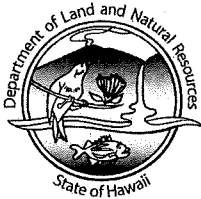


DAVID Y. IGE
GOVERNOR OF
HAWAII



LAND USE COMMISSION
STATE OF HAWAII

2018 JAN 12 A 9:48

STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES

OFFICE OF CONSERVATION AND COASTAL LANDS
POST OFFICE BOX 621
HONOLULU, HAWAII 96809

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

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FIRST DEPUTY

JEFFREY T. PEARSON, P.E.
DEPUTY DIRECTOR - WATER

AQUATIC RESOURCES
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COMMISSION ON WATER RESOURCE MANAGEMENT
CONSERVATION AND COASTAL LANDS
CONSERVATION AND RESOURCES ENFORCEMENT
ENGINEERING

FORESTRY AND WILDLIFE
HISTORIC PRESERVATION
KAHOOLAWE ISLAND RESERVE COMMISSION
LAND
STATE PARKS

REF:OCCL:TM

Correspondence: OA 18-126

Ronald Sato
HHF Planners
733 Bishop St, Suite 2590
Honolulu, HI 96813

JAN 10 2018

SUBJECT: Environmental Impact Statement (EIS) Preparation Notice for the Proposed Hawaiian Memorial Park Expansion Project Located at Kāneʻohe, Koʻolaupoko, Oʻahu, TMK: (1) 4-5-003:001

Dear Mr. Sato:

The Office of Conservation and Coastal Lands (OCCL) has reviewed the subject matter in addition to the Decision and Order of the past petition filed with the State Land Use Commission noted as Docket No. A07-777. The applicant is now petitioning the State Land Use Commission (LUC) to reclassify 53.45-acres of the noted parcel, from the State Land Use Conservation District to the Urban District.

The project involves lands in the General and Limited Subzone of the Conservation District. The Hawai'i Administrative Rules (HAR), Chapter 13-5 states the objective of the General Subzone is *to designate open space where specific conservation uses may not be defined, but where urban use would be premature*; and the objective of the Limited Subzone is *to limit uses where natural conditions suggest constraints on human activities*.

We have attached our previous correspondence dated October 29, 2008 in response to the Final EIS that was published November 23, 2008 in *the Environmental Bulletin* for the past petition action as these concerns remain.

In addition, the OCCL would like to see other alternatives be proposed in the draft EIS pursuant to HAR §11-200-8-17(f).

Should you have any questions regarding this correspondence, contact Tiger Mills of our Office at (808) 587-0382.

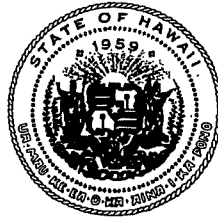
Sincerely,

A handwritten signature in black ink, appearing to read "Samuel J. Lemmo", written over a large, loopy scribble.

Samuel J. Lemmo, Administrator
Office of Conservation and Coastal Lands

C: Chairperson
ODLO
LUC

LINDA LINGLE
GOVERNOR OF HAWAII



STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
OFFICE OF CONSERVATION AND COASTAL LANDS

POST OFFICE BOX 621
HONOLULU, HAWAII 96809

LAURA H. THIELEN
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KEN C. KAWAHARA
DEPUTY DIRECTOR - WATER

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KAHOOLAWE ISLAND RESERVE COMMISSION
LAND
STATE PARKS

REF:OCCL:MC

Correspondence: OA-08-270 (c)

Abbey Seth Mayer, Director
State Office of Planning
Department of Business, Economic Development & Tourism
235 South Beretania Street, 6th Floor
Honolulu, HI 96813

OCT 29 2008

Dear Mr. Mayer,

SUBJECT: Petition for Amendment to the State Land Use District Boundaries
Hawaiian Memorial Park
Kāneʻohe, Koʻolaupoko, Oʻahu
TMK (1) 4-5-33:1

The Office of Conservation and Coastal Lands (OCCL) has reviewed the Final Environmental Impact Statement (FEIS) that your office provided us regarding the proposed Hawaiian Memorial Park expansion. Part of the project requires reclassifying 47 acres in the General Subzone and 9 acres in the Limited Subzone from Conservation to Urban. OCCL has unresolved concerns regarding the petition to amend the boundaries, and asks that the State take these into consideration when making its final recommendation to the Land Use Commission.

