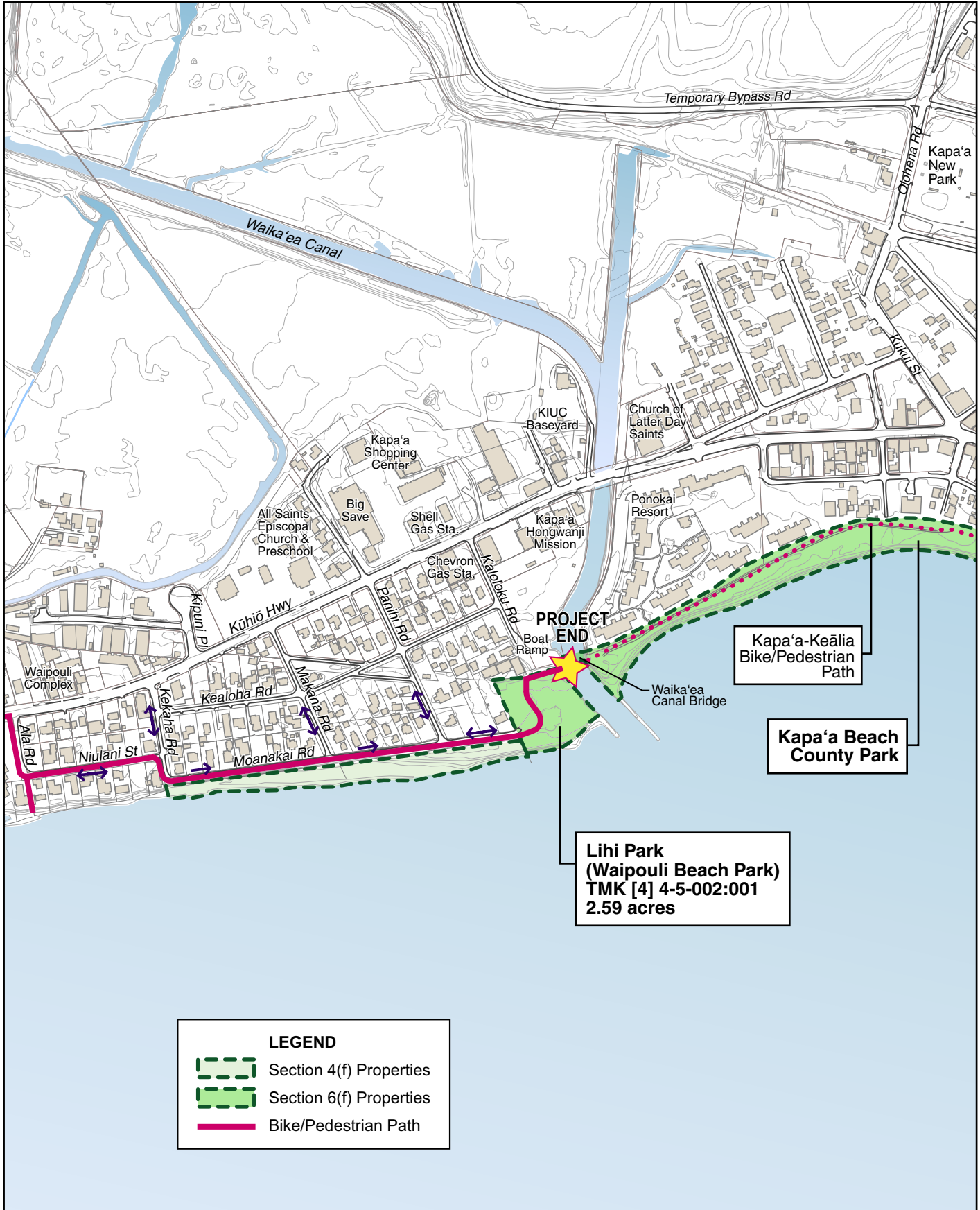


Lydgate Park - Kapa'a Bike/Pedestrian Path

Programmatic 4(f) Statement

November 2006



**Lihi Park
(Waipouli Beach Park)
TMK [4] 4-5-002:001
2.59 acres**

**Kapa'a-Keālia
Bike/Pedestrian
Path**

**Kapa'a Beach
County Park**

LEGEND




-  Section 4(f) Properties
-  Section 6(f) Properties
-  Bike/Pedestrian Path

Figure **A3**

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

BRYAN J. BAPTISTE
MAYOR



DONALD M. FUJIMOTO
COUNTY ENGINEER
TELEPHONE 241-6600

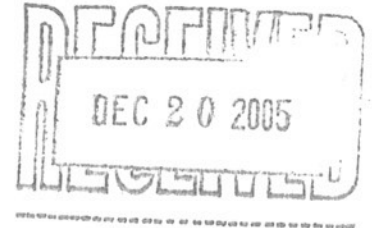
GARY K. HEU
ADMINISTRATIVE ASSISTANT

LADYE H. MARTIN
DEPUTY COUNTY ENGINEER
TELEPHONE 241-6600

AN EQUAL OPPORTUNITY EMPLOYER

COUNTY OF KAUA'I
DEPARTMENT OF PUBLIC WORKS
4444 RICE STREET
MO'IKEHA BUILDING, SUITE 275
LIHU'E, KAUA'I, HAWAII 96766-1340

December 7, 2005



Mr. Abraham Wong
Division Administrator
Federal Highway Administration
Box 50206
300 Ala Moana Boulevard, Room 3-306
Honolulu, HI 96850

Dear Mr. Wong:

Lydgate Park-Kapaa Bike/Pedestrian Path
CMAQ-0700(49)

The Kauai County Department of Public Works, with jurisdiction over Wailua Beach Park and Lihi Park (also known as Waipouli Beach Park) approves their use for construction of a shared use path. Based on the Programmatic Section 4(f) evaluation for the project, we concur with the finding that there is no feasible and prudent alternative to the use of Section 4(f) lands, and that all possible planning has occurred to minimize harm from their proposed use.

