

Stakeholder Scoping Report

Final

WAIKIKI WAR MEMORIAL COMPLEX

Prospective Questions to be addressed in the City and County's Forthcoming Environmental Impact Statement (EIS)

Peter S. Adler, PhD ¹

September 23, 2014

The following compilation of questions were gathered by Peter S. Adler, PhD through interviews conducted under a contract to WCP Inc. preparatory to the drafting of an Environmental Impact Statement for the Waikiki War Memorial Complex. Between April 5, 2014 and May 5, 2014 Dr. Adler met with 18 persons (representing 15 key stakeholder groups) and solicited specific questions that should be considered in the EIS (see Annex-1). A public meeting was then held on July 21, 2014 to offer further opportunities for question gathering. Approximately 60 people attended that meeting and provided input at several stations set up to collect questions (see Annex-2).

All questions have been placed into six broad categories as follows:

1. Environmental and Public Health Questions
2. Social and Cultural Questions
3. Architectural, Engineering and Design Questions
4. Commemorative Questions
5. Financial Questions
6. Legal and Regulatory Questions

The six categories are not mutually exclusive and many questions are interrelated or overlap multiple categories. Please also note that some questions are duplicative or bear close similarity to others but in the spirit of inclusion have been incorporated as is. Not all questions may be relevant to the scoping of an EIS.

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I. Environmental and Public Health Questions

1. What will happen to the anoxic sedimentary materials on the bottom of the pool, how much is there, what is it composed of chemically, what specific impacts to water quality can be expected, and how will those be mitigated in compliance with federal clean water standards and regulations?
2. What specific adverse impacts to reef and marine life, including seismic and sound impacts, may occur during demolition and construction?
3. What erosions of Sans Souci beach are likely to occur and how will those be mitigated?
4. Will construction of the preferred alternative cause any environmental harm to water quality, the reef, marine life or surf breaks through the release of sediment, the removal of existing structures, or adverse currents created by the L-groins? What are the ocean engineering studies to support any claims of "no" to the preceding question?
5. What is the scientific/engineering basis for the City's conclusions on the long-term environmental impacts of the preferred alternative on water quality, beach erosion, and sedimentation of the reef and altering of surf breaks?
6. What specific short and long term impacts from climate change and sea level rise are anticipated and how will those affect each alternative?
7. Demolition will require repeated dredging and transport of sand. Where will dredged materials go and how will they be transported?
8. What are the health risks associated with a well-functioning salt water pool?
9. How will trees in the area be impacted?
10. Which of the two stated alternatives will be the most resilient to sea level rise?
11. What will the seismic impacts be to (a) the specific animals in the off shore waters and (b) animals in the aquarium?
12. What exactly will be the water quality impacts during and after construction?

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13. How will noise and fumes from the proposed parking lot be mitigated?
14. What will be the impacts to corals under both alternatives?
15. Do the Department of Health pool rules apply to the Kuhio Beach swimming venue?
16. What mitigation steps would be required to address the health risks and what are the costs?

II. Social and Cultural Questions

17. How are the potential community benefits of both alternatives calculated? What is the calculus?
18. What will be the estimated number of users under both alternatives and how are those estimates derived?
19. What is the public value of an additional 300' of beach in dollars and cents?
20. Will surfers and their breaks be adversely impacted by any alteration of the current shoreline conditions?
21. How will traffic and parking be maintained?
22. What is the comparative social benefit of a new beach versus rehabilitation and how is that calculated?
23. How many visitors will be expected under either alternative?
24. How will Honolulu's homeless problem impact either alternative and how will either alternative affect the homeless?
25. How will foot and vehicular traffic be affected by each alternative?
26. What will be impacts of both alternatives on resident and visitor park users?
27. What will be the effect on canoe racers?
28. How many years has the Natatorium been closed to the public?
29. How many students took part annually in the water safety program at

