



Preserving the Ewa Field Battlefield

JANUARY 2019

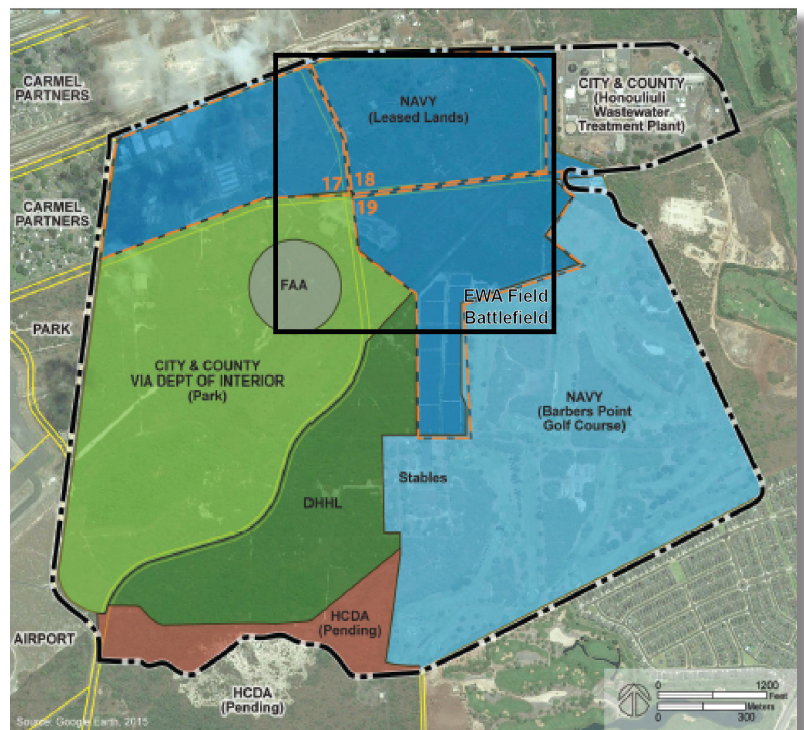
Ewa Field Battlefield Preservation Plan Progressing

Many individuals and organizations have devoted themselves to the preservation of the area once known as Ewa Field, and later as Marine Corps Air Station (MCAS), Ewa. This area has a rich and varied history, in large part as a military installation associated with the December 7, 1941 Japanese attack on Hawaii. Louis Berger U.S., Inc. (Louis Berger), in association with AHL, is preparing a Battlefield Preservation Plan for Ewa Field which is intended to define an overall vision for preserving the battlefield; provide guidance about what needs to be done to protect the battlefield and its resources; address a long-term management concept and objectives for the treatment of the battlefield; establish a strategy to guide preservation efforts; and develop strategies that balance land and resource protection, private landowner concerns, and public access and use. With that responsibility, the Team has focused on developing a preservation plan that will have broad and deep support, thereby offering a greater likelihood of success.

The U.S. Navy controls approximately 1,055 acres of lands encompassing the military installations which once existed in the present-day Kalaeloa area including Ewa Field. Most of these lands have been conveyed or will soon be conveyed with up to five entities possibly controlling portions of the National Register of Historic Places nominated battlefield including the City & County of Honolulu (for park and recreation purposes), the Federal Aviation Administration, Department of Hawaiian Home Lands, and Hunt with the U.S. Navy retaining the Barbers Point Golf Course and Barber's Point Riding Stables.

Today, there is no regular public access to the December 7, 1941 battlefield, which is largely covered in dense scrub. Over time vegetation and the weather will continue their deterioration of the remnants of Ewa Field, until there is little remaining but a thick mass of plants and fragments of concrete and asphalt. Without oversight from a controlling entity that can protect and preserve the Ewa Field battlefield, it could become little more than a memory among a dwindling number of veterans, preservationists, and historians.