We also recognize that the Environmental Assessment for the project has determined that there will be no significant adverse effect on the quality of the human environment.

We look forward to working with you to implement this project.

Very truly yours,

CONCUR:

MEL NISHIHARA
Parks & Recreation Administrator

DONALD M. FUJIMOTO
County Engineer

cc: Christine Yamasaki, State Department of Transportation
Glenn Kimura, Kimura International
Douglas Haigh, Building Division

LINDA LINGLE
GOVERNOR OF HAWAII



STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES

DIVISION OF STATE PARKS
POST OFFICE BOX 621
HONOLULU, HAWAII 96809

PETER T. YOUNG
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT

ROBERT K. MASUDA
DEPUTY DIRECTOR - LAND

DEAN NAKANO
ACTING DEPUTY DIRECTOR - WATER

AQUATIC RESOURCES
BOATING AND OCEAN RECREATION
BUREAU OF CONVEYANCES
COMMISSION ON WATER RESOURCE MANAGEMENT
CONSERVATION AND COASTAL LANDS
CONSERVATION AND RESOURCES ENFORCEMENT
ENGINEERING
FORESTRY AND WILDLIFE
HISTORIC PRESERVATION
KAHOOLAWE ISLAND RESERVE COMMISSION
LAND
STATE PARKS

August 22, 2006

Mr. Pat V. Phung, P.E.
U.S. Department of Transportation
Federal Highway Administration
Hawaii Division
P.O. Box 50206
Honolulu, Hawaii 96850

Dear Mr. Phung:

SUBJECT: 4(f) and 6(f) Evaluation of Lydgate-Kapa'a Bike/Pedestrian Path, Kaua'i

We apologize for the delay in responding to the Final Environmental Assessment and Draft Programmatic Section 4(f) and 6(f) Evaluation of the proposed extension of the bike/pedestrian path from Lydgate Park to Kapa'a. This 10-foot wide concrete path will begin at the Hikinaakalā Heiau Section of Wailua River State Park and cross the Wailua River. The path will follow the *makai* side of Kūhiō Highway along Wailua Beach Park. The other park area affected by this project is Lihi Park, also known as Waipouli Beach Park. These park areas are under the jurisdiction of the County of Kaua'i. An effort will be made to keep the path within the road right-of-way, but there will be instances where the path extends into the parks and may affect designated 6(f) parklands where Land and Water Conservation Fund (LWCF) grant funds were used for either park acquisition or park improvements.

In general, we believe that this path will increase the outdoor recreational opportunities available for the Wailua-Kapa'a communities of southern Kaua'i, including both residents and visitors. The demand for more linear paths for walking, jogging, and bicycling, was identified as a priority recreational need in Hawai'i's 2003 Statewide Comprehensive Outdoor Recreational Plan (SCORP). Therefore, this project meets one of the objectives in the SCORP strategic plan.

Our comments are presented by park area and include both 4(f) and 6(f) evaluations.

Hikinaakalā Heiau Section, Wailua River State Park

Because 4(f) also refers to historic properties, it is important that this evaluation consider Hikinaakalā Heiau, Hauola, and the petroglyphs along the banks of the Wailua River. As pointed out on page 6-7, these sites are part of the Wailua Complex of Heiau, a National Historic Landmark designated in 1962. While we agree that the pathway will not directly impact these historic properties, the indirect impacts should be addressed, such as visual impacts on the cultural landscape and the potential for increased public traffic through the historical area. As discussed on page 6-11, the mitigation of these indirect impacts might include landscaping and interpretation. Please note that the petroglyphs are incorrectly mapped on Figure A2.

During a meeting held on June 27, State Parks requested that your consultant, Kimura International, determine jurisdiction of the land between Kūhiō Highway and the cane-haul bridge by consulting with the State Department of Transportation. We have also requested that the County of Kaua'i address the use of

Mr. Pat Phung
August 22, 2006
Page 2

State Park land for the existing stub out. It is our understanding that the pathway will follow along the *makai* side of the cane-haul bridge and will involve the use of approximately 7,200 square feet of land within Wailua River State Park. Before granting approval to use the State Park land, as requested in your letter of March 28, 2006, we are requesting a better map indicating the location of the path in the park. As previously discussed with the County, State Parks would expect the land used for the bike path to be withdrawn from the State Park and set aside to the County.

The Hikinaakalā Heiau Section of Wailua River State Park was not part of the park acquisition using LWCF grant funds and therefore, is not within the 6(f) boundary map.

Wailua Beach Park

This park was part of the park acquisition in 1964-1967 using LWCF grant funds (LWCF Project 15-00012). Therefore, the use of approximately 41,500 square feet of the park will affect 6(f) parkland. Because the path promotes outdoor recreation and remains under the jurisdiction of the County parks, there should not be a "taking" according to 6(f). However, the evaluation should address any potential impacts on existing recreational activities, park facilities, and public access.

Lihi Park (Waipouli Beach Park)

This park on the southern side of Waika'ea Canal was part of the original acquisition of Kapa'a Beach Park. LWCF funds were used for park improvements in 1965 (LWCF Project 15-00001). Therefore, the use of approximately 800 square feet of park will affect 6(f) parkland and should be evaluated as discussed above.

Conclusions

Attached to this letter are the LWCF forms and maps for Projects 15-00001 and 15-00012 to assist with your 6(f) evaluation. Please provide a more complete evaluation of the impacts on existing recreational use, facilities, and access where the path will be located in the 6(f) parks.

Please clarify ownership of the land adjacent to the cane-haul road, including the boundaries of the right-of-way and the grassed area between the cane-haul road and Kūhiō Highway. We would also like to see a map that indicates the 7,200 square feet of land within Wailua River State Park being requested.

