



*Hawaii's Thousand Friends*

300 Kuulei Rd. Unit A #281 \* Kailua, HI 96734 \* Phone/Fax (808) 262-0682 E-Mail: [htff3000@gmail.com](mailto:htff3000@gmail.com)

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Scott Derrickson  
Land Use Commission  
235 South Beretania Street, #406  
Honolulu, Hawai'i 96813  
[Scott.a.derrickson@hawaii.gov](mailto:Scott.a.derrickson@hawaii.gov)

Mr. Ronald Sato, AICP  
Senior Associate  
HHF Planners  
733 Bishop Street, Suite 2590  
Honolulu, Hawai'i 96813  
[rsato@hhf.com](mailto:rsato@hhf.com)

Hawaiian Memorial Park Cemetery Expansion  
Draft Environmental Impact Statement

Hawaii's Thousand Friends has the following questions and comments on the DEIS and our opposition to the proposed reclassification of 53.45 acres of land in the Conservation District to the Urban District because the proposed project will destroy the watershed and hillside, cut down the forested canopy of large trees and shrubs, negatively impact endangered species, and open up the area to potential urban uses.

It is unclear why the 14.5-acre Cultural Preserve was included in the reclassification request since the area is rich in archaeological and cultural history and sites that it must be protected and retained in the Conservation District. There is absolutely no justification for this culturally significant 14.5 acres to be in the Urban District.

Figure 2.3 on page 2-26 shows eight black outlined areas outside the Cultural Preserve. Do those markings denote archeological sites? If so what are the sites and what are the plans to protect those sites?

The DEIS does not identify how many dead or diseased trees will be removed or the location of the trees slated for removal. This information must be in the FEIS.

The FEIS should provide information on how many non-diseased trees will be removed and the location of each trees slated for removal.

The DEIS does not mention restroom facilities. Will there be new restroom facilities built within the petition area including within the Cultural Preserve? If so, the FEIS must provide information on how many restrooms will be added, the location of each facility, how many stalls will be in each restroom, and include information on the ability of the existing septic system to handle the additional wastewater from each restroom.

If no new restroom facilities will be included in the cemetery expansion area and within the Cultural Preserve the FEIS should discuss why new restroom facilities will not be provided and identify the location of the nearest restroom facility available for public use.

The DEIS does not mention whether incidental take permits will be requested for the hoary bat, Pue`o and Blacktail Hawaiian Damselfly during construction. That information must be in the FEIS.

Since the population of each of these endangered species is precarious it would not be wise to grant incidental take permits for any of these endangered species until their numbers are known and their habitat and foraging areas have been identified.

An alternative not included in the DEIS is the petitioners ability to request a Conservation District Use Permit (CDUP) instead of seeking a designation change from Conservation to Urban.

In the FEIS explain why the landowner is not seeking a CDUP for use of Conservation land instead of requesting a reclassification.

The DEIS states that for the purpose of “restricting future development of the property except for execution of the Proposed Action” a conservation easement would be placed on 156.5 acres of a larger parcel. In the FEIS provide a comprehensive explanation and information on the proposed Conservation Easement such as:

- Will the Conservation Easement cover all the conservation-designated land owned by HMP?
- Define the acreage noted as the *larger parcel*
- Will the 14.5-acre Cultural Preserve be included in the Conservation Easement?
- Will open space areas and interior streets be included in the Conservation Easement?
- Identify the entities that will be associated with the Conservation Easement and identify the entities that will be legally responsible for the 14.5-acre Cultural Preserve and the additional 156.5 acres.

The petitioner seeks reclassification of 53.45 acres but only defines the use of 28.2 acres for *new cemetery space* and the *creation of a 14.5-acre Cultural Preserve*. In the FEIS describe where the approximate 11-acres are located and what will they be used for.

In the FEIS explain why HMP included the Cultural Preserve in the reclassification to Urban.

In the FEIS explain the purpose of reclassifying the 14.5 acres reserved for the Cultural Preserve from Conservation to Urban District?

The DEIS states that one of the alternatives would be to Eliminate Cultural Preserve.

In the FEIS explain how eliminating the Cultural Preserve, which is culturally significant with numerous cultural and archeological features that require protection, meets the objectives of the petitioner to expand *the cemetery to meet future burial plot needs*.

A sentence in the DEIS states that *Grading is also expected to minimally impact the volume of groundwater underlying the aquifer*. In the FEIS explain how grading will *minimally impact* in the statement

In the FEIS explain if the “three subsurface drains” to be installed to direct groundwater to the seep,” where the damselflies are located, will be permanent or temporary.

