

## **10 CONSULTATION AND COMMENTS**

### **10.1 OVERVIEW OF CONSULTATIONS AND PUBLIC INVOLVEMENT ACTIVITIES**

The planning team adopted a proactive public involvement process that began at the outset of the project in December 2003. A concerted effort was made to inform all interested stakeholders about the project. Public input was solicited through a variety of meeting formats, from small-group and individual briefings to community-wide informational meetings. Public input and feedback provided the project team with information used to formulate and evaluate the alternatives.

#### **10.1.1 Public Meetings**

##### No. 1, Public Input and Scoping Meeting

Thursday, January 29, 2004 – Kapa‘a Middle School  
49 attendees  
Complete proceedings in Appendix E

##### No. 2, Public Information Meeting

Wednesday, March 10, 2004 – Kapa‘a Middle School  
69 attendees  
Complete proceedings in Appendix F

##### No. 3, Public Information Meeting

Thursday, July 1, 2004 – Kapa‘a Middle School  
61 attendees  
Complete proceedings in Appendix G

#### **10.1.2 Ke Ala Hele Makalae**

Ke Ala Hele Makalae is a voluntary citizens committee that formed in the early 1990s to advise the County on a coastal trail system (shared use path) that would go from Nāwiliwili to Anahola. The committee meets several times a year to discuss the progress of various segments, and has taken an active role in conceptualizing, planning, and designing the facility. Briefings on the Lydgate Park to Kapa‘a project were made on January 30, 2004 and June 7, 2004. In addition, individual members of the committee attended and participated in the public information meetings.

### **10.1.3 Papaloa Road Condominium Properties and Kukui Heiau**

After the Shoreline Alternative (Alt. 1) had been developed as one of three build alternatives that would be evaluated in the DEA, the County's project manager Douglas Haigh (Department of Public Works) and Tim Bynum (Office of Economic Development) met with representatives of condominium owners whose properties abut the County beach reserve on which most of the path would be located. (Approximately 150 feet of the 1,700-foot shoreline section—Seashell Restaurant to Kukui Heiau—is located on private property owned by the Lae Nani Resort and Condominiums.) The initial meeting on March 4, 2004 included representatives of four hotel-condominium properties located on Papaloa Road: Hale Awapuhi, Kapaa Sands, Lanikai and Lae Nani. A representative of Wailua Bay View participated in a later meeting.

At the March 4 meeting, and in a letter report commenting on the DEA, the condominium owners expressed their concerns about the loss of privacy and disturbance to existing activities; degradation of scenic vistas; increased security risks and public nuisances; and potential environmental impacts to wildlife (specifically monk seals and sea turtles), coastal lands (construction on slopes overlooking the beach), and water quality (runoff). These concerns were addressed in the DEA and further discussed in a letter of response. Mitigation measures for the design, construction, and operational phases of the project were recommended for all identified environmental impacts.

After evaluating the DEA comments, County officials proposed a compromise by scaling down the section from Seashell Restaurant to Kukui Heiau from a 12-foot bike/pedestrian path to a 5-foot pedestrian path. A meeting was held on September 10, 2004 with Papaloa condominium representatives and Kukui Heiau stakeholders to review the project modifications. (See minutes of the September 10 meeting in Appendix H.) The condominium representatives were initially receptive to the proposed pedestrian path, but reserved full acceptance until broader discussions could be held within the respective apartment owners' associations. They also requested visual simulations to get a better idea of the path's appearance and how it fit into the surrounding environment. Meanwhile, Kukui Heiau stakeholders continued to support measures that would provide lateral shoreline access to the public without going through the heiau itself.

A follow-up meeting was held on December 15, 2004 and included a series of photo simulations of the proposed pedestrian path. With the exception of Wailua Bay View, the meeting ended without support for the Papaloa coast pedestrian path from the other four condominium properties. (See minutes of the December 15 meeting in Appendix H.)

In order to proceed to the design stage, the preferred path alignment was established without the shoreline walkway north of Seashell Restaurant.

#### **10.1.4 Moanakai Road**

Project planners also sought more in-depth feedback from residents and property owners along Moanakai Road. Between Kekaha Road and Panihi Road, the project proposes to change the traffic pattern on Moanakai Road from the current two-way traffic flow to one-way, northbound only.

