

From: Allen Akoi
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] Testimony in Opposition for item D11 for the Dec 11th BLNR board Meeting
Date: Thursday, December 10, 2020 8:47:48 AM

Aloha BLNR Board Members,

Below is my testimony for the December 11, 2020 BLNR meeting for item D11. Please confirm receipt of this testimony.

I strongly oppose Na Pua Makani's mortgage request from Key Bank National Association and strongly request that BLNR do NOT consent to this mortgage application.

It would not be prudent for the BLNR to consent to this mortgage before all of the unresolved legal battles are resolved, as it would likely result in more cost to the taxpayers in having to address the NPM loan issues after consent had been granted. This poorly planned NPM wind project is reflected in several ongoing legal battles that have yet to be resolved. The approval of the HCP is being questioned and currently is awaiting a court date with the Supreme Court. In addition, the approval to grant NPM exemptions to build turbines against the setback requirement is also being challenged in First Circuit Court. If the court rules against NPM, this will severely impact the operation of NPM. Disruption of its operation could cause NPM to file for bankruptcy. The BLNR must withhold consent until it is sure of the result of each of the remaining legal issues to protect the best interest of the public and avoid any irreversible, or unforeseen, consequences and/or costs to taxpayers.

We feel that the risk is too great given the numerous problems that arose from this project. In addition to the legal issues already mentioned, this project has also been questioned at the PUC in regards to their excessive delays in operation this year. This poor track record indicates greater risk.

Furthermore, the use of public lands as collateral for the interests of private corporations and their profits feels wrong. This mortgage application allows a large private corporation to financially benefit from public lands which should be used for public interests. Being that the habitat conservation plan is still in question, it feels as if the public lands are being exploited and used for leverage for the corporate interest and profit, while failing to meet its fiduciary duties in relation to the lease agreement and the environmental laws of the state.

Lastly, we would like to urge the BLNR put the public's interest at heart in this case.

The host community not only opposed this project for over 10 years, their opposition continues. This project has been the most controversial project in 2019 causing over two hundred arrests of community members to protect Kahuku from the development of this project. We are concerned that this mortgage term could possibly extend the lease while the community strongly opposes any extension anymore than what has been allowed. We ask that the BLNR honor this public input and deny NPM's request to consent to their mortgage application.

Sincerely,

Allen Akoi

55-502A Kamehameha Hwy

Laie, HI 96762

From: Dreana Aiu
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] Testimony in Opposition for item D11 for the Dec 11th BLNR board meeting
Date: Wednesday, December 9, 2020 10:21:37 PM

Aloha BLNR Board Members,

Below is my testimony for Dec 11th 2020 BLNR meeting for item D11. Please confirm receipt of this email and testimony.

I strongly oppose Na Pua Makani's mortgage request from Key Bank National Association and strongly request that BLNR do NOT consent to this mortgage application.

It does not seem for the good of Kahuku community or this state for the BLNR to consent to this mortgage before all of the unresolved legal issues are resolved, as it would most likely result in more cost to our already burdened taxpayers in having to address NPM loan issues after consent had been granted. Due to NPM not going through proper honest ways of obtaining the wind project there are several ongoing legal battles that have yet to be resolved. The approval of the HCP is being questioned and currently awaiting a court date with the Supreme Court. In addition, the approval to grant NPM exemptions to build turbines against the setback requirement is also being challenged in First Circuit Court. If the court rules against NPM, this will severely impact the operation of NPM. Disruption of its operation could cause NPM to file for bankruptcy. The BLNR must withhold consent until it is sure of the result of each of the remaining legal issues to protect the best interest of the public and avoid any irreversible, or unforeseen, consequences and/or costs to taxpayers.

We question this project at the PUC in regards to their excessive delays in operation this year. This poor track record indicates greater risk.

Furthermore, the use of public lands as collateral for the interests of private corporations and their profits feels wrong. This mortgage application allows a large private corporation to financially benefit from public lands which should be used for public interests. Being that the habitat conservation plan is still in question, it feels as if the public lands are being exploited and used for leverage for the corporate interest and profit, while failing to meet its fiduciary duties in relation to the lease agreement and the environmental laws of the state.

The public in this matter has been spoken and seen on the news many of times during the building of these windmills.

The host community not only opposed this project for over 10 years, the opposition continues. This project has been and continues to be a controversial project in 2019 causing over two hundred arrests of community members to protect Kahuku from the development of this project. We are concerned that this mortgage term could possibly extend the lease while the community strongly opposes any extension anymore than what has been allowed. We ask that the BLNR honor this public input and deny NPM's request to consent to their mortgage application. We need your help and ask you to please consider all the things that have occurred and are still legally being questioned and deny their mortgage application.

Mahalo,
Dreana Aiu (Northshore resident)



Virus-free. www.avg.com

From: Faafetai Akoi
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] Testimony in Opposition for item D11 for the Dec 11th BLNR board Meeting
Date: Thursday, December 10, 2020 8:47:10 AM

Aloha BLNR Board Members,

Below is my testimony for the December 11, 2020 BLNR meeting for item D11. Please confirm receipt of this testimony.

I strongly oppose Na Pua Makani's mortgage request from Key Bank National Association and strongly request that BLNR do NOT consent to this mortgage application.

