

VOLUME 1

National Historic Preservation Act

Findings and Determination of Effect

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



U.S. Federal Highway Administration

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Section 106 of the National Historic Preservation Act

REGULATORY AUTHORITY

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

- to review the Section 106 consultation process for the current undertaking: Lydgate Park to Kapa‘a Bike/Pedestrian Path, Phases C & D;
- to summarize comments received from the consulted parties; and
- to propose the effects of the undertaking on the Area of Potential Effect (APE) provided under 36 CFR 800.

1. Introduction

The Federal Highway Administration (FHWA) has determined that the undertaking is subject to Section 106 of the NHPA. Therefore, with the cooperation and assistance of the County of Kaua‘i (COK) and the State of Hawai‘i, Department of Transportation (HDOT), the FHWA is consulting with the State Historic Preservation Officer (SHPO), Native Hawaiian Organizations (NHOs), and interested members of the public to determine effects on historic properties and the resolution of adverse effects.

2. Description of the Undertaking

Figure 1	Overall Bike/Pedestrian Path Alignment in Phases
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Figure 4a	Tax Map 4-3-002
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2.1 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) and made a finding of no significant impact. The original EA identified a preferred alignment which included a section located mauka of Kūhiō Highway and along the Waipouli drainage canal (shown as Phase E in Figure 1). 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 Environmental Assessment for the original path project—to locate the path within portions of the County’s existing beach reserve.

An environmental assessment (EA) is being conducted 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.

2.2 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 Environmental Assessment 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 between the coast and Kuhio Highway, then construct a bike/pedestrian corridor along the makai side of the highway north to

Uhelekawawa Canal (approximately 580 feet). (See Figure 2, 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 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.

2.3 Area of Potential Effect (APE)

The Area of Potential Effect is shown in 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 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.”

2.4 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.

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 facility will not have exterior lights. If lights are needed for safety or security, shielded fixtures will be used. Decisions about specific features will be made during the project’s design phase.

2.5 Project Environment and Land Jurisdiction

The Waipouli connection passes through portions of three *ahupua‘a*: South Olohena, North Olohena, and Waipouli. Figure 4a and 4b shows the preliminary path alignment on tax maps, and Figure 5 shows landownership based on information from the Real Property Assessor.

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 on the north end, just mauka of Kūhiō Highway. 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. 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, conditions attached to development approvals require resort developments—both existing (in the case of Courtyard Kaua‘i) and future—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.

3 Section 106 Process Time Line

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

Action	Date	Notes
36 CFR §800.3 Initiation of the Section 106 Process		
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
36 CFR §800.4 Identification of Historic Properties		
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 See Appendix E
36 CFR §800.5 Assessment of Adverse Effects		
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

Action	Date	Notes
36 CFR §800.6 Resolution of Adverse Effects		
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
36 CFR §800.7 Coordination with the National Environmental Policy Act (NEPA)		
Draft environmental assessment being prepared	Pending	
Public information meeting to be held during DEA public review period	Not yet scheduled	

4. Section 106 Consultations

4.1 Mailing List

The initial Section 106 outreach letter was sent by the Hawai‘i Department of Transportation (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.

4.2 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 agenda for Public Meeting 1 (see Appendix C) contains the findings of the Protocol Committee as proclaimed by Cheryl Lovell-Obatake, the po‘o or leader. Item 11 states:

This Ho‘oponopono process is a distinctly native Hawaiian process and was developed with the concurrence of respected pillars of the native Hawaiian community of Kaua‘i.

The purpose of this process is to ensure that native Hawaiians may more effectively participate in the section 106 consultation process. Furthermore this process is one that native Hawaiians understand, respect and are comfortable with so that they may maximize their legal right to be consulted regarding projects that fall under section 106's purview.

The Ho'oponopono process has established clear grounds rule to maintain order and decorum, similar to Robert's Rules of Orders. The ground rules are repeated at the beginning of each public meeting. In addition, the Ho'oponopono process is structured around a kulukulu kumuhana (statement of problem to be solved), in this case, consultations are for the purpose of informing FHWA decisions on historic properties potentially affected by the undertaking.

4.3 Input from Consulted Parties

4.3.1 Public Meeting 1, August 9, 2012

The first meeting was primarily an introduction to the project corridor, the scope of the proposed undertaking, and the Section 106 process. A walking tour along the proposed path alignment was offered in the afternoon.

Full minutes of Public Meeting 1 may be found in Appendix C.

4.3.2 Public Meeting 2, August 23, 2012

Summary of comments related to Identification of Historic Properties (36 CFR §800.4)

Full minutes of Public Meeting 2 may be found in Appendix D.

Archaeologist Hal Hammatt provided an overview of historic properties identified through previous studies and preliminary findings from subsurface testing that was conducted July 25-Aug 6.

Noelani Josselin asked why was an alternative to go along the road is not being considered? This would avoid cultural deposits along the coast. Doug Haigh responded that a road alternative had been studied in the original environmental assessment (EA). Phases C and D provide a way to connect the gap between the spur on Papalooa Road and the northern section of the path. Future resort developments are obligated by permit conditions to provide lateral coastal access, and Phases C and D would be folded into the requirements.

Hannah Reeves said that heavy equipment should not operate around sacred sites.

Wendy Raebeck also asked why the highway alternative was eliminated.

Kaiopua Fyfe thought that the highway alternative was not selected because tourists would rather be on the makai side.

Joe Manini said that he represents the legal owners of the land. He felt that the project might reveal bones of the kanaka from way before (the Hawaiians).

James Alalem said that iwi should be left alone.

Rayne Regush, Sierra Club, said that the path should stay off the sandy areas of the coastline to protect the character of the shoreline, preserve the historic scenic qualities of old Hawai‘i and the viability of traditional activities that take place at the shoreline, and preserve areas around the cultural sites. Ms. Regush also asked about impacts on the stand of ironwood trees, makai of Site -1800. *Note: this concern was also expressed in a letter from Ms. Regush on behalf of the Sierra Club, Kaua‘i Group of the Hawai‘i Chapter, dated April 4, 2012*

Keola Lindsey, Office of Hawaiian Affairs, asked about the maximum depth of ground disturbance, the location of contractor staging areas and how construction equipment would access the construction site, and whether the comfort station is part of the current consultation process. Doug Haigh responded that the ground disturbance is expected to be about one foot in depth. In some places, the path might be constructed on earth fill. The contractor would need to secure their own staging areas. Construction access would be coordinated with the hotel properties. More difficult would be the narrow County easements, where the contractor might need to use a concrete pump.

Keith Yap, Kaua‘i /Niihau Island Burial Council asked about the alternatives in the northern section (in the Mokihana of Kaua‘i area). He said that a rationale should be provided for not selecting the highway route, if it would avoid burial sites. *Note: the planning team committed to a presentation at the next meeting to review the history of path alternatives and the selection process that took place during the original environmental assessment.*

Nancy McMahan provided background information on the requirement that hotels provide lateral coastal access. She said that excavations for bike paths would be minimal, except for the comfort station. *Note: additional subsurface testing was conducted in the vicinity of the proposed comfort station.* Ms. McMahan also discussed plans for a cultural preserve on the vacant properties slated for resort development, and the need for continuity in handling archaeological resources and information.

Beverly Muraoka, kumu hula, said that if iwi are found, they should be given all due respect.

