

FOR INFORMATION

I. SUBJECT

Public Benefit Conveyance from the United States of America, Acting by and Through the Department of Navy, to the Hawaii Community Development Authority, pursuant to the 1993 Base Realignment and Closure Process by the Naval Facilities Engineering Systems Command, Pacific, of Certain Navy Owned Parcels Located in the Hawaii Community Development Authority’s Kalaeloa Community Development District, Described as the “Northern Trap and Skeet Range” (Tax Map Key (“TMK”) No. 9-1-013-039), “Southern Trap and Skeet Range” (TMK No. 9-1-013-042), and “Ordy Pond” (TMK No. 9-1-013-041) Parcels [no street addresses] Totaling Approximately 213 Acres.

II. BACKGROUND

The Hawai‘i Community Development Authority (“HCDA” or “Authority”) adopted the original Kalaeloa Master Plan (“Plan”) in March 2006. The Plan indicated that 135 acres of undeveloped parcels in the eastern portion of Kalaeloa had been designated for public benefit conveyance to the State of Hawaii Department of Land and Natural Resources (DLNR) to be used as a heritage park, but that this interest was withdrawn. The plan included approximately 16-acres for a business park and approximately 36-acres for a Hawaiian Cultural Center.

Under the public benefit conveyance process (40 USC 550 and 41 CFR Part 102-75), the Navy must determine that the best use of the parcel is consistent with the specific public benefit conveyance (such as education, public health, parks, recreation, housing, etc...).

Currently, about 213 acres remain unallocated and could be transferred to HCDA (See Table 1). The parcels include Ordy Pond, which is a 10,000-year-old natural limestone sinkhole that was used for target practice and disposal. Environmental studies and the disposal process have been underway since the late 1990s (See Table 2).

Table 1: Kalaeloa Parcels for Potential Public Benefit Conveyance

Parcel	Lot No.	Tax Map Key	Size (acres)
Northern Trap and Skeet Range (“NTSR” or “Northern Skeet”)	13058-D	9-1-013-039	145.8
Southern Trap and Skeet Range (“STSR” or “Southern Skeet”)	13058-G	9-1-013-042	57.9
Ordy Pond	13058-F	9-1-013-041	9.3

Table 2: Parcel Conveyance History

Date	Action
February 1999	Final Environmental Impact Statement for the Disposal and Reuse of the Naval Air Station Barbers Point, Hawaii
December 2000 to July 2003	About 42,000 cubic yards of lead-, arsenic- and PAH-contaminated soils from the Southern Skeet was stabilized and moved to the Navy’s consolidated landfill parcel.
October 2003 to April 2004	About 43,000 cubic yards of contaminated surface soil from the Northern Skeet was stabilized and moved to the Navy’s landfill parcel.
September 2009	Finding of Suitability to Transfer (“FOST”) Lots 13058-D and 13058-G (Northern and Southern Skeets)
August 2011	Final Environmental Assessment and Finding of No Significant Impact (“FEA/FONSI”) for Disposal and Reuse of Surplus Property (Lot 13058-B, Lot 13058-G, Lot 13058-D, Lot 13058-F, Lot 13073-A, and Lot 13074-D)
September 2012	U.S. Fish and Wildlife Service designated 166 acres within the Northern and Southern Skeets as critical habitat for the ‘akoko (77 FR 57648-57862)
February 2016	[Draft] Biological Assessment for the Former Naval Air Station Barbers Point Northern Trap and Skeet Range and Southern Trap and Skeet Range Lots 13058-D and 13058-G
November 2017	Final Decision Document Amendment for Ordy Pond
July 2018	Final Land Use Control (“LUC”) Remedial Design for Ordy Pond
April 2021	Non-significant update to Remedial Design for Ordy Pond
March 2022	[Revised] Biological Assessment for the Former Naval Air Station Barbers Point Northern Trap and Skeet Range and Southern Trap and Skeet Range Lots 13058-D and 13058-G

III. DISCUSSION

Endangered Plants: The ‘akoko (*Euphorbia skottsbergii* var. *skottsbergii*) is a perennial shrub that is typically 1-3 feet tall that is only found in the Ewa Plains on ‘Oahu. There are about 233 plants surviving within the critical habitat conservation area in the Northern Skeet, and potentially additional thousands of plants within the Kalaeloa Heritage Park.