Residents and property owners on Moanakai Road were provided with information about the proposed changes and asked to comment. Where telephone numbers were available, Herb Lee, community liaison, spoke to householders directly. Information packets were sent to all addresses maintained by the County tax assessor's office. The informational letter and comments received are reproduced in Appendix I. Based on written and verbal comments, Moanakai residents are generally indifferent to traffic changes and the proposed bike/pedestrian path. However, the project raised ongoing concerns related to beach erosion and parking by beachgoers. The County of Kauai and project designers will continue to communicate with property owners and residents about the project.

#### **10.2 TITLE VI, CIVIL RIGHTS ACT OF 1964 AND E.O. 12898 ON ENVIRONMENTAL JUSTICE**

A key objective of the public outreach process was to ensure compliance with Title VI of the Civil Rights Act of 1964 and Executive Order 12898 pertaining to environmental justice (issued February 11, 1994). The project team made a good-faith effort to inform project area residents and other stakeholders about the project and provide opportunities for meaningful input. Among the actions taken were the following:

- airing of meeting notices on cable television (Ho'ike) and radio stations with community programming (including KONG and KKCR)
- placing meeting announcements in Community Bulletin section of *The Garden Island*, Kauai's general circulation newspaper
- sending out personalized meeting invitation letters to everyone on the project mailing list; the list was an aggregation of all individuals who signed attendance sheets and wrote or called to express an interest in the project.
- a toll-free telephone number was provided so that members of the Kaua'i community could contact project planners in Honolulu at no cost
- outreach to Native Hawaiian organizations through the Section 106 consultation process (see also, Chapter 6, Federal Regulations)

Based on consultations that occurred during the planning process, the bike/pedestrian path build alternative will not cause disproportionately high and adverse effects on any minority or low-income population as per E.O. 12898 regarding environmental justice.

### **10.3 CONSULTATIONS DURING PREPARATION OF THE DEA**

#### **10.3.1 Request for Pre-Assessment Comments (Early Consultation)**

As part of the early consultation process, a pre-assessment letter was sent to the following agencies and organizations on April 1, 2004 with a request for comments prior to completion of the Draft Environmental Assessment. Comments were requested by April 30, 2004. A copy of the letter requesting pre-assessment comments is reproduced in Appendix D.

#### **Federal**

14<sup>th</sup> Coast Guard District  
Natural Resources Conservation Service, U.S. Department of Agriculture  
U.S. Army Corps of Engineers  
U.S. Environmental Protection Agency  
U.S. Fish and Wildlife Service

#### **State**

Department of Business, Economic Development & Tourism, Office of Planning  
Department of Hawaiian Home Lands  
Department of Land and Natural Resources

- Division of State Parks (Honolulu and Kauai)
- Land Division (Honolulu and Kauai)
- State Historic Preservation Division (Honolulu and Kauai)
- Na Ala Hele Trails Program (Honolulu and Kauai)

Department of Health

- Environmental Planning Office
- Office of Environmental Quality Control

Department of Transportation (Honolulu and Kauai District)  
Office of Hawaiian Affairs

#### **County of Kauai**

Department of Planning  
Department of Public Works  
Fire Department  
Office of Economic Development  
Police Department

#### **Utilities**

Kaua'i Island Utility Cooperative (KIUC)  
Verizon Hawai'i

### **Elected Officials**

Mayor Bryan Baptiste  
Council Chair, Bill “Kaipo” Asing  
Council Vice Chair, James Kunane Tokioka  
Councilmember Jay Furfaro  
Council Member Daryl W. Kaneshiro  
Councilmember Maurice “Joe” Munechika  
Councilmember Mel Rapozo  
Councilmember JoAnn Yukimura  
Senator Gary Hooser, State Senate District 7  
Representative Hermina M. Morita, State House District 14  
Representative Ezra R. Kanoho, State House District 15

### **10.3.2 Early Consultation Comment Letters**

Letters from 18 agencies were received during the pre-assessment period, and are reproduced in Appendix D. Comments were incorporated into the DEA.