4.3.3 Kaua‘i Historic Preservation Review Commission, October 4, 2012

Mauna Kea Trask, County attorney, and Glenn Kimura, Kimura International, gave a presentation at a regularly scheduled meeting of the Kaua‘i Historic Preservation Review Commission (KHPRC) on October 4, 2012. The Commission deferred to the mana‘o of the Section 106 consulted parties, but requested that the planning team return with an update when a draft Memorandum of Agreement has been prepared.

4.3.4 Public Meeting 3, November 27, 2012

Summary of comments related to Identification of Historic Properties (36 CFR §800.4)

Full minutes of Public Meeting 3 may be found in Appendix E.

Glenn Kimura presented slides reviewing the environmental assessment for the original Lydgate Park- Kapa‘a Bike/Pedestrian Path project, and for which a Finding of No Significant Impact was issued in 2007. He showed the various alternatives studies and the rationale behind the selection of the preferred alternative.

Hal Hammatt reviewed the findings of the Archaeological Inventory Survey report. He referred to three previously identified cultural layers (Sites 1801, 1800 and 791). In those areas, shovel tests confirmed cultural deposits from about 1-1.5 feet below the present surface, extending to a depth of 3-4 feet. Since the bike path will have fairly shallow foundations, Dr. Hammatt felt that direct impact could be avoided. The major finds of the AIS were two newly discovered burials. A follow-up land survey determined that one of the burials was located on the adjacent Kaua‘i Sands property, and would be avoided by the proposed bike path. However, the other burial was found in the narrow County easement in which the proposed bike path is located. State laws will be followed in the treatment of the burials.

Judy Dalton asked about the depth of the path’s concrete layer. Nancy Nishikawa responded that a depth of one foot is estimated for planning purpose.

Liberta Albao, Queen Deborah Kapule Hawaiian Civic Club, asked if lineal descendants had been contacted in relation to the newly discovered burials. Dr. Hammatt responded that the rules require a good faith effort to contact descendents, but that process has not been done yet. Ms. Albao said she is willing to assist.

Elise Godbey said that building a path with people moving over cultural resources would not be right.

Randy Blake asked about the depths at which the newly discovered burials were found. Dr. Hammatt said that Burial 1 (southern area) was found at a depth of approximately 1.5 feet; Burial 2 (northern area) was found at a depth of approximately 3.3 feet. Dr. Blake then asked why the AIS investigations went to those depths when the path would not require such deep excavations. Dr. Hammatt explained that the inventory survey goes to the depths where they think there will be findings in order to conduct a thorough study.

Ken Miyashiro said that the entire area is religious and culturally significant.

Keith Yap said he believes the area is significant—maybe not religious, but culturally significant. He felt that the project should proceed with kid gloves.

Judy Dalton said she had no authority to say one way or another on matters of religious or cultural significance but that the 40-foot setback rule should apply.

Ray Catania said that the entire area is culturally significant and he does not want to see a bike path in the area.

James Alalem said that the whole island of Kaua‘i is significant for religious practices and is spiritual and sacred.

Liberta Albao said that the area is very significant because Queen Deborah Kapule moved from Waimea to start her mission in the Coco Palms area, which extended all the way to Waipouli. It is important to do things the right way (for the pathway), including treating the kupuna iwi with respect.

Beverly Muraoka agreed with those expressing concerns about religious and cultural impacts, and economic impacts too.

Elsie Godbey reiterated that the area has great cultural significance.

Tom Godbey said that all of us have a moral responsibility to preserve areas of cultural and religious significance.

Kaliko Santos said that, personally, she believes the whole APE has cultural significance and is eligible for the National Register. She was not sure about religious significance.

Judy Dalton changed her previous remarks and stated that the area may have religious and cultural significance, and accordingly may be eligible for the National Register.

4.3.5 Public Meeting 4, February 20, 2013

Summary of comments related to Assessment of Adverse Effects (36 CFR §800.5)

Full minutes of Public Meeting 4 may be found in Appendix F.

Kaliko Santos, Office of Hawaiian Affairs, said that the project would have an adverse effect within the APE.

Puanani Rogers, Hookipa Network Kaua‘i, said there will be an adverse effect because there are cultural sites there. There are burials there—whether it’s a 100 feet or 200 feet—the path will affect the burial. It’s the spiritual emanation; spirituality is not just contained in that (specific) area.

Hannah Reeves spoke about the importance of preserving old Hawai‘i. She also expressed the opinion that many people need the ramp (referring to the path). We need to come up with a plan to preserve old Hawai‘i and, at the same time, open up the path to the future. My job is if there is something that is blocking the path, we are not going to destroy anything, we are going to make a plan so that we’re able to have the path, but move some of the iwi on the same ahupua‘a with everybody else and move on.

Mauna Kea Trask acknowledged the important issue of burial treatment, but pointed out that the agency with legal authority in this matter is the Kaua‘i/Ni‘ihau Island Burial Council.

Judy Dalton, Sierra Club, stated that her focus is adverse effects related to physical impacts on the beach and possible beach erosion.

Rayne Regush, Sierra Club, expressed concern about the diminished integrity of the coastline, where the coastal corridor is environmentally and culturally sensitive. She asked Hal Hammatt to clarify whether the ironwoods and/or the pedestrian trail that weaves through the ironwoods are historic properties.

Keith Yap, Kaua‘i/Ni‘ihau Island Burial Council, said that his kuleana is to make sure that burials will be treated with respect. He also expressed concern with the unknown and inadvertent finds. He said that it’s the Burial Council’s wish that we don’t go looking for that needle in the haystack, and that we don’t go disturbing something we don’t have to. However, the Burial Council would like to have a protocol, possibly with the MOA, indicating how they will be consulted about those (inadvertent) burials. SHPD has been very good about calling when things have come up around the island, so the Council feels we’re working closely with them now to insure we’re notified immediately. We do believe there will be adverse effects to this area.

James Alalem said that adverse effects were done a long time ago; they’re already happening. He referred to desecration from digging which took place in the past. Mr. Alalem also stated that adverse effects will continue to occur if the project goes forward.

Pat Pereira agreed with the statement that the proposed path would have an adverse effect on individual sites and the area as a whole.

Leah Pereira, Deborah Kapule Hawaiian Civic Club said she would not like iwi to be touched and there would be adverse effects around the heiau (*note: a specific heiau was not mentioned*).

Public Meeting 4 (continued)

Summary of comments related to Resolution of Adverse Effects (36 CFR §800.6)

Full minutes of Public Meeting 4 may be found in Appendix F.

Kaliko Santos, as a resident, observed that people who want to go to the beach have to park far away. Therefore, it would be beneficial to provide parking that is closer to the beach. Generations of Hawaiians have gone to the beach for fishing and to teach traditional activities, so access is important.

There is a large concentration of historic resources associated with Site 1801, but that area is slated for future development. She would to see this area memorialized, or a definitive (ethnographic) study done about the area that would be part of our island history. That way, if all the buildings come to fruition, this area will not be forgotten for the future.

Puanani Rogers said that she would like to see the path moved someplace else because of impacts on the shoreline and cultural sites. Our people fish there, she said. It's a place where they gather food. Having a huge hotel or more development will keep them away from the area because it's going to be different. It's not going to be the same aesthetic atmosphere that they are used to. Tourists also use the area to walk back and forth, which is fine. We don't need it to be concrete. It worked as a dirt path. Keep the shorelines free for the public to use for subsistence gathering.

