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LYDGATE PARK -- KAPA'A
Bike/Pedestrian Path

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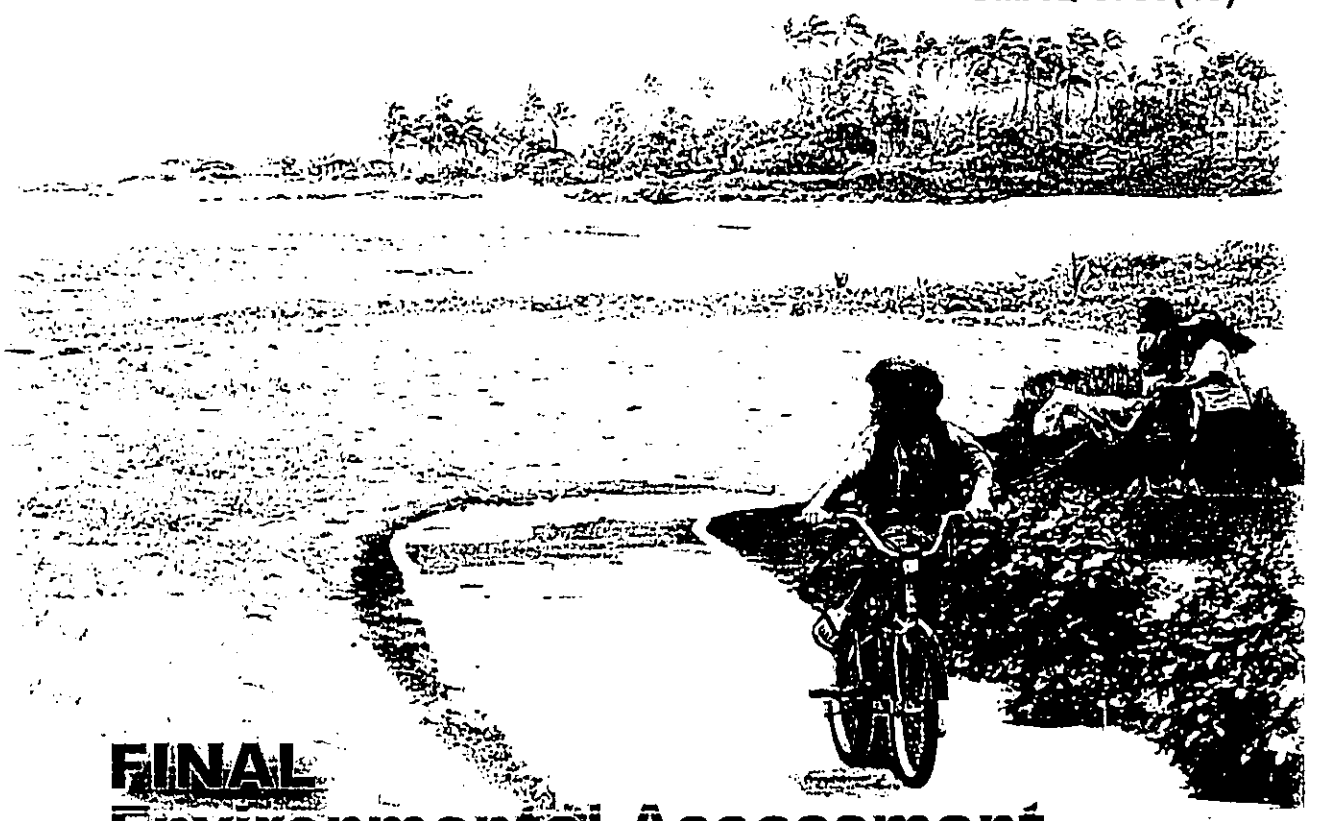

FINAL
Environmental Assessment

County of Kauai
Department of Public Works

State of Hawaii
Department of Transportation, Highways Division

Federal Highway Administration
U.S. Department of Transportation

2007

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LYDGATE PARK-KAPA'A BIKE/PEDESTRIAN PATH
County of Kaua'i, Hawai'i

Final Environmental Assessment
Programmatic Section 4(f) Evaluation

Submitted Pursuant to the
National Environmental Policy Act, 42 U.S.C. 4332 (2)(c)
and Section 4(f) of the Department of Transportation Act of 1966 (49 USC 303)

U.S. Department of Transportation, Federal Highway Administration

Final Environmental Assessment/
Finding of No Significant Impact

Submitted Pursuant to
Hawai'i Revised Statutes, Chapter 343

State of Hawai'i, Department of Transportation, Highways Division
County of Kaua'i Department of Public Works

3/8/07
Date of Approval

For County of Kaua'i, Department of Public Works

3 21 07
Date of Approval

For State of Hawai'i, Department of Transportation

4/10/07
Date of Approval

For U.S. DOT, Federal Highway Administration

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This Final Environmental Assessment (FEA) documents impact studies of a proposed bike/pedestrian path from Lydgate Park to Kapa'a (Waika'ea Canal) on the island of Kaua'i. The project's primary objective is to provide a safe, attractive facility that will expand options for non-motorized travel and recreation. At the north and south ends of the alignment, the path runs parallel to the coastline, and includes a cantilevered addition to the Wailua River cane haul bridge. The mid-section (between Wailua Shopping Plaza and Waipouli Town Center) runs mauka of Kuhio Hwy and alongside a drainage canal. There are spurs connecting to the Coconut Marketplace and Waipouli resort area. The shared use path will be 10-12 feet wide, allow two-way movement, and accommodate various non-motorized modes of travel. The path will typically consist of concrete with graded shoulders. Under some conditions, the path may be designed as a boardwalk or widened sidewalk. The scope of this project also includes two mauka-makai segments: (1) connecting the Lydgate Park-Kapa'a path to the Wailua House Lots Park and (2) connecting the Kawaihau Road path to the Kapa'a-Keālia bike-pedestrian path. The project is not expected to cause substantial environmental impacts because of limited construction area and location within pre-existing travel ways. Therefore, a Finding of No Significant Impact (FONSI) has been issued under HRS, Chapter 343. Measures to mitigate short-term (construction) and long-term impacts are available and will be implemented in accordance with applicable regulations and/or consultation with appropriate agencies.

LYDGATE PARK -- KAPA'A Bike/Pedestrian Path

CMAQ-0700(49)

FINAL
Environmental Assessment

Prepared for:

County of Kauai
Department of Public Works

State of Hawaii
Department of Transportation

U.S. Department of Transportation
Federal Highway Administration

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2007

Preface

This Final Environmental Assessment (FEA) contains changes from the Draft Environmental Assessment (DEA) for the following reasons:

1. The DEA was written to evaluate the anticipated impacts of three build alternatives. Subsequent to that study, the project sponsors selected a preferred alternative, which is the focal point of the FEA. In other words, the FEA is a detailed examination of impacts associated with the preferred (or final build) alternative. The alternatives considered in the DEA—but not selected—are described in Chapter 3 of the FEA. Readers who wish to revisit the environmental assessment of these earlier alternatives are referred to the DEA, dated May 2004. The DEA provides a comparative evaluation of potential impacts and mitigations.

2. The FEA incorporates discussions pertaining to the National Environmental Policy Act (NEPA) and compliance with other federal environmental regulations (see Chapter 6).

3. During the 30-day review period for the DEA (June 8 to July 7, 2004), comments were received from 12 government agencies and 31 individuals and organizations. Where the comments led to additional research and new information, clarification, or the need for correction, these changes have been incorporated into the FEA. Written comments and responses have been reproduced in Chapter 10. Verbal comments were received at a third public meeting, held on July 1, 2004 (during the public review period); proceedings of that meeting and responses to comments are included in Appendix G of the FEA.

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Glossary of Acronyms and Hawaiian Terms*

AASHTO	American Association of State Highway Transportation Officials
ADA	Americans with Disabilities Act
ADAAG	Americans with Disabilities Act Accessibility Guidelines
ahupua'a	a land division usually extending from the uplands to the sea
'auwai	ditch; irrigation ditch
CRM	cement rubble masonry
DOH	Department of Health, State of Hawaii
DOT	Department of Transportation, State of Hawaii
EA	Environmental Assessment
FHWA	Federal Highway Administration
FONSI	Finding of No Significant Impact
HRS	Hawai'i Revised Statutes
heiau	Pre-Christian place of worship; shrine
kama'āina	native born, one born in a place; acquainted, familiar
KIUC	Kaua'i Island Utility Cooperative
kuleana	small parcel of land within an ahupua'a
LCA	Land Commission Award. Awards issued by the Board of Commissioners to Quiet Land Titles 1846-1855 to persons who filed claims to land 1846-1848
lo'i	irrigated terrace, especially for taro, but also for rice; paddy
kula	pasture, field
makai	toward the ocean (seaward)
mauka	toward the mountains (inland or landward)
MSE	mechanically stabilized earth (type of construction under slope conditions)
MSL	mean sea level
naupaka	a spreading, succulent species of shrub (*Scaevola*) found near coasts and in mountains
NPDES	National Pollutant Discharge Elimination System
OEQC	Office of Environmental Quality Control
'ohana	family, relative
SMA	Special Management Area
SSV	Shoreline Setback Variance

* English definitions of Hawaiian terms from *Hawaiian Dictionary*, Revised and Enlarged Edition (Pukui and Elbert, 1986) and *Dictionary of Hawaiian Legal Land-Terms* (Lucas, 1995)

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SUMMARY

S1 PROPOSING AGENCY AND ACTION

The County of Kaua'i, Department of Public Works (County DPW) proposes to construct a shared use path for pedestrians, bicyclists, and other users from Lydgate Park to Waika'ea Canal in Kapa'a, a distance of approximately two miles. This project, referred to as the "Lydgate Park-Kapa'a Bike/Pedestrian Path," is part of a longer, continuous pathway that will ultimately travel along the east side of Kaua'i from Nāwiliwili in the south to Anahola in the north. The scope of this project includes two other feeder routes:

(1) A shared use path connecting the Lydgate-Kapa'a bike-pedestrian path to the Wailua House Lots, and

(2) A shared use path connecting the Kawaihau Road bike-pedestrian path to the Kapa'a-Keālia bike-pedestrian path.

The bike/pedestrian path will be 10 to 12 feet wide and allow movement in both directions. It is intended to accommodate a wide variety of users; however, motorized vehicles will not be allowed with the exception of motorized wheelchairs, emergency vehicles, and maintenance vehicles. The path will be constructed from concrete with graded shoulders. Under some environmental conditions, the path may be designed as a boardwalk. In other areas, existing development may preclude a full, 10-foot wide path, thereby requiring consideration of other options, such as improved, widened sidewalks or "sidepaths."

Specific design elements will be established in the design phase of the project. For this document, the proposed action (unless otherwise stated) is assumed to be a facility built in conformance with guidelines for bicycle facilities published by the American Association of State Highway Transportation Officials (AASHTO) and standards established in the Americans with Disabilities Act (ADA) Accessibility Guidelines or ADAAG.

The Lydgate Park to Kapa'a bike/pedestrian path will not include comfort stations, pavilions, picnic areas, or new parking areas. However, possible design elements related to known site conditions, such as grading, retaining walls, railings, fencing, and/or changes to traffic patterns, are described and discussed in this document. Other elements that may be included in the proposed action are landscaping, signage, and amenities, such as trash receptacles and benches. The decision to incorporate these features will be made during final design.

The County of Kaua'i will construct, own, and operate the facility. The project will be funded, in part, by the U.S. Department of Transportation, Federal Highway Administration.

S2 PROJECT CORRIDOR

The project begins on the mauka side of Aloha Beach Resort, and terminates at Waika'ea Canal. Mauka to makai (west to east), the project corridor includes a swath about 1,000 feet wide, from the inland canal system to the coastline. Two connector paths are oriented in a mauka-makai direction and extend further inland to serve the hillside communities of Wailua House Lots and Kawaihau.

Between the project termini, the bike/pedestrian path will traverse one of Kaua'i's most urbanized areas. Development densities and the mix of land uses are amenable to non-motorized forms of access and travel.

The project satisfies three general principles contained in FHWA regulations (23 CFR 771.111(f)) on framing transportation projects.

(1) The project has logical termini—beginning at the north end of the existing Lydgate Park shared use path, and terminating at the south end of the Kapa'a-Keālia shared use path

(2) Have independent utility by serving the circulation and recreation needs of the local Wailua-Waipouli-Kapa'a community. The proposed path will link residential, commercial, and resort areas, and provide connections to schools, parks, and other community facilities.

(3) The proposed action does not restrict consideration of alternatives for other foreseeable transportation improvements in the project corridor. Planning for the Lydgate Park-Kapa'a bike/pedestrian path was coordinated with other HDOT and County transportation initiatives.

Because of the project's breadth and cost, the project sponsors have acknowledged the likelihood that it may be implemented in sections over time. Therefore, the project has been divided into phases that include:

- Lydgate Park-Kapa'a
- Wailua House Lots Phase
- Kawaihau Phase

S3 PROJECT HISTORY

The Lydgate Park-Kapa'a bike/pedestrian path is one part of a longer, 16-mile shared use path that has been proposed for the east side of Kaua'i from Nāwiliwili to Anahola. The idea for the path was first proposed in the early 1990s by a citizen advisory group convened by the County Council. The advisory group also advocated a "coastal bikepath"

that was included in the State Department of Transportation's bicycle master plan, called *Bike Plan Hawaii.*

In the meantime, a grassroots initiative had begun at Lydgate Park leading to the design and construction of Kamalani Playground and Bridge. The time contributed by volunteer workers to build the bridge—hundreds of hours in sweat equity valued at $550,000— was used to satisfy the County's match toward a grant of $2.6 million obtained from the federal government. Those funds were used to plan and build 2.3 miles of bicycle/pedestrian paths (and amenities) that will connect to this project. The Lydgate Park project was completed in 2003.

Following the Lydgate Park Bike/Pedestrian Path, the County began planning a path from Kapa'a to Keālia. This project includes coastal land conveyed to the County of Kaua'i from the State of Hawai'i through a series of Executive Orders, and land dedicated by the private landowner of the Keālia Kai Subdivision to fulfill a condition of the Special Management Area Permit and subdivision approval. The new path will start at Waika'ea Canal and extend approximately 4.3 miles to Ahihi Point in the northern Keālia area.

Planning for the Lydgate Park to Kapa'a Bike/Pedestrian Path started in late 2003.

S4 PURPOSE OF AND NEED FOR ACTION

The bike/pedestrian path project addresses several needs:

Improved safety for pedestrians, bicyclists, and others using non-motorized modes of transportation. At present, pedestrians, joggers, and bicyclists in the project area use shoulders or the sides of roads, or share sidewalks where available. The proposed action will increase the safety of this situation by separating these users from passing vehicles (FHWA 1994, 2001). The path has a design width of 10-12 feet, as recommended by the AASHTO guidelines, to accommodate a mix of users.

Increased choices among alternative modes of transportation. Shared use paths have been popular across the nation because separating motor vehicles from those traveling on foot or by bicycles increases people's sense of safety and comfort. These characteristics are fundamental to giving people viable choices in how they travel (FHWA 1994, 2001). The proposed path is intended for use by all age groups, and those who possess a range of skill levels. It will facilitate the mobility of youths, elderly people, and others who do not drive or have access to automobiles. This is particularly important in a region such as Wailua-Waipouli-Kapa'a where 43% of households have children under the age of 18, compared to 38% of households statewide. The path is expected to ease the concerns of

parents and give families more flexibility and choices when making transportation arrangements to support their everyday activities.

Greater connections among destination nodes. The proposed path will supply a connection between an existing path (at Lydgate Park) and a path that is currently being constructed (from Kapa'a to Keālia). It is the continuity of the path network—what transportation specialists call "system connectivity"—that will increase the usefulness of the transportation facility. An expanded network allows people to go where they want to go.

Enhanced access to natural areas, while minimizing impacts on sensitive ecosystems or encroaching on private property. The Wailua-Waipouli-Kapa'a area is surrounded by natural places of great scenic beauty. The proposed action will enable residents and visitors to access some of these places under conditions that are better controlled than they are at present. Beach access is a traditional part of the island lifestyle, supported by numerous laws, government regulations, and court actions. Despite efforts to preserve mauka-makai and lateral accesses, as land is developed, it is sometimes difficult for members of the public to determine where the public lands are or where they can go without trespassing on private property. The path would indicate a clear travel way.

For those who require wheelchairs or other aids to mobility (as well as parents with children in strollers), a hard, smooth surface will make it easier to travel through the outdoors, especially in places that are sandy, rocky, or covered with grass. To the extent that it is technically feasible, the path will be designed in compliance with guidelines established under the Americans with Disabilities Act.

Increased opportunities for recreation and physical fitness. The proposed path is needed to provide more opportunities for outdoor recreation and fitness. There is no other area in town that provides a safe, dedicated facility for people to walk, jog, and bicycle. Recent reports by the Centers for Disease Control and U.S. Surgeon General, among others, indicate that obesity and related chronic health problems have reached near-epidemic proportions (see for example, Carmona, 2003 and Gerberding, 2005). With sedentary lifestyles blamed, in part, facilities that enable greater physical activity are important assets for the community's health and well-being.

Economic activities associated with use of the path. Another objective of the project is to support the region's economic base. Across the country, places with popular bike paths and rail-to-trails have found that their facilities have contributed to entrepreneurial growth, as small businesses step in to offer bike rental and repair, refreshment sales, and related goods and services.

The proposed shared use path is also expected to boost tourism, the county's leading industry. Given the regional scope of the path system and its scenic qualities, it could

emerge as one of Kaua'i's leading visitor attractions. The bike/pedestrian path would add a new activity for visitors to experience, perhaps warranting an extension of their stay. And since the path is consistent with the type of activities favored by the ecotourism market, it could help the local industry tap into this market niche.

Implementation of bikeway proposals in the *Kaua'i General Plan* and *Bike Plan Hawaii*. The proposed action is mentioned in the *Kaua'i General Plan* (2000) and in *Bike Plan Hawaii* (1994, 2003). Both the *General Plan* and *Bike Plan Hawaii* were developed with extensive community outreach and participation efforts. Consistent endorsement of the bike/pedestrian path proposal indicates steady community support for over a decade and in different planning venues.

S5 PROJECT ALTERNATIVES

S5.1 No Build Alternative

The "no action" alternative assumes the status quo. Under this alternative, the project would not proceed. Bicyclists, pedestrians, joggers, and others would continue to use road shoulders, sidewalks, and informal footpaths, as they currently do; however, there would be no improvements to these travel ways.

S5.2 Build Alternative

Lydgate Park-Kapa'a: Overview

The preferred alternative for the Lydgate Park-Kapa'a alignment is a combination of Alternative 1 (Shoreline Path) and Alternative 3 (Canal Path), as described and evaluated in the DEA. This alternative was selected as the alignment that would optimize project objectives (provide a safe route for pedestrians and bicyclists that is separated from vehicular traffic to the extent possible, connect origin and destination nodes, enhance access to beach and recreational resources, and provide a scenic, outdoor experience), while avoiding, minimizing, or being able to mitigate adverse environmental impacts. This alignment, hereafter referred to as the "Lydgate Park-Kapa'a Build Alternative" is shown in Figure S1.

The project's start point lies between the Aloha Beach Resort and Kūhiō Highway. The path will be aligned adjacent to the northbound approach to the cane haul bridge. The path will be located within the highway right-of-way; however, it is adjacent to Wailua River State Park. Heading north, the path will continue across Wailua River and along the makai side of Kūhiō Highway. North of the Seashell Restaurant, the main alignment will follow Papaloa Road, then turn mauka at Lanikai Street. A user-activated traffic signal is planned at the intersection of Kūhiō Highway and Lanikai Street to facilitate crossing the highway.

On the mauka side of Kūhiō Highway, the path will jog inland, heading northward using the roadbed of a former cane haul road. After crossing the temporary bypass road, the path will continue along the Waipouli Drainage Canal, behind the Waipouli Town Center, then along the south bank of Uhelekawawa Canal back to Kūhiō Highway. The path will shift to the makai side of the highway, then use the rights-of-way on Ala Road, Niulani Street, and Moanakai Road before reaching the northern terminus at Waika'ea Canal.

Two spurs to the main path will connect the path to major activity nodes. One spur will extend along the length of Papaloa Road, providing access to the Coconut Marketplace. Another spur will start north of Kauai Coast Resort at the Beachboy, where new resorts are being planned. This spur will provide access from the Waipouli coast resort area to the Waipouli Town Center/Kauai Shopping Village commercial hub.

Lydgate Park-Kapa'a Alignment: Detailed Description

Wailua River Crossing

Between the southern terminus and Wailua River, the path will be aligned on the makai side of Kūhiō Highway. To cross the river, a new bike/pedestrian bridge will be attached to the seaward side of the existing cane haul bridge. The cantilevered section will be part of a HDOT project to reconstruct the cane haul bridge by removing the existing deck and replacing it with a wider, prefabricated deck capable of carrying two vehicular lanes. The existing bridge will provide full vertical support for the bike/pedestrian extension and no new structures are needed in the river.

Wailua Beach Park

On the north side of the river, the path will run parallel to Kūhiō Highway, along the length of Wailua Beach Park and as far inland as practicable. However, the path will be aligned along the makai side of the two existing parking areas to avoid conflicts with vehicles entering and exiting the park from the highway. There is an existing rock wall separating the highway from the park, and it is proposed that the wall be extended as a barrier between the path and the highway. The land through this stretch is part of Wailua Beach Park, a County-owned facility.

Path users will have two options to cross Kūhiō Highway from the makai side to the mauka side. One option involves a pedestrian bridge over Kūhiō Highway that will be constructed as part of the Coco Palms redevelopment project. The makai end of the pedestrian bridge will be incorporated into the design of the new Seashell Restaurant. As a second option, the bike/pedestrian path will continue northward along the mauka frontage of the new Seashell Restaurant. The restaurant will be designed to accommodate the shared use path outside the highway right-of-way. The path will continue down

Papaloa Road until Lanikai Street, where the main alignment will turn mauka. A spur will extend the length of Papaloa Road, providing access to Coconut Marketplace.

On the main pathway, a user-activated signal is planned for the intersection of Kūhiō Highway and Lanikai Street, but must be studied to determine if signal warrants are satisfied. This signal would be synchronized with the Hale'īlio Road traffic signal, located approximately 525 feet to the south. The bike/pedestrian path's impact to traffic conditions at the crossing will be minimal due to other improvements that are being implemented to improve traffic flow in the area.

Mauka Canal Section

On the mauka side of Kūhiō Highway, the path will split into two legs. One leg will continue in a mauka direction, becoming the Wailua House Lots Path (see description of the Wailua House Lots Phase, below). The main leg will turn north, running parallel to Kūhiō Highway.

Between Wailua House Lots and the temporary bypass road, the shared use path will be aligned over a former cane haul road. A mid-block crossing will be provided where the path crosses the temporary bypass road. North of the temporary bypass road, the path is located makai of two excavated ponds and the Waipouli Drainage Canal. This route will take the path mauka of the Fernandes Road residences and mauka of the Waipouli Town Center. Land in this area is owned by the Midler Family Trust and the County. Mauka views are especially notable given the wide, open view planes extending toward the Nounou Mountain (Sleeping Giant).

When the path reaches Uhelekawawa Canal, it will turn makai (east) and run along the south side of the canal. A new bridge, planned for construction between Waipouli Town Center and Kauai Village Shopping Center, will accommodate path users. North of Uhelekawawa Canal, the 12-foot wide path will cross over to the makai side of Kūhiō Highway via the signalized intersection at the driveway to Kauai Village Shopping Center.

Waipouli Resort Area to Uhelekawawa Canal Spur

A spur will connect the coastal resort area beginning north of Kauai Coast Resort at the Beachboy. This area is currently vacant, except for ResortQuest Kauai Beach at Makaiwa. The path will provide the public with lateral coastal access to Mokihana of Kauai. At that point, the path will turn mauka (west), and use a mauka-makai County easement to reach Kūhiō Highway. The path will run alongside the highway from Snorkel Bob's, cross Uhelekawawa Canal, then converge with the primary alignment in front of Waipouli Beach Resort. A new bridge will be needed to span Uhelekawawa Canal.

Waipouli Beach Resort to Ala Road

The primary path alignment will cross to the makai side of Kūhiō Highway aided by the existing traffic signal at the Kauai Village Shopping Center. The path will continue past the Waipouli Beach Resort, where the path will be incorporated into the resort's frontage.

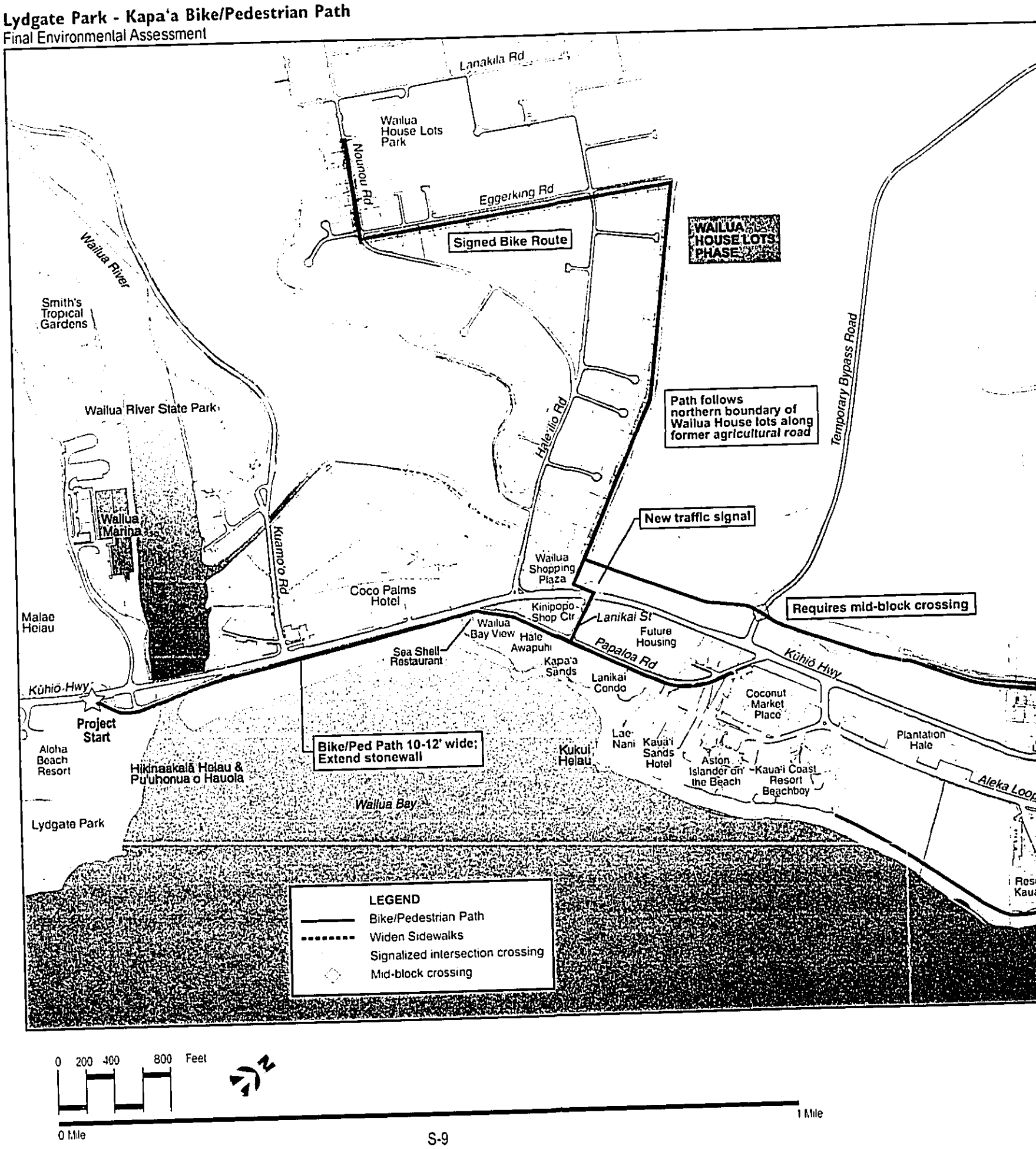
From Waipouli Beach Resort to Ala Road, a 700-foot long block, the bike/pedestrian path will be located between the highway and existing residences and condominiums. The path would have to fit within the highway right-of-way, unless a strip of private property is acquired along the highway frontage.

Niulani Street and Moanakai Road to Waika'ea Canal

The path will turn onto Ala Road (heading makai), then onto Niulani Street, which runs parallel to the coastline. Niulani Street services a residential area and traffic is very light. It is a privately owned road, except for approximately 150 feet on the north end that is owned by the County. The privately owned section is unpaved and poorly maintained. The scope of this project includes acquisition of the privately owned road by the County, and its conversion to a bike/pedestrian-priority roadway in which motor vehicles are limited to local traffic. An existing beach access off Niulani Street, north of Kapa'a Shores Resort, is to be improved.

At the northern end of Niulani Street, the path will turn onto Keaka Road, heading makai for a short distance, then north on Moanakai Road. The path will travel the length of Moanakai Road, terminating at Waika'ea Canal in Lihi Park, where it will merge with the Kapa'a-Keālia bike/pedestrian path. Single-family houses line the mauka side of Moanakai Road and the makai side fronts directly on the ocean, including a popular beach known as Baby Beach or Fuji Beach. A 900-foot long revetment stabilizes the southern portion of Moanakai Road, from Keaka Road to Makaha Road. The road carries two-way traffic and parallel parking is allowed between the road and the revetment. Moanakai Road ends approximately 400 feet south of the canal. From this point, the beach and back beach areas widen and transition into a parking area and park land.

At present, there is insufficient room to accommodate the path on Moanakai, which has a 40-foot right-of-way. Locating the bike/pedestrian path along Moanakai Road will be coordinated with changes in traffic flow. Moanakai will be changed to a one-way road northbound, which would maintain one travel lane for vehicles and on-street parking, while creating space for the bike/pedestrian path. Fifteen lots on the mauka side of Moanakai will be affected by this change. All other streets in the subdivision, including cross streets, will continue to carry two-way traffic. If the County Council does not approve the one-way traffic proposal, Moanakai Road would become a signed shared roadway with signs identifying it as a preferred route for bicyclists and pedestrians.


Lanakila Rd
Wailua House Lots Park
Nounou Rd
Eggerking Rd
Signed Bike Route
WAILUA HOUSE LOTS PHASE
Wailua River
Smith's Tropical Gardens
Wailua River State Park
Wailua Marina
Kuamo'o Rd
Hale'ilio Rd
Path follows northern boundary of Wailua House lots along former agricultural road
Temporary Bypass Road
New traffic signal
Wailua Shopping Plaza
Coco Palms Hotel
Requires mid-block crossing
Malae Heiau
Kinipopo Shop Ctr
Lanikai St
Future Housing
Wailua Bay View
Hale Awapuhi
Sea Shell Restaurant
Papaloa Rd
Kapa'a Sands
Lanikai Condo
Kūhiō Hwy
Coconut Market Place
Project Start
Aloha Beach Resort
Bike/Ped Path 10-12' wide; Extend stonewall
Kukui Heiau
Lae Nani
Kaua'i Sands Hotel
Aston Islander on the Beach
Kaua'i Coast Resort Beachboy
Plantation Hale
Aleka Loop
Hikinaakalā Heiau & Pu'uhonua o Hauola
Wailua Bay
Lydgate Park
LEGEND
Bike/Pedestrian Path
Widen Sidewalks
Signalized intersection crossing
Mid-block crossing
0 200 400 800 Feet
0 Mile
1 Mile

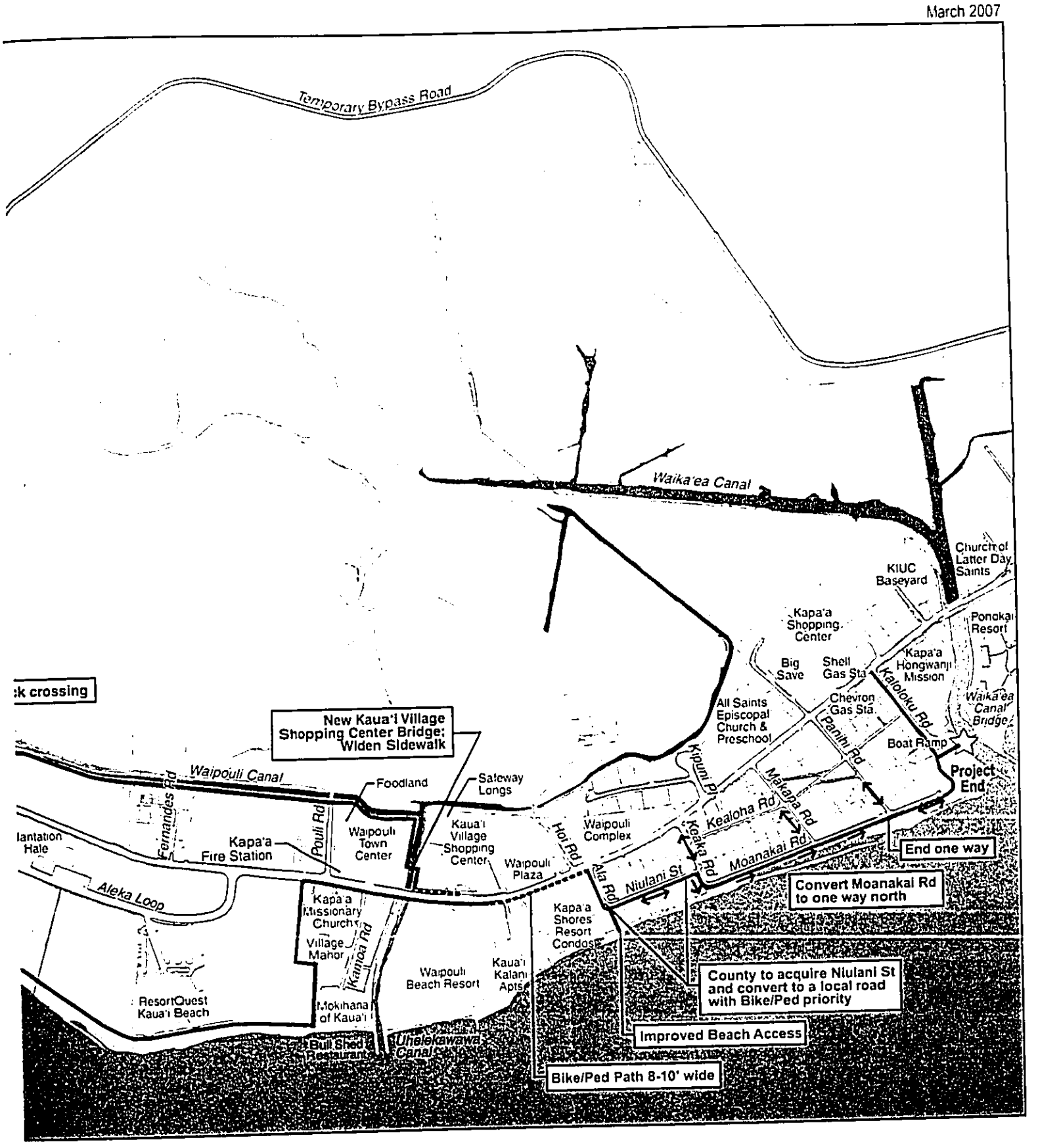


Figure **S1**

Build Alternative: Lydgate Park - Kapa'a

Wailua House Lots Phase

The objective of the Wailua House Lots Phase is to connect the residents of this large subdivision with the primary north-south alignment from Lydgate Park to Kapa'a. A 12-foot wide shared use path will be constructed on the north side of Wailua House Lots using the alignment of a former cane haul road (see Figure S2). The road is part of the Midler Family Trust land holdings. Although the cane haul road is unpaved, it is graded, free of heavy vegetation, and away from driveways and cross streets. Users will be able to access the path from the residential subdivision through Eggerking Road, which runs through the center of the subdivision.

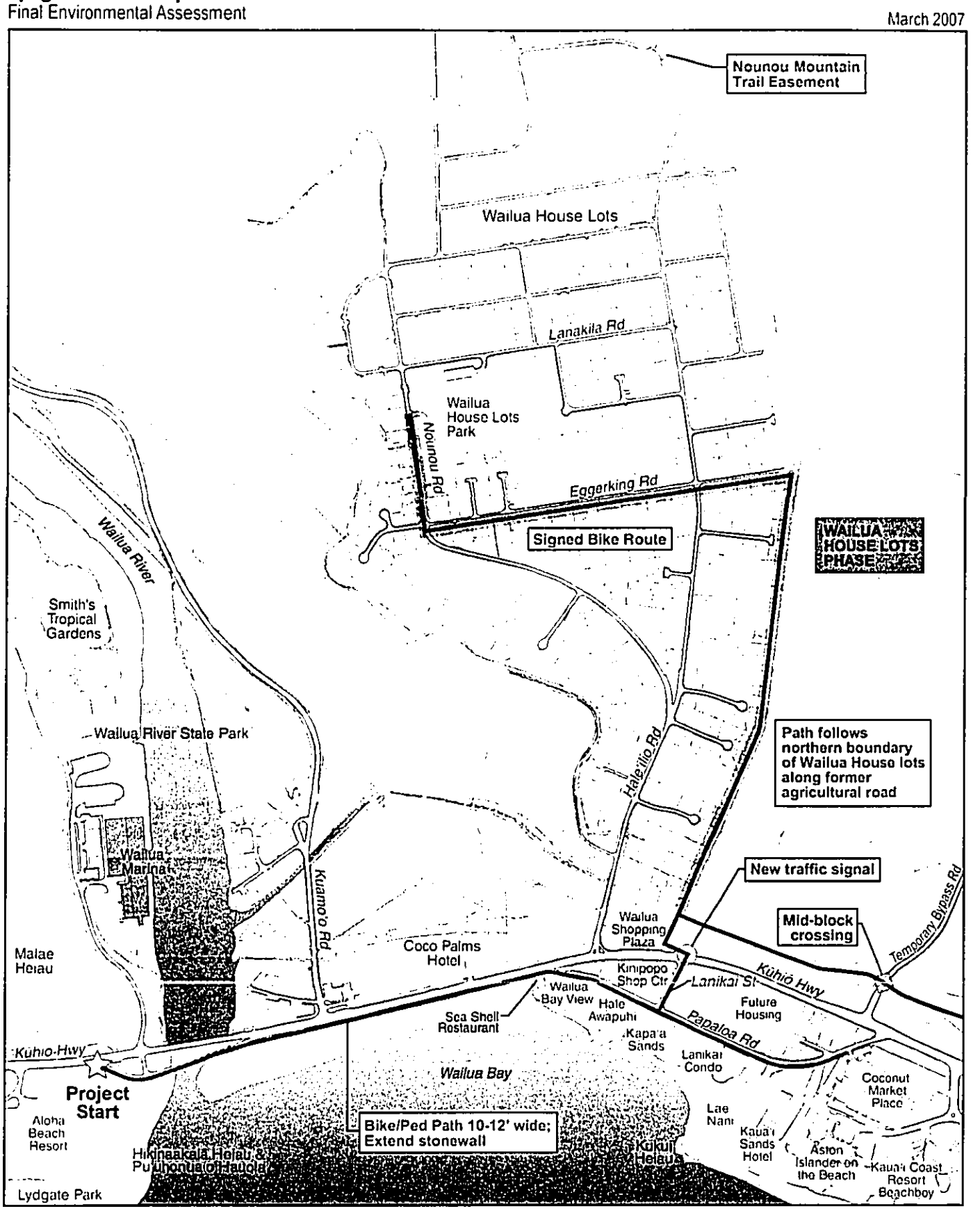
The makai end of the Wailua House Lots path will intersect with the Lydgate Park-Kapa'a path near the Bambulei store. The shared use path will extend as far mauka as Eggerking Road. There will be signed-shared route to the Wailua House Lots Park via Eggerking Road and Nonou Road. Because the internal residential streets have traffic levels and posted speed limits that are both relatively low, AASHTO guidelines indicate that a shared use road facility would be adequate. Signs will be posted to increase awareness of bicycles sharing the road with automobiles. Roadways will be widened or shoulders paved where it is possible to do so without requiring reconstruction of the drainage system.

Kawaihau Phase

The County previously installed an interim path on the south side of Kawaihau Road from Kapa'a Elementary to Kapahi Park. Although this path is well-used by residents, its utility will increase when connected to Kapa'a town and the coastal shared use path.

The Kawaihau Phase involves construction of a 10-12-foot shared use path through the gulch located between Hundley Heights and Mahelona Hospital (see Figure S3). The pathway will be designed in a switchback pattern so that the maximum grade is generally less than 5%, in compliance with the ADA guideline.

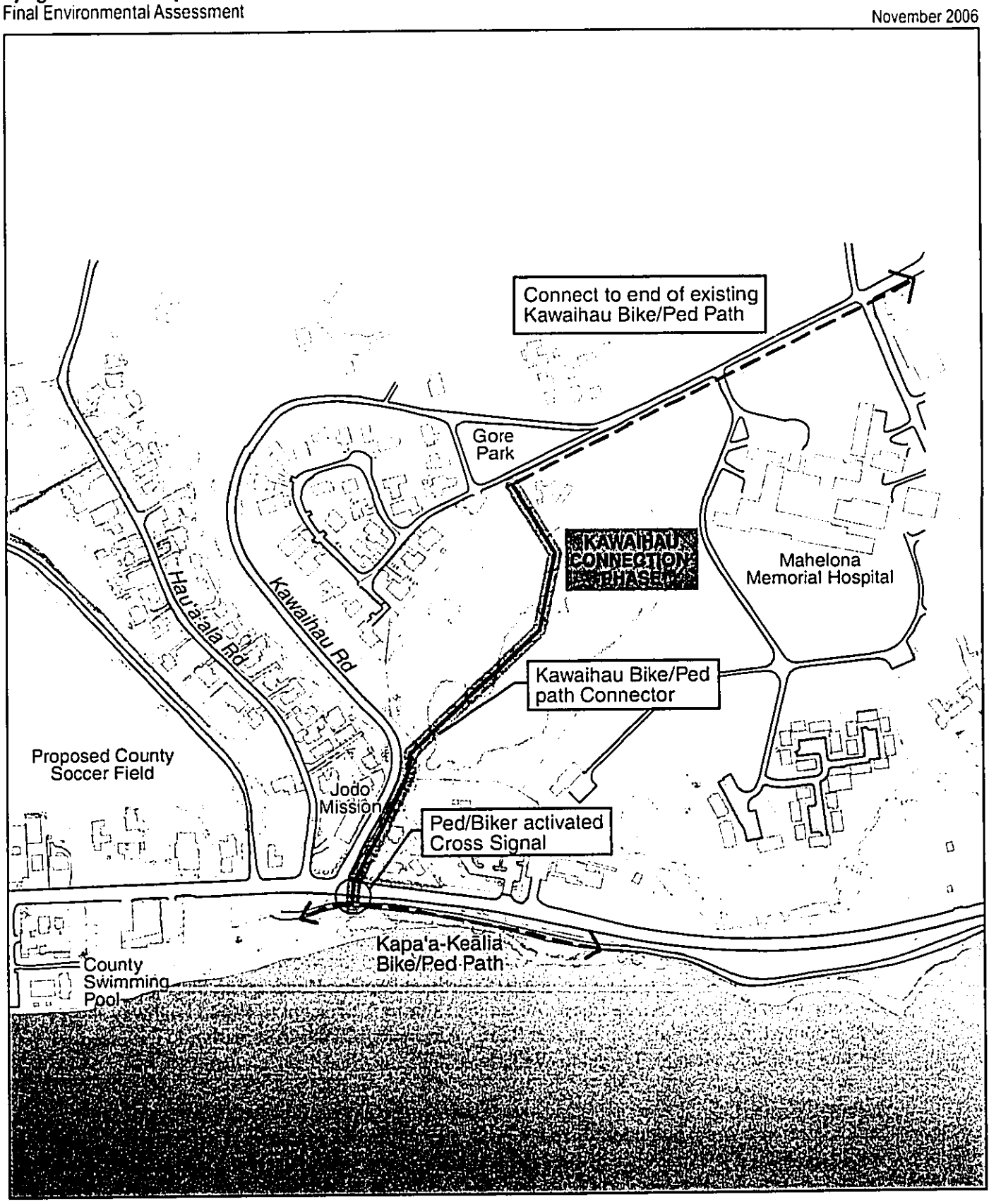
The makai end of the path will travel along the north side Kawaihau Road and connect with the Kapa'a-Keālia path. The intersection of Kawaihau Road and Kūhiō Highway is currently unsignalized. If warranted, in accordance with the latest Manual of Uniform Traffic Control Devices, a user-activated crossing signal may be provided until a permanent traffic signal is installed. A determination will be made during the final design phase of the project.



0 200 400 800 Feet

Figure **S2**

Build Alternative: Wailua House Lots



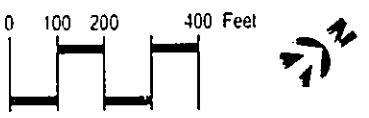


Figure **S3**
Build Alternative: Kawaihau

S5.3 Alternative Routes Examined in the DEA

Alternative routes were developed through a participatory process. The County Department of Public Works (County DPW) hosted meetings in January and March 2004 that were open to all members of the community. (Full descriptions of both meetings are attached as Appendices E and F.) The first meeting included a mapping exercise during which participants were asked to draw possible alignments for bike/pedestrian paths and to annotate the map with other suggestions for non-motorized routes in the region. Alternatives were presented at the second meeting and additional feedback obtained. Project planners held numerous other meetings with elected officials, representatives of government agencies, members of business and civic organizations, and property owners to discuss project alternatives and concerns. The following alternatives were evaluated in the DEA.

Lydgate Park-Kapa'a Alignment. The DEA evaluated three distinct alignments that highlighted different environmental and socio-cultural impacts (See Figure 7, page 3-19). The alternatives also enabled the County DPW to consider a range of routing possibilities that would meet the project's purpose and need. The alternatives were developed with the understanding that the County DPW would be able to "mix and match" different components when selecting the preferred alignment.

Alternative 1, Shoreline Path, examined a bike/pedestrian path located along the coast to the extent possible. This concept reinforced the County's interest in maintaining lateral beach access for the public and expanded the coastal orientation embodied in the Lydgate Park and Kapa'a-Keālia Paths, as well as the overall vision of Ke Ala Hele Makalae. Consequently, the proposed path followed the shoreline from Wailua River to Uhelekawawa Canal, turning inland around the Kapaa Shores Condominium, then working back makai via Niulani Road and Moanakai Road to the northern end point at Waika'ea Canal.

Alternative 2, Inland Roads Path, developed a route that would maximize use of the existing roadway system. This concept would give path users the most urban experience among the three alternatives, since the path was laid out adjacent to Kūhiō Highway and other side streets. Alternatives 1 and 2 were identical from the project start point to Seashell Restaurant. Alternative 2 continued north on Papaloa Road, going through Coconut Marketplace to Aleka Loop. A widened sidewalk adjacent to Kūhiō Highway was proposed from Snokel Bob's to Ala Road. Alternative 2 (like Alternative 1) traversed Niulani Road and Moanakai Road to Waika'ea Canal.

Alternative 3, Canal Path, proposed a shared use facility that would take advantage of the region's canal system, an underutilized recreational and scenic resource. This concept would diversify the experience of Ke Ala Hele Makalae by taking users through a different

type of environment. After crossing Wailua River, Alternative 3 proposed a secondary path adjacent to the canal around Coco Palms, going across Hale'īlio Road, continuing on a former agricultural road through property owned by the Midler Trust, then along Waipouli Drainage Canal to Uhelekawawa Canal. Where existing development presses against the canal, leaving inadequate space for a shared use path, this alternative called for the path to travel on the mauka side of Kūhiō Highway. Additional mauka spurs were proposed along Waika'ea Canal. The main alignment, however, would turn makai down Kaleloku Road to Lihi Park.

Wailua House Lots. Three alternatives were examined for the Wailua House Lots Phase (see Figure 8, page 3-22). Alternative W1, the northern perimeter route, was selected as the preferred alternative. Alternative W2 proposed a bike/pedestrian path on Hale'īlio Road. Alternative W3 proposed a longer loop with bike/pedestrian paths on Hale'īlio, Lanakila, and Nonou Roads. Although locating the path along interior roads would provide residents with more direct access, the full 10-12 foot path would require reconstructing the roadway and drainage systems which had been built to older, homestead standards. Instead, the County will add pavement to the sides of high-use streets to create "shoulders" for shared use.

Kawaihau. Three alternatives were examined for the Kawaihau Phase (see Figure 9, page 3-23). Alternative K3, the gulch route with switchbacks, was selected as the preferred alternative. Alternative K1 proposed improving the existing path around Hundley Heights. It is the shortest route, but contains steep sections that do not meet ADA slope guidelines. Alternatives K2 and K3 proposed routes through the gulch makai of Mahelona Hospital. However, K2 proposed a straight path, while K3 incorporated switchbacks to accommodate ADA slope restrictions.

S5.4 Alternatives Considered, but Eliminated Prior to the DEA

Two alternatives in the project corridor were considered, but eliminated before the DEA was prepared.

Around Hikinaakalā Heiau

Near the northern parking lot in Lydgate Park is a turnaround for the pedestrian/bike path. One consideration was to link this terminus to the bridge across Wailua River by establishing a route around the mauka perimeter of Hikinaakalā Heiau and Pu'uhōnua o Hauola. This route would largely or entirely lie on a former railroad berm. The route was considered initially because of the possibility that some users would create their own shortcut from the Lydgate Park parking lot to the Wailua Bridge path, and the likelihood that the shortcut would go through the heiau following visible indications of a footpath. A

marked trail for bicycles and pedestrians outside the heiau might offer a way to provide access to the National Historic Landmark site while staying within a historic (rail) transportation right-of-way. However, informal discussion with officials from the Division of State Parks indicated that a path in close proximity to the heiau site would not be acceptable. Therefore, this option was not pursued. Instead, the southern terminus for the path is the cul-de-sac located mauka of the Aloha Beach Resort.

Wetland Areas

A network of bike/pedestrian paths were considered along canals and drainageways mauka of Kapa'a town. The properties in this area are owned by the County of Kaua'i, State Department of Land and Natural Resources, and the Midler Family Trust. Approximately 100 acres of the Midler Trust lands were recently acquired by the U.S. Department of Agriculture, Natural Resources Conservation Service (NRCS) for a conservation easement. Discussions with NRCS officials indicated that some of the paths would not be consistent with the wetland and habitat restoration objectives of the easement. However, NRCS supported a viewing trail along the northern boundary of the easement, where the path would be built on a raised agricultural road and accessible from Panihi Road.

In lieu of locating the bike/pedestrian path through wetlands on the mauka side of the Waipouli Drainage Canal, the alignment was relocated to the makai side, wherever there was sufficient space, for example, between Panihi Road and Kipuni Place and between Hoi Road and Uhelekawawa Canal. Alternative 3 (Canal Path) in the DEA avoided all wetlands. In some stretches, however, the current proposed path is located on existing roads or canal maintenance easements that pass through or alongside wetland areas, avoiding direct impacts on wetlands (i.e., there will be no loss of wetlands).

S6 IMPACTS AND MITIGATIONS

Table S-1 summarizes the environmental and social impacts of the No Build Alternative and the (Preferred) Build Alternative. A comparison of these two alternatives provides the greatest contrast in potential project-related impacts. A summary of mitigation measures for each adverse impact is also provided.

Table S-1
Summary of Environmental Impacts and Mitigations

No Build Alternative	(Preferred) Build Alternative
LANDFORM AND SOILS	
Immediate or Construction Impacts. None.	Immediate or Construction Impacts. The project area is largely flat or gently sloping, with the exception of Kawaihau gulch. In this area, grading and slope modifications will be needed to construct the path and meet ADA guidelines to the extent practicable.
Long-term or Operational Impacts. None.	Long-term or Operational Impacts. None.
Mitigation.	Mitigation. On a localized basis, the path will be engineered to balance cut and fill areas to the extent practicable. Best Management Practices (BMPs) will be used during construction to minimize soil erosion.
FLORA	
Immediate or Construction Impacts. None.	Immediate or Construction Impacts. In some areas, vegetation will be cleared for path construction, but no threatened or endangered species will be affected.
Long-term or Operational Impacts. None.	Long-term or Operational Impacts. Care and maintenance will be needed to sustain any new landscaping that is installed as part of the project.
Mitigation. None required.	Mitigation. Path landscaping will be provided where appropriate and practicable, with preference given to the use of native vegetation and low-maintenance species. Details of the landscaping plan will be developed during the design phase.
FAUNA	
Immediate or Construction Impacts. None.	Immediate or Construction Impacts. No construction will occur in wetland areas. There will be no direct impact on the habitat of any threatened or endangered species.
Long-term or Operational Impacts. None.	Long-term or Operational Impacts. There will be no direct impact on any threatened or endangered species or its habitat.
Mitigation. None required.	Mitigation. No outdoor lighting will be installed for this project, therefore, seasonal migratory birds, such as the Newell's shearwater, will not be affected.

No Build Alternative	(Preferred) Build Alternative
NATURAL HAZARDS	
Immediate or Construction Impacts. None.	Immediate or Construction Impacts. Same as long-term impacts.
Long-term or Operational Impacts. None.	Long-term or Operational Impacts. Wailua River crossing and coastal sections of the path are located in the tsunami inundation zone; however, this project will not increase the base flood elevation.
Mitigation. None.	Mitigation. Warning signs will be posted informing path users of potential tsunami and high surf hazards. All path users will be required to follow evacuation orders or other instructions issued by civil defense authorities.
WATER RESOURCES	
Immediate or Construction Impacts. None.	Immediate or Construction Impacts. During construction, water resources may be impacted by erosion and sedimentation during grubbing, clearing, and earthmoving activities.
Long-term or Operational Impacts. None.	Long-term or Operational Impacts. None.
Mitigation. None.	Mitigation. Storm water runoff and erosion during project construction will be mitigated through BMPs and compliance with conditions of the NPDES permit.
SOLID WASTE AND HAZARDOUS MATERIALS	
Immediate or Construction Impacts. None.	Immediate or Construction Impacts. Construction activity is not expected to encounter or generate hazardous materials. However, the project will generate solid waste.
Long-term or Operational Impacts. None.	Long-term or Operational Impacts. Trash in receptacles on the path will require regular pick up.
Mitigation. None required.	Mitigation. Solid waste generated during construction will be properly handled and disposed of in accordance with State Department of Health requirements. General maintenance procedures will be followed to keep the path clean.
AIR QUALITY	
Immediate or Construction Impacts. None.	Immediate or Construction Impacts. During construction, fugitive dust emissions will be generated by activities such as earthmoving and material blown from stockpiles and exposed areas.
Long-term or Operational Impacts. None.	Long-term or Operational Impacts. To the extent that trips by bicycle or foot replace trips made by

No Build Alternative	(Preferred) Build Alternative
	motorized vehicles, carbon monoxide levels will improve in comparison to the No Build Alternative.
Mitigation. None required.	Mitigation. BMPs will be used to control fugitive dust, including frequent watering, use of windscreens in residential and commercial areas, and limiting areas of exposure.
NOISE	
Immediate or Construction Impacts. None.	Immediate or Construction Impacts. Construction will occur during daylight hours when occasional loud noises are more tolerable. Where needed, a Department of Health noise permit will be obtained.
Long-term or Operational Impacts. None.	Long-term or Operational Impacts. With few exceptions, the path will be restricted to non-motorized use so that noise levels will not increase substantially.
Mitigation. None required.	Mitigation. The contractor will be required to comply with all conditions stipulated in any noise permit and in the DOH community noise control standards.
VISUAL AND AESTHETIC RESOURCES	
Immediate or Construction Impacts. None.	Immediate or Construction Impacts. Temporary visual disturbance to landscape or streetscape during construction.
Long-term or Operational Impacts. None.	Long-term or Operational Impacts. In most areas, the path will be at grade and, therefore, present no visual obstructions. However, for safety and engineering reasons, structures such as retaining walls, boardwalks, and railings, may be needed in some locations, thereby introducing man-made elements into the landscape.
Mitigation. None required.	Mitigation. Structural components of the path will be kept at a minimum and, to the extent practicable, designed using natural materials and a streamlined profile to limit visual intrusions. Opportunities for public input will be provided during detailed engineering and design phase.
HISTORIC AND ARCHAEOLOGICAL RESOURCES	
Immediate or Construction Impacts. None	Immediate or Construction Impacts. Potential for inadvertent discovery of ancient burials during construction. Adverse impact to the historic integrity of Wailua Plantation Bridge when it is rehabilitated to provide a non-vehicular shared use lane.

No Build Alternative	(Preferred) Build Alternative
Long-term or Operational Impacts.	Long-term or Operational Impacts. Permanent modifications to the Wailua Plantation Bridge. Potential for increased public traffic to cultural sites on State park land, south of Wailua River.
Mitigation.	Mitigation. The County DPW, FHWA, and SHPD have entered into a Memorandum of Agreement stipulating reburial procedures and documentation of Wailua Plantation Bridge. Consultation with the Kaua'i/Ni'ihau Island Burial Council prior to grading in shoreline areas, avoidance of burials where possible, and, where appropriate, implementation of approved burial treatment plan. To reduce inappropriate off-path activities in the vicinity of sensitive cultural sites, the County DPW will include landscaping, barriers (e.g., railings), and signage in the path design. The Division of State Parks will be consulted.
LAND USE	
Immediate or Construction Impacts. None.	Immediate or Construction Impacts. Potential for inconveniences to surrounding land uses. Disruptions will be temporary and last only as long as it takes to complete each section of the path.
Long-term or Operational Impacts. None.	Long-term or Operational Impacts. The path is located primarily on public lands (including rights-of-way, park areas, and canal maintenance easements). The project will not displace any residential or commercial use.
Mitigation. None required.	Mitigation. Property owners will be compensated for any private lands required by the project.
SOCIAL AND ECONOMIC	
Immediate or Construction Impacts. None.	Immediate or Construction Impacts. Project expenditures will temporarily boost the local economy, supporting short-term employment and local purchase of goods and services.
Long-term or Operational Impacts. None.	Long-term or Operational Impacts. Improvements will expand and enhance the transportation (bike/pedestrian) and recreational infrastructure of the community.
Indirect, Secondary, or Cumulative Impacts. None.	Indirect, Secondary, or Cumulative Impacts. Potential for new or expanded activity among businesses catering to path users. This project will not build or provide space for commercial or concessionaire activity.

No Build Alternative	(Preferred) Build Alternative
Mitigation. None required.	Mitigation. None required.
TRANSPORTATION	
Immediate or Construction Impacts. None	Immediate or Construction Impacts. In areas where the path is situated adjacent to an operational roadway, temporary traffic diversions may be needed around the construction area. However, access to businesses and residences will be maintained at all times.
Long-term or Operational Impacts. Without the project, bicyclists and pedestrians will continue to use existing roads and sidewalks, which typically do not provide sufficient space for shared use, continuity, or separation from vehicular traffic. In the case of bicycling, there is no urban facility for children, seniors, and novice riders.	Long-term or Operational Impacts. County to acquire Niulani Street and designate the roadway as a slow-speed, bike/pedestrian-priority roadway. Moanakai Road to be converted to a one-way road from Keaka Road to Panihi Road.
Mitigation. None	Mitigation. If necessary, a traffic plan will be developed prior to construction. Permanent changes in roadway operations require County Council approval, and conditions may be added at that time.
COMMUNITY SERVICES AND FACILITIES	
Immediate or Construction Impacts. None.	Immediate or Construction Impacts. None.
Long-term or Operational Impacts. None.	Long-term or Operational Impacts. Improved access for bicyclists and pedestrians to community facilities located along Kūhiō Highway, and to Wailua House Lots Park, and Kapa'a Elementary/High School and Mahelona Hospital (Kawaihau). Annual expenditure of public funds needed for facility maintenance and upkeep.
Indirect, Secondary, or Cumulative Impacts. None.	Indirect, Secondary, or Cumulative Impacts. Potential increase in the need for related services, such as law enforcement and emergency medical service.
Mitigation. None.	Mitigation. None required. County has committed to operating and maintaining the path facility.

S7 APPROVALS AND PERMITS

The following permits or approvals will be required prior to construction of the bike/pedestrian path.

The following government permits are required or potentially required to implement the proposed action:

- Department of Army Permit, Section 10, Rivers and Harbors Act
- Conservation District Use Permit, State Department of Land and Natural Resources
- National Pollutant Discharge Elimination System (NPDES) Permit, State Department of Health
- Construction Noise Permit and Variance, State Department of Health
- Consistency Review, Coastal Zone Management Act, State Office of Planning
- Special Management Area Permit, County of Kaua'i
- Shoreline Setback Variance, County of Kaua'i
- Flood Zone Permit, County of Kaua'i
- Roadway Operation Changes, Approval by County Council of Kaua'i

S8 COMMENTS AND COORDINATION

Project scoping activities consisted of written correspondence and meetings with relevant government agencies, landowners, and environmental organizations.

Two public information meetings were held as part of the project's planning process. The first meeting took place on the evening of January 29, 2004 at the Kapa'a Middle School cafetorium, and the second meeting was held on the evening of March 10, 2004 at the same location. Based on the number of people who signed in, there were 49 attendees at the first meeting and 69 attendees at the second. The first meeting included a brainstorming session in which participants were asked to identify potential alignments for bike/pedestrian paths. The second meeting focused on the short-list alternatives that would be studied in detail in the Environmental Assessment. Many of the participants at the second meeting were residents of condominiums located on Papaloa Road with questions and comments related to a proposed shoreline alignment on the makai side of their properties. (See Appendices E and F for a complete record of the first and second public meetings, respectively.)

Members of the Kaua'i County Council were also informed about the status of the project and alternatives under consideration at a briefing on June 3, 2004. The session was listed on the Council agenda and open to the public.

Availability of the DEA was announced in the June 8, 2004 issue of the OEQC *Environmental Notice*, which initiated a 30-day public comment period that ended on July 7, 2004. Copies of the DEA were mailed to federal, State, and County agencies; elected officials; and others who may have had an interest in the project. In addition, copies of the DEA were mailed to the Kapa'a Public Library, Līhu'e Regional Library, and Kaua'i Community College Library. All parties who were sent the DEA were asked to provide comments. Additional publicity was provided by a news article published in the June 27, 2004 edition of the *Garden Island News*.

A third public meeting was held on July 1, 2004 at Kapa'a Middle School. This meeting was specifically scheduled during the DEA public review period to enable members of the public to seek additional information about the project and/or provide comments. An estimated 61 people attended this meeting. Following a brief slideshow presentation, the floor was opened for discussion. Verbal comments were summarized on flip chart paper by a professional recorder. Sheets were posted on the walls of the cafetorium so that speakers could correct or revise their comments, and the audience could recall the flow of the discussion. (See Appendix G for complete documentation of the meeting.) In addition to the verbal comments, attendees were invited to submit written comments on the forms provided—either at the meeting or mailed in after the meeting.

In total, 43 sets of written comments were received on the DEA. Project planners provided responses to all written comments received during the public review period. Some of the comments led to changes in the EA in the form of clarification, correction, or new information. All agency and public comments on the DEA and responses have been reproduced as part of Chapter 10, Consultations and Comments.

S9 FINDING OF NO SIGNIFICANT IMPACT

In accordance with HRS Chapter 343 and HAR Chapter 200, the County DPW and State DOT have rendered a Finding of No Significant Impact (FONSI) for the proposed Lydgate Park- Kapa'a Bike/Pedestrian Path based on an assessment of project impacts in relation to the Significance Criteria specified in HAR 11-200-12(b). Comments on the DEA from agencies and the public were considered in the determination made by the respective agencies. A summary of the FONSI assessment is provided in Table S-2. There is a detailed discussion of each criterion in Chapter 8.

The FHWA anticipates issuing a FONSI after the 30-day availability period has passed and comments have been reviewed.

Table S-2
Summary Assessment of Project Impacts in Comparison to Significance Criteria

Criterion (from HAR 11-200-12(b))	Significant
Involves an irrevocable commitment to loss or destruction of any natural or cultural resource	No
Curtails the beneficial uses of the environment	No
Conflicts with the State's long-term environmental policies or goals and guidelines expressed in Chapter 344, HRS, and any revisions thereof and amendments thereto, court decisions, or executive orders	No
Substantially affects the economic or social welfare of the community or State	No
Substantially affects public health	No
Involves substantial secondary impacts	No
Involves substantial degradation of environmental quality	No
Is individually limited but cumulatively has considerable effect upon the environment or involves a commitment for larger actions	No
Substantially affects a rare, threatened or endangered species, or its habitat	No
Detrimentally affects air or water quality or ambient noise levels	No
Affects or is likely to suffer damage by being located in an environmentally sensitive area such as a floodplain, tsunami zone, beach, erosion-prone area, geologically hazardous land, estuary, freshwater, or coastal waters	No
Substantially affects scenic vistas and viewplanes identified in county or state plans or studies	No
Requires substantial energy consumption	No

Notes: "No" means the project impact as it pertains to the criterion is considered to be not significant and, therefore, an EA is the appropriate environmental review document, as provided in HRS Chapter 343. "Yes" would mean the project impact as it pertains to the criterion is considered to be significant and, therefore, an environmental impact statement would be the appropriate review document under HRS Chapter 343.

S10 SECTION 4(f) EVALUATION

Section 4(f) of the U.S. Department of Transportation (USDOT) Act of 1966 (49 USC §303(c)) declares that "it is the policy of the United States Government that special effort should be made to preserve the natural beauty of the countryside and public parks and recreational lands, wildlife and waterfowl refuges and historic sites."

Section 4(f) resources in the project area include two public parks—Wailua Beach Park and Lihi Park (or Waipouli Beach Park) and the Wailua Plantation Bridge, a bridge that is potentially eligible for the National Register of Historic Places. Programmatic Section 4(f) evaluations were prepared for the use of these resources, as permitted by the following FHWA documents:

- Negative Declaration/Section 4(f) Statement for Independent Bikeway or Walkway Construction Projects

  The current project will construct a bikeway/walkway that is independent of any transportation project. Although park land will be used, the facility is consistent with the intended recreational purposes of the park and provide a net benefit to park users.

- Nationwide Programmatic Section 4(f) Evaluation and Approval for FHWA Projects that Necessitate the Use of Historic Bridges

  To cross Wailua River, the project will modify the Wailua Plantation (cane haul) Bridge. The County DPW and FHWA have entered into a Memorandum of Agreement with the State Historic Preservation Division to produce a written and photographic record of the bridge according to accepted standards.

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1 INTRODUCTION

1.1 PROPOSING AGENCY AND ACTION

The County of Kaua'i, Department of Public Works (DPW) proposes to construct a shared use path for pedestrians, bicyclists, and other users from Lydgate Park to Waika'ea Canal in Kapa'a, a distance of approximately two miles. This project, referred to as the "Lydgate Park-Kapa'a Bike/Pedestrian Path," is one part of a longer, continuous pathway that will ultimately travel along the east side of Kaua'i from Nāwiliwili in the south to Anahola in the north. The scope of this project also includes two feeder routes:

(1) A shared use path connecting the Lydgate-Kapa'a bike-pedestrian path to the Wailua House Lots Park, and

(2) A shared use path connecting the Kawaihau Road bike-pedestrian path to the Kapa'a-Keālia bike-pedestrian path.

Figure 1 shows the locations of the three project areas. The bike/pedestrian path will be 10 to 12 feet wide and allow movement in both directions. It is intended to accommodate a wide variety of users; however, motorized vehicles will not be allowed with the exception of motorized wheelchairs, emergency vehicles, and maintenance vehicles. The path will be constructed from concrete with graded shoulders. Under some environmental conditions, the path may be designed with other materials appropriate to the specific site. In other instances, existing development may preclude a full, 10-foot wide path, thereby requiring consideration of options, such as an improved, widened sidewalk or sidepath.

Specific design elements will be established in the design phase of the project. For this document, the proposed action is assumed to be a facility built in conformance with guidelines for bicycle facilities published by the American Association of State Highway Transportation Officials (AASHTO), unless otherwise stated, and standards established in the Americans with Disabilities Act (ADA) Accessibility Guidelines or ADAAG.

The Lydgate Park to Kapa'a bike/pedestrian path will not include comfort stations, pavilions, picnic areas, or separate parking areas. However, the project includes design elements related to known site conditions, such as grading, retaining walls, railings, fencing, and/or changes to traffic patterns, that are described and discussed in this document. Other elements that may be included in the proposed action are landscaping, signage, and amenities, such as trash receptacles and benches.

The County of Kaua'i will construct, own, and operate the facility. The project will be funded, in part, by the U.S. Department of Transportation, Federal Highway Administration.

1.2 DEFINING THE PROJECT AREA

The project area satisfies three general principles contained in FHWA regulations (23 CFR 771.111(f) (GPO 2004)) on framing a transportation project.

(1) Connect logical termini and be of sufficient length to address environmental matters on a broad scope

The proposed action has logical termini. The project begins at the north end of the Lydgate Park shared used path, and terminates at the south end of the Kapa'a-Keālia shared use path. Therefore, this project connects a path that has already been completed (at Lydgate Park) and another path that is under construction (Kapa'a-Keālia).

(2) Have independent utility or independent significance, i.e., be usable and be a responsible expenditure even if no additional transportation improvements in the area are made

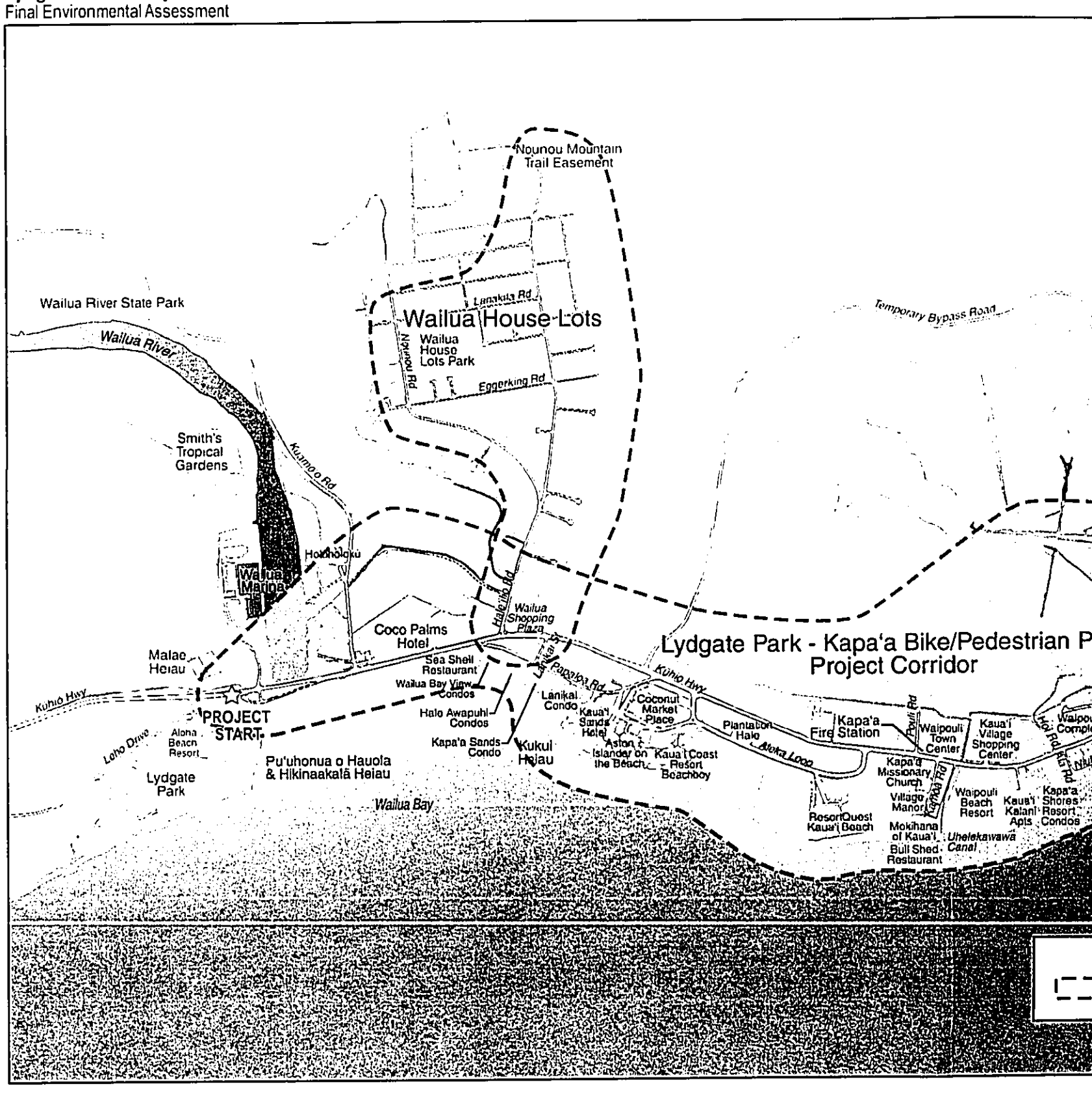
Between the two project termini, the bike/pedestrian path is an independent and usable facility that will serve the local circulation and recreation needs of the Wailua-Waipouli-Kapa'a community. The proposed action traverses one of the island's most urbanized areas. Development densities and the mix of land uses are particularly amenable to non-motorized forms of access and travel. Connections are provided to residential areas, commercial destinations, resort areas, parks, schools, and other community facilities.

Because of the project's size and cost, the project sponsors have acknowledged the likelihood that it may be implemented in sections over time. Therefore, the project has been divided into phases that include:

- Main (north-south) alignment
- Wailua House Lots phase
- Kawaihau phase

(3) Not restrict consideration of alternatives for other foreseeable transportation improvements

The project area was sufficiently broad to consider a wide range of alternatives. Although the proposed action was conceived initially as a coastal trail, two inland alternatives were developed during the planning process and evaluated in the DEA. The preferred alternative includes a combination of inland and coastal sections. Planning for the Lydgate Park-Kapa'a shared use path was conducted in coordination with planning for other proposed transportation improvements, such as HDOT's short-term transportation improvements in Wailua and the Kapa'a Relief Route project.


Nounou Mountain Trail Easement
Wailua River State Park
Wailua River
Wailua House Lots
Wailua House Lots Park
Lanakila Rd
Nounou Rd
Eggerking Rd
Temporary Bypass Road
Smith's Tropical Gardens
Kuamoo Rd
Holoholoku
Wailua Marina
Coco Palms Hotel
Wailua Shopping Plaza
Halelilo Rd
Lydgate Park - Kapa'a Bike/Pedestrian P
Project Corridor
Malae Heiau
Sea Shell Restaurant
Wailua Bay View Condos
Papaloa Rd
Kuhio Hwy
Lanikai Condo
Coconut Market Place
Kaua'i Sands Hotel
Halo Awapuhi Condos
Kapa'a Sands Condo
Kukui Heiau
Aston Islander on the Beach
Kaua'i Coast Resort Beachboy
Plantation Halo
Aleka Loop
Kapa'a Fire Station
Pouli Rd
Waipouli Town Center
Kaua'i Village Shopping Center
Kapa'a Missionary Church
Village Manor
Waipouli Beach Resort
Kaua'i Kalani Apts
Kapa'a Shores Resort Condos
Resort Quest Kaua'i Beach
Mokihana of Kaua'i Bull Shed Restaurant
Uhelekawawa Canal
Kuhio Hwy
PROJECT START
Leho Drive
Aloha Beach Resort
Lydgate Park
Pu'uhonua o Hauola & Hikinaakalā Heiau
Wailua Bay
0 350 700 1,400 Feet
0 Mile
1 Mile

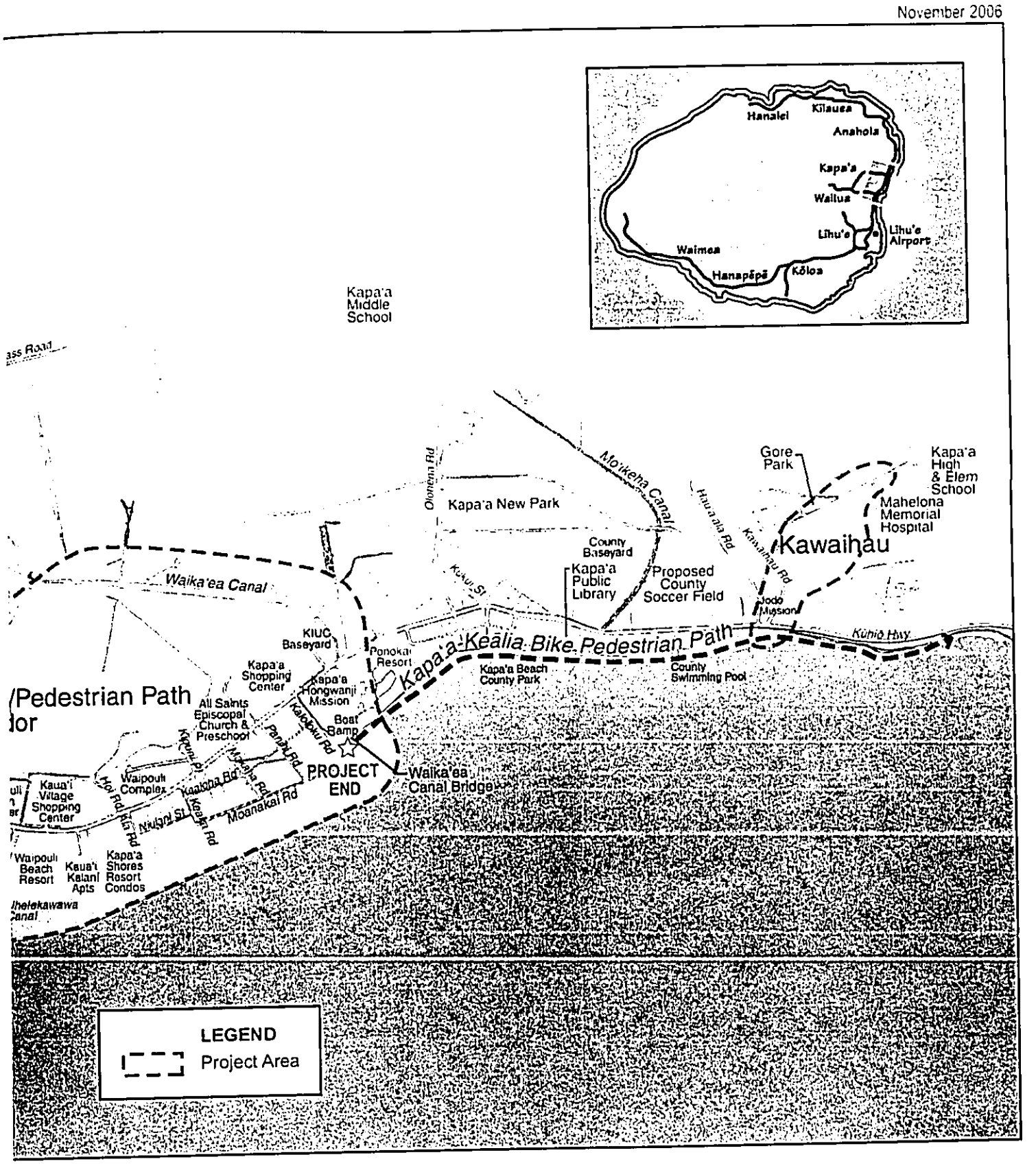


Figure **1**

Project Area Location
Lydgate Park to Kawaihau

1.3 PURPOSE OF THE FINAL ENVIRONMENTAL ASSESSMENT

The Final Environmental Assessment (FEA) discloses the environmental and socio-cultural impacts that may result from the project's implementation, and commits to specific mitigation measures. It has been prepared to satisfy the requirements of Chapter 343, Hawai'i Revised Statutes (HRS) and Title 11, Chapter 200, Environmental Impact Statement Rules of the Hawai'i Administrative Rules (HAR), as well as the National Environmental Policy Act (NEPA) and other environmental compliance requirements.

The proposed action triggered the rules and regulations for environmental review for the following reasons:

- use of public funds and public lands
- use of the shoreline area
- use of historic site

The environmental review process allows for three courses of action depending on a project's anticipated level of environmental impact. The first course would be "exemption" from environmental review according to the HAR Chapter 200 (Environmental Impact Statement Rules), and qualification as a "categorical exclusion" according to 23 Code of Federal Regulations (CFR) 771 and 40 CFR 1508. These procedures are applicable to projects that typically do not impact the environment (for example, road resurfacing, or routine maintenance).

The second course of action applies to projects whose environmental impact would not be "significant." The term "significant" has a technical definition under HAR Chapter 200. For projects lacking a "significant" environmental impact, an Environmental Assessment (EA) is prepared and is the appropriate environmental review document. Based on impact analyses presented in this document, and the commitment to implement the mitigation measures described in this document, the proposed project will not cause a "significant" impact to the environment. The bases for concluding that the project's impacts will not be significant under HRS 343 are provided in Chapter 8.

Early consultations and scoping meetings led to an assessment that the project would not cause a significant impact, as presented in the project's DEA. As described in Chapter 10, the DEA was reviewed by the public and government agencies. The comments received yielded no new information to change the preliminary Finding of No Significant Impact.

The third course of action applies to projects expected to have a "significant" impact on the environment. For such projects, an Environmental Impact Statement (EIS) is prepared, and is the appropriate environmental review document. Since the impacts of the proposed project will not be "significant," an EIS was not prepared.

1.4 STEPS IN THE ENVIRONMENTAL REVIEW AND IMPLEMENTATION PROCESS

The DEA was submitted to the State Office of Environmental Quality Control (OEQC) for processing. The OEQC notified the public that the DEA was available for review in its bimonthly bulletin, the OEQC *Environmental Notice*, published on June 8, 2004. Official announcement by the OEQC initiated a 30-day comment period which ended on July 7, 2004. At the same time, project planners distributed copies of the DEA with a cover letter requesting comments (see distribution list in Chapter 10).

Following agency and public review of the DEA, the County and its planning team responded to comments received. Based on the comments and Significance Criteria specified in HAR Chapter 200, the County Department of Public Works and State Department of Transportation rendered a Finding of No Significant Impact (FONSI) under HRS Chapter 343. Availability of the FEA/FONSI will be announced publicly in the OEQC *Environmental Notice*. A record of comments and consultation activities that were conducted as part of project planning is included in this FEA.

The Federal Highway Administration will make a determination on issuance of a Finding of No Significant Impact after the availability period.

Additional channels for public input will be available after the environmental review process is completed. The project requires permits (see Section 1.5), including some that have separate procedural requirements for public involvement. For example, the Special Management Area (SMA) permit requires a public hearing and approval by the County Council. To implement the project, a private contractor will be selected to design the shared use path. Although the exact nature of the public participation program is unknown at this time, there will be provisions for public input and feedback.

1.5 PERMITS AND APPROVALS REQUIRED OR POTENTIALLY REQUIRED

The following government permits are required or potentially required to implement the proposed action:

- Department of Army Permit, Section 10, Rivers and Harbors Act
- National Pollutant Discharge Elimination System (NPDES) Permit, State Department of Health
- Consistency Review, Coastal Zone Management Act, State Office of Planning
- Special Management Area Permit, County of Kaua'i
- Shoreline Setback Variance, County of Kaua'i
- Flood Zone Permit, County of Kaua'i
- Roadway Operation Changes, County Council of Kaua'i

1.6 PROJECT SUMMARY

Table 1 contains a description of the project and applicable land-use designations.

Table 1: Project Summary

Project Name	Lydgate Park-Kapa'a Bike/Pedestrian Path
Proposing Agency	Department of Public Works, County of Kaua'i
Approving Agencies	Department of Public Works, County of Kaua'i State of Hawaii, Department of Transportation Federal Highway Administration
Determination	*Finding of No Significant Impact* (FONSI) under HRS, Chapter 343
Tax Map Keys	Island of Kaua'i: 3-9-6; 4-1-4, 5, 8, and 16; 4-3-2, 5 to 9; 4-5-1 and 2 (various parcels)
Existing Uses of the Site	Lydgate Park to Waika'ea Canal (main alignment): beach park, highway shoulders, sidewalks, residential streets, maintenance easements along canals, cane haul roads, "back-of-house" areas Wailua House Lots Phase: former cane haul road bordered by residences on south side and fallow sugarcane fields on north side Kawaihau Phase: residential with nearby institutional uses (hospital, schools)
Proposed Project	Development of a shared use path, 10-12 feet wide, connecting Lydgate Park and Waika'ea Canal with coastal and canal components (the main, north-south alignment). Connector paths, 10-12 feet wide, adjacent to the Wailua House Lots subdivision and lower portion of Kawaihau.
State Land Use	Urban District: majority of proposed path alignments Agricultural District: about 1.6 miles of proposed pathways, adjacent to Waipouli Drainage Canal. In addition, the Wailua House Lots Phase (northern perimeter of the Wailua House Lots subdivision) is in the Agricultural District. Conservation District: Wailua River

Kaua'i General Plan	Resort: Coco Palms to Waipouli Beach Resort Urban/Town Center: Waipouli Town Center to Waika'ea Canal Residential Community: Wailua House Lots, Kawaihau Agriculture: Fernandes Road to Wailua House Lots, mauka of Kūhiō Hwy Open: Between Kapa'a Shopping Center and Waika'ea Canal Park: Lydgate Park, Lihi Park
Zoning	Areas makai of Kūhiō Hwy are zoned for resort and residential uses. Areas mauka of Kūhiō Hwy are a mix of residential, resort, commercial, industrial, agriculture, and open zones. The Wailua House Lots Phase is located in the open zone. The Kawaihau Phase is located in a residential zone with a "special treatment-public" overlay zone.
SMA Designation	Portions of the main, north-south alignment are located in the SMA, including the southern section from Lydgate Park to Hale'īlio Road, and the northern section from Ala Road to Waika'ea Canal. The Wailua House Lots Phase is not in the SMA. The makai portion of the Kawaihau Phase (along Kawaihau Road, below Hundley Heights) is in the SMA.

2. PURPOSE OF AND NEED FOR ACTION

2.1 HISTORY OF THE PROJECT

The Lydgate Park-Kapa'a bike/pedestrian path is one part of a longer, 16-mile shared use path that has been proposed for the east side of Kaua'i from Nāwiliwili to Anahola. The idea for the path was first proposed in the early 1990s by a citizen advisory group convened by the County Council. The advisory group was named Ke Ala Hele Makalae, which translates to "the path that goes along the shore," and continues to meet on a semi-regular basis. Planning for bikeways gained momentum with the cessation of agricultural production, a momentous change in land use that raised the possibility of adapting and reusing former cane haul roads.

Also in the early 1990s, the State Department of Transportation began updating its bicycle master plan, called *Bike Plan Hawaii*. Members of Ke Ala Hele Makalae participated in the planning effort. Their advocacy led to a proposal in the 1994 edition of *Bike Plan Hawaii* for a "coastal bikepath" connecting the two main population centers of Līhu'e and Kapa'a and extending beyond. (This proposal was endorsed in the 2003 update of *Bike Plan Hawaii*.)

In the meantime, a grassroots initiative had taken hold at Lydgate Park leading to the design and construction of Kamalani Playground and later Kamalani Bridge. The time contributed by volunteer workers who built the bridge—hundreds of hours in sweat equity valued at $550,000— was used to satisfy the County's match toward a grant of $2.6 million obtained from the federal government. These funds were used to plan and build 2.3 miles of bicycle/pedestrian paths and amenities in Lydgate Park. The project was completed in 2003.

Following the Lydgate Park Bike/Pedestrian Path, the County began planning a shared use path from Waika'ea Canal to Keālia. This project includes coastal land conveyed to the County of Kaua'i from the State of Hawai'i through a series of Executive Orders, and land dedicated by the private landowner of the Keālia Kai Subdivision to fulfill a condition of the Special Management Area Permit and subdivision approval. The new path will start at Waika'ea Canal and extend approximately 4.3 miles to Ahihi Point in the northern Keālia area. There is an existing, one-mile asphalt bike path between Waika'ea Canal and the Smokey Louie Public Swimming Pool that will be rebuilt as part of this project.

The private property dedicated in Keālia is providing the local match for the Kapa'a-Keālia path and will contribute toward the local match elsewhere in the path system. The design-build phase of the Kapa'a-Keālia bike/pedestrian path began in 2005.

Planning for the Lydgate Park-Kapa'a Bike/Pedestrian Path started in late 2003 as a connection between the previous sections. It also traverses the most urbanized section of

the overall path and is, therefore, accessible to a large concentration of potential users. For this reason, and in response to the urgings of residents who attended Ka Leo (town-hall style) public meetings in Wailua House Lots and Kawaihau, two "connector routes" were added to the main north-south "trunk" line project. The proposed routes will increase the safety of people who walk and bicycle through the hillside communities of Wailua House Lots and Kawaihau.

The fourth project in the path system will start at Lydgate Park and extend approximately 4 miles south to Ahukini and bring the network close to Līhu'e, the county seat. Planning for the Lydgate-Ahukini shared use path began in 2005. It has been followed by a fifth project, covering the distance from Ahukini to Nāwiliwili Harbor, a debarkation point for thousands of cruise ship passengers. Planning for the sixth project, also underway, will extend the north end of the path from Keālia to Anahola.

2.2 PROJECT PURPOSE AND NEED

The bike/pedestrian path project addresses several needs and objectives:

- Improved safety for pedestrians, bicyclists, and others using non-motorized modes of transportation
- Increased choices among alternative modes of transportation
- Greater connections among destination nodes
- Enhanced access to natural areas, while minimizing impacts on sensitive ecosystems
- Increased opportunities for recreation and physical fitness
- Increased potential for economic activities associated with use of the path
- Implementation of bikeway proposals in the *Kaua'i General Plan* and *Bike Plan Hawaii*

Improved Safety for Pedestrians, Bicyclists, and Others Using Non-motorized Modes of Travel.

Historically, transportation agencies at all levels of government focused on roadway construction. In 1991, Congress passed historic legislation that set a new direction for transportation policy. The Intermodal Surface Transportation Efficiency Act (ISTEA called "ice tea") recognized that bicycling and walking are part of a balanced transportation system. ISTEA required that a portion of the nation's transportation budget be set aside to improve transportation for non-motorized modes of transportation and mandated that state long-range transportation plans address the full range of transportation needs. The trickle-down of federal policy has helped local governments to improve transportation facilities for bicyclists and pedestrians.

In terms of bicycling, "the Federal policy goal ... is to accommodate current use and to encourage increased use, while enhancing safety" (FHWA 1994: 1). The FHWA and AASHTO have adopted the concept of the "design cyclist" as a means of classifying bicycle users and recommending appropriate types of bicycle facilities. The classification system involves three tiers: Group A includes experienced riders, Group B includes basic bicyclists (casual or new adult and teenage riders), and Group C includes children. Generally, Group A riders are best served by making every street "bicycle-friendly," while Group B/C bicyclists are best served by a network of neighborhood streets and designated bicycle facilities (FHWA 1994). Since Kaua'i County has determined that the subject facility should be accessible to the broadest range of users in age and skill, and recognized that there will be more novice riders than advanced bicyclists, the project has been planned as a shared use path.

In terms of walking, the *Pedestrian Facilities Users Guide* calls on transportation planners to assume that people will walk: "People will want to walk everywhere they can, and a comfortable, inviting, and safe environment should be provided for them." (FHWA 2002) The *Pedestrian Guide* specifically mentions traffic as a potential detractor from a walkable environment. It notes that high-volume, high-speed traffic can inhibit a person's feeling of safety and comfort by creating a "fence effect," where the street seems to be an impenetrable barrier.

At present, bicyclists, as well as pedestrians and joggers in the project area use shoulders or the sides of roads, or share sidewalks where available. The proposed action will increase the safety of this situation by separating those on foot and on bicycles from passing vehicles. To accommodate a mix of users, the path will have a design width of 10-12 feet, as recommended in guidelines published by AASHTO (1999).

Increased Choices among Alternative Modes of Transportation

Shared use paths have been popular across the nation because separating motor vehicles from bicyclists and pedestrians increases the sense of safety and comfort. These characteristics are fundamental to giving people viable choices in how they travel. The proposed path is intended for use by all age groups, and those who possess a range of skill levels. It will facilitate the mobility of youths, elderly people, and others who do not drive or have access to automobiles. This is particularly important in a region, such as Wailua-Kapa'a, where the U.S. Census Bureau's 2000 data show that 43% of households have children under the age of 18, compared to 38% of households statewide. The path—and its feeder routes—are expected to ease the concerns of some parents who have expressed reluctance in allowing their children to walk or ride bicycles. If children and teens are able to exercise greater independence and mobility, families would have more flexibility and choices when making transportation arrangements to support everyday activities.

Better Connections to Popular Destinations

The proposed action will furnish a path located between an existing path (at Lydgate Park) and a path that that is currently in design and construction (from Kapa'a to Keālia). In effect, the project supplies a missing link. It is the continuity of the path system—what transportation specialists call "system connectivity"—that will increase the usefulness of the facility. An expanded network allows people to go where they want to go.

This project would provide access to popular destinations, such as the resort area, shopping centers (Coconut Marketplace, Waipouli Town Center, Kaua'i Village Shopping Center, and Kapa'a Shopping Center), schools, churches, and other community facilities. Combined with the contiguous Kapa'a-Keālia segment, the path will run the entire length of the urbanized area. Those living in the south part of the urban area, for example in Wailua House Lots, could walk or bike all the way to the Kapa'a Neighborhood Center, public library, or swimming pool at the north end.

The utility of the path will also be increased by the two connector segments that are included in this project. The proposed path serving Wailua House Lots will provide access between the well-used community park and Wailua Beach Park. The proposed path in the Kawaihau residential area will connect the north-south bike/pedestrian path with the existing Kawaihau path, which currently ends near Kapa'a Elementary School. Residents in both neighborhoods have expressed support for the pathways through the Ka Leo public meetings.

Enhanced Access to Natural Areas

The Wailua-Waipouli-Kapa'a area is surrounded by natural places of great scenic beauty. The proposed action will enable residents and visitors to access some of these places under conditions that are better controlled than they are at present. Beach access is a traditional part of the island lifestyle, supported by numerous laws, government regulations, and court actions. Despite efforts to preserve mauka-makai and lateral accesses, as land is developed, it is sometimes difficult for members of the public to determine where the public lands are or where they can go without trespassing on private property. The path would indicate a clear travel way.

In other places, sensitive ecosystems may be of concern. Here, too, defined pathways would give people an opportunity to enjoy natural areas with reduced impact on the resources, by limiting places where people can walk and bicycle.

For those who require wheelchairs (as well as parents with children in strollers), a hard, smooth surface will make it easier to travel through the outdoors, especially in places that are sandy, rocky, or covered with grass. To the extent that it is technically feasible, the path will be designed in compliance with guidelines established under the Americans with Disabilities Act.

Increased Opportunities for Outdoor Recreation and Fitness

The proposed path is needed to provide increased opportunities for outdoor recreation and fitness. There is no other area in town that provides a safe, dedicated facility for people to walk, jog, and bicycle. Recent reports by the Centers for Disease Control and U.S. Surgeon General, among others, indicate that obesity and related chronic health problems have reached near-epidemic proportions (see for example, Carmona, 2003 and Gerberding, 2005). With its share of tobacco settlement funds, the State of Hawaii has embarked on a major health awareness campaign called the Hawai'i Health Initiative in which "Get Active" is a cornerstone of the campaign. Sedentary lifestyles are blamed, in part, and facilities that enable greater physical activity have become even more important assets for a community's health and well-being.

Support for the Region's Economic Base

Another objective of the project is to support tourism, the region's economic base. This project will not provide space for commercial or concessionaire activities. However, across the country, other places with popular bike paths and rails-to-trails have found that their facilities have contributed to entrepreneurial growth, as small businesses step in to offer bike rental and repair, refreshment sales, and related goods and services.

A path through and around resort areas is expected to spur greater mobility and circulation throughout. Visitors will find it easier, and likely more pleasant, to stroll between their lodgings and shops and restaurants. In addition, given the regional scope of the proposed path system and its scenic qualities, it could emerge as an important visitor attraction. The bike/pedestrian path would add a new activity for visitors, perhaps warranting an extension of their stay. Moreover, the path is consistent with the type of activities favored by the ecotourism market, and could help the local industry tap into this niche.

Implementation of Bikeway Proposals in County and State Plans

The proposed action is mentioned in the *Kaua'i General Plan* (2000) and in *Bike Plan Hawaii* (1994, 2003). The *General Plan* states that the "proposed bike path would offer scenic views of the Kapa'a-Lihu'e coastline, and would offer an excellent alternative for bicyclists commuting between Kapa'a and Līhu'e." However, the Plan also notes that for future bikeway development to occur along the coast, "major efforts will be needed to acquire sufficient right-of-way, and to gain public and landowner support for a continuous bike path" (p. 7-10).

Bike Plan Hawaii, the HDOTs bicycle master plan, was updated in 2003. The latest version of the plan carried over a proposal first included in the 1994 edition, for a "coastal bikepath" from Nāwiliwili to Anahola. Both the *General Plan* and *Bike Plan Hawaii* were developed with extensive community participation. Consistent endorsement of the bike/pedestrian path proposal indicates steady community support for over a lengthy period and in different planning venues.

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3. PROPOSED ACTION

3.1 PROJECT LOCATION

The project area is a corridor that starts south of the Wailua River between Kūhiō Highway and the Aloha Beach Resort (see Figure 1, page 1-3). A cul-de-sac in this location currently serves as the terminus of the Lydgate Park shared use path. The project corridor ends at the Waika'ea Canal footbridge in Lihi Park in Kapa'a. A shared use path is being proposed to connect these two points, covering a distance of approximately two miles.

The scope of this project also includes two other "feeder" routes: (1) connecting the Lydgate Park-Kapa'a bike/pedestrian path to the Wailua House Lots Park and (2) connecting the Kawaihau Road bike/pedestrian path to the Kapa'a-Keālia bike/pedestrian path.

3.2 PROPOSED ACTION

3.2.1 Lydgate Park to Kapa'a (Waika'ea Canal)

Figure 2 shows the alignment for the bike/pedestrian path. The north-south alignment includes coastal sections near the project start and end points, and a mid-section located along the Waipouli canal that takes advantage of mauka view planes. The final route was selected because it maximizes project objectives—providing a safe route for pedestrians and bicyclists that is separated from vehicular traffic to the extent possible, connecting origin and destination nodes, enhancing access to beach and recreational resources, and providing a scenic, outdoor experience—while avoiding or minimizing environmental impacts.

The project's start point lies between the Aloha Beach Resort and Kūhiō Highway, where the path will be extended beyond an existing stubout. The path will be located within the highway right-of-way that is in the process of being transferred to HDOT from the Department of Land and Natural Resources.

Wailua River Crossing

To cross the Wailua River, a cantilevered bike/pedestrian bridge will be attached off the seaward side of the existing cane haul bridge, which is owned by HDOT[1]. The bike/pedestrian bridge will be integrated with a HDOT project to remove the existing bridge deck and replace it with a wider deck capable of carrying two vehicular lanes. The existing bridge will provide full vertical support for the bike/pedestrian extension; therefore, no

[1] The cane haul road bridge is contained within a HDOT easement through the Wailua River State Park. The park is under the jurisdiction of the Department of Land and Natural Resources. The river channel is classified in the Conservation district.

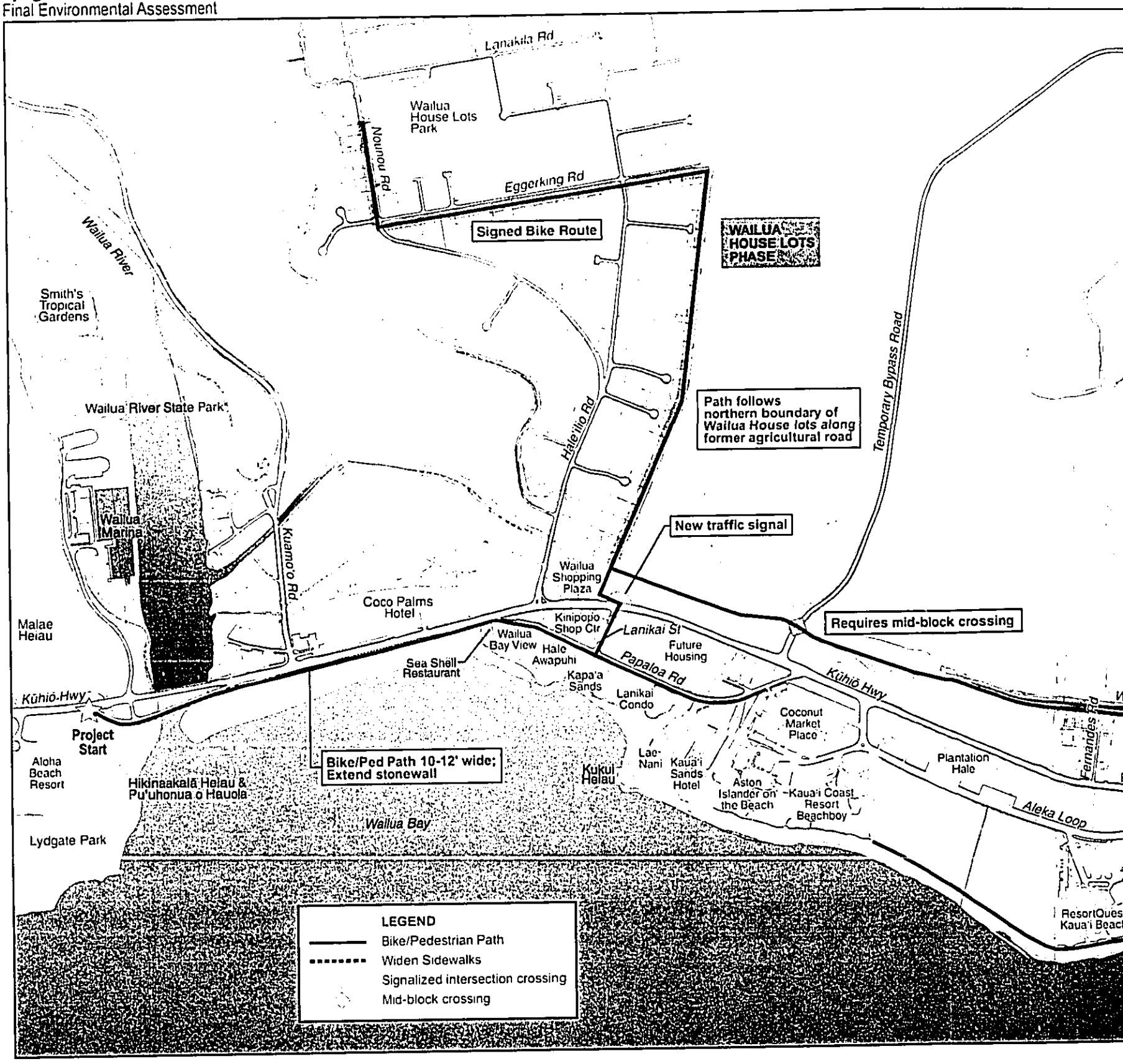
additional supporting piers will be required in the river. Figure 3 shows the cane haul bridge with the cantilevered section.

Wailua Beach Park to Canal Section

At the north end of the cane haul bridge, the bike/pedestrian path will require a ramp to meet slope guidelines established under the Americans with Disabilities Act (ADA). The preferred alignment is to route the path along the makai side of an existing parking area for Wailua Beach Park. This alignment is intended to avoid conflicts with vehicles entering and exiting the beach parking area. However, by going around the parking area, portions of the pathway will be located inside the 40-foot shoreline setback area and require a variance.

Through the mid-section of Wailua Beach Park, the path will be as far inland as possible, running parallel to Kūhiō Highway and on the makai side of a low rock wall. The rock wall will be extended to provide an additional buffer between the highway and the path. At the north end of the beach park, the path again will be routed along the makai edge of the parking area and may encroach into the shoreline setback area.

Approaching the Seashell Restaurant, Kūhiō Highway northbound.


Lanakila Rd
Wailua House Lots Park
Nounou Rd
Eggerking Rd
Signed Bike Route
WAILUA HOUSE LOTS PHASE
Wailua River
Smith's Tropical Gardens
Wailua River State Park
Wailua Marina
Kuamo'o Rd
Hale'ilio Rd
Path follows northern boundary of Wailua House lots along former agricultural road
Temporary Bypass Road
New traffic signal
Wailua Shopping Plaza
Coco Palms Hotel
Malae Heiau
Kinipopo Shop Ctr
Lanikai St
Future Housing
Requires mid-block crossing
Wailua Bay View
Hale Awapuhi
Sea Shell Restaurant
Papaloa Rd
Kapa'a Sands
Lanikai Condo
Kūhiō Hwy
Coconut Market Place
Kūhiō Hwy
Project Start
Aloha Beach Resort
Bike/Ped Path 10-12' wide; Extend stonewall
Kukui Heiau
Lae-Nani
Kaua'i Sands Hotel
Aston Islander on the Beach
Kaua'i Coast Resort Beachboy
Plantation Hale
Fernandes Rd
Aleka Loop
Hikinaakalā Heiau & Pu'uhonua o Hauola
Wailua Bay
Lydgate Park
ResortQuest Kaua'i Beach
LEGEND
Bike/Pedestrian Path
Widen Sidewalks
Signalized intersection crossing
Mid-block crossing
0 200 400 800 Feet
N
0 Mile
1 Mile

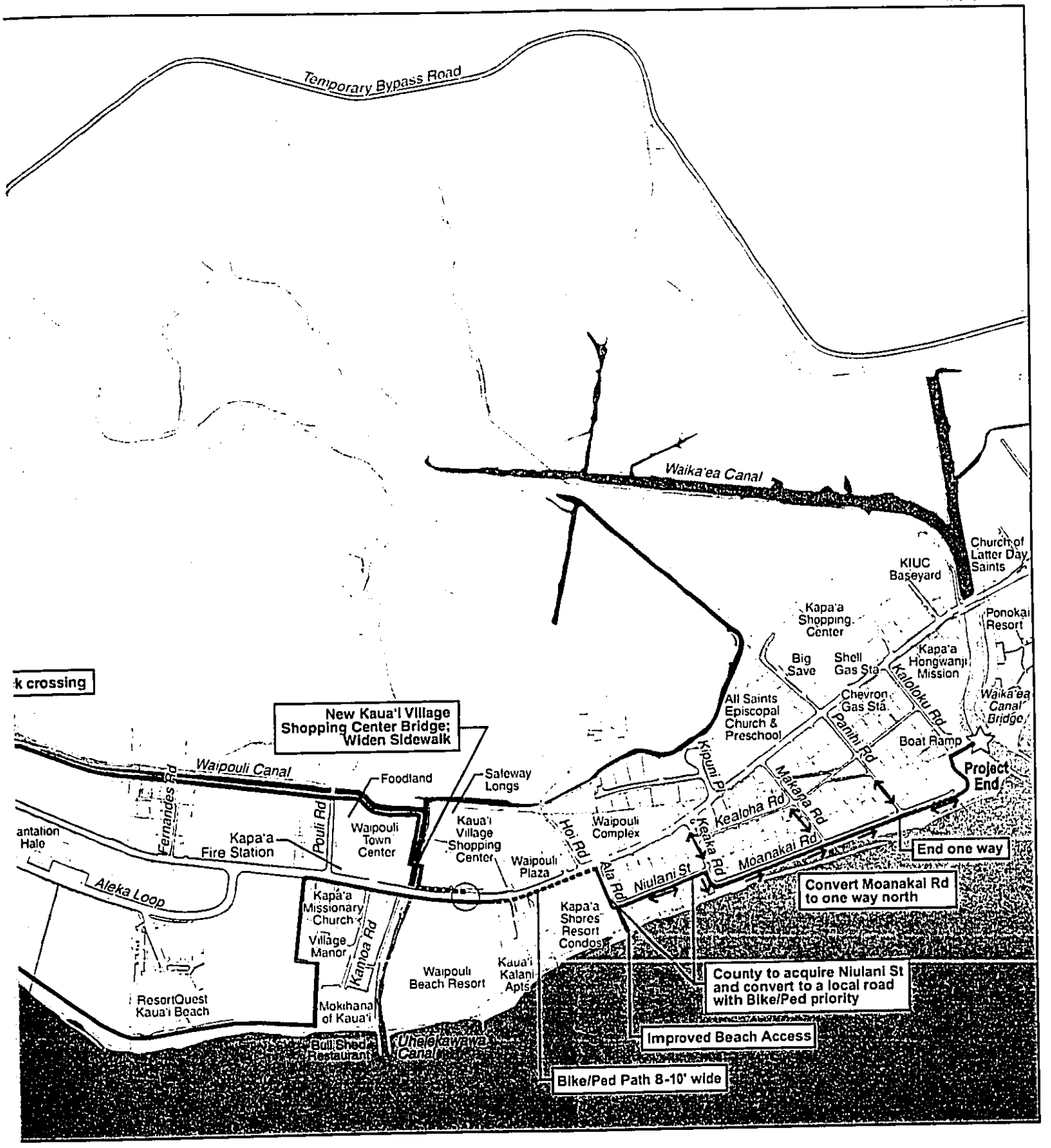


Figure **2**

Build Alternative: Lydgate Park - Kapa'a

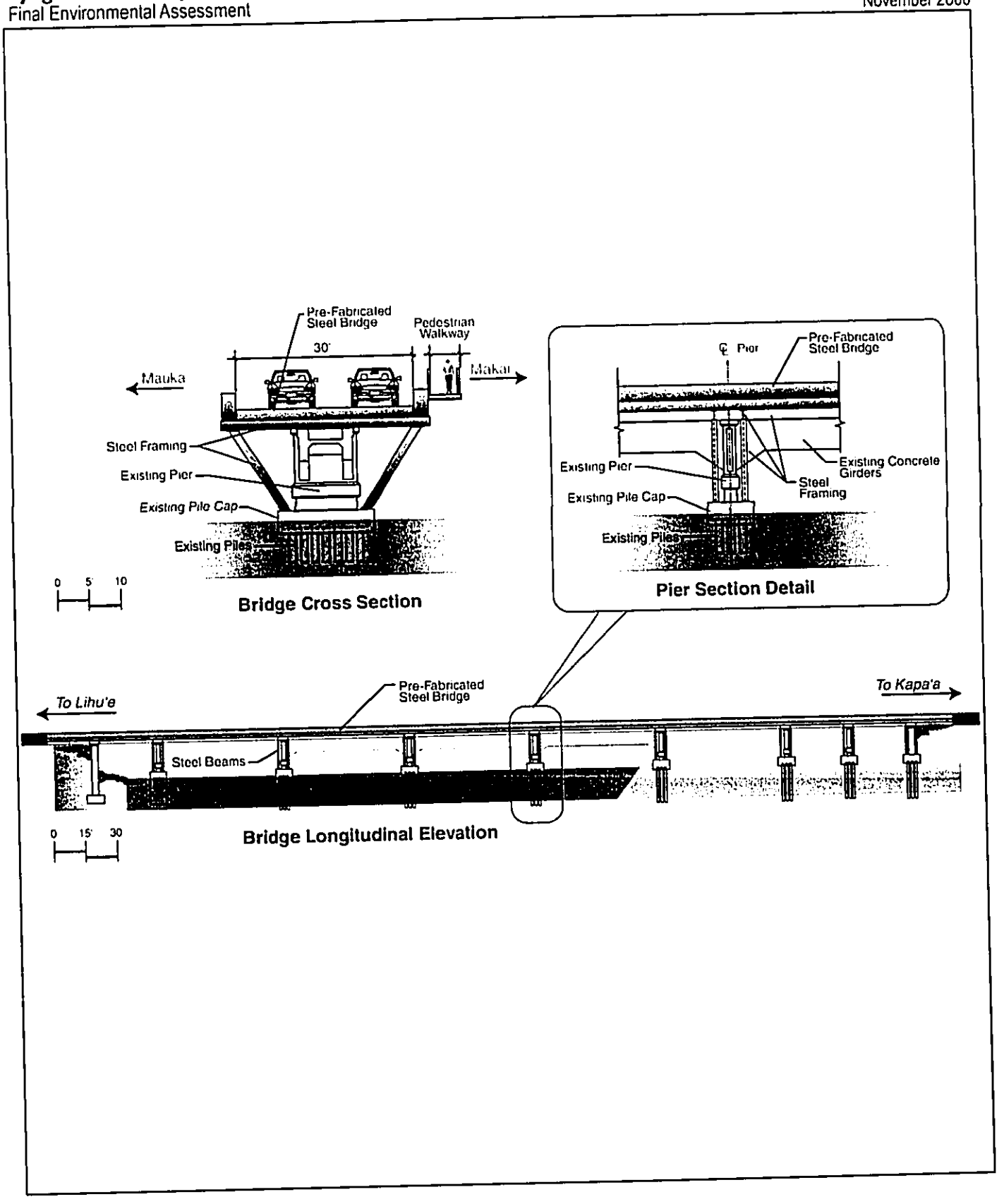
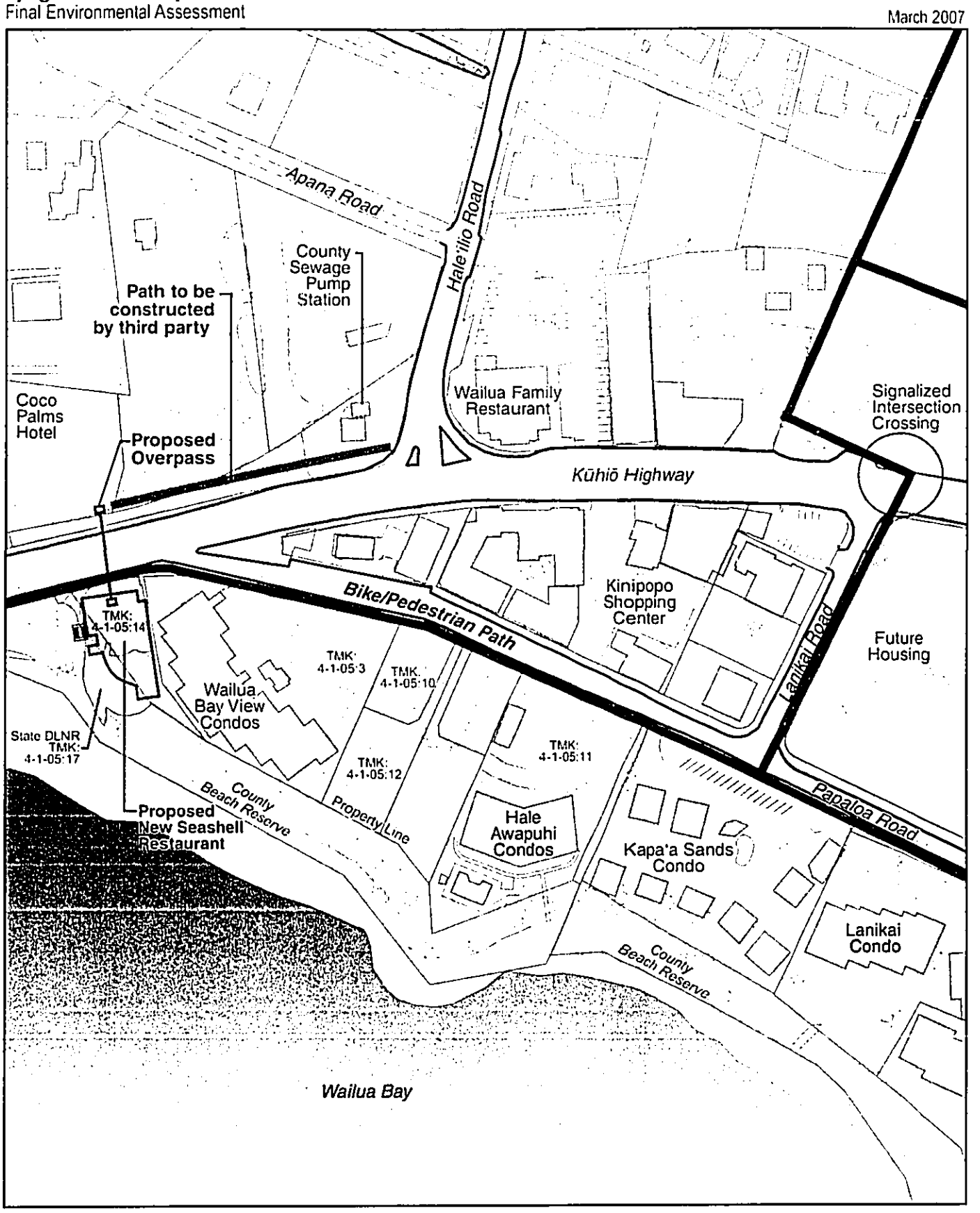


Figure **3**

Cane Haul Bridge with Cantilever



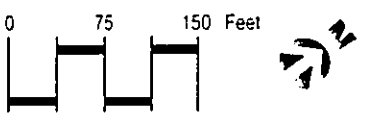


Figure **4**
Seashell Restaurant

Path users will have two options to cross Kūhiō Highway. North of the Seashell Restaurant, the path will follow Papaloa Road, then turn mauka at Lanikai Street (see Figure 4). A spur is planned for the remainder of Papaloa Road to provide access to Coconut Marketplace, a major commercial destination. There is an existing sidewalk on Papaloa Road that will be widened and extended; all improvements will occur within the existing right-of-way.

Where the path turns onto Lanikai Street, it will be located on the north side of the road and incorporated into the design of the new housing complex known as The Courtyards of Waipouli. At the intersection of Lanikai and Kūhiō Highway, a new user-activated traffic signal has been proposed to facilitate highway crossing by bicyclists and pedestrians. This signal will be synchronized with the Hale'īlio Road traffic signal, located approximately 525 feet to the south. The State Highways Division must still conduct a study to determine if a traffic signal at Lanikai Street is warranted. The bike/pedestrian path's impact to traffic conditions at the crossing will be minimal due to other improvements that are being implemented to improve traffic flow in the area.

A second option involves a pedestrian bridge over Kūhiō Highway that will be constructed as part of the Coco Palms redevelopment project. The makai end of the pedestrian bridge will be incorporated into the design of the new Seashell Restaurant. As a condition of development, Coco Palms will designate the bridge and elevator/stairway as a public access.

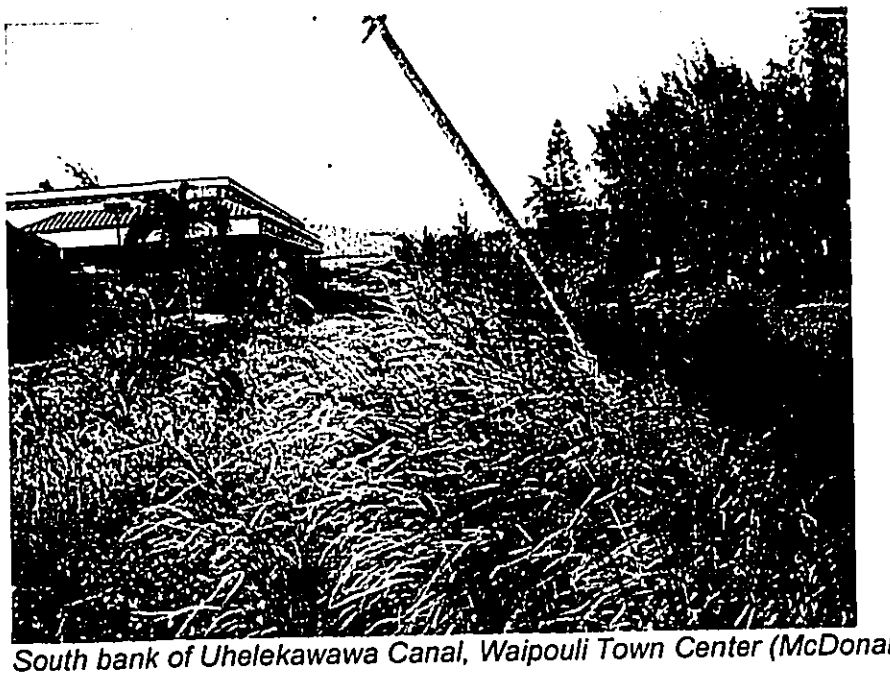
Mauka Canal Section

On the mauka side of Kūhiō Highway, the path will split into two legs. One leg will continue in a mauka direction, becoming the Wailua House Lots Path. The main leg will turn north, running parallel to Kūhiō Highway.

Between Wailua House Lots and the temporary bypass road, the path will be aligned over a former cane haul road. A mid-block crossing will be provided where the path crosses the temporary bypass road. The temporary bypass road, itself a converted cane haul road, is a two-lane road with a low posted speed limit.

North of the temporary bypass road, the path is located on the makai side of two excavated ponds and the Waipouli Drainage Canal. This route will take the path mauka of the Fernandes Road residences and mauka of Waipouli Town Center. Land in this area is owned by the Midler Family Trust and the County. Mauka views are especially notable given the panoramic view planes extending toward Nounou Mountain (Sleeping Giant).

When the path reaches Uhelekawawa Canal, it will turn makai (east) and run along the south side of the canal. A new bridge is planned for construction between Waipouli Town Center and Kauai Village Shopping Center and will accommodate path users. North of the canal, the path will cross over to the makai side of Kūhiō Highway via the signalized intersection at the driveway to Kauai Village Shopping Center.



South bank of Uhelekawawa Canal, Waipouli Town Center (McDonald's) to the left.

Waipouli Coast Resort Area to Uhelekawawa Canal

A spur is planned for the Waipouli resort area beginning at a vacant lot north of Kauai Coast Resort at the Beachboy. The path will provide public coastal access that is parallel to the shoreline. Most of this stretch is currently vacant, with the exception of the ResortQuest Kauai Beach at Makaiwa (formerly Courtyard by Marriott and Kauai Coconut Beach Hotel). The parcels on either side of ResortQuest Kauai are proposed for future resort development: the 20-acre Coconut Beach Resort to the south and 12-acre Coconut Plantation Village to the north. Together, these projects are expected to add approximately 525 multi-family units and hotel rooms and nearly 1,000 parking stalls. As a condition of development, the Kaua'i Planning Commission has mandated bicycle and pedestrian access along the makai frontage of the proposed resort developments.

The path will extend as far north as the Mokihana of Kauai, where it will turn in a mauka direction. The path will be located within an existing mauka-makai County easement located between the Mokihana complex and Snorkel Bob's on Kūhiō Highway. The path will continue adjacent to the highway from Snorkel Bob's to the Waipouli Beach Resort, where it will connect with the mauka path. A new bridge spanning Uhelekawawa Canal will be constructed on the makai side of the existing HDOT highway bridge.

This coastal spur will facilitate nonmotorized access between the expanding Waipouli resort area and the Waipouli Town Center/Kauai Shopping Village commercial hub.

Existing informal footpath in the vicinity of the proposed bike/pedestrian path.

Waipouli Beach Resort to Ala Road

The main path alignment will cross to the makai side of the highway, and continue past the Waipouli Beach Resort, where the path will be incorporated into a landscaped strip on the resort.

From Waipouli Beach Resort to Ala Road, a 700-foot long block, the bike/pedestrian path will be located between the highway and existing residences and condominiums, including the Kapaa Shores Resort Condominium. The path will have to fit within the highway right-of-way, unless a strip of private property is acquired along the highway frontage. The posted speed limit in this vicinity is 35 miles per hour. The existing right-of-way measures 60 feet across. There are two travel lanes and a painted median, each 11 feet wide. In addition, there are 4-foot paved shoulders on either side of the highway. In total, the paved area currently measures 41 feet across. Assuming that the highway has been aligned in the middle of the right-of-way, there would be an additional 9.5 feet on either side of the shoulders.

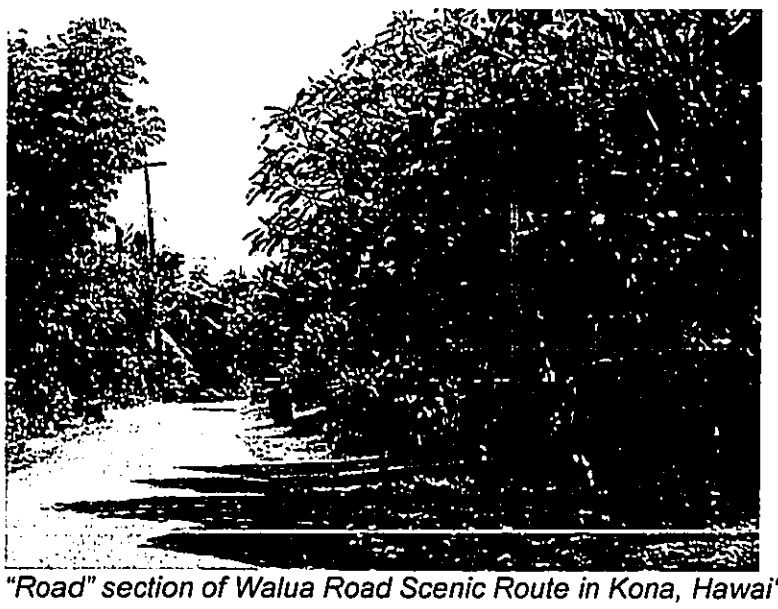
HDOT drawings and preliminary measurements indicate that there is sufficient space for an 8-foot path. If the County wishes to construct a wider facility, land would have to be acquired from the adjacent private landowners on the makai side of the highway. Design refinements to address physical constraints will be made during the final design phase.

Niulani Street and Moanakai Road to Waika'ea Canal

The path will turn onto Ala Road (heading makai), then onto Niulani Street, which runs parallel to the coastline. Niulani Street services a residential area and traffic is very light. It is a privately owned road, except for approximately 150 feet on the north end that is owned by the County. The privately owned section is unpaved and poorly maintained. The scope of this project includes acquisition of the privately owned road by the County, and conversion to a bike/pedestrian-priority roadway in which motor vehicles are limited to local traffic.

As part of this project, an existing beach access off Niulani Street, north of Kapaa Shores Resort, will be improved.

Restricting traffic flow on Niulani Street to one-way only is a possibility for the future, but does not appear to be necessary with only 17 lots. Use of Niulani Street is generally limited to residents and there is little reason for through traffic to use the road. In Kona on the Big Island, the Walua Road Scenic Route is a popular bike/pedestrian facility that combines path segments and road segments. Walua Road is a quiet residential street and the road segments are clearly marked. Future conversion of Niulani to a one-way street will require County Council approval.



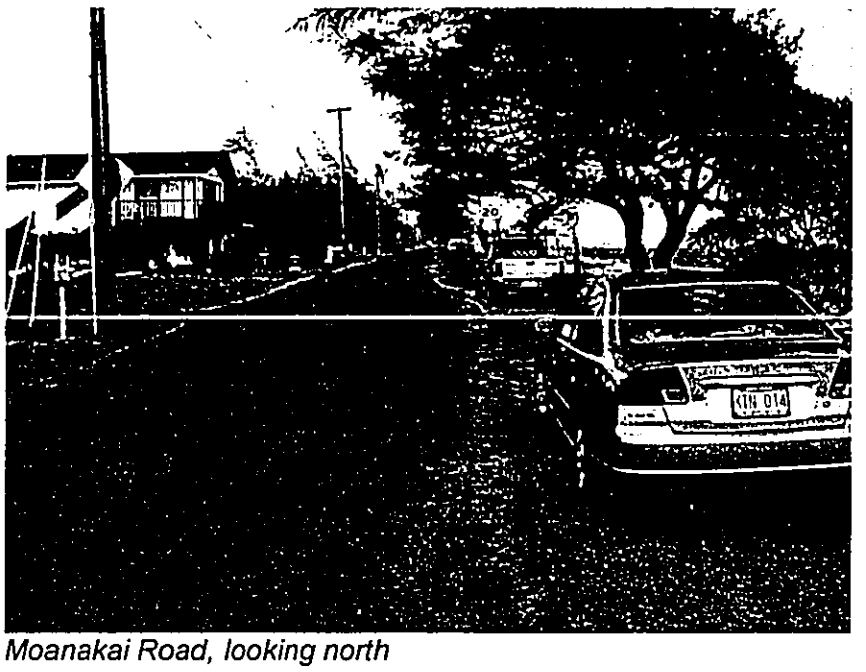
"Road" section of Walua Road Scenic Route in Kona, Hawai'i

At the northern end of Niulani Street, the path will turn onto Keaka Road, heading makai for a short distance, then north on Moanakai Road. The path will travel the length of Moanakai Road, terminating at Waika'ea Canal in Lihi Park, where it would merge with the Kapa'a-Keālia bike/pedestrian path. Moanakai Road runs parallel to the shoreline. Single-family houses line the mauka side of the road and the makai side fronts directly on the ocean.

including a locally popular beach known as Baby's Beach or Fuji Beach. A 900-foot long revetment stabilizes the southern portion of Moanakai Road, from Keaka Road to Makaha Road and a grout cap provides a walkway. The road carries two-way traffic and parallel parking is allowed between the road and the revetment. Moanakai Road ends approximately 400 feet south of the canal. From this point, the beach and back beach areas widen and transition into a parking area and park land.

Moanakai Road is used by residents, beachgoers, and park users. At present, there is insufficient room to accommodate the path on Moanakai, which has a 40-foot right-of-way. Locating the bike/pedestrian path along Moanakai Road is contingent on a change in traffic flow and the County DPW will need to initiate a change request for approval by the County Council. Under this alternative, Moanakai will be changed to a one-way road, with one travel lane for vehicles, on-street parking, and the new bike/pedestrian path. Fifteen lots on the mauka side of Moanakai would be affected by this change. One-way traffic flow would be restricted to northbound only. All other streets in the subdivision, including cross streets, would continue to carry two-way traffic. If the County Council does not approve the one-way traffic proposal, Moanakai Road would become a signed shared roadway with signs identifying it as a preferred route for bicyclists and pedestrians.

Several design options are being considered for the location of the bike/pedestrian path: on the far makai side of the road, between the travel lane and the parking lane, or on the mauka side of the road. Final positioning of the bike/pedestrian path will be determined during the design phase, and will take into consideration the safety, comfort, and maneuverability of all roadway users.



Moanakai Road, looking north

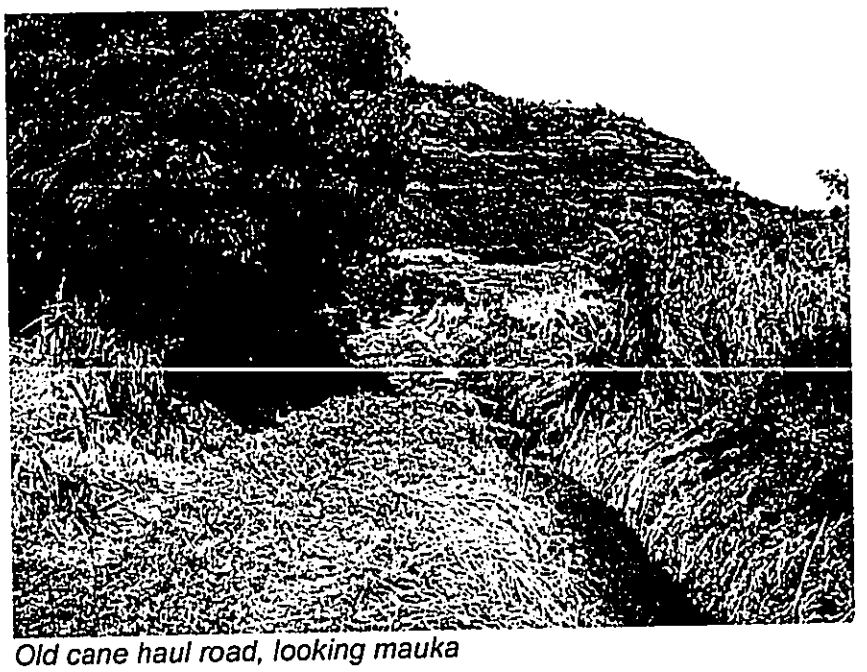
3.2.2 Wailua House Lots Phase

The objective of the Wailua House Lots Phase is to connect the residents of this large subdivision with the primary north-south alignment from Lydgate Park to Kapa'a. A 12-foot wide shared use path will be constructed on the north side of Wailua House Lots using the alignment of a former cane haul road (see Figure 5). The road is part of the Midler Family Trust land holdings. Although the cane haul road is unpaved, it is graded, free of heavy vegetation, and away from driveways and cross streets.

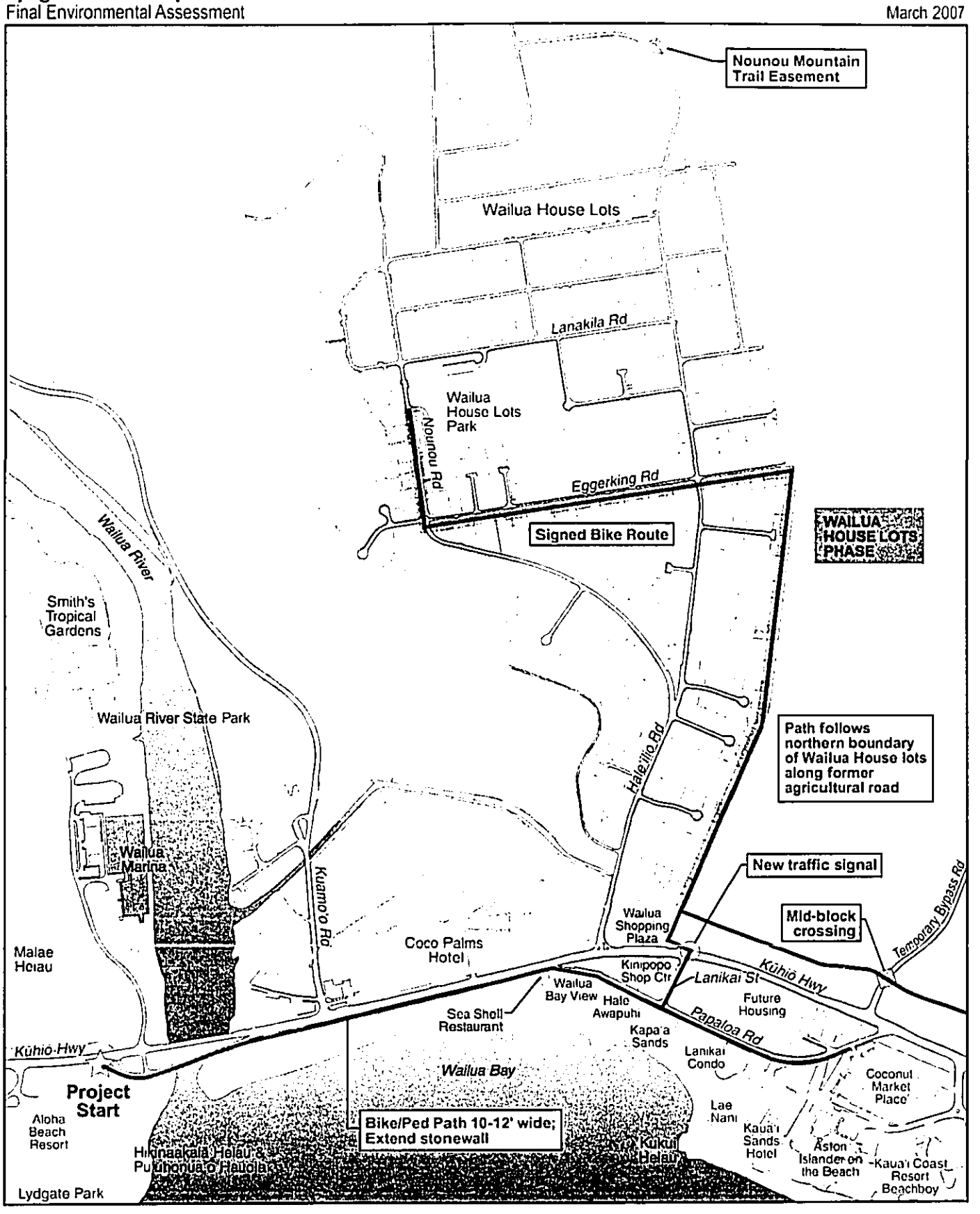
The makai end of the Wailua House Lots path will intersect with the main, north-south pathway near the Bambulei store. The path will travel as far mauka as Eggerking Road, a central access point for the subdivision as a whole.

The path will link to the Wailua House Lots Park via Eggerking Road and Nonou Road. Because the internal residential streets are relatively quiet, AASHTO guidelines indicate that a shared use road facility would be adequate. Signs will be posted to increase awareness of bicycles sharing the road with automobiles. Roads will be widened or shoulders paved where it is possible to do so without impacting the sheetflow drainage system.

During the planning phase of this project, alternatives were studied to route the bike/pedestrian path on existing roadways, particularly on Hale'īlio Road. Internal roads have the advantage of easier and more direct access for users. In the case of Wailua House Lots, this advantage is offset by the engineering complexity and associated costs needed to address narrow roads with utility poles on both sides, a large number of driveways, and a drainage system which uses roadside swales.



Old cane haul road, looking mauka



0 200 400 800 Feet

Figure **5**

Build Alternative: Wailua House Lots

3.2.2 Wailua House Lots Phase

The objective of the Wailua House Lots Phase is to connect the residents of this large subdivision with the primary north-south alignment from Lydgate Park to Kapa'a. A 12-foot wide shared use path will be constructed on the north side of Wailua House Lots using the alignment of a former cane haul road (see Figure 5). The road is part of the Midler Family Trust land holdings. Although the cane haul road is unpaved, it is graded, free of heavy vegetation, and away from driveways and cross streets.

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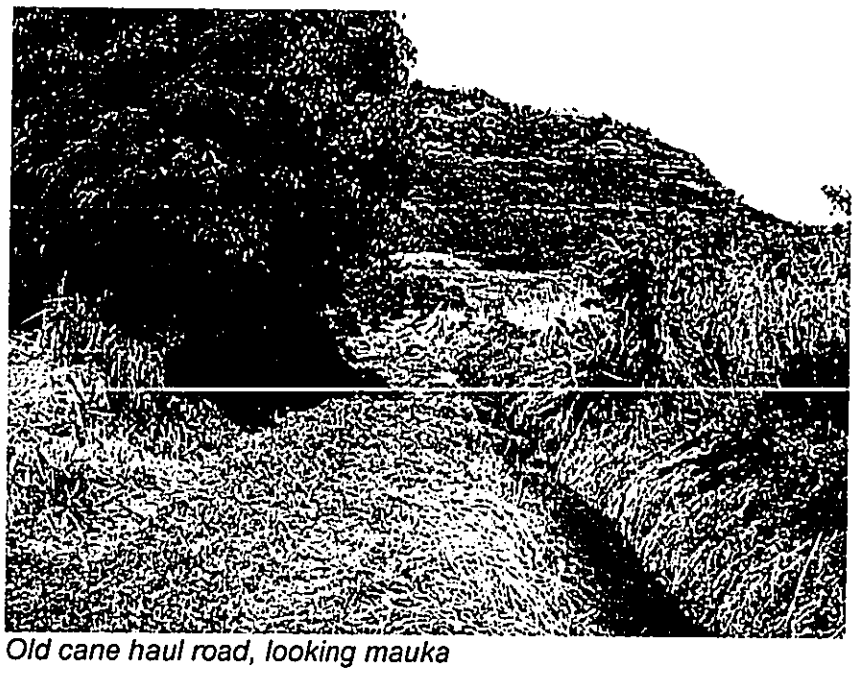
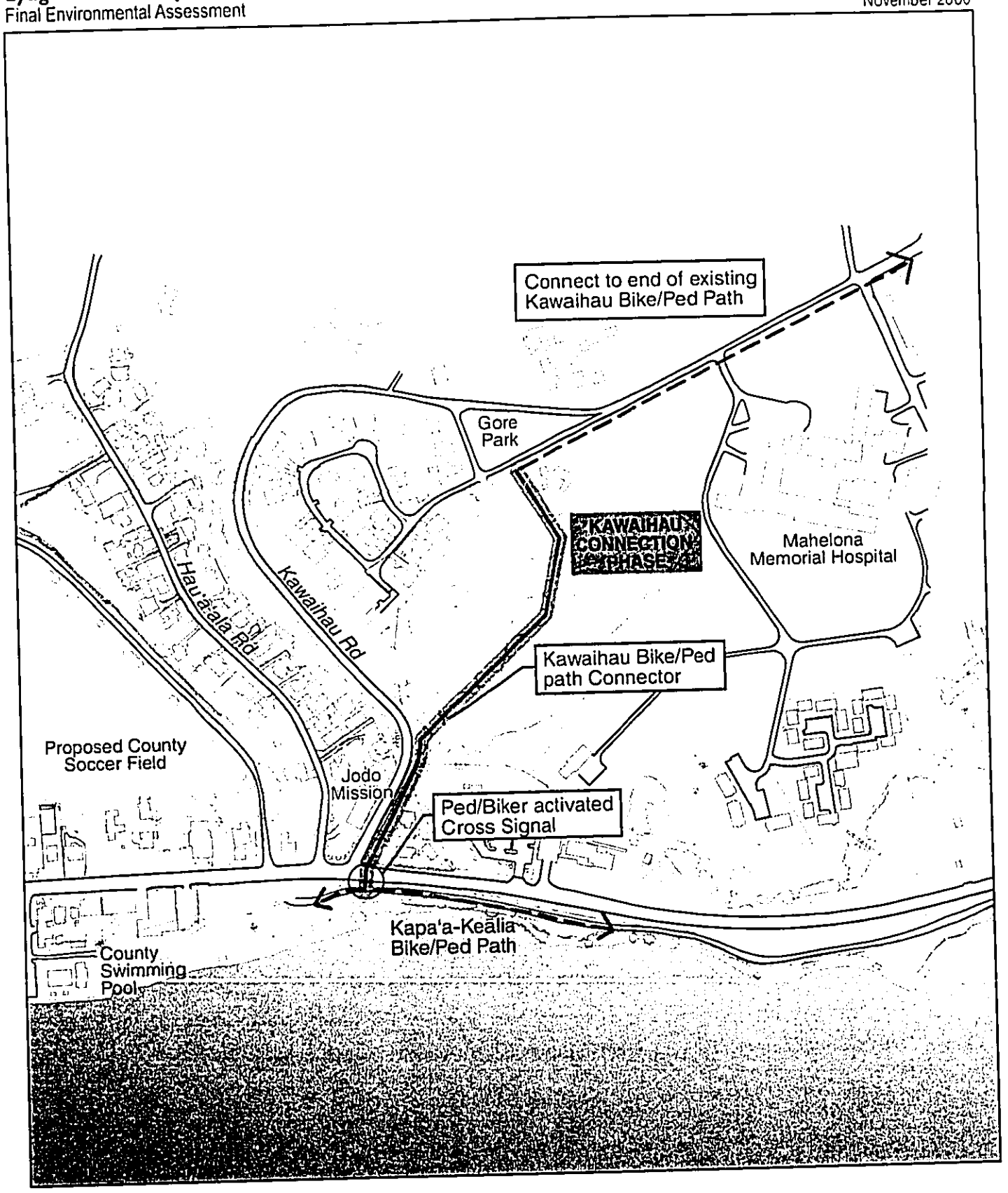


Old cane haul road, looking mauka



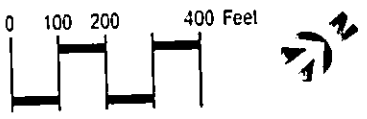


Figure **6**

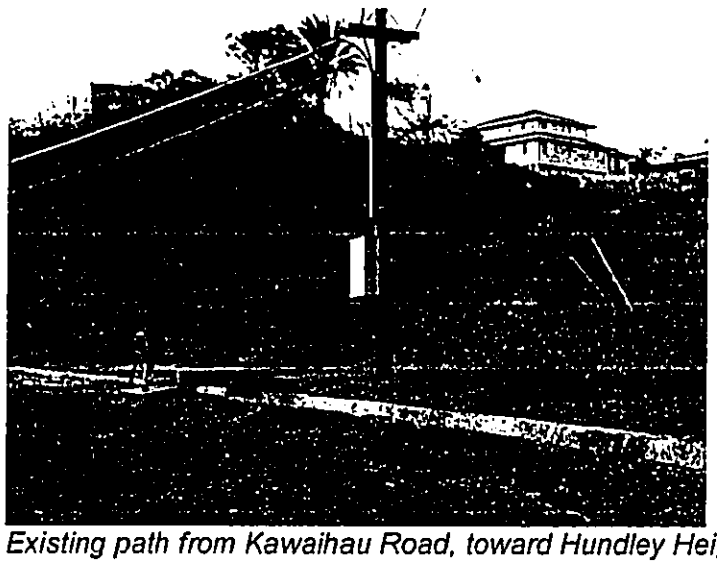
Build Alternative: Kawaihau

3.2.3 Kawaihau Phase

The County of Kaua'i previously installed an interim path on the south side of Kawaihau Road from Kapa'a Elementary School to Kapahi Park. Although this path is widely used by residents, its usefulness would be increased by connecting it to Kapa'a town and the coastal Kapa'a-Keālia bike/pedestrian path.

The Kawaihau Phase involves construction of a 10- to 12-foot shared use path through the gulch located between Hundley Heights and Mahelona Hospital (see Figure 6). The County intends to comply with ADA guidelines to the extent that is practicable. In general, the path will be designed in a switchback pattern and with grades of 5% or less. To achieve moderate slopes, the switchback design requires a path approximately 2,030 feet long. Specific site conditions faced during the design process, however, may require the County to file a technical infeasibility statement.

The makai end of the path will travel along the north side of Kawaihau Road and connect with the Kapa'a-Keālia path. The intersection of Kawaihau Road and Kūhiō Highway is currently unsignalized. Pending warrants, determined in accordance with the latest Manual on Uniform Traffic Control Devices, a user-activated crossing signal may be provided until such time as a permanent traffic signal is installed.



Existing path from Kawaihau Road, toward Hundley Heights

Explanatory Inset: Federal Accessibility Guidelines for Accessible Routes

Grade	5.0%	Maximum allowable running grade without handrails
	6.5%	Level landings measuring 5 square feet every 40 feet (for resting and turnaround)
	8.3%	Maximum allowable grade with handrails: 5-foot square landings every 30 ft

Lydgate Park to Kapa'a (Waika'ea Canal)
(Alternatives evaluated in the DEA area shown in Figure 7)

Alternative 1: Shoreline Path	From the starting point, cross Wailua River, go through Wailua Beach Park, passing on the makai side of Seashell Restaurant, then go through County Beach Reserve land along Papaloa Coast, passing on the mauka side of Kukui Heiau, continue along coastline to Uhelekawawa Canal. Turning mauka, construct sidepath on the makai side of Kūhiō Highway, turn makai on Ala Road, go down Niulani Road to Moanakai Road, ending at Waika'ea Canal bridge.
Alternative 2: Inland Roads Path	From the starting point, cross Wailua River, go through Wailua Beach Park, traverse Papaloa Road, then through Coconut Marketplace. Construct off-road path on the makai side of Aleka Loop, sidepath along Kūhiō Highway from Snorkel Bobs to Ala Road, go down Niulani Road to Moanakai Road, ending at Waika'ea Canal bridge.
Alternative 3: Canal Path	From the starting point, cross Wailua River. Main alignment follows inland canal system. Multiple makai-mauka access ways: Kuamo'o Road, Hale'īlio Road, Lanikai Road, and temporary bypass road. Canal route passes behind Waipouli Town Center and Kauai Village Shopping Center. Shift to sidepaths along Kūhiō Highway between Uhelekawawa Canal and Waika'ea Canal. Possibility for more extensive routes along interior branch of Waika'ea Canal and agricultural roads.

3.3 OTHER ALTERNATIVES CONSIDERED

A wide range of alternatives were considered in relation to the project purpose and need, including no action and alternative routes. These options are described below.

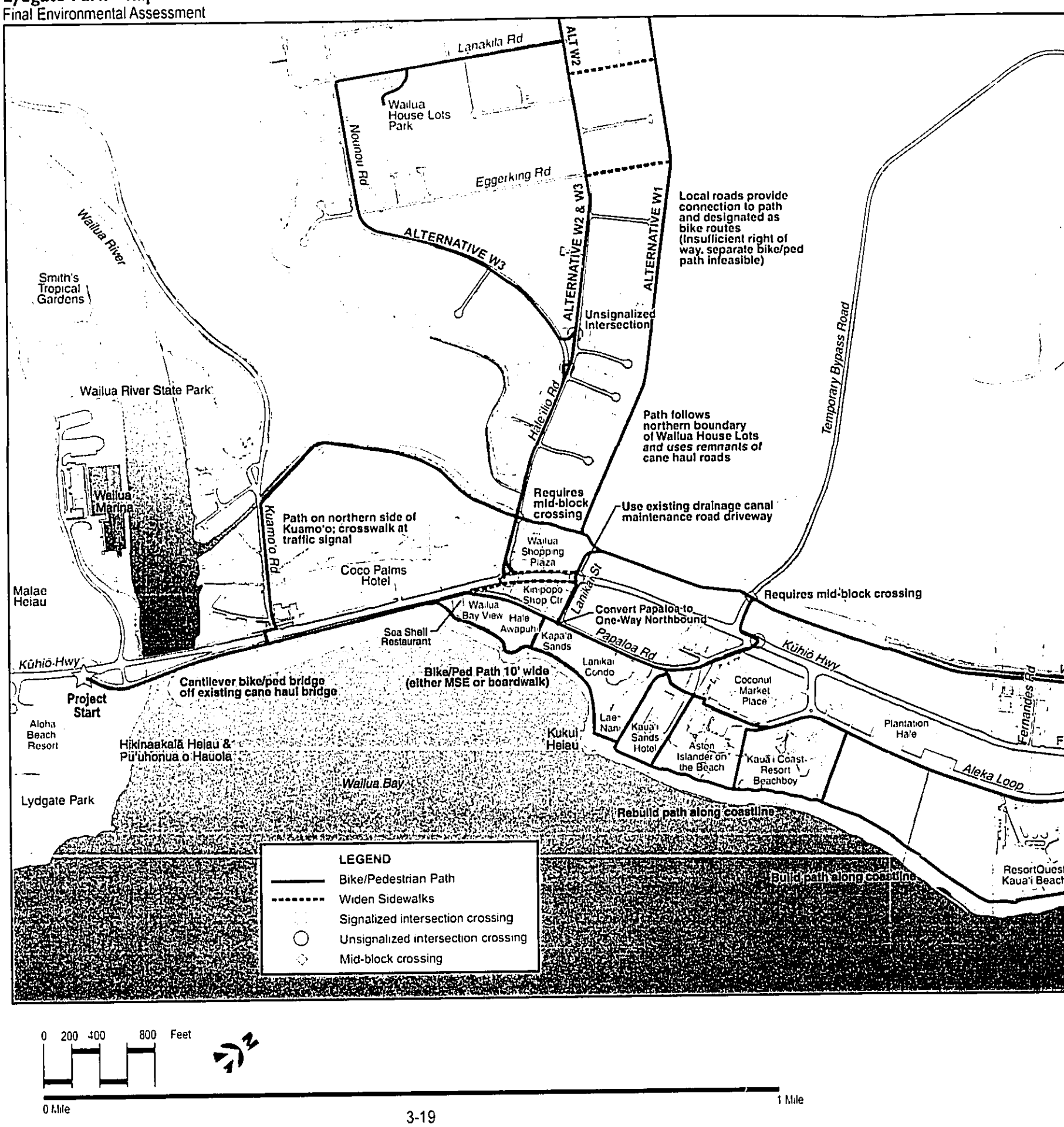
3.3.1 No Action

The "no action" alternative assumes the status quo. Under this alternative, the project would not proceed. Bicyclists, pedestrians, joggers, and others would continue to use road shoulders, sidewalks, and informal footpaths, as they currently do; however, there would be no improvements to these travel ways.

3.3.2 Alternative Routes Examined in the DEA

Alternative routes were developed and evaluated through a participatory process. The County Department of Public Works hosted meetings in January and March 2004 that were open to all members of the community. (Full descriptions of both meetings are attached as Appendices E and F.) The first meeting included a mapping exercise during which participants were asked to draw possible alignments for bike/pedestrian paths and to annotate the map with other suggestions for non-motorized routes in the region. The alternatives were presented at the second meeting, and additional feedback obtained. Project planners held numerous other meetings with elected officials, representatives of government agencies, members of business and civic organizations, and property owners to discuss project alternatives and concerns.

The short list of alternatives evaluated in the DEA are described below.


Lanakila Rd
ALT W2
Wailua House Lots Park
Nounou Rd
Eggerking Rd
ALTERNATIVE W3
ALTERNATIVE W2 & W3
ALTERNATIVE W1
Local roads provide connection to path and designated as bike routes (Insufficient right of way, separate bike/ped path infeasible)
Wailua River
Smith's Tropical Gardens
Unsignalized Intersection
Temporary Bypass Road
Wailua River State Park
Hale'ilio Rd
Path follows northern boundary of Wailua House Lots and uses remnants of cane haul roads
Wailua Marina
Kuamo'o Rd
Path on northern side of Kuamo'o; crosswalk at traffic signal
Requires mid-block crossing
Use existing drainage canal maintenance road driveway
Wailua Shopping Plaza
Coco Palms Hotel
Malae Heiau
Kinipopo Shop Ctr
Lanikai St
Requires mid-block crossing
Wailua Bay View
Hale Awapuhi
Convert Papaloa to One-Way Northbound
Soa Shell Restaurant
Kapa'a Sands
Papaloa Rd
Kūhiō Hwy
Kūhiō Hwy
Lanikai Condo
Cantilever bike/ped bridge off existing cane haul bridge
Bike/Ped Path 10' wide (either MSE or boardwalk)
Coconut Market Place
Project Start
Aloha Beach Resort
Lae-Nani
Kaua'i Sands Hotel
Aston Islander on the Beach
Kaua'i Coast Resort Beachboy
Plantation Hale
Fernandes Rd
Hikinaakalā Heiau & Pū'uhonua o Hauola
Kukui Heiau
Aleka Loop
Wailua Bay
Lydgate Park
Rebuild path along coastline
Build path along coastline
ResortQuest Kaua'i Beach
LEGEND
Bike/Pedestrian Path
Widen Sidewalks
Signalized intersection crossing
Unsignalized intersection crossing
Mid-block crossing
0 200 400 800 Feet
0 Mile
1 Mile

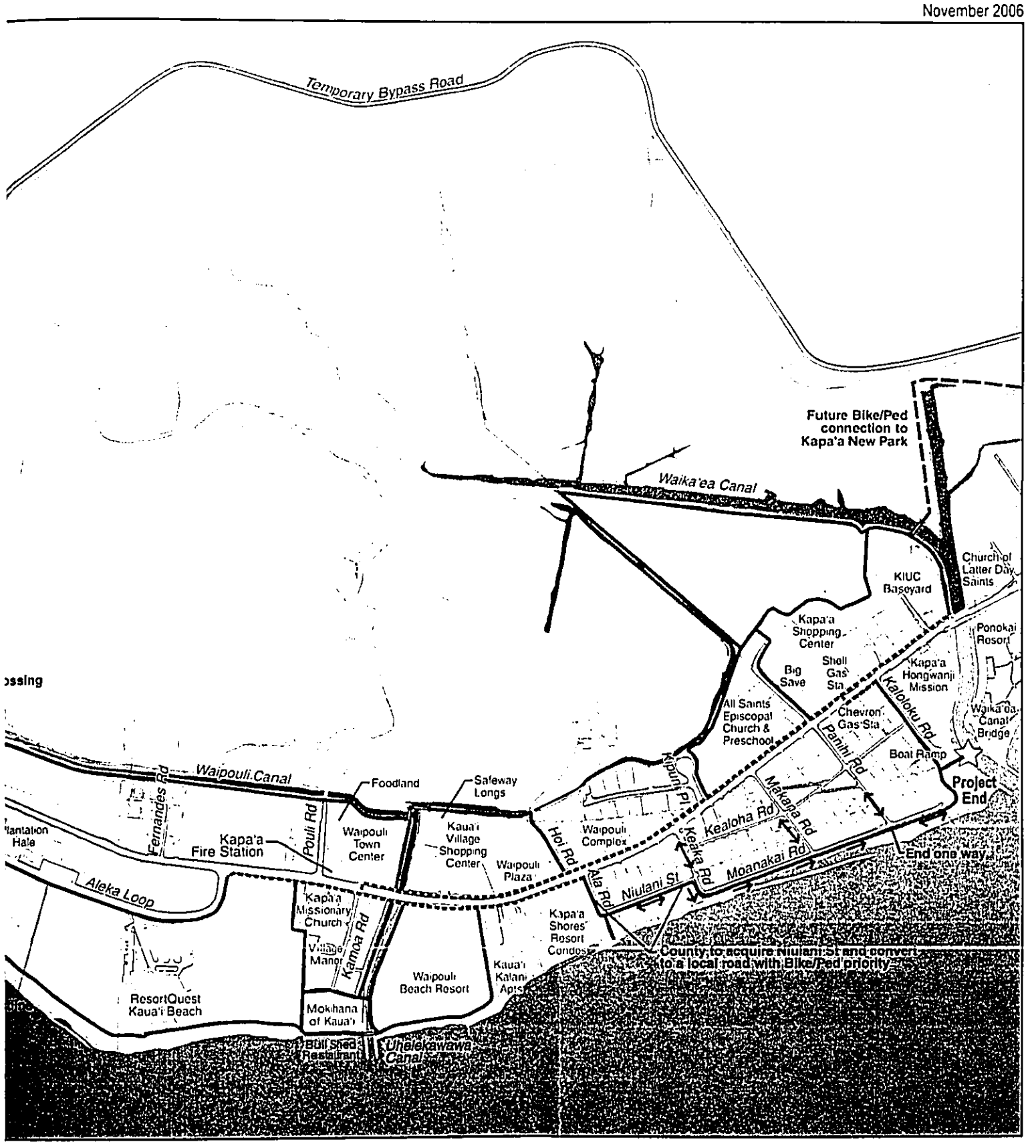


Figure **7**

Lydgate Park - Kapa'a

Composite Map of Alternatives 1-3

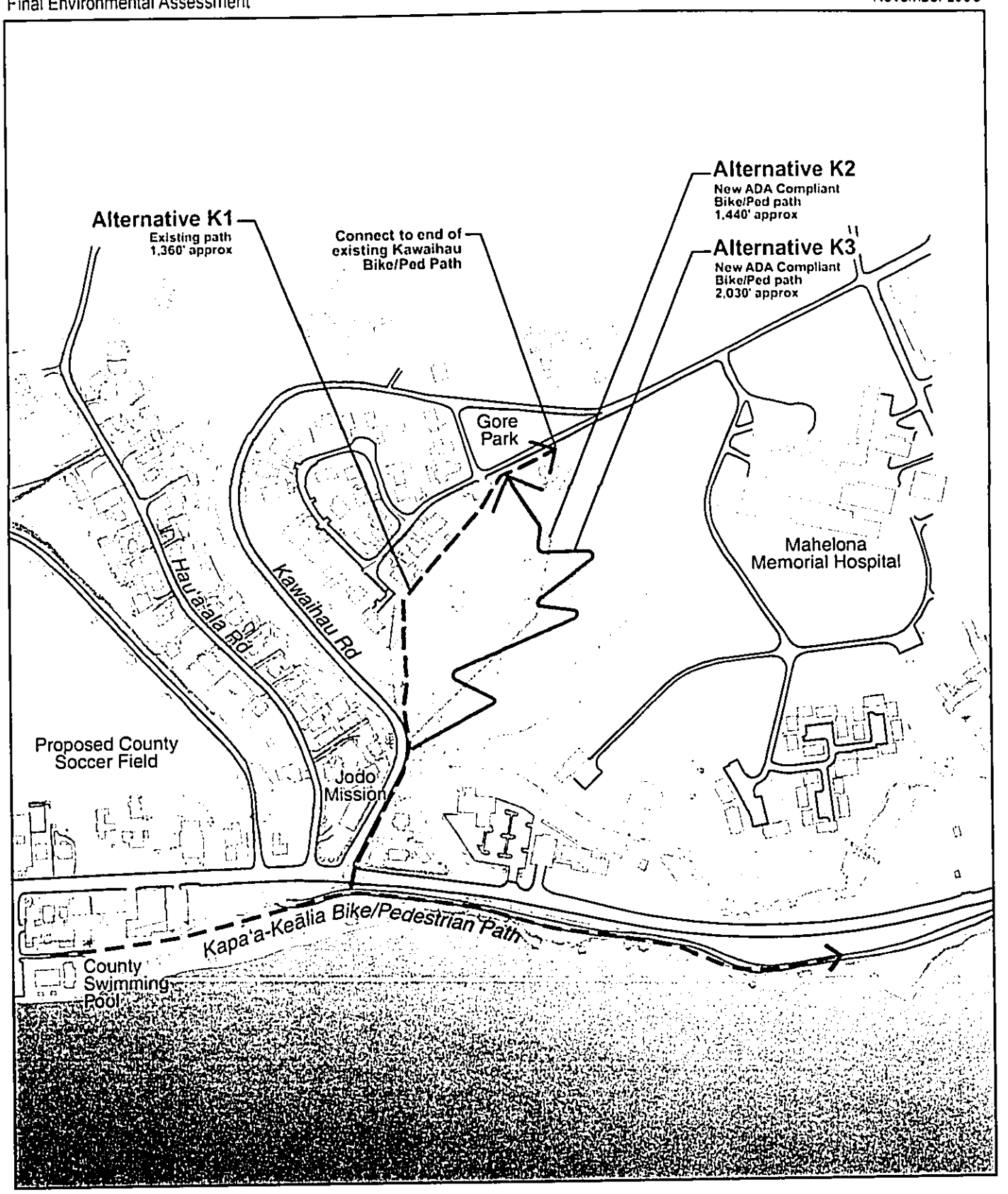
Wailua House Lots
(Alternatives evaluated in the DEA are shown in Figure 8)

Alternative W1: Northern Boundary of Wailua House Lots	Path on north side of Wailua House Lots using former cane haul road. Access to interior roadways via Eggerking Road. Signed shared (bike) route from the path to Wailua House Lots Park.
Alternative W2: Hale'īlio Road	Path on one side of Hale'īlio Road. Signed shared (bike) route on Lanakila Road to Wailua House Lots Park.
Alternative W3: Hale'īlio Road and Nonou Road Loop	Path on Hale'īlio Road, Lanakila Road, and Nonou Road in loop configuration.

Kawaihau
(Alternatives evaluated in the DEA are shown in Figure 9)

Alternative K1: Existing Path	Improve existing path (1,360 feet); some segments would not meet ADA slope guidelines.
Alternative K2: Straight Gulch Path	Build path in undeveloped gulch below Mahelona Hospital (1,440 feet); requires multiple landings to meet ADA slope guidelines
Alternative K3: Switchback Gulch Path	Build path in undeveloped gulch below Mahelona Hospital (2,030 feet) using switchback pattern to meet ADA slope guidelines.

Figure 7: Lydgate-Kapaa Composite of DEA Alternatives (11x17) (back)



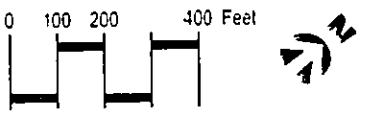


Figure **9**
Kawaihau
Composite Map of Alternatives K1 - K3

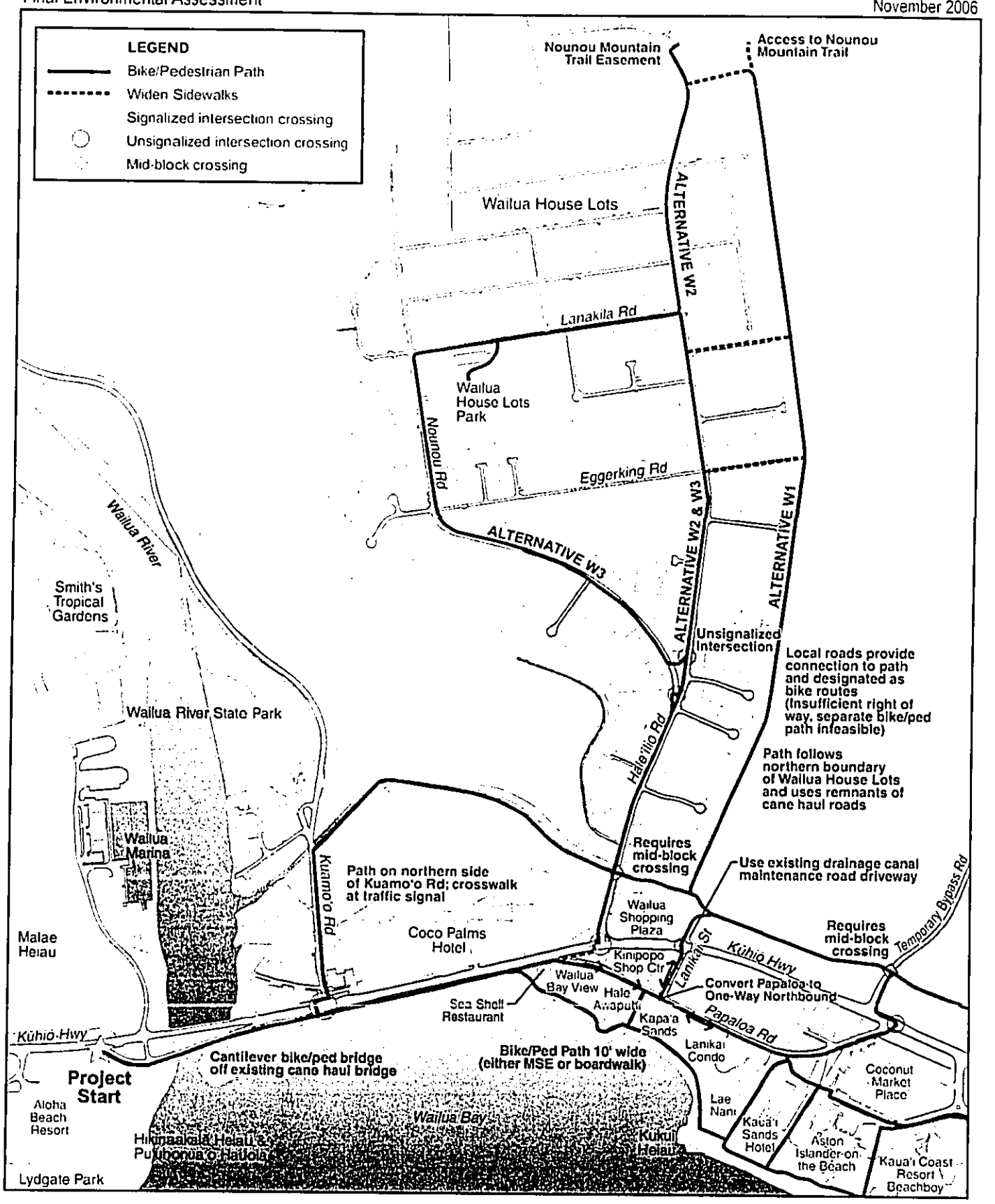


Figure **8**

Wailua House Lots
Composite Map of Alternatives W1 - W3

3.4 PROJECT COST AND SCHEDULE

The preliminary (order-of-magnitude) cost for the Build Alternative is $3.9 million. This includes land acquisition, design, and construction.

Due to funding constraints, the entire project will be constructed in phases (see cost breakdown in Table 2). The first phase will include the main alignment from Lydgate Park to Kapa'a. Preliminary design will begin in 2006. The two feeder routes—the Wailua House Lots Phase and Kawaihau Phase—will follow as funding becomes available.

Table 2
Preliminary Cost Estimates (2004 Dollars)

Lydgate Park-Kapa'a Path	$3.25 million
Wailua House Lots Phase	$0.50 million
Kawaihau Phase	$0.40 million
Total Cost	$4.15 million

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4 AFFECTED ENVIRONMENT, IMPACTS, AND MITIGATION

4.1 PHYSICAL ENVIRONMENT

4.1.1 Geology and Soils

The island of Kaua'i is composed of a single basalt shield volcano built by the extrusion of lava of the Waimea Canyon Volcanic Series during the late Pleistocene Epoch (more than two million years ago). Following the cessation of this main shield building phase, there was renewed volcanic activity with the extrusion of basaltic lava of the post-erosional Koloa Volcanic Series. Therefore, the majority of the Kaua'i is covered by lava of the Waimea Canyon Volcanic Series, but rocks of the Koloa Volcanic Series cover most of the eastern half of the island. These rocks generally are characterized as thick flows of dense basalt extruded from groups of vents aligned in north-south trends in various locales.

The weathering process has formed a mantle of residual soils that grade to saprolite with depth. In general, saprolite is composed of mainly silty materials and is typical of the tropical weathering of volcanic rocks. The saprolite grades to basaltic rock formation with increasing depth.

Along streams, drainage ways, and low-lying areas, erosion of the upper Koloa and Waimea Canyon Volcanic Series has deposited alluvial sediments. These sediments generally are unconsolidated to moderately consolidated, non-calcareous soil deposits.

Based on preliminary geotechnical investigations, the path alignment will traverse recent alluvial soils, weathered volcanic rock, and beach deposits (in the order of most to least encountered within the project area) (Geolabs, April 2004).

Recent Alluvium

The majority of the proposed path alignment is underlain by recent alluvial deposits, characterized as unconsolidated, non-calcareous soils. These recent alluvial deposits, typically found along drainage ways and low-lying areas, tend to be soft in consistency and compressible when subjected to loading.

Weathered Volcanic Rock

Based on geologic maps, portions of the path alignment are underlain by basalt rock formations of the Koloa Volcanic Series. The presence of stiff residual and saprolitic soils are anticipated near the ground surface. These soils were developed and derived from the in-situ weathering of the basaltic formation. Volcanic deposits are anticipated within the Wailua House Lots and Kawaihau areas.