State Historic Preservation Division  
Office of Environmental Quality Control  
State Department of Land and Natural Resources

- Engineering Division
- Division of State Parks
- Commission on Water Resource Management
- Office of Conservation and Coastal Lands
- Kaua‘i District Land Office

Office of Hawaiian Affairs

Kaua‘i Fire Department

Department of Health

- Environmental Planning Office
- Solid and Hazardous Waste Branch
- Noise, Radiation & Indoor Air Quality Branch
- Clean Water Branch
- Clean Air Branch
- Hazard Evaluation and Emergency Response Office (HEER)
- Safe Drinking Water Branch

Office of Planning, Department of Business, Economic Development & Tourism

State Department of Transportation, Highways Division, Kaua‘i District

### **10.3.3 Pre-Assessment Comment Letters from the Public**

Between March 10, 2004 (the date of the second public information meeting) and May 20, 2004, more than 50 members of the public submitted comments by posted mail, fax, and e-mail. All comments were acknowledged by lead consultant, Kimura International, and

considered during preparation of the DEA. Copies of the comment letters are reproduced in Appendix D.

## **10.4 DRAFT ENVIRONMENTAL ASSESSMENT**

### **10.4.1 Availability of the Draft Environmental Assessment**

Availability of the DEA was announced in the June 8, 2004 issue of the OEQC *Environmental Notice*, which initiated the 30-day public comment period that ended on July 7, 2004. Copies of the DEA were mailed to federal, State, and County agencies; elected officials; and others who may have had an interest in the project. In addition, copies of the DEA were mailed to the Kapa‘a Public Library, Līhu‘e Regional Library, and Kaua‘i Community College Library. All parties who were sent the DEA were asked to provide comments.

### **10.4.2 Public Information Meeting**

A public information meeting was held on July 1, 2004, from 7:00 to 9:00 pm at the Kapa‘a Middle School cafetorium. The date of this meeting was timed to coincide with the DEA public comment period. Its purpose was to review the alternatives, potential project impacts, and proposed mitigation measures; provide an opportunity to clarify project elements; and allow members of the community to comment on the project verbally or in writing.

A general discussion session followed the Powerpoint slide show. Audience members were invited to ask questions about or comment on the proposed bike/pedestrian path. The discussion was moderated by a facilitator and all verbal comments were written on flipchart paper by a professional recorder. As each sheet filled up, it was posted on the cafetorium walls. Since comments had been paraphrased for brevity, speakers were asked to review their comments for accuracy.

Attendees were also given the option of providing comments on forms distributed at the meeting. Written comments either could be left at a “drop off” area, or the forms taken home and mailed back later in self-addressed, stamped envelopes.

### **10.4.3 Comments Received on the DEA**

Forty-three written statements were received during the DEA public comment period. Table 6 lists the agencies, organizations, and individuals who mailed or provided written comments. Responses were sent out in July and August, 2004. All written comments received during the DEA comment period and their associated responses are reproduced in this chapter.

Comments are arranged in the following order:

- Federal agencies
- State agencies
- County agencies
- Other individuals and organizations

Sixty-one people attended the public meeting on July 1, 2004, and more than forty questions and comments were fielded during the discussion session. Appendix G documents the oral comments made at the July 1 meeting.

The County DPW and the FHWA considered all comments, written and oral, in determining whether the project will have a “significant impact.” The comments were also considered in selecting the final project alignment. In some cases, comments resulted in changes, clarification, or correction to the EA.

