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Save Doris Duke pool and Cromwell's

By Richard Turbin

The people of Hawaii breathed a sigh of relief three years ago when Hawaii's Board of Land and Natural Resources (BLNR) voted twice to deny the Doris Duke Foundation's petition to dismantle the breakwater at the popular swimming hole fronting the Doris Duke estate at Diamond Head (Shangri La). This courageous and sensible action saved the beloved Doris Duke pool and the adjoining Cromwell's surf site from destruction.

But now, sadly and surprisingly, we once again face the desecration of this extremely important recreational swimming asset because the state, through its Department of Land and Natural Resources (DLNR), has adopted the position of the Doris Duke Foundation that the pool and Cromwell's site must be destroyed.

How did this bizarre and absurd turn of events come about? It's a plot line worthy of a "Magnum, P.I." episode. Shortly after its failure to win the BLNR vote in 2018, the foundation asked the state to take over ownership of the Doris Duke pool, the breakwater and the underwater sea basin fronting Shangri La.

DLNR accepted, and the property was "quitclaimed" to the state. Shortly afterward, the Doris Duke Foundation promised to pay the state \$1 million of the cost of dismantling the breakwater.

The DLNR has apparently decided to go ahead with the plan and is pre-

paring to petition the BLNR for the go-ahead to dismantle the breakwater.

What are the reasons for this turnabout, where the state is ignoring the two prior votes of its own BLNR to reject the project? The primary reason offered is the fear of liability lawsuits because of injuries from swimmers diving off the 7-foot-high breakwater or the seawall that borders the other side of the pool.

However, that concern is misplaced. First, under Hawaii law there is little likelihood that an injured swimmer or diver would win such a lawsuit, provided that proper signage was put by the state warning of the dangers of diving into the pool. Second, a large fence was already erected by the Doris Duke Foundation on top of the seawall, which has largely eliminated the diving.

Although it has been observed that some risk-takers climb on top of the fence to jump, for little expense that fence could be modified to make it virtually impossible to jump. In fact, experts believe that dismantling the breakwater would make swimming in the area more dangerous. Without the breakwater, dangerous currents, high tides and storm surf would make swimming extremely risky and cause potential drownings and far more injuries.

Then there are money concerns. In

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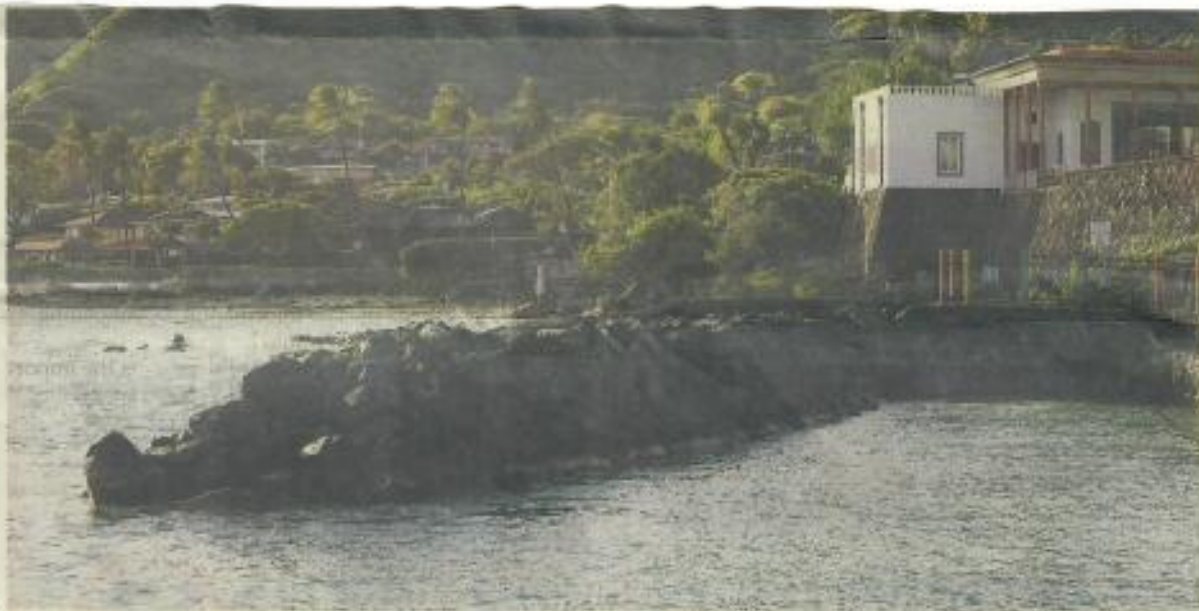
Richard Turbin is a Hawaii lawyer and chairs the Waialae-Kahala Neighborhood Board; the views expressed here are his own.

