

Appendix A

Programmatic 4(f) Evaluation for Independent Bikeway or Walkway Construction Projects With Approval for the Use of Park Lands from the County of Kaua'i, Parks and Recreation Division

**Comment letter on the Draft Programmatic 4(f) Evaluation by State of Hawaii,
Division of State Parks, dated August 22, 2006**

Response letter by FHWA, dated December 5, 2006

Programmatic Section 4(f) and 6(f) Evaluation

(Revised November 30, 2006)

1. REGULATORY AUTHORITY

Section 4(f) of the U.S. Department of Transportation (USDOT) Act of 1966 (49 USC §303(c)) declares that “it is the policy of the United States Government that special effort should be made to preserve the natural beauty of the countryside and public parks and recreational lands, wildlife and waterfowl refuges and historic sites.” Section 4(f) applies to historic sites and designated publicly owned parks, recreational areas, and wildlife and waterfowl refuges that are determined by the FHWA to have national, state, or local significance. Under the Act, the Secretary of Transportation cannot approve a project requiring the “use” of a Section 4(f) property unless

- there is no feasible and prudent alternative to the use of such land, and
- such program includes all possible planning to minimize harm to such park, recreational area, wildlife and waterfowl refuge, or historic site resulting from such use. (23 CFR 771.135)

The purpose of this Programmatic Section 4(f) Evaluation is to provide the information required by the Secretary of Transportation to make the decision regarding the use of properties protected by Section 4(f) legislation under the preferred alternative in the Lydgate Park-Kapa‘a Bike/Pedestrian Path Environmental Assessment.

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

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

A separate Programmatic Statement has been prepared for the Wailua Plantation Bridge.

This document examines public park lands affected in the context of the *Negative Declaration/Section 4(f) Statement for Independent Bikeway or Walkway Construction Projects*.

Because Land and Water Conservation Funds (LWCF) were used to improve Wailua Beach Park, provisions of Section 6(f) are applicable to the proposed project. Please see discussion in Section 6, below.

2. PROPOSING AGENCY AND ACTION

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

- (1) A shared use path connecting the Lydgate-Kapa‘a bike-pedestrian path to the Wailua House Lots Park and the Nounou Mountain (Sleeping Giant) trail, and
- (2) A shared use path connecting the Kawaihau Road bike-pedestrian path to the Kapa‘a-Keālia bike-pedestrian path.

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

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

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

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

3. PURPOSE AND NEED

The bike/pedestrian path project addresses several needs:

Improved safety for pedestrians, bicyclists, and others using non-motorized modes of transportation. At present, pedestrians, joggers, and bicyclists in the project area use shoulders or the sides of roads, or share sidewalks where available. A continuous path that separates these users from passing vehicles is needed for safe and comfortable travel.

Increased choices among alternative modes of transportation. Shared use paths have been popular across the nation because separating motor vehicles from those traveling on foot or by bicycles increases people’s sense of safety and comfort. These characteristics are fundamental to giving people viable choices in how they travel. The proposed path is intended for use by all age groups, and those who possess a range of skill levels.

Greater connections among destination nodes. A pathway is needed to connect the existing path at Lydgate Park and a path that will soon begin design and construction (from Kapa‘a to Keālia). It is the continuity of the path network—what transportation specialists call “system connectivity”—that will increase the usefulness of the transportation facility and allow people to go where they want to go.

Enhanced access to natural areas, while minimizing impacts on sensitive ecosystems. The Wailua-Waipouli-Kapa‘a area is surrounded by natural places of great scenic beauty. A facility is needed to enable residents and visitors to access some of these places under conditions that are better controlled than they are at present.

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

Increased opportunities for recreation and physical fitness. The proposed path is needed to provide more opportunities for outdoor recreation and fitness. There is no other area in town that provides a safe, dedicated facility for people to walk, jog, and bicycle.

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

4. PREFERRED ALTERNATIVE

The preferred alternative includes a combination of shoreline and canal components (see Figure A1). It was selected as the alignment that would optimize project objectives (provide a safe route for pedestrians and bicyclists that is separated from vehicular traffic to the extent possible, connect origin and destination nodes, enhance access to beach and recreational resources, and provide a scenic, outdoor experience), while avoiding, minimizing, or being able to mitigate adverse environmental impacts.

