#### STATE OF HAWAII

#### DEPARTMENT OF HAWAIIAN HOME LANDS

February 26, 2025

To:	Chairman and Members, Hawaiian Homes Commission
Thru:	Linda Chinn, Acting Administrator Land Management Division $\swarrow A^{for}$
From:	Peter "Kahana" Albinio, Jr., General Professional VI Land Management Division 🏹 🕂
Subject:	Approval to Issue a Right-of-Entry Permit (for up to three years) and Conditional Approval for a General Lease to Hawaii Land & Power, LLC, a Hawaii limited liability company, for due diligence purposes and a long-term General Lease (25-years with options to extend) to develop a community-based renewable energy project on 12.75-acres of Hawaiian Home Lands, TMK No. (3) 2-1-025:086, Panaewa, Hawai'i Island

#### APPLICANT:

#### HAWAII LAND & POWER, LLC "HLPLLC"

#### **RECOMMENDED MOTION/ACTION:**

That the Hawaiian Homes Commission authorize the following:

- Issuance of a Right -of-Entry Permit ("ROE") to HLPLLC demising approximately 12.75acres (more or less) of Hawaiian Home Lands identified more specifically by TMK No. (3) 2-1-025:086, situated at Panaewa, Hawaii Island as shown in Exhibit "A" attached hereto. The ROE shall be for due diligence activities to assess the potential of developing a community-based renewable energy project ("project") that will generate a minimum of 30 MW and/or up to a maximum of 60 MW of energy;
- 2. Conditional approval of the General Lease to HLPLLC for the development, construction, operation, management, and maintenance of the project on said parcel as identified, to be more fully described in a metes and bounds survey, and necessary non-exclusive licenses for access, maintenance, and other project purposes upon exercising the option for the General Lease;
- 3. Issuance of the ROE and the General Lease shall be upon the proposed terms and conditions attached hereto as Exhibit "F";

- 4. Delegate authority to the HHC Chairperson to negotiate the final terms and conditions of the ROE and General Lease with HLPLLC, and ancillary documents reasonably necessary or contemplated in connection with the project; and
- 5. Prescribe such terms and conditions deemed prudent and necessary by the Hawaiian Homes Commission.

#### LOCATION:

Hawaiian Home Lands situated at Panaewa, Island of Hawaii, identified as TMK No.: (3) 2-1-025:086.

#### AREA:

Containing approximately 12.75 acres

#### DISCUSSION:

In August 2024, DHHL received an unsolicited renewable energy project proposal request from HLPLLC. At DHHL's Hawaiian Homes Commission regular monthly meeting held on August 19-20, 2024, LMD presented Agenda Item No. F-4, for Information Only to the Commission. In addition, HLPLLC also presented a Power Point presentation. (See Exhibit "B")

DHHL conducted a beneficiary consultation meeting on November 13, 2024, in Hilo. The table below reflects information from the Beneficiary Consultation meeting:

<u>Date</u> 11/13/2024	Invitations Mailed 2,286 Post Cards – Hawaii Island lessee's and applicants in Hilo region	<u>Comments</u> 18 comments over the course of the BC meeting were noted and 1 email comment was received	HHC Acceptance 2/18-19 2025 – Agenda Item No. G-3
	region		

The beneficiary consultation meeting report was presented to the HHC for approval and acceptance at its February 18-19, 2025, regular monthly meeting by the Planning Office under Agenda Item No. G-3. A copy of the submittal is attached as Exhibit "C" for reference.

In accordance with section 171-95.3, Hawaii Revised Statutes, LMD drafted and published the notice in the Honolulu Star-Advertiser and Hawaii Tribune-Herald on December 27, 2024 (see Exhibit "D"). The notice invited individuals, partnerships, corporations, LLCs, or other businesses to submit comments or proposals within 30 days. The comment period ended on January 27, 2025, with no comments or formal proposals received.

Before the HHC makes a decision on Wednesday, February 26, 2025, at 11:00 a.m., it will have conducted two public hearings on Hawaii Island, where the project is located. These hearings

fulfill the requirements of Section 171-95.3(c), HRS. The scheduled public hearings were convened as follows:

Public Hearing # 1Public Hearing #2Date: Tue., 02/25/2025Date: Wed., 02/26/2025Time: 6:00 p.m.Time: 8:30 a.m.Location: Keaukaha El. CafeteriaLocation: Hilton Grand Naniloa Hotel240 Desha AvenueSandalwood RoomHilo, Hawaii 9672093 Banyan DriveHilo, Hawaii 96720Public Hearing #2

Public Hearing notices were published on Friday, September 14, 2025, in respective statewide print media editions (Hononlulu StarAdvertiser / Hilo Tribune-Hearld / West Hawaii Today). See Exhibit "E"

HLPLLC's proposal was presented under LMD's Informational Agenda Item No. F-4 (See Exhibit "B") at the August 2024 HHC meeting on Kauai. LMD believes that HLPLLC's proposed project is in the best interest of the Hawaiian Home Lands Trust for the following reasons:

- ✓ The project as proposed will generate a revenue stream for the Hawaiian Home Land Trust over at least twenty-five (25) years and provide community benefits to hawaiian homestead beneficiaries (lessees and applicants) who reside in and around the immediate area..
- ✓ The project will add another renewable energy resource for Hawaii Island and will be DHHL's contribution to help achieve the State's goal of 100% renewable energy by the Year 2045.

#### PLANNING AREA:

Panaewa, Island of Hawaii

#### LAND USE DESIGNATION:

Industrial, Panaewa Regional Plan Update (2016), Figure 6 – Hawaii Land Land Use Designations

#### CURRENT STATUS:

The subject parcel is vacant, densely vegetated with albizia trees, and designated for industrial use. It fronts Railroad Avenue, directly across from the HELCO Plant. Historically, the parcel was leased to Shield Pacific, Ltd. under a General Lease for about 15 years before the Hawaiian Homes Commission terminated it in the early 1980s. Since then, it has been used intermittently under month-to-month (RP) agreements for auto mechanic-related activities but has remained vacant since around 2013.

DHHL has been made aware of homeless encampments on the property. LMD and Enforcement staff receive periodic reports from neighboring businesses and HPD regarding these encampments and continue to take necessary enforcement actions to address the issue.

#### CHARACTRER OF USE:

Due diligence studies to assess the potential for a renewable energy project under a ROE and if the option for the long- term general lease is exercised, for the eventual development, construction, operations, management, and maintenance of a renewable energy production facility.

#### CHAPTER 343 – ENVIRONMENTAL ASSESSMENT:

#### Issuance of ROE:

Upon issuance of the ROE Permit, HLPLLC will conduct due diligence studies including studies related to the preparation of an HRS Chapter 343 environmental assessment for the renewable energy project.

#### Issuance of the General Lease:

The issuance of the General Lease is subject to the terms and conditions of the ROE, including, but not limited to, compliance with HRS Chapter 343 and HAR Chapter 11-200, and is not exemptible under DHHL's exemption list. HLPLLC will be preparing an environmental assessment in accordance with HRS Chapter 343 for this renewable energy project which will be subject to HHC approval.

#### CONSISTENCY WITH DHHL PLANS, POLICIES AND PROGRAMS

#### DHHL General Plan (2002)

The recommended disposition is consistent with the following General Plan goals and objectives:

#### Land Use Planning

#### Goals:

• Utilize Hawaiian Home Lands for uses most appropriate to meet the needs and desires of the beneficiary population.

Objectives:

- Provide space for and designate a mixture of appropriate land uses, economic opportunities, and community services in a native Hawaiian-friendly environment.
- Direct urban growth to priority development areas based on infrastructure availability, feasible site conditions, beneficiary preferences and job opportunities.

Goals:

• Be responsible, long-term stewards of the Trust's lands and the natural, historic and community resources located on these lands.

**Objectives:** 

- Manage land dispositions in a manner that is environmentally sound and does not jeopardize their future uses.
- Enforce governmental health and safety standards and protect life and property from the effects of natural hazards and disaster on Hawaiian home lands.

#### **Economic Development**

Goals:

• Generate significant revenue to provide greater financial support towards fulfilling the Trust's mission.

Objectives:

• Create a professionally managed investment portfolio with a well-balanced mix of assets.

#### **Program Plans**

Ho'omalu'o Energy Policy (2009) - Objectives

✓ Ko'o: Facilitate the use of diverse renewable energy resources – Pursue the leasing of those lands that are identified as suitable for renewable energy projects. (First priority should be given to entities that would provide "firm" renewable energy poser such as garbage-to-energy (mass-burn), geothermal, pump storage hydropower, solar-thermal and second priority to "as-available" renewable energy power such as wind, solar-photovoltaic, and wave.)

