has transformed our island's energy portfolio,
2 moving from less than 10 percent renewable energy in 2010,
3 to approximately 50 percent renewable energy today. That
4 progress has not only reduced fossil fuel use and
5 greenhouse gas emissions, but has also stabilized and
6 lowered electricity costs for our members.

7 In fact, KIUC moved from having the highest
8 electric rates in the state in the early 2000s to having
9 the lowest rates today. Renewable projects like this are a
10 big part of that.

11 Over the 25-year term of the Kaawanui project, we
12 estimate approximately \$363 million in total fuel savings
13 compared to the alternative. Those savings will flow to
14 the rate payers of Kauai since we are a not-for-profit
15 electric cooperative.

16 We recognize the Commission's responsibility to
17 ensure projects are compatible with ag lands and
18 surrounding communities. Gay & Robinson has long been an
19 important partner to KIUC as well as AES, having already
20 developed a second project on Kauai. We appreciate this
21 collaboration. This is not simply a solar project placed
22 on ag land. It is designed to coexist with and support ag
23 use.

24 Last but not least, time is of the essence.
25 Federal clean energy tax incentives that are provide --

1 that provide the savings for Kauai residents and businesses
2 mentioned above are scheduled to phase down. In order to
3 ensure that these incentives are locked in, the project
4 must be operational by the end of 2029. While that may
5 seem far away, building a project of this size requires a
6 substantial amount of time and delay with obtaining any
7 necessary approvals risk losing those benefits and killing
8 the project.

9 For all of these reasons, we respectfully ask for
10 your approval today of the special permit so that Kauai can
11 continue moving forward toward a cleaner, more affordable,
12 and more resilient energy future.

13 Mahalo.

14 CHAIR LEE: Thank you, Mr. Rockwell.

15 Commissioners, are there any questions for the
16 testifier at this time?

17 Okay. Thank you very much for your testimony.

18 Ms. Kwan, are there any other persons who wish to
19 testify?

20 MS. KWAN: Seeing none in the room, Chair, and
21 seeing none in the Q&A feature on Zoom.

22 CHAIR LEE: Okay. Thank you, Ms. Kwan.

23 We will now call on staff planner Ms. Segura to
24 please summarize the staff report for us and any staff
25 concerns.

1 MS. SEGURA: Good morning. This is Ms. Segura
2 for the record.

3 The staff report was posted and made publicly
4 available on the Land Use Commission website on May 6,
5 2026. The LUC received the record on this -- on this
6 matter from the county on May 4, 2026.

7 After staff review of the petition, staff
8 believes that there is sufficient -- that sufficient
9 information exists in the record and the Petitioner has met
10 the guidelines for state special permit set forth in 15-15-
11 95 and HRS 205-4.5.

12 However, during the review of the record, staff
13 noticed that there was no comments found from the Office of
14 Planning and Sustainable Development, OPSD, or the
15 Department of Agriculture and Biosecurity, DAB. OPSD and
16 DAB submitted comments to the LUC on May 12, 2026. OPSD
17 provided six comments and a few recommendations to clarify
18 the record, which they'll discuss during their
19 presentation.

20 It should be noted that the County of Kauai
21 submitted a letter regarding the archeological inventory
22 survey from the State Historical Preservation Division,
23 SHPD, yesterday, May 12th, which has been posted to the
24 Land Use Commission website this morning underneath the
25 County tab.

1 Staff offered three amendments to conditions
2 included in the decision and order from the county,
3 specifically conditions 2, 8, and 11. The recommendations
4 can be found on page 18 through 20 of the staff report.

5 Lastly, on page 20 of the staff report, staff
6 offered two possible motions, one to approve with
7 amendments to the conditions cited above, and the other to
8 remand the petition if the Commission finds that more
9 information is needed to complete the record. That's --

10 CHAIR LEE: Thank you, Ms. Segura.

11 Commissioners, are there any questions for the
12 staff planner?

13 Okay. Seeing none, thank you very much.

14 And now I'm going to ask the Petitioner to please
15 provide your presentation.

16 MR. TABATA: Curtis Tabata for the Petitioner.

17 Chair, our procedure today is to start with Megan
18 Kane doing a PowerPoint presentation, and then following
19 her would be Howard Green from Gay & Robinson. And after
20 Howard is done, I will present the legal analysis for the
21 special permit. Our first witness is Megan Kane.

22 MS. KANE: Hi, good morning, everyone. Can
23 everyone hear me okay?

24 CHAIR LEE: Maybe a little louder, but before you
25 begin, let me swear you in.

1 MS. KANE: Sure.

2 CHAIR LEE: Do you swear or affirm, Ms. Kane,
3 that the testimony that you're about to give is the truth?

4 MS. KANE: Yes.

5 CHAIR LEE: Thank you.

6 Please proceed.

7 MS. KANE: Thank you.

8 Hi, everyone. For the record, my name is Megan
9 Kane. I'm a Senior Development Manager for AES Hawaii, and
10 I will be representing the Petitioner today.

11 This is just a quick agenda of what I'm going to
12 talk about. I'll try and breeze through it as quickly as
13 possible. I know we've got a lot to cover today.

14 AES Hawaii is proposing a 43-megawatt AC solar
15 project coupled with a 172-megawatt hour battery energy
16 storage system cited on approximately 269 acres of land.
17 This project will join seven other AES Hawaii projects
18 throughout the state, either already in operations or
19 meeting operations later this year.

20 The storage component of this project is
21 extremely important. It allows grid stability and
22 dispatchability during high-use times, such as when
23 everyone is home with their families at night and the sun
24 isn't out to be generating new power. The project will
25 sell locally generated power to Kauai Island Utility

1 Cooperative for a fixed price over a 25-year initial term,
2 adding another level of energy security to our islands,
3 which we're all seeing in real time, can change very
4 quickly with international landscape and getting Kauai one
5 step closer to meeting the state's mandate of 20, 45, 100
6 percent renewable grids.

7 The project will also erect a new KIUC switchyard
8 at Kaawanui, which will not only serve as the project's
9 point of interconnection into the island wide grid, but
10 will also harden the grid infrastructure in West Kauai.

11 Lastly, the project's operational period will end
12 25 years from now according to the current PPA in place.
13 AES Hawaii will fully decommission the project, removing
14 all equipment from the land and restoring it to this
15 condition you see today.

16 Orienting you to the project site, the project is
17 cited in West Kauai between Hanapepe and Waimea towns on
18 land owned by the Robinson Family Partners and managed by
19 Gay & Robinson. The project is just mauka of Kaumualii
20 Highway between Pakala Villages and Kaawanui Villages. The
21 area we are requesting to permit for the project is
22 approximately 269 acres. Of that project, infrastructure
23 will be located on about 230 acres. The new KIUC
24 switchyard will comprise of two acres, and the remainder of
25 the permit area will be existing access roads that the

1 project will also use.

2 It's AES's goal to disturb the least amount of
3 land possible so as we continue through design and
4 engineering, that will be our focus moving forward.

5 This is a summary slide of major project benefits
6 the island of Kauai and the state of Hawaii will gain from
7 the proposed project coming online. Among the most
8 impactful are the fact that the project will supply a fifth
9 of the island's need based on current load. That will
10 result in powering about 16,000 homes annually for the
11 course of the 25-year power purchase agreement. This
12 project will also produce local jobs, local jobs throughout
13 construction as well as local jobs throughout the 25-year
14 operational period.

15 Based on an economic impact analysis completed by
16 the project, it is anticipated the project will produce
17 over a thousand new jobs, either indirect, direct or
18 induced, and over \$216 million infused into the local
19 economy.

20 Lastly, it goes without saying clean energy just
21 makes our environment cleaner, protects it for future
22 generations. So the project will offset the burning of
23 fossil fuels, something to the tune of 179 million gallons
24 of fuel over the 25-year operational period.

25 These are just a few pictures of what you would

1 see on site once the project is built. Nothing I don't
2 think anyone has seen before. Solar panels set on racking
3 that rotates to meet the sun as well as battery containers
4 that look somewhat like mats and shipping containers with
5 batteries loaded in on a modular system. And of course, no
6 project is complete without inverters to convert energy
7 from DC to AC and back.

8 I want to spend a little bit of time focusing on
9 wildfire management and how the project is building in
10 safeguards to mitigate any fire risk. Safety is AES's
11 highest priority. AES recognizes that fire mitigation has
12 become increasingly top of mind for communities.

13 So here are some pictures just to kind of explain
14 what we've done in terms of building the safest projects
15 possible. The batteries, as I mentioned, sit in a
16 modular's layout and in containers that are designed for no
17 human access. You can see, we install standard audio and
18 visual fire alarm systems that you would see in occupied
19 buildings or homes. Each container is also equipped with
20 HVAC units so that as batteries generate heat during high
21 times of use or high external temperatures, we can cool
22 them down to manageable temperatures.

