

July 22, 2013

Mr. Ted Matley
FTA Region IX
201 Mission St., Suite 1650
San Francisco, CA 94105

Mr. Daniel Grabauskas
Honolulu Authority for Rapid Transportation
City and County of Honolulu
1099 Alakea St., Suite 1700
Honolulu, HI 96813

Re: Comments on Draft Supplemental Environmental Impact Statement/Section 4(f)
Evaluation

Dear Sirs:

We submit the following comments on the Honolulu Rail Transit Project Draft Supplemental Environmental Impact Statement/Section 4(f) Evaluation (the "DSEIS") on behalf of the plaintiffs in *Honolulutraffic.com, et al v. Federal Transportation Administration*, United States District Court for the District of Hawaii Case No. 11-cv-00707-AWT.¹ Please be aware that some or all of the plaintiffs may also submit additional comments under separate cover.

As explained in greater detail below, the DSEIS is so inadequate as to preclude meaningful analysis, and therefore must be revised and recirculated for a second round of public and agency review. See 771.130(d) (SEISs subject to same procedural requirements as EISs); 40 C.F.R. § 1502.9 (recirculation of Draft EISs).

Specifically, the DSEIS (1) fails to address Traditional Cultural Properties ("TCPs"); (2) inaccurately assumes, without justification or supporting documentation, that the Beretania Street Tunnel Alternative will use historic sites, will not be prudent, and will not be the "least harm" option; (3) fails to provide the public with the documentation or analysis on which the document's Section 4(f) analysis of Mother Waldron Park is based; and (4) fails to consider significant new information and circumstance regarding other alternatives to the Project's use of the Chinatown Historic District and the Dillingham Transportation Building.

1. Failure To Address TCPs

In the above-cited litigation, Judge A. Wallace Tashima explicitly held that (1) a Section 4(f) evaluation must address TCPs, (2) the Federal Transit Administration ("FTA") illegally failed to address TCPs in its

¹ It appears that neither the City nor the FTA arranged for notice of the DSEIS to be published in the Federal Register. Therefore, we submit these comments pursuant to the City's assurance (posted at www.honolulustransit.org) that any comments postmarked by July 22, 2013 will be accepted. In submitting these comments on the details of the DSEIS (which assumes a heavy rail project), we in no way concede the more basic claims, raised in plaintiffs' Ninth Circuit appeal (United States Court of Appeals for the Ninth Circuit Case No. 13-15277), regarding the propriety of the City's and FTA's selection of elevated heavy rail in the first instance.

prior Section 4(f) evaluation for the Project, and (3) the FTA must remedy that failure by identifying and evaluating TCPs under Section 4(f).

Despite that very clear direction, the DSEIS fails to address TCPs. Instead, it states that “a separate evaluation is underway” related to TCPs. By (yet again) failing to include TCPs in its Section 4(f) evaluation, the FTA has violated Judge Tashima’s clear directions as well as Section 4(f).

The FTA’s ongoing refusal to address TCPs in a public EIS/Section 4(f) evaluation is particularly troubling in light of the fact that several studies prepared by the City have identified TCPs near the Project. The DSEIS’s failure to examine whether the Project will use (or otherwise impact) the identified TCPs, precludes meaningful public review of this important issue and requires revision and recirculation of the DSEIS.

2. The Beretania Tunnel Alternative

The DSEIS’s analysis of the Beretania Tunnel Alternative is fundamentally flawed in several respects.

A. Use Of Historic Properties

The DSEIS inaccurately assumes, without proper supporting documentation or analysis, that the Beretania Tunnel Alternative will result in the use of multiple Section 4(f) properties.

1. Oahu Railway & Land Property

The DSEIS improperly assumes that the Beretania Street Tunnel Alternative will result in an unavoidable Section 4(f) use of the historic resources on the Oahu Railway and Land Company (“OR&L”) property.

The City’s 2005-2006 Alternatives Analysis process (the “AA”) defined the Beretania Street Tunnel Alternative as a tunnel beginning near the intersection of Dillingham Boulevard and Ka’aahi Street, passing beneath the OR&L property and downtown Honolulu (thereby avoiding impacts to the OR&L property, the Chinatown Historic District, the Dillingham Transportation Building, and other historic structures and districts in the downtown area), transitioning to an aerial structure on the far side of downtown, and terminating at the University of Hawaii, Manoa.²

The AA made it clear that there were to be seven stations along this route: Beretania Street at the Fort Street Mall, Beretania Street at Alapai Street, South King Street at Pensacola Street, South King Street at Kalakaua Avenue, South King Street at McCully Street, South King Street at Hausten Street, and the University of Hawaii.³

The DSEIS claims to be an analysis of the Beretania Street Tunnel Alternative “as defined” in the AA.⁴ But there are important — and unexplained — differences between the Beretania Street Tunnel Alternative “as defined” in the AA and the Beretania Street Tunnel Alternative presented in the DSEIS. Among other things, the DSEIS adds an eighth station at Ka’aahi Street, proposes to locate the new Ka’aahi Street station directly beneath the historic OR&L property, and, on that basis, concludes that the

² Alternatives Analysis Detailed Definition of Alternatives (Nov. 1, 2006) at 6-21.

³ *Id.*

⁴ DSEIS at 19.

Beretania Street Alternative unavoidably requires use of the OR&L property within the meaning of Section 4(f).⁵

The DSEIS does not provide any explanation or justification for (or even alert the public to) these changes from the AA. Indeed, there does not appear to be any legitimate reason why the historic OR&L property must be used in this way. Neither the AA nor the DSEIS identifies any need for a station in this location. And if the City and the FTA feel that a station is necessary in this neighborhood, they could easily use a location closer to (or even overlapping with) the area they have reserved for the Project's nearby Iwilei station (either at ground level or above-ground), slightly repositioning the Kapalama station if needed.

2. McKinley High School

The DSEIS improperly assumes that the Beretania Street Tunnel Alternative will result in an unavoidable Section 4(f) use of McKinley High School, a portion of which is listed in the National Register of Historic Places.

The DSEIS does not provide any documentation of McKinley High School's listing in the National Register.

The DSEIS does not disclose that the Beretania Street Tunnel Alternative would be located outside the boundary of the historic portion of McKinley High School (as that boundary appears in the National Register listing on file with the National Park Service, a copy of which can be found in attachment 1 and at <http://pdfhost.focus.nps.gov/docs/NRHP/Text/80001281.pdf>).

The DSEIS fails to address the fact that the Beretania Street Tunnel Alternative's Pensacola Street rail station would be screened from the historic portion of the school by a large, multi-story non-historic building (misleadingly labeled "McKinley High School" in DSEIS Figure 19).

3. 1915B S. King Street ("King Florist")

The DSEIS improperly assumes that the Beretania Street Tunnel Alternative will result in an unavoidable use of a building at 1915B S. King Street identified by the City and the FTA as "King Florist."

As an initial matter, we note that the actual address of King Florist appears to be 1296 S. Beretania St., not 1915B King Street.⁶

The DSEIS does not provide any documents or information indicating that 1915B S. King Street meets the statutory or regulatory eligibility criteria for listing in the National Register of Historic Places. In fact, it does not even provide a photograph of the building. Photographs of the building, which appears to have been significantly modified to accommodate a drive-through and a surface parking lot, can be found in attachments 3 and 4.

The DSEIS assumes that the McCully rail station will require demolition of 1915 S. King St.⁷ But that station is to be located at the corner of S. King St. and McCully St., while 1915 S. King St. is located mid-

⁵ DSEIS at 19, 21, 38-40.

⁶ See attachment 2.