Beach Deposits

Beach deposits generally consist of unconsolidated calcareous sediments composed largely of fragments of marine organism. These deposits typically are encountered along the shoreline areas.

4.1.2 Topography

The terrain along the proposed path alignment varies from level, low-lying areas to sloping hillside areas. The majority of the path alignment is on generally level, low-lying areas with ground surface elevations ranging from about sea level to +20 feet Mean Sea Level (MSL).

In the Wailua House Lots area, ground surface elevations rise to about +130 feet MSL. Slopes incline toward the west and range from about ten horizontal units to one vertical unit (10H:1V) near the coastal plain, to 50H:1V closer to Nounou Mountain. Another area with increasing ground surface elevations is the Kawaihau area. Existing ground surface elevations in the Kawaihau area increase to more than +130 feet MSL. The ground surface generally slopes upward to the north at about 5H:1V to 10H:1V slope inclinations.

Potential Impacts and Mitigation Measures

Impacts of Soil, Subsurface, and Topographic Conditions on the Proposed Path

Several types of geotechnical considerations may have the potential for impacts on the stability of the planned facility, as well as the future maintenance of the proposed path. The geotechnical considerations may include, but are not limited to, the following:

Settlement Due to Soft Soils

The proposed alignment is likely to encounter areas underlain by recent alluvium that are susceptible to consolidation and settlement over time as man-made fills are placed over these soft ground areas. Soft soils likely will be found at stream crossings, drainage ways, and other localized areas. A detailed field exploration will be performed during the design stage at locations where soft soil deposits are suspected in order to determine the lateral extent and thickness, and consolidation characteristics under the proposed fill loading conditions. The soft soil areas will be further evaluated to provide recommendations for design and construction of embankments and/or bridge structures over these areas. Typical methods to reduce anticipated path settlement and to increase pavement stability include removing the soft and/or loose soil deposits and replacement with compacted fill materials, installation of a working platform or drainage blanket prior to fill placement, and utilizing soil stabilization methods to improve the soft and/or loose soil deposits for construction.

In addition, a settlement waiting period likely will be required for embankment construction over soft ground areas to reduce the potential for shear failure in soft material and to reduce

post-construction settlements of the embankment. A surcharge program with settlement monitoring may reduce the settlement waiting period.

Rockfall Hazard

Areas adjacent to relatively steep mountain sides and hillsides are susceptible to rockfall. Rockfall involves the detachment and fall of rock material from the slope face that can present potentially hazardous conditions for the path user. The only area where this condition would be of concern is located near Mahelona Memorial Hospital. More detailed geologic and geotechnical studies will be conducted in these areas to evaluate the potential for rockfall hazards along these stretches of the path during engineering and design of the path.

Flooding by Rainfall

The island of Kaua'i contains numerous rivers, streams, and drainage ways as a result of the high volume of tropical rainfall. Extended periods of heavy rainfall may swell drainage ways to their capacity and flood low-lying areas.

Impacts of the Path on Soil, Subsurface, and Topographic Conditions

Path improvements are not expected to have an adverse impact on the overall topography in the project corridor, which is generally flat. In many areas, the land is already used for a transportation purpose, either formally or informally, as existing or former roads, trails, and footpaths. Topographic changes are expected to be greater in smaller, localized areas that have steeper slopes, for example, through Kawaihau gulch below Mahelona Hospital. Construction of the path in these areas will involve excavation and grading work, or cutting into the slope and building retaining walls. To the extent practical, design plans developed for the path in these areas will try to achieve balanced cut and fill conditions to minimize disturbances to the area's topography and soils, and the need to transport and possibly dispose of surplus material.

Construction of the path and amenities will inevitably involve some land disturbing activities that may result in waterborne and airborne soil erosion. However, the erosion potential is considered relatively low given the small areas of disturbance in any given location. To minimize the potential for construction-related erosion impacts, best management practices (BMPs) will be developed as part of the project's engineering and design. Erosion and sedimentation control measures will include:

- Use of temporary berms and cut-off ditches
- Use of temporary silt fencing and screens
- Regular watering of graded areas as a means of reducing the amount of fugitive dust in the air
- Sodding or planting of slopes immediately after grading work has been completed
- Restrictions on the stockpiling of construction material and proper disposal of construction debris

All erosion and sedimentation control measures will comply with the County's regulations. Other mitigation measures will be specified as part of applicable National Pollutant Discharge Elimination System (NPDES) permits obtained from the State Department of Health as part of the Clean Water Act.

4.1.3 Climate and Air Quality

Kaua'i, like the rest of the state, enjoys good air quality and meets the standards set by the Clean Air Act (i.e., it is within an "attainment area"). Air quality issues applicable to this project will involve short-term, construction-related emissions, such as fugitive dust. The proposed improvements will not increase chemical air pollutants that are regulated under State and Federal standards, such as sulfur dioxide, hydrogen sulfide, nitrogen dioxide, carbon monoxide, ozone, and lead. In the long-term, the proposed action may have positive impacts as path users replace automotive trips with non-motorized travel, since vehicular traffic is a primary source of carbon monoxide emissions.

Potential Impacts and Mitigation Measures

Short-term, Construction-related Emissions

Short-term impacts on air quality along the study corridor may result from construction of the path. However, such impacts are expected to be negligible because of their limited duration and the ability of best management practices to minimize emissions. Two common types of pollutants are (1) fugitive dust emissions from vehicular movement and soil excavation, and (2) exhaust emissions from on-site construction equipment.

Fugitive Dust. A dust control plan that incorporates best management practices will be implemented to minimize air quality impacts during the project construction phase. Among the measures available to control airborne emissions are the following:

- Erect dust screen barriers during construction
- Cover stockpiles with appropriate material and dispose of debris properly
- Water active work areas, as necessary, to control dust
- Keep clean adjacent paved roads
- Cover open-bodied trucks whenever hauling material that can be blown away
- Limit the amount of disturbed area at any given time and/or stabilize inactive areas that have been exposed

Exhaust Emissions. Emissions from the engine exhausts of on-site mobile and stationary construction equipment will have minimal impacts on air quality. Emission impacts can be reduced by requiring contractors to use vehicles that are properly maintained. Nitrogen oxide emissions from diesel engines can be relatively high compared to emissions from gasoline-powered equipment; however, the standard for nitrogen dioxide is set on an annual basis and is unlikely to be violated by emissions from short-term use of construction equipment. Carbon monoxide emissions from diesel engines are low and expected to be relatively small compared to vehicular emissions on nearby roadways.

Construction activities will employ fugitive dust emission control measures in compliance with provisions of the State Department of Health Rules and Regulations (Chapter 43, Section 10), and Hawai'i Administrative Rules (HAR), Chapter 11-60.1, "Air Pollution Control," Section 11-60.1-33 on Fugitive Dust.

4.1.4 Coastal Resources and Processes

Bathymetry and Coastline

The project site is located on the windward shore of the Kaua'i, directly exposed to tradewinds and tradewind-generated waves. The shoreline varies considerably along the proposed route of the path. Immediately north of the Wailua River is a small embayment, in which Wailua Beach is situated. There is little visible reef offshore and the beach width here is the widest in the project area. Tradewind waves break directly off the beach, which is relatively wide and flat.

Existing Shoreline Conditions

Lydgate Park/Wailua River Bridge

The proposed path begins at the existing bike/pedestrian path cul-de-sac near the Aloha Beach Resort and moves north where it meets and follows Kūhiō Highway along the bridge that spans the Wailua River. The river on the south runs approximately perpendicular to the road, which is at a higher elevation than the riverbank. Approaching the river, the strip of land along the road becomes increasingly narrow and a revetment has been constructed to stabilize the bank (Photo 1). The slope adjacent to the revetment on the south is stabilized by vegetation, including trees and naupaka. The bridge itself shows signs of repair. There are numerous visible areas of restoration, including gunite patches (Photo 2). An overview of the area and photo locations are shown in Figure 10.

Initially, there will be enough land to construct the shared use path in the same manner as the existing concrete path. Starting approximately 200 feet south of the Wailua River cane haul bridge, the shoulder becomes too narrow and the path will have to be elevated over the bank, through and above the existing vegetation. The bike path is then proposed to cross the river as a structure cantilevered to the cane haul bridge.

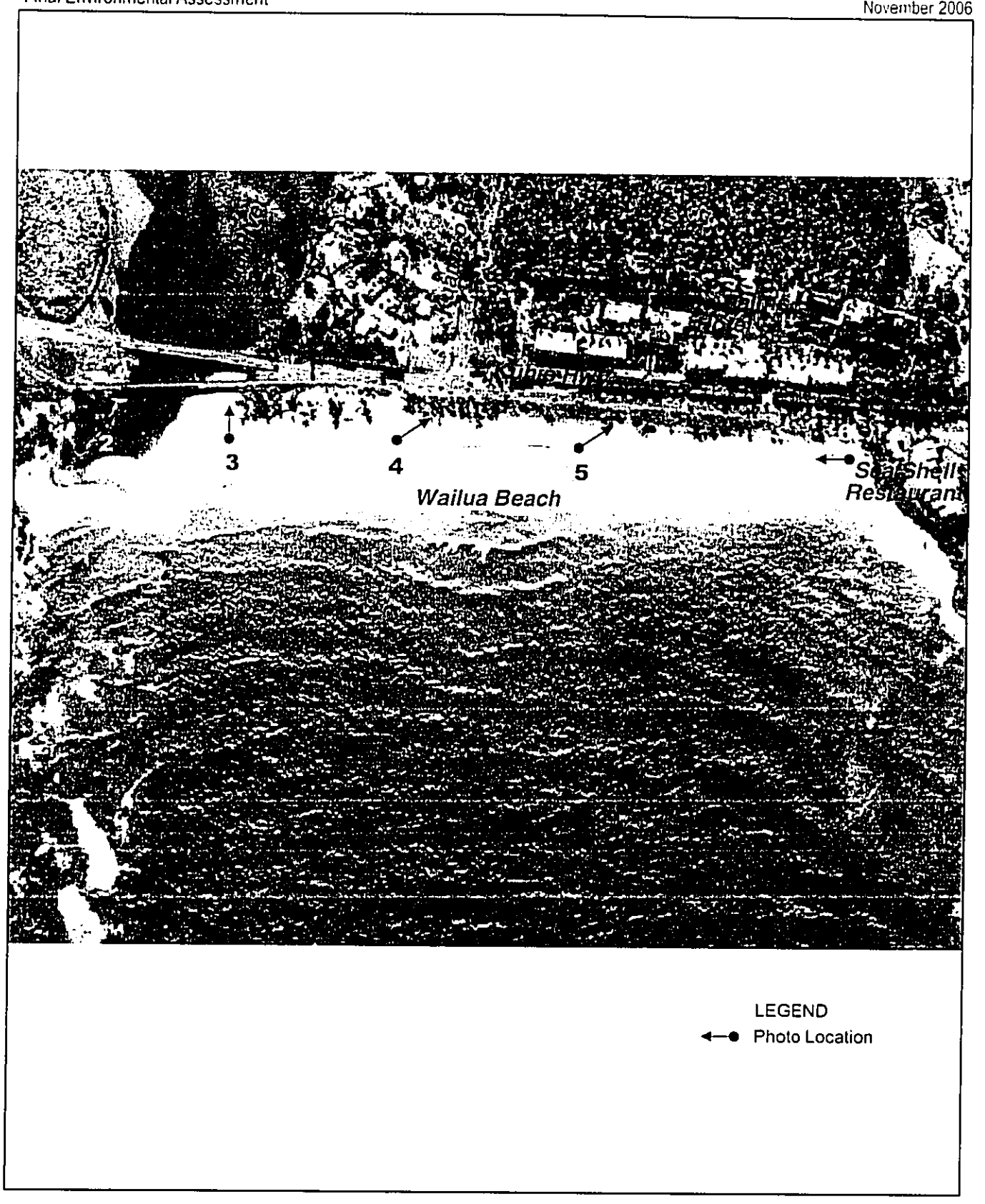


Figure **10**
Wailua Beach

Photo 1. Revetment on South Side of Wailua River Bridge.

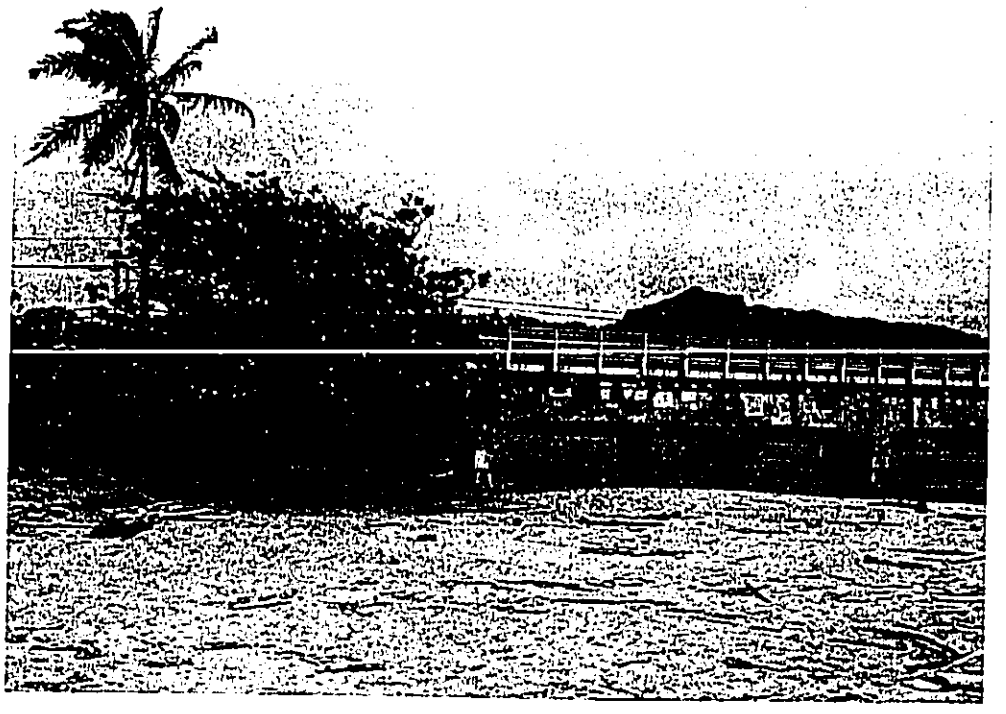


Photo 2. Wailua River Bridge.

Wailua River Bridge to Seashell Restaurant

The north side of the Wailua River cane haul bridge is supported in a manner similar to the south side and transitions into a vegetation-stabilized bank (Photo 3). The road elevation decreases and the slope from the road becomes gentler. The beach here is quite wide and the back beach area is well vegetated with beach morning glory and naupaka. A low uncemented rock wall stabilizes the shoulder of the road (Photo 4), which is located 125 to 225 feet inland of the shoreline. The wall transitions into an approximately 3.5-foot high vertical Cement Rubble Masonry (CRM) wall that runs along the shoulder of the road (Photo 5).

Wailua Beach is about 2,000 feet in length, measured from the Wailua River to the Seashell Restaurant and appears to be stable. The coral reef offshore of Wailua Beach is not extensive and waves break very close to shore, as can be seen in Figure 10. The beach (Photo 6) is typically more than 100 feet wide and has a history of accretion. Figures 11 and 12 present the results of an aerial photographic analysis of shoreline erosion in the area (Makai Ocean Engineering and Sea Engineering, 1991). From 1950 to 1988, there were increases of 30 and 40 feet at Transects 21 and 22, respectively, across from the Coco Palms Hotel.

The CRM wall along Kūhiō Highway ends near a public parking area at the northern part of Wailua Beach. A resident encountered during field reconnaissance reported that waves overtopped the beach and flooded this area in the early winter of 2003-2004.

The proposed bike/pedestrian path alignment along this reach is on the makai side of the CRM wall. While the alignment is set back between 125 and 225 feet from the waterline, it is at a generally low elevation and subject to flooding during extreme storm or wave events. The path may also be subject to sand drifts at this location.

At the north end of Wailua Beach Park, the path will pass mauka of a redeveloped Seashell Restaurant, following Papaloa Road, then turning inland at Lanikai Street, crossing to the mauka side of Kūhiō Highway.

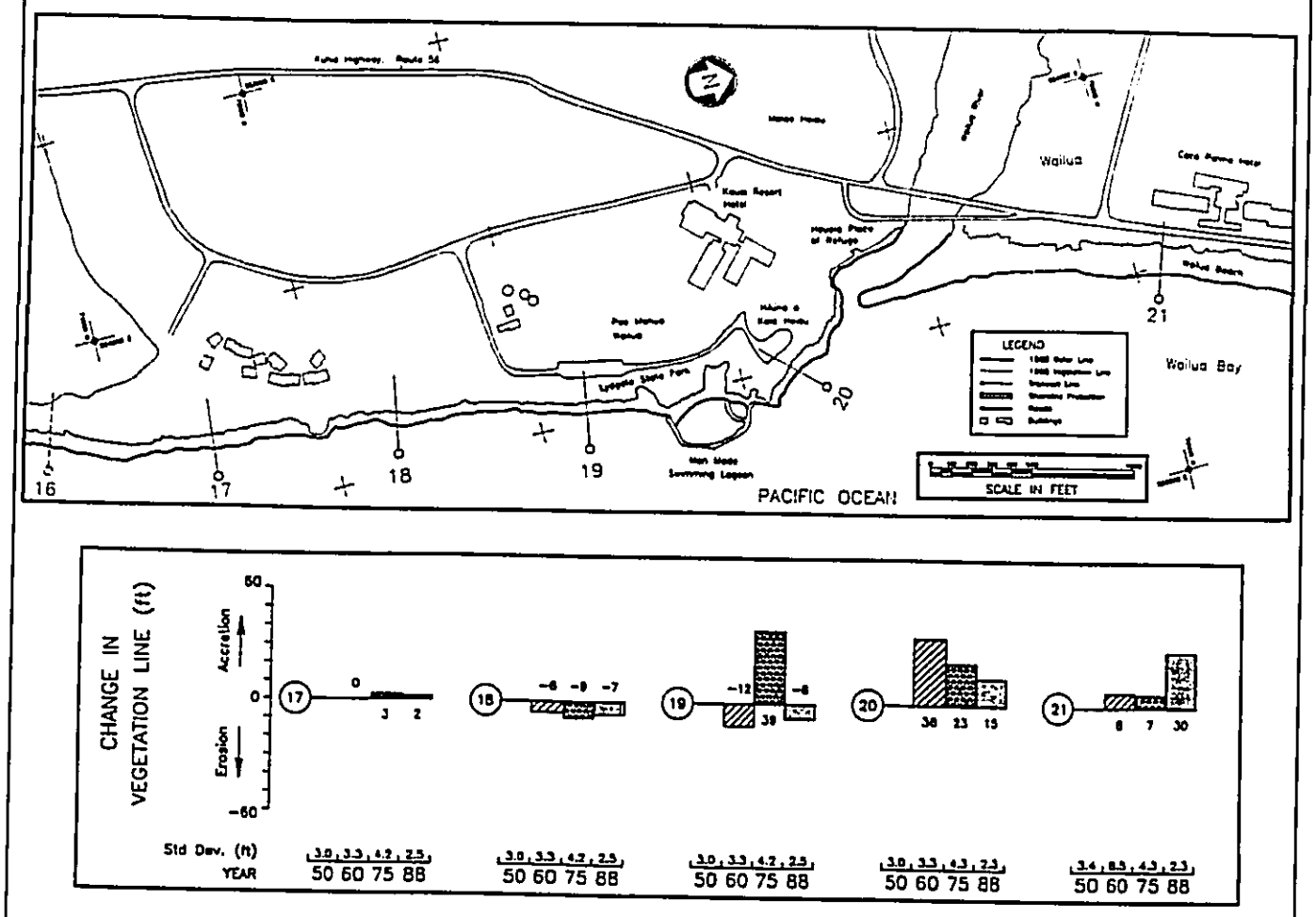


Figure **11**

Aerial Photograph Erosion Analysis
Wailua Beach and Vicinity

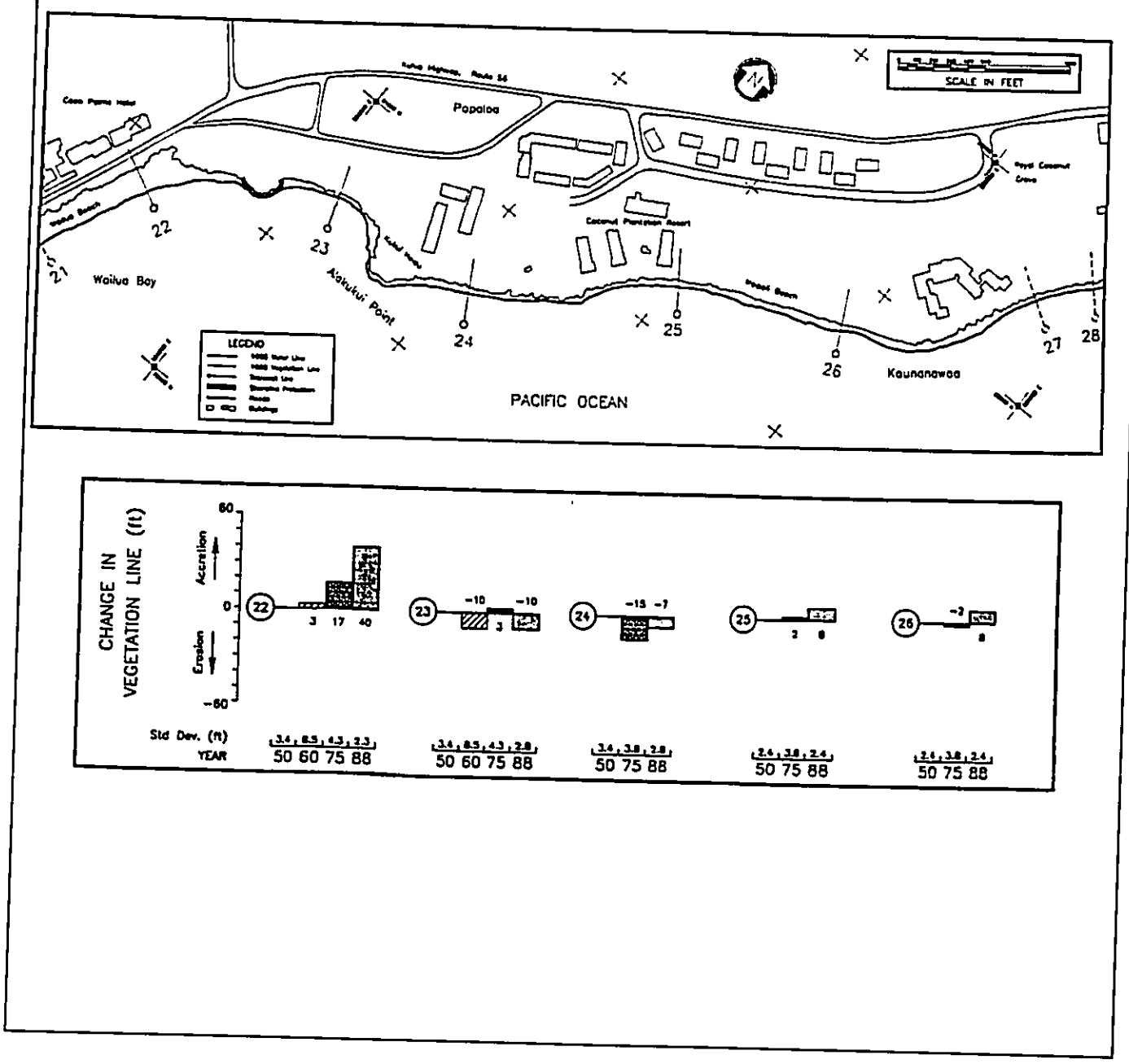


Figure **12**

Aerial Photograph Erosion Analysis
Wailua Beach to Mokihana of Kaua'i

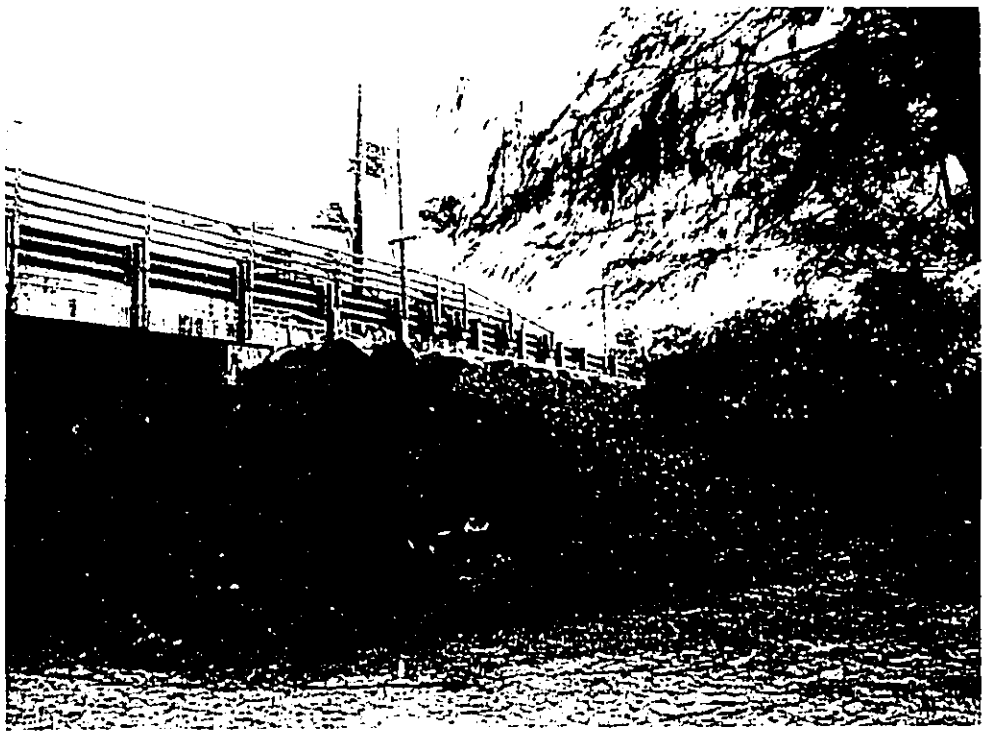


Photo 3. Revetment on North side of Wailua River.

Photo 4. Uncemented Rock Wall and Beach Vegetation along Kuhio Highway.

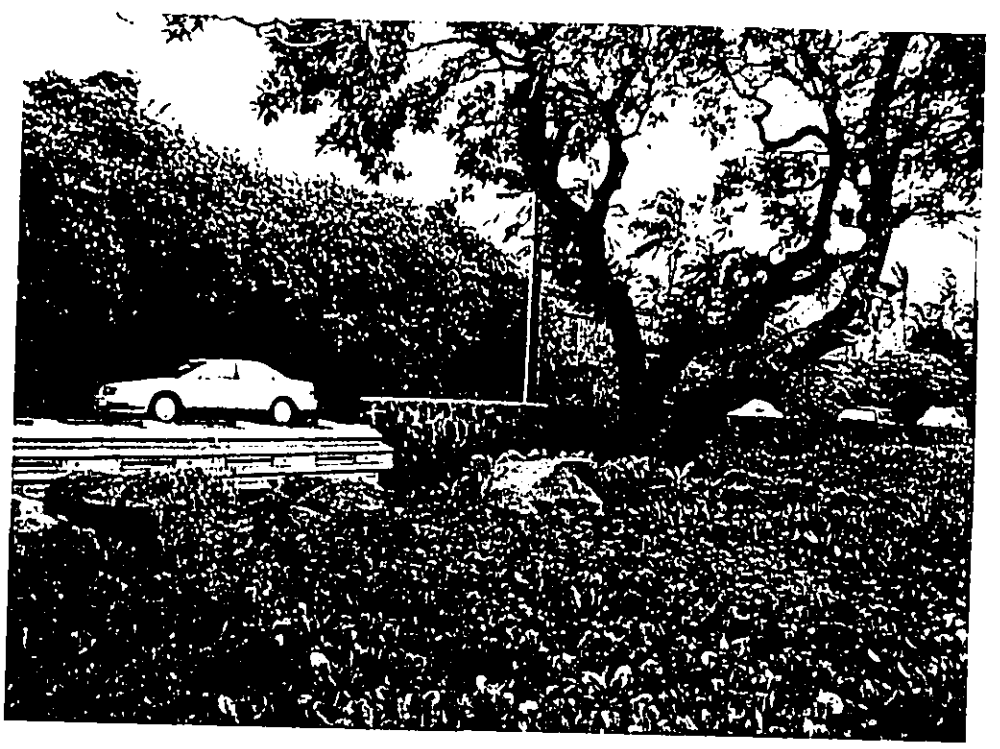


Photo 5. Transition from Uncemented Wall to CRM Wall.

Photo 6. Wailua Beach.

Waipouli Resort Area

A spur that ties into the main alignment will begin at a vacant property north of Kauai Coast Resort at the Beachboy. The path will continue past ResortQuest Kauai Beach at Makaiwa (formerly Kauai Coconut Beach Hotel), and another vacant property. Just south of Mokihana, the path will turn mauka. This stretch of beach is typically about 50 feet wide. The shoreline is somewhat convex in front of ResortQuest Kauai. Trees run parallel to the shoreline along the back beach area, with trees fronting the vacant properties being denser than those fronting the hotels. Unpaved footpaths exist within or behind the trees fronting the vacant properties.

A beach profile was measured at the north boundary of the Kauai Coast Resort and is representative of the beach in this area. The sandy beach is 23 feet wide from the beach rock to the vegetation line with a slope of 1V:6.6H. The berm crest rises to an elevation of 11 feet MSL. The lawn areas located landward of the beach crest are typically at an elevation of about 9 feet MSL and the bike/pedestrian path is expected to be about 110 feet from the waterline.

Hurricane flooding (Sea Engineering, 2000) was calculated near the Kauai Coast Resort. The inland extent of the flooding is 433 feet, significantly beyond the proposed path. This value can be considered representative of this stretch of coast. The proposed bike/pedestrian path and property line are landward of the tree line through this section of the project area and there is expected to be no impact due to erosion.

Footpath Approaching Kauai Coconut Beach Hotel

Moanakai Road to Waika'ea Canal

The proposed path contains another coastal section where it travels along Moanakai Road to Waikaea Canal, the project end point. A 900-foot long revetment stabilizes the southern portion of Moanakai Road, beginning near the intersection of Moanakai Road and Keaka Road (see Figure 14). The face of the revetment is slightly steeper than 1V:1H (Photo 7) and a grout cap provides a walkway (Photo 8). The road is two-way and parallel parking is allowed between the road and the revetment. The beach fronting the revetment is heavily eroded. The beach is narrow and beach rock is exposed at low tide. Further north, the revetment has a gentler sloping face and no cap, and then ends 1100 feet south of Waika'ea Canal (Photo 9). The beach and back beach areas widen from this point to the Waika'ea Canal and the waterline extends up to 125 feet from the road. Moanakai Road ends approximately 400 feet south of the canal. The offshore area contains a low, flat reef that extends 600 feet from shore.

Aerial photograph analyses performed across the Moanakai Road revetment, as well as further north across the unrevetted beach, are shown in Figure 13. Transect 32 shows erosion since 1950, with net erosion of 12 feet fronting the revetment from 1950 to 1988. The pattern is quite different beyond the revetment toward Waika'ea Canal. Transects 33 and 34 show accretion. The vegetation line at Transect 33 experienced a slight amount of erosion through 1960, then 40 of accretion through 1988. The vegetation line at Transect 34 accreted 98 feet through 1975, and has experienced a total accretion of 79 feet from 1950 to 1988.

Analysis of a model hurricane shows an inundation elevation along Moanakai Road to be 10.5 feet (Sea Engineering, Inc., 2000), which would overtop the existing revetments, particularly in the northern section.

Presently, there is not enough room on Moanakai Road to accommodate travel space for two-way vehicular traffic, the shared use path, and a parking lane. The alignment of the path along Moanakai Road is contingent on the road flow direction being changed to one-way northbound. This change requires County Council approval and will be initiated by the County DPW. No coastal impact is expected due to the path's location along the revetment. Beyond the revetment, the shared use path continues along Moanakai Road.

Past the end of the road and entering Lihi Park, the path meanders inland, mauka of the vegetation (Photo 10), and around the parking area to the footbridge across Waika'ea Canal.

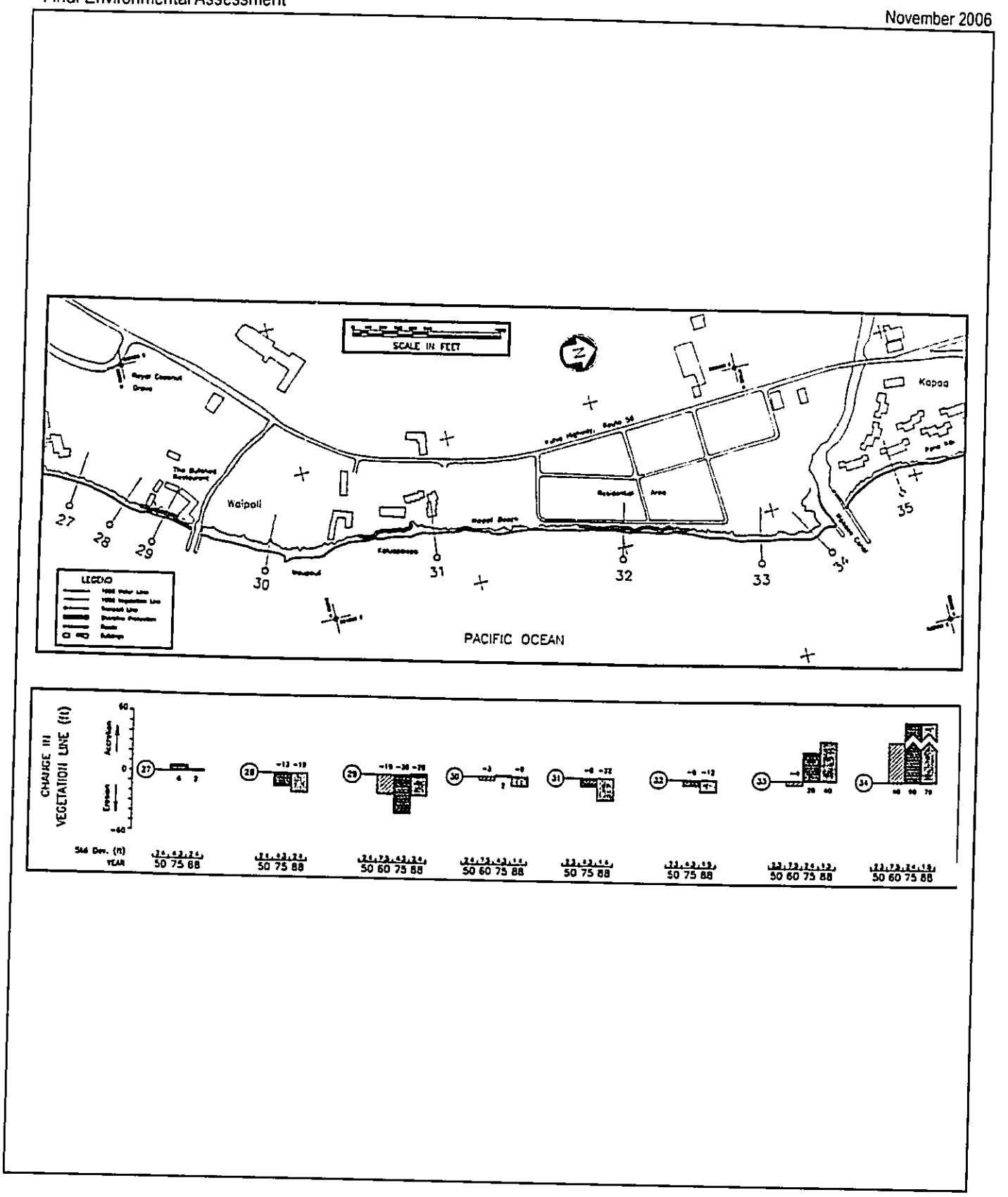
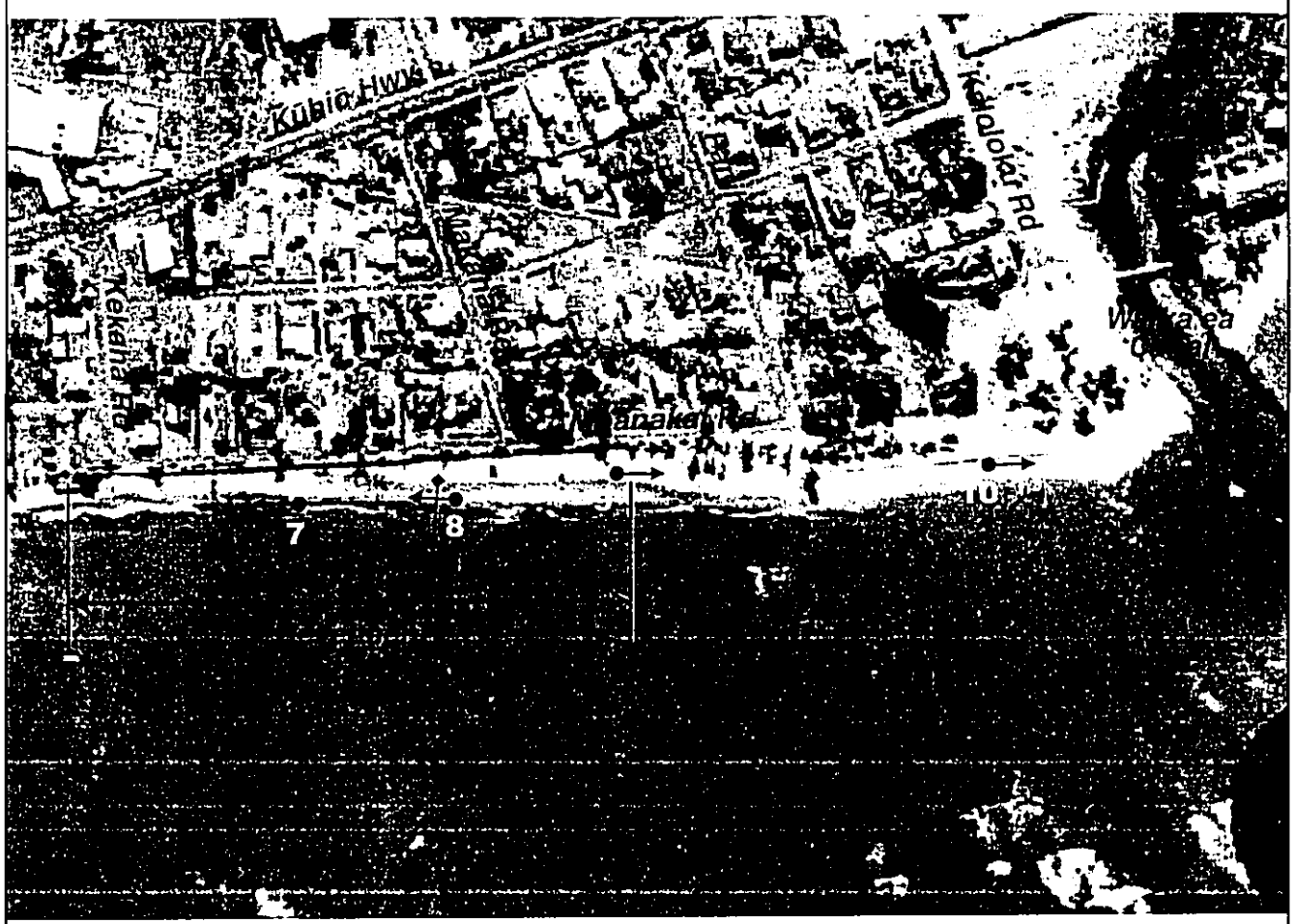


Figure **13**

Aerial Photograph Erosion Analysis
Kaua'i Coconut Beach Hotel to Kapa'a



LEGEND

Photo Location

Profile Location

Figure **14**

Moanakai Road to Waika'ea Canal

Photo 7. Revetment at Moanakai Road.

Photo 8. Revetment and Grout Cap at Moanakai Road.

Photo 9. Sloping Revetment at Moanakai Road.

Photo 10. Vegetation near End of Moanakai Road.

Potential Impacts and Mitigation Measures

An evaluation of the coastal environment was performed for the coastal sections of the shared use path. Background information on the wind and wave environments is discussed and the results of a field investigation were presented. The bike/pedestrian path route will be located within a County right-of-way or on County park land.

Where the path passes through Wailua Beach Park, it will be located along the mauka boundary of the park and will have no impact on beach erosion. The path will not change the availability of two ingress/egress locations into the park itself. Non-vehicular movement within the park will be enhanced.

Despite efforts to align the path as far inland as possible, the Moanakai Road section will fall within the 40-foot shoreline setback, where it will be located on stable ground just mauka of an existing revetment. Construction of the path will not involve any new hardening the shoreline.

At the north end of the project corridor, the path goes beyond Moanakai Road toward Waika'ea Canal. Here it passes mauka of a small vegetated area along the stable shoreline. The path will be routed inland to avoid removing vegetation and into Lihi Park, where a well-trodden footpath can be seen cutting through the grassy surface.

Construction methods and materials will be selected that will minimize economic and environmental impacts in the event that the path becomes damaged. If the path is affected by extreme weather conditions, the County DPW will clear debris and make necessary repairs to ensure the safety of path users.

4.1.5 Hydrology and Water Quality

The proposed bike/pedestrian path will traverse portions of two watersheds: the Wailua-'Ōpaeka'a watershed and the Kapa'a watershed.

Surface Water

Wailua-'Ōpaeka'a Watershed

Perennial surface water features in the lower portion of the Wailua-'Ōpaeka'a watershed include the Wailua River, 'Ōpaeka'a Stream, and a drainage canal behind the Coco Palms Hotel. Both Wailua River and 'Ōpaeka'a Stream are navigable for considerable distances inland. Within the lower reaches of these waterways, freshwater moves toward the shoreline in a layer overlying the saltwater. Although the Wailua River discharges into the ocean, the wave-built beach berm at the shoreline creates some restriction of the river's discharge. As a result, the amplitude and phase of the tide are considerably reduced and lagged upstream.

Water quality in the Wailua River is generally better than in the tributaries and ditches because of more continuous flow through. Readings in the level of organic nutrients (nitrogen and phosphorous) and turbidity tend to increase moving inland.

Kapa'a Watershed

The Kapa'a watershed includes Konohiki Stream, an extensive network of plantation-built irrigation ditches and reservoirs, and three man-made drainage canal systems (Waipouli, Waika'ea, and Mo'ikeha—of which only the first two are in the project area). The canals provide flood protection for Kapa'a Town and are the watershed's only shoreline outlets for storm water.

Waipouli Canal System. The primary function of the Waipouli canal system is to drain stormwater from the low-lying areas inland of the south end of Kapa'a Town. It also serves as an outlet for irrigation tailwater. At present, the only continuous source of surface water into the system is an irrigation ditch which runs around the north end of Nounou Ridge and empties into an open reservoir at the upper end of the Wailua House Lots—this irrigation also runs alongside the proposed bike/pedestrian path in the Wailua House Lots Phase. Overflow from the reservoir, which occurs continuously, flows toward the lowland areas and empties into the upper end of the canal system. The shoreline discharge point is only partially restricted by a beach berm. Water levels in low-lying portions of the canal system respond to tidal fluctuations.

Waika'ea Canal System. Waika'ea is the largest of the three canal systems. At present, an irrigation ditch which crosses under the temporary bypass road provides a continuous input of surface water. The canal's shoreline outlet enables it to be free of sand blockage.

As a result, tidal variations move with virtually no attenuation or lag through the lower end of the system.

Clean Water Act, Section 303(d)

The federal Clean Water Act requires states to collect and review surface water quality data and related information, and to prepare and submit to the U.S. Environmental Protection Agency biennial lists of waterbodies that are impaired (i.e., not expected to meet State water quality standards). The current list is dated December 2002. For all impaired waters, the State Department of Health (DOH) is required to compute the Total Maximum Daily Load (TMDL), which is the maximum amount of a pollutant (from point and nonpoint sources) that a waterbody can receive and still meet water quality standards, and to establish an allocation of the maximum load to the pollutant's sources. Because there is a large demand for TMDL calculations, the State DOH has assigned a priority of low, medium, or high to each of the impaired waters listed, based on the severity of pollution and how the water is used. There are two listings in the project area. Wailua River is impaired because of enterococci and has been assigned a medium priority for a TMDL study. Uhelekawawa Stream is listed because of turbidity and also has a medium priority.

Ground Water

In the Wailua-'Ōpaeka'a watershed, groundwater is pumped from wells within and above the Wailua House Lots on the east side of Nounou Ridge, tapping into the Waimea volcanics. Additional wells are located in the north end of the Kapa'a watershed, where groundwater is drawn from the Koloa volcanics. Water levels in the Koloa volcanics range from about 7 feet wells in near-shore wells to about 13 feet further inland.

Potential Impacts and Mitigation Measures

Water Flow

The main north-south alignment will need to cross over two water channels: Wailua River and Uhelekawawa Canal. The proposed path will span these waterways with appropriately sized bridges to provide for unimpeded flow from the mauka to the makai sides of the path. As such, the flow within these waterways will not be impacted.

Water Quality

A water quality study was conducted by Tom Nance Water Resource Engineering and Marine Research Consultants in 2003 as part of background environmental studies for the proposed Kapa'a Relief Route. The study found that water quality measures in the stream and canal systems in the Wailua-'Ōpaeka'a and Kapa'a watersheds are generally within the limits set by the State Department of Health. The results were attributed to the relatively short residence time of water and continuous flow to the ocean which prevent biotic cycling from dominating water composition. The study concluded that if materials are added to the waterways as a result of activities associated with construction of new roadway segments (for example, through erosion), these materials would not stay within the streams for periods of time sufficient to promote a permanent change to the stream system. There is no reason to expect the situation to be any different for the path project; therefore, adverse effects are not anticipated. Beyond the natural flushing action discussed in the Nance/Marine Research study, waterborne erosion will be mitigated with appropriate design and best management practices in place during construction.

The Nance/Marine Research study also investigated potential contamination of surface water quality by petroleum products that may be contained in roadway runoff. Based on sample results, the study concluded that there are no consistent, measurable inputs of petroleum products to waterways adjacent to Kūhiō Highway. Because Kūhiō Highway is not a source of contaminants, it is unlikely that the path for non-motorized users will have an adverse effect on water quality.

Impacts from non-point source pollution from construction activities will be minimized by implementation of best management practices. For the long term operation and maintenance of the path, impacts from non-point source pollution will be addressed by adjacent planting strips and vegetation.

4.1.6 Natural Hazards

Tsunami and Flood

The Hawaiian Islands have a history of destructive tsunamis. Since 1819, 22 severe tsunamis have occurred, with runup heights at varying locations throughout the islands ranging from 4 to 60 feet. Four tsunamis have occurred in recent history, taking place in 1946, 1957, 1960, and 1964. The tsunami runup height at any given Hawai'i coastline location during an occurrence varies greatly. The height is affected by a number of factors including offshore bathymetry, coastal configuration, and exposure to the generating area. In the project area, the runup for the 1957 tsunami ranged from 9.5 to 20 feet, and 5 to 7 feet for the 1960 tsunami (Loomis, 1976). Limited data exist for the 1946 and 1964 tsunamis. The only data points in the project area for those two tsunamis are on the northern side of the Wailua River. The data show runup heights of 20 and 4 feet for the 1946 and 1964 tsunamis, respectively.

Tables and methods in the *Manual for Determining Tsunami Runup Profiles on Coastal Areas of Hawaii* (M&E Pacific, Inc., 1978) show the predicted 10-year tsunami runup height for the project area is 2 to 4 feet above mean sea level. The methodology in the manual has been used to develop the shoreline classifications for the Flood Insurance Rate Maps (FIRM) for the state.

The FIRM for the region shows that the shoreline along most of the shared use path is classified Zone VE with a base flood elevation ranging from 8 to 15 feet (see Figure 15). Zone VE is a "Coastal High Hazard Area where wave action and/or high velocity water can cause structural damage in the 100-year flood," and is primarily identified as an area where a 3-foot or greater wave height could occur (Federal Emergency Management Agency, 1995).

Hurricanes and Swells

Four primary wave types can describe the prevailing Hawaiian wave climate: northeast tradewind waves, North Pacific swell, south swell, and Kona storm waves. The project area is partially sheltered from south swell and Kona storm waves by the island, and is exposed to North Pacific swell and northeast tradewind waves.

The North Pacific swell is produced by severe winter storms in the Aleutian area of the North Pacific and by mid-latitude low-pressure systems. Although North swells may arrive in Hawaiian waters throughout the year, it is largest and most frequent during the winter months of October through March. The North Pacific swell approach direction is from the west to the north, with periods of 13 to 20 seconds and typical deepwater wave heights of 4 to 10 feet. The windward shoreline is partially sheltered from the approach of the North Pacific swell, and only the more northerly of these swells arrive at the project area.

Northeast tradewind waves may be present in Hawaiian waters throughout the year, and are most frequent in summer months, when they dominate the wave climate on windward shores. They result from the strong and steady tradewinds blowing from the northeast quadrant over long fetches of open ocean. Typical deepwater tradewind waves have periods of 5 to 10 seconds and heights of 3 to 10 feet.

Hurricane Waves

In addition to the two primary wave types, infrequent tropical cyclones may generate large waves, which can impact any coastal area of Hawai'i. In any given year, one or more hurricanes can be expected to occur in the central North Pacific Ocean. Although hurricanes occur infrequently in the immediate vicinity of Hawai'i, they do occasionally pass near the islands. Notable recent examples are Hurricane Iwa, which passed within 30 miles of Kaua'i in 1982, and Hurricane Iniki, which passed directly over Kaua'i in 1992. Because hurricanes directly impact the Hawaiian Islands at such infrequent intervals, it is difficult to calculate a statistically meaningful return period.

Seismic Activity

Earthquakes in the Hawaiian Islands are primarily associated with volcanic eruptions from the expansion or shrinkage of magma reservoirs, rather than shifts in the earth's crust. The island of Kaua'i is periodically subject to episodes of seismic activity of varying intensity, but available historical data indicates that the number of major earthquakes occurring on Kaua'i have generally been fewer and of lower intensity compared with other islands, such as the Big Island.

Earthquakes cannot be avoided or predicted with any degree of certainty, and an earthquake of sufficient magnitude (greater than 5.0 on the Richter Scale) could cause damage to the path. The Uniform Building Code (UBC) provides minimum design criteria to address potential for damages due to seismic disturbances. The UBC scale is rated from Seismic Zone 1 through Zone 4, with 1 the lowest level for potential seismic induced ground movement. Kaua'i is designated Seismic Zone 1.

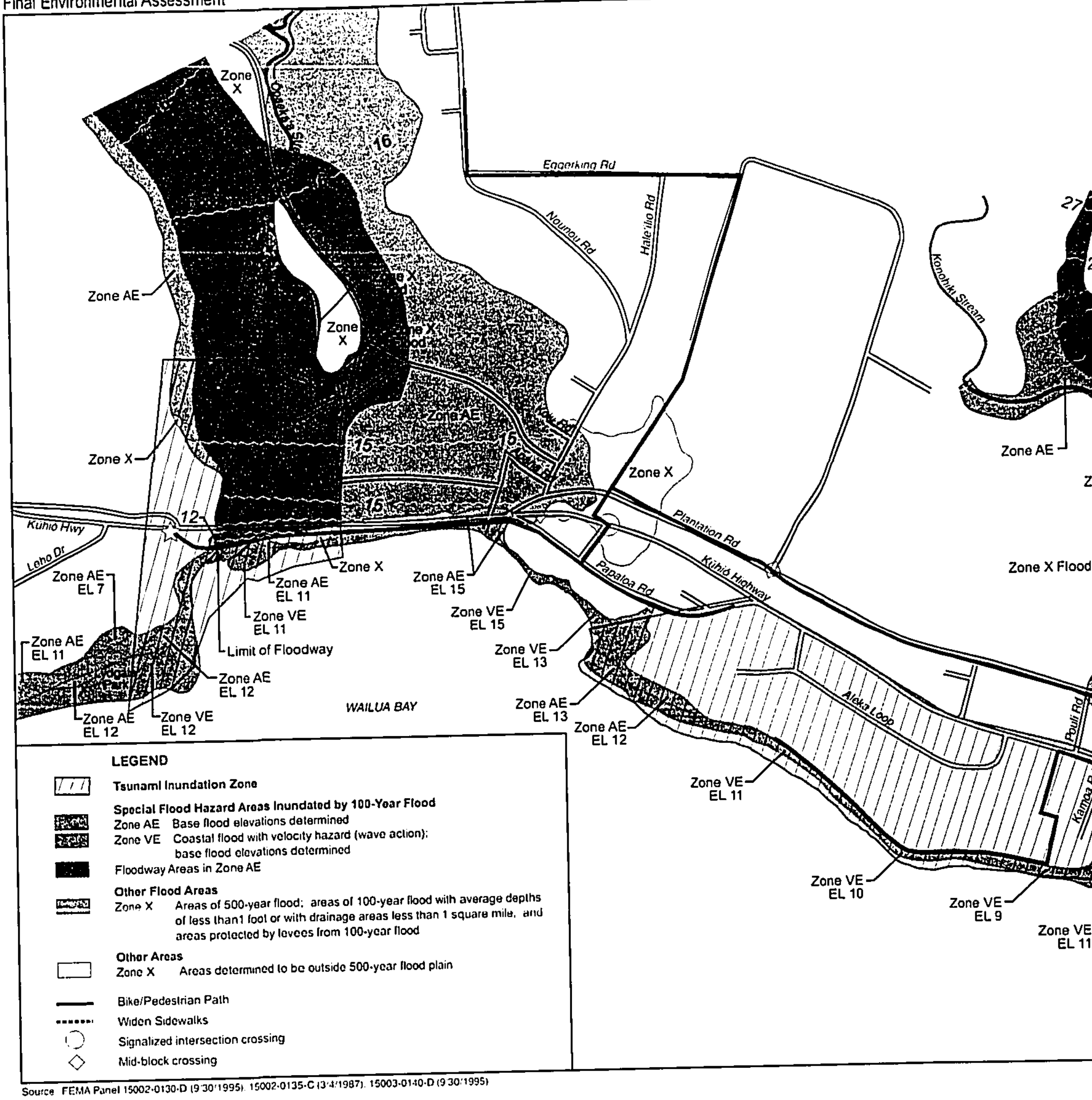
Potential Impacts and Mitigation Measures

The coastal portions of the proposed alignment are located in the tsunami inundation zone. The path will also pass over the Wailua River floodway with construction of a cantilevered bike/pedestrian bridge that is attached to the existing cane haul bridge. Since the cane haul bridge does not meet the current freeboard requirement (the space between the top of floodwaters and bottom of the bridge), a bike/pedestrian bridge of comparable height would also lack the requisite height to clear projected flood levels. Signs will indicate potential coastal hazards. In extreme weather conditions, the bike/pedestrian bridge could be closed, similar to beach closures during hurricane or high-wave conditions. Path users will be subject to evacuation orders and other instructions issued by civil defense authorities for the immediate region.

Except for the crossings at Wailua River and Uhelekawawa Canal, the north-south alignment is outside Zone AE for which base flood elevations have been determined. The path will not increase the base flood elevation as specified in 23 CFR Part 650. The path will not impede floodwaters in severe rain events, and shoulders will absorb sheet flow in normal rain events. The design of all bridge structures will be coordinated with relevant Federal, State, and County agencies. The shared use path in the Kawaihau Phase is located close to a drainage way. More detailed hydraulic analysis during the design and engineering phase will be needed to ensure path safety under storm conditions.

Except for bridges, the path is not structural and is not likely to sustain damage from high winds. Storm water and/or high waves may cause flooding in low-lying areas, but these temporary conditions will not have a serious effect on the path. Debris will be cleared and spot repairs made, as necessary.

Based on the UBC rating, there is a small probability of earthquake impacts. All pathways will be constructed in compliance with appropriate seismic standards.

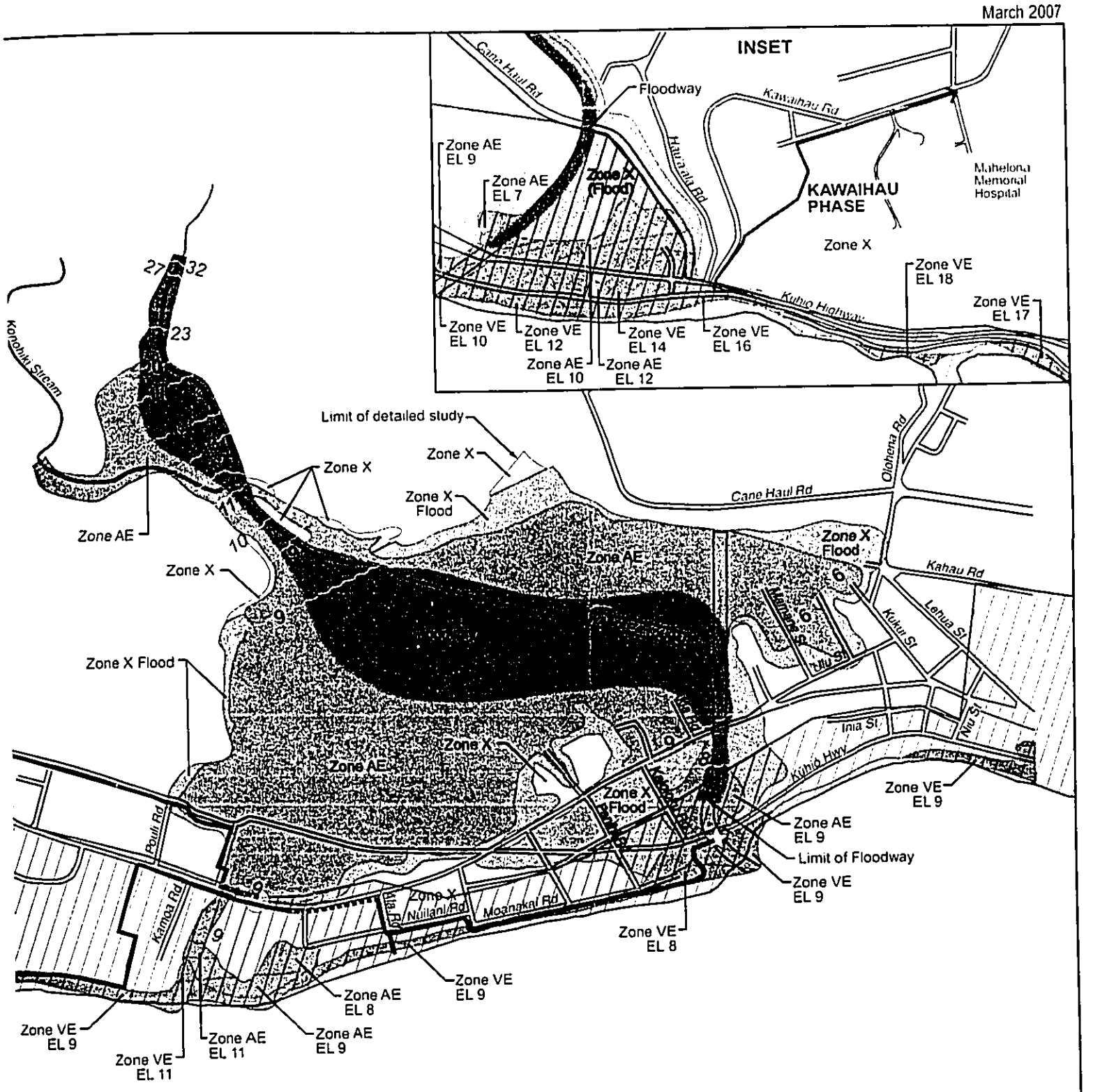


Source FEMA Panel 15002-0130-D (9/30/1995), 15002-0135-C (3/4/1987), 15003-0140-D (9/30/1995)

0 250 500 1000 Feet

0 Mile 1 Mile

March 2007



Note: Coastal base flood elevations apply only landward of the shoreline shown on this map.

Figure **15**

Flood Insurance Rate Map

4.1.7 Noise

Existing noise levels in the project area are consistent with similar urban environments. Traffic along Kūhiō Highway is the primary noise generator. Along the coastline, the ocean waves contribute to the ambient noise level, but is also a factor in masking sources of noise that are less pleasurable to human ears.

Portions of the proposed alignments are located in close proximity to residential areas. According to State Department of Health (DOH) regulations, maximum permissible noise levels for construction equipment during nighttime hours in residential areas is 45 dBA and 55 dBA during daytime hours or the ambient noise level—whichever is higher.

Potential Impacts and Mitigation Measures

Construction-related Noise

Construction-related noise impacts are unavoidable, but will be temporary. Project construction will involve excavation, grading, paving, movement of construction vehicles, and possible pile driving. The various construction activities may generate noise that impacts nearby residential areas. Typical ranges of construction equipment noise vary between 70 and 95 dBA. The actual noise levels produced will be a function of the methods employed during each stage of the construction process. Pile drivers and earthmoving equipment, e.g., backhoes, front loaders, bulldozers, and diesel-powered trucks, will probably be the loudest equipment used during construction. Construction on this project will occur during daytime hours only.

Construction in the coastal sections of the path will affect the resort and condominiums located south of Wailua River (Aloha Beach Resort) and on the north end of Wailua Bay. The main alignment will also go through single-family residential neighborhoods on Niulani Street and Moanakai Road. The canal section of the path is adjacent to less noise-sensitive commercial and industrial land uses. One exception is the small residential cluster around Fernandes Road.

In the Wailua House Lots subdivision, the selected alignment (on the outskirts of the neighborhood) will have lesser noise impacts than the other alternatives considered, which involved construction through the neighborhood.

The shared use path in the Kawaihau Phase will be surrounded by noise-sensitive land uses, including Hundley Heights to the south, Mahelona Hospital to the west, and a State-owned housing complex to the east.

Noise levels are regulated and the contractor will have to ensure that all construction activities comply with the DOH Administrative Rules Chapter 11-46 on Community Noise Control. In cases where construction noise exceeds, or is expected to exceed the DOH's maximum permissible property line noise levels, the contractor will be required to obtain a

permit from the DOH to operate vehicles, construction equipment, power tools, etc. that emit noise levels in excess of "maximum permissible" levels. Conditions attached to the permit restrict the days and times when construction is allowed. Construction equipment and on-site vehicles that exhaust gas or air will be equipped with mufflers. Construction vehicles are also required to satisfy the DOH's vehicular noise requirements.

Long-term Noise Impacts

The completed bike/pedestrian path is a travel way that will be restricted to non-motorized modes of transportation. Walking, jogging, bicycling, and battery-operated wheelchairs are relatively quiet. Skating can be noisier, but the number of skaters is expected to be a very small percentage of total users, based on the experience at Lydgate Park and a survey of community members in which only 3% responded that they would like to use the path for skating.[3] Nevertheless, the path is a community facility that will attract people and a certain amount of talking and socializing is expected. For the most part, the noise levels generated by this type of activity will not exceed State and federal guidelines and standards.

Noise levels can be more disruptive if they occur late at night or in the early morning hours. Such annoyances are not expected to be pronounced in the resort areas where buildings are equipped with central air conditioning and units are generally locked because of the urban setting. In single-family residential areas where windows may be open, occasional loud noises are not expected to differ from the isolated occurrences that take place on any public street. Where necessary, signs can be installed reminding users about path etiquette and courtesy toward neighbors. A more pro-active option is a public education campaign to disseminate this message, if warranted by the number and frequency of noise complaints.

4.1.8 Hazardous Materials

A Phase I Environmental Site Assessment (Phase I ESA) was conducted in 2003 for the proposed Kapa'a Relief Route project (Kimura International, Inc., 2003). The purpose of the Phase I ESA is to identify the presence of recognized environmental conditions as defined by the American Society for Testing and Materials (ASTM) Practice E 1527-00. Data on potential sources of ground contamination were obtained through searches of commercial and government databases, review of files and records maintained by the Department of Health, site reconnaissance, and interviews.

In the DEA, nine sites from that study were identified as being of potential concern; however, the path alignment is in proximity to only one of those sites: the Shell Service Station at the corner of Papaloa Road and Kūhiō Highway. The service station is in active operation and does not pose a known hazard to construction and operation of the path.

[3] Survey taken at the first public information meeting held on January 29, 2005.

4.2 BIOLOGICAL ENVIRONMENT

4.2.1 Flora

The plant names used in this assessment follow Wagner et al. (1990) and Wagner and Herbst (1999). The few recent name changes are those reported in the Hawaii Biological Survey series (Evenhuis and Eldredge, eds., 1999-2002).

Makai Corridor

The start of proposed bike/pedestrian path is located between the Aloha Beach Resort parking lot and Kūhiō Highway. The vegetation in this area is primarily a grassy lawn with a few landscape plantings. Between the hotel property and the Wailua River, the vegetation consists primarily of Bermuda grass (Cynodon dactylon) and pitted beardgrass (Bothriochloa pertusa). Overgrown weedy areas support patches of swollen fingergrass (Chloris barbata), nodeweed (Synedrella nodiflora), and false mallow (Malvastrum coromandelianum). The path will skirt a small area with koa haole shrubs (Leucaena leucocephala), California grass (Brachiaria mutica), castor bean (Ricinus communis), and a few coconut trees (Cocos nucifera) before joining the existing cane haul bridge.

From just past the bridge to about the Seashell Restaurant, the path follows along the makai side of a rock wall along a sandy beach. The vegetation consists of scattered trees of hala (Pandanus tectorius), coconut, ironwood (Casuarina equisetifolia), and tree heliotrope (Tourneforthia argentea). Low thickets of beach naupaka or naupaka kahakai (Scaevola sericea), 2 to 3 feet tall, are abundant, while beach morning glory or pohuehue (Ipomoea pes-caprae) forms extensive mats seaward of the line of trees. Locally common are mats of 'aki'aki grass (Sporobolus virginicus) and beach pea or nanea (Vigna marina).

In the Waipouli resort area, the landscape alternates between properties with extensive lawns and undeveloped parcels. Through the undeveloped parcels, existing dirt paths follow along the shoreline. A thin line of ironwood trees along with a few tree heliotrope and beach naupaka shrubs are found along the seaward side of the undeveloped parcels. Bermuda grass forms low mats along the dirt pathways.

At Ala Road, the proposed bike/pedestrian path is located in the road right-of-way through a residential area and to a beach park at Waika'ea Canal. At the beach park, the vegetation is again composed of salt-spray tolerant strand species such as ironwood, tree heliotrope, beach naupaka, sea grape (Coccoloba uvifera), Bermuda grass, pohuehue, and 'aki'aki.

Mauka Canal Corridor

The proposed canal section starts north of Wailua Shopping Plaza, using the roadbed of a former cane haul road. After crossing the temporary bypass road, the shared use path will run parallel to the makai bank of the Waipouli Drainage Canal.

The vegetation is variable. Between Wailua Shopping Plaza and the temporary bypass highway, the path follows a raised roadbed through a small wetland covered with California grass and clumps of bulrush (Schoenoplectus californicus) and Job's tears (Coix lachryma-jobi). From the bypass highway to Waipouli Town Center, the proposed path passes an excavated wetland (former sand quarry pit) and follows along Waipouli Drainage Canal. The vegetation along this section is largely koa haole thicket with dense clumps of Guinea grass or mats of California grass between the woody components. A few Java plum trees (Syzygium cumini) are occasionally found here.

Wailua House Lots Phase

This path begins behind the Wailua Shopping Plaza and proceeds upslope, following along the north side of the Wailua House Lots subdivision on private property. A narrow band of scrub vegetation borders the residential area and the cane haul roads. It is made up mainly of tall clumps of Guinea grass, 7 to 10 feet high, with scattered shrubs of sourbush and castor bean and Java plum trees.

The cane haul roads are in good shape in most places with only a few scattered patches of weeds. These consist of plants such as young Guinea grass, false ragweed (Parthenium hysterophorus), pualele (Emilia fosbergii), molasses grass (Melinis minutiflora), sowthistle (Sonchus oleraceus), white-flowered beggar's tick (Bidens alba), partridge pea (Chamaecrista nictitans), fimbriate paspalum (Paspalum fimbriatum), wedelia, etc. In some places, the residents have trimmed back the band of scrub vegetation.

An irrigation ditch with running water and overgrown sugar cane fields are found on the north side of the cane haul road. On these abandoned fields, sugar cane (Saccharum officinarum) makes up about 50% of the plant cover, while Guinea grass, California grass, and young koa haole shrubs make up the remaining cover. A few Christmas berry (Schinus terebinthifolius), guava (Psidium guajava), and castor bean shrubs are occasionally encountered.

Kawaihau Phase

This path connects lower Kawaihau Road, near the Jodo Mission, to 'Iwa'ena Road and will connect to the existing Kawaihau Bike/Pedestrian Path.

The proposed alignment will pass through the gully, which is an overgrown area covered by dense koa haole and Christmas berry thickets, 10 to 15 feet tall. Guinea grass and Chinese violet (Asystasia gangetica) form a thick layer between the woody components. Near the lower Kawaihau Road end and about half way up the property, there are a few coconut palms. A few stands of Java plum, ironwood, and autograph tree (Clusia rosea) are found on the steeper slopes. As the proposed path approaches 'Iwa'ena Road, the vegetation changes to open, grassy pasture land.

Potential Impacts and Mitigation Measures

In the developed portions of the proposed bike/pedestrian paths, the vegetation consists of grassy, maintained lawns with landscape plantings. Undeveloped areas support a varied assortment of vegetation types or plant communities. Along the shoreline on sandy substrate, strand vegetation with a number of native species is found. Along the mauka canal section, nearby wetlands are dominated by California grass for the most part, while koa haole and Guinea grass scrub or weedy patches occur on dryland areas. The proposed path, however, does not go through any wetland.

The proposed Wailua House Lots path will be near overgrown sugar cane fields—although it should be noted that an irrigation ditch will separate the path from the undeveloped land to the north. Dense, tall koa haole/Christmas berry thicket is found in the gully area of the Kawaihau path.

None of the plants observed within the proposed path alignments is a threatened and endangered species or a species of concern (U.S. Fish and Wildlife Service 1999a, 1999b; Wagner et al. 1999). All of the native species encountered can be found in similar environmental habitats throughout the Hawaiian Islands.

The proposed construction of the Lydgate-Kapa'a Bike/Pedestrian Path (including the connector paths to the residential areas) is not expected to have a negative impact on the botanical resources. However, the following mitigation measures will be implemented:

- Landscaping material used along the shoreline areas of the makai path will consist of native plants to the extent possible. Native strand plants, such as beach naupaka, pohuehue, 'aki'aki grass, and nanea, are adapted to the harsh environmental conditions along the shoreline. These plants are common to abundant within the study area and they are easily propagated through cuttings and plugs.

- The Kawaihau connector path to Gore Park will require extensive clearing of the koa haole/Christmas berry thicket to open it up and make it more visible for safety's sake. The areas cleared of vegetation will be grassed over as soon as possible to prevent soil erosion and runoff of sediment into the drainage culvert located at the lower end of the gulch.

4.2.2 Terrestrial Fauna

Several avian and mammalian surveys have been conducted in the project area over the past few years. Therefore, in light of the relatively large project corridor, intensive counts were taken for this project during a survey in March 2004, but limited to proposed coastal routes located makai of Kūhiō Highway. Lower intensity reconnaissance level surveys were conducted within Wailua House Lots. No new surveys were conducted for the canal route, or the Kawaihau connector routes. However, in the latter two cases, data are available from biological surveys conducted for the proposed Kapa'a Relief Route and the

Kapa'a-Keālia Bike/Pedestrian Path, and other recent studies in the general project area (David 2002, 2003; Day et al. 2001, 2002).

Mammalian Survey Results

Endangered Hawaiian hoary bats were seen on both nights of the March 2004 survey. Three bats were seen simultaneously from the bridge crossing the Wailua River at the southern terminus of the project. Additionally, two animals were seen foraging over the near-shore area in front of the Bull Shed Restaurant, just south of the Uhelekawawa Canal.

Three alien mammalian species (rat, dog, and cat) were encountered in the coastal area and in the Wailua House Lots subdivision.

Avian Survey Results

Coastal Area, Makai of Kūhiō Highway

A total of 339 individual birds of 17 species, representing 14 separate families were recorded during station counts. Of the 17 species detected in the coastal area, two species—Pacific Golden Plover (Pluvialis fulva) and Ruddy Turnstone (Arenaria interpres) are indigenous migratory species commonly found throughout the state during the winter months. The other 15 species detected are alien to the Hawaiian Islands. No avian species that is either listed, or proposed for listing under either the federal or State of Hawai'i's endangered species programs was detected in the coastal area during the course of the survey.

Avian diversity was relatively low in the coastal area. Three species, Zebra Dove (Geopelia striata), Common Myna (Acridotheres tristis), and House Sparrow (Passer d. domestcus), accounted for 44% of the total of all birds recorded during station counts. The most common avian species detected was the House Sparrow, which accounted for 10% of the total number of individual birds recorded. An average of 56 birds was recorded per station count.

The findings of the avian survey were consistent with the findings of other recent surveys conducted within the lowland areas of Kauai (David, 1995, 1998, 1999a, 1999b, 2000, 2001, 2002, 2003; Day and Cooper, 1999, 2001; Day et al., 2000, 2001, 2002). Due to the timing of the field survey neither the endangered Hawaiian Petrel (Pterodroma sandwichensis) or 'ua'u nor the threatened endemic sub-species of the Newell's Shearwater (Puffinus auricularis newelli) or 'a'o were detected flying over the project site. Both of these species are pelagic seabirds which do not return to their breeding colonies until late April. Both species cross the northern, eastern, and southern coastline of Kaua'i across a broad front and in relatively large numbers during the breading season, and both have been recorded over-flying all areas of the project site.

Wailua House Lots

In the Wailua House Lots area, a total of 180 individual birds of 19 species, representing 15 separate families were recorded during station counts. Of the 19 species detected, one, the White-tailed TropicBird (Phaethon lepturus dorothea) or koa'e kea, is an indigenous nesting seabird, and one, the Pacific Golden Plover or kōlea, is an indigenous migratory shorebird species. The other 17 species detected are alien to the Hawaiian Islands. No avian species that is either listed, or proposed for listing under either the federal or State of Hawai'i's endangered species program was detected in this area during the survey.

Avian diversity was also relatively low within the Wailua House Lots area. Four species, Zebra Dove, Common Myna, Red Junglefowl (Gallus gallus), and Cattle Egret (Bubulcus ibis), accounted for 38% of the total of all birds recorded during station counts. The most common avian species detected was the Common Myna, which accounted for 75 of the total number of individual birds. There was an average of 60 birds recorded per station count.

Canal Area Mauka of Kūhiō Highway

The results for this area are based on data collected and analyzed in May 2003. The field survey efforts were part of the environmental baseline for the proposed Kapa'a Relief Route. A total of 2,146 individual birds of 27 species, representing 20 separate families were recorded during station counts. An additional five species representing three additional families were recorded as incidental observations during time spent within the area.

Two of the species detected during station counts: the Hawaiian Duck (Anas wyvilliana) or koloa and Hawaiian Coot (Fulica alai) or 'alea ke'oke'o are endangered endemic (i.e., native and unique to Hawaii) species. Two others, the Common Moorhen (Gallinula chloropus sandvicensis), or 'alea'ula and Black-necked Stilt (Himantopus mexicanus knudseni) or ae'o are endemic endangered sub-species of more cosmopolitan continental species. All four species are protected under both the federal Endangered Species Act (ESA) of 1973, as amended, and by the State of Hawai'i under its endangered species program.

One species detected during station counts, the Short-eared Owl (Asio flammeus sandwichensis) or pueo is an endemic sub-species which is listed by the State of Hawaii as endangered on O'ahu, but not on Kaua'i. The owl is not listed under the federal ESA. Two additional species: White-tailed Tropicbird and Black-crowned Night Heron (Nycticorax nyticorax hoactli) or 'auku'u are relative common indigenous breeding species. Three other indigenous breeding seabird species: Wedge-tailed Shearwater (Puffinus pacificus chororhynchus) or 'ua'u kani, Red-Footed booby (Sula s. rubripes) or 'a, and Great Frigatebird (Fregata minor palmestroni) or 'iwa were detected as incidental observations while traversing portions of the survey area.

Potential Impacts and Mitigation Measures

Mammals

The endangered Hawaiian hoary bat is regularly seen in and around Kapa'a, as well as most of the lowland areas on Kaua'i (Tomich, 1986; David, 1995, 1999b, 2001, 2002, 2003; R. David, personal observations 1980-2002). It is highly unlikely that the construction of proposed pathway will have any impact, deleterious or otherwise, on this species.

Aquatic Fauna

The endangered Hawaiian monk seal (Monachus schaunislandi) is known to haul out occasionally in the intertidal zone and on the beach in the project area. Both the federal and State of Hawai'i wildlife agencies have an ongoing and very comprehensive outreach and protection program to ensure that seals are not disturbed while in near-shore waters or when they are basking on land. Consultations with the U.S. National Marine Fisheries Service led to an acceptable set of mitigation measures to minimize potential human interaction with monk seals. Because of the County's shoreline setback requirement, the shared use path will have a measure of separation from the waterline. Users who stay on the path are highly unlikely to be in proximity to a hauled out seal. In the event a seal has hauled out at Wailua Beach Park or Lihi Park, signs, information distributed by the Monk Seal Watch program, and temporary fencing will instruct people on how to pass safely above (mauka of) the animals and take other cautionary actions.

Similarly, while the threatened green sea turtle (Chelonia mydas agassizii) occasionally hauls out in the intertidal zone of the coastline, the path is not located in areas where sea turtles would be impacted.

Birds

The two species of endangered seabirds: the endangered Hawaiian Petrel (Pterodroma sandwichensis) or 'ua'u and the threatened endemic sub-species of the Newell's Shearwater (Puffinus auricularis newelli) or 'a'o are found in relatively large numbers during the breading season. Both species of seabirds, especially fledging birds, can become disoriented by exterior lighting between nesting sites and the sea. This project, however, does not involve the installation of new exterior lighting.

Four of the five endangered Hawaiian waterbird species currently found on Kaua'i, namely Hawaiian Duck, Hawaiian Coot, Common Moorhen, and Black-necked Stilt were detected in and around the canals and wetlands in the inland canal corridor, located west of the Waipouli Town Center and the Kaua'i Village Shopping Center during surveys conducted in 2003. It is also possible that the endangered Nēnē (Branta sandvicensis) uses resources in the pastures and wetlands in the area mauka of Kūhiō Highway as well. Because the

path will not encroach into the wetlands or canals, it is unlikely that there would deleterious impacts on any of the endangered waterbird species.

To maintain the water quality necessary to support both listed waterbirds and near-shore waters that supported listed aquatic fauna, Best Management Practices will be developed and implemented during the construction phase of the project to prevent spoils from entering the streams, canals, or near-shore waters adjacent to the proposed path.

4.2.3 Stream Fauna

All alternatives being considered under the proposed action will need to cross the Wailua River, Uhelekawawa Canal, and possibly other smaller canals and ditches in the Waipouli drainage system. This section includes a description of the aquatic environment for various stream fauna. The information is based primarily on an aquatic biological assessment prepared by Michael H. Kido for the proposed Kapa'a Relief Route. The bike/pedestrian path project corridor occupies a portion of the larger Kapa'a Relief Route study area.

Wailua River

The Wailua River has one of the largest deep-water estuaries (in length and volume) in Hawai'i and has been long utilized for recreational and commercial tour boat activities. The estuary receives stream water from no less than fifteen tributaries.

Salinity readings near the Wailua Boat Ramp (Department of Health Station #822) indicate a typical deep-water Hawaiian estuary function with a variable salt-water wedge that intrudes into up-river areas and retreats toward the ocean depending on the balance between river flow and ocean conditions. Measurements at this station have also found elevated enterococcus levels, indicating chronic nonpoint source pollution of the estuary from cesspools, septic tanks, and other sources of sewage in the watershed. The Wailua estuary, therefore, is strongly influenced by human activities, serving as a repository for organic waste and other discharged pollutants.

The lowland drainage canals and other waterways that empty into the Wailua estuary are infested with invasive tilapia, primarily Oreochromis mossambicus, although other tilapia species may also be present. Tilapia likely prey upon and compete for habitat with native stream and estuarine species, thereby resulting in low levels of native species in the estuary. In the sandy areas closer to the ocean, four brackish water native fish species were observed during visual surveys; however, areas slightly upstream of the mouth were dominated by large O. mossambicus. Tilapia, therefore, are clearly the dominant fish species in the lower Wailua River and have invaded streams throughout low gradient areas of the watershed and is one of the leading causes of biotic integrity impairment.

Kapa'a Floodplain and Canal System

Two primary waterways and associated drainage systems are located in the Kapa'a floodplain. The Waipouli/Waika'ea canal system is located in the project area, but the Mo'ikeha canal system is outside the project area. The floodplain mauka of Waipouli-Kapa'a, has been highly modified historically by the sugarcane plantations that constructed numerous reservoir, stream diversions, and irrigation ditches that today empty into three major canals that discharge into the ocean. Waipouli Canal and Waika'ea Canal drain a watershed area of about 2.3 square miles and is bordered by Nounou Mountain and Olohena Road.

There are no natural stream habitats in the Kapa'a floodplain and all drainage canals are highly sedimented, slow moving, and (in the lowland) devoid of riparian zones. Like the Wailua estuary, the canal systems are infested with alien species including various Poeciliid species and at least one species of tilapia. Populations of native aholehole, however, are common at the mouths of the canals at the freshwater-ocean interface and it is likely that other itinerant fish species like mullet enter these limited coastal areas regularly.

Potential Impacts and Mitigation Measures

Benthic Environment

A substantial effort in Kido's study was focused on locating populations of the endangered aquatic snail, Newcomb's Snail (Erinna newcombi), using both underwater visual observation and standard benthic sampling methodologies; however, no individuals were observed. Given the degraded waterways inhabited by large populations of alien predatory fish species, this outcome is not surprising. There is little potential for impact to this federally listed endangered species from proposed construction of the path.

River and Canals

The Wailua River and canal system are severely impaired from both habitat, as well as biotic integrity perspectives, and this environment does not provide adequate support for native species. Therefore, with implementation of Best Management Practices, concerns for potential adverse impacts to populations of native stream species from project construction activities are minimal.

4.3 SOCIO-ECONOMIC ENVIRONMENT

4.3.1 Archaeological, Historic, and Cultural Resources

The project alignment covers land within five ahupua'a from south to north: Wailua, South and North Olohena, Waipouli, and Kapa'a. In terms of historic perspective, emphasis is placed on Wailua, Waipouli, and Kapa'a—the three ahupua'a that have the most comprehensive source material. Limited historic documentation regarding the Olohena lands suggest that these ahupua'a did not play a major role in late pre-history and in the early historic era. Additionally, much of the Olohena lands were in sugar cane for many decades and, therefore, little in the way of archaeological constraints is expected within the mauka sections of the project alignments through these ahupua'a.

Summary of Settlement Pattern in the Wailua Ahupua'a

The Wailua River, along both shores, was the most important high-status area on Kaua'i in pre-contact times. This area was the royal center where the high chiefs and chiefesses carried on their business when they were not traveling about the island(s), and where they entertained visitors. Today we see a small portion of this royal center when we look at the remnants of five of the heiau (where official decision making was carried out), the Pu'uhonua o Hauola (place of refuge), the birthstones, the royal coconut grove, the bellstone, and the royal fishponds. There exist no visible surface remnants of the chiefly homes, the supporting lo'i and kula lands, the places of recreation, the burial place called Mahunapu'uone (just makai of Kapule's fishponds), the fish traps, and the canoe landings.

The Wailua Complex of Heiau, on both sides of the river, was the focus of political and religious activity. Among the seven heiau of Wailua, Malae Heiau (at the river mouth on the south side) and Poli'ahu Heiau (on the north side of the river inland atop Poli'ahu Ridge) were two large companion heiau. The makai section of the ahupua'a near the river mouth was the focus of daily life for the royal families. Some house sites were south of the river on the dunes (makai of the present highway), but the majority of house sites were on the north side of the river just mauka of the highway between the Coco Palms Resort and the river. A burial area is associated with these house lots on the dune and archaeological work shows there are still present remains of the habitation layer and the burials. A portion of Kapule's fishponds, just behind the sand berm, still exists on the grounds of the Coco Palms Resort. The choicest house area, according to the Māhele documents, is probably in and around the Royal Coconut Grove. These homes were close to the river, Kalaeokamanu Heiau, the birthstones (where elaborate birthing ceremonies of royalty would take place), and the coconut grove.

Constraints in Wailua

The pattern of archaeological sites in Wailua ahupua'a is of almost contiguous historic sites (or former historic sites) located within the Wailua River valley, at the mouth of the valley, and in the flat coastal lands on the north side of the river mouth.

These archaeological resources may be an important issue in this area particularly as they involve potential impacts to archaeology within a State Park and may involve impacts in proximity to sites on the National Register of Historic Places. Very little in the way of adverse impacts is anticipated in the development of any of the former sugar cane lands back from the coast.

The designation of the Wailua Complex of Heiau National Historic Landmark (1988) consists of five discontinuous properties: Site -104, Malae Heiau; Site -105, Hikinaakalā Heiau (and petroglyphs); Site -106, Holoholokū (Kalaeokamanu) Heiau and Pōhaku Ho'ohānau, Site -107, Poli'ahu Heiau; and Site -335, the Wailua Bellstone(s). The designation of these properties for the National Register/National Historic Landmark listing is five circles each centered in the middle of each of the sites but only slightly greater than the radius of the sites themselves.

The south end of the alignment begins at the northern terminus of the existing Lydgate Bike/Pedestrian path near the northwest corner of the Aloha Beach Resort. The alignment heads north on an old railroad berm on the makai side of Kūhiō Highway a short distance to the Wailua River mouth. The proposed path will cross the Wailua River on a bridge cantilevered off of the existing cane haul bridge.

Located at the mouth of the Wailua River is the Wailua petroglyph site (Ka Pae Ki'i Mahu o Wailua, Site 50-30-08,105A) that was clearly regarded as "historically part of the temple of Hikina-a-ka-lā and the City of Refuge, Hau'ola (both sites coded 50-30-08-05)" (Kikuchi, 1984). Thus the petroglyphs should be regarded as a contributing element of the designated Wailua Complex of Heiau National Historic Landmark. There is some uncertainty regarding the extent of the Wailua petroglyph site as "The appearance of the boulders is determined by the vagaries of the weather, e.g., the flow pattern at the mouth of the Wailua River, the sand deposited by storms and the tides of the sea." (Kikuchi, 1984). Field inspection and available maps indicate that the petroglyph field is well to the southeast of any likely footing for a new bike/pedestrian path bridge.

On the north side of the Wailua River mouth, the path will pass the Coco Palms Resort on the makai side of Kūhiō Highway. A low rock wall will be constructed as a continuation of the existing rock wall. This presumably would involve some excavation for footings and foundations. Of concern in this area is the report of a burying ground or cemetery mentioned in the 1848 Foreign Testimony and Native Testimony as on the south edge of Land Commission Award 3346:1 to Nawai. This LCA lies just mauka of Kūhiō Highway and may possibly be the site studied by William Kikuchi (1973) when excavation for a new wing to the hotel uncovered thirty-four burials. This burying ground may extend

under and across Kūhiō Highway into the area proposed for construction of a wall extension. Buffum and Dega (2002) and Dega and Power (2003) further documented a traditional cultural layer in this area between Kūhiō Highway and the Coco Palms Resort. Because of the prospect for burials and/or other cultural resources, archaeological monitoring is appropriate in this area.

North and South Olohena Ahupua'a

Only three archaeological sites have been designated within North and South Olohena ahupua'a, but all are located on the coast. Little data is available for more inland areas, but the potential for archaeological resources mauka of Kūhiō Highway appears modest.

During a pedestrian inspection for this project conducted in December 2003, archaeologists with the consulting firm Cultural Surveys Hawai'i found a stone and concrete railroad culvert at the intersection of the former railroad grade and the existing Kapa'a temporary bypass road. The culvert crosses a drainage ditch which runs parallel to the temporary bypass road. This railroad culvert is understood to be a portion of the Lihue Plantation Railroad embankment (previously given State Site #50-30-08-823). Virtually the entire alignment of this railroad has been obliterated.

Constraints in Olohena

Previous archaeological studies have shown the presence of intact cultural deposits and traditional Hawaiian burials along coastal Olohena (such as sites 791 and 1800). A monitoring program with specific levels of archaeological monitoring appropriate for each path section will be developed with SHPD approval, and implemented during project construction.

Summary of Settlement Pattern in the Waipouli Ahupua'a

Traditionally, Waipouli was known for its fine surf area. The Land Commission Awards show several house lots at the beach, but there are also house lots within the plots claimed for lo'i and kula along the southern edge and within the marshy area toward Kapa'a. While most of the claims are for lo'i and kula, one LCA (8836) also claimed a fishpond and some wauke. This general area is known as Kapakio or the konohiki's fishpond. Homes and kula were scattered around the pond where lo'i would have been on the edges of the wetland and the flatlands were used for pasture and grasslands. The settlement in Waipouli, unlike adjoining ahupua'a is spread from the shoreline inland and those living inland at the time of the Māhele also had houses with their lo'i and kula, even in the most mauka claim (8838). The Boundary Commission record adds the locations of old home sites far inland, as well as locations of koa and kukui trees and places to catch wild fowl.

Archaeological work along the beach terrace of Waipouli has uncovered cultural layers both at the Coconut Plantation Resort area and the Uhelekawawa area (also known as Uhalekawa'a), with dates for use during the 15th century for the former and the 16th century

for the latter. Archaeologists believe that the Coconut Plantation area was a recreational area due to its extensive layer but paucity of artifacts. The Uhelekawawa area has a thick cultural layer with the traditional artifacts representing activities such as tool manufacture for fishing and woodworking, and for weapons. The abundance of these tools suggested the area was a work site rather than a permanent habitation site.

The traditional landscape around the marsh was replaced by dry land in the 1960s when construction on the Waipouli Canal drained and filled the former marshlands which allowed for its use for sugar cane.

Constraints in Waipouli

The strongest expression of archaeological sites (cultural layers and human burials) at Waipouli is immediately on the coast such as designated sites 1801 and 1836. Site 1836 extends as far inland as Kūhiō Highway and four burials (Site -872) have been recovered from under Kūhiō Highway. Thus it must be assumed that other subsurface deposits and burials extend mauka of Kūhiō Highway particularly in the eastern portion of Waipouli. Most of the former sugar cane lands well mauka of the highway is anticipated to be free of archaeological sites. An archaeological monitoring program and consultation with the Kaua'i/Ni'ihau Islands Burial Council will be implemented for any area near or makai of Kūhiō Highway.

Summary of Settlement Pattern in the Ahupua'a of Kapa'a

The association of the ahupua'a of Kapa'a with legendary historical figure Mo'ikeha implies that the area was settled previous to Mo'ikeha's time (early 14th century), although the extent of this settlement is not known. Through archaeological and other sources, it is known that at one time agricultural and domestic activities extended into the far mauka areas of Kapa'a, but were totally abandoned by the mid 19th century.

The LCA pattern in Kapa'a (as indicated by six awards) shows lo'i and kula on the rim of the swamplands and extending partly into watered valleys. Marshlands without known LCAs may have had lo'i along the edges. The six claimants had shoreline lots makai of the swamp. It is assumed that a permanent settlement existed in association with mauka agricultural lands in the prehistoric periods, but this is not reflected in the LCAs. The mauka settlements were probably abandoned before the 19th century. Permanent settlement occurred along the coast throughout late prehistory, as indicated by the presence of extensive and thick habitation deposits in the shore and backshore areas of Kapa'a, especially along Inia Street and Kūhiō Highway (Hammatt 1991). However, in the early 20th century the entire area behind Kapa'a Town was rice and kula lots and there was a rice mill in the area. When flood control measures were instituted in the 1960s, these marsh lands, used previously for taro and then taken over by the rice farmers, were drained and became cane and pasture land.

Constraints in Kapa'a

The pattern of archaeological studies in Kapa'a ahupua'a is somewhat skewed with a dozen projects in urban Kapa'a Town and very little work inland from the coast. Numerous burials and other subsurface sites have been reported from coastal Kapa'a Town. The more inland studies, however, have generally reported minimal or no major findings. Given the large pre-contact and early historic populations of Kapa'a and previous archaeological finds, on-site archaeological monitoring is warranted for any important subsurface impacts on or makai of Kūhiō Highway.

Potential Impacts and Mitigation Measures

Table 3 lists designated archaeological sites that lie in or near (with 300 feet) of the proposed bike and pedestrian path (see also Figure 16).

Table 3: Summary of Archaeological Sites that May be Affected by the Proposed Action

Site No. 50-30-08	General Location	Function	Relation to Preferred Alternative	Recommended Mitigation/ Comments
105	Southern side of the mouth of Wailua River, makai of Kūhiō Hwy	Hikinaakalā Heiau and Pu'uhonua o Hauola	Kūhiō Hwy runs just inland (approx. 70 meters)	Preservation as part of the National Historic Landmark; avoid vicinity
105A	Southern side of the mouth of Wailua River, makai of Kūhiō Hwy	Wailua petroglyph site (Ka Pae Ki'i Mahu o Wailua)	Kūhiō Hwy runs just inland (approx. 50 meters); concern regarding possible new bridge	Preservation as part of the National Historic Landmark; avoid vicinity
872	South central Kapa'a Town along Kūhiō Hwy	Designates human remains (4) from Kūhiō Hwy near Wana Road	Portion of Kūhiō Hwy near Wana Road	Monitoring program indicated for vicinity
823	Feature identified in South Olohena, inland of Kūhiō Hwy	Railroad berm and appurtenances	Remnants barely detectable in a few locations	Preserve remnants where possible
891	Coast near North Olohena/Waipouli boundary	WWII bunker	Near coastal path	Interpretation potential
1171	Between Coco Palms and Kūhiō Hwy	Traditional cultural layer	Between Coco Palms and Kūhiō Hwy	Monitoring program indicated for vicinity
1800	Coastal North Olohena	Cultural layer and burials (2)	Coastal North Olohena	Monitoring program indicated for vicinity
1801	Coastal Waipouli	Cultural Lyer and burials (5)	Coastal Waipouli	Monitoring program indicated for vicinity

The results of the archaeological field assessment and consultation with the State Historic Preservation Division, Office of Hawaiian Affairs, and State Parks indicate that the preferred alignment is compatible with known archaeological and cultural resources. The Section 106 MOA provides for continued consultation through the project implementation phase.

Wailua Complex of Heiau.

The Wailua petroglyph site (Ka Pae Kii Mahu o Wailua, Site 50-30-08-105A) is regarded as part of the temple of Hikinaakalā and the City of Refuge, Hauola, both coded 50-80-08-105 and a contributing element of the designated Wailua Complex of Heiau National Historic Landmark. Field inspection and available maps indicate that the petroglyph field is well to the southeast of a new bike/pedestrian path bridge. An potential indirect effect is the potential increase in public traffic through Hikinaakalā Heiau and Hauola if users go off-path and take short-cuts from Lydgate Park to the Wailua River crossing.

Burials

After the Wailua Complex of Heiaus, the greatest archaeological and historic preservation concern for this project is the potential impact to human remains. Three concentrations of human burials have been documented along the proposed routes: along Kūhiō Highway extending back from the coast in Waipouli/Kapa'a (including designated site 872); along the Waipouli coastline (including sites 1800 and 1801); and in the vicinity of Coco Palms (including the Mahuapu'uone burial area).

In the vicinity of Waipouli/Kapa'a, several burials have been encountered near the coast and in close proximity to Kūhiō Highway. Therefore, the probability of encountering human remains is higher along the coast or along Kūhiō Highway when construction requires subsurface work. This area is also particularly rich in other non-burial cultural resources. Mahunapu'uone is a burying ground located primarily in the Coco Palms resort area (Cultural Surveys Hawaii, Aug 2004). However, the exact boundaries are unknown and could extend makai of Kūhiō Highway.

Mitigation of Impacts to Historic Sites

An archaeological monitoring program (including a monitoring plan, a combination of on-call and on-site monitoring, and a monitoring report) will be prepared and implemented to mitigate potential impacts to burials and other cultural resources that are believed to underlie portions of the proposed alignments. Particularly sensitive areas are understood to include areas of Jaucas sand in the Wailua, Waipouli, and Kapa'a ahupua'a that are well known for both burials and intact cultural deposits. These historical preservation concerns are anticipated to be greatest at the coast but may extend mauka of Kūhiō Highway in some areas. It is understood that the pathway project will have a very light footprint with much of the path requiring minimal excavation. Many of the burials and cultural deposits

previously documented, however, are quite shallow. The specific level of monitoring (on-call or on-site) will be determined with the SHPD for each path section. An excavation extending greater than 30 centimeters (about 1 foot) into undisturbed sediments is a possible benchmark for a higher level of monitoring.

Early consultation with the Kaua'i/Ni'ihau Islands Burial Council will be conducted regarding burial treatment. (See also, Memorandum of Agreement developed through the Section 106 consultation process and stipulation of procedures related to inadvertent discovery of human burials, in Appendix C.)

To deter path users from going off path in the Hikinaakalā section of the State park, the path's design will incorporate landscaping, signs, and possible physical barriers (railings, fencing, or low walls). The Division of State Parks will be consulted during the design phase.

Historic Buildings and Structures

In additional to archaeological resources, the proposed action may impact historic buildings and structure that are listed on the National Register of Historic Places or may be eligible for listing. The information for this section is drawn from an Historic Resources Survey prepared by Mason Architects (2003) for the proposed Kapa'a Relief Route. This study examined properties with construction dates of 1960 or earlier in areas where road construction or widening has been proposed. Given the overlap with the highway project corridor, the findings of the Mason study were used to identify historic resources or the types of resources that may be affected by the bike/pedestrian path.

The National Register of Historic Places (Title 36, part 60 of the Code of Federal Regulations), defines the criteria for legally evaluating the significance of cultural resources. It states that "the quality of significance in American history, architecture, archaeology, engineering, and culture is present in districts, sites, buildings, structures, and objects that possess integrity of location, design, setting, materials, workmanship, feeling, and association," and

(A) that are associated with events that have made a significant contribution to the broad patterns of our history; or
(B) that are associated with the lives of persons significant in our past; or
(C) that embody the distinctive characteristics of type, period, or method of construction, or that represent the work of a master, or that possess high artistic values, or that represent a significant and distinguishable entity whose components may lack individual distinction; or
(D) that have yielded, or may be likely to yield, information important in prehistory or history (U.S. Department of Interior, 1991, p. 37)

Mason Architects made a preliminary evaluation of eligibility based these criteria. The Hawai'i State Register of Historic Places generally utilizes the same criteria as the

National Register; therefore, properties listed on the Hawai'i Register are usually considered eligible for the National Register.

The proposed action is expected to have adverse impacts on one of historic site: the Wailua River Plantation (or cane haul) Bridge.

Wailua Plantation (Cane Haul) Bridge. The Wailua River Plantation Bridge was acquired by the State only recently and has not been included in any of the historic bridge inventory studies conducted over the years. It was constructed in 1921 and has a roadway length of 395 feet, supported on seven intermediate and two end piers.

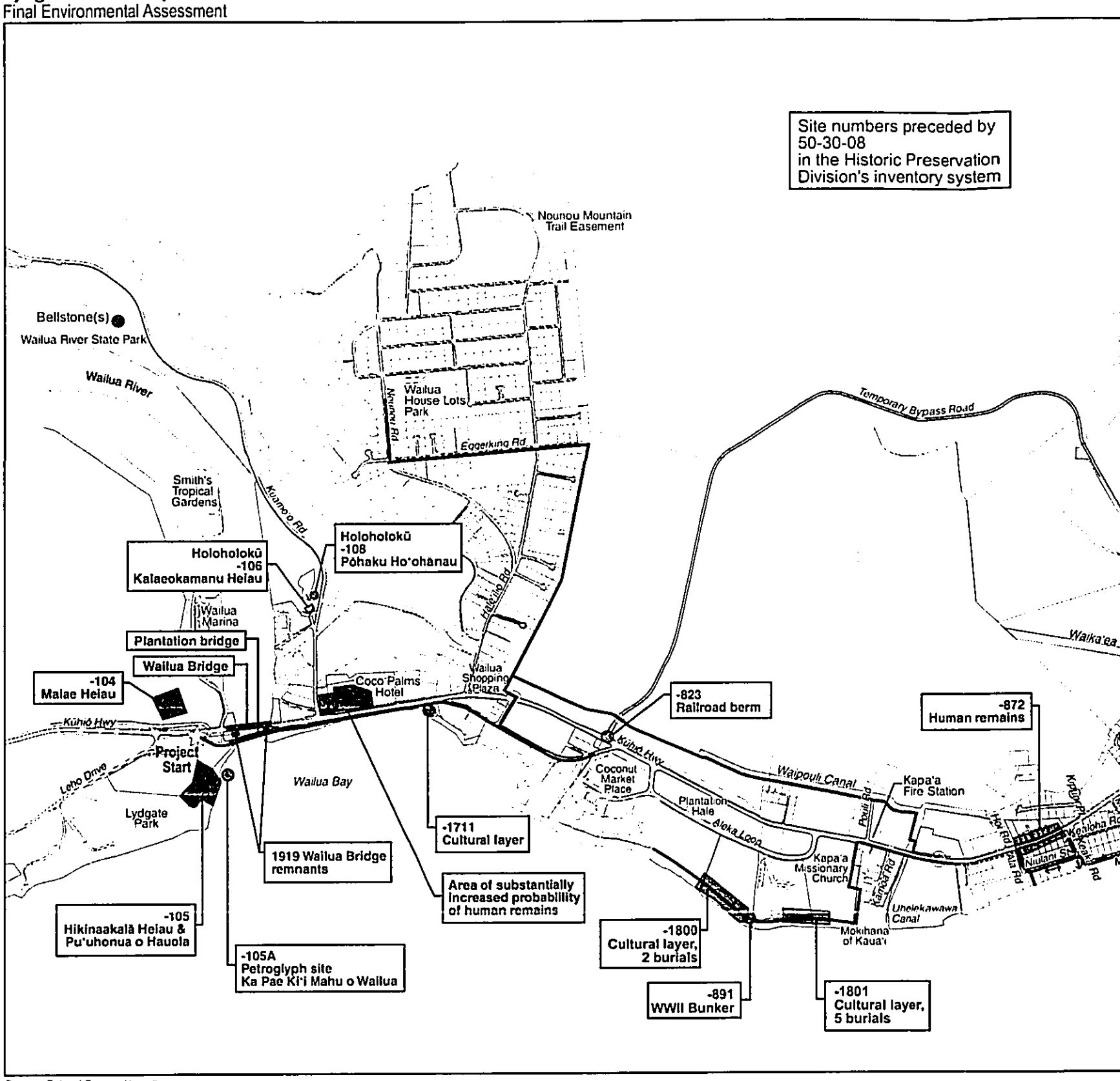
The bridge is only one of two bridges on the island converted from a railroad bridge to a road bridge. It is also one of only two extant concrete railroad bridges on the island. These concrete bridges are distinctive since industrial and railroad bridges in Hawai'i were primarily steel stringer bridges. The Wailua Railroad Bridge was an integral part of the sugar and pineapple economy on the eastern side of Kaua'i. It is one of the few remaining parts of the rail line, which represents a change in the 1920s from individual plantation ship landings to a more centralized transportation system.

Assessment of Significance: Satisfies Criteria A and C

Potential Impacts and Mitigation Measures

The proposed action will alter the bridge by adding a cantilever for the bike/pedestrian path. These changes, in effect, represent another step in the evolution of the structure. The Mason study concluded that the bridge has minimal integrity for materials and workmanship because they are obscured by a gunite coating over most of the original concrete. The integrity of design was diminished by the post-WWII addition of the deck portion and the more recent guard rails. Despite these changes, the study's authors noted that the bridge retains its integrity of location and enough original physical features to convey the feeling and association of its historic character.

To mitigate project impacts, the historic bridge will be documented in photos and text to Historic American Engineering Record (HAER) standards, or to a level determined by the SHPD. Another possible mitigation measure is to install a historic marker near the site with interpretive commentary.



Source: Cultural Surveys Hawai'i

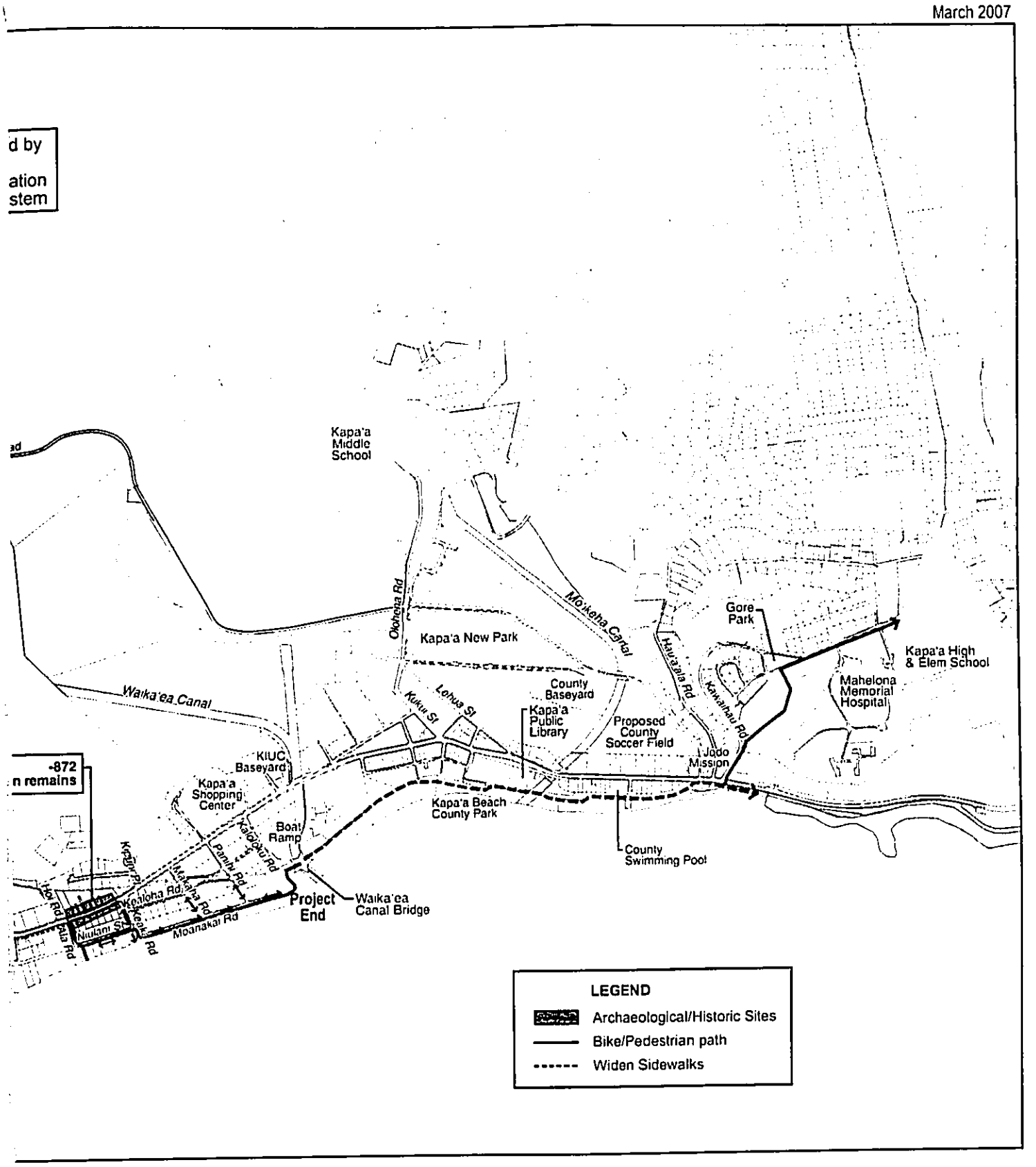


Figure **16**

Archaeological and Historic Sites

Cultural Impact Assessment

Act 50, Session Laws of Hawai'i, 2000, requires that a proposed action's impacts on the community's cultural practices be disclosed in the environmental review process. A cultural impact assessment was conducted for the proposed Kapa'a Relief Route by Cultural Surveys Hawai'i (CSH) (Volumes I and II, 2004). Because the bike/pedestrian path corridor is fully contained within the highway corridor and both are linear transportation projects, the findings of the CSH study were reviewed for this environmental assessment.

CSH conducted historic research of the project to identify cultural resources and traditional cultural practices associated with the proposed relief route corridor. In addition, they conducted community consultation, with contact overtures to 54 parties regarding cultural knowledge, land use history, cultural sites, and traditional Hawaiian or other cultural practices in the vicinity of the project area. Nine interviews were completed but only seven interviewees signed authorization and release forms.

One of the primary concerns voiced by several kama'āina, including some interviewees was concern about impacts on human burials (iwi kupuna). Based on background research, the most likely location for burials is in the sandy coastline sediments. Areas of specific concern include the coastal areas of Kapa'a Town, Waipouli, Olohena (including adjacent to the present Kūhiō Highway), and Wailua. One kupuna who had witnessed the discovery of a large number of burials in the Wailua area adjacent to Coco Palms and Kūhiō Highway expressed serious concern about uncovering additional burials if a road were to be extended there. This area is thought to correlate with a documented historic sand dune burial ground, Mahunapu'uone. Though the sandy sediments along the coastline are of primary concern, there have been a few isolated burials inland. The potential inland burial areas include locations of former kuleana, particularly in Wailua mauka of Coco Palms. Several of those consulted indicated that the discovery of iwi (bones) is a very sensitive issue for the Hawaiian community requiring much mediation and appropriate protocol.

A second very important cultural concern identified during consultation is related to the heiau of Wailua. The heiau complex is on the National Register of Historic Sites and a designated National Historic Landmark. Various groups have been working closely with the Division of State Parks to ensure protection of these historic properties and cultural sites. Those consulted stressed that the heiau are not just historic properties to preserve for their historic value, but also living cultural sites. Malae Heiau was mentioned specifically, but references to this site are more pertinent to the relief route project—the bike/pedestrian path will not impact Malae Heiau.

The marshlands of Kapa'a, Waipouli, and Olohena were an important resource prior to Western contact. The fringes of the marsh were utilized for lo'i kalo, and other resources including the gathering of kalukalu, a type of grass utilized for kapa (a paper-like cloth). Places in the marshes also served as fishponds. Vestiges of the cultural significance of the

marshlands are retained in the mo'olelo (stories and myths) and 'olelo no'eau (proverbs) particular to this area. With the establishment of the sugar plantations in the late nineteenth century, the marshlands were altered considerably. Marsh areas were drained and filled to create more dryland for commercial agriculture and pastureland. Several individuals consulted and interviewed grew up fishing for 'ōpae (shrimp) and 'o'opu (various brackish water fishes) in the irrigation ditches which once drained the swamps. They expressed sadness at the changing of the landscape and the passing of their childhood traditions with the final draining and filling of the swamps. No further concerns regarding the marshlands were expressed other than the presumed low potential of possibly encountering habitation deposits and burials related to former LCA parcels.

Several of the interviewees discussed 'auwai in the Wailua ahupua'a that were used by residents up until the 1960s. The 'auwai were used for a variety of activities beyond their primary irrigation purpose. Most of the 'auwai have been lost through modern pasturage, disuse, and adjacent road improvements. One kama'āina expressed concern that the 'auwai should be preserved for future generations.

Fishing and gathering along the coastline from Keālia to Hanamā'ulu was and continues to be an important cultural activity. There is evidence that fishing and crabbing still occurs within the Wailua River. In many ways, fishing is not as easy as it once was, but fishing remains one of the few cultural traditions families still feel relatively free to engage in in this area. Kama'āina consulted and interviewed indicated that most of their families had long histories of fishing at various locales. Fishing traditions have been passed down through the 'ohana and are viewed as a way to continue to perpetuate important aspects of the Hawaiian culture. A number of individuals expressed their concern that construction related to any proposed transportation improvement take into account water quality and potential negative impact on fishing resources. This is especially true in the case of the Wailua River, where a new bridge is being considered.

The primary recommendation that came out of the interview process was for continued consultation with concerned parties through the different phases of any major transportation project. Although most of the kama'āina consulted grew up in an era when expressions of the Hawaiian culture were discouraged, they were all aware that Wailua was a unique place for their ancestors.

The issues raised by the cultural impact assessment reflect a deep connection with the land and its resources. The proposed path is a low-impact way to provide safe, convenient, and comfortable access for people. Consistent with the concerns expressed by the interviewees, it is the intent of the project to enhance access in a way that is respectful of historic and cultural resources. For example, the path located on the north side of Wailua House Lots is adjacent to an irrigation ditch or 'auwai. By making this geographic feature a part of everyday experience, it provides an opportunity for younger generations to learn about the area's agricultural water infrastructure and plantation history.

The Lydgate Park-Kapa'a path alignment passes through areas currently used for lateral beach access. The path will not diminish, but enhance access for those engaged in fishing and other traditional uses, particularly for those with mobility difficulties.

Past experience suggests the possibility of inadvertently uncovering ancient human remains in sections of the path that traverse the soil type known as Jaucus sand, and adjacent to Kūhiō Highway. A Memorandum of Agreement signed by the County, FHWA, and appropriate State authorities has specified proper handling of such discoveries (see Appendix C).

4.3.2 Population and Demographic Factors

The population in the project corridor includes a mix of households living in neighborhoods of single-family homes, short- and long-term residents in condominiums and time-share units, and transient visitors in hotel units.

The proposed path passes through portions of Census Tracts 402.02 (Wailua) and Census Tract 403 (Kapa'a). According to the 2000 Census, 15,402 people lived in these two census tracts. The adjacent census tract to the north, Census Tract 402.01 (Keālia), had a population of 3,123, thereby producing a total population in the immediate region of 18,525 people. This number constituted 31.6% of the Kaua'i's population of 58,463 in 2000, or slightly less than a third of the total.

In 2001, the Department of Business, Economic Development, and Tourism (DBEDT) reported that Kaua'i's average daily visitor census was 16,830. The 2000 *Kaua'i General Plan*, reported that, in 1999, 30% of the island's visitor units were located in the Kawaihau District. The Plan also pointed out that occupancy rates in the district are consistently 5 points below the islandwide average. After adjusting for these ratios, it is estimated that the average daily visitor census in the Wailua-Keālia region is 4,645. Combined with the residential population, the region had a *de facto* population of approximately 23,170 in the 2000-2001 time period. Assuming slight growth in the resident population since the 2000 census, and an increased visitor count due to a rebounding economy and travel market, an estimated daily census of 24,000 would be reasonable.

In the near term, visitor and residential growth is expected to occur within the project area. Construction is underway at the Waipouli Beach Resort and the redevelopment of Coco Palms Resort, closed since Hurricane Iniki, is expected to begin shortly. Two new resorts are planned for the Waipouli coast involving some 525 units. A residential development called Courtyards at Waipouli with 82 affordable units is planned for a parcel bordered by Kūhiō Highway, Lanikai Street, and Papaloa Road.

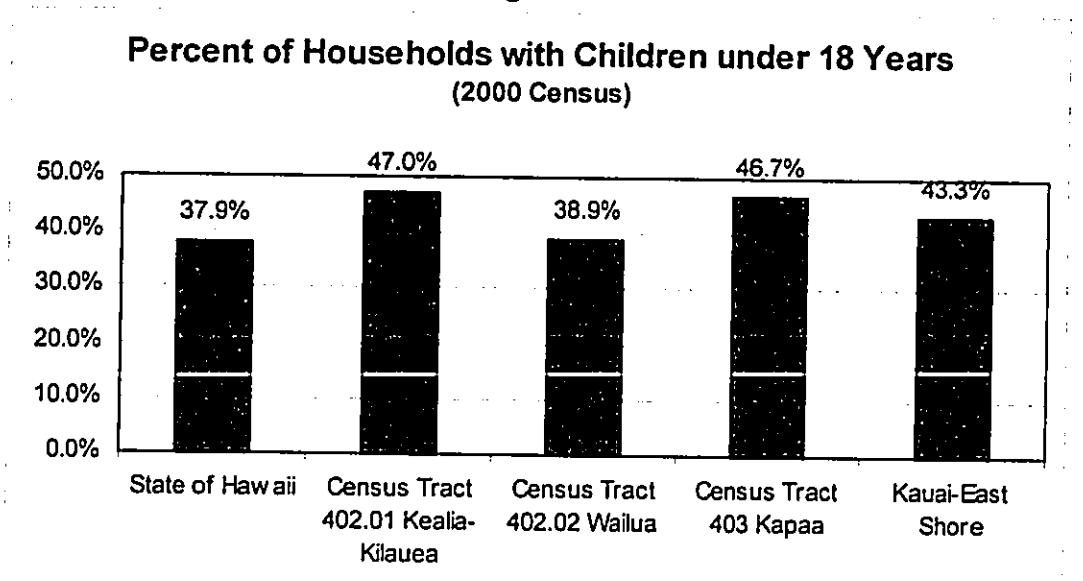
The demographic numbers show that the Wailua- Kapa'a region has one of the largest concentrations of population on Kaua'i. What distinguishes the region is the mix of residential and visitor populations and the density of commercial activity. In contrast,

Līhu'e is the County seat, but it is largely a commercial-residential center (with fewer visitor units), while Po'ipū is a major visitor destination (however, without a substantial residential population), and the North Shore has a large population of visitors and residents (but lacks the critical mass of commercial activity found in Wailua- Kapa'a).

School-aged children are expected to be among the principal beneficiaries and users of the proposed bike/pedestrian path. Safe Routes to Schools, a national nonprofit organization, estimates that 66% of all children walked to school thirty years ago. They point out that walking or biking to school gives children a sense of freedom and responsibility, allows them to enjoy the fresh air, and provides opportunities to get to know their neighborhood. Yet today, only 13% of American children walk or bike to school. Transportation research attributes 20-25% of morning traffic to parents driving their children to school.

In a survey of public and private school principals in suburban Oahu and the neighbor islands, 85% of the respondents cited the perception of unsafe roadways and high traffic levels as the most notable impediments to increased bicycle commuting (Kimura International, 2002). These factors are especially pertinent in a region such as Wailua-Kapa'a where there is a large proportion of households with school-aged children (see Figure 17). According to the 2000 Census, 37.9% of all Hawai'i households had children under 18 years of age. In comparison, each of the census tracts in eastern Kaua'i exceeded this percentage and, collectively, 43.3% of the households in the region had one or more children of school age.

Figure 17



Potential Impacts and Mitigation Measures

The proposed action is not expected to have an impact on the number of people in the area or to change the demographic characteristics. However, an analysis of the existing population supports the need for a shared use path in the area. There is a concentration of residents and visitors within a relatively small area, and within comfortable walking and bicycling distances to numerous businesses and community facilities. The region is also home to large segments of the population that are unable to use the motorways, notably children and teens. Improving the transportation infrastructure for pedestrians and bicyclists will help to increase the mobility of these groups. The project will not have an adverse impact on low-income or minority populations or neighborhoods.

4.3.3 Economic and Fiscal Resources

The economy of Kaua'i has transformed over time from a plantation economy to a modern economy with a mix of tourism, diversified agriculture, construction, retail, and professional businesses. Through the early 1990s, the island economy worked to recover from the closing of the sugar plantations, the devastating aftermath of Hurricane Iniki, and a national economic slowdown. Today, the economy appears buoyant as evidenced by an unemployment rate in April 2004 of 3.9% (not seasonally adjusted). Although slightly higher than the unemployment rate for the state as a whole (3.6%), it was nonetheless lower than the U.S. rate (5.4%). Moreover, the unemployment rate the year before, in April 2003, stood at 5.6% (State Department of Labor and Industrial Relations, 2004).

Industries

The largest industries in terms of jobs are trade (retail and wholesale) and services. In 2002, hotels and food services accounted for 6,650 jobs, retail trade had 7,950, and professional and business services had 4,400. In a study by the State Department of Labor and Industrial Relations, service and production jobs were expected to account for about half of all job growth through the year 2008.

Income

Personal income of County residents has been increasing over time, but not as fast as the State as a whole. The per capita disposable income level for residents of the County has fallen below income levels for the state since the mid 1970s. In 2001, per capita income in Kaua'i County was $23,786 (in current dollars) compared to $29,034 for the state as whole. The per capita income for all counties (excluding the City and County of Honolulu) was $23,666.

The 2000 Hawai'i Health Survey indicated that 21.9% of the County's population was below the poverty line, compared to 14.1% of the statewide population. This study also found that the "extremely low" and "low" income groups (households with incomes up to

$30,000) form a larger share of the County population than the comparable proportion for the state as a whole. These statistics indicate a higher degree of segmentation in the island population among those at the higher and lower ends of the income spectrum.

Potential Impacts and Mitigation Measures

Short-term Economic Impacts

The proposed action is anticipated to have several types of economic impacts. One type is construction related employment and income. With a preliminary estimated cost of several million dollars, the project is expected to support a number of engineers and construction workers for the duration of the design and construction efforts (approximately 24-30 months). Unless the economy expands considerably and existing firms are working at full capacity, this project is more likely to help sustain existing employment and income levels than to create new jobs. However, because project funds are coming from (federal) sources outside the region, the wages paid to workers on this project (direct income), payments to suppliers (indirect income), and their subsequent expenditures (induced income) could have a large cumulative impact as the monies circulate through the local economy.

Indirect and Cumulative Economic Impacts

Business opportunities related to recreation equipment rentals and sales and refreshments is another source of potential economic impact. Increased spending by local residents and visitors would benefit operators and merchants located along the path. The east side tourism market would also benefit from an attractive outdoor recreation amenity. The San Antonio Riverwalk is the anchor of that city's billion dollar visitor industry. With vision, the city was able to turnaround a neglected waterway and make it the focal point of commercial life, creating a unique shopping and dining district (National Park Service, 1990).

Fiscal Impacts

County revenues are primarily limited to tax revenues on privately owned property and improvements. To the extent that the path contributes to the competitive advantage of the East Kaua'i visitor market and the local shopping environment, it would have some impact on rising property values (and, therefore, rising taxes). However, this impact is indirect and of uncertain magnitude, given the array of factors that shape economic markets. The path itself will be built in public rights-of-way and, as a public facility, will not generate taxes.

On the other hand, the County will need to maintain the facility. Additional personnel may be required in the Division of Parks and Recreation to assist current staff with maintenance activities. A budget allocation will be needed to support the workers and their equipment. At the same time, as the path system increases, there may be economies of scale that allow

for more efficient operations, for example, by making it cost effective to acquire specialized path-sweeping equipment.

Property Values

Concerns have been raised that the proposed facility might reduce the value of adjacent properties. In fact, this issue is often raised when a community considers building a shared use path or trail. The study that has received the most attention on this subject involves the Burke-Gilman trail in Seattle. The Seattle Engineering Department and Office for Planning (Punochar and Lagerwey, 1988) conducted an in-depth study of the trail to determine what effect, if any, the trail has had on quality of life, property values, and crime rates experienced by property owners near and adjacent to the trail. The 12-mile Burke-Gilman Trail was constructed in 1978 and provides a multi-purpose, non-motorized path. At the time of the study, there were 152 single-family homes and 607 condominiums immediately adjacent to the trail and 320 single-family homes within one block of the trail. The trail draws over 750,000 users per year of which 80% are bicyclists and 20% are pedestrians; 80% are recreational users, and 20% are commuters.

Data for the study came from several sources, including residents near and adjacent to the trail (72% of all property owners were interviewed), real estate agents, police officers who patrol the affected neighborhoods, and real estate advertisements in newspapers and magazines. The study found that property near, but not immediately adjacent to, the trail was easier to sell and sold for an average 6% more as a result of its proximity to the trail. Property immediately adjacent to the trail sold for 0-0.5% more. Residents who bought their homes after the trail was opened tended to see it as a positive factor that increases the value of their home. Longtime residents who bought their homes prior to the opening of the trail were less likely to view the trail as an economic asset. Real estate advertisements consistently used the presence of the trail as a selling point.

Less than 3% of the homeowners said there were any problems associated with the trail that were serious enough for them to consider moving. The 3% that would consider moving as a result of the trail sought greater privacy and were not motivated by crime or other problems. Almost two-thirds of the residents felt the trail increased the quality of life in the vicinity. None of the residents surveyed felt the trail should be closed.

A similar study was conducted by the Colorado Department of State Parks in the metro Denver area (Macy and Alexander, 1995). Three two-mile, non-motorized segments were studied by surveying property owners, police, real estate agents, and others. The segments run along natural waterways, through neighborhood, commercial, and retail areas, and are used by recreational users, commuters, pedestrians, and bicyclists.

Seventy-three percent of the real estate agents interviewed thought that the properties adjacent to or within one block of the trail would sell faster and for more money than an equivalent property farther away from the trail. Twenty-nine percent of the single-family homeowners located adjacent to a trail thought their property value had increased and 57%

thought that the property would be on the market for a shorter period of time. Forty-two percent of the owners of multi-family housing thought their property had increased in value and none thought that the property value had decreased. Most of the owners who bought their property after the trails were constructed considered the proximity to the trail as a positive attribute. The most serious security issues were graffiti and tagging.

4.3.4 Scenic and Visual Resources

The 2000 *Kaua'i General Plan* identifies important scenic resources, such as major land forms, open spaces, viewing points, and scenic drives. The Plan's Kawaihau Planning District Heritage Resources map was reviewed to identify resources that may be affected by the project. Within the project area, Kūhiō Highway, from Lydgate Park to the coconut grove in Waipouli, is identified as a scenic roadway corridor. Views along the coastline and of Nounou Mountain (the renowned Sleeping Giant) are also notable visual resources.

Potential Impacts and Mitigation Measures

This project is not anticipated to have noticeable impacts on view planes of the coastline from the highway nor will it adversely affect public areas set aside as scenic points. For the most part, the proposed path is a flat, structure-less passage way that will not intrude on the natural landscape. The intent of the path is to create a safe and convenient way for people to enjoy the natural environment; therefore, a key design objective is to maintain the existing setting. To minimize the visual impact, the path should be constructed with materials and colors that blend into the natural environment.

The proposed changes to the bridge across the Wailua River will give it a new face toward the ocean; however, the basic structure will remain unchanged.

The path also creates a positive impact by offering people an opportunity to enjoy some of the region's best views. Because the path will be ADA compliant (where technically feasible) and define a clear public pathway, it will expand access to view corridors for a larger segment of the community.

4.3.5 Existing Land Uses and Community Character

The project area encompasses a wide variety of existing land uses. On the makai fringes of the project area are beaches and park land, while large tracts of fallow agricultural land lie on the mauka side. In the developed section, hotels, condominiums, and time-share developments form a row on the coastline. (Additional resort "infill" is likely since several large vacant parcels are zoned for resort use.) Strip commercial lines both sides of Kūhiō Highway, through the heart of the project area, with businesses in small commercial buildings and converted residences interspersed among large shopping centers. There are pockets of detached residences on the coastal plain; however, more extensive residential developments cover the mauka hillsides. Overall, the urbanized area is compact and well-defined. The scale of development is modest and in keeping with the tenor of the island. Most buildings are one- and two-stories tall; some resort properties have mid-rise buildings.

The project alignment generally follows existing travel ways, some more clearly delineated than others. Some sections of the alignment are located primarily alongside existing roadways and will involve converting shoulder areas and sidewalks into a fully improved bike/pedestrian path. Coastal sections are located in park land or along coastal roads. Sections that go inland are primarily aligned along the north-south drainage canals. Where possible, the path will be located on or within easements that are adjacent to the canal and established for the purpose of maintaining the canals.

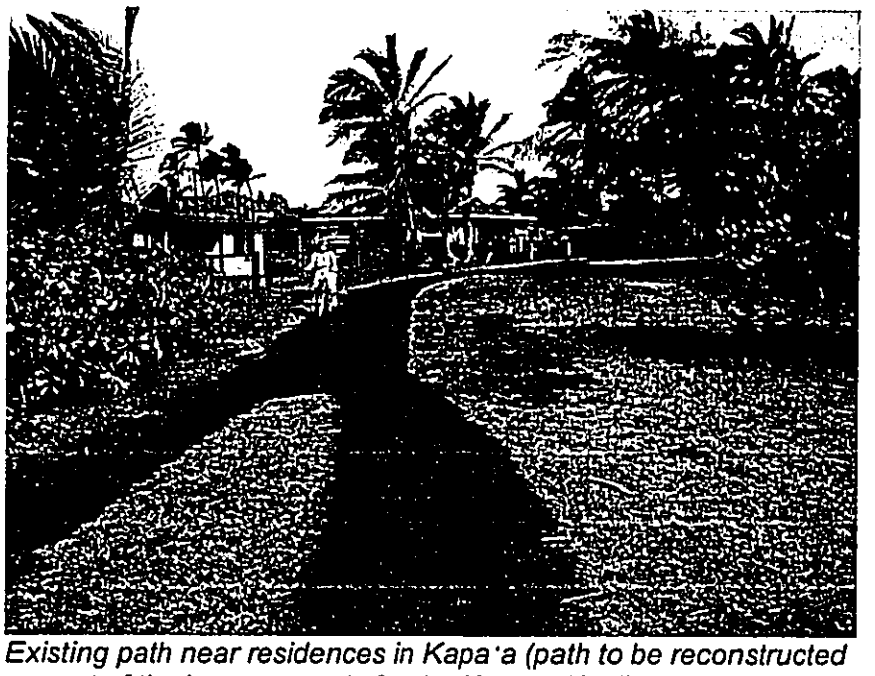
Potential Impacts and Mitigation Measures

The proposed action is not anticipated to have an adverse impact on existing land uses. The path is for pedestrians and others traveling in non-motorized vehicles (except as authorized—for example, wheelchairs). These activities regularly occur in neighborhoods without complications. The project does not include any additional parking. Path users are expected to walk or bicycle to the facility, a reasonable expectation given its urban location. Others may drive to parking areas located at both ends of this particular segment (Lydgate Park and Lihi Park).

Concerns have been raised about the safety of path users (for example, potential conflicts between bicyclists and pedestrians), as well as compatibility between path uses and activities occurring on adjacent properties. Safety is a foremost concern that will be addressed through design, operation, and management of the facility. The facility will be designed in conformance with current standards established by the American Association for State Highway Transportation Officials and other professional organizations. Recommendations on the width of the facility, vertical and horizontal clearances, and sight lines are all intended to provide sufficient space for different types of users and for safe passing maneuvers. Collisions between users tend to occur in congested sections, typically within one-half mile of the path entry points. Because the Lydgate Park to Kapa'a segment occurs in an urban area with multiple access points, it is less likely to have bottlenecks.

A related concern is the potential for accidents between path users and people (especially children) who may be playing on adjacent lawns or parklands. The path must be designed with adequate sight lines. And people have to exercise caution anytime there is cross traffic. The primary concern is with bicyclists on the path. Speeding is sometimes a factor (for example on the Burke-Gilman Trail in Seattle), but it is important to take into account the user profile on any given path. The demographic of potential path users in Kapa'a is in sharp contrast to the large numbers of rushed college commuters in Seattle.

There is already local precedent of path coexisting with its residential and resort neighbors. A one-mile stretch of bike path has served the community for two decades. A new path has an opportunity to establish a culture of use. Supplemented with strategically located signs and user education, courteous and responsible use of the path is possible.



Existing path near residences in Kapa'a (path to be reconstructed as part of the improvements for the Kapa'a-Keālia segment)

Existing path in front of the Pono Kai Resort (path will be reconstructed as part of the Kapa'a-Keālia segment)

4.4 TRAFFIC AND CIRCULATION

Kūhiō Highway (State Highway No. 56) is part of the National Highway System and the main land transportation facility through the project area. The highway serves regional through traffic between Līhu'e and the North Shore. It also passes through the heart of the Waipouli-Kapa'a commercial area; therefore, it also serves the local circulation needs of residents and businesses.

The proposed action starts at a point located between the highway and the Aloha Beach Resort. In this area, the highway consists of two northbound lanes and one southbound lane. The three-lane configuration continues across Wailua River to Kauai Village Shopping Center. Between Kauai Village Shopping Center and Waika'ea Canal, the highway has one travel lane in each direction and a middle lane reserved for multi-directional left turns. North of the Waika'ea Canal, the highway becomes a two-lane highway with one lane in each direction. Posted speed limits through the urbanized area vary from 25 to 35 mph. Some sections of the highway are improved with curbs and sidewalks; however, these improvements are not continuous.

In 1995, a former cane haul road mauka of Kūhiō Highway was converted into a temporary bypass. The two-lane road has been able to divert some traffic between Waipouli and Kapa'a. Additional relief will be provided by a near-term plan to extend the northern end of the temporary bypass, along the mauka side of Kapa'a New Park, across Mo'ikeha Canal, to Kūhiō Highway, just south of Hau'a'ala Road—although this extension will be reserved for southbound traffic only. HDOT has also initiated other short-term measures

to relieve congestion, including widening limited sections of Kūhiō Highway to four lanes and constructing an additional vehicular lane across Wailua River. In the longer term, the State is studying several alternatives to increase highway capacity, including combinations of a widened Kūhiō Highway and new segments that bypass the existing highway. .

The County of Kaua'i has jurisdiction of the local streets in the project area with the exception of Niulani Street and Hoi Road, which are privately owned. Local streets provide access to individual residences and businesses. Most County roads are not improved with curbs and sidewalks. However, there are exceptions, for example, on Kawaihau Road fronting Mahelona Hospital and Kapa'a Elementary School.

Potential Impacts and Mitigation Measures

Future Relief Route

The State DOT is in the planning stages for a long-term solution alleviate congestion from Hanamā'ulu to Kapa'a. Called the Kapa'a Relief Route project, it is very likely that the bike/pedestrian path will be completed before the Relief Route. As this environmental assessment was prepared, several alternatives were being considered, but only two potential crossing locations over Wailua River.

Mauka Crossing. The mauka crossing would be located between Smith's Tropical Paradise and the Marina Restaurant. If this crossing site is selected, the State DOT is expected to have sufficient roadway capacity to discontinue using the cane haul bridge for vehicular traffic. This bridge could then be conveyed to the County for the bike/pedestrian path.

The mauka highway alignment would also impact the proposed bike/pedestrian path through Wailua House Lots, which follows a mauka-makai alignment. The path would intersect with a mauka bypass highway. At Hale'īlio Road (another mauka-makai road), some of the design options being considered call for the bypass highway to be located in a channel below ground level so that Hale'īlio Road would pass over the highway. Plans for the bypass highway have addressed the need for a grade separated crossing where the highway intersects with the bike/pedestrian path north of the subdivision.

Existing River Crossing. Another option being considered is to build a new, six-lane bridge at the approximate location of the existing bridges. Preliminary engineering studies indicate that both existing bridges would have to be demolished, with the cane haul bridge site used to phase in construction. If this option is selected, the new bridge must continue to provide connection for the path, as required by federal transportation policy. All alternatives for the proposed bypass highway provide for a bicycle facility (bike lane or shoulder bikeway); however, if the new bridge is part of the bike/pedestrian path, it would have to be designed to accommodate bicyclists and pedestrians.

If the existing river crossing site is selected, the highway would be widened between the river and Hale'īlio Road, then turn in a mauka direction (north of Hale'īlio Road) to bypass the Waipouli-Kapa'a area. The new bypass highway would cross the bike/pedestrian path in this vicinity. Therefore, highway designers will have to address the safety of path users.

Short-term Transportation Improvements

In addition to a long-term solution to improve the regional highway system, State, federal, and County officials are working on short-term measures to relieve congestion in Wailua, including the addition of a fourth lane to Kūhiō Highway from Wailua Bridge to the temporary bypass road. Capacity across Wailua River will be expanded by replacing the existing, single lane deck of the cane haul bridge with a new deck wide enough for two vehicular lanes. This stretch of highway currently contains two northbound travel lanes and one southbound travel lane. The improvements will add a second southbound lane. Improvements to the bridge and highway will accommodate the bike/pedestrian path. A separate Environmental Assessment is being prepared for improvements across Wailua River.

Development in the State Right-of-Way

The State Department of Transportation has commented that Kūhiō Highway, with a 60-foot right-of-way, has limited space to accommodate a bike/pedestrian path. *Bike Plan Hawaii 2003* had proposed a bicycle facility along the highway, but the proposal was for a shared use road in which bicycles would use a narrower, 5-foot wide paved shoulder. Despite the space constraints, the proposed alignment contains path segments located along the highway. The alignments were necessary for several reasons:

- Lack of space in the built-up area makai of the highway
- Absence of other north-south roads that can accommodate the bike/pedestrian path
- Desirability of providing access to major destination nodes that are located on the highway

Specific sections of the highway right-of-way that are affected are shown in Table 4.

Table 4: Path Segments Located Adjacent to Kūhiō Highway (in State Right-of-way)

	Section of alignment
Main north-south alignment	Project start (near Aloha Beach Resort) to Wailua Beach Park, makai side of highway
	Crossing highway at Lanikai Street
	Snorkel Bob's to Waipouli Beach Resort, makai side of highway
	Crossing highway at Kauai Village Shopping Center
	Kapaa Shores Resort to Ala Road, makai side of highway

Besides occupying land within the right-of-way, the proposed path will affect highway traffic. Path users will be traveling in two directions and encouraged to follow the typical convention of staying on the right side of the travel way. If a path is located on the makai side of Kūhiō Highway, this means that path users going southbound, will be next to motor vehicles traveling northbound or in the opposite direction. In such situations, the path will have to be designed to ensure adequate separation and differentiation between the two transportation facilities, for example, with barriers. Acquisition of private property adjacent to the existing right-of-way may be necessary to provide adequate space.

Bridges. The bike/pedestrian path will need to cross Wailua River. HDOT is in the process of acquiring a permanent easement for the cane haul bridge and its approaches, which pass through the Wailua River State Park.

A new bridge is also needed across Uhelekawawa Canal. The bridge will be located mauka of the McDonald's restaurant, which is outside the Kūhiō Highway right-of-way. It is being designed and constructed by owners of the Waipouli Town Center and Kauai Village Shopping Center to satisfy outstanding conditions of development permits. Upon completion, the bridge will be dedicated to the County and integrated into the overall bike/pedestrian path.

Conversion to One-Way Traffic

One road segment is proposed for conversion to one-way traffic flow: Moanakai Road between Keaka Road and Panihi Road. Changes in the operations of County roads require approval by the County Council.

The proposed conversion on Moanakai Road will include a short section of Keaka Road (makai of Niulani Street), and Moanakai Road itself from Keaka Road to Panihi Road, a combined distance of approximately 1,350 feet. The cross streets, Keaka Road (mauka of Niulani Street), Makaha Road, and Panihi Road, will continue to carry two-way traffic. Moanakai between Panihi Road and Lihi Park will also remain a two-way road.

Moanakai is a residential street with 17 residential properties on the mauka side and a beach on the other side. Besides the residents, the road is used by people going to Baby's Beach (also called Fuji Beach), Lihi Park, and the State's small boat ramp. The makai side of the road is a popular parking spot, with cars parallel parked next to the beach between shade trees.

The one-way conversion has been proposed in order to accommodate vehicular traffic, parking, and the bike/pedestrian path. Traffic flow will be restricted to northbound only. The northbound direction was selected for ease of access to Lihi Park (Waipouli Park) and the Small Boat Harbor and to maintain the current orientation of parked vehicles. If conversion is not approved by the County Council, Moanakai will be a signed road shared by two-way traffic and path users.

During the planning process, Papaloa Road from Kūhiō Highway to Lanikai Street was also considered for conversion to one-way use. However, this proposal was not included in the final project description after coordination with new highway improvement initiatives, consideration of traffic generated by the proposed housing complex at Papaloa Road and Lanikai Street, and an adjustment to the path alignment that eliminated the need to use a County easement next to Shell Service Station.

On-street Parking

The existing sidewalk on the makai side of Papaloa Road will be widened and extended between Kūhiō Highway and Coconut Marketplace. To accommodate this improvement, on-street (parallel) parking may be restricted on the makai side of Papaloa Road. This change is expected to eliminate parking for up to 12 vehicles. The area is used as overflow parking for Wailua Beach Park and Kinipopo Shopping Center, and by customers of the kayak rental operation at the Shell Station. On-street parking will still be allowed on the mauka side of Papaloa Road. Near-term improvement in Wailua Beach parking is forthcoming when the developer of Coco Palms upgrades the existing parking area located adjacent to Seashell Restaurant.

Cross Traffic

The project alignment was laid out to minimize situations where pedestrians and bicyclists would have to cross driveways, streets at mid-block, and streets with unsignalized intersections. However, because the paths are located in urbanized areas, alignments that do not cross driveways and streets could not be avoided completely. Table 5 shows the locations where cross traffic issues will need to be addressed in the design phase.

In stretches containing driveways, maintaining adequate sight distance is a key consideration for both motorists and path users (particularly bicyclists).

Midblock crossings have been located away from existing intersections to be clearly separate from the activity that occurs as motorists approach these intersections (such as

merging movements, acceleration/ deceleration, or preparations to enter turn lanes). In addition, other variables to consider include right-of-way assignment, traffic control devices, sight distance, refuge islands, and pavement markings.

The intersections at Kūhiō Highway and Lanikai Street and Kuhio Highway and Kawaihau Road are currently unsignalized. During the design phase of this project, the County will determine whether user-activated signals are warranted and provide recommendations to the State Highways Division. At Lanikai Street, there is a proposal is to install a new traffic signal that would be synchronized with the existing signal at Kūhiō Highway and Hale'īlio Road.

Table 5: Cross Traffic Locations for the Shared Use Path

	Driveways	Unsignalized Crossings	Midblock Crossings
Lydgate Park to Kapa'a	Seashell Restaurant (after renovation) Papaloa Road Lanikai Street Kūhiō Hwy: Snorkel Bob's to Ala Road Niulani Street	Papaloa Road at Lanikai Street Kūhiō Hwy at Lanikai Street	Temporary Bypass Road
Wailua House Lots Phase	None		
Kawaihau Phase		Kūhiō Hwy at Kawaihau Road	

In addition to user-operated traffic signals, other design measures that can be used at intersections include: stop signs, warning signs and devices (such as flashers) as approach treatments, and refuge islands. All traffic control devices will be compliant with the Manual on Uniform Traffic Control Devices. As mentioned previously, any new traffic signal, for example at Kūhiō Highway and Kawaihau Road, will have to meet warrants (minimum requirements). The signal will need to be coordinated with signals upstream and downstream to keep traffic moving through the corridor.

Bus Service

The Kaua'i Transportation Agency provides a public bus service, called the Kaua'i Bus. As of late 2003, the fleet included 35 light/medium-duty buses distinguished by the green

sugar cane motif wrapped around each bus. Up to 20 buses are on the road at one time. There is a 50-50 split between fixed-route and paratransit service. To operate this fully integrated system, the agency maintains a capacity for interchangeability in terms of equipment and personnel—vehicles are equally capable of getting to a bus stop or a residence. The buses were retrofitted recently with bicycle racks.

Bus service on the east side of the island is comprised of two main line. One goes up to Kapahi in the Kapa'a area, and the other goes north to Hanalei (see Figure 18). The Kapa'a-to-Līhu'e segment has the highest ridership. On a monthly basis, there are about 6,000 person-trips on the Kapa'a/Hanalei-to-Līhu'e route, or slightly more than half the islandwide total. The number of bus users is increasing at a rate of 2-3% per year. Riders are primarily seniors, disabled people, and commuters on fixed schedules. Ridership is growing among young people and there is bump in bus usage during summer months, coinciding with the long school break.

Service runs from 5 am-7pm on weekdays with limited Saturday service. According to customer feedback received by the agency, few people seem to want evening or weekend service.[1]

Potential Impacts and Mitigation

The proposed bike/pedestrian path provides opportunities for intermodal connection. The alignment passes two bus stops in Waipouli: at the Waipouli Shopping Plaza and the Kauai Village Shopping Center. The stops allow path users to reach more distant parts of the island via public transit.

Because the bus stops occupy space within the highway right-of-way—where sections of the path will be constructed—the path's design will be coordinated with the Transportation Agency to ensure that the requirements of both facilities are accommodated. Further, the path will be designed in accordance with ADA guidelines for wheelchair access at bus stops. During the construction period, it may be necessary to temporarily relocate a bus stop. Any such move will be made in consultation with the Transportation Agency.

[1] Meeting with Janine Rapozo, Executive on Transportation, October 9, 2003.

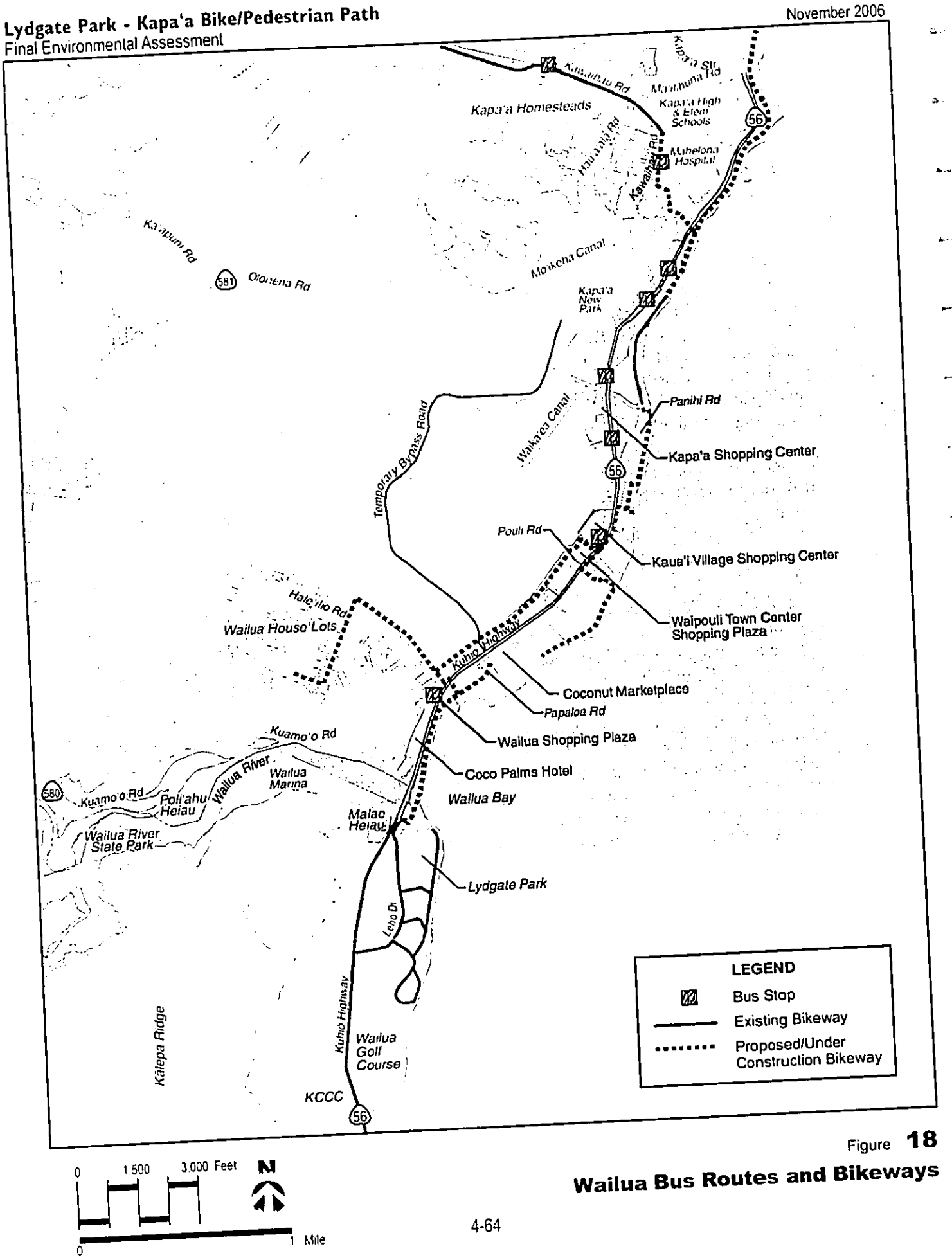


Figure **18**

Wailua Bus Routes and Bikeways

4.5 PUBLIC INFRASTRUCTURE AND FACILITIES

4.5.1 Drainage System

No improvements to the existing drainage system will be needed for the project. Existing drainage patterns will be maintained. Runoff will continue to sheet flow across the path to existing swales and drainage structures.

Grading of the site will comply with the County's grading regulations and the recommendations of the geotechnical engineer.

4.5.2 Water and Wastewater Systems

Water Service

The County of Kaua'i, Department of Water provides water service throughout the island. Water lines are generally located in the streets and distribute potable water for domestic, industrial, and commercial consumption and for fire protection.

Wastewater Service

The wastewater system is also operated by the County. Sewage from the Kapa'a, Waipouli and Wailua areas is collected through the County sewer system via gravity lines and collected at sewage pump stations located along Kūhiō Highway and Papaloa Road. Sewage is pumped through force mains to the Wailua sewage pump station located at the intersection of Kūhiō Highway and Hale'īlio Road. Sewage is then pumped via a force main to the wastewater treatment plant located on Leho Drive.

Potential Impacts and Mitigation Measures

The proposed action is not expected to generate a marked increase in demand for water. During construction, water will be used for dust control and to expedite the growth of plant cover for erosion control. Over the long term, however, water use will be minimal. The proposed action does not include restroom facilities. Low-maintenance, drought-tolerant plants will be used for landscaping.

The proposed action will have no impact on the wastewater system.

Because construction activities will occur in the road right-of-way, it is likely that the path will be located over or in close proximity to buried water and/or sewer lines. Appropriate engineering and construction methods will be employed to avoid damage to the infrastructure and to comply with all County design standards for utility systems.

4.5.3 Solid Waste Management

The County of Kaua'i, Department of Public Works, Solid Waste Division operates the primary refuse collection system. The island has a single landfill located in Kekaha.

Potential Impacts and Mitigation Measures

Construction of the path will generate solid waste typical of normal construction-related activities. The solid waste stream will consist primarily of vegetation, rocks, and other debris resulting from clearing and grubbing. In areas where the proposed path will replace existing pavement, the proposed action will also generate old asphalt and concrete that must be recycled or disposed. The contractor will be required to have a waste disposal plan that specifies proper removal and disposal of all debris from the project area. Project-related waste material will be a small proportion of the islandwide total, and is not expected to have a large impact on the County's solid waste facilities.

Trash receptacles will be installed along the path alignment. Therefore, once the path is operational, trash will be generated by users. As part of the regular maintenance program, receptacles will need to be emptied and the rubbish hauled to the refuse transfer station in Kapa'a.

4.5.4 Electrical and Telecommunications Systems

Electrical System

The Kaua'i Island Utility Cooperative (KIUC) is the local utility company that provides electrical power to service customers on the island. KIUC customers in the project area are served from two substations, the Lydgate Substation and the Kapa'a Substation. The substation transformers step down the electrical system voltage level from 57.1 kV (transmission) to 12.47 kV (distribution). The 12.47 kV lines then distribute power to the pole-mounted and pad-mounted transformers that are used to provide secondary electrical service to individual KIUC customers.

A major KIUC overhead pole line system runs along the entire length of the Kūhiō Highway corridor. The overhead system typically consists of a 57.1 kV transmission circuit, 12.47 kV distribution circuit(s) and secondary lines mounted on joint use poles. North of Wailua River, the overhead power lines generally run on the mauka side of Kūhiō Highway. Overhead 12.47 kV circuits extend up to and generally run along Hale'īlio, Kawaihau, and other roads to provide service to the Wailua and Kapa'a residential areas. Pole-mounted transformers serve the smaller loads, including street lighting. Many larger loads are served from 12.47 kV lines that are run underground from the pole line along Kūhiō Highway to a pad-mounted transformer located on or near the customer's property.

The roadway lighting system generally consists of street lights with metal arms mounted on wood utility poles. The street lights typically consist of a "cobra head" type luminaire with a high pressure sodium lamp.

Telecommunications System

Hawaii Telcom (formerly Verizon Hawaii) is the utility company that provides land line telecommunications service to customers on the island. The company's main telecommunications lines run along the Kūhiō Highway corridor. These lines consist of a varying combination of cable (copper and fiber optic) and method of distribution (overhead and underground).

There are numerous copper cables that run along Kūhiō Highway. These copper cables support anywhere from several hundred to several thousand pairs of conductors. Except when crossing under the Wailua River and Waika'ea Canal, these many copper cables are routed overhead. The cables are mounted on joint use poles with KIUC cables and on dedicated telecommunications poles. Thus one will find telecommunications lines running on poles on both sides of Kūhiō Highway in some locations.

Hawaiian Telcom's fiber optic cables also run along Kūhiō Highway. These cables support from 24 up to 72 fiber optic strands in different sections along the highway. The main fiber optic cables are routed underground to the Kapa'a Central Office. On the north side of the Kapa'a Central Office, the fiber optic cables are routed overhead along Kūhiō Highway. Fiber optic cable extensions run underground up Hale'īlio Road to the Wailua House Lots Remote Switching Center and overhead up Kawaihau Road.

While not owned, operated or maintained by Hawaiian Telcom, traffic signal control cables are routed overhead on poles shared with Hawaiian Telcom and/or KIUC along major portions of Kūhiō Highway. Traffic signal cables are owned, operated, and maintained by the State Department of Transportation, Highways Division.

CATV System

Oceanic Time Warner Cable is the company that provides wired cable television (CATV) service to customers on the island. The CATV distribution system generally consists of overhead lines. Oceanic Cable fiber optic and coaxial cables are run overhead on joint use and dedicated telecommunications utility poles along the length of Kūhiō Highway. Laterals are also run overhead along secondary roads to service nearby residential areas.

Potential Impacts and Mitigation Measures

Sections of the bike/pedestrian path that are located within existing road rights-of-way may have an impact on KIUC electrical transmission, distribution, and secondary systems, and telecommunications and CATV overhead systems. In places where the overhead pole line system creates barriers along the path alignment, one option is to relocate and reroute the

affected sections. The cost of relocation and the disruption to residents and businesses during the construction work would be expensive.

Another, lower cost, option is to route the path around the pole. Possible treatments will be similar to bollards and barrier posts that are erected to restrict entry by motor vehicles. The pole will be permanently reflectorized for nighttime visibility and possibly painted a brighter color for improved daytime visibility. To give users adequate warning of a barrier ahead, an envelope will be striped around the pole and the approaches marked. Where space is available, the path should bulge out around the pole so that the pavement maintains a consistent width.

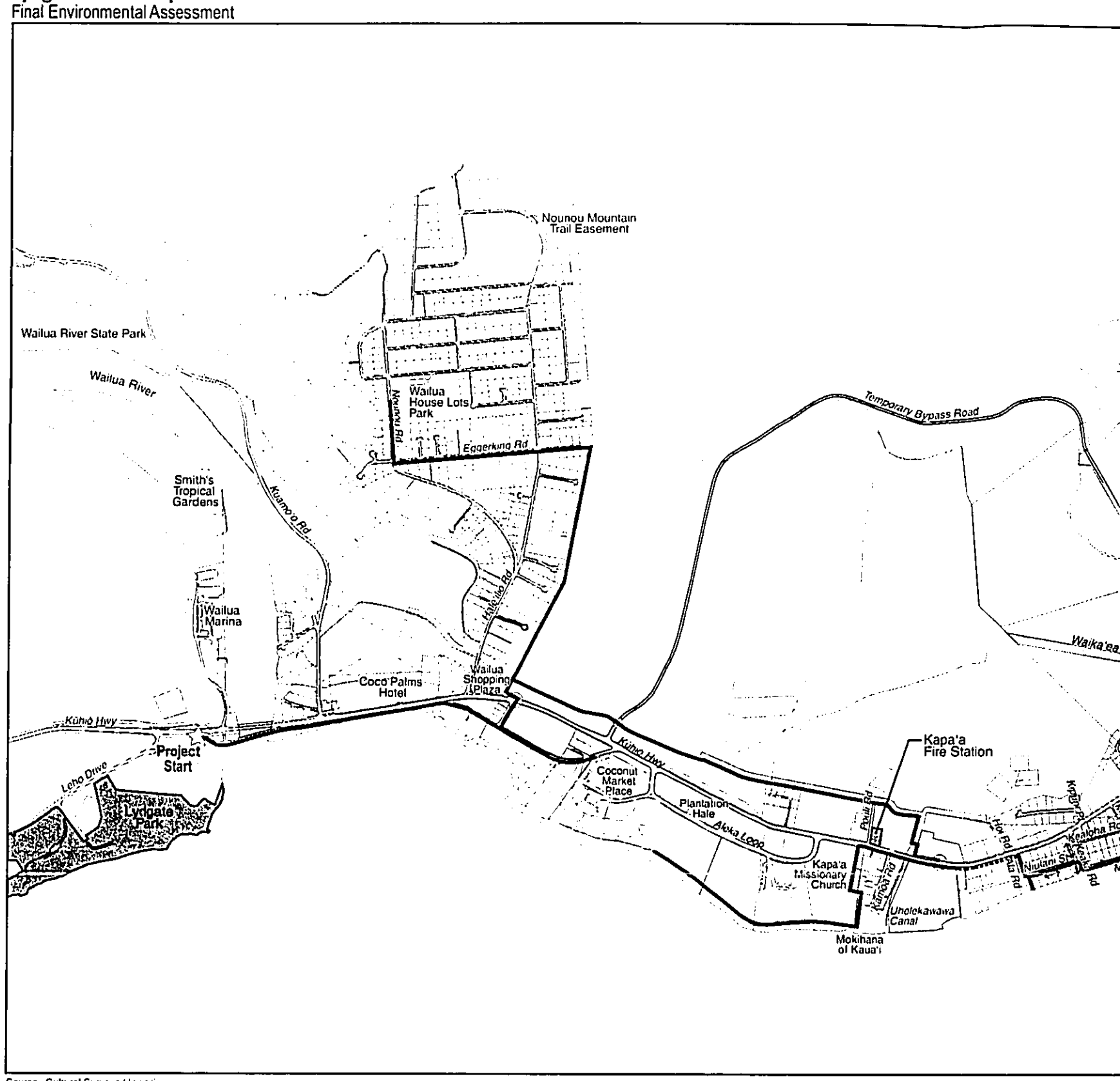
Underground ducts and cables will probably remain in place, subject to more detailed design. Close coordination will be required between the County, the path contractor, and the utility companies to minimize impacts on underground lines.

4.5.5 Schools, Parks, Recreation and Community Facilities

Schools, parks, recreation, and community facilities are shown in Figure 19. There are three public schools in the Wailua-Kapa'a region: Kapa'a Middle School on Olohena Road and the combined Kapa'a Elementary School and High School complex on Kawaihau Road. A private school, St. Catherine School, with pre-school and instruction in grades K-8 is also located on Kawaihau Road. The proposal to connect the Kawaihau bike/ pedestrian path with the Kapa'a-Keālia bike/pedestrian path was initiated, in large part, because of a need to provide a safe route for the large number students in Kawaihau to go to community facilities that provide resources and activities after school and on weekends.

The Kapa'a Library, Neighborhood Center and swimming pool, and Lihi Park, the State's small-boat ramp at Waika'ea Canal, Kapa'a Beach Park, and Town Park are all arrayed along the Kapa'a-Keālia Bike/Pedestrian Path. The future County soccer fields are located two blocks inland from the path, but will still be quite accessible to the proposed path. In the future, a connector path to Kapa'a New Park should be considered to provide improved bike and pedestrian access to this popular multi-purpose recreational site.

The proposed action will connect Wailua State Park, Lydgate Park, Wailua Beach Park, and Lihi (Waipouli) Park—creating a linear travel way that is punctuated by parks and green spaces along its entire length. The Wailua House Lots segment will connect to the Wailua House Lots Park and eventually to the Nounou Mountain Trail, which is maintained by the State's Na Ala Hele Trails Program.



Source: Cultural Surveys Hawai'i

0 350 700 1,400 Feet

0 Mile 1 Mile

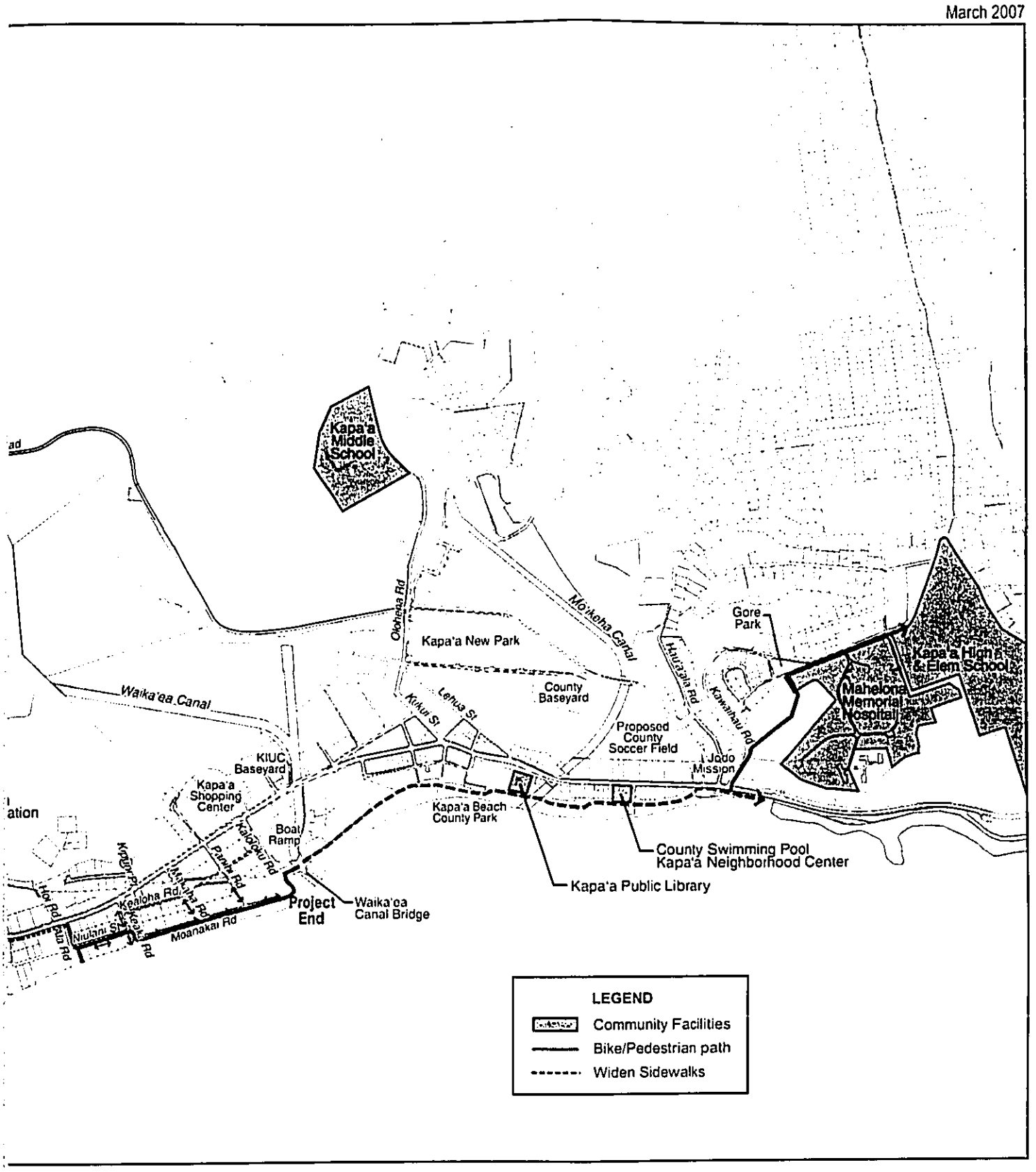


Figure **19**

Community Facilities

Potential Impacts and Mitigation Measures

An important feature of the overall path system is linkage among various parks. The Lydgate Park to Kapa'a segment passes through an urbanized area, yet it is anchored by parks at both ends. The 'Wailua House Lots phase connects to Wailua House Lots Park, and the Kawaihau phase connects to Gore Park. The will cumulative impact of a path that stretches from Lydgate Park to Keālia is to offer users unprecedented non-motorized access to recreational and cultural resources.

The proposed path will require space within existing recreational areas, specifically through Wailua Beach Park and Lihi Park. However, the path is complementary to the recreational purposes of these parks. Therefore, any conversion of park land will not diminish its use and enjoyment. Additional discussion of impacts on park facilities may be found in Appendix A: Programmatic 4(f) Evaluation for Independent Walkway or Bikeway Projects.

4.6 PUBLIC HEALTH AND SAFETY

4.6.1 Police Services

The County of Kaua'i Police Department has three stations located approximately 25 miles apart. The main station and administrative headquarter is located in Līhu'e; smaller stations are co-located with fire stations in Waimea and Hanalei. A small substation is located on Niu Street adjacent to Kapa'a Beach Park. To ensure continued levels of public safety, a new County police headquarters has been constructed.

In 2001, there were 2,346 known major offenses, including murder, forcible rape, robbery, aggravated assault, burglary, larceny-theft, and motor vehicle theft. In 2000, there were 2,578 major offenses and 2,076 major offenses in 1999.

4.6.2 Fire and Emergency Medical Services

The Fire Department's main station and administration headquarters are located in Līhu'e. There are six other stations, including one in Kapa'a. The existing station is located on Kūhiō Highway, at Pouli Road. A new facility is being planned. The County has a unified, island-wide system of fire protection and rescue services. Satellite stations typically have 2-3 men per station to provide quick response to medical calls.

The island's main trauma center is located at Wilcox Memorial Hospital in Līhu'e, approximately five miles from the project start point. Emergency room services are also available at Samuel Mahelona Memorial Hospital in the project corridor, primarily for the treatment of non-life threatening illnesses, injuries, and conditions.

Potential Impacts and Mitigation Measures

Impacts on Public Safety Services

The proposed path is likely to increase the demand for police services. As more people use public facilities, requests for surveillance, enforcement, and possible intervention are likely to increase. Currently, the police monitor activities in the coastal and urban areas. However, the proposed canal section of the path may represent a new area for police coverage. All sections of the proposed alignment are accessible from existing streets, driveways, and parking areas. To the extent possible, the path will be designed to accommodate police vehicles for emergency response. Project designers will also work with police personnel to ensure that the facility incorporates design elements that will keep the public safe and prevent crime.

In the short-term, construction activities associated with the project may require temporary lane closures to some County roads or disruptions to portions of Kūhiō Highway. If necessary, a traffic control plan will be developed and coordinated with the State Department of Transportation and County agencies for their review and approval. Police officers may be hired to assist with implementing traffic controls during construction. These added services should not negatively impact the Department's regular operations.

The proposed action is not expected to have a sizable impact on the Department's fire protection services. There is a potential for an increased number of requests for emergency assistance and medical services related to larger numbers of people engaged in physical activity, but the increase is not expected to have an adverse impact on staff capacity or response times.

The Fire Department has indicated a desire for mauka-makai access routes, lateral access along the path alignment, and space for vehicles to turnaround. In most places, access is already provided by the existing street grid and private driveways and parking lots. More detailed path features will be addressed during the design phase of the project. Project designers will consult with fire department personnel to address emergency response needs.

Crime Impacts

Although there is considerable evidence that paths do not attract crime, this issue remains a source of concern, understandably, for people living in areas where paths are being planned. Concerns include criminal activity on the trail (such as assault and vandalism), off the trail (such as trespassing and burglary), and nuisance activity (such as littering and loud noises).

The most comprehensive study to date was conducted by the Rails-to-Trails Conservancy (RTC) in cooperation with the National Park Service (Tracy and Morris, 1998). The study examined the extent of criminal activity on 372 trails across the country. Trails were

divided by type of environment: urban, suburban, and rural. The Lydgate Park-Kapa'a project corridor best fits the suburban profile. The RTC study covered 1,100 miles of trails on 82 suburban trails; crime data were collected for 1995 and 1996.

- The national rate of suburban muggings is 102 per 100,000 inhabitants; none of the suburban trails reported muggings in 1995 and only one mugging was reported in 1996.
- The national rate of suburban aggravated assaults is 293 per 100,000 inhabitants; 3 assaults occurred on three different suburban trails in 1995 and 2 assaults occurred on suburban trails in 1996.
- The national rate of suburban rape is 29 per 100,000 inhabitants; none of the suburban trails reported a rape in 1995 or 1996.
- The national rate of suburban murders is 4 per 100,000 inhabitants; there were no reports of murder on suburban trails in 1995 or 1996.

The following statistics were reported for minor crimes on suburban trails.

- The national rate of suburban burglary is 820 incidents per 100,000 inhabitants; only one suburban trail reported a break-in to adjacent property in 1996.
- 3% of suburban trails reported trespassing
- 17% of suburban trails reported graffiti
- 24% of trails reported littering
- 22% of trails reported sign damage
- 14% of suburban trails reported unauthorized motorized usage

The survey findings indicated that graffiti and littering were quickly corrected as part of routine trail management. Letters from law enforcement officials attested that the actual volume of incidents, such as graffiti, littering, sign damage, and motorized use, were minimal. Moreover, the study pointed out that the number of crimes directly affecting adjacent property owners was lower than the rates of trail vandalism.