- The Navy has made an assessment that the disposal of the Northern and Southern Skeets “may affect” [and is] “likely to adversely affect” the ‘Ewa Plains ‘akoko (*Euphorbia skottsbergii* Sherff var. *skottsbergii* (syn. *Chamaesyce skottsbergii* var. *kalaeloana*) (akoko”) and the critical habitat portions of Lot 13058-D and Lot 13058-G.
- The Navy will require that an ‘akoko conservation and management plan (CMP) be approved by the State of Hawai‘i DLNR and in place prior to conveyance of Lot 13058-D. The goal of the CMP is to establish 4 viable populations of ‘akoko, including a minimum of 1,000 reproducing individuals in the conservation area

within 5 years of land ownership transfer. The CMP calls for fencing around the conservation area, installation of irrigation, and fire control management. Long-term goals also include restoration of the native dry shrubland ecosystem to support the ‘akoko.

- In 2015, HCDA estimated that the conservation of the ‘akoko could cost as much as \$100,000 to \$300,000 per year.
- While the endangered Hawaiian stilt was observed at Ordy Pond in 1993, the growth of the mangrove along the sides of the pond are too steep to allow feeding, wading or nesting areas for the silt, and the parcel does not provide any stilt habitat in its present condition.

Contaminated Soil: The Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) requires federal agencies to clean up contamination and impose covenants warranting that all remedial actions with respect to remaining contaminants have been taken prior to transfer. The Navy has spent at least \$1.35 million on cleanup of the Northern and Southern Skeets to date.¹

The surface waters and sediments of Ordy Pond remain contaminated with hazardous substances, ordnance, munitions, explosives of concern, heavy metals, polynuclear aromatic hydrocarbons, PCBs, pesticides, and other organic compounds.

Table 3: Summary of CERCLA Restrictive Covenants

Parcel	Restrictive Covenants
Northern Skeet	Unrestricted use (meets EPA Region 9 residential preliminary remediation goals for lead and PAH).
Southern Skeet	<ul style="list-style-type: none"> • Most of parcel is suitable for unrestricted (residential) use. • Land use controls for the archaeological feature and clay pigeon areas prohibit residential, school, playground, or day care facilities. • Annual inspections, five-year review reports, and site access restrictions are also required. • Coral Pit No. 3 was re-evaluated in February 1999 as being suitable for unrestricted use.
Ordy Pond	<ul style="list-style-type: none"> • The site can only be used for conservation or open space; no recreational, housing, or school uses are allowed. • Signage and fencing must prevent unauthorized removal of munitions and explosives of concern (MEC) and contaminated sediment. • Annual and five-year inspections must also be conducted.

Source: 2009 FOST; 2011 FEA/FONSI; 2018 Final LUC Remedial Design Ordy Pond

Historic and Archaeological Resources: The Northern and Southern Skeets include Native Hawaiian habitation and agricultural features, possible kuleana features, possible religious structures, modified sinkholes, and trail features. Within these sites, there is a high potential for buried cultural deposits. Traditional Hawaiian burials have been

encountered in Hawaiian habitation complexes, and within existing or previously covered sink holes. Ranching, sisal cultivation, and early 20th century habitation sites, and WWII military components such as defensive, training and bivouac features.

Table 4: Historic Resources

Location	Number of Historic Properties	Summary of NRHP-Eligible Historic Properties
Northern Skeet	8	Hawaiian habitation and agricultural complex; WWII anti-aircraft battery complex; prehistoric hawaiian complex
Southern Skeet	8	Hawaiian habitation and agricultural complex; WWII skeet shooting berm
Ordy Pond	3	Wetland with pond sediments; 20th century homestead or camp; habitation complex

Source: 2011 FEA/FONSI

Potential Uses. The ‘Akoko CMP includes an approximately 101.7 acres within the Northern and Southern Skeet parcels. This leaves approximately 102 acres for other uses (See Figure 1). Previous plans have included developing a 1.4 megawatt photovoltaic system on 85 acres of land the Northern Skeet and 17 acres in the Southern Skeet.² Revenues from the ground lease could have offset the costs for continued implementation of the ‘Akoko CMP.

