

2020 SEP -3 A 8:08

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BEFORE THE LAND USE COMMISSION
OF THE STATE OF HAWAII

In the Matter of the Petition of)	DOCKET NO. A17-804
)	
HAWAIIAN MEMORIAL LIFE PLAN, LTD.)	OFFICE OF PLANNING'S
)	STIPULATION AND COMMENTS TO
)	PETITIONER'S PROPOSED FINDINGS
To Amend The Conservation Land Use)	OF FACT, CONCLUSIONS OF LAW,
District Boundary Into The Urban Land Use)	AND DECISION AND ORDER FOR A
District for Approximately 53.449 Acres of)	STATE LAND USE DISTRICT
Land at Kaneohe, Island of Oahu, State of)	BOUNDARY AMENDMENT;
Hawaii, Tax Map Key: (1) 4-5-033: por.)	CERTIFICATE OF SERVICE
001)	
)	
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OFFICE OF PLANNING'S STIPULATION AND COMMENTS TO PETITIONER'S PROPOSED FINDINGS OF FACT, CONCLUSIONS OF LAW, AND DECISION AND ORDER FOR A STATE LAND USE DISTRICT BOUNDARY AMENDMENT

Pursuant to Hawaii Administrative Rules (HAR) Section 15-15-82.1, the Office of Planning ("OP") submits the following comments to Petitioner Hawaiian Memorial Life Plan, LTD.'s Proposed Findings of Fact, Conclusions of Law, and Decision and Order for A State Land Use District Boundary Amendment ("Petitioner's Proposed D&O").

I. Petitioner's Proposed Condition No. 10.

The revisions offered herein are to facilitate administration and clarify enforcement of Petitioner's Condition No. 10 relating to endangered species. Additions to the condition are underlined, and deletions are struck through as follows:

- 10. Endangered Species. Petitioners shall undertake the following:

- a. A subsurface drainage system designed utilizing a herringbone configuration shall be implemented in the cemetery expansion area planned for fill activities above the seep. The system shall be comprised of three subsurface drainage mainlines with smaller subdrains branching laterally from them. This system will help ensure water flow to the well and seep is maintained.
- b. A well monitoring gauge shall be installed inside the wall of the well, located upslope from the seep to monitor water levels prior to, during and after the project construction.
- c. Before earthmoving activities begin, a temporary water line shall be extended to the well from the cemetery's irrigation system. This irrigation line will serve as a short-term means of ensuring continued water flow to the seep. If the gauge indicates water levels have declined to levels potentially affecting the seep, water from the irrigation line to the well will be provided to stabilize water levels.
- d. Once earthmoving activities conclude, a permanent water line shall be extended to the well from the expanded cemetery's irrigation system. This irrigation line will serve as a long-term means of ensuring continued water flow to the seep. If the gauge indicates water levels have declined to levels potentially affected the seep, water from the irrigation line to the well shall be provided to stabilize water levels.
- e. Small stick upright and away from the edges of the waterlogged areas shall be placed along the seep to serve as a molting safe zone for damselflies to avoid predation from crawling predators.
- f. Habitat boundaries currently shown in the Final Environmental Impact Statement (FEIS) shall be reviewed during project final design based upon more accurate data collected from a topographic survey, and consultation with the State Department of Land and Natural Resources Division of Forestry and Wildlife (DLNR

DOFAW) and U.S. Fish and Wildlife Service (USFWS). Habitat boundary shall be revised as appropriate. Fencing shall be constructed around the damselfly habitat boundary to protect the native damselfly from disturbance from feral pigs. Fencing shall consist of livestock panels appropriate to exclude pigs, with lower barbed strand to resist digging.

- g. Regular inspection of the seep shall occur to ensure the present flow of water is continued.
- h. Inspection of the seep shall be conducted at monthly intervals for one year prior to construction to establish baseline water flow conditions.
- i. Monitoring shall continue during construction, with the seep area inspected on a weekly basis to evaluate water flow in coordination with BMP (erosion control) measures.
- j. Once construction concludes, monitoring shall continue for six months to ensure continued water flow to the seep. Inspections shall occur weekly for the first three months, and every two weeks for the following three months.
- k. After the six-month monitoring period elapses, HMP staff shall conduct monthly water flow inspections.
- l. At any time, if water flow is documented to be outside of the range observed in the pre-construction monitoring phase, the temporary or permanent irrigation lines shall be used to provide supplemental water to the seep. Additional mitigation measures shall be determined through consultation between the contractor, design team, ~~State Department of Land and Natural Resources~~ DLNR ~~DOFAW, U.S. Fish and Wildlife Service~~ USFWS and other specialists.
- m. Regular inspections of the seep (at intervals described in ~~7a-k~~ 10a-k) shall also include surveys to ensure that non-native fish, specifically poeciliid fish, are not present within this habitat area.

If fish are observed, surveyors shall notify experienced biologists to ensure prompt identification, and the ~~U.S. Fish and Wildlife Service~~ USFWS and DLNR DOFAW shall be consulted on what control measures can be implemented.

II. Petitioner's Proposed D&O.

OP has no objections to any of Petitioner's other proposed findings of fact, conclusions of law, conditions of boundary amendment, or proposed decision and order, and therefore, with the exception of Condition No. 10, stipulates to Petitioner's Proposed D&O.

CONCLUSION

Based on the foregoing, OP respectfully requests that the Commission adopt the Petitioner's Proposed D&O incorporating the revisions as stated herein.

DATED: Honolulu, Hawaii, September 2, 2020.

Mary Alice Evans

MARY ALICE EVANS
Director for the OFFICE OF PLANNING,
STATE OF HAWAII

BEFORE THE LAND USE COMMISSION

OF THE STATE OF HAWAII

In the Matter of the Petition of)	DOCKET NO. A17-804
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HAWAIIAN MEMORIAL LIFE PLAN, LTD.)	OFFICE OF PLANNING'S STIPULATION AND COMMENTS ON PETITIONER'S PROPOSED FINDINGS
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To Amend The Conservation Land Use District Boundary Into The Urban Land Use District for Approximately 53.449 Acres of Land at Kaneohe, Island of Oahu, State of Hawaii, Tax Map Key: (1) 4-5-033: por. 001)	OF FACT, CONCLUSIONS OF LAW, AND DECISION AND ORDER FOR A STATE LAND USE DISTRICT BOUNDARY AMENDMENT; CERTIFICATE OF SERVICE
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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing was served upon the following by either hand delivery or depositing the same in the U.S. Postal Service by regular mail.

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DATED: Honolulu, Hawaii, September 2, 2020.

OFFICE OF PLANNING
STATE OF HAWAII

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