



this Motion, with decommissioning of the solar farm to be completed on or before December 31, 2059.

In addition to the above referenced Motion, the Petitioner has submitted their revised Master Plan and development schedule in compliance with Condition 1 of the Order Granting Motion for Order Amending Findings of Fact, Conclusions of Law and Decision and Order Dated May 17, 1988.

OP distributed the Motion to the following agencies for their review and comments: Department of Land and Natural Resources (“DLNR”), State Historic Preservation Division (“SHPD”), Department of Transportation (“DOT”), Department of Health (“DOH”), Commission on Water Resource Management (“CWRM”), and the U.S. Department of the Navy. OP’s response is based on the representations and documents filed by the Petitioner, including comments received by various State agencies on potential impacts to their facilities, programs, statutes and regulations applicable to these proceedings.

#### **PROPOSED MODIFICATION TO 2014 ORDER**

According to the current Motion, the original solar farm operator, SunEdison, could not obtain the necessary approvals from the Hawaii Public Utilities Commission ("PUC") for its power purchase agreement with Hawaiian Electric Company, Inc. ("HECO") and shortly afterwards they went bankrupt.

In 2018, the PUC approved HECO’s request for proposals ("RFP") for competitive bidding process for new renewable energy resources for Oahu, Maui and Hawaii Island. In September 2018, HECO awarded WSP, a wholly-owned indirect subsidiary of Clearway Energy Group LLC (Clearway) as one of the awardees for the solar farm on the Petition Area. Clearway and its affiliate, Clearway Energy, Inc, own and operate 4.1 gigawatts of renewable energy, and over 300 megawatts of distributed and community solar across 28 states. Clearway is also developing other solar projects on Oahu, including the 49 MW Kawaihoa Solar also on lands Petitioner owns.

The proposed project will be situated on about a 200-acre area within the previously approved 268-acre Phase 2, with a footprint of 185 acres. The project will be comprised of PV panels within an array, substation, transformers, overhead generation tie-line (gen-tie line), and storage systems. According to Page 8 of the Memorandum, the current proposal has the power

storage and transmission improvements within that portion of the KS property that overlies the Waiawa Shaft Zone of Contribution ("ZOC"). The utility easement area is generally within the previously approved Phase 2 area but will occupy less land area. However, the Memorandum also indicates that the project boundary is slightly different than was approved in the 2014 Order. Only a conceptual plan is provided by Petitioner.

Also, the proposed project timeframe is longer than the 2014 Order. Petitioner is requesting that the timeframe be extended from November 2049 to December 31, 2059, an extension of about 10 more years.

The solar farm will be surrounded by a 7-foot high fence with no barbed wire, with an additional fencing of 12-feet high around the substation and battery area. The PV array is similar to the array approved by the 2014 Order, with single-axis trackers that face south and follow the sun. The farm will contain approximately 110,000 to 135,000 PV panels. Pad mounted inverters will be located throughout the PV's. The inverters will connect to underground medium voltage lines that feed into the project substation that steps up to 46 kv and battery storage area. From there the solar energy will connect to an existing 46kv transmission line that runs directly west of the Project area across the gulch near the Ka Uka Boulevard exit of the H-2 Freeway, to the existing HECO lines.

The Project substation will also incorporate a battery storage within the ZOC. This will be about 1-acre in size, and the control building will be about 500-square feet. The battery storage area will be approximately 1.5-acres of land. The batteries will have a fire safety system to detect and suppress fires which does not utilize water to extinguish fires.

## **DISCUSSION AND ISSUES OF STATE CONCERN**

### **Background**

The Waiawa development as originally proposed by Gentry Pacific consists of a mix of 7,906 residential dwellings, parks, open space, two golf courses, commercial and light industrial uses. On May 17, 1988, the Commission approved the reclassification of the 1,395 acres from the State Agricultural District into the Urban District. The site was subsequently rezoned by the City and County of Honolulu in 1998 and 2003 to implement the planned community uses. In 2006, the Waiawa Ridge Development, LLC was formed as a joint venture of Gentry and A&B

Waiawa. Petitioner indicates that construction was set to begin in 2009 when the financial collapse of 2008 occurred, after which control of the Petition Area was returned to KS. According to the Petitioner, the property has been vacant and without agricultural activities since 1983.

