

Hakoda, Riley K

From: DBEDT LUC
Sent: Tuesday, January 21, 2020 2:39 PM
To: Hakoda, Riley K
Subject: FW: [EXTERNAL] Expansion of the Hawaiian Memorial Park in Kaneohe

Scott A.K. Derrickson, AICP
Staff Planner
State of Hawai'i, Land Use Commission
(808) 587-3921
<scott.a.derrickson@hawaii.gov>

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From: Gretchen Gould <gretchen.gould@stanfordalumni.org>
Sent: Tuesday, January 21, 2020 11:31 AM
To: DBEDT LUC <dbedt.luc.web@hawaii.gov>
Subject: [EXTERNAL] Expansion of the Hawaiian Memorial Park in Kaneohe

Members of the State Land Use Commission, state of Hawaii re: **Expansion of Hawaiian Memorial Park Cemetery in Kaneohe:**

This is a rebuttal of an op ed that appeared in the Sunday Star-Advertiser. It also gives reasons why this expansion should not be allowed and the problem should be laid to rest.

The people of this neighborhood have had to live in fear of flooding from an expansion and to keep rebutting this company for TEN YEARS and always have won. How long is Hawaiian Memorial Park allowed to keep bringing this before different entities that keep ruling against them?? That amounts to harassment and should not be allowed.....Their business plan is to expand. That's it! What happens if they do expand and then this land is full????? This is NOT a practical business plan and it should be stopped now, not after they have destroyed houses below and also Kaneohe Bay where they debris and chemicals will go!!

Please put an absolute end to this idea of expansion. It is NOT a good one in any way!!

Mahalo. Gretchen Gould, Kaneohe
Past member of KNB #30, chair of planning committee and past Chair of the Kaneohe Bay Regional Council.

"It is with sadness and disbelief that I read the opinion piece in Sunday's paper (Island Voices pg. F-3). I can't believe that the Hawaiian community continues to let themselves be courted and convinced that they are friends by the big Mainland company that wants to expand their for-profit cemetery at Hawaiian Memorial park onto "conservation land!!"

When these writers talk about the company "working with the community" over the past 10 years, they mean THEIR community, the Hawaiian community and only them, which is a shame. We on the Windward side consider ourselves all "the community". The company has not worked with the Neighborhood Board, the

Outdoor Circle, or any of the many other organizations who have opposed this unlawful expansion, including the actual neighbors and Pohai Nani, who will be most directly affected by this expansion. No, they blame the people who will be affected by big time flooding through their back yards, desecration of Kaneohe Bay, loss of our precious lei of green which surrounds Kaneohe Bay, and which is required in the Sustainable Communities Plan. They call that NIMBY. We are quite offended that people who live in another ahupua'a consider their opinions more important than those who live in the ahupua'a which will be most directly offended, then criticize.

We have supported THEIR wishes, as you can see on the website (savekaneohe.org), but we also want the promised conservation of the LAND and the precious jobs that trees there do which prevent flooding in many ways, discourage human wandering that occurs in cemeteries, and runoff of both dirt and chemicals.

This company has taken up the lives of many of the residents and those who support the conservation designation of this property which they knew about when they first purchased the land by bringing up doing away with it over and over again. That's not "working with the community". It is working against the community and pitting parts of the community against each other. It seems the Hawaiians, as they choose to designate themselves, don't work with the larger community and they let this company pull the wool over their eyes. Beware, folks. Do you REALLY think they will do all of those things to protect the damsel fly? Do they have the will, the where-with-all or the caring or even the legal means to do that??? Do you think that the REST of us don't also care about the damsel fly? Is it only to be protected on "your" part of this property?