Once these documents are received, we should be able to complete our 4(f) and 6(f) evaluation and forward our review to the National Park Service. We should also be able to determine if we can approve the use of State Park land for the path. If you have any questions, please feel free to contact Martha Yent at 587-0287 or Martha.E.Yent@hawaii.gov

Very truly yours,



DANIEL S. QUINN
State Parks Administrator

Attachments

cc: Nancy Nishikawa, Kimura International
Wayne Souza, Kaua'i State Parks
Doug Haigh, Kaua'i County Dept. of Public Works

UNITED STATES DEPARTMENT OF THE INTERIOR
Bureau of Outdoor Recreation
Land and Water Conservation Fund Project Agreement

State	Hawaii	Project Number	51-00001
Project Title KAPAA BEACH DEVELOPMENT			
Period Covered by this Agreement 3/15/66 - 6/30/67		Project Period 3/15/66 - 6/30/67	
Project Scope (Description of Project)			

This project will be the development of a public beach park and include the following facilities: Two new open air pavilions (20 x 30 ft.), 7 tables, 4 outdoor grill fireplaces, leveling and paving with asphalt an area comprising 60 ft. x 250 ft., landscaping and beautification, extension of water and electric lines, installation of nightlights, construction of building to accommodate toilet facilities, dressing area and shower pads, reconstruction of existing comfort station to provide storage area and intensive development site planning prior to construction.

This project will be located within the town of Kapaa, on the Island of Kauai.

Project Stage Covered by this Agreement Complete Project.

Project Cost		Attachments
Total Cost	\$ <u>50,400.00</u>	1. General Provisions (dated <u>December - 1965</u>)
Fund Support	<u>50</u> %	2. _____
Fund Amount	\$ <u>25,200.00</u>	3. _____
Cost of this Stage	\$ <u>50,400.00</u>	4. _____
Assistance this Stage	\$ <u>25,200.00</u>	

The United States of America, represented by the Director, Bureau of Outdoor Recreation, United States Department of the Interior, and the State named above (hereinafter referred to as the State), mutually agree to perform this agreement in accordance with the Land and Water Conservation Fund Act of 1965, 78 Stat. 897 (1964), and with the terms, promises, conditions, plans, specifications, estimates, procedures, project proposals, maps, and assurances attached hereto and hereby made a part hereof.

The United States hereby promises, in consideration of the promises made by the State herein, to obligate to the State the amount of money referred to above, and to tender to the State that portion of the obligation which is required to pay the United States' share of the costs of the above project stage, based upon the above percentage of assistance. The State hereby promises, in consideration of the promises made by the United States herein, to execute the project or project stage described above in accordance with the terms of this agreement.

The following special project terms and conditions were added to this agreement before it was signed by the parties hereto:

The State of Hawaii shall transfer to the County of Kauai all funds granted hereunder necessary to the undertaking and completion of this project.

In witness whereof, the parties hereto have executed this agreement as of the date entered below.

THE UNITED STATES OF AMERICA

STATE

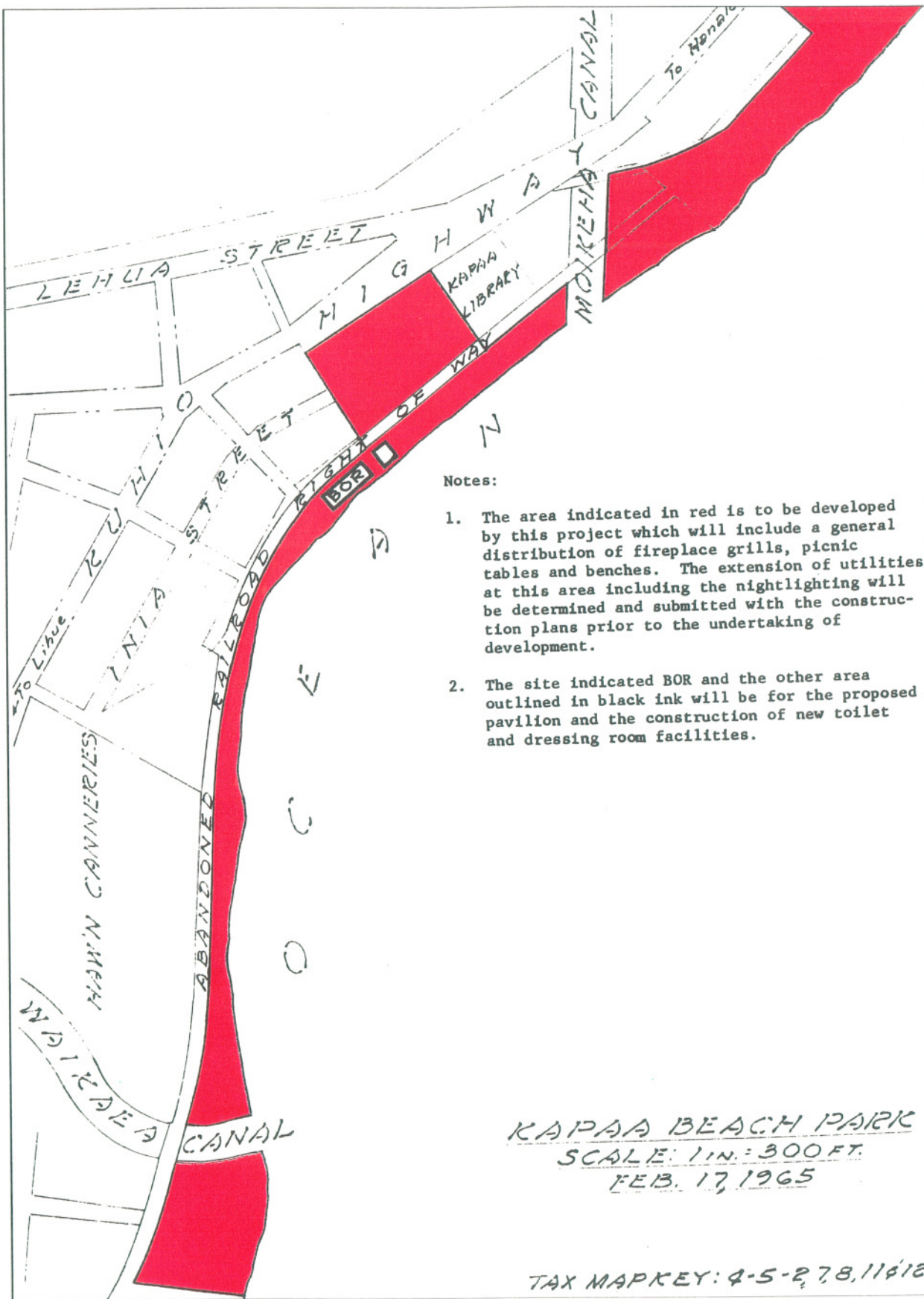
By Lawrence N. Stevens
Director, Bureau of Outdoor Recreation
United States Department of the Interior

