

## **Appendix H**

### **Minutes of Meetings on Papaloa Shoreline Path Alternative**

**Notes of Meeting on Coastal Alternative: Wailua Bay to Kukui Heiau**

Friday, September 10, 2004, 8:00 am

Moikeha Building, Conference Room 2A/2B

(See attendance sheet)

The purpose of this meeting was to review a compromise for the coastal route and to establish acceptable parameters for solutions to specific concerns. This meeting brought together project planners with owners and managers of Papaloa Road condominium properties, representatives of Native Hawaiian and cultural organizations, and State and County officials.

Doug Haigh noted that the compromise was to scale down the project from a 10-12 foot wide bike and pedestrian path to a 5 foot path for pedestrians only. The exact location was still undetermined—and would require a more definitive survey of the shoreline and property boundaries—but the ideal was to locate the path as far away from the condos as possible, but with adequate buffer from sensitive resources, such as the heiau and beach.

Glenn Kimura reviewed the elements of the preferred alignment:

- Go through County-owned beach reserve
- Gain slope for ADA compatibility, then follow the contour
- Adopt a minimally intrusive design; Office of Conservation and Coastal Lands (DLNR) prefers a boardwalk
- Exact alignment will be established by the contractor selected in the design-build phase of the project
- The shoreline path will connect to the canal path via an easement between the Shell Service Station and Kinipopo Shopping Center

Doug explained that the County can probably get a waiver to build within the 40-foot shoreline setback, but the setback is respected wherever possible. Past Kukui Heiau, the shoreline path would connect to the existing beach walks going north.

Cindy Plemer asked about ADA access.

Doug: ADA access will be difficult makai of the Sea Shell. The County may need to get an exception because of “technical infeasibility.” This means making a case before the Disability and Communication Access Board (DCAB). Agreement by DCAB strengthens the County’s position in the event an ADA lawsuit is filed.

Doug: Construction in the bluff area would not involve significant grading. However, it’s possible that a retaining wall might be put up in order to lower the path, dropping it below eye level for those on the bluff. (When asked what kind of material would be used to construct a wall), the wall would be made of material appropriate to the surrounding area, such as moss rock.

Catie Burns recommended better education with signs.

David Helelā recalled that the military approach is to see where people walk, then put the paths there.

Bill Sweeney pointed out that (at a recent property owner's meeting) he came out as a proponent of the compromise, but said that it looks different today. At several points during the meeting, he referred to the following points:

- (1) Improving access to the heiau may lead to inadvertent damage. It will bring more people into the area. It will be written up in the guidebooks. He noted that when Mel Ventura was developing Lae Nani, subsurface testing mauka of the heiau found various archaeological artifacts (midden deposits, human fragments). Consequently, the developer was prohibited from putting anything 50-100 feet from the heiau.
- (2) Caution must be exercised because of the risk of affecting the environment with possible irreversible impacts (including, impacts on turtles, seals, shearwaters, beach erosion, and runoff from the path).

Doug: Concerned about going backward, instead of moving forward with a compromise to build a narrower path for pedestrians. A general consensus was reached at a planning meeting on September 1.

Vicki Valenciano stated that upkeep of the mauka-makai access (to the heiau) is a joint effort by Kauai Sands and Lae Nani.

Nancy McMahon pointed out that everybody agrees that we don't want people going through the sacred site. And, realistically, we can't have the buffer we would like. Signage will be important; possibly, photos showing people what's inside without having to go in. Vegetation and landscaping can deter people. With appropriate landscaping, people might not even know the heiau is there.

LaFrance Kapaka-Arboleda expressed her feeling that the site is compromised because ownership is split. She asked, is there a possibility of the condo owners letting it go?

Vicki: The condo owners are split. Most realize that there's a passion for the site. Most are not opposed, but the issue is what they would get in return. There will be a meeting in December—and this is at the top of their concerns

LaFrance: We can't go back in time, but we've learned.

Tim Bynum (before leaving) said that the group appears to be going in the right direction. But we could have 40 people here who are strongly in favor of public access. The public now realizes that the beachfront is public land. The compromise has resulted in a lower impact project. The path in Lydgate Park was located and designed to be sensitive to Kaha Lani condo owners. The path doesn't go as close to private property as it could have. Now, Kaha Lani owners are favorable to the path.

