

# **AHUKINI POINT TO LYDGATE PARK BIKE AND PEDESTRIAN PATH DRAFT ENVIRONMENTAL ASSESSMENT**

## **1.0 INTRODUCTION**

### **1.1 PROPOSING AGENCY AND ACTION**

#### **1.1.1 Proposing Agency**

The action is proposed by the County of Kaua'i, Department of Public Works.

#### **1.1.2 Proposed Action or Project**

The proposed action is to provide facilities for pedestrians and bicycles, and to connect with the Lydgate Park Bike and Pedestrian Path, and to construct a key segment of the Nawiliwili to Anahola Bike and Pedestrian Path proposed in the 1994 State of Hawaii Master Plan – Bike Plan Hawaii. It is further the intent of the project to preserve and convert and abandoned cane railway corridor. Residents and visitors to Kauai through implementation of this shared-use bicycle and pedestrian facility will realize the following benefits:

- Alternative form of transportation to the automobile, thereby reducing fuel consumption, pollution, roadway congestion and the need for parking lots.
- Affordable recreation for persons of all ages and abilities.
- Safe mode of transportation and recreation.
- Health benefits through exercise.
- Education/learning from interpretive signs located along the path.
- Economic stimulus from increased recreation product sales and rentals, non-motorized access to businesses and improved property values.
- Improved ecological health of the corridor from design concepts that will protect and enhance the environment.

The primary function of this project is to construct a 10' wide concrete, shared-use path that is constructed of various low maintenance materials (concrete, composite plastics, stainless steel) from Ahukini Point to Lydgate Park.

## **1.2 Purpose of the Draft Environmental Assessment**

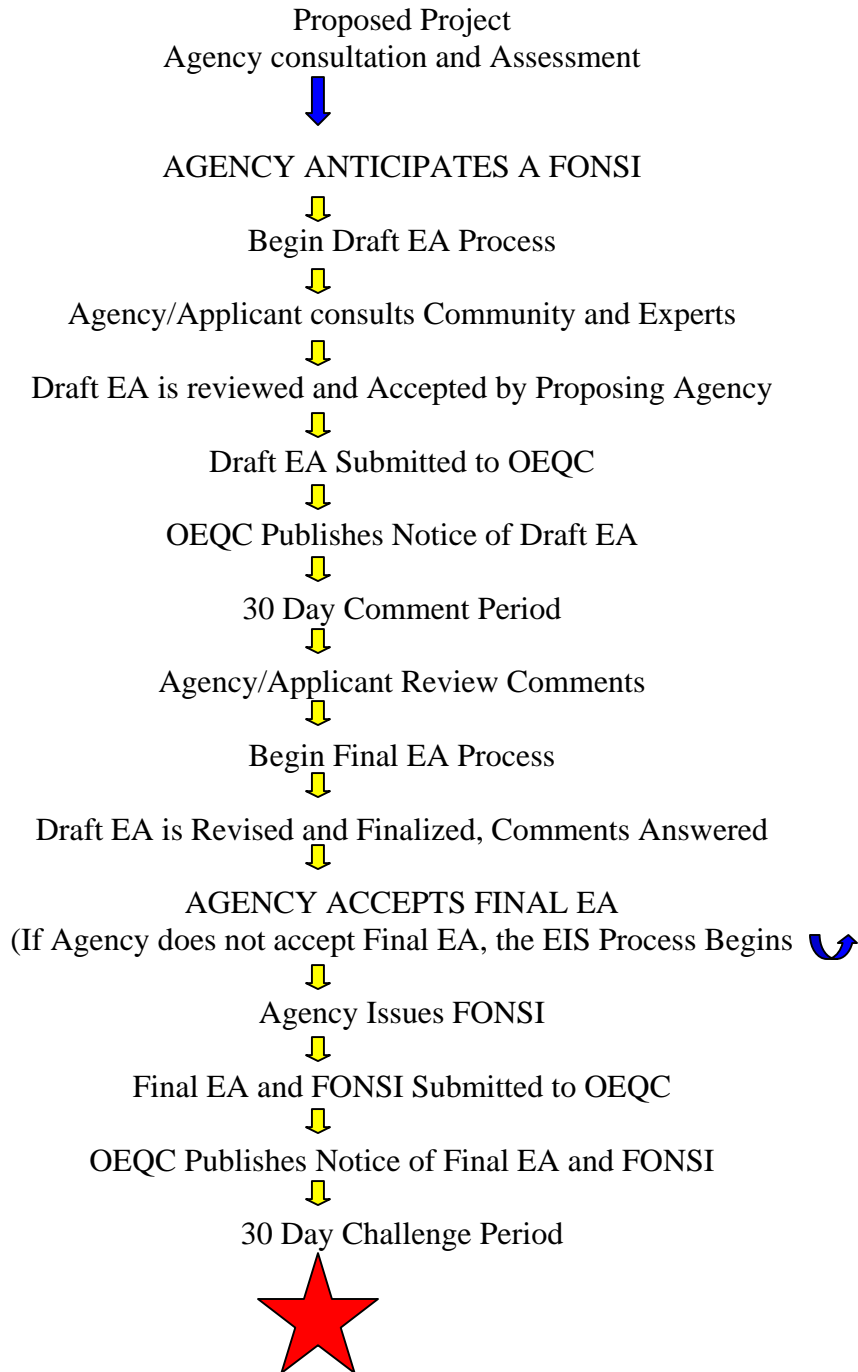
The draft Environmental Assessment is an informational document prepared by the proposing agency and is used to evaluate the possible environmental effects of the proposed action. The Draft Environmental Assessment gives a detailed description of the proposed project and evaluates the direct, indirect and cumulative impacts. The document considers the alternatives to the proposed project and describes any measures proposed to minimize potential impacts. The public has thirty (30) days to review and comment on the Draft Environmental Assessment.