We must ALL, as a community that needs protecting, work together to stop this big for-profit Mainland company, whose cemetery currently contains many HUGE plots, from taking over an important parcel of land that we all thought was already protected with its preservation/conservation designation!! There are other ways to honor and make a home for departed loved ones! Don't let them divide and conquer, because both sides will lose in the end. Mark my words!" -Gretchen Gould

Hakoda, Riley K

From: DBEDT LUC
Sent: Tuesday, January 21, 2020 2:40 PM
To: Hakoda, Riley K
Subject: FW: [EXTERNAL] LUC Meeting on Hawaiian Memorial Park January 22

Scott A.K. Derrickson, AICP
Staff Planner
State of Hawai'i, Land Use Commission
(808) 587-3921
<scott.a.derrickson@hawaii.gov>

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From: Anna Kaohelaullii <msakaohelaullii@gmail.com>
Sent: Tuesday, January 21, 2020 1:15 PM
To: DBEDT LUC <dbedt.luc.web@hawaii.gov>
Subject: [EXTERNAL] LUC Meeting on Hawaiian Memorial Park January 22

Aloha,

I lived in Kaneohe for 40+ years and I always fought the expansion of the Hawaiian Memorial Park Cemetery, My main concerns then were protecting the Kawaewae Heiau, providing access to the trail and preventing damage from mudslides on the makai side of the project. I am now concerned that the media and perhaps the current opponents to the project did not give us all the current information we need to make a decision. Thank goodness on Sunday, January 19 the Honolulu Star-Advertiser published an article by Aunty Rocky Kaluhiwa and Aunty Alice Hewitt outlining some of the issues in the current plan to mitigate the long held community concerns. The current proposal would include plans to establish a large cultural reserve which would include a partnership to restore and protect Kawaewae Heiau and the surrounding area. Hawaiian Memorial Park would provide funding and the land around the heiau, This partnership with the community would protect the heiau and I assume the endangered damsel fly. The community needs to take another look at this proposal and then hold HMP to their word as the community comes together to work out a cultural and environment plan to preserve those areas of concern.

Since I am now handicapped and attending al all day Land Use Commission hearing is out of the question. However, I would like for my comments to be read into the record.

Annette Kaohelaull
Former Kaneohe resident, currently living in Kailua.
355 Aoloa Street, Apt. D 101
Kailua, HI 96734
telephone: 235-5431

Mahalo nui loa to everyone.

Hakoda, Riley K

From: DBEDT LUC
Sent: Tuesday, January 21, 2020 2:39 PM
To: Hakoda, Riley K
Subject: FW: [EXTERNAL] FW: Hawn Memorial

Scott A.K. Derrickson, AICP
Staff Planner
State of Hawai'i, Land Use Commission
(808) 587-3921
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From: fayeluke808 <fayeluke808@gmail.com>
Sent: Monday, January 20, 2020 5:13 PM
To: DBEDT LUC <dbedt.luc.web@hawaii.gov>; repmatayoshi@Capitol.hawaii.gov; Sen. Jarrett Keohokalole <senkeohokalole@capitol.hawaii.gov>; repkitagawa@Capitol.hawaii.gov; replowen@Capitol.hawaii.gov; repwildberger@Capitol.hawaii.gov; repyamane@Capitol.hawaii.gov; reptodd@Capitol.hawaii.gov
Subject: [EXTERNAL] FW: Hawn Memorial

Sent from my T-Mobile 4G LTE Device

----- Original message -----

From: Ken Luke <KNLuke@hotmail.com>
Date: 1/20/20 4:42 PM (GMT-10:00)
To: fayeluke808 <fayeluke808@gmail.com>
Subject: Hawn Memorial

Save Kaneohe from Hawaiian Memorial Expansion

We are submitting this written testimony today to petition against the current cemetery expansion plan to have the area re-zoned and deforested. Hawaii must not sacrifice any of its remaining natural beauty to satisfy a mainland company's endless need for profits.

Conservation land is our society's promise to future generations to protect and forever respect at least some of the natural habitat that makes our island home unique. Has Hawaii become so money driven that we are willing to break this generational promise?