### **2014 Order Proposed Change in Use**

The Petitioner entered into an agreement with Sun Edison to develop a utility scale solar energy facility for an interim period of up to 35 years with an operation that will carry out KS' educational mission and Strategic Agricultural Plan. The proposed solar farm was to be developed in two phases in separate areas. The initial Phase I was proposed for the production of 50 megawatts ("MW") of power on approximately 300 acres on the northwest side of the property near the Interstate H-2 Freeway. Phase II was proposed for a production of up to 65 MW of power within approximately 277 acres on the southeastern portion of the property. The operation also included a 46kv project substation and battery storage facility located close to the western side of the KS Property about 1,000 feet from the H-2 Freeway. On November 26, 2014, the LUC approved the proposed solar farm with 16 conditions of approval to be in operation, including time for permitting, construction and decommissioning, for a 35-year period.

### **Conditions of Approval Relevant to the 2014 D&O**

The Decision and Order of 2014 included 16 conditions of approval. Here are OP's summarized comments on the conditions for the current:

Condition 1: Revised Master Plan. Required that the Petitioner submit a revised Master Plan and development schedule for the entire 1,395-acre property. The Petitioner has complied with this condition by submitting the Master Plan on October 7, 2019. OP has included brief comments on this Master Plan below.

Condition 2: Access to the Waiawa Correctional Facility. Required that the solar farm operator ensure access to the Waiawa Correctional Facility during construction and installation.

Condition 3: Previously Unidentified Burials and Archaeological/Historic Sites. Required that a supplemental AIS for the entire 1,395-acre Petition Area be prepared by a qualified archaeologist, and reviewed and approved by the SHPD prior to the start of

construction. Page 22 of the Petitioner's Memorandum in Support of the Motion states that SHPD accepted the AIS by letter dated April 24, 2015 (KS Exhibit 28).

Condition 4: Aircraft Hazard. Required that if glint or glare from the photovoltaic array creates a hazard for pilots, Petitioner shall cause the solar farm operator to mitigate the hazard upon notification from the Department of Transportation (DOT) or Federal Aviation Administration (FAA).

By letter dated September 13, 2019, the DOT indicates that a Glint and Glare analysis was conducted on the recently planned single-axis tracking photovoltaic module. DOT also recommended that the Petitioner or solar farm operator obtain a determination from the FAA by submitting to the FAA, the Form 7460-1 Notice of Proposed Construction of Alteration. This determination should also be submitted to the DOT for their files. The DOT also noted that Condition 4 remains applicable to the modified solar farm proposal. See OP Exhibit 1.

DOT is also recommending that an additional requirement be placed on the Petitioner. Their comment letter notes that PV systems can emit radio frequency interference (RFI) to aviation dedicated radio signals, disrupting the reliability of air-to-ground communications. Should this occur, the owner should immediately mitigate this hazard upon notification by DOT-Airports or the FAA. See OP Exhibit 1.

Condition 5: Traffic Impacts. The DOT indicates that the construction traffic management plan shall be submitted to the DOT-HWY for review and acceptance.

Condition 6: Development Schedule. Phase I of the solar farm shall be substantially completed within five (5) years from the date of the Commission's issuance of an order approving the Motion to Amend. Phase 2 of the solar farm shall be substantially completed within ten (10) years from the date of the Commission's issuance of an Order approving the Motion to Amend.

OP notes that this condition for Phase 1 was not met. However, Petitioner has now come forward with this current Motion. Petitioner indicates that since the current proposal is that the Phase 1 portion of the solar farm will not be pursued, and that

Phase 2 is planned to be constructed by 2024, it is still within the time frame of this condition.

Condition 7: Interim Use of the Petition Area. Requires the interim use of the Petition Area to be limited to a utility-scale solar farm.