The study concluded by stating:

> Rail-trails are not crime-free. No place on earth can make that claim. However, when compared to the communities in which they exist, compared to highways and parking lots, and compared to many other public and private places, rail-trails have an excellent public safety record. (p. 14)

Trails and paths have a low crime rate, in part, because they attract people who use the facility legitimately for recreation and transportation. In addition, the following measures can help address the safety concerns of residents and path users:

- Eliminate overgrown vegetation and tall shrubs to minimize hiding places along the path and maintain long sight lines for users
- Place security lighting where appropriate

- Although mobile phones are becoming ubiquitous, consider emergency phones or call boxes, as well as emergency vehicle access
- Keep paths clean and well maintained to increase a feeling of community ownership of the path and reduce incidents of minor crime, such as litter, graffiti, and vandalism
- Prohibit motorized use of the path to deter property crime

Police personnel and park rangers will have primary responsibility for public safety on the path. The County DPW will monitor reports of problems and complaints on the path. Potential mitigation measures include a patrol program (voluntary or paid) that could be established to perform various functions from clean-up and maintenance to distributing information, educating path users, and emergency assistance. In addition, the neighborhood watch program could also be extended into the path corridor to provide a framework in which alert citizens can take note of and report suspicious activity.

5 LAND USE PLANS, POLICIES, AND CONTROLS

5.1 HAWAI'I STATE PLAN

The Hawai'i State Plan, Chapter 226, HRS, is the umbrella document in the statewide planning system. It serves as a written guide for the long-range development of the state by describing a desired future for the residents of Hawai'i and providing a set of goals, objectives, and policies that are intended to shape the general direction of public and private development.

Transportation objectives established in the Hawai'i State Plan include the following. They are consistent with, and would be implemented through, the proposed action.

Objectives:

Sec. 226-17(a)(1) An integrated multi-modal transportation system that services statewide needs and promotes the efficient, economic, safe, and convenient movement of people and goods

Sec. 226-17(b)(1) A statewide transportation system that is consistent with and will accommodate planned growth objectives throughout the State

Policies:

Sec. 226-17(b)(1) Design, program, and develop a multi-modal system in conformance with desired growth and physical development

Sec. 226-17(b)(11) Encourage safe and convenient use of low-cost, energy-efficient, nonpolluting means of transportation

The proposed project would also be in conformance with State Plan objectives and policies for socio-cultural advancement—leisure.

Objective:

Sec. 226-23(a) Planning for the State's socio-cultural advancement with regard to leisure shall be directed towards the achievement of the objective of the adequate provision of resources to accommodate diverse cultural, artistic, and recreational needs for present and future generations

Policies:

Sec. 226-23(b)(2) Provide a wide range of activities and facilities to fulfill the cultural, artistic, and recreational needs of all diverse and special groups effectively and efficiently

Sec. 226-23(b)(3) Enhance the enjoyment of recreational experiences through safety and security measures, educational opportunities, and improved facility design and maintenance

Sec. 226-23(b)(4) Promote the recreational and educational potential of natural resources having scenic, open space, cultural, historical, geological, or biological values while ensuring that their inherent values are preserved

Sec. 226-23(b)(5) Ensure opportunities for everyone to use and enjoy Hawai'i's recreational resources

Sec. 226-23(b)(7) Provide adequate and accessible physical fitness programs to promote the physical and mental well-being of Hawai'i's people

Sec. 226-23(b)(10) Assure adequate access to significant natural and cultural resources in public ownership

5.2 STATE LAND USE CLASSIFICATION

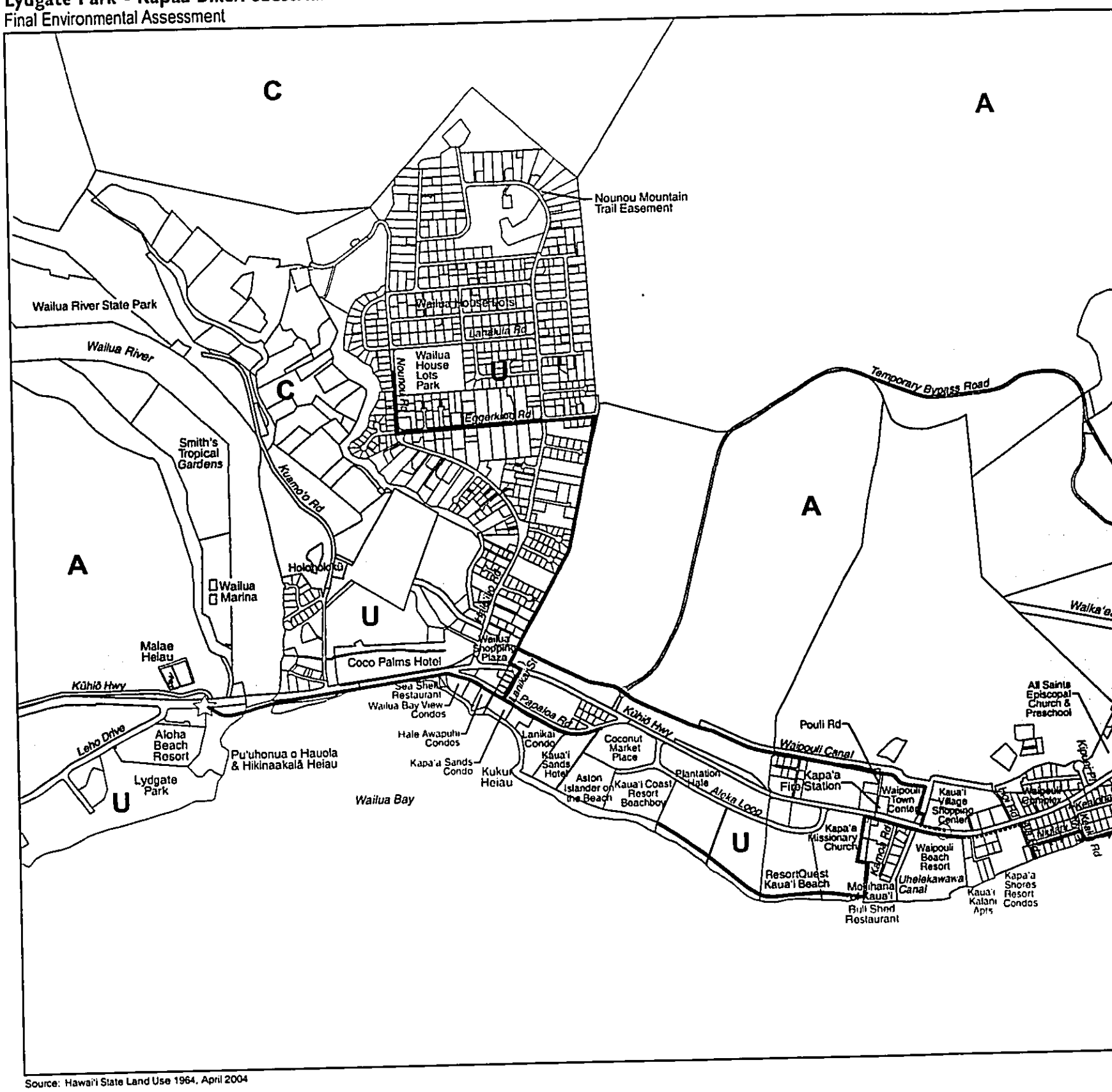
The State Land Use Commission, pursuant to Chapter 205 and 205A, HRS and Chapter 15-15, Hawai'i Administrative Rules, is empowered to classify all lands in the State into one of four land use districts: urban, rural, agricultural and conservation. Figure 20 shows the State land use classification within the project corridor together with the proposed alignment.

The majority of the Lydgate Park-Kapa'a alignment lies in the Urban District, except as noted below. Lands within the Urban District are regulated by County government.

Conservation District

The proposed north-south alignment will need to cross the Wailua River, which is classified in the Conservation District. Development within the Conservation District requires a Conservation District Use Permit (CDUP). The cantilevered addition to the cane haul bridge for the bike/pedestrian path will be constructed without encroaching into the Conservation District.

Neither the Wailua House Lots Phase nor the Kawaihau Phase is located within the Conservation District.



Source: Hawai'i State Land Use 1964, April 2004

0 350 700 1,400 Feet

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March 2007

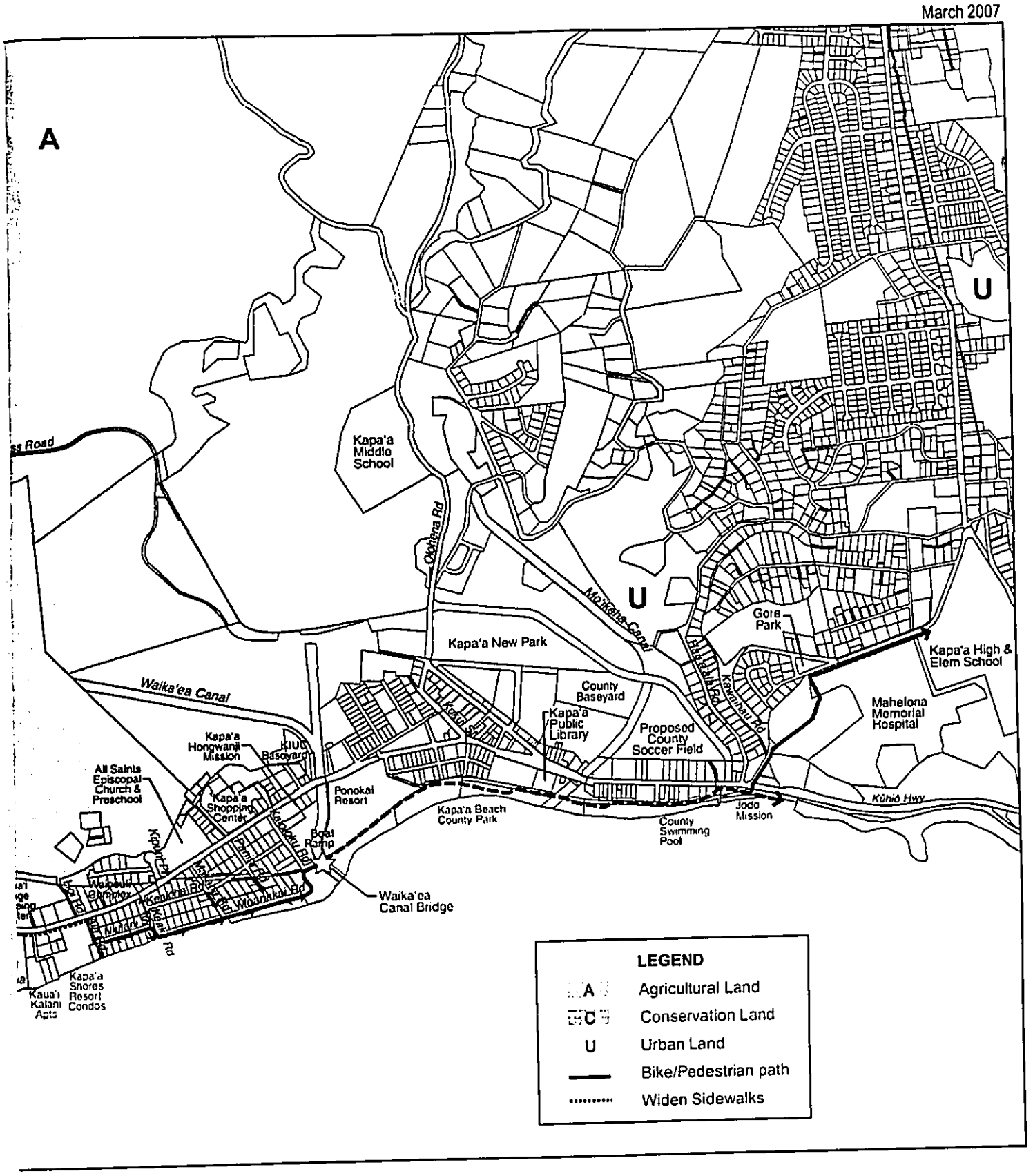


Figure **20**

State Land Use

Agricultural District

A portion of the north-south alignment is located in the State Agricultural District. The affected section is located adjacent to and makai of the Waipouli Drainage Canal. The proposed bike/pedestrian path is a type of open area recreational use that is generally permitted within the Agricultural District, as delineated in Chapter 205, HRS.

5.3 COUNTY OF KAUA'I LAND USE REGULATIONS

5.3.1 County General Plan

A revised County of Kaua'i General Plan was adopted in November 2000. The General Plan establishes policy for the long-range development, conservation, use, and allocation of land, water, and other resources in the county. It includes vision statements that describe the desired state of the County twenty years in the future. Furthermore, the General Plan contains policies intended to achieve that vision, as well as specific implementing actions that set forth recommended actions to carry out the policies. This section discusses the project's conformance and consistency with pertinent policies and implementing actions from the County General Plan.

A. Scenic Views Policies

1. In developing public facilities and in administering land use regulations, the County shall seek to preserve scenic resources and public views. Public views are those from a public place, such as a park, highway, or along the shoreline.
2. The County shall observe the following general principles in maintaining scenic resources:
   (a) Preserve public views that exhibit a high degree of intactness or vividness.
   (b) Preserve the scenic qualities of mountains, hills or other elevated landforms, qualities such as the silhouette against the horizon and mass and shape of the landform.
   (c) Preserve the scenic qualities of lowland/open space features, such as the shoreline, the edge of a coastal bluff, a marsh, a fishpond, or a historic or cultural property. Structures should not impede or intrude upon public views of the feature and should not alter the character of the immediate area around the land feature, historic or cultural property.

B. Historic and Archaeological Sites Policies

1. Preserve important archaeological and historic sites and provide: 1. a buffer area between the site and adjacent uses; and 2. public pedestrian access, as appropriate to the site.

C. Coastal Lands Policies

1. Actively acquire shoreline lands and access-ways to shoreline areas for public use.
2. When developing public facilities or granting zoning, land use permits, or subdivision for development along the coast, the first priority shall be to preserve and protect sandy beaches.
   - (a) Strips of land along the shoreline that have been placed in the State Conservation District or in the County Open zoning district are intended to serve as a buffer from coastal erosion. Structures should be sited inland of these coastal buffers on lands that are appropriately zoned.
   - (b) When development is proposed along a sandy beach, hazards of long-term coastal erosion should be assessed and used to determine appropriate setbacks.
   - (c) For coastal areas suffering erosion, promote and provide for beach renourishment in conjunction with property owners and the State Department of Land and Natural Resources. Discourage the construction of shoreline protection structures (seawalls, revetments).
   - (d) Following are general guidelines for coastal development, including resorts and residential subdivisions, but excepting harbors and other uses which are specifically dependent on locating near the water:
     - (1) Provide a permanent pathway laterally along the coast, located in the buffer zone mauka of the shoreline (e.g., Waipouli Resort pathway).
     - (2) Site buildings to preserve view corridors from roads or public places to the ocean and from the ocean mauka.
     - (3) Provide public parking and convenient access to the ocean.

D. Visitor Activities, Parks and Natural Areas Policies

1. Manage beach parks, resources parks, rivers, beaches and other natural areas according to the following policies, in order of priority (County and State)
   - (a) Conserve resources.
   - (b) Provide for use by the general public – i.e., individuals, families, 'ohanas.
   - (c) Allow for group use (including commercial tours and equipment rentals) within conservation limits.
3. (a) Interpretation of natural areas, historic and archaeological sites, traditional agricultural and cultural practices, towns and communities.
4. Improve facilities, maintenance, and management of activities at State and County parks.
   - (a) Ensure adequate levels of park maintenance, repair, and hygiene and to improve signage and interpretation of natural and cultural features.

E. Open Lands Policies

1. The intent of the Open designation is to preserve, maintain or improve the natural characteristics of non-urban land and water areas that:
   - (a) Are of significant value to the public as scenic or recreation resources;
   - (b) Perform essential physical and ecologic functions important to the welfare of surrounding lands, waters, and biological resources;

(c) Have the potential to create or exacerbate soil erosion or flooding on adjacent lands;
(d) Are potentially susceptible to natural hazards such as flood, hurricane, tsunami, coastal erosion, landslide or subsidence; or
(e) Form a cultural, historic or archaeological resource of significant public value.

2. Lands designated Open shall include: important landforms such as mountains, coastal bluffs, cinder cones, and stream valleys; native plant and wildlife habitat; areas of predominantly steep slopes (20 percent or greater); beaches and coastal areas susceptible to natural hazards such as flood, hurricane, tsunami, coastal erosion or hurricane, scenic resources; and known natural, historic and archaeological resources. Open shall also include parks, golf courses, and other areas committed to outdoor recreation.
3. Lands designated Open shall remain predominantly free of development involving buildings, paving and other construction. With the exception of kuleanas and other small lots of record, any construction that is permitted shall be clearly incidental to the use and open character of the surrounding lands.

F. Scenic Roadway Corridors Policies

1. The purpose of designating Scenic Roadway Corridors is to conserve open space, scenic features, and views within and along Kaua'i's most heavily traveled routes. The policy of conservation recognizes the vital function of these roadways in meeting the public need for transportation. It also recognizes the legitimate desire of private landowners to make economic use their lands. The intent of this policy is to establish basic principles for roadway design and land use within these scenic corridors and to provide a basis for County action to establish programs and regulations to implement them.
2. Scenic Roadway Corridors are primarily designated in areas between towns where surrounding lands are primarily designated Agriculture and Open. Where a Scenic Roadway Corridor is designated within a town or adjoins an area planned for urban use, the primary intent is to promote setbacks, landscaping, and views of scenic features. Scenic Roadway Corridors are intended to provide design guidance but not to restrict the principal land uses of urban areas.

G. Bikeways Policies

1. Support funding to develop Kaua'i's bikeway system to provide for alternative means of transportation, recreation and visitor activities (economic development).

The General Plan also established broad land use categories to guide the future direction of land development. Figure 21 shows the land use map with the project alignment. This project does not require any action relative to the General Plan.

5.3.2 Zoning

County zoning provides the most detailed set of regulations affecting land development, prior to actual construction. Zoning is typically limited to land classified as Urban within the State land use system. Figure 22 shows the zoning for the project corridor with the project alignment. The proposed action will not require any zoning changes.

Areas makai of Kūhiō Hwy are generally zoned for resort and residential uses. Areas mauka of Kūhiō Hwy are a mix of residential, resort, commercial, industrial, agriculture, and open. The Wailua House Lots alignment is located outside the residential zone. The Kawaihau alignment is located in a residential zone with a "special treatment-public" overlay zone that includes Mahelona Hospital and Kapa'a Elementary and High Schools.

5.3.3 Special Management Area

Coastal Zone Management objectives and policies (Section 205A-2, HRS) were developed to preserve, protect, and where possible, to restore the natural resources of the coastal zone of Hawai'i. Development within the SMA requires a permit, and since this project has a development cost exceeding $125,000, it will require a Major Special Management Area Use Permit. The permitting process provides a heightened level of government and public scrutiny to ensure consistency with SMA objectives. Figure 22 shows the boundary demarcating the SMA.

Lydgate to Kapaa

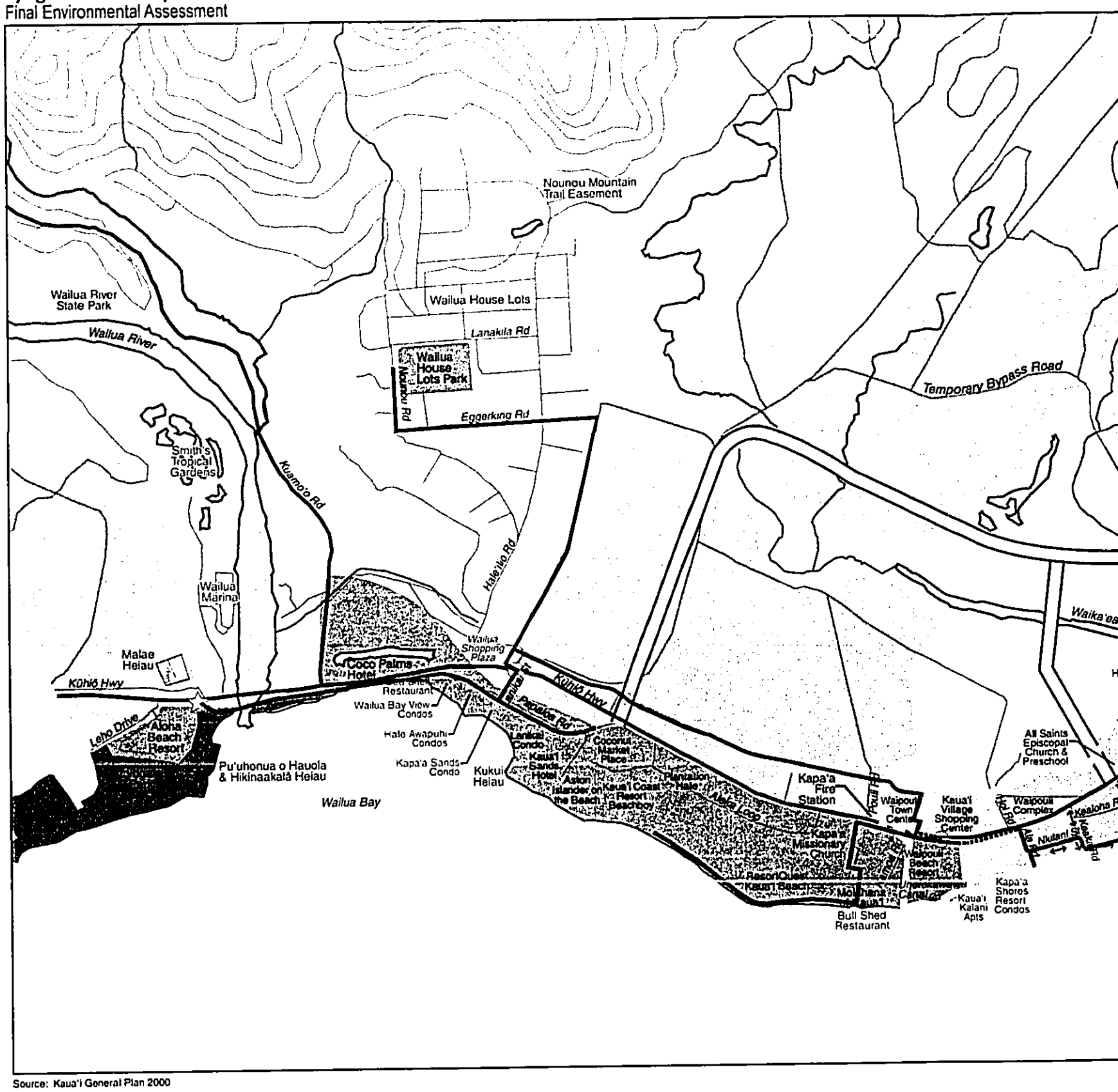
The southern portion of the route, from the start point, crossing Wailua River to Hale'īlio Road is within the SMA. The middle section, which jogs inland along the canals, is outside the SMA. However, the spur through the Waipouli resort area is located inside the SMA. The northern portion of the alignment is also within the SMA from Ala Road, continuing along Niulani Street and Moanakai Road to Waika'ea Canal.

Wailua House Lots

The alignment is located outside the SMA.

Kawaihau

A short section of Kawaihau Road, from its intersection with Kūhiō Highway, heading mauka, is located within the SMA.



Source: Kaua'i General Plan 2000

0 350 700 1,400 Feet

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March 2007

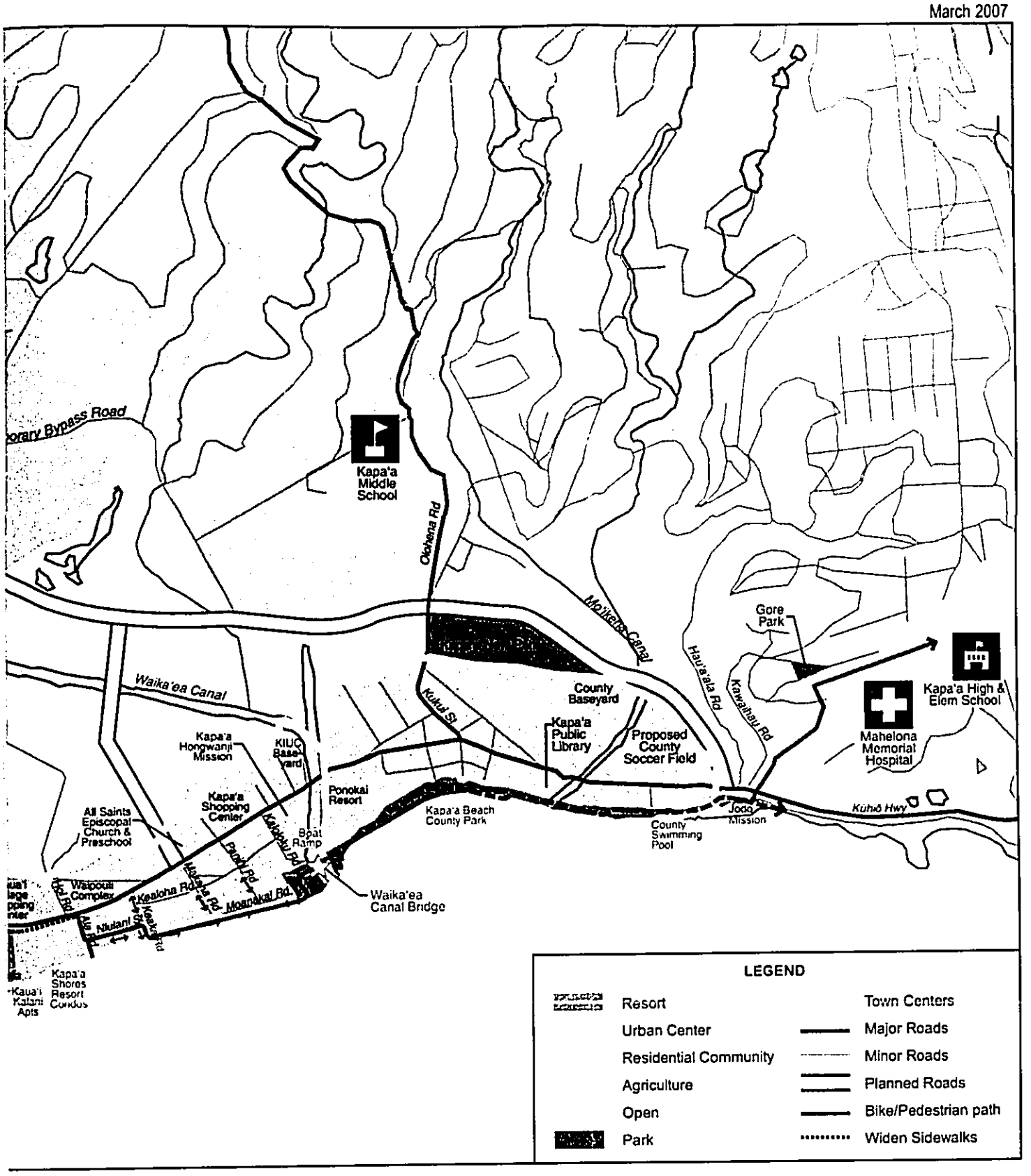
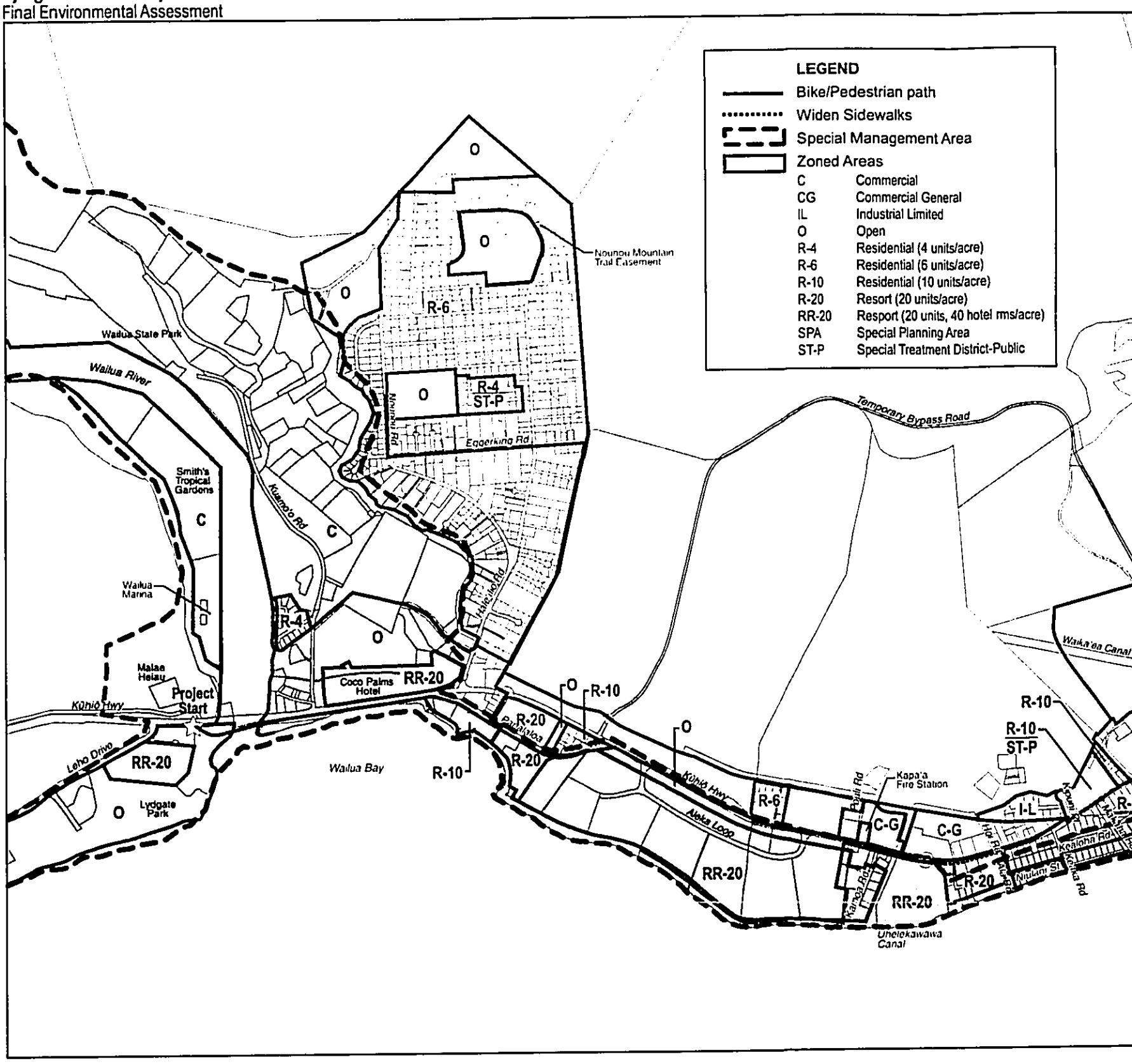


Figure **21**

General Plan Land Use



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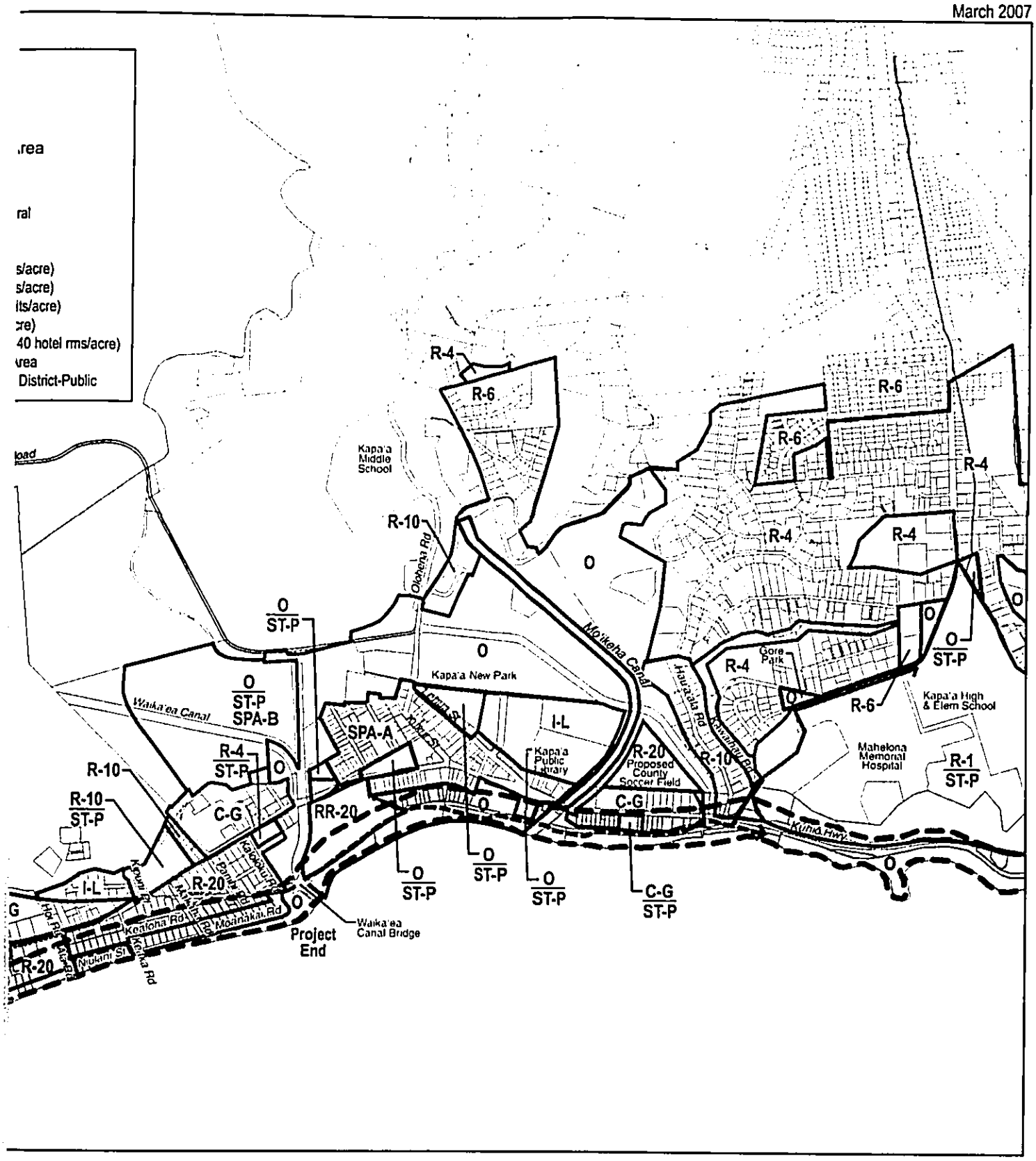

Figure **22**

Zoning and Special Management Area

5.4 OTHER PLANS

5.4.1 Bike Plan Hawaii

Bike Plan Hawaii is the statewide bicycle master plan prepared periodically by the State Department of Transportation. The latest update was completed in September 2003. *Bike Plan Hawaii* addresses the bicycling component of the Long-Range Land Transportation Plans (LRLTP)—each County has its own plan—and is incorporated into the LRLTP by reference. At present there is no master plan for pedestrian facilities, except for shared use (combined bike-pedestrian) paths that are included in *Bike Plan Hawaii*.

The plan is important for several reasons:

- To establish a long-term strategy for transportation facilities improvements
- To enable better coordination between transportation and land-use planning
- To increase the state's ability to leverage funds for transportation facilities
- To provide a mechanism to achieve community consensus

In order to qualify for federal funds, bikeway and roadway improvements are at an advantage if they are listed and shown in appropriate transportation planning documents. To FHWA, this demonstrates that the projects are part of a coherent transportation system and have been vetted through a public planning process.

The proposal for a "coastal bikepath" from Anahola to Nāwiliwili first appeared in the 1994 edition of *Bike Plan Hawaii*. In 2001, the State began updating the bike plan. The coastal bikepath proposal was endorsed by participants who attended two public meetings on Kaua'i and in comments received during the draft review period.

5.4.2 State Comprehensive Outdoor Recreation Plan

The Department of Land and Natural Resources prepares the *State Comprehensive Outdoor Recreation Plan (SCORP)* as part of a requirement to qualify for federal grants of outdoor recreation projects. *SCORP* provides technical guidance to various government agencies and private entities that plan, develop, and manage outdoor recreation resources in the state. The eighth update of *SCORP* was completed in March 2003.

Focus group meetings with representatives of various outdoor recreation user groups and a series of general public information meetings were held as part of the planning process for *SCORP 2003*. After combining the input obtained from the meetings and surveys, *SCORP* found that Hawai'i residents were most concerned about the following recreational needs and issues (in order of importance):

- Park maintenance and cleanliness, particularly restrooms
- Need for more youth-oriented facilities
- Overcrowding at popular recreation sites

- Need for more facilities, such as beach parks, playgrounds, ball fields, paths for biking/jogging, skate parks, and expansion of mauka trail systems for multiple users
- Public access to mauka and makai recreation areas
- Safety issues

The perceived need for bicycling facilities is relatively high and the level of demand has been sustained from earlier versions of *SCORP*. For example, a survey conducted during the planning process for the 1997 edition revealed that more than three-quarters of the respondents (76%) felt that Hawai'i needed more paths for jogging and biking. Close to half of the respondents (47%) said that the state needed more of them, while 29% felt that a few more paths were needed. That study also found that the most popular activities were (in order): fitness walking, hiking, and bicycling.

6 COMPLIANCE WITH FEDERAL ENVIRONMENTAL REGULATIONS

6.1 SECTION 106 CONSULTATION, NATIONAL HISTORIC PRESERVATION ACT

The National Historic Preservation Act (NHPA) sets forth government policy and procedures regarding "historic properties" – that is, districts, sites, buildings, structures, and objects included in or eligible for the National Register of Historic Places. Section 106 of the NHPA requires that federal agencies consider the effects of their actions on such properties.

6.1.1 History of Consultation

Scoping. Prior to the start of formal Section 106 consultation, project planners held scoping meetings and informal consultation with several agencies and individuals to discuss cultural resources in the project area. These meetings included the following:

November 18, 2003	Sara Collins, State Historic Preservation Division
January 29, 2004	LaFrance Kapaka-Arboleda, Office of Hawaiian Affairs-Kaua'i L. Kēhaulani Kekua, Kaua'i Heritage Center Pohaku Nishimitsu and members of Halau Kanikapahuolohi'au
June 25, 2004	Heidi Kai Guth and Matthew Myers, Office of Hawaiian Affairs-Honolulu

Initiation of Section 106 Process. To initiate formal consultation under Section 106, the FHWA sent letters to the following agencies on July 9, 2004. An example of this letter is provided in Appendix C.

- P. Holly McEldowney, State Historic Preservation Division
- Clyde Namu'o, Office of Hawaiian Affairs

Letters to other stakeholders were sent by Kimura International on July 15, 2004.

- Ian Costa, County of Kaua'i Planning Department
- LaFrance Kapaka-Arboleda, Kaua'i/Ni'ihau Island Burial Council
- Sabra Kauka, Na Kahu Hikinaakalā
- Kunani Nihipali, Hui Malama I Ka Kupuna o Hawai'i Nei
- Sharon Ortiz, Friends of Lydgate Park
- Daniel Quinn, Division of State Parks
- Mary Requilman, Kaua'i Historical Society
- David Scott, Historic Hawai'i Foundation

- Rick Tsuchiya, Kaua'i Historic Preservation Review Commission

Based on the recommendation of the SHPD, letters were sent to two additional organizations on July 26, 2004.

- Pohaku Nishimitsu, Halau Kanikapahuolohi'au
- L. Kēhaulani Kekua, Kaua'i Heritage Center

6.1.2 Feedback from Consulted Parties

As of September 3, 2004, comments were obtained from six agencies, organizations, or individuals. Key points and issues of concern are summarized below.

State Historic Preservation Division
Letter dated July 12, 2004

- *Concurrence with the Area of Potential Effect (APE)* as described.
- Several historic properties on or eligible for the National Register are situated along the proposed shoreline path, including the Wailua Complex of Heiau, Kukui Heiau, cultural deposits, and inadvertent burial sites.
- Prefer a more mauka route that would avoid most of the historic sites.
- Recognition that members of the public have favored the makai route.
- Given the probable adverse effects, a Memorandum of Agreement will be needed to provide for mitigation measures, including archaeological monitoring.
- Primary concern is adverse effects of close proximity to Kukui Heiau and Wailua Complex of Heiau.
- Path would need to be routed off the heiau with a sizeable buffer zone.
- Increased vegetation or landscaping buffer and signage might also help mitigate adverse effect of bicycle and pedestrian traffic.

Division of State Parks
Letter dated July 21, 2004

- Concern about potential effects at the Lydgate end on Hikinaakalā Heiau.
- Importance of maintaining historical setting and cultural landscape, including open space buffers.
- Previous archaeological testing alongside cane haul bridge did not identify any cultural deposits.
- Request for guardrails or vegetation hedges on the makai side of the path to buffer it from Hikinaakalā Heiau.
- Signs are needed to increase user awareness about the heiau and keep them on the designated path.
- The petroglyph boulders are approximately 250 feet from the cane haul bridge, and no adverse impact is expected unless a new bridge is constructed makai of the cane haul bridge, in which case mitigations are needed to insure the preservation of the site.

Kaua'i Historic Preservation Review Commission (KHPRC)
Memoranda dated July 12, and August 9, 2004

The KHPRC sent two memos referencing its July 1 meeting, during which the Commission discussed and passed a motion on the proposed action. The first memo (dated July 12) stated that the KHPRC concurred with the SHPD's letter dated May 4. However, the second memo (dated August 9) stated that the KHPRC concurred with the SHPD's letter of June 21. The KHPRC actually concurred with the May 4 letter by unanimous verbal acclamation.

The wording of the two SHPD letters is different, especially with regard to potential development in the vicinity of Kukui Heiau. While the actual meaning of the texts do not appear contradictory, and the SHPD has not ruled out a path mauka of Kukui Heiau, there is a change in the tone and emphasis between the two letters. The KHPRC's revised endorsement suggests that the restrictive tone of the June 21 letter is more in line with their own perspective.

May 4 letter addressed to Glenn Kimura, Kimura International, from the SHPD (responding to a request for early consultation on the DEA)

> As presented in the pre-assessment consultation, our main concern is Kukui Heiau. As currently shown, the path either goes through or very close by the heiau. The path would need to be routed away from the heiau, and realistically, the only safe route is behind the heiau. Although we would prefer at least a 200-foot buffer

> around such a sacred site, we acknowledge that this is difficult to do at Kukui Heiau since the privately owned Lae Nani Condominium pool itself is fairly close to the site. So, in this case, routing people of and away from the site is a better plan than current conditions at the site. The County of Kauai Public Works Department is aware of our concerns, and concurs with them.

June 21 letter addressed to David Shideler, Cultural Surveys, Hawai'i from the SHPD (providing review comments on the archaeological assessment for the project)

> The coastal trail has the most potential to have an "adverse effect" on historic sites listed on or eligible for listing on the National Register of Historic Places. To the extent possible, we would recommend complete avoidance of these sites. It is also possible that, in some locations, an adverse effect may be mitigated through archaeological monitoring of ground-disturbing activities associated with the proposed path that may adversely affect cultural deposits and inadvertent burials, where subsurface construction would take place in sandy subsoils. In any case, we strongly recommend that the pathways need to be around heiau sites with substantial buffer zones established – ideally 200 feet on all sides of these sacred sites...

Kaua'i/Ni'ihau Island Burial Council (KNIBC)
Meeting with Chair, LaFrance Kapaka-Arboleda on July 2, 2004
Presentation to the Council on July 7, 2004

- Heiau needs to be taken out of private ownership. The divided interest means a sense of division within the Hawaiian community. The ownership issue needs to be resolved for the next generation.
- It might not be realistic to expect people not to go into the heiau, but it's still preferable to try to navigate most people around it.
- If there's an inadvertent discovery of iwi (human remains), KNIBC's role is advisory to the SHPD. If the burial is known, then KNIBC has jurisdiction. There's a gray area if you find a new burial within a designated burial area.
- The availability of reburial sites within the project corridor is not a problem.

Office of Hawaiian Affairs
Informal briefing held on June 25, 2004 with Heidi Kai Guth and Matthew Myers, OHA

OHA staff had met with cultural practitioners and conducted a site visit of the project area. Ms. Guth relayed comments that were raised during those discussions.

- There was support for the decision not to skirt Hikinaakalā Heiau. However, to further prevent people from going through the heiau, suggestions were made for additional

signage indicating how users can get to the path mauka of Aloha Beach Resort, clearer wording on signs that the heiau is a sacred site, and demolishing the pavement that extends from the parking lot toward the hotel.

- At Kukui Heiau, the cultural practitioners felt it would be desirable to have a land swap with Lae Nani so that the path could go around the heiau. The public access between Lae Nani and Kauai Sands was originally put in to provide access to the heiau. However, the access generates a lot of traffic from people who use it for other purposes, such as going to the keiki pool, weddings, etc. The situation is compounded by the lack of signs for the heiau on the south side; the only sign is on the north side.

- In terms of a buffer, what would be objectionable is fencing that would disrupt the cultural landscape. It would be preferable to plant naupaka or other native vegetation (for example, to screen the Lae Nani pool and lawn from the path). The cultural practitioners recognize that people need to go past the heiau, the issue is how they can do this with sensitivity to surrounding users (Lae Nani).

- The cultural practitioners see the shared use path as an opportunity to (1) protect cultural sites and (2) provide confirmed lateral beach access (the loss of which is perceived to be a problem on Kauai).

- They favor the shoreline alternative over the inland roads alternative because the latter includes provisions to improve the mauka-makai beach accesses, which they see as "dumping more people on the coast" without necessarily educating them about the significance of cultural resources on the coast.

- In the Wailua House Lots area, the cultural practitioners favor the northern route (Alternative W1) so that ground disturbances would occur as far away as possible from Coco Palms, where bones are likely to be found. For this reason, the path along the drainage canal mauka of Coco Palms would also be of concern.

- OHA would like to be a signatory to the MOA. OHA and the cultural practitioners would also want to be involved in developing interpretive signs.

<u>Kēhaulani Kekua</u>
Comments offered at a public meeting held on July 1, 2004.

- I'm concerned about the perpetuation and protection of our cultural practices. The island is growing fast. When I was a kid, roads were safe. Now it's crazy. Kids need a safe place to play, so I support the path. But I'm concerned about Kukui Heiau, which is not well taken care of. If people claim to own it, then respect it; not desecrate it. Now, the Lae Nani security guards confront people who pass by this area. I don't support a path near Kukui because of impacts on spiritual/cultural practices. But we need to have access. Route must benefit everyone (residents and visitors) in a way that doesn't take away from Kaua'i, take path away from cultural sites. Start to malama

(protect) now. The condo used to maintain the heiau site before. The community needs to participate. I like the Papaloa Road idea.

6.1.3 Finding: Probable Adverse Effects on Historic Sites

The project sponsors agreed with the SHPD that the proposed undertaking will have probable adverse effects on significant historic sites.

Hikinaakalā Heiau and Pu'uhonua o Hauola. These two sites are part of the Wailua Complex of Heiau, a National Historic Landmark. Although there are no alternatives that impact directly on Hikinaakalā or Pu'uhonua o Hauola, the Division of State Parks and OHA commented that there are unresolved issues related to the existing path in Lydgate Park and, now, the connection with the proposed Lydgate-Kapa'a segment. Both agencies expressed concerned that the north end of the path in Lydgate Park is inadequately signed to prevent people from going through the heiau. Other visual cues, such as remnant paving, appear to suggest that it is permitted for people to pass through the area. Clearer design strategies are needed both at the interface of Lydgate Park and the heiau, and between the Aloha Beach Resort cul-de-sac and the bridge to deter pedestrian and bicycle traffic.

Project Response: In light of concerns conveyed by State Parks and OHA, an alternative using the railroad easement adjacent to Hikinaakalā Heiau was dismissed early in the planning stage. Concerns about a clear separation between the heiau and the bike/pedestrian path will be mitigated with signage and landscaped buffer.

Pohaku (boulders) with petroglyphs. According to some scholars, the petroglyph pohaku (Ka Pae Ki'i Mahu o Wailua (State Historic Site No. 50-30-08-105A) are extensions of Hikinaakalā and Pu'uhonua o Hauola, which would make them equally important artifacts. However, because the boulders are an estimated 250 feet away from the cane haul bridge, the Division of State Parks commented that the proposal to attach a cantilevered bike/footbridge to the existing bridge would not affect the boulders.

Project Response: Given the distance between between the petroglyph site and the cane haul bridge, any endangerment to the boulders is unlikely.

Kukui Heiau. Kukui Heiau is not part of the Wailua Complex of Heiau, but for all intents and purposes, is accorded the same level of respect by the Hawaiian community. All of the stakeholders consulted expressed concern about its current status, namely, partial ownership by a private entity and disruptions to the sacredness of the site by commercial activity (weddings), inappropriate behavior (happy hours, picnicking and littering), and people walking through the site to cross the beach. There is a spectrum of opinions on whether the proposed bike/pedestrian path should play a role in resolving the problems at Kukui Heiau.

OHA and the cultural practitioners it consulted favor the establishment of a dedicated path around the heiau with appropriate signage and landscaped separations. SHPD has repeatedly called for a "sizeable buffer" with the suggestion of 200 feet, although site conditions do not allow this much separation. SHPD has also suggested landscaping and signage, which may compensate for some of the distance desired. KHPRC concurs with SHPD. Pohaku Nishimitsu, who heads a halau that is interested in being caretakers of Kukui Heiau, stated that he favors a path around the heiau.

Other cultural practitioners, including Kēhaulani Kekua and James Alalem, are opposed to any path near the heiau or improvements to the mauka-makai access that would increase the number of people coming into the heiau site.

Project Response: The County DPW selected a final alignment for the bike/pedestrian path that is located away from Kukui Heiau; therefore, the project will have no impact on this cultural resource.

Burials (known sites and inadvertent discoveries). The path is likely to include sections that pass through sandy subsoils (for example, the Wailua Beach section and Waipouli resort spur), where there is a probability that the path will unearth burials or cultural artifacts. These encounters are adverse effects, but mitigation measures (such as archaeological monitoring, possible subsurface testing, and a burial treatment plan) are straightforward.

Project Response: Appropriate procedures are contained in the Section 106 Memorandum of Agreement (MOA).

Wailua River Plantation (or Cane Haul) Bridge. An historic resources survey, *Historic Resources Survey, Evaluation and Impact Assessment of Kapa'a Relief Route, Kūhiō Highway Corridor Improvements Project, Hanamā'ulu to Kapa'a*, (Mason Architects, December 2003) concluded that the plantation bridge meets the National Register of Historic Places, Criteria A (contributing to the broad patterns of local history) and C (distinctive type of construction). The new bike/pedestrian path includes a proposal to attach a cantilevered structure to the existing plantation bridge. Although the bridge has been modified in the post-World War II era, the Mason Architects study noted that "the bridge retains enough original physical features to convey the feeling and association of its historic character and use as a railroad bridge." Proposed modifications to the bridge will affect the bridge's design and appearance.

The Mason study recommended Historic American Engineering Record (HAER) documentation of the bridge, with the appropriate level of document to be determined by SHPD and/or installation of a historic marker near the site describing the history of the bridge, including historic photo(s) of it.

Project Response: HAER documentation of the historic bridge is provided for in the Section 106 MOA.

Coco Palms. OHA expressed concerns about the possibility of encountering burials in the Coco Palms area.

Project Response: The route along the drainage canal, mauka of Coco Palms, was not included in the preferred alignment because of space constraints on Kuamo'o Road and distance from the main north-south travel corridor. Although this project does not involve construction on or adjacent to Coco Palms, the Coco Palms developer will provide public access via a pedestrian bridge across Kūhiō Highway and a shared path on the mauka side of the highway from the pedestrian bridge to Hale'īlio Road. These improvements are conditions of development required by the Kaua'i Planning Commission.

6.1.4 Resolution of Adverse Effects

The County and FHWA completed a Memorandum of Agreement (MOA) with SHPD that specifies the measures to be taken to avoid, minimize, and/or mitigate adverse effects. A copy of the MOA is included in Appendix C.

6.2 SECTION 7 CONSULTATION, ENDANGERED SPECIES ACT

The Endangered Species Act (ESA) requires that actions that are federally funded, authorized, or carried out be done in a manner so that it does not jeopardize the continued existence of any plant or animal species listed as threatened or endangered, or destroy or adversely modify any designated critical habitat. The Section 7 process included consultation with the U.S. Fish and Wildlife Service (FWS) for protected aquatic and avian species and the National Marine Fisheries Service (NMFS) for protected marine mammal species.

By letter dated August 11, 2005, the FWS commented as follows:

- Concurrrence with the EA's conclusion that the project is unlikely to have negative impacts on listed waterbirds, and that native wildlife will benefit from the removal of a feral cat "feeding station" in the vicinity of the project area.
- Agreement with the EA's determination that existing federal and State protection and public outreach programs are sufficient to minimize adverse effects on sea turtles that may haul out in the vicinity of the proposed bike/pedestrian path, especially given the likely low frequency of this occurrence.
- Concurrence with the EA's determination that the project is unlikely to adverse affect the two listed seabird species if lighting associated with the bike/pedestrian path is shielded to prevent light from "leaking" upward and disorienting birds traveling to or

from their mountain nesting areas. If lights are set directly into the railings or guard rails on the Wailua River bridge, then the FWS recommends that the lowest wattage bulbs and shortest possible poles be used.

By letter dated July 15, 2005, the NMFS commented on impacts to Hawaiian monk seals that are known to haul out on beaches along the shoreline path alternative. The letter contained no objection to the project, but concurred with proposed mitigation measures in the DEA and suggested additional measures to minimize human interaction with seals. However, the potential monk seal haul out area, including the shoreline from the Seashell Restaurant to the Mokihana/Bull Shed Restaurant, was not selected for the preferred alignment. Therefore, the project will have no impact on Hawaiian monk seals.

Although the Natural Resources Conservation Service (NRCS) does not have regulatory jurisdiction under the ESA, this federal agency was also consulted given the recent establishment of a conservation easement in Kapa'a under the Wetland Reserve Program, their familiarity with endangered and threatened avian species in the project corridor, and the potential to explore joint development opportunities. By letter dated July 6, 2004, the NRCS stated that while the path might offer birdwatching and nature education benefits, there were larger concerns about path users interfering with wetland restoration efforts. The final alignment does not pass in the vicnity of the NRCS conservation easement.

6.3 EXECUTIVE ORDER 11990 PROTECTION OF WETLANDS

Executive Order 11990 was issued to minimize the destruction, loss or degradation of wetlands and to preserve and enhance the natural and beneficial values of wetlands. This executive order requires Federal agencies, in their planning actions, to consider alternatives to wetland sites and limit potential damage if an activity affecting a wetland cannot be avoided. The project will not take any wetland. A 600-foot section of the path between Wailua Shopping Plaza and the temporary bypass road passes through wetlands but the path itself is located on the raised roadbed of a former agricultural road.

6.4 EXECUTIVE ORDER 11988 FLOODPLAIN MANAGEMENT

Executive Order 11988 requires federal agencies to avoid, to the extent possible, the long- and short-term adverse impacts associated with occupancy in and modification of floodplains. It also requires agencies to avoid direct and indirect support of floodplain development wherever there is a practicable alternative. Portions of the proposed path are located within designated floodplains based upon the Flood Insurance Rate Map (FIRM) for the area. As discussed in Section 4.1 of this document, the planned improvement will not increase the base flood elevation.

The improvements would generally consist of a paved path at grade, ranging in width from 8 to 12 feet. Runoff from the impervious surface of the path would sheet flow and be absorbed by the graded shoulders. The main structural component is an attachment to the existing Wailua cane haul bridge. The final design of bridge improvements will be coordinated with the U.S. Corps of Engineers to obtain the necessary Department of Army permits.

6.5 COASTAL ZONE MANAGEMENT ACT

The Coastal Zone Management Act (CZMA) encourages the management of coastal areas. When conducting activities affecting a coastal zone, the CZMA requires federal agencies to be consistent with the enforceable policies of State coastal zone management programs (in Hawai'i, under the jurisdiction of the State Office of Planning). The CZMA is intended to ensure that federal activities are consistent with State programs for the protection and, where possible, enhancement of the nation's coastal zones.

The State's Coastal Zone Management policies and regulations are prescribed under Chapter 205A, HRS. The coastal zone management area (also known as the special management area or SMA) is defined to include all lands of the State and the areas extending seaward from the shoreline to the limit of the State's management authority. As a result, the project corridor is within this CZM/SMA area and subject to consistency with the CZM programs objectives and policies.

The federal CZM consistency review will be carried out in conjunction with the Department of Army permit application. The proposed bike/pedestrian path is also required to obtain an SMA (Major) permit from the County.

6.6 FARMLAND PROTECTION POLICY ACT

The Farmland Protection Policy Act (FPPA) requires that federal agencies identify and consider the adverse effects of their actions on the preservation of farmland. Although the proposed shared use path traverses land that is in the State Agricultural District, it uses abandoned cane haul roads and no farmlands are impacted.

6.7 SECTION 4(f), U.S. DEPARTMENT OF TRANSPORTATION ACT

Section 4(f) of the U.S. Department of Transportation (USDOT) Act of 1966 (49 USC §303(c)) declares that "it is the policy of the United States Government that special effort should be made to preserve the natural beauty of the countryside and public parks and recreational lands, wildlife and waterfowl refuges and historic sites." Section 4(f) applies to historic sites and designated publicly owned parks, recreational areas, and wildlife and

waterfowl refuges that are determined by the FHWA to have national, state, or local significance. Under the Act, the Secretary of Transportation cannot approve a project requiring the "use" of a Section 4(f) property unless "(1) there is no feasible and prudent alternative to the use of such land, and (2) such program includes all possible planning to minimize harm to such park, recreational area, wildlife and waterfowl refuge, or historic site resulting from such use."

Four 4(f) resources are potentially impacted by the proposed shared use path:

- Wailua Plantation (Cane Haul) Bridge
- Wailua Beach Park
- Lihi Park (Waipouli Beach Park)
- Wailua River State Park

Negative Declaration/Section 4(f) Statement for Independent Bikeway or Walkway Construction Projects

A programmatic Section 4(f) evaluation for impacts on park lands was prepared within the framework of the *Negative Declaration/Section 4(f) Statement for Independent Bikeway or Walkway Construction Projects.* The entire document is attached as Appendix A. Because Land and Water Conservation Funds (LWCF) were used to improve Wailua Beach Park, Section 6(f) provisions are also applicable to the proposed project and a 6(f) evaluation was folded into this document. By letter dated August 22, 2006, the Division of State Parks indicated that use of 6(f) park land for the path should not constitute a "taking" because the path promotes outdoor recreation and remains under the jurisdiction of County Parks.

The project is applicable for these programmatic evaluations by satisfying the following criteria:

- Involves the use of recreation and park areas established and maintained primarily for active recreation, open space, and similar purposes. *Wailua Beach Park and Lihi Park are on the County's inventory of park lands and contain parking areas, user amenities (portable toilets, showerheads, picnic tables, and trash receptacles), and lifeguard station (in the case of Wailua Beach Park).*

  Wailua River State Park contains major cultural sites and offers river-oriented recreation opportunities. The HDOT Highways Division is finalizing a transfer of land containing the cane haul bridge and its approaches from the Department of Land and Natural Resources. The bike/pedestrian path will be located within this right-of-way. Although the path will not have a direct impact on State park land, the Division of State Parks has raised concerns about indirect impacts on nearby cultural sites from a potential increase in public traffic (letter dated August 22, 2006). The County DPW will mitigate such impacts through path design, railings, landscaping, and signage.

- Officials having specific jurisdiction over the Section 4(f) property have given their approval in writing that the project is acceptable and consistent with the designated use of the property and that all possible planning to minimize harm has been accomplished in the location and design of the bikeway or walkway facility. *A letter of approval from the County of Kaua'i is attached to this programmatic statement.*

- Project does not require the use of critical habitat of endangered species. Nor does the project use any land from a publicly owned wildlife or waterfowl refuge or any land from a historic site of national, State, or local significance. *The park areas affected do not contain critical habitats or significant historic resources.*

- Project does not involve any unusual circumstances (major impacts, adverse effects, or controversy). *The pathway will provide a facility that enhances the recreational experience of the parks and make them more accessible to a larger number of people.*

Nationwide Programmatic Section 4(f) Evaluation for FHWA Projects that Necessitate the Use of Historic Bridges

A separate Programmatic Statement was prepared for the Wailua Plantation Bridge, as permitted by the *Nationwide Programmatic Section 4(f) Evaluation for FHWA Projects that Necessitate the Use of Historic Bridges*. The evaluation and approval is attached as Appendix B.

6.8 EXECUTIVE ORDER 12898 ON ENVIRONMENTAL JUSTICE AND TITLE VI OF THE CIVIL RIGHTS ACT OF 1964

Executive Order 12898 on Environmental Justice (EJ) requires each federal agency and recipients of federal funds to take appropriate steps to identify and address "disproportionately high and adverse human health or environmental effects" of federal projects on minority or low income populations. Similar non-discrimination protection is provided under Title VI of the Civil Rights Act of 1964, U.S. DOT Order 5610.2 on Environmental Justice, and other related regulations and directives.

Outreach efforts for this project included three public meetings held in Kapa'a (see also Section 10.2). Each meeting was announced in *The Garden Island*, two local radio stations, and the public access television station. Additional outreach efforts were made through the Section 106 consultation process on historic and cultural resources. All individuals who expressed an interest in this project (by attending a previous meeting, referral, or self-identification) were sent notices of upcoming public meetings. Attendance at the meetings ranged from 50-75 persons, and included a broad and representative cross-section of the local community. Minutes of these meetings record the diversity of opinions expressed by those who attended.

Based on the above discussion, the bike/pedestrian path build alternative will not cause disproportionately high and adverse effects on any minority or low-income population as per E.O. 12898 regarding environmental justice.

The Kaua'i DPW will continue to inform members of the public and solicit input through the design and construction stages of the project.

6.9 U.S. Coast Guard

The U.S. Coast Guard, 14th District has jurisdiction over waterway management on Wailua River. However, after evaluating potential project impacts on navigation, the Coast Guard determined that the cane haul bridge is not subject to federal permitting by the USCG (letter dated November 6, 2006).

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7 DETERMINATION

Based on the information presented and examined in this document, the proposed project is not expected to produce significant adverse social, economic, cultural, or environmental impacts. Consequently, a finding of no significant impact is warranted, pursuant to the National Environmental Policy Act and Chapter 343, Hawai'i Revised Statutes and the provisions of Subchapter 6 of Chapter 200, Title 11, Hawai'i Administrative Rules of the Department of Health.

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8 FINDINGS AND REASONS SUPPORTING THE DETERMINATION

This Environmental Assessment has found that the potential for impacts associated with the proposed action will not be significant, or will be mitigated to less than significant levels. Potential environmental impacts are generally temporary, occurring during construction, and are not expected to adversely impact the long-term environmental quality of the area.

The potential effects of the proposed project were evaluated based on the Significance Criteria specified in Section 11-200-12 (Hawai'i Administrative Rules, revised in 1996). The following is a summary of potential effects of the action.

SIGNIFICANCE CRITERIA

1. Irrevocable commitment to loss or destruction of natural or cultural resources.

The proposed action will provide paved surfaces for pedestrians, bicyclists, wheelchair users, and others. Several alternative alignments were examined and most of them are or were previously used as travel ways, albeit of different types, including informal social paths, beach accesses, old cane haul roads, maintenance easements, residential streets, and highway shoulders. Paving a pathway will enable people on foot and bicycles to travel with greater ease, comfort, and safety.

The intent of the proposed facility is to enable users to connect with the environment; therefore, the improvements are minimal, consisting only of the pathway and context-appropriate landscaping. Structures, such as boardwalks, retaining walls, barriers, and railings will be constructed only where necessary for user safety and as engineering solutions for particular site conditions. The improvements are intended to be permanent. They will require long-term commitments of land, but are not irrevocable. Materials that will be used to construct the path, such as concrete (for pavement) or recycled plastics (for boardwalks) are in plentiful supply.

The proposed project will not adversely impact natural or cultural resources. There will be no destruction or loss of threatened or endangered plant or animal species. For the coastal sections, the path will be sited in or adjacent to areas developed for recreational use. The canal section of the main alignment will have no direct impact on wetlands (i.e., no destruction or loss of wetlands). An archaeological monitoring program will be implemented and a Memorandum of Agreement has established procedures for handling inadvertent discoveries of cultural artifacts and human remains.

2. Curtailment of the range of beneficial uses of the environment.

The project will not curtail the range of beneficial uses of the environment. For many people, the bike/pedestrian path is expected to increase access to outdoor spaces, provide more travel options, and create new opportunities for recreation and fitness activities.

3. Conflicts with the State's long-term environmental policies or goals and guidelines as expressed in Chapter 344, HRS, and any revisions thereof and amendments thereto, court decisions, or executive orders.

The proposed project is consistent with the environmental policies, goals, and guidelines defined in Chapter 344, HRS. In particular, the project is consistent with the following guidelines by improving the region's transportation infrastructure and expanding its recreation facilities.

Parks, Recreation and Open Space

A. *Establish, preserve and maintain scenic, historic, cultural, park and recreation areas, including the shorelines, for public recreational, educational and scientific uses.*

B. *Protect the shorelines of the State from encroachment of manmade improvements, structures, and activities.*

C. *Promote open space in view of its natural beauty not only as a natural resource but as an ennobling, living environment for its people.*

Transportation

A. *Encourage transportation systems in harmony with the lifestyle of the people and environment of the State.*

B. *Adopt guidelines to alleviate environmental degradation caused by motor vehicles.*

Community Life and Housing

A. *Foster lifestyles compatible with the environment; preserve the variety of lifestyles traditional to Hawaii through the design and maintenance of neighborhoods which reflect the culture and mores of the community.*

B. *Develop communities which provide a sense of identity and social satisfaction in harmony with the environment and provide internal opportunities for shopping, employment, education, and recreation.*

C. *Encourage the reduction of environmental pollution which may degrade a community.*

D. *Recognize community appearances as major economic and aesthetic assets of the counties and the State; encourage green belts, plantings, and landscape plans and designs in urban areas; and preserve and promote mountain-to-ocean vistas.*

4. Substantially affects the economic or social welfare of the community or state.

The project will provide needed transportation and recreation facilities for the Wailua-Kapa'a community and, overall, is expected to have a positive impact on the economic and social welfare of the community. Short-term negative impacts to surrounding residents and businesses are associated with construction noise, dust, and traffic disruption—the latter in areas adjacent to heavily traveled roadways. These impacts will be temporary. After the project is completed, some residents and businesses near the path may experience inconveniences because of new activities or street patterns in their neighborhood. Others may find that the path has created new ways of enjoying the outdoors.

5. Substantially affects public health.

The proposed path is anticipated to have a beneficial effect on public health. Widespread news coverage has focused attention on the growing number of obese adults and children and the need to encourage a sedentary population to exercise more. Walking is reported to be especially beneficial because it is low impact, low cost, and low skill. The path at Lydgate Park has become a popular venue for fitness buffs. A path "in town" is expected to receive comparable use.

6. Involves substantial secondary impacts, such as population changes or effects on public facilities.

The project is seen as an amenity for the community that will contribute to an enhanced quality of life and make the living environment more attractive. There may be opportunities for businesses to tap into the path's market potential, as has occurred in other places. However, the scope of the project itself does not involve commercial activity.

The path—not only this project, but in combination with the Kapa'a-Keālia segment—will connect various public facilities, such as parks, schools, the public library, Kapa'a Neighborhood Center, and pool. By providing more convenient access to these facilities and enabling people to safely reach these places by alternative means, the path may lead to increased use of these facilities. The relationship between the path and public facilities is viewed as one of positive synergism.

7. Involves substantial degradation of environmental quality.

The path will not substantially degrade environmental quality. By design and function, the proposed path is intended to provide access while minimizing harm to the surrounding environment. In parks and refuges, it is common to remind visitors to "stay on the path." In a similar fashion, the proposed bike/pedestrian path will define a travel corridor that helps to contain and manage human impacts in a particular area.

8. Is individually limited but cumulatively has considerable effect on the environment, or involves a commitment for large actions.

The proposed project is part of a larger vision to build a world-class path. The overall plan is being phased. Each phase is being studied and evaluated in relation to the whole and as a self-contained project. Therefore, implementation of this phase (Lydgate Park to Kapa'a) will not commit resources for or compel the construction of any other phase. However, it should be noted that this particular project plays the important role of connecting the Lydgate Park path (already completed) and the Kapa'a-Keālia path (under construction).

9. Substantially affects a rare, threatened, or endangered species, or its habitat.

Most of the project area has been urbanized or modified by agriculture. The proposed path will not have a significant, adverse effect on rare, threatened, or endangered species or their habitats. The canal section will pass adjacent to, but not within wetland areas. The path may bring people closer to endangered waterbirds, but their movements will be restricted to the path itself by signs and design cues. Potential opportunities for birdwatching from a safe distance is expected to raise public awareness of and appreciation for wildlife in general, and Kaua'i's native bird populations in particular. The Wailua-Kapa'a community is surrounded by natural areas, but most urban dwellers do not experience nature on a day-to-day basis. The path could be an important part of nature education for children and families.

10. Detrimentally affects air or water quality or ambient noise levels.

There will be short-term impacts on air quality and noise levels during the construction period. Mitigation measures will be implemented to minimize construction-related noise and fugitive dust impacts. Long-term, adverse impacts to air and water quality and ambient noise levels are not expected.

11. Affect or is likely to suffer damage by being located in an environmentally sensitive area, such as a flood plain, tsunami zone, beach, erosion-prone area, geologically hazardous land, estuary, freshwater, or coastal waters.

Short sections of the path are located in the tsunami inundation zone. The path crosses over Wailua River, which is a floodway, but the improvements will not change the base flood elevation. Although the path passes through areas subject to coastal flooding, such as Wailua Beach Park and Lihi Park, it is not expected to experience significant damage. All improvements will meet or exceed current design standards. Paved concrete paths are particularly durable. No occupied structures are proposed in this project.

12. Substantially affects scenic vistas and view planes identified in county or state plans or studies.

The State of Hawai'i is still in the process of developing a scenic highways program. The Kaua'i General Plan identifies scenic roadway corridors whose purpose is "to conserve open space, scenic features, and views within and along Kaua'i's most heavily-traveled routes" (p. 5-20). The proposed path is located inside a scenic road corridor that runs between Wailua River north to Coconut Grove. The scenic corridor overlaps with the path alignment from Wailua River to the Seashell Restaurant, on the north end of Wailua Beach Park. However, the path will be largely obscured by a low rock wall that runs along the highway. It is proposed that the rock wall be extended along the entire beach park frontage. Over Wailua River, the path will be integrated into the design of a new deck for the existing cane haul bridge.

13. Requires substantial energy consumption.

Fuel will be consumed by construction vehicles and equipment, but this use will be comparable to other urban construction projects. To the extent that trips taken on the completed path replace travel by motor vehicles, the project will help to reduce the consumption of non-renewable fossil fuel.

CONCLUSION

Shared use paths are transportation facilities that give pedestrians, bicyclists, wheelchair users, and other "human-powered" travelers a route that is separate from cars and trucks. For this reason, whenever possible, paths should be located away from roadways, driveways, and cross streets that increase the possibility of conflict between vehicles and people. Locating paths away from roads usually means locating them on the outskirts of urban development.

The preferred alternative for the Lydgate Park-Kapaa path and the connector routes for Wailua House Lots and Kawaihau are located in a combination of undeveloped and developed areas. In light of environmental concerns, the proposed alignment was kept to the boundaries of developed areas. This will separate paths from vehicular circulation, while staying in areas that are already altered and impacted by human use.

In the Wailua-Kapa'a region, places on the outskirts of town are also places of great beauty, and will provide path users with exposure to open space and open views. Appropriate designs will be adopted to minimize the bulk and profile of the facility, with careful selection of materials and the use of screens, dividers, and landscaping. Temporary, construction-related impacts can be mitigated through best management practices.

Through route selection, design, and proposed mitigation measures, the analysis contained in this environmental assessment has determined that the project will not have significant adverse impacts or have impacts that can be mitigated to less than significant levels. The County of Kaua'i, Department of Public Works and State of Hawaii, Department of Transportation have prepared a Finding of No Significant Impact (FONSI) that has been published in the State Office of Environmental Quality Control's *Environmental Notice*.

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10 CONSULTATION AND COMMENTS

10.1 OVERVIEW OF CONSULTATIONS AND PUBLIC INVOLVEMENT ACTIVITIES

The planning team adopted a proactive public involvement process that began at the outset of the project in December 2003. A concerted effort was made to inform all interested stakeholders about the project. Public input was solicited through a variety of meeting formats, from small-group and individual briefings to community-wide informational meetings. Public input and feedback provided the project team with information used to formulate and evaluate the alternatives.

10.1.1 Public Meetings

No. 1, Public Input and Scoping Meeting
Thursday, January 29, 2004 – Kapa'a Middle School
49 attendees
Complete proceedings in Appendix E

No. 2, Public Information Meeting
Wednesday, March 10, 2004 – Kapa'a Middle School
69 attendees
Complete proceedings in Appendix F

No. 3, Public Information Meeting
Thursday, July 1, 2004 – Kapa'a Middle School
61 attendees
Complete proceedings in Appendix G

10.1.2 Ke Ala Hele Makalae

Ke Ala Hele Makalae is a voluntary citizens committee that formed in the early 1990s to advise the County on a coastal trail system (shared use path) that would go from Nāwiliwili to Anahola. The committee meets several times a year to discuss the progress of various segments, and has taken an active role in conceptualizing, planning, and designing the facility. Briefings on the Lydgate Park to Kapa'a project were made on January 30, 2004 and June 7, 2004. In addition, individual members of the committee attended and participated in the public information meetings.

10.1.3 Papaloa Road Condominium Properties and Kukui Heiau

After the Shoreline Alternative (Alt. 1) had been developed as one of three build alternatives that would be evaluated in the DEA, the County's project manager Douglas Haigh (Department of Public Works) and Tim Bynum (Office of Economic Development) met with representatives of condominium owners whose properties abut the County beach reserve on which most of the path would be located. (Approximately 150 feet of the 1,700-foot shoreline section—Seashell Restaurant to Kukui Heiau—is located on private property owned by the Lae Nani Resort and Condominiums.) The initial meeting on March 4, 2004 included representatives of four hotel-condominium properties located on Papaloa Road: Hale Awapuhi, Kapaa Sands, Lanikai and Lae Nani. A representative of Wailua Bay View participated in a later meeting.

At the March 4 meeting, and in a letter report commenting on the DEA, the condominium owners expressed their concerns about the loss of privacy and disturbance to existing activities; degradation of scenic vistas; increased security risks and public nuisances; and potential environmental impacts to wildlife (specifically monk seals and sea turtles), coastal lands (construction on slopes overlooking the beach), and water quality (runoff). These concerns were addressed in the DEA and further discussed in a letter of response. Mitigation measures for the design, construction, and operational phases of the project were recommended for all identified environmental impacts.

After evaluating the DEA comments, County officials proposed a compromise by scaling down the section from Seashell Restaurant to Kukui Heiau from a 12-foot bike/pedestrian path to a 5-foot pedestrian path. A meeting was held on September 10, 2004 with Papaloa condominium representatives and Kukui Heiau stakeholders to review the project modifications. (See minutes of the September 10 meeting in Appendix H.). The condominium representatives were initially receptive to the proposed pedestrian path, but reserved full acceptance until broader discussions could be held within the respective apartment owners' associations. They also requested visual simulations to get a better idea of the path's appearance and how it fit into the surrounding environment. Meanwhile, Kukui Heiau stakeholders continued to support measures that would provide lateral shoreline access to the public without going through the heiau itself.

A follow-up meeting was held on December 15, 2004 and included a series of photo simulations of the proposed pedestrian path. With the exception of Wailua Bay View, the meeting ended without support for the Papaloa coast pedestrian path from the other four condominium properties. (See minutes of the December 15 meeting in Appendix H.)

In order to proceed to the design stage, the preferred path alignment was established without the shoreline walkway north of Seashell Restaurant.

10.1.4 Moanakai Road

Project planners also sought more in-depth feedback from residents and property owners along Moanakai Road. Between Kekaha Road and Panihi Road, the project proposes to change the traffic pattern on Moanakai Road from the current two-way traffic flow to one-way, northbound only.

Residents and property owners on Moanakai Road were provided with information about the proposed changes and asked to comment. Where telephone numbers were available, Herb Lee, community liaison, spoke to householders directly. Information packets were sent to all addresses maintained by the County tax assessor's office. The informational letter and comments received are reproduced in Appendix I. Based on written and verbal comments, Moanakai residents are generally indifferent to traffic changes and the proposed bike/pedestrian path. However, the project raised ongoing concerns related to beach erosion and parking by beachgoers. The County of Kauai and project designers will continue to communicate with property owners and residents about the project.

10.2 TITLE VI, CIVIL RIGHTS ACT OF 1964 AND E.O. 12898 ON ENVIRONMENTAL JUSTICE

A key objective of the public outreach process was to ensure compliance with Title VI of the Civil Rights Act of 1964 and Executive Order 12898 pertaining to environmental justice (issued February 11, 1994). The project team made a good-faith effort to inform project area residents and other stakeholders about the project and provide opportunities for meaningful input. Among the actions taken were the following:

- airing of meeting notices on cable television (Ho'ike) and radio stations with community programming (including KONG and KKCR)
- placing meeting announcements in Community Bulletin section of *The Garden Island*, Kauai's general circulation newspaper
- sending out personalized meeting invitation letters to everyone on the project mailing list; the list was an aggregation of all individuals who signed attendance sheets and wrote or called to express an interest in the project.
- a toll-free telephone number was provided so that members of the Kaua'i community could contact project planners in Honolulu at no cost
- outreach to Native Hawaiian organizations through the Section 106 consultation process (see also, Chapter 6, Federal Regulations)

Based on consultations that occurred during the planning process, the bike/pedestrian path build alternative will not cause disproportionately high and adverse effects on any minority or low-income population as per E.O. 12898 regarding environmental justice.

10.3 CONSULTATIONS DURING PREPARATION OF THE DEA

10.3.1 Request for Pre-Assessment Comments (Early Consultation)

As part of the early consultation process, a pre-assessment letter was sent to the following agencies and organizations on April 1, 2004 with a request for comments prior to completion of the Draft Environmental Assessment. Comments were requested by April 30, 2004. A copy of the letter requesting pre-assessment comments is reproduced in Appendix D.

Federal
14th Coast Guard District
Natural Resources Conservation Service, U.S. Department of Agriculture
U.S. Army Corps of Engineers
U.S. Environmental Protection Agency
U.S. Fish and Wildlife Service

State
Department of Business, Economic Development & Tourism, Office of Planning
Department of Hawaiian Home Lands
Department of Land and Natural Resources
- Division of State Parks (Honolulu and Kauai)
- Land Division (Honolulu and Kauai)
- State Historic Preservation Division (Honolulu and Kauai)
- Na Ala Hele Trails Program (Honolulu and Kauai)

Department of Health
- Environmental Planning Office
- Office of Environmental Quality Control

Department of Transportation (Honolulu and Kauai District)
Office of Hawaiian Affairs

County of Kauai
Department of Planning
Department of Public Works
Fire Department
Office of Economic Development
Police Department

Utilities
Kaua'i Island Utility Cooperative (KIUC)
Verizon Hawai'i

Elected Officials
Mayor Bryan Baptiste
Council Chair, Bill "Kaipo" Asing
Council Vice Chair, James Kunane Tokioka
Councilmember Jay Furfaro
Council Member Daryl W. Kaneshiro
Councilmember Maurice "Joe" Munechika
Councilmember Mel Rapozo
Councilmember JoAnn Yukimura
Senator Gary Hooser, State Senate District 7
Representative Hermina M. Morita, State House District 14
Representative Ezra R. Kanoho, State House District 15

10.3.2 Early Consultation Comment Letters

Letters from 18 agencies were received during the pre-assessment period, and are reproduced in Appendix D. Comments were incorporated into the DEA.

State Historic Preservation Division
Office of Environmental Quality Control
State Department of Land and Natural Resources
- Engineering Division
- Division of State Parks
- Commission on Water Resource Management
- Office of Conservation and Coastal Lands
- Kaua'i District Land Office

Office of Hawaiian Affairs
Kaua'i Fire Department
Department of Health
- Environmental Planning Office
- Solid and Hazardous Waste Branch
- Noise, Radiation & Indoor Air Quality Branch
- Clean Water Branch
- Clean Air Branch
- Hazard Evaluation and Emergency Response Office (HEER)
- Safe Drinking Water Branch

Office of Planning, Department of Business, Economic Development & Tourism
State Department of Transportation, Highways Division, Kaua'i District

10.3.3 Pre-Assessment Comment Letters from the Public

Between March 10, 2004 (the date of the second public information meeting) and May 20, 2004, more than 50 members of the public submitted comments by posted mail, fax, and e-mail. All comments were acknowledged by lead consultant, Kimura International, and

considered during preparation of the DEA. Copies of the comment letters are reproduced in Appendix D.

10.4 DRAFT ENVIRONMENTAL ASSESSMENT

10.4.1 Availability of the Draft Environmental Assessment

Availability of the DEA was announced in the June 8, 2004 issue of the OEQC *Environmental Notice*, which initiated the 30-day public comment period that ended on July 7, 2004. Copies of the DEA were mailed to federal, State, and County agencies; elected officials; and others who may have had an interest in the project. In addition, copies of the DEA were mailed to the Kapa'a Public Library, Līhu'e Regional Library, and Kaua'i Community College Library. All parties who were sent the DEA were asked to provide comments.

10.4.2 Public Information Meeting

A public information meeting was held on July 1, 2004, from 7:00 to 9:00 pm at the Kapa'a Middle School cafetorium. The date of this meeting was timed to coincide with the DEA public comment period. Its purpose was to review the alternatives, potential project impacts, and proposed mitigation measures; provide an opportunity to clarify project elements; and allow members of the community to comment on the project verbally or in writing.

A general discussion session followed the Powerpoint slide show. Audience members were invited to ask questions about or comment on the proposed bike/pedestrian path. The discussion was moderated by a facilitator and all verbal comments were written on flipchart paper by a professional recorder. As each sheet filled up, it was posted on the cafetorium walls. Since comments had been paraphrased for brevity, speakers were asked to review their comments for accuracy.

Attendees were also given the option of providing comments on forms distributed at the meeting. Written comments either could be left at a "drop off" area, or the forms taken home and mailed back later in self-addressed, stamped envelopes.

10.4.3 Comments Received on the DEA

Forty-three written statements were received during the DEA public comment period. Table 6 lists the agencies, organizations, and individuals who mailed or provided written comments. Responses were sent out in July and August, 2004. All written comments received during the DEA comment period and their associated responses are reproduced in this chapter.

Comments are arranged in the following order:

- Federal agencies
- State agencies
- County agencies
- Other individuals and organizations

Sixty-one people attended the public meeting on July 1, 2004, and more than forty questions and comments were fielded during the discussion session. Appendix G documents the oral comments made at the July 1 meeting.

The County DPW and the FHWA considered all comments, written and oral, in determining whether the project will have a "significant impact." The comments were also considered in selecting the final project alignment. In some cases, comments resulted in changes, clarification, or correction to the EA.

Table 6: Summary of Draft Environmental Assessment Distribution and Comments

	Received DEA	Provided Comments
Federal Agencies		
14th Coast Guard District	•	
Army Corps of Engineers	•	
Environmental Protection Agency, Region IX and PICO	•	
Fish and Wildlife Service*	•	8/11/05
National Marine Fisheries Service*		7/15/05
Natural Resources Conservation Service, Honolulu & Kauai	•	7/6/04
State Agencies		
Department of Hawaiian Home Lands	•	7/6/04
Department of Health, Environmental Planning Office	•	
Department of Land and Natural Resources	•	6/21/04
Division of State Parks (Honolulu and Kauai)	•	7/6/04
Land Division (Honolulu and Kauai)	•	7/1/04
Na Ala Hele Trails Program	•	
Office of Conservation and Coastal Lands	•	7/1/04
State Historic Preservation Division (Honolulu and Kauai)	•	8/24/04
Department of Transportation (Highways Div and HWY-K)	•	6/10/04
Bridge Division	•	8/25/04
Office of Environmental Quality Control	•	7/7/04
Office of Hawaiian Affairs (Honolulu and Kauai)	•	
Office of Planning, Coastal Zone Management Program	•	
County Agencies		
Department of Planning	•	
Department of Public Works	•	7/9/04
Kauai Fire Department	•	7/2/04
Kauai Police Department	•	
Office of Economic Development	•	

	Received DEA	Provided Comments
Elected Officials		
Office of the Mayor, Bryan Baptiste	•	
Council Chair, Bill "Kaipo" Asing	•	
Council Vice Chair James Tokioka	•	
Councilmember Jay Furfaro	•	
Councilmember Daryl Kaneshiro	•	
Councilmember Maurice "Joe" Munechika	•	
Councilmember Mel Rapozo	•	
Councilmember JoAnn Yukimura	•	
Senator Gary Hooser, 7th Senatorial District	•	
Representative Hermina Morita, 14th Representative District	•	
Representative Ezra Kanoho, 15th Representative District	•	
Other Organizations		
Ke Ala Hele Makalae	•	7/1/04 See also, Measel, Nishek, and Rosenfeld (Individuals)
Verizon Hawaii	•	
Kauai Island Utility Cooperative (KIUC)	•	
The Garden Island	•	
Niu Pia Farms	•	
Midler Family Trust	•	
Waipouli Beach Resort	•	
The Weiser Companies	•	
Hale Awapuhi	•	See Sweeney (Individuals)
Islander on the Beach	•	
Kapaa Sands Resort	•	See Sweeney (Individuals)
Association of Apartment Owners of Kapaa Sands	•	See Sweeney (Individuals)
Kapaa Shore	•	
Association of Apartment Owners of Kapaa Shore	•	
Kauai Coast Resort at the Beachboy	•	
Kauai Coconut Beach	•	
Kauai Sands	•	
Lae Nani	•	See Sweeney (Individuals)
Association of Apartment Owners of Lae Nani	•	See Sweeney (Individuals)
Lanikai Resort	•	See Sweeney (Individuals)
Mokihana of Kauai	•	
Plantation Hale	•	
Wailua Bay View	•	
Association of Apartment Owners of Wailua Bay View	•	
Coconut Plantation Association	•	
Aloha Beach Resort	•	
Individuals		
James Alalem		7/8/04
Annaleah Atkinson		7/7/04
Dana Bekeart		7/1 Meeting
Dorothy Bekeart		7/1 Meeting
Gary L. Blaich		7/9/04
Nancy Candela		7/7/04

	Received DEA	Provided Comments
Larry Chaffin		7/1 Meeting
Mr. and Mrs. William Crowley		6/14/04
Sharron Edwards		7/7/04
Margery Freeman		7/1/04
Keoki Gosselin		7/5/04
Rosalie Lynch		7/1/04
Dennis MacCoumber		7/2/04
Sally Jo Manea		7/2/04
Robert Measel, Jr.		8/9/04
Bob Middleton		7/7/04
Marshall Mock		7/1 Meeting
Jack Mondt		6/30/04
Jennifer Nicolai		7/8/04
Lelan Nishek		8/3/04
Jerry and Jeanie Paukert		7/4/04
Dale Rosenfeld		8/4/04
Jeanne Ross		6/24/04
Stefan Schweitzer		7/1/04
Jimmy Sone		7/8/04
Mr. and Mrs. Charles Stein		6/22/04
William Sweeney (representing Lae Nani, Lanikai, Kapaa Sands, and Hale Awapuhi		7/7/04
James Trujillo and Maria Walker		7/6/04
Julie and Greg Wirtz		7/9/04

* Provided comments to a preliminary NEPA Environmental Assessment

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United States Department of the Interior

FISH AND WILDLIFE SERVICE
Pacific Islands Fish and Wildlife Office
300 Ala Moana Boulevard, Room 3-122, Box 50088
Honolulu, Hawaii 96850

In Reply Refer To:
1-2-2005-I-268

AUG 11 2005

Glenn T. Kimura
Kimura International, Inc.
1600 Kapiolani Boulevard, Suite 1610
Honolulu, Hawaii 96814

Dear Mr. Kimura:

Thank you for your request of June 9, 2005, for our concurrence under section 7 of the Endangered Species Act (Act) with determinations in your Final Environmental Assessment (FEA) regarding the effects on threatened and endangered species of the proposed Lydgate Park-Kapaa Bike/Pedestrian Path CMAQ-0700(49). We received your letter on June 10, 2005. We understand that the project will be funded in part by the Federal Highway Administration and that you have determined that the proposed project will not adversely affect the listed species that may occur in the action area: the threatened green sea turtle (*Chelonia mydas*) and Newell's shearwater (*Puffinus auricularis newelli*), and the endangered Hawaiian petrel (*Pterodroma sandwichensis*), Hawaiian duck (*Anas wyvilliana*), Hawaiian coot (*Fulica alai*), Hawaiian common moorhen (*Gallinula chloropus sandvicensis*), and Hawaiian stilt (*Himantopus mexicanus knudseni*). The FEA also includes determinations regarding the endangered Hawaiian monk seal (*Monachus schauinslandi*). Please note that the National Marine Fisheries Service, not the U.S. Fish and Wildlife Service, has regulatory authority under the Act for this species and for sea turtles that are in the ocean and not hauled out or nesting on the beach.

We concur with your conclusion that this project is unlikely to have negative impacts on listed waterbirds, and that native wildlife will benefit from the removal of a feral cat "feeding station" in the vicinity of the project area. We also agree with your determination that the existing Federal and State protection and public outreach programs are sufficient to minimize adverse effects on sea turtles that happen to haul out in the vicinity of the proposed bike/pedestrian path, especially given the likely low frequency of this occurrence. Finally, we concur with your determination that the project is unlikely to adversely affect the two listed seabird species if lighting associated with the bike/pedestrian path is shielded to prevent light from "leaking" upward and disorienting birds traveling to or from their montane nesting areas. In addition, we recommend that any lights be set directly into the railings or guard rails on the Wailua River bridge and that the shortest poles and lowest wattage bulbs possible be used for any other lights.

We understand that wedge-tailed shearwaters (*Puffinus pacificus*) may nest in littoral vegetation in the project area, and nesting adults thus may be displaced by construction of this path. This species is not threatened or endangered, but it is protected federally from take under the

TAKE PRIDE IN AMERICA

Migratory Bird Treaty Act. Please contact our office for more information about avoiding and minimizing negative impacts to migratory birds.

Thank you for your efforts to conserve endangered species. If you have any questions, please contact Holly Freifeld, Fish and Wildlife Biologist (phone: 808/792-9400; fax: 808/792-9581).

Sincerely,

for Patrick Leonard
Field Supervisor

cc:
Pat Phung, FHWA

U.S. DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE
Pacific Islands Regional Office
1601 Kapiolani Blvd., Suite 1110
Honolulu, Hawaii 96814-4700
(808) 973-2937 • Fax: (808) 973-2941

July 15, 2005

RECEIVED
JUL 21 2005

Glenn T. Kimura
Kimura International
1600 Kapiolani Blvd., Suite 1610
Honolulu, HI 96814

RE: Final Environmental Assessment for Proposed Lydgate Park – Kapa'a Bike/Pedestrian Path CMAQ-0700(49)
Please refer to Consultation No.: I-PI-05-438-TF

Dear Mr. Young:

This letter responds to your letter dated June 9, 2005, regarding the Draft Final Environmental Assessment for the Proposed Lydgate Park – Kapa'a Bike/Pedestrian Path. Your letter requests that comments be submitted on the project. We provide the following comments and information under our statutory authorities under the Endangered Species Act of 1973 (ESA), as amended (16 U.S.C. §1531 *et seq.*), and the Marine Mammal Protection Act of 1972, as amended (16 U.S.C. 1361 *et seq.*).

The County of Kauai proposes to construct a shared use path from Lydgate Park to Waika'ea Canal in Kapa'a. Total distance of the path would be approximately two miles. The majority of the path will be 10 to 12 feet wide and made of concrete. The path will not include comfort stations, pavilion areas, picnic areas, or parking areas. One alternative considered for the Papaloa Coastal Access Phase is to have the path turn inland at Papaloa Road with a five foot wide subsidiary path for pedestrian traffic only following a coastal route and constructed on county land. The subsidiary path would connect again to the main path north of the Kukui Heiau. At this point the main path would then continue north along the coast to Mokihana of Kauai before turning inland again.

ESA-listed species under NOAA Fisheries jurisdiction that may be present in the vicinity of the proposed project area include Hawaiian monk seals. Hawaiian monk seals are known to haul out on the beach areas in both the Papaloa Coastal Access Phase and the Coastal Extension Phase. You should be aware that the presence of the bike/pedestrian path near to known monk seal haulouts could increase the likelihood of interactions between monk seals and people. You should also be aware that if monk seals hauled out near the proposed path it could become necessary to temporarily block sections of the shoreline or path in order to ensure that monk seals are not disturbed.

As you indicated in your letter, warning signs, informational literature, and protocols are already employed during haul out events. You also indicated that supplemental signs could be installed as needed and that the coastal path for pedestrians would be located as far inland as practicable. To further minimize the potential for interactions between people and monk seals we recommend you consider the following mitigation measures:

1. Plant vegetation (i.e. naupaka) between beach areas and the path to serve as a natural barrier. This vegetation would not be meant to inhibit beach access, rather, it would be intended to form a visual barrier thus minimizing disturbance of monk seals.
2. We encourage the posting of signs along the Papaloa Access Phase and Coastal Extension Phase informing people of the possibility of monk seal haulouts and proper behavior in the presence on monk seals.
3. We encourage placement of the path as far inland as possible in order to maximize the distance between people and monk seals.
4. We encourage construction of a combined bike path and walking path from the Sea Shell Restaurant to the Kukui Heiau to minimize the possibilities of interactions between people and monk seals at Papaloa Bay.

Care should also be taken during the project's construction phase to avoid interactions with monk seals. Below we have listed a set of protocols we recommend be followed to avoid these interactions.

1. A survey of the project area should be performed just prior to commencement or resumption of construction activity to ensure that no protected spec(ies) are in the project area. If protected spec(ies) are detected, construction activities must be postponed until the animal(s) voluntarily leave the area.

2. If any listed spec(ies) enters the area during the conduct of construction activities, all activities must cease until the animal(s) voluntarily depart the area.

3. All on-site project personnel must be apprised of the status of any listed spec(ies) potentially present in the project area and the protections afforded to those species under Federal laws. A brochure explaining the laws and guidelines for listed species in Hawaii, American Samoa, and Guam may be downloaded from http://www.nmfs.noaa.gov/prot_res/MMWatch/hawaii.htm.

4. Any incidental take of marine mammals must be reported immediately to NOAA Fisheries' 24-hour hotline at 1-888-256-9840. Hawaii only: Any injuries to sea turtles must be reported immediately to NOAA Fisheries at 1-808-983-5730. Information reported must include the name and phone number of a point of contact, location of the incident, and nature of the take and/or injury.

5. Appropriate best management practices (BMPs) must be implemented as applicable to minimize turbidity, minimize species disturbance, and to avoid the release of pollutants into the water.

6. Any intake pipes on project-related equipment must be screened or otherwise configured to ensure the prevention of entrainment of protected species.

Thank you for working with NOAA Fisheries Service to protect our nation's living marine resources.

Sincerely,

Tamra Faris

Tamra Faris
Assistant Regional Administrator
for Protected Resources

NRCS
Natural Resources Conservation Service
P.O. Box 50004
Honolulu, HI 96850
808-541-2600

United States Department of Agriculture

Our People...Our Islands ...In Harmony

July 6, 2004

RECEIVED
JUL 09 2004

Kimura International
Attn: Glenn Kimura
1600 Kapiolani Blvd, Suite 1610
Honolulu, HI 96814

Dear Mr. Kimura,

Thank you for the opportunity to comment on your recent Draft Environmental Assessment, Lydgate Park — Kapaa Bike Pedestrian Path, CMAQ-0700(49), prepared for the County of Kauai's Public Works, March 2004. While I fully support the project Purpose and Need (page 2-2), I would like to share the Natural Resources Conservation Service's (NRCS) concerns pertinent to Alternative Three. I have no objections to Alternatives One and Two.

I agree with your page 3-31 acknowledgment that NRCS Wetland Reserve Program (WRP) easement with the Bette Midler Trust will provide important bird watching and wetland habitat observing opportunities. However, Alternative 3 may also provide some conflicts for the restoration project. NRCS will hold a Warranty Easement Deed on the Midler owned portion of the proposed route. The United States Department of Agriculture's Wetland Reserve Program Manual provides direction to our agency for the evaluation of compatible uses on lands we hold a WRP recorded easement. However, in order for us to consider the bike path in our Easement area, the Bette Midler Trust would need to support your project and request a permit for the bike path as a compatible use with no impacts to the restoration project.

While you identified on 7-4 that the users will be restricted to the path, I did not encounter any details on how they would be restricted. I am still concerned about the possibility that some path users may seek unauthorized access to the Midler property and potentially impacting the restoration project. It is our experience that all restoration projects, such as being proposed for the Midler site, enhance habitat values for Hawaii's endangered water birds and migratory species. Any impacts to the habitat or the endangered species themselves, either by bike path users or unauthorized access via the bike path, becomes a violation of the Endangered Species Act. If our evaluation indicated a negative impact we would have to deny the compatible use agreement.

Also, in perfecting the easement, NRCS must have access for vehicular traffic to manage and maintain the restored wetland. Our legal access begins at the Mauka end of Panihi Road and extending the full length of the drainage ditch that you identified on your Figure 16, Alternative 3, "construct path on raised agricultural roadbed". While your study indicates the vehicular travel of the path would be acceptable for maintenance,

the surface would need to accommodate heavy equipment such as a loaded dump truck.

Once again, I would like to thank you for the opportunity to respond to your Environmental Assessment for the proposed Bike Path. While I clearly understand the benefit of Alternative 3 to the community and guests to the island, I have identified my concerns. Please feel free to contact the local NRCS representative District Conservationist, Lex Riggle, if you have questions or would like additional clarification.

Sincerely,

Ron Davidson, acting

Lawrence T. Yamamoto
State Conservationist

Cc: Director, Office of Environmental Quality Control, 235 South Beretania St. Suite 702, Honolulu, HI 96813

The Natural Resources Conservation Service provides leadership in a partnership effort to help people conserve, maintain, and improve our natural resources and environment.

An Equal Opportunity Provider and Employer

KIMURA INTERNATIONAL

August 11, 2004

Mr. Lawrence T. Yamamoto
State Conservationist
Natural Resources Conservation Service
P.O. Box 50004
Honolulu, HI 96850

Dear Mr. Yamamoto,

Proposed Bike/Pedestrian Path, Lydgate Park to Kapa'a
Public Review of the Draft Environmental Assessment

Thank you for your comments on the proposed bike/pedestrian path sent by letter dated July 6, 2004.

We note your concerns regarding portions of Alternative 3 that would have passed through or adjacent to the Wetland Reserve Program easement with the Midler Family Trust. The County of Kaua'i felt there might be a mutual interest in designing and developing a pathway that would provide access for the community, yet safeguard endangered species habitat. Upon further analysis by the planning team, the County has eliminated from consideration all segments that abut the WRP easement.

Mahalo for your interest in this project and, especially, to your staff for their assistance.

Sincerely,
KIMURA INTERNATIONAL, INC.

Glenn T. Kimura
President

Cc: Douglas Haigh, County of Kauai, Department of Public Works

1600 Kapiolani Blvd., Suite 1610
Honolulu, Hawaii 96814
Tel (808) 944-8848 • Fax (808) 941-8999

LINDA LINGLE
GOVERNOR
STATE OF HAWAII

STATE OF HAWAII
DEPARTMENT OF HAWAIIAN HOME LANDS
P.O. BOX 1879
HONOLULU, HAWAII 96805

MOCAN A. KANE
CHAIRMAN
HAWAIIAN HOMES COMMISSION
BEN HENDERSON
DEPUTY TO THE CHAIRMAN
KAUKANA H. PARK
EXECUTIVE ASSISTANT

July 6, 2004

RECEIVED
JUL 07 2004

County of Kauai
Department of Public Works
4444 Rice Street, Suite 175
Lihue, Hawaii 96766
Attn: Douglas Haigh

Dear Mr. Haig:

Subject: Lydgate Park - Kapaa Bike/Pedestrian Path
Draft Environmental Assessment

We have reviewed the Draft Environmental Assessment sent to us by your consultant, Kimura International, and do not have any specific concerns regarding this phase of the bike/pedestrian path or how it may impact Hawaiian home lands (HHL).

It appears that this phase stops just after crossing over to the Lihue side of the Wailua River. We are curious to know what alignment is planned for future phases that extend the pathway in the southerly direction because there is HHL nearby. We also assume that the proposed 10-12 foot wide concrete path will pass east of HHL identified by TMK:4-5-05:06, but will not be on HHL. If our assumption is correct, no response is needed at this time. However, please keep us informed as this project progresses because other phases may be very near or adjacent to HHL.

Should there be a need, you may contact the undersigned at (808) 587-6434 or you may call Noel Akamu, LMD Property Development Agent, at 587-6432 in Honolulu.

Aloha and mahalo,

Linda Chinn, Acting Administrator
Land Management Division

c: Kimura International (Glenn Kimura)
Office of Environmental Quality Control (Director)

KIMURA INTERNATIONAL

August 11, 2004

Ms. Linda Chinn, Administrator
Land Management Division
Department of Hawaiian Home Lands
P.O. Box 1879
Honolulu, HI 96805

Dear Ms. Chinn,

Proposed Bike/Pedestrian Path, Lydgate Park to Kapa'a
Public Review of the Draft Environmental Assessment

Thank you for your comments on the proposed bike/pedestrian path sent to us by letter dated July 6, 2004. We want to acknowledge that you have no comments on the Lydgate Park to Kapa'a (third) phase of the proposed path.

Among the alternatives considered for this project, one route would have traversed on or near an HHL parcel located near Waika'ea Canal and identified as TMK 4-5-5: 06. This alignment would have skirted the mauka edge of Kapa'a town. However, given the difficulties of acquiring the necessary properties, this alternative is not considered viable at this time.

The fourth phase of the pathway will begin at the south end of Lydgate Park and extend southward to Ahukini. Although the proposed alignment is not expected to affect Hawaiian Home Lands in the Wailua area, the planning team for the County of Kaua'i will keep you informed of the plans as they continue to develop.

Sincerely,
KIMURA INTERNATIONAL, INC.

Glenn T. Kimura
President

Cc: Douglas Haigh, County of Kauai, Department of Public Works

1600 Kapiolani Blvd., Suite 1610
Honolulu, Hawaii 96814
Tel (808) 944-8848 • Fax (808) 941-9999

LINDA LINGLE
GOVERNOR OF HAWAII

STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
DIVISION OF STATE PARKS
POST OFFICE BOX 621
HONOLULU, HAWAII 96809

PETER T. YOUNG
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YVONNE Y. IZU
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STATE PARKS

July 6, 2004

Mr. Doug Haigh
County of Kaua'i
Department of Public Works
4444 Rice Street, Suite 175
Lihu'e, Hawai'i 96766

Dear Mr. Haigh:

Thank you for the opportunity to review and comment on the Draft Environmental Assessment (DEA) for the proposed bike/pedestrian path segment from Lydgate Park to Kapa'a. This project addresses one of the primary outdoor recreation needs identified in the 2003 Statewide Comprehensive Outdoor Recreation Plan which is to provide additional opportunities for walking, jogging and biking.

The path at Lydgate may potentially impact the Hikinaakalā Heiau Area of Wailua River State Park. Hikinaakalā Heiau is one of the four *heiau* that comprise the Wailua Complex of Heiau, a National Historic Landmark established in 1962, not 1988 (page 4-66). It is important that the historical setting and cultural landscape of the site be maintained, including open space buffers around the *heiau* and mitigating potential impacts of increased visitor traffic at the site from the construction of this path.

In regards to the path along Kūhiō Highway and *mauka* of Hikinaakalā Heiau, we have requested that guardrails or vegetation hedges be installed along the *makai* side of the path as a mitigating measure. We would like to recommend that the County and State Parks partner on the design and installation of interpretive signs at the cul-de-sac to heighten visitor awareness and keep users on the designated path.

As we requested, the path will not be routed adjacent to Hikinaakalā Heiau (page 3-36). It was our understanding that the path along the shoreline of Lydgate Park would turn around before the *heiau* and follow Leho Drive to Kūhiō Highway. However, this path currently ends across the roadway from the *heiau* with no indication of the route from this point. It is imperative that the County address this concern with signage and/or designation of a path that will not direct bikers and walkers into the *heiau* area.

Very truly yours,

DANIEL S. QUINN
State Parks Administrator

cc: Wayne Souza, Kaua'i District State Parks Superintendent
Nancy McMahon, State Historic Preservation Division – Kaua'i
Office of Hawaiian Affairs (LaFrance Kapaka-Arboleda, Kaua'i and Heidi Guth, Honolulu)
Na Kalu Hikina A Ka La
Land Division

KIMURA INTERNATIONAL

August 11, 2004

Mr. Daniel S. Quinn, Administrator
Division of State Parks
Department of Land and Natural Resources
P.O. Box 621
Honolulu, HI 96809

Dear Mr. Quinn,

Proposed Bike/Pedestrian Path, Lydgate Park to Kapa'a
Public Review of the Draft Environmental Assessment

Thank you for your comments on the proposed bike/pedestrian path sent by letter dated July 6, 2004.

Throughout the planning process, the County of Kaua'i has consistently affirmed its objectives of providing the public with appropriate access, while respecting environmental and cultural resources. Accordingly, the County modified the path alignment in response to unequivocal concerns about a potential route adjacent to Hikinaakalā Heiau. Other protective measures will be included in a Memorandum of Agreement that is being prepared pursuant to Section 106 of the National Historic Preservation Act. The County will consult with you and your staff regarding stipulations to the proposed undertaking. Additional design details will be worked out during the design-build phase of the project. The County and its designated contractors will collaborate with you to ensure the proper design and installation of landscaping and interpretive and routing signs.

Mahalo for your interest in this project.

Sincerely,
KIMURA INTERNATIONAL, INC.

Glenn T. Kimura
President

Cc: Douglas Haigh, County of Kauai, Department of Public Works

1600 Kapiolani Blvd., Suite 1610
Honolulu, Hawaii 96814
Tel (808) 941-8848 • Fax (808) 941-8999

LINDA LINGLE
GOVERNOR OF HAWAII

STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
LAND DIVISION

3060 Eiwa Street, Room 306
Lihue, Hawaii 96766
PHONE: (808) 274-3492
FAX: (808) 274-3438

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June 17, 2004

L-3125

RECEIVED
JUL 13 2004

TO: Nicholas A. Vaccaro, Land Agent
Land Division

FROM: Thomas H. Oi, District Land Agent
Kauai, Land Division

Subject: Draft Environmental Assessment (DEA) For the Proposed Lydgate Park-Kapaa Bike-Pedestrian Path Project, Island of Kauai, Hawaii

Because most of the bike/pedestrian path follows along the coastline and will be maintained by the County of Kauai. The Land Division will set aside to the County of Kauai all unencumbered State of Hawaii lands along the coastline to the mean low waters within the limits of this project. This will clearly define jurisdiction of the coastal areas.

C/c Central file
District Office

LINDA LINGLE
GOVERNOR OF HAWAII

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JUN 23 2004

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DEPARTMENT OF LAND AND NATURAL RESOURCES
LAND DIVISION

POST OFFICE BOX 621
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June 21, 2004
LD-NAV
LYDGATEPARKBIKEPATH.RCH2

Kimura International, Inc.
Glenn T. Kimura, President
1600 Kapiolani Blvd., Suite 1610
Honolulu, Hawaii 96814

Dear Mr. Kimura:

SUBJECT: Draft Environmental Assessment for the Proposed Lydgate Park-Kapaa Bike-Pedestrian Path Project, Kauai, Hawaii

Thank you for the opportunity to review and comment on the subject matter.

The Department of Land and Natural Resources' (DLNR) Land Division made available or distributed a copy of the document pertaining to the subject matter to the following DLNR Divisions for their review and comment:

- Commission on Water Resource Management
- Kauai District Land Office
- Office of Conservation and Coastal Lands
- Division of Forestry and Wildlife
- Na Ala Hele Trails
- Division of State Parks
- Engineering Division

Enclosed please find a copy of the Engineering Division comment.

Based on the attached responses, the Department has no other comment to offer at this time. Should you have any other questions, please feel free to contact Nicholas A. Vaccaro of the Land Division Support Services Branch at 1-808-587-0384.

Very truly yours,

DIERDRE S. MAMIYA
Administrator

C: KDLO

KIMURA INTERNATIONAL

August 11, 2004

Mr. Thomas Oi
District Land Agent
Kauai, Land Division
Department of Land and Natural Resources
3060 Eiwa Street, Room 306
Lihue, HI 96766

Dear Mr. Oi,

Proposed Bike/Pedestrian Path, Lydgate Park to Kapa'a
Public Review of the Draft Environmental Assessment

Thank you for your comments dated June 17, 2004. We appreciate your assistance in clariyfing jurisdiction over land that will be affected by the bike/pedestrian path. However, after further examination, it appears that the project alignment will not enter unencumbered State of Hawaii lands along the coastline to the mean low waters.

Where set aside to the County of unencumbered State lands along the coastline to the mean low waters is an unresolved issue, the County requests that DLNR submit a proposal to the Department of Public Works so that it can be addressed separate from the Lydgate-Kapa'a path.

In the meantime, the County of Kaua'i will keep you informed as it finalizes the path alignment.

Mahalo for your interest in this project.

Sincerely,
KIMURA INTERNATIONAL, INC.

Glenn T. Kimura
President

Cc: Douglas Haigh, County of Kauai, Department of Public Works

1600 Kapiolani Blvd., Suite 1610
Honolulu, Hawaii 96814
Tel (808) 944-8068 • Fax (808) 941-0899

LINDA LINGLE
GOVERNOR OF HAWAII

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04 JUN 10 P3:35

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JUN 23 2004

PETER T. YOUNG
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DEPARTMENT OF LAND AND NATURAL RESOURCES
LAND DIVISION

POST OFFICE BOX 621
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June 9, 2004

LD/NAV
LYDGATEPARKBIKEPATHDEA.CHT

L-3125
Suspense Date: 6/18/04

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LAND DIVISION
2004 JUN 17 A 10 12
DEPT. OF LAND & NATURAL RESOURCES
STATE OF HAWAII

MEMORANDUM:

TO: Division of Aquatic Resources
XXX Division of Forestry & Wildlife (DD)
XXX Na Ala Hele Trails (RD)
XXX Engineering Division (DD)
XXX Division of State Parks (RD)
Division of Boating and Ocean Recreation
XXX Commission on Water Resource Management (DD)
XXX Office of Conservation and Coastal Lands (DD)
XXX Land-Kauai District Land Office (RD)
Land-Planning and Development

FROM: Dierdre S. Mamiya, Administrator
Land Division

SUBJECT: Draft Environmental Assessment (DEA) for the Proposed Lydgate Park-Kapaa Bike-Pedestrian Path Project, Island of Kauai, Hawaii

Please review the DEA pertaining to the subject matter and submit your comments (if any) to us on Division letterhead signed and dated by the suspense date.

Should you need more time to review the document, please contact Nicholas A. Vaccaro at ext.: 587--0384.

If this office does not receive your comments by the suspense date, we will assume there are no comments.

(✓) We have no comments. ( ) Comments attached.

Date: 6/16/04 Signed: Edwin T. Sakoda

DIVISION: CWRM Name: Edwin T. Sakoda

LINDA LINGLE
GOVERNOR OF HAWAII

RECEIVED
LAND DIVISION
JUN 15 P3:40
DEPT. OF LAND & NATURAL RESOURCES
STATE OF HAWAII

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JUN 23 2004

PETER T. YOUNG
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
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DAN DAVIDSON
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YVONNE Y. IZU
DEPUTY DIRECTOR - WATER

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STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
LAND DIVISION

POST OFFICE BOX 621
HONOLULU, HAWAII 96809

June 9, 2004

LD/NAV
LYDGATEPARKBIKEPATHDEA.CHT

L-3125
Suspense Date: 6/18/04

MEMORANDUM:

TO: Division of Aquatic Resources
XXX Division of Forestry & Wildlife (DD)
XXX Na Ala Hele Trails (RD)
XXX Engineering Division (DD)
XXX Division of State Parks (RD)
Division of Boating and Ocean Recreation
XXX Commission on Water Resource Management (DD)
XXX Office of Conservation and Coastal Lands (DD)
XXX Land-Kauai District Land Office (RD)
Land-Planning and Development

FROM: Dierdre S. Mamiya, Administrator
Land Division

SUBJECT: Draft Environmental Assessment (DEA) for the Proposed Lydgate Park-Kapaa Bike-Pedestrian Path Project, Island of Kauai, Hawaii

Please review the DEA pertaining to the subject matter and submit your comments (if any) to us on Division letterhead signed and dated by the suspense date.

Should you need more time to review the document, please contact Nicholas A. Vaccaro at ext.: 587--0384.

If this office does not receive your comments by the suspense date, we will assume there are no comments.

(X) We have no comments. ( ) Comments attached.

Date: JUN 14 2004 Signed:

DIVISION: Name: MICHAEL Q. BUCK, ADMINISTRATOR
DIVISION OF FORESTRY AND WILDLIFE

LINDA LINGLE
GOVERNOR OF HAWAII

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LAND DIVISION

2004 JUN 18 P 3:22

DEPT. OF LAND AND NATURAL RESOURCES
STATE OF HAWAII

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JUN 23 2004

PETER T. YOUNG
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
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LAND
STATE PARKS

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FROM: Dierdre S. Mamiya, Administrator
Land Division

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Should you need more time to review the document, please contact Nicholas A. Vaccaro at ext.: 587--0384.

If this office does not receive your comments by the suspense date, we will assume there are no comments.

( ) We have no comments. (X) Additional Comments attached.

Date: _____ Signed: _____

DIVISION: Engineering Name: ERIC T. HIRANO, CHIEF ENGINEER

DEPARTMENT OF LAND AND NATURAL RESOURCES
ENGINEERING DIVISION

LA/NAV

Ref.: LYDGATEPARKBIKEPATHDEA.CMT

COMMENTS

() We confirm that the project site, according to the Flood Insurance Rate Map (FIRM), is located in Flood Zone ___.

() Please take note that the project site, according to the Flood Insurance Rate Map (FIRM), is located in Zone X. The National Flood Insurance Program (NFIP) does not have any regulations for development within these areas.

() Please note that the correct Flood Zone Designation for the project site according to the Flood Insurance Rate Map (FIRM) is ___.

() Please note that the project must comply with the rules and regulations of the National Flood Insurance Program (NFIP) presented in Title 44 of the Code of Federal Regulations (44CFR), whenever development within a Special Flood Hazard Area is undertaken. If there are any questions, please contact the State NFIP Coordinator, Ms. Carol Tyau-Beam, of the Department of Land and Natural Resources, Engineering Division at (808) 587-0267.

Please be advised that 44CFR indicates the minimum standards set forth by the NFIP. Your Community's local flood ordinance may prove to be more restrictive and thus take precedence over the minimum NFIP standards. If there are questions regarding the local flood ordinances, please contact the applicable County NFIP Coordinators below:

() Mr. Robert Sumimoto at (808) 523-4254 or Mr. Mario Siu Li at (808) 523-4247 of the City and County of Honolulu, Department of Planning and Permitting.

() Mr. Kelly Gomes at (808) 961-8327 (Hilo) or Mr. Kiran Emler at (808) 327-3530 (Kona) of the County of Hawaii, Department of Public Works.

() Mr. Francis Cerizo at (808) 270-7771 of the County of Maui, Department of Planning.

() Mr. Mario Antonio at (808) 241-6620 of the County of Kauai, Department of Public Works.

() The applicant should include project water demands and infrastructure required to meet water demands. Please note that the implementation of any State-sponsored projects requiring water service from the Honolulu Board of Water Supply system must first obtain water allocation credits from the Engineering Division before it can receive a building permit and/or water meter.

() The applicant should provide the water demands and calculations to the Engineering Division so it can be included in the State Water Projects Plan Update.

(X) Additional Comments: Correct Flood Zones should be indicated for the preferred alternative sites in the Final Environmental Assessment document.

() Other: _____

Should you have any questions, please call Mr. Andrew Mooden of the Planning Branch at 587-0229.

Signed: Andrew M. Mooden
For ERIC T. HIRANO, CHIEF ENGINEER

Date: 6/17/04

KIMURA INTERNATIONAL

July 2, 2004

Ms. Dierdre S. Mamiya, Administrator
Land Division
Department of Land and Natural Resources
P.O. Box 621
Honolulu, HI 96809

Dear Ms. Mamiya,

Proposed Bike/Pedestrian Path, Lydgate Park to Kapaa
Public Review of the Draft Environmental Assessment

Thank you for your letter dated June 21, 2004. We want to acknowledge that the Commission on Water Resource Management and Division of Forestry and Wildlife have no comments at this time. As indicated by the Engineering Division, the Final Environmental Assessment will show the flood zones for the preferred alternative.

Mahalo for your interest in this project. If you have any questions or further comments, please contact Douglas Haigh, project manager, at (808) 241-6650.

Sincerely,
KIMURA INTERNATIONAL, INC.

Glenn T. Kimura
President

Cc: Douglas Haigh, County of Kauai, Department of Public Works

1600 Kapiolani Blvd., Suite 1610
Honolulu, Hawaii 96814
Tel (808) 944-8848 • Fax (808) 941-9991

LINDA LINGLE
GOVERNOR OF HAWAII

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2004 JUL -1 P 4:13
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STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
OFFICE OF CONSERVATION AND COASTAL LANDS
POST OFFICE BOX 621
HONOLULU, HAWAII 96809

PETER T. YOUNG
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BOARD OF LAND AND NATURAL RESOURCES
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KAHOOLAWE ISLAND RESERVE COMMISSION
LAND
STATE PARKS

Ref: OCCL.: DE

Correspondence:KA-05-181

RECEIVED
JUL 13 2004

MEMORANUM

JUL - 1 2004

TO: Dede Mamiya, Administrator Land Division

ATTN: Nicholas Vaccaro

FROM: Sam Lemmo, Administrator Office of Conservation and Coastal Lands

SUBJECT: Review and comments on Draft EA for Lydgate Park-Kapaa Bike Path Waialua-Kapaa, Kauai.

The Office of Conservation and Coastal Lands (OCCL) staff has reviewed the submitted documentation and researched aerial photos for this project. And offers the following comments:

1. The project involves a planned development of a multi-use bike path and other improvements along the shoreline from Lydgate Park to Waikaea Canal. The project corridor is roughly 2 miles long and involves constructing a path 10 to 12 feet wide.

2. As a new improvement, the proposed pathway should be located as far mauka as possible to avoid potential erosion hazards. The pathway and improvements should be located mauka of 40' shoreline setback wherever possible.

3. The project proposes to construct the pathway entirely within county owned lands. Has a shoreline delineation or certification survey been carried out along this corridor to assess the location of the state jurisdiction? This will be required for those areas of the pathway that are proposed to extend makai of existing shoreline structures (such as fronting the Mokihana of Kauai).

4. The OCCL recognizes the value of a common coastal thoughfare and supports the effort to offer alternative transportation corridors for this area. In this regard we support Alternative 1 (in general concept) as illustrated on Figure 8 with some adjustments.

5. The second alternative (post-supported elevated boardwalk, Figure11) for the boardwalk design is preferred by the OCCL for slope conditions. It is suggested this be constructed in a modular fashion so that threatened/eroded sections could be replaced or relocated in a relatively easy manner.

6. It would be helpful to demark the location of the proposed pathway on the attached ground photos to help visualize the proposed pathway.

7. Measures should be taken to locate the improvements as far mauka as possible of known high erosion hazard areas. Erosion data suggests portions of the proposed pathway are subject to severe erosion of up to 1.1 ft per year of erosion from 1950 to 1988. In areas experiencing erosion rates of this magnitude, a 20 ft setback from the shoreline may only provide a 20 year buffer from erosion. Larger setbacks will provide additional protection of the improvements and ensure a more reasonable expected lifetime from the financial investment.

8. Address the future position of the shoreline with regard to the setback of the pathway from the shoreline and the expected lifetime of the walkway. For example, much of the area shows a dynamic pattern of erosion over the 33 year period for the shoreline analysis study (1950 to 1988). In some cases, it is estimated that the rate of erosion can be as high as 1.1 ft/yr. Therefore the future position of the shoreline could be 22 ft more mauka within 20 years (or other estimated lifespan of the pathway).

9. When it is unfeasible to locate the improvements mauka of the 40' setback, the improvements should be constructed of a non-permanent material that is readily disassembled and relocated such as wood, recycled plastic, paving stones or other low-impact materials.
   a. The use of permanent slab on grade construction (MSE Figure 10) should not be used in areas that are prone to erosion and thus could be at risk of being undermined and failure.
   b. In those areas where the pathway falls within the 40' setback along a coastal bluff line there should be consideration of excavating and grading the bluff to relocate the pathway mauka of the setback and/or the use of the post-supported elevated boardwalk.

   c. It is preferable to use concrete or paving stones to asphalt (petroleum based) for the pathway to minimize non-point source pollution to the coastal system. Paving stones have the added benefit of being segmented and easily relocated if needed.

10. The methodology of 1991 erosion mapping study carried out by Makai Ocean Engineering, Inc and Sea Engineering, Inc utilizes the vegetation line as Shoreline Reference Feature (SRF). While the study is the only published data source on erosion in this area, it may be somewhat inaccurate. Because of the potential errors of this study, the results should be used as a rough guide but a more conservative approach to shoreline development should be applied to this area.
    a. The methodology employed is prone to error due to the use of the vegetation line as an indicator of the position of the shoreline. The toe or step crest is now commonly used rather than the vegetation line in erosion mapping studies. The vegetation line is quite easily manipulated and can be artificially induced seaward (especially in developed areas such as Kapaa Beach Park). Furthermore it has been shown that many common forms beach vegetation are very salt-tolerant and can withstand significant wave inundation, especially if fertilized and watered. This suggests the erosion rates may actually be significantly higher than represented by the 1991 study.
    b. The erosion study is somewhat dated now, utilizing photos up to 1988. This time period does not include Hurricane Iniki in 1991 or the more recent period of severe erosion experienced over the last 2 years.

11. The use of additional shoreline hardening structures such as seawalls and revetments should not be considered within state-lands for the proposed improvements.

12. Page 3-7 Wailua Beach Park describes the path following along Kuhio Hwy on the makai side of the existing low rock wall (with a new extension of the rock wall). Please describe the proposed extension and where it lies in relation to the shoreline.

13. The area from Waialua River to the Sea Shell restaurant is identified as being low elevation and subject to wave events. Describe how coastal hazards will be accounted for in this area? The OCCL recommends an elevated boardwalk for this section of pathway.

14. Page 3-12 and 4-19 describe a section of pathway fronting the Lanikai where the path would pass close to the vegetation line where there are signs of erosion. Please describe the location of the pathway in more

detail in relation to the vegetation line or eroding scarp and what measures will be taken to reduce or eliminate the erosion hazard potential. An elevated (Figure 11) boardwalk located as far mauka as possible is recommended for areas of high erosion potential.

15. Page 3-19 describes the pathway fronting the Mokihana of Kauai and the Bull Shed Restaurant. The overhanging design will need to be discussed further with OCCL staff. There are questions about whether the existing seawall and concrete footing material are permitted shoreline structures. The OCCL supports the suggestion of demolishing the addition at the Bull Shed restaurant (which may not be an authorized structure) and relocating the pathway in its place.

16. Page 4-40 addresses impacts and mitigation measures. Several sections of the pathway are proposed in areas of known erosion hazards. The OCCL concurs that it will be difficult to justify approval of shoreline hardening measures for the pathway if threatened. Address the response to the erosion in terms of mitigation response. It is important to address what the response to erosion will be if a portion of the pathway is threatened.

17. Several shore protection alternatives are mentioned on page 4-40, describe in more detail which of these might be employed for portions of the proposed pathway. As mentioned on Page 4-44 the VE FIRM zone in much of the project area is 8 to 15 feet. This should be used as a minimum height requirement for the pathway and the elevated boardwalk used to achieve these minimum heights.

Please feel free to contact Dolan Eversole, of the Office of Conservation and Coastal Lands at 587-0439 if you need more information.

Sincerely,

Sam Lemmo, Administrator
Office of Conservation and Coastal Lands

KIMURA INTERNATIONAL

September 2, 2004

Mr. Sam Lemmo, Administrator
Office of Conservation and Coastal Lands
Department of Land and Natural Resources
P.O. Box 621
Honolulu, HI 96809

Dear Mr. Lemmo,

Proposed Bike/Pedestrian Path, Lydgate Park to Kapa'a
Public Review of the Draft Environmental Assessment (EA)

Thank you for your comments on the Draft EA submitted by memorandum dated July 1, 2004. As planning consultant to the Kaua'i County Department of Public Works, we have been asked to respond to questions and, where appropriate, summarize and clarify the comments made.

1. Restatement of the proposed action.

2. The OCCL recommends that the project should be located as far mauka as possible, specifically mauka of the 40-foot shoreline setback wherever possible.

3. The project proposes to construct the pathway entirely within county owned lands. Has a shoreline delineation or certification survey been carried out along this corridor to assess the location of the state jurisdiction? This will be required for those areas of the pathway that are proposed to extend makai of existing shoreline structures (such as fronting the Mokihana of Kauai).

Response: The alternatives involve construction on public and private properties. The County will need to obtain easements or acquire land in places where the path goes through property it does not own already. A shoreline delineation or certification survey will be conducted after the preferred alignment has been selected.

4. The OCCL supports the general concept embodied in Alternative 1 (Figure 8, with adjustments) because it offers a common coastal thoroughfare and alternative transportation corridors in the area.

[illegible]
[illegible]
[illegible]

5. The post-supported, elevated boardwalk (Figure 11) is preferred by the OCCL for slope conditions. The boardwalk should be constructed in a modular fashion so threatened or eroded sections can be replaced or relocated relatively easily.

6. It would be helpful to demark the location of the proposed pathway on the attached ground photos to help visualize the proposed pathway.

Response. At this stage of the planning process, the project alternatives are conceptual in nature. It would be more appropriate to overlay the pathway on photographs when there is greater precision regarding path's location. If the shoreline path goes forward, the certified shoreline survey will provide important information.

7. Measures should be taken to locate the improvements as far mauka as possible of known high erosion hazard areas. Erosion data suggests portions of the proposed pathway are subject to severe erosion of up to 1.1 ft per year of erosion from 1950 to 1988. In areas experiencing erosion rates of this magnitude, a 20 ft setback from the shoreline may only provide a 20 year buffer from erosion. Larger setbacks will provide additional protection of the improvements and ensure a more reasonable expected lifetime from the financial investment.

8. Address the future position of the shoreline with regard to the setback of the pathway from the shoreline and the expected lifetime of the walkway. For example, much of the area shows a dynamic pattern of erosion over the 33 year period for the shoreline analysis study (1950 to 1988). In some cases, it is estimated that the rate of erosion can be as high as 1.1 ft per year. Therefore the future position of the shoreline could be 22 ft more mauka within 20 years (or other estimated lifespan of the pathway).

Response to Comments 7 and 8. The table below presents the erosion rates and 30-year projected shoreline positions calculated at transects along the proposed bike path, as reported in the Aerial Photographic Analysis of Coastal Erosion on the Islands of Kaua'i, Moloka'i, Lāna'i, Maui, and Hawai'i (1991). This atlas represents the only existing analysis of historical erosion along the proposed route. The 30-year projected shoreline position is calculated relative to the 1988 shoreline. The erosion rate between transects may vary. The study indicated a maximum erosion rate of 0.5 ft/yr and accretion rate of 2 ft/yr, yielding a projected 30-year shoreline position (relative to 1988) 15 feet landward, and 64 feet seaward, respectively. This information is useful to evaluate general shoreline change trends that may be occurring along the bike path route. However, the transects are spaced approximately 300 to 1300 feet apart, the location of the 1988 shoreline with respect to the present day shoreline is not known, and a detailed survey showing the present shoreline, vegetation line, and bike path route has not yet been conducted. Thus, a careful evaluation of the expected lifetime of the path is not yet

possible, and would require an updated aerial photographic erosion analysis and detailed survey of the bike path route and shoreline.

			30-Year Extension Relative to 1988	
			Accretion (ft)	
Erosion Atlas Transect No. (1991)	Description of Area	Accretion Rate (average) (ft/yr)	Year 2018 (ft)	Std. Dev. (ft)
21	Waikua Beach, approx. 1000 ft N Wailua River. Accreting; dynamic beach. Path just makai of stone wall.	0.79	24	7
22	Waikua Beach, approx. 300 ft S of Seashell Restaurant. Accreting; dynamic beach. Path along road.	1.05	32	5
23	Fronting Lanikai Condos. Stable; beach rock at water line. Between Kauai Sands Hotel and Aston Islander on the Beach.	-0.26	-8	8
24	Stable; intermittent erosion. Proposed path would replace existing private path. Between Kauai Coast Resort at Beachboy and vacant lot at Waipouli Beach.	-0.18	-6	6
25	Stable; intermittent erosion. Property line is 48 feet inland of 2004 vegetation line.	0.21	6	3
26	Fronting vacant lot at Waipouli Beach. Stable; intermittent erosion. Proposed path is landward of trees.	0.21	6	4
27	Fronting vacant lot north of Kauai Coconut Beach Resort. Stable.	0.05	2	4
28	Fronting vacant lot, approx 300 feet south of Mokihana. Eroding	-0.50	-15	4
29	Severe erosion; shore protection built.	--	--	--
30	Fronting vacant lot (Singleton development). Minor erosion	-0.24	-7	5
32	Across revetment at Moanakai Road. Severe erosion.	-0.32	-10	4
33	Approx 500 feet south of Waikaea Canal. Accreting.	1.05	32	9
34	Approx 150 feet south of Waikaea Canal. Accreting	2.08	64	2

9. When it is unfeasible to locate the improvements mauka of the 40' setback, the OCCL recommends that improvements be constructed of a non-permanent material that is readily disassembled and relocated such as wood, recycled plastic, paving stones or other low-impact materials.

a. The use of permanent slab on grade construction (MSE Figure 10) should not be used in areas that are prone to erosion and thus could be at risk of being undermined and failure.
b. In those areas where the pathway falls within the 40' setback along a coastal bluff line there should be consideration of excavating and grading the bluff to relocate the pathway mauka of the setback and/or the use of the post-supported elevated boardwalk.
c. It is preferable to use concrete or paving stones to asphalt (petroleum based) for the pathway to minimize non-point source pollution to the coastal system. Paving stones have the added benefit of being segmented and easily relocated if needed.

10. The methodology of 1991 erosion mapping study carried out by Makai Ocean Engineering, Inc and Sea Engineering, Inc utilizes the vegetation line as Shoreline Reference Feature (SRF). While the study is the only published data source on erosion in this area, it may be somewhat inaccurate. Because of the potential errors of this study, the results should be used as a rough guide but a more conservative approach to shoreline development should be applied to this area.

a. The methodology employed is prone to error due to the use of the vegetation line as an indicator of the position of the shoreline. The toe or step crest is now commonly used rather than the vegetation line in erosion mapping studies. The vegetation line is quite easily manipulated and can be artificially induced seaward (especially in developed areas such as Kapaa Beach Park). Furthermore it has been shown that many common forms [of] beach vegetation are very salt-tolerant and can withstand significant wave inundation, especially if fertilized and watered. This suggests the erosion rates may actually be significantly higher than represented by the 1991 study.

b. The erosion study is somewhat dated now, utilizing photos up to 1988. This time period does not include Hurricane Iniki in 1991 or the more recent period of severe erosion experienced over the last 2 years.

Response. Sea Engineering's coastal assessment was based on available existing information. The only existing erosion mapping study of the project area is the 1991 erosion atlas cited above. Sea Engineering recognizes that this study is dated; the most recent photograph used was from 1988. Ideally, an analysis of erosion using historical aerial photographs should evaluate both the vegetation line and beach toe. Each of these features has advantages and disadvantages as a shoreline reference feature. The beach toe is often not a linear feature, especially where the beach has developed cusp formations, and can be difficult to map. It can be masked during breaking wave conditions. It is intimately tied to the beach profile, which will vary with the water level and wave conditions, and may therefore migrate with the rising and falling tide and

change as the beach profile responds to constantly changing wave parameters, such as wave height and wave period. On most beaches the beach plan-form will also shift in order to be oriented orthogonal to the wave approach direction. This is often a seasonal effect, and the beach toe line will rotate accordingly. Advantages of using the beach toe are that it does show short-term and seasonal change when that may be important, and it enables quantification of beach width and, in effect, the amount of sediment on the beach.

The vegetation line is a more stable feature that changes under chronic and sustained erosion conditions, or during singular extreme events. It will tend not to show short-term or seasonal changes. It can also be difficult to map from aerial photographs, especially when obscured by shadows. In developed areas, the vegetation line can be artificially fixed or moved by landscaping. An eroded vegetation line, especially from extreme events, does not necessarily indicate loss of sand volume.

The beach toe was initially used as a shoreline reference feature in the 1991 study, in addition to the vegetation line. Its use, however, was discontinued during the project because of difficulties and errors involved in determining the toe position in many photographs.

If warranted, Sea Engineering can update the 1991 study to include beach toe information and more recent photographs.

11. The use of additional shoreline hardening structures such as seawalls and revetments should not be considered within State lands for the proposed improvements.

12. Page 3-7 Wailua Beach Park describes the path following along Kuhio Hwy on the makai side of the existing low rock wall (with a new extension of the rock wall). Please describe the proposed extension and where it lies in relation to the shoreline.

Response. Extension of the rock wall would essentially follow the same line as the existing rock wall, on the makai side of the highway shoulder. The rock wall is well above (mauka of) the vegetation line.

13. The area from Wailua River to the Sea Shell restaurant is identified as being low elevation and subject to wave events. Describe how coastal hazards will be accounted for in this area. The OCCL recommends an elevated boardwalk for this section of pathway.

14. Pages 3-12 and 4-19 describe a section of pathway fronting the Lanikai where the path would pass close to the vegetation line where there are signs of erosion. Please describe the location of the pathway in more detail in relation to the

vegetation line or eroding scarp and what measures will be taken to reduce or eliminate the erosion hazard potential. An elevated (Figure 11) boardwalk located as far mauka as possible is recommended for areas of high erosion potential.

16. Page 4-40 addresses impacts and mitigation measures. Several sections of the pathway are proposed in areas of known erosion hazards. The OCCL concurs that it will be difficult to justify approval of shoreline hardening measures for the pathway if threatened. Address the response to the erosion in terms of mitigation response. It is important to address what the response to erosion will be if a portion of the pathway is threatened.

17. Several shore protection alternatives are mentioned on page 4-40, describe in more detail which of these might be employed for portions of the proposed pathway. As mentioned on Page 4-44, the VE FIRM zone in much of the project area is 8 to 15 feet. This should be used as a minimum height requirement for the pathway and the elevated boardwalk used to achieve these minimum heights.

Response to Comments 13, 14, 16, and 17. These comment all address erosion hazard response and mitigation. Any construction within the coastal zone is susceptible to wave damage or damage from ongoing erosion. Along a typical coast, the vegetation line is a good indicator of the shoreward limit of prevailing events. Thus, anything shoreward of the vegetation line can be considered outside of the reach of the typical daily occurrences, and, in general, the further behind the vegetation line, the more secure from inundation one will be. Extreme events, however, like a hurricane or large wave events, such as the November 2003 storm, may produce inland inundation well beyond the vegetation line. The Sea Engineering report references model and worst-case hurricane inundations and elevations for locations along the project site. For example, numerical modeling of coastal inundation on Kaua'i, based on a direct hit by a hurricane similar to Hurricane Iniki, calculated flood elevations of 10 to 20 feet and inland flooding distances of 100 to 433 feet along the project coastline. While extreme events are statistically rare, it is important to realize that they can nevertheless occur at virtually any time. Erosion hazard response and mitigation are therefore important to consider in the design of a project in the coastal zone.

In general, structures should be sited landward of the shoreline setback zone, or when this is not feasible, then as far landward as possible. Structures being designed to withstand storm wave damage require detailed site specific analyses of storm wave forces, inundation levels, and frequency of occurrence. Alternatively, if community projects, such as pathways, are constrained to be located within the setback zone, they should be designed with the knowledge that they may experience erosion or wave damage. In this case, non-permanent, low-impact construction materials and methods that will not affect coastal processes or result in environmental impacts are advisable.

15. Page 3-19 describes the pathway fronting the Mokihana of Kauai and the Bull Shed Restaurant. The overhanging design will need to be discussed further with OCCL staff. There are questions about whether the existing seawall and concrete footing material are permitted shoreline structures. The OCCL supports the suggestion of demolishing the addition at the Bull Shed Restaurant (which may not be an authorized structure) and relocating the pathway in its place.

Response. The County is reevaluating this section of the shoreline alternative in light of the seawall's condition in front of the Mokihana and Bull Shed Restaurant.

Mahalo for your interest in this project.

Sincerely,
KIMURA INTERNATIONAL, INC.

Glenn T. Kimura
President

Cc: Douglas Haigh, County of Kaua'i, Department of Public Works

LINDA LINGLE
GOVERNOR OF HAWAII

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PETER T. YOUNG
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT

DAN DAVIDSON
DEPUTY DIRECTOR - LAND

YVONNE Y. IZU
DEPUTY DIRECTOR - WATER

AQUATIC RESOURCES
BOATING AND OCEAN RECREATION
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HISTORIC PRESERVATION
KAHOOLAWE ISLAND RESERVE COMMISSION
LAND
STATE PARKS

STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES

HISTORIC PRESERVATION DIVISION
KAKUHIHEWA BUILDING, ROOM 555
601 KAMOKILA BOULEVARD
KAPOLEI, HAWAII 96707

June 25, 2004

Mr. Glenn Kimura, President
Kimura International Inc.
1600 Kapiolani Blvd., Suite 1610
Honolulu, Hawaii 96814

LOG NO: 2004.1861
DOC NO: 0406NM13

Dear Mr. Kimura:

SUBJECT: National Historic Preservation Act, Section 106 Compliance - Historic Preservation Review – Draft Environmental Assessment (EA) for the Lydgate Park -Kapa'a Bike & Pedestrian Path
Lihue and Kapaa Districts, Kauai Island
TMK: (4) 3 & 4

Thank you for submitting this Draft EA which we received on June 6, 2004. We have also recently reviewed the archaeological assessment report for this project (Hammatt and Shideler, 2004, *Archaeological Assessment of Alternative Routes Proposed for the Lydgate to Kapa'a Bike and Pedestrian Pathway Project Within the ahupua'a of Wailua, South Olohena, North Olohena, Waipouli and Kapa'a, Island of Kauai*, CSH, ms.). Eighteen historic properties (*heiau*, cultural deposits, human burials, grinding stones, railroad berm, and WWII bunker) were identified as being within or very near to the proposed routes. The 18 historic properties include sites listed on or eligible for listing on the National Register of Historic Places. The draft EA incorporates a number of our earlier comments, but we would like to state our general concerns with the proposed undertaking as follows.

The coastal trail has the most potential to have an "adverse effect" on historic sites listed on or eligible for listing on the National Register of Historic Places. To the extent possible, we would recommend complete avoidance of these sites. It is also possible that, in some locations, an adverse effect may be mitigated through archaeological monitoring of ground-disturbing activities associated with the proposed path that may adversely affect cultural deposits and inadvertent burials, where subsurface construction would take place in sandy subsoils. In any case, we strongly recommend that the pathways need to be around *heiau* sites with substantial buffer zones established - ideally 200 feet on all sides of these sacred sites. In addition, as noted above, it is possible that human burials may be encountered during ground-disturbing activities. In this event, a burial treatment plan will need to be submitted to the Kauai/Niihau Island Burial Council for the treatment of burials to be preserved in place and to ensure proper treatment of any further burials inadvertently discovered during monitoring work.

In addition, the community has a working group under the County Council for this bikeway plan, and they want to see interpreted signage along the path. So a preservation/interpretive plan would appear to be needed, to include interpretative signage and buffers around historic sites that are being preserved. By working with the Community group, Kaua'i Historic Preservation Review Commission, our office, other consulting parties, and members of the public, a preservation and interpretative plan can be designed, approved and implemented.

Once a final alignment has been selected, a Memorandum of Agreement (MOA) will need to be worked out for these concerns. The MOA should include stipulations that address the foregoing concerns, including preservation and interpretation of known historic sites, an archaeological monitoring plan, and a preservation plan. Any mitigation plans developed should be submitted for review to the State Historic Preservation Division for this work.

Should you have any questions about archaeology, please call Nancy McMahon at 742-7033. If you have questions about burial matters, please call Kana'i Kapeliela at 692-8037.

Sincerely,

Peter T. Young, State Historic Preservation Officer
State Historic Preservation Division

NM: sky

C: Ian Costa, Planning Department, County of Kaua'i
Doug Haigh, Public Works, County of Kaua'i
Chair, Kaua'i/Ni'ihau Islands Burial Council
Chair, Kaua'i Historic Preservation Review Commission
Kana'i Kapeliela, Burial Sites Program
Glenn Kimura, Kimura International
Pat Phung, Federal Highways Administration
Dan Quinn, Administrator, State Parks [ATTN: Martha Yent]

KIMURA INTERNATIONAL

September 2, 2004

Mr. Peter T. Young
State Historic Preservation Officer
Department of Land and Natural Resources
601 Kamokila Boulevard, Room 555
Kapolei, HI 96707

Dear Mr. Young,

Proposed Bike/Pedestrian Path, Lydgate Park to Kapa'a
Public Review of the Draft Environmental Assessment

Thank you for your comments on the proposed bike/pedestrian path sent to us by letter dated June 25, 2004. As the County of Kaua'i evaluates the alternatives for a path alignment, any guidance you can provide in addressing important cultural resources is appreciated.

Kukui Heiau is not the only cultural resource identified in the project corridor; however, the County recognizes that it is a pre-eminent historic and cultural site, and the focus of public attention and concern. The County's desire to maintain the proper dignity of this site is complicated, under current conditions, by the absence of lateral public access along the shoreline in this area. Members of the general public who wish to travel along the popular beach have to go through the heiau or private property owned by the Lae Nani Condominiums. Most people choose the former.

Routing and Buffer

We want to be very clear that the bike and pedestrian path proposal goes around the heiau on the mauka side. There has never been any consideration of running a path through the heiau. However, even if a path is routed outside the heiau, there is limited space between the heiau and the condominium's pool area. Whether there is enough space to meet the minimum needs of SHPD and other cultural stakeholders, the condominium owners, and the project will determine whether this alternative is viable.

1600 Kapiolani Blvd., Suite 1610
Honolulu, Hawaii 96814
Tel (808) 944-8845 • Fax (808) 941-9999

The comments in your June 25 letter, together with other written correspondence from your office, indicate that a mutually agreeable compromise is possible. On the issue of routing the path and providing a buffer, the letters have stated:

- From letter to Glenn Kimura dated May 4, 2004 responding to a request for pre-assessment comments:

  As currently shown, the path either goes through or very close by the heiau. The path would need to be routed away from the heiau, and realistically, the only safe route is behind the heiau.

  Although we would prefer at least a 200-foot buffer around such a sacred site, we acknowledge that this is difficult to do at Kukui Heiau since the privately owned Lae Nani Condominium pool itself is fairly close to the site. So, in this case, routing people off and away from the site is a better plan than current conditions at the site.

- From letter to David Shideler, Cultural Surveys Hawai'i, dated June 21, 2004 providing review comments on an archaeological assessment for the project

  In any case, we strongly recommend that the pathways need to be around heiau sites with substantial buffer zones established – ideally 200 feet on all sides of these sacred sites.

- From letter to Glenn Kimura, dated June 25, 2004, providing comments on the DEA

  In any case, we strongly recommend that the pathways need to be around heiau sites with substantial buffer zones established – ideally 200 feet on all sides of these sacred sites.

- From letter to Pat Phung, Federal Highway Administration, responding to a preliminary scoping letter under the Section 106 consultation process

  The path would need to be routed off the heiau, with sizeable buffer zones established as well. Increased vegetation or landscape barriers and the installation of appropriate signage might also help mitigate the adverse effect that bicycle and pedestrian traffic would have on these sensitive sites.

Other Mitigations

We have also taken note of your recommendations for other mitigations, including interpretive signage along the path, a burial treatment plan, and archaeological monitoring of construction in sandy subsoils.

These issues will be addressed through the Memorandum of Agreement under the National Historic Preservation Act and that will include stipulation of measures to avoid, minimize, or mitigate adverse effects.

Mahalo for your interest in this project.

Sincerely,
KIMURA INTERNATIONAL, INC.

Glenn T. Kimura
President

Cc:
Douglas Haigh, County of Kaua'i, Department of Public Works
Nancy McMahon, SHPD-Kaua'i

From: Paul.Santo@hawaii.gov
Sent: Monday, August 16, 2004 12:28 PM
To: Nancy Nishikawa
Cc: Steven.Kyono@hawaii.gov; Christine.Yamasaki@hawaii.gov; Julius.Fronda@hawaii.gov; Gary.Choy@hawaii.gov; dhaigh@kauaigov.com; calvinm@ksfinc.us; Holly.Yamauchi@hawaii.gov; Glenn.Yasui@hawaii.gov
Subject: Lydgate-Kapaa Bike/Pedestrain Path - Draft EA, Project No. STP-0700(49)

Nancy,

We would like to clarify our previous comment regarding the existing Wailua River Plantation Bridge in a transmittal memo dated July 6, 2004 and provide additional comments for your consideration in the Draft EA.

Due to lack of information regarding the load carrying capacity of the existing Wailua River Plantation Bridge, little or no vertical loads from the proposed bike/pedestrian structure should be imposed on the existing bridge. Depending on the proposed structure, lateral loads could be resisted by the existing bridge. However, any loads imposed on the existing bridge should be analyzed and justified by the design structural engineer subject to review by the State DOT.

An additional item to consider is that the State DOT does have plans to widen the existing Wailua River Bridge and/or the Wailua River Plantation Bridge. If a bike/pedestrian structure is constructed adjacent to the Plantation Bridge, it will likely impact any future widening. Actual widening requirements should be coordinated with the State DOT so that funds could be used most efficiently and for the benefit of all concerned. Ideally, widening of the existing bridge for vehicular and bike/pedestrian use should be done at the same time.

If there are any questions, please contact me.

Paul Santo, P.E.
Bridge Design Engineer
Hawaii DOT
601 Kamokila Blvd., room 611
Kapolei, HI 96707
Phone: (808) 692-7611
Fax: (808) 692-7617
E-mail: Paul.Santo@hawaii.gov

KIMURA INTERNATIONAL

September 8, 2004

Mr. Paul Santo, P.E.
Bridge Design
Hawaii Department of Transportation
601 Kamokila Boulevard, Room 611
Kapolei, HI 96707

Dear Mr. Santo,

Proposed Bike/Pedestrian Path, Lydgate Park to Kapa'a
Public Review of the Draft Environmental Assessment

Thank you for your comments submitted by e-mail dated August 16, 2004. On behalf of the Kaua'i County Department of Public Works, we acknowledge the prohibition of additional vertical loads on the existing Wailua River Plantation Bridge. We also note that any additional lateral load on the existing bridge must be analyzed carefully and is subject to review by the State Department of Transportation.

In light of the State's plans to widen the existing Wailua River Bridge and/or the Wailua River Plantation Bridge, the County recognizes the need for close coordination. The County's bike/pedestrian path planners and engineers will work with your office and the Kaua'i District Engineer so that bridge modifications can realize design and fiscal efficiencies and minimize inconveniences to the traveling public.

Mahalo for your interest in this project.

Sincerely,
KIMURA INTERNATIONAL, INC.

Glenn T. Kimura
President

Cc: Douglas Haigh, County of Kaua'i, Department of Public Works

1600 Kapiolani Blvd., Suite 1610
Honolulu, Hawaii 96814
Tel (808) 944-5948 • Fax (808) 941-8921

LINDA LINGLE
GOVERNOR

RECEIVED
JUN 14 2004

RODNEY K. HARAGA
DIRECTOR

Deputy Directors
BRUCE Y. MATSUI
LINDEN R. JOESTING
BRIAN H. SEKIGUCHI

STATE OF HAWAII
DEPARTMENT OF TRANSPORTATION
HIGHWAYS DIVISION
KAUAI DISTRICT
3060 EIWA STREET, ROOM 205
LIHUE, HAWAII 96766

IN REPLY REFER TO
HWY-K 4.040598

June 10, 2004

Ms. Ladye Martin
Deputy County Engineer
County of Kauai
Department of Public Works
4444 Rice Street, Suite 175
Lihue, Kauai, HI 96766

Attn: Mr. Doug Haigh

Dear Ms. Martin:

Subject: Lydgate Park-Kapaa Bike/Pedestrian Path
Lihue and Kawaihau Districts, Kauai
TMK:(4) 3-9-6; 4-1-3 to 8, 12, 13, 16;
4-3-1 to 9; 4-5-1 to 8, 10 to 13; 4-6-14, 15 (various parcels)

This office has completed review of the DRAFT Environmental Assessment (DEA) for the subject project and our comments are noted below.

A. We have no comments on the DEA.

B. During the DESIGN & CONSTRUCTION Phase, the following comments are applicable:

1. The proposed bike/pedestrian path(s) shall not interfere with existing State highway facilities.

2. Preliminary construction plans shall be submitted for review/approval for all bike/pedestrian path alignments encroaching within the State highway right of way.

3. Bike/Pedestrian paths located in the State Highway right of way shall not interfere with existing roadway drainage patterns.

HWY-K 4.040598

4. All existing traffic signs shall be shown on the proposed bike/pedestrian path plans. If relocation of the signs are necessary, plans shall indicate new sign locations.

5. For work within the State highway right of way, Traffic Control Plans (TCP) shall be included as part of the construction plans.

6. This office reserves the right to add, or impose, additional conditions as necessary to mitigate adverse impacts to State highway facilities.

Thank you for giving us the opportunity to review/comment on the Bike/Pedestrian Path project. If you have any questions, please call Steve Morikawa at 274-3118.

Sincerely,

STEVEN M. KYONO, P.E.
District Engineer

SM:ln

cc: STP

Office of Environmental Quality
235 South Beretania St., Suite 702
Honolulu, Hawaii 96813

Kimura International
1600 Kapiolani Blvd., Suite 1610
Honolulu, Hawaii 96814

KIMURA INTERNATIONAL

August 11, 2004

Mr. Steven M. Kyono
District Engineer
Highways Division-Kauai District
State Department of Transportation
3060 Eiwa Street, Room 205
Lihue, HI 96766

Dear Mr. Kyono,

Proposed Bike/Pedestrian Path, Lydgate Park to Kapaa
Review of the Draft Environmental Assessment

Thank you for your letter dated June 10, 2004. We want to acknowledge that you have no comments on the DEA; however, six points were made relative to the design and construction phase of the project. Those points will be included in the Basis of Design that sets the groundwork for design-build proposals.

Mahalo for your interest in this project. If you have any questions or further comments, please contact Douglas Haigh, project manager, at 241-6650.

Sincerely,
KIMURA INTERNATIONAL, INC.

Glenn T. Kimura
President

Cc: Douglas Haigh, County of Kauai, Department of Public Works

1600 Kapiolani Blvd., Suite 1610
Honolulu, Hawaii 96814
Tel (808) 941-8848 • Fax (808) 941-8899

LINDA LINGLE
GOVERNOR OF HAWAII

STATE OF HAWAII
OFFICE OF ENVIRONMENTAL QUALITY CONTROL
235 SOUTH BERETANIA STREET
SUITE 702
HONOLULU, HAWAII 96813
TELEPHONE (808) 586-4185
FACSIMILE (808) 586-4186
E-mail: [illegible]

GENEVIEVE SALMONSON
DIRECTOR

July 7, 2004

Ladye Martin
Department of Public Works
4444 Rice Street
Lihue, Hawaii 96766

Dear Ms. Martin:

Subject: Draft Environmental Assessment (EA)
Lydgate Park - Kapaa Bike-Pedestrian Path

We have the following comments to offer:

Paving: Hawaii Revised Statutes 103D-407 requires the use of recycled glass in paving materials whenever possible. For the text of this section of HRS contact our office for a paper copy or go to our website at http://www.state.hi.us/health/oeqc/index.html.

If you have any questions call Nancy Heinrich at 586-4185.

Sincerely,

Genevieve Salmonson

GENEVIEVE SALMONSON
Director

c: Glenn Kimura

KIMURA INTERNATIONAL

August 11, 2004

Ms. Genevieve Salmonson, Director
Office of Environmental Quality Control
235 South Beretania Street, Suite 702
Honolulu, HI 96813

Dear Ms. Salmonson,

Proposed Bike/Pedestrian Path, Lydgate Park to Kapa'a
Public Review of the Draft Environmental Assessment

Thank you for your comments on the proposed bike/pedestrian path, sent by letter dated July 7, 2004.

We appreciate your reminder regarding the use of recycled glass in paving materials. Following the environmental review process, we will be preparing a Basis of Design with preliminary specifications for the proposed pathway. This document will include a statement on the required use of recycled glass paving products.

Mahalo for your interest in this project.

Sincerely,
KIMURA INTERNATIONAL, INC.

Glenn T. Kimura
President

Cc: Douglas Haigh, County of Kauai, Department of Public Works

[illegible]
Honolulu, Hawaii 96814
Tel [illegible] • Fax [illegible]

MEMORANDUM

TO: DOUG HAIGH, BUILDING DIVISION SUPERINTENDENT

FROM: LADYE H. MARTIN

VIA: CESAR C. PORTUGAL, P.E.

SUBJECT: LYDGATE PARK – KAPA'A BIKE/PEDESTRIAN PATH CMAQ-0700 (49)

DATE: JULY 09, 2004

We reviewed the subject draft environmental assessment. We offer the following comments:

A. FLOOD:

1. The proposed bike path alignment along the shoreline is susceptible to flooding from the Pacific Ocean and its development and construction are subject to the County's flood plain management ordinance no. 630.

2. Specifically, fills are prohibited in the VE or coastal high hazard flood zone.

3. A No-Rise Determination is required for any encroachments in the floodway limits identified on the Federal Insurance Rate Maps (FIRM).

4. The lowest framing member of the cantilevered bike/ped. bridge off the existing cane haul road needs to be elevated at or above the determined base food elevation. Based on Panel No. 140 D of the FIRM dated September 30, 1995 the flood zoning is a zone VE with a corresponding base flood elevation of 12 feet Mean Sea Level (MSL)

B. TRAFFIC:

1. The establishment of a one way traffic flow on Papaloa Road and Moana Kai Road requires a traffic resolution. The traffic resolution will need to be approved by the County Council.

2. The midblock crossing at Hakeilio Road also requires a traffic resolution. The midblock crossing should be located where there is adequate stopping sight distance and signed appropriately in accordance with the Manual on Uniform Control Devices (MUTCD). The area should be illuminated at the midblock crossing.

Thank you for this opportunity to provide our comments. We wish to remain on your distribution list on the filing of the draft EA. Should you have any questions, please feel free to contact Wallace Kudo of my staff at 241-6622 or Cesar Portugal at 241-6498.

Very truly yours,

for Cesar C. Portugal, P.E.
Chief, Engineering Division

CONCUR:

LADYE H. MARTIN, ESQ.
Deputy County Engineer

WK

cc: Design and Permitting Section

KIMURA INTERNATIONAL

August 11, 2004

Mr. Cesar C. Portugal, P.E.
Engineering Division
Kaua'i Department of Public Works
4444 Rice Street, Suite 175
Lihue, HI 96766

Dear Mr. Portugal,

Proposed Bike/Pedestrian Path, Lydgate Park to Kapa'a
Public Review of the Draft Environmental Assessment

Thank you for your comments submitted by memorandum dated July 9, 2004. In response to your comments on flooding, the bike and pedestrian path will be designed and built to comply with all applicable ordinances, regulations, and professional engineering standards related to construction in floodways and tsunami hazard zones. For roadway changes, council approval will be sought for the required traffic resolutions.

Project planners and engineers will continue to consult with your office as the pathway progresses to the more detailed design phase.

Mahalo for your interest in this project.

Sincerely,
KIMURA INTERNATIONAL, INC.

Glenn T. Kimura
President

Cc: Douglas Haigh, County of Kauai, Department of Public Works

[illegible]
[illegible]
[illegible]

Bryan J. Baptiste
Mayor

Dennis Furushima
Fire Chief

COUNTY OF KAUAI
Fire Department
Mo'ikeha Building
4444 Rice Street, Suite 295
Lihu'e, Kaua'i, Hawai'i 96766

July 2, 2004

Douglas Haigh
County of Kauai
Department of Public Works
4444 Rice Street, Suite 175
Lihue, HI 96766

Dear Mr. Haigh,

This is in response to Kimura International's Draft Environmental Assessment (DEA) regarding the Lydgate Park- Kapaa Bike /Pedestrian Path which you submitted to the Kauai Fire Department. The Bike Path that is proposed does present some concerns for the Fire Department.

Most of the coastline accesses parallel to the bike path are beaches that are unprotected/unguarded.. The development of the bike path will increase the number of residents and visitors that frequent these areas. The increased use of these areas will also increase the amount of incidents.

The ability of the Fire Department to effectively respond to these incidents will be determined by the amount of access points made available and the width of the path. Narrowing of the path or sharp bends in the path will present challenges while responding to incidents. Any of these conditions will delay or restrict the rescue/response efforts.

It is important that the Fire Department be consulted during the design stage of the project so that these issues may be addressed.

Sincerely,

Russell Yee
Prevention Captain

Approved:

Dennis Furushima
Fire Chief

An Equal Opportunity Employer

KIMURA INTERNATIONAL

August 11, 2004

Russell Yee, Prevention Captain
County of Kauai Fire Department
4444 Rice Street, Suite 295
Lihue, HI 96766

Dear Captain Yee,

Proposed Bike/Pedestrian Path, Lydgate Park to Kapa'a
Public Review of the Draft Environmental Assessment (EA)

Thank you for your comments on the Draft EA submitted by letter dated July 2, 2004.

Safety has been a paramount concern in planning the bicycle and pedestrian path. Because the facility is located in an urbanized area or accessible from abutting development, we believe there will be adequate provision for emergency response throughout the project area. The Fire Department will be consulted for further input during the design-build stage of the project to ensure that the specific needs of your equipment and personnel are accommodated.

Mahalo for your interest in this project.

Sincerely,
KIMURA INTERNATIONAL, INC.

Glenn T. Kimura
President

Cc: Douglas Haigh, County of Kauai, Department of Public Works

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Kimura International, Inc.
1600 Kapi'olani Blvd., Suite 1610
Honolulu, HI 96814-3806

LYDGATE PARK - KAPA'A BIKE/PEDESTRIAN PATH
DRAFT ENVIRONMENTAL ASSESSMENT

The following provides comments of the Draft Environmental Assessment from:
James Alalem — Kahu of Wailuanuiabo'ano, including all heiau within the Wailua complex, including Ala Kukui heiau

The following is in a draft form at this time due to time constraints, and is also not Organized in any particular form and therefore will touch upon various aspects of the EA report in somewhat random order.

➢ The coastal areas of Wailua should not be the site of any construction, in particular on the sands of Wailua between the river to the present Sea Shell location, and to Kukui Heiau. The sands and coastal area of Wailuanuiabo'ano, from the Hikinaakala area to the Ala Kukui area encompasses an area that is unmatched in all of Hawaii for its sacredness, and spiritual and cultural significance to the Native Hawaiians of yesterday and today. The recognition and respect for this area should not be diminished by other nonnative ad nonlocal people, but it is apparent that this is lacking. A boarwalk system on the sands of Wailua bay would adversely impact and disrespect the iwi kupuna and these sacred ancestral grouds, not only through the construction processes, but also through the recreational usus on the path on this area.

➢ Mayor Baptiste and those advocating the Kauai island bike path argue that there is a need to provide for "lateral beach access", so that this is maintained in perpetuity. They seem to have forgotten that the County of Kauai and the State of Hawaii have the responsibility of ensuring that traditional access routes are maintained under their jurisdiction for the purposes of ensuring that public access is maintained for generations now and in the future. This so-called "lateral access" concept guises the real issues and problems, and that is the lack of responsibility of the County, including the Administration, the County Council and the Planning Dept., in particular in allowing the sale and/or approval of permits of properties without ensuring that access routes that have been traditionally used by Native Hawaiians and local people for generations, are stable and maintained.

➢ The so-called "lateral access" of the Wailua-Waika'ea "segment" involves areas that we have lateral access to if desired, and have held for thousands of years. The development of a concrete path and boardwalk path on the shoreline, from a local perspective, limits access and interferes with the sociocultural patterns of the use of coastal areas. Lateral access provides a 'boundary' in which local people who are using the area as we have for generations, need to cross in order to reach the sands. In many cases, the local access is further obliviated, destroyed or adversely impacted through a seemingly "low-impact" project. However, within this project, for example, what will

happen to those who want to reach the Wailua beach, and who normally park their cars on the north side of Wailua bridge or who park their cars near the old Sea Shell, with families and fishing gear? This was not addressed, and it seems as though again overlooked. Look at what happened at Kamalani bridge - did this feel-good project by some community members not negatively impact the local fishing traditions there.

➢ Again, the Kimura EA report states that
"the proposed action will enable residents and visitors to access some of these places under conditions that are better controlled than they are at present. Beach access is a traditional part of the island lifestyle, supported by numerous laws, government regulations and court actions. Despite efforts to preserve mauka-makai and lateral accesses, as land is developed, it is sometimes difficult for members of the public to determine where the public lands are or where they can go without trespassing on private property. The path would indicate a clear travel way." (p. 2-4)

➢ WE DO NOT BELIEVE THAT EFFORTS TO PRESERVE MAUKA-MA KAI AND LATERAL ACCESSES HAVE BEEN DONE IN LEGAL, MORAL, ETHICAL MANNERS WHICH SHOULD BE THE CASE. WE DO NOT BELIEVE THAT THE PROPOSED ACTION WILL RESULT IN ACCESS UNDER CONDITIONS THAT MAY BE BETTER CONTROLLED. Your argument above is weak - and points to the fact that the County, and through its consultant group, Kimura International, Inc. attempts to displace where the responsibility lies to ensure mauka-makai accesses remain under the County of Kauai for the people of Kauai.

➢ From local perspectives, there have been almost no effort to preserve mauka-makai and lateral access in the natural states that we have enjoyed. We have the responsibility to protect the shoreline and sacred areas, under established Hawaii State laws, as well as Hawaiian spiritual laws which are unwritten codes of conduct we owe to our island, its ancestors, and the for generations to come.

➢ When Mayor Baptiste, at the 7/1/04 meeting stated that lateral access is needed to protect access for generations to come, it is our perspective that he needs to step up to the task of not allowing mauka-makai accesses fall into the hands of mainland developers, private landowners and other outsiders. Mayor Baptiste and the Kauai County Council owe it to the people of Kauai and their own families to know that the most precious gift that they could bestow on future generations is to leave the land, in this case, the coastal Wailua beach / sands area ma kai of Kuhio Hwy. (across Coco Palms) to Kukui heiau, as it is into perpetuity.

➢ He Nani 'O Puna Mai 'O a 'O

➢ This 'olelo no'eau refers to the immense beauty that is and makes up the Wailua area. The beauty of Kauai is reknown, the people of this island love and appreciate this beauty. Our ancestors appreciated this beauty, and so do those who come here to "discover" this, what we have known for countless generations. Yet, this process of constructing a coastal bikepath will certainly have a negative effect and forever change the character and natural beauty of the land.

➢ It is clear that the main purposes of the bike path are to enhance the visitor experience and to support economic development along the Wailua to Kapa'a coastline, as stated on page 2-4 regarding "support for the regions economic base". The report refers to how places with popular bike-paths and rail-to-trails have "found that their facility has contributed to entrepreneurial growth, as small businesses step in to offer fike rental and repair, refreshment sales, and related goods and services".

➢ The intentions of those supporting not only the Wailua segment, but the Kapa'a segment clearly are economic. The Kapa'a Business Association was largely consulted in the SSFA EA for the Kapa'a segment, and this is believed true concerning the present Kimura International - Wailua segment. An informed EA study should responsibly report more details of the involvement of such groups, their input to the EA (beside comments which can be found in the report). If they are a part of our community, and consulted with for the purpose of development of our precious coastline community, they should also be held accountable to the people of Kauai. It is clear that these people do not represent the social and cultural interest of our communities. These projects are here for two main purposes that are advocated, identified and developed for the bottom line economic development it will produce for them. The purpose of the path, again, is to generate business in the Kawaiahau district, mainly by bringing more venues to the visitor experience.

➢ To this end, the report states that "a path through and around the resort area is expected to spur greater mobility and circulation throughout. Visitors will find it easier and likely more pleasant to stroll between their lodgings and shops and restaurants. Given the regional scope of the proposed path system and its scenic qualities, it could emerge as one of the island's leading visitor attractions. The bike/pedestrian path would add a new activity for visitors to experience, perhaps warranting an extension of their stay. Moreover, the path is consistent with the type of activities favored by the ecotourism market, and could help the local industry tap into this market."

➢ At the 7/1/04 meeting, Mayor Baptiste stated that the path would not be used to generate more economic development on the path --- this is not an assurance that is expected to remain true in years to come. We do not want another Waikiki or Lahaina here at Wailua.

➢ Why does the County of Kauai need to prioritize the addition of a "new visitor activity"? Isn't there enough? Isn't it enough that they are allowed to "ZIP" through our mountains, live on our shorelines, tour our majestic mountains in helicopters to the detrimental impact it has on locals and Native Hawaiians; isn't what they have enough??? When will it be enough? What the County of Kauai has done over the past 20 years, to the present has created an unhealthy social impact on the cultures here, they have created socio-psychological stresses to the local / and Native Hawaiian community and they have taken OUR ACCESSES AND GIVEN THEM TO THE VISITOR - and now, they want to also take the shoreline from Mana to Ha'ena.

➢ The people of Kauai should have the opportunity to have a say - whether by poll or other means, as to whether this Kauai Bike Path system is something that is desired. Its pretty clear that the Lydgate project is largely unused, and when used, it is by visitors, and mainly nonlocal people/residents. Since there has been so much money put into this and the previous EA, not to mention the salary of County officials working on this project, why isn't a clear study of the need of this bikepath conducted? Why was the entire project segments not formally approved prior to beginning any one section?

➢ The local people here are expected to give up our traditional access routes and uses of beach areas for the purposes of enhancing the visitor experience. As once stated to myself, James Alalem by Kauai archaeologist Nancy McMahon of the DLNR, 'visitors have more rights than local people' (personal communication, 2002). This present project is just one example of how our lifestyle and cultre is continually threatened and adversely impacted for the visitor experience. The social engineering that is being attempted will likely result in further denegration of not only the visitor experience, but of the local and Native Hawaiian experience and attitudes towards visitors. Please be aware that by limiting and denigrating what is valuable to locals and Native Hawaiians, you are lowering the tolerance that we have towards further development, towards tourists and County Government. The EA makes NO MENTION on the impact expected on the local and Native Hawaiian people who make up the community. Why were more people not consulted? Why does government not consider the social impact that such development is likely to have on its people? By enabling more open space to be committed towards the visitor experience, there is a direct impact on the sociocultural landscape and space that had already been in place.

➢ The lack of a thorough cultural and archaeological study of the Wailua area is disappointing and degrades the sacredness of the area, and disrespects the local and Native Hawaiian cultural traditions which will be further eroded by allowing any further changes to the natural, traditional coastal landscape. Wailuamiaho'ano is likely THE most important, cultural, historical and spiritual complexes in the State of Hawaii. The Environmental assessment conducted was sparce and unacceptable. There was no mention at all of the impact of recycled plastic ware projected for a boardwalk on the sands of Wailua Bay. A study currently underway by Cultural Surveys Hawaii for related portions of Wailua should definitely be included prior to the final EA, in particular, regarding burials that were/are found on the Alternative #1 Plan to build a boardwalk on Wailua Beach/Bay sands.

➢ Should a bike path be approved, the only viable option from our perspective is Alternative #3, which runs on Kuamo'o road and on the mauka side of Coco Palms. This will avoid the irrevocable commitment of a natural resource, the coastline, and avoid archaeological sites on the sands of Wailua beach/bay. A boardwalk is a culturally insensitive construction on these sacred sands. Our children deserve to experience this pristine area as is for generations to come. Access to Lydgate can still be done through the Kuamo'o route for which there is more room and over the bridge to Leho drive.

➢ We agree with portions of a document addressed as:

COMMENTS BY:
LAE NANI, LANIKAI, KAPA'A SANDS AND HALE AWAPUHI RESORTS
PAPALOA ROAD, KAPA'A, KAUA'I, HAWAII

In particular, we agree that "The shoreline path requires a finding that there may be a significant effect on the environment...constructed as a concrete path or boardwalk; the shoreline path does not satisfy the State's expressed goal of preserving valuable coastal ecosystems and exercising overall conservation by practicing stewardship in the protection, use, and development of marine and coastal resources...the shoreline path does not conform to CZM program goals to preserve, protect, and where possible, to restore the natural resources of the coastal zone of Hawai'i...local law provides that no development, grading or alteration of any portion of the Shore District be permitted unless in conformitiy with the requirements of the law..."

