

BEFORE THE LAND USE COMMISSION
STATE OF HAWAII

OF THE STATE OF HAWAII 2020 JAN -6 A 10:43

In the Matter of the Petition of)	DOCKET NO. A17-804
)	
HAWAIIAN MEMORIAL LIFE PLAN, LTD.)	HAWAIIAN MEMORIAL LIFE
)	PLAN, LTD.
To Amend The Conservation Land Use)	
District Boundary Into The Urban Land Use)	
District For Approximately 53.449 Acres Of)	
Land At Kāneʻohe, Island of Oahu, State of)	
Hawaiʻi, Tax Map Key: (1) 4-5-033; por. 001)	
_____)	

PETITIONER HAWAIIAN MEMORIAL LIFE PLAN, LTD.'S:

(1) LIST OF REBUTTAL WITNESSES;

(2) LIST OF REBUTTAL EXHIBITS;

(3) EXHIBITS 44 - 53

AND

CERTIFICATE OF SERVICE

BENJAMIN M. MATSUBARA, #993-0
CURTIS T. TABATA, #5607-0
Matsubara, Kotake & Tabata
888 Mililani Street, Suite 308
Honolulu, Hawaiʻi 96813

Attorneys for Petitioner
HAWAIIAN MEMORIAL LIFE
PLAN, LTD.

LAND USE COMMISSION

PAGE 1 OF 2

DOCKET NO./PETITIONER: A17-804/ HAWAIIAN MEMORIAL LIFE PLAN, LTD.

PARTY: Petitioner HAWAIIAN MEMORIAL LIFE PLAN, LTD.

LIST OF REBUTTAL WITNESSES

NAME/ORGANIZATION/POSITION (List In Order of Appearance)	TO BE QUALIFIED AS AN EXPERT IN:	SUBJECT MATTER
Scott Ezer/HHF Planners/Principal	Planning and Land Use	Master Plan and Environmental Impact Statement
Jay Morford/Hawaiian Memorial Life Plan, Ltd./President	N/A	Project overview and status
Tom Holliday/ CRE, FRICS – CBRE, Inc./Director of the Hallstrom Team	Real estate market assessment and economic impacts	Market assessment and economic impacts
Jami Hirota, PE, LSIT, LEED BD+C/Coffman Engineers/Manager of the Civil Engineering Department	Engineering	Engineering and drainage
Tom Nance/Tom Nance Water Resource Engineering, Inc./President	Hydraulics	Ground and surface water
Robin M. Lim, P.E./Geolabs, Inc./President	Geology	Geological survey
Steven L. Montgomery, PH.D./Sole Proprietor	Terrestrial invertebrates	Invertebrates
Steve Spengler, PH.D./Element Environmental, LLC/Vice President	Environmental hydrogeology	Water quality

LAND USE COMMISSION

PAGE 2 OF 2

DOCKET NO./PETITIONER: A17-804/ HAWAIIAN MEMORIAL LIFE PLAN, LTD.

PARTY: Petitioner HAWAIIAN MEMORIAL LIFE PLAN, LTD.

LIST OF REBUTTAL WITNESSES

NAME/ORGANIZATION/POSITION (List In Order of Appearance)	TO BE QUALIFIED AS AN EXPERT IN:	SUBJECT MATTER
Susan Burr/AECOS, Inc./Vice President	Environmental science	Wetlands and waters of U.S. jurisdictional limits
Reginald David/Rana Biological Consulting/ President	Biology	Avian and mammalian surveys
Maya LeGrande/LeGrande Biological Surveys Inc./President	Botany	Botanical survey
Matt Nakamoto, P.E./Austin, Tsutsumi & Associates, Inc./Vice President and Chief Transportation Engineer	Traffic engineering	Traffic impact
Trisha Kehaulani Watson, J.D., PH.D/Honua Consulting/Owner	Archaeology and Cultural Assessment	Archaeological survey and Cultural assessment
Scott Ahrendt/SCI Shared Resources LLC/Assistant Vice President, Ethics & Business Conduct	N/A	Ethics & Business conduct
Justin Soriano	N/A	Park Operations

DOCKET NO./PETITIONER: A17-804/HAWAIIAN MEMORIAL LIFE PLAN, LTD.PARTY: Petitioner HAWAIIAN MEMORIAL LIFE PLAN, LTD.**LIST OF REBUTTAL EXHIBITS**

EXHIBIT NUMBER	DESCRIPTION	PARTY: OBJECTIONS	ADMIT
44	Photographs of drainage ditch		
45	Letter received February 16, 1989 from State of Hawaii, Dept. of Land and Natural Resources, to Hawaiian Memorial Park Cemetery Association re: Donation of Land for Addition to Proposed State Veterans Cemetery, Kaneohe, Oahu		
46	Letter dated March 13, 1989 from Hawaiian Memorial Park Cemetery Association to Board of Land and Natural Resources re: Donation of Land for Addition to Proposed State Veterans Cemetery – Kaneohe, Oahu, Hawaii		
47	Letter dated September 21, 1989 from State of Hawaii, Dept. of Defense, to Hawaii Memorial Park Cemetery Association re: Hawaii State Veterans Cemetery Project No. 0VS-64-203-1989		
48	Gift Deed recorded October 13, 1992 at the Bureau of Conveyances between Hawaiian Memorial Park Cemetery and State of Hawaii		
49	Amended Letter of Intent dated April 4, 2017 between Hawaii Memorial Park Cemetery and Ko'olaupoko Hawaiian Civic Club		
50	Photographs of Damsselfly area		
51	"Blackline Hawaiian Damsselflies in Kāne'ōhe" article dated August 21, 2017 by Nate Yuen		
52	Statement made by Justin Soriano dated February 27, 2018		
53	Hawaiian Memorial Park Cemetery Additional Support Signatures		



Northeast View of Existing Drainage Ditch
Serving Residences



Southwest View of Existing Drainage Ditch
Serving Residences

Photographs of Drainage Ditch
Source: Hawaiian Memorial Life Plan, Ltd.

JOHN WAINEE
GOVERNOR OF HAWAII



STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
P. O. BOX 521
HONOLULU, HAWAII 96809

FEB 16 1989

RECEIVED FEB 16 1989

WILLIAM W. PATY, CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES

LIBERT K. LANDGRAF
DEPUTY

AQUACULTURE DEVELOPMENT
PROGRAM
AQUATIC RESOURCES
CONSERVATION AND
ENVIRONMENTAL AFFAIRS
CONSERVATION AND
RESOURCES ENFORCEMENT
CONVEYANCES
FORESTRY AND WILDLIFE
LAND MANAGEMENT
STATE PARKS
WATER AND LAND DEVELOPMENT

Mr. John Henry Felix, President
Hawaiian Memorial Park Cemetery Association
P. O. Box 1246
Kaneohe, Hawaii 96744-1246

Dear Mr. Felix:

Subject: Donation of Land for Addition to Proposed State
Veterans Cemetery, Kaneohe, Oahu

This is in further reference to your November 12, 1987 letter (copy attached) informing us that in the event a State Veterans Cemetery is developed on the 89.5 acre parcel of State land in Kaneohe identified as Tax Map Key: 4-5-33:02, the Trustees of Hawaiian Memorial Park Cemetery Association will donate approximately twenty-five (25) acres from its adjoining lands for addition to the State cemetery site. You indicate that this 25 acres will be parceled out from the Association's property identified as Tax Map Key: 4-1-33:01 and is to be used for the expressed purpose of providing additional land for internments and the construction of a chapel and related cemetery facilities.

We are happy to inform you that the State has decided upon the Kaneohe site for the State's Veterans Cemetery on Oahu. Accordingly, we would appreciate your providing us with a map delineating the 25 acre portion that will be donated to the State.

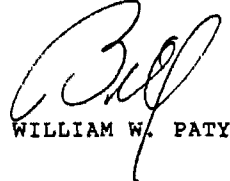
We appreciate very much the generous and community-minded gesture of the Trustees in donating this land. We will present this matter to our Board of Land and Natural Resources for review and acceptance upon your delineation of the 25 acre portion.

EXHIBIT "45"

Mr. John Henry Felix, President
Page Two

Meanwhile, please call Sojin Serikaku of our Land Management staff at 548-6460 if we can be of any assistance in expediting the land transfer.

Very truly yours,



WILLIAM W. PATY

Attachment

cc: Mr. J. Douglas Ihg
Mr. Moses Kealoha
Major General Alexis Lum -
Department of Defense
Mr. Larry Lee - Office of Veterans
Services

Hawaiian Memorial Park Cemetery Association

"Perpetual Endowed Care"

45-425 Kamehameha Highway • Post Office Box 1246 • Kaneohe, Hawaii 96744 • Telephone 247-6675

March 13, 1989

Mr. William Paty, Chairperson
Board of Land and Natural Resources
1151 Punchbowl Street, Room 130
Honolulu, HI 96813

Re: Donation of Land for Addition to Proposed State Veterans
Cemetery - Kaneohe, Oahu, Hawaii

Dear Mr. Paty:

This is to confirm the offer of the Trustees of Hawaiian Memorial Park Cemetery Association to donate 25 acres of land, being a portion of Tax Map Key: 4-5-33: 1, as mentioned in your letter of February 10, 1989.