It would not be prudent for the BLNR to consent to this mortgage before all of the unresolved legal battles are resolved, as it would likely result in more cost to the taxpayers in having to address the NPM loan issues after consent had been granted. This poorly planned NPM wind project is reflected in several ongoing legal battles that have yet to be resolved. The approval of the HCP is being questioned and currently is awaiting a court date with the Supreme Court. In addition, the approval to grant NPM exemptions to build turbines against the setback requirement is also being challenged in First Circuit Court. If the court rules against NPM, this will severely impact the operation of NPM. Disruption of its operation could cause NPM to file for bankruptcy. The BLNR must withhold consent until it is sure of the result of each of the remaining legal issues to protect the best interest of the public and avoid any irreversible, or unforeseen, consequences and/or costs to taxpayers.

We feel that the risk is too great given the numerous problems that arose from this project. In addition to the legal issues already mentioned, this project has also been questioned at the PUC in regards to their excessive delays in operation this year. This poor track record indicates greater risk.

Furthermore, the use of public lands as collateral for the interests of private corporations and their profits feels wrong. This mortgage application allows a large private corporation to financially benefit from public lands which should be used for public interests. Being that the habitat conservation plan is still in question, it feels as if the public lands are being exploited and used for leverage for the corporate interest and profit, while failing to meet its fiduciary duties in relation to the lease agreement and the environmental laws of the state.

Lastly, we would like to urge the BLNR put the public's interest at heart in this case.

The host community not only opposed this project for over 10 years, their opposition continues. This project has been the most controversial project in 2019 causing over two hundred arrests of community members to protect Kahuku from the development of this project. We are concerned that this mortgage term could possibly extend the lease while the community strongly opposes any extension anymore than what has been allowed. We ask that the BLNR honor this public input and deny NPM's request to consent to their mortgage application.

Sincerely,

Faafetai Akoi

55-502A Kamehameha Hwy

Laie, HI 96762

From: Tara Burlew
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] Testimony in Opposition for item D11 for the Dec 11th BLNR board Meeting
Date: Wednesday, December 9, 2020 9:28:15 PM

Aloha BLNR Board Members, Below is my testimony for the December 11, 2020 BLNR meeting for item D11. Please confirm receipt of this testimony. I strongly oppose Na Pua Makani's mortgage request from Key Bank National Association and strongly request that BLNR do NOT consent to this mortgage application. It would not be prudent for the BLNR to consent to this mortgage before all of the unresolved legal battles are resolved, as it would likely result in more cost to the taxpayers in having to address the NPM loan issues after consent had been granted. This poorly planned NPM wind project is reflected in several ongoing legal battles that have yet to be resolved. The approval of the HCP is being questioned and currently is awaiting a court date with the Supreme Court. In addition, the approval to grant NPM exemptions to build turbines against the setback requirement is also being challenged in First Circuit Court. If the court rules against NPM, this will severely impact the operation of NPM. Disruption of its operation could cause NPM to file for bankruptcy. The BLNR must withhold consent until it is sure of the result of each of the remaining legal issues to protect the best interest of the public and avoid any irreversible, or unforeseen, consequences and/or costs to taxpayers. We feel that the risk is too great given the numerous problems that arose from this project. In addition to the legal issues already mentioned, this project has also been questioned at the PUC in regards to their excessive delays in operation this year. This poor track record indicates greater risk. Furthermore, the use of public lands as collateral for the interests of private corporations and their profits feels wrong. This mortgage application allows a large private corporation to financially benefit from public lands which should be used for public interests. Being that the habitat conservation plan is still in question, it feels as if the public lands are being exploited and used for leverage for the corporate interest and profit, while failing to meet its fiduciary duties in relation to the lease agreement and the environmental laws of the state. Lastly, we would like to urge the BLNR put the public's interest at heart in this case. The host community not only opposed this project for over 10 years, their opposition continues. This project has been the most controversial project in 2019 causing over two hundred arrests of community members to protect Kahuku from the development of this project. We are concerned that this mortgage term could possibly extend the lease while the community strongly opposes any extension anymore than what has been allowed. We ask that the BLNR honor this public input and deny NPM's request to consent to their mortgage application.,
Mahalo.

Tara Burlew

Sent from my Verizon, Samsung Galaxy smartphone
Get [Outlook for Android](#)

From: Jessica dos Santos
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] Testimony in Opposition for item D-11 for the Dec. 11th BLNR Board Meeting
Date: Wednesday, December 9, 2020 9:20:20 PM

Aloha BLNR Board Members,

Below is my testimony for the December 11, 2020, BLNR meeting for item D-11. Please confirm receipt of this testimony.

I strongly oppose Na Pua Makani's mortgage request from Key Bank National Association and strongly request that BLNR do NOT consent to this mortgage application.

It would not be prudent for the BLNR to consent to this mortgage before all of the unresolved legal battles are resolved, as it would likely result in more cost to the taxpayers in having to address the NPM loan issues after consent had been granted. This poorly planned NPM wind project is reflected in several ongoing legal battles that have yet to be resolved. The approval of the HCP is being questioned and currently is awaiting a court date with the Supreme Court. Also, the approval to grant NPM exemptions to build turbines against the setback requirement is being challenged in the First Circuit Court. If the court rules against NPM, this will severely impact the operation of NPM. Disruption of its operation could cause NPM to file for bankruptcy. The BLNR must withhold consent until it is sure of the result of each of the remaining legal issues to protect the best interest of the public and avoid any irreversible, or unforeseen, consequences and/or costs to taxpayers.