Condition 8: Timeframe of Interim Use. Requires that the timeframe for the solar farm shall not exceed 35 years from the date of this Decision and Order. The Motion addresses this condition.

Condition 9: Metes and Bounds Map and Description. Requires the Petitioner to provide a metes and bounds map. According to the Motion this was satisfied on October 15, 2015. However, we note that the proposed modification is not on the same footprint as the previously approved solar energy project for Phase 2.

Condition 10: Decommissioning of the Solar Farm. Requires decommissioning of the solar farm.

Condition 11: Compliance with Representations. Requires substantial compliance with representations made to the Commission. Petitioner indicates that the proposed modification is similar to the 2014 solar project.

Conditions 12-16: LUC standard conditions.

#### **Conditions of Approval Relevant to the Original D&O**

The Decision and Order of 1988 included ten (10) conditions of approval, with relevancy to the proposed use summarized here and discussed further in subsequent sections:

Condition 1: Required a study of potential groundwater contamination prompted by concerns of the U.S. Navy and the DOH. The study was completed which delineated a ZOC within which the Navy strongly recommended that no development be permitted. Phase II of the proposed solar farm is within the ZOC.

Condition 2: Required that any urban development within the Property be reviewed and approved by the DOH and be subject to mitigative measures.

Condition 3: Required affordable housing in conjunction with residential development – not applicable to the proposed use.

Condition 4: Required affordable housing subject to approval of County and State housing agencies – not applicable to the proposed use.

Condition 5: Required mitigation of transportation impacts as determined by the DOT.

Condition 6: Required a transportation manager to maximize transportation alternatives – not applicable to the proposed use.

Condition 7: Required an air quality monitoring program – not applicable to the proposed use.

Condition 8: Required stoppage of work upon discovery of archaeological resources during construction.

Condition 9: Required public access to the Conservation District mauka of the property.

Condition 10: Required the submittal of annual reports. Annual reports have been continually submitted by Gentry Pacific and its successor.

**Revised Master Plan Submitted October 7, 2019.**

The Petitioner has submitted a revised Master Plan for their Waiawa lands comprised of approximately 2,010 acres, which includes the 1,395-acre Petition Area. The Petitioner indicates that they plan to submit future Land Use Commission District Boundary Amendments and relevant rezoning amendments as needed to realize this Master Plan.

The Waiawa Master plan proposes about 11,109 homes and 51 agricultural farm lots within five (5) phases. An additional 476 acres is proposed for Urban reclassification and about 139 acres will remain within the State Agricultural District. Petitioner provides a conceptual description of the Master Plan components. TOD Increment Phase A, is situated closest, about one mile from the proposed Pearl Highlands rail station. This 410-acre increment will be comprised of 2,024 residential units at a density of 24 units per acre, mixed-use and neighborhood commercial, DOE elementary school, park and open space. The Petitioner anticipates further refinements to the master plan including the preparation of a Supplemental Environmental Impact Statement to address Chapter 343, Hawaii Revised Statutes, requirements.

**Comments:** By email dated October 15, 2019, the Department of the Navy has indicated that "...a Navy well is located in the Waiawa area that is planned for future development. It is vital to the Navy that [Petitioner's proposal for] future buildup of a planned Urban District reclassification and associated actions will not contaminate the well. Additionally, for areas proposed to remain within the Agricultural District, it is vital to the Navy that the use of pesticides/herbicides will not contaminate the Navy well. The Navy is dependent on the Pearl Harbor aquifer, to provide potable water for the Installation and requests to be notified in regards to future management, for the area." See OP Exhibit 2.

In general, OP supports and commends the revised Waiawa Master Plan for its higher density mixed use developments in greater proximity to the proposed Pearl Highlands rail transit station. OP recommends, however, avoiding use of the term “Transit-Oriented Development” or “TOD” in naming Phases A and B. We note the site is not within the City’s designated TOD. Furthermore, TOD typically refers to a quarter or one half-mile, 10-15 minute walking distance from a rail transit station. Clearly, the Petitioner is proposing a mixed-use development rather than a TOD community.

