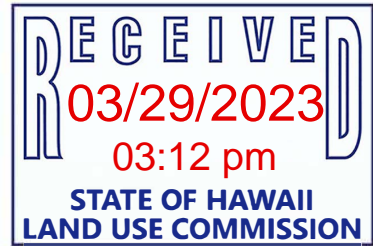
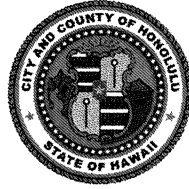


Authorization: Dawn
Takeuchi Apuna,
Director Designate
Advertisement: Dec. 12,
2022
Public Hearing: Jan. 11,
2023

DEPARTMENT OF PLANNING AND PERMITTING
CITY AND COUNTY OF HONOLULU
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RICK BLANGIARDI
MAYOR




DAWN TAKEUCHI APUNA
DIRECTOR DESIGNATE

December 9, 2022

2022/SUP-3(TB)

MEMORANDUM

TO: Brian Lee, Chair
and Members of the Planning Commission

FROM: Dawn Takeuchi Apuna, Director Designate 
Department of Planning and Permitting

SUBJECT: Special Use Permit (SUP) – Waiawa Correctional Facility
94-670 Kamehameha Highway, Waipahu, Oahu
Tax Map Key 9-6-005: Portion of 011

2022 DEC -9 PM 1:40
CITY & COUNTY OF HONOLULU

Transmitted for appropriate action is our report and recommendation for conditional approval of the SUP application for the Waiawa Correctional Facility (WCF) to bring it into compliance with State Land Use Law, Chapter 205, Hawaii Revised Statutes.

In addition to standard conditions of SUP approval, the Director also recommends the Petitioner:

- Apply for Planned Review Use approval;
- Consult with the Department of Land and Natural Resources regarding water usage by the WCF;
- Provide an outdoor lighting plan;
- Consult with local kupuna and cultural practitioners regarding traditional and customary native Hawaiian rights in the vicinity of the WCF; and
- Maintain agricultural uses and productivity at the WCF.

As the Petition exceeds the 15-acre threshold, a favorable decision by the Planning Commission will require Land Use Commission review.

Enclosure

cc: State Department of Accounting and General Services
State Land Use Commission

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

STATE OF HAWAII

IN THE MATTER OF THE APPLICATION)
)
 OF)
)
 STATE OF HAWAII)
 DEPARTMENT OF ACCOUNTING)
 AND GENERAL SERVICES)
)
 FOR A STATE SPECIAL USE PERMIT)
)

FILE NO. 2022/SUP-3

**FINDINGS OF FACT, ANALYSIS,
CONCLUSIONS OF LAW, AND RECOMMENDATION**

I. APPLICATION

A. Basic Information.

PETITIONER	:	State of Hawaii, Department of Accounting and General Services (DAGS)
OWNER	:	State of Hawaii, Department of Public Safety by Governor's Executive Order No. 3414
AGENT	:	SSFM International, Inc.
LOCATION	:	94-670 Kamehameha Highway, Waipahu, Oahu (Exhibit 1, Figure 1)
TAX MAP KEY (TMK)	:	(1) 9-6-005: 011 (Portion)
AREA OF SPECIAL USE PERMIT PETITION AREA	:	Approximately 23.7 acres
RECORDATION	:	Land Court System
STATE LAND USE DISTRICT	:	Agricultural District (Exhibit 1, Figure 2)
CENTRAL OAHU SUSTAINABLE COMMUNITIES PLAN	:	Outside of the Community Growth Boundary Designated for agriculture and preservation uses on Map A-2: Urban Land Use Map and

Map A-3: Public Facilities Map
(Exhibit 1, Figure 7)

EXISTING ZONING	:	F-1 Federal and Military Preservation (Exhibit 1, Figure 3)
EXISTING USES	:	Minimum security correctional facility including working farm for inmates (Exhibit 1, Figure 4)
LAND STUDY BUREAU RATING	:	Productivity Ratings A, B, C, and E (Exhibit 1, Figure 5)
SURROUNDING LAND USES	:	Forest and uncultivated agricultural lands
PUBLIC INFRASTRUCTURE MAP (PIM)	:	No PIM symbol in the proximity of Petition Area

- B. Proposal. The State of Hawaii, DAGS is applying for an after-the-fact State Special Use Permit (SUP) to bring the existing Waiawa Correctional Facility (WCF) into compliance with respect to State Land Use Law, Chapter 205, Hawaii Revised Statutes (HRS). According to the application, there are no plans for an expansion of facilities or intensification of use.

The WCF site is located within the State Land Use Agricultural District (SLUAD), Exhibit 1, Figure 2. The WCF is zoned F-1 Military and Federal Preservation District (Exhibit 1, Figure 3) which was consistent with its prior use as a military reservation under federal jurisdiction. For its current use, prisons and correctional facilities are not classified as permissible uses within the SLUAD, therefore, a SUP is sought since it is regarded as an unusual but reasonable use in the SLUAD. The proposed SUP Petition Area is approximately 23.7 acres and is within a portion of TMK parcel 9-6-005: 011. The areas outside of the Petition Area consists of permissible uses within the SLUAD, thus they are not included in the SUP Petition Area.

- C. Background. The federal government originally acquired the land in the 1940s, for a military reservation communications center (Waiawa Military Reservation) under the Army Command and Administrative Network. Prior to that, the lands were used for active pineapple and sugarcane cultivation. The State of Hawaii, Public Safety Department (PSD), converted the former military communications center into a 120-bed minimum security correctional facility after the State acquired the site in 1985 from the federal government.
- D. Existing Facilities. The WCF has 40 existing buildings and structures (Exhibit 1, Figure 4). All of the structures, except those dedicated to agricultural pursuits and the recreation center (WCF-A1, WCF-AF, WCF-AS, and WCF-R) are included in the Petition Area. The following is a brief description of each existing building and structure.
- Building WCF-01: Original military structure that served as a Commanding Officer's Quarters. It was converted in 1985 to an Administration Building, and then renovated in 1997 to serve as a 20-bed residential facility. Inmates were

transferred out of this facility into other housing units, and the building was converted to an office space. It is currently being used by the Hawaii Correctional Industries Office.

- Buildings WCF-04, WCF-5, and WCF-06: Original two-story military buildings that were used for Dependent Housing. It was converted around 1985-1986 into dormitories. The building is currently being used as inmate housing for the general population, and it has a maximum capacity of 44, 43, and 43 inmates, respectively.
- Buildings WCF-07 and WCF-8: Former tent structures with toilets and showers that were erected in 1996 and 1997. In 2009, two prefabricated temporary program structures replaced the tent structures, and utilized the existing concrete building pads that served the former tents. The structures also contained mobile restrooms and a storage unit.
- Buildings WCF-09 and WCF-10: Two, 100-bed buildings that comprise the KASHBOX (Knowledge, Attitude, Skills, Habits, Behaviors, Opinions, and X - for unknown factors) compound. These were built in 1997. Each building contains sleeping areas, restrooms and showers, and two (2) day rooms and support areas.
- Building WCF-A: Administration building that was built in 1995.
- Buildings WCF-A1, WCF-AF, and WCF-AS: Various storage buildings used to store agriculture and aquaponics supplies and equipment built between 1985 -1996. They are outside the proposed SUP Petition Area.
- Building WCF-B: Operations building built in 1989.
- Building WCF-C: Original three-story military building that was used as an Enlisted Men's Barracks. It was converted in 1987 to become a 28-bed dormitory, Central Control Facility, Commissary, and an Intake Area. The building contains a holding unit, which can hold up to four inmates.
- Building WCF-CH: Chapel building that was built in 1988.
- Building WCF-CP: Carport structure. Year built is unknown.
- Building WCF-E: Education building that contains a library, which was built in 1988.
- Buildings WCF-F and WCF-FS: Inmate dining facility that contains a food service kitchen, which was built in 1987. The food service storage structure was built in 1987.
- Buildings WCF-G, WCF-G2, WCF-G3, and WCF-GA: Guard shack at the front gate, which was built in 1986 as well as gatehouse storage shed, visitor check-in office, and administration building that supports the guard shack.

- Building WCF-I: Open structure that serves as the auto and landscape shop, including an adjoining tool room.
- Building WCF-K: KASHBOX compound that contains seven office buildings used by staff, which were built in 1997.
- Building WCF-M: Medical services building that was built in 1987.
- Building WCF-P: Program building used to support the KASHBOX Compound. The year built is unknown.
- Buildings WCF-P1, WCF-P2, WCF-P6, and WCF-P7: Pump Stations constructed in 1998.
- Building WCF-PA: Pavilion and multipurpose area built in 1988.
- Building WCF-R: Recreational center structure built in 1988 that is adjacent to a basketball court and a baseball field. The recreation center is outside of the proposed SUP Petition Area.
- Building WCF-S1: Fuel storage structure.
- Buildings WCF-V1 and WCF-V2: Visiting Areas 1 and 2 for visitors of inmates in the KASHBOX program. Built in 1997.
- Buildings V1, V2, V3, and V4: The military developed four splinter proof concrete communication structures constructed around 1944. They are currently not in use by the WCF's operations.

Infrastructure facilities included in the Petition area includes a wastewater treatment plant (WWTP) and a disinfection basin near the entry gate, that currently services three ponds. Wastewater that is generated at the WCF is delivered to the WWTP, where it then flows by gravity into Pond A for nutrient removal. Water from Pond A is chlorinated in a disinfection basin, where it then flows into Pond B. The water in Pond B is classified as R-2 quality treated effluent.

The WCF also contains other infrastructure facilities that are abandoned. In addition to the concrete communication structures (Buildings V1, V2, V3, and V4), the military also constructed a supporting underground, reinforced concrete tunnel system that once housed five electrical transformers and other electronic equipment. The entrance to the tunnel is hidden by dense vegetation south of WCF-A, and runs up north past buildings WCF-S1 and WCF-CP. The tunnel is currently closed off and there are no plans for PSD to use the tunnel in the future.

Further mauka, outside of the proposed Petition Area, is a 0.5-million-gallon water tank. This water tank stores treated water for potable use at the WCF. The water is pumped from the Waiahole Ditch, which crosses the Petition Area. The water tank is currently in use and is proposed to be replaced by a 0.75-million-gallon water tank under the DAGS Job No. 12-27-5657 New Domestic Water System and Related Improvements project.

Since many buildings and structures were constructed by the military in the 1940's, an Architectural Reconnaissance Level Survey (RLS) was prepared by Fung Associates, Inc. in 2019 to inventory and identify any potential historic properties for listing under the State Register of Historic Places and National Register of Historic Places. The RLS was submitted to the State Historic Preservation Division (SHPD) for review under HRS, Chapter 6E-08. In a letter dated December 11, 2019, the SHPD concurred with the DAGS determination of "no historic properties affected" since no WCF activities affect any existing sites that have been found to retain historic integrity.

Out of the 40 existing buildings and structures, three (3) buildings and four (4) structures were found to be existing remnants of the Waiawa Military Reservation and have retained their historic integrity.

- Buildings WCF-04, WCF-05 and WCF-06: These buildings have retained their integrity of design, workmanship, material, setting, feeling, location, and association, and appear to meet Criterion C as examples of the modern, international building style in Hawaii in the 1950s.
- Buildings V1, V2, V3, and V4: These telecommunication huts have retained their integrity of design, workmanship, material, setting, feeling, location, and association, and appear to meet Criterion A associated at the local level with military history and installation construction in Hawaii.

Chapter 205, HRS, Land Use Commission (LUC) was adopted in 1961 and the LUC "Rules of Practice and Procedures", the predecessor to Hawaii Administrative Rules (HAR), Title 15, Chapter 15, was adopted in 1962. Thus, some of the buildings in the correctional facility were established and operating prior to the adoption of Chapter 205, HRS.

As noted, many of the buildings were built many years ago and through a records check, building permits for their construction were not found. Table 1, contains a summary of the buildings and the building permit status of each building at the WCF.

TABLE 1 – BUILDINGS AND FACILITIES, SIZE, PERMIT STATUS, AND YEAR

Facility	Existing Use	Area (sf)	Building Permit #	Year Added
WCF-01	Office	3905	None on file	1940s
WCF-04	Housing for 44	3849	None on file	1950s
WCF-05	Housing for 43	4284	None on file	1950s
WCF-06	Housing for 43	3998	None on file	1950s
WCF-07	Tent/Prefab. Structure	3200	648142, 648143,	2009
WCF-08	Tent/Prefab. Structure		648500, 648501	2009
WCF-09	Building 9	8404	411812	1997
WCF-10	Building 10			1997
WCF-A	Admin. Bldg.	4919	None on file	1995
WCF-A1	Ag. Storage	695	None on file	1985-1996
WCF-AF	Aqua Farm Storage	1232	None on file	1997
WCF-AS	Ag. Storage	331	None on file	1997
WCF-B	Operations	1529	None on file	1989
WCF-C	Control & Support	3770	None on file	1950s

TABLE 1 – BUILDINGS AND FACILITIES, SIZE, PERMIT STATUS, AND YEAR (Cont.)				
Facility	Existing Use	Area (sf)	Building Permit #	Year Added
WCF-CH	Chapel	2376	None on file	1988
WCF-CP	Carport	3406	None on file	Unknown
WCF-E	Education / Library	6613	753209	1988
WCF-F	Inmate Dining Fac.	7212	799524	1987
WCF-FS	Food Service Storage	306	None on file	1987
WCF-G	Guard Shack	443	None on file	1986
WCF-G2	Gatehouse Storage	96	None on file	Unknown
WCF-G3	Visitor Check-in Office		None on file	Unknown
WCF-GA	Guard Shack Admin.	3480	845937	1997
WCF-I	Auto/Landscape Shop and Tool Room	790	844227	Unknown
WCF-K	KASHBOX Compound	2071	411812	1997
WCF-M	Medical Services	2465	None on file	1987
WCF-P	Program	4333	None on file	Unknown
WCF-P1	Pump Station 1		None on file	1998
WCF-P2	Pump Station 2		None on file	1998
WCF-P6	Pump Station 6		A2018-07-0106	2022
WCF-P7	Pump Station 7		359249	1998
WCF-PA	Pavilion & Multi-Purpose Center	3498	None on file	1988
WCF-R	Recreation Center	993	None on file	1988
WCF-S1	Fuel Storage	981	None on file	Unknown
WCF-V1	KASHBOX – Visiting 1	1272	None on file	1997
WCF-V2	KASHBOX – Visiting 2	1272	None on file	1997
WWTP	Wastewater Treatment		359249	1998
V1	Conc. Comm. Structure		None on file	1944
V2	Conc. Comm. Structure		None on file	1944
V3	Conc. Comm. Structure		None on file	1944
V4	Conc. Comm. Structure		None on file	1944

*Shaded facilities are located outside of the Petition Area

- E. Existing Operations. The WCF is an all-male facility that has on average a combined total of approximately 420 inmates and staff on-site. The facility is designed for a maximum capacity of 334 inmates and 118 staff, for a total of 452 persons on-site. The WCF experiences a fluctuation in its inmate population as they are constantly being transferred in and out of the facility due to the nature of the minimum-security correctional system. The number of staff also fluctuates due to the various shifts and availability of staff to support the correctional facilities on the island. The WCF is in operation 24 hours a day, 7 days a week, and 365 days a year.

At the WCF, the inmates are sectioned into two groups; the KASHBOX population and the general population. The KASHBOX population are those who are participating in the KASHBOX program, which is an intensive substance abuse treatment program for inmates with substance abuse problems. The general population consists of the

remainder of inmates. Visitors are only allowed one (1), one-hour visit per weekend on Saturday or Sunday. The maximum number of visitors in a group are three (3) adults. If the visitors consist of documented parents (through proof of birth certificate) of the inmate then they are considered as one (1) visitor, and two (2) additional adult visitors are allowed. Visitors are required to have visitation approval prior to entry. The hours of visitation for the KASHBOX population are from 7:45 AM to 9:45 AM (last entrance at 9:15 AM), and the hours for the general population are from 11:30 AM to 1:30 PM (last entrance at 1:00 PM).

The objective of the WCF is to provide an environment conducive to the success of inmates re-entering the community after finishing their sentence. Inmates are required to participate in either education or substance abuse treatment programs and are also able to participate in the work programs offered on-site. The WCF has a Community Service workline, but participation is subject to the inmates' sentence and demonstrated behavior.

Through the educational programs offered at the WCF, inmates are able to earn their General Education Degree and also work towards an Associate of Arts Degree. Other educational programs offered include adult basic education, life skills, restorative justice, interactive parenting skills, tutor practicum training, communication, keyboarding, test strategies, introduction to information technology, health management, forklift certification, choir, makahiki, and Toastmasters.

The KASHBOX substance abuse treatment program was established at the WCF in 1990. The program utilizes a holistic approach to treat inmates through a change in lifestyle by monitoring and reinforcing changes in attitude, emotions and conduct.

The work programs offered include food service, building maintenance, farming, landscaping, automotive, educational tutoring, store assistance, and janitorial worklines. Food service worklines are responsible for prepping, cooking, and serving every meal at the facility. They also wash the dishes and clean the dining room and kitchen. The building maintenance workline is responsible for the upkeep of all buildings and structures around the facility. This includes any electrical, carpentry, masonry, welding, and plumbing work that is needed. The farming workline works on the eight-acre on-site farm facility (outside of the proposed SUP Petition Area) and upkeeps the hydroponics and aquaponics plants.