We feel that the risk is too great given the numerous problems that arose from this project. In addition to the legal issues already mentioned, this project has also been questioned at the PUC in regards to their excessive delays in operation this year. This poor track record indicates greater risk.

Furthermore, the use of public lands as collateral for the interests of private corporations and their profits feels wrong. This mortgage application allows a large private corporation to financially benefit from public lands that should be used for public interests. Being that the habitat conservation plan is still in question, it feels as if the public lands are being exploited and used for leverage for the corporate interest and profit while failing to meet its fiduciary duties concerning the lease agreement and the environmental laws of the state.

Lastly, we would like to urge the BLNR to put the public's interest at heart in this case. The host community not only opposed this project for over 10 years, but their opposition also continues. This project has been the most controversial in 2019 causing over two hundred arrests of community members to protect Kahuku from the

development of this project. We are concerned that this mortgage term could extend the lease while the community strongly opposes any extension anymore than what has been allowed. We ask that the BLNR honor this public input and deny NPM's request to consent to their mortgage application.

Respectfully,

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Jessica A. dos Santos
Phone: (808) 381-4069

From: Kurt Fonoimoana
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] Testimony in Opposition for Item D11 for Dec 11th BLNT Board Meeting
Date: Thursday, December 10, 2020 8:24:10 AM

"Aloha BLNR Board Members,

Below is my testimony for the December 11, 2020 BLNR meeting for item D11. Please confirm receipt of this testimony.

I strongly oppose Na Pua Makani's mortgage request from Key Bank National Association and strongly request that BLNR do NOT consent to this mortgage application.

It would not be prudent for the BLNR to consent to this mortgage before all of the unresolved legal battles are resolved, as it would likely result in more cost to the taxpayers in having to address the NPM loan issues after consent had been granted. This poorly planned NPM wind project is reflected in several ongoing legal battles that have yet to be resolved. The approval of the HCP is being questioned and currently is awaiting a court date with the Supreme Court. In addition, the approval to grant NPM exemptions to build turbines against the setback requirement is also being challenged in First Circuit Court. If the court rules against NPM, this will severely impact the operation of NPM. Disruption of its operation could cause NPM to file for bankruptcy. The BLNR must withhold consent until it is sure of the result of each of the remaining legal issues to protect the best interest of the public and avoid any irreversible, or unforeseen, consequences and/or costs to taxpayers.

We feel that the risk is too great given the numerous problems that arose from this project. In addition to the legal issues already mentioned, this project has also been questioned at the PUC in regards to their excessive delays in operation this year. This poor track record indicates greater risk.

Furthermore, the use of public lands as collateral for the interests of private corporations and their profits feels wrong. This mortgage application allows a large private corporation to financially benefit from public lands which should be used for public interests. Being that the habitat conservation plan is still in question, it feels as if the public lands are being exploited and used for leverage for the corporate interest and profit, while failing to meet its fiduciary duties in relation to the lease agreement and the environmental laws of the state.

Lastly, we would like to urge the BLNR put the public's interest at heart in this case.

The host community not only opposed this project for over 10 years, their opposition continues. This project has been the most controversial project in 2019 causing over two hundred arrests of community members to protect Kahuku from the development of this project. We are concerned that this mortgage term could possibly extend the lease while the community strongly opposes any extension anymore than what has been allowed. We ask that the BLNR honor this public input and deny NPM's request to consent to their mortgage application.

With Deep Concern,

-Sena Fonoimoana

From: ahuntemer@aol.com
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] BLNR meeting 12/11/20 Item D11
Date: Wednesday, December 9, 2020 10:26:46 PM

Aloha Chair and Board Members,

Please deny Na Pua Makani's (NPM) mortgage request from Key Bank National Association.

It would be unwise for the BLNR to approve this move with so many legal actions surrounding the project remaining unresolved. What if result taxpayers end up having to contend with NPM loan issues after you grant permission for this to proceed? As you know, NPM's Habitat Conservation Plan (HCP) is being litigated and is waiting for a court date with the Supreme Court. Also, the granting of exemptions to NPM to build turbines without the required setback is also being challenged, in the First Circuit Court. Any court ruling against NPM will severely impact its operation and could cause them to file for bankruptcy. Recently, this project has been questioned at the PUC in regards to their excessive delays in operation this year. This poor track record indicates greater risk. **The BLNR should not consider approving NPM's request until the remaining legal issues have been resolved. You must protect the public and avoid any irreversible, or unforeseen consequences and/or costs to taxpayers.**

The use of public lands as collateral for the interests of private corporations and their profits is wrong. This mortgage application allows a large private corporation to financially benefit from public lands which should be used for public interests. Being that the HCP is being legally challenged, public lands are being exploited and used as leverage for corporate interest and profit. NPM is failing to meet its duties in relation to the lease agreement and the environmental laws of the state.