The condominium residents are particularly concerned with the Shoreline path fronting these properties. We are also concerned that the Alternative #1 along the coastal area, including KUKUI heiau is unacceptable. Damage to archaeological sites, including the grinding stones identified as Site#890 (p. 4-72), would be eminent through construction here. The area surrounding KUKUI heiau should not be used for the bike path, and not compromised. However, a permanent right of way outside of the heiau should be provided by the county and the owners of Lae Nani, so that KUKUI heiau itself does not serve as a pathway from the Kapa'a Sands to the beach fronting Lae Nani and other condos.

A Kukui Heiau buffer zone needs to be respected and maintained. That is, Alternative #1 is not appropriate or acceptable as it encroaches within close proximity and within the so-called 200 foot buffer zone that should be established. The consultants and others have talked about the potential of this project for resolving the right-of-way problems of people using the heiau as a path to avoid walking near the Lae Nani property, and perhaps are seeking a "win-win" resolution. From our perspective, it is not their kuleana to resolve this issue. Ala Kukui heiau should not be used as it presently is as a pathway, and any access should remain in its present state. An agreement between parties should maintain access which goes around the heiau. However, a bike path through the area will further damage the cultural integrity of the site, impact the traditional cultural practitioners, and the spiritual essence of the area. We agree with the need for a cultural impact statement for the Kukui heiau area. We agree that an archaeological inventory survey be conducted for the three alternative routes. Both of these were conducted by SSFM for the Kapa'a segment.

The Kimura EA cites "kama'aina" who have been consulted in compiling the "cultural impact assessment" (pp. 4-81 to 4-83). The number of people consulted, along with their backgrounds or relation to the area under consideration, namely Wailua, should be a part of any credible EA. The Draft EA as is, is not credible, and is another "slap-in-the-face"

to the local and Native Hawaiian communities, the ancestral kupuna and ali'i of this most important sociohistorical and cultural area.

When will your report also include information shared between the Department of Transportation and the present bike-path studies? Why does the cart come before the horse on Kaua'i?

In closing, the Draft EA appears as a very shallow document concerning the Cultural, Archaeological and Social Impacts on the people of Wailua and Kawaihau. The coastal areas of Wailua should not be used for a 10-12 foot concrete or boardwalk bikepath. Using the mauka, alternative #3 would allow more space, while allowing those to take in the beauty of the mauka areas, while respecting the sands of the most sacred grounds in the State of Hawaii, namely Wailuanuiaho'ano, the sands of Wailua should not be constructed for economic and visitor enhancement. They come here to experience our island for its natural beauty. We would like to see our coastline in its present state for our descendents for generations to come, not as a recreational facility for outsiders/visitors.

KIMURA INTERNATIONAL

September 2, 2004

Mr. James Alalem
General Delivery
Kealia, HI 96751

Dear Mr. Alalem,

Proposed Bike/Pedestrian Path, Lydgate Park to Kapa'a
Review of the Draft Environmental Assessment

Thank you for your faxed letter received on July 8, 2004. Your comments will be reproduced verbatim in the Final Environmental Assessment. However, as planning consultant to the Kaua'i County Department of Public Works, we also have been asked to respond to questions and, where appropriate, summarize and clarify the comments made. Your comments are indicated by bullet points; responses are indented.

- A path should not be located on the sands of Wailua Bay because construction and recreational activities would disturb and disrespect the iwi kupuna (ancestral remains).

- Ensuring traditional access routes is the responsibility of the County of Kaua'i and the State of Hawai'i; however, past decisions related to coastal development have not maintained adequate access.

- Lateral access is available without a path. Indeed, a concrete path or boardwalk would constrain access. What will happen to those who want to reach the Wailua beach, and who normally park their cars on the north side of Wailua bridge or who park their cars near the old Sea Shell, with families and fishing gear?

  Neither of the two parking areas for Wailua Beach Park will be affected by the bicycle and pedestrian path. The path will make it easier for some people to travel across the beach, particularly people with physical handicaps, the elderly, very young children, and those pushing strollers.

- This project is an example of efforts to displace responsibility to ensure mauka-makai accesses remain under the County of Kaua'i for the people of Kaua'i.

[illegible] Kapiolani Blvd., Suite 1610
Honolulu, Hawaii 96814
Tel (808) 941-[illegible] • Fax (808) 941-[illegible]

There are five existing mauka-makai accesses in the two-mile project corridor. Some of these accesses may be improved under this project.

- Constructing a coastal bikepath will negatively affect the character and natural beauty of the land.

- One of the main purposes of the bike path is to enhance the visitor experience and to support economic development along the Wailua to Kapa'a coastline. The Kapa'a Business Association was largely consulted. The EA study should report the details of how such groups were involved so they can be held accountable.

  A wide cross-section of the community was invited to provide input and consultations for this project were as inclusive as possible. The public outreach effort associated with this project included three public meetings and mailed notices to almost 200 addresses. In addition, several news articles and letters to the editor (pro and con) were published in the island's largest newspaper. Presentations and briefings were made to all groups that expressed an interest in this project.

- Mayor Baptiste stated (at the July 1, 2004 public meeting) that the path would not be used to generate more economic development, but there are no assurances that this will remain true in the future. Wailua should not become another Waikiki or Lahaina.

  The proposed path is expected to pass through or on the outskirts of areas that are already developed. Any new development would have to be consistent with the previously enacted zoning code. Any change in zoning must be justified and approved according to established procedures.

- Why does the County of Kaua'i need to add a new visitor activity?

- The people of Kaua'i should have the opportunity have a say as about whether the Kaua'i Bike Path system is something that is desired. The Lydgate project is largely unused, and when used, it is by visitors and mainly nonlocal people/residents. Why isn't a clear study of the need of this bikepath conducted?

  The bike/pedestrian path is intended to be a community facility that is open to residents and visitors alike. At certain times of the day, the path at Lydgate Park is heavily used; which also indicates its popularity among locals who are more likely to use the facility after work and on the weekends. The desire for walking, jogging, and bicycling paths has come up repeatedly in the context of different plans (Statewide Comprehensive Outdoor Recreation Plan, Bike Plan Hawaii, Hawaii Health Initiative, and Kaua'i General Plan) and in the Ka Leo community

forums. Because the path's urban location will be convenient for local residents, the Lydgate-Kapa'a segment is expected to be well used.

We also note that a large section of the shoreline alternative, is located on land specifically reserved for public access amid resort and commercial development. Public walkways were required as conditions of development. If the shoreline alternative is selected, the project would provide consistency to the corridor.

- Why was the entire project segments not formally approved prior to beginning any one section?

  The general concept of a shared use path from Nāwiliwili to Anahola does not require formal approval, but has been supported by successive County administrations. It was also publicly vetted through the planning processes for Bike Plan Hawaii and the Kaua'i General Plan.

- The EA makes NO MENTION on the impact expected on the local and Native Hawaiian people who make up the community (emphasis in original). Why were more people not consulted? Why does government not consider the social impact that such development is likely to have on its people?

  Pages 4-81 through 4-83 discuss the findings of a cultural impact assessment prepared by Cultural Surveys Hawai'i. The County and FHWA are also engaged in consultations through the Section 106 process.

- Lack of a thorough cultural and archaeological study of the Wailua area is disappointing and degrades the sacredness of the area.

  The Draft EA was informed by an archaeological assessment prepared by Cultural Surveys Hawai'i. This study was submitted to the State Historic Preservation Division (SHPD) for review on June 2, 2004. In a letter dated June 21, 2004, SHPD stated that "The background section and the boundary information were very informative and well written."

- The only viable option is Alternative #3, which runs on Kuamo'o road and on the mauka side of Coco Palms.

  Your preference for Alternative 3 is noted.

Agreement with comments contained document produced by Lae Nani, Lanikai, Kapaa Sands, and Hale Awapuhi Resorts

- Shoreline path requires a finding that there may be a significant effect on the environment.

  Section 11-200-12 of the Hawai'i Administrative Rules establishes "significance criteria" that are used to determine a Finding of No Significant Impact (FONSI). Chapter 7 of the Draft EA includes a discussion of each of the thirteen criteria. A FONSI does not require that there be no adverse impacts, but rather, that impacts not rise to the level of significance and substance, as indicated in the EIS Rules. Based on the experts consulted and review comments from various regulatory agencies, we have determined that, with appropriate impact minimization and mitigation measures, the project will not generate significant impacts.

- A concrete path or boardwalk does not satisfy the State's goal of preserving coastal resources and does not conform to CZM goals. Local law provides that no development, grading or alteration of any portion of the Shore District be permitted unless in conformity with the requirements of the law.

  The Coastal Zone Management program (Chapter 205A, Hawaii Revised Statutes) has multiple objectives and policies. There is no out right prohibition of "development, grading or alternation of any portion of the Shore District." Rather, the CZM program requires that the conservation and protection of coastal resources be balanced against the responsible use and development of resources for the public's benefit.

- The area surrounding Kukui heiau should not be used for a bike path, and not compromised. However, a permanent right of way outside of the heiau should be provided by the county and the owners of Lae Nani, so that Kukui heiau itself does not serve as a pathway from the Kapa'a Sands to the beach fronting Lae Nani and other condos... The consultants and others have talked about the potential of this project for resolving the right-of-way problems of people using the heiau as a path to avoid walking near the Lae Nani property, and perhaps are seeking a "win-win" resolution. From our perspective, it is not their kuleana to resolve this issue.

- Alternative #1 is not appropriate or acceptable as it encroaches within the so-called 200 foot buffer zone that should be established.

  The County is maintaining open lines of communications with the State Historic Preservation Division, condominium owners, and other stakeholders regarding the future of Kukui Heiau.

- Need for a cultural impact statement and archaeological inventory survey. Both were conducted for the Kapa'a-Kealia segment.

  The Lydgate Park-Kapa'a segment was also studied in terms of cultural and archaeological impacts. Findings were discussed in the Draft EA.

- The number of people consulted (for the cultural impact assessment) along with their backgrounds or relation to the area should be part of the EA.

  A list of consulted parties is attached to this letter and will be appended to the Final EA.

- When will your report also include information shared between the Department of Transportation and the present bike-path studies?

  The environmental assessment for the Lydgate-Kapa'a bike/pedestrian path included data collected for the Kapa'a Relief Route project. Those technical studies will be reproduced as part of the Draft EIS for the relief route, currently scheduled for public release later this year.

Your comments are important to the County of Kaua'i and the environmental review process. Mahalo for your interest in this project.

Sincerely,
KIMURA INTERNATIONAL, INC.

Glenn T. Kimura

Cc: Douglas Haigh, Kaua'i Department of Public Works

Table 6. Contacts for Cultural Impact Assessment

Name	Affiliation	Contacted	Personal Knowledge (Y/N/D)	Comments
Abben, Judy	Wailua Houselots Resident	Y	N	Some knowledge of Wailua Houselots history
Aiu, Pua	Office of Hawaiian Affairs	Y	S	Made referrals
Aiu, Raymond	Wailua Houselots Resident; grew up in Wailua	Y	Y	Interviewed May 15, 2003
Akana, Kaipo	Kaua'i Archaeologist	Y	N	Made referrals
Ako, Valentine	Wailua Houselot Resident	Y	Y	Interviewed January 28, 2003.
Baptiste, Bryan	Kaua'i County Mayor	Y	S	Made referrals
Burgess, James	Wailua Houselot Resident	Y	S	"The past is history"
Bushnell, Andrew	Kaua'i Health Heritage Coastal Corridor Committee	Y	S	Made referrals
Bynum, Tim	Friends of Lydgate Park	Y	N	Concerned about splitting the Wailua Houselots community by putting in a highway. Also, concerned about ruining the character of Wailua River with second bridge. Invested in seeing cane haul road used for proposed Nāwiliwili to Anahola Bike Path.
Heacock, Don	State of Hawai'i, DLNR, Aquatic Resources	Y	S	Aware of native species such as *'o'opu*, *'ōpae* in Wailua River; knows of limited traditional gathering of freshwater fish; concerned about alien species *taking over native species*

Helela, David	*Nā Kahu o Hikinaakalā*	Y	S	Concerned about preserving view planes between Wailua Heiau, particularly between Poli'ahu and Malae Heiau
Hiyane, George	Life time Kapa'a Resident	Y	Y	Interviewed May 14, 2003
Ho'okano, Kemamo	Westside *kupuna*	Y	N	Made referrals
Ida, Gerald	Kaua'i Archaeologist	Y	N	Made referral
Ito, Marlene	Long time Kapa'a Resident	Y	N	Lives adjacent to Kūhiō Highway in Waipouli and is concerned about the traffic.
Kaiu, Isaac	Born and raised in Waipouli	Y	Y	
Kane, Dane	Born on Kaua'i; family from Waipouli	A		
Kaneakua, Beverly	Kapa'a *kama'āina*	Y	S	Made referrals
Kaneakua, William	Originally from longtime Kapa'a family	A		
Ka'ohi, Aletha	West Kaua'i Visitor's Center; west side *kupuna*	Y	N	Made referrals
Kapaka, La France	Kaua'i and Ni'ihau Island Burial Council; Office of Hawaiian Affairs, Kaua'i	Y	Y	Made Referrals
Kapeliela, Kana'i	DLNR, State Historic Preservation Division, Burials Division	Y	N	Made Referral

Kauka, Sabra	*Nā Kahu o Hikinaakalā*	Y	Y	Concerned regarding impact to Malae's buffer zones and impact to present day cultural practitioners; also concerned regarding impact to cultural viewplane between *heiau*
Kauo, Marlene	Kapa'a *'ohana*	Y	S	Made referrals
Kekua, Kehaulani	Kaua'i Heritage Center of Hawaiian Culture and Arts	Y	Y	Interviewed February 10, 2004
Kimoto, Ernest	Acting Director, Hawaiian Rights Division at Office of Hawaiian Affairs	Y	N	Made referrals
Kurihara, Mildred	Born and raised in Wailua [originally Tokigawa]	Y	S	Tokigawa's lived on Koki Road near rice fields of Wailua
Lizama, Helen	Long time Kapa'a resident	Y	S	Felt we should talk to the younger generation because they are the ones who will be affected
Lydgate, John	Long time Kaua'i family	Y	S	Concerned about potential impacts to Lydgate Park
Makanani, Atwood	Lifetime Wailua resident and cultural practitioner	U		
Makanani, Mabel	Resident of Wailua Houselots since 1950s	Y	S	Made referrals
Manea, Sally Jo	Long time Kapa'a resident	Y	N	Made referrals
McEldowney, Holly	State Historic Preservation Division	A		

McMahon, Nancy	State Historic Preservation Divison/Kaua'i Island Archaeologist	Y	S	Burial concerns all through Kapa'a and Wailua; may have burial caves in uplands when considering upland routes
Morgan, Carol	Born and raised in Wailua Houselots	Y	S	Concerned regarding the future of Wailua Houselots
Moriarty, Linda	Raised in Kapa'a	Y	S	
Mukai, George	Lifetime Kapa'a resident	Y	Y	Raised in Pueo Camp [located at existing Kapa'a Bypass]; memories of adjacent land areas
Muraoka, Beverly	*Kumu Hula* in Wailua	Y	Y	Raised in Wailua, adjacent to Coco Palms; Interviewed May 16, 2003
Netzer, Dr. Roger	Long time Wailua Resident	Y	N	Concerned regarding cultural sites along the river including gravesites, *heiau* as well as view plane between *heiau*. Concerned for residence along Wailua River
Paik, Alice [formerly Morgan]	Lifetime resident of Kapa'a	Y	S	Interviewed May 14, 2003
Prigge, Joseph	Long time Kaua'i resident	Y	S	Made referrals
Rogers, Puanani	*Hui Ho'okipa O Kaua'i*	Y	S	Referred to Environmental Impact Study report for "Ocean Bay Resort" for Hanamā'ulu area
Shido, Kaname	Life time Kapa'a Resident	Y	S	Owner and operator of Shido Store in Kapa'a Town
Smith, Walter Jr. "Freckles"	Smith Boats, Lifetime Wailua resident	Y	Y	Concerned about second Wailua Bridge affecting so many people including Smith Tropical Gardens

Sokei, Taka	Kapa'a Resident	Y	Y	
Summers, Molly	Hawaiian studies teacher at Kaua'i Community College	Y	N	Knowledgeable about the Kapa'a and Waipouli areas; family formerly ran a dairy in Kapa'a
Takamura, Ron	Wailua fisherman	A		Made referrals
Trembath, Healani	*Alu Like, Ke Ola No Na Kupuna*	Y	N	Made referrals
Waialeale, Sonny	Waialeale Boat Tours Owner; Kaua'i *kama'aina*	Y	Y	Did not believe road would be built in his lifetime
Wichman, Randy	Kaua'i Historic Preservation Commission Review; OHA-Native Hawaiian Historic Preservation Council	Y	Y	Expressed concerns regarding impact to Malaea, Pu'uki'i, cultural view plane of National Historic Landmark Wailua historic *lo'i, kalo*, Wailua Houselots and Nounou, swamps behind Kapa'a and Waipouli
Yent, Martha	Hawai'i State Parks Archeologist	Y	S	Expressed concerns regarding the Wailua Complex of Heiau including buffer zones and view corridors
Yukimura, Jiro	Long time Kaua'i resident	Y	N	Made referrals
Yukimura, Joanne	Kaua'i County Council Member	Y	N	Suggested Kimura take a look at old railroad alignment that runs in the back of Waipouli as possible alternative and extending Kuhio Highway fronting Coco Palms, extending the current Wailua Bridge and extending the current Kuhio Highway south of Wailua River

Results of Community Consultation

June 28, 2004

Re: Mitigation for the Protection of Hau'ola and Hikina o Ka La Heiau

It is the position, and recommendation of the General Manager and the Historical Cultural Docent of the Aloha Beach Resort, that the following mitigations as pertaining to the potential for increased traffic at the heiaus due to the bike-path should be as such:

> A barrier of at least a 4 foot distance from any pohaku (stone) contained within, on, or near the heiau, including abutting the footpath in front of Hauola. I personally have seen people with lawn chairs on it. The consensus is that it is a place of "refuge", so anyone can hang out there.

I personally go to these areas every day. The Hotels proximity gives the management a feeling of stewardship over these two heiau. We also conduct cultural classes here, to educate visitors on removing themselves from the heiaus and respecting them.

We feel that the Hotel, the State, and a designated non-profit group to care take should work in unison to better preserve these two heiaus. Weddings are often inappropriately performed here, as well as other questionable ceremonies. If a group care takes, the group should be mindful that holding ceremonies and a once a month clean up is not preservation. Restoration is preservation. The Hotel is willing to be a partner in this endeavor.

The restoration of the Hale o Laka heiau at Ke'e was highly successful, because its focus was on restoration, which involved the State agencies, and a private, non-profit working in harmony. That heiau has been almost completely restored.

The situation with the small footpath fronting Hau'ola is precarious; a better barrier and more signage are required all around both heiaus. It is vital that bikers using the bike path not use that area as a short cut to the road. Bougainvile helps a little on the roadside, but not for traffic on foot and bicycle climbing over to the roadside, cutting through the Hotel parking lot, or biking on the same small foot path circling Hau'ola.

We recommend blocking off and preserving these areas from this kind of impact. We will commit ourselves to these endeavors.

Respectfully,

Ron Kikumoto
General Manager

Anne Punohu
Historical/Cultural Docent

3-5920 Kuhio Highway Kapa'a, Kaua'i, HI 96746 Tel 808.823 6000 Fax 808.823.6666
www.abrkauai.com

KIMURA INTERNATIONAL

June 30, 2004

Mr. Ron Kikumoto, General Manager
Ms. Anne Punohu, Historical/Cultural Docent
Aloha Beach Resort
3-5920 Kūhiō Highway
Kapa'a, HI 96746

Dear Mr. Kikumoto and Ms. Punohu,

Proposed Bike/Pedestrian Path, Lydgate Park to Kapa'a
Review of the Draft Environmental Assessment

Thank you for your letter dated June 28, 2004. Kimura International is the lead consultant for the County Department of Public Works which is sponsoring the project. On behalf of the County, we want to acknowledge your concerns about increased traffic at Hikinaakalā Heiau and Pu'uhonua o Hauola and recommendations for better barriers and signage and the preservation and restoration of these sites.

As you may have read in the project's Draft Environmental Assessment, the planning team also recognized the possibility that the heiau could be seen as a shortcut and, therefore, considered an alignment that would clearly demarcate a pathway that bicyclists and pedestrians could use to go around the heiau. We thought a well-planned and screened route would be preferable to the existing situation where people seeing a worn footpath through the heiau regularly enter sacred areas—whether inadvertently or not. We consulted with officials from the State Parks Division, but they rejected any improvements in the vicinity of the sites, so this option was dismissed from further consideration. Because the heiau are located on State property, the County cannot take any independent action. The County's jurisdiction ends at the parking lot. At the same time, the County has made many improvements to Lydgate Park over the years and is willing to work with the State to improve the interface between different resources in the area.

In terms of the bike/pedestrian path, the project's start point is away from the heiau site, at a cul-de-sac mauka of Aloha Beach Resort. Signs will be installed to clearly inform users how to reach this location from within Lydgate Park in order to cross Wailua River and continue northward on the path. The County will consult with you during the design-construction phase of the project to develop appropriate language for the signs and identify the most effective locations for them.

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Honolulu, Hawaii 96814
Tel (808) 941-2555 • Fax (808) 941-5593

Mahalo for your interest in this project. If you have any questions or further comments, please contact Douglas Haigh, project manager, at 241-6650.

Sincerely,
KIMURA INTERNATIONAL, INC.

Glenn T. Kimura

JUL 07 2004

Lydgate Park-kapa'a Bike/Pedestrian Path

Annaleah Atkinson
5285 Ihilani Pl.
Kapa'a, HI 96746

I recommend that the bike path go inland from the Shell Station, then return to a shore line beyond the heiau.

Sometime in the past, a mistake was made granting individual ownership of this historical sacred site. While it is not the purpose of this letter to discuss that error and how to correct it, we can at least be sure that no further affronts to the heiau, the Hawaiian culture, and God be made.

For whether you call God God, or Akua, Jehovah or Ku, God knows the intent and knows His name. If this heiau had four walls and a steeple, people might perceive the situation differently. It certainly wouldn't have a pin already in place within the walls. This heiau was built with the sweat and spiritual devotion of the Hawaiian people, and deserves the dignity that the Hawaii State Constitution Article IX Section 9 was written for. **"The State shall have the power to conserve and develop objects and places of historic or cultural interest and provide for public sightliness and physical good order. For these purposes private property shall be subject to reasonable regulation."** Physical guidelines have been set, and the planned bike path touching Keala Kukui would not meet those guidelines.

To say that federal funding is only available to mitigate the heiau situation may be an untruth, and certainly shouldn't be necessary if state law was followed to protect Keala Kukui.

The bay area is fragile looking, and the ocean is strong. I can visualize future difficulty if the path were to be built into the existing cliff area.

The other side of the coin is that there is a beautiful view of Sleeping Giant from Papaloa Rd., the road behind the heiau. Variety is nice.

KIMURA INTERNATIONAL

August 11, 2004

Ms. Annaleah Atkinson
5285 Ihilani Place
Kapaa, HI 96746

Dear Ms. Atkinson,

Proposed Bike/Pedestrian Path, Lydgate Park to Kapa'a
Public Review of the Draft Environmental Assessment

Thank you for your comments on the proposed bike/pedestrian path. We want to acknowledge your preference for a bike path that follows an inland route near the Shell Station, but follows the shoreline past Kukui Heiau.

I would also like to address your comment regarding federal funding. What we stated at the public meeting on July 1 is that federal funds to implement the bike/pedestrian path could also be used improve current conditions at Kukui Heiau; conditions that are unsatisfactory to many people. We did not intend to give the impression that project funds are the *only* means by which the heiau situation can be resolved since alternative funding sources may be available.

Your comments are important to the County of Kaua'i and the environmental review process. Mahalo for your interest in this project.

Sincerely,
KIMURA INTERNATIONAL, INC.

Glenn T. Kimura
President

Cc: Douglas Haigh, County of Kauai, Department of Public Works

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DOCUMENT CAPTURED AS RECEIVED

Lydgate Park-Kapa'a Bike/Pedestrian Path

Public Meeting #3
Thursday, July 1, 2004

Name: Dana Bekeart

Address: 4636 Iwaena Lp Kapaa

Comments:

I strongly endorse ALTERNATIVE #1. My Reasons are (1) #1 maximizes shoreline access to the Wailua-Waipouli coastal area; (2) It looks like the least costly build-out alternative; (3) #1's maintenance costs looks reasonable (by my guess); (4) The greatest number of people --residents and visitors-- would have enjoyment with alt. #1; (5) The land to be used with #1 is PUBLIC LAND for whom the general public -- rather than any partial groups -- has the greatest stake and entitlements to its benefits; (6) #1 is the most natural for such a coastal community.

Thank you. Please leave comments in the reception area, or take an addressed stamped envelope and mail by (postmark) July 8, 2004.

Kimura International, Inc. 1600 Kapiolani Boulevard, Suite 1610 Honolulu, HI 96814

(7) Coastal safety and security and ecological (?) concerns would be best addressed with #1.

-OVER-

Alternative #2 (a) would be used much less, (b) it could be more costly than the other two for security and maintenance, (c) it is unsafe for people not in automobiles

Alternative #3 (a) cheats the general public ~~for~~ ~~the~~ of the necessary coastal access along those lands that are for the general welfare (b) and it does not maximize all the benefits which that area has for public enjoyment, (c) #3 is most hazardous for its users (who would face automobiles!)

DOCUMENT CAPTURED AS RECEIVED

KIMURA INTERNATIONAL

August 11, 2004

Ms. Dana Bekeart
4636 Iwaena Loop
Kapaa, HI 96746

Dear Ms. Bekeart,

Proposed Bike/Pedestrian Path, Lydgate Park to Kapa'a
Public Review of the Draft Environmental Assessment

Thank you for your comments submitted at the public meeting on July 1. We want to acknowledge your endorsement of a bike/pedestrian path along the shoreline for the reasons provided.

Your comments are important to the County of Kaua'i and the environmental review process. Mahalo for your interest in this project.

Sincerely,
KIMURA INTERNATIONAL, INC.

Glenn T. Kimura
President

Cc: Douglas Haigh, County of Kauai, Department of Public Works

1600 Kapiolani Blvd., Suite 1610
Honolulu, Hawaii 96814
Tel (808) 944-8848 • Fax (808) 941-[illegible]

Lydgate Park-Kapa'a Bike/Pedestrian Path

Public Meeting #3
Thursday, July 1, 2004

Name: Dorothy Bekeart

Address: 4636 Iwaena Loop, Kapaa

Comments:
I support a Papaloa Road ~~[illegible]~~ route. There is a lot of shore line that is part of the bike path and the intrusion on the tight spaces of Waipouli that would damage the integrity of that shore isn't worth it. However it is very important to correct the Kukui Heiau problem using whatever funds are available. I would think that Lae Nani would support this boundary adjustment and would perhaps even donate the land.

Thank you. Please leave comments in the reception area, or take an addressed stamped envelope and mail by (postmark) July 8, 2004.

Kimura International, Inc. 1600 Kapiolani Boulevard, Suite 1610 Honolulu, HI 96814

KIMURA INTERNATIONAL

August 11, 2004

Ms. Dorothy Bekeart
4636 Iwaena Loop
Kapaa, HI 96746

Dear Ms. Bekeart,

Proposed Bike/Pedestrian Path, Lydgate Park to Kapa'a
Public Review of the Draft Environmental Assessment

Thank you for your comments submitted at the public meeting on July 1. We want to acknowledge your support for a bike/pedestrian path along Papaloa Road to avoid space limitations along the Waipouli shoreline. We also want to note your support for remedial action at Kukui Heiau.

Your comments are important to the County of Kaua'i and the environmental review process. Mahalo for your interest in this project.

Sincerely,
KIMURA INTERNATIONAL, INC.

Glenn T. Kimura
President

Cc: Douglas Haigh, County of Kauai, Department of Public Works

1600 Kapiolani Blvd., Suite 1610
Honolulu, Hawaii 96814
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Lydgate Park-Kapa'a Bike/Pedestrian Path

Public Meeting #3
Thursday, July 1, 2004

Name: GARY L. BLAICH

Address: P.O. Box 1434
Nilauea, HI

Comments:

Path from Nawiliwili to Anahola terrific, a (+) for residents + visitors, a

In the condo area - bike path ⟷ bidirectional on Papaloa; modest pedestrian path along beach. Maybe some of county's shoreside lands could be given back to condos in trade for some additional land (small amount) for a better buffer of heiau.

Bike racks on Papaloa road for folks who want to park + check out beach

(*) make path more modest (less expensive) so $ could be used for more paths (e.g. the mauka canal-side paths) and land acquisition (for example part or all of the parcel owned by the Jasper family North of Otsuka's.

* The "Yukimura" path makai of Pono Kai is a simple

Thank you. Please leave comments in the reception area, or take an addressed stamped envelope and mail by (postmark) July 8, 2004.

Kimura International, Inc. 1600 Kapiolani Boulevard, Suite 1610 Honolulu, HI 96814

6' (8'-10'?) wide, asphalt path that's received zero maintenance over the years + is still fabulous, wonderful public asset!

You can tell I love paths + lateral access.

I promise to bring my extra bike when path is paved + take Glenn Mickens for a ride.

Mahalo for all your good work.

Gary J Blaich

Lydgate Park-Kapa'a Bike/Pedestrian Path

Public Meeting #3
Thursday, July 1, 2004

Name: GARY BLAICH
Address: P.O. BOX 1434
Kilauea, HI 96754

Comments:

(1) Path from Anahola to Nawiliwili – terrific!!
(2) Coastal = terrific!
However in the condo area - coastal may be too costly
Papaloa would be a suitable alternative
① May be an opportunity to save some $ to be used on other aspects of the trail. ② could be safe
③ Could avoid sand wash out (see #2 below)
Having the path on the coast in the condo area
① may bring too many people too sensitive heiau area + to sensitive southern eastern rocky point of the condo bay - which offers nice solitude now ② may wash out in hi surf.
If the path is on the coast in front of the condos, maybe it should only be pedestrian + not for bikes

Thank you. Please leave comments in the reception area, or take an addressed stamped envelope and mail by (postmark) July 8, 2004.

Kimura International, Inc. 1600 Kapiolani Boulevard, Suite 1610 Honolulu, HI 96814

(3) Let's use this project to get more protection for the Heiau

Thanks for your fine work on a great project!!

In Sum:

Coastal all the way

Except use papaloa rd + keep bike path off the coast there.

Keep Papaloa 2 way

Public access is available

Public can move laterally on the beach

I like mauka canal options!! Never enough footpaths/Bikeways!

KIMURA INTERNATIONAL

August 11, 2004

Mr. Gary L. Blaich
P.O. Box 1434
Kilauea, HI 96754

Dear Mr. Blaich,

Proposed Bike/Pedestrian Path, Lydgate Park to Kapa'a
Public Review of the Draft Environmental Assessment

Thank you for the comments submitted at the public meeting on July 1 and by mail. We want to acknowledge your preference for a bike/pedestrian path on Papaloa Road, combined with a more limited pedestrian path along the shoreline. We also note your support for paths along the canals and for the overall East Kauai system envisioned to extend from Nawiliwili to Anahola.

Your comments are important to the County of Kaua'i and the environmental review process. Mahalo for your interest in this project.

Sincerely,
KIMURA INTERNATIONAL, INC.

Glenn T. Kimura
President

Cc: Douglas Haigh, County of Kauai, Department of Public Works

1600 Kapiolani Blvd., Suite 1610
Honolulu, Hawaii 96814
Tel (808) 944-8848 • Fax (808) 941-9999

Lydgate Park-Kapa'a Bike/Pedestrian Path

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Public Meeting #3
Thursday, July 1, 2004

Name: NANCY CANDELA

Address: 3-3400 KUHIO HWY, A311, LIHUE, HI 96766

Comments:

After reading the response prepared by Mr. Sweeney on behalf of the Wailua Bay Area Condos, I cannot believe that the beach path would even be considered! Not one item I've read refers to the path being for "transportation" only "recreation".

If our delicate environment/ecology continues to be ignored, the loss would be catastrophic

Forget what someone wants, think of the good of the community + future generations!

Thank you. Please leave comments in the reception area, or take an addressed stamped envelope and mail by (postmark) July 8, 2004.

Kimura International, Inc. 1600 Kapiolani Boulevard, Suite 1610 Honolulu, HI 96814

KIMURA INTERNATIONAL

August 11, 2004

Ms. Nancy Candela
3-3400 Kuhio Highway, A311
Lihue, HI 96766

Dear Ms. Candela,

Proposed Bike/Pedestrian Path, Lydgate Park to Kapa'a
Public Review of the Draft Environmental Assessment

Thank you for your comments on the proposed bike/pedestrian path. We want to acknowledge your opposition to the shoreline alignment.

In response to your comment that "not one item I've read refers to the path being for 'transportation'," three of the seven points presented as project rationale are related to transportation purposes (see Draft Environmental Assessment, Chapter 2). Among the points discussed: (1) improved safety for pedestrians, bicyclists, and others using non-motorized modes of transportation (by providing a facility that is separate from motor vehicles), (2) increased choices among alternative modes of transportation (where perceived safety increases the likelihood of walking or bicycling), and (3) greater connections among destination nodes (where the proposed routes link population centers and places people want to go to, such as beaches, parks, and shopping centers). A fourth point notes that the pathway concept is rooted in many years of community and transportation planning, as evidenced by documentation in the *Kaua'i General Plan* (2000) and *Bike Plan Hawaii* (1994, 2003).

Your comments are important to the County of Kaua'i and the environmental review process. Mahalo for your interest in this project.

Sincerely,
KIMURA INTERNATIONAL, INC.

Glenn T. Kimura
President

Cc: Douglas Haigh, County of Kauai, Department of Public Works

1600 Kapiolani Blvd., Suite 1610
Honolulu, Hawaii 96814
Tel (808) 944-8445 • Fax (808) 941-5991

Lydgate Park-Kapa'a Bike/Pedestrian Path

Public Meeting #3
Thursday, July 1, 2004

Name: LARRY CHAFFIN, FAIA-E

Address: PO BOX [illegible] KOLOA HI 96756

Comments:

IN SEVERAL EARLY SLIDES, YOU MENTIONED "BELOW GRADE" OR AT LEAST REFERRED TO GRADE.

MY QUESTION, WHAT GRADE - WHERE:

PLEASE DEFINE GRADE @ WHAT SPECIFIC LOCATION.

THANKS VERY MUCH FOR YOUR PATIENCE.

KEEP UP THE GOOD WORK!

L. Chaffin Jr.

Thank you. Please leave comments in the reception area, or take an addressed stamped envelope and mail by (postmark) July 8, 2004.

Kimura International, Inc. 1600 Kapiolani Boulevard, Suite 1610 Honolulu, HI 96814

KIMURA INTERNATIONAL

August 11, 2004

Mr. Larry Chaffin
P.O. Box 1165
Koloa, HI 96756

Dear Mr. Chaffin,

Proposed Bike/Pedestrian Path, Lydgate Park to Kapa'a
Public Review of the Draft Environmental Assessment

Thank you for your comments submitted at the public meeting on July 1, 2004. We appreciate your suggestion that reference points are needed when using the terms "below grade" and "grade," and will provide more specific contexts when using these terms.

Mahalo for your interest in this project.

Sincerely,
KIMURA INTERNATIONAL, INC.

Glenn T. Kimura
President

Cc: Douglas Haigh, County of Kauai, Department of Public Works

1600 Kapiolani Blvd., Suite 1610
Honolulu, Hawaii 96814
Tel (808) 944-8848 • Fax (808) 941-[illegible]

June 14, 2004

Dear Mr. Kimura,

Thanks for your invitation to the public information meeting on 7/1/04 regarding the Proposed Routes for the Bike/Pedestrian path project.

I'm sending a copy of my 3/22/04 letter to Douglas Haigh.

I still feel my points in the letter are very important considerations for the County.

Surely the path segment along the highway across from the old Coco Palms site will provide users an adequate viewing of bay vistas.

Also, the fact that many of the properties along Papaloa Road Beach-front now house permanent residents should be another consideration for using the Papaloa Road route.

Most Sincerely

Mr + Mrs Wm Crowley

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JUN 18 2004

Mr. & Mrs. William Crowley
9 Buggy Whip Drive
Pls Vrds Pnsl, CA 90274-5008

KIMURA INTERNATIONAL

June 23, 2004

Mr. and Mrs. William Crowley
9 Buggy Whip Drive
Palos Verdes Peninsula, CA 90274-5008

Dear Mr. and Mrs. Crowley,

Proposed Bike/Pedestrian Path, Lydgate Park to Kapaa
Public Review of the Draft Environmental Assessment

Thank you for your letter dated June 14, 2004. We want to acknowledge your support for a bike/pedestrian path along the highway across from the Coco Palms Resort and along Papaloa Road.

Your comments are important to the County of Kaua'i and the environmental review process. Mahalo for your interest in this project.

Sincerely,
KIMURA INTERNATIONAL, INC.

Glenn T. Kimura
President

Cc: Douglas Haigh, County of Kauai, Department of Public Works

1600 Kapiolani Blvd., Suite 1610
Honolulu, Hawaii 96814
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Lydgate Park-Kapa'a Bike/Pedestrian Path

Public Meeting #3
Thursday, July 1, 2004

Name: SHARRON EDWARDS

Address: PO BOX 1965, LIHUE HI 96766

Comments: FROM THE EA DRAFT

Having attended 2 of the Public Meetings and a couple Council meeting where Kimura & Country reps say the majority want the Shoreline, I took the time to read each Verbatim Comment and each letter written to Kimura. I focused on the Papaloa Road area specifically and counted ONLY those comments that said the route should be along the Shoreline or Papaloa.
Specific to Shoreline 4 Verbatim, 2 letters;
Papaloa Rd 20 Verbatim, 48 letters; other (not specific to #1 or #2) 72

% Using Specific Comments to #1 or #2 Shoreline 8%
Papaloa Rd 92%

Thank you. Please leave comments in the reception area, or take an addressed stamped envelope and mail by (postmark) July 8, 2004.

Kimura International, Inc. 1600 Kapiolani Boulevard, Suite 1610 Honolulu, HI 96814

Where are all the letters and comments Kimura & the Country are referring too?

KIMURA INTERNATIONAL

August 11, 2004

Ms. Sharron Edwards
P.O. Box 1965
Lihue, HI 96744

Dear Ms. Edwards,

Proposed Bike/Pedestrian Path, Lydgate Park to Kapaa
Public Review of the Draft Environmental Assessment

Thank you for your comments on the proposed bike/pedestrian path.

I want to address your comment that "Kimura and County reps say the majority want the shoreline." Speaking for myself and my firm, we have never expressed a preference for any of the three alternatives, nor have we attributed a preference on behalf of the County or the public as a whole. Similarly, I have not heard any County representative, speaking in an official capacity, claim that the majority supports the shoreline alternative. We have stated repeatedly that our objective is to examine the three alternatives. Equally strenuous efforts are being made to determine the viability of each. There are pros and cons to each one, and we have endeavored to disclose them as clearly as possible. Our efforts to refute misconceptions or address concerns related to any of the alternatives should not be seen as an endorsement of that alternative. Rather, it is our intent to shed light on this issue from as many sides as possible.

Mahalo for your interest in this project.

Sincerely,
KIMURA INTERNATIONAL, INC.

Glenn T. Kimura
President

Cc: Douglas Haigh, County of Kauai, Department of Public Works

1600 Kapiolani Blvd., Suite 1610
Honolulu, Hawaii 96814
Tel (808) 944-8048 • Fax (808) 941-5989

LYDGATE PARK-KAPAA BIKE PATH

Public Meeting #3 July 1, 2004

Margery Freeman
6448 Kaahele St.
Kapaa, HI 96746

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COMMENTS-

Of the alternatives presented for the Kapaa portion, I prefer the path behind Coco Palms (the inland or wetlands path) for several reasons:

1. Since the rest of the path will be along the coast it would be an interesting alternative to go through the wetlands. Eventually there will be many birds there.

2. There are many complications to using either of the more coastal routes: condos, the Bull Shed, roads to cross, parking areas and congestion. Even with the most coastal route there are places where it must go inland.

3. The coastal route would put structures on the side of the bank that would ruin the beautiful views from Wailua Beach.

4. Many tourists walk along the coastal route every day so it is more congested.

5. The wetlands route would allow access to stores without crossing busy streets.

6. The wetlands route would be more natural and leave open the possibility to eventually having a kayak access on the waterways.

Thank you,

Marge Freeman

6448 Kaahele St. Kapaa, HI

KIMURA INTERNATIONAL

August 11, 2004

Ms. Margery Freeman
6448 Kaahele Street
Kapaa, HI 96746

Dear Ms. Freeman,

Proposed Bike/Pedestrian Path, Lydgate Park to Kapa'a
Public Review of the Draft Environmental Assessment

Thank you for your comments on the proposed bike/pedestrian path dated July 1, 2004. We want to acknowledge your preference for the inland route behind Coco Palms for the reasons provided.

Your comments are important to the County of Kaua'i and the environmental review process. Mahalo for your interest in this project.

Sincerely,
KIMURA INTERNATIONAL, INC.

Glenn T. Kimura
President

Cc: Douglas Haigh, County of Kauai, Department of Public Works

1600 Kapiolani Blvd., Suite 1610
Honolulu, Hawaii 96814
Tel (808) 944-8848 • Fax (808) 941-[illegible]

Nancy Nishikawa

From: Keoki [kauaikeoki@hawaii.rr.com]
Sent: Monday, July 05, 2004 2:58 PM
To: projects@kimurainternational.com
Subject: Lydgate Park to Wala'kea Canal (Kapa'a town) Path.

Kimura International, Inc.
1600 Kapiolani Boulevard, Suit 1610
Honolulu, HI 96814

RE: Multipurpose Path section from Lydgate Park to Wala'kea Canal.

Aloha, as a avid bicyclist, both road and mountain bike, and a person who supports the idea of the Multipurpose Path, I would like to express my opinion on the route for this section.

I am adamantly opposed to the shoreline route that takes the path in front of the old Shell House, and along the shore line near the heiau at Alakukui point. There is no logical reason to choose this route. A more intelligent choice would be to follow Papaloa road in front of the shell house and the housing units that front the beach. The path could then go makai in the area of the Coconut market place with no disruption to Hawaiian sacred sites or the lives of those who live along the route.

Mahalo nui loa
Keoki Gosselin
5034 Haleilio Road
Kapa'a, HI 96746
808-822-0426

Keoki

YES, I AM RIDING IN THIS YEARS PARADISE RIDE HAWAI'I to raise funds for our HIC/AIDS Service Agencies. Please consider sponsoring me at http://www.paradiseridehawaii.org click on sponsor rider, search for George "Keoki" Gosselin rider # 3071
Mahalo Nui Loa (Thank you very much!) to those of you who have already done so.

7/8/2004

KIMURA INTERNATIONAL

August 11, 2004

Keoki Gosselin
5034 Haleilio Road
Kapaa, HI 96746

Dear Mr. Gosselin,

Proposed Bike/Pedestrian Path, Lydgate Park to Kapa'a
Public Review of the Draft Environmental Assessment

Thank you for your comments on the proposed bike/pedestrian path sent by electronic mail on July 5, 2004. We want to acknowledge your opposition to the shoreline route and preference for an alignment along Papaloa Road.

Your comments are important to the County of Kaua'i and the environmental review process. Mahalo for your interest in this project.

Sincerely,
KIMURA INTERNATIONAL, INC.

Glenn T. Kimura
President

Cc: Douglas Haigh, County of Kauai, Department of Public Works

1600 Kapiolani Blvd., Suite 1610
Honolulu, Hawaii 96814
Tel (808) 944 8444 • Fax (808) 941-9939

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July 2004

To: The Honorable Mayor Bryan Baptiste

"Kaua'i Deserves a Coastal Path..."

"Ke Ala Hele Makalae - Kauai's Health and Heritage Coastal Trail" has evolved since the vision was begun 25 years ago, and has been nurtured by many people on Kauai: A coastal trail from Ke'e in the north to Polihale in the southwest. The current name for this path translates from Hawaiian as "The Way to Go on the Coast."

The goals for this trail are to:

- Promote health and fitness
- Enhance access to culturally significant areas
- Preserve historic railroad corridors
- Provide alternative transport routes
- Protect shoreline access for residents and visitors, including those with mobility impairments

The committee that convened 7 years ago to help bring this to reality has been proactive in the design, funding, and execution of this trail. We respectfully request that the committee members of Ke Ala Hele Makalae remain part of the creative team as the County of Kauai moves forward in implementing the vision of the "coastal" path. Specifically, we ask that we be kept informed as the plans unfold, and that we be asked *for our input as decision making opportunities arise. Our current input includes* requesting that the third section of the path continue on the coast.

Our committee is dedicated to listening to the general public's wishes, and to all of the varied potential users of the trail. In public meetings local people have made their preferences known. When asked what they felt the elements of a perfect path would be, the number one answer was to keep the path on the coast. The second response was to keep the path safe and away from the roads.

Fortunately, in most instances the public's access to the coast has been protected by the establishment of beach reserves or by requiring public access along the shore in front of resort development. The section constructed in the Lydgate Park area was successfully placed along the coast, and the section from Kapaa to Kuna Bay will be started shortly, also along the coast. As we continue through the developed area between Lydgate Park and Kapaa at the Waika'ea Canal, we would like to maintain the vision of Ke Ala Hele Makalae and keep the path along the coast.

There is public land along the ocean in front of the condominiums and resorts from the former Seashell restaurant (across from Coco Palms) to the Kaua'i Coast Resort (formally The Beachboy). Past that point there is vacant land zoned for hotels where lateral coastal access will most certainly be required whenever development occurs.

We would like to alleviate the concerns of the condominium owners on this section. The draft EA provided by Kimura International concludes no significant environmental impact and no seawalls or construction in the active shoreline was ever considered. The condo owners also express anxiety about impacts on their security or property values. Yet extensive studies show that property values along these types of paths either remain *the same or increase. Other studies show that as community members use the path,* security actually increases and less crime occurs adjacent to a path.

We can create this coastal trail next to the ocean. Significant amount of public land already exists there; the path is largely off existing roadways and is the only alternative that does not encounter a difficult highway crossing. Our coastal path is a legacy for our island; let it provide coastal access for everyone regardless of personal land ownership.

Respectfully submitted by the below named members of the Ke Ala Hele Makalae Committee.

Members' Names:

Dale Roseafeld
Bev Brody
Laurie Ho
Jo Manea
Tim Bynum
Jimmy Trujillo
Laurel Brier
Robert Measel, Jr.
Rayne Regush

Cc: Kimura International
The Garden Island

KIMURA INTERNATIONAL

August 11, 2004

Ke Ala Hele Makalae Committee
P.O. Box 269
Kapaa, HI 96746

Dear Members of the Ke Ala Hele Makalae Committee,

Proposed Bike/Pedestrian Path, Lydgate Park to Kapa'a
Public Review of the Draft Environmental Assessment

Thank you for your comments on the proposed bike/pedestrian path. We want to acknowledge your request that the path continue on the coast, consistent with the coastal alignment in the Lydgate Park area and from Kapa'a to Kuna Bay. It is further noted that a coastal trail would be located primarily on public land and would maintain lateral public access.

Your comments are important to the County of Kaua'i and the environmental review process. Mahalo for your interest in this project.

Sincerely,
KIMURA INTERNATIONAL, INC.

Glenn T. Kimura
President

Cc: Douglas Haigh, County of Kauai, Department of Public Works

1600 Kapiolani Blvd., Suite 1610
Honolulu, Hawaii 96814
Tel (808) 944-8585 • Fax (808) 941-8999

RECEIVED
JUL 09 2004

July 1, 2004

Mr. Douglas Haigh
Kauai Department of Public Works
4444 Rice St., Suite 175
Lihue, HI 96766

Dear Mr. Haigh:

I received notice of a Public Information Meeting on the Lydgate Park-Kapa'a Bike/Pedestrian Path, and although I am unable to attend, I would like to reiterate my views on the proposed routes. As a frequent visitor to Kauai, I am very concerned with preserving the beauty and environment of your lovely piece of paradise.

I feel that a path in front of the properties on Turtle Bay from Kauai Sands property to Wailua Bay would impact the beach in a very negative way. The beach there is so narrow that a path would use up most of it and would prevent the use of the beach for residents and visitors alike. As you know, the beach is a popular spot for Kauaians to swim, fish, gather seaweed and picnic. And, of course, visitors to that particular area, both human and marine, love it for many reasons too. Sea turtles feed there several times a day.

Having been in Kauai during some rather severe storms, it also occurs to me that a path probably would be damaged and would have to be rebuilt repeatedly. Disturbing the area would also seriously degrade the fragile eco-structure of the small beach and reef making a storm's impact more severe.

Thank you for your consideration of my concerns and the concerns of others who love Kauai.

Rosalie M. Lynch
4828 Arapaho Trail
Billings, MT 59106

cc: Mr. Glenn Kimura
Kimura International
1600 Kapiolani Blvd., St. 1610
Honolulu, HI 96814

KIMURA INTERNATIONAL

August 11, 2004

Ms. Rosalie M. Lynch
4828 Arapaho Trail
Billings, MT 59106

Dear Ms. Lynch,

Proposed Bike/Pedestrian Path, Lydgate Park to Kapa'a
Public Review of the Draft Environmental Assessment

Thank you for your comments on the proposed bike/pedestrian path dated July 1, 2004. We want to acknowledge your concerns regarding a path along the beach from Kauai Sands to Wailua Bay, including potential impacts on wildlife, coastal activities, and storm damage.

Your comments are important to the County of Kaua'i and the environmental review process. Mahalo for your interest in this project.

Sincerely,
KIMURA INTERNATIONAL, INC.

Glenn T. Kimura
President

Cc: Douglas Haigh, County of Kauai, Department of Public Works

1600 Kapiolani Blvd., Suite 1610
Honolulu, Hawaii 96814
Tel (808) 944-8048 • Fax (808) 941-9940

July 2, 2004

RECEIVED
JUL 06 2004

Glenn Kimura
Kumura Intn'l, Inc.
Honolulu, HI 96814

Comments regarding Bike/Pedestrian Pathway route from Lydgate to Waikaea

As a property owner that will be near the proposed route I am interested and supportive of this project advocated by the mayor. However some property owners have become used to no public using the beach in front of their condos or the County owned shoreline.

All of us who moved to theses wonderful Islands knew the beaches and shoreline were available to all of us to enjoy. To now deny a reasonable access path is not in keeping with the spirit and law of the "beaches being free" for all to enjoy.

Also, I use the existing pathway in Kapa'a ; finding it a preferred alternative to walking along the Kuhio highway.

Thank you for the opportunity to comment on this project.

Dennis MacCoumber

P. O. Box 1236
Kapa'a, HI 96746

KIMURA INTERNATIONAL

August 11, 2004

Mr. Dennis MacCoumber
P.O. Box 1236
Kapaa, HI 96746

Dear Mr. MacCoumber,

Proposed Bike/Pedestrian Path, Lydgate Park to Kapa'a
Public Review of the Draft Environmental Assessment

Thank you for your comments on the proposed bike/pedestrian path dated July 2, 2004. We want to acknowledge your support for a reasonable access path on the County-owned shoreline, and your preference for pathways that do not require walking along the highway.

Your comments are important to the County of Kaua'i and the environmental review process. Mahalo for your interest in this project.

Sincerely,
KIMURA INTERNATIONAL, INC.

Glenn T. Kimura
President

Cc: Douglas Haigh, County of Kauai, Department of Public Works

1600 Kapiolani Blvd., Suite 1610
Honolulu, Hawaii 96814
Tel (808) 944-8848 • Fax (808) 941-8999

July 2, 2004

Glenn Kimura
Kimura International
1600 Kapiolani Blvd. Suite 1610
Honolulu, HI 96814

Aloha:

This letter is intended to provide testimony in favor of the coastal route for the proposed Lydgate Park-Kapaa Bike/ Pedestrian Path.

The value and desirability of Kauai as a destination and residence will be enhanced by the continuation of the Path along the coastal route. I feel that this route will be safer and more secure because of the presence nearby residences and hotels which will discourage vandalism and inappropriate uses such as motorbike riding, drinking and dumping of rubbish. The route along the highway could be dangerous. The average speed along the Marketplace is 45 mph, even though the posted speed is 25. The inland route, while offering beautiful vistas and a pleasant course, would be easily accessible to motorbikes and inappropriate uses, and would provide another area for people to dump old cars and refrigerators. Because there are no houses along the way, any type of "neighborhood watch" program would not be possible.

As a member of Ke Ala Hele Ma Ka Lae, I am committed to the original concept of a COASTAL path. I feel we should do whatever is necessary to assure that this plan as outlined in the Kauai General Plan and Bike Plan Hawaii is realized.

Sincerely,
Sally Jo Manca
Sally Jo Manca
6415 Olohena Road
Kapaa, HI 96746

KIMURA INTERNATIONAL

August 11, 2004

Ms. Sally Jo Manea
6415 Olohena Road
Kapaa, HI 96746

Dear Ms. Manea,

Proposed Bike/Pedestrian Path, Lydgate Park to Kapa'a
Public Review of the Draft Environmental Assessment

Thank you for your comments on the proposed bike/pedestrian path dated July 2, 2004. We want to acknowledge your preference for a coastal path which is perceived to be safer and more secure compared to a route along the highway.

Your comments are important to the County of Kaua'i and the environmental review process. Mahalo for your interest in this project.

Sincerely,
KIMURA INTERNATIONAL, INC.

Glenn T. Kimura
President

Cc: Douglas Haigh, County of Kauai, Department of Public Works

1600 Kapiolani Blvd., Suite 1610
Honolulu, Hawaii 96814
Tel (808) 944-8048 • Fax (808) 941-[illegible]

From: Robert Measel, Jr [measelhi@aloha.net]
Sent: Monday, August 09, 2004 1:42 PM
To:
Cc: Dale Rosenfeld; Kauai Nursery & Landscaping, Inc.
Subject: 08-09-04-RMj-Ltr. Kimura Int'l.re.bridle paths-Lydgate-Kealia

Robert Measel, Jr.
6308A Kaahele Street, Kapaa, Kauai, Hawai'i 96746
Telefax: 808 822-2068 Email:

August 9, 2004

Kimura International
1600 Kapiolani Blvd., Ste. 1610
Honolulu, Oahu, Hawaii 96814
Tel: (808) 944-8848

Subject: Equestrian (Bridle) Paths to be incorporated in some areas of Ke Ala Hele Makalae Coastal Pedestrian and Bike (Trail) Pathway.

Aloha Glenn T. Kimura and all:

I am writing this letter to serve notice to the fact that members of the Ke Ala Hele Makalae committee, which also set on the Bridle Path committee have just been informed that there are no considerations for Bridle Paths into the extensions from the main pathway (those feeding up into the Sleeping Giant Mountain area facing the ocean) going up into Wailua House Lots and Park, at a meeting held August 2, 2004 with Doug Haigh. That nothing is mentioned within the EA for the section of the pathway from Lydgate Park to Kealia. The Bridle Path committee members present at this meeting were, Dale Rosenfeld, Lelan Nishek, and myself.

We were all three shocked that no mention of equestrian (Bridle) Paths for the inland route portions to be established within the Ke Ala Hele Makalae coastal path. When, in fact, Dale Rosenfeld and I, together with Lelan Nishek have been very vocal at ever meeting with regards to areas that Horseback riding was and would be appropriate.

Clearly, during a meeting held by Kimura International at the Kapaa Middle School wherein a mapping session was held and the bridle pathways were drawn into the scheme of things. There are even pictures taken of that event showing the presents of Lelan Nishek, Dale Rosenfeld and I believe myself too.

The Bridle Path committee members have always known nor did we expect to be incorporated within all the areas of the proposed Coastal Pedestrian/Bike Corridor but we do expect to be involved in those areas that are appropriate for such activities.

Page # 2, continued:

Specisfically, we are wanting horse access from Sleeping Giant down the Ag road abutting Bette Midler's property and along the canals, and when the next phase is planned we could connect to Kealia where there is planned bridle paths along the coastal areas to Anahola. This would eventually allow horse enthusiast to ride from Wailua Homesteads out to Anahola and back.

Please respond to this matter. We are now aware that the comment period has past, however, the preferred route was not announced until after the comment period was over.

This matter was critical to the Bridle Path committee and we so stated so many times to the Kimura Group. And a fairly easy condition to resolve at this stage of this section of the whole coastal corridor. Thank you for your time and considerations.

Sincerely,

Robert Measel, Jr.
Bridle Path committee member

KIMURA INTERNATIONAL

August 13, 2004

Mr. Robert Measel, Jr.
6308A Kaahele Street
Kapaa, HI 96746

Dear Mr. Measel,

Proposed Bike/Pedestrian Path, Lydgate Park to Kapa'a

Thank you for your letter dated August 9, regarding the inclusion of equestrian or bridle paths within the preferred project alignment. In developing plans for a shared use path, we operated under the assumption that the facility should serve the widest range of possible users. Members of the Ke Ala Hele Makalae Committee have been a consistent source of support and ideas for this project. We have appreciated this input and tried to incorporate them in order to increase the project's value to the community.

At the same time, we have collected information and feedback from government agencies and private groups and individuals through the environmental assessment process, and, over time, have gained a more realistic understanding of what is feasible. In balancing desires and constraints, the equestrian element was found to be inappropriate for the largely urban conditions present in the Kapa'a segment. I want to review four factors that influenced this determination.

Project Purpose. A primary purpose of the Lydgate Park to Kapa'a segment was to accommodate alternative modes of transportation. Given the urban context of the project corridor, a key objective was to make it easier and safer for people to get to the places they want to go to without using automobiles. The facility was seen as a particularly important asset for children, seniors, and physically handicapped persons. While these users are not necessarily incompatible with horse riders, it highlighted the need for adequate separation between user groups.

Wetlands. Early in the environmental assessment process, we considered locating the path through wetlands that are prevalent mauka of Waipouli and Kapa'a. The image of boardwalks as an ecologically sensitive way to enjoy wildlife habitat was an appealing one. However, we learned that any intrusion into wetlands would trigger additional

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environmental compliance requirements that would add years to the project time line. Because project funds are available now, and their future availability is less certain, the County made a decision to avoid all wetlands. The impact of this decision was to shift the alignment to the makai side of the north-south canal system and to avoid the floodplains on the mauka side.

Land Needs and Constraints. Because of interweaving through developed areas, Alternative 1 (shoreline path) and Alternative 2 (path along inland roads) were ruled out as inappropriate for bridle paths. This left sections of Alternative 3 (canal path) as a possible corridor for horseback riding. The follow-on issue was whether adequate space was available and, if land was available but in private ownership, whether it could be acquired.

A major obstacle along the north-south canal alignment is the Fernandez camp area, where the path threads through a narrow strip of land between the residences and the canal. There is not enough space for a bike/pedestrian path and a bridle path. A gap in the bridle path would leave one segment, measuring 3,000 feet (.57 mile) to the south from Wailua House Lots (near Bambulei) to Fernandez camp, and another segment, measuring 800 feet (.15 mile) to the north from Fernandez camp to Pouli Road (Waipouli Shopping Center). The segment between Wailua House Lots and Fernandez camp is further impaired by a mid-block crossing across the temporary bypass road. These isolated segments are disconnected from other horse trails, and of seemingly diminished value to the equestrian community.

Other sections of Alternative 3 (canal path) discussed in the Draft EA were dropped from the preferred alignment. One section, along the boundary of the Natural Resources Conservation Service's wetlands restoration project, was deleted because of NRCS concerns. Another section, along the upper reaches of Waikaea Canal, was dropped as a cost-saving measure.

Support Facilities. Because any bridle path in the project area would not be an extension of an existing path or near stables, trail users would have to bring in their horses. At a minimum, this would require the construction of a new driveway and a parking lot/staging area for vehicles and horse trailers. The piecemeal segments discussed above do not seem to warrant the more extensive improvements needed. With other segments of Ke Ala Hele Makalae entering more rural areas, spending the funds in other areas, where a bridle path would have greater utility and connectivity seems advisable.

I offer these explanations from the perspective of our planning analysis. Of course, the County has the final say regarding the character and location of the project. We continue to believe that there will be opportunities to develop equestrian trails as the path network

expands, especially in the mauka areas where earlier suggestions for these types of facilities were originally mapped and noted.

Sincerely,
KIMURA INTERNATIONAL, INC.

Glenn T. Kimura
President

Cc: Douglas Haigh, County of Kauai, Department of Public Works

BOB MIDDLETON
441 PAPALOA ROAD
KAPAA, KAUAI, HAWAII 96746

RECEIVED
JUL 09 2004

July 07, 2004

Kimura International Inc.
1600 Kapiolani Blvd., Suite 1610
Honolulu, HI. 96814

RE: Lydgate Park - Kapaa Bike/Pedestrian Path

Dear Kimura International:

I am a long term resident and business owner on Papaloa Road. I have children in college that spent many hours as toddlers frolicking at the beach and then later as teenagers fishing in the ocean in front of the Lae nani and Lani Kai condominiums. I have been at my Papaloa Road location full time since 1986, and have walked, jogged, swam, driven, etc. in this immediate area regularly. In other words, I am very, very familiar with the patterns of this immediate area. I have also studied the alternatives and have walked them recently in an effort to give you some third party insight. My input will be only for the area from the Wailua River through the Coconut Marketplace as that is the area that I am most familiar with. I do have considerable knowledge and background in the area just North of the Marketplace, but I will still focus my comments on this smaller area.

I am in favor of the Shoreline Path, Alternative 1, with some minor modifications. This entire bike path should follow the shoreline whenever possible. That is a benefit to both the tourists and to the residents.

A. The bike path should traverse Makai of the Sea Shell Restaurant.
   The Sea Shell Restaurant is already too close to the Highway to go Mauka of it, and
   The southern intersection of Papaloa Road and the Highway is already too congested at the Shell Gas station location.
B. The southern end of Papaloa Road SHOULD NOT be made into a one way street.
   The stretch of Papaloa Road between the Highway and Lanikai Street is definitely a major hazard due to the width of the road being inadequate in combination with on-street parking on both sides of the street. The County of Kauai should have resolved this problem long ago by, at a minimum, of not allowing any on-street parking on one of the sides of Papaloa Road. It appears that the Shell Gas Station site has adequate

parking for the gas station only. However, there is a convenience store and a kayak rental/guide company also occupying the site which has added considerably to the on-street parking. Add to that the limited number of (tight) parking stalls at the adjacent Kinipopo Shopping Center and any overflow will swell to the on-street sites. The County has allowed for this end of Papaloa Road to almost become a mini parking lot for these property owners at the expense of the Public safety. By making Papaloa Road into a one way street it is a defacto taking of public street away from the public and giving an additional parking lot to the adjacent property owners without their paying for it.

C. The bike path should head mauka (inland) between Hale Awapuhi and Kapaa Sands condos and then run parallel to Papaloa Road on the makai side of Papaloa Road until the Northern end of the Kauai Sands Hotel property where it touches the Coconut Marketplace (to run towards the ocean between the Kauai Sands Hotel and the Islander on the Beach). From that point the bike path should maintain its shoreline path until it reaches Mokihana of Kauai.
   This means the bike path will not run between the ocean and the condominium developments of Kapaa Sands, Lani Kai and Lae nani or the Kauai Sands Hotel. The primary reason for this is to keep the bike path away from the Kukui Heiau. All efforts should be used to protect this sacred Hawaiian site, which has been abused considerably to date. I do not own any interest in any of these developments. Frankly, I am somewhat appalled at the Lae nani condominium management. They have signs on their pristine lawns stating that they are private property and there is no trespassing allowed. However, the pathway between the Lae nani condominiums and the Heiau is very worn, from the guests and owners of Lae nani that go to look at the ocean from the Heiau location. Lae nani should have placed signs on their own lawn facing their guests stating that they should not trespass over the Heiau, along with some informational signage describing the sanctity of the Hawaiian Heiau. I will not beat up on the Lae nani management too much, as I am aware that they do describe the Heiau some in their in-room literature. However, under this plan, the bike path would not be running on the makai side of these developments, so they (Kapaa Sands, Lani Kai, Lae nani and Kauai Sands Hotel) should

To: Kimura International Inc.
From: Bob Middleton
Date: July 07, 2004
Page: 3 of 3

jointly agree to install/maintain some quality informational signage regarding the Heiau. Mayor Baptiste's statements at the Public Meeting #3 should be incorporated in this shoreline area between Kapaa Sands and the Kauai Sands Hotel, where some lateral sidewalks are installed along this portion of the shoreline, but just not the bike path. My rationale for having the bike path turn towards the ocean off of Papaloa Road at the property line between the Kauai Sands Hotel and the Coconut Marketplace is due to several reasons. 1) To run the bike path through the Kauai Sands Hotel parking lot would take away parking from that property and their parking lot is many times at a full capacity now. 2) Bikers could easily exit the bike path to go to the Coconut Marketplace to shop or go to the movies or whatever. 3) Less Hotel/Condo rooms are impacted within the corrider between the Kauai Sands Hotel and the Islander on the Beach, than any of the other alternatives.

Well that is my recommendation. I would be happy to meet with any of powers to be in these regards or to take additional walks along any of these routes and to discuss these issues that I have stated or any others that are under consideration.

Sincerely,

Bob Middleton

Cc: Honorable Brian Baptiste

KIMURA INTERNATIONAL

August 11, 2004

Mr. Bob Middleton
441 Papaloa Road
Kapaa, HI 96746

Dear Mr. Middleton,

Proposed Bike/Pedestrian Path, Lydgate Park to Kapa'a
Public Review of the Draft Environmental Assessment

Thank you for your detailed comments sent by letter dated July 7, 2004. We want to acknowledge your preference for a bike path that follows Papaloa Road past the Kauai Sands Hotel, then along the shoreline to the Mokihana of Kauai. We also note your opposition to converting Papaloa Road into a one-way street.

Your comments are important to the County of Kaua'i and the environmental review process. Mahalo for your interest in this project.

Sincerely,
KIMURA INTERNATIONAL, INC.

Glenn T. Kimura
President

Cc: Douglas Haigh, County of Kauai, Department of Public Works

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Lydgate Park-Kapa'a Bike/Pedestrian Path

Public Meeting #3
Thursday, July 1, 2004

Name: MARSHALL MOCK

Address: 5914 KAWAIHAU RD, KAPAA

Comments:

(1) IF THE PROJECT IS FOR TRANSPORTION, THE MAUKA ALTERNATIVE IS MOST FEASIBLE.

(2) ~~THE~~ ISN'T THERE ARCHEOLOGICAL SENSITIVE (BURIAL SITES) LOCS SOUTH OF THE BULL SHED? NO MENTION OF ANY STUDY IS IN THE EA

(3) WHY IS NO MENTION OF THE PIERED WALK/BIKEWAY IN THE MAUKA ALTERNATIVE.

(4) THE WAILUA HOUSELOTS ALTERNATIVE DOES NOT SEEM TO BE NECESSARY.

Thank you. Please leave comments in the reception area, or take an addressed stamped envelope and mail by (postmark) July 8, 2004.

Kimura International, Inc. 1600 Kapiolani Boulevard, Suite 1610 Honolulu, HI 96814

KIMURA INTERNATIONAL

August 11, 2004

Mr. Marshall Mock
5914 Kawaihau Road
Kapaa, HI 96746

Dear Mr. Mock,

Proposed Bike/Pedestrian Path, Lydgate Park to Kapa'a
Public Review of the Draft Environmental Assessment

Thank you for your comments submitted at the public meeting on July 1, 2004. We want to acknowledge your preference for a mauka alternative as the most feasible transportation route. "Mauka alternative" is assumed to mean the "Inland Roadways" alignment or "Canal Path" alignment. We also note your comment that the Wailua House Lots alternatives appear unnecessary.

You mentioned that there is "no mention of any studies in the EA" related to "archaeological sensitive (burial sites/areas) south of the Bull Shed." However, the Draft EA identifies and discusses three burial areas identified as Sites 50-30-08-791, 50-30-08-1800, and 50-30-08-1801 in the State Historic Preservation Division's (SHPD) inventory system (see Figure 36). The County of Kaua'i and the Federal Highway Administration are preparing a Memorandum of Agreement pursuant to the National Historic Preservation Act that delineates protocols and mitigation measures that would be implemented if the selected alignment impacts any known burial area or results in the inadvertent discovery of human remains. The protocols will be determined in consultation with SHPD, Kaua'i/ Ni'ihau Island Burial Council, Office of Hawaiian Affairs, and other agencies.

Finally, you asked why there is "no mention of the piered walkway/bikeway in the mauka alternative." Piered pathways, also called boardwalks, were considered in areas with special ground conditions, such as sandy, rocky, and sloped areas. Boardwalks were not considered in the mauka areas of the project corridor where dry, flat conditions prevail.

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Your comments are important to the County of Kaua'i and the environmental review process. Mahalo for your interest in this project.

Sincerely,
KIMURA INTERNATIONAL, INC.

Glenn T. Kimura
President

Cc: Douglas Haigh, County of Kauai, Department of Public Works

RECEIVED
JUL 0 2 2004

QUESTIONS & COMMENTS ON:

DRAFT ENVIRONMENTAL ASSESSMENT ("DRAFT EA") PREPARED IN ACCORDANCE WITH STATE OF HAWAI'I EIS LAWS (HAWAI'I REVISED STATUTES, CHAPTER 343) AND EIS ADMINISTRATIVE RULES, TITLE 11, CHAPTER 200

In Response To:

State of Hawaii Office of Quality Control Environmental Notice
Dated: June 8, 2004

LYDGATE PARK – KAPA'A BIKE/PEDESTRIAN PATH
DRAFT ENVIRONMENTAL ASSESSMENT
Dated: May, 2004

To: Douglas Haigh
County of Kauai
Department of Public Works
4444 Rice Street, Suite 175
Lihue, HI 96746

Submitted By:

JACK F MONDT, LANKAI CONDO 132, 390 PAPOLOA ROAD, KAPAA, HI, 96746

June 30, 2004

Draft EA for Lydgate Park-Kapaa bike & pedestrian path phase

To locate, develop and construct the Lydgate Park-Kapaa bike & pedestrian path phase of the overall 23 mile bike & pedestrian path on the island of Kauai, three (3) alternatives have been proposed; namely,

Alternative 1: Shoreline,
Alternative 2: Inland Roadways and
Alternative 3: Canal Path.

QUESTIONS and COMMENTS

A. Transportation Enhancement (TE)

Why would Kauai County expend any more work or resources on Alternatives 1 and 3?

As reported in the subject EA, Alternative 2 is less costly, least costly to maintain, and easiest to access in case of an emergency. Alternative 2 requires no additional land acquisitions that Kauai County has to purchase. Alternative 2 creates no significant impact to the environment and meets the requirements for Federal Funding for TE. Therefore, Alternative 2 is the obvious selection for this project.

Finish the Final EA for Alternative 2 with a Finding of No Significant Impact (FONSI) and proceed with bids for a contract to design and construct.

How does Kauai County justify that Alternative 1 relates primarily to surface transportation and not recreation?

In 1991, the United States Congress passed the Intermodal Surface Transportation Efficiency Act (ISTEA). One of the most significant means through which ISTEA and its successor, the Transportation Equity Act for the 21st Century (TEA-21), promoted balanced, multi-modal transportation was through the creation of the "Transportation Enhancements (TE)" program. To comply with Federal guidelines for eligibility the decision makers must affirmatively answer the following two basic questions:

First, is the proposed action one of the listed activities in the TE definition in 23 U.S.C. 101(a) (35)?

Second, does the proposed action relate to surface transportation?

Therefore, federal funding for the Lydgate Park-Kapaa bike & pedestrian path may be in jeopardy. Alternative 1 relates primarily to recreation and not surface transportation. Alternative 1 is particularly suspected since there is already public access to this entire Alternative 1 shoreline.

Why build a bike/pedestrian path which will change the environment, disrupt the archeology and affect the ecology?

In accordance with federal regulations, all Transportation Enhancement projects must relate to surface transportation. Alternative 1 is marginal in its transportation relationship since Alternate 2 meets the requirements for TE, has no significant impact to the environment, archeology or ecology and is much less costly.

It is doubtful that Alternative 1 is principally for transportation. The Draft EA in the introduction states that Alternative 1 is recreational in nature.

- "Increased opportunities for recreation and physical fitness." (Draft EA, Paragraph 2.2., Project Purpose and Need, page 2-2).
- "The proposed path is needed to provide increased opportunities for outdoor recreation and fitness". (Draft EA, page 2-4).
- In discussing Alternative 3, the Draft EA states that "locating a transportation and recreation facility in conjunction with the canals is made all the more attractive because the waterways themselves are attractive and relatively clean." (Draft EA, page 4-43).
- The East side tourist market would also benefit from an attractive outdoor recreation amenity." (Draft EA, page 4-86).

The Inland Roadways route (Alternative 2) clearly satisfies the objective of enhancing transportation. The Inland Roadways route has a close relationship to Kuhio Highway and will serve a transportation purpose. As discussed in the Draft EA, the Inland Roadway route (Alternative 2) avoids potential significant environmental, archeological and ecological impacts.

So what justification(s) does the State of Hawaii and/or Kauai County have that Alternate 1 Path's primary purpose is to enhance transportation?

B. Project Costs

Since Alternative 2 is the lowest cost and closest cost to the $2M estimated for this project, why not select this alternative so that there is the best chance that the entire bike/pedestrian path can be completed within the estimated $37M including the Kauai County $7M?

Alternative 1 has an estimated cost of $2,803,000. I do not believe this estimated cost takes into account all the extra Engineering Design and Constructions work that has to be included to protect the shoreline in front of the condos along Papaloa road and in front of the Bull Shed restaurant. I am a Mechanical and Nuclear engineer and have estimated costs for building power plants along the coast of California and Taiwan. To protect the environment the actual cost were more than double normal construction costs due to legal environmental delays and unsuspected environmental conditions once construction started.

My best estimate for Alternative 1 is $3 to $4M because of the environmental concerns with a shore line path.

It is also known that Alternative 1 cannot be completed until private property is acquired by the exercise of the Right of Eminent Domain. Since federal fund limits for the bike/pedestrian are known, it is of paramount importance that we know all costs associated with each Alternative.

How much are the estimated yearly maintenance costs for each Alternative?

What are the differences in maintenance costs between Alternatives?

What would be the estimated cost to repair and clear Alternative 1 Bike/Pedestrian (B/P) after the first large winter storm?

C. Segmentation

The FHWA regulations on evaluating environmental impacts (23 CFR 771.111(f)) require the following to ensure meaningful evaluation of alternatives and to avoid commitments to transportation improvements before they are fully evaluated:

How are all the Bike/Pedestrian (B/P) path projects connected and how are the environmental matters addressed on a broad scope for the entire (B/P) path?

How is Alternative 1 B/P path usable as an additional transportation improvement in the area at a reasonable expenditure if the entire (B/P) path is not completed?

Is Alternative 2 B/P path usable as an additional transportation improvement in the area at a reasonable expenditure if the entire Bike/Pedestrian (B/P) path is not completed?

In developing the entire Bike/Pedestrian (B/P) path project through the stages of planning, environment, design, and construction, how has the project sponsor evaluated all the environmental concerns?

How has the entire Bike/Pedestrian (B/P) path project satisfied an identified need, such as future travel demands, public safety, rehabilitation, or economic development?

A problem of "segmentation" may occur where a transportation need extends throughout an entire corridor but environmental issues and transportation need are discussed for only one segment and not the entire B/P path project.

How will the environmental concerns for the entire B/P project be discussed in the Final EA?

D. Safety and Traffic Control

How or who is responsible for policing the Bike/Pedestrian (B/P)?

How does Kauai County keep motorcycles and or motor bikes off of the Bike/Pedestrian (B/P)?

How does Kauai County prevent battery operated bikes and/or scooters off of the Bike/Pedestrian (B/P)?

Since battery powered wheel chairs are allowed why not battery powered bikes and scooters?

Motor bikes, scooters, and motor cycles create a safety hazard to pedestrians.

How will this safety hazard to pedestrians avoided?

Respectfully Submitted

Jack F Mondt

Jack F Mondt
390 Papaloa Road, Condo 132
Kapaa, HI 96746-1460

CC: File

Douglas Haigh, PE.,
Chief, Building Division
Department of Public Works
County of Kauai
4444 Rice Street, Suite 275
Lihue, Kauai, Hawaii 96766-1340

Glen Kimura
Kimura International, Inc.
1600 Kapiolani Blvd., Ste #1610
Honolulu, Hawaii 96814

Doug Meller
TE Program Manager
Highway Planning Branch
Department of Transportation
869 Punchbowl St.
Honolulu, Hawaii 96813

Jonathan Young
TE Program Contact
FHWA HI Division
Prince Jonah Kuhio Kalanianaole Federal Bldg
300 Ala Moana Blvd.,
Room 3-306
Honolulu, Hawaii 96850

Abraham Wong, Division Administrator
Federal Highway Administration
U.S. Department of Transportation
300 Ala Moana Boulevard, Room 3306
Honolulu, Hawaii's 96813

KIMURA INTERNATIONAL

September 2, 2004

Mr. Jack F. Mondt
Lanikai Condo, #132
390 Papaloa Road
Kapa'a, HI 96746

Dear Mr. Mondt,

Proposed Bike/Pedestrian Path, Lydgate Park to Kapa'a
Review of the Draft Environmental Assessment

Thank you for your letter dated June 30, 2004. Your comments will be reproduced verbatim in the Final Environmental Assessment. However, as planning consultant to the Kaua'i County Department of Public Works, we also have been asked to respond to questions and, where appropriate, summarize and clarify the comments made. Your comments are indicated by bullet points; responses are indented.

A. Transportation Enhancement (TE)

- Why would Kaua'i County expend any more work or resources on Alternatives 1 and 3? (p. 2)
- How does Kaua'i County justify that Alternative 1 relates primarily to surface transportation and not recreation? (p. 2)
- So what justification(s) does the State of Hawai'i and/or Kaua'i County have that Alternate 1 Path's primary purpose is to enhance transportation? (p. 3)
- First, is the proposed action one of the listed activities in the TE definition in 23 USC 101(a)(35)? (p. 2)
- Second, does the proposed action relate to surface transportation? (p. 2)

Actual funds for this project may come from any of several federal sources, of which the Transportation Enhancements (TE) fund is most well-known. Under the TE program, there are two requirements for funding eligibility: (1) a project must be one of 12 designated TE activities and (2) relate to surface transportation. Pedestrian and bicycle facilities are at the top of the TE activities list; where the thrust of the TE program is to fund a variety of non-traditional projects. Depending on the preferred route and how it is packaged, the project is likely to qualify under other categories of TE activities as well. Additionally, the project

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must be "related to surface transportation"; the TE program does not require a project to be "primarily for transportation purposes." As discussed in pages 2-2 through 2-5, the shared use path fulfills several transportation objectives: by providing improved safety for pedestrians, bicyclists, and others using non-motorized modes of travel; increasing choices for those seeking alternative modes of travel; improving connections to popular destinations, and enhancing non-motorized access to natural areas (including access under the Americans with Disabilities Act).

The County of Kaua'i continues to evaluate Alternatives 1 and 3 because this project encompasses objectives other than the most efficient transportation route. Safety, as well as the scenic and aesthetic qualities of the travel experience, are also important considerations.

- Why build a bike/pedestrian path which will change the environment, disrupt the archaeology and affect the ecology? (p. 2)

The Draft EA has concluded that, while there may be adverse environmental and cultural impacts, they do not rise to the level of significance and substance indicated in the EIS Rules (Section 11-200-12 of the Hawai'i Administrative Rules). Based on the experts consulted and review comments received from various regulatory agencies, we have determined that, with appropriate impact minimization and mitigation measures, the project will not generate significant impacts.

B. Project Costs?

- Since Alternative 2 is the lowest cost and closest cost to the $2M estimated for this project, why not select this alternative so that there is the best chance that the entire bike/pedestrian path can be completed within the estimated $37M including the Kaua'i County $7M? (p. 3)
- How much are the estimated yearly maintenance costs for each Alternative? (p. 4)
- What are the differences in maintenance costs between Alternatives? (p. 4)
- What would be the estimated cost to repair and clear Alternative 1 Bike/Pedestrian (B/P) after the first large winter storm? (p. 4)

For a variety of reasons (including limited space, land acquisition costs, safe routing, and environmental constraints), it is unlikely that the preferred route will coincide with one of the alternatives, exactly as presented in the Draft EA. What the cost estimates tell us is that cost is related to the length of the facility. The same can be said for maintenance costs. A key issue, therefore, is finding a route

of reasonable length that is safe, serves destination nodes within the project corridor, and provides users with an enjoyable experience.

C. Segmentation

- How are all the Bike/Pedestrian (B/P) projects connected and how are the environmental matters addressed on a broad scope for the entire (B/P) path? (p. 4)
- How is Alternative 1 B/P path usable as an additional transportation improvement in the area at a reasonable expenditure if the entire (B/P) path is not completed? (p. 4)
- Is Alternative 2 B/P path usable as an additional transportation improvement in the area at a reasonable expenditure if the entire Bike/Pedestrian (B/P) path is not completed? (p. 4)

The Lydgate-Kapa'a bike/pedestrian path is part of a longer facility, but is also a self-contained project. The connecting segment to the south (within Lydgate Park) is already completed. The connecting segment to the north (the Kapa'a-Kealia segment) is scheduled to start construction ahead of the Lydgate-Kapa'a segment. In the very unlikely event that the Kapa'a-Kealia segment does not move forward, there is an existing path that begins at Waika'ea canal. Thus, connectivity of the Lydgate-Kapa'a segment is not an issue.

More importantly, however, the County views the Lydgate-Kapa'a segment as a useful component of the urban infrastructure that facilitates circulation in and around the town and gives people more options for moving about. Even if the entire path (Nawiliwili-Anahola) is not completed, the Lydgate-Kapa'a segment, on its own, satisfies these purposes.

- In developing the entire Bike/Pedestrian (B/P) path project through the stages of planning, environment, design, and construction, how has the project sponsor evaluated all the environmental concerns? (p. 4)
- How has the entire Bike/Pedestrian (B/P) path project satisfied an identified need, such as future travel demands, public safety, rehabilitation, or economic development? (p. 4)
- How will the environmental concerns for the entire B/P project be discussed in the Final EA? (p. 4)

The project sponsor documents and evaluates environmental concerns through written assessments and the Chapter 343/NEPA public review processes. A discussion of purpose and need is a standard part of each assessment. The Final EA will discuss environmental issues in terms of the preferred alignment. The Final EA will also include a discussion of secondary and cumulative impacts, in conformance with the NEPA format.

D. Safety and Traffic Control

- Who is responsible for policing the Bike/Pedestrian (B/P)? (p. 4)

As in any public facility, there must be several levels of "policing." First, users individually are expected to obey posted rules and regulations. Second, a community of users typically emerges, establishing a set of norms and acceptable conduct through example and social interaction. Third, unlawful behavior is the jurisdiction of the County police force.

- How does Kaua'i County keep motorcycles and or motor bikes off of the Bike/Pedestrian (B/P)? (p. 4)
- How does Kaua'i County prevent battery operated bikes and/or scooters off of the Bike/Pedestrian (B/P)? (p. 4)
- Since battery powered wheel chairs are allowed why not battery powered bikes and scooters? (p. 5)
- Motor bikes, scooters, and motor cycles create a safety hazard to pedestrians. How will this safety hazard to pedestrians be avoided? (p. 5)

Bicycles, mopeds, and motorcycles are considered vehicles under the traffic code and riders are subject to applicable rules of the road. Wheelchairs are not.

The statewide traffic code (Chapter 291, HRS) allows counties to enact ordinances that prevent people from riding bicycles equipped with a motor on bicycle lanes and bicycle paths.

Your comments are important to the County of Kaua'i and the environmental review process. Mahalo for your interest in this project.

Sincerely,
KIMURA INTERNATIONAL, INC.

Glenn T. Kimura
President

Cc: Douglas Haigh, Kaua'i Department of Public Works

From: Doug Haigh [dhaigh@kauaigov.com]
Sent: Friday, July 09, 2004 4:09 PM

Subject: FW: We just received the comment card

Douglas Haigh P.E.
Chief, Building Division
808-241-6550, dhaigh@kauaigov.com

-----Original Message-----
From: Jennifer Nicolai [mailto:JenniferNicolai@comcast.net]
Sent: Friday, July 09, 2004 1:50 PM
To: dhaigh@kauaigov.com
Subject: Fw: We just received the comment card

Thank you. here is what I wrote.
----- Original Message -----
From: Jennifer Nicolai
To: stefan@hawaiian.net
Sent: Wednesday, July 07, 2004 3:39 PM
Subject: We just received the comment card

We do NOT want a bike path across our property at Waikua Bayview. There are just a few feet between the building and the outer edge of the lawn. I think a bike path would be aesthetically displeasing and extremely obstructive and destructive to the small existing lawn area and surrounding landscaped property. We do not want to clean up discarded refuse. The first floor guests, owners and lucrative tourists would have absolutely no privacy and a greater sense of fear of intrusion. I cannot imagine any way to design the path across the 20 or so feet available that would not lend to a strip mall visual effect. A side from normal path maintenance the path would likely increase the rate of erosion across the particular stretch.

However, we do like the idea of a bike path on the existing road, Papaloa. It seems to make sense economically, physically (to bikers and walkers due to the incline and the limited property) and aesthetically. Papaloa is a quiet safe street perfect for walkers and bikers and leads directly to the coconut plantation- a great spot to shop and have lunch.

A bike path cost money and does not increase revenues. In fact it will deter guests from returning to a heavily trafficked location and remain a constant liability.

Jennifer Nicolai
510-547-1398 Office
415-515-1230 Mobile

CONFIDENTIAL: This E-Mail and any attachment are meant only for the intended recipient of the transmission. DO NOT FORWARD THIS MESSAGE. If you received this E-Mail and any attachment in error, any review, use, dissemination, distribution, or copying of this E-Mail and any attachment is strictly prohibited. Please notify the sender immediately of the error by return E-Mail and delete this message and any attachment from your system. When no longer needed, shred hard copy versions of this E-Mail and any attachments.

DATE

Ms. Jennifer Nicolai
JenniferNicolai@comcast.net

Dear Ms. Nicolai,

Proposed Bike/Pedestrian Path, Lydgate Park to Kapa'a
Public Review of the Draft Environmental Assessment

Thank you for your comments sent by email dated July 9, 2004. We want to acknowledge your opposition to the bike/pedestrian path along the shoreline and support for a path along Papaloa Road.

Your comments are important to the County of Kaua'i and the environmental review process. Mahalo for your interest in this project.

Sincerely,
KIMURA INTERNATIONAL, INC.

Glenn T. Kimura
President

Cc: Douglas Haigh, County of Kauai, Department of Public Works

KAUAI NURSERY & LANDSCAPING, INC
3-1550 Kaumualii Highway, Lihue Hi 96766
Phone: (808) 245-7747 / Fax: (808) 245-9289
Contractor's License No.: ABC-10825 E-mail: knl@gte.net

RECEIVED
AUG 0 9 2004

Tuesday, August 03, 2004

Glenn T. Kimura
President
Kimura International, Inc.
1600 Kapiolani Blvd., Suite 1610
Honolulu, HI 96814

Dear Mr. Kimura:

Kauai Nursery & Landscaping, Inc. wish to state our qualified support for the proposed Lydgate-Kapa'a Bike/Pedestrian Path project. From attending the three public input and scoping meetings you held recently, we concluded that portions of the coastal path through Kapa'a and Waipouli will meet with certain heavy opposition. While we support the concept of having full coastal access for all of Kauai's residents, we believe that "fighting" to implement such a controversial route may be better left for another day. Rather than promoting a preferred route, the EA should provide a more balanced discussion of the alternatives.

Diverting the bike path mauka through the inland canals as shown in your Alternative 3 (Canal Path) presentation would be a better choice for the following reasons:

1. Provide a visually appealing journey with mountain and canal views unobstructed by buildings and vehicles;
2. Can be developed without screening or additional structural reinforcement requirements;
3. Can be developed with much less public opposition;
4. Facilitate possible future economic development opportunities along the currently under-utilized canal ways.

Community interest for this alternative was strong throughout the three meetings. In the final meeting, you stated that all alternate routes would be given equal consideration in the EA; the County of Kauai would then be responsible for selecting the appropriate route. We believe that this route should be given the strongest consideration.

Another issue that we would like to bring up is the absence of equestrian use on the draft EA. The first public input and scoping meeting produced attendee-inspired equestrian paths along the canal ways, extending through the Wailua Houselots perimeter. Connecting Wailua Homesteads through the Sleeping Giant trail was also proposed by attendees. This interest in incorporating an equestrian path extended into the second meeting, where further discussions of possible equestrian path connections to the Kawaikau community and the proposed Kapa'a-Kealia path. We have not seen this community interest fully translated into the EA.

Two final suggestions that were brought up by attendees at the meetings were feeder routes to Kuamoo Road and Wailua Marina. The feeder to Kuamoo Road would link the coastal path to an already existing bike path up to Wailua Homesteads; the feeder to Wailua Marina would connect the bike path to a popular tourist and local destination. Interest for these feeder routes were made clear at the first two meetings, however, they do not appear as alternatives in the EA.

In presenting our concerns to you, we are hoping that you will be able to amend your work to include our comments. We were under the impression that the final EA would include all community input from the three meetings. Although the deadline for the EA comment period is past, we hope that you will somehow see that our concerns over the final EA are at least documented. Not including the full voice of these community meetings would be a very serious mistake. We hope that you will be receptive of our position.

Sincerely,

Lelan Nishek

Lelan Nishek
President

KIMURA INTERNATIONAL

August 13, 2004

Mr. Lelan Nishek, President
Kauai Nursery & Landscaping, Inc.
3-1550 Kaumualii Highway
Lihue, HI 96766

Dear Mr. Nishek,

Proposed Bike/Pedestrian Path, Lydgate Park to Kapa'a

Thank you for your letter dated August 9, regarding the inclusion of equestrian or bridle paths within the preferred project alignment. In developing plans for a shared use path, we operated under the assumption that the facility should serve the widest range of possible users. Members of the Ke Ala Hele Makalae Committee have been a consistent source of support and ideas for this project. We have appreciated this input and tried to incorporate them in order to increase the project's value to the community.

At the same time, we have collected information and feedback from government agencies and private groups and individuals through the environmental assessment process, and, over time, have gained a more realistic understanding of what is feasible. In balancing desires and constraints, the equestrian element was found to be inappropriate for the largely urban conditions present in the Kapa'a segment. I want to review four factors that influenced this determination.

Project Purpose. A primary purpose of the Lydgate Park to Kapa'a segment was to accommodate alternative modes of transportation. Given the urban context of the project corridor, a key objective was to make it easier and safer for people to get to the places they want to go to without using automobiles. The facility was seen as a particularly important asset for children, seniors, and physically handicapped persons. While these users are not necessarily incompatible with horse riders, it highlighted the need for adequate separation between user groups.

Wetlands. Early in the environmental assessment process, we considered locating the path through wetlands that are prevalent mauka of Waipouli and Kapa'a. The image of boardwalks as an ecologically sensitive way to enjoy wildlife habitat was an appealing one. However, we learned that any intrusion into wetlands would trigger additional

1600 Kapiolani Blvd., Suite 1610
Honolulu, Hawaii 96814
Tel (808) 944-8848 • Fax (808) 944-8999

environmental compliance requirements that would add years to the project time line. Because project funds are available now, and their future availability is less certain, the County made a decision to avoid all wetlands. The impact of this decision was to shift the alignment to the makai side of the north-south canal system and to avoid the floodplains on the mauka side.

Land Needs and Constraints. Because of interweaving through developed areas, Alternative 1 (shoreline path) and Alternative 2 (path along inland roads) were ruled out as inappropriate for bridle paths. This left sections of Alternative 3 (canal path) as a possible corridor for horseback riding. The follow-on issue was whether adequate space was available and, if land was available but in private ownership, whether it could be acquired.

A major obstacle along the north-south canal alignment is the Fernandez camp area, where the path threads through a narrow strip of land between the residences and the canal. There is not enough space for a bike/pedestrian path and a bridle path. A gap in the bridle path would leave one segment, measuring 3,000 feet (.57 mile) to the south from Wailua House Lots (near Bambulei) to Fernandez camp, and another segment, measuring 800 feet (.15 mile) to the north from Fernandez camp to Pouli Road (Waipouli Shopping Center). The segment between Wailua House Lots and Fernandez camp is further impaired by a mid-block crossing across the temporary bypass road. These isolated segments are disconnected from other horse trails, and of seemingly diminished value to the equestrian community.

Other sections of Alternative 3 (canal path) discussed in the Draft EA were dropped from the preferred alignment. One section, along the boundary of the Natural Resources Conservation Service's wetlands restoration project, was deleted because of NRCS concerns. Another section, along the upper reaches of Waikaea Canal, was dropped as a cost-saving measure.

Support Facilities. Because any bridle path in the project area would not be an extension of an existing path or near stables, trail users would have to bring in their horses. At a minimum, this would require the construction of a new driveway and a parking lot/staging area for vehicles and horse trailers. The piecemeal segments discussed above do not seem to warrant the more extensive improvements needed. With other segments of Ke Ala Hele Makalae entering more rural areas, spending the funds in other areas, where a bridle path would have greater utility and connectivity seems advisable.

I offer these explanations from the perspective of our planning analysis. Of course, the County has the final say regarding the character and location of the project. We continue to believe that there will be opportunities to develop equestrian trails as the path network

expands, especially in the mauka areas where earlier suggestions for these types of facilities were originally mapped and noted.

Sincerely,
KIMURA INTERNATIONAL, INC.

Glenn T. Kimura
President

Cc: Douglas Haigh, County of Kauai, Department of Public Works

July 4, 2004

Mr. Douglas Haigh
Kauai Dept. of Public Works
4444 Rice Street, Suite 175
Lihue, HI 96766

Jerry and Jeanie Paukert
8021 N. Hughes Drive
Spokane WA 99208

Dear Mr. Haigh,

My wife and I are retired and spend 3 to 4 weeks each winter at the Kapaa Sands condominium. We have found the natural serenity and beauty of Papaloa Bay nowhere else in our travels. It is an area where we have privacy yet still observe the local fishermen on the reef and the local children playing in the pool behind the reef. We can watch a family of sea turtles, in their natural habitat, off the rocks of the bluff above the bay. We can watch a monk seal swimming across the bay to beach itself on the sand behind the Kukui Heiau. We enjoy watching the surfers and the outrigger racers from our lanai.

We realize that the construction of a bike/multi-use path between the resort and the beach will adversely affect our privacy but our concern goes beyond this fact. We understand that 2 of the three options proposed for the path are to traverse the bluff in front of the Wailua Bay View, Hale Awapui, Kapaa Sands, and Lani Kai condominiums. It is obvious that construction of an elevated platform of some kind will be necessary. This type of construction will negatively affect the natural beauty of the bay and could contribute to erosion of the bluff. The first two options will also bring bicycle, rollerblade, and skateboard traffic to the boundary of the Kukui Heiau,

For all the reasons stated above plus the savings of construction costs, we urge you to support the third option for the path along Papaloa road away from the bluff and the Kukui Heiau.

Sincerely,

Jeanie & Jerry Paukert

Jerry and Jeanie Paukert
Spokane, WA

KIMURA INTERNATIONAL

August 11, 2004

Jerry and Jeanie Paukert
8021 N. Hughes Drive
Spokane, WA 99208

Dear Mr. and Mrs. Paukert,

Proposed Bike/Pedestrian Path, Lydgate Park to Kapa'a
Public Review of the Draft Environmental Assessment

Thank you for your comments on the proposed bike/pedestrian path dated July 4, 2004. We want to acknowledge your preference for a path along Papaloa Road away from the coastal bluff and Kukui Heiau.

Your comments are important to the County of Kaua'i and the environmental review process. Mahalo for your interest in this project.

Sincerely,
KIMURA INTERNATIONAL, INC.

Glenn T. Kimura
President

Cc: Douglas Haigh, County of Kauai, Department of Public Works

1600 Kapiolani Blvd., Suite 1610
Honolulu, Hawaii 96814
Tel (808) 944-5544 • Fax (808) 941-9991

From: Dale [edcra@aloha.net]
Sent: Wednesday, August 04, 2004 10:52 AM

Subject: Ke Ala Hele Makalae

Aloha

We have just been informed of the preferred route for the section of Ke Ala Hele Makalae that will go between Lydgate Park and Kealia. I notice that there is no current consideration for horse trails on the inland sections, and those of us with horse interests are sure we requested that in a mapping exercise done at the Middle School. I have been vocal at every meeting about horse use, saying that we will not expect to be in front of the hotels/condos, but if an inland route is choosen, we want to be there. Please look into this, it is important we not lose the rural character of our island.

Specifically we are wanting horse access from Sleeping Giant down the ag road abutting Bette Midler's property and along the canals, and when the next phase is planned we could connect to Kealia. This would allow us to ride from Wailua Homesteads eventually up to Anahola.

Please respond to this, I know it is past the comment period but the preferred route was not announced until after the comment period was over.

Mahalo.
--
Dale Rosenfeld
Esprit De Corps Riding Academy
www.kauaihorses.com
riding@kauaihorses.com
808-822-4688 phone
808-822-2309 fax
PO Box 269
Kapaa, HI 96746

KIMURA INTERNATIONAL

August 13, 2004

Ms. Dale Rosenfeld
Espirit De Corps Riding Academy
P.O. Box 269
Kapaa, HI 96746

Dear Ms. Rosenfeld,

Proposed Bike/Pedestrian Path, Lydgate Park to Kapa'a

Thank you for your letter dated August 9, regarding the inclusion of equestrian or bridle paths within the preferred project alignment. In developing plans for a shared use path, we operated under the assumption that the facility should serve the widest range of possible users. Members of the Ke Ala Hele Makalae Committee have been a consistent source of support and ideas for this project. We have appreciated this input and tried to incorporate them in order to increase the project's value to the community.

At the same time, we have collected information and feedback from government agencies and private groups and individuals through the environmental assessment process, and, over time, have gained a more realistic understanding of what is feasible. In balancing desires and constraints, the equestrian element was found to be inappropriate for the largely urban conditions present in the Kapa'a segment. I want to review four factors that influenced this determination.

Project Purpose. A primary purpose of the Lydgate Park to Kapa'a segment was to accommodate alternative modes of transportation. Given the urban context of the project corridor, a key objective was to make it easier and safer for people to get to the places they want to go to without using automobiles. The facility was seen as a particularly important asset for children, seniors, and physically handicapped persons. While these users are not necessarily incompatible with horse riders, it highlighted the need for adequate separation between user groups.

Wetlands. Early in the environmental assessment process, we considered locating the path through wetlands that are prevalent mauka of Waipouli and Kapa'a. The image of boardwalks as an ecologically sensitive way to enjoy wildlife habitat was an appealing one. However, we learned that any intrusion into wetlands would trigger additional

1600 Kapiolani Blvd., Suite 1610
Honolulu, Hawaii 96814
Tel (808) 944-6448 • Fax (808) 941-[illegible]

environmental compliance requirements that would add years to the project time line. Because project funds are available now, and their future availability is less certain, the County made a decision to avoid all wetlands. The impact of this decision was to shift the alignment to the makai side of the north-south canal system and to avoid the floodplains on the mauka side.

Land Needs and Constraints. Because of interweaving through developed areas, Alternative 1 (shoreline path) and Alternative 2 (path along inland roads) were ruled out as inappropriate for bridle paths. This left sections of Alternative 3 (canal path) as a possible corridor for horseback riding. The follow-on issue was whether adequate space was available and, if land was available but in private ownership, whether it could be acquired.

A major obstacle along the north-south canal alignment is the Fernandez camp area, where the path threads through a narrow strip of land between the residences and the canal. There is not enough space for a bike/pedestrian path and a bridle path. A gap in the bridle path would leave one segment, measuring 3,000 feet (.57 mile) to the south from Wailua House Lots (near Bambulei) to Fernandez camp, and another segment, measuring 800 feet (.15 mile) to the north from Fernandez camp to Pouli Road (Waipouli Shopping Center). The segment between Wailua House Lots and Fernandez camp is further impaired by a mid-block crossing across the temporary bypass road. These isolated segments are disconnected from other horse trails, and of seemingly diminished value to the equestrian community.

Other sections of Alternative 3 (canal path) discussed in the Draft EA were dropped from the preferred alignment. One section, along the boundary of the Natural Resources Conservation Service's wetlands restoration project, was deleted because of NRCS concerns. Another section, along the upper reaches of Waikaea Canal, was dropped as a cost-saving measure.

Support Facilities. Because any bridle path in the project area would not be an extension of an existing path or near stables, trail users would have to bring in their horses. At a minimum, this would require the construction of a new driveway and a parking lot/staging area for vehicles and horse trailers. The piecemeal segments discussed above do not seem to warrant the more extensive improvements needed. With other segments of Ke Ala Hele Makalae entering more rural areas, spending the funds in other areas, where a bridle path would have greater utility and connectivity seems advisable.

I offer these explanations from the perspective of our planning analysis. Of course, the County has the final say regarding the character and location of the project. We continue to believe that there will be opportunities to develop equestrian trails as the path network

expands, especially in the mauka areas where earlier suggestions for these types of facilities were originally mapped and noted.

Sincerely,
KIMURA INTERNATIONAL, INC.

Glenn T. Kimura
President

Cc: Douglas Haigh, County of Kauai, Department of Public Works

RECEIVED
JUN 28 2004

Date: June 24, 2004

To: Douglas Haigh
Kauai Department of Public Works
4444 Rice Street, Suite 175
Lihue, HI 96766

From: Jeanne M. Ross
POB 1704
Kapaa, HI 96746

Cc: Glenn Kimura
Kimura International, Inc.
1600 Kapiolani Boulevard, Suite 1610
Honolulu, HI 96814

RE: Lydgate Park –Kapa'a Bike/Pedestrian Path

I am a resident of Kapaa and do not own a vehicle. My major modes of transportation are walking and biking, mostly walking since there aren't many safe areas for biking.

I am in favor of a bike path but I am not in favor of placing a cement pathway along the shoreline. There is beauty all around you on this island and I don't feel it's necessary to destroy that beauty along the beach when there are alternate routes with scenic views that will not be marred by a cement path and whatever construction is necessary to place the path along the shore. The Lydgate Park Path already parallels the shoreline.

I also feel that an increase of activity so close to the beach would endanger the monk seals that you see frequently along this shoreline.

Jeanne M Ross

KIMURA INTERNATIONAL

July 2, 2004

Ms. Jeanne M. Ross
P.O. Box 1704
Kapaa, HI 96746

Dear Ms. Ross,

Proposed Bike/Pedestrian Path, Lydgate Park to Kapaa
Public Review of the Draft Environmental Assessment

Thank you for your letter dated June 24, 2004. We want to acknowledge your support for a bike/pedestrian path that is located away from the shore.

Your comments are important to the County of Kaua'i and the environmental review process. Mahalo for your interest in this project.

Sincerely,
KIMURA INTERNATIONAL, INC.

Glenn T. Kimura
President

Cc: Douglas Haigh, County of Kauai, Department of Public Works

1600 Kapiolani Blvd. Suite 1610
Honolulu, Hawaii 96814
[illegible]

JUL 01 2004

Only the beach path (#1) opens access of the shoreline to the public — this is my preference

Kauai Bike Path public comment period ends July 8, 2004.

The County owned shoreline is one of 3 alternative pedestrian/bicycle pathways routes being considered.

This pathway runs by 8 condos and hotels between the old Seashell Restaurant at Wailua Bay and the Beachboy in the Coconut Marketplace.

The beach and its lawns are used primarily by owners and guests of condos located along the coast.

Stefan Schweitzer
PO Box 1011 Kalaheo HI 96741

Some condo owners contend this pathway would be intrusive to them.

The project, advocated by the Mayor, is expected to significantly enhance recreational opportunities for the Lihue and Kapaa areas, the most densely populated areas on the island.

The above is from The Garden Island newspaper p. 1 6/27/04.

Currently some of these shoreline areas are difficult to get to and have restricted access and signage.

These owners certainly purchased knowing the County owned shoreline was there.

KIMURA INTERNATIONAL

August 11, 2004

Mr. Stefan Schweitzer
P.O. Box 1011
Kalaheo, HI 96741

Dear Mr. Schweitzer,

Proposed Bike/Pedestrian Path, Lydgate Park to Kapa'a
Public Review of the Draft Environmental Assessment

Thank you for your comments on the proposed bike/pedestrian path. We want to acknowledge your preference for Alternative 1, which opens access of the shoreline to the public.

Your comments are important to the County of Kaua'i and the environmental review process. Mahalo for your interest in this project.

Sincerely,
KIMURA INTERNATIONAL, INC.

Glenn T. Kimura
President

Cc: Douglas Haigh, County of Kauai, Department of Public Works

1600 Kapiolani Blvd., Suite 1610
Honolulu, Hawaii 96814
Tel (808) 941-8549 • Fax (808) 941-8939

From: jmsone@verizon.net
Sent: Thursday, July 08, 2004 3:27 PM
To: projects@kimuraintemational.com
Subject: Lydgate Park - Kapa'a Bike/Pedestrian Path

Hi - Thank you for the opportunity to provide comment to the proposed Lydgate Park - Kapa'a Bike/Pedestrian Path. Although, the bike path does affect many areas, the bulk of my comments apply to the Houselots and the Wailua coastal segments.

Thanks,
Jimmy Sone
370 Laaukea Place
Kapaa, HI 96746
808-822-1688 Home
808-241-5052 Bus
jmsone@gte.net
****

SEGMENT E - Wailua Houselots

Preference:
==========
Haleilio Road Alternative

Discussion:
==========
Presently, Haleilio Road is well used by pedestrians, joggers and bicyclists. Further, there are parents who take their infants in strollers for walks along the road. Often time these users are older citizens out for some exercise, or young children. Because there is no sidewalk, though, these users will use the roadway rather than the shoulder. Bicyclists find it difficult to traverse along the muddy, uneven, or overgrown shoulders. Parents with strollers have the same difficulty, as well as pedestrians. Motorists must therefore swing into the oncoming lane to avoid the pedestrian/bicyclist. Clearly, this is a safety issue for both motorists and the pedestrian/bicyclist.

Haleilio Rd. also sees increased use from the typical residential feeder road because there are so many amenities along Kuhio Highway at the origin of Haleilio Road which are within walking distance. Pedestrians use the road to get to TCBY, local restaurants, the Wailua Shell Convenience Store, Kinipopo Shopping Village, Wailua Beach, the movie theatres and the Plantation Marketplace.

Summary:
========
The Haleilio Road alternative is more favorable over the North side alternative because:
1. SAFETY. Motorists and pedestrians/bicyclists will benefit with increased safety. Many pedestrians and bicyclists will continue to travel on Haleilio Rd. The proposed path will provide increased safety since there is less likelihood of a conflict.

2. INCREASED USE. Pedestrians/bicyclists may not utilize the North side alternative because there are insufficient connections to Hxleilio and the route will increase the travel time. In many cases, users will have to travel mauka or makai along Haleilio Rd. just to reach the connector road. Invariably, many users will simply stay on Haleilio Road rather than waste time or increase their travel distance.

SEGMENT A - WAILUA

Preference:
==========
Coastal alternative.

Discussion:
==========

I walked along the coastline from the Seashell Restaurant to Mokihana of Kauai. Although, there are some engineering and construction challenges between the Seashell and Lae Nani, this is the best choice. It is scenic, provides coastal access, there is adequate space, and it provides an opportunity to correct the presently undesirable situation of walking through the Heiau at Lae Nani.

It was disconcerting to find that Lae Nani had fenced their property on the North side forcing people to actually walk through the heiau. Although, they may have a legal right to do so, it ignores the cultural significance of the site as well as contributes to its further deterioration. The coastal alternative gives correction to this undesirable situation the most likelihood of succeeding.

For exercise, I walk along Papaloa Rd. and take the beach access right of way between Lae Nani and Kauai Sands to get to the coastal path. However, if there were a coastal path between Seashell and Lae Nani, there's no doubt that the coastal path would be the one to use for its scenic quality and coastal access.

I have also used the existing path at Lydgate Park, and agree if it is technically and environmentally feasible, to connect the existing path on the makai side to the existing path on the mauka side by locating a new path somewhat contiguous with the Northern boundary of the existing Aloha Beach Resort Property.

SEGMENT D - Coconut Plantation

Preference:
==========
Coastal alternative, but go mauka of Mokihana of Kauai.

Discussion:
==========
There does not seem to be sufficient space fronting the Mokihana of Kauai Time Share and the Bullshed Restaurant. It might be more workable to circumvent that area by locating the path mauka of Mokihana of Kauai, and makai of Village Manor condos. The route will require a new bridge crossing over Uhelekawawa Canal, but this would be a good thing as it'll provide alternative pedestrian use for those who walk or ride bikes along Kuhio Highway.

KIMURA INTERNATIONAL

August 11, 2004

Mr. James Sone
370 Laaukea Place
Kapaa, HI 96746

Dear Mr. Sone,

Proposed Bike/Pedestrian Path, Lydgate Park to Kapa'a
Public Review of the Draft Environmental Assessment

Thank you for your detailed comments sent by e-mail on July 8, 2004. We want to acknowledge your preference for a bike/pedestrian path on Haleilio Road through Wailua House Lots and the shoreline alternative for the Lydgate Park to Kapaa segment. We also note your recommendation to align the path mauka of Mokihana of Kauai and the Bull Shed Restaurant.

Your comments are important to the County of Kaua'i and the environmental review process. Mahalo for your interest in this project.

Sincerely,
KIMURA INTERNATIONAL, INC.

Glenn T. Kimura
President

Cc: Douglas Haigh, County of Kauai, Department of Public Works

1600 Kapiolani Blvd., Suite 1610
Honolulu, Hawaii 96814
Tel (808) 944-8448 • Fax (808) 941-8929

35 Ontare Road
Arcadia, CA 91006
Jun 22, 2004

RECEIVED
JUN 24 2004

Mr. Douglas Haigh
Kauai Department of Public Works
4444 Rice Street, Suite 175
Lihue, HI 96766

Dear Mr. Haigh:

We have just received a letter from Kimura International, Inc. concerning the proposed Lydgate Park-Kapa'a Bike/Pedestrian bike path meeting to be held July 1, 2004. Although the letter and postmark were both dated Jun 8, 2004, we just received it. Snail Mail no doubt and a slow one at that.

Unfortunately, we, like many other interested owners at Lae nani, will not be able to attend the meetings but am furnishing you a copy of our original letter to Mr. Kimura and our sentiments have not changed in the slightest. In fact, the more we hear and read about it the more it seems to become a very expensive project for the enjoyment it may provide. There seem to be so many variables being discovered with each passing day.

I attended a city council meeting on April 29 as a representative of Lae nani and expressed our thoughts that we were not opposed to a bike path but we were definitely concerned about its route. I also mentioned I hoped those who would be making the decision would approve a route where the taxpayers would "get the most bang for their buck" taking all things into consideration.

Sincerely,

Charles and Virginia Stein

cc. Glenn Kimura
Kimura International, Inc.
1600 Kapiolani Blvd. Suite 1610
Honolulu, HI 96814

RECEIVED
JUN 24 2004

March 19, 2004

Dear Mr. Kimura:

We are the owners of a condo at Lae nani Condos, 410 Papaloa Road, in Kapaa and, in recent days, we have been receiving much information about the proposed bike/walking path which is being considered from its present terminus near Lydgate Park, through the Wailua Bay area and on to Kapaa. Unfortunately, we have not been able to attend any of the meetings so we have only second hand information on which to draw our conclusions. Sometimes this type of information cannot be relied upon, but, we do have two concerns: The monk seals and the route of the path.

One of our frequent visitors is the monk seal, who, on occasion, chooses our particular part of the shoreline to wander in at his (or her) leisure, stay maybe a day or two, and suddenly, like he arrived, disappears into the deep. One of our owners has accepted the task of protecting said seals and provides the "yellow ribbon" around an area 100-150 feet for its protection. From what we have heard, the bike path will not only be trespassing on the seal's "domain", but, of necessity, would have to be closed during the seal's visit. This could cause quite a problem since the seals are extremely sensitive to human activity. To help protect the species, it is important to enjoy the monk seals from a distance to give them the solitude they need to survive. The latest survey indicates their population to be 1200 to 1500, and declining. They are not only federally protected but also protected under the Hawaiian Island National Wild Life Refuge Act. We would certainly not want to be the cause of any violation of these acts.

Not having seen the proposed path along the seashore, I find it hard to believe there will be an attempt to skirt the rocky shore behind the Wailua Bay View Condo, the Kauai Sands, Hale Awapuli, and behind Lanikai, unless they intend to build a path on pilings. Such a plan would be a tremendous strain on the budget.

The use of Papaloa Road, we understand, has been proposed as a one-way road Northbound which seems to be quite logical. Although it is only a two-lane road, one side could be designated as a "bike path" which would skirt all the above mentioned properties, come in to the Coconut Market Place common area and from there on northward. I feel this plan would be a considerable saving, in dollars, for the future extension of the path. This would also be an economic help to the merchants in the market place.

Undoubtedly, you have been inundated with questions, comments, and suggestions so will not take more or your time.

Very truly yours,

Mr. and Mrs. Charles Stein
35 Ontare rd.
Arcadia, CA 91006

E-Mail chazngin@earthlink.net

KIMURA INTERNATIONAL

July 2, 2004

Mr. and Mrs. Charles Stein
35 Ontare Road
Arcadia, CA 91006

Dear Mr. and Mrs. Stein,

Proposed Bike/Pedestrian Path, Lydgate Park to Kapaa
Public Review of the Draft Environmental Assessment

Thank you for your letter dated June 21, 2004. We also note your reference to additional comments expressed in a letter dated March 19, 2004. We want to acknowledge your concern for monk seals and their occasional use of Papaloa Cove. We also note your support for a bike/pedestrian path along Papaloa Road.

Your comments are important to the County of Kaua'i and the environmental review process. Mahalo for your interest in this project.

Sincerely,
KIMURA INTERNATIONAL, INC.

Glenn T. Kimura
President

Cc: Douglas Haigh, County of Kauai, Department of Public Works

1600 Kapiolani Blvd., Suite 1610
Honolulu, Hawaii 96814
Tel (808) 944 8548 • Fax (808) 941 9999

COMMENTS ON:

LYDGATE PARK – KAPA'A BIKE/PEDESTRIAN PATH
DRAFT ENVIRONMENTAL ASSESSMENT

In Response To:

State of Hawai'i
Office of Quality Control Environmental Notice
Dated: June 8, 2004

To:

County of Kaua'i
Department of Public Works
4444 Rice Street, Suite 175
Lihu'e, HI 96746
Attn: Douglas Haigh

Submitted By:

Lae nani, Lanikai, Kapa'a Sands and Hale Awapuhi Resort Condominiums
Papaloa Road, Kapa'a, Kaua'i, Hawai'i

Postmarked:
July 7, 2004

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SUMMARY

To locate, develop and construct the Lydgate Park-Kapa'a bike/pedestrian path phase of the overall 23 mile bike/pedestrian path on the island of Kaua'i three (3) alternatives have been proposed; namely, Alternative 1: Shoreline, Alternative 2: Inland Roadways and Alternative 3: Canal Path.

The following comments are primarily directed to the .25 mile portion of Alternative 1, beginning from the makai side of the Sea Shell Restaurant and proceeding along the makai side of Wailua Bay View condominium resort, Hale Awapuhi condominium resort, private property owned by Blair and Paula Gay, Kapa'a Sands condominium resort, Lanikai condominium resort, Lae nani condominium resort and to and through the Kukui Helau environ. This shoreline of Alternative 1 is hereinafter referred to as "Shore Path."

Large projects such as the bike/pedestrian path can develop bureaucratic momentum that can heavily tilt decision-making toward a particular outcome. This appears to be the case in favor of the Shore Path portion of Alternative 1. This momentum can only be addressed by an unbiased examination of the pros and cons for Alternative 1. The environmental, archeological, ecological and economical consequences for Alternative 1 must subjected to a detailed analysis at the outset before any momentum for a particular outcome becomes irresistible.

A fundamental purpose of the National Environmental Policy Act, 42 U.S.C. sec. 4321, et seq. ("NEPA") and Hawai'i Revised Statutes §343, otherwise known as the Hawai'i Environmental Policy Act ("HEPA"), is to inform the decision making process prior to any decision. But that purpose obviously cannot

be achieved if the outcome has been predetermined. We must consider the Draft Environmental Assessment ("Draft EA") as a legitimate request for comment and not merely window dressing.

For a number of years it has been the County of Kaua'i's publicly announced desire to develop a bike/pedestrian path for recreational use along the coast of Kaua'i. Some have taken this desire literally and maintain that a Lydgate Park-Kapa'a bike/pedestrian path should be constructed along the shore including makai of the resort condominiums along Papaloa Road (e.g. the Shore Path), even when the primary purpose of the Federal Funding is for transportation enhancement. Of course, this desire was arrived at before any objective transportation enhancement, environmental, archeological, or economic analysis.

Consequently, over time the Shore Path may have developed the feared bureaucratic momentum. It is now time for careful environmental, archeological, ecological and other related analysis to consider why the Shore Path should or should not be selected from the three bike/pedestrian path alternatives. The comments and request for responses set forth herein clearly dictate that the Shore Path should not be an alternative and support the need to delete the Shore Path from the bike/pedestrian path project or, alternatively, support the need for an Environmental Impact Statement (EIS), rather than the FONSI as anticipated in the Draft EA.

The purpose of public meetings and public comment on the Draft EA, and the NEPA/HEPA process generally, is to stimulate an informed exchange of views on a proposed action. If the outcome has already been predetermined or

preordained then the value of public meetings and public comment is diminished and the whole purpose of the process is frustrated. Care must be given not to make decisions largely or entirely on the basis of momentum for a particular outcome or information supplied by advocates of the proposed action to the exclusion of other points of view.

Amazingly, the Draft EA, at Chapter 6, page 6-1, anticipatorily determined that the proposed project is not expected to result in significant social, economic, cultural, or environmental impacts. Based thereon, the Draft EA anticipated a Finding of No Significant Impact ("FONSI") pursuant to the provisions of Subchapter 6 of chapter 200, Title 11, Hawai'i Administrative Rules of the Department of Health. The Draft EA does not support a FONSI. A FONSI is simply not credible when one considers the numerous adverse impacts caused by the Shore Path, not the least of which are the cultural and environmental impacts. The Draft EA is imprecise, ambiguous, misleading and incomplete in many respects. There are too many unknowns and uncertainties that are not addressed in the Draft EA.

The Draft EA draws conclusions on bases that are fundamentally flawed or nonexistent. An on-site review of the proposed location of the Shore Path will clearly disclose to the unbiased eye that the Shore Path offers significant obstacles, not the least of which are significant impacts on culture, the shoreline environ and its ecology. In addition, because of the shore hardening structures to be constructed on the shoreline to support the Shore Path, it is abundantly clear

that the necessary permits and variances should never be issued by applicable government agencies.

The following comments and requests for responses are constructively submitted to alert decision makers to significant adverse matters which will result from the implementation of the Shore Path. The Shore Path requires substantial alteration of the shoreline, shore slope, rocky headland and high bluff, including the construction and placement of a concrete path supported by a substantial sea wall or a boardwalk supported by substantial pilings driven or drilled into the shoreline.

The Shore Path creates legal and practical issues, policy violations and potentially irreversible adverse environmental, archeological, ecological and economic consequences, including potential irreversible adverse effects on the cultural practices of the community and the State, including irreparable and irretrievable damage to a State and nationally registered historic site; namely the Kukui Helau and its surrounding area. (*See: Archaeological Investigation At Kukui Helau, South Olohena, Puna, Kaua'i Island*, by Archaeological Research Center Hawai'i, Inc., May 1977; Bertell D. Davis and Richard M. Bordner).

The Shore Path irrevocably commits a natural resource, curtails the range of beneficial uses of the environment and is contrary to Federal and State environmental policies and long-term environmental goals. The Shore Path does not enhance or relate to transportation as required by applicable law, is not economically sound and is not ADA accessible without substantial additional expense.

The following comments make it abundantly clear that Alternative 1, including the Shore Path, must be deleted from consideration as an alternative bike/pedestrian path. Alternatively, the Draft EA FONSI must be withdrawn and the County of Kaua'i must prepare an EIS and/or Cultural Environmental Impact Statement (CEIS).

COMMENTS

NATIONAL ENVIRONMENTAL POLICY ACT

On January 1, 1970 NEPA was signed into Law. NEPA requires federal agencies to integrate environmental values into their decision making processes by considering the environmental impacts of their proposed actions and reasonable alternatives to those actions. Because the bike/pedestrian path is dependent on federal funding the Draft EA must conform to NEPA requirements.

The Draft EA violates NEPA in a number of important ways. First, it fails to meet the NEPA requirement to analyze impacts at the earliest possible point in the decision process. In drafting and enacting NEPA, Congress recognized that large projects develop a bureaucratic momentum that can heavily tilt decision-making toward continuation of the project -- a problem that could be addressed only by examining them in their entirety at the outset before this momentum became irresistible.

A fundamental purpose of NEPA is to inform the decision making process. But that purpose obviously cannot be achieved if the outcome has been predetermined. We all must approach the Draft EA as a legitimate request for comment and not as merely so much window dressing. The decision maker must

cease from taking any steps towards the implementation of Alternative 1, with its Shore Path, until the County of Kaua'i provides necessary consideration of all significant environmental effects in compliance with the NEPA. These significant environmental effects are further discussed later in this response.

For many years it has been the County of Kaua'i's publicly announced desire to develop a bike/pedestrian path along the coast. Some have taken this desire literally and maintain that a portion of the Lydgate Park-Kapa'a bike/pedestrian path should be constructed makai of the resort condominiums along Papaloa Road (e.g. the Shore Path). This position was arrived at before any objective environmental, archeological, ecological and other related analysis of the Shore Path was done.

Over time the Shore Path may have developed the feared bureaucratic momentum. It is now time for careful transportation enhancement, environmental, archeological, ecological and economic analysis. The Shore Path should be deleted from the bike/pedestrian path project and the Shore Path not be considered an alternative. Careful analysis by the unbiased decision maker will disclose the need to delete the Shore Path from the bike/pedestrian path project or, alternatively, the need for an Environmental Impact Statement (EIS) rather than the FONSI anticipated in the Draft EA.

The purpose of public meetings and the NEPA process generally, is to stimulate an informed exchange of views on the proposed action. If the outcome has already been predetermined or preordained then the value of public comments is diminished and the whole purpose of the process is negated. If key

decisions on the Draft EA will be made by policymakers, care must be given not to make decisions largely or entirely on the basis of information that is supplied by advocates of the proposed action. This is particularly true with regard to the controversial Shore Path.

Pursuant to NEPA and Section 4(f) of the Department of Transportation Act (49 U.S.C. 303) and HEPA (discussed, *Infra)*, any Final Environmental Assessment (EA) will be submitted by the U.S. Department of Transportation, FHWA, the State of Hawai'i, Department of Transportation, Highways Division and the County of Kaua'i, Department of Public Works. NEPA requires and the FHWA is committed to the examination and avoidance of potential impacts to the social and natural environment when considering approval of ***proposed transportation projects***. *(Emphasis added)*. In addition to evaluating the potential environmental effects, the FHWA, the State of Hawai'i, Department of Transportation, Highways Division and the County of Kaua'i must take into account ***the transportation needs of the public*** in reaching a decision that is in the best overall public interest. *(Emphasis added)*.

The FHWA NEPA project development process is an approach to balanced ***transportation decision making*** that takes into account the potential impacts on the human and natural environment and the public's need for ***safe and efficient transportation***. (*Emphasis added)*. At 23 CFR§ 105, FHWA's policy states as follows:

- To the fullest extent possible, all environmental investigations, reviews, and consultations be coordinated as a single process, and

compliance with all applicable environmental requirements be reflected in the environmental document required by this regulation.

- Alternative courses of action be evaluated and decisions be made in the best overall public interest based upon a balanced ***consideration of the need for safe and efficient transportation***. (*Emphasis added*).
- Alternative courses of action be evaluated and decisions be made in the best overall public interest based upon a balanced consideration of the social, economic, and environmental impacts of the ***proposed transportation improvement***. (*Emphasis added*).
- Alternative courses of action be evaluated and decisions be made in the best overall public interest based upon a balanced consideration of national, state, and local environmental protection goals.
- Alternative courses of action be evaluated and decisions be made in the best overall public interest based upon a balanced consideration of the social, economic, and environmental impacts of the ***proposed transportation improvement***. (*Emphasis added*). Public involvement and a systematic interdisciplinary approach be essential parts of the development process for proposed actions.
- Measures necessary to mitigate adverse impacts be incorporated into the action.

Consequently, responses are needed to the following questions:

- Is Alternative 2 in the best overall public interest based upon a ***balanced consideration of the need for safe and efficient transportation***? If yes, why? If not, specifically, why not?
- Are there any portions of Alternative 2 that better serve the best overall public interest as compared to Alternatives 1 and 3? If yes, what portions? If not, specifically, why not?
- Is Alternative 3 in the best overall public interest based upon a ***balanced consideration of the need for safe and efficient transportation***? If yes, why? If not, specifically, why not?
- Are there any portions of Alternative 3 that better serve the best overall public interest as compared to Alternatives 1 and 2? If yes, what portions? If not, specifically, why not?
- Is Alternative 1, including the Shore Path, in the best overall public interest based upon a ***balanced consideration of the need for safe and efficient transportation***? If yes, why?
- If Alternative 1, including the Shore Path, is in the best overall public interest based upon a ***balanced consideration of the need for safe and efficient transportation***, specifically how does the Shore Path meet the public's need for ***safe and efficient transportation*** as compared to Alternatives 2 and 3?
- What studies have been performed that would establish that Alternative 1, including the Shore Path, will enhance the public's need for safe and efficient transportation?

- What are the transportation needs of the public that Alternative 1 satisfies that Alternate 2 or 3 does not satisfy?
- Does Alternative 1, including the Shore Path, enhance transportation as contemplated by the federal government? If so, in what way?
- Are there any *potential impacts on the human and natural environment* contemplated by Alternative 1, including the Shore Path? If yes, what potential impacts are there on the human and natural environment? If not, specifically, why not?

The FHWA TECHNICAL ADVISORY, T 6640.8A, dated October 30, 1987, provides guidance to Federal Highway Administration (FHWA) field offices and *to project applicants* (*e.g.* the County of Kaua'i) on the preparation and processing of environmental and Section 4(f) documents pursuant to NEPA and 23 U.S.C. 138 [Section 4(f) of the DOT Act] and the reporting requirements of 23 U.S.C. 128. With regard to Alternative 1, including the Shore Path, these guidelines require responses to the following questions:

- How does Alternative 1 serve the purposes of the Act to encourage productive and enjoyable harmony between man and his environment? With regard to this purpose, the response must refer to key issues and pertinent information received from the public and government agencies, and list the agencies and, as appropriate, members of the public consulted.
- How does Alternative 1 serve the purposes of the Act to promote efforts which will prevent or eliminate damage to the environment and biosphere

and stimulate the health and welfare of man? With regard to this purpose, the response must refer to key issues and pertinent information received from the public and government agencies, and list the agencies and, as appropriate, members of the public consulted.
- How does Alternative 1 serve the purposes of the Act to enrich the understanding of the ecological systems and natural resources important to the Nation? With regard to this question, the response must refer to key issues and pertinent information received from the public and government agencies, and list the agencies and, as appropriate, members of the public consulted
- What social impacts are uncertain for Alternative 1? The response must include a level of analysis sufficient to adequately identify the potential social impacts and appropriate mitigation measures, and address known and foreseeable public and agency concerns. The response must describe why these impacts are considered not significant.
- What economic impacts are uncertain for the Alternative 1? The response must include a level of analysis sufficient to adequately identify the potential economic impacts and appropriate mitigation measures, and address known and foreseeable public and agency concerns. The response must describe why these impacts are considered not significant.
- What environmental impacts are uncertain for the Alternative 1? The response must include a level of analysis sufficient to adequately identify the potential environmental impacts and appropriate mitigation measures,

and address known and foreseeable public and agency concerns. The response must describe why these impacts are considered not significant.

PUBLIC TRUST DOCTRINE

When Hawai'i became a state in 1959, it instantly owned in trust the ocean from the high tide line three miles out to sea. Hawai'i owns this under what has been called the "Public Trust Doctrine." The Public Trust Doctrine is based on both Roman and Common Law from England. Consistent with this doctrine, in 1978, the Hawai'i Supreme Court expanded the high tidal water line to the high wash of waves, noting that the "Public Trust" responsibilities of the state were so powerful that they could and did trump legislation that was inconsistent with them. That same year, the Hawai'i Constitutional Convention made the "Public Trust Doctrine" a part of the Hawai'i Constitution. Article XI, Section 1, Conservation and Development of Resources, provides:

> "For the benefit of present and future generations, the State and its political subdivisions shall conserve and protect Hawai'i's natural beauty and all natural resources, including land, water, air, minerals and energy sources, and shall promote the development and utilization of these resources in a manner consistent with their conservation and in furtherance of the self-sufficiency of the State. All public natural resources are held in trust by the State for the benefit of the people. [Add Const Con 1978 and election Nov 7, 1978].

Further, Article XI, Section 9. Environmental Rights, provides as follows:

> "Each person has the right to a clean and healthful environment, as defined by laws relating to environmental quality, including control of pollution and conservation, protection and enhancement of natural

> resources. Any person may enforce this right against any party, public or private, through appropriate legal proceedings, subject to reasonable limitations and regulation as provided by law. [Add Const Con 1978 and election Nov 7, 1978].

The public trust doctrine provides principled guidelines to leaders balancing development and preservation and balancing the rights of native Hawaiians and non-indigenous peoples. (See: In Re Water Use Permit Applications, 94 Hawai'i 97 (2000) wherein the Hawai'i Supreme Court expounded on the scope and the substance of a public trust regarding the State's water resources and the duties of the State as trustee). To paraphrase a proverb credited to the Lakota Sioux: "We didn't inherit the earth from our ancestors; we borrow it from our children." The public trust doctrine is the legal embodiment of this principle.

With regard to the public trust doctrine as it applies to burial sites (See detailed discussion, *Infra*), the highly publicized Hokulia case describes the rights of citizens to pursue justice when state and county government fail to do so. The Hokulia case, in part, dealt with the *violation of HRS chapter 6E, the state burials law, and subsequent desecration of gravesites. (Emphasis added).*

In the Hokulia case, Third Circuit Court Judge Ronald Ibarra focused on the core of the problem by stating: "The public trust is a state constitutional doctrine and as other state constitutional guarantees, the ultimate authority to interpret and defend the public trust in Hawai'i vests with the courts of this state. The beneficiaries of the public trust are not just present generations but those to come. When Judge Ibarra issued his final judgment, he also handed down a

significant recognition of the public's ability to protect natural resources when government fails or refuses to enforce the laws.

Because the land seaward of the upper reaches of the wash of the waves, including the beach, is a public trust resource, state and local governments must not engage in activities that damage the resource. Adverse cultural, environmental and ecological impact caused by the Shore Path would be a violation of the Public Trust Doctrine. For example, armoring the shoreline with seawalls or revetments where beaches are undergoing long-term retreat eventually leads to beach narrowing, followed by beach loss. Among many adverse impacts caused by the Shore Path, erosion and beach loss is guaranteed and in violation of the Public Trust Doctrine.

HAWAI'I ENVIRONMENTAL POLICY ACT ("HEPA")

Adopted in 1974, and patterned after the NEPA, HEPA (State Environmental Impact Statements Law; HRS Chapter 343) provides the statutory basis for developing and processing environmental assessments and environmental impact statements. This law requires that systematic consideration be given to the environmental and social consequences (in addition to the economic consequences) of proposed state, county, or private actions. *(Emphasis added).* "Environmentally sensitive areas include . . . beaches and coastal areas." The state EIS program is administered by the Office of Environmental Quality Control in the Department of Health. Chapter 343, requires the preparation of an environmental assessment for any action which:

- proposes the use of state or county lands or funds. . . .

- proposes any use within a defined shoreline or special management area.
- proposes use of a registered historic site. . . .

The Draft EA fails to meet the requirements of Chapter 343 as discussed in this response, *Infra*. The Draft EA violates HEPA in a number of important ways. It fails to provide an environmental assessment of the adverse impacts of Alternative 1 and specifically the Shore Path. Further, it fails to meet the HEPA requirement to analyze impacts at the earliest possible point in the decision process. The decision maker must cease from taking any steps towards the implementation of Alternative 1, with its Shore Path, until the County of Kaua'i provides necessary consideration of all significant environmental, cultural and ecological effects in compliance with the HEPA. These significant effects are further discussed later in this response.

COASTLINE AND SHORELINE PROTECTION

COASTAL ZONE MANAGEMENT PROGRAM GOALS.

The State legislature has found that special controls on developments within an area along the shoreline are necessary to avoid permanent losses of valuable resources and the foreclosure of management options. The legislature has found that it is the state policy to preserve, protect, and where possible, to restore the natural resources of the coastal zone of Hawai'i. (HRS §205A-21). Chapter 205A defines Coastal Zone Management (CZM) goals, objectives, and policies; authorizes Special Management Areas (SMAs) for county jurisdiction in coastal areas; sets guidelines for the statewide CZM program; and establishes shoreline setbacks. The CZM program is administered by the state Office of Planning.

Development within the Special Management Area (SMA) requires a permit. Since the bike/pedestrian path has a development cost exceeding $125,000, it will require a Major Special Management Area Use Permit. (Draft EA, page 5-11). The permitting process provides a heightened level of government and public scrutiny to ensure consistency with SMA objectives. Given the location of the Shore Path it is extremely unlikely that such a permit will be issued.

The Shore Path is in direct contradiction to and violates the policy of the State of Hawai'i under HRS Chapter 205A to discourage all shoreline hardening that may affect access to, or the configuration of, our island beaches. (See Guidebook, Shoreline Hardening Policy and Environmental Assessment Guidelines, beginning at page 53, Guidelines for Assessing Shoreline Alteration and Hardening Projects, discussed, *Infra*). Pursuant to these Guidelines the Draft EA fails to establish appropriate justification and detailed studies for the Shore Path, including, but not limited to, the following which are required by law (See: Guidebook, beginning at page 55, *Infra*).

- <u>Historical shoreline analysis of coastal erosion and accretion rates</u>.
  - Why does the Draft EA not include a description of all movements of the neighboring shoreline over at least the past 30 years? This analysis should be based, at least in part, on aerial photographs available through government agencies and private vendors.
  - Why does the Draft EA not provide a detailed history of erosion and accretion patterns using all available evidence?

  - Why does the Draft EA not include descriptions of shoreline erosion rates, a map (with scale, north arrow, and title) showing past positions of the shoreline in the projected area, and an analysis of the cause of erosion? It is especially important to describe if the Shore Path will mitigate the causes(s) of erosion. Also, it is especially important to describe how the Shore Path will avoid exacerbating erosion on the shoreline, where the seawall or boardwalk will be constructed, as well as adjacent shoreline.
- <u>Beach Profiles</u>. Why does the Draft EA not include the required beach profiles that extend offshore at appropriate intervals along the beach indicating the width and slope of both the submerged and dry portion of the beach and showing major features of the beach?
- <u>Coastal Hazard History</u>. Why does the Draft EA not include the required coastal hazard analysis for the area in question? This analysis should include any relevant coastal processes such as hazardous currents and seasonal wave patterns, including a description of the recent incidence of damaging high waves, high winds or water levels from storms, vulnerability to tsunami, and the best estimate of Base Flood Elevations and flood zone designation as mapped by the FEMA Flood Insurance Rate maps.
- <u>Waves and Currents</u>. Why does the Draft EA not contain the required description of the wave and current regime acting along the shoreline makai of the condominium resorts along Papaloa Road? This description

must include a wave refraction analysis (one simple form of this analysis is to describe wave crest patterns as shown in an aerial photograph), a description of littoral currents and their seasonal patterns and the impact of the Shore Path, its construction and construction staging areas on these patterns?

- Sediment Movement. The Shore Path requires a substantial seawall or a boardwalk upon substantial pilings. These structures may interfere with the normal pattern of sediment transport along the coast and may alter the morphology of the shoreline of the resident sand volume. Consequently, given the potential for such effect why does the Draft EA fail to include the required description of these alterations and their impact on shoreline processes including an estimate of the annual volume of sediment in transport and seasonal patterns of transport, and whether these impacts may have any deleterious effects on neighboring shoreline segments?
- Thirty-year Erosion Hazard. Why does the Draft EA fail to include the required analysis that uses annual erosion rate data to project the location of the 30-yr erosion hazard zone as measured from the certified shoreline or vegetation line in the absence of any shoreline stabilization structures? This information should be provided in the form of a mapped line or zone, and accompany text description.
- Photographs. Why does the Draft EA fail to include the required eye-level photos of the area for the Shore Path that illustrates past and present condition and to locate the proposed structures? In part, this is necessary

for the public to evaluate the structure's locations to judge the aesthetics and whether views of the ocean will be obstructed.

- P.E. Seal. Why does the Draft EA not include the required technical plans for the shoreline hardening structures? This is required to assist the public in evaluating the structures and the potential impact on the environment. These technical plans must contain the required seal of a Professional Engineer with experience in the area of coastal engineering which is required when hardening structures are to be constructed in the coastal area.

The Shore Path is a "development" which would require grading within a special management area. Therefore, the Shore Path requires answers to the following questions before the Shore Path can go forward. [HRS §205A-22(2)].

- Will the County of Kaua'i . . . alter any bay . . . ?
- Will the Shore Path reduce the size of (any) beach or other area usable for public recreation?
- Will the Shore Path, reduce or impose restrictions upon public access to tidal and submerged lands, beaches, portions of rivers and streams within the special management areas and the mean high tide line where there is no beach?
- Will the Shore Path substantially interfere with or detract from the line of sight toward the sea from the state highway nearest the coast? At Page 3-12 of the Draft EA it is stated that "construction of the (Shore Path in front

of the Kapa'a Sands condominiums) will require elevating the path above the slope.

- Does this elevation interfere or detract from the line of sight toward the sea?

- Will the Shore Path adversely affect . . . wildlife habitats . . . (e.g. ecology)? [HRS §205A-26(3)].

In deciding where to place the bike/pedestrian path the potentially irreversible environmental concerns and current Coastal Management Zone goals must be addressed:

- Scenic and Open Space Resources. The Shore Path does not serve the purpose of protecting, preserving, and where desirable, restoring or improving the quality of coastal scenic and open space resources. In the decision process of whether to select the Shore Path the EA and the County of Kaua'i must address and answer the following questions:
  - Is the Shore Path conducive to the value of scenic resources in the coastal zone management area?
  - Is the Shore Path compatible with the visual environment?
  - Does the Shore Path cause the alteration of natural land forms (i.e. the pristine beach and shoreline)?
  - Does the Shore Path serve the goal to preserve, maintain, and, where desirable, improve and restore shoreline open space and scenic resources?

  - Does the Shore Path serve the goal to encourage developments that are not coastal dependent to locate in inland areas?

- Ecosystems. Placement of the Shore Path must satisfy the goal to protect valuable coastal ecosystems, including reefs, from disruption and minimize adverse impacts on all coastal ecosystems.
  - The Shore Path does not satisfy the State's expressed goal of exercising an overall conservation ethic and practicing stewardship in the protection, use, and development of marine and coastal resources; and
  - The Shore Path does not satisfy the State's expressed goal of preserving valuable coastal ecosystems.

See further ecology discussion, *infra*.

The Shore Path will require substantial construction effort on the coastline makai of the condominium resorts along Papaloa Road. Such construction effort includes the grading of and cutting into the shoreline resulting in the destruction and impairment of a portion of the shoreline. In addition, substantial shore hardening structures for a distance of at least several hundred yards will be required to support the Shore Path. For example, the Draft EA, at page 3-12 clearly identifies the construction effort as follows:

> "Going north, there is a 400-foot stretch (e.g. over 130 yards) of beach in front of the Wailua Bay View Condominiums that is narrow and steep. An 18-foot escarpment rises from the beach to the condominium property at an approximate elevation of +27 feet mean sea level (MSL). The slope

is heavily vegetated with naupaka. A fence and hibiscus hedge are found near the top of the escarpment and ground cover stabilizes the area between a hibiscus hedge and the condominium lawn. *In some locations fronting the Seashell Restaurant and the Wailua Bay View Condominiums, it may be difficult to accommodate the full 12-foot width of the bike path without overhanging and possibly cutting into (of) the steep escarpment that rises from the beach." (Emphasis added).*

In addition, the Draft EA, at pages 3-12, 3-13 and 3-14, describes two design options for the slope conditions from Wailua Bay View condominiums to Kapa'a Sands condominiums (e.g. over several hundred yards) as follows:

> "There are two design options for the slope conditions. One is a mechanically stabilized earth (MSE) wall that consists of a wall facing and reinforced earth fill (see Figure 10). The new path would be constructed at the top of the MSE wall. The path would either be at grade or up to four feet below the top of the bluff. *This option provides a usable path width of 5 feet.*
>
> The second alternative is a *boardwalk supported on drilled shafts or driven piles* (see figure 11). The circular drilled shafts would be composed of concrete and reinforcing steel bars. The width of the boardwalk is variable and can be as wide as 12 feet with appropriate placement of support shafts. Alternatively, the boardwalk could also be designed as two 5-foot wide paths and terraced on the slope." *(Emphasis added).* (Draft EA, page 3-12).

To conclude that these two options are minimal improvements ignores reality and is akin to the proverbial ostrich with his head in the sand. Adverse consequences of such cutting and grading and shore hardening structures will cause the irreversible modification of natural forces that formed and currently

affect the shoreline makai of the resorts along Papaloa Road. These options consist of a 10 foot concrete path on top of an approximate 10 foot high mechanically stabilized earth (MSE) seawall or, alternatively, an elevated boardwalk, supported by substantial pilings driven or drilled into the shoreline. These shore hardening structures will exceed 200 yards in length along the Shore Path. The designs additionally show substantial shore hardening measures such as revetments, and/ or rip rap, etc.

Also, it is clear that substantial modification, including the removal of ironwood trees, must be made to the rocky promontory in front of the Wailua Bay View condominiums and the rocky shoreline along the makai side of the unimproved real property owned by Blair and Paula Gay. Also, substantial modification of the shoreline makai of the Hale Awapuhi and Kapa'a Sands condominiums, including the removal of ironwood trees, would likely be required. (See Draft EA, page 7-4, Paragraph 11). These extensive and lengthy shore hardening options are clearly substantial (See Conceptual Design, Figure 10, page 3-13 and Conceptual Design Figure 11, page 3-14).

As recognized by the Draft EA, erosion is a common end-effect caused by vertical seawalls. (Draft EA, page 4-23). The Office Of Environmental Quality Control, State of Hawai'i, has stated that a seawall, revetment or other shoreline hardening devices (presumably, including a boardwalk supported on pilings driven or drilled into the shoreline) will cause irreversible adverse environmental changes, including erosion of beach and shoreline. It is well known that sea

walls, revetments, bulkheads and/ or rip rap cause and accelerate irreversible erosion of the beach sand and cause irreversible instability of a sea bluff.

The significance of the shore hardening options has been recently supported by Mr. Randal Ashley, K-A Associates, an environmental & marine consultant company. The results of their study is contained in a letter, dated June 24, which is attached to these comments. In Mr. Ashley's letter he states:

> "(We) are in disagreement in the conclusions regarding the coastal zone along this stretch of the shoreline stated on pages 6-1, 7-1 and 7-4 of the Draft EA. While the proposed Alternative 1 path is outside the current active beach zone, the path's presence would certainly impact the oceanographic and geological processes now creating the set of parameters that result in current beach stability. Beach equilibrium is a very delicate physical state. A slight change in physical parameters such as the potential bike path designs proposed for this area would upset existing conditions and likely result in erosion and retreat of the active beach zone. It is very possible that if the bike path were to be constructed through this area, beach instability would occur and protection of the adjacent coastal bluffs and properties would be required through artificial beach sand nourishment or construction of a revetment."

The Draft EA clearly recognizes erosion concerns along the Shore Path but inexplicably maintains a recommendation of FONSI for the Shore Path. This position is taken even though it may not be acceptable to State regulating agencies. The Draft EA, at page 4-40, clearly states the problems as follows:

> "Areas of erosion concern were identified along the proposed bike path fronting the Lanikai Condominiums. While these are generally small areas and the erosion is not severe, the path route passes quite close to the vegetation line and could be subject to wave action during extreme

events. . . . ***The use of seawalls and revetments to protect the bike/pedestrian path in the event of continued erosion in these areas may not be acceptable by the State regulating agencies***.". . .

"Beach nourishment along these straight sections of coast would also not be feasible because it would entail continual re-nourishment as the sand washes away, or the construction of beach stabilization structures." (Draft EA, page 4-40).

- Given the fact that the Shore Path may not be acceptable by State regulating agencies, on what basis or bases does the Draft EA continue to include the Shore Path in Alternative 1 and anticipate a FONSI regarding same?
- If the Shore Path is constructed, how will beach instability and erosion to adjacent coastal bluffs be prevented?

Grading and path construction for the Shore Path will require modification of the shoreline and sea bluff, thereby altering the equilibrium of the sea and beach. To build and protect the Shore Path will require sea walls, revetments, bulkheads and/ or rip rap, etc. It is well known that sea walls, revetments, bulkheads and/ or rip rap cause (Draft EA, page 4-40) and accelerate irreversible erosion of beach sand and cause irreversible instability of sea bluffs. Obviously, only the Inland Roadways route (Alternative 2) and the Canal Path route (Alternative 3) will avoid these consequences. Therefore, the following questions must be answered:

- What is the effect of the Shore Path upon the normal process of beach erosion, and bank stability?
- Will shoreline armoring such as sea walls, revetments, bulkheads or rip rap be necessary to support the bike/pedestrian path to avoid erosion? If

so, how will such permanent structures be designed and constructed to not remove sand from the beach and not cause irreversible damage?

- Will construction and grading permanently modify the shoreline irreversibly altering the equilibrium balance of the sea and shoreline?
- What costs will be involved in constructing a Shore Path substantial enough (if possible) to withstand the forces of the sea and damage from logs and other substantial debris washed into the support system of the Shore Path?
- What are the environmental effects to the beach and to the wild life in constructing a Shore Path substantial enough to withstand the forces of the sea and damage from logs and other substantial debris washed into the support system of the Shore Path?

Erosion likely to be caused by shoreline hardening along the Shore Path is particularly alarming. Erosion by coastal forces already exists. For example, the Draft EA recognizes that erosion by coastal forces already exists in the area of the proposed Shore Path:

- Midway toward the Kukui Helau, in front of the Lanikai, the naupaka slope transitions into a low elevation lawn and the proposed path continues from the slope onto the lawn. The path would initially pass mauka of the tree line, then close to the vegetation line past an area where there are signs of coastal erosion, including exposed tree roots and escarpments. (Draft EA, page 3-12, page 4-19).

  - If there are already signs of coastal erosion and the Shore Path will include an approximate 10 foot high seawall for over several hundred yards or a substantial boardwalk supported by substantial pilings driven of drilled into the shoreline for over several hundred yards and erosion is a "common end-effect caused by vertical seawalls" (Draft EA, page 4-23), on what basis or bases does the Draft EA conclude a FONSI is appropriate for the Shore Path?
- The beach in front of Kapa'a Sands condominiums and the beach in front of Lanikai condominiums experience cyclical erosion and accretion. Transect 23 in Figure 23 shows that the beach alternatively eroded, accreted, and eroded 10 feet between 1950 and 1988. (Draft EA, page 4-19).
  - Given the foregoing and the Shore Path will include an approximate 10 foot high seawall for over several hundred yards or a substantial boardwalk supported by substantial pilings driven or drilled into the shoreline for over several hundred yards and erosion is a "common end-effect caused by vertical seawalls" (Draft EA, page 4-23), on what basis or bases does the Draft EA conclude a FONSI is appropriate for the Shore Path?
- The area in front of the Lanikai condominiums is particularly vulnerable to coastal flooding. The *Kaua'i Island Hurricane Vulnerability Study* (Sea Engineering, Inc., 2000) showed that flooding due to the model hurricane

would reach elevations exceeding 10 feet in this area and extend inland over 100 feet. (Draft EA, page 4-19).

- If the area in front of the Lanikai condominiums is particularly vulnerable to such coastal flooding and the Shore Path will be constructed in the area affected by such coastal flooding on what basis or bases does the Draft EA conclude a FONSI is appropriate for the Shore Path?

- The Draft EA analysis regarding the beach from Kaua'i Sands Hotel to Mokihana of Kaua'i contained the following comparison to the erosion seen near Kukui Helau reported in Section 3.3.2 of the Draft EA. The Draft EA reported that "there is a small area of eroding shoreline (Photo 18, Figure 27) adjacent to the Mokihana on the south, characterized by an escarpment at the vegetation line. This is similar to the erosion seen near Kukui Helau reported in Section 3.3.2. Erosion is a "common end-effect caused by vertical seawalls." (Draft EA, page 4-23).
  - If Kaua'i Sands Hotel to Mokihana of Kaua'i contains the erosion seen near Kukui Helau, which is erosion that is a "common end-effect caused by vertical seawalls" on what basis or bases does the Draft EA conclude a FONSI is appropriate for the Shore Path?
- The Draft EA analysis regarding the beach area from Mokihana of Kaua'i and Bull Shed Restaurant contains the following statements (Draft EA, page 4-28).

- The seawall shows obvious signs of settling and buckling (Photos 19 and 20).
  - If the Shore Path will include an approximate 10 foot high seawall, on what basis does the Draft EA conclude a FONSI is appropriate where there is the potential for settling and buckling of a seawall as experienced elsewhere along the Alternative 1 route?
- The lack of sand fronting the seawall is most likely due to the presence of the groins on either side of the Uhelekawawa Canal, ***as well as the reflective nature of the vertical seawall. . . The reflected waves from the seawall prevent the sand from migrating to shore.*** (Draft EA, page 4-28).
  - On what basis does the Draft EA conclude a FONSI is appropriate where there is the potential for removing sand from the beach makai of the seawall by reflected waves preventing the sand from migrating to shore?
  - Won't seasonal wave patterns impact the seawall, including the recent incidence of damaging high waves, high winds, water levels from storms, tsunami, and flooding sea heights, and cause a loss of the beach makai of the seawall as experienced elsewhere along the Alternative 1 route? (Draft EA, page 4-28).

- If not, upon what basis or bases would there not be a loss of beach makai of the seawall?

Given the fact that erosion is a "*common end-effect caused by vertical seawalls*" (Draft EA, page 4-23) (*Emphasis added*), amazingly, the Draft EA maintains a FONSI and continues to propose a Shore Path to be constructed on the shoreline as a concrete path on top of an approximate 10 foot high seawall or an elevated boardwalk, supported by substantial pilings driven or drilled into the shoreline. At Paragraph III., Response to application for seawalls, groins and revetments, first subparagraph, page 54, of the Guidebook (see below Environmental Guidebook discussion) it is clearly stated that "*all decision makers should discourage the construction of seawalls, revetments or other shoreline hardening devices that have the potential to lead to beach loss . . .*" (*Emphasis added*).

It is obvious that significant environmental, archeological and ecological issues and ADA accessibility issues can be avoided by selecting either the Inland Roadways route (Alternative 2) or the Canal Path route (Alternative 3). Both of these alternatives would be least damaging to the environment, archeology and ecology and more feasible and considerably less expensive.

THE ENVIRONMENTAL GUIDEBOOK. In addition to the content requirements for environmental assessments, which are set out in HAR §§§§ 11-200-10 and 16 through 18, the Draft EA fails to include the following required by The Office of Environmental Quality Control, State of Hawai'i; Shoreline

Hardening Policy and Environmental Assessment Guidelines (June, 2004) (hereinafter "Guidebook").

The Draft EA is deficient when compared to the Guidebook. A hardened structure tends to shift the focus of erosion from the land to the beach fronting the seawall. Seawalls and revetments are not a cure for the cause of erosion, but rather a defensive mechanism to mitigate land loss without regard for resulting impacts to adjacent environments such as the beach or the laterally adjacent shoreline. (See Guidebook, page 53). The Guidebook, at page 53, clearly sets forth State policy regarding hardening of the shoreline. The general policy states that *hardening of the shoreline should be considered the . . . option of last resort*, and its use should be avoided if other options are available. (*Emphasis added*). In addition, development in coastal hazard zones, including erosion hazard zones and coastal flood zones should be avoided in order to:

- Prevent the . . . expenditure of public funds that accompany the occurrence of coastal hazards on developed shorelines.
    - What analysis if any, has been conducted to calculate the future expenditures required of the County of Kaua'i to remedy damage to the Shore Path occasioned by coastal hazards, such as hurricanes, tsunami, high wave impacts and other coastal hazards? If an analysis has been conducted, what expenditures have been forecasted and over what period of time to remedy such damage?

- If no analysis has been performed, an EIS must be prepared to include such analyses and the public be given additional time to comment on the EIS.

- Prevent the inevitable need to harden the shoreline where there is chronic erosion and the resulting loss of public beaches, lateral shoreline access, open space and view corridors, and littoral sand due to sediment impoundment behind walls.
  - With an approximate 10 foot high seawall, (over several hundred yards long) a boardwalk constructed on substantial pilings (over several hundred yards long), what measures are proposed to avoid chronic erosion and the resulting loss of public beaches, lateral shoreline access, open space and view corridors, and littoral sand due to sediment impoundment behind walls?
  - The area in front of the Lanikai condominiums is particularly vulnerable to coastal flooding. The ***Kaua'i Island Hurricane Vulnerability Study*** (Sea Engineering, Inc., 2000) showed that flooding due to the model hurricane would reach elevations exceeding 10 feet in this area and extend inland over 100 feet. (Draft EA, page 4-19). Is it not true that such flooding will damage the Shore Path and cause erosion?
  - Is it not true that coastal hazards, such as hurricanes, tsunami, high wave impacts and other coastal hazards will cause erosion along the makai side of the Shore Path?

Any Draft EA and subsequent application should include the information requested in the Guidebook for assessing shoreline alteration and hardening. The Draft EA fails to provide the details of the "evaluation of the coastal environment . . . performed for the bike path along the coastline from Wailua River to Waika'ea. (Draft EA, page 4-40).

- As required by the Guidebook, what evaluation was conducted and what were the detailed results?
- Will details of the background information on the wind and wave environments be provided as referenced at page 4-40 of the Draft EA.
- Will the results of a field investigation be provided as referenced at page 4-40 of the Draft EA.
- According to the Draft EA, ". . . to protect the (Shore Path) path from wave and erosion damage may be difficult to achieve." (Draft EA, page 4-40, First Paragraph). Given this fact, why is the Shore Path a part of Alternative 1?

The Draft EA is incomplete and does not meet the goals and requirements of applicable law. The Draft EA must address the concerns of the Office of State Environmental Quality Control, State of Hawai'i, to assure that the Shore Path is consistent with all applicable laws, rules and regulations regarding impact of projects on the environment and the cultural beliefs, practices, and resources of native Hawaiians and other ethnic groups.

In furtherance of the foregoing, the decision makers in their analysis must also answer the following:

- Given the clear mandate of the Office of State Environmental Quality Control, State of Hawai'i, that ***all decision makers should discourage the construction of seawalls, revetments or other shoreline hardening devices that have the potential to lead to beach loss*** why is the Shore Path considered an alternative?
- Does the Shore Path with its seawall or boardwalk on pilings ***have the "potential" to lead to beach loss?*** If so, why is the Shore Path considered an alternative? If not, what formal study or evaluation does the decision maker rely on that clearly establishes that the Shore Path as planned in the Draft EA does not have the potential of beach loss?
- Given the clear mandate of the Office of State Environmental Quality Control, State of Hawai'i, that all decision makers should discourage the construction of seawalls, revetments or other shoreline hardening devices, on what basis or bases does the Draft EA contain a Shore Path utilizing a seawall on the shoreline to support the Shore Path?
- Given the clear mandate of the Office of State Environmental Quality Control, State of Hawai'i, that all decision makers should discourage the construction of seawalls, revetments or other shoreline hardening devices, on what basis or bases does the Draft EA recommend the use of a boardwalk on substantial support pilings?
- Why does the Draft EA provide for a Shore Path when the clear policy of the Office of State Environmental Quality Control, State of Hawai'i is to place structures away from the shoreline as a means of mitigating the

effects of erosion (See Guideline, Paragraph III. ***Response to applications for seawalls, groins and revetments***, third paragraph, page 54)?
- The Guidebook state that ***clear and convincing evidence*** must be found that the impact of seawalls, revetments or other shoreline hardening devices will be negligible. What analysis or study has been conducted that establishes with clear and convincing evidence that erosion impact caused by a seawall or boardwalk on substantial pilings will be negligible? (See Paragraph III. ***Response to applications for seawalls, groins and revetments***, third paragraph, page 54).
- Permits and/or variances from applicable government agencies will be needed to construct the Shore Path. The Guideline states that "in general, a variance should be viewed as an extraordinary exception which should be granted sparingly. The reasons to justify approval must be substantial, serious and compelling. [R.R. Powell 5A Powell on Real Property 66.01 [2] (1994)].
    - What substantial, serious and compelling reasons exist to support the Shore Path?
- Consistent with applicable law, the Draft EA at page 4-40, first paragraph, states that "in today's regulatory environment, permits for shoreline hardening in beach areas are typically ***not*** granted unless the applicant can show extreme hardship." (Emphasis added).

- Given the fact that the Shore Path remains a portion of Alternative 1 and permits/variances will be required, what "extreme hardship" do the decision makers assert will support the Shore Path route?
- If decision makers assert "extreme hardship" as a reason for the Shore Path are there other alternatives to the Shore Path that will be less environmentally damaging? If so, on what basis or bases will the Shore Path continue to be favored?
- Does the decision maker consider the Shore Path as an extraordinary exception requiring a permit/variance? If so, on what basis or bases does the decision maker conclude that the need for the Shore Path is extraordinary?
  - What substantial reason or reasons will the decision maker rely on to seek a permit/variance for the Shore Path as contemplated in the Draft EA?
  - What serious justification will the decision maker rely on to seek a permit/variance for the Shore Path as contemplated in the Draft EA?
  - What compelling justification will the decision maker rely on to seek a permit/variance for the Shore Path as contemplated in the Draft EA?

<u>COUNTY OF KAUA'I LAND USE REGULATIONS, COUNTY GENERAL PLAN, COASTAL LANDS POLICIES</u>. The Shore Path is clearly in violation of land use and coastal land use policies set forth in the County of Kaua'i's General

Plan. If the Shore Path is selected, clear and succinct answers must be provided to the following questions. As correctly stated at page 5-4 of the Draft EA, policies of the County of Kaua'i's General Plan regarding coastal lands provide:

- "When developing public facilities or granting zoning, land use permits, or subdivision for development along the coast, the first priority shall be to preserve and protect sand beaches." How does the Shore Path serve the policy to preserve and protect sand beaches?
- "Strips of land along the shoreline that have been placed in the State Conservation District or in the County Open zoning district are intended to serve as a buffer from coastal erosion. Structures should be sited inland of these coastal buffers on lands that are appropriately zoned. How does the Shore Path serve the policy to provide a buffer from coastal erosion?
- "When development is proposed along a sandy beach, hazards of long-term coastal erosion should be assessed and used to determine appropriate setbacks."
  - What particular assessments have been made to specifically determine the appropriate setback of hardening structures at and along the entire Shore Path?
  - Can the Shore Path ever be constructed with hardening devices at any location along the sand beach to prevent erosion? If so, specifically how?

- "For coastal areas suffering erosion, promote and provide for beach renourishment in conjunction with property owners and the State Department of Land and Natural Resources. . . . ."
    - Given the stated County of Kaua'i policy for coastal areas suffering erosion to promote and provide for beach renourishment in conjunction with property owners and the State Department of land and Natural Resources, if the Shore Path is selected, what steps will be taken to promote and ***provide for beach renourishment in conjunction with property owners***? (Emphasis added).
    - How and when will the County of Kaua'i, ***in conjunction with property owners***, promote and provide for beach renourishment?
    - Along the Shore Path how will the renourishment policy of the County of Kaua'i be accomplished when the Draft EA declares that "***beach nourishment along these straight sections of coast would also not be feasible*** because it would entail continual re-nourishment as the sand washes away, or the construction of beach stabilization structures." (Draft EA, page 4-40)? (***Emphasis added***).
- "Discourage the construction of shore line protection structures (seawalls, revetments)."
    - Given the County of Kaua'i's policy to discourage the construction of shore line protection structures (seawalls, revetments), on what basis or bases does the Draft EA propose a seawall or boardwalk

and revetments along the Shore Path in direct contravention with this established County of Kaua'i coastal lands policy?
- "Provide a permanent path way laterally along the coast, located in the buffer zone mauka of the shoreline (e.g. Waipouli Resort pathway)."
    - Given the County of Kaua'i's policy to provide a permanent path way laterally along the coast to be located in the buffer zone mauka of the shoreline on what bases on what basis does the Draft EA propose the Shore Path with a seawall or boardwalk and revetments in direct contravention with this established County of Kaua'i coastal lands policy?

COASTAL SET BACK REQUIREMENTS. The planned path of the Shore Path will traverse through the Shore District which is the coastal setback requirement under state and local law, including "The Comprehensive Zoning Ordinance for the County of Kaua'i" whose purpose is to regulate development or alterations to shore and water areas which have unique physical and ecological conditions in order to protect and maintain physical, biologic and scenic resources of particular value to the public. Sec. 8-13.1 (Ord. No. 164, August 17, 1972; Sec. 8-13.1, R.C.O. 1976).

Consequently, a Shoreline Setback Variance (SSV) will be required. Given the policies of the State of Hawai'i and County of Kaua'i, it is unlikely that such a variance will ever be granted for the Shore Path. By law, The Shore District includes the greater of the following shoreline areas (land and water):

- "Provide that area where the County Planning Director determines that there is significant interrelationship between the physical, biologic, or ecologic forms or systems characteristic of the shore area. (With regard to the Shore Path what determination has been made?);
- From the low water mark to forty (40) feet inland from the upper reaches of the wash of waves other than storm or tidal waves (or twenty (20) feet in those cases as are provided for by the rules of the State Land Use Commission implementing Chapter 205, H.R.S.). (Ord. No. 164, August 17, 1972; Sec. 8-13.2, R.C.O. 1976).

Local law provides that no zoning, building or use permit shall be issued, nor shall any use requiring the development, grading or alteration of any portion of the Shore District be permitted, unless the applicant establishes conformity with the requirements of the law. For example, private applicants are required to obtain a Class IV Zoning Permit for any construction, development, use or activity proposed to be carried out within forty (40) feet of the upper reaches of the wash of waves other than storm or tidal waves, or within the shoreline setback area as established by the State Land Use Commission pursuant to Chapter 205, H.R.S., whichever is the lesser. The Planning Commission cannot issue a permit/variance unless the requirements of Chapter 205, H.R.S. and the Comprehensive Zoning Ordinance for the County of Kaua'i" have been met.

- What steps have or will be taken to assure that development, grading and alternation required for placement of the Shore Path will conform to the requirements of these laws?

- As required of private applicants for permits, at what point will the County furnish an "Information Report" prepared by a person or firm qualified by training and experience to have expert knowledge of the subject?
  - In that regard, will the County of Kaua'i Planning Director determine the adequacy of the report and require the submission of further information where necessary?
  - Will the report provide information regarding the existing ocean conditions and the probable effects of the proposed structures, development, or alterations, as follows:
    - With respect to existing conditions, the configuration of the shore?
    - The nature, magnitude, and periodicity of Shore District forces such as wind, waves and currents, as they affect the Shore District?
    - The origin, nature and volume of materials composing the shoreline?
    - The physical and biologic characteristics and the rate of Shore District change over time under both natural and proposed artificial conditions?
  - As required of private applicants for permits when will the County of Kaua'i:

- Define a design wave (usually the mean height and period of the highest one-third (1/3) of the waves of a given wave group, including storm surge and tsunami)?
- The design water level of the ocean?
- The foundation conditions, and the construction materials?
- State how the proposed design and construction operations will minimize disruption of the natural system?

o With respect to assessing the quality of the proposed construction, pursuant to local law what steps have been or will be taken to consider alternatives to the proposed construction and why each was rejected, in terms of environmental quality and economic feasibility, including as one alternative the choice of no construction?

o As required of private parties, when will governmental authorities establish that the proposed alteration, construction or activity will not cause significant harm to:

- The water quality of the ocean, including but not limited to its clarity, temperature, color, taste and odor?
- Fish and aquatic habitats?
- The natural beauty of the area?
- Navigation, safety or health? Or

o Would not substantially interfere with public use of the ocean waters or underlying lands . . . ?

ECOSYSTEMS. The Draft EA must address the various alternative path routes and conclude which of them best satisfy the forgoing goals and minimize adverse disruption or degradation of coastal water ecosystems and conclude which of them best satisfy applicable goals and minimize adverse disruption or degradation of coastal water ecosystems.

The Draft EA is incomplete and misleading regarding Alternative 1 and its impact on living species. In particular, The draft EA is woefully lacking in accurately assessing the Shore Path's impact on species such as the monk seal, sea turtle and, in particular, the shearwater bird. It appears that the Shore Path may constitute an illegal taking of endangered species, in violation of the Endangered Species Act, 16 U.S.C., Section 1538 (a) (1) (B).

Monk Seal. No mention was made regarding the endangered monk seal and the Shore Path. A monk seal stayed for a time on the Kapa'a Sands' beach earlier this year. The Draft EA at page 4-60 misplaces comment on the monk seal in discussion entitled "Aquatic Fauna." In addition, the Draft EA misstates fact by asserting as follows:

> "It is unlikely that the development of a bike/pedestrian path as proposed in Alternative 1 would have a deleterious impact on this species (monk seal). The area proposed or the pathway is already in relatively constant use as a pedestrian byway, and it appears that the aforementioned protection programs have been effective in protecting seals in this area."

There may be pathways in other locations contained in Alternative 1, however, there is no existing pathway along the Shore Path. The Draft EA fails to

address the Shore Path impact on the monk seal. This is particularly disturbing because at page 4-61 a photograph of a monk seal is shown. It is known that monk seals beach themselves along the beach in front of Lanikae and Lae nani. The monk seal shown in the photograph is located on the beach at Lae nani. Are the drafters of the Draft EA suggesting that there is a pathway in close proximity to the area shown in the photograph? There is no pathway there.

In any event, the Draft EA is not specific as to what protection programs could be effective in protecting seals in the area of the Shore Path. The Shore Path will be built immediately adjacent to the area where the monk seals beach themselves. There will be little or no room for any protection programs to work. The Draft EA is silent and needs to address the monk seal in relation to the area along the Shore Path.

Hawaiian Green Sea Turtle. The Draft EA is incomplete and extremely misleading regarding the adverse impact that the Shore Path will have on the feeding grounds of the threatened green sea turtle. There is absolutely no analysis of the impact of the Shore Path on the known feeding grounds of the green sea turtle. This is disturbing because everyday there are numerous green sea turtles feeding on the reef and outcroppings in the surf area along the shoreline of the Shore Path.

The Shore Path and its construction will have an adverse effect on the feeding grounds of these turtles. For examp'e, staging areas for construction will be on and about the reef and outcroppings. These matters have not been addressed in the Draft EA and need to be. To fail to mention the impact of these

feeding grounds caused by the Shore Path and its construction is a serious flaw in the Draft EA's ecology analysis.

The Draft EA misleadingly mentions only the potential of impact on the nesting of the green sea turtle. The Draft EA amazingly implies that there will be no adverse impact in that there are many turtles and there are protective measures are in place. For example, the potential that nesting sites may be affected is stated as follows:

> "There is a chance that the threatened green sea turtle occasionally hauls out in the intertidal zone and on the beach along this section of the coastline. They even may nest on the beach in this area. There are similar comprehensive outreach and protection programs in place to protect this species and its nests. (Draft EA, page 4-60).
>
> - What are the comprehensive outreach and protection programs in place to protect this species and its nests?
> - Will these outreach and protection programs protect the feeding grounds of the green sea turtle? If so, how?

The Draft EA disturbingly implies that it is acceptable to adversely impact the green sea turtle's occasional nesting site because there are increased numbers of them. The following quote from the Draft EA is totally at odds with the fact that the green sea turtle is listed as a threatened species and protected in Hawai'i under state law, the federal Endangered Species Act, and listed under the Convention on International Trade of Endangered Species (CITES). The Draft EA states that:

> "It should be noted that the occasional use of the shoreline and beach by . . . green turtles does not indicate that this area is unique, but rather that both species are showing significant increases in their populations,

and are much more frequently seen in the main islands that they have in the past 30-40 years. (Draft EA, page 4-61).

Wedge-tailed Shearwater. The Draft EA fails to mention the more common wedge-tailed Shearwater in the analysis of Alternative 1. This bird is the predominant Shearwater species in Hawai'i and large numbers nest on Kaua'i. At least one active common Shearwater nest has been found in the naupaka vegetation along the beach north of Kapa'a Sands condominiums. At Kilauea Point they can be seen from early March when they return from sea to nest in burrows or under bushes. During the summer young downy birds in all stages of growth can be seen along the footpath and under vegetation just a few feet away.