Hawaii
(State)

By _____
(Signature)
Shelley M. Mark

Date 6-23-66

Liaison Officer
(Title)



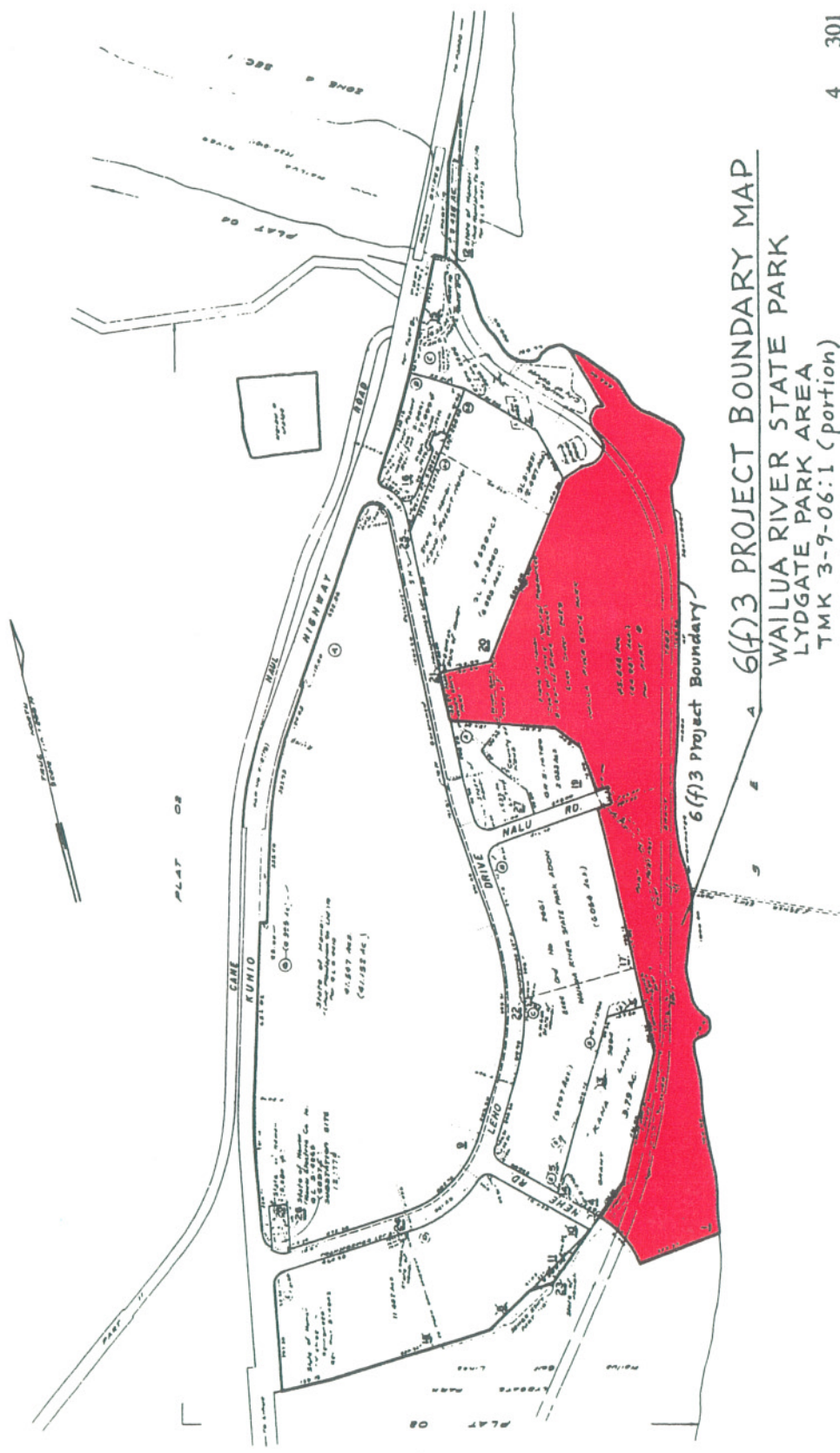
Notes:

1. The area indicated in red is to be developed by this project which will include a general distribution of fireplace grills, picnic tables and benches. The extension of utilities at this area including the nightlighting will be determined and submitted with the construction plans prior to the undertaking of development.
2. The site indicated BOR and the other area outlined in black ink will be for the proposed pavilion and the construction of new toilet and dressing room facilities.