In the FEIS explain the difference between the statement *Planned grading improvements would not change the overall watershed boundaries, allowing runoff to continue flowing to lower areas of site basins* and the statement *the project would change topographic conditions within portions of the affected watersheds*.

In the FEIS provide the percentage of the soil to be removed from the petition site that is classified as “soft” soil that will not be re-used as fill material but must be trucked off site.

In the FEIS identify the method(s) to be used to excavate basalt rock and explain the percentage of the basalt rock that will be used within the petitioners property, what the basalt rock will be used for and the amount of basalt rock that will be taken off site?

In the FEIS explain the long, short-term and cumulative impacts on the environment and surface and ground water from importing crushed basalt or coral for use within the project area where none presently exists.

Under the Proposed Action *the lower flank slopes of Oneawa Hills on the western end of the site would need to be cut and excavated reducing it up to 40 feet in height and up to 100 feet in height near the top of the hillside with an estimated 470,960 cubic yards of soil excavated with 413,673 of this soil utilized as fill material within the site as part of grading improvements*.

In the FEIS provide information on:

- The current height of Oneawa Hills where the excavation will occur and the height of the hillside after excavation
- Methods of excavation to be used such as bench cuts.
- Explain the number of trees that will be removed when reducing the height of Oneawa Hills.
- Identify the number of acres of forest that will be lost to the massive excavation.
- The possibility of Oneawa Hills being quarried for the basalt rock for use in off-site construction.
- Replanting plans, if any, for the excavated hillside and the types of vegetation that will be planted to replace the present canopy of large trees and dense forest.
- On a map show the location of the excavation
- Explain if the extracted soil and rock will be used on HMP property or transported off site

In the FEIS explain the short and long-term and cumulative impacts on the natural environment, storm water runoff, erosion, endangered species, ground and surface water, reduced forest, loss of recharge capabilities, and loss of tree canopy from reducing the hillside up to 40 feet and 100 feet in height.

The DEIS states that a substantial amount of grading is needed to develop the expanded cemetery area with portions of the Petition Area having steep slopes greater than 50% that will be reduced to slopes of 20% or less to allow for pedestrian access.

In the FEIS identify the short and long-term and cumulative impacts on the natural environment, storm water runoff, erosion, endangered species, reduced tree canopy, and ground and surface water from grading slopes 50% or greater to 20% or less at each applicable site.

In the FEIS identify the existing dimensions and characteristics of the “smaller knoll” bounded by Lipalu Street and Ohaha Place that will be excavated and explain how much soil, mixed cobbles and rock material will be removed from the knoll. Also, provide information on the dimensions of the knoll after it is excavated.

In the FEIS identify the short and long-term and cumulative impacts on the natural environment, storm water runoff, erosion, endangered species, reduced tree canopy, forest recharge capabilities, ground and surface water from grading slopes that are greater than 50% to 20% or less.

Is the “smaller knoll in the lower basin” the same as the “smaller knoll” bounded by Lipalu Street and Ohaha Place? If not, describe the pre-excavation and post-excavation dimensions of the “smaller knoll in the lower basin,” explain how much dirt, rock and cobble will be excavated from this knoll, and identify where will the dirt, rock and cobble be taken.

In the FEIS identify the short and long-term and cumulative impacts on the natural environment, erosion, and storm water runoff patterns from completely removing the knoll(s)

In the FEIS identify the of-site(s) locations where the excavated soil, cobbles and rock material will it be taken and provide information on the number of trucks that will enter and exist onto Kamehameha Highway each hour and each day.

In the FEIS provide information on the number of trucks and the hours and days of the week that soil and rocks will be trucked off Hawaiian memorial Parks property onto Kamehameha Highway.

In the FEIS define the BMPs to be used for each area of the project that will help mitigate the anticipated impacts in the section titled *significant short-term impacts*. The lack of details makes it impossible to assess the effectiveness of each BMP and the short and long-term and cumulative impacts of the each project on the natural environment, storm water runoff, erosion, endangered species, reduced tree canopy, and ground and surface water.

How much grading, excavating and soil removal will occur within Alaeloa silty clay areas that have slopes of 40% to 70%? In the FEIS describe the short and long-term and cumulative impacts from reducing steep slopes to 20% or less on the natural environment, forest recharge,

storm water runoff, erosion, endangered species, reduced tree canopy, and ground and surface water.

According to Figure 3.3 the majority of earth moving and earth sculpting work will occur on KHOF slopes. In the FEIS describe much grading, excavating and soil will be removed in areas with KHOF Kaneohe silty clay that have slopes of 30% to 65% and describe the impacts from this excavation and reduction of slopes on the natural environment, storm water runoff, erosion, forest recharge, endangered species, reduced tree canopy, and ground and surface water?