Hannah Reeves would like to see a trail opened up from the mountain to the sea. She would build a place where children can see how Hawaiians used to live before, how we used to throw our nets. Teach them how to do our culture.

Judy Dalton said that public beach access is already there; there's no need to put a concrete path there. She would like to walk down to a natural beach.

Rayne Regush asked whether the path could be re-routed (mauka-makai) between Courtyard Kaua'i and the future Coconut Plantation resort to avoid the concentrated cultural deposits in the shoreline portion of the Coconut Plantation property. Additionally, she would like to see the path located mauka of the 100-foot Open district boundary.

Keith Yap, Kaua'i/Ni'ihau Island Burial Council, would like to participate in (the disposition of) inadvertent burials; to provide oversight of the SHPD. He introduced the term "gentle grading" as a construction method that should be used when working the ground. He recommended staying on the existing footpath (in the ironwoods area) as much as possible in order to minimize adverse effects. A meandering path would also help to preserve individual trees.

As a resident, Mr. Yap said that he originally favored moving the path to Aleka Loop. However, he has come to feel that if we don't put the path on the beach or close to the beach, we won't get access because the hotels have a tendency to border their borders. If the path is there, we have a doorway to get to the beach. Public parking is also important. He wants to feel like it's welcoming for the residents and people who are coming from afar to park in a place where they can get to the beach, so they can go fishing, so we can have more fishermen actually fishing.

James Alalem said that he and Uncle Joseph Manini are asking \$5 million for use of his (Uncle Joe's) property (for Phases C & D). The money will be used for all the things that have been destroyed, to put back the heiau, and to restore the sacredness.

Missy Kamai, as a Kaua'i citizen, said that some type of barrier is needed between the bike path and the residences located south of Uhelekawawa Canal for privacy and security.

Pat Pereira said the path should be moved away from the beach and along the canal instead.

Leah Pereira said that she would like to see the fish ponds be put back in order.

Cheryl Lovell-Obatake said that mitigations should address coastal erosion, water quality, privacy for property owners, and culturally sensitive treatment of burials.

4.3.6 Public Meeting 5, May 20, 2013

Summary of comments related to Resolution of Adverse Effects (36 CFR §800.6)

Full minutes of Public Meeting 5 may be found in Appendix G.

The purpose of this meeting was to review the determination of effect on historic properties and the proposed mitigations.

Cheryl Lovell-Obatake, the po‘o (leader), reviewed the Sec 106 ho‘oponopono-based consultation process. The process was initiated by John Nickelson, former FHWA official, who introduced the project. Participants identified themselves at the first meeting, after which there was a site visit. A series of four meetings followed, including the present meeting.

Kaliko Santos, the alakai (deputy leader), reviewed the protocols of ho‘oponopono.

Mauna Kea Trask, County attorney, reviewed the process by which ho‘oponopono was integrated with the Sec 106 process.

Glenn Kimura went through each of the previously identified historic properties and reviewed the determined effects. The following comments were related to site-specific determinations and proposed mitigations.

Nancy McMahan suggested interpretive signs in the vicinity of Site No. 50-30-08-791 noting that people pay attention to signs and if they knew they were walking on culturally sensitive areas, maybe the homeless wouldn't be living in that area.

Nancy McMahan also asked for clarification about exterior path lighting. Doug Haigh said that lighting is not proposed for the shared use path, but that hotels might independently decide to install lights in adjacent areas.

For Site No. 50-30-08-1800, Glenn Kimura said that a proposed mitigation is to construct the path on a berm or fill in order to avoid or minimize sub-surface disturbance.

Beverly Muraoka stated that in her upbringing, we do not put anything on kino which is underneath. She said, if at all possible, the path should go around it, beside it, but not on it.

In a follow-up interview¹, Mrs. Muraoka said that her concern was for the care and consideration of burials. Whenever possible, burials should be avoided in the first place with as much buffer as possible. The berm concept is acceptable if it is away from the burials, but the path isn't wanted if it goes over iwi. "If not over iwi, then it's okay. Personally, I don't care if the path is over livelihood (*a reference to cultural deposits or*

¹ Glenn Kimura and Nancy Nishikawa met with Mrs. Muraoka on August 1, 2013 in Kapa‘a.

cultural layers). I can accept berms—to not dig down—as long as it doesn’t affect burials. Around or beside, but not on if human.” She also suggested signage to inform people about the respectful use of an area where burials have been found.

Rayne Regush said that she would like to see the preservation of coastal ironwood trees which grow along vacant properties. Ms. Regush also noted that because the 100-foot Open District is not shown on the map, it’s not possible to see how far mauka the path could be aligned.

For Site 50-30-08-1801, there was a discussion about the status of burial reinterments. Rayne Regush noted that, under the terms of the property’s SMA permit, cultural material and human remains are to be preserved within a 100-foot shoreline zone. She expressed concern that the proposed bike path would pass through the same area.

The following comments were related to general mitigation proposals.

Kaliko Santos expanded on her proposal for an ethnographic study of the coastline. She said that in the past, Hawaiian society relied on the oral transmission of cultural traditions. However, Hawaiians today use other types of media and an ethnographic study would gather together important historical and cultural information to be passed on to the next generation.

Nancy McMahon suggested the training of cultural monitors as a mitigation proposal. Among other things, cultural monitors could be trained in the type of “gentle” construction technique which has been proposed as a mitigation measure.

On the topic of beach access parking, Doug Haigh explained that one option being considered is to enlarge the existing County parking area (behind Kapa‘a Missionary Church) so that it includes the 12 parking stalls required for resort development on the adjacent property.

Beverly Muraoka felt that this parking location would be too far away for some beach goers.

5. Archaeological and Cultural Studies

5.1 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 project (see Appendix I).

5.2 Cultural Impact Assessment

The cultural impact assessment is not required under the National Environmental Policy Act (NEPA), but is prescribed under Chapter 343, Hawai‘i Revised Statutes. 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 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 J). The report was made available to Section 106 consulted parties through a web link.

5.3 Archaeological Inventory Survey

After the Section 106 process was initiated, an archaeological inventory survey was conducted to provide consulted parties with additional information about historic properties within the APE. This 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‘ē 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.

6. Effect Determination for Historic Properties

Eleven historic properties identified within the APE (see Figure 7).

Effects to the historic properties were evaluated based on seven aspects of integrity as described in the National Register Bulletin No. 15, *How to Apply the National Register Criteria for Evaluation*:

- | | |
|---------------|-----------------|
| (1) location | (5) workmanship |
| (2) design | (6) feeling |
| (3) setting | (7) association |
| (4) materials | |

Valuation of significance for the National Register of Historic Places was based on the following criteria:

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

Valuation of significance for the Hawai‘i Register (HR) of Historic Places was based on the following criteria:

- A** reflects major trends or events in the history of the state or nation;
- B** is associated with the lives of persons significant in our past;
- C** is an excellent example of a site type/work of a master;
- D** that have yielded, or may be likely to yield, information important in prehistory or history;
- E** has traditional cultural significance to an ethnic group, includes religious structures and/or burials and traditional cultural properties

6.1 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 Olohena 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</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>

