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March 20, 2014

Mr. Herman Tuiolosega, Acting Director
Office of Environmental Quality Control
Department of Health, State of Hawaii
235 South Beretania Street, Room 702
Honolulu, HI 96813

Dear Mr. Tuiolosega:

With this letter, the County of Kaua'i Department of Public Works (DPW) hereby transmits this Final Environmental Assessment and Finding of No Significant Impact (FEA-FONSI) for the Lydgate Park-Kapa'a Bike /Pedestrian Path, Phases C & D, in the Kawaihau District of Kaua'i. We request publication in the next available edition of the Environmental Notice.

The DPW has included copies of comments and responses that it received during the 30-day public comment period on the draft environmental assessment and anticipated finding of no significant impact (DEA-AFONSI).

Enclosed is a completed OEQC Publication Form, and two hard copies of the FEA-FONSI. The enclosed CD includes a pdf file of the FEA-FONSI and the OEQC Publication Form in MS Word format.

If you have any questions, please contact Mr. Larry Dill, County Engineer at (808) 241-4992.

Yours truly,

Larry Dill, P.E.
County Engineer

cc: Leslie Kurisaki, Kimura International

**LYDGATE PARK – Kapa‘a Phases C&D
Bicycle and Pedestrian Path Project
County of Kaua‘i, Hawai‘i**

**Final Environmental Assessment/
Finding of No Significant Impact**

Submitted pursuant to
Hawai‘i Revised Statutes, Chapter 343

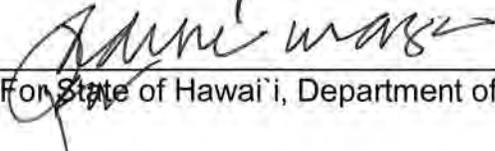
State of Hawai‘i, Department of Transportation, Highways Division
and County of Kaua‘i, Department of Public Works

3.20.14
Date of Approval



For County of Kaua‘i, Department of Public Works

4.7.14
Date of Approval



For State of Hawai‘i, Department of Transportation

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The County of Kaua‘i, Department of Public Works (DPW) proposes to construct a shared use path for pedestrians, bicyclists, and other users from Papaloa Road to Uhelekawawa Canal, a distance of approximately 1.2 miles. This project constitutes a portion of the pathway known as Ke Ala Hele Makalae that is expected to extend along the east side of Kaua‘i from Nāwiliwili in the south to Anahola in the north.

The 1.2-mile path segment, referred to as Lydgate Park – Kapa‘a Bike & Pedestrian Path Phases C and D, closes a gap between recently-constructed path segments to the north and south, increasing the overall connectivity of the existing path network. In 2007, the Kaua‘i Department of Public Works (DPW) completed an environmental assessment (EA) for a bike/pedestrian path from Lydgate Park to Kapa‘a (Lihi Park) and made a finding of no significant impact. While most of the alignment was proposed on the makai side of Kūhiō Highway, a segment was proposed on the mauka side of the highway and along the Waipouli drainage canal. Subsequent to the 2007 EA, detailed design studies determined that this alignment would not be optimal for path users, because it would require users to cross Kūhiō Highway and the temporary bypass road. As such, the County reexamined alternatives for this section of the path. The most feasible option is the makai route which located the path within portions of the County’s existing beach reserve.

Through route selection, design, and proposed mitigation measures, the analysis contained in the environmental assessment has determined that the project will not have significant adverse impacts. Mitigation measures will be implemented in accordance with applicable regulations and/or consultation with appropriate agencies.

Final Environmental Assessment

Lydgate Park-Kapa'a Bike/Pedestrian Path

Phases C & D

CMAQ-0700(49)

Kawaihau District, Kaua'i Island

TMK: [4] 4-3-001, 002, and 007: Various



County of Kaua'i
Department of Public Works

April 2014

Final Environmental Assessment

Lydgate Park-Kapa'a Bike/Pedestrian Path

Phases C & D

CMAQ-0700(49)

Kawaihau District, Kaua'i Island

TMK: [4] 4-3-001, 002, and 007: Various

Prepared pursuant to Chapter 343, Hawai'i Revised Statutes



Prepared for
Department of Public Works
County of Kaua'i

Prepared by
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April 2014

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- B Effect Determination, Section 106, National Historic Preservation Act
Letter from Federal Highway Administration to State Historic Preservation Officer,
November 26, 2013
- C Draft Archaeological Inventory Survey Report for the Lydgate-Kapa‘a Bike and Pedestrian
Path Project, Phases C and D, CMAQ-0700(49), South Olohena, North Olohena, and
Waipouli Ahupua‘a, Kawaihau District, Island of Kaua‘i,
TMK: [4] 4-3-001, 002, 007: Various
Prepared by Kelly L. Burke and Hallett H. Hammatt [Cultural Surveys Hawaii, Inc.],
October 2012
- D Cultural Impact Assessment for Lydgate Park-Kapa‘a Bike and Pedestrian Path Phases C &
D, CMAQ-0700(49), South Olohena, North Olohena and Waipouli Ahupua‘a, Kawaihau
District, Kaua‘i Island, TMK: [4] 4-3-001, 002, and 007: Various
Prepared by Kuhio Vogeler, Margaret Magat, and Hallett H. Hammatt
[Cultural Surveys Hawaii, Inc.], January 2012

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List of Acronyms

AASHTO	American Association of State Highway Transportation Officials
ADA	Americans with Disabilities Act
ADAAG	Americans with Disabilities Act Accessibility Guidelines
AIS	Archaeological Inventory Survey
APE	Area of Potential Effect
ASTM	American Society for Testing and Materials
BMP	Best Management Practice
CATV	cable television
CIA	Cultural Impact Assessment
CFR	Code of Federal Regulations
CSH	Cultural Surveys Hawai'i
CZM	Coastal Zone Management
DEA	Draft Environmental Assessment
DBEDT	Department of Business, Economic Development, and Tourism
DCAB	Disability Communication and Access Board
DOH	Department of Health, State of Hawai'i
DLNR	Department of Land and Natural Resources, State of Hawai'i
DOT	Department of Transportation, State of Hawai'i
DPW	Department of Public Works, County of Kaua'i
EA	Environmental Assessment
EIS	Environmental Impact Statement
ESA	Endangered Species Act
FEA	Final Environmental Assessment
FHWA	Federal Highway Administration
FIRM	Flood Insurance Rate Map
FONSI	Finding of No Significant Impact
HAR	Hawai'i Administrative Rules
HDOT	Hawai'i Department of Transportation
HRS	Hawai'i Revised Statutes
HTA	Hawai'i Tourism Authority
IBC	International Building Code
KIUC	Kaua'i Island Utility Cooperative
LCA	Land Commission Award
LRLTP	Long Range Land Transportation Plan
LWCF	Land and Water Conservation Fund

makai	toward the ocean (seaward)
mauka	toward the mountains (landward)
MOA	Memorandum of Agreement
MSL	Mean Sea Level
NEPA	National Environmental Policy Act
NHO	Native Hawaiian Organization
NHPA	National Historic Preservation Act
NPDES	National Pollutant Discharge Elimination System
OCCL	Office of Conservation and Coastal Lands
OEQC	Office of Environmental Quality Control
OHA	Office of Hawaiian Affairs
SCORP	State Comprehensive Outdoor Recreation Plan
SHPD	State Historic Preservation Division
SHPO	State Historic Preservation Officer
SMA	Special Management Area
SSV	Shoreline Setback Variance
TCP	Traditional Cultural Property
TMDL	Total Maximum Daily Load
TMK	Tax Map Key

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 Papaloa Road to Uhelekawawa Canal, a distance of approximately 6,100 or 6,500 feet (1.2 mile), depending on the final alignment. This project constitutes a portion of the pathway known as Ke Ala Hele Makalae that is expected to extend along the east side of Kaua'i from Nāwiliwili in the south to Anahola in the north.

The bike/pedestrian path will be 10 to 12 feet wide and allow movement in both directions. It is intended to accommodate a 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 other options, such as an improved sidewalk or sidepath.

Specific design elements will be established during 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. All buildings, facilities, and sites shall conform to applicable federal, state, and county accessibility guidelines and standards. Hawaii Revised Statutes §103-50 requires all State of Hawaii or County government buildings, facilities, and sites to be designed and constructed to conform to the Americans with Disabilities Act accessibility Guidelines, the Federal Fair Housing Amendments Act, and other applicable design standards as adopted and amended by the Disability and Communication Access Board. The law further requires all plans and specification prepared for the construction of State of Hawaii or County government buildings, facilities, and sites to be reviewed by the Disability and Communication access Board for conformance to those guidelines and standards.

The proposed improvements include upgrading the existing County-owned parking lot (located behind Kaua'i Missionary Church) and a new comfort station. These facilities will serve as a trailhead for the path. Other design elements will include grading, retaining walls, railing or fencing, landscaping, signage, and user amenities, such as benches, water fountains, and trash receptacles.

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 (FHWA).

1.2 PROJECT BACKGROUND

In 2007, the Kaua‘i Department of Public Works (DPW) completed an environmental assessment (EA) for a bike/pedestrian path from Lydgate Park to Kapa‘a (Lihi Park) and made a finding of no significant impact. The preferred alignment described in that EA included a section located mauka of Kūhiō Highway and along the Waipouli drainage canal (see Phase E in Figure 1). The 2007 EA was followed by more detailed design studies that determined that crossing Kūhiō Highway and the temporary bypass road would not be optimal for path users. Because the bike/pedestrian path proposed in the original EA extended as far north as Coconut Marketplace (via Papaloa Road) and as far south as Uhelekawawa Canal, the County began reexamining options to connect these two points. The most feasible option was a makai route that had been proposed and studied in the Draft Environmental Assessment for the original path project—to locate the path within portions of the County’s existing beach reserve.

This environmental assessment reevaluates the makai alternative, referred to as Phases C & D, or sometimes called the Waipouli connection.

1.3 PROJECT PURPOSE AND NEED

The County’s purpose is to provide a bike and pedestrian path that is safer and more accessible than the existing assemblage of highway, local roads, and informal trails. Phases C & D would close a key gap in the recently constructed shared use paths (Phases A & B), thereby increasing the connectivity of the existing network. Phases C & D are located in an area with many attractors, including hundreds of visitor units, shops and restaurants.

A second purpose of the shared use path is to ensure lateral coastal access for the public and appropriate recreational development within the beach reserve. The project corridor is located in a resort district where the remaining vacant parcels are expected to be developed in the near future. Resort projects were entitled with the condition that a paved pathway is provided to enable public access to coastal resources. This project, then, would coordinate and enhance the resort-specific public access requirements with a cohesive and unified design. The path would provide convenient access for people who wish to fish or gather along the coastline. For the large community of walkers, joggers, runners, and bicyclists, the path would be a facility for fitness and physical exercise. For all users, the shared use path would provide an aesthetic experience as this segment offers picturesque views of the Waipouli shoreline.

Lydgate Park-Kapa'a Bike/Pedestrian Path, Phases C & D
Final Environmental Assessment

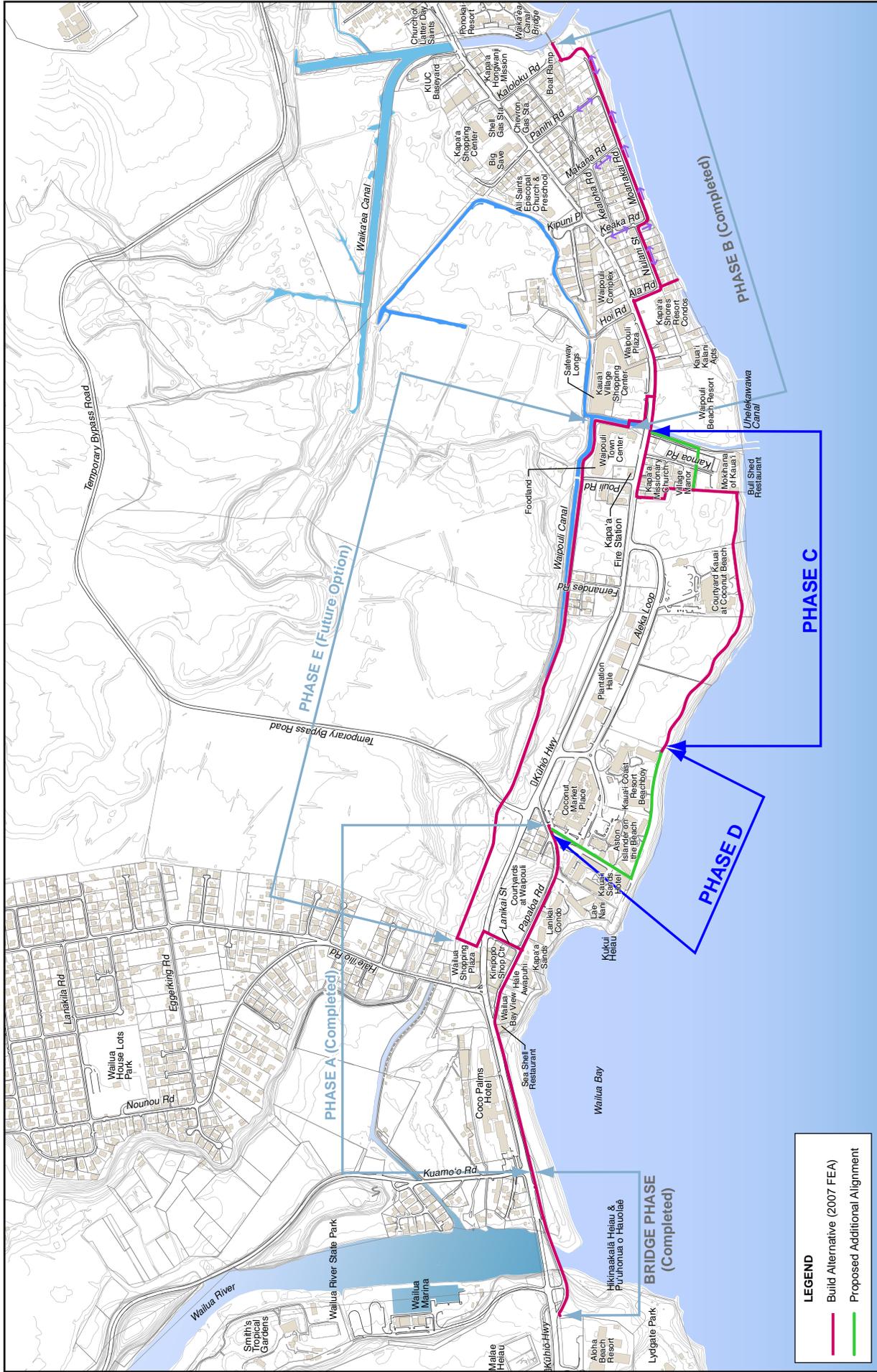
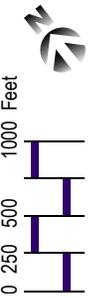


Figure 1
OVERALL BIKE/PEDESTRIAN
PATH ALIGNMENT BY PHASE

Lydgate Park – Kapa'a Bike/Pedestrian Path
Phases C & D



1.4 ENVIRONMENTAL REVIEW PROCESS

The Environmental Assessment (EA) is a document that discloses the environmental and socio-cultural impacts that may result from a project's implementation, and includes 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).

Triggers

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

- use of county lands and funds
- use within any historic site or district designated in the National or Hawai'i Register of Historic Places
- (possible) use within the shoreline setback area—usually 40 feet minimum from the certified shoreline

The project will not directly affect historic properties currently listed on the National and/or Hawai'i Registers of Historic Places. However, several historic properties were identified as eligible for such listing during consultations with Native Hawaiian Organizations and other stakeholders, which took place under Section 106 of the National Historic Preservation Act.

Preliminary analysis indicates that it is possible to construct the path outside the 40-foot shoreline setback area. However, the precise location relative to the setback area cannot be confirmed until a topographic survey with property metes and bounds, a certified shoreline and shoreline setback determination have been done, and more detailed design drawings completed for the path.

Environmental Review

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. Early consultations and

scoping meetings led to a preliminary assessment that the project would not cause a significant adverse impact (see Chapter 7, Consultations).

Based on impact analyses presented in this document, and the commitment to implement mitigation measures, the proposed project is not anticipated to cause significant adverse impact to the environment. The bases for this conclusion are provided in Chapter 5, Findings.

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 the appropriate environmental review document. Since the impacts of the proposed project are not anticipated to be significant, an EIS was not prepared.

Draft Environmental Assessment Request for Comments

The Draft Environmental Assessment (DEA) was submitted to the State Office of Environmental Quality Control (OEQC) for processing on January 22, 2014. The OEQC notified the public that the DEA was available for review in its bimonthly bulletin, the OEQC *Environmental Notice* on February 8, 2014. Official announcement by the OEQC initiated a 30-day review and comment period. On February 19, 2014, a public informational meeting was held at the Kapa'a Middle School to review the findings of the DEA and to solicit comments.

Other Opportunities for Public Input

Additional channels for public input will be available after the environmental review process is completed. This project will require a Special Management Area (SMA) use permit, which entails a public hearing and approval by the County Planning Commission. During the engineering design and construction phase of the project, additional public informational meetings will be held.

1.5 PERMITS AND APPROVALS REQUIRED OR POTENTIALLY REQUIRED

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

- Hawaii Coastal Zone Management (CZM) Program consistency review, State Office of Planning
- National Pollutant Discharge Elimination System (NPDES) Permit, State Department of Health
- Special Management Area Permit, County of Kaua‘i
- Shoreline Setback Variance (SSV), County of Kaua‘i

1.6 PROJECT SUMMARY

Project Name	Lydgate Park-Kapa‘a Bike/Pedestrian Path, Phases C & D
Proposing Agency	County of Kaua‘i, Department of Public Works
Approving Agencies	County of Kaua‘i, Department of Public Works State of Hawai‘i, Department of Transportation
Anticipated Determination	Finding of No Significant Impact (FONSI) under HRS, Chapter 343
Tax Map Keys	Island of Kaua‘i: 4-3-001, 002, and 007: various parcels
Existing Uses of the Project Corridor	Coastal resort area, anchored by shopping complexes—Coconut Marketplace on the south end and Waipouli Shopping Center/Kaua‘i Village Shopping Center on the north end; residential parcels and small, highway-oriented businesses on the north end
Proposed Project	Development of a shared use path, 10-12 feet wide between Papaloa Road at Coconut Marketplace and north side of Uhelekawawa Canal
State Land Use	Urban District
Kaua‘i General Plan (Land Use Map)	The entire project area has a land use designation of Resort
Zoning	Primarily Resort District (RR-20) with linear Open District (O) along the shoreline and along Kūhiō Highway, small areas of Commercial District-Neighborhood (C-N) along Kūhiō Highway
Special Management Area (SMA) Designation	The entire project area is located within the SMA

2. ALTERNATIVES

2.1 PROJECT CORRIDOR

An overview of the proposed alignment is shown in Figure 2. An aerial view of the project area is shown in Figure 3. The project corridor extends from Papaloa Road, between Kaua'i Sands Hotel and Islander on the Beach, then north through the County's beach reserve and along the coastal bench makai of three undeveloped parcels and Courtyard Kaua'i at Coconut Beach. The path would turn mauka just south of Mokihana of Kaua'i, following an existing County beach access. The project corridor ends at the northern side of Uhelekawawa Canal.

Improvements are also proposed for the County parking lot which is located behind Kapa'a Missionary Church. This site is proposed as a trailhead with a comfort station, drinking fountain, and parking for ADA access.

Figures 4a and 4b shows the proposed alignment overlaid on tax maps for TMK: 4-3-002 and 4-3-007.

Location photos (below) are arranged from south to north. Figure 5 provides a guide to photo locations.

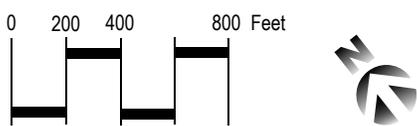
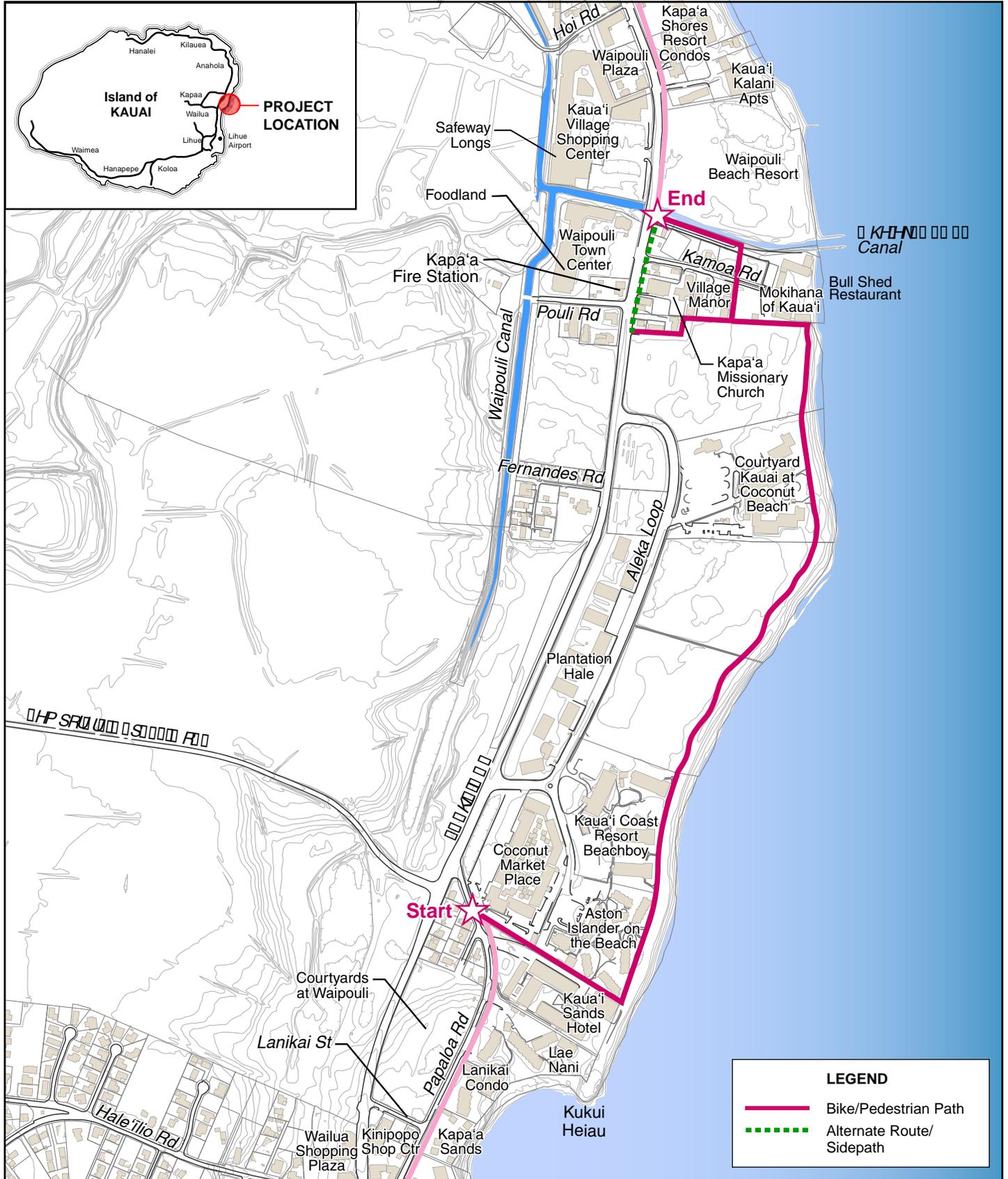


Figure 2
PROPOSED PATH ALIGNMENT
 Lydgate Park – Kapa'a Bike/Pedestrian Path
 Phases C & D

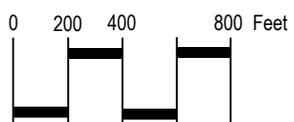


Figure 3
AERIAL VIEW OF PROPOSED ALIGNMENT

Lydgate Park - Kapa'a Bike/Pedestrian Path
Phase C & D

Lydgate Park-Kapa'a Bike/Pedestrian Path, Phases C & D
 Final Environmental Assessment



Figure 4a
TAX MAP 4-3-002
 Lydgate Park – Kapa'a Bike/Pedestrian Path
 Phases C & D



NOT TO SCALE

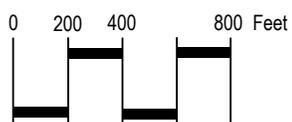


Figure 5
PHOTO LOCATION GUIDE

Lydgate Park – Kapa'a Bike/Pedestrian Path
Phases C & D



Photo 1. Papaloa Road near Kauai Sands Hotel with completed shared use path



Photo 2. County easement between Kauai Sands Hotel and Islander on the Beach



Photo 3. Beach reserve, makai of Islander on the Beach



Photo 4. County-owned beach reserve on left side of photo (makai of Kauai Coast Resort)



Photo 5. From Kauai Coast Resort, looking north



Photo 6. Vacant parcels (TMK: 4-3-002: 015 and 016)



Photo 7. Marriott Courtyard Kaua'i



Photo 8. From Marriott Courtyard Kaua'i looking north



Photo 9. Vacant parcel TMK: 4-3-7: 27, looking north



Photo 10. Vacant parcel TMK: 4-3-7: 27, looking south



Photo 11. Vacant parcel TMK: 4-3-7: 27, south of Mokihana of Kaua'i



Photo 12. Existing mauka-makai beach access, south of Mokihana of Kaua'i



Photo 13. Existing County parking lot with access from Kūhiō Highway; proposed trailhead for shared use path



Photo 14. Kūhiō Highway at bridge over Uhelekawawa Canal (northern end of Phase C)

2.2 PREFERRED BUILD ALIGNMENT

The preferred alternative jogs between the Mokihana of Kaua'i/Bull Shed Restaurant and the Village Manor condominiums, and then continues along the southern bank of Uhelekawawa Canal (currently a landscaped strip) to Kūhiō Highway. At Kuhio Highway, Uhelekawawa Canal would be spanned to connect to the existing bike path at Waipouli Beach Resort on the northern side.



Photo 15. Preferred alignment makai of Village Manor



Photo 16. South side of Uhelekawawa Canal

2.3 ALTERNATIVE BUILD ALIGNMENT

An alternative alignment is to use the existing beach access, which connects the shoreline and Kūhiō Highway, then construct a bike/pedestrian corridor along the makai side of the highway north to Uhelekawawa Canal (approximately 600 feet). The alternative alignment is shown as a green dashed line in Figure 2.



Photo 17. Makai side of Kūhiō Highway (looking north); the driveway to the County parking lot is in front of the Snorkel Bob's sign

2.4 PROJECT DESCRIPTION

The following are the main components of the project. The decision to incorporate specific features will be made during final design.

Clearing Grubbing and Excavation

The area for the path will be cleared and vegetation removed. This will generally involve removing turf from lawns groomed by the hotel properties. It may be necessary to relocate and/or replace trees or shrubs of varying size and type, notably coconut trees on the south bank of Uhelekawawa Canal. The shared use path typically requires excavation to a depth of approximately 12 inches. Because traffic on the path is relatively lightweight, deep footings or a thick base course are not needed.

Bike/pedestrian Path

Consistent with the overall design of Ke Ala Hele Makalae, 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's design and construction materials may vary to address issues of context sensitivity. The path will be constructed in compliance with relevant design guides issued under the Americans with Disabilities Act thereby accommodating people requiring mobility aids.

Stream Crossing

A stream crossing will be needed at Uhelekawawa Canal, but the crossing will not require work in the water. The bicycle and pedestrian bridge is expected to be a cantilevered attachment to the existing highway bridge or an independent, single-span bridge that will connect to the existing bike path at Waipouli Beach Resort.

Trailhead Facilities

The project includes rehabilitation, and possible expansion, of the existing County parking area behind Kapa'a Missionary Church. A small comfort station is planned within the parking lot and can be connected to an existing sewer line nearby.

Auxiliary Items

Other construction and design elements include grading, walls, railings, fencing, landscaping, irrigation for landscaping, shielded security lighting, signs and markers, and amenities, such as trash receptacles, benches, and water fountains.

Right-of-Way Acquisition

The County will need to acquire land or obtain an easement for portions of the path. The following properties may be affected depending on the alternative selected.

Tax Map Key (TMK)

Coastal Section

4-3-002: 012

4-3-002: 013

4-3-002: 014

4-3-002: 015 and 016

4-3-007: 028

4-3-007: 027

Historic Preservation Mitigation

4-3-007: 027

Coastal/Mokihana Alternative

4-3-007: 009

4-3-007: 011

4-3-007: 013

Coastal/Highway Alternative

4-3-007: 003

4-3-007: 004

4-3-007: 011

4-3-007: 014

4-3-007: 016

4-3-007: 018

4-3-007: 019

4-3-007: 022

Kūhiō Highway right-of-way

Contingent on the alternative selected, the project may need to relocate utilities and modify portions of the highway, for example, by narrowing lane widths, restriping, and/or relocating

traffic signals and signs. Sandwich Isles Communications, Inc. has underground fiber optic cables and ducts along Kuhio Highway and needs to be consulted during the engineering design phase.

2.5 OTHER ALTERNATIVES CONSIDERED

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

2.5.1 No Action

The “no action” alternative is a continuation of 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. The no action alternative refers only to path improvements since environmental changes and future development would continue to occur.

2.5.2 Alternatives Considered Previously

Several alternative corridors were considered during the original Lydgate Park to Kapa'a Bike/Pedestrian Path project, and in the planning stage for Phases C & D. These alternatives are reviewed in this section.

Mauka of Kūhiō Highway and Along Waipouli Drainage Canal (Phase E)

The canal route was evaluated in the original environmental assessment and identified as part of the build alternative described in the FEA/FONSI. This section of the path network has been designated Phase E (see Figure 1) and is proposed for construction at a later date.

As described in the FEA, Phase E would cross to the mauka side of Kūhiō Highway at the intersection with Lanikai Street (next to Kintaro's Restaurant). It would then continue on an unused agricultural road owned by the Midler Family Trust. There would be a mid-block crossing where the path intersects the temporary bypass road. Continuing north, the path would run adjacent to the excavated ponds and Waipouli Drainage Canal, continuing past a small residential subdivision around Fernandes Road.

Beyond Pouli Road, the surrounding area is more heavily commercial, with the path passing mauka of (behind) the Waipouli Town Center and the Kaua'i Village Shopping Center. The path would be located outside the “back of house” and delivery areas. At present, the businesses in the shopping centers are oriented toward Kūhiō Highway and their parking lots;

however, the path might spur some businesses to reorient their premises toward the mauka view planes.

Adjacent to Kūhiō Highway

Another alternative considered was to locate the path within or adjacent to the Kūhiō Highway right-of-way between its current terminus on Papaloa Road (Milepost 6.62) and the Uhelekawawa Bridge (Milepost 7.93). The section along the highway would measure approximately 1.3 miles in length. (In comparison, the bike/pedestrian path fronting Wailua Beach, also located along the highway, is approximately 0.3 mile long.)

From Coconut Marketplace to Plantation Hale, there is a grassy swale on the makai side of the highway. Because development is setback from the highway, the area appears wide enough for a shared use path. However, the grade difference between the highway and the swale would require a retaining wall to support a widened shoulder and relocation of utility lines. Placing the path in the swale is unsuitable because it is prone to flooding.

The posted speed limit in this section is 35 mph, but northbound vehicles often travel faster because the availability of two travel lanes reduce congestion and there are no traffic signals between Hale ʻĀlilo Road and Waipouli Town Center.