The farming workline cultivates and harvests approximately 2,000 to 3,000 pounds of produce per week. Some of the produce harvested from the property includes the following: lettuce, eggplant, squash, pineapple, beets, green onions, kale, bok choy, choy sum, taro, tomatoes, mango, lemons, banana, strawberry, beans, mizuna, radish, spinach, sweet potato, bell peppers, corn, and various herbs. According to the SUP application, the harvested produce is used in the facility's meals and shared with the Women's Correctional Facility, the Oahu Community Correctional Center, and the Halawa Correctional Facility.

An additional 16-acre agricultural plot on a separate parcel outside the Petition Area (TMK 9-6-005: 012) is used to grow a variety of trees, including albizia, eucalyptus, mango, mulberry, citrus, guava koa, ironwood, and pine. The pine trees are cultivated for the Department of Land and Natural Resources' (DLNR) Christmas decorations at Honolulu Hale during the holiday season.

The WCF also utilizes aquaponics to grow some of their produce, in addition to the sunfish tilapia used in hydroponics system. These uses are located outside of the Petition Area, north of the Waiawa Prison Road between the entry gate and the main WCF buildings.

- F. Other Permits and Approvals. The granting of a SUP for the WCF will deem it as an unusual and reasonable use in the SLUAD. A Planned Review Use (PRU) application will then be sought to bring the correctional facility's uses into conformity with the City and County of Honolulu's (City) Land Use Ordinance (LUO). According to the LUO, as the land is removed from federal and military use, the development standards of the property shall be the same as the P-2 general preservation district. As shown in Table 21-3, Master Use Table, of the LUO, prisons or correctional facilities are allowed in all zoning districts, include the P-2 general preservation district, with the approval of a PRU.

- G. Environmental Assessment (EA). In 1985, the DAGS prepared an EA to convert the former military structures into a 120-bed minimum-security correctional facility. In 1998, a Final EA and Finding of No Significant Impact (FONSI) was completed for three proposed actions: 1) construction of various facilities since 1985 (after-the-fact); 2) interim infrastructure improvement activities; and 3) a proposed 200-bed compound for the KASHBOX drug rehabilitation program. In 2008, a Final EA-FONSI was completed for the addition of two temporary prefabricated program structures for additional operational space.

In July 2021, a Final EA-FONSI was completed to satisfy the HRS Chapter 343 requirements for the SUP and PRU applications. The DAGS and the PSD's requirement to obtain both the SUP and PRU include the use of state lands and funds, as described under HAR 11-200.1-8 (1), both of which trigger the preparation of an EA as prescribed by HRS Chapter 343. The proposed action in the Final EA-FONSI does not include any proposed new improvements to the facility. All new buildings constructed since 1998 have received a HRS, Chapter 343, Declaration of Exemption from the preparation of an EA by the PSD since they were considered accessory structures to the existing buildings and structures onsite. The WCF's size and capacity has remained the same.

II. FINDINGS OF FACT

- A. Site Description and Surrounding Uses. The Petition Area is located in Waiawa, mauka of Waipahu, Central Oahu, approximately 2.5 miles east from the Interstate H-2, Ka Uka Boulevard off-ramp. The Petition Area comprises approximately 23.7 acres of a portion of TMK 9-6-005: 011.

The Petition Area is comprised of the guard shack (WCF-G) and its associated administration building (WCF-GA), gatehouse storage shed (WCF-G2), and parking stalls at the entrance. South of the Waiawa Prison Road are the ponds, pumps, disinfection basin, and wastewater treatment plant that serve the WCF. Further mauka, at the center of the WCF are the administration and security buildings, inmate housing, dining halls, chapel, and trades learning shops. A series of four concrete communications structures extends mauka from the facility's center but not in use by the WCF's operations (for location of facilities, see Exhibit 1, Figure 4).

Outside of the Petition Area, but part of the WCF's operations and property, are the agricultural education and farm plot areas and buildings, outdoor courts and recreational area, and forest. These lands comprise the remaining 133.9 acres of the 157.9-acre TMK 9-6-005: 011 parcel. Additionally, TMK 9-6-005: 012, located approximately 500 feet north of the property or approximately 1,600 feet north of the Petition Area, is used by the correctional facility for agriculture (tree nursery) and a 0.5 million gallon water tank. Parcel 012 is not included in the Petition Area since the tree nursery is a permissible use in the State Agricultural District. Surrounding the entire WCF is dense vegetation.

The WCF is situated on a broad ridge at the foot of the Koolau Range. The topography of the Petition Area is generally sloping from north to south with a mean elevation of approximately 800 feet above mean sea level. The greatest change in elevation is at the mauka end of the Petition Area (approximately 160 feet) occurring between Tents 7 and 8 past the inmate housing up to the last concrete communication structure.

Access to the Petition Area is via Waiawa Prison Road which connects to the Interstate H-2 Ka Uka Boulevard off-ramp via the Mililani Cemetery Road.

B. Climate and Wind Patterns. As of 2014, the "Climate of Hawaii," Department of Geography, University of Hawaii at Manoa database, indicates that the Petition Area has a mean annual temperature of about 68.0 to 74.4 degrees Fahrenheit. The average annual rainfall is approximately 56 inches and an average annual wind speed of about 6.7 miles per hour.

C. Soil Type and Quality of Agricultural Land

1. U. S. Department of Agriculture (DOA). According to the U.S. DOA, Soil Conservation Service, the predominant soil types within the Petition Area include Helemano silty clay, 30 to 90 percent slopes (HLMG), Leilehua silty clay, 2 to 6 percent slopes (LeB), Manana silty clay loam, 6 to 12 percent slopes (MoC), and Wahiawa silty clay, 3 to 6 percent slopes (WaB).

Helemano silty clay soils are well-drained with rapid or very rapid runoff and moderately rapid permeability. Helemano soils are used for pasture, woodland and wildlife. Leilehua silt clay soils are well-drained with slow to medium runoff and moderately rapid permeability. Leilehua soils are used for pineapple and irrigated sugarcane production. Manana silty clay loam soils are well-drained with slow to rapid runoff and moderately rapid permeability. Manana silty clay loam are used for growing irrigated sugarcane and non-irrigated pineapple and pasture. Wahiawa silty clay soils are well-drained with slow to medium runoff and moderately rapid permeability. Wahiawa silty clay are used primarily for the production of irrigated sugarcane and dryland pineapple, and small areas are in pasture.

2. Land Study Bureau (LSB) Classification. The LSB rating system is based on the agricultural productivity of soils throughout the State, accounting for characteristics such as texture, slope, salinity, erodibility, and rainfall. The productivity ratings are used to designate each area as Class A, B, C, D, or E. Class A represents the most productive soils and Class E represents the least productive soils.

According to the LSB overall master productivity rating system, much of the western half of the Petition Area is comprised of Class B soils (Exhibit 1, Figure 5). A small portion of land, less than 0.2 acres, near the entrance contains Class A soils. Class C and E soils are also present in small areas of the Petition Area. Much of the main campus area does not contain soils designated by the LSB rating system.

3. Agricultural Lands of Importance to the State of Hawaii (ALISH). The ALISH Map, prepared by the State DOA, classify lands into three categories: 1) Prime Agricultural Land; 2) Unique Agricultural Land; and 3) Other Important Agricultural Land. There are small slivers of land on the western portions of the Petition Area designated as Prime Agricultural Land (Exhibit 1, Figure 6). The majority of the site is not classified as ALISH.
 4. Important Agricultural Lands (IAL). Article XI, Section 3 of the State Constitution sets out the framework for state policies and all subsequent legislation related to IAL. Chapter 205-44.5, HRS identifies a separate process under which public lands, as defined under Chapter 171-2, HRS, are to be identified for IAL designation. The Petition Area, as State-owned and considered public lands under this definition, has not been designated with IAL as the State has not undertaken the IAL designation process.
- D. Other Permits/Approvals Required. There are no plans for expansion or site improvements or new structures at this time that would result in an increase to the inmate population. If and when site improvements or new facilities are proposed in the future, construction plans approval, building permits, and/or other approvals may be required at that time.
- As mentioned in Section I, a PRU is still necessary for the WCF to conform to the City and County of Honolulu, LUO.
- E. Agency Comments. On September 16, 2022, local, state, and federal government agencies were requested to evaluate the application for a SUP on their facilities and services. The agencies contacted and the status of their responses are provided in Table 2, below. All written responses received prior to the signing of this report are included in Exhibit 2. Comments received after the signing of this report will be transmitted separately to the Planning Commission (PC) or the State LUC for their consideration. Significant comments received are addressed in Section III of this report.
 - F. Community Comments. On February 23, 2021 at its regular meeting, the Pearl City Neighborhood Board (NB 21) voted to approve the submittal of comments in a letter to the DAGS on the Draft EA for the WCF. The comments requested that potential adverse impacts from traffic generated from the future Koa Ridge and Waiawa Ridge developments on the WCF be disclosed. Since the proposed SUP and PRU were being sought after-the-fact and no new facilities were being provided, the NB 21 recommended that a FONSI be declared. The February 23, 2021 letter is included in Exhibit 2 with other public comments.

TABLE 2 – PUBLIC AGENCY COMMENTS

Agency / Organization	Written Comment	Written No Comment
City Agencies		
Board of Water Supply (BWS)		
Department of Budget and Fiscal Services (BFS)		
Department of Community Services (DCS)		
Department of Corporation Council (COR)		
Department of Design and Construction (DDC)		
Department of Emergency Management (DEM)		
Department of Environmental Services (ENV)		
Department of Facility Maintenance (DFM)		
Department of Land Management (DLM)		
Department of Parks and Recreation (DPR)		
Department of Transportation Services (DTS)		X
Honolulu Emergency Services Department (HESD)		
Honolulu Fire Department (HFD)		
Honolulu Police Department (HPD)		
Office of Climate Change, Sustainability, & Resiliency (OCCSR)		
Office of the Managing Director (MD)		
State Agencies		
Agribusiness Development Corporation		
Department of Agriculture – Board of Agriculture		
Department of Business, Economic Development & Tourism (DBEDT)		
Office of Planning & Sustainable Development (OPSD)		X
Land Use Commission (LUC)	X	
Department of Defense (Hawaii National Guard)		X
Department of Education (DOE)		
Department of Hawaiian Homelands (DHHL)		
Department of Health (DOH)		
Department of Land and Natural Resources (DLNR)		
Engineering Division	X	
Division of Fish and Wildlife (DOFAW)		X
Land Division – Oahu District		X
Historic Preservation Division (SHPD)		
Department of Transportation (DOT)	X	
Hawaii Emergency Management Agency/ State Civil Defense (HEMA)		
Office of Hawaiian Affairs (OHA)		
Oahu Metropolitan Planning Office (OMPO)		
University of Hawaii, West Oahu (UHWO)		
Federal Agencies		
Department of the Interior (DOI) – Fish and Wildlife Service (USFWS)	X	
Natural Resources Conservation Services		

On September 16, 2022, the Department of Planning and Permitting (DPP) sent notices of the proposed SUP to interested parties and the Chair of NB 21. A notice was also sent to the only adjoining property owner within 500 feet of the property and Petition Area, the Bernice Pauahi Bishop Trust Estate.

To date, no letters of support or opposition to the proposed SUP have been received.

III. ANALYSIS

A. Laws and Public Policies.

1. Land Use Law, Chapter 205, HRS. The Petition Area is within the SLUAD. Section 205-6, HRS, allows the county PC to permit certain unusual and reasonable uses within the agricultural and rural districts other than those for which the district is classified. The county PC may, under such protective restrictions as may be deemed necessary, permit the desired use, but only when the use would promote the effectiveness and objectives of this chapter.

In determining whether a proposed use is deemed “unusual and reasonable,” Section 2-45, of the PC Rules, established five guidelines. These guidelines are also found in Title 15-15, of the HAR for the State LUC.

The DPP finds that the proposed SUP, to allow the existing minimum security correctional facility on lands in the SLUAD, generally meet the requirements of Chapter 205, HRS. A description of the SUP’s comparison with the five guidelines of Section 2-45, of the PC Rules, are as follows:

Guideline 1: Such use shall not be contrary to the objectives sought to be accomplished by the State Land Use Law and Regulations.

Chapter 205, HRS, seeks to protect agricultural lands and ensure their continued availability for agricultural use. It provides that the SLUAD shall also include lands with a high capacity for agricultural production, grazing, and other agricultural uses. Section 205-2 (a) (3), HRS, states that “In the establishment of the boundaries of agricultural districts the greatest possible protection shall be given to those lands with a high capacity for intensive cultivation.” However, Chapter 205, HRS, also recognizes that some lands in the SLUAD may be better suited for non-agricultural uses such as solar energy facilities, and other renewal energy facilities.

The use of the site for military purposes predates the adoption of the State Land Use classification system. While correctional facilities are not listed as a permitted use in the SLUAD, it has occupied the same site, essentially replacing one non-conforming use with another.

In that sense, it is not contrary to the objectives sought by the State Land Use Law and the granting of a SUP for the WCF would formally change its status from a non-conforming use in the SLUAD to a permitted one.

Granting of a SUP is considered a more appropriate option versus a State Land Use District Boundary Amendment to the Urban District. While non-agricultural, the WCF in this location is unusual but reasonable given its remoteness and distance away from urban uses. As part of their existing education and wellness programs, involvement in agriculture and aquaponics activities at the WCF is also not contrary to these objectives.

Guideline 2: That the desired use would not adversely affect the surrounding property.

There are no anticipated direct impacts that would affect adjacent properties as there is no proposal to change the intensity or use of the WCF.

The WCF is surrounded by forest, the lands of which are owned by one owner, the Bernice Pauahi Bishop Estate. The trustees of the Estate, Kamehameha Schools, in contemplating their own long-range development plans in the Waiawa area have factored in a wide buffer of separation from the WCF. According to recent proceedings before the LUC, the timetable to complete such development is decades away (LUC Docket No. A87-610).

Occasionally, inmates have attempted to escape but security at the WCF is exceptional and few, if any, actually succeed. Besides, as a minimum security facility, it is not in their interest to attempt escape so near to their release. While actual urban uses are few and far apart, the presence of the WCF does not pose as a deterrent to their continued urban use.

Other possible adverse effects:

- i. Construction Noise. There will be no adverse effects from construction noise on surrounding properties as no development or alterations are being proposed. Therefore, a condition of SUP approval to address construction noise is not recommended.
- ii. Operational Noise. There are no proposed changes to the operations of the existing correctional facility, therefore no change to existing operational noise levels is anticipated. Any operational noise from the existing correctional facility is already reduced due to its distance from and the dense surrounding vegetation separating it from existing development. The Petitioner is also required to comply with the DOH noise regulations. Therefore, a condition of SUP approval to address operational noise is not recommended.
- iii. Air Quality. There are no proposed changes to the operations of the existing correctional facility, therefore no change to existing air quality is anticipated. The Petitioner is required to comply with the DOH air quality regulations. Therefore, a condition of SUP approval addressing air quality is not recommended.
- iv. Open Space. The area adjacent to the Petition Area is the remainder of the WCF grounds including open space, agricultural

plots and dense forest on rugged terrain. The WCF itself maintains the open space character of the area. Therefore, a condition of SUP approval to address open space is not recommended at this time.

- v. Public Views. Existing buildings are one- to three-story structures. Tall trees and shrubs within the property, but outside of the Petition Area and on the adjacent property screen most of the buildings from public views. Therefore, a condition of SUP approval relating to screening from public views is not recommended at this time.
- vi. Natural, Cultural, and Scenic Resources. Exhibit 3.3 Natural, Cultural, and Scenic Resources in the Central Oahu Sustainable Communities Plan (COSCP) identifies an area directly north of the Petition Area as a 'single and concentrated sites' for cultural resources. Without identifying what resources are there and exactly where it is in proximity to the Petition Area, a condition of SUP approval is not recommended since no expansion or intensification of the WCF is contemplated at this time.

Guideline 3: Such use would not unreasonably burden public agencies to provide roads and streets, sewers, water, drainage and school improvements, and police and fire protection.

The existing and continued use of the WCF does not seek to improve or expand upon its existing operations and therefore will not unreasonably burden public agencies to continue to provide roads, sewers, drainage, schools, police, and fire protection. Below is further analysis of the impacts of the existing correctional facility on public services:

- i. Roads and Streets. Access to the Petition Area is from the Interstate H-2, Ka Uka Boulevard off-ramp, along Waiawa Prison Road. Waiawa Prison Road is a paved, two-way, 20-foot-wide, 1.8-mile-long road, oriented in the east-west direction with a 15-mph posted speed limit. There are no curbs, gutters, or sidewalks along Waiawa Prison Road.

Waiawa Prison Road is designated as a private road. In rare instances, the road is closed for more than a day requiring staff of the correctional facility to remain on-site overnight. Once, the private road was closed for seven days, requiring the facility to seek emergency assistance.

The easements granting access to the Petition Area across the adjacent property along the private, Waiawa Prison Road, are included in the SUP application under Appendix A – Executive Order No. 3414.

In an October 17, 2022 response letter, the State of Hawaii DOT recommended that a condition of SUP approval be included that

requires an updated Traffic Assessment or Traffic Impact Analysis Report (TIAR) be submitted to the DOT for review and acceptance prior to facility expansion or intensification of use. The DPP believes that with the expansion or intensification of the WCF, a TIAR will be part of a required EA or Environmental Impact Statement for the WCF, therefore, a condition of approval is not needed.

- ii. Wastewater. The facilities located in the Petition Area are serviced by a private wastewater treatment system which is under the jurisdiction of the State DOH. Due to the remote location of the WCF, connecting to the City system is not feasible.

There is no expansion or intensification of use associated with the proposed SUP; therefore, a condition of SUP approval for wastewater is not recommended at this time.