In the Draft EIS, OCCL asked that the applicant fully explain why the specific subzone objectives are no longer applicable to the subject parcel. The applicant's full response is attached. OCCL's remaining concerns are as follows:

- The applicant states that they have modified the proposed project to remove the residential subdivision, and to establish a "cultural preserve" near the known archeological sites.

OCCL considers the modifications irrelevant to the boundary amendment question. Rezoning the land opens it to *all* identified Urban land uses, not just the specific project at hand. OCCL finds nothing in the proposal that would limit the current or any future landowner from increasing the intensity of development on the parcel once it is rezoned. **We believe that an applicant must conclusively show that Conservation District objectives are no longer applicable or are not being met if land is to be reclassified.**

- The applicant states that the General Subzone area is a disturbed Schefflera/Java plum forest, that only 8% of the species are native, and that *the property does not function as a forest reserve for recharge areas*. The applicant also states that *the property will remain predominately in vegetated open space*.

OCCL finds the language used here to be slightly disingenuous. The presence of, and even the domination by, invasive species on a parcel does not mean that the land no longer serves an

ecological purpose. The fact that the property is not in the forest reserve has no bearing on its function as a water recharge area.

Although a parcel might be dominated by invasive species, OCCL is of the position that it can still provide important ecological functions. These include, but are not limited to, providing a greenbelt to the existing urban area, limiting soil erosion and runoff, trapping carbon, providing a nesting area for birds, and providing a counterpart to the neighboring urban heat island¹.

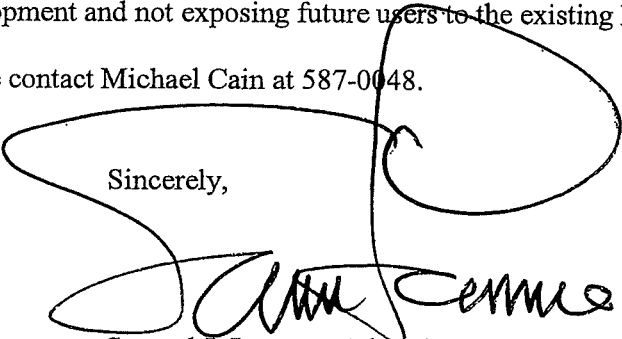
OCCL notes that the forest contains multiple levels; at its simplest this includes groundcover, shrubs, and the canopy. While the forest and a lawn might both be, as the application states, "vegetated open space," OCCL does not believe that they fulfill the same ecological functions.

- The applicant states that 4.7 of the acres in the Limited Subzone will be set aside as a cultural preserve and will not be changed except for the addition of a road; only 4.9 acres will be used as a cemetery. Their slope stability found no apparent hazards associated with slope stability, that most slopes in the area are less than 20%, and that some land in the higher areas will need to be graded to ensure stability. The applicant acknowledges that there is a potential for hazards associated with rockfalls, but that *these can be mitigated using available technology*.

Again, OCCL would note that reclassifying the land would open this area to all potential identified urban land uses. OCCL also questions the need to use technology to mitigate hazards when the simpler, less hazardous, solution would be to not reclassify the Limited subzone, thereby not opening it to development and not exposing future users to the existing hazards.

If you have any further questions please contact Michael Cain at 587-0048.

Sincerely,



Samuel J. Lemmo, Administrator
Office of Conservation and Coastal Lands

cc: DLNR Chair,
Helber Hastert & Fee (attn: Scott Ezer),
Hui O Piko`iloa (attn: Julianne McCreedy), 45-423 `Ōhāhā St., Kāne`ohe, HI 96744
Grant Yoshimori, 45-464 Līpalu St., Kāne`ohe, HI 96744

attachment: Helber Hastert & Fee response letter to OCCL

¹ OCCL notes that recent studies on heat islands have shown that grassy areas such as golf courses (the nearest analogous land use to a cemetery that we could find in the literature) radiate approximately four times the thermal energy than does a forest with an intact canopy. Residential areas, for comparison, radiate approximately seven times the energy as the forest.