The DEIS states that the expansion area is 28.20-acres yet 33.6 acres will have *earth moving activities*. In the FEIS provide information on the additional acreage that will be excavated.

In the FEIS explain how much of the *estimated excavated 470,960 cubic yards* of soil will remain within Hawaiian Memorial Park (HMP) property and how much will be transported off site?

In the FEIS identify the materials that will be used to create the keystone design walls, how much material will be required for each wall and where the material will come from.

Figure 3.3 shows a triangle with a darker brown in the upper corner within the petition area but there is no corresponding legend. What is the soil type for that area?

In the FEIS describe the method(s) to be used to remove large boulders.

The DEIS states that *to address short-term construction-related impacts, BMPs would be implemented to minimize impacts to soils*. In the FEIS describe the BMPs and explain why BMPs are needed to *minimize impacts to soils*.

Since an EIS is meant to disclose the environmental effects of a proposed action it is frustrating that the DEIS does not identify the project design and BMPs so that a reader can evaluate the scope of the project and the effectiveness of the BMPs to protect the natural environment, prevent storm water runoff and erosion, protect endangered species, minimize impacts of a reduced tree canopy, and protect ground and surface water.

The FEIS must include the design and BMPs that will be used for each project and segment of a project so that a reader can evaluate the short and long-term and cumulative impacts of each segment of a project on the natural environment, endangered species, erosion, storm water runoff, ground water recharge and surface water

The following BMP measures should be included in the FEIS list of BMPs to be used in construction of the project:

- Anchored silt fencing
- When excavating forested slopes an aviary reconnaissance of the area trees and shrubs must be conducted each day before excavating slopes and removing trees to prevent harming or killing endangered species.
- To avoid accidentally harming or killing hoary bat pups whose habitat is in trees construction must be stopped during hoary bat season (June 1 through September 15).

In the FEIS explain how is the re-use of soil on site as a source of fill material is a mitigative measure.

In the FEIS explain how “...the *alignment of the proposed Cultural Preserve area boundaries with respect to topographic conditions will aid in the natural containment of rock fall within area boundaries.*”

The DEIS states that since the “*upper slopes of the Cultural Preserve would be subject to rock fall, but the lower half of the site would not*” The FEIS should include preventative measures such as strategically placing a chain link fence in combination with a catchment ditch to catch debris and rocks before they roll onto the lower cultural site should be implemented.

In the FEIS explain what is meant by *permitted visitors* to the Cultural Preserve. Will the cultural site be open to the public? Will residents have to get a permit to visit the site? If a permit is required what is the process to obtain a permit?

The DEIS states that “The proposed action would significantly alter the present botanical characteristics of the area proposed for cemetery’s expansion because this site would undergo extensive grading activities (cut/fill). However, proposed improvements would not impact Federal or State-listed threatened or endangered species or species of concern because none were observed within the Petition Area.” This is an incorrect statement.

The federally listed Blackline Hawaiian Damsely has a significance presence in the area and the state listed Pue`o and hoary bat are know to frequent the area. The FEIS should be changed to reflect the fact that the Blackline Hawaiian Damsely, hoary bat and Oahu Pue`o are know to be in the area.

The federally listed endangered and endemic Blackline Hawaiian damselfies habitat within the proposed project area consists of a spring head contains in a damaged concrete box structure, with an interior water-filled well approx 90 feet deep. Water seeping out of the hillside to either side of this structure accumulates as shallow pools 1-3 inches deep in a small, muddy gully that gently descends for a distance of approx 250 linear feet until being captured in a vertical concrete shaft that connects to the City and County storm sewer system.

The Blackline Hawaiian damselfies appear to be breeding along the length of this outflow between the springhead and the storm sewer intake.

The DEIS incorrectly states that the Proposed Action, which includes cutting down trees, where Blackline Hawaiian Damsely roost, and shrubs, removing massive amounts of soil and rock and which could lead to uncontrolled erosion and silt going into the seep, ground and surface water “*would not adversely impact native invertebrate species*” because they are “*widespread in distribution.*”

It is irrelevant if the Blackline Hawaiian Damsely is wide spread, which it isn’t, it is on this property and could be negatively impacted by construction and earthmoving activities.

