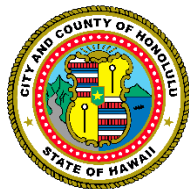


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May 16, 2022



VIA EMAIL ([daniel.e.ordenker@hawaii.gov](mailto:daniel.e.ordenker@hawaii.gov))

Mr. Daniel E. Orodener, Executive Officer  
State of Hawai'i Land Use Commission  
State Office Tower  
Leiopapa A Kamehameha  
235 South Beretania Street, Room 406  
Honolulu, Hawai'i 96813

Re: Docket No. A87-610, Kamehameha Schools Motion for Modification, Time Extension, and Release and Modification of Conditions, filed with the Land Use Commission on December 10, 2021.

Dear Mr. Orodener:

During the April 14, 2022 Land Use Commission ("LUC") hearing, Chair Scheuer requested that the City and County of Honolulu Department of Planning and Permitting ("DPP") submit in writing its proposed revisions to Conditions 10 and 11 of Successor Petitioner Kamehameha Schools and the State of Hawai'i Office of Planning and Sustainable Development's Stipulated Proposed Conditions of Approval, filed on February 25, 2022 with the LUC. The DPP would appreciate the addition of the below revisions to the two stipulated conditions.

**Condition 10, Paragraph 1**

Stipulated language:

10. Decommissioning of the Solar Farm. Both portions of the solar farm (Parcel A and Parcel B) shall be decommissioned following their respective operational timeframes. The decommissioning activities shall include, but not be limited to, the complete removal of the foundational piers and modules and all associated components. The decommissioning shall be in accordance with all laws and

rules in effect at the time, potentially including the Department of Health Hawaii Administrative Rules Chapter 11-273.1. Any future use of the Petition Area, including future uses of the solar farm sites following the decommissioning of the solar farms, shall be subject to the environmental review process promulgated under HRS chapter 343, as applicable. 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.

The DPP's proposed language:

10. Decommissioning of the Solar Farm. Both portions of the solar farm (Parcel A and Parcel B) shall be decommissioned following their respective operational timeframes. The decommissioning activities shall include, but not be limited to, the complete removal of the foundational piers and modules and all associated components. The decommissioning shall be in accordance with all laws and rules in effect at the time, potentially including the Department of Health Hawaii Administrative Rules Chapter 11-273.1. Any future use of the Petition Area, including future uses of the solar farm sites following the decommissioning of the solar farms, shall be subject to the environmental review process promulgated under HRS [Chapter 343](#) and Hawaii Administrative Rules, Chapter 11-200.1, as applicable. ~~Provided that if~~ 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, unless the proposed action for which an Environmental Impact Statement was accepted has been modified to the extent that new or different environmental impacts are anticipated, pursuant to Hawaii Administrative Rules Chapter 11-200.1-30. Furthermore, if different or likely increased environmental impacts not previously addressed are anticipated, including those resulting from the passage of time, a supplemental Environmental Impact Statement shall be required.

### **Condition 11(a)**

Stipulated language:

11. Wildlife Protection. The Petitioner shall cause the Phase 1 solar farm operator to implement the following measures regarding landscaping vegetation and the protection of endangered Hawaiian hoary bat, Hawaiian short-eared owl, and endangered and threatened Hawaiian water bird and shorebird species at the Phase 1 Site:

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- a. If landscaping is installed as part of the solar farm project, non-invasive plants and native plant species shall be utilized to the maximum extent practicable.

The DPP's proposed language:

11. Wildlife Protection. The Petitioner shall cause the Phase 1 solar farm operator to implement the following measures regarding landscaping vegetation and the protection of endangered Hawaiian hoary bat, Hawaiian short-eared owl, and endangered and threatened Hawaiian water bird and shorebird species at the Phase 1 Site:

- a. If landscaping is installed as part of the solar farm project, non-invasive plants and native plant species shall be utilized to the maximum extent practicable, and a landscape plan describing the non-invasive plants and native plant species to be utilized shall be submitted to the Department of Planning and Permitting for approval prior to the issuance of any grading permit.

DPP believes that these additions would clarify the two stipulated proposed conditions, and would provide the reviewing authority for Condition 11(a).

Thank you for your time. Should you have any questions concerning the foregoing, please contact the undersigned at [brianna.weaver@honolulu.gov](mailto:brianna.weaver@honolulu.gov).

BRIANNA L. WEAVER  
Deputy Corporation Counsel

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