- iii. Water. Potable water for the WCF's domestic use is provided by an on-site water treatment plant system that operates 24-hours a day, five days a week and meets daily domestic and peak potable water demands. Raw water is drawn from the Waiahole Ditch, the sole water source for the WCF. The Waiahole Ditch (aka Waiahole Water System) is owned and operated by the State Agribusiness Development Corporation (ADC). Per the ADC's Annual Report for Fiscal Year 2021, the Waiahole Ditch system produces 22 to 29 million gallons per day (MGD) and delivers between 5 to 7 MGD to system customers. The WCF is permitted 0.15 MGD based on Water Use Permit No. 630 issued on December 28, 2001.

A Groundwater Hydrology Assessment was prepared by Tom Nance Water Resource Engineering in June 2019 in support of the SUP and PRU applications. Per the assessment, it is reported that the ADC monitors WCF's monthly water use from the Raw Water Flow Meter at the onsite water treatment plant. Based on data from the Raw Water Flow Meter from January 2016 to April 2019, the WCF uses between 0.044 MGD to 0.076 MGD.

As noted in the hydrology assessment, untreated ditch water is also used by the WCF for irrigation of the 8-acre agricultural area. The untreated ditch water is not metered as the water is delivered from the ditch to a buried 96,000 gallon storage tank and does not pass through the Raw Water Meter Flow. Based on the assessment, it is estimated that the untreated ditch water use is between 0.02 to 0.03 MGD, which would bring the WCF's total water withdrawal from the Waiahole Ditch to a maximum of 0.10 MGD, which is still below the WCF's 0.15 MGD permitted use.

A portion of the site is located within the Zone of Contribution (ZOC) of the U. S. Navy's Waiawa Shaft. According to a Groundwater Hydrology Assessment provided in the SUP application (Appendix F), percolation from the on-site basins and leakages from the treated wastewater systems have the potential to impact the ZOC underlying groundwater, however, the risks were deemed insignificant.

The Honolulu BWS did not respond to the SUP Request for Comment, but in their comment to the project's EA, they confirmed that the BWS has no water system in the vicinity of the Petition Area and that all water services will be provided by a private system.

Although there is no expansion or intensification of use associated with the proposed SUP, the DLNR request that the Petitioner provide water demands and calculations to the DLNR – Engineering Division so that the project estimates can be included in the State Water Projects Plan Update projects. The State LUC also requested further information on the long-term availability of water, particularly as there are other project proposals that would impact Waiahole Ditch. Therefore, a recommended condition of SUP approval for water will include these agency requests.

- iv. Drainage. There are no City drainage systems in the Petition Area. The Petition Area's existing topography is generally sloping from north to south. Surface runoff from the Petition Area flows to undeveloped areas south of the correctional facility and outside of the property, which is heavily vegetated forest.

The Petition Area and surrounding lands are classified as Zone "D" by the Flood Insurance Rate Map, which means the flood potential for the Petition Area and the surrounding area is undetermined.

The Petitioner is required to comply with the prevailing soil erosion and stormwater quality standards ("Rules Relating to Water Quality") of the City and County of Honolulu. Compliance with the Rules Relating to Water Quality will be verified at the time that grading or construction plans are submitted to the DPP for review. The DPP had previously requested, during the project's EA, that the Petitioner consider the use of green infrastructure, including a rain catchment system, which would reduce the stormwater impacts of the continued operations of the site on the surrounding lands, improve retention and percolation, and potentially reduce the demand for water from Waiahole Ditch. However, as there is no expansion or intensification of use associated with the proposed SUP that would trigger the Petitioner to remedy the

issue of runoff leaving the Petition Area, and as the Petitioner is seeking a PRU upon approval of this SUP, a condition of SUP approval for drainage is not recommended at this time.

- v. Solid Waste. West Oahu Aggregate services the correctional facility twice a week to collect an average of 18.9 tons of waste per month. There are no changes to solid waste collection as there is no expansion or intensification of use associated with this proposed SUP. The ENV did not respond to a request for comments. Therefore, a condition of SUP approval regarding solid waste is not recommended at this time.
- vi. Schools. There are no public schools in the vicinity of the Petition Area. The continued use of the Petition Area as a correctional facility is not anticipated to impact existing or proposed school service, therefore, a condition of SUP approval for schools is not recommended at this time.
- vii. Police Protection. The Petition Area is located about two miles to the north in Patrol District 2 – Wahiawa/North Shore, Sector 1, which covers Waipio, Mililani and Mililani Mauka. The correctional facility staff is trained and equipped to handle most emergency situations. In addition, inmates pose a low risk to the public since WCF is a minimum-security facility. The Petitioner is not seeking additional police services. The HPD did not respond to the SUP request for comment. There is no expansion or intensification of use associated with this proposed SUP; therefore, a condition of SUP approval for police protection is not recommended at this time.
- viii. Fire Protection. The Petition Area located between three fire stations: Fire Station 36 Mililani, Fire Station 41 Mililani Mauka, and Fire Station 42 Waikele. All of the fire stations are approximately seven miles from the Petition Area. According to the application, the site has approximately 300,000 gallons of water for fire protection.

The HFD did not respond to the SUP request for comments. For the EA, the HFD provided comments with respect to the provision of access roads and vehicle clearances, water supply, and continued review in the event there are any proposed future improvements.

There is no expansion or intensification of use associated with the proposed SUP; therefore, a condition of SUP approval for fire protection is not recommended at this time.

- ix. Medical Services. The correctional facility includes a medical services building, WCF-M, constructed in 1987. Wahiawa General Hospital is approximately nine miles northwest of the Petition Area. Queen's Medical Center West Oahu is approximately 10 miles southwest.

There is no expansion or intensification of use associated with the proposed SUP; therefore, a condition of SUP approval for medical services is not recommended at this time.

Guideline 4: Unusual conditions, trends, and needs have arisen since the district boundaries and regulations were established.

The long-term establishment of the site as a military communications facility and barracks preceded the district boundaries and regulations that exist today. However, institutional uses would not be considered typical agricultural or accessory to agricultural uses. Therefore, when the correctional facility replaced the military use, one institutional use was replaced by another. The establishment of the WCF under the Governor's Executive Order No. 3414 in 1989 necessitated an unusual condition for a minimum security correctional facility to be placed at this site that could not have been contemplated when the district boundaries and regulations were established. The City's long-range land use plan, the COSCP, also formally recognizes this area as an established area for the correctional facility.

Guideline 5: That the land upon which the proposed use is sought is unsuited for the uses permitted within the district.

Decades of correctional facility and military use have long wrought the land within the Petition Area as no longer suited for agriculture. The proposed boundaries of the Petition Area were carefully drawn to include only the developed lands and exclude as much undeveloped and potentially viable permitted agricultural uses.

2. PC Rule No. 2-46(e) – Establishment of the Proposed Use. Pursuant to PC Rule No. 2-46(e), a condition of SUP approval is to require a reasonable time limit to establish the use. As the proposed use is already established, this condition is not applicable.
3. Hawaii State Plan. The Hawaii State Plan (Hawaii State Planning Act, Chapter 226, HRS, as amended) provides the overall theme, goals, objectives, policies, and priority guidelines for Statewide planning. The continued use of the correctional facility is consistent with the following objectives and policies of the Hawaii State Plan, as represented in the relevant HRS policies and guidelines:

Section 226-26: Objective and policies for socio-cultural advancement – public safety.

- (a) Planning for the State's socio-cultural advancement with regard to public safety shall be directed towards achievement of the following objectives:

- (1) Assurance of public safety and adequate protection of life and property for all people.
 - (2) Optimum organizational readiness and capability in all phases of emergency management to maintain the strength, resources, and social and economic well-being of the community in the event of civil disruptions, wars, natural disasters, and other major disturbances.
 - (3) Promotion of a sense of community responsibility for the welfare and safety of Hawaii's people.
- (b) To achieve the public safety objectives, it shall be the policy of this State to:
- (1) Ensure that public safety programs are effective and responsive to community needs.
 - (2) Encourage increased community awareness and participation in public safety programs.
- (c) To further achieve the public safety objectives related to criminal justice, it shall be the policy of this State to:
- (1) Support criminal justice programs aimed at preventing and curtailing criminal activities.
 - (2) Develop a coordinated, systematic approach to criminal justice administration among all criminal justice agencies.
 - (3) Provide a range of correctional resources which may include facilities and alternatives to traditional incarceration in order to address the varied security needs of the community and successfully reintegrate offenders into the community.

The proposed SUP supports the above objectives and policies, particularly Section 226-26 (c)(3) by continuing to permit the use of the existing minimum correctional facility with its variety of work programs, skills training, and the associated KASHBOX substance abuse treatment program to assist in the reintegration of offenders back into the community.

4. Oahu General Plan (GP) (January 2022); Resolution 21-023, CD1. The GP consists of comprehensive objectives and policies that outline the City and County of Honolulu's long-range development objectives and policies. The proposed SUP, permitting the continuation of the existing correctional facility, adheres to the following objectives and policies of the adopted GP:

Section VIII. Public Safety and Community Resilience

Objective A: To prevent and control crime and maintain public order.

- Policy 1: Provide a safe environment for residents and visitors on Oahu.
- Policy 2: Provide adequate, safe, and secure criminal justice facilities.
- Policy 5: Support policies and programs that expand access to treatment, rehabilitation, and re-entry programs for adult and juvenile offenders.
- Policy 11: Encourage the improvement of rehabilitation programs and facilities for criminals and juvenile offenders.

The continued use of the correctional facility provides for and contributes to the City's goals for public safety by providing minimum security correctional facility.

5. COSCP (March 2021).

- a. Community Growth Boundary (CGB). The Petition Area is located outside of the COSCP's CGB. According to Section 2.2.1 of the COSCP, the CGB for Central Oahu gives long-range protection from urbanization for 10,350 acres of prime and unique agricultural lands and for preservation of open space, while providing adequate land for residential, commercial, and industrial uses needed in Central Oahu for the foreseeable future. It is the intent that urban zoning not be approved beyond this boundary.

The Petition Area is located outside of the CGB in an area designated as an agricultural and preservation area on the COSCP's Map A-2: Urban Land Use and Map A-3: Public Facilities Maps (Exhibit 1, Figure 7). These two maps indicate that the WCF is to be outside the CGB.

- b. Correctional Facilities. The Petition Area is identified on the COSCP's Map A-2: Urban Land Use Map and Map A-3: Public Facilities Map as a correctional facility. From these two maps in the COSCP, it is clear that the established correctional facility is a recognized use and the property remain as the existing WCF. Section 4.9.1 of the COSCP general policies state that correctional facilities be located on lands planned for industrial and agricultural use. The COSCP does not identify any other guidelines for correctional facilities applicable to the Petition Area. Having the Petition Area located in an agricultural area is consistent with, and promotes, the general policies of the COSCP.
- c. Scenic Resources and Panoramic Views. The WCF does not interfere or block the panoramic views identified on Exhibit 3.3 Natural, Cultural, and Scenic Resources. As it conforms to the COSCP, a condition of SUP approval for scenic resources and panoramic views and is not recommended at this time.
- d. Historic and Cultural Resources. A Cultural Impact Assessment (CIA) was prepared in support of the WCF Final EA by Pacific Consulting Services, Inc. (PCSI) in April 2021. As part of the consultation process

for the CIA, PCSI sought input from the following organizations via mailed letters or email sent on February 18, 2021; no responses were received at the time of writing of the Final CIA in April 2021.

- OHA
- SHPD Archaeology Branch
- The Aha Moku Advisory Committee
- The Ewa-Pualoa Hawaiian Civic Club
- The Historic Hawaii Foundation
- Mililani-Waipio Neighborhood Board
- Pearl City Neighborhood Board

The CIA also documented previous archaeological investigations done within the immediate vicinity of the WCF. To date, no human burials had been identified; a majority of identified historic properties are related to historic period agriculture and military use.

Based on the map included in the CIA, four archaeological investigations were previously conducted in which the WCF's Parcel 011 was included in the study area: an Archaeological Reconnaissance and Inventory Survey by Goodman and Nees, 1991; Archaeological Assessment by Cultural Surveys Hawaii, 1997; Archaeological Assessment by Ogg et al., 2003; and Archaeological Testing and Sampling by Cleghorn and Kahahane, 2008. Based on the findings from the previous reports, only one historic property (State Inventory of Historic Places (SIHP) 50-80-09-02272) was found to be within the WCF parcel. Site 02272 consists of extant military structures and buildings, which were identified and documented in the RLS prepared by Fung Associates, Inc. Since no alterations or improvements to these resources are proposed, a recommendation to preserve and protect them is not necessary at this time.

- e. Outdoor Lighting (Natural Resource Protection). The COSCP policies and guidelines recommend reducing light pollution's impact on wildlife by fully shielded lighting fixtures using lower wattages where sensible. The COSCP guidelines also encourage projects to:
- Use the minimum outdoor lighting necessary for public safety, security, and community aesthetics consistent with the goals of energy conservation and environmental protection;
 - Minimize glare and obtrusive light by limiting outdoor lighting that is misdirected, excessive or unnecessary by fully shielding lighting fixtures so that no light escapes above the horizontal plane and by using lower wattage; and,
 - Adopt outdoor night lighting standards for rural areas that reflect the rural character of those areas.

According to the USFWS, some of the endangered and threatened species that may be present in the vicinity of the Petition Area include the Hawaiian hoary bat and Hawaiian seabirds including the Hawaiian petrel, band-rumped storm-petrel, and Newell's shearwater. According to the USFWS, outdoor lighting could result in seabird disorientation, fallout, and injury and mortality.

While the proposed SUP states that there is no proposed expansion or intensification of use, DAGS Security Lighting project (Project No. 12-27-5682) proposes to add and replace area and flood lights at the facility. New luminaires will also be installed on existing streetlights. Existing streetlights and new area lights are, and will be, downward facing and will not directly emit any light at a vertical angle more than 90 degrees from straight down. Flood lights will be outward facing, but are not intended to be used on a regular basis. These lights will be installed for security purposes to illuminate the perimeters of the facility and will be used during emergencies or as needed.

A condition of SUP approval is recommended for the Petitioner to submit an outdoor lighting plan to the DPP.

6. Revised Ordinances of Honolulu, Chapter 21, LUO. The Petition Area is located within the F-1 military and federal preservation district. According to the LUO, the intent of the F-1 military and federal preservation district is to identify areas in military or federal government use and to permit the full range of military or federal government activities. The LUO also states:

- “(d) Should lands be removed from either the state-designated conservation district or from federal jurisdiction, all uses, structures and development standards shall be as specified for the P-2 general preservation district.
- (e) It is also the intent that lands designated urban by the state, but well-suited to the functions of providing visual relief and contrast to the city's built environment or serving as outdoor space for the public's use and enjoyment be zoned P-2 general preservation district. Areas unsuitable for other uses because of topographical considerations related to public health, safety and welfare concerns shall also be placed in this district.”

As the land was removed from federal and military use, the development standards of the property shall be the same as the P-2 general preservation district. According to the LUO, “The purpose of the preservation districts is to preserve and manage major open space and recreation lands and lands of scenic and other natural resource value.”

Pursuant to the Master Use Table, prisons or correctional facilities require a PRU permit in P-2 zoned districts. Therefore, a condition of SUP approval is recommended requiring the Petitioner to submit an application for a PRU within two (2) years from the date that the LUC Decision and Order is adopted.

7. Chapter 205A-21, HRS, Special Management Area (SMA). The Petition Area is located outside of the SMA and approximately four miles from the nearest shoreline at Pearl Harbor; therefore, a SMA Permit is not required.
8. Chapter 205A, HRS, Coastal Zone Management (CZM). All lands of the State, including the area extending seaward of the shoreline to the seaward limits of the State's jurisdiction, are included in the CZM Area.

The proposed SUP is consistent with the CZM objectives and policies pursuant to Section 205A-2, HRS, as follows:

Section 205A-2(b) Objectives.

(2) Historic resources;

- (A) Protect, preserve, and, where desirable, restore those natural and manmade historic and prehistoric resources in the coastal zone management area that are significant in Hawaiian and American history and culture.

The Petition Area is located approximately four miles from the Pearl Harbor shoreline. Of the approximately 40 buildings and structures within the Petition Area, three buildings and four structures are remnants of the Waiawa Military Reservation and have retained their historic integrity. The three buildings are the old barracks buildings (WCF-04, WCF-05, and WCF-06), currently being used as housing for the general prison population. Other historic structures are the concrete communications structures located at the mauka end of the Petition Area.

No anticipated adverse impacts to historic resources are anticipated as no development is being proposed.

(3) Scenic and open space resources;

- (A) Protect, preserve, and, where desirable, restore or improve the quality of coastal scenic and open space resources.

The Petition Area is located approximately four miles from the shoreline. The existing low-rise buildings adequately screened from the surrounding area, coupled with no plan for expansion or intensification of use, maintain the area's scenic and open space resources.

(5) Economic uses;

- (A) Provide public or private facilities and improvements important to the State's economy in suitable locations.

The Petition Area has been used as a correctional facility since 1985. Keeping the facility in its current location would be the most suitable, particularly in regards to finding an alternative site and the potential cost of relocation.

Section 205A-2(c) Policies.

(2) Historic resources;

(A) Identify and analyze significant archaeological resources;

The Architectural RLS was prepared in 2019 to inventory and identify any potential historic properties for listing under the State Register of Historic Places and National Register of Historic Places. The RLS was submitted to the SHPD for review under HRS, Chapter 6E-08. Out of the approximately 40 buildings and structures within the Petition Area, three buildings and four structures are remnants of the Waiawa Military Reservation and have retained their historic integrity. The three buildings are the old barracks buildings (WCF-04, -05, and -06), currently being used as housing for the general prison population. Other historic structures are the concrete communications structures located at the mauka end of the Petition Area.

