



U.S. Department  
of Transportation  
**Federal Highway  
Administration**

**Hawaii Federal-Aid Division**

November 26, 2013

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In Reply Refer To:  
HDA-HI

Mr. William J. Aila, Jr.  
Chairperson and State Historic Preservation Officer  
Hawai'i Department of Land and Natural Resources  
601 Kamokila Boulevard, Suite 555  
Kapolei, HI 96707

Subject: National Historic Preservation Act Section 106 Effect Determination  
Lydgate Park-Kapa'a Bike/Pedestrian Path, Phases C & D  
Kawaihau District, Kaua'i, Ahupuaa of South Olohena, North Olohena, and Waipouli  
Federal-aid Project No. CMAQ-0700(49)  
Tax Map Keys: [4] 4-3-001, 002, and 007: Various

Dear Mr. Aila:

In accordance with Section 106 of the National Historic Preservation Act (NHPA) of 1966, as amended (2006), the Federal Highway Administration (FHWA) requests the State Historic Preservation Officer's concurrence on the effect determination for the proposed improvements. The FHWA is rendering a no adverse effect determination for the subject project.

This determination is based on realignment of the path to avoid a burial found during the archaeological inventory survey and other mitigation commitments. Documentation of the Section 106 process indicates preliminary assessments of adverse effect for some historic properties. However, additional project planning and discussions with consulted parties resulted in a modified undertaking that avoids direct harm to historic properties.

The FHWA intends to provide funds for the proposed improvements. Therefore, the FHWA has required the State of Hawai'i Department of Transportation (HDOT) and the County of Kaua'i to comply with the National Environmental Policy Act (NEPA), NHPA, and other federal requirements. The FHWA has authorized the HDOT, County of Kaua'i, and Kimura International, Inc. to act on behalf of the FHWA regarding the NHPA Section 106 notification and consultation.

## **Overview of the Undertaking**

### Project Background and Purpose

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). This EA was prepared pursuant to Hawai'i Revised Statutes (HRS) 343 and the NEPA and made a finding of no significant impact. The preferred alignment included a section located mauka of Kūhiō

Highway and along the Waipouli drainage canal (shown in Figure 1 as Phase E). After the EA was completed, more detailed design studies determined that crossing Kūhiō Highway and the temporary bypass road would not be optimal for path users. Instead, because the bike/pedestrian path would extend as far north as Coconut Marketplace (via the Papaloa Road spur) and as far south as Uhelekawawa Canal, the county began reexamining options to connect these two points. The most feasible option is a makai route that had been proposed and studied in the draft EA for the original path project—to locate the path within portions of the county’s existing beach reserve.

A new EA is being conducted pursuant to HRS 343 to reevaluate the “makai alternative,” referred to as phases C and D or the “Waipouli connection.” This section of the bike/pedestrian path will measure approximately 6,100 to 6,500 feet, depending on the final alignment.

The purpose of the project is to provide a safe and inviting facility that will expand opportunities for non-motorized travel and outdoor recreation; establish a clear travel way for lateral coastal access; and provide connectivity to shopping, dining, and resort areas.

#### Project Corridor

The undertaking is located in the Kawaihau District on the island of Kaua‘i. The south end of the project corridor is located on Papaloa Road between the Kaua‘i Sands Hotel and the Coconut Marketplace. The north end is located at a Kūhiō Highway bridge crossing Uhelekawawa Canal (see Figure 2). Existing shared use paths terminate at these two locations.

#### Project Location

Figure 2 shows the project location. The EA will evaluate a project alignment that extends makai 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 fronting 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 preferred alternative jogs between Mokihana of Kaua‘i and the Village Manor condominiums, then continues along the southern bank of Uhelekawawa Canal (currently a landscaped strip) to Kūhiō Highway.

An alternative alignment is to use the existing beach access south of Mokihana of Kaua‘i, then construct a bike/pedestrian corridor along the makai side of Kūhiō Highway north to Uhelekawawa Canal (approximately 580 feet). (See Figure 2, the alternative alignment is shown as a green dashed line.)