#### **AUTHORIZATION:**

Section 204(a)(2) of the Hawaiian Homes Commission Act, 1920, as amended,

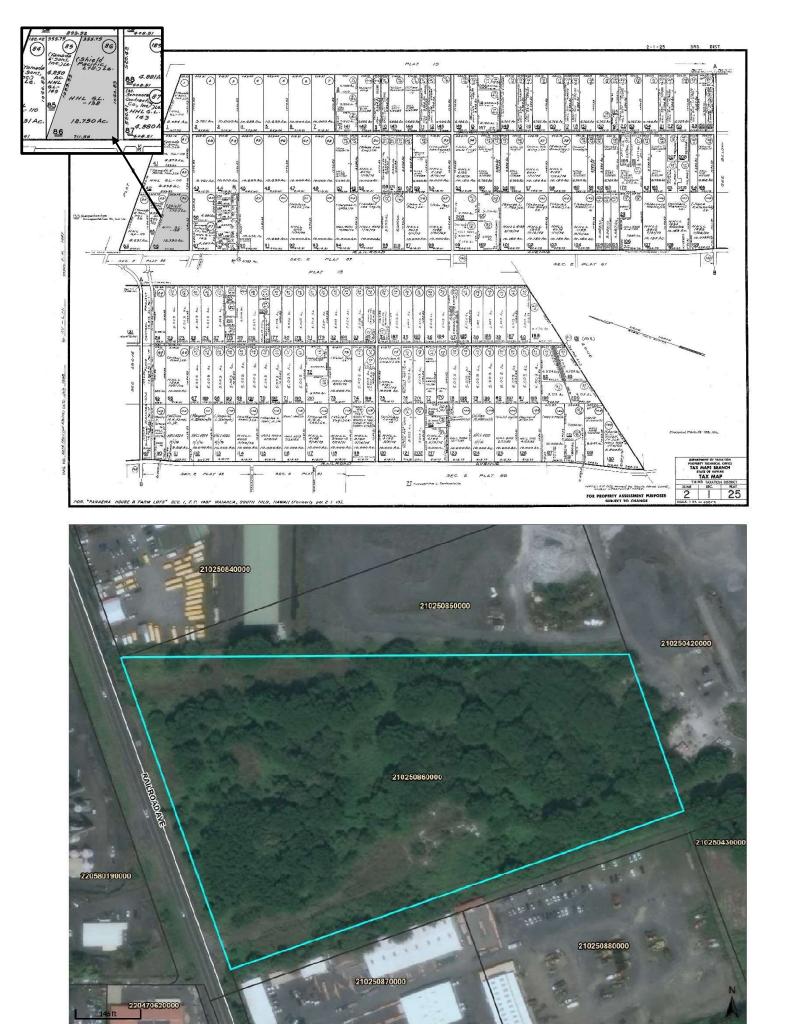
Sections 10-4-21 and 10-4-22, Hawaii Administrative Rules, as amended

§171-55, §171-95, and §171-95.3, Hawaii Revised Statutes, as amended

#### **RECOMMENDATION:**

Land Management Division respectfully requests approval of the motion as stated.

#### EXHIBIT "A" Item No. F-1



#### EXHIBIT "B" Item No. F-1

#### **MOTION**

Moved by Commissioner Freitas, seconded by Commissioner Neves to convene in an executive session pursuant to Section 92-5(a)(4), HRS, to consult with its attorney on questions and issues pertaining to the Commission's powers, duties, privileges, immunities, and liabilities. Motion carried unanimously.

#### EXECUTIVE SESSION IN 12:20 PM

The Commission anticipates convening an executive meeting pursuant to Section 92-5(a)(4), HRS, to consult with its attorney on questions and issues pertaining to the Commission's powers, duties, privileges, immunities, and liabilities on the following matter:

1. Discussion Regarding Telecommunications on Hawaiian Home Lands

#### EXECUTIVE SESSION OUT 1:10 PM

#### LAND MANAGEMENT DIVISION

#### ITEM F-4 For Information Only – Request from Hawai'i Land and Power, LLC on Renewal Energy Project in Waiakea, Island of Hawai'i, TMK (3) 2-1-025:086

#### **RECOMMENDED MOTION/ACTION**

None. For Information Only. General Professional Land Management Division Kahana Albinio presented the following:

David Berry Hill is the owner of Hawai'i Land and Power, and Dan Geovanni, the owner's Advisor joining the meeting.

Page 3 of the submittal is a timeline for the proposed meetings. In September 2024, there will be a beneficiary consultation in Hilo. In October, a report to the Commission. In November, there will be two public hearings, and in January 2025, the Issuance of the ROE permit.

The proposed compensation to DHHL HL&P would compensate DHHL in two ways: (1) Lease rent during the periods of right-of-entry permit and General Lease term equivalent to what DHHL is receiving from other renewable energy projects on Hawaii Island and (2) Community benefit payments, including contribution to existing DHHL programs, job training and internships, scholarships, and/or improvements to community infrastructures. Both will be subject to further discussion and negotiations.

Mr. Giovanni presented a PowerPoint presentation.

- HECO is soliciting the drive to renewable energy
- RFPs from independent power developers to put projects on Hawai'i Island and O'ahu
- Looking for solar, wind, or battery energy and operational for 25 years, 2029 to 2054
- Firm dispatchable power. Power is called upon when needed. Reliable. Operates on biofuels.
- Investment is \$250 million.

Mr. Hill stated that HL&P is committed to ensuring the project aligns with the project's energy needs. The benefits will benefit DHHL directly, not only for this generation but for generations to come.

#### **DISCUSSION**

Commissioner Freitas asked if he heard correctly about wind turbines on the property.\_Mr. Giovanni stated, they are looking at the firm dispatchable and the battery energy storage. They might look at a small solar ray that could be used for black stars or emergency power. They are not looking to put wind turbines on the site. Commissioner Freitas asked that \$90,000 per year be conservative for the benefits. Mr. Giovanni stated that is the minimum.

Commissioner Kalepa asked about the size of the property. Mr. Giovanni stated that the property's size will support both the larger and the smaller projects.

Commissioner Kaleikini asked Kahana about the parcel's history. K. Albinio stated that the parcel had been vacant for some time. Commissioner Kalekini stated that we need renewable energy with firm dispatchable capabilities. This proposal is worthy of the Commission's consideration.

Commissioner Kalepa asked if this would be on a fixed rate for 25-years. Mr. Giovanni stated it would be on a power purchase rate under an agreement with HECO. They need to take a look at the final RFP because there is an indication that HECO wants HL & P upfront to propose the use rate for the full 25-year term. The negotiations with DHHL have to be factored into their proposal with HECO.

Chair Watson asked it was said it would cost about \$250 million, and it was also mentioned that you need site control by January 2025, and you also need to do the EPA. Mr. Giovanni stated not by 2025, but they need the site control commitment from DHHL before they submit the proposal on January 21, 2025. Then, they have the study period like the 343 and EA, and these can go on for two years. They will still be making Right of Entry payments to DHHL even before the final approval. K. Albinio stated they need to do the due diligence. Mr. Giovanni stated the key is to show HECO that they have a secured site to do the project. Chair Watson asked what they have done in Hawai'i with regard to their track record.

Mr. Hill stated HL&P partnered in projects selected by HECO; at Joint Base Pearl Harbor, Kapono Sewer 100 megawatt (indiscernible), (indiscernible) Infrastructure Group is a \$3 billion energy infrastructure fund (indiscernible). The projects were selected by the Navy and by HECO.

Chair Watson asked what kind of biofuel are they proposing to use. Mr. Hill stated biodiesel B-100 which is a liquid fuel produced by Pacific Biodiesel on the Big Island. Chair Watson asked in 2-3 years, you will have these infrastructures to do what you need. Mr. Hill stated that biofuels already exist, and the infrastructure will have to go through the permitting process for this project.

Mr. Giovanni stated they are not committed to an EA but a full-blown EIS during the right-ofentry period.

**Public Testimony – Jojo Tanimoto.** (indiscernible) She mentioned fires, fuel, and hazardous materials.

Note: Slide presentation attached.

#### STATE OF HAWAII

#### DEPARTMENT OF HAWAIIAN HOME LANDS

#### August 19-20, 2024

TO:	Chairman and members of the Hawaiia	n Homes Commission

- THRU: Linda Chinn, Acting Administrator Land Management Division
- FROM: Peter "Kahana" Albinio, Jr., Income Properties Manager Land Management Division
- SUBJECT: For Information Only Request from Hawaii Land and Power, LLC on Renewal Energy Project, Waiakea, Island of Hawaii, TMK No.: (3) 2-1-025:086

#### APPLICANT

HAWAII LAND & POWER, LLC (HL&P), a Hawaii limited liability corporation

#### **RECOMMENDED MOTION/ACTION**

None. For Information Only

#### DISCUSSION

The Department is in receipt of a request to lease a parcel of Hawaiian home lands in Waiakea, South Hilo, Island of Hawaii for the development of an utility-scale renewable energy project.

LOCATION 12.75 acres located in Waiakea, South Hilo, Island of Hawaii Tax Map Key No. (3) 2-1-025-086 (See Exhibit "A") County of Hawaii Zoning: General Industrial (MG-1a)

#### HL&P PROPOSAL

Mr. David T. Berryhill, Principal of Hawaii Land & Power LLC, submitted a request for a rightof-entry permit and a long-term general lease for a proposed development of a renewable energy project on a parcel of Hawaiian home lands in Hilo, Island of Hawaii in response to HECO's draft IGP-RFP to be published on August 16, 2024. Response to this RFP is due January 15, 2025, with selection of final award group on July 25, 2025. Site control of the proposed development site will be a requirement on the response.

Section 171-95.3, HRS, as amended, requires submission of pertinent information as part of the proposal;

A timeline for completion of the project and Project Team (see Exhibit "B")

3 years right-of-entry permit for due diligence and permit (2025-2028)

- 1 year construction period (2029)
- 25 years of commercial operation (2029-2054)

#### A description of a financial plan for project financing

HL&P and its financial partner, Lotus Infrastructure Global Operations, LLC (Lotus) would jointly develop, construct, own and operate the project. Lotus is a private equity investment firm based in Greenwich, Connecticut that specialized in energy infrastructure investments.