With the donation of the 25 acres, the Trustees are agreeable to donating an additional 8 acres on the easterly side adjacent to the 25-acre parcel. The total 33-acre parcel is outlined in red on the attached map. Under this agreement, Hawaiian Memorial Park Cemetery Association retains eight acres of its land (denoted in green) which was considered by the State for veterans cemetery use.

With this confirmation offer, Hawaiian Memorial Park Cemetery Association requests consideration be given to realign the roadway easement across the State land as shown on the attached map. This realignment will enable Hawaiian Memorial Park to service its remaining lands and at the same time provide the State favorable access for the development of cemetery plots on both sides of the roadway.

The cost of the access easement improvements is to be borne by Hawaiian Memorial Park Cemetery Association, except for that portion of the roadway directly benefiting the State Veterans Cemetery.

We trust that this offer of donated land and proposed access easement improvements meet the objective for implementation of the much needed State Veterans Cemetery.

Mr. William Paty
March 13, 1989

Please contact us if there are any questions on this matter.

Very truly yours,

John Henry Felix
John Henry Felix
President

Enclosure

cc: A. Fukushima, Community Planning, Inc.

cc w/encl: Major General Alexis T. Lum
Major Jerry Matsuda, DOD Engineering
Board of Trustees, HMPCA

JHF:da

bcc: Don Botelho

JOHN WAIHEE
GOVERNOR



STATE OF HAWAII
DEPARTMENT OF DEFENSE
OFFICE OF THE ADJUTANT GENERAL
3949 DIAMOND HEAD ROAD, HONOLULU, HAWAII 96816-4495

ALEXIS T. LUM
MAJOR GENERAL
ADJUTANT GENERAL

MYLES M. NAKATSU
COLONEL
DEPUTY ADJUTANT GENERAL

September 21, 1989

Engineering Office

Mr. Donald Botelho
Vice President
Hawaiian Memorial Park
Cemetery Association
45-425 Kamehameha Highway
Kaneohe, Hawaii 96744

Dear Mr. Botelho:

Hawaii State Veterans Cemetery
Project No. OVS-64-203-1989

In reference to your letter dated August 22, 1989, we are providing you the following comments:

1. "Signage at Kamehameha Highway entrance to HMPC leading to the Veterans Cemetery and at the Veterans Cemetery leading to HMPC extension."
Reply: Our planned "location and directional" sign at Kamehameha Highway will be located on State Department of Transportation right-of-way. The sign will be installed in Phase IB.
2. "Kamehameha Highway traffic patterns for cemetery ingress and egress."
Reply: The traffic patterns at Kamehameha Highway intersection will remain basically the same. We plan to install traffic signals in Phase II.
3. "HMPC roadway useage plan during construction and on a regular service basis."
Reply: As previously coordinated with your office, we informed the Contractor of his responsibilities as stated in the enclosure.



EXHIBIT "47"

4. "HMPC roadway upgrading and maintenance to meet the Veterans Cemetery service and long term needs, i.e., to accommodate traffic volume and heavy vehicular and equipment use."

Reply: As previously stated, we foresee a need for a use agreement on the maintenance and repair of the HMPC access road from the Kamehameha Highway intersection to the end of the proposed 44' easement through our property. Coordination for this agreement can begin in early 1990.

5. "Selecting appropriate boundary markers, dividers or fence separating the Veterans Cemetery from HMPC that would be aesthetically pleasing and facilitate operation and maintenance requirements."

Reply: We will be designing a 3' high moss rock wall along the boundary line between HMPC and the HSVC.

6. "Identify Veterans Cemetery operating and maintenance needs for specialized or select products and services which could be furnished on a cost effective basis by private cemeteries. This may be temporary or on-going. An early discussion of the subject would afford interested cemeteries advance notice to plan accordingly."

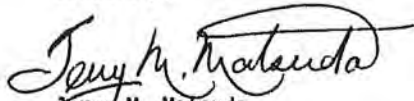
Reply: The Office of Veterans Services will be identifying the operations and maintenance requirements for the Hawaii State Veterans Cemetery.

7. "Coordination of security measures including the daily opening and closing of the cemetery."

Reply: During the construction period, it is the Contractor's responsibility to secure the area. The Office of Veterans Services will be managing the facility once it is open to the public and security issues will be coordinated by them.

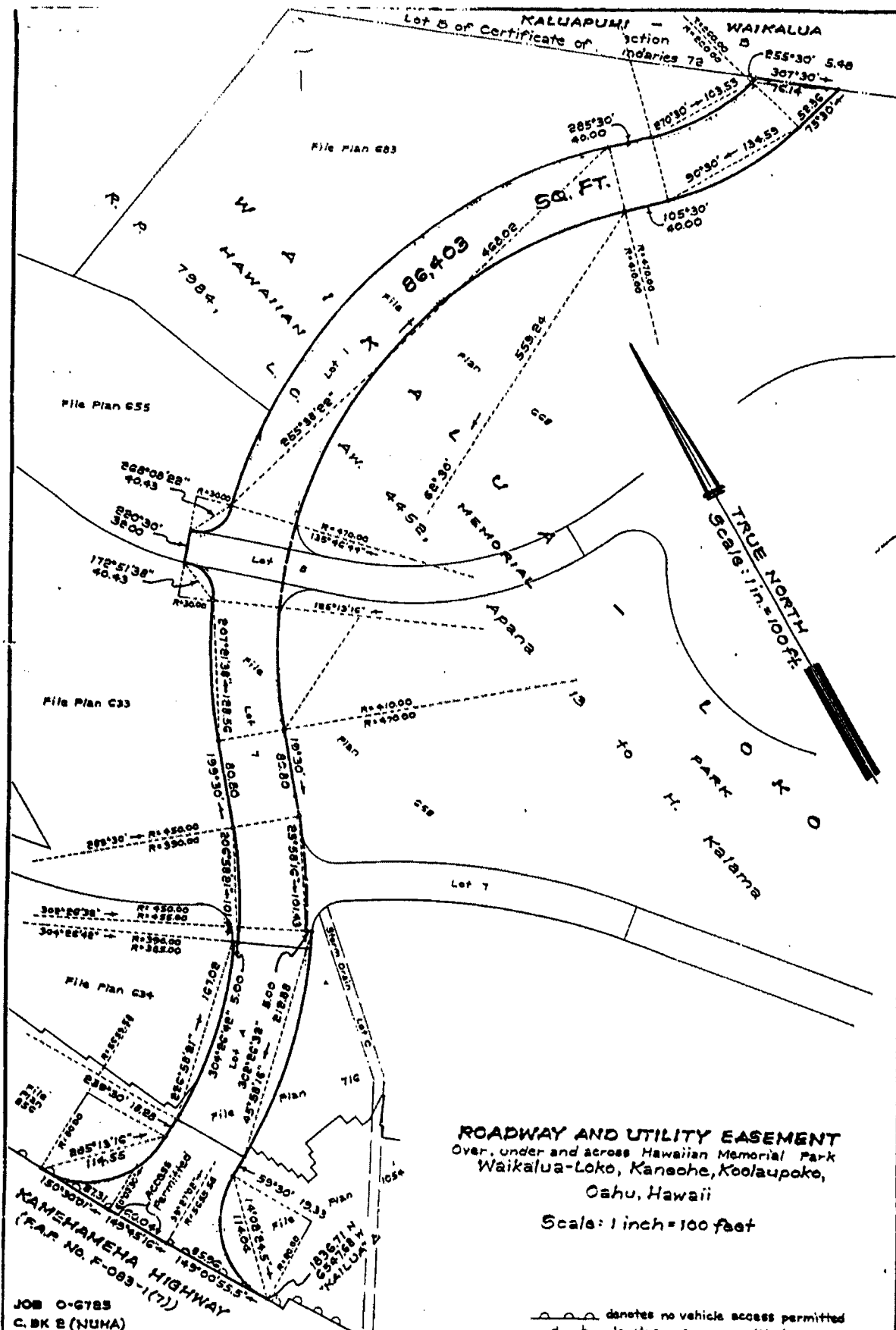
We appreciate your cooperation in the execution of this project and will coordinate all design and construction issues that may affect you with your office and/or your designated representative.

Sincerely,



Jerry M. Matsuda
Lieutenant Colonel
Hawaii Air National Guard
Contracting & Engineering Officer

cc: Adjutant General
Office of Veterans Services
M & E Pacific, Inc.
Community Planning Inc.