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- the Natatorium and what percentage of eligible schools actually participated?
30. How much street parking will the preferred parking lot reduce and what are the visual and view plane impacts?
 31. How will each alternative impact beach access, tourism and the area's hotels and businesses?
 32. How will beach safety be maintained and what factors are being considered for a comprehensive beach safety plan?
 33. The Natatorium currently houses men's and women's restrooms, showers and changing areas, along with the Ocean Safety Division's District 1 regional headquarters and Rescue One operations. Where will these current functions and facilities be moved to under the preferred alternative? Will any of the functions or spaces be diminished in their replacement form and sites?
 34. Will relocating the Ocean Safety offices elsewhere result in any adverse impact to public safety?
 35. What engineering studies have been done to show that a new beach would be safe in terms of man-made hazards and rip currents?
 36. Will rock concerts be allowed under either alternative?
 37. Is it feasible to convert the space into a theatrical space (i.e., for hula shows, locally-created productions) while preserving the façade?
 38. How will the public be updated with the most current information about the cost of the project?
 39. What if anything can be done to lower the level of conflict?
 40. What alternative is proposed to fulfill that promise of a memorial for veterans?
 41. How is the general public being actively addressed and included in the process?
 42. Were the descendants of the WW-I veterans that were directly related to the war memorial feel about proposed changes made to the monument?

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43. What would Duke Kahanamoku have wanted?
44. What is the difference between a user and a visitor and how are estimates derived?
45. Can one or more portions of the current structure (such as, maintaining the original façade or the bath houses) be incorporated into a preferred alternative?
46. Why is the demolition considered a "Preferred" alternative?

III. Architectural, Engineering and Design Questions

47. When will there be a final failure of the existing deteriorating walls?
48. What is the anticipated schedule for implementing either alternative?
49. Has the city and county or state investigated a waiver of the pool rules for a reengineered swim venue similar to that of Kuhio Beach?
50. Under each alternative, what kind of sand will go back into the reconstructed pool or onto a new beach? In each case, what environmental impacts are expected?
51. What are the specific plans for re-nourishing the beach?
52. How accurate is the description of Alternative #1 and how was it developed?
53. What kind of sand will be used for re-nourishing the beach? Will the sands come from the Waikiki littoral field or, if not, from where? Will the sands contain gravel?
54. Will any new beach be ADA-accessible for both beach going and swimming?
55. How much fine white silt will be generated?
56. How much sewage will be generated from each alternative?
57. Under Alternative 1, what are the technical options available for maintaining water quality in an ocean pool?
58. What kind of truck compaction can be expected during sand re-nourishing?

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59. Will the sand be of sufficient quality that it doesn't contain gravel or "bleed" white silt?
60. Would it become unsafe for swimmers to leave the groin boundaries?
61. How much grassy space will be lost or gained under each alternative?
62. Can the planned parking lot shown in the preferred alternative be put elsewhere?
63. What assurances are there under the preferred alternative that the beach sand will remain where installed rather than wash out and alter surf breaks, envelope reef habitat or cause other adverse environmental impacts.
64. How much sand will the proposed groins retain? What will be the effect of the groins on currents? How will sand flow and how much future year replenishment will be needed with those groin configurations?
65. Can the facade/bleachers be preserved while still allowing swimmers to go back and forth safely between Kaimana Beach and Queen's Beach?
66. What is the highest possible height of groin design?
67. What contingencies have been planned if the groins don't function as anticipated?
68. How will the final groin configuration be determined?
69. How high will the sand accumulate inside or outside the new groins under the preferred alternative?
70. How will bathhouse drainage work?
71. The Natatorium is the last example of the "Beaux Artes" style on Oahu. How has that been considered and valued in the City and County's calculation, both socially and financially?
72. What scenarios for sea-level rise have been factored into design, engineering and sand replenishment?
73. How will foot traffic work under each alternative?
74. What specific engineering steps are necessary to do a full restoration?

