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January 28, 2026

Mr. Daniel E. Orodener, Executive Officer
Land Use Commission, State of Hawai'i
235 S. Beretania Street, Room 406
Honolulu, Hawai'i 96813



Re: LUC No. A17-804 Hawaiian Memorial Life Plan, Ltd.; Conditions 1 and 12

Dear Mr. Orodener:

This letter is in response to your letter dated December 5, 2025.

Please find attached the letter dated January 17, 2026 from the Department of Land and Natural Resources, Division of Forestry and Wildlife. We believe this letter resolves this matter.

Very truly yours,

MATSUBARA, KOTAKE & TABATA

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Curtis T. Tabata

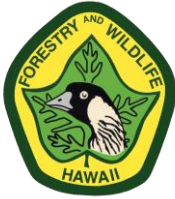
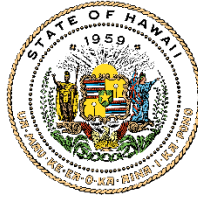
Enclosure

Mr. Daniel E. Orodener, Executive Officer
Land Use Commission, State of Hawai'i
January 28, 2026
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cc: Leo Asuncion, Office of Planning and Sustainable Development,
State of Hawai'i
Alison Kato, Esq., Deputy Attorney General, Department of the Attorney
General, State of Hawai'i
Dawn Takeuchi Apuna, Director, Department of Planning and Permitting, City
and County of Honolulu
Pono Arias, Esq., Deputy Corporation Counsel, Corporation Counsel, City and
County of Honolulu
Intervenor Hui O Pikoilua c/o Grant Yoshimori
David G. Smith, Department of Land and Natural Resources, Division of Forestry
and Wildlife

JOSH GREEN, M.D.
GOVERNOR | KE KIA'ĀINA

SYLVIA LUKE
LIEUTENANT GOVERNOR | KA HOPE KIA'ĀINA



STATE OF HAWAII | KA MOKU'ĀINA 'O HAWAI'I
DEPARTMENT OF LAND AND NATURAL RESOURCES
KA 'OIHANA KUMUWAIWAI 'ĀINA

DIVISION OF FORESTRY AND WILDLIFE
1151 PUNCHBOWL STREET, ROOM 325
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DAWN N.S. CHANG

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

January 17, 2026

MEMORANDUM

TO: State of Hawai'i Land Use Commission

FROM: David G. Smith, Administrator

SUBJECT: Hawaiian Memorial Park Cemetery Expansion Project – Blackline
Hawaiian Damselfly (*Megalagrion nigrohamatum nigrolineatum*)
Docket No. A17-804



The Department of Land and Natural Resources, Division of Forestry and Wildlife (DOFAW), issues this memorandum to clarify and supplement statements made in its November 14, 2025, correspondence to the State of Hawai'i Land Use Commission regarding compliance with conditions of approval outlined in the Commission's Decision and Order for the land use district boundary amendment for Hawaiian Memorial Life Plan Ltd.'s property (Docket No. A17-804, adopted October 13, 2020).

The project site has supported a population of the endangered Blackline Hawaiian Damselfly (*Megalagrion nigrohamatum nigrolineatum*). Habitat boundaries identified in the Final Environmental Impact Statement were based on an invertebrate study by Dr. Steven Montgomery, site visits, and U.S. Geological Survey elevation data. DOFAW's review of damselfly habitat conditions took place during the final design review for the project.

Upon further review, DOFAW notes that several statements in the November 14, 2025, letter require clarification or correction, as many mitigation measures depend on the start of grading activities, which have not yet occurred due to the lack of a county grading permit.

1. Subsurface Drainage System - The planned subsurface drainage system to direct water to the historic well and seep has not yet been built. Our understanding is that a grading permit has not yet been issued for the project,

and as such, the grading work has not commenced. The landowner has reportedly installed a temporary water line to ensure a continuous water supply to the well and seep.

2. Well Monitoring and Water Supply - Mitigation measures include installing a monitoring gauge upslope of the seep within the well to track water levels before, during, and after construction. Additionally, a permanent water line should be connected to the irrigation system once earth-moving activities are complete. Our understanding is that, to date, no grading permit has been issued for the project, and therefore, earth-moving activities have not started. Currently, a gauge is located near the bottom of the seep, and a temporary hose supplies water to the well. These interim steps help maintain water flow prior to grading.
3. Molting Habitat and Predation - Sticks placed in open water were intended to serve as molting sites and to reduce ant predation. During site visits, small sticks were found in the stream. Despite these efforts, the biological contractor reported ant predation on a damselfly naiad, and damselflies have not been seen at the site for some time.

Blackline Hawaiian Damselflies face predation from non-native species, including mosquitofish, frogs, ants, and aquatic invertebrates such as backswimmers and invasive *Hydra*. The presence of Blackline Hawaiian Damselflies at this site was unusual, and its apparent disappearance aligns with limiting factors affecting it across its range. We do not know if the loss of damselflies at this location is due to biological factors or project-related activities.

4. Feral pig exclusion fencing - construction of protective fencing around the damselfly habitat boundary depends on obtaining a grading permit, which we understand has not yet been issued.
5. Seep Monitoring and Best Management Practices - Monitoring and inspection requirements for seep flow, erosion control, and construction BMPs begin when grading starts. DOFAW acknowledges that the applicant's team has been conducting biological and site surveys every two weeks and has correctly implemented monitoring measures. Biological monitoring is being conducted by Dr. Steven Montgomery, and AECOS is overseeing the water flow.
6. Non-Native Fish Monitoring - Although the presence of non-native fish, such as Western mosquitofish, has not been confirmed, any such presence is unlikely to have resulted from construction activities. DOFAW expects the biological contractor to continue monitoring for and managing non-native species as necessary.

Based on the foregoing, DOFAW's assessment is that the contractor is not in violation of the approved mitigation measures, despite any implication to the contrary contained in the November 14, 2025, letter. Most mitigation conditions have not yet been triggered

because grading has not started. DOFAW remains in communication with the project's biological contractor and will continue oversight as the project progresses.

If you have any questions, please contact me at david.g.smith@hawaii.gov or (808) 225-5614.

Sincerely,

A handwritten signature in black ink, appearing to read "D.G. Smith".

David G. Smith
Administrator