Threats to current existence of the Blackline Hawaiian Damsely include severe alteration and degradation of freshwater habitats due to past and present land use and water management

practices including urban development and development of ground water, perched aquifer and surface water resources

The FEIS should contain the following measures that will protect Blackline Hawaiian Damselies:

- HMP should work with U.S. Fish and Wildlife to create a Blackline Hawaiian Damselie Habitat, Foraging Management and Construction Avoidance Plan which would include a water monitoring schedule, regular area inspections to assure water is continuing to flow and have a backup plan if water levels are depleted
- Inspections should be conducted prior to the start of construction to establish and document baseline water flow conditions. Monitoring should continue during construction and for 6 months post-construction to ensure water continues to flow from the seep
- During construction the seep area should be checked on a weekly basis to inspect water flow and ensure BMP erosion control measures are working
- After construction inspections should be conducted weekly for the first 3 months and every 2 weeks after if conditions are satisfactory, up to a total of 6 months. After 6 months HMP staff can conduct monthly inspections of the seep to monitor for continued water flow.
- Implementation of measures such as piping of new water to supplement short-term water flow if water flow is significantly disrupted.
- Monitor for invasions of non-native fish
- Put a non-barbed wire fence around damselie breeding and resting places to prevent pigs from trampling the damselie
- Landscape the area with native plants

The Hawaiian hoary bat roosts in both exotic and native wood 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 the risk that young bats could inadvertently be harmed or killed since they are too young to fly or may not move away. Additionally, Hawaiian hoary bats forage for insects from as low as 3 feet to higher than 500 ft above the ground and can become entangled in barbed wire used for fencing.

Although endangered hoary bats were not detected in the Petition Area the DEIS acknowledges that hoary bats may be in the Petition Area and since much of their forest habitat will be cut down the following long-term protective measures should be included in the FEIS and project design.

- Do not disturb, remove or trim woody plants greater than 15 feet during the bat birthing and pup rearing season (June 1 through September 15)
- Conduct a daily reconnaissance of a proposed excavation area before beginning work
- Create a Hoary Bat Habitat, Foraging and Construction Avoidance Plan

The DEIS acknowledges that the state listed endangered Oahu Pue`o *occasionally use resources* in the general Petition Area. The Oahu Pue`o is the only Pue`o listed, primarily due to the loss of habitat and foraging areas.

After identifying the existence of the Pue`o and hoary bat within and near the project area it is unsatisfactory to say that the proposed action “*is not expected to have a significant impact on avifaunal species because the majority of species present are alien.*”

The DEIS is right that the Oahu Pue`o *faces daunting odds* that is why it is imperative that mitigative measures be incorporated into the FEIS and project design plans such as:

- The creation of a Pue`o Habitat, Foraging and Construction Avoidance Plan because every individual is critical to the survival of this aumakua
- A daily reconnaissance of forested areas that will be cut down and/or excavated
- Since Pue`o eat rodents a protocol should be established to test any dead Pue`o found on cemetery grounds for high levels of fertilizers and pesticides

The FEIS must explain the how the conclusion was reached that replacing forested areas with open grassed landscape *would benefit the nesting success of seasonally present Pue`o.*

The FEIS must explain the methodology used to reach the conclusion that the Pue`o are only *seasonally* present and identify the season.

The FEIS must explain how much tree canopy will be lost and the impact of tree loss on the Pue`o and hoary bat.

The FEIS must provide information on the short and long-term and cumulative impacts on the *Blackline Hawaiian Damselfly, hoary bat* and *Pue`o* from cutting down large mature trees and the loss of forest cover.

The FEIS should include a list of the number of days and hours of each day that avifaunal and mammalian surveys were conducted.

In the FEIS identify the location of each of the eight indigenous and three endemic plant species in relation to all proposed construction and earth moving activity and identify the BMPs that will be implemented to protect the plants.

In addition to the three identified mitigative measures a Plant Preservation and Construction Avoidance Plan should be created for plants in areas outside of the Cultural Preserve to avoid “accidental” disturbance or destruction of the indigenous and endemic plant species.

The FEIS must identify the short and long-term and cumulative impacts on the indigenous and endemic plants from grading, excavation and construction.

Kaneohe Bay is designated as Class AA water body, providing the highest priority water quality protection. The Bay does not meet water quality standards set by EPA under the Clean Water Act. Removing the natural vegetation that creates the Oneawa Hills forest, watershed and recharge area will only add to the degradation of Kawa Stream and Kaneohe Bay.

Kawa Stream is considered impaired by high levels of nutrients (nitrogen and phosphorus, turbidity) and suspended solids. Adding new areas that require fertilizers and pesticides will increase the nutrient levels that flow into the stream and into Kaneohe Bay.



The FEIS should explain how often Hawaiian Memorial Park tests storm water flow to ensure that nutrient levels do not get too high and that formaldehyde is not seeping into the groundwater or Kawa Stream and include a link to that information.