Although, a wedged-tailed Shearwater nest has been found in the naupaka vegetation along the beach north of Kapa'a Sands condominiums the wedged-tailed Shearwater is not discussed at all in the Draft EA. The Shore Path will be constructed on the area currently used by the wedge-tailed Shearwater for nesting. The only mention of a Shearwater in the Draft EA is at the analysis of the "Canal Area Mauka of Kuhio Highway" (Draft EA, page 4-59). The threatened endemic sub-species of the Newell's Shearwater is mentioned. (Draft EA, page 4-61, 4-62, 4-100). However, this sub-species typically nests inland and not on the shore as does the more common wedged-tailed Shearwater.

- What price will the wedge-tailed Shearwater have to pay for a bike/pedestrian path on top of its current nesting area?

Debris and trash will undoubtedly be discarded from the Shore Path onto the beach. This debris and trash will be blown or washed into Wailua Bay, potentially fouling the water of Wailua Bay and adversely affecting its dependant living species.

- What measures will be taken by the County of Kaua'i to assure that debris and trash will not be blown or washed into Wailua Bay?

In addition to cleanup issues, there may be pollution runoff and erosion caused by the structures themselves supporting the Shore Path.

- What measures will be taken by the County of Kaua'i to assure that there will be no pollution runoff and erosion caused by the structures themselves supporting the Shore Path?

With regard to the effect of each path alternative on indigenous, threatened and endangered wildlife and plants there are various statutes that must be complied with, namely, the Hawai'i Revised Statutes ch. 195D and Hawai'i Administrative Rule title 13 ch. 124 and the Endangered Species Act, 16 USC §1531. The environmental analysis must expressly address the impact, if any, that each path alternative has on these State and Federal laws. As currently drafted the Draft EA fails to identify all adverse impact on the ecology along the Shore Path.

CULTURAL IMPACTS

It is the policy of the State of Hawai'i under HEPA, to alert decision makers, through the environmental assessment process, about adverse environmental impacts which may result from the implementation of certain actions, including

cultural impact. It is also the policy of the County of Kaua'i to preserve important archaeological and historic sites and provide a buffer area between the site and adjacent uses. (Draft EA, Affected Environment, Impacts, & Mitigation, page 4-100).

An environmental assessment of cultural impacts gathers information about cultural practices and cultural features that may be affected by actions subject to HEPA, and promotes responsible decision making. As of April 26, 2000, a cultural impact assessment is required under HEPA. HEPA also requires environmental assessment of cultural resources, in determining the significance of a proposed project. Articles IX and XII of the State Constitution, other state laws, and the courts of the state require government agencies to promote and preserve cultural beliefs, practices, and resources of native Hawaiians and other ethnic groups.

With regard to the Shore Path, the Guidelines, at page 48, dictate that the following must be expressly added to an EIS and time allowed for public comment:

- A discussion of the methods applied and results of consultation with individuals and organizations identified by the preparer as being familiar with cultural practices and features associated with the Shore Path, including any constraints or limitations which might have affected the quality of the information obtained.

- A description of methods adopted by the preparer to identify, locate, and select the persons interviewed, including a discussion of the level of effort undertaken.
- Ethnographic and oral history interview procedures, including the circumstances under which the interviews were conducted, and any constraints or limitations which might have affected the quality of the information obtained.
- Biographical information concerning the individuals and organizations consulted, their particular expertise, and their historical and genealogical relationship to the Shore Path area, as well as information concerning the persons submitting information or interviewed, their particular knowledge and cultural expertise, if any, and their historical and genealogical relationship to the Shore Path area.
- A discussion concerning historical and cultural source materials consulted, the institutions and repositories searched, and the level of effort undertaken. This discussion should include, if appropriate the particular perspective of the authors, any opposing views, and any other relevant constraints, limitation or biases.
- A discussion concerning the cultural resources, practices and beliefs identified, and, for resources and practices, their location with the broad geographical area in which the Shore Path is located, as well as their direct or indirect significance or connection the Shore Path site.

- A discussion concerning the nature of the cultural practices and beliefs, and the significance of the cultural resources within Shore Path area, affected directly or indirectly by the Shore Path.
- An explanation of confidential information that has been withheld from public disclosure in the assessment.
- A discussion concerning any conflicting information in regard to identified cultural resources, practices and beliefs.
- An analysis of the ***potential effect*** of any proposed physical alteration on cultural resources, practices or beliers; the potential of the proposed action to isolate cultural resources, practices or beliefs from their setting; and the potential of the proposed action to introduce elements which may alter the setting in which cultural practices take place. The foregoing is especially important to the public for comment because the mitigating measures to arrive at the FONSI were not set forth.
- A bibliography of references, and attached records of interviews which were allowed to be disclosed.

The Draft EA does not include a "Cultural Impact Assessment" in form and substance as required by applicable law. This deficiency is magnified by a Finding of No Significant Impact concerning the Shore Path and its adverse impact on a Historic Landmark (Kukui Heiau).

The Draft EA does provide some information regarding the archaeological, historical, and cultural sites in the vicinity of the three alternative paths. However, there is a serious lack of citations of original source materials used for

archaeological site information within the paragraphs containing this information. Having citations of source materials is necessary to enable reviewers to visit the original sources to check the accuracy of the information provided, and to obtain further information if desired. The lack of such citations limits the ability of reviewers to fully evaluate the Draft EA.

An EIS must be completed to include such citations and a thorough Cultural Impact Assessment must be included regarding the environs at and around the Kukui Heiau and along the Shore Path to assure that the Shore Path will not interfere with or adversely affect ancient cultural artifacts, including the Kukui Heiau and shore burials. This is especially true in light of the importance of the heiau system including the Kukui Heiau in the Wailua area. (See Draft EA Section 4.3.1, page 4-65-4-68). Notwithstanding the conclusion of a FONSI for the Shore Path, at page 4-68 of the Draft EA it states that "of particular concern is Kukui Heiau located right on the coast of central South Olohena at Alakukui Point."

It is clear that the Shore Path as proposed in the Draft EA has a potentially significant impact on the Kukui Heiau. This finding cannot be ignored by suggesting potential alternative routings for which no comparable evaluation has been performed. (See attached Pacific Consulting Services, Inc. letter, dated June 18, 2004, page 3 of 4). The Kukui Heiau is formally listed in the National Register of Historic Places, and thus is an "historic property". Therefore, because Federal agency (FHWA) funding is involved, a consultation process mandated by Section 106 of the National Historic Preservation Act, 16 U.S.C. Section 470, *et*

seq. (NHPA) and 36 CFR Part 800 ("Protection of Historic Properties") is required. Section 106 seeks to accommodate historic preservation concerns with the needs of Federal undertakings through consultation among agency officials and other parties with an interest in the effects of the undertaking on historic properties, commencing at the early stages of project planning. NEPA also requires that its environmental review process be coordinated with studies required by the NHPA (40 CFR Section 1502.25).

At page 4-68 the Draft EA states that "the Kukui Heiau was placed on the Hawai'i Register of Historic Places on June 13, 1986 and was placed on the National Register on May 18, 1987. . . . While *these routes (Alternative 1)* offer access to the heiau and interpretive opportunities, this *would constitute an adverse impact to a national Historic site* and would require consideration of mitigation measures. (Emphasis added)."

The primary concern regarding the Shore Path is its potential adverse impact to the Kukui Heiau (Site 108). The concerns involve both primary and secondary adverse impacts. Sites listed on both the Hawai'i and National Register of Historic Places are given the highest status of cultural heritage and are to be afforded a high level of protection. It is the responsibility of the community members and their elected officials to support the preservation and physical integrity of such sites. (See attached Pacific Consulting Services, Inc. letter, dated, June 18, 2004, page 2 of 4).

In the Draft EA, 3rd paragraph, on page 4-65, the meaning of the last sentence, beginning with "The designation of these properties for the National

Register/National Historic Landmark listing is five circles..." is unclear. Is there a map reference missing? (See attached Pacific Consulting Services, Inc. letter, dated June 18, 2004, page 2 of 4).

The Kukui Heiau is, by all measures, an exemplary example of a Hawaiian culture that exists into modern times through diligent preservation and protection measures. The intent of placing sites on the State and National Registers has been to preserve a variety of cultural heritage sites for all of us, for our children, and for future generations. Across the U.S. mainland and its outlier states and territories, only the most significant, well preserved, and cherished sites, are listed on State, Territorial, and National Registers. These include indigenous sites (Native American, Native Hawaiian, Native Alaskan, Chamorro, etc.) as well as early Euro-American and American sites that have local, State, and/or National significance. In Hawai'i, these sites stand out as exemplary types, and include those that are important in understanding, preserving, and maintaining the indigenous Hawaiian culture, and those that help us understand the transitions that occurred in Hawai'i resulting from initial cultural contact with European, American, and Asian peoples. (See attached letter from Pacific Consulting, Inc., page 2 of 4).

The proposed action, as described in the Draft EA, has the potential to cause irreparable and irretrievable damage to the integrity of the Kukui Heiau.

- How is a FONSI arrived at if the Shore Path "*would constitute an adverse impact to a national Historic site* and would require consideration of mitigation measures"?

- What specific mitigating measures are being considered?
- If mitigating measures are being considered, with regard to each mitigating measure how is it consistent with the policy and desires of applicable state agencies as reflected in each the following letters attached to the Draft EA:
  - May 4, 2004 Letter from Peter T. Young, State Historic Preservation Officer, State Historic Preservation Division (SHPD), Department of Land and Natural Resources (DLNR) TMK (4) 3 & 4, wherein Mr. Young states that "the proposed bike and pedestrian path (e.g. Shore Path) will have an adverse effect on significant historic sites."
    - What specific mitigating measure or measures satisfy the concerns of Mr. Young?
  - April 12, 2004 letter from Daniel Quinn, State Parks Administrator, Division of State Parks, Department of Land and Natural Resources, wherein Mr. Quinn stated that "(we) would suggest that an open space buffer be maintained around Kukui Heiau. While this heiau is not included within Wailua State Park, a portion of the heiau is within the jurisdiction of DLNR. *In this situation the alternative route that utilizes*

Papaloa Road might be considered to protect the integrity of this cultural site."
    - What mitigating measure or measures mitigate the request of Mr. Young?
    - To accommodate the request of Mr. Young why would Alternative 2 not be the preferred route since it *"utilizes Papaloa Road . . .* to *protect the integrity of the Kukui Heiau?"*
  - April 13, 2004 letter from Thomas Oi, District Land Agent, Land Division, DNLR, Kaua'i to Dierdre Mamiya, Administrator, Land Division, DNLR, wherein Mr. Oi stated that *"the alignment fronting the Sea Shell Restaurant to the Kukui Heiau along the ocean (e.g. Shore Path) should be deleted and the Papaloa Road alignment should be used*. (*Emphasis added*). *The alignment along the ocean (e.g. Shore Path) will affect the Kukui Heiau, which is a sensitive area among the community, and the different Cultural Groups."* (*Emphasis added*).
    - Will the Shore Path be deleted at the request of Mr. Young?
  - April 23, 2004 letter to Glen Kimura from Clyde W. Namu'o, Administrator, Office of Hawaiian Affairs,

State of Hawai'i, wherein Mr. Namu'o stated that "because burials in sand deposits that extended inland from the coast were a traditional Hawaiian practice, and because the proposed project follows the coastline, the possibility of encountering traditional Hawaiian burials and cultural deposits is large."

- Given the fact that the Shore Path will be constructed on the shoreline, what mitigating measure or measures satisfy the concerns of Mr. Namu'o that the Shore Path may encounter traditional Hawaiian burials and cultural deposits?

- April 23, 2004 letter to Glen Kimura from Clyde W. Namu'o, Administrator, Office of Hawaiian Affairs, State of Hawai'i, wherein Mr. Namu'o stated that *"the environmental assessment should include an archeological inventory along all of the proposed alignments of the bike and pedestrian path to ensure that the chosen path does not disturb any historical and cultural sites.*
    - Given Mr. Namu'o's position why does the Draft EA not include any archaeological inventory survey?

    - Will the Draft EA be amended to include the requested archeological inventory survey?

- Do the mitigating measures conform to applicable law and meet the objectives of state agencies? If so, how do the mitigating measures so conform?
- In light of the Draft EA statement that there will be an "adverse effect on a significant historic site" on what specific basis or bases does the Draft EA maintain a FONSI regarding the Shore Path?
- In light of the Draft EA statement that there will be an "adverse effect on a significant historic site" why does the Draft EA at page 3-16 list the following alternatives:
    - Continuation of a boardwalk for pedestrians only around the heiau?
    - Continuation of a bike/pedestrian path around the heiau?
    - Improved beach access between Lae nani condominiums and Kaua'i Sands Hotel, with a spur around the heiau, terminating in a viewing platform facing Wailua Bay?

As described above, the Draft EA identifies re-routing of the Shore Path around the Kukui Heiau as a mitigation measure. For several reasons, this

approach to addressing the issue does not resolve or eliminate the potentially serious impacts of the Shore Path on the Kukui Heiau:

- The alternative routing suggested in the Draft EA is not described in sufficient detail to determine what impact it would have on the Kukui Heiau (See attached Pacific Consulting Services, Inc. letter, dated June 18, 2004, pages 2 and 3 of 4);
- Identifying a mitigation measure in a Draft EA does not constitute a binding commitment to implement the mitigation measure, hence it does not preclude routing the path through the Kukui Heiau. (See attached Pacific Consulting Services, Inc. letter, dated June 18, 2004, pages 2 and 3 of 4); and
- On page 4-66 of the Draft EA the first sentence of the 5th paragraph states "such an alignment is appropriate." The alignment being referred to as appropriate is difficult to identify. The previous paragraph twice refers to "All of the proposed alignments" and mentions a path that crosses the Wailua River in one of two places. With so many options, more clarity is needed to avoid confusion. . (See attached Pacific Consulting Services, Inc. letter, dated June 18, 2004, page 4).

Further, there is serious concern that labeling the re-routing of the Shore Path around the Kukui Heiau as a "mitigation measure" removes it from the environmental evaluation afforded to other routes. Any mitigating measure must be clearly identified with specificity to allow the public to assess whether the measure is in compliance with applicable law.

A related concern not addressed in the Draft EA involves potential secondary impacts of routing a path next to a heiau. Even if the path is placed on adjacent property, it can be expected to increase the potential for visitors to the Kukui Heiau. Such increased visitation can result in serious, cumulative damage to the site, both inadvertent and intentional. An assessment of such secondary impacts is needed to properly evaluate the Shoreline Path alternative. The Draft EA does not contain an assessment of such secondary impacts.

As early as 1977, the significance of the Kukui Heiau has been known and the fact that cultural deposits are interspersed in its environ. For example, at the request of Ventura Investments, LLC, test excavations were conducted in 1977 by Bertell D. Davis and Richard M. Bordner. The archeology study disclosed cultural evidence in and around the Kukui Heiau, including bone and midden. In addition to a 100' set back, a buffer zone of 50' (from the mauka side of the foundation wall) was created to preclude equipment, etc. in the development of the Lae nani Resort. (See: ***Archaeological Investigation At Kukui Heiau, South Olohena, Puna, Kaua'i Island***, by Archaeological Research Center Hawai'i, Inc., May 1977; Bertell D. Davis and Richard M. Bordner).

The Davis-Bordner report concluded as follows:

> "Because of the presence of cultural deposits at the edge of the lawn, it is most strongly recommended that construction and all related activities observe a 50-foot buffer zone along the inland wall of the heiau . . . The buffer zone is important since the deposits are at the surface and are readily exposed to potential disturbance."

The Draft EA at page 3-16 wrongly states that "a path could be constructed without intruding upon Kukui Heiau. The Draft EA misstates the position of the SHPD by quoting Mr. Young out of context as follows:

> "routing people off and away from the [heiau] site is a better plan than current conditions at the site." The Draft EA failed to complete SHPD's position.

The May 4, 2004 Letter from Peter T. Young, State Historic Preservation Officer, SHPD, Department of Land and Natural Resources (DLNR) TMK (4) 3 & 4. stated just the opposite of the position taken by the Draft EA. Mr. Young further stated that:

> *"the proposed bike and pedestrian path (e.g. Shore Path) will have an adverse effect on significant historic sites."* (Emphasis added).

Consequently,

- Why was SHPD's position that *"the proposed bike and pedestrian path (e.g. Shore Path) will have an adverse effect on significant historic sites"* excluded from the body of the Draft EA?
- Why was the SHPD's position not heeded in the Draft EA?
- In light of SHPD's position that there will be an adverse effect on significant historic sites why does the Draft EA maintain that the Shore Path presents no significant impact?
- Given Mr. Young's comments why does the Draft EA at page 3-16 list the following alternatives:
    - Continuation of a boardwalk for pedestrians only around the heiau?

    - Continuation of a bike/pedestrian path around the heiau?
    - Improved beach access between Lae nani condominiums and Kaua'i Sands Hotel, with a spur around the heiau, terminating in a viewing platform facing Wailua Bay?

Further, in an April 12, 2004 letter from Daniel Quinn, State Parks Administrator, Division of State Parks, Department of Land and Natural Resources, Mr. Quinn stated that "(we) would suggest that an open space buffer be maintained around Kukui Heiau. While this heiau is not included within Wailua State Park, a portion of the heiau is within the jurisdiction of DLNR. *In this situation the alternative route that utilizes Papaloa Road might be considered to protect the integrity of this cultural site*." (*Emphasis added*). A copy of this letter was sent to Nancy McMahon, State Historic Preservation District. Consequently,

- Why does the Draft EA insist that the Shore Path does not adversely affect the integrity of the cultural site?
- For what reason(s) would the Shore Path be ultimately preferred over a path along Papaloa Road?
- In addition, given Mr. Quinn's comments why does the Draft EA at page 3-16 list the following inconsistent alternatives:
    - Continuation of a boardwalk for pedestrians only around the heiau?
    - Continuation of a bike/pedestrian path around the heiau?

- Improved beach access between Lae nani condominiums and Kaua'i Sands Hotel, with a spur around the heiau, terminating in a viewing platform facing Wailua Bay?

Further, in an April 13, 2004 letter from Thomas Oi, District Land Agent, Land Division, DNLR, Kaua'i to Dierdre Mamiya, Administrator, Land Division, DNLR, Mr. Oi stated that "*the alignment fronting the Sea Shell Restaurant to Kukui Heiau along the ocean (e.g. Shore Path) should be deleted and the Papaloa Road alignment should be used*. (*Emphasis added*). *The alignment along the ocean (e.g. Shore Path) will affect the Kukui Heiau, which is a sensitive area among the community, and the different Cultural Groups*." (*Emphasis added*).

- Given Mr. Oi's comments that the alignment along the ocean should be deleted, why does the EA at page 3-16 continue to list the following alternatives along the ocean?
    - Continuation of a boardwalk for pedestrians only around the heiau?
    - Continuation of a bike/pedestrian path around the heiau?
    - Improved beach access between Lae nani condominiums and Kaua'i Sands Hotel, with a spur around the heiau, terminating in a viewing platform facing Wailua Bay?

Further, in an April 23, 2004 letter to Glen Kimura from Clyde W. Namu'o, Administrator, Office of Hawaiian Affairs, State of Hawai'i, Mr. Namu'o stated that "Because burials in sand deposits that extended inland from the coast were a traditional Hawaiian practice, and because the proposed project follows the

coastline, the possibility of encountering traditional Hawaiian burials and cultural deposits is large. Therefore, *the environmental assessment should include an archeological inventory along all of the proposed alignments of the bike and pedestrian path to ensure that the chosen path does not disturb any historical and cultural sites*.

- Given Mr. Namu'o's position why does the Draft EA not include any archaeological inventory survey?

ARCHAEOLOGICAL INVENTORY SURVEY. The Draft EA does not contain an Archaeological Inventory Survey. It is the County Kaua'i's policy to preserve important and historic sites and provide a buffer between the site and adjacent uses. (See County of Kaua'i General Plan). Given the lack of an Archeological Inventory Survey and the County of Kaua'i's policy to preserve important and historic sites and provide a buffer between the site and adjacent uses why does the Draft EA at page 3-16 state the following options as being considered?

- Continuation of a boardwalk for pedestrians only around the heiau?
- Continuation of a bike/pedestrian path around the heiau?
- Improved beach access between Lae nani condominiums and Kaua'i Sands Hotel, with a spur around the heiau, terminating in a viewing platform facing Wailua Bay?

As set forth herein, adverse environmental impacts preclude a finding of no significant impact under HAR §11-200-12. Specifically, the first evaluation criterion in those requirements states:

"...an action shall be determined to have a significant effect on the environment if it: 1. involves an irrevocable commitment to loss or destruction of any natural or cultural resource; . . . "

Because of the Shore Path, Alternative 1 as presented in the Draft EA will have significant effects on cultural resources in the project area. Consequently, at a minimum, a Draft Environmental Impact Statement (DEIS) should be prepared pursuant to HEPA and HAR § 11-200. Preparing a DEIS should provide for expanded detailed analyses of the cultural resource protection issues related to the proposed action, expanded consultation with the SHPD, and thorough consultation with the native Hawaiian community. (See attached Pacific Consulting Services, Inc. letter, dated June 18, 2004, page 1 of 4).

Of the three alternative paths being proposed, the Shore Path of Alternative 1 has a significantly greater potential to adversely impact existing surface cultural resources, including the Kukui Helau (Site 50-30-08-108), as well as cultural resources that are likely present in subsurface proveniences along the shoreline, including Native Hawaiian burials and subsurface archaeological deposits (Sites 50-30-08-1711, 1800, 1801, 1836). (See attached Pacific Consulting Services, Inc. letter, dated June 18, 2004, page 2).

THE HAWAI'I HISTORIC PRESERVATION ACT (H.R.S. CHAPTER 6E).

The Hawai'i Historic Preservation Act at §6E-1 declares its intent as follows:

"Declaration of intent. The Constitution of the State of Hawai'i recognizes the value of conserving and developing the historic and cultural property within the State for the public good. The legislature declares that the historic and cultural heritage of the State is among its important assets and that the rapid social and economic developments of

contemporary society threaten to destroy the remaining vestiges of this heritage. The legislature further declares that it is in the public interest to engage in a comprehensive program of historic preservation at all levels of government to promote the use and conservation of such property for the education, inspiration, pleasure, and enrichment of its citizens. The legislature further declares that it shall be the public policy of this State to provide leadership in preserving, restoring, and maintaining historic and cultural property, to ensure the administration of such historic and cultural property in a spirit of stewardship and trusteeship for future generations, and to conduct activities, plans, and programs in a manner consistent with the preservation and enhancement of historic and cultural property. [L 1976, c 104, pt of §2]

The Hawai'i Historic Preservation Act mandates the Department of Land and Natural Resources (DLNR) to administer a comprehensive historic preservation program. The lead agency for all aspects of historic preservation, archeology and burials is DLNR's SHPD. The County of Kaua'i has its local version namely the Kaua'i Historic Preservation Review Commission (KHPRC) whose members are appointed by the mayor. Hawai'i Revised Statutes (H.R.S.) §6E-8, Review of effect of proposed state projects, provides at subsection (a) as follows:

"Before any agency or officer of the State or its political subdivisions (*e.g.* the County of Kaua'i) commences any project which may affect historic property, aviation artifact, or a burial site, the agency or officer shall advise the department and allow the department an opportunity for review of the effect of the proposed project on historic properties, aviation artifacts, or burial sites, consistent with section 6E-43, especially those listed on the Hawai'i register of historic places. The proposed project shall not be commenced, or in the event it has already begun, continued, until the department shall have given its written concurrence."

Therefore,

- In the preparation of the Draft EA has H.R.S. §6E-8 been complied with?
- If so, what steps have been taken and what were the results, if any, of such steps?
- Has the DLNR given its written concurrence to Alternative 1? If so, when and how? If not, when will written concurrence to Alternative 1 be sought from the DLNR?
- Have the Hawai'i Administrative Rules, Title 13, Subtitle 13, Chapter 275-284, Rules Governing Procedures for Historic Preservation Review for Governmental Projects Covered Under Sections 6E-7 and 6E-8, HRS, been complied with? If so, how and when? If not, will compliance begin and when?
- Have the Hawai'i Administrative Rules, Title 13, Subtitle 13, Chapter 300, Rules of Practice and Procedure Relating to Burial Sites and Human Remains, been complied with? If so, how and when? If not, will compliance begin and when?
- H.R.S. §205A-2 Coastal zone management program; objectives and policies. (b) Objectives provides, in part, as follows:
    - "(2) Historic resources;
        - (A) Protect, preserve, and, where desirable, restore those natural and manmade historic and prehistoric resources in the coastal zone management area that are significant in Hawaiian and American history and culture."

- Will the Shore Path cause any primary and/or secondary impacts to natural and manmade historic and prehistoric resources? The response must include any primary and/or secondary affect to the Kukui Heiau, its environ and burial sites along the Shore Path. If so, do such primary and secondary impacts meet this legislative objective? Do the Kukui Heiau mitigation measures meet this legislative objective? If so, how? Does the Shore Path affect burial sites along the shoreline? If so, does such affect meet this legislative objective?

It should be noted that, presumably, the end of the bike/pedestrian path at Lydgate Park was planned and constructed to avoid the potential problem raised by the Shore Path. The Lydgate Park path was terminated a substantial distance from the Heiau located there. Placing the Shore Path as planned in close proximity of the Kukui Heiau will increase the risk of damage, including vandalism, to the heiau.

Consistent with applicable law, state and local agencies must conduct an "Archaeological Inventory Survey" of each of the three alternative routes. The results of the survey must be included in an EIS. Adjacent areas that may be affected by the project (*e.g.* construction staging sites, comfort stations, etc.) must also be surveyed. This is especially true given the recommendations for beach hardening measures described at pages 3-13 and 3-14 of the Draft EA.

The Shore Path is quite substantial and the staging and construction effort to build these substantial structures on the shoreline will certainly devastate any cultural deposits along with the adverse and irreparable damage to the environment and ecology as further discussed herein.

The specific scope of the survey must be determined by KHPRC in consultation with SHPD. In general, the survey must include a review of historic uses of the bike/pedestrian routes, a discussion of previous archaeological studies in the areas, and an examination of all surface and select subsurface portions of each of the alternative routes.

It is imprudent to build the Shore Path. The Wailua Bay area, including its beach, was the ancestral home of Kaua'i's royalty in the 13th century and was also the home of Kaua'i's last reigning queen, Queen Debora Kapule, a wife of King Kaumuali'i, in the mid-1800s. Most ancient kings of Kaua'i were born and lived within the Wailua Bay environs. It is the CZM goal to protect, preserve, and where desirable, restore those natural and man made historic and prehistoric resources in the coastal zone management area that are significant in Hawaiian and American history and culture. A thorough cultural impact review must be conducted to assure that if the Shore Path is to be constructed such construction will not interfere with or adversely affect ancient burial sites and other archeological treasures on the Shore Path.

The fact that a cultural impact assessment may have been conducted for the unrelated proposed Kapa'a Relief Route by Cultural Surveys Hawai'i, Inc. (DSH) (Volumes I and II, 2004) (See Draft EA, page 4-81) is inadequate to address the

specific concerns of the Shore Path. (Also: see discussion on the Kukui Heiau above).

- Why does the Draft EA simply ignore reality and a lack of understanding when it makes the statement that "because the bike/pedestrian path corridor is fully contained within the highway corridor and both (the Kapa'a Relief Route and the Shore Path) are linear transportation projects (and) the findings of the CSH study were reviewed for this environmental assessment"? (Draft EA, page 4-81).

The CSH study has absolutely no relationship to the Shore Path to be constructed on the shoreline. The CSH study was mauka of Kuhio Highway and considerably mauka of the shoreline.

It is commonly known that burials were performed along the Wailua Bay shoreline. For example, four years ago the Kaua'i Planning Commission approved zoning permits for redevelopment of the shuttered Coco Palms resort, mauka of the highway at Wailua Bay, on the condition that archaeological features are preserved. Currently, Cultural Surveys Hawai'i, Inc. is performing an investigative search of the grounds to satisfy the archeological condition. The results of the investigation will be included in a CIS (cultural impact statement).

The Draft EA states on page 4-71 that while the length of Table 5 (Summary of Archaeological Sites that May be Affected by the Proposed Action) may appear to suggest a high level of potential impact, the list of sites is exaggerated by the pattern of giving separate site numbers for burials. The list is not exaggerated. Rather, it demonstrates that there are <u>many</u> locations along the

shoreline where burials are found, and that the potential for impacting those sites is high. (See attached Pacific Consulting Services, Inc. letter, dated June 18, 2004, page 3).

Although native Hawaiian concerns about ancestral burials are identified in the Draft EA, the level of analysis given to this issue in the Draft EA is inadequate, pursuant to HEPA, and Act 50 (2000), relating to cultural impact assessments. (See attached Pacific Consulting Services, Inc. letter, dated June 18, 2004, page 3). Act 50 (2000), Section 2, amended HEPA, Section 343-2, by amending the definitions of "environmental impact statement" or "statement" and "significant effect," to read as follows:

> "Environmental impact statement" or "statement" means an informational document prepared in compliance with the rules adopted under section 343-6 and which discloses the environmental effects of a proposed action, effects of a proposed action on the economic [and] welfare, social welfare, and cultural practices of the community and State, . . . , measures proposed to minimize adverse effects, and alternatives to the action and their environmental effects. (Emphasis added).

In the section of the Draft EA titled "Mitigation of Impacts to Historic Sites", the issue of impacting burials is addressed. However, it is not apparent that the archaeological monitoring program suggested is sufficient to mitigate adverse impacts to subsurface burial features that are likely to be disturbed by construction of the Shoreline Path (Alternative 1). Human burials are usually severely impacted when found during backhoe excavations. During such excavations, even the best archaeological monitors usually cannot prevent damage to burials. A program of subsurface testing is more appropriate in a

situation where known burials are present and the probability for additional burials is high. (See attached Pacific Consulting Services, Inc. letter, dated June 18, 2004, page 3).

SEGMENTATION

The Lydgate Park-Kapa'a bike/pedestrian is just a portion of a planned 23-mile bike/pedestrian path on the island of Kaua'i. Decision makers should initially determine, as a matter of law, whether the County of Kaua'i has used a flawed EA process. Applicable law may require the environmental impact of the proposed 23-mile path to be evaluated as a whole. NEPA requires an EIS for all major federal actions that significantly affect the environment. Major federal actions cannot be divided into smaller segments for purposes of environmental assessments, in the hopes of arriving at a FONSI for each segment.

The County of Kaua'i should explain why it is conducting a segmented environmental assessment of the planned 23-mile path. It recently issued a FONSI for the Kapa'a-Kealia segment, rather than assessing that segment, the present segment, and the rest of the 23-mile path in a single EA.

"Segmentation" or piecemealing" is the forbidden practice of enabling an agency to reach a finding of no significant impact by dividing a major federal action into smaller component parts, each with less significant environmental effects than the project as a whole. NEPA regulations that govern the manner in which an agency is to determine the proper scope of an EIS provide guidance on determining the proper scope of an EA.

The NEPA regulations require closely related or "connected" actions to be discussed in the same impact statement. 40 CFR § 1508.25(a)(1). "Cumulative actions, which when viewed with other proposed actions have cumulatively significant impacts" also must be discussed in the same impact statement. 40 CFR § 1508.25(a)(2). "Similar actions, which when viewed with other reasonably foreseeable or proposed agency actions, have similarities that provide a basis for evaluating their environmental consequences together" must be discussed in the same impact statement when that is the best way to adequately assess their combined impacts or reasonable alternatives. 40 CFR § 1508.25(a)(3). In deciding whether an agency should have prepared an environmental assessment of a proposed project as a whole rather than of its individual segments, courts apply these NEPA regulations and ask whether the segments have independent utility and logical end points.

NEPA regulations require federal agencies to establish their own procedures to identify actions that require an EIS. 40 CFR § 1500.3(a). The FHWA has complied with this directive, and has its own regulations governing segmentation of projects for purposes of conducting an environmental assessment. The FHWA regulation on evaluating environmental impacts requires that in order to ensure meaningful evaluation of alternatives and to avoid commitments to transportation improvements before they are fully evaluated, the action evaluated in each EIS or FONSI shall:

- Connect logical termini and be of sufficient length to address environmental matters on a broad scope;

- Have independent utility or independent significance, i.e., be usable and be a reasonable expenditure even if no additional transportation improvements in the area are made; and
- Not restrict consideration of alternatives for other reasonably foreseeable transportation improvements.

23 CFR § 771.111(f).

The development of a transportation project should take into consideration how the end points are determined, both for the improvement itself and for the scope of the environmental analysis. Whether the project has "logical termini" is relevant to both concerns. Logical termini for project development are defined as:

- rational end points for a transportation improvement, and
- rational end points for a review of the environmental impacts.

In developing a project concept which can be advanced through the stages of planning, environment, design, and construction, the project sponsor needs to consider a "whole" or integrated project. The project should satisfy an identified need, such as safety, rehabilitation, economic development, or capacity improvements, and should be considered in the context of the local area's socio-economics and topography, the future travel demand, and other infrastructure improvements in the area. Without framing a project in this way, proposed improvements may miss the mark by only peripherally satisfying the need or by causing unexpected side effects which require additional corrective action. A problem of "segmentation" may also occur where a transportation need extends

throughout an entire corridor but environmental issues and the transportation need are inappropriately discussed for only a segment of the corridor.

The County of Kaua'i should seek a legal opinion to determine whether conducting a separate environmental assessment for each of the segments of the 23-mile path constitutes illegal segmentation. Evaluated separately, some segments may pass the environmental assessment. However, when the segments are assessed as a whole, the entire bike/pedestrian path as currently built and proposed may violate basic environmental standards.

TRANSPORTATION ENHANCEMENT (TE) ACTIVITIES 23 U.S.C. AND TEA-21

If the Shore Path is not deleted from Alternative 1, how do the decision makers justify that the Shore Path relates primarily to surface transportation and not recreation. The Shore Path does not relate to transportation and federal funds should not be committed to the Shore Path. The Shore Path is primarily related to recreation and not transportation. Federal funding for the Lydgate Park-Kapa'a bike/pedestrian path may be in jeopardy since the Shore Path relates primarily to recreation and not surface transportation. The County of Kaua'i should seek a legal opinion to address this issue. Alternative 1 is particularly suspect, especially since there already exists public access to this entire shoreline without any change to the environment, archeology, ecology or additional cost.

In 1991, the United States Congress passed the Intermodal Surface Transportation Efficiency Act (ISTEA). One of the most significant means through

which ISTEA and its successor, the Transportation Equity Act for the 21st Century (TEA-21), promoted balanced, multi-modal transportation was through the creation of the "Transportation Enhancements (TE)" program. To comply with Federal guidelines for eligibility the decision makers must affirmatively answer the following two basic questions:

- First, is the proposed action one of the listed activities in the TE definition in 23 U.S.C. 101(a)(35)? Presumably, the answer is in the affirmative in that 23 U.S.C. 101(a)(35), Transportation Enhancement Activities, provides in relevant part as follows:

  "The term "transportation enhancement activities" means, with respect to any project or the area to be served by the project, any of the following activities if such activity relates to surface transportation: provision of facilities for pedestrians and bicycles, ..."

- Second, does the proposed action relate to surface transportation?

With regard to the Alternative 1 and the Shore Path the second question has yet to be answered. In accordance with federal regulations, all Transportation Enhancement projects **MUST** relate to surface transportation. (Emphasis added). Because of the Shore Path, Alternative 1 is marginal or weak in its transportation relationship; especially since Alternate 2 meets the requirements for TE, has no significant impact to the environment, archeology or ecology and is much less costly. Project applications that cannot meet the basic eligibility test cannot be funded.

The Shore Path is a portion of Alternative 1 which is part of the 23 mile bike/pedestrian path and, therefore, is classified as a TE activity. Consequently,

decision makers must illustrate the Shore Path's relationship to surface transportation. Presumably, the Hawai'i Department of Transportation is ultimately responsible for deciding whether the relationship has been substantiated. Legal counsel representing the State of Hawai'i and the County of Kaua'i should be consulted to answer these questions.

Applicable federal regulation clearly indicates that TE funds cannot be used to fund bike/pedestrian facilities that are solely for recreational use. According to the language under 23 USC 217(i):

> "No bicycle project may be carried out under this section unless the Secretary has determined that such bicycle project will be ***principally for transportation, rather than recreation purposes***". (*Emphasis added*).

It is doubtful that Alternative 1 is principally for transportation. The County of Kaua'i and the Draft EA suggest that the Shore Path is recreational in nature. The Draft EA is clearly oriented toward recreation and not principally for transportation enhancement. For example, the Draft EA states as follows:

- "Increased opportunities for recreation and physical fitness." (Draft EA, Paragraph 2.2., Project Purpose and Need, page 2-2).
- "The proposed path is needed to provide increased opportunities for outdoor recreation and fitness. There is no other area in town that provides a safe, dedicated facility for people to walk, jog, and bicycle. Given recent reports that obesity and related chronic health problems have reached near-epidemic proportions, facilities that encourage greater physical activity are community assets that should not be undervalued or overlooked." (Draft EA, page 2-4).

- In discussing Alternative 3, the Draft EA states that "(L)ocating a transportation ***and recreation facility*** in conjunction with the canals is made all the more attractive because the waterways themselves are attractive and relatively clean." ***(Emphasis added)*** (Draft EA, page 4-43).
- In discussing the Wailua River, in close proximity to the Shore Path, the Draft EA states that "The Wailua River has one of the largest deep-water estuaries (in length and volume) in Hawai'i and has been long utilized for recreational and commercial tour boat activities. (Draft EA, page 4-63).
- The East side tourist market would also benefit from an attractive outdoor recreation amenity." (Draft EA, page 4-86).
- Seeking to allay fears that property values adjacent to the bike/pedestrian path (which is exacerbated by the close proximity of the Shore Path to occupied structures) will be reduced, the Draft EA compares the Burke-Gilman trail project in Seattle which is used 80% for recreational use.

  The Draft EA states that "(T)he trail draws over 750,000 users per year of which 80% are bicyclists and 20% are pedestrians. ***80% are recreationists*** and 20% are commuters." (Draft EA, page 4-86). ***(Emphasis added)***.
- It should be noted that the Burke Gilman Trail is a ***popular recreational trail. . . (Emphasis added)***. See City of Seattle web site: www.cityofseattle.net/parks/BurkeGilman/bgtrail.htm.
- "A tremendous feature of the overall path system is the linkage among a wide variety of parks, with different characteristics and serving different

purposes. The Lydgate Park to Kapa'a segment passes through an urbanized area, yet it is anchored by parks at both ends. ***The cumulative impact of a path that stretches from Lydgate Park to Koala is to offer users unprecedented non-motorized access to a wealth of recreational and cultural experiences. The proposed path will require space with existing recreational areas (notably through Wailua Beach park). However, because the path also provides recreational services, it is replacing one type recreational use with another.***" (Draft EA, page 4-103).

Consistent with the Draft EA's apparent justification and analysis supporting recreational opportunities, public support for modifying the virgin pristine beach along the Shore Path with a concrete path or boardwalk is also primarily based on the public's misconception that the path will provide recreational opportunities. For example, in several articles in The Garden Island newspaper, Lester Chang reported as follows:

December 22, 2003:

"The entire project would greatly ***enhance recreational needs*** in the Kawaihau District, the largest population area on the island, ***county officials have said***." ***(Emphasis added).***

March 6, 2004:

"The ***entire project is intended to enhance recreational opportunities*** in the Kawaihau District, which boasts the largest population of the island." ***(Emphasis added).***

June 24, 2004:

"***Baptiste's (Mayor of Kaua'i) administration*** has pushed for the completion of the project (i.e. 23-mile bike/pedestrian path) ***to enhance recreational opportunities***." ***(Emphasis added).***

The State of Hawai'i and the County of Kaua'i must justify the Shore Path solely on the basis of primarily enhancing transportation and not for recreational purposes. The County of Kaua'i, the Draft EA and the public all support Alternative 1 on the basis that "***the cumulative impact of (Alternative 1) that stretches from Lydgate Park to Koala is to offer users unprecedented non-motorized access to a wealth of recreational and cultural experiences . . .***" requiring "***space with existing recreational areas (notably through Wailua Beach park). . . "(b)ecause the path also provides recreational services, it is replacing one type recreational use with another***". (Draft EA, page 4-103).

The Inland Roadways route (Alternative 2) and the Canal Path route (Alternative 3) more clearly satisfy the objective of enhancing transportation in that they have a closer relationship to Kuhio Highway and are more likely to serve a transportation purpose. As discussed, the Inland Roadways route (Alternative 2) and the Canal Path route (Alternative 3) also avoid potential significant environmental, archeological and ecological concerns.

- What justification(s) does the State of Hawai'i and the County of Kaua'i have that supports the position that Alternative 1 and the Shore Path's primary purpose is to enhance transportation?

AMERICANS WITH DISABILITIES ACT (ADA) & TE

In July 1999, the U.S. Department of Transportation issued an Accessibility Policy Statement pledging a fully accessible multi-modal transportation system.

Accessibility in Federally assisted programs is governed by the USDOT regulations (49 CFR part 27) implementing Section 504 of the Rehabilitation Act (29 U.S.C. 794). The Federal Highway Administration has specific ADA policies for statewide planning in 23 CFR 450.220(a) (4), for metropolitan planning in 23 CFR 450.316(b) (3), and for the NEPA process in 23 CFR 771.105(f). These regulations require application of the ADA requirements to Federal-aid projects, including TE activities. Sponsors of TE projects must consider the potential uses of each project, consider what is reasonable and feasible, and provide for users in an appropriate manner.

The terrain and slope of the shoreline makai of the resorts along Papaloa Road provide significant and expensive obstacles to ADA accessibility, including adverse and potentially irreversible environmental, archeological and ecological consequences. It could be said that anything can be engineered at any cost to accommodate ADA accessibility. However, funding is not unlimited and careful attention must be made to accommodate ADA access in a reasonable and economically feasible manner. As set forth, *infra*, these costs must be included in any cost comparison. Alternatives 2 and 3 appear more likely to accommodate ADA accessibility without substantial expense, shoreline modification and adverse and potentially irreversible environmental, archeological and ecological consequences.

EMINENT DOMAIN/RIGHT OF WAY ACQUISITION

The Shore Path will require the acquisition of privately owned prime beachfront property by eminent domain. The Inland Roadways route (Alternative

2) avoids such eminent domain considerations. Lae nani Resort's property line extends makai to and beyond the mauka wall of the Kukui Heiau. The Shore Path would traverse across private property owned by the Lae nani Resort mauka of the Kukui Heiau. Assuming a successful and time consuming eminent domain proceeding, the expense of acquiring a prime beachfront property could prove cost prohibitive, thereby unnecessarily eroding funds required for the entire 23 mile bike/pedestrian path project. Of course, the Inland Roadways route (Alternative 2) avoids this matter entirely.

BEACH MAINTENANCE

Owners of condominium units on the Papaloa Road portion of Wailua Bay currently provide trash and debris pickup on and about the beach. With a bike/pedestrian path along this same area there will be additional trash and debris discarded along the beach. Who will provide sanitation services to pick up the trash and debris to eliminate fouling Wailua Bay and the resultant adverse consequences? For example, the current access to the beach between Halo Awapuhi and Kapa'a Sands is not maintained and is a constant eye sore. Funding for materials and manpower necessary for the maintenance of the entire bike/pedestrian and especially on the shoreline must be provided for. Continued citizen-provided maintenance is not an alternative.

PROJECT COSTS

Appendix C, Detailed Cost Breakdown by Project Alternatives, is incomplete, inaccurate and misleading to the public and the decision makers.

- The proposed $200 per foot cost of either of the two proposed

construction choices (concrete path or board walk) for a total of $340K for the stretch from Seashell to Kukui Helau is totally unrealistic and must be substantiated. In addition, a cost difference between the two choices is not mentioned.

- Cost considerations are not given to necessary access improvements, to special cost-intensive modifications to satisfy ADA requirements, to the restoration of a damaged landscape by the building process, let alone the likely litigation and purchase expenses in connection with eminent domain proceedings or the financial impact on the condominium resorts during construction.
- While giving cost figures for comparative purposes, the Draft EA casually mentions that some costs are not included, such as site preparation, which in the case of Alternative 1 could be very substantial.
- Cost estimates are very low and not realistic. Low cost estimates make it appear that Alternative 1 and the Shore Path would not be cost prohibitive thus grossly misleading the public and the decision makers.
- The Draft EA is misleading in that major costs have not been included in the comparisons of the various alternatives. For example, Alternative 1 has an estimated cost of $2,803,000. It is anticipated that Alternative 1 cannot be built unless and until private property is acquired by the exercise of the right of eminent domain. Since the dollar amount of federal and local funding for the bike/pedestrian is known, it is of

paramount importance that we know all costs associated with an alternative.

In order to make comparisons for funding purposes, an EIS must be prepared to include a more complete, accurate and non-misleading estimate of all costs, including, but not limited to, the additional costs to be incurred in the acquisition of private property. At a minimum, the Draft EA must include an estimate of the cost to be incurred to purchase the right to proceed with the Shore Path over private property owned by Lae nani, including possible legal and litigation costs?

STATE OF HAWAI'I AND COUNTY OF KAUA'I LIABILITY FOR INJURY AND/OR PROPERTY DAMAGE/LOSS

The State has waived sovereign immunity for torts. H.R.S. §662-2 provides that the State "shall be liable in the same manner and to the same extent as a private individual under like circumstances . . ." [L 1957, c 312, pt of §1; Supp, §245A-2; H.R.S. §662-2; am L 1972, c 164, §2(a)]. Therefore, the state must exercise the same standard of care required of a private party. (51 H. 150).

- Consequently, if the Shore Path is selected and because the State DOT will lend its approval to the final EA or EIS, will the State be potentially liable in tort for personal injury or property damage occasioned by the location of the Shore Path immediately next to inhabited structures at certain points along the Shore Path?
- Should the County of Kaua'i ultimately prefer the Shore Path what consideration has been give to the County of Kaua'i's potential tort liability for personal injury and property damage/loss because the County of

Kaua'i has, arguably, placed persons and property at risk? In other words, if the Shore Path is selected, will the County of Kaua'i be liable in tort for personal injury or property damage occasioned by the location of the Shore Path in very close proximity to inhabited structures?

- Given the fact that the County of Kaua'i knows that the Shore Path will come extremely close to condominiums and that less risky alternatives were available would it not be prudent to select an alternative that would not place persons and property directly in harm's way?
- The Shore Path will be built on a 10 foot high seawall or an elevated boardwalk supported by pilings driven or drilled into the shoreline.
    - Have the decision makers considered the increased liability assumed by the State of Hawai'i or the County of Kaua'i? These elevated structures must be designed to withstand the forces of damaging high waves, high winds and water levels from storms, tsunami, and flooding sea heights? Maintenance of damaged structures must be sufficient to protect person and property including remedial design plans, etc.
    - By constructing elevated structures to support the Shore Path has the State of Hawai'i and the County of Kaua'i considered the potential liability for design of, or improvement to, these shore hardening structures?

The property lines of the resorts along Papaloa Road have been surveyed. In an attempt to locate the Shore path as far as possible mauka of the sand on the

beach, the Shore Path is planned to be constructed at or near the property lines of the resorts along Papaloa Road. The Shore Path will be built along the property line between County of Kaua'i property and private land owned by Lae nani, Lanikai, Kapa'a Sands and Hale Awapuhi. (See Page 4-14, Draft EA; Photo 10, page 4-18, etc.). The Shore Path will be as close as 5 feet from some of the condominium units affected. Some units are within 20 feet of the proposed Shore Path. For example, the lanais of Units #1 and #15/16 at Kapa'a Sands are extremely close to the planned line of the Shore Path.

- In planning for the Shore Path what consideration has been given to the physical safety of occupants of condominium units at or near the Shore Path and what consideration has been given to the increased risk of property crimes?

Legal counsel should be consulted before any consideration of the Shore Path as an alternative for the bike/pedestrian path route. The County of Kaua'i will also increase the liability of private owners along the Shore Path in that with the Shore Path is such close proximity to private property and given the basic rule of liability that a landowner owes a duty of reasonable care to any person coming onto private property, the Shore Path may provide more potential for private landowner liability to persons coming on the property.

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EMERGENCIES

Biking and pedestrian traffic may increase accidents and injuries.

- What consideration has been given to emergency services accessibility along the Shore Path, especially makai of the resorts along Papaloa Road?
- Why does the Draft EA not address the concerns of Dennis Furushima, Fire Chief, County of Kaua'i? As requested in his letter to Glenn T. Kimura, dated April 13, 2004. Chief Furushima states that:

> "the remote location of the (Shore Path) does pose a challenge to responding emergency personnel. The (Shore Path) necessitates designated access points for emergency vehicles. These access points shall be illustrated on a map to supply quick and easy reference for the responding units and shall limit vehicular traffic to emergency and maintenance vehicles. . . Emergency vehicles will need a minimum of twelve feet to maneuver safely along the path."

- Why did the Draft EA not include the requested access points and illustrate them on a map to supply quick and easy reference for the responding units?
- The Shore Path's shore hardening alternatives (e.g. the concrete path on a seawall and the boardwalk path on pilings) are designed as 5-10 foot paths.
  - (Draft EA, Figures 10 and 11; see discussion of Wailua Bay View, *supra*). How will emergency access be provided on the 5-foot wide Shore Path when a minimum of 12 feet is required by Chief Furushima for emergency access?
- Will the boardwalk support vehicular traffic such as emergency vehicles?
- Will the Shore Path, including a boardwalk, limit vehicular traffic to emergency and maintenance vehicles?

TREE AND VEGETATION REMOVAL

The Shore Path will require the removal of a number of trees, including palm and ironwood trees, and vegetation along the shoreline.

- Removal would certainly cause erosion along the shoreline and onto the beach. What consideration has been given to the erosive effect of tree and vegetation removal for the Shore Path?
- What does local law say about tree removal and what variances will be needed to accomplish tree removal for the Shore Path?

ECONOMICS

Disruption of businesses during unnecessary construction of the Shore Path by noise and other construction activity, including equipment, etc., in close proximity to condominium units will likely reduce the occupancy rates of the condominiums along Papaloa Road.

- What consideration has been given to funding reimbursement to the condominium resorts affected by such construction effort and the economic losses likely to be incurred as a result of the County of Kaua'i's construction of structure and hard scape for the Shore Path in extremely close proximity to the resorts?

CONCLUSION

We appreciate the opportunity to comment on the Draft EA. For all the reasons set forth above we firmly believe that the County of Kaua'i will get it wrong if it concludes that Alternative 1 of the Lydgate Park – Kapa'a bike/pedestrian path continues to deserve a FONSI designation. With regard to the Shore Path we believe that the Draft EA has thwarted the legislative intent of TEA-21, NEPA, HEPA and other federal, state and local laws as discussed above.

The Lydgate Park – Kapa'a bike/pedestrian path may be a worthy undertaking, but not at the expense of so singular and valuable resource as the pristine shoreline makai of the condominium resorts along Papaloa Road. The undersigned therefore respectfully request that the Shore Path be deleted from the Draft EA, thereby removing the Shore Path from consideration as an alternative. In the alternative, the undersigned respectfully request that the FONSI be withdrawn and the County of Kaua'i prepare an EIS and/or CEIS. If there are questions about any of the matters herein, please call William K. Sweeney, Owner of Unit 8, Kapa'a Sands Resort Condominium, at (808) 634-6393.

Respectfully submitted,

LAE NANI RESORT CONDOMINIUM

LANIKAI RESORT CONDOMINIUM

KAPA'A SANDS RESORT CONDOMINIUM

HALE AWAPUHI RESORT CONDOMINIUMS

Attachments:

Letter from Pacific Consulting Services, Inc., dated June 18, 2004
Letter from Mr. Randal Ashley, K-A Associates, dated June 24, 2004

cc:

Doug Meller
TE Program Manager
Highway Planning Branch
Department of Transportation
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James Kunane Tokioka, Council Vice-Chair
Jay Furfaro, Member
Maurice "Joe" Munechika, Member
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June 18, 2004

Lae nani, Lanikai
Kapa'a Sands, Hale Awapuhi

Attention: William K. Sweeney
6388 Puupilo Rd.
Kapa'a, HI 96746

Subject: Draft Environmental Assessment for the Lydgate Park – Kapa'a Bike/Pedestrian Path (CMAQ-0700(49)).

Dear Mr. Sweeny,

Via this letter, Pacific Consulting Services, Inc. (PCSI) is forwarding comments regarding the subject Draft Environmental Assessment (DEA) prepared for the County of Kauai, Department of Public Works by Kimura International. This review of the DEA was performed under contract with the Save Wailua Bay Coalition of Kapaa, with the understanding that the comments would be forwarded to the County of Kauai as part of the public participation process established for review of environmental assessments. Our review was limited to evaluating the potential impacts of the proposed project on cultural resources.

These comments were prepared by Stephan Clark, the Manager of PCSI's Cultural Resources Group. Mr. Clark received a B.S. degree in Anthropology in 1972 from the University of California, Davis. He has been working as a professional archaeologist in Hawaii since 1973. During that period, he worked for the Bishop Museum's Department of Anthropology and the Applied Research Group for 18 years and for the City and County of Honolulu Department of Parks and Recreation for 5 years. Since 1996, Mr. Clark has been working as a consulting archaeologist on behalf of federal, municipal, and private-sector clients. He has been an active member of the Society for Hawaiian Archaeology since it was established in 1980.

DEA Review Comments

The DEA provided relevant information regarding the inventory of archaeological and historic resources found in and near the various optional corridors of the bike/pedestrian paths. However, serious potential impacts are evident upon even the most cursory examination of the DEA. Those impacts preclude a finding of no significant impact under HAR §11-200-12. Specifically, the first evaluation criterion in those requirements states:

> *"...an action shall be determined to have a significant effect on the environment if it: 1. Involves an irrevocable commitment to loss or destruction of any natural or cultural resource;"*

We find that Alternative 1 as presented in the DEA (the Shoreline Path) may have a significant effects on cultural resources in the project area. Consequently, a Draft Environmental Impact Statement (DEIS) should be prepared pursuant to Chapter 343, HRS and HAR § 11-200. Preparing a DEIS should provide for expanded detailed analyses of the cultural resource

protection issues related to the proposed action, expanded consultation with the State Historic Preservation Division (SHPD), and thorough consultation with the native Hawaiian community.

Of the three alternative paths being proposed, the Shoreline Path appears to have a significantly greater potential to adversely impact existing surface cultural resources, including Kukui Helau (Site 50-30-08-108), as well as cultural resources that are likely present in subsurface proveniences along the shoreline, including Native Hawaiian burials and subsurface archaeological deposits (Sites 50-30-08-1711, 1800, 1801, 1836).

The primary concern regarding the Shoreline Path is its potential adverse impact to Kukui Helau (Site 108) if the construction of the preferred shoreline path occurs. Kukui Helau is listed on both the Hawai'i and National Register of Historic Places. Sites with this status of cultural heritage must be afforded a high level of protection. It is the responsibility of the community members and their elected officials to support the preservation and physical integrity of such sites.

Kukui Helau is, by all measures, an exemplary example of a Hawaiian cultural site that exists into modern times through diligent preservation and protection measures. The intent of placing sites on the State and National Registers has been to preserve a variety of cultural heritage sites for all of us, for our children, and for future generations. Across the U.S. mainland and its outlier states and territories, only the most significant, well preserved, and cherished sites, are listed on State, Territorial, and National Registers. These include Indigenous sites (Native American, Native Hawaiian, Native Alaskan, Chamorro, etc.) as well as early Euro-American and American sites that have local, State, and/or National significance. In Hawaii, these sites stand out as exemplary types, and include those that are important in understanding, preserving, and maintaining the indigenous Hawaiian culture, and those that help us understand the transitions that occurred in Hawaii resulting from initial cultural contact with European, American, and Asian peoples.

The proposed action, as described in the DEA, has the potential to cause irrevocable damage to the integrity of Kukui Helau. This was confirmed by SHPD in its letter to Kimura International, which is appended to the DEA (Peter Young, May 4, 2004). The significance of this concern was also noted by the author of the DEA on page 4-75:

> *"... a strip of the Lae Nani Condominiums parcel adjacent to the helau would be needed. Without such acquisition of private land, it would be impossible to construct the shoreline path without adverse impact to Kukui Helau."*

The DEA identifies re-routing of the Shoreline Path around Kukui Helau as a mitigation measure. However, for several reasons, this approach to addressing the issue does not resolve or eliminate the potentially serious impacts of the Shoreline Path on Kukui Helau:

1. The alternative routing suggested in the DEA is not described in sufficient detail to determine what impact it would have on Kukui Helau; and
2. Identifying a mitigation measure in a DEA does not constitute a binding commitment to implement the mitigation measure, hence it does not preclude routing the path through the helau.

Further, there is serious concern that labeling this alternative route as a "mitigation measure" removes it from the environmental evaluation afforded to other routes.

A related concern not addressed in the DEA involves potential secondary impacts of routing a path next to a helau. Even if the path is placed on adjacent property, it can be expected to increase the potential for visitors to Kukui Helau. Such increased visitation can result in serious, cumulative damage to the site, both inadvertent and intentional. An assessment of such secondary impacts is needed to properly evaluate the Shoreline Path alternative. It is recommended that a Site Management Plan be developed for Kukui Helau to address such impact concerns.

In summary, it is clear that the Shoreline Path as proposed in the DEA has a potentially significant impact on Kukui Helau. This finding cannot be ignored by suggesting a potential alternative routing for which no comparable evaluation is performed.

A second significant area of concern identified in this review involves the adequacy of the archaeological survey work performed and the conclusions drawn from the work performed. Although the archaeological pedestrian survey of the three alternative paths was able to document three previously unrecorded cultural sites, this level of survey is inadequate for subsurface portions of the shoreline between the Coco Palms Hotel and *makai* of the Coconut Market Place that would be impacted by the widening of existing sidewalks and the construction of new sidewalks and boardwalks. The documented presence of Hawaiian burials and subsurface archaeological deposits present along the shoreline strongly suggest that a relatively high probability exists for encountering additional burials and cultural deposits during the construction of the Shoreline Path.

The DEA states on page 4-71 that while the length of Table 5 (Summary of Archaeological Sites that May be Affected by the Proposed Action) may appear to suggest a high level of potential impact, the list of sites is exaggerated by the pattern of giving separate site numbers for burials. The list is not exaggerated. Rather, it demonstrates that there are <u>many</u> locations along the shoreline where burials are found, and that the potential for impacting those sites is high. Although native Hawaiian concerns about ancestral burials are identified in the Cultural Impact Assessment of the DEA, the level of analysis given to this issue in the DEA is inadequate, pursuant to Chapter 343, HRS and Act 50, relating to cultural impact assessments.

In the section titled "Mitigation of Impacts to Historic Sites", the issue of impacting burials is addressed. However, it is not apparent that the archaeological monitoring program suggested is sufficient to mitigate adverse impacts to subsurface burial features that are likely to be disturbed by construction of the Shoreline Path (Alternative 1). Human burials are usually severely impacted when found during backhoe excavations. During such excavations, even the best archaeological monitors usually cannot prevent damage to burials. A program of subsurface testing is more appropriate in a situation where known burials are present and the probability for additional burials is high.

The DEA presents significant information regarding the archaeological, historical, and cultural sites in the vicinity of the three alternative paths. However, there is a serious lack of citations of original source materials used for archaeological site information within the paragraphs containing this information. Having citations of source materials is necessary to enable reviewers to visit the original sources to check the accuracy of the information provided, and to

obtain further information if desired. The lack of such citations limited the ability of reviewers to fully evaluate the DEA.

Editorial Comments

1. 3rd paragraph on page 4-66. The meaning of the last sentence, beginning with "The designation of these properties for the National Register/National Historic Landmark listing is five circles..." is unclear. Is there a map reference missing?

2. 5th paragraph on page 4-66. The first sentence of this paragraph states "such an alignment is appropriate." The alignment being referred to as appropriate is difficult to identify. The previous paragraph twice refers to "All of the proposed alignments" and mentions a path that crosses the Wailua River in one of two places. With so many options, more clarity is needed to avoid confusion.

If you have questions or require clarification of these review comments, please do not hesitate to call me in Honolulu at 808-546-5557, extension 202.

Sincerely,

Stephan D. Clark

Stephan D. Clark
Manager, Cultural Resources Group
Pacific Consulting Services, Inc.

K•A Associates
Environmental & Marine Consultants
Randal J. Ashley, Principal
1610 Hoa'aina Place / Honolulu, Hawaii 96821
808.377.3752 / randyashley@hawaii.rr.com

June 24, 2004

Lae nani
Lanikai
Kapa'a Sands
Hale Awapuhi
Attention: William K. Sweeney
6388 Puupilo Rd.
Kapa'a, HI 96746

Subject: Lydgate Park – Kapa'a Bike/Pedestrian Path
DRAFT Environmental Assessment

Dear Mr. Sweeney:

KA Associates has reviewed the above referenced report prepared for the County of Kauai Department of Public works by Kimura International. The following comments are related only to the physical conditions in the coastal zone that would be impacted by the proposed Alternative 1 route in Papaloa Bay north of the Wailua River between the Sea Shell Restaurant and Kukui Heiau.

A site reconnaissance of the area from Lydgate Park north to Kukui Heiau was performed on May 25, 2004 in order to observe the physical conditions and relative location of the proposed Alternative 1 path within the coastal zone. We have confirmed that the coastal zone physical conditions outlined in the report on pages 3-8 to 3-16, 4-2 to 4-3 and 4-9 to 4-22 are generally accurate.

We also agree, as noted on page 4-40 of the referenced report, that the area fronting the Lanikai Condominiums appears to be undergoing active beach erosion. Long-time condo owners along this stretch of Papaloa Bay support our observations, noting that the active beach zone appears to be retreating at a rate of about one-half foot per year for at least the last 10 years.

However, we are in disagreement in the conclusions regarding the coastal zone along this stretch of the shoreline stated on pages 6-1, 7-1 and 7-4 of the Draft EA. While the proposed Alternative 1 path is outside the current active beach zone, the path's presence would certainly impact the oceanographic and geological processes now creating the set of parameters that result in current beach stability. Beach equilibrium is a very delicate physical state. A slight change in physical parameters such as the potential bike path designs proposed for this area would upset existing conditions and likely result in erosion and retreat of the active beach zone. It is very possible that if the bike path were to be constructed through this area, beach instability would occur and protection of the adjacent coastal bluffs and properties would be required through artificial beach sand nourishment or construction of a revetment.

Therefore, we believe that a more detailed study of the coastal conditions and potential for changes in the current physical setting is warranted before the bike path as currently proposed is constructed along Alternative 1. It is clear that without such a detailed study, a finding of no significant impact (FONSI) should not be made at this time. Further, if, as appears likely, the study shows that construction of the proposed bike path will lead to increased erosion and retreat of the active beach zone, a FONSI cannot be made.

Respectfully submitted,

Randal J. Ashley

Mr. Ashley holds a Bachelor of Science and a Master of Science in Geology. He has over 30 years of worldwide experience in commercial applications of Marine Geology, Oceanography and Coastal Processes. He is a member of the Geological Society of America, Society of Exploration Geophysicists and the Marine Technology Society.

KIMURA INTERNATIONAL

August 30, 2004

Mr. William K. Sweeney
6388 Puupilo Road
Kapa'a, HI 96746

Dear Mr. Sweeney,

Proposed Bike/Pedestrian Path, Lydgate Park to Kapa'a
Public Review of the Draft Environmental Assessment

Thank you for comments on the proposed bike/pedestrian path submitted by the Lae Nani, Lanikai, Kapaa Sands, and Hale Awapuhi Condominiums. As planning consultant to the County Department of Public Works, we have been asked to address your questions and concerns. Comments are indicated by bullet points; responses are indented.

- Comments are primarily directed to the .25 mile portion of Alternative 1, beginning from the makai side of the Sea Shell Restaurant and proceeding along the makai side of Wailua Bay View condominium resort, Hale Awapuhi condominium resort, private property owned by Blair and Paula Gay, Kapaa Sands condominium resort, Lanikai condominium resort, Lae nani condominium resort and to and through the Kukui Heiau environ. This shoreline of Alternative 1 is hereinafter referred to as "Shore Path." (p. 4)

- Concern about "bureaucratic momentum that can heavily tilt decision-making toward a particular outcome."

  Planning doesn't occur in a vacuum. All public initiatives have a historical context. Therefore, the planning team expanded on project ideas that were already being discussed in community circles, and also solicited new proposals through an open, proactive public involvement process. Once alternatives were identified, equally strenuous efforts were made to determine the viability of each. The pros and cons were disclosed as clearly as possible. Efforts to refute misconceptions or address concerns related to any of the alternatives were never intended as endorsements of that alternative.

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- Claim that a FONSI is not warranted and that the County of Kaua'i must prepare an EIS and/or Cultural Environmental Impact Statement (CEIS) if the Shore Path section of Alternative 1 is selected as the preferred alignment.

  Section 11-200-12 of the Hawai'i Administrative Rules establishes "significance criteria" that are used to determine a Finding of No Significant Impact (FONSI). Chapter 7 of the Draft Environmental Assessment (EA) includes a discussion of each of the thirteen criteria. A FONSI does not require that there be no adverse impacts, but rather, that impacts do not rise to the level of significance and substance, as indicated in EIS Rules. Based on the experts consulted and review comments from various regulatory agencies, we have determined that, with appropriate impact minimization and mitigation measures, the project will not generate significant impacts.

  There is no such document as a "Cultural Environmental Impact Statement (CEIS)" in NEPA or Chapter 343, HRS. State law calls for a cultural impact assessment (CIA), and this requirement was met through findings of a study presented in the Draft EA. Although the original CIA was conducted for the Kapa'a Relief Route project, it was timely and both geographically and substantively relevant to the bike/pedestrian path project. During an early consultation meeting with Dr. Sara Collins of the State Historic Preservation Division, she concurred that a separate CIA for the bike/pedestrian path project was not necessary since the informants had discussed the significance of coastal resources. Furthermore, when a new informant was identified during the scoping process for the bike/pedestrian path project, the CIA was amended to include the additional interview. A good-faith effort was made so that the CIA would be as inclusive as possible. Others were given ample opportunity to participate in the CIA, but did not follow through.

  Also, in terms of cultural resources, an archaeological assessment was conducted by Cultural Surveys Hawai'i and submitted to the State Historic Preservation Division (SHPD) for review on June 2, 2004. In a letter dated June 21, 2004, SHPD stated that "The background section and the boundary information were very informative and well written."

- "[T]he Shore Path offers significant obstacles, not the least of which are significant impacts on culture, the shoreline environ and its ecology." (p. 6)

  Chapter 7 of the DEA discusses the reasons why a Finding of No Significant Impact is warranted. Determination of "significance" is based on criteria laid out in Hawai'i Administrative Rules, Section 11-200-12. The proposed actions, together with measures to mitigate adverse effects, led to the anticipated FONSI.

- "The Shore Path requires substantial alteration of the shoreline, shore slope, rocky headland and high bluff, including the construction and placement of a concrete path supported by a substantial sea wall or a boardwalk supported by substantial pilings driven or drilled into the shoreline." (p. 7)

  According to the commenter's own measurement, the Shore Path is a quarter mile long. The island of Kaua'i has 90 miles of shoreline, so the affected shoreline is a relatively short stretch constituting 0.28% of the island's shoreline (Hawai'i Databook, 2002). The section of Shore Path that is characterized as "shore slope, rocky headland and high bluff" is an even smaller fraction. This section of the path would not involve a seawall. Two possible options are the mechanically stabilized earth (MSE) path or an elevated boardwalk. The resulting structure is not expected to be substantial, given the light loads of pedestrians and bicyclists.

  The boardwalk design is preferred by the Office of Conservation and Coastal Lands, Department of Land and Natural Resources (memorandum dated July 1, 2004). The entire memo will be reproduced in the Final Environmental Assessment; relevant sections are shown below:

  > [4.] The OCCL recognizes the value of a common coastal thoughfare (sic) and supports the effort to offer alternative transportation corridors for this area. In this regard we support Alternative 1 (in general concept) as illustrated on Figure 8 with some adjustments.
  >
  > [5.] The second alternative (post-supported elevated boardwalk, Figure 11) for the boardwalk design is preferred by the OCCL for slope conditions. It is suggested this be constructed in a modular fashion so that threatened/eroded sections could be replaced or relocated in a relatively easy manner.

- "The Shore Path creates... potential irreversible adverse effects on the cultural practices of the community and the State, including irreparable and irretrievable damage to a State and nationally registered historic site; namely the Kukui Heiau and its surrounding area." (p. 7)

  The County of Kaua'i has consulted with a wide range of Native Hawaiian organizations, archaeologists, cultural practitioners, and other stakeholders about Kukui Heiau. There is widespread agreement that current conditions at the heiau are unsatisfactory. However, there are clear differences about how to resolve this situation. The discussions are ongoing. The shoreline path alternative is part of the discussion because it offers one approach to resolving existing problems in the area. The problem is a lack of lateral beach access for the public except to go through the sacred site or to trespass on private property. The shoreline path would give the public a different option. Any adverse effect on Kukui Heiau

must be evaluated in light of current conditions and prospects for using the project to improve what many people feel is an unacceptable situation.

- "The Shore Path irrevocably commits a natural resource, curtails the range of beneficial uses of the environment and is contrary to Federal and State environmental policies and long-term environmental goals." (p. 7)

  As discussed on pages 7-1 and 7-2 of the Draft EA, the path is expected to be a community asset by enhancing coastal access and circulation. There is already a steady flow of people traversing the beach and the path will make it easier to get around, especially for those who would otherwise find it difficult to walk over sand and rocks. It will not eliminate or displace any activity that currently occurs in the vicinity of the path.

- "The Shore Path does not enhance or relate to transportation as required by applicable law, is not economically sound and is not ADA accessible without substantial additional expense." (p. 7)

  Actual funds for this project may come from any of several federal sources, of which the Transportation Enhancements (TE) fund is most well-known. There are two requirements for funding eligibility: (1) a project must be one of 12 designated TE activities and (2) relate to surface transportation. (The program language does not state that the project must be "primarily for transportation purposes.") Pedestrian and bicycle facilities are at the top of the TE activities list. Depending on the preferred route and how it is packaged, the project is likely to qualify under other categories of TE activities.

  The relationship between the project and surface transportation is an easy one to make. The path is an extension of the roadway system. In the case of the shoreline path, it would allow people to get to the beach and spots for swimming, surfing and fishing—places where cars and trucks are much less desirable. The path will meet ADA design guidelines.

National Environmental Policy Act (NEPA)

- NEPA has been violated because it fails to meet NEPA requirement to analyze impacts at the earliest possible point in the decision process. (p. 8)

  Most environmental impacts are location specific. Project limits must be delimited; what is sometimes called an "area of potential effect." A meaningful environmental assessment of the bike/pedestrian path could not be conducted until alternative alignments had been identified.

Public Trust Doctrine

- Adverse cultural, environmental and ecological impact caused by the Shore Path would be a violation of the Public Trust Doctrine. (p. 17)

  As noted by the commenter, the Public Trust Doctrine is rooted in Roman law and English common law (p. 15). From Roman law comes the concept of "common property"—for common use by everybody. English common law contributed the "trust" concept, where navigable rivers, the ocean, and the seashore were held by the King "in trust" for the benefit of the King's subjects.

  In terms of managing and regulating the public trust, the recent State Supreme Court case of *In Re Water Use Permit Applications* 94 Hawaii 97 (2000) (referred to as the "Waiahole" decision) provides additional guidance. The State is obligated to regulate the use of public trust resources consistent with the dual mandate of (1) protecting the resource and (2) promoting reasonable maximum and beneficial use of the resource. In other words, the State must find a reasonable balance between protection and use.

  The Waiahole majority also recognized "enduring public rights in trust resources separate and apart from, and <u>superior to</u>, the prevailing private interests in the resources at any time." (Id. at 138, emphasis added) The bike/pedestrian path is a public use and satisfies a public purpose. It is fully consistent with the objective to "promote the development and utilization of these resources in a manner consistent with their conservation and in furtherance of the self-sufficiency of the State. All public natural resources are held in trust by the State for the benefit of the people." (Hawai'i Constitution, Article XI, Section 1)

- Among many adverse impacts *caused by* the Shore Path, *erosion and beach loss is guaranteed* and in violation of the Public Trust Doctrine. (p. 17, emphasis added)

  There is no evidence that the shoreline path would <u>cause</u> erosion and beach loss. If the shoreline option is selected, the path would be built outside the active beach zone. Beach erosion and accretion—occurring at present—will continue to occur with or without the path. Although detailed engineering plans have not been developed yet, the path would be designed so that it would not obstruct or interfere with natural processes. The boardwalk design is favored for this reason.

Hawai'i Environmental Policy Act (HEPA)*, HRS Chapter 343

- Draft EA fails to provide an environmental assessment of the adverse impacts of Alternative 1 and specifically the Shore Path. (p. 18)

  The positive and negative impacts of the three alternatives on physical, biological, socio-cultural, and other resources are disclosed in Chapter 4.

- It fails to meet the HEPA requirement to analyze impacts at the earliest possible point in the decision process. (p. 18)

- The decision maker must cease from taking any steps towards the implementation of Alternative 1, with its Shore Path, until the County of Kaua'i provides necessary consideration of all significant environmental, cultural, and ecological effects in compliance with the HEPA. (p. 18)

  The environmental assessment wes conducted once the alternative alignments were identified. Since most environmental impacts are location specific, a meaningful environmental assessment could not be conducted any earlier. The Draft EA evaluated all the alternatives and the findings are now being used to inform and help decide the preferred alignment.

Coastline and Shoreline Protection; Coastal Zone Management Program Goals

- The Shore Path is in direct contradiction to and violates the policy of the State of Hawai'i under HRS Chapter 205A to discourage all shoreline hardening that may affect access to, or the configuration of, our island beaches. (p. 19)

  The proposed action does not involve shoreline hardening, where hardening refers to seawalls, groins, revetments, and other artificial, erosion-protection structures.

- Lack of historical shoreline analysis of coastal erosion and accretion rates, beach profiles, coastal hazard history, waves and currents, sediment movement, erosion hazard, photographs. (p. 19-21)

  Information about coastal resources and project-related impacts can be found in pages 4-6 to 4-41. The coastal assessment was performed by Sea Engineering, Inc. The table below summarizes the erosion/accretion rates and 30-year projected shoreline positions calculated at transects along the proposed bike path, as reported in the Aerial Photographic Analysis of Coastal Erosion on the Islands

* The counterpart to the National Environmental Policy Act (NEPA) is typically called Chapter 343, Hawai'i Revised Statutes (HRS).

of Kaua'i, Moloka'i, Lāna'i, Maui, and Hawai'i (1991). This atlas represents the only existing analysis of historical erosion along the proposed route. The 30-year projected shoreline position is calculated relative to the 1988 shoreline. The erosion rate between transects may vary. The study indicated a maximum erosion rate of 0.5 ft/yr and accretion rate of 2 ft/yr, yielding a projected 30-year shoreline position (relative to 1988) 15 feet landward and 64 feet seaward, respectively. This information is useful to evaluate general shoreline change trends that may be occurring along the proposed shoreline route. However, the transects are spaced approx. 300 to 1300 feet apart, the location of the 1988 shoreline with respect to the present day shoreline is not known, and a detailed survey showing the present shoreline, vegetation line, and proposed route has not been conducted yet.

			30-Year Extension Relative to 1988	
			Accretion (ft)	
Transect (1991)	Description of Area	Accretion Rate (average) (ft/yr)	Year 2018 (ft)	Std. Dev. (ft)
21	Wailua Beach, approx. 1000 ft N Wailua River. Accreting; dynamic beach. Path just makai of stone wall.	0.79	24	7
22	Wailua Beach, approx. 300 ft S of Seashell Restaurant. Accreting; dynamic beach. Path along road.	1.05	32	5
23	Fronting Lanikai Condos. Stable; beach rock at water line. Between Kauai Sands Hotel and Aston Islander on the Beach.	-0.26	-8	8
24	Stable; intermittent erosion. Proposed path would replace existing private path. Between Kauai Coast Resort at Beachboy and vacant lot at Waipouli Beach.	-0.18	-6	6
25	Stable; intermittent erosion. Property line is 48 feet inland of 2004 vegetation line.	0.21	6	3
26	Fronting vacant lot at Waipouli Beach. Stable; intermittent erosion. Proposed path is landward of trees.	0.21	6	4
27	Fronting vacant lot north of Kauai Coconut Beach Resort. Stable.	0.05	2	4
28	Fronting vacant lot, approx 300 feet south of Mokihana. Eroding.	-0.50	-15	4
29	Severe erosion; shore protection built.	--	--	--
30	Fronting vacant lot (Singleton development). Minor erosion.	-0.24	-7	5
32	Across revetment at Moanakai Road. Severe erosion.	-0.32	-10	4
33	Approx 500 feet south of Waikaea Canal. Accreting.	1.05	32	9
34	Approx 150 feet south of Waikaea Canal. Accreting	2.08	64	2

- Why does the Draft EA not include the required technical plans for the shoreline hardening structures? (p. 22)

  There are no "shoreline hardening structures" along any of the alternative alignments. Detailed technical plans will be prepared after the final alignment is selected. Site conditions along that route will determine the facility design needs, including slab on grade, boardwalks, and bridges.

Special Management Area Permit

- "In addition, substantial shore hardening structures for a distance of at least several hundred yards will be required to support the Shore Path." (p. 24)

  The Draft EA suggests two structural options—mechanically stabilized earth (MSE) fill (Figure 10) and boardwalk (Figure 11)—to illustrate different ways of constructing the path along the sloped section. This area is well inland of the shoreline and characterizing them as "shore hardening structures" is inaccurate.

- "Adverse consequences of such cutting and grading and shore hardening structures will cause the irreversible modification of natural forces that formed and currently affect the shoreline makai of the resorts along Papaloa Road." (p. 25)

  The MSE design (Figure 10) involves cut and fill. The boardwalk option is much less dependent on grading.

- "...substantial modification of the shoreline makai of the Hale Awapuhi and Kapaa Sands condominiums, including the removal of ironwood trees, would likely be required." (p. 25)

  Where possible, efforts would be made to preserve trees along the route of the bike/pedestrian path. Where this is not possible, trees may be relocated or new trees planted. Landscaping for the project will involve low-maintenance plants and utilize native species to the extent possible.

Your comments are important to the County of Kaua'i and the environmental review process. Mahalo for your interest in this project.

Sincerely,
KIMURA INTERNATIONAL, INC.

Glenn T. Kimura
President

Cc:
Doug Meller, TE Program Manager, Department of Transportation
Jonathan Young, TE Program Contact, FHWA
Abraham Young, Division Administrator, FHWA
Rodney Haraga, Director, Department of Transportation
Peter Young, State Historic Preservation Officer
Genevieve Salmonson, Executive Director, Office of Environmental Quality Control
Dierdre Mamiya, Administrator, Land Division, Department of Land and Natural Resources
Daniel Quinn, Administrator, Division of State Parks, Department of Land and Natural Resources
Samuel Lemmo, Administrator, Office of Conservation and Coastal Lands, Department of Land and Natural Resources
Thomas Oi, Kaua'i Land Agent, Department of Land and Natural Resources
Clyde Namuo, Administrator, Office of Hawaiian Affairs
Bill "Kaipo" Asing, Chair, Kaua'i County Council
James Kunane Tokioka, Vice Chair, Kaua'i County Council
Jay Furfaro, Member, Kaua'i County Council
Maurice "Joe" Munechika, Member, Kaua'i County Council
Daryl W. Kaneshiro, Member, Kaua'i County Council
Mel Rapozo, Member, Kaua'i County Council
Joann A. Yukimura, Member, Kaua'i County Council
Bryan J. Baptiste, Mayor, County of Kaua'i
Dennis Furushima, Fire Chief, County of Kaua'i
Ladye Martin, Department of Public Works, County of Kaua'i
Douglas Haigh, Department of Public Works, County of Kaua'i

July 6, 2004
Kimura International
1600 Kapiolani Blvd, Ste. 1610
Honolulu, HI 96814

RECEIVED
JUL 09 2004

Re: Lydgate Park - Kapa'a Multi-Use Path

Aloha,

Mahalo for seeking public input regarding the route selection for the Lydgate Park - Kapaa Multi Use Path. We have attended several meetings held at the Kapaa Middle School and have voiced our concerns and suggestions regarding several points of discussion for it's development. They are as follows:

* Please ensure that the culturally sensitive areas and artifacts (Kukui and Hikina Akala Heiau; Pohaku petroglyphs along Waihua River, coastal burial sites and iwi kahiko) are protected and free of destructive development. Work closely with stakeholders (Native Hawaiian groups, government entities and NGO's) to ensure that appropriate management plans enhance the preservation, maintenance and access of our cultural resources and assets.

* Please ensure that the environmental impacts be minimized on all routes selected. Safeguarding and protecting our natural resources should be of the highest priorities for the project.

* Maximize the potential of the coastal routes and utilize the spectacular scenic panorama of the proposed project location but not at the expense of the cultural and environmental resources of the area.

* Connect with the neighborhood areas (Waihua Houselots and Kawaihau) to maximize the potential for local resident use. Please ensure that neighborhood routes and highway crossings are developed with a 'safety first' approach to route selection.

* Utilize signs and information boards to facilitate public education regarding safe and appropriate use, risk management and user safety and enjoyment.

Once again thank you for seeking the public's thoughts on the route selection. Your thorough and engaging community presentations were appreciated by many. Congratulations on a job well done and mahalo for your consideration.

Sincerely,

James G Trujillo

Maria Walker

PO Box 33 Kapaa,
HI 96746

KIMURA INTERNATIONAL

August 11, 2004

Mr. James G. Trujillo
Ms. Maria Walker
P.O. Box 33
Kapaa, HI 96746

Dear Mr. Trujillo and Ms. Walker,

Proposed Bike/Pedestrian Path, Lydgate Park to Kapa'a
Public Review of the Draft Environmental Assessment

Thank you for your comments on the proposed bike/pedestrian path dated July 6, 2004. We want to acknowledge your interest in maximizing the scenic potential of the coastal route, but not at the expense of cultural and environmental resources. We also note your interest in providing safe bicycle and pedestrian connections to residential areas.

Your comments are important to the County of Kaua'i and the environmental review process. Mahalo for your interest in this project.

Sincerely,
KIMURA INTERNATIONAL, INC.

Glenn T. Kimura
President

Cc: Douglas Haigh, County of Kauai, Department of Public Works

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Lydgate Park-Kapa'a Bike/Pedestrian Path

RECEIVED JUL 09 2004

Public Meeting #3
Thursday, July 1, 2004

Name: Julie & Greg Wirtz
Address: 320 Papaloa Rd #210 Kapaa, HI 96746

Comments:

* There is already 'lateral access' to the beach in front of Wailua Bay View Condominiums, because the County Beach extends in front of that property and the undeveloped property next door. There is no reason to create a shoreline path above that beach, since beachgoers have open access to that beach already
* Routing the path along Papaloa Rd makes more sense and would benefit the local businesses there.
* Closing off automobile access from the South, keeping Papaloa 2-Way, and banning parking on one or both sides would be good.
* The parking lot for the beach and/or Kini Popo could be expanded to accommodate the over flow parking.

Thank you. Please leave comments in the reception area, or take an addressed stamped envelope and mail by (postmark) July 8, 2004.

Kimura International, Inc. 1600 Kapiolani Boulevard, Suite 1610 Honolulu, HI 96814

KIMURA INTERNATIONAL

August 11, 2004

Julie and Greg Wirtz
320 Papaloa Road, #210
Kapaa, HI 96746

Dear Mr. and Mrs. Wirtz,

Proposed Bike/Pedestrian Path, Lydgate Park to Kapa'a
Public Review of the Draft Environmental Assessment

Thank you for your comments sent by mail. We want to acknowledge your opposition to the bike/pedestrian path along the shoreline and support for a path along Papaloa Road. We also note your preference for eliminating access to Papaloa Road from Kuhio Highway, with Papaloa Road itself kept open to two-way traffic and restrictions on on-street parking.

In response to your comment that "there is already 'lateral access' to the beach," one of the County's considerations in proposing the shoreline path was the opportunity to provide access for people in wheelchairs or with strollers, as well as those with physical impairments who find it difficult to walk on sand or rocks, but can walk on a firm surface.

Your comments are important to the County of Kaua'i and the environmental review process. Mahalo for your interest in this project.

Sincerely,
KIMURA INTERNATIONAL, INC.

Glenn T. Kimura
President

Cc: Douglas Haigh, County of Kauai, Department of Public Works

1600 Kapiolani Blvd., Suite 1610
Honolulu, Hawaii 96814
Tel (808) 944-8448 • Fax (808) 941-9999

Appendix A

Programmatic 4(f) Evaluation for Independent Bikeway or Walkway Construction Projects With Approval for the Use of Park Lands from the County of Kaua'i, Parks and Recreation Division

Comment letter on the Draft Programmatic 4(f) Evaluation by State of Hawaii, Division of State Parks, dated August 22, 2006

Response letter by FHWA, dated December 5, 2006

Programmatic Section 4(f) and 6(f) Evaluation

(Revised November 30, 2006)

1. REGULATORY AUTHORITY

Section 4(f) of the U.S. Department of Transportation (USDOT) Act of 1966 (49 USC §303(c)) declares that "it is the policy of the United States Government that special effort should be made to preserve the natural beauty of the countryside and public parks and recreational lands, wildlife and waterfowl refuges and historic sites." Section 4(f) applies to historic sites and designated publicly owned parks, recreational areas, and wildlife and waterfowl refuges that are determined by the FHWA to have national, state, or local significance. Under the Act, the Secretary of Transportation cannot approve a project requiring the "use" of a Section 4(f) property unless

- there is no feasible and prudent alternative to the use of such land, and
- such program includes all possible planning to minimize harm to such park, recreational area, wildlife and waterfowl refuge, or historic site resulting from such use. (23 CFR 771.135)

The purpose of this Programmatic Section 4(f) Evaluation is to provide the information required by the Secretary of Transportation to make the decision regarding the use of properties protected by Section 4(f) legislation under the preferred alternative in the Lydgate Park-Kapa'a Bike/Pedestrian Path Environmental Assessment.

Four 4(f) resources are potentially impacted by the proposed shared use path:

- Wailua Plantation (Cane Haul) Bridge
- Wailua Beach Park
- Lihi Park (Waipouli Beach Park)
- Wailua River State Park

A separate Programmatic Statement has been prepared for the Wailua Plantation Bridge.

This document examines public park lands affected in the context of the *Negative Declaration/Section 4(f) Statement for Independent Bikeway or Walkway Construction Projects.*

Because Land and Water Conservation Funds (LWCF) were used to improve Wailua Beach Park, provisions of Section 6(f) are applicable to the proposed project. Please see discussion in Section 6, below.

2. PROPOSING AGENCY AND ACTION

The County of Kaua'i, Department of Public Works (County DPW) proposes to construct a shared use path for pedestrians, bicyclists, and other users from Lydgate Park to Waika'ea Canal in Kapa'a, a distance of approximately two miles. This project, referred to as the "Lydgate Park-Kapa'a Bike/Pedestrian Path," is part of a longer, continuous pathway that will ultimately travel along the east side of Kaua'i from Nāwiliwili in the south to Anahola in the north. The scope of this project includes two other feeder routes:

(1) A shared use path connecting the Lydgate-Kapa'a bike-pedestrian path to the Wailua House Lots Park and the Nounou Mountain (Sleeping Giant) trail, and

(2) A shared use path connecting the Kawaihau Road bike-pedestrian path to the Kapa'a-Keālia bike-pedestrian path.

The bike/pedestrian path will be 10 to 12 feet wide and allow movement in both directions. It is intended to accommodate a wide variety of users; however, motorized vehicles will not be allowed with the exception of motorized wheelchairs, emergency vehicles, and maintenance vehicles. The path will be constructed from concrete with graded shoulders. In some areas, existing development may preclude a full, 10-foot wide path, thereby requiring consideration of other options, such as improved, widened sidewalks.

Specific design elements will be established in the design phase of the project. For this document, the proposed action is assumed to be a facility built in conformance with guidelines for bicycle facilities published by the American Association of State Highway Transportation Officials (AASHTO) and standards established in the Americans with Disabilities Act (ADA) Accessibility Guidelines or ADAAG.

The Lydgate Park to Kapa'a bike/pedestrian path project does not include additional comfort stations, pavilions, picnic areas, or parking areas. However, possible design elements related to site conditions, such as major grading, retaining walls, railings, fencing, and/or changes to traffic patterns, are described and discussed in the Environmental Assessment. Other elements that may be included in the proposed action are landscaping, signage, and amenities, such as trash receptacles and benches.

The County of Kaua'i will construct, own, and operate the facility. The project will be funded, in part, by the U.S. Department of Transportation, Federal Highway Administration.

3. PURPOSE AND NEED

The bike/pedestrian path project addresses several needs:

Improved safety for pedestrians, bicyclists, and others using non-motorized modes of transportation. At present, pedestrians, joggers, and bicyclists in the project area use shoulders or the sides of roads, or share sidewalks where available. A continuous path that separates these users from passing vehicles is needed for safe and comfortable travel.

Increased choices among alternative modes of transportation. Shared use paths have been popular across the nation because separating motor vehicles from those traveling on foot or by bicycles increases people's sense of safety and comfort. These characteristics are fundamental to giving people viable choices in how they travel. The proposed path is intended for use by all age groups, and those who possess a range of skill levels.

Greater connections among destination nodes. A pathway is needed to connect the existing path at Lydgate Park and a path that will soon begin design and construction (from Kapa'a to Keālia). It is the continuity of the path network—what transportation specialists call "system connectivity"—that will increase the usefulness of the transportation facility and allow people to go where they want to go.

Enhanced access to natural areas, while minimizing impacts on sensitive ecosystems. The Wailua-Waipouli-Kapa'a area is surrounded by natural places of great scenic beauty. A facility is needed to enable residents and visitors to access some of these places under conditions that are better controlled than they are at present.

For those who require wheelchairs or other aids to mobility (as well as parents with children in buggies), a hard, smooth surface will make it easier to travel through the outdoors, especially in places that are sandy, rocky, or covered with grass. To the extent that it is technically feasible, the path will be designed in compliance with guidelines established under the Americans with Disabilities Act.

Increased opportunities for recreation and physical fitness. The proposed path is needed to provide more opportunities for outdoor recreation and fitness. There is no other area in town that provides a safe, dedicated facility for people to walk, jog, and bicycle.

Implementation of bikeway proposals in the *Kaua'i General Plan* and *Bike Plan Hawaii*. The proposed action is mentioned in the *Kaua'i General Plan* (2000) and in *Bike Plan Hawaii* (1994, 2003). Both the *General Plan* and *Bike Plan Hawaii* were developed with extensive community outreach and participation efforts. Consistent endorsement of the bike/pedestrian path proposal is an indication of steady community support for over a decade.

4. PREFERRED ALTERNATIVE

The preferred alternative includes a combination of shoreline and canal components (see Figure A1). It was selected as the alignment that would optimize project objectives (provide a safe route for pedestrians and bicyclists that is separated from vehicular traffic to the extent possible, connect origin and destination nodes, enhance access to beach and recreational resources, and provide a scenic, outdoor experience), while avoiding, minimizing, or being able to mitigate adverse environmental impacts.

The project's start point lies between the Aloha Beach Resort and Kūhiō Highway. The path will be aligned adjacent to the northbound approach to the cane haul bridge. Where possible, the path will be located within the highway right-of-way; however, some sections of the path are expected to pass through Wailua River State Park. Heading north, the path will continue across Wailua River and along the makai side of Kūhiō Highway. North of the Sea Shell Restaurant, the path will follow Papaloa Road, then turn mauka at Lanikai Street. A user-activated traffic signal is planned at the intersection of Kūhiō Highway and Lanikai Street to facilitate path users crossing the highway. On the mauka side of Kūhiō Highway, the path will jog inland, heading northward using the roadbed of a former cane haul road. After crossing the temporary bypass road, the path will continue along the Waipouli Drainage Canal, behind the Waipouli Town Center, then along the south bank of Uhelekawawa Canal back to Kūhiō Highway. The path will shift to the makai side of the highway, then use the right-of-way on Ala Road, Niulani Street, and Moanakai Road before reaching the northern terminus at Waika'ea Canal.

5. SECTION 4(f) PROPERTIES

Section 4(f) properties are shown in Figures A2 and A3.

5.1 Wailua Beach Park

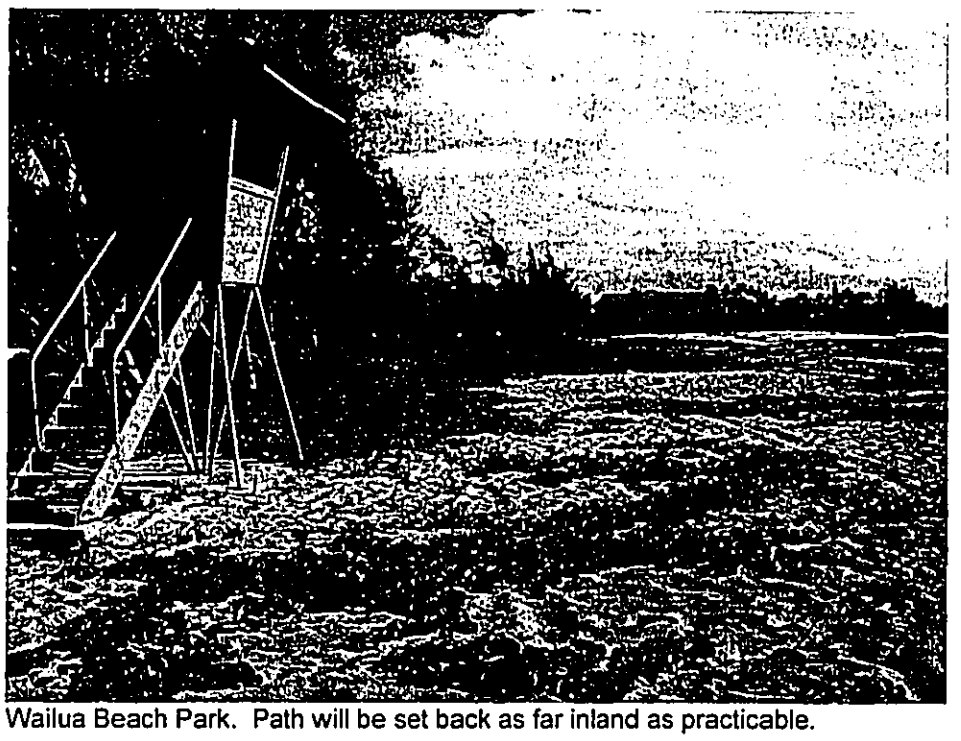
TMK: 4-1-04: 01; 4-1-05: 04; 4-3-02: 01
Owner: County of Kaua'i

Description of Resource

Wailua Beach Park encompasses about 6.0 acres of undeveloped beach area situated directly across from the Coco Palms Resort and makai of Kūhiō Highway. This County-owned park is located near the mouth of Wailua River, and is a popular area for both visitors and residents. The near shore bottom fronting most of the beach consists of a shallow sand bar, creating favorable surfing conditions. The beach is also used by swimmers, sunbathers, and fishermen.

The park was part of the Wailua River State Park complex before being transferred to the County in 1992. There are two unpaved parking areas off Kūhiō Highway, one just north of the Wailua River Bridge, and another adjacent to the vacant Seashell Restaurant. There are limited public facilities provided at this beach park—a few portable toilets, showerheads, and a lifeguard station.

Kūhiō Highway looking north, Wailua Beach Park is to the right.



Wailua Beach Park. Path will be set back as far inland as practicable.

5.2 Lihi Park (Waipouli Beach Park)

TMK: 4-5-2: 01
Owner: County of Kaua'i

Description of Resource

Kapa'a Beach is the sandy beach that fronts Kapa'a town, and extends from Waika'ea Canal on the south to the intersection of Kawaihau Road and Kūhiō Highway. Anchoring the south end of the beach is Lihi Park (also known as Waipouli Beach Park), a popular picnic and fishing area.

To control shoreline erosion, the state completed a revetment in the area in 1964. Artificial structures along the shoreline include jetties at the mouths of Waika'ea and Mo'ikeha Canals. The wide, shallow offshore reef attracts many local fishermen. Adjacent to Lihi Park is the heavily used State-owned boat ramp into Waika'ea Canal.

Lihi Park

Waika'ea Canal bridge at Lihi Park is the northern project terminus.

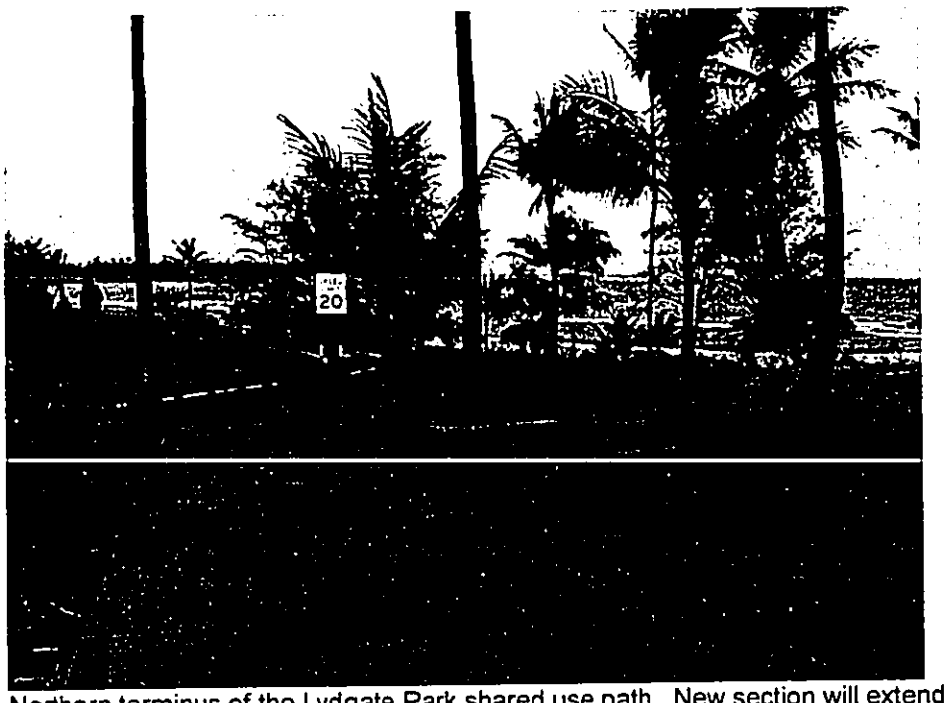
5.3 Wailua River State Park

TMK: 3-9-06: 29
Owner: State of Hawai'i, Dept of Land and Natural Resources, Division of State Parks

Description of Resource

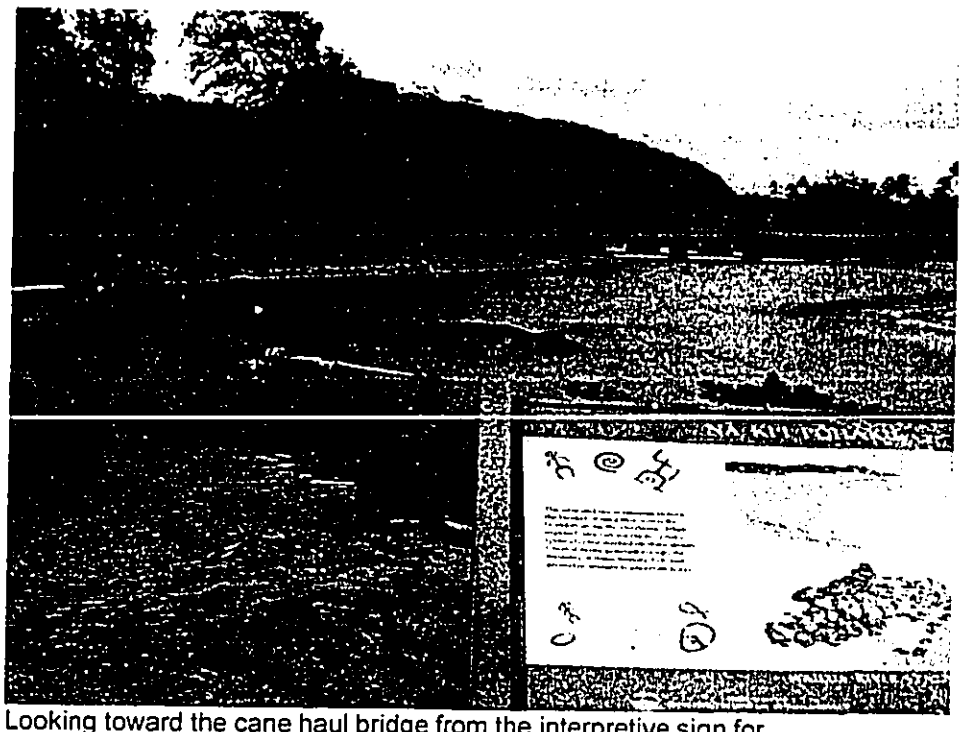
Wailua River State Park, established in 1954, is the only State-owned park in the project corridor. A survey taken by the Hawai'i Tourism Authority in 2003 estimated that 615,800 people visited the park in 2003. The State Park is located along the banks of the Wailua River and covers a large tract of land extending from the shoreline makai of Kūhiō Highway into the valley. Overall, the park encompasses over 1,000 acres of land, of which about 50 acres are developed for recreational use, including sightseeing of natural and cultural sites, hiking, picnicking, and boat rides along the river.

The Wailua Complex of Heiau National Historic Landmark (NHL) is located within the Wailua River State Park. This heiau complex is comprised of seven historic sites, grouped into five discrete sites. The path passes mauka of Hikinaakalā Heiau and Pu'uhonua o Hauola (designated as State Historic Site No. 50-30-08-105 and one of the five NHL sites), but will not have a direct adverse impact on these important cultural sites. A cluster of boulders with petroglyphs, known as Ka Pae Ki'i Mahu o Wailua (State Historic Site No. 50-30-08-105A) is located offshore in a small inlet at the mouth of the Wailua River, and away from any adverse impact that might be generated by the path.



Northern terminus of the Lydgate Park shared use path. New section will extend past the stub out. Existing path on the right-hand side forms a cul-de-sac

Proposed path will be located adjacent to and on the makai side of the highway(toward the cane haul bridge)



Looking toward the cane haul bridge from the interpretive sign for the petroglyph boulders located at the river's mouth

6. SECTION 6(F) PROPERTIES

State and local governments sometimes obtain grants through the federal Land and Water Conservation Fund (LWCF) to acquire or make improvements to parks and recreation areas. Section 6(f) of the LWCF Act prohibits the federal government from converting any property acquired or developed with LWCF funds to anything other than public outdoor recreation use.

Proposed conversion of LWCF lands to non-recreation use requires the approval of the Department of Interior National Park Service and replacement lands "of equal value, location and usefulness" must be provided.

Section 6(f) lands in the project area:

LWCF Project #	LWCF *Improvements*	TMK	Location	Property *Ownership*
15-00012	Purchase of coastal lands on both sides of Wailua River in 1967	(4) 4-1-04:1	Wailua Beach Park across from Coco Palms	County (transferred from State Parks in 1992)
		(4) 4-1-05:4	Wailua Beach by House Lots	
15-00001	Development of beach park in 1966-67	(4) 4-5-02, 07, 08, 11 & 12	Lihi Park	County

Because the project will construct a path for use by walkers, joggers, skaters, bicyclists, and others for recreational purposes, the FHWA and County of Kaua'i requested that the DSP find that project use of park land does not constitute a conversion. The recreational value of the bike/pedestrian path will improve the park and expand the range of outdoor activities supported by the existing facility.

Based on a draft version of the Programmatic Section 4(f) Evaluation, the DSP commented that "there should not a 'taking' according to 6(f)" because the path promotes outdoor recreation and remains under the jurisdiction of the County parks (letter dated August 22, 2006). However, DSP also asked for further evaluation on potential impacts to existing recreational activities, park facilities, and public access—which has since been completed and incorporated into this document. The final step in this process is review and concurrence by the LWCF Section of the National Park Service.

7. POTENTIAL IMPACTS FROM THE PROPOSED PROJECT

Potential impacts to park lands are discussed in this section. Measures to mitigate adverse effects are discussed in Section 10.

7.1 Wailua Beach Park

The alignment for the proposed bike/pedestrian path will pass through Wailua Beach Park, extending for approximately 2,200 linear feet (LF). At 10 feet wide, the proposed path will use approximate 22,000 SF of park land. At the north end of the cane haul bridge, the path will ramp down to ground level at grades complying with the ADA Accessibility Guidelines. Two new handicap stalls will be constructed in the south parking area with a paved connection from the handicap stalls to the path. The north parking area will not be affected. To avoid conflicts with vehicles entering from and exiting onto Kūhiō Highway, the path will be aligned along the makai periphery of both parking areas.

There is a low rock wall that extends partially along the park's frontage, parallel to Kūhiō Highway. This project will extend the wall to provide an additional buffer between the highway and the path; the path will be located on the makai side of the wall.

The bike and pedestrian path will the positive effect of enabling park users to circulate more easily through the park. Because there is no paved walkway at present, park users have to walk through loose sand and matted vegetation to get from one end to the other. Access is even more difficult for those requiring mobility aids. The path will not be located in any area that would impede swimming, fishing, or other recreational use of the beach park.

7.2 Lihi Park (Waipouli Beach Park)

The project ends at Waika'ea Canal, which runs through Lihi Park. Lihi Park anchors one end of the linear Kapa'a Beach Park. From the end of Moanakai Road to Waika'ea Canal, approximately 800 LF of the path (9,600 SF) will pass through park land. The bridge over Waika'ea Canal will be reconstructed as part of the Kapa'a-Keālia Bike-Pedestrian Path.

The path will not impair vehicular access to the park or with parking. The path is located in an open area that is used for passive recreation and will not interfere with typical park activities. The path will have several beneficial effects. It will provide a recreational amenity for fitness walkers, joggers, and bicyclists; a hard, even surface for handicapped persons, and a defined travel way that will allow for more effective lawn maintenance.

7.3 Wailua River State Park

Based on existing maps of the Wailua River cane haul bridge, the Kūhiō Highway corridor extends between 12 and 20 feet beyond the pavement on the makai side of the highway.

The State of Hawaii, Department of Transportation is in the process of preparing and submitting a request to transfer the highway corridor from the Department of Land and Natural Resources, where the corridor is based on an earlier construction easement. The proposed bike/pedestrian path, beginning at the existing stubout and going north, will be located within the new highway right-of-way.

Although the path will not have a direct adverse impact on State park land, its proximity to cultural sites, such as Hikinaakalā Heiau and Pu'uhonua o Hauola, increases the potential for inappropriate off-path activities and increased public traffic through sensitive areas.

8. PROGRAMMATIC SECTION 4(f) APPLICABILITY

Negative Declaration/Section 4(f) Statement for Independent Bikeway or Walkway Construction Projects

The project is applicable for these programmatic evaluations by satisfying the following criteria:

- Involves the use of recreation and park areas established and maintained primarily for active recreation, open space, and similar purposes

  Wailua Beach Park and Lihi Park are on the County's inventory of park lands and contain parking areas, user amenities (portable toilets, showerheads, picnic tables, and trash receptacles), and lifeguard station (in the case of Wailua Beach Park).

- Official having specific jurisdiction over the Section 4(f) property has given his approval in writing that the project is acceptable and consistent with the designated use of the property and that all possible planning to minimize harm has been accomplished in the location and design of the bikeway or walkway facility

  A letter of approval from the County of Kauai is attached to this programmatic statement.

  A letter of approval from the Division of State Parks is being requested.

- Project does not require the use of critical habitat of endangered species. Nor does the project use any land from a publicly owned wildlife or waterfowl refuge or any land from a historic site of national, State, or local significance.

  The park lands do not contain critical habitats or significant historic resources.

- Project does not involve any unusual circumstances (major impacts, adverse effects, or controversy).

The pathway will provide a facility that enhances the recreational experience of the parks and make them more accessible to a larger number of people.

9. ALTERNATIVES AND FINDINGS

No Action

The "no action" alternative assumes the status quo. Under this alternative, the project would not proceed. Bicyclists, pedestrians, joggers, and others would continue to use road shoulders, sidewalks, and informal footpaths, as they currently do; however, there would be no improvements to these travel ways.

Improvement without Using the Section 4(f) Lands (Avoidance)

Early in the planning process, and in consultation with the Division of State Parks (DSP), a possible alignment from Lydgate Park to Kūhiō Highway via an old railroad easement was eliminated from consideration due to potential impacts on Hikinaakalā Heiau, which is part of the Wailua Complex of Heiau National Historic Landmark. The preferred alternative does not impact the heiau site; however, DSP has asked that guardrails or vegetative hedges and interpretive signage be installed for added separation and to increase user awareness of nearby cultural resources.

Two sections evaluated in the project's Draft Environmental Assessment (DEA)—the Papaloa Coastal Access Phase and Coastal Access Extension Phase—were not selected for the preferred alternative. These phases were located in a portion of Wailua Beach Park, but deleted from the project description in favor of the canal route.

Wailua Beach Park. The remaining use of Wailua Beach Park occurs between Wailua River and the Seashell Restaurant. Use of the park cannot be avoided completely because the north end of the Wailua River crossing lies within the park itself. However, the section that traverses the park can be shortened by taking a detour approximately 1,000 feet inland on Kuamo'o Road, along the mauka boundary of the Coco Palms property, and through private residential lots mauka of Wailua Shopping Plaza. Land acquisition of the residential lots alone was estimated to cost $1,090,000 and would displace three residences.

Furthermore, a majority of path users are likely to continue walking or bicycling along the beach or along Kūhiō Highway—the shortest and most direct path—even when facilities are not available. As seen in the photographs of Wailua Beach Park, above, bicyclists and pedestrians currently do not have a comfortable travel way. The shoulders along both sides Kūhiō Highway contain minimal space, and there is no pathway through the park itself. Park users have no recourse but to walk through the sand covered by naupaka vines. Access by people in wheelchairs or those needing mobility aids is virtually impossible.

Given the additional cost and social impacts involved in realignment to avoid a relatively small amount of 4(f) property (.25 mile), this alternative is not feasible or prudent.

Lihi Park. The project's end point is at Lihi Park (Waipouli Beach Park). Because one of a key purpose the project is to connect to the Kapa'a-Kealiā Bike/Pedestrian Path, the terminus is fixed. In the preferred alternative, the path connects Moanakai Road and the Waika'ea Canal pedestrian bridge. The only other alternative would run makai-bound along the south bank of Waika'ea Canal from Kūhiō Highway. This alternative would also be located within Lihi Park, but would also require acquisition of a residential lot just south of the canal and fronting the highway. Without acquiring this property (and displacing the homeowner), there is insufficient space to locate the path. Therefore, the makai-bound alternative is not feasible or prudent.

Wailua River State Park. The shortest and safest route from the project start to the river crossing passes through the State Park. As long as bicyclists and pedestrians stay on the makai side of the river crossing, they do not have to cross a travel lane. In order to avoid State park land, path users would have to cross traffic on the cane haul bridge to use the main highway bridge. Such an alternative would not be feasible or prudent.

10. MEASURES TO MINIMIZE HARM

To minimize harm to park lands, the County DPW will implement the following measures:

- Consult with the County Parks and Recreation Division and Division of State Parks during final design of the path to ensure that the path does not interfere with ongoing recreation, cultural, and/or maintenance activities.
- Design, select construction materials, and use construction methods that will minimize the maintenance requirements of the path.
- Design the path to meet guidelines of the Americans with Disability Act (ADA).
- Provide landscaping, signage and other design features and amenities consistent with safe and proper use of the facility and to reduce off-path, public traffic through sensitive cultural sites. Where the path abuts the Hikinaakalā Heiau Section of Wailua River State Park, landscaping and signage plans will be submitted to the Division of State Parks for approval.
- Plan and conduct construction activities so as to minimize disruption to park use.

11. COORDINATION

Attached is a letter from the owner of the public parks, the County of Kaua'i, Department of Public Works, granting approval to use Wailua Beach Park and Lihi Park for the bike and pedestrian path.

A copy of the Draft Programmatic Section 4(f) Evaluation was sent to the State of Hawai'i, Department of Land and Natural Resources, Division of State Parks (DSP) with a request for written approval to use State Park land, and for concurrence with the finding of non-conversion of LWCF land. The DSP administers the local LWCF program on behalf of the National Park Service, U.S. Department of the Interior.

Comments from the DSP were received by letter dated August 22, 2006. A revised 4(f)/6(f) evaluation was transmitted to the DSP in December 2006.

12. DETERMINATION AND CONCLUSION

The proposed project meets the eligibility criteria established in the *Negative Declaration/Section 4(f) Statement for Independent Bikeway or Walkway Construction Projects.*

Based on the above considerations, the project has included all possible planning to avoid and minimize harm to Section 4(f) lands resulting from project use.

APPROVED BY:

Date Approved

Federal Highway Administration

Lydgate Park - Kapa'a Bike/Pedestrian Path
Programmatic 4(f) Statement

November 2006

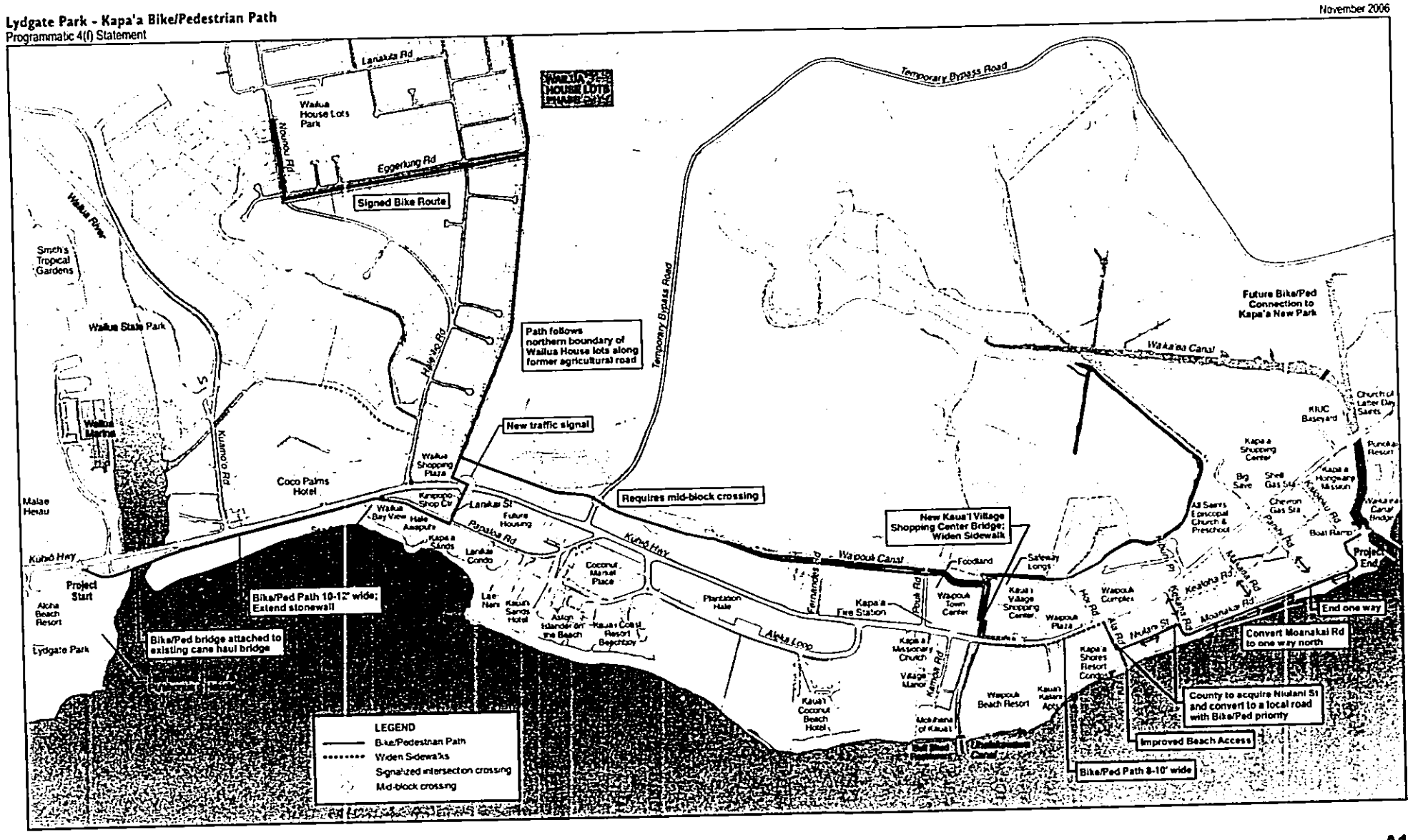


Figure **A1**

Proposed Build Alternative: Lydgate Park - Waika'ea Canal

Lydgate Park - Kapa'a Bike/Pedestrian Path
Programmatic 4(f) Statement

November 2006

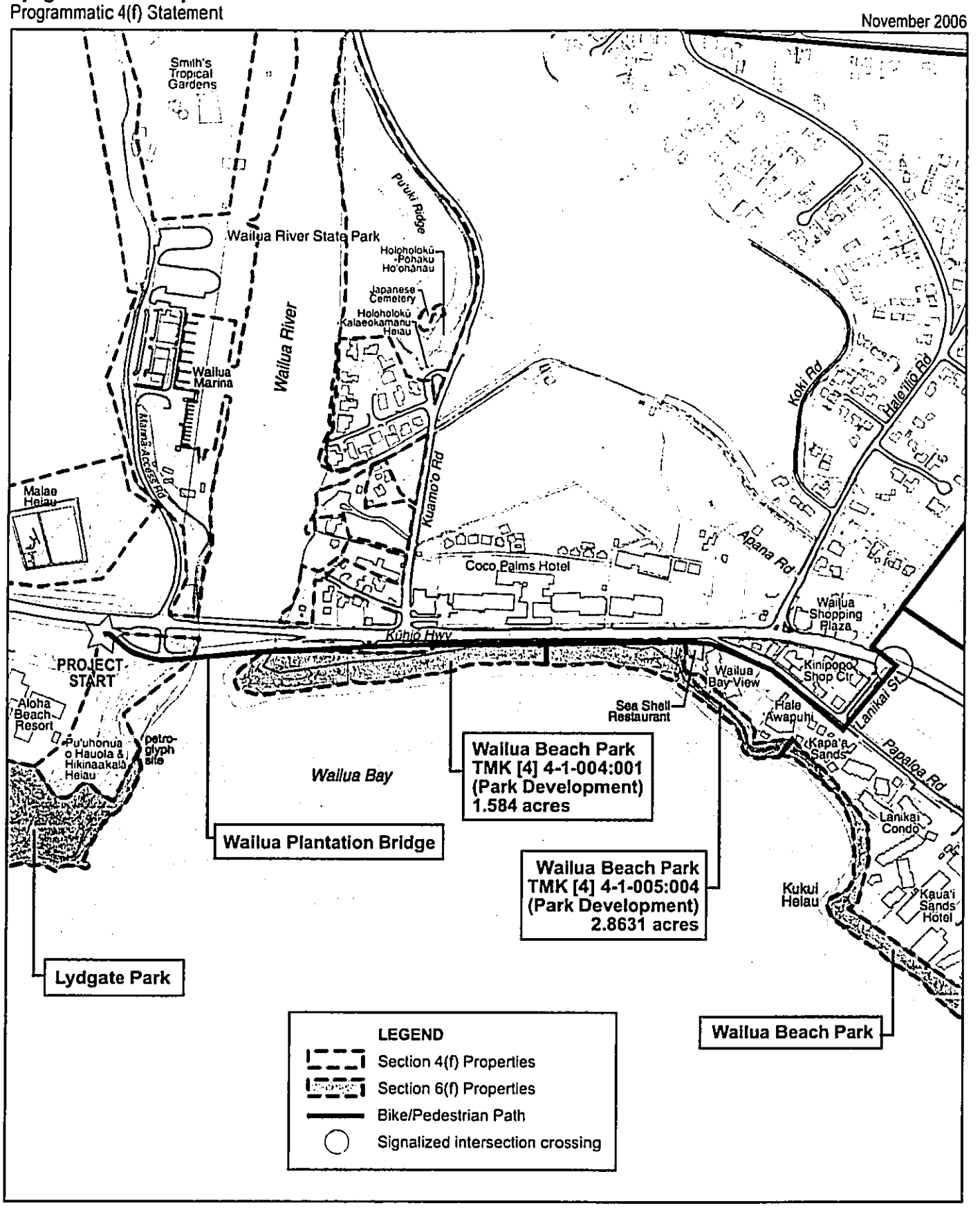


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Figure **A2**

Section 4(f)/6(f) Resources - South

Lydgate Park - Kapa'a Bike/Pedestrian Path
Programmatic 4(f) Statement

November 2006

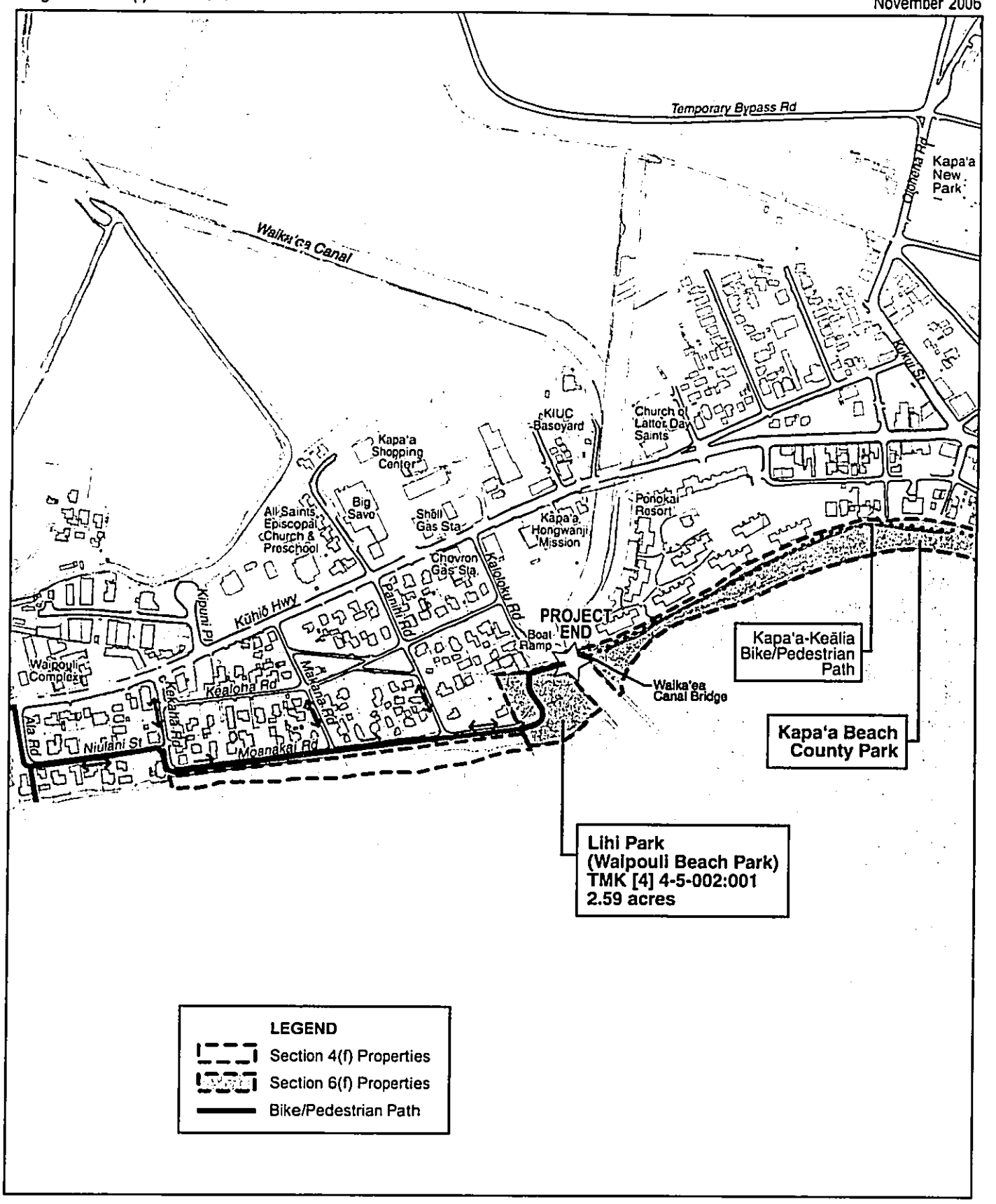

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Figure **A3**

Section 4(f)/6(f) Resources - North

BRYAN J. BAPTISTE
MAYOR

GARY K. HEU
ADMINISTRATIVE ASSISTANT

DONALD M. FUJIMOTO
COUNTY ENGINEER
TELEPHONE 241-6600

LADYE H. MARTIN
DEPUTY COUNTY ENGINEER
TELEPHONE 241-6600

AN EQUAL OPPORTUNITY EMPLOYER
COUNTY OF KAUA'I
DEPARTMENT OF PUBLIC WORKS
4444 RICE STREET
MO'IKEHA BUILDING, SUITE 275
LIHU'E, KAUA'I, HAWAI'I 96766-1340

RECEIVED
DEC 30 2005

December 7, 2005

Mr. Abraham Wong
Division Administrator
Federal Highway Administration
Box 50206
300 Ala Moana Boulevard, Room 3-306
Honolulu, HI 96850

Dear Mr. Wong:

Lydgate Park-Kapaa Bike/Pedestrian Path
CMAQ-0700(49)

The Kauai County Department of Public Works, with jurisdiction over Wailua Beach Park and Lihi Park (also known as Waipouli Beach Park) approves their use for construction of a shared use path. Based on the Programmatic Section 4(f) evaluation for the project, we concur with the finding that there is no feasible and prudent alternative to the use of Section 4(f) lands, and that all possible planning has occurred to minimize harm from their proposed use.

We also recognize that the Environmental Assessment for the project has determined that there will be no significant adverse effect on the quality of the human environment.

We look forward to working with you to implement this project.

Very truly yours,

MEL NISHIHARA
Parks & Recreation Administrator

CONCUR:

DONALD M. FUJIMOTO
County Engineer

cc: Christine Yamasaki, State Department of Transportation
Glenn Kimura, Kimura International
Douglas Haigh, Building Division

LINDA LINGLE
GOVERNOR OF HAWAII

PETER T. YOUNG
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT

ROBERT K. MASUDA
DEPUTY DIRECTOR - LAND

DEAN NAKANO
ACTING DEPUTY DIRECTOR - WATER

AQUATIC RESOURCES
BOATING AND OCEAN RECREATION
BUREAU OF CONVEYANCES
COMMISSION ON WATER RESOURCE MANAGEMENT
CONSERVATION AND COASTAL LANDS
CONSERVATION AND RESOURCES ENFORCEMENT
ENGINEERING
FORESTRY AND WILDLIFE
HISTORIC PRESERVATION
KAHOOLAWE ISLAND RESERVE COMMISSION
LAND
STATE PARKS

STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES

DIVISION OF STATE PARKS
POST OFFICE BOX 621
HONOLULU, HAWAII 96809

August 22, 2006

Mr. Pat V. Phung, P.E.
U.S. Department of Transportation
Federal Highway Administration
Hawaii Division
P.O. Box 50206
Honolulu, Hawai'i 96850

Dear Mr. Phung:

SUBJECT: 4(f) and 6(f) Evaluation of Lydgate-Kapa'a Bike/Pedestrian Path, Kaua'i

We apologize for the delay in responding to the Final Environmental Assessment and Draft Programmatic Section 4(f) and 6(f) Evaluation of the proposed extension of the bike/pedestrian path from Lydgate Park to Kapa'a. This 10-foot wide concrete path will begin at the Hikinaakalā Heiau Section of Wailua River State Park and cross the Wailua River. The path will follow the *makai* side of Kūhiō Highway along Wailua Beach Park. The other park area affected by this project is Lihi Park, also known as Waipouli Beach Park. These park areas are under the jurisdiction of the County of Kaua'i. An effort will be made to keep the path within the road right-of-way, but there will be instances where the path extends into the parks and may affect designated 6(f) parklands where Land and Water Conservation Fund (LWCF) grant funds were used for either park acquisition or park improvements.

In general, we believe that this path will increase the outdoor recreational opportunities available for the Wailua-Kapa'a communities of southern Kaua'i, including both residents and visitors. The demand for more linear paths for walking, jogging, and bicycling, was identified as a priority recreational need in Hawai'i's 2003 Statewide Comprehensive Outdoor Recreational Plan (SCORP). Therefore, this project meets one of the objectives in the SCORP strategic plan.

Our comments are presented by park area and include both 4(f) and 6(f) evaluations.

<u>Hikinaakalā Heiau Section, Wailua River State Park</u>

Because 4(f) also refers to historic properties, it is important that this evaluation consider Hikinaakalā Heiau, Hauola, and the petroglyphs along the banks of the Wailua River. As pointed out on page 6-7, these sites are part of the Wailua Complex of Heiau, a National Historic Landmark designated in 1962. While we agree that the pathway will not directly impact these historic properties, the indirect impacts should be addressed, such as visual impacts on the cultural landscape and the potential for increased public traffic through the historical area. As discussed on page 6-11, the mitigation of these indirect impacts might include landscaping and interpretation. Please note that the petroglyphs are incorrectly mapped on Figure A2.

During a meeting held on June 27, State Parks requested that your consultant, Kimura International, determine jurisdiction of the land between Kūhiō Highway and the cane-haul bridge by consulting with the State Department of Transportation. We have also requested that the County of Kaua'i address the use of

State Park land for the existing stub out. It is our understanding that the pathway will follow along the *makai* side of the cane-haul bridge and will involve the use of approximately 7,200 square feet of land within Wailua River State Park. Before granting approval to use the State Park land, as requested in your letter of March 28, 2006, we are requesting a better map indicating the location of the path in the park. As previously discussed with the County, State Parks would expect the land used for the bike path to be withdrawn from the State Park and set aside to the County.

The Hikinaakalā Heiau Section of Wailua River State Park was not part of the park acquisition using LWCF grant funds and therefore, is not within the 6(f) boundary map.

Wailua Beach Park

This park was part of the park acquisition in 1964-1967 using LWCF grant funds (LWCF Project 15-00012). Therefore, the use of approximately 41,500 square feet of the park will affect 6(f) parkland. Because the path promotes outdoor recreation and remains under the jurisdiction of the County parks, there should not be a "taking" according to 6(f). However, the evaluation should address any potential impacts on existing recreational activities, park facilities, and public access.

Lihi Park (Waipouli Beach Park)

This park on the southern side of Waika'ea Canal was part of the original acquisition of Kapa'a Beach Park. LWCF funds were used for park improvements in 1965 (LWCF Project 15-00001). Therefore, the use of approximately 800 square feet of park will affect 6(f) parkland and should be evaluated as discussed above.

Conclusions

Attached to this letter are the LWCF forms and maps for Projects 15-00001 and 15-00012 to assist with your 6(f) evaluation. Please provide a more complete evaluation of the impacts on existing recreational use, facilities, and access where the path will be located in the 6(f) parks.

Please clarify ownership of the land adjacent to the cane-haul road, including the boundaries of the right-of-way and the grassed area between the cane-haul road and Kūhiō Highway. We would also like to see a map that indicates the 7,200 square feet of land within Wailua River State Park being requested.

Once these documents are received, we should be able to complete our 4(f) and 6(f) evaluation and forward our review to the National Park Service. We should also be able to determine if we can approve the use of State Park land for the path. If you have any questions, please feel free to contact Martha Yent at 587-0287 or Martha.E.Yent@hawaii.gov

Very truly yours,

DANIEL S. QUINN
State Parks Administrator

Attachments

cc: Nancy Nishikawa, Kimura International
Wayne Souza, Kaua'i State Parks
Doug Haigh, Kaua'i County Dept. of Public Works

.OH 8-92
(Rev. Dec. 1965)

UNITED STATES DEPARTMENT OF THE INTERIOR
Bureau of Outdoor Recreation
Land and Water Conservation Fund Project Agreement

State Hawaii	Project Number 51-00001
Project Title KAPAA BEACH DEVELOPMENT	
Period Covered by this Agreement 3/15/66 - 6/30/67	Project Period 3/15/66 - 6/30/67

Project Scope (Description of Project)

This project will be the development of a public beach park and include the following facilities: Two new open air pavilions (20 x 30 ft.), 7 tables, 4 outdoor grill fireplaces, leveling and paving with asphalt an area comprising 60 ft. x 250 ft., landscaping and beautification, extension of water and electric lines, installation of nightlights, construction of building to accommodate toilet facilities, dressing area and shower pads, reconstruction of existing comfort station to provide storage area and intensive development site planning prior to construction.

This project will be located within the town of Kapaa, on the Island of Kauai.

Project Stage Covered by this Agreement Complete Project.

Project Cost		Attachments
Total Cost	$ 50,400.00	1. General Provisions (dated December - 1965)
Fund Support	50 %	2.
Fund Amount	$ 25,200.00	3.
Cost of this Stage	$ 50,400.00	4.
Assistance this Stage	$ 25,200.00	

The United States of America, represented by the Director, Bureau of Outdoor Recreation, United States Department of the Interior, and the State named above (hereinafter referred to as the State), mutually agree to perform this agreement in accordance with the Land and Water Conservation Fund Act of 1965, 78 Stat. 897 (1964), and with the terms, promises, conditions, plans, specifications, estimates, procedures, project proposals, maps, and assurances attached hereto and hereby made a part hereof.

The United States hereby promises, in consideration of the promises made by the State herein, to obligate to the State the amount of money referred to above, and to tender to the State that portion of the obligation which is required to pay the United States' share of the costs of the above project stage, based upon the above percentage of assistance. The State hereby promises, in consideration of the promises made by the United States herein, to execute the project or project stage described above in accordance with the terms of this agreement.

The following special project terms and conditions were added to this agreement before it was signed by the parties hereto:

The State of Hawaii shall transfer to the County of Kauai all funds granted hereunder necessary to the undertaking and completion of this project.

In witness whereof, the parties hereto have executed this agreement as of the date entered below.

THE UNITED STATES OF AMERICA

By Lawrence N. Stevens
Director, Bureau of Outdoor Recreation
United States Department of the Interior

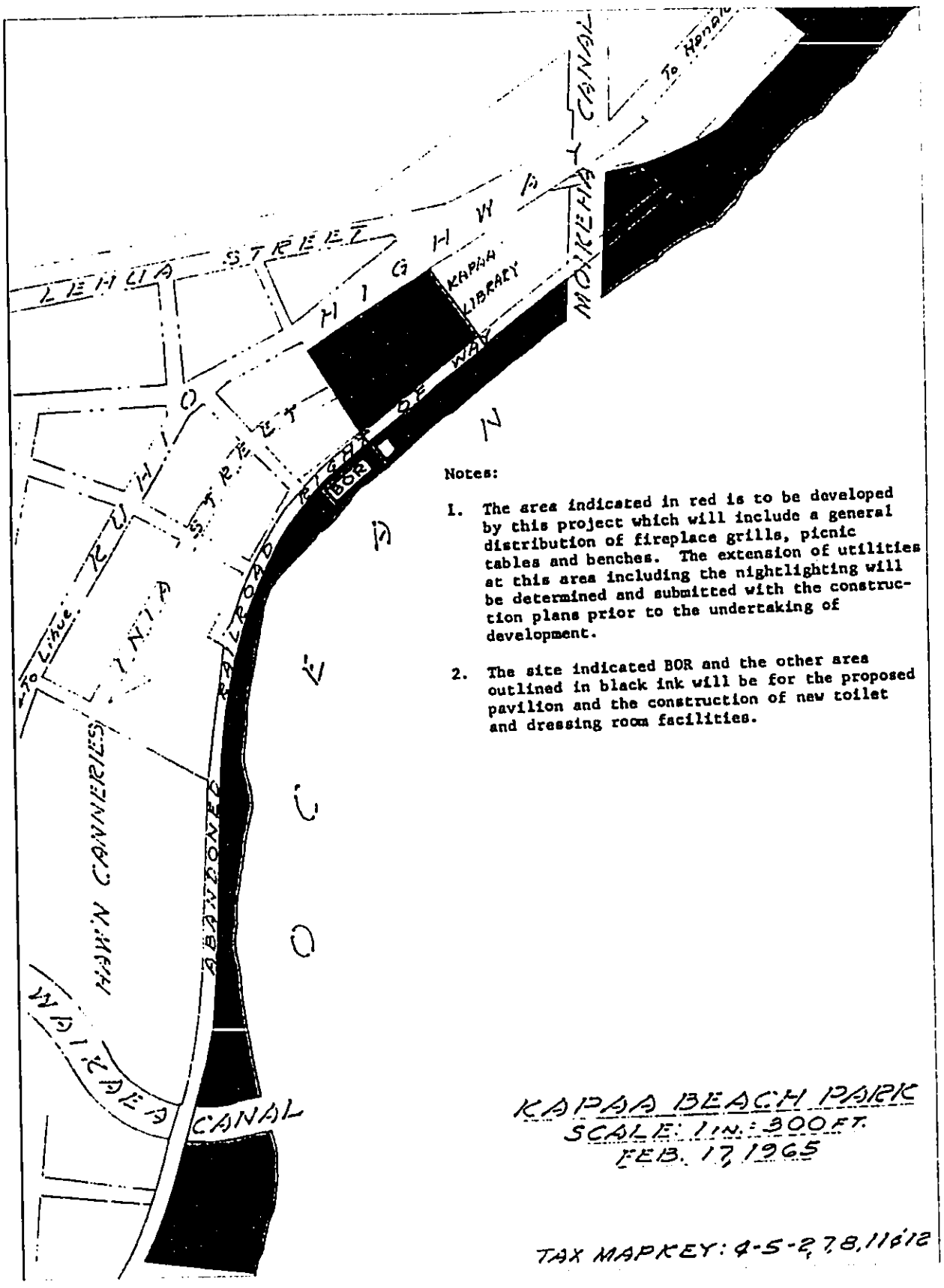
Date _____

STATE

Hawaii
(State)

By _____
(Signature)
Shelley M. Mark

Liaison Officer
(Title)



Notes:

1. The area indicated in red is to be developed by this project which will include a general distribution of fireplace grills, picnic tables and benches. The extension of utilities at this area including the nightlighting will be determined and submitted with the construction plans prior to the undertaking of development.

2. The site indicated BOR and the other area outlined in black ink will be for the proposed pavilion and the construction of new toilet and dressing room facilities.

KAPAA BEACH PARK
SCALE: 1 IN. = 300 FT.
FEB. 17, 1965

TAX MAPKEY: 4-5-2, 7, 8, 11 & 12

BOR 8-92
(Rev. Dec. 1965)

UNITED STATES DEPARTMENT OF THE INTERIOR
Bureau of Outdoor Recreation
Land and Water Conservation Fund Project Agreement

State Hawaii	Project Number 51-00012
Project Title Wailua River State Park Development	
Period Covered by this Agreement 10/1/64 - 12/31/67	Project Period 10/1/64 - 12/31/67

Project Scope (Description of Project)

This project is an intensive development of part of an ocean beach-wilderness stream State Park. This State Park, which contains a total of approximately 416 acres, includes specific areas known as the Lydgate, Poliahu, Kuamualii, Opaekaa, Fern Grotto and the Wailua River Reserve areas, which are closely inter-related and largely contiguous, and are therefore managed as one unit.

This project proposal includes: (a) construction of a marina and boat launching facilities; (b) snagging, dredging, and clearing the stream for navigation of small boats; (c) providing outdoor lighting facilities for beach picnic areas; (d) landscaping of stream banks and other areas; and (e) construction of picnic and camping facilities including cabana shelters, tables, fireplace grills, utilities and restroom facilities.

Project Stage Covered by this Agreement

Complete Project

Project Cost		Attachments
Total Cost	$ 498,510.00	1. General Provisions (dated December, 1965)
Fund Support	50 %	2.
Fund Amount	$ 249,255.00	3.
Cost of this Stage	$ 498,510.00	4.
Assistance this Stage	$ 249,255.00	

The United States of America, represented by the Director, Bureau of Outdoor Recreation, United States Department of the Interior, and the State named above (hereinafter referred to as the State), mutually agree to perform this agreement in accordance with the Land and Water Conservation Fund Act of 1965, 78 Stat. 897 (1964), and with the terms, promises, conditions, plans, specifications, estimates, procedures, project proposals, maps, and assurances attached hereto and hereby made a part hereof.

The United States hereby promises, in consideration of the promises made by the State herein, to obligate to the State the amount of money referred to above, and to tender to the State that portion of the obligation which is required to pay the United States' share of the costs of the above project stage, based upon the above percentage of assistance. The State hereby promises, in consideration of the promises made by the United States herein, to execute the project or project stage described above in accordance with the terms of this agreement.

The following special project terms and conditions were added to this agreement before it was signed by the parties hereto:

In witness whereof, the parties hereto have executed this agreement as of the date entered below.

THE UNITED STATES OF AMERICA

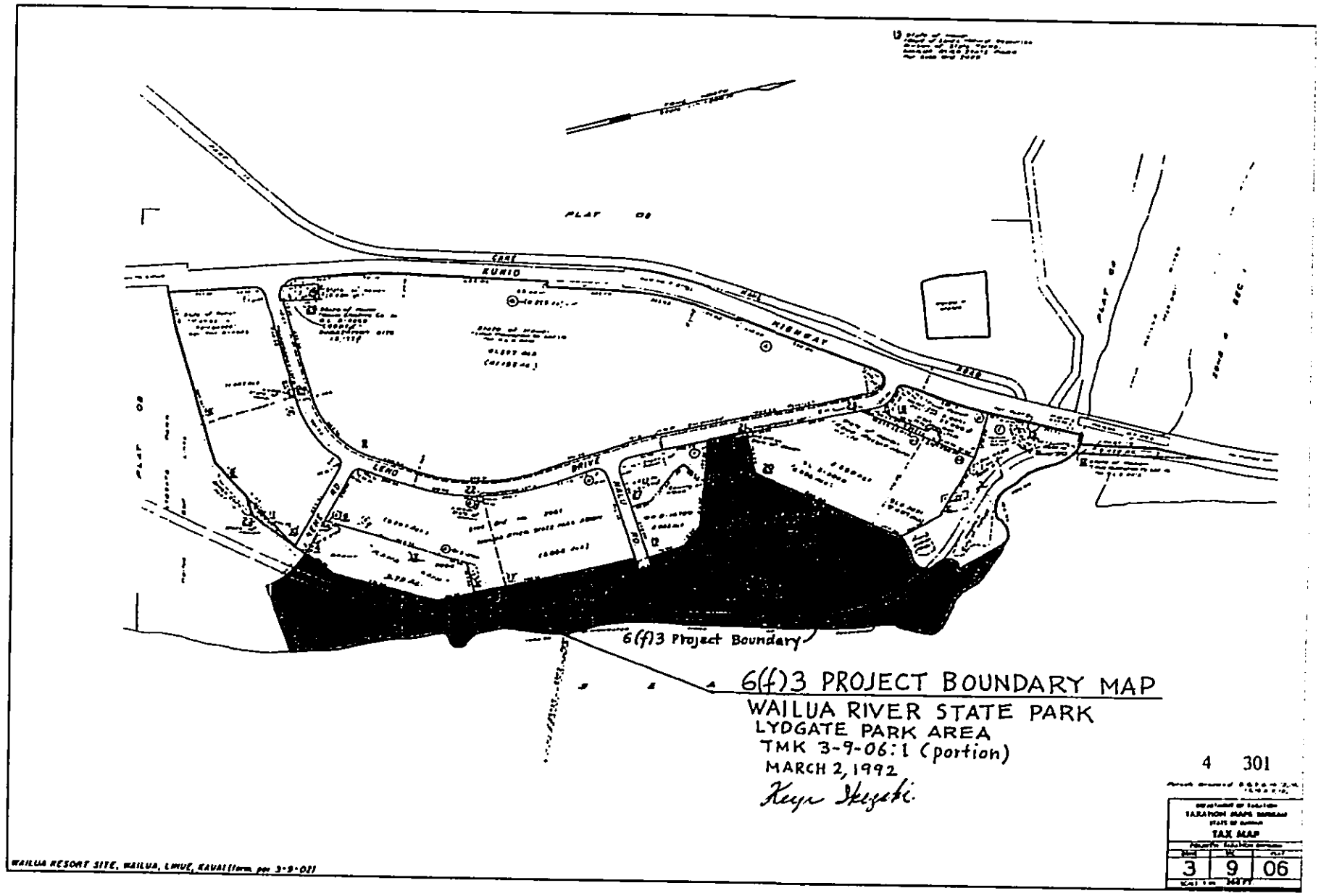
By _____
Director, Bureau of Outdoor Recreation
United States Department of the Interior

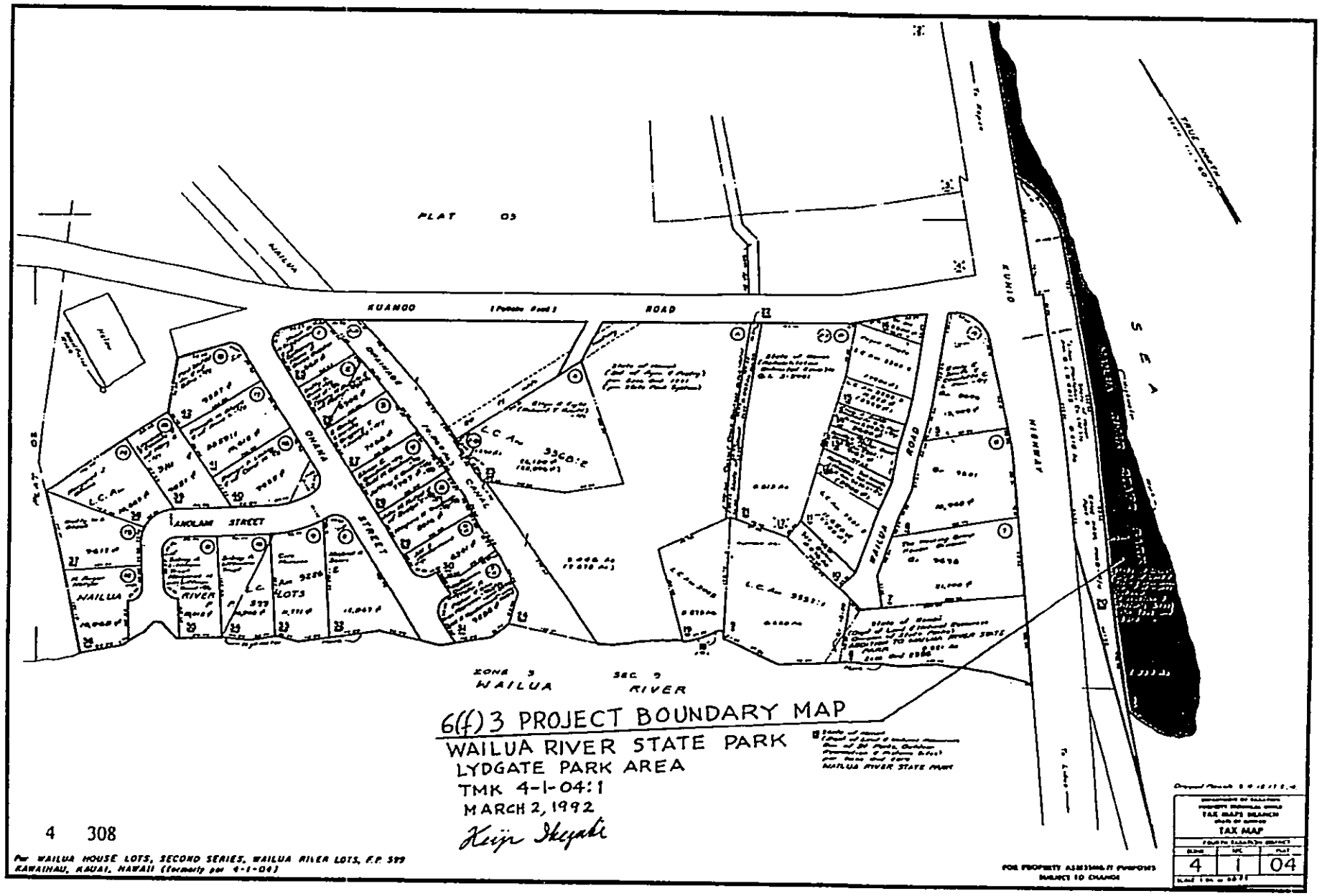
Date _____

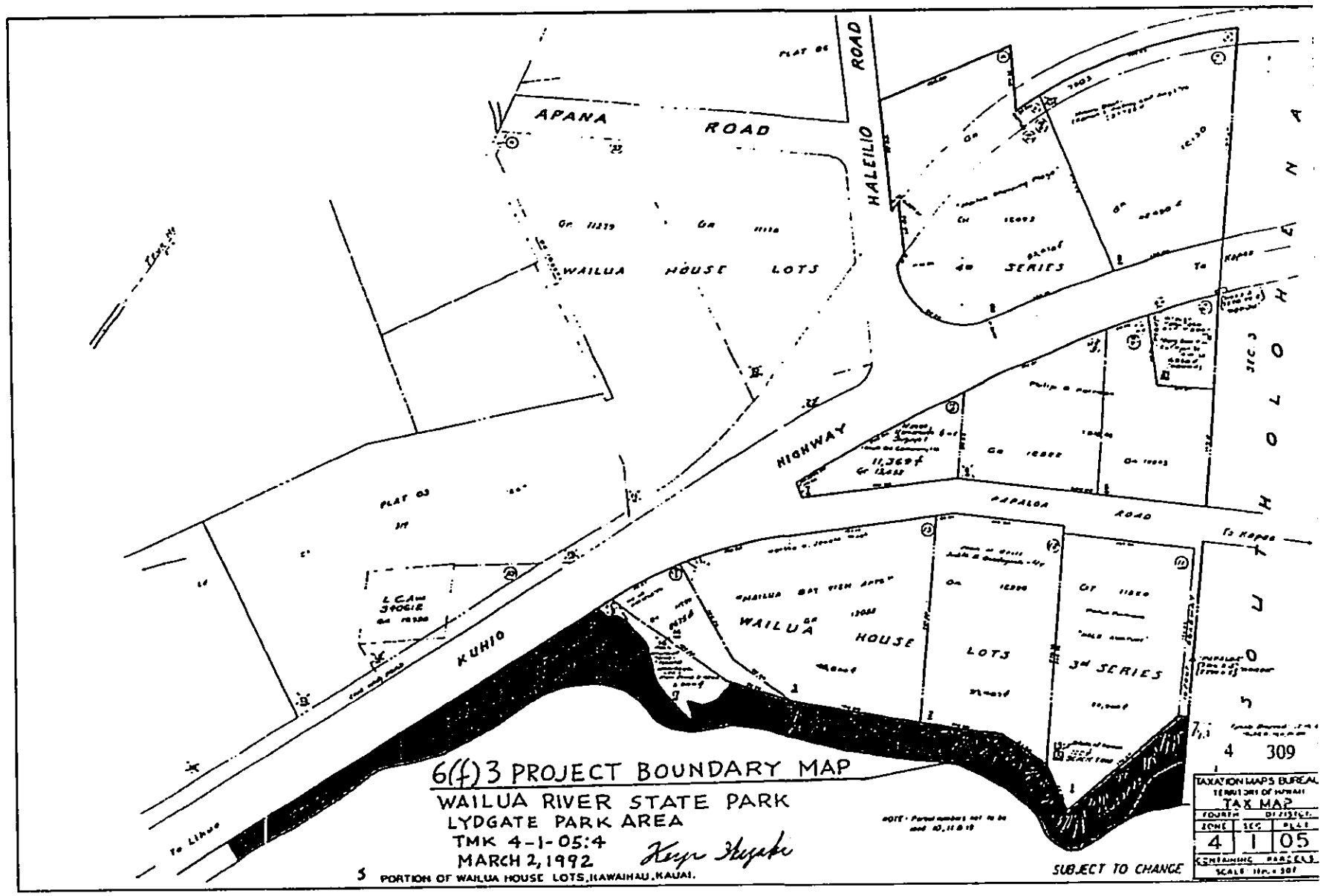
STATE

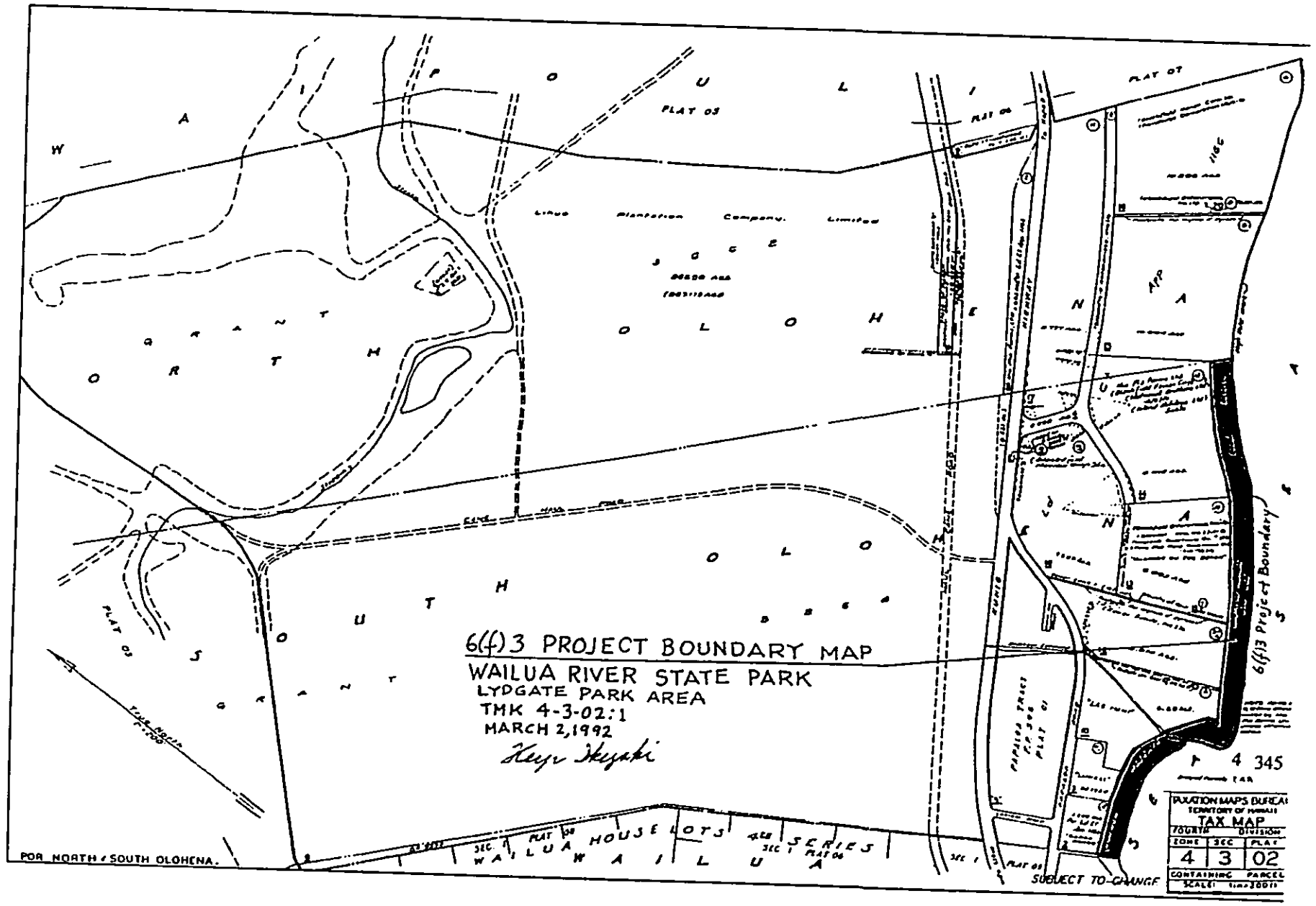
Hawaii
(State)

By Shelley M. Mark
(Signature)
Shelley M. Mark
State Liaison Officer
(Title)


PLAT 08
KUHIO
HIGHWAY
ROAD
LEHO
DRIVE
6(f)3 Project Boundary
6(f)3 PROJECT BOUNDARY MAP
WAILUA RIVER STATE PARK
LYDGATE PARK AREA
TMK 3-9-06:1 (portion)
MARCH 2, 1992
Keyn Ikezaki
4 301
TAX MAP
3
9
06
WAILUA RESORT SITE, WAILUA, LIHUE, KAUAI (form. per 3-9-02)


PLAT 05
KUANOO ROAD
KUHIO HIGHWAY
SEA
ANOLAM STREET
WAILUA RIVER LOTS
WAILUA RIVER
ZONE 3
SEC 9
6(f)3 PROJECT BOUNDARY MAP
WAILUA RIVER STATE PARK
LYDGATE PARK AREA
TMK 4-1-04:1
MARCH 2, 1992
Keiji Ikeyaki
4 308
Per WAILUA HOUSE LOTS, SECOND SERIES, WAILUA RIVER LOTS, F.P. 599
KAWAIHAU, KAUAI, HAWAII (formerly per 4-1-04)
TAX MAP
4
1
04


APANA ROAD
HALEILIO ROAD
WAILUA HOUSE LOTS
SERIES
HIGHWAY
PAPALOA ROAD
KUHIO
WAILUA HOUSE LOTS
3rd SERIES
6(f)3 PROJECT BOUNDARY MAP
WAILUA RIVER STATE PARK
LYDGATE PARK AREA
TMK 4-1-05:4
MARCH 2, 1992
PORTION OF WAILUA HOUSE LOTS, HAWAIHAU, KAUAI.
SUBJECT TO CHANGE
4 309
TAXATION MAPS BUREAU
TAX MAP
4 1 05


6(f)3 PROJECT BOUNDARY MAP
WAILUA RIVER STATE PARK
LYDGATE PARK AREA
TMK 4-3-02:1
MARCH 2,1992
6(f)3 Project Boundary
POR NORTH / SOUTH OLOHENA.
SUBJECT TO CHANGE
TAX MAP
4 345
4 3 02

U.S. Department
of Transportation
**Federal Highway
Administration**

Hawaii Division
Box 50206
300 Ala Moana Boulevard, Room 3-306
Honolulu, HI 96850

December 5, 2006

In Reply Refer To:
HEC-HI

Mr. Daniel Quinn, Administrator
Division of State Parks
Department of Land and Natural Resources
1151 Punchbowl Street, Room 310
Honolulu, HI 96813

Attn: Ms. Martha Yent

Dear Mr. Quinn:

Subject: Lydgate Park-Kapa'a Bike/Pedestrian Path
CMAQ-0700(49)
Section 4(f) and 6(f) Consultation

Thank you for your comments on the Draft Programmatic Section 4(f) and Section 6(f) Evaluation for the Lydgate Park to Kapa'a Bike and Pedestrian Path project, transmitted by letter dated August 22, 2006. We also note that the project planning team met with Ms. Martha Yent on August 28, 2006, to discuss the comments.

A revised Section 4(f) and Section 6(f) document has been prepared based on comments received from your agency and is attached. The changes are summarized below with references to the revised sections.

Hikinaakalā Heiau Section, Wailua River State Park

Section 7.3 includes a discussion of indirect impacts, including the potential for increased public traffic through the archaeological sites. Measures to mitigate the potential impacts are listed in Section 10. The County of Kaua'i will supplement the landscaping in the cul-de-sac area to create a better buffer between the path and the surrounding park land as a deterrent against off-path use. In the new section of the path, north of the cul-de-sac, the County will use a mix of landscaping, physical barriers, and signage, both for aesthetic purpose and to keep users on the path. For the section of the path that is contiguous with State park land, the County will provide preliminary design plans, including landscaping and signage, to the Division of State Parks for approval.

Figure A-2 has been revised to show the correct location of the petroglyph site.

BUCKLE UP AMERICA

To give you a better indication of the path location, attached are two maps. One map shows the approximate areas that will be requested from the State Park. A combined request for transfer of the property will be submitted and processed by the State Department of Transportation as part of the project titled Kūhiō Highway Short-term Improvements, Wailua River Bridge (Project No. 56A-02-06). Because the bike/pedestrian path will be integrated into the new deck for the cane haul bridge, the path project is being folded into the bridge project in the vicinity of Wailua River. A more detailed map is being prepared by HDOT's cadastral staff for the land transfer request.

- The area shown in yellow demarcates the cul-de-sac portion of the existing bike/pedestrian path. This area will be subdivided and ultimately transferred to the County of Kaua'i.

- The green area shows the cane haul bridge and approaches. The cane haul bridge has been used by the HDOT since the 1990s, when it became part of Kūhiō Highway and open to the motoring public. Improvements to the cane haul bridge were made initially through Project 56A-01-91 and, more recently, through Project STP 056-1(43) to refurbish the deck and install guardrails. Research-to-date indicates that use of the cane haul bridge was granted through a right-of-entry and a construction easement was obtained in the past, but a permanent easement was not acquired. DOT is in the process of obtaining an Executive Order to withdraw lands in the highway corridor from the State Park to establish a DOT right-of-way. The new bike/pedestrian path will be constructed within the limits of the proposed highway right-of-way, approximately 60 feet wide.

- The parcels shown in blue are located between the two bridges and are virtually encircled by roadways. HDOT will be requesting these properties for use as a construction staging area in the short-term and for long-term maintenance of the bridges. This area is also needed to accommodate improvements to the connector road. The connector road will be used more heavily for access to the marina area after changes are made to traffic patterns on the bridges.

A second map attachment is a site plan of the short-term Wailua Bridge Improvements and shows the location of the path.

Wailua Beach Park

Section 7.1 includes updated information about the path's alignment. Originally, the path was aligned parallel to Kūhiō Highway. However, to avoid potential conflicts with vehicular access from Kūhiō Highway, the path will be located immediately Makai of the two existing parking areas on the north and south ends of the park. Through the middle section, the path will be aligned along the Mauka boundary of the park, close to the highway. The revised alignment will separate vehicles and pedestrians, thereby increasing safety and the path will still be located on the perimeter of recreational space.

Lihi Park (Waipouli Beach Park)

We note that Lihi Park, as part of the larger Kapa'a Beach Park, is a Section 6(f) property and has been added to the table in Section 6 of the evaluation.

Section 7.2 includes a more detailed discussion of expected project impacts. Although the path will occupy park space, the overall effect will be a net benefit to the recreational experience afforded to park users.

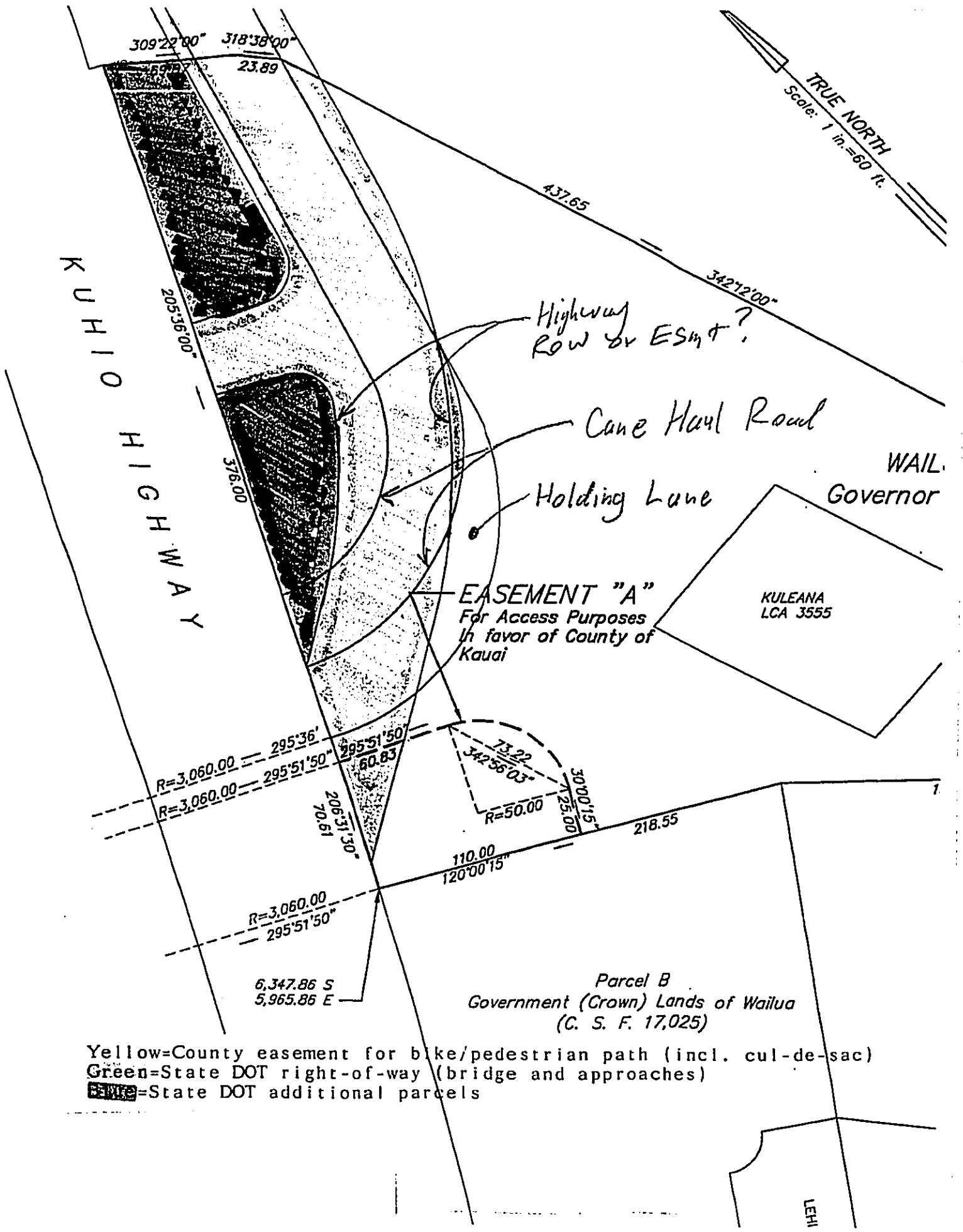
We believe the revised Programmatic Section 4(f) and 6(f) Evaluation provides the information needed to complete your evaluation on the use of State Park land for the bike and pedestrian path. However, if you have any questions or concerns, please contact me at 541-2700 ext. 305.

Sincerely yours,

Pat V. Phung, P.E.
Transportation Engineer

Enclosures

Cc: Mr. Douglas Haigh, Kaua'i Department of Public Works
Ms. Christine Yamasaki, HDOT, HWY-D
Mr. Glenn Kimura, Kimura International, Inc.



Yellow=County easement for bike/pedestrian path (incl. cul-de-sac)
Green=State DOT right-of-way (bridge and approaches)
Blue=State DOT additional parcels

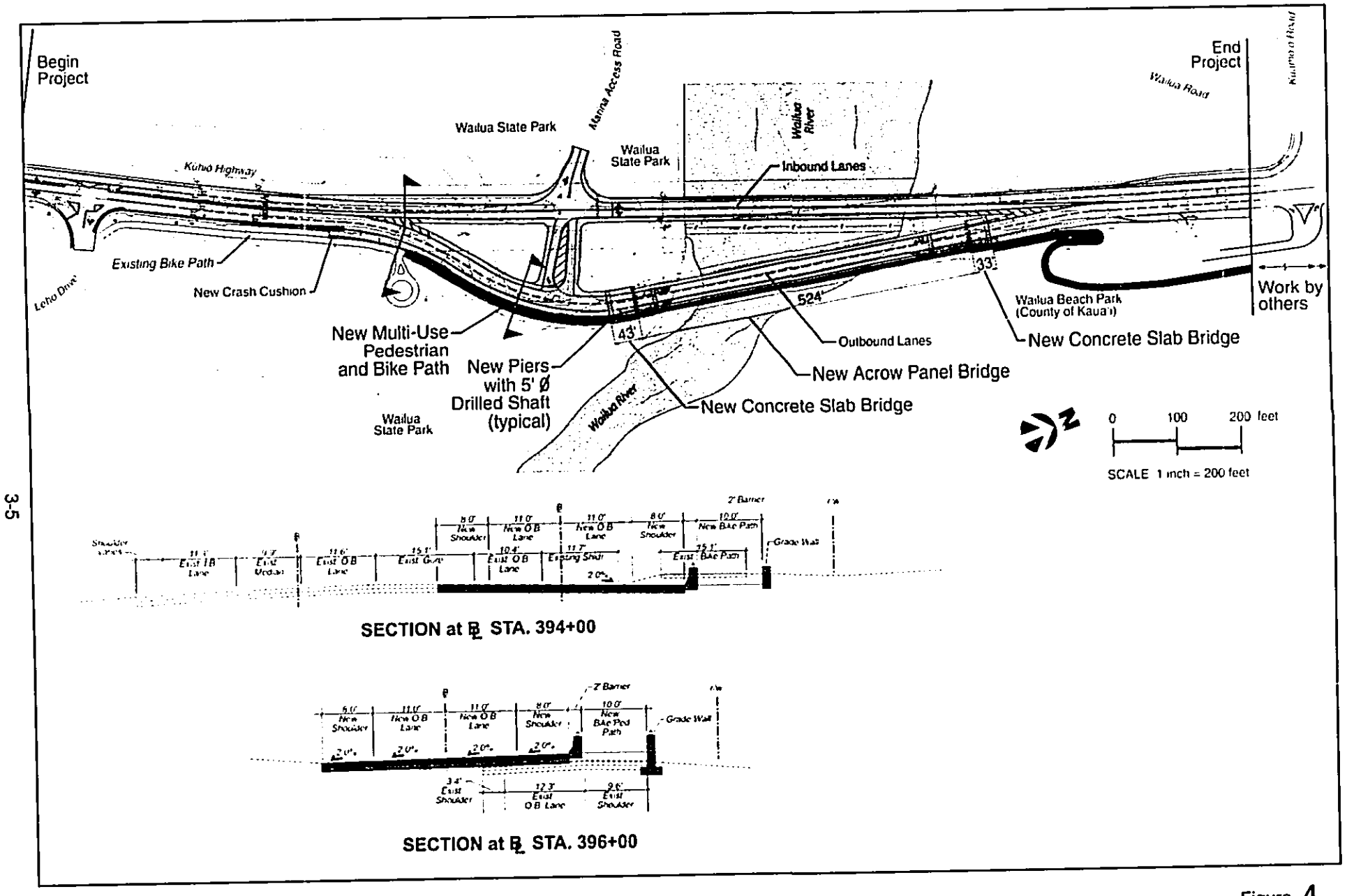


Figure 4
Wailua Bridge Improvements
Site Plan
Wailua River Bridge Improvements

Appendix B

Programmatic Section 4(f) Determination and Approval for Use of Wailua Plantation Bridge

HAWAII DIVISION
FEDERAL HIGHWAY ADMINISTRATION
PROGRAMMATIC SECTION 4(f)DETERMINATION AND APPROVAL
UNDER THE
NATIONWIDE PROGRAMMATIC SECTION 4(f) EVALUATION
AND APPROVAL FOR FHWA PROJECTS THAT NECESSITATE
THE USE OF HISTORIC BRIDGES
(JULY 5, 1983)

PROJECT NUMBER: CMAQ-0700(49)

BRIDGE NAME: Wailua Plantation Bridge BRIDGE ID: 007000560400573

ROUTE: 56 MILEPOST: 5.7 to 5.8 COUNTY: Kauai

Instructions: consult the Nationwide Section 4(f) Evaluation as it relates to the following items. Complete all items. Any response in a shaded box requires additional information prior to approval. This Section 4(f) determination will be attached to the applicable EA, FONSI, or Categorical Exclusion.