As a result, the following thoughts are submitted to you before you render decision on this matter:

- The cemetery knew the surrounding land was zoned as conservation, and enjoyed substantial advantages in purchase price and property taxation
- In light of finite land space, Punchbowl cemetery successfully utilizes columbaria, (vertical rather than horizontal expansion), as a strategy to provide plots
- Hawaii is not like the mainland, land is limited here and everything should be done to preserve its remaining natural beauty
- Hawaiian Memorial is proposing a cultural preserve as a means to "buy off" certain Hawaiian groups at the expense of other Hawaiian cultural practitioners who have great love and respect for the existing natural beauty of the existing forest. This evil strategy to divide and create discord in the Hawaiian community is Hewa
- Countless cemetery employees, and others who stand to gain from desecrating Hawaii's natural beauty will likely be lining up in support of the expansion plan. We trust that you will carefully consider if their position is truly unbiased, and if they would have the same position if they were not employees or otherwise seeking gain

Please do not allow the conservation land to be developed. Keep Kaneohe's forested conservation land safe.

Thank you ahead of time for your kind consideration,

Faye & Kenneth Luke

Sent from [Mail](#) for Windows 10

Hakoda, Riley K

From: DBEDT LUC
Sent: Tuesday, January 21, 2020 2:40 PM
To: Hakoda, Riley K
Subject: FW: Testimony on Hawaiian Memorial Life Plan - Wednesday, Jan. 22, 2020
Attachments: Hawaiian Memorial-luc hrg.docx

Scott A.K. Derrickson, AICP
Staff Planner
State of Hawai'i, Land Use Commission
(808) 587-3921
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From: Mahealani Cypher <malamapono744@aim.com>
Sent: Tuesday, January 21, 2020 2:08 PM
To: DBEDT LUC <dbedt.luc.web@hawaii.gov>
Cc: rockykaluhiwa1122@gmail.com
Subject: Testimony on Hawaiian Memorial Life Plan - Wednesday, Jan. 22, 2020

Aloha,

Aunty Rocky Kaluhiwa has asked me to forward her testimony for tomorrow's LUC hearing.

Mahalo,

Mahealani



KO'OLAUPOKO HAWAIIAN CIVIC CLUB

January 21, 2020

Mr. Jonathan Likeke Scheuer, Chair
Land Use Commission
Leiopapa a Kamehameha
235 South Beretania Street, #406
Honolulu, HI 96813

Subject: Support for Approval of #A17-804 Hawaiian Memorial Life Plan, Ltd.

Aloha Chair Scheuer and Members of this Commission:

The Ko'olaupoko Hawaiian Civic Club strongly supports your approval of this application for a boundary change for Hawaiian Memorial Park Cemetery, which includes establishment of a cultural preserve for Kawa'ewa'e Heiau.

Our civic club, which was established in 1937, is one of the largest in the Association of Hawaiian Civic Clubs nationwide. It is also one of the largest and most active Hawaiian organizations here in the moku of Ko'olaupoko. Our members come primarily from the nine ahupua'a around Kane'ohē bay, and strive to serve as kia'i – or guardians – for our wahi pana and wahi kapu throughout the region.

We support this application because we have seen first hand how hard the landowner has worked to address both our concerns, and the community's concerns regarding potential impacts of this expansion plan. I remember when we were first approached about their early plan, our club wasn't too sure about whether we should support it.

The community was worried about flooding, water drainage, and a 20-unit subdivision that was in the original plan. Our civic club was concerned about what would happen to Kawa'ewa'e Heiau, built by Chief Olopana centuries ago. But we were pleased when we learned that Hawaiian Memorial had changed their plans. They eliminated the 20-unit subdivision near Pohai Nani. We checked with the City's Department of Planning & Permitting, and learned that the landowner has a mitigation plan that would properly address any flooding concerns.

Most importantly, at least from a Hawaiian perspective, we learned that Hawaiian Memorial is contemplating setting aside acres of land for a Kawa'ewa'e Cultural Preserve. This conservation easement would help preserve the wahi kapu forever! Maika'i!

Hawaiian Memorial has been very respectful of all parties, but especially towards our civic club and the Hawaiian community. They even worked with us – and the neighboring residents – to clean up the heiau some years ago. It was an initiative proposed by our members in the hopes that the differences could be resolved.

This landowner seeks to provide burial plots for the families of Ko`olaupoko, but it has proven to be essential even for residents from throughout the island – many of whom travel from afar to visit their family members buried at this cemetery.