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.

Improvements are also proposed for the county parking lot located behind Kapa‘a Missionary Church. This site is proposed as a trailhead with a comfort station, drinking fountain, and parking.

### Area of Potential Effects

The area of potential effects (APE) is shown in the enclosed Figure 3. The initial APE was drawn as an approximate 50-foot corridor encompassing the preliminary alignment. Because the final path alignment will not be determined until the design phase of the project, a preliminary alignment is shown in the accompanying figures for planning purpose. This alignment is based on county easements (for the mauka-makai sections), the boundary of the county beach reserve adjoining the Islander on the Beach and Kaua'i Coast Resort properties, drawings provided by the developer of the future Coconut Beach Resort, drawings attached to the Special Management Area (SMA) application by the developer of the future Coconut Plantation Resort, and drawings provided by Mokihana of Kaua'i.

The APE and preliminary alignment were used to determine subsurface testing locations for the archaeological inventory survey. The APE's coverage reflects a balance between identifying historic properties over a sufficiently broad area, and the desire of many consulted parties to limit excavations to areas of direct potential impact, rather than "look for the needle in the haystack."

### Project Description

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 in response to context sensitivity. For example, in areas known to have concentrations of subsurface cultural deposits, the path will be constructed on a slight berm to minimize excavation.

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, which can be tied in to a sewer line nearby.

Because the path will traverse developed areas, it may be necessary to relocate and/or replace existing facilities or vegetation—notably coconut trees on the south bank of Uhelekawawa Canal. Other construction and design elements include grading, walls, railings, fencing, landscaping, signage, and amenities, such as trash receptacles, benches, and water fountains. In general, the path facility will not have exterior lights. If lights are needed at the comfort station for safety or security, shielded fixtures will be used. Decisions about specific features will be made during the project's design phase.

### **Consultation Overview**

The HDOT sent a memorandum to your office on February 9, 2012, to initiate the Section 106 process. A response was requested to acknowledge your interest in participating in the undertaking as a consulted party. No response was received. However, notification letters were sent to your office prior to each of the five public meetings.

Section 106 consultation letters, dated February 24, 2012, were sent to the organizations and individuals shown in the mailing list (in Volume 1 of the enclosures).

### Mailing List

The initial Section 106 outreach letter was sent by the HDOT on February 24, 2012, to Native Hawaiian organizations (NHOs) and other potentially interested parties who were included on a mailing list developed for short-term transportation improvements in the Wailua area. A Preparation and Protocol Committee meeting was held in July 2012, during which committee members recommended the addition of all Kaua'i kumu hula to the mailing list. Names and contact information for the kumu hula were provided by the Office of Hawaiian Affairs. The mailing list grew to include participants who attended the public Section 106 meetings. In a few cases, names were deleted from the mailing list in response to specific requests for removal. The mailing list is used to provide notice of upcoming meeting dates and distribute meeting minutes.

### Section 106 Process Time Line

The following table shows the actions taken in the Section 106 consultation process.

Supporting documentation, including full minutes of the Section 106 meetings, may be found in the appendices (see notes column). Comments from the Section 106 consulting parties are summarized in the Meeting Summaries (see enclosed document).

Action	Date	Notes
<b>36 CFR §800.3 Initiation of the Section 106 Process</b>		
Letter from John D. Nickelson, FHWA to William J. Aila, Jr., SHPO	October 28, 2011	See Appendix A
Memorandum from Glenn M. Okimoto, HDOT to Pua Alaokalani Aiu, SHPD	February 9, 2012	See Appendix A
Preparation and Protocol Committee meeting	May 30, 2012	
Native Hawaiian caucus	July 5, 2012	See Appendix B
Public meeting 1 Walking tour	August 9, 2012	Legal notice published in <i>The Garden Island</i> on July 26, 2012 Consulted party attendance: 30 See Appendix C
<b>36 CFR §800.4 Identification of Historic Properties</b>		
Public meeting 2	August 23, 2012	Legal notice published in <i>The Garden Island</i> on July 26, 2012 Consulted party attendance: 19 See Appendix D
Kaua'i Historic Preservation Review Commission presentation	October 4, 2012	
Public meeting 3	November 27, 2012	Legal notice published in <i>The Garden Island</i> on July 26, 2012 Consulted party attendance: 10