The DEIS states that BMPs and mitigative measures are not needed to protect the spring area in the northwest section of the Petition Area near Ohala Place. The FEIS must explain why BMPs and mitigative measures are not needed.

#### HRS § 226 STATE PLANNING ACT

##### HRS §226-4: State Goals

*(2) A desired physical environment, characterized by beauty, cleanliness, quiet, stable natural systems and uniqueness, that enhances the mental and physical well-being of the people*

The Project is not consistent with this goal because project improvements will alter the character and terrain of the Petition Area's physical environment by removing 470,960 cubic yards of soil and rock, reducing 50% slopes to 20% or less, removing *knolls*, and cutting existing forest canopy of large trees and shrubs to create a manicured grass cemetery.

*(3) Physical, social and economic well-being, for individuals and families in Hawaii, that nourishes a sense of community responsibility, of caring and of participation in community life.*

The Project is not consistent with this goal because the creation of a cemetery does not nourish a sense of community responsibility, caring and participation in community life. Bringing people together for activities such as cleaning a stream, picking up litter, participating in citizen patrols, and holding community events creates a sense of community. While the Cultural Preserve will provide community involvement the Preserve it seems that the Preserve will not be open to the public so participation will be limited.

##### HRS §226-6 Objectives and policies for the economy in general

Objective (a) *planning for the State's economy in general shall be directed toward achievement of the following objectives:*

(b) Policies

*(19) Promote and protect intangible resources in Hawai'i, such as scenic beauty and the aloha spirit, which are vital to a healthy economy.*

The project is not consistent with this policy because removing 470,960 cubic yards of soil, cutting down knolls, reducing 50% slopes to 20% or less, cutting down forest with large trees canopies to put in retaining walls where there currently are none not only changes the topography but removes the natural scenic beauty of the area.

##### HRS §226-7 Objectives and policies for the economy - agriculture

(a) *Objectives: Planning for the State's economy with regard to agriculture shall be directed towards:*

(b) Policy

*(10) Assure the availability of agriculturally suitable land with adequate water to accommodate present and future needs*

The proposed project is not consistent with this policy because once the Project area is designated urban, as the applicant requests then the land will never be designated agriculture.

HRS §226-11 Objectives and policies for the physical environment – land-based, shoreline and marine resources

(a) *Objectives, Planning for the State's physical environment with regard to land-base, shoreline, and marine resources shall be directed towards achievement of the following objectives*

(1) *Prudent use of Hawai'i's land-based, shoreline and marine resources*

The project is not consistent with this objective because according to the DEIS *minimization* meaning the lowest possible value and importance measures will be implemented. This objective requires the most prudent, i.e. careful, cautious, use of the land to ensure that endangered species habitat and foraging areas, watersheds and the public health are protected.

(2) *Effective protection of Hawai'i's unique and fragile environmental resources.*

The project is not consistent with this objective because instead of protecting the unique features of the area the project will alter the terrain by reducing hillsides to 100 feet in height, remove 470,960 cubic yards of soil and rock, reduce 50% slopes to 20% or less, remove existing *knolls*, and remove the existing forest canopy of large trees and shrubs which provide habitat for the State listed endangered Pue`o, hoary bat and federally listed Blackline Hawaiian Damsselfly.

(b) Policies:

(1) *Exercise an overall conservation ethic in the use of Hawai'i's natural resources*

The project does not provide a *conservation ethic* because to accomplish the goal of creating a relatively flat cemetery of manicured grass the terrain will have to be altered by reducing hillsides to 100 feet and 40 feet in height, removing 470,960 cubic yards of soil and rock, reducing 50% slopes to 20% or less, removing existing *knolls*, and cutting the existing forest canopy of large trees and shrubs which provide habitat for the State listed endangered Pue`o, hoary bat and federally listed Blackline Hawaiian Damsselfly

(2) *Ensure compatibility between land-based and water-based activities and natural resources and ecological systems*

The project is not consistent with the land-based objective because to achieve a relatively flat grassy area for graves the current hilly, heavily forested hillside and steep slopes of 50% slopes will have to be reduced to 20% slopes of less.

(3) *Take into account the physical attributes of areas when planning and designing activities and facilities*

The project is not consistent with this policy because the project is not planned around the topography but instead will destroy the physical attributes of the area i.e. remove *knolls*, reduce 50% slopes to 20% or less, reduce hillsides to 40 and 100 feet and cut down unknown numbers of trees and shrubs in a watershed forest to create manicured grass.

(4) *Manage natural resources and environs to encourage their beneficial and multiple use without generating costly or irreparable environmental damage*

The project is not consistent with this policy because once a thick canopy of trees is cut down and the forest loses its ability to act as a watershed and when steep terrain is leveled the environmental damage is done and no amount of mitigative measures will bring back the original attributes of the land.