Photo 18. Kuhio Highway near Plantation Hale (looking north)

The character of the highway changes beginning at Snorkel Bob's and heading north, with more intensive commercial activity and more frequent cross traffic. Travel speeds slow down north of Pouli Road as motorists encounter a series of traffic signals. The existing highway right-of-way measures 60 feet across with three travel lanes (two lanes northbound and one lane southbound). There is a painted median, transitioning to dedicated left turn lanes at Pouli Road and Waipouli Town Center. On the mauka side of the highway, there is a sidewalk with concrete curbs and gutters beginning at Pouli Road and extending northward. On the makai side, buildings are located close to the highway with a paved shoulder averaging 4 feet wide. The shoulder space is constrained by utility poles, signs, and traffic signals.

Providing a shared use path that is 8-10 feet wide on the makai side of the highway will likely require right-of-way acquisition or the reallocation of space within the highway right-of-way (for example, by narrowing the median or lane widths).

The highway alternative was dismissed to minimize path users' exposure to vehicles traveling at highway speeds between Coconut Marketplace and Pouli Road, and because it fails to meet the purpose of providing lateral coastal access through the Waipouli resort area. However, the highway alternative is being considered for the short stretch between Snorkel Bob's/Pouli Road and Uhelekawawa Canal. This section is approximately 600 feet in length and vehicular speeds are slower through the commercial area. The highway alternative would be selected if the preferred interior alignment (in the Mokihana of Kapa'a/Bull Shed area) is not feasible.



Photo 19. Kūhiō Highway at the Kamoā Road intersection (looking south)

Coconut Marketplace and Aleka Loop

An “inland road” alternative was considered and dismissed after being evaluated in the draft environmental assessment for the original project. In this alternative, a path alignment was proposed from Papaloa Road through the Coconut Marketplace parking area to Aleka Loop. Because this area is fully developed, the path would be defined by striping the parking lot pavement or differentiating the path with special surface treatment to separate bicyclists and pedestrians from vehicular traffic. Progressing northward, the path would be located on the makai side of Aleka Loop to Kūhiō Highway. At Kūhiō Highway, the path would continue northward for approximately 1,060 feet (0.2 mile) to Uhelekawawa Canal.



Photo 20. Existing sidewalk on the makai side of Aleka Loop (looking north)

The inland road alternative was dismissed because of safety concerns in routing the bike/pedestrian path through the Coconut Marketplace parking area. Potential conflicts between path users and vehicular traffic are a potential liability for the County and the owners of the shopping center. Similarly, Aleka Loop is privately owned and not a public right-of-way. Traffic levels on Aleka Loop are expected to increase significantly, as new resorts are built and Aleka Loop is used for ingress and egress. The existing sidewalk would need to double in width to meet design criteria for a shared use path. The resorts are not obligated (through entitlement conditions) to make this type of improvement for public benefit. On the other hand, the resorts are required to provide lateral coastal access that is paved and a minimum of 10 feet wide.

2.6 PROJECT COST AND SCHEDULE

The preliminary (order-of-magnitude) cost for the proposed project is \$2.0 million. This estimate does not include land acquisition.

The project is programmed for construction in FY2015, and expected to take 12 months to complete.

3 AFFECTED ENVIRONMENT, IMPACTS, AND MITIGATION

The following alternatives were assessed for project area impacts:

- No action alternative—in which no public shared use path would be constructed in the corridor represented by Phases C & D.

Two build alternatives (see Figure 2):

- Coastal/Mokihana alternative (preferred)—the path alignment would include the coastal section and an inland section between the Mokihana of Kaua'i and Village Manor condominiums, then along the south bank of Uhelekawawa Canal. Uhelekawawa Canal would be spanned with a bridge to the north bank of the canal.
- Coastal/Highway alternative—the path alignment would include the coastal section combined with a highway section adjacent to Kūhiō Highway between Snorkel Bob's and Uhelekawawa Canal

The coastal section would be the same in both build alternatives, and located on the makai side of resort properties from Islander on the Beach to Mokihana of Kaua'i. The collective term "build alternatives" is used if impacts are not expected to be substantially different between the two build alternatives.

3.1 PHYSICAL ENVIRONMENT

3.1.1 Topography 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. Following the cessation of this main shield building phase, there was renewed volcanic activity with the extrusion of basaltic lava of the post-erosional Kōloa Volcanic Series. While the majority of Kaua'i is covered by lava of the Waimea Canyon Volcanic Series, rocks of the Kōloa Volcanic Series cover most of the eastern half of the island. These rocks are generally 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.

According to the Soil Survey Manual, the project area consists almost entirely of Mokuleia fine sandy loam (Mr), see Figure 6. This soil occurs on the eastern and northern coastal plains of Kaua'i and is nearly level topographically. Permeability is moderately rapid in the surface layer and rapid in the subsoil. Runoff is very slow, and the erosion hazard is slight.



Source: Hawaii Statewide GIS Program

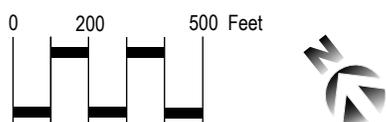


Figure 6
SOILS

Lydgate Park – Kapa'a Bike/Pedestrian Path
 Phases C & D

Potential Impacts and Mitigation Measures

No Action Alternative: There would be no impacts because the physical environment would not be altered. Existing bare footpaths through the undeveloped parcels currently result in some soil erosion; however, when the land is developed for resort use, these footpaths are likely to be replaced by grassed lawns similar to what is found on neighboring resort properties.

Build Alternatives: The proposed improvements will not have a significant adverse effect on topography in the project corridor, which is generally flat with no unusual geologic features. In many areas, the land is already used for a transportation purpose (formally or informally) as existing paved roads, concrete sidewalks, and footpaths. Fragile or unstable soils are not present.

In the coastal section of the path (common to both build alternatives), the path is proposed for construction on berms to avoid excavation in areas with concentrated cultural deposits. These areas measure approximately 270 feet in length (across TMK: 4-3-002: 016) and 190 feet (across TMK: 4-3-007: 027). At a height of 1.5 feet, the berms would require an estimated 700 cubic yards of fill material.

Mitigation Measures:

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 construction site stormwater runoff control, such as temporary silt fencing, screens, or compost filter sock
- Regular watering of graded areas as a means of reducing the amount of fugitive dust in the air
- Sodding or planting of slopes and exposed areas immediately after finished grades are achieved
- 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 and, if required, applicable National Pollutant Discharge Elimination System (NPDES) permits obtained from the State Department of Health as part of the Clean Water Act.

3.1.2 Climate and Air Quality

Chemical air pollutants and particulates that are regulated under State and Federal standards include sulfur dioxide, hydrogen sulfide, nitrogen dioxide, carbon monoxide, ozone, and lead. Kaua'i, like the rest of the state, enjoys good air quality and meets the standards set for all regulated pollutants (i.e., is within an "attainment area"). Because of its unsheltered, coastal location, the project corridor is directly exposed to tradewinds that help to maintain good air quality.

Potential Impacts and Mitigation Measures

No Action Alternative: With the no action alternative, the project corridor would lack a facility that offers attractive non-motorized travel options. An unknown number of trips to nearby destinations would be made by motor vehicles and contribute to total emissions, but significant adverse effects are not anticipated.

Build Alternatives:

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 the movement of construction equipment and soil excavation, and (2) exhaust emissions from on-site construction equipment.

In the long-term, the proposed action is expected to have a positive effect on air quality as path use replaces trips that would have been taken by motorized vehicles, a primary source of emission impacts.

Mitigation Measures:

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:

- 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.

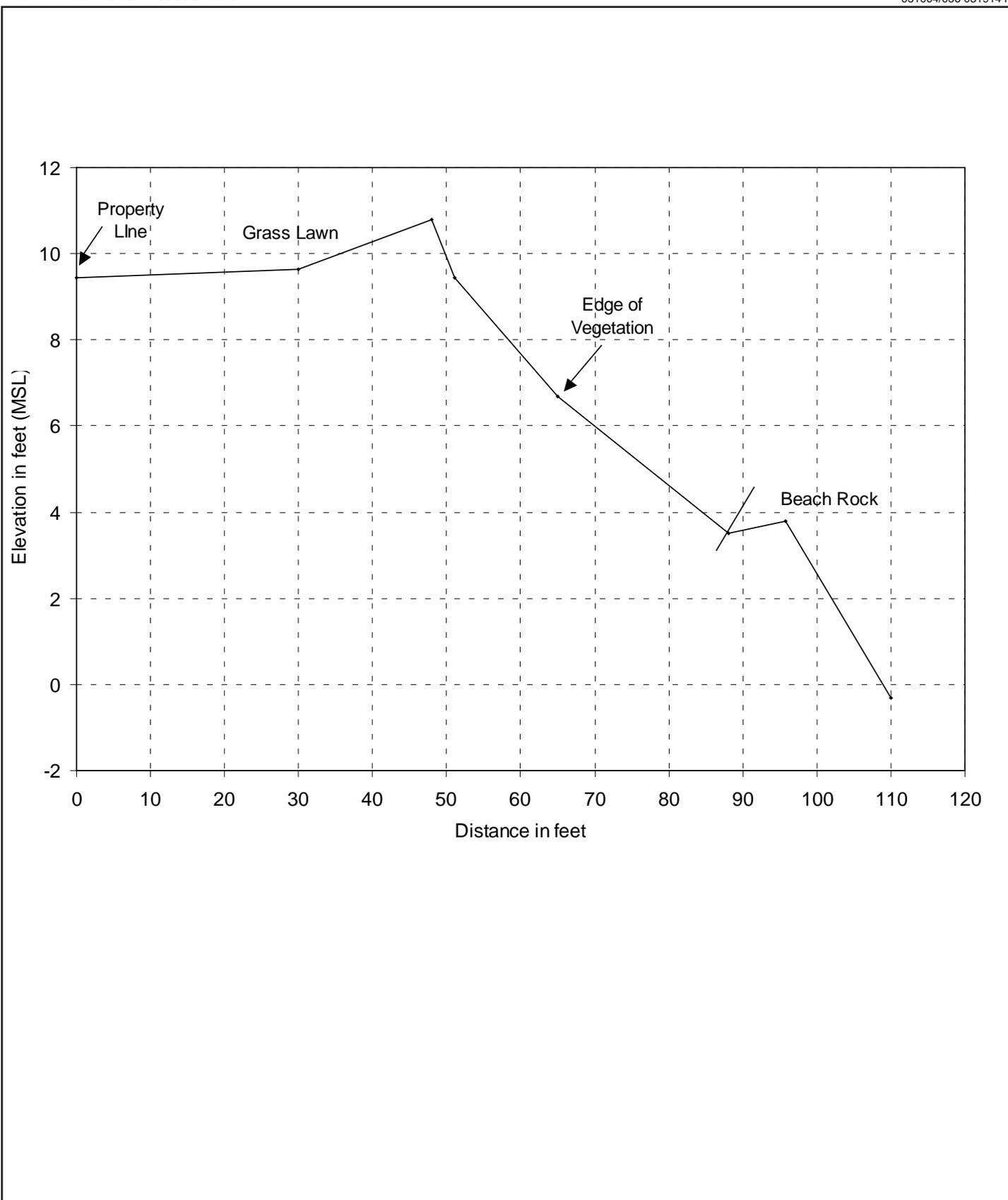
3.1.3 Coastal Resources and Processes

Bathymetry and Coastline—from Kaua'i Sands Hotel to Mokihana of Kaua'i

The project site is located on the windward shore of the Kaua'i which is exposed to tradewinds and tradewind-generated waves. The beach in this 2,500-foot stretch is typically about 50 feet wide. The shoreline is somewhat convex in front of the Kaua'i Coconut Beach Hotel. Trees run parallel to the shore along the back beach area and constructed walkways are found in front of each hotel. The walkways do not connect to neighboring properties. The trees fronting the vacant properties are denser than those fronting the hotels. Footpaths exist within or behind the trees fronting the vacant properties.

The offshore area from Kukui Heiau past the Islander on the Beach contains a low, flat coral reef, producing a surf zone that extends more than 35 feet offshore. North of the Islander on the Beach, the reef extends the surf zone as far as 1,500 feet from shore.

Figure 7 shows a beach profile that was measured at the north boundary of the Kaua'i Coast Resort and is representative of the beach in this area (Sea Engineering, 2004). The sandy beach is approximately 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 route is about 110 feet from the water line.



Source: Sea Engineering, Inc. 2004

Figure 7
PROFILE AT KAUAI COAST RESORT

Lydgate Park - Kapaa Bike/Pedestrian Path
Phases C & D

Potential Impacts and Mitigation Measures

No Action Alternative: The no action alternative would have no effect on coastal resources and processes.

Build Alternatives:

In the coastal section, the preliminary path alignment is landward of the tree line and damage to the path due to beach erosion is not expected.

By letter dated August 1, 2011, the Office of Conservation and Coastal Lands (OCCL) commented that realigning the path (as proposed in Phases C & D) would have the beneficial effect of improving coastline access. OCCL offered the following: the path should be located farther mauka in beach areas threatened by erosion; path construction should use modular building materials that can be relocated inland, as necessary; the path should allow for seasonal beach fluctuations (for example, using an elevated boardwalk style construction); and beach quality sand displaced during construction should be replaced.

The proposed path is not located in the sandy beach area, but on upland which is not subject to seasonal shifts and fluctuations.

Mitigation Measures:

If the path is affected by extreme weather conditions, the County will clear debris and make necessary repairs to ensure the safety of path users. Construction methods and materials will be selected to minimize loss and damage.

3.1.4 Hydrology and Water Quality

The proposed bike/pedestrian path will traverse portions of the Kapa'a watershed which 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). The canals provide flood protection for Kapa'a Town and are the watershed's only shoreline outlets for storm water.

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). 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. Uhelekawawa Stream (Canal) is included on the 2012 Integrated 303(d) List/305(b) Report for Hawai'i and assigned a low priority for a TMDL study (Assessment Table, page 59).

Potential Impacts and Mitigation Measures

No Action Alternative: The no action alternative will not affect water quality in the project area.

Build Alternatives: The proposed shared use path will need to cross Uhelekawawa Canal. The crossing will be designed as a cantilever attached to the existing Kūhiō Highway bridge, or an independent single-span bridge makai of the highway bridge. Any structural improvement is not expected to require construction within the water channel (waters of the U.S.) and will not affect flow within the waterway.

Mitigation Measures:

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.

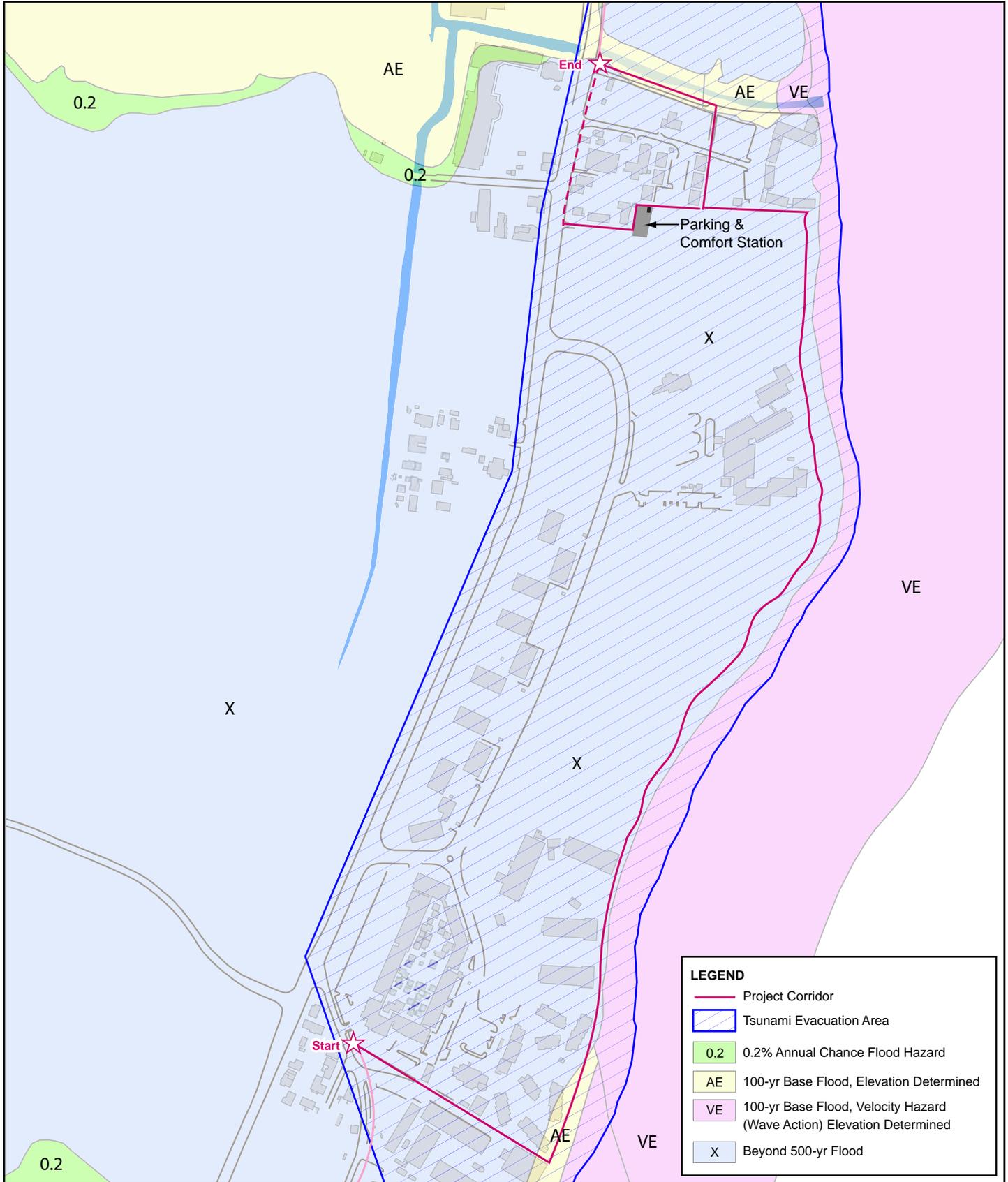
3.1.5 Natural Hazards

Flooding and Tsunami Risk

The Flood Insurance Rate Map (FIRM) for the region shows that the shoreline along most of the shared use path is classified Zone X, and close to the interface of Zone VE with a base flood elevation ranging from 8 to 15 feet (see Figure 8). Zone X is beyond the 500-year flood zone. 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.

Hurricane flooding was calculated at the location of the beach profile near Kaua'i Coast Resort (Sea Engineering, 2000). The inland extent of the flooding was estimated at 433 feet, a value considered representative for this stretch of coast and significantly beyond the proposed path.

Like most of the Waipouli resort district on the makai side of Kūhiō Highway, Phases C & D are located inside the tsunami evacuation area (see Figure 8).



Source: Hawaii Statewide GIS Program; Flood Insurance Rate Map (FIRM), Kauai County, Hawaii Panel 212 of 356, Map Number 1150002021E.

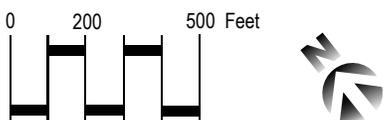


Figure 8
FLOOD AREAS

Lydgate Park – Kapa'a Bike/Pedestrian Path
 Phases C & D

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 International Building Code (IBC) provides the design criteria to address potential for damages due to seismic disturbances. The IBC maximum considered ground motion for Kaua'i is relatively low compared to earthquake prone areas.

Potential Impacts and Mitigation Measures

No Action Alternative: The coastal environment would be affected by natural processes and extreme events with or without the current proposal.

Build Alternatives:

The coastal portion of the proposed alignment is located in the tsunami evacuation zone. Path users will be subject to evacuation orders and other instructions issued by civil defense authorities for the immediate region.

Except for the crossing at Uhelekawawa Canal and the southern portion near Islander on the Beach, the path alignment is outside Zone AE for which base flood elevations have been determined. 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. Unpaved shoulders will absorb sheet flow in normal rain events.

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

Mitigation Measures:

Informational signs related to coastal hazards, such as the potential for tsunami evacuation, could be included in the path's signage program.

Storm-related debris will be cleared and spot repairs made, as necessary.

3.1.6 Noise

Existing noise levels in the project area are consistent with similar urban environments. Traffic on Kūhiō Highway is the primary noise generator. Away from the highway, ambient noise levels are low due to the predominantly residential nature of resort properties. Along the coastline, ocean waves contribute to the ambient noise level, but also serve to mask noises that are less pleasurable to human ears.

Potential Impacts and Mitigation Measures

No Action Alternative: The baseline sources of noise would continue under the no action alternative. This is not significantly adverse noise.

Build Alternatives:

Construction-related Noise

Construction in the coastal sections of the path will affect adjacent resorts and condominiums. Construction-related noise impacts are unavoidable, but will be temporary. Project construction will involve excavation, grading, paving, and the movement of construction vehicles. 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. 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.

Noise levels are regulated and the contractor will have to ensure that all construction activities comply with the State Department of Health (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 specify 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. 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. Several miles of Ke Ala Hele Makalae have been completed, including sections that are located

close to residences—along Ala Road, Niulani Street, and Moanakai Road; at Hundley Heights; and adjacent to Pono Kai—and there have been scant noise complaints.

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 public streets.



Shared use path at Hundley Heights (Kawaihau)



Shared use path along Moanakai Road

Mitigation Measures:

- Outdoor lights are not proposed for linear sections of the path which would discourage use after dark.
- 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.

3.1.7 Hazardous Materials

A Phase I Environmental Site Assessment (Phase 1 ESA) was conducted in 2003 for the proposed Kapa'a Relief Route project (Kimura International, Inc., 2003). The purpose of the Phase 1 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.

No ground contamination areas are located in the vicinity of Phases C & D.

3.2 BIOLOGICAL ENVIRONMENT

3.2.1 Flora

A botanical resources assessment study was conducted for the original shared use path project in 2004 (Char and Associates, 2004). The survey included a makai route coinciding with Phases C & D.

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 (*Casuarina equisetifolia*) along with a few tree heliotrope (*Tournefortia argentea*) and beach naupaka or naupaka kahakai shrubs (*Scaevola sericea*) are found along the seaward side of the undeveloped parcels. Bermuda grass (*Cynodon dactylon*) forms low mats along the dirt pathways.

Potential Impacts and Mitigation Measures

No Action Alternative: Changes to the baseline botanical environment would occur as the vacant parcels are developed for resort use. The new landscaping is expected to resemble the mix of groomed lawns and tropical plantings (native and non-native) found at neighboring resort properties.

Build Alternatives:

In the developed portions of the proposed shared use path, the vegetation consists of grassed lawns with landscape plantings. Undeveloped areas support a varied assortment of vegetation types or plant communities. The proposed path will not pass through wetland. In the vacant parcel identified as TMK 4-3-7:27, a grove of mature coconut trees are identified by the Kaua'i County Exceptional Tree ordinance (Exceptional Tree No. K-12-Coconut Grove (otherwise known as *Niu*, Coconut-palm or *Cocos nucifera*) and whose location is described as "The grove extends both makai and mauka of Highway 56 (Kūhiō Highway) at Waipouli; TMK 4-4-6-2, 4-3-7-27, 28 and 29)). The coconut trees on parcel 27 are on the exceptional

tree list and appear to be concentrated as a grove of a former coconut plantation. The grove does not extend to the shoreline and no coconut trees appear to be along the path alignment. However, if a coconut tree is found within the proposed alignment, the County Arborist Committee will be consulted as to measures to replace or avoid any such tree.

None of the plants observed within the proposed path alignments is a threatened or endangered species or a species of concern. All of the native species encountered can be found in similar environmental habitats throughout the Hawaiian Islands. The proposed construction of Phases C & D is not expected to have a negative impact on botanical resources in the project area.

Coastal/Mokihana Alternative: The preferred inland route includes a section along the southern bank of Uhelekawawa Canal, which is presently landscaped with rows of coconut trees (see Section 2.2, Photo 16). While an effort will be made to locate the path away from the coconut trees, the final alignment will require relocation or removal of a number of trees. A large mature tree is located on parcel 27 at the intersection where the path continues on to the proposed comfort station and parking lot or runs between the Village Manor and Mokihana property. During the next engineering design phase, path alignments to save the tree will be evaluated.

Mitigation Measures:

Landscaping material will consist of native plants to the extent possible.

Mature trees that need to be cleared for construction will be relocated or replaced.

3.2.2 Fauna

Several avian and mammalian surveys were conducted in the Wailua-Waipouli-Kapa'a coastal corridor in the 2000s. Intensive counts for the original project corridor were taken in March 2004 (David 2004).

Avifauna

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. domesticus*), accounted for 44 percent of the total of all birds recorded during station counts. The most

common avian species detected was the House Sparrow, which accounted for 10 percent 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 surveys conducted within the lowland areas of Kaua'i.

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 breeding season, and both have been recorded over-flying all areas of the project site.

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 Hawai'i 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 nycticorax 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.

In general, the avian makeup of Waipouli, Wailua and Kapa'a is the same. Any species recorded within any of these three areas can be expected to be found at least occasionally in the other two sites. Birds are mobile creatures and use resources as they occur on a seasonal and opportunistic fashion. There is no significant difference in the avifauna within the three areas.

Great Frigatebirds can be expected to be seen on an occasional basis anywhere along the coastline of Kaua'i, and no specific areas within Phases C & D provide any special or unique habitat. Frigatebirds do not nest and rarely if ever roost within the greater Kapa'a area. The proposed bike/pedestrian path will not result in deleterious impacts to this or other seabird species.

In addition to the aforementioned, the U.S. Fish and Wildlife Service list of protected species (provided by letter dated May 9, 2012) includes the band-rumped storm petrel (*Oceanodroma castro*) or 'akē'akē which is a federal candidate for listing and a State endangered species.

Land-based Fauna

Endangered Hawaiian hoary bats were seen on both nights of the March 2004 survey. Three bats were seen simultaneously from the bridge crossing Wailua River. 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 and feral dog and cat) are commonly found in urban areas.

Ocean Fauna

By email dated April 20, 2012, the National Marine Fisheries Service identified protected ocean species encountered in or near the project area. Hawaiian monk seals (*Monachus schauinslandi*) and green sea turtles (*Chelonia mydas agassizii*) may haul out in the vicinity and Hawksbill turtles (*Eretmochelys imbricata*) may be found in nearshore waters. Additionally, critical habitat proposed for the Hawaiian monk seal includes terrestrial habitat 5 meters (approximately 16.4 feet) from the shoreline.

Stream Fauna

The proposed path will need to cross Uhelekawawa Canal. The information on stream fauna is based primarily on an aquatic biological assessment prepared by Michael H. Kido for the proposed Kapa'a Relief Route (Kido, 2003). The bike/pedestrian path project corridor occupies a portion of the larger Kapa'a Relief Route study 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. 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. The canal system is 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.

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 was not surprising. There is little potential for impact to this federally listed endangered species from proposed construction of the path.

Potential Impacts and Mitigation Measures

No Action Alternative: The no action alternative would have no effect on protected species in the project area.

Build Alternatives:

Endangered seabird species—in particular, 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 breeding

season. Both species of seabirds, especially fledging birds, can become disoriented by exterior lighting between nesting sites and the sea.

The endangered Hawaiian hoary bat is regularly seen in and around Kapa'a, as well as most of the lowland areas on Kaua'i, but it is highly unlikely that the construction of proposed path will have any impact, deleterious or otherwise, on this species.

The endangered Hawaiian monk seal is known to haul out occasionally in the intertidal zone and on beaches in the project area. Both the federal and State of Hawai'i wildlife agencies have an ongoing and comprehensive outreach and protection program to ensure that seals are not disturbed while in near-shore waters or when they are basking on land. The threatened green sea turtle also hauls out occasionally in the intertidal zone of the coastline. Because the County has a 40-foot shoreline setback requirement, the shared use path will be located with a measure of separation from the waterline. The improved path will bring more people to the Waipouli coastal area. However, users who stay on the path itself are highly unlikely to encounter a hauled out seal since the path is on the elevated flat land above the beach. In the event a seal has hauled out in proximity to the path, 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 avoidance and cautionary actions.

A new crossing for pedestrians and bicyclists will be constructed over Uhelekawawa Canal but is not expected to alter the stream channel or the aquatic environment. The Waipouli canal system is impaired in terms of habitat and biotic integrity. With implementation of Best Management Practices to prevent construction-related spoils from entering the canal, potential adverse impacts to populations of native stream species would be minimal.

Cumulative Impacts

The proposed shared use path has potential cumulative impacts on protected species in two respects. First, development of the Waipouli resort district is continuing with two resort projects on the horizon. Figure 13 shows the possible build out along the Waipouli the coast, including the proposed shared use path. Second, Phases C & D will extend Ke Ala Hele Makalae, and other sections are being planned. Since a central theme of this path network is its coastal location, proximity to protected species (such as the Hawaiian monk seal and green turtle) and their habitats is inevitable. The cumulative impacts of future improvements can be mitigated to avoid harm by implementing measures discussed below and through continued enforcement of existing laws and regulations.

Mitigation Measures:

- The scope of this project does not include installing new exterior lighting along the linear portion of the path. If lights are required for safety or security; for example, at the proposed comfort station, they will be shielded or full cut-off.
- Construction will not occur after dark; therefore, lighting will not be used for construction.

- To minimize impacts to the endangered Hawaiian hoary bat, woody plants greater than 15 feet tall should not be disturbed, removed or trimmed between June 1 and September 15, the bat birthing and pup rearing season.
- For any construction planned from August through October, the wedge-tailed shearwaters peak breeding season, there must be a survey to confirm the location of nesting areas. If found that wedge-tailed shearwaters nest along the proposed alignment, either the path should be realigned or construction delayed until the nest is abandoned.
- The County regulates dogs on shared use paths, including the requirement that, at all times, dogs must be on a leash no more than 6 feet in length (and retractable leashes are prohibited).
- To reduce the attraction of non-native, feral species, animal-proof garbage containers will be used as practicable.
- To minimize potential human interaction with monk seals, informational signs will be placed along the path to educate users about appropriate conduct around this protected species.
- In areas where Hawaiian waterbirds have been observed, nest searches should be conducted prior to any work being conducted and after any subsequent delay in work of three or more days (during which birds may attempt nesting).
 - If a nest is discovered, work should cease in the vicinity for a minimum of seventy days (10 weeks); if a nest with chicks/ducklings is discovered, work should cease for a minimum of 49 days (7 weeks). These guidelines are intended to protect chicks/ducklings, and may be shortened if monitoring is conducted often enough to note when chicks/ducklings have fledged (usually five to six weeks after hatching).
 - If a previously undiscovered nest is found after work begins, all work should cease within a minimum radius of 150-feet (ft) of the nest and the Service should be contacted within 24-hours. Please see below for contact information.
- If an endangered Hawaiian waterbird/goose is found in the project's action area during on-going work, all activities within 50-ft of the bird should cease; work may continue after the bird leaves the area of its own accord. If a bird is seen in a similar location for more than two consecutive days, project managers should contact the Service for specific guidance.
- With the human presence and access to habitats with endangered species at the project site we also recommend informational signage to prevent feeding of endangered birds and feral animals.
- A litter control program should be implemented around waterbird habitat to prevent increased attraction of pest species. The litter control program should provide sturdy animal-

proof garbage containers to prevent the increased attraction of house mice, rats, mongoose, and feral cats to the areas as noted previously.



Example of sign along the shared use path (Ke Ala Hele Makalae) in Keālia



Educational sign on the natural history of monk seals at Po'ipū Beach Park (south Kaua'i)

3.3 SOCIO-ECONOMIC AND CULTURAL ENVIRONMENT

3.3.1 Archaeological, Historic, and Cultural Resources

Area of Potential Effect (APE)

The project alignment covers land within three ahupua'a from south to north: South Olohena, North Olohena, and Waipouli, and Kapa'a. The Area of Potential Effect (APE) is shown in Figure 9. The initial APE was drawn as a corridor approximately 50 feet wide encompassing the preliminary alignment.

