

**MAUI PLANNING COMMISSION
PORTION OF REGULAR MINUTES
ITEM C.1
MAY 25, 2021**

C. PUBLIC HEARINGS

1. **PAEAHU SOLAR, LLC, requesting a County Special Use Permit for construction and operation of the Paeahu Solar Project, a 15-megawatt (MW) ground mounted solar photovoltaic system coupled with a 60 MW-hour (MWh) battery energy storage system, as well as ancillary support infrastructure, located in the County Agricultural District approximately 0.6 miles east of Pi'ilani Highway, mauka of the Maui Meadows subdivision, near Wailea, Hawaii, on a portion (approximately 150 acres) of the 2,564 acre parcel of land identified by Tax Map Key (2) 2-1-008:001 (POR).**

Paeahu Solar, LLC is also requesting a Project District Phase 2 Development Approval for improvements to an existing ranch road located on the 56-acre parcel of land identified by TMK (2) 2-1-008:056 (POR) located in the County Kihei-Makena Project District 9 (Maui Wailea 670), in the Wailea area of Maui, Hawaii. The existing ranch road extends from near Pi'ilani Highway mauka to the proposed solar project site and will be used for temporary access. (CUP 2020/0008) (PH2 2021/0001) (K. Wollenhaupt)

- a) **LINDA J. NYE and CHRISTINA LIZZI, attorneys for intervenors, PONO POWER COALITION and MAUI MEADOWS NEIGHBORHOOD ASSOCIATION, submitting a PETITION TO INTERVENE dated May 10, 2021 on the above listed application from PAEAHU SOLAR, LLC.**
 - 1) **Action on the Petition to Intervene**
 - 2) **If the Commission grants the Petition to Intervene, then the Commission may select a Mediator and a Hearing Officer. If the Commission denies the Petition to Intervene, then it may take action on the permit request.**
- b) **CALVERT G. CHIPCHASE and CHRISTOPHER T. GOODIN, attorneys for Applicant, PAEAHU SOLAR LLC submitting an OPPOSITION TO MAUI MEADOWS NEIGHBORHOOD ASSOCIATION AND PONO POWER COALITION'S PETITION TO INTERVENE**
- c) **Additional filings submitted after posting**

AN EXECUTIVE SESSION MAY BE CALLED IN ORDER FOR THE COMMISSION TO CONSULT WITH ITS ATTORNEY ON QUESTIONS AND ISSUES PERTAINING TO THE COMMISSION'S POWERS, DUTIES, PRIVILEGES, IMMUNITIES AND LIABILITIES, PURSUANT TO SECTION 92-5(a)(4), HAWAII REVISED STATUTES.

Ms. McLean: Okay, this is a public hearing item. There's quite a bit to read into the record so bear with me. We have a request from Paeahu Solar LLC for a County Special Use Permit for construction and operation of the Paeahu Solar Project, a 15-megawatt ground mounted solar photovoltaic system coupled with a 60 MW-hour battery energy storage system, as well as ancillary support infrastructure, located in the County Agricultural District approximately 0.6 miles east of Piilani Highway, mauka of the Maui Meadows subdivision, near Wailea, Hawaii, on a portion, approximately 150 acres of the 2,564 acre parcel of land identified by TMK: 2-1-008:001 (por).

Paeahu Solar is also requesting a Project District Phase 2 Development Approval for improvements to an existing ranch road located on the 56-acre parcel of land identified by TMK: 2-1-008:056 (por) located in the County Kihei-Makena Project District 9, Maui Wailea 670. The existing ranch road extends from near Piilani Highway mauka to the proposed solar project site and will be used for temporary access.

We also have before you, a Petition to Intervene submitted by Linda Nye and Christina Lizzi, attorneys for intervenors, Pono Power Coalition and Maui Meadows Neighborhood Association dated May 10, 2021.

And in response to that we have a Opposition to the Petition to Intervene submitted Calvert Chipchase and Christopher Goodin, attorneys for applicant, Paeahu Solar LLC.

The steps this morning, first we will hear from your attorney, Mr. Hopper, and then following that, Planner Kurt Wollenhaupt will give a brief project overview, then testimony will be taken and as usual, the testifiers will be sworn in, and both the applicant and the petitioner or the perspective petitioner, perspective intervenor would be able to ask clarifying questions. Then the petitioner will present their Petition to Intervene, the applicant will present their Objection to the Petition, and then the commission will vote whether or not to grant the Petition to Intervene, and at that time, Mr. Hopper will also review the criteria to consider in whether or not to grant the petition, and from that point it can go in one of two directions depending on whether the Petition to Intervene is granted.

So before passing this on to Mr. Hopper and then on to Kurt, I believe Commissioner Thayer has a disclosure to make. Commissioner Thayer.

Ms. Thayer: Yes, I do. Thank you. So, my mother and her firm were paid consultant on this project. Their scope of work was to do informational meetings with individuals and groups to share information about the project and to gather feedback. So, I have consulted with Corp. Counsel about this, thank you for your time on that, and we reviewed a Board of Ethics ruling not for me, but for somebody else that was in analogous situation, the take from that was that there is no violation of any ethics by my participation, but I would like to get a ruling specific to myself for this or for ongoing meetings and so, I've decided that to avoid any appearance of impropriety although I believe I can very impartial on this, but until I get my own ruling, I would like to recuse myself from this item.

Ms. McLean: Thank you, Commissioner Thayer. Chair, Commissioner Freitas has a question.

Mr. Tackett: Yeah, I just had to unmute my guy, sorry. Yes, go ahead.

Mr. Freitas: Chair, I have a question. When someone recuses themselves do they not participate in discussion as well? Like could she ask questions but she just can't vote or she can't even ask questions, just some clarification please.

Mr. Tackett: I'm gonna, I'm gonna let the Director answer that.

Ms. McLean: And I'm gonna let Mr. Hopper answer that.

Mr. Tackett: Outstanding.

Mr. Hopper: Well, I think it depends on the decision of the member. I do think the member can still count toward quorum, I mean although that's not an issue here you have nine members and I think that it's possible that...it's up to the member ultimately but the thing you'd want to avoid is you know questions by the member that would, that would arguably look to try to influence the commission's decision or anything like that. If it's purely informational questions I think you could do that, but the most cautious thing to do would be to not participate in the questioning but it is possible to, you know, to hold off on voting until the Board of Ethics opinion is in and then...and still participate. I don't know if the intervenors or applicant have any objections to that, but it is, it is the option to, to you know, ask questions. If the member is not comfortable doing that and is just gonna decide hey, I'm gonna recuse myself until I get that Board of Ethics opinion that's their option too, so if that's what the member would like to do, you know until the opinion comes in that's fine too.

Mr. Freitas: Thank you, Mr. Hopper.

Mr. Tackett: I believe that's all our questions Director.

Ms. McLean: Okay—

Ms. Linda Nye: Director? Director, if I, if I could ask a question, please? Because of this interesting BlueJeans format, I'm not sure exactly where we should be registering our objections. We have a continuing and standing objection to public testifiers being examined and cross-examined basically questioned by anybody but the Commission.

Ms. McLean: Yes, for the Commission's information, Ms. Nye represents the petitioners. The next step here was for Mr. Hopper to go over a number of the procedural matters including recently filed objections. So--

Ms. Nye: Okay, very good.

Ms. McLean: I think that's a perfect place to turn it over to Mr. Hopper who can let the Commission know the positions of the parties on some of the steps that we'll be taking today.

Ms. Nye: Thank you.

Mr. Hopper: Mr. Chair?

Mr. Tackett: Yes, Mr. Hopper, you're welcome to the floor.

Mr. Hopper: Okay, just an aside, at this point if the, if the Commission...if any of the potential intervenors, any of the parties have a...have something to state, I think the first thing to do would be to ask the Chair for permission to speak. I think that that's helpful for all of us because I know sometimes the Director is administering the meeting as well, but I think first thing to do would be to you know, raise your hand, unmute yourself, raise your hand and asked to be recognized by the Chairperson, because I think that's the first step.

The other issue is that I know intervenors have multiple individuals that have or have co-counsel basically and so we would want to make sure we know of the attorneys would be representing the intervenors throughout the proceeding.

I can give...we had so the Commission knows, I and Director McLean and the parties did have discussions about the correct procedure for this. We could not come to an agreement. Both parties have objections to the proposed procedure that we're going to follow. I understood that the applicant's plan was to file written objections and leave at that so the objections would be there for the record. I thought that's what the intervenors did as well, but I suppose if you want to hear from the parties on these issues and they want to be heard on the correct procedure you can do that. I had thought they had filed written objections in an effort to speed along the proceeding but that is an option for you.

The procedure that I think we would advise for you today would be to have a brief presentation from staff on the project and then move into public testimony and public testimony would involve the ability for both the petitioner...both the applicant who's already a party and the intervenor, who is a proposed party to question testifiers. The reason that's given is that in the event the Commission wants to consider that testimony there would not be an objection that the parties never had a chance to question or cross-examine the testifiers. Now I think the position of both parties is that, is that, that the, that the public hearing is, is something that is separate from the contested case hearing portion. However, I would advise that the HRS...that the public testimony give the option of either party to ask questions so that in the future you don't have objections saying that that testimony cannot be considered because there was no option to ask questions of the parties.

After public testimony and which would allow parties to ask questions, if they would like, they certainly do not have to ask questions of the testifiers, the next step would be to hear the Petition to Intervene. You'd hear first from the petitioners who have filed the Petition to Intervene. Then you could hear from the applicant who has filed a Opposition to the Petition to

Intervene, and then if you, if the intervenors want to reserve time for rebuttal you can give them time for rebuttal and then you would decide the Petition to Intervene.

Now if the Petition to Intervene is granted, another item on your agenda is to, to hire a hearing officer to conduct a contested case hearing involving the intervenor and the applicant. If the Petition to Intervene is denied then you could proceed with the application, you could proceed with the application and hear the presentation from the applicant and make your decision after asking questions.

Now, the...I think the only thing the applicants have objected to in this process specifically was that they would not be giving the applicant presentation before public testimony. Intervenors did object to that. The concern is that that would be seen as applicants presenting evidence or information before you that was not subject to cross-examination. I do think a presentation could be given to the hearing officer if there's a hearing officer that is hired or to the Commission if the intervention is decided but the concern with doing that was, you know, to make sure that that's not sort of applicant testimony being given directly to the Commission.

Now I would prefer not to give into lengthy arguments over the process. I do think the process of Department presentation, public testimony with both parties being allowed to ask questions, intervention and then next step is a simple and fair process for all the parties, and the parties have registered their objections to that process and their basis for it, and can make those for the record, and you know, if there's a legal challenge to a court or to the hearing officer those bases can be maintained. But, you know, I don't know if you want to...I would recommend if the parties do want to address this to allow the parties a chance to address this before we get into the hearing. It's ultimately up to the Commission what process you want to use, and we could go into executive session to discuss why we had decided to...why I have decided and to advise on this particular process, but for now I think that's the process that we would, would advise, I think it is fair to the parties, and I do not see the parties being prejudiced by allowing both of them to question to testifiers. Again, they don't have to ask questions of the testifiers, but they have the ability to if they would like.

So, Chair that's I think the advised process for today. If you've got...if you want to see if either of the parties want to add anything, I would, I would much prefer if we could to avoid a lengthy discussion on this before we even start, but if, you know, if the parties want to be heard on this, they I think can.

Mr. Tackett: Thank you, Corp. Counsel. It's my intention to, to follow the advice of Corp. Counsel so that's my, that's my direction with this. So, if there's any, any discussion that needs to take place I'm gonna open it up just Corp. Counsel said for the, for the applicant and the intervenor if there's anything that needs to be said, but just as, just as Corp. Counsel said it would be, be my direction to follow his advice going forward. So, do we have, do we have any input on that matter before we start?

Mr. Cal Chipchase: Chair, this is Cal Chipchase for the applicant, represent Paeahu Solar LLC. We submitted our written Statement of Objection. I have, have nothing to add. I appreciate the

opportunity to dialogue with Mr. Hopper prior to the hearing. I'm sorry, we couldn't reach agreement, but I certainly understand the Chair's intention to follow his directions.

Mr. Tackett: Thank you so much.

Ms. Christina Lizzi: And likewise, this is Christina Lizzi on behalf of petitioners Pono Power Coalition and Maui Meadows Neighborhood Association. We again, we also thank you for the opportunity to discuss these issues in advance with Mr. Hopper and everyone that was necessary and our objections are on the record and that's sufficient for this morning. Thank you.

Mr. Tackett: Outstanding. So, hearing...let me, let me get to, I have one commissioner question right now, go ahead Jerry what do you got?

Mr. Edlao: Okay, I understand then the applicants, that both parties can question the testifier as they're testifying or after all the testimonies are done which is it?

Ms. McLean: Commissioner Edlao, it would be the normal process as each testifier goes.

Mr. Edlao: Oh. Okay.

Mr. Tackett: Go ahead, go ahead Mr. Hopper. Okay, Chair if we're going to head that way, the only other thing I want to remind, and this is a good general reminder for public testimony is that the purpose of commission questions is to get clarification of anything the testifier had asked for. It's not to state your position as a commissioner on the testimony or the project as a whole. I think because there's an intervention here and there's a couple of parties that are seeking determination here, it's especially important for the commissioners to listen and hear all of the public testimony as well as the presentation from the parties and the argument from the parties before stating a position on either the intervention or the application or even, you know, generally the idea of the application or things like that. You just want to avoid making...being seen as coming to any conclusions prior to the all of the information being submitted to you. So, I know it's...you know, sometimes you may hear something in testimony that you strongly agree with, strongly disagree with something like that. The purpose of hearing the testimony is or asking questions about the testimony is to get clarification on something that they testified to that you maybe were not sure of, but we would want to just as a group, and this is for other, you know, items as well, refrain from you know, coming to a position on the overall application until you have heard from the public testifiers and both parties have made their presentations to you. So, just wanted to note that for the record and it's important, especially important for this meeting but I think goes for all of your meetings as well.

Mr. Tackett: Thank you, Mr. Hopper. Director.

Ms. McLean: Chair, now that we've reviewed the proceedings, the next step is for the project planner, Kurt Wollenhaupt to give an overview of the project. Kurt.

Mr. Kurt Wollenhaupt: Good morning Maui Planning Commission, and good morning to all the parties involved today, and a special welcome to our listeners on the digital platform.

Mr. Tackett: Good morning, Kurt do you promise to tell the truth?

Mr. Wollenhaupt: I promise to tell the truth, Chair. I do.

Mr. Tackett: Thank you.

Mr. Wollenhaupt: And I'm going to be sharing just one slide as there is a Petition to Intervene, my presentation will be brief and stating the facts of today and stating the reason for this meeting and hearing. So, I'm going to share a screen that will show the project overview. This is known as Exhibit 2 in the staff report which is publicly available via link on our agenda page.

So now the screen should be up and it is showing the location of our proposed project today. What is our proposed project today? It's entitled Paeahu Solar LLC otherwise known as the applicant who proposes to construct and operate the Paeahu Solar project located near Wailea in Maui County. The project will consist of a 15 megawatt, ground mounted solar photovoltaic system coupled with a 60-megawatt hour battery energy storage system as well as the ancillary support infrastructure.

The project is noted on our screen at the moment is approximately .6 miles east of Piilani Highway and mauka of the Maui Meadows Subdivision which is noted on the screen. The solar facility and panels themselves are noted in the white area on the screen. The project study area is denoted by the green borders. This is the area in which different archaeology was reviewed. The as ancillary work is noted in the turquoise square the project collector substation, and also to the, to the bottom of the screen the Auwahi switch yard.

The project is located on Parcel 2-1-008:001 which is owned by the Ulupalakua Reach. Paeahu Solar is currently considering two access routes to the facility which of course, would be necessary for the functioning. The access route from the Piilani Highway is noted at the corner of the highway in Wailea Ike Drive and then shown by the purple dashed line. The other proposed location...route would be from the Kula Highway which would go to the Auwahi switch yard. The one access route extends from the Piilani, the other extends from the Kula Highway and the project will interconnect with the Maui Electric grid at the existing Auwahi switchyard via an overhead generation tie line.

The project, if approved would be anticipated to be operational by the end of quarter four 2022. Therefore, that brings us to the reason that we're even here today. We're looking at two different types of permits. Let's first take a look at the actual solar farm which is located on the Ulupalakua Ranch site. That's in a Agricultural zoning district. Now why is that important for this solar farm? That's because according to the Maui County Code relating to special uses, a special use will comply with the criteria established in the code for agricultural uses on land. Now it's important that we're talking about a special use. In the Ag land we have outright

permitted uses. You can do farming. We have accessory uses such as a shed to promote the farming and then we have special uses. A special use in this use in this case is a solar facility over 15 acres. Obviously, this is considerably over 15 acres at approximately 150 acres. Therefore, according to our Maui County Code we need to have a hearing as is going on currently for the proposed County Special Use. So that is for the actual facility itself and the associated interconnection station, the collector substation, areas like that.

So now the audience may wonder well, what is a Project District Phase 2 Development Approval? Well, Maui has a process by which developments can be reviewed and be developed through the Project District process. The intent of this Project District is to allow for a flexible and creative planning approach. Well, indeed Wailea 670 Project District 9 through which the road to the solar facility goes through is indeed in this Project District. Consequently, out of an abundance of caution the Department requested that the applicant also apply for a Project District Phase 2 Development Approval for upgrades to the existing road through the currently undeveloped Wailea 670 area.

So, today we're going to be looking at two different types of permits. That permit being the County Special Use Permit because the actual facility is in the Agricultural District and also a Phase 2 Development Approval because one of the access roads from the Piilani Highway to the project is located in Project District 9 otherwise known as Wailea 670.

And just a very brief conclusion. Paeahu Solar LLC is a wholly owned subsidiary of Innergex Renewable USA LLC. That concludes the Department's factual overview of where we are today, the reason that we're here, and thank you to the members and the audience for listening to our introductory presentation. That concludes my brief overview.

Mr. Tackett: Thank you, Kurt. Director, is it...is public testimony appropriate at this time?

Ms. McLean: Yes, Chair. Public testimony would be next. First, we should see if the Commission had any clarifying questions for Kurt.

Mr. Tackett: Oh yeah, so Commission as well as...just the Commission or does anyone else have an...

Ms. McLean: Just the Commission.

Mr. Tackett: Okay, Commissioners do you guys have any questions for Kurt about his, about his project review or overview that he just shared? Okay, thank you. Thanks, Director, go ahead.

Ms. McLean: Okay, now moving onto public testimony. Again, as the Chair mentioned testifiers will be given three minutes, after three minutes Carolyn will call the time. So far, I have about ten people signed up to testify. If you wish to testify, please use the chat function and provide your name, and then at the end of those who have indicated by the chat function that they wish to testify, we'll do another call for anyone who may be joining by phone and make sure that

everyone has had the chance to testify. When you're called to testify you can unmute your audio and if you wish, your video, and then please mute yourself again once you've concluded your testimony. The Chair will ask testifiers, will swear in testifiers so please give the Chair the opportunity to do that and then the parties will be given the opportunity to ask clarifying questions. Our first testifier is Genesis Young, who will be followed by Sulara James. Dr. Young.

Dr. Genesis Young: Aloha, can you hear me?

Mr. Tackett: Yes, I can, Dr. Young. Could you please promise to tell the truth?

Dr. Young: I promise to tell the truth and I'm here testifying as President of the Pono Power Coalition. I'm opposed to this solar project and I ask you to refer to my written testimony. I live full-time at 726 Kumulani Drive which is 250 feet from the proposed solar project fence and this is too close for a solar power plant to be built to any residence. This is the only solar project this close to residents on the island. This project cannot receive a permit at this time because there's an open case appealing the PUC's approval of this project. The contracted rate of 11.7 cents per kilowatt hour to be charged to HECO is the highest of all projects done or proposed for our county and the adjacent Kamaole project just north and farther east is currently proposing 8 cents. Distributed solar on our rooftops is cheaper and more effective way to provide power than with a large solar power plants that cover agricultural land and HECO even claims to support this in the recent May 10th news article.

We have virtually no risk of fire currently as the vegetation is grazed by the cattle and the power plant represents a substantial increase in that fire risk. Mitigations by weed eating and mowing are a fire risk themselves and chemical control to this neighborhood is unacceptable and the fire reduction of all vegetation will not preserve the endangered Blackburn Sphinx moth, Hoary bat, other endangered plants and the increasingly rare Wiliwili trees. I've experienced a Hoary bat flying past us at dusk on multiple occasions and can see the Wili trees, Wiliwili trees from my home. Many mitigations have been proposed creating additional problems needing to be mitigated. This project should not be built. They plan to mitigate the increase runoff from hardening of the landscape by creating artificial berms and retention ponds and one of those will be right in line with my home with the water being funneled to this retention pond which when it fails will flood our home. Please leave the land alone and allow the natural vegetation to absorb the water and leave the drainage going down the natural gulches.

Two to three times a year we already get flooding over the streets and I've experienced trying to get home dodging garbage cans and items coming down axle deep road on Kumulani Drive. I was amazed to make it home. We already have flooding issues.

The one and a half year-long project is not acceptable this close to my home and the construction noise, and dust, and traffic will make it unlivable during construction. It should not be built. The traffic numbers indicate an additional 102 trips during rush hour in the morning and in the evening on top of the measured 729 trips in the morning which is a 14 percent increase in traffic. We already have two to three light delays during rush hours. This will make

for a traffic jam, unmanageable traffic and an unacceptable decrease in the quality of life for all South Kihei residents and workers using this road in the morning and evening rush hour. The highway is only two lanes wide, the community plan indicates it must be widened to four lanes before any development and that should apply to them as well. It should be widened to four lanes before this project is approved.

The power plant will create long-term heat effect for us which will occur at sunset from the heat island effect and instead of dependable cool winds that come off the mountains into our homes we will instead experience warm winds for several hours until the solar panels and hardened landscape cools. The visual aspect of this project is unacceptable and little mention has been made of the half-mile overhead powerline with 11 monopoles 60 to 75 feet in the air that were built with –

Ms. Takayama-Corden: Three minutes.

Dr. Young: --according to the Maui Island Plan. Don't permit this. Thank you.

Ms. McLean: Chair, you're muted.

Mr. Tackett: I think, I think somebody unmuted me and then I muted myself. So, Commissioners, does anyone have any questions for Mr. Young. Go ahead, Dale.

Mr. Thompson: Yes, Mr. Young. You mentioned that there was no other solar projects close to homes. Are you familiar with the ones at Maui Lani Subdivision by the golf course there?

Dr. Young: It's my understanding they're not close to homes.

Mr. Thompson: You're not familiar with them?

Dr. Young: I said, that they're...it's my understanding they're not close to homes.

Mr. Thompson: Have you been there. I was there. It looks like they are. There's two of them there.

Dr. Young: What are you trying to clarify, sir?

Mr. Thompson: Well, you mentioned there was none on the island that were close to homes and I play golf there and I noticed there's two of them at Maui Lani and one of them is really close to the homes.

Dr. Young: So, thanks for your opinion.

Mr. Thompson: Oh, okay then.

Mr. Tackett: Anything else Dale? Thanks, Dale. Go ahead Jerry.

Mr. Edlao: Dr. Young, you're saying that the rooftop solar is a better idea so are you implying that everyone should have rooftop PV solar on their roof and you know, a lot of people can't afford it, you may, but not everybody can afford it, so I don't understand why you made that comment as opposed to you whatever, unless you want to clarify what you meant by that.

Dr. Young: I'll clarify that distributed solar is more effective, cost effective way and we should be putting our money towards getting distributed solar on top of homes because there's less...people can use the power first and there's less loss of power, so it's a more efficient way of generating power and we should be incentivizing that for everyone and allowing all, and having all new construction produce, have solar panels on rooftops and there's more than enough rooftops and parking lots to provide all our solar needs according to a electrical engineer I've spoken to.

Mr. Edlao: How do you propose to help those that can't afford it though? I mean, who's gonna help them? You expect the solar power guys or electric company to help them to put it on? I mean a lot of these people can't afford it let alone afford a house, so you know, I don't, I don't foresee that you know saying that, you know, we should all have it. I mean, would be an ideal thing, but I don't think that's feasible not at this point anyway, that's my opinion.

Dr. Young: Yes, that's your opinion, and to clarify, the government currently incentivizes solar panels and the renewable energy through tax credits. That's a government issue that could be incentivizing it further so that we have equity. It doesn't mean that solar plants are better. Distributed solar is better, more secure, spread out solar for everyone.

Mr. Edlao: But if the farm is going to distribute power to the community wouldn't that benefit everything at least for the guys that can't afford panels on their roof, at least there's something there, but anyway, again, thank you very much.

Mr. Tackett: Thank you, Jerry. Commissioners, any other questions? I believe Dale has another question. Go ahead, Dale.

Mr. Thompson: Thank you, Chair. One more for you, Mr. Young. You mentioned the runoff, increased runoff and problem...(inaudible-technical difficulties)...

Dr. Young: Yes, you're frozen.

Mr. Tackett: Sorry, I think Dale froze up, we might want to move onto any other questions we have and hopefully, hopefully Dale gets, gets back on.

Mr. Hopper: Chair?

Mr. Tackett: I got Mr. Hopper, go ahead Mr. Hopper.

Mr. Hopper: Chair, I would, Commissioner Thompson's off, I think he's going to need to get back on before we resume with, with the hearing because he's going to need to have viewed all of it. I don't want to get into the same issue we had with another Commissioner before. Hopefully he can get back on soon, but I don't want to have a gap in the hearing that he, that in the public hearing that he, he missed. So hopefully we can get him back on soon.

Mr. Tackett: I understand. So, before we take anything else we'll just wait for Dale to come is what you're saying.

Mr. Hopper: I think you could take a recess, subject to the call of the Chair which will hopefully be very brief. I don't know exactly what's happened with his, his computer, but I would advise maybe doing that until he can get back on.

Mr. Tackett: All right, we can do a recess if, if the Commissioners think that we need one, but I would kinda hope that Dale will be right back, you know what I mean?

Mr. Hopper: Right, just you could do it subject to the call of the Chair so that we're not, you know, just here not doing anything and then as soon as he gets back on, you could say, we're back in session and then if it's gonna take longer or something you could reconvene and then say, we'll take a ten-minute recess or something, but if you want to just do a recess subject to the call of the Chair then you can do that and we can wait and see about Dale.

Mr. Tackett: Okay, we'll do, we'll do a recess subject to the call of the Chair and we'll hopefully get our commissioner back soon.

(A recess was called at approximately 9:45 a.m., and the meeting was reconvened at 9:47 a.m.)

Mr. Tackett: Dale, I believe you had the floor. Start from the beginning please.

Mr. Thompson: Sure, and my question for Dr. Young it was regarding the runoff. In quite a few of the letters I had read here they said that they're gonna have runoff issue.

Dr. Young: Yes, what's your question?

Mr. Thompson: So, what's your concern with the runoff and then I think we have someone here that could help us with that. Do you have concerns about runoff?

Dr. Young: Yes.

Mr. Thompson: Or maybe it's gonna make more rain?

Dr. Young: We know that nobody can make more rain, Dale. Did you have a question?

Mr. Thompson: Yeah, it states in here that you're gonna have additional runoff, will that happen, why is that?

Dr. Young: So, they're going to harden the landscape by grading it and changing the shape, and they're going to have less vegetation. There's no vegetation growing under solar panels. There'll be concrete and gravel and roads, hardening the landscape so that will increase the runoff, the water will not be absorbed by plants anymore and will runoff and they're creating berms and retention ponds to try to catch that runoff which alters the natural drainage flow. And if you look at the map underneath the solar panels there's two berms and it heads to a retention pond which then is right behind my back yard about 250 feet away or few more feet than that so that when the water comes down in increased amounts it will be funneled into that retention pond which will not be able to hold it. If you've ever driven up Kumulani during those big rains it's unbelievable and it's going to flood us rather than going down into the gulches where most of it is handled. As it is we have already a problem with it running onto the roads and creating dangerous amounts of water coming down the roads. So, any additional water is not going to be acceptable to our neighborhood and I think their mitigations wouldn't be needed if they just didn't build the solar plant at all. You know, you keep mitigating things and trying to fix problems until finally you're just creating more problems and so they're potentially creating water going towards my home instead of into the gulches and they're preventing it being absorbed by the vegetation.

Mr. Thompson: Thank you, Dr. Young. Chair would it be possible, and I don't know, Kimberly if you would like to weigh in this, but I know you're an expert about replenishing aquifers et cetera, would you—

Mr. Hopper: Chair?

Mr. Tackett: Dale, you got Mr. Hopper on the line, I believe he wants to weigh in a little bit, you know.

Mr. Thompson: Roger that.

Mr. Tackett: Go ahead.

Mr. Hopper: There's a few issues. I would not consult with other commission members on their level of expertise. They're commissioners, they're not experts for either of the parties in this case. If you have...after public testimony there's gonna be a decision on intervention and then, depending on how the intervention goes, you might have two parties or you may just have one party and then after that you will have the opportunity if you've got concerns about mitigating any impacts of the project, you'll be able to deal with those issues whether if it's through the intervention, the hearing officer will be called upon to look into those issues. If the intervention is denied you will be able to discuss with the applicant those issues and mitigate those issues. Right now, you're in public testimony. Again, this is get, you know, hear testimony from the public and the goal is certainly not to resolve all the issues, it's to listen to them right now and then as far as mitigating issues or other things those are things that you would do after the hearing.

As a separate issue, you would generally not consult with other commissioners to answer factual questions about the projects. That's something you would consult with the parties on to do that because there's a process for that. So right now, again, I would advise please continue with the public testimony. You can ask clarifying questions. I would discourage being argumentative with the testifiers or things like that. They're going to state their opinions and you and you can listen to them and note them and that's what I would do here, but right now I don't it would be proper to consult with another commission member on that issue and I think if you can listen to the testimony, the concerns raised and when you get into the intervention and then hearing after that that's when I think you would look at all those issues and have to deal with them. So, I think that's where we're at right now.

Mr. Thompson: Thank you. Duly noted.

Mr. Hopper: I'm sorry, and the only other thing Chair, is you may want to have party questions, testimony, the question from the parties first and then have the commission ask questions. That's in the event there's stuff raised by the parties that they commission may want to ask questions on. So, you may want to have the commission ask the questions last after the parties have the opportunity to ask the questions. That's all I would bring up.

Mr. Tackett: Okay, so you're saying after, after when we come to that part and we'll go ahead and let the intervenors and the applicants go first and then we'll follow.

Mr. Hopper: Yeah, I'm saying after each testifier you can ask the parties if they have questions first and then if they don't go onto commission questions.

Mr. Tackett: Got it.

Mr. Hopper: I would advise doing that. That's normally how we had, I think ...(inaudible)...in the past, but we're changing that, but anyway, we're still on questions with this testifier. I think if you want to do commission questions first in this case and resume with that that's fine, but I think in general you've, you've in the past party questions first and then commission questions last after that, so you may want to go with that.

Mr. Tackett: Sounds good. Thank you, Mr. Hopper. Dale, did you have any other questions, Dale.

Mr. Thompson: No thank you. Duly noted and sorry for taking so much time. I know it's gonna be a long day already.