OP is moreso concerned with the extended and lengthy development timetable for the Waiawa Master Plan. Phase A is not expected to begin site work until 2030 which is more than 10 years from now. Given this docket was approved in 1988 and no on-site development has been undertaken since that time, the development schedule should be revised to reflect site development commencing much sooner, with at least backbone infrastructure for Phase A being completed within 10 years. See Hawaii Administrative Rules § 15-15-50 (19) regarding the scheduling of development within no more than a 10-year period.

#### **Consistency with Urban District Standards and State and County Plans**

The proposed use to modify the location to the Phase 2 area for solar farm development is reasonable and is consistent with the Urban District classification and Commission rules for Urban District standards and permissible uses under Hawaii Administrative Rules §§ 15-15-18 and 15-15-24. Unlike other proposals for utility scale solar energy facilities on Agricultural District lands, this use is fully permissible in the Urban District. Solar energy production is a clean renewable energy resource strongly supported by the State to promote energy self-sufficiency and reduce our reliance on imported fossil fuels.

#### **Key Issues of Concern to the State**

The following summarizes the concerns identified by various State agencies and includes recommendations for proposed conditions to mitigate potential impacts from the proposed Project.

#### **Groundwater and surface water resources**

In the 1988 Decision and Order, concerns were raised by the U.S. Department of the Navy regarding the potential groundwater contamination of the Waiawa water supply. The Waiawa

shaft has been identified as the primary source of potable water for general users and the military communities in the Pearl Harbor Navy and Hickam Air Force Bases. Due to the entrance of the Waiawa shaft in close proximity to the subject property along the Waiawa Stream, two conditions were imposed by the Commission in order to identify mitigation measures. Condition 1 was met, in which a 1990 research study was funded by the U.S. Navy and prepared by the University of Hawaii to identify the ZOC.

Condition 2 of the original D&O requires that any development of the property be subject to review by the DOH, and the DOH may require appropriate mitigative measures and conditions relating to the proposed development. Petitioner's Exhibit 26 A is a letter from the DOH, dated March 28, 2019 indicating that they have reviewed the solar farm proposal, and that the solar farm should have minimal or no impact on ground water. However, DOH also indicates that the ZOC is "more susceptible to contamination than traditional wells. Clearway shall install and operate the proposed solar farm within the Waiawa Shaft zone of contribution with sufficient mitigation measures that will prevent the introduction of contamination to the source water shaft. Clearway shall obtain approval of the proposed contamination mitigation measures from the owner of the Waiawa shaft and continue consultation with the SDWB." (DOH, Safe Drinking Water Branch) See Petitioner's Exhibit 26, Exhibit A.

***Mitigation recommendation:*** An additional condition should be included requiring that the Petitioner and/or the solar farm operator will implement mitigative measures to prevent the introduction of contamination to the ZOC, with the approval of the DOH and the Department of the Navy.

A letter from the Department of Land and Natural Resources, Commission on Water Resource Management, (CWRM), dated September 10, 2019, indicates that Stormwater BMP's should be utilized in order to minimize the impact to the areas existing hydrology. CWRM also indicates that Petitioner has a Ground Water Use Permit for a well that was transferred to them in November 2012. No use has been reported for this well since that time, and the permit could be revoked if no use is reported for a period of 4 or more years. See OP Exhibit 3.

#### **Historical or Archaeological Assessment**

According to the Motion, an Archaeological Inventory Survey of the entire Petition Area was conducted in March 2015, and submitted for review and approval to the State Historic

Preservation Division (SHPD). Petitioner's Exhibit 28 indicates that SHPD accepted the survey. The Petitioner's consultant also prepared and submitted an Archaeological Preservation Plan to SHPD. Petitioner's Exhibit 19 indicates that SHPD accepted the preservation plan by letter dated September 14, 2015.

***Mitigation recommendation:*** SHPD accepted Petitioner's preservation plan. Petitioner should follow the plan recommendations.

### **Transportation**

The State DOT provided comments relating to State highways and airport facilities. See OP Exhibit 1.

