

DEPARTMENT OF PLANNING AND PERMITTING  
**CITY AND COUNTY OF HONOLULU**

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February 3, 2022

Mr. Daniel E. Orodener  
Executive Director  
Land Use Commission  
P.O. Box 2359  
Honolulu, Hawaii 96804-2359

2022 FEB 10 P 3:26  
LAND USE COMMISSION  
STATE OF HAWAII

**SUBJECT:** Docket No. A87-610, In the Matter of the Petition of Tom Gentry and Gentry-Pacific, Ltd., Response to Successor Petitioner (As To Phase 1 Site) Trustees of the Estate of Bernice Pauahi Bishop, DBA Kamehameha Schools (Petitioner), Motion for Modification, Time Extension, and Release and Modification of Conditions filed with the Land Use Commission (LUC) on December 10, 2021

Dear Mr. Orodener:

The Department of Planning and Permitting (DPP) notes that in the above-referenced motion, the Petitioner requests to modify the 2014 Order:

- 1) To allow the interim use of Parcel A for the proposed solar farm, including any and all permitting, construction, operation, and decommissioning activities associated with the solar farm, to not exceed December 31, 2044;
- 2) To allow the interim use of Parcel B for the proposed solar farm, including any and all permitting, construction, operation, and decommissioning activities associated with the solar farm, to not exceed December 31, 2054; and
- 3) To release two conditions that have been fully satisfied and modify eight conditions to reflect updated information.

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The DPP has no objections to the above requests except for the proposed modification to Condition No. 10, which inserts the following language, "*Provided that if the HRS chapter 343 environmental review process is completed for the entire Petition Area, no separate or additional environmental review shall be required under this condition following the decommissioning of the solar farms.*" Any future use of the Petition Area, including future uses of the solar farm sites following the decommissioning of the solar farms, could potentially warrant a supplemental environmental impact statement, pursuant to Hawaii Administrative Rules (HAR), Chapter 11-200.1-30. Specifically, this section of the HAR states that, "*a supplemental EIS shall be warranted when the scope of an action has been substantially increased, when the intensity of environmental impacts will be increased, when the mitigating measures originally planned will not be implemented, or where new circumstances or evidence have brought to light different or likely increased environmental impacts not previously dealt with.*"

Since the Waiawa Master Plan includes five phases extending to 2076, and is notably conceptual at this point, there is a high probability that supplemental environmental review would be required. The added language to Condition No. 10 creates a huge loophole to avoid environmental disclosure. Furthermore, the benefit to the public following the disclosure and necessary mitigation of identified impacts would be lost if the request to dispense with an environmental review is granted.

Should you have any questions, please contact Dina Wong, of our staff, via email at [dwong6@honolulu.gov](mailto:dwong6@honolulu.gov) or at (808) 768-8053.

Very truly yours,



Dean Uchida  
Director

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