Information Sources

The information for this section is taken from an Archaeological Assessment prepared in 2004 for the original project corridor and an Archaeological Inventory Survey (AIS) conducted in 2012 for Phases C & D.

Archaeological Assessment

A report 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*, April 2004, was prepared by Hallett H. Hammatt and David Shideler of Cultural Surveys Hawai'i for the original path project.

Archaeological Inventory Survey

After initiation of consultations pursuant to Section 106 of the National Historic Preservation Act, an archaeological inventory survey was conducted to provide consulted parties with additional information about historic properties within the APE. The findings were presented in a report titled *Draft Archaeological Inventory Survey Report for the Lydgate-Kapa'a Bike and Pedestrian Path Project, Phases C and D, CMAQ-0700(49), South Olohena, North Olohena, and Waipouli Ahupua'a, Kawaihau District, Island of Kaua'i, TMK: [4] 4-3-001, 002, and 007: Various prepared by Kelly L. Burke and Hallett H. Hammatt, October 2012* (see Appendix C).

The subsurface testing program included the excavation of 58 test units (48 small shovel tests and 10 larger test trenches).

The project area's subsurface deposits were found to be fairly undisturbed. In most cases, only landscaping and grading fill had disturbed, partially removed, or been placed on top of the natural sandy loam or sand sediments, much of which has been related to resort development along the coast. Buried, pre-Contact A horizons were evident in many of the test units. In general, the observed and documented stratigraphy consisted of the following sequence (starting with the topmost layer): (1) grass, organic matter, or asphalt, (2) various fill layers, such as landscaping and grading fill, (3) a sandy, buried A horizon, and (4) natural Jaucus sand. In some instances, layers of wind-deposited or high surf-deposited natural sand were observed.

The majority of documented, buried A horizons encountered within the project area contained cultural material. This included charcoal, shell midden, fire-cracked rock, basalt flakes, coral, and one human burial. This cultural layer was designated into three separate SIHP numbers based on pre-existing historic properties and locations: SIHP No. 50-30-08-791, 50-30-08-1800, and 50-30-08-1801. Due to the lack of discrete features, appropriate samples for carbon dating were not recovered.

Two new historic properties were documented within the project area during the AIS investigations, both believed to be traditional Hawaiian burials.

The AIS findings were consistent with findings reported in previous archaeological investigations which observed cultural layers suggestive of long occupation spanning several centuries and a range of activities along the coastline in this area.

Summary of Historic Properties within the APE

Eleven historic properties were identified within the APE (see Figure 9). For each historic property, the following pages provide a brief description, location, basis for valuation of significance, effect finding and explanation, and proposed mitigations.

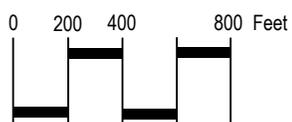
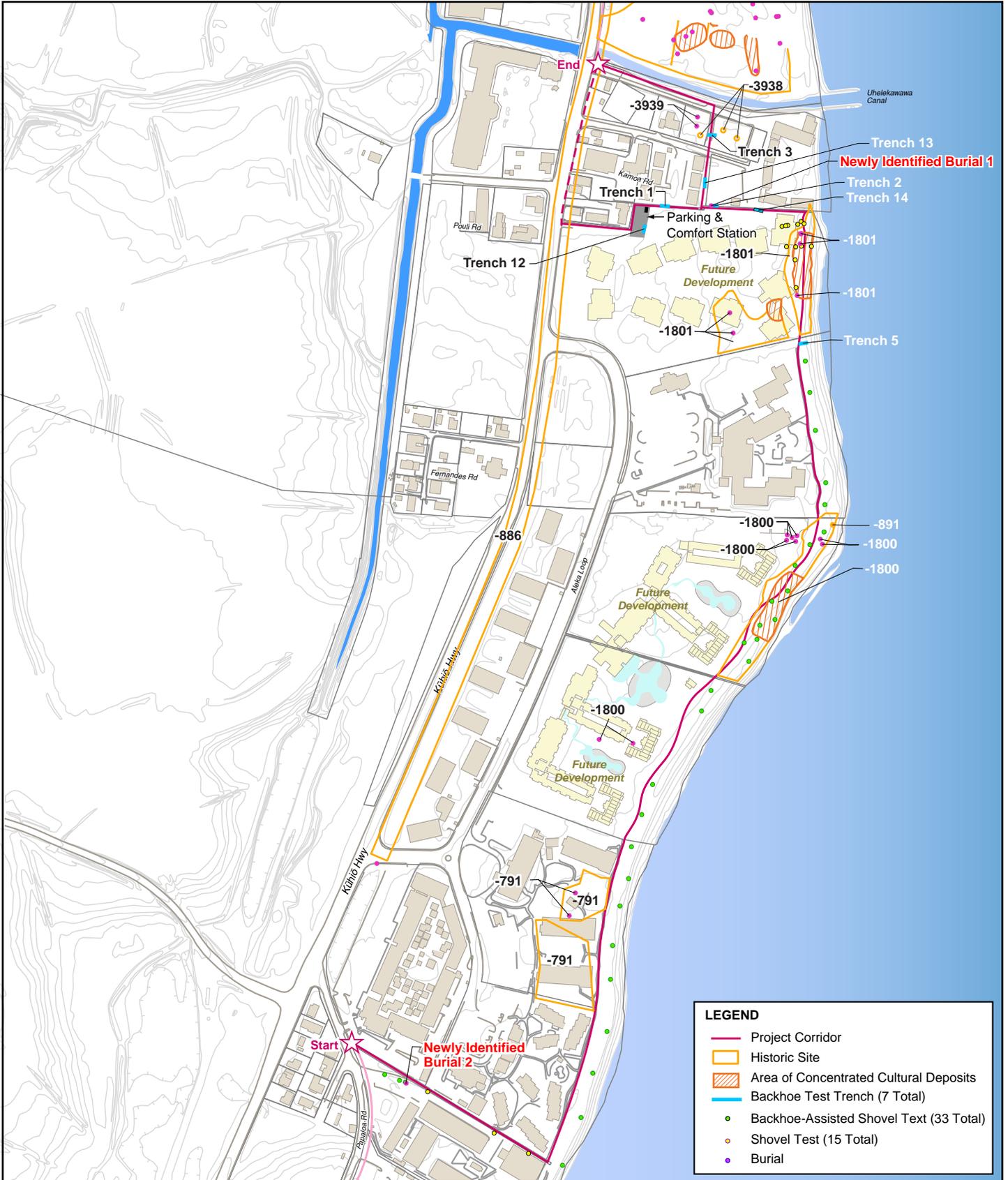


Figure 9
AREA OF POTENTIAL EFFECT (APE)

Lydgate Park - Kapa'a Bike/Pedestrian Path
Phases C & D



Future resort development based on preliminary plans, subject to change.

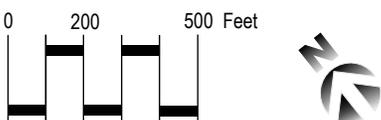


Figure 10
HISTORIC PROPERTIES
 Lydgate Park – Kapa'a Bike/Pedestrian Path
 Phases C & D

(1) SIHP 50-30-08-108 Kukui Heiau

<p>Brief Description</p>	<p>A navigational heiau with at least two stone lamps that guided canoes on the ocean</p> 
<p>Cultural Values</p>	<p>Associated with historic and legendary events and figures</p>
<p>Integrity/Condition</p>	<p>Good condition, well maintained</p>
<p>Location/Distance from Project Area</p>	<p>TMK: 4-3-002: 010 South Oloheua Ahupua'a at Alakukui Point, adjoining the Lae Nani Resort. The heiau is located about 300 feet southwest of the project corridor.</p>
<p>Valuation of Significance for National Register of Historic Places (NR) or Hawai'i Register of Historic Places (HR) Criteria</p>	<p>Placed on Hawai'i Register in 1986 and the National Register in 1987.</p>
<p>Eligible or Potentially Eligible for Listing in NR/HR</p>	<p>Already listed in NR and HR</p>
<p>Effect Finding</p>	<p>No effect At its closest, the path alignment is approximately 300 feet from the heiau. Kaua'i Sands Hotel is located between the path and the heiau. Although the path is expected to attract more people to the general vicinity, the path itself provides a clear route guiding pedestrians and bicyclists from the coastline to Papaloa Road and away from the heiau.</p>
<p>Proposed Mitigations</p>	<p>Directional sign to keep flow of pedestrians and bicycles away from the heiau.</p>

(2) **SIHP 50-30-08-791 Cultural Layer and Burials**

<p>Brief Description</p>	<p>Cultural layer with relatively high concentration of marine midden suggestive of substantial fishing activity; radiocarbon dating to A.D. 1275 to 1645; two burials</p> 
<p>Cultural Values</p>	<p>Valued by living community for their cultural attachment to <i>iwi kūpuna</i> and historically and culturally significant</p>
<p>Integrity/Condition</p>	<p>Continuous. The cultural layer mainly extant in makai or eastern portion of property (Perzinski et al. 2001:36)</p>
<p>Location/Distance from Project Area</p>	<p>TMK: 4-3-002: 014 South Olohena Ahupua'a, northeast coast; the historic property (cultural layer) is located within the Kaua'i Coast Resort property, but may extend into the project corridor</p>
<p>Valuation of Significance for National Register of Historic Places (NR) or Hawai'i Register of Historic Places (HR) Criteria</p>	<p>D (information) for NR D (information) and E (cultural traditional significance) for HR</p>
<p>Eligible or Potentially Eligible for Listing in NR/HR</p>	<p>Yes</p>
<p>Effect Finding</p>	<p>No adverse effect with mitigation commitments This historic site is located within developed hotel property which contains an existing private sidewalk. An archaeological and cultural monitoring plan will be implemented to address cultural materials.</p>
<p>Mitigations</p>	<p>Archaeological monitoring plan Opportunity for interpretive sign</p>

(3) SIHP 50-30-08-886 Cultural Layer and Burials

<p>Brief Description</p>	<p>Cultural layer with hearth remnant, 'auwai, and two sets of previously disturbed disarticulated human remains (SIHP 50-30-08-886A)</p> 
<p>Cultural Values</p>	<p>Valued by living community for their cultural attachment to <i>iwi kūpuna</i> and historically and culturally significant</p>
<p>Integrity/Condition</p>	<p>Cultural layer intact, continuous. Burial condition unknown</p>
<p>Location/Distance from Project Area</p>	<p>Site -886 is located within the Kūhiō Highway right-of-way and frontage of abutting properties. The historic site begins at the intersection with Aleka Loop near Coconut Market Place in the south, and extends north past Uhelekawawa Canal.</p>
<p>Valuation of Significance for National Register of Historic Places (NR) or Hawai'i Register of Historic Places (HR) Criteria</p>	<p>D (information) for NR D (information) and E (traditional cultural significance) for HR</p>
<p>Eligible or Potentially Eligible for Listing in NR/HR</p>	<p>Yes</p>
<p>Effect</p>	<p>No adverse effect with proposed mitigation commitments This historic site is located within and along the Kūhiō Highway right-of-way. An archaeological and cultural monitoring plan will be implemented to address cultural materials.</p>
<p>Mitigations</p>	<p>Archaeological monitoring plan</p>

(4) SIHP 50-30-08-891 WWII Pillbox

<p>Brief Description</p>	<p>Concrete WWII-era military structure, likely a military pillbox or machine gun emplacement</p> 
<p>Cultural Values</p>	<p>Associated with historic events</p>
<p>Integrity/Condition</p>	<p>The structure is a combination of brick and reinforced concrete construction. According to a field investigation report in 2003, the four walls and floor of the structure exhibited significant cracking and weathering. No roof was present.</p>
<p>Location/Distance from Project Area</p>	<p>TMK: 4-3-007: 016 North Olohena Ahupua'a, northeast corner of Lot 16 on the coast. This vacant lot is located immediately south of Courtyard Kaua'i, and entitled for development as Coconut Beach Resort.</p>
<p>Valuation of Significance for National Register of Historic Places (NR) or Hawai'i Register of Historic Places (HR) Criteria</p>	<p>D (information) for NR D (information) for HR</p>
<p>Eligible or Potentially Eligible for Listing in NR/HR</p>	<p>Yes</p>
<p>Effect</p>	<p>No effect The pillbox is located makai of the proposed path alignment and will be retained as a historic feature.</p>
<p>Mitigations</p>	<p>Interpretive sign</p>

(5) **SIHP 50-30-08-1800 Cultural Layer and Burials**

<p>Brief Description</p>	<p>Two cultural layers in the shoreline sand berm; an upper deposit extends 25-80 feet inland from the shore; a lower deposit extends 40-100 feet inland from the shore; three burials uncovered and left in place; probably occupied about A.D. 1500; the extensive nature of deposits and relative lack of artifacts suggests that the area was used for recreation or social gatherings</p> 
<p>Cultural Values</p>	<p>Valued by living community for their cultural attachment to <i>iwi kūpuna</i> and historically and culturally significant</p>
<p>Integrity/Condition</p>	<p>Cultural layer continuous and intact</p>
<p>Location/Distance from Project Area</p>	<p>TMK: 4-3-007:016 North Olohena Ahupua'a, beach portion of land that is currently vacant, but entitled for development as Coconut Beach Resort. The cultural layer extends into the path corridor.</p>
<p>Valuation of Significance for National Register of Historic Places (NR) or Hawai'i Register of Historic Places (HR) Criteria</p>	<p>D (information) for NR D (information) and E (traditional cultural significance) for HR</p>
<p>Eligible or Potentially Eligible for Listing in NR/HR</p>	<p>Yes</p>
<p>Effect</p>	<p>No adverse effect with mitigation commitments</p> <p>This historic property is located on land currently undeveloped, but entitled for resort development. The proposed path alignment avoids known burial sites. The path is proposed for construction on a berm to minimize subsurface disturbance in the area of concentrated cultural deposits. An archaeological and cultural monitoring plan will be implemented to address cultural materials.</p>
<p>Mitigations</p>	<p>Archaeological monitoring plan Construction on a berm (fill) to minimize subsurface excavation</p>

(6) SIHP 50-30-08-1801 Cultural Layer and Burials

<p>Brief Description</p>	<p>Two cultural layers and five burials are located in the shoreline sand berm; radiocarbon dated to approx. A.D. 1500; numerous indigenous artifacts suggest a development sequence from a limited workshop area to a site of permanent occupation</p> 
<p>Cultural Values</p>	<p>Valued by living community for their cultural attachment to <i>iwi kūpuna</i> and historically and culturally significant</p>
<p>Integrity/Condition</p>	<p>Cultural layer continuous and intact. Condition of burials is unknown</p>
<p>Location/Distance from Project Area</p>	<p>TMK: 4-3-007: 027 Waipouli Ahupua'a, beach portion of land that is currently vacant, but entitled for development as Coconut Plantation. The cultural layer extends into the path corridor.</p>
<p>Valuation of Significance for National Register of Historic Places (NR) or Hawai'i Register of Historic Places (HR) Criteria</p>	<p>D (information) for NR D (information) and E (traditional cultural significance) for HR</p>
<p>Eligible or Potentially Eligible for Listing in NR/HR</p>	<p>Yes</p>
<p>Effect</p>	<p>No adverse effect with mitigation commitments This historic property is located on land currently undeveloped, but entitled for resort development. The proposed path alignment avoids known burial sites. The path is proposed for construction on a berm to minimize subsurface disturbance in the area of concentrated cultural deposits. An archaeological and cultural monitoring plan will be implemented to address cultural materials.</p>
<p>Mitigations</p>	<p>Archaeological monitoring plan. Construction on a berm (fill) to minimize subsurface excavation. Interpretive sign. Align path as far mauka as feasible.</p>

(7) SIHP 50-30-08-1836 Cultural Layer and Burials

Brief Description	Cultural layer with numerous features. Data suggest this site was a moderate permanent settlement that may have been a staging area for fishing events and associated feasting and religious activities, a location for canoe construction, repair, and storage, a location for manufacture of shell tools and slingstone, and special place for tattooing
Cultural Values	Valued by living community for their cultural attachment to <i>iwi kūpuna</i> and historically and culturally significant
Integrity/Condition	Cultural layer continuous and intact. Condition of burials is unknown
Location/Distance from Project Area	TMK: 4-3-008:018 Waipouli Ahupua'a, from coast to Kūhiō Highway; Waipouli Beach Resort, located north of Uhelekawawa Canal
Valuation of Significance for National Register of Historic Places (NR) or Hawai'i Register of Historic Places (HR) Criteria	D (information) for NR D (information) and E (traditional cultural significance) for HR
Eligible or Potentially Eligible for Listing in NR/HR	Yes
Effect	No effect This historic property has been established as a cultural preserve within the Waipouli Beach Resort. Uhelekawawa Canal serves as a barrier, with no direct access to the historic site from the public path.
Mitigations	None

(8) SIHP 50-30-08-3938 Cultural Layer

<p>Brief Description</p>	<p>A pit feature with charcoal and fire-cracked rocks was recorded. The radiocarbon dating result for this feature, dated to AD 1690-1775, was first reported in a subsequent monitoring report for the property</p> 
<p>Cultural Values</p>	<p>Valued by living community and historically and culturally significant</p>
<p>Integrity/Condition</p>	<p>Unknown</p>
<p>Location/Distance from Project Area</p>	<p>TMK: 4-3-007: 008 and 009 North Olohena Ahupua'a, residential properties. One option is for the path to travel north-south across TMK 4-3-007: 09, approximately through the abandoned road segment shown in the photo above.</p>
<p>Valuation of Significance for National Register of Historic Places (NR) or Hawai'i Register of Historic Places (HR) Criteria</p>	<p>D (information) for NR D (information) and E (traditional cultural significance) for HR</p>
<p>Eligible or Potentially Eligible for Listing in NR/HR</p>	<p>Yes</p>
<p>Effect</p>	<p>No adverse effect with mitigation commitments AIS test trenches (3 and 13) along the proposed path alignment found no cultural material. at either trench site. An archaeological and cultural monitoring plan will be implemented to address cultural materials uncovered during construction.</p>
<p>Mitigations</p>	<p>Archaeological monitoring plan</p>

(9) SIHP 50-30-08-3939 Two Burials

<p>Brief Description</p>	<p>Two pre-Contact/early historic Hawaiian burials</p> 
<p>Cultural Values</p>	<p>Valued by living community for their cultural attachment to <i>iwi kūpuna</i> and historically and culturally significant</p>
<p>Integrity/Condition</p>	<p>Unknown</p>
<p>Location/Distance from Project Area</p>	<p>TMK: 4-3-007:008 North Olohena Ahupua'a, located on an undeveloped residential property. Burial sites are estimated to be 50 feet from the project corridor.</p>
<p>Valuation of Significance for National Register of Historic Places (NR) or Hawai'i Register of Historic Places (HR) Criteria</p>	<p>D (information) for NR D (information) and E (traditional cultural significance) for HR</p>
<p>Eligible or Potentially Eligible for Listing in NR/HR</p>	<p>Yes</p>
<p>Effect</p>	<p>No effect The preferred path alignment runs north-south along the makai side of Village Manor apartments. Two burials are located on an adjacent residential property. The path avoids the burial sites.</p>
<p>Proposed Mitigations</p>	<p>None</p>

(10) SIHP No. to be determined, Burial 1

Brief Description	Burial likely pre-Contact to early post-Contact in age
Cultural Values	Valued by living community for their cultural ties to <i>iwi kūpuna</i> . Historically and culturally significant
Integrity/Condition	Well-maintained, intact
Location/Distance from Project Area	TMK: 4-3-007: 026 Within County beach access, near Mokihana of Kaua'i tennis court
Valuation of Significance for National Register of Historic Places (NR) or Hawai'i Register of Historic Places (HR) Criteria	D (information) for NR D (information) and E (traditional cultural significance) for HR
Eligible or Potentially Eligible for Listing in NR/HR	Yes
Effect	No adverse effects with mitigation commitments The path was initially located within an existing County easement for beach access. The path will be realigned to avoid the burial site and a burial treatment plan will be developed.
Mitigations	Burial treatment plan to be developed with input from Section 106 consulted parties and submitted to the Kaua'i/Ni'ihau Island Burial Council for review and approval Realignment of the path to avoid burial, including acquisition of additional right-of-way

(11) SIHP No. to be determined, Burial 2

Brief Description	A previously disturbed human burial located adjacent to an old utility line. A partial, disturbed burial pit was also observed. This burial is likely pre-Contact to early post-Contact
Cultural Values	Valued by living community for their cultural attachment to <i>iwi kūpuna</i> and historically and culturally significant
Integrity/Condition	Partially disturbed
Location/Distance from Project Area	TMK: 4-3-002: 012 The burial site was surveyed and found to be located on the Kaua'i Sands Hotel property. It is within a landscaped area off Papaloa Road and south of Coconut Market Place.
Valuation of Significance for National Register of Historic Places (NR) or Hawai'i Register of Historic Places (HR) Criteria	D (information) for NR D (information) and E (traditional cultural significance) for HR
Eligible or Potentially Eligible for Listing in NR/HR	Yes
Effect	No effect In this section, the proposed path alignment uses an existing County easement. The burial was found outside the easement; therefore, the path will avoid the burial site.
Mitigations	Burial treatment plan to be developed with input from Section 106 consulted parties and submitted to the Kaua'i/Ni'ihau Island Burial Council for review and approval

Summary of Effects

SIHP No.	TMK	Type of Historic Property	Adverse Effect	No Adverse Effect with Mitigation Commitments	No Effect
50-30-08-108	4-3-002:010	Heiau			x
50-30-08-791	4-3-002:014	Cultural layer		x	
50-30-08-886	Kūhiō Hwy	Cultural layer, burials		x	
50-30-08-891	4-3-007:016	WWII pillbox			x
50-30-08-1800	4-3-007:016	Cultural layer, burials		x	
50-30-08-1801	4-3-007:027	Cultural layer, burials		x	
50-30-08-1836	4-3-008:018	Cultural layer, burials			x
50-30-08-3938	4-3-007:008 and 007	Cultural layer		x	
50-30-08-3939	4-3-007:008	Burials			x
50-30-08-	4-3-007:026	Burial		x	
50-30-08-	4-3-002:012	Burial			x

Other Properties Mentioned by Section 106 Consulted Parties

Ironwood Stands and Existing Footpath (TMK: 4-3-007:027)

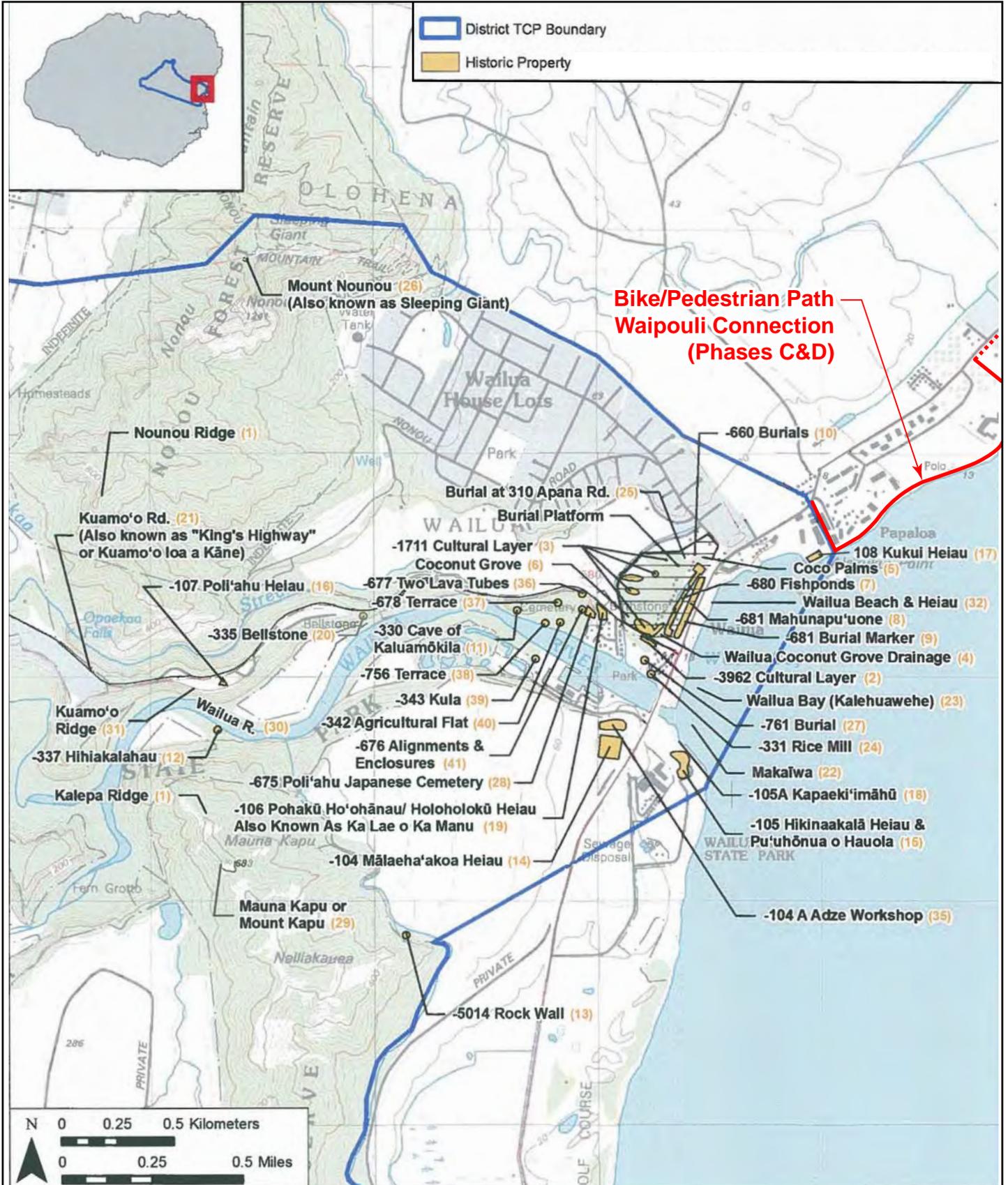
The Kaua'i Group of the Hawai'i Chapter of the Sierra Club (letter dated April 4, 2012 and comments by Rayne Regush, Public Meetings 4 and 5) stated that the mature ironwood trees along the coast and the footpath through them are important to the historic characteristic of the area and need to be retained to preserve the historic, scenic, and cultural qualities of the area.

Archaeological consultant Hal Hammatt, Cultural Surveys Hawai'i, commented that the trail has no visible structural elements except as a worn path through the ironwoods. As a "route," the footpath is more than 50 years old, as is nearly any path parallel to the shoreline. The ironwoods are modern introductions. In his opinion, these elements would not qualify as a historic property under the present criteria. The footpath may be an element of the cultural landscape, although the property is slated for resort development which is expected to change the contextual environmental. In the next engineering design and construction phase, the location of the footpath relative to the shoreline and setback areas will be determined. The path will be located as far mauka as feasible and not incorporate the existing footpath.

Entire Project Area (Waipouli Coast) as a Whole

Several consulted parties commented that the area as a whole is historically and culturally significant, and that a shared use path would be inconsistent with the sacredness of the area. Other consulted parties commented that while the area's historical significance remains important, the physical environment is dominated by modern resort development which has already diminished the historical context. They also noted that future resort development on the infill properties would intensify the urban character and further inhibit public access to coastal locations; referencing, for example, the boulders marking the Courtyard Kaua'i property (see Photo7).

The recently established Wailua Traditional Cultural Property (TCP) demarcates historic property of importance to the Native Hawaiian community's historically rooted beliefs, customs, and practices. A portion of the Lydgate Park to Kapa'a bike/pedestrian path traverses the Wailua TCP; however, the alignment for this project (specifically Phases C & D) lies outside the Wailua TCP boundary (see Figure 11).



**Bike/Pedestrian Path
 Waipouli Connection
 (Phases C&D)**

**Figure 11
 WAILUA TRADITIONAL CULTURAL PROPERTY (TCP)**

Lydgate Park – Kapa'a Bike/Pedestrian Path
 Phases C & D

Effect Determination:

The FHWA determined that the project will have no adverse effect on historic properties based on surface and subsurface observations, consultations with Native Hawaiian Organizations (NHOs) and other interested parties, and an evaluation of significance criteria (see Appendix B).

Phases C & D of the Lydgate Park to Kapa‘a bike/pedestrian path traverses the coastal portion of the ahupua‘a of South Olohena, North Olohena, and Waipouli. Archaeological resources found in the project corridor indicate an area of long occupation and the occurrence of a wide range of coastal activities.

Project construction is expected to have a limited potential for adverse effect on subsurface resources. With the exception of the comfort station, excavation requirements will be relatively shallow—the path itself typically involves excavation to a maximum depth of one foot. To further reduce the potential for construction impacts, project designers will examine options to construct the path on a berm or fill in areas where concentrations of subsurface deposits have been found. To mitigate any potential damage to known (documented) or yet unidentified historic properties, project construction will proceed under an archaeological monitoring program. The monitoring program will facilitate the identification and proper treatment of any additional burials that might be discovered during project construction, and will gather additional information regarding the project’s non-burial archaeological deposits, should any be discovered.

Burials have been found within seven properties located within the APE. Of these, the path alignment avoids all known burials sites. Burials identified during the AIS will be treated in accordance with a burial treatment plan to be prepared in compliance with HAR 13-300-33. To avoid an adverse effect on Burial 1, discovered between an existing concrete sidewalk and the tennis court at Mokihana of Kaua‘i, the County is working to realign the path around the burial site.

Mitigation Measures:

Mitigation measures during the construction of the proposed improvements have been and will continue to be implemented to avoid and minimize potential impacts to archaeological, cultural, and historic resources. The following mitigation measures have been or will be implemented, at a minimum:

- If cultural materials are discovered during construction, all earth-moving activity within and around the immediate discovery area will be diverted until a qualified archaeologist can assess the nature and significance of the find.
- If human remains are discovered, Hawai'i Administrative Rules Title 13, Subtitle 13, Chapter 300 states that further disturbances and activities shall cease in any area or nearby area suspected to overlie remains, and SHPD and Police Department will be contacted. The appropriate process would then proceed in conformance with Hawai'i Administrative Rules §13-300 Subchapter 4 "Procedures for Property Treatment of Burial Sites and Human Skeletal Remains."
- If human remains are discovered, burial treatment plans developed with input from Section 106 NHO consulted parties will be submitted to the Kauai/Ni'ihau Island Burial Council for review and approval.

The County of Kaua'i will prevent the disturbance or taking of any historic property or resource to the extent possible by instituting these mitigation measures and enforcing their implementation by contractors.