Mr. Tackett: No problem, and I know Corp. Counsel said to reverse the process, but we're gonna work through this one first since we're already headed down this path and then we'll go ahead and switch it up and let the, let the applicants and the intervenors go first and then we'll have our questions after. So, commissioners any other questions for Mr. Young? Does the applicant or the intervenors have any questions for Mr. Young?

Mr. Chipchase: No Chair.

Ms. Lizzi: No, we don't have any questions. Thank you.

Mr. Tackett: Thank you so much.

Ms. McLean: Chair, the next testifier is Sulara James who will be followed by Bruce Lowrey. Sulara James.

Ms. Sulara James: Hello, I'm Sulara James.

Mr. Tackett: Good morning Sulara. Do you promise to tell the truth?

Ms. James: Good morning. I do. I live at 726 Kumulani Drive and I believe that the aina is alive. It matters. The rocks, the plants, and trees are alive. They matter. The native pueo, Hoary bat, Blackburn Sphinx moth, all of life upon the land and their habitat are alive, they matter. The ocean, coral and all of life in the sea are alive. They matter. The ancestors are alive in spirit. They matter. The sacred sites of the ancestors are alive. They matter. The health and wellbeing, the peace and peace of mind of all people living neared the projected solar project matter. All of life is sacred and connected. It all matters. I believe that there will be harmful effects to all of the above if this solar project is allowed to proceed. Thus, I strongly oppose this special use permit. Please remember and keep in mind and especially in your hearts the Hawaiian ancestor's belief that all of life is sacred and connected. All of life needs to be honored, respected and protected. Thank you.

Mr. Tackett: Thank you Sulara. Does the applicant have any questions for Sulara?

Mr. Chipchase: No Chair.

Mr. Tackett: Do the intervenors have any questions for Sulara?

Ms. Lizzi: No Chair.

Mr. Tackett: Thank you. Commissioners, do you guys have any questions for Sulara? Thank you, Sulara.

Ms. James: Thank you.

Mr. Tackett: Director.

Ms. McLean: Chair, the next testifier is Bruce Lawrey, he's already up on video and he will be followed by Debra Greene.

Mr. Tackett: Good morning, Bruce. Could you please promise to tell the truth and you will have three minutes.

Mr. Bruce Lawrey: Yes, sir I do. Good morning Chair and Commissioners, thank you for this opportunity to come in and offer testimony today about this project. It's a project very important to this neighborhood. The opposition of this project is something that we have worked on for a long time and I am, I am as a resident here very concerned about the impacts to native and/or endangered species, increased runoff, as Dr. Young was talking about earlier, impacts to archaeological sites that were really not properly documented in the study. The flooding danger and runoff that could, that would affect our coral reefs. That's the extent of my testimony. Thank you again, for the opportunity.

Mr. Tackett: Thank you, Mr. Lawrey. Does the applicant have any questions for the testifier?

Mr. Chipchase: No Chair.

Mr. Tackett: Do the intervenors have any questions for the testifier?

Ms. Lizzi: No Chair.

Mr. Tackett: Thank you. Commissioners, do you have any questions for the testifier? Hearing none, Director can we have our next testifier please?

Ms. McLean: Yes, Chair, and just one minor correction for the record. Right now, the parties who are being asked to participate in questions are the applicant and the petitioner. They haven't been granted intervenor status yet so they should be addressed as a petitioner rather than the intervenor.

Mr. Tackett: Thank you, for that correction. I appreciate that.

Ms. McLean: Sure. The next testifier is Debra Greene who will be followed by Christian Holmes. Debra.

Ms. Debra Greene: Hi, can you hear me?

Mr. Tackett: Yes, we can Debra Greene. Can you please promise to tell the truth and you will have three minutes.

Ms. Greene: I do promise to tell the truth and I'm sorry for some reason I can't get my video to work, but I hope that this will be okay. My name is Debra Greene. I'm testifying on behalf of the Maui Meadows Neighborhood Association currently serving as the President. We are in favor of solar power make no mistake about that, but building a solar power plant this close to a residential neighborhood is not a good idea. Of all the solar projects of this size in the State of Hawaii both proposed or built as far as we know there are none this close to a residential neighborhood with the densification that we have in Maui Meadows. There are plenty of open spaces where this project could be relocated and not impact the community so severely.

We're concerned about environmental impacts, aesthetics, and quality of life issues affecting our community with the project so close. And we're concerned about the above ground high voltage transmission line. This is an industrial scale project that shouldn't be so close to a residential neighborhood. We're especially concerned that the project doesn't meet the intent of the Maui County General Plan, doesn't meet the objectives of the policies on the Kihei-Makena Community Plan, and since it will interrupt the view planes and environment visible from Kula it also doesn't meet the objectives and policies of the Makawao-Pukalani-Kula Community Plan. These plans are in place to protect native plants and historic and archaeological sites and also to protect the character and quality of these areas in terms of social, cultural, economic, environmental and ecological aspects.

We're concerned about flooding and runoff. We're concerned about glint and glare and noise and habitat loss for native species. And although the panels have been moved back by 50 feet ostensibly to appease residents instead an access road has been moved into that space and that means noisy trucks, dirt, dust and construction vehicles right next to us. We are gravely concerned about fires with this project so close. The proposed electrical power generation station starting at 250 feet from the Maui Meadow's border is one factor and there's also this above ground electrical line. Fires are frequently caused by sparking from transmission lines. That land is arid and dry. Wind could easily fan flames that would engulf homes in no time with the project so close. The vegetation there is normally grazed down by cattle which wouldn't be allowed creating prime conditions for wildfires that could endanger the whole neighborhood. The plan for a fire break wouldn't help much if the wind whipped wildfire heads toward our homes and if weed eaters are used, that's a noise issue and weed eating is a well-known fire risk from sparking rocks. And if they use herbicides that's a risk to our health. So, none of these things would be an issue if they would just move the project a safe distance from our residential neighborhood. Thank you.

Mr. Tackett: Thank you. Do the applicants have any questions for the testifier?

Mr. Chipchase: No Chair.

Mr. Tackett: Do the petitioners have any questions for the testifier?

Ms. Lizzi: No Chair.

Mr. Tackett: Thank you. Commissioners, go ahead Kellie and then followed by P Dee.

Ms. Pali: Hi, I just have one quick question for the testifier. You did mention that you would consider a safe distance from the neighborhood. Would you mind just clarifying what you mean by safe as far as like distance? Like what would be safe in regards to your opinion on that?

Ms. Greene: From what I've heard approximately one mile.

Ms. Pali: Okay, thank you.

Ms. Greene: Thank you.

Mr. Tackett: Thank you. Go ahead P Dee, and then followed by Ashley.

Ms. La Costa: My question was exactly what Commissioner Pali asked, so thank you Commissioner Pali.

Mr. Tackett: Okay, thanks P Dee. Ashley your turn.

Ms. Lindsey: I was just wondering how large your membership is, could you remind me how large your membership is in the community such as you.

Ms. Greene: We currently have 91 members. It might be 92 because people join at different times.

Ms. Lindsey: And how of that does that represent of the entire subdivision?

Ms. Greene: I'm not sure of your question.

Ms. Lindsey: How many people are...well, how many potential members could be in your subdivision, is this like 50 percent membership rate because it's not a mandatory thing if I remember correctly, right?

Ms. Greene: Correct. Membership is not mandatory and it's very difficult to know what the population of Maui Meadows is because it's not...I mean there's no census that's specific to Maui Meadows, so I'm not sure how to answer.

Ms. Lindsey: Just about how many lots maybe are there?

Ms. Greene: As I understand it, there are about 600 lots.

Ms. Lindsey: Okay, thank you

Mr. Tackett: Thank you, Ashley. Commissioners, any other, any other questions? Okay, hearing none, thank you. Director.

Ms. McLean: Thank you, Chair. The next testifier is Todd Logrande followed by Michael Reily, and I'm sorry if I mispronounced your last name.

Mr. Todd Logrande: That's okay, I'm trying to...can you hear me?

Mr. Tackett: Yeah, good morning Todd. I can hear you well. Can you please promise to tell the truth and you'll have three minutes.

Mr. Logrande: I promise to tell the truth. Okay, I don't know if you can see behind me but this is just a view from my master bedroom. So, I think I am the highest structure up here in Maui Meadows. The trees right behind me are about 150 feet away and so I think the proposed project is gonna be about hundred feet behind that. My concern, I am a plumbing contractor. Before I built this home, I lived here for probably four years on the existing cottage. Just wanted to wait...(inaudible)...about runoff, about views, about light, about everything in before I was to design my house and build it.

There is quite a bit of flooding that happens here a few times a year. In my property in particular it comes off the ranch, fills up my backyard and then I made swayed the property so it would down the side of my property and hopefully get absorbed before it reaches the road. I think as a builder you have to contain your runoff from your property. I know that isn't something that's done by the ranch. I don't know if they have the same regulations but we've all absorbed ranch runoff and tried to contain it or divert it in our own way. Once you take away all the grass and change that whole terrain, the trees, all that, the absorption is gonna be quite a bit different and I don't see how it could do anything except contribute to more runoff into our properties.

As far as visual impact, it's pretty much directly right behind my house and I'll be looking down on the panels at 250 feet, even 300 feet. I am all for solar and green energy and trying to keep this island clean and is off the grid as possible. I think that's about all I got to say.

Mr. Tackett: Thank you, Todd. Do the applicants have any, any questions for the testifier?

Mr. Chipchase: No Chair.

Mr. Tackett: Do the petitioners have any questions for the testifier?

Ms. Lizzi: No Chair.

Mr. Tackett: Thank you. Commissioners, do you have any questions? Go ahead Kellie.

Ms. Pali: Thank you, Todd for your testimony. That was actually super helpful. So, my only question to you would be since your testimony sort of confirms that there's already runoff would...this is, you know, I'm really desiring your opinion would you, could you find a way a benefit from the solar project by helping us mitigate so that a current problem that exists now potentially could be resolved in the development of this project. Do you see any kind of benefit there and if so, please share, and if not, that's okay too 'cause I really do want your opinion?

Mr. Logrande: Thank you. Well, I think just the close proximity to the houses, I mean there's basically a huge hill right behind my house and it's gonna be planted right on it. I built my house so I could look over it, and I mean, the ranch is gorgeous and it's not our property. I mean, I understand that it's Ulupalakua Ranch. But I think in also going to the county meetings that were proposing this project I let them know that in my opinion all they need to do is move it back. There's not enough time you know, as well as the fire if there was a fire, I mean I would it literally be ...(inaudible)...my house. I just think it should be...if it's built it should be moved

back to a safe distance, at least enough to absorb the water and to, you know, prevent any other stuff that could happen from it. By having the road in front of it, that's even getting rid of all the trees that you see right behind me. So, I mean, it will literally be a solar ranch, you know as far as I can see. I think, I think if it was pushed back a little further to give the land enough time to absorb the difference in the terrain that's gonna be, that's gonna be altered by the farm I think that would be the most helpful and wisest thing.

Ms. Pali: Okay, and last question. Do you think reestablishing a greenbelt and sort of adding the vegetation and the trees and plants in that buffer zone do you think that would also be a good recommendation?

Mr. Logrande: Well, I think you know right now it's pretty arid. It's kiawe and a lot of you know, a lot of currently dead grass and trees and rocks and stuff that that's able to absorb, you know there's little crevasses in the lava and all that kind of stuff. So, I think a lot of that when it's all mowed down it ain't gonna be able to do that. So, as far as a greenbelt I think that's up to the developers. I mean, I'm not trying to tell anybody what to do, I'm trying to say that in the location where they're gonna put it it is undeniably gonna alter my living experience here, and I've been here since '98.

Ms. Pali: Okay, thank you.

Mr. Logrande: Thank you.

Mr. Tackett: Thank you, Kellie. Go ahead P Dee.

Ms. La Costa: Thank you, Chair. Thanks so very much for testifying this morning. We asked...Commissioner Pali asked a previous testifier you discussed it being moving back, how much farther back than its planned location do you think would be okay with you and that's it. Sorry, thank you.

Mr. Logrande: Well, you know, I can't really speak for everybody's personal runoff issues and stuff like that but, directly behind my house there's a hill that goes into my property and then it plateaus out for some distance. They currently have a road back there right now that actually ironically, they're working on and dumping dirt on today. I wish we could see the trucks 'cause you can see those from the road that's there from my house, but I would say that that road is probably 400 to 500 feet behind my property line. I would think if they were to put it behind that road that you know, 500, a thousand, I can't tell you the absorption rate of different storms and stuff like that, but I think the further back it's set the more safe it would be for the individual homeowners that live here. I think if they were to utilize that road and put it behind that road and have it at least, you know, I don't know a thousand feet back or something. I mean, no matter where it is, visually I'm gonna see it, but I'm more currently concerned with the damage that could potentially happen from this.

Ms. La Costa: Chair, if I might ask another question, please?

Mr. Tackett: Go ahead P Dee.

Ms. La Costa: Thank you. What I wanted to find out is the road that you were just referring to can you tell us anything about that road and if there is activity going on right now. Is it connected with this project do you know?

Mr. Logrande: I would assume it would be somehow they're working on it for this project. I'm sure they're just maintaining it. They're spreading dirt or gravel on it right now so there's a big excavator and dump truck that's spreading it. As far as what their intent is I can't tell you that. I don't really know.

Ms. La Costa: Thank you so much.

Mr. Logrande: By looking at the map it looks like that it's gonna be on top of that road, you know, it's literally gonna be just right on the crest of this mountain behind me. That's about all I know about what their ideas area.

Ms. La Costa: Mahalo. Appreciate it.

Mr. Logrande: Thank you.

Mr. Tackett: Thank you, P Dee. Commissioners, any other questions? Thank you, Todd.

Mr. Logrande: Thank you.

Mr. Tackett: Director.

Ms. McLean: Chair, the next testifier is Michael Reily, and I apologize I skipped over Kristin Holmes. So, Michael Reily will be followed by Kristin Holmes.

Mr. Tackett: Thank you. Michael, are you there?

Mr. Michael Reily: I am. Can you hear me?

Mr. Tackett: Yes, I can. Please promise to tell the truth and you will have three minutes.

Mr. Reily: I do. Thank you. Thank you, Maui Planning Commission, appreciate the opportunity to provide testimony. I think mine will sort of take a different trend than all the ones prior here. I actually am strongly in favor of this project and I wanted to speak a couple of different aspects of that. One is to the developer Innergex. I know they're not here from Maui, but they have come in and very actively engaged for a long time now the community, they've held open forums, they've answered questions, they've responded to concerns, they moved the project further away, they looked a locating it other places. There are so many different aspects that come into finding good locations, the proximity to the Auwahi Substation and all those of those concerns and that's what they've come up with.

And then I also just really wanted to say how much they've not just engaged to the local community but they've engaged the local, I guess I would say the industry from a...well, I'm the President of HNU Energy and we have been selected by Innergex as the EPC contractor so we are local, Maui headquartered business. You may know us from some of our projects, carpools and a lot of UH Maui College, UH Molokai, UH Hilo, so a lot of university projects, lot of schools, churches, assisted living facilities, condominiums, resorts, we've done a lot of PV since 2007 when our company started.

We've engaged other Maui teammates, Goodfellow Brothers will be doing our civil work, Fukumoto Engineering is working on our civil engineering and we have all Maui, all star team, and so I give a lot of kudos for Innergex for recognizing that. We're not gonna be bringing a lot of off island labor or anything. We have it all here. It's gonna be dozens of local jobs for the build here and I think anybody that knows our company, Goodfellow Brothers company, our reputation for quality and for you know, really taking all these things into account to be as, as honoring to the aina and so, I've been here myself since 1995, I have children born here, I have grandchildren born here, four generations now, and so really, really strongly ask the commission to approve this project and we can help bring lower cost energy from renewable sources to more on the island and reach that 2045 State mandate for a hundred percent renewable. Thank you.

Mr. Tackett: Thank you, Michael. Do the applicants have any questions for the testifier?

Mr. Chipchase: No Chair.

Mr. Tackett: Do the petitioners have any questions for the testifier?

Ms. Lizzi: No Chair, based on our application—

Ms. Nye: I do.

Ms. Lizzi: Based on our objection to the process, we will not be asking any questions.

Mr. Tackett: Thank you. Commissioners? Go ahead Jerry.

Mr. Edlao: Mr. Reily, a lot of the comments I heard from testimonies a lot of people are concerned about the reflective heat and the shine I guess you know that the panels would generate, can you kind of clarify that. I mean, how bad would it be?

Mr. Reily: Thank you. That's a excellent question. So, we...Innergex conducted a glint analysis showing that the panels should not be oriented further south than a 168 degrees to avoid any kind of glint from the solar panels into the neighborhood. We will need FAA approval as well. So, all of those things there have been so many studies done to address these concerns from environmental to glint to even studies about the temperatures, radiation and so on. So, I would defer to the developers on those specific questions but while it's well known that

panels you know under...panels absorb heat, the heat's coming, it's the same number photons coming in, they tend to be thin, they don't have very high thermal connectivity or thermal inertia so they don't stay hot for long periods of time. You know, the sun, the sun is not going from noon where it's most hot, it's gradually coming down, so I do have a PhD in electrical engineering, I'm familiar, I have degrees in physics as well, so I am pretty familiar on the technical aspects but I do prefer to defer to others on the specifics there because a lot of studies have been done and I think are in the record. Does that answer your question?

Mr. Edlao: Yes, it does. Also, one more question. How about maintenance, cleaning the panels itself. Are there any chemicals that would be hazardous to the environment?

Mr. Reily: There are not. The chemicals that would be used by a responsible cleaner would not have anything that would adverse to the environment. There are safe chemicals to do that.

Mr. Edlao: Okay, thank you very much.

Mr. Tackett: Thank you, Jerry. I got questions from Ashley and then followed by P Dee. Go ahead Ashley.

Ms. Lindsey: Hi. So, given the ever-evolving technology of solar do you think that many solar panels will be needed in five, ten years because five years ago we would have needed more, you know, solar changes so quickly, just can you talk a little bit about that?

Mr. Reily: Sure, that's an excellent question. So, they are using...we're proposing more efficient solar panels right now to shrink that project footprint, it's actually a bi-facial panel which allows backside boost so you need less solar panels in order to produce the same number of kilowatt hours. So, the overall project size has shrunk by a couple of megawatts DC since the inception and we're doing further value engineering to try to further reduce the footprint of the project, but it is, you know, the panels are higher than 20 percent efficient which is as you point out significantly better than in the past but if you look at the improvement of that over the years it's kinda asymptotic, there hasn't been great improvements, you know, they're...there's things you can do, ...(inaudible)... silica and there's some of the thin films, but so far I think we're at that point in the curve where unless there's some breakthrough new panel technology.

The other thing, a lot of these projects are done with single-axis trackers and that can give you more energy harvesting over time but there's a number of reasons they stand a lot taller, it would be more of an eyesore, there are other good reasons not to do that in this particular case again giving a deference to you know, the neighborhood and so on, the broad view of how are we helping all the people on Maui with renewable long-term energy independence and you know, and trying to mitigate or minimize the impacts for those in that proximity. I live directly below Maui Meadows so I'm very much in the South Maui vicinity and I know the developer had very seriously taken considerations of the residents to heart.

Ms. Lindsey: Thank you.

Mr. Tackett: Thank you, Ashley. P Dee, you had questions?

Ms. La Costa: Thank you, Chair. Dr. Reily thank you very much for your testimony and because of your vast knowledge and ...(inaudible)...I will ask you about the transmission lines. They're going to be very tall from what I understand, is there a way that those could be put underground so that it mitigates the eye pollution if you will, thank you.

Mr. Reily: Thank you. That is a good question and I'll just give sort of my personal view of it. It was mentioned earlier there's the Kamaole solar farm that's also running more, more north of Maui Meadows. There is a 69 kva line that runs right across the north part of that, that boundary, so it's...and the point of where this is being located right now is south and farther away. This is not running down along the neighborhood and with the way the topography is, I haven't drawn the line of sights, but I would be very surprised if those were like an eyesore or visible from, from the neighborhood where they're going to be, and if so, they're going to be the furthest and look part of the solar farm and I would think it would be similar to the same high power overhead lines. In answer to your question to bury those underground that is all blue rock there, we've come with some very innovative ways to try to mitigate the extreme cost impacts that would come from having...(inaudible-technical difficulties)...so much with that so we're minimizing grading which was one of the concerns of one of the opposing or the petitioner said it brought up. We are really trying to do all these things to you know, make sure flooding and dust and view corridors and all those things are mitigated and is you know little impact to, to you know, concerned, concerned citizens. Does that answer your question?

Ms. La Costa: It does. Mahalo. Appreciate.

Mr. Tackett: Thank you, P Dee. Mr. Hopper.

Mr. Hopper: Mr. Chair?

Mr. Tackett: I believe the petitioner has a question after they stated that they didn't have a question, what's the, what's the process with that?

Mr. Hopper: I'm not sure what the petitioner or the petitioners asking, but you can ask, and see what's she's asking about for sure.

Mr. Tackett: Okay, go ahead Christina.

Ms. Lizzi: Petitioners would just like to raise an objection to the line of the questioning. We did note that Dr. Reily is now stating "we" which indicates that he is working along with the applicants and so, in a essence, he is speaking on behalf of the applicants when he's using the word, "we" in terms of the mitigation measures that would be proposed here.

Mr. Tackett: You have any input on that Mr. Hopper?

Mr. Hopper: I mean, I think you can note that objection, I mean, to the extent he's giving testimony, I think at this stage it's in his individual capacity. If the applicants, again, whether you grant intervention or not there's going to be a hearing involving the applicant having the burden to show that there are, they meet the criteria for a permit and as a part of that they're going to have to go over all the mitigation measures and have their consultants prove that. So, I think you can note that objection and that the...you know, know note that the testifier is testifying in this, you know, in his individual capacity and you know, the applicant will need to establish their entitlement to the permit through their process which could potentially involve the intervention...the intervenors are granted, the intervenors ability to cross-examine and submit rebuttal evidence. So, that's what I think it would say for the record.

Mr. Tackett: Understand, I mean, understood and then as far as for the record it doesn't need to be restated as it all becomes part of the correct part of the record, correct?

Mr. Hopper: Yes, but I mean if you move on to the post intervention decision process, I would advise doing all of your questions, that's why doing questions on testimony when you're going to have hearing in the future you may be duplicating your efforts, so you may want to have those questions ready for the applicants and their authorized representatives when that time comes, so that would be my suggestion.

Mr. Tackett: Understandable.

Mr. Hopper: And not feel the need to resolve all of these issues during the testimony process.

Mr. Tackett: Thank you, Mr. Hopper. Commissioners, do we have any, any other questions? Go ahead, Kellie.

Mr. Hopper: I just feel like Michael Hopper when he speaks sometimes the legal jargon isn't always translatable and so, what I'm hearing is that, although we have really good questions, if it's not clarification on the testifiers whatever they said, they're opinion, then we need to hold back those questions for the appropriate time which we'll all get to ask the applicant those questions, and I would just want to remind the commissioners based on my, you know, two and a half, almost three years, here this is a serious matter and we have to be careful on how far we stray off of the path and so, I'm taking this as testifiers come up, they give their opinion, we clarify their opinion and we move on, and what I do is I list out my questions, so when it's time for us to engage the applicant we do it at that time, and that's what I believe Chair, I heard from Michael Hopper.

Mr. Tackett: Go ahead Mr. Hopper.

Mr. Hopper: Yeah, certainly if for the particular testifier you want to clarify their opinion or their testimony on something, you can certainly ask that question, but I think Commissioner Pali's correct that if the questions raised these, these issues that you have concerns with, it's not always productive to try to resolve all of them during the public testimony stage that to go

forward and have that with the, you know, with the applicant when you get into the post testimony process, so that's all.

Mr. Tackett: Thank you, Mr. Hopper. Commissioners, do we have any other questions? Director?

Ms. McLean: Chair, the next testifier is Kristin Holmes and again, I apologize for skipping you.

Ms. Kristin Holmes: No problem.

Ms. McLean: And you'll be followed by Leslie Iczkovitz.

Mr. Tackett: Yeah, so I can hear you well, if you could please promise to tell the truth and you'll have three minutes.

Ms. Holmes: Yes, I do promise to tell the truth or speak the truth. I have lived in Maui Meadows since 1984, and I've lived one block below Kumulani on Kupulau Drive the entire time, and I'm speaking in support of the project. I really believe in solar and I really believe it's important for us to work toward getting our goal, reaching the goal of the 100 percent renewable energy by 2045, and I would proud to see Maui be a leader in support of renewable projects. I also appreciate and acknowledge the efforts by Ulupalakua Ranch to keep their vast landholdings intact. I know that's a very difficult thing to do to make unproductive agricultural land be economically viable and see this as a solution for them. I also recognize that there's a lot of Maui Meadows residents that don't want anything in their backyard like a lot of people in a lot of places, however, this is not the first residential located array. There's one in Pukalani that I see from the golf course that's nestled into a neighborhood, so this is not the first by any means, but having said all that I do have the same concerns of that I'm hearing from others about the closeness to the neighborhood and the runoff issues in particular. The other issues I don't think are, are as big to me, but the view planes of course is really important and I, I don't know if I'll see it from home, but I don't want anybody to really have to see it, and it's my understanding that the planning is to maximize the topography as much as possible to lower the view planes and I've also heard the possibility that maybe they could plant some sort of hedging to mitigate some of the view issues which I think would be wonderful.

And I think that there has to be a place to be able to do this but not throw out everything and do nothing, but to do it and find a few more accommodations. And I do see that a lot of energy has gone into the support by Innergex to reach out to the community and have participated in those and I've seen them respond to the concerns. So, I just hope that Innergex continues to look at some of the issues that have been brought up over and over again, particular to runoff and view planes, and but I do support the project going forward with the few of these issues addressed. Thank you.

Mr. Tackett: Thank you, Kristin. Does the applicant have any questions?

Mr. Chipchase: No, Chair.

Mr. Tackett: Does the petitioner have any questions.

Ms. Lizzi: No, Chair. Thank you.

Mr. Tackett: Thank you. Commissioners, do you have any questions? Thank you, Kristin.

Ms. Holmes: Okay, thank you.

Mr. Tackett: Director.

Ms. McLean: Chair, next up is Leslie Iczkovitz who will be followed by Dawn Neway.

Mr. Tackett: Good morning, Leslie can you hear me?

Mr. Leslie Iczkovitz: Yes, I can hear you. Can you hear me?

Mr. Tackett: Yes, I can. Please promise to tell the truth and you'll have three minutes.

Mr. Iczkovitz: I promise to tell the truth. My name is Leslie Iczkovitz, I've been living in Maui Meadows for almost two years and I'm asking the Commission members to put yourselves in the shoes of the owners and residents of Maui Meadows. Currently we sit around and what we hear are birds all day. We don't hear large trucks roaming through the neighborhood. But imagine the project being approved and we're sitting around and then it's bang, blast after blast because this could be a lot of blasting being done in order to prepare the ground for this work. So, you're sitting around in a quiet neighborhood and you go bang, bang, bang. This construction is supposed to last up to year and all day long imagine if you're sitting in your home enjoying peace and quiet for the last five, ten or twenty years in Maui Meadows and all you're hearing is bang, bang, bang. And it's the blasting, just imagine if you're having to listen to blasting you know all day long and it's a problem that's really easy to solve. All they have to do is move the project a mile away from Maui Meadows. It's not like there's not tens of thousands of acres that are not available for this project that are not right next to Maui Meadows. So, if you want to avoid disrupting the neighbors, it's a simple answer just move it further away.

But why won't the applicant do that because it's money. They would rather save money and keep it closer to Maui Meadows so they could use the roads and basically take advantage of a proximity to save them money instead of moving it further away to save the livability of the Maui Meadows neighborhood. You know, it's all about livability. The view planes of having this seven-foot fence panels, panels that are seven, eight feet above the ground it's really gonna make it look, look really bad. And if you lived in Maui Meadows, ask yourself this question, if you were one of the people who lived in Maui Meadows, would you approve this project knowing that it's gonna disrupt your quality of life, and the answer is, of course you would not.

But moreover, we currently have a appeal of the PUC approval in front of the Supreme Court. If the Supreme Court and when the Supreme Court rules against this project as well it should

because the record that was established by Pono Power is incredibly strong. I don't know if you'd looked at it, but it's very, very strong. When they, when the Supreme Court rules against this project then it all ends. The project ends. And if you go ahead and approve this project, while this is pending and they start breaking ground and they start doing things to that...that's irreversible to the cultural aspects of the area, then what's gonna happen, you're gonna basically pre-empt, you're gonna allow the ground disturbed when the project's not gonna be done. So, at the very least, I think it is most reasonable for the commission to wait until the Supreme Court makes its decision. If it says go forward on the project then make your decision.

Ms. Takayama-Corden: Three minutes.

Mr. Iczkovitz: But it says no, then...thank you very much for your time.

Mr. Tackett: Thank you, Leslie. Do the applicants have any questions for Les?

Mr. Chipchase: No, Chair.

Mr. Tackett: Do the petitioners have any questions for Leslie.

Ms. Lizzi: No, Chair. Thank you.

Mr. Tackett: Thank you. Commissioners, do you guys have any questions for Leslie. Thank you. Director.

Ms. McLean: Chair, the next testifier is Dawn Neway who will be followed by Robert Smith. Dawn Neway.

Mr. Tackett: Good morning Dawn, can you hear me? Sorry you're muted out. I can't hear anything you're saying.

Ms. Dawn Neway: Can you hear me now?

Mr. Tackett: Yes, I can. Good morning, Dawn. Could you please—

Ms. Neway: Okay, good morning everyone, I'd like to —

Mr. Tackett: --promise to tell the truth.

Ms. Neway: Oh, yes. Yes. I swear the truth. I'd like to introduce myself. I have been on the board of the Maui Meadow's Neighborhood Association since January 2015, over six years so I'm very familiar with this project and have been to most of the meetings that they've had with the neighborhood. As you could see behind me is the ranch. I live directly behind adjacent to the ranch on Lanihou Place, and not only everyone, I will be severely impacted but so will all the neighbors. If you could see now how it's dry grass. It's very extreme here. It's either flooding

or ready for a wildfire. I believe the impact of this project having...directly the runoff, my house is in between two gullies as is now there are several times a year where it's like rapids on both sides and they go over. Kumulani floods, Lanihou Place floods. With all that land cleared it's only going to be worse.

I'd also like to address some of the...I agree with mostly everything everyone else has testified but I'm gonna touch on a couple of things I haven't heard from them. One of them are the animals. Right now, there are a lot of wild pigs, deer, you can have all the fencing you want but they get under the gully fencing and we have wild pigs in the neighborhood, deer, and with that big a solar more of these animals are gonna be displaced and in the neighborhood especially when it's dry, they're gonna come looking for water and that's something nobody's addressed. I mean, where is the wildlife going? They're gonna come right down into this neighborhood.