6.2 SIHP 50-30-08-791 Cultural Layer and Burials

Brief Description	<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> 
Cultural Values	Valued by living community for their cultural attachment to <i>iwi kūpuna</i> and historically and culturally significant
Integrity/Condition	Continuous. The cultural layer mainly extant in makai or eastern portion of property (Perzinski et al. 2001:36)
Location/Distance from Project Area	<p>TMK: 4-3-002: 014</p> <p>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>
Valuation of Significance for National Register of Historic Places (NR) or Hawai‘i Register of Historic Places (HR) Criteria	<p>D for NR</p> <p>D and E for HR</p>
Eligible or Potentially Eligible for Listing in NR/HR	Yes
Effect	<p>No adverse effect, with proposed mitigation commitments</p> <p>The path will be located outside the known limits of this historic site, which are located within the developed hotel property. However, there is a potential for adverse effect.</p>
Proposed Mitigations	Archaeological monitoring plan. Opportunity for interpretive sign

6.3 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 for NR D and E 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 There is a potential for adverse effects if the path is located along Kūhiō Highway.</p>
<p>Proposed Mitigations</p>	<p>Archaeological monitoring plan</p>

6.4 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 Kapa‘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 for NR D 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>Proposed Mitigations</p>	<p>There is an opportunity to place an interpretive historic marker near the site.</p>

6.5 SIHP 50-30-08-1800 Cultural Layer and Burials

Brief Description	<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> 
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
Location/Distance from Project Area	<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>
Valuation of Significance for National Register of Historic Places (NR) or Hawai‘i Register of Historic Places (HR) Criteria	<p>D for NR D and E for HR</p>
Eligible or Potentially Eligible for Listing in NR/HR	Yes
Effect	<p>No adverse effect, with proposed mitigation commitments Potential adverse effect on subsurface cultural layer. The alignment will avoid known burial sites.</p>
Proposed Mitigations	<p>Archaeological monitoring plan Path to be constructed on a berm (fill) over known limits of the cultural layer to minimize the need for subsurface excavation</p>

6.6 SIHP 50-30-08-1801 Cultural Layer and Burials

Brief Description	<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> 
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	<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>
Valuation of Significance for National Register of Historic Places (NR) or Hawai‘i Register of Historic Places (HR) Criteria	<p>D for NR D and E for HR</p>
Eligible or Potentially Eligible for Listing in NR/HR	Yes
Effect	<p>No adverse effect, with proposed mitigation commitments Potential adverse effect on subsurface cultural layer. The alignment will avoid known burial sites.</p>
Proposed Mitigations	<p>Archaeological monitoring plan Path to be constructed on a berm (fill) over known limits of the cultural layer to minimize the need for subsurface excavation. Opportunity for interpretive sign. Path to follow the existing footpath where feasible.</p>

6.7 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 for NR D and E for HR
Eligible or Potentially Eligible for Listing in NR/HR	Yes
Effect	No effect The 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.
Proposed Mitigations	None

6.8 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 for NR D and E 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 There is a limited potential for effect on archaeological resources. The AIS included two trenches (3 and 13) dug along the preliminary path alignment in the vicinity of this historic site. No cultural materials were found at either trench site.</p>
<p>Proposed Mitigations</p>	<p>Archaeological monitoring plan</p>

6.9 SIHP 50-30-08-3939 Two Burials

Brief Description	<p>Two pre-Contact/early historic Hawaiian burials</p> 
Cultural Values	Valued by living community for their cultural attachment to <i>iwi kūpuna</i> and historically and culturally significant
Integrity/Condition	Unknown
Location/Distance from Project Area	<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>
Valuation of Significance for National Register of Historic Places (NR) or Hawai‘i Register of Historic Places (HR) Criteria	<p>D for NR D and E for HR</p>
Eligible or Potentially Eligible for Listing in NR/HR	Yes
Effect	<p>No effect One option is for the path to cut north-south, makai of the Village Manor apartments and the residential property on which the two burials were found. The path would not affect the burial sites.</p>
Proposed Mitigations	None

6.10 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 for NR D and E for HR
Eligible or Potentially Eligible for Listing in NR/HR	Yes
Effect	No adverse effects, with proposed mitigation mitigation commitments.
Proposed Mitigations	Burial treatment plan, developed with input from Section 106 consulted parties, to be submitted to the Kaua‘i/Niihau Island Burial Council for review and approval Realign path to avoid burial. Requires acquisition of additional right-of-way.

6.11 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 for NR D and E for HR
Eligible or Potentially Eligible for Listing in NR/HR	Yes
Effect	No effect The path alignment will follow an existing County easement through this section. The burial was found outside the easement.
Proposed Mitigations	Burial treatment plan, developed with input from Section 106 consulted parties, to be submitted to the Kaua‘i/Niihau Island Burial Council for review and approval Maintain buffer

6.12 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 environmental. To the extent feasible, the bike/pedestrian will seek to incorporate the existing footpath.

Project Area (Waipouli Coast) as a Whole

Several consulted parties commented that the area as a whole is historically and culturally significant. Other consulted parties commented that while the area's historical significance remains important, the physical environment is dominated by modern resort development. They noted that future resort approved for development on the infill properties would add to the urban character and further inhibit public coastal access; referencing the boulders marking the Courtyard Kaua'i property as an example (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 bike/pedestrian traverses the Wailua TCP; however, the alignment for this project (Phases C & D) lies outside the Wailua TCP boundary.

6.13 Summary of Effects

SIHP No.	TMK	Type of Historic Property	Adverse Effect	No Adverse Effect, with Proposed 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

6.14 Summary of Mitigation Commitments

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 historic marker
50-30-08-1800	4-3-007:016	Cultural layer, burials	Archaeological and cultural monitoring plan Path construction on a berm (fill) over known limits of the cultural layer 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 known limits of the cultural layer to 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

Proposed General Mitigations (Non Site Specific)

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

7. Project Impact Findings

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 explore 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.

8. Conclusion

The documentation provided herein supports a request for SHPD concurrence that the undertaking will have no adverse effect within the APE. Mitigation commitments, as identified in Section 6.14, will be stipulated in the FHWA's findings pursuant to the NEPA process. The project sponsor is required to implement all mitigation measures which are incorporated into such findings.