23 I want to orient you to the picture in the top
24 left. The top left picture illustrates the fire
25 suppression system that we build into every single battery

1 unit. Should a particular battery unit reach an elevated
2 temperature, the fire suppression system would trigger the
3 release of a non-toxic gas or an agent that would basically
4 neutralize the heated battery at the lowest possible level.
5 So before a row of batteries has to become compromised, or
6 worse yet, a container, we're able to bring that one
7 stressed battery down to basically a non-issue.

8 In addition to the audio and visual and the fire
9 suppression systems within the batteries, we also design
10 the projects with fire mitigation in mind, not only to
11 neutralize a fire originating onsite, but a fire passing
12 through the site on West Kauai. We design all of our
13 projects with safety features like clearance zones, non-
14 vegetated fire breaks, maintained fire breaks, multiple
15 ingress and egress points for emergency access, as well as
16 very strict vegetation management plans during operations.

17 We have a wonderful local operations and
18 maintenance team that actually lives on Kauai. We've got a
19 team pretty much on every island that we operate projects
20 right now, which I think is very unique to AES. That team
21 reports to sites daily, checking to make sure that all of
22 the equipment is operating as it should. We also have a
23 24/7 monitoring system that we very coolly call "The Rock,"
24 and it allows us eyes on the sites 24/7.

25 Our local teams also have remote capabilities, so

1 if there was an emergency that's happening at night and we
2 did need to bring anything down, you know, we could work
3 that out.

4 I know this topic is top of line for a lot of
5 people. I'm happy to elaborate on any questions later on,
6 but I will kind of continue on with the presentation.

7 AES heavily diligence projects continuously
8 collects community feedback in order to design and cite the
9 best possible project. This slide just gives you an idea
10 of the significant amount of investment that AES has made
11 already in terms of understanding site conditions and
12 characteristics and being able to inform design based on
13 feedback from these studies.

14 In addition to the studies AES commissioned, over
15 the last year, we've also very actively engaged with the
16 community in West Kauai answering questions, understanding
17 concerns. And so this slide kind of memorializes all that
18 work. It kind of gives you an idea of who we've spoken to,
19 and then the top right bullets give you kind of the biggest
20 takeaways that we've heard from the community.

21 And so the presentation now will kind of go into
22 how we've taken that community feedback and really
23 integrated it into the development of the project.

24 Traffic. Traffic is hugely important to
25 residents. We understand every island has its own nuances

1 around traffic. It's our goal, our goal as AES, our
2 contractor's goal, subcontractor's goal that we do not make
3 it worse for anyone. To best understand current traffic
4 patterns, we commission a traffic impact analysis report,
5 which can basically give us an idea of what traffic is like
6 now, and then we can work to implement strategies so that
7 we don't exacerbate traffic throughout construction or
8 operations.

9 The TIAR basically concluded that during
10 operations, we will not be affecting traffic at all. Five
11 to ten people reporting to site on any given day to do
12 operations and maintenance work, so that, you know,
13 obviously is not a huge deal. The TIAR did conclude that
14 during construction, we would be able to keep traffic
15 patterns at their existing conditions so long as we
16 implement some best management practices that you see on
17 the screen, multiple ingress/egress points, you know,
18 deliveries during non-peak times, things like that. And we
19 will memorialize all of our plans in a construction traffic
20 management plan prior to the start of construction.

21 AES understands the importance of cultural and
22 archeological resources play in honoring Hawaii's past. We
23 look to site our projects on land to avoid disturbance of
24 these resources whenever possible. AES has completed a
25 cultural impact analysis with a Ka Pa'akai analysis to

1 understand culturally significant practices in the project
2 site and around the project site.

3 The site design and use of existing access routes
4 preserve the cultural activities mentioned throughout our
5 CIA consultation. We are not interfering with access to
6 Pakala Beach, which was mentioned, you know, multiple times
7 throughout consultation. No trails or hikes are impeded
8 access for. And additionally, you know, we are looking to
9 perpetuate ag activity on this land, which is a huge part
10 of the West Kauai culture.

11 We also conducted an AIS, or an archeological
12 inventory survey, which has been submitted to the State
13 Historic Preservation Division. The State Historic
14 Preservation's determination was that our plans indicate
15 that no historic properties are affected by the project.

16 Decommissioning another hot topic with community
17 members and policymakers alike, the Commission and
18 community members can rest assured that AES will fully
19 decommission the site, and we'll get into decommissioning a
20 little bit later in the presentation.

21 Strategic earthwork not only keeps the site safe,
22 but also protects the important people and places around
23 the site. AES and our civil team have spent a ton of time
24 understanding current characteristics of the site, water
25 flow patterns, flood points, permeability, whatever it may

1 be, so that we can design our project to be a passive
2 neighbor on West Kauai.

3 The project site will require very minimal
4 grading. Under the solar panels, we're really just looking
5 to smooth some areas based on the limits of the racking
6 system, but that land will largely remain untouched. The
7 only potential areas of high grading would be where we are
8 going to lay concrete pads for major equipment, so the
9 substations, the battery containers, the inverters, things
10 like that. And then of course, we'll have to have internal
11 access roads to access all of our equipment.

12 So all of our research, all of our consultation
13 has really resulted in this project design. There are
14 currently six islanded arrays that you see are transected
15 by existing access roads that will be used by AES but not
16 solely used by AES. The central array, which is the
17 largest array in the very middle of your screen is 63
18 acres. You can tell it's largest of the six, and it looks
19 a little bit different because we've made the decision to
20 space the rows a little wider than the other arrays.

21 We made this decision in partnership with our ag
22 partner to allow for the most possible ag uses as they get
23 into their production. So we can get into seeded crops and
24 things like that, mechanical harvesting, things like that.
25 So I'll get into ag a little bit later, but just giving you

1 kind of an understanding of what is different about the
2 solar arrays.

3 And then the last thing I'll say about this slide
4 is the major project equipment is going to be located in
5 the bottom of your screen. The Kaawanui substation is on
6 the Hanapepe side of Kaawanui Road, and the new AES Hawaii
7 substation exclusively for the project, as well as the
8 battery yard, is located on the Waimea side of Kaawanui
9 Road.

10 Visual impacts, probably the loudest comment
11 we've heard from communities. So I want to share some
12 renderings that we've done, and we've shared with the
13 communities and then just explain a few ways that we've
14 implemented strategies to mitigate visual impacts for the
15 community.

16 Okay. I'm going to breeze through four. We can
17 always come back to them, but I know there's a lot to cover
18 still. This first viewpoint, to orient you is taken from
19 the highway, Kaumualii Highway, as you're approaching the
20 project from Hanapepe. This vantage point, you can see the
21 major equipment, including the KIUC substation highlighted
22 in yellow, is not visible from a driver's perspective.

23 What is visible though are the panels as the --
24 as they slope up the mountain since the topography does
25 kind of slope up ever so slightly. So you will be able to

1 see panels.

2 Let me see. Where's the pointer?

3 Okay. So the panels are kind of up this way.

4 The second vantage point is kind of right on the
5 border of the project's area. You can see straight ahead
6 right here is the KIUC switchyard. And what AES is trying
7 to do in order to minimize visual impacts is we're putting
8 in strategically placed landscape screens so that we can
9 mitigate visual impacts for drivers passing by as much as
10 possible.

11 Of course, we're weighing, you know, high voltage
12 equipment and fire risk and visual impacts. So it's not
13 going to completely cover a 50-foot-tall structure, but we
14 are mindful of the impact and doing our best to kind of
15 thread the needle there.

16 This third vantage point is taken at Makaweli
17 Post Office. We're looking straight at the major
18 equipment. So on this side, you will see kind of the top
19 of the KIUC switchyard, and on this side, you see the top
20 of the AES substation and the batteries. You can see here
21 we're also using landscape screening to make sure that
22 driver impacts are not felt, and visual impacts are
23 mitigated for anyone at the beach nearby or driving by in
24 their car.

25 Last viewpoint is on the opposite end of the

1 project on the Waimea side, kind of looking at the solar
2 panels. Again, landscape screening is something that we're
3 looking to utilize here to minimize visual impacts. We've
4 also decided to switch the racking to the lowest profile
5 racking available so that it sits as close to the ground as
6 possible. It's not, you know, projected up there for --
7 like 15, 20 feet off the ground. This is much closer, and
8 then we've also moved the panels away from the street about
9 a hundred feet. And as project design allows, we'll
10 continue to increase that buffer.

11 It is no surprise, Brad mentioned it in his
12 testimony, that time is of the essence for solar projects.
13 If you've seen anything in the news about tariffs and
14 sunset dates on federal tax credits, we are working against
15 a huge timeline. So everything is moving at warp speed,
16 and AES is doing their best to overlap activities so that
17 we can make up some time on the backend. So early
18 procurement, strategic procurement, you know, outlay of
19 funds for studies and permitting early so that we can stay
20 ahead of everything.