We in Kahuku have not only opposed this project for more than 10 years, our opposition continues. Last year more than 200 community members were arrested peacefully protesting its development. This mortgage term could possibly extend the lease. We certainly do not want that. **Please deny NPM's request to consent to their mortgage application.**

Thank you,

Angela Huntemer, MEd.

57-068 Eleku Kuilima Place, #136

Kahuku HI 96731

From: Ivana Joaquin
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] Opposition of Kahuku NA PUA Makani wind farms
Date: Thursday, December 10, 2020 6:39:24 AM

My name is Myronne Joaquin I oppose Na Makani wind farms mortgage plan.
The windmills should not be maintain by the State of Hawaii
DLNR allowed them to build windmills on state lands. AES should be responsible for all maintenance as well as charged millions for leasing the lands. The windmills should hve never been approved by the State of HAWAII to be build near schools and residence. AES has not right to ask for more from DLNR. What happened to saving our land and natural resource?
[Sent from Yahoo Mail on Android](#)

From: Ivana Joaquin
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] Opposition NA MAKANI WIND FARMS IN KAHUKU
Date: Thursday, December 10, 2020 6:28:36 AM

My name is Ivana Joaquin. I oppose BLNR supporting AES PROPOSED PLAN to maintain the windmills. The should have never been built in Kahuku near schools and residence. Stop to destruction of our lands and natural resources.

[Sent from Yahoo Mail on Android](#)

From: Tevita O. Ka'ili
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] Testimony in Opposition for item D11 for the Dec 11th BLNR board Meeting.
Date: Thursday, December 10, 2020 8:38:34 AM

Aloha Kakou BLNR Board Members,

Below is my testimony for the December 11, 2020 BLNR meeting for item D11. Please confirm receipt of this testimony.

My name is Tevita O. Ka'ili and I am a resident of Kahuku. I am writing to express my strong opposition to the Na Pua Makani's mortgage request from KeyBank National Association. I humbly ask BLNR not to consent to this mortgage application. Currently, there are two unresolved legal challenges, relating to the Habitat Conservation Plan and setback limits, to Na Pua Makani's industrial wind farm in Kahuku. These legal challenges should be resolved first. There is also the problematic use of public land as collateral for a corporation. Public lands should be used for public benefits and not for a corporation. Thank you so much for taking the time to read my testimony.

Mahalo,

Tevita O. Ka'ili

From: Joshua Kaina
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] Testimony in Opposition for item D11 for the Dec 11th BLNR board Meeting.
Date: Wednesday, December 9, 2020 11:01:36 PM

Aloha BLNR Board Members,

Below is my testimony for the December 11, 2020 BLNR meeting for item D11. Please confirm receipt of this testimony.

I strongly oppose Na Pua Makani's mortgage request from Key Bank National Association and strongly request that BLNR do NOT consent to this mortgage application.

There is still pending litigation regarding the Habitat Conservation Plan. The town of Kahuku has opposed this project for over ten years. We still oppose it. Granting AES request would be poor stewardship of our Public lands. Wind Energy companies are known to go Bankrupt and China is already making large strides in Nuclear Fusion. In the next five years, Industrial Wind Turbines will be obsolete. Please deny their request, we don't need this land to end up in the hands of a bank when this company falls apart.

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**Mahalo,
Joshua Kaina**

"The fruit of the spirit is love, joy, peace, forbearance, gentleness and self-control. Against such things there is no law." - Galatians 5:22-23

Keep the North Shore Country

Testimony to the Board of Land and Natural Resources December 11, 2020 Meeting

RE: Agenda Item D-11
Consent to Mortgage with Estoppel Certificate, General Lease No. S-6105, Na Pua
Makani Power Partners, LLC, Lessee, Kahuku, Koolauloa, Oahu, Tax Map Key: (1) 5-6-
008:006 Submitted via email at blnr.testimony@hawaii.gov on 12/10/20

Dear Chair Case and Land Board Members,

Keep the North Shore Country has several concerns and comments about this proposed action.

First, we note that **Na Pua Makani is presently involved in at least three legal actions**: the HCP case brought by our organization, presently in the Hawaii Supreme Court, and noted in the staff submittal; Life of the Land's case regarding PPA amendments also at the Supreme Court; and a case we filed in the First Circuit Court regarding illegally sited turbines within the minimum setback area. All three of these cases should be referenced along with the Condition 66 citation in the estoppel certificate.

Second, we do not know the proposed **loan term, and other terms, of the mortgage**, and ask if the state may possibly be committing to any future actions by approving this estoppel certificate? For example, could a long-term mortgage commit the state to a future action on the lease or foreclose any other action? Why are the proposed mortgage terms not available for public review now, especially if the mortgage will be publicly recorded?

Third, we notice that Yamamoto Caliboso submitted a letter on December 7, 2020 with a brief statement about **the purpose of loan proceeds**. Why was something as important as this information not included earlier? This is a large sum of money compared to the projected revenue. Can the Board get more clarity on the purpose and amount of funds to be used for each stated purpose and how this mortgage would benefit the project or Hawaii?