JOB O-6785
C.B.K. E (NUHA)

TAX MAP 4-5-34

SURVEY DIVISION
DEPARTMENT OF ACCOUNTING AND GENERAL SERVICES

C. S. F. No. 17,254

STATE OF HAWAII

APR 7 1975

R.K. Dec. 26, 1974

WW
12/23/91

R-591

STATE OF HAWAII
BUREAU OF CONVEYANCES
RECORDED

OCT 13, 1992 / 11:01 AM

Doc No(s) 92-165790

/s/ S. FURUKAWA
REGISTRAR OF CONVEYANCES

CONVEYANCE TAX: \$0.00

LAND COURT SYSTEM

REGULAR SYSTEM

Return by Mail () Pickup () To:

GOODSILL ANDERSON
1099 ALAKEA ST. STE 1300
HON, HI 96813

GIFT DEED

KNOW ALL MEN BY THESE PRESENTS:

THAT, effective as of the 23rd day of September, 1992, HAWAIIAN MEMORIAL PARK CEMETERY, a Hawaii non-profit corporation, whose address is 45-425 Kamehameha Highway, Kaneohe, Hawaii 96744, hereinafter referred to as the "Grantor," and the STATE OF HAWAII, by its Board of Land and Natural Resources, whose address is 1151 Punchbowl Street, Honolulu, Hawaii 96813, hereinafter referred to as the "Grantee," its successors and assigns;

WITNESSETH THAT:

WHEREAS, the Grantor is the owner in fee simple absolute of that certain parcel of land situate at Kalokoai, Kaneohe, Koolaupoko, Oahu, Hawaii, and designated as "Portion of Royal Patent 7984, Land Commission Award 4452, Apana 13 to H. Kalama," containing an area of 33.000 acres, more or less;

WHEREAS, Grantee desires the land as an addition to the Hawaii Veterans Memorial Cemetery for future cemetery purposes and development; and

WHEREAS, the Grantor is willing to dedicate and donate the use of the fee simple absolute title of the real property unto the Grantee, its successors and assigns, forever by way of gift deed.

DEPARTMENT OF LAND AND NATURAL RESOURCES
DIVISION OF LAND MANAGEMENT
P. O. BOX 421
HONOLULU, HAWAII 96809

EXHIBIT "48"

NOW, THEREFORE, the Grantor, for good and valuable consideration, the receipt of which is hereby acknowledged, does hereby grant, bargain, sell, and convey unto the State of Hawaii, by its Board of Land and Natural Resources that certain parcel of land situate at Kalokoai, Kaneohe, Koolaupoko, Oahu, Hawaii, designated as "Portion of Royal Patent 7984, Land Commission Award 4452, Apana 13 to H. Kalama," containing an area of 33.000 acres, more or less, more particularly described in Exhibit "A" and delineated on Exhibit "B," both of which are attached hereto and made parts hereof, said exhibits being, respectively, a survey description and survey map designated C.S.F. No. 21,118 and dated November 29, 1989, prepared by the Survey Division, Department of Accounting and General Services, State of Hawaii.

AND the reversions, remainders, rents, income and profits thereof, and all of the estate, right, title, and interest of the Grantor, both at law and in equity, therein and thereto.

The Grantor for itself, its successors and assigns, does hereby covenant with the Grantee, its successors and assigns, that the Grantor is lawfully seised in fee simple and possessed of the above-described land and premises, that it has a good and lawful right to convey the same as aforesaid, that the same is free and clear of all liens and encumbrances, and shall WARRANT AND DEFEND the same unto the Grantee, its successors and assigns, forever, against the lawful claims and demands of all persons whomsoever.

AND the Grantee for itself, its successors and assigns, covenants with the Grantor and its successors and assigns, that the use of the land shall be for an addition to the Hawaii Veterans Memorial Cemetery.

AND, the Grantee covenants that this gift of real property has had prior approval as to form, exceptions, and reservations by the Attorney General pursuant to section 107-10, Hawaii Revised Statutes.

TO HAVE AND TO HOLD the same, together with all improvements, rights, easements, privileges and appurtenances thereunto belonging or in any way appertaining or held and enjoyed therewith in fee simple unto the Grantee, its successors and assigns, forever, free and clear of all liens and encumbrances.

IN WITNESS WHEREOF, HAWAIIAN MEMORIAL PARK CEMETERY,
the Grantor herein, has caused these presents to be duly
executed this 23rd day of September, 1992,
and the STATE OF HAWAII, the Grantee herein, has caused the
seal of the Department of Land and Natural Resources to be
affixed and caused these presents to be executed this 22nd day
of September, 1992, both effective as of the day,
month, and year first above written.

Approved by the Board of
Land and Natural Resources
at its meeting held on
April 14, 1989.

HAWAIIAN MEMORIAL PARK
CEMETERY

By [Signature]
Its

And By [Signature]
Its

President

GRANTOR

APPROVED AS TO FORM

[Signature]
Deputy Attorney General

Dated: 9/22/92

STATE OF HAWAII

By [Signature]

Chairperson and Member
Board of Land and
Natural Resources

GRANTEE

1083E

STATE OF HAWAII)
CITY AND COUNTY OF HONOLULU) SS.

On this 23 day of September, 1972,
before me appeared John Henry Felix and
John Farias, Jr., to me personally
known, who, being by me duly sworn, did say that they are
the Chairman of the Board and President,
respectively, of HAWAIIAN MEMORIAL PARK CEMETERY, a Hawaii
non-profit corporation, and that the seal affixed to the
foregoing instrument is the corporate seal of said corporation
and that said instrument was signed and sealed in behalf of said
corporation by authority of its Board of Directors, and the
said Chairman of the Board and President
acknowledged said instrument to be the free act and deed of said
corporation.

Lee A. N. Fasham
 Notary Public, State of Hawaii
 My commission expires: 5/18/94

1083E



STATE OF HAWAII

SURVEY DIVISION

DEPT. OF ACCOUNTING AND GENERAL SERVICES

HONOLULU

C.S.P. No. 21,118

November 29, 1989

PORTION OF ROYAL PATENT 7984,
LAND COMMISSION AWARD 4452, APANA 13 TO H. KALAMA

Kalokoai, Kaneohe, Koolaupoko, Oahu, Hawaii

Beginning at the northwest corner of this parcel of land and on the northeast boundary of Grant S-15,608 to Hawaii Housing Authority, the coordinates of said point of beginning referred to Government Survey Triangulation Station "KAILUA" being 3192.35 feet North and 5023.11 feet West, thence running by azimuths measured clockwise from True South:-

1. 273° 30' 14" 1552.16 feet along the remainder of R.P. 7984, L.C.Aw. 4452, Ap. 13 to H. Kalama;
2. 310° 26' 30" 1189.95 feet along the remainder of R.P. 7984, L.C.Aw. 4452, Ap. 13 to H. Kalama;
3. 62° 00' 645.00 feet along Grant S-15,608 to Hawaii Housing Authority;
4. 114° 30' 1870.00 feet along Grant S-15,608 to Hawaii Housing Authority;
5. 155° 00' 434.82 feet along Grant S-15,608 to Hawaii Housing Authority to the point of beginning and containing an AREA OF 33.000 ACRES.

SURVEY DIVISION
DEPARTMENT OF ACCOUNTING AND GENERAL SERVICES
STATE OF HAWAII

By: Raymond S. Nakamura
Raymond S. Nakamura
Land Surveyor gm

Compiled from map furn.
by Community Planning, Inc.
and Gov't. Survey Records.

EXHIBIT A

RECORDER'S MEMO: Legibility of Writing, Typing or Printing UNSATISFACTORY in this Document when received.

K A L A M A - T A H I A N A W A I I

Authority Housing Grant S-15,608 to Hawaii (CSF 19,813)

3192.35 W.
5089.11
KAILUA Δ

155°00' 43.48"

114°30'

33.000 ACRES

R.P. 7984, L.C. Aw.
4452, Ap. 13 to H. Kalama

TRUE NORTH
Scale: 1 inch = 300 feet

1870.00

62°00'

645.00

310°26'30"

1189.95

R.P. 5642, L.C. Aw. 7122, Ap. 4 to T. Tute

PORTION OF ROYAL PATENT 7984,
LAND COMMISSION AWARD 4452, APANA 13 TO H. KALAMA
Kalo koai, Kaneohe, Koolau poko, Oahu, Hawaii
Scale: 1 inch = 300 feet

JOB O-349(89)
C. BK

EXHIBIT "B"

TAX MAP: 4-5-33: P.r. 1
SURVEY DIVISION
DEPARTMENT OF ACCOUNTING AND GENERAL SERVICES
STATE OF HAWAII

C.S.F. NO. 21,118

R.S.N. Nov. 29, 1989

Letter of Intent

This non-binding Letter of Intent is being entered into by and between Hawaiian Memorial Life Plan, Ltd., dba Hawaiian Memorial Park Cemetery, a domestic for-profit corporation, with its principal place of business being 1330 Maunakea Street Honolulu, Hawaii 96817 (hereinafter referred to as "Hawaiian Memorial Park") and the Ko'olaupoko Hawaiian Civic Club, a domestic non-profit organization, with its principal place of business being PO Box 664 Kaneohe, Hawai'i 96744 (hereinafter referred to "KHCC") and is effective April 4, 2017, upon execution by both parties.