#### A description of the conceptual design of the project

The HL&P project would consist of the following on-site components, integrated into renewable energy power generation facility, and interconnected to the HECO electric grid on the island of Hawaii:

- 1. Firm, dispatchable thermal generation from either one (1) 30MW generation operating on biofuel or two (2) 30 MW generators for a total 60 MW operating on liquid fuel.
- 2. On site liquid biofuel storage facilities capable of providing up to 14-day supply of fuel to generators.
- 3. Battery Energy Storage System (BESS) co-located on the premises with the generators.
- 4. High-Voltage Electrical Interconnection Facilities.
- 5. Maintenance and Office Facilities.

The entire 12.75-acre parcel is expected to be utilized to accommodate generations biofuel storage, BESS, and on-site interconnection facilities. The project would be secured by fencing and appropriate lighting and would incorporate landscaping features along the project site fronting Railroad Avenue.

All equipment would be designed with safety, redundancy, and resiliency as top priority. HELCO has major electrical facility directly across from the proposed project site and it likely the interconnection will be with existing HELCO facility at this location.

#### A description of the business concept for the project

HECO announced that it intends to issue the Integrated Grid Plan-Requests For Proposal (IGP-RFP) on August 16, 2024 and for the island of Hawaii it intends to acquire 134 GWh of energy storage and 60 MW of Firm Capacity. If selected, HL&P would negotiate two separate power purchase agreements. These would provide the revenue mechanism during the commercial operation period and a source of compensation to DHHL. The term of the operational period is expected to range from 20-30 years.

<u>A description of landscape and acreage requirements including public and private lands</u> The proposed site identified is a 12.75-acre parcel of Hawaiian home land located in Waiakea, South Hilo, Island of Hawaii. The property fronts Railroad Avenue and is located directly across from HELCO facilities. The land is currently vacant and not improved. State Land Use Classification is Urban, County of Hawaii Zoning is General Industrial District (MG-1a), and power generation, storage and electrical substation are permitted uses. This parcel of land is designated as Industrial use on DHHL Hawaii Island Plan as well as in the Panaewa/Waiakea Regional Plan.

Proposed timeline for Beneficiary Consultation and Public Hearings				
August 2024	HHC Informational Meeting			
September 2024	Beneficiary Consultation to be held in Hilo			
October 2024	Report to HHC on Beneficiary Consultation			
November 2024	Two Public Hearings in Hilo with the HHC and Approval for ROE & GL			
January 2024	Issuance of ROE Permit			

Within the 3-year Right-of-Entry permit period HL&P would develop and finalized the design of the project (including environmental and archeological studies}, secure project financing, negotiate a Power Purchase Agreement (PPA) with HECO, secure environmental permits, and seek approval of the PPA by the Hawaii Public Utilities Commission (PUC}.

Once PUC approves the PPA, the HL&P would enter into a up to 30-year general lease term and commence final engineering, permitting and construction activities. It is anticipated construction would be completed within 2 years of PUC approval with commercial operation to commence thereafter.

#### Proposed Compensation to DHHL

HL&P would compensate DHHL is two ways: (1) Lease rent during the periods of Right- of-Entry Permit and General Lease term equivalent to that DHHL is receiving from other renewables energy projects on Hawaii Island and (2) Community benefit payments, including contribution to existing DHHL programs, job training and internships, scholarships, and/or improvements to community infrastructures. Both will be subject to further discussion and negotiations.

#### **AUTHORIZATION**

Hawaiian Homes Commission Act, 1920, as amended §204 (a)(2), states in part, "In the management of any retained available lands not required for leasing under section 207(a), the department may dispose of those lands or any improvements thereon to the public, including native Hawaiians, on the same terms, conditions, restrictions, and uses applicable to the disposition of public lands in chapter 171, Hawaii Revised Statutes; provided that the department may not sell or dispose of such lands in fee simple..."

Hawaii Revised Statutes, as amended, §171-95 (a)(2), states in part, "Lease to the governments, agencies, public utilities, and renewable energy producers public lands for terms up to, but not in excess of, sixty-five years at such rental and on such other terms and conditions as the board may determine;"

(c) For the purposes of this section, "renewable energy producer" means:

(1) Any producer or developer of electrical or thermal energy produced by wind, solar energy, hydropower, geothermal resources, landfill gas, waste-to-energy, ocean thermal energy conversion, cold seawater, wave energy, biomass, including municipal solid waste, biofuels or fuels derived from organic sources, hydrogen fuels derived primarily from renewable energy, or fuel cells where the fuel is derived primarily from renewable sources that sell all of the net power produced from the demised premises to an electric utility company regulated under chapter 269 or

that sells all of the thermal energy it produces to customers of district cooling systems; provided that up to twenty-five per cent of the power produced by a renewable energy producer and sold to the utility or to district cooling system customers may be derived from fossil fuels.

**HRS [§171-95.3] Renewable energy producers; lease of public lands without public auction**, **as amended**, states in part: (a) The board may lease or renew a lease of public lands to renewable energy producers, as defined in section 171-95, without public auction only pursuant to a public process that includes public notice under section 1-28.5 providing other interested renewable energy producers opportunity to participate in the process; provided that nothing in this section shall be construed to prevent the board from conducting direct negotiations; provided further that the renewable energy producer shall be required to submit as part of the proposal for the board's evaluation, as assisted by the department of business, economic development, and tourism, the following:

- (1) A timeline for completion of the project;
- (2) A description of a financial plan for project financing;
- (3) A description of the conceptual design of the project;
- (4) A description of the business concept for the project; and
- (5) A description of landscape and acreage requirements including public and private lands.

Upon completion of the board's evaluation and determination to award or not award a lease to a renewable energy producer, the board shall prepare a report outlining the reasons for the decision.

(c) To inform the public prior to the lease of public land or the renewal of a lease of public land for a proposed renewable energy project under this section, the department of land and natural resources shall conduct not less than two public hearings on the island where the public land to be leased for the proposed renewable energy project is located; provided that the notice of the hearing shall be published as provided in section 1-28.5. The board shall prepare and distribute an outline of the proposals for the renewable energy project and receive testimony from interested parties and the general public at each public hearing.

(d) Any action taken by the board upon a proposal subject to this section shall take place on the island where the public land to be leased for the proposed renewable energy project is located.

#### DHHL Ho'omaluo Energy Policy (See Exhibit "C")

**Objective 2 Ko'o:** <u>Facilitate the use of diverse renewable energy resources</u> requires the department to identify properties in DHHL's land inventory that have potential for renewable projects and pursue the leasing of lands that are identified as suitable for renewable energy project.

#### EX

August 2024

#### **EXHIBIT "A"**





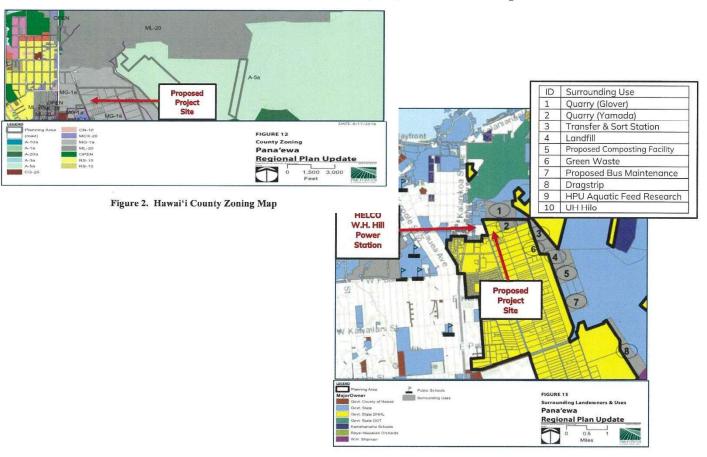


Figure 3. Surrounding Uses Map

August 2024

#### EXHIBIT "B"

		Appendix A	<u>.</u>			
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#### EXHIBIT "C"



#### DHHL INFORMATIONAL BRIEFING

#### "ALAHAO RENEWABLE ENERGY PROJECT"

August 19, 2024

PROJECT LOCATION: HILO, HAWAI'I LANDOWNER: DEPARTMENT OF HAWAIIAN HOME LANDS **PROJECT DEVELOPER: HAWAI'I LAND & POWER, L** 

#### THE OPPORTUNITY - RENEWABLE ENERGY PROJECTS FOR HAWAI'I ISLAND



#### **Competitive Solicitation by HECO for** Hawai'i Island:

- 60 MW of Firm Capacity
- 134 GWh of Energy (Solar, Wind, or Battery)
- Operation for 25 years (2029 2054)

#### PROJECT SITE – HILO, HAWAI'I





- 12.75-acre parcel
- Zoned INDUSTRIAL (Waiakea Industrial Park)
- Railroad Avenue (across from HELCO Power Plant)
- Land Owned by DHHL

HAWAI'I LAND & POWER, LLC

APILLAND & DOWED LLO



\$250,000,000 Investment Developed by Hawai'i Land & Power Financed by Lotus Infrastructure Group

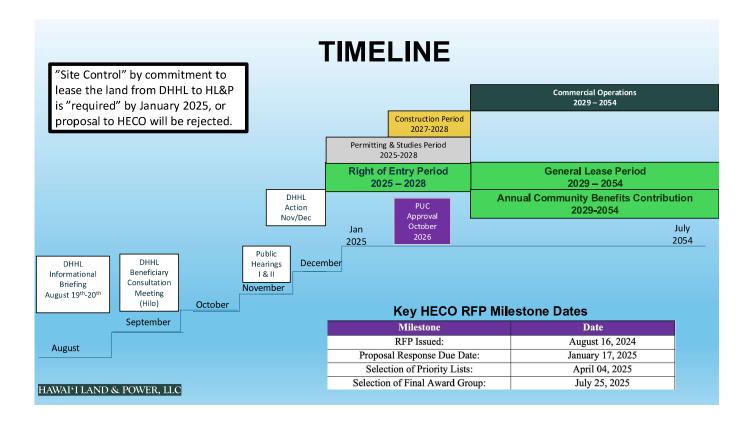
#### **Project Description:**

The "Alahao Renewable Energy Project" would be:

- Firm, dispatchable, power
- Reliable Energy
- Biofuels (from Pacific Biodiesel, Keaau Refinery)
- Connected to HECO Electric Grid

#### **Conceptual Design for the Project Site**

- Combustion Turbine
  - 1 or 2 Combustion Turbines at 30 MW each
    - (both options would be proposed to HECO)
- On-site fuel storage facilities providing up to 14 days of fuel.
- Battery Energy Storage System ("BESS") co-located on the project site.
- High-Voltage Electrical Interconnection Facilities.
- Maintenance and Office Facilities.