Eligibility Criteria	Yes	No
1. Will the bridge be replaced or rehabilitated with Federal funds?	X	
2. Will the project require the "use"[1] of a historic structure which is on, or eligible for listing on, the National Register of Historic Places?	X	
3. Has the bridge been determined to be a National Historic Landmark?		X
4. Is the environmental documentation an Environmental Impact Statement?		X

Alternatives Considered	Yes	No
5. Have all of the following alternatives, to avoid any use of the historic bridge been evaluated?[2]	X	
A. Has the "Do Nothing" alternative been studied and been determined, for reasons of maintenance and safety, not to be feasible and prudent?	X	
B. Has the "Build on New Location Without Using the Old Bridge Alternate" been studied and been determined, for reasons of terrain, and/or adverse social, economic or environmental effects, and/or engineering and economy, and/or preservation of the old bridge, not to be feasible and prudent?	X	
C. Has rehabilitation of the existing bridge without affecting the historic integrity of the bridge been studied and has it been determined, for reasons of structural deficiency and/or geometrics, that rehabilitation is not feasible and prudent?	X	

Measures to Minimize Harm When an item does not apply indicate with N/A	**Yes**	**No**
6. Has the project included all possible planning to minimize harm, including the following:		
A. For bridges that are **adversely affected**; have the FHWA, SHPO, and ACHP reached agreement [Memorandum of Agreement (MOA)] through the Section 106 process, and this MOA includes Stipulations which amount to Measures to Minimize Harm, and those measures will be incorporated in the project?	X	
B. For bridges that are to be **rehabilitated** to the point that the historic integrity is affected or that are to be moved or demolished have fully adequate records ben made of the bridge in accordance with the Historic American Engineering Record (HAER) or other suitable means developed through the Section 106 consultation?		X
C. For bridges that are to be **replaced**; has the existing bridge been made available for an alternate use, provided a responsible party agrees to maintain and preserve the bridge?[3] *(If the project is a rehabilitation project, write N/A for this question.)*	N/A	
D. For bridges that are to be **rehabilitated** and there is an **"Adverse Effect"**[4] on the historic integrity of the bridge, is the historic integrity preserved to the greatest extent possible, and consistent with unavoidable transportation needs, safety, and load requirements? *(If the project is a replacement project, write N/A. for this question.)*	X	

Notes

1. Definition of Use: The action will impair the historic integrity of the bridge either by rehabilitation or demolition. Where the definition of impair is to diminish the qualities that made it eligible for the National Register of Historic Places. (Federal Register, Vol 48. No. 163, dated Monday, August 22, 1983)

2. Consult the Nationwide Programmatic Section 4(f) Evaluation for the generic (not prudent and feasible) reasons that might be addressed. (Federal Register, Vo 48. No. 163, dated Monday, August 22, 1983) The evaluation of alternatives for the subject project, however, must quantify those reasons as applicable and be supported by the circumstances of the project.

3. This criterion will require the advertisement and marketing of the bridge in accordance with FHWA requirements. Marketing will be addressed in programmatic Section 4(f) Evaluation and by appropriate provisions in the Memorandum of Agreement entered into between the State or local agency, FHWA, the SHPO, and the ACHP. Refer to Mr. Leathers' July 22, 1987, memorandum on the applicable requirements for preservation and marketing. Copies of the advertisement and results of marketing efforts must be furnished to FHWA prior to replacement of the historic bridge.

4. When it has been determined by FHWA in consultation with the SHPO and ACHP that the rehabilitation work will result in "No Effect" or "No Adverse Effect on the historic integrity of the structure, the provisions of Section 4(f) Evaluation do not apply.

Wailua Plantation Bridge
Bridge ID Number: 007000560400573
Owner: State of Hawai'i

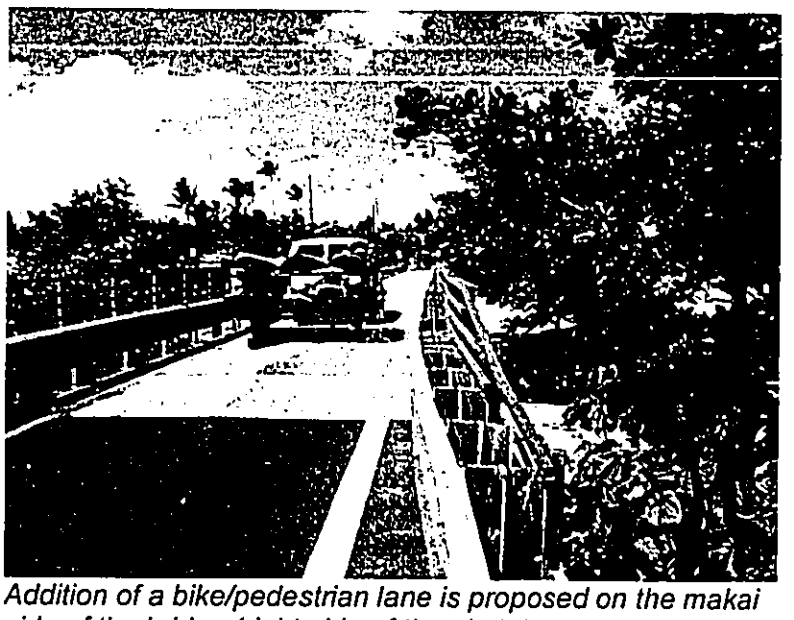
Description of Resource

The Wailua Plantation Bridge, also known as the "cane haul bridge," is located makai of Kūhiō Highway near the mouth of the Wailua River. The bridge was constructed in 1921 for the Ahukini Terminal and Railroad Company to haul sugar and pineapples from the various mills and canneries on the island's east side to the shipping terminal at Ahukini Landing. The railroad bridge was built makai of the 1919 bridge. After World War II, the railway right-of-way, including the bridge, was converted to a roadway for cane haul trucks. Sometime in the 1990s, the bridge was acquired by the State Department of Transportation for use as a third lane across the Wailua River. In 2003, the bridge was repaired and resurfaced with a new concrete deck and retrofitted with guardrails, but the basic structure of the 1921 bridge was not changed.

The Wailua River Plantation Bridge meets the National Register Criteria A and C. It is associated with the history of transportation and economic development in this part of Kaua'i, and was an integral part of the sugar and pineapple economy. It is also a distinctive type of construction, being only one of two bridges on the island converted from a railroad bridge to a road bridge (the other one is the timber Omao Bridge, near Koloa Town).

The bridge retains integrity of location, with somewhat less integrity of materials and workmanship and design. The bridge retains enough original physical features to convey the feeling and association of its historic character and use as a railroad bridge.

Wailua Plantation Bridge



Addition of a bike/pedestrian lane is proposed on the makai side of the bridge (right side of the photo).

Northbound Wailua River crossing: one lane on main Wailua Bridge, one lane on Wailua Plantation Bridge.

ALTERNATIVES CONSIDERED

No Action

The no action alternative was eliminated for reasons of safety. The existing cane haul bridge has a deck measuring 12 feet wide and cannot safely accommodate pedestrians and bicyclists in addition to vehicular traffic.

Build on New Location without Using the Old Bridge

There are two options besides using the historic bridge. One is to use the Wailua Bridge. This bridge has raised, 3-foot wide sidewalks on both sides that are inadequate for bicycling. Additionally, path users would have to cross one or more lanes of through traffic to reach the bridge and there is no safe crossing location.

The second option is to construct a new and separate bridge for the bike/pedestrian path. This option is discussed in the Environmental Assessment and remains a secondary design option. An independent bridge would be located on the makai side of the cane haul bridge for continuity of the pathway. The historic bridge itself would not be impacted directly; however, a new bridge would have similar impacts to an attached structure in terms of obscuring views of the historic bridge from the most common vantage points, such as Wailua Beach Park and Hikinaakalā Heiau.

Rehabilitation without Affecting Historic Integrity

Because the existing bridge is too narrow to fit a bike/pedestrian lane, it must be altered to expand the surface area of the deck. The proposed project calls for attachment of a cantilevered section that is compatible with the style and materials of the historic bridge.

DETERMINATION AND APPROVAL

Based on the environmental documentation and analysis, the results of public and agency consultation and coordination, the FHWA has determined that:

The project meets the applicability criteria as set forth in the Nationwide Programmatic Section 4(f) Evaluation and Approval for FHWA Projects that Necessitate the Use of Historic Bridges dated July 5, 1983;

All of the alternatives set forth in the Findings section of the above Nationwide Section 4(f) Evaluation have been fully evaluated. Based on the Findings, it is determined there is no feasible and prudent alternatives to the use of the Historic Bridge; and

The project complies with the Measures to Minimize Harm Section of the Nationwide Section 4(f) Evaluation; and agreement between FHWA, SHPO and ACHP has been reached.

Accordingly, the FHWA approves the proposed use of the historic bridge for construction under the above Nationwide Section 4(f) Evaluation issued on July 5, 1983.

_____ _____

Date Approved Federal Highway Administration

HAWAII DIVISION
FEDERAL HIGHWAY ADMINISTRATION
PROGRAMMATIC SECTION 4(f)DETERMINATION AND APPROVAL
UNDER THE
NATIONWIDE PROGRAMMATIC SECTION 4(f) EVALUATION
AND APPROVAL FOR FHWA PROJECTS THAT NECESSITATE
THE USE OF HISTORIC BRIDGES
(JULY 5, 1983)

SECTION 4(f) USE OF WAILUA PLANTATION BRIDGE

Additional Information for "No" Response in Item 6B

In accordance with the Memorandum of Agreement regarding modifications to the Wailua Plantation Bridge to provide a separate crossing for bicyclists and pedestrians, the County of Kauai Department of Public Works has committed to photographic and written documentation of the bridge using the Historic American Building Survey (HABS)/Historic American Engineering Record (HAER) standards. This work will be conducted during the design phase of the project or prior to construction.

Note from the Advisory Council on Historic Preservation (ACHP)

By letter dated December 1, 2004, the Advisory ACHP informed the FHWA that its participation in resolving adverse effects would not be required.

Appendix C

Documentation related to Section 106 Consultations, National Historic Preservation Act

MEMORANDUM OF AGREEMENT
Submitted to the
ADVISORY COUNCIL ON HISTORIC PRESERVATION
Pursuant to 36 CFR §800.6(a)
Among the
U.S. DEPARTMENT OF TRANSPORTATION, FEDERAL HIGHWAY ADMINISTRATION
And the
HAWAII STATE HISTORIC PRESERVATION OFFICER
And the
COUNTY OF KAUAI, DEPARTMENT OF PUBLIC WORKS
Regarding the
LYDGATE PARK TO KAPA'A BIKE AND PEDESTRIAN PATH PROJECT

Kaua'i, Hawai'i

WHEREAS, the Federal Highway Administration (FHWA) has determined that the Lydgate Park to Kapa'a Bike and Pedestrian Path Project (Project) will have an effect upon historic properties eligible for inclusion in the National Register of Historic Places, and has consulted with the Hawaii State Historic Preservation Officer (SHPO) pursuant to 36 CFR Part 800, regulations implementing Section 106 of the National Historic Preservation Act (16 U.S.C. 470(f)); and

WHEREAS, this Project, being proposed by the County of Kauai (County), Department of Public Works (DPW), is a Federal "Undertaking"; and

WHEREAS, this Project involves developing a typically 10 to 12-foot-wide multi-use recreational path for bicyclist, pedestrians, and other users along an approximately 2 mile stretch of coastline from Lydgate Park, Wailua to Kapa'a Town on the island of Kaua'i; and

WHEREAS, this Project has an "area of potential effects" consisting of lands that are either owned or under the jurisdiction of the County within project corridors generally located between Lydgate Park at Wailua north up to Kapa'a Town, and situated from the shoreline inland up to Kūhiō Highway or other privately-owned properties as shown on Exhibit A; and

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JUN 14 2006
HAWAII DIVISION

WHEREAS, FHWA and County DPW have consulted with the SHPO and native Hawaiian organizations, which included the Kaua'i/Ni'ihau Islands Burial Council, Office of Hawaiian Affairs, Kaua'i Historic Preservation Review Commission, and Hui Malama I Nā Kupuna 'O Hawaii Nei under this Section 106 process which was incorporated under the environmental review process conducted under the Federal National Environmental Policy Act and State of Hawaii Chapter 343, Hawaii Revised Statutes; and

WHEREAS, FHWA will require the County DPW to carry out the agreed to stipulations identified under this Memorandum of Agreement (MOA) which are based upon the SHPD accepted *Archaeological Assessment of Alternative Routes Proposed for the Lydgate to Kapa'a Bike Pedestrian Pathway Project* final report, dated April 2004; and.

NOW, THEREFORE, FHWA and the Hawaii SHPO agree that the Undertaking shall be implemented in accordance with the following stipulations in order to take into account the effect of the Undertaking on historic properties shown on Exhibit A included with this document.

STIPULATIONS

The FHWA shall ensure that the following measures are carried out:

A. Archaeological Monitoring Plan

1. Develop an archaeological monitoring plan for path improvements and amenities with provisions for addressing burial treatment that are to be implemented during construction activities.
2. The monitoring plan will be developed and implemented by a qualified archaeologist, meeting the Secretary of the Interior's Professional Qualifications Standards for Archeology (Federal Register, Vol. 48, No. 190, page 44738-9).
3. The archaeological monitoring plan will include the following major elements:
   a. Archaeological monitoring provisions and procedures to be implemented during the course of the Undertaking's implementation; and
   b. Specific levels of archaeological monitoring determined to be appropriate for each path section, and
   c. A follow-up monitoring report for the Undertaking shall be submitted to State Historic Preservation Division (SHPD). The monitoring report, containing the location and description of any human burial remain discovered during the course of the Undertaking shall remain confidential and the precise location data may be provided in a separate confidential index.
4. The archaeological monitoring plan shall be submitted by the County DPW, through FHWA, to the SHPD for a 30-day review. Unless the SHPD objects within 30 days

after receipt of such Plan, the County DPW shall ensure that its provisions are implemented.

B. Mitigation Documentation for the Seaward Wailua River Bridge and Vicinity

1. Consultation will be conducted by the County DPW with the SHPD, with prior consultation with the Kauai Historic Preservation Review Commission, regarding design plans developed for improvements to the seaward Wailua River Bridge (also known as the Plantation or cane haul bridge).
2. The County DPW will consult with the architectural branch staff of SHPD prior to starting any construction activities if design plans would alter the seaward Wailua River bridge.
3. Historic American Engineering Record (HAER) documentation shall be conducted for the seaward Wailua River bridge if deemed appropriate by the architectural branch staff of SHPD
4. To avoid any possible adverse impacts to the Wailua petroglyph site (known as Ka Pae Ki'i Mahu o Wailua and designated as site 50-0-08-105A) plans will be shared with Hawai'i State Parks and the State Historic Preservation Division archaeology branch to determine the possible need for a program of subsurface testing to further evaluate the prospect of impacting any buried portion of this petroglyph site or other significant cultural properties.

C. Burial Treatment Plan

1. A burial treatment plan will be prepared when appropriate to address the preservation of any burials or other human remains encountered in the course of this project.
2. This burial treatment plan shall be prepared and presented to the Kaua'i/Ni'ihau Islands Burial Council (KNIBC) for review, consultation, and approval in accordance with Title 13, Subtitle 13, Chapter 300 of the Hawaii Administrative Rules.
3. The pertinent provisions of the KNIBC approved burial treatment plan shall be executed prior to the completion of the undertaking

D. Preservation/Interpretive Plan

1. Prepare a Preservation Plan addressing interpretive signage to be provided along the multi-use path that is reviewed and approved by the SHPD if deemed appropriate by the SHPD.
2. Consult with the SHPD, Kauai Historic Preservation Review Commission, and Kauai Health and Heritage Coastal Trails Committee in developing the interpretive signage associated with this Undertaking. Interpretive signage will be developed under the following conditions.
   a. The timeframe for development of interpretive signage under the Preservation Plan will be limited to one (1) year from execution of this MOA.

b. The SHPD will have 60 days from receipt of the submitted Preservation Plan to review, revise, and approve this Preservation Plan.

c. Development and implementation of interpretive signage improvements can proceed concurrently or after construction of improvements under this Undertaking.

E. Amendments to this Memorandum of Agreement

1. Any party to this MOA may request that any term or stipulation of the MOA be amended; whereupon the parties to the MOA shall consult with each other in accordance with 36 CFR Part 800 to consider such amendment.
2. Should any party to this MOA object to the mitigative plans prepared pursuant to these stipulations within 30 days from receipt, the FHWA shall consult with the objecting party to resolve the objection. If the FHWA determines that the objection cannot be resolved, the FHWA shall forward all documentation relevant to the dispute to the Advisory Council on Historic Preservation (Council). Within 30 days after receipt of all pertinent documentation, the Council will either:
   a. Provide the FHWA with recommendations, which the FHWA will take into account in reaching a final decision regarding the dispute; or
   b. Notify the FHWA that it will comment pursuant to 36 CFR 800.6(b), and proceed to comment. Any Council comment provided in response to such a request will be taken into account by the FHWA in accordance with 36 CFR 800.6(c)(2) with reference to the subject of the dispute.
3. Any recommendation or comment provided by the Council to address such objections will be understood to pertain to the subject of the dispute. The FHWA's responsibility to carry out all actions under this MOA that are not the subject of the dispute will remain unchanged.

F. Termination of the MOA

1. If necessary and appropriate, SHPO may request, at any time, a review of the stipulations. This MOA shall be effective upon being signed and considered in full force and effect until replaced by future agreement, or until the Undertaking is fully implemented.
2. Interim archaeological monitoring reports for phases implemented shall be submitted to SHPD no later than 90 days from the completion of any discrete phase of the Project. Once the Undertaking has been completed, and the monitoring plan submitted and approved, this MOA shall terminate by its own course without the necessity of further action by any of the other signatories to this MOA.

G. **Timeframe for Undertaking Initiation**
Should the undertaking not take place within 5 years of the executed MOA, the parties shall consult in accordance with 36 CFR Section 800 to determine whether amendment should be considered.

H. **Counterpart Signatures**
This MOA may be executed in counterparts. Each signature page shall be incorporated into the MOA and considered a part of this MOA.

Execution of this Memorandum of Agreement by FHWA and the Hawaii SHPO, its subsequent acceptance by the Council, and the implementation of its terms, evidence that the FHWA has afforded the Council an opportunity to comment on the Lydgate Park, Wailua to Kapa'a Bike and Pedestrian Path Project and its effects on historic properties, and that FHWA has taken into account the effects of the Undertaking on historic properties.

FEDERAL HIGHWAY ADMINISTRATION

By: Abraham Wong DATE: 4/28/06
Abraham Wong, Division Administrator

HAWAII STATE HISTORIC PRESERVATION OFFICER

By: DATE: 6-9-2006
Peter T. Young, State Historic Preservation Officer

Concurred By:
COUNTY OF KAUAI, DEPARTMENT OF PUBLIC WORKS

By: DATE: 6-21-06
Donald Fujimoto, County Engineer

Concurred By:
STATE OF HAWAII, OFFICE OF HAWAIIAN AFFAIRS

By: _____ DATE: _____
Trustee Haunani Apoliona, Chairperson of the Board of Trustees

PP____

PHONE (808) 594-1888

FAX (808) 594-1865

STATE OF HAWAI'I
OFFICE OF HAWAIIAN AFFAIRS
711 KAPI'OLANI BOULEVARD, SUITE 500
HONOLULU, HAWAI'I 96813

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AUG 4 2006
HAWAII DIVISION

HRD06/2591

July 31, 2006

Pat V. Phung
U.S. Department of Transportation
Federal Highway Administration, Highways Division
300 Ala Moana Blvd., Room 3-306
Honolulu, HI 96850

RE: Kapa'a Bike and Pedestrian Path [Federal-Aid Project No. STP-0700-(49)] Memorandum of Agreement (MOA), Kapa'a, Kaua'i.

Dear Pat V. Phung,

The Office of Hawaiian Affairs (OHA) is in receipt of your July 14, 2006 submission and offers the following comments:

As is suggested in the above-listed submission, our staff feels that it is not in OHA's interest to be a concurring party to the Kapa'a Bike and Pedestrian Path Memorandum of Agreement (MOA) at this time. Thank you for the opportunity and for your continued correspondence.

Thank you for the opportunity to comment. If you have further questions or concerns, please contact Jesse Yorck, Native Rights Policy Advocate, at (808) 594-0239 or jessey@oha.org.

Aloha,

Clyde W. Nāmu'o
Administrator

OHA Community Affairs Coordinator (Kaua'i)
3-3100 Kuhio Hwy., Suite C4
Lihue, HI 96766-1153

PP—

Preserving America's Heritage

December 1, 2004

Pat V. Phung
Federal Highway Administration
Box 50206
300 Ala Moana Boulevard, Room 3-308
Honolulu, HI 96850

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DEC 13 2004
HAWAII DIVISION

REF: *Bike and Pedestrian Path, Lydgate Park to Kapa'a, STP-0700(049).*

We received your notification and supporting documentation regarding the adverse effects of the referenced project on a property or properties eligible for inclusion in the National Register of Historic Places. Based upon the information you provided, we do not believe that our participation in consultation to resolve adverse effects is needed. However, should circumstances change, please notify us so we can re-evaluate if our participation is required. Pursuant to 36 CFR 800.6(b)(iv), you will need to file the Agreement, and related documentation at the conclusion of the consultation process. The filing of this Agreement with the ACHP is necessary to complete the requirements of Section 106 of the National Historic Preservation Act.

Thank you for providing us with your notification of adverse effect. If you have any questions, please contact Carol Legard at 969-5110 or via eMail at clegard@achp.gov.

Sincerely,

Nancy Kochan

Nancy Kochan
Office Administrator/Technician
Western Office of Federal
Agency Programs

ADVISORY COUNCIL ON HISTORIC PRESERVATION
12136 West Bayaud Avenue, Suite 330 • Lakewood, Colorado 80228

US Department of Transportation
Federal Highway Administration

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NOV 18 2004

Hawaii Division
Box 50206
300 Ala Moana Boulevard, Room 3-306
Honolulu, HI 96850

November 16, 2004

In Reply Refer To:
HEC-HI

Ms. Jane Crisler
Historic Preservation Specialist
Advisory Council on Historic Preservation
Western Office of Federal Agency Programs
12136 West Bayaud Avenue, Suite 330
Lakewood, CO 80228

Dear Ms. Crisler:

Subject: Notification of Adverse Effect
Kapa'a Bike & Pedestrian Path
Federal-aid Project No. STP-0700(049)
Kapa'a, Kauai

In accordance with Section 106 of the National Historic Preservation Act, we are notifying the Advisory Council on Historic Preservation (Council) that the Federal Highway Administration (FHWA), in cooperation with the Hawaii Department of Transportation (HDOT) and the County of Kauai, are proposing the construction of the Kapa'a Bike and Pedestrian Path project. The proposed project will have an adverse effect on the Kukui Heiau and the Wailua River Plantation Bridge. The project is also located along coastal areas that may contain previously undiscovered human remains and cultural artifacts.

The undertaking is a project to develop a multi-use path for bicyclists, pedestrians, and other users along the coastline from Lydgate Park to Kapa'a on the island of Kauai. The distance is approximately 2 miles. The path will be 10 to 12 feet wide and allow movement in both directions.

The FHWA is enclosing a report that summarizes the Section 106 consultation process to date and discusses the finding of adverse effect. The draft Memorandum of Agreement (MOA) is also enclosed for the Council's review and comment. The draft MOA outlines the steps to be taken to mitigate the adverse effect. We welcome any comments that the Council may have on the format or content of the MOA.

BUCKLE UP AMERICA

The National Environmental Policy Act (NEPA) environmental assessment is currently being developed and should be completed early next year.

If you have any questions or require additional information, please do not hesitate to call me at 541-2700 (extension 305).

Sincerely yours,

Pat V. Phung, P.E.
Transportation Engineer

Encs: Summary of Section 106 Consultations
Draft MOA

cc w/encs: Mr. Douglas Haigh, County of Kauai
Ms. Sara Collins, State Historic Preservation Division
Ms. Nancy McMahon, State Historic Preservation Division-Kauai
Mr. Glenn Kimura, Kimura International, Inc.

US Department of Transportation
Federal Highway Administration

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NOV 22 2004

Hawaii Division
Box 50206
300 Ala Moana Boulevard, Room 3-306
Honolulu, HI 96850

November 19, 2004

In Reply Refer To
HEC-HI

Mr. Peter T. Young, Director
Department of Land and Natural Resources
State Historic Preservation Division
Kākuhihewa Building, Room 555
601 Kamokila Boulevard
Kapolei, HI 96707

Attention: Ms. Sara Collins

Dear Mr. Young:

Subject: Notification of Adverse Effect
Kapa'a Bike & Pedestrian Path
Federal-aid Project No. STP-0700(049)
Kapa'a, Kauai

The Federal Highway Administration (FHWA) and the County of Kauai, Department of Public Works (DPW), in partnership with the Hawaii Department of Transportation (HDOT), have completed the initial round of consultations under Section 106 of the National Historic Preservation Act. Based on our findings, we propose that the undertaking will have an adverse effect on the following properties:

- Kukui Heiau.
- Wailua River Plantation Bridge.
- Coastal areas that may contain previously undiscovered human remains and cultural artifacts.

Pursuant to 36 CFR 800.6, we are continuing the consultation to resolve the adverse effects. Accordingly, the FHWA is transmitting a report that summarizes the Section 106 consultation process to date, and discusses the finding of adverse effect. Additionally, attached is a draft Memorandum of Agreement (MOA) that stipulates the terms under which the undertaking will be implemented in order to take into account its effects on historic properties. A draft HRS 343 environmental assessment was previously sent to the State Historic Preservation Division (SHPD). A National Environmental Policy Act (NEPA) environmental assessment will be available at a later date.

BUCKLE UP AMERICA

Please review the enclosures and provide the FHWA with comments pertaining to the Section 106 summary and the draft MOA.

If you have any questions or require additional information, please do not hesitate to call me at 541-2700 (extension 305). We appreciate the SHPD's input and assistance.

Sincerely yours,

Pat V. Phung, P.E.
Transportation Engineer

Encs: Summary of Section 106 consultations
Draft MOA

cc w/o encs: Mr. Douglas Haigh, County of Kauai
Ms. Nancy McMahon, SHPD-Kauai
✓Mr. Glenn Kimura, Kimura International, Inc.
Ms. Christine Yamasaki, HDOT, HWY-DD

US Department of Transportation
Federal Highway Administration

RECEIVED
NOV 22 2004

Hawaii Division
Box 50206
300 Ala Moana Boulevard, Room 3-306
Honolulu, HI 96850

November 19, 2004

In Reply Refer To:
HEC-HI

Mr. Clyde Namu'o, Administrator
Office of Hawaiian Affairs
711 Kapiolani Boulevard, Suite 500
Honolulu, HI 96813-5249

Attention: Ms. Heidi Kai Guth

Dear Mr. Namu'o:

Subject: Notification of Adverse Effect
Kapa'a Bike & Pedestrian Path
Federal-aid Project No. STP-0700(049)
Kapa'a, Kauai

The Federal Highway Administration (FHWA) and the County of Kauai, Department of Public Works (DPW), in partnership with the Hawaii Department of Transportation (HDOT), have completed the initial round of consultations under Section 106 of the National Historic Preservation Act. Based on our findings, we propose that the undertaking will have an adverse effect on the following properties:

- Kukui Heiau.
- Wailua River Plantation Bridge.
- Coastal areas that may contain previously undiscovered human remains and cultural artifacts.

Pursuant to 36 CFR 800.6, we are continuing the consultation to resolve the adverse effects. Accordingly, the FHWA is transmitting a report that summarizes the Section 106 consultation process to date, and discusses the finding of adverse effect. Additionally, attached is a draft Memorandum of Agreement (MOA) that stipulates the terms under which the undertaking will be implemented in order to take into account its effects on historic properties. A draft HRS 343 environmental assessment was previously sent to the Office of Hawaiian Affairs (OHA). A National Environmental Policy Act (NEPA) environmental assessment will be available at a later date.

BUCKLE UP AMERICA

Please review the enclosures and provide the FHWA with comments pertaining to the Section 106 summary and the draft MOA.

If you have any questions or require additional information, please do not hesitate to call me at 541-2700 (extension 305). We appreciate the OHA's input and assistance.

Sincerely yours,

Pat V. Phung, P.E.
Transportation Engineer

Encs: Summary of Section 106 consultations
Draft MOA

cc w/o encs: Mr. Douglas Haigh, County of Kauai
Ms. Sara Collins, State Historic Preservation Division
Ms. Nancy McMahon, State Historic Preservation Division-Kauai
Mr. Glenn Kimura, Kimura International, Inc.
Ms. Christine Yamasaki, HDOT, HWY-DD

Summary of Section 106 Consultations
And Finding of Adverse Effect
National Historic Preservation Act

For the

Lydgate Park-Kapa'a Bike/Pedestrian Path
CMQ-0700(49)

County of Kaua'i, Department of Public Works
Federal Highway Administration

September 23, 2004

Section 106 of the National Historic Preservation Act

The National Historic Preservation Act (NHPA) sets forth government policy and procedures regarding "historic properties" – that is, districts, sites, buildings, structures, and objects included in or eligible for the National Register of Historic Places. Section 106 of the NHPA requires that federal agencies consider the effects of their actions on such properties. The purpose of this document is to review the Section 106 consultation process and to summarize and synthesize comments received from the State Historic Preservation Division (SHPD) and other consulted parties.

Proposed Undertaking

The FHWA and the County of Kaua'i Department of Public Works are proposing to construct a shared use path for pedestrians, bicyclists, and other users from Lydgate Park to Waika'ea Canal in Kapa'a, a distance of approximately two miles. In addition to the north-south alignment, the project includes two mauka-makai segments: (1) in Wailua House Lots from the coastal bike/pedestrian route to the Wailua House Lots Community Park and the Nounou Mountain Trailhead and (2) in Kawaihau from the coastal bike/pedestrian route to the vicinity of Gore Park. Following the completion of the environmental planning and permitting phase, the County intends to construct the project as a design-build project.

The bike/pedestrian path will be 10 to 12 feet wide and allow movement in both directions. It is intended to accommodate a wide variety of users; however, motorized vehicles will not be allowed with the exception of motorized wheelchairs, emergency vehicles, and maintenance vehicles. The path will be constructed from concrete with graded shoulders. Under some environmental conditions, the path may be designed as a boardwalk. In other areas, existing development may preclude a full, 10-foot wide path, thereby requiring consideration of other options, such as improved, widened sidewalks.

The County of Kaua'i will construct, own, and operate the facility. The project will be funded, in part, by the U.S. Department of Transportation, Federal Highway Administration.

Preferred Alignment. Three alternatives were evaluated in the Draft Environmental Assessment (see Figure 1). Based on a comparative assessment of environmental impacts, agency and community feedback received during the public review period, and more detailed examination of engineering and land acquisition issues, the County of Kauai selected a preferred alignment. The alignment, shown in Figure 2 represents a mix of the three alternatives considered in the DEA.

An important compromise was the decision to reduce the scale of path between the Seashell Restaurant and Kukui Heiau. In this section, the path will be restricted to foot traffic only; bicycles will not be allowed. The footpath will have a width of only 5 feet, rather than the 10- to 12-foot width in the shared use sections.

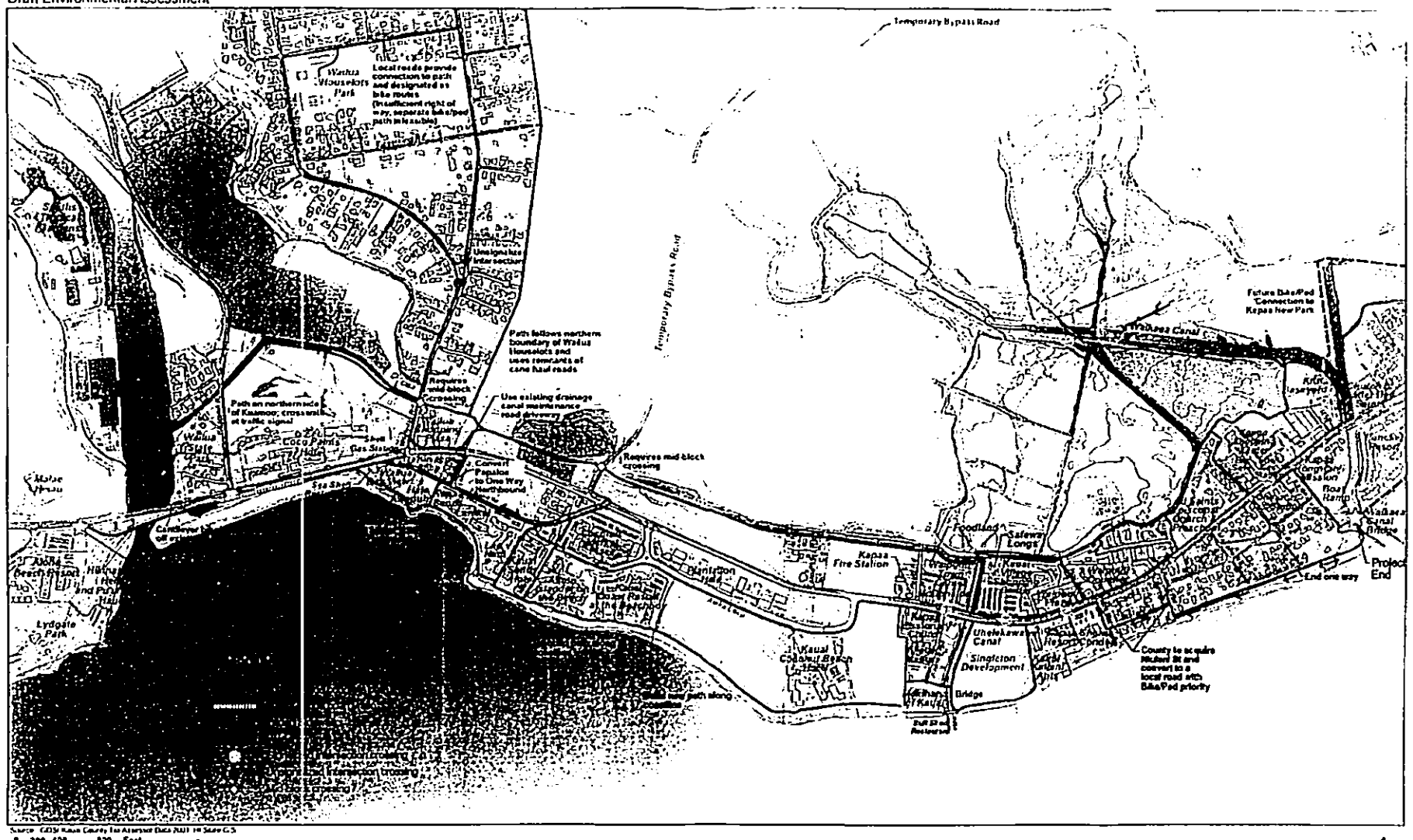

Figure 1

Lydgate Park-Kapa'a Composite Map of Alternatives 1-3
Lydgate Park to Waika'ea Canal

Lydgate Park - Kapaa Bike/Pedestrian Path

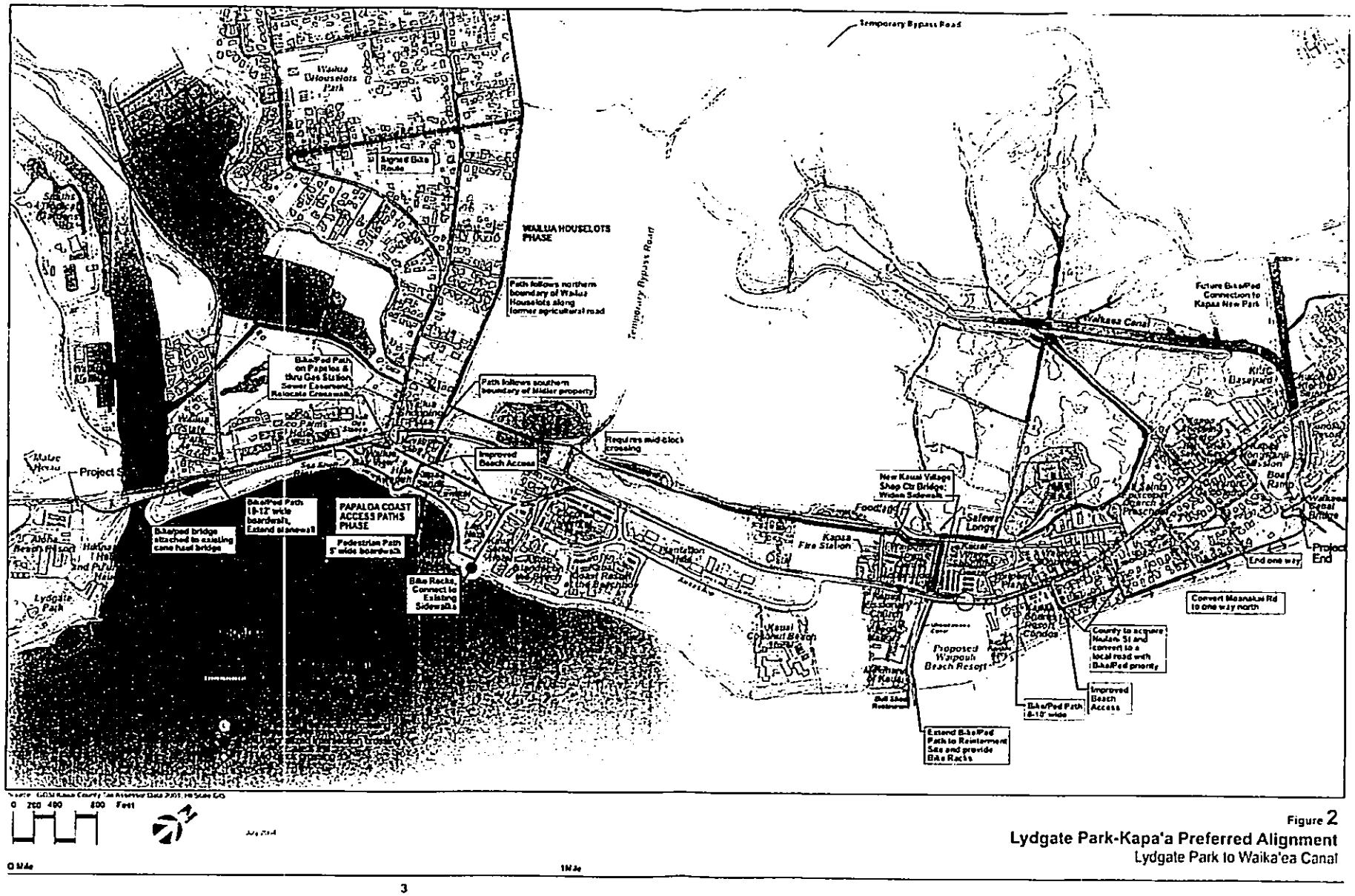

Figure 2
Lydgate Park-Kapa'a Preferred Alignment
Lydgate Park to Waika'ea Canal

Background Studies

Three studies provided data to help identify historic properties and the ways in which the proposed action could affect them:

- Archaeological assessment
- Cultural impact assessment
- Historic resources survey

Archaeological Assessment. A study titled *Archaeological Assessment of Alternative Routes Proposed for the Lydgate to Kapa'a Bike and Pedestrian Pathway Project within the Ahupua'a of Wailua, South Olohena, North Olohena, Waipouli, and Kapa'a, Island of Kaua'i* was conducted by Cultural Surveys Hawai'i, Inc. (April 2004; reviewed and accepted by SHPD in June 2004). The archaeological assessment built on two previous studies by Cultural Surveys Hawai'i that covered the same general area, entitled:

(1) *Archaeological Inventory Survey for the Kūhiō Highway Widening and Bypass Options within the Ahupua'a of Wailua, South Olohena, North Olohena and Waipouli and Kap'aa, Island of Kaua'i* (Hammatt *et al.* 1997; reviewed and accepted by the SHPD in 1998), and

(2) *Archaeological Study in Support of Proposed Kūhiō Highway Improvements, Kapa'a By-Pass, Hanamā'ulu to Kapa'a* (Hammatt and Shideler 2003; reviewed and accepted by the SHPD in 2004).

The data developed in these prior studies were adapted to the configuration of alternative alignments for the proposed Lydgate Park-Kapa'a Bike/Pedestrian Path. Additional research conducted at the SHPD to update and incorporate the results of other recent studies. Fieldwork consisted of a pedestrian survey that focused on the coastal alternatives—in the area presenting the greatest concern for archaeological resources. The researchers also consulted with the SHPD and State Parks regarding historic sites and archaeological concerns.

Cultural Impact Assessment. The cultural impact assessment is not required under National Environmental Policy Act (NEPA), but is prescribed under Chapter 343, Hawai'i Revised Statutes. The purpose of the cultural impact assessment is to consider the effects that proposed development may have on native Hawaiians or any other concerned ethnic group in terms of their culture and their right to practice traditional customs. Because there is a geography of customs and traditions, this study also helped to locate cultural resources and what they mean to people's lives and lifestyle.

The cultural impact assessment was conducted by Cultural Surveys Hawai'i and published in two volumes (*Cultural Impact Assessment for the Kapa'a Relief Route; Kapa'a, Waipouli, Olohena, Wailua, and Hanamā'ulu, Island of Kaua'i*, May 2004; and *Volume II: Interviews*, May 2004). Although the assessment was prepared for the Kapa'a Relief Route project, the findings are considered relevant to the bike/pedestrian path project as well. When contacted, informants were asked about cultural practices within

an area extending from Hanamā'ulu to Kapa'a, and from Kālepa Ridge/Nounou Mountain to the ocean. The boundaries of the Kapa'a Relief Route fully encompass the project area for the Lydgate-Kapa'a bike/pedestrian path.

Historic Resources Survey. An historic resources survey was conducted for the Kapa'a Relief Route project by Mason Architects. The purpose of this study, titled *Historic Resources Survey, Evaluation and Impact Assessment of Kapa'a Relief Route, Kūhiō Highway Corridor Improvements Project, Hanamā'ulu to Kapa'a*, December 2003 (reviewed and accepted by SHPD in 2004), was to survey potentially eligible historic buildings and structures along the "build" alternatives, assess project-related impacts to resources evaluated as eligible for the National Register, and recommend possible mitigation measures. Although the Mason Architect study was prepared for a different project, the data and findings are relevant to the proposed bike/pedestrian path because of the geographical overlap between the two project areas and similarity in project type—both involving linear transportation routes.

In terms of historic buildings, impacts from the bike/pedestrian path are largely limited to the public right-of-way abutting or near historic properties, except in the case of the Wailua plantation bridge, where it is proposed that a bike/footbridge be cantilevered off the historic structure.

History of Consultation (Time Line)

Scoping. Prior to the start of formal Section 106 consultations, project planners held scoping meetings and informal consultations with several agencies and individuals to discuss cultural resources in the project area. These meetings included the following:

November 18, 2003	Sara Collins, State Historic Preservation Division
January 29, 2004	LaFrance Kapaka-Arboleda, Office of Hawaiian Affairs-Kaua'i L. Kehaulani Kekua, Kaua'i Heritage Center Pohaku Nishimitsu and members of Halau Kanikapahuolohi'au
June 25, 2004	Heidi Kai Guth and Matthew Myers, Office of Hawaiian Affairs-Honolulu

Initiation of Section 106 Process. To initiate formal consultation under Section 106, the FHWA sent letters to the following agencies on July 9, 2004. An example of this letter is provided in Appendix A.

- P. Holly McEldowney, State Historic Preservation Division
- Clyde Namu'o, Office of Hawaiian Affairs

Letters to other stakeholders were sent by Kimura International on July 15, 2004.

- Ian Costa, County of Kaua'i Planning Department
- LaFrance Kapaka-Arboleda, Kaua'i/Ni'ihau Island Burial Council
- Sabra Kauka, Na Kahu Hikinaakalā
- Kunani Nihipali, Hui Malama I Ka Kupuna o Hawai'i Nei
- Sharon Ortiz, Friends of Lydgate Park
- Daniel Quinn, Division of State Parks
- Mary Requilman, Kaua'i Historical Society
- David Scott, Historic Hawai'i Foundation
- Rick Tsuchiya, Kaua'i Historic Preservation Review Commission

Based on the recommendation of the SHPD, letters were sent to two additional organizations on July 26, 2004.

- Pohaku Nishimitsu, Halau Kanikapahuolohi'au
- L. Kēhaulani Kekua, Kaua'i Heritage Center

Feedback from Consulted Parties

As of September 3, 2004, comments were obtained from six agencies, organizations, or individuals. Key points and issues of concern are summarized below.

State Historic Preservation Division
Letter dated July 12, 2004 (see Appendix B)

- Concurrence with the Area of Potential Effect (APE) as described.
- Several historic properties on or eligible for the National Register are situated along the proposed shoreline path, including the Wailua Complex of Heiau, Kukui Heiau, cultural deposits, and inadvertent burial sites.
- Prefer a more mauka route that would avoid most of the historic sites.
- Recognition that members of the public have favored the makai route.
- Given the probable adverse effects, a Memorandum of Agreement will be needed to provide for mitigation measures, including archaeological monitoring.
- Primary concern is adverse effects of close proximity to Kukui Heiau and Wailua Complex of Heiau.
- Path would need to be routed off the heiau with a sizeable buffer zone.
- Increased vegetation or landscaping buffer and signage might also help mitigate adverse effect of bicycle and pedestrian traffic.

Division of State Parks
Letter dated July 21, 2004 (see Appendix C)

- Concern about potential effects at the Lydgate end on Hikinaakala Heiau.
- Importance of maintaining historical setting and cultural landscape, including open space buffers.
- Previous archaeological testing alongside cane haul bridge did not identify any cultural deposits.
- Request for guardrails or vegetation hedges on the makai side of the path to buffer it from Hikinaakala Heiau.
- Signs are needed to increase user awareness about the heiau and keep them on the designated path.
- The petroglyph boulders are approximately 250 feet from the cane haul bridge, and no adverse impact is expected unless a new bridge is constructed makai of the cane haul bridge, in which case mitigations are needed to insure the preservation of the site.

Kaua'i Historic Preservation Review Commission (KHPRC)
Memoranda dated July 12, and August 9, 2004 (see Appendix D)

The KHPRC sent two memos referencing its July 1 meeting, during which the Commission discussed and passed a motion on the proposed action. The first memo (dated July 12) stated that the KHPRC concurred with the SHPD's letter dated May 4. However, the second memo (dated August 9) stated that the KHPRC concurred with the SHPD's letter of June 21. The KHPRC actually concurred with the May 4 letter by unanimous verbal acclamation.

The wording of the two SHPD letters is different, especially with regard to potential development in the vicinity of Kukui Heiau. While the actual meaning of the texts do not appear contradictory, and the SHPD has not ruled out a path mauka of Kukui Heiau, there is a change in the tone and emphasis between the two letters. The KHPRC's revised endorsement suggests that the restrictive tone of the June 21 letter is more in line with their own perspective.

May 4 letter addressed to Glenn Kimura, Kimura International, from the SHPD (responding to a request for early consultation on the DEA)

> As presented in the pre-assessment consultation, our main concern is Kukui Heiau. As currently shown, the path either goes through or very close by the heiau. The path would need to be routed away from the heiau, and realistically, the only safe route is behind the heiau. Although we would prefer at least a 200-foot buffer around such a sacred site, we acknowledge that this is difficult to do at

Kukui Heiau since the privately owned Lae Nani Condominium pool itself is fairly close to the site. So, in this case, routing people of and away from the site is a better plan than current conditions at the site. The County of Kauai Public Works Department is aware of our concerns, and concurs with them.

June 21 letter addressed to David Shideler, Cultural Surveys, Hawai'i from the SHPD (providing review comments on the archaeological assessment for the project)

> The coastal trail has the most potential to have an "adverse effect" on historic sites listed on or eligible for listing on the National Register of Historic Places. To the extent possible, we would recommend complete avoidance of these sites. It is also possible that, in some locations, an adverse effect may be mitigated through archaeological monitoring of ground-disturbing activities associated with the proposed path that may adversely affect cultural deposits and inadvertent burials, where subsurface construction would take place in sandy subsoils. In any case, we strongly recommend that the pathways need to be around heiau sites with substantial buffer zones established – ideally 200 feet on all sides of these sacred sites...

Kaua'i/Ni'ihau Island Burial Council (KNIBC)
Meeting with Chair, LaFrance Kapaka-Arboleda on July 2, 2004
Presentation to the Council on July 7, 2004

- Heiau needs to be taken out of private ownership. The divided interest means a sense of division within the Hawaiian community. The ownership issue needs to be resolved for the next generation.
- It might not be realistic to expect people not to go into the heiau, but it's still preferable to try to navigate most people around it.
- If there's an inadvertent discovery of iwi (human remains), KNIBC's role is advisory to the SHPD. If the burial is known, then KNIBC has jurisdiction. There's a gray area is you find a new burial within a designated burial area.
- The availability of reburial sites within the project corridor is not a problem.

Office of Hawaiian Affairs
Informal briefing held on June 25, 2004 with Heidi Kai Guth and Matthew Myers, OHA

OHA staff had met with cultural practitioners and conducted a site visit of the project area. Heidi relayed comments that were raised during those discussions.

- Good that the option of skirting the Hikinaal:alā Heiau had been scratched. However, to further prevent people from going through the heiau, she suggested, additional signage indicating how users can get to the path mauka of Aloha Beach Resort,

clearer wording on signs that the heiau is a sacred site, and demolishing the pavement that extends from the parking lot toward the hotel.

- At Kukui Heiau, the cultural practitioners felt it would be desirable to have a land swap with Lae Nani to put a path around the heiau. The public access between the Lae Nani and Kauai Sands was originally put in to provide access to the heiau. However, the access generates a lot of traffic from people who use it for other purposes, such as going to the keiki pool, weddings, etc. The situation is compounded by the lack of signs for the heiau on that (south) side; the only sign is on the north side.
- In terms of a buffer, what would be objectionable is fencing that would disrupt the cultural landscape. It would be preferable to plant naupaka or other native vegetation (for example, to screen the Lae Nani pool and lawn from the path). The cultural practitioners recognize that people need to go past the heiau, the issue is how they can do this with sensitivity to surrounding users (Lae Nani).
- The cultural practitioners see the shared use path as an opportunity to (1) protect cultural sites and (2) provide confirmed lateral beach access (the loss of which is perceived to be a problem on Kauai).
- They favor the shoreline alternative over the inland roads alternative because the latter includes provisions to improve the mauka-makai beach accesses, which they see as "dumping more people on the coast" without necessarily educating them about the significance of cultural resources on the coast.
- In the Wailua House Lots area, the cultural practitioners favor the northern route (W1) so that ground disturbances would occur as far away as possible from Coco Palms, where bones are likely to be found. For this reason, the path along the drainage canal mauka of Coco Palms would also be of concern.
- OHA would like to be a signatory to the MOA. OHA and the cultural practitioners would also want to be involved in developing interpretive signs.

Kehaulani Kekua
Comments offered at a public meeting held on July 1, 2004.

- I'm concerned about the perpetuation and protection of our cultural practices. The island is growing fast. When I was a kid, roads were safe. Now it's crazy. Kids need a safe place to play, so I support the path. But I'm concerned about Kukui Heiau, which is not well taken care of. If people claim to own it, then respect it; not desecrate it. Now, the Lae Nani security guards confront people who pass by this area. I don't support a path near Kukui because of impacts on spiritual/cultural practices. But we need to have access. Route must benefit everyone (residents and visitors) in a way that doesn't take away from Kaua'i, take path away from cultural sites. Start to malama now. The condo used to maintain the heiau site before. The community needs to participate. I like the Papaloa Road idea.

Finding: Probable Adverse Effects on Historic Sites

The project sponsors are in agreement with the SHPD that the proposed undertaking will have probable adverse effects on significant historic sites.

Hikinaakalā Heiau and Pu'uhonua o Hauola. These two sites are part of the Wailua Complex of Heiau, a National Historic Landmark. Although there are no alternatives that impact directly on Hikinaakalā or Pu'uhonua o Hauola, the Division of State Parks and OHA feel that there are unresolved issues related to the existing path in Lydgate Park and, now, the connection with the proposed Lydgate-Kapa'a segment. Both agencies are concerned that the north end of the path in Lydgate Park is inadequately signed to prevent people from going through the heiau. Other visual cues, such as remnant paving, appear to suggest that it's okay for people to pass through the area. Clearer design strategies are needed both at the interface of Lydgate Park and the heiau, and between the Aloha Beach Resort cul-de-sac and the bridge to deter pedestrian and bicycle traffic.

Pohaku (boulders) with petroglyphs. According to some scholars, the petroglyph pohaku are extensions of Hikinaakalā and Pu'uhonua o Hauola, which would make them equally important artifacts. However, because the boulders are an estimated 250 feet away from the cane haul bridge, the Division of State Parks feels that the proposal to attach a cantilevered bike/footbridge to the existing bridge would not affect the boulders. The State Department of Transportation is also considering a proposal to add one travel lane to the makai side of the cane haul bridge, thereby extending the structure closer to the boulders. Any endangerment to the boulders still remains unlikely, but will require further study.

Kukui Heiau. Kukui Heiau is not part of the Wailua Complex of Heiau, but for all intents and purposes, is accorded the same level of respect by the Hawaiian community. All of the stakeholders consulted have expressed concern about its current status, namely, partial ownership by a private entity and disruptions to the sacredness of the site by commercial activity (weddings), inappropriate behavior (happy hours, picnicking and littering), and people walking through the site to cross the beach. There is a spectrum of opinions on whether the proposed bike/pedestrian path should play a role in resolving the problems at Kukui Heiau.

OHA and the cultural practitioners it consulted favor the establishment of a dedicated path around the heiau with appropriate signage and landscaped separations. SHPD has repeatedly called for a "sizeable buffer" with the suggestion of 200 feet, although site conditions do not allow this much separation. SHPD has also suggested landscaping and signage, which may compensate for some of the distance desired. KHPRC is in concurrence with SHPD. Pohaku Nishimitsu, who heads a halau that is interested in being caretakers of Kukui Heiau, has stated that he favors a path around the heiau.

Other cultural practitioners, including Kehaulani Kekua and James Alalem, are opposed to any path near the heiau or improvements to the mauka-makai access that would increase the number of people coming into the heiau site.

Burials (known sites and inadvertent discoveries). Because the path is likely to include sections that pass through sandy subsoils (for example, the Wailua Beach section), there is a high probability that the path will unearth burials or cultural artifacts. These encounters are adverse effects, but mitigation measures (such as archaeological monitoring, possible subsurface testing, and a reburial plan) are straightforward and readily addressed in the MOA.

Wailua River Plantation (or Cane Haul) Bridge. An historic resources survey, *Historic Resources Survey, Evaluation and Impact Assessment of Kapa'a Relief Route, Kūhiō Highway Corridor Improvements Project, Hanamā'ulu to Kapa'a*, (Mason Architects, December 2003) concluded that the plantation bridge meets the National Register of Historic Places, Criteria A (contributing to the broad patterns of local history) and C (distinctive type of construction). The new bike/pedestrian path includes a proposal either to attach a cantilevered structure to the existing plantation bridge or construct a free-standing bridge on the makai side of the plantation bridge. Although the bridge has been modified in the post-World War II era, the Mason Architects study noted that "the bridge retains enough original physical features to convey the feeling and association of its historic character and use as a railroad bridge." Which ever bridge option is implemented, there would be an effect on the bridge's design and appearance.

The study recommended Historic American Engineering Record (HAER) documentation of the bridge, with the appropriate level of document to be determined by SHPD and/or installation of a historic marker near the site describing the history of the bridge, including historic photo(s) of it.

Coco Palms. OHA expressed concerns about the possibility of encountering burials in the Coco Palms area. The route along the drainage canal, mauka of Coco Palms, was dropped from the preferred alignment.

Resolution of Adverse Effects

The County and FHWA have indicated that they will prepare a Memorandum of Agreement (MOA) that specifies the measures to be taken to avoid, minimize, and/or mitigate adverse effects. A draft of the MOA accompanies this summary document. Consultation with the SHPD, and other signatory agencies are ongoing to finalize the MOA. The completed MOA will be included in the Final Environmental Assessment.

Attachments

A. Example of letter requesting comments under the Section 106
B. State Historic Preservation Division, letter dated July 12, 2004
C. Division of State Parks, letter dated July 21, 2004
D. Kauai Historic Preservation Division, memoranda dated July 12, 2004 and August 9, 2004

US Department of Transportation
Federal Highway Administration

RECEIVED
JUL 13 2004

July 9, 2004

ATTACHMENT A

Hawaii Division
Box 50206
300 Ala Moana Boulevard, Room 3-306
Honolulu, HI 96850

In Reply Refer To:
HEC-HI

Ms. P. Holly McEldowney, Administrator
State Historic Preservation Division
Kakuhihewa Building, Room 555
601 Kamokila Boulevard
Kapolei, HI 96707

Attention: Ms. Sara Collins

Dear Ms. McEldowney:

Subject: Section 106, National Historic Preservation Act Consultation
Lydgate Park to Kapa'a Bike and Pedestrian Path,
Project No. CMAQ-0700(49)

Pursuant to Section 106 of the National Historic Preservation Act and the Advisory Council on Historic Preservation's regulations for Protection of Historic Properties (36 CFR Part 800), the Federal Highway Administration (FHWA) is notifying you of a proposed federal undertaking that would have an adverse effect on historic properties listed in or eligible for the National Register of Historic Places.

This letter is also intended to initiate consultation under the State of Hawai'i's Chapter 6E-8 Historic Preservation review/consultation. Additionally, this is a follow-up to the letter that was sent to the State Historic Preservation Division (SHPD) on June 21, 2004.

A project-specific archaeological study prepared by Cultural Surveys Hawai'i was submitted to your agency for review on June 2, 2004. In addition, a Draft Environmental Assessment (EA), in accordance with HRS 343, has been completed and also submitted to your agency for review. The deadline for comments on the latter was July 8. Please note that the National Environmental Policy Act (NEPA) environmental assessment will be issued at a later date. At this stage, project sponsors are considering several alternative Bike and Pedestrian Path alignments. The preferred alignment will be selected following receipt of comments on the Draft EA and prior to completing the Final EA.

Project Description

The FHWA and the County of Kaua'i Department of Public Works are proposing to construct a shared use path for pedestrians, bicyclists, and other users from Lydgate Park to Waika'ea Canal in Kapa'a, a distance of approximately two miles. In addition to the north-south alignment, the project includes two mauka-makai segments: (1) in Wailua House Lots from the coastal bike/pedestrian route to the Wailua House Lots Community Park and the Nounou Mountain Trailhead, and (2) in Kawaihau from the coastal bike/pedestrian route to the vicinity of Gore Park. Following the completion of the environmental planning and permitting phase, the County intends to construct the project as a design-build project.

Figures 1, 2, and 3 show the locations of all alternatives being considered for the proposed shared use path. The bike/pedestrian path will be 10 to 12 feet wide and allow movement in both directions. It is intended to accommodate a wide variety of users; however, motorized vehicles will not be allowed with the exception of motorized wheelchairs, emergency vehicles, and maintenance vehicles. The path will be constructed from concrete with graded shoulders. Under some environmental conditions, the path may be designed as a boardwalk. In other areas, existing development may preclude a full, 10-foot wide path, thereby requiring consideration of other options, such as improved, widened sidewalks.

The County of Kaua'i will construct, own, and operate the facility. The project will be funded, in part, by the U.S. Department of Transportation, Federal Highway Administration.

Proposed Area of Potential Effect (APE)

On June 10, 2004, a telephone call was held between Sara Collins of your staff and consultant Glenn Kimura. During this conversation, a preliminary APE for this undertaking was defined as the extent of the construction zone for the final alignment. This would include the path, shoulders, cut and fill areas, and other areas required for construction. At Dr. Collins's suggestion, the APE will also include the view plane of the entire Wailua Complex of Heiau National Historic Landmark (NHL).

Historic Properties within the APE

The following is a brief summary of historic properties within each segment that may be affected by the undertaking. The study by Cultural Surveys Hawai'i provides more detailed discussions of the sites. (See Figure 4.)

The Wailua River, its estuary and bluffs, Coco Palms Resort, Wailua River State Park, and the Wailua Complex of Heiau NHL are all located within the study area.

The greatest potential impact to historic resources would be associated with construction within Wailua Beach, on the makai side of Kūhiō Highway fronting the Coco Palms Hotel property, and along the shoreline extending north to the Kukui Heiau. Furthermore, alternative alignments continue further north along the shoreline fronting a number of condominium developments and vacant undeveloped shoreline property. In addition, construction may occur around the Coco Palms property. The impacts to historic properties would be associated with the significant number of known burials, sensitive archaeological sites, and concerns regarding impacts to view planes within the Wailua Complex of Heiau NHL.

Proposed Mitigation of Adverse Effects Through Implementation of the Memorandum of Agreement (MOA)

Regardless of which alternative is selected, there is a high probability that the project will have an adverse effect on some historic properties, such as subsurface cultural layers and possible burial sites.

Procedures to minimize and mitigate adverse effects of the preferred alternative will be developed in a MOA between the County of Kaua'i, the FHWA, the SHPD, the Advisory Council on Historic Preservation, and other possible parties.

Consulted Parties

A preliminary list of consulted parties is listed below, and we are open to others.

- DLNR State Parks Division
- Kaua'i County Planning Department
- Kaua'i Historic Preservation Review Commission
- Na Kahu Hikinaakalā (citizen caretaker group)
- Office of Hawaiian Affairs
- Hui Malama I Na Kupuna O Hawai'i Nei
- Kaua'i-Ni'ihau Island Burial Council
- Friends of Lydgate Park
- Kaua'i Historical Society
- Historic Hawai'i Foundation
- Advisory Council on Historic Preservation

Request for Comments

Your comments on the APE, consulted parties, or potential project impacts are welcome. Please transmit any comments that your organization may have to the FHWA *within 30 days upon receipt of this letter*. If you have any questions, or would like further information, please contact me at (808) 541-2700, extension 305.

Sincerely yours,

Pat V. Phung, P.E.
Transportation Engineer

Enclosure

By Certified Mail

cc: Doug Haigh, County of Kauai
✓ Glenn Kimura, Kimura International
Christine Yamasaki, HDOT, HWY-DD

ATTACHMENT B

STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
HISTORIC PRESERVATION DIVISION
KAKUHIHEWA BUILDING, ROOM 555
601 KAMOKILA BOULEVARD
KAPOLEI, HAWAII 96707

July 12, 2004

Mr. Pat Phung, P.E., Project Engineer
US Department of Transportation
Federal Highways Administration
Hawaii Division
P.O. Box 50206
Honolulu, Hawaii 96850

LOG NO: 2004.2116
DOC NO: 0407NM07

Dear Mr. Phung:

SUBJECT: National Historic Preservation Act, Section 106 Compliance - Historic Preservation Review of a Preliminary Scoping Letter for the Lydgate Park - Kapa'a Bike & Pedestrian Path
Lihue and Kawaihau Districts, Kaua'i Island
TMK: (4) 3 & 4

Thank you for the opportunity to comment on the proposed Lydgate Park-Kapa'a Bike & Pedestrian Path; we received the subject letter on June 22, 2004 and provide the following comments for your consideration and action.

We concur with the Area of Potential Effect (APE) as described; at least several historic properties placed on or eligible for placement on the National Register of Historic Places are situated along the proposed shoreline path. These properties include the Wailua Complex of *Heiau*, Kukui Heiau, cultural deposits and inadvertent burial sites. In general, given the potential adverse effect the shoreline path may have on these significant historic properties, we would prefer a more *mauka* route that would avoid most of the historic sites, although members of the public have favored the *makai* route.

Given the probable adverse effects of the proposed undertaking on these significant historic sites, a Memorandum of Agreement will be needed that provides for mitigation measures. For example, monitoring may be appropriate in areas where subsurface construction would take place in sandy subsoils with probable cultural deposits and inadvertent burials; this can be addressed in the Memorandum Of Agreement. Our primary concern is adverse effects the close proximity of the bike and pedestrian path will have on Kukui Heiau and Wailua Complex of Heiau. The paths would need to be routed off the heiau, with sizeable buffer zones established as well. Increased vegetation or landscape barriers and the installation of appropriate signage might also help mitigate the adverse effect that bicycle and pedestrian traffic would have on these sensitive sites

Finally we recommend consulting with a few more parties, such as the several *kaiaini*'s who wanted to be caretakers of Kukui Heiau. In particular, Pohaku Nishimitsu and Kehau Kekua should be included in any future consultation efforts. We believe the Office of Hawaiian Affairs on Kauai has their contact numbers and could provide them to you or your consultants

We hope this letter addresses your concerns. If you have any questions about archaeological matters, please call Nancy McMahon 742-7033. If you have any questions about burial or cultural matters, please contact Nathan Napoka, Branch Chief, History and Culture Branch, at 587-0192

Sincerely,

for Peter T. Young, Chairperson and
State Historic Preservation Officer

NM: sky

C: Ian Costa, Planning Department, County of Kaua'i
[redacted]
Chair, Kaua'i/Ni'ihau Islands Burial Council
Chair, Kaua'i Historic Preservation Review Commission
Nathan Napoka, Branch Chief, History and Culture Branch

ATTACHMENT C

JUL 23 2004

LINDA LINGLE
GOVERNOR OF HAWAII

PETER T. YOUNG
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT

DAN DAVIDSON
DEPUTY DIRECTOR - LAND

YVONNE Y. IZU
DEPUTY DIRECTOR - WATER

AQUATIC RESOURCES
BOATING AND OCEAN RECREATION
BUREAU OF CONVEYANCES
COMMISSION ON WATER RESOURCE MANAGEMENT
CONSERVATION AND RESOURCE ENFORCEMENT
ENGINEERING
FORESTRY AND WILDLIFE
HISTORIC PRESERVATION
KAHOOLAWE ISLAND RESERVE COMMISSION
LAND
STATE PARKS

STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
DIVISION OF STATE PARKS
POST OFFICE BOX 621
HONOLULU, HAWAII 96809

July 21, 2004

Mr. Glenn Kimura
Kimura International
1600 Kapi'olani Blvd., Suite 1610
Honolulu, Hawai'i 96814

Dear Mr. Kimura:

SUBJECT: Section 106 Consultation for Lydgate Park to Kapa'a Bike and Pedestrian Path, Kaua'i

Thank you for the opportunity to comment on the proposed bike and pedestrian path segment that runs from Lydgate Park to Kapa'a. The path at the Lydgate end may potentially impact the Hikinaakalā Heiau Area of Wailua River State Park. Hikinaakala Heiau is one of the four *heiau* that comprise the Wailua Complex of Heiau, a National Historic Landmark established in 1962. It is important that the historical setting and cultural landscape of the site be maintained, including open space buffers around the *heiau* and mitigating potential impacts of increased visitor traffic at the site from the construction of this path. Previous archaeological testing alongside the canehaul bridge did not identify any cultural deposits that might be impacted by the construction of the path.

In regards to the path along Kūhiō Highway and *makai* of Hikinaakalā Heiau, we have requested that guardrails or vegetation hedges be installed along the *makai* side of the path as a mitigating measure. We would like to recommend the installation of interpretive signs at the cul-de-sac to heighten visitor awareness and keep users on the designated path. In our comments on the Draft Environmental Assessment to the County of Kaua'i, we expressed concern about how the existing path in Lydgate Park currently ends across the roadway from Hikinaakalā Heiau with no indication of the route from this point. It is imperative that this matter be addressed with signage and/or designation of a path that will not direct bikers and walkers into the *heiau* area.

The archaeological site map (Fig. 4) with the alternative routes for the path suggests a close proximity to the petroglyph boulders along the southern bank of the Wailua River. The distance between the boulders and the bridge is estimated to be 250 feet which should be adequate to avoid any adverse impacts. However, if a new bridge is constructed over the river, mitigating measures should be designed to insure the preservation of this site.

Very truly yours,

DANIEL S. QUINN
State Parks Administrator

cc: Na Kalu Hikina A Ka Lā
Wayne Souza, Kaua'i District State Parks
Nancy McMahon, Historic Preservation Division

ATTACHMENT D-1

COUNTY OF KAUAI
PLANNING DEPARTMENT
4444 RICE STREET, SUITE A473
LIHUE, KAUAI, HAWAII 96766-1326

RECEIVED
JUL 13 2004

MEMORANDUM

DATE: July 12, 2004

TO: Kimura International, Inc.

FROM: Kauai Historic Preservation Review Commission

SUBJECT: Lydgate To Kapaa Bike & Pedestrian Path

This is to inform you that the Kauai Historic Preservation Review Commission (KHPRC) met on July 1, 2004 to review your request for input on the above referenced project as part of the Section 106 pre-consultation process. It is the KHPRC's understanding that a draft environmental assessment that identifies the historic resources in the project area is also in the process of being finalized.

In light of this information, the KHPRC concurred with the State Historic Preservation Division's letter dated May 4, 2004.

Thank you for attending the meeting and providing an informative presentation regarding this project.

cc: State Historic Preservation Division - Susan
Planning Dept.
County Department of Public Works - Doug Haigh

ATTACHMENT D-2

COUNTY OF KAUAI
PLANNING DEPARTMENT
4444 RICE STREET, SUITE A473
LIHUE, KAUAI, HAWAII 96766-1326

RECEIVED
AUG 11 2004

MEMORANDUM

DATE: August 9, 2004

TO: Kimura International, Inc.

FROM: Kauai Historic Preservation Review Commission

SUBJECT: Lydgate To Kapaa Bike & Pedestrian Path, Section 106 Review

This is to inform you that the Kauai Historic Preservation Review Commission (KHPRC) met on August 5, 2004 to review your request for input on the above referenced project as part of the Section 106 consultation process. It is the KHPRC's understanding that a draft environmental assessment that identifies the historic resources in the project area is also in the process of being finalized.

In light of this information, the KHPRC concurred with the letter from SHPD dated June 21, 2004. The KHPRC also stressed the historic value of the sites and strongly recommend that the pathways need to be located around heiau sites with substantial buffer zones established 200 feet on all sides around sacred sites.

Thank you for the opportunity to comment on this matter. The KHPRC looks forward to further consultation in the development of the MOA and as this project progresses.

cc: State Historic Preservation Division - Nancy
County Department of Public Works - Doug Haigh

Appendix D

Pre-Assessment Comment Letters

Thursday, April 1, 2004

(name, address)

Dear (salutation):

Lydgate Park-Kapa'a Bike-Pedestrian Path
Island of Kaua'i, Hawai'i
Pre-Assessment Consultation

Kimura International, Inc. is preparing an environmental assessment (EA) for the County of Kaua'i, Department of Public Works to examine the impacts of a proposed shared use path that will extend from Lydgate Park in the south to Waika'ea Canal in the north—a distance of approximately two miles. The proposed path will be one segment of a longer, continuous pathway that will ultimately travel along the east side of Kaua'i from Nāwiliwili to Anahola. The scope of this particular project also includes two other segments: (1) connecting the Lydgate-Kapa'a bike-pedestrian path to the Wailua House Lots Park and the Sleeping Giant trail head and (2) connecting the Kawaihau Road bike-pedestrian path to the Kapa'a-Keālia bike-pedestrian path.

We are requesting comments and agency input regarding environmental concerns in all resource areas, and information that might assist in evaluating the alternatives.

Project Description

A final alignment has not been established. Instead, the Draft EA will evaluate several alternatives that emerged from scoping meetings with various government agencies, landowners, business and community groups, and individuals. Comments and suggestions were also received at public information meetings held in January and March 2004. The attached maps show a composite of all alternatives that will be considered in the Draft EA.

The main north-south alignment begins at a cul-de-sac mauka of Aloha Beach Resort that marks the end of the existing Lydgate Park bike-pedestrian path. The proposed path will cross the Wailua River via a cantilevered structure attached to the existing cane haul bridge or a new bridge on the makai side of the existing cane haul bridge. The project will end at the pedestrian bridge crossing over Waika'ea Canal.

In general there are three alternatives for the north-south path. One generally follows the coastline, another alternative generally follows roads that run parallel to the coastline, and a third alternative follows canals on the mauka side of Kūhiō Highway. Several mauka-makai segments have been proposed—either where there are existing beach access routes or connections that can be made to major destination nodes (such as shopping centers).

The bike-pedestrian path will be 10 to 12 feet wide and allow movement in both directions. It is intended to accommodate a wide variety of users; however, motorized vehicles will not be allowed with the exception of motorized wheelchairs, emergency vehicles, and maintenance vehicles. The path will typically consist of concrete with graded shoulders. Under some environmental conditions, the path may be designed as a boardwalk. In other areas, existing development may preclude a full 10-foot wide path, thereby requiring consideration of other options, such as improved, widened sidewalks.

All alternatives involve construction on public and private properties. Easements or land acquisition will be needed in places where the path goes through property that is not already owned by the County. Construction could begin as early as Spring 2005. This project will be funded by Federal transportation funds (80%) and a County match (20%). The County's portion has been met by the appraised value of land previously donated to the County.

Pre-Assessment Consultation

The Draft Environmental Assessment for this project is being prepared in accordance with federal (NEPA) and State (Chapter 343, HRS) rules and guidelines. A copy of the Draft EA will be sent to your agency for review in the next few months. You will also have an opportunity to comment at that time.

Please send any preliminary comments to Kimura International, Inc. by Friday, April 30, 2004. If you have questions, please feel free to call me or Nancy Nishikawa at (808) 944-8848. Thank you for your interest in this project.

Sincerely,
KIMURA INTERNATIONAL, INC.

Glenn T. Kimura
President

Enclosures

LINDA LINGLE
GOVERNOR OF HAWAII

STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES

HISTORIC PRESERVATION DIVISION
KAKUHIHEWA BUILDING, ROOM 555
601 KAMOKILA BOULEVARD
KAPOLEI, HAWAII 96707

PETER T. YOUNG
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT

DAN DAVIDSON
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DEPUTY DIRECTOR - WATER

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KAHOOLAWE ISLAND RESERVE COMMISSION
LAND
STATE PARKS

MAY - 4 2004

Mr. Glenn Kimura, President
Kimura International Inc.
1600 Kapiolani Blvd., Suite 1610
Honolulu, Hawaii 96814

LOG NO: 2004.1141
DOC NO: 0404NM13

Dear Mr. Kimura:

SUBJECT: **National Historic Preservation Act, Section 106 Compliance -Review Comments on a Pre-Assessment Consultation for a Draft Environmental Assessment (EA) for the Lydgate Park -Kapa'a Bike & Pedestrian Path**
Lihue and Kapaa District, Kauai Island
TMKs: (4) 3 & 4

Thank you for your letter requesting comments on the proposed bike and pedestrian path, received on March 31, 2004. We note there are at least several known historic properties along the proposed path: Kukui Heiau, subsurface cultural deposits, and inadvertently discovered burial sites. While we understand that the final configuration of the bike and pedestrian path is not yet chosen, we would like to provide some comments and recommendations at this time.

As presented in the pre-assessment consultation, our main concern is Kukui Heiau. As currently shown, the path either goes through or very close by the *heiau*. The path would need to be routed away from the *heiau*, and realistically, the only safe route is behind the *heiau*. Although we would prefer at least a 200-foot buffer around such a sacred site, we acknowledge that this is difficult to do at Kukui Heiau since the privately owned Lae Nani Condominium pool itself is fairly close to the site. So, in this case, routing people off and away from the site is a better plan than current conditions at the site. The County of Kaua'i Public Works Department is aware of our concerns, and concurs with them.

Additional historic preservation measures will be needed if the bike and pedestrian path is constructed as indicated. The community has a working group under the County Council for this bikeway plan, and they want to see interpretive signage along the path. So, a preservation/interpretive plan will probably be needed, to include interpretative signage and buffers around historic sites that are being preserved. By working with the community group, the Kauai Historic Preservation Review Commission, and our office, a preservation and interpretative plan can be designed, approved and implemented.

A burial treatment plan needs to be submitted to the Kauai/Niihau Island Burial Council for the treatment of burials to be preserved in place and further inadvertent findings during monitoring work. Please call Kanai Kapeliela at 692-8037 for further instructions.

Finally, at this point, we believe that archaeological monitoring of construction in sandy subsoils may be an appropriate means to deal with historic sites, but we will await more specific plans (as shown in the draft EA) before providing recommendations on what types of archaeological work may be needed.

Given the above, it appears that construction of the proposed bike and pedestrian path will have an "adverse effect" on significant historic sites. We recommend that the responsible Federal agency prepare a Memorandum of Agreement (MOA) to outline the ways in which any "adverse effect" will be mitigated.

If you have any questions, please call Nancy McMahon 742-7033.

Aloha,

Peter T. Young
State Historic Preservation Officer

NM:jen

c Chair, Kaua'i/Ni'ihau Islands Burial Council
Chair, Kaua'i Historic Preservation Review Commission
Ian Costa, Planning Department, County of Kauai
Doug Haigh, DPW, County of Kauai
Kana'i Kapeliela, Burial Sites Program
Dierdre Mamiya, Administrator, Land Division
David Shideler, CSH
Dan Quinn, Administrator, State Parks [ATTN: Martha Yent

LINDA LINGLE
GOVERNOR OF HAWAII

GENEVIEVE SALMONSON
DIRECTOR

STATE OF HAWAII
OFFICE OF ENVIRONMENTAL QUALITY CONTROL
[illegible] SOUTH BERETANIA STREET
SUITE [illegible]
HONOLULU, HAWAII [illegible]
TELEPHONE [illegible]
FACSIMILE [illegible]

April 23, 2004

Glenn Kimura
Kimura International
1600 Kapiolani Blvd., #1610
Honolulu HI 96814

Dear Mr. Kimura:

We are in receipt of your March 31st, 2004 letter requesting pre-consultation on the **Lydgate Park - Kapaa Bike-Pedestrian Path**. The following should be discussed in the draft environmental assessment (EA):

1. Island-wide paths: Is this two mile path part of a larger plan for bicycle paths island-wide? If so then a description of the larger plan is required under HAR 11-200-7.

2. Master bike plan: Is this path part of the Statewide Master bike plan?

3. Maintenance:
   Some bicycle paths on Oahu are used at night by moped riders, who smash beer bottles on them, causing cyclists to avoid using the paths because of the broken glass.
   After construction who will maintain the path and kept it debris-free?

4. Public meetings: Will you hold additional public meetings after the draft EA is issued?

If you have any questions call Nancy Heinrich at 586-4185.

Sincerely,

GENEVIEVE SALMONSON
Director

LINDA LINGLE
GOVERNOR OF HAWAII

PETER T. YOUNG
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT

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STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
LAND DIVISION

POST OFFICE BOX 621
HONOLULU, HAWAII 96809

April 27, 2004
LD-NAV

LYDGATEPARKBIKEPATH.RCN

Kimura International, Inc.
Glenn T. Kimura, President
1600 Kapiolani Blvd., Suite 1610
Honolulu, Hawaii 96814

Dear Mr. Kimura:

SUBJECT: Pre-Assessment Consultation for the Preparation of a Draft Environmental Assessment for the Proposed Lydgate Park-Kapaa Bike-Pedestrian Path Project, Island of Kauai, Hawaii

Thank you for the opportunity to review and comment on the subject matter.

The Department of Land and Natural Resources' (DLNR) Land Division submitted a copy of your letter (summary of project) dated March 31, 2004 (with attachments) to the following DLNR Divisions for their review and comment:

- Division of Forestry and Wildlife
- Na Ala Hele Trails
- Division of State Parks
- Engineering Division
- Commission on Water Resource Management
- Office of Conservation and Coastal Lands
- Kauai District Land Office
- Land-Planning and Development

Enclosed please find a copy of the Engineering Division, State Parks, Commission on Water Resource Management and Kauai District Land Office comment.

Based on the attached responses, the Department has no other comment to offer at this time. Should you have any other questions, please feel free to contact Nicholas A. Vaccaro of the Land Division Support Services Branch at 1-808-587-0384.

Very truly yours,

DIERDRE S. MAMIYA
Administrator

C: KDLO

LINDA LINGLE
GOVERNOR OF HAWAII

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2004 APR 12 P 3:51

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PETER T. YOUNG
CHAIRPERSON
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April 2, 2004

L-1830
Suspense Date: 4/13/04

LD/NAV
LYDGATEPARKBIKEPATH.CMT

MEMORANDUM:

TO:
Division of Aquatic Resources
*XXX Division of Forestry & Wildlife
*XXX Na Ala Hele Trails
*XXX Engineering Division
*XXX Division of State Parks
Division of Boating and Ocean Recreation
XXX Commission on Water Resource Management
*XXX Office of Conservation and Coastal Lands
XXX Land-Kauai District Land Office
*XXX Land-Planning and Development

FROM: Dierdre S. Mamiya, Administrator
Land Division

SUBJECT: Pre-Assessment Consultation for the Preparation of a Draft Environmental Assessment for the Proposed Lydgate Park-Kapaa Bike-Pedestrian Path Project, Island of Kauai, Hawaii

Please review the letter (summary) dated March 31 2004 and attachment pertaining to the subject matter and submit your comments (if any) to us on Division letterhead signed and dated by the suspense date.

***Note: One copy of the document is available for your review in the Land Division Office, Room 220.**

Should you need more time to review the document, please contact Nicholas A. Vaccaro at ext.: 7-0384.

If this office does not receive your comments by the suspense date, we will assume there are no comments.

(✓) We have no comments.

( ) Comments attached.

Date: APR -6 2004

Signed:

DIVISION: _____

Name: MICHAEL G. BUCK, ADMINISTRATOR
DIVISION OF FORESTRY AND WILDLIFE

LINDA LINGLE
GOVERNOR OF HAWAII

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2004 APR 12 P 3:22

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April 2, 2004

L-1830
Suspense Date: 4/13/04

LD/NAV
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MEMORANDUM:

TO:
Division of Aquatic Resources
*XXX Division of Forestry & Wildlife
*XXX Na Ala Hele Trails
*XXX Engineering Division
*XXX Division of State Parks
Division of Boating and Ocean Recreation
XXX Commission on Water Resource Management
*XXX Office of Conservation and Coastal Lands
XXX Land-Kauai District Land Office
*XXX Land-Planning and Development

FROM: Dierdre S. Mamiya, Administrator
Land Division

SUBJECT: Pre-Assessment Consultation for the Preparation of a Draft Environmental Assessment for the Proposed Lydgate Park-Kapaa Bike-Pedestrian Path Project, Island of Kauai, Hawaii

Please review the letter (summary) dated March 31 2004 and attachment pertaining to the subject matter and submit your comments (if any) to us on Division letterhead signed and dated by the suspense date.

***Note: One copy of the document is available for your review in the Land Division Office, Room 220.**

Should you need more time to review the document, please contact Nicholas A. Vaccaro at ext.: 7-0384.

If this office does not receive your comments by the suspense date, we will assume there are no comments.

( ) We have no comments.

(✓) Comments attached.

Date: _____

Signed: _____

DIVISION: _____

Name: _____

DEPARTMENT OF LAND AND NATURAL RESOURCES
ENGINEERING DIVISION

LANAV

Ref.: LYDGATEPARKBIKEPATH.CMT

COMMENTS

( ) We confirm that the project site, according to the Flood Insurance Rate Map (FIRM), is located in Flood Zone ___.

(X) Please take note that southern portion of the project site, according to the Flood Insurance Rate Map (FIRM), is located in Zone X and the Floodway Area of Zone AE. Project site immediately adjacent to this portion is located (depending on alternative selected) in Flood Zones AE, VE, X (shaded) or X. The northern portion of the project site is located (depending on alternative selected) in Flood Zones AE, VE, X (shaded) or X, or the Floodway Area of Zone AE. The remainder of the project site is located in Flood Zone X.

( ) Please note that the correct Flood Zone Designation for the project site according to the Flood Insurance Rate Map (FIRM) is ___.

(X) Please note that the project must comply with the rules and regulations of the National Flood Insurance Program (NFIP) presented in Title 44 of the Code of Federal Regulations (44CFR), whenever development within a Special Flood Hazard Area is undertaken. If there are any questions, please contact the State NFIP Coordinator, Ms. Carol Tyau-Beam, of the Department of Land and Natural Resources, Engineering Division at (808) 587-0267.

Please be advised that 44CFR indicates the minimum standards set forth by the NFIP. Your Community's local flood ordinance may prove to be more restrictive and thus take precedence over the minimum NFIP standards. If there are questions regarding the local flood ordinances, please contact the applicable County NFIP Coordinators below:

( ) Mr. Robert Suminoto at (808) 523-4254 or Mr. Mario Siu Li at (808) 523-4247 of the City and County of Honolulu, Department of Planning and Permitting.

( ) Mr. Kelly Gomes at (808) 961-8327 (Hilo) or Mr. Kiran Emler at (808) 327-3530 (Kona) of the County of Hawaii, Department of Public Works.

( ) Mr. Francis Cerizo at (808) 270-7771 of the County of Maui, Department of Planning.

(X) Mr. Mario Antonio at (808) 241-6620 of the County of Kauai, Department of Public Works.

( ) The applicant should include project water demands and infrastructure required to meet water demands. Please note that the implementation of any State-sponsored projects requiring water service from the Honolulu Board of Water Supply system must first obtain water allocation credits from the Engineering Division before it can receive a building permit and/or water meter.

( ) The applicant should provide the water demands and calculations to the Engineering Division so it can be included in the State Water Projects Plan Update.

( ) Additional Comments: _____

( ) Other: See Attachment.

Should you have any questions, please call Mr. Andrew Monden of the Planning Branch at 587-0229.

Signed: Andrew M. Monden
For ERIC T. HIRANO, CHIEF ENGINEER

Date: 4/12/04

LINDA LINGLE
GOVERNOR OF HAWAII

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2004 APR 14 P 2:03

STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
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LAND
STATE PARKS

April 2, 2004

LD/NAV
LYDGATEPARKBIKEPATH.CMT

L-1830
Suspense Date: 4/13/04

MEMORANDUM:

TO:
Division of Aquatic Resources
*XXX Division of Forestry & Wildlife
*XXX Na Ala Hele Trails
*XXX Engineering Division
*XXX Division of State Parks
Division of Boating and Ocean Recreation
XXX Commission on Water Resource Management
*XXX Office of Conservation and Coastal Lands
XXX Land-Kauai District Land Office
*XXX Land-Planning and Development

FROM: Dierdre S. Mamiya, Administrator
Land Division

SUBJECT: Pre-Assessment Consultation for the Preparation of a Draft Environmental Assessment for the Proposed Lydgate Park-Kapaa Bike-Pedestrian Path Project, Island of Kauai, Hawaii

Please review the letter (summary) dated March 31 2004 and attachment pertaining to the subject matter and submit your comments (if any) to us on Division letterhead signed and dated by the suspense date.

***Note: One copy of the document is available for your review in the Land Division Office, Room 220.**

Should you need more time to review the document, please contact Nicholas A. Vaccaro at ext.: 7-0384.

If this office does not receive your comments by the suspense date, we will assume there are no comments.

( ) We have no comments. (X) Comments attached.

Date: 4/13/04 Signed: _____

DIVISION: STATE PARKS Name: DAN QUINN

LINDA LINGLE
GOVERNOR OF HAWAII

STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
DIVISION OF STATE PARKS
POST OFFICE BOX 621
HONOLULU, HAWAII 96809

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LAND
STATE PARKS

April 12, 2004

MEMORANDUM:

TO: Dierdre Mamiya, Land Division Administrator

ATTN: Nicholas Vaccaro

FROM: Daniel Quinn, State Parks Administrator

SUBJECT: Pre-Assessment Consultation for the Preparation of a Draft EA for the Proposed Lydgate Park to Kapa'a Bike-Pedestrian Path Project, Kaua'i

Many of the potential impacts of the subject project on Wailua River State Park have been addressed in the route alignments shown on the project maps. Although not indicated on the map, we would like to re-emphasize that the path from Lydgate Park to Kūhiō Highway should not be routed around Hikinaakalā Heiau at the mouth of the Wailua River. It is our understanding that the path will follow Leho Drive to Kūhiō Highway. We have also requested that guardrails or vegetation hedges be installed along the *makai* side of the path nearest to the *heiau* to prevent bike traffic into the open space buffer around the *heiau*. Hikinaakalā Heiau is one of the four *heiau* that comprise the Wailua Complex of Heiau, a National Historic Landmark, and this buffer is important for maintaining the historical setting and cultural landscape of the site.

The routing of the path along the north side of Kuamo'o Road will avoid any impact to the Holoholokū site (Kalaeokamanu Heiau and Pōhaku Ho'ohanāu) within the park. However, any impacts to the coconut grove on the north side of Kuamo'o Road should be addressed in the EA. This grove was planted in 1893 and is an important part of Wailua's history.

We would suggest that an open space buffer be maintained around Kukui Heiau. While this *heiau* is not included within Wailua River State Park, a portion of the structure is under the jurisdiction of DLNR. In this situation, the alternative route that utilizes Papaloa Road might be considered to protect the integrity of this cultural site.

cc: Nancy McMahon, State Historic Preservation Division - Kaua'i

---

LINDA LINGLE
GOVERNOR OF HAWAII

STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
LAND DIVISION
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STATE PARKS

April 2, 2004

L-1830
Suspense Date: 4/13/04

LD/NAV
LYDGATEPARKBIKEPATH.CHT

MEMORANDUM:

TO:
Division of Aquatic Resources
*XXX Division of Forestry & Wildlife
*XXX Na Ala Hele Trails
*XXX Engineering Division
*XXX Division of State Parks
Division of Boating and Ocean Recreation
XXX Commission on Water Resource Management
*XXX Office of Conservation and Coastal Lands
XXX Land-Kauai District Land Office
*XXX Land-Planning and Development

FROM: Dierdre S. Mamiya, Administrator
Land Division

SUBJECT: Pre-Assessment Consultation for the Preparation of a Draft Environmental Assessment for the Proposed Lydgate Park-Kapaa Bike-Pedestrian Path Project, Island of Kauai, Hawaii

Please review the letter (summary) dated March 31 2004 and attachment pertaining to the subject matter and submit your comments (if any) to us on Division letterhead signed and dated by the suspense date.

***Note: One copy of the document is available for your review in the Land Division Office, Room 220.**

Should you need more time to review the document, please contact Nicholas A. Vaccaro at ext.: 7-0384.

If this office does not receive your comments by the suspense date, we will assume there are no comments.

( ) We have no comments. (x) Comments attached.

Date: APR 13 2004 Signed:

DIVISION: CWRM Name: Ernest Y. W. Lau

RECEIVED
LAND DIVISION
2004 APR 14 A 9:23

LINDA LINGLE
GOVERNOR OF HAWAII

PETER T. YOUNG
CHAIRPERSON

MEREDITH J. CHING
CLAYTON W. DE LA CRUZ
JAMES A. FRAZIER
CHYSTINE L. FURONG, M.D.
STEPHANIE A. WHALEN

ERNEST Y. W. LAU
DIRECTOR

STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT
P.O. BOX 621
HONOLULU, HAWAII 96809

April 13, 2004

TO: Ms. Dede Mamiya, Administrator
Land Division

FROM: Ernest Y.W. Lau, Deputy Director
Commission on Water Resource Management (CWRM)

SUBJECT: Lydgate Park-Kapaa Bike-Pedestrian Path Project, Kauai

FILE NO.: LYDGATEPARKBIKEPATH.CMT

Thank you for the opportunity to review the subject document. Our comments related to water resources are marked below.

In general, the CWRM strongly promotes the efficient use of our water resources through conservation measures and use of alternative non-potable water resources whenever available, feasible, and there are no harmful effects to the ecosystem. Also, the CWRM encourages the protection of water recharge areas, which are important for the maintenance of streams and the replenishment of aquifers.

[ ] We recommend coordination with the county government to incorporate this project into the county's Water Use and Development Plan.

[ ] We recommend coordination with the Land Division of the State Department of Land and Natural Resources to incorporate this project into the State Water Projects Plan.

[ ] We are concerned about the potential for ground or surface water degradation/contamination and recommend that approvals for this project be conditioned upon a review by the State Department of Health and the developer's acceptance of any resulting requirements related to water quality.

[ ] A Well Construction Permit and/or a Pump Installation Permit from the Commission would be required before ground water is developed as a source of supply for the project.

[ ] The proposed water supply source for the project is located in a designated water management area, and a Water Use Permit from the Commission would be required prior to use of this source.

[ ] Groundwater withdrawals from this project may affect streamflows, which may require an instream flow standard amendment.

[ ] We are concerned about the potential for degradation of instream uses from development on highly erodible slopes adjacent to streams within or near the project. We recommend that approvals for this project be conditioned upon a review by the corresponding county's Building Department and the developer's acceptance of any resulting requirements related to erosion control.

[ ] If the proposed project includes construction of a stream diversion, the project may require a stream diversion works permit and amend the instream flow standard for the affected stream(s).

[X] If the proposed project alters the bed and banks of a stream channel, the project may require a stream channel alteration permit.

[ ] OTHER

If there are any questions, please contact David Higa at 587-0249.

LINDA LINGLE
GOVERNOR OF HAWAII

PETER T. YOUNG
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT

DAN DAVIDSON
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ERNEST Y. W. LAU
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LAND DIVISION

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HONOLULU, HAWAII 96809

April 2, 2004

LD/NAV
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L-1730
Suspense Date: 4/13/04

MEMORANDUM:

TO: Division of Aquatic Resources
*XXX Division of Forestry & Wildlife
*XXX Na Ala Hele Trails
*XXX Engineering Division
*XXX Division of State Parks
Division of Boating and Ocean Recreation
XXX Commission on Water Resource Management
*XXX Office of Conservation and Coastal Lands
XXX Land-Kauai District Land Office
*XXX Land-Planning and Development

FROM: Dierdre S. Mamiya, Administrator
Land Division

SUBJECT: Pre-Assessment Consultation for the Preparation of a Draft Environmental Assessment for the Proposed Lydgate Park-Kapaa Bike-Pedestrian Path Project, Island of Kauai, Hawaii

Please review the letter (summary) dated March 31 2004 and attachment pertaining to the subject matter and submit your comments (if any) to us on Division letterhead signed and dated by the suspense date.

***Note: One copy of the document is available for your review in the Land Division Office, Room 220.**

Should you need more time to review the document, please contact Nicholas A. Vaccaro at ext.: 7-0384.

If this office does not receive your comments by the suspense date, we will assume there are no comments.

( ) We have no comments. (X) Comments attached.

Date: April 14, 2004 Signed: David Higa

DIVISION: Office of Conservation and Coastal Lands Name: David Higa

LINDA LINGLE
GOVERNOR OF HAWAII

STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
OFFICE OF CONSERVATION AND COASTAL LANDS

POST OFFICE BOX 621
HONOLULU, HAWAII 96809

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KAHOOLAWE ISLAND RESERVE COMMISSION
LAND
STATE PARKS

Correspondence: KA-04-137

Ref:OCCL:DH

MEMORANDUM

TO: Nicholas A. Vaccaro, Land Agent
Oahu District Land Office

FROM: Samuel J. Lemmo, Administrator,
Office of Conservation and Coastal Lands

The Office of Conservation and Coastal Lands (OCCL) has reviewed the pre-assessment consultation document for the Draft Environmental Assessment (DEA) for the Proposed Lydgate Park- Kapaa Bike Pedestrian Path Project.

The OCCL will wait for the DEA to be submitted to the Department of Land and Natural Resources, OCCL prior to making comments.

Should you have further questions and/or comments please contact Dawn Hegger of the Office of Conservation and Coastal Lands staff at 587-0380.

LINDA LINGLE
GOVERNOR OF HAWAII

STATE OF HAWAII
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LAND DIVISION

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COMMISSION ON WATER RESOURCE MANAGEMENT
CONSERVATION AND COASTAL LANDS
CONSERVATION AND RESOURCES ENFORCEMENT
ENGINEERING
FORESTRY AND WILDLIFE
HISTORIC PRESERVATION
KAHOOLAWE ISLAND RESERVE COMMISSION
LAND
STATE PARKS

April 2, 2004

L-1830
Suspense Date: 4/23/04

LD/NAV
LYDGATEPARKBIKEPATH.CHT

MEMORANDUM:

TO: Division of Aquatic Resources
*XXX Division of Forestry & Wildlife
*XXX Na Ala Hele Trails
*XXX Engineering Division
*XXX Division of State Parks
Division of Boating and Ocean Recreation
XXX Commission on Water Resource Management
*XXX Office of Conservation and Coastal Lands
XXX Land-Kauai District Land Office
*XXX Land-Planning and Development

RECEIVED
LAND DIVISION
2005 APR 22 A 10 13
DEPT. OF LAND & NATURAL RESOURCES
STATE OF HAWAII

FROM: Dierdre S. Mamiya, Administrator
Land Division

SUBJECT: Pre-Assessment Consultation for the Preparation of a Draft Environmental Assessment for the Proposed Lydgate Park-Kapaa Bike-Pedestrian Path Project, Island of Kauai, Hawaii

Please review the letter (summary) dated March 31 2004 and attachment pertaining to the subject matter and submit your comments (if any) to us on Division letterhead signed and dated by the suspense date.

***Note: One copy of the document is available for your review in the Land Division Office, Room 220.**

Should you need more time to review the document, please contact Nicholas A. Vaccaro at ext.: 7-0384.

If this office does not receive your comments by the suspense date, we will assume there are no comments.

( ) We have no comments.

(X) Comments attached.

Date: 4/13/2004

Signed: [signature]

DIVISION: DISTRICT - KAUAI

Name: THOMAS OI

LINDA LINGLE
GOVERNOR OF HAWAII

STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
LAND DIVISION
3060 Eiwa Street, Room 306
Lihue, Hawaii 96766
PHONE: (808) 274-3492
FAX: (808) 274-3438

PETER T. YOUNG
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT

DAN DAVIDSON
DEPUTY DIRECTOR - LAND

ERNEST Y.W. LAU
DEPUTY DIRECTOR - WATER

AQUATIC RESOURCES
BOATING AND OCEAN RECREATION
BUREAU OF CONVEYANCES
COMMISSION ON WATER RESOURCE MANAGEMENT
CONSERVATION AND COASTAL LANDS
CONSERVATION AND RESOURCES ENFORCEMENT
ENGINEERING
FORESTRY AND WILDLIFE
HISTORIC PRESERVATION
KAHOOLAWE ISLAND RESERVE COMMISSION
LAND
STATE PARKS

April 13, 2004

TO: Dierdre Mamiya, Administrator
Land Division

SUBJECT: Proposed Lydgate Park-Kapaa Bike-Pedestrian Path Project
Kauai, Hawaii

FROM: Thomas Oi, District Land Agent, Kauai

The alignment fronting the Sea Shell Restaurant to Kukui Heiau along the ocean should be deleted and the Papaloa Road alignment should be used. The alignment along the ocean will affect the Kukui Heiau, which is a sensitive area among the community, and the different Cultural Groups.

PHONE (808) 594-1888

FAX (808) 594-1865

STATE OF HAWAI'I
OFFICE OF HAWAIIAN AFFAIRS
711 KAPIOLANI BOULEVARD, SUITE 500
HONOLULU, HAWAI'I 96813

HRD04/93

April 23, 2004

Glenn T. Kimura, President
Kimura International
1600 Kapiolani Blvd., Ste. 1610
Honolulu, HI 96814

RE: Request for Comment for a Pre-Draft Environmental Assessment of the Proposed Lydgate Park-Kapa'a Bike-Pedestrian Path, Kaua'i

Dear Glenn T. Kimura,

The Office of Hawaiian Affairs is in receipt of your March 31, 2004, request for comments on the above project, which would be one section of a longer pathway that will eventually follow the east side of Kaua'i from Nawiliwili to Anahola. We offer the following comments on this project and look forward to reviewing the eventual Draft Environmental Assessment.

OHA encourages you to contact our Community Resource Coordinator on Kaua'i, La France Kapaka-Arboleda, for information about who to contact for pertinent, detailed background information on the area and its cultural heritage. She can be reached at:

3-3100 Kuhio Hwy., Suite C4
Lihue, HI 96766-1153
PH: 241-3390
FAX: 241-3508

Because burials in sand deposits that extended inland from the coast were a traditional Hawaiian burial practice, and because this proposed project follows the coastline, the possibility of encountering traditional Hawaiian burials and cultural deposits is large. Therefore, the Environmental Assessment should include an archaeological inventory survey along all of the proposed alignments of the bike and pedestrian path to ensure that the chosen path does not disturb any cultural and historical sites.

Following the survey, a mitigation program should be developed in consultation with the State Historic Preservation Division and the Kaua'i and Ni'ihau Islands Burial Council. This mitigation program should include monitoring whenever ground disturbances occur. OHA further requests assurances that should this project go forward, and should iwi or Hawaiian cultural or traditional deposits be found during ground disturbance or excavation, work will cease, and the appropriate agencies will be contacted pursuant to applicable law.

Thank you for the opportunity to comment. If you have further questions, please contact Heidi Guth at 594-1962 or e-mail her at heidig@oha.org.

Sincerely,

Clyde W. Namu'o
Administrator

CC: La France Kapaka-Arboleda

Bryan J. Baptiste
Mayor

COUNTY OF KAUAI
Fire Department
Mo'ikeha Building
4444 Rice Street, Suite 295
Lihu'e, Kaua'i, Hawaii 96766

Dennis Furushima
Fire Chief

April 13, 2004

Glenn T. Kimura, President
Kimura International Inc.
1600 Kapiolani Blvd., Suite 1610
Honolulu, Hawaii 96814

Dear Mr. Kimura,

The Kauai Fire Department has received your letter dated March 31, 2004 regarding the Lydgate Park-Kapa'a Bike-Pedestrian Path and offers the following comments and concerns.

The remote location of the path does pose a challenge to responding emergency personnel. The shoreline locations of the path, necessitates designated access points for emergency vehicles. These access points shall be illustrated on a map to supply quick and easy reference for the responding units and shall limit vehicular traffic to emergency and maintenance vehicles.

Your submittal mentions widths of paths ranging from ten to twelve feet. The emergency vehicles will need a minimum of twelve feet to maneuver safely along the path. The Fire Department does understand that there are areas along the path that will be narrowed because of space limitations. These areas shall be noted on the above mentioned map. In addition to the twelve foot widths, "turn around" areas shall be located along the path at strategic locations.

The map supplied with your submittal illustrates the construction of a "boardwalk". Will the "boardwalk" support vehicular traffic? This location shall also be noted on the submitted map of the path.

This project will add a much needed amenity to the Kapaa community and give exercise enthusiasts a safer route to follow without having to contend with the traffic in Kapaa town. Please contact the Kauai Fire Department Prevention Bureau at 241-6511 should you have any question or require additional information.

Sincerely,

Russell Yee, Fire Captain

Approved:

Dennis Furushima, Fire Chief

An Equal Opportunity Employer

LINDA LINGLE
GOVERNOR OF HAWAII

CHIYOME L. FUKINO, M.D.
DIRECTOR OF HEALTH

STATE OF HAWAII
DEPARTMENT OF HEALTH
P.O. Box 3378
HONOLULU, HAWAII 96801-3378

In reply, please refer to
EPO-04-072

April 6, 2004

Mr. Glenn T. Kimura
Kimura International
1600 Kapiolani Blvd., Suite 1610
Honolulu, Hawaii 96814

Dear Mr. Kimura:

SUBJECT: Early Consultation Request for Draft Environmental Assessment
Lydgate Park-Kapa'a Bike Pedestrian Path
Island of Kauai, Hawaii

Thank you for allowing us to review and comment on the subject document. We have the enclosed standard comments to offer. If you have any questions about the standard comments please contact Ryan Davenport at 586-4346.

Sincerely,

June F. Harrigan-Lum

JUNE F. HARRIGAN-LUM, MANAGER
Environmental Planning Office

Enclosures

c: CAB
EPO
SHWB
NRAIQ
CWB
WWB
HEER
SDWB

Standard Comments

Environmental Planning Office Dated 3/2/04

The Environmental Planning Office (EPO) is responsible for several surface water quality management programs mandated by the federal Clean Water Act or dictated by State policy. (http://www.state.hi.us/doh/eh/epo/wqm/wqm.htm). Among these responsibilities, EPO:

- maintains the *List of Impaired Waters in Hawaii Prepared under Clean Water Act §303(d)* (http://www.state.hi.us/doh/eh/epo/wqm/303dpcfinal.pdf);
- develops and establishes Total Maximum Daily Loads (TMDLs) for listed waters (suggesting how much existing pollutant loads should be reduced in order to attain water quality standards, please see http://www.epa.gov/owow/tmdl/intro.html);
- writes TMDL Implementation Plans describing how suggested pollutant load reductions can be achieved; and
- conducts assessments of stream habitat quality and biological integrity.

To facilitate TMDL development and planning, and to assist our assessment of the potential impact of proposed actions upon water quality, pollutant loading, and biological resources in receiving waters, we suggest that environmental review documents, permit applications, and related submittals include the following standard information and analyses:

Waterbody type and class

1. Identify the waterbody type and class, as defined in Hawaii Administrative Rules Chapter 11-54 (http://www.state.hi.us/doh/rules/11-54.pdf), of all potentially affected water bodies[1].

Existing water quality management actions

2. Identify any existing National Pollutant Discharge Elimination System (NPDES) permits and related connection permits (issued by permittees) that will govern the management of water that runs off or is discharged from the proposed project site or facility. Please include NPDES and other permit numbers; names of permittees, permitted facilities, and receiving waters (including waterbody type and class as in 1. above); diagrams showing drainage/discharge pathways and outfall locations; and note any permit conditions that may specifically apply to the proposed project.

3. Identify any planning documents, groups, and projects that include specific prescriptions for water quality management at the proposed project site and in the potentially affected waterbodies. Please note those prescriptions that may specifically apply to the proposed project.

Pending water quality management actions

4. Identify all potentially affected water bodies that appear on the current *List of Impaired Waters in Hawaii Prepared under Clean Water Act §303(d)* including the listed waterbody, geographic scope of listing, and pollutant(s) (See Table 7 at http://www.state.hi.us/doh/eh/epo/wqm/303dpcfinal.pdf).

5. If the proposed project involves potentially affected water bodies that appear on the current *List of Impaired Waters in Hawaii Prepared under Clean Water Act §303(d)*, identify and quantify expected changes in the following site and watershed conditions and characteristics:
   - surface permeability
   - hydrologic response of surface (timing, magnitude, and pathways)
   - receiving water hydrology
   - runoff and discharge constituents
   - pollutant concentrations and loads in receiving waters
   - aquatic habitat quality and the integrity of aquatic biota

Where TMDLs are already established they include pollutant load allocations for the surrounding lands and point source discharges. In these cases, we suggest that the submittal specify how the proposed project would contribute to achieving the applicable load reductions.

Where TMDLs are yet to be established and implemented, a first step in achieving TMDL objectives is to prevent any project-related increases in pollutant loads. This is generally accomplished through the proper application of suitable best management practices in all phases of the project and adherence to any applicable ordinances, standards, and permit conditions. In these cases we suggest that the submittal specify how the proposed project would contribute to
reducing the polluted discharge and runoff entering the receiving waters, including plans for
additional pollutant load reduction practices in future management of the surrounding lands and drainage/discharge systems.

Proposed Action and Alternatives Considered

We suggest that each submittal identify and analyze potential project impacts at a watershed scale by considering consider the potential contribution of the proposed project to cumulative, multi-project watershed effects on hydrology, water quality, and aquatic and riparian ecosystems.

We also suggest that each submittal broadly evaluate project alternatives by identifying more than one engineering solution for proposed projects. In particular, we suggest the consideration of "alternative," "soft," and "green" engineering solutions for channel modifications that would provide a more environmentally friendly and aesthetically pleasing channel environment and minimize the destruction of natural landscapes.

If you have any questions about these comments or EPO programs, please contact Ryan Davenport at 586-4346.

[1]"Potentially affected waterbodies" means those in which proposed project activity would take place and any that could receive water discharged by the proposed project activity or water flowing down from the proposed project site. These waterbodies can be presented as a chain of receiving waters whose top link is at the project site upslope and whose bottom link is in the Pacific Ocean, and can be named according to conventions established by Chapter 11-54 and the *List of Impaired Waters in Hawaii Prepared under Clean Water Act §303(d)*. For example, a recent project proposed for Nuhelewai Stream, Oahu might potentially affect Nuhelewai Stream, Kapalama Canal, and Honolulu Harbor and Shore Areas.
[OTHER EXAMPLES OR DIAGRAM??]

<u>Solid and Hazardous Waste Branch</u> Dated 3/2/04

1)
The OSWM recommends the development of a solid waste management plan that encompasses all project phases including demolition, construction, and occupation/operation of the completed project.

Specific examples of elements that the plan should address include:
- The recycling of green-waste during clear and grub activities;
- Recycling construction and demolition wastes, if appropriate;
- The use of locally produced compost in landscaping;
- The use of recycled content building materials;
- The provision of recycling facilities in the design of the project.

- -

2)
The developer shall ensure that all solid waste generated during project construction is directed to a Department of Health permitted solid waste disposal or recycling facility.

- -

3)
The developer should consider providing space in the development for recycling activities. The provision of space for recycling bins for paper, glass, and food/wet waste would help to encourage the recycling of solid waste(s) generated by building occupants.

- -

4)
The discussion of solid waste issues contained in the document is restricted to activities within the completed project. The OSWM recommends the development of a solid waste management plan that encompasses all project phases, from construction (and or demolition) to occupation of the project.

Specific examples of plan elements include: the recycling of green-waste during clear and grub activities; maximizing the recycling of construction and demolition wastes; the use of locally produced compost in the landscaping of the project; and the provision of recycling facilities in the design of the project.

- -

5)
Hawaii Revised Statutes Chapter 103D-407 stipulates that all highway and road construction and improvement projects funded by the State or a county or roadways that are to be accepted by the State or a county as public roads shall utilize a minimum of ten per cent crushed glass aggregate as specified by the department of transportation in all base-course (treated or untreated) and sub-base when the glass is available to the quarry or contractor at a price no greater than that of the equivalent aggregate.

If you have any questions, please contact the Solid and Hazardous Waste Branch at (808) 586-4240.

<u>Noise, Radiation & Indoor Air Quality Branch</u> Dated 3/2/04

"Project activities shall comply with the Administrative Rules of the Department of Health:

- Chapter 11-39 Air Conditioning and Ventilating.
- Chapter 11-45 Radiation Control.
- Chapter 11-46 Community Noise Control.
- Chapter 11-501 Asbestos Requirements.
- Chapter 11-502 Asbestos-Containing Materials in Schools.
- Chapter 11-503 Fees for Asbestos Removal and Certification
- Chapter 11-504 Asbestos Abatement Certification Program

Should there be any questions, please contact Russell S. Takata, Environmental Health Program Manager, Noise, Radiation and Indoor Air Quality Branch, at 586-4701."

<u>Clean Water Branch</u> Dated 3/2/04

1. The Army Corps of Engineers should be contacted at (808) 438-9258 to identify whether a Federal license or permit (including a Department of Army permit) is required for this project. Pursuant to Section 401(a)(1) of the Federal Water Pollution Act (commonly known as the "Clean Water Act"), a Section 401 Water Quality Certification is required for "[a]ny applicant for Federal license or permit to conduct any activity including, but not limited to, the construction or operation of facilities, which may result in any discharge into the navigable waters...."

2. A National Pollutant Discharge Elimination System (NPDES) general permit coverage is required for the following activities:

   a. Storm water associated with industrial activities, as defined in Title 40, Code of Federal Regulations, Sections 122.26(b)(14)(i) through 122.26(b)(14)(ix) and 122.26(b)(14)(xi).

   b. Construction activities, including clearing, grading, and excavation, that result in the disturbance of equal to or greater than one (1) acre of total land area. The total land area includes a contiguous area where multiple separate and distinct construction activities may be taking place at different times on different schedules under a larger common plan of development or sale. **An NPDES permit is required before the commencement of the construction activities.**

   c. Discharges of treated effluent from leaking underground storage tank remedial activities.

   d. Discharges of once through cooling water less than one (1) million gallons per day.

   e. Discharges of hydrotesting water.

   f. Discharges of construction dewatering effluent.

   g. Discharges of treated effluent from petroleum bulk stations and terminals.

   h. Discharges of treated effluent from well drilling activities.

   i. Discharges of treated effluent from recycled water distribution systems.

   j. Discharges of storm water from a small municipal separate storm sewer system.

   k. Discharges of circulation water from decorative ponds or tanks.

   The CWB requires that a Notice of Intent (NOI) to be covered by a NPDES general permit for any of the above activities be submitted at least 30 days before the commencement of the respective activities. The NOI forms may be picked up at our office or downloaded from our website at http://www.state.hi.us/health/eh/cwb/forms/genl-index.html.

3. The applicant may be required to apply for an individual NPDES permit if there is any type of activity in which wastewater is discharged from the project into State waters and/or coverage of the discharge(s) under the NPDES general permit(s) is not permissible (i.e. NPDES general permits do not cover discharges into Class 1 or Class AA receiving waters). An application for the NPDES permit is to be submitted at least 180 days before the commencement of the respective activities. The NPDES application forms may also be picked up at our office or downloaded from our website at http://www.state.hi.us/health/eh/cwb/forms/indiv-index.html.

4. Hawaii Administrative Rules, Section 11-55-38, also requires the owner to either submit a copy of the new NOI or NPDES permit application to the State Department of Land and Natural Resources, State Historic Preservation Division (SHPD), or demonstrate to the satisfaction of the DOH that the project, activity, or site covered by the NOI or application has been or is being reviewed by SHPD.

Please submit a copy of the request for review by SHPD or SHPD's determination letter for the project.

If you have any questions, please contact the CWB at 586-4309.

Waste Water Branch Dated 3/2/04

All wastewater plans must conform to applicable provisions of the Department of Health's Administrative Rules, Chapter 11-62, "Wastewater Systems". We do reserve the right to review the detailed wastewater plans for conformance to applicable rules.

Should you have any questions, please contact the Planning & Design Section of the Wastewater Branch at 586-4294.

Clean Air Branch Dated 3/2/04

Construction/Demolition Involving Asbestos:

Since the proposed project would entail renovation/demolition activities which may involve asbestos, the applicant should contact the Asbestos Abatement Office in the Noise, Radiation and Indoor Air Quality Branch at 586-5800.

Control of Fugitive Dust:

A significant potential for fugitive dust emissions exists during all phases of construction. Proposed construction activities will occur in proximity to existing residences, businesses, public areas and thoroughfares, thereby exacerbating potential dust problems. It is recommended that a dust control management plan be developed which identifies and addresses all activities that have a potential to generate fugitive dust. Implementation of adequate dust control measures during all phases of development and construction activities is warranted.

Construction activities must comply with the provisions of Hawaii Administrative Rules, §11-60.1-33 on Fugitive Dust.

The contractor should provide adequate measures to control dust from the road areas and during the various phases of construction. These measures include, but are not limited to, the following:

a) Plan the different phases of construction, focusing on minimizing the amount of dust-generating materials and activities, centralizing on-site vehicular traffic routes, and locating potential dust-generating equipment in areas of the least impact;
b) Provide an adequate water source at the site prior to start-up of construction activities;
c) Landscape and provide rapid covering of bare areas, including slopes, starting from the initial grading phase;
d) Minimize dust from shoulders and access roads;
e) Provide adequate dust control measures during weekends, after hours, and prior to daily start-up of construction activities; and
f) Control dust from debris being hauled away from the project site.

Hazard Evaluation and Emergency Response Office(HEER) Dated 3/2/04

1. A phase I Environmental Site Assessment (ESA) should be conducted for developments or redevelopments. If the investigation shows that a release of petroleum, hazardous substance, pollutants or contaminants occurred at the site, the site should be properly characterized through an approved Hawaii State Department of Health (DOH)/Hazard Evaluation and Emergency Response Office (HEER) soil and or groundwater sampling plan. If the site is found to be contaminated, then all removal and remedial actions to clean up hazardous substance or oil releases by past and present owners/tenants must comply with chapter 128D, Environmental Response Law, HRS, and Title 11, Chapter 451, HAR, State Contingency Plan.

2. All lands formerly in the production of sugarcane should be characterized for arsenic contamination. If arsenic is detected above the US EPA Region (preliminary remediation goal (PRG) for non-cancer effects, then a removal and or remedial plan must be submitted to the Hazard Evaluation and Emergency Response (HEER) Office of the State Department of Health for approval. The plan must comply with Chapter 128D, Environmental Response Law, HRS, and Title 11, Chapter 451, HAR, State Contingency Plan.

3. If the land has a history of previous releases of petroleum, hazardous substances, pollutants, or contaminants, we recommend that the applicant request a "no further action" (NFA) letter from the Hawaii State Department of Health (DOH)/ Hazard Evaluation and Emergency Response (HEER) Office prior to the approval of the land use change or permit approval.

Safe Drinking Water Branch Dated 3/11/04

The Safe Drinking Water Branch administers programs in the areas of: 1) public water systems; 2) underground injection control; and 3) groundwater protection. Our general comments on projects are as follows.

Public Water Systems

- Federal and state regulations define a public water system as a system that serves 25 or more individuals at least 60 days per year or has at least 15 service connections. All public water system owners and operators are required to comply with Hawaii Administrative Rules, Title 11, Chapter 20, titled Rules Relating to Potable Water Systems.

- All new public water systems are required to demonstrate and meet minimum capacity requirements prior to their establishment. This requirement involves demonstration that the system will have satisfactory technical, managerial and financial capacity to enable the system to comply with safe drinking water standards and requirements.

- Projects that propose development of new sources of potable water serving or proposed to serve a public water system must comply with the terms of Section 11-20-29 of Chapter 20. This section requires that all new public water system sources be approved by the Director of Health prior to its use. Such approval is based primarily upon the submission of a satisfactory engineering report which addresses the requirements set in Section 11-20-29.

- The engineering report must identify all potential sources of contamination and evaluate alternative control measures which could be implemented to reduce or eliminate the potential for contamination, including treatment of the water source. In addition, water quality analyses for all regulated contaminants, performed by a laboratory certified by the State Laboratories Division of the state of Hawaii, must be submitted as part of the report to demonstrate compliance with all drinking water standards. Additional parameters may be required by the Director for this submittal or additional tests required upon his or her review of the information submitted.

- All sources of public water system sources must undergo a source water assessment which will delineate a source water protection area. This process is preliminary to the creation of a source water protection plan for that source and activities which will take place to protect the source of drinking water.

- Projects proposing to develop new public water systems or proposing substantial modifications to existing public water systems must receive approval by the Director of Health prior to construction of the proposed system or modification. These projects include treatment, storage and distribution systems of public water systems. The approval authority for projects owned and operated by a County Board or Department of Water or Water Supply has been delegated to them.

- All public water systems must be operated by certified distribution system and water treatment plant operators as defined by Hawaii Administrative Rules, Title 11, Chapter 11-25 titled; Rules Pertaining to Certification of Public Water System Operators.

- All projects which propose the use of dual water systems or the use of a non-potable water system in proximity to an existing potable water system to meet irrigation or other needs must be carefully design and operate these systems to prevent the cross-connection of these systems and prevent the possibility of backflow of water from the non-potable system to the potable system. The two systems must be clearly labeled and physically separated by air gaps or reduced pressure principle backflow prevention devices to avoid contaminating the potable water supply. In addition backflow devices must be tested periodically to assure their proper operation. Further, all non-potable spigots and irrigated areas should be clearly labeled with warning signs to prevent the inadvertent consumption on non-potable water. Compliance with Hawaii Administrative Rules, Title 11, Chapter 11-21 titled; Cross-Connection and Backflow Control is also required.

- All projects which propose the establishment of a potentially contaminating activity (as identified in the Hawai'i Source Water Assessment Plan) within the source water protection area of an existing source of water for a public water supply should address this potential and activities that will be implemented to prevent or reduce the potential for contamination of the drinking water source.

- For further information concerning the application of capacity, new source approval, operator certification, source water assessment, backflow/cross-connection prevention or other public water system programs, please contact the Safe Drinking Water Branch at 586-4258.

Underground Injection Control (UIC)

- Injection wells used for the subsurface disposal of wastewater, sewage effluent, or surface runoff are subject to environmental regulation and permitting under Hawai'i Administrative Rules, Title 11, Chapter 11-23, titled Underground Injection Control (UIC). The Department of Health's approval must be first obtained before any injection well construction commences. A UIC permit must be issued before any injection well operation occurs.

- Authorization to use an injection well is granted when a UIC permit is issued to the injection well facility. The UIC permit contains discharge and operation limitations, monitoring and reporting requirements, and other facility management and operational conditions. A complete UIC permit application form is needed to apply for a UIC permit.
- A UIC permit can have a valid duration of up to five years. Permit renewal is needed to keep an expiring permit valid for another term.

For further information about the UIC permit and the Underground Injection Control Program, please contact the UIC staff of the Safe Drinking Water Branch at 586-4258.

Groundwater Protection Program

Projects that propose to develop a golf course are asked to use the Guidelines Applicable to Golf Courses in Hawai'i (Version 6) in order to address certain groundwater protection concerns, as well as other environmental concerns

LINDA LINGLE
GOVERNOR
THEODORE E. LIU
DIRECTOR
STEVE BRETSCHNEIDER
DEPUTY DIRECTOR
MARY LOU KOBAYASHI
ADMINISTRATOR
OFFICE OF PLANNING

DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT & TOURISM

OFFICE OF PLANNING
235 South Beretania Street, 6th Floor, Honolulu, Hawaii 96813
Mailing Address: P.O. Box 2359, Honolulu, Hawaii 96804

Telephone: (808) 587-2846
Fax: (808) 587-2824

Ref. No. P-10435

April 8, 2004

Mr. Glenn T. Kimura
President
Kimura International
1600 Kapiolani Blvd., Suite 1610
Honolulu, Hawaii 96814

Attention: Ms. Nancy Nishikawa

Dear Mr. Kimura:

Subject: Pre-Assessment Consultation for the Lydgate Park-Kapaa Shared Use Path, Kauai

The proposed project may need to be reviewed by the Hawaii Coastal Zone Management (CZM) Program CZM federal consistency if one or both of the following applies:

1. If a Department of the Army Permit from the U.S. Army Corps of Engineers is required. For example, the path crossing of Wailua River and Waikaea Canal may require permits from the Corps.

2. If the federal funding for the project is from a federal program that requires CZM federal consistency review. This can be determined if the program number and title from the *Catalog of Federal Domestic Assistance* (www.cfda.gov) is provided to CZM Hawaii.

In addition, Special Management Area (SMA) Permits and Shoreline Setback Variances (SSV) may be needed for portions of the project. The Department of Planning, County of Kauai, should be consulted regarding SMA and SSV requirements.

Thank you for the opportunity to review and comment on the project. If you have any questions, please contact John Nakagawa of our CZM Program at 587-2878.

Sincerely,

Mary Lou Kobayashi
Administrator

c: Regulatory Branch, U.S. Army Corps of Engineers
Department of Planning, County of Kauai

LINDA LINGLE
GOVERNOR

RODNEY K. HARAGA
DIRECTOR

Deputy Directors
BRUCE H. MATSU
LINDEN H. JOESTING
NAMAH SEFAGACHI

STATE OF HAWAII
DEPARTMENT OF TRANSPORTATION
HIGHWAYS DIVISION
KAUAI DISTRICT
3060 EWA STREET, ROOM 205
LIHUE, HAWAII 96766

IN REPLY REFER TO
HWY-K 4.040414

April 6, 2004

Mr. Glenn T. Kimura, President
Kimura International
1600 Kapiolani Blvd., Suite 1610
Honolulu, Hawaii 96814

Dear Mr. Kimura:

Subject: Lydgate Park-Kapaa Bike-Pedestrian Path
Island of Kauai, Hawaii
Pre-Assessment Consultation

Thank you for giving us the opportunity to provide "pre-assessment" comments on the subject project.

Our preliminary comments are as follows:

a. The existing right of way width of Kuhio Highway, between Aloha Beach Resort and Waikaea Canal, is quite restricted (60' wide) with only four (4) feet paved shoulders for most of that length.

b. Due to the heavy volume of traffic through the corridor and with the current restricted right of way width, our basic recommendation is that the bike-pedestrian path be located, as much as possible, along the shoreline, and/or, mauka of the highway (outside of the highway right of way).

c. If it is necessary for the bike-pedestrian path to cross the highway at any point, such crossings should occur at existing signalized intersections.

When the Draft Environmental Assessment becomes available, we may have additional comments.

HWY-K 4.040414

Thank you again and if you have any questions, please call Steve Morikawa at 274-3118.

Very truly yours,

STEVEN M. KYONO, P.E.
District Engineer

SM:cs

cc: HWY-PS
STP

[Date]

[Name]
[Address]
[City, State, Zip Code]

Aloha [name],

Lydgate-Kapa'a Bike/Pedestrian Path

Thank you for taking the time to send us your comments regarding the proposed multi-use path. Please be assured that your viewpoints will be taken into consideration as we prepare the draft environmental assessment. The purpose of this study is to evaluate the anticipated impacts of all alternatives. There is no preferred alternative at this time. The County will select a final alignment after the environmental assessment has been published and the public review process is completed.

Sincerely,
KIMURA INTERNATIONAL, INC.

Glenn T. Kimura
President

Cc: Doug Haigh, Kaua'i Department of Public Works

Nancy Nishikawa

From: Nancy Nishikawa [nnishikawa@kimurainternational.com]
Sent: Friday, March 12, 2004 10:57 AM
To: 'bonshan@teleport.com'; 'projects@kimurainternational.com'
Cc: 'sjlaw@teleport.com'; 'btking447@cs.com'; 'chlatour@hotmail.com'; 'ttomlinsonh@cs.com'; 'myrlenann@earthlink.net'; 'calgalwc@sbcglobal.net'; 'dhaigh@kauaigov.com'; 'HERB LEE'; 'glennk@kimurainternational.com'
Subject: RE: Bike Path--Wailua Bay to Coconut Marketplace

Aloha Bonnie,

Thank you for taking the time to attend Wednesday's meeting and to send us your comments. I want to assure you that your points will be considered as we prepare the draft environmental assessment.

Nancy

Nancy Nishikawa
Kimura International, Inc.
1600 Kapiolani Boulevard, Suite 1610
Honolulu, HI 96814
Ph. (808) 944-8846
Fax (808) 941-8995
nnishikawa@kimurainternational.com

-----Original Message-----
From: bonshan@teleport.com [mailto:bonshan@teleport.com]
Sent: Friday, March 12, 2004 5:27 AM
To: projects@kimurainternational.com
Cc: sjlaw@teleport.com; btking447@cs.com; chlatour@hotmail.com; ttomlinsonh@cs.com; myrlenann@earthlink.net; calgalwc@sbcglobal.net
Subject: Bike Path--Wailua Bay to Coconut Marketplace

Thank you for a very informative meeting March 10 at Kapaa Middle School. You requested comments be sent to you.

I recently walked the completed portion of the Bike Path south of Lydgate Park and agree with most that it is beautifully done. It is an enhancement to the condos nearby and has cleaned up the often shaggy appearance of the beachfront.

In trying to imagine the bike path beach- fronting the condos from Wailua Bay to Lae nani, I see a marked
difference: Bikers, walkers, etc. would be very close to buildings, taking away from the beauty they might
enjoy viewing the beach. Where the former bike path is perhaps 100 feet from the buildings, the latter would be abutting poolsides and some buildings.

The short distance along Papaloa Road makes much more sense: 1)It is a relatively short distance; 2)A dangerous intersection could be revamped with the installation of a one-way grid and bike path; 3)Bikers would not have to traverse steep inclines of 30 feet above sea level; and the heiau would not have the increased exposure. And we must not forget the monk seals! When one arrives at this beach, an area of 100-150 feet in every direction must be roped off while he/she sleeps away the day; and this would mean blocking any bike path.

This is a relatively small portion of the overall bike path plan and being away from the ocean for a one-minute ride along Papaloa Road will not detract from the route. Further, the Coconut Marketplace merchants might appreciate the added business that the Papaloa Road route would bring them.

Sincerely, Bonnie Shannon,#335
410 Papaloa Road, Kapaa, HI 96746

Nancy Nishikawa

From: Nancy Nishikawa [nnishikawa@kimurainternational.com]
Sent: Sunday, March 14, 2004 4:54 PM
To: 'Linda Greenhow'
Cc: 'dhaigh@kauaigov.com'; 'HERB LEE'; 'glennk@kimurainternational.com'
Subject: RE: Lydgate Park-Kapa'a Bike/Pedestrian Path

Aloha Linda,

Thank you for taking the time to send us your comments. I want to assure you that your points will be considered as we prepare the draft environmental assessment.

Nancy

Nancy Nishikawa
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Honolulu, HI 96814
Ph. (808) 944-8848
Fax (808) 941-8999
nnishikawa@kimurainternational.com

-----Original Message-----
From: Linda Greenhow [mailto:lindag@claybu.net]
Sent: Saturday, March 13, 2004 10:09 AM
To: projects@kimurainternational.com
Subject: Lydgate Park-Kapa'a Bike/Pedestrian Path

Glenn Kimura
Kimura International

Aloha and thank you for this opportunity for public comment on the proposed bike path. I am a resident of Wailua Houselots and appreciate very much the planned inclusion of a spur up to the Nounou (Sleeping Giant) trailhead.

I would also like to see Wailua Beach, which I frequent 4-5 times a week, preserved as is, particularly on the north end of the beach where the honu often feed and play. Recent storms brought the surf in all the way to the road, then pulled everything on the beach out to sea as the tides receded. The sand was dramatically re-distributed at that time as well. These forces seem to make a seaside path impractical. More importantly, preserving pockets of natural beauty on Kaua'i is vital to residents and visitors alike, and a bikepath on the coastline would detract greatly from the aesthetics of that area. I would strongly recommend that the bike path hug the road along the entire Wailua Beach and move inland behind the condos at Papaloa Road.

Thank you for your consideration.
Linda Greenhow
195 Eggerking Rd.
Kapaa HI 96746
(808) 822-0055

Nancy Nishikawa

From: Nancy Nishikawa [nnishikawa@kimurainternational.com]
Sent: Sunday, March 14, 2004 4:56 PM
To: 'Ffirth52@aol.com'
Cc: 'dhaigh@kauaigov.com'; 'HERB LEE'; 'glennk@kimurainternational.com'
Subject: RE: Proposed Bike Path

Aloha Rhodie,

Thank you for taking the time to send us your comments. I want to assure you that your points will be considered as we prepare the draft environmental assessment.

Nancy

Nancy Nishikawa
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Fax (808) 941-8999
nnishikawa@kimurainternational.com

-----Original Message-----
From: Ffirth52@aol.com [mailto:Ffirth52@aol.com]
Sent: Saturday, March 13, 2004 11:16 AM
To: projects@kimurainternational.com
Subject: Proposed Bike Path

To Whom It May Concern:

At this moment there is a barking dog down on the beach and I can hear him clearly. The beach is 100 feet from me.

We have been consoling ourselves that the sound of the ocean would protect us from the sounds of the proposed bike path in front of Wailua Bay View. That path will be 10 feet from us. So obviously noise will be a problem. Will the path be open for use 24 hours a day?

I agree it would be nice for users of the bike path to have a nice view but we also know we can't move our building. We have put much love and lots of money into Wailua Bay View for 32 years through two hurricanes and a devastating fire.

I think the proposed bike path so close to our building would be the end of Wailua Bay View as a viable tourist accommodation.

If Plan A Alternative 2 was used and the path went down Papaloa Road, users would have a lengthly view of the ocean from beyond Lai Lani to Kapaa. That is where we walk.

Thanks for your consideration.

Rhodie Firth
Wailua Bay View #207

Nancy Nishikawa

From: Nancy Nishikawa [nnishikawa@kimurainternational.com]
Sent: Sunday, March 14, 2004 4:58 PM
To: 'Lynn Pizzitola'
Cc: 'chaigh@kauaigov.com'; 'HERB LEE'; 'glennk@kimurainternational.com'
Subject: RE: kauai path project

Aloha Lynn,

Thank you for taking the time to send us your comments. I want to assure you that your points will be considered as we prepare the draft environmental assessment.

Nancy

Nancy Nishikawa
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Honolulu, HI 96814
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nnishikawa@kimurainternational.com

-----Original Message-----
From: Lynn Pizzitola [mailto:pz@claybu.net]
Sent: Saturday, March 13, 2004 3:21 PM
Cc: projects@kimurainternational.com
Subject: kauai path project

Thank you for a good presentation at Kapaa Middle School last Wednesday. I think you made the facts and options very easy to understand. While I was present, I held my comments and would like to share them now.
I live in the houselots and walk down to Wailua Bay usually several times a week, to walk the beach, look at the Honu,swim, so am quite familiar with the lay of the land and beach. I would recommend that the path go on mauka of the old restaruant and condos in the area. High water recently took a lot of sand away from the beach under the condos, and mace me realize that the beach can and does change significantly. A path on the north end of the bay, makai of the condos, would take up most of the usable beach area. This is a particularly beautiful little area that, I feel, would be damaged by a path. Currently, it is almost a dead end, although one can cross the rocks that go into the water, and makes for a bit of quiet and privacy. It would be a shame to lose that. Personally, the path itself has no appeal to me, and I know that I am not alone. I know that there are others who will enjoy the path. Perhaps we can all be made reasonably happy.
Also, a request. Would it be possible for me to acquire a copy of the map of the Wailua Houselots that was on the wall on Wednesday night? It has detail that I have not seen mapped before.
Thank you,

Lynn Pizzitola
195 Eggerking Rd
Kapaa HI 96746

Nancy Nishikawa

From: Nancy Nishikawa [nnishikawa@kimurainternational.com]
Sent: Sunday, March 14, 2004 4:59 PM
To: 'TennisTEX@aol.com'
Subject: RE: LydgatePark-Kapa'a Bike-Pedestrian Path

Aloha Debbie,

Thank you for taking the time to attend Wednesday's meeting and to send us your comments. I want to assure you that your points will be considered as we prepare the draft environmental assessment

Nancy

Nancy Nishikawa
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nnishikawa@kimurainternational.com

-----Original Message-----
From: TennisTEX@aol.com [mailto:TennisTEX@aol.com]
Sent: Saturday, March 13, 2004 4:25 PM
To: projects@kimurainternational.com
Subject: LydgatePark-Kapa'a Bike-Pedestrian Path

Dear Mr. Kimura,

I attended the meeting the other night concerning the proposed bike/pedestrian path. Now that the county has put the stakes in, I am greatly concerned about Alternatives 1 and 3 which follows the coastline behind Wailua Bay, Hale Awapuhi, Kapaa Sands etc. I am an owner at Hale Awapuhi and the stakes are right outside my living room window. As it is now, I get alot of traffic from the beach access which is also next to my condo. If the path is right outside my porch, and you widen the beach access the traffic will become 10 times worse. I am not against having a path, but I do object to it being right outside my door where everyone can look inside my house.

I feel with the path located there I will lose my privacy. I am also concerned with security factors, noise and littering not to mention the lose of my beautiful view which is exactly why I purchased this place

I assume putting the path down Papaloa Road would be much cheaper than having to cut down trees that exist on our property, tear out all the landscaping and cut through the rocks which acts as a buffer from the ocean during storms

Also, right below where they want to put the path is a little cove where seals come to shore By building the path there it might disturb their natural habitat.

Therefore, I feel the only alternative which is acceptable is Alternative 2 which goes down Papaloa Road.

Sincerely,
Debbie Strudler

Nancy Nishikawa

From: Nancy Nishikawa [nnishikawa@kimurainternational.com]
Sent: Sunday, March 14, 2004 5:02 PM
To: 'Rrpstrud@aol.com'
Cc: 'dhaigh@kauai.gov.com'; 'HERB LEE'; 'glennk@kimurainternational.com'
Subject: RE: Lydgate/Kapa'a bike/pedestrian path

Aloha Sy.

Thank you for attending Wednesday's meeting and taking the time to send us your comments. I want to assure you that your viewpoints will be considered as we prepare the draft environmental assessment.

Nancy

Nancy Nishikawa
Kimura International, Inc.
1600 Kapiolani Boulevard, Suite 1610
Honolulu, HI 96814
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Fax (808) 941-8999
nnishikawa@kimurainternational.com

-----Original Message-----
From: Rrpstrud@aol.com [mailto:Rrpstrud@aol.com]
Sent: Saturday, March 13, 2004 5:29 PM
To: projects@kimurainternational.com
Subject: Lydgate/Kapa'a bike/pedestrian path

After attending the public meeting on March 10 I realize there are several areas of concern that I would like to bring to your attention if either alternatives 1 or 3 are approved.

First, I believe the cost would be prohibitive by having to destroy native trees and landscaping on the beach side of the Wailua Bay, Kapaa Sands, Hale Awapuhi, Lae Nani and other condominium complexes north of Lydgate Park. Not to say anything of the tremendous cost to take out rock croppings or drill piers through them.

Second, seals use the beach in front of Hale Awapuhi as a natural habitat and the area has to be roped off.

The bike/ped path would be extremely close to several condos in the Wailua Bay, Hale Awapuhi, and Kapaa Sands condo complexes which would enable users of the path to intrude on to those properties and not only disturb the owners of these properties but would also invite possible lawsuits from anyone going on to these properties and accidentally injuring themselves. The path would also enable intruders or thieves a quick getaway.

In order to keep out intruders the various condos would inevitably have to erect fences between the path and the condos thereby obstructing our views which we paid dearly for when we purchased the property. We would feel like prisoners in our own complex.

The second alternative takes the path along Papaloa Rd. which I feel is a suitable and cheaper alternative to constructing the path on the beach side in front of the condos. It is very easy to alter our normal pattern of getting to the condos along Papaloa Rd.

I also feel that going into the wetlands away from the beach for part of the path would not only be a nice alternative to the beach but would also be a learning experience and you would also be able to connect the various housing developments on the westside to the path.

As a final word in this matter I believe that transportation funds should be used to widen Kuhio Hwy in various areas so that traffic can flow more smoothly and quickly. More and more people will continue to inhabit Kauai and traffic will become unbearable and then it will be too late.

Thank you for considering Papaloa Rd. as the best alternative for this project.

Please feel free to contact me concerning this matter.

Sy Strudler

Nancy Nishikawa

From: Nancy Nishikawa [nnishikawa@kimurainternational.com]
Sent: Wednesday, March 17, 2004 12:23 PM
To: Btking447@cs.com; projects@kimurainternational.com
Cc: chlatour@hotmail.com; myrlen@ix.netcom.com; lanikai@hawaiian.net; TTomlinsonh@cs.com; calgalwc@sbcglobal.net; dhaigh@kauaigov.com; 'HERB LEE'
Subject: RE: Bike Path on Kauai

Aloha Sonja and Bernie,

Thank you for attending the March 10 public meeting and taking the time to send us your comments. I want to assure you that your viewpoints will be considered as we prepare the draft environmental assessment.

Nancy

Nancy Nishikawa
Kimura International, Inc.
1600 Kapiolani Boulevard, Suite 1610
Honolulu, HI 96814
Ph. (808) 944-8848
Fax (808) 941-8999
nnishikawa@kimurainternational.com

-----Original Message-----
From: Btking447@cs.com [mailto:Btking447@cs.com]
Sent: Wednesday, March 17, 2004 11:09 AM
To: projects@kimurainternational.com
Cc: chlatour@hotmail.com; myrlen@ix.netcom.com; lanikai@hawaiian.net; TTomlinsonh@cs.com; calgalwc@sbcglobal.net
Subject: Bike Path on Kauai

Aloha

Mr Kimura

I attended the meeting at the Kapaa middleschool last Wednesday. I found it very informative. But I have several concerns about the Bike Path going in front of the Condominiums that are on Papaloa Cove.
Papaloa Cove has many Monkseals coming ashore to rest. I am a Volunteer with the Monkseal Program. It is my job to see the seals are not disturbed. Sometimes I have to block off quit a lot of lawn that is on state land in order to be 150 feet away from the seal. I can see many problems with the path coming so close and the increased traffic with the Bike Path would not be good for the seals.
It is my understanding that the Monkseals are not doing too well. They are not increasing. They rather are declining.
They are still number one on the most endangered Marine Mammals in US waters.
Also the shoreline in front of Lae Nani Condominiums was severly damaged by the huge waves we had last November. There is a lot of erosion.
I also am concerned about the heavy equipment that has to be brought in. How will that be managed without going to cause more damage to the shoreline?
If the Path should go along the shoreline there will be no access for EMT vehicles to reach any insured people on this portion of Bike Path.
It seems to me that taking the path along Papaloa Road would be a much more logical way to put the path in. Then I also disagree with having the Path go on the public right of way between Lae Nani and Kauai Sands.
In order to do that it would mean to cut down several Ironwood trees. Those trees prevented a lot of damage to the adjoining Bldg during Iniki.

Have the Bike Path connect to the shoreline by going between the Islander and Kauai Sands.
Going from Wailua Beach up Papaloa Rd and making Papaloa Rd partially one way or a limited access road would also solve some of the congestion that is now on this road.
The Seashell has been an Eyesore for too many years. It is rat infested and should be taken down. Then there would be plenty of room to have the Path go up Papaloa Rd.
At the meeting you said that the buyer of CocoPalms is planing to restore the Seashell make a connecting Bridge and have an elevator go down to the Beach.
But Coco Palms is not sold yet! The contract is contingent on a lot of Permits to be applied for and granted. I feel this will take another ten years before we see any rebuilding of the Seashell.
If this portion of the Bike Path were the only one where you would be going along the Ocean front I would not be so opposed to it. But there are many places where the Oceanview can be enjoyed with a lot less disturbance of the Enviroment.
I am also rather puzzled.Why does this Path not have to be ADA approved?
Wailua Golfcourse had to make changes to comply with ADA.I would think it more likely to see a wheelchair on a Bike Path then on the Golfcourse!!

Thank you for letting me voice my concerns.

Sonja and Bernie King
Lae Nani

Nancy Nishikawa

From: Nancy Nishikawa [nnishikawa@kimurainternational.com]
Sent: Wednesday, March 17, 2004 4:55 PM
To: 'Ffirth52@aol.com'
Cc: 'dhaigh@kauaigov.com'; 'HERB LEE'
Subject: RE: Kauai Bike Trail

Aloha Forrest,

Thank you for taking the time to send us your comments. I want to assure you that your viewpoints will be considered as we prepare the draft environmental assessment--whose main objective is to disclose all known project impacts.

We don't know where the statistic of 75% favoring Papaloa Road came from, since this issue was not raised in the survey.

Nancy

Nancy Nishikawa
795 Isenberg Street, #17E
Honolulu, HI 96826

-----Original Message-----
From: Ffirth52@aol.com [mailto:Ffirth52@aol.com]
Sent: Wednesday, March 17, 2004 3:55 PM
To: projects@kimurainternational.com
Subject: Kauai Bike Trail

Dear Mr Kimura,

I strongly favor the Papaloa Road alternative. I believe it provides beautiful views of the mauka side including a great view of the Sleeping Giant. The large grassy meadow is usually filled with birds. This alternative would avoid the need to cut down many old scenic trees and disturb the turtles and occasional monk seals.

In addition, making Papaloa Road one way would eliminate the dangerous left turns onto the highway.

Finally, at the March 10 meeting there was emphasis on the 92(?) percent of attendees at the earlier meeting who said they would use the bike path. I heard little if any mentiuom of the reported 75% who favored Papaloa Road.

Thank you.

Forrest Firth
320 Papaloa Rd #207
Kapaa

Nancy Nishikawa

From: Nancy Nishikawa [nnishikawa@kimurainternational.com]
Sent: Thursday, March 18, 2004 8:41 AM
To: 'Milo Wilcox'
Cc: 'dhaigh@kauaigov.com'; 'HERB LEE'
Subject: RE: Proposed Bike Path, Wailua Bay

Aloha Milo and Virginia,

Thank you for taking the time to send us your comments. I want to assure you that your viewpoints will be considered as we prepare the draft environmental assessment.

Nancy

Nancy Nishikawa
Kimura International, Inc.
1600 Kapiolani Boulevard, Suite 1610
Honolulu, HI 96814
Ph. (808) 944-8848
Fax (808) 941-8999
nnishikawa@kimurainternational.com

-----Original Message-----
From: Milo Wilcox [mailto:miwilcox@earthlink.net]
Sent: Thursday, March 18, 2004 6:55 AM
To: projects@kimurainternational.com
Subject: Proposed Bike Path, Wailua Bay

We are concerned and very much against a bike path near the heiau in front of Lae Nani. This sacred place must be protected from increased traffic and further damage. Truly yours, Milo and Virginia Wilcox, 410 Papaloa Road, #425, Kapaa

Nancy Nishikawa

From: Nancy Nishikawa [nnishikawa@kimurainternational.com]
Sent: Friday, March 19, 2004 11:13 AM
To: 'd2cole@verizon.net'
Cc: 'chaigh@kauaigov.com'; 'HERB LEE'
Subject: RE: Kauai Bike Path

Aloha Richard and Dorothy,

Thank you for taking the time to send us your comments. I want to assure you that your viewpoints will be considered as we prepare the draft environmental assessment.

Nancy

Nancy Nishikawa
Kimura International, Inc.
1600 Kapiolani Boulevard, Suite 1610
Honolulu, HI 96814
Ph. (808) 944-8848
Fax (808) 941-8999
nnishikawa@kimurainternational.com

-----Original Message-----
From: d2cole@verizon.net [mailto:d2cole@verizon.net]
Sent: Thursday, March 18, 2004 4:41 PM
To: projects@kimurainternational.com
Cc: chalatour@hotmail.com
Subject: Kauai Bike Path

April 18, 2004

Glen Kimura
Kimura International

Dear Mr. Kimura.

Last weekend, we walked the completed section of the Path between Lydgate swimming area and the Bridge. The planners
and contractors did a fine job. We were particularly impressed with the imaginative routing at the Bridge. Keep it up!

This letter is to record our support for the plan that directs the Path down Papaloa Road and opposition to the alternatives that pass on the ocean side of the condominiums. Here are our reasons:

1) The plans that closely follow the shoreline will require very expensive structures and engineering, and have high continuing maintenance.

2) The shoreline route will necessitate land taking at Lae Nani Condominiums. The cost of this is unknown; and while the taking would have a bona fide public purpose, there are clear alternatives that are arguably better and do not require taking private land. The County would have a difficult time establishing ESSENTIAL NEED to take land at Lae Nani in light of the alternatives available.

As the costs of the overall plan are most certainly going to be higher than the available funding, and as Kauai County can ill afford to further incumber the future tax rate, we feel the Papaloa Road route should be chosen. It presents the opportunity to create
the most Path for the available money.

The bottleneck at the Sea Shell could be eliminated by making that end of Papaloa Road one-way, providing limited access only to the businesses, and possibly asking the bikers to dismount and walk their bikes for a few hundred feet along a narrower path, as has been done at the Bridge.

3) While the Path should ultimately create positive economic opportunity for some, for the properties on Papaloa Cove, the shore-line route will have the opposite effect, and will change the beauty and character of this area forever.

4) The route that passes over land now owned by Lae Nani will clearly come very close to, or even possibly encroach upon, the
Kikui Heiau. We feel this should not be done.

5) The environmental impact on the Hawaiian monk seals that habitually haul up on the beach in front of Lae Nani is of real concern. Since these animals are endangered, the protective zone established with yellow tape when the seals are there would necessitate closing the Path and rerouting the Path users. It is unclear how and by whom this would reliably be done.

In closing, while we strongly support the vision of those who are responsible for creating the Path and for making Kauai an even more inviting and interesting place to live and to visit, we feel that for budgetary reasons and for the others outlined here, the Path should follow Papaloa Road and re-join the shoreline via the Beach Access separating Kauai Sands and Lae Nani, land already owned by the County of Kauai

Sincerely,

Richard and Dorothy Cole
410 Papaloa Road, #321

Nancy Nishikawa

From: Nancy Nishikawa [nnishikawa@kimurainternational.com]
Sent: Friday, March 19, 2004 4:22 PM
To: 'chazngin@earthlink.net'
Cc: 'dhaigh@kauaigov.com'; 'HERB LEE'
Subject: RE: Beach Bike Path

Aloha Mr. and Mrs. Stein,

Thank you for taking the time to send us your comments. I want to assure you that your viewpoints will be considered as we prepare the draft environmental assessment.

Nancy

Nancy Nishikawa
Kimura International, Inc.
1600 Kapiolani Boulevard, Suite 1610
Honolulu, HI 96814
Ph. (808) 944-8848
Fax (808) 941-8999
nnishikawa@kimurainternational.com

-----Original Message-----
From: Charles And Virginia Stein [mailto:chazngin@earthlink.net]
Sent: Friday, March 19, 2004 11:40 AM
To: Kimura
Subject: Beach Bike Path

March 19, 2004

Dear Mr. Kimura:

We are the owners of a condo at Lae nani Condos, 410 Papaloa Road, in Kapaa and, in recent days, we have been receiving much information about the proposed bike/walking path which is being considered from its present terminus near Lydgate Park, through the Wailua Bay area and on to Kapaa. Unfortunately, we have not been able to attend any of the meetings so we have only second hand information on which to draw our conclusions. Sometimes this type of information cannot be relied upon, but, we do have two concerns: The monk seals and the route of the path.

One of our frequent visitors is the monk seal, who, on occasion, chooses our particular part of the shoreline to wander in at his (or her) leisure, stay maybe a day or two, and suddenly, like he arrived, disappears into the deep. One of our owners has accepted the task of protecting said seals and provides the "yellow ribbon" around an area 100-150 feet for its protection. From what we have heard, the bike path will not only be trespassing on the seal's "domain", but, of necessity, would have to be closed during the seal's visit. This could cause quite a problem since the seals are extremely sensitive to human activity. To help protect the species, it is important to enjoy the monk seals from a distance to give them the solitude they need to survive. The latest survey indicates their population to be 1200 to 1500, and declining. They are not only federally protected but also protected under the Hawaiian Island National Wild Life Refuge Act. We would certainly not want to be the cause of any violation of th

Not having seen the proposed path along the seashore, I find it hard to believe there will be an attempt to skirt the rocky shore behind the Wailua Bay View Condo, the Kaua: Sands, Hale Awapuhi, and behind Lanikai, unless they intend to build a path on pilings. Such a plan would be a tremendous strain on the budget.

The use of Papaloa Road, we understand, has been proposed as a one-way road Northbound which seems to be quite logical. Although it is only a two-lane road, one side could be designated as a "bike path" which would skirt all the above mentioned properties, come in to the Coconut Market Place common area and from there on northward. I feel this plan would be a considerable saving, in dollars, for the future extension of the path. This would also be an economic help to the merchants in the market place.

Undoubtedly, you have been inundated with questions, comments, and suggestions so will not take more of your time.

Very truly yours,

Mr. and Mrs. Charles Stein

35 Ontare Rd.

Arcadia, CA 91006

E-Mail chazngin@earthlink.net

Nancy Nishikawa

From: Nancy Nishikawa [nnishikawa@kimurainternational.com]
Sent: Friday, March 19, 2004 4:24 PM
To: "Dru and Richard"
Subject: RE: Kapaa bike path

Aloha Drusilla,

Thank you for taking the time to attend the March 10 meeting and to send us your comments. I want to assure you that your viewpoints will be considered as we prepare the draft environmental assessment.

Nancy

Nancy Nishikawa
Kimura International, Inc
1600 Kapiolani Boulevard, Suite 1610
Honolulu, HI 96814
Ph. (808) 944-8848
Fax (808) 941-8999
nnishikawa@kimurainternational.com

-----Original Message-----
From: Dru and Richard [mailto:dru-richard@hawaii.rr.com]
Sent: Friday, March 19, 2004 2:50 PM
To: projects@kimurainternational.com
Subject: Kapaa bike path

I have attended the public meetings regarding the Kapaa portion of the Lydgate/Kapaa bikepath. My husband and I live at Wailua River.
After discussing the various alternatives and visiting the area, we would like to express our opinion that the bike path should go along Papaloa Rd. This seems logical rather than constructing a new path along the beach. I personally enjoy the beach side path along Lydgate Beach and the existing path along the beach in front of Pono Kai in Kapaa town, but feel it isn't necessary to have the path right on the beach in the Wailua Bay area when there is a good wide road close by.

Thank you for your consideration.
Drusilla Garland

Nancy Nishikawa

From: Nancy Nishikawa [nnishikawa@kimurainternational.com]
Sent: Friday, March 19, 2004 5:58 PM
To: 'd2cole@verizon.net'
Cc: 'dhaigh@kauaigov.com'; 'HERB LEE'
Subject: RE: Kauai Bike Path

Hi Richard,

The Draft EA will consider all the alternatives presented at the March 10 public meeting. There is no preferred alternative at this stage. In most cases, there are three alternatives in each segment, and the County has asked us to evaluate and disclose the impacts of each. A final alignment will be selected by the County after the Draft EA has been released and the public has had an opportunity to review and comment on it. I've taken the liberty of adding you to our mailing list so we will be notifying you when the Draft EA is available.

Nancy

-----Original Message-----
From: d2cole@verizon.net [mailto:d2cole@verizon.net]
Sent: Friday, March 19, 2004 5:23 PM
To: Nancy Nishikawa
Subject: Re: Kauai Bike Path

Dear Nancy

Can you please indicate which of the alternative routes you are considering for your draft environmental assessment Or, if you are preparing more than one, which ones will be considered?

Richard Cole

--- Original Message -----
From: Nancy Nishikawa
To: d2cole@verizon.net
Cc: dhaigh@kauai.gov.com ; 'HERB LEE'
Sent: Saturday, March 20, 2004 10:12 AM
Subject: RE: Kauai Bike Path

Aloha Richard and Dorothy,

Thank you for taking the time to send us your comments. I want to assure you that your viewpoints will be considered as we prepare the draft environmental assessment

Nancy

Nancy Nishikawa
Kimura International, Inc.
1600 Kapiolani Boulevard, Suite 1610
Honolulu, HI 96814
Ph. (808) 944-8848
Fax (808) 941-8999
nnishikawa@kimurainternational.com

-----Original Message-----
From: d2cole@verizon.net [mailto:d2cole@verizon.net]
Sent: Thursday, March 18, 2004 4:41 PM
To: projects@kimurainternational.com
Cc: chalatour@hotmail.com
Subject: Kauai Bike Path

April 18, 2004

Glen Kimura
Kimura International

Dear Mr. Kimura:

Last weekend, we walked the completed section of the Path between Lydgate swimming area and the Bridge. The planners
and contractors did a fine job. We were particularly impressed with the imaginative routing at the Bridge. Keep it up!

This letter is to record our support for the plan that directs the Path down Papaloa Road and opposition to the alternatives that pass on the ocean side of the condominiums. Here are our reasons:

1) The plans that closely follow the shoreline will require very expensive structures and engineering, and have high continuing maintenance.

2) The shoreline route will necessitate land taking at Lae Nani Condominiums. The cost of this is unknown; and while the taking would have a bona fide public purpose, there are clear alternatives that are arguably better and do not require taking private land. The County would have a difficult time establishing ESSENTIAL NEED to take land at Lae Nani in light of the alternatives available.

As the costs of he overall plan are most certainly going to be higher than the available funding, and as Kauai County can ill afford to further incumber the future tax rate, we feel the Papaloa Road route should be chosen. It presents the opportunity to create
the most Path for the available money.

The bottleneck at the Sea Shell could be eliminated by making that end of Papaloa Road one-way, providing limited access only to the businesses, and possibly asking the bikers to dismount and walk their bikes for a few hundred feet along a narrower path, as has been done at the Bridge.

3) While the Path should ultimately create positive economic opportunity for some, for the properties on Papaloa Cove, the shore-line route will have the opposite effect, and will change the beauty and character of this area forever.

4) The route that passes over land now owned by Lae Nani will clearly come very close to, or even possibly encroach upon, the
Kikui Heiau. We feel this should not be done.

5) The environmental impact on the Hawaiian monk seals that habitually haul up on the beach in front of Lae Nani is of real concern. Since these animals are endangered, the protective zone established with yellow tape when the seals are there would necessitate closing the Path and rerouting the Path users. It is unclear how and by whom this would reliably be done.

In closing, while we strongly support the vision of those who are responsible for creating the Path and for making Kauai
an even more inviting and interesting place to live and to visit, we feel that for budgetary reasons and for the others outlined here, the Path should follow Papaloa Road and re-join the shoreline via the Beach Access separating Kauai Sands and Lae Nani, land already owned by the County of Kauai.

Sincerely,

Richard and Dorothy Cole
410 Papaloa Road, #321

Nancy Nishikawa

From: Nancy Nishikawa [nnishikawa@kimurainternational.com]
Sent: Monday, March 22, 2004 11:22 AM
To: 'Suestep9@aol.com'
Cc: 'dhaigh@kauaigov.com'; 'HERB LEE'
Subject: RE: Bike Path

Aloha Stephen,

Thank you for taking the time to send us your comments. I want to assure you that your viewpoints will be considered as we prepare the draft environmental assessment.

Nancy

Nancy Nish kawa
Kimura International, Inc.
1600 Kapiolani Boulevard, Suite 1610
Honolulu, HI 96814
Ph. (808) 944-8848
Fax (808) 941-8999
nnishikawa@kimurainternational.com

-----Original Message-----
From: Suestep9@aol.com [mailto:Suestep9@aol.com]
Sent: Monday, March 22, 2004 10:31 AM
To: projects@kimurainternational.com
Subject: Bike Path

Sir/Madam in charge: My wife and I are long time visitors to Kauai, spending 1 month a year (since 1984). We usually stay on the East side and over the years, have stayed at Lae Nani, Lanikai, Hale Awapuhi and Wailua Bay View. I respectfully submit that the proposed bike path along the beach frontages of these properties is a really bad idea. It would disturb the serenity and individual chracter of these properties, generate litter and noise and greatly reduce the appeal of these condos to visitors such as us, not to mention the far greater expense than the alternative route along an existing right of way, Papaloa Road. Beach access is one thing and it already exists - Turning the waterline across Wailua Bay into a public park is quite another.

Sincerly,

Stephen R. Hastings (Lae Nani #334)

Nancy Nishikawa

From: Nancy Nishikawa [nnishikawa@kimurainternational.com]
Sent: Monday, March 22, 2004 11:21 AM
To: 'Kathleen& Norman Persons'
Cc: 'dhaigh@kauaigov.com'; 'HERB LEE'
Subject: RE: Kauai Bike Path

Aloha Norman and Kathleen,

Thank you for taking the time to send us your comments. I want to assure you that your viewpoints will be considered as we prepare the draft environmental assessment

Nancy

Nancy Nishikawa
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Honolulu, HI 96814
Ph. (808) 944-8848
Fax (808) 941-8999
nnishikawa@kimurainternational.com

-----Original Message-----
From: Kathleen& Norman Persons [mailto:personskauai.net.com]
Sent: Monday, March 22, 2004 9:27 AM
To: projects@kimurainternational.com
Subject: Kauai Bike Path

Aloha

This is to register our support of the bike path, and to tell you that we are resident here at Wailua Bay View. Our home is unit 109. In the middle of the building. The county flag was placed less than ten feet from our lanai. It is obvious that we prefer the alternate route which is exclusive of our front lawn. We would fully support the path which uses Papaloa Road.

Please feel free to either email or call us for any questions or comments. phone is 808 822 2538.

Mahalo for your attention Norman and Kathleen Persons

Nancy Nishikawa

From: Nancy Nishikawa [nnishikawa@kimurainternational.com]
Sent: Monday, March 22, 2004 11:20 AM
To: 'Linda Herceg'
Cc: 'chaigh@kauaigov.com'; 'HERB LEE'
Subject: RE: bike path at Lae Nani

Aloha Linda,

As you may know, we are currently preparing the draft environmental assessment for the proposed bike/pedestrian path. The purpose of this document is to evaluate and disclose all known environmental, social, and economic impacts, so your comments are timely and appreciated. Your viewpoints will be considered in the draft EA.

Nancy

Nancy Nishikawa
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Fax (808) 941-8999
nnishikawa@kimurainternational.com

-----Original Message-----
From: Linda Herceg [mailto:LindaHerceg@msn.com]
Sent: Monday, March 22, 2004 6:40 AM
To: nnishikawa@kimurainternational.com
Subject: bike path at Lae Nani

Hi Nancy. March 22, 2004

My name is Linda Herceg. My family lives here at Lae Nani Condominium all year round, and we would like to offer you the following observations for your consideration reguarding the proposed bike path along this coastline.

My husband and I love to walk the shoreline to Kapaa and frequently ride bikes as well. We are aware of the difficulty getting through Kapaa town and welcome the improvement of a bike path on Kauai.

During the year, every few weeks or so, because of the wave patterns and the large reef fronting the beach at Lae Nani, the sand is almost completely taken out to sea leaving no beach to walk or sunbathe on. This area becomes a small river, washing over the reef and then out to sea in the small opening near the Keiki rock pool. The children love this as they can boogie board the river. Unfortunaly for the rest of the people, the lawn is the only place to sunbathe.

The area at the Keiki pool has the only large shade tree at the beach with the exception of a 3 palm trees near the sea wall a little further down. Shade is at real premium during the summer months when the kids are out of school and come here to play. Last summer there were three local families that came here for several picnics while the men were fishing. The area from the Keiki pool, the shade tree, and a large portion of lawn near the swimming pool was fully used. A lot of young mothers get

together and bring there small children here to swim because of the safety of the Keiki pool.

Also, in this same small area, there are one or two (sometimes three) weddings everyday on the Heiau and lawn, with photos of the bride and groom almost in Keiki pool. This is the most scenic place for weddings.

I'm sure that you are already aware that the Monk seals come here frequently as well. There is only one opening in the reef where they can come through and guess where that is? Near the Keiki pool.

So as you can see, there are many people and creatures trying to use the same small area.

In conclusion, if there had been a bike path here, the very narrow area left, would have taken away some very important , and highly used, recreational land.

It would also have been very dangerous for the small children that run into the ocean and keiki pool.

It would take away the only shaded areas the beach has to offer.

More people coming to the area would make keeping them away from the Monk seals an even harder job.

The Heiau would have hundreds more visitors.

When my husband and I go for a walk, we use the route through the Coconut Market place. It's also nice to have breakfast there at Eggberts or do some shopping on the way home. The beach walk is very nice and we enjoy the sunrises in the open area between the Beachboy and Coconut beach hotel.

One more point we would like you to consider reguarding Papaloa road. Everytime we leave here to go to Lihue, I see drivers trying to cross the road at the Shell station in front of oncomming traffic and merging into the southbound lane which is nearly impossible or causing a traffic jam. When returning home, if we take Papaloa road at the Shell station, the cars parked on the right side block the right lane forcing us to use the oncoming lane and motorist leaving the Shell station. (Avoiding pothholes is another issue)

This road would be much safer if it was blocked from southbound traffic to Kuhio Hwy. and the right side of the road used for the bike path. This would be a much safer solution for all of us.

Papaloa road has many plumeria trees that are enjoyed by walkers and bikers and would be a nice alternative route for this section of the path along the route to Kapaa.

Thank you for your conserderation on this issue,

Linda Herceg,
#235
Lae Na. Condominiums

Nancy Nishikawa

From: Nancy Nishikawa [nnishikawa@kimurainternational.com]
Sent: Monday, March 22, 2004 11:14 AM
To: 'HUGH A. BAIRD'
Cc: 'dhaigh@kauaigov.com'; 'HERB LEE'
Subject: RE: Propsed Bike Path Routing

Aloha Hugh,

Thank you for taking the time to send us your comments. I want to assure you that your viewpoints will be considered as we prepare the draft environmental assessment

Nancy

Nancy Nishikawa
Kimura International, Inc.
1600 Kapiolani Boulevard, Suite 1610
Honolulu, HI 96814
Ph. (808) 944-8848
Fax (808) 941-8999
nnishikawa@kimurainternational.com

-----Original Message-----
From: HUGH A. BAIRD [mailto:hugh-baird@worldnet.att.net]
Sent: Sunday, March 21, 2004 7:21 PM
To: projects@kimurainternational.com
Subject: Propsed Bike Path Routing

Mr. Glenn Kimura March 22, 2004
Kimura International
1600 Kapi'olani Blvd, Suite 1610
Honolulu, HI 96814

Dear Mr. Kimura

Just recently I have learned of a proposed bike and pedestrian path to be built northward from the Lydgate Park area along a shore route. As owner of a condo in the Lae nani complex along the proposed route, I would like to express my preference for a route starting at the vacant Seashell Restaurant and proceeding northward along Papaloa Road to the border between the Coconut Marketplace and the Kauai Sands where it could return to the shore.

This route has several advantages over one the goes right along the shore for that same distance, the most important of which is that it would be the least costly leaving added funds for other sections There are several other considerations as follow:

1. Papaloa Road is essentially a bypass road along Kuhio Highway and is not heavily traveled so could easily be changed to one-way north and would be a quiet, safe route.
2. A route along the shore side of Wailua Bay View Condos would require a steep hill for bikers to climb, or alternatively, would require extensive grading and construction of retaining walls.

3. It would avoid the exercise of eminent domain proceedings to acquire private land so the route can bypass the Kukui Heiau.
4. It preserves the current privacy of the properties along the beach that presently have beach access sidewalks between them for public access to the beach.
5. There are refreshment stands readily available in the Coconut Marketplace for bikers just off the area between the Marketplace and Kauai Sands on the way to the shore from Papaloa Road.

I respectfully request that these considerations be presented to the decision- making body before a final decision is reached. Thank you.

Sincerely yours,

Hugh A. Baird
1763 Royal Oaks Dr N Apt 1-6
Bradbury CA 91010

Cc Byran J. Baptiste, Mayor County of k\Kauai

Nancy Nishikawa

From: Nancy Nishikawa [nnishikawa@kimurainternational.com]
Sent: Monday, March 22, 2004 11:13 AM
To: 'EMEII@aol.com'; 'projects@kimurainternational.com'
Cc: 'raj@arrowheadgallery.com'; 'robbj@iname.com'; 'dhaigh@kauaigov.com'; 'HERB LEE'
Subject: RE: Bike path

Aloha Ed,

Thank you for taking the time to send us your comments. I want to assure you that your viewpoints will be considered as we prepare the draft environmental assessment

Nancy

Nancy Nishikawa
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1600 Kapiolani Boulevard, Suite 1610
Honolulu, HI 96814
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Fax (808) 941-8999
nnishikawa@kimurainternational.com

-----Original Message-----
From: EMEII@aol.com [mailto:EMEII@aol.com]
Sent: Sunday, March 21, 2004 4:18 PM
To: projects@kimurainternational.com
Cc: raj@arrowheadgallery.com; robbj@iname.com
Subject: Bike path

I feel this would distroy the natural beauty of the area . As a vistor of the beech area I like seeing the Ocean all parts of the day, and having people walk by is differant than a freeway of__Bikes.

Ed Eaton
emeii@aol.com

Nancy Nishikawa

From: Nancy Nishikawa [nnishikawa@kimurainternational.com]
Sent: Monday, March 22, 2004 11:11 AM
To: 'GamyCJB@aol.com'
Cc: 'dhaigh@kauaigov.com'; 'HERB LEE'
Subject: RE: Bike path on Kauai

Aloha Carol,

Thank you for taking the time to send us your comments. I want to assure you that your viewpoints will be considered as we prepare the draft environmental assessment

Nancy

Nancy Nishikawa
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1600 Kapiolani Boulevard, Suite 1610
Honolulu, HI 96814
Ph. (808) 944-8848
Fax (808) 941-8999
nnishikawa@kimurainternational.com

-----Original Message-----
From: GamyCJB@aol.com [mailto:GamyCJB@aol.com]
Sent: Sunday, March 21, 2004 1:01 PM
To: projects@kimurainternational.com
Subject: Bike path on Kauai

Mr. Kimura, I have just heard about constructing a bike path along the beach area of Papaloa Road. There has been a good walking path along much of that area now. I walk that area every day that I can. I would be quite insecure if this path is really for bikes too. A lot of the walkers are older than I am, (68), and are not as steady on their feet as I am. And I am the concerned one walking where bikes would be too. I would like to see the path on Papaloa, thru the marketplace and behind the condos in front of the field and in front of the Coconut Coast Hotel leaving the existing walkway for walkers and no bikers. Thank you. Carol Berg 410 Papaloa Road, #112.