The project’s start point lies between the Aloha Beach Resort and Kūhiō Highway. The path will be aligned adjacent to the northbound approach to the cane haul bridge. Where possible, the path will be located within the highway right-of-way; however, some sections of the path are expected to pass through Wailua River State Park. Heading north, the path will continue across Wailua River and along the makai side of Kūhiō Highway. North of the Sea Shell Restaurant, the path will follow Papaloa Road, then turn mauka at Lanikai Street. A user-activated traffic signal is planned at the intersection of Kūhiō Highway and Lanikai Street to facilitate path users crossing the highway. On the mauka side of Kūhiō Highway, the path will jog inland, heading northward using the roadbed of a former cane haul road. After crossing the temporary bypass road, the path will continue along the Waipouli Drainage Canal, behind the Waipouli Town Center, then along the south bank of Uhelekawawa Canal back to Kūhiō Highway. The path will shift to the makai side of the highway, then use the right-of-way on Ala Road, Niulani Street, and Moanakai Road before reaching the northern terminus at Waika‘ea Canal.

5. SECTION 4(f) PROPERTIES

Section 4(f) properties are shown in Figures A2 and A3.

5.1 Wailua Beach Park

TMK: 4-1-04: 01; 4-1-05: 04; 4-3-02: 01

Owner: County of Kaua‘i

Description of Resource

Wailua Beach Park encompasses about 6.0 acres of undeveloped beach area situated directly across from the Coco Palms Resort and makai of Kūhiō Highway. This County-owned park is located near the mouth of Wailua River, and is a popular area for both visitors and residents. The near shore bottom fronting most of the beach consists of a shallow sand bar, creating favorable surfing conditions. The beach is also used by swimmers, sunbathers, and fishermen.

Lydgate Park-Kapa‘a Pedestrian/Bike Path

Programmatic Section 4(f) and 6(f) Evaluation

The park was part of the Wailua River State Park complex before being transferred to the County in 1992. There are two unpaved parking areas off Kūhiō Highway, one just north of the Wailua River Bridge, and another adjacent to the vacant Seashell Restaurant. There are limited public facilities provided at this beach park—a few portable toilets, showerheads, and a lifeguard station.



Kūhiō Highway looking north, Wailua Beach Park is to the right.

Lydgate Park-Kapa‘a Pedestrian/Bike Path

Programmatic Section 4(f) and 6(f) Evaluation



Wailua Beach Park. Path will be set back as far inland as practicable.

5.2 Lihī Park (Waipouli Beach Park)

TMK: 4-5-2: 01

Owner: County of Kaua‘i

Description of Resource

Kapa‘a Beach is the sandy beach that fronts Kapa‘a town, and extends from Waika‘ea Canal on the south to the intersection of Kawaihau Road and Kūhiō Highway. Anchoring the south end of the beach is Lihī Park (also known as Waipouli Beach Park), a popular picnic and fishing area.

To control shoreline erosion, the state completed a revetment in the area in 1964. Artificial structures along the shoreline include jetties at the mouths of Waika‘ea and Mo‘ikeha Canals. The wide, shallow offshore reef attracts many local fishermen. Adjacent to Lihī Park is the heavily used State-owned boat ramp into Waika‘ea Canal.

Lydgate Park-Kapa'a Pedestrian/Bike Path
Programmatic Section 4(f) and 6(f) Evaluation



Lihi Park



Waika'ea Canal bridge at Lihi Park is the northern project terminus.

Lydgate Park-Kapa‘a Pedestrian/Bike Path

Programmatic Section 4(f) and 6(f) Evaluation

5.3 Wailua River State Park

TMK: 3-9-06: 29

Owner: State of Hawai‘i, Dept of Land and Natural Resources, Division of State Parks

Description of Resource

Wailua River State Park, established in 1954, is the only State-owned park in the project corridor. A survey taken by the Hawai‘i Tourism Authority in 2003 estimated that 615,800 people visited the park in 2003. The State Park is located along the banks of the Wailua River and covers a large tract of land extending from the shoreline makai of Kūhiō Highway into the valley. Overall, the park encompasses over 1,000 acres of land, of which about 50 acres are developed for recreational use, including sightseeing of natural and cultural sites, hiking, picnicking, and boat rides along the river.

The Wailua Complex of Heiau National Historic Landmark (NHL) is located within the Wailua River State Park. This heiau complex is comprised of seven historic sites, grouped into five discrete sites. The path passes mauka of Hikinaakalā Heiau and Pu‘uhonua o Hauola (designated as State Historic Site No. 50-30-08-105 and one of the five NHL sites), but will not have a direct adverse impact on these important cultural sites. A cluster of boulders with petroglyphs, known as Ka Pae Ki‘i Mahu o Wailua (State Historic Site No. 50-30-08-105A) is located offshore in a small inlet at the mouth of the Wailua River, and away from any adverse impact that might be generated by the path.