KAPAA BEACH PARK
SCALE: 1 IN. = 300 FT.
FEB. 17, 1965

TAX MAP KEY: 4-5-278, 11612

State of Hawaii Department of Taxation
 Division of Land and Natural Resources
 1500 Ala Moana Blvd., Suite 2000
 Honolulu, HI 96813

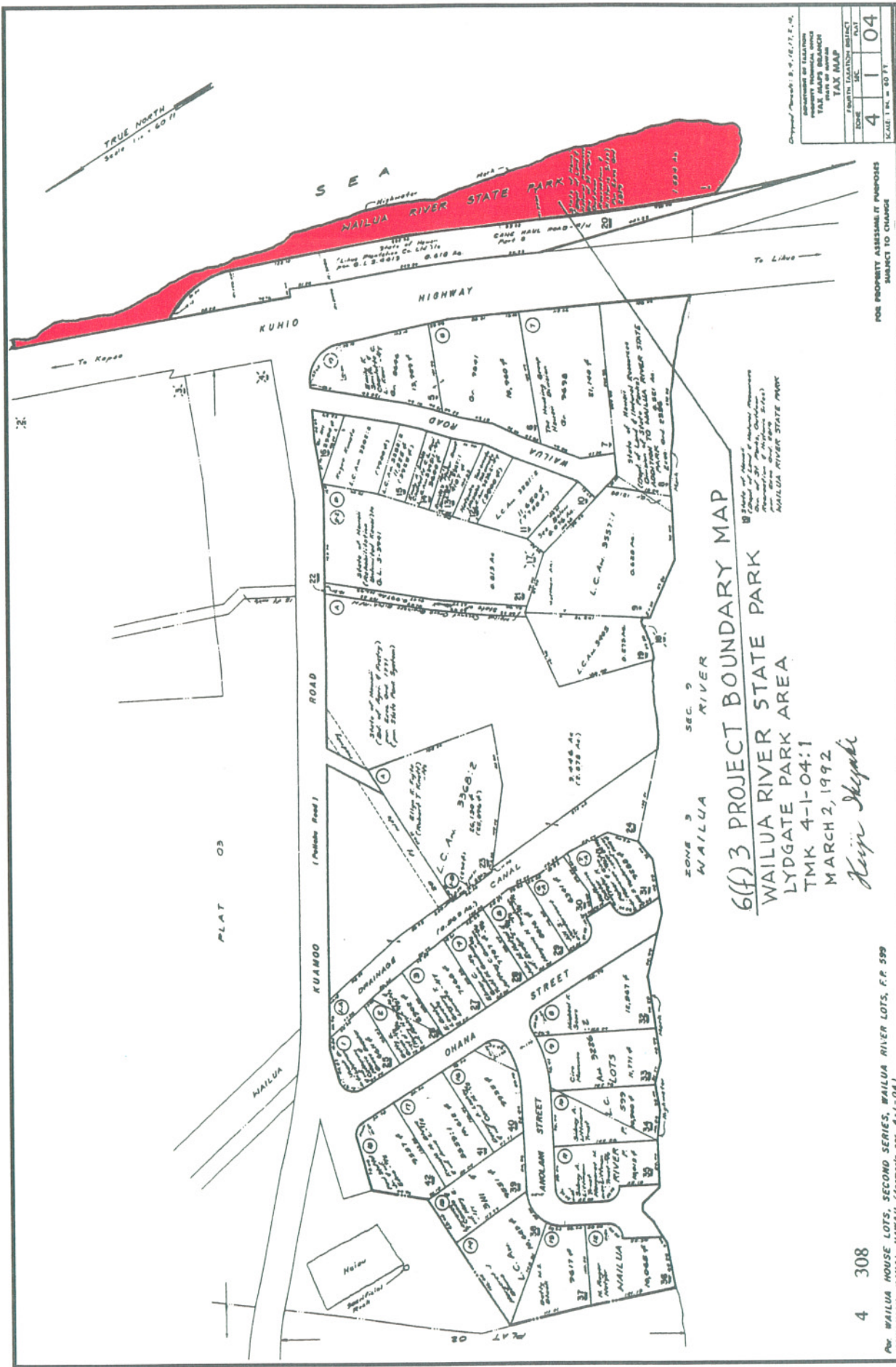


6(f)3 Project Boundary
 WAILUA RIVER STATE PARK
 LYDGATE PARK AREA
 TMK 3-9-06:1 (portion)
 MARCH 2, 1992

Keen Skye

4 301

DEPARTMENT OF TAXATION	
TAXATION MAPS DIVISION	
STATE OF HAWAII	
TAX MAP	
DATE	3 9 06
SCALE	1 in. = 200 FT.