2018, the estimated cost for the dismantling was \$2.6 million, which was regarded as unrealistically low. Now it is more likely to cost \$5-7 million, so the \$1 million contributed by the Doris Duke Foundation would barely make a dent in solving the fiscal burden to the state taking on the project. At a time when Hawaii is suffering from a fiscal crisis, it would make much more sense to use the money for our present challenges of solving homelessness, climate

change and educating young citizens.

Lastly there are serious environmental concerns. Having huge aquatic bulldozers, cranes and other construction equipment in the Diamond Head waters will be unsightly and stir up and transfer underwater debris down the Diamond Head and Waikiki coastline and beaches, negatively impacting recreational swimming and surfing in Diamond Head, Waikiki and Kahala.

Now is the time for the people of Hawaii to raise the "hue and cry" to Hawaii's political leaders, opinion makers and environmental groups to stop this misguided, costly and destructive project from ever occurring. We must save our beloved Doris Duke pool and Cromwell's surf site from being destroyed so future generations can enjoy what we have enjoyed.



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Shangri La's breakwater and swimming hole at Black Point are slated for removal by the state.

Shoreline restoration proposal ignored

By Matt Lyum

I am confused about the whole Doris Duke harbor situation.

I've lived two blocks from the beach access to "Cromwell's" since the early 1960s. I grew up there and spent countless days fishing, diving, surfing, and yes, jumping, into and around the Doris Duke harbor. As my small-kid-time friends could attest to, there is probably no one alive who spent more time there than I have.

In 2016 when Shangri La — the museum at the estate of the late Doris Duke — invited neighbors to attend a community meeting about dismantling the breakwater, I was appalled and went to the meeting to oppose it.

Instead I found Shangri La had done a massive environmental investigation on how to restore to original condition what the Duke tobacco heiress created with excavators and dynamite at huge environmental impact to marine life. It was explained how social media had exponentially increased activity at Cromwell's, and accidents and incidents were increasing proportionally. I recalled growing up watching ambu-

lances take out victims of the shifting tide and sands who dove into the pool natively.

Now that I have my own kids, I took them to the harbor to teach them about the dangers of nature, but was so overwhelmed by the crowds and dangers of broken beer bottles that I stopped visiting myself.

I have a bachelor's of science degree in fisheries, and was stunned by a neighbor calling the harbor a turtle nesting habitat.

Turtles nest on sand, and as evidenced by the return of turtles to Bellows Beach during the COVID-19 shutdown, human presence is the biggest deterrent. I can identify most of the marine life around the harbor, from chaetodons to pocillopora, and do not see anything but benefit from a careful dismantling of the breakwater that was built with dynamite.

I stood up and supported Shangri La's thoughtful approach and willingness to spend millions of dollars to re-

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Matt Lyum, who has a bachelor of science degree in fisheries biology, is a small-business owner and volunteers for several nonprofits.

store the shoreline. Finally, the taxpayers wouldn't be on the hook for a neglected property fraught with liability. I just will have to store the fond memories of backflips into the pool at high tide, and catching papio when the 'iao swarmed into the pool by thousands one summer. I also chased the DDT truck down Kahaala Avenue on warm summer nights, and will gratefully not see that again either.

I called the state Department of Land and Natural Resources and asked to be informed of any hearings and to be allowed to testify. No one responded.

Now, I am shocked to find out that the state took deed to the property, and we taxpayers are now footing the bill for what a well-funded, philanthropic organization was willing to pay for itself.

Can someone explain what's going on? Or do the feds have to get involved with this one, too?

Prickly City >> By Scott Stantis