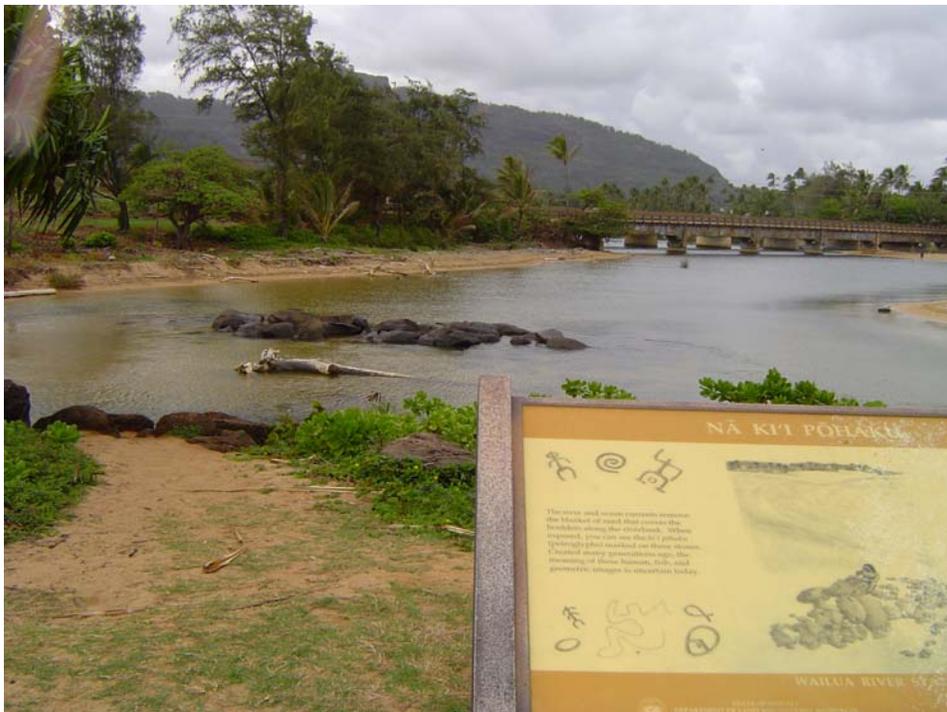


Northern terminus of the Lydgate Park shared use path. New section will extend past the stub out. Existing path on the right-hand side forms a cul-de-sac

Lydgate Park-Kapa'a Pedestrian/Bike Path
Programmatic Section 4(f) and 6(f) Evaluation



Proposed path will be located adjacent to and on the makai side of the highway (toward the cane haul bridge)



Looking toward the cane haul bridge from the interpretive sign for the petroglyph boulders located at the river's mouth

6. SECTION 6(F) PROPERTIES

State and local governments sometimes obtain grants through the federal Land and Water Conservation Fund (LWCF) to acquire or make improvements to parks and recreation areas. Section 6(f) of the LWCF Act prohibits the federal government from converting any property acquired or developed with LWCF funds to anything other than public outdoor recreation use.

Proposed conversion of LWCF lands to non-recreation use requires the approval of the Department of Interior National Park Service and replacement lands “of equal value, location and usefulness” must be provided.

Section 6(f) lands in the project area:

LWCF Project #	LWCF Improvements	TMK	Location	Property Ownership
15-00012	Purchase of coastal lands on both sides of Wailua River in 1967	(4) 4-1-04:1	Wailua Beach Park across from Coco Palms	County (transferred from State Parks in 1992)
		(4) 4-1-05:4	Wailua Beach by House Lots	
15-00001	Development of beach park in 1966-67	(4) 4-5-02, 07, 08, 11 & 12	Lihi Park	County

Because the project will construct a path for use by walkers, joggers, skaters, bicyclists, and others for recreational purposes, the FHWA and County of Kaua‘i requested that the DSP find that project use of park land does not constitute a conversion. The recreational value of the bike/pedestrian path will improve the park and expand the range of outdoor activities supported by the existing facility.