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75. What is the plan for bathrooms and showers, both sorely needed?
76. Under the demolition alternative, will the loss of the seawall change the surrounding currents? ⁱ
77. What runoff will occur from the planned parking spaces and where will the runoff go?
78. Why doesn't the City's EIS pursue the Bathen/Gerritsen pool design as a specific alternative?
79. Is the restoration alternative for the Karl Bathen/Frans Gerritsen-designed pool that was already vetted by a full EIS fully permitted and funded in consideration for the first alternative? If not, why not?
80. As a percentage, what portion of the L-groin enclosure for the preferred alternative is open to the ocean versus closed (i.e. the proportion of the rectangular footprint that is open versus closed stone jetty)?
81. The previously permitted restored tidal flow along with the Ko'Olina Swimming Lagoons were designed by UH ocean engineers Karl H. Bathen, PhD and Frans Gerritsen, PhD. What considerations have been given to those tidal flow designs for Alternative #2? If they have been rejected, why?
82. Wilson Okamoto Corp. prepared a Structural Condition Report in July 2004 concluding that the "bleacher structure appears to be in good overall condition." What weight was given to the Okamoto findings in the development and prioritization of the alternatives?
83. How will the groins affect swimmer safety? Will people be able to climb onto the groins and fall or dive off?
84. Can there be a beach walkway all the way through the area?
85. How many salt-water pools are there in the U.S., what are the specific health risks of a well-functioning salt-water pool, and how can those risks be reduced through design?
86. If there is to be a pool, how will water quality be assured?
87. What consideration or feasibility studies have been done on implementation and permitting through the Army Corps of Engineers for the groins needed to retain the declared preferred alternative for the Memorial Beach?

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88. How will water be able to go through easily and people not be able to go through easily? What's the best way to have lots of water flush through and yet ensure that people won't get trapped in the vents or get slammed in the wave motions?
89. How does the proposed parking lot fit in as part of the memorial complex?

IV. Commemorative Questions

90. Why was a swimming pool created to honor war dead?
91. What is the social, historical and cultural value of retaining or removing a National Registered Historic Site?
92. How will the memory of WW-I veterans be addressed if the War Memorial is demolished?
93. Will the names on the arch and plaque be replicated on any new structure?
94. How does the preferred alternative affect Waikiki's "sense of place" and historic value to tourism?
95. Why is the demolition of the war memorial the alternative to the preferred plan?
96. The War Memorial Natatorium was opened in 1927 as a "living memorial" in tribute to the 10,000+ men and women from Hawaii who served in World War I. How will the preferred alternative design honor World War I veterans?
97. From 2014 to 2018, the United States and nations around the world will mark the 100th anniversary of World War I. How will veterans be acknowledged and recognized during this time and what role will either of the alternatives play in this?
98. In terms of veterans, how has the City and County quantified or monetized their historical value?
99. What specifically has the county and state done to solicit input from citizens about the historical significance of destroying a memorial honoring veterans?

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100. How will the memory of Hawaii's WW-I war dead be entrusted to future generations? Is there a dishonoring of Hawaii's *kupuna* by demolishing a venue built in lasting tribute to Hawaii's war dead? What has the City and County done to assess this? Has the City consulted family members of Hawaii's WWI veterans memorialized by the Natatorium?
101. Has the City's project planners included the possibility of moving the arch to the Ewa side of aquarium and using the new footprint for a new and larger aquarium?
102. With regards to current Iraq and Afghanistan war veterans, what considerations are being made to respect their service as part of the WW-I war memorial?

V. Financial Questions

103. What are the comparative costs of restoring the existing arch and plaque rather than moving and redoing the arch and plaque?
104. How much money has been expended to date addressing the WWMC and proposed alternatives?
105. Previous representations from the City have indicated that cost is the sole basis for preferring demolition over retention of the Natatorium. ⁱⁱ How were the cost estimates derived, by whom, and what numbers were relied on?
106. What are the actual costs for all alternatives during the following phases: (1) securing all entitlements and permits; (2) demolition; (3) construction; and (4) future maintenance? What will the total costs to taxpayers be for either alternative?
107. Can the WWMC be restored for its historic, cultural significance to enhance tourism and as a means of generating revenue?
108. What is the cost estimate for the previously permitted, open tidal flow pool design?
109. How would a restoration or rehabilitation be paid for?
110. Given that cost may be a central factor, what public-partnerships with non-profit organizations have been considered for the restoration alternative for both bricks and mortar construction as well as the endowment of future operational costs from philanthropic, public, and private sources? What discussions have taken place, with whom, what