#### FIRM GENERATION AND ENERGY STORAGE



HAWAI'I LAND & POWER, LLC

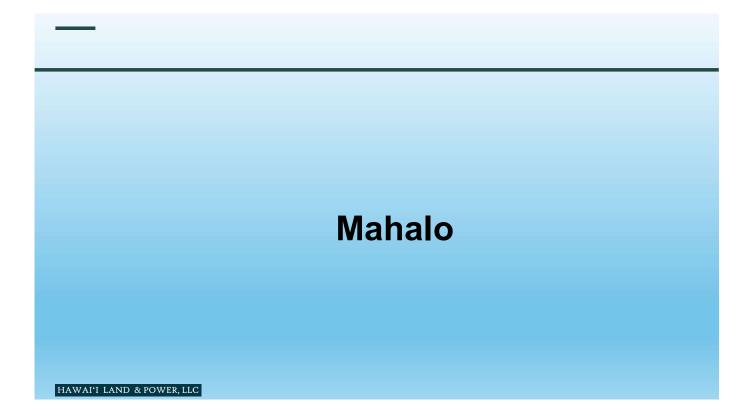
#### **COMPENSATION TO DHHL**

#### Lease Rents

- Right of Entry Period (3 years)
- Operational Period (25 years)

#### **Community Benefits (Operational period for 25 years)**

- Monthly Cash Contributions to DHHL programs
- · Proportional to size of project selected by HECO



#### EXHIBIT "C" Item No. F-1

# PLANNING OFFICE DEPARTMENT OF HAWAIIAN HOME LANDS

February 18-19, 2025

TO: Chairman and Members, Hawaiian Homes Commission

THROUGH: Andrew H. Choy, Planning Program Manager

FROM: Lillie Makaila, Planner *kjm* 

SUBJECT: Accept the Beneficiary Consultation Report for the Alahao Renewable Energy Project, Waiākea, Hilo, Hawai'i TMK: (3) 2-1-025:086.

# RECOMMENDED MOTION/ACTION

That the Hawaiian Homes Commission (HHC) accept this Beneficiary Consultation Report as the official public record of beneficiary input and feedback relative to the beneficiary consultation conducted for the proposed Alahao Renewable Energy Project, Waiākea, Hilo, Hawai'i TMK: (3) 2-1-025:086.

# DISCUSSION

### Background

DHHL staff sought to gather beneficiary mana's on the proposed the Alahao Renewable Energy Project TMK: (3) 2-1-025:086 for a renewable energy project on lands currently designated for non-homesteading use on Railroad Avenue in Waiākea, Hilo, Hawai'i.

# Beneficiary Consultation Process

The proposed use of Hawaiian Home Lands went through the following steps to ensure that beneficiaries were informed about the opportunity to provide feedback on the land use request.

STEP 1. THE PROPOSED ACTION IS DESCRIBED AS:

Request from Hawai'i Land and Power, LLC for a Renewable Energy Project in Waiākea, Hilo, Hawai'i, TMK (3) 2-1-025:086.

STEP 2. BENEFICIARIES WERE NOTIFIED OF OPPORTUNITIES TO CONSULT

The Department conducted a beneficiary consultation meeting in-person at the Keaukaha Elementary School Cafeteria on Nov. 13, 2024.

• A total of 2,286 postcards were mailed to Hawai'i Island lessee's and applicants in the Kohala region. (EXHIBIT A)

STEP 3. PRESENTATION MATERIALS FOR MEETINGS ARE AVAILABLE FOR FEEDBACK:

A slideshow presentation was prepared for the beneficiary consultation (EXHIBIT B). This slideshow was presented on November 13, 2024 to participants at the in-person meeting.

DHHL created a webpage to disseminate information and provide easy access to information related to this request. The webpage for this land use request can be found here:

https://dhhl.hawaii.gov/po/hilo-renewable-energy-landuse-request-2024/

STEP 4. COMMENTS ARE COMPILED:

The following table and data below captures the level of participation and engagement at the November 13, 2024 consultation and subsequent 30day comment period:

1 person	1 email	Comment Period
18 persons	31 persons	Nov 13, 2024
No. Self-ID as DHHL Beneficiaries/Beneficiary Organizations	Participants	Beneficiary Consultation Meeting
Table 1: Summary of beneficiary participation	1: Summary of bene	Table

Meeting notes were captured including sign-in data and signing in, an estimated 10 attendees did not sign-in. or not. Additionally, not all attendees consented to other and four (4) did not share if they were a beneficiary persons self-identified as a DHHL beneficiary, nine (9) as member. members representing the applicant and five (5) DHHL staff comments shared publicly. (EXHIBIT C) thirty-one (31) persons attended the meeting, four (4) BC attendees signed in on a sign-in sheet. A total of Of the thirty-one (31) attendees, eighteen (18)

DHHL received one email comment. (EXHIBIT D)

during the subsequent 30-day comment period following: The following are highlights of the comments received from beneficiaries at the in-person consultation meeting and

- There were many questions for the applicant team,
- There is frustration from beneficiaries over land uses of including their biofuel supply vendor. DHHL lands for non-homesteading when homesteading should
- There Department does not make efforts to offer opportunities help but feel like it is done on purpose, that the non-beneficiaries have access to DHHL's lands, and cannot Attendees expressed how frustrating it is to see so many lands being given to non-beneficiaries for their use. be the most important priority. was general concern over another instance of DHHL
- There are concerns about the potential environmental to beneficiaries and native Hawaiians in general.
- impacts from this project. These will need to be explored

diligence. further if an ROE is granted to the applicant for due

- want to see the community benefits agreement included in negotiations between the applicant and beneficiaries in the region, and help make that happen. Beneficiaries also but a clear commitment and requirement of the applicant. the land use disposition, so it is not an after thought There was concern about DHHL being the one to negotiate Department and the Commission to support direct advocate on their behalf. Beneficiaries want the process because they do not trust the Department to applicant. Beneficiaries want to be involved in this the terms of the community benefits agreement with the
- The vendor that would potentially supply biofuel for this Alahao project. Crops should not have to be shipped in from outer islands, there should be more than enough supply from DHHL's agricultural homesteaders on island. homesteaders can be the growers of the crops that are then used to create the biofuel in Puna and used in the supply their biofuel on other islands. Beneficiaries West Coast. They also have farmlands growing crops to says they recycle oil from consumers locally and on the many acres of agricultural homelands in Puna. The company renewable energy project is located in Puna. There are Hawai'i Island and maybe beyond so that these homesteaders, specifically agricultural homesteaders on would like to see opportunities for partnerships with

# Next-Steps

- DHHL staff to conduct public hearings in Hilo on February 25 & 26, 2025.
- HHC approval of issuance of the Right-Of-Entry for due
- diligence to Hawaii Land & Power LLC.
- Community Benefits Agreement to be created and
- incorporated into a future long-term land disposition for the Alahao Renewable Energy Project.

# Recommendation

beneficiary consultation report as complete. Commission approves the recommended motion to accept this Staff respectfully requests that the Hawaiian Homes



# dhhl.hawaii.gov/po/hilo-renewable-energy-land-use-request-2024

#### Hilo, HI 96720 240 Desha Avenue Keaukaha Elementary School Cafeteria Location: Hilo Renewable Energy Land Wednesday, November 13, 2024 **Beneficiary Consultation** Use Request, In-Person 6PM to 7PM

Hawai'i & to seek beneficiary input on Project located on DHHL lands in Hilo request for a Renewable Energy To provide info about a land use Meeting Purpose:

the request.