I'm also a license realtor. This will definitely affect property values in Maui Meadows. This is an industrial solar complex. It's gonna directly affect property values so that's another concern. The dust in Maui Meadows to begin with is unbelievable. Once you have these roads, construction, the dust, dirt is gonna be untenable for the people not only on the ranch but throughout Maui Meadows. The noise, we live on a hill, on a mountain, so everything's amplified as now. I'm on .6 acres 'cause I've got, everything's usually a half-acre, but I've got two gullies. I can hear a phone conversation if someone's talking on their cellphone next door on their lanai because sound—

Ms. Takayama-Corden: Three minutes.

Ms. Neway: --you ever see the commercial...(inaudible)...and it echo.

Mr. Tackett: Dawn, your three minutes, your three minutes are up, thank you. Yeah, thank you, though...although, although there's possibly questions for you so, please hold on. Does the applicant have questions for—

Ms. Neway: Can I just do one more quick thing with the road and—

Mr. Tackett: If you do one more quick thing then I gotta do it for the next 300 guys that come up to testify, you understand my problem with that?

Ms. Neway: Okay, did my three minutes start when my microphone was on, on or when I wasn't muted?

Ms. Takayama-Corden: Your three minutes started when you...after you had said you would tell the truth.

Ms. Neway: Oh, okay, thank you.

Mr. Tackett: Okay, thank you, Dawn, and thank you, Carolyn. Does the applicant have any questions for Dawn?

Mr. Chipchase: No, Chair.

Mr. Tackett: Does the petitioner have any questions for Dawn?

Ms. Lizzi: No, Chair. Thank you.

Mr. Tackett: Commissioners, do you have any questions for Dawn? Thank you, Dawn. I appreciate it.

Ms. Neway: You're welcome. Thank you.

Ms. McLean: Chair, the next testifier is Robert Smith, who will be followed Lucienne de Naie.

Mr. Tackett: Robert can you hear me? Good morning, Robert can you hear me?

Mr. Robert Smith: Can you hear me?

Mr. Tackett: Yes, I can hear you now Robert. Please promise to tell the truth and you'll have three minutes.

Mr. Smith: I do promise to tell the truth. Thank you, Commission. I am...live here in Maui Meadows. I don't think I will be visually impacted from my home, but my concern is more from just the general impact on the Upcountry view which I've had a relationship with since 1972, and from the highway I don't know if you'll see it or not, I've asked the Innergex to do an actual visual presentation, they've never responded with that, but I just...I noticed the one in Lahaina that kinda sits above Lahaina and the West Maui Mountains. It looks like an alien spaceship has landed there or maybe a big baked potato or something wrapped in tinfoil and I've talked to County works who are familiar with that project and they say after any rain, there's a delouse of mud that comes down into their own buildings there and that they have to shovel out every time after it rains. From what I understand there's gonna be about a hundred acres of panels, that's like, you know, I don't know how many roofs that would be, but if you've never been in Maui Meadows during a rainstorm, you have yet to experience, I got trapped in about a foot of water coming down the street, logs lodged under my car, I couldn't get home, tore my bumper off. So, it's pretty extreme here when that happens.

The other, my other issue, and I'm very pro-solar, very green, member of the Sierra Club, all of that, supported that, I've always had solar on my roof, I just feel like it could be located down there in the central plain. There's plenty of flat land that wouldn't bother anybody. It could be out of sight, out of mind. It seems to be that we're worried about Innergex. It's this billion-dollar corporation and they're just doing this as some bottom line. They could have the solar farm down there and run a transmission line. Yes, they would lose a little bit of money, but...and the grand scheme of things I think it be better for everybody. Some of the questions that the commission's asked kind of sound like we have some kind of solar farm hesitancy that we just need to be convinced if they could move it back a little bit or whatnot, but I don't think it should

be on the hillside of Haleakala. I think there's so much flat land where it could be out of sight down there by the Maui Baseyard or the cement works. So, that's my feeling, and any questions? Oh, I would say that I'm also concerned besides the flooding, the dust, the noise, we don't really know what the noise will be like, if it's gonna be like some low hum or what, that's yet to be determined, but know that there's not that many people on this line testifying against it, but I know all my neighbors around me are against, they just don't want to take part on Zoom, so I think it's a great number of people that are against this project being so close to us.

Mr. Tackett: Is that all, Robert?

Mr. Smith: Well, I could go on, but I won't.

Mr. Tackett: Okay, thank you for your time. Let me see if we have questions for you? Does the applicant have any questions for Robert?

Mr. Chipchase: No, Chair.

Mr. Tackett: Does the petitioner have any questions for Robert?

Ms. Lizzi: No, Chair. Thank you.

Mr. Tackett: Commissioners, do you have any questions for Robert? Thank you, Robert. Director, can we have the next testifier, please?

Ms. McLean: Yes, Chair. The next testifier is Lucienne de Naie, who will be followed by Susan Sommers. Susan is the last person who signed up to testify. So, if there's anyone else on the BlueJeans meeting, who can use the chat function who wishes to testify please do so, and we'll also do a call for those who are joining by phone.

Mr. Tackett: Good morning, Lucienne. Can you hear me?

Ms. Lucienne de Naie: I can. Good morning.

Mr. Tackett: Outstanding, could you please introduce yourself and promise to tell the truth and you'll have three minutes.

Ms. de Naie: My name is Lucienne de Naie. I'm Chair of the Maui Sierra Club group and I do promise to tell the truth. The Sierra Club has been consulted on this project since it was first proposed. Of course, as everyone knows the Sierra Club is very much a proponent of green energy, renewable energy and so forth, but I'm sure also as everyone knows the Sierra Club is very much a voice for the parts of our aina that's don't have much of a voice which are our native plants and animals and the cultural remains of historic importance that are a part of cultural landscape of Hawaii which is a living cultural landscape, it's not just the past, but it's also the present and the future. This project is sited in a way that there will be impacts to native

plants, native animals and also to historic sites that have not even yet been documented. We did reach out to Innergex, they had one of their experts write back to us saying there was just no problem, they went and checked out, but our leaders have been leading hikes in the adjacent property, Wailea 670 for the last five years and they know the land very well, and they've documented things and they know what they've seen and that road goes right through several undocumented sites and a number of features of undocumented...of documented sites but the true extent of the site has not been portrayed.

And we really urge an intervention to take place, we respectfully ask the commission to get all the information it needs before granting the Special Use Permit. The intervenors will do a good job of presenting information about these impacts to historic sites, about what more could be done to protect our native plants. There are some preserves planned but that's not enough. Keeping things at status quo means extinction. You really need a robust system as a tradeoff for changing the land and there are native ecosystems on this land, you really need a proactive approach. You need large preserves, you need out plantings, you need engagement with the land. If you're truly a green project you would want to do that. We have seen no proposals to do that, we've seen no proposals to protect plants that are not on the endangered species list. There really does need to be more. We have stated this to Innergex. We're not against their project, but it's not being done in the right way. It is an industrial scale project, and it is true that most projects of this size that are industrial scale are not so near to our neighborhoods. So, we urge you to give—

Ms. Takayama-Corden: Three minutes.

Ms. De Naie: --this process a chance to get all the facts out. Mahalo.

Mr. Tackett: Thank you, Lucienne. Do the applicants have any questions for the testifier?

Mr. Chipchase: No, Chair.

Mr. Tackett: Do the petitioners have any questions for the testifier?

Ms. Lizzi: No, Chair. Thank you.

Mr. Tackett: Thank you. Commissioners, do you have any questions for our testifier? We have questions from P Dee followed by Kellie. Go ahead P Dee.

Ms. La Costa: Thank you, Chair. Thank you, Lucienne for testifying. How many meetings were you present when Innergex or HNU or any of the developers and applicant came to the neighborhood? Thank you.

Ms. De Naie: Well, I don't live in the neighborhood, so I attended Zoom meetings. I attended probably four different Zoom meetings and shared information about the historic and cultural sites. I attended the Burial Commission meeting where the project was discussed and testified about these same concerns and that's, that's the extent and had exchanged emails and back

and forth. Other Sierra Club leaders attended the actual site visit of the archaeological sites. I was not available the day that was, that was offered, but our former chair attended that.

Ms. La Costa: Mahalo.

Mr. Tackett: Thank you, P Dee. Kellie go ahead.

Ms. Pali: Hi, thanks Lucienne de Naie for your testimony. I have a question for you because I like to...I wrote down some things that you said, and I think there were a lot of really rich valid points you made. In the event, we don't know how this is gonna go, so in the event that the intervention is not granted, I don't want your efforts to be wasted and so, could you just take another minute or two to allow us to understand what things we can do because sometimes what I'm learning as a commissioner, we have to sort of...there's always that balance but we can affect conditions on the project if for reason it goes that way. I don't know what's gonna happen, I have no idea, but I always like to have that in my back pocket if you know what I mean, so could you throw out some things that you had hoped to accomplish in the intervention that maybe I can list out so that way when we're working with the applicant, we can at least put some safeguards in and sort of kind of work together in a sense if that make...yeah, you know what I'm talking about.

Ms. de Naie: Well, your efforts are so appreciated commissioner. I have to say that Sierra Club is not an intervenor in this matter. We are a provider of information, but it is our understanding that the intervenors have reached out to reputable biological conservation biologists to get their recommendations on what is really needed. I...that is not something that I could summarize right now for you. I would really urge you to give yourselves a chance to hear this information from folks with expertise who know the land, who visited it, who have cared for plants there over years you know, to try to ensure that they will not go totally extinct. There's one very rare hibiscus plant there that is on the endangered species list. I do know just from reading the plans and from questions asked you know, they've been very cooperative on many fronts, but these questions about the native plants were always, oh we've provided enough, we don't have to do any more and I actually got angry at one meeting. I just went, you know, this is so minimal, you, you really do need to be more. But you know, they don't need to listen to Sierra Club, Sierra Club's not gonna sue them, and anyway, we're all for, we're all for solar energy, so I, you know, I appreciate your efforts, but I think you should let the intervenors present their case.

Ms. Pali: Thank you.

Mr. Tackett: Thank you, Kellie. Commissioners any other questions for Lucienne? Hearing none, Director.

Ms. McLean: Thank you, Chair. The next testifier is Susan Sommers to be followed by Nancy Haag.

Mr. Tackett: Thank you. Susan, do you have...Susan, can you hear me?

Ms. Susan Sommers: I can. Can you hear me?

Mr. Tackett: Yes, I can. Can you please promise to tell the truth and then you'll have three minutes?

Ms. Sommers: All right, I certainly promise to tell the truth. Thank you.

Mr. Tackett: Thank you.

Ms. Sommers: You know, I'm a resident here in Maui Meadows. I am on Kumulani. I've lived here for about 23 years, and I am one of those residents that hasn't been able to attend a lot of meetings. I'm a small business owner and we have been very engaged in just trying to keep our business together and keep our employees here on Maui. So, we're kind of underrepresented I think as far as our being concerned about this. We are concerned. Maui Meadows has huge flooding problems when it rains. There's enormous dust issues. We have quiet right now which is one of the things which I think is going to be lost forever if this project goes through. Probably on the top of the list for me as far as concerns go is the flooding and fire hazard. Right now, whenever there's a fire on the north end of the subdivision or anywhere close it raises through the fields, and even knowing it's coming because a lot of time will have started miles away, they are dipping water out of pools because there's a lack of water pressure to be able to put those...the fire hydrants together and refuel the trucks. There is an enormous risk when you're going to be adding those high voltage lines and the trans...it's a problem and it's being understated, I think.

The other thing which I just don't understand is this isn't about not having solar projects, this is about not placing them next to residential neighborhoods. You have a place to put it, and yes, it would cost a little bit more to put it some place else, but you...it makes no sense to put things near residential neighborhoods. For one thing, this is a huge industrial scale project and there's another that they're to put above or directly beside and above the same neighborhood. So, whenever you look at that, this actually becomes a military target. It's not a small issue. I don't understand why that it isn't being looked at for what it is. This is not a project that belongs in a residential area. Yes, you could set it a mile further up the hill and that would probably make it better, but it doesn't belong here. It doesn't belong...and just because they have placed other solar farms, and I listened to the people use the word, farm as if that somehow makes it use...good land use for ag. It's not good use for an ag land. It's the exact opposite. It's why they put the ag restriction on there. So, I just, I'm really discouraged that this has even gotten this far as it has. It makes no sense from just a common-sense standpoint to me.

Ms. Takayama-Corden: Three minutes.

Ms. Sommers: Anyway, thank you.

Mr. Tackett: Thank you, Susan. Please hold on in case I have questions. Does the applicant have any questions for Susan?

Mr. Chipchase: No, Chair.

Mr. Tackett: Does the petitioner have any questions for Susan.

Ms. Lizzi: No, Chair. Thank you.

Mr. Tackett: Thank you.

Ms. Sommers: Thank you.

Mr. Tackett: Commissioners, do you guys have any questions for Susan? Thank you, Susan.

Ms. Sommers: Thank you.

Mr. Tackett: Director.

Ms. McLean: Chair, the next testifier is Nancy Haag, who will be followed by Dick Mayer.

Mr. Tackett: Good morning, Nancy. Can you hear me?

Ms. McLean: Excuse me, Chair and excuse me, Ms. Haag. I just wanted to confirm that Commissioner Lindsey is still listening to the meeting. Wanted to make sure you didn't step away. Thank you.

Ms. Nancy Haag: Thank you, and good morning, and thank you for taking the time this morning. I am a long-term Maui Meadows resident. I—

Mr. Tackett: Excuse me, I'm gonna have to, I'm gonna have to interrupt you just because I gotta have you promise to tell the truth please.

Ms. Haag: Oh sure.

Mr. Tackett: So, if you could please promise to tell the truth and then introduce yourself.

Ms. Haag: Yes, yes.

Mr. Tackett: Thank you.

Ms. Haag: Okay, so I have lived in Maui Meadows for many years. I built my house in 1978. I am...this is not the beginning of this solar farm proposal because I think it was under another business name before and we've had a lot of testimony right on our next-door neighborhood, you know, Maui Meadows block. A lot of people are very concerned. I am one of them. I am very concerned that this is a solar farm of a 150 acres above a neighborhood, okay. This is right about a neighborhood and this is all on a hill. This is a hill or a mountain or you know, it's a

hill, it's a very...it goes all the way down to Piilani Highway and that is why we have flooding because it just goes like a racetrack down the hill. That's why our neighbors can't interfere with gulches. They're not supposed to put trash there. They've got to keep them open because it can flood homes. And I can tell you from what I've seen even this morning that you know, I could see lawsuits down the road from homeowners in Maui Meadows if you give this approval and it doesn't go right. This is a serious, serious situation here. You need to really look at it carefully. And one thing I noticed this morning by the gentleman showing the topography, not the topography really but just the layout of this solar farm is that over there in the Wailea 670 area it's much further from where that 670 subdivision is proposed. It's much further away, it's much closer to Maui Meadows. And you know, why is that? Is it because well, those haven't been developed yet, and they need to sell those and people may not want to be close to a solar farm? You know, because this is not agriculture, let's, let's get real. This is not agriculture. This is too large for a special use above a subdivision on a hill that may cause flooding and heat. Who wants extra heat? You live in Hawaii, you live in Maui, do you want extra heat in the summer because you're roasting those solar panels. And I have solar panels on my roof and when it rains like it can in Maui Meadows the water comes racing down my solar panels onto my deck. In fact, it's destroyed a lot of the wood on the deck because it's just racing down from those panels. That's what those panels are gonna do too, and I've actually looked up things on the internet it's hard to find because nobody usually places solar panels on a hillside above a subdivision, it's usually on a—

Ms. Takayama-Corden: Three minutes.

Ms. Haag: --on a flat grid. Okay, yes, I am concerned. I'm certainly concerned environment.

Mr. Tackett: Your three minutes up. You're three minutes are up.

Ms. Haag: ...sorry. All right, thank you.

Mr. Tackett: No, no problem. Wait, but please, please stay on the line in case we have questions please.

Ms. Haag: Okay.

Mr. Tackett: Does the applicant have any questions?

Mr. Chipchase: No, Chair.

Mr. Tackett: Does the petitioner have any questions?

Ms. Lizzi: No, Chair. Thank you.

Mr. Tackett: Commissioners, do you have any questions? Thank you, thank you so much for your testimony.

Mr. Haag: Thank you for your consideration.

Mr. Tackett: Director.

Ms. McLean: Chair, the next testifier is Dick Mayer and he will be followed by Tom Croly. Right now, Mr. Croly is the last one who has signed up to testify before our all call.

Mr. Tackett: Thank you, Director. Dick, can you hear me?

Mr. Dick Mayer: Yes, and I will tell you the truth.

Mr. Tackett: Please promise to tell the truth. Thank you.

Mr. Mayer: I will. Thank you. A couple of things. In their application, I'm listed as a supporter of this project. I'm neither a supporter or a detractor from this project. I didn't take a position in the letter that I wrote. I just said that they made considerable efforts to get the Upcountry community. I'm on the board of the Kula Community Association. They asked me if they could be to the Kula community, they did. They gave excellent presentation, they received questions from the audience and that's merely what I said, not for or against.

I want to remind the commission that this project is not located in South Maui's community plan area, but rather in the Upcountry community plan area and therefore it has to be guided by what the community plan upcountry says. And the community plan upcountry makes it very clear, I'm gonna read you a sentence, study and identify opportunities including tax incentives for developing alternative energy sources such as wind, biomass, solar, and water driven electricity in the upcountry region. In other words, the community plan urges that alternative energy was done. That was done, passed in 1996 over 25...about 25 years ago. I was the vice-chair of the Upcountry Community Plan we'd very much would like to have solar institutions...solar facilities upcountry.

I am concerned though with their traffic study which I, which I was not really aware of until today when I read through the documents that it's the...they're planning to bring possibly the trucks along the Kula Highway. There are five schools, they identify one school Kula Elementary, don't...just mention peripherally King Kekaulike, but there's Haleakala Waldorf, Carden Academy and just off the highway, Kamehameha School. Those are traffic issues, and so I want to see a mitigative effort, a condition if they use that highway not to come during school traffic hours in the morning or in the afternoon. There should be that condition added to whatever approval they may get if they're going to even use the upcountry route.

And lastly, I would like to urge that when the project is finished not only do they disassembly the project but that all thirty, forty thousand panels be removed from the island and while operate over the next 25 years that if they recycle their panels that those panels be all removed from the island and that be made a condition of any acceptance of this project. Thank you very much.

Oh, and lastly, I am appreciative of the fact that they put it on Ulupalakua land, ranch land, they need the funds to help operate and keep that large area green and that would be a bonus for the ranch operations agriculturally whether this farm needs to be...facility needs to be located as close to Maui Meadows, I'll reserve judgement for the...let the commission decide that whether this is too close or not. But I do appreciate having the solar farm put on the upcountry district.

Mr. Tackett: Thank you, Mr. Mayer. Does the applicant have any questions for the testifier?

Mr. Chipchase: No, Chair.

Mr. Tackett: And does the petitioner have any questions for the testifier?

Ms. Lizzi: No, Chair. Thank you.

Mr. Tackett: Commissioners, do you have any questions for the testifier? Go ahead, Kawika and then...

Mr. Freitas: Thank you, Chair. Mr. Mayer why would you say that they should take the used panels off the island?

Mr. Mayer: Well, they will have a...I don't want to add to the Central Maui dump such a large volume of material and I'll be saying the same thing when you soon will have to be reviewing other solar farms for example the one in Central Maui will have 158,000 panels. These are large amounts of material that a, should not be dumped on our island in perpetuity because it's a 25-year project, secondly, the some of the materials in those panels are of value and could potentially be recycled back into the industry.

Mr. Freitas: Thank you.

Mr. Tackett: Thank you, Kawika. Go ahead Kellie.

Ms. Pali: Hello Mr. Mayer. Thanks again for just your very rich context and just helping us other perspectives on this. I wrote down the two things that I...you recommended, you said, and just if you can confirm, definitely remove the panels and off the island. I love that suggestion. Thank you so much. And you mentioned avoid traffic times and my son was a lifer at Kamehameha, actually when he graduated in 2017, he was first lifer class and I wrote down 7:00 to 8:00 a.m. and 2:00 to 3:00 p.m., could you just comment further if you thought that that would suffice or did you want to clarify specific times?

Mr. Mayer: Yeah, as I said there are five schools that use that highway and we had a problem when the wind farm was put in on the side of Ulupalakua and we made special arrangements with them to avoid those school hours. I would check with each of the schools, get a schedule with the principals when traffic is at a peak and when it's actually still...(inaudible)...before because many children come to these schools to get lunch...get breakfast early in the morning

so we want to make sure that it's not just when the school begins but...and similarly at the end of the day when it ends because there are a lot of school buses using that route and we do not want any ...(inaudible)...and once the project is finished and completed traffic would not be an issue, but during construction it is.

Ms. Pali: Thank you.

Mr. Tackett: Go ahead Ashley.

Ms. Lindsey: I just wanted to clarify, ...(inaudible-audio feedback)...Waipuna Chapel, that's also a school.

Mr. Mayer: Could you repeat that please?

Ms. Lindsey: The Waipuna Chapel is also a school that's on that highway. That's just maybe you want to add that.

Mr. Mayer: You're correct. That is a preschool also on the highway. Correct, so there's six schools that have access to the highway and obviously we want to avoid problems.

Mr. Tackett: Do we have any other questions Commissioners? Thank you, Mr. Mayer.

Mr. Mayer: Thank you for your time and best wishes.

Mr. Tackett: Director.

Ms. McLean: Yes, Chair. The next testifier is Tom Croly. He's the last one who has signed up to testify. If there's anyone else who wishes to indicate using the chat function that you wish to testify, please do so and then we'll make a final call.

Mr. Tackett: Thank you, Director.

Mr. Tom Croly: Aloha, Commissioners.

Mr. Tackett: Good morning, Tom.

Mr. Croly: Tom Croly, and I do promise to tell the truth. I am a resident owner in Maui Meadows for the past 19—

Mr. Tackett: Tom.

Mr. Croly: Yes...

Mr. Tackett: They told me that I have to ask it and then you have to reply to it.

Mr. Croly: Oh, okay.

Mr. Tackett: But thank you. Thank you for being so on it, but I have to ask it anyway they said. So anyways, please promise to tell the truth.

Mr. Croly: Yes, Chair, I do promise to tell the truth.

Mr. Tackett: Thank you. Have a great...(inaudible)...

Mr. Croly: Okay, got my three minutes. Start the clock now. I am a resident owner in Maui Meadows for the past 19 years, and I do have rooftop solar on my house since 2012. I previously served the Maui Meadows Neighborhood...on the Maui Meadows Neighborhood Association Board and just would like to point out the board has never spoken for the 3,000 or so Maui residents as a whole. And the board doesn't have any direct contact with the 614 homeowners in Maui Meadows. So, while there is an association and I served on that association and it serves a purpose, it's not speaking for the residents of Maui Meadows to be very clear about that.

I support this project because it will benefit Maui Meadow's 3,000 residents and all the residents of South Maui by providing a more reliable power grid and by providing a renewable energy when the sun is not shining via 60-megawatt battery. It is the battery that I believe is the best feature of this project because it provides power during a part of the day when most of our rooftop solar is now decreasing and the demand goes to the highest. So, the idea that this project is taking in power during the day through the photovoltaics, storing in that battery and then providing us that power from that battery later in the evening that is the great part of this, of this project and the main reason that I support it.

My only concern about that battery is that batteries like this can be combustible, so I would urge the commission to look very closely at the fire protection for that battery making sure there is some type of fire protection in place and that the flammable grasses and so forth around it are, you know, kept to a minimum so that it doesn't create a fire that can spread.

This use that they're asking for, this special use, just to be clear is a permitted use in the Agricultural District both by State law and by County law. In County, it says well, you have to go get this permit and that's the reason for this hearing and there's a good reason for this hearing because we want to make sure that they're doing everything right, but just to be clear, it is a permitted use just as my neighbor who decided to build a house on the lot next door to me that for the entire time that I've lived here was vacant. Boy, I wasn't happy when he decided to build that house and I have to put up with a year and a half worth of beep, beep, beep, clunk, clunk, clunk, trucks and so forth as they built that house that was his right to do because he's allowed to build a house on that property. Was it an inconvenience to me, dust and noise and so forth, tremendously, okay, but it is what it is, you know, and I think the same would be true up there. Now, I might be taking a different position on this if I was one of the 12 or 14 homeowners who back up to this and whose view is going to be obstructed to some degree by this—

Ms. Takayama-Corden: Three minutes.

Mr. Croly: I'll, I'll leave it there.

Mr. Tackett: Thank you, Mr. Croly. Does the applicant have any questions for the testifier?

Mr. Chipchase: No, Chair.

Mr. Tackett: And does the petitioner have any questions for the testifier?

Ms. Lizzi: No, Chair, based on our ongoing objection we do not. Thank you.

Mr. Tackett: Outstanding, thank you. Commissioners, I believe I have P Dee so far. Go ahead.

Ms. La Costa: Thank you, Chair. Mr. Croly, as always thank you for your testimony. So, you were starting to say you might have a different tact if your property backed up to the proposed project, would you please continue that sentiment?

Mr. Croly: Yes, thank you for allowing me to finish that thought. However, that land that was behind them, it's owned by Ulupalakua Ranch, okay, it was never guaranteed what that would look like, but I am very, very grateful to Ulupalakua Ranch for the lands that they put in Conservation in perpetuity that is up the mountain that benefits all of South Maui with these beautiful views that they will never build on all the way up there, and they...as was already pointed out by someone, they deserve to be able to use their land in a way that benefits them. I think Dick pointed this out and allowing them to make some money on releasing this land allows Ulupalakua Ranch to keep a lot of Maui green, so there's a great tradeoff here with a few people are gonna lose some ranch views and the greater community gets to enjoy a large amount of green area up there that just, that just looks tremendous and I am, again, very grateful to Ulupalakua Ranch for the lands that they have put into conservation. Thank you for that question.

Ms. La Costa: Mahalo Mr. Croly.

Mr. Tackett: Commissioners, do we have any other questions for Mr. Croly?

Mr. Croly: Thank you, Commissioners. Good luck.

Mr. Tackett: Thank you. Director.

Ms. McLean: Yes, Chair. That was the last person who indicated using the chat function that they wished to testify. If there's anyone else whether by video or by telephone that wishes to testify please unmute yourself and provide your name.

Mr. Tackett: Going once, going twice, going three times, Director could we please close public testimony?

Mr. Gene Weaver: Hello, hello, hello.

Ms. McLean: There's someone speaking up.

Mr. Weaver: Hello, hello, hello.

Mr. Tackett: All right, who, who do we—

Mr. Weaver: Can I testify please?

Mr. Tackett: Yeah, who do we have on the other end, please state your name and promise to tell the truth.

Mr. Weaver: I promise to tell the truth.

Mr. Tackett: And your name is?

Mr. Weave: My name is Gene Weaver. I'm a resident, owner of my home on Kumulani. Good morning Maui Planning Commission and thanks for hearing me. I had trouble figuring out how to unmute there. Please deny the Special Use Permit for this solar project because of the long list of impacts visually, heat sync, the fire risk especially scares me. We have already had a fire start which was very scary and approaching all of our houses from the substation from the wind turbines a few years ago on a Sunday night if you remember. That was very scary. We were out watering beyond our land as the wind blew it closer and closer and spread it all the way down to close to the Wailea Resort.

The noise and traffic while they're building it's just not fair to the residents here. The noise up here, there's nothing out there and we even though I'm far up in the subdivision the noise on the highway impacts me every day, every morning. They start blowing at 8 o'clock in the morning, they start blowers cleaning out the businesses down there and I hear it loud and clear from my bedroom. The blasting and grading, the dust and the property values of our wonderful home, the endangered species and the archaeological impact, you've heard from Genesis Young and you've heard from many other people about how this is gonna impact us. And I'm quite concerned about not, these things not being planned well.

Earlier I had testified years ago on how Wailea 670 was not planned well and they putting...they were planning to put three-story buildings up right in front of us, and I got that, since I mentioned it, now they're gonna have two-story buildings which is gonna impact us less. So, I really hope you think about the residents that this very close to us when this large ranch and there's so much room, but this is not the place for this solar project. Thank you.

Mr. Tackett: Thank you. Does the applicant have any questions for the testifier?

Mr. Chipchase: No, Chair.

Mr. Tackett: Does the petitioner have any questions for the testifier?

Ms. Lizzi: No, Chair. Thank you.

Mr. Tackett: Commissioners, do you guys have any questions for our testifier? Thank you for your testimony. Director.

Ms. McLean: Yes, Chair. Is there anyone else who has called in or who is connected by video who wishes to testify?

Mr. Walter Enomoto: Hello?

Ms. McLean: Yes, we can hear you, please state your name?

Mr. Enomoto: Thank you so much. My name is Walter Enomoto.

Mr. Tackett: And please promise to tell the truth Walter.

Mr. Enomoto: I do, thank you so much Chair.

Mr. Tackett: You have three minutes.

Mr. Enomoto: Thank you. I want to start off by asking that the Commissioners review the written testimony that I presented. I'll highlight some of that in my talk here but I wanted to bring up just a couple of things kinda referring back to Commissioner Pali's statement that there is a wealth information both from all of the reviewing agencies as well as in the application packet that...(inaudible-audio fading in and out)...and the energy, renewable energy, and energy efficiency field and have been doing so on Maui County for about 20 years.

Of course, with that being said I am in full support of this project moving forward. The reason is multiple. One, it complies with the Hawaii Clean Energy Initiative of 40 percent renewable energy by the year 2030 as well as now the longer-term goal of a hundred percent renewable energy electric generation by 2045. Large State goals. Now what came out that was the competitive bid that Hawaiian Electric put out to help develop these projects so that they can move in this direction. And the reason it's important here on Maui and again, while you look at this project and a lot of the details and minutia and you'll have to filter out what is really legitimate and what isn't in terms of concerns and impact is lost in all of this discussion is the fact that these resident...I mean these solar farm projects are meant to offset an existing harm and by that I mentioned, I want to bring up for the record, Kahului power plant, it burns the dirtiest fuel in the state 24/7. There are four boilers that operate, the plant had to be put back in production after HC&S was shut down and residents and businesses within Central Maui are being impact and will continue to be so until we get more renewable energy projects online so that we can shut down and decommission that plant. It is the dirtiest in the State.

I would ask and even challenge, intervenors, commission, commissioners go down to the harbor from 3:30 to 5:30 in the afternoon on a weekday and look, you can see the exhaust, smell, you can smell the exhaust. If you stay there long enough, you might even be able to feel something on your skin and this is an impact that Central Maui folks have had to deal with for years. Delaying or even killing project like this that can help take Kahului power plant offline is...and one can make the argument, a form of energy class warfare, and I don't say that lightly, but when you look at...and property values were mentioned. There's a lot of six and seven-figure properties and even eight-figure assessed value properties in Maui Meadows and compare that to Central and there's definitely a huge difference in that.

Ms. Takayama-Corden: Three minutes.

Mr. Enomoto: Thank you so much.

Mr. Tackett: Thank you for your testimony. I'm gonna ask the applicants if they have any questions for you.

Mr. Chipchase: No, Chair.

Mr. Tackett: Do the petitioners have any questions for the testifier?

Ms. Lizzi: No, Chair. Thank you

Mr. Tackett: Commissioners, do you have any questions for the testifier? Thank you, for your testimony.