1. **State Airports.** The Petitioner conducted a Glint and Glare study. The DOT has indicated that Petitioner should file the appropriate documents with the FAA. The DOT also commented that PV systems can emit radio frequency interference (RFI) to aviation dedicated radio signals, disrupting the reliability of air-to-ground communications.”

***Recommended mitigation:*** OP recommends an additional condition to mitigate RFI interference. Should this occur, the facility operator must be prepared to immediately mitigate the hazard upon notification by the Department of Transportation, Airports Division (DOT-A) or the Federal Aviation Administration (FAA).

2. **State Highways.** The State DOT finds that the proposed solar farm will not adversely impact State highway facilities.

***Recommended mitigation:*** The DOT recommends that Petitioner's construction traffic management plan be submitted to DOT-HWY for review and acceptance.

## **CONCLUSION AND RECOMMENDATIONS**

OP recommends approval of the proposed modifications to the development time schedule for the solar farm and the proposed location within the Phase 2 area, subject to the following additional conditions:

1. **Waiawa Master Plan Infrastructure Deadline.** Petitioner shall complete construction of the backbone infrastructure for the proposed Waiawa Master Plan Phase A, consisting

- of the primary roadways and access points, internal roadways, on- and off-site water and electrical system improvements, and stormwater/drainage and other utility system improvements, within ten (10) years from the Commission's Order approving this Motion.
2. Aircraft Hazard. If the PV systems emit radio frequency interference (RFI) to aviation dedicated radio signals, disrupting the reliability of air-to-ground communications, the owner/operator/Petitioner shall cause the solar farm facility operator to be prepared to immediately mitigate the hazard upon notification by the DOT, Airports Division or the FAA.
  3. Traffic Impacts. Petitioner shall submit a Traffic construction management plan for review and acceptance by the Department of Transportation prior to the start of construction.
  4. Timeframe of Interim Use. The interim use of the Petition Area for the proposed solar farm, including all permitting, construction, operation, and decommissioning activities associated with the solar farm, shall not exceed December 31, 2059.
  5. Groundwater Resource Protection. Petitioner and/or the solar farm operator shall implement mitigative measures to prevent the introduction of contamination to the ZOC, with the approval of the DOH and the Department of the Navy.
  6. OP recommends the deletion of Condition 6. Development Schedule.

Based on the foregoing information and analysis, OP recommends approval of the Motion for Order Amending Findings of Facts, Conclusions of Law and Decision and Order dated May 17, 1988, subject to the conditions recommended above.

DATED: Honolulu, Hawaii, this October 21, 2019.

OFFICE OF PLANNING  
STATE OF HAWAII



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MARY ALICE EVANS  
Director

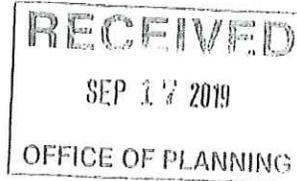
**LAND USE COMMISSION**

**DOCKET NO./PETITIONER:** A87-610 TOM GENTRY AND GENTRY-PACIFIC, LTD.  
**PARTY:** OFFICE OF PLANNING (OP)

LIST OF EXHIBITS

<b>EXHIBIT NUMBER</b>	<b>DESCRIPTION</b>	<b>PARTY: OBJECTIONS</b>	<b>ADMIT</b>
1	State Department of Transportation letter dated September 13, 2019		
2	Department of Navy email dated October 15, 2019		
3	Department of Land and Natural Resources, Commission on Water Resources letter to DLNR Land Division dated September 10, 2019		

DAVID Y. IGE  
GOVERNOR



JADE T. BUTAY  
DIRECTOR

Deputy Directors  
LYNN A.S. ARAKI-REGAN  
DEREK J. CHOW  
ROSS M. HIGASHI  
EDWIN H. SNIFFEN

STATE OF HAWAII  
DEPARTMENT OF TRANSPORTATION  
869 PUNCHBOWL STREET  
HONOLULU, HAWAII 96813-5097

IN REPLY REFER TO:  
DIR 0847  
STP 8.2748

September 13, 2019

TO: MARY ALICE EVANS, DIRECTOR  
OFFICE OF PLANNING

FROM: JADE T. BUTAY  
DIRECTOR OF TRANSPORTATION

A handwritten signature in black ink, appearing to read "Jade T. Butay".