21 Curtis will talk about, you know, the permitting
22 and entitlements and that a little bit later, but I did
23 just -- the last topic I want to get into for my
24 presentation is compatible agriculture. Of course, it's a
25 HRS 205 requirement, but it really is AES's goal to go

1 above and beyond what is required from the statute and
2 really partner with a local ag provider to make this a
3 really productive project for ag.

4 Nobody knows Ag on the west side of Kauai like
5 the Robinson family, and that has made them a really great
6 landowner partner, but it's also made them a really
7 interesting agricultural partner. And their expertise in
8 both ag and renewable energy on the islands of Kauai and
9 Ni'ihau have been what has made their partnership here so
10 valuable.

11 A group of family members from the partnership
12 have come forward and wanting to partner with AES on the ag
13 operation. Not only do they have the experience, but
14 they've got the onsite slaughter facilities. They've got,
15 you know, channels to market directly to consumers as well
16 as to local businesses. So really, it's kind of wrapped up
17 in an all-inclusive plan. I think their plan is very
18 strategic.

19 It's a three-phase plan, and they're going to
20 start with sheep. So day one of operations, we're going to
21 do sheep grazing. There will be an initial investment of a
22 hundred sheep. They will graze throughout the solar site
23 and then onsite slaughter facilities and marketing channels
24 will allow them to get the meat through to consumers.

25 As the herd grows, as sales from sheep grow, they

1 will be able to then get into poultry, which I think is
2 extremely interesting. There are things like mobile
3 chicken coops. Obviously, egg and chicken meat are a
4 little bit more profitable than sheep, so that would be a
5 secondary business line that they would look into maybe
6 five years into operations of the project.

7 Capital investment for the chicken product line
8 is a little bit higher, so they would need some success
9 before they get there, but they're definitely looking into
10 multiple livestock channels.

11 And then the last and I think most interesting
12 part of this ag plan is the possibility of doing seeded
13 crops. As I mentioned before, we've expanded the largest
14 flattest area of the project site to have the longest break
15 between solar panels so that they are able to plant crops,
16 mechanically harvest, kind of get to the production levels
17 that make it possible to make operation profitable.

18 We would be looking at things like asparagus,
19 leafy greens, dry land kalo, all of which, our partnership
20 at ARC has shown research backs success of these seeded
21 crops and microclimates under solar panels.

22 Okay. I know I've been talking a lot. I just
23 want to wrap up. I hope that with the Commission's support
24 that we can continue on today in development of this
25 project, furthering Kauai's energy goals and getting to the

1 state energy mandate by 2045. AES prides itself on
2 responsible development. I hope that has been evident
3 today. I am born and raised in Hawaii. I care what the
4 future of Hawaii looks like, and I stand by the work that
5 AES does here in Hawaii.

6 I've got a wonderful suite of experts with me who
7 have helped me develop the project to this point. I'm
8 happy to take questions now, and then if we are wanting to
9 dive further into any of their specialty groups, we can get
10 them up here as well. Thank you.

11 CHAIR LEE: Thank you, Ms. Kane.

12 Commissioners, do you have any questions for Ms.
13 Kane?

14 Mr. Tabata, did you have something you wanted to
15 add?

16 MR. TABATA: No, Chair.

17 Thank you, Megan.

18 We're ready to move on to our next witness.

19 CHAIR LEE: Okay. Please proceed.

20 MR. TABATA: Thank you.

21 Our next witness is Howard Green, Senior Vice
22 President of Gay & Robinson, Inc.

23 MR. GREEN: Is that on?

24 CHAIR LEE: I'm sorry, what was your name again?

25 MR. GREEN: Aloha. My name is Howard Green.

1 CHAIR LEE: Okay. Mr. Green, I'm going to swear
2 you in.

3 All right. Do you swear or affirm that the
4 testimony you're about to give is the truth?

5 MR. GREEN: I do.

6 CHAIR LEE: Okay. Please proceed.

7 MR. GREEN: Thank you.

8 Okay. Aloha, Commissioners. My name, again, is
9 Howard Green. I'm the vice president of Gay & Robinson,
10 Incorporated. I'm here today to tell you why this project
11 is so important to Gay & Robinson and to ask for your
12 support of this important project for the entire west side
13 and the island as a whole.

14 Gay & Robinson's primary business pillar remains
15 in agriculture. We operate Makaweli Ranch. There are over
16 1,000 head of cattle on 5,000 acres of pasture. We have
17 over 5,000 acres of former sugar cane lands that have
18 highly developed infrastructure available for diversified
19 agriculture. Much of this is designated as important ag
20 lands. Much of these lands, about 20,000 acres of these
21 G&R lands were designated IAL lands in 2016.

22 You're all well aware that the -- any
23 business -- agricultural business is difficult. The
24 challenges since the closure of sugar have been enormous.
25 Despite best efforts, the deck is stacked against us. This

1 is especially true for large landowners. Most of the large
2 tracts of ag land on Kauai have been subdivided, developed,
3 carved up, and are non-functional. There are a lot of
4 well-intentioned people and programs across the islands and
5 the state that attempt to support ag; however, it is not
6 enough.

7 To support viable ag, we need alternative sources
8 of income. Gay & Robinson has recent challenges in meeting
9 these diversification goals. There are no known breaks for
10 us when we have drought, crop loss, equipment failures,
11 loss of market share, or we lose tenants. Renewable energy
12 production like this AES project would go a long way in
13 supporting our agricultural endeavors.

14 Our housing program is another pillar of our
15 company income. We provide 350 homes for ag and workforce.
16 It only makes a nominal profit. Most important though, it
17 plays a synergy with our ag operations and has a
18 significant impact to our overall agricultural
19 opportunities.

20 So having a steady income from a fraction of our
21 ag lands is very important. This proposed 269 acres is
22 less than half a percent of the 50,000 acres we manage.
23 The income would go a long way to providing us stability
24 and cashflow to further invest and continue in agriculture
25 and housing.

1 We are excited to see that this project has a
2 compatible agricultural component. This will further
3 solidify our commitment to supporting the agricultural
4 resource infrastructure. This includes the reservoirs and
5 dams we manage, ditches, piping, filtration, roads, power,
6 and other farm logistics. The proposed AES project is on
7 LSB Class B and E lands. It is not our premium LSB Class A
8 lands.

9 We have a long-term outlook and consider this a
10 temporary use of the land, preserving future ag uses at
11 this site. It will also help us with land management,
12 including fire and invasive species. You may be aware of
13 the Kaumakani fire we had in July 2024 that threatened a
14 lot of our homes. This will be 269 less acres that we'll
15 have to manage. It'll provide a managed buffer near our
16 housing villages of Kaawanui and Pakala.

17 Lastly, we're excited to be a participating
18 partner for KIUC's renewable energy commitment. The new
19 substation will solidify electric transmission reliability
20 for the west side and the entire island.

21 I'd also like to add, you know, we used to farm
22 this land in sugar, and we would get about 32 tons of
23 bagasse per acre. That's the fiber that we use to generate
24 steam in the mill and produce electricity. So on this 269-
25 acres, rough calculation, we would get about four million

1 kilowatt hours of electricity that we would provide to the
2 grid back in the sugar days.

3 I just want to note that this project is 30, 40
4 times more efficient with the property at making
5 electricity than sugar was. So we just view this as
6 another method of, you know, utilizing the land for the
7 benefit of the community.

8 Thank you.

9 CHAIR LEE: Thank you, Mr. Green. Appreciate
10 your testimony.

11 Commissioners, are there any questions for the
12 testifier?

13 Okay. Thank you very much.

14 Oh, I'm sorry. I did not see you. Commissioner
15 Miyasato.

16 COMMISSIONER MIYASATO: Sorry, Chair. Yeah, my
17 iPad is working a little bit slow today, but I did have a
18 question earlier for Ms. Kane.

19 It was, I believe, during the second slide when
20 you were describing the area location of the project, I
21 believe you used the word "purchase." I just wanted to
22 confirm if it's a purchase or a lease.

23 CHAIR LEE: Did you hear that?

24 MR. TABATA: It's a lease.

25 COMMISSIONER MIYASATO: Okay. Thank you.

1 MS. KANE: It's a lease. Yeah, it's a lease of
2 the land.

3 CHAIR LEE: Okay. Thank you very much.

4 MS. KANE: Uh-huh.

5 CHAIR LEE: Any other questions for the
6 testifier?

7 Mr. Tabata, is that your final witness?

8 MR. TABATA: Yes, Chair. That's -- Howard is our
9 last witness. If I may, Chair, I will then present the
10 legal overview of the special permit.