After the Draft Environmental Assessment has been finalized and public comments have been all responded to, the proposing agency, in this case, the Department of Public Works for the County of Kauai, or the approving the action reviews the final assessment and determines if any "significant" environmental impacts are anticipated.

If the agency determines that the project will not have a significant environmental impact, it issues a Finding of No Significant Impact (FONSI), and allows the project to proceed without further study. The public has thirty (30) days to challenge the findings in circuit court.

If the agency determines that the project may have a significant impact, a more detailed environmental impact statement (EIS) be prepared. An EIS preparation notice initiates a sixty (60) day period during which an aggrieved party may challenge the determination in court.

**1.3 Steps in the Environmental Review and Implementation Process:**



## **1.4 Permits and Approvals Required or Potentially Required**

The following are the permits that will be required and the Environmental Laws that are related to this action:

### **1.4.1 National Environmental Policy Act (NEPA) (HAR 11-200-25)**

A proposed project that includes the use of federal lands or funds may require adherence to federal EIS regulations (NEPA) as well as State EIS law.

### **1.4.2 Section 4(f) of the Federal Department of Transportation Act of 1966**

Any proposed roadway which involves federal funding and is situated close to parks, recreational areas, wildlife refuges, historic sites, historic bridges and highways, archaeological resources, school playgrounds, recreational trails and bikeways.

**\* Special Note regarding Section 6 (F):** Hanama'ulu Beach Park was the recipient of Conservation Lands funds for construction, and this project does interface with this park, however as there is no "taking" of park lands, a Section 6 (F) is not required, however, copies of the plans and a letter explaining the project will be submitted for acknowledgement of same.

### **1.4.3 Army Corps of Engineers Permits**

#### **1.4.3.1 Section 404 of the Clean Water Act (33 USC 1344)**

Prohibits discharge of dredged or fill material into waters of the United States without a permit from the Corps of Engineers.

Any person, firm or agency (including Federal, State, and Local Governmental Agencies) planning to do work in the waters of the United States must obtain a permit from the U.S. Army Corps of Engineers.

Waters of the U.S. include: ocean waters, coastal and inland waters, lakes, rivers, and streams that are navigable, including adjacent wetlands, tributaries to navigable waters, fishponds connected to navigable waters, and intermittent streams.