⁷ DSEIS at 43-45.

block between McCully St. and Pumehana St.⁸ Moreover, the area between 1915 S. King St. and the proposed location of the McCully station consists primarily of surface-level parking lots; there does not appear to be any reason why these lots cannot be used for rail station infrastructure (without resorting to demolition).⁹

The DSEIS also suggests that 1915B S. King St. must be demolished in order to accommodate a “traction power substation” (a small steel enclosure for electrical equipment referred to as a “TPSS”).¹⁰ But the City admits that the TPSS can simply be moved to another property.¹¹ And, as noted above, nearby surface parking lots appear to provide ample room for all necessary infrastructure.¹²

Finally, the DSEIS makes a vague, unsubstantiated suggestion that “the space requirements around the station entrance and station platforms would still require right of way acquisition at King Florist.”¹³ This unsupported, conclusory assertion rings hollow. There are multiple lots available for use as station entrances/exits.¹⁴ There is no reason to believe that the guideway must butt up against the buildings on the south side of King Street (in other portions of the Project, the guideway is positioned over the middle of the street). The idea of “acquiring right-of-way” is very different from the notion that all of 1915B S. King St. must be demolished.

B. Prudence and Feasibility

The DSEIS concludes that the Beretania Street Tunnel Alternative is imprudent. That conclusion is flawed in numerous respects.

As an initial matter, we note that the DSEIS does not articulate a clear basis for a finding of imprudence. It appears to treat the cost of the Beretania Street Tunnel Alternative as the most important factor in evaluating the Alternative’s prudence.¹⁵ But the document does ***not*** conclude that the cost of the Beretania Street Tunnel is enough, standing alone, to justify a finding of imprudence.¹⁶ Instead, the DSEIS cites a mixture of (alleged) construction risks, visual impacts, traffic disruption, “delayed benefits,” and cost increases as combining to result in imprudence.¹⁷

“Construction risk” does not provide a reasonable basis to find the Beretania Street Tunnel Alternative imprudent. Engineering questions of this sort are properly considered in terms of “feasibility” rather than “prudence.”¹⁸ And the DSEIS (properly) concedes that building the Beretania Street Tunnel Alternative is “feasible as a matter of technical engineering.”¹⁹

⁸ See attachment 4.

⁹ See attachment 4.

¹⁰ DSEIS at 43-44.

¹¹ DSEIS at 43.

¹² Attachment 4.

¹³ DSEIS at 43.

¹⁴ DSEIS at 44.

¹⁵ DSEIS at 61-64.

¹⁶ DSEIS at 64.

¹⁷ DSEIS at 64.

¹⁸ See 23 C.F.R. § 774.17.

¹⁹ DSEIS at 46.

The DSEIS cites significant visual impacts as another reason to find the Beretania Street Tunnel Alternative imprudent.²⁰ That assertion is contrary to all common sense. The Project is elevated for its entire length. The Beretania Street Tunnel Alternative would be underground in the most visually sensitive part of the rail line (downtown Honolulu).

The DSEIS also references potential visual impacts on “protected view corridors” and buildings along S. King St. But the Project would cross more “protected view corridors” (and with greater effect) than would the Beretania Street Tunnel Alternative.²¹ And, contrary to the DSEIS’s assertions, the AA process did not result in any findings of adverse effect for properties on S. King St. Moreover, even if S. King St. were truly unworkable, the City and the FTA could use Beretania Street instead.²²

The DSEIS also suggests that the Beretania Street Tunnel Alternative is imprudent because it will result in traffic disruption. Again, the assertion is contrary to all common sense. The Project would require the City to build an elevated guideway, on surface streets, through the densest and highest-traffic area of downtown Honolulu. Construction of the Beretania Street Tunnel Alternative would occur underground, and therefore would not disrupt downtown surface-level traffic to the same extent. It is telling that the DSEIS includes no detailed traffic study or analysis.

The DSEIS briefly mentions “unique problems or unusual factors.” But it fails to address unique, unusual, and *important* factors raised by the United States District Court for the District of Hawaii.²³ The City and the FTA have steadfastly insisted that the Court’s comments on the Project are a non-issue (and have even gone so far as to represent to Judge Tashima that all of the Court’s concerns have been fully resolved). A July 8, 2013 letter from the United States District Court for the District of Hawaii says otherwise.²⁴ The letter, signed by Chief Judge Susan Oki Mollway on behalf of the entire Court, makes it clear that (1) the Project would cause severe safety problems at the Courthouse, (2) the Court has consistently made both the City and the FTA aware of these problems (even as the City and the FTA assured Judge Tashima that the Court’s concerns had been addressed), and (3) therefore (and for a number of reasons) the Project is *less* prudent than the Beretania Street Tunnel Alternative.

The DSEIS also mentions “delayed benefits” as justifying a finding of imprudence.²⁵ Presumably, the City and the FTA mean to suggest that the Beretania Street Tunnel Alternative cannot be completed as quickly as the Project. But these “delays” are attributable to (1) their own failure properly to evaluate the Beretania Street Tunnel Alternative in the original EIS and (2) their decision to proceed with construction of the Project before completing this SEIS. Had the City and the FTA simply complied with the law in the first place, the Beretania Street Tunnel Alternative could have been implemented on the same time schedule as the Project. Moreover, alleged damages associated with delay are already built into the DSEIS’s cost estimates; references to “delayed benefits” represent an impermissible attempt to double-count.

²⁰ DSEIS at 50-57, 64.

²¹ See, e.g., Final Environmental Impact Statement/Section 4(f) Evaluation at 4-60 to 4-110.

²² As noted above, much of the DSEIS’s analysis of visual impacts seems to assume that the guideway cannot be centered above S. King St. The document does not provide any justification for that assumption.

²³ DSEIS at 63.

²⁴ See attachment 5.

²⁵ DSEIS at 63.

It is also worth noting that the DSEIS does not present any evidence regarding delayed benefits. Among other things, the document does not contain any detailed timetable for tunnel construction or any evaluation of means to mitigation (alleged) delays, severely limiting the public's opportunity to provide meaningful input on these important issues.

The DSEIS asserts that cost increases associated with the Beretania Street Tunnel Alternative would be an "overwhelming factor" in rendering the alternative imprudent.²⁶ But there are several major problems with the DSEIS's evaluation of costs:

- The DSEIS's cost estimates seem to be recycled from the 2006 AA and the 2010 Final EIS. Judge Tashima has already ruled that these estimates cover the King Street tunnel, not the Beretania Street tunnel.
- The DSEIS's cost estimates are inconsistent with the City's own 2007 tunnel construction cost estimates.
- The DSEIS appears to compare the cost of Segment 4 of the Project (from Iwilei to the Ala Moana Center, stopping short of the rail line's intended terminus at the University of Hawaii-Manoa) with the entire Beretania Street Tunnel Alternative route (stretching from Iwilei to the intended terminus at the University of Hawaii-Manoa). The proper comparison is between the total cost of connecting Iwilei to the University of Hawaii-Manoa using the Project (via Ala Moana Center) with the total cost of connecting Iwilei to the University of Hawaii-Manoa using the Beretania Street Tunnel Alternative (via a downtown tunnel).²⁷
- It is not clear whether the cost estimates in the DSEIS include the (below-ground) station at Ka'aahi Street. For the reasons set forth above, there is no basis to include that station.
- The DSEIS states that we have suggested shortening the rail line so that it does not reach Leeward Community College. That is simply not true. Our position is that the City and the FTA should consider deferring some of the construction at the Ewa end of the rail line (which currently consists of a significant amount of empty agricultural land), perhaps in connection with other cost saving measures, as a method of funding the Beretania Street tunnel. Further extensions at the Ewa end of the line are already contemplated and could be structured so as to include the deferred portion of the current Project.
- The DSEIS assumes that the budget for the rail project will be strictly limited to \$5.544 billion. But that number comes from the City's cost estimate and grant agreement for *the Project*.²⁸ There is no evidence that the Beretania Street Tunnel Alternative would be ineligible for additional federal, state, or local funding.

Finally, the DSEIS's evaluation of prudence is contrary to Section 4(f), the Section 4(f) regulations, and the Supreme Court's decision in *Citizens to Preserve Overton Park v. Volpe*, 401 U.S. 402, (1971). Those authorities provide that an alternative is not imprudent unless it presents "severe problems" that

²⁶ DSEIS at 64.