Fourth, PUC Docket 2013-0423, Exhibit A, p. 69 and 71, filed 9-16-2016, includes this condition: *19.2 Assignment by Seller. Seller may not assign, pledge, mortgage, grant a security interest in or collaterally assign this Agreement, the Facility or any interest in the Facility without the prior consent of Company (such consent not to be unreasonably withheld, conditioned or delayed).* **Has NPM received prior consent from HECO? Has PUC been notified** (they are closely monitoring this project due to community interest and opposition). The Board should condition any approval on this estoppel subject to all other required approvals, or at least confirm the status of those approvals.

Thank you for your consideration of these concerns and comments.

Gil Riviere
President

From: Kamalani Keliikuli
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] Testimony in Opposition for item D11 for the Dec 11th BLNR board Meeting.
Date: Thursday, December 10, 2020 8:59:48 AM

Aloha BLNR Board Members,

I am writing this testimony in Strong Opposition of the Na Pua Makani's (NPM) mortgage request from Key Bank National Association. We ask, BLNR to not consent to this mortgage before all of the unresolved legal battles have been resolved, as it would likely result in more cost to the taxpayers in having to address the NPM loan issues after consent had been granted. There are currently 3 lawsuits against NPM pending in the Supreme Court. The BLNR should withhold their approval until all remaining legal issues have been resolved

The majority of the Kahuku community, not only opposed this project for over 10 years, but, it has also led the community to fight continuously to protect Kahuku from the development of this project that led to over 200 arrests. We are concerned that this mortgage term could possibly extend the lease while the community strongly opposes any extension. We humbly ask that the BLNR consider the communities input as they are the ones living with these in their own backyard and deny NPM's request to consent to their mortgage application.

Mahalo,

Kamalani Keli'ikuli (Ku Kia'i Kahuku)

From: Keala Keo
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] Testimony in opposition for item D11 for the December 11th BLNR meeting
Date: Thursday, December 10, 2020 8:08:54 AM

Aloha BLNR Board members,

I strongly oppose Na Pua Makani's mortgage request from Key Bank National Association and request that BLNR not consent to their mortgage application.

This is the time to be prudent with our state's decisions as we are struggling financially to recover from COVID. All decisions must not only be right for our people but also financially for our state. Na Pua Makani is facing ongoing legal battles and is on public lands and as a corporation they should have more responsibility to care for our lands. Our state cannot afford to make choices that would result in our tax dollars being used unwisely at this time.

Thank you for your time,
Keala Keo

Sent from my iPhone

From: lalauaki
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] Testimony in Opposition for Item D11BLNR Board Meeting
Date: Thursday, December 10, 2020 7:25:30 AM

Aloha BLNR Board Members,

Below is my testimony for the December 11, 2020 BLNR meeting for item D11. Please confirm receipt of this testimony.

I strongly oppose Na Pua Makani's mortgage request from Key Bank National Association and strongly request that BLNR do NOT consent to this mortgage application.

It would not be prudent for the BLNR to consent to this mortgage before all of the unresolved legal battles are resolved, as it would likely result in more cost to the taxpayers in having to address the NPM loan issues after consent had been granted. This poorly planned NPM wind project is reflected in several ongoing legal battles that have yet to be resolved. The approval of the HCP is being questioned and currently is awaiting a court date with the Supreme Court. In addition, the approval to grant NPM exemptions to build turbines against the setback requirement is also being challenged in First Circuit Court. If the court rules against NPM, this will severely impact the operation of NPM. Disruption of its operation could cause NPM to file for bankruptcy. The BLNR must withhold consent until it is sure of the result of each of the remaining legal issues to protect the best interest of the public and avoid any irreversible, or unforeseen, consequences and/or costs to taxpayers.

We feel that the risk is too great given the numerous problems that arose from this project. In addition to the legal issues already mentioned, this project has also been questioned at the PUC in regards to their excessive delays in operation this year. This poor track record indicates greater risk.

Furthermore, the use of public lands as collateral for the interests of private corporations and their profits feels wrong. This mortgage application allows a large private corporation to financially benefit from public lands which should be used for public interests. Being that the habitat conservation plan is still in question, it feels as if the public lands are being exploited and used for leverage for the corporate interest and profit, while failing to meet its fiduciary duties in relation to the lease agreement and the environmental laws of the state.

Lastly, we would like to urge the BLNR put the public's interest at heart in this case. The host community not only opposed this project for over 10 years, their opposition continues. This project has been the most controversial project in 2019 causing over two hundred arrests of community members to protect Kahuku from the development of this project. We are concerned that this mortgage term could possibly extend the lease while the community strongly opposes any extension anymore than what has been allowed. We ask that the BLNR honor this public input and deny NPM's request to consent to their mortgage application.

Mahalo,

Agnes Lauaki

Sent from my Sprint Samsung Galaxy S9.

From: McCallum Brenda
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] Testimony in OPPOSITION of item D11 for Dec. 11th board meeting
Date: Thursday, December 10, 2020 12:08:34 AM

Public lands in Kahuku being used for private corporations' profit is not only unethical, it continues the environmental injustice acts on the small community of Kahuku.

Na Pua Makani's lack of due process and ability to appeal to the nature of this small community is not only continually in question but continues in litigation which has not yet been resolved.

This company has imposed enough on our community and should not be allowed to take any more until a thorough review of all of their legal proceedings and ethical practices has been conducted.