Summary of Site Specific Mitigation Measures

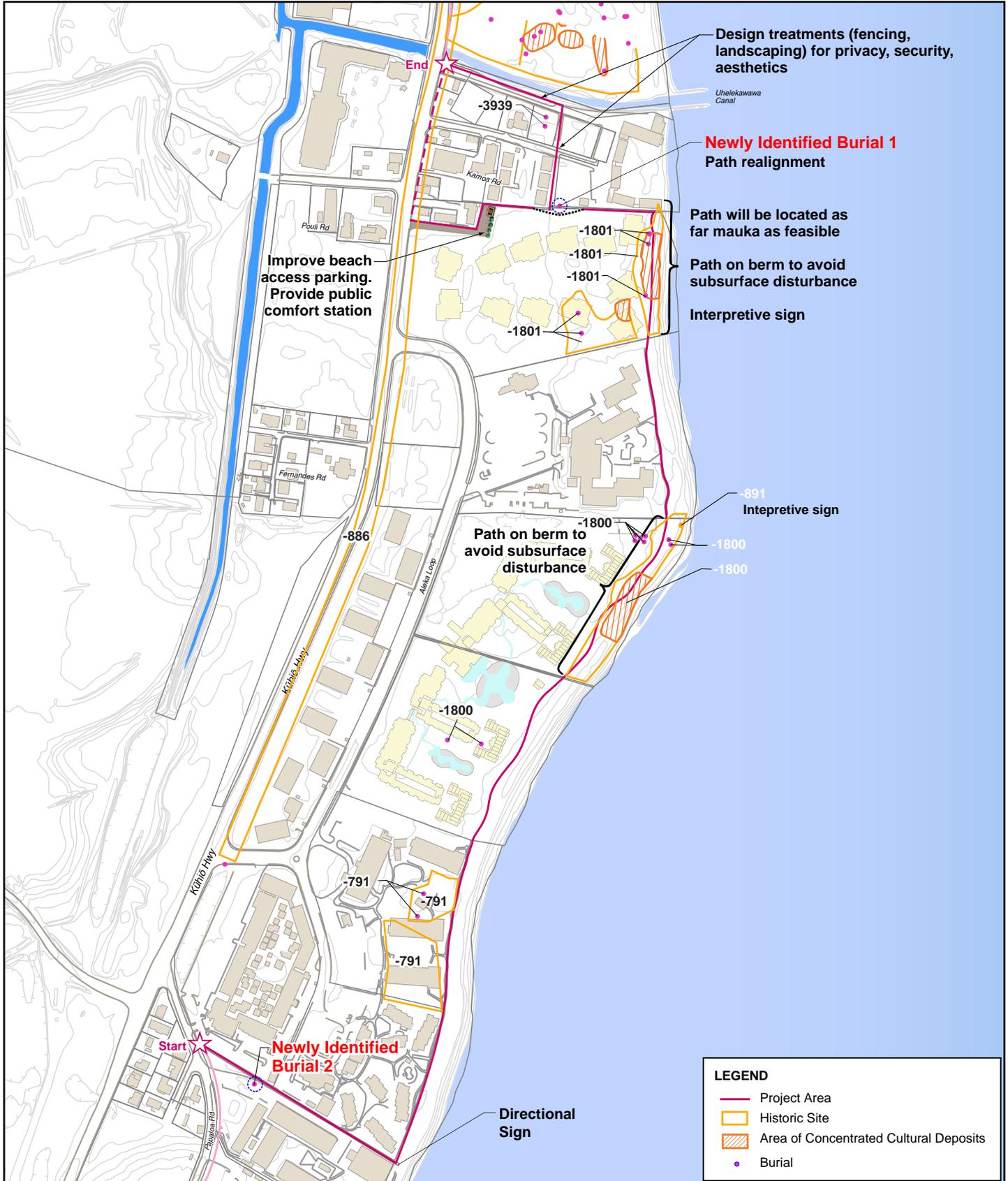
See also, Figure 12

SIHP No.	TMK	Type of Historic Property	Mitigation Commitments
50-30-08-108	4-3-002:010	Heiau	Directional sign to keep flow of pedestrians and bicycles away from the heiau
50-30-08-791	4-3-002:014	Cultural layer	Archaeological and cultural monitoring plan Interpretive sign
50-30-08-886	Kūhiō Hwy	Cultural layer, burials	Archaeological and cultural monitoring plan
50-30-08-891	4-3-007:016	WWII pillbox	Interpretive sign
50-30-08-1800	4-3-007:016	Cultural layer, burials	Archaeological and cultural monitoring plan Path construction on a berm (fill) over area(s) of concentrated cultural deposits to minimize the need for subsurface excavation

SIHP No.	TMK	Type of Historic Property	Mitigation Commitments
50-30-08-1801	4-3-007:027	Cultural layer, burials	Archaeological and cultural monitoring plan Path construction on a berm (fill) over area(s) of concentrated cultural deposits to minimize the need for subsurface excavation Interpretive sign Path will avoid existing footpath and be located as far mauka as feasible
50-30-08-1836	4-3-008:018	Cultural layer, burials (Waipouli Beach Resort)	None
50-30-08-3938	4-3-007:008 and 007	Cultural layer	Archaeological and cultural monitoring plan
50-30-08-3939	4-3-007:008	Burials	None
50-30-08-	4-3-007:026	Burial 1 (north)	Burial treatment plan Realign path to avoid burial
50-30-08-	4-3-002:012	Burial 2 (south)	Burial treatment plan

Additional Proposed Mitigations that are Not Specific to Historic Properties

- Ethnographic study of the Waipouli coast
- Fencing, landscaping, and/or other barrier between path and adjacent residences
- Improvements to public parking for coastal access



Future resort development based on preliminary plans, subject to change.

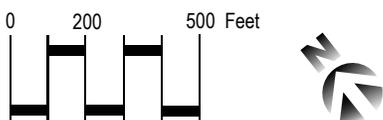


Figure 12
HISTORICAL AND CULTURAL MITIGATIONS

Lydgate Park – Kapa'a Bike/Pedestrian Path
 Phases C & D

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 by Cultural Surveys Hawai'i (CSH). Findings are presented in a report titled *Cultural Impact Assessment for Lydgate Park-Kapa'a Bike & Pedestrian Path, Phases C&D, CMAQ-0700(49), South Olohena, North Olohena and Waipouli Ahupua'a, Kawaihau District, Kaua'i Island, TMK: [4] 4-3-001, 002, and 007: Various*, prepared by Kūhiō Vogeler, Margaret Magat, and Hallett H. Hammatt, January 2012 (see Appendix D). The report was made available to Section 106 consulted parties through a web link.

Findings

Kama'āina (native born, one born in a place) and kūpuna (elders) with knowledge of the proposed project and study area participated in semi-structured interviews in February 2011. CSH attempted to contact 41 individuals for the CIA, of which 14 responded via email or phone. Five people provided written statements (two of which are the Office of Hawaiian Affairs (OHA) and SHPD responses), four participated in formal, individual interviews and ten participated in a group interview. The group interview has not been approved for release and public dissemination.

Summarized below is the information gathered from community consultation

1. The project area and environs, in particular, the shoreline has a long history of use by Kānaka Maoli (Native Hawaiians) and other kama'āina (native born) groups for a variety of cultural activities and gathering practices. Several participants discussed the spiritual nature of Wailua and its numerous wahi pana (sacred sites or celebrated places), sharing mo'olelo (story or legend) about heiau, pōhaku (rock), iwi (bones), and the activities of spirit people. Community interviewees noted the importance of wai or water and abundance of marine resources such as tilapia, mullet, spiny lobster, and a'ama crab; traditional fishing methods and the preparation of chum; the need to respect iwi kūpuna (bones of ancestors) and other cultural resources; and the observance of correct protocol and attitude in beginning a project.

2. Wahi Pana. The responses regarding wahi pana and mo'olelo relate primarily to Wailua Ahupua'a. Interviewee, Mr. Milton K. C. Ching, explained: "In the old days, there were no boundaries. Although there are boundaries in maps that say this is Waipouli, this is Wailua, this is Kapa'a, Hawaiians that lived here traversed back and forth for fishing and stuff. There wasn't really a boundary. They survived and lived." Thus, the wahi pana and mo'olelo of the area draw few distinctions between Waipouli, Olohena (North and South), and Wailua Ahupua'a.

For this project, the specificity regarding Phases C & D of the shared use path did not seem to resonate with many of those consulted for the study. Some people described the cumulative impact of the projects as an atmosphere of unresolved sadness, indicated specifically in the letter from the OHA. There are individual ahupua'a and separate wahi pana, but some responses

(OHA, SHPD, Mr. Diego-Josselin, Mr Ako, Mr. Ching) draw connections between wahi pana, linking Waipouli, Olohena, and Wailua into one larger context.

3. Wai (water). In one interview, Makaīwa (surf site) and Papaloa (reef) are the off-shore resources specifically identified as impacted by the proposed path. Ms. Sophronia Noelani Diego-Josselin mentioned the rights of Indigenous Peoples “to maintain and strengthen... waters and coastal seas and other resources.” SHPD, in its statement, discusses the need for access to water resources: “The department is mindful that traditional access in the project area to cultural places mauka for resources in the general ahupua‘a and/or to the ocean should be considered in your study that may impact the general community as well as cultural practitioners.”

Mr. Ching described Uhelekawawa Canal and the fish, like tilapia and mullet, in the shallow waterway. The project would pass over this canal.

The maintenance of these areas is important for the project and for the community that lives near this project.

4. Historical and Cultural Properties. The responses from OHA, SHPD, Ms. Diego-Josselin, as well as archaeological sites and studies in the area, indicate that historic properties are concerns.

Ms. Diego-Josselin summarized her cultural concerns regarding the cultural properties as follows: Native Hawaiian’s religion and spirituality are rooted in the land or ‘āina. Sacred sites provide the physical foundation for mo‘olelo or stories that connect each new generation to their ancestors and weaves them into their culture and defines their identity. The protection of sacred sites and defending the ability to conduct rituals and ceremonies at these sites in private and without disruption are, therefore, vital to maintaining and passing from generation to generation the distinct identities, traditions, and histories of our people.

5. Heiau. Heiau offer a larger cultural and psychological link for many people in this study and for communities of these ahupua‘a. These heiau, as a focal point of the Wailua through Waipouli community, help expand the context for discussion of cultural impacts.

6. Iliina (grave). Iliina are the main concern of the community participants interviewed for this study. Iliina offer a substantive genealogical link to the ancestors and the land. At least five participants in this CIA specifically mentioned the possibility of finding burials within the project area.

Noting that he does not agree with some decisions made by the Kaua‘i/Ni‘ihau Burial Council, Mr. Ching stated his preference for preserving burials in place. Ms. Cheryl Lovell-Obatake recommended “SHPD and PW [Kaua‘i County, Department of Public Works] require that the applicant have a certified archaeologist on site during any and all ground/underground disturbances; such as extracting of trees and relocating them. I am concerned about Native Hawaiian burials and funerary objects connected to Native Hawaiian burials.”

Both Mr. Valentine Ako and Ms. Beverly Muraoka cautioned that more iwi (bones) will be found in the project area. Mr. Ako believes that there will likely be graves found in the sandy areas of the project area and Mrs. Muraoka related the same concern. Mr. Ako emphasized that iwi found in the ahupua'a must stay in that ahupua'a. If iwi are discovered, he recommends keeping them in place in the ahupua'a where they were found, preferably in an inconspicuous place and then holding a good burial service.

OHA similarly cautioned about the discovery of bones along the beach. SHPD is "concerned with any ground disturbance work which may uncover burials or burial sites in sandy areas such as this project."

7. Ala Hele (pathway, route, road). Regarding the course of the shared use path, there were varying opinions. Mr. Ako said that the area by the Coconut Marketplace will need a stoplight or an overpass, "because traffic is so heavy, that there could be accidents." He believes the traffic should be on Papaloa Road before it goes down to Kaua'i Sands Hotel. Mr. Ching remains skeptical about the viability of the proposed shared use path, noting a lack of users on a previous path near the beach. Mrs. Sally Jo Manea recommended buffers in areas where the cars and people are going to be sharing the same route. She calls for the path to be kept on the coast, as it would offer both "physical and mental therapy" and be "a wonderful way to keep healthy."

3.3.2 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 lies in the Kawaihau judicial district, which is composed of several neighborhoods, including Wailua, Kapa'a, and Anahola-Keālia. Population counts are shown in the table below. In the 2010 census, Kawaihau had a population of 20,992. By comparison, the second largest district, Līhu'e, had a population of 14,683 in 2010. Over the 20 year period from 1990 to 2010, Kawaihau District experienced a net increase of 5,365 persons or 34.3 percent. This level of growth was the largest among all the judicial districts.

Population by Census Tract, District, and Island: 1990, 2000, and 2010

Census Tract*	1990	2000	2010	1990 to 2000		2000 to 2010		1990 to 2010	
				Net Change	Pct Change	Net Change	Pct Change	Net Change	Pct Change
Anahola	2,178	3,123	3,715	945	43.4%	592	19.0%	1,537	70.5%
Wailua	6,622	7,750	8,892	1,128	17.0%	1,142	14.7%	2,270	34.3%
Kapa'a	6,827	7,652	8,385	825	12.1%	733	9.6%	1,558	22.8%

Census Tract*	1990	2000	2010	1990 to 2000		2000 to 2010		1990 to 2010	
				Net Change	Pct Change	Net Change	Pct Change	Net Change	Pct Change
Kawaihau District	15,627	18,525	20,992	2,898	18.5%	2,467	13.3%	5,365	34.3%
<i>Kawaihau population as a percentage of Kaua'i</i>	<i>30.7%</i>	<i>31.8%</i>	<i>31.4%</i>						
Kaua'i Island	50,940	58,303	66,921	7,363	14.5%	8,618	14.8%	15,981	31.4%

Source: U.S. Census Bureau, 1990, 2000, 2010

* Anahola-Keālia = CT 402.01

Wailua = CT 402.02

Kapa'a = CT 403

Among the five judicial districts on Kaua'i, Kawaihau district has the largest concentration of residents with approximately 31.4 percent of the island's population. A distinguishing feature of 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 a smaller number of 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 Kawaihau).

The Department of Business, Economic Development, and Tourism (DBEDT) reported that in 2010, Kaua'i's de facto population was 81,242. Unlike the U.S. census, which counts residents, de facto population provides an estimate of the number of people present on the average day, including visitors. Subtracting the number of residents from the de facto population, yields a rough approximation of the number of visitors islandwide—14,321. Although the de facto population is not calculated for geographic subdivisions below the county level, it's possible to generate another rough calculation based on the distribution of visitor units developed by the Hawai'i Tourism Authority (HTA). The HTA reports 2,029 visitor units in Kawaihau or approximately 22 percent of the islandwide total. Applying this percentage to the number of visitors suggests that 3,150 visitors are present in the Kawaihau district on any given day.

In the near term, visitor and residential growth is expected to continue on the Eastside. The Waipouli Beach Resort and 82-unit Courtyards at Waipouli on Papaloa Road were completed recently. The HTA's 2011 Visitor Plant Inventory identifies 799 units as "planned additions and new developments in Kawaihau." Included among the future developments are two new resorts planned for the Waipouli coast involving some 525 units.

Potential Impacts and Mitigation Measures

No Action Alternative: The no action alternative will not affect population or demographic characteristics in the project area.

Build Alternatives:

The proposed action is not expected to increase the number of residents or to change the demographic characteristics. However, existing residents and visitors support the need for a shared use path in the area. There is a concentration of residents and visitors within a relatively small area, and who are within comfortable walking and bicycling distances to numerous businesses and community facilities. 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.

3.3.3 Economic and Fiscal Resources

The economy of Kaua'i has transformed from a plantation economy to a modern economy with a mix of tourism, diversified agriculture, construction, retail, and professional businesses. Through the 1990s and 2000s, the island economy has 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 relatively robust as evidenced by an unemployment rate in July 2013 of 5.3 percent according to the U.S. Bureau of Labor Statistics. Although slightly higher than the unemployment rate for the state as a whole (4.5 percent), it was nonetheless lower than the U.S. rate (7.4 percent).

Industries

According to *County Business Patterns*, a database maintained by the U.S. Census Bureau, there were 23,784 paid employees on Kaua'i in all civilian economic sectors in 2011. Annual payroll amounted to \$789.2 million. In 2011, the five largest industries were accommodations and food services (7,162 employees), retail trade (4,016 employees), health care and social assistance (2,693 employees), administrative and support and waste management and remediation services (1,702 employees), and real estate and rental and leasing (1,232 employees)

Income

Household incomes within Kawaihau District vary by census tract. According to information provided in the 2010 U.S. Census, median incomes were \$52,022 in Anahola-Keālia (Census Tract 402.01), \$59,712 in Kapa'a (Census Tract 403), and \$76,982 in Wailua (Census Tract 402.02). In comparison, median household income for Kaua'i County was \$63,317 and \$64,661 for the state as a whole.

Potential Impacts and Mitigation Measures

No Action Alternative: Ke Ala Hele Makalae, the coastal path in east Kaua'i has become a popular visitor activity. In November 2013, the crowd-sourced travel website, TripAdvisor, listed the path as #6 out of 154 Kaua'i attractions. Because this project will fill a key gap in the

path system and the Waipouli visitor destination area, the no action alternative would have an adverse economic effect compared to the build alternatives.

Build Alternatives:

Short-term Economic Impacts

The proposed action is anticipated to have several types of economic impacts. One type is construction related employment and income. 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 rather than 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) would have a positive cumulative effect 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.

Fiscal Impacts

County revenues rely on tax revenues from privately owned property and improvements and a share of general excise and transient occupancy taxes. To the extent that the path is an amenity contributing to the competitive advantage of the Kaua'i visitor market, it would have some impact on increased tax revenues. 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 will be required by the Department of Parks and Recreation and, possibly other County agencies, to maintain, operate, and provide security services. Public funds will be needed to support County workers and their equipment.

Property Values

Concerns have been raised that the proposed facility might reduce the value of adjacent properties. 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 percent are bicyclists and 20 percent are pedestrians; 80 percent are recreational users, and 20 percent are commuters.

Data for the study came from several sources, including residents near and adjacent to the trail (72 percent 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 percent more as a result of its proximity to the trail. Property immediately adjacent to the trail sold for 0-0.5 percent 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 percent of the homeowners said there were any problems associated with the trail that were serious enough for them to consider moving. The 3 percent 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 percent 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.

A study published by the Delaware Center for Transportation (Racca and Dhanju, 2006), examined literature related to impacts on property values with the introduction of bicycle paths and developed a statistical model using Delaware property data to examine the impact of bicycle paths on nearby housing. As part of an extensive literature review, the authors found that there is a large portion of the population who sees bike paths as an amenity and will seek out residences

near them. The authors also referred to studies which found that people moving into areas near bike paths tend to see them more favorably than those who lived in neighborhoods before a path was constructed. Their own model predicted that proximity to a bicycle path would be expected to slightly increase property values by about \$8,800.

To date, there is not much evidence that property values will be adversely affected. The overall success of paths and greenways depends on attention to design and maintenance and addressing issues and problems with property owners promptly.

3.3.4 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. 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

No Action Alternative: The no action alternative will not affect scenic or visual resources.

Build Alternatives:

This project is not anticipated to have noticeable impacts on view planes of the coastline. 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.

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 accessible and define a clear public pathway, it will expand access to view corridors for a larger segment of the community.

Mitigation Measures: No mitigation measures are needed

3.3.5 Park Resources

The path operates as a linear park and also serves to connect several County beach parks, the Kapa'a Neighborhood Center, and swimming pool, as well as other public facilities, such as Kapa'a Public Library.

Phases C & D will traverse the northern portion of the County-owned Waipouli Beach Park. The park occupies approximately 6.36 acres, and is contiguous with and north of Wailua Beach Park. It includes the beach area makai of several hotel and condominium properties, including Kapa'a Sands, Lanikai, Lae Nani, Kaua'i Sands, Islander on the Beach, and Kaua'i Coast Resort. Of these, the path will be located makai of Kaua'i Sands, Islander on the Beach, and Kaua'i Coast Resort.

According to the *Kaua'i Parks and Recreation Master Plan*, Waipouli Beach Park is undeveloped and there are no public facilities.



County beach reserve (Waipouli Beach Park) is on the makai side of hotel property

Potential Impacts and Mitigation Measures

No Action Alternative: The no action alternative would continue to obscure the public's ability to access the coast. The project corridor includes publicly owned beach reserve; however, with hotel lounge chairs and picnic tables placed within the public beach reserve, the boundary between public and private lands is not readily apparent.

Build Alternatives:

The alignment for the proposed bike/pedestrian path will pass through approximately 1,200 linear feet on the northern end of Waipouli Beach Park. Based on a preliminary design width of 14 feet (10 feet of pavement + 2 feet shoulders on either side), the proposed path will occupy approximately 16,800 SF of the beach reserve parkland.

The path will not displace nor interfere with any existing or planned park use or facility. It will have a beneficial effect within the beach reserve by providing a defined public corridor for lateral coastal access. The path will serve both transportation and recreation purposes for people on foot, bicycle, and other non-motorized modes of travel. The path will be constructed in compliance with relevant design guides issued under the Americans with Disabilities Act thereby accommodating people requiring mobility aids. Like other sections of Ke Ala Hele Makalae, the path will feature interpretive signs about the area's history, cultural traditions, and natural history.

Mitigation Measures: No mitigation measures are needed.

3.3.6 Land Uses and Community Character

The Waipouli coast today is largely composed of resort (hotel, condominium, timeshare) and commercial properties, including the Kaua'i Sands Hotel, Islander on the Beach, Kaua'i Coast Resort, Courtyard Kaua'i, Mokihana of Kaua'i, Village Manor condominiums, and Waipouli Beach Resort. The Coconut Marketplace shopping complex is on the south end, and the Waipouli Town Center and Kaua'i Village Shopping Center are just mauka of Kūhiō Highway on the north end. Three large, coastal properties are undeveloped, but they are zoned for resort development and have obtained Special Management Area (SMA) permits for resort-oriented development. In addition to the larger properties, there is a cluster of smaller parcels to the south of Uhelekawawa Canal consisting of residences, small businesses (Snorkel Bob's, Ambrose), and the Kapa'a Missionary Church.

At the Papaloa Road "start" point, the County has an easement located between Kaua'i Sands and Islander on the Beach. The path will be located within this easement. As the path heads north along the coastline, it will be located within a County-owned beach reserve which extends as far as the Kaua'i Coast Resort. Although a beach reserve has not been established north of the Kaua'i Coast Resort, development conditions are in place requiring existing (in the case of Courtyard Kaua'i) and future resort development to provide lateral coastal access that would be satisfied by the proposed bike/pedestrian path. Along the southern boundary of Mokihana of Kaua'i, there is an existing mauka-makai beach access route. The path will be located along the length of this access to Kūhiō Highway or, alternatively, take a jog parallel to the coastline then along the south bank of Uhelekawawa Canal. The latter alignment will require acquisition of privately owned land.

Future Development. The parcels on either side of Courtyard by Marriott are proposed for future resort development: the 20-acre Coconut Beach Resort to the south and 12-acre Coconut Plantation Village to the north (see Figure 13). Together, these projects are expected to add approximately 525 multi-family units or 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.

Potential Impacts and Mitigation Measures

No Action Alternative: The no action alternative will not affect existing land uses. However, as infill resort development occurs, lateral coastal access in Waipouli or the perceived ability to traverse the coast is likely to be impaired.

Build Alternatives:

The build alternatives are not anticipated to have a significant adverse impact on existing or future land uses. The project area is largely developed and the land use character has been established by the pattern of development and expectations conveyed in public policy documents and decisions. Resort development projects on the remaining vacant parcels have completed their respective entitlement processes and the key project dimensions (number of units allowed, parking requirements) have been finalized. To the extent that this project (Phases C & D) is consistent with mandated coastal access requirements in the resort district, this project brings together private obligations and public benefits, but does not fundamentally change the land use outlook.

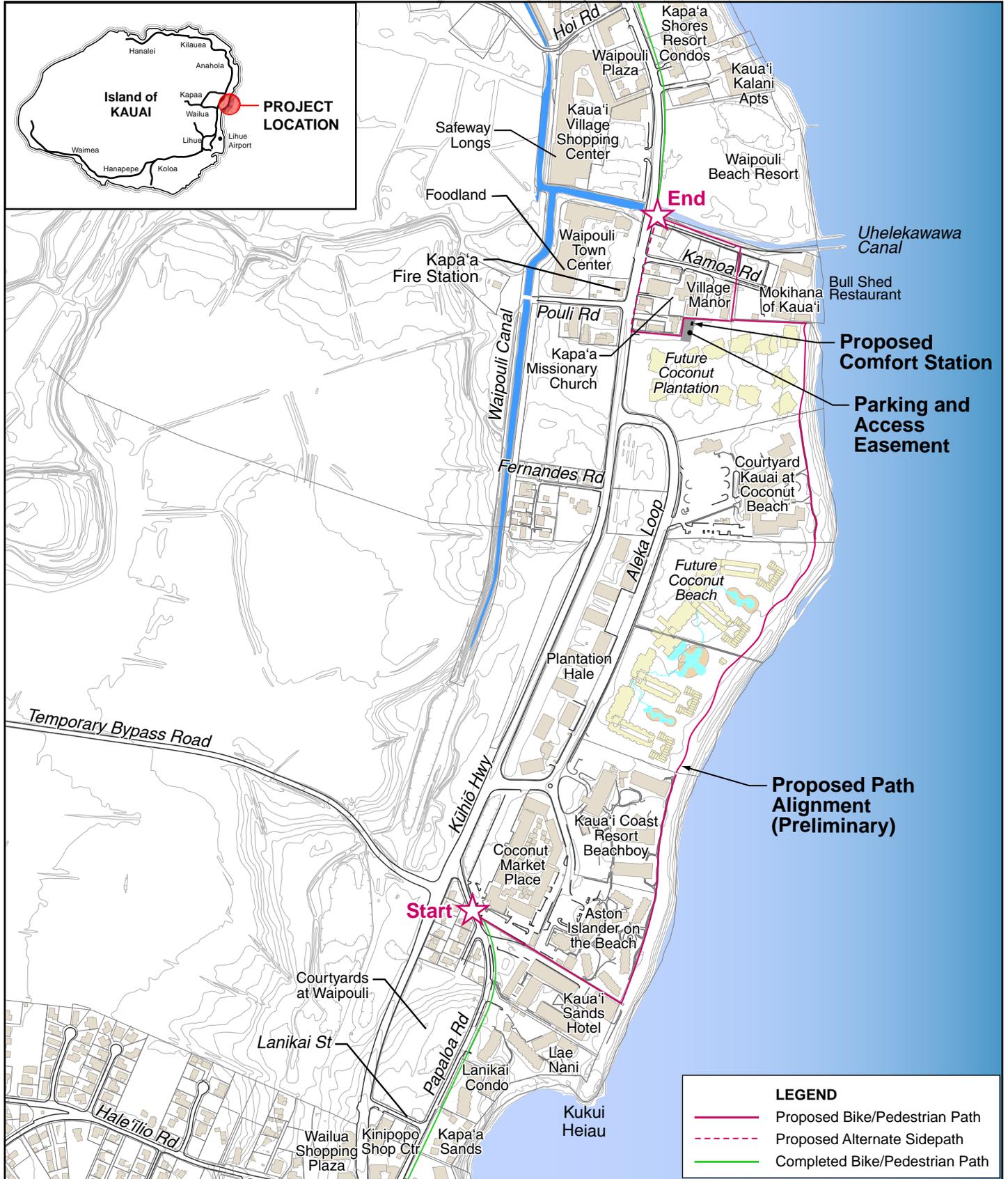
The northern end of the project corridor contains smaller lots and concerns have been raised about compatibility between path uses and activities occurring on adjacent properties.

Cumulative Impacts

With future infill development of the Waipouli resort district, hotels will line virtually the entire coastline from Wailua Bay to Uhelekawawa Canal. While the shared use path is a form of development, it is not expected to adversely impact the human environment. Retaining and improving a well-defined corridor will preserve a margin of coastal open space for the public, enabling the local community to travel accessibly along the shoreline and engage in low-impact recreation.

Mitigation Measures:

To mitigate proximity effects of the path on neighboring residential properties, a combination of walls, fencing, and landscaping will be installed as barriers to shield the path and maintain privacy. Figures 14 through 16 provide simulations of design solutions that could be used in the Village Manor area and along Uhelekawawa Canal. While the drawings are conceptual only, they are intended to convey the range of aesthetic treatments that could be incorporated into the project. Consultations with neighboring property owners will occur during the design phase of the project.



Future resort development based on preliminary plans, subject to change.

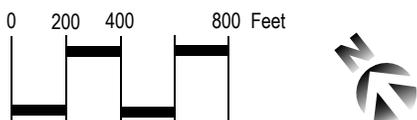


Figure 13
FUTURE DEVELOPMENT
 Lydgate Park – Kapa'a Bike/Pedestrian Path
 Phases C & D



Aerial view



Mokihana of Kauai tennis court to be relocated makai. Path aligned between Village Manor and relocated court.

Figure 14
VISUAL SIMULATIONS-1



Path along Uhelekawawa Canal—visual simulation of curb and landscaping (concept only)



Path along Uhelekawawa Canal—visual simulation of low fencing (concept only)

Figure 15
VISUAL SIMULATIONS-2



Simulation of proposed path makai of Village Manor complex. Concept drawing for planning purpose only.

3.4 TRANSPORTATION AND CIRCULATION

3.4.1 Highway Traffic

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.

In 2010, average daily traffic carried on Kūhiō Highway between Kuamo'o Road and Wana Road ranged from 22,500 to 28,500.

Station Location	24-Hour Traffic Counts <i>Averaged over Two Days (Nov 2010)</i>		
	Direction 1 (Northbound)	Direction 2 (Southbound)	Both Directions
Kūhiō Hwy: Kuamo'o Rd to Papaloa Rd	13,845	14,667	28,512
Kūhiō Hwy: Kamoā Rd to Wana Rd	12,199	10,349	22,548

Source: Hawai'i Department of Transportation 2010 Traffic Station Maps, October 2011

Potential Impacts and Mitigation Measures

No Action Alternative: Under the no action alternatives, pedestrians and bicyclists will continue to use existing highway shoulders in the project corridor.

Build Alternatives:

A new crossing is needed at Uhelekawawa Canal and will likely require development in the highway right-of-way for the Uhelekawawa Canal crossing.

Coastal/Highway Alternative:

The Coastal/Highway alternative will require development in the Kūhiō Highway right-of-way. The segment would be approximately 600 feet long.

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. Since the 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.

3.4.2 Bus Service

The Kaua'i Transportation Agency provides a public bus service, called the Kaua'i Bus. Operations are split between fixed-route and paratransit service. Buses on fixed routes are outfitted with bicycle racks.

Bus service on the east side of the island is comprised of a main line between Līhu'e and Hanalei which serves the project area, and two shuttle lines serving Wailua and Kapahi. On weekdays, service runs from approximately 5:30 am-10:30 pm with limited service on weekends and holidays. For the main line, buses are scheduled once an hour.

Potential Impacts and Mitigation

No Action Alternative: The no action alternative will not affect bus service.

Build Alternatives:

The proposed bike/pedestrian path provides increased opportunities for intermodal connection. The alignment passes northbound bus stops at Coconut Marketplace and Kapa'a Missionary Church, and the southbound bus stop at Kaua'i Village Shopping Center. The stops allow path users to reach more distant parts of the island via public transit as the buses are now equipped with bike carriers.

Coastal/Highway Alternative: This alternative will have an impact on the Kapa'a Missionary Church bus stop which is located within the highway right-of-way.

Mitigation Measure: If the coastal/highway alternative is selected, the path's design will be coordinated with the Transportation Agency to ensure that the requirements of both facilities are accommodated. 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.

3.5 PUBLIC INFRASTRUCTURE AND FACILITIES

3.5.1 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 unpaved shoulders or existing swales and drainage structures. Owners of units at Islander at the Beach identified a drainage problem at their site and potential adverse impacts associated with the proposed path. During the next engineering design phase, the drainage issue will be investigated to determine the source of the problem and whether the path will exacerbate the existing situation.

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

3.5.2 Water and Wastewater Systems

Water Service

The 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'ilio Road. Sewage is then pumped via a force main to the wastewater treatment plant located on Leho Drive.

Potential Impacts and Mitigation Measures

No Action Alternative: The no action alternative will have no effect on water and wastewater services.