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matching commitments were discussed, and what options were considered?ⁱⁱⁱ

111. How much money will be required in an ongoing maintenance fund for each alternative and where will the funds come from?
112. If the beach erodes, what is the anticipated annual out-year beach nourishment cost?
113. In order to have an equal comparison of alternatives, what are the cost estimates for each alternative based on A/E design documents rather than on conceptual plans or sketches, what are the financing arrangements and where will funds come from for each?
114. Each alternative will have operational costs that must be considered in the EIS. What are the comparative anticipated operating costs for each alternative and what is the basis of those estimates?
115. Which alternative is the cheapest short and long term and how was that determination made?
116. Will the constantly replacing sand be more costly than rehabilitating and maintaining a tidal flow pool?
117. What is the comparative economic benefit of a new beach versus rehabilitation and how is that calculated?
118. What will the additional burdens be on the city's budgets? What will not get done as a result?
119. What are the revenue-generating activities that are or will be considered for WWMC?
120. What types of activities will be allowed under each alternative, who will decide what activities are appropriate and what the economic, environmental, and social costs of these activities are?
121. What is the anticipated revenue to be generated from these activities?
122. What other benefits can be derived from these activities?
123. What are the liability costs that C&C must currently bear in the WWMC's present condition?
124. What are the future liability costs that C&C must bear with each of the WWMC alternatives?

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125. What costs does C&C currently bear to maintain WWMC in its present condition and use?
126. When will the information in the Project Information Sheet and in general be corrected and when will stakeholders have an opportunity to review the corrected information?

VI. Legal and Regulatory Questions

127. Who owns and controls the War Memorial properties and where are the parcel lines?
128. What restrictions run with permitted land uses and property ownership?
129. Who actually owns or controls what? Are there underlying entitlements?
130. Does a parking lot violate the KPS trust?
131. Does the City have the legal authority to demolish the War Memorial Natatorium? Conversely, does the City have a legal obligation to preserve and operate the Natatorium as a swimming pool?
132. Has any thought been given to a state referendum on this issue? If not, why not?
133. Does the City have the legal authority to develop parkland *mauka* of the seawall (for the new parking lot and comfort station associated with the Preferred Alternative)?
134. Why is demolition the current "Preferred Alternative" and what legal and regulatory criteria were used to determine this?
135. Where can the complete historical, legal and chronological record of this project and this area be found?
136. What is the process for rebuttal of future answers to the questions addressed in the EIS?
137. If it would save time and money, why isn't the City triggering the Federal review (404 and 106) processes to begin and occur in parallel with the EIS?

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138. What state or federal legal challenges to the current preferred alternative have been considered and what are the projected costs and length of time involved for them?
139. What is the City's cost estimate for the restoration alternative and how was that cost derived?
140. Is there a current cost estimate for the Bathen/Gerritsen design for restoration? How much is it and how were those figures derived?
141. What are the revenue generating potentials for both the current preferred and restoration alternatives?
142. The Natatorium's enabling legislation required that the site include a swimming venue of 100 meters in length (Act 15 of the 1921 Territorial Legislature). The plans for the tidal flow pool would have been the only fully ADA-accessible salt-water swimming venue in the state. What is the current legal force of Act 15?
143. Has the State's Department of Health made a determination that the salt-water pool rules that would or would not legally apply to the open Bathen/Gerritsen pool design? If so, what is the determination and where can it be found?
144. Has the State's Department of Health determined that none of the exemptions in the salt-water pool rules could apply to the open Bathen/Gerritsen pool design?
145. Has the Kapiolani Park Preservation Society been consulted on the legal and historic implications of eliminating the semicircular carriage path/driveway in the Preferred Alternative?
146. How will the 1973 Hawaii Supreme Court ruling permanently "enjoining and restraining the defendant-appellees [the City and County of Honolulu and the State of Hawaii] ...from in any way tearing down or demolishing the Natatorium" be addressed? (*Natatorium Preservation Committee v. Edelstein*, 515 P.2d 621, 55 Haw. 55, 61 (1973))
147. Will the City incur additional liability for injuries or drownings that may occur at a beach that is City-designed and constructed? How much will that cost?
148. What are the specific legal obstacles to demolition?