11 CHAIR LEE: Okay. Before you do, there's a
12 couple of questions that were brought up by the Office of
13 Planning and Sustainable Development on page 6, question --
14 or page 5 and page 6, questions number 2 and 3. I'm going
15 to follow up on that, okay?

16 On page 5, question -- item number 2, OPSD asked
17 that the applicant clarify whether AES Hawaii substation is
18 required to be covered by the special permit or is already
19 a permitted use in the agricultural district. Do you have
20 an answer?

21 MR. TABATA: Yes, Chair. Thank you.

22 So for OPSD's comments, comment number 2 gets
23 into our two substations. So we have -- in connection to
24 the project, we have two substations planned to be built.
25 One is the KIUC substation, and the other is the AES

1 substation, okay?

2 Now, the KIUC substation is designed to exist and
3 go on after our project is finished, okay? It's intended
4 to not only facilitate our project's connection to the
5 grid, but also, the grid itself, okay? So it will not be
6 decommissioned, and it will -- it does belong to KIUC,
7 okay? So because of that, it is not considered a part of
8 our project in our project description, okay? So there's a
9 distinction there between the two substations. Now, it is
10 a permissible use in the agricultural district as a
11 substation, okay?

12 For the AES substation, it is also a permissible
13 use, but for the sake of describing our project, you know,
14 we did not make a legal distinction between permissible use
15 and non-permissible use. And we, out of convenience,
16 included the AES substation with our project description.

17 So to answer the question, our AES substation is
18 a permissible use under the -- under the agricultural
19 district, and that is the reason why they are treated
20 separately in the project description of our project.

21 CHAIR LEE: Okay. Thank you.

22 And on page 6 of the OPSD report, number 3, it
23 asks about the non-exclusive easement for access and
24 utility purposes over Road A section. And the question is
25 whether -- what is the status of the sale of that?

1 MR. TABATA: Okay. Thank you. So OPSD comment
2 number 3 gets into this old government road remnant, okay,
3 that Robinson Family Partners, the landowner, is going to
4 purchase from the State of Hawaii Department of
5 Transportation, okay? That process has been ongoing and is
6 continuing, and it is currently in the mapping stage. The
7 state surveyor is mapping it, and that mapping will
8 facilitate the subdivision of that remnant from other parts
9 of the state parcel. And it'll then be consolidated into
10 the Robinson lands, okay? And after that's done, then the
11 sale and conveyance of the lands to Robinson can take
12 place.

13 CHAIR LEE: Okay. Thank you, Mr. Tabata. You
14 may proceed with your summary.

15 MR. TABATA: Thank you.

16 There is a fourth comment that OPSD had a
17 question about, and it was about I believe a change to the
18 condition regarding extensions, possible future extensions
19 for the permit term. We're okay with that potential
20 change, but I think the Land Use Commission staff's comment
21 about changing that condition sort of supersedes that
22 request, I think.

23 So the staff suggested or requested that the
24 condition be changed so that the LUC would also need to
25 consent or approve a future request to extend the permit

1 term, and we're okay with that also.

2 And I believe the staff also had two more
3 suggested changes to the conditions. I believe there's
4 two -- conditions, 2, 8, and 11 were raised, and we're okay
5 with all of those changes, okay? So -- and I believe
6 they're shown in red in the staff report.

7 CHAIR LEE: Okay. Thank you. Appreciate that.

8 MR. TABATA: Thank you, Chair. May I proceed
9 with the legal overview?

10 CHAIR LEE: Yes, please.

11 MR. TABATA: Thank you.

12 The Kaawanui Solar Project requires a special
13 permit from the Commission because it consists of more than
14 20 acres of agricultural land. And because the land is
15 comprised of B and C-rated lands, agricultural lands, the
16 solar project must meet three requirements under HRS
17 section 205-4.5.

18 Number one, it must make the project site lands
19 available to compatible agricultural activities at a rent
20 that is at least 50 percent below fair market value.

21 Number two, we have to provide the county with
22 proof of financial ability to decommission the project
23 prior to commencing operations.

24 And three, we need to decommission the project
25 within 12 months of the conclusion of the project's useful

1 life and restore the land to its prior condition.

2 And the Petitioner has committed itself to
3 complying with all three requirements.

4 Now, the Land Use Commission's authority to issue
5 special permits is under HRS Section 205-6, and 205-6
6 allows the issuance of special permits for uses that
7 qualify as "unusual and reasonable."

8 In this case, in the agricultural district,
9 what's unusual and reasonable is that which is not one of
10 the listed expressed permissible uses. Now, to determine
11 what is unusual and reasonable, we look to section 15-15-
12 95C of the Commission's rules, and under that rule, it
13 provides for five guidelines to help the Commission
14 determine whether or not a use is unusual or reasonable.

15 So the first guideline states, "The use shall not
16 be contrary to the objective sought to be accomplished by
17 chapters 205 and 205A HRS and the rules of the Commission."

18 Now, chapter 205 itself does not provide a list
19 of objectives or purposes, but the intermediate court of
20 appeals in Kauai Springs v. Planning Commission at 130
21 Hawaii 407 stated that, "The Hawaii Supreme Court has ruled
22 that the overarching purpose of HRS chapter 205 is to
23 protect and conserve natural resources and foster
24 intelligent, effective and orderly land allocation and
25 development."

1 Under Article 11, section one of our state
2 constitution, natural resources are defined to include
3 land, water, air, minerals, and energy sources. The
4 Kaawanui Solar Project does foster intelligent, effective,
5 and orderly land allocation and development and is not
6 contrary to the objectives of protecting and conserving
7 land, air, and energy sources for the following reasons.

8 Number one, our project will protect and conserve
9 agricultural lands by implementing an agricultural plant
10 where the available land in our 269-acre project site will
11 be made available rent-free for compatible agricultural
12 activities. Megan has already discussed our compatible
13 agricultural plan and explained why we are consistent with
14 preserving agricultural resources.

15 Also, our project will be a de facto agricultural
16 preserve. If the Commission approves our solar project,
17 the 269-acre project site will be effectively locked in the
18 agricultural district for approximately 39 years of use,
19 which will include compatible agricultural activities,
20 after which, the land will be restored to its original
21 condition. By remaining in the agricultural district for
22 39 years, the project site will be a 269-acre ongoing
23 agricultural operation, and in my opinion, a strategic
24 agricultural reserve for the future.

25 The project will also protect our air and climate

1 by reducing greenhouse gases by avoiding 2.35 million
2 metric tons of carbon dioxide equivalents over the
3 project's lifecycle.

4 And finally, our project will harness our solar
5 energy sources. The hot and sunny lands on the west side
6 of Kauai are high in solar irradiance and valuable for both
7 agriculture and solar energy generation. The Kaawanui
8 solar project will promote the goal of sustainable energy
9 on the island of Kauai protect agricultural lands and the
10 air, and therefore, our project is consistent with the
11 objectives of HRS chapter 205 and the Commission's rules.

12 HRS chapter 205A is our coastal zone management
13 law, and it does provide a list of objectives for chapter
14 205A. The solar project is not located within the coastal
15 zone, so our project will not impact -- will not negatively
16 impact the listed resources within the coastal zone
17 management area, which include recreational resources,
18 historic resources, scenic and open resources, coastal
19 ecosystems, economic uses, coastal hazards, coastal
20 development, and public participation and beach and coastal
21 doom protection. Our project, therefore, is not contrary
22 to the objectives of chapter 205A.

23 The second guideline in determining unusual and
24 reasonable uses is that "The proposed use would not
25 adversely affect surrounding property."

1 The property surrounding our 269-acre project
2 site is used for grazing, and most of the land is owned by
3 the Robinson family. The nearest residential property is
4 about 100 yards away, and we do not expect the project to
5 have any adverse impacts on surrounding properties.

6 The third guideline in determining unusual and
7 reasonable uses is that, "The proposed use will not
8 unreasonably burden public agencies to provide roads and
9 streets, sewers, water drainage, school improvements, and
10 police and fire protection." As Megan has testified, our
11 project will have no significant impacts to traffic, and
12 Petitioner will provide all necessary road improvements for
13 the project.

14 Also, the project will not require any sewer
15 wastewater service. For stormwater drainage, the
16 Petitioner will construct all needed drainage improvements,
17 including ditches for capturing conveyance and eight
18 detention ponds for water quality and quantity management.

19 The project has no residential component and will
20 therefore not increase the population in the area, so there
21 will be no impact on schools.

22 For police protection, the project will have
23 security personnel during construction, as needed, and a
24 surveillance system and fencing will be installed. The
25 project therefore is not expected to increase the need for

1 police protection.