Mr. Enomoto: Thank you so much, Chair.

Mr. Tackett: Go ahead Director.

Ms. McLean: If there is anyone else who is calling in by phone or participating by video.

Mr. Eddie Malotte: I would like to testify.

Ms. McLean: Okay, please state—

Mr. Malotte: Hello, this is Eddie. Can you hear me?

Ms. McLean: We can hear you.

Mr. Tackett: Yes, Eddie, I can hear you. Can you please, can you please promise to tell the truth.

Mr. Malotte: Yes, sir.

Mr. Tackett: You have three minutes.

Mr. Malotte: Thank you. My name's Eddie Malotte. I live in the neighborhood. I've been around this area for over 40 years. I actually sold my house in Wailea and moved up the hill here and for peace and quiet and I'm really still kind of in shock that this project is still got as far as it has. I'm not gonna talk about property values or anything like that. The main thing I believe is it just needs to be relocated up the hill. You know, I've heard a lot of people say one mile is acceptable or whatever, but that would mean that the project could still go on and everybody would be happy, but as it is in its present form it has the potential to be one of the biggest manmade catastrophes you know in the area because of the fires and the flooding. You know, those retention basins really don't work and I have practical proof in North Kihei on a similar project that you know they fill up with dirt and unless they're cleaned out every couple years, they don't retain any water, and like a lot of testifiers said, Maui Meadows already has a lot of flooding.

And you know, think of it this way, a lot of people can imagine how big a 5,000 square foot house is, 5,000 square foot roof, you've got a lot of runoff. This project in its current form would have a runoff of...it would have...the panels would act as a giant roof of about six million hundred square feet and it's almost unimaginable the amount of rainwater that would be displaced right on the edge of the subdivision and that's why I just can't believe that this, this project is even evolved to where it is now. It's just, you know, and I was looking at federal website about these projects and a 140,000 birds every year are killed in the U.S. from these projects and Maui Meadows as you know has a lot of birds and wildlife and you know, another question I might have would be, who would pay for all the damage? Is it gonna be the County, is it gonna be the ranch or Innergex or it's, you know, it shouldn't be our kuleana to get extra fire insurance and flood insurance and the extra cost and health issues.

Ms. Takayama-Corden: Three minutes.

Mr. Malotte: Thank you for your time. I'm still here if there's any questions.

Mr. Tackett: Yeah, I'm gonna have, I'm gonna have the petitioner first, do you have any questions for our testifier?

Ms. Lizzi: No questions. Thank you.

Mr. Malotte: Hello, I'm still here.

Mr. Tackett: Okay, sorry, and the applicant?

Mr. Chipchase: No, chair.

Mr. Tackett: Sorry, I got a little mixed up. I received a text just now that came through. I believe P Dee lost connection if we could, if we could put our, put our meeting on hold for just a

little while, while we wait for P Dee to come back. Maybe, maybe five minutes if anyone needs to use the restroom or something. Director, do you see that P Dee is missing as well.

Ms. McLean: Yes, Chair. I don't see her on the screen, but let me see if she's still listed as a participant.

Mr. Tackett: Maybe we can take a five-minute break for now if that's okay.

Ms. McLean: Yes, that's a good call Chair.

Mr. Tackett: Okay, see you in five minutes.

A recess was called at 11:32 a.m., and the meeting was reconvened at 11:37 a.m.

Ms. La Costa: ...Mr. Enomoto had just started to testify when I lost my modem.

Ms. McLean: Okay, Mr. Hopper where does that leave us? Should we ask him to testify again?

Unidentified Speaker: Maybe we don't have Mr. Hopper yet.

Ms. McLean: Mr. Hopper?

Mr. Tackett: Mr. Hopper, are you there?

Mr. Hopper: I'm sorry, was there a question. I just, I just got back in.

Mr. Tackett: Yes, there was.

Ms. McLean: Mike, Commissioner La Costa dropped out of the meeting when the last testifier, actually there were two testifiers that she missed. Should we ask those testifiers to testify again?

Mr. Hopper: Well, that's one option I suppose. The other is to check with the parties as to whether they have any objections to Commissioner La Costa continuing and voting on this. The potential issue would be that she did not hear all of the testimony, but I guess we could ask the people to testify again or if the parties are okay with her continuing for that minor interruption. Hopefully understanding that we're on...we're do the best we can with the technology we have, but I'd like to just check with the parties.

Mr. Chipchase: This is Cal Chipchase for the applicant. I have no objection of course. I think Mike, the best procedure would be to just ask Commissioner La Costa to review the recording and then certify that she has, but even if she doesn't do that, I have no objection.

Mr. Tackett: Thank you. Does the petitioner have input on this?

Ms. Lizzi: The petitioners have no objection at this time. Believe that the testimony that we're hearing right now is predominately going towards the issuance of the application itself and the first agenda item and to be dealt with after this is the actual petition for intervention, so at this time we have no objection.

Mr. Tackett: Thank you. Director, what do you think is the easiest way to go about this?

Ms. McLean: At this point, I think it would be okay to proceed, if Mr. Hopper concurs with that. Thank you.

Mr. Hopper: Yeah, I mean, that issue is to make sure they have reviewed all the evidence and generally it goes to the interests of the parties. So, if there's not a decision made today, then I think that you know, that would give time to review the testimony but if neither party objects I don't have a problem with, with continuing.

Mr. Tackett: Is there any objection at this time by either party?

Mr. Hopper: I think they just said that they did not, so I think they confirmed that for the record.

Mr. Tackett: Okay, well because you asked again, I asked again, you know, so...

Mr. Hopper: Oh, sorry. I just confirmed.

Mr. Tackett: I figured you wanted it clarified for the record so that was my—

Mr. Hopper: Sorry, no.

Mr. Tackett: --my path. Okay, thank you. I believe we're going back to, commissioners. Wait, I believe Director might have something to add in.

Ms. McLean: Well, Commissioner La Costa had her hand up and then we did have someone else sign up to testify before we go back to the callers.

Mr. Tackett: Correct. So, I was in the process of going to Commissioner La Costa at this time. So go ahead P Dee.

Ms. La Costa: Thank you, Chair. My question is just for clarification. The applicant's attorney said they didn't have a problem if I were to review the transcript, I am not sure how I can do that unless Carolyn makes a note of what time it was that lost transmission and then I came back. I want to be sure that I'm fair and have all the information I need. Thank you.

Ms. McLean: Thank you, Commissioner La Costa. We do have the two testifiers whose testimony you missed in their entirety so we would be able to find that in the recording.

Mr. Chipchase: And just in case there is confusion, Commissioner La Costa, I don't have any objection either. It was just an invitation as a way to catch up on the testimony.

Mr. Tackett: Okay, thank you. I believe we have a testifier still on the line and we are still entertaining Commissioners.

Ms. Karen Dorrance: Yes, I'm still on the line.

Ms. McLean: Hold on, hold on, hold on. Commissioner Freitas has a question, Chair.

Mr. Tackett: I understand that and the lady that keeps chiming in is the testifier that we are working with at this time. I believe we have another one on the line and she is in fact, the next in line. So, do we still have our current testifier on the line?

Ms. Dorrance: Am I allowed to testify, I'm not the testifier you are indicating?

Mr. Eddie Malotte: Sir, I'm not sure if you're asking me. This is Eddie, I was just finishing my testimony before the break.

Mr. Tackett: Correct. And I believe you finished your testimony correct, Eddie?

Mr. Malotte: I believe so.

Mr. Tackett: So, your testimony is complete and I asked the applicant and the petitioners for questions if they had any, they both did not, then we moved to the commissioners and I currently have a question for you from Kawika.

Mr. Malotte: Okay.

Mr. Tackett: Go ahead Kawika.

Mr. Freitas: Thank you, Kawika. Actually, my, my I do not have a question for the current testifier, but I would like to see if Mr. Enomoto can present his testimony again, because his testimony was very specific and very different from a lot of other testimonies where he showed that the current overload and the sorry conditions of the Kahului electric plant might be something that may give Ms. P Dee La Costa a reason to...she's going to miss a lot if she doesn't hear that testimony.

Mr. Tackett: Sorry, I got muted out again. So, anyways, could you please take a moment Eddie to go over what, what Kawika just mentioned. Now I got Mr. Hopper again. Yeah, what you got Mr. Hopper.

Mr. Hopper: Chair, rather than him testify again, did the Department state that the recording is available now? Are you able to have...take a recess?

Mr. Tackett: They did not state that which I thought that perhaps if we went with Kawika's question we could, we could remedy it on the record and move forward, so...

Ms. McLean: I don't think we have the ability to produce a recording while the meeting is going on.

Mr. Tackett: All right Mr. Hopper, your call.

Mr. Hopper: I think the intervenor has something to say something to say as well, or the proposed intervenor has something to say so you may want to hear that. It's just the issue of having someone testify twice is odd.

Mr. Tackett: I don't believe it was testifying twice. I believe it was an ask for a clarification because somebody might not have heard what was said, so I believe it was a question, but go ahead, we're gonna move onto the petitioner.

Ms. Lizzi: I appreciate the opportunity to speak Chair. Petitioners would object to having a repeat testimony from Mr. Enomoto. If that process is gonna be followed, I do believe it would be out of the ordinary because it would provide the opportunity for him to testify twice, so we just ask that the other testifier that was not heard also have the opportunity testify if there were going to be this procedural irregularity.

Mr. Tackett: All right, I believe due to Mr. Hopper's interpretation of the question it probably needs to go a different way. So, maybe Mr. Hopper we could recess the meeting and wait for, wait for an opportunity for P Dee to review since you're not open to the question that was asked by Kawika.

Mr. Hopper: Chair, it's not that I'm not open, it's you have an objection on the record to changing the process that we've normally had. I understand we're trying to accommodate the technology issues here. I think it was stated that because this is not directly on the intervention, it's on the ultimate issue with respect to the project that perhaps, I don't know what her options are for having that discussion, having that testimony reviewed prior to action on the application. You could perhaps conclude testimony, vote on the intervention since neither party has objected to that process, and then before voting on the ultimate application, the commissioners could have the opportunity or the commissioner could have the opportunity to review that portion of the record. I don't know if waiting any longer is gonna make a difference. I assume that there has to be something to create that recording. Also, I suppose if both parties are okay with it, you could just have the two testifies the commissioner missed testify again. So, you could do that. Frankly, I would, I would probably prefer to just to move and to have you know, the commissioners who did not review that portion of the meeting hear that. Also, if there are relevant questions based on those items you can certainly ask the applicant or have that addressed in the later portion of the hearing which are options. So, again, I think those are all options that you have. If the commission...if the parties are okay with hearing both of those

testifiers testify again, I suppose because they missed by one member, you can, you can try that but I want to clarify with that, and note that that is, is a departure from our regular process.

Mr. Tackett: I believe the petitioner already, already has spoken to the fact that they would not approve of that process, I believe. Is that, is that not the case?

Ms. McLean: Chair, you are correct that the petitioner said that that they would object. I believe Mr. Enomoto stated that he had submitted written testimony which would have been provided to all the commissioners, so that might be the solution to ensuring that Commissioner La Costa has his comments available although they not be identical to what he spoke about today.

Mr. Tackett: Thank you, Director. Is that acceptable?

Mr. Malotte: Well, my written comment it was not, it was not anywhere near to the three minutes that I just testified to. I think that it's better to go back and look at the recording and listen to the recording. I think that's fair for everybody isn't it?

Mr. Tackett: I believe you gotta, you gotta wait your turn and not just weigh in on things if, if you understand what we're trying to work through because what you're doing is complicating something that is already complicated.

Mr. Malotte: I'm sorry, I thought was being asked. I'll go back on mute. I apologize.

Mr. Tackett: I appreciate it. So, where does that leave us Mr. Hopper? I believe, I believe probably the simplest and easiest way is just to move through. We'll go through, we'll go through the determination of the intervention and then at that point, there'll be time for P Dee to, to overlook whatever records can be provided. Is that something that you think is the proper way to proceed?

Mr. Hopper: I think so, Chair. I don't know if the recording could be made available later today or if there has to be something that happens later because if the intervention happens to be denied there is the potential for taking action today and if the commissioner...I mean, again, the applicant and intervenors has said or petitioners has said they don't object to Commissioner La Costa continuing to go on this, in this proceeding. It was another commissioner who had said that he would want the commission, the commissioner who missed the testimony to hear it. That's an option but we need to find, we need to find that recording and get it, if there's the ability to do that, great. If not, the parties just said they're okay moving on without Commissioner La Costa having heard those couple of testifiers. I'm okay with doing that, and hearing the intervention and then after that we can see where we're at. If we have the ability to hear the testimony or for her to review the record at that point.

Mr. Tackett: Okay, I'm gonna go with your interpretation of what just transpired. I have a commissioner with a question right now, so I'm gonna go ahead and go to Kellie. We do still

have Eddie on the line I believe and then we do have another testifier waiting just in case so that everybody knows where we're at. Go ahead, Kellie.

Ms. Pali: Thank you, Chair. I actually wanted to continue with the questioning because I did have a question after Kawika for Eddie the testifier. He used the word, dirty...what did he say, dirty energy or dirty something and I just...Eddie could you clarify what you meant by dirty plant or when you were describing the Kahului four boilers to be exact? That's for you Eddie, the testifier. Did we lose you?

Mr. Tackett: Hello, Eddie? Eddie are you still there?

Mr. Malotte: Yes, can you hear me now? Yes, I'm here. This is Eddie. Hello?

Ms. Pali: Hi, Eddie. Can you clarify your testimony? I had a question when you referred to the four boilers in Kahului and you referenced something to do with dirty plant or I don't recall what you said, could you clarify your comment on that please?

Mr. Malotte: You know what that was testifier prior to me, I didn't make mention.

Ms. Pali: Oh, sorry, sorry, sorry. Okay, it's all drawn out. Okay, I retract my...

Mr. Malotte: Okay, I'll go back on mute. Mahalo.

Mr. Tackett: Thanks, Kellie. I believe Kawika also has a question. Go ahead Kawika.

Mr. Freitas: Thank you, Chair. I believe it's Mr. Ed Luck, you had mentioned that you looked at a national report that showed over a hundred thousand birds dying on a project similar to this. Could you share, if you read that report, give us some insight on how those birds may have died was it from being displaced or was it from crashing into the, into the solar panels?

Mr. Malotte: I believe it was a combination. It was on a U.S. government report and it's a 140,000 birds annually from solar farms. And I just, I just mentioned that quickly. I don't know a whole lot of facts about it other than it came from a federal website and I don't know if...I think it's a combination of...it's just a incredible amount of birds.

Mr. Freitas: Okay, Mr. Luck thanks. So, your statement was a 140,000 from all projects?

Mr. Malotte: Yes. Yes, correct. Throughout the U.S., correct.

Mr. Freitas: Thank you, for clarifying.

Mr. Malotte: For every year, yeah, annually, yeah. And that wasn't really the gist of my comments but I you know, I just wanted to comment on that. So, I'll go back on mute. Thank you.

Mr. Tackett: Thank you, Kawika. Commissioners do we have any other questions? Okay, hearing none, Director could we get our next testifier please? I believe she's waiting patiently.

Ms. McLean: Yes, Chair. There are, it seems there's a couple of people on the line and then also one other person who indicated by chat that they wish to testify. So, I think the first person that you had talked with Chair might still be on the line, if you can give your name and proceed with your testimony after the Chair swears you in.

Mr. Tackett: Thank you, Director. Can we have our next testifier please? Please state your name and promise to be truthful.

Ms. Karen Dorrance: Would that be me? Hello?

Mr. Tackett: I believe, I believe that would be you.

Ms. Dorrance: My name is Karen Dorrance, and I do live in Maui Meadows and I want a strong oppose this solar farm vote.

Mr. Tackett: Karen, Karen?

Ms. Dorrance: Hello? Yes.

Mr. Tackett: So, I gotta, I gotta start you from the beginning again. Like I said, please introduce yourself and then promise to be truthful and then you can start your testimony.

Ms. Dorrance: Okay, hello. My name is Karen Dorrance. I promise to be truthful. What else? Is that it?

Mr. Tackett: And that's it. You're good to go. Thank you.

Ms. Dorrance: Okay, thank you. So, I am a resident of Maui Meadows and I strongly oppose the location of this solar plant for all the reasons that you have had, I'm sure written testimony and oral testimony for being next to this 600-home neighborhood is not healthy at all for the people, the animals, the plant life, everything. I can't understand in Maui when we have all this vacant land not next to residences why that land can be used instead of something right next to a subdivision and homes where people are living and all these things will...if this solar farm goes through there's so many things that can be affected that we do not know yet how it will be. We do not want to be that experiment to see how it all pans out especially with all these negative impacts that could occur. So, I don't have much else to say except that I'm totally against it. I have solar panels on my home and I think those are brilliant and it be great if we had some financial assistance to help people put more of those on. And I do, and I do want this island to be fossil fuel free as they intend to in the future but not at the expense of our neighborhood. I guess that's my submission, and that's all I have to say. Thank you. Hello?

Mr. Tackett: Yeah, thank you for your testimony. Does that applicant have any questions? Yeah, do we have our applicant, do you have any questions at this time?

Mr. Chipchase: I'm sorry Chair, slow mouse work on my part. No questions, Chair.

Mr. Tackett: Thank you. I've been guilty of worse myself. Does the petitioner have any questions?

Ms. Lizzi: No questions. Thank you, Chair.

Mr. Tackett: Thank you. And then Commissioners, I'm gonna go ahead and start with Kawika, so go ahead Kawika.

Mr. Freitas: Sorry, I don't have a question yet for the applicant, but I do notice Commissioner La Costa is again off our link, and how long she's been off. She might have missed that whole testimony again.

Mr. Tackett: Okay, let me go. As far as our testifier goes, please hold on the line 'cause we may have questions for you. I believe we do, but I'm not positive, but I need to check with my Director right now and see if we have all our commissioners again. Director, do we...did we lose P Dee once again.

Ms. McLean: It appears that we did. I noticed I think at the same time Commissioner Freitas did that we were losing her and I've also lost Commissioner Lindsey, though she's still listed as a participant.

Mr. Tackett: I see her.

Ms. Lindsey: I...

Mr. Tackett: How long were you gone Commissioner Lindsey?

Ms. Lindsey: I heard the whole thing. My camera's getting slow, but I can hear you. I've heard it from the beginning.

Mr. Tackett: And then P Dee, P Dee are you there?

Mr. Freitas: We lost Dale, but I have no questions for the testifier either, Chair. Thank you.

Mr. Tackett: Okay, and I have Dale, I have Dale back on my screen. Dale what did you miss?

Mr. Thompson: Nothing, I go all the audio, but I did have my video just went off.

Mr. Tackett: Okay. I believe we're, we're in the same position with P Dee again. Is it our interpretation to just move ahead and then at the end of this process we'll have her review whatever she's missed? Does that sound acceptable to you Director?

Ms. McLean: I would want Mr. Hopper to chime in on that Chair.

Mr. Tackett: Sure.

Mr. Hopper: I understand that she may have missed, already missed something that if we can't really go back, but if we know that she's not here, and is not able to hear what's going on, I would advise recessing until she can be part of the meeting. That's what I would generally advise for any, any of these meetings where you're going to have to make a final decision. So, I would, I would do that and if there's gonna be continuing technology problems, I don't know what else we can do to resolve them, but this will...if this keeps happening it's going to be an ongoing issue.

Mr. Tackett: All right, I believe we'll recess until we get P Dee once again then.

Ms. Lindsey: Chair?

Mr. Tackett: Go ahead Ashley.

Ms. Lindsey: Did you want to recess for lunch while we're doing that or just keep waiting five minutes, five minutes, five minutes?

Mr. Tackett: It's up to you guys. If you want to recess for lunch, it's been my, it's been my experience what happens is you just, you just tack it onto the end, so it's up to you if you want to give up your dinner for lunch, we're good with it in my opinion.

Ms. McLean: Chair, you may want to complete testimony before recessing for lunch. It seems there are only a few testifiers left though that could change, but it does seem that there may be just a few left.

Mr. Tackett: Okay, well like I said, I don't think we can do anything until we get P Dee back. So, I mean we'll see how long, how long it takes to get P Dee back. Yeah, Jerry?

Mr. Edlao: Maybe she can call in, do it on the phone and you know, we don't have to see her, but we can...as long she can hear us with the phone, maybe we can contact her, Carolyn, somebody might call her and she get on, on the telephone then we can just go ahead and proceed.

Mr. Tackett: Well, I'm going to leave that up to Carolyn and the Director. I'm actually on my only device, so I don't have the, I don't have the opportunity to do that. I used to have those

opportunities before when I worked...when I was employed, so currently I just have my personal device. Go ahead Kawika.

Mr. Freitas: Chair, isn't it one of the rules for planning commission when we have technical difficulties the new commissioner sings us songs, until you know, the person comes back on? Just kidding Kimberly.

Mr. Tackett: I'm not sure if that's a rule or not, but I'm totally open to some musical content, you know, if that's something Kimberly or any of you commissioners are into, if not I might be able to find some talent myself.

Ms. Thayer: I don't think you want to hear me sing.

Mr. Tackett: But all jokes aside, Director, what do you think? Is there any way that somebody can get in contact with P Dee and so we can find what...where we're at going forward, 'cause my only device has this meeting on it, so I don't have that avenue.

Ms. Takayama-Corden: I have P Dee on the line and she's trying connect, and I'm gonna try and send her the link through for her phone. She's having problems with both sides, so...that's what I need to do right now.

Ms. McLean: Thank you, Carolyn.

Mr. Tackett: Thank you. So, I guess we'll just hold until it sounds like it's in the works and could be fixed quickly. How many, how many of you guys are interested in lunch after.

Mr. Edlao: P Dee's on.

Mr. Tackett: What's that, P Dee's on?

Mr. Edlao: I can see her.

Ms. McLean: Yep.

Mr. Tackett: Okay, well we're gonna work through public testimony and at the end of public testimony I'll take a consensus from you guys if you want lunch or not.

Ms. La Costa: I apologize Chair. I'm back on again.

Mr. Tackett: Okay, if we could please resume our meeting and if we could have our testifier introduce themselves and promise to be truthful. Hello, could we have our testifier please unmute yourself and promise to be truthful.

Ms. Dorrance: Hello, would that be again?

Mr. Tackett: Yes, I believe so.

Ms. Dorrance: Okay, I testified just right before this. My name is Karen Dorrance. Did you want me to say something else?

Mr. Tackett: Well, Karen what happened is one of the commissioners lost their connection before you started your testimony so, if we could, if we could just—

Ms. Dorrance: And so, what, did you want me to go through the whole thing again? Is that, should I...so, I'll start over is that correct is that what you'd like me to do?

Mr. Tackett: I believe, you know, Mr. Hopper I got the intervenor on, I believe they're gonna, go ahead and...or the petitioner on, go ahead and state your objection and then I'll go to my, I'll go to my Corp. Counsel. Go ahead Christina.

Ms. Lizzi: Thank you, Chair. Thank you, Chair, my apologies for the interruption. Just because it would be a procedural irregularity for someone to testify again, we would object to the second testimony.

Mr. Tackett: I understood. I figured that was, was coming. And then Mr. Hopper?

Mr. Hopper: Did she complete her testimony in its entirety? I don't recall.

Mr. Tackett: I don't know. I don't even know when we lost.

Ms. Takayama-Corden: Yes, she did.

Mr. Tackett: P Dee can...(inaudible)...when that...in comparison to the two.

Mr. Hopper: So, okay, well then, the only thing to be done I suppose is to just confirm with the parties that again, you know, we're doing our best with Commissioner La Costa to try to stay on, sounds like she has audio and video now, but if they're okay with proceeding after Commissioner La Costa having not heard this testifier, if they're okay with that we can go ahead and proceed.

Mr. Tackett: All right is the applicant and petitioner both okay with Mr. Hopper's suggestion?

Mr. Chipchase: Totally fine with the applicant, Chair.

Ms. Lizzi: Petitioners are also okay with that. Thank you.

Mr. Tackett: Thank you. All right.

Ms. McLean: Chair, I don't know if the applicant, petitioner and commission had the chance to question that testifier? Okay, we'll go ahead and go questions from the applicant. Do you have any questions for the testifier?

Mr. Chipchase: No, Chair.

Mr. Tackett: Okay, does the petitioner have any questions for the testifier?

Ms. Lizzi: No, Chair. Thank you.

Mr. Tackett: Okay, commissioners do you guys have any questions for the testifier? Thank you. Thank you for your time. Director, could I get my next testifier, please?

Ms. McLean: Yes, Chair. We have Sumner Erdman indicate that he wishes to testify. Mr. Erdman and then we'll make another call to those who have called in.

Mr. Tackett: Okay, Mr. Erdman. Could you please introduce yourself, promise to tell the truth and then you'll three minutes.

Mr. Sumner Erdman: Thank you, Mr. Chair. My name is Sumner Erdman and I promise to tell the truth. First, I'd like to thank all of you commissioners for serving your time. I've served on public commissions before, I know it's not a lot of fun and it's very time consuming and appreciate all your hard work. I'd also like to thank you all for taking the opportunity and looking at this and understanding Ulupalakua Ranch like all farms and ranches is trying to figure out how to survive and this is one of the ways to help us survive looking at opportunities like this. I hope that you can all read through the science that's out there and all the information, and read through all the emotion. It's always emotional and always...change is always difficult and I hope that you can make a good and educated decision based on the information that is before you and I appreciate your time once again. Thank you.

Mr. Tackett: Thank you. Does the applicant have any questions for our testifier?

Mr. Chipchase: No, Chair.

Mr. Tackett: Does the petitioner have any questions for our testifier?

Ms. Lizzi: No, Chair. Thank you.

Mr. Tackett: Thank you. Commissioners, questions for our testifier? Thank you for your time. Director, can we have our next testifier please?

Ms. McLean: Yes, Chair. If there's anyone who has called in who wishes to testify, please unmute yourself and provide your name or if there's anyone else participating by video who wishes to testify? Last call for testimony.

Mr. Tackett: Okay, well going once...what's that?

Ms. McLean: I said last call for testimony.

Mr. Tackett: Thank you, Director. Please close testimony.

Ms. McLean: Okay, Chair. You have closed public testimony.

Mr. Tackett: Okay, at this time Commissioners, what time do we got Director do you know?

Ms. McLean: Right now, it's 12:14.

Mr. Tackett: 12:14. Do you guys, do you guys want to take a lunch break or do you guys want to push through or what is your, what is your guys take on this. I'm open to whatever is best for you guys so...Do we got any input as to that process? Go ahead, Kellie?

Ms. Pali: In the consistency, consistency of a balanced approached, I recommend 15 minutes Chair.

Mr. Tackett: Fifteen minutes for lunch? Okay, Commissioners anybody opposed to Kellie's 15 minutes for lunch? Director, you okay with that?

Ms. McLean: Sure.

Mr. Tackett: Jerry you okay with that?

Mr. Edlao: Fifteen minutes is better than nothing.

Mr. Tackett: All right, anybody else, anybody else want to weigh in on this before we, before we move forward with that? All right, Director, could we please have a 15-minute recess for lunch?

Ms. McLean: Yes, Chair. You can recess till 12:30.

Mr. Tackett: Thank you.

Ms. McLean: We'll see you all then.

Mr. Tackett: See you then.

(A recess was called at 12:15 p.m., and the meeting was reconvened at 12:30 p.m.)

Mr. Tackett: Yes, P Dee.

Ms. La Costa: Thank you, Chair. I just wanted to do a point of order. I did reread the testimony from Mr. Enomoto during the break. Thank you.

Mr. Tackett: Thank you, P Dee. Director, what's out next order of business?

- a) **LINDA J. NYE and CHRISTINA LIZZI, attorneys for intervenors, PONO POWER COALITION and MAUI MEADOWS NEIGHBORHOOD ASSOCIATION, submitting a PETITION TO INTERVENE dated May 10, 2021 on the above listed application from PAEAHU SOLAR, LLC.**
 - 1) **Action on the Petition to Intervene**
 - 2) **If the Commission grants the Petition to Intervene, then the Commission may select a Mediator and a Hearing Officer. If the Commission denies the Petition to Intervene, then it may take action on the permit request.**

- b) **CALVERT G. CHIPCHASE and CHRISTOPHER T. GOODIN, attorneys for Applicant, PAEAHU SOLAR LLC submitting an OPPOSITION TO MAUI MEADOWS NEIGHBORHOOD ASSOCIATION AND PONO POWER COALITION'S PETITION TO INTERVENE**

Ms. McLean: Yes, Chair. Next will be the petitioners presenting their petition to intervene then they will be followed by the applicant who will present their opposition to the petition.

Mr. Tackett: Thank you. So, who introduces the petitioner, you? Is that, is that the process or—

Ms. McLean: They can introduce themselves. It's the attorneys listed on the agenda. Linda Nye and Christina Lizzi are both on the meeting, so they can unmute themselves and give their arguments for the petition. Oh, Mr. Hopper.

Mr. Tackett: Yeah, I see him. Go ahead, Mr. Hopper.

Mr. Hopper: Just for the outset, we would want to clarify, I think you'd want one, I know there's co-counsel for the petitioners, I would...you would want one of them to confirm that they're gonna be the one to make the presentation and answer the questions to the extent possible. The other, the other thing is I don't know if how much time you want to give, I don't know how much time that the intervenors and the applicant have proposed for how much time or if the intervenors want to have time for rebuttal. So, you may want to set that at the outset or see about what it could. I do think you have the option to set time limits, but I would, I would recommend you give sufficient time to you know, make their arguments and we did discuss you know, using visual aids before the meeting, so it looks like that's something that they're going to

request to do, so Chair if you're okay with that, I think it's fine to do that as long as all parties see it. And the only other thing is because we're electronic hopefully the parties, with the parties understanding you will, you know, wait to be recognized by the Chair and there won't be lots of, you know, argument back and forth if you get into questions or anything like, so with that, I think you can go onto the petitioners and go forward, but those are just a couple of points that I wanted to make to make hopefully make things a little easier.

Mr. Tackett: Okay, and Mr. Hopper, I believe whatever, whatever time restraints is applied to the applicant or the petitioner it should be the same for the other party in your opinion?

Mr. Hopper: I think so. I would, I would have the parties introduce themselves and then ask them both how much time they think they would need, that would be fair for them. You know, I'm not saying you should try to cut them shorter than the time that they would want, but I mean if they're gonna go an unreasonable amount of time I do think you have the ability to limit that if you'd like. So, maybe you could start with having them introduce themselves and then talk about how much time they think they would need for their oral argument on the intervention.

Mr. Tackett: Okay, sounds good. Since we have petitioner...the petition first, who would, who would be the primary representative on this petition?

Ms. Christina Lizzi: Thank you, Chair. My name is Christina Lizzi, I'll be the primary person speaking on behalf of the petitioner today.

Mr. Tackett: Thank you, Christina, and about how much time do you feel you will need?

Ms. Lizzi: I would need about 15 minutes for my initial presentation and would request five minutes at least for rebuttal if necessary.

Mr. Tackett: Okay, and then if, if I could please have the applicant would those same time, time periods be acceptable for you?