WHEREAS, Hawaiian Memorial Park owns TMK: [1] 4-5-033:001 located in Kāne'ohe Ahupua'a, in the moku (district) of Ko'olaupoko, on the Island of O'ahu;

WHEREAS, the Kāne'ohe property contains a number of cultural and historic sites, including, but not limited to, State Inventory of Historic Properties (SIHP) numbers: 50-80-10-0354, 50-80-10-4684, and 50-80-10-6930;

WHEREAS, among the numerous cultural and historic sites located on the property owned by Hawaiian Memorial Park is the Kawa'ewa'e Heiau, a known wahi pana (storied place) of Ko'olaupoko and temple of the ali'i (chief) Olopana;

WHEREAS, Hawaiian Memorial Park intends to establish a cultural preserve on their lands for the purpose of protecting cultural and historic sites on their property (hereinafter referred to as "cultural preserve");

WHEREAS, Hawaiian Memorial Park intends to establish a formal relationship with a qualified organization to assist in the management and stewardship of the cultural preserve;

WHEREAS, the mission of the Ko'olaupoko Hawaiian Civic Club, one of the largest and most respected Hawaiian Civic Clubs, is the preservation, perpetuation and education on the history, heritage and people of Ko'olaupoko;

WHEREAS, Ko'olaupoko Hawaiian Civic Club has the capacity, qualifications and interest in working with Hawaiian Memorial Park in the management and stewardship of the cultural preserve;

WHEREAS, both entities have successfully worked in the Ko'olaupoko area;

WHEREAS, both entities have a demonstrated long time interest in the heritage and sustainability of the Kāne'ohe community;


WHEREAS, both entities agree that increased stewardship and management is appropriate for the area of the proposed cultural preserve due to the degradation of sacred cultural sites and continued trespassing and vandalism within the vicinity of recognized historic sites and other valued resources;

NOW THEREFORE, Hawaiian Memorial Park and Ko'olaupoko Hawaiian Civic Club mutually agree to all of the following terms and conditions:

1. This agreement shall terminate one year from the execution of the agreement or by mutual written consent of both parties;
2. This agreement shall be legally non-binding upon both entities;
3. This agreement represents a good faith intent to work towards and complete the following tasks:
 - a. Develop a memorandum of agreement that details the partnership between Hawaiian Memorial Park and Ko'olaupoko Hawaiian Civic Club regarding the stewardship and management of the cultural preserve;
 - b. Cooperatively develop a preservation plan that determines the best treatment strategies for the resources within the cultural preserve; and
 - c. Cooperatively develop a management plan that speaks to the management and operation of the cultural preserve.
4. Ko'olaupoko Hawaiian Civic Club recognizes that it is the intent of Hawaiian Memorial Park to place the cultural preserve property within a conservation easement for the purpose of protecting the historic sites in perpetuity and Hawaiian Memorial Park is in negotiations with the Hawaiian Islands Land Trust on this issue;

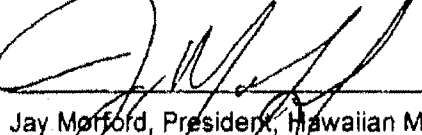
5. It is mutually agreed to and understood that should the land be placed within a conservation easement, Ko'olaupoko Hawaiian Civic Club would remain the primary community managers and stewards of the preserve property and Hawaiian Islands Land Trust's role would be tailored as to not interfere with said stewardship or management;
6. Hawaiian Memorial Park recognizes the cultural preserve contains a range of significant resources within its boundaries, including, but not limited to:
 - a. Heiau
 - b. Historic sites
 - c. Native vegetation
 - d. Wahi pana (storied places or landscapes)
7. Both parties will work cooperatively to implement a Hawaiian burials element within the cultural preserve;
8. Both parties will work cooperatively to secure the necessary permits, permissions, and authorities to conduct Hawaiian burials within the cultural preserve, which would require a land use reclassification or rezoning; and
9. Hawaiian Memorial Park shall cover all expenses for work under this Letter.

I HAVE READ THE FOREGOING AND I UNDERSTAND AND AGREE TO THE TERMS AND CONDITIONS OF THIS LETTER.



Alice Hewett, President, Ko'olaupoko Hawaiian Civic Club

April 04, 2017
Date



Jay Morford, President, Hawaiian Memorial Park

April 4, 2017
Date

AMENDMENT #1 TO EXTEND TERM

This Amendment is made to the Letter of Intent previously executed by and between Hawaiian Memorial Life Plan, Ltd., dba Hawaiian Memorial Park Cemetery ("Hawaiian Memorial Park") and the Ko'olaupoko Hawaiian Civic Club with an effective date of April 4, 2017.

It is mutually understood and agreed by and between the undersigned to amend the previous Letter of Intent as follows:

The term of the agreement shall be extended to a period of four years from the first execution of the agreement, April 4, 2017, through April 3, 2021, unless terminated earlier by mutual written consent of both parties.

All other terms and conditions that are not hereby amended are to remain in full force and effect.

Ko'olaupoko Hawaiian Civic Club

By Frances Leialoha "Rocky" Kaluhiwa
Frances Leialoha "Rocky" Kaluhiwa
Its President

Hawaiian Memorial Park

By Jay Monford
Jay Monford
Its President



EXHIBIT "50"