Action	Date	Notes
		See Appendix E
<b>36 CFR §800.5 Assessment of Adverse Effects</b>		
Public meeting 4	February 20, 2013	Legal notice published in <i>The Garden Island</i> on February 7, 2013 Consulted party attendance: 10 See Appendix F
<b>36 CFR §800.6 Resolution of Adverse Effects</b>		
Public meeting 4	February 20, 2013	Legal notice published in <i>The Garden Island</i> on February 7, 2013 Consulted party attendance: 10 See Appendix F
Public meeting 5	May 20, 2013	Legal notice published in <i>The Garden Island</i> on May 13, 2013 Consulted party attendance: 7 See Appendix G
<b>36 CFR §800.7 Coordination with the National Environmental Policy Act (NEPA)</b>		
Documented Categorical Exclusion (NEPA) and Draft Environmental Assessment (Chapter 343, HRS) being prepared	Pending	
Public information meeting to be held during the DEA public review period	Not yet scheduled	

### Ho‘oponopono Process

The Native Hawaiian Preparation and Protocol Committee adopted the ho‘oponopono process as a way to make Section 106 consultations more accessible to the Native Hawaiian community. The ho‘oponopono process is structured around a kulukulu kumuhana (statement of problem to be solved), which, in this case, is to conduct consultations for the purpose of informing the FHWA decisions on historic properties potentially affected by the undertaking.

### **Historical, Cultural, and Archaeological Background**

#### 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 Oloheha, North Oloheha, 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 project (see Appendix I).

#### Cultural Impact Assessment

The cultural impact assessment is not required under the NEPA, but is prescribed under Chapter 343, HRS. A cultural impact assessment was conducted by Cultural Surveys Hawai‘i. 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 Oloheha, North Oloheha 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 J). The report was made available to Section 106 consulted parties through a web link.

#### Archaeological Inventory Survey

After the Section 106 process was initiated, an archaeological inventory survey (AIS) 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 K). The report was made available to consulted parties through a web link. Printed copies were made available at the Kapa'a Library, Lihu'e Library, and the Office of Hawaiian Affairs' Kaua'i office. The report was submitted to the SHPD for review on October 30, 2012.

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 Archaeological Sites within the APE**

The following table summarizes key elements of eleven historic properties were identified within the APE (see Figure 7).

Site Name and/or SIHP Number	Brief Description	Integrity/Condition	Location/Distance from Project Area	Eligible or Potentially Eligible for Listing in National Register (NR) or Hawaii Register (HR) and Valuation of Significance
SIHP 50-30-08-108 Kukui Heiau	Navigational heiau with at least two stone lamps that guided canoes on the ocean	Good condition, well maintained	South Olohena Ahupua'a, Alakukui Point, located about 300 feet southwest of the project area	Placed on Hawaii Register in 1986 and the National Register in 1987 Placed on Hawaii Register in 1986 and the National Register in 1987
SIHP 50-30-08-791 Cultural layer and burials	Cultural layer with relatively high concentration of marine midden suggestive of substantial fishing activity; radiocarbon dating to A.D. 1275 to 1645; two burials	The cultural layer is mainly extant in makai or eastern portion of property	South Olohena Ahupua'a, northeast coast; cultural layer extends into the project area	Yes D (information) for NR D (information) and E (cultural traditional significance) for HR
SIHP 50-30-08-886 Cultural layer and burials	Cultural layer with hearth remnant, 'auwai, and two sets of previously disturbed disarticulated human remains (SIHP 50-30-08-886A)	Cultural layer intact, continuous. Burial condition unknown	Waipouli Ahupua'a, along Kūhiō Highway near Coconut Market Place; cultural layer is located within the project area	Yes D (information) for NR D (information) and E (cultural traditional significance) for HR
SIHP 50-30-08-891 WWII pillbox	Concrete WWII-era military structure, likely a military pillbox or machine gun emplacement	Unknown	North Olohena Ahupua'a, southeast corner of Lot 16 on the coast, located within the project area	Yes D (information) for NR D (information) for HR
SIHP 50-30-08-1800 Cultural layer and burials	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	Cultural layer continuous and intact	North Olohena Ahupua'a, northeast coast, Coconut Plantation; cultural layer extends into the project area	Yes D (information) for NR D (information) and E (cultural traditional significance) for HR