Mr. Cal Chipchase: Yes, Chair. This is Cal Chipchase, I represent the applicant Paeahu Solar LLC, my partner, Christopher Goodin is present with me though he won't be presenting argument. On the...our call with us today are also Julia Mancinelli with Paeahu, and then, Leslie McClain with Tetra Tech, the primary planning consultant for the project. They won't be presenting either, but they are available in the event that the commission has questions either during my presentation or afterwards. The only thing I would ask Chair is, I have no objection to offering the petitioners five minutes for rebuttal following my opportunity to speak with you. I would ask that in the event I feel there are any points that are so critical I need a minute or two to address them after the rebuttal that the commission indulge me in it.

Mr. Tackett: Okay, so the 15 and five is okay with you as well?

Mr. Chipchase: Yes, Chair.

Mr. Tackett: Okay, then let's move forward with those numbers in mind. I believe it's the petitioner's time so please you have the floor.

Ms. Christina Lizzi: Thank you, Chair and thank you, Members of the Commission, Director and everyone gathered here today. We really appreciate the time to present petitioner's Petition for Intervene. I want to make sure everyone can see the slide behind me, if you go to speaker view it will make it larger. So, I'm here today along with Linda Nye on behalf of Pono Power Coalition and Maui Meadows Neighborhood Association to represent their Petition for Intervene in Paeahu Solar's application for a Special Use Permit. I will try to move quickly today, but we do have a lot to cover. We'll do it within the 15 minutes. I'll be reviewing the most pertinent points within our application or our petition and providing some responses to some of the points raised by the applicant in their Memorandum in Opposition to our Petition for Intervene. Linda and I ...(inaudible)...answer questions at the end of this presentation.

To begin with, I'd like to introduce you to our petitioners. First, the Maui Meadows Neighborhood Association, you've heard from their president earlier today. They were founding in 1999 as a group to look after the well-being and promote that well-being and the aloha spirit of all residents in Maui Meadows neighborhood. They are governed by a board of directors, have approximately 91 members at this time and overall seek to ensure the integrity and livability of the Maui Meadows neighborhood community. A majority of the board did vote to intervene or to file a Petition to Intervene in this application. Next we have Pono Power Coalition which is an unincorporated citizen's organization. It's a group of concerned citizens who came together specifically to address community engagement with power projects such as these and to make sure that community concerns are adequately voiced and heard throughout it, and most of their members do reside in the Maui Meadows neighborhood community. They stand for protecting, respecting, preserving cultural and environmental diversity and integrity in Maui and to ensure that energy products...projects do not harm endangered or threatened species including those species habitats. And I would just note the Pono Power Coalition has been granted intervention status previous in the Public Utilities Commission matter regarding the applicant's purchase power agreement with MECO.

So, why does these folks care so much? You've heard a lot this morning about the fact that this is very close to where they live. You can on the map this is where Maui Meadows is, and where the proposed project is, so it really is just 250 feet back from some of their property lines. Todd Logrande was earlier a testifier today, these are images that he had simulated and created to show what the solar panels may look like behind his home. But this is really not just a not in my backyard kind of thing. The petitioners are organizational representatives have a wide array of concerns that go beyond the flooding and things that will directly impact those that live closest to the project that extend to endangered species and cultural and historical resources.

So, why intervention? Yes, we heard a lot of testimony earlier today, the people for and against this particular permit, but intervention is not really about is it granted or is it denied. The

purpose of intervention and the purpose of the intervenor, petitioners coming forward to day is to offer you, the commissioners, more information. We heard a lot of concerns and issues raised from both sides about mitigation measures that are necessary, about flood risks, about how far back is really safe, and what things could be put in place. Intervention is an opportunity for a party that's not really been fully heard and whose concrete interest and property rights will be affected to come forward and present that kind of evidence. And so, if intervention is granted it would basically give the opportunity for petitioners to come forward in a contested case to present lay testimony as well as expert testimony to really flesh out these issues and to help you, the commissioners come to a much better fully informed and educated decision. And just to be clear, the commission would retain the final authority over whether or not the petition...or the whether or not the permit is granted or denied.

So, what are the nature and extent of the petitioner's interest? The members include but are not limited though to those who actually live directly on properties that are abutting the project. We have three that provided declarations, by declarations with the petition, but you also heard from other folks that are involved who also live on properties directly adjacent to the solar project. The members have concrete interest that are affected by the proposed that are including property, financial, quality of life, environment, aesthetic, recreational, cultural and historical and archaeological interest.

You heard a lot of these concerns earlier today, but because they are part of the partition I just want to run through some of them quickly. Association coalition members will be directly and immediately effected by the issuance of a special use permit because they are adjacent home...landowners, they'll be most harmed, there's dust and noise during the construction and operation of the project. They'll be affected by the blasting, the grubbing and grading. The runoff that can come from the increase in pervious surfaces potentially lead to increased flooding in our neighborhood and community. There's concerns about water quality issues from that runoff getting down to the nearshore areas and what effect that could have not only on the marine life but also on their recreational interest in that nearshore waters. There's also impact to view plains from their homes, glare from the panels, increased fire risks, degradation of the character of the neighborhood, again this project will last for 25 years or more and so this is really an ongoing impact and that's why they want to make sure their concerns are fully vetted in advance. They're also concerned about archaeological resources particularly along the access road improvement through Wailea 670. They're also concerned about nighttime lighting, including any vehicles that might be on the roads after dark that shine lights into their homes. The lighting of the project can also affect stargazing at night. They're concerned about increased traffic and dangerousness at intersections. The potential construction vehicles going through Maui Meadows as well as the creation of heat sync raising temperatures in the surrounding community and electromagnetic frequency emission with potential health impacts, and they're also concerned about property value impacts.

Members are all, also very concerned about the wildlife that are in the nearby area, both the flora and the fauna, and this project moving forward could diminish their ability to see wildlife and have impacts on endangered species such as the Hoary bat and Blackburn's sphinx moth,

both of those species were addressed in the applicant's application, however the recommendations are basically to systematically reduce the habitat for those species to avoid interactions with the power plant and in that sense they'll actually be losing habitat in order for this power plant to go forward and so there's things that really looked at and considered before that step is taken.

There may also be unknown chemicals used for vegetation management and cleaning the solar panels. There's no concrete commitments right now to what will be used. There's also issues with clearing vegetation and the toxins that can be released when that's done, and the road proposed now to run alongside the fence adjacent to Maui Meadows raises new concerns including increased noise and dust to adjacent landowners.

Those are just some of the concerns. If the petition is granted, petitioners would be able to come forward and provide much more detailed information on each of those and provide expert testimony in addition to their own lay testimony.

And based on this, petitioners have a statutory as well as their constitutional right to intervention. Pursuant to the Maui Planning Commission Rules all persons who can demonstrate that they will be so directly and immediately affected by the matter before the commission that their interest in the proceeding is clearly distinguished from the general public shall be admitted as parties upon timely application for intervention. All of the interests that have been mentioned so far fall into that as the direct...as organizations representing members who have direct property interest and will be so directly affected. The petitioners do have standing and their interests are different and distinguishable from the general public.

They also have a constitutional right to intervention and this is based upon their due process right under Article 1, Section 5, as well as they are public trust beneficiaries and they also have a right to a clean and healthful environment. So, all of these really mandate that they have the opportunity to present more information before the commission makes its decision.

Alternatively, the commission can also grant leave for any party to intervene even if they don't have adjacent landowners or even if they can't show that the folks intervening are immediately and directly impacted, and in this case, there are some criteria for the commission to consider. We do believe that petitioners also meet all of those. The petition is in the interest...the position or interest of petitioners is not substantially the same as any party that's already admitted to the proceeding. The only other party right now really is Paeahu Solar and so they are representing the interest of the applicant and not necessarily those of the community. They won't render the proceedings ineffective or unmanageable, they're represented by counsel and we can present them effectively and efficiently. It will also aid in a full record and really get to the heart of the issues that the special use permit is supposed to address. And finally, it would serve the larger public interest because they do have these concerns that go well beyond what directly affects them in their own backyard.

Before I end, I want to make sure I address a few of the points that were raised in the applicant's Memorandum in Opposition. One of those was organization standing and in ...(inaudible)...in particular the applicant referenced the hunt test. We dispute whether or not the hunt test applies in this situation because it really goes to whether or not organizations have a right to sue. However, in the interest of making sure that we're, we are meeting everything, the hunt test to explain it briefs says an association may sue on behalf of its members even though it, itself has not been injured when its members would otherwise have standing to do on their own right, the interest it seeks to protect area germane to organization's purpose and neither the claim asserted or the relief requested requires the participation of individual members in the lawsuit. What applicant had issue with was specifically that third thing and the Hawaii Supreme Court however has already clarified that that last prong simply requires that an organization's participation does not require participation by each injured party in an action. In deed it's quite normal for organizations to have standing and to have a few of their members participate in a contested case proceeding. So, applying that test to Pono Power Coalition and Maui Meadows Neighborhood Association...establish that we do have organizational standing, members would otherwise have a right to intervene on their own because they're adjacent homeowners and have rights to clean and healthful environments that are being directly impacted. There's a nexus between the organization's mission, Pono Power Coalition was directly formed to deal with exactly these kinds of issues and to engage in...with energy projects. Maui Meadows Neighborhood Association is there to promote the wellbeing of the Maui Meadows neighborhood community and this directly affects their wellbeing.

Finally, intervention does not require substantial participation of all the individuals of these organizations and it would be really unwieldy for all of them to come forward as individuals. It's much easier for them to come together as a group and then just have a couple that will come forward in a contested case to provide testimony and also to be able to pull together resources to ...(inaudible)...expert to the commission. So, we do have organization standing and this is the most efficient and effective approach. Applicants might note that they did offer that they would not oppose our intervention if we had substituted in the declarants as those who we're intervening on behalf of. That's not required by law and would have prejudiced declarants, both declarants and the organizations in numerous ways and it would have burdened the commission with going through multiple declarants to determine whether or not each of those people had a right to intervene. We selected just a few folks to provide declarations, we had many more to choose from. Again, we believe that representational...organizations representing these organized individuals really make this proceeding much more efficient and effective and that they absolutely have a right to do so. I'd also like to note that courts have also held that not every member of the organization must be injured in order for the organization to have standing. Also, as the Maui Meadows Neighborhood Association's decision to intervention, that decision was made by a majority vote of the current board of directors and therefore indicates the will of the organization. I don't expect you to read all the information on this next slide, but it's really just here to show you that there...this is just a sample of cases that the Hawaii Supreme Court has decided where it's found that organizations have standing to represent the interest of their members, and it's just to show you that really this kind organizational representation of petitioner is the norm.

Just to close, again, believe in all the ways that the petitioners have shown that their members will be so directly and immediately affected by this project that they do have a statutory, mandatory right of intervention in order to really flesh out the record and to provide the commission with more information and they also have constitutional due process rights to such intervention based on all of those concerns. However, again, they could also be granted your discretionary intervention. And just again, reiterate that intervention here will just provide more information to the commission and that we are grateful for the opportunity to submit the petition and ask that the petition be granted. Thank you.

Mr. Tackett: Thank you. Does the, does the applicant have anything to say on that?

Mr. Cal Chipchase: Yes, Chair if I may. We are here discussing the petition to intervene. The petition to intervene of course has context and that context is the renewable energy project, the Paeahu solar project. A number of the comments about that project and the studies that were presented or provided in the discussion these applicant's counsel, petitioner's counsel were not accurate. You know, for example, the habitat of the Yellow-Face bee was studied by the state's recognized expert Karl Magnacca and he concluded there is no Yellow-Face bee habitat. Things like that are just inaccurate statements but I'm not going to belabor them because what we're really talking about is standing and standing in this project we have a renewable energy project that will help the state meet its goals of reaching a hundred percent renewable energy by 2045. This project alone will reduce carbon output by 520,000 metric tons and provide electricity for 7,000 Maui homes. One of the statements we've heard throughout the day is about the size of the project. The size of the project is 50 acres of panels. There is a 150 acres total including the buffer area and the project study area was 250 acres so encompassing much more than the solar panel itself that portion of the project and the buffer area, but the solar panels themselves are 50 acres.

The applicant, Paeahu engaged in extraordinary community outreach and you heard some of that from the public testifiers today. We've been working with the community since 2018. There have been more than 100 in-person meetings with individuals, organizations, surrounding communities including the Maui Meadows residents. There were five days of community information sessions and public open houses. The Aha Moku was consulted as well.

All of these outreach efforts and then the technical work resulted in 14 different studies, all of which have been submitted to the commission as part of the application and to come back to the Yellow-Faced bee point, Mr. Croly, one of the public testifiers earlier who is a resident of Maui Meadows urged the commission to read those technical studies because they refute the concerns or the assertions that have been raised in opposition to the project, but 14 studies all prepared in conjunction with the relevant county, state and federal agencies and submitted to the county for its review in the preparation of its report.

When the project is being constructed and when the project is in operation, Paeahu is committed to following best management practices and you see those incorporated into the

application and into the staff report and its recommendations. Those include a drainage plan to address any issues with respect to runoff. We recognize that no matter how much outreach you do or no matter how many studies you provide, someone will not like the project and it always happens or often happens. In this case, the project is about 300 feet, the first solar panel, about 300 feet or a football field away from the first property in Maui Meadows, and as you saw from counsel's presentation the folks that have submitted declarations represent that row of people on one part of Maui Meadows and, and that gets us into the standing issue itself because we see from just that how individualized the opposition to the Paeahu solar project really is. It's not a collection or a group or a large swath of the community, it's particular folks. And so, when we received the petition to intervene we noticed that it was not brought by individuals, the folks who have submitted the declarations of folks you heard from today instead it was brought by two organizations, one group called Pono Power Coalition and then the Maui Meadows Neighborhood Association, and so as counsel acknowledged we immediately reached out and say, we don't have a problem with the individuals who have concerns about the project to intervene, but we don't think that the organizations are the appropriate vehicles to do that. We would stipulate to allow all of the declarants in as parties. There'd be no need for the commission to consider an application or individual's interest we would simply have stipulated to allow them to participate because we welcome the dialog and welcome the discussion. We believe it should be done by the folks who actually have expressed an opposition to the project and through these coalitions. Counsel declined and so we end up in the hearing that you're having now, and as counsel put up on the screen there are two rules in the Commission's rules that deal with intervention. The path is mandatory intervention, and the second path is discretionary. Through either path because they presented organizations as the applicants you have to deal with organizational standing. It's part of the inquiry whichever route you go.

The starting point for discussion of organizational standing is to look at the organizations. Here we have Pono Power is...which identifies itself as individuals who have signed an online petition or have donated money or have donated time, you do any of those things you're a member and they admit that they include many individuals who are not residents of Maui Meadows. The second group is the Maui Meadows Neighborhood Association, and you heard a little bit about that from public testifiers today. It was noted that it's not a mandatory organization and that it only has about 91 members when there are about 3,000 residents of Maui Meadows, more than 600 homes. So, it's an organization of a collective very few people not representing all of the Maui Meadows neighborhood. For two reasons the association does not have standing. Counsel mentioned one of those that we raised in our papers. The other we raised is that it, that the opposition to this project is not germane to the purpose of the Maui Meadows Association. The second point that counsel did raise is that there's a fracture among the membership of Maui Meadows and when you have an organization that has a fractured membership on a position, it's not appropriate for the organization to represent or to assert that it is representing the interest of its members, it's appropriate for the individual members to stand in their own names. For a third reason, both Maui Meadows and Pono Power are not the appropriate parties to intervene in this case and that's simply that the harms are so individualized. It's not simply a question of who will have to testify, it's the fact that the harms you heard from the folks today, the declarants in large part were the folks who testified today.

They talked about the views from their homes, the property value impact, the runoff to their homes those are individualized injuries not collective injuries and because they're individualized it's appropriate for them to present them in their own names.

So, we look at the same test that counsel put up on the screen and this test applies wherever you are court or commission proceeding, this is a quasi-judicial proceeding under Chapter 91 of the Hawaii Revised Statutes and any appeal from here goes to court. So, we follow the same rules for standing that you would follow anywhere and when you have an organization it's your burden to show that organization has met those standards, and the two that we focused on as I said if you look down on the power point, numbers two and three, two is that it's not germane to the organization's purpose, and three, is that neither the claim asserted nor the relief requires the participation of individual members in the lawsuit.

So, if we begin with the neighborhood association, we look at the Articles of Incorporation and we put those up on the screen, the purpose, the only reason this organization exists is to promote the well-being and aloha spirit of all residents of the Maui Meadows neighborhood that's its only purpose. Well, we know that there are 3,000 residents of Maui Meadows and we know that far fewer than that numbers oppose the project. We have the association representing only 91 individuals or having 91 members and we know even with that organization there's a fracturing of the membership.

Well, you can see from the testimony you've heard today and the testimony that was submitted in writing is this fracturing, this divergence of interest between the board or at least the majority of the board that counsel mentioned that opposed the project and the rest of the Maui Meadows neighborhood. For example, William Gresham submitted written testimony stating that he supports the project and he confirmed what I just told you that the association has not reached out to homeowners in Maui Meadows and that its small board does not speak for the entire neighborhood. You have a board whose only purpose is to represent the interest of all members of Maui Meadows. It is not through opposing this project representing the interest of all residents of Maui Meadows. Michael McCormick who is a former board member also supports the project and he said the same things in his written testimony to the commission. He says that the project has its approval because it will improve health and that it will provide cleaner, greener electricity for the community. This divergence from the purpose of the association and the actual effect of the opposition. The testimony of Madge Schaefer further shows this divergence among the residents of Maui Meadows. Ms. Schaefer supports the project and what her testimony and all the testimony you've heard and it's been presented in writing is that the association is not here representing the interests of all residents of Maui Meadows. It's representing some, some is not enough when your purpose is to represent the interest of all residents.

That representation though is not even uniform among the members of the association and that brings me to our second point is that organizational standing isn't allowed when there are conflicts of interest or great divergence between the members. Courts have recognized that there's a difference between a board and the members of the association. A board may have a

particular view or want to take a particular path that may not be shared by all of the members of that association. In that case, it's improper for the board to cloak itself in the mantle of the association and claim that it is representing individuals when it is not in fact advancing their interests. And so, one of the testimonies that you've received is from Karen Carlson, she's a Maui Meadows resident and a member of the association and she supports the project. She's not alone, a couple of years ago there was actually a poll conducted by the Maui Meadows Association and that poll found that a material percentage of the membership supported the project. We put those minutes from the association's meeting up on the screen. Notably the poll asked whether there was support for a 200-acre solar array. Our project as I said is only 50 acres, so even when the project was described as a 200-acre solar array there was material support for the project among the association's own members.

At that same meeting, a motion was made to take a position on the project and that motion failed to receive a second and so no position was taken. You heard today from counsel for petitioners that a second motion at some point was made and that a majority of the board voted in favor of opposing the project. So, not even the full board supports the positions that are being advanced by the association. In that kind of situation where you have this divergence among the membership and among the board itself it seems it's inappropriate for the association, for the organization proceed as the intervenor.

The third point, and my last point relates to both Pono Power and the association. The assertions in the petition as counsel shared with you include some generalized claims and some that are unique to particular homeowners. The problem with the generalized claims is that under the law, unless you allege a violation of the law, a generalized concern is not enough to confer what we would call environmental standing. You have to claim that there's some violation or eminent violation of the law. In all of counsel's presentation, in their writing that claim is not made. The particularized claims are the only ones then left standing and as I said, those require material participation by the members of both Pono Power and the association, those folks who claim it's going to affect my views, it's going to affect my relationship with wildlife. It's going to affect my stargazing. You've heard that from Mr. Logrande that it's gonna affect his runoff and his visual, his view outside of his upper story. Those things are not association issues. Those things are individual issues. There were divergence even among the individuals. One individual thought that a mile was the minimum distance the project should be, another individual thought a thousand feet, those are not associational whether Pono Power or the Maui Meadows Neighborhood Association, those are individual issues.

The same is true of what we've heard a lot about today and that's property values. We've heard from a number of the opponents that this will affect my property values. It's hard to imagine a more quintessentially personal issue then it will affect value of my home. To do that, to assess that, you have to look at the existing value of the home, have that valued, and then value the effect of the solar if any that's a unique measurement that is not going to be applicable to all people and the effect of it is not going to be applicable to all people. Instead it's equivalent to a damage, a loss, and you heard about a lawsuit if things don't go well. Those are damages,

those are personal, they're not associational injuries, they're individual injuries and the individuals are the proper ones to present them.

Ms. Takayama-Corden: Fifteen minutes.

Mr. Chipchase: Understood. For these reasons, the two organizations petitioning to intervene are not the proper parties, as counsel said, and I said, we had offered to allow individuals to stipulate, that offer stands. We're well outside the period in which intervention would be timely, we're not trying to shutdown discussion, what we're trying to do is focus that discussion on the folks who actually have issues to raise, and to have them raise them directly instead of through the associations that don't represent all of the members in this petition and that would need their individualized participation in any event. Thank you.

Mr. Tackett: Thank you. Director, is this the time for rebuttals?

Ms. McLean: Yes, Chair, and I would ask Mr. Hopper to chime in. It is the Chair's call whether to allow the petitioner to rebut. If you do that, then I would imagine the applicant might also want to have something to say that is your decision. Mr. Hopper might have something to add to that, but otherwise it's your call Chair.

Mr. Tackett: Okay, let's listen to Mr. Hopper and then we'll go from there. Thank you, Director.

Mr. Hopper: I think you had said five minutes for rebuttal for the petitioner. It's a little unusual to have a rebuttal to the rebuttal. I think Mr. Chipchase had asked if there's any, you know, very...I don't know exactly what he wants I guess to clarify any points, but I don't want to have to get into the endless rebuttal situation, so we could just have the petitioner give their rebuttal, and I suppose if you wanted to recognize Mr. Chipchase with the understanding that at the conclusion, the Commissioners can ask questions of the parties and the parties will have to answer those questions. So, I think that that's the fairest way to go about it.

Mr. Tackett: Okay. Yeah, I believe I did, I did allow both of them to have that opportunity.

Ms. McLean: Okay, Chair then it would be the petitioner's time to speak right now.

Mr. Tackett: All right, please proceed.

Ms. Lizzi: Thank you, Chair. Just to briefly address these points, so the organizations do have standing. Maui Meadows Neighborhood Association has never purported to represent every single person that lives in Maui Meadows neighborhood. They do promote the well-being of all those there, but they do not represent the interest of every single person in that community because they represent the interest of their members. The board of directors as a representative government naturally does. They are the ones that make a decision based on upon the organization and they found that the petition to intervene is what they find is in the best interest at this time of their members, and again, that's the petition to intervene to be able to

offer more information. I wanted to make sure that the commissioners are not confused here by some of the points raised because what we're speaking is intervention to provide more information. We are not seeking to sue anyone here, we are not seeking damages, we do not need every individual homeowner to come forward and explain their particularized individual injury and that's the Hunt test that counsel is unfortunately leaving off that that same case that cited to you clarifies that that goes to each injured party, and if injured party must participate then we would not have organizational standing, but that's not the case here.

Again, regarding the...just to briefly mention we recognize that a lot of outreach has been done, we recognize that many studies have been conducted but those were by their experts, and there are people who have been left out of the discussion. There are experts that have not opined on these issues and petitioners are simply seeking an opportunity to bring more information to the commission so that all of these issues can be fleshed out. The ultimate decision whether to grant or deny the permit remains with the commissioners.

We also did not incorrectly say anything about the Yellow-Faced bee. There are, there is habitat there. There was an expert that opined for them that said that it's a poor habitat, however there are plants in that area that the Yellow-Faced bee relies on to survive, and so they did not continue to search for it because they felt that it was not necessary at the time. However, that does not mean that there is no habitat there for those bees.

Again, regarding the diversions within Maui Meadow Neighborhood Association, they are governed by a board of directors. The poll that was referenced it's from 2019, that is well before what's before the commission today. There were also, there was also leadership at that time and that should not...it directly showed that the vast majority of their organization actually opposed this project where as what we're really looking at today is whether or not they want the opportunity to present you with more information and make sure that all of their concerns are heard.

Pono Power Coalition also, if they've been previously granted standing between the Public...before the Public Utilities Commission and believe that goes to the fact that they do have standing as an organization to represent those people who have concrete interest that are affected by this project.

Again, we're not seeking money damages here. This is not a lawsuit. We don't have to bring everyone who's impacted to the table here. And anything else that I want to touch on before our time runs out here...just go back to the fact that petitioner's organizations, their members have concrete interest. Organizational standing really is the norm, it's the most efficient and effective way to participate in the decision making process. Pono Power Coalition, many of its members reside in Maui Meadows. Maui Meadows Neighborhood Association obviously has numerous members that reside directly in Maui Meadows and they will be affected by this. We ask that you recognize that petitioners have a constitutional due process right as well as a right to a healthful, clean environment and they're asking for the opportunity to provide more information to make sure that all of their interests that will be impacted by this project really are taken into

consideration and that they have the opportunity to bring forth more information to answer all those questions that were raised earlier today and we thank you for time and your service to the community and ask that you grant this intervention.

Mr. Tackett: Thank you. I'm gonna ask the, I'm gonna ask the applicant right now if they have any rebuttal for, for the rebuttal and then we'll proceed.

Mr. Chipchase: Very good, Chair. Less than a minute. The first thing I wanted to point out is that board, particularly partial board's report is not enough to confer standings. I mentioned the courts uniformly recognize the distinction between boards and the members. If you're going to claim to represent the members, the members have to support what you're doing. If there's a divergence among the membership they don't and you don't have associational standing. You might be able to proceed in your name perfectly fine, but you can't claim to represent all of these people many of whom disagree with the position that you're taking and that's particularly true here when the only purpose of the organization is to represent all the members, all residents I should say, all 3,000 residents of Maui Meadows. The association is not doing that by its own admissions, by its own numbers it's not doing that and so it doesn't have associational standing.

Pono Power was organized to oppose this project. There's no question about where its interest lie. The question is, do the claims that it makes require participation by individual members and that's absolutely the case. If you're gonna claim that it's gonna impact my home because of runoff, views, property values, that member making that claim is going to have to participate and so there's no efficiency, there's no saving of time. We have the same evidence either way. The thing you have is associations, organizations claiming who represent these broad interest when they do not in fact when they represent narrow interests. Those narrow interests are welcome to participate even now, but the association should not. Thank you.

Mr. Tackett: Thank you. Director, I believe we move onto questions from the commission. Would I break, break them apart to questions to the applicant, then questions to the petitioner or how, how should we segregate that.

Ms. McLean: It's a great question Chair, and I would ask Mr. Hopper to respond.

Mr. Tackett: Mr. Hopper.

Mr. Hopper: I think at this time if you're okay with it Chair, you can just have questions for either party depending on which the members have. Some may be for both, some may be for a particular party, so I think whichever the commission would prefer.

Mr. Tackett: Outstanding. Thank you, Mr. Hopper. All right, commissioner so the floor is now open for questions to either party. Go ahead, Kawika. Please, please give me just one second. Mr. Hopper do I have to swear in my, my commissioners? I do not, correct?

Mr. Hopper: You do not, they're not giving evidence, they're, they're...you're essentially the decision maker so you would not have to.

Mr. Tackett: Outstanding. Thank, Kawika. Go ahead my brother.

Mr. Freitas: Okay, thank you Chair. As I listen to the testimonies today, a lot of them that were members of the Maui Meadow area it sounds to me like their testimony addressing the same things that were brought up in previous town hall meetings and a lot of them have been addressed. There was one that kinda concerns me and one gentleman that gave a good picture how a 5,000 square foot roof with water running off of it and now you're gonna have six million square foot of runoff. I'm really concerned about the drainage. I know that in the study that you provided it just says a study was done on drainage. Now if water is coming off of that, and then going down into the ground or is it being channeled into some kind of piping that leads toward a proper drainage or are we just letting it run right into the ground and make its own path to wherever and it's gonna go right to these people's homes that's the first question.

And then the second one was, the other gentleman who said very similar to the Lahaina project how all the water mauka side had brought down all the dirt right underneath and below the project and they continually go and clean it out which to me sounds like erosion because of poor design and poor development. So, two questions about the water drainage and then also how water coming down carrying mud under something that is gonna be...I'm not sure if it's gonna be on dirt or you folks are gonna put it on cement or how that's gonna be, so it's a more of question I think for the applicant.

Mr. Chipchase: Yes, understood Commissioner. And, what I would, what I would invite is in the response to your very technical and very thoughtful question, I would ask Leslie McClain if she's available to respond to it. I think you'll get more accurate or more complete information from her as in charge of the planning efforts than for me, as just a guys reading them and so, Leslie if you wouldn't mind fielding that?

Ms. McClain: Hi, yeah...

Mr. Hopper: Mr. Chair? I'm asking just for the Chairperson to be recognized real quick.

Mr. Tackett: For?

Mr. Hopper: Oh, just on the question, I just had a concern about the directions of the questions if I could address it?

Mr. Tackett: Sure, go ahead Mr. Hopper.

Mr. Hopper: The sole issue right now, you can definitely get to the issues of the project impacts and things and I suppose if the question on the project impact is germane to whether you want to allow an intervention you can proceed with those, those questions, but the issue right now is

whether to allow an intervention so you decide who the parties are and then if you have...grant the intervention, you can certainly go into the mitigating impacts of the project. If you deny the intervention, you can do that also. Right now, it appears that the main issue raised by they opposition is the issue of organizational standing and I think that's primarily what you're being asked to discuss with this petition to intervene. Having witnesses come in to talk about aspects of the impacts of the project may be more appropriate for after deciding intervention unless like I said that is a significant thing for the commission to hear before they decide on intervention and to go toward the intervention issue, but I just want to not get into, you know, the entire discussion of the...of whether to, you know the impacts of the project if that's not going to be germane to the intervention issue, so I just wanted to try to focus that as much as possible on the legal arguments made by the parties for the intervention because after that's decided you can go forward whether you approve it or do not to deal with the project impacts. That's all that I had.

Mr. Tackett: Thank you, Mr. ... Thank you, you Mr. Hopper. Hey, Kawika what, what...did you, did you get what he was saying?

Mr. Freitas: Yes, I do and I thought I made myself kinda clear and the reason I stated what I did is I've made up my mind about which way I'm gonna vote. However, I am not too clear about that one issue which is a concern of the people that are on that board is the people that are petition. So, it's not to ...(inaudible)...all of the details, it was something from someone's question that we would have been told wait till later to ask. So, if I'm...if this isn't the time to ask that then I know what I'm gonna vote then, that's fine.

Mr. Tackett: Okay, understood Kawika. Just, just a reiteration of what I think I heard from Corp Counsel is you guys need to decide whether or not you feel like the arguments that were made today for and against the intervention are legitimate whether or not you're going to allow the intervention whether or not you're not going to allow the intervention. If you do allow the intervention then it will go that way, if you do not allow the intervention then almost all of the things that you have questions about can be entertained at that point because you still have the ability to say yes or no at that point as that's within your purview, so that's just how I understand it. What Kawika said is in his opinion and you guys are all here because you have valuable opinions and his opinion was that that was part of something that he was using to, to base his decision off of. So, after, after, after my short rant, I think I'm gonna get back to you guys as far as if you guys have questions that that are directly related to the legitimacy of the intervention. I believe I got P Dee. Thank you, P Dee please proceed.