PARTAN

M

08/27/2016 08:24:03

075 F P6

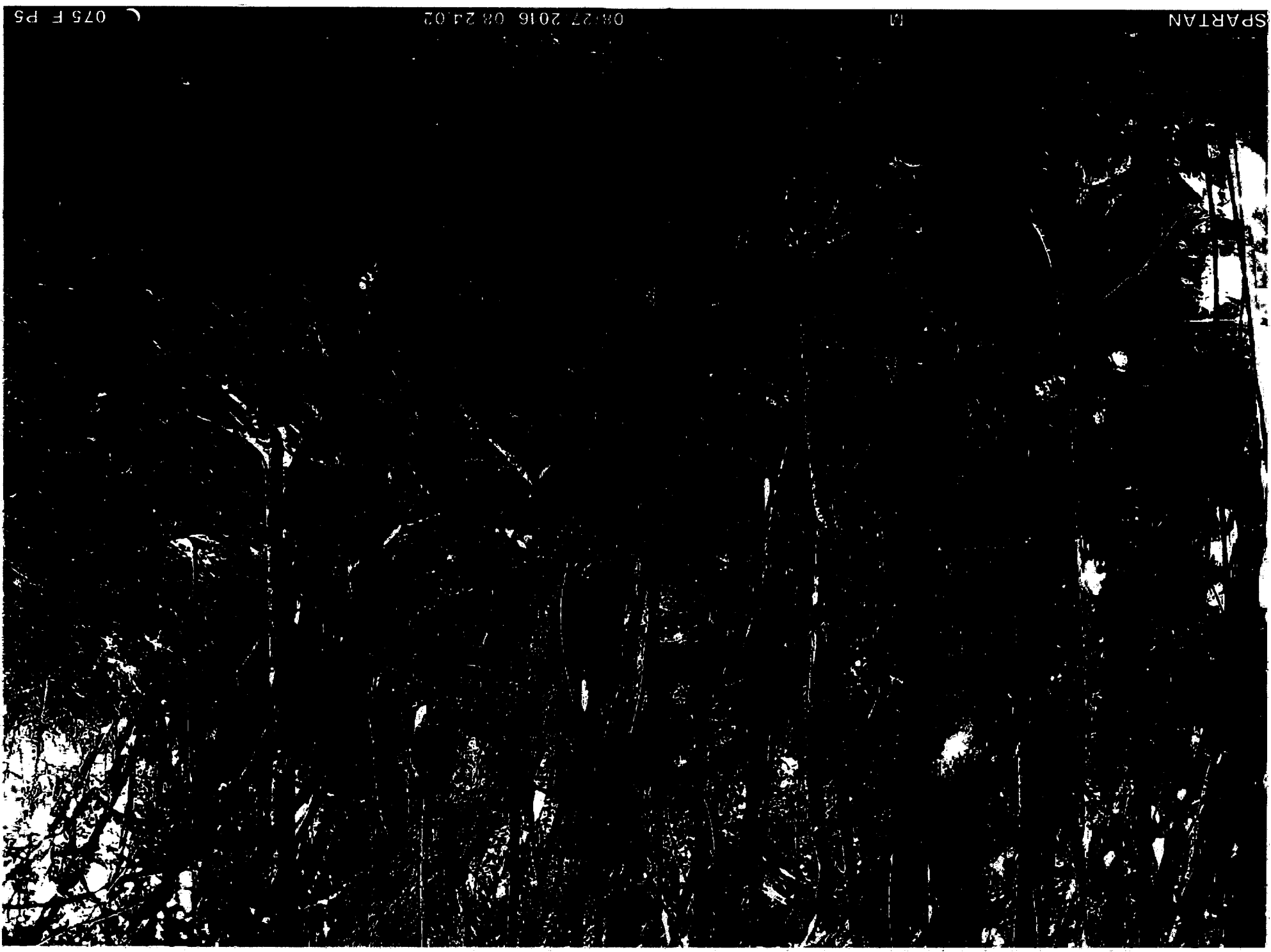


SPARTAN

M

08:27 2016 08:24:02

075 F P5





PARTAN

M

02/02/2018 13:55:51

075°F P



VID00008
50Sec 2018/02/10 08:08:11

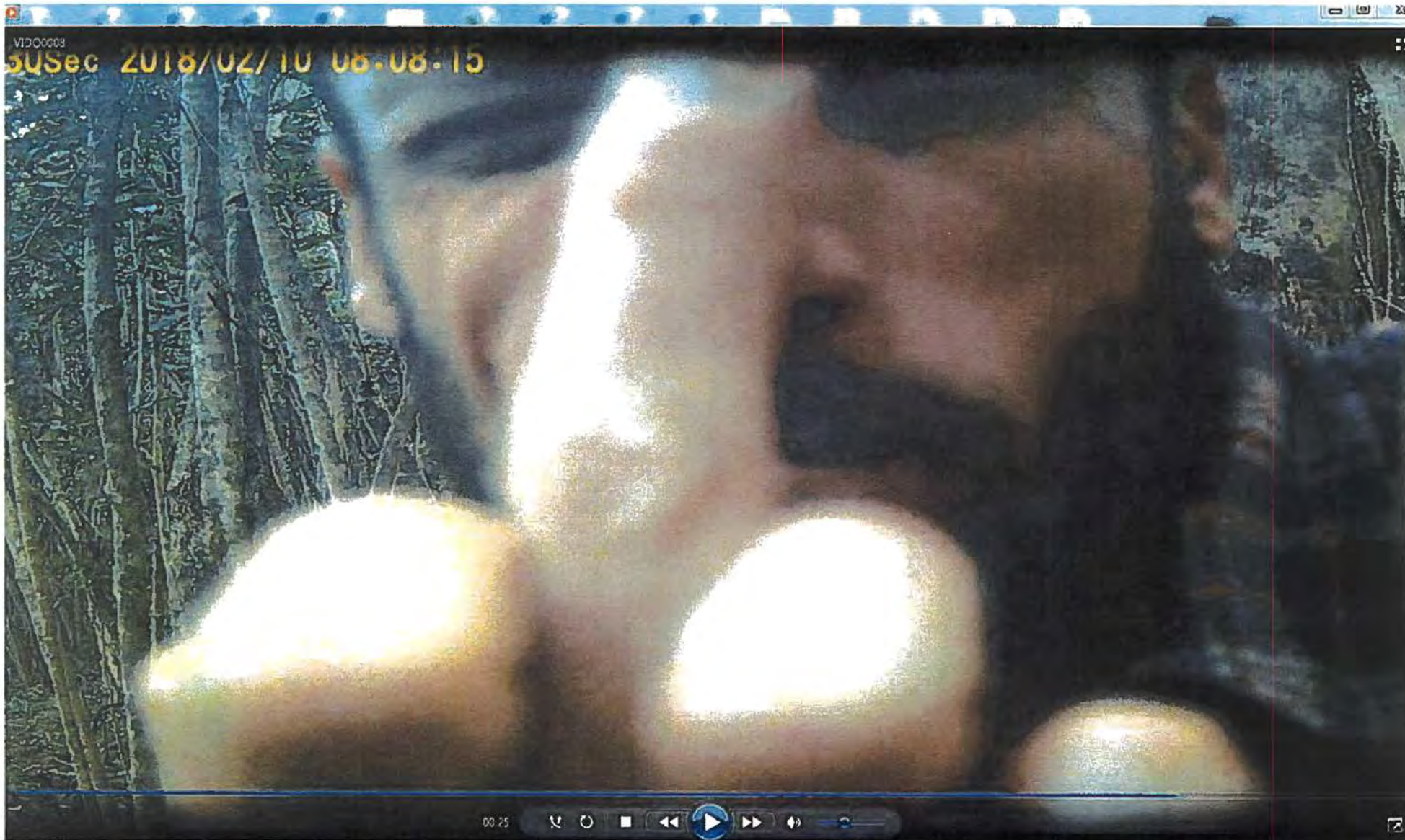


VIDEO008
30Sec 2018/02/10 08:08:13



00:22











PARTAN

M

02/17/2018 11:51:30

070°F P5



02/17/2018 11:51:30



SPARTAN

M

02/17/2018 11:51:41

○ 070°F P5

VID00218
30Sec 2018/02/11 11:33:24





SPARTAN

M

02/17/2018 12:18:19

○ 072°F P5



PARTAN

M

02/17/2018 12:18:29

072°F P5



PARTAN

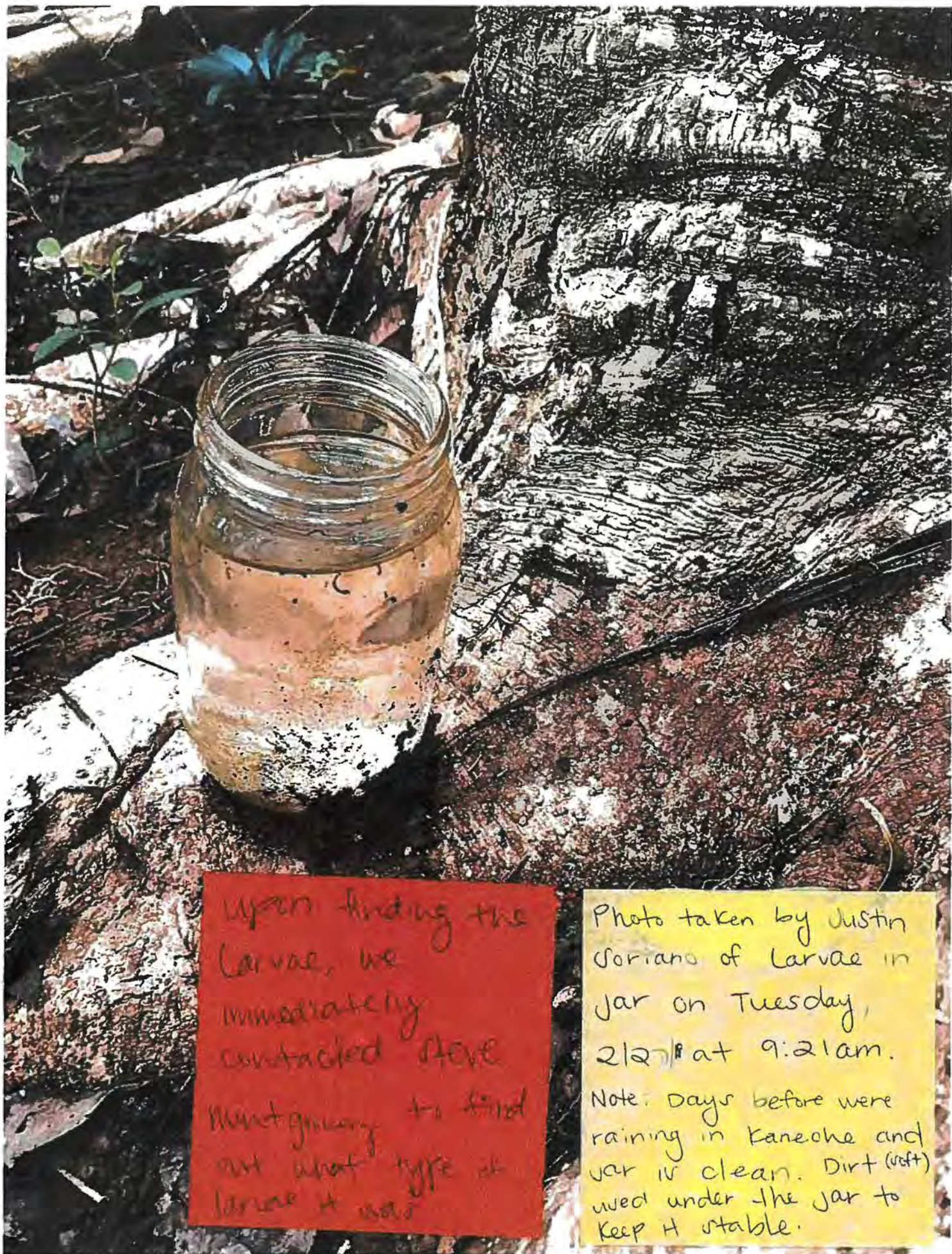
M

02/17/2018 12:18:36

○ 072°F P5

VID:00226
30Sec 2018/02/17 12:20:29





Upon finding the
larvae, we
immediately
contacted Steve

Mintgomery to find
out what type of
larvae it was

Photo taken by Justin
Soriano of larvae in
jar on Tuesday,
2/27/18 at 9:21am.