Based on a draft version of the Programmatic Section 4(f) Evaluation, the DSP commented that “there should not a ‘taking’ according to 6(f)” because the path promotes outdoor recreation and remains under the jurisdiction of the County parks (letter dated August 22, 2006). However, DSP also asked for further evaluation on potential impacts to existing recreational activities, park facilities, and public access—which has since been completed and incorporated into this document. The final step in this process is review and concurrence by the LWCF Section of the National Park Service.

7. POTENTIAL IMPACTS FROM THE PROPOSED PROJECT

Potential impacts to park lands are discussed in this section. Measures to mitigate adverse effects are discussed in Section 10.

7.1 Wailua Beach Park

The alignment for the proposed bike/pedestrian path will pass through Wailua Beach Park, extending for approximately 2,200 linear feet (LF). At 10 feet wide, the proposed path will use approximate 22,000 SF of park land. At the north end of the cane haul bridge, the path will ramp down to ground level at grades complying with the ADA Accessibility Guidelines. Two new handicap stalls will be constructed in the south parking area with a paved connection from the handicap stalls to the path. The north parking area will not be affected. To avoid conflicts with vehicles entering from and exiting onto Kūhiō Highway, the path will be aligned along the makai periphery of both parking areas.

There is a low rock wall that extends partially along the park’s frontage, parallel to Kūhiō Highway. This project will extend the wall to provide an additional buffer between the highway and the path; the path will be located on the makai side of the wall.

The bike and pedestrian path will have the positive effect of enabling park users to circulate more easily through the park. Because there is no paved walkway at present, park users have to walk through loose sand and matted vegetation to get from one end to the other. Access is even more difficult for those requiring mobility aids. The path will not be located in any area that would impede swimming, fishing, or other recreational use of the beach park.

7.2 Lihi Park (Waipouli Beach Park)

The project ends at Waika‘ea Canal, which runs through Lihi Park. Lihi Park anchors one end of the linear Kapa‘a Beach Park. From the end of Moanakai Road to Waika‘ea Canal, approximately 800 LF of the path (9,600 SF) will pass through park land. The bridge over Waika‘ea Canal will be reconstructed as part of the Kapa‘a-Keālia Bike-Pedestrian Path.

The path will not impair vehicular access to the park or with parking. The path is located in an open area that is used for passive recreation and will not interfere with typical park activities. The path will have several beneficial effects. It will provide a recreational amenity for fitness walkers, joggers, and bicyclists; a hard, even surface for handicapped persons, and a defined travel way that will allow for more effective lawn maintenance.

7.3 Wailua River State Park

Based on existing maps of the Wailua River cane haul bridge, the Kūhiō Highway corridor extends between 12 and 20 feet beyond the pavement on the makai side of the highway.

The State of Hawaii, Department of Transportation is in the process of preparing and submitting a request to transfer the highway corridor from the Department of Land and Natural Resources, where the corridor is based on an earlier construction easement. The proposed bike/pedestrian path, beginning at the existing stubout and going north, will be located within the new highway right-of-way.

Although the path will not have a direct adverse impact on State park land, its proximity to cultural sites, such as Hikinaakalā Heiau and Pu‘uhonua o Hauola, increases the potential for inappropriate off-path activities and increased public traffic through sensitive areas.

8. PROGRAMMATIC SECTION 4(f) APPLICABILITY

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

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

- Involves the use of recreation and park areas established and maintained primarily for active recreation, open space, and similar purposes

Wailua Beach Park and Lihi Park are on the County’s inventory of park lands and contain parking areas, user amenities (portable toilets, showerheads, picnic tables, and trash receptacles), and lifeguard station (in the case of Wailua Beach Park).

- Official having specific jurisdiction over the Section 4(f) property has given his approval in writing that the project is acceptable and consistent with the designated use of the property and that all possible planning to minimize harm has been accomplished in the location and design of the bikeway or walkway facility

A letter of approval from the County of Kauai is attached to this programmatic statement.

A letter of approval from the Division of State Parks is being requested.

- Project does not require the use of critical habitat of endangered species. Nor does the project use any land from a publicly owned wildlife or waterfowl refuge or any land from a historic site of national, State, or local significance.

The park lands do not contain critical habitats or significant historic resources.

- Project does not involve any unusual circumstances (major impacts, adverse effects, or controversy).

The pathway will provide a facility that enhances the recreational experience of the parks and make them more accessible to a larger number of people.