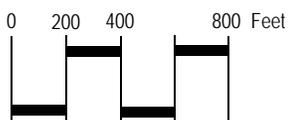
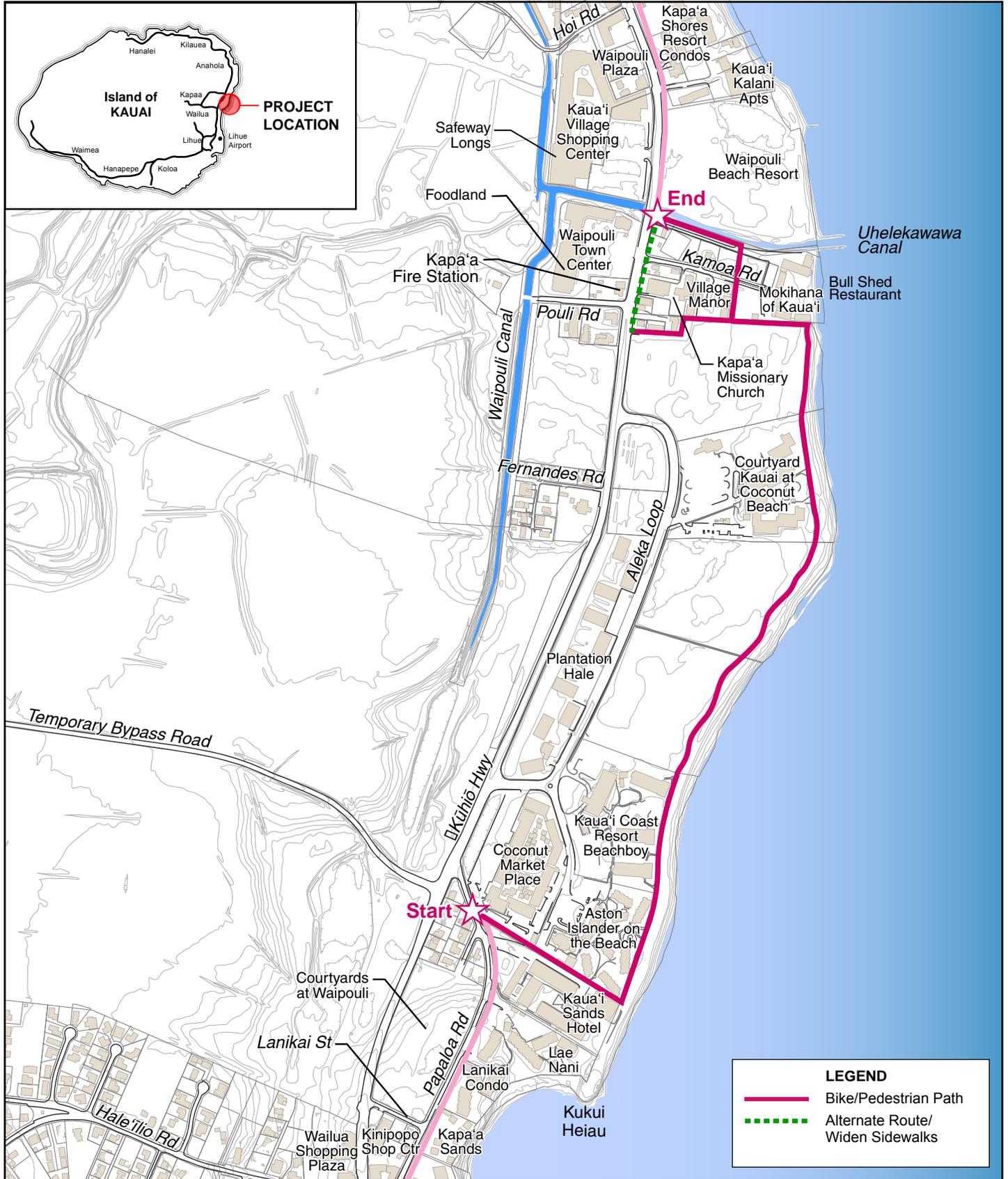


Figure 2
PROJECT LOCATION
Lydgate Park - Kapa'a Bike/Pedestrian Path
Phases C & D

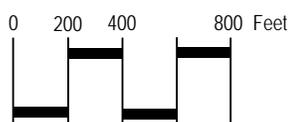


Figure 3
AREA OF POTENTIAL EFFECT (APE)
Lydgate Park - Kapa'a Bike/Pedestrian Path
Phases C & D

Lydgate Park - Kapa'a Bike/Pedestrian Path

031004/016 050313 r7

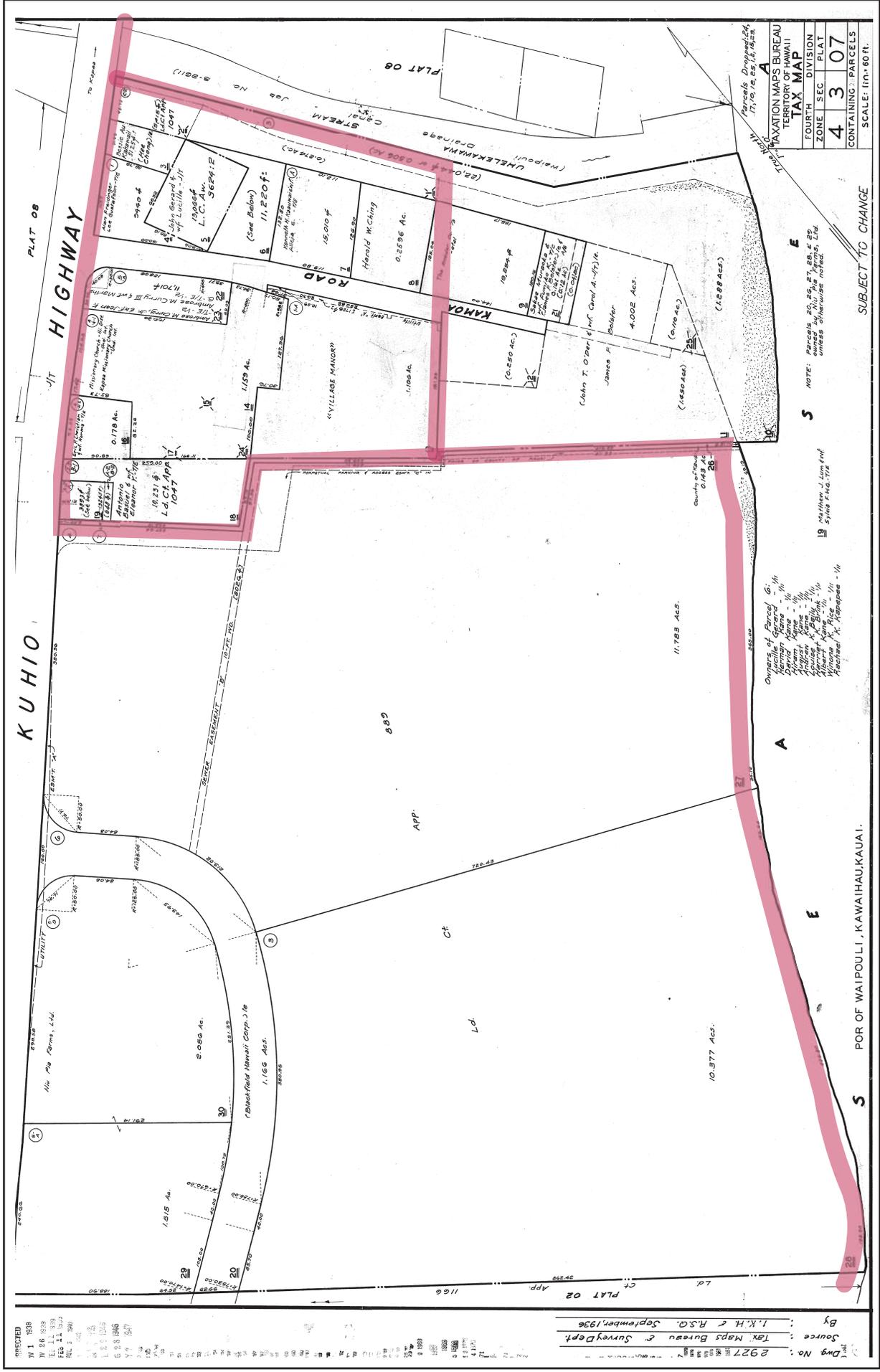
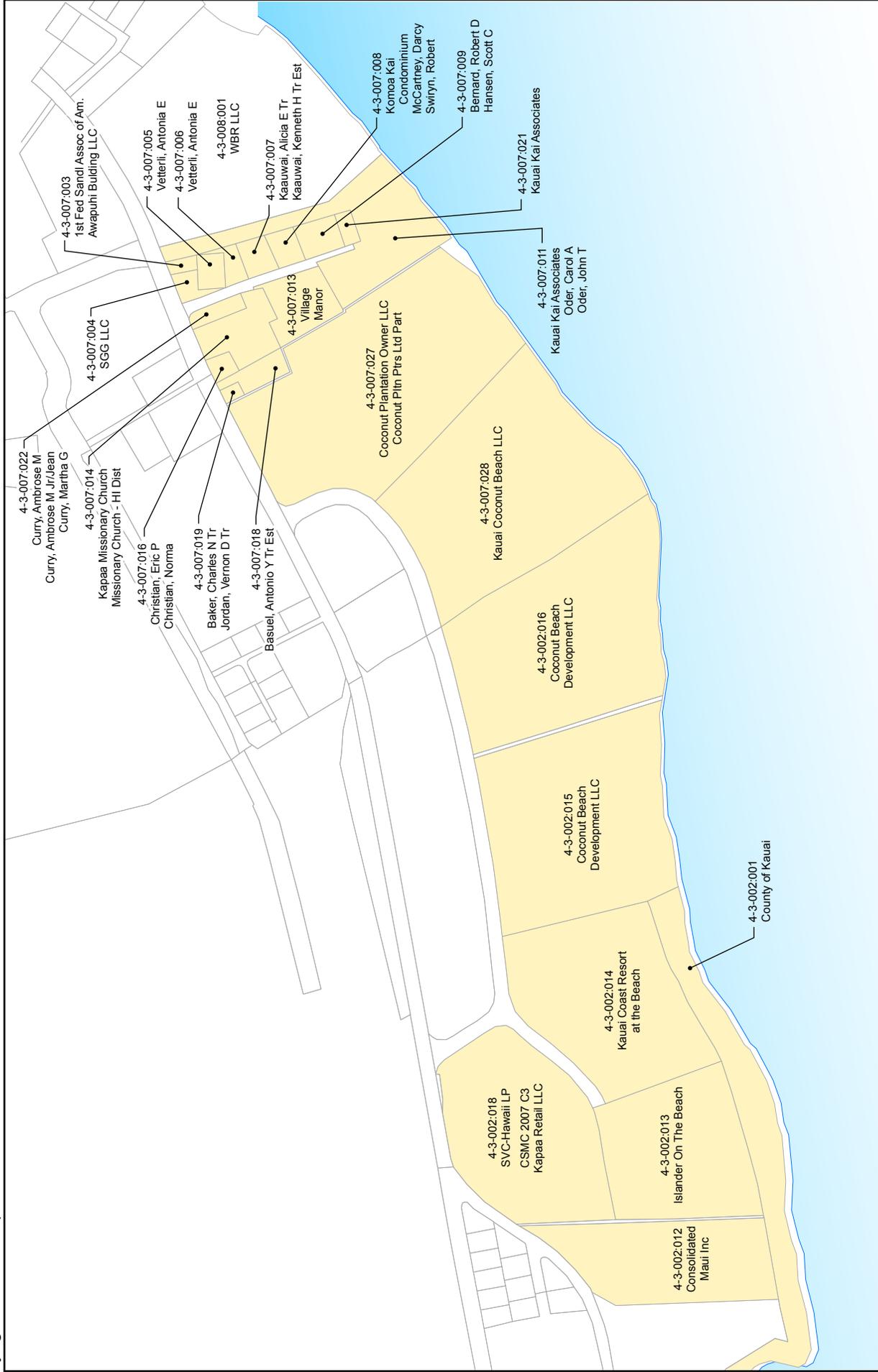