#### **1.4.3.2 Section 401 of the Clean Water Act (33 USC 1344)**

### **1.4.4 Hawaii Coastal Zone Management (Chapter 205A, HRS)**

Mandates each county to set up special management areas (SMA's) and forty (40') foot setbacks within which, permits are required for development. A Consistency Review with the State Office of Planning will be required.

### **1.4.5 State Department of Health Environmental Laws and Associated Administrative Rules:**

1.4.5.1 Environmental Response Law (HRS 128D)

1.4.5.2 Department of Health (HRS 321)

1.4.5.3 Litter Control (HRS 339)

1.4.5.4 Solid Waste (HRS 340A)

1.4.5.5 Hawaii Law for Mandatory Certification of Private Cesspool Pumping Firms and Operating Personnel in Wastewater Treatment Plants (HRS 340B)

1.4.5.6 Safe Drinking Water (HRS 340E)

1.4.5.7 Hawaii Law for Mandatory Certification of Operating Personnel in Water Treatment Plants (HRS 340F)

1.4.5.8 Air Pollution Control (HRS 342B)

1.4.5.9 Ozone Layer Protection (HRS 342C)

1.4.5.10 Water Pollution (HRS 342D)

1.4.5.11 Non-Point Source Pollution Management and Control (HRS 342E)

1.4.5.12 Noise Pollution (HRS 342F)

1.4.5.13 Integrated Solid Waste Management (HRS 342G)

1.4.5.14 Solid Waste Pollution (HRS 342H)

- 1.4.5.15 Special Wastes Recycling (HRS 342I)
- 1.4.5.16 Hazardous Waste (HRS 342J)
- 1.4.5.17 Underground Storage Tanks (HRS 342L)
- 1.4.5.18 Used Oil, Transport, Recycling, and Disposal (HRS342N)
- 1.4.5.19 Asbestos (HRS 342P)

**1.4.6 Conservation District Use Permit**

Required for the placement of any solid material on the land if that material remains on the land for more than fourteen (14) days, or if it causes a permanent change in the land area. Board permits for large land uses, Departmental permits for minor land uses.

**1.4.7 Land Use Law (HRS 205)**

Relates to all the lands of Hawaii as either: Urban, Agricultural, Rural or Conservation. The Commission processes petitions to change the designated land uses.

**1.4.8 State Environmental Policy (HRS 344)**

This policy works with all state agencies to promote efforts to prevent or eliminate damage to the environmental and biosphere and stimulate the health and welfare of humanity, and enrich the understanding of the ecological systems and natural resources important to the people of Hawaii.

**1.4.9 (NPDES) National Pollutant Discharge Elimination System Permit**

Required by the State Department of Health as this project will disturb five acres of land.

**1.4.10 Construction Noise Variance**

This will be required for the period of time of construction from the State Department of Health.

**1.4.11 Special Management Area Permit**

Development within the SMA area requires a permit, however as this project has a construction budget that exceeds \$125,000, a Major Special Management Use permit will be required.

**1.4.12 Shoreline Setback Variance**

Will be required from the County of Kauai, if the path is to be makai of 40' from the shoreline setback.

**1.4.13 Flood Zone Permit**

Will be required for work within the Flood Zone from the County of Kauai

**1.4.14 Building Permit**

Will be required prior to the construction of buildings such as comfort stations from the County of Kauai.

**1.5 Coordinating Agencies**

**1.5.1 Federal:**

**1.5.1.1 Federal Highways Administration**

Administers the funding for TE projects, and consults on coordinating with all federal, state and local governmental offices.

**1.5.1.2 U.S. Army Corps of Engineers**

Reviews permits for fill materials in waters of the US.

**1.5.1.3 U.S. Coast Guard, USCG Shore Maintenance Department**

Reviews permits relating to marine environmental protection in navigable waters of the US.

**1.5.1.4 U.S. Environmental Protection Agency (EPA)**

Reviews permits under the ten comprehensive environmental protection laws to include the Clean Air and Water Acts, the Marine Protection, Research and Sanctuaries Act.