²⁷ This is particularly true in light of the fact that other parts of the DSEIS ask readers to assume that the Ala Moana-to-University of Hawaii extension of the Project will someday be built. See, e.g., DSEIS at 48.

²⁸ DSEIS at 62.

“substantially outweigh” the value of preserving the Section 4(f) resources at issue.²⁹ This analysis must begin “with a thumb on the scale” in favor of preservation.³⁰ Here, the Section 4(f) resources at issue — the Chinatown Historic District and the Dillingham Transportation Building — are nowhere mentioned or evaluated in the DSEIS’s discussion of imprudence.³¹ The document utterly and completely fails to apply the “substantially outweighs” test. The City and the FTA have used neither the “thumb” nor the “scale.”

C. Least Harm

For all of the reasons explained above, the Beretania Street Tunnel Alternative should be considered a feasible and prudent avoidance alternative. Therefore, the concept of “least harm” is not directly relevant. We make the following comments on the DSEIS’s “least harm” analysis without waiving any argument regarding the prudence of the Beretania Street Tunnel Alternative.

The DSEIS maintains that the Project is the “least harm” alternative. There are numerous problems with that conclusion.

It is undisputed that the Project would use more Section 4(f) resources than the Beretania Street Tunnel Alternative. Once the DSEIS’s egregiously flawed analysis of the OR&L property, McKinley High School, and “King Florist” is corrected, the distinction becomes even clearer: The Beretania Street Tunnel Alternative would result in use of at least 4 fewer Section 4(f) resources than would the Project.³²

Perhaps seeking to obscure this critical fact, the DSEIS focuses on a meaningless criterion: square footage of direct use. In doing so, it fails to address the full extent of the significant adverse impacts the Project would have on Chinatown and the Dillingham Transportation Building. Contrary to the DSEIS’s suggestion, the Project would have severe impacts on both Chinatown and the Dillingham Building, even after mitigation, as evidenced in the 2010 Environmental Impact Statement and the City’s own Historic Effects Report (among other sources).³³

The DSEIS also fails squarely to confront the fact that the resources that would be avoided by the Beretania Street Tunnel Alternative — and, in particular, the Chinatown Historic District and the Dillingham Transportation Building — are universally considered to be among the most important historic resources in Honolulu. Buildings like “King Florist,” a small, run-down, heavily-modified commercial building that has never been identified as historically significant (or even studied in detail!) simply do not have the same importance as the Chinatown Historic District and the Dillingham Transportation Building.

The DSEIS also fails to address other impacts on natural and historic resources that would be avoided by the Beretania Street Tunnel Alternative, including (but not limited to) adverse impacts on the historic Nuuanu Stream Bridge and other effects on jurisdictional waterways associated with the Project’s crossing of Nuuanu Stream.

²⁹ In particular, see 23 C.F.R. § 774.17 and 73 Fed. Reg. 13368, 13391-92 (March 12, 2008).

³⁰ See 73 Fed. Reg. 13368, 13392 (March 12, 2008).

³¹ DSEIS at 47-64.

³² This does not include Mother Waldron Park, a disputed issue addressed below.

³³ See, e.g., Final Environmental Impact Statement/Section 4(f) Evaluation at 4-71, 4-99 to 4-107, 4-194, etc.; Historic Effects Report (April 14, 2009) at 293-303, 335-37, etc. Attachment 6 contains a visual simulation, prepared by the American Institute of Architects, showing the impacts of the Project on and near the Dillingham Transportation Building.

The DSEIS does not actually present the “views of the officials with jurisdiction” over Section 4(f) resources.³⁴ Instead, it presents the City’s assumptions about what those views might be.

The DSEIS’s discussion of “least harm” (like its discussion of prudence and feasibility) fails to address the important issues raised by the United States District Court for the District of Hawaii.

The DSEIS’s “least harm” assertions regarding construction, delays, costs, and alleged impacts are very similar to assertions made in the document’s discussion feasibility and prudence. We incorporate by reference our comments on feasibility and prudence.

Finally, we note that the DSEIS’s discussion and selection of a “least harm” alternative is directly contrary to the requirements of the Section 4(f) regulations and applicable Department of Transportation guidance, both of which mandate selection of the Beretania Street Tunnel Alternative as the option causing the least overall harm.

3. The DSEIS Fails The Information About Mother Waldron Park

The DSEIS’s discussion of and conclusions about Mother Waldron Park is almost entirely based on a draft National Register form being prepared by the City. That form has not been provided to the public, making it virtually impossible to submit meaningful comments. This is particularly problematic because the conclusions of the draft National Register form with respect to visual and aesthetic impacts appear likely to be very different from the City’s previous conclusions about the impact of the Project on the visual environment near the Park.

We also note that page 97 of the DSEIS refers to prior public comments on Mother Waldron Park (“in response to public comments...”). To the best of our understanding, this DSEIS represents the first opportunity for public comment in the SEIS process. Please clarify.

4. The DSEIS Fails To Address Significant New Information

An SEIS must address significant new information — indeed, that is its purpose. Here, there is significant new information regarding the availability of reasonable, feasible, and prudent alternatives to the City’s preferred elevated heavy rail Project.

The City previously claimed that none of the alternatives considered in the AA was reasonable, feasible, or prudent because only the Project would satisfy the Purpose and Need for action. The DSEIS admits, for the first time, that alternatives considered (and rejected) during the AA process would, in fact, meet the Purpose and Need for action just as well as the Project.³⁵

³⁴ DSEIS at 68-69.

³⁵ DSEIS at 19, 47-49, 69.

The DSEIS should be significantly revised to address this significant new information by evaluating additional alternatives to the Project. Alternatives considered should include Bus Rapid Transit (including the Bus Rapid Transit project found to be reasonable, feasible, prudent, and "preferred" in EISs prepared by the City and the FTA in 2002-2003), light rail, and any alternative transit routes or configurations capable of avoiding impacts and/or use of downtown Honolulu's historic resources and parks. The document must then be recirculated for public and agency comment.

Sincerely,

Dentons US LLP

By: 
Nicholas C. Yost
Matthew Adams

cc: Elizabeth Merritt

Attachments

ATTACHMENT 1

UNITED STATES DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE

**NATIONAL REGISTER OF HISTORIC PLACES
INVENTORY -- NOMINATION FORM**

FOR NPS USE ONLY

RECEIVED JUN 5 1980
DATE ENTERED AUG 11 1980

SEE INSTRUCTIONS IN *HOW TO COMPLETE NATIONAL REGISTER FORMS*
TYPE ALL ENTRIES -- COMPLETE APPLICABLE SECTIONS

1 NAME

HISTORIC McKinley High School

AND/OR COMMON

2 LOCATION

STREET & NUMBER 1039 South King Street

— NOT FOR PUBLICATION
CONGRESSIONAL DISTRICT
First

CITY, TOWN Honolulu

— VICINITY OF

STATE

Hawaii

CODE
15

COUNTY
Honolulu

CODE
03

3 CLASSIFICATION

CATEGORY	OWNERSHIP	STATUS	PRESENT USE	
<input type="checkbox"/> DISTRICT	<input checked="" type="checkbox"/> PUBLIC	<input checked="" type="checkbox"/> OCCUPIED	<input type="checkbox"/> AGRICULTURE	<input type="checkbox"/> MUSEUM
<input checked="" type="checkbox"/> BUILDING(S)	<input type="checkbox"/> PRIVATE	<input type="checkbox"/> UNOCCUPIED	<input type="checkbox"/> COMMERCIAL	<input type="checkbox"/> PARK
<input type="checkbox"/> STRUCTURE	<input type="checkbox"/> BOTH	<input type="checkbox"/> WORK IN PROGRESS	<input checked="" type="checkbox"/> EDUCATIONAL	<input type="checkbox"/> PRIVATE RESIDENCE
<input type="checkbox"/> SITE	PUBLIC ACQUISITION	ACCESSIBLE	<input type="checkbox"/> ENTERTAINMENT	<input type="checkbox"/> RELIGIOUS
<input type="checkbox"/> OBJECT	<input type="checkbox"/> IN PROCESS	<input type="checkbox"/> YES: RESTRICTED	<input type="checkbox"/> GOVERNMENT	<input type="checkbox"/> SCIENTIFIC
	<input type="checkbox"/> BEING CONSIDERED	<input checked="" type="checkbox"/> YES: UNRESTRICTED	<input type="checkbox"/> INDUSTRIAL	<input type="checkbox"/> TRANSPORTATION
		<input type="checkbox"/> NO	<input type="checkbox"/> MILITARY	<input type="checkbox"/> OTHER:

4 OWNER OF PROPERTY

NAME State of Hawaii--Department of Education

STREET & NUMBER Queen Liliuokalani Building--1390 Miller Street

CITY, TOWN Honolulu

— VICINITY OF

STATE
Hawaii

5 LOCATION OF LEGAL DESCRIPTION

COURTHOUSE,
REGISTRY OF DEEDS, ETC. Bureau of Conveyances

STREET & NUMBER 1151 Punchbowl Street

CITY, TOWN Honolulu

STATE
Hawaii

6 REPRESENTATION IN EXISTING SURVEYS

TITLE Hawaii Register of Historic Places 80-14-9926

DATE

1975

— FEDERAL STATE — COUNTY — LOCAL

DEPOSITORY FOR
SURVEY RECORDS

Department of Land and Natural Resources

CITY, TOWN Honolulu

STATE
Hawaii

7 DESCRIPTION

CONDITION

EXCELLENT
 GOOD
 FAIR

DETERIORATED
 RUINS
 UNEXPOSED

CHECK ONE

UNALTERED
 ALTERED

CHECK ONE

ORIGINAL SITE
 MOVED DATE _____

DESCRIBE THE PRESENT AND ORIGINAL (IF KNOWN) PHYSICAL APPEARANCE

Sited on South King Street in the midst of a medium density urban area, the McKinley High School campus is distinguished by its central quadrangle with a spacious lawn bordered on two sides by seventeen Chinese banyan trees, which were planted by students in the late nineteen twenties. Surrounding the quadrangle are the four original classroom buildings and the Marion McCarrell Scott Auditorium, all of which are stucco veneered, reinforced concrete structures rendered in the Spanish Colonial revival style. Another significant historic building, The Senior Core Building, is located at the Ewa-makai (west) corner of the quadrangle. Other features on the quadrangle include a flagpole in the center, and a statue of President William McKinley, which stands in the middle of an oval drive at the head of the quadrangle, and is flanked on either side by a monkey pod tree. The eight foot high bronze statue rests on a nine foot pedestal made of Hurricane Island granite by the Bardwill Granite Company of Rockland, Maine. The statue is the work of Curzon Osborne, a Honolulu sculptor, and was cast in one piece by the firm of Bartelli in New York, which employed the then innovative "lost wax" technique.

The Buildings:

1. The Commerical Building is a two-story rectangular structure with a red tile hipped roof. It has a center section of nine bays with outset wings at either end. The end bays of the center section contain round arched entries which are elaborately embellished with terra cotta. Above these entries are a pair of second story round arched, double hung sash windows. The remainder of the windows in the center section are casement, with the first story windows featuring round arched architraval trim. The wings are distinguished by three second story round arched windows with wreathed columns. The wings' windows are casement with six panes, and between the first and second stories is a tile panel with a cartouche. The wings terminate with a false front gable with a blind arcade.

2. The Home Economics Building is a one-story, rectangular structure with a red tile hipped roof which is connected to the Commercial Building by a single story, round arched arcade of six bays. The arcade has a red tile gabled roof and a set of centered steps leading to it. The Home Economics Building is seven bays long with a centered round arched entry with a gabled roof dominating the facade. To either side of the entry are five casement windows which are flanked by small round arched windows. The primary design feature of the structure is an elaborately decorated round arched entry with a gabled roof on the mauka (mountain, King Street) side of the building. On either side of the decorative archway are free-standing columns which support ceramic owls.

8 SIGNIFICANCE

PERIOD	AREAS OF SIGNIFICANCE -- CHECK AND JUSTIFY BELOW				
<input type="checkbox"/> PREHISTORIC	<input type="checkbox"/> ARCHEOLOGY-PREHISTORIC	<input type="checkbox"/> COMMUNITY PLANNING	<input type="checkbox"/> LANDSCAPE ARCHITECTURE	<input type="checkbox"/> RELIGION	
<input type="checkbox"/> 1400-1499	<input type="checkbox"/> ARCHEOLOGY-HISTORIC	<input type="checkbox"/> CONSERVATION	<input type="checkbox"/> LAW	<input type="checkbox"/> SCIENCE	
<input type="checkbox"/> 1500-1599	<input type="checkbox"/> AGRICULTURE	<input type="checkbox"/> ECONOMICS	<input type="checkbox"/> LITERATURE	<input type="checkbox"/> SCULPTURE	
<input type="checkbox"/> 1600-1699	<input checked="" type="checkbox"/> ARCHITECTURE	<input checked="" type="checkbox"/> EDUCATION	<input type="checkbox"/> MILITARY	<input type="checkbox"/> SOCIAL/HUMANITARIAN	
<input type="checkbox"/> 1700-1799	<input type="checkbox"/> ART	<input type="checkbox"/> ENGINEERING	<input type="checkbox"/> MUSIC	<input type="checkbox"/> THEATER	
<input type="checkbox"/> 1800-1899	<input type="checkbox"/> COMMERCE	<input type="checkbox"/> EXPLORATION/SETTLEMENT	<input type="checkbox"/> PHILOSOPHY	<input type="checkbox"/> TRANSPORTATION	
<input checked="" type="checkbox"/> 1900-	<input type="checkbox"/> COMMUNICATIONS	<input type="checkbox"/> INDUSTRY	<input type="checkbox"/> POLITICS/GOVERNMENT	<input type="checkbox"/> OTHER (SPECIFY)	
		<input type="checkbox"/> INVENTION			

SPECIFIC DATES 1923-4, 1927, 1939 BUILDER/ARCHITECT Davis & Fishbourne, Ossipoff

STATEMENT OF SIGNIFICANCE

The McKinley High School is significant in the history of education in the State of Hawaii as the oldest high school in the State and the leading public school in Hawaii during the nineteen twenties and thirties.

The history of McKinley as a school can be traced back to the Fort Street School of 1865. This school in 1895 was split into Kaiulani Elementary School and Honolulu High School. The latter was located in Princess Ruth's Palace on Emma Street until 1908 when the present Linekona School was completed. At the time of the dedication of this new building on Victoria Street, the school's name was changed to McKinley, in honor of the martyred president who had annexed Hawaii as a territory of the United States. The school quickly outgrew its new building and in 1922 plans were drawn by Davis & Fishbourne for a new campus on King Street. The Commercial (1) and Mathematics (4) Buildings were completed in 1923 and the Art (3) and Home Economics (2) Buildings were finished in the following year, at which time the entire student body began using the new campus. The Marion McCarrell Scott Auditorium (5), also designed by Davis & Fishbourne, was dedicated to former principal Scott in May 1928. At the time of its dedication, it was the largest theater in Hawaii with a seating capacity of 1,114. As such, it served not only the students but the community at large, with famous singers and lecturers performing there. The next substantial building erected on the campus was the Senior Core Building (6), a WPA financed project. Louis Davis, the designer of the other campus buildings, was in retirement at this time, but was commissioned to design this building with Vladimir Ossipoff, who did the actual work. Since World War II, numerous buildings have been constructed on the campus, but these are of a more modern and functional design and are not included in this nomination.