**Table 6: Summary of Draft Environmental Assessment Distribution and Comments**

	Received DEA	Provided Comments
<b>Federal Agencies</b>		
14 <sup>th</sup> Coast Guard District	•	
Army Corps of Engineers	•	
Environmental Protection Agency, Region IX and PICO	•	
Fish and Wildlife Service*	•	8/11/05
National Marine Fisheries Service*		7/15/05
Natural Resources Conservation Service, Honolulu & Kauai	•	7/6/04
<b>State Agencies</b>		
Department of Hawaiian Home Lands	•	7/6/04
Department of Health, Environmental Planning Office	•	
Department of Land and Natural Resources	•	6/21/04
Division of State Parks (Honolulu and Kauai)	•	7/6/04
Land Division (Honolulu and Kauai)	•	7/1/04
Na Ala Hele Trails Program	•	
Office of Conservation and Coastal Lands	•	7/1/04
State Historic Preservation Division (Honolulu and Kauai)	•	8/24/04
Department of Transportation (Highways Div and HWY-K)	•	6/10/04
Bridge Division	•	8/25/04
Office of Environmental Quality Control	•	7/7/04
Office of Hawaiian Affairs (Honolulu and Kauai)	•	
Office of Planning, Coastal Zone Management Program	•	
<b>County Agencies</b>		
Department of Planning	•	
Department of Public Works	•	7/9/04
Kauai Fire Department	•	7/2/04
Kauai Police Department	•	
Office of Economic Development	•	

	Received DEA	Provided Comments
<b>Elected Officials</b>		
Office of the Mayor, Bryan Baptiste	•	
Council Chair, Bill “Kaipo” Asing	•	
Council Vice Chair James Tokioka	•	
Councilmember Jay Furfaro	•	
Councilmember Daryl Kaneshiro	•	
Councilmember Maurice “Joe” Munechika	•	
Councilmember Mel Rapozo	•	
Councilmember JoAnn Yukimura	•	
Senator Gary Hooser, 7 <sup>th</sup> Senatorial District	•	
Representative Hermina Morita, 14 <sup>th</sup> Representative District	•	
Representative Ezra Kanoho, 15 <sup>th</sup> Representative District	•	
<b>Other Organizations</b>		
Ke Ala Hele Makalae	•	7/1/04 See also, Measel, Nishek, and Rosenfeld (Individuals)
Verizon Hawaii	•	
Kauai Island Utility Cooperative (KIUC)	•	
The Garden Island	•	
Niu Pia Farms	•	
Midler Family Trust	•	
Waipouli Beach Resort	•	
The Weiser Companies	•	
Hale Awapuhi	•	See Sweeney (Individuals)
Islander on the Beach	•	
Kapaa Sands Resort	•	See Sweeney (Individuals)
Association of Apartment Owners of Kapaa Sands	•	See Sweeney (Individuals)
Kapaa Shore	•	
Association of Apartment Owners of Kapaa Shore	•	
Kauai Coast Resort at the Beachboy	•	
Kauai Coconut Beach	•	
Kauai Sands	•	
Lae Nani	•	See Sweeney (Individuals)
Association of Apartment Owners of Lae Nani	•	See Sweeney (Individuals)
Lanikai Resort	•	See Sweeney (Individuals)
Mokihana of Kauai	•	
Plantation Hale	•	
Wailua Bay View	•	
Association of Apartment Owners of Wailua Bay View	•	
Coconut Plantation Association	•	
Aloha Beach Resort	•	
<b>Individuals</b>		
James Alalem		7/8/04
Annaleah Atkinson		7/7/04
Dana Bekeart		7/1 Meeting
Dorothy Bekeart		7/1 Meeting
Gary L. Blaich		7/9/04
Nancy Candela		7/7/04



	<b>Received DEA</b>	<b>Provided Comments</b>
Larry Chaffin		7/1 Meeting
Mr. and Mrs. William Crowley		6/14/04
Sharron Edwards		7/7/04
Margery Freeman		7/1/04
Keoki Gosselin		7/5/04
Rosalie Lynch		7/1/04
Dennis MacCumber		7/2/04
Sally Jo Manea		7/2/04
Robert Measel, Jr.		8/9/04
Bob Middleton		7/7/04
Marshall Mock		7/1 Meeting
Jack Mondt		6/30/04
Jennifer Nicolai		7/8/04
Lelan Nishek		8/3/04
Jerry and Jeanie Paukert		7/4/04
Dale Rosenfeld		8/4/04
Jeanne Ross		6/24/04
Stefan Schweitzer		7/1/04
Jimmy Sone		7/8/04
Mr. and Mrs. Charles Stein		6/22/04
William Sweeney (representing Lae Nani, Lanikai, Kapaa Sands, and Hale Awapuhi		7/7/04
James Trujillo and Maria Walker		7/6/04
Julie and Greg Wirtz		7/9/04

\* Provided comments to a preliminary NEPA Environmental Assessment

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