**1.5.1.5 U.S. Department of Housing and Urban Development (HUD)**

Reviews EIS initiated under NEPA or Chapter 343

**1.5.1.6 U.S. Department of Agriculture, Natural Resources Conservation Service**

Works with county, state, and federal agencies and with Hawaii's 16 Soil and Water Conservations Districts to prevent soil erosion and water contamination, and to improve water quality and quantity, soil productivity, wetlands ecosystems and wildlife habitats.

**1.5.1.7 U.S. Department of the Interior, U.S. Fish & Wildlife Service, Ecological Services**

Performs formal and informal consultation under Section 7 of the Endangered Species Act, reviews Federal, state and local permits and license application, environmental assessments and impact statements, general plans and land use amendments, clearinghouse reviews, water quality certifications, and issues regrading fish and wildlife resource study methods and design.

**1.5.1.8 U.S. Geological Survey, Biological Resources Division, Pacific Island Ecosystems Research Center (PIERC)**

Reviews and gives technical assistance, relating to conservation of indigenous biological resources occurring within the cultural, sociological, political and environmental environs of all lands and islands under US jurisdiction in the Pacific Basin.

**1.5.2 State:**

**1.5.2.1 Department of Land and Natural Resources**

Reviews all CDUA permits

**1.5.2.1.1 Engineering Division**

Submit permits relating to Water Resources management, mineral resources, flood prevention and control or water development.

**1.5.2.1.2 Land Management Division**

Submit any permits related to State Owned Lands that are not set aside for use by otehr governmental agencies. Is the office of record and maintains a central repository of all government documents dating back to the Great Mahele of 1848.

**1.5.2.1.3 Aquatic Resources Division**

Reviews all permits relative to pelagic, reef, and inshore aquatic resources protection and enhancement programs.

**1.5.2.1.4 Forestry and Wildlife Division**

Consults on issues relating to forest reserves, public hunting, wildlfiie sanctuaries, commercial forestry on State lands, endangered species protection and management, and provides information on natural resources.

**1.5.2.1.5 State Dept of Transportation, Statewide Transportation Planning Office**

Reviews and coordinates any intergovernmental endorsements and approvals, integrating established plans and parameters and groundwork for the implementation of transportation plans.

**1.5.2.1.6 Environmental Center (University of Hawaii)**

Reviews EI statements, applications for various envirnmental pollution management permits, proposed environmental legislation and regulations and various state and federal plans which may have environmental implications.

**1.5.2.1.7 Department of Health, Environmental Planning Office**

Assists with planning services, maintains environmental plans, land use, environmental education and public information programs.

**1.5.2.1.8 Department of Business, Economic Development and Tourism**

**1.5.2.1.8.1 Land Use Commission**

Reviews any petitions to change land uses

**1.5.2.1.8.2 Office of Planning, Coastal Zone Management Program (CZM)**

Reviews any permits relating to coastal issues to ensure consistency in actions that can impact the coastal zone.

**1.5.2.1.8.3 Office of Planning, Land Use Division**

Reviews any issues relating to land use policies of the State of Hawaii

**1.5.2.1.9 State Historic Preservation Division (DLNR)**

Reviews all proposed projects for any effects they might have on historic properties. Can assist with the statewide inventory of properties on historical, architectural or cultural importance, and coordinates the Burial Sites Program and Historic Preserves Program. Any human remains that are unearthed are reported to this office.

**1.5.2.1.10 Office of Environment and Quality Control**

Reviews Draft EA's and Final EA's

**1.5.3 County:**

**1.5.3.1 Kauai Planning Department and Planning Commission**

Reviews all land-use related permits relating to variances, zoning, shoreline setback variances, special management area permits.

**1.5.3.2 Kauai County Council**

Has the final decision making authority in all land use issues.

**1.5.3.3 Kauai Department of Public Works**

Coordinating agency for this project, and is the approving agency.

**1.5.3.4 Kauai Department of Water**

Reviews Draft EA and Final EA for issues relating to water.

**1.5.3.5 Kauai Police Department**

Reviews path plan to ensure that police patrolling and emergency response access is adequate along the path corridor.

**1.5.3.6 Kauai Fire Department**

Reviews path plan to determine if emergency response access has been provided along the path corridor.