I would guess that most of us in this room today have family members or friends who were laid to rest at Hawaiian Memorial Park. After we pass away, what will happen to our children, our grandchildren, and generations to come? It is clear that land must be set aside for those families who wish to be buried on land, rather than cremated. We have to think ahead while we honor and perpetuate the history and heritage of our culture through the Kawa`ewa`e Cultural Preserve.

A year or two ago, the Association of Hawaiian Civic Clubs adopted a resolution of support for the expansion plan and establishment of the cultural preserve. There are over 60 Hawaiian civic clubs throughout the islands and across the continental U.S. I think that should persuade you of how Hawaiian feel about this matter.

As a descendant from our konohiki of ancient times, my family has been here for over 200 years. We object to a relatively newly-formed group that has been fighting the cemetery since the first proposal and claiming to be the “saviors of Kane`ohe” by circulating petitions and trying to discredit both our organization and the landowner with what I consider to be misrepresentations of the facts regarding this proposal.

We urge all of you to approve this application and allow it to move forward.

Me kealoha pumehana,

/s/ Leialoha Kaluhiwa

President

The Ko`olaupoko Hawaiian Civic Club was established in 1937 and is a not-for-profit community organization dedicated to preserving and perpetuating the history, heritage and culture of Native Hawaiians. One of the largest of the Hawaiian Civic Clubs, its membership is open to people of Hawaiian ancestry and those who are “Hawaiian at heart”.

P. O. Box 664 * Kaneohe, HI 96744 * Ph. (808) 235-8111 * www.koolaupokohcc.org

Hakoda, Riley K

From: DBEDT LUC
Sent: Tuesday, January 21, 2020 2:39 PM
To: Hakoda, Riley K
Subject: FW: Testimony Re: A17-804 HAWAII MEMORIAL LIFE PLAN, LTD. (Oahu)
Attachments: 012220 LUC Testimony in Support of Hawaii Memorial Park.pdf

Scott A.K. Derrickson, AICP
Staff Planner
State of Hawai'i, Land Use Commission
(808) 587-3921
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From: Nat Kinney <execdir@hawaiiconstructionalliance.org>
Sent: Tuesday, January 21, 2020 12:27 PM
To: DBEDT LUC <dbedt.luc.web@hawaii.gov>
Subject: [EXTERNAL] Testimony Re: A17-804 HAWAII MEMORIAL LIFE PLAN, LTD. (Oahu)

Dear LUC,
Please see my attached testimony regarding A17-804 Hawaii Memorial.

Mahalo,

Nathaniel Kinney
Executive Director
Hawaii Construction Alliance
Hawaiiconstructionalliance.org

Hawai'i Construction Alliance

P.O. Box 17944
Honolulu, HI 96817
(808) 220-8892

January 22, 2020

Land Use Commission

Koolau Ballrooms and Conference Center
Grand Ballroom
45-550 Kionaole Rd,
Kaneohe, HI 96744

RE: A17-804 HAWAII MEMORIAL LIFE PLAN, LTD. (Oahu)

Dear JONATHAN SCHEUER, CHAIR, AND MEMBERS OF THE LAND USE
COMMISSION,

The Hawai'i Construction Alliance is comprised of the Hawai'i Regional Council of Carpenters; the Laborers' International Union of North America, Local 368; the Operative Plasterers' and Cement Masons' Union, Local 630; International Union of Bricklayers & Allied Craftworkers, Local 1; and the Operating Engineers, Local Union No. 3. Together, the member unions of the Hawai'i Construction Alliance represent 15,000 working men and women in the basic crafts of Hawai'i's construction industry.

The Hawaii Construction Alliance would like to submit testimony in SUPPORT of Hawaiian Memorial Park's petition to expand its cemetery and establish a cultural preserve on 53.45 acres within the petitioned area.

Not only will this project will benefit the community not only by establishing a cultural preserve in partnership with the Ko'olauloa Hawaiian Civic Club, but it will also protect 156.5 acres of privately-owned conservation land by placing it in a conservation easement with the Hawaiian Islands Land Trust to ensure no further development. Additional benefits from this project include implementation of storm mitigation measures for this area, protection of cultural sites by securing the area through fencing, and providing an adequate minimum 150-foot buffer between the homes and cemetery.