(C) Support state goals for protection, restoration, interpretation, and display of historic resources;

The 23.7-acre Petition Area has been used as a correctional facility for over 30 years, and prior to that it was used by the military since World War II. The proposed SUP will support protection under this policy since the SHPD, in a December 11, 2019 letter attached in the Final EA, concurred with the Petitioner's determination that 'no historic properties will be affected' under HRS 6E-08.

No anticipated adverse impacts to archaeological resources are anticipated as no development is being proposed.

In their letter, dated September 28, 2022, the State LUC expressed concern that the Petition does not ensure the protection of the reasonable exercise of customarily and traditionally exercised rights of Hawaiians to the extent feasible. The framework for discussion is in a Ka Paakai Analysis that balances the obligations to protect traditional and customary practices against private, as well as competing public interests, regarding;

- (a) The identity and scope of "valued cultural, historical, or natural resources" in the Petition Area, including the extent to which traditional and customary native Hawaiian rights are exercised in the Petition Area.
- (b) The extent to which those resources, including traditional and customary native Hawaiian rights, will be affected or impaired by the proposed action; and

- (c) The feasible action, if any, to be taken by the agency to reasonably protect native Hawaiian rights if they are found to exist.

A CIA and an Archaeological Assessment were completed and included as part of the Final EAs in 2008 and in 2021, respectively. These reports, and their associated EAs, discuss how the site has been heavily modified since the early 1900s, first through commercial agriculture in the early 1900s, then the military, and then the use as a correctional facility, which ultimately resulted in a FONSI being rendered for the Final EAs. While a Ka Paakai Analysis was not included in the WCF's proposed SUP application, the consultant for the Petitioner provided the following findings based on the reports prepared in support of the WCF's EA and SUP processes in response to the LUC's comment.

- 1) The identification of valued cultural, historical, or natural resources in the project area, including the extent to which traditional and customary Native Hawaiian rights are exercised in the project area.

Findings: Based on the RLS and CIA prepared in support of the WCF, the facility contains three buildings and four structures that are eligible for listing in the Hawaii and National Register of Historic Places under Criteria A and C. A State Inventory of Historic Places number request form was prepared for the eligible buildings and structures.

In response to the RLS prepared for the WCF's SUP application, the SHPD concurred with DAGS' determination of "no historic properties affected" in a letter dated December 11, 2019. This letter has been included in the WCF SUP Application.

As part of the CIA process, PCSI contacted Native Hawaiian Organizations and community organizations to seek input concerning the WCF's application for the SUP and Plan Review Use permits. They include:

- The OHA
- SHPD Archaeology Branch
- The Aha Moku Advisory Committee
- The Ewa-Pualoa Hawaiian Civic Club
- The Historic Hawa'i Foundation
- Mililani-Waipio Neighborhood Board
- Pearl City Neighborhood Board

No responses from these organizations were received during the process.

The CIA noted that a previous CIA was prepared in 2003 for the proposed development of 3,600 acres in Waiawa and Waipio, where hunting was a land use noted in vicinity of the WCF. The report noted that according to

several hunters, the best way to access the hunting grounds is from Waiawa Prison Road. Hunters considered it a good access route because it would get them as close as possible to the hunting grounds. One hunter claimed that following the opening of the WCF, access to the hunting grounds became difficult. It was noted that the older hunters expressed concern that too much development closer to the upland valleys may intrude on pig habitat and push the pigs away.

- 2) The extent to which those resources—including traditional and customary Native Hawaiian rights—will be affected or impaired by the proposed action; and

Findings: As previously noted, the extant military structures and buildings have been identified and documented in the RLS. The SHPD concurred with the “no historic properties affected” determination for the proposed SUP. The WCF will not be doing any work to expand its current facility, and no work will be done to significantly alter the existing structures and buildings.

The Waiawa Prison Road is primarily used by the WCF to access the facility; however, it is not a secured road and is accessible by the public. The WCF does not limit or control public access on Waiawa Prison Road and does not propose to change the current access to the road. Thus the public is still able to access surrounding hunting areas through the Waiawa Prison Road.

- 3) The feasible action, if any, to be taken to reasonably protect Native Hawaiian rights if they are found to exist.

Findings: Besides access to hunting grounds, there were no traditional and customary Native Hawaiian rights identified within the WCF SUP Petition Area. Access to hunting grounds off Waiawa Prison Road will not be altered or affected as a part of the WCF’s proposed SUP.

The SHPD was sent a request for comment from the DPP on this proposed SUP. As of the writing of this report, a response from the SHPD has not been received. Late comments from the SHPD will be transmitted to the PC if they are received prior to the SUP public hearing. State law already provides guidance on how historic resources are to be protected if they are inadvertently discovered during site work. However, a condition of SUP approval is recommended to contact Native Hawaiian organizations to ascertain what traditional and customary rights, under the framework of the Ka Paakai Analysis, are being conducted in the area.

Section 205A-2(c) Policies.

- (3) Scenic and open space resources;
 - (B) Ensure that new developments are compatible with their visual environment by designing and locating such developments to minimize the alteration of natural landforms and existing public views to and along the shoreline;

The Petition Area is located approximately 3.75 miles from the shoreline of Pearl Harbor. The existing uses are limited to Petition Area, which is already developed as a correctional facility. These uses are screened by vegetation and will not adversely impact open space and scenic resources.

IV. CONCLUSIONS OF LAW

The proposed SUP addresses the goals of the Hawaii State Plan, and the City's GP and the COSCP, and meets the five guidelines pursuant to Section 2-45 of the PC Rules. There are no anticipated adverse impacts to existing infrastructure systems as a result of the proposed SUP, provided that the Petitioner adheres to the representations made and the recommended conditions of approval.

V. RECOMMENDATION

The Director of the Department of Planning and Permitting (DPP) recommends that Special Use Permit (SUP) Application File No. 2022/SUP-3, for the continued use of the Waiawa Correctional Facility on approximately 23.7 acres, Tax Map Key 9-6-005: Portion of 011, as shown on Exhibit 1, Figure 4, be approved, subject to the conditions below:

1. The Petitioner shall submit a metes and bounds description of the Petition Area to the DPP for review and approval within ninety (90) days following an approval by the State Land Use Commission (LUC). The area of the metes and bounds description and survey map shall not exceed the representations made in Exhibit 1, Figure 4 and all uses of the correctional facility, not permitted in the State Land Use Agricultural District, shall fall within the area described by the approved metes and bounds description and map.
2. The Petitioner shall submit to the DPP an application for a Planned Review Use (PRU) approval within two (2) years from the date of the adoption of the State LUC Decision and Order. Prior to the submittal of a PRU application, the Petitioner shall:
 - a. Submit water demand estimates and calculations to the Department of Land and Natural Resources (DLNR), Engineering Division. The DPP shall be copied on the transmittal to the DLNR.
 - b. Submit to the DPP, for review and approval, an outdoor lighting plan that conforms to the guidelines contained in the Central Oahu Sustainable Communities Plan. To avoid and minimize potential impacts to Hawaiian seabirds and the endangered Hawaiian hoary bat, the outdoor lighting plan shall

incorporate the recommendations proffered by the United States, Department of the Interior, Fish and Wildlife Service in their comments on this project.

The outdoor lighting plan should clarify the difference between area lights, spotlights, and floodlights and explain which lights need to remain on and which are activated only for security reasons. For street lights and other outdoor lighting that are not required for security purposes, full cutoff light fixtures must be used, restricting the projection of light output ten (10) degrees below the horizontal plane. New or replaced lightening fixtures should not exceed 3,000-degree Kelvin color temperature.

- c. Consult with local kupuna and area cultural practitioners to identify the scope of “valued cultural, historical, or natural resources” within the framework of a Ka Paakai analysis. The findings and any determinations shall be submitted to the State LUC and the DPP. Should such resources be found and traditional and customary Native Hawaiian rights be sought, access shall be granted to the extent possible, and reasonably balanced against the security necessary for protecting public health, safety, and welfare of the general prison population, practitioners, and the general public.
3. In the interest of maintaining the agricultural uses and productivity at the WCF, the Petitioner shall continue the farming, aquaponics, silviculture, and plant propagation and nursery operations in a meaningful way so long as the WCF has a presence on this site.
4. On or before December 31 of each year that the SUP is in effect, the Petitioner or its successor, will file an Annual Report to the DPP that demonstrates the Petitioner’s compliance with conditions of the SUP.
5. Major modifications to: (1) The approved site plan; (2) Amendments to the conditions of approval; (3) Any increases in acreage of the Petition Area; or (4) Change in approved uses stated herein, will be subject to the review and approval of the Planning Commission (PC). Minor modifications, including minor additions to accessory uses and structures in the approved area, are subject to review and approval by the Director.
6. The Petitioner and/or landowner will notify the Director of:
 - a. Any change or transfer of licensee on the Petition Area;
 - b. Any change in uses on the Petition Area;
 - c. Termination of any uses on the Petition Area; and/or
 - d. Transfer in ownership of the Petition Area.

The PC, in consultation with the Director, will determine the disposition of this SUP, and the facilities permitted herein.

7. Enforcement of the conditions of the SUP will be pursuant to the Rules of the PC, including the issuance of an order to show cause as to the reason the SUP should not be revoked if the PC has reason to believe that there has been a failure to perform consistent with representations made by the Petitioner or the conditions imposed herein.

Dated at Honolulu, Hawaii, this 9th day of December, 2022.

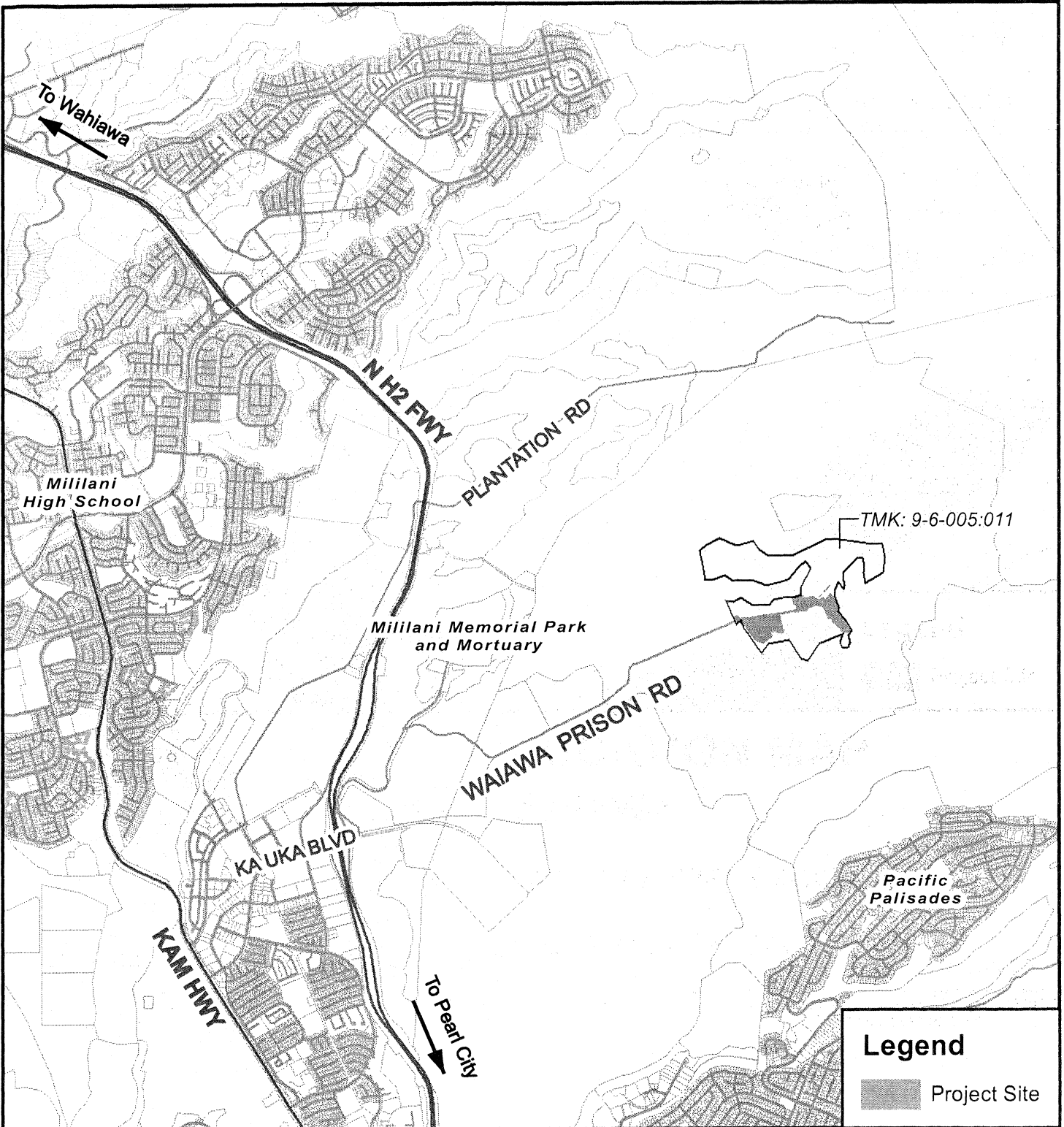
DEPARTMENT OF PLANNING AND PERMITTING
CITY AND COUNTY OF HONOLULU
STATE OF HAWAII

By 
Dawn Takeuchi Apuna
Director Designate

Enclosures

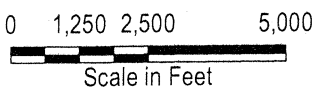
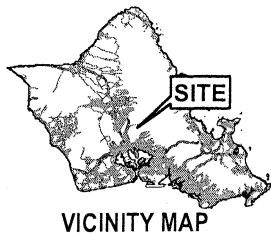
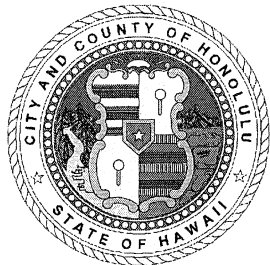
EXHIBIT 1 – FIGURES

1. LOCATION
2. STATE LAND USE DISTRICTS
3. EXISTING ZONING
4. SITE PLAN
5. LAND STUDY BUREAU SOILS
6. AGRICULTURAL LANDS OF IMPORTANCE
TO THE STATE OF HAWAII (ALISH)
7. MAP A-3: PUBLIC FACILITIES MAP,
COSCP



Legend

 Project Site

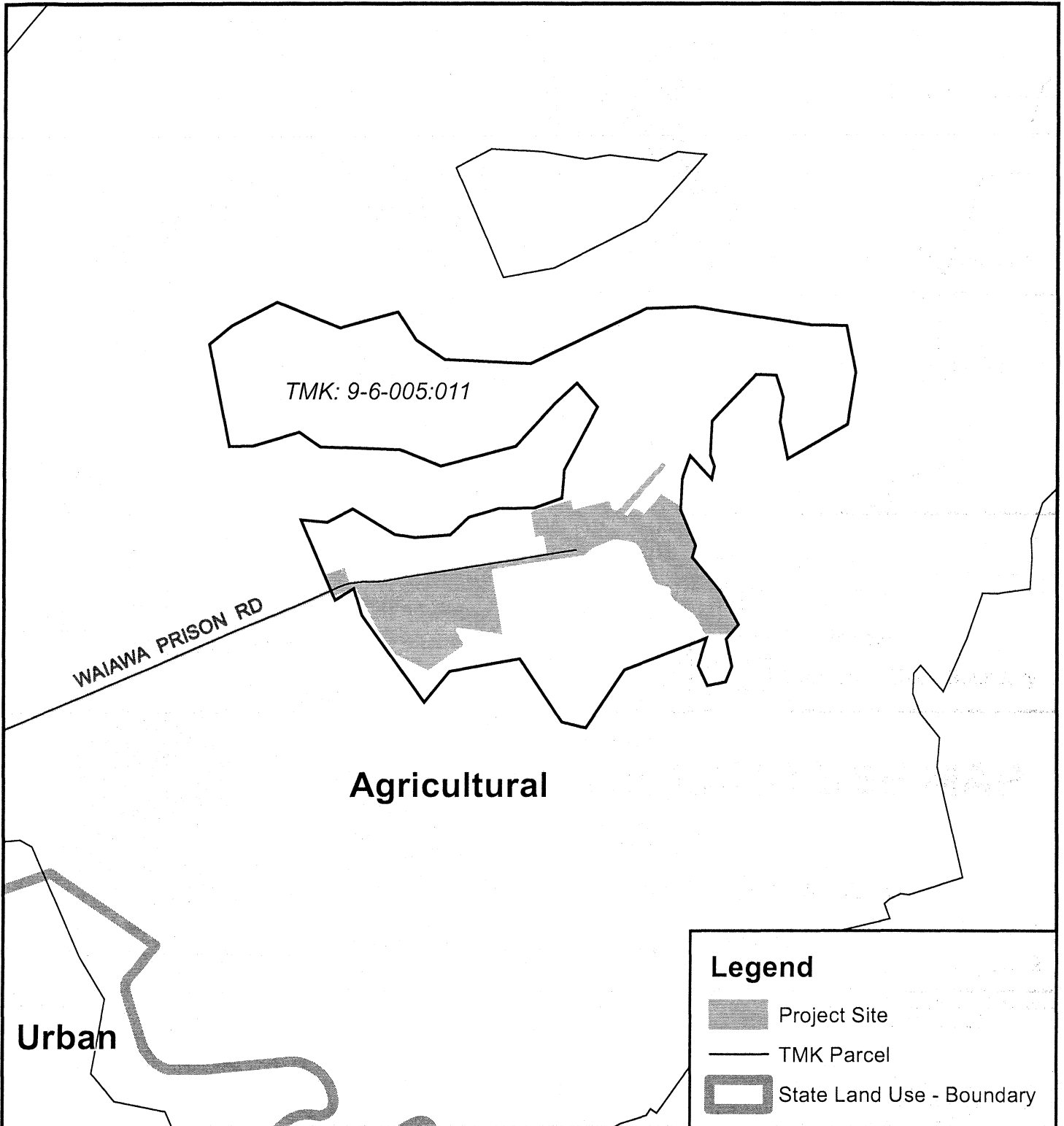
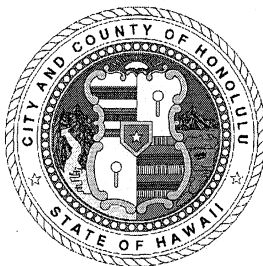
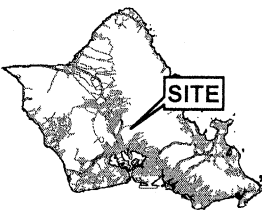