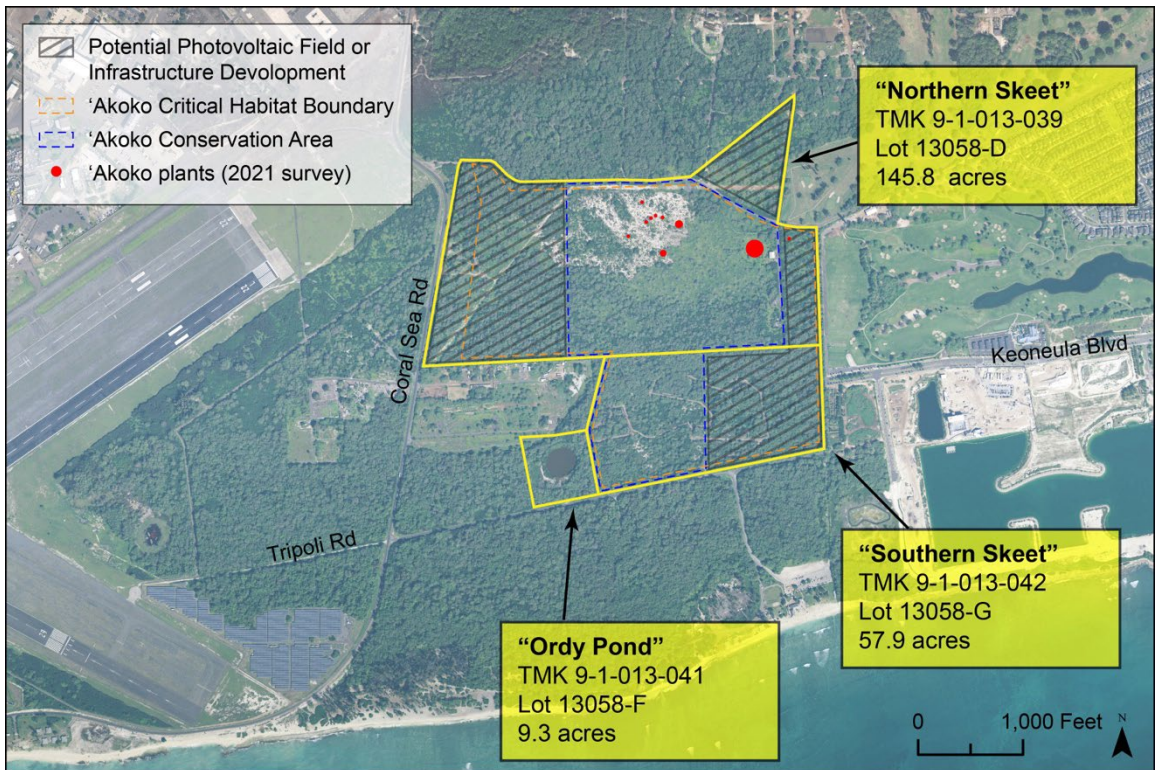


Figure 1: ‘Akoko Conservation Areas and Potential Photovoltaic Field Development

The current draft of the Kalaeloa Plan and Rules update includes approximately 40 acres within the Northern and Southern Skeets as designated within the T3-R zoning transect, which would allow residential uses, civic and cultural facilities, eating and drinking establishments, health clubs, live-work facilities, medical and dental offices, parks and recreation, personal services, retail goods and services, sustainability uses (such as solar farms), and agriculture. It would also allow buildings up to 60-feet in height and a floor area ratio of 1.25. General land uses assumed in the 2011 Final Environmental Assessment are shown in Table 5.

CERCLA land use controls currently restrict any recreational use of or access to Ordy Pond. It should be possible for HCDA or other parties to obtain EPA or other grant funding to further remediate and restore the pond to the point where at least limited recreational uses may be allowed.

Table 5: Assumed Uses

Location	Action/Proposed Use	Area (acres)
Northern Skeet	Open Space/Recreation	131.1
	Mixed-Use (Moderate Intensity)	14.7
Southern Skeet	Open Space/Recreation	43.9
	Mixed-Use (Moderate Intensity)	1.3
	Institutional (Cultural Center)	12.7
Ordy Pond	Open Space/Recreation	9.3

Source: 2011 FEA/FONSI

IV. REFERENCES

¹Cole, William, “State intends to use site to study area’s past,” Honolulu Star-Advertiser (Honolulu, Hawaii), April 15, 2015, Page A1

² Biological Assessment for the Former Naval Air Station Barbers Point Northern Trap and Skeet Range and Southern Trap and Skeet Range, Lots 13058-D and 13058-G, Kalaeloa, O’ahu, Hawai‘i, Naval Facilities Engineering Command, February 3, 2016

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