Through the nineteen twenties more than half of the high school students in Hawaii attended McKinley. Among its 1929 student body of 2,339, 43% were Japanese, 20% were Chinese, 11% Hawaiian, 10% haole (white) and 4% Portuguese. Throughout this decade McKinley offered the general public, which was primarily non-white, a level of education previously obtainable only at haole (white) dominated private schools. The person primarily responsible for the position of McKinley as a harbinger of democratic principles and racial acceptance was Miles E. Carey, the school's principal from 1924 to 1948. A graduate of Columbia University and student of

9 MAJOR BIBLIOGRAPHICAL REFERENCES

Original Blueprints

Lawrence Fuchs, Hawaii Pono, New York. 1961

"A Hundred Years; McKinley High School 1865-1965." Honolulu, 1965

"75 Years." Honolulu, 1940

Honolulu Advertiser and Star-Bulletin. 1922-1940

The Daily Pinion, September-December 1939

10 GEOGRAPHICAL DATA

UTM NOT VERIFIED

ACREAGE OF NOMINATED PROPERTY approx. 8 acres

QUADRANGLE NAME _____

ACREAGE NOT VERIFIED

QUADRANGLE SCALE _____

UTM REFERENCES

A 04 619240 23561180

B _____
ZONE EASTING NORTHING

C _____

D _____

E _____

F _____

G _____

H _____

VERBAL BOUNDARY DESCRIPTION

This nomination includes the property within the red lines as delineated by the enclosed map entitled McKinley High School.

LIST ALL STATES AND COUNTIES FOR PROPERTIES OVERLAPPING STATE OR COUNTY BOUNDARIES

STATE	CODE	COUNTY	CODE
STATE	CODE	COUNTY	CODE

11 FORM PREPARED BY

NAME / TITLE

Don Hibbard-Architectural Historian and Nathan Napoka-Historian

ORGANIZATION

Department of Land and Natural Resources

DATE

Nov. 16, 1979

STREET & NUMBER

1151 Punchbowl Street

TELEPHONE

548-6408

CITY OR TOWN

Honolulu

STATE

Hawaii

12 STATE HISTORIC PRESERVATION OFFICER CERTIFICATION

THE EVALUATED SIGNIFICANCE OF THIS PROPERTY WITHIN THE STATE IS:

NATIONAL

STATE

LOCAL

As the designated State Historic Preservation Officer for the National Historic Preservation Act of 1966 (Public Law 89-665), I hereby nominate this property for inclusion in the National Register and certify that it has been evaluated according to the criteria and procedures set forth by the National Park Service.

STATE HISTORIC PRESERVATION OFFICER SIGNATURE

[Handwritten Signature]

TITLE

DATE May 28, 1980

FOR NPS USE ONLY

I HEREBY CERTIFY THAT THIS PROPERTY IS INCLUDED IN THE NATIONAL REGISTER

[Handwritten Signature]
KEEPER OF THE NATIONAL REGISTER

DATE 5/11/80

ATTEST:

[Handwritten Signature]
CHIEF OF REGISTRATION

DATE 8-4-80

UNITED STATES DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE

**NATIONAL REGISTER OF HISTORIC PLACES
INVENTORY -- NOMINATION FORM**

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RECEIVED JUN 5 1980
DATE ENTERED AUG 14 1980

CONTINUATION SHEET

ITEM NUMBER 7

PAGE 2

3. The Art Building stands across the quadrangle from the Home Economics Building and repeats the same design. The only differences between the two structures are that the Art Building has wood louvered windows rather than casement, and a wing extends from the right rear of the building, thus causing three of the archways of the arcade to be blind.

4. The Mathematics Building, connected to the Art Building by an arcade similar to that between the Commercial and Home Economics Buildings, follows the plan of the Commercial Building, but has different applied ornament. Its round arched entries feature a Griffin in the tympanum and terminate in a manner reminiscent of an accolade. Also the two wings feature a round arched niche supported by a pendentive on the first story, and a set of three blind round arches with wreathed columns on the second. A cartouche with garlands is below the second story blind arches.

5. The Marion McCarrell Scott Auditorium, located at the head of the quadrangle, is a two-story, T-shaped building with a red tile roof. The auditorium is dominated by an outset center section of five bays which serves as the main entry. This section has on the first story three highly embellished, terra cotta, round arched portals which are flanked on either side by a round arched window with a terra cotta ornamented tympanum. The second story features pairs of round arched windows with wreathed columns in the center three sections. Again a single round arched window flanks these major windows. All windows are casement of twelve lights. The three center bays terminate with a false front gable with a blind arcade while the end bays form mock towers with hipped roofs which balance this section. A large octagonal cupola with a red tile roof and a smaller bronze cupola with a finial rise from this center section.

To either side of the center section extends eight bays with ten light casement windows on both stories. The first story windows have round arched architrave trim. The facade terminates at each end with an outset bay with a gabled roof and a large round arched panel. The interior of this structure, as with all the others, remains relatively intact. The building houses the administrative offices of the school, the library, and the auditorium. The central lobby features octagonal columns. On the exterior of the auditorium, on either side of the base of the T, are landscaped areas which are now in a state of disrepair. Numerous coconut palms grow in these areas. In the Diamond Head (south-east) area stands a broken sun dial, the gift of the class of 1922.

UNITED STATES DEPARTMENT OF THE INTERIOR
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**NATIONAL REGISTER OF HISTORIC PLACES
INVENTORY -- NOMINATION FORM**

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PAGE 3

6. The Senior Core Building, built in 1939, is a two-story, U-shaped, reinforced concrete building with a red tile hipped roof with overhanging eaves and exposed rafters. Its center section and wings are each five bays wide, with the center section's three middle bays having a stepped entry. Other access portals are located at the ends of the wings and at the intersection of the wings and the center section. These portals all feature cast stone decorative panels above their openings. These panels depict a man with sharks, and a woman with breadfruit and mo'o (dragons, lizards). The building is distinguished by an inset wrap-around lanai (porch) on the first and second stories which faces makai (ocean) to protect against the rains coming from the mountains. The lanai (porch) railings have terra cotta trim on top and feature terra cotta ornamentation which depict Island produce--breadfruit, taro, and papaya. All windows are double hung sash with bottom transoms of four lights. The wings' front walls have cast stone ornamentation on the first story and a second story balcony.

Although this building is not fifty years old, it is included in the nomination as it perpetuates the spirit of the older buildings, and is one of the more outstanding examples of tropical design applied to a school building in the nineteen thirties. Since the end of World War II, the Department of Education has built in an austere manner, erecting minimal buildings of concrete block in an effort to save tax dollars. Thus, this structure is easily recognizable as belonging to a distinct period whose time has passed.

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**NATIONAL REGISTER OF HISTORIC PLACES
INVENTORY -- NOMINATION FORM**

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Dewey's, Carey was the most significant educator in Hawaii during the nineteen twenties and thirties. His most important contribution to McKinley was the development of the "core curriculum" of English and Social Studies. His objective was to center the teaching of English around real social problems, and to encourage democratic participation by students as they learned. The program was very popular among teachers and students, but ran into opposition within the community. Many people considered Carey too pro-Japanese (he spent part of World War II volunteering his help in a Japanese relocation center on the mainland), and they thought his core program to be too liberal, as he was encouraging his students to take part in the democratic process of government. Many people well understood that participation could lead to control of the system, thus those in power regarded his methods as quite threatening. Carey's influence on the history of Hawaii has been long lasting as can be readily attested by merely perusing the photographs of illustrious alumni which hang on the wall in the halls of the Marion McCarrell Scott Auditorium. These include such political leaders as Governor George Ariyoshi, former U.S. Senator Hiram Fong, and U.S. Senator Dan Inouye.

As part of the core program, the students did most all the landscape work on the campus and helped to maintain the school grounds as well. In 1924, a chapter of the National Honor Society was established at the school, the first such chapter granted a school in an American possession outside the United States.

McKinley High School is also architecturally significant as one of the most elegant examples of Spanish Colonial revival architecture in Hawaii, along with the Hawaiian Electric Building by York and Sawyer, and the Y.W.C.A. by Julia Morgan. Designed in the early nineteen twenties, its style is typical of the era, a period when architects were self-consciously approaching the question of an indigenous architectural design characteristic for Hawaii. From the early twenties through the thirties the Mediterranean and Spanish architectural forms experienced much popularity in the Islands, as might be noted in such buildings as the O.R. & L. Depot, Honolulu Academy of Arts, Federal Building, Honolulu Hale, Royal Hawaiian, C. Brewer Building, and numerous residences.