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149. What commercial activities may be allowed under each alternative and how will they be regulated? If allowed, who will regulate them and what precedent does that create for the park?
150. Does the proposed parking lot violate the original and current trust?
151. If the Hawaii Department of Health Rules on Public Swimming Pools (Hawaii Administrative Rules § 11-10) has determined a pool to be cost prohibitive, what specific alternative pool designs were analyzed that may address health and safety concerns without requiring application of those Rules? ^{iv}
152. Demolition of the Natatorium requires federal approvals that should be conducted concurrently with the Hawaii Environmental Policy Act (HEPA) process. ^v Has this concurrent process been initiated? If so, what is the status? If not, why not?
153. How and when will City seek federal permits from the Army Corps of Engineers under section 10 of the Rivers and Harbors Act and section 404 of the Clean Water Act? How will the City coordinate its State EIS review with NEPA and other federal permitting requirements including Section 106 of the National Historic Preservation Act, the Clean Water Act, the Endangered Species Act, the Magnuson-Stevens Fishery Conservation and Management Act, and the Coastal Zone Management Act?
154. Existing City and County law explicitly forbids the demolition of the Natatorium. The Revised Ordinances of Honolulu, Sec. 2-16.1, states: "The director of parks and recreation shall: (a) operate and maintain the Waikiki war memorial and natatorium, including its structures, facilities, and grounds." How will this be addressed in the City and County's EIS?
155. At the public meeting on July 21, 2014, three alternatives were presented: (a) beach, (b) restore, (c) do nothing. Will there be any other alternative?
156. The current illustration shows new parking in Kapiolani Park. This is illegal! The park area in front of the Natatorium to Kalakaua and from Kaimana Beach Hotel to the Aquarium now is part of Kapiolani Trust. This land was traded for 3 other pieces of property. Is this legal?
157. Are there or have there been any considerations given to any recent or historical precedents of permitting the conceptual beach retention structures in the state of Hawaii? What legal challenges are likely to be triggered once those permits were applied for?
158. Who will ultimately determine if there was a fair and equitable review?

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159. Will a legislative act be required to demolish WWMC? Who would sponsor such legislation?
160. Because *Restoration*, *Rehabilitation*, and *Reconstruction* have specific regulatory/statutory definitions, is *Restoration* an accurate and appropriate description for any of the alternatives to be addressed?
161. The Territory of Hawaii purchased 13 acres in 1919 and the purchase was signed by Governor Farrington. Waikiki Aquarium is part of 13 acres. Why is Waikiki Aquarium not considered part of WWMC?
162. Who awarded the EIS preparation contract to WCP?

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Annex-1

Persons Interviewed

Historic Hawaii Foundation	Kiersten Faulkner
Friends of the Natatorium	Maurice "Mo" Radke Donna Ching
New Otani Kaimana Beach Hotel	Jean Pierre Cercillieux
Waikiki Aquarium	Dr. Andrew Rossiter
Waikiki Improvement Association	Rick Egged
Kaimana Beach Coalition	Rick Bernstein Doug Codiga Jim Bickerton
World War II Filipino American Veterans	Artemio Caleda
American Legion, Department of Hawaii	Michael Souci
Veteran of Foreign Wars, Department of Hawaii	Lawrence Enemoto
Korean War Veterans Association, Aloha Chapter	Jimmy Shin
Kapiolani Park Preservation Society	Alethea Rebman
Waikiki Swim Club	Jane Stites
Waikiki Roughwater Swim Committee, Inc.	Linda Kaiser
American Institute of Architects	Scott Wilson
University of Hawaii	Dr. Charles "Chip" Fletcher