TRUE NORTH
Scale 1" = 60 FT

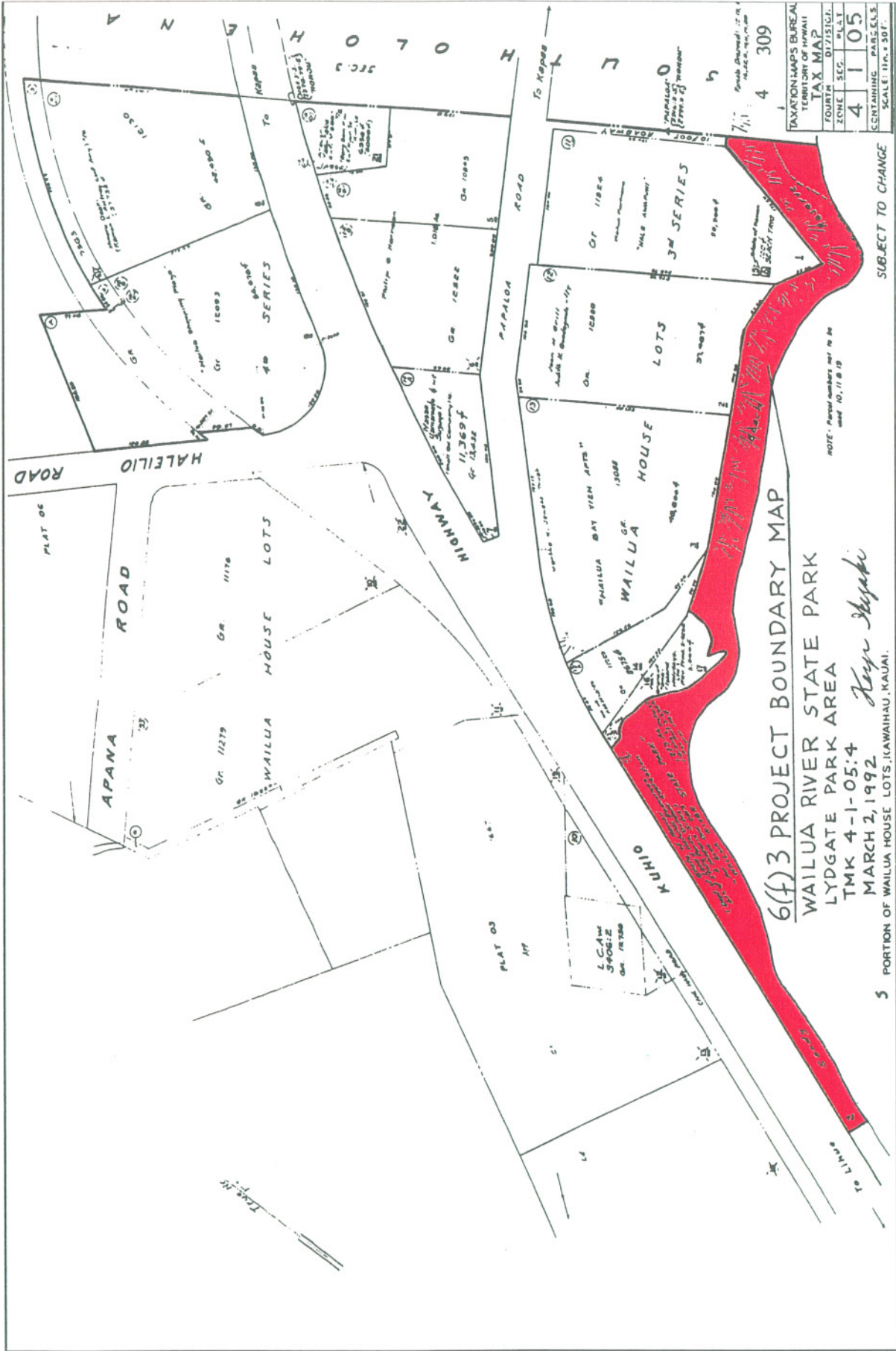
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DEPARTMENT OF TAXATION TAX MAPS SECTION DATE OF ISSUE TAX MAP	
FOURTH QUANTILE	104
ZONE	4
MC	1
PLAT	04
SCALE 1" = 60 FT	

FOR PROPERTY ASSESSMENT PURPOSES
SUBJECT TO CHANGE

ZONE 3
WAILUA RIVER
6(f) 3 PROJECT BOUNDARY MAP
WAILUA RIVER STATE PARK
LYDGATE PARK AREA
TMK 4-1-04:1
MARCH 2, 1992
Keiji Miyake

4 308

Per WAILUA HOUSE LOTS, SECOND SERIES, WAILUA RIVER LOTS, P.P. 599
KAPAHULU, KAUAI, HAWAII (Form No. 4-1-04)



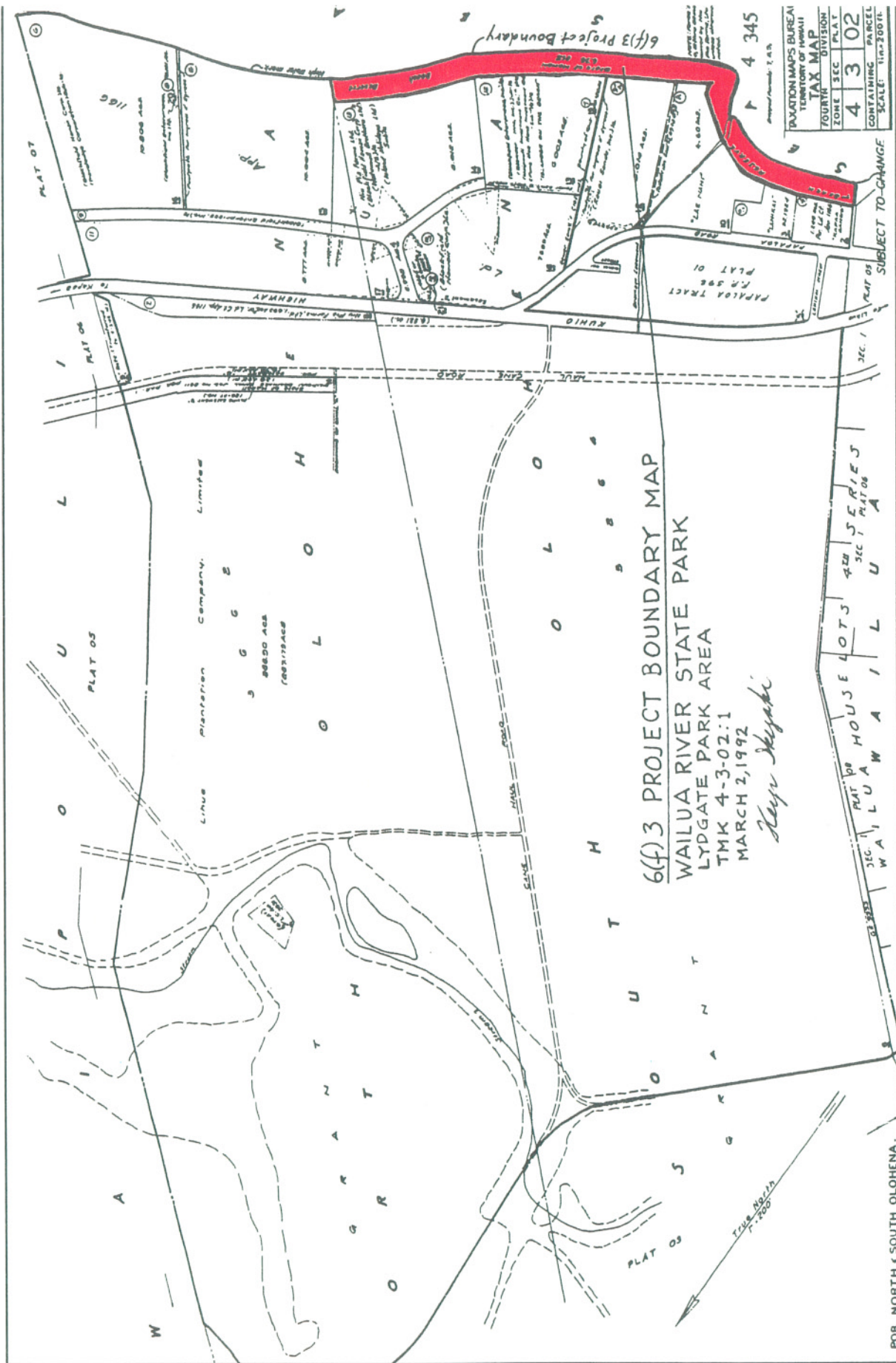
6(f)3 PROJECT BOUNDARY MAP
 WAILUA RIVER STATE PARK
 LYDGATE PARK AREA
 TMK 4-1-05:4
 MARCH 2, 1992
Kay Stupski