Build Alternatives:

The proposed action is expected to generate increased water demand for the new comfort station which is expected to include two toilets, a sink, and a water fountain. Water usage is anticipated to be relatively low since the restroom is intended as a way station for path users passing by, rather than a facility supporting large social gatherings. Additional water demand may be needed for the new landscaping—either temporarily during the establishment phase or on a permanent basis. During construction, water will be used for dust control and to expedite the growth of plant cover for erosion control.

The proposed comfort station will also place increased demand on the wastewater system. The comfort station would be hooked up to an existing sewer line near the Mokihana of Kaua'i tennis court.

Because construction activities may occur in or near roadways, 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.

Mitigation Measures:

To minimize water use, water efficient fixtures (low-flow toilets) and drought-tolerant native plants will be used to the extent practicable.

3.5.3 Solid Waste Management

The Kaua'i Department of Public Works, Solid Waste Division operates the primary refuse collection system.

Potential Impacts and Mitigation Measures

No Action Alternative: The no action alternative will not affect the solid waste management resources.

Build Alternatives:

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.

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.

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.

Mitigation Measures:

The contractor will be required to have a waste disposal plan that specifies proper removal and disposal of all debris from the project area.

3.5.4 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. 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. 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.

Telecommunications System

Hawaiian Telcom 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. Telecommunications lines may be found on poles on both sides of Kūhiō Highway in some locations. Hawaiian Telcom's fiber optic cables also run along Kūhiō Highway.

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.

Oceanic Time Warner Cable provides wired cable television (CATV) service 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.

Sandwich Island Communications reported that their fiber cable and ducts are located along Kūhiō Highway and plans must be submitted for their review

Potential Impacts and Mitigation Measures

No Action Alternative: Electrical and telecommunications systems would not be affected by the no action alternative.

Build Alternatives:

Coastal/Highway Alternative: In this alternative, a 600-foot section of the path would be located along the makai side of Kūhiō Highway, thereby potentially impacting 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,

it may be necessary to relocate and reroute the affected utility lines. The cost of relocation and the disruption to residents and businesses during the construction work would be high.

Another option may be to route the path around the pole with the installation of bollards or posts to direct flow around the pole and use of reflectors to improve visibility. This option would be contingent on a number of considerations, including separation requirements imposed by utility services and the safety of path users.

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.

3.6 PUBLIC HEALTH AND SAFETY

3.6.1 Police Services

The Kaua'i Police Department has three stations located approximately 25 miles apart. The main station and administrative headquarters is located in Līhu'e; smaller stations are co-located with fire stations in Waimea and Hanalei. A small substation is located on Kahau Road adjacent to Kapa'a New Town Park.

3.6.2 Fire and Emergency Medical Services

The Fire Department's main station and administration headquarters are located in Līhu'e. One of two fire stations in the Kapa'a area is located on Kūhiō Highway at Pouli Road, which is near the proposed trailhead parking lot and comfort station. The County has a unified, island-wide system of fire protection and rescue services.

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 Kapa'a, primarily for the treatment of non-life threatening illnesses, injuries, and conditions.

Potential Impacts and Mitigation Measures

No Action Alternative: The no action alternative would not affect police, fire, and emergency medical service resources above existing levels.

Build Alternatives:

Impacts on Public Safety Services

The proposed path may increase the demand for police and first responder services. As more people use public facilities, requests for surveillance, enforcement, and possible intervention are likely to increase. All sections of the proposed alignment are accessible from existing streets, driveways, and parking areas for emergency response by fire, police, and medical personnel. Project designers will incorporate design elements for public safety and crime deterrence. 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 significant 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 adversely affect 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 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 percent of suburban trails reported trespassing
- 17 percent of suburban trails reported graffiti
- 24 percent of trails reported littering
- 22 percent of trails reported sign damage
- 14 percent 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.

Mitigation Measures:

One of the most significant measures to deter property crime is already part of the project design—prohibition of motorized vehicles on the path. 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 ubiquitous, consider emergency phones or call boxes
- 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

The Department of Parks and Recreation will have primary responsibility for operation of the path. As in completed sections of the shared use path, the department will monitor complaints and reports of problems.

4 LAND USE PLANS, POLICIES, AND CONTROLS

4.1 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 policies and objectives that 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

4.2 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.

Phases C & D are classified in the Urban District. Lands within the Urban District are regulated by County government.

4.2.1 Coastal Zone Management

Coastal Zone Management ("CZM") objectives and policies (Section 205A-2, HRS) and the Special Management Area ("SMA") guidelines (Section 25-3.2 ROH) have been developed to preserve, protect, and where possible, to restore the natural resources of the coastal zone of Hawai'i. All lands in the State of Hawai'i and the area extending seaward from the shoreline are classified as valuable coastal resources within the State's CZM area.

The project site is within the Kauai County SMA, and is therefore subject to the County's SMA requirements. A SMA Major permit will be obtained for the proposed multi-use path in the next engineering design and construction phase of the project.

Part II of Chapter 205A, HRS contains the general objectives and policies upon which all counties have established Special Management Areas (SMA). The following discusses the project's conformance with the objectives of the State's CZM program:

Recreational Resources

CZM Objective: Provide coastal recreational opportunities accessible to the public.

The proposed multi-use path will provide an important link between recently constructed paths (Phases A & B), thereby increasing the connectivity of the existing network. The County's purpose is to provide a bike and pedestrian path that is safer and more accessible than the existing assemblage of highway, local roads, and informal trails. Phases C & D are located in an area with many attractors, including hundreds of visitor units, shops and restaurants.

The path ensures lateral coastal access for the public and appropriate recreational development within the beach reserve. The project corridor is located in a resort district where the remaining vacant parcels are expected to be developed in the near future. Resort projects were entitled with the condition that a paved pathway be provided to enable public access to coastal resources. This project, then, would coordinate and enhance the resort-specific public access requirements with a cohesive and unified design. The path would provide convenient access for people who wish to fish or gather along the coastline. For the large community of walkers, joggers, runners, and bicyclists, the path would be a facility for fitness and physical exercise. For all users, the shared use path would provide an aesthetic experience as this segment offers picturesque views of the Waipouli shoreline.

Historic Resources

CZM Objective: 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.

As part of the environmental assessment preparation process, a Section 106, National Historic Preservation Act, Native Hawaiian Organization consultation process was convened to discuss historic and pre-historic resources. The Federal Highway Administration (FHWA) determined that the project will have no adverse effect on historic properties based on surface and subsurface observations, consultations with NHOs and other interested parties, and an evaluation of significance criteria (see Chapter 3.3.1 Archaeological, Historic, and Cultural Resources and Appendix B).

Scenic and Open Space Resources

CZM Objective: *Protect, preserve, and where desirable, restore and improve the quality of coastal scenic and open space resources.*

This project is not anticipated to have noticeable impacts on the coastline. 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 and maintain the existing setting.

The path also creates a positive impact by offering people an opportunity to enjoy some of the region's best coastal views and provide lateral access in an area slated for future resort development. Because the path will be accessible and define a clear public pathway, it will expand access to view corridors for a larger segment of the community.

Coastal Ecosystems

CZM Objective: *Protect valuable coastal ecosystems, including reefs, from disruption and minimize adverse impacts on all coastal ecosystems.*

The project will not adversely impact coastal ecosystems or water quality. Best management practices and erosion control measures will be employed during construction. The next engineering design and construction phase of the project will determine a more precise alignment of the path. The intent is to locate the path as far mauka from the shoreline as possible to protect valuable coastal ecosystem.

Economic Uses

CZM Objective: *Provide public or private facilities and improvements important to the State's economy in suitable locations.*

The project implements a key phase of the County's pathway known as Ke Ala Hele Makalae that is expected to extend along the east side of Kaua'i from Nāwiliwili in the south to Anahola in the north. It closes a key gap in the recently constructed shared use paths (Phases A & B), and increases the connectivity of the existing network in an area with hundreds of visitor units and many attractions including shops and restaurants.

Coastal Hazards

CZM Objective: *Reduce hazard to life and property from tsunami, storm waves, stream flooding, erosion, subsidence, and pollution.*

The project site is located within the tsunami evacuation area, but will not affect the occurrence or likelihood of damage from tsunami, storm waves, flooding, erosion, or subsidence. In the event of a tsunami, users will be advised to evacuate the area. The project is not within a designated flood hazard area.

Managing Development

CZM Objective: Improve the development review process, communication, and public participation in the management of coastal resources and hazards.

Every effort has been made in the review process to inform the community and invite public participation. Public informational meetings were held at the beginning of the EA process, during the 30-day comment period and during the lengthy Section 106, National Historic Preservation Act (NHPA) consultation with Native Hawaiian Organizations.. During the next engineering design and construction phase, a public hearing will be held for the SMA use permit and additional public meetings will be held during the design and construction process.

Public Participation

CZM Objective: Stimulate public awareness, education, and participation in coastal management.

An early consultation notice was sent to a number of federal, State and City and County agencies and community organizations. Public informational meetings were held at the beginning of the EA process, during the 30-day comment period and during the lengthy Section 106 NHPA consultation process. During the next engineering design and construction phase, a public hearing will be held for the SMA permit and additional public meetings will be held during the design and construction process

Beach Protection

CZM Objective: Protect beaches for public use and recreation.

The Project will not adversely impact public beaches in the area. Instead, it will allow greater access opportunities for bikers, pedestrians, joggers, and all age groups and provide linkages between public beaches along the eastern coastline of Kaua'i.

Marine Resources

CZM Objective: Promote the protection, use, and development of marine and coastal resources to assure their sustainability.

The Project will not impact the protection or use of marine and coastal resources. During construction, best management practices will mitigate erosion and runoff to prevent impacts to coastal water quality and marine resources. The intent is to construct the path as far mauka from the shoreline as feasible.

4.3 COUNTY OF KAUA'I LAND USE REGULATIONS

4.3.1 County General Plan

The 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 of 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. The land use designation for the entire project area is Resort. This project does not require any action relative to the General Plan.

4.3.2 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 17 shows how properties within the project corridor are zoned. The proposed action will not require any zoning changes.

The area makai of Kūhiō Hwy is generally within the Resort District, which allows 20 residential units or 40 hotel rooms per acre. A strip of land adjacent to the highway and another strip of land along the shoreline are in the Open District.

The coastal portion of Phases C & D is expected to lie primarily in the Open District. The Comprehensive Zoning Ordinance defines the Open District as “established and regulated to create and maintain an adequate and functional amount of predominantly open land to provide for the recreation and aesthetic needs of the community or to provide for the effective functioning of land, air, water, plant and animal systems or communities.”

Land coverage (or lot coverage) is a key development standard in the Open District. Land coverage refers to any man-made structure, improvement, or covering that prevents normal precipitation from directly reaching the surface of the land. Structures, improvements, and coverings include roofs, surfaces paved with asphalt and stone (such as roads, streets, sidewalks, driveways, parking lots, tennis courts, patios), and lands used so the soil will be compacted so as to prevent substantial infiltration (such as parking of cars and heavy, repeated pedestrian traffic).

In the Comprehensive Zoning Ordinance, bus stops, bus shelters, and public shared use paths greater than 10 feet in width are excluded from the lot coverage provision. In the case of shared use paths wider than 10 feet, the Planning Director’s approval is required for lot coverage exemption.

4.3.3 Special Management Area (SMA) and Shoreline Setback

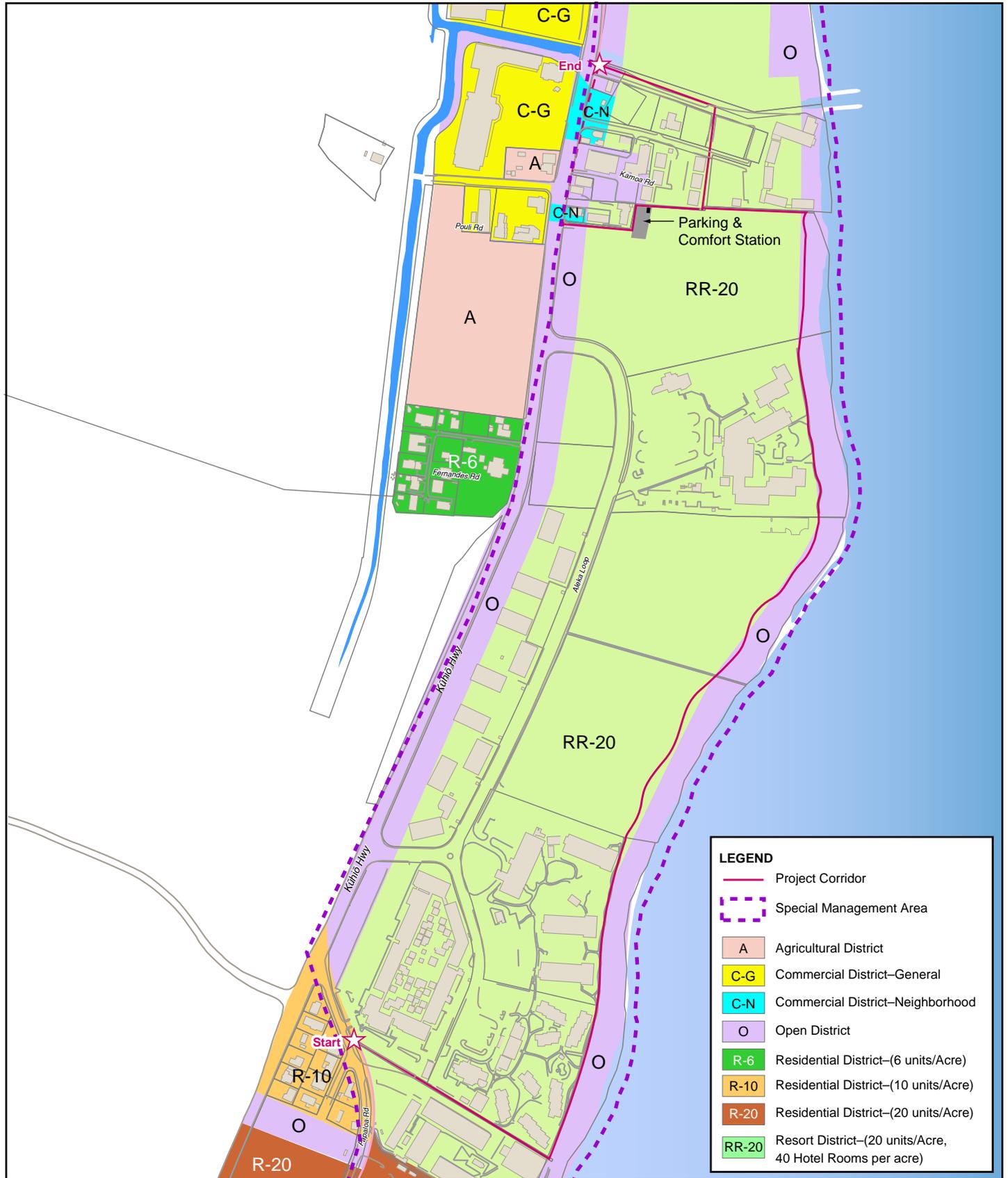
All County beach parks and certain other recreation facilities are affected by the Coastal Zone Management (CZM) program. The objectives and policies of the CZM statute (Section 205A-2, HRS) are to preserve, protect, and, where possible, restore the natural resources of the coastal zone of Hawai‘i. Special controls on development within an area along the shoreline are deemed necessary to avoid permanent loss of valuable resources and the foreclosure of management options, and to insure that public access is provided to publicly-owned or used beaches, recreation areas, and natural reserves, by dedication or other means.

The CZM program is administered locally by each of the counties and the County of Kaua‘i has adopted Special Management Area Rules and Regulations which contain regulatory guidelines and procedures. Any use, activity, or operation proposed within the SMA defined as a “development” is subject to review by the Planning Director, Planning Department, and Planning Commission. Public improvements within the SMA require a permit and, since this project has a development cost exceeding \$500,000, 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 17 shows the boundary demarcating the SMA. Phases C & D are located inside the SMA and will require an SMA Major permit.

Because Phases C & D are located on lands abutting the shoreline, it is subject to shoreline setback regulation (Ordinance 887). The setback mandates a minimum amount of space between the shoreline and the improvement.

Figure 18 shows a section of the path in relation to a 40-foot shoreline setback line (at TMK: 4-3-02: 16 and 28). While this drawing is indicative only and subject to change, it shows how the various features are likely to relate to each other. The next engineering design and construction phase of the project will include a topographic survey of the area with property metes and bounds, a certified shoreline survey and a shoreline setback determination. With this information, a more precise alignment of the path will be determined. The county is committed to locating the shared use path as far mauka of the regulated shoreline setback to the extent possible. Where adherence to the setback distance cannot be met, a shoreline setback variance will be needed.



Source: Kauai Comprehensive Zoning Ordinance, Wailua-Waipouli Zoning District Map
 Zone Boundaries are approximate.

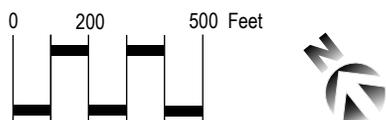


Figure 17
ZONING/SPECIAL MANAGEMENT AREA

Lydgate Park – Kapa'a Bike/Pedestrian Path
 Phases C & D

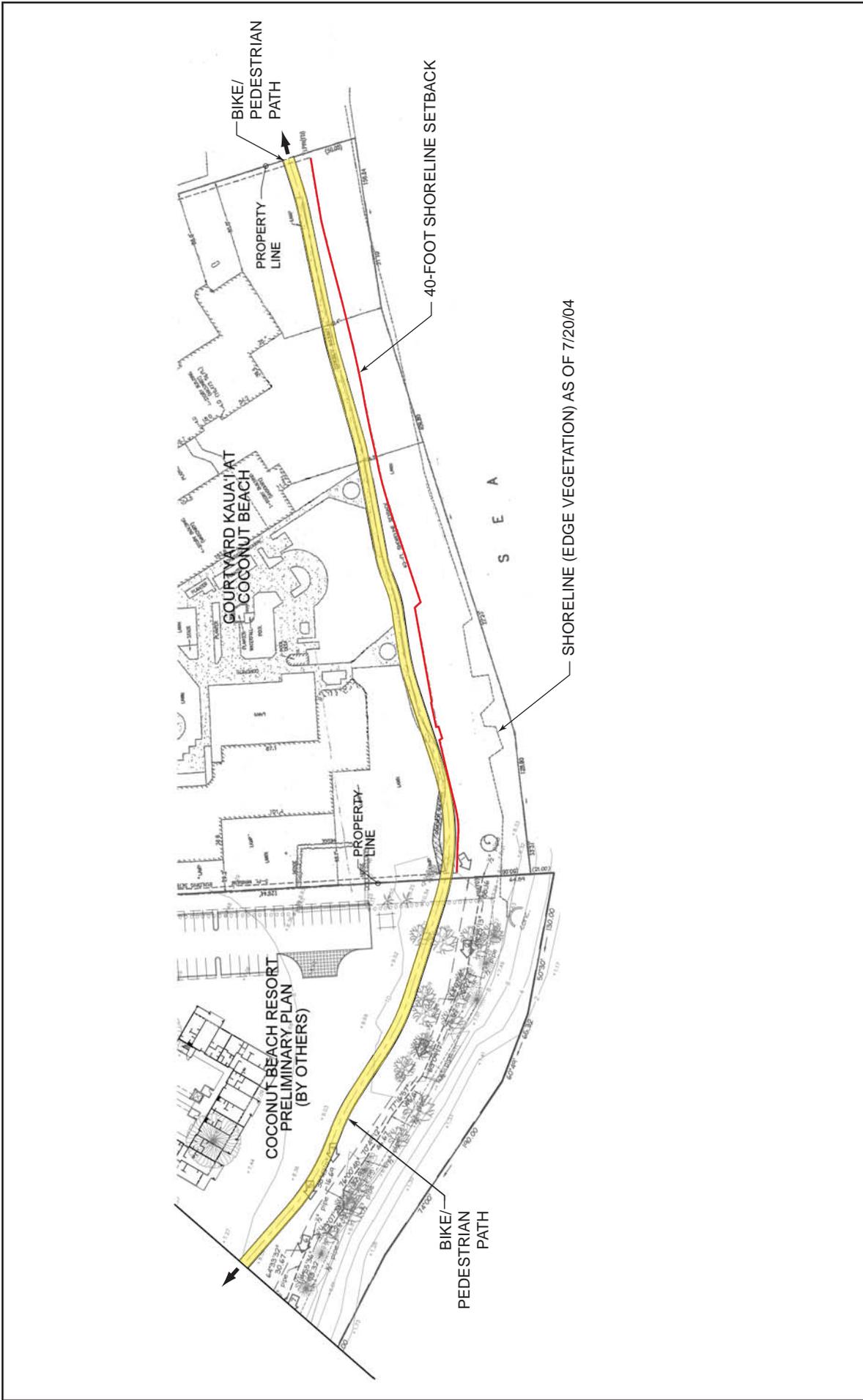
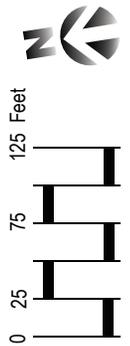


Figure 18
CONCEPTUAL LAYOUT
 Portion of Project Area
 Relative to 40-Foot Shoreline Setback
 Lydgate Park - Kapa'a Bike/Pedestrian Path
 Phases C & D



4.4 OTHER PLANS

4.4.1 Bike Plan Hawai‘i

Bike Plan Hawai‘i is the statewide bicycle master plan prepared periodically by the State Department of Transportation. The latest update was completed in September 2003. *Bike Plan Hawai‘i* 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.

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 Hawai‘i*. 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.

4.4.2 State Comprehensive Outdoor Recreation Plan (SCORP)

The Hawai‘i Department of Land and Natural Resources, Division of State Parks prepares the *State Comprehensive Outdoor Recreation Plan (SCORP)* as part of a requirement to qualify for federal grants of outdoor recreation projects. The *SCORP* provides technical guidance to various government agencies and private entities that plan, develop, and manage outdoor recreation resources in the state. The current version of *SCORP* was published in April 2009.

In commenting on the original Lydgate Park-Kapa‘a Bike/Pedestrian path project, the Division of State Parks (by letter dated August 22, 2006) noted that the path would increase outdoor recreational opportunities for the Wailua-Kapa‘a communities, including both residents and visitors. Linear paths for walking, jogging, and bicycling, was identified as a priority need in the (2003) *SCORP*; therefore, the project met one of the plan’s strategic objectives.

The 2009 *SCORP* documents the continued popularity of bicycling, jogging, and walking as alternative modes of transportation and for fitness and recreation. *SCORP* participants

expressed a need to establish more safe and continuous pathways that connect communities, especially paths set apart from roadways.

The following recommendations are from the strategic plan:

Meeting the Needs of Recreation Users (Item 3)

Increase the number and range of resources and facilities to support expanded participation in walking, jogging, and bicycling as healthy activities and transportation by developing a comprehensive network of safe and well-maintained linear paths and lanes.

Access to Recreation Resources (Item 1)

Improve access to shorelines and public forest areas by protecting existing accesses, creating new accesses, and reestablishing access to areas that are currently blocked or restricted by private landownership and/or development.

4.4.3 Kaua'i Parks and Recreation Master Plan

The Kaua'i Department of Parks and Recreation completed a master plan of County parks and recreation facilities in 2013. The plan supports completion of Ke Ala Hele Makalae as envisioned from Nāwiliwili in the south to Anahola in the north, noting that the shared use path has become an acclaimed and well-used recreation facility in east Kaua'i.

A master plan recommendation is for the department to actively participate in the identification, planning, design, and implementation of new shared use paths.

5 FINDINGS AND REASONS SUPPORTING THE DETERMINATION

5.1 CHAPTER 343 HRS DETERMINATION

Based on the information and analysis in this Environmental Assessment, the County of Kaua'i, Department of Public Works, has determined that the project will not result in a significant impact on the environment. As such, it is issuing a Finding of No Significant Impact (FONSI), pursuant to the State of Hawai'i HRS Chapter 343. An Environmental Impact Statement (EIS) is not required.

5.2 CHAPTER 343 HAWAII REVISÉD STATUTES (HRS) SIGNIFICANCE CRITERIA

In determining whether an action may have significant impact on the environment, the applicant or agency must consider all phases of the project, its expected consequences both primary and secondary, its cumulative impact with other projects, and its short and long-term effects. The State of Hawai'i Department of Health Rules Section 11-200-12 (Hawai'i Administrative Rules, revised 1996) establish 13 "Significance Criteria" to be used as a basis for identifying whether significant environmental impact will occur.

An agency will determine an action may have a significant impact on the environment if it meets any of the following criteria:

SIGNIFICANCE CRITERIA

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

The proposed action will provide paved surfaces for pedestrians, joggers, bicyclists, wheelchair users, and others. Several alternative alignments were examined. Most of them are, or were previously used as, travel ways including informal social paths, beach accesses, 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 enjoy the outdoor environment; therefore, the improvements are minimal, consisting primarily of the pathway and context-appropriate landscaping. Structures, such as walls, railings, and fencing will be constructed only where necessary for user safety and the privacy of adjacent landowners. 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) are common and plentiful.

The proposed project will not have a significant adverse effect on natural and 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 within or adjacent to areas already developed for resort and urban use. A burial treatment plan to be approved by the Kaua'i/Ni'ihau Island Burial Council will be implemented for the disposition of human remains found during an archaeological inventory survey. Additionally, an archaeological monitoring program will be implemented during construction and legally prescribed procedures will be followed if inadvertent discoveries of cultural artifacts and human remains are made during construction. The project sponsor has committed to other mitigation measures that were developed, in part, through Section 106, National Historic Preservation Act (NHPA) consultations with Native Hawaiian Organizations and other stakeholders (see Chapter 3 of the environmental assessment document).

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 coastal access, provide more travel options, and create new opportunities for outdoor recreation and fitness.

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 regional transportation and recreation infrastructure.

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 Hawai‘i 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 welfare, social welfare, and cultural practices of the community or State.**

The project will provide 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 will be associated with construction noise, dust, and traffic disruption—the latter in areas adjacent to heavily traveled roadways. These impacts will be temporary and addressed through best management practices during the several weeks when the path is under construction.

Adjacent landowners have expressed concerns about security and compromised privacy. In response, the path will be designed with a combination of solid walls, rail or lattice fencing, and/or landscaping to provide physical and perceptual barriers. Because other sections of the path have been built in similar environments (for example, adjacent to the Kahai Nani Condominiums at Lydgate and Pono Kai Condominiums in Kapa‘a, and in detached residential subdivisions), the project sponsor has accumulated experience in context sensitive design. Additional consultations with adjacent landowners will take place during the project’s design phase.

The path will provide a key link between completed phases of the pathway known as Ke Ala Hele Makalae, and provide lateral access to the coastline for non-motorized transportation, recreation and exercise.

The path’s impact on cultural practices of the community was addressed during the Section 106, NHPA consultation with Native Hawaiian Organizations. The Section 106 process resulted in a Federal Highway Administration (FHWA) determination of “no adverse effect” with mitigation commitments.

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 cost and easy. Completed sections of the path are popular with fitness seekers. Phases C & D will create a longer, continuous route by filling an existing gap in Waipouli. Because Phases C & D connect to numerous destinations—such as hotels, restaurants, and shopping areas—it is expected that this section will be used by people making short utilitarian trips, thereby replacing a number of vehicular trips and their associated emissions.

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. However, the project area is largely built out or entitled for future development (where the built out limit has been established). Therefore, the path is not expected to result in population increases or increase demand on public facilities.

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 wildlife 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 Ke Ala Hele Makalae as a world-class path in east Kaua'i. The overall plan is being phased into fundable increments. The phases are being studied and evaluated in relation to the whole and as self-contained projects. Therefore, implementation of Phases C & D (of the Lydgate Park to Kapa'a path) will not commit resources for, or compel the construction of, any other phase. However, it should be noted that this particular project has an important connectivity purpose and need. As the path grows, there is a cumulative benefit since the network allows users to reach a greater number of places.

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

Most of the project area has been urbanized. Several lots along the proposed route are currently vacant, but entitled or zoned for development, including two large-scale resort developments. The proposed path will not have a significant adverse effect on rare, threatened, or endangered species or their habitats. The endangered Hawaiian monk seal and, possibly, the green sea turtle, are known to periodically haul out onto the beaches of Waipouli where they are protected by the protocols established by federal agencies and carried out, in part, by trained volunteers. The proposed path is located on elevated upland and away from the sandy beaches thus minimizing interactions between people and seals. To minimize harm to protected seabirds, exterior lighting is not proposed for this project, except as needed for safety or security (for example, at the comfort station). In such instance, any exterior lighting would use full-cutoff or shielded fixtures.

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

There will be minimal short-term impacts on air quality and noise levels during the construction period. Mitigation measures will be implemented to minimize construction-related noise and dust impacts. Long-term, adverse impacts to air and water quality and ambient noise levels are not expected. The proposed comfort station will be connected to a nearby sewer line.

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.

This project is located in the tsunami inundation zone; however, no occupied structures are proposed.

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

Although this project does not affect identified scenic vistas and view planes, people who use the path will be afforded beautiful coastal and ocean views.

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” traveler’s routes that are largely 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 alignment for Phases C & D is located along the coast where there is a combination of safety, scenic, and destination factors. This stretch of coastline has been subject to concentrated resort and commercial development. Sidewalks or paths already exist along the makai frontage of some properties. These paths will be reconstructed for public use. The beachfront resorts are required by their development permits to provide lateral coastal access. This project would create a cohesive path out of what might otherwise be ad hoc segments and also provide enhancements and mitigations to accommodate public use. Design elements will address compatibility with the surrounding environment, appropriate selection of materials, and the use of screens, dividers, and landscaping. Temporary, construction-related impacts will 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. Anticipated impacts can be mitigated to less than significant levels.

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7 CONSULTATION AND COORDINATION

7.1 OVERVIEW OF CONSULTATIONS

The project team conducted a range of outreach activities as part of the planning process for Phases C & D. These activities included a written request for comments from property owners and agencies with facilities or regulatory authority within the project area, a public information meeting, and a series of five consultation meetings pursuant to Section 106 of the National Historic Preservation Act. The input and feedback received through these various channels provided the project team with information used to assess the alternatives.

7.2 PUBLIC INFORMATION MEETING

February 21, 2012, 6:00 PM
Kapa'a Middle School

Twenty-four members of the community attended a public information meeting held in the early stage of project planning. The meeting provided background information about Phases C & D and reviewed progress on other phases of the original project corridor. Questions and comments were raised about the following topics. Full meeting notes are provided in Appendix A.

- ADA accessibility
- Land ownership
- Historic properties impacts
- Public (beach access) easements in the vicinity
- Existing coconut trees
- Path maintenance
- Hazards of path along the highway
- Parking
- Crossing for Uhelekawawa Canal
- Proximity of the path to residences and buildings
- Integration of the path with public bus service
- Public amenities along the path
- Access for fishing

7.3 PRE-ASSESSMENT CONSULTATION AND COMMENTS

As part of the early consultation process, a pre-assessment letter was sent to the following agencies and organizations on July 20, 2011 with a request for comments to help identify issues that should be addressed in the Draft Environmental Assessment. Comments were requested by August 22, 2011. A copy of the letter requesting pre-assessment comments is reproduced at the end of this chapter.