The Alliance believes that Hawaiian Memorial Park has adequately addressed community concerns and therefore supports its petition to amend the Conservation Land Use District Boundary and acceptance of their final Environmental Impact Statement.

Mahalo,

A handwritten signature in black ink, appearing to read "Nathaniel Kinney". The signature is fluid and cursive, with a large, stylized initial 'N' and 'K'.

Nathaniel Kinney
Executive Director
Hawai'i Construction Alliance
execdir@hawaiiconstructionalliance.org

Hakoda, Riley K

From: DBEDT LUC
Sent: Tuesday, January 21, 2020 2:39 PM
To: Hakoda, Riley K
Subject: FW: Hawaiian Memorial Park boundary amendment testimony
Attachments: HMP Testimony- Matayoshi.docx

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From: Rep. Scot Z. Matayoshi <repmatayoshi@capitol.hawaii.gov>
Sent: Monday, January 20, 2020 8:46 AM
To: DBEDT LUC <dbedt.luc.web@hawaii.gov>
Cc: Kiona Esteban <k.esteban@capitol.hawaii.gov>; matayoshi2 - Logan <matayoshi2@capitol.hawaii.gov>
Subject: Hawaiian Memorial Park boundary amendment testimony

Aloha,

Attached is my testimony for the LUC's consideration regarding the Hawaiian Memorial Park boundary amendment petition in Kaneohe. I was told must be submitted 48 hours before the 9:30 am hearing on Wednesday. If you have any questions, please feel free to contact my office.

Scot Z. Matayoshi
Hawai'i State Representative - District 49
Kaneohe | Maunawili | Olomana
(808) 586-8470

Representative Scot Z. Matayoshi
District 49-Kane'ohe, Maunawili, Olomana
State Capitol, Room 331-Honolulu, Hawaii 96813
Phone: 586-8470 – Fax: 586-8474
E-Mail: repmatayoshi@capitol.hawaii.gov

Thank you for this opportunity to provide testimony to the Land Use Commission regarding Hawaii Memorial Park's (HMP) requested boundary amendments. I want to be clear that my primary concern is for the communities and homes affected by this proposed cemetery expansion and land reclassification, in addition to other concerns raised by the community.¹ I have been working with HMP over the past year to address these concerns, which I feel are reflected in HMP's current amended plan. This testimony will address the common concerns that I have received and describe the measures that Hawaii Memorial Park has taken to address and/or mitigate these concerns. Had HMP not mitigated these community concerns, I would be in opposition to HMP's boundary amendment.

A. Boundary Amendments, Land Reclassification & Proposed Easements

To briefly summarize Hawaii Memorial Park's plans, the current proposal requests the Land Use Commission to reclassify 53.449 acres of land from the State Land Conservation District to the State Urban District. The remaining land in Hawaii Memorial Park's 164.4-acre parcel will be kept as conservation land, and oversight over the remaining land will be transferred to the Hawaiian Islands Land Trust (HILT). The proposed reasoning for this request is to allow for expansion of the cemetery area (28.20 acres), create a cultural preserve (14.50 acres), open space areas (approximately 7.75 acres), and internal roadway to access the proposed locations (approximately 3.00 acres).

If the reclassification to Urban District is passed, the current proposal does not and will not contain any plans to create homes or any other residential buildings. I am in absolute opposition to any new homes on HMP property. Furthermore, the proposal ensures that a total of 156.5 acres of lands and resources will be protected by placing them into a Cultural Preserve and conservation easement, as described in HMP's second amendment to their Petition. Placing these 156.5 acres into a conservation easement forever prevents them from being used for housing. It was important to get this concession from HMP to ensure no housing would ever be built on their land. Without this protection against future homes and development, I would be in opposition to HMP's boundary amendment.

B. Heiau Preservation

Another significant concern of the community has been over the preservation and management of the Kawa'ewa'e Heiau (the "Heiau"). Currently, the Heiau lies within the proposed reclassification area. Reclassifying the area to an Urban District, along with the conservation easement, will allow HMP and other appropriate organizations to repair and maintain this spiritual and cultural site. This information can be found in the Proposed Mitigative Measures section on pages 127-128, and is explained in detail in subsequent pages of the amended petition. It is proposed that the Heiau site and other areas of the Cultural Preserve will be managed by the Petitioner, the Ko'olaupoko Hawaiian Civic Club, and other cultural advisory groups in a

¹ Watershed issues raised by the community will not be addressed here as I feel they were more appropriately addressed in the approved Environmental Impact Statement.