Work by the Team has been advancing over the past several months with progress in developing possible battlefield preservation options, engaging stakeholders and others in the planning process, and identifying and evaluating potential preservation tools that could play a role in protecting the battlefield. The Ewa Field battlefield as it existed on December 7, 1941 has been found to be nationally significant, however, up until now methods have not been explored for its long-term preservation and protection. This newsletter focuses on potential tools for preserving the Ewa Field battlefield as a prelude to a larger discussion of the vision for the future battlefield, long-term management concepts and objectives for the battlefield, and a strategy to guide preservation efforts among other issues.



Property ownership map for Ewa Field battlefield study area.

Potential Battlefield Preservation Tools

According to the National Park Service, development poses a significant threat to historic and archeological sites across the country. Although Section 106 of the National Historic Preservation Act requires an assessment of historic properties and archeological sites affected by federal undertakings, many sites nonetheless are damaged or destroyed annually. Development poses a greater risk to sites on non-federal land because few laws regulate historic preservation involving private property, although development or similar alterations to historic sites and lands may require compliance with State Historic Preservation Office regulations.

Historic buildings, sites, and lands including battlefields, can be preserved and protected in a variety of ways. Partial or full interest in land can be purchased or donated to a government entity or a qualified non-profit organization. Other options also exist as discussed below. Ownership and control, either full or partial, of lands with historic values brings with it the duty to steward the land which can vary widely depending on the nature of the abutting land uses, the size and condition of the property, the availability of staff trained to manage and protect historic sites and lands, among others.

Because of the significance of the Japanese attack on December 7, 1941 and the broader World War II experience for the history of Hawaii and the nation, preservation of key portions of the overall Ewa Field battlefield is a necessary and achievable goal. To retain its significance, the preserved area need not include the entirety of the battlefield; after all, few of the National Parks commemorating Revolutionary War and Civil War battles include all the lands that historians would consider as comprising entire battlefields.

Fee Interest

Historic buildings and lands (hereinafter “property”) can be acquired outright, with a fee interest (meaning that the owner controls all rights associated with the parcel) being transferred to the purchasing entity (i.e., government or qualified non-profit organization). The property can be purchased at full or below market value, each of which have different tax implications for the seller. The purchaser would then be responsible for protection, preservation, restoration, maintenance, security, and public access among other responsibilities.

This approach reduces conflicts over conservation approaches since the owning entity bears all responsibilities. On the downside, acquisition by a government or qualified non-profit organization may reduce the amount of taxable property and

therefore the annual tax revenues. However, lands acquired by either government or a non-profit for historic preservation purposes can enhance the value of nearby properties and increase tax revenues over time.

Acquisition in fee affords the most protection for a property, since all the rights are owned and stewarded by an appropriate entity. However, it is often too costly to acquire and protect all important resources. Therefore, ownership of just the rights most important to the protecting entity, through a conservation easement or the purchase of development rights, is often a viable alternative.