LOCATION MAP WAIAWA


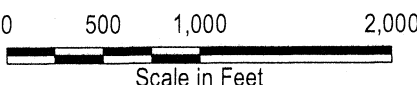
TAX MAP KEY(S): 9-6-005:011

FOLDER NO.: 2022/SUP-3

Figure 1

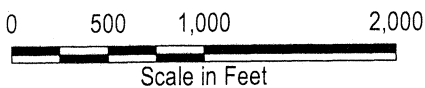
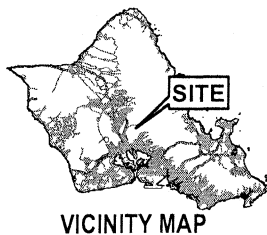
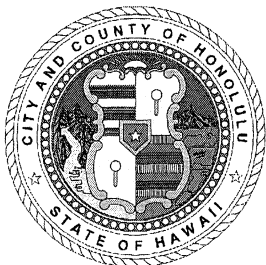
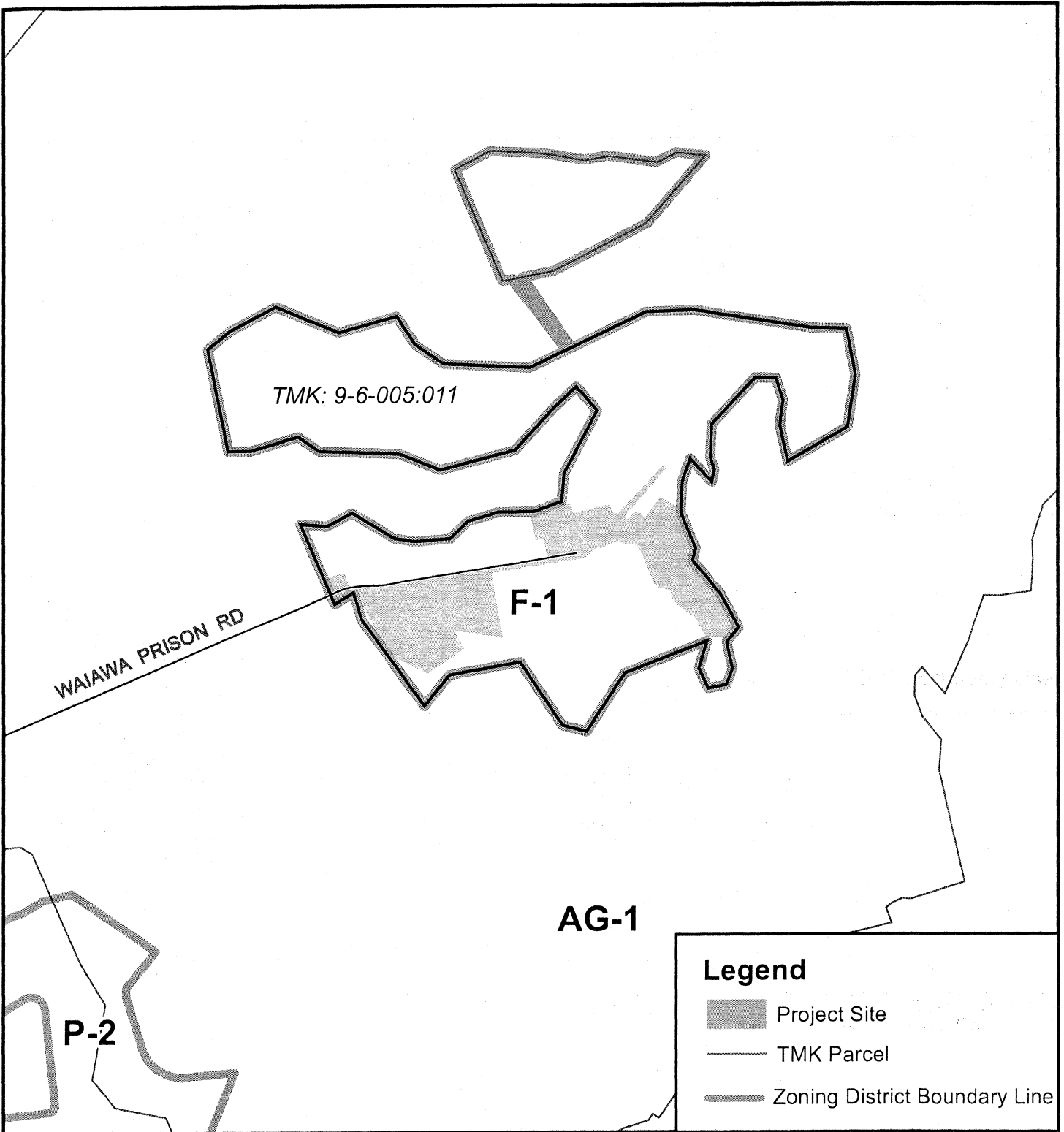
VICINITY MAP

Scale in Feet

PORTION OF
STATE LAND USE MAP
WAIAWA
 TAX MAP KEY(S): 9-6-005:011
 FOLDER NO.: 2022/SUP-3

Figure 2

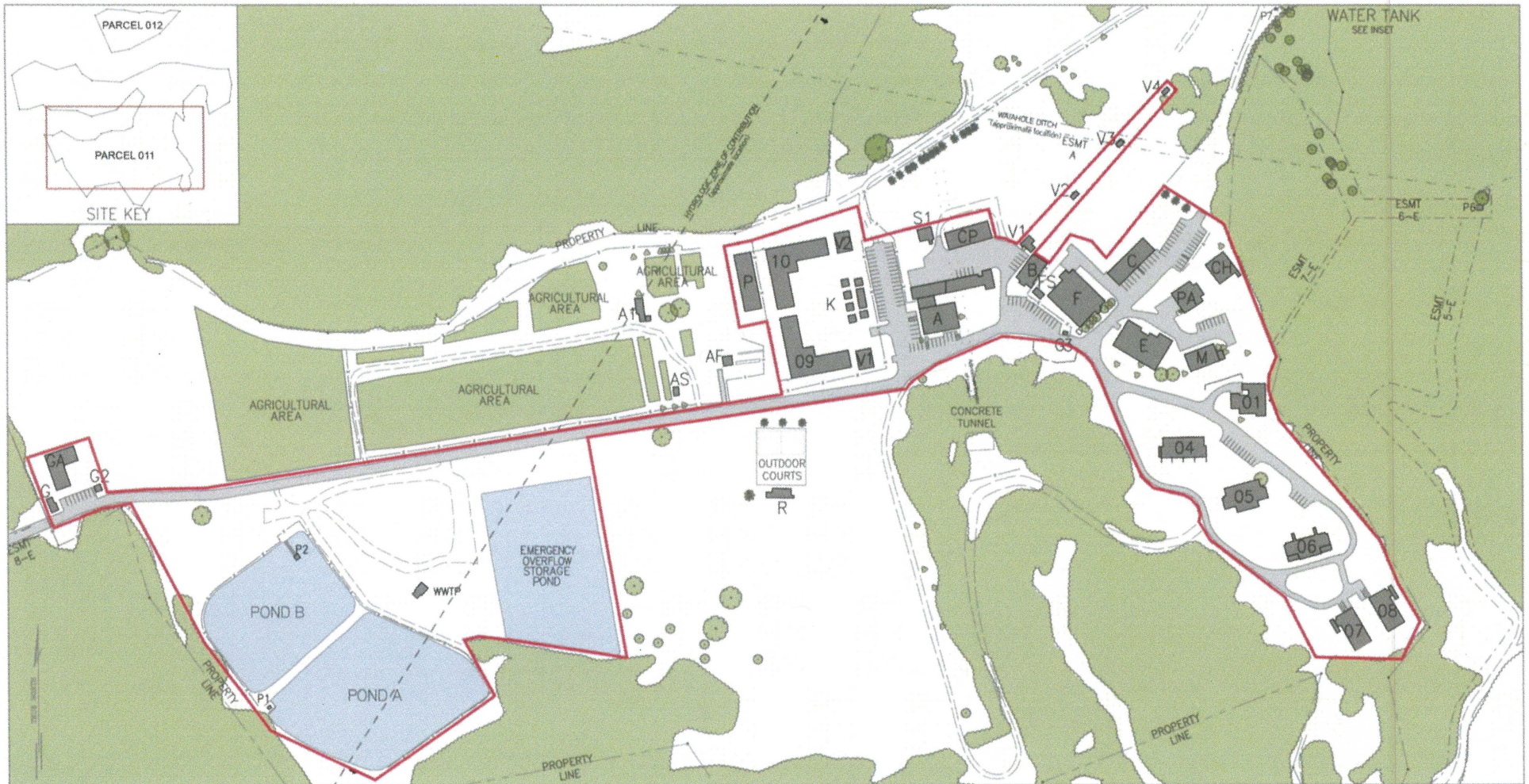


PORTION OF
ZONING MAP
 WAIPIO (CRESTVIEW)

TAX MAP KEY(S): 9-6-005:011

FOLDER NO.: 2022/SUP-3

Figure 3



LEGEND

- PROPERTY LINE
- SUP PETITION AREA
- x- FENCE LINE
- UNPAVED ROAD
- - - EASEMENT
- WAIAHOLE DITCH
- RESERVOIR
- TREE CANOPY/GREENSPACE
- BUILDING/STRUCTURE
- PAVED ROAD

GRAPHICAL SCALE:



- WCF-01 OFFICE SPACE
- WCF-04 HOUSING 4
- WCF-05 HOUSING 5
- WCF-06 HOUSING 6
- WCF-07 TENT 7
- WCF-08 TENT 8
- WCF-09 BUILDING 9
- WCF-10 BUILDING 10
- WCF-A ADMINISTRATION BUILDING
- WCF-A1 AGRICULTURAL STORAGE
- WCF-AF AQUA FARM STORAGE
- WCF-AS AGRICULTURAL STORAGE OPERATIONS
- WCF-B CONTROL & SUPPORT
- WCF-C

- WCF-CH CHAPEL
- WCF-CP CARPORT
- WCF-E EDUCATION
- WCF-F INMATE DINING FACILITY
- WCF-FS FOOD SERVICE STORAGE
- WCF-G GUARD SHACK
- WCF-G2 GATEHOUSE STORAGE SHED
- WCF-G3 VISITOR CHECK-IN OFFICE
- WCF-GA GUARD SHACK ADMINISTRATION
- WCF-I AUTO/LANDSCAPE SHOP & TOOL ROOM
- WCF-K KASHBOX COMPOUND
- WCF-M MEDICAL SERVICES PROGRAM
- WCF-P PUMP STATION 1

- WCF-P2 PUMP STATION 2
- WCF-P6 PUMP STATION 6
- WCF-P7 PUMP STATION 7
- WCF-PA PAVILION & MULTI-PURPOSE AREA RECREATION CENTER
- WCF-R FUEL STORAGE
- WCF-S1 KASHBOX COMPOUND - VISITING 1
- WCF-V1 KASHBOX COMPOUND - VISITING 2
- V1 CONCRETE COMM. STRUCTURE
- V2 CONCRETE COMM. STRUCTURE
- V3 CONCRETE COMM. STRUCTURE
- V4 CONCRETE COMM. STRUCTURE

DATE	DESCRIPTION	BY	APPROVED
DEPT. OF ACCOUNTING & GENERAL SERVICES PLANNING DIVISION STATE OF HAWAII			
WAIAWA CORRECTIONAL FACILITY PLAN RE-USE PERMITS & SPECIAL USE PERMITS PROJECT: 12-05-0763			
Site Plan			
357M International, Inc.	DATE: 12-05-0763	DRAWING NO: C000.00	
DESIGNED BY: CMA	APPROVED BY:	DATE:	SCALE:
DRAWN BY: R/S	DATE:	MAY 2018	
NAME: AS SHOWN			
FILE	REVISION	DATE	FINAL

FIGURE 4 – SITE PLAN

Legend

 Project Site

 TMK Parcel

Productivity Rating:

A 85-100%

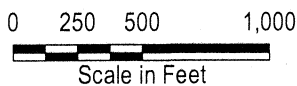
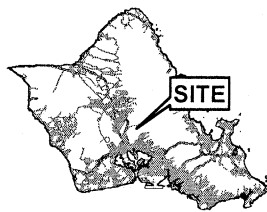
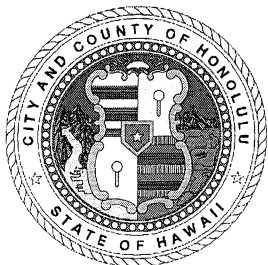
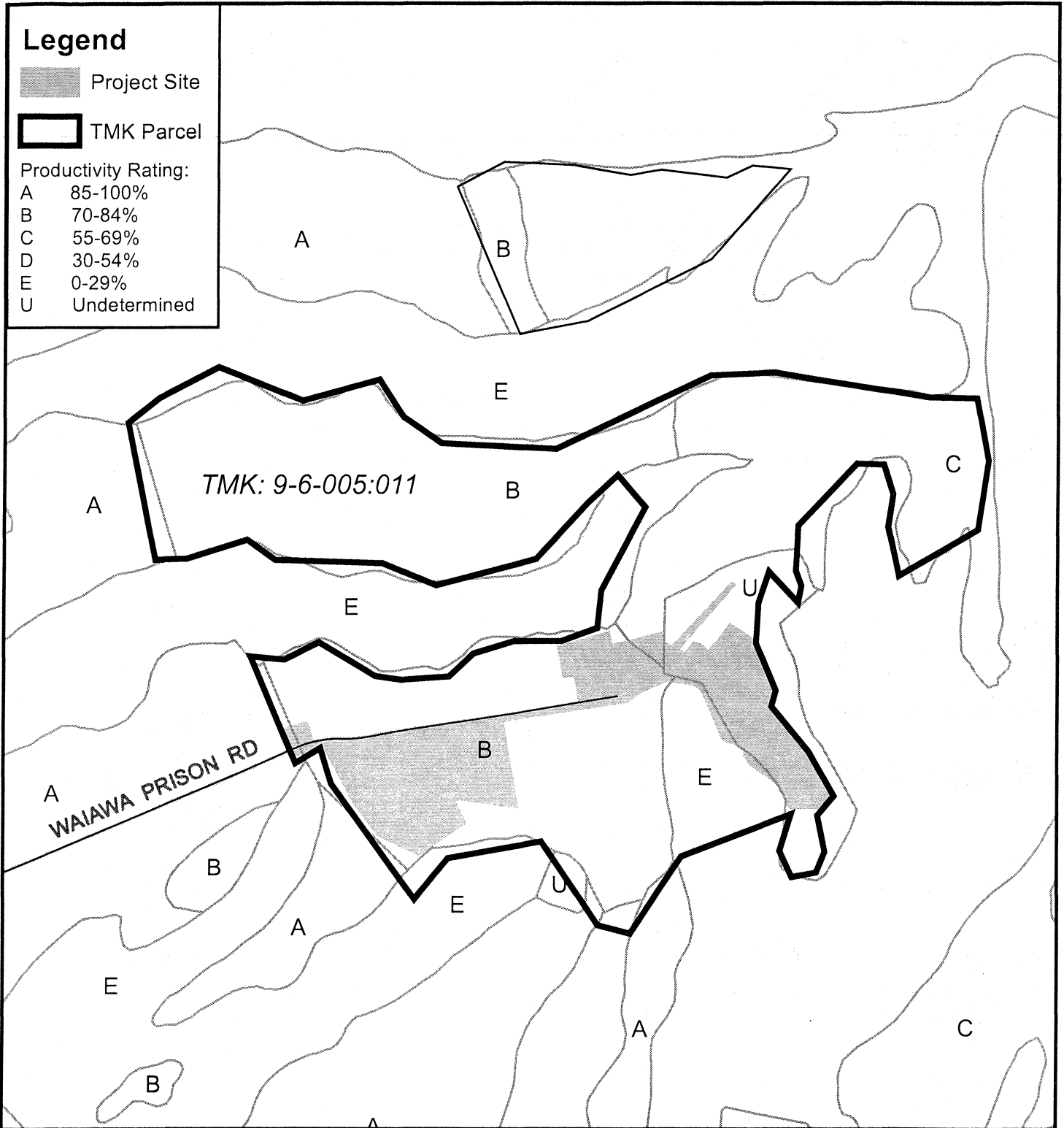
B 70-84%