Federal

Army Corps of Engineers, Regulatory Branch
Fish and Wildlife Service
National Marine Fisheries Service

State

Department of Accounting and General Services
Department of Business, Economic Development & Tourism

- Office of Planning

Department of Hawaiian Home Lands
Department of Land and Natural Resources

- Division of State Parks
- Office of Conservation and Coastal Lands
- State Historic Preservation Division

Department of Health

- Environmental Planning Office

Office of Hawaiian Affairs (Honolulu and Kaua'i)

County of Kaua'i

Department of Parks and Recreation
Department of Water
Fire Department
Kaua'i Historic Preservation
Office of Economic Development
Planning Department

- Kaua'i Historic Preservation Review Commission

Police Department
Transportation Agency

Elected Officials

Council Chair Jay Furfaro
County Vice Chair JoAnn Yukimura
Councilmember Tim Bynum
Councilmember Dickie Chang
Councilmember Kipu Kai Kualii
Councilmember Mel Rapozo

Councilmember Nadine Nakamura
Senator Ronald Kouchi, 7th Senatorial District
Representative Derek Kawakami, 14th Representative District

Utilities

Hawaiian Telcom
Kaua'i Island Utility Cooperative (KIUC)
Oceanic Time Warner Cable
Sandwich Isles Communications

Organizations

Kapa'a Business Association
Kaua'i Chamber of Commerce
Kaua'i Path
Niu Pia Land Company, Ltd

Individuals

Name and address as provided on the Kaua'i Real Assessment Property Record for the following TMKs.

4-3-001: 005	4-3-002: 012	4-3-007: 011, 021
4-3-001: 006	4-3-002: 013	4-3-007: 013
4-3-001: 007	4-3-002: 014	4-3-007: 014
4-3-001: 008	4-3-002: 015, 016	4-3-007: 016
4-3-001: 009	4-3-002: 018	4-3-007: 018
4-3-001: 010	4-3-002: 020	4-3-007: 019
4-3-001: 011	4-3-007: 003	4-3-007: 022
4-3-001: 012, 018	4-3-007: 005, 006	4-3-007: 027
4-3-001: 013	4-3-007: 007	4-3-007: 028
4-3-001: 019	4-3-007: 008	4-3-008: 001
4-3-001: 020	4-3-007: 009	

Pre-Assessment Comments Received

Responses were received from 18 agencies, organizations, and individuals, of which 14 provided substantive comments. Letters, emails, and telephone notes are reproduced at the end of this chapter. Comments and responses are summarized in the table below.

Table 7-1: Summary of Comments Received During the Pre-Assessment Consultation Period

Respondent	Comments	Response
Federal Government		
<p>George P. Young, Chief, Regulatory Branch, U.S. Army Corps of Engineers</p> <p>Letter dated 7-28-11</p>	<p>Project Reference No.: POH-2011-00187</p> <p>Project appears to be absent of jurisdictional navigable waters therefore Sec. 10 authorization may not be required.</p> <p>Any activity that may result in the discharge of dredged and/or fill material in jurisdictional waters will require Sec. 404 authorization.</p>	<p>Project will not involve discharges in waters of the U.S.</p>
<p>Loyal Mehrhoff, Field Supervisor, Fish and Wildlife Service</p> <p>Letter dated 5-9-12</p>	<p>Protected species in the vicinity of the path include:</p> <ul style="list-style-type: none"> • Hawaiian hoary bat (endangered) • Green sea turtle (threatened) • Newell's shearwater (threatened) • Hawaiian petrel (endangered) • Band-rumped storm petrel (candidate for listing) • Wedge-tailed shearwater (protected) <p>Recommendations:</p> <ul style="list-style-type: none"> • Use path during daytime only and exclude path lighting • If lights needed, they should be positioned low to ground and shielded and/or full cut-off • Path should be constructed during daylight hours only • Prohibit off-leash movement of pets • Use animal-proof garbage containers to reduce attraction of non-native, feral species • Use native species for landscaping 	<p>The DEA will evaluate protected species that may be found in the project vicinity.</p> <p>Project design and mitigations:</p> <p>The County does not intend to light the linear portion of the path.</p> <p>If lights are required for safety or security; for example, at the proposed comfort station, they will be shielded or full cut-off. Construction will not occur after dark, i.e., lighting will not be used for construction.</p> <p>The County regulates dogs on shared use paths, including the requirement that, at all times, dogs must be on a leash no more than six feet in length (retractable leashes are not allowed).</p> <p>Animal-proof garbage containers will be used as practicable.</p> <p>Native plant species will be used for landscaping to the extent practicable.</p>

Respondent	Comments	Response
		<p>Woody plants greater than 15 feet tall will not be disturbed, removed or trimmed between June 1 and Sept 15, birthing and pup rearing season for bats</p> <p>Any construction between August – October; survey for nesting areas and delay construction until nest abandoned</p>
<p>David Nichols, National Marine Fisheries Service Email dated 4-20-12</p>	<p>Potential for Hawaiian monk seals to be in or near the project area</p> <p>Green sea turtles also may haul out in the vicinity</p> <p>Hawksbill turtles may be found in nearshore waters</p> <p>Critical habitat proposed for the Hawaiian monk seal, including terrestrial habitat 5 meters inland from the shoreline</p>	<p>The DEA will address protected marine animal species that may be found in the project vicinity.</p> <p>To mitigate potential adverse effects, informational signs will be posted to educate path users about the protected species and to provide instruction on appropriate actions.</p>
State Government		
<p>Bruce A. Coppa, State Comptroller, Department of Accounting and General Services Letter dated 8-4-11</p>	<p>Project does not impact any of the DAGS's projects or existing facilities on Kaua'i .</p> <p>No comments at this time.</p>	
<p>Albert "Alapaki" Nahalea-a, Chairman, Department of Hawaiian Home Lands Letter dated 8-14-11</p>	<p>No comments.</p>	
<p>Division of Forestry and Wildlife, Department of Land and Natural Resources Memorandum attached to letter from Russell Y. Tsuji, Land Administrator dated 8-22-11</p>	<p>No comments.</p>	
<p>Land Division-Kaua'i District, Department of Land and Natural Resources Memorandum attached to letter from Russell Y. Tsuji, Land Administrator dated 8-</p>	<p>No objections.</p>	

Respondent	Comments	Response
22-11		
<p>Samuel J. Lemmo, Administrator, Office of Conservation and Coastal Lands, Department of Land and Natural Resources</p> <p>Letter dated 8-1-11</p>	<p>Supportive of realigning path because it will improve coastline access.</p> <p>Conditions to be observed:</p> <ul style="list-style-type: none"> • In areas where beach is threatened by erosion, path should be located farther mauka • Path construction should use modular building materials so can be relocated inland, as necessary • If shoreline is seasonally dynamic, path should be built to allow beach to fluctuate (typically with an elevated boardwalk style construction) • Any beach quality sand that is displaced during construction should be placed on the makai face of the frontal dune <p>Path should be built mauka of the certified shoreline location</p>	<p>The path will be located mauka of the sandy beach and, to the extent possible, mauka of the 40-foot shoreline setback.</p> <p>The path is proposed to be constructed with concrete in a manner similar to existing sidewalks found on adjacent hotel properties. The exact method and materials will be determined in the next design phase of the project.</p>
<p>Daniel S. Quinn, State Parks Administrator, Department of Land and Natural Resources</p> <p>Letter dated 8-18-11</p>	<p>Makai alignment affects the northern portion of the 6(f) property within Wailua Beach Park (TMK 4-3-02). 6(f) designation requires that land be retained in public outdoor recreation in perpetuity.</p> <p>In previous review of EA for Lydgate Park to Kapa'a Bike/Pedestrian Path, letter dated 8-22-06, State Parks stated that path will increase outdoor recreational opportunities for Wailua-Kapa'a communities, including residents and visitors. Demand for more linear paths was identified in the State Comprehensive Outdoor Recreational Plan; therefore, this project meets one of the objectives in the SCORP strategic plan.</p> <p>Because path promotes outdoor recreation and will remain under the jurisdiction of County parks, there should not be a taking according to 6(f) requirements.</p> <p>However, recommend that SEA evaluate and address potential impacts on existing</p>	<p>The proposed path is part of the County's Ke Ala Hele Makalae facility, which is operated as a linear park by the Dept of Parks and Recreation.</p>

Respondent	Comments	Response
	recreational activities and public access.	
<p>Clyde W. Namuo, Chief Executive Officer, Office of Hawaiian Affairs</p> <p>Letter dated 12-3-10, resubmitted by e-mail from Keola Lindsey, Compliance Monitoring Program on 8-16-11</p>	<p>The letter from OHA was originally submitted for the Cultural Impact Assessment</p> <p>CIA should address the cumulative impacts of the overall project, rather than the relatively narrow scope of Phases C and D, pointing out that Phase B in within the traditional landscape of Wailuanuiahoano and is extremely sensitive.</p> <p>Many of the concerns related to traditional cultural practices detailed in the (original) FEA are applicable to the SDEA.</p> <p>Potential for encountering iwi kupuna and cultural resources within beach sand deposits along coastal portions of project clearly identified in the FEA. Urge that a comprehensive analysis and consultation on this issue be completed before any revised alignment is selected and design and engineering plans developed.</p> <p>Alignment will extend through what are known as "coastal reserves." While increasing access to the shoreline can increase the ability to exercise traditional and cultural gathering practices, this can also place additional pressures on resources and adversely impact those who currently exercise these practices without the project. This issue should be addressed in the CIA.</p> <p>A memorandum of agreement was executed in 2006 under the National Historic Preservation Act. OHA expects the terms and provisions of this MOA to be fully implemented should the alignment be revised.</p> <p>OHA recommends consultations with the following groups and individuals: Nathan Kalama, Waldeen Palmeira, Kehaulani Kekua, Val Ako, Kaua'i /Niihau Island Burial Council, and Kahau Historical Society. This list is not intended to be all encompassing.</p>	<p>Since the County began planning for Phases C & D of the shared use path, construction of the Wailua River crossing and Phases A & B were completed per the original environmental assessment. The completed sections incorporate design changes and features that responded to the importance of the Wailua traditional cultural property:</p> <ul style="list-style-type: none"> • extensive landscaping was installed at the rest area near Aloha Beach Hotel to deter access to Hikinaakala Heiau and Hauola • the path along Wailua Beach was relocated to the highway shoulder • informational markers have been installed along the route <p>Phases A & B were completed in compliance with the 2007 Section 106 memorandum of agreement (MOA). The MOA will continue to govern the majority of Phases C & D, as they were also components of the build alternative in the final environmental assessment for the original project.</p>
<p>County Government</p>		

Respondent	Comments	Response
<p>Leonard Rapozo, Jr., Director, Department of Parks and Recreation Letter dated 8-15-11</p>	<p>Department supports the construction and use of the bike/pedestrian path.</p> <p>Expect positive economic, social, and health impacts.</p> <p>Request that potential manpower needs for this section of the path be addressed.</p>	<p>The positive effects of the proposed path are included in the section on Park Facilities.</p> <p>The need for additional personnel to maintain the facility is addressed under Fiscal Impacts.</p>
<p>Gregg Fujikawa, Chief of Water Resources and Planning, Kaua'i Department of Water Letter dated 9-1-11</p>	<p>No objections to the SEA for the proposed Waipouli connection.</p> <p>Request for water service will be dependent on adequacy of the source, storage, and transmission facilities at the time.</p> <p>DOW currently owns and operates water system facilities along the proposed path.</p> <p>The proposed path may affect water facilities. Recommend submittal of construction drawings to the DOW for review and approval.</p>	<p>Water service would be needed for the proposed comfort station and for possible irrigation. Coordination with the Dept of Water, including submittal of construction drawings, will occur during the design phase of the project.</p>
<p>Capt. Daryl Date, Kaua'i Fire Department Phone conversation on 8-8-11</p>	<p>Path should provide access points for emergency vehicles. No standard intervals for access. Possibly every 1000 ft. to ¼ mile, depending on adjacent land uses.</p>	<p>Phases C&D of the path traverses an urbanized area. The path will be accessible through the existing network of public and private roads, driveways, and parking areas.</p>
Utilities, Organizations, and Individuals		
<p>Alicia Kaauwai, neighbor Phone conversation on 8-9-11</p>	<p>Residence located between Kamoia Road and Uhelekawawa Canal. Raised several questions and concerns:</p> <ul style="list-style-type: none"> • Doesn't want to be "boxed in" by paths • Disruptions to the character of the neighborhood • Lowered property values • Poor maintenance • Will there be fencing? • Will Mokihana Road be closed? • Will the coconut trees be taken down? • When will the path be constructed? • Possible subsurface cultural artifacts 	<p>The County has completed several sections of Ke Ala Hele Makalae that are located adjacent to residences—along Ala Road and Moanakai Road, fronting Kapa'a Beach Park, and at Hundley Heights. Through these projects, the County has gained experience in mitigating impacts on nearby properties and minimizing disruptions to the neighborhood.</p> <p>Fencing and landscaping are some of the design tools that may be used to develop a path that is attractive and comfortable to users and adjacent landowners. The County will consult further during the design phase of the project.</p>

Respondent	Comments	Response
	<p>Suggested that path should be aligned along existing right-of-way (beach access) and highway</p> <p>Asked to be kept informed of project planning</p>	<p>Although effects on specific property values cannot be predicted, in general, new paths have tended not to lower property values.</p> <p>The Dept of Parks and Recreation will be responsible for maintaining the path. In some cases, the County may partner with adjacent resort owners to share maintenance duties.</p> <p>Kamoa Road and the driveway to Mokihana/Bull Shed will remain open</p> <p>Some of the coconut trees along Uhelekawawa Canal will need to be removed or relocated if the path is constructed along the southern bank (the preferred alignment).</p> <p>The project is expected to begin construction in the 2014-15 timeframe.</p> <p>Because there is a possibility of encountering subsurface cultural deposits, the County undertook an archaeological inventory survey to obtain more information. Through historic preservation consultation, mitigation measures have been developed and will be implemented to avoid and minimize adverse impacts. These include archaeological and cultural monitoring during construction.</p>
<p>Randall C. Blake, Executive Director, Kaua'i Path</p> <p>Letter dated 8-15-11</p>	<p>Kaua'i Path Board unanimously supports makai path alignment.</p> <p>Benefits include safe and more inviting facility, expand opportunities for non-motorized travel and recreation; provide connectivity to shopping, dining, and resort areas; and preserve coastal access in perpetuity for island residents.</p> <p>Phase D alignment takes path users away from roadway thereby avoiding the potential danger of crossing heavily</p>	<p>The scope of the project has expanded to include a comfort station. However, there are no plans for rest pavilions in Phases C & D.</p>

Respondent	Comments	Response
	<p>trafficked Kūhiō Highway.</p> <p>Concur with cantilever path across Uhelekawawa Canal because it minimizes right-of-way purchases and is economical to construct.</p> <p>Existing sections have set a high standard with more people using for health and well-being.</p> <p>Consider addressing the following in the supplemental EA: at least one comfort station and two or more rest pavilions to be located near the midpoint between Lihi Park and Lydgate Park, ideally with ocean view. Distance between these two points is more than two miles, which is too long for many path users to travel without shelter and relief.</p>	
<p>Lloyd Nishikawa, neighbor Email dated 8-7-12</p>	<p>Property would be affected by proposed path which passes near the north and east boundaries.</p> <p>The alternate path alignment would have the least impact on private properties and should be chosen.</p> <p>Concerned about disruption to neighborhood—privacy, noise, and security.</p> <p>What are options for opposing the path?</p>	<p>The path would be designed with fencing and/or landscaping to mitigate noise and privacy impacts on adjacent properties. Other sections of the path have been built in residential areas and the County would apply its experience in addressing proximity concerns.</p> <p>Concerns should be submitted during the DEA comment period. The final decision will reflect probable impacts, including cumulative impacts, of the proposed improvements on the public interest.</p>
<p>Sonny Perreira, Network Operations Manager, Sandwich Isles Communications, Inc. Letter dated 8-15-11</p>	<p>Sandwich Isles Communications (SIC) facilities located along Kūhiō Hwy will be impacted if Phase E is designed and built.</p> <p>Request that SIC be given ample time to review plans if any work is done in this (Phase E) area.</p>	<p>Additional consultation will occur during the design phase of the project.</p>
<p>Rayne Regush, Executive Committee, Kaua'i Group, Sierra Club Letter dated 4-6-12 <i>This letter was submitted</i></p>	<p>Request information regarding the following:</p> <ul style="list-style-type: none"> • detailed identification of path location relative to stands of ironwood trees • location of existing footpaths 	<p>Because of FHWA project funding policies, detailed project design is not allowed prior to completion of the EA. However, Figure 18 shows a section of the path in relation to the existing ironwood stand and 40-foot</p>

Respondent	Comments	Response
<p><i>for the Section 106 (historic preservation) consultations, but is included here because of comments on other environmental resources</i></p>	<ul style="list-style-type: none"> • locations of current certified shoreline and all previous certified shorelines <p>The path should be placed sufficiently mauka of the certified shoreline:</p> <ul style="list-style-type: none"> • there has been long-time public access along the coast for fishing and interaction with nature • the ironwood stands should be retained to preserve the historic, scenic and cultural qualities of the area; the trees also support the shoreline berm • given evidence of high wave activity mauka of the 2005 certified shoreline, the expected rise in sea level, and beach habitat used by Hawaiian monk seals and sea turtles (protected species), the proposed path should be located as far mauka as possible 	<p>shoreline setback line (at TMK: 4-3-02: 16 and 28). While this drawing is indicative only and subject to change, it shows how the various features are likely to relate to each other.</p> <p>The County is committed to locating the shared use path mauka of the regulated shoreline setback to the extent possible. Future disposition of the ironwoods is at the discretion of the landowners.</p>

7.4 COMMENTS RECEIVED DURING DRAFT-EA COMMENT PERIOD

A notice of availability of the Draft Environmental Assessment was published in the Office of Environmental Quality Control (OEQC)'s *The Environmental Notice* on January 23, 2014. This commenced a 30-day public comment period that ended on February 24, 2014. Notice of Draft EA availability was sent to the following agencies and organizations on January 22, 2014, with a request for comments. On February 19, 2014, a second public information meeting was held at the Kapa'a Middle School to present the findings of the Draft EA. Meeting attendees were encouraged to comment by mail, email or comment sheet provided at the meeting, and comments were accepted even after the end of the official 30-day period.

Federal

Army Corps of Engineers, Civil Works Technical Branch
 Army Corps of Engineers, Regulatory Branch
 Fish & Wildlife Service, Pacific Islands Office
 NOAA National Marine Fisheries Service, Pacific Islands Regional Office
 U.S. Department of Transportation, Federal Highway Administration, Hawaii Division Office

State

Department of Business, Economic Development & Tourism

- Chairperson
- Office of Planning

Department of Hawaiian Home Lands

Department of Health

- Environmental Planning Office
- Hawaii Disability and Communication Access Board (DCAB)

Department of Land and Natural Resources

- Chairperson
- Division of State Parks
- Office of Conservation and Coastal Lands
- State Historic Preservation Division

Office of Hawaiian Affairs (Honolulu and Kaua'i)

Department of Transportation

- Director
- Kaua'i District
- Highways

University of Hawaii Environmental Center

County of Kaua'i

Department of Parks and Recreation

Department of Water

Fire Department

Planning Department

- Director
- Kaua'i Historic Preservation Review Commission

Police Department

Transportation Agency

Elected Officials

Mayor Bernard P. Carvalho, Jr.

Council Chair Jay Furfaro

County Vice Chair Mason K. Chock, Sr.

Councilmember Tim Bynum

Councilmember Gary L. Hooser

Councilmember Ross Kagawa

Councilmember Mel Rapozo

Councilmember JoAnn A. Yukimura

Senator Ronald Kouchi, 8th Senatorial District

Representative Derek Kawakami, 14th Representative District

Representative James Kunane Tokioka, 15th Representative District

Utilities

Hawaiian Telcom
Kaua'i Island Utility Cooperative (KIUC)
Oceanic Time Warner Cable
Sandwich Isles Communications

Organizations

Kapa'a Business Association
Kaua'i Chamber of Commerce
Kaua'i Path
Niu Pia Land Company, Ltd

Individuals

Letters were sent to same list of property owners and individuals who attended the first public informational meeting as well as all participants of the Section 106 National Historic Preservation Act, Native Hawaiian Consultation process.

Draft-EA Comments Received

Written comments were received from 10 government agencies, 6 organizations and 18 individuals. Letters, emails, and telephone notes are reproduced at the end of this chapter. Comments and responses are summarized in the table below.

Table 7-2: Summary of Comments Received During the Draft-EA Comment Period

Respondent	Comments	Response
State Government and Utilities		
Rodney Kaulupali, Director of Construction Services, Sandwich Isles Communications, Inc. Letter dated 1-29-14	Sandwich Isles Communications (SIC) has underground fiber cable and ducts along Kūhiō Hwy. Submit plans for Kūhiō Hwy. segments for review.	Will comply.
Laura Leialoha Phillips McIntyre, AICP, Program Manager, State Department of Health, Environmental Planning Office Letter dated 1-30-14	Review Standard Comments on DOH website and adhere to all applicable standard comments.	Project will adhere to all Standard Comments.
Russel Y. Tsuji, Land Administrator, Department of Land and Natural Resources Letter dated 1-31-14	Land Division, Kaua'i District: no comments. Engineering Division: confirmed project FIRM designations.	No action required.
Samuel J. Lemmo, Administrator, State	The proposed work will not be located within the State Land Use Conservation District; no	Acknowledged. County will apply for SMA

Respondent	Comments	Response
<p>Department of Land and Natural Resources, Office of Conservation of Coastal Lands Letter dated 2-7-14</p>	<p>approvals will be required from this office. Portions of the proposed project are sited within the County of Kaua'i Special Management Area (SMA).</p>	<p>Use permit during next phase of project.</p>
<p>Jesse K. Souki, Director, Office of Planning, State of Hawaii Letter dated 2-3-14</p>	<p>1. County of Kaua'i Planning Commission is SMA permit authority, correct reference on page 1-5.</p> <p>2. Valuation threshold between the SMA Use Permit and SMA Minor Permit raised from \$125,000 to \$500,000. Correct references accordingly.</p> <p>3. Because shoreline setback requirements are related to depth of lots and coastal erosion rate, Final EA should update stated shoreline setback based on parcel specific information from County.</p> <p>4. Final EA should attach archaeological monitoring plan to be reviewed and concurred by State Historic Preservation Division prior to construction activities.</p> <p>5. Final EA should include assessment as to how the proposed action conforms to CZM objectives and its supporting policies.</p> <p>6. Final EA should indicate that a federal consistency review will be required from the Office of Planning, Hawaii CZM Program.</p>	<p>1. Statement corrected. 2. Statement corrected. 3. Next phase of project will include a SMA Use permit and engineering design. Topographic survey and certified shoreline survey will be prepared and used by County as basis for shoreline setback determination.</p> <p>4. An archaeological monitoring plan will be completed during design phase, and is intended to be used during construction. These issues were discussed in depth and agreed upon with Native Hawaiian organizations during the Section 106 NHPA consultation.</p> <p>5 and 6. Information added to Final EA.</p>
<p>Francine Wai, Executive Director, Disability and Communication Access Board Letter dated 2-4-14</p>	<p>DCAB staff advice and recommendations provided: Include the statement provided (regarding conformance with applicable accessibility standards) in the plan. New construction and alterations are required to comply with the 2010 ADA Standards for Accessible Design (2010 Standards) . We <u>strongly encourage</u> the use of the listed accessibility guidelines. Although not yet required, they provide guidance for a minimal level of accessibility for those elements not addressed by the enforceable 2010 ADA Standards. We recommend the following language [provided] regarding construction of path in compliance with relevant existing ADA guidelines, cited proposed guidelines, etc.:</p>	<p>Final EA includes the general statement you provided.</p> <p>Other recommendations pertain to the subsequent design phase, and will be forwarded to the County for coordination with your agency during the design and construction phase.</p>

Respondent	Comments	Response
	Please note that all individual pedestrian and bicycle district and route projects must still be submitted to DCAB for review per HRS §103-50.	
<p>Alec Wong, P.E., Chief, Clean Water Branch, State Department of Health Letter dated 2-6-14</p>	<p>1. Any project and its potential impacts to State waters must meet State's water quality policies and criteria, pertaining to antidegradation policy, designated uses, and water quality.</p> <p>2. National Pollutant Discharge Elimination System (NPDES) permit coverage is required for pollutant discharges into State surface waters and for certain situations involving storm water.</p> <p>3. If project involves work in, over, or under waters of the United States, recommend contacting the Army Corps of Engineers, Regulatory Branch regarding permitting requirements.</p> <p>4. All discharges related to the project construction or operation activities must comply with the State's Water Quality Standards.</p>	<p>Project will adhere to all applicable water quality standards and criteria. NPDES permit will be obtained for construction period stormwater discharge. Project does not include work in or discharge into waters of the U.S. No permit is required from the U.S. Army Corps of Engineers.</p> <p>All project discharges will comply with State water quality standards.</p>
<p>Alvin A. Takeshita, Highways Administrator, State Department of Transportation Letter dated 2-14-14</p>	<p>HDOT will review the document and send any comments directly to the County of Kaua'i, Department of Public Works.</p>	<p>Comment acknowledged. No action required.</p>
<p>Kamana'opono M. Crabbe, Ph.D. Ka Pouhana, Chief Executive Officer, Office of Hawaiian Affairs Letter dated 3-3-14</p>	<p>Waipouli is a historically and culturally significant area, and it is known to have a high likelihood of burials. Two burial sites were discovered during the Archaeological Inventory Survey and there is high likelihood that more burial sites will be discovered (during construction), due to nature of the area.</p> <p>Anticipated path excavation to maximum of one foot does not preclude discovery of burials, especially in sand dunes in eroding area.</p> <p>Archaeological monitor and execution of burial treatment plan important, because of high likelihood of inadvertent discoveries.</p> <p>Concur with the State of Hawai'i Department of Land and Natural Resources Office of Conservation and Coastal Lands' letter of August 1, 2011 regarding the effect rising sea levels and beach erosion will have on project. The pathway should be constructed as far mauka as possible due to the high fluctuation of the coastline, and all sand displaced during construction should be</p>	<p>Section 106, National Historic Preservation Act consultation was conducted over an 18-month period and resulted in a "no adverse effect" determination, conditioned on agreed-upon mitigations.</p> <p>Mitigation commitments emphasize knowledgeable on-site archaeological monitor, and involving Section 106 NHO participants and the Kaua'i /Niihau Island Burial Council in determining treatment of inadvertent discoveries.</p> <p>Regarding rising sea levels and beach erosion, County has made commitment to locate the path as far mauka</p>

Respondent	Comments	Response
	placed on the makai face of the frontal dune.	as possible.
Organizations		
Reverend Jed Young, Senior Pastor, Kapa'a Missionary Church Letter dated 2-18-14	Do not agree with the "Build Alternative" running on Kūhiō Highway. Recent increases in bicycle and pedestrian traffic in front of the Kapa'a Missionary Church makes it difficult to turn in to the church property. Placing path on Kūhiō Highway will increase traffic and safety hazards. Ask that path be placed along the canal and behind the Village Manor (Proposed Additional Alignment).	Concerns regarding Kūhiō Highway alignment and your preference for the alternative between the Village Manor Apartments and along Uhelekawawa Canal are noted.
Reverend Jed Young, Senior Pastor, Kapa'a Missionary Church Letter dated 2-21-14	Attached is a list of names and signatures of people who do not want the "Build Alternative" (2007 FEA) route approved for Phase C. We would like to see the path run along the canal and behind the Village Manor (Proposed Additional Alignment). This is a much safer route for users of the path and a much nicer one as well.	Comments acknowledged.
Tommy A. Noyes, Secretary, Kaua'i Path Inc. Board of Directors Letter dated 2-10-14	Kaua'i Path Inc.'s board of directors firmly and unanimously supports the near-term construction of new path and supporting amenities as described in the DEA.. This coastal path alignment has been extensively reviewed and should proceed without delay. This will result in the best, most attractive facility that will benefit the largest number of Kaua'i residents.	Acknowledge your support for the coastal path alignment away from Kūhiō Highway.
Rayne Regush, Sierra Club of Hawaii, Kaua'i Group Executive Committee Letter dated 2-21-14	Sierra Club is writing to express concern about inaccurate conclusions drawn from testimony (both written and verbal) during the Section 106 Consultation meetings and reflected in FHWA letter to DLNR dated Nov. 26, 2013. On page 10, first paragraph, <u>Footpath through Ironwoods CTMK: 4-3-007:027</u>) it references Sierra Club's April 4, 2012 letter (to Mr. Glenn M. Okimoto, Director, Hawaii DOT) and my comments at public meetings #4 and #5. However, that paragraph only cites the TMK for Coconut Plantation, and omits TMK 4-3-02:15 & 16 for the Coconut Beach Development parcel. Similarly, Cultural Surveys Hawaii commented only on the northern most parcel (Coconut Plantation). Our testimony was inclusive of both undeveloped resort parcels which have existing footpaths through mature Ironwood trees. These trees are located on the public beach.	Comments forwarded to FHWA. Since their letter has already been submitted to DLNR, your letter with clarifications of Sierra Club positions will become part of the project record.

Respondent	Comments	Response
	<p>Therefore, jurisdiction over the future disposition of the ironwoods does not rest solely with the developer.</p> <p>On page 10, paragraph 2, last sentence, FHWA's letter states: "To the extent feasible, the bike/pedestrian will seek to incorporate the existing footpath." Whereas Sierra Club testimony focused on preserving the footpaths and trees and locating the Path mauka, this statement indicates that the footpath will be replaced with a 12-ft wide cement multi-use path.</p> <p>On pages 11-12, in the chart called Summary of Site Specific Mitigation Measures, for TMK 4-3-007:027 (Coconut Plantation) it states: "Path to follow the existing footpath where feasible". Again, this statement is absolutely contrary to our testimony.</p> <p>Furthermore, the Coconut Beach Development property has a non-buildable, 100-foot Open District designation along the coastline, allowing the county to establish the shoreline setback for the Path, mauka of these trees, without needing a Variance Permit.</p> <p>I hope you will agree to take corrective action to clarify these inadvertent mischaracterizations in the FHWA's 2013 letter to William Aila. And, we would also appreciate if your assessment could be submitted for the record for the Draft Environmental Assessment, which also published your FHWA letter.</p>	
<p>Sid Jackson, Secretary, Wailua-Kapa'a Neighborhood Association Letter dated 2-22-14</p>	<p>We object to any Shoreline Setback Variances along the coastline fronting the undeveloped resort parcels owned by Coconut Beach Development (TMK 4-3-002:015 and 01 6) and Coconut Plantation (TMK 4-3-007 :007).</p> <p>Development of these parcels is not a given; expiration dates of these County SMA Use Permits need to be included in the DEA.</p> <p>Path should not be located within shoreline setback through these two parcels. Negative impacts could include : 1) impede recreational use of the public beach; 2) eliminate a mature stand of Ironwood trees that provide shade and beauty, and whose roots secure the coastal berm; 3) thwart the haul-out activities of the endangered Hawaiian monk seal and threatened green sea turtles and other flora/fauna;</p> <p>4) constrict traditional and well-used fishing and</p>	<p>Would like to clarify that County would request Shoreline Setback Variance only if sufficient land is unavailable along the coast. You are correct in that the undeveloped resort properties will not require a shoreline setback variance because of the required 100-foot shoreline setback, conditions of their SMA permits. For other already developed parcels, detailed topographic surveys, certified shoreline survey and shoreline setback determination will be done in next phase of project. This will be used to more</p>

Respondent	Comments	Response
	<p>diving beach; and</p> <p>5) infringe on cultural and social traditions within the coastal environment.</p> <p>We request that the County not seek a SSV for the above referenced TMKs.</p>	<p>precisely locate the path. County's intent is to locate the path as far mauka from the shoreline as possible.</p>
<p>Rayne Regush, Sierra Club of Hawaii, Kaua'i Group Executive Committee</p> <p>Letter dated 2-24-14</p>	<p>Request that Sierra Club be consulted during the design phase, particularly for the coastal portions adjacent to two large undeveloped resorts parcels: (<i>see response #1</i>).</p> <p>Omissions and Corrections</p> <p>On page 3-39, Figure 12, Historical and Cultural Mitigations, we strongly object to the DEA conclusion "to the extent feasible, the bike/pedestrian path will seek to incorporate the existing footpath." (<i>see response #2</i>). The footpath should remain intact and the Path needs to be sited landward of it.</p> <p>Related to Significance Criteria: On Page 5-3 Item 4 - 4. The term "cultural practices" has been omitted. (<i>see response #3</i>)</p> <p>Page 8-11 Chart - Pre-Assessment Comments Received. The public beach extends to where the high wash of the waves reaches and goes beyond these trees, as evidenced since 2005.</p> <p>Significance Criteria §11-200-12 B . 11 - Why wouldn't the Path be considered a structure that can be significantly damaged due to high water events if positioned too close to the ocean? (<i>see response #4</i>)</p> <p>Shoreline Setback Variance (SSV) Will th variance be for Phse C & D in its entirety or for particular areas? (<i>see response #5</i>)</p> <p>Shoreline setback variance can undermine CZM protections. Without knowing the Path's specific alignment, how can the DEA justify that the Path is in compliance with the following beach protections? (<i>see response #6</i>)</p> <p>Page 4-4. E. Open Lands Policies - Item 3. Lands designated Open shall remain predominantly free of development involving buildings, paving and other construction. (<i>see response #7</i>)</p>	<ol style="list-style-type: none"> 1. There will be public meetings during the design phase of the project and Sierra Club representatives will be invited to attend. 2. Page 3-39. The map label will be corrected to say "locate path as far mauka as feasible." 3. Page 5-3. Omission regarding cultural practices noted and will be corrected. 4. Significance Criteria. A path is neither an "occupied" structure nor a structure as defined by the Kaua'i County Flood Plain Management Ordinance. 5. Shoreline Setback Variance. Precise location of path cannot be determined until next phase which includes topographic survey map with property lines plotted, certified shoreline and shoreline setback determination. 6. Shoreline Setback Variance. Compliance with beach protections will be finalized during SMA compliance process. 7. Page 4-4 E. Open Land Policies. A public facility such as a multi-use path is expressly permitted in the open zone. 8. Coastal Erosion. Costal erosion rates will be addressed during the SMA compliance process.

