

PACIFIC WAR MEMORIAL SITE
Section 4(f) Applicability Analysis

Based on Draft EIS comments from State Department of Land and Natural Resources, the City reevaluated the use of the Pacific War Memorial Site ("Property"). The Property is approximately 11 acres and is located between the City's Ke'ehi Lagoon Beach Park (on the west boundary), the Moanalua Stream (on the east boundary), Nimitz Highway (on the north boundary), and Ke'ehi Lagoon (on the south boundary). The Property is closed between the hours of 10:00 p.m. and 6:00 a.m., except by permit. The Property is fenced in along its perimeter and has a locked gate at its entrance. The property is not listed or eligible for the NRHP or Hawaii Register of Historic Places.

Pursuant to Governor's Executive Order ("GEO") 3967, February 19, 2003, the property was "set aside for the following public purposes: FOR PACIFIC WAR MEMORIAL SITE PURPOSES[.]" GEO 3967 cancelled GEO 1534 and 1550 and transferred jurisdiction from the abolished Pacific War Memorial Commission of Hawaii to the Department of Land and Natural Resources, Division of State Parks (DLNR-Parks). DLNR-Parks oversees the Ke'ehi Memorial Organization and Hawaii Disabled American Veterans (KMO-DAV) who have been maintaining the Property.

KMO-DAV manages the Property for multiple uses including memorial and recreational uses. Facilities on the Property include a rental office, memorial obelisk, several community centers and meeting rooms, Disabled American Veterans Headquarters office, storage building, a rehabilitation facility and two chapels. The property also has a basketball/volleyball court, grass field with a baseball backstop, small pavilions, and a picnic area.

In 2005, KMO-DAV prepared the Ke'ehi Lagoon Memorial Master Plan Update. The Plan is consistent with the existing use of the Property. The Plan included four goals: (1) Maintain the park for use by veterans and their families, youth groups and the community; and complement the Ke'ehi Lagoon Park; (2) Maintain the integrity of the Obelisk; (3) Provide a rehabilitation center for disabled veterans; and (4) Maintain the park site "as self-sustaining so that the public may not be asked constantly for support." This last goal is implemented by charging reasonable user fees for the use of DAV facilities, including meeting rooms, day care facilities and outdoor recreation spaces to offset the cost of building and maintaining the facilities.

Approximately three guideway support columns (150 square feet) will be constructed within the Property. The Project will be elevated above approximately .5 acre of the property along Nimitz Highway near the existing right-of-way boundary and fence at the northernmost portion of the Property.

Under 23 CFR § 774.11(d), Section 4(f) applies only to those portions of land which function for, or are designated as being for, significant park, recreation, or wildlife and waterfowl refuge purposes. The governor has not designated any portion of the Property for these purposes and the Property is not included in the state's inventory of parks; however, KMO-DAV does use portions of the Property for recreation purposes. The Project will not use portions of the Property that function as a memorial or for recreational purposes. All recreational uses are on the makai portion of the Property toward the water. The closest facilities to the Project are the obelisk, gazebo, and Japanese garden. Currently, noise from traffic along the Nimitz Highway is palpable in these areas. In addition, the Nimitz Highway is clearly visible from this portion of the Property when looking mauka toward the northern boundary of the Property. Because noise and views are already impaired in these areas, the Project will not add noise and visual impacts.

The City met with DLNR-Parks and KMO-DAV to discuss the Project, and they concur that the Project does not impact their memorial and recreational uses of the Property. DLNR-Parks and KMO-DAV also determined that the portion of the Property used by the Project is not being used for significant park, recreation, or wildlife and waterfowl refuge purposes. Based on the above, FTA determines that DLNR-Parks and KMO-DAV's determination is reasonable; therefore, Section 4(f) is not applicable to this multi use Property.