



United States Department of the Interior

FISH AND WILDLIFE SERVICE

Pacific Islands Fish and Wildlife Office
300 Ala Moana Boulevard, Room 3-122, Box 50088
Honolulu, Hawaii 96850



Glenn T. Kimura

Migratory Bird Treaty Act. Please contact our office for more information about avoiding and minimizing negative impacts to migratory birds.

Thank you for your efforts to conserve endangered species. If you have any questions, please contact Holly Freifeld, Fish and Wildlife Biologist (phone: 808/792-9400; fax: 808/792-9581).

AUG 11 2005

In Reply Refer To:
1-2-2005-1268

Glenn T. Kimura
Kimura International, Inc.
1600 Kapiolani Boulevard, Suite 1610
Honolulu, Hawaii 96814

Sincerely,

Patrick Leonard
Field Supervisor

cc:
Pat Phung, FHWA

Dear Mr. Kimura:

Thank you for your request of June 9, 2005, for our concurrence under section 7 of the Endangered Species Act (Act) with determinations in your Final Environmental Assessment (FEA) regarding the effects on threatened and endangered species of the proposed Lydgate Park-Kapaa Bike/Pedestrian Path CMAQ-0700(49). We received your letter on June 10, 2005. We understand that the project will be funded in part by the Federal Highway Administration and that you have determined that the proposed project will not adversely affect the listed species that may occur in the action area: the threatened green sea turtle (*Chelonia mydas*) and Newell's shearwater (*Puffinus auricularis newelli*), and the endangered Hawaiian petrel (*Pterodroma sandwichensis*), Hawaiian duck (*Anas wyvilliana*), Hawaiian coot (*Fulica alai*), Hawaiian common moorhen (*Gallinula chloropus sandwichensis*), and Hawaiian stilt (*Himantopus mexicanus knudseni*). The FEA also includes determinations regarding the endangered Hawaiian monk seal (*Monachus schauinslandi*). Please note that the National Marine Fisheries Service, not the U.S. Fish and Wildlife Service, has regulatory authority under the Act for this species and for sea turtles that are in the ocean and not hauled out or nesting on the beach.

We concur with your conclusion that this project is unlikely to have negative impacts on listed waterbirds, and that native wildlife will benefit from the removal of a feral cat "feeding station" in the vicinity of the project area. We also agree with your determination that the existing Federal and State protection and public outreach programs are sufficient to minimize adverse effects on sea turtles that happen to haul out in the vicinity of the proposed bike/pedestrian path, especially given the likely low frequency of this occurrence. Finally, we concur with your determination that the project is unlikely to adversely affect the two listed seabird species if lighting associated with the bike/pedestrian path is shielded to prevent light from "leaking" upward and disorienting birds traveling to or from their montane nesting areas. In addition, we recommend that any lights be set directly into the railings or guard rails on the Waiau River bridge and that the shortest poles and lowest wattage bulbs possible be used for any other lights.

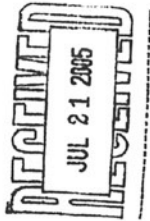
We understand that wedge-tailed shearwaters (*Puffinus pacificus*) may nest in littoral vegetation in the project area, and nesting adults thus may be displaced by construction of this path. This species is not threatened or endangered, but it is protected federally from take under the





U.S. DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE
Pacific Islands Regional Office
1507 Kapiolani Blvd., Suite 1110
Honolulu, Hawaii 96814-4700
(808) 973-8937 • Fax: (808) 973-8941

July 15, 2005



Glenn T. Kimura
Kimura International
1600 Kapiolani Blvd., Suite 1610
Honolulu, HI 96814

RE: Final Environmental Assessment for Proposed Lydgate Park - Kapa'a Bike/Pedestrian Path CMAQ-0700(49)
Please refer to Consultation No.: I-PI-05-438-1F

Dear Mr. Young:

This letter responds to your letter dated June 9, 2005, regarding the Draft Final Environmental Assessment for the Proposed Lydgate Park - Kapa'a Bike/Pedestrian Path. Your letter requests that comments be submitted on the project. We provide the following comments and information under our statutory authorities under the Endangered Species Act of 1973 (ESA), as amended (16 U.S.C. §1531 *et seq.*), and the Marine Mammal Protection Act of 1972, as amended (16 U.S.C. 1361 *et seq.*).

The County of Kauai proposes to construct a shared use path from Lydgate Park to Waika'ea Canal in Kapa'a. Total distance of the path would be approximately two miles. The majority of the path will be 10 to 12 feet wide and made of concrete. The path will not include comfort stations, pavilion areas, picnic areas, or parking areas. One alternative considered for the Papaloa Coastal Access Phase is to have the path turn inland at Papaloa Road with a five foot wide subsidiary path for pedestrian traffic only following a coastal route and constructed on county land. The subsidiary path would connect again to the main path north of the Kukui Heiau. At this point the main path would then continue north along the coast to Mokihana of Kauai before turning inland again.

ESA-listed species under NOAA Fisheries jurisdiction that may be present in the vicinity of the proposed project area include Hawaiian monk seals. Hawaiian monk seals are known to haul out on the beach areas in both the Papaloa Coastal Access Phase and the Coastal Extension Phase. You should be aware that the presence of the bike/pedestrian path near to known monk seal haulouts could increase the likelihood of interactions between monk seals and people. You should also be aware that if monk seals hauled out near the proposed path it could become necessary to temporarily block sections of the shoreline or path in order to ensure that monk



seals are not disturbed.