2 For fire protection, Megan has already covered
3 the multiple layers of fire prevention and suppression.

4 And finally, you know, regarding public services,
5 the project -- my understanding is the project will harden
6 the grid and make it more resilient. And I believe it has
7 to do -- what it will do is help protect against
8 fluctuations and disruptions to the grid.

9 The fourth guideline for determining unusual and
10 reasonable uses is that, "Unusual conditions, trends, and
11 needs have arisen since the district boundaries and rules
12 were established." This fourth guideline is a recognition
13 that the world is constantly changing and that the special
14 permit process in chapter 205 is a mechanism for making
15 adjustments so that the Commission and landowners can react
16 to changing circumstances without being locked into a
17 static list of permissible uses.

18 The Land Use Commission and the district
19 boundaries were enacted in the 1960s. Since then,
20 conditions and trends have arisen to include the rise of
21 greenhouse gases impacting our climate, the advent of
22 utility scale, photovoltaic solar energy facilities, and
23 unfortunately, our precarious reliance on fossil fuels.

24 The Commission has been recognizing these trends
25 for the past decade, as it has approved several large solar

1 projects since 2016. We therefore believe that our
2 conditions and trends that have arisen since the
3 establishment of the district boundaries and that our solar
4 project is positioned to address those conditions and
5 trends.

6 The fifth and final guideline is "The land upon
7 which the proposed use is sought is unsuited for the uses
8 permitted within the district."

9 I'm going to approach this from the negative
10 reading of this. In the Oxford Dictionary, the word
11 "suited" as an adjective is defined as right or
12 appropriate, and we believe our project is right and
13 appropriate for the project site. Now, given the current
14 opportunity before us, we believe that the Kaawanui solar
15 project is right and appropriate for the project site for
16 the following five reasons.

17 First, the project will have environmental
18 benefits by avoiding greenhouse gas emissions. The
19 project's avoidance of greenhouse gas emissions include the
20 extraction, production, transportation, refining, and
21 operational use of the fossil fuels that would be consumed
22 if the project were not approved and built but would be
23 avoided if the project is approved and built.

24 The avoided lifecycle emissions are estimated to
25 be 2,350,053 metric tons of carbon dioxide equivalents

1 versus the project lifecycle emissions are estimated to be
2 92,361 metric tons of carbon dioxide equivalents.

3 Subtracting them out, the net project avoided lifecycle
4 emissions are estimated to be 2,257,692 metric tons of
5 carbon dioxide equivalents.

6 The second reason why the project is right and
7 appropriate for the project site is the economic benefits
8 of the project. There are five aspects of the project that
9 will produce economic and fiscal benefits, and they
10 include, one, the pre-development period that is currently
11 underway and is anticipated to take 2.5 years; two, the
12 construction period that is estimated to be 18 months;
13 three, the 25-year operation period; four, annual easement
14 payments that the Petitioner will make to the landowner;
15 and five, decommissioning that is estimated to take one
16 year.

17 By combining all five aspects and accumulating
18 all direct, indirect, and induced impacts, the estimated
19 economic impacts of the project include 1,064 total jobs,
20 \$77,899,714 in total labor income and \$216,718,437 in total
21 economic output. And the projected fiscal impacts include
22 \$9,713,491 in state of Hawaii revenue and \$3,787,891 in
23 county of Kauai revenue.

24 The third reason why the project is right and
25 appropriate is that the project will conserve our natural

1 resources, as previously discussed.

2 The fourth reason why the solar project is right
3 and appropriate for the project site is that it is
4 geopolitically timely, given the current volatility of the
5 price of oil, and the project would allow Kauai to avoid
6 approximately 7,150,000 gallons of oil annually, but that
7 is not a coincidence. The state of Hawaii created the
8 Hawaii Clean Energy Initiative of 2008 and 2015 and
9 mandated that 100 percent of the state's energy portfolio
10 must come from renewable sources by 2045.

11 Kauai is ahead of schedule, as Brad mentioned,
12 and is on track to meet this 100 percent goal by 2033. In
13 2024, renewable resources accounted for over 50.6 percent
14 of KIUC's energy generation, and the project is expected to
15 provide approximately 17.5 of KIUC's total electric
16 generation.

17 And finally, the fifth and maybe best evidence
18 that the project is right and appropriate for the project
19 site is the fact that the landowner, the Robinson family,
20 has authorized the solar project on their land in light of
21 their available options.

22 Based on the above, we believe that the Kaawanui
23 Solar Project is consistent with the five guidelines for
24 unusual and reasonable uses under HRS Section 205-6 and HAR
25 Section 15-15-95C and satisfies all of the requirements for

1 a special permit under HRS chapter 205 and the Commission's
2 rules.

3 Thank you, Chair. That's all we have for now.

4 CHAIR LEE: Thank you, Mr. Tabata.

5 We're going to take a 10-minute break. Let's
6 make it a 15-minute break, and we'll be back here at 11:30.
7 Thank you.

8 (WHEREUPON, a recess was taken.)

9 CHAIR LEE: All right. We're at 11:32. Okay.
10 Let's get started.

11 Are we ready, Ms. Kwan?

12 MS. KWAN: Ready when you are, Chair.

13 CHAIR LEE: Thank you.

14 All right. Mr. Tabata, have you finished with
15 your presentation and summary?

16 MR. TABATA: Yes, Chair, we're done. Thank you.

17 CHAIR LEE: Thank you.

18 Commissioners, are there any questions for Mr.
19 Tabata or AES?

20 Vice Chair Carr Smith.

21 VICE CHAIR CARR SMITH: Thank you, Chair.

22 Yeah, I wanted the record to benefit from a
23 conversation I had during the break. I had asked about
24 seed crops and whether that had been done on this island.
25 I know it's kind of a newer concept, and so it was

1 explained to me that perhaps it hadn't -- not necessarily
2 aware of it -- but obviously, that brings up the subject of
3 water too. And it was shared that the Robinsons are
4 providing the water for that. Is that county water, or do
5 you guys have like ag water here or --

6 MS. KANE: Yeah, so what we've done is we've
7 secured --

8 CHAIR LEE: Please state your name again, sorry,
9 for the record.

10 MS. KANE: Oh, I'm so sorry. Megan Kane for the
11 record.

12 What we've done is we've secured a portion of the
13 Gay & Robinson water allotment to be specifically allocated
14 to use by AES and our ag partner. So I think where other
15 projects are limited in ag use and seeded crops are not
16 really an option is when you have to truck in water for the
17 purpose of ag. And so for this project, because we do have
18 the annual water allotment with the help of Gay & Robinson,
19 it allows our ag partner a lot more flexibility at, you
20 know, not astronomical costs.

21 VICE CHAIR CARR SMITH: That's great.

22 The other thing I was wondering about was the 39
23 years versus 25 years. So if I understand it correctly,
24 the 25 years is how long the solar project's life
25 expectancy is, I assume. And the 39 is the life of the ag

1 part of it; is that correct?

2 MS. KANE: Let me clarify just one point. So
3 you're correct in that the 25 years like is the initial
4 term of our agreement with KIUC. So our power purchase
5 agreement that is kind of the governing document over our
6 ability to do the project and sell power is for an initial
7 term of 25 years.

8 Thereafter, there is an option period of 10 years
9 to extend the project. So any project's useful life is
10 typically 35 years. We get to the 39 when we add in a year
11 for decommissioning or, you know, three years for
12 development between now and 2029 when the project has to be
13 up. So that's how you compute the 39.

14 VICE CHAIR CARR SMITH: Okay. And the term of
15 the special permit, what is the term?

16 MS. KANE: The term in condition eight in the
17 proposed D&O is 35 years from commercial operations. So it
18 includes that useful life term that I just referenced, the
19 25 plus the 10.

20 VICE CHAIR CARR SMITH: Thank you for clarifying.

21 MS. KANE: Yes.

22 VICE CHAIR CARR SMITH: Thank you, Chair.

23 CHAIR LEE: Thank you, Commissioner.

24 Any other questions?

25 Okay. Seeing none, I'll ask -- now ask the

1 county of Kauai to please present your comments and please
2 state your name for the record.

3 MS. SAYEGUSA: Good afternoon, members of the
4 Land Use Commission and members of the public. My name is
5 Jodi Higuchi Sayegusa. I'm the Deputy Director of the
6 Planning Department.

7 The record demonstrates that the Planning
8 Commission conducted a thorough review process, including
9 public hearings, consideration of testimony, both from the
10 applicant as well as the public, as well as agency comments
11 and an evaluation of applicable standards governing the
12 special permits within the agricultural district.

13 The Planning Commission recommended decision and
14 conditions upholds the state's agricultural priorities
15 while allowing the project to contribute immensely towards
16 achieving the state's clean energy and energy resilience
17 goals.

18 I did want to note the comments that were
19 submitted by the State Historic Preservation Division.
20 That was already included as an Exhibit 29. It was the
21 same comments that were transmitted also to the Planning
22 Commission prior to its decision. That's the comments
23 dated March 9, 2026.