5 PORTION OF WAILUA HOUSE LOTS, KAWAHAU, KAUAI.

TAXATION MAPS BUREAU	
TERRITORY OF HAWAII	
TAX MAP	
FOURTH QUARTER	10/1/1992
ZONE	SEC. 4
BLK.	105
CONTAINING PARCELS	
SCALE: 1" = 50'	

NOTE: Parcel numbers refer to the map of 10/1/81B

SUBJECT TO CHANGE



6(f)3 PROJECT BOUNDARY MAP
 WAILUA RIVER STATE PARK
 LYDGE PARK AREA
 TMK 4-3-02:1
 MARCH 2, 1992
Keay Miyake

TAX MAP	
FOURTH DIVISION	PLAT
ZONE SEC	4 3 02
CONTAINING PARCEL	
SCALE: 1"=200'	

APPROVED/REVISED: 1-8-92
 4 345
 SUBJECT TO CHANGE

POR. NORTH & SOUTH OLOHENA.



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

Hawaii Division
Box 50206
300 Ala Moana Boulevard, Room 3-306
Honolulu, HI 96850

December 5, 2006

In Reply Refer To:
HEC-HI

Mr. Daniel Quinn, Administrator
Division of State Parks
Department of Land and Natural Resources
1151 Punchbowl Street, Room 310
Honolulu, HI 96813

Attn: Ms. Martha Yent

Dear Mr. Quinn:

Subject: Lydgate Park-Kapa'a Bike/Pedestrian Path
CMAQ-0700(49)
Section 4(f) and 6(f) Consultation

Thank you for your comments on the Draft Programmatic Section 4(f) and Section 6(f) Evaluation for the Lydgate Park to Kapa'a Bike and Pedestrian Path project, transmitted by letter dated August 22, 2006. We also note that the project planning team met with Ms. Martha Yent on August 28, 2006, to discuss the comments.

A revised Section 4(f) and Section 6(f) document has been prepared based on comments received from your agency and is attached. The changes are summarized below with references to the revised sections.

Hikinaakalā Heiau Section, Wailua River State Park

Section 7.3 includes a discussion of indirect impacts, including the potential for increased public traffic through the archaeological sites. Measures to mitigate the potential impacts are listed in Section 10. The County of Kaua'i will supplement the landscaping in the cul-de-sac area to create a better buffer between the path and the surrounding park land as a deterrent against off-path use. In the new section of the path, north of the cul-de-sac, the County will use a mix of landscaping, physical barriers, and signage, both for aesthetic purpose and to keep users on the path. For the section of the path that is contiguous with State park land, the County will provide preliminary design plans, including landscaping and signage, to the Division of State Parks for approval.

Figure A-2 has been revised to show the correct location of the petroglyph site.



To give you a better indication of the path location, attached are two maps. One map shows the approximate areas that will be requested from the State Park. A combined request for transfer of the property will be submitted and processed by the State Department of Transportation as part of the project titled Kūhiō Highway Short-term Improvements, Wailua River Bridge (Project No. 56A-02-06). Because the bike/pedestrian path will be integrated into the new deck for the cane haul bridge, the path project is being folded into the bridge project in the vicinity of Wailua River. A more detailed map is being prepared by HDOT's cadastral staff for the land transfer request.

- The area shown in yellow demarcates the cul-de-sac portion of the existing bike/pedestrian path. This area will be subdivided and ultimately transferred to the County of Kaua'i.
- The green area shows the cane haul bridge and approaches. The cane haul bridge has been used by the HDOT since the 1990s, when it became part of Kūhiō Highway and open to the motoring public. Improvements to the cane haul bridge were made initially through Project 56A-01-91 and, more recently, through Project STP 056-1(43) to refurbish the deck and install guardrails. Research-to-date indicates that use of the cane haul bridge was granted through a right-of-entry and a construction easement was obtained in the past, but a permanent easement was not acquired. DOT is in the process of obtaining an Executive Order to withdraw lands in the highway corridor from the State Park to establish a DOT right-of-way. The new bike/pedestrian path will be constructed within the limits of the proposed highway right-of-way, approximately 60 feet wide.
- The parcels shown in blue are located between the two bridges and are virtually encircled by roadways. HDOT will be requesting these properties for use as a construction staging area in the short-term and for long-term maintenance of the bridges. This area is also needed to accommodate improvements to the connector road. The connector road will be used more heavily for access to the marina area after changes are made to traffic patterns on the bridges.

A second map attachment is a site plan of the short-term Wailua Bridge Improvements and shows the location of the path.