Nancy Nishikawa

From: Nancy Nishikawa [nnishikawa@kimurainternational.com]
Sent: Monday, March 22, 2004 11:11 AM
To: 'Ron Tulimieri'
Cc: 'dhaigh@kauaigov.com'; 'HERB LEE'
Subject: RE: Bike path Wailua Bay to Coconut Market Place

Aloha Ron,

Thank you for taking the time to send us your comments. I want to assure you that your viewpoints will be considered as we prepare the draft environmental assessment

Nancy

Nancy Nishikawa
Kimura International, Inc.
1600 Kapiolani Boulevard, Suite 1610
Honolulu, HI 96814
Ph. (808) 944-8848
Fax (808) 941-8999
nnishikawa@kimurainternational.com

-----Original Message-----
From: Ron Tulimieri [mailto:ron@medware.org]
Sent: Sunday, March 21, 2004 12:56 PM
To: projects@kimurainternational.com
Subject: Bike path Wailua Bay to Coconut Market Place

My wife and I have been to Kauai 24 times over the past 20 years. We prefer staying on the East Coast of the island since it is convenient to a number of our favorite sites. It seems to us that the visitors to these establishments tend to be fairly elderly or folks with young families. There is a limited amount of space in places like Lankai and Lae nani to introduce a biko path. At Lae nani there is only about a 40 foot distance between the pool and the ocean and at Lanikai the distance is even less. From years of experience we know that there is a lot of foot traffic on the grounds from residents of the condos and the many locals who come to enjoy the beach. A bike path smack in the middle of these establishments would most certainly destroy the serenity that guests and locals at these places have come to enjoy. Exercise can be enjoyed anywhere. The peace and quiet of a relaxing day at the beach is a gift worth preserving.

I also feel that there is a safety factor. The space for pedestrians and bikers is very limited. The grounds at Lae nani and Lanikai are frequently used for an impromtu game of football or frisbee. What will happen the first time an elderly person or a young toddler is hit by a bicycle because one or both of them was distracted? Are you prepared to deal with the inevitable lawsuit that will accompany such accidents?

For these reasons we would urge you to find an alternative route around properties where space is limited. Papaloa Road itself affords scenic views of Sleeping Giant. Why not have the bike path there?

Thank you for your consideration

Ron Tulimieri
768 Faxon Avenue
San Francisco, CA 94112

Nancy Nishikawa

From: Nancy Nishikawa [nnishikawa@kimurainternational.com]
Sent: Monday, March 22, 2004 11:10 AM
To: 'poobah'
Cc: 'dhaigh@kauaigov.com'; 'HERB LEE'
Subject: RE: Wailua Bay Bike Path

Aloha William,

Thank you for taking the time to send us your comments. I want to assure you that your viewpoints will be considered as we prepare the draft environmental assessment

Nancy

Nancy Nishikawa
Kimura International, Inc.
1600 Kapiolani Boulevard, Suite 1610
Honolulu, HI 96814
Ph. (808) 944-8848
Fax (808) 941-8999
nnishikawa@kimurainternational.com

-----Original Message-----
From: poobah [mailto:poobah88@yahoo.com]
Sent: Saturday, March 20, 2004 7:40 PM
To: projects@kimurainternational.com
Cc: poobah88@yahoo.com
Subject: Wailua Bay Bike Path

Dear Mr. Kimura,

My name is William Jenks, I am the owner of unit 206 at the Wailua Bay View. I write to you today to ask you consider alternate routes for the Wailua Bay bike path. I welcome a bike path for all to enjoy, however if the the bike path went in front of our building at such a close range I feel it would destroy that which many of us consider to be our heiau here in paradise.

Please consider an alternate route, perhaps down Papaloa Rd. instead of directly in front of our building.

Thank you for putting yourself in our shoes.

Mahalo nui loa,

William Jenks
poobah88@yahoo.com

Do you Yahoo!?
Yahoo! Finance Tax Center - File online. File on time.

Nancy Nishikawa

From: Nancy Nishikawa [nnishikawa@kimurainternational.com]
Sent: Monday, March 22, 2004 11:09 AM
To: 'Kiggins'
Cc: 'dhaigh@kauaigov.com'; 'HERB LEE'
Subject: RE: Kauai Bike Path

Aloha Ron and Bonnie,

Thank you for taking the time to attend the March 10 meeting and to send us your comments. I want to assure you that your viewpoints will be considered as we prepare the draft environmental assessment

Nancy

Nancy Nishikawa
Kimura International, Inc.
1600 Kapiolani Boulevard, Suite 1610
Honolulu, HI 96814
Ph. (808) 944-8848
Fax (808) 941-8999
nnishikawa@kimurainternational.com

----Original Message-----
From: Kiggins [mailto:kiggins@teleport.com]
Sent: Saturday, March 20, 2004 3:42 PM
To: projects@kimurainternational.com
Subject: Kauai Bike Path

March 20, 2004

Mr. Glenn Kimura
Kimura International

Dear Mr. Kimura,

We attended the March 10, 2004 meeting regarding the proposed Path routes for Papaloa Road section. The meeting was both informational and well facilitated.

We have enjoyed the Path at Kamalani to Lydegate. And will support the continuation of that Path along Papaloa Road from the old Sea Shell Restaurant continuing up to Kauai Sands Hotel.

Our thoughts for support of the Path along the Papaloa route take into consideration three issues. One, the over all cost to build would logically seem to be less. Two, the long term maintenance and security of the Papaloa Road route would be easier to access and perhaps would require fewer future tax dollars for Kauai residents to support. Three, the aesetics of the area would remain as they currently are, natural and unencumbered. Visitors and residents alike will still be able to enjoy the area as they now do.

We would very much like to be included in receiving your environmental assessment once it has been compiled.

Thank you for the opportunity to respond and have our comments taken into consideration.

Sincerely,

Ron and Bonnie Kiggins, #233
410 Papaloa Rd

Nancy Nishikawa

From: Nancy Nishikawa [nnishikawa@kimurainternational.com]
Sent: Monday, March 22, 2004 11:08 AM
To: 'Gretchen Curlander'
Cc: 'dhaigh@kauaigov.com'; 'HERB LEE'
Subject: RE: Bike Path From Wailua Bay to Coconut Marketplace

Aloha Paul and Gretchen,

Thank you for taking the time to send us your comments. I want to assure you that your viewpoints will be considered as we prepare the draft environmental assessment

Nancy

Nancy Nishikawa
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1600 Kapiolani Boulevard, Suite 1610
Honolulu, HI 96814
Ph. (808) 944-8848
Fax (808) 941-8999
nnishikawa@kimurainternational.com

-----Original Message-----
From: Gretchen Curlander [mailto:gcurlander@insightbb.com]
Sent: Saturday, March 20, 2004 6:43 AM
To: projects@kimurainternational.com
Cc: chlatour@hotmail.com
Subject: Bike Path From Wailua Bay to Coconut Marketplace

Dear Mr. Kimura,

While we generally support all efforts to create bikepaths on Kauai, we are very concerned about the possibility of a bikepath along the beachfront from Wailua Bay to Coconut Marketplace. We believe that the topography of this shoreline along with the extremely close proximity of condominiums, pools, and the presence of the heiau make it an inappropriate route for a bikepath. In addition to the very negative impact of increased traffic and exposure to the heiau, such traffic would be unacceptable for the monk seals that often use the beach in front of Lae Nani as a resting place. The fact that the path would be physically up against existing structures dramatically reduces the natural beauty that any user would otherwise enjoy. We also believe that such a path through these tight surroundings would detract from the overall beauty and value of the area, rather than enhancing it.

We would suggest the utilization of the short distance along Papaloa Road as an alternative to this stretch of beach. It would be a very short detour away from the shoreline, but would be a low cost solution to this problem. Thank you for considering our input.

Sincerely,

Paul and Gretchen Curlander
#532
410 Papaloa Road
Kapaa, HI 96746

Nancy Nishikawa

From: Nancy Nishikawa [nnishikawa@kimurainternational.com]
Sent: Monday, March 22, 2004 4:25 PM
To: 'Rose Anne Jones'
Cc: 'Robb Jones'; 'dhaigh@kauaigov.com'; 'HERB LEE'
Subject: RE: Proposed Bike Path north of Wailua River

Aloha Rose Ann and Robb,

Thank you for taking the time to send us your comments about the proposed bike/pedestrian path. We're currently working on the draft environmental assessment, a document that will evaluate and disclose the environmental, social, and economic impacts of all alternatives. I want to assure you that your viewpoints will be considered as we prepare the draft EA.

Nancy

Nancy Nishikawa
Kimura International, Inc.
1600 Kapiolani Boulevard, Suite 1610
Honolulu, HI 96814
Ph. (808) 944-8848
Fax (808) 941-8999
nnishikawa@kimurainternational.com

-----Original Message-----
From: Rose Anne Jones [mailto:raj@arrowheadgallery.com]
Sent: Monday, March 22, 2004 2:11 PM
To: projects@kimurainternational.com
Cc: Robb Jones
Subject: Proposed Bike Path north of Wailua River

Aloha,

My husband, Robb Jones, and I own a condo at Lae Nani. We recently were informed about the bike/pedestrian path that is proposed along the Wailua Bay. We understand that under the original 1999 proposal, this pathway followed Papaloa Road and then cut back to the beach north of Lae Nani.

We think that the pedestrian/ bike path is a great idea! It will encourage people to get out and enjoy Kauai's magnificent natural sights.

We ARE concerned that the original proposal was changed from a route along Papaloa Road to a route along the beach in front of the Papaloa Road resorts entailing a substantial increase in cost! Because of the terrain and limited beach areas, this proposal would be a difficult and expensive undertaking to build and to maintain properly.

We have several concerns about this "New" routing proposal:

- Monk Seals often rest on the beach along the Wailua Bay in front of these resorts--their resting spots would be right in the pathway of bikes and pedestrians. We are concerned for the protection of this endangered species.
- The Kukui Heiau is a fragile area--sacred to the ancient Hawaiians. We are concerned that a large increase of traffic and pedestrians may disturb this sacred area or disturb the shearwood birds that nest there.
- Numerous cattle egret birds make their habitat in this area. Will they be protected?
- The beach is so narrow in front of some of these resorts that we feel your proposed plan will exacerbate a problem that the County of Kauai is already fighting---that of beach erosion and encroachment.
- The additional cost of the route along this stretch of beach is prohibitive.

We believe there are many strong reasons to route the bike path along Papaloa Road:

- The cost savings of building and maintaining the bike path on Papaloa Road vs the rocky beach front is substantial and alone would justify this route!
- No obstructions to the monk seals' chosen resting spots; therefore allowing them to peacefully enjoy their chosen habitat.
- There are other magnificent views on Kauai besides the ocean....Sleeping Giant is a Kauai landmark that one can't always see from the beach side.
- The route along Papaloa Road could be enhanced with beautiful plantings and flowers to make it a park-like setting for the pathway.

We urge you to reconsider your plans. We live in Colorado and would have attended your previous planning meetings to voice our opinions if we could have and if we had been notified of discussions about this proposal.

We fully support the pedestrian/bike path idea in general. Please return to the original 1999 proposal that takes advantage of the tranquil short distance along Papaloa Road and allows users of the path to safely enjoy beautiful views of Kauai mountains and Sleeping Giant.

The monk seals will also thank you!

Sincerely,

Rose Anne Jones
Robb Jones

4998 South Nelson, Unit B
Littleton, CO 80127
(303) 933-9702

Nancy Nishikawa

From: Nancy Nishikawa [nnishikawa@kimurainternational.com]
Sent: Monday, March 22, 2004 5:06 PM
To: 'dorisashe@aol.com'
Cc: 'dhalgh@kauaigov.com'; 'HERB LEE'
Subject: RE: Bike path

Aloha Doris,

Thank you for taking the time to attend the March 10 meeting and to send us your comments. I want to assure you that your viewpoints wil be considered as we prepare the draft environmental assessment.

Nancy

Nancy Nishikawa
Kimura International, Inc.
1600 Kapiolani Boulevard, Suite 1610
Honolulu, HI 96814
Ph. (808) 944-8848
Fax (808) 941-8999
nnishikawa@kimurainternational.com

-----Original Message-----
From: dorisashe@aol.com [mailto:dorisashe@aol.com]
Sent: Monday, March 22, 2004 4:41 PM
To: projects@kimurainternational.com
Subject: Fwd: Bike path

Aloha Sir: I attended the meeting on March 10 at the Kapaa school which was an infomational meeting for residents and proiperoty owners. Because I own property along Papaloa Cove I am concerned about two of the proposals presented. I understand the desire to build the path oceanside for the enjoyment of those using the path, however there does not seem to be any consideration given to the property owners in this area. Is it fair for those residents to lose their privacy, their security, and their enjoyment of their own property, when the path could just as well return to Papaloa Road at the end of the Kauai Sands property? To interfer with the KUKIUI HEIAU property or to cross our property, seizing it by eminent domain, is completely unnecessary and unjust.

I question whether the people of Kauai and especially the residents of Kapaa are willing to accept this action since there has been no attempt to poll those directly involved. I would suggest that this should have been the first step in determining the location of this bike path. Since it was not done early on--it might be worth considering at this time.

I believe another consideratiion should be of the environmental impact this path will have on the Monk Seal and Turtle population who make thheir home in this area. The seals are an endangered and protected species who would be directly affected by increased activity along this shore. It would be difficult to rope off the desired area for their comfort and security.

The other concern I have is the additional cost invloved in selecting the oceanside route. There is little doubt that it would be more costly to build the path along the irregular coastline. It would also be more difficult to get help to any victim involved in an accident or medical emergency. Security and maintenence are also issues to consider in making the route selection,.

I believe, as a long time owner at Lae nani, I am aware of, and voice the opinions and concerns of the owners of property along this coastline. I trust much thought will be given in making the final decision.

Respectively,
Doris Ashe, Unit 332 Lae nani.

FROM : KAPAA SANDS PHONE NO. : 808 622 1556 Mar. 24 2004 ... PI

Aloha,
A few days ago I stood on the lovely lawn fronting the Kapaa Sands Resort, in Wailua, where I've been employed for over 13 years. I was trying to visualize a 10 foot wide path running just feet from our buildings, with bike riders, skate boarders and joggers running by.
I've tried to visualize what had to be done to construct this path. What happened to the green sea turtles, where did they go? Where are the monk seals going to rest?
How about the local families and fishermen that frequent Papaloa cove? Where are they going now?
The Heiau fronting Lae nani! What will the impact be on these sacred grounds?
These questions are valid, and there are serious grounds for my worries.
There is a very simple solution. Put the path along Papaloa Road. Eliminate the threat to our delicate environment, save a great deal of money, and still have a wonderful path for all to enjoy.

Nancy Candela
Wailua and Lihue
3-3400 Kuhio Hwy., A311
Lihue, Hi. 96766
241-1380

[illegible]

March 22, 2004

Dear Mr. Kimura,

We have just learned of the "Bike/Walking Path" project which might run down the beach front side of various properties on Papaloa Road, Kapaa.

As original owners of a condo at Lae nani, we feel there are several valid reasons not to have this path go down the beach front side but to use Papaloa Road as a segment of this path, there by avoiding any disturbance of the sacred Kukui Heiau. The existing beach access path just NE(?) of Lae nani could easily widened to the extent necessary.

First and perhaps of most significance to the County is that assessed valuations of these properties would have to be lowered if the desireability of these properties is reduced in any way.

The County has just raised our 2004 property assessments by $116,100. Since, according to the property assessment Notice Statement: "Assessment valuation is based on a market value price a willing buyer will pay for fee simple ownership" (of a certain property); thus any obvious change of property desireability in the eyes of a prospective buyer.

would have to trigger a County action to reduce assessed valuation and subsequently taxes based on the perceived reduced values in the eyes of prospective buyers.

Since our 2003 taxes of $1861. per year were based on assessed valuation of $255,800.; at an assessed valuation for 2004 of $371,900. our taxes are likely to rise by about $800. per year, to about $2661. p/yr. Probably all adjoining residential properties will have similar increases.

We feel that "The Path" along the beach-fronts would decrease desireability of these properties, thus causing the County to have to reduce land assessments.

Secondly: the construction costs of a path along the beach front would surely exceed those of the costs of using Papaloa Rd. as a segment of this path.

Thirdly: There is a security consideration for the properties since the path would go through an area that is far from the front offices and custodial staffs of the various properties. Most properties have already had instances of trespassings, breakins, attempted

breakins, and thefts. Also, would the County hold the properties harmless for accidents occuring along the path and spilling off the path?

Fourth: La Nani is located on a flood plane and both hurricanes caused service flood damage up to half the property

Fifth There are environmental considerations regarding sea animals and birds who use the small beach areas.

Sixth Personal hygiene matters such as toilets, drinking water etc. The nearby Coconut Marketplace and Kimi papo Shopping Center would be ideal places for a stop along the path

Please use your influence to "steer" the Bike/Walking path down Papaloa Road rather than down the beach front.

Most sincerely

[signature]

cc – Dave Wright
Pres LN BOD
Ms. V. Valenciano
Mgr. La Nani

Mr. & Mrs. William Crowley
9 Buggy Whip Drive
Pls Vds Pnd, CA 90274-5008

March 22, 2004

MAR 24 2004

Mr. Glenn Kimura
Kimura International
1600 Kapi'olani Blvd. Suite 1610
Honolulu, HI 96814

RE: LYDGATE PARK-KAPA'A BIKE PATH

Dear Mr. Kimura:

We have recently been advised that there is a proposed bike route that has a tentative plan to parallel the Papaloa Cove route. The opportunity to have a public bike/walking path that covers several miles is a wonderful option for residents of the island of Kaua'i, as well as our many guests.

As a real estate developer myself, I believe I understand the intricacies, complications and expense of such a task. I have read many of the concerns of taking the path to the beachfront location, all valid and worthy of consideration. The only additional concern I'd like to voice, is that of expense to the State of Hawaii. In order to take the bike path on the makai side of Papaloa road, several imperative issues would add significant cost. Namely, the seizing of private property, by eminent domain, given the unlikeliness of a land swap. Eminent domain would add additional cost in the thousands for legal fees. If it were demonstrated that there would be a significant loss of value to the oceanfront condos, (perhaps 10% of their value), you would have an additional several million dollar cost. Additionally, the practicality of actually "constructing" the bike path over fairly inaccessible terrain, not to mention the difficulty involved using the proper equipment in the limited space available for such construction and the ongoing management of the path.

From my personal experience standpoint, I can see the widening of Papaloa Road, with perhaps a short (two foot high) lava rock wall, to enhance and protect the bike path from any traffic on Papaloa Road. I believe direct access to the Coconut Plantation Shopping center, as well as Kinipopo shopping area, would help reduce traffic. Anything that can be done to keep cars off the road would be welcomed. Bike racks could be provided at each center as I'm sure bikers would welcome a cold drink and refreshment at these stops.

Over my 30 years in development, I have had many issues with easements, property lines, zoning and engineering. From my overview of the bike path, I feel the best use of State money would be by the widening and enhancement of Papaloa Road. The continuation of the makai path could begin with access through the north side of the Kauai Sands resort.

Thank you for your time and consideration of these issues that I felt necessary to speak about, as I am unable to attend your scheduled meeting in June. I know it is a difficult task to please everyone, and I appreciate your efforts to find the most advantageous solution for all concerned.

Sincerely,

Dennis D. French
President, Equity Directions

CC: Bryan J. Baptiste, Mayor of Kaua'i,
Bill Asing, Council Chair
James K. Tokioka, Council Vice Chair
Jay Furfaro, Member
Daryl W. Kaneshiro, Member
Maurice Munechika, Member
Mel Rapozo, Member
JoAnn A. Yukimura, Member

DENNIS & SHARON FRENCH
[illegible] COURT • [illegible] CA [illegible]

RECEIVED
MAR 24 2004

Mr. Glenn Kimura
Kimura International
1600 Kapi'olani Blvd, Suite 1610
Honolulu, HI 96814

March 22, 2004

Dear Mr. Kimura

Just recently I have learned of a proposed bike and pedestrian path to be built northward from the Lydgate Park area along a shore route. As owner of a condo in the Lae nani complex along the proposed route, I would like to express my preference for a route starting at the vacant Seashell Restaurant and proceeding northward along Papaloa Road to the border between the Coconut Marketplace and the Kauai Sands where it could return to the shore.

This route has several advantages over one the goes right along the shore for that same distance, the most important of which is that it would be the least costly leaving added funds for other sections There are several other considerations as follow:

1. Papaloa Road is essentially a bypass road along Kuhio Highway and is not heavily traveled so could easily be changed to one-way north and would be a quiet, safe route.
2. A route along the shore side of Wailua Bay View Condos would require a steep hill for bikers to climb, or alternatively, would require extensive grading and construction of retaining walls.
3. It would avoid the exercise of eminent domain proceedings to acquire private land so the route can bypass the Kukui Heiau.
4. It preserves the current privacy of the properties along the beach that presently have beach access sidewalks between them for public access to the beach.
5. There are refreshment stands readily available in the Coconut Marketplace for bikers just off the area between the Marketplace and Kauai Sands on the way to the shore from Papaloa Road.

I respectfully request that these considerations be presented to the decision-making body before a final decision is reached. Thank you.

Sincerely yours,

Hugh A. Baird
1763 Royal Oaks Dr N Apt I-6
Bradbury CA 91010

Cc Byran J. Baptiste, Mayor County of Kauai

March 21, 2004

Mr Glen Kimura
Kimura International
4444 Rice Street, Suite 1610
Lihue, HI 96766

Re: Proposed bike path, Papaloa Rd. Area

Dear Mr. Kimura

I am unfortunately on the mainland, and can not be there to offer my thoughts in person at the planning sessions as I would prefer I wish to voice my total support for the bike path I think it is a benefit that can be enjoyed by almost all. Obviously in planning such a project safety, usability, cost and minimum negative impact to environment and land owners are of major importance to assure maximum benefit to residence and visitors.

To properly address these issues, I favor the original Papaloa Rd. route. The other two routes disrupt current residents, and due to the close proximity to buildings such as Wailua Bay View Apartments, privacy of both users and residents would be compromised. In addition, the natural bluff would need reinforcing to protect the path and users. The lower "cut-in" option could prove dangerous to users during a storm, and would be expensive to protect the path from storm and wave activity. The clear best choice would be to make Papaloa Rd. a one-way street (north) and put the path on the mauka side of the road. This would improve a dangerous intersection at Kuhio Hwy, and the path is practically already built. There would be minimum impact to current residents, and no need for the expense of security fencing, retaining walls, or erosion control

As a current resident, and taxpayer I strongly support this option. I also would strongly oppose the other two options for the reasons stated. The path is a wonderful idea, and can be a benefit to all, or a constant reminder of a poor communication between government and citizens. Let's promote community goodwill, the aloha spirit, and put the path, as originally proposed, on Papaloa Rd.

Thank you for taking time to consider public input. We all look forward to a "Papaloa Rd. bike path"!

Sincerely,

Richard and Linda Liohli
320 Papaloa Rd. #312
Kapaa

MAR 29 2004

March 28, 2004

Douglas & Eloise Cook
Lae Nani # 534
410 Papaloa Rd
Kapaa, Kauai, Hawaii 96746

Mr. Glenn Kimura, Kimura International
1600 Lapi'olani Bld., Suite 1610
Honolulu, HI 96814

I am a condo owner at Lae Nani in Kapaa.

I have several question in regard to the proposed bike, walking, running, skate boarding and access beach path.

1. ***It appears that this initiative is a grab by government people from those who have for those who desire for the purpose of furthering their political base. How and on what basis other than this is the Bike Path being justified? (There is already a set back which allows public access to the beaches, which is working fine)***

2. ***Will this NOT allow the criminal element (IN LIGHT of the ICE problem) to have the greater access to existing property owners and there by prey on senior citizens who have invested and are seeking a pleasant place to spend their final years?***

3. ***There is a substantial amount of commercial property along the shoreline. How will this Bike Path impact them and their property values?***

4. ***The general public have access to the shore and its beaches. How is this going to improve the beauty and cleanliness of the shoreline and beaches?***
5. ***I understand that an alternative proposal that was originally considered the path of choice, along Papaloa Road.***
6. ***Has there been an environment impact study and if so what is the results? (Was the study distributed to all property owners effected)***

I think it is interesting that bike traffic is only a fraction of 1% and is receiving such attention but if it is necessary, it needs to be with much concern for the existing shoreline residents.

March 21, 2004

Mr Glen Kimura
Kimura International
4444 Rice Street, Suite 1610
Lihue, HI 96766

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Thank you for taking time to consider public input. We all look forward to a "Papaloa Rd. bike path"!

Sincerely,

Richard and Linda Liohti
320 Papaloa Rd. #312
Kapaa

DOCUMENT CAPTURED AS RECEIVED

MAR 29 2004

March 28, 2004

Douglas & Eloise Cook
Lae Nani # 534
410 Papaloa Rd.
Kapaa, Kauai, Hawaii 96746

Mr. Glenn Kimura, Kimura International
1600 Lapi'olani Bld., Suite 1610
Honolulu, HI 96814

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I think it is interesting that bike traffic is only a fraction of 1% and is receiving such attention but if it is necessary, it needs to be with much concern for the existing shoreline residents.

March 23, 2004

Glen Kimura
Kimura International
600 Kapiolani Blvd., Suite #1610
Honolulu, HI 96814

Re: Kauai Bike Path between Wailua Beach - Coconut Marketplace.

Dear Mr Kimura,

As a part-time resident and landlord along Papaloa Road, I am very much in favor of the original plan, which calls for the bike path to go along Papaloa Road. That placement would benefit the occupants, mostly visitors, of the 182 condo units along Papaloa Road, as well as the businesses at Kinipopo Shopping Village

I have learned that there are now two other options being explored, which would place the bike path between the condos and the ocean. There are stakes along our property line at Wailua Bay View, presumably outlining just how close the bike path could actually be placed to our private living areas. In some places the bike path appears to be within touching distance of our building. This is a concern, not only for the occupants of our building, but also for the bike path users who would likely feel like they are intruding into the private space of the occupants. Security would also be an issue, for placing the path in such close proximity to the lanais would provide easy access and easy getaway to would-be burglars

Question. Does the plan call for a buffer of a particular amount of space between the path and personal living spaces and/or between the path and the ocean? If so, what is that figure?

I heard that Kauai Councilwoman JoAnn Yukimura compared the proposed Kauai Bike Path to the Burke-Gilman Trail in Washington State I am very familiar with that trail and there is absolutely no comparison. The Burke-Gilman Trail does not come between the waterfront and the homes, and where it passes near homes and condominiums, there is at least 50 feet between the trail and the homes The trail was built on a wide swath of land that was previously unused railroad tracks

Placing the Kauai bike path in the very narrow sliver of state land between the ocean and Wailua Bay View Condominiums would give bike path users an ocean view, but also a view into private living spaces of residents and visitors of our vacation rental condominiums. When the bicyclists were polled about their preference for a coastline path, were they also polled about their preference for biking through areas of close proximity to personal living areas, where they might feel they are intruding on private space?

I urge you to give more consideration to the Papaloa Road route for the bike path. Thank you for your time.

Julie Wirtz
320 Papaloa Road #210
Kapaa, HI 98746

MAR 31 2004

May 29, 2004

Dear Mr. Kimura:

I am both a bicycle enthusiast and resident of the Wailua Bay. I support the building of a bikeway that will enable people to safely enjoy the beauty of our island by non-motorized means.

I walk every day along Wailua Bay and observe many of nature's greatest gifts of beauty: flora and fauna alike. I am not alone. Fishermen, families, visitors, use these beaches as well as couples finding the perfect spot to exchange vows.

It is my hope that both bicycle riders and pedestrians can continue to have access to these beautiful lands. A safe place to use non-motorized transportation can be achieved by placing the bike path on one of the alternative paths recommended in the proposal without creating a negative environmental impact along the shoreline.

Sincerely,

Sandra Deitz
380 Papaloa Rd
Kapaa, HI 96747

Deitz
380 Papaloa Rd
Kapaa HI 96746

Aloha Bike Path
(808) 4+380!

Nancy Nishikawa

From: Dale [edcra@aloha.net]
Sent: Monday, March 29, 2004 2:54 PM
To: g.news@aloha.net
Cc: lchang@pulitzer.net
Subject: To the Editor: Coastal Trail and Public Access

condo[1].access.doc (23 KB)

I read with interest the article and letters recently sent to the paper from owners of condominiums in Hailua. The owners of these oceanfront dwellings give various reasons why a bike and pedestrian path along the coast in their area is a bad idea. What the letters don't mention is that the land along the coast in that area is public land. These owners are apparently upset that the public might actually want to use the public land near their exclusive condominiums.

Surveys recently done in the area prompted the condominiums owners concerns but are also eye opening for the general public. A walk in the area will reveal efforts have been made over the years to keep the public from accessing the area. Walls, irrigation systems, shrubs and no trespassing signs have been erected by the condominium owners to prohibit access to the public. The problem is that many of these barricades are on or encroaching on public lands (read "our lands").

The article states that there is a need to block off quite a bit of lawn that is on state land to protect monk seals when they come ashore. What the article does not state is that this lawn "on state land" also has no trespassing signs erected by the condominium management, and local people have been asked to leave when they attempted to use this public area. The condominium owners are writing letters of protest about the impacts of a public path on endangered or threatened wildlife, however Poipu Beach Park frequently hosts monk seals, and blocking off the areas at those times does not cause a problem. One questions the genuine concerns and interests of the property owners based on the new survey, which identified the encroachment of the condominium owners themselves: endangered wildlife or continued personal use of public lands.

Perhaps the residents at Lae Nani condominiums who are concerned about environmental and cultural issues can assist in the protection of the Kukui Heiau, which is situated on and adjacent to their property.
Currently any pedestrians in the area are inappropriately required to pass through a cut in the wall of the Heiau and walk right through the middle of it. A coastal path in this area can direct pedestrians to a more acceptable route and protect the Heiau from continued misuse.

When the growing of sugar cane on the east side ended, our then councilperson Bryan Baptiste saw a historic opportunity to preserve coastal access for the public. His creation of a committee to promote a coastal path put "would be" developers on notice that access on Kaua'i's coast would be an expectation when lands were put to use for other than agricultural purposes. Indeed the next development on the east side resulted in coastal access along the entire project, ensuring public access forever while passing lands fronting Kealia Beach and Kuna Bay into public hands.

Now that the coastal path has an opportunity to move through public right of ways already existing in Hailua, the opposition comes from people who currently claim and wish to keep exclusive use of the coast. Remember
Kaua'i: a coastal path equals public access in perpetuity.

--
Dale Rosenfeld
Esprit De Corps Riding Academy

www.kauaihorses.com
riding@kauaihorses.com
808-822-4688 phone
808-822-2309 fax
PO Box 269
Kapaa, HI 96746

RECEIVED
MAR 31 2004

March 29, 2004

Mr. Glenn Kimura
Kimura International
1600 Kapiolani Blvd., Suite 1610
Honolulu, HI 96814

RE: The Kaua'i Bike Path

Dear Mr. Kimura,

We are writing to express our great support for the bike path. This is a wonderful thing for Kauai. We own a condo at Lanikai (unit 114) and are looking forward to using the path.

We would like to see the path take the Papaloa Road route. We believe that route will be the quickest to build, cheapest, and most convenient route that could be chosen. By making Papaloa road a one-way street with a speed limit of 15 or 20 miles per hour we would reduce traffic (especially the midnight racing-type) and its associated noise that is a continuing problem for my wife and I.

Thank you for considering our comments. We hope for a speedy construction process!

Yours Truly,

Glenn & Marian Head
390 Papaloa Road
Unit 114
Kapa'a, Kaua'i, Hawaii 96746

MAR 31 2004

John G. Hill
390 Papaloa Road
Kapaa, HI 96746

Mr. Glen Kimura
Kimura International
1600 Kapiolani Blve., Suite # 1610
Honolulu, HI 96814

Dear Mr. Kimura:

All in all, as a resident and taxpayer in our county, I think the idea of a bike path is probably pretty good. However, I am very concerned re. the possibility of routing the path between the five condominium complexes and Papaloa Cove.

As you know, the condominiums are VERY close to the cove, and the cove itself is a very fragile eco-system, home to abundant sea turtles, monk seals, and a great variety of other sea life. The amount of serious excavation that would be necessary to locate the path along the ocean would be considerable, and I'm very afraid could cause serious erosion and major "run off" problems into the bay. I think, in the years to come, such excavation and construction could be viewed as a major environmental mistake. Please, let's not destroy any more of our beautiful, natural island.

I also think this route raises major public safety and perhaps even liability issues. There would be considerable "rises and falls" along this route, which is obvious when you look at the height of a couple of the points of land and the distance down to the sea level. One can easily imagine safety risks for anyone on a skateboard, roller blade, wheelchair, etc., and the accompanying risks to pedestrians as people come down these steep drops very rapidly.

PLEASE consider using the much more (environmentally) responsible and SAFER Papaloa Road alternative for the bike path. As citizens and taxpayers, this would be greatly appreciated.

Sincerely,

John G. Hill

Apr 0. .. 07:54 Doug .son 1808 -672 P

Clark T. Scarboro

100 Samish Place, La Conner, WA 98257
Phone (360) 466-1367, FAX (360) 466 0357
e-mail: Lake_Folks@juno.com

April 3, 2004

We wish to congratulate the County of Kauai on the excellent walking path and improvements to Lydgate Park. For both the island residents and for the tourists, it is wonderful to have a safe, scenic place to walk and to play.

As owners of a unit in Wialua Bay View (WBV) we are following with interest your plans to extend the path along the beach at Wialua and north to Kapa'a. We are surprised that the course chosen for the path does not utilize Papaloa Rd. By passing sea side of Wialua Bay View an expensive change of elevation will be required probably necessitating the construction of retaining walls which will be vulnerable to erosion and the action of the sea. The fact that the rocky point north WBV is a feeding ground for sea turtles must be taken into consideration and from the aesthetic point of view nothing should be done to mar the picturesque beach in front of the Kapaa Shores.

Choosing to use Papaloa Rd. would be far less expensive and have no impact on the natural elevations changes, turtle feeding, or picturesque coves. If Papaloa Rd. was made one way between the Shell station and the street north of the Kinipopo shopping center, a hazardous intersection could be made much safer. As it exists, drivers trying to enter the highway heading south cause many near accidents. Furthermore, the road is very narrow as it goes between the shopping center and the sidewalk on the waterside and can barely handle two way traffic when cars are parked on either side. Once past the constrictions of this area, Papaloa Rd. is already an attractive place to walk and bicycle and could easily be made more attractive and safer. The proposed path could then be routed back toward the shore at the pre existing beach access next to the Kauai Sands.

We hope that you will give serious considerations to these suggestions in your planning process.

Sincerely,
Joan and Clark Scarboro

Doug Wilson
P.O. Box 185, Lihue, HI 96766

(808) 245-9115, Fax: (808) 245-6727
Email: doug.kauai@verizon.net

FACSIMILE TRANSMITTAL

April 2, 2004

Mr. Glenn T. Kimura, President, Kimura International

Fax (808) 941-8999

Doug Wilson
P.O. Box 185, Lihue, HI 96766

(808) 245-9115, Fax: (808) 245-6727
Email: doug.kauai@verizon.net

April 2, 2004

Mr. Glenn T. Kimura, President
Kimura International
1600 Kapi'olani Boulevard, Suite 1610
Honolulu, Hawaii 96814

Dear Mr. Kimura:

This letter is to provide my comments relevant to your planning of the Lydgate Park to Kapa'a section of the Kaua'i eastside bike/pedestrian path. I have three points I'd like to address in this letter: 1) advantages of the Papaloa Road route over the beach route, 2) use of the easement between Kaua'i Sands Hotel and Islander On The Beach to return to the beach area, and 3) protection of Kukui Heiau and the natural environment.

First, a little background information to qualify my comments: My wife, Charline, and I have owned Hawaii property for thirty years and have been full time residents on the Wailua shoreline of Kaua'i for twenty-five years. During that time we have been actively involved with public and private land issues, particularly in the area of Papaloa Road. We were intimately involved in placing Kukui Heiau on the National and State registers of historical places. We designed and installed the bronze plaque at the northwestern border of the heiau. I am a Director of Na Kahu Hikina A Ka La, the community based group designated as the curator of several Wailua area heiau. We were the principal detail designers of the pedestrian easement for access from Papaloa Road to Kukui Heiau.

I applaud County Officials and your efforts toward creating the bike/pedestrian path. Charline rode her bicycle on the sand from Lae nani condominium to Kapa'a for several years. I realize that the final routes taken by the path will please many people and displease (hopefully) only a few. I believe that arguments for the Papaloa Road route are so overwhelming that the Papaloa Cove beachfront route is an unacceptable option.

The beachfront route would require extraordinary amounts of right-of-way and construction funds, result in potentially much higher long-term maintenance expense, involve unnecessary disruption of endangered wildlife habitats and possible cultural remains, and introduce preventable negative impact on the experiences of many vacationers to Kaua'i. I'm sure that many people have forgotten that tsunamis in 1946 and 1957 wrecked improvements in this area up to a level of twelve feet above mean high tide. The routes of the bike paths at Lydgate set back from the shore prove that shoreline routes are not needed for a pleasant and scenic recreational experience.

Papaloa Road in the vicinity of Kinipopo Shopping Center is dangerous. The street is simply not wide enough to accommodate cars and trucks parking on both sides along with two-way traffic. Short lines of vision around parked cars are hazards to pedestrians, bicycle riders, and other drivers. Long, slow lines of Lihu'e bound vehicles encourage many drivers to leave Kuhio Highway, cut through the parking lots of Coconut Marketplace, and speed down Papaloa Road to rejoin Kuhio Highway at an obviously dangerous intersection ahead of other drivers. It is imperative that Papaloa Road must become a Kapa'a bound one-way street sometime soon.

The ten-foot easement for pedestrians only from Papaloa Road to Kukui Heiau should remain as it is. Kauai Council Members' original intent was for only that purpose; not as route to the beach, nor as a bicycle/skateboard/etc. path. To use it for the bike path would destroy hundreds of Panax trees and dozens of fifty-year-old Ironwood trees.. A much superior route for the return to the beach from Papaloa Road would be the currently unused easement between Kaua'i Sands Hotel and Islander On The Beach. This route would further protect Kukui Heiau from damaging intrusion by bike path users not aware of its significance. It would also place people traversing the path closer to Coconut Marketplace stores for refreshments.

From Lydgate Park, the recreational path would extend northward along Wailua Bay, diverge inland along Papaloa Road for about 0.4 miles for a good look at Sleeping Giant Mountain, then back to the sandy beach. This route would allow both visitors and residents to enjoy peace and quiet on Papaloa Cove beach, away from the bustle and bustle of the bike path.

This route just makes sense. It meets all the objectives stated in the Kimura International Fact Sheet.

Sincerely yours,

Doug Wilson

cc: Kaua'i County Mayor Baptiste
Kaua'i County Council Members Asing, Furfaro, Kaneshiro, Munichika
Rapozo, Tokioka, Yukimura
Kaua'i County Public Works Superintendent Doug Haigh
The Garden Island's Lester Chang
Some interested citizens

March 30, 2004

APR 0 6 2004

Bryan J. Baptiste
Mayor, Kauai County
4444 Rice St. Suite 235
Lihue, HI 96766

Re: For Papaloa Road portion of proposed bike route

Dear Mayor Baptiste:

For 20 years I have been coming to the pristine beach behind Papaloa road. When the wind is right the surfers are out in front. When the tide is right the Hawaiians are fishing from the reef. Families picnic on the beach. Our condo, pool, and yard have always been private and secure and it is wonderful.

Now we hear that there might be a bike trail in front of our living space. It will be too close, unsafe, uncomfortable, and lower our quality of life as an owner and resident of Lanikai condominiums. It will be very intrusive to build and expensive and difficult to maintain.

Owners, residents, and visitors along Papaloa road are unanimously against the beach route. The original Papaloa road route makes much more sense and will be supported by local residents and owners. The Papaloa road route will support local retail business at Kinnipopo market and the Coconut Market Place and be more practical to build and maintain.

The bike trail should improve the quality of life for all, not sadden 184 property owners. PLEASE! NOT THE PAPALOA BEACH ROUTE.

Maybe the Seashell building could be traded for another Wailua beach location and turned into restroom/beach facilities. Maybe the bike trail could go right through the Seashell to get protection from auto traffic, and then go along a beautiful one way Papaloa road to Coconut Market.

Yours truly,

Ed and Katie Robinson
390 Papaloa Rd. #221
Kapaa, HI 96746

Cc: Glen Kimura, Bill "Kaipo" Asing, James Tokioka, Daryl Kaneshiro, Jay Furaro, Maurice "Joe" Munechika, Mel Rapozo, JoAnn Yukimura

APR 0 1 2004

P.O. Box 22-3254
Princeville, HI 96722
April 8, 2004

Glenn Kimura, Kimura International
1600 Kapiolani Blvd.
Honolulu, HI 96814

Re: Proposed Bike Route, Papaloa Road, Kauai

Dear Mr. Kimura,

We are writing to encourage the proposed Papaloa Bike Path to follow the existing street rather than the limited beachfront area.

As owners of a Kapaa Sands condominium, we have enjoyed the quiet cove for many years. Turtles are often seen close to shore, and recently there have been young Monk Seals sunning on the beach. During low tide, local residents fish off the reef while high tide dramatically limits the sandy area.

The beach is narrow and a proposed bike path would encroach on that portion now used by residents and visitors. In addition, we are concerned about the environmental impact it would have on the existing marine life.

It is our understanding that other proposals are being considered, and we encourage a path that would benefit the residents and visitors without disrupting the pristine coastline and inhibiting the habitation of marine life.

Thank you for your consideration in this matter.

Sincerely,

John G. Burns

Catherine L.C. Burns

cc: Bryan J. Baptiste, Mayor, County of Kauai
Kauai County Council, Bill "Kaipo" Asing, Council Chair
Douglas Haigh, PE, Chief, Building Division

Nancy Nishikawa

From: Nancy Nishikawa [nnishikawa@kimurainternational.com]
Sent: Friday, April 09, 2004 2:47 PM
To: 'Jone Small Manoogian'
Cc: 'dhalgh@kauaigov.com'; 'HERB LEE'
Subject: RE: Bike Path on Kaua'i's East Shoreline

Aloha Jone,

Thank you for taking the time to send us your comments. We are currently working on the environmental assessment for this project. Please be assured that your viewpoints will be considered as we prepare the draft EA.

Nancy

Nancy Nishikawa
Kimura International, Inc.
1600 Kapiolani Boulevard, Suite 1610
Honolulu, HI 96814
Ph. (808) 944-8848
Fax (808) 941-8999
nnishikawa@kimurainternational.com

-----Original Message-----
From: Jone Small Manoogian [mailto:jmanoogan@earthlink.net]
Sent: Friday, April 09, 2004 8:05 AM
To: Kimura International
Subject: Bike Path on Kaua'i's East Shoreline

Dear Kimura International:

We recently returned from a working vacation on Kauai. We had the great pleasure of staying at the Kapaa Sands on the eastern shore. One of the reasons we love that location is the beautifu, pristine, l coastline view. .We were told that you were planning to put a bike path along the narrow beach front along that property.

With endangered Monk seals and sea turtles utilizing this beach for rest or egg laying, it would seem a very poor place to choose for a bike path. A more environmentally sensitive choice would be to change part of the Papaloa Road which runs parallel to the main highway into a bike path. Close this off to car traffic (except those entering the housing areas), and have it for bikes only. Impatient drivers presently use this road as a cut off to avoid the signal near the junction of Papaloa Road and the main highway and often use excessive speed which is dangerous. Creating a bike path there would provide a needed grade separation from the main highway and not encroach on one of Kauai's most picturesque but narrow beaches.

Further, being a biker myself, I would find it exceedingly distracting to be riding close to and at times on a ramp above the surf. It would encourage both head on bicycle accidents or, at the least, bikers falling off or colliding with a railing while being distracted, looking out at the ocean.

Please reconsider this environmentally unfriendly project.

Sincerely,

Jone Small Manoogian
Hawaiian at heart!

Dear Mr. Kimura 4-10-04

I am a concerned frequent visitor to the Hawaiian Islands. I visit the Islands at least twice a year and have been doing that for over 30 years.

I understand that bike paths are to be built in the near future and I am particularly concerned about the building of these paths at the Kapaa Sands on Papaloa road on the Iland of Kauai.

My concern is in the environmental impact on the tide pools that are on the beach in front of the Kapaa Sands property. This is an area were turtles come to feed and the tide pools have dozens of types of fish and other sea life that are in the tide pools.

There is already a public beach access to that beach and I feel that building a bike path near or on the beach would be detrimental to the natural environment.

I feel that a path along Popaloa road would be better and it world be less expensive and if people want to go to that beach they can use the existing beach access.

A concerned visitor

Tom Philis
5104 Tucumcari Cirlce
Reno NV. 89511
775-852-7255

Nancy Nishikawa

From: Nancy Nishikawa [nnishikawa@kimurainternational.com]
Sent: Wednesday, April 14, 2004 12:04 PM
To: 'TTomlinsonh@cs.com'; 'glennk@kimurainternational.com'; 'LEE3COM@hawaii.rr.com'; 'dhaigh@kauaigov.com'
Cc: 'glennk@kimurainternational.com'; 'HERB LEE'; 'dhaigh@kauaigov.com'; 'Tim Bynum'
Subject: RE: Kauai bike path

Hi Harriet,

Please see my responses below.

Nancy

-----Original Message-----
From: TTomlinsonh@cs.com [mailto:TTomlinsonh@cs.com]
Sent: Wednesday, April 14, 2004 7:59 AM
To: nnishikawa@kimurainternational.com; glennk@kimurainternational.com; LEE3COM@hawaii.rr.com; dhaigh@kauaigov.com
Subject: Re: Kauai bike path

Aloha Nancy,

Again, let me say how impressed I am with the way you handle correspondence for Kimura International. Your promt reply is really appreciated by all of us who have an interest in the bike path in Kauai.

The following questions are to help me get a realistic picture of the process. The questions are specifically about the portion of the bike path beginning at the Wailua Bay beach (across from Coco Palms) and ending at the northeast point of the Lae nani condo property.

QUESTIONS:

1. Have you, Mr. Kimura, Mr. Lee and Mr. Grimes literally walked step-by-step or driven the path mauka of the Kuhio highway? Walked step-by-step or driven the Papaloa Road option? Walked step-by-step the path along the ocean? Rather than generally knowing the route, I am interested in whether the entire routes have actually been walked to see the positives and negatives. Yes, we literally walked the routes, except for those along the canal, in which case we walked or drove to points along the route that are accessible.

2. Which of the 3 options (mauka Kuhio highway, Papaloa Road or beach path) would be least costly? Most costly?

3. Which of the 3 options would be most environmentally intrusive? Which would be least environmentally intrusive?

The information for Questions 2 and 3 is being researched or developed at present, and will be discussed in the draft environmental assessment.

4. Is Kimura International aware that the beach path would have to cross the heiau or cross private land belonging to Lae nani? At a recent meeting with Mayor Baptiste, he was not aware of this. We are aware of property ownership issues in this area, and have consulted with the State Department of Land and Natural Resources (which has co-ownership of the land beneath the heiau), and the State Historic Preservation Office (which has jurisdiction over the heiau).

5. Who would make the final "recommendation" for the route?

6. Who would make the final "decision" for the route?

Regarding Questions 5-6, Kimura International's responsibility is to prepare an environmental assessment that discloses the known and anticipated impacts of all project alternatives. Our objective is to do this without bias. KI will not make a recommendation in the draft environmental assessment; rather, our intent is to provide relevant, factual information that the community can respond to during the review and comment period.

The final decision for the route will be made by the County as the project sponsor.

7. Since the 1994 Bike Plan and all but 1 citizen group (groups that were asked to 'mark' the desired path) at the January meeting all recommended the Papaloa Road route, what would "persuade" Kimura to make a recommendation other than the Papaloa Road route?

If I may clarify, the purpose of the mapping exercise during the January public meeting was to surface alternatives for the pedestrian/bike path. We tried to accommodate as many of the suggestions as possible, so they could be vetted through the environmental assessment process. The mapping exercise was not a mechanism to select a preferred route. Neither the 1994 State Bike Plan, nor the 2003 update of the plan refer specifically to Papaloa Road—both documents propose a generalized "coastal bikepath."

Thanks again for your time with my questions.

Harriet Tomlinson

APR 29 2004

To Kimura Consulting

I am writing this letter regarding the proposed bike path fronting Lae Nani Condo. I feel that the owners are displaying cultural insensitivity towards Hawaiians, and the sacred navigational heiau in front of Lae Nani.

First of all I believe it's a great idea to have a bike path along Wailua Beach, Kapaa town, to the Wailua Houselots hiking trail and to the Wailua Houselots Park. I take issue with the Lae Nani owners first blocking the public right of way with vegetation and secondly forcing the public to traverse through Kukui Heiau, to gain access to the beach. The land half way from baby beach to the heiau is owned by the state. And a few feet from the base of the heiau is on state land. The planting of vegetation and palms has forced Kauai residents, even pregnant mothers and the disabled to walk right through the middle of a heiau. I have tried myself to push a stroller over the steps of the Heiau and it was difficult going. I have tried unsuccessfully through the Kauai Historic Society to get the Lae Nani owners to relocate the public access to the front (mauka side) of the heiau so people would not have to walk across it. I have personally seen the Lae Nani security guard stop a disabled person who was walking across the property and he tried to get these individuals to walk over the Hawaiian cultural site.

Suddenly when a public bike path is involved the owners bring up an endangered seal as the reason to relocate the trail. If the condo owners were so concerned about monk seals they would not have built a rock wall separating their lawn from the beach. More endangered is a Hawaiian resident walking over the Heiau to access the beach. Would the condo owners walk through a church to access the beach?

I feel that it is a shame that a current bike path runs the length of Kapaa coastline with the exception of the coastline fronting Lae Nani. Wake up Lae Nani poohs! Be a part of the community instead of trying to barricade yourselves from it. In addition the condo owners may be pleased to have this proposed bikepath length, along the coastline fully accessible. In fact some are already in favor of it. This will actually increase their properties value.

Regarding the condo owners concerns on security & privacy, there is room to keep the bike path at a grade level below the condos for most of the way.

I also would like to acknowledge and thanks the condos management for maintaining the green space at the navigational heiau, for without this people could not appreciate the cultural site.

Sincerely, Wailua residents

Jon, Bev & Jonah Schlegel

Nancy Nishikawa

From: Nancy Nishikawa [nnishikawa@kimurainternational.com]
Sent: Tuesday, April 20, 2004 10:09 AM
To: 'John Davis'
Cc: 'dhaigh@kauaigov.com'; 'HERB LEE'
Subject: RE: Proposed Bike Path in Kapaa

Aloha John,

We are currently preparing the Draft Environmental Assessment (EA) for the proposed pedestrian/bike path from Lydgate Park to Kapaa. This document will describe all of the alternative routes being considered and the anticipated environmental impacts of each. It is scheduled for public release around the second week of June. We will notify you when it is available for public review and comment.

Nancy

Nancy Nishikawa
Kimura International, Inc.
1600 Kapiolani Boulevard, Suite 1610
Honolulu, HI 96814
Ph. (808) 944-8848
Fax (808) 941-8999
nnishikawa@kimurainternational.com

-----Original Message-----
From: John Davis [mailto:johnlocdavis@mac.com]
Sent: Tuesday, April 20, 2004 5:54 AM
To: Projects@Kimurainternational.com
Subject: Proposed Bike Path in Kapaa

Dear Projects manager,

Please send me all updated information on the proposed bike path for the south side of Kapaa.

Thank you very much,

John Davis (local home owner)

Nancy Nishikawa

From: Nancy Nishikawa [nnishikawa@kimurainternational.com]
Sent: Wednesday, April 21, 2004 10:55 AM
To: 'SJOSASSOC@aol.com'
Cc: 'dhaigh@kauaigov.com'; 'HERB LEE'
Subject: RE: Bike Path on Kauai

Aloha David,

Thank you for taking the time to send us your comments on the proposed pedestrian/bike path from Lydgate Park to Kapaa. Please be assured that your viewpoints will be considered as we prepare the draft environmental assessment for this project. This document will examine the anticipated impacts of all alternative routes. There is no preferred alternative at this time. The County will select a final alignment after the environmental assessment has been published and the public review process is completed.

Nancy

Nancy Nishikawa
Kimura International, Inc.
1600 Kapiolani Boulevard, Suite 1610
Honolulu, HI 96814
Ph. (808) 944-8848
Fax (808) 941-8999
nnishikawa@kimurainternational.com

-----Original Message-----
From: SJOSASSOC@aol.com [mailto:SJOSASSOC@aol.com]
Sent: Wednesday, April 21, 2004 8:23 AM
To: projects@kimurainternational.com
Subject: Fwd: Bike Path on Kauai

Subj: **Bike Path on Kauai**
Date: 4/21/2004 11:07:34 AM Pacific Daylight Time
From: SJOSASSOC
To: mayor@kauaigov.com
CC: kasing@kauaigov.com, projects@kimurainternational.com
BCC: Gwhaloha

Dear Mayor Bapliste:

I am writing to you concerning the proposed bike path that is planned for the island of Kauai to run along Papaloa Road including along the ocean in front of the Lae nani condominium units.

Having been an employee of the Dole Food Company for many years, it was necessary for me to spend quite a bit of time in Hawaii (primarily Honolulu and the island of Lanai during the week) and on weekends would frequent some of the other islands. One of my favorite places was Kauai and the area where Lae nani is now located. Additionally, I have been a frequent guest of one of the condominium owners at Lae nani – even spent one Christmas there. Needless to say, my primary reason for returning so often had a lot to do with the natural beauty of the area. To me it was always the paradise about which one thought when they thought of Hawaii. It was the first island I visited after my first trip to Oahu back in 1964, and it surely will continue to be my favorite.

Under the circumstances, I find it difficult to believe the government of Kauai would even consider destroying this beautiful location particularly when there is, as I understand it, an acceptable alternative available.

I trust you will include this message along with the others you will no doubt receive from the condominium owners themselves and many of their guests. Thank you for your consideration.

Aloha,

David G. Sjostrom

Theodore C. and Margaret M. Nelson
235 Ferson Avenue
Iowa City, IA 52246-3508
319-338-1276
nelsonmm2@mchsi.com

April 12, 2004

Glenn Kimura
Kimura International
1600 Kapialani Boulevard
Honolulu, Hawai'i 96814

Re: Proposed Route of Bicycle/Pedestrian Path
(section from Wailua Beach to Kaua'i Sands Hotel)

Dear Mr. Kimura:

We are writing to comment on the proposed route of the bicycle/pedestrian path around Kauai, especially the section from Wailua Beach to the Kaua'i Sands Hotel – and, within that, the Kapa'a Sands section.

(The similarity in name between Kapa'a Sands and the Kaua'i Sands Hotel should be noted. The two should not be confused, in spite of the similarity of their names. Kapa'a Sands (where we stay), to the south, has only 24 condo units, in 8 small buildings, set close to the ocean and adjacent to the outcropping of rocks which effectively terminates the Wailua Beach. The Kaua'i Sands Hotel, a much more extensive development, is further along the shore to the north, where there is a broad lawn – and an existing path – along the ocean front.)

We understand that the options in this section are as follows:

(1) Along **Papaloa Road** from Wailua Beach to the beach right-of-way between Lae Nani and the Kaua'i Sands Hotel, then going north along the ocean.

(2) Along the **coastline** fronting six condominium complexes and one lot, from Wailua Beach to the Kaua'i Sands Hotel.

(3) Paths along **both Papaloa Road and the coastline**, with access to link both routes at the beach access next to Kapa'a Sands and at the beach access between Lae Nani and the Kaua'i Sands Hotel.

We have been annual visitors to Kauai and Kapa'a Sands since 2000, and from that viewpoint we are writing **in support of Option (1), Papaloa Road**, for the following reasons:

(a) Cost. A coastline path/boardwalk at the north end of Wailua Beach would be very expensive to construct, since the beach ends with a promontory of rocks which extends out into the ocean.

(b) Turtles. Sea turtles live and feed around these rocks, and sometimes along the reef in front of Kapa'a Sands. The presence of more people, or bicycle traffic, would have a negative impact on their environment.

(c) Bank Erosion. The area where a beachfront path could be placed at Kapa'a Sands (between the Kapa'a Sands condo units and the precipitous incline down to the beach) is quite narrow in some sections – at one point the county property line is only 5 feet from a condo building. We are concerned that a bicycle/pedestrian path built on this narrow strip would have a negative impact on the fragile bank.

(d) Safety. A bicycle/pedestrian path would also create a risk for the many condo residents who go back and forth in this area. Since the lawn fronting the ocean is so narrow, condo residents (who tend to be an elderly group) come upon it suddenly from between the buildings. Bicycle traffic would present a potentially severe hazard.

(e) Sightlines. With both pedestrians and bicyclists using the same path, but travelling at very different speeds, it is important to have clear sightlines so that both riders and walkers can see each other in time to avoid collisions. This would be difficult along this stretch.

(f) Proximity to dwellings. It seems to us that both bikers and walkers would be uncomfortable at suddenly having the path take them in such close proximity to units which are being lived in – people don't usually choose to walk across someone's front yard, 5 feet from their patio.

(g) Kukui Heiau. Further north, the beach access path between Lae Nani and the Kaua'i Sands Hotel approaches the ocean just beyond the Kukui Heiau, an ancient sacred site. It seems to us that the Heiau would be better protected and preserved by having the proposed bicycle/pedestrian path ***skirt its edge***, as the beach access path does at present, rather than constructing a new path which would ***run across it***.

Insofar as we have set out drawbacks to a path which runs along the ocean in this section, for reasons of cost, safety, and environmental and cultural impact, we implicitly oppose Option 2. By the same token, we oppose Option 3, the most expensive option.

We therefore urge you to give preference to **Option (1), Papaloa Road**, above, for this path - to have the route of the path, coming from Wailua Beach, run along Papaloa Road to the beach access lane between Lae Nani and the Kaua'i Sands Hotel, and thence via the beach access right-of-way to the existing broad path between the Kaua'i Sands Hotel and the beach, and thence northward on the comparatively wide lawns between condo buildings and the beach.

We applaud the idea of the around-the-island path. We ourselves frequently walk along the abandoned railroad right-of-way north from Mile Marker 10, where we share the road with quite a few bicyclists, and we favor the broad access to beach views which must be the reasoning behind the construction of the path. However, we urge that a route be chosen which takes into careful consideration the physical aspects of the sites as well as the effect of the route on people and animals.

Thank you for considering the thoughts above.

Sincerely,

Theodore C. Nelson

Theodore C. Nelson

Margaret M. Nelson

Margaret M. Nelson

Identical letters have also been sent to the following:
Bryan J. Baptiste, Mayor, County of Kaua'i
Members of Kaua'i County Council
Douglas Haigh, PE

2010 Laurence Ct. N.E.
Iowa City, Iowa 52240
April 12, 2004

Glenn Kimura, Kimura International
1600 Kapiolani Blvd.
Honolulu, HI 96814

Dear Sir:

We have been informed of the consideration of a bike/pedestrian path to eventually extend around Kauai. We have been visitors to Kauai for more than ten years and love the beauty of this island. Our visits have all been in the Kapaa area. We would encourage first consideration of a route along Papaloa Road in this area in order to conserve the natural habitat of the wild life- re sea turtles, monk seals, etc. Such a route would seem to also be more cost effective to construct.

Yours truly,

Dr. and Mrs. Richard C. Mitchell

RECEIVED
APR 16 2004

2010 Laurence Ct. N.E.
Iowa City, Iowa 52240
April 12, 2004

Glenn Kimura, Kimura International
1600 Kapialani Blvd.
Honolulu, HI 96814

Dear Sir:

We have been informed of the consideration of a bike/pedestrian path to eventually extend around Kauai. We have been visitors to Kauai for more than ten years and love the beauty of this island. Our visits have all been in the Kapaa area. We would encourage first consideration of a route along Papaloa Road in this area in order to conserve the natural habitat of the wild life- re sea turtles, monk seals, etc. Such a route would seem to also be more cost effective to construct.

Yours truly,
Richard C. Mitchell
Dr. and Mrs. Richard C. Mitchell

APR 1 2004

1214 Northwood
Bolivar, MO 65613
April 9, 2004

Glenn Kimura, Kimura International
1600 Kapilani Blvd.
Honolulu, HI 96814

Dear Mr. Kimura

I am writing in regard to the coastline walkway being proposed on Kauai. We are especially concerned about the Kapaa Sands property, on Papaloa Road, in Kapaa. If the walkway is built directly behind that property, there will be approximately 12 feet of lawn left. Thus affording no privacy, and leaving very little room for sitting outside to enjoy the ocean. Many of the guests at Kapaa sands are senior citizens, and their primary enjoyment comes from sitting on the lanai and the lawn.

The walkway at Lydgate is quite a distance from the condos, and does not interfere with the guests a Kaha Lani. Kapaa Sands is much different in reference to the ocean, and space available.

I feel that the sidewalk would cause a decline of business at Kapaa Sands, and potentially ruin the business there. We for one, would no longer stay there. We have been going there every year for about ten years.

Sincerely

Hobart and Ann McPheeters
Hobart McPheeters
Ann McPheeters

There are plenty of places to walk in the area of Kapaa Sands and their neighboring resorts. Why disturb the environment, peace and naturalness of the area?

Nancy Nishikawa

From: Doug Haigh [dhaigh@kauaigov.com]
Sent: Monday, April 19, 2004 1:52 PM
To: Nancy Nishikawa
Subject: FW:

FYI

Douglas Haigh P.E.
Chief, Building Division
808-241-6650, dhaigh@kauaigov.com

-----Original Message-----
From: Glenn Okamoto [mailto:gokamoto@presidiohotels.com]
Sent: Monday, April 19, 2004 1:40 PM
To: Ann Leighton; Sam Pratt; Anthony Pajela; Mark Vinsko@PH; Plantation Hale; David & Carol Pratt; Malana DeSilva @ KCRB; Bill Powell & Stephanie Hiranaka & CM; Janine Lopez-Silva @ IOTB
Cc: Doug Haigh; tbynum@kauaigov.com
Subject: RE:

Aloha to All,

Hope everyone is doing well. Our property basically supports the bike path intiative, however, we do have a couple of concerns:

1) Security of path, with assaults crimes on beaches on an upswing, who monitors security of bike path?

2) Liability issues in the case of accident or injury occurence on each of our properties what responsibilities do we have regarding due care and what liability risk do the properties have?

Thank you for the opportunity to respond and provide input, Glenn Okamoto General Manager Kauai Coconut Beach Resort Ph:(808)822-6661 e-mail:gokamoto@presidiohotels.com

-----Original Message-----
From: Ann Leighton [mailto:tida@hawaii.rr.com]
Sent: Monday, April 19, 2004 9:07 AM
To: Sam Pratt; Anthony Pajela; Glenn Okamoto @ KCBR; Mark Vinsko@PH; Plantation Hale; David & Carol Pratt; Malana DeSilva @ KCRB; Bill Powell & Stephanie Hiranaka & CM; Janine Lopez-Silva @ IOTB
Cc: Doug Haigh; tbynum@kauaigov.com; Ann Leighton
Subject:

Dear CPA members,

Pursuant to our conversation regarding the coastal path in the Coconut Plantation area, I am requesting that you provide each site's feedback to both Dough and Tim. Specifically, what are your preferences for routing, your issues and concerns and any other pertinent information that you feel might be helpful in the planning process.

Please also cc the other members of our Association (including me!) so that we might all share the same information/feedback base!

Please do this ASAP as the County wants to move forward with the project with the input of the communities upon which it will have an impact.

Mahalo and Aloha,

Ann Leighton, President
CPA

cc: File

11670 Currier Ln., Apt. B
Cincinnati, OH 45249
April 14, 2004

Glenn Kimura, Kimura International
1600 Kapiolani Blvd.
Honolulu, HI 96814

Re: bicycle path in Kapaa, Kauai

Dear Mr. Kimura:

As a frequent visitor to Kapaa, I would like to submit my opinions regarding this bicycle path.

The bicycle path is a wonderful idea, especially for Kauai which is small and very beautiful. I would use it.

However, I am interested in preservation of the ecology and of the historical sites. Therefore, I propose that west of Coconut Market Place the path should run along Papaloa Road. It seems to me this might also be a cost effective option.

Sincerely,

Marilyn Stewart

April 20, 2004

Glenn Kimura, Kimura International
1600 Kapiolani Blvd.
Honolulu, HI 96814

Dear Mr. Kimura:

My husband and I are long-time Hawaii visitors. Although we have visited all the islands, our most frequent stays have been on Kauai because we love the unspoiled nature of that island. So much of Kauai is available for so many outdoor activities to both residents and visitors alike. When we first heard of a possible bike path around the island, we were very excited at the prospect.

However, when we heard there was a possibility that the path could go directly in front of Waikua Bayview, Awapahui Condos, Kapaa Sands, Lanikai, and Lai Nani, we were shocked and dismayed. The tiny beach and the very limited amount of land there would be severely impacted. In fact, I can see no way a path could be built over the rocks at the Southern end of that beach without destroying the turtle feeding area. The little beach there is used by so many Kauai residents and visitors alike because of its special qualities providing swimming, turtle watching, seaweed gathering, fishing and just enjoying the beach. I fear that all these activities will be ruined if the beach and/or the small amount of available land in front of the units is destroyed for a bike path.

After considerable thought, it seems to us that the logical and least destructive route would be along Papaloa Road between Coconut Shopping Center and the highway at Waikua Beach. Papaloa Road is already off the highway and would require very little work for the path in contrast to the work and possible environmental destruction in building along the beach.

I urge you to consider the bike path route that would do the least amount of damage to that very special area.

Thank you,

Rosalie M. Lynch

Rosalie M. Lynch
4828 Arapaho Trail
Billings, MT 59106

April 16, 2004

Glen Kimura
Kimura International
1600 Kapiolani Blvd. Suite # 1610
Honolulu, HI 96814

Dear Mr. Kimura:

As a homeowner at Lae nani condominiums, 410 Papaloa Road, Kapaa, I am concerned about the proposed bike path along the ocean in front of five condominium groups.

I am certain you have received many letters from homeowners filled with their concerns about their properties.

I am enclosing some pictures of our property at Lae nani with the statement " A picture is worth a thousand words". Look at the beauty of our property- undisturbed. Why should this be disturbed when there is a better route along Papaloa Road. Papaloa Road would not only be a cheaper alternative, it would maintain the peaceful environment that we and our guests enjoy.

Caring for Lae nani, Kauai and Kapaa is part of my life. It does not have to do with the value of the property financially, but instead with the value of the natural beauty of Kauai that is so precious to me. It is home.

Please consider putting the bike path along Papaloa Road!

Mahalo for your consideration.

Gretchen Hoover

Gretchen Hoover
300 Sand Hill Circle #105
Menlo Park, CA 94025

Lae nani
410 Papaloa Road

DOCUMENT CAPTURED AS RECEIVED

April 21, 2004

Major Bryan Baptiste
Lapis Acing Country Council Chair
Glen Kemura, Kemura International

Gentlemen:

As a frequent visitor to the Lake Nani resort, I can't conceive of a bike path being considered for this beautiful property. The serenity, the view and atmosphere are a perfect setting for family privacy. The lawn, the pool and lagoon are all very private now and a place for relaxation. Putting a bike path destroys privacy and I would not like paying for resort prices that didn't assure me of this serenity.

Bidere can be noisy and also careless about debris. Would you want this property to be more run as a home

Owner I would be hard to have my property value lessened because of a bike path setting along what was my view. Destroying trees and plant material is ludicrous. This is so unfair to the home owners.

What about safety - small children guests wandering to the bike path?

Clearly the Papaloa hood project makes more sense - the cost, the shop owners, preserving sea, [illegible] [illegible] grounds and the view.

Please reconsider the original plan and consider what you're doing to this beautiful Garden island.

Sincerely
Jean Grotewohl

Jean Grotewohl
100 Sonoma Ct.
Roseville, CA 95747

Jean Grotewohl
100 Sonoma Court
Roseville, Ca 95747

DOCUMENT CAPTURED AS RECEIVED

APR 2 4 2004

HELLO,

We are yearly visitors to Kauai, and enjoy all that it has to offer. I am very interested in the Coconut Coast bike path plans. However, there is one area that does not appear to be congruent with a coastal link. The area of concern is along Papaloa Road. The bay there does not appear to support the bike path, and would destroy the small bay ambience.

We are in favor of routing the path along Papaloa Road, which does not appear to be well travelled.

Thank you—

Rocky Coast
Harold Faires
4410 E. 15th ST
Vancouver, Wa 98661

April 23, 2004

Mr. Glenn Kimura
Kimura International
1600 Kapiolani Blvd.
Honolulu HI 96814

Jerry and Jeanie Paukert
8021 N. Hughes Drive
Spokane WA 99208

Dear Mr. Kimura,

My wife and I are retired and spend 3 to 4 weeks each winter at the Kapaa Sands condominium. We have found the natural serenity and beauty of Papaloa Bay nowhere else in our travels. It is an area where we have privacy yet still observe the local fishermen on the reef and the local children playing in the pool behind the reef. We can watch a family of sea turtles, in their natural habitat, off the rocks of the bluff above the bay. We can watch a monk seal swimming across the bay to beach itself on the sand behind the Kukui Heiau. We enjoy watching the surfers and the outrigger racers from our lanai.

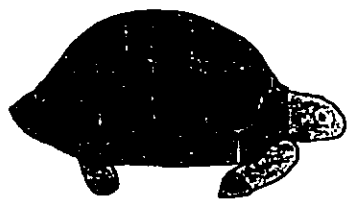
We realize that the construction of a bike/multi-use path between the resort and the beach will adversely affect our privacy but our concern goes beyond this fact. We understand that 2 of the three options proposed for the path are to traverse the bluff in front of the Wailua Bay View, Hale Awapui, Kapaa Sands, and Lani Kai condominiums. It is obvious that construction of an elevated platform of some kind will be necessary. This type of construction will negatively affect the natural beauty of the bay and could contribute to erosion of the bluff. The first two options will also bring bicycle, rollerblade, and skateboard traffic to the boundary of the Kukui Heiau.

For all the reasons stated above plus the savings of construction costs, we urge you to support the third option for the path along Papaloa road away from the bluff and the Kukui Heiau.

Sincerely,

Jerry & Jeanie Paukert

Jerry and Jeanie Paukert
Spokane, WA



May 1, 2004

To Whom It May Concern:

Re: The new beachfront bike and walking trail.

We have been coming to the islands for two weeks every year since 1970. The last twelve years to Kapaa. The thought of constructing a bike and walking trail on the beach in front of the condos and hotels (within a few feet of some) is unthinkable. The damage it would do to the wildlife habitat and environment would be horrendous. Please use Popoloa Road and other streets for the trail, NOT the beachfront.

We very much enjoy where we stay in Kapaa but would not return to Kauai, or any of the islands, if a bike and walking trail were just outside our door. No one wants to pay that kind of money to live in a fish bowl. Our privacy would be gone and everything would have to be closed up all of the time. The threat of break-ins would be even greater than it already is today. Don't give the thieves a faster and more convenient escape route.

We have discussed this issue with many of our friends, who also visit Hawaii each year. They too could not believe anyone would want to destroy such a wonderful setting by constructing a trail on the beachfront.

We implore you to re-think the location of the bike and walking trail for each and every island. Keeping this new trail off of the beaches would be a win for all; the wildlife, the environment, the visitors, and the people of Hawaii.

Sincerely,

Phil and Barbara Arezzi
Joanne Adams

Mrs. Barbara Arezzi
1166 Temple Dr.
Pacheco, CA 94553

UBC
The University of British Columbia

ubcbotanicalgarden
& centre for plant research

Glenn Kimura, Kimura International
1600 Kapialani Blvd
Honolulu
HI 96814

Proposed pedestrian/bike trail Kapaa Kauai

Dear Glenn:

For the past 25 years or so I have been regular winter visitor to the Hawaiian usually for 4 weeks December to January. For the past 20 years my island of choice being Kauai solely because it is one of the islands that can still offer some beautiful unspoiled eco-systems.

The reason for my writing to you is the proposed coastal bike/pedestrian pathway from Wailua Beach to Kauai Sands Hotel. As a concerned evironmentalist I do not believe there to be a good reason for such a path along that fragile area of shoreline.
The narrow band of 'Naupaka' shrubs *Scaevola taccada* thriving there provide perfect natural shelter for the few shore birds remaining on the island. A cement or boardwalk pathway would completely destroy this valuable fragile environment.

The narrow beaches along this section of the shore are easily accessible to the public as it is. By the beach right-of-way skirting Kapaa Sands property line, as well as the right-of-way between Lae nani and Kaui Sands Hotel. Many local fishermen and their families use them. And this past season the beach below Kapaa Sands provided a perfect resting place for an endangered Monk Seal. People also come to the beach just after dawn to observe the turtle families who feed from the reef.

I am all in favour of shoreline access for the public. But a cement or boardwalk pathway would destroy the only remaining natural part of this shoreline. Please give this some thought and let the bike/pedestrian pathway follow Papaloa Road leaving the passive pedestrian access as it is.

Sincerely

David Tarrant
PR and Program Coordinator

ubc botanical garden & centre for plant research
Faculty of Agricultural Sciences, University of British Columbia
6804 Southwest Marine Drive, Vancouver, BC V6T 1Z4 Canada
tel 604 822 3928, fax 604 822 2016, www.ubcbotanicalgarden.ca

RECEIVED
MAY 1 - 2004

5531 Cornwall Drive
Unit #80
Richmond, British Columbia
Canada V7C 5N7

May 13, 2004

Mr. Glenn Kimura,
Kimura International
1600 Kapiolani Blvd.
Honolulu, HI 96814

Dear Mr. Kimura:

Re: Proposed Bike/Pedestrian Path
Kapaa Sands and Papaloa Road

Having enjoyed holidays at Kapaa for many, many years, I was concerned to learn that a bike/pedestrian path had been proposed which would cut across the front of the Kapaa Sands lawn. It is not difficult to imagine what negative impact this would have: a damaging effect on the coastline and animal and bird habitats.

I sincerely hope that consideration will be given to what would seem to be a more reasonable, practical option from the point of view of cost effectiveness and protection of environment, i.e., a path along Papaloa Road.

Yours sincerely,

Royane Whitworth

(Mrs.) Royane Whitworth

Appendix E

Materials from Public Input and Scoping Meeting No.1, January 29, 2004

Lydgate Park-Kapa'a Bike/Pedestrian Path

Public Input and Scoping Meeting No. 1

Thursday, January 29, 2004
Kapa'a Middle School

County of Kaua'i
Department of Public Works

Federal Highway Administration

Kimura International

1600 Kapi'olani Blvd. Suite 1610 • Honolulu, HI 96814
Tel: (808) 944-8848 • Toll Free (888) 898-8886 • Fax: (808) 941-8999
Email: projects@kimurainternational.com

CONTENTS

Lydgate Park-Kapaa Bike/Pedestrian Path
Public Input and Scoping Meeting No. 1

Thursday, January 29, 2004

Minutes of Meeting
Appendix A: Mapping Exercise, Description of Drawings and Verbatim Comments
Appendix B: Results of Participant Survey
Appendix C: Participant Survey Verbatim Comments

- Attendance Sheets
- Handout 1: Fact Sheet
- Handout 2: Participant Survey
- Powerpoint Presentation (printout)
- Materials Submitted by Meeting Participants
  - Schematic drawing of "Bike-Pedestrian Mall" and "Bike Boulevard"
  - Map of Koloa Heritage Trail
  - Conceptual drawing of path adjacent to Bull Shed

Publicity
- Invitation Letter (template)
- Flyer

MINUTES OF PUBLIC INPUT AND SCOPING MEETING

Thursday, January 29, 2004
7:00-9:00 pm

A total of 49 people signed the attendance sheets. Several others, including Mayor Bryan Baptiste attended, but did not sign in. *(Attendance sheets attached.)*

Consultants: Glenn Kimura and Nancy Nishikawa (Kimura International, Inc.); Herb Lee (Lee Communications); Clyde Kodani (Kodani & Associates)
County of Kauai: Doug Haigh, Project Manager

Handouts:
- Project Fact Sheet
- Participant Survey

With the concurrence of the meeting participants, a pule was offered by Jimmy Torio.

The workshop began with a welcome by Doug Haigh. Herb Lee introduced members of the project team and explained that the purpose of the meeting was to hear from as diverse a group as possible. The public outreach process is intended to identify significant issues, insure sensitivity toward important resources, and minimize impacts. At this point, the team will not say that anything cannot be done; there is no right or wrong. All of the input will be received and evaluated further. At the next meeting, the project team will have a better idea of what can or can't be done—and why.

Glenn Kimura presented a Powerpoint slideshow with an overview of the bike/pedestrian path project *(see printout of slideshow)*:
- Scope of the project
- Project schedule
- Background information on paths
- Examples from across the state and elsewhere
- Opportunities and constraints in the planning areas
- Ways to participate in the planning process

After the presentation, members of the audience were given an opportunity to raise questions or offer comments. The following items were brought to the floor during this session.

Q: What happened after the series of meetings at the Kapaa Community Center?
A: Those meetings were for a different segment of the bike plan (from Kapaa to Kealia). The environmental assessment was completed, and the County is about to proceed to the design-build phase.

C: When there is a very narrow beach, you almost have to go mauka or destroy the reef.

Q: How are you planning to cross Wailua River?
A: One possibility is to construct a cantilever off the cane haul bridge. Structural engineers are studying this issue and it's clearly one of the challenges of this project.

C: There are concerns about the control of land in Anahola with bike paths coming in.

The second half of the meeting was structured as an informal charrette, in which participants were asked to draw pathway proposals and write comments directly on maps of the project corridor. Four groups were formed. After approximately 20 minutes, spokespersons for the respective groups summarized the outcome of their efforts. *(See written descriptions and verbatim comments from the mapping exercise, Appendix A.)*

Another discussion session followed the group reports:

(Doug Haigh) If the project can do without difficult land acquisitions, it will move faster.

Q: Can the width of the path shrink?
A: (Doug) We would like to build a full 12 feet in urban areas where heavy use is anticipated. We'll consider 8 feet as a minimum in tight corridors where fewer users are expected.

Q: Does the County have a recreation management plan?
A: No

(Doug Haigh) It's best to tap federal dollars as much as possible, rather than use County funds. If we get a private land donation, it'll increase the amount of soft match available. Doug reviewed the schedule for other segments of the coastal path network, and noted that Kauai needs to act quickly before the other counties catch on.

Herb reminded participants to complete the survey *(see results, Appendix B)* and thanked everyone for coming.

APPENDIX A

Mapping Exercise
Description of Drawings and Verbatim Comments written on Maps

Group 1
Facilitator: Glenn Kimura
Spokesperson: Neill Sams

- Crossing Wailua River—"cantilever bike path"
- Crossing Wailua River and pointing to cane haul bridge—"make 2 lanes, DOT"
- "Are we providing benches along path to rest?"
- "Crossing?" with circle drawn around intersection of Haleilio Road and Kuhio Highway
- "Are there any fishing heiaus that we need to respect and not trespass on?"
- Referring to sidewalk bisecting large, vacant Niu Pia Farms property with label "public access"?
- "Possible to go around Bull Shed parking lot?"
- "Save trees!" along coastline of Singleton property
- "Somewhere along here there may have been a fishing heiau" referring to coastline between Bull Shed and Kauai Coconut Beach Hotel
- "Need to save 95-100% of trees and plants or Replace!!" written in offshore area of map
- Moana Kai Road: "one way road?"
- Moana Kai Road: "can we extend seawall to accommodate bike path?"
- Moana Kai Road: "dangerous—narrow road"
- Waikaea Canal: "Beautiful" (double underline)
- Dotted line behind Hundley Heights subdivision
- Solid lines along Kawaihau Road, both sides of Moikeha Canal, both sides of Waikaea Canal, behind Kapaa Shopping Center all the way south behind Kawai Village Shopping Center, along Uahalekawawa canal, and along Haleilio Road and Nonou Road in Wailua House Lots.
- Coastal path except (1) north of Wailua Beach Park—instead, go along Papaloa Road and down "second" beach access to Kukui Heiau, and (2) through parking lot of Kauai Coconut Beach Hotel and Niulani Street

Group 2
Facilitator: Nancy Nishikawa
Spokesperson: Richard Sugiyama

- Wailua River cane haul bridge: "cantilever"
- "Danger" bicycles passing the parking lot for Wailua Beach Park (cars entering and exiting)
- Elevated board walk along Wailua Beach Park, less susceptible to damage from high surf (compared to concrete slabs on sand)
- "Hazard" at "Y" intersection of Kuhio Highway and Papaloa Road (around Seashell)

- "Current ROW width?" pointing to Papaloa Road
- "Widen" "Bike" and "3' sidewalk" with arrows pointing to line along Pouli Road (makai)?
- Solid line on makai side of Bull Shed crossed out
- "Bridge" across Uahalekawawa canal, mauka of Bull Shed
- "Require in SMA" pointing to coastal path on Singleton property
- Coastal path except (1) north of Wailua Beach Park—instead, go along Papaloa Road and down "second" beach access to Kukui Heiau and (2) at northern edge of Singleton property, go mauka all the way to Kuhio Highway provide safe crossing at signalized intersection to shopping centers, and take Niulani Street to Moana Kai Road
- Additional solid lines along Kaloloku Road (connect Moana Kai to Kuhio Highway) and swale fronting Coconut Marketplace
- Dotted line along internal street behind Coconut Marketplace

Group 3
Facilitator: Tim Bynum
Spokesperson: Dale Rosenfeld

- "Hang off existing cane bridge"
- Coastal route the entire way, except around Bull Shed complex and approx. 8 residential lots south of Baby Beach
- "Moana Kai one way?"
- "Bridle path along canals, up to Giant"
- "Cantilever off railroad bridge"
- "Connect existing paths"
- "Thru parking lot of Bull Shed or widen seawall"
- "Moana Kai—1 way vehicle traffic; other lane bikes"
- Solid line up gulch north of Mahelona Hospital
- Solid line along temporary bypass road, ag roads on Midler property, along norther edge of Wailua House Lots, along Haleilio Road
- Waterway loop from Wailua River around Coco Palms, behind shopping centers, makai-bound along Uahalekawawa canal.

Group 4
Facilitator: Herb Lee
Spokesperson: Lelan Nishak

- Coastal path entire way (including around Bull Shed), except (1) north of Wailua Beach Park—use Papaloa Road instead and "second" beach access" and (2) around hotel and residences north of Singleton's property—weave through parking lots and use Niulani Street to Moana Kai
- Loop around mauka side of commercial area, following drainage canals to Wailua River. Along mauka-makai section of Waikaea Canal (south side)
- Dotted line (representing very long-term/50-year plan) along temporary bypass, ag roads

- Solid line along northern edge of Wailua House Lots subdivision (original line on Haleilio Road was crossed out)
- Solid line on marina access road

Summary

	Group 1	Group 2	Group 3	Group 4
Deviations from coastal path				
Between Seashell and Kukui Heiau	Papaloa Rd	Papaloa Rd	Along coast	Papaloa Rd
Around Bull Shed	Mauka thru parking lot & makai	Mauka to Kuhio Hwy	Mauka thru parking lot	Makai
Block north of Singleton (hotels/residences)	Thru pkg/ Niulani	Kuhio Hwy/ Niulani	Kuhio Hwy/ Niulani	Thru pkg/ Niulani
Suggestions in Other Areas				
Canals	Waikaea to Uahalekawawa		Waikaea to Wailua River	Waikaea to Wailua River
Kawaihau Road	Kawaihau & north of Hundley Hts		North of Hundley Hts	
Wailua House Lots	Haleilio & Nonou		North side of WHL & Haleilio	North side of WHL

APPENDIX B

Results of Participant Survey

Participants at the January 29, 2004 meeting in Kapaa were asked to fill out a two-page questionnaire whose objectives were to gauge public opinion related to a proposed Lydgate Park-Kapaa Bike/Pedestrian Path and assess the effectiveness of the meeting itself (copy attached). Completed questionnaires were received from 35 of the 49 participants, for a response rate of 71 percent. In addition, the survey was distributed at a meeting of the Ka Ala Hele Makalae Committee held on January 30, 2004 and two additional questionnaires were completed and returned. Unless stated otherwise, the following analysis is based on responses from 37 persons.

1./1a. Have you used the bike/pedestrian path in Lydate Park?

About three-fourths (28 out of 37) of the respondents stated that they have used the bike/pedestrian path at Lydgate Park. Among the users, 43% use the path at least once a week.

How often have you used the bike/pedestrian path in Lydgate Park?

	No. of Respondents	Percent of Respondents
More than once a week	5	18%
Once a week	7	25%
Once a month	4	14%
Several times (since it opened)	9	32%
Unknown	3	11%
N=28 Open-ended question; post-coded		

2. If a multi-use path is constructed between Lydgate Park and Waikaea Canal, how would you and the members of your household use it? (check all that apply).

Seven respondents who had not used the path in Lydgate Park checked items in Question 2, indicating that they planned to use the proposed path between Lydgate Park and Waikaea Canal. Only three respondents stated that they were *unlikely* to use the path.

Almost 4 out of 5 users (79%) stated that they would use the path for bicycling, followed closely by those who would use it for walking—with or without a pet (74%). More than a third (35%) stated that the path would provide access to beach and fishing sites.

	No. of Respondents	Percent of Respondents
Walking	23	68%
Walking with pet	7	21%
Getting to beach/fishing site	12	35%
Traveling in a wheelchair	3	9%
Jogging	9	26%
Roller skating/blading	3	9%
Bicycling	27	79%
Nature/bird watching	6	18%
Other: horseback riding	3	8%
Other: commuting	1	3%
Other: doing errands	1	3%
N=34		

3. Briefly describe the characteristics of your ideal path.

The survey included an open-ended question designed to elicit comments and suggestions about what type of path was desired. A surprising 32 people (86%) shared their ideas (surprising because open-ended questions require more effort on the part of the respondent). Ideas about the ideal path were varied and sometime contradictory (for example, people who wanted natural, dirt trails versus those who wanted smooth paved surfaces). However, there were also definite patterns in the responses (based on post-coding). Among the ideas that appear to resonate within community are the following:

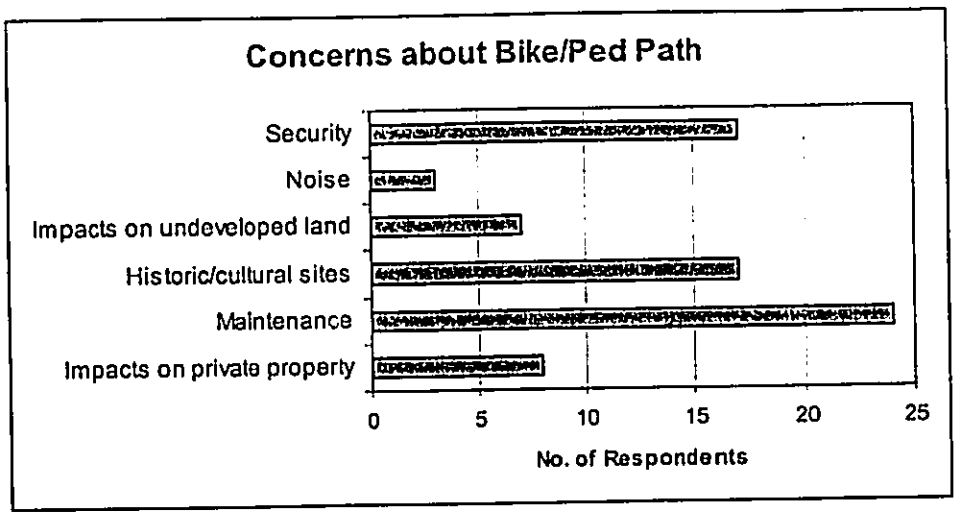
- Along the coast; shoreline
- Away from traffic
- Scenic
- Safe
- Accommodates many different uses
- Wide, open (avoid conflicts among users)

Verbatim responses can be found in Appendix C.

4. What concerns would you have about a bike/pedestrian path in the project area?

The survey asked respondents to check off their concerns. As seen in the chart below, *maintenance* drew the most concern, with 24 people (65%) checking this issue. Half of the respondents indicated that *security* is a concern; while 16 people (43%) indicated that *impacts on historic and cultural sites and artifacts* requires attention.

Respondents could also write-in other concerns, and these are reproduced verbatim in Appendix C.



Meeting Evaluation

Participants were asked how they felt about the content and format of the meeting. The feedback was generally favorable.

	Yes	No	N
Information presented in clear manner	97%	3%	33
Maps and visual aids were helpful	97%	3%	32
Adequate opportunity to express opinions	94%	6%	31
N (Excludes non-respondents)			

Publicity and Outreach

The survey asked respondents how they learned about the public meeting. The newspaper was cited by the largest number of respondents, followed by word of mouth (11) and invitation letter (10).

	No. of Responses
Newspaper (The Garden Island)	18
Invitation letter/mail	10
E-mail	1
Flyer	2
TV or radio	1
Word of mouth (friend, co-worker, etc.)	11

APPENDIX C

Meeting 1 Participant Survey
Verbatim Comments

3. Briefly describe characteristics of your ideal pedestrian/bike path

R1. Along coast, mauka with views, bridle path
R2. Handicapped accessible, cultural/heritage/resource for entire family, community
R3. Long lasting; well constructed; wide enough for everyone & follows contour of the land
R5. Long, graceful curves; open look; scenic; safe
R6. Diversity, curves are ok! Straight isn't better; retain natural feel
R7. Smooth; safe; attractive views; safe for women all by themselves
R8. Coastal; safe
R10 A path crossing as few roadways as possible; elevated on boardwalks where close to beach front to reduce risk of ocean damage
R11. It is there – any path would constitute a major upgrade for the East side – traffic reduction/tourist attraction/recreation
R15. Away from traffic; respectful to heiaus and burial grounds by staying 50 feet from
R16. Safe; clear (minimal stops) bike lanes that enable bicycles to be used for transportation
R17. Ideally these funds would be used to pave cane field roads to alleviate our traffic
R18. Wide, open path. Covered shelters for rest breaks and cover from passing rain. No major inclines—path to follow flatter terrain
R19. Safe surface and safe to travel on with scenic views
R20. Allow boating; equestrian trails
R21. One that takes great care from Kukui Heiau to Waipouli flats – there were old fishing heiau along there. Please check with kupuna and kumu hula, e.g., Deena (Peena?) Dawson
R22. Convenient, useful (expedient for commuters); away from highway (and car fumes); scenic
R23. Along the coast—multi-use—connection to residential neighborhoods—off highway
R24. Safe, safe, safe! Affordable maintenance
R25. Multiple access/departure sites; comfort stations
R26. Safe, shoreline path removed from vehicular traffic
R27. Wide and paved, paralleling the shoreline
R28. It would also encompass bridle paths
R30. Wide enough for walking and bicycles
R31. One that will insure safety with or without vehicular traffic
R32. Easily accessible; wide enough for 2 joggers/bikers side by side; culturally sensitive/respectful to any site near path
R33. The way it is, is just fine
R34. Wide enough to have yellow line
R35. Dirt trail; well maintained; concrete is too hard
R36. Making elderly, fisherman, wheelchair accessible also

R37. Not having to deal with car traffic and riding bicycles or rough roads

4. Other concerns

R2. Security-Friday and Saturday nights; beef up patrols; health & safety of children vs ATVs and SUV traffic/joy riders

R10 Safety of people enjoying various activities around/on path; concerned paths are too close to ocean!

R11. That it is built

R17. Accidents & waste of tax money

R18. Intrusion of commercial activities. Response during emergencies (injuries); emergency vehicle access; emergency phones

R24. Safety, safety, safety. Condemnation costs?

5. Do you have any other comments regarding this project?

R1. Great idea – keep it alive

R2. Vandalism? Parks require trail rangers, wardens, beach access; DLNR should have more rangers & County ranger on east side

R3. Don't just talk; do it!! In the long run it's a benefit to all, if it is constructed well and maintained well

R5. Meeting format unique—interactive approach was good way to elicit questions and solutions

R7. Very interesting; can't wait to use it!

R8. Full speed ahead please!

R10. Eventually would like to see trail go to airport/Lihue. This would provide alternate transport between Kapaa and Lihue. The current highway does not seem safe for all but the most expert cyclists. Looking forward to discussing in greater depth how to work difficult passages!

R11. Phenomenal opportunity. Great for kids, elderly, disabled people. If we don't make a ped/bike path, we may wind up trapped by roads that offer not alternative but driving

R17. Two Federal guidelines aren't being met in building this path! 23 USC 116 regarding maintenance and 23 USC 217 page (2)i regarding the path use for bicycles for transportation and not recreation

R18. Let's get it going!

R19. Must work to make this plan work.

R20. Keep area for boating and kayaking and equestrian trails

R21. Please be respectful of the heiau and historical sites. I'm concerned you're on too fast a track.

R24. Signage should be clear and simple.

R25. Develop master bike/pedestrian plan for County

R26. Let's get it done soon.

R27. Do it now. We've been "talking" about this for three administrations.

R28. No. I must say as a bike path and walk path County committee member, all is moving along very well!

R29. Keep it low maintenance. High security. Do not cross any major highways. No rest stations.

R30. The path presently being used has inherent dangers crossing Wailua River
R32. Appreciate the public input meetings
R33. Why do you want to change Kapaa-Wailua, leave it
R34. I would love to see it completed!!
R35. If you don't put money aside for maintenance – don't build it!
R36. General maintenance; after the project, presume? culturally sensitive grounds
R37. If used for pet walking – owners need to be advised to pick up after their animals. Receptacles could be provided for disposing of waste bags.

Attendance Sheet

Public Input and Scoping Meeting

Lydgate Park-Kapa'a Bike/Pedestrian Path

Thursday, January 29, 2004

Kapa'a Middle School

7:00 – 9:00 pm

Name	Affiliation
Pohaku Nishimitsu	Halau K
Robert Measel Jr.	Kauai Bike/Walk Fab Cmt. Citizen
Jerry Hirata	
Bay Carpent	—
Terry Kinosaitze	—
Angela Fajardo	
Linda Ornellas	—
Dru Garland	
Mario Perez	
Diane Ayre	
Michele Valenti	Hālau Kanikapahuolo
Kapi'olani Ching	Hālau Kanikapahua
Rayne Regush	—
H. Blake	
Robert MacDougall	

Attendance Sheet

Public Input and Scoping Meeting

Lydgate Park-Kapa'a Bike/Pedestrian Path

Thursday, January 29, 2004

Kapa'a Middle School

7:00 – 9:00 pm

Name	Affiliation
Leslie Ann Laing	
[illegible]	
Jimmy Trujillo	
Lelan Nishek	
Pat [illegible]	
John Lydgate	F. of K.P. @ Lyd. Pk.
Bruce [illegible]	

Attendance Sheet

Public Input and Scoping Meeting

Lydgate Park-Kapa'a Bike/Pedestrian Path

Thursday, January 29, 2004

Kapa'a Middle School

7:00 – 9:00 pm

Name	Affiliation
Richard Sugiyama	Self
James Alaka	-M-
Greg Kingsley	Keolia Hai
Steve Kyono	DOT-HWY-K
DAN & CAROL TETER	SELF
Tim Bynum	
Cal Fujita	Self
MAILE BAIRO	Halau
ERIC ANDERSON	KAUAI SANDS
MATTHEW HONJIYO	SELF
SUSAN Honjiyo	SELF
Nadine Nakamura	NKN Project Planning
Laurel Brier	
VICKY & WAYNE THRIFT	HALE AWAPUHI
David W Pratt	Nin Pia Farms Ltd

Attendance Sheet

Public Input and Scoping Meeting

Lydgate Park-Kapa'a Bike/Pedestrian Path

Thursday, January 29, 2004

Kapa'a Middle School

7:00 – 9:00 pm

Name	Affiliation
JOSHUA ATKINSON	None
James Torio	AHC
Glenn Mickens	
R. MacDougall	resident
Dale Rosenfeld	Horses
Dana Bekeart	Bike
Neill Sams	Kapaa Bus. Assoc
PAULA GAY	NONE
Julie Gelfand	Hālau Kanikapalmolala
Thomas Moyer	Friends of Kamalani + Lydgate Park

Lydgate Park-Kapa'a Bike/Pedestrian Path

FACT SHEET

Sponsors	County of Kaua'i, Department of Public Works Federal Highway Administration	
Project Areas	• From the northern end of the existing bike/pedestrian path at Lydgate Park (adjacent to Aloha Beach Resort) to the southern end of the Kapa'a-Kealia bike/pedestrian path (Waika'ea Canal) • From the Lydgate Park-Kapa'a bike/pedestrian path to Wailua House Lots Park and the Sleeping Giant hiking trail head • From the Kawaihau Road bike/pedestrian path to the Kapa'a-Kealia bike/pedestrian path	
Project Objectives	• Extend and connect paths that currently exist or are proposed for near-term construction • Improve the safety and accessibility of "social paths" • Provide alternative transportation routes separated from motor vehicles • Provide low-impact opportunities for residents and visitors to experience the natural environment • Increase opportunities for the community to engage in recreational and fitness activities	
Potential Issues	• Right-of-way acquisition • Conservation district/construction within shoreline areas • Historic/cultural sites and artifacts • Compatibility with future development • Maintenance and security	
Public Participation Schedule	January 29, 2004	1st public meeting (input and scoping)
	Late February	2nd public meeting (review preferred alignment and gather additional feedback)
	June	3rd public meeting (comments on the Draft Environmental Assessment)

Stakeholders and interested parties are invited to come forward with ideas for alternatives, alternative evaluation criteria, environmental concerns, suggestions for outreach, and other information relevant to the planning process.

For more information, please contact:
Glenn Kimura
Kimura International
1600 Kapi'olani Blvd., Suite 1610, Honolulu, HI 96814
Tel: (808) 944-8848 (on Oahu) (888) 898-8886 (toll free) Fax (808) 941-8999
E-mail: projects@kimurainternational.com

Lydgate Park-Kapa'a Bike/Pedestrian Path

MEETING 1 PARTICIPANT SURVEY

1. **Have you used the bike/pedestrian path in Lydgate Park?**

   ☐ Yes ☐ No

1a. If Yes, how often? _____

2. **If a multi-use path is constructed between Lydgate Park and Waika'ea Canal, how would you and the members of your household like to use it? (check all that apply)**

☐	Walking	☐	Roller skating/blading
☐	Walking with pet	☐	Bicycling
☐	Getting to beach/fishing site	☐	Nature/bird watching
☐	Traveling in a wheelchair (with or without motor)	☐	Other: _____
☐	Jogging	☐	Unlikely to use the path

3. **Briefly describe the characteristics of your ideal pedestrian/bike path**

   _____

   _____

4. **What concerns would you have about a bike/pedestrian path in the project area?**

☐	Security	☐	Maintenance
☐	Noise	☐	Impacts on surrounding private property
☐	Impacts on undeveloped land	☐	Other: _____
☐	Impacts on historic/cultural sites and artifacts		_____

5. **Do you have any other comments regarding this project?**

   _____

   _____

Evaluation of Tonight's Meeting

6. **Was the information presented in a clear manner?**

☐ Yes ☐ No

If No, which aspects were unclear? _____

7. **Were the maps and visual aids helpful?**

☐ Yes ☐ No

If No, please explain _____

8. **Were you given adequate opportunity to express your opinions?**

☐ Yes ☐ No

9. **How did you hear about tonight's meeting?** _____

10. **Suggestions for other ways to publicize future meetings or increase participation:**

_____

_____

* * * * *

Mahalo for completing this questionnaire. Please leave it at the reception area or mail to the address below (stamped, self-addressed envelopes are available)

Kimura International, Inc.
1600 Kapi'olani Boulevard, Suite 1610
Honolulu, HI 96814
(808) 944-8848 or (888) 898-8886 (toll free)

Lydgate Park – Kapa'a
Bike/Pedestrian Path

Public Input and Scoping Meeting

January 29, 2004
Kapa'a Middle School

County of Kaua'i, Department of Public Works
Federal Highway Administration

Project Team

- Project Manager: Douglas Haigh, County of Kaua'i, Department of Public Works
- Prime Consultant: Kimura International Inc.
- Civil Engineer: Kodani & Associates
- Public Involvement: Lee Communications
- Various technical subconsultants

Purpose of Today's Meeting

First of three planned meetings

- *Project introduction*
- *Project schedule*
- *Background information on paths*
- *Examples from across the state and elsewhere*
- *Opportunities and constraints in the planning area*
- *Small group work – help us develop alternatives*

Scope of Work

- *Planning study – identify alternatives, evaluate, recommend a preferred route*
- *Prepare environmental assessment*
- *Obtain permits*
- *Prepare "Basis of Design" for design-build project*

Project Schedule

January 29	FIRST PUBLIC MEETING • Input used to develop three alternatives • Complete preliminary assessment • Preferred alternative selected by County
Late February	SECOND PUBLIC MEETING • Summarize outcome of first meeting • Gather additional feedback and community concerns
March - April	• Prepare Draft Environmental Assessment (DEA) • Study issues of concern to the community
Late May	• Submit Draft Environmental Assessment (DEA) • 30-day public review period
June	THIRD PUBLIC MEETING • Solicit comments on the Draft EA
July	• Prepare Final Environmental Assessment (FEA) • Respond to comments

Paths

- Bike/Pedestrian paths (or shared use paths) are desired by many users
- When appropriate, paths provide comfortable facilities for different types of activities and users with different skill levels
- However, in urban areas, paths need to cross city streets
- Intersections of roads and paths must be handled carefully
- Paths adjacent to roads can be especially difficult to make user-friendly

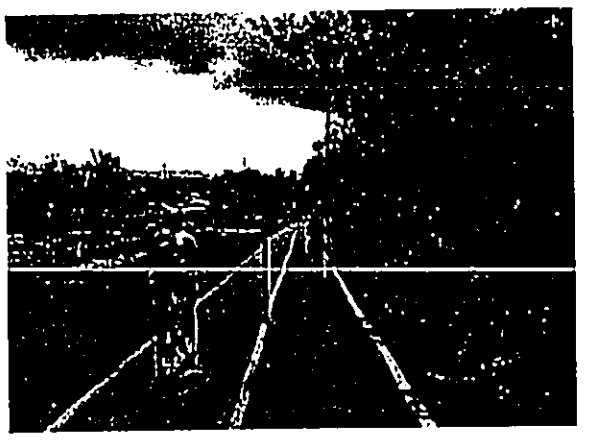
Telephone Survey

- Random survey of more than 400 households was conducted in 2002
- Respondents were asked "what single idea they most favor to improve bicycling?"

Bike Paths!

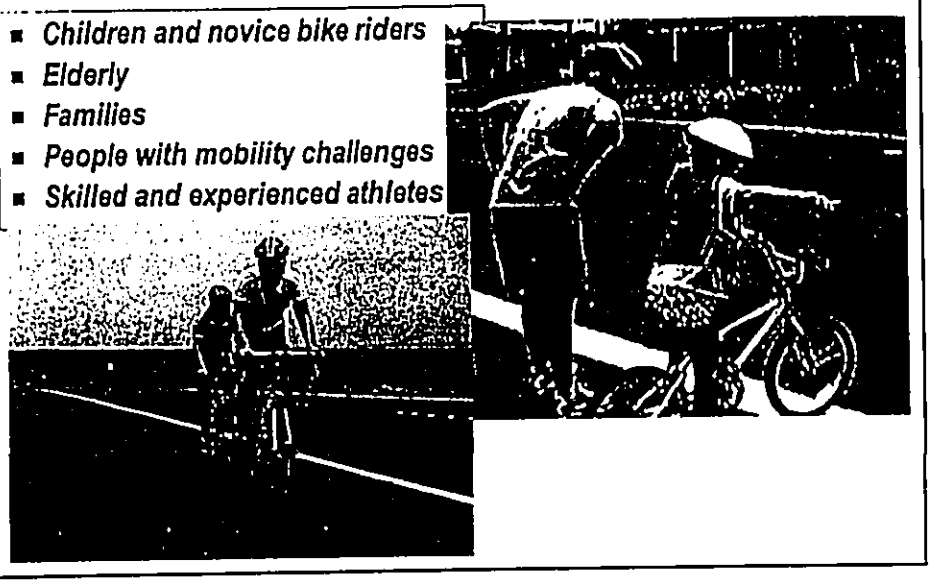
Paths can be shared by many types of users

- Pedestrians
- People with dogs, baby strollers
- People in wheelchairs
- Joggers
- Rollerbladers and skaters
- Bicyclists

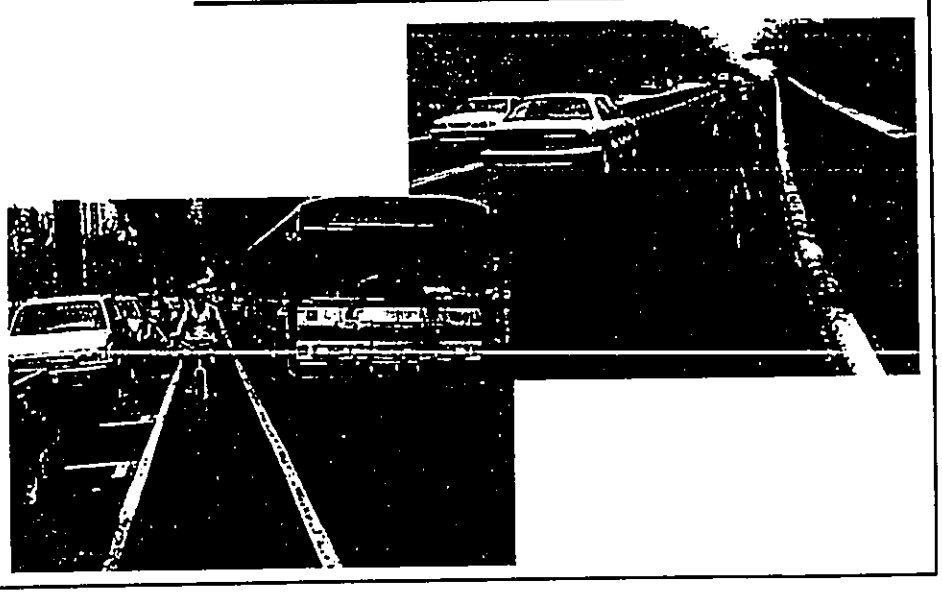


Different skill levels

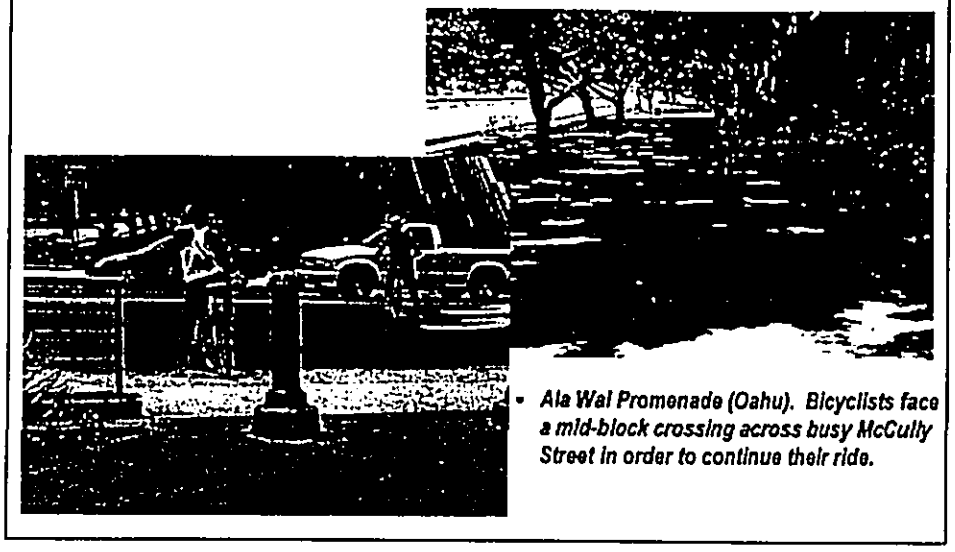
- *Children and novice bike riders*
- *Elderly*
- *Families*
- *People with mobility challenges*
- *Skilled and experienced athletes*



- *This project is not intended to displace the need for on-road facilities, such as paved shoulders or bike lanes.*

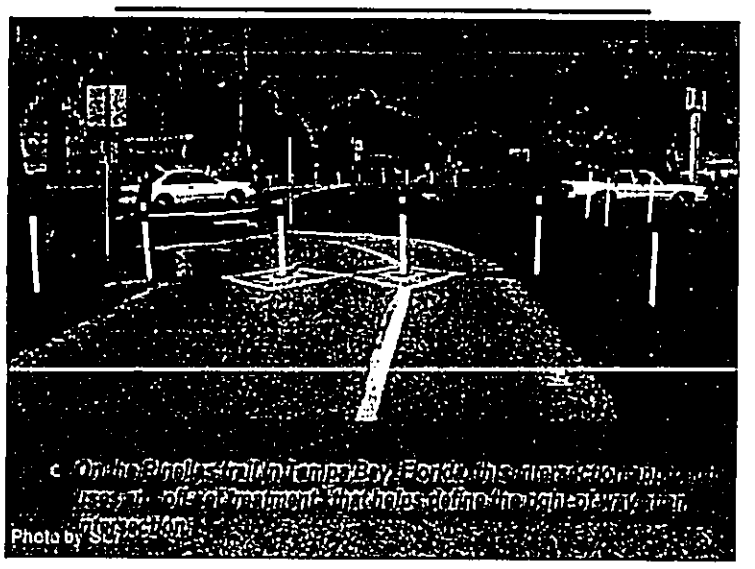


- *In urban areas, the need to provide safe street crossings is a challenge.*

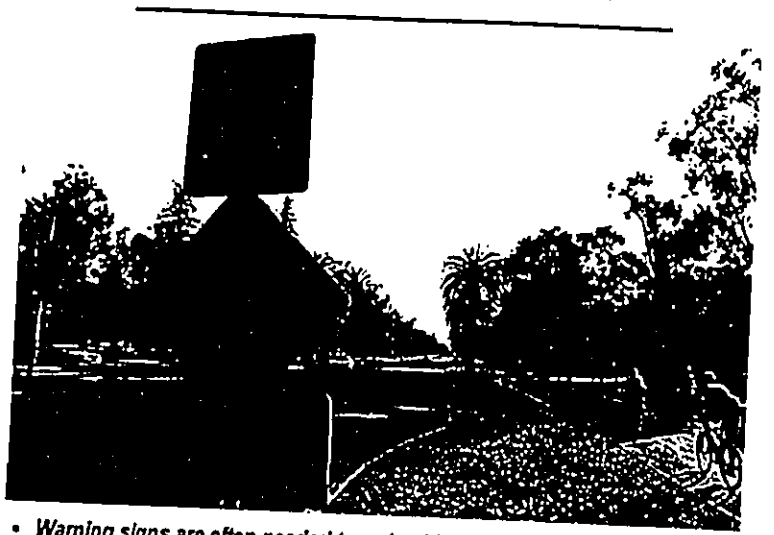


- *Ala Wai Promenade (Oahu). Bicyclists face a mid-block crossing across busy McCully Street in order to continue their ride.*

- *Intersections must be carefully designed*



- *Intersections must be carefully designed*

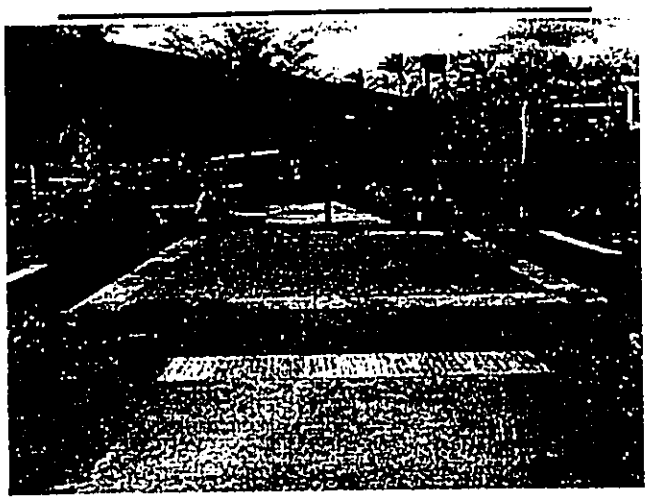


- *Warning signs are often needed to make drivers aware of bike and foot traffic on an adjacent path – though not necessarily this particular (non-standard) sign.*

- *Intersections must be carefully designed*

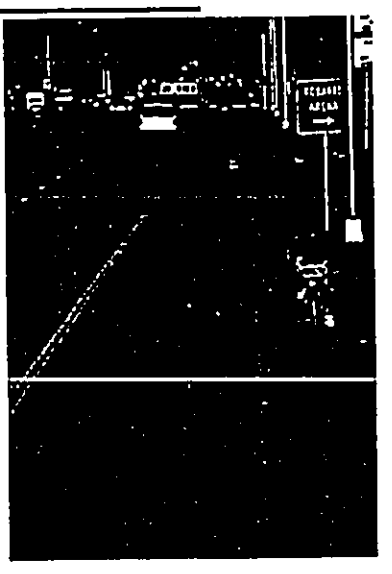
- *In some areas of high travel demand, loop detectors may be needed for path approaches at signalized intersections, otherwise long delays will induce path users to violate the right of way assignment (in other words, go on red).*

- *Intersections must be carefully designed*



- *At Lydgate Park, distinctive color, pavement materials and texture clearly identify street crossings.*

- *What's the difference between sidewalks and bike paths?*



- *In some cases of high volume, high speed traffic, on-street bicycle facilities don't provide an adequate level of accommodation. Additionally, where there may be special trip attractors such as elementary schools or parks. In limited cases, alternatives such as sidewalk bikeways should be considered – but very carefully.*

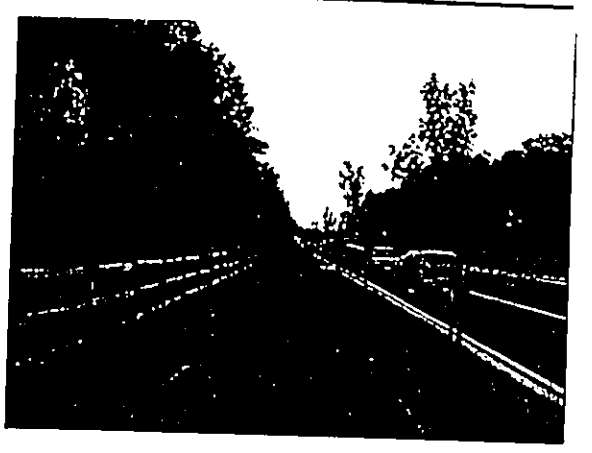
- *What's the difference between sidewalks and bike paths?*

- *Motorists don't expect bicyclists to be on an adjoining sidewalk. Because bicyclists are traveling faster and are less agile than pedestrians, they're less able to avoid collisions.*

- *What's the difference between sidewalks and bike paths?*

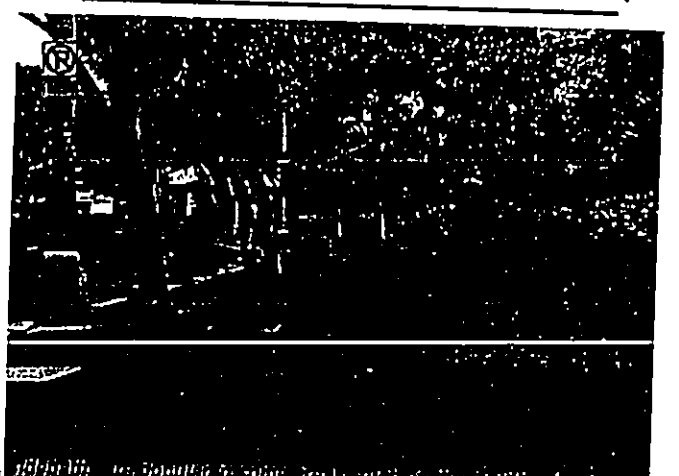
- *Another common problem with using the sidewalk as a bicycle facility is generally poor visibility from driveway intersections.*

- *What's the difference between sidewalks and bike paths?*



- *Although it may be desirable to keep paths separate from roadways, sometimes it's not practical. Sidepaths may be the most efficient way of accommodating pedestrians and bicycles.*

- *What's the difference between sidewalks and bike paths?*

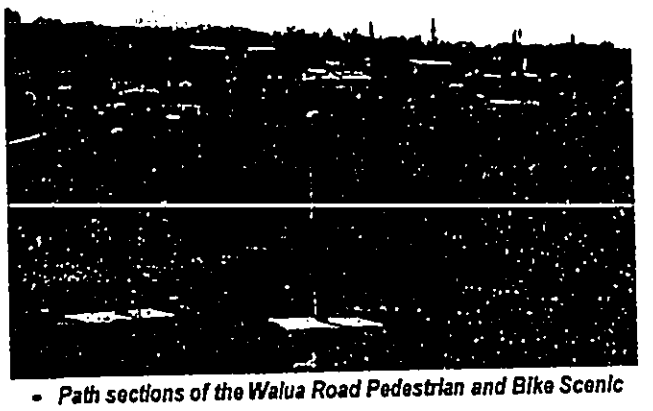


- *In fact, [illegible] a plain. Here the facility is located next to the perimeter wall of the subdivision which reduces the potential hazards of crossing driveways and minor side streets.*

Where Paths are Best

- Along rivers, oceans, or old railroad grades
- Short paths to connect cul-de-sacs
- To bridge obstacles, such as freeways or rivers
- Where grade separation from major roadways can be achieved

Examples of Existing and Proposed Paths



- Path sections of the Walua Road Pedestrian and Bike Scenic Route in Kona

- *Examples of Existing and Proposed Paths*

- *Alternate with "Roadway" sections*

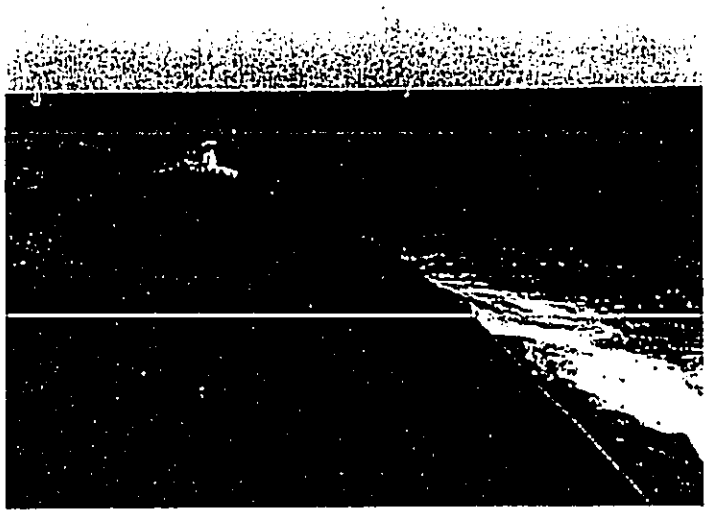
- *Examples of Existing and Proposed Paths*

- *Maui Northshore Bikeway, Spreckelsville*

- *Examples of Existing and Proposed Paths*

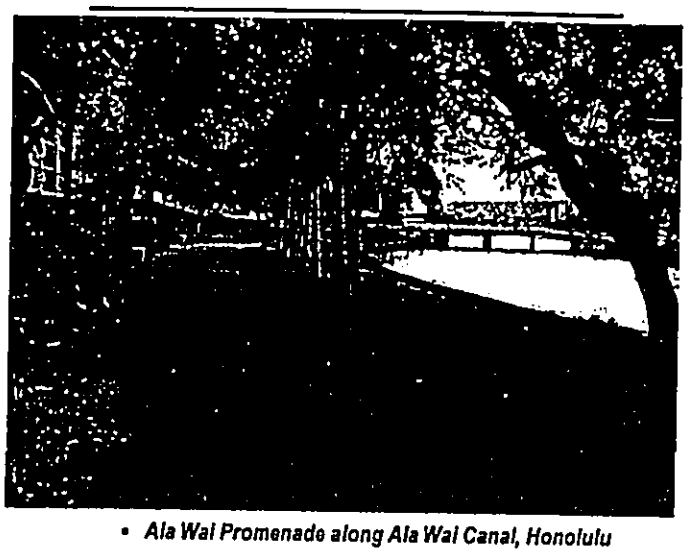
- *Shared use path along Nimitz Highway and under the Airport Viaduct, Honolulu*

- *Examples of Existing and Proposed Paths*



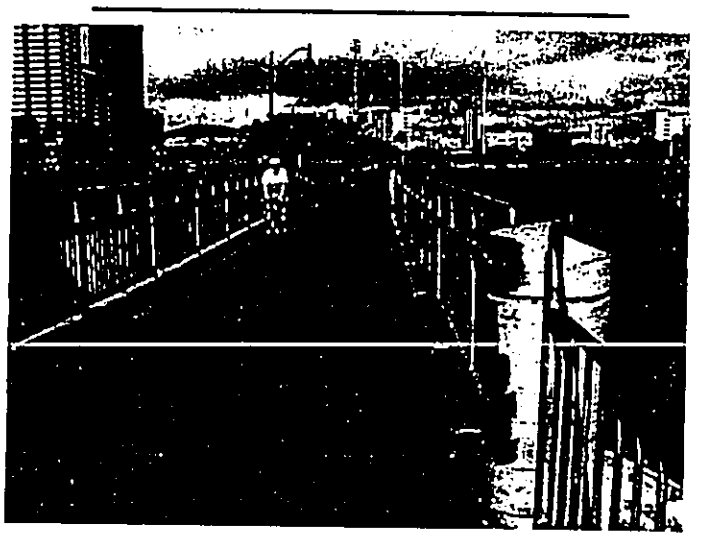
- *Path at Magic Island, Ala Moana Beach Park*

- *Examples of Existing and Proposed Paths*



- *Ala Wai Promenade along Ala Wai Canal, Honolulu*

- *Examples of Existing and Proposed Paths*

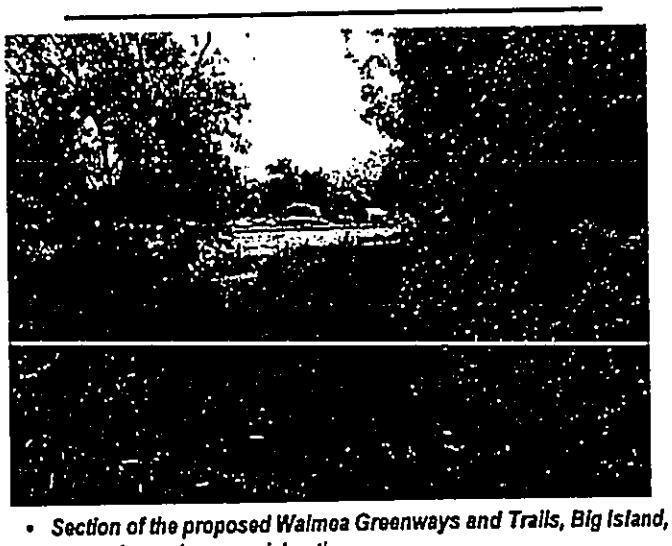


- *Bicycle/Pedestrian bridge along Ala Wai Canal path, Honolulu*

- *Examples of Existing and Proposed Paths*

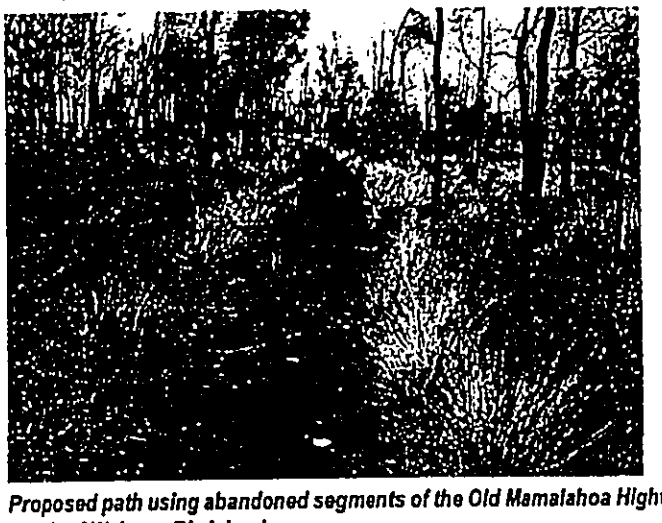
- *Path along the Erie Canal, Utica, New York*

- *Examples of Existing and Proposed Paths*



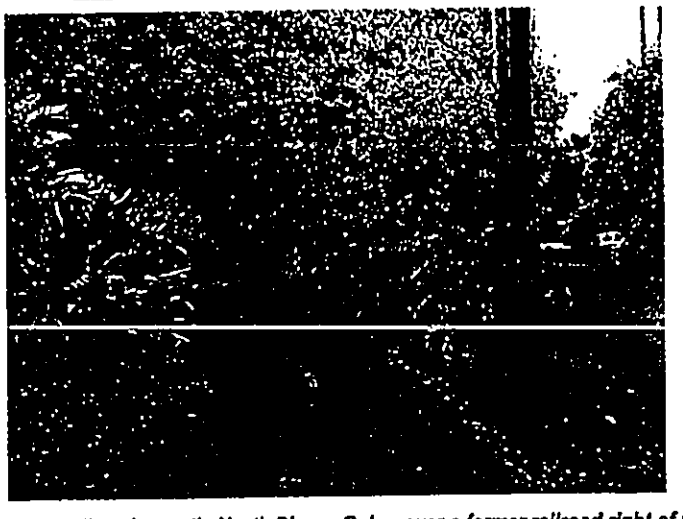
- *Section of the proposed Waimea Greenways and Trails, Big Island, currently used as a social path*

- *Examples of Existing and Proposed Paths*



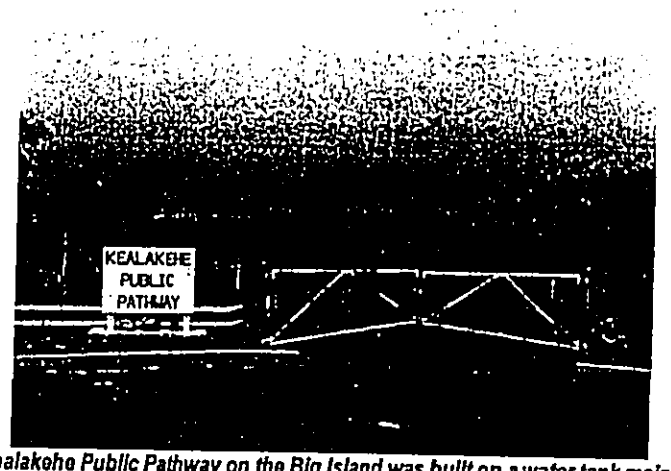
- *Proposed path using abandoned segments of the Old Mamalahoa Highway, south of Waimea, Big Island*

- *Examples of Existing and Proposed Paths*



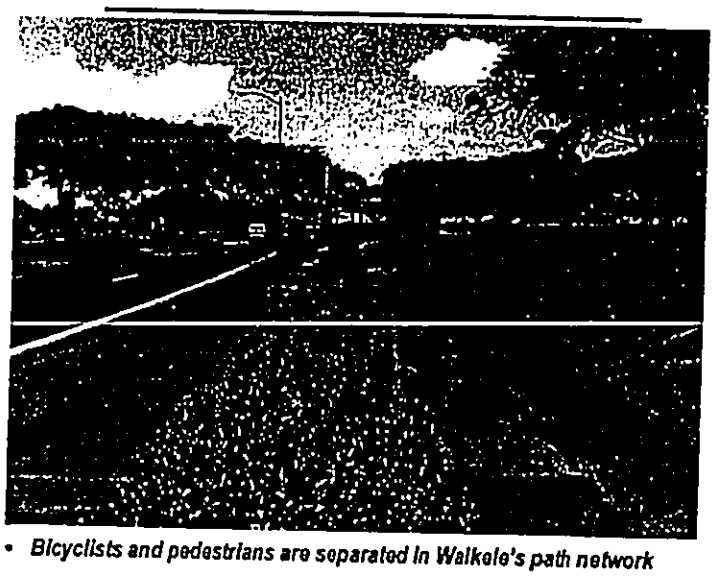
- *Ke Ala Pupukea path, North Shore, Oahu, over a former railroad right-of-way*

Examples of Existing and Proposed Paths



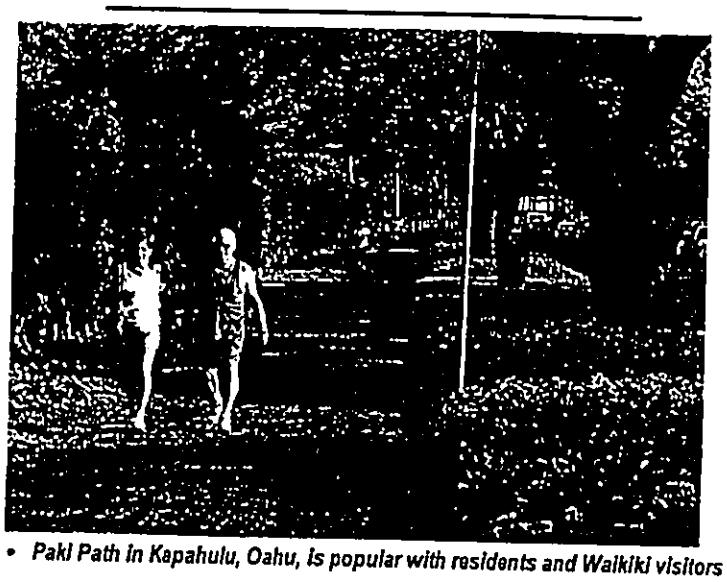
- *Kealakehe Public Pathway on the Big Island was built on a water tank maintenance easement and now connects residential areas and schools*

Examples of Existing and Proposed Paths



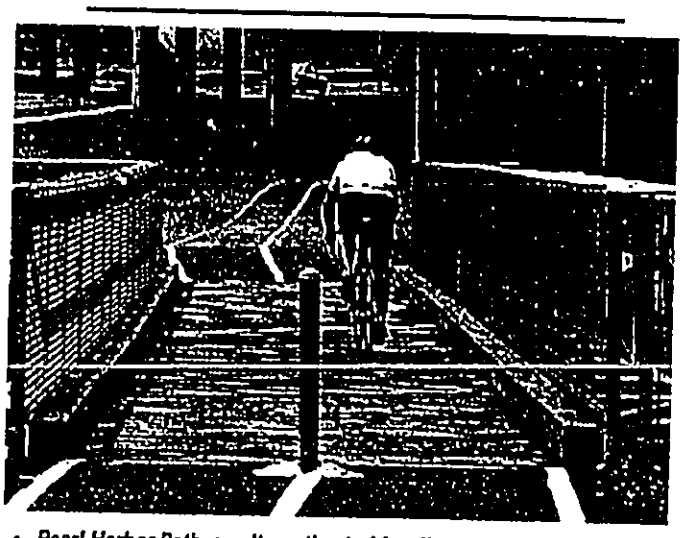
- *Bicyclists and pedestrians are separated in Waikele's path network*

■ *Examples of Existing and Proposed Paths*



- *Paki Path in Kapahulu, Oahu, is popular with residents and Waikiki visitors*

■ *Examples of Existing and Proposed Paths*

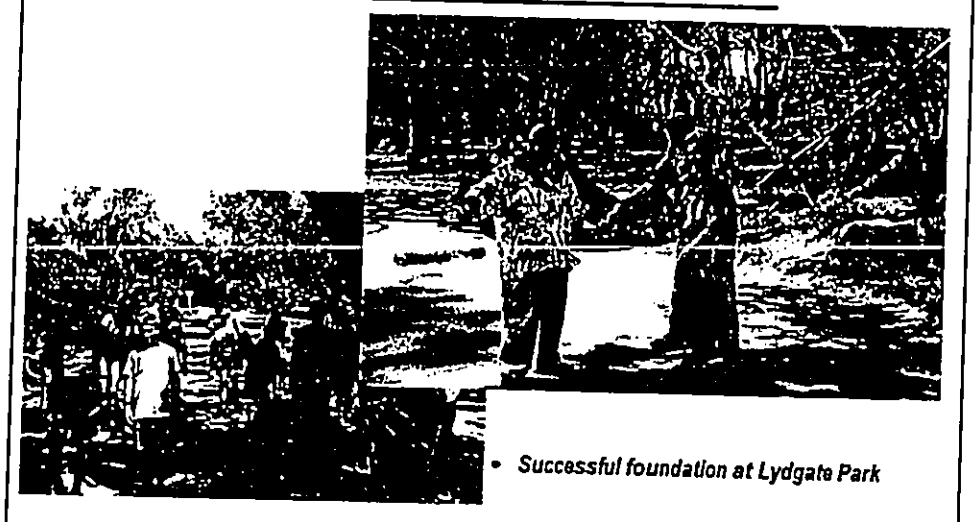


- *Pearl Harbor Path, an alternative to bicycling on Kamehameha Highway*

■ *Examples of Existing and Proposed Paths*

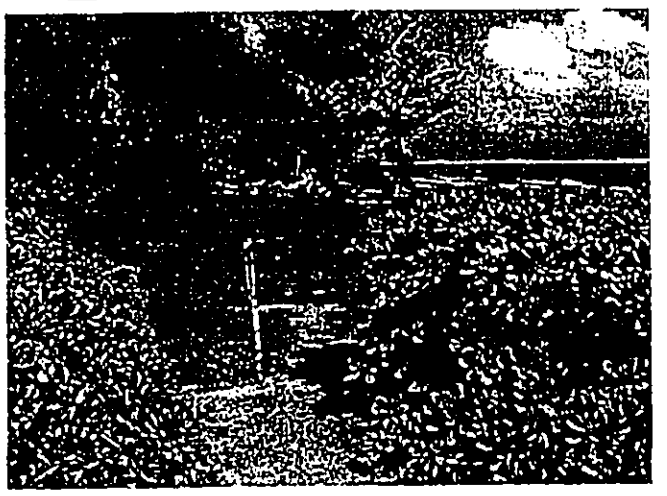
• *This path provides a short-cut for foot and bike traffic, Mililani, Oahu*

■ *Opportunities in Planning the Lydgate-Kapa'a Path*



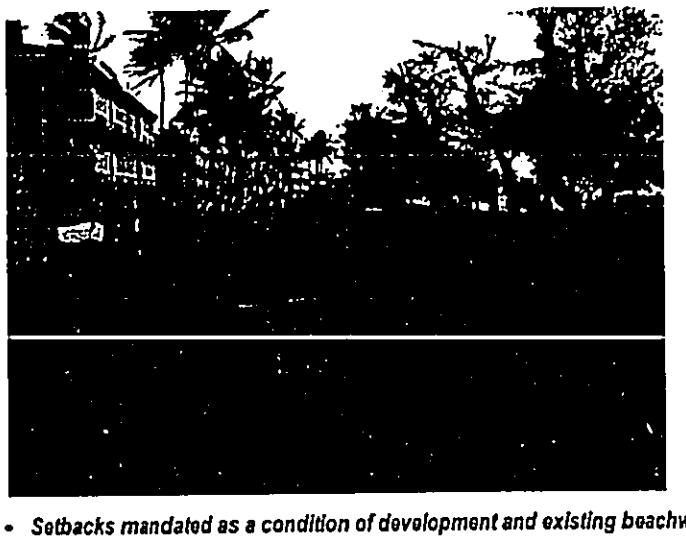
• *Successful foundation at Lydgate Park*

- *Opportunities in Planning the Lydgate-Kapaa Path*



- *Traditional beach accesses and social paths*

- *Opportunities in Planning the Lydgate-Kapa'a Path*



- *Setbacks mandated as a condition of development and existing beachwalks (in sections)*

■ *More Opportunities*

- *Undeveloped areas*

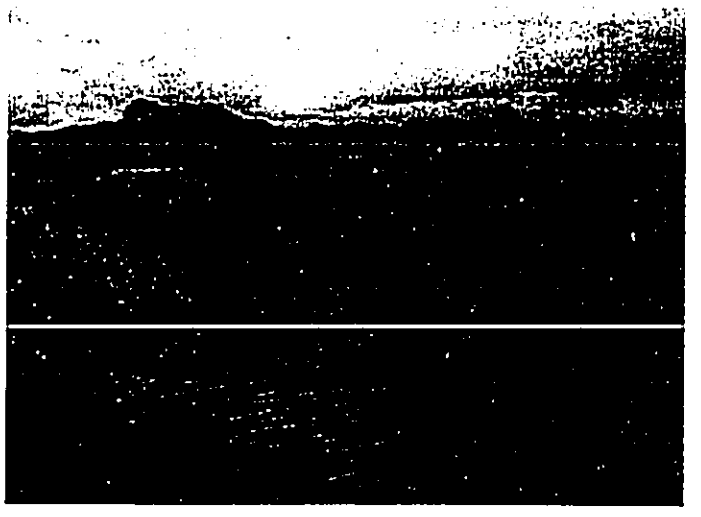
■ *More Opportunities*

- *Wide setback along highways (in sections)*

■ *More Opportunities*

• *Canals*

■ *More Opportunities*

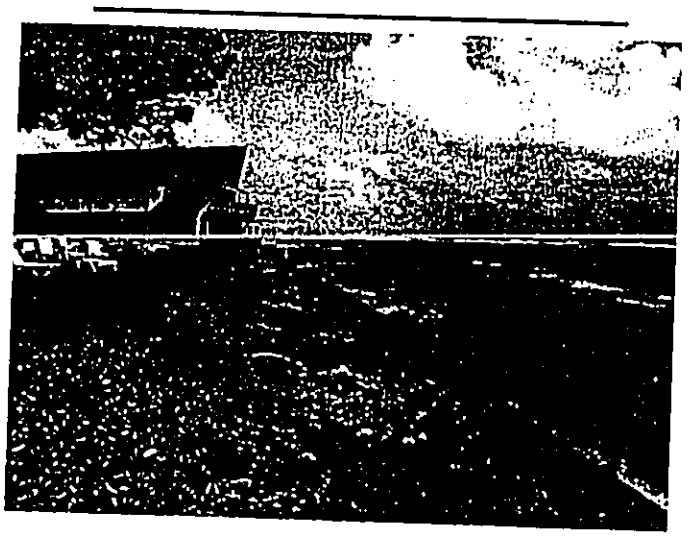


• *Ocean-mountain scenery to enhance the outdoor experience*

- *Constraints in Planning the Lydgate-Kapa'a Path*

- *Narrow public corridor*

- *Constraints in Planning the Lydgate-Kapa'a Path*



- *Prohibition against seawall construction*

- *Constraints in Planning the Lydgate-Kapa'a Path*

- *Historic sites*

We Need your Input

- *How?*
  - *Small group exercise to consider different alternatives in light of opportunities and constraints*
  - *Complete survey/evaluation form*

- *Why?*
  - *To identify alternative path alignments*
  - *To identify tradeoffs, community priorities and concerns, and areas for further study*
  - *To make your involvement as effective as possible*

Lydgate Park – Kapa'a
Bike/Pedestrian Path

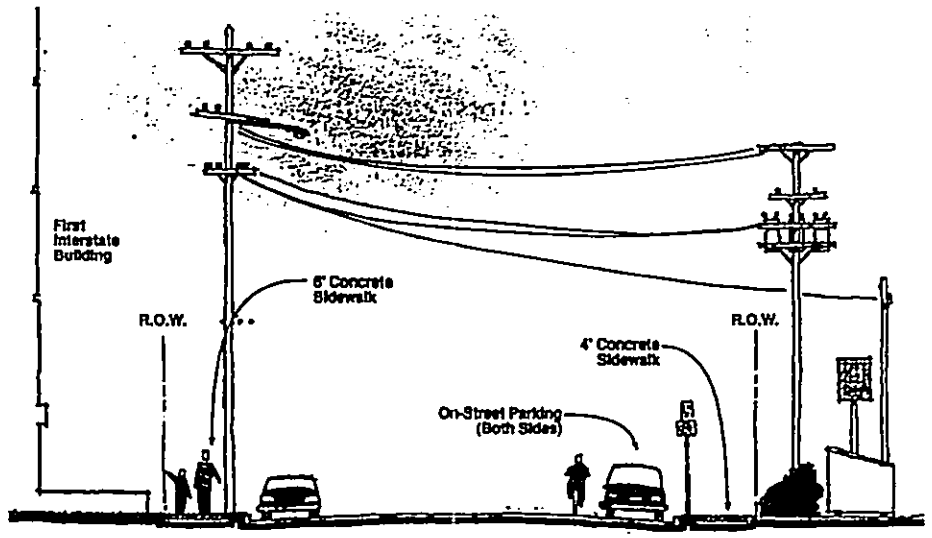
Mahalo for your time!

Materials Submitted by Meeting Participants

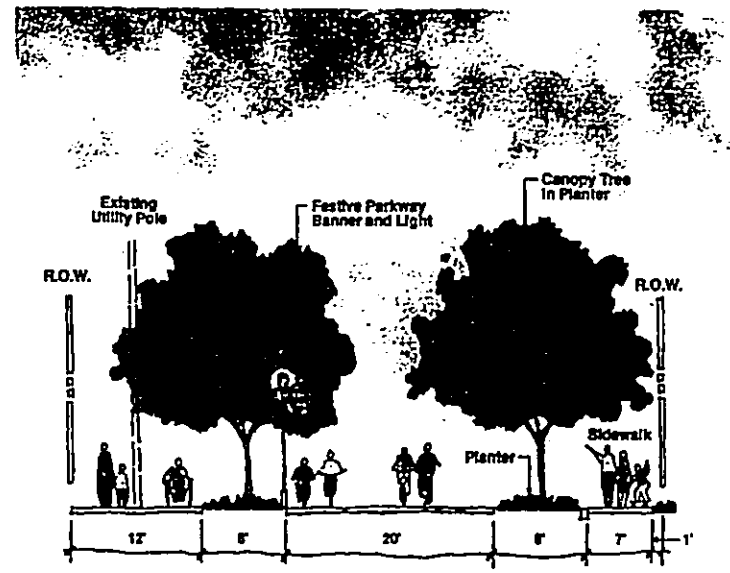
Schematic drawing of "Bike-Pedestrian Mall" and "Bike Boulevard"
Map of Koloa Heritage Trail
Conceptual drawing of path adjacent to Bull Shed

COMPARISON

OPTION B: BIKE-PEDESTRIAN MALL



Existing 56' R.O.W.



Proposed 56' R.O.W.

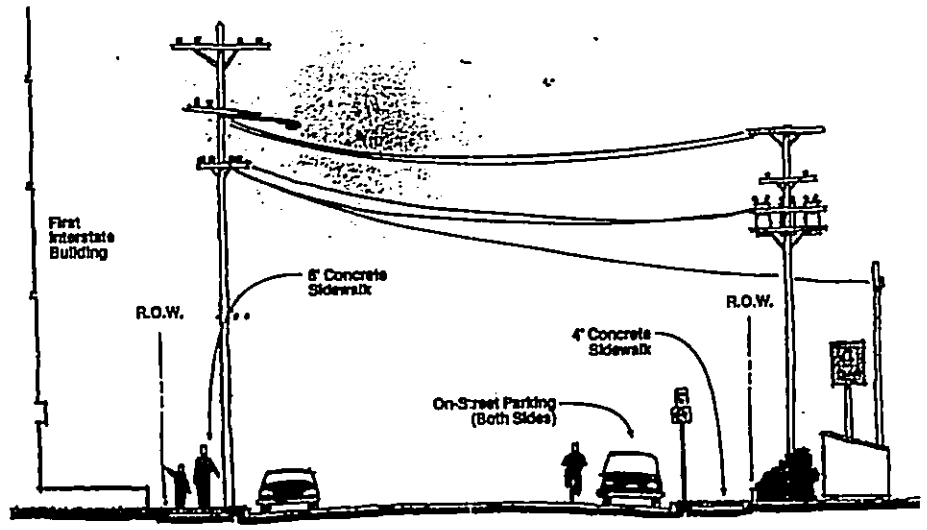
Features:

- Limit vehicular traffic on Young Street to service vehicles and EMS on selected portions
- Provide two-way bike lanes and walkways
- Provide street trees/landscaping and other street amenities

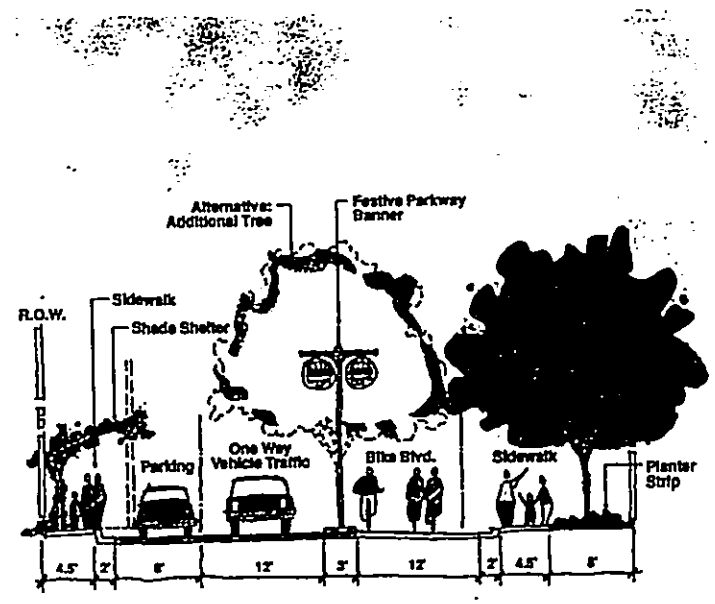
BellCollins

COMPARISON

OPTION C: MAUKA BIKE BOULEVARD



Existing 56' R.O.W.

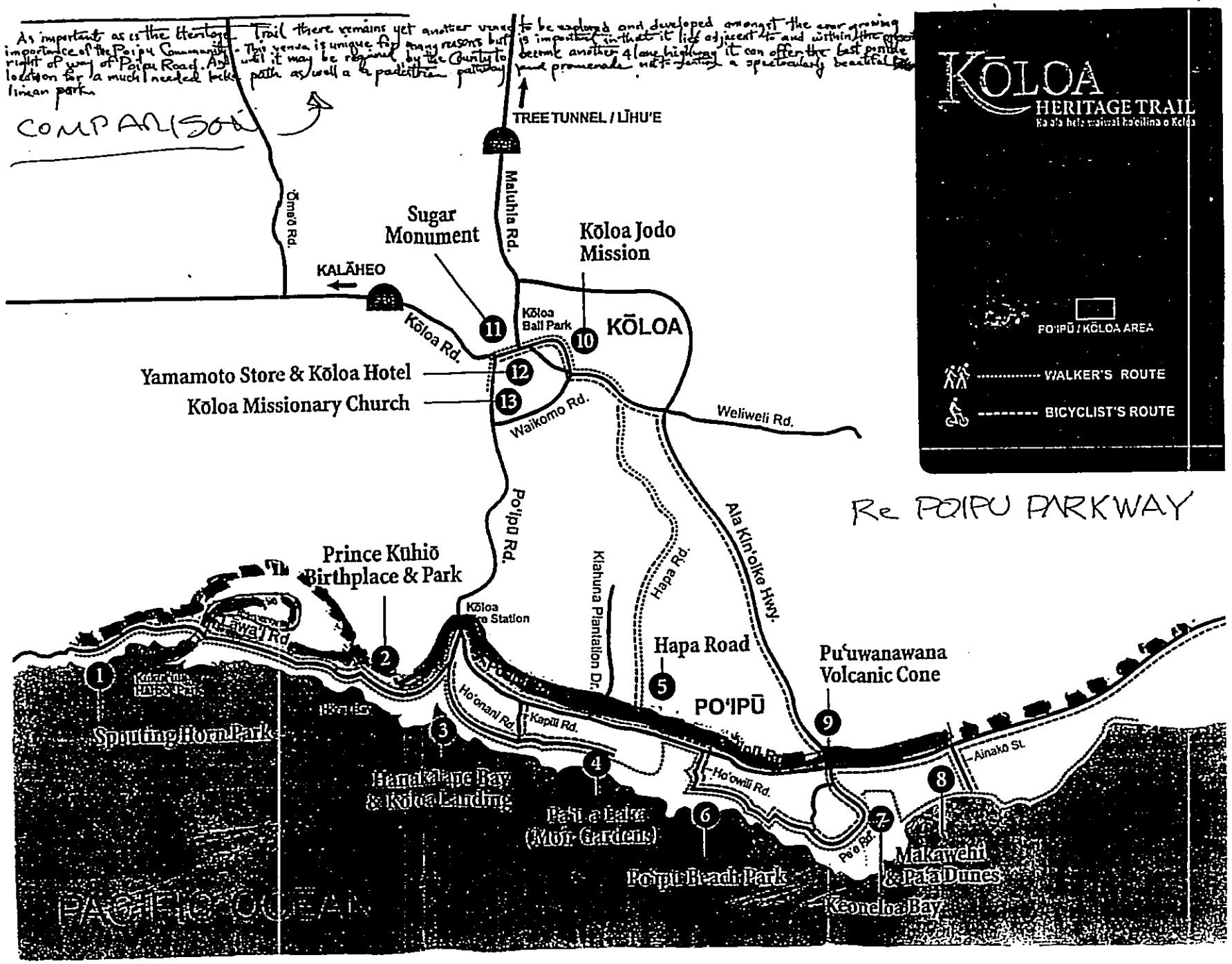


Proposed 56' R.O.W.

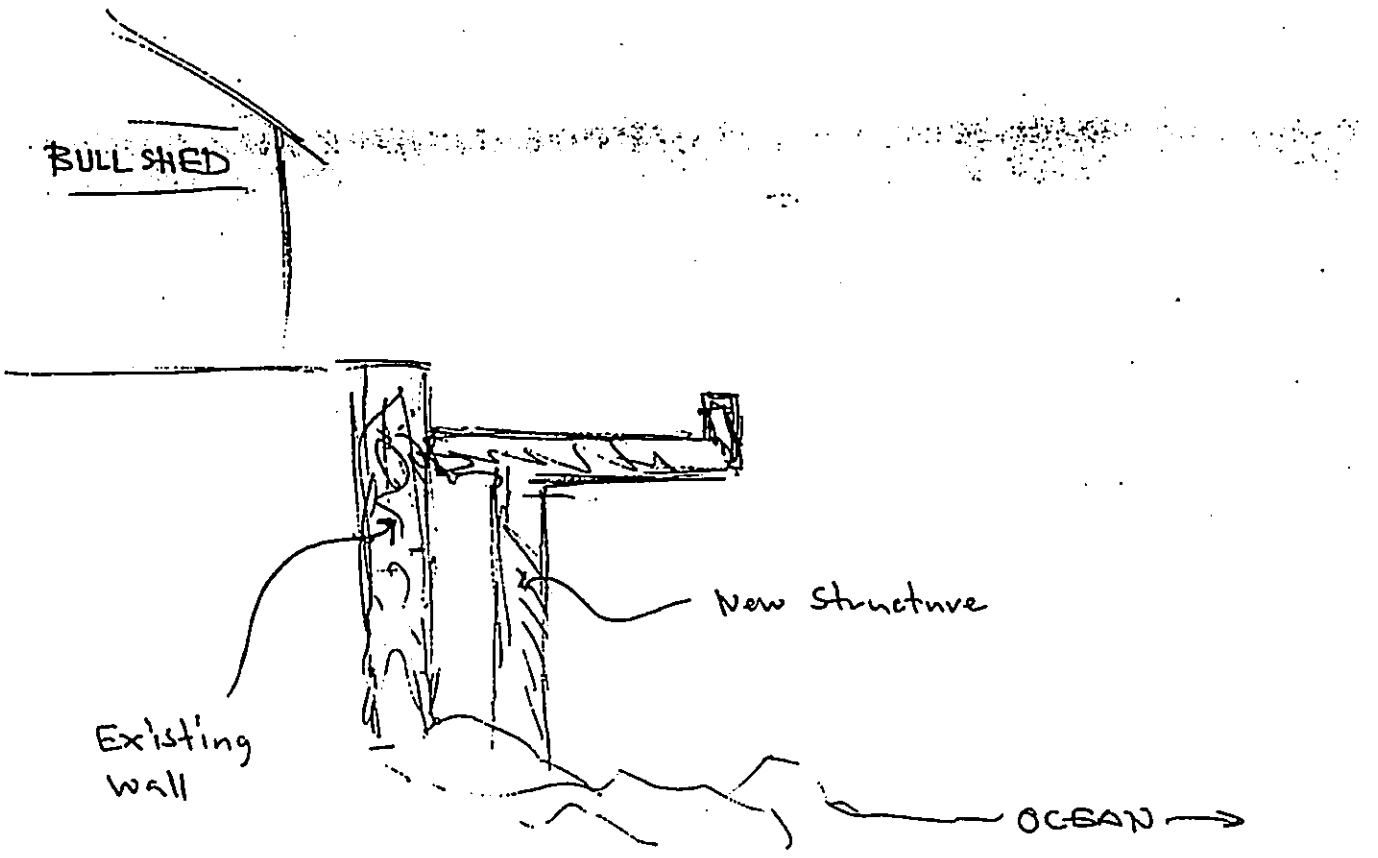
BeltCollins

As important as is the Heritage Trail there remains yet another venue to be explored and developed amongst the ever growing importance of the Poipu Community. This venue is unique for many reasons but is important in that it lies adjacent to and within the proposed right of way of Poipu Road. And it may be required by the County to become another 4 lane highway it can offer the best possible location for a much needed bike path as well as a pedestrian pathway and promenade while featuring a spectacularly beautiful linear park.

COMPARISON



Re POIPU PARKWAY


BULL SHED
New Structure
Existing wall
OCEAN

Publicity

Invitation Letter (template)
Flyer

PUBLICITY

Lydgate-Kapaa Bike/Pedestrian Path
Public Information Meeting #1
Thursday, January 29, 2004

Public Service Announcements

1. The Garden Island – Community Bulletin Board
   Arranged by KI—fax information to Yuki on Jan. 16
   Ph. (808) 245-3681, ext. 243
   FAX (808) 245-1858
   Section appears Sunday, Wednesday, Friday (need 10 days notice)

2. Ho'ike – Kauai Community Television
   Arranged by KI—fax information to Boots on Jan. 16
   Ph. (808) 246-3832
   FAX (808) 246-1556

3. KKCR
   Arranged by KI—fax information Attn: Community Calendar
   Ph. (808) 826-7774
   FAX (808) 826-7977

4. KONG Radio Group
   Arranged by KI—mail information to Shelly
   Ph. (808) 245-9527
   P.O. Box 1748
   Lihue, HI 96766

Individual Invitation Letters
Draft by KI
Final on KI stationery
Schedule: mail out by January 15
Approx. 116 on mailing list

Flyers (mailed out 1/15/04)
300 copies sent to Thomas Noyes for Friends of Kamalani parade and hoolaulea (Jan.17)
100 copies sent to Doug Haigh
100 copies sent to Tim Bynum (for distribution at Ka Leo meetings)

KIMURA INTERNATIONAL

Tuesday, January 13, 2004

Dear ,

Public Input and Scoping Meeting
for the Proposed Lydgate-Kapa'a Bike/Pedestrian Path

Kimura International, Inc. has been contracted by the County of Kaua'i, Department of Public Works to evaluate alternative alignments and prepare the environmental assessment for a proposed Lydgate Park-Kapa'a Bike/Pedestrian Path. The proposed path will extend from the northern terminus of the existing multi-use path at Lydgate Park to Waika'ea Canal. The project scope also includes two other segments: (1) connecting the Lydgate-Kapa'a bike/pedestrian path to Wailua House Lots Park and Sleeping Giant hiking trail head and (2) connecting the Kawaihau Road bike/pedestrian path to the Kapa'a-Kealia bike/pedestrian path.

As part of the planning process, we are holding a series of public meetings to gather input and feedback from all members of the community. We cordially invite you and your neighbors to attend the first public input and scoping meeting scheduled for **Thursday, January 29, 7:00-9:00 pm at the Kapa'a Middle School cafetorium.**

Meeting participants will help us identify potential pathways and issues of concern. Please join us in planning a facility that will enhance recreational and transportation opportunities for residents and visitors.

If you have any questions, please call me or Nancy Nishikawa at (888) 898-8886. We look forward to seeing you on January 29.

Sincerely,
KIMURA INTERNATIONAL, INC.

Glenn T. Kimura
President

cc: Douglas Haigh, Kaua'i Department of Public Works

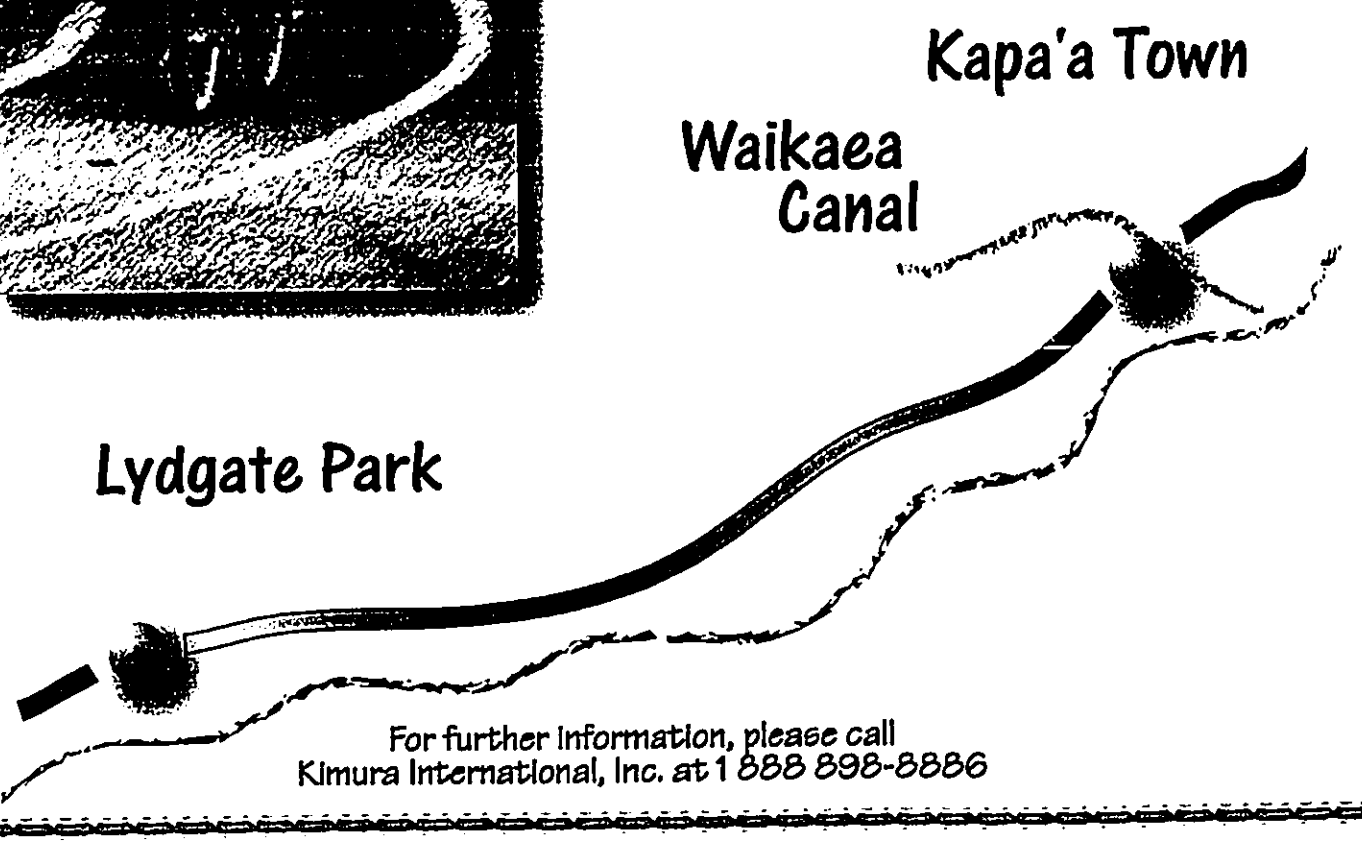
1600 Kapiolani Blvd., Suite 1610
Honolulu, Hawaii 96814
Tel (808) 944-8848 • Fax (808) 941-8999

Lydgate Park - Kapa'a Bike & Pedestrian Path

Public Input & Scoping Meeting

Please join your neighbors in helping the County Dept of Public Works to plan a bike and pedestrian path from Lydgate Park to Waikaea Canal.

Thursday
January 29, 2004
7:00 - 9:00 pm
Kapa'a Middle School Cafetorium



For further information, please call
Kimura International, Inc. at 1 888 898-8886

Appendix F

Materials from Public Information Meeting No. 2, March 10, 2004

Lydgate Park-Kapa'a Bike/Pedestrian Path

Public Information Meeting No. 2

Wednesday, March 10, 2004
Kapa'a Middle School

County of Kaua'i
Department of Public Works

Federal Highway Administration

Kimura International

1600 Kapi'olani Blvd. Suite 1610 • Honolulu, HI 96814
Tel: (808) 944-8848 • Toll Free (888) 898-8886 • Fax: (808) 941-8999
Email: projects@kimurainternational.com

CONTENTS

Lydgate Park-Kapaa Bike/Pedestrian Path
Public Information Meeting No. 2

Wednesday, March 10, 2004

Minutes of Meeting

- Attendance Sheets
- Powerpoint Presentation (printout)
- Materials Submitted by Meeting Participants
  - Brochure on the Burke-Gilman Trail, Seattle Department of Parks and Recreation and Seattle Engineering Department

Comments Received after the Meeting
(Includes letters and e-mail messages received through March 24, 2004, two weeks after the public meeting. The draft environmental assessment will provide a full record of written correspondence received.)

Publicity

- Invitation Letter (template)
- Flyer

MINUTES OF PUBLIC INFORMATION MEETING NO. 2

Wednesday, March 10, 2004
7:00-9:00 pm

A total of 75 people signed the attendance sheets. Several others attended, but did not sign in. *(Attendance sheets attached.)*

Consultants: Glenn Kimura and Nancy Nishikawa (Kimura International, Inc.); Herb Lee (Lee Communications); Clyde Kodani (Kodani & Associates)
County of Kaua'i: Doug Haigh, Project Manager

For the first twenty minutes, attendees were invited to circulate and look at maps of the three alternative plans, displayed on long tables. The purpose of the "open house" format was to give attendees a chance to familiarize themselves with the proposed routes. The consultants felt that a preview, followed by a more systematic presentation, would help attendees absorb the large amount of information on tap for the evening.

With the concurrence of meeting participants, Jimmy Torio offered a pule at the start of the regular meeting.

Doug Haigh set the context of this project (the Lydgate Park to Kapa'a segment of the bike/pedestrian path) by reviewing the other segments and phases of the overall path network. With completion of the path at Lydgate Park, and the imminent start of the Kapa'a to Keālia segment, the County has nine miles of paths well underway. He noted, in particular, the importance of land donations that have enabled the County to satisfy the local match that is needed to obtain federal funds.

Glenn Kimura presented a Powerpoint slideshow which gave an overview of the project and reviewed the alternative routes in detail *(see printout of slideshow)*:

- Project overview
- Update project schedule
- Review findings from first meeting
- Review alternative alignments
- Discuss advantages and disadvantages
- Request feedback on the alternatives

After the presentation, members of the audience were given an opportunity to raise questions or offer comments. The following items were brought to the floor during this period.

- Why not put the path on the mauka side of Moanakai Road?

Response: That option is being considered; we would like to find a solution that minimizes the impact on parking and allows safe movement of cars, bikes, and pedestrians.

- Who will maintain the path?

Response: The County, primarily by the Parks Division. Funds are allocated yearly for the maintenance of the paths at Lydgate Park and Keālia Kai.

- Are the owners of Coco Palms going to redevelop the Seashell Restaurant? It's an eyesore.

Response: There are preliminary plans to redevelop the restaurant property.

- Road maintenance in the Wailua area is poor—a street cleaner would make it easier to clean.

Response (D. Haigh): The County is looking at acquiring a path cleaner, we're doing the research.

- What criteria will be used to better define the heiau?

Response: Right now, Kukui Heiau doesn't have a buffer and the beach access leads right into the heiau. We intend to work with Hawaiian groups and cultural practitioners to identify appropriate boundaries. We've also consulted the State archaeologist.

- It's not good to go right through the Midler wetlands. The path should stay on the perimeter, maybe add observation decks.

- A year and a half ago, the County began improving the sidewalks on Papaloa Road, and it seemed like they were going to put in sidewalks (the entire way). Couldn't the sidewalk be put in with the path? It would be a good opportunity to combine projects.

Response: If the path goes on Papaloa Road, it would be available for pedestrians and other users. In that case, there wouldn't be separate sidewalks.

- Please respect our culture. Kukui Heiau was a navigational heiau. The entire Wailua area is a special place.

- What is the projected budget and is the money available?

Response (D. Haigh): The County currently has $2 million in FHWA funds. Is it adequate? Well, it won't build everything you see (on the maps). We estimated $1 million per mile. We'll probably need to adjust the budget as we get better idea of the alignment and fine tune the design.

- How do you address safety on a multi-use path? Don't address safety after the fact.

Response: The American Association of State Highway Transportation Officials (AASHTO) has developed guidelines for safe design that the path will follow. Safety will also come from an education program, appropriate signs, and people using their common sense.

- How much load can a boardwalk take?

Response: It won't support horses. It will be difficult for paths in urban areas to accommodate horses.

- Any coordination between this plan and the State's plan for a bypass highway? Why is the path coming before the highway?

Response: Some of the same consultants are working on this project and the highway project, so there is coordination.

- Why not do a study on how many people really want the path, especially if it's taking more shoreline? Only four informants participated in the cultural impact assessment for the Kapa'a-Keālia path.

Response: Please let us know if there are groups or individuals we should talk to.

- For the Kapa'a-Keālia path, the County Council stipulated that small electric golf carts be allowed for use by handicapped and elderly people.

- Can some dollars be used to dredge the canals?

Response: If it can be justified as being directly related to the bike/pedestrian path system.

- There's lots of evidence that paths can be successful. There's a two-mile path in Princeville that's less than four feet wide, but it gets used daily by lots of people. A 10-foot wide path should be safe if people use a modicum of common sense. This path could become a legacy for our children, so that they understand the environment. Walking and biking allow people to experience the environment directly and to appreciate it.

- Whatever alternative is selected, you shouldn't put the path near the highway because motor vehicles endanger cyclists.

- Be sure to connect the path to the bus system. For example, by installing bike racks at bus stops. Bike paths and buses provide needed transportation for young people.

- Add a two-foot gravel path for joggers. Concrete is a tough material for jogging.

- Concrete isn't good for rollerblading. Why are you using concrete rather than asphalt?

Response (D. Haigh): The County made a choice with the Lydgate Park path. The alternatives were improved gravel, asphalt, and concrete. We want to minimize maintenance and for gravel, we're looking at replacement possibly every other year, asphalt lasts 5-15 years, while concrete has a life of 50+ years. The paths are typically designed with shoulders so there will be some soft surfaces for joggers.

- How long before the County puts the path in?

Response: The EA will be done in August. Optimistically, construction could start sometime between the spring and fall of next year.

- There are stakes outside my living room and I don't want people going by and interfering with my privacy.

Response: Your concerns are definitely as important as anybody else's. There is room for more communication.

The draft environmental assessment will discuss the impacts of all alternatives. The County will make its decision on a final alignment after taking into consideration all of the impacts and the public comments.

Even after the environmental review process has ended, there will be other opportunities for the public to provide input, for example at public hearings associated with the Special Management Area (SMA) permit and public meetings held to refine the design-build plan.

Herb Lee concluded the formal portion of the meeting by inviting participants to write their comments post-it notes and place them on maps of the three alternatives.

Verbatim Comments on Alternative Plans

Alternative 1

- Papaloa Rd. will preserve sea turtle cove site
- Papaloa Road only
- Papaloa Rd will help improve sidewalks in need
- Papaloa Rd is better than along shoreline
- Unacceptable how path is right outside our condos. You take away our views.
- We are for the Papaloa Rd path
- Lanikai owners are very worried about path in front of view and pool areas. Also maintaining will be expensive and difficult.