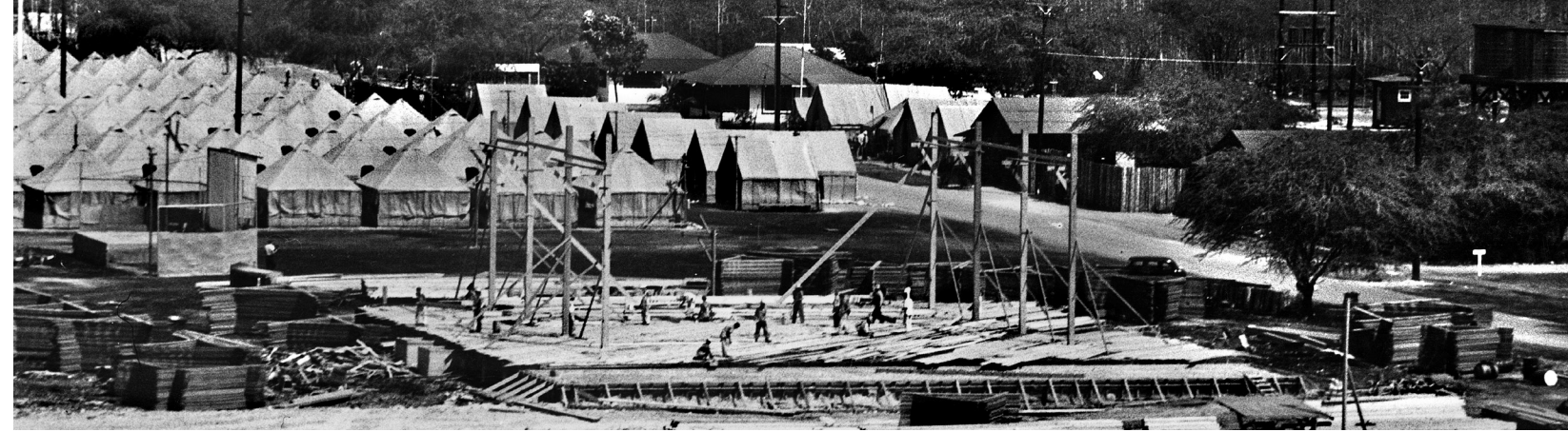
Conservation Easement

A conservation easement is a voluntary and legally binding agreement between a private landowner and a government agency or qualified non-profit organization to restrict the development, management, or use of land in perpetuity. The non-profit or government entity holds the conservation interest and is empowered to enforce its restrictions against the current landowner and all subsequent owners of the property. The landowner retains the rights to sell, transfer and use the property in any way consistent with the provisions of the conservation easement. The landowner and all future landowners may use the property in any way that is consistent with the terms of the conservation easement, while protecting the historic or conservation values of the land. A conservation easement does not enable the holder to use the development rights or to assign them to another holder for use and may receive tax benefits by providing the easement.

Preservation Easement

Historic preservation easements can be used to protect historic structures, an historic landscape, a battlefield, or archaeological site. As with conservation easements, a preservation easement provides assurance to the owner of a historic or cultural property that the property’s intrinsic values will be preserved through subsequent ownership. In addition, the owner may be eligible for a variety of tax benefits. Under the terms of an easement, a property owner grants a portion of his or her property rights to an organization whose mission involves historic preservation.

Conservation and preservation easements are less expensive than fee purchase and more restrictive and permanent than zoning regulations. Since landowners decide to protect their land and may benefit from tax incentives, the restriction encounters less resistance from the public. Easements, however, leave land in private ownership, potentially denying public access (unless access is specifically included in the agreement) and lessening public influence in which lands or resources should be protected.



Purchase of Development Rights

Similar in concept to a conservation easement is the purchase of development rights (PDR) that allows a landowner to receive compensation for voluntarily restricting the future use of a property. In some cases, municipalities would change the zoning of a property in such a way as to limit the uses available to the landowner and make the property less attractive to development. PDR programs were created to ensure that landowners receive fair compensation for a decrease in the number and type of rights that can be exercised.

PDR programs can utilize a variety of methods that vary in their actual protection of the land. PDR programs often utilize conservation easements as the mechanism, which afford the most protection. If the property is not permanently protected by a conservation easement, such programs may be subject to revision or abolition in the future. Therefore, the restriction in a PDR program should take the form of a conservation easement under which the landowner retains title to the land and the government entity or land trust gains the right and responsibility to enforce the restriction that the easement imposes on the land’s development. The cost of the development right is the difference between the value of the land with the development restriction and the value of the land for its “highest and best use.” In exchange for placing the development restriction on the property, the owner may receive benefits including reduced property and other taxes.