Wailua Beach Park

Section 7.1 includes updated information about the path's alignment. Originally, the path was aligned parallel to Kūhiō Highway. However, to avoid potential conflicts with vehicular access from Kūhiō Highway, the path will be located immediately Makai of the two existing parking areas on the north and south ends of the park. Through the middle section, the path will be aligned along the Mauka boundary of the park, close to the highway. The revised alignment will separate vehicles and pedestrians, thereby increasing safety and the path will still be located on the perimeter of recreational space.

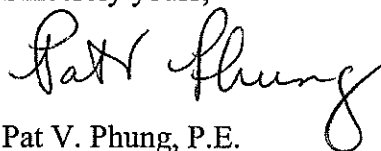
Lihi Park (Waipouli Beach Park)

We note that Lihi Park, as part of the larger Kapa'a Beach Park, is a Section 6(f) property and has been added to the table in Section 6 of the evaluation.

Section 7.2 includes a more detailed discussion of expected project impacts. Although the path will occupy park space, the overall effect will be a net benefit to the recreational experience afforded to park users.

We believe the revised Programmatic Section 4(f) and 6(f) Evaluation provides the information needed to complete your evaluation on the use of State Park land for the bike and pedestrian path. However, if you have any questions or concerns, please contact me at 541-2700 ext. 305.

Sincerely yours,

A handwritten signature in black ink that reads "Pat Phung". The signature is written in a cursive style with a large, looping "P" and "F".

Pat V. Phung, P.E.
Transportation Engineer

Enclosures

Cc: Mr. Douglas Haigh, Kaua'i Department of Public Works
Ms. Christine Yamasaki, HDOT, HWY-D
Mr. Glenn Kimura, Kimura International, Inc.

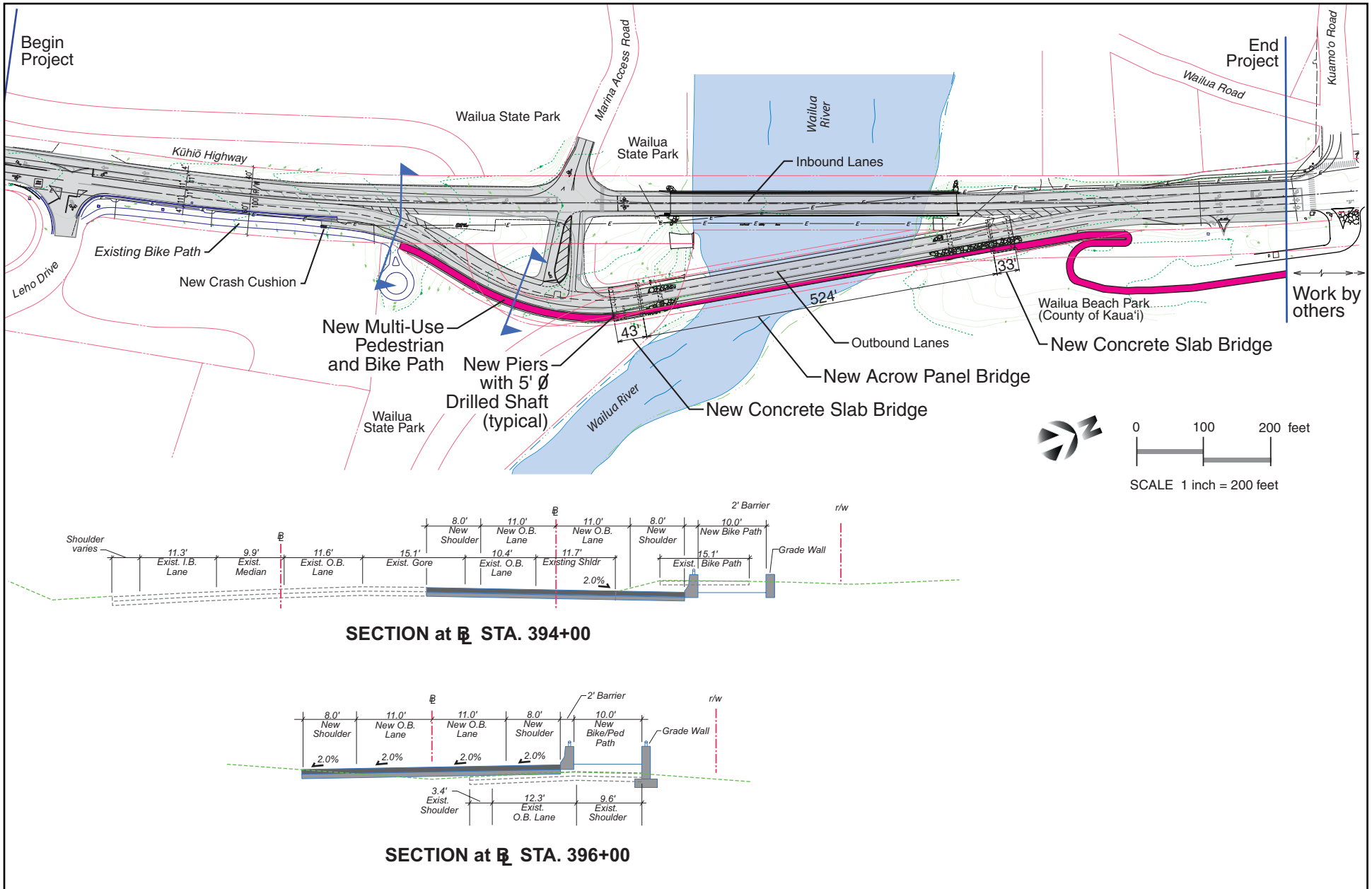
TRUE NORTH
 Scale: 1 in. = 60 ft.

KUHIO HIGHWAY



Yellow=County easement for bike/pedestrian path (incl. cul-de-sac)
Green=State DOT right-of-way (bridge and approaches)
Blue=State DOT additional parcels

LEHI



3-5

Figure 4
Wailua Bridge Improvements
Site Plan
 Wailua River Bridge Improvements