Figure 4b
TAX MAP 4-3-007
 Lydgate Park - Kapa'a Bike/Pedestrian Path
 Phases C & D



NOT TO SCALE

Lydgate Park - Kapa'a Bike/Pedestrian Path



Source: Kauai County Tax Assessor Data 2012, Hawaii State GIS

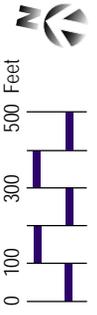
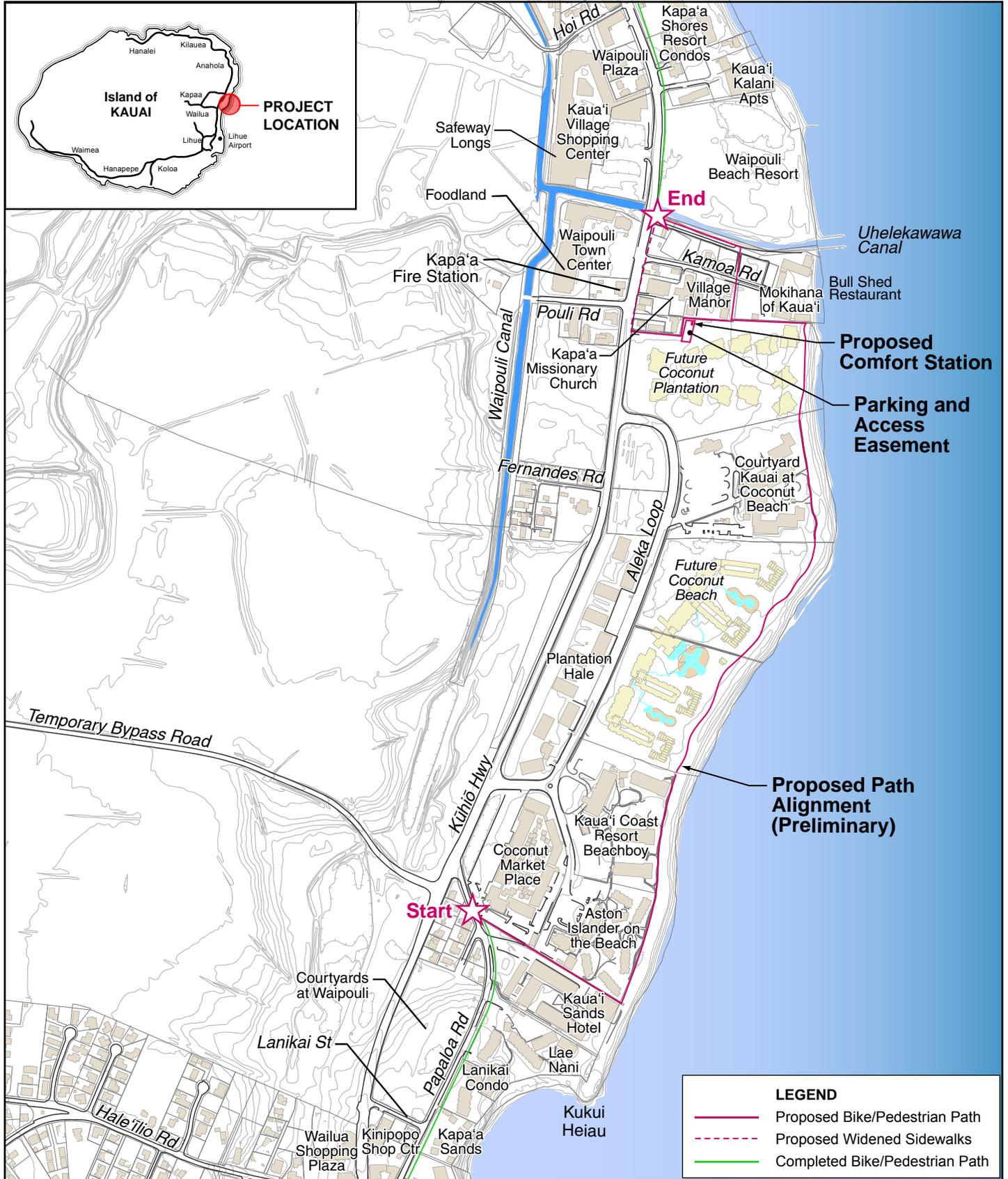