Annex-2

Public Stakeholder Meeting Attendees

Mo Radke	Friends of the Natatorium
Jim Anderson	Friends of the Natatorium
Art A. Caleda	Filipino American World War II Veterans Assoc.
Lawrence Enomoto	VFW Hawaii / Post 110
Michael Soucie	American Legion, Dept. of Hawaii
Linda Hijirida	Vietnam Vets - MC
Leigh Smith	Patriot Guard
Jim Barnes	
Felix Martinez	Forgotten Soldiers MC
Charles Patterson	American Legion
Tanya Gumapac-McGuire	Historic Hawaii Foundation
Megan Borthwick	Historic Hawaii Foundation
Linda Wong	DH Neighborhood Board #5
Ron Lockwood	VFW 8616
Carl E. Dukes	VFW 8616
Yvonne Geesey	Friends of the Natatorium
John Flanagan	
Doug Codiga	Kaimana Beach Coalition
Jeffrey Dodge	Friends of the Natatorium
Geoff Milton	
Annie & Rick Bernstein	Kaimana Beach Coalition
Doug Cole	
Maureen Cole	Hawaii Athletics
Vince Sortino	Vintage Photos of Hawaii
Colin Pearl	American Legion Riders #17
William "Wolfman" Gass	Vietnam Vets / Legacy Vets MC
Fred Wong	Post 8616 VFW
Joe M. Picon	American Legion Chapter 17
Elizabeth Merritt	National Trust for Historic Preservation
Marijane Carlos	Neighborhood Board #8
Frank Weight	Friends of the Natatorium

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Pat Henry	
Nadine Shiroma	JACL
Carla Von	
Mike Gushard	SHPD
Melvin E. Kau	American Legion #11
Robin Flanagan	
Michael Gillian	
Ralph Krause	photographer
Laura St. Denis	Neighborhood Board
Wally Inglis	
Karen Lynn	
Simon Tetlow	Friends of the Natatorium
Dennis Zatecka	American Legion
Donna Ching	Friends of the Natatorium

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Notes

ⁱ According to the 2008 Shoreline Restoration Study Conceptual Design Review Report “during large wave events straight groins are known to produce rip currents along the groin edges that can transport the sand seaward.” (p.53)

ⁱⁱ See, i.e., Grube, Nick, *Abercrombie Teams With Caldwell To Tear Down Waikiki Natatorium*, Honolulu Civil Beat, May 1, 2013, available at <http://www.civilbeat.com/articles/2013/05/01/18956-abcrombie-teams-with-caldwell-to-tear-down-waikiki-natatorium/> (reporting that at a press conference the Mayor and Governor based their decision to demolish the historic resource on cost estimates of \$18.4 million for demolition and \$69.4 million for restoration. They did not provide information, however as to how those cost estimates were developed).

ⁱⁱⁱ In the wake of the City’s demolition decisions in 2013, several major national donors expressed interest in partnering to help endow an aquatic facility that retains key historic elements of the facility.

^{iv} For instance, the Rules define a “Swimming pool” as an entity that contains an “artificial body of water.” The previously approved tidal flow pool restoration design does not enclose such an artificial body and would therefore not be covered by the Rules. If the Health Department Rules are held to apply, alternatives must be explored that qualify for special exemptions from those rules, such as “beach venues,” like nearby Kuhio Beach, and “marine habitat.”

^v “A joint process avoids lengthy and costly delays in the implementation of the Project. This recommendation is supported by HRS § 343-5(h), which states, Whenever an action is subject to both the National Environmental Policy Act of 1969 (Public Law 91-190) and the requirements of this chapter, the office and agencies shall cooperate with federal agencies to the fullest extent possible to reduce duplication between federal and state requirements. Such cooperation, to the fullest extent possible, shall include joint environmental impact statements with concurrent public review and processing at both levels of government.”