C 55-69%

D 30-54%

E 0-29%

U Undetermined

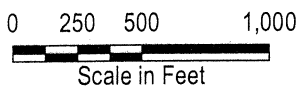
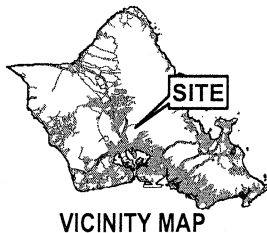
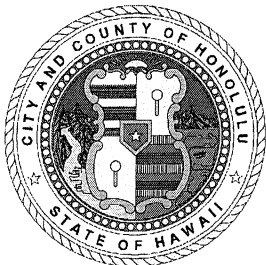
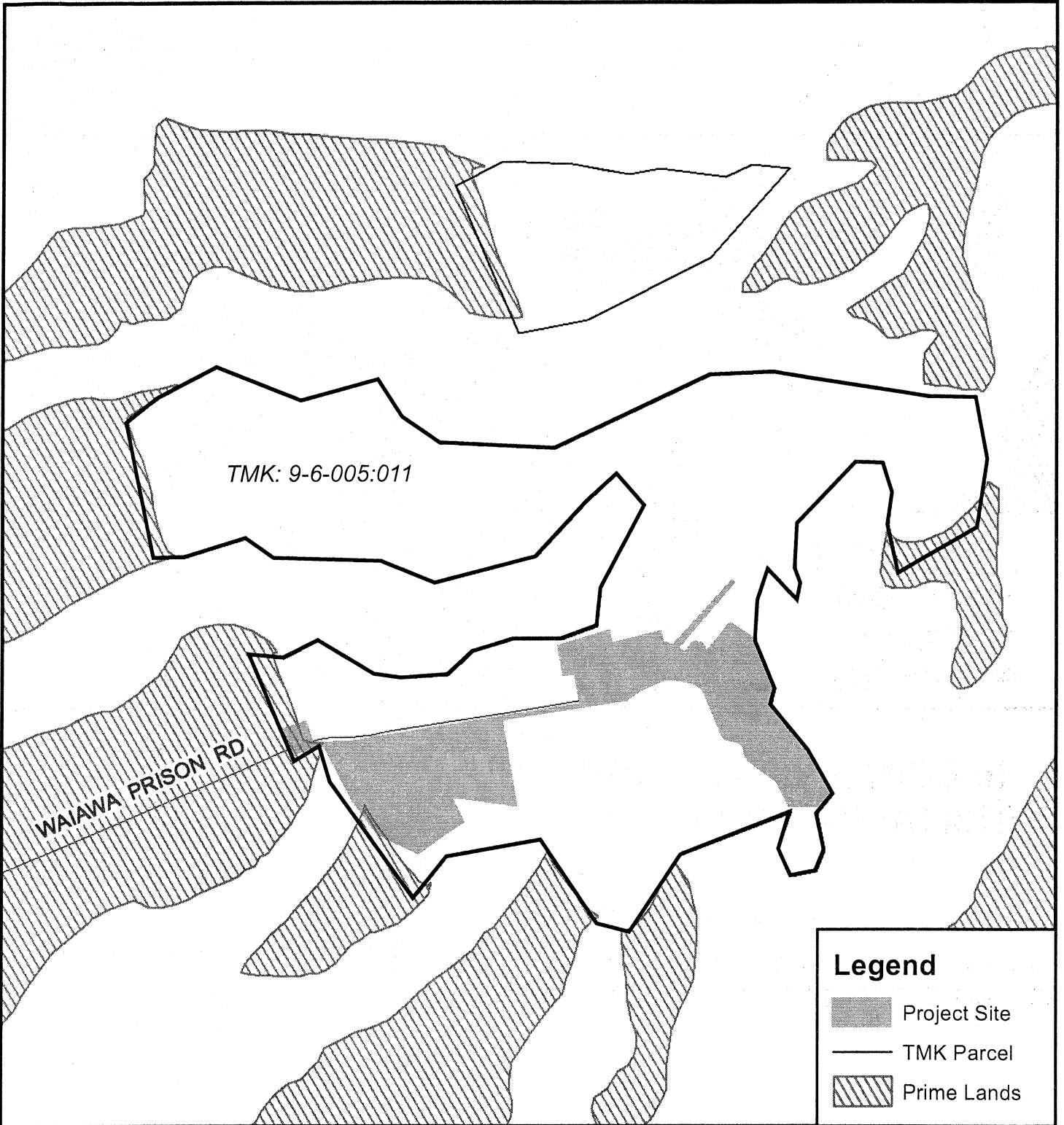


**PORTION OF
LAND STUDY BUREAU MAP
WAIAWA**

TAX MAP KEY(S): 9-6-005:011

FOLDER NO.: 2022/SUP-3

Figure 5

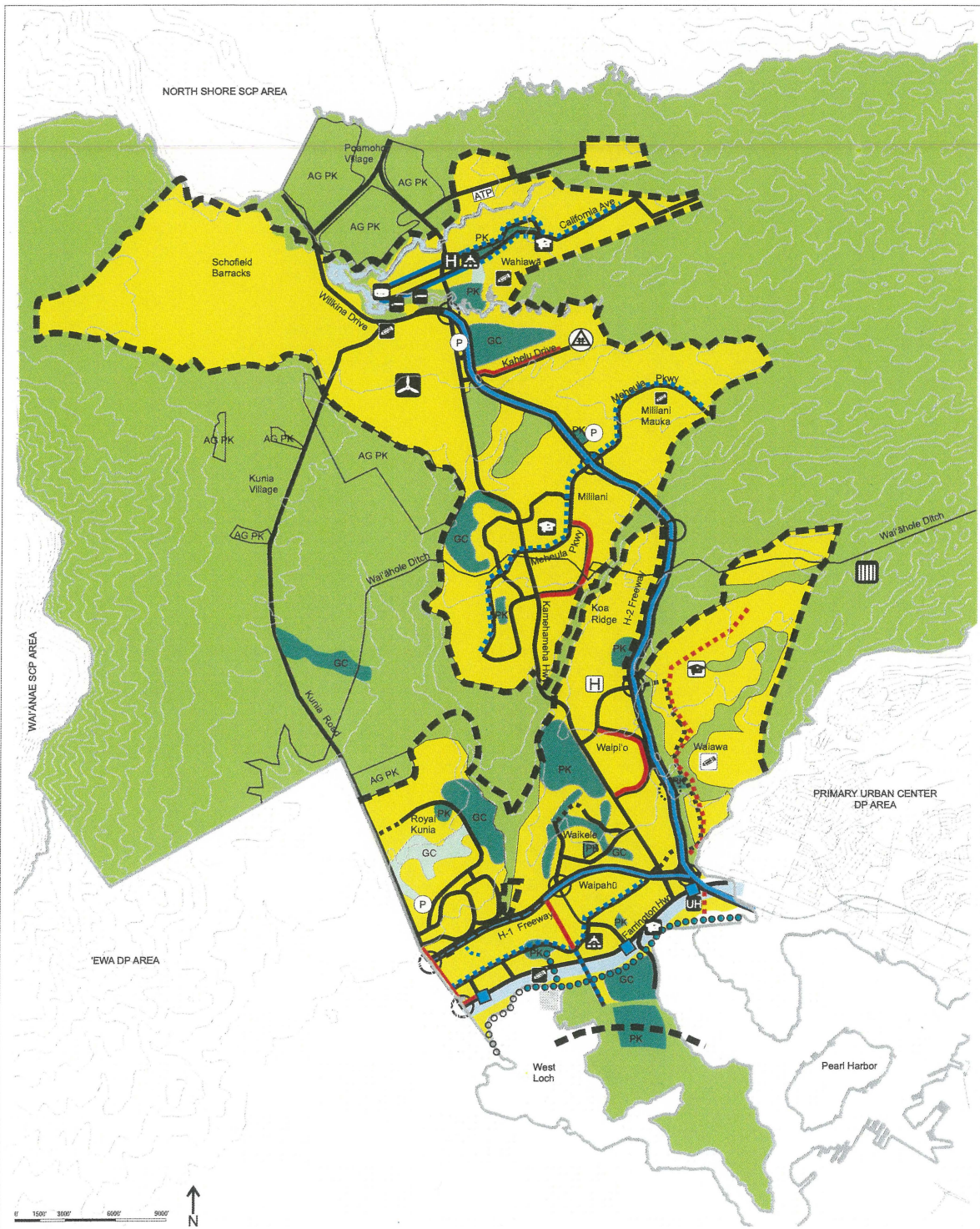


PORTION OF
**AGRICULTURAL LANDS of
 IMPORTANCE MAP (ALISH)
 WAIAWA**

TAX MAP KEY(S): 9-6-005:011

FOLDER NO.: 2022/SUP-3

Figure 6



CENTRAL O'AHU SUSTAINABLE COMMUNITIES PLAN

Map A-3: Public Facilities Map



Department of Planning and Permitting
City and County of Honolulu

EXISTING		FUTURE		EXISTING		FUTURE	
	Community Growth Boundary		HOV (High Occupancy Vehicle) Lane		Civic Center		Civic Center
	Urban Areas		Park & Ride Site		Airfield		Airfield
	Agriculture and Preservation Areas		Transit Corridor		Correctional Facility		Correctional Facility
	Highways, Arterials & Major Collector Streets		Transit Node		Wastewater Treatment Plant		Wastewater Treatment Plant
	Grade Separated Interchange		Parks and Golf Courses		U.H. Leeward Comm. College		U.H. Leeward Comm. College
	Historic Bikeway Corridor		Agricultural Park		Corporation Yard		Corporation Yard
	Bike Path		Ag Industrial and Tech Park		First Responders Tech Campus		First Responders Tech Campus
	Bike Lane		Wetlands				
			Intermediate/Middle School				
			High School				
			Hospital				

Figure 7

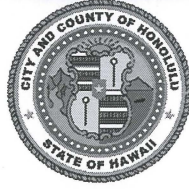
EXHIBIT 2

**AGENCY COMMENTS
PUBLIC COMMENTS**

DEPARTMENT OF TRANSPORTATION SERVICES
CITY AND COUNTY OF HONOLULU

711 KAPIOLANI BOULEVARD, SUITE 1600
HONOLULU, HAWAII 96813
Phone: (808) 768-8305 • Fax: (808) 768-4730 • Internet: www.honolulu.gov

RICK BLANGIARDI
MAYOR



J. ROGER MORTON
DIRECTOR

JON Y. NOUCHI
DEPUTY DIRECTOR


TP9/22-888875

October 18, 2022

MEMORANDUM

TO: Dawn Takeuchi Apuna, Acting Director
Department of Planning and Permitting

ATTENTION: Franz Kraintz, Acting Branch Chief
Community Planning Branch

FROM: J. Roger Morton, Director
Department of Transportation Services 

SUBJECT: Application for a State Special Permit
Waiawa Correctional Facility
94-670 Kamehameha Highway, Waiawa, Oahu
Tax Map Key 9-6-005: Portion of 011

Thank you for the opportunity to provide written comments regarding Project Number 2022/SUP-3, the Application for a State Special Permit for Waiawa Correctional Facility. We reviewed the State Special Permit and do not have any comments on the continued use of the Waiawa Correctional Facility at this time.

Should you have any questions, please contact Greg Tsugawa, of my staff, at (808) 768-6683.

2022 OCT 26 PM 3:25
DEPT OF PLANNING
AND PERMITTING
CITY & COUNTY OF HONOLULU

Blair, Thomas G

From: DBEDT State Planning <dbedt.stateplanning@hawaii.gov>
Sent: Thursday, September 29, 2022 2:45 PM
To: Blair, Thomas G
Cc: Maki, Lorene K
Subject: RE: Application for a SUP - Waiawa CF - RFC 2022/SUP-3

CAUTION: Email received from an EXTERNAL sender. Please confirm the content is safe prior to opening attachments or links.

Aloha,

Thank you for the opportunity to comment. Office of Planning and Sustainable Development has no comments at this time for the subject matter.

Mahalo,

Megumi Nakayama

Secretary
Land Use Division,
State of Hawaii Office of Planning and Sustainable Development
Telephone: (808) 587-2842

From: Blair, Thomas G <thomas.blair@honolulu.gov>
Sent: Friday, September 16, 2022 2:39 PM
To: Blair, Thomas G <thomas.blair@honolulu.gov>
Cc: Kraintz, Franz <fkraintz@honolulu.gov>
Subject: [EXTERNAL] Application for a SUP - Waiawa CF - RFC

MEMORANDUM

TO: City, State, and Federal Agencies

FROM: Franz Kraintz, Acting Branch Chief
Community Planning Branch
Department of Planning and Permitting

SUBJECT: Application for a State Special Permit
Waiawa Correctional Facility
94-670 Kamehameha Highway, Waiawa, Oahu
Tax Map Key 9-6-005: Portion of 011

An application for a State Special Permit (SUP) has been accepted for review for the existing Waiawa Correctional Facility as a permitted use on an approximately 24-acre portion of a 157.9-acre State-owned parcel, Tax Map Key 9-6-005: 011 (por.), located in the State Land Use Agricultural District. The proposed SUP would remove the correctional facility's nonconforming status with respect to the State Land Use Law,

Chapter 205, Hawaii Revised Statutes (HRS). No changes or improvements to the existing facility are proposed.

The SUP application is prepared in accordance with Chapter 205.6 (a) of the HRS, where the county Planning Commission may permit certain "unusual and reasonable uses" within the State Land Use Agricultural District other than those for which the district is classified. Also, given that the proposed site is in excess of 15 acres, per the HRS, Chapter 205.6 (d), the SUP application will be forwarded to the State Land Use Commission following the recommendation by the county Planning Commission.

Please evaluate the impact of the continued use of the correctional facility on the public facilities and services planned or provided by your Department, and indicate whether they are adequate. If public facilities and services are not adequate, indicate what improvements would be necessary to support the correctional facility.

Attached is a summary project description with location and site plan maps. The SUP application is available on the Department's website at: <https://www.honolulu.gov/dpppd/active-projects.html>. Due to time constraints imposed by the rules of the Planning Commission, your reply is due to this Department by: **October 17, 2022**. Please reference the project number **2022/SUP-3** in your response. Should you have any questions, contact Thomas Blair, of our staff, at (808)768-8030 or Thomas.blair@honolulu.gov.

#2242024



DAVID Y. IGE
GOVERNOR

LAND USE COMMISSION

DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT & TOURISM
OFFICE OF PLANNING & SUSTAINABLE DEVELOPMENT

DANIEL ORODENKER
EXECUTIVE OFFICER

235 S. Beretania Street, RM 406, Honolulu, Hawai'i 96813
Mailing Address: P.O. Box 2359, Honolulu, Hawai'i 96804
Email Address: dbedt.luc.web@hawaii.gov

Telephone: (808) 587-3822
Fax: (808) 587-3827
Website: luc.hawaii.gov

September 28, 2022

To: Franz Kraintz, Acting Branch Chief
Community Planning Branch
Department of Planning and Permitting

From: Daniel Orodener
Executive Officer, State Land Use Commission

Subject: Waiawa Correctional Facility for State Special Use Permit (SUP)
Project Number: 2022/SUP-3

2022 OCT -7 PM 3:43
OFFICE OF PLANNING
AND PERMITTING
CITY & COUNTY OF HONOLULU

Aloha,

Land Use Commission ("LUC") staff has reviewed the Waiawa Correctional Facility ("WCF") Special Use Permit ("SUP") Application, and has the following comments:

On pages 60-63 of the Final Technical Report ("FTR") the Petitioner refers to Hawai'i Administrative Rule ("HAR") 15-15-95(c) and states that the WCF meets the LUC's guidelines. The Land Use Commission requests that during the Planning Commissions proceedings on this matter findings be made substantiating compliance with the guidelines stated in HAR 15-15-95(c) which read:

- (c) Certain "unusual and reasonable" uses within agricultural and rural districts other than those for which the district is classified may be permitted. The following guidelines are established in determining an "unusual and reasonable use":
- (1) The use shall not be contrary to the objectives sought to be accomplished by chapters 205 and 205A, HRS, and the rules of the commission;
 - (2) The proposed use would not adversely affect surrounding property;
 - (3) The proposed use would not unreasonably burden public agencies to provide roads and streets, sewers, water drainage and school improvements, and police and fire protection;
 - (4) Unusual conditions, trends, and needs have arisen since the district boundaries and rules were established; and
 - (5) The land upon which the proposed use is sought is unsuited for the uses permitted within the district.

The FTR mentions the Architectural Reconnaissance Level Survey ("RLS") that was submitted to the State Historic Preservation Division ("SHPD") for review under Hawai'i Revised Statutes ("HRS") Chapter 6E-08. The Land Use Commission requests that during the Planning Commissions proceedings on this matter findings be made substantiating the compliance and representations made by the Petitioner pertaining to Chapter 6E.

According to *Ka Pa'akai O Ka'Aina v. Land Use Com'n, State of Hawai'i*, the State and its agencies are obligated to protect the reasonable exercise of customarily and traditionally exercised rights of Hawaiians to the extent feasible. Per *Kaua'i Springs, Inc. v. Planning Com'n of the County of Kaua'i* this includes County agencies. The Commission requests a discussion on why a Ka Pa'akai Analysis is not included in the Petition, and requests that findings be provided to meet this obligation.

Throughout the FTR, the Petitioner addresses agricultural uses and productivity. The Commission requests that during the Planning Commissions proceedings on this matter findings be made substantiating the Petitioner's statements regarding agricultural uses and productivity, including discussion of those areas identified as being in agricultural use.