24 And so basically, we respectfully request that
25 the Commission accept the Planning Commission's

1 recommendation and approve special permit at 26-416.

2 CHAIR LEE: Okay. Thank you, Ms. Higuchi
3 Sayegusa.

4 Commissioners, do you have any questions for the
5 County of Kauai?

6 Okay. Seeing none, thank you very much.

7 State Office of Planning and Sustainable
8 Development, please identify yourself and then present your
9 comments.

10 MR. ASUNCION: Thank you, Mr. Chair. Leo
11 Asuncion, Planning Program Administrator for the Office of
12 Planning and Sustainable Development.

13 As noted in our memo to the Land Use Commission
14 dated May 11, 2026, we also did the analysis based on HAR
15 Section 15-15-95C, and we do -- we do find that the
16 proposed project is an unusual and reasonable use permitted
17 in the state agricultural district. And we do recommend
18 that the LUC adopt the Kauai Planning Commission's
19 recommendation to approve the application for SP 26-416.

20 You already covered some of the comments that we
21 had in our memo, specifically 2, 3 -- numbers 2 and 3, and
22 then Mr. Tabata also took care of our comment number four.
23 We are okay with those items. Just to find a way to pretty
24 much update the record and bring the record up to date.

25 As far as our other two comments, the first one

1 being updating that at the time, in the proposed D&O that
2 came from the Kauai Planning Commission, it stated that
3 they were still awaiting the power purchase agreement to be
4 approved by the Public Utilities Commission. That was
5 actually done on March 2nd before the March 10th kind. So
6 just to update the record there, and also, to reflect the
7 current name of the Office of Planning and Sustainable
8 Development from Office of Planning. That's for
9 consideration of the Commissioners.

10 As far as the -- Exhibit 29 that was just
11 mentioned and that was filed also today, a repeat filing,
12 just to clarify that SHPD comments around the AIS, that
13 their consultants, AIS's consultants, archeological
14 consultants do work with SHPD to bring that up to date.
15 There are a couple of items that they wanted CSH, which is
16 the consultant to AAS on the AIS -- sorry, all the
17 acronyms. We used to have them at the PUC too.

18 But just to work with them and they had hoped
19 that they can do that within three months from the date of
20 their letter. And so my understanding is their consultant
21 is working with AIS with SHPD on the AIS to make those
22 amendments. So it's not so much a condition that we want
23 to kind. It's more allowing their consultant to work with
24 SHPD to make sure the AIS's kind because to our reading of
25 their letter is it does not -- it doesn't impact their okay

1 of -- to move forward with the project of the cultural
2 impact assessment and then just subject to, right, making
3 the necessary changes on the AIS. Thank you.

4 CHAIR LEE: Thank you, Mr. Asuncion.

5 Members, are there any questions for the Office
6 of Planning and Sustainable Development?

7 Okay. Seeing none, thank you very much.

8 Okay. Now, Petitioner, do you have any final
9 comments you would like to make at this time?

10 MR. TABATA: Thank you, Chair. Petitioner has
11 nothing more to add. Thank you.

12 CHAIR LEE: Thank you, Mr. Tabata.

13 County of Kauai, do you have any closing
14 arguments you would like to make?

15 MS. BARZILAI: We do not, Chair. Thank you.

16 CHAIR LEE: Please state your name for the
17 record.

18 MS. BARZILAI: Deputy County Attorney Laura
19 Barzilai.

20 CHAIR LEE: Thank you very much.

21 MS. BARZILAI: Thank you.

22 CHAIR LEE: OPSD, do you have any closing
23 arguments you would now like to make?

24 MR. ASUNCION: Mr. Chairman, Leo Asuncion, we do
25 not.

1 CHAIR LEE: Thank you very much.

2 Commissioner Miyasato, please proceed.

3 COMMISSIONER MIYASATO: Thank you, Chair.

4 CHAIR LEE: That's why you got to be here so we
5 can more easily recognize you next time.

6 COMMISSIONER MIYASATO: Yeah, I know.

7 Circumstances when you have young ones. Yeah.

8 Let's see. For the Petitioner, just a couple of
9 things. You know, first of all, I think the council did a
10 really good job in addressing concerns, fire, the possible
11 road improvements, and the restoration of the site. That
12 was a lot of their concerns, and they did a few changes in
13 the verbiage and used -- replaced some of the verbiage,
14 with "shall," and made it a little more firm, I guess you
15 could say.

16 But in regards to that in condition eight, it
17 has, like I guess you could say a two-step timeline. So my
18 thing is the 35 years starts when operation, I guess,
19 commences. So could we get a notice when operation
20 commences and that 35-year triggers, or we wouldn't know
21 the term -- the actual term of the special permit. So that
22 would be to the Petitioner.

23 CHAIR LEE: Mr. Tabata or Ms. Kane, could you let
24 us know when you guys start?

25 MS. KANE: I believe the -- this is Megan Kane

1 for the record. I believe the question Commissioner was,
2 can the Petitioner provide the LUC with notice once the
3 commercial operation term has started so that you know when
4 to start the clock on the 35-year permit term? And yes,
5 that would be no problem.

6 COMMISSIONER MIYASATO: Okay. Thank you.

7 I guess the other thing that I have is for the Ka
8 Pa'akai analysis, I had seen in your exhibits referencing,
9 I believe it was Exhibit X and C29. I couldn't find those.
10 I couldn't review the actual analysis. So I guess my
11 question is, could you agree that your Ka Pa'akai analysis
12 fulfilled the 343 requirements?

13 MR. TABATA: I'm not sure if I understand the
14 question. I think the question was that whether or not our
15 Ka Pa'akai analysis can satisfy chapter 343?

16 MS. ROCKWELL: Yes.

17 MR. TABATA: Well, if we had to do a EA or EIS, I
18 believe it could serve that function if we were -- if we
19 were going down that road. Yes.

20 COMMISSIONER MIYASATO: Well, I had noticed some
21 documentation of finding of sites, some old remnants. I'm
22 not sure who did the report, if it was G70.

23 MR. TABATA: If there's specific questions about
24 the Ka Pa'akai analysis or our AIS or the cultural impact
25 assessment, I mean, we have our consultant here that may be

1 able to answer your questions. Would that be preferable?

2 COMMISSIONER MIYASATO: I don't have a specific
3 question because I can't -- I couldn't find the actual
4 report. I just want to know if your consultant can confirm
5 that their analysis has fulfilled the 343 obligation for
6 the Ka Pa'akai analysis that they -- of their findings.

7 MR. TABATA: I believe they could. Again, you
8 know, we're not required to do a environmental assessment
9 under chapter 343, so it's not really the applicable
10 framework, so to speak. We do have an independent duty
11 under the state constitution to review and conduct a Ka
12 Pa'akai analysis, which I believe that does satisfy our
13 constitutional duty to perform. But as far as, you know,
14 answering the specific question, whether or not we have
15 satisfied that duty, it may be best to have our cultural
16 consultant come forward and answer your question.

17 CHAIR LEE: Mr. Tabata, before you continue, I'm
18 going to ask the executive officer to clarify the
19 difference between Ka Pa'akai analysis and 343.

20 MR. ORODENKER: Thank you, Mr. Chair. I believe
21 that Curtis, Mr. Tabata, has explained it. Chapter 343 is
22 a statutory obligation with regard to environmental review.
23 The Ka Pa'akai analysis is a constitutional requirement
24 that was defined by the Supreme Court, and the two aren't
25 necessarily the same thing. They overlap, but chapter 343

1 is a completely different set of requirements than a Ka
2 Pa'akai analysis.

3 I would also note that it's -- while the
4 Petitioner provides us information that will allow us to do
5 a Ka Pa'akai analysis, it is the Commission's obligation to
6 actually do the analysis.

7 COMMISSIONER MIYASATO: Okay. Thank you.

8 CHAIR LEE: Okay. Thank you very much.

9 Mr. Tabata, do you have anything to add?

10 MR. TABATA: You know, Chair, the acoustics in
11 this room is pretty difficult to capture everybody if they
12 don't speak kind of loudly and clearly. So I'm not exactly
13 sure what the applicability of chapter 343 is to our
14 application right now. There may be a different process
15 for a chapter 343 analysis versus one where it's not
16 required, but you know, I'm not -- I'm not sure what that
17 difference is.

18 I mean, I don't, but our consultant may be able
19 to explain or answer questions about their responsibility
20 to conduct a Ka Pa'akai analysis. So if the Commission
21 would want that to happen, then I believe our consultant is
22 present to answer questions.

23 CHAIR LEE: Mr. Tabata, will you please bring him
24 to the table and let him answer?

25 MR. TABATA: Thank you, Chair. We call our

1 cultural consultant.