Note: Days before were
raining in Kaneohe and
jar is clean. Dirt (soil)
used under the jar to
keep it stable.



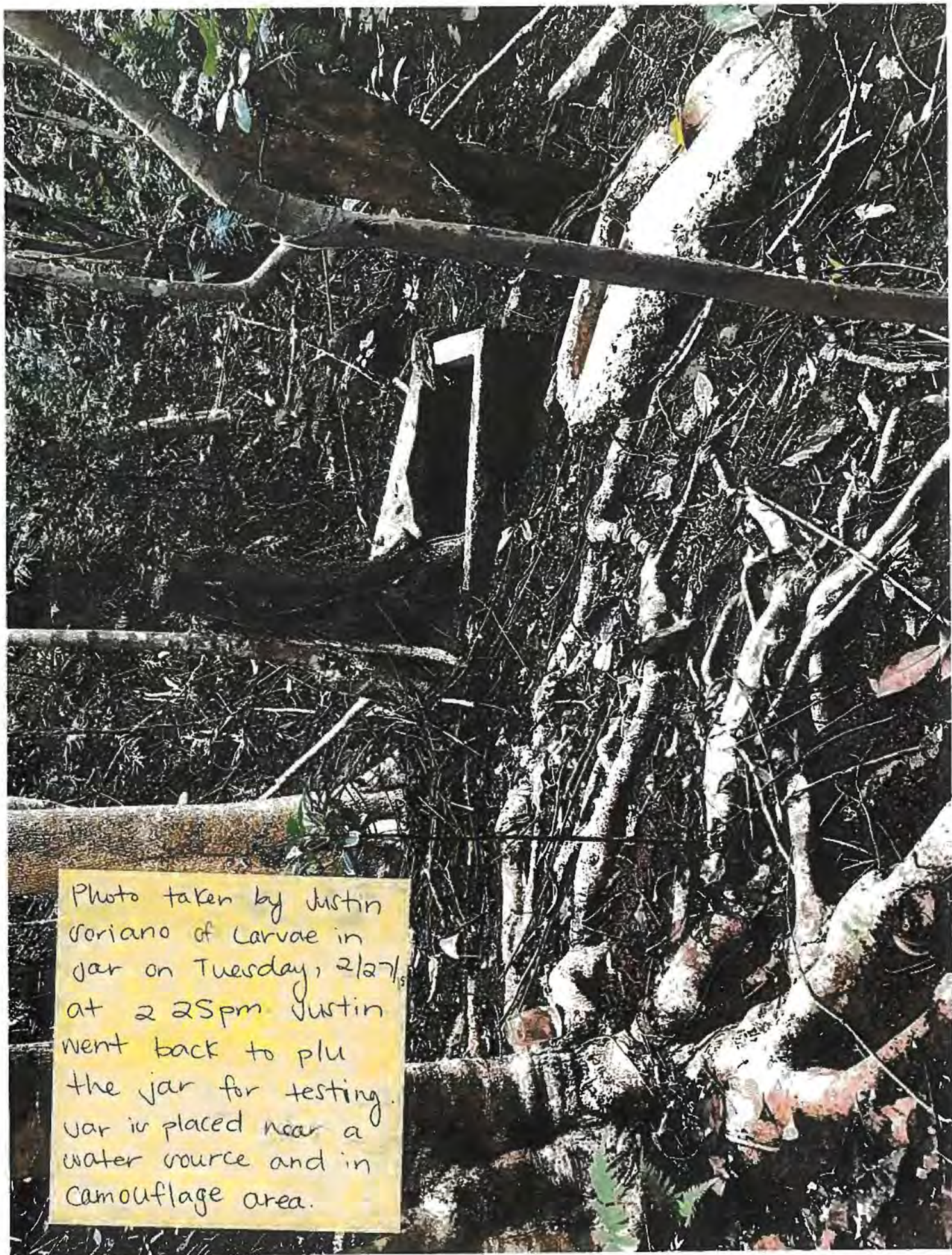
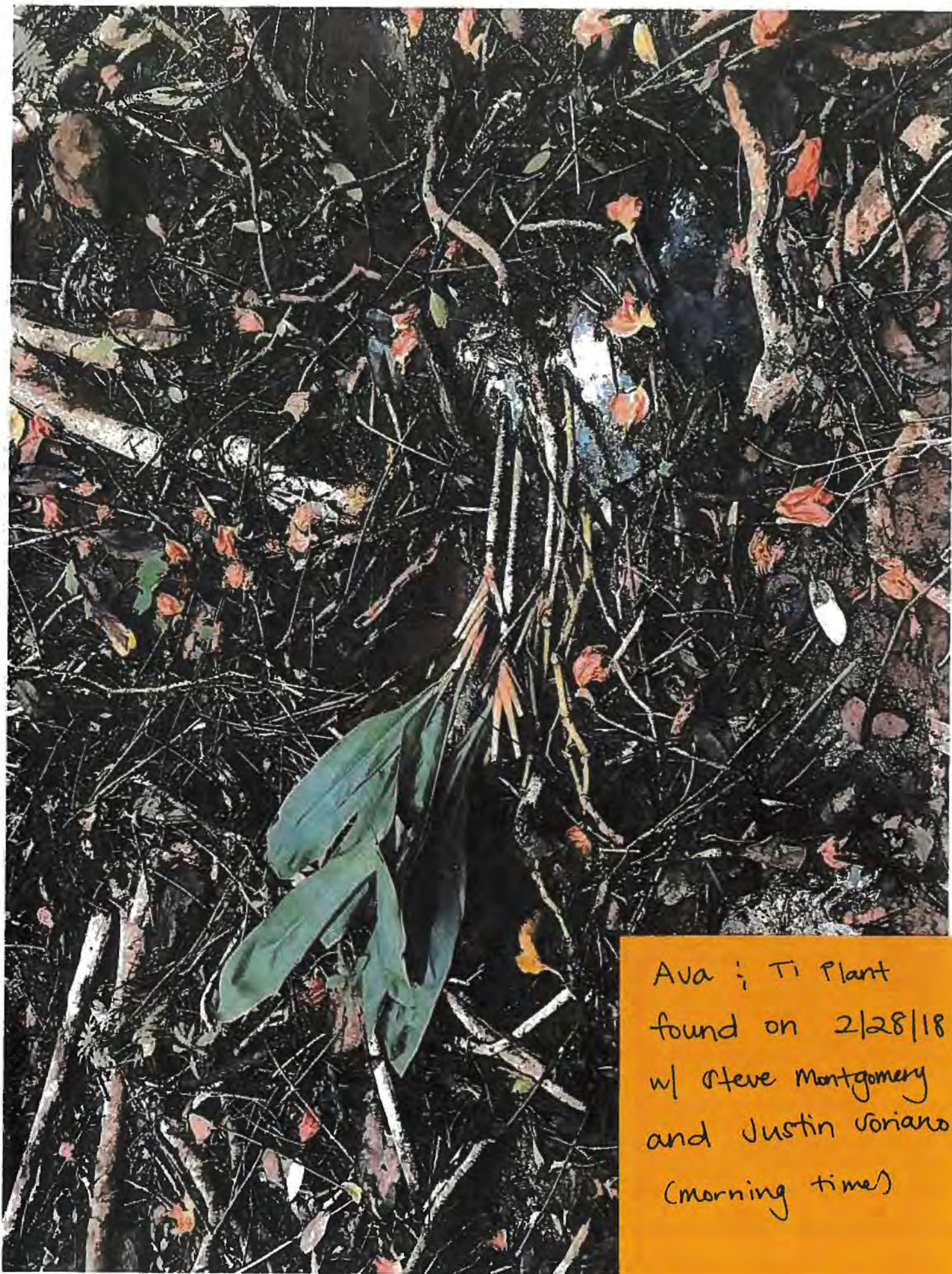


Photo taken by Justin
Coriano of Larvae in
jar on Tuesday, 2/27/15
at 2 25pm Justin
went back to plu
the jar for testing.
Jar is placed near a
water source and in
camouflage area.