Respondent	Comments	Response
	<p>Coastal Erosion What are the shoreline erosion rates along the coastal corridor of Phase C&D? What are the erosion rates in the areas with concentrated cultural deposits? (<i>see response #8</i>) According to page 3-3 in the DEA, the path is proposed for construction on berms to avoid excavation in areas with concentrated cultural deposits. These cultural deposits must be avoided, however, placing fill in close proximity to active beach processes can have negative impacts as well. (<i>see response #9</i>)</p> <p>Page 3-5: Is the water line the certified shoreline? Is it the high water mark at high tide? Isn't it possible that a SSV could result in precisely this unintended consequence? (<i>see response #10</i>)</p> <p>QUESTION: If the Path is intended to be constructed within the setback, rather than landward of the setback, how will you demonstrate it won't interfere with coastal processes? (<i>see response #11</i>)</p> <p>On page 4-8, Figure 18 shows a Conceptual Layout of a Portion of Project Area Relative to 40-Foot Shoreline Setback. Can additional illustrations like this be prepared for all portions of the Path corridor, prior to the FEA? (<i>see response #12</i>)</p> <p>According to the SMA Permit for Coconut Beach Development resort, "The coast line fronting the property is also designated as an Open District with a depth of 100 feet inland from the certified shoreline" and that "No buildings are proposed within the Open District along the shoreline". QUESTION: Does this enable the County to adhere to the shoreline setback distance, aligning the Path 40-feet landward of the certified shoreline plus 70-feet multiplied by the annual coastal erosion rate? (<i>see response #13</i>)</p> <p>Biological Environment. Please identify the species counts for the Waipouli corridor, separate from Wailua and Kapa'a in order to more accurately assess possible impacts for Phase C&D. (<i>see response #14</i>) National Marine Fisheries Service (NMFS)</p>	<p>9. Page 3-3. Any fill will be with appropriate material and will be addressed during the SMA compliance process.</p> <p>10. Page 3-5. The water line in the diagram is not the certified shoreline. The high water mark is at high tide. The SSV issue will be addressed during the SMA compliance process.</p> <p>11. Impacts to the coastal processes will be addressed during the SMA compliance process.</p> <p>12. Page 4-8, Figure 18. Similar maps will be provided during the SMA compliance process.</p> <p>13. SMA permit for Coconut Beach. This issue will be addressed during the SMA compliance process.</p> <p>14. Avian makeup of Waipouli, Wailua and Kapa'a areas are the same. Species recorded within any of these three areas are found at least occasionally in other two sites. There is no significant difference in the avifauna within the three areas.</p> <p>15. The grove of mature coconut trees are identified by Exceptional Tree No. K-12-Coconut Grove. The coconut trees on parcel 27 are on the exceptional tree list. The grove does not extend to the shoreline and there does not appear to be any coconut trees where the path will be aligned. However, if a coconut tree is found within proposed</p>

Respondent	Comments	Response
	<p>proposes revising the current critical habitat for the Hawaiian monk seal by extending the current terrestrial habitat 5 meters (approximately 16-4 feet) from the shoreline. Important to site Path no less than the 40-foot shoreline setback requirement to keep buffer between Path activities and seal and threatened green sea turtle habitat. Best mitigation is avoidance.</p> <p>Page 3-16 states "users who stay on the path itself are highly unlikely to encounter a hauled out seal since the path is on the elevated flat land above the beach." This is not consistently true because the beach elevation changes so dramatically and can align with inland elevations, allowing the seals a direct line of sight to human activities.</p> <p>QUESTION: Is the grove of existing mature coconut palms on TMK 4-3-007:027 (Coconut Plantation) recognized and protected by Kaua'i County Exceptional Tree Ordinance? If so, please describe how the Path will impact these trees and mitigation efforts (<i>see response #15</i>)</p> <p>Ironwood trees along seaward side of undeveloped parcels are located where, from time to time, the high tide reaches. Therefore, these trees are part of the public beach. Their root system holds the berm and mitigates beach erosion, they minimize adverse impacts on public views from and along the shoreline, and they can serve as a buffer between the Path activities and beach activities.</p> <p>Foot path through the Ironwood Trees The mature ironwood trees along the shore are within the active beach corridor. This means that the tree's future disposition is not solely in the hands of the landowner.</p>	<p>alignment, County Arborist Committee will be consulted regarding measures to replace or avoid tree.</p>
Individuals		
<p>Mary Ransbury, Islander on the Beach owner Email dated 1-23-14</p>	<p>Please consider the path alternative to run between the Coconut Market Place and Islander on the Beach rather than directly in front [makai side] of the Islander on the beach. The Coconut Market Place needs patrons and visibility.</p>	<p>Your preferred route is noted. Because the path runs along the parking lot of the Coconut Marketplace, path users will have opportunities to patronize shops when these phases are completed.</p>
<p>Brad and Wendy Kreller, Islander on the Beach</p>	<p>We strongly urge you to consider the route to run between the Coconut Market Place and Islander</p>	<p>Surface water runoff and drainage issues will be</p>

Respondent	Comments	Response
<p>owners Email dated 1-23-14</p>	<p>on the Beach (instead of in front [makai side] of the Islander complex) for the following reasons:</p> <ol style="list-style-type: none"> 1) There could be some serious drainage issues which could cause major damage to the ground floor units. 2) Resort guests would have to cross the path to get to the beach, creating a hazard for both bikers and resort guests. 	<p>addressed in the next engineering design phase of the project.</p> <p>The multi-use path will be designed according to nationally recognized design guidelines which address safety issues.</p> <p>Signage and markers will be installed to warn users of safety concerns.</p> <p>The multi-use path is designed for bicycles as well as pedestrians and joggers of all ages.</p>
<p>Gregg and Debbie Gray, Islander on the Beach owners Email dated 1-26-14</p>	<p>Our units will be greatly affected by Spur D section of bike path.</p> <p>The small grass area fronting these buildings is too narrow to allow a busy bike lane without endangering our constant crossing to and from the beach. Elderly residents who would cross the path is a particular hazard.</p> <p>A liability to both the County and owners of Islander on the Beach is avoidable by rerouting a section of the path to a safer area more appropriate for bikes.</p> <p>There are drainage issues that will cost much more than anticipated to address properly.</p>	<p>The multi-use path will be designed according to nationally recognized design guidelines which address safety issues.</p> <p>Signage and markers will be installed to warn users of safety concerns.</p> <p>Surface water runoff and drainage issues will be addressed in the next engineering design phase of the project.</p> <p>The multi-use path is designed for bicycles, pedestrians, and joggers of all ages. Experience with completed phases of the path has been that bicyclists are aware of pedestrians, elderly and children and proceed cautiously.</p>
<p>Charles N. Baker Email dated 2-2-14</p>	<p>My partner and I own the commercial building at 4-734 Kūhiō Hwy. The alternative along Kūhiō Hwy. would destroy our commercial use and jeopardize parking at this location.</p> <p>Having bicycle riders along this section [could cause] an accident, potential deaths, and lawsuits.</p> <p>I support the proposed additional alignment as the best possible solution to the above problems.</p> <p>Mayor Baptiste promised the route would not go in front of our business location during previous public meetings.</p>	<p>We agree that this route is less than optimal given the safety issues, disruption to commercial activity, and cost to tax payers.</p> <p>We also note that you support the alignment that runs between the Village Manor apartments and along Uhelekawawa Canal.</p>

Respondent	Comments	Response
	As a taxpayer, I do not want to share in the expense of compensating commercial property owners affected by the alignment along Kūhiō Hwy.	
Sean Daunt Email dated 2-13-14	I'm an avid user of the path to Keālia Beach and truly appreciate your efforts. I believe the pathway plan is one of the best projects that the County has designed. The problem with going in front of the Islander is the lack of space between the units, path and beach. It's just too tight an area to cross in front of the units of the Islander. I'm hoping that you can look into alternate routes.	The next engineering design phase of the project will survey the properties and address the lack of space between the units, path, and beach in front of the Islander on the Beach. Additional public meetings will be held to present findings and determine the precise locations of the multi-use path.
Gary Lamouria, Islander on the Beach owner Email dated 2-16-14	I have never been on a bike path with such close proximity to private buildings and lanais. How will security issues arising from private property owners and path users be addressed by the County? There is little land between our properties and the beach. Safety issues between bikes, walkers, children, strollers, and unleashed dogs is a real concern. I am also extremely concerned with drainage on the property which is currently being studied and under review. I want to see how this issue could be fixed correctly before construction of the path. There are other routes this bike path can take.	Surface water runoff and drainage issues as well as the precise location of the multi-use path will be determined in the next engineering design phase. The multi-use path will be designed according to nationally recognized design guidelines which address safety issues. Signage and markers will be installed to warn users of safety concerns.
Neill Sams, Kapa'a Business Association Vice President Comment submitted 2-17-14	The Kapa'a Business Association supports all coastal routes when feasibly possible. We prefer the "green" route as shown in the presentation.	Comment noted. Thank you for your comments
Gabriela Taylor Comment submitted 2-19-14	I am in favor of the proposed coastal path as designated in the maps displayed at the public meeting.	Comment noted. Thank you for your comments
Esti Grinpas Comment submitted 2-19-14	I support the option along the canal. Walking along the highway is not safe for pedestrians, provides poor air quality, and is noisy.	We note that you support the route that runs along Uhelekawawa Canal instead of along Kūhiō Highway.
Bruce Richardson Email dated 2-19-14	The path is a wonderful addition to the island and is in constant use by all manner of walkers, runners, skaters, bikers, and people with impaired mobility. Far from impacting the coast negatively, users will do as they have along existing parts of	We note your support for the coastal route, the positive benefits for walkers, runners, skaters, bikers and people with

Respondent	Comments	Response
	<p>the path where they actively care, collect refuse, and monitor potential abuse of monk seals or turtles.</p> <p>Placing the path between the highway and the beach will help separate the beach from traffic and increase its appeal. Please do everything possible to place the path along the water where proposed.</p>	<p>impaired mobility, and appreciation for the culture of path users that includes caring for the path.</p>
<p>Glenn Mickens Email dated 2-19-14</p>	<p>1) How does the total length of this path keep changing? (<i>See Response 1</i>)</p> <p>2) Paving a county road at 20' wide by 1-mile long costs about \$ 147,000. Using this formula, a ten-foot wide path should cost about \$73,000. However, this path is costing \$5 million dollars a mile [in some areas, more]. How can that cost per use ever be justified? (<i>See Response 2</i>)</p> <p>3)The proposed bike path provides none of the traffic mitigation benefits found in other highway projects. Considering the path's cost, there is no comparison.</p> <p>4) How was the usage of this path changed from a "transportation" path to satisfy Transportation Enhancement qualifications to a dog-walking path as being used today? (<i>See Response 3</i>)</p> <p>5) A Council member who has pushed this path from the beginning once said it would take vehicles off the road and lessen the carbon monoxide going into the air. This has never happened and never will happen, as people will continue to use their vehicles for their transportation needs. Our time, resources and money should be used to build alternate roads..</p> <p>6) Where is the local, State and Federal oversight to find out where this obscene amount of money is going to build this path? (<i>See Response 4</i>)</p> <p>7) At its current pace, it would take 30 years or more to complete the path.</p> <p>8) This path was planned wrong from the beginning which is causing outrageous amounts of money and delays.</p> <p>9) How will the rules of this path, which say no motor vehicles permitted, be enforced?</p>	<p>1. Responding to community requests, the county seeks to extend the path whenever opportunities arise.</p> <p>2. Repaving an existing road does not compare to the cost to plan and build a new multi-use path. Federal Highway Administration funds 80% of the total cost of the path.</p> <p>3. According to the U.S. Department of Transportation, Federal Highway Administration website, "Bicycle and Pedestrians", Designing Sidewalks and Trails for Access, Part II of II: Best Practices Design Guides, "A shared-use path serves as part of a transportation circulation system and supports multiple recreation opportunities, such as walking, bicycling, and inline skating...Shared use paths provide a transportation function."</p> <p>4. Multiple County, State, and Federal agencies are involved in the planning, environmental documentation, engineering design and construction of the multi-use path.</p>
<p>Glenn Head, President, Lanikai AOA</p>	<p>I'm writing to express our support for the multi-use path as presented last night at the public meeting.</p>	<p>Comment noted. Thank you for your comments.</p>

Respondent	Comments	Response
Email dated 2-20-14	Our 17 owners look forward to enjoying the ocean side path including the short variation near the Bull Shed on the north end - the green line. Going out along the highway is simply too dangerous.	
Email on behalf of Kaua'i .surfrider.org dated 2-20-14	<p>The Surfrider Foundation is always concerned whenever anything is built too close to the beach. Coastal erosion and sea level rise, long term, will mean that these structures are in danger of washing away, or worse, might beget a coastal armoring project such as a seawall. For this reason, we urge the EA to proceed without any assumption of, as one of your slides said, "obtaining coastal setback variances."</p> <p>The Environmental Assessment should assume that the County will obey its own coastal setback law without seeking a variance.</p>	<p>We note your concerns.</p> <p>Surveys and studies will be completed in the next engineering design phase of the project to determine the final alignment for the multi-use path and will seek a shoreline setback variance only if needed. The county's intent is to locate the path as far mauka from the shoreline as feasible.</p>
<p>Tom Kremer and Pat White</p> <p>Email dated 2-22-14</p>	<p>(1) We support the continuing planning & funding of the entire bike path.</p> <p>(2) We do NOT support any plan that crosses either Kūhiō Highway or the by-pass road due to safety concerns.</p> <p>(3) We generally support how the county is approaching the planning and engineering/construction of the path .</p>	<p>We note your concerns and overall support for the planning and construction of the entire path system.</p>
<p>Andy Bushnell</p> <p>Email dated 2-23-14</p>	<p>The path should be sited as far mauka, away from the beach, as possible. No variances to the shoreline setback should be sought!</p> <p>It is important for the project to preserve as many of the ironwood trees as possible. The trees will provide a screen between beach goers and the path and their root systems play an important role in holding the sand. I would not be surprised if the roots are helping to hold in place sand burials.</p> <p>Finally, please have appropriate experts look over the interpretive signage before it is put up. That way, perhaps, silly mistakes such as the faulty signage at Kapa'a Park can be avoided.</p>	<p>We note your concerns. Our next phase of the project will include studies and surveys to determine the best alignment for the path and a shoreline setback variance will be sought only if sufficient space is unavailable. The county's intent is to locate the path as far mauka as feasible.</p>
<p>Wendy Raebeck</p> <p>Email dated 2-23-14</p>	<p>Aleko [Aleka] Loop is a rarely used road and almost-never-used sidewalk which is where the path should be constructed. Aleka Loop feeds directly into the Coconut Marketplace where pedestrians and cyclists could get food and refreshment, use restrooms, and spend money. The Coconut Marketplace also links up directly to Papaloa Rd. where the path route continues.</p> <p>There should be no variance permitted for the</p>	<p>Aligning the path along Aleka Loop was studied earlier and dismissed because Aleka Loop is privately owned. The county already owns a beach access and a beach reserve along the proposed route. Future development</p>

Respondent	Comments	Response
	<p>construction of the bike path in the Waipouli Beach area. All coastline must be rigorously protected, and that is why these important laws have been implemented.</p> <p>The mature Ironwood trees in Waipouli also need complete protection as this phase unfolds. I implore Public Works to respect the locals, respect Hawaiians, respect the ecosystem, and stop favoring tourists. It is appalling that Kaua'i would offer up its natural beauty and peace for more concrete and humans.</p>	<p>projects on these vacant parcels are required to grant a lateral easement for the multi-use path as a condition of their Special Management Area permit.</p> <p>Our next phase of the project will include studies and surveys to determine the best alignment for the path and a shoreline setback variance will be sought only if sufficient space is unavailable. The county's intent is to locate the path as far mauka as feasible.</p>
<p>Margery Freeman Email dated 2-23-14</p>	<p>After the meeting on the bike path phase C, I want to remind you of the tree I mentioned that I hope will be saved even if it means making a small detour. (Location of tree cited in letter). Don't know the type but it is a beautiful tree and should be saved. Please try to be sure this is done.</p>	<p>We will evaluate your recommendation to save the large tree that stands at the point where the path either goes straight to the highway or turns right into the parking lot.</p>
<p>Troy Arnold Email dated 2-24-14</p>	<p>I strongly support the makai route for this section of the path.</p> <p>Having to cross Kūhiō Highway, particularly at those locations is an absolutely awful alternative, one that is barely an improvement over no path at all.</p>	<p>We note that you strongly support the makai route and object to crossing Kūhiō Highway.</p>

Pre-Assessment Consultation Correspondence



DEPARTMENT OF THE ARMY
U.S. ARMY CORPS OF ENGINEERS, HONOLULU DISTRICT
FORT SHAFTER, HAWAII 96858-5440

REPLY TO
ATTENTION OF:

July 28, 2011

Regulatory Branch

POH-2011-00187

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

RECEIVED AUG 03 2011

Dear Mr. Kimura:

We have received your request for the Department of the Army to review and comment on the proposed Lydagate Park-Kapa'a Bike/Pedestrian Path, Waipouli Connection project on the Island of Kauai. We have assigned the project the reference number POH-2011-00187. Please cite the reference number in any correspondence with us concerning this project. We completed our review of the submitted document. Because the document addresses potential impacts associated with the speculative renovations and developments, the U.S. Army Corps of Engineers (Corps) is providing only general comments regarding Regulatory Program considerations.

Section 10 of the Rivers and Harbors Act of 1899 (Section 10) requires that a Department of the Army (DA) permit be obtained from the Corps prior to undertaking construction, dredging and other activities occurring in, over, or under navigable waters of the U.S. The line of jurisdiction extends to the Mean High Water Mark (MHW) for tidal waters. Section 404 of the Clean Water Act (Section 404) requires that a DA permit be obtained for the discharge (placement) of dredge and/or fill material into waters of the U.S., including wetlands. The line of jurisdiction extends to the Mean Higher High Water Mark (MHHW) for tidally influenced waters, the Ordinary High Water Mark (OHWM) for non-tidal waters and the approved delineated boundary for wetlands.

Based on the information provided, the project site appears to be absent of navigable waters subject to Corps jurisdiction. Therefore, authorization under Section 10 may not be required. Also from the drawings provided, it appears that the section located mauka of the Kuhio Highway and along the Waipouli drainage canal may result in the discharge of dredged and/or fill material considering that the Waipouli canal is perennial and leads to the Pacific Ocean, a traditionally navigable water. However, there is insufficient information provided to determine if the proposed project will involve activities under Section 404. To avoid unintentional violation to federal regulation and law, we advise you to contact our office prior to conducting any activity that may result in the discharge of dredged and/or fill material. As such, Section 404 authorization may be required for this action.

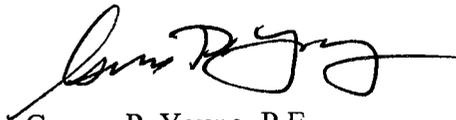
When developing the Environmental Assessment, we recommend you conduct a thorough aquatic resource survey, describing information regarding any potential water bodies, including wetlands, drainage ditches, gulches, stream, etc., on-site, especially those that may be impacted

by the proposed project. The survey should include descriptions of aquatic feature proposed for impact, flow duration and the flow path of each feature into navigable waters. Providing photographs of the parcel would also expedite our review.

If any water bodies are determined to be waters of the U.S., the applicant must obtain authorization from the Corps prior to discharge of dredged or fill material into these water bodies. Fill material, permanent or temporary, may include, but is not limited to: rock, dirt, sandbags, silt fences or concrete. The applicant should contact the Corps to determine if any of the proposed work constitutes a "discharge of fill" and submit an application with associated drawings that meet our drawing recommendations found on <http://www.poh.usace.army.mil/EC-R/EC-R.htm>. Click on "Apply for a Permit" on the right-hand side, and then click on "Rec - Sect 404 Clean Water Act Drawings." As a reminder, only the Corps of Engineers has authority to determine if any of these features are or are not waters of the U.S. and, potentially subject to regulations under Section 404 of the Clean Water Act. A request for an approved JD can be submitted prior to, or concurrently with, an application for the proposed work.

Thank you for contacting us regarding this project and providing us with the opportunity to comment. Should you have any questions regarding our Regulatory Program or the permit application process, please contact Ms. Deserie Bala at (808) 438-9258 or via email at Deserie.M.Bala@usace.army.mil.

Sincerely,

A handwritten signature in black ink, appearing to read "George P. Young", with a long horizontal flourish extending to the right.

George P. Young, P.E.
Chief, Regulatory Branch



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

RECEIVED MAY 11 2012

In Reply Refer To:
2012-TA-0257

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

MAY 09 2012

Subject: Technical Assistance for Lydagate Park Kapaa Bike and Pedestrian Path
Supplemental Environmental Assessment, Kauai

Dear Mr. Kimura:

The U.S. Fish and Wildlife Service (Service) received your letter, dated April 2, 2012, requesting our comments to assist you with the development of a supplemental Environmental Assessment (EA) for the construction and operation of the Lydagate Park Kapaa Bike and Pedestrian Path on the island of Kauai. In 2007, the Kauai Department of Public Works (DPW) completed an EA for the project and made a finding of no significant impact (FONSI). The project is partially funded by the Federal Highway Administration (FHWA), which made a determination that the path's construction and use would not affect federally listed species that occurred in the vicinity. We previously provided comments on the 2007 project in a letter to FHA dated May 4, 2007 (Service File 2007-TA-0140).

The original EA identified the preferred placement of a section of the path landward, or *mauka*, of Kuhio Highway and along the Waipouli drainage canal. It is our understanding that additional studies have concluded that the original alignment would not be optimal for path users. The County of Kauai has therefore re-examined placement alternatives that were analyzed in the 2007 EA and determined that a route seaward, or *makai*, of Kuhio Highway is the most feasible. This section of the path, known as the "Waipouli Connection," would be constructed along the ocean, within portions of the County's existing beach reserve.

We have reviewed the information you provided and pertinent information in our files, including data compiled by the Hawaii Biodiversity and Mapping Program and the Hawaii GAP Program. Our information indicates that the federally endangered Hawaiian hoary bat (*Lasiurus cinereus semotus*) and threatened green sea turtle (*Chelonia mydas*) may be present in the vicinity of the proposed path. The federally threatened Newell's shearwater (*Puffinus auricularis newelii*), endangered Hawaiian petrel (*Pterodroma sandwichensis*), and a candidate for listing, the band-rumped storm-petrel (*Oceanodroma castro*) (collectively referred to as seabirds) may fly over

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IN AMERICA 

the project area when traversing between the ocean and mountainous breeding colonies. Additionally, the wedge-tailed shearwater (*Puffinus pacificus chlorhynchus*) may nest in vegetation along the project area. While this species is not listed under the Endangered Species Act, it is federally protected under the Migratory Bird Treaty Act [16 U.S.C. 703-712].

In addition, the endangered Hawaiian monk seal (*Monachus schauinslandi*) may use beach habitat in the vicinity of the proposed path. However, the National Marine Fisheries Service (NMFS) is the Federal agency that consults on potential impacts to monk seals, both in their on-shore and ocean habitats. Therefore, we did not review the proposed project for potential project impacts to monk seals. We recommend that you contact NMFS regarding the presence of monk seals in the area and potential impacts to the species from the project.

Hawaiian hoary bat

Hawaiian hoary bats roost in both exotic and native woody vegetation and leave their young unattended in "nursery" trees and shrubs when they forage. If trees or shrubs suitable for bat roosting are cleared during the bat breeding season, there is a risk that young bats could inadvertently be harmed or killed. To minimize impacts to the endangered Hawaiian hoary bat, woody plants greater than 15 feet (4.6 meters) tall should not be disturbed, removed, or trimmed during the bat birthing and pup rearing season (June 1 through September 15). Path construction should be timed to avoid disturbance to possible nesting Hawaiian hoary bats in the project area.

Green sea turtle

Sea turtles are susceptible to artificial lighting that can disorient turtles away from the ocean. Sea turtles come ashore to nest on beaches from May through September, peaking in June and July. Optimal nesting habitat is a dark beach free of barriers that restrict their movement. Nesting turtles may be deterred from approaching or laying successful nests on lighted or disturbed beaches. If they do come ashore, they may become disoriented by artificial lighting, leading to exhaustion and placement of a nest in an inappropriate location (such as at or below the high tide line where nests are unlikely to be successful). Hatchlings that emerge from unprotected nests may be disoriented by artificial lighting. In addition, turtle nests and hatchlings are susceptible to human disturbance and predation by feral mammals such as small Indian mongoose (*Herpestes auropunctatus*), cats (*Felis catus*), dogs (*Canis familiaris*).

Seabirds

Seabirds, including the Newell's shearwater, Hawaiian petrel, and band-rumped storm-petrel fly at night and are attracted to artificially-lighted areas that can result in disorientation and subsequent fallout due to exhaustion or collision. Seabirds are also susceptible to collision with objects that protrude above the vegetation layer when traversing between the ocean and their mountainous breeding areas, such as utility lines, guy-wires, and communication towers. Additionally, once grounded, they are vulnerable to predators and are often struck by vehicles along roadways. Any increase in the use of nighttime lighting, particularly during each year's peak fallout period (September 15 through December 15), could result in additional seabird injury or mortality.

Wedge-tailed shearwaters

Unlike other Hawaiian seabird species, wedge-tailed shearwaters nest in littoral vegetation along coastlines. Nesting adults, eggs, and chicks are particularly susceptible to impacts from human disturbance and predators. Surveys should be conducted along the proposed path route during the species' peak breeding season (August through October) to determine the location of nesting areas. If it is found that wedge-tailed shearwaters nest along the proposed alignment, the path should be redirected to an area where they do not nest to avoid take.

Lighting Recommendations

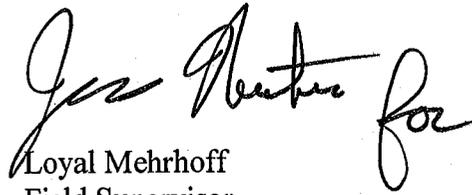
The supplemental EA should identify whether lights are proposed to be installed along the bike path. We recommend the bike path should be for day use only and lighting should not be included in this project. If lights cannot be eliminated due to safety or security concerns then they should be positioned low to the ground and shielded and/or full cut-off. Effective light shields should be completely opaque, sufficiently large, and positioned so that the bulb is only visible from below and light from the shielded source cannot be seen from the beach. Path construction activities should occur during daylight hours only.

Additional Recommendations

To minimize potential adverse impacts to listed wildlife, we suggest that free movements of pets (*i.e.* dogs off leash) be prohibited on the bike path. Furthermore, educational signs should be used to inform path users of leash laws and the presence of sensitive species. We also recommend the use of sturdy animal-proof garbage containers that reduce the attraction of the area to non-native and feral species, such as house mice, rats, and feral cats. As exotic invasive species currently dominate Hawaiian native ecosystems and coastal areas, if landscaping is proposed, we suggest the use of native plants in the development of the path.

In addition, we recommend FHWA contact our office early in the planning process so that we may assist with ESA compliance pursuant to section 7(a)(2). If you have questions regarding this letter, please contact Michelle Bogardus, Consultation and Habitat Conversation Planning Program (phone: 808-792-9473; fax: 808-792-9581).

Sincerely,


Loyal Mehrhoff
Field Supervisor

cc: Pat Phung, FHWA

Attachment

Nancy Nishikawa

From: David Nichols
Sent: Friday, April 20, 2012 3:50 PM
To: nnishikawa@kimurainternational.com
Cc: Patrick Opay
Subject: Kauai Bike Path SEA (Waipouli Connection)
Attachments: Hawaii Species List May 2011-1.pdf; David_Nichols.vcf


Aloha,

This responds to Glenn T. Kimura's April 2, 2012 letter regarding the preparation of a supplemental environmental assessment for the County of Kauai, Department of Public Works that will examine the impacts of a proposed connection for the Lydgate Park to Kapaa bike/pedestrian path (Waipouli Connection). Specifically you are requesting comments from our agency related to endangered or threatened plant and animal species that may occur in the project area. Under our statutory authorities under the Endangered Species Act (ESA) of 1973, as amended (16 U.S.C. §1531 *et seq.*), we provide the following ESA-listed marine protected species information.

The coastal areas of Kauai are known to have Hawaiian monk seals hauled out at multiple locations to rest, give birth to pups, or nurse/rear pups. Based on the information and the maps provided, there is a potential for monk seals to be in or near the project area. Green sea turtles may also be found hauled out onshore and basking on the beaches near the proposed path and hawksbill turtles may be found nearshore in this area. A complete list of Hawaii's marine protected species under NMFS's jurisdiction is attached for your review.

No additional marine species are proposed or are candidates for listing under the ESA at this time, however, critical habitat has been proposed for the Hawaiian monk seal around Kauai. This area includes terrestrial habitat 5 meters inland from the shoreline, through the shoreline into the marine environment out to the 500-m depth (except those portions of the areas that have been identified as not included in the designation). For further information on the proposed rulemaking to revise the critical habitat for Hawaiian monk seals please visit our website at http://www.fpir.noaa.gov/PRD/prd_critical_habitat.html.

For more information related to the ESA Section 7 consultation process, please visit http://www.fpir.noaa.gov/PRD/prd_esa_section_7.html.