The extensive use of elaborate terra cotta embellishment employed on the buildings at McKinley is particularly noteworthy, and represent the most lavish use of this material on Spanish Colonial revival style buildings in the State.

UNITED STATES DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE

**NATIONAL REGISTER OF HISTORIC PLACES
INVENTORY -- NOMINATION FORM**

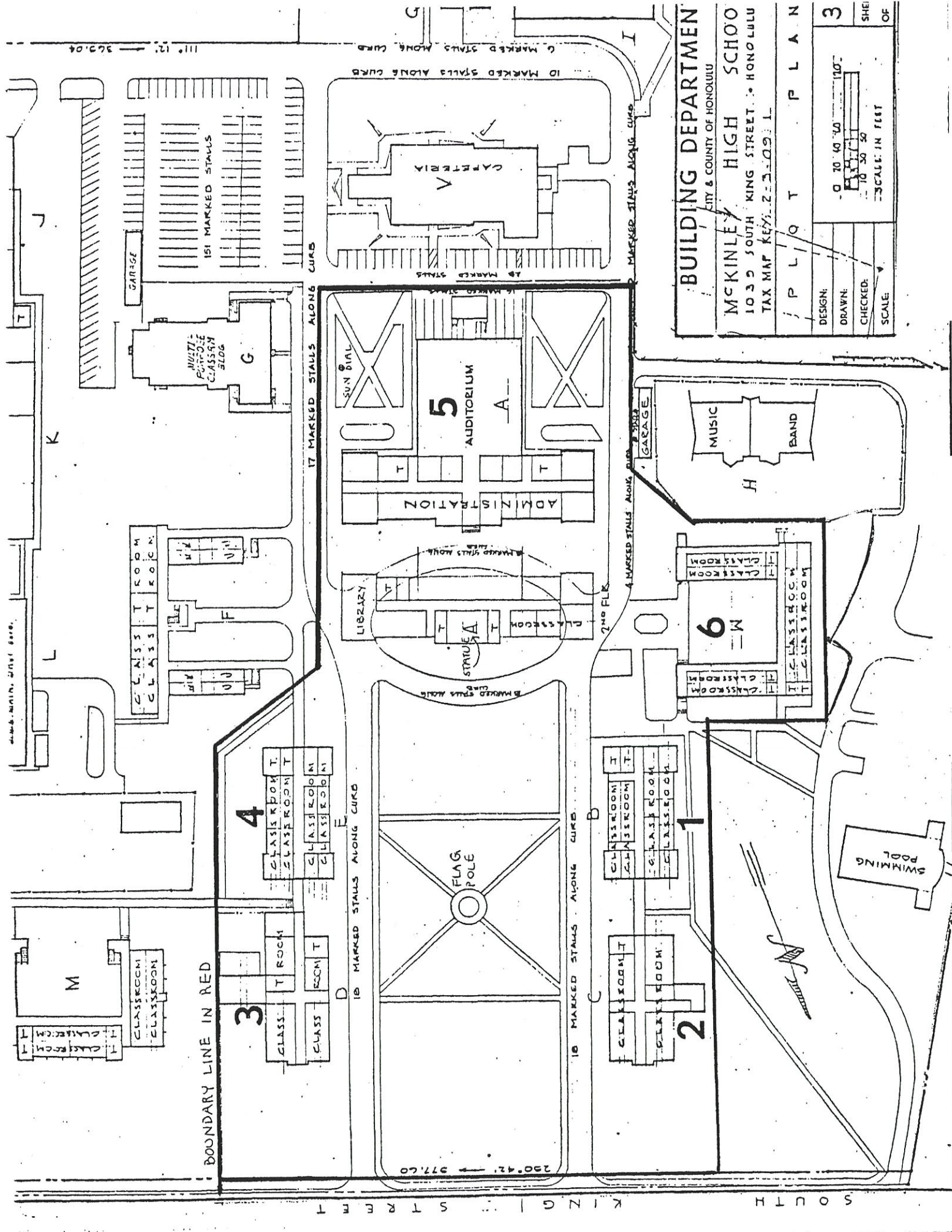
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The Senior Core Building (6), completed in 1940, is not yet fifty years old. This structure is of exceptional significance; its ornamentation and open, airy spaces, make it one of the more outstanding examples of thirties public architecture to consciously embody a Hawaiian architectural style.