SUBJECT: A87-610 TOM GENTRY AND GENTRY-PACIFIC, LTD  
MOTION FOR MODIFICATION AND TIME EXTENSION  
WAIAWA, OAHU, HAWAII  
TMK: (1) 9-4-006: POR. 026; 9-6-004: POR. 001, POR. 016; 9-6-005: POR. 001,  
POR. 007, POR. 014

The Department of Transportation (DOT) has reviewed the subject Motion for Modification and Time Extension. DOT has no objection to the subject Motion but offers the following comments.

Airports Division (DOT-AIR)

1. DOT-AIR acknowledges that a 2019 Glint and Glare analysis has been conducted on the recently planned single-axis tracking photovoltaic (PV) module. DOT-AIR recommends the submittal of a Federal Aviation Administration (FAA) Form 7460-1 Notice of Proposed Construction of Alteration with the new 2019 Glint and Glare Analysis. The form for submittal can be found at the following website: <https://oaaaa.faa.gov/external/portal.jsp>. When you have received the FAA determination from your submittal of FAA Form 7460-1, please provide us with a copy for our files.
2. Condition No. 4 Aircraft Hazard of the 2014 Decision and Order remains applicable: "If glint of glare from the photovoltaic array creates a hazardous condition for pilots, Petitioner shall cause the solar farm facility operator to be prepared to immediately mitigate the hazard upon notification by the DOT, Airports Division of the FAA."
3. PV systems have also been known to emit radio frequency interference (RFI) to aviation dedicated radio signals, disrupting the reliability of air-to-ground communications. Again, the owner of the PV system shall be prepared to immediately mitigate the RFI hazard upon notification by DOT-AIR and/or the FAA.

MARY ALICE EVANS, DIRECTOR  
September 13, 2019  
Page 2

STP 8.2748

Highways Division (DOT-HWY)

1. The proposed solar farm project is not anticipated to have a significant impact to our State highways.
2. The project's construction traffic management plan shall be submitted to DOT-HWY for review and acceptance.

If there are any questions, please contact Mr. Blayne Nikaido of the DOT Statewide Transportation Planning Office at (808) 831-7979 or via email at [blayne.h.nikaido@hawaii.gov](mailto:blayne.h.nikaido@hawaii.gov).

## Maki, Lorene K

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**From:** Kim, Susan S CIV USN NAVFAC HAWAII PEARL (US) <susan.kim@navy.mil>  
**Sent:** Tuesday, October 15, 2019 4:15 PM  
**To:** Maki, Lorene K; Muraoka, John T CIV USN NAVFAC HAWAII PEARL (USA); Wachi, Shereen S CIV USN NAVFAC HAWAII PEARL (USA); Mitchell, Jeremy W CIV USN NAVFAC HAWAII PEARL (USA); Lucero, Bernard M CIV USN (USA); Matsuda, Reid M CIV USN (USA); Brown, Nicholas C LCDR USN NFEXWC PHE CA (USA)  
**Cc:** Apuna, Dawn T; Bernardino-Mun, Briana  
**Subject:** RE: A87-610 Gentry Waiawa KS Master Plan

Aloha Lorene,

Thank you for your patience. The Navy is committed to working with its Neighbors to provide smart and compatible growth, near Navy owned facilities and Property. We have reviewed the Mater Plan and provide the following comments:

A Navy well is located in the Waiawa area that is planned for future development by Kamehameha Schools (KS). It is vital to the Navy that KS' proposed action of future buildup of a planned Urban District reclassification and associated actions will not contaminate the well. Additionally, for areas proposed to remain in the Agricultural District, it is vital to the Navy that use of pesticides/herbicides will not contaminate the Navy well. The Navy is dependent on the Pearl Harbor aquifer, to provide potable water for the Installation and requests to be notified in regards to future management, for the area.

The Navy appreciates the opportunity to comment on the project and may provide additional comments for the project's future Environmental Impact Statement.