(6) *Encourage the protection of rare or endangered plant and animal species and habitats native to Hawai'i.*

The project is not consistent with this policy because it only acknowledges one endangered species, the federally listed Blackline Hawaiian Damselfly while the state listed Pue`o, hoary bat and the indigenous, naturally occurring without human assistance in the locality it occupies plants, ekaha (birds nest fern), moa (fern), pala`a (fern), haa, popolo, uhaloa, ka`e`e, palapalai (fern), hala tree are within the petition area and are pretty much ignored. The DEIS does not provide any protection measures for the Pue`o and the only protective measure for the hoary bat was to not cut down trees and shrubs over 15 feet from June 1 through September 15 because that is pupping season.

Since none of the plants are threatened and endangered species of concern under U.S. Fish and Wildlife the DEIS comment is *The vegetation within the area proposed for the cemetery expansion would be highly altered as the plan is to completely regrade the topography in order to create the proposed expansion, thus removing most if not all of the existing vegetation.*

(8) *Pursue compatible relationships among activities, facilities and natural resources.*

The Project is not consistent with this policy because once the forest is gone and the terrain leveled there are no natural resources left to be compatible with.

From the DEIS response to this statement *The passive nature of these activities would not impact Petition Area natural resources* it is clear that once the terrain is leveled and the forest and large trees gone that the manicured grass of the cemetery, which is the Petition Area, is considered the new natural resource.

HRS §226-12 Objective and policies for the physical environment – scenic, natural beauty and historic resources

(a) Objective: *Planning for the State's physical environment shall be directed towards achievement of the objective of enhancement of Hawai'i's scenic assets, natural beauty, and multi-cultural/historical resources.*

(b) Policies

(1) *Promote the preservation and restoration of significant natural and historic resources*

The project is not consistent with this policy because the objective of the project is not to preserve, restore or work with the natural resources but to destroy them by reducing slopes of 50% to 20% or less, removing 470,960 cubic yards of soil and rock, reducing hillsides to 40 and 100 feet and cutting down trees and shrubs that make up the forest watershed.

The project does recognize the importance of the heiau and cultural sites and will create a Cultural Preserve to protect the features and integrity of the area.

(2) *Provide incentives to maintain and enhance historic, cultural and scenic amenities*

The project is not consistent with this policy because even though HMP touts the importance of creating the Cultural Preserve to protect the heiau and archeological and cultural sites including entering into a Conservation Easement with two non-profits HMB will not provide incentives to maintain and/or enhance historic and cultural sites. According to the DEIS this policy as **not applicable**.

(3) *Promote the preservation of views and vistas to enhance the visual and aesthetic enjoyment of mountains, ocean, scenic landscapes, and other natural features*

The project is not consistent with this policy because in order to obtain a level manicured lawn for cemetery plots the project will cut down unknown acres of a mature forest with large tree canopy, cut existing slopes from 50% to 20% or below and reduce hillsides to 40 and 100 feet.

Instead of promoting and enhancing views, vistas, scenic landscapes and the natural features of this area this project will drastically change the natural topography and natural scenic landscape.

(4) *Protect those special areas, structures, and elements that are integral and functional part of Hawai'i's ethnic and cultural heritage.*

The project is not consistent with this policy because while the DEIS discusses the importance of creating a Cultural Preserve one of the proposed alternatives in the DEIS was to eliminate the Cultural Preserve. This alternative was not pursued.

(5) *Encourage the design of developments and activities that complement the natural beauty of the islands.*

The project is not consistent with this policy because it does not complement or develop in harmony with the natural beauty of the area but will destroy the natural beauty by drastically changing the topography by reducing slopes of 50% to 20% or less, excavating hillsides down to 40 and 100 feet, cut down unknown acres of forest watershed, and remove 470,960 cubic yards of soil and rock.

HRS §226-13 Objectives and policies for the physical environment – land, air, and water quality

(a) Objective: *Planning for the State's physical environment with regard to land, air, and water quality shall be directed towards the following objectives:*

(1) *Maintenance and pursuit of improved quality in Hawai'i's land, air, and water resources*

The project is not consistent with this objective because the removal of 470,960 cubic yards of soil, changing a sloping topography with 50% slopes to 20% or less, removing large mature trees and shrubs that make up the natural forest will not improve the natural landscape but destroy it. The forest is a watershed and cutting it down will reduce ground water percolation, increase storm water runoff and negatively impact surface water.

