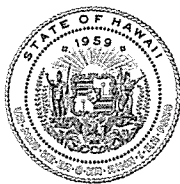


## APPENDIX D. LETTERS FROM DANIEL ORODENKER OF THE LUC



DAVID Y. IGE  
Governor

JOSH GREEN  
Lieutenant Governor

MIKE MCCARTNEY  
Director

**LAND USE COMMISSION**  
Department of Business, Economic Development & Tourism  
State of Hawai'i

DANIEL ORODENKER  
Executive Officer

SCOTT A.K. DERRICKSON AICP  
Chief Planner

RILEY K. HAKODA  
Chief Clerk/Planner

NATASHA A. QUINONES  
Program Specialist

FRED A. TALON  
Drafting Technician

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August 4, 2021

Calvert G. Chipchase  
Cades Schutte  
1000 Bishop Street  
Suite 1200  
Honolulu, Hawaii 96813-4212

Re: Solar Project Located on TMK 4-3-001:017

Dear Mr. Chipchase;

I am in receipt of your letter dated July 23, 2021 with regard to this matter. It is my understanding that the proposed Solar Project is located on C-rated lands. Based on the maps provided, the Solar Project itself will require a Special Permit. Access will be required via an existing roadway across another property containing A rated lands. The road is currently being used as access to other parcels for agricultural and other than agricultural uses on the property. The Solar Project developer is proposing to grade the road and add an all-weather surface.

If the issue is whether or not a separate SP will be required for the access road, I do not believe that is required. Any SP granted for the Solar Project could include any approvals required for the roadway. Given that Section 205-4.5 (a)(21) references "Solar energy facilities" I do not believe the prohibition on the utilization of A classified lands applies in this case and the SP can move forward.

If the County determines that the roadway cannot be made a part of an SP for the Solar Project, for the same reasons set forth above and based on the facts submitted in your letter, I do not believe that an SP will be required for use of the roadway itself. The development of the Solar Project is on C-rated lands and will therefore require a Special Permit under Section 205-4.5(a)(21) Hawaii Revised Statutes. The roadway is existing and services agricultural uses and neighboring properties. Since the road is existing and the use is not solely for the benefit of the Solar Project, the proposed improvements to the roadway does not, in and of itself, give rise to the need for a special permit.

Thank you for your diligence on this matter. If you have any questions or concerns please feel free to contact me.

Very Truly Yours;

A handwritten signature in black ink, consisting of several overlapping loops and a long horizontal stroke extending to the right.

Daniel E Orodener  
Executive Officer

DAVID Y. IGE  
Governor

JOSH GREEN  
Lieutenant Governor



LAND USE COMMISSION  
State of Hawai'i

DANIEL ORODENKER  
Executive Officer

SCOTT A.K. DERRICKSON AICP  
Chief Planner

RILEY K. HAKODA  
Planner

NATASHA A. QUINONES  
Chief Clerk

FRED A. TALON  
Drafting Technician

ARIANA L. KWAN  
Secretary

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January 5, 2022

Calvert Chipchase, Esq.  
Cades Shutte LLLP  
Cades Shutte Building  
1000 Bishop Street, Suite 1200  
Honolulu, HI 96813-4212

Re: Maui Electric Switchyard for Kahana Solar Project

Dear Mr. Chipchase;

This letter is in response to your inquiry as to whether or not the Maui Electric Switchyard improvements being constructed next to the Kahana Solar Project will require a Special Permit from the Land Use Commission. Based on our analysis of the situation, as represented in your e-mail of 12/27/2021, we do not believe an SP is required for the Switchyard.

It is our understanding that the Kahana Solar Project will interconnect to the Maui Electric Grid via a new Maui Electric switchyard that will be constructed adjacent to the Kahana Solar substation. A short (400 feet or less) overhead transmission line will extend from the switchyard to the existing 69kv Maui Electric transmission line that is currently located west of the proposed switchyard on Parcel 4-3:001:084. Kahana Solar will construct the Interconnection Facilities on behalf of Maui Electric, and Maui Electric will own the permits, equipment, etc. and will operate the facilities. The Interconnection Facilities will have functions unrelated to the Project and may exist and operate beyond the operational period of the Project.

You have represented that Maui Electric requires its own CUP and building and grading permits for the Interconnection Facilities and that your plan is to include Maui Electric as a "Co-Applicant" in the CUP permit and to request that Maui County issue two permit approvals: a CUP to Kahana Solar for the solar project and a CUP to Maui Electric for the Interconnection Facilities. You have represented that Maui Electric has agreed to this approach.

The Kahana Solar Project requires an SP because it is located within the State Agricultural District on Class C-rated land and occupies more than 20 acres of land. Because Maui Electric facilities will serve multiple functions beyond that of interconnecting with the Kahana Solar Project and because the Maui Electric switchyard and OH line may operate beyond the life of the

Solar Project, we view the Interconnection Facilities as a separate land use from the Solar Project. Thus, under section 205-4.5 (7), the Maui Electric Interconnection Facilities are an allowed use within the State Agricultural District and do not require an SP as part of the Solar Project or otherwise.

. Thank you for your inquiry. If you have any questions or concerns, please contact me.

Very Truly Yours;

A handwritten signature consisting of several loops followed by a horizontal line.

Daniel E. Orodener  
Executive Officer