Sincerely,

Brenda Oriana McCallum
8086999945
orianamccallum@yahoo.com

[Sent from Yahoo Mail for iPhone](#)

From: Atalina Moala
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] Oppose!
Date: Thursday, December 10, 2020 9:01:01 AM

Aloha BLNR Board Members,

Below is my testimony for the December 11, 2020 BLNR meeting for item D11. Please confirm receipt of this testimony.

I strongly oppose Na Pua Makani's mortgage request from Key Bank National Association and strongly request that BLNR do NOT consent to this mortgage application.

It would not be prudent for the BLNR to consent to this mortgage before all of the unresolved legal battles are resolved, as it would likely result in more cost to the taxpayers in having to address the NPM loan issues after consent had been granted. This poorly planned NPM wind project is reflected in several ongoing legal battles that have yet to be resolved. The approval of the HCP is being questioned and currently is awaiting a court date with the Supreme Court. In addition, the approval to grant NPM exemptions to build turbines against the setback requirement is also being challenged in First Circuit Court. If the court rules against NPM, this will severely impact the operation of NPM. Disruption of its operation could cause NPM to file for bankruptcy. The BLNR must withhold consent until it is sure of the result of each of the remaining legal issues to protect the best interest of the public and avoid any irreversible, or unforeseen, consequences and/or costs to taxpayers.

We feel that the risk is too great given the numerous problems that arose from this project. In addition to the legal issues already mentioned, this project has also been questioned at the PUC in regards to their excessive delays in operation this year. This poor track record indicates greater risk.

Furthermore, the use of public lands as collateral for the interests of private corporations and their profits feels wrong. This mortgage application allows a large private corporation to financially benefit from public lands which should be used for public interests. Being that the habitat conservation plan is still in question, it feels as if the public lands are being exploited and used for leverage for the corporate interest and profit, while failing to meet its fiduciary duties in relation to the lease agreement and the environmental laws of the state.

Lastly, we would like to urge the BLNR put the public's interest at heart in this case. The host community not only opposed this project for over 10 years, their opposition continues. This project has been the most controversial project in 2019 causing over two hundred arrests of community members to protect Kahuku from the development of this project. We are concerned that this mortgage term could possibly extend the lease while the community strongly opposes any extension anymore than what has been allowed. We ask that the BLNR honor this public input and deny NPM's request to consent to their mortgage application."

From: Michael Richards
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] Testimony in Opposition for item D11 for the Dec 11th BLNR board Meeting.
Date: Thursday, December 10, 2020 9:19:40 AM

Aloha BLNR Board Members,

Below is my testimony for the December 11, 2020 BLNR meeting for item D11. Please confirm receipt of this testimony.

I strongly oppose Na Pua Makani's mortgage request from Key Bank National Association and strongly request that BLNR do NOT consent to this mortgage application.

- It would not be prudent for the BLNR to consent to this mortgage before all of the unresolved legal battles are resolved, as it would likely result in more cost to the taxpayers in having to address the NPM loan issues after consent had been granted.
- This poorly planned NPM wind project is reflected in several ongoing legal battles that have yet to be resolved. The approval of the HCP is being questioned and currently is awaiting a court date with the Supreme Court. In addition, the approval to grant NPM exemptions to build turbines against the setback requirement is also being challenged in First Circuit Court.
- If the court rules against NPM, this will severely impact the operation of NPM. Disruption of its operation could cause NPM to file for bankruptcy.

The BLNR must withhold consent until it is sure of the result of each of the remaining legal issues to protect the best interest of the public and avoid any irreversible, or unforeseen, consequences and/or costs to taxpayers.

We feel that the risk is too great given the numerous problems that arose from this project. In addition to the legal issues already mentioned, this project has also been questioned at the PUC in regards to their excessive delays in operation this year. This poor track record indicates greater risk.

Furthermore, the use of public lands as collateral for the interests of private corporations and their profits feels wrong. This mortgage application allows a large private corporation to financially benefit from public lands which should be used for public interests. Being that the habitat conservation plan is still in question, it feels as if the public lands are being exploited and used for leverage for the corporate interest and profit, while failing to meet its fiduciary duties in relation to the lease agreement and the environmental laws of the state.

Lastly, we would like to urge the BLNR put the public's interest at heart in this case. The host community not only opposed this project for over 10 years, their opposition continues. This project has been the most controversial project in 2019 causing over two hundred arrests of community members to protect Kahuku from the development of this project. We are concerned that this mortgage term could possibly extend the lease while the community strongly opposes any extension anymore than what has been allowed.

Never before in the USA have wind turbines of this size been placed so close to residences and schools, so the health effects on the people of Kahuku are unknown, an issue not properly addressed in the EIS.

The BLNR should honor this public input and deny NPM's request to consent to their mortgage application.

Sincerely,

Michael Richards
Kaneohe, Hawaii

From: Sen. Kurt Fevella
To: [DLNR.BLNR.Testimony](#)
Subject: Testimony in Opposition for item D11 for the Dec 11th BLNR board Meeting.
Date: Thursday, December 10, 2020 8:59:32 AM

Aloha BLNR Board Members,

As Senator of the Ewa Beach, District 19, I am writing this testimony in Strong Opposition of the Na Pua Makani's (NPM) mortgage request from Key Bank National Association. We ask, BLNR to not consent to this mortgage before all unresolved legal battles have been resolved, as it would likely result in more cost to the taxpayers in having to address the NPM loan issues after consent had been granted. There are currently 3 lawsuits against NPM pending in the Supreme Court. The BLNR should withhold their approval until all remaining legal issues have been resolved

These public agricultural lands are being used as collateral for the interests and profits of private developers. This mortgage application should financially benefit the public and their public interests for food sustainability and its environment. We ask that they meet its fiduciary duties in relation to the lease agreement and the environmental laws of the state.

The majority of the Kahuku community, not only opposed this project for over 10 years, but, it has also led the community to fight continuously to protect Kahuku from the development of this project that led to over 200 arrests. We are concerned that this mortgage term could possibly extend the lease while the community strongly opposes any extension. We humbly ask that the BLNR consider the communities input as they are the ones living with these in their own backyard and deny NPM's request to consent to their mortgage application.

Mahalo,
Senator Fevella

From: Kristin Speltz
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] Testimony in Opposition for item D11 for the Dec 11th BLNR board meeting
Date: Thursday, December 10, 2020 8:53:53 AM

Aloha BLNR Board Members,

Below is my testimony for the Dec 11, 2020 BLNR meeting for item D11. Please confirm receipt of this testimony.

I strongly oppose Na Púa Makani's mortgage request from Key Bank National Association, and strongly request that BLNR DOES NOT consent to this mortgage application.

At this point in time, it would be not prudent for BLNR to consent. There are numerous unresolved legal battles going on right now. Let those battles be decided first. It would be easier for that to happen first. After that point, then address this mortgage request. Too much tax payer monies will be wasted by putting the cart before the horse. Wait for a resolve before allowing Na Púa Makani to move forward.

Currently, Na PUA Makani's approval for exemptions to build turbines against the setback is being challenged in the First Circuit Court. If rulings are against Na Pua Makani, it will have a huge impact on their ability to remain in the industry. They may even have to file for bankruptcy.

I also ask that you please put public interest at the heart of your decision today. The host community has opposed these projects for over 10 years. Community members have been arrested.

There is absolutely no pressing need for a mortgage request to be agreed on today, especially in light of what I have shared. Thank you for your consideration, and for your service to the people of Hawai'i.

Mahalo,
Kristin Clark
O'ahu resident

From: Ina Taea
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] Testimony in Opposition for item D11 for the Dec 11th BLNR board Meeting
Date: Wednesday, December 9, 2020 9:43:24 PM

Aloha BLNR Board Members,

My name is Ina born and raised in Kahuku and being directly affected by Na Pua Makani's windmills that I definitely have opposed and also am opposing this well. Below is my testimony for the December 11, 2020 BLNR meeting for item D11. Please confirm receipt of this testimony.

I strongly oppose Na Pua Makani's mortgage request from Key Bank National Association and strongly request that BLNR do NOT consent to this mortgage application.

It would not be prudent for the BLNR to consent to this mortgage before all of the unresolved legal battles are resolved, as it would likely result in more cost to the taxpayers in having to address the NPM loan issues after consent had been granted. This poorly planned NPM wind project is reflected in several ongoing legal battles that have yet to be resolved. The approval of the HCP is being questioned and currently is awaiting a court date with the Supreme Court. In addition, the approval to grant NPM exemptions to build turbines against the setback requirement is also being challenged in First Circuit Court. If the court rules against NPM, this will severely impact the operation of NPM. Disruption of its operation could cause NPM to file for bankruptcy. The BLNR must withhold consent until it is sure of the result of each of the remaining legal issues to protect the best interest of the public and avoid any irreversible, or unforeseen, consequences and/or costs to taxpayers.

I feel that the risk is too great given the numerous problems that arose from this project. In addition to the legal issues already mentioned, this project has also been questioned at the PUC in regards to their excessive delays in operation this year. This poor track record indicates greater risk.

Furthermore, the use of public lands as collateral for the interests of private corporations and their profits feels wrong. This mortgage application allows a large private corporation to financially benefit from public lands which should be used for public interests. Being that the habitat conservation plan is still in question, it feels as if the public lands are being exploited and used for leverage for the corporate interest and profit, while failing to meet its fiduciary duties in relation to the lease agreement and the environmental laws of the state.

Lastly, we would like to urge the BLNR put the public's interest at heart in this case. The host community not only opposed this project for over 10 years, their opposition continues. This project has been the most controversial project in 2019 causing over two hundred arrests of community members to protect Kahuku from the development of this project. We are concerned that this mortgage term could possibly extend the lease while the community strongly opposes any extension anymore than what has been allowed. We ask that the BLNR honor this public input and deny NPM's request to consent to their mortgage application.

Mahalo,
Ina Taea(resident of Kahuku all my life)

--

INA TAEA



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KAHUKU, HI 96731
[808-384-2434](tel:808-384-2434)

From: Sunny Unga
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] Testimony in Opposition for item D11 for the Dec 11th BLNR board Meeting.
Date: Wednesday, December 9, 2020 8:57:32 PM

Aloha BLNR Board Members,

My name is Sunny Unga, a Kahuku community member, submitting my testimony for the December 11, 2020 BLNR meeting for item D11. Please confirm receipt of this testimony.