9. ALTERNATIVES AND FINDINGS

No Action

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

Improvement without Using the Section 4(f) Lands (Avoidance)

Early in the planning process, and in consultation with the Division of State Parks (DSP), a possible alignment from Lydgate Park to Kūhiō Highway via an old railroad easement was eliminated from consideration due to potential impacts on Hikinaakalā Heiau, which is part of the Wailua Complex of Heiau National Historic Landmark. The preferred alternative does not impact the heiau site; however, DSP has asked that guardrails or vegetative hedges and interpretive signage be installed for added separation and to increase user awareness of nearby cultural resources.

Two sections evaluated in the project’s Draft Environmental Assessment (DEA)—the Papaloa Coastal Access Phase and Coastal Access Extension Phase—were not selected for the preferred alternative. These phases were located in a portion of Wailua Beach Park, but deleted from the project description in favor of the canal route.

Wailua Beach Park. The remaining use of Wailua Beach Park occurs between Wailua River and the Seashell Restaurant. Use of the park cannot be avoided completely because the north end of the Wailua River crossing lies within the park itself. However, the section that traverses the park can be shortened by taking a detour approximately 1,000 feet inland on Kuamo‘o Road, along the mauka boundary of the Coco Palms property, and through private residential lots mauka of Wailua Shopping Plaza. Land acquisition of the residential lots alone was estimated to cost \$1,090,000 and would displace three residences.

Furthermore, a majority of path users are likely to continue walking or bicycling along the beach or along Kūhiō Highway—the shortest and most direct path—even when facilities are not available. As seen in the photographs of Wailua Beach Park, above, bicyclists and pedestrians currently do not have a comfortable travel way. The shoulders along both sides Kūhiō Highway contain minimal space, and there is no pathway through the park itself. Park users have no recourse but to walk through the sand covered by naupaka vines. Access by people in wheelchairs or those needing mobility aids is virtually impossible.

Given the additional cost and social impacts involved in realignment to avoid a relatively small amount of 4(f) property (.25 mile), this alternative is not feasible or prudent.

Lihi Park. The project’s end point is at Lihi Park (Waipouli Beach Park). Because one of a key purpose the project is to connect to the Kapa‘a-Kealiā Bike/Pedestrian Path, the terminus is fixed. In the preferred alternative, the path connects Moanakai Road and the Waika‘ea Canal pedestrian bridge. The only other alternative would run makai-bound along the south bank of Waika‘ea Canal from Kūhiō Highway. This alternative would also be located within Lihi Park, but would also require acquisition of a residential lot just south of the canal and fronting the highway. Without acquiring this property (and displacing the homeowner), there is insufficient space to locate the path. Therefore, the makai-bound alternative is not feasible or prudent.

Wailua River State Park. The shortest and safest route from the project start to the river crossing passes through the State Park. As long as bicyclists and pedestrians stay on the makai side of the river crossing, they do not have to cross a travel lane. In order to avoid State park land, path users would have to cross traffic on the cane haul bridge to use the main highway bridge. Such an alternative would not be feasible or prudent.

10. MEASURES TO MINIMIZE HARM

To minimize harm to park lands, the County DPW will implement the following measures:

- Consult with the County Parks and Recreation Division and Division of State Parks during final design of the path to ensure that the path does not interfere with ongoing recreation, cultural, and/or maintenance activities.
- Design, select construction materials, and use construction methods that will minimize the maintenance requirements of the path.
- Design the path to meet guidelines of the Americans with Disability Act (ADA).
- Provide landscaping, signage and other design features and amenities consistent with safe and proper use of the facility and to reduce off-path, public traffic through sensitive cultural sites. Where the path abuts the Hikinaakalā Heiau Section of Wailua River State Park, landscaping and signage plans will be submitted to the Division of State Parks for approval.
- Plan and conduct construction activities so as to minimize disruption to park use.

11. COORDINATION

Attached is a letter from the owner of the public parks, the County of Kaua‘i, Department of Public Works, granting approval to use Wailua Beach Park and Lihi Park for the bike and pedestrian path.

A copy of the Draft Programmatic Section 4(f) Evaluation was sent to the State of Hawai‘i, Department of Land and Natural Resources, Division of State Parks (DSP) with a request for written approval to use State Park land, and for concurrence with the finding of non-conversion of LWCF land. The DSP administers the local LWCF program on behalf of the National Park Service, U.S. Department of the Interior.

Comments from the DSP were received by letter dated August 22, 2006. A revised 4(f)/6(f) evaluation was transmitted to the DSP in December 2006.