Questions? -energy-land-use-request-2024/ https://dhhl.hawaii.gov/po/hilo-renewable Project Website:

dhhl.planning@hawaii.gov



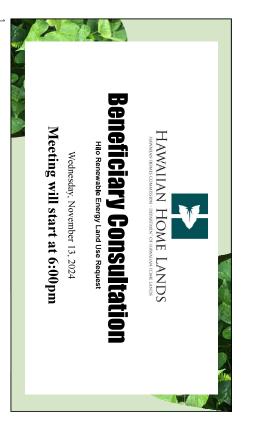
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Hilo Renewable Energy Land Use Request -Beneficiary Consultation

Wednesday, November 13, 2024 EXHIBIT B

Hilo Renewable Energy Land Use Request -Beneficiary Consultation

Wednesday, November 13, 2024 EXHIBIT B

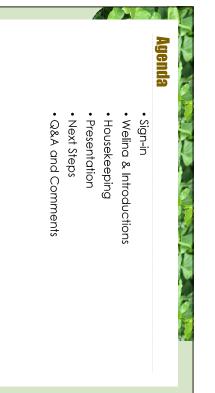


To gather beneficiary mana'o on this land use request

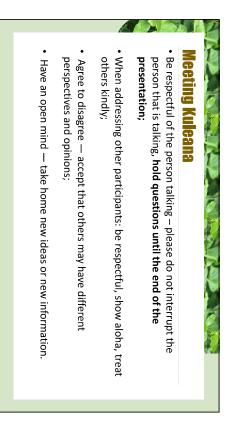
for a renewable energy project in Waiākea, Hilo,

Hawaiʻi

Meeting purpose



Send comments to: dhhl.planning@hawaii.gov before December 12, 2024



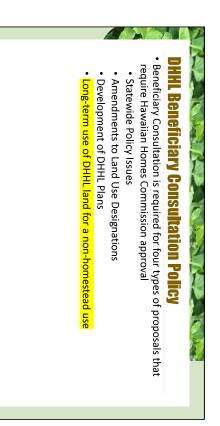
Send comments to: dhhl.planning@hawaii.gov before December 12, 2024

Beneficiary Consultation Hilo Renewable Energy Land Use Request -

Wednesday, November 13, 2024 EXHIBIT B

Hilo Renewable Energy Land Use Request -Beneficiary Consultation

Wednesday, November 13, 2024 EXHIBIT B



# Project Overview

# Background:

- The HECO Integrated Grid Planning (IGP) Request for strong, reliable energy system for Hawaii. fairer, expand large-scale renewable energy, and create a Proposals (RFP) aims to lower electricity costs, make energy
- DHHL is offering non-homestead, industrial/commercial homesteading, farming, or cultural practices. developments do not interfere with land designated for lands for renewable energy projects, ensuring these
- Project Vision:

NN

with revenues reinvested into DHHL programs that support Develop renewable energy projects on non-homestead DHHL our beneficiaries. lands to support HECO's grid, reliable, affordable energy,



before December 12, 2024 Send comments to: dhhl.planning@hawaii.gov

# Project Overview

# Partners:

- Hawaii Land and Power (HLP) Renewable energy developer HECO – Utility provider and grid operator.
- DHHL Oversees land use and ensures community benefits Lease Management and Planning
- On-going Oversight
- Community Impacts:
- Job Creation: Local employment opportunities
- Economic Growth: Lease revenue reinvested into DHHL programs
   Supports State Goals: Contributes to Hawaii's 100% renewable energy target by 2045
- before December 12, 2024 Send comments to: dhhl.planning@hawaii.gov

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Beneficiary Consultation Hilo Renewable Energy Land Use Request -

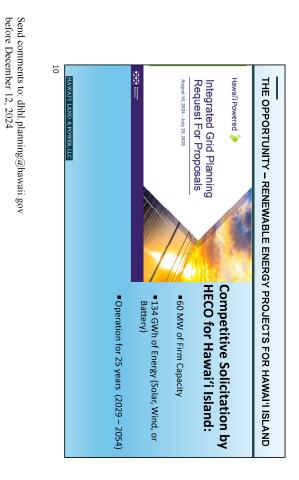
Wednesday, November 13, 2024 EXHIBIT B

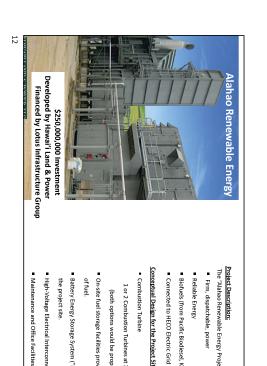
Hilo Renewable Energy Land Use Request -Beneficiary Consultation

PROJECT SITE – HILO, HAWAI'I

Wednesday, November 13, 2024 EXHIBIT B







before December 12, 2024 Send comments to: dhhl.planning@hawaii.gov

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HAWAI'I LAND & POWER, LLC 12.75-acre parcel
Zoned INDUSTRIAL (Waiakea Industrial Park)
Railroad Avenue (across from HELCO Power Plant)
Land Owned by DHHL Project Site ľ

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**Conceptual Design for the Project Site** The "Alahao Renewable Energy Project" would be: Connected to HECO Electric Grid Biofuels (from Pacific Biodiesel, Keaau Refinery) Firm, dispatchable, power High-Voltage Electrical Interconnection Facilities Battery Energy Storage System ("BESS") co-located on On-site fuel storage facilities providing up to 14 days Combustion Turbine Reliable Energy of fuel. the project site. 1 or 2 Combustion Turbines at 30 MW each (both options would be proposed to HECO)

Hilo Renewable Energy Land Use Request -Beneficiary Consultation

Wednesday, November 13, 2024 EXHIBIT B

Hilo Renewable Energy Land Use Request -Beneficiary Consultation

Wednesday, November 13, 2024 EXHIBIT B



#### opportunities) (local employment JOB CREATION

Skilled Construction Jobs: 60 -100 over a 12-14 month period

<u>Lease Rents</u>

**COMPENSATION TO DHHL** 

- Full-Time Operations Staff: 3
- Dedicated Maintenance Staff: 4 Fuel Supply & Delivery: 2

Community Benefits (Operational period for 25 years)

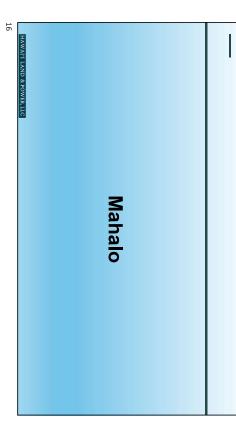
· Proportional to size of project selected by HECO Monthly Cash Contributions to DHHL programs  Operational Period (25 years) Right of Entry Period (3 years)

- Asset Manager: 1
- Estimated annual contribution to the Hilo economy: ~ \$1,000,000 per year for 25 years (salary and wages)

The project will utilize union labor with a preference towards residents of the Hilo area.







- Send comments to: dhhl.planning@hawaii.gov before December 12, 2024
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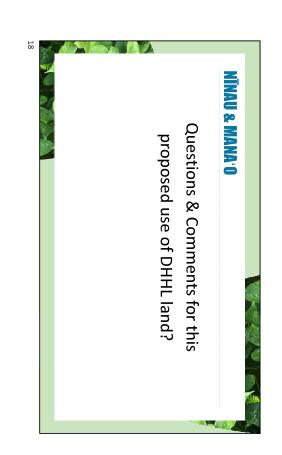
Send comments to: dhhl.planning@hawaii.gov before December 12, 2024

Beneficiary Consultation Hilo Renewable Energy Land Use Request -

Wednesday, November 13, 2024 EXHIBIT B

#### The Applicant will seek Commission Approval on the land use request The Beneficiary Consultation Report will be presented to the Hawaiian Homes •30-Day Beneficiary Consultation Comment Period: **NEXT-STEPS** Commission for acceptance • First, for an ROE for due diligence (typically 3 years), then for a long-term land disposition (25 years) November 13 to December 12, 2024 Email comments to: <a href="mailto:dhhl.planning@hawaii.gov">dhhl.planning@hawaii.gov</a> A PARTY

17



before December 12, 2024 Send comments to: dhhl.planning@hawaii.gov

#### Waiākea, Hilo, Hawaiʻi Beneficiary Consultation November 13, 2024 Hilo RE Land Use Request

Meeting Notes

Attendance:

Total	No answer	Other	Both	Lessee	Applicant	
31	4	9	0	10	8	

DHHL staff: 5 Applicant team: 4

- between the Hilo Community and DHHL beneficiaries. How do we ensure that the Community/Communities - what do you mean by community? There is a difference anyone. Hilo community in general. Benefits should go to beneficiaries of the DHHL trust, not just to "benefits" from this project will make it to the BENEFICIARY COMMUNITY and not just the
- Concerns about combustion turbines and the potential adverse impacts from these turbines on the air quality and the potential impacts on the environment and the people of these areas.
- Community benefit: to knock off 30% percent of beneficiary electric bills. This type of Response from applicant: Due diligence to be completed during the ROE
- Ka 'Umeke Hawaiian Immersion school serves a 90% Hawaiian student body and they benefit would actually help beneficiaries. for the community benefits is needed. generate \$1,000,000 dollars for the Keaukaha community; so \$1,000,000 for community benefits is not a lot of money to put into the community for a for-profit project. More cash
- What does 60 MW look like?

Response from applicant team:

Power to approximately 60,000 homes.

0

- 0 HELCO needs 200 MW of capacity to serve the whole island.
- 0 30 MW would be about 15% of island energy consumption 60 MW would serve about 30% of the island.
- Hilo is about 30-40% of the energy usage of the island.
- Does Pacific Biodiesel have the capacity to serve the proposed project's demand for

biofuel?

- Response from applicant team:
- Yes, they have enough capacity for the theoretical purposes of the Project.