Cindy: As a part-Hawaiian, I realize that the compromise can help restore the heiau, for example, by regrowing the naupaka. But when I talk to the owners, I need more than a verbal description. What would a walking path look like? I need visuals, I need to show something to the condo owners. How wide is the path at Kaha Lani? [10 feet] I keep seeing a path like that and wonder what it would look like on the beautiful beach. 5 feet of concrete would take away from beauty of beach. What would a natural looking path look like?

Vicki agreed—need visuals.

A discussion followed about access from individual condo properties to the beach. How would they intersect with the pathway? What kind of access would be permitted under the SMA regulations? Replacing concrete steps (the kind that exist currently) might not be allowed.

Herb Lee proposed that two central concepts are *kuleana* (responsibility) and *pono* (correctness). Since there's no 24-hour enforcement, the surrounding properties have a long-term role in educating the public—kama'aina and malihini—about the heiau's significance.

David suggested that a focal point be established for the heiau with interpretive signs, supplemented by warning signs placed sporadically along the perimeter to keep out visitors. He noted that there are paths, even roads right next to heiau in other places. 200 feet is not possible here.

LaFrance: Agreed with David

Cindy: Will a pedestrian-only path qualify for federal funds?

Doug: Yes, also landscaping and signage.

Cindy: Will the County come along later and build a bike path instead?

Nancy Nishikawa explained that the EA process is intended to give the public reasonable assurance of what they can expect will be developed. Otherwise, the process loses credibility. The proposed action described in the Final EA needs to be the most current and accurate representation of what will be built, understanding that some adjustments are inevitable at the more detailed design and engineering stage. If the County later decides to convert the walkway into a bike path, they would need to amend the EA (prepare a Supplemental EA) that reviews the impacts of this action.

Vicki: What about parking for path users?

Doug: Since this is an urban area, most users are expected to walk to the path.

Doug: The County will work with the condos to make connections to the path and to the beach. However, the existing, concrete steps may be illegal.

Bill: There are concerns about the loss of parking on Papaloa Road. Will parking on Papaloa be removed?

Glenn: There should be adequate right-of-way for on-street parking.

Doug: There are likely to be changes to the traffic pattern on Papaloa. The County is pursuing this in conjunction with the path project and independently. We're considering a cul-de-sac in the south-bound direction. North-bound traffic would still be allowed to turn from Kuhio Highway onto Papaloa Road.

LaFrance: Are there federal funds to purchase private land under the heiau?

Doug: Yes. However, the County wants to explore other options, including a boundary adjustment, before deciding to purchase.

Doug: need to proceed next to shoreline survey so can determine where setback is. That will give us an idea how far makai can lay down the path relative to private property. Determine what kind of boundary adjustment might be possible. Friendly land transactions are always best.

Milton Ching: Although DOCARE services complaints at the heiau, on the beach, and other public places, to pursue a case in court, the first issue is who has jurisdiction. The County has full jurisdiction on the beach to the Beachboy. The second issue is what law is being broken. Right now there's no law against commercial activity on unencumbered State land.

Lydgate Kapaa Biki pater

7-10-84

Name	organization
HERB LEE	Lee Communications
PAT GRIFFIN	Kaula Historic Pres. Ruw Common
DAVID HELELA	— e —
Doug Haigh	P.W.
BILL SWEENEY	RESIDENT
Jodie Burns	Kapaa Sands
Tim Bynum	OK
Nancy McMahon	DLNE SHPD
a Frances Kapaka-Arboleda	OTTA
Vicki Valenciano	Lae Nani
Cindy Plemor	Lanikai/Hale Anapuni
Dick Tsuchiya	Planning Dept.
Milton Ching	DLNE-DOCARE
Glenn Kimura	Kimura International
Nanay Nishikawa	"

Monday, December 20, 2004

MEETING MINUTES  
Papaloa Coastal Walkway Meeting  
December 15, 2004

Attendees:

Doug Haigh, Chief, Building Division, DPW, Kauai  
Tim Bynum, Mayor's Aide  
Glenn Kimura, Kimura International Inc.  
Clyde Kodani, Kodani & Associates  
Condominium owners: see sign up sheet attached

Doug Haigh opened this second meeting with the condominium owners along Papaloa Road by explaining that the condo owners had asked for assistance in visualizing how the path would be designed and what it would look like as it passed along the shoreline.