Representative Scot Z. Matayoshi
District 49-Kane'ohe, Maunawili, Olomana
State Capitol, Room 331-Honolulu, Hawaii 96813
Phone: 586-8470 – Fax: 586-8474
E-Mail: repmatayoshi@capitol.hawaii.gov

culturally appropriate manner. Importantly, this area will be covered by the proposed conservation easement, thus protecting it from future development in perpetuity.

I personally visited the Heiau and the surrounding area, accompanied by a community member, to see its condition. It is currently in a state of absolute disrepair, with large trees growing in and around it. Without HMP's plan, I have no doubt we will eventually lose the Heiau. HMP's proposal will preserve this important cultural site, which many community members and the Ko'olaupoko Hawaiian Civic Club have expressed is of utmost importance. Without this added protection of the Heiau, I would be in opposition to HMP's boundary amendment.

C. Flood Mitigation and Drainage

Of direct concern to property owners adjacent to the area of concern is flood risk and flood mitigation. During my visit to the Heiau, I noted there was little to no ground cover under the tree canopy. In speaking with community members in the area, they described the water coming down off of the hillside during rains with nothing stopping it. The developer of those homes (long-gone) left the maintenance of the protective drainage culvert to the homeowners. That culvert is now clogged with trees and other debris, offering little to no protection for the homes.

According to HMP's petition, the new proposed plan includes infrastructure that will divert water running off of the altered property into drainage basins, decreasing the flooding risk for adjacent homes. The proposed plan includes details of changes to the landscape, diverting storm water runoff into drainage basins. The new proposed grassed landscape will also increase the infiltration and detention of water during storms, thus reducing the amount of runoff that exits the property. These proposed changes are expected to have a beneficial impact on the community by improving the current status of drainage ways and flood risks that plague the surrounding landowners. Without this added protection for the surrounding homes, I would be in opposition to HMP's boundary amendment.

D. Hawaiian Damsselfly

Finally, I heard from numerous community members about the endangered Blackline Hawaiian Damsselfly. I expressed this concern to HMP, which conducted its own field studies and referenced other independent studies of the area. HMP found that the main threat to the damsselfly population and habitat was the presence of feral pigs. The damsselfies were observed along a seep in the northwestern corner of the Petition Area. To address this issue, HMP plans to fence the seep, preventing feral pigs and other threats to the damsselfly population from harming their natural habitat. The damsselfly habitat is also being excluded from the cemetery expansion and will be included in the conservation easement, protecting the area forever from development. Without this protection, the endangered damsselfly will still be threatened by feral pigs and we may lose the entire population. Without this added protection, I would be in opposition to HMP's boundary amendment.

In conclusion, while I would have ideally preferred HMP not expand at all, I appreciate that HMP has responded to and addressed the community concerns above. The proposed plan is vastly improved from what HMP proposed ten years ago, which I would have fiercely opposed. I

Representative Scot Z. Matayoshi
District 49-Kane'ohe, Maunawili, Olomana
State Capitol, Room 331-Honolulu, Hawaii 96813
Phone: 586-8470 – Fax: 586-8474
E-Mail: repmatayoshi@capitol.hawaii.gov

urge the Land Use Commission to hold HMP accountable for all of the promises it made in this boundary amendment addressing the issues above. If HMP fails to abide by its promises, I hope you will consider swift corrective action against HMP.

Hakoda, Riley K

From: DBEDT LUC
Sent: Tuesday, January 21, 2020 2:38 PM
To: Hakoda, Riley K
Subject: FW: A17-8904 Hawaiian Memorial
Attachments: Hawaiian memorial LUC hearing HTF 1.22.20.pdf

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From: donna <htf3000@gmail.com>
Sent: Tuesday, January 21, 2020 9:03 AM
To: DBEDT LUC <dbedt.luc.web@hawaii.gov>
Subject: A17-8904 Hawaiian Memorial

Attached is Hawaii's Thousand Friends testimony on petition A17-804 Hawaiian Memorial contested case which is being heard on January 22, 2020.