Ms. La Costa: Thank you, Chair. My questions are for Ms. Izzi, excuse me, the petitioner.

Ms. Lizzi: Lizzi. Thank you. Thank you, Commissioner. Lizzi, thank you.

Ms. La Costa: Sorry, I can't read my own writing. I beg your pardon.

Ms. Lizzi: That's okay, thank you.

Ms. La Costa: So you mentioned that if the intervention were to go forward, then you could have a lot more information to be provided to us to make a decision. So, when...according to my calculations the association of 91 out of 614 homes is 14.8 percent, of that 14.8 percent there are people who belong to the association and people who do not who are for and against this. So my question is, if the intervention is being requested solely so you can provide more information why are the experts and/or the people who are against this project and want to be part of the information, why are they not available today. Thank you.

Ms. Lizzi: Thank you for your question, Commissioner. The reason that we did not bring today all the experts and absolutely everyone who is opposed to this project here today is because there is this really clear process for intervention that's laid out in the Maui Planning Commission rules, and so the most appropriate way for us to go forward was to present our petition to intervene which would then give us a hearings officer, someone that could make findings of fact and conclusions of law so really, so that we could get that those experts. It's gonna require a substantial time and investment of resources on our end to do this, and so we want to make sure that we can have those but that it can be fully heard in more than three minutes. If we had presented those experts here today, it might have prejudiced our ability to testify in any intervention and that's why we did not ask any experts to come forward today.

Ms. La Costa: Then why did we not receive written testimony from more people if you wanted more people to be heard. There isn't a three-minute limit on that and we did not receive very many people from the association so I, I just go back to that. Thanks.

Mr. Hopper: Chair?

Mr. Tackett: Yes, Mr. Hopper.

Mr. Hopper: I think it may be beneficial to have potentially a brief executive session on, on this item in general to give the parties...the commissioners some guidance on the issues here. I think that would be something that would be significant if possible.

Mr. Tackett: All right, we got a motion for executive session?

Ms. La Costa: So move.

Mr. Tackett: A second? All right, I got a motion from P Dee and a second from Jerry. I believe we'll go to executive session now and see if we can get this situated.

Ms. McLean: Chair, you need to formally recess this meeting to go into executive session and then reconvene.

Mr. Tackett: Yeah, and you need to send codes, correct?

Ms. McLean: Right, Carolyn will email the commissioners with the new invitation. You will need to drop out of this meeting and then come back to this, so make sure that you save the link that you used to join this morning.

Mr. Tackett: Okay, so if we could formally close this meeting or recess...recess this meeting, if we could formally recess this meeting for now and then we'll convene into our executive session via the link that Carolyn sends to you guys and then we can proceed from there.

Ms. Takayama-Corden: I'm working on it right now.

Mr. Tackett: Thank you so much.

It was moved by Ms. La Costa and seconded by Mr. Edlao to go into executive session.

(The regular meeting was recessed at approximately 1:30 p.m., and the Commission went into Executive Session at approximately 1:36 p.m. Upon adjourning the Executive Session at 2:00 p.m., the regular meeting was then reconvened at approximately 2:02 p.m.)

Mr. Tackett: ...our meeting to order. Thank you very much, and I believe we were still in commissioner questions to the applicants and commissioners, so do we have any other questions for the applicants...I mean, for the applicants or petitioners. I see P Dee's hand up, go ahead P Dee.

Ms. La Costa: Thank you, Chair. This is for the applicant please. Could you please clarify for me that the individuals who might have an issue with this, you're inviting to be intervenors but you do not feel that the petitioner has any standing because of the organizational aspect? Thank you.

Mr. Chipchase: Appreciate the question, Commissioner, and that's essentially correct. The two organizations that have petitioned to intervene that are the petitioners we don't believe meet the test for organizational standing, but it's not an intention to or no intention on our part to close down or prevent dialogue and so we're making the offer that we would stipulate to allow the individuals to intervene in their own names.

Ms. La Costa: Thank you.

Mr. Chipchase: You're welcome, Commissioner.

Ms. La Costa: That's all Chair.

Mr. Tackett: Thank you. Commissioners, any other questions? I guess at this point since you have no more questions, I guess we'll entertain a motion as to whether or not to grant the petition to intervene. If you make a motion you're gonna want to have your criteria and then base that motion off the criteria and we will need a majority vote, so do we have a motion on the floor? Go ahead, P Dee.

Ms. La Costa: Thank you, Chair. I'd like to make a motion to deny the intervenor's standing because they lack organizational standing in this petition.

Mr. Tackett: Thank you, P Dee, and we got a second from Jerry. All those in favor please raise your hand. P Dee is that a hand up or hand down? Hand up?

Ms. La Costa: We didn't talk to the motion.

Mr. Tackett: Oh sorry, you guys are, you guys are totally correct. Sorry, you guys I jumped the, I jumped the gun. So, go ahead P Dee, go ahead and speak to your motion.

Ms. La Costa: Thank you, Chair. I made this motion because after hearing the testimony, reading all the written testimony and getting a better understanding of what positions are for the applicant and for the petitioner I do not feel that the petitioners can meet the burden of proof to be an organizational intervenor. Thank you.

Mr. Tackett: Thank you, P Dee. Jerry, would you also like to speak to the motion?

Mr. Edlao: Yeah, I agree with that. The people that are gonna be impacted are gonna be impacted undoubtedly and I agree with that, but what's before us is are these, are these two petitioners as organizations have standing and I do not think that they do as an organization and that's why I voted you know to deny.

Mr. Tackett: Thank you, Jerry. Commissioners, anybody else want to weigh in on this, on this subject? Go ahead Kellie.

Ms. Pali: Yeah, I think, I think this is just a really, this is a tough one. I'm really big on the process of allowing people to state their case and really be able to intimately work with applicants which is what the intervention allows. It allows in my opinion the opportunity of specific people or people groups to have sort of special audience with the application and so, I do like that opportunity process, although sometimes in any system people sometimes use it for the wrong things or take advantage of it, so I'm kind of mixed on it, but I do feel like there's a sincerity there with the directly affected parties at least that we got to hear today in public testimony the people that got to specifically you know, show themselves with their backyards adjacent or abutting the property, and so I definitely think that there is some you know, merit to the intervention request, but I am struggling with where that line is and so I'm trying to commit to a decision but it's just, it's a tough one, and I see how the group and it's fractured and 91 versus 600 lots, and we've just heard a lot of really great information on it and so I'm just sharing the things that I'm toggling through.

Mr. Tackett: Thank you, Kellie. Commissioners, anybody else want to speak to this motion before I call for a vote? I believe Jerry has more to add. Go ahead, Jerry.

Mr. Edlao: Yeah, you know, Kellie I understand you know what you're going through and probably the other guys too because this is a tough one, but what's before us is whether these organizations have standing. I think even the applicant says he had no problem if the individuals were to intervene. It's just the issue that these two petitioners, the two organizations have standing and because of the fractured membership and the participation you know, 91 members you know, it's not even a fraction of what the total people are there. Yeah, they may say, well it's the majority, well it's not a majority of the people, and based on that, that's why I, I don't think the two petitioners have standing. I have no...you know, if it was just the individuals coming before us, yeah, maybe not these two petitioners as organizations to participate as intervenors in this case. Thank you.

Mr. Tackett: Commissioners, anyone else want to speak to this motion? All right, seeing none, if we could, we could just have a raise of hands. All those in favor?

Mr. Edlao: Maybe we should have a roll call so we don't miss anybody.

Mr. Yoshida: This is Clayton Yoshida, Administrator of the Current Division of the Planning Department, I'm here with Ann Cua, one of our supervisors, so roll call on the motion to deny the petition to intervene. Commissioner Edlao.

Mr. Tackett: Jerry you called for the roll call and he just called your name so that means you gotta answer.

Mr. Edlao: Yes. Oh, I'm sorry, yes. I'm sorry.

Mr. Tackett: That's all right.

Mr. Yoshida: Commissioner Freitas.

Mr. Freitas: No.

Mr. Yoshida: Commissioner Hipolito.

Mr. Hipolito: Approve denial. Yes.

Mr. Yoshida: Commissioner Lindsey.

Ms. Lindsey: Yes.

Mr. Yoshida: Commissioner Pali.

Ms. Pali: I'm gonna abstain.

Mr. Yoshida: Commissioner Thayer.

Ms. Thayer: Per my declaration earlier, I'm going to recuse myself from this vote.

Mr. Yoshida: Commissioner Thompson.

Mr. Thompson: Aye.

Mr. Yoshida: Vice-Chair La Costa.

Ms. La Costa: Yes.

Mr. Yoshida: Chair Tackett.

Mr. Tackett: Yes.

Mr. Yoshida: Seven ayes, one no, one abstention.

Ms. Pali: If I may Director, it was six ayes, one abstention, one refrain, and one no.

Mr. Yoshida: The motion carries.

Mr. Tackett: Director, did you say motion carries. Director, did you say that the motion carries?

Mr. Yoshida: Yes.

Mr. Tackett: Thank you.

It was moved by Ms. La Costa, seconded by Mr. Edlao, then

VOTED: To Deny the Petition to Intervene.
(Assenting – P D. La Costa, J. Edlao, M. Hipolito, A. Lindsey,
K. Pali - Abstain, D. Thompson, C. Tackett)
(Dissenting – K. Freitas)
(Recused - K. Thayer)

The Commission then returned to Item C.1

Mr. Hopper: Chair?

Mr. Yoshida: Okay, having dealt with the petition to intervene in denying them, I guess we're back to the...dealing with the applications themselves. The applicant's presentation.

Mr. Hopper: Chair?

Mr. Tackett: Yes, Mr. Hopper.

Mr. Hopper: Just because that's a decision adverse to a party, would you request that the applicant prepare a decision and order on the petition to intervene for the commission's approval.

Mr. Tackett: Yeah, would the, would the applicant please prepare what Corp. Counsel has just lined out.

Mr. Chipchase: Yes, Chair.

Mr. Hopper: Thank you.

Mr. Yoshida: So, having just parted on that, Mr. Chair, I don't know if you want to move forward to the applicant's presentation on the request.

Mr. Tackett: Yes, please. Thank you, Director.

Mr. Chipchase: Chair, if I might indulge me with a five-minute recess so that I can ensure our experts are available and on the line should the commission have questions at any point during the presentation.

Ms. Lizzi: And Chair if I might, my apologies for interrupting but I'm not being seen, I do just want to put an objection on the record that counsel for the petitioners was kicked out of the room whenever you said you were going into executive session the whole thing shut down for us and the last thing we heard was that a new link would be sent out to us, so if anything was there and there were questions that we should have heard, we were...the last information we had from this was that a new link would be sent, and so we were not able to be here for any questions. I don't know if that was a technical error, but I just want to make sure that's on the record that that did happen.

Mr. Tackett: Mr. Hopper, I think you should probably address that.

Mr. Hopper: Oh, what did...what was missed?

Mr. Tackett: Nothing was missed in my opinion.

Mr. Hopper: But I mean, what portion of the hearing did the, were the intervenors did they miss?

Ms. Lizzi: If I may, I'm not sure what we missed. As soon as commission went into executive session the application for both Linda and myself shut down, and it's...the last thing we heard from Director McLean was that a new link would be sent out and so we were awaiting a new link

and so I'm not sure, we just both jumped on and came into the middle of the vote. I'm not sure if there was any discussion or any questions was...(inaudible)...make sure that is on the record.

Mr. Hopper: There was a question asked to the applicant, I do not believe there were any questions asked to the intervenors, but there was, there was a motion, a vote, deliberation and decision making. I'm not sure how we would rectify this going forward. I mean, there was no, there was no, request to the, the petitioners for questions. To the extent that there was something done that or something stated that was objectionable I suppose that you would still be able to object to that in...after the order is made and, and you know, an appeal filed. I don't know if the parties have any other suggestions how to remedy. Again, this is a technological problem. Again, there were no questions to the intervenors it was just that you were not able to view the question to the applicant and the deliberation and decision making which again I believe you'd still have the ability to...if there was an error in your view challenge on a Circuit Court appeal, but I don't know if the parties have any suggestions on how to deal with this. We want to be as fair as possible, but I'm not sure how we proceed given you know, a technical error like that.

Ms. Cua: Mr. Chair, I'm Ann Cua, also representing the Department. I believe the question from the intervenor's attorney was on the executive session, and the executive session nobody was a part of that I believe except the commission. Is that correct, Mike Hopper.

Mr. Hopper: Right. I think they're saying though that they had confusion on how to get back to the original meeting and by the time they got back to it, the deliberation and decision making had already happened unless I'm mistaken. Yeah, no the executive session link was only for myself and commission and commission staff to discuss for the purpose legal advice and was not intended for any other parties to be involved in it. The resumption of the meeting though, I don't know what the confusion was but it sounds like you did miss a portion of the meeting that involved the...I think it sounds like essentially you're saying from the end of the executive session till now you did not get a chance to be in that meeting is that correct?

Ms. Lizzi: That's correct. Whenever it was announced they would go to executive session, there was a brief pause, there was a statement that link would be sent out and then the application closed for us, and so we were under the impression that we were waiting for a link in order to be able to come to the original hearing, and then we decided to recently just try the original link and saw that everyone is here already.

Mr. Tackett: In my opinion, in my opinion Mr. Hopper, both you and Ann are both correct.

Mr. Hopper: I mean, does the applicant have any thoughts on proceeding here as well. I understand there's an objection for the record, and I understand that, and we want to preserve the parties' due process rights here to the extent possible. There were no questions asked of the intervenors and to the extent that they could file objections, you know, they can make them to a Circuit Court, but do we have any thoughts on...or the intervenor on how we could rectify a situation in this case.

Mr. Chipchase: I'll offer just a couple of thoughts, Mike. Christina, the question that was asked of me was whether it is correct that the applicant would stipulate to allow the individuals to participate in their own name, and I answered that that was correct and that it remained correct to this moment, and actually that remains correct too, we would stipulate to that. That was the only question asked of me and I think Mike is right, there was no question asked of petitioners and then there was a motion, a second, and then commission discussion on that which of course, we couldn't participate in anyway. I will say that if there is any portion of that period of the hearing from when executive resumed until you were able to rejoin that you believe raised an error, that you missed an opportunity to object to, I will not assert that you've waived that or lost that in any way.

Ms. Lizzi: Thank you, and we acknowledge everything that's gone on and that that may or may not been the only thing that happened without waiving any rights of potential objection and any appeal. We're fine with things moving forward. Thank you.

Mr. Hopper: Did you hear the motion and the vote though?

Ms. Lizzi: Yes, we did hear the motion and the vote.

Mr. Hopper: Okay, all right.

Ms. Lizzi: Thank you.

Mr. Hopper: All right, and I apologize for any confusion. I think that's the best we can do going forward and obviously the intervenors have, can reserve their rights to object to the denial of the intervention and make their arguments to Circuit Court on that basis. So, I think that's the best we can do at this point.

Mr. Tackett: Okay, sorry you guys, whoever's my muter and unmute, I just gotta wait for them to mute and unmute 'cause sometimes they do and sometimes they don't, and then sometimes I mute and they unmute me and then sometimes I mute myself and they unmute me, so it's just a...something that I gotta kinda get in rhythm with. That being said, I believe we, we are moving onto the applicant and their presentation. Is that, is that correct, Director?

Mr. Yoshida: Yes, Mr. Chair.

Mr. Chipchase: And Chair, I'll ask Ms. McClain who's on the line now whether she's ready to proceed or whether a five-minute recess would enable us to have all the technical experts available to avoid any further delay for the commission.

Mr. Tackett: Sorry, I thought, I thought perhaps maybe during the interim you might have had that happen. So—

Mr. Chipchase: You might be right.

Mr. Tackett: I don't see that there's a problem with the five minutes. I gotta a question from Jerry that I can, that I can handle in the interim anyway, so please when you're ready.

Mr. Edlao: Yeah, I was just gonna say, the applicant did make that request for a five-minute break to get his ducks in a row, so that was it, so...

Mr. Tackett: So, I guess I'll leave that up to the applicant as are you in a...have you had sufficient time to get ready or would you like a five-minute break starting from this point?

Mr. Chipchase: Leslie, are you ready to go or would you like a break.

Ms. McClain: I have my...well, one person can't make it, she had to pick her kids up at school, but the other ones should be online. Julia, do you know about the rest of our, our subject matter experts if they need a few minutes to get on, to get online?

Ms. Mancinelli: Yes, most of them are on the line right now and there's one or two that are joining here very shortly.

Ms. McClain: Okay, so we can probably proceed with the PowerPoint. So you guys want me to get started?

Mr. Chipchase: Yes, so Chair, I will turn things over to Leslie McClain who has a PowerPoint presentation to share with the commission. I think that substantively it will address the comments that were received including the concerns expressed by Commissioner Freitas. We'll talk specifically about the drainage study and the drainage impact and with that I'll turn it over.

Mr. Tackett: Thank you.

Ms. McClain: I think I got...can you guys see my screen?

Mr. Tackett: Right now, I cannot. I can just see a picture of, of you right now Leslie.

Ms. McClain: Is it sharing now.

Mr. Tackett: Yeah, it says, Innergex.

Ms. McClain: Perfect, okay. Technology. Okay, my name is Leslie McClain. I work with a firm called TetraTech and we have been working with Innergex for the last few years on this project. We've pulled together the Special Use Permit, the County Special Use Permit application that is before you today as well as the Phase 2 Approval request.

So, I'm gonna walk us through the project, there'll be a little bit of repetition from some of the subject matter that was covered earlier in this meeting so, I'll try not to be too repetitive here. So we all know where the proposed project is. It is a proposed solar power generating facility on approximately 150 acres on TMK: 2-1-008: 001 which is gonna be mauka of Maui Meadows neighborhood on the Ulupalakua Ranch parcel and you can see the project study area is outlined in green on the map on the slide. We also have the construction access road that will be coming up...that's being proposed on Parcel 2-1-008: 056 which is a parcel owned by Honuaula Partners.

So, zooming into the project area, just to give you guys a little bit more detail on what's being proposed here. The project is a 15-megawatt ground mounted solar...photovoltaic system with a 16-megawatt hour battery energy storage system that would be coupled with it. The project infrastructure will be located within the 212-acre area you see outlined in green. That area was our study area boundaries, so that's the area that was surveyed for the biology, the archaeology, for all the resource surveys that we did. The total combined footprint is anticipated to be 150 acres of that the solar panels are anticipated to be approximately 50 acres.

There's nine main components to the project. So, the number one facility is the solar panels themselves which you see here in the white. The electricity is created from the solar panels and then it is sent through the AC, sorry the DC electrical collector lines and those lines will take the power from the solar panels to these power conversion systems. The power conversion systems are distributed throughout the project area. You'll see them in these kind of these blue, light blue rectangles that you'll see distributed in the different solar array areas. Those power conversion systems include the battery energy storage system as well as the inverter and the step-up transformer. From there the AC electrical collector lines will send the power from the power conversion systems over to the project substation which you can see the project substation is the blue box down here in the southern portion of the project area. And from the project substation, the overhead generation tie line will bring the power down to its point interconnection with the Maui Electric grid and that point interconnection is associated with this existing switchyard that Maui Electric owns. It's located on the ranch property.

The overhead transmission line was a 69 KV and then as well the other project components are the fence, you can see the fence in the dark blue boundary that outline, is kinda the outside of the solar panel arrays. And then there'll be a temporary laydown area you can see orange and then there's access roads internal to the fence line as well as few external to the fence line.

We're considering, we've talked about this a little bit before that there's two routes being considered for access to the project site. There's the main one coming Piilani Highway and up over the Honuaula parcel. This is going to be following an existing ranch road and it is going to be improving this ranch road so it will be sufficient for construction. And then another route would be using an existing road that comes down from Kula Highway that was built to access and to construct Auwahi switchyard. And so this road's paved and we don't anticipate any, any improvements that would be needed for it, so there would be no ground disturbance associated with using that road so it wasn't included in the study area boundary.

The power purchase agreement the project has with Maui Electric is for 25 years, and at the end of the power purchase agreement the project will either be repowered or it will be decommissioned.

So the two permit requests before you Kurt laid this out at the beginning of the meeting it's the conditional...sorry, the County Special Use Permit which is relative to the solar facility itself which is in the Agricultural District. You can see the zoning map on the right here with the brown area indicating the Agricultural zone. And the Project District Phase 2 Development Approval which is specific to the access road that crosses through the Kihei-Makena Project District 9 also known as the Maui...Wailea 670 Project District.

Okay, I'm actually gonna have Julia Mancinelli, who's a representative for the applicant today, she's gonna join me on presenting the next couple slides about the project needs and benefits.

Ms. Julia Mancinelli: Thank you, Leslie and thank you Planning Commission Chair, Members and County Staff for hearing our presentation today. ...(inaudible)...up on the project need and benefit. So what brought Innergex to Hawaii was an invite by the State and through the utilities to help meet its 100 percent goal by 2045 within interim goals throughout that phase. As part of the process for the project we went through a competitive procurement process and part of that selection criteria was based on the needs of where energy is required in Maui. The utility when through a process where they assessed the generation capacity and needs of Maui and looking at the transition off of the power plant, in particular the Kahului power plant closure in the next two years and what would be required to offset that under renewable energy source.

As part of their larger planning efforts they assessed also the grid resiliency and the ability to get power in different areas of Maui. South Maui was identified as a key area needed voltage control and additional capacity and could be achieved in one of two ways, building a new transmission line from Central Maui to South Maui or providing localized generation. Through that extensive consultation process and feedback from the community the localized generation was requested by the community and what was put forward and assessed in Maui Electric's request for a proposal in consideration.

This graph shows that the energy cost of the years has been escalating and tied to historical events associated with global events, political and whatnot. But the key thing here to take away is the Paeahu Solar Project is a fixed price project for 25 years and will help to stabilize out those fluctuations and costs as an addition to offsetting the greenhouse gas emissions from the Kahului power plant.

Various project benefits have been identified as part of the project, among them are increasing the County's energy independence by having this localized generation within the different areas of the community. It will help improve the reliability and electricity stabilizing and through the system, especially with the use of battery energy storage. The batter energy storage system allows for the collection of solar during the day and load shift it to whenever it is needed most

day or night by the utility and provide that firm renewable energy. As part of this, it again was part of the closure of the Kahului power plant is the reduction in the overall greenhouse gas emissions in the community.

Questions were raised about firebreaks. We've been working with the Maui County Fire Department and they have also been involved extensively in the design of our setback, vegetation management and have confirmed to us that the project will actually provide a firebreak to Maui Meadows through these buffers and vegetation management criteria. In addition, the project will also provide through the offsetting of burning of fossil fuel great savings to the community and customer bill savings.

In addition, as noted in the slide, this is a fixed-price project for 25 years and the benefit of utility scale power which is required in addition to rooftop will help provide lower cost more equitable and long-term benefits for the community and those that can't afford rooftop on their homes. The project will create employment opportunities, and will continue to use local suppliers. As mentioned, this is a 15-megawatt solar project with battery energy storage with the ability to offset approximately 6,900 Maui homes with clean renewable energy, and overall, this will continue to contribute to Maui's renewable energy goals and their community plans.

Taking it down to the community level, through our engagement efforts with the support of Skog Rasmussen, our team has been working with the community since 2018 and really taking the time to listen, engage and find the areas of mutual interest and areas where which we can work together to collaborate. Through this, our extensive community efforts we've come through and are proposing to do various means and forms of community benefits. Sharing of our expertise and experience which we have been doing through various initiatives through schools, continuation and use of education at school programs, environmental preservation works such as collaboration efforts that we're working on with leeward Haleakala watershed restoration program, cultural programs, memberships, sponsorships, and community events.

Innergex is a long-term owner and operator of projects. We've been in operations for over 30 years and we're proud to say to date of the 76 projects that we own and operate we have not sold a single project. So when we develop projects, we're developing them early, often and through because we intend to be long-term members of the community and want to and often execute environmentally responsibility designed and operated projects.

In addition to this, through a partnership with Ulupalakua Ranch this is also helping them to maintain the jobs on the ranch and creates sustainable diversified uses of less productive areas of their lands and continuance of operations and ongoing conservation efforts.

Ms. McClain: Thanks, Julia. So, I'm gonna take back over here and talk to you guys a bit about the siting process for this project. So why, why is the project being proposed in the location that it is? And so, the beginning of that story we should go back to the point that Julia made about the Hawaiian Electric Power Supply Improvement Plan which identified a transmission constraint in the South Maui area. It identified that addition of generation capacity in South Maui

could be a non-transmission alternative to upgrading or building a new transmission line down to South Maui. The Power Supply Improvement Plan further noted that previous attempts to upgrade the transmission line serving South Maui had received significant community opposition because of the aesthetic impacts of upgrading the line. Therefore, the applicant focused its search for potential solar energy sites in the South Maui area to provide and to respond to the needs, the current needs of the grid.

So, the decision to build the project on the Ulupalakua Ranch lands was based on two factors. First, the existing Auwahi switchyard that the interconnection's being proposed at, it's located on the ranch and it has capacity to accommodate interconnection of 15 megawatts of solar energy. The Auwahi switchyard is located in South Maui where this non-transmission alternative I just discussed earlier would provide benefit to the electric grid so therefore, the applicant searched...focused its search for potential solar energy sites near the Auwahi switchyard in order to minimize the length of the generation tie line to that switchyard further minimizing view impacts, environmental concerns related to a generation tie line.

Second, the proposed solar energy site needs to meet certain criteria with topography in order to be considered buildable land for a solar project. Most of the topography at Ulupalakua Ranch is sloping with steep undulations that would be unbuildable or require excessive grading that would be inconsistent with the land use of the ranching that they do there. So the terrain in the northwestern section of the property which is the area where the project's being proposed mauka of Maui Meadows is the most viable area because that terrain is some of the flattest terrain the ranch has with the gentler slopes that are in that area.

So, the question was raised in early in our consultation process with the question that has been brought up today is why not move the project further away from the neighborhood and so I kind of touched on this, the reason why the project is moved further mauka, further upslope is because the slopes get steeper and steeper as you go up and there would be, it would be much more grading that would be required to put the project further up the slopes that would be a much bigger impact to the land.

And so, alternatively we looked at a site south of the project area closer to the switchyard and behind or mauka of the Wailea 670 parcel, so we in response to the community's feedback we took...we did an expedited but thorough review of that project that alternative area and did an archaeological inventory survey of the area as well as a biological survey and we took the results of those surveys and we met with the community and with the Aha Moku and the Sierra Club, and the conclusion was made from the results of those two surveys is that relocating the project farther south to this alternative site wasn't feasible primarily because the potential archaeological impacts.

One way to think about this area that was further area right behind the Wailea 670 area is that its cultural landscape is not dissimilar to the cultural landscape of the Honuauia 670 parcel so it made it less desirable for the project because there were so many significant archaeological sites in the area. In contrast, the cultural landscape of the proposed projects of the area it does

include a high density of archaeological sites but they're centered...they're concentrated in the central portion of the area, of the project area, and some of them more sensitive biological features are also in that same area and those areas will be avoided by the project's layout.

So, this is back to the project map, this map shows you the archaeological features that were matched from the archaeological inventory survey. So Pacific Legacy conducted the archaeological inventory and they submitted their report, their AIS report to the State Historic Preservation Division and there was a lot of consultation that went into this process before it was formally submitted, a lot of back and forth with SHPD, but ultimately the archaeological survey was accepted by SHPD in February of this year, 2021. The AIS identified 18 historic properties. And you can see, it might be a little hard to see on your guys screens but they're mostly concentrated in this area, and you can see the orange lines here are the ranching clearing, permanent habitation is this blue, purple is temporary habitation, and I'm sure if we can pick up red because there weren't very many of them, but most of these sites are being avoided. So, 14 will not be impacted by the project.

Mitigation plans including the preservation plan, a data recovery plan, and an archaeological monitoring plan have been drafted and they will be reviewed by the Ahu Moku and other key stakeholders. Those that participated in our cultural impact assessment which I'll touch on in a second, and we'll also have the Cultural Resource Commission review them and of course, they'll be accepted by the SHPD prior to the project's construction and issuance of the grading permits. Mitigation recommendations were developed in close consultation with the Ahu Moku O Honuauia. So, in addition to the AIS, the applicant hired Aina Archaeology to complete a cultural impact assessment for the project. The AIS and CIA reports, the cultural impact assessment report provide recommendations to mitigate impacts to the archaeological sites and culturally significant resources within the project study area. The project's construction and operation is anticipated to have minimal impact on significant historic properties within the project study area.

On the biological and waters of the U.S. side of things we did...we conducted general biological survey within the study area as well as a waters of the U.S. Investigation and delineation. And a lot of coordination went with the agencies so DOFAW, U.S. Fish and Wildlife, many meetings and correspondence, went back and forth with those two organizations with regards to the biological survey protocols and the results and the ultimate resulting recommendations.

So, the majority of the project study area is composed of disturbed agricultural land that is dominated by nonnative plant and wildlife species. Previous and the current agricultural uses such as cattle grazing and the introduction of invasive species including feral ungulates and nonnative weeds have modified and degraded the native biological resources in this area and have reduced the number in abundance of native species and habitats suitable for the native species. Most of the native species that were observed in the project area are present in the vicinity and also are relatively common among...around Maui and the other Hawaiian Islands.

As far as plants, the only...only one listed plant was observed, this would be mao hau hele or the hibiscus brackenridgei and then also one relatively rare native plant that isn't listed but it's relatively rare and is the akoko and its genus euphorbia celastroides and that, I will show you, the akoko plants were here and here on two outcrops and then the hibiscus plant is in this gully in the center here and there's a zoom in over here that you can see and there'll be...you can see the project has been designed to avoid, to purposely avoid these areas and to provide adequate setbacks to avoid impacts to these plants.

Of the animal species recorded in the project study area, the only State and Federally listed species that was observed was the Blackburn sphinx moth, a caterpillar was observed, but no native larval host plants for the Blackburn sphinx moth occur in the project study area. So, the plant that the moth's associated with in this study area is called tree tobacco which is an invasive nonnative host plant. It's not...the tree tobacco is not considered a primary constituent element for the Blackburn sphinx moth's critical habitat and it may not be suitable for optimal larvae growth. The project layout has been designed to avoid the outcrop where most of the tree tobacco was observed and where the Blackburn sphinx moth caterpillar was observed and you can see that here in this area, and this is the zoom in, the tree tobacco is in the yellow dots here. The project's construction and operation will avoid impacts to the Blackburn sphinx moth through the implementation of agency recommended avoidance and minimization measures.

In addition, the Hawaiian hoary bat, listed sea birds, listed water birds and the Hawaiian goose may occasionally occur or traverse through the project study area. However, the project study area does not contain suitable habitat for listed seabirds, waterbirds or the Hawaiian Goose. Although the wildlife agencies consider all woody vegetation as potential roosting habitat for the Hawaiian hoary bat, the trees in the project area are primarily kiawe and they're not considered quality roosting habitat. Impacts to the Hawaiian hoary bat will be avoided by not cutting wood, woody vegetation over 15 feet during bat pupping season and that is, again, part of the recommendation from U.S. Fish and Wildlife and DOWAW.