Alternative 2

- Eventually the whole cane haul road can be used for bikes (after new bridge is built)
- Coordinate: what about planning and designing NOW for future Kuamoo route to homesteads?
- Is a path to park considered on the north side? Is feasible? (from placement of post-it on south side of Wailua House Lots and hand-drawn arrows, writer might have intended to ask about an alternative alignment along the south (not, north) side)
- Use Papalio (sic) Road
- Prefer this path to any other (on Papaloa Road)
- This path is better than on the shoreline since it doesn't interfere w/ condos (on Papaloa Road)
- Keep off the shoreline (pointing to shoreline next to Hale Awapuhi)
- This path seems more economical & practical to waterfront
- Please use Papaloa Rd. It can be cost effective and help improve sidewalks
- Papaloa Rd is best way
- Significant cost savings using Papaloa Rd

- I favor this solution (Papaloa Rd) by far! Most cost effective!
- Papaloa Road is the best route
- Environmental concerns—cutting down ironwood trees and other vegetation along Wailua Bay
- Concern about sacred burial ground in front of Lanikai
- Papaloa Bay is a sanctuary for turtle and monk seals and night-flying birds. Please consider!
- Avoid heiau by using Papalina (sic)
- This is the route I choose; Respect the Hawaiian Culture
- Please use Papaloa Road
- Route along mauka side of Papaloa?
- Bend path; eliminate mid-block crossing (referring to path along canals, bend path as it approaches Temporary Bypass Road so users cross at the intersection)
- Perhaps it would be wise to move path north along access here (cross out beach access along Lae Nani, map shows possible access between Kauai Sands and Islander on the Beach)
- Pedestrians 65 year old get run over by 15 year old bikers!
- Use wet land route (only)
- Stay off the highway
- Why not put path on mauka side? (of Moanakai Rd)
- Eliminate "dipsy doo" and go straight to the bridge (across Waikaea Canal)
- Consideration for future Olahena shoulder improvements and bike upgrade
- Path option north of Kapaa Park to soccer field
- (Need for a more direct) access (between) future soccer field and the coastal bike route
- Wide serpentine switchbacks following contours (Kawaihau path)
- Connect the 2 drainage canals (where there is a perpendicular convergence of canals)
- Put bike path along this area (pointing inside the NRCS conservation easement)
- Keep pathways away from Kuhio Hwy (where possible) (pointing to highway fronting Waipouli complex
- Connect drainage canal so boating people can use; put bike path along it
- Recommend avoiding driveways @ most cost, so choose perimeter (around Wailua House Lots)
- Make pathway to Sleeping Giant hiking trail head
- Connect canal to Opaeka (sic) Stream for boating

Alternative 3

- Building a new bridge is foolish and cost prohibitive (at Wailua River)
- Safety! Based on common sense of 13 to 15 year old bike riders vs. 65 year old pedestrians will not work! (along Wailua Beach Park)
- Build path lower so that railings won't block views of condo owners if path goes on oceanside.
- Stay on the coast all the way!
- Papaloa Rd will keep the costs down
- Too close to condos (pointing to Hale Awapuhi Condos)

- Along here too close to condos—very invasive (near Hale Awapuhi and Kapaa Sands)
- Boardwalk in cove will destroy the quiet cove for fishing (cove off Lae Nani)
- Keep away from heiau
- Must provide protection and maintenance $ for heiaus
- Can you cut through here instead of going up the (Haleilio) road (pointing to residential lots) above canal
- Here cross behind the Family Restaurant
- This is unacceptable to have our shoreline ruined and then change Papaloa Rd too.
- Papaloa Rd seems to be a cost effective way of having a sidewalk
- This area has a narrow walk that is heavily used by the condo/visitors (Islander on the Beach)
- Make access to Foodland and Safeway, etc.
- Keep pathways away from Kuhio Hwy (specifically pointing to area in front of All Saints Church)
- Horse trails! w/ a place to park a few (4) trailers (in Midler wetland area)
- Picnic tables; hitching rails for horses; trash cans next to picnic tables
- Survey of Kauaians NOT only for Kauaians but for VISITORS too
- Beautiful maps! Keep up the good work
- Keep the VISION! An emerald lei of GREEN access around the coast!
- Motorized vehicles? Golf carts, emergency vehicles, motorized wheelchairs

Map Comments submitted by the Kapa'a Business Association

1. Keep path continuous
2. Keep along ocean if possible

- New path (along south side of Wailua River, makai of Kuhio Highway to marina)
- Good! (pointing to bridge across Wailua River)
- Good! (pointing to path through Wailua Beach Park)
- 6'-8' preferred on grass only (makai of condos). Keep path away (no boardwork) from the beach
- Reclaim County land from the private users
- New sidewalk (along Kuhio Highway fronting Coconut Marketplace and Plantation Hale)
- Good (boardwalk makai of Mokihana and Bull Shed)
- New lookout (extensions from Uhelekawawa Canal)
- Good (path around Singleton property)
- Good solution (Niulani Street and Moanakai Rd)
- New sidewalk to access town (through residential area between Kauai Village Shopping Center and Kapaa Shopping Center
- Switchback design for Kawaihau path
- Both sides if possible (path along Waikaea Canal)
- Wonderful! Paths around canals!

Attendance Sheet

Public Information Meeting #2

Lydgate Park-Kapa'a Bike/Pedestrian Path

Wednesday, March 10, 2004

Kapa'a Middle School

7:00 – 9:00 pm

Name	Affiliation
Myrlen Ann Knafelc	Lae nani
Dalton Hung	
Norman + Kathleen Persons	Wailua Bay View
Leila Reid	Have horse will ride
Dan & Carol Teter	
Ingrid Scharrer	Kapaa Sands
Winston K. Kawamoto	S. Otsuka Estates
Marge Freeman	
Laura Otto	Garden Island RC&D
James Sone	
Eva Dan's	Lae nani Resort
Jeanne M. Ross	Lae Nani Resort
Bonnie Kiggins	Lae nani Resorts
Bernardo Gonzalez	—

Attendance Sheet

Public Information Meeting #2

Lydgate Park-Kapa'a Bike/Pedestrian Path

Wednesday, March 10, 2004

Kapa'a Middle School

7:00 – 9:00 pm

Name	Affiliation
Dave Wright	LAE NANI
Doris Asle	Lae nani
Melinda O'Donnell	Lae Nani
Janice Lupwicki	
Chris Bitulis	Lani Kai
Ed Robinson	"
Fred Boes	WAILUA (MGR) BAYVIEW
Sanja King	Lae Nani
Bernice King	LAE Nani
Cindy Plemer	Lanikai
Richard Sugiyama	none
Jane Spencer	
Candace Kepley	Have horses like to ride!
Klaus Sharrer	Kapaa Sands
Patricia Sweeney	Kapaa Sands
Roxanne MacDougall	self

Attendance Sheet

Public Information Meeting #2

Lydgate Park-Kapa'a Bike/Pedestrian Path

Wednesday, March 10, 2004

Kapa'a Middle School

7:00 – 9:00 pm

Name	Affiliation
MATTHEW HONJIYO	HOMEOWNER
Blake Rafael	Anahola Resident
Calvin Fujita	Wailua
Terry Kishita	Lihue
Dana Bekeart	Kapahi
LARRY CHAFKIN	PLANNING COMMISSION
Jon Schlegel	
PAT V. PHUNG	FEDERAL HIGHWAY ADMINISTRATION
Vicki Valencerina	Employee Lae Nani
Bill Tripo Asing	
Rayne Regush	—
Robert MacDougall	
J. Furfaro	Council
JoAnn Yukimura	Council
Steven Kyono	DOT-HWY

Attendance Sheet

Public Information Meeting #2

Lydgate Park-Kapa'a Bike/Pedestrian Path

Wednesday, March 10, 2004

Kapa'a Middle School

7:00 – 9:00 pm

Name	Affiliation
WAYNE THRIFT	HALE AWAPUHI
JACK STAHLEY	HALE AWAPUHI
JOHN HERCEG	LAE NANI
LINDA HERCEG	LAE NANI
FRANK J. KNAFELC	LAE nani
FORREST Firth	Wailua Bay View
Rhodie Firth	Wailua Bay View
Bonnie Shannon	Lae nani
Gary Hennigh	County of Kauai Deputy Planning
AL PATERSON	FUTURE OF KAUAI
DRUSILLA GARLAND	—
SHARON EDWARDS	Kapaa Sands
DEBBIE STRUPLER SY STRUPLER	HALE AWAPUHI
LYNN PIZZITOLA	
Catherine A Shining Star	Lae nani

Attendance Sheet

Public Information Meeting #2

Lydgate Park-Kapa'a Bike/Pedestrian Path

Wednesday, March 10, 2004

Kapa'a Middle School

7:00 – 9:00 pm

Name	Affiliation
Neill Sams	KAPAA BUS. ASSOCIATION
Jimmy Trujillo	
JIMMY TOKIO	SELK
John Lydgate	KCC
Jack Mandt	Lani Kai
Thomas Noyes	Friends of Kamalani + Lydgate Park
Jerry Hirata	

Lydgate Park – Kapa'a
Bike/Pedestrian Path

2nd
Public Information Meeting

March 10, 2004
Kapa'a Middle School

County of Kaua'i, Department of Public Works
Federal Highway Administration

Project Team

- Project Manager: Douglas Haigh, County of Kaua'i, Department of Public Works
- Prime Consultant: Kimura International Inc.
- Civil Engineer: Kodani & Associates
- Public Involvement: Lee Communications
- Various technical subconsultants

Purpose of Today's Meeting

Second of three planned meetings

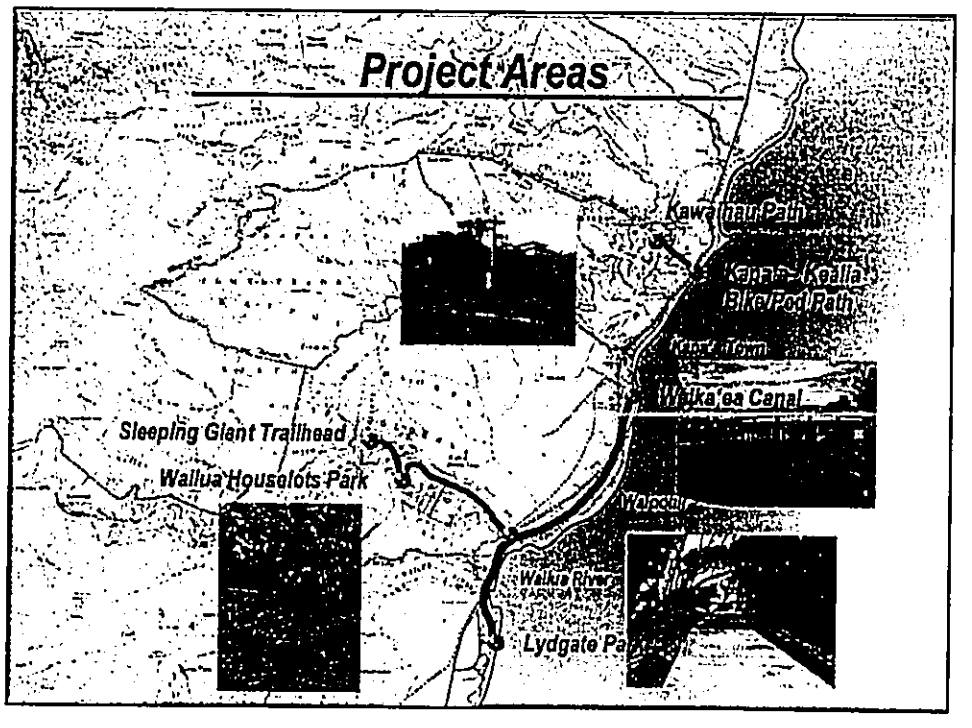
- Project overview
- Update project schedule
- Review findings from the first meeting
- Review alternative alignments
- Discuss advantages and disadvantages
- Give us feedback on the alternatives

Scope of Work

- Planning study – identify alternatives, evaluate, recommend a preferred route
- Prepare environmental assessment
- Obtain permits
- Prepare "Basis of Design" for design-build project

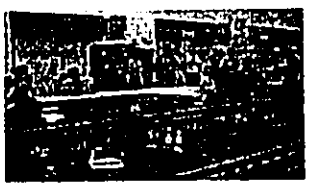
Project Schedule

January 29	FIRST PUBLIC MEETING • Input used to develop three alternatives • Complete preliminary assessment • Preferred alternative selected by County
Early March	SECOND PUBLIC MEETING • Summarize outcome of first meeting • Review alternatives • Get feedback
March - April	• Prepare Draft Environmental Assessment (DEA) • Study Issues of concern to the community
Late May	• Submit Draft Environmental Assessment (DEA) • 30-day public review period
June	THIRD PUBLIC MEETING • Solicit comments on the Draft EA
July	• Prepare Final Environmental Assessment (FEA) • Respond to comments

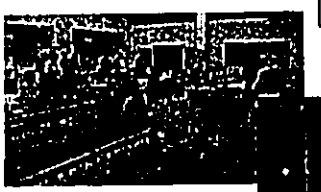


Public Input and Scoping Meeting

January 29, 2004

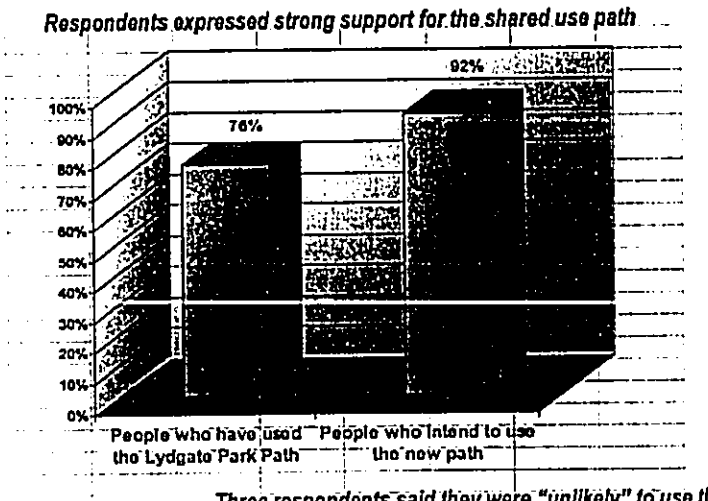


- More than 50 people attended
- Dozens of comments and suggestions received through the mapping exercise
- Completed questionnaires received from more than 70% of participants



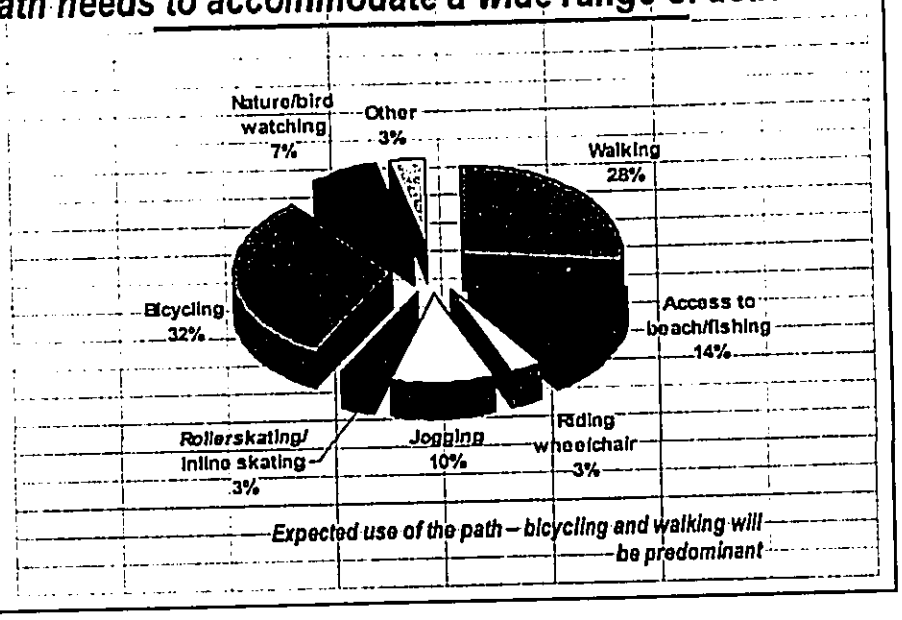
What we heard from the first meeting

Respondents expressed strong support for the shared use path



Three respondents said they were "unlikely" to use the Lydgate-Kapa'a shared use path

Path needs to accommodate a wide range of activities

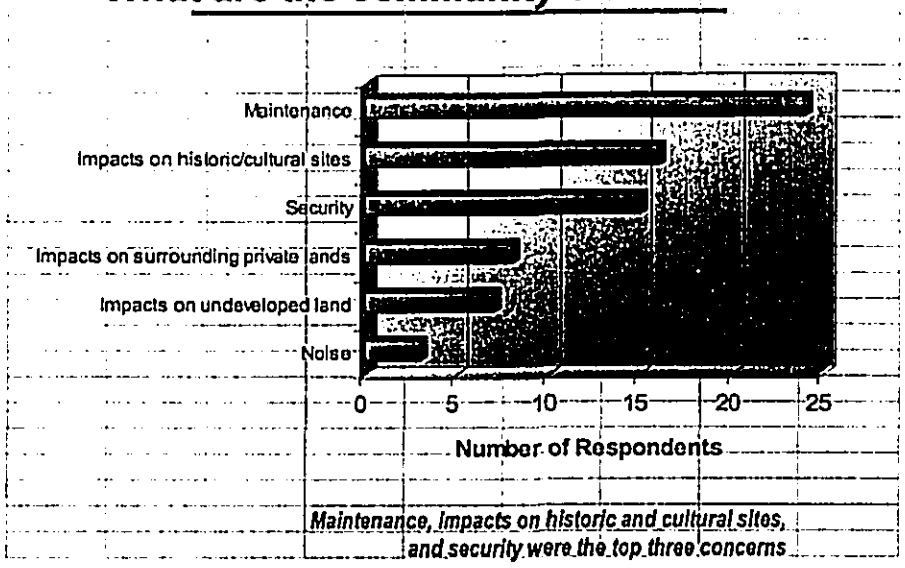


Describing the "ideal path"

These characteristics were mentioned:
(in order of frequency)

- Along the coast; shoreline
- Away from traffic
- Scenic
- Safe
- Accommodates many different users
- Wide, open (to avoid conflicts among users)

What are the community's concerns?



Maintenance, impacts on historic and cultural sites, and security were the top three concerns

Alternative Evaluation

Criteria to evaluate alternatives

- *Based on community and agency concerns*
- *Public feedback, technical feasibility studies, and operational issues will also be considered*

Location Factors

- *Is the route along the coast – consistent with the original vision for the project?*
- *Does the alternative offer scenic views?*
- *What kinds of impacts on archaeological or cultural sites?*

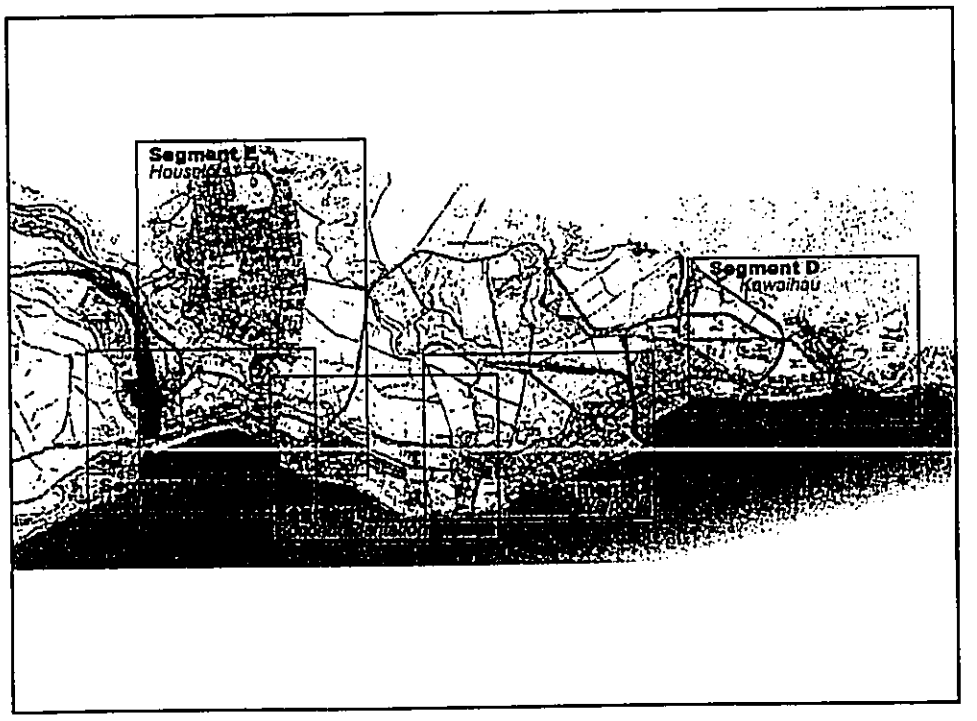
Alternative Evaluation

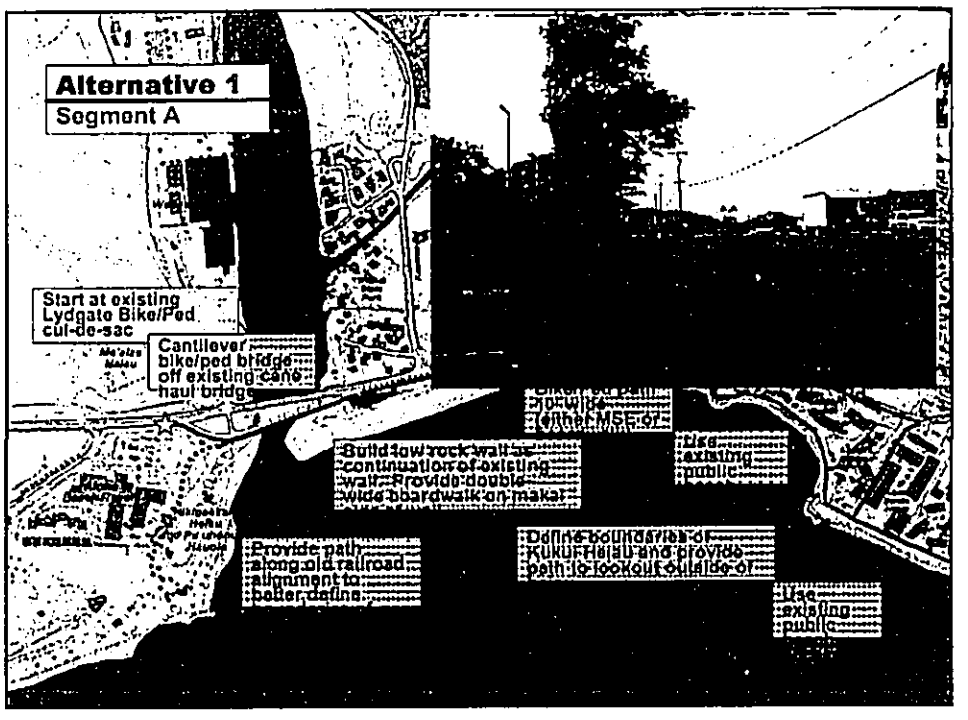
Design Factors

- *Is the alternative separate from vehicular traffic?*
- *Can the path be designed in compliance with ADA requirements?*
- *Will the alternative require crossing major roadways?*

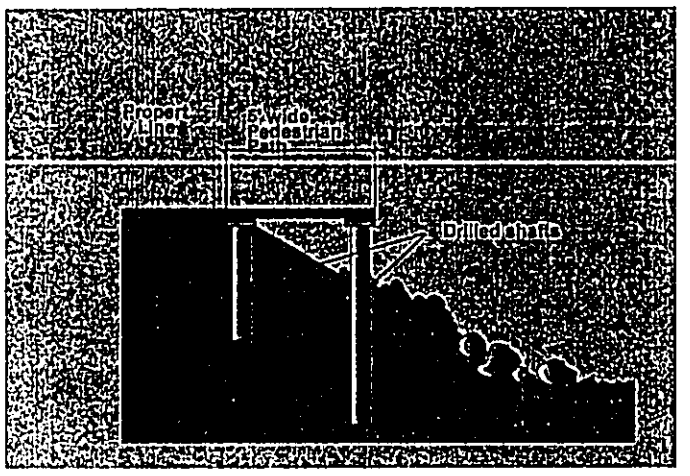
Implementation Factors

- *Will the alternative require above-average costs?*
- *Is land acquisition required?*
- *Will the alternative require special maintenance effort?*

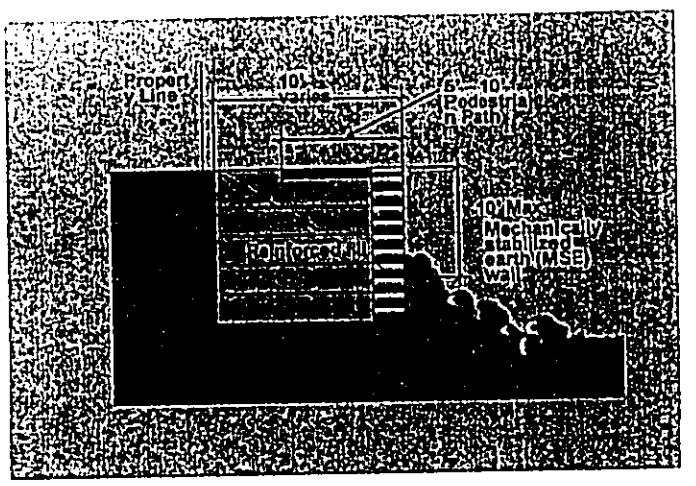


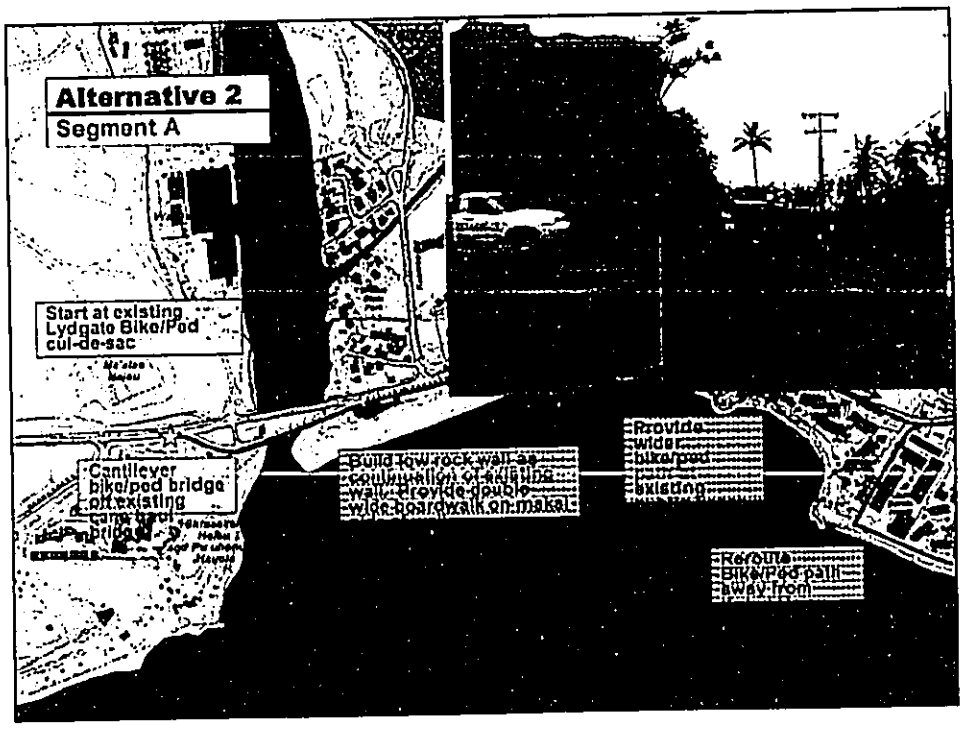


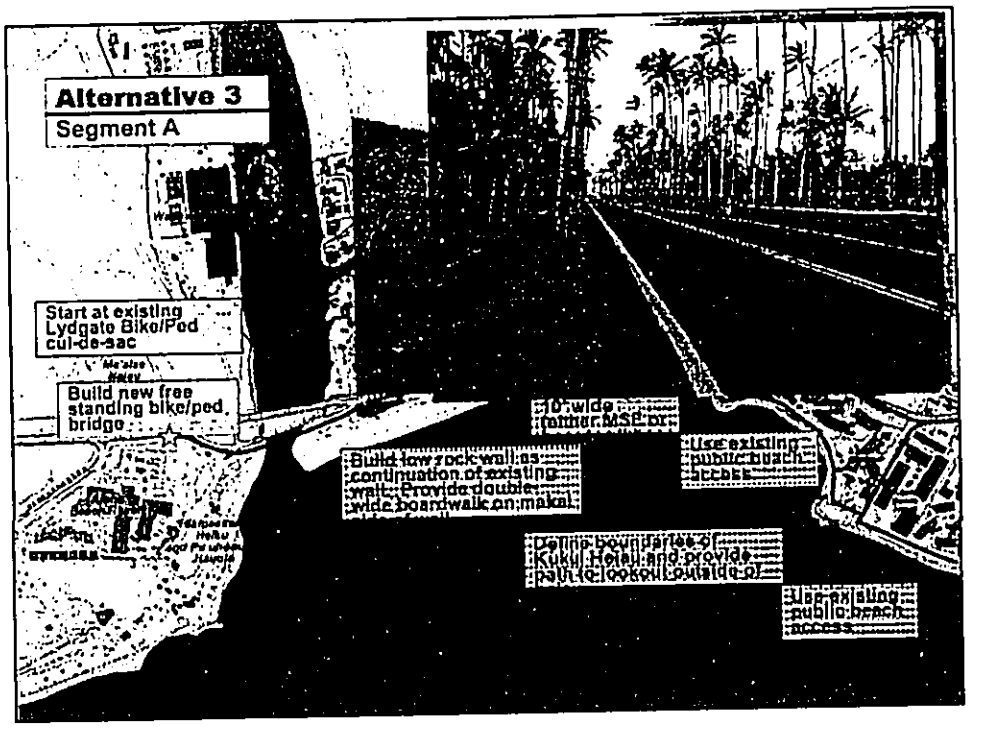
Boardwalk Schematic

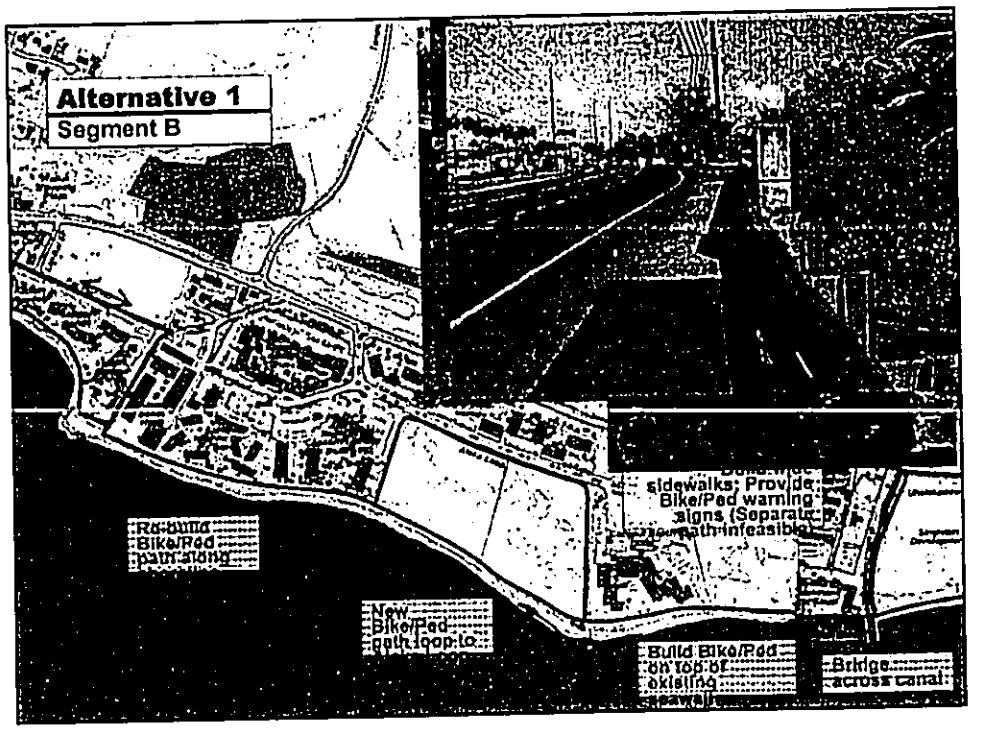


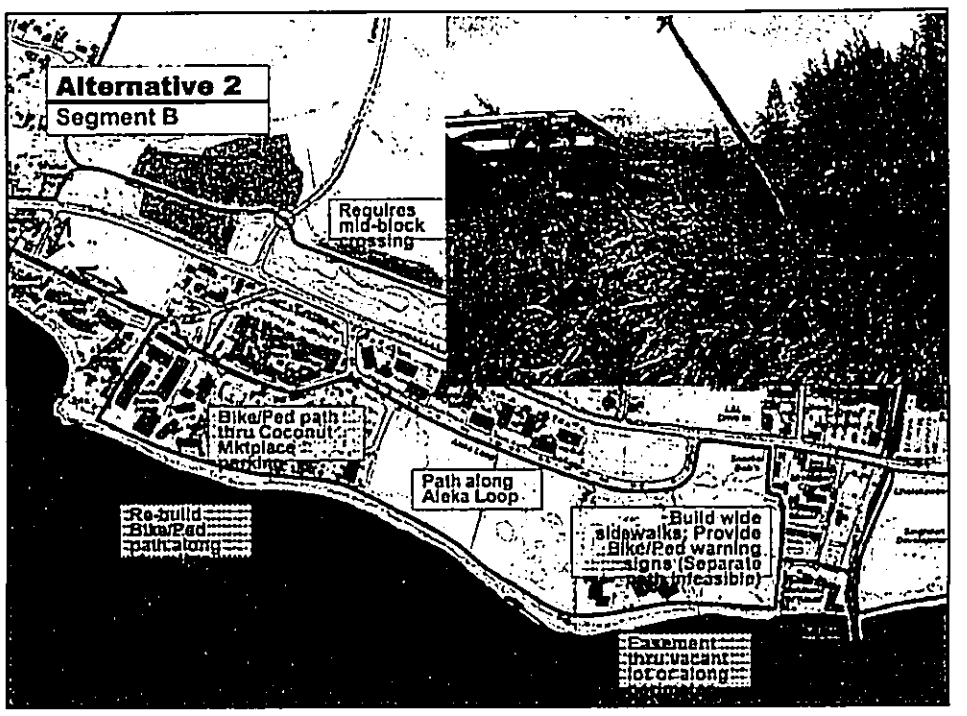
Mechanically Stabilized Earth Schematic

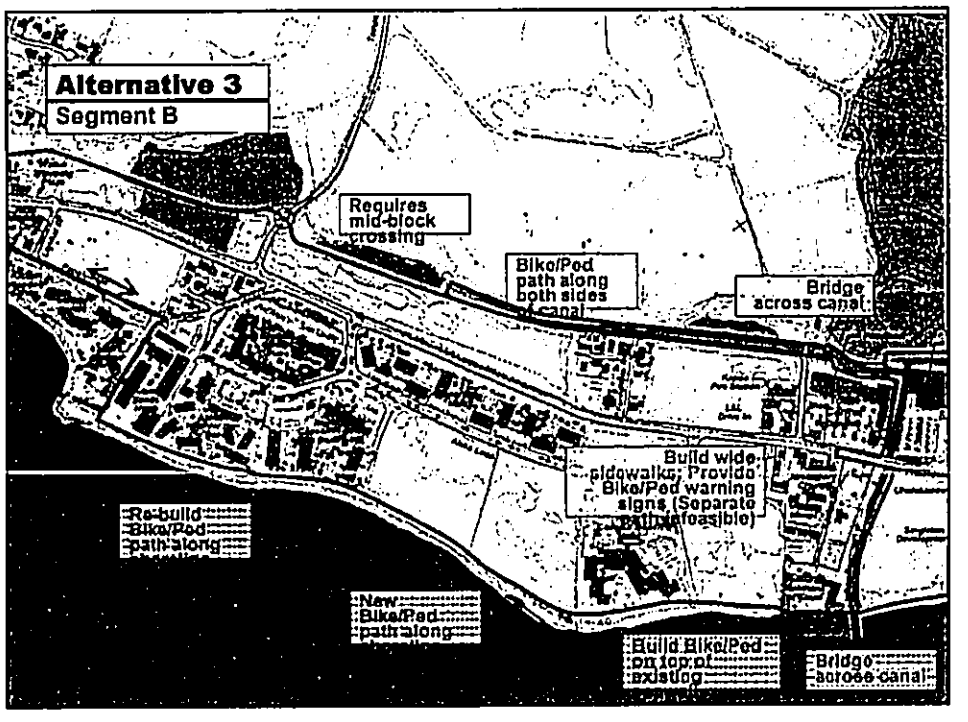


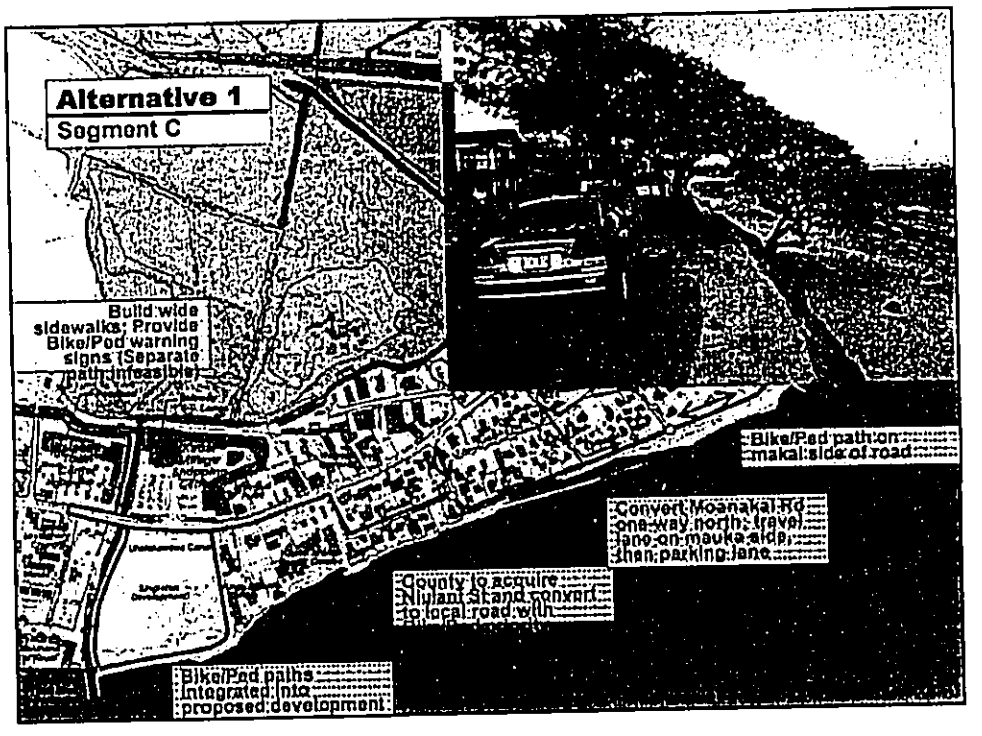



Alternative 3
Segment A
Start at existing Lydgate Bike/Ped cul-de-sac
Build new free standing bike/ped. bridge
Build low rock wall as continuation of existing wall. Provide double-wide boardwalk on makai.
Use existing public beach access

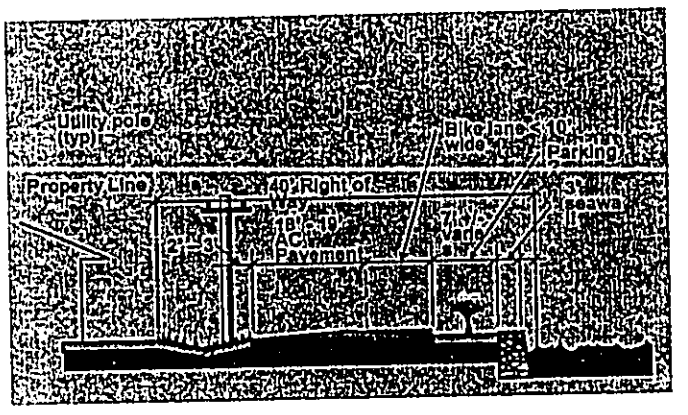

Alternative 1
Segment B
Re-build Bike/Ped path along
New Bike/Ped path loop to
sidewalks; Provide Bike/Ped warning signs (Separate path infeasible)
Build Bike/Ped on top of existing
Bridge across canal

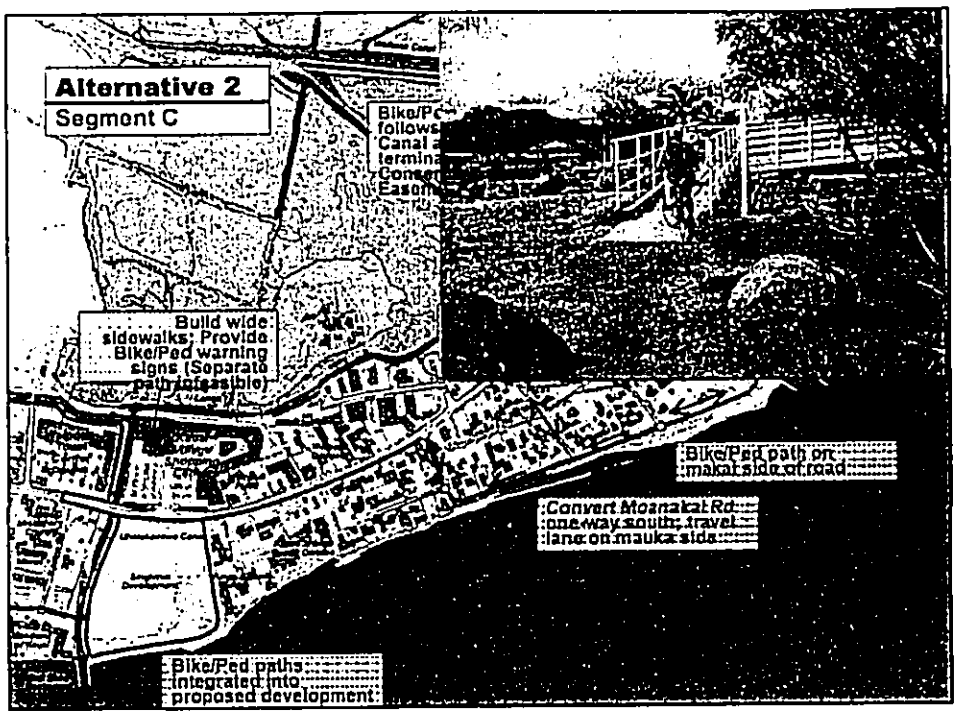

Alternative 2
Segment B
Requires mid-block crossing
Bike/Ped path thru Coconut Mktplace parking lot
Path along Aleka Loop
Re-build Bike/Ped path along
Build wide sidewalks; Provide Bike/Ped warning signs (Separate path infeasible)
Easement thru vacant lot or along

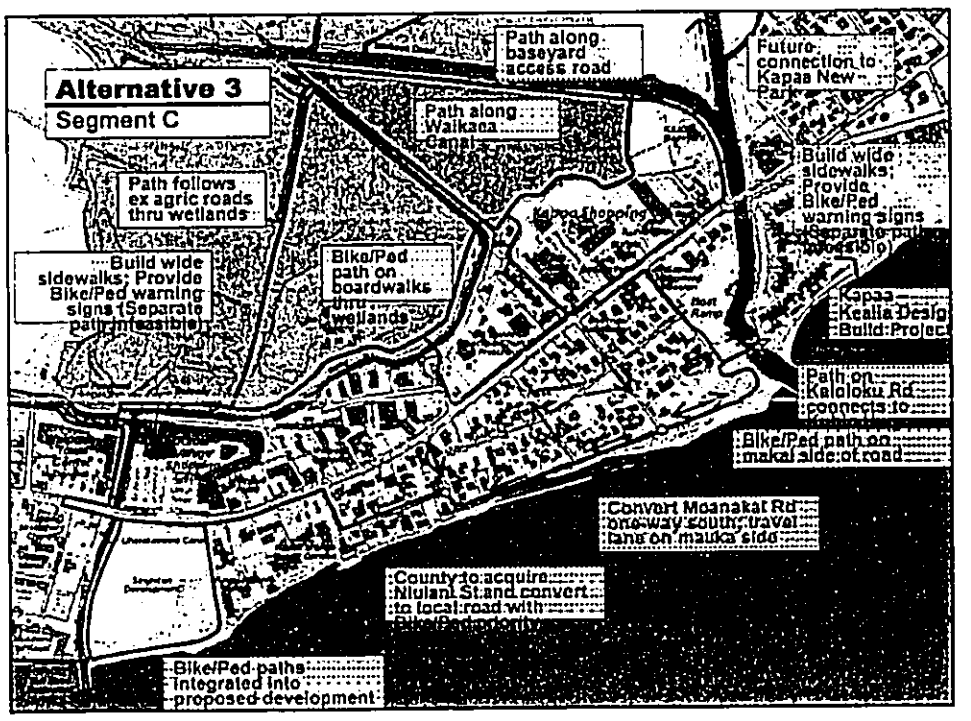

Alternative 3
Segment B
Requires mid-block crossing
Bike/Ped path along both sides of canal
Bridge across canal
Build wide sidewalks; Provide Bike/Ped warning signs (Separate path infeasible)
Re-build Bike/Ped path along
New Bike/Ped path along
Build Bike/Ped on top of existing
Bridge across canal

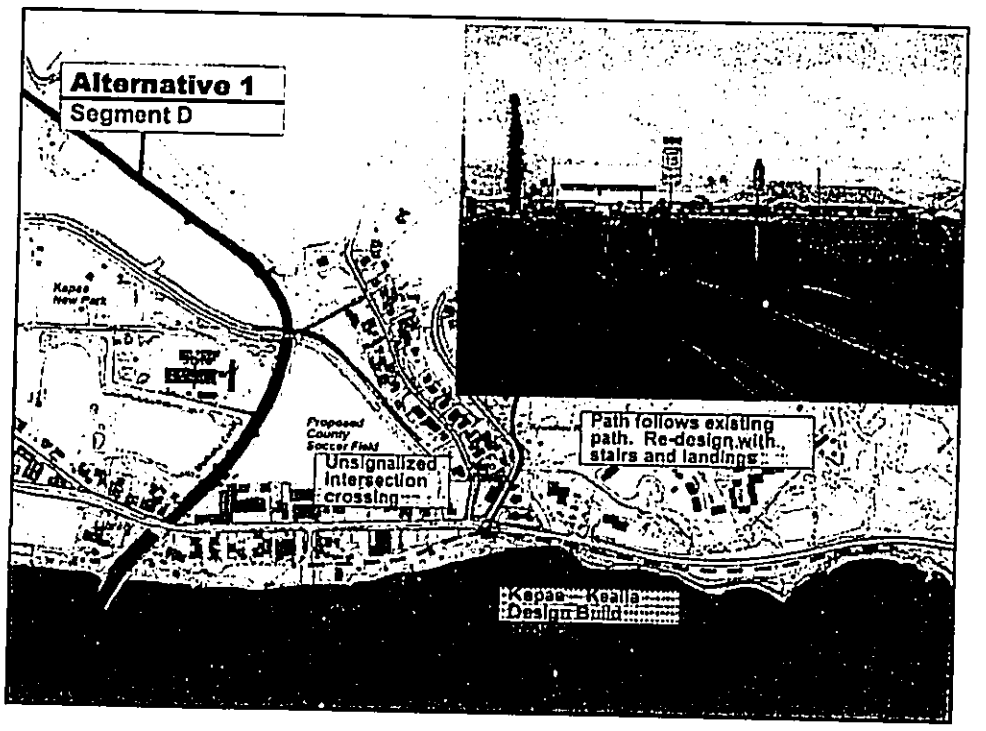


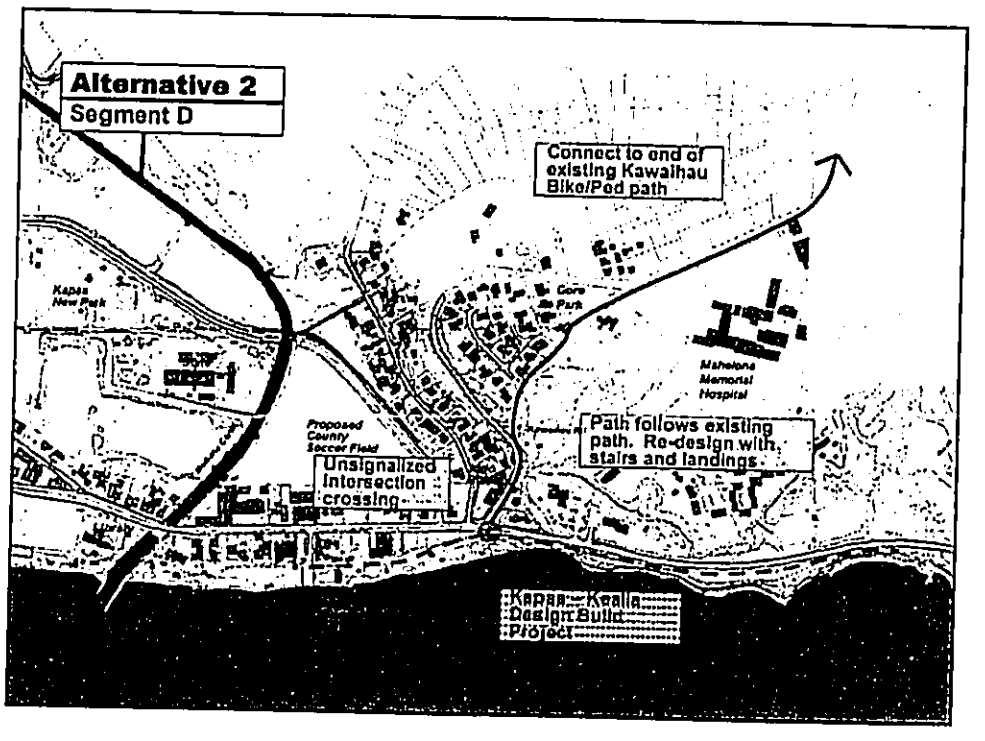
Moanakai Road Right of Way

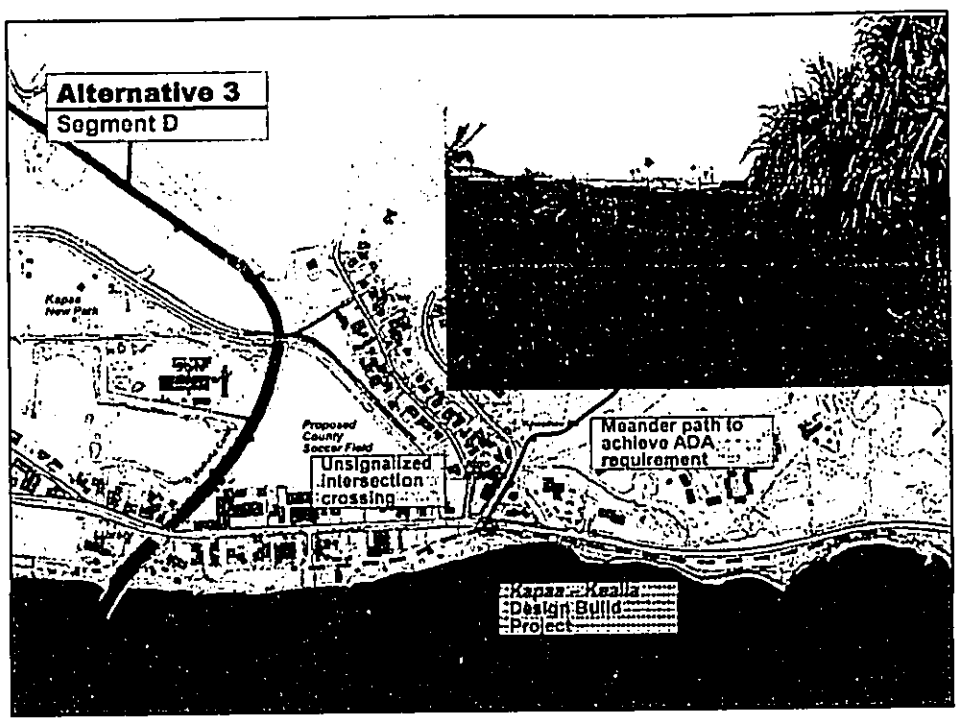


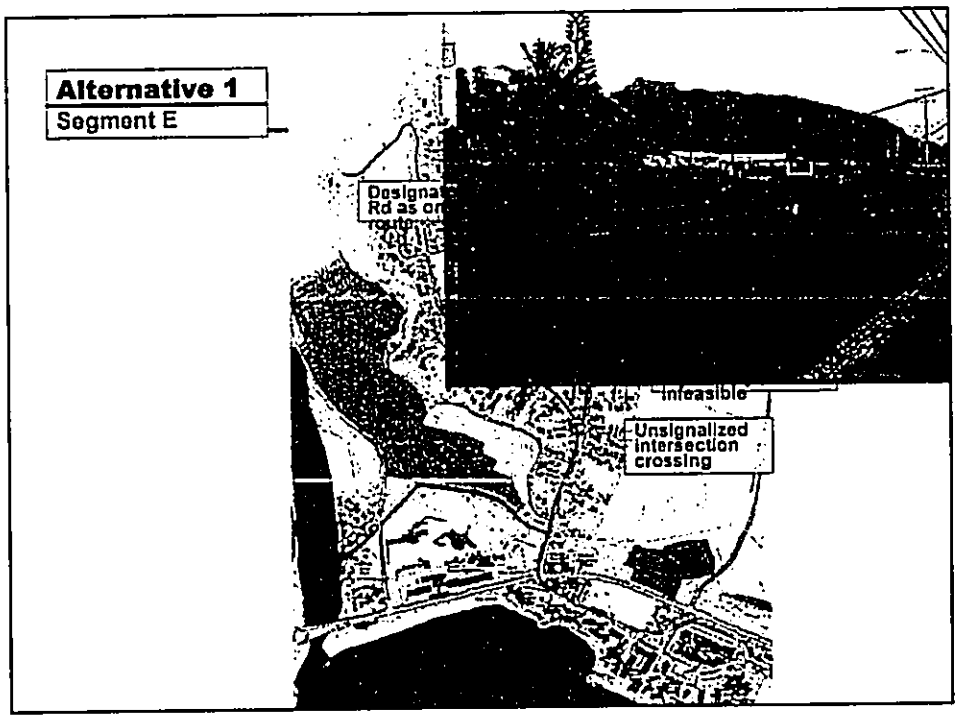

Alternative 2
Segment C
Build wide sidewalks; Provide Bike/Ped warning signs (Separate path infeasible)
Bike/Ped path on makai side of road
Convert Moanakai Rd one-way south; travel lane on mauka side
Bike/Ped paths integrated into proposed development


Alternative 3
Segment C
Path along baseyard access road
Path along Waikaea Canal
Future connection to Kapaa New Park
Build wide sidewalks; Provide Bike/Ped warning signs
Path follows ex agric roads thru wetlands
Build wide sidewalks; Provide Bike/Ped warning signs (Separate path infeasible)
Bike/Ped path on boardwalks thru wetlands
Path on Kaloloku Rd connects to
Bike/Ped path on makai side of road
Convert Moanakai Rd one-way south; travel lane on mauka side
County to acquire Niulani St and convert to local road with
Bike/Ped paths integrated into proposed development

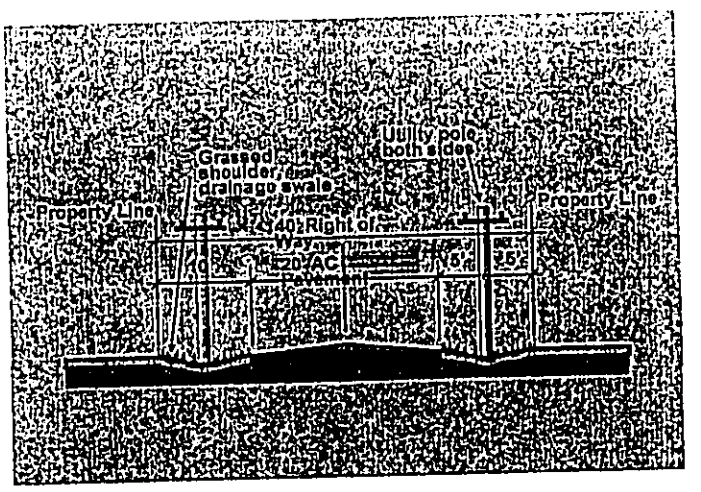

Alternative 1
Segment D
Kapaa New Park
Proposed County Soccer Field
Unsignalized intersection crossing
Path follows existing path. Re-design with stairs and landings
Kapaa - Kealia Design Build

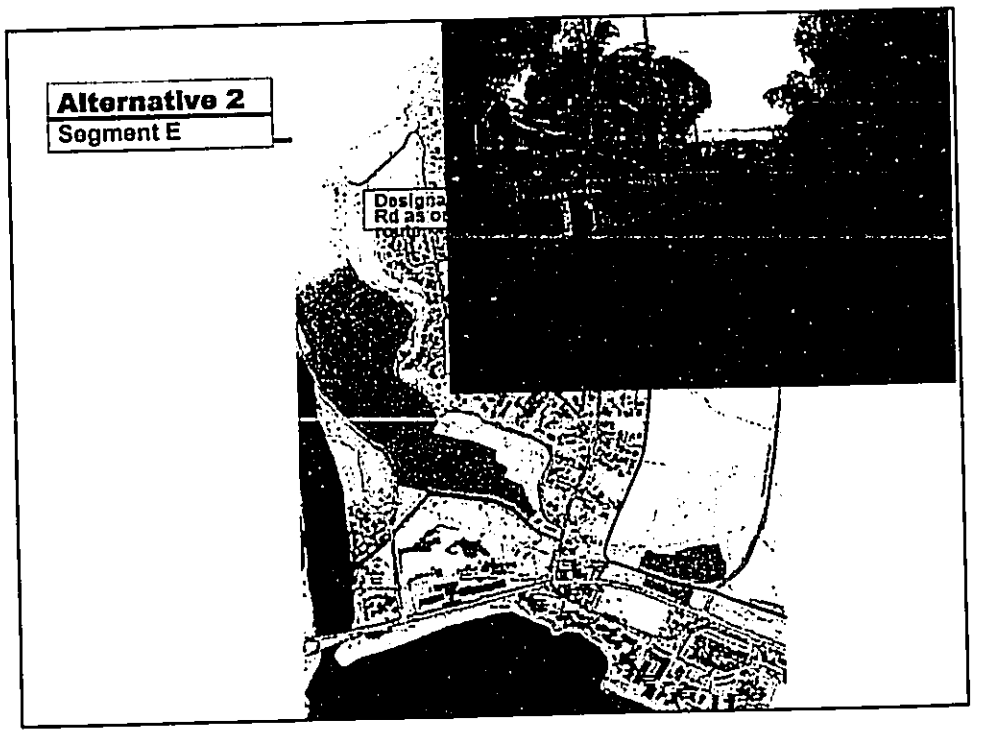

Alternative 2
Segment D
Connect to end of existing Kawaihau Bike/Ped path
Kapaa New Park
Core Ballpark
Wailua Memorial Hospital
Proposed County Soccer Field
Unsignalized intersection crossing
Path follows existing path. Re-design with stairs and landings
Kapaa - Kealia Design Build Project

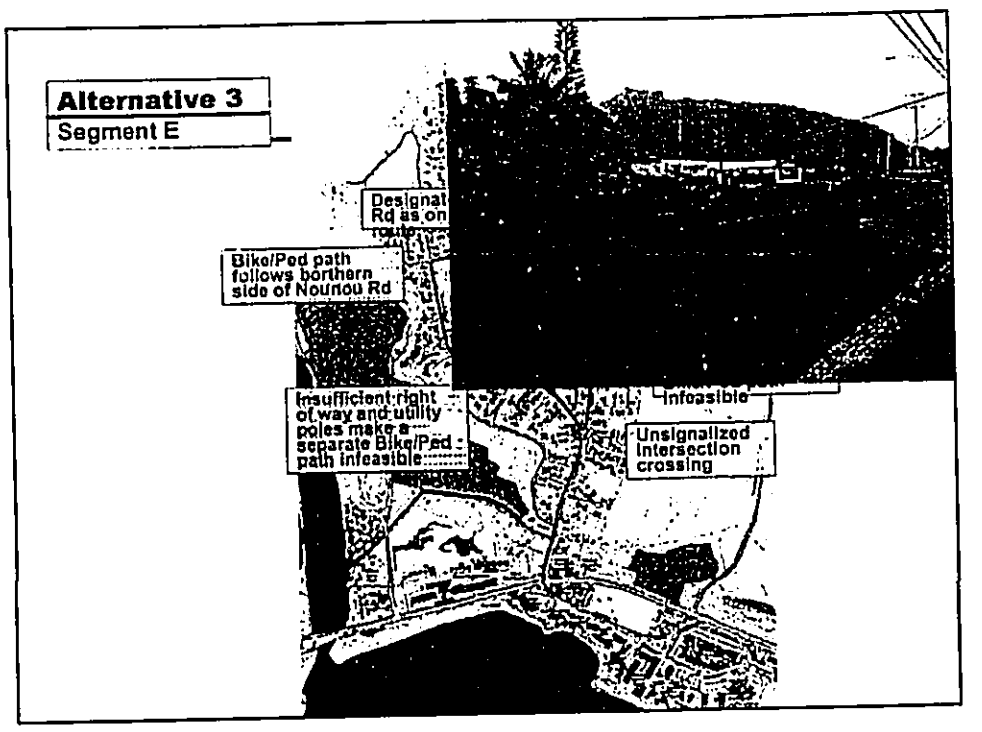

Alternative 3
Segment D
Kapaa New Park
Proposed County Soccer Field
Unsignalized intersection crossing
Meander path to achieve ADA requirement
Kapaa - Kuhio Design Build Project

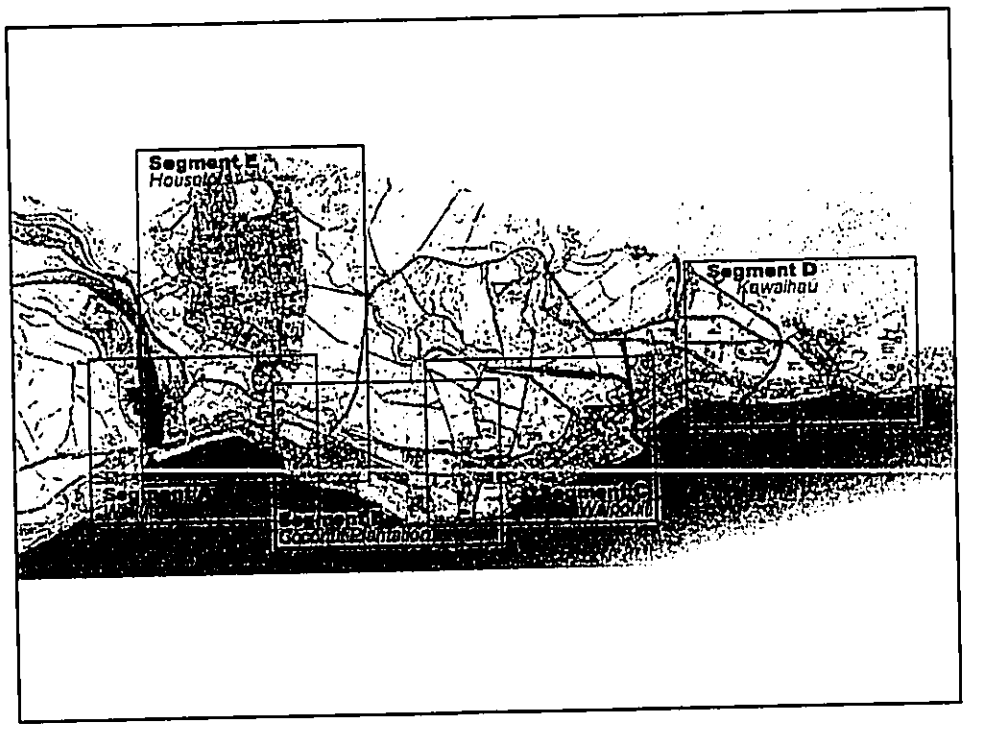

Alternative 1
Segment E
Designa
Rd as or
route
Infeasible
Unsignalized intersection crossing

Haleilio Road Right of Way






Alternative 3
Segment E
Bike/Ped path follows borthern side of Nounou Rd
Insufficient right of way and utility poles make a separate Bike/Ped path infeasible
Infeasible
Unsignalized intersection crossing


Segment E
Segment D
Kawaihau

Lydgate Park – Kapa'a

Bike/Pedestrian Path

2nd

Public Information Meeting

Mahalo for your time!

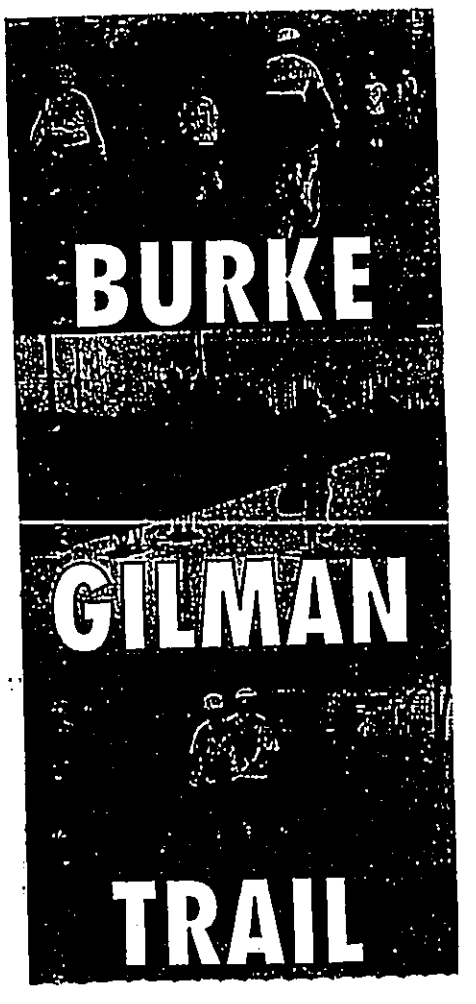
March 10, 2004

Kapa'a Middle School

County of Kaua'i, Department of Public Works
Federal Highway Administration

Materials Submitted by Meeting Participants

Brochure on Burke-Gilman Trail
Seattle Department of Parks and Recreation
Seattle Engineering Department



Seattle Department of Parks and Recreation

Seattle Engineering Department

Safety Code for All Users

1. Go Slow
2. Keep Right
3. Respect Others

Horses and motorized vehicles are not allowed on the Burke Gilman Trail.

Bicyclists

Bicyclists should yield to pedestrians and give an audible warning when passing others on the trail. All riders should ride at a safe speed and avoid pacelines and pack riding. Fast cyclists should use alternative routes; some routes are suggested on the Seattle Bicycling Guide Map. Wear a bicycle helmet.

Pedestrians

Walkers, runners, and skaters should watch for other trail users and listen for audible signals to allow faster users to pass safely. When the trail is congested, form a single line to the right. Dogs should be on a leash (maximum length of 8 feet) and dog walkers are requested to remove pet feces from the trail.

Burke-Gilman History

Born as a Railroad

In 1885 judge Thomas Burke, Daniel Gilman and 10 other investors set out to establish a Seattle-based railroad so that the young city might win a place among major transportation centers and reap the economic benefits of trade. Their plan was to start along today's Burke-Gilman Trail route and go north to Sumas and connect with the Canadian Transcontinental line. Their Seattle, Lake Shore and Eastern Railroad, though it never got past Arlington, Washington, was a major regional line serving Puget Sound logging areas. The line was aquired by Northern Pacific in 1913 and continued in fairly heavy use until 1963. The Great Northern, Northern Pacific, and Burlington lines were merged in 1970 to become Burlington Northern Railroad. In 1971 Burlington Northern applied to abandon the line.

A Multiple Use Trail

Citizens quickly recognized the non-motorized transportation and recreational potential in the railroad line and launched a movement to acquire the right-of-way for a public biking and walking trail. Objections from residents living near the proposed trail were overcome and the City of Seattle, the University of Washington and King County cooperated in developing the route. The original 12.1 miles of the trail connecting Seattle's Gas Works Park and King County's Tracy Owen Station in Kenmore were dedicated on August 19, 1978.

The trail was recently extended west through Seattle's Fremont neighborhood to Eighth Avenue NW. The trail also reaches east to Redmond by means of the Sammamish River Trail.

A Major Urban Route

The Burke-Gilman Trail is an outstanding success and has been beneficial to the neighborhoods which it passes through. The trail has become a major transportation corridor that serves thousands of commuter and recreational cyclists. It demonstrates that when the proper facilities are provided many people will chose healthy, pollution-free non-motorized modes of travel.

The trail can at times be busy and even crowded with cyclists, walkers, joggers and skaters. Busy periods require all users be especially watchful, cautious, and respectful of others. Fast cyclists must adjust their speed to suit the conditions or use alternative routes. All trail users must keep to the right.

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Burke Gilman Trail

Legend:

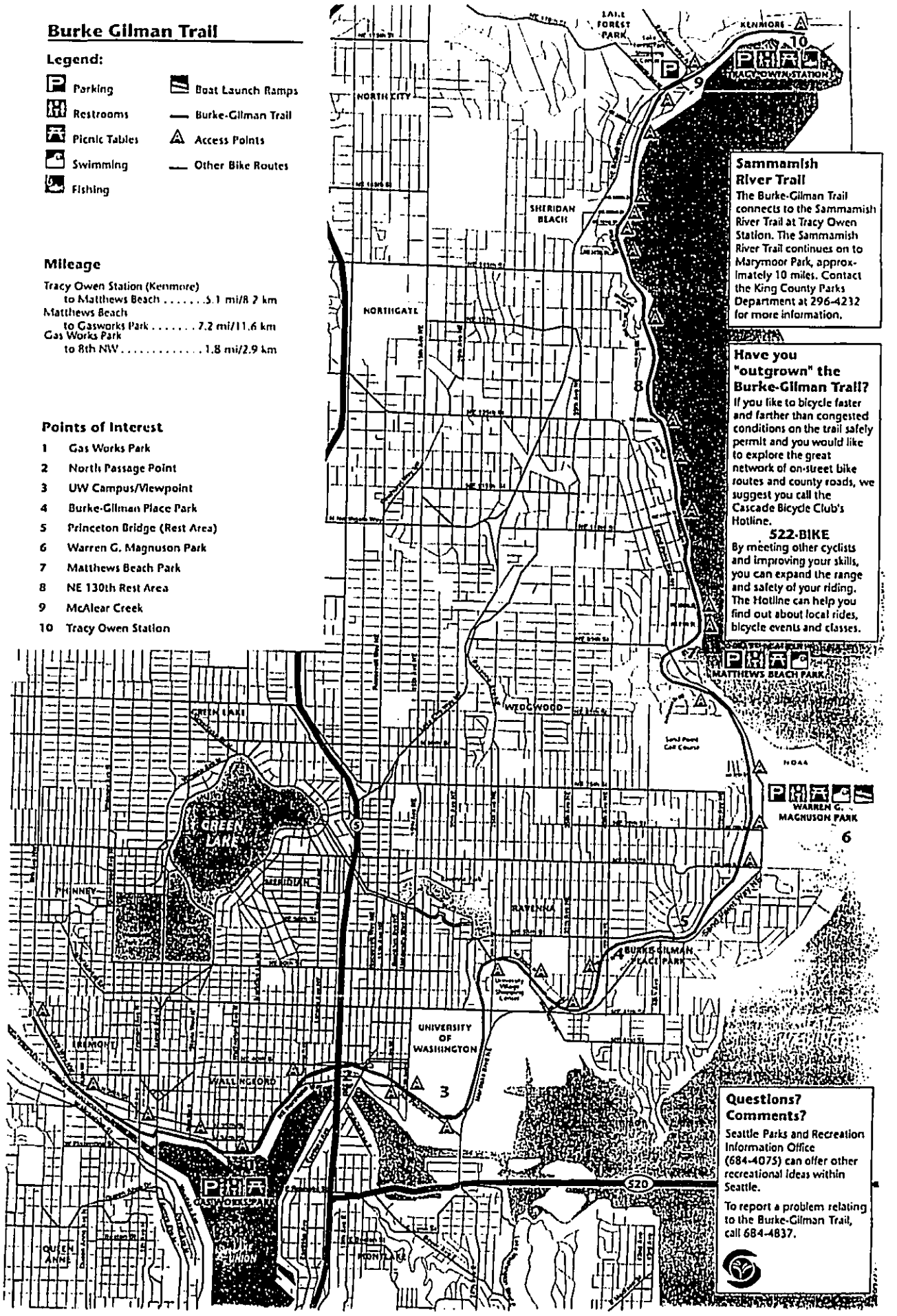
- Parking
- Restrooms
- Picnic Tables
- Swimming
- Fishing
- Boat Launch Ramps
- Burke-Gilman Trail
- Access Points
- Other Bike Routes

Mileage

Tracy Owen Station (Kenmore)
to Matthews Beach . . . . . 5.1 mi/8.2 km
Matthews Beach
to Gasworks Park . . . . . 7.2 mi/11.6 km
Gas Works Park
to 8th NW . . . . . 1.8 mi/2.9 km

Points of Interest

1. Gas Works Park
2. North Passage Point
3. UW Campus/Viewpoint
4. Burke-Gilman Place Park
5. Princeton Bridge (Rest Area)
6. Warren G. Magnuson Park
7. Matthews Beach Park
8. NE 130th Rest Area
9. McAlear Creek
10. Tracy Owen Station



Sammamish River Trail
The Burke-Gilman Trail connects to the Sammamish River Trail at Tracy Owen Station. The Sammamish River Trail continues on to Marymoor Park, approximately 10 miles. Contact the King County Parks Department at 296-4232 for more information.

Have you "outgrown" the Burke-Gilman Trail?
If you like to bicycle faster and farther than congested conditions on the trail safely permit and you would like to explore the great network of on-street bike routes and county roads, we suggest you call the Cascade Bicycle Club's Hotline.

522-BIKE
By meeting other cyclists and improving your skills, you can expand the range and safety of your riding. The Hotline can help you find out about local rides, bicycle events and classes.

Questions? Comments?
Seattle Parks and Recreation Information Office (684-4075) can offer other recreational ideas within Seattle.

To report a problem relating to the Burke-Gilman Trail, call 684-4837.

Publicity

Invitation Letter (template)
Flyer

PUBLICITY

Lydgate-Kapaa Bike/Pedestrian Path
Public Information Meeting #2
Wednesday, March 10, 2004

Public Service Announcements

1. The Garden Island – Community Bulletin Board
   Arranged by KI—fax information to Yuki on Feb. 27
   Ph. (808) 245-3681, ext. 243
   FAX (808) 245-5286
   Section appears Sunday, Wednesday, Friday (need 10 days notice)
   Note: contact Paul Curtis (ext. 224) after March 5

2. Ho'ike – Kauai Community Television
   Arranged by KI—fax information to Boots on Feb. 27
   Ph. (808) 246-3832
   FAX (808) 246-1556

3. KKCR
   Arranged by KI—fax information Attn: Community Calendar
   Ph. (808) 826-7774
   FAX (808) 826-7977

4. KONG Radio Group
   Arranged by KI—mail information to Shelly
   Ph. (808) 245-9527
   P.O. Box 1748
   Lihue, HI 96766

Individual Invitation Letters
Draft by KI
Final on KI stationery
Schedule: mail out Feb. 26
Approx. 144 on mailing list

KIMURA INTERNATIONAL

Thursday, February 26, 2004

Dear Sir or Madam ,

Second Public Information Meeting
for the Proposed Lydgate Park-Kapa'a Bike/Pedestrian Path

Mahalo to everyone who attended the scoping meeting held on January 29! As a follow-up, we cordially invite you to attend the second meeting on **Wednesday, March 10, 7:00-9:00 pm at the Kapa'a Middle School cafetorium.**

At the first meeting, participants helped to identify potential pathways and issues of concern. The next meeting will include a review and discussion of the proposed alternatives, evaluation criteria, and the advantages and disadvantages of the alternatives.

Your feedback is important. Please join us in planning a facility that will enhance recreational and transportation opportunities for your community. Invite your neighbors and co-workers to come too.

If you have any questions, please call me or Nancy Nishikawa at (888) 898-8886. We look forward to seeing you on March 10.

Sincerely,
KIMURA INTERNATIONAL, INC.

Glenn T. Kimura
President

cc: Douglas Haigh, Kaua'i Department of Public Works

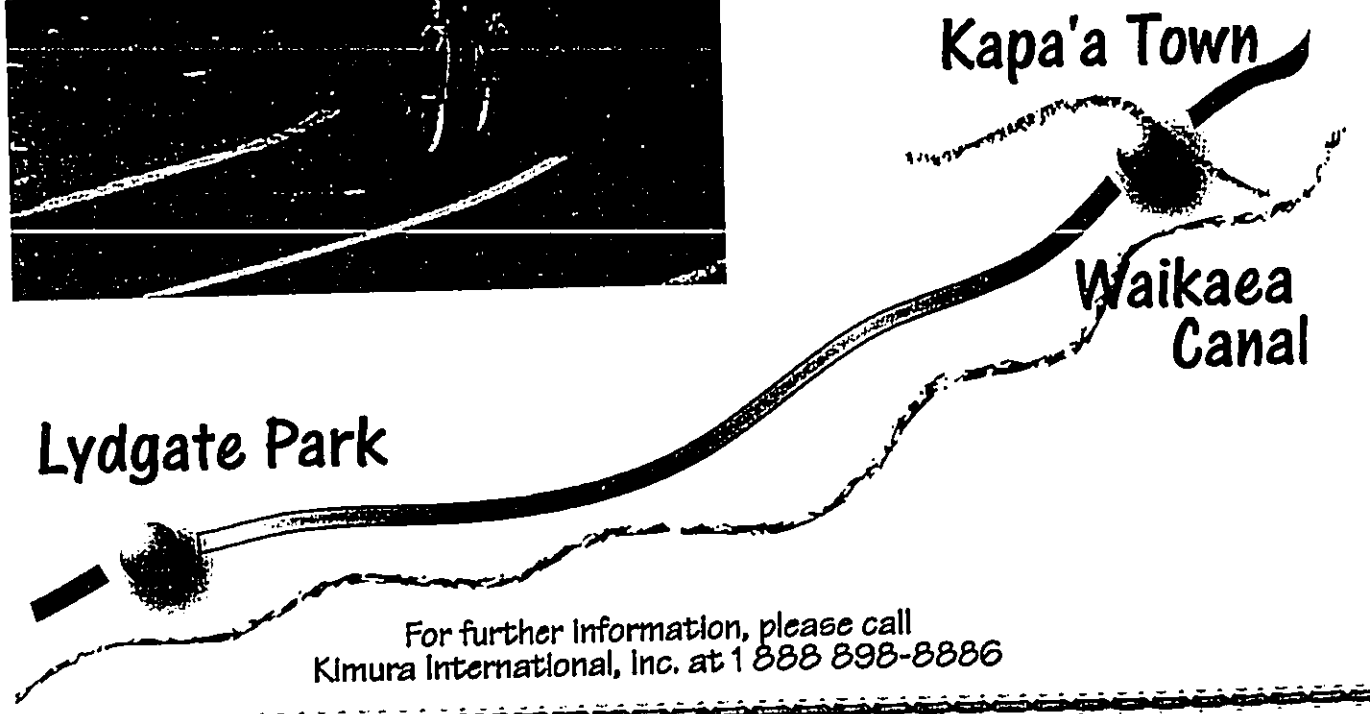
1600 Kapiolani Blvd., Suite 1610
Honolulu, Hawaii 96814
Tel (808) 944-8848 • Fax (808) 941-8999

Lydgate Park - Kapa'a Bike & Pedestrian Path

2nd Public Information Meeting

Please join your neighbors in helping the County Dept of Public Works to plan a bike and pedestrian path from Lydgate Park to Waikaea Canal.

Wednesday
March 10, 2004
7:00 - 9:00 pm
Kapa'a Middle School
Cafetorium



For further information, please call
Kimura International, Inc. at 1 888 898-8886

Appendix G

Materials from Public Information Meeting No. 3, July 1, 2004

Lydgate Park-Kapa'a Bike/Pedestrian Path

Public Information Meeting No. 3

Thursday, July 1, 2004
Kapa'a Middle School

County of Kaua'i
Department of Public Works

State of Hawaii, Department of Transportation

Federal Highway Administration

Kimura International

1600 Kapi'olani Blvd. Suite 1610 • Honolulu, HI 96814
Tel: (808) 944-8848 • Toll Free (888) 898-8886 • Fax: (808) 941-8999
Email: projects@kimurainternational.com

CONTENTS

Lydgate Park-Kapaa Bike/Pedestrian Path
Public Information Meeting No. 3

Thursday, July 1, 2004

Minutes of Meeting

- Attendance Sheets
- Powerpoint Presentation (printout)

Publicity

- Invitation Letter (template)
- Flyer

MINUTES OF PUBLIC INFORMATION MEETING NO. 3

Thursday July 1, 2004
7:00-9:00 pm

A total of 75 people signed the attendance sheets. Several others attended, but did not sign in. *(Attendance sheets attached.)*

Consultants: Glenn Kimura and Nancy Nishikawa (Kimura International, Inc.); Herb Lee (Lee Communications); Clyde Kodani (Kodani & Associates); David Shideler (Cultural Surveys Hawaii)
County of Kaua'i: Doug Haigh, Project Manager

Upon walking into the meeting hall, attendees were invited to circulate and look at maps of the three alternative plans, giving them a chance to become familiar with the proposed routes.

Doug Haigh estabilshed the context of this project (the Lydgate Park to Kapa'a segment of the bike/pedestrian path) by reviewing the other phases of the overall path network. With completion of the path at Lydgate Park, and the imminent start of the Kapa'a to Keālia segment, the County has nine miles of paths underway. He noted, in particular, the importance of land donations that have enabled the County to satisfy the local match that is needed to obtain federal funds.

Glenn Kimura presented a Powerpoint slideshow which gave an overview of the project and reviewed the alternative routes in detail *(see printout of slideshow)*:

- Project overview
- Review alternative alignments
- Discuss advantages and disadvantages
- Request feedback on the alternatives
- Update project schedule

After the presentation, members of the audience were given an opportunity to raise questions or offer comments. Comments were recorded on flipchart paper by Johanna Gomez and taped to the wall. Speakers were asked to review and correct their statements, as recorded—either during their floor time or after the meeting.

The following items were brought to the floor.

- How has the presentation changed (relative to the Draft Environmental Assessment) —in terms of mitigations, concepts?

  KI Response: some of the graphics were changed to improve the accuracy of the information presented.

- Although it's claimed that there's no preference, more time was spent on Alternative 1 (shoreline path). Isn't this stressing Alternative 1?

  KI Response: More time was spent discussing Alternative 1 because of the many specific concerns raised by condo owners. At the recent County Council meeting, the Council itself had asked for a briefing focusing on the shoreline path because of calls and letters received from nearby property owners. Consequently, the presentation was geared toward this request.

- According to your research, property values did not decrease, but did property values increase as much as the surrounding area?

  KI Response: In the case of the Burke-Gilman Trail in Seattle (where extensive research has been done), property values immediately adjacent to the trail did not increase as much as property values a block away from the trail; however, they did not decrease.

- Explain the mitigation of archaeological sites (rocks with petroglyphs) in coastal waters near Hikinaakalā Heiau.

  KI Response: The concern is with pilings that may be needed to support a bike/pedestrian bridge across Wailua River. If a cantilevered bridge is built, Cultural Surveys Hawaii (archaeological consultant) has indicated that the pilings would be at least 100 feet away. However, if a new bridge is needed, the pilings would be closer to the rocks, and more detailed study would be needed.

- There's a concern about pedestrian traffic now, but if the bike/pedestrian path is built, it would attract even more people.

  KI Response: Although the path would generate more pedestrian and bicycle traffic, the path is also expected to channel movement through a corridor that's set aside for this purpose, thereby preventing people from going through the heiau and mitigating an unsatisfactory situation there.

- Aloha Beach Resort supports the path.

- What about a setback? DLNR suggested a 200-foot buffer. If that buffer cannot be provided, the path should be diverted away from the area.

- How did the condominium property acquire the site? Why was it done and how can it be corrected?

  Response: When the County of Kaua'i acquired the property in 1992, the boundary line was already set. If the shoreline path is constructed, federal project funds can be used to acquire private property.

- Will the project meet ADA (Americans with Disability Act) requirements in the rocky area at the cove?

  KI Response: The elevation change is gradual, therefore the path is expected to be ADA compliant.

- Isn't the call for a FONSI premature? What if the issues point to the need for an EIS? The FONSI is not a given.

  Response: The EA format used in Hawaii calls for an anticipated determination. An analysis based on the prescribed "significance criteria" determined that a Finding of No Significant Impact is warranted.

- State and County governments are "ripping us off." Developers are not supposed to own the heiau. The site belongs to kanaka maoli. Don't put a path through a sacred site; it doesn't belong. Leave cultural sites alone.

- The path is for recreational purposes, but federal funds require a transportation purpose. How many people are using the Lydgate Park path?

  KI Response: This project will link other bike/pedestrian path segments and link to bus routes—so it's a legitimate transportation facility. These types of facilities are being built all over the country and have not been challenged elsewhere.

- "I'll use it and others will too."

- Prefer path on Papaloa Road, but why make the road one way? Residents will be forced to make a dangerous turn. Wouldn't it be safer to turn the end of Papaloa Road into a cul-de-sac?

  KI Response: Good idea—we'll study it.

- Is it possible to put the EA on a website?

  Response: CDs are available. KI will look into making tonight's presentation available.

- What is the "active shoreline"?

  KI Response: The active beach zone is the area subject to change because of tides, waves, and currents. It's determined, in part, by reviewing historic pictures that show changes in the beach—which our coastal engineers did from Wailua Beach to Waikaea Canal. The path is located in an area that the coastal engineers say is out of active beach zone.

- The path is winding and not a transportation corridor. It's recreational. Cultural sites should be taken care of.

- Please explain funding.

  County of Kaua'i Response: The County is putting up the value of donated land as its 20% match. The path at Lydgate Park used the value of sweat equity as its 20% match. Keālia Kai is being built with land dedications. The value of that land is sufficient to provide matching funds for other project segments; however, it cannot be used for other purposes. Federal dollars are coming primarily from Transportation Enhancement funds—this is a pot of money to fund more creative (non-highway) projects.

- What is the amount of the dollar cap?

  Response: The County of Kaua'i has about $7 million in matching funds, which qualifies for about $28 million in federal funds. $2 million have been allocated for constructing the Lydgate-Kapa'a path.

- During winter storms, the ocean comes over the rocks. The path will hurt the integrity if the ecosystem and wildlife (turtles, seals). Alternative 1 is a gamble.

- I've walked the shoreline and it's very fragile. This issue can be resolved by going on Papaloa Road then bringing the path back to the shoreline (farther north). Bicycles shouldn't be whizzing by cultural sites.

- Maui has an all-coastline route that gets boring. If the County's costs go up by the time the project is built, what happens?

- The path is great. There's no safe place to bike. We're losing beach access. It's for the keiki. We can cooperate and work together to overcome obstacles. But keep off the cultural sites.

- What about emergency vehicles?

  Response: Because this area is urbanized, emergency personnel would not have a problem reaching accident sites.

- The costs presented are for construction only. What about costs of enforcement, maintenance, security, etc?

  County of Kaua'i Response: The mayor and council have said they will allocate resources necessary to operate the facility.

- Can the Seashell Restaurant setback be worked out?

  Response: The developer has been cooperative and indicated a willingness to accommodate the path; however, he is not yet the landowner.

- Make the path go along the seaside most way, but given complications, it should take a mauka detour in the condo area.

- What about lighting? Portland lights its path 24 hours a day due to dark, rainy days and security issues.

- The vision was originally to build a coastal trail. Keep it that way. I want a path to make it easier to enjoy the beach; it's gotten harder for me to walk there. Don't let the condo owners say we can't walk by the sea.

- Regarding Kukui Heiau, would the County have to purchase the land? Can there be a trade? I want a coastal path so my grandchildren can go to the ocean, but we also have to respect Kukui Heiau

- I appreciate all the information and ideas to connect the neighborhoods. We must listen to the kanaka maoli and respect how they want to maintain sites along the coast. We need traffic enhancement. Unfortunately, some neighborhood organizations consider their own needs, and not the community at large.

- How will construction equipment be brought in? Which areas below/above slope?

  KI Response: Answers will be figured out by contractors during the design-build phase.

- I walked the Kauai Sands Beach. There's not much sand there. How much sand will there be after the path? Not much, I suppose. It's too uncertain. Choose a different path.

  Response: The path will be out of the active beach zone and designed (e.g., with boardwalks) to minimize any impact on ongoing beach processes (i.e., sand erosion or accretion).

- I'm concerned about the perpetuation and protection of our cultural practices. The island is growing fast. When I was a kid, roads were safe. Now it's crazy. Kids need a safe place to play, so I support the path. But I'm concerned about Kukui Heiau, which is not well taken care of. If people claim to own it, then respect it; not desecrate it. Now, the Lae Nani security guards confront people who pass by this area. I don't support a path near Kukui because of impacts on spiritual/cultural practices. But we need to have access. Route must benefit everyone (residents and visitors) in a way that doesn't take away from Kaua'i, take path away from cultural sites. Start to malama now. The condo used to maintain the heiau site before. The community needs to participate. I like the Papaloa Road idea.

- Who makes the decision?

  Response: The mayor makes the final choice. The Special Management Area (SMA) permit requirement will trigger the involvement of Planning Commission. The council will be involved with any road alteration.

- What about maintenance costs?

  Response: KI will develop a maintenance program and provide cost guidelines.

- The parks are a shambles. Where will dollars to maintain the path come from?

  County of Kaua'i Response: The mayor and council are committed to approving the dollars needed to maintain the facility.

- At Lydgate Park, I've seen County maintenance vehicles push a mom and her baby off the path. I'm concerned about maintenance.

- Keep the parking spaces on Papaloa Road. Regarding Kukui Heiau, I'm unsure of how the path will go and what kind of landscaping. It must be sensitive to cultural practices.

- The path will lead to too much economic development impact on the cultural landscape. Environmental impact on the beach. The project is being pushed too fast. I don't support shops and stands along the path. What kind of enforcement will there be—will kids be safe?

- Alternative 3 is too dangerous especially for kids. According to the plan, there are three places to cross the highway. It could be deadly.

Although the question and comments period ended for the evening, Herb Lee reiterated that there will be multiple opportunities for public input as the project moves forward.

Mayor Bryan Baptiste made a closing statement on the history of the bike/pedestrian path and its value to the community, especially in preserving coastal access. He urged everyone present to work together and to contribute constructive ideas and energies.

Herb thanked all who attended. Kehaulani Kekua offered a pule to close the meeting.

Attendance Sheet

Public Information Meeting #3

Lydgate Park-Kapa'a Bike/Pedestrian Path

Thursday, July 1, 2004

Kapa'a Middle School

7:00 – 9:00 pm

Name	Affiliation
Richard Kent	
Richard Lichti	
Dale Rosenfeld	KeAla Hele Makalae
Sharron Edwards	Kapaa Sands
Glenn Mulligan	—
Calvin Fujita	
Robert Peter	
Ray Cazatty	
SUSAN HONJIYO	
Marge Freeman	
LARRY CHAFFIN	PLANNING COMMISSION
Rayna Regush	—
Diane Zachary	—
Bev Brody	
James Sone	

Attendance Sheet

Public Information Meeting #3

Lydgate Park-Kapa'a Bike/Pedestrian Path

Thursday, July 1, 2004

Kapa'a Middle School

7:00 – 9:00 pm

Name	Affiliation
Marilyn Jack Mackinnon	
Cindy Plemer	
Annalah Atkinson	Na kahu o Hikina aka la
Bill + Rose Salm	Lae noni
MICHAEL + SUSAN HENRY	KAPAA SANDS
John Burns	" Resident
Fred Boo	Resident WBU
MATTHEW HONJIYO	RESIDENT
Linda Ornellas	resident
Tim Rynum	Cok
Jeanne M. Ross	Lae Nani
Gerald Hirata	
Jmanea	
Thomas Noyes	Friends of Kamalani + Lydgate Park
BOB MIDDLETON	

Attendance Sheet

Public Information Meeting #3

Lydgate Park-Kapa'a Bike/Pedestrian Path

Thursday, July 1, 2004

Kapa'a Middle School

7:00 – 9:00 pm

Name	Affiliation
Dave Purishu	Aloha Beach Resort
Rudy Niederer	HARTBEAR
James & Maria Walkowski	
David W. Shideler	Cultural Surveys Hawaii
Joshua Atkinson	
Julie Wirtz	
Greg Wirtz	
Bill Sweeney	President; Owner Unit 8 Kapaa Sands
Catherine Burns	Resident owner #24 Kapaa Sands
Terry Kuesaya	
Lynn Antonio	Resident of Makalaha Falls
Dom & Carol Teter	Resident
Maghall Mock	
Bruce Netz	resident
Vicki Valenciano	Lae Nani

Attendance Sheet

Public Information Meeting #3

Lydgate Park-Kapa'a Bike/Pedestrian Path

Thursday, July 1, 2004

Kapa'a Middle School

7:00 – 9:00 pm

Name	Affiliation
Vicky & Wayne Thrift	Residents
Henry Kaizley	"
Karen McLeod	Resident
Ron Wagniere	Visitor
Steven Kyono	DOT-Hwy-Y
Jimmy Trujillo	

Attendance Sheet

Public Information Meeting #3

Lydgate Park-Kapa'a Bike/Pedestrian Path

Thursday, July 1, 2004

Kapa'a Middle School

7:00 – 9:00 pm

Name	Affiliation
Alan Hart	Lani Kai #111
[illegible]	Ksie'ie Fowe Hālau Palaikiwa O
Dana & Dottie Bekeart	Lower Kapahi

Attendance Sheet

Public Information Meeting #3

Lydgate Park-Kapa'a Bike/Pedestrian Path

Thursday, July 1, 2004

Kapa'a Middle School

7:00 – 9:00 pm

Name	Affiliation
Aaron Alapai	Kaiei Foundation
GARY BLAICH	self

Lydgate Park – Kapa'a
Bike/Pedestrian Path

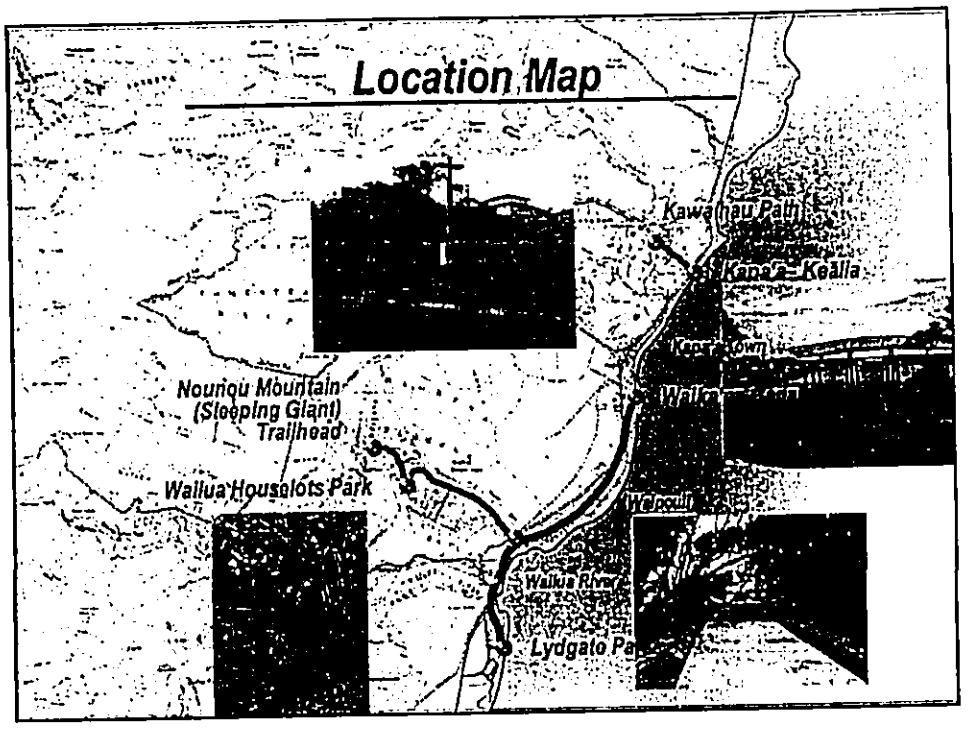
3rd
Public Information Meeting

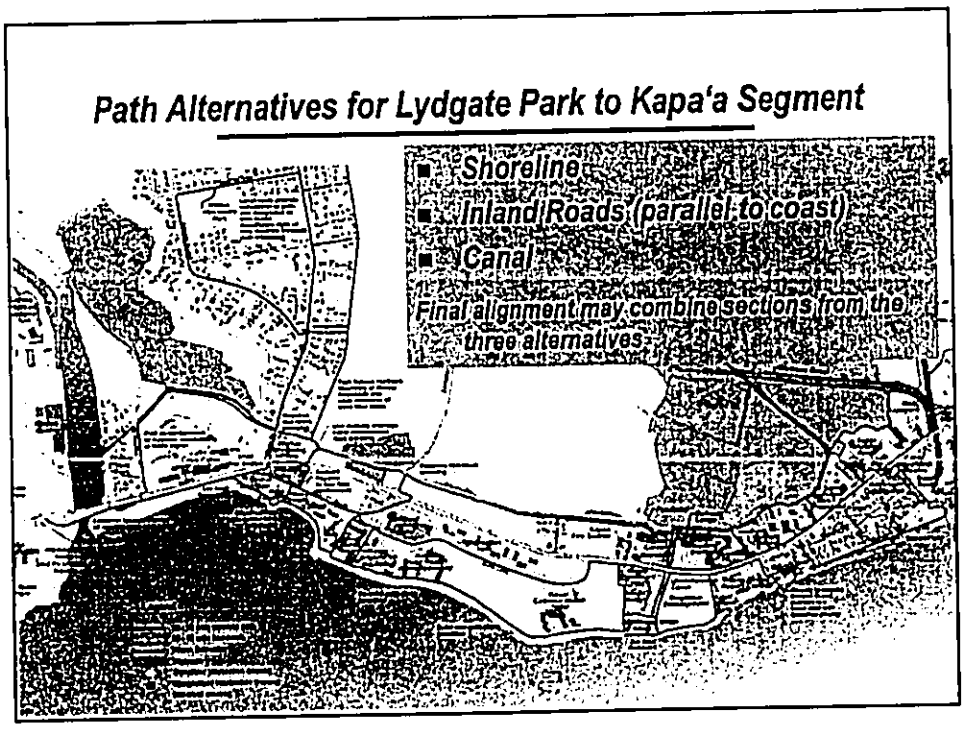
July 1, 2004
Kapa'a Middle School

County of Kaua'i, Department of Public Works
State of Hawai'i, Department of Transportation
Federal Highway Administration

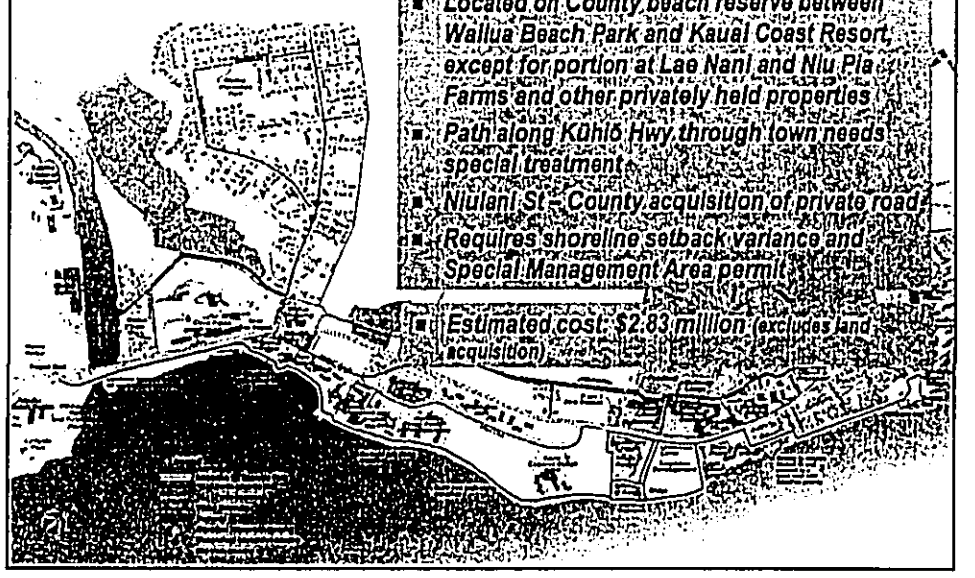
Purpose of Today's Meeting

- Review material in Draft EA
- Outline alternatives routes in three study areas
- Discuss potential impacts and mitigation measures


Location Map
Kawaihau Path
Kapa'a - Kealia
Nounou Mountain
(Sleeping Giant)
Trailhead
Wailua Houselots Park
Wailua River
Lydgate Pa


Path Alternatives for Lydgate Park to Kapa'a Segment
Shoreline
Inland Roads (parallel to coast)
Canal
Final alignment may combine sections from the three alternatives.

Alternative 1: Shoreline



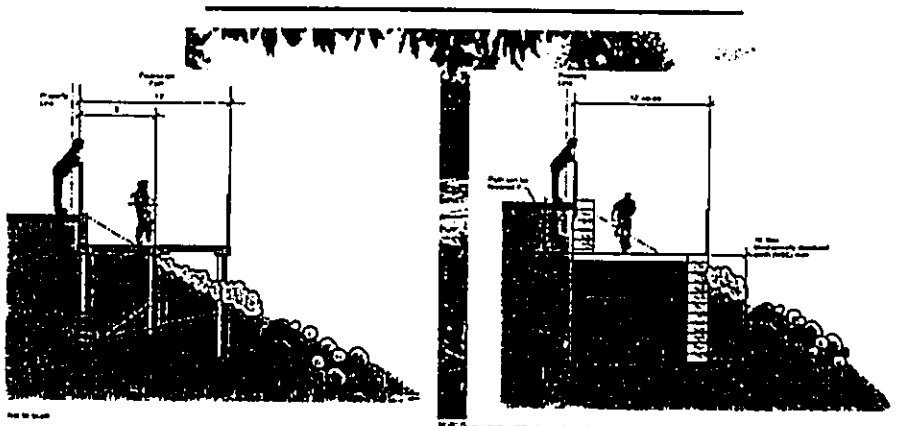
- Located on County beach reserve between Wailua Beach Park and Kauai Coast Resort, except for portion at Lae Nani and Niu Pia Farms and other privately held properties
- Path along Kūhiō Hwy through town needs special treatment
- Niulani St – County acquisition of private road
- Requires shoreline setback variance and Special Management Area permit
- Estimated cost: $2.83 million (excludes land acquisition)

Alternative 1: Shoreline

Wailua

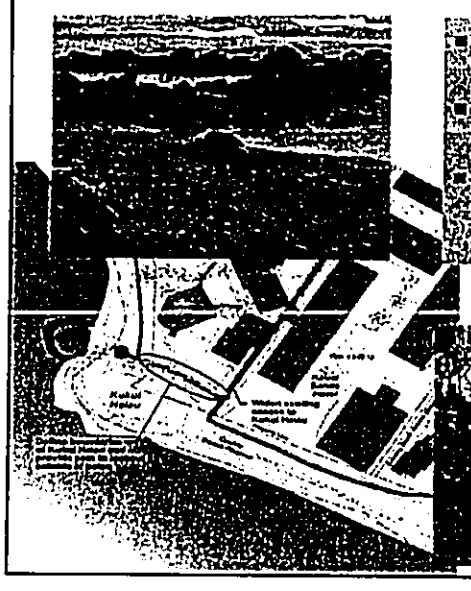
Boardwalk at Kiahuna

Alternative 1: Shoreline

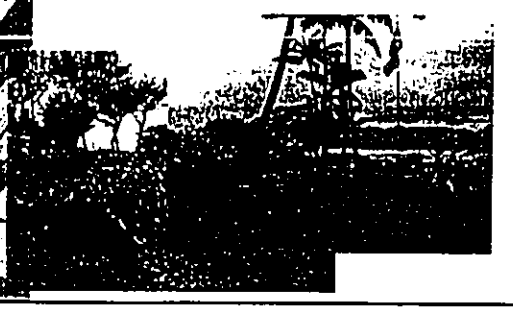


- Slope areas will need structural improvements
- Path can be located below grade in front of some condo properties
- Fencing for privacy and security

Alternative 1: Shoreline



- No adverse impact on wildlife expected (standard protocols)
- Path routed mauka of Kukui Helau, but will need strip of land from Lae Nani
- Improvements would be coordinated with cultural caretaker groups; interpretive opportunities



Alternative 1: Shoreline

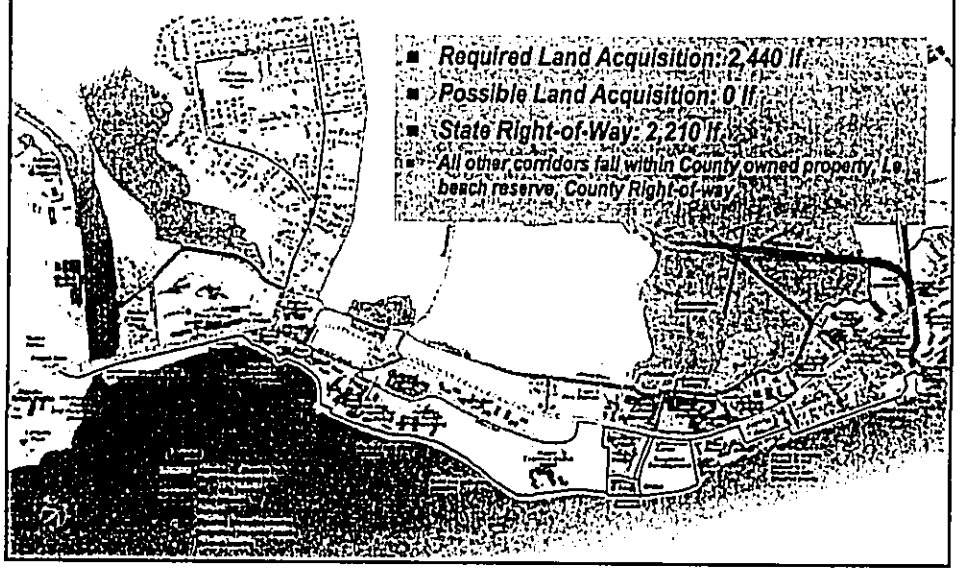
Summary of Issues and Mitigation Measures

Issues	Mitigation Measures
▪ Loss of Privacy	▪ Grade separation, low fencing to define boundary, not a picnicking area – only for thru movement
▪ Ecological Impacts • Seals & Turtles	▪ Standard protocols exist to protect wildlife ▪ Corridor currently used for lateral beach access
▪ Cultural Impacts to Kukui Heiau	▪ Opportunity for Native Hawaiian cultural practitioners to define boundaries and protect heiau
▪ Shoreline Construction • Impractical to construct near beach • High cost because of terrain • Emergency access	▪ Construction would take place outside of active beach zone ▪ Higher cost of construction in limited area needs to be weighed against total cost ▪ Not a remote area and emergency access available

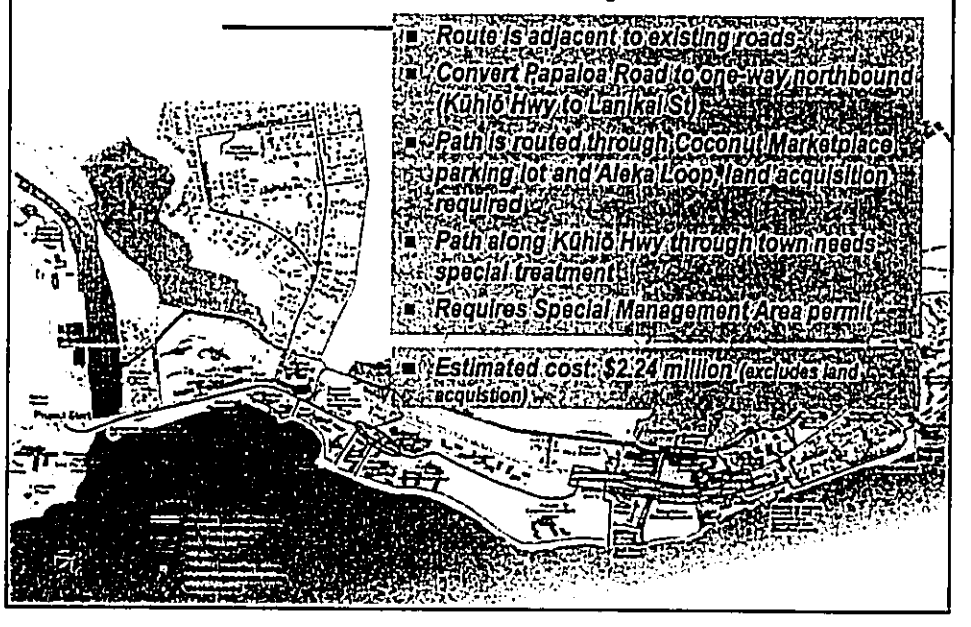
Alternative 1: Shoreline

Issues	Mitigation Measures
▪ Property Values	▪ Burke-Gilman Trail in Washington State, and paths elsewhere found that property values adjacent to path do not lose value over time
▪ Safety and Security	▪ Only non-motorized access allowed ▪ Presence of legitimate users deters crime ▪ Rail to Trails study (400+ trails) found crime rate on & adjacent to paths to be extremely low when compared to crime rates in general

Alternative 1: Shoreline Land Acquisition Requirements



Alternative 2: Inland Roadways



Alternative 2: Inland Roadways

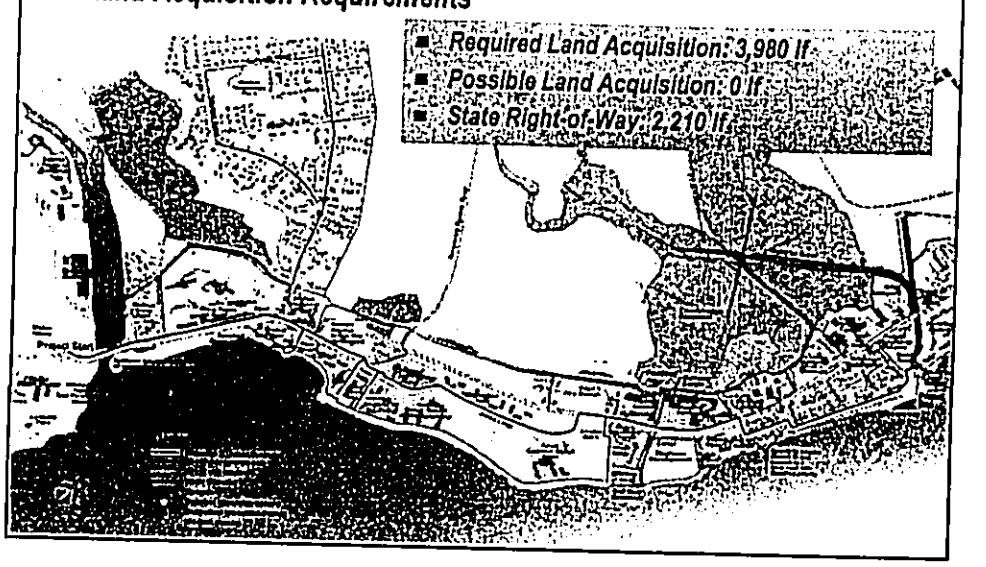
Alternative 2: Inland Roadways

Summary of Issues and Mitigation Measures

Issues	Mitigation Measures
▪ Adjacent to existing roads; separation from motor vehicles	▪ Mitigation through design: curb/raised pathway and landscaped strip
▪ Papaloa Road conversion to one way northbound • Eliminate hazardous turning movement from Papaloa Rd onto Kūhiō Hwy • Increased traffic on Lanikai St and north end of Papaloa Rd	▪ Limit conversion to approx. 660 feet ▪ Study Lanikai St and Papaloa Road (north) to see if traffic signal warrants are met
▪ Route through parking lot	▪ Differentiate path with special pavement treatment; signage
▪ Path adjacent to highway; limited right-of-way	▪ Narrow path to 8 feet ▪ Shift highway mauka ▪ Acquire additional right-of-way (makai side of hwy)

Alternative 2: Inland Roadways

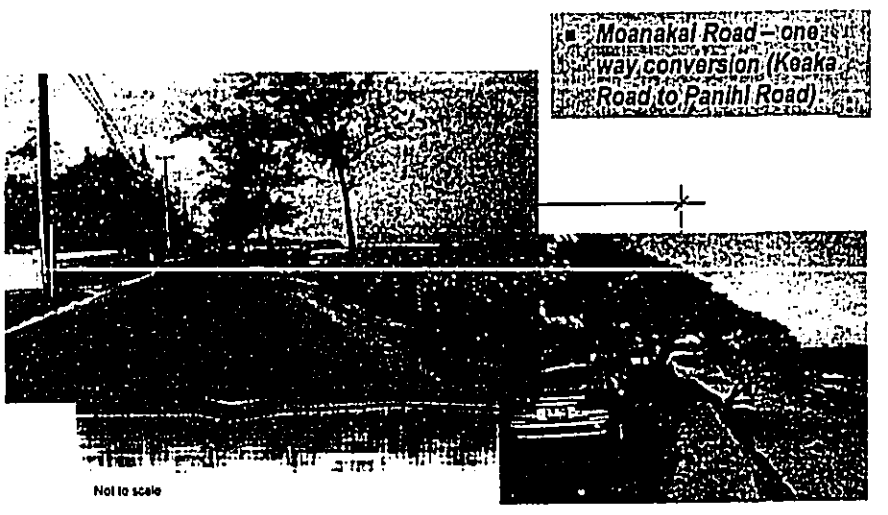
Land Acquisition Requirements



Alternatives 1 & 2 – Niulani Road

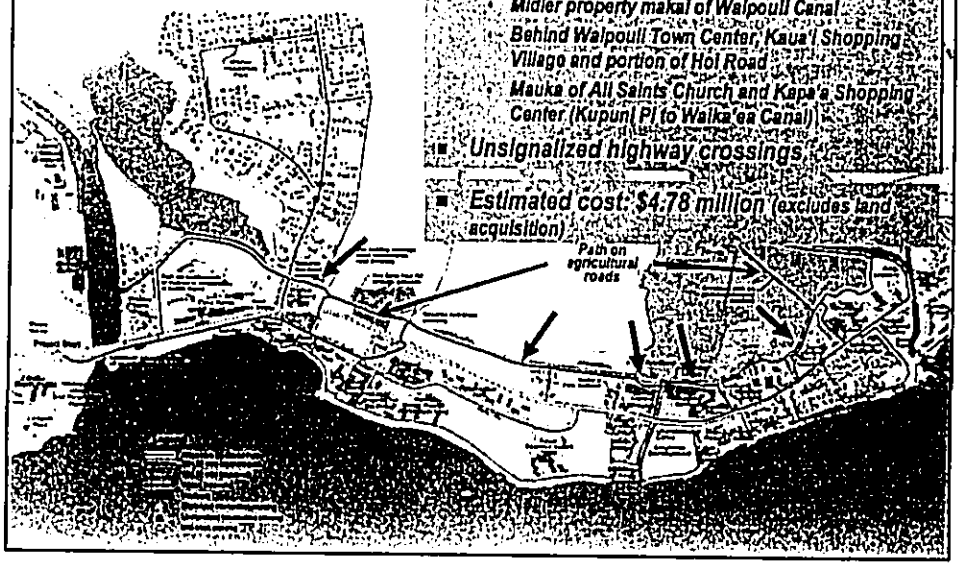
Alternatives 1 & 2 – Kuhio Highway

Alternatives 1 & 2 – Moanakai Road



Alternative 3: Canal

- Does not impact wetlands
- Land acquisition potentially needed:
  - Behind Wailua Shopping Plaza
  - Midler property makai of Waipouli Canal
  - Behind Waipouli Town Center, Kaua'i Shopping Village and portion of Hoi Road
  - Mauka of All Saints Church and Kapa'a Shopping Center (Kupuni Pl to Waika'ea Canal)
- Unsignalized highway crossings
- Estimated cost: $4.78 million (excludes land acquisition)



Alternative 3: Canal

Alternative 3: Canal Path

Summary of Issues and Mitigation Measures

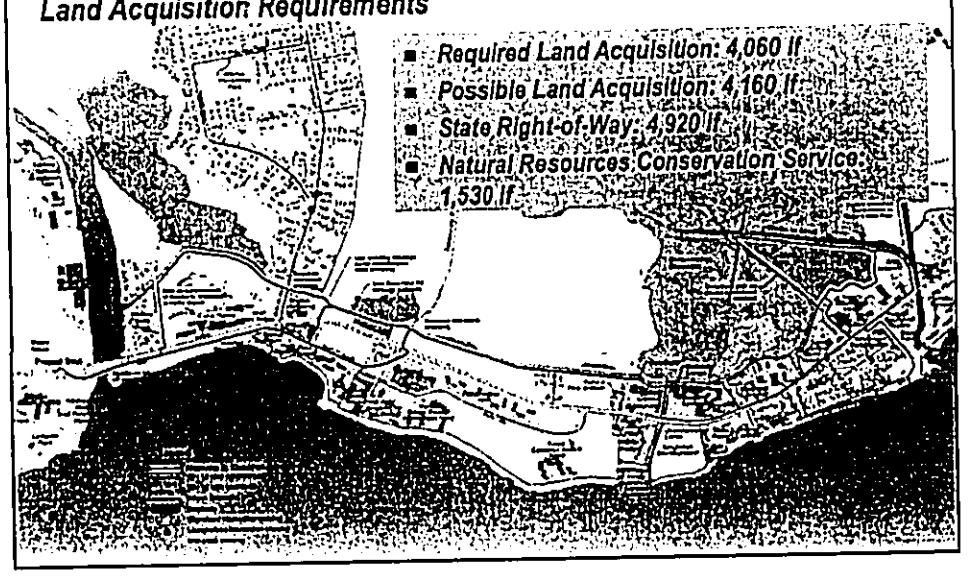
Issues	Mitigation Measures
▪ Increased bike/pedestrian traffic around Shell Station	▪ Warning signs ▪ Multiple access points from coastal route to canal path (disperse users)
▪ Safety and Security; path in "back of house" areas	▪ Lighting
▪ Maintenance – canal maintenance and vegetation control suitable for public use and enjoyment	▪ Develop a maintenance plan

Alternative 3: Canal Path

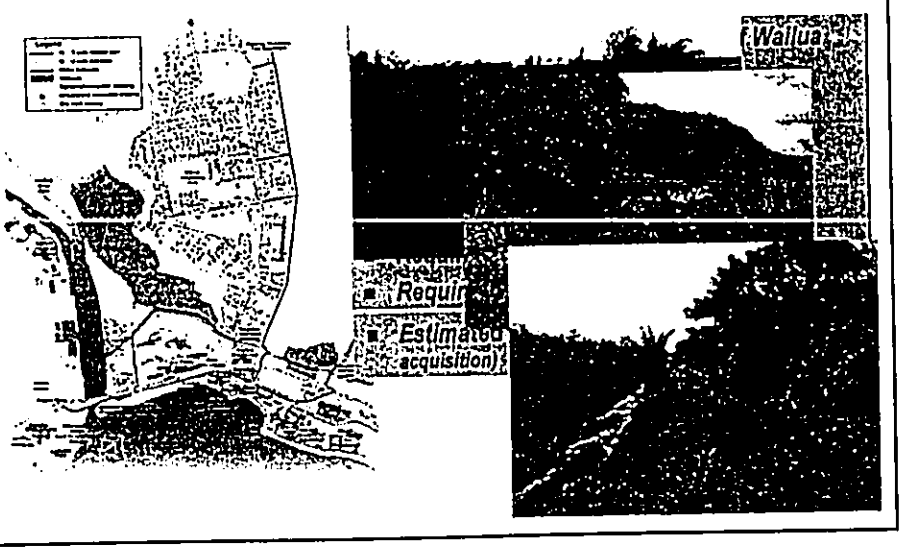
Issues	Mitigation Measures
▪ Transition from coastal route to canal route	
• Kuamoo Road	• Optional highway crossing location
• Haleiilo Road – limited path width north of Papaloa Road	• Main highway crossing location; maximize sidewalk conditions
• Lanikai Street and Papaloa Rd (north – unsignalized)	• Further study to determine if user-activated signals warranted
▪ Wetlands/Bird Habitat	▪ Path located outside wetlands ▪ Viewing trail provides opportunities for nature education without encroachment

Alternative 3: Canal Path

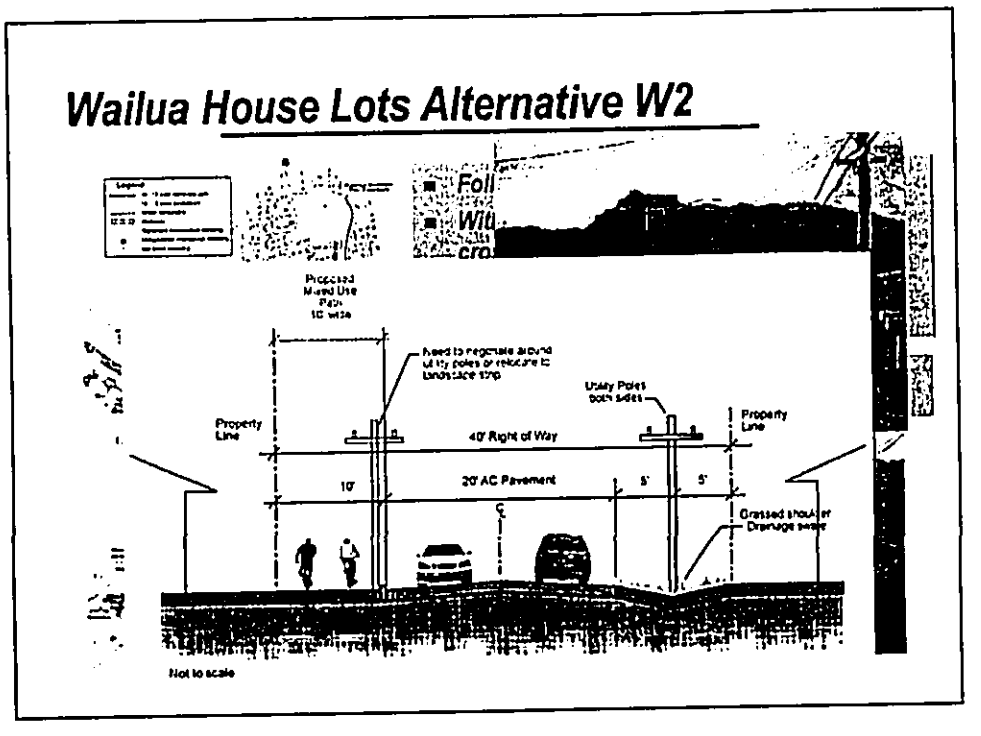
Land Acquisition Requirements



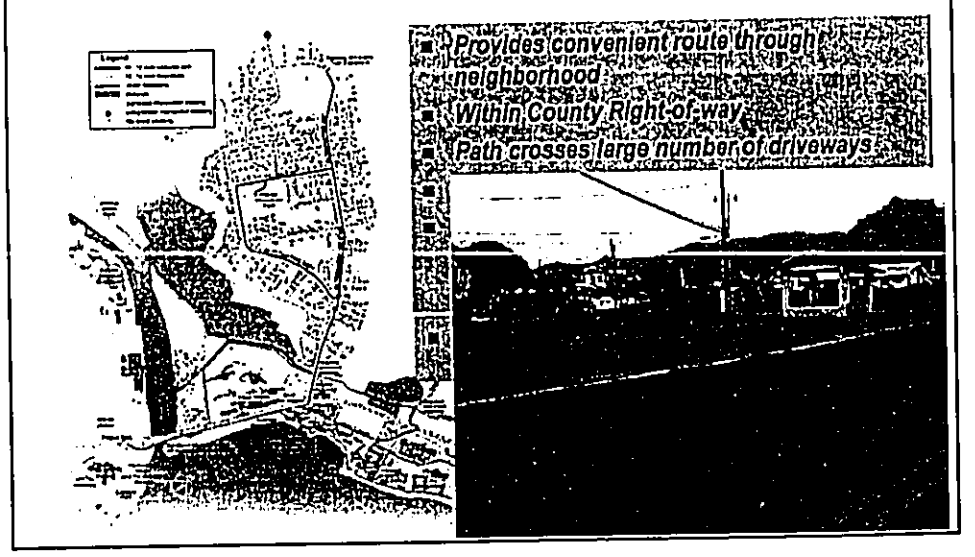
Wailua House Lots Alternative W1



Wailua House Lots Alternative W2



Wailua House Lots Alternative W3



Wailua House Lots Alternative

Summary of Issues and Mitigation Measures

Issues	Considerations
▪ Alt W1: Northern perimeter	▪ + Away from driveways and cross streets ▪ + Adequate space to provide 12' path ▪ + Attractive and scenic corridor ▪ + Focus on mauka-makai connection ▪ - Requires land acquisition; however, landowner is amenable to selling the land ▪ - Less convenient for users ▪ - No change to internal circulation

Wailua House Lots Alternative

Summary of Issues and Mitigation Measures

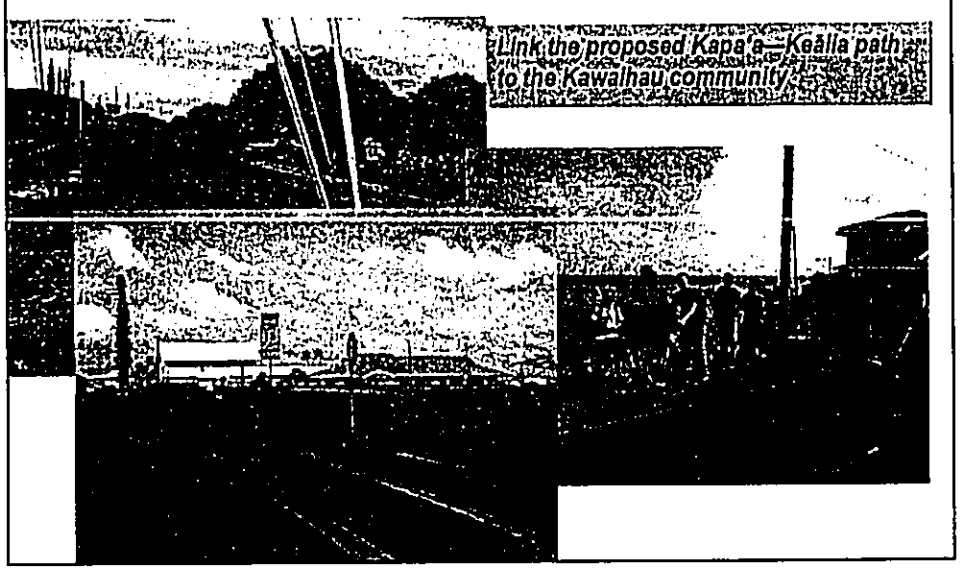
Issues	Considerations
▪ Alt W2: Haleilio Road	▪ + Main collector road; improved walking/bicycling conditions along busiest road ▪ + Convenient for users ▪ + Within County right-of-way ▪ - Path will cross driveways and streets ▪ - Drainage swales pose design difficulties; higher costs ▪ - Inadequate space for 10-12 foot path

Wailua House Lots Alternative

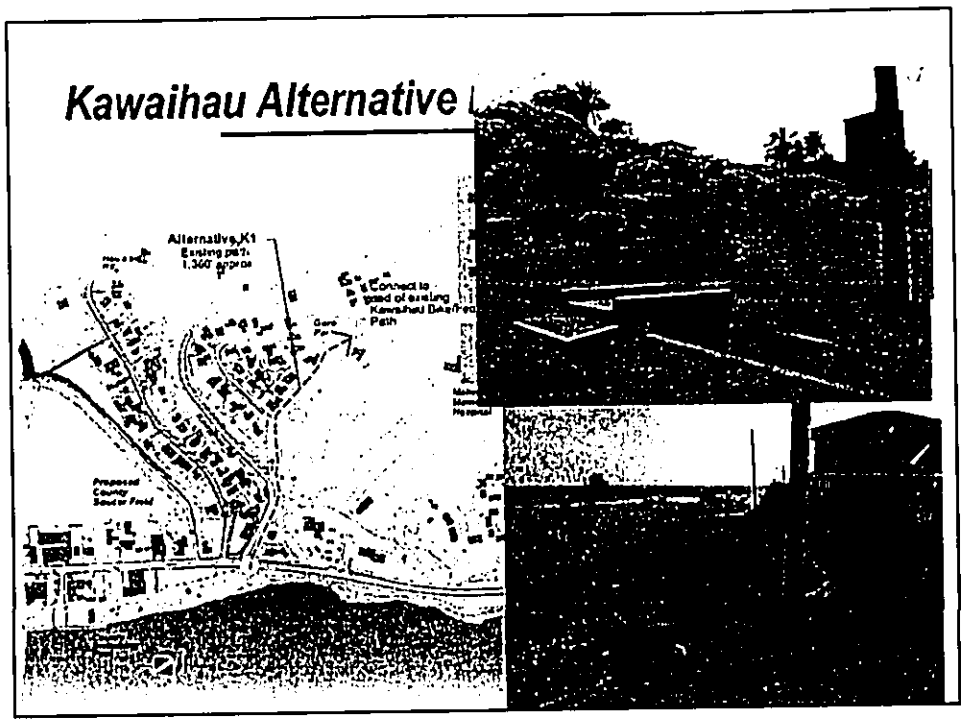
Summary of Issues and Mitigation Measures

Issues	Considerations
▪ Alt W3: Haleilio Road and Nonou Rd Loop	▪ + Convenient for users ▪ + Extensive coverage within neighborhood ▪ + Within County right-of-way ▪ - Path will cross large number of driveways ▪ - Drainage swales pose design difficulties; higher costs ▪ - Inadequate space for 10-12 foot path

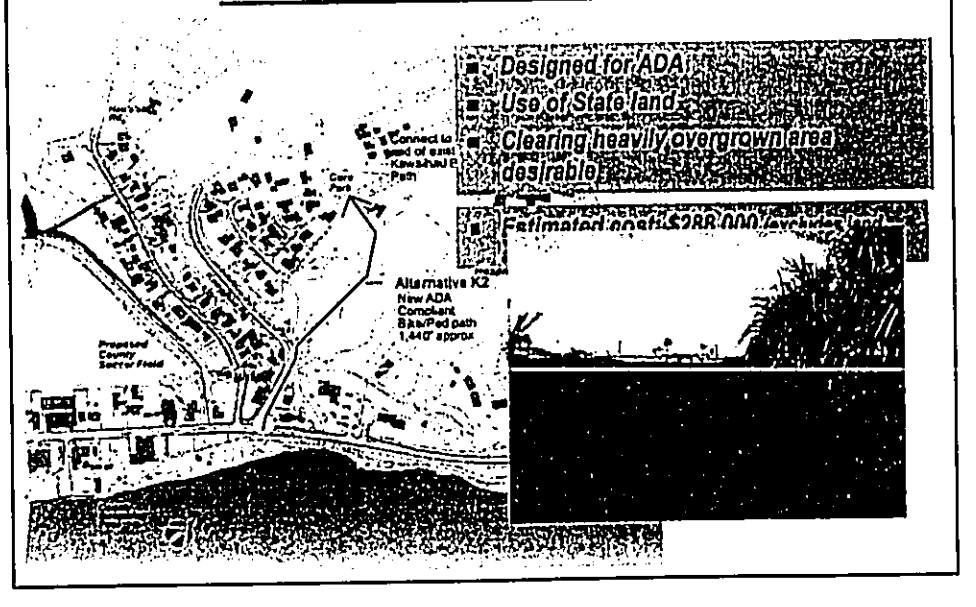
Kawaihau Alternatives



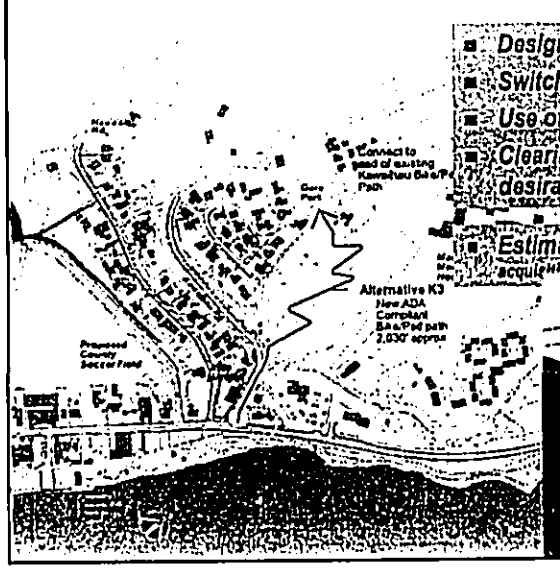
Kawaihau Alternative



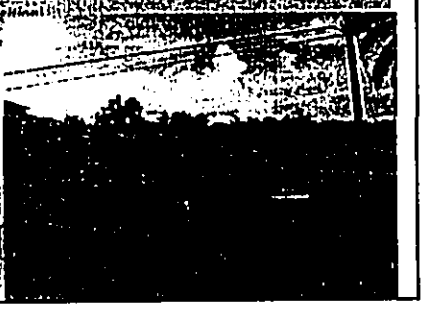
Kawaihau Alternative K2



Kawaihau Alternative K3



- Designed for ADA
- Switchbacks increase length of path
- Use of State land
- Clearing heavily overgrown area desirable
- Estimated cost: $406,000 (excludes land acquisition)



Kawaihau Alternatives

Summary of Issues and Mitigation Measures

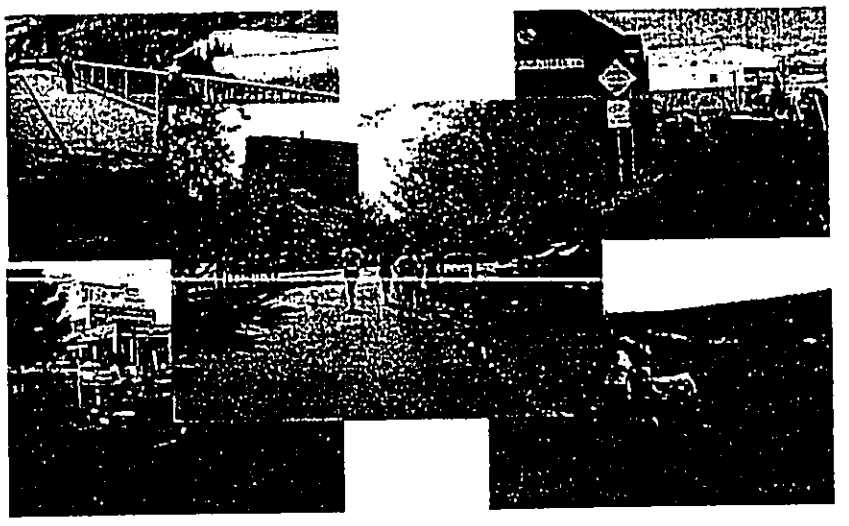
Issues	Considerations
▪ Alt K1: Improve existing walkway	▪ + Shortest, most direct route ▪ + Land is already cleared ▪ - Alignment is steep; does not meet ADA accessibility guidelines
▪ Alt K2: Gulch Area; Straight Alignment	▪ + Alignment can meet ADA guidelines, but requires multiple landings ▪ + Path located in somewhat remote area ▪ - Area now heavily overgrown, must be cleared for security ▪ - State-owned land

Kawaihau Alternatives

Summary of Issues and Mitigation Measures

Issues	Considerations
▪ Alt K3: Gulch Area; Switchback Alignment	▪ + Alignment can meet ADA guidelines, but switchbacks result in long route; higher cost ▪ - Path located in somewhat remote area ▪ - Area now heavily overgrown, must be cleared for security ▪ - State-owned land

The Bike/Pedestrian Path is for Everyone



Schedule for Environmental Review

June 8	• Draft EA notice of availability in OEQC Environmental Notice
June 8 to July 8	• 30-day public review and comment period
July 1	• Public Information Meeting #3, 7:00 pm, Kapa'a Middle School
July 8	• Deadline for public comments to be postmarked
October	• Final EA/FONSI will be submitted to OEQC

Lydgate Park – Kapa'a
Bike/Pedestrian Path

3rd
Public Information Meeting
Mahalo for your time!

July 1, 2004
Kapa'a Middle School

County of Kaua'i, Department of Public Works
State of Hawai'i, Department of Transportation
Federal Highway Administration

Lydgate Park-Kapa'a Bike/Pedestrian Path

Public Meeting #3
Thursday, July 1, 2004

Name: _____

Address: _____

Comments:

_____

_____

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Thank you. Please leave comments in the reception area, or take an addressed stamped envelope and mail by (postmark) July 8, 2004.

Kimura International, Inc. 1600 Kapiolani Boulevard, Suite 1610 Honolulu, HI 96814

Publicity

Invitation Letter (template)
Flyer

PUBLICITY

Lydgate-Kapaa Bike/Pedestrian Path
Public Information Meeting #3
Thursday, July 1, 2004

Public Service Announcements

1. The Garden Island – Community Bulletin Board
   Arranged by KI—fax information to Paul Curtis on June 22
   Ph. (808) 245-3681
   FAX (808) 245-5286
   Section appears Sunday, Wednesday, Friday (need 10 days notice)

2. Ho'ike – Kauai Community Television
   Arranged by KI—fax information to Boots on June 22
   Ph. (808) 246-3832
   FAX (808) 246-1556

3. KKCR
   Arranged by KI—fax information Attn: Community Calendar
   Ph. (808) 826-7774
   FAX (808) 826-7977

4. KONG Radio Group
   Arranged by KI—mail information to Shelly
   Ph. (808) 245-9527
   P.O. Box 1748
   Lihue, HI 96766

Individual Invitation Letters
Draft by KI: The meeting invitation was incorporated into letters notifying recipients that the DEA is available and comments are being accepted through July 8, 2004.
Finalize on KI stationery
Schedule: Mail out on or about June 7
Number: 241 contacted by posted mail; 10 contacted by e-mail

(Invitation letter to Meeting #3 and notice of DEA availability)

Monday, June 7, 2004

Dear ,

Third Public Information Meeting
for the Proposed Lydgate Park-Kapa'a Bike/Pedestrian Path

We cordially invite you to attend the third public meeting for the proposed Lydgate Park-Kapa'a Bike/Pedestrian Path, which will be held on **Thursday, July 1, 7:00-9:00 pm at the Kapa'a Middle School cafetorium.**

The County of Kaua'i is considering three alternative routes for each of the three project areas: (1) Lydgate Park to Waika'ea Canal , (2) Wailua House Lots, and (3) Lower Kawaihau. We have prepared a Draft Environmental Assessment (DEA) to assist the County's decision-making process and in accordance with State of Hawai'i EIS law (Hawai'i Revised Statutes, Chapter 343) and EIS rules (Administrative Rules, Title 11, Chapter 200). The findings of the DEA will be reviewed during the July 1 meeting, including potential project impacts on a wide range of physical, biological, and socio-economic resources, and possible measures to mitigate those impacts.

The public comment period for the DEA runs from June 8 to July 8, 2004. Any interested person may submit written comments, which should be received or postmarked no later than July 8, 2004.

Comments should be sent to:

Douglas Haigh
Kauai Department of Public Works
4444 Rice Street, Suite 175
Lihue, HI 96766

With a copy to:

Glenn Kimura
Kimura International, Inc.
1600 Kapiolani Boulevard, Suite 1610
Honolulu, HI 96814

Copies of the DEA are available for review at the Kapa'a and Līhu'e public libraries and the Kaua'i Community College library. In addition, a CD-ROM version was sent to general managers of resort and condominium properties in the project corridor.

If you have any questions, please call me or Nancy Nishikawa at (888) 898-8886. We look forward to seeing you on July 1.

Sincerely,
KIMURA INTERNATIONAL, INC.

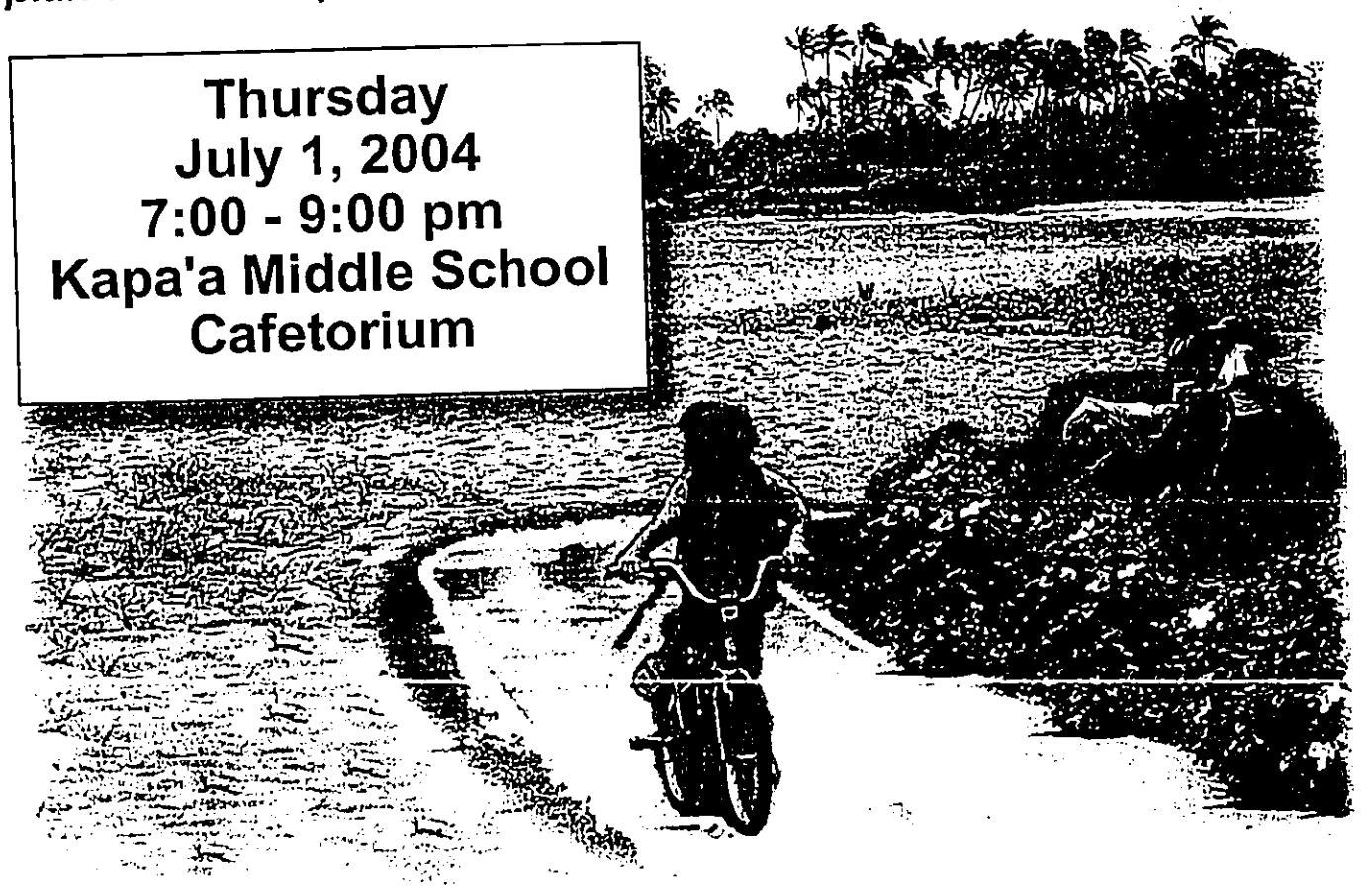
Glenn T. Kimura
President

LYDGATE PARK -- KAPA'A
Bike/Pedestrian Path

3rd Public Information Meeting

Please join your neighbors in helping the County Dept of Public Works to plan a bike and pedestrian path from Lydgate Park to Waikaea Canal.

Thursday
July 1, 2004
7:00 - 9:00 pm
Kapa'a Middle School
Cafetorium



For further information, please call
Kimura International, Inc. at 1 888 898-8886

Appendix H

Minutes of Meetings on Papaloa Shoreline Path Alternative

Notes of Meeting on Coastal Alternative: Wailua Bay to Kukui Heiau
Friday, September 10, 2004, 8:00 am
Moikeha Building, Conference Room 2A/2B
(See attendance sheet)

The purpose of this meeting was to review a compromise for the coastal route and to establish acceptable parameters for solutions to specific concerns. This meeting brought together project planners with owners and managers of Papaloa Road condominium properties, representatives of Native Hawaiian and cultural organizations, and State and County officials.

Doug Haigh noted that the compromise was to scale down the project from a 10-12 foot wide bike and pedestrian path to a 5 foot path for pedestrians only. The exact location was still undetermined—and would require a more definitive survey of the shoreline and property boundaries—but the ideal was to locate the path as afar away from the condos as possible, but with adequate buffer from sensitive resources, such as the heiau and beach.

Glenn Kimura reviewed the elements of the preferred alignment:

- Go through County-owned beach reserve
- Gain slope for ADA compatibility, then follow the contour
- Adopt a minimally intrusive design; Office of Conservation and Coastal Lands (DLNR) prefers a boardwalk
- Exact alignment will be established by the contractor selected in the design-build phase of the project
- The shoreline path will connect to the canal path via an easement between the Shell Service Station and Kinipopo Shopping Center

Doug explained that the County can probably get a waiver to build within the 40-foot shoreline setback, but the setback is respected wherever possible. Past Kukui Heiau, the shoreline path would connect to the existing beach walks going north.

Cindy Plemer asked about ADA access.

Doug: ADA access will be difficult makai of the Sea Shell. The County may need to get an exception because of "technical infeasibility." This means making a case before the Disability and Communication Access Board (DCAB). Agreement by DCAB strengthens the County's position in the event an ADA lawsuit is filed.

Doug: Construction in the bluff area would not involve significant grading. However, it's possible that a retaining wall might be put up in order to lower the path, dropping it below eye level for those on the bluff. (When asked what kind of material would be used to construct a wall), the wall would be made of material appropriate to the surrounding area, such as moss rock.

Catie Burns recommended better education with signs.

David Helelā recalled that the military approach is to see where people walk, then put the paths there.

Bill Sweeney pointed out that (at a recent property owner's meeting) he came out as a proponent of the compromise, but said that it looks different today. At several points during the meeting, he referred to the following points:

(1) Improving access to the heiau may lead to inadvertent damage. It will bring more people into the area. It will be written up in the guidebooks. He noted that when Mel Ventura was developing Lae Nani, subsurface testing mauka of the heiau found various archaeological artifacts (midden deposits, human fragments). Consequently, the developer was prohibited from putting anything 50-100 feet from the heiau.

(2) Caution must be exercised because of the risk of affecting the environment with possible irreversible impacts (including, impacts on turtles, seals, shearwaters, beach erosion, and runoff from the path).

Doug: Concerned about going backward, instead of moving forward with a compromise to build a narrower path for pedestrians. A general consensus was reached at a planning meeting on September 1.

Vicki Valenciano stated that upkeep of the mauka-makai access (to the heiau) is a joint effort by Kauai Sands and Lae Nani.

Nancy McMahon pointed out that everybody agrees that we don't want people going through the sacred site. And, realistically, we can't have the buffer we would like. Signage will be important; possibly, photos showing people what's inside without having to go in. Vegetation and landscaping can deter people. With appropriate landscaping, people might not even know the heiau is there.

LaFrance Kapaka-Arboleda expressed her feeling that the site is compromised because ownership is split. She asked, is there a possibility of the condo owners letting it go?

Vicki: The condo owners are split. Most realize that there's a passion for the site. Most are not opposed, but the issue is what they would get in return. There will be a meeting in December—and this is at the top of their concerns

LaFrance: We can't go back in time, but we've learned.

Tim Bynum (before leaving) said that the group appears to be going in the right direction. But we could have 40 people here who are strongly in favor of public access. The public now realizes that the beachfront is public land. The compromise has resulted in a lower impact project. The path in Lydgate Park was located and designed to be sensitive to Kaha Lani condo owners. The path doesn't go as close to private property as it could have. Now, Kaha Lani owners are favorable to the path.

Cindy: As a part-Hawaiian, I realize that the compromise can help restore the heiau, for example, by regrowing the naupaka. But when I talk to the owners, I need more than a verbal description. What would a walking path look like? I need visuals, I need to show something to the condo owners. How wide is the path at Kaha Lani? [10 feet] I keep seeing a path like that and wonder what it would look like on the beautiful beach. 5 feet of concrete would take away from beauty of beach. What would a natural looking path look like?

Vicki agreed—need visuals.

A discussion followed about access from individual condo properties to the beach. How would they intersect with the pathway? What kind of access would be permitted under the SMA regulations? Replacing concrete steps (the kind that exist currently) might not be allowed.

Herb Lee proposed that two central concepts are *kuleana* (responsibility) and *pono* (correctness). Since there's no 24-hour enforcement, the surrounding properties have a long-term role in educating the public—kama'aina and malihini—about the heiau's significance.

David suggested that a focal point be established for the heiau with interpretive signs, supplemented by warning signs placed sporadically along the perimeter to keep out visitors. He noted that there are paths, even roads right next to heiau in other places. 200 feet is not possible here.

LaFrance: Agreed with David

Cindy: Will a pedestrian-only path qualify for federal funds?

Doug: Yes, also landscaping and signage.

Cindy: Will the County come along later and build a bike path instead?

Nancy Nishikawa explained that the EA process is intended to give the public reasonable assurance of what they can expect will be developed. Otherwise, the process loses credibility. The proposed action described in the Final EA needs to be the most current and accurate representation of what will be built, understanding that some adjustments are inevitable at the more detailed design and engineering stage. If the County later decides to convert the walkway into a bike path, they would need to amend the EA (prepare a Supplemental EA) that reviews the impacts of this action.

Vicki: What about parking for path users?

Doug: Since this is an urban area, most users are expected to walk to the path.

Doug: The County will work with the condos to make connections to the path and to the beach. However, the existing, concrete steps may be illegal.

Bill: There are concerns about the loss of parking on Papaloa Road. Will parking on Papaloa be removed?

Glenn: There should be adequate right-of-way for on-street parking.

Doug: There are likely to be changes to the traffic pattern on Papaloa. The County is pursuing this in conjunction with the path project and independently. We're considering a cul-de-sac in the south-bound direction. North-bound traffic would still be allowed to turn from Kuhio Highway onto Papaloa Road.

LaFrance: Are there federal funds to purchase private land under the heiau?

Doug: Yes. However, the County wants to explore other options, including a boundary adjustment, before deciding to purchase.

Doug: need to proceed next to shoreline survey so can determine where setback is. That will give us an idea how far makai can lay down the path relative to private property. Determine what kind of boundary adjustment might be possible. Friendly land transactions are always best.

Milton Ching: Although DOCARE services complaints at the heiau, on the beach, and other public places, to pursue a case in court, the first issue is who has jurisdiction. The County has full jurisdiction on the beach to the Beachboy. The second issue is what law is being broken. Right now there's no law against commercial activity on unencumbered State land.

Lydgate - Kapaa Park partn

Name	Organization
HERB LEE	Lee Communications
PAT GRIFFIN	Kauai Historic Pres. RUW Comsn
DAVID HELELA	
Doug Haigh	P.W.
BILL SWEENEY	RESIDENT
Jotie Burns	Kapaa Sands
TIM BYNUM	C&K
NANCY McMAHON	DLNR-SHPD
a France Kapaka-Arboleda	OHA
Vicki Valenciano	Lae Nani
Cindy Plemer	Lani Kai/Hale Awapuhi
Rick Tsuchiya	Planning Dept.
Milton Ching	DLNR-DOCARE
Glenn Kimura	Kimura International
Nanay Nishikawa	"

Monday, December 20, 2004

MEETING MINUTES
Papaloa Coastal Walkway Meeting
December 15, 2004

Attendees:

Doug Haigh, Chief, Building Division, DPW, Kauai
Tim Bynum, Mayor's Aide
Glenn Kimura, Kimura International Inc.
Clyde Kodani, Kodani & Associates
Condominium owners: see sign up sheet attached

Doug Haigh opened this second meeting with the condominium owners along Papaloa Road by explaining that the condo owners had asked for assistance in visualizing how the path would be designed and what it would look like as it passed along the shoreline.

Clyde Kodani, the civil engineer on this project, was asked to prepare a topographic survey of the County-owned shoreline property and lay out a preliminary path alignment along with cross sections at strategic locations. Additional funds were expended to pay for this additional work. Using the preliminary path alignment and cross sections, Glenn Kimura prepared photo simulations of what the path could look like. Glenn prepared a powerpoint presentation that illustrated the topo survey with path alignment and cross sections, showed photos of existing conditions along the shoreline, and presented 6 different photo simulations of present conditions and future conditions with the path in place. The result of this extra work demonstrate that a 5 foot wide pedestrian path can be built along the terrain without requiring excessive engineering solutions or structures, can be designed to meet the 5% ADA slope requirement, and be aesthetically pleasing as well. Doug added that although the path could be built with concrete for areas outside the 40-foot shoreline setback, in areas where this is not possible, less permanent type of materials and methods such as a boardwalk would be used.

Comments received:

Phil Sweeney indicated that he was authorized to speak on behalf of all the condominium owners, with the exception of Wailua Bay View. Their position was still unanimous in opposition to any path in any form along the county-owned property fronting their property. They will do whatever it takes to stop the path, including challenging the adequacy of the EA in court. Furthermore, he indicated that Lae Nani is not interested in any land swap to resolve the Kukui Heiau issue. Mr. Sweeney further stated that the EA did not discuss the impact of 300 additional people from the redeveloped Coco Palms hotel that would use the beaches in front of their property. His position is that the path is actually designed to provide the Coco Palms guests with access to these beaches.

Mr. Sweeney also referenced their previous comments on the EA that claim that the path would do irreparable damage to the environment, especially the nesting shearwater birds and other cultural artifacts.

Mr. Sweeney also questioned the accuracy of the photo simulations, and indicated that one in particular shows the path on the lower part of the slope, farther away from the condo property line then the path which was drawn on the engineering drawing. Glenn Kimura replied that the photo simulation can be easily corrected by moving the image up in the photo. The result would be a rock wall serving as a boundary between public and private property. Mr. Sweeney also complained that the wall would be an obstacle for access to the beach. Glenn Kimura explained that another photo simulation shows an opening and stairs to the beach. The wall is conceptual in design and the path and walls can be easily designed to accommodate stairs and access to the beach.

Mr. Sweeney also indicated that they understand the mayor's position and have heard his public statements. They understand his commitment for public access, but think he's got it wrong this time and it is a bad idea. He also indicated that he had heard that the Mayor would turn the entire beachfront into a playground and erect fences to cut off their access to the beach. He emphatically said that they are not trying to restrict access for locals. He indicated that on any given day, there are many people using the beach and he showed photos to prove that.

His position is that the county should have prepared an Environmental Impact Statement not an EA because of the environmental impacts. If necessary, they will go to court, and find a judge that will give injunctive relief. If this happens, then it will take a lot of time, maybe a year or more in delays.

Tim Bynum replied that the condo owners present at the meeting should be reminded that there are a number of different constituencies supporting the bike and pedestrian path along the shoreline and that the county with their consultants have offered compromises which the larger constituents are unaware of. He reminded the group that at many public meetings, a shoreline path was always the number one priority. The bike path committee created by the Mayor when he served on the Council was named "Ke Ala Hele Makalae", meaning the way to the ocean. This committee still supports a bike path along the shoreline in this area. Many of these advocates are unaware of the concessions the Mayor has already made to address your concerns.

Furthermore, the county has received complaints from local residents who were told they were trespassing on the beaches in front of the condominiums. As a result of the research done for the EA, the county realizes that they own the beachfront property.

Doug Haigh expressed his disappointment by stating that the county would not have held extra meetings with the condo owners, paid for additional consultant engineer services, have Glenn prepare the visual simulations, and delay finalizing the Environmental Assessment had he known that there was no agreement to compromise on the issue.

Attendance Sheet
Lydgate Park-Kapa'a Bike/Pedestrian Path
Wednesday, December 15, 2004
9:30 am

Name	Affiliation
La France Kapaka-Arbeleda	OHA
BILL SWEENEY	SWEENEY, SWEENEY & SWEENEY KAPAA SANDS
Vicki Valenciano	Lae Nani
SHARRON EDWARDS	KAPAA SANDS
Cindy Plemer	Lanikai Hale Awapuhi
Doug Naish	on file
CLYDE T. KODANI	KODANI & ASSOC
NANCY McMAHON	DLNR
TIM BYNUM	COUNTY-KAUAI
Norman Persons	WBV
WAYNE THRIFT	HALE AWAPUHI

Appendix I

Correspondence with Moanakai Road Residents and Property Owners

SAMPLE LETTER SENT TO
MOANAKAI ROAD RESIDENTS/
PROPERTY OWNERS

KIMURA INTERNATIONAL

Monday, July 26, 2004

Moanakai Road
Kapa'a, HI 96746

Bike/Pedestrian Path from Lydgate Park to Kapa'a (Waika'ea Canal)
Proposed Changes on Moanakai Road

Dear Ms. Andrade:

Our firm has been contracted by the County of Kaua'i to assist in planning a bike and pedestrian path from Lydgate Park to Waika'ea Canal in Kapa'a. We developed three alternatives for the pathway, including two that traverse Moanakai Road. If the path is built on Moanakai, it will affect the operations and appearance of the roadway. Therefore, we want to inform you of this project and solicit feedback and comments from you.

Project Description

The path is part of a longer corridor for non-motorized travel on the east side of the island. Paths have been completed at Lydgate Park and detailed design for the Kapa'a-Keālia segment will soon get underway. The segment we're planning is the third phase. It will start at a cul-de-sac mauka of Aloha Beach Resort, then head northward, crossing the Wailua River via a cantilevered structure attached to the existing cane haul bridge or a new bridge on the makai side of the existing cane haul bridge. The project will end at the footbridge over Waika'ea Canal, where it will connect to the Kapa'a-Keālia segment.

The bike-pedestrian path will be 10 to 12 feet wide and allow movement in both directions. It is intended to accommodate a wide variety of users; however, motorized vehicles will not be allowed with the exception of motorized wheelchairs, emergency vehicles, and maintenance vehicles.

Because the right-of-way on Moanakai Road is limited in width, we are proposing that vehicular traffic be restricted to one direction only. One-way travel would begin on Keaka Road (makai of Niulani Street), and on Moanakai Road between Keaka Road to Panihi Road. Based on a preliminary examination of roadway conditions, we are proposing that the one-way flow be in the northbound direction (toward Lihi Park). The cross streets—Keaka (mauka of Niulani), Makaha, and Panihi—would remain two-way roads. Two-way traffic would also be allowed on the north end of Moanakai (between Panihi Road and the

1600 Kapiolani Blvd., Suite 1610
Honolulu, Hawaii 96814
Tel (808) 944-8848 • Fax (808) 941-8999

park). With these changes, motorists coming from Lihi Park or the boat ramp would be required to turn right on Panihi Road in order to get to Kūhiō Highway.

As presently conceived, the path would be located on the makai side of Moanakai Road, closest to the seawall. A parking strip would be located next to the path, although it is proposed that the path be raised about six inches from the roadway to prevent cars from parking on the path. The travel lane would be located on the mauka side of the road, closest to residences. We do not foresee a need to remove the trees on the makai side of the road; however, during the more detailed design and engineering phase of the project, the County may decide to relocate or replace the trees, or alter the landscaping scheme.

In addition to an improved coastal pathway, the proposed changes are expected to slow down traffic on Moanakai and reduce through traffic by motorists looking for a short-cut.

Construction on this project could begin as early as Spring 2005. The entire project is estimated to require a construction period of 2-3 years; however, the Moanakai Road section would be significantly shorter in duration. It will be funded by Federal transportation funds (80%) and a County match (20%). The path will be owned, operated, and maintained by the County.

I have enclosed two maps: one showing all of the proposed alignments and one focusing on the Moanakai Road area. Also included is a cross-section of the path. These graphics are from the Draft Environmental Assessment for the Lydgate Park-Kapa'a Bike/ Pedestrian Path. More extensive discussions of various environmental impacts are contained in this document, which can be found at the Kapa'a Public Library.

I invite you to write or call us with comments or concerns about this project, for example, about the preferred direction of one-way travel. We welcome your suggestions based on knowledge of and experience in this area. You may contact us by regular mail at 1600 Kapiolani Boulevard, Suite 1610, Honolulu, HI 96814 or by e-mail at projects@ kimurainternational.com. If you would like to discuss this project further, please call Herb Lee, community liaison, at (808) 262-3261.

Sincerely,
KIMURA INTERNATIONAL, INC.

Glenn T. Kimura
President

Enclosures
Cc: Douglas Haigh, County of Kauai, Department of Public Works

From: HERB LEE [LEE3COM@hawaii.rr.com]
Sent: Friday, August 06, 2004 3:30 PM
To: Bal, Dileep (DHS-CDIC);
Cc:
Subject: Re: Comments via Phone call

Aloha Dr. Bal. Mahalo for your email and concern. We will make sure that your concerns are forwarded to the County of Kauai.
Herb.

----- Original Message -----
From: Bal, Dileep (DHS-CDIC)
To: HERB LEE ; Glenn Kimura ; nancy nishikawa

Subject: *RE: Comments via Phone call*

Dear Mr. Lee,

You summarized my concerns very well indeed, for which I thank you. The reason for my sending you an e-mail from here today is because our e-mail at home is down and I understand that you need a response today to meet the input deadline. Thus given the fact that this is a rather hurried note, it will be rather brief.

To begin with, while you captured the essence of my concerns, you did not adequately represent the degree of our anxiety, which I believe represents not only my family's viewpoint but that of several of our neighbors. Frankly our main concerns center around the potential plummeting of property values and the loss of the precious quiet rural atmosphere of that neighborhood, which will be irretrievably lost with your proposal. These potential catastrophic changes are of grave concern to me, our family & our neighbors. As it is a few older fishermen, sit outside our house & quietly fish peacefully, which is great. This discourages the sort of rowdy elements who come there & drink and carouse when the fishermen are absent. Thus, you would in effect encourage this latter group by making this a thoroughfare & creating a parking area that encourages loitering.

Our strong first preference is to leave this quiet three block neighborhood the way it has been for decades, and build the road on the mauka side of Kuhio highway. The potential impact on the mauka side will not affect a residential neighborhood adversely as your existent proposal would. If that is not possible, please AT THE VERY LEAST, REMOVE THE PARKING LANE, and just leave a one-way street & bike path. Moreover the road in front of our house is not wide enough to accommodate even two let alone three lanes. The lane closest to the ocean would be a potential liability because of the possibility of bicyclists falling over the 4-foot drop on that side. Overall you need to look at the legal implications of this proposal very carefully.

I thank you Mr. Lee for your courtesy in permitting this input, and sincerely hope you & Kimura International will represent to the Mayor & Council, the nature & gravity of our serious concerns.

With Best Wishes,

Dileep G. Bal, MD
Chief, Cancer Control Branch
California Department of Health Services

William J. Fernandez, Judge [illegible]

DOCUMENT CAPTURED AS RECEIVED

Glen T. Kimura, President
Kimura International
1600 Kapiolani Boulevard Ste. 1610
Honolulu, HI 96814

Dear Sir,

I am in receipt of your July 26 letter regarding a Bike/Pedestrian path from Lydgate to Waika'ea Canal. Thank you for the information.

You requested comments and let me relate mine to you. I have lived adjacent to Moanakai Road for more than 70 years. At one time the roadway area of Moanakai Road was bordered by a stand of pine trees three deep and of a width in excess of ten feet.

Over the years the pine trees have been removed or lost and the ocean has eroded the sand border of Moanakai. Presently, no trees are growing adjacent to the sea at my home at 1033 Moanakai. The county has done some re-planting, which has been mostly eliminated.

With the sea surges, the sand buttressing the rock wall in front of our home is eroding. There are observable gaps in the existing sandy non-asphalt surface. I think in twenty years the road could be washed away.

Presently, there are cars that are parked adjacent to the sea wall on a constant basis. I think the bike path and one lane road would in essence eliminate any on street parking adjacent to our home. This is most welcome.

My concern is the sea erosion in front of my home and the potential loss of vegetation, which is at my property line. I have believed that what saves our homes from the sea are the growing trees and vegetation that are present. I trust that in your design work, you will keep this erosion factor in mind. To fail to do so means that in another 25 years or so, the ocean may be at my doorstep.

Very truly yours,

William J. Fernandez

Appendix J

List of Preparers

PREPARERS OF THE ENVIRONMENTAL ASSESSMENT

Project Manager	County of Kauai Department of Public Works	Douglas Haigh, PE
Planning and Environmental Assessment	Kimura International, Inc.	Glenn Kimura, Principal in Charge Nancy Nishikawa, Primary Author
Civil Engineering	Kodani and Associates	Clyde Kodani, PE
Archaeology and Cultural Resources	Cultural Surveys Hawaii	David Shideler
Coastal Engineering	Sea Engineering, Inc.	Marc Ericksen David Smith
Soils Engineering	Geolabs	Robin Lim, PE
Structural Engineering	KSF, Inc.	Calvin Miyahara, PE
Traffic Engineering	Julian Ng, Inc.	Julian Ng, PE, PTOE
Botany	Char & Associates	Winona Char
Biology	Rana Productions	Reginald David
Community Relations	Lee Communications, Inc.	Herb Lee, Jr.

END

CERTIFICATION

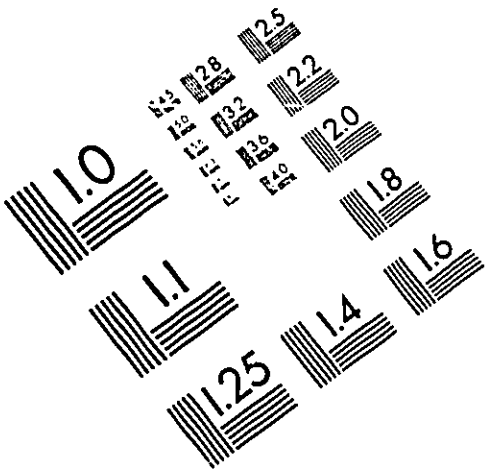
I HEREBY CERTIFY THAT THE MICROPHOTOGRAPH APPEARING IN THIS REEL OF FILM ARE TRUE COPIES OF THE ORIGINAL DOCUMENTS.

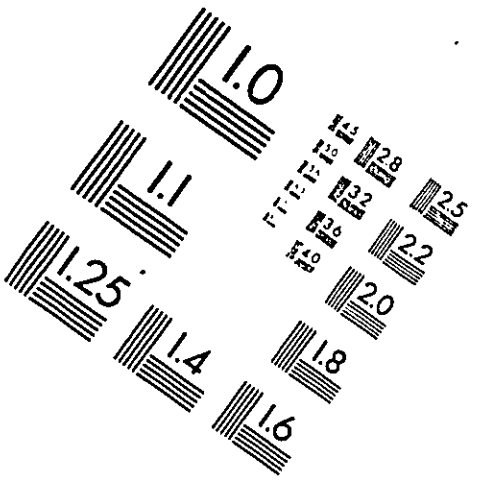
2007
DATE

J. Kaai
SIGNATURE OF OPERATOR

TOP

Film Identification





A & P International
715/262-5788 • Fax 715/262-3823
577 Locust Street • Prescott, WI 54021
Web Site http://www.zimc.com/apintl

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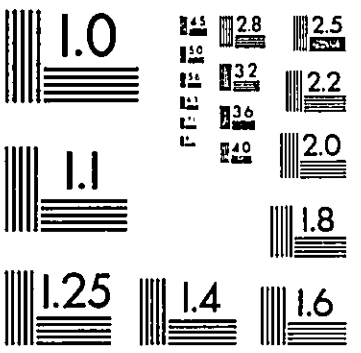

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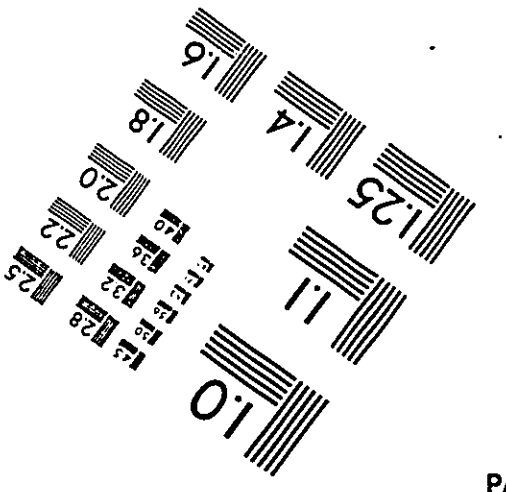

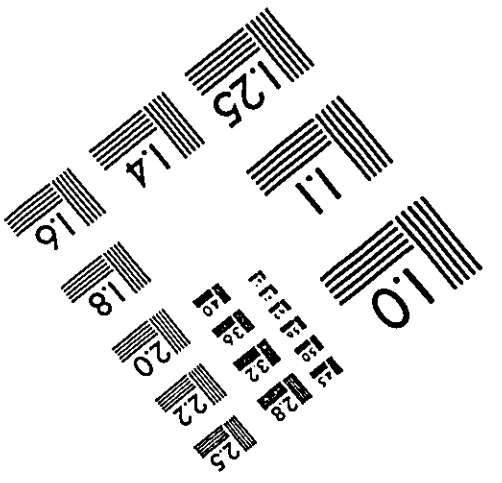

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DENSITY TARGET

ADVANCED MICRO-IMAGE SYSTEMS HAWAII