Clyde Kodani, the civil engineer on this project, was asked to prepare a topographic survey of the County-owned shoreline property and lay out a preliminary path alignment along with cross sections at strategic locations. Additional funds were expended to pay for this additional work. Using the preliminary path alignment and cross sections, Glenn Kimura prepared photo simulations of what the path could look like. Glenn prepared a powerpoint presentation that illustrated the topo survey with path alignment and cross sections, showed photos of existing conditions along the shoreline, and presented 6 different photo simulations of present conditions and future conditions with the path in place. The result of this extra work demonstrate that a 5 foot wide pedestrian path can be built along the terrain without requiring excessive engineering solutions or structures, can be designed to meet the 5% ADA slope requirement, and be aesthetically pleasing as well. Doug added that although the path could be built with concrete for areas outside the 40-foot shoreline setback, in areas where this is not possible, less permanent type of materials and methods such as a boardwalk would be used.

Comments received:

Phil Sweeney indicated that he was authorized to speak on behalf of all the condominium owners, with the exception of Wailua Bay View. Their position was still unanimous in opposition to any path in any form along the county-owned property fronting their property. They will do whatever it takes to stop the path, including challenging the adequacy of the EA in court. Furthermore, he indicated that Lae Nani is not interested in any land swap to resolve the Kukui Heiau issue. Mr. Sweeney further stated that the EA did not discuss the impact of 300 additional people from the redeveloped Coco Palms hotel that would use the beaches in front of their property. His position is that the path is actually designed to provide the Coco Palms guests with access to these beaches.

Mr. Sweeney also referenced their previous comments on the EA that claim that the path would do irreparable damage to the environment, especially the nesting shearwater birds and other cultural artifacts.

Mr. Sweeney also questioned the accuracy of the photo simulations, and indicated that one in particular shows the path on the lower part of the slope, farther away from the condo property line than the path which was drawn on the engineering drawing. Glenn Kimura replied that the photo simulation can be easily corrected by moving the image up in the photo. The result would be a rock wall serving as a boundary between public and private property. Mr. Sweeney also complained that the wall would be an obstacle for access to the beach. Glenn Kimura explained that another photo simulation shows an opening and stairs to the beach. The wall is conceptual in design and the path and walls can be easily designed to accommodate stairs and access to the beach.

Mr. Sweeney also indicated that they understand the mayor's position and have heard his public statements. They understand his commitment for public access, but think he's got it wrong this time and it is a bad idea. He also indicated that he had heard that the Mayor would turn the entire beachfront into a playground and erect fences to cut off their access to the beach. He emphatically said that they are not trying to restrict access for locals. He indicated that on any given day, there are many people using the beach and he showed photos to prove that.

His position is that the county should have prepared an Environmental Impact Statement not an EA because of the environmental impacts. If necessary, they will go to court, and find a judge that will give injunctive relief. If this happens, then it will take a lot of time, maybe a year or more in delays.

Tim Bynum replied that the condo owners present at the meeting should be reminded that there are a number of different constituencies supporting the bike and pedestrian path along the shoreline and that the county with their consultants have offered compromises which the larger constituents are unaware of. He reminded the group that at many public meetings, a shoreline path was always the number one priority. The bike path committee created by the Mayor when he served on the Council was named "Ke Ala Hele Makalae", meaning the way to the ocean. This committee still supports a bike path along the shoreline in this area. Many of these advocates are unaware of the concessions the Mayor has already made to address your concerns.

Furthermore, the county has received complaints from local residents who were told they were trespassing on the beaches in front of the condominiums. As a result of the research done for the EA, the county realizes that they own the beachfront property.

Doug Haigh expressed his disappointment by stating that the county would not have held extra meetings with the condo owners, paid for additional consultant engineer services, have Glenn prepare the visual simulations, and delay finalizing the Environmental Assessment had he known that there was no agreement to compromise on the issue.



Attendance Sheet  
 Lydgate Park-Kapa'a Bike/Pedestrian Path  
 Wednesday, December 15, 2004  
 9:30 am

Name	Affiliation
La France <sup>Kapaka-</sup> Nabala	OHA
Bill SWEENEY	SWEENEY, SWEENEY & SWEENEY KAPAA SANDS
Vicki Valenciano	Lae Nani
SHARON EDWARDS	KAPAA SANDS
Cindy Plover	Lanikai Hale Awapuhi
Jouy Nani	on file
Clyde T. KODANI	KODANI Assoc
Nancy McMAHER	DLIC
Tim Brown	COUNTY-KAHA
Norman Persons	WBV
WAYNE THRIFT	HALE AWAPUHI