HRS §226-25 Objectives and policies for socio-cultural advancement – culture

(b) Policies

(1) *Foster increased knowledge and understanding of Hawai`i's ethnic and cultural heritages and the history of Hawai`i.*

The Project does not seem to be consistent with this policy because according to the DEIS the preservation plan...**may allow for culturally oriented educational programs in the Preserve.** Thus there is no assurance that there will be opportunities to *increase knowledge and understanding* of the cultural and archaeological importance and history of sites within the Preserve. In addition, the Cultural Preserve will only *be open to authorized guests* thus limiting the educational value of the site to only those invited by selected organizations.

HRS §226-104 Population growth and land resources priority guidelines

(b) *Priority guidelines for regional growth distribution and land resource utilization*

(1) *Encourage urban growth primarily to existing urban area where adequate public facilities are already available or can be provided with reasonable public expenditures, and away from areas where other important benefits are present, such as protection of important agricultural land or preservation of lifestyles.*

The Project is not consistent with this guideline because the area is bordered only on one side by urban development and is in the Conservation District.

(2) *Make available marginal or nonessential agricultural lands for appropriate urban uses while maintaining agricultural lands of importance in the agricultural district*

The Project is not consistent with this guideline because the land is in the Conservation District and not the Agriculture District.

(9) *Direct future urban development away from critical environmental areas or impose mitigating measures so that negative impacts on the environment would be minimized.*

The Project is not consistent with this guideline because the cemetery expansion will turn State designated Conservation land from a sloping forested watershed into a manipulated man created manicured landscape.

It is impossible to determine whether the Project is totally consistent with this guideline because design plans and mitigative measures for the various activities – soil and rock removal, land excavation, tree and shrub removal etc. were not in the DEIS so it is impossible to determine if the mitigative measures would minimize negative impacts.

(10) *Identify critical environmental areas in Hawai`i to include but not be limited to the following: watershed and recharge areas; wildlife habitats (on land and in the ocean); areas with endangered species of plants and wildlife; natural streams and water bodies; scenic and recreational shoreline resources; open space and natural areas; historic and cultural sites; areas particularly sensitive to reduction in water and air quality and scenic resources.*

The forested area is a watershed and recharge area with the trees providing habitat for the federally listed Blackline Hawaiian Damsselfly and the state listed as endangered Oahu Pue`o and hoary bat. Cutting down unknown number of mature trees will negatively impact the habitat of the Blackline Hawaiian damsselfly, the Oahu Pueo and the hoary bat.

Removing 470,960 cubic yards of soil and rock, and changing the topography from hills with lush vegetation to manicured lawn diminishes the watershed and recharge areas and value and takes away the natural filtering system thus making Kawa Stream and other water bodies more vulnerable to negative impacts from erosion and storm water runoff.

*(12) Utilize Hawai`i's limited land resources wisely, providing adequate land to accommodate projected population and economic growth needs while ensuring the protection of the environment and the ability of the shoreline, conservation lands, and other limited resources for future generations.*

The Project is not consistent with this guideline because the project seeks to remove almost 54 acres of forested watershed from the Conservation District and place the land in the Urban District.

*13) Protect and enhance Hawai`i's shoreline, open spaces, and scenic resources.*

The Project is not consistent with this guideline because removal of 470,960 cubic yards of soil and rock, reducing slopes off 50% to 20% or less, excavating hillsides to 40 and 100 feet, cutting down mature trees and shrubs that make up this watershed area does not protect the existing view plain and will eliminate the scenic value of this natural environment.

#### HRS §226-108 Sustainability

*(1) Encourage balanced economic, social, community, and environmental priorities*

The Project is not consistent with this guideline because in order to create additional burial space approximately 54 acres steep terrain and forested watershed will be lost.

*(2) Encouraging planning that respects and promotes living within the natural resources and limits of the State*

The Project is not consistent with this guideline because changing natural watershed terrain by reducing slopes from 50% to 20% or less, removing vegetation that creates the watershed, removing unknown number of mature trees that provide habitat for the federally listed Blackline Hawaiian Damselfly, state listed Pue`o and hoary bat and changing a natural terrain into manicured grass does not *promote living within the natural resources* of the area.

*(10) Encourage planning and management of the natural and built environments that effectively integrate climate change policy*

The Project is not consistent with this guideline because it is backwards. Instead of cutting down mature trees and vegetation this watershed area should be left alone to absorb pollutants, help cool the atmosphere and encourage more rain.

#### Conservation Land Functional Plan

OBJECTIVE 11B: Protection of fragile or rare natural resources

Policy 11B(1) *Develop protection and preservation of habitats of rare and endangered wildlife and native ecosystems*

While the DEIS states that a seep on the property offers the federally listed Blackline Hawaiian Damselfly habitat there is nothing in the DEIS to ensure the survival or protection of this endangered species.