Ava ; Ti Plant
found on 2/28/18
w/ Steve Montgomery
and Justin Soriano
(morning times)









PARTAN

M

03/21/2018 17:23:20

072°F P



SPARTAN

M

03/21/2018 17:23:31

○ 072°F P5

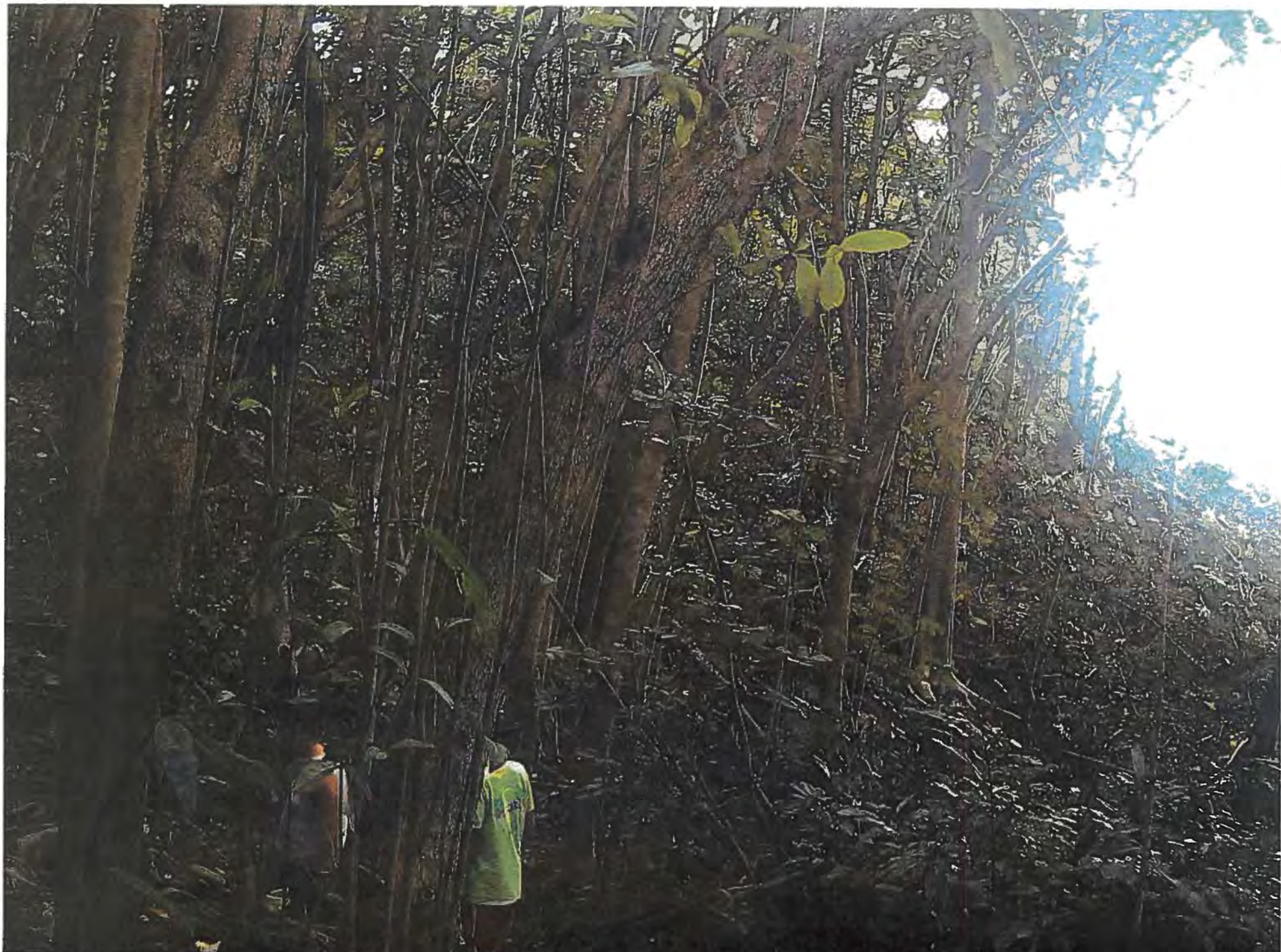


PARTAN

M

03/26/2018 16:41:53

073°F P



PARTAN

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03/26/2018 16:42:03

073°F P



RTAN

M

06/29/2018 10:50:00

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RTAN

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12/29/2018 15:56:31

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RTAN

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01/03/2019 09:21:06

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01/03/2019 09:21:23

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01/03/2019 09:24:46

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RTAN

M

01/03/2019 09:25:30

073°F





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01/03/2019 09:25:47

○ 073°F



RTAN

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01/03/2019 09:26:16

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M

01/03/2019 09:26:33

075°F



RTAN

M

01/03/2019 09:31:02

○ 077°F



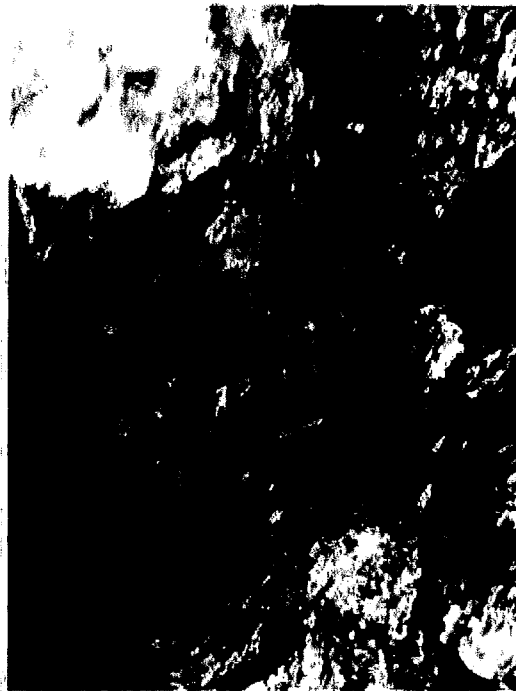
RTAN

M

01/03/2019 09:42:51

○ 075°F

11/20/19 - Today we had camera activity in the damselfly habitat, someone tried to cut and remove our cameras.



Blackline Hawaiian Damselflies in Kāneʻohe

by Nate Yuen | Aug 21, 2017 | 0 comments



A previously unknown population of Blackline Hawaiian Damselflies is the subject of concern with the proposed expansion of Hawaiian Memorial Park (HMP).

EXHIBIT "51"



This male damselfly is just under 2 inches in length and has a long thin segmented abdomen with a red tip. The large eyes of this damselfly are red, green, and yellow.

In June 2016, Liam Gray took me and several windward residents – Patrick Shea, Grant Yoshimori, Caitlyn Yoshimori, Rich McCreedy, and Julie McCreedy – to see the endangered damselflies he discovered in Kāneʻohe. Liam lives in a neighborhood bordering HMP where he found a previously unknown population of Blackline Hawaiian Damselflies — *Megalagrion nigrohamatum nigrolineatum*. I was immediately captivated by these colorful damselflies and was spell-bound photographing them.



There is considerable variation in their color. There are several color morphs. This male damselfly has a thorax that is yellow-black.

I was surprised to see these damselflies in Kāne'ohe. I had previously only seen this species of *pinapinao* in native forests and streams above 2,000 feet elevation in the Ko'olau Mountain. I did not expect to see them at this low elevation in Kāne'ohe under alien trees – schefflera, albezia, strawberry guava, and other non-native vegetation. Damselflies are *pinapinao* in Hawaiian. There is an intriguing entry in the Pukui/Elbert Hawaiian dictionary for this damselfly — *pinapinao ānuenue* — the rainbow-eyed damselfly.



This male is the most common morph — it has round eyes that are red, green, and yellow, and a thorax that is orange-yellow-black. The grabber on the red tip at the end of the abdomen indicates that this is a male..

I contacted Hawaiian damselfly expert Dan Polhemus at US Fish & Wildlife and brought him to the site. He did the research to get this and several other damselfly species listed as endangered species. Dan Polhemus confirmed that this was a previously unknown population of Blackline Hawaiian Damselflies — *Megalagrion nigrohamatum nigrolineatum*. Dan was also surprised to see these damselflies at this low elevation. He said that this species is endemic to Oʻahu and once inhabited the streams and wetlands throughout the island at all elevations. But they are rare today with less than 1,000 are estimated to remain. Loss of habitat has been the biggest reason for their decline. Today they are only found at high elevations in the Koʻolau Mountains except for this population in Kāneʻohe. For some inexplicable reason this population managed to survive at low elevation at this site.



This female has large round eyes that are red on top and blue on the bottom. Females do not have a grabber at the tip of their abdomen.

The damselflies live on conservation land owned by HMP which is governed by the City and County of Honolulu's Ko'olau Poko Sustainable Communities Plan. The plan guides all new public and private development with the Ko'olau Poko District in a manner consistent with the Oahu General Plan. The purpose of the plan is to prevent the spread of undesirable development on the windward side of O'ahu from Makapuu to the northern end of Kāne'ohe Bay.