There is no proposed time limit in the Final Technical Report. According to HAR 15-15-95(f) special permits are intended to operate under a time limit and be a temporary use. The Land Use Commission requests findings on why a Special Use Permit Petition was suggested and chosen over a District Boundary Amendment.

The Waiāhole Ditch System passes through the site and provides the WCF with raw water. The future availability of water from this system should be discussed and appropriate findings be made.

The Land Use Commission requests that during the Planning Commissions proceedings on this matter, findings be made ensuring that all acreage being used is included in the Petition, this includes access roads.

Sincerely,



Dan Orodener
Executive Officer
Land Use Commission

DAVID Y. IGE
GOVERNOR



KENNETH S. HARA
MAJOR GENERAL
ADJUTANT GENERAL

STEPHEN F. LOGAN
BRIGADIER GENERAL
DEPUTY ADJUTANT GENERAL

STATE OF HAWAII
DEPARTMENT OF DEFENSE
OFFICE OF THE ADJUTANT GENERAL
3949 DIAMOND HEAD ROAD
HONOLULU, HAWAII 96816-4495

September 27, 2022

Mr. Franz Kraintz, Acting Branch Chief
Community Planning Branch
Department of Planning and Permitting
City and County of Honolulu
650 South King Street, 7th floor
Honolulu, Hawaii 96813

SUBJECT: Response to Application for a State Special Permit
Waiawa Correctional Facility
Project No. 2022/SUP-3
Tax Map Key 9-6-005: Portion of 011

Dear Mr. Kraintz:

Thank you for the opportunity to comment on the above project. The State of Hawaii Department of Defense has no comments to offer relative to the project.

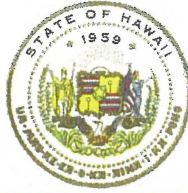
Should you have any questions, please contact Mr. Tad T. Nakayama at 808-369-3490 or tad.t.nakayama@hawaii.gov.

Sincerely,

Shao Yu L. Lee, R.A.
Captain, Hawaii National Guard
Chief Engineering Officer

2022 OCT -3 PM 3:14
CITY & COUNTY OF HONOLULU
DEPT OF PLANNING
AND PERMITTING

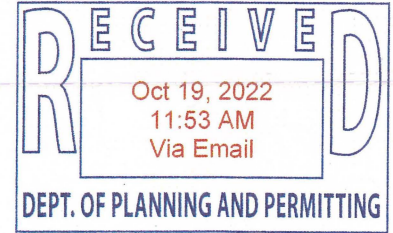
DAVID Y. IGE
GOVERNOR OF HAWAII



SUZANNE D. CASE
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE
MANAGEMENT

STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
LAND DIVISION

POST OFFICE BOX 621
HONOLULU, HAWAII 96809



October 19, 2022

LD 0284e

Franz Kraintz, Acting Branch Chief
Community Planning Branch
Department of Planning and Permitting
650 South King Street 7th Floor
Honolulu, HI 96813

Via email: thomas.blair@honolulu.gov

Dear Sirs:

SUBJECT: Application for a State Special Permit
Waiawa Correctional Facility
94-670 Kamehameha Highway, Waiawa, Island of Oahu
TMK: (1) 9-6-005:011 (por.)

Thank you for the opportunity to review and comment on the subject project. The Land Division of the Department of Land and Natural Resources (DLNR) distributed copies of your request to DLNR's various divisions for their review and comment.

Enclosed are responses/comments received from our (a) Engineering Division and (b) Division of Forestry and Wildlife. Should you have any questions, please feel free to contact Barbara Lee via email at barbara.j.lee@hawaii.gov. Thank you.

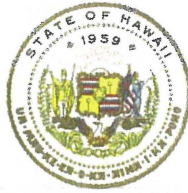
Sincerely,

Russell Tsuji

Russell Y. Tsuji
Land Administrator

Attachments

cc: Central Files



STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
LAND DIVISION

POST OFFICE BOX 621
HONOLULU, HAWAII 96809

September 21, 2022

LD 0284e

MEMORANDUM

FROM: ~~TO:~~

DLNR Agencies:

- Div. of Aquatic Resources
- Div. of Boating & Ocean Recreation
- Engineering Division** (via email: DLNR.engr@hawaii.gov)
- Div. of Forestry & Wildlife (via email: rubyrosa.t.terrago@hawaii.gov)
- Div. of State Parks
- Commission on Water Resource Management (via email: DLNR.CWRM@hawaii.gov)
- Office of Conservation & Coastal Lands
- Land Division – Oahu District (via email: barry.w.cheung@hawaii.gov)

TO: ~~FROM:~~
SUBJECT:

Russell Y. Tsuji, Land Administrator ^{ms} _l
Application for a State Special Permit
Waiawa Correctional Facility

LOCATION: 94-670 Kamehameha Highway, Waiawa, Island of Oahu, Hawaii
TMK: (1) 9-6-005:011 (por.)

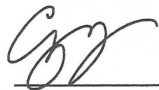
APPLICANT: **Department of Planning and Permitting, City and County of Honolulu**

Transmitted for your review and comment is information on the above-referenced project. Please review the attached information and submit any comments by the internal deadline of **October 13, 2022** to barbara.j.lee@hawaii.gov at the Land Division.

If no response is received by the above due date, we will assume your agency has no comments at this time. Should you have any questions about this request, please contact Barbara Lee at the above email address. Thank you.

BRIEF COMMENTS:

- We have no objections.
- We have no comments.
- We have no additional comments.
- Comments are included/attached.

Signed: 
 Print Name: Carty S. Chang, Chief Engineer
 Division: Engineering Division
 Date: Oct 10, 2022

Attachments
Cc: Central Files

DEPARTMENT OF LAND AND NATURAL RESOURCES
ENGINEERING DIVISION

LD/Russell Y. Tsuji

Ref: **Application for a State Special Permit**

Waiawa Correctional Facility

Location: 94-670 Kamehameha Highway, Waiawa, Island of Oahu, Hawaii

TMK(s): (1) 9-6-005:011 (por.)

Applicant: Department of Planning and Permitting, City and County of Honolulu

COMMENTS

The rules and regulations of the National Flood Insurance Program (NFIP), Title 44 of the Code of Federal Regulations (44CFR), are in effect when development falls within a Special Flood Hazard Area (high-risk areas). State projects are required to comply with 44CFR regulations as stipulated in Section 60.12. Be advised that 44CFR, Chapter 1, Subchapter B, part 60 reflects the minimum standards as set forth by the NFIP. Local community flood ordinances may stipulate higher standards that can be more restrictive and would take precedence over the minimum NFIP standards.

The owner of the project property and/or their representative is responsible to research the Flood Hazard Zone designation for the project. Flood Hazard Zones are designated on FEMA's Flood Insurance Rate Maps (FIRM). The official FIRMs can be accessed through FEMA's Map Service Center (msc.fema.gov). Our Flood Hazard Assessment Tool (FHAT) (<http://gis.hawaiiinfip.org/FHAT>) could also be used to research flood hazard information.

If there are questions regarding the local flood ordinances, please contact the applicable County NFIP coordinating agency below:

- Oahu: City and County of Honolulu, Department of Planning and Permitting (808) 768-8098.
- Hawaii Island: County of Hawaii, Department of Public Works (808) 961-8327.
- Maui/Molokai/Lanai County of Maui, Department of Planning (808) 270-7139.
- Kauai: County of Kauai, Department of Public Works (808) 241-4896.

The applicant should include water demands and infrastructure required to meet project needs. Please note that all State projects requiring water service from their local Department/Board of Water Supply system will be required to pay a resource development charge, in addition to Water Facilities Charges for transmission and daily storage.

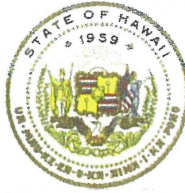
The applicant is required to provide water demands and calculations to the Engineering Division so it can be included in the State Water Projects Plan Update projections.

Signed: _____



CARTY S. CHANG, CHIEF ENGINEER

Date: Oct 10, 2022



STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
LAND DIVISION

POST OFFICE BOX 621
HONOLULU, HAWAII 96809

September 21, 2022

LD 0284e

MEMORANDUM

TO: **DLNR Agencies:**
 ___ Div. of Aquatic Resources
 ___ Div. of Boating & Ocean Recreation
X Engineering Division (via email: *DLNR.engr@hawaii.gov*)
X Div. of Forestry & Wildlife (via email: *rubyrosa.t.terrago@hawaii.gov*)
 ___ Div. of State Parks
X Commission on Water Resource Management (via email: *DLNR.CWRM@hawaii.gov*)
 ___ Office of Conservation & Coastal Lands
X Land Division – Oahu District (via email: *barry.w.cheung@hawaii.gov*)

FROM: Russell Y. Tsuji, Land Administrator

SUBJECT: **Application for a State Special Permit**
Waiawa Correctional Facility

LOCATION: 94-670 Kamehameha Highway, Waiawa, Island of Oahu, Hawaii
TMK: (1) 9-6-005:011 (por.)

APPLICANT: **Department of Planning and Permitting, City and County of Honolulu**

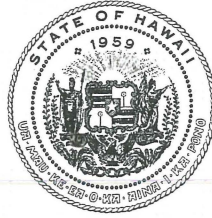
Transmitted for your review and comment is information on the above-referenced project. Please review the attached information and submit any comments by the internal deadline of **October 13, 2022** to *barbara.j.lee@hawaii.gov* at the Land Division.

If no response is received by the above due date, we will assume your agency has no comments at this time. Should you have any questions about this request, please contact Barbara Lee at the above email address. Thank you.

- BRIEF COMMENTS:
- () We have no objections.
 - () We have no comments.
 - () We have no additional comments.
 - Comments are included/attached.

Signed: Lainie Berry
 Print Name: Lainie Berry, Wildlife Pgrm Mgr
 Division: Forestry and Wildlife
 Date: Sep 30, 2022

Attachments
Cc: Central Files



STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
DIVISION OF FORESTRY AND WILDLIFE
1151 PUNCHBOWL STREET, ROOM 325
HONOLULU, HAWAII 96813

September 30, 2022

MEMORANDUM

Log No. 3815

TO: RUSSELL Y. TSUJI, Land Administrator
Land Division

FROM: LAINIE BERRY, Wildlife Program Manager
Division of Forestry and Wildlife

SUBJECT: **Division of Forestry and Wildlife Comments for the State Special Use Permit (SUP) Application for the Waiawa Correction Facility (WCF) on O'ahu**

The Department of Land and Natural Resources, Division of Forestry and Wildlife (DOFAW) has received your request for comment for the State SUP application regarding the WCF located at 94-670 Kamehameha Highway in Waipahu, on the island of Oah'u; TMK: (1) 9-6-005:011 (por.). The proposed permit application is required for the purpose of enabling WCF's to be in compliance with State and City land use laws. The WCF site is located within a State Land Use Agricultural District, for which prisons and correctional facilities are not classified as permissible uses within the Agricultural District. The SUP petition area is approximately 24 acres and is within a portion of the subject parcel. There are no plans for the addition or modification of current programs, operations, and activities, or the addition of any structures or buildings to the WCF. No physical alterations are planned for the site.

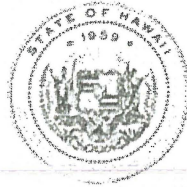
Thank you for the opportunity to review and comment on the subject matter. Since no site development or improvements will be taking place at the site, DOFAW has no current comments regarding impacts to listed species

We appreciate your efforts to work with our office for the conservation of our native species. These comments are general guidelines and should not be considered comprehensive for this site or project. It is the responsibility of the applicant to do their own due diligence to avoid any negative environmental impacts. Should the scope of the project change significantly, or should it become apparent that threatened or endangered species may be impacted, please contact our staff as soon as possible. If you have any questions, please contact Paul Radley, Protected Species Habitat Conservation Planning Coordinator at (808) 295-1123 or paul.m.radley@hawaii.gov.

Sincerely,

Lainie Berry

LAINIE BERRY
Wildlife Program Manager



RECEIVED

22 OCT 18 4 26

JADE T. BUTAY
DIRECTOR

Deputy Directors
ROSS M. HIGASHI
EDUARDO P. MANGLALLAN
DAVID J. RODRIGUEZ
EDWIN H. SNIFFEN

IN REPLY REFER TO:

DIR 0904
HWY-PS 2.9868

STATE OF HAWAII
DEPARTMENT OF TRANSPORTATION PLANNING
869 PUNCHBOWL STREET AND PERMITTING
HONOLULU, HAWAII 96813-5097 COUNTY OF HONOLULU

October 17, 2022

VIA EMAIL: Thomas.blair@honolulu.gov

Ms. Dawn Takeuchi Apuna
Acting Director
Department of Planning and Permitting
City and County of Honolulu
650 South King Street, 7th Floor
Honolulu, Hawaii 96813

Attention: Mr. Franz Krintz

Dear Ms. Takeuchi Apuna:

Subject: State Special Use Permit Application (2022/SUP-3)
Waiawa Correctional Facility
94-670 Kamehameha Highway – Waiawa, Oahu
Tax Map Key No: (1) 9-6-005: 011

Thank you for the letter dated September 16, 2022, and the opportunity to review the above-referenced application. The Application is related to the Draft Environmental Assessment we also provided comments on our letter dated February 9, 2021, HWY-PS 2.5080 (attached).

The Special Use Permit (SUP) application allows the agency to evaluate past and upcoming improvement and to document after-the-fact, land use modifications since the filing of a Final Environmental Assessment back in 1998. The 180-acre site consists of 40 existing buildings, 5 inmate housing, 2 visitor centers, educational building, dining hall, medical facility, chapel, administrative buildings, and an 8-acre farm. There are also three reservoirs for wastewater treatment and storage.

The existing access for the site is a few miles off the Interstate H-2 Freeway (Veterans Memorial Freeway) via Waiawa Prison Road and Mililani Cemetery Road; both are County roadways.

The Hawaii Department of Transportation (HDOT) have the following comments:

1. The application states that the five-year Capital Improvement Plan for facility alterations will not result in the increase of additional trip generation associated with future increase

Ms. Dawn Takeuchi Apuna
October 17, 2022
Page 2

HWY-PS 2.9868

of activities, inmate population or staffing. Therefore, we find that the project will have no significant impacts to the nearby state highway facility.

2. We recommend in the event the SUP is approved, that a condition should be required as follows:

Any future expansion or intensification of land use beyond what is presented under this application may require an updated Traffic Assessment or Traffic Impact Analysis Report to be submitted to the HDOT for review and acceptance. The study should determine whether any traffic impacts generated by the project impacts the state facility.

If you have any questions, please contact Jeyan Thirugnanam, Systems Planning Engineer, Highways Division, Planning Branch at (808) 587-6336 or by email at Jeyan.Thirugnanam@hawaii.gov. Please reference file review number PS 2022-167.

Sincerely,



JADE T. BUTAY
Director of Transportation

Attachment

Blair, Thomas G

From: Dang, Charmian I <charmian_dang@fws.gov>
Sent: Thursday, September 29, 2022 6:53 AM
To: Blair, Thomas G
Subject: Species List for the Proposed Special Use Permit for the Waiawa Correctional Facility at 94-670 Kamehameha Highway, Waiawa, O'ahu [TMK 9-6-005; portion of 011]
Attachments: IPaC Info Letter_Species List Instructions_PIFWO_20Apr2022_Final.pdf; 2022-0088641-S7-001 Waiawa Correctional Facility SUP Oahu.pdf

CAUTION: Email received from an EXTERNAL sender. Please confirm the content is safe prior to opening attachments or links.

Dear Ms. Apuna,

Attached you will find the FWS Pacific Islands Fish and Wildlife Office's response to your species list request for the above-named project.

We thank you for your efforts to conserve listed species and native habitats. Please contact me should you have any questions pertaining to this response or require further guidance. When referring to this project, please include this reference number: 2022-0088641-S7-001.

The Pacific Island Fish and Wildlife Office (PIFWO) is transitioning to the use of the Information for Planning and Consultation (IPaC) online portal, <https://ipac.ecosphere.fws.gov/>, for federal action agencies and non-federal agencies or individuals to obtain official species lists, including threatened and endangered species and designated critical habitat in your project area. Using IPaC expedites the process for species list distribution and takes minimal time. Therefore, the IPaC list would fulfill your request for a species list. Since we have already written a response, you can use the response provided for this project and disregard the IPaC species list. Please find step by step instructions attached to use IPaC for future projects, and feel free to share with additional project partners.

For recommended avoidance and minimization measures, you can visit the following webpage <https://www.fws.gov/office/pacific-islands-fish-and-wildlife/library>

aloha,
Charmian Dang

Charmian Dang
U. S. Fish and Wildlife Biologist
Pacific Islands Fish and Wildlife Office
300 Ala Moana Boulevard, Room 3-122
Honolulu, Hawaii 96850
808-792-9400



United States Department of the Interior



FISH AND WILDLIFE SERVICE
Pacific Islands Fish and Wildlife Office
300 Ala Moana Boulevard, Room 3-122
Honolulu, Hawai'i 96850

In Reply Refer To:
2022-0088641-S7-001

September 28, 2022

Ms. Dawn Takeuchi Apuna
Department of Planning and Permitting
City and County of Honolulu
650 S. King Street, 7th Floor
Honolulu, Hawai'i 96813

Subject: Species List for the Proposed Special Use Permit for the Waiawa Correctional Facility at 94-670 Kamehameha Highway, Waiawa, O'ahu

Dear Ms. Apuna:

Thank you for your letter of September 16, 2022, requesting a species list and guidance for the proposed Special Use Permit for the Waiawa Correctional Facility at 94-670 Kamehameha Highway, on the island of O'ahu [TMK 9-6-005; portion of 011]. The proposed Special Use Permit would remove the correctional facility's non-conforming status with respect to the State Land Use law, Chapter 205, Hawai'i Revised Statutes (HRS). No changes or improvements are proposed to the existing facility which is located on a 24-acre portion of a 157.9-acre State-owned parcel.