2 CHAIR LEE: Okay. Sir, will you please state
3 your name for the record?

4 MR. SHIDELER: Aloha kakou. David Shideler,
5 Cultural Surveys Hawaii, lead archeologist for Cultural
6 Surveys Hawaii, addressing questions pertaining to the Ka
7 Pa'akai analysis that was done.

8 CHAIR LEE: Okay. Mr. Shideler, do you swear or
9 affirm that the testimony you're about to give is the
10 truth?

11 MR. SHIDELER: Yes.

12 CHAIR LEE: Okay. Please proceed.

13 MR. SHIDELER: Apologies, but at this side of the
14 room, the acoustics have been very problematic this
15 morning, and I'm not sure that I've followed all of the
16 discourse thus far. Could I request a restatement of the
17 question?

18 CHAIR LEE: Sure. I'm going to ask Commissioner
19 Miyasato to please address Mr. Shideler with your question.

20 COMMISSIONER MIYASATO: Good morning, Mr.
21 Shideler. You know, I was trying to find your report in
22 the exhibits, and maybe I overlooked it and I couldn't find
23 it. I just wanted to review it. But since I couldn't find
24 it, I just wanted you to acknowledge that your Ka Pa'akai
25 analysis was done and was thorough because I couldn't find

1 it. That's all.

2 MR. SHIDELER: Sure. My apologies that you
3 couldn't find it. If I understand, a question is regarding
4 the context that the Ka Pa'akai analysis that was completed
5 and that was, of course, reviewed by the County of Kauai
6 Planning Commission, was designed to address the letter and
7 the spirit of Ka Pa'akai O Ka'aina versus the Land Use
8 Commission, parenthetically 94 Hawaii 31.

9 It also was designed to address the mandates set
10 forth in the Hawaii State Constitution Articles 9 and 12
11 and was designed to follow the Ka Pa'akai guidelines
12 promulgated by the County of Kauai Department of Planning.

13 I'm happy to address any specific questions
14 pertaining to the Ka Pa'akai analysis.

15 COMMISSIONER MIYASATO: No, thank you. I just
16 wanted a confirmation because I couldn't physically find a
17 document, so thank you.

18 MR. SHIDELER: Certainly. And I apologize that
19 that wasn't readily available to all of the members of the
20 Commission.

21 COMMISSIONER MIYASATO: I probably overlooked it.
22 Yeah.

23 CHAIR LEE: Any other questions for Mr. Shideler?
24 Okay. Mr. Tabata.

25 MR. TABATA: Thank you, Chair.

1 If the question was, where is the Ka Pa'akai
2 analysis, it's at Exhibit X. Exhibit 4 in the record and
3 attached to Exhibit 4 is Exhibit X, which is the Ka Pa'akai
4 analysis. So Exhibit 4, they're all the exhibits to the
5 G70 report. So there's a whole bunch of them, and Exhibit
6 X is the Cultural Impact Assessment and Ka Pa'akai analysis
7 for the project. And that's where you can find it.

8 CHAIR LEE: Thank you, Mr. Tabata.

9 Any further questions or final questions for the
10 Petitioner?

11 Okay. If not, thank you very much. Thank you,
12 Mr. Shideler.

13 All right. Commissioners, are there any final
14 questions or comments for the parties, any of them before
15 we enter deliberations?

16 Okay. Seeing none, we're now going to go into
17 the second opportunity for public testimony. We're going
18 to open this second round with any new or additional
19 comments only.

20 And for those participating via Zoom, please
21 notify the chief clerk using the question-and-answer
22 feature if you wish to testify.

23 At this time, Ms. Kwan, are there any requests to
24 testify?

25 MS. KWAN: Seeing none in the room chair and none

1 in the Q&A feature.

2 CHAIR LEE: Okay. Thank you, Ms. Kwan.

3 The Commission will now conduct formal
4 deliberations on the Petitioner's application for a special
5 permit. I will note for the parties and the public that
6 during the Commission's deliberations, we will not
7 entertain additional input from the parties or the public
8 unless those individuals or entities are specifically
9 requested to do so by the Chair. If called upon, I would
10 ask that any comments be limited to the question at hand.

11 So Commissioners, let me now confirm that each of
12 you has reviewed the record and is prepared to deliberate
13 on this matter. After I call your name, will you please
14 signify with either an aye or a nay that you are prepared
15 to deliberate on this matter?

16 Vice Chair Carr Smith.

17 VICE CHAIR CARR SMITH: Aye.

18 CHAIR LEE: Commissioner Hayashida.

19 COMMISSIONER HAYASHIDA: Aye.

20 CHAIR LEE: Commissioner Kahele.

21 COMMISSIONER KAHELE: Aye.

22 CHAIR LEE: Commissioner Miyasato.

23 COMMISSIONER MIYASATO: Aye.

24 CHAIR LEE: Commissioner U'u.

25 COMMISSIONER U'U: Aye.

1 CHAIR LEE: And aye, the Chair, Brian Lee, is
2 also prepared to deliberate on this matter.

3 Commissioners, the Chair will now entertain a
4 motion. The motion should state the reasons for acceptance
5 or non-acceptance. The Commission's motion would be, if
6 they choose to approve, that the Kaawanui special permit
7 application for solar development on approximately 269.195
8 acre portion of land located in Makaweli, Waimea, Kauai,
9 Hawaii, identified by Kauai tax net key numbers 41-7-006006
10 portion known as parcel 6 and 010 portion, parcel 10,
11 subject to the 24 county conditions and the three
12 additional condition amendments from the LUC staff to adopt
13 the condition language in the county's decision and order
14 and authorize the chairperson to execute the order
15 necessary to effectuate the Commission's decision subject
16 to review and approval by the Department of the Attorney
17 General.

18 Would someone like to make that motion?

19 COMMISSIONER HAYASHIDA: Commissioner Hayashida,
20 I make a motion to approve.

21 CHAIR LEE: Commissioner Hayashida has made the
22 motion. Is there a second?

23 COMMISSIONER KAHELE: Mel Kahele, I second.

24 CHAIR LEE: The motion has been seconded by
25 Commissioner Kahele.

1 Is there any discussion?

2 VICE CHAIR CARR SMITH: Chair?

3 CHAIR LEE: Yes. Commissioner Vice Chair Carr
4 Smith.

5 VICE CHAIR CARR SMITH: Does that include
6 clarification that the substation will be a part of the
7 special permit? And does that include the confirmation
8 about the sale of that parcel to DOT?

9 CHAIR LEE: I believe that the Petitioner has
10 stated -- well, I'm going to let the Petitioner answer.

11 VICE CHAIR CARR SMITH: Oh, does the motion
12 include that?

13 CHAIR LEE: I'm going to ask because it may or
14 may not be necessary to the motion, so I'm going to ask the
15 Petitioner to clarify.

16 MR. TABATA: Thank you, Chair.

17 I don't believe a decision and order would need
18 to change anything with respect to the substation. It's --
19 they're mentioned separately, and it doesn't really have a
20 legal consequence. The fact that they're treated in two
21 different ways, one, apart from the project outside of our
22 project description, and the other one within. I think it
23 can stay the same.

24 With respect to the road remnant, that there are
25 already findings of fact in the Planning Commission's D&O

1 that talks about the fact of the agreement between the
2 landowner and the State Department of Transportation and
3 that it's ongoing. So I'm not -- I don't think that
4 there's a need to change that.

5 There were -- Chair, there were other proposed
6 changes by the staff report, which we have agreed to. So
7 perhaps that should be included in the motion.

8 CHAIR LEE: Okay. Thank you.

9 Okay. I think our motion contained those
10 conditions, but I'm going to ask the Madam Deputy Attorney
11 General Steed to make any comment on our motion.

12 MS. STEED: Motion should be fine.

13 CHAIR LEE: Okay. Thank you, Ms. Steed.

14 Commissioner Vice Chair Carr Smith, are you okay?

15 VICE CHAIR CARR SMITH: It feels to be like those
16 three things from the staff report were kind of glossed
17 over. Can you please tell me exactly what they are?

18 CHAIR LEE: I'm going to ask Executive Officer
19 Orodenker to respond.

20 VICE CHAIR CARR SMITH: Thank you.

21 MR. ORODENKER: Thank you, Mr. Chair.

22 The three conditions suggested by staff were that
23 condition two of the county decision and order adds
24 language that states that after consultation with the
25 Department of Agricultural and Biosecurity with regard to

1 extensions to this deadline and to the deadlines.

2 Number two is applicant shall begin commercial
3 operations of the project within four years of the date of
4 the Land Use Commission's decision and order. This special
5 permit will be valid for a period of 35 years from the date
6 of commercial operations of the project subject to further
7 extension upon timely request for extension filed with the
8 Planning Commission at least around 120 days prior to the
9 special permit's expiration. And we added the condition
10 that approval of special permit time extensions shall be
11 required from the Land Use Commission.