**1.6 Project Summary**

**1.6.1 Project Name**

Ahukini Point to Lydgate Park Play bridge Environmental Permitting.

**1.6.2 Applicant**

The applicant is the County of Kauai, Public Works Department.

**1.6.3 Approving Agency**

The approving agency is the County of Kauai, Public Works Department

**1.6.4 Anticipated Determination**

It is anticipated that a finding of No Significant Impact (FONSI) will be made for this project. The path will be aligned in areas with social trails, existing roads present, along the golf course, or Kapule/Kuhio Highway. The areas requiring bridging will receive bridging and abutments that are long enough and out of the drainageway to eliminate issues of slope for runoff. The habitats for the known endangered marine animal, the Monk Seal, will not be affected by the

construction or use of this project. The comfort station will be placed in the area of the Marine Camp, which has historically been the subject of disturbance.

## **1.6.5 Land Use Classifications**

### **1.6.3.1 State Designations**

Designated as Conservation, Agriculture and Urban Districts

### **1.6.3.2 County General Plan**

The County of Kauai in 2000 revised and adopted the General Plan. This Plan considers long-range planning, development, protection of scenic views, conservation and other resources. The following are issues relative to this adopted General Plan that this project supports and/or exhibits:

#### **1.6.3.2.1 Scenic Views**

The County seeks to preserve scenic views and public resources in administering land use regulations. Scenic views with a high degree of intactness or vividness shall be protected. The scenic qualities of mountains, hills or other elevated sites shall be protected. The lowlands and open spaces, to include the shoreline, marshes, fishponds, bluffs overlooking the coast, historic or cultural properties shall be protected.

#### **1.6.3.2.2 Historic and Archaeological Sites**

The County seeks to preserve historic and archaeological sites and provide buffers in between them and other uses abutting them, and to provide pedestrian access to the sites, where appropriate.

#### **1.6.3.2.3 Coastal Lands Policy**

The County will work to acquire shoreline lands, and public access to same. To consider as uppermost importance to preserve and protect sandy beaches. If the portion of this path project does front on the coastline along the Wailua Golf Course at holes # 17, # 2 and # 1, it is part of the intent of the design to incorporate dune restoration as these are the areas subject to the most severe erosion.

Further, to protect the coast by allowing lands placed in the Conservation District and/or in the County along the coast to be used as a buffer from coastal erosion. To site structures inland of the buffers.

To analyze hazards of long-term coastal erosion to help determine appropriate setbacks.

In areas subject to coastal erosion, to provide for beach renourishment and to discourage hardening of the shoreline in any manner.

To provide for permanent pathway laterally along the coast located in the buffer zone and mauka of the shoreline. To site buildings near the shoreline to preserve the view to the shore, and to provide convenient parking to these areas and facilities.

#### **1.6.3.2.4 Visitor Activities, Parks, & Natural Areas Policies**

To manage parks, resources, streams beaches and other areas to conserve resources, encourage and provide for access to these areas, and to allow for group use. To enhance the visitor experience and provide jobs to residents. To interpret natural areas, historic and archaeological sites, and cultural activities, and to maintain and manage these facilities.

#### **1.6.3.2.5 Open Lands Policies**

Areas designated as Open, shall be protected to maintain or enhance the characteristics of the land. These lands can be coastal bluffs, stream valleys, native plant and wildlife habitats, and archaeological resources.

#### **1.6.3.2.6 Scenic Roadway Corridors Policies**

Scenic Roadway Corridors shall receive such designation to conserve the open space and scenic qualities and views along the most heavily traveled roadways.

#### **1.6.3.2.7 Bikeways**

The County wants to support and develop a bikeway system to provide for transportation, recreation and activities that are alternatives to vehicles.

This project does not require any variances or action contrary to these policies and objectives adopted by the County.

## **1.6.6 Special Designations**

### **1.6.6.1 Special Management Area**

The portions of the corridor located along the ocean give the project area a designation of Special Management Area.

### **1.6.6.2 Shoreline Setback**

The shoreline setback is forty (40) feet from the certified shoreline, which essentially is where the vegetation line begins.