Thank you for working with NMFS to protect our nation's living marine resources. Should you have further questions regarding this project or the ESA Section 7 consultation process, please don't hesitate to contact me.

David S. Nichols
Endangered Species Biologist

NEIL ABERCROMBIE
GOVERNOR



BRUCE A. COPPA
COMPTROLLER

JAN S. GOUVEIA
DEPUTY COMPTROLLER

STATE OF HAWAII
DEPARTMENT OF ACCOUNTING AND GENERAL SERVICES
P.O. BOX 119, HONOLULU, HAWAII 96810-0119

(P)1166.1

AUG - 4 2011

RECEIVED AUG 05 2011

Mr. Glenn Kimura
Kimura International, Inc.
1600 Kapiolani Blvd., Suite 1600
Honolulu, Hawaii 96814

Dear Mr. Kimura:

Subject: Lydgate Park-Kapa'a Bike/Pedestrian Path, Waipouli Connection
Waipouli, Kaua'i, Hawai'i
TMK: (4) 4-3-02 and (4) 4-3-07
Pre-Assessment Consultation

Thank you for the opportunity to provide comments for the subject project. The project does not impact any of the Department of Accounting and General Services' projects or existing facilities on Kaua'i and we have no comments to offer at this time.

If you have any questions, please call me at 586-0400 or have your staff call Mr. Myles Nakamura of the Public Works Division at 586-0491.

Sincerely,


BRUCE A. COPPA
State Comptroller

c: Mr. Ryan Nishikawa, DAGS Kauai District Office

NEIL ABERCROMBIE
GOVERNOR
STATE OF HAWAII



ALBERT "ALAPAKI" NAHALE-A
CHAIRMAN
HAWAIIAN HOMES COMMISSION
MICHELLE K. KAUHANE
DEPUTY TO THE CHAIRMAN
M. WAIALEALE SARSONA
EXECUTIVE ASSISTANT

STATE OF HAWAII
DEPARTMENT OF HAWAIIAN HOME LANDS

P.O. BOX 1879
HONOLULU, HAWAII 96805

August 4, 2011

RECEIVED AUG 13 2011

Glenn T. Kimura
President
Kimura International Inc.
1600 Kapiolani Blvd., Suite 160
Honolulu, Hawaii 96814

Aloha Mr. Glenn Kimura

Subject: LYDAGATE PARK-KAPA'A BIKE/PEDESTRIAN PATH,
WAIPOULI CONNECTION WAIPOULI, KAUA'I, HAWAII
TMK: [4] 4-3-02 AND [4]4-3-07
PRE-ASSESSMENT CONSULTATION

Mahalo for the opportunity to provide comments regarding the
subject proposal.

The Department of Hawaiian Home Lands has no comments to
offer. Should you want to discuss this matter further, please
call the Planning Office at (808) 620-9480.

Me Ke aloha,

in Albert "Alapaki" Nahale-a
Chairman
Department of Hawaiian Home Lands

Faint, illegible text at the bottom of the page, possibly a carbon copy or bleed-through from the reverse side.

NEIL ABERCROMBIE
GOVERNOR OF HAWAII



WILLIAM J. AILA, JR.
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT



STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
LAND DIVISION

POST OFFICE BOX 621
HONOLULU, HAWAII 96809

RECEIVED AUG 23 2011

August 22, 2011

Kimura International Inc.
Attention: Mr. Glenn T. Kimura
1600 Kapiolani Blvd., Suite 1610
Honolulu, HI 96814

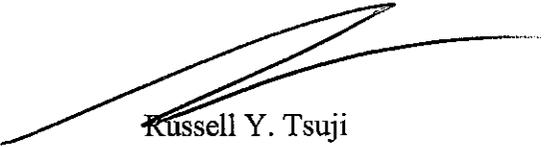
Dear Mr. Kimura:

SUBJECT: Pre-Assessment Consultation for Lydgate Park to Kapa'a Bike/Pedestrian Path, Waipouli Connection, Kauai, Hawaii; TMK: (4) 4-3-02 and 4-3-07

Thank you for the opportunity to review and comment on the subject matter. The Department of Land and Natural Resources' (DLNR) Land Division distributed or made available a copy of your report pertaining to the subject matter to DLNR Divisions for their review and comments.

At this time, enclosed are comments from (a) Division of Forestry & Wildlife; and (b) Land Division – Kauai District on the subject matter. Should you have any questions, please feel free to call Darlene Nakamura at 587-0417. Thank you.

Sincerely,



Russell Y. Tsuji
Land Administrator

Enclosures



STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
LAND DIVISION

POST OFFICE BOX 621
HONOLULU, HAWAII 96809

July 22, 2011

MEMORANDUM

TO: **DLNR Agencies:**
 Div. of Aquatic Resources
 Div. of Boating & Ocean Recreation
 Engineering Division
 Div. of Forestry & Wildlife
 Div. of State Parks
 Commission on Water Resource Management
 Office of Conservation & Coastal Lands
 Land Division -Kauai District
 Historic Preservation *Charlene*

FROM: Charlene Unoki, Assistant Administrator
SUBJECT: Pre-Assessment Consultation for Lydgate Park to Kapa'a Bike/Pedestrian Path,
Waipouli Connection
LOCATION: Island of Kauai
APPLICANT: Kimura International Inc. on behalf of County of Kauai, Department of Public
Works

Transmitted for your review and comment on the above referenced document. We would appreciate your comments on this document. Please submit any comments by August 18, 2011.

If no response is received by this date, we will assume your agency has no comments. If you have any questions about this request, please contact my office at 587-0414. Thank you.

Attachments

- We have no objections.
- We have no comments.
- Comments are attached.

Signed: *Ry /cy*
Date: *7/22/11*

DEPT. OF LAND & NATURAL RESOURCES
STATE OF HAWAII
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STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
LAND DIVISION

POST OFFICE BOX 621
HONOLULU, HAWAII 96809

July 22, 2011

MEMORANDUM

TO: **DLNR Agencies:**
 Div. of Aquatic Resources
 Div. of Boating & Ocean Recreation
 Engineering Division
 Div. of Forestry & Wildlife
 Div. of State Parks
 Commission on Water Resource Management
 Office of Conservation & Coastal Lands
 Land Division - Kauai District
 Historic Preservation

RECEIVED
 LAND DIVISION
 2011 AUG 12 P 12:52
 DEPT. OF LAND &
 NATURAL RESOURCES
 STATE OF HAWAII

Charlene

FROM: Charlene Unoki, Assistant Administrator
 SUBJECT: Pre-Assessment Consultation for Lydgate Park to Kapa'a Bike/Pedestrian Path, Waipouli Connection
 LOCATION: Island of Kauai
 APPLICANT: Kimura International Inc. on behalf of County of Kauai, Department of Public Works

Transmitted for your review and comment on the above referenced document. We would appreciate your comments on this document. Please submit any comments by August 18, 2011.

If no response is received by this date, we will assume your agency has no comments. If you have any questions about this request, please contact my office at 587-0414. Thank you.

Attachments

- We have no objections.
- We have no comments.
- Comments are attached.

Signed: *[Signature]*
 Date: July 9, 2011

PM3:54:57

JUL 26 '11

DLNR KDLD RCVD

NEIL ABERCROMBIE
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

WILLIAM J. AILA, JR.
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT

GUY H. KAULUKUKUI
FIRST DEPUTY

WILLIAM M. TAM
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

DLNR:OCCL:CC

Correspondence File: KA-12-013

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

AUG - 1 2011

RECEIVED AUG 03 2011

Dear Mr. Kimura,

Subject: RE: Pre-Assessment Consultation, Lydgate Park-Kapaa Bike/Pedestrian Path, Waipouli Connection, Waipouli, Kauai, Hawaii. TMK (4) 4-3-002 & (4) 4-3-007.

The Office of Conservation and Coastal Lands (OCCL) has received your request for pre-assessment comments for the supplemental environmental assessment (SEA) for the County of Kauai 'Waipouli Connection' to the coastal bike/pedestrian path.

The OCCL is supportive of realigning the bike path through this section, as it will improve access along the coastline. It is likely to be more accessible to the public without crossing Kuhio Highway two times.

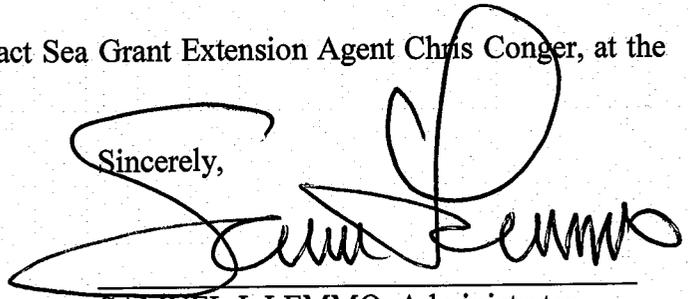
The beach along this section of coastline shows both erosion (over a foot per year in locations) and accretion (also over a foot per year in locations). The varied long-term nature of the coastline, combined with seasonal and episodic erosion events necessitates care in developing and constructing an along-shore access.

Though the OCCL is supportive of the concept, though there are several important conditions that should be observed:

- No portion of the bike path should be considered a higher priority than the beach, meaning portions threatened by erosion should be migrated mauka;
- Path construction should utilize modular building materials, so that portions may be easily migrated inland as needed;
- Those sections that are built above seasonally dynamic shorelines, where the path may be impinged upon by seasonal erosion, should be built to allow the beach to fluctuate beneath it without impairing the beach. Typically this can be accomplished through an elevated boardwalk style construction;
- Any beach quality sand that is displaced during the construction process should be placed on the makai face of the frontal dune; and
- The path should be built mauka of the certified shoreline location.

Should you have any questions, please contact Sea Grant Extension Agent Chris Conger, at the OCCL, at Chris.L.Conger@hawaii.gov.

Sincerely,

A handwritten signature in black ink, appearing to read "Samuel J. Lemmo". The signature is written in a cursive style with a large, prominent loop at the end.

SAMUEL J. LEMMO, Administrator
Office of Conservation and Coastal Lands

NEIL ABERCROMBIE
GOVERNOR OF HAWAII



STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
DIVISION OF STATE PARKS

POST OFFICE BOX 621
HONOLULU, HAWAII 96809

August 18, 2011

WILLIAM J. AILA, JR.
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT

GUY H. KAULUKUKUI
FIRST DEPUTY

WILLIAM M. TAM
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

RECEIVED AUG 23 2011

Mr. Glenn Kimura, President
Kimura International, Inc.
1600 Kapi'olani Blvd., Suite 1610
Honolulu, Hawai'i 96814

Dear Mr. Kimura:

SUBJECT: Pre-Assessment for Waipouli Connection of the Lydgate Park to Kapa'a Bike/Pedestrian Path
Waipouli, Kaua'i TMK: 4-3-02 and 4-3-07

Thank you for the opportunity to comment on the preparation of a supplemental environmental assessment for the Lydgate Park to Kapa'a Bike/Pedestrian Path in the area of Waipouli. The "makai" alignment for the Waipouli Connection appears to affect the northern portion of the 6(f) property within Wailua Beach Park (TMK: 4-3-02). A map is attached for your reference and evaluation relative to the path route. The 6(f) designation refers to the previous use of federal grant funds through the Land and Water Conservation Fund (LWCF) program for the acquisition and development of land for public outdoor recreation. A requirement of the 6(f) designation is that the land must be retained in public outdoor recreation in perpetuity.

In our previous review of the Environmental Assessment for the Lydgate Park to Kapa'a Bike/Pedestrian Path, we had identified Wailua Beach Park as 6(f) property within the project area. In our letter dated August 22, 2006, we noted:

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.

Because the "mauka" route for this Waipouli section had been considered in the FEA, the "makai" route was not specifically addressed in regards to the 6(f) impacts. Because the path promotes outdoor recreation and will remain under the jurisdiction of the County parks, there should not be a "taking" according to the 6(f) requirements. However, in the SEA, it is recommended that the impact to the 6(f) property be evaluated and the potential impacts on existing recreational activities and public access be addressed.

If you have any questions, please feel free to contact Martha Yent, Hawai'i LWCF Coordinator, at 587-0287 or Martha.E.Yent@hawaii.gov

Very truly yours,

A handwritten signature in black ink, appearing to read "Dan Quinn".

DANIEL S. QUINN
State Parks Administrator



STATE OF HAWAII
OFFICE OF HAWAIIAN AFFAIRS
711 KAPI'OLANI BOULEVARD, SUITE 500
HONOLULU, HAWAII 96813

COPY

HRD10/0093E

December 3, 2010

Margaret Magat, Researcher
Cultural Surveys Hawai'i, Inc.
P.O. Box 1114 Kailua, Hawai'i 96734

**RE: Pre- Cultural Impact Assessment Consultation
Lydgate Park/Kapa'a Bike Path Project
Kawaihau, Island of Kaua'i**

Aloha e Margaret Magat,

The Office of Hawaiian Affairs (OHA) is in receipt of your November 13, 2010 letter initiating consultation ahead of a cultural impact assessment (CIA) for "Phases C and D" of the Lydgate Park/Kapa'a Bike Path Project (project) proposed by the County of Kaua'i.

The County of Kaua'i-Department of Public Works (DPW) has accepted a "finding of no significant impact" determination contained within a 2007 final environmental assessment (FEA) for the project which will construct a shared use path extending approximately 2 miles from Lydgate Park to Waika'ea Canal in Kapa'a on the Island of Kaua'i. The project is part of a larger effort to construct a continuous pathway extending 16 miles from Nāwiliwili to Anahola. The FEA provided a detailed examination of the "preferred alternative" which has been selected as the final project alignment (alignment). Because Federal Highways Administration funding is also being used to support completion of this project, compliance with the National Environmental Policy Act (NEPA) and a Section 4(f) evaluation pursuant to the Department of Transportation Act were also required.

It is our understanding that the County of Kaua'i is now proposing revisions to the alignment for "Phases C and D" of the project, triggering the requirement for a supplemental draft environmental assessment (SDEA) pursuant to Chapter 343, Hawaii Revised Statutes. The CIA will be incorporated into the SDEA as a support document.

It is critical that the CIA address the cumulative impacts the overall project (as opposed to the relatively narrow scope of Phases C and D) will have on traditional and customary practices. You may be aware that the "Phase B" alignment of this project, which is within the

traditional landscape of Wailuanuiho'āno and crosses the scared sands of 'Aliō is an extremely sensitive issue, which from certain perspectives has never been resolved to the point of lifting kaumaha and healing 'eha.

It is with this in mind that we point out that many of the concerns related to traditional cultural practices detailed in the FEA are still applicable to the SDEA. The potential for encountering iwi kūpuna and cultural resources within beach sand deposits along the coastal portions of the project is clearly identified in the FEA. We urge that a comprehensive analysis (including an archaeological literature review of previous projects in the vicinity) and consultation on this issue be completed before any revised alignment is selected and design and engineering plans developed.

The alignment will extend makai of certain coastal developments through what are known as "coastal reserves", which are intended to facilitate lateral public access along the shoreline. While facilitating, or increasing access to the shoreline can increase the ability to exercise traditional and cultural gathering practices, this also has the potential to place additional pressures on resources and adversely impact those currently exercising these practices without the project. This is an issue which should be addressed in the CIA.

Because of the use of Federal funds, the provisions of the National Historic Preservation Act are guiding the overall effort to identify historic properties and cultural sites within the area of potential effect for this project. A memorandum of agreement executed in 2006 for this project between the FHWA, DPW and State Historic Preservation Officer provide detailed mitigation measures for the adverse effect this project will have on historic properties and cultural sites. We will expect that the terms and provisions of this MOA will be fully implemented should the alignment be revised.

OHA recommends consultation with the following groups and individuals who may be willing to share their thoughts with you: Nathan Kalama, Waldeen Palmeira, Kehaulani Kekua, Val Ako, the Kaua'i/Ni'ihau Island Burial Council and the Kaua'i Historical Society. Please remember that this list is not all encompassing and we are sure additional groups and individuals will be identified as you move forward with your consultation process. Those consulted in the FEA should also be considered.

Thank you for initiating consultation at this early stage. We look forward to reviewing the CIA. Should you have any questions, please contact Keola Lindsey at 594-0244 or keolal@oha.org.

'O wau iho nō me ka 'oia'i'o,



Clyde W. Nāmu'o
Chief Executive Officer

C: OHA- Kaua'i Community Outreach Coordinator

Bernard P. Carvalho, Jr.
Mayor



Leonard A. Rapozo, Jr.
Director

Gary K. Heu
Managing Director

Ian K. Costa
Deputy Director

DEPARTMENT OF PARKS & RECREATION

County of Kaua'i, State of Hawai'i

4444 Rice Street, Suite 105, Līhu'e, Hawai'i 96766
TEL (808) 241-4460 FAX (808) 241-5126

August 15, 2011

RECEIVED AUG 17 2011

Kimura International Inc.
1600 Kapi'olani Blvd., Suite 1610
Honolulu, HI 96814
Attention: Glenn T. Kimura

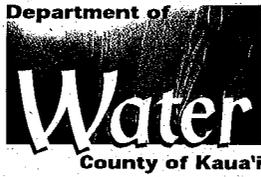
Dear Mr. Kimura,

The Department of Parks & Recreation fully supports the construction and use of the bike/pedestrian path. We expect positive returns that will provide economic, social and healthy impacts to the surrounding area upon its completion.

As a Department, we request the potential manpower needs for this section of the path. Should you have any questions, please feel free to contact me at 241-4456.

Sincerely yours,

Leonard Rapozo, Jr.
Director



Water has no substitute..... Conserve it

September 1, 2011

RECEIVED SEP 03 2011

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

Dear Mr. Kimura:

Subject: Lydgate Park-Kapaa Bike-Pedestrian Path, Waipouli Connection, TMK: 4-3-02; and
TMK: 4-3-07, Waipouli, Kauai

This is in regard to your letter dated July 20, 2011. We have no objections to the proposed supplemental environmental assessment (SEA) for the proposed connection for the Lydgate Park to Kapaa bike/pedestrian path. The following are the Department of Water's (DOW) comments to the proposed project.

The applicant is made aware that:

1. Requests for water service will be dependent on the adequacy of the source, storage, and transmission facilities existing at that time.
2. The DOW currently owns and operates water system facilities, including water mains, along the proposed path.
3. The proposed pathway may affect the DOW's water facilities. It is recommended that the applicant submit the construction drawings to the DOW for review and approval.

If you have any questions concerning the construction drawings or Certification of Completion, please contact Mr. Keith Aoki at (808) 245-5411. For other questions, please contact Mr. Edward Doi at (808) 245-5417.

Sincerely,

A handwritten signature in black ink, appearing to read "GF", written over a horizontal line.

Gregg Fujikawa
Chief of Water Resources and Planning

ED:loo
T-13351 Supplemental EA-Lydgate Park-Kapaa Bike-Pedestrian Path

c: Keith Aoki

Phone conversation with Alicia Kaauwai

Property owner and resident at 4462 Kamoia Road

Ph. (808) 822-5289

Tuesday, August 9, 2011, 11:45 a.m.

Alicia Kaauwai's property is located between Kamoia Road and Uhelekawawa Canal.

She expressed the following concerns:

- Doesn't want to be "boxed in"—by the two alternative path alignments
- She lives in a nice neighborhood where neighbors have known each other over many years; concerned about disruption to the character of this neighborhood
- Lowering of property value
- She has walked on the Kealia path and seen trash and dog poop—that path is not well-maintained; there are not enough trash receptacles. Even now, plastic bottles and other trash is thrown into canal and fears it will get worse

Will there be fencing?

County would look at issues like this during the design phase. In the current planning phase, focusing on route alignment

Will Mokihana Road be closed?

No. Path would be located between the driveway and the canal

Will the coconut trees be taken down?

May need to be relocated

She is aware of the existing right-of-way (referred to as Basuel's), and feels that the connection via the highway (with utility pole relocation) would be (most) appropriate. *The County is looking at that alignment as an alternative, but also wants to explore an alternative that is away from the highway. The purpose of the EA is to assess relative impacts of the alternatives*

When will this be done? In two years?

No, it will likely take longer. The County may need to acquire additional right-of-way and fund design and construction.

Because properties were part of old Hawaiian land grant, possibility of discovering cultural artifacts. Notes that iwi found on Waipouli Beach Resort property and creation of cultural preserve. Trenching has occurred on or near her property in the past.

Acknowledged the importance of cultural properties

Have you received other calls?

No, you're the first. But please discuss with your neighbors. We welcome all comments as part of the environmental review process.

Surprised you haven't heard from Missionary Church, Village Manor. Don't want to go out in the heat (I'm 75 years old), but will go knocking on doors if I have to.

Would like to be kept informed of progress in planning and allowed to participate. *Briefly reviewed environmental review process, including publication of DEA and opportunity for public review and comment. She will be mailed copy on CD. County will be holding public information meeting, but has not been scheduled yet.*

Please notify in writing since might miss announcements in newspaper. Letter was addressed to “Alice,” but her name is “Alicia”—please correct. *Apologized and said mailing list will be corrected.*



P. O. Box 81 :: Lihue, HI 96766
phone 808.635-8823 :: fax 808.822.5075
www.KauaiPath.org
execdir@kauaipath.org

a registered 501 (C) 3 non-profit

August 15, 2011

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

Subject: Comments on the Lydgate Park-Kapaa Bike/Pedestrian Path
Supplemental Environmental Assessment
Waipouli Connection, Waipouli, Kauai, Hawaii, TMK: [4] 4-3-02 and [4] 4-3-07

Aloha Mr. Kimura,

Thank you for your pre-assessment consultation letter of July 20, 2011 providing Kauai Path Inc.'s board the opportunity to register our comments on the above referenced supplemental environmental assessment.

Following discussion among our board and referring to the map exhibit enclosed with your letter, we wish to be on the record as unanimously supporting the makai path alignment. We believe that this alignment has several benefits. It will contribute to a safer and more inviting facility. The makai alignment will expand opportunities for non-motorized travel and recreation; provide connectivity to shopping, dining and resort areas; and preserve lateral coastal access in perpetuity to all the island's residents.

We reasoned that at the beginning of Phase D, after a brief period of travel through the vicinity of the Kinipopo Shopping Center, turning off of Papaloa Road and heading makai takes path users back to the coastal area. This assures that all path users may avoid the potential danger of crossing the heavily trafficked Kuhio Highway.

Once at the coast and heading north, the proposed path alignment proceeds through three properties already developed, and three as yet undeveloped properties. Building the path there now will assure lateral coastal access in perpetuity. Having traversed the majority of Phase C the pathway returns to Kuhio Highway at an area that already has established signalized crossings to additional shopping and trip generators.

We concur that a cantilevered path attached to the existing bridge best accomplishes the crossing of the Uhelekawawa Canal. This will minimize the right-of-way purchases required in this restricted travel area, and is economical from a construction standpoint.

A world-class standard has been set with the design and construction of Ke Ala Hele Makalae Phases I and II, and as a result this linear park is being enjoyed by an ever-increasing number people in need of the mild exercise that improves their health and well-being. The path system is

Kauai residents working together to preserve, protect, and extend access island-wide through the design, implementation, and stewardship of non-motorized multi-use paths.

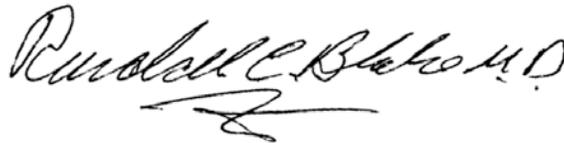
appreciated as an exemplary source of pride for our community—an example of a major civic project that is being done right. Accordingly, we recommend that the following facilities be designed and built in the area addressed in this supplemental environmental assessment:

- at least one comfort station
- two or more rest pavilions

These facilities should be located near the mid-point between Lihi Park and Lydgate Park, ideally at spots with an ocean view as done in Phases I and II. The over two-mile distance from central Lydgate Park to Lihi Park is too great for many path users to comfortably traverse without the cool shade, shelter from rain, and relief that these additional amenities will provide.

Mahalo for Kimura International's willingness to continue working on this important yet challenging project, and for this opportunity to register Kauai Path, Inc.'s comments and recommendations.

Very truly,

A handwritten signature in black ink, reading "Randall C. Blake, MD". The signature is fluid and cursive, with a prominent flourish at the end.

Randall C Blake, MD
Executive Director
Kauai Path Inc.

cc: Mayor Bernard P. Carvalho, Jr.
Kauai County Council Chair Jay Furfaro
Mr. Larry Dill
Mr. Doug Haigh

From: Doug Haigh
Sent: Tuesday, August 07, 2012 1:58 PM
To: 'Lloyd Nishikawa'
Cc: Lenny Rapozo; John.Nickelson@dot.gov; Mauna Kea Trask; Nancy Nishikawa
Subject: RE: 4460 Kamoia Road

We will have preliminary answers to your questions when we publish the draft environmental assessment. I am asking our consultant to send you a copy of that document (expected this fall) and you can submit any further comments and questions at that time.

Your concerns will be reviewed, considered, and responded to before publishing the final environmental assessment.

From: Lloyd Nishikawa
Sent: Tuesday, August 07, 2012 3:48 AM
To: Lenny Rapozo; John.Nickelson@dot.gov; Mauna Kea Trask; Doug Haigh
Subject: 4460 Kamoia Road

Gentlemen,

I recently purchased the empty lot on Kamoia road (4460 Kamoia). One of the options for the Lydgate Park-Kapa'a bike/pedestrian path runs along the eastern and northern borders of my property. I live in Washington state and will not be able to make the meeting this thursday (8/9/12) and wanted to document my concerns on the impact to my property and the surrounding community.

The following are some of my concerns:

1. **Why is the alternate path not being chosen?** This has the least impact on private property as it uses established public paths. It also limits the impact on residential areas as it only runs along the north-west border of the Village Manor. The other path passes by the north-east boarder of Village Manor and then through two residential private properties and then along the stream that passes by 4 residential properties. I would like to know why the alternate path is not the route of choice for this bike/pedestrian path and why it should over-ride the concerns of private residential property owners. I also do not understand financially why the alternate path is not a more feasible option since it does not appear to require as much purchase of private property.

As a private property owner that intends on using my lot for a home of my own, I am strongly against this proposed path especially when an alternate path is readily available for the project.

2. If the committee pushes on to use the proposed path I would like to know **what will be done to insure that privacy, noise, and security will be maintained** for private property owners. I am concerned that the bike/pedestrian path will disrupt the neighborhood in a negative way and result in loss of all of these attributes. The alternate path is much less of an impact on these issues and, again, available for the committee to select with no clear disadvantages that I can see.

Please let me know that you have received this email and that the committee will contemplate my concerns. I would also like to know **what my legal options are for opposing the path** that runs past my property.

Mahalo,
Lloyd Nishikawa



Sandwich Isles
Communications, Inc.

A Waimana Company

RECEIVED AUG 16 2011

August 15, 2011

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

Dear Mr. Kimura:

Subject: Lydgate Park – Kapaa Bike/Pedestrian Path, Waipouli Connection
Waipouli, Kauai, Hawaii
TMK: [4] 4-3-02 and [4] 4-3-07
Pre-Assessment Consultation

Thank you for requesting the Sandwich Isles Communication (SIC) review of the subject project in Waipouli, Kauai.

SIC's initial comments are as follows:

1. The existing SIC facilities are located along Kuhio Highway and will be impacted should you design and build Phase E
2. Please provide SIC ample time to review any plans prior to finalizing any work in this area.

Thank you for the opportunity to comment. If you have additional questions please contact Sonny Perreira by phone at (808)524-8400 or via e-mail at sperreira@sandwichisles.com

Sincerely,

Sonny Perreira
Network Operations Manager
Sandwich Isles Communications, Inc.



SIERRA CLUB Kaua'i Group of the Hawai'i Chapter
Post Office Box 3412, Lihu'e, Kauai, Hawai'i, 96766

April 6, 2012

VIA EMAIL: Glenn.Okimoto@hawaii.gov

Mr. Glenn M. Okimoto
Director of Transportation
Hawai'i Department of Transportation
869 Punchbowl Street
Honolulu, HI 96813

RE: National Historic Preservation Act, Section 106 Consultation - Lydgate Park to Kapa'a
Bike/Pedestrian Path Phases C&D - Federal Aid Project CMAQ-0700(49)

Aloha Director Okimoto,

The Kaua'i Group of the Sierra Club Hawai'i Chapter thanks you for contacting us as a consulting party. We appreciate the opportunity to provide comments.

The Club has always supported public access and believes that a multi-use path along the Waipouli coast of East Kaua'i would further such access. However, it is important that in creating such a path, the currently undeveloped portions of the coastal environment be left unchanged to the greatest degree possible in order to preserve the natural landscape, views, shoreline and natural beach processes, and subsistence and recreational activities that take place in the coastal area.

The maps that were provided to the Sierra Club in your packet of materials indicated only the general alignment of the proposed path. This made it difficult to adequately ascertain the potential adverse environmental, cultural and historic impacts that could occur along the coastal portion of the proposed path. We therefore request the following additional information and the opportunity to provide comments based on that information:

- 1) Detailed identification of the path's proposed location, including information as to whether the path would be sited mauka of, or would displace, the stands of coastal ironwood trees that currently exist along the undeveloped properties owned by Coconut Beach Development LLC and Coconut Plantation LLC;
- 2) Identification on the maps of the existing footpaths; and
- 3) Identification on the maps of the locations of the current certified shoreline and all previous certified shorelines.

At this time, we are troubled by the statement (in the section headed "Proposed Area of Potential Effect" on page 4 of your February 24, 2012 letter) that reads: "the exact placement

of the path will not be determined until the final design phase.” The determination of the path’s location should occur long before the final design phase, to enable potential location-based impacts to be taken into account in determining the routing of the path.

This coastal corridor is both environmentally and culturally sensitive. Therefore, every effort should be made to place the path sufficiently mauka of the certified shoreline:

- a) There has been public access along this coastal route for generations, and historically, people have long been drawn here to fish and interact with nature.
- b) The stands of mature ironwood trees along the coast are an important historic characteristic of the area and need to be retained in order to preserve the historic, scenic and cultural qualities of the area. The trees also support the integrity of the shoreline berm.
- c) Along the undeveloped Coconut Beach Resort property, for example, recent evidence indicates that the high water mark is as much as 15 feet or more mauka of the 2005 certified shoreline. In fact, the high wash of the waves has reached the mauka side of the existing footpath that weaves through the ironwood trees along that coastline (see photos below). In light of both this historical shoreline retreat and the expected rise in sea level during the coming century, the prudent expenditure of federal funds mandates that the proposed multi-access path be located as far mauka of the existing footpath as possible.



High wash of waves is evidenced by the debris line mauka of coastal ironwoods footpath

The continued viability of traditional activities, the scenic qualities of the coastal area, the preservation of any cultural sites, the health of shoreline processes, and the preservation of the mature ironwood trees and the beach habitat that provides a resting place for endangered Hawaiian monk seals and threatened sea turtles are tightly and inextricably

linked. For these reasons, we recommend that the planning of the proposed multi-use path locate the path as far mauka of the shoreline setback area as possible.

Finally, the proposed delegation of the administration of aspects of the Section 106 process for this sensitive stretch of coastline from the Federal Highway Administration to the State DOT to the County of Kaua'i raises concerns due to the County's inexperience in this area. We therefore strongly urge that the state provide strong guidance and oversight in this area, to ensure compliance with both the spirit and the letter of the Section 106 process.

Sincerely,

A handwritten signature in black ink, appearing to read "Rayne Regush". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Rayne Regush

On behalf of the Executive Committee of the Kaua'i Group of the Sierra Club

cc: Doug Haigh, County of Kaua'i, Building Division
Ray McCormick, HDOT, Kaua'i District Engineer