With regards to the waters of the U.S. A detailed investigation was conducted of all the drainages that run through the project area, and that included not only what you can see here as the, kinda the blue line streams that you see on the USGS maps with Wailea but also the gulches that run through this area. The result of the field work and the analysis that was submitted to the U.S. Army Corp of Engineers is that the Army Corp confirmed that none of these streams including Wailea was considered jurisdictional to the Army Corp of Engineers. We...I'll touch on drainage a little bit later, but as far as jurisdictional determination for the Army Corp, none of the streams were considered jurisdictional.

Okay, I'm gonna invite Julia back onto cover the community engagement slide.

Ms. Mancinelli: As mentioned earlier, as part of the process for community engagement, Innergex has a long-standing history of engaging with communities early, often and throughout as part of our philosophy of people, planet and prosperity. Through that, we started engaging in early 2018 through a combination of different efforts that also included bringing on the local

Maui team, our outreach team of Skog Rasmussen. Through our team, we conducted various levels of engagement including public open houses, small individual or small group meetings, interviews and meetings and presentations to community members and organizations over the last three plus years totaling over 100 in-person meetings in addition to ongoing phone calls and email correspondence responding to questions and comments that have come through this time. We've also developed an issues tracking table and various community feedback handouts which are all included on our website and available for public consumption. Through that, we've also engaged as mentioned with the Ahu Moku as well as other cultural descendants as part of our outreach process as well as our cultural impact assessment. Their information that they shared with us was incredibly valuable and we took to heart and is reflected in the design that has been put forward respecting various archaeological and environmental consideration with our project.

As mentioned earlier, we will continue to consult throughout this process leading up to the construction, during construction and operations and welcome feedback at all times and where possible and commercially reasonable we do take to heart the community concerns and have taken action and will continue to take action where possible to address those concerns with information, design changes or best management practices.

Ms. McClain: Thanks Julia. So, the next couple slides I'm just gonna walk through some of the major themes that we've heard from the community through all this outrage and a lot of these were also repeated today through the public testimony.

So, the first topic I want to cover is the project layout, kind of building on what Julia said that there was a lot of information that came through from the early, early consultation with the community that translated to design decisions that were made specifically to address some of these concerns. So, one of those design decisions was changing the array technology from a single axis trackers to fixed tilt, and what that does is fixed tilt systems they have the advantage of being more slope tolerant and it can be installed in a more compact space than the single axis trackers so that allowed the site to reduce its footprint which gave us more flexibility of micro siting so that as you could see in the layouts that I was sharing earlier that we are able to avoid some of the areas in the project that are more sensitive from archaeological and biological perspective. Not just avoiding them, but also creating, you know, buffers to make sure that there's no impacts like the listed hibiscus for example.

The solar panels will occupy about a quarter of the approximately 200-acre study area and that is definitely because of the technology choice to go with the fixed tilt racking system. Setbacks was another, another thing. The first, first layout of the project was considering was closer to the Maui Meadows neighborhood. It was originally proposed to have the solar panels about 200 feet away and we were able to push it back further up the hill about 300...to a 300-foot setback. The project fence line will be 250 feet setback from the Maui Meadows, the closest Maui Meadows neighborhood boundaries and the project roads, and drainage infrastructure will be between 250 and 300-feet from the property line.

Regarding operational noise, it was also brought up in...a detailed noise modeling assessment was completed and included in the CUP application package, but one of the other benefits of switching from the single axis trackers to the fixed tilt is it removed any chance for noise coming from the solar panels themselves from the tracking motors.

As with the glare reduction topic, definitely heard some concerns about glare, glint and glare affecting the Maui Meadows neighbors. So, the fixed tilt foundations were examined in a glare study and there was specific...glare reduction optimization analysis that was voluntarily conducted by the applicant where we inputted a bunch of different layout...or the same layout but different ways that the panels could be faced as far as its azimuth and proximity to the sun and based on that analysis we were able to find a specific direction to face the panels that so that it will eliminate any chance for glare along the Maui Meadows boundary.

Regarding the traffic concerns. The applicant has committed to not using any Maui Meadows roads during the construction period. Temporary access is proposed from the Piilani Highway to avoid traffic through the Maui Meadows neighborhood. The traffic analysis show that there's little delay added to the roadway network due to the construction volume generated by the project. And during operations there's very, very minimal traffic that is caused during the operations and they're just by light duty vehicles. Best management practices would be implemented during construction and operations such as scheduling deliveries for nonpeak hours of traffic and minimizing the number of vehicles on the roadways.

Regarding noise and dust, the fugitive dust due construction would be minimized by implementing best management practices such as water spray, windscreens, covering soil piles, establishing temporary ground cover and halting work during adverse weather conditions, and reasonable efforts would be made to minimize impact and noise from construction including the erection of a noise, a temporary noise and dust fence during construction along the western boundary of the project and a noise complaint hotline will be setup and emails made available to address noise-related issues.

Regarding view planes, so back to that racking system change, another benefit from switching from the trackers to the fixed tilt is that this allowed the panels to be lowered to maximum of eight feet versus the originally conceived layout which had 14 to 16-foot height panels, so the shorter racking system will keep the panels at approximately the same height as the tree line and that further will minimize potential view impacts.

The existing topographic features and vegetation between the fence line and the Maui Meadows neighborhoods will also reduce the visibility of the project and I'll get into a little bit later, there is a very specific management plan that incorporates fire prevention and fire breaks, and the recommended firebreak along the fence line, outside the fence line is five feet, but between that five-foot firebreak from the fence line to the Maui Meadows homes the...every effort will be made to keep the existing vegetation in place, and of course, the topography would be untouched and so a lot of this will naturally block the views to the project from a lot of the houses along the back boundary of the Maui Meadows neighborhood.

To further, you know, look at this deeper we developed visual simulations and conducted a visual impact assessment which was included in the application, and when we looked closer at these visual simulations and we evaluated the views from the different houses we recognized that there are some areas where the existing vegetation might be thinned out a little bit or just is a little of a naturally open area and so the applicant has committed to working with the Maui Meadows neighborhood property owners to evaluate what the views look like post construction and installing landscaping if required to add supplemental screening in that setback area.

And so this next slide, I'll show you here is a landscape plan we included in the application and you can see here, here's the fence line and then there's the 250-foot buffer area where the existing vegetation is to remain. And the palette over here of different plants, these are native plants that were identified by a native nursery. We worked really closely with them to identify plants that would be drought tolerant and that would do well on this area and would only require a minimal irrigation applications.

And also I, we want to just emphasize that the grand majority of the Maui Meadows neighborhood won't be able to see the project because of the topography of the neighborhood, how it slopes down towards Piilani Highway. So, there's only 28 residential lots that border the ranch property and many of these will have obscured views or completely blocked views from the topography and the existing vegetation. As far as beyond the Maui Meadows community most of the views to the project along the South Maui coast will be screened by terrain and existing vegetation and structures. The project's actually gonna be pretty difficult to see from Piilani Highway because it is sort of tucked back behind the Maui Meadows neighborhood and we did simulations from a couple different places along Piilani Highway to evaluate that and those were included in the application and I could always pull those up later if we want to look at them closer. There is...there'll be some views from Kula Highway looking down makai towards the project. Many of these will also be blocked or partially blocked by vegetation, but there will be some views looking down towards the project and we simulated some of those as well to kind of give the planning commission a sense for what they would look like from up there.

Regarding drainage, I know this is a...we are well-aware that this is a big concern currently in the Maui Meadows neighborhood, just in the current conditions that neighborhood's already dealing with flooding issues. So the applicant took this topic very seriously and spent a lot of time and energy looking at the existing drainage patterns in the area. The applicant hired a hydrologist to conduct a hydrologic and hydraulic analysis of the drainage basins that the project area sits within. And this analysis was to help the design team who doing the layout and the grading plan to understand the potential for flooding within and downslope of the project area and design the stormwater facilities, to make sure that they would be sufficient to manage project related stormwater in the context of the existing hydraulic conditions of this area.

So the hydraulic analysis considered peak flow discharge estimates for five different peak flow storm scenarios. So a two-year, ten-year, 25-year, 50-year and 100-year return period by

identifying drainage area characteristics and flow paths within the project study area and utilizing in the regional regression equations that considered characteristics of the basin that sits within this was able to inform the project's design related to peak flow discharges under each scenario.

Paeahu Solar anticipates that the total combined footprint of the project components will be approximately 150-acres of which the solar panels would be 50 acres. We've mentioned that many times. The majority of the project study area including the area below the solar panels will require minor grading such that existing drainage patterns will not be significantly altered. In general, grading will be focused around the access roads, the equipment pads and the collector substation. Project infrastructure will be sited to generally avoid the surface water features within the project study area to the maximum extent practicable. However, access road crossings and collector lines will have to cross some of these gulches and Wailea stream, but the crossings will be designed to have a small footprint as possible and to be sure to sufficiently convey flows during a rain event. As a conservative estimate the design team assumed that the footprint of the solar panels would have a zero percent permeability when calculating stormwater runoff for the propose conditions. Onsite stormwater calculations were based on the requirements in the Maui County Rules for Designed Storm Drainage Facilities. Once the onsite stormwater amounts were calculated, the preliminary drainage plan was drafted to manage the stormwater flowrates and ensure water quality.

So, I'm gonna switch over the next slide here so you can see, so here's the preliminary drainage plan...this out of the way...and you can see here the different basins are outlined in blue and the rock berms are orange and these rock berms, oh sorry, they're right here, this bright orange, sorry the green, the green are the berms and they will help guide the water, you can see the purple shows the flow path of the water and the proposed basins, the stormwater basins that would be built for each one of these solar array areas so here's one, here, here, here and then there's three over here. And so these basins were...the sizing of them was laid out based on the results of the hydraulic analysis. So, the results of the analysis show a slight decrease in the peak flows from gulches one through four under the proposed conditions, compared to the existing conditions due to the project's drainage plan and the onsite stormwater management. This peak flow decrease will not substantively change the footprint of the estimated gulch flooding extent even under a 100-year flow scenario. Therefore, peak flows with be either reduced or unchanged for the gulches that pass through the study area and the preliminary grading plan and drainage plan will not increase peak stormwater flows to the downslope areas and not create new flood hazards.

And the final point I want to make about this is that, this is all part of the preliminary drainage design but as the project gets refined and we go into the process of working with the Public Works Department on the grading and building, and the drainage plan we'll be working closely with that group to make sure that the drainage plan meets Maui County's requirements. The Public Works Department is well-aware of the flooding issues in the Maui Meadows community and they'll be working closely with the applicant's engineering team to ensure that

the final design mitigates any drainage issues and any concerns for flooding caused by the project.

Property values is another item that's been brought up by the community and so in response to that the applicant hires CohnReznick to complete a property value impact study to determine whether the construction operation and the overall presence of the solar farm will have any measurable impact on the value of adjacent properties. In all the study areas it was conclusive that proximity to an existing solar facility did not have an impact on the property values. This conclusion was reaffirmed by the local county and city assessors as well as sales professionals having experience selling real estate near solar projects. Based on these findings no adverse effects are expected on the property value of residences adjacent to the Paeahu solar project.

EMF is brought, been brought up by the community and we completed an evaluation of potential EMF produced by the project. So, EMF stands for electric and magnetic fields. These are produced through the generation, transmission and use of electric powers. Sources of EMF include power lines, electrical wiring and electrical appliances, so for example, in everybody's household microwaves, your computer, your Wi-Fi router, hairdryers, these are sources of EMF. The strength of the EMF decreases rapidly with the distance from the source. Varying levels of EMF will be produced by specific electrical infrastructure located within the project site. However, no EMF from the project infrastructure is anticipated to reach the eastern edge of the Maui Meadows subdivision.

And then there's the topic of ambient temperature changes also known...people have also referred to this as a heat island effect. So, we did an analysis of this as well for the potential for a heat island effect from the proposed project. This was touched on a little bit during our...the testimony. There's a lot of research going into this topic and there's really no conclusive decision on exactly whether this, this phenomena does happen, but what, what is being found in the studies that have been done is that really is site specific and it really depends on what kind of subsurface conditions are and then how the meteorological conditions operate in the area. PV panels themselves are really thin so they have a low heat capacity and high thermal conductivity compared to hardscape areas like pavement or a bare soil, so the temperature of the PV panels changes more rapidly and they cool quickly once the sun goes down. In contrast the urban heat islands what people usually think that with heat islands those have the capacity to release heat throughout the night because cement and hardscapes will hold heat for a much longer period of time. So even if there was a small heat island effect in the area immediately surrounding the solar panels it wouldn't last long and the upslope and downslopes winds that naturally occur in this area would overwhelm any small heat island associated with the solar panels. The result would be cool air crossing through the Maui Meadows area both in the daytime and in the evening just as it does now. The area of the project solar panels is just too small in relation to the larger area, the western slope of Mount Haleakala to have a significant impact on the natural upslope and downslope air movement in the Wailea area. Based on our evaluation, the project will not create a significant heat island effect that would impact the existing heat island microclimates that are in the Maui Meadows neighborhood today.

Regarding wildfire risk, I had mentioned this a little bit before but there's...went through a lot of effort to build a vegetation management plan that was reviewed by the Department of Fire and Public Safety. Vegetation management plan includes a couple different elements, one of them is the first thing that would be done is to a vegetation survey. It will be conducted twice a year to monitor for vegetation clearances and for wildfire hazards, but the site will be monitored on a monthly basis as well and that would be coincided with the monthly maintenance cycle to ensure that vegetation clearances, the vegetation isn't blocking the solar panels themselves and that they meet the vegetation clearances expected from the vegetation management plan that is in line with fire safety restrictions.

So, within the solar array themselves the area is anticipated to be revegetated after construction which will be important for managing runoff and dust, but the vegetation will be maintained to a height of 18 inches and provide a minimum of 24-inch clearance distance to any exposed electrical cables. And then there'll be firebreaks established throughout the project in different ways. So, like I said earlier, outside the fence line, there'd be a five-foot firebreak and then within the fence line around each of those solar array blocks, so it's kinda like those big areas that were the blocks you saw on the layout there would be a 30-foot firebreak, and then around the power conversion systems which has the battery story, the DC ESS units, is the battery units, the vegetation would be removed within a 10-foot perimeter and that those units would be on a gravel base. And the substation, that whole area of the substation would be on a gravel base and vegetation will be removed within the fence line because the substation will be fenced within the larger fence line so within that substation fence line there will be no vegetation and that will be a gravel base. And then along the generation tie in that goes to the Auwahi switchyard the vegetation will be maintained to not exceed eight-feet in height. Any danger trees that could fall over into the...the transmission line would be removed. And as I said, this will be monitored monthly and then there'll be a detailed survey twice a year to make sure that we're keeping up with vegetation growth and keeping everything safe out there from a fire perspective.

So, I think that's it. I have more slides that I can bring up with the simulations, but I'll just stop there and see if there's questions, and I really appreciate you guys giving...giving me the time to present this to you.

Mr. Tackett: Thank you. If you could please turn off your share, your share side?

Ms. McClain: Let's see...oh, here we go.

Mr. Tackett: Thank you.

Ms. McClain: There you go. Thank you.

Mr. Tackett: Commissioners, now is the time for your questions. Does anybody have any questions for the applicant?

Mr. Yoshida: I believe Commissioner Thompson has his hand raised.

Mr. Tackett: Okay, thank you. I cannot see Commissioner Thompson on my screen, so thanks you guys for helping me out. Go ahead, Dale.

Mr. Thompson: Thank you, Chair. Thanks very much Chair. And thank you Leslie, you had a really complete and thorough presentation. So, I have a question about the solar panels, are they're mounted on, are they mounted on big, concrete slabs or area they just like pier and post type or is there a lot of ground invasion. I guess my whole point I was going after how much do they impede the saturation of, of rainfall. Thank you.

Ms. McClain: It's a great question. Julia could you or is Jamie on the line, could he, could he answer that question?

Mr. Jaime Horner: Yeah, hi there. It's Jamie here. Good afternoon Commission. So, the proposed method of anchoring the steel poles to the ground for mounting the solar panels will be through a screw pile method where there's a screw pile hole drilled and a screw basically an S screw is inserted and ties the steel framework of the panel down to the ground. This is something that's currently being addressed and it's actually innovation that was brought to us with our, with our contractor that we've hired for the project and so they're working with the manufacturer of those screw pile systems to, to fit out the...(inaudible)...project here.

Mr. Thompson: Thank you very much.

Mr. Tackett: Commissioners, any other questions? I believe Jerry has a question. Go ahead Jerry.

Mr. Edlao: Leslie, I have a question. Now, as the panels collect the energy, it goes to the switchyard, right? Is that right?

Ms. McClain: As the panels collect the energy, they go to the power conversation systems and at that point they either go into the battery or they get stepped up or inverted to AC power and then they head down to the project's collector substation and then from there they get stepped up to the voltage that –

Mr. Edlao: What, what? Wait, wait, wait, wait, hang on, hang on. What, what substation, what are you talking about, the switchyard?

Ms. McClain: So there's a switchyard and a substation. So the substation—

Mr. Edlao: What is the substation?

Ms. McClain: The substation is the project substation which will be located in the project area. It was the blue box on the project layout on the southern portion and the switchyard-

Mr. Edlao: So, from there—

Ms. McClain: Okay.

Mr. Edlao: --yeah, so from there where does it go? Does it go Upcountry, how does it get down to Wailea, I mean, you know, how is it distributed from there? You say it will benefit 6,900 homes, where? What 6,900 homes? And what kind of cost break you're talking to the consumer percentage wise? It's complicated, two questions, but first of all where does the power go? Does it go Upcountry, does it stay in Kihei, does it go to Kahului and how does it get to those areas?

Ms. McClain: So, from the project substation it will head that generation tie line that the project will build and then it will, it will inner-connect at the Auwahi switchyard, that existing what looks like a substation but they call it a switchyard, and that's...from that point it's Maui Electric's electricity to distribute as they manage their transmission system. Julia, is Jose on the line or could you talk to a little bit more about Commissioner...I'm gonna say it wrong, Edlao's question about how, where does the actual electrons go and are they serving South Maui or do they go to other parts of the island?

Ms. Mancinelli: Yeah, so when it interconnects to the existing Maui Electric Auwahi Substation it would then connect into the Kihei-Wailea grid system and would service the South Kihei area and all the distributed lines associated with that. And then in relation to your question about cost rate to consumers. So, as part of the recent call for powers, Maui Electric, at the direction of the Public Utilities Commission requested that the renewable energy projects from 2018 and 2019, the two RFPs they had to be procured through a competitive procurement process so making sure that the project's being put forward where in the best interest of the rate payers and through that competitive procurement process, our project, the Paeahu Solar Project was selected as part of that. It has gone through the Public Utilities Commission approval process and a Decision and Order was issued reaffirming that the price reduction and associated costs of the project was procured in a competitive way and would help reduce the overall cost to consumers. That final cost is and how that gets passed onto the community is at the discretion of Maui Electric, but as indicated in that graph that I showed at the beginning, the current cost of fuel consumption for fossil fuels is in around the 30 cent range. The project is proposed to be 11.7 cents, fixed price with no escalation for 25 years and as more of these projects come on line the downward pressure of the renewable energies will help to bring down those overall rate care costs.

Mr. Edlao: Okay, now question about that this project will benefit 6,900 homes which 6,900 homes in the Kihei-Wailea area or Upcountry or what?

Ms. Mancinelli: Any homes that service the Maui Electric grid and electrical lines associated with the Auwahi substation, but maybe Jamie if you want to jump in maybe you can provide a little bit more electrical—

Mr. Edlao: Yeah, I'm just trying, I'm just trying to see the picture of this thing, you know, how far and wide would this energy be shared on, on you know, the island. You know, is somebody in Kahului is gonna benefit from this?

Mr. Horner: It's a really good question, and maybe I can help answer that. So, electrons on the grid are kinda like water in a reservoir, they flow equally to the whole island. So, we add electrons into the grid from any kind of generation project it's serving all of Maui customers. So, effectively all the electrons get put into a pool and effectively make the grid for the entire island work. So you can't necessarily say which houses or which properties get which electrons it's not quite as controllable as that. However, typically the electrons will get used closest to where they're generated. Now, that doesn't mean to say that you know, there's no benefit to other people...(Technical difficulties - BlueJeans lost connection)...sorry there, it looks like I lost my connection, but hopefully did that answer your question?

Mr. Tackett: Jerry, did that answer your question or should he repeat it?

Mr. Edlao: No, pretty much, but everybody disappeared from me for a while there, what happened?

Mr. Tackett: Yeah, same thing happened to all of us, I don't know happened.

Mr. Edlao: No, yeah I guess yeah I'm satisfied with that question...answer.

Mr. Hopper: Chair?

Mr. Tackett: Go ahead, Jerry. I mean, go ahead Mr. Hopper.

Mr. Hopper: You may want to check to make sure everybody is on, there's nobody waiting to get on 'cause we I guess, it looks like...mine cut out to, but then resumed, so just to make sure the commissioners are here and then Kurt reminded me, that you know, technically you should be swearing in the consultant...the applicant's consultants, so I think you can do that as they come, but they should be sworn in when they're giving testimony to the commission.

Mr. Edlao: I'm done, Chair.

Ms. Takayama-Corden: Chair, your mic is off.

Mr. Tackett: The muting police got me again. So, I see, I see eight with me, so that's nine, so I see everybody. Go ahead P Dee.

Ms. La Costa: Thank you, Chair. There was a testimony earlier this morning and they talked about concern of blasting. Will there be any blasting done in this project?

Ms. McClain: Jamie or Julia with Paeahu Solar answer that one?

Mr. Horner: Yeah, I can do that. So,--

Mr. Tackett: So for Jamie, Jamie as per my, as per my Corp. Counsel if you could just promise to tell the truth please?

Mr. Horner: I promise to tell the truth and my name is Jamie Horner with Innergex.

Mr. Tackett: Thank you.

Mr. Horner: So, for blasting, there will be a blasting required onsite for certain area. However, this will be minimized and mitigated as far as possible with ...(inaudible)...strategies, blast mats, and other things, and it really does depend on, on the types of soils encountered in the landscaping required. The contractor and specifically for this project has got a subcontractor, Goodfellow Brothers who I think everyone understands and knows very well from their other work on Maui and they're obviously extremely accustomed to managing blasting in a way that is consistent with the area that they're working.

Ms. La Costa: So you won't actually know if there are many areas or a few areas? At this juncture you don't really know because you don't know the topography or why is it nebulous please?

Mr. Horner: The...so what happens is when we, when we have a contractor there one of their main tasks is to optimize the site as they go, and so where they can potentially not do any blasting and obviously that has a cost associated with it, being it's definitely preferred to avoid. As Leslie said before, the type of racking system that we're using is very terrain tolerant and so there is more of an opportunity to build the racking systems on steeper terrain that wouldn't require blasting. Again, this is something that the contractor is currently working on as for the site layout and actual terrain shaping that they're gonna be doing, and the again, the object is to minimize that.

Ms. La Costa: Mahalo nui. If I might please, Chair.

Mr. Tackett: Yeah, go ahead P Dee.

Ms. La Costa: Thank you, sir. I need, I would like to address a question about the property valuations, so whomever can answer that for me please?

Mr. Tackett: Hey, P Dee are you gonna ask your question once they give you the appropriate person or are you gonna ask the question and then they find the appropriate person?

Ms. La Costa: Whatever you would prefer Chair.

Mr. Tackett: Maybe if you ask the question they might be better able to figure out which one of them can answer it.

Ms. La Costa: Thank you for that direction. So, in one of your slides you talked about CohnReznick determining valuations and whether or not they would be affected by the project and then you also talked about the County Assessor. Have you spoken with or did you consult with any real estate professional currently licensed in Maui and familiar with the Maui Meadows and South Maui property and their values? Thank you.

Mr. Andrew Lines: Hi, this is Andrew Lines with CohnReznick. I hope you can hear me.

Mr. Tackett: Yes, I can hear you Andrew Lines, could you please promise to tell the truth?

Mr. Lines: I do.

Mr. Tackett: Thank you.

Mr. Lines: You're welcome. Thanks for having me. So, just for a record I'm a Principal with CohnReznick. I've been a commercial real estate appraiser for 20 years and we've conducted a great number of impact studies involving impacts related both solar and wind mostly in the U.S., but when Innergex had called us and asked us to take a look at this particular proposed development. So the first thing we did is went through and tried to identify any of the existing solar arrays that have residences around them, and so unfortunately some of the larger ones that are on the islands are positioned they don't have a lot of data around them, but what's really critical to us when we do these impact studies is that we need to measure the impact of homes that are existing with solar and panels already there. Right, we can't test information that doesn't yet exist and while different residents in the local community might have an idea of how they think it's going to impact their own property values the key here is to measure actual factual data, so we measure actual transactions that have occurred next to existing solar. So, we were able to identify and it's within the report that I believe the applicant has presented with you and the various files that they've given but we did talk to real estate brokers on the islands who are familiar with transactions that are occurring next to and near existing solar arrays and for those existing solar arrays all the brokers that we spoke to had, you know, no evidence of any, any negative impact and while you know, there may have been one or two brokers that thought it was a little bit of an eyesore, they didn't have any data available and most of them overwhelmingly believed that the existing solar arrays for the ones that we studied and again, are contained within the report don't show any negative impact as due to just the proximity for certain homes next to an existing solar array.

Ms. La Costa: Mahalo.

Mr. Tackett: Commissioners, do we have any other questions? I got Kawika followed by Ashley. Go ahead Kawika.

Mr. Freitas: Okay, thank you. Ms. McClain I think that was you that was talking to us about the drainage, was that you? Would you be the best person to answer my questions?

Ms. McClain: I can try to answer and if not, Jamie can help me out too.

Mr. Freitas: Okay, thank you. I think, I think there's a concern with two types of water movement and that's gonna be the water coming from up mauka and then when you have actual rain that are hitting the actual project and you're gonna have that water runoff off of these solar panels. I don't know if the guy was correct, six million square foot of solar panels. Now the drawing that you have that has culverts designated is there...there's one, two, three that pretty much protects anything from going into the housing and one of them is a long stretch that there's no, no protection. So, I can't understand your graph, I can barely read it. There's a laydown area, what does laydown area mean?

Ms. McClain: Laydown area is like a staging area, it's a temporary area that will be clean...cleared—

Mr. Tackett: Leslie, Leslie 'cause I never got you before—

Ms. McClain: Oh, sorry.

Mr. Tackett: --I gotta have you swear in that you, you promise to tell the truth.

Ms. McClain: My name is Leslie McClain, and I promise to tell the truth.

Mr. Tackett: Thank you so much.

Ms. McClain: Yeah. So a laydown area is another word for staging area. It's a area that will be cleared and graded to be flat so that we can stage equipment there during construction.

Mr. Freitas: Okay. So, I guess my question is if there's rain coming down hitting those solar panels and I'm looking at your picture, the one that has your culvert, where your culvert, culverts are gonna be placed you have a big area that has the solar panels and I cannot see what's protecting it, that water from going right across into the housing.

Ms. McClain: Maybe, would it be—

Mr. Freitas: Other than what you're calling the laydown area. But the laydown area doesn't seem to be any kind of berm or any kind of protection. I think the other thing next to it is a fence, is that a retention?

Ms. McClain: Let me pull up the map would that be helpful so we can talk about the same thing?

Mr. Freitas: Yeah, you have this designate that say 250 feet yeah, that's where, that's where the borders are 250 feet. Between that both 250 feet there's no culvert there, nothing where water's gonna go and be drained. You got, yeah you see the culvert is there and then the culvert is way on the, way on the top, nothing in between. Now this, this is the kind of concern that I had which was some of the resident's concern as well. This is adding, this project is gonna add to a lot of flooding over there. So, where is that water gonna go? Gonna go right across, right across that 250 feet and into, into the properties, no?

Ms. McClain: So the idea—

Mr. Freitas: Yeah, right there. There's a culvert right there.

Ms. McClain: This one?

Mr. Freitas: Yeah, and then you go straight up and you got one way up.

Ms. McClain: And then up here?

Mr. Freitas: Yeah, that one and nothing in between. Is there, is there a berm, retention wall or anything blocking?

Ms. McClain: So the green, I didn't do a very good job explaining this earlier. I was stumbling over my words, so I apologize for that. So this green line that you see here is a rock berm that would be guiding water that would be running off of this, of this solar array area, would be guiding it to this drainage basin. Each one of these drainage basins would...eventually the water has to go somewhere, right, and so it's retained and then slowly released into the gulches at a rate that would not overwhelm the systems that are currently in place.

Mr. Freitas: And now these, these culverts that you're putting in, you folks are putting in and where does it go? Does it hook up to current drainage or you folks are gonna run drainage all the way around or underneath the development?

Ms. McClain: So these culverts are so that this access road that you can see in this orange line here that goes up long the project fence line so that the access road can cross these drainages and the water will either low flow across the access road or it will be a culvert depending on what the final design is. So, the water, water will still be coming down through this gulch and into the existing storm water facilities in the Maui Meadows neighborhood. What the project's gonna do is ensure that that there's no increase of runoff than what's happening today. And in fact, it may actually mitigate some of the current conditions by capturing some of the runoff that's currently happening in these blue polygons here, these drainage basin areas like today's conditions the water that hits the ground in these areas is flowing into these gulches and down into Maui Meadows. In the proposed conditions, that water will flow into these, these drainage basins where it will be held and then released at a slower rate so that the water can flow

through without having a flooding scenario downslope. So, I guess the short answer is we're still gonna be using the drainage facilities that are out there the way that these, these current gulches work, but we'll be retaining the water onsite so that it doesn't overwhelm the systems and it may actually slow the systems that are, that the water rates are happening today.

Mr. Horner: And maybe Leslie if I can just add to that?

Ms. McClain: Please.

Mr. Horner: So there's no additional runoff created because of this, this project. Each of the solar panels will be obviously impervious to water, but you know, each, each solar panel will then drip onto the ground and infiltrate the ground in the area of the solar array. So one of the biggest things we have to manage on site because of this managing the water flow that is already there, we're not adding to water flow and we're trying to keep it maintained, going in the same direction so that's what the green berms are for, that's what the retention basins are for is to, you know, basically create solution that is the same or better than the current situation.

Mr. Freitas: Well, I'm not an engineer but what you're trying to say is when rain falls it's gonna hit the ground and go through the ground, well if there's nothing there it will fall at an even pace, but when you have something like a, like a panel everything's gonna hit that panel and drip off to one side and it's gonna start digging a trench and it's gonna create, it's gonna create a divot and it's gonna start creating water flow, so I can't agree what you're saying. I don't think it's gonna go straight in the ground because it's gonna start creating a trench, but you know what, I guess you guys are the experts so I'm gonna move on.

Next question is someone asked about possibly putting the telephone lines underground. Now Kihei and that area has some very, very strong winds and when those wires start swinging and touching and arcing that's that where we get fire and there's concern about safety and fire hazards. I never heard what happened if we are gonna, if there's a possibility to put it underground or it has to stay above ground because your drawings have above ground.