The DEIS does not offer mitigation measures such as placing fencing around critical habitat and the creation of a Blackline Hawaiian Damsel fly Long Term Habitat Protection and Construction Avoidance Plan. Severe changes to topography and forested areas leave the Damselfly vulnerable to increased erosion, increased storm water runoff, and water contamination from increased use of fertilizers and pesticides.

Presently the land is designated Conservation, is a watershed with a forested tree canopy that offers habitat for the State listed Pue`o and hoary bat.

Removing the land from the Conservation District and placing it in the Urban District leaves the endangered species and the land vulnerable to future development. While HMP has agreed to place a Conservation Easement over the property the agreement can be fixed for a number of years and there is nothing to ensure that the Conservation Easement will not be changed.

#### Land Use Commissions eight standards for Urban District boundaries

The petitioners request to re-classify land in the Conservation District does not meet six of the standards in §15-15-18 for determining Urban District boundaries.

1. The petition area is not “city-like” it consists of steep slopes and densely forested hills. While adjacent property has “concentrations of people” they are dead people who do not need structures, streets or services.
2. While the petition area is close to centers of trading and employment, basic services- parks, schools etc. the people at the cemetery will not use these services.
  - a. Since Koolaupoko population projections indicate a declining population between 2010 and 2035 there are sufficient reserve areas for urban growth.
3. The petition lands does not meet this criteria because the land is steep with 50% slopes and is a densely forested hillside.
4. The petition area does not meet this criteria because it is only contiguous with an urban use - housing on one side. Boundaries around most of the land abut conservation-designated land.
5. While the Koolaupoko Sustainable Communities Plan Community Growth Boundary was expanded to include 53-acres that decision was made without the guidance of an EIS by which a decision-maker could effectively evaluate the environmental impacts of changing conservation land to urban and make an informed decision.

6. The land does not meet this criterion because it is adjacent to housing only on one side and surrounded by conservation land.
8. The petition lands do not meet this criteria because the slopes are 50% and greater, the area is heavily forested and fulfills the important function as a watershed and recharge area and would require an enormous amount of earth moving, land manipulation and soil and dirt removal.

#### HRS §344-3 Environmental policy

(1) Conserve the natural resources, so that land, water, mineral, visual, air and other natural resources are protected by controlling pollution, by preserving or augmenting natural resources, and by safeguarding the State's unique natural environmental characteristics in a manner which will foster and promote the general welfare, create and maintain conditions under which humanity and nature can exist in productive harmony, and fulfill the social, economic, and other requirements of the people of Hawai'i.

Currently designated Conservation the land meets this policy by conserving and protecting the natural resources of this watershed and hillside.

#### §344-4 Guidelines

(2) *Land, water, mineral, visual, air, and other natural resources*

(D) *Encourage management practices which conserve and protect watersheds and water resources, forest, and open space areas.*

The Project seeks to change the current State designation from the Conservation District to the Urban District. This land use change defeats the purpose of this guideline to conserve and protect watersheds, forests and open spaces.

The Project will cut down the existing forest, reduce the land from 50% slopes to 20% slope or less, and cut down the hills to 40 and 100 feet thus violating this guideline.

(3) Flora and fauna

(A) *Protect endangered species of indigenous plants and animals...*

The Project does not protect the federally listed Blackline Hawaiian Damselfly, the State listed Pue`o, the hoary bat or the numerous indigenous and endemic plants on the land. Instead the project will cut down unknown number of acres of forest and trees and reshape the hilly topography to create a relatively flat area thus impacting the habitat of these endangered species.

(10) Citizen participation

(A) *Provide for expanding citizen participation in the decision making process so it continually embraces more citizens and more issues.*

With presentations given only to two organizations Kane`ohe Neighborhood Board and the Ko`olaupoko Hawaiian Civic Club, which is a co-signer on the Conservation Easement and will be the curator for the



Cultural Preserve, it is obvious that citizen participation was not expanded to include others who are interested in this project.

#### Ko`olau Poko sustainable Communities Plan (SCP)

It is unfortunate that the SCP Community Urban Boundary was changed prior to conducting an EIS. An EIS would have given decision-makers the opportunity to make an informed decision about the impacts on the environment, ecology, ground and surface water and endangered species of moving the Community Urban Boundary to allow cutting down a forest and replacing it with manicured grass.

Nothing on the land has changed. The terrain is still steep, the forest canopy is still dense, the trees are still tall offering habitat to endangered species and the forest is still a watershed. The same issues exist. Only a line on a plan was changed to allow development.