Page 1 of 6

ЕХНІВІТ С

### EXHIBIT C

#### Waiākea, Hilo, Hawai'i **Beneficiary Consultation** November 13, 2024 Hilo RE Land Use Request

# Meeting Notes

- In terms of renewable energy, why would this type of energy project be more beneficial than solar or something else (i.e. solar).
- Response from applicant team:
- Very efficient use of land compared to other renewable energy projects.
- Would need hundreds of acres of land to produce the same amount of energy using
- 0 Technology is compatible with a heavier industrialized area surrounding the
- proposed project area.
- 0 Need a combination of renewable energy sources to support the State goals.
- How is this project impacted by the land use designation changes in the Hawai'i Island Plan FIRM energy means it's there when you need it.
- Update? Does that redesignation process have to end before this project is approved? Response from DHHL planning staff:
- 0 The Island plan looks at land use designations for all of DHHL's land holdings on the whole island.
- 0 change is needed in order to allow for this proposed project. The Hawai'i Island Plan This parcel is currently identified for non-homesteading use as industrial, so no none to this parcel. update has contemplated some land use designation revisions for the Hilo area, but
- and inform the island plan. It would not require a change to land use designation, If supported, this project would influence how the land use designation changes but could be changed to renewable energy if desired.
- Why have the renewable energy land use designation at all?
- Response from DHHL staff:

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- 0 This category was suggested in the beneficiary consultation process for the update to the DHHL General Plan (2022).
- Fuel generation-what are all the fuels used to create the electricity? What is used to create biodiesels? What pollutants are coming out of the energy that is being created?

# Response from applicant team:

- 0 FIRM generation is primarily biofuel, in an emergency situation, the project could use diesel fuel, but that would only be in an emergency. Otherwise, it is biofuel
- 0 Priority pollutants- NOX, carbon monoxide, etc. This project will have to comply with HRS Chapter 343, which will likely be an environmental disclosure document. created from processing recycled oil or oil from crops.
- disclose any potential pollution. This project also will have to go through permitting processes. All of these will
- 0 Pacific Biodiesel is a potential partner and would be supplying the biofuel.
- 0 Biodiesel sourced from vegetable oil, used cooking oil with plant-based molecules.

#### Waiākea, Hilo, Hawaiʻi November 13, 2024 Beneficiary Consultation Hilo RE Land Use Request

# Meeting Notes

- 0 Sourced from Hawaii and some from West Coast.
- 0 Farm sources of fuel across Hawaii, no GMO crops, no Herbicide or Pesticide. The types of crops grown are suntlower, canola, some other oil producing plant crops.
- DHHL has three or four different types of programs, residential, pastoral, agricultural, and area near the refuse station? Commission Act. How did project get prioritized for the use of this parcel? Why not use the mercantile. Only two entities are utilizing the mercantile clause from the Hawaiian Homes Response from DHHL staff:
- We are not able to speak to this at this time. We can do some research to see if there have been any other land use requests for that parcel to the Department.

0

- 0 For Land use requests, some are solicited by the Department, some are unsolicited. This project is unsolicited land use request.
- 0 0 This parcel has always been vacant. Applications that can be submitted by either for-profit entities or non-profit entities
- 0 The project site was identified based on least amount of impact to the infrastructure, and other factors include zoning and ability to be competitive. communities, based on surrounding uses, proximity to existing power
- We want to see a better community benefits package, one that better benefits the beneficiaries should be a part of this land use request. need be had amongst wait-listers and homesteaders, and more clear benefits to the Will the project cover (benefit) all the beneficiary homes? There are a lot of ifs. Discussions Beneficiaries should be the resource managers and be more involved in the use of the land is not providing lands to beneficiaries for business commercial and industrial needs. business capacity. Renewable energy has been discussed by beneficiaries for years. DHHL developer, to partner with the developer in some way, and be a part of the project in a beneficiary communities. We want to see opportunities for the beneficiaries to be the
- Biofuel Hawaii, why not approach farmers from this Island? Why approach farmers from opportunities for agricultural homesteaders and beneficiaries to have commercial seems like a no-brainer. And this land use request should include how this will provide homesteads to have them farm the crops that you folks need to produce biofuel. This other Islands? Why not utilize local farmers? We want to see opportunities for opportunities to grow and sell crops for biofuel to supply this project. We want to see opportunities for partnership with our existing and future agricultural homesteaders. There are many acres on this island that are for agricultural homesteading
- Response from applicant team:
- 0 We are currently looking at land from Hāmākua coast to Ka'ū. We are looking at getting lands back into crop production, but it is expensive. The opportunity on Kaua'i was easier because it was already in place, but our long term goal is to get

### EXHIBIT C

#### Waiākea, Hilo, Hawaiʻi November 13, 2024 **Beneficiary Consultation** Hilo RE Land Use Request

### Meeting Notes

Requires hundreds of thousands of acres of farms to produce the preferred amount produce the best crops for biofuel purposes. We have even looked at gorse seeds. farm lands back into production on all the islands. The north side of the island does

- of energy.
- 0 It is encouraging that the state has a mandate for energy production.
- Why was the site vacant for so long? Why hasn't there been a redesignation of the land if it was not being utilized for industrial? Was the grounds contaminated? If so, was are the Project managers aware?

Response from DHHL staff:

0

- It's been designated as industrial since 2002 plan update. Majority of the lands in the 2002 plan were designated for non-homesteading use.
- 0 Would not site residential homesteading or other types of homesteading on this and pastoral types of uses in an industrial area. parcel due to the surrounding uses. We would want to be careful about agricultural
- 0 type of preference policy that ensures more opportunities to beneficiaries for non-DHHL's lands for commercial and industrial uses. And, that there should be some beneficiaries to be prioritized for land use requests, and for opportunities to use I think what we are hearing is that you folks would like to see more opportunities for
- When was the last time a land use request or mercantile was given out? homesteading uses.

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- Response from DHHL staff:
- 0 conservation and stewardship. 'Upolu lands land use request by non-profit beneficiary organization for restoration,
- 0 La'i 'Opua preschool project land use request by a non-profit beneficiary
- Would stewardship use be applicable for the proposed Project area? organization for a pre-school in the homestead.
- Response from DHHL staff:
- 0 Could still apply for a land use request even though its not it's designated use (i.e. stewardship, or community center).

• Concern with DHHL giving out more industrial uses. If the project leaves, are they going to clean it up and return it the way it was given? Concerns with pollutant leeching into the the developer and the organizations. discussion of community benefits out of DHHL staffs hands and negotiate directly between fairly or will DHHL decide arbitrarily on what benefits communities get. Could we take that lands. Community benefit package- are the communities that are going to be benefited lands. How will DHHL address environmental injustices that occur within and on DHHL

0 This example was done previously in Kapolei, perhaps the community can reach out the Kapolei Community Development Corporation with questions of how this was accomplished.

#### Waiākea, Hilo, Hawaiʻi November 13, 2024 Beneficiary Consultation Hilo RE Land Use Request

# Meeting Notes

- Environmental racism, this project is an example of unwanted or dirty uses being placed on DHHL lands because we are native.
- to finish the process since it began. In reality, is everyone is beneficiary? How do you Concerns with the process: RFP with HECO, and need to get an ROE from DHHL to make determine beneficiaries? sure project managers can use the land. We want to see them do a full-blown EIS. We have
- 0 BC meeting comments are being captured and will be reflected in the commission accepted by the HHC as complete. This beneficiary consultation also includes a 30meeting in the form of a beneficiary consultation report that will need to be
- Is there another site where this project could work? Is this project only possible with the 0 Post cards were sent out to lessees and applicants in the Hilo area, 2200+. day comment period.
- use of Hawaiian Home Lands because there is an assumption that the land will be cheap? Response from applicant team:
- 0 This parcel is ideal because it does give competitive advantage in the RFP process with HECO due to the proximity to other infrastructure and fuel source. And it could possibly take advantage of retiring structures.
- 0 The applicant team really did take in to consideration the surrounding sites and the equipment that will be used when looking for lands that would be suitable, so this
- What about the lease rent? was not chosen because it is owned by DHHL, but because of the other criteria toc
- Response from applicant team & DHHL staff:
- 0 Lease rent for this project will be at market rate (done by appraisal).
- Lands is not a state asset, lands are Hawaiian trust lands. Someone needs to pay the 0 DHHL would use a third-party appraiser to determine lease rent.
- off the lands that are non-homestead use. that will assist beneficiaries (i.e. education, medical, etc.). We should be getting something beneficiaries instead of eating the cost. DHHL should create money generating projects
- I guess we have to go through the process. Hope to not find iwi being contaminated. The process that's there now, if a fight needs to be had, it has to be through the EIS process.
- We have a concern of the long term use- 25 year lease for project, meanwhile, many Hawaiians have been waiting for over 40 years. Beneficiaries wait forever to get land. Help
- Maybe can support the RFP if Project supports beneficiaries by providing land for the beneficiaries before helping the project.
- Hawaiians and meeting our other needs.
- What constitutes a denial of the ROE? We want to see accountability. Beneficiary input. Have to show more volume of answering the planning office staff through the consultation meetings occur due to the CFR. Opportunity for community and beneficiary
- beneficiary consultation process. We would like to recommend that when consultation, to

Page 4 of 6

Page 5 of 6

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### EXHIBIT D

#### Hilo RE Land Use Request Waiākea, Hilo, Hawai'i Beneficiary Consultation November 13, 2024

EXHIBIT C

### Meeting Notes

send out the copies of the presentation (also include the zoom link) to people. We need to participate in the consultation process. No matter what we look at, there is a process, and unless we show up in numbers before the fact, then we're going to continue coming to these meetings and asking what is a denying factor of receiving the ROE? Why are people not participating in the process? We need to bring more and more people into the fold.