Figure 5
LAND OWNERSHIP WITH TMKS
 Lydgate Park - Kapa'a Bike/Pedestrian Path
 Phases C & D



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

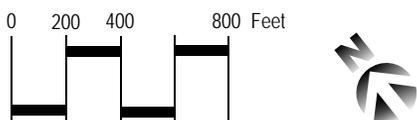
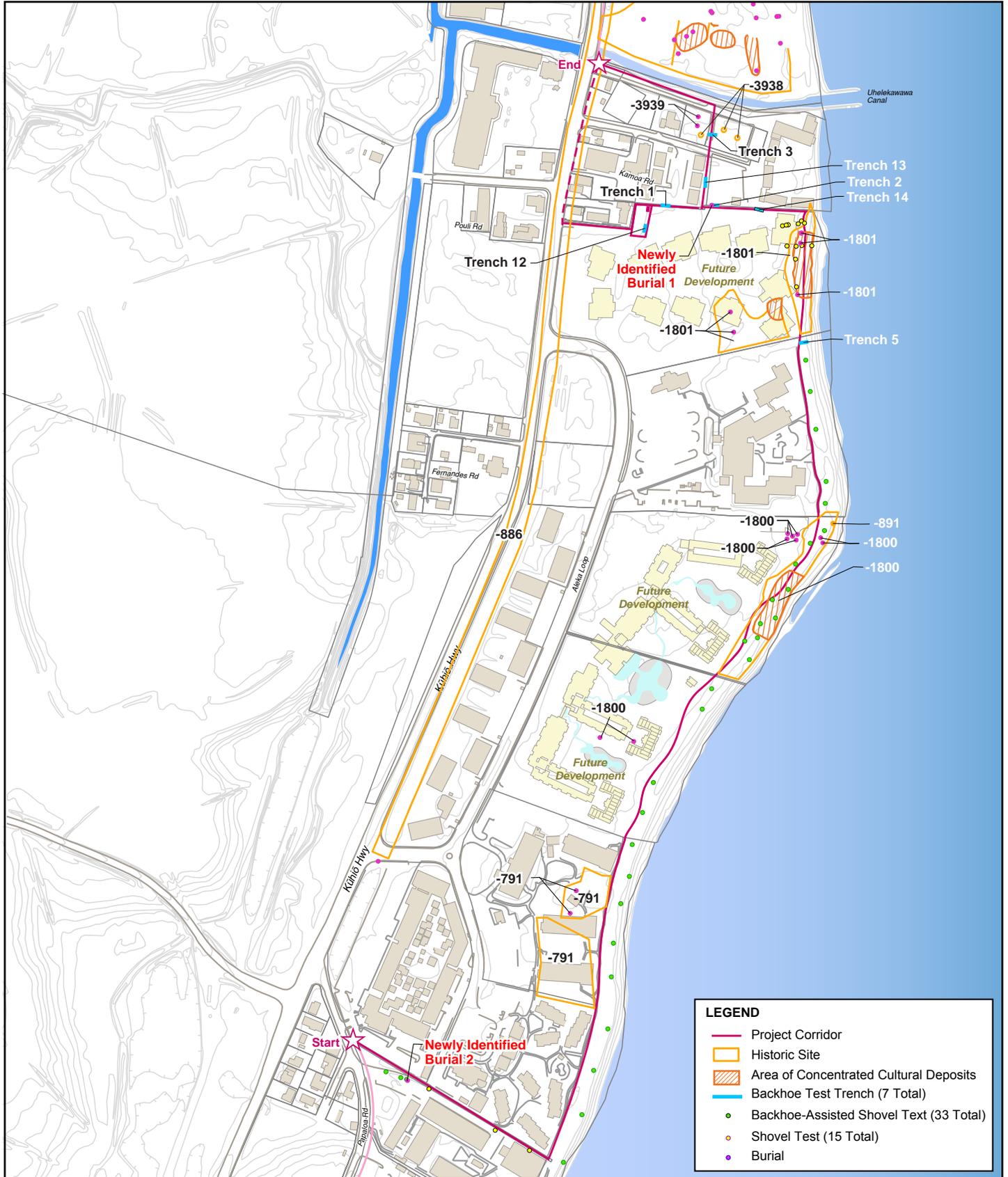


Figure 6
FUTURE DEVELOPMENT
 Lydgate Park – Kapa'a Bike/Pedestrian Path
 Phases C & D



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

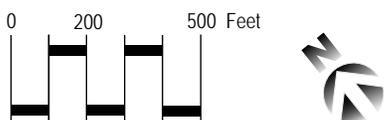


Figure 7
HISTORIC PROPERTIES
 Lydgate Park – Kapa'a Bike/Pedestrian Path
 Phases C & D