As you indicated in your letter, warning signs, informational literature, and protocols are already employed during haul out events. You also indicated that supplemental signs could be installed as needed and that the coastal path for pedestrians would be located as far inland as practicable. To further minimize the potential for interactions between people and monk seals we recommend you consider the following mitigation measures:

1. Plant vegetation (i.e. naupaka) between beach areas and the path to serve as a natural barrier. This vegetation would not be meant to inhibit beach access, rather, it would be intended to form a visual barrier thus minimizing disturbance of monk seals.
2. We encourage the posting of signs along the Papaloa Access Phase and Coastal Extension Phase informing people of the possibility of monk seal haulouts and proper behavior in the presence on monk seals.
3. We encourage placement of the path as far inland as possible in order to maximize the distance between people and monk seals.
4. We encourage construction of a combined bike path and walking path from the Sea Shell Restaurant to the Kukui Heiau to minimize the possibilities of interactions between people and monk seals at Papaloa Bay.

Care should also be taken during the project's construction phase to avoid interactions with monk seals. Below we have listed a set of protocols we recommend be followed to avoid these interactions.

1. A survey of the project area should be performed just prior to commencement or resumption of construction activity to ensure that no protected spec(ies) are in the project area. If protected spec(ies) are detected, construction activities must be postponed until the animal(s) voluntarily leave the area.
2. If any listed spec(ies) enters the area during the conduct of construction activities, all activities must cease until the animal(s) voluntarily depart the area.
3. All on-site project personnel must be apprised of the status of any listed spec(ies) potentially present in the project area and the protections afforded to those species under Federal laws. A brochure explaining the laws and guidelines for listed species in Hawaii, American Samoa, and Guam may be downloaded from http://www.nmfs.noaa.gov/prot_res/MMWatch/hawaii.htm.
4. Any incidental take of marine mammals must be reported immediately to NOAA Fisheries' 24-hour hotline at 1-888-256-9840, Hawaii only. Any injuries to sea turtles must be reported immediately to NOAA Fisheries at 1-808-983-5730. Information reported must include the name and phone number of a point of contact, location of the incident, and nature of the take and/or injury.

5. Appropriate best management practices (BMPs) must be implemented as applicable to minimize turbidity, minimize species disturbance, and to avoid the release of pollutants into the water.
6. Any intake pipes on project-related equipment must be screened or otherwise configured to ensure the prevention of entrainment of protected species.

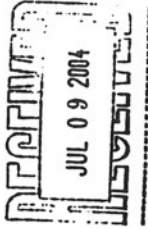
Thank you for working with NOAA Fisheries Service to protect our nation's living marine resources.

Sincerely,



Tamra Faris
Assistant Regional Administrator
for Protected Resources

Our People... Our Islands... In Harmony



July 6, 2004

Kimura International
Attn: Glenn Kimura
1600 Kapiolani Blvd, Suite 1610
Honolulu, HI 96814

Dear Mr. Kimura,

Thank you for the opportunity to comment on your recent Draft Environmental Assessment, Lydgate Park — Kapaa Bike Pedestrian Path, CMAQ-0700(49), prepared for the County of Kauai's Public Works, March 2004. While I fully support the project Purpose and Need (page 2-2), I would like to share the Natural Resources Conservation Service's (NRCS) concerns pertinent to Alternative Three. I have no objections to Alternatives One and Two.

I agree with your page 3-31 acknowledgment that NRCS Wetland Reserve Program (WRP) easement with the Bette Midler Trust will provide important bird watching and wetland habitat observing opportunities. However, Alternative 3 may also provide some conflicts for the restoration project. NRCS will hold a Warranty Easement Deed on the Midler owned portion of the proposed route. The United States Department of Agriculture's Wetland Reserve Program Manual provides direction to our agency for the evaluation of compatible uses on lands we hold a WRP recorded easement. However, in order for us to consider the bike path in our Easement area, the Bette Midler Trust would need to support your project and request a permit for the bike path as a compatible use with no impacts to the restoration project.

While you identified on 7-4 that the users will be restricted to the path, I did not encounter any details on how they would be restricted. I am still concerned about the possibility that some path users may seek unauthorized access to the Midler property and potentially impacting the restoration project. It is our experience that all restoration projects, such as being proposed for the Midler site, enhance habitat values for Hawaii's endangered water birds and migratory species. Any impacts to the habitat or the endangered species themselves, either by bike path users or unauthorized access via the bike path, becomes a violation of the Endangered Species Act. If our evaluation indicated a negative impact we would have to deny the compatible use agreement.

Also, in perfecting the easement, NRCS must have access for vehicular traffic to manage and maintain the restored wetland. Our legal access begins at the Mauka end of Panihi Road and extending the full length of the drainage ditch that you identified on your Figure 16, Alternative 3, "construct path on raised agricultural roadbed". While your study indicates the vehicular travel of the path would be acceptable for maintenance,

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the surface would need to accommodate heavy equipment such as a loaded dump truck.

Once again, I would like to thank you for the opportunity to respond to your Environmental Assessment for the proposed Bike Path. While I clearly understand the benefit of Alternative 3 to the community and guests to the island, I have identified my concerns. Please feel free to contact the local NRCS representative District Conservationist, Lex Riggie, if you have questions or would like additional clarification.

Sincerely,

Lawrence T. Yamamoto
State Conservationist

Cc: Director, Office of Environmental Quality Control, 235 South Beretania St.
Suite 702, Honolulu, HI 96813

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LINDA LINGLE
GOVERNOR
STATE OF HAWAII



STATE OF HAWAII
DEPARTMENT OF HAWAIIAN HOME LANDS

P.O. BOX 1879
HONOLULU, HAWAII 96805
July 6, 2004

August 11, 2004

Mr. Lawrence T. Yamamoto
State Conservationist
Natural Resources Conservation Service
P.O. Box 50004
Honolulu, HI 96850

Dear Mr. Yamamoto,

Proposed Bike/Pedestrian Path, Lydgate Park to Kapