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SCAP-19-0000449

IN THE SUPREME COURT OF THE STATE OF HAWAII

KEEP THE NORTH SHORE COUNTRY,)	Civil No. 18-1-0960-06 JPC
)	(Agency Appeal)
)	
Appellant-Appellant)	APPEAL FROM THE FINAL JUDGMENT,
)	filed MAY 23, 2019
vs.)	
)	
BOARD OF LAND AND NATURAL)	
RESOURCES, THE DEPARTMENT OF)	FIRST CIRCUIT COURT
LAND AND NATURAL RESOURCES,)	
SUZANNE D. CASE IN HER OFFICIAL)	
CAPACITY AS CHAIRPERSON OF THE)	
BOARD OF LAND AND NATURAL)	
RESOURCES; AND NA PUA MAKANI)	HONORABLE JEFFREY P. CRABTREE,
POWER PARTNERS, LLC)	JUDGE
)	
Appellees-Appellees.)	

**KEEP THE NORTH SHORE COUNTRY'S MOTION TO EXPEDITE
MOTION FOR STAY UPON APPEAL**

DECLARATION OF GILBERT RIVIERE

APPENDIX "A"

CERTIFICATE OF SERVICE

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KEEP THE NORTH SHORE COUNTRY

**KEEP THE NORTH SHORE COUNTRY'S MOTION TO EXPEDITE MOTION FOR
STAY UPON APPEAL**

Appellant KEEP THE NORTH SHORE COUNTRY, a Hawai'i nonprofit corporation (Appellant) respectfully submits this motion to expedite ruling on its motion for stay upon appeal, filed June 17, 2020, pursuant to Hawai'i Rules of Appellate Procedure (HRAP) Rules 8 and 27 and Hawaii Revised Statutes (HRS) § 641-3, and Hawai'i Rules of Civil Procedure (HRCPC) Rule 62.

Since filing its motion for stay, Appellant learned that Hawaiian Electric plans to initiate utility work to connect Appellee NA PUA MAKANI POWER PARTNERS, LLC's (NPM) wind turbine project to the electric grid on August 11, 2020. Declaration of Gilbert Riviere (Riviere Decl.) ¶4, Appendix "A." Appellant understands that connecting NPM's project to the electric grid is one of the last steps prior to live operation of the NPM turbines. *Id.* ¶5. Hawaiian Electric announced the project "is expected to come online later this summer." Appx. A. Given that the summer season closes at the end of August, Appellant is anxious the NPM project will commence, without proper safeguards and mitigations in place, thereby threatening endangered 'ōpe'ape'a with imminent harm consequent to operation of the largest wind turbines in Hawai'i. *Id.* ¶6.

For these reasons, and the continued currency of reasons raised in the underlying motion for stay pending appeal, Appellant prays this Court expedite its decision-making as to whether it will grant a stay pending appeal.

DATED: Honolulu, Hawai'i

August 7, 2020

/s/ Bianca Isaki
LAW OFFICE OF LANCE D COLLINS
LANCE D. COLLINS
LAW OFFICE OF BIANCA ISAKI
BIANCA ISAKI
Attorneys for Appellant-Appellant
KEEP THE NORTH SHORE COUNTRY

DECLARATION OF GILBERT RIVIERE

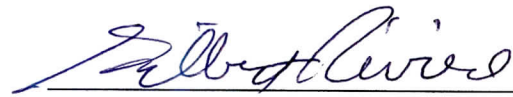
I, GILBERT RIVIERE, do declare under penalty of law that the following is true and correct.

1. I make this declaration based upon my personal knowledge, information and belief.
2. I am a resident of the island of O‘ahu and the City and County of Honolulu.
3. I am the President of Appellant KEEP THE NORTH SHORE COUNTRY, a nonprofit corporation (KNSC), in the above captioned proceedings concerning Appellee NA PUA MAKANI POWER PARTNERS, LLC’s (NPM) wind turbine project in Kahuku, O‘ahu.
4. Attached as Appendix “A” is a true and correct copy of a news release from the Hawaiian Electric Company indicating that installation of utility lines connecting NPM’s wind turbine project to the electrical grid will occur on August 11 and 12, 2020.
5. KNSC members understand that connecting NPM’s project to the electric grid is one of the last steps prior to live operation of the NPM turbines.
6. Given that the summer season closes at the end of August, KNSC members are anxious that the NPM project will commence, without proper safeguards and mitigations in place, thereby threatening endangered ‘ōpe‘ape‘a with imminent harm consequent to operation of the largest wind turbines in Hawaii.

DECLARANT FURTHER SAYETH NAUGHT

DATED: Haleiwa, Hawai‘i

August 7, 2020



GILBERT RIVIERE
Declarant



**Hawaiian
Electric**

NEWS RELEASE

CONTACT: 223.9932

FOR IMMEDIATE RELEASE

Hawaiian Electric utility work Aug. 11 in Kahuku to close lane of Kamehameha Highway, slow traffic

Work set for 8:30 a.m. – 3 p.m. with possibility of work continuing Aug. 12

HONOLULU, Aug. 3, 2020 – Hawaiian Electric crews will be installing overhead power lines along Kamehameha Highway in Kahuku on Tuesday, Aug. 11, to connect the Nā Pua Makani wind energy project to the electric grid.

A lane closure from 8:30 a.m. to 3 p.m. will cause traffic to be contra-flowed in the work zone. Aug. 12 has been scheduled as a contingency if the installation work is not completed on Aug. 11.

The work will close the mauka lane of Kamehameha Highway between St. Roch Catholic Church and Malaekahana Valley Road so that crews can safely frame and install new overhead conductors. Traffic will be contra-flowed in the makai lane, and parking will be restricted in the work area.

Nā Pua Makani is developed by AES and is expected to come online later this summer. When the facility goes into service it will generate up to 24 megawatts of renewable wind energy that will feed into O'ahu's electric grid.

Electronic message boards will be set up to alert motorists of the upcoming work.

Safety signs and traffic cones will mark the work zones, and special duty police and flagmen will maintain the safety zone and direct traffic. Motorists should drive with caution when approaching and passing the area.

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2019 UTILITY OF THE YEAR



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APPENDIX "A"

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing was duly served on the following parties via electronic filing (JEFS):

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DATED: Honolulu, Hawai'i

August 7, 2020

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