Hawaii's Thousand Friends

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

January 22, 2020

Land Use Commission
dbedt.luc.web@hawaii.gov

A17-804 HAWAIIAN MEMORIAL LIFE PLAN, LTD.

Hawaii's Thousand Friends opposes the reclassification of approximately 53,449 acres from the Conservation District to the Urban District to allow the expansion of the cemetery and the creation of a cultural preserve.

Changing the 53,449 acres from Conservation to Urban opens all the land, including the 14.5-acre Cultural Preserve, to "city-like" concentrations of people, structures, streets, urban level of services and other related land uses..." all of which are inappropriate uses for this open space watershed. (HAR §15-15-18)

The designation from Conservation to Urban is not consistent with the State Plan.

- HRS §226-11(b)(6) *Encourage the protection of rare or endangered plant and animal species and habitats native to Hawaii.* Changing the designation from Conservation to Urban allows urban type development that puts the newly discovered Federally listed Blackline damselfly and the endangered Rainbow damselfly, found only on Oahu, and their habitat in danger from construction runoff, pesticides, and disruption in water flow. Damselflies cannot survive without flowing water.
- HRS §226-12 (1) *Promote the preservation and restoration of significant natural and historic resources, and (3) Promote the preservation of views and vistas to enhance the visual and aesthetic enjoyment of mountains, ocean, scenic landscapes, and other natural features*
 - Presently the Oneawa Hills serve as a naturally vegetated buffer to urban Kaneohe any development of this area will continue the urban creep. Removal of the natural vegetation on Oneawa Hills will reduce the areas effectiveness as a natural forest watershed, recharge area and under the urban designation is open to becoming another urban landscape.
- HRS §226-12 (4) *Protect those special areas, structures, and elements that are an integral and functional part of Hawaii ethnic and cultural heritage.*
 - Designating land under Kawa'ewa'e Heiau and other cultural sites from Conservation to Urban puts the sites under greater danger of development. Once land is designated urban it is available to all types of urban types of zoning.

The Conservation designation for Hawaiian Memorial meets the Conservation Functional Plan priority to direct urban development "away from critical environmental areas" including watershed areas; wildlife habitats; areas with endangered species of plants and animals; open space and natural areas; historic and cultural sites and to protect and enhance scenic resources.

The Conservation designation is appropriate because "Many species exist in Hawaii and nowhere else" and the "Protection of these species and their ecosystems must be continually strengthened and new techniques and methods developed to preserve them." (Conservation Functional Plan)

It is unclear why Hawaiian Memorial is seeking to take their property out of the Conservation district while seeking the most liberal state land use designation and then putting a conservation easement on land designated urban.

Could it be because county zoning supersedes the conservation easement?

The FEIS states 75 acres of the Petition Area would remain as open space and largely undeveloped. The majority of this undeveloped open space area is located downslope from the cemetery expansion area and runs parallel to the Petition Area's northern boundary. This open space area provides a vegetated buffer between residences located downslope from the cemetery expansion. (Emphasis added)

City Land Use Ordinance Sec. 21-5.100 Cemeteries and columbaria (b) If a cemetery or columbarium adjoins lots in country, residential, apartment or apartment mixed use districts, there shall be a minimum 50-foot landscaped buffer. (Emphasis added)

A conservation easement is a good tool that can be amended. Unlike land in the Urban district where it is almost unheard of to redesignate land in the Urban district to a more limited designation since taking land out of urban is considered "down zoning" and subjects the state to a lawsuit.

It is impossible to believe that the Commission can now approve the same application that they previously denied just because the community growth boundary in the Koolaupoko Sustainable Communities Plan was moved to encompass Hawaiian Memorial.

Nothing on the land has changed. Just a line was redrawn and approved even before the environmental review process was completed.

Approval of this application will set a bad precedent showing that the States most protective land use designation can be changed by simply moving a line.

We urge you to once again deny this petition.