I strongly oppose Na Pua Makani's mortgage request from Key Bank National Association and strongly request that BLNR do NOT consent to this mortgage application.

It would not be prudent for the BLNR to consent to this mortgage before all of the unresolved legal battles are resolved, as it would likely result in more cost to the taxpayers in having to address the NPM loan issues after consent had been granted. This poorly planned NPM wind project is reflected in several ongoing legal battles that have yet to be resolved. The approval of the HCP is being questioned and currently is awaiting a court date with the Supreme Court. In addition, the approval to grant NPM exemptions to build turbines against the setback requirement is also being challenged in First Circuit Court. If the court rules against NPM, this will severely impact the operation of NPM. Disruption of its operation could cause NPM to file for bankruptcy. The BLNR must withhold consent until it is sure of the result of each of the remaining legal issues to protect the best interest of the public and avoid any irreversible, or unforeseen, consequences and/or costs to taxpayers.

We feel that the risk is too great given the numerous problems that arose from this project. In addition to the legal issues already mentioned, this project has also been questioned at the PUC in regards to their excessive delays in operation this year. This poor track record indicates greater risk.

Furthermore, the use of public lands as collateral for the interests of private corporations and their profits feels wrong. This mortgage application allows a large private corporation to financially benefit from public lands which should be used for public interests. Being that the habitat conservation plan is still in question, it feels as if the public lands are being exploited and used for leverage for the corporate interest and profit, while failing to meet its fiduciary duties in relation to the lease agreement and the environmental laws of the state.

Lastly, we would like to urge the BLNR put the public's interest at heart in this case. The host community not only opposed this project for over 10 years, their opposition continues. This project has been the most controversial project in 2019 causing over two hundred arrests of community members to protect Kahuku from the development of this project. We are concerned that this mortgage term could possibly extend the lease while the community strongly opposes any extension anymore than what has been allowed. We ask that the BLNR honor this public input and deny NPM's request

to consent to their mortgage application.

Mahalo for this opportunity to testify.

Sincerely,

Sunny Unga

From: Annaka Vi
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] Testimony in Opposition for item D11 for the Dec 11th BLNR board Meeting.
Date: Thursday, December 10, 2020 9:05:13 AM

Aloha BLNR Board Members,

Below is my testimony for the December 11, 2020 BLNR meeting for item D11. Please confirm receipt of this testimony.

I am in opposition to Na Pua Makani's mortgage request of 109 million dollars to maintain and operate their wind turbines despite outstanding legal challenges. I hope you are well versed by now regarding all sides on this matter: the potential cost to tax payers, outstanding legal challenges, the scope of problems imposed on the community for over a decade, AES does not have a good track record in delays in operation.

I don't see how the use of public lands as collateral for the interests of private corporations and their profits makes sense.

If using an argument that if it is in public's interest then it's justifiable to allow large private companies to financial benefit from public lands, please consider the following points and questions that need to be addressed for an argument like this to hold up.

1. There are controversies surrounding the claim whether or not wind turbines are even green. If they aren't really green, there is no argument for the benefit to the public as the private company would be the only one benefiting off the public lands.

2. If the turbines are green and decision-makers then justify the need to use public lands, why aren't they at the front of the line volunteering the most meaningful pieces of public land in their communities as the parcels used? If you can't sacrifice the things most important to you (disruption of homes and children's schools, choosing to devalue your own properties, etc.), please ask yourself how you think you can claim to be for green energy.

3. Justifying use of public land by a private organization doesn't hold up if there are several options for helping communities contribute to greener options in the ways of their choosing. These options are now being stripped of the community members (e.g. limiting the number of households that can connect to the grid with solar panels to make room for the giant corporation). Communities want to be green so the argument that they must not care about green energy because they won't agree with a plan outsiders dictate to them is in nonsensical.

4. Shouldn't the people using the most energy be the ones sacrificing the level of their own comfort so they have to burden the consequences of their own choices. Why is Kahuku, a community who consumes less energy then have to burden the consequences of the actions of those living in SE Oahu who are largest energy consumers in the island?

5. Another common argument is that the electricity rates will go down benefitting public interest. Well, this has not happened yet, nor do we have any reason to believe it will. HECO and AES are the only beneficiaries

Please don't overlook all the ways allowing a private company's use of public lands, in essence rewarding them despite the several unethical/illegal ways of getting the project up, is

contributing to teaching corporations that they are not bound by laws, that they are the exception to the rules and when they get away with poor behavior, they have no reason to follow them in the future.

The cost to community member has been extensive: hours spent fighting to hold public entities accountable to follow procedure, receiving harsh punishments from those they pay (through taxes) to protect them, just to name a few.

If you are still considering allowing this through. Please evaluate under what justification would you be ok with someone willfully disregarding and disrupting the health of you, your children, your kupuna, your neighborhood? If you appreciate and allow the justifications by those in power of protecting your interests despite it harming the things you hold most dear, you should fight to allow yourselves to bear the cost and burden of such projects and not expecting others to and then shaming them when they disagree.

A Laie resident.m,

Anna Vi