12. DETERMINATION AND CONCLUSION

The proposed project meets the eligibility criteria established in the *Negative Declaration/Section 4(f) Statement for Independent Bikeway or Walkway Construction Projects*.

Based on the above considerations, the project has included all possible planning to avoid and minimize harm to Section 4(f) lands resulting from project use.

APPROVED BY:

Date Approved

Federal Highway Administration

Lydgate Park - Kapa'a Bike/Pedestrian Path

Programmatic 4(f) Statement

November 2006

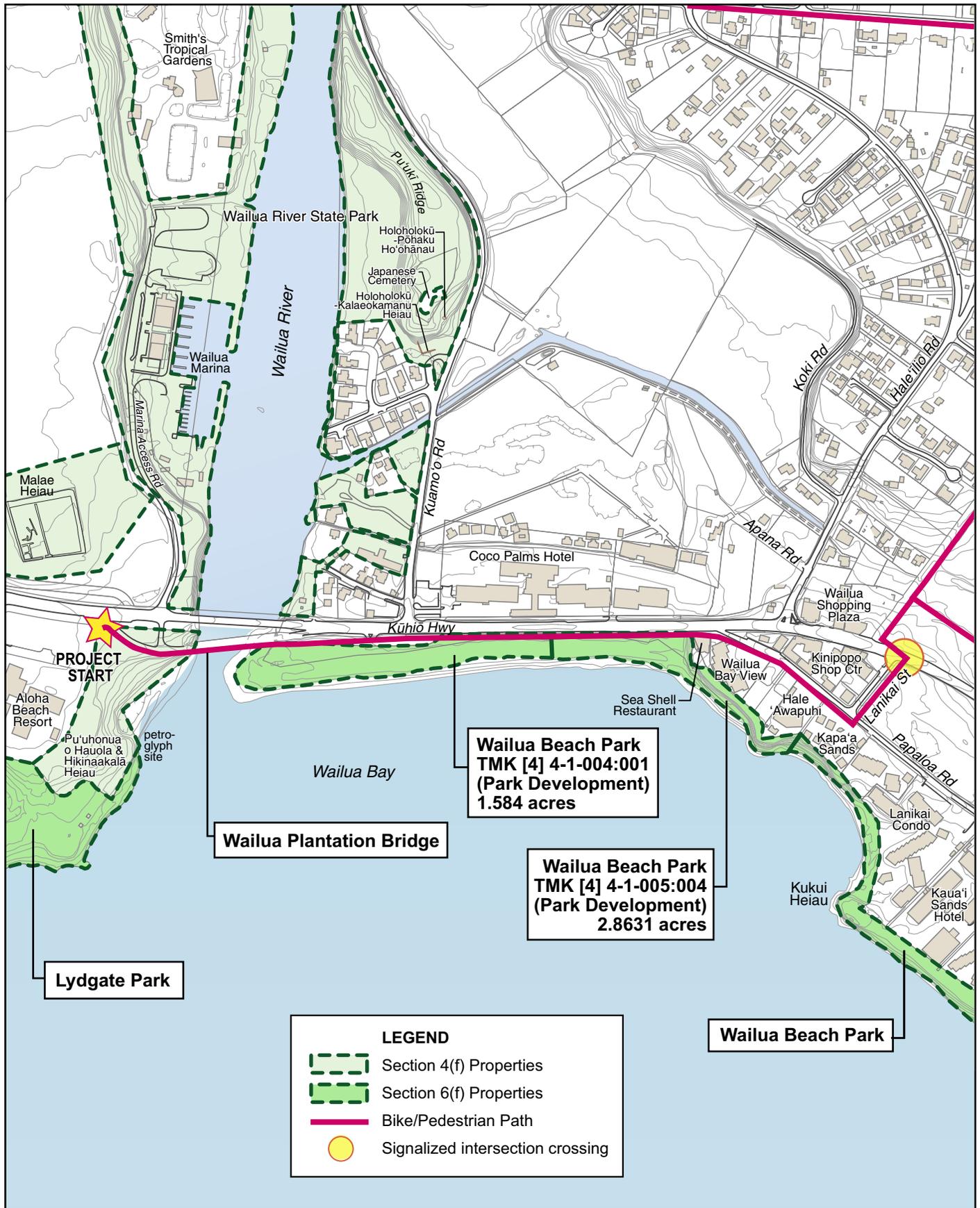


Figure **A2**

Section 4(f)/6(f) Resources - South