Mr. Horner: So the ...(inaudible)...line is for above ground and it's the same design as what is currently already coming into the Auwahi substation, the Auwahi switchyard, sorry. It's the same as the other transmission lines that are immediately adjacent to the area. We're also entering the Auwahi substation also a switchyard above ground into MECO's current equipment.

Mr. Freitas: Well, this project is gonna be 25 years so why don't you guys do it right and put it underground. Don't copy what other, what other previous projects are done or how they done it, put it underground, make it safer.

Mr. Horner: I understand your comment, unfortunately it's not feasible to put underground.

Mr. Freitas: It's not feasible?

Mr. Horner: Not for that length underground conditions, no.

Mr. Freitas: ...(inaudible)...underground. You don't want to because it's expensive or you just can't put it underground?

Mr. Horner: As you would have heard from the presentation this morning, that area is very hard ground, blue rock it would be extremely, extremely expensive to put underground and not something the project could support.

Mr. Freitas: Okay, thank you.

Mr. Tackett: Thank you, Kawika. Commissioners? Ashley go ahead. You're muted Ash.

Ms. Lindsey: There were a few testifiers that some verbal, some who wrote written testimony about lights at night and light making dark skies brighter. I didn't hear any comments about that. Can you care to comment? Is there, is there not going to be security lights, can you advise please?

Ms. McClain: I can take it, maybe Julia you could back me up on this, but during the operational period of the project there are only lights that would be occurring would be at the substation and that they would be directed downward and would be...I believe they'll be motion sensitive...(inaudible-technical difficulties)...

Mr. Tackett: Leslie, you froze up. We might have to have you start from the beginning again.

Ms. Mancinelli: Chair, sorry I can continue on while Leslie's connection gets reconnected.

Mr. Tackett: Okay, Julia could you please promise to tell the truth for me?

Ms. Mancinelli: Yes, I do Chair. I promise to tell the truth.

Mr. Tackett: Thank you.

Ms. Mancinelli: So as part of the project, during the operations minimal lighting is required to support the ongoing operations. The lighting is proposed to be on the main access gate for the project which would be pointed downwards, motion sensed and shielded to support not only residents but migratory birds. There may be an instance where a light is required for the substation in accordance with Maui Electric requirements and code safety requirements but again it would be shielded and pointed downwards.

Ms. Lindsey: One more question Chair. Thank you.

Mr. Tackett: Go ahead Ashley.

Ms. Lindsey: I asked one of the testifiers about the solar panel efficiency and technology...how far technology has come since five years ago with solar. Can you explain, is this the right number of panels for the location. I know he, he answered the question and you, and I saw it in one of these, but like five more years can you imagine it getting more...us having better technology and maybe the panels being obsolete before 25 years even?

Mr. Horner: Yeah, thanks for your question I can take that one. So it's a good question and we definitely have seen an amazing transformation of the solar industry in the last, you know, five, ten years. What is to note about the efficiencies is that you know, five, ten years ago you were looking around 15, 16 percent efficiency for a given ground coverage and now you're looking, you know, 18 and up over 20. So, that has definitely increased the effectiveness of solar panel for a given area. However, the most remarkable impact has been the price of solar panels has really come down, so we're not really seeing solar plants actually using less land area, what we're seeing is the cost of that land area...the cost per a given land area is dropping greatly and so that's really lead to the viability of these projects in all sorts of different places not so much the efficiency. One of the things that we do see in the industry and general and we started laying this project with 475 watt panels and we made it go to panels that are over 500 watts per panel, but those panels are also getting larger. So they're a larger area...they're more efficient but they're still larger, but you need least of them to fit on the same rack and so you know, you have efficiencies of scale while doing that, so that's really the physical aspect is really where we're seeing the biggest impact and the cost not so much the efficiency. Does that answer your question?

Ms. Lindsey: Yes.

Mr. Horner: Thank you.

Mr. Tackett: Go ahead P Dee.

Ms. La Costa: Thank you, Chair. So my question is along those lines there were comments about star gazing and how it would affect the stars at night. Is there any kind of reflection other than the moon that would create an issue for the night sky? Thank you.

Mr. Horner: That I am not aware of. I'm not aware of it being a concern with the solar panel installations and I've not heard of that one.

Ms. La Costa: Mahalo.

Mr. Tackett: I believe we have Kimberly and then followed by Ashley.

Ms. Thayer: Thank you, Chair. If I may, I'd like to ask some clarifying questions with respect biological resources on the site. For one, I notice that at the north end of the property...well, for one, I just want to clarify that based on the site plan it looks like the whole entire solar panel area will be fenced in and even across the gulches or the drainages?

Ms. McClain: That is correct. Sorry, I don't have...this is Leslie, I don't have my video on because of my network issues.

Ms. Thayer: Okay, thank you. My next question is I noticed that at the north end of the property it looks like that one akoko is outside of the fence line as it's currently drawn?

Ms. McClain: Yeah, I'm just pulling up the site. There's two akoko...(inaudible)... north end one would be outside the fence line and one would be inside the fence line, but the solar panels have been set back to avoid it. And they're both on outcrops.

Ms. Thayer: Okay. So, I can't quite tell from the topography but I'm wondering if it's possible just because like in conservation putting up fences is kinda the first line of defense against animals like pigs, goats and deer which are very destructive for native species, so the fence I would presume would keep out those animals in which case it would actually really nice if that north side of the fence could be extended to include that second akoko within the fence line.

Ms. McClain: Yeah, and I think we looked at that and I'm just zooming in and I think part of the problem was the akoko's proximity to the existing...(inaudible)...drive road that is out there right now and accesses the water tank that the County owns just north of the project and fitting a fence between that road and akoko and meeting the setback requirements that you...(inaudible)...has, they're not required but they're recommended and I think it was a little too tight and that's part of the reason why we had to tuck the fence in south of that one akoko on the outcrop, but we could take another look at that.

Ms. Thayer: Okay, thank you. I do have a couple more questions if I may? So, one is I noticed in the conclusion and recommendations of the biological report there is a call to establish a wildlife education and observation program for all construction and operational personnel. That was in the wildlife section but I'm wondering if that would also include education about plant species that are there especially considering a lot of the plants in that area are rare or endangered, so education about the plant species would be really good in addition to the wildlife.

Ms. McClain: ...(inaudible-technical difficulties)...

Ms. Mancinelli: Hey Leslie, I think I'm gonna have to jump in, you've gone a little garbled on us.

Mr. Tackett: Yeah, none of that is—

Ms. Mancinelli: Audible.

Mr. Tackett: Audible, correct.

Ms. Mancinelli: No, that's a great question. Yes, the wildlife and observation program does typically include a range of not only wildlife which was called out in that recommendation but are Innergex's practice for education of our contractors and any visitors to the site. Includes a whole health and safety program, but anything to do with environment which would include wildlife, plants, also any kind of key mitigation or things that need to be highlighted if they see of concern as well as also archaeological and cultural points that are also brought forward in the various reports and so it would be a little all-encompassing little training program for all employees to make sure they're very mindful of all these different consideration.

Ms. Thayer: Okay, thank you. I do have a couple other follow up questions to that. One is, ...narrative that some wiliwili trees will have to be cut down in which case are there any plans as kinda noted by the biological report I think that any seeds, wiliwili seeds can be collected and potentially propagated, so are there any plans for any wiliwili that are removed to be replaced elsewhere on the project site?

Ms. Mancinelli: So from our discussions to date, there is a figure within the biological report that delineates all the tree...wiliwili trees. We had our biological team count every single tree out there and there's 461 wiliwili trees. Most of them align with the gulch features which would make sense 'cause that's where the water goes and our project is setting back from the gulches as one heard, no overlap with the gulches except for the road crushing collector lines and to ensure the foundations of our solar project. It's also where a lot of the archaeological sites were found as well as the listed hibiscus plant and so, you kind of might have noticed in the layout of the project it kinda has this like funnel kinda no solar array area and that's really where most of the biological and archaeological constraints were found and those areas will be avoided. And so through the design, we have committed to avoid removing any of those really big larger groves and moderate groves which are located within those gulch areas and trying to minimize the removal of the select ones.

With that, we have been working Maui Native Nursery and they would be the ones supporting our efforts on any revegetation of native species and we're also starting discussions with Leeward Haleakala Restoration Program, sorry, about collecting and starting the harvesting of various plant species this year in anticipation of hopefully starting construction first thing next year. Also, any wiliwili trees that may need to be removed. We would also follow up with those that can...(inaudible)...part of our cultural impact assessment and other groups or interested parties from the communities should they want to obtain the wood that is being removed from those sources.

Ms. Thayer: Thank you. I do have a couple follow up questions to that if I may?

Mr. Tackett: Are you gonna be, are you gonna be voting on this as well?

Ms. Thayer: No, I'm just wanting understanding on the application.

Mr. Tackett: Okay.

Ms. Thayer: The cultural impact assessment talked about allowing for seed collection for various species that are in there because there's a pretty good diversity of dryland species in the project site and it did talk about that it be nice if those could be collected. Are there plans for that?

Ms. Mancinelli: Yeah, again similarly that would be part of the scope of work that we're discussing Leeward Haleakala Restoration Program and the Maui Native Nursery.

Ms. Thayer: Okay, thank you very much.

Mr. Tackett: Is that, is that all Kimberly?

Ms. Thayer: Yeah, thank you.

Mr. Tackett: Okay, Commissioners does anyone else have any questions? Go ahead P Dee, and then Ashley to follow.

Ms. La Costa: Thank you Chair. I have a question about the large 11x17 Exhibit 40 please, viewpoint 11 Kula Highway. So my question is, I am really good at find the objects in the pictures that are different. I have studied these two pictures and I cannot find where the solar array is one to the other so if you could please point that out for me, I would appreciate it. Mahalo.

Ms. Mancinelli: Let me pull that up on the screen. Leslie, are you still on the line?

Ms. McClain: I am here, can you hear me?

Ms. Mancinelli: Yes, we can. Are you able to screen share the presentation.

Ms. McClain: Yes, I am trying to do that right now. ...see my screen?

Ms. La Costa: Now we can.

Ms. McLean: Yes.

Ms. McClain: Yes, okay wonderful. And so it was Viewpoint 11 Kula Highway, correct? So that, it's probably because of the print quality of the page in front of you. Can you see the solar facility is right here?

Ms. La Costa: So there's a little bit of a dark area there?

Ms. McClain: Yeah, let me zoom in a little bit more for you if I can get this thing to pull down without switching pages. So, here is the solar arrays and then there's the substation

Ms. La Costa: Thank you very much. Mahalo.

Ms. McClain: You're welcome.

Mr. Tackett: Ashley, I believe it's your turn.

Ms. Lindsey: Can you tell me what happens when you decommission a solar panel?

Mr. Horner: I can, I can tell you. So solar panels obviously are made up of various components but most of them are solid state. What we're moving to now with the bifacial solar panels that were indicated, we are likely using on this project, they've got glass on both sides of them, so a large component of the weight is glass with a aluminum frame and so those are obviously there's very well-known recycling techniques for those and that's the bulk of the mass of the solar panel. Solar panels are also made up largely of silicon and other materials within that silicon. So, silicon can be smelted down again and largely recycled and there's wiring other sort of parts of the solar panel that can also be recycled. So while the level of recycling of solar panel currently in the world is not large, the techniques to recycle them is expected to come on in high volume as you know, the world turns more and more to solar energy and so by the time this project is commissioned or even if we have breakages throughout the operation of the project we're expecting that there's gonna be a significant opportunity for recycling majority of the solar panel when it's not...no longer used.

Ms. Lindsey: So, in 25 years you would maybe change the panels or just get rid of the project?

Mr. Horner: So, in our initial PPA term, our purchase agreement term with MECO is for 25 years. The solar plants are typically designed to last around 30 to 35 years. So there may be an opportunity to recontract with the utility once that first 25-year contract is finished or else if they're, you know, permits and approvals to sell that energy are no longer available then the project would be to decommissioned.

Ms. Lindsey: Meaning it would, you would take it apart and take it away or it would just be here?

Mr. Horner: So there's a couple of different options. Sometimes the effectiveness of the project is no longer what the utility would be looking for, so you might take the solar panels off and repower them, cause they do degrade over a 25-year lifespan or you...if you...if there wasn't an opportunity or it was no longer desired to be in that area you would decommission the project, you would remove all the racking, you'd remove all the battery systems and remove the substation and effectively go back to the land as it was.

Ms. Lindsey: So, decommissioning involving taking apart and removing if that...if it were no longer financially viable or made sense for our power needs?

Mr. Horner: Correct.

Ms. Lindsey: Okay, thank you.

Mr. Tackett: Go ahead Kellie.

Ms. Pali: Okay, so I just have a few questions and if it's okay, Chair, I'm just gonna ramble off here real quick. The first one was I wanted to go back to that gentleman that was just speaking because I feel like he was attempting to answer a question that I wanted to hear the answer to, and it goes back to the rain question. I think the other commissioner was talking about when rain hits, you know, a nonporous surface and it runs off, you know, it's the people that don't have the rain gutters, like we know that the rain will then sorta create a little trench around our house that's what motivates us to pay \$3,000 to get the rain gutters. So, I would like to hear you finish your response to that, please sir. That's question one.

Mr. Horner: Right, and that's an excellent question. I'm really glad it's come up again because it's important. Because you do have a impervious surface and there is a drop between the panel and the ground, do you actually create if the ground is in a state that would allow that erosion to happen then that that is what we'd expect to happen. However, that's not what we are designing this for, we're designing this to make sure that any rain runoff from those impervious surfaces does not impact or create additional sediment into the, into the water flows and we would manage ground whether it's through surface treatments, guttering, you know, other collection basins for sediment, ground preparation, all those types of techniques are very valid and they are possibly all gonna be used on the site depending on the type of terrain they're in, some would be more applicable to the steeper terrain, others would be more applicable to a flat terrain, so it's part of what we need to do as our job in order to make this work properly.

Ms. Pali: So you're committing verbally that you're going to be looking at that and the goal is to not just let it run on the ground and water create its own natural sort of pads and then just you know, go where they go. Like you guys are going to be, from what I see and what I was watching, you're diverting to maybe hit those rock walls and then you're actually controlling the flow by then putting it into the basins, but you'll be using multiple different practices to make sure that that's happening. Does that sound about right?

Mr. Horner: Yeah, that's correct, but also it's much easier to, to minimize any literation of any sediment then it is to control it after-the-fact. So, you know, if we were to allow lots of erosion to happen on the site and make its way to those catch basins, they'll very quickly become inundated with sediment and no longer useful or require a lot more maintenance that is not in our best interest to do.

Ms. Pali: So you want to catch it before it drops then?

Mr. Horner: We want to stop it from occurring in the first place, and I'm sorry, sorry, we want to stop the erosion before it happens. The water runoff we expect to be maintained largely as it is on the site without any additional damage.

Ms. Pali: Okay, so I was with you, and then I you just lost me. Sorry, I'm just being honest, like okay you had me, and I'm like oh that sounds really good, and now I'm like no, I don't think I'm there yet. Okay, so I'm just going to clarify real quick. Don't laugh at me people, everybody gets their tangents. Okay, so the water hits the panel and it's not going to absorb it. The water runs off the panel, what are you gonna do with it?

Mr. Horner: So, we're gonna make sure that when it hits the ground it doesn't create sediment that then is entrained water courses and causes a problem.

Ms. Pali: But you can build and maneuver that or create what you need to with whatever the best practices look like to prevent that.

Mr. Horner: Correct.

Ms. Pali: That's what you're—

Mr. Horner: That is our goal. Yes, that is our goal because as soon you create a problem, you now have to solve the problem. We're trying to not create a problem.

Ms. Pali: Okay, I'm satisfied with that answer. And then to bring back a lot of the testimony that we heard earlier which is very applicable and this might be for your or might be for one of the girls but I wanted to see if the applicant was okay with a couple extra conditions and they may already be tucked into a larger, broader English scope on the recommendation. But number one, the big one, if you had to decommission the project is the applicant willing to accept the responsibility and the cost to remove the solar panels and not dump them on Maui Island but take them off island and dump them wherever they dump them. Is that something that you would be agreeable to?

Mr. Horner: We are not actually intending to dump them at all and like the previous question we would be recycling them. Now, the likelihood that recycling facilities are available on the island is likely low so they would be shipped stateside for recycling.

Ms. Pali: Okay, very good.

Mr. Horner: Or perhaps somewhere else in the world depending on where the facilities and opportunities were for that.

Ms. Pali: That sounds great. And then what about the highway traffic, Upcountry, would the applicant be open to validating the six schools along that highway, doing the research it takes to

know when the peak hours are and then avoiding those hours so that the families and kids aren't impacted by the big trucks.

Mr. Horner: I wasn't directly involved with the traffic study, so I'll hand it back to Leslie or Julia.

Ms. Mancinelli: Yes, happy to answer that question. So, yes as part of the traffic impact assessment it assessed both Piilani Highway as well as Kula and with that, they did identify school zones and high peak travel areas and for safety concerns and there were commitments in there about not using, heavy load and traffic during high peak times such as school zones and so yes, we would be happy to recommit to that mitigation which is included in our traffic impact analysis.

Ms. Pali: Great. Thank you. And Chair I got two more real quick. The other, the new commissioner mentioned it, but I just want to hear that you would be, you are validating that when you say you're gonna do education on wildlife, you have confirmed verbally that that wildlife wasn't just animals but also education of the plants for the workers and I just wanna reconfirm them. And then the last question, my little pet peeve, I think, I think it was important for me to understand who really benefits from this and we talk about affordable housing and we have all these people talking about affordable housing, part of affordable housing is, you get in the house but can you even pay the utilities, can you pay the electric, can you pay the water. That's all about creating an environment of affordable housing. So in my mind when I see something like this, I get excited because there are already like doing what they can to get that house payment, now they got the electricity bill and the water and so the question is would this benefit, but also, I like the project but I also want to be respectful for what you're doing here and where, so I have a question that that I don't know how you're gonna feel about it, but I understand that there's that buffer zone and I think in the presentation and this is the buffer zone between the Maui Meadows families, the 250-year whatever...you're keeping it as naturally like whatever it is, and then you guys start your build. I don't know that I'm okay with that because they already all testified even without the project that they got all this flooding happening so the natural terrain they're already experiencing this flooding. And so, I appreciate the buffer, could it be further out, yes, I understand why it can't be, fine. But would you be able to reconsider when you're doing this to actually add more to that natural buffer because the natural buffer now is not working so it's definitely not going to work, and I know that you're gonna maintain your own runoff of your project, but you know when you borrow someone's car when you return it, you return it in better condition, that's what my family taught me. You put...if you had half tank you fill 'um up, if it was dirty, you wash it, and so, I'm just saying, if you're gonna come in and you're gonna do a lot of good for Maui no doubt, but how can we be amicable to the people who are gonna be impacted the most, so I would like you to just consider that like not leaving that buffer just as it is because it's not working as it is. How can we let them benefit too, and that's my final thing for you to think about.

Ms. Mancinelli: Sure. No, thank you, appreciate that. So yes, just to verbally confirm on your education, wildlife education it would yes, include more than just the wildlife, it would also include the plants, archaeological, cultural and other various considerations that were presented

in our application. As for the vegetation of that buffer area, so as one of the slides indicated, we do have a landscaping program proposed for in that area to supplement the screening but would also then go to your comment about adding vegetation. But Jamie I think you wanted to say something a little bit more on this one as well from the technical perspective.

Mr. Horner: Yeah, thanks Julia. The buffer zone and it was highlighted in previous testimony as being you now, a barrier or a protector to the neighborhood but to be honest and as you quickly mentioned that we're going to be managing the runoff our project area. However, a significant source of water that is causing the issues for the ...(inaudible)...would actually comes from further up slope and that is, you know, can't mitigate a large mountain slope with 250 or even more feet of vegetation, that just doesn't work. So, I think you know, there are possibly you know other solutions that are possibly required there, however, I think that on...once we've, we've constructed if we get the opportunity to construct these projects I think you'll find the retention basins will have a stabilizing influence on even those high level flood events that will possibly, that will you know, possibly bring forward a better solution than that the county is now.

Ms. Mancinelli: And then just building upon that from like the higher watershed efforts as mentioned in the community benefits kinda bringing it down to the local level. We are in discussions with Leeward Haleakala Water Shed Restoration Program both different ways that we can support their initiatives and one of them being about restoration of that upper water shed and so helping with stabilizing the Upcountry area and helping too again, retain that water and reduce the sediment loading so that's kind of also part of our approach.

Mr. Tackett: Thank you, Kellie. Go ahead Kawika. And then I got P Dee after.

Mr. Freitas: Thank you, Chair. Mr. Horner, I think you might be able to help me answer this question. I didn't really look at what your folks maintenance, preventive maintenance, what it's gonna be like. I understand that because it's low to the ground with the morning mist and a very, very dusty area in Kihei. I feel that a lot of dust is gonna collection on these panels, is there a preventive...well, just cleaning it, will it be with water or you're gonna just do a brush or a feather or I mean, it's gonna be dust in the air or it's gonna be water on the ground. What is your folks plan to clean these.

Mr. Horner: So, the...we've looked at that and in the area we believe there's gonna be enough rainfall to wash the panels on a regular basis and to remove that dust if there is any collecting on the panels. We do have provision for you know, occasional washers but it's not expected to be a significant source of maintenance for us.

Mr. Freitas: Okay, thank you.

Mr. Tackett: Go ahead P Dee.

Ms. La Costa: Thank you, Chair. I noticed in the diagrams that there are certain areas within the fence line that the panels come right to the edge is there any specific setback or if someone

where to get close to the fence would they be able to damage those panels based on their positioning. Thank you.

Ms. Mancinelli: So with our discussions with the Maui Fire Department and we've put forward various setbacks and so the closest solar panel could be to the fence line is 30 feet. Those are a sufficient setback away to ensure that there's no interactions with the public.

Ms. La Costa: Mahalo. Appreciate it.

Mr. Tackett: Any, any other questions, Commissioners? Hearing no commissioner...I mean, no other questions. Could we have, could we have the Department speak to the recommendation please?

Mr. Wollenhaupt: Hello, this is Kurt again. I've had time to go to Honolulu and back, but we are in the process now of giving the Department's recommendation and as I had indicated at the beginning of our meeting today there are two items under consideration. The first is the County Special Use Permit within the Agricultural District a special use such as the proposed solar facility may be granted pursuant to Maui County Code Section 19.30A.060 relating to the special uses in agriculture. In addition to that, we're looking at a Project District Phase 2 Development Approval primarily for the access road to the project through a Project District 9 known as Wailea 670.

After review, the Planning Department recommends approval of the Project District Phase 2 Development and the County Special Use Permit subject to 21 conditions. Those conditions are outlined of course in detail in your staff report and for members on digital on the agenda page, numerous conditions are very specific to the biology, the plant life, the wildlife, the cultural and archaeology issues, consequently, the conditions of the Project District Phase 2 Development and in consideration of the County Special Use Permit, the Planning Department recommends that the Maui Planning Commission adopt the Department's Report and Recommendation prepared for the May 25, 2021 meeting as its finding of fact, conclusions of law and decision and order and authorize the Director of Planning to transmit the written decision and order on behalf of the Maui Planning Commission. Thank you.

Mr. Tackett: Thank you, Kurt. All right, so we have a, we have a few things we need to address right now, we're open to motions and seconds and then the ability to speak to the motion that is made will be had at that point. Go ahead P Dee.

Ms. La Costa: My question is actually for Mr. Hopper, Chair. Do we address these individually or both at the same time? Thank you.

Mr. Hopper: I think it's up to the Commission. I suppose it's possible you would approve one and deny one based upon the criteria. I think you could do either one. The...Kurt, I just want to double check, are your conditions...so the conditions would be on both approvals?

Mr. Wollenhaupt: Yes, the conditions are on both approvals. Obviously, some of them are particularly applicable, but in this case, yes, we did write the conditions such that both permits are running concurrently until the expiration date. There have been times in the past when we would approve a Project District Phase 2 essentially with no conditions and put all the conditions on the County Special Use Permit, but in this case, I would consider that both permits are running with both...all sets of conditions, all 21.

Mr. Hopper: Okay, so given that, it's set up for you to do one motion to approve both permits. If you want to take them separately because you might have a different evaluation of the criteria for each permit or conditions that you want only on one of the permits and not on the other, you can, but the conditions are set up so they'd be on both. So you could do a motion to approve the Special Use Permit subject to the conditions and then do discussion and approval of that and then a separate one for the Phase 2 or take them together however you would like.

Mr. Tackett: Thank you, Mr. Hopper. P Dee, did that answer your question?

Ms. La Costa: It did Chair, thank you. So, I will leave it up to you as to how we handle this. Mahalo.

Mr. Tackett: I believe it will be up to whoever motions. If you have a reason to segregate them, I guess you could. That would be dependent upon how each of you guys view it. If not, then I believe you can ask to approve or deny the Special Use and with the conditions as laid down by the Department as well as a Project District 2, Phase 2 Development Approval. But once again, that's, that's something that's...that will be determined by the...whoever makes the motion. Go ahead Dale.

Mr. Thompson: I guess I'll be that guy. I'd like to make a motion to accept both of these with the approved conditions.

Mr. Tackett: Okay, by that you mean the Special Use Permit as well as the Project District Phase 2 Development Approval?

Mr. Thompson: That's correct. Thank you.

Mr. Tackett: And subject to the 21 conditions, correct.

Mr. Thompson: Yes, indeed.

Mr. Tackett: And Mr. Hopper you got something to add to that?

Mr. Hopper: Yeah, just to clarify that it's to approve both permits subject to the conditions as recommended by the Staff. I think you said accept which I understand...I think everyone understands what you mean, but just for the record we want that to be clear it's to approve both those permits based on the staff report subject to the conditions recommended by the staff.

Mr. Tackett: Was that your intention, Dale?

Mr. Thompson: I concur.

Mr. Tackett: Outstanding, and then we have second P Dee. Would you like to speak to the motion Dale?

Mr. Thompson: Why not. It's a great day. So, it's something we certainly need, we have to have solar power. Everybody that spoke against it, about how it's gonna ruin the reef, and floods and everything else all had solar panels on their own homes, so...and they're the ones killing the birds, and blah, blah, blah...anyway, it's not that, I think it's a great thing. Everybody wanted it, they just didn't want it in their own backyard, and unfortunately, I think that where it's best suited. I'll take the word from all the engineers of the project up to this point. Spent years already getting to where it's at. Thank you so kindly.

Mr. Tackett: Thank you, Dale. P Dee, and then Kawika.

Ms. La Costa: Thank you, Chair. Yes, I seconded the motion because I concur along with that and as everyone knows I have a real thing for solar power. 2045 is gonna be here before we know it and we have to be in line with lack of...using less fossil fuel. The other thing is the benefits is going to provide to Ulupalakua Ranch and we all know how important the ranch is to Maui. So that is why I seconded the motion and I also concur with the approval.

Mr. Tackett: Thank you, P Dee. Kawika, you wanted to speak to the motion?

Mr. Freitas: Yes, thank you, Chair. You know, when I first saw it come through the mail, this on the agenda and everything I was excited about it. I liked the idea of it. I do have a couple of concerns that's enough for me to vote no on this, and one is I don't think the drainage even satisfactory. It's not, it's not planned well. And the second is, we're what, in this day and age I think the lines should be buried. To have that exposed for 25 years and chance of devastating fires, it's a possibility and with all those homes, the million, million-dollar homes being built out there going be all in, you know, harm's way. I don't...I'm gonna vote no on this. If those two things were fixed, the line and the water, I'm all for it.

Mr. Tackett: Thank you, Kawika. Any other, any other Commissioners would like to speak to the motion? Go ahead Kellie.

Ms. Pali: Yeah, I just wanna put on the record that you know, my niece and her papa and we have family that got in at Maui Meadows at a early, you know, at the early days, affordable times and you know, we have family there, so it's a very special neighborhood, so we have mixed bag, if you go look you get real rich houses and then you have the local houses, and so we have a lot of types of people in there so I don't want to necessarily write it off, but either way as we try to sow unity amongst each other and continue to live out the aloha spirit I do want to

just mention that I'm hearing everyone and you know, in the end I'm going to vote yes for this because of the bigger picture and how most of Maui County will benefit one way or the other from this and I just wanna say that I'm sorry to those few that will be directly impacted. You would be taking one for the team, but if it's...if we're being, if we're being honest, there are many neighborhoods taking one for the team in other areas, and I think that's part of us all sharing the burden of making life easier, better, and more affordable, and so, thank you for taking one for the team, but I will be voting yes because of what it means.

You know, I hear 11 cents a kilowatt hour. You know, MECO has been at 35 cents a kilowatt hour for people who cannot afford solar, and so if you can afford solar, you know, or at least if you don't have the down payment for solar you can do a lease and they're gonna sell it to you for 20 cents a kilowatt hour and so if they're gonna bringing renewable energy and bringing down that cost and then maybe we can turn off those four boilers in Kahului and we're gassing out you know, our residents in Kahului. You know, I'm weighing out the options and that's where I'm going so I just wanted that on record.

Mr. Tackett: Thank you, Kellie. Commissioners, any one else choose to speak to this motion? Hearing none, Director I believe everyone would prefer a roll call vote.

Ms. McLean: Okay, Chair. Commissioner Edlao.

Mr. Edlao: Yes.

Ms. McLean: Commissioner Freitas.

Mr. Freitas: No.

Ms. McLean: Commissioner Hipolito.

Mr. Hipolito: Yes.

Ms. McLean: Commissioner Lindsey.

Ms. Lindsey: Yes.

Ms. McLean: Commissioner Pali.

Ms. Pali: Yes.

Ms. McLean: Commissioner Thayer.

Ms. Thayer: Per my declaration earlier, I will be recusing myself on this vote. Thank you.

Ms. McLean: Commissioner Thompson.

Mr. Thompson: Yes.

Ms. McLean: Vice-Chair La Costa.

Ms. La Costa: Yes.

Ms. McLean: And Chair Tackett.

Mr. Tackett: Yes.

Ms. McLean: Chair, the motion passes seven to one with one abstained.

Mr. Tackett: Thank you, Director.

It was moved by Mr. Thompson, seconded by Ms. La Costa, then

**VOTED: To Approve the County Special Use Permit and Project District Phase 2 Development Approval Subject to the Conditions as Recommended by the Department.
(Assenting – D. Thompson, P D. La Costa, J. Edlao, M. Hipolito,
A. Lindsey, K. Pali, C. Tackett)
(Dissenting – K. Freitas)
(Recused - K. Thayer)**

Respectfully Submitted by,

CAROLYN TAKAYAMA-CORDEN
Secretary to Boards and Commissions II

RECORD OF ATTENDANCE

Present

Jerry Edlao
Kawika Freitas
Mel Hipolito, Jr.
P Denise La Costa, Vice-Chair
Ashley Lindsey
Kellie Pali
Christian Tackett, Chair
Kim Thayer
Dale Thompson

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Others

Michele McLean, Director, Department of Planning

Michael Hopper, Deputy Corporation Counsel, Department of the Corporation Counsel

Rowena Dagdag-Andaya, Director, Department of Public Works