12 Condition 11 of the county decision and order,
13 the applicant shall notify the director of the County of
14 Kauai Planning Department and the Land Use Commission of
15 any change or transfer of the license on the petition area,
16 any changes in the uses on the petition area, termination
17 of any uses in the petition area, and/or transfer of
18 ownership of the petition area.

19 VICE CHAIR CARR SMITH: Thank you.

20 CHAIR LEE: Thank you, everybody.

21 Commissioner U'u?

22 COMMISSIONER U'U: I just wanted clarity on the
23 adding LUC to the time extension review. Is that by having
24 a meeting, or is that by notice from Kauai County to LUC?

25 CHAIR LEE: Good question. I believe it's a

1 hearing, but Mr. Orodener?

2 MR. ORODENER: Yes, Commissioner, it would be a
3 hearing.

4 COMMISSIONER U'U: I wanted to ask if Kauai was
5 okay with that or the applicant.

6 MS. BARZILAI: Deputy County Attorney -- Deputy
7 County Attorney Laura Barzilai, no objection to that
8 condition. Thank you.

9 CHAIR LEE: Okay. Thank you.

10 Any further questions?

11 I think there's somebody. Commissioner Miyasato.

12 COMMISSIONER MIYASATO: Thank you, Chair.

13 No, I just wanted to mention that I think this is
14 a well thought out project, a good project for the
15 community. I will be supporting the motion. Good
16 presentation, well thought out, considered the community
17 input. Yes, I will be supporting the motion, Chair.

18 CHAIR LEE: Thank you, Mr. Miyasato.

19 I have a question for Kauai, the County of Kauai.
20 Is construction related activity for this project
21 permissible without the special use permit in place given
22 the fact that the SP will not take effect until the
23 commercial operation takes effect?

24 MS. BARZILAI: Deputy County Attorney Laura
25 Barzilai. Our planner is sharing that the answer is yes.

1 Construction can commence.

2 CHAIR LEE: Okay. Thank you very much.

3 MS. BARZILAI: Thank you.

4 CHAIR LEE: Any final questions or comments?

5 I'm going to state that I think this is a great
6 project. The County of Kauai has been doing an amazing
7 job. KIUC has been doing an amazing job. It's sort of an
8 alternative universe for those of us on the other islands
9 to see what you guys can do, and we really admire
10 everything that you've done. It's something that we aspire
11 to, and thank you all from the community for coming out
12 today for this hearing.

13 All right. With that, I'm going to ask Mr.
14 Orodenker to conduct the roll call vote of the Commission.

15 I'm sorry. Commissioner U'u?

16 COMMISSIONER U'U: Yeah, I'd just like to echo
17 what was just said by the Chair. I think you guys are
18 ahead of the curve. I mean, the state set the bar to hit
19 the benchmarks, and then you guys up the bar or lower the
20 bar, whatever you guys want to look at it. So I commend
21 you.

22 And also, an understanding of large land owners,
23 and it's difficult to manage and need to be competitive
24 ways to continue to manage large swats of land, especially
25 after the fires and the potential increase in insurance

1 costs that affects every island and every landowner.

2 So -- and also with an understanding that the
3 potential tax incentives might be cut or severed. All of
4 that plays a part. So I do not want to be in the way,
5 anyway we can help expedite this. I see this as a
6 partnership between us and you guys, and like what the
7 Chair said, you guys are ahead. We envy you. Even on
8 Maui. They're from Oahu, totally different, totally
9 different, guys. They're looking for one dump, but they'll
10 find it.

11 But I just want to say kudos to you guys and
12 kudos to what you guys are achieving on your island. I
13 think you guys set the bar. Aloha.

14 CHAIR LEE: Thank you, Commissioner U'u.

15 Yes, great comments, and we hope you meet the
16 deadline for the funding. And so again, I'm going to ask
17 if there's no other comments for Executive Officer
18 Orodenker to conduct the roll call vote.

19 MR. ORODENKER: Thank you, Mr. Chair.

20 The motion is to approve the issuance of the
21 special use permit in the form recommended in the staff
22 report.

23 Commissioner Hayashida.

24 COMMISSIONER HAYASHIDA: Aye.

25 MR. ORODENKER: Commissioner Kahele.

1 COMMISSIONER KAHELE: Aye.
2 MR. ORODENKER: Commissioner Carr Smith.
3 VICE CHAIR CARR SMITH: Aye.
4 MR. ORODENKER: Commissioner U'u.
5 COMMISSIONER U'U: Aye.
6 MR. ORODENKER: Commissioner Miyasato.
7 COMMISSIONER MIYASATO: Aye.
8 MR. ORODENKER: Commissioners Kamakea Ohelo and
9 Yamane are absent.
10 Chair Lee.
11 CHAIR LEE: Aye.
12 MR. ORODENKER: Thank you.
13 Mr. Chair, the motion passes unanimously.
14 CHAIR LEE: All right. Well, thank you very
15 much, everyone. Thank you to the public, the County of
16 Kauai, OPSD, Commissioners. Thank you very much. We
17 appreciate all of your time, and thank you to the parties.
18 Thank you.
19 We're going to take a break, and then we'll come
20 back for the rest of the meeting. Thank you.
21 (WHEREUPON, a recess was taken.)
22 CHAIR LEE: Okay. We're going to go back into
23 our hearing. We're on agenda item number three, adoption
24 of the minutes. This next order of business is the
25 approval of the April 8, 2026, meeting minutes.

1 Ms. Kwan, has any written testimony been received
2 on those minutes?

3 MS. KWAN: No, Mr. Chair.

4 CHAIR LEE: Are there any members of the public
5 wishing to testify on this item?

6 MS. KWAN: Seeing none in the room, Chair, and
7 none in the Q&A feature.

8 CHAIR LEE: Thank you.

9 So Commissioners, are there any corrections or
10 comments on the April 8, 2026, minutes?

11 Hearing none, is there now a motion to approve
12 the minutes?

13 COMMISSIONER U'U: Motion to approve.

14 CHAIR LEE: Okay. It's been moved by
15 Commissioner U'u.

16 Is there a second?

17 COMMISSIONER KAHELE: I second.

18 CHAIR LEE: Seconded by Commissioner Kahele.

19 Is there any discussion, objections, corrections?

20 Hearing none, the minutes are approved. Thank
21 you very much.

22 The next agenda item number five is the tentative
23 meeting schedule.

24 Mr. Orodenger.

25 MR. ORODENKER: Thank you, Mr. Chair.

1 I would caution the Commissioners that some of
2 these items are very tentative at the moment, but tomorrow
3 we will once again be here for the Grove Farm motion to
4 amend.

5 Currently, we have scheduled June 3rd on Maui for
6 the Puunene Quarry matter, and on the 4th of June, we will
7 also be on Maui for the Komar Maui Properties, LLC,
8 declaratory ruling request. On the 24th of June, we will
9 be on the Big Island for the Honoipu Hideaway remand, and
10 on July 15th, we have tentatively scheduled the Pulama
11 Lanai Koele project, and that will be on Maui. And we have
12 the 29th for that matter as well in case we need it.

13 That's all we have so far, Chair.

14 CHAIR LEE: Thank you, Mr. -- thank you, Mr.
15 Orodenker.

16 Commissioners, do you have any questions?

17 Okay. Seeing none, thank you very much.

18 For the next Land Use Commission meeting
19 scheduled for June 3 and June 4th, we will be held -- which
20 will be held in Maui, while due to the demanding schedule
21 required to complete LUC business, I would like to request
22 that meals be provided as a working lunch as an integral
23 part of the meeting.

24 Mr. Orodenker, will the LUC staff please make the
25 necessary arrangements for the working lunch?

1 MR. ORODENKER: We will do that, Mr. Chair, and
2 we'll make sure we have extra cookies.

3 CHAIR LEE: Yes, very important. Thank you, Mr.
4 Orodenker.

5 Thank you, Commissioners.

6 Thank you, Ms. Steed.

7 This concludes our meeting.

8 Is there any further business to discuss?

9 Seeing none, this meeting is adjourned.

10 (WHEREUPON, the Hawaii Land Use Commission
11 Meeting adjourned.)

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CERTIFICATE

I, Lindsay Brown, do hereby certify that the proceeding named herein was professionally transcribed on the date set forth in the certificate herein; that I transcribed all testimony adduced and other oral proceedings had in the foregoing matter; and that the foregoing transcript pages constitute a full, true, and correct record of such testimony adduced and oral proceeding had and of the whole thereof.

IN WITNESS HEREOF, I have hereunto set my hand this 2nd day of June, 2026.

Lindsay Brown

Lindsay Brown