V/R,

Susie Kim  
Community Planning Liaison Officer (CPLO)  
Joint Base Pearl Harbor-Hickam Encroachment Management Program

Mailing Address:  
NAVFAC Hawaii, PRJ12 Public Works  
400 Marshall Road  
Joint Base Pearl Harbor-Hickam, Hawaii 96860-3139  
(808) 449-3117

**From:** Kim, Susan S CIV USN NAVFAC HAWAII PEARL (US)  
**Sent:** Friday, October 11, 2019 2:23 PM  
**To:** 'Maki, Lorene K' <lorene.k.maki@hawaii.gov>; Muraoka, John T CIV USN NAVFAC HAWAII PEARL (USA) <john.muraoka@navy.mil>; Wachi, Shereen S CIV USN NAVFAC HAWAII PEARL (USA) <shereen.wachi@navy.mil>; Mitchell, Jeremy W CIV USN NAVFAC HAWAII PEARL (USA) <jeremy.w.mitchell@navy.mil>; Lucero, Bernard M CIV USN (USA) <bernard.lucero@navy.mil>; Matsuda, Reid M CIV USN (USA) <reid.matsuda@navy.mil>

DAVID Y. IGE  
GOVERNOR OF HAWAII



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M. KALEO MANUEL  
DEPUTY DIRECTOR

STATE OF HAWAII  
DEPARTMENT OF LAND AND NATURAL RESOURCES  
COMMISSION ON WATER RESOURCE MANAGEMENT  
P.O. BOX 621  
HONOLULU, HAWAII 96809

September 10, 2019

REF: RFD.3983.3

TO: Mr. Russell Tsuji, Administrator  
Land Division

FROM: M. Kaleo Manuel, Deputy Director *M. Manuel*  
Commission on Water Resource Management

SUBJECT: Motion for Modification and Time Extension: Land Use Commission docket No. A87-610, Tom Gentry and Gentry-Pacific, LTD

FILE NO.: RFD.3983.3  
TMK NO.: (1) 9-4-006: Por. 026; 9-6-004: Por. 001, and Por. 016; 9-6-005: Por. 001, Por. 007 (por.) & Por. 014

Thank you for the opportunity to review the subject document. The Commission on Water Resource Management (CWRM) is the agency responsible for administering the State Water Code (Code). Under the Code, all waters of the State are held in trust for the benefit of the citizens of the State, therefore all water use is subject to legally protected water rights. CWRM strongly promotes the efficient use of Hawaii's water resources through conservation measures and appropriate resource management. For more information, please refer to the State Water Code, Chapter 174C, Hawaii Revised Statutes, and Hawaii Administrative Rules, Chapters 13-167 to 13-171. These documents are available via the Internet at <http://dlnr.hawaii.gov/cwrm>.

Our comments related to water resources are checked off below.

1. We recommend coordination with the county to incorporate this project into the county's Water Use and Development Plan. Please contact the respective Planning Department and/or Department of Water Supply for further information.
2. We recommend coordination with the Engineering Division of the State Department of Land and Natural Resources to incorporate this project into the State Water Projects Plan.
3. We recommend coordination with the Hawaii Department of Agriculture (HDOA) to incorporate the reclassification of agricultural zoned land and the redistribution of agricultural resources into the State's Agricultural Water Use and Development Plan (AWUDP). Please contact the HDOA for more information.
4. We recommend that water efficient fixtures be installed and water efficient practices implemented throughout the development to reduce the increased demand on the area's freshwater resources. Reducing the water usage of a home or building may earn credit towards Leadership in Energy and Environmental Design (LEED) certification. More information on LEED certification is available at <http://www.usgbc.org/leed>. A listing of fixtures certified by the EAP as having high water efficiency can be found at <http://www.epa.gov/watersense>.
5. We recommend the use of best management practices (BMP) for stormwater management to minimize the impact of the project to the existing area's hydrology while maintaining on-site infiltration and preventing polluted runoff from storm events. Stormwater management BMPs may earn credit toward LEED certification. More information on stormwater BMPs can be found at <http://planning.hawaii.gov/czm/initiatives/low-impact-development/>
6. We recommend the use of alternative water sources, wherever practicable.
7. We recommend participating in the Hawaii Green Business Program, that assists and recognizes businesses that strive to operate in an environmentally and socially responsible manner. The program description can be found online at <http://energy.hawaii.gov/green-business-program>.