- Want to see the reasoning behind the decision making by the Commissioners. Don't want
  to hear the decision only. Want to hear and understand the why. Otherwise, process is not
  transparent. Why isn't the process transparent?
- Concern about conflict of interest- Commissioner for East Hawai'i sits in a renewable energy position. Would they have to recuse themselves?
- Response from DHHL staff: • This question can be brought up to the AG or state ethics board.
- 2,200 mailers went out. Is there a way to determine response rate?
- Response from DHHL staff:
- The beneficiary report will include notes from tonight, sign-in data, and comments received during the comment period to follow.

# From: Ron Kodani To: Banky, Andrew H; Lota, Norgaard U; Cachola, Julie-Ann; Makalia, Lilliane K; Tengan, Jaren T; Aislen (DHHL) Subject: EXTERNAL] Fwd: Watch "How oil paims can save Hawaii Island"s future" on YouTube Date: Friday, January 31, 2025 4:53:10 PM

Potential for economic engine on DHHL lands.

### Ron

------- Forwarded message -------From: Ron Kodani <<u>conkodani@gmail.com</u>> Date: Wed, Jan 29, 2025 at 11:30 AM Subject: Watch "How oil palms can save Hawaii Island's future" on YouTube To: Tolentino, Kristina M <<u>Kristina M Tolentino@hawaii.gov</u>>

https://youtu.be/wpLuX\_myN9c?si=yBg-yLP9\_uSV0SnA

#### EXHIBIT "D" Item No. F-1



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# Notice #: 0001479014-01 Legal Notices

STATE OF HAWAII

NOTICE TO INTERESTED RENEWAELE ENERGY PRODUCERS DEPARTMENT OF HAWAIIAN HOME LANDS

Pursuant to Section 171-05.3, Heaveil Revised Statutes, as amended, the Department of Hawatain Hone Lands (DHHL) is issuing the notice to other intersted menevable energy products tha DHHL is receipt of an unacciliad proposal to sevelep it menwable energy project on Hawatien home lands in Hilo Island of Hawati.

Individuals, partnerships, expondions, limited lability companies or other businesses increasted in the renewable energy project on the subject Property described below shall have theiry (30) days from the date of this Actice to present their comments or proposals to DHHL.

Subjed Property: 12.75 arres of lands boated in Walakea, South Hib, Hawaii Locations: On Rainsod Xvervo, dirostly acreae from HELCO Feality Tax Mag Keyr, (3) 2-005.086 County of Hawaii Zoning: General Industria (MG-1a)

HSR section 171-95.1 requires the following information be submitted as part of the proposed for the Hensitian Homes Co-mission's evaluation, as assisted by the department of business, economic overlopment, and traument (1) A transition for completion of the project. (2) A description of the correspitute design of the project (2) A description of the correspitute design of the project (4) A description of the correspitute design of the project (4) A description of the correspitute design of the project (4) A description of the correspitute design of the project (4) A description of the correspitute design of the project (4) A description of the correspitute and paragean metal-aments including public and private lands.

The evaluation of proposals will be subject to the public process required under HRS section 171-95.3, as amended.

For additional information, please contract Andrew Sante, Land Agent, Land Management Division, at (808) 730-0336 or yy email at andrew.r.sante@hawaii.gov.

Hilo Tribune Herald (HTH1479014 12/27/24) Posted: Eriday, December 27, 2024 Honolulu Advertiser

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Notice #: 0001479013-01 Legal Notices

STATE OF HAWAII

DEFARTMENT OF HAWAIIAN HOME LANDS

NOTICE TO INTERESTED RENEWABLE ENERGY PRODUCERS

Pursuant to Socian 171-45.3, Heneili Ronkeed Statutes, as amanded, the Copertment of Henerian Hone Lands (DHHL) is lasting the notice to other Immesed memory products that DHL is in nected of an unsolicid proposal to develop a removable energy project on Hamelian home lands in Hib, Isand of Hamail.

ndividuals, pertnenshipa, corporations, limited liabity companies or other businesses interested in the renewable energy project on the subject Property described calov shall have finity (30) aysfrom the date of this Notice to present their comments or proposals it DHHL.

Subject Propeny; 12,75 acres of fands located in Walakea, South Hilo, Hawaii oceation: On Balmad Annue, divedly across from HELCO Fadility fax Map Krys; (12) 2-102.0366 Dualty of Hawaii Zonling: General Industral (MG-16)

HRS section 171-65.3 squares the tolowing information be submitted as part of the proceed to the "sware" not commission and toulines concorrect converpondent tourism. (2) A temperature to completion of the proped: (2) A description of the tournespect and (3) A description of the submission completion and the proped; (3) A description of the submission completion and the proped; (3) A description of the submission completion and the proped; (3) A description of the submission completion and the proped; (3) A description of the submission completion and the proped; (3) A description of the submission completion and proped; (3) A description of the submission completion and proped; (3) A description of the submission completion and proped; (3) A description of the submission completion and proped; (3) A description of the submission completion and proped; (3) A description of the submission completion and proped; (3) A description of the submission completion and proped; (3) A description of the submission completion and proped; (3) A description of the submission completion and proped; (3) A description of the submission completion and proped; (3) A description of the submission completion and proped; (3) A description of the submission completion and proped; (3) A description of the submission completion and proped; (4) A description of the submission completion and proped; (4) A description of the submission completion and proped; (5) A description of the submission completion and proped; (5) A description of the submission completion and proped; (5) A description of the submission completion and proped; (5) A description of the submission completion and proped; (5) A description of the submission and proped; (6) A description of the submission and proped; (6) A description of the submission and proped; (6) A description and the submission and proped; (6) A

The evaluation of procesals will be subject to the public process required under HRS section 171-95.3, as amended.

For additional information, please contact Andrew Sante, Land Agent, Lanc Management Division, at (806) 730-0336 or by email at andrew.r.sanle@hawaii.gov.

Posted: <u>Friday, December 27, 2024</u> Honelulu Advertiser Hilo Tribune Herald (SA1479013 12/27/24)



#### EXHIBIT "E" Item No. F-1

#### PUBLIC HEARING NOTICE PROPOSED LAND DISPOSITION OF HAWAIJAN HOME LANDS FOR A COMMUNITY-BASED RENEWABLE ENERGY PROJECT AT PANAEWA ON THE ISLAND OF HAWAUT

Pursuant to Hawai i Revised Statutes Section 171-95.3, public notice is hereby given that the Hawaiian Homes Commission will hold two (2) public hearings for a proposed renewable energy project at Panaewa on the Island of Hawai'i. Each hearing will present the same information. Hawaiian Home Land beneficiaries, members of the public, and all interested parties are invited to attend the public hearings in person or virtually:

DATE: TJESDAY, 02/25/2025 TIME: 6:00 P.M. LOCATION: In-Person Location: Keaukaha Elementary School Cafeteria 240 Desha Avenue Hilo, Hawati 96720 JOIN 200 M MEETING: https://chil-bawai-200 200 m.us/j/6097542925?comn=82813639554 ZOOM MEETING ID: 809 754 2925 DATE: WEDNESDAY, 02/26/2025 TIME: AT 8:30 A.M. LOCATION: In-Person Location: Hilton Grand Nanika Hotel Sandawood Room 93 Bauyan Drive Hillo, Hawali 96720 JOIN ZUOM MEETING https://dbil.hawdii.gov200m.us/j/ 609754292520mn-848867428 76 200M MEETING ID: 609 754 2925

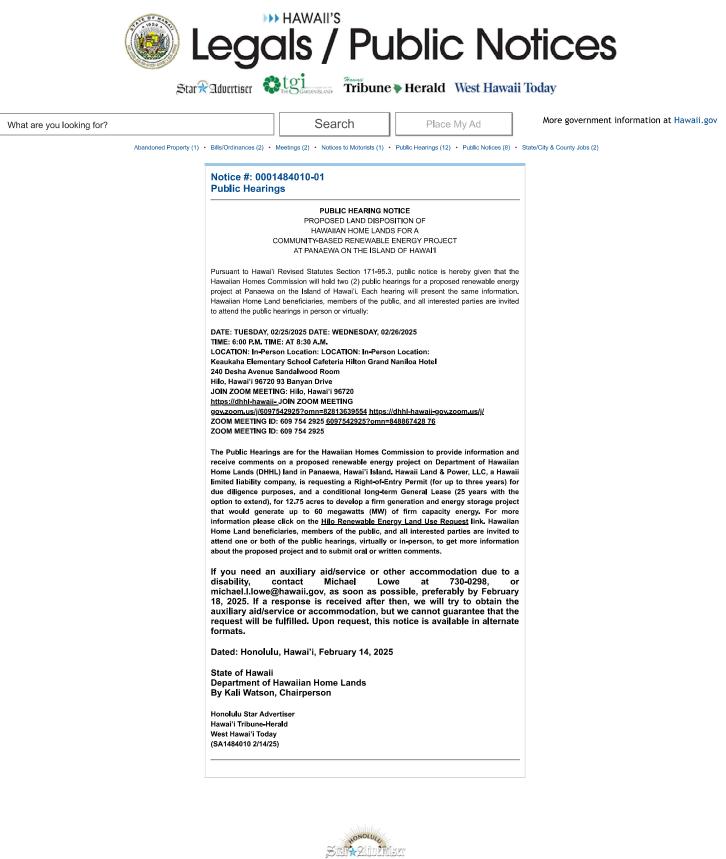
The Public Hearings are for the Hawaiian Homes Commission to provide information and receive comments on a proposed renewable energy project on Department of Hawaiian Home Lands (DHHL) land in Panaewa, Hawaii Island. Hawaii Land & Power, LLC, a Howaii limited liability company, is requesting a Right of Entry Permit (for up to three years) for due diligence purposes, and a conditional long-term General Lease (25 years with the option to extend), for 12.75 acres to develop a firm generation and energy storage project that would generate up to 80 megawatis (MW) of firm capacity energy. For more information please click on the Hillo Renewable Energy Land Use Request link. Hawaiian Home Land pereficiantes, members of the public, and all interested parties are invited to attend one or both of the public hearings, virtually or in-person, to get more information about the proposed project and to submit oral or written comments.