BUILDING DEPARTMENT
 CITY & COUNTY OF HONOLULU

MCKINLEY HIGH SCHOOL
 1035 SOUTH KING STREET - HONOLULU
 TAX MAP KEY: 2-3-09-1

PLAN

DESIGN: _____
 DRAWN: _____
 CHECKED: _____
 SCALE: _____

0 10 20 30 40 50 60 70 80 90 100
 FEET
 SCALE IN FEET

3 OF SHEETS

BOUNDARY LINE IN RED

3

4

2

1

6

5

A

LIBRARY

ADMINISTRATION

AUDITORIUM

CAFETERIA

CLASS ROOM T
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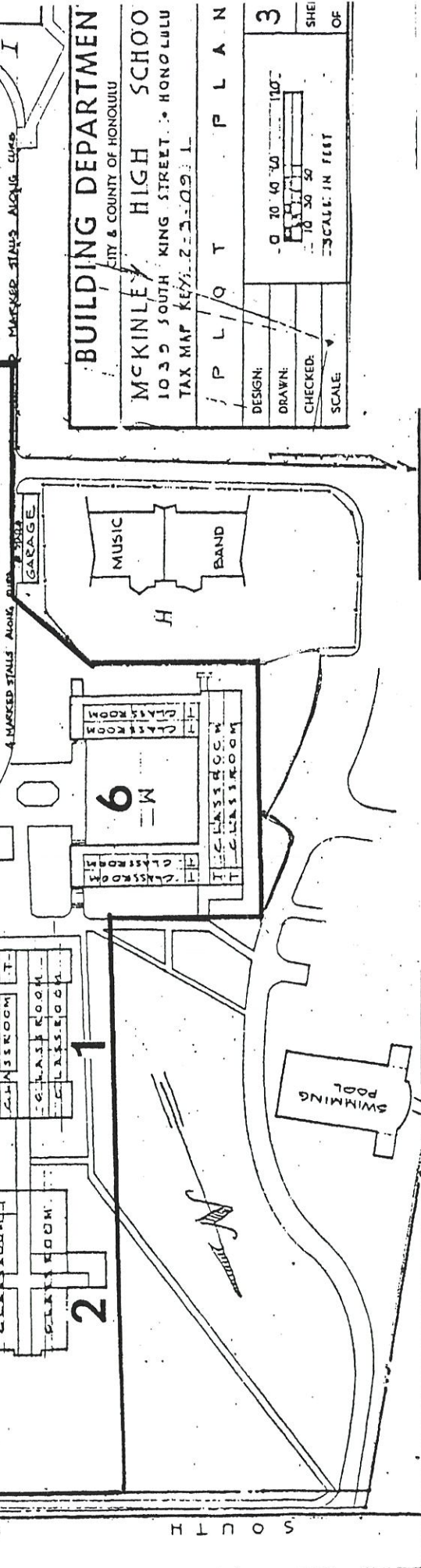
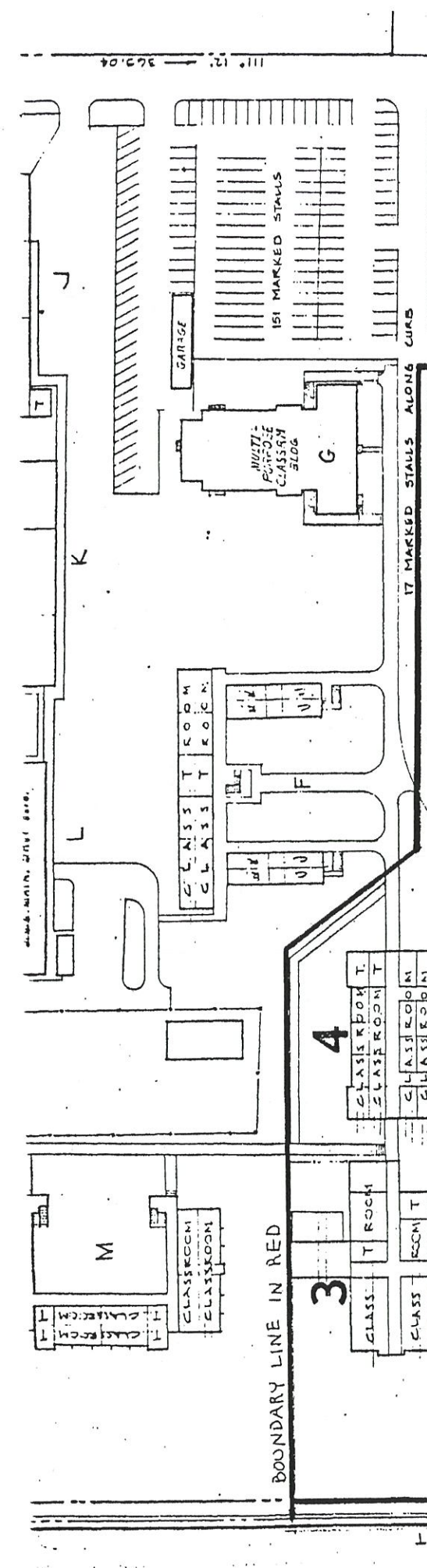
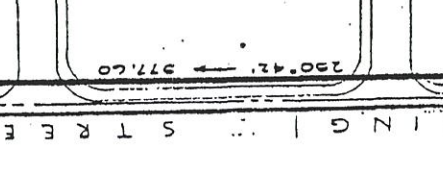
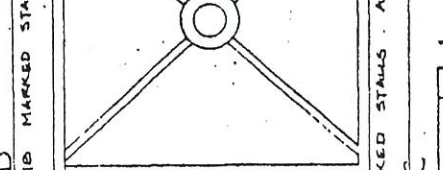
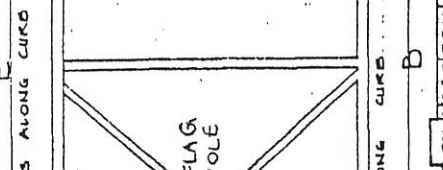
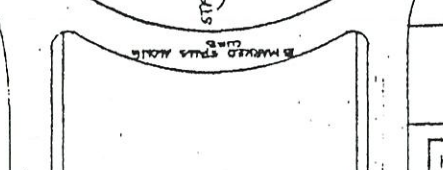
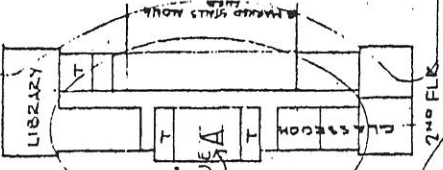
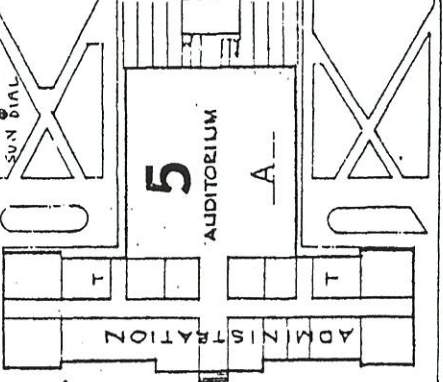
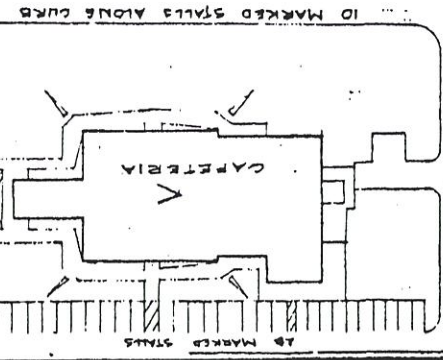
MUSIC
 BAND

MULTI-PURPOSE CLASSROOM BLDG

GARAGE

GARAGE

FLAG POLE



4-4-66 MAIN, WEST SIDE

111° 12' 36.04

250° 42' 37.60

SOUTH KING STREET

17 MARKED STALLS ALONG CURB

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MARKED STALLS ALONG CURB

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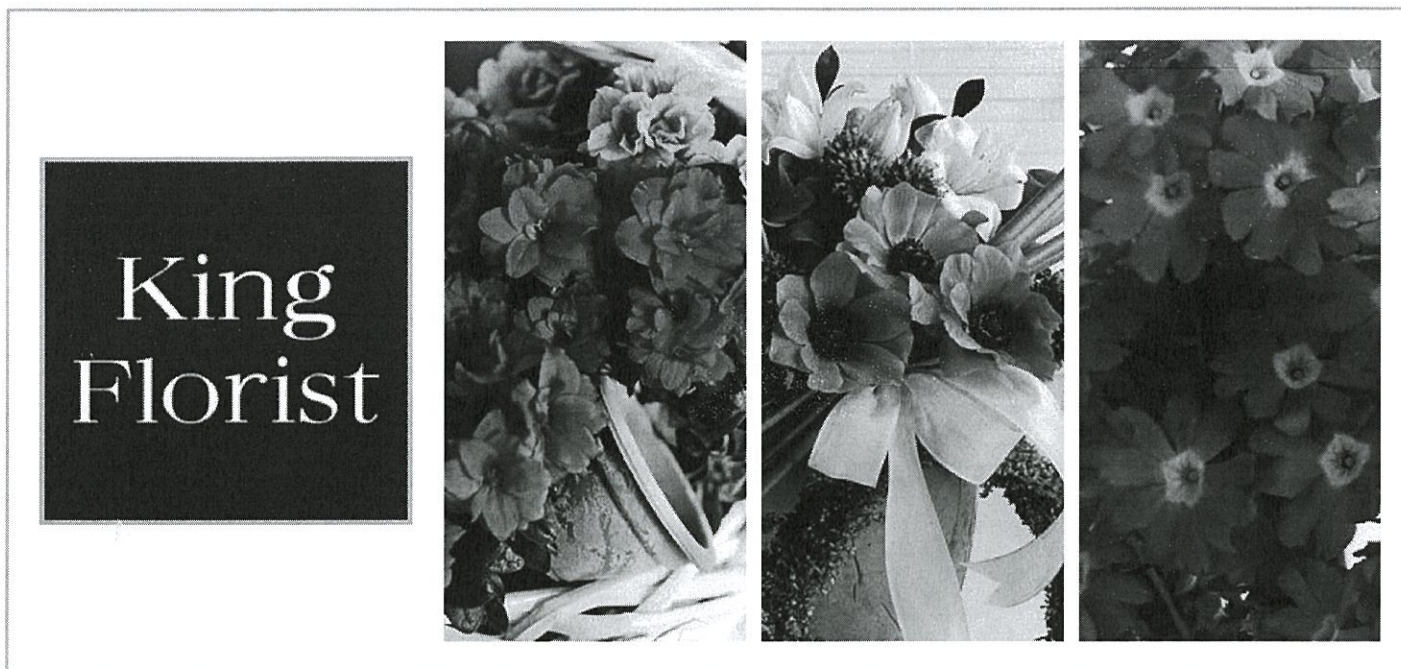
D

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G



ATTACHMENT 2



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96816; 96817; 96818; 96819; 96820; 96821; 96822; 96823; 96824; 96825; 96826; 96827; 96828; 96830; 96835; 96836; 96837;
96838; 96839; 96840; 96841; 96842; 96843; 96844; 96845; 96846; 96847; 96848; 96849; 96850;

Cemeteries: Diamond Head Memorial Park; Greenhaven Memorial Park; Homelani Memorial Park Inc; Honolulu Memorial Park; Maui Memorial
Park Inc; Oahu Cemetery; Valley Of The Temples Memorial;

Funeral Homes: Borthwick Mortuary; Hawaiian Memorial Park Cemetery & Crematory; Hosoi Garden Mortuary Inc; Mililani Downtown Mortuary;
Moanaulua Mortuary; Nakamura Mortuary Inc; Williams Funeral Service; Windward Mortuary; Windward Mortuary At Valley; Woolsey Funeral
Home & Cemetery;

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Hospital; Shriners Hospital For Children; St Francis Medical Center; Straub Clinic & Hospital Inc;

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ATTACHMENT 3

To see all the details that are visible on the screen, use the "Print" link next to the map.