This letter has been prepared under the authority of and in accordance with provisions of the Endangered Species Act of 1973 (16 U.S.C. 1531 *et seq.*), as amended (ESA). We have reviewed the information you provided and pertinent information in our files, as it pertains to federally listed species in accordance with section 7 of the ESA. Our data indicate the following federally listed species may occur or transit through the vicinity of the proposed project area: the endangered Hawaiian hoary bat ('ōpe'ape'a, *Lasiurus cinereus semotus*); endangered Hawaiian petrel (ua'u, *Pterodroma sandwichensis*), endangered Hawai'i distinct population segment (DPS) of band-rumped storm-petrel ('ake'ake, *Hydrobates castro*), and threatened Newell's shearwater ('a'o, *Puffinus auricularis newelli*), hereafter collectively referred to as Hawaiian seabirds.

Hawaiian hoary bat

The Hawaiian hoary bat roosts in both exotic and native woody vegetation across all islands and will leave young unattended in trees and shrubs when they forage. If trees or shrubs 15 feet or taller are cleared during the pupping season, there is a risk that young bats could inadvertently be harmed or killed since they are too young to fly or may not move away.

PACIFIC REGION 1

IDAHO, OREGON*, WASHINGTON,
AMERICAN SAMOA, GUAM, HAWAI'I, NORTHERN MARIANA ISLANDS

*PARTIAL

To avoid and minimize impacts to the endangered Hawaiian hoary bat we recommend you incorporate the following applicable measures into your project description:

- Do not disturb, remove, or trim woody plants greater than 15 feet tall during the bat birthing and pup rearing season (June 1 through September 15).
- Do not use barbed wire for fencing.

Hawaiian seabirds

Hawaiian seabirds may traverse the project area at night during the breeding, nesting and fledging seasons (March 1 to December 15). Outdoor lighting could result in seabird disorientation, fallout, and injury or mortality. Seabirds are attracted to lights and after circling the lights they may become exhausted and collide with nearby wires, buildings, or other structures or they may land on the ground. Downed seabirds are subject to increased mortality due to collision with automobiles, starvation, and predation by dogs, cats, and other predators. Young birds (fledglings) traversing the project area between September 15 and December 15, in their first flights from their mountain nests to the sea, are particularly vulnerable.

To avoid and minimize potential project impacts to seabirds we recommend you incorporate the following applicable measures into your project description:

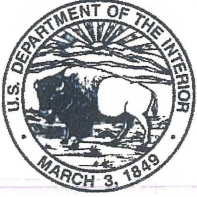
- Fully shield all outdoor lights so the bulb can only be seen from below bulb height and only use when necessary.
- Install automatic motion sensor switches and controls on all outdoor lights or turn off lights when human activity is not occurring in the lighted area.
- Avoid nighttime construction during the seabird fledging period, September 15 through December 15.

We appreciate your efforts to conserve protected species. If you have questions regarding this response, please contact Charmian Dang, Fish and Wildlife Biologist (phone: 808-792-9400, email: Charmian_Dang@fws.gov). When referring to this project, please include this reference number: 2022-0088641-S7-001.

Sincerely,

AARON Digitally signed
by AARON NADIG
NADIG Date: 2022.09.28
08:16:31 -10'00'

Island Team Manager
O'ahu, Kaua'i, Northwestern Hawaiian
Islands, and American Samoa



United States Department of the Interior



FISH AND WILDLIFE SERVICE
Pacific Islands Fish and Wildlife Office
300 Ala Moana Boulevard, Room 3-122
Honolulu, Hawai'i 96850

Subject: IPaC generated official species list for the Pacific Islands Fish and Wildlife Office

Dear Action Agency or Applicant:

The Pacific Islands Fish and Wildlife Office (PIFWO) is transitioning to the Information for Planning and Consultation (IPaC) online portal, <https://ipac.ecosphere.fws.gov/> for federal action agencies and non-federal agencies or individuals to obtain official species lists, including threatened and endangered species, designated critical habitat, and avoidance and minimization measures to consider in your general project design. IPaC has been used by continental USFWS offices to provide official species lists and avoidance and minimization guidance since 2017. Using IPaC expedites the process for species list distribution. Obtaining a species list in IPaC is relatively straightforward and takes minimal time to complete. Step by step instructions are included below.

Please note that under 50 CFR 402.12(e) of the regulations implementing section 7 of the Act, the accuracy of your species list should be verified after 90 days. New information based on updated surveys, changes in the abundance and distribution of species, changed habitat conditions, or other factors could change the species list. Verification can be completed by visiting the IPaC website at regular intervals during project planning and implementation. An updated list may be requested through the IPaC system by completing the same process used to obtain the initial species list.

We hope this process provides efficiencies to our partners in obtaining a species list. For federal action agencies, it also opens additional IPaC functionality that the PIFWO office is still working on, such as the use of Determination Keys for informal section 7 programmatic consultations. We will let our agency partners know when that functionality becomes available.

If you have questions about a species list obtained through the IPaC system or need assistance in completing an IPaC species list request, please contact the Service at 808-792-9400 or via email at pifwo_admin@fws.gov. We appreciate your efforts to conserve listed species across the Pacific Islands.

INTERIOR REGION 9
COLUMBIA-PACIFIC NORTHWEST

IDAHO, MONTANA*, OREGON*, WASHINGTON

*PARTIAL

INTERIOR REGION 12
PACIFIC ISLANDS

AMERICAN SĀMOA, GUAM, HAWAI'I. NORTHERN
MARIANA ISLANDS

Instructions for Action Agencies and partners to obtain an official species list in IPaC

- Navigate to <https://ipac.ecosphere.fws.gov/>
- You can get an unofficial species list without logging in. However, if you want an official species list you will need to log in first using your Login.gov account. If you don't have an IPaC account, they are easy to create.

Log in



LOGIN.GOV LOGIN

You can use your Login.gov profile as your IPaC account. You will need to allow IPaC to read your [basic profile information](#).

LOG IN WITH  LOGIN.GOV

PAC LOGIN

> [Why do I need an IPaC account?](#)

Select Log in with Login.gov and sign in using your email and password.

Email address

Password

Show password

Sign in

Create an account

[Sign in with your government employee ID](#)

If you have a PIV or CAC card, you can sign in using that method as well.

Sign in with your PIV or CAC

Make sure you have a [Login.gov](#) account and you've set up PIV/CAC as a two-factor authentication method.

Insert your PIV/CAC

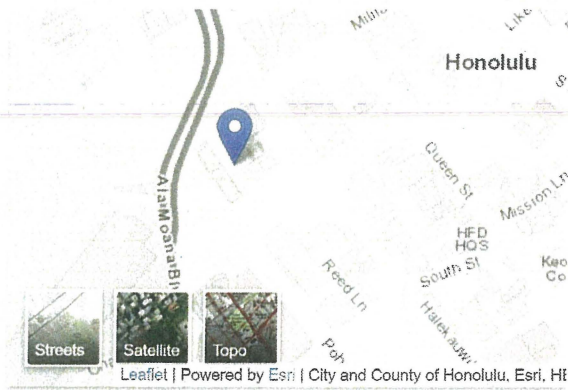
[Cancel](#)

- Once you log in, select “Get Started”.

The screenshot shows the IPaC (Information for Planning and Consultation) web application interface. At the top, there is a navigation bar with the U.S. Fish & Wildlife Service logo, the text "U.S. Fish & Wildlife Service", and the user name "EMMA GOSLINER". Below this is the main header "IPaC Information for Planning and Consultation" with the subtext "Powered by ECOS - the Environmental Conservation Online System". The last login time is shown as "Last login March 16, 2022 05:53 PM". The main content area features a large image of a coastal landscape with a lighthouse. Overlaid on this image is the text "IPaC is a project planning tool that streamlines the USFWS environmental review process". At the bottom of this image are two buttons: "GET STARTED" and "MY PROJECTS".

- Define the action area: Identify the location of the proposed action by uploading an existing shapefile or by entering an address or coordinates of the action area. Once identified on the map, you can manually draw the action area using the drawing tools.

The screenshot shows the "Define area" interface in the IPaC application. On the left, there is a sidebar with the heading "1 Find location" and instructions: "Search or zoom to find the project location", "Find a place", and "Or skip this step and: UPLOAD SHAPE FILE, SELECT BY STATE OR COUNTY". Below this sidebar is a map with a zoom control (+/-) and the text "Define area". On the right, there is a larger map showing a street view of Honolulu. Above the map is the heading "2 Define area" and instructions: "Draw the area where activities will occur", "Select a drawing tool", and a list of tools: "SKETCH", "POLYGON", and "LINE". Below the tools are "Other options: UPLOAD SHAPE FILE, SELECT BY STATE OR COUNTY".



To help identify your action area you can choose between multiple base maps available.

1 Find location

2 Define area

3 Confirm

Verify the area where project activities will occur

Modify the shape by clicking and dragging the vertices or clicking on a solid vertex to remove it

AREA: 6.73 acres

CONTINUE

START OVER

Press continue when you have finished drawing or uploading the action area location.

- The species information on the page that follows is not official. However, it identifies the project County, local Fish and Wildlife Field Office, species covered under NOAA Fisheries as well as Migratory Bird Treaty Act species. The list can be viewed in Thumbnail or List format.
- Once the species list populates you will see images of the species that may occur on, near, or transgress across your project. Click on SPECIES GUIDELINES on your top right to see Avoidance and Minimization measures to incorporate into your General Project Design Guidelines.

Explore location

LOCAL OFFICE PACIFIC ISLANDS FISH AND WILDL OFC



LOCATION
Honolulu County,
Hawaii
CHANGE LOCATION

Resources

ENDANGERED SPECIES 20

MIGRATORY BIRDS 5

FACILITIES

WETLANDS

PRINT RESOURCE LIST

What's next?

Define a project at this location to evaluate potential impacts, get an official species list, and make species determinations.

DEFINE PROJECT

Endangered species

Listed species and their critical habitats are managed by the [Ecological Services Program](#) of the U.S. Fish and Wildlife Service (USFWS) and the fisheries division of the National Oceanic and Atmospheric Administration (NOAA Fisheries).

Species and critical habitats under the sole responsibility of NOAA Fisheries are not shown on this list. Please contact [NOAA Fisheries](#) for [species under their jurisdiction](#).

Additional information on endangered species data is provided [below](#).

The following species are potentially affected by activities in this location:

THUMBNAILS LIST

SPECIES GUIDELINES

Mammals



- Continue with the following steps to comply with the requirements of ESA section 7 to obtain an **official species list**.
- Select Define Project

Define project

Define a project at this location to evaluate potential impacts, get an official species list, and make species determinations.

What's next?

Define a project at this location to evaluate potential impacts, get an official species list, and make species determinations.

DEFINE PROJECT

Project name

Project description

Describe the location, the project, and the expected impacts.

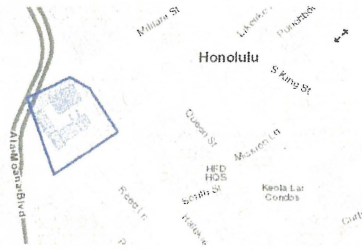
SAVE CANCEL

Enter the Project Name and a brief description of the project (a description is not mandatory, but recommended for future coordination with the Service). Click SAVE at bottom of page.

- At the bottom of the What's next box on the right, click Request Species List

Test Project

Testing



LOCATION: Honolulu County, Hawaii

CREATED: March 17, 2022

1 MEMBER 2 DOCUMENTS

What's next?

ESA REVIEW

Review this project's effects on listed species **Yes** pursuant to the Endangered Species Act (ESA), as part of the overall regulatory review.

START REVIEW

SPECIES LIST

Requesting an official species list is now part of IPaC's ESA Review.

REQUEST SPECIES LIST

Local office

Pacific Islands Fish And Wildlife Office

- on the following screen, click Yes, Request Species List

Endangered Species Act Review

[← BACK](#) [EXIT REVIEW](#)

1 Request an official species list

2 Evaluate determination keys
No Dkeys for project

3 Analyze project (optional)

4 Download documentation

Step 1: Request an official species list

An official species list is a letter from the local U.S. Fish and Wildlife Service field office that assists in the evaluation of potential impacts of your project. It includes a list of species that should be considered under [Section 7](#) of the Endangered Species Act, a project tracking number, and other pertinent information from the field office.

Does this project require an official species list?

Federal agencies are required to "request of the Secretary of Interior information whether any species which is listed or proposed to be listed may be present in the area of a proposed action" ([Section 7](#) of the Endangered Species Act).

This requirement applies to projects that are conducted, permitted, funded, or licensed by any Federal agency.

YES, REQUEST A SPECIES LIST

SKIP / DOES NOT APPLY

- Fill out the contact information for yourself or your agency. Contractors, state partners, and any other project proponents may request a species list and should be covered using the dropdown menus.

Tell us about the project and your organization or agency

Is this project being conducted, permitted, funded, or licensed by a Federal agency?

- Yes
 No

What kind of organization are you working for directly?

Federal Agency

Tribe

State Agency

Federal Agency

Territory Agency

City

County

Non-Governmental Organization

- From the pull-down menu for Classify Type of Project, select the project type that best fits the proposed action.

Enter your project information

Project name

Test Project

Project description

Testing

Select your project type

REQUIRED

Abandonment of Rail Line

Acquisition of Lands

Airport - Maintenance/Modification

Airport - New Construction

Animal Control

Aquaculture

Beach nourishment

Biological Control

Boat Ramp - Maintenance/Modification

Boat Ramp - New Construction

- Once all required sections are filled out, press **SUBMIT OFFICIAL SPECIES LIST REQUEST**

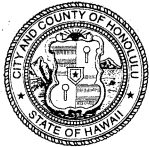
Location



SUBMIT OFFICIAL SPECIES LIST REQUEST

- An Official Species List should be generated and available for download in a couple of seconds.
- If you need additional information on a species, click on their name that is hot-linked to their species information page. A brief overview of the species' status, description and critical habitat will appear as well as a link to their ECOS species profile.

A screenshot of a web application interface. On the left is a sidebar menu with categories: "Resources", "ENDANGERED SPECIES 20", "MIGRATORY BIRDS 5", "FACILITIES", "WETLANDS 1", and a "PRINT RESOURCE LIST" button. Below the menu is a "What's next?" section with a "DEFINE PROJECT" button. The main content area displays information for the "Iiwi" bird. It includes a photo of a bright red Iiwi bird being held. The text indicates it is "Threatened" and provides a description: "The Iiwi is an Hawaiian forest bird in the endemic honeycreeper subfamily of the Fringillidae (finch family). Iiwi are medium-sized forest birds (total body length is approximately 14 centimeters (cm) (5.5 inches (in)) with bright scarlet feathers, black wings and tail, and a small white patch on the inner secondary flight feathers. The bill is long, deeply". To the right of the text is a vertical panel with a close button (X) and a small image of a bird with the word "Endangered" overlaid.



PEARL CITY NEIGHBORHOOD BOARD NO. 21

NEIGHBORHOOD COMMISSION • 925 DILLINGHAM BOULEVARD, SUITE 160 • HONOLULU, HAWAII, 96817
PHONE (808) 768-3710 • FAX (808) 768-3711 • INTERNET <http://www.honolulu.gov/nco>

February 23, 2021

Ms. Christine Kinimaka, Administrator
Division of Public Works
Department of Accounting and General Services
State of Hawaii
P. O. Box 119
Honolulu, HI 96810-0119

Dear Ms. Kinimaka:

Subject: Draft Environmental Assessment for Waiawa Correctional Facility, After the Fact Permits for State Special Use Permit (SUP) and Plan Review Permit (PRU) Tax Map Key: 9-6-05: 11 & 12 Waiawa, Ewa, Oahu, Hawaii

This is in response to your December 24, 2020 memorandum on the subject matter.

The Pearl City Neighborhood Board No. 21, at its February 23, 2021 Regular meeting, voted (10-0-0) to approve the submittal of the following comments for response in the Draft EA review process:

1. Section 2.13 Traffic

Describe the potential adverse impacts that the traffic generated from the future Koa Ridge and Waiawa Ridge commercial and housing developments, in close vicinity of the subject site, will have on daily volumes for the Correctional Facility. The Ka Uka Boulevard overpass and Interstate H2 exit and entrance ramps will experience significant increases in traffic, until the bridge is expanded and more lanes are added to the Waipio Interchange.

2. Section 6.1 Neighborhood Board Meetings

We look forward for an updated presentation of the project and future unencumbered site visit, as indicated in the last paragraph on Page 82 of the Draft EA.

Conclusion:

Since approvals are being sought for after the fact action and no new facilities are being provided under this proposal, it is recommended that **findings of non-significant impact be declared**.

Should you have any questions, please contact me at my email: Lveray@hawaii.rr.com or my cell phone: (808) 221-2503. Thank you and Mahalo!

Respectfully,

Larry S. Veray

Chair, PCNB No. 21

cc:

Carah Kadota, SSFM International, Inc.
Lance Maja, DAGS, DPW, Planning Branch
City Department of Planning and Permitting

bcc:

Ted Tsuruma, Guy Inouye, Dion Mesta, Albert Fukushima