If you need an auxiliary aid/service or other accommodation due to a disability, contact Michael Lowe at 730-0298, or michael. Lowe Shawaii.gov, as soon as possible, preferably by February 18, 2025. If a response is received after then, we will try to obtain the auxiliary aid/service or accommodation, but we cannot guarantee that the request will be fulfilled. Upon request, this notice is available in alternate formats.

Dated: Honolulu, Hawa?i, February 14, 2025

State of Hawall Department of Hawaiian Home Lands By Kall Watson, Chairperson

Honolulu Star Adventiser Hawai'i Tribune-Herald West Hawai'i Today (SA1484010 2/14/25)



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#### EXHIBIT "F" Item No. F-1

1. Parties

	(a) Permittor and Lessor	Department of Hawaiian Home Lands, an executive agency of the State of Hawaii.
	(b) Permittee and Lessee	Hawaii Land and Power, LLC, a Hawaii limited liability company.
2.	Premises; Uses	
	(a) Demised Land	Approximately 12.75 acres of available lands in Panaew, Hawai'i, identified by TMK (3) 2-1-025:086 (the <i>"Land"</i> ), which will be defined during Permittee's due diligence.
	(b) Right-of-Entry Permit (ROE) and General Lease (GL)	Under the ROE Permit, Permittee will be granted access to the premises to conduct due diligence including but not limited to HRS Chapter 343 compliance and HRS 6E compliance. Upon completion of its due diligence, ROE will be converted to a GL.
	(c) Easements	When ROE is converted to GL, Lessor will grant Lessee easements for access, utilities, transmission lines and facilities reasonably necessary for the development, construction, operation, maintenance, and repair of the Project, in a form and substance mutually acceptable to the parties ( <i>"Project Easements"</i> ).
	<ul><li>(d) Uses; Limits</li><li>(e) Transmission Facility Easements</li></ul>	Upon conversion to a GL, Lessee may use the Premises to install, maintain, and operate electricity-generating facilities consistent with the purposes described in the Final Environmental Assessment (for which a FONSI has been issued) or the Final Environmental Impact Statement (the <i>"Project"</i> ).
		Lessee may grant as sublicenses, subleases, or easements (i.e., a Transmission Easement) to any utility, power provider, or other party (i.e., a <i>"Transmission Facility Assignee"</i> ), the right to construct, operate, and maintain transmission facilities on the premises and for access to such

facilities, subject, however, to Lessor's prior written consent.

3.	Term	
	(a) ROE Term for Due Diligence	3 years with option to extend 1 year
	(b) Construction Term	2 years with option to extend 1 year.
	(c) Operational Term	25 years from the commencement of commercial operations. Lessee may extend the Operational Term for up to three additional five-year periods, upon terms and conditions that the parties will mutually agree.
4.	Lessor's Reserved Rights	Lessor reserves all mineral, metalic, and water rights, and all historic and archeological remains. However, Lessee assumes all risks of any historic or archeological remains discovered on the Premises, including, but not limited to, the risk of delay.
	(a) Withdrawal	After Operational Year 20, Lessor may withdraw all or any portion of the Premises by providing Lessee no less than 5 years prior written notice. Lessor shall compensate Lessee for any liquidated damages Lessee incurs from the utility or other party due to early termination of the GL.
	(b) Grant/Relocate Easements	Lessor reserves the right to create, designate, grant and relocate from time to time, at its sole cost and expense, any and all necessary easements for utilities, services, and access.
5.	Rent	
	(a) Annual ROE Permit Fee	\$40,000 per annum, nonrefundable, within 30 business day upon granting of the ROE. Additional \$20,000 for one-year extension.
	(b) Construction Term	Waived.

	(c) Operational Term	YET to be negotiated and determined. <sup>1</sup>
	(d) Subscription Fee	YET to be negotiated and determined <sup>2</sup>
	(e) Community Benefits Fees	YET to be negotiated and determined. <sup>4</sup>
	(f) Commercial Operation Date Fee	YET to be negotiated and determined.
	(g) Easement Fees	[Reserved]
	(h) Utilities, Taxes, Assessments	Paid by Lessee.
	(i) Project Improvements	Lessee will not construct or install any improvement on the Premises costing more than \$50,000 without Lessor's prior approval, which approval will not be unreasonably withheld, conditioned, or delayed.
6.	Insurance	The Lease shall include insurance provisions substantially the same as provided in the Right-of-Entry.
	(a) Hazardous Materials	The Lease shall include hazardous material provisions substantially the same as provided in the Right-of-Entry.
	(b) Indemnity	The Lease shall include indemnity provisions substantially the same as provided in the Right-of-Entry.
	(c) Assignment/Subletting	Lessee may not assign or sublet all or any portion of the Premises, except with Lessor's prior written consent, which consent will not be unreasonably withheld, conditioned, or delayed.
	(d) Assignment Consideration	[Reserved]
7.	Surrender	Upon expiration or termination of the Lease, Lessee will peaceably surrender to Lessor the

<sup>&</sup>lt;sup>1</sup> Percent annual increase to be further discussed with HLPLLC.

<sup>&</sup>lt;sup>2</sup> DHHL would like to confirm with HLPLLC that there is no "upper limit" to the amount of beneficiaries that can qualify under this program.

<sup>&</sup>lt;sup>4</sup> Inquiries were made during a Hilo beneficiary consultation meeting in November 2020 by a meeting participants.

	Premises and any improvements thereon, except for those improvements Lessor may require Lessee to remove. Any improvements Lessee fails to remove may be removed by Lessor at Lessee's expense, and Lessee shall pay Lessor for all costs it incurs within 30 days of invoice from Lessor. Lessee will provide such financial security for any removal and restoration obligations in an amount and in form acceptable to Lessor and Lessee and set forth in the Lease.
(a) Miscellaneous	
8. Lessor Reporting	Within 90 days of the commencement of the Operational Term, and within a reasonable time after the completion of any future improvement permitted on the Premises, Lessee will provide Lessor with GIS/GPS shape files, survey information, and "as built" plans, detailing the locations of improvements constructed and of infrastructure existing on the Premises.
9. Beneficiary Reporting	During the pre-construction and construction phases of the Project, Lessee will organize and hold progress meetings for Lessor's beneficiaries in Hilo, Hawaii Island, including detailing compliance with the EA/EIS for the Project during the first 3 years of the term of the Lease; and thereafter, upon Lessor's written request.
(a) Guaranty	Lessee's obligations under the Lease shall be guaranteed in the manner provided in the Lease, which may include, without limitation, a corporate guaranty, a letter of credit, a cash security deposit, or bond.
(b) Tax Credits	Lessee will have the benefit of all tax credits associated with the Project. If any law changes so that Lessee becomes ineligible for such credits, Lessor and Lessee shall amend or replace the Lease to convert Lessee's interest in the Premises to a reasonable equivalent, at Lessee's sole cost and expense.

(c) No Limits on Trust Powers or Duties The Lease shall not be construed to encumber or otherwise limit the duties or powers of the Hawaiian Homes Commission or the Department of Hawaiian Home Lands in exercise or fulfillment of its fiduciary duties, obligations, rights, or powers arising under the Hawaiian Homes Commission Act of 1920 or any law of the State of Hawaii.

		HLPLLC	
YEAR	ESTIMATED		
NUMBER	YEAR	DHHL FEES AND LEASE RENT	INITIAL OFFER
1	2025	Fee for Exclusive 3-year ROE	\$ 40,000
2	2026	Fee for Exclusive 3-year ROE	\$ 40,000
3	2027	Fee for Exclusive 3-year ROE	\$ 40,000
4	2028	Additional Fee for 1-year ROE Extension (optional) \$20,000	\$ 60,000
5	2029	Fee to Exercise General Lease Option: Chapter 343 FEA/FONSI HECO PPA	TBD
4	2030	General Lease: 2 year Construction Term	TBD
5	2030	General Lease: 2 year Construction Term	TBD
6	2031	General Lease: 1-year Extension of Construction Term (Optional)	TBD
G	uaranteed Com	mercial Operations Date no later than March 1	l, 2031
		General Lease: Commercial Operation	
1	2032	Date Fee / Donation to Homestead Association(s)	TBD
2	2033	Donation to Homestead Association(s)	TBD
3	2034	General Lease Rent Base	TBD
4	2035	General Lease Rent Base	TBD
5	2036	General Lease Rent Base	TBD
6	2037	General Lease Rent Base	TBD
7	2038	General Lease Rent Base	TBD
8	2039	General Lease Rent Base	TBD
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5	2071	General Lease Rent Base	TBD