© 2013 Google Image Date: July 2011

Report

ATTACHMENT 4



To see all the details that are visible on the screen, use the "Print" link next to the map.



ATTACHMENT 5



UNITED STATES DISTRICT COURT

CHAMBERS OF
SUSAN OKI MOLLWAY
CHIEF UNITED STATES DISTRICT JUDGE

DISTRICT OF HAWAII
300 ALA MOANA BOULEVARD, C-409
HONOLULU, HAWAII 96850-0409

TELEPHONE
(808) 541-1720
FACSIMILE
(808) 541-1724

July 8, 2013

Mr. Ted Matley
FTA Region IX
201 Mission St., Ste. 1650
San Francisco, CA 94105

Mr. Daniel A. Grabauskas
Honolulu Authority for Rapid Transportation
City and County of Honolulu
1099 Alakea St., Ste. 1700
Honolulu, HI 96813

Re: Draft Supplemental Environmental Impact Statement
Section 4(f) Evaluation of Honolulu Rail Transit Project

Gentlemen:

On behalf of the United States District Court for the District of Hawaii, I submit that the Draft Supplemental Environmental Impact Statement (“DSEIS”) fails to give adequate consideration to the Beretania Street Tunnel Alternative.¹

In his Order on Cross-Motions for Summary Judgment filed November 1, 2012, Judge A. Wallace Tashima directed that: “Defendants must fully consider the prudence and feasibility of the Beretania tunnel alternative specifically, and supplement the FEIS and ROD to reflect this reasoned analysis in light of evidence regarding costs, consistency with the Project’s purpose, and other pertinent factors. . . . Should

¹ In a letter dated May 30, 2012, I previously submitted reasons that the Halekauwila Street route was neither prudent nor feasible, particularly with respect to still unresolved serious security risks to the United States District Court building presented by the proposed route of the Honolulu Rail Transit Project.

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Defendants determine, upon further examination of the evidence, that their previous decision to exclude the Beretania alternative because it would be imprudent was incorrect, they must withdraw the FEIS and ROD and reconsider the project in light of the feasibility of the Beretania tunnel alternative. . . .” Order at page 27.

The Beretania Street Tunnel Alternative accomplishes the original intended goal of the Honolulu Rail Transit Project, while the Project’s proposed route to the Ala Moana Shopping Center does not. Indeed, under the heading “1.4.1 Purpose of the Project”, on page 12, the DSEIS proclaims: “The purpose of the Honolulu [Rail Transit] Project is to provide high-capacity rapid transit in the highly congested east-west transportation corridor between Kapolei and UH Manoa, as specified in the Oahu Regional Transportation Plan 2030 (ORTP)(OahuMPO 2007).” (Emphasis added.)

Remarkably, the Project’s proposed rail route fails to run along “the highly congested east-west transportation corridor between Kapolei and UH Manoa,” the very corridor expressly identified as the route the Project is intended to serve.

The Project’s proposed rail route does not go anywhere near the UH Manoa campus. Instead, it goes to the Ala Moana Shopping Center! The DSEIS then unrealistically posits that a UH student, after riding the rail to Ala Moana, can transfer to a bus to get to the UH campus and, even including the time spent getting to the bus boarding area and waiting for the bus, arrive within 9 minutes. (See Table 3, page 48 of the DSEIS: Waianae to UH Manoa: Beretania Street Tunnel – 84 minutes; The Project – 93 minutes.)

The DSEIS opines that the Beretania Street Tunnel Alternative will increase the capital cost of the Project by \$960 million (page 61) and add 2 years to its construction duration (page 58). However, the DSEIS fails to opine, or even consider, what the capital cost of the proposed future extension from the Ala Moana Shopping Center to UH Manoa might be. There could be a major cost-saving in implementing the Beretania Street Tunnel Alternative now rather than pursuing a possible two-stage development involving initial construction of the rail route to the Ala Moana Shopping Center and later extension to UH Manoa. In fact, given the economy, sequestration, the loss of Senator Inouye’s influence, and other intervening factors, it is realistic to question whether the extension to UH Manoa will ever be built. It is critical to accomplish the intended purpose of the Honolulu Rail Transit Project “to provide high-capacity rapid transit” by a rail route to UH Manoa now, while we have the best opportunity to do so.

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UH Manoa, with a student body of 20,426, plus professors, administrators, maintenance staff, and others, is a major contributor to Oahu's severe traffic problems. These problems would be significantly improved by the Beretania Street Tunnel Alternative. The Project's proposed Ala Moana route promises nothing close to that improvement. Moreover, the proposed Fort Street Station that is part of the Beretania Street Tunnel Alternative would be in easy walking distance of downtown workplaces. Passage by bus directly to Waikiki could be provided from the proposed Kalakaua Station. Although Kapolei and other areas in West Oahu have shopping centers with both comparable shops as well as many stores offering discounted merchandise, the court understands that passengers from those parts of the island may want to go to the Ala Moana Shopping Center. Those passengers would be able to transfer to buses at the proposed Pensacola Street Station (DSEIS page 20).

The DSEIS suggests that the Beretania Street Tunnel Alternative risks reaching the water table and thereby creating settlement problems (page 45). However, the DSEIS itself acknowledges that any such risk could be significantly mitigated. Indeed, in many other cities tunnels have been successfully and safely constructed at that level. In the alternative, the rail could be elevated above street level, which presumably would be less costly. (HART appears to have rejected a street-level alternative because of vehicular traffic and safety concerns.)

To those familiar with the historic structures in the downtown area, it appears that the DSEIS may well overstate the relative impact the Beretania Street Tunnel Alternative would have on historic buildings as compared to the impact the present proposed route would have. (page 68).

Nor does it appear that the effect the Beretania Street Tunnel Alternative would have on vehicular traffic would be significantly greater than the Project's proposed route along Ala Moana Boulevard and Halekauwila Street (page 61).

It also appears that the Beretania Street Tunnel Alternative would avoid obstructing the view corridors for the Capitol District from Punchbowl to the waterfront as established in Land Use Ordinance Sec. 21-9.30-1.3, which the Project's proposed Ala Moana route would violate (page 20).

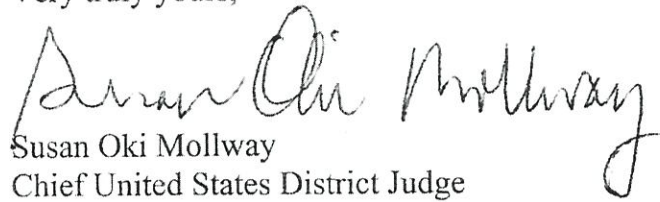
While suggesting that a Beretania Street tunnel might affect some archeological and burial sites, the DSEIS acknowledges that fewer such sites would likely

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be affected because the Beretania Street Tunnel Alternative is further inland than the Project's proposed Ala Moana route (page 57).

In conclusion, the court urges you to recognize that the Beretania Street Tunnel Alternative, which is a more prudent and feasible route for the Project than the route presently proposed, has not been adequately considered in the DSEIS.

Very truly yours,

A handwritten signature in black ink, appearing to read "Susan Oki Mollway". The signature is fluid and cursive, with the first name "Susan" being the most prominent.

Susan Oki Mollway
Chief United States District Judge

cc: Matthew G. Adams
Michael Jay Green
David B. Glazer
John P. Manaut
Harry Yee
Peter C. Whitfield
Don S. Kitaoka
Edward V. A. Kussy
Robert D. Thornton
William Meheula
Robert P. Richards
Elizabeth S. Merritt

ATTACHMENT 6