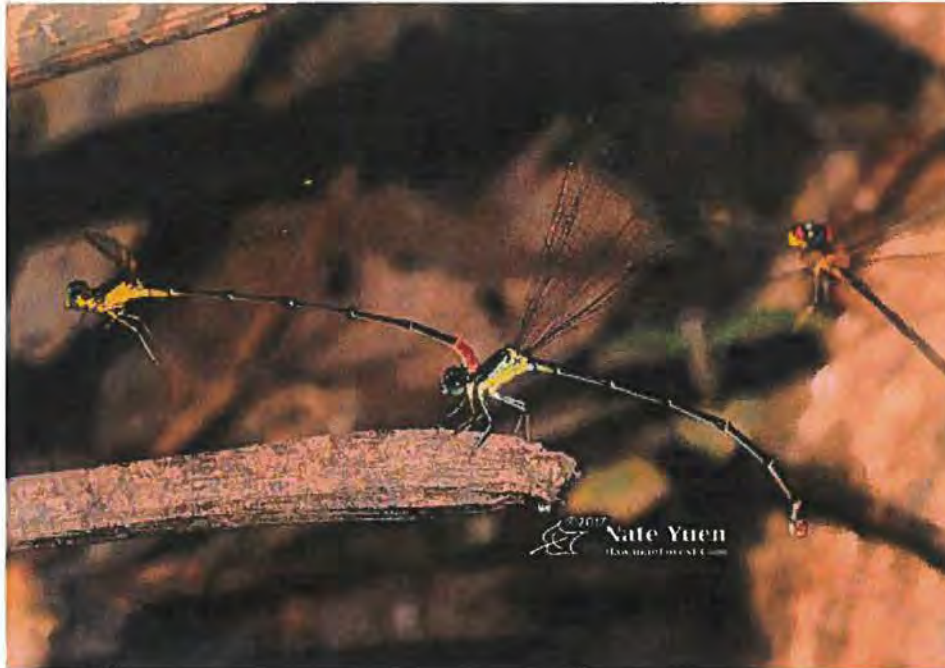
Damselflies are fierce predators that feed on other insects. This female has strong powerful jaws to chomp and eat prey.

HMP became aware of the damselfly population at the Kāneʻohe Neighborhood Board meeting on July 20 2017. They did not have a chance to survey the proposed expansion area to learn the extent of the damselfly population on their property when HMP appeared before the Honolulu City Council on August 1, 2017. As a result, I testified on behalf of the Sierra Club that it was premature to approve HMP's expansion plan. Only upon the completion of an entomological survey under an environmental impact statement would HMP be able to design the expansion to avoid harming this previously unknown population of damselflies. These colorful damselflies are part of Hawaii's unique insect fauna and need to be protected.



The courtship behavior of pinapinao ānuenuē — the rainbow-eyed damselfly — is fascinating to watch. Males use the grabber at the end of their abdomen to grasp on to females just behind the head when mating.

HMP showed themselves to be a good member of the community. HMP donated a portion of their land to the State of Hawaii for a veteran's cemetery. HMP announced that they as part of the expansion they will grant a conservation easement to the Koʻolau Poko Hawaiian Civic Club for the land where Kawaʻewaʻe Heiau resides to create a cultural preserve. HMP also offered assurances that they would protect this endangered damselfly population.



A rival male darts in to interrupt a pair of mating pinapinao ānuenuē.

The Honolulu City Council approved the expansion and added language to protect the damselflies: "Where direct, indirect, or cumulative impacts of any proposed cemetery expansion will affect rare, threatened, or endangered species, or where direct, indirect, or cumulative impacts of any proposed cemetery expansion on sensitive area are identified in any environmental setting, measures to mitigate, reduce or rectify any adverse impacts shall be formulated."



Males will sometimes stand erect in mid-air while mating held in place by his grabber.

The next step will be for HMP to complete an entomological survey as part of an environmental impact statement. Once HMP determines where the damselflies live they can plan the expansion to avoid the damselfly population and to mitigate any negative impacts when the cemetery is expanded. The plan will go before the State Land Use Commission which is tasked with approving or disapproving the rezoning plan to permit cemetery expansion.



After the female is fertilized the pair fly to water where she curls her abdomen and lays eggs underwater.

I hope that a buffer will be created around this damselfly site and that measures will be instituted to prevent run-off, pesticides, and harmful substances from inundating/destroying/degrading the habitat during construction as well as when the cemetery is operational. These pinapinao ānuenue are beautiful creatures found only on Oʻahu and are integral to the natural and cultural heritage of Hawaiʻi. I will follow-up with the Sierra Club to ensure that this low elevation population of endangered rainbow-eyed damselflies survives.

SOURCES:

ECOS Species Profile for blackline Hawaiian damselfly (*Megalagrion nigrohamatum nigrolineatum*)

Pinapinao ānuenuē, Hawaiian Dictionary – Pukui/Elbert

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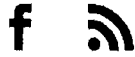


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HAWAIIAN MEMORIAL PARK CEMETERY

Support HMP

Please sign the Petition* to support Hawaiian Memorial Park Cemetery and receive project updates.

I support Hawaiian Memorial Park's plan. This is a responsible project that is partnering with the community on cultural preservation and conservation while providing needed cemetery inventory to meet the growing demand from Hawaii's aging population.

FIRST & LAST NAME	EMAIL ADDRESS	PHONE #	STREET ADDRESS	CITY / STATE / ZIP CODE
Harriet Kaahua		349-8996	87-226 Halemaluhia Pl.	Waianae HI 96792
Nantes Tagari				
		808-354-8603	94-510 Lunnana St. Waipahu	
Ejan Tagari		808-670-7945	94-510 Lunnana St. #101 Waipahu	Waipahu HI 96797
Pirotani Dunning		808-670-0314	119 Aikapi Pl. Kailua	Kailua HI 96734
Breo Ichimasa		808-271-5057	4135 Ulupua Pl. Honolulu	Hon., HI 96816
Nicole Cienna		808-628-0200	1518 Kuloa Pl. Kailua	HI 96734
Lacey Skaggs		808-398-1911	40318 Hauku Rd #64	Kaneohe, HI 96744
Taryn Parker		714-454-0942	2010 Johnson Street Kailua	Kailua, HI 96734
Chayna Raymond		808-798-0162	46707 Hiliwai St	Kaneohe, HI 96744
William Soriano Jr		392-1531	45-772 Alani ulukulu way	Kaneohe HI 96744

*Your information may be provided to regulators and policy makers as an indication of your support for Hawaiian Memorial Park Cemetery.

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.)	HAWAIIAN MEMORIAL LIFE
)	PLAN, LTD.
To Amend The Conservation Land Use)	
District Boundary Into The Urban Land Use)	
District For Approximately 53.449 Acres Of)	
Land At Kāneʻohe, Island of Oahu, State of)	
Hawaiʻi, Tax Map Key: (1) 4-5-033: por. 001)	
_____)	

CERTIFICATE OF SERVICE

I hereby certify that a file-marked of the foregoing document was duly served upon the following AS INDICATED BELOW on January 6, 2020.

DAWN TAKEUCHI-APUNA, ESQ.
Deputy Attorney General
Department of the Attorney General
425 Queen Street
Honolulu, Hawaiʻi 96813

HAND DELIVERY

MARY ALICE EVANS, DIRECTOR
Office of Planning, State of Hawaiʻi
235 South Beretania Street
Room 600, Leiopapa A Kamehameha Bldg.
Honolulu, Hawaiʻi 96813

HAND DELIVERY

KATHY K. SOKUGAWA, ACTING DIRECTOR
City and County of Honolulu
Department of Planning and Permitting
650 South King Street, 7th Floor
Honolulu, Hawaiʻi 96813

HAND DELIVERY

PLANNING COMMISSION
City and County of Honolulu
650 South King Street, 7th Floor
Honolulu, Hawai'i 96813

HAND DELIVERY

PAUL S. AOKI, ESQ.
Acting Corporation Counsel
City and County of Honolulu
Department of Corporation Counsel
530 South King Street, Room 110
Honolulu, Hawai'i 96813

HAND DELIVERY

HUI O PIKOILOA, an unincorporated
Association, LIANNE CHING, BETTYE
HARRIS, RICHARD MCCREEDY, JULIANE
MCCREEDY, JESSE REAVIS, and
GRANT YOSHIMORI
c/o 45-464 Lipalu Street
Kaneohe, Hawai'i 96744

CERTIFIED MAIL
RETURN RECEIPT
REQUESTED

DATED: Honolulu, Hawai'i, January 6, 2020.



Of Counsel:
MATSUBARA, KOTAKE & TABATA
A Law Corporation

BENJAMIN M. MATSUBARA
CURTIS T. TABATA
Attorneys for Petitioner
HAWAIIAN MEMORIAL LIFE
PLAN, LTD.