Mr. Russell Tsuji  
Page 2  
September 10, 2019

- 8. We recommend adopting landscape irrigation conservation best management practices endorsed by the Landscape Industry Council of Hawaii. These practices can be found online at [http://www.hawailscape.com/wp-content/uploads/2013/04/LICH\\_Irrigation\\_Conservation\\_BMPs.pdf](http://www.hawailscape.com/wp-content/uploads/2013/04/LICH_Irrigation_Conservation_BMPs.pdf).
- 9. There may be the potential for ground or surface water degradation/contamination and recommend that approvals for this project be conditioned upon a review by the State Department of Health and the developer's acceptance of any resulting requirements related to water quality.
- 10. The proposed water supply source for the project is located in a designated water management area, and a Water Use Permit is required prior to use of water. The Water Use Permit may be conditioned on the requirement to use dual line water supply systems for new industrial and commercial developments.
- 11. A Well Construction Permit(s) is (are) are required before the commencement of any well construction work.
- 12. A Pump Installation Permit(s) is (are) required before ground water is developed as a source of supply for the project.
- 13. There is (are) well(s) located on or adjacent to this project. If wells are not planned to be used and will be affected by any new construction, they must be properly abandoned and sealed. A permit for well abandonment must be obtained.
- 14. Ground-water withdrawals from this project may affect streamflows, which may require an instream flow standard amendment.
- 15. A Stream Channel Alteration Permit(s) is (are) required before any alteration can be made to the bed and/or banks of a stream channel.
- 16. A Stream Diversion Works Permit(s) is (are) required before any stream diversion works is constructed or altered.
- 17. A Petition to Amend the Interim Instream Flow Standard is required for any new or expanded diversion(s) of surface water.
- 18. The planned source of water for this project has not been identified in this report. Therefore, we cannot determine what permits or petitions are required from our office, or whether there are potential impacts to water resources.
- OTHER: Ground Water Use Permit 966 for 0.300 mgd from Waiawa 575ft-2 Well (3-2659-004) transferred to KS in November 2012 was originally approved for several of these TMKs back in 1993 and recently approved for dust control. However, no use has been reported from this well since its construction in 1995. Document should explain how the project affects the water use permit and provide modifications to GWUP 966 if needed or not. Non-use of a water use permit for 4 or more continuous years or changes in land use without GWUP modifications is subject to revocation.

If you have any questions, please contact Lenore Ohye of the Planning Branch at 587-0216 or W. Roy Hardy of the Regulation Branch at 587-0225.

BEFORE THE LAND USE COMMISSION  
OF THE STATE OF HAWAII

In the Matter of the Petition of	)	DOCKET NO. A87-610
	)	
TOM GENTRY AND GENTRY-PACIFIC, LTD.	)	OFFICE OF PLANNING'S RESPONSE TO TRUSTEES OF THE ESTATE OF BERNICE PAUAHI BISHOP, DBA KAMEHAMEHA SCHOOLS, MOTION FOR MODIFICATION AND TIME EXTENSION; AND CERTIFICATE OF SERVICE
To Amend the Agricultural Land Use District Boundary into the Urban Land Use District of Approximately 1,395 Acres of Land at Waiawa, Ewa, Island of O'ahu, Hawaii, Tax Map Key Nos: (1) 9-4-006: por. of 026; 9-6-004: por. of 001 and 016; and 9-6-005: por. of 007 and 014	)	
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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing was served upon the following by either hand delivery or depositing the same in the U.S. Postal Service by regular mail.

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DATED: Honolulu, Hawaii, October 21, 2019.

OFFICE OF PLANNING  
STATE OF HAWAII



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MARY ALICE EVANS  
Director