Transfer of Development Rights

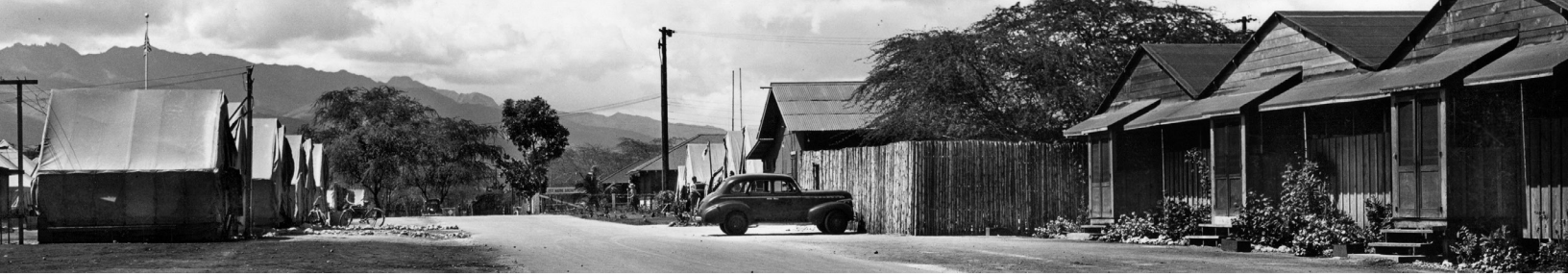
Transfer of Development Rights (TDR) programs are typically considered in their mandatory form. In mandatory TDR, development in sensitive areas is decreased by “sending” it, using credits developers purchase from land owners in sending districts, to “receiving” districts deemed more appropriate for development. In its voluntary form, incentives could be given to a developer for preserving land in a sensitive sending area and developing land in the less sensitive receiving area.

While regulatory approaches can be effective in restricting development in sensitive areas such as the area of the Ewa Field battlefield and controlling patterns of development, voluntary techniques for land preservation are generally less controversial and generate more public support. Voluntary approaches assume that landowners are willing to sell their land or easements and contractually agree to the approach. Regulatory techniques, on the other hand, can be politically unpopular; if voluntary measures are to be used, it is wise to specify that land will be acquired only from willing owners.

Public Engagement

The Louis Berger/AHL Team continues to communicate with regulatory agencies, elected officials, stakeholders, neighboring property owners, and others during development of the Ewa Field Battlefield Preservation Plan. Throughout this process, efforts have been made to engage stakeholders to foster collaboration and cooperation; work to identify and prioritize stakeholder interests and concerns early in the process; continue to be transparent and inclusive; and to share information as progress is achieved.

One-on-one meetings, small group sessions, and presentations to regulators and community groups continue to be held with additional discussions occurring in the weeks ahead. This second newsletter and use of the Ewa Field battlefield website (<https://www.ewabattlefield.com/home>) are among several means used to communicate with and engage stakeholders and the public towards a successful outcome.



Next Steps

Over the coming weeks, the Louis Berger/AHL Team will be developing a draft Battlefield Preservation Plan comprising the following components:

- Historical significance of the December 7, 1941 battle and the battlefield
- Location and geographical area of the battlefield
- Cultural and natural resources
- Current condition of the battlefield
- History of protection efforts
- Current land use of the battlefield and its immediate surroundings
- Land ownership
- Short- and long-term risks
- Community characteristics
- Land use planning capabilities
- Priorities for preservation
- Land protection methods
- Attitudes toward battlefield protection

Upcoming Activities

The Louis Berger/AHL Team is moving forward with these activities in the months ahead:

January 2019	<p>Publish Newsletter Vol. 2: "Ewa Field Battlefield Preservation Plan Progressing".</p> <p>Engage stakeholders and public in Ewa Field battlefield planning towards selection of preferred option.</p> <p>Use the Ewa Field battlefield website (https://www.ewabattlefield.com/home) to communicate with and engage stakeholders and the public.</p>
February 2019	<p>Complete draft Battlefield Preservation Plan.</p> <p>Continue engaging stakeholders and the public in Ewa Field battlefield planning.</p> <p>Look to Ewa Field battlefield website for documents, announcements, and upcoming activities.</p>
March 2019	<p>Publish Newsletter Vol. 3.</p> <p>Continue engaging stakeholders and the public in Ewa Field battlefield planning.</p> <p>Look to Ewa Field battlefield website for documents, announcements, and upcoming activities.</p>

Interested in Learning More?

For additional information visit <https://www.ewabattlefield.com/home> or contact:

Robert J. Nardi, Vice President

Louis Berger U.S., Inc.

Tel: 973.407.1681

Mobile: 973.809.7495

Email: rnardi@louisberger.com

Katie Stephens, Project Architect

AHL

Tel: 808.523.9636

Email: kstephens@ahl.design