Site Name and/or SIHP Number	Brief Description	Integrity/Condition	Location/Distance from Project Area	Eligible or Potentially Eligible for Listing in National Register (NR) or Hawaii Register (HR) and Valuation of Significance
	relative lack of artifacts suggests that the area was used for recreation or social gatherings			
SIHP 50-30-08-1801 Cultural layers and burials	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	Cultural layer continuous and intact. Condition of burials is unknown	Waipouli Ahupua'a, Coconut Plantation, 200 meters makai of Kūhiō Highway; cultural layer extends into the project area	Yes D (information) for NR D (information) and E (cultural traditional significance) for HR
SIHP 50-30-08-1836 Cultural layer and burials	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 layer continuous and intact. Condition of burials is unknown	Waipouli Ahupua'a, from coast to Kūhiō Highway, located north of Uhelekawawa Canal (Waipouli Beach Resort)	Yes D (information) for NR D (information) and E (cultural traditional significance) for HR
SIHP # 50-30-08-3938, cultural layer	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	Unknown	Beach portion in Waipouli and North Olohena Ahupua'a	Yes D (information) for NR D (information) and E (cultural traditional significance) for HR
SIHP # 50-30-08-3939, two Hawaiian burials	Two pre-Contact/early historic Hawaiian burials	Unknown	Beach portion in Waipouli and North Olohena Ahupua'a	Yes D (information) for NR D (information) and E (cultural traditional significance) for HR

Site Name and/or SIHP Number	Brief Description	Integrity/Condition	Location/Distance from Project Area	Eligible or Potentially Eligible for Listing in National Register (NR) or Hawaii Register (HR) and Valuation of Significance
Burial 1, SIHP To be determined	Likely pre-Contact to early post-Contact in age	Well-maintained, intact	Within County beach access, near Mokihana of Kaua'i tennis court	Yes D (information) for NR D (information) and E (cultural traditional significance) for HR
Burial 2, SIHP to be determined	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	Partially disturbed	Within landscaped area off Papaloa Road and south of Coconut Market Place	Yes D (information) for NR D (information) and E (cultural traditional significance) for HR

### 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**

### Footpath through Ironwoods (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.

In response, 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 environment. To the extent feasible, the bike/pedestrian will seek to 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 that 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).

## **Effect Determination**

Based on our analysis, site observations, and consultation with NHOs and other interested parties, the FHWA has determined the project will have no adverse effect on historic properties.

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 Hawai'i Administrative Rules §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 Policies

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."

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

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
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

SIHP No.	TMK	Type of Historic Property	Mitigation Commitments
			minimize the need for subsurface excavation Interpretive sign Path to follow the existing footpath where 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

If the SHPD objects to the adverse effect determination for the subject project, please inform us within 30 days of receipt of this letter. In the absence of a response by this date, the FHWA will assume SHPD concurrence with this determination and will proceed with the undertaking.

Please contact me at (808) 541-2316 or by email at [meesa.otani@dot.gov](mailto:meesa.otani@dot.gov) if you have any questions. Thank you for your assistance.

Sincerely yours,



Meesa T. Otani  
Environmental Engineer

Enclosures

cc: Douglas Haigh, Kaua'i Department of Public Works  
Holly Yamauchi, HDOT  
Todd Nishioka, HDOT  
Glenn Kimura, Kimura International, Inc.  
Section 106 consulted parties (see enclosed mailing list)