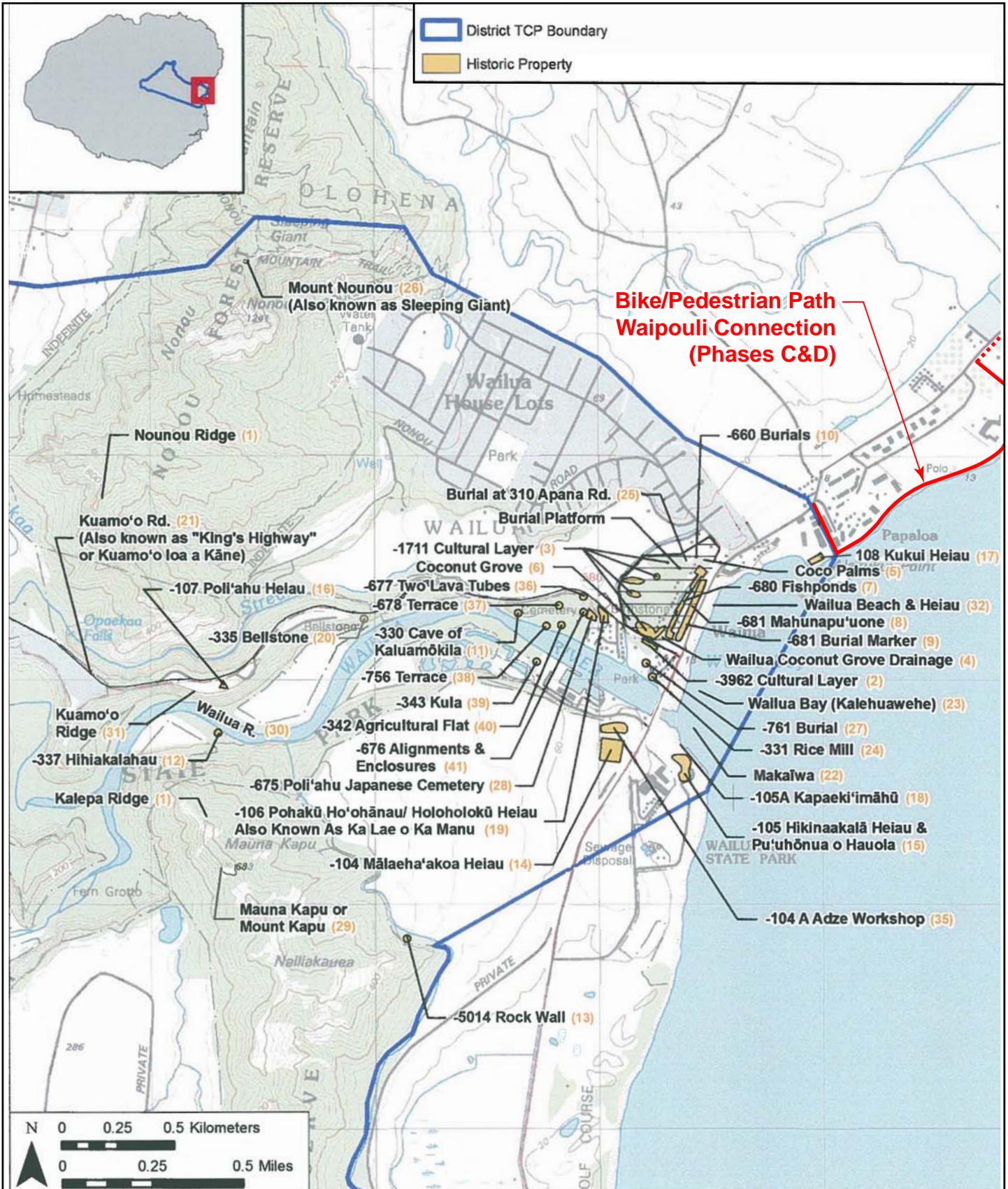
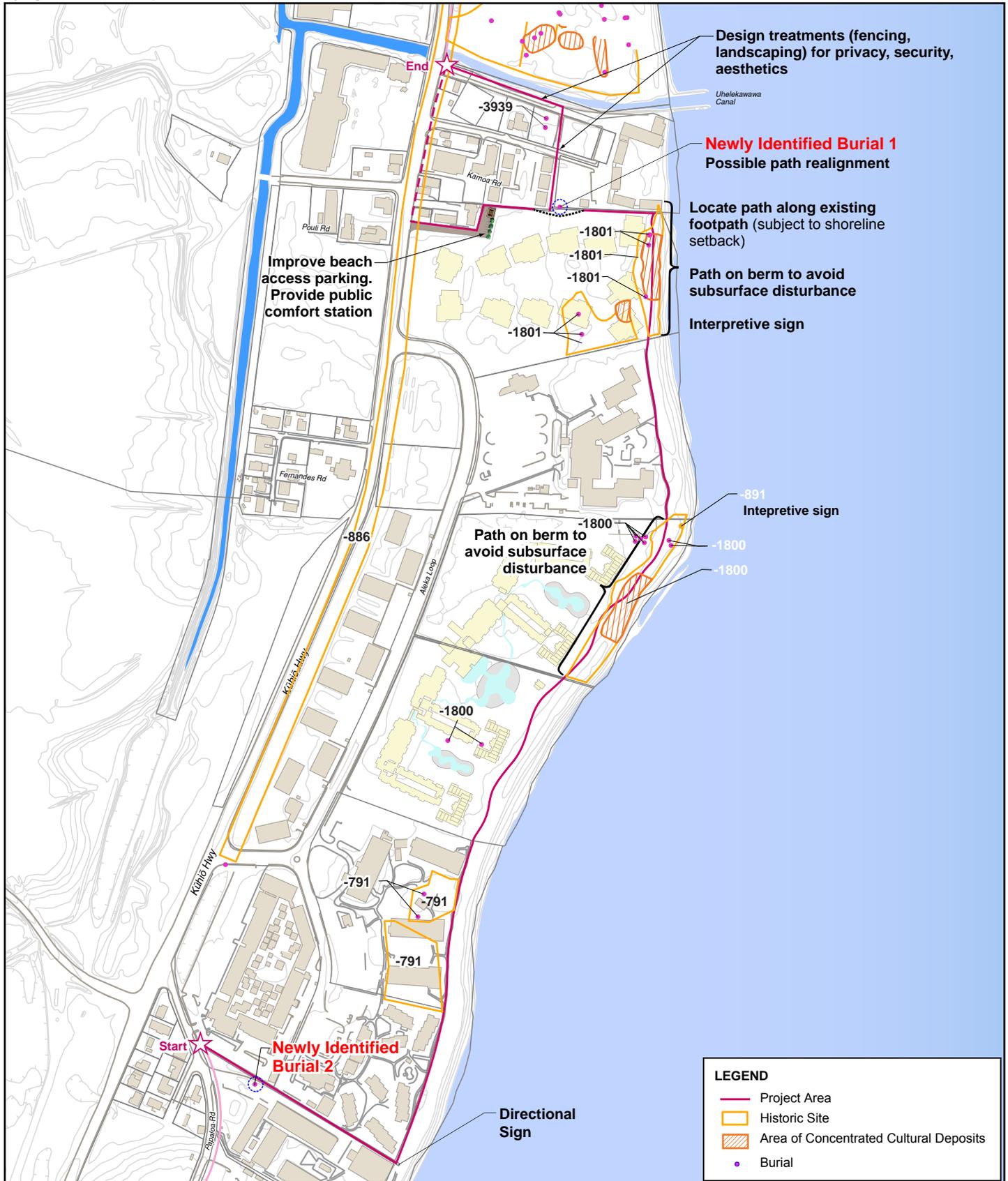


Figure 8
WAILUA TRADITIONAL CULTURAL PROPERTY (TCP)



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

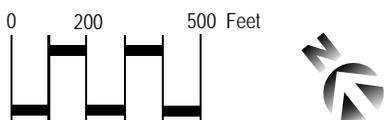


Figure 9
PROPOSED MITIGATIONS
 Lydgate Park – Kapa'a Bike/Pedestrian Path
 Phases C & D

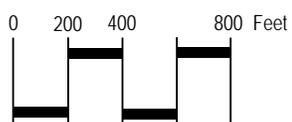


Figure 10
PHOTO LOCATIONS
Lydgate Park - Kapa'a Bike/Pedestrian Path
Waipouli Connection

Photos of Proposed Alignment for Lydgate Park-Kapa'a Bike/Pedestrian Path
Phases C & D



Photo 1. Papaloa Road near Kauai Sands Hotel



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

Photos of Proposed Alignment for Lydgate Park-Kapa'a Bike/Pedestrian Path
Phases C & D



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



Photo 4. Beach reserve, makai of Kauai Coast Resort

Photos of Proposed Alignment for Lydgate Park-Kapa'a Bike/Pedestrian Path
Phases C & D



Photo 5. From Kauai Coast Resort, looking north



Photo 6. Vacant parcels (TMK: 4-3-2: 15 and 16)

Photos of Proposed Alignment for Lydgate Park-Kapa'a Bike/Pedestrian Path
Phases C & D



Photo 7. Marriott Courtyard Kauai



Photo 8. From Marriott Courtyard Kauai looking north

Photos of Proposed Alignment for Lydgate Park-Kapa'a Bike/Pedestrian Path
Phases C & D



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



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

Photos of Proposed Alignment for Lydgate Park-Kapa'a Bike/Pedestrian Path
Phases C & D



Photo 11. Vacant parcel TMK: 4-3-7: 27, south of Mokiha of Kauai



Photo 12. Preferred alignment makai of Village Manor

Photos of Proposed Alignment for Lydgate Park-Kapa'a Bike/Pedestrian Path
Phases C & D



Photo 13. South side of Uhelekawawa Canal



Photo 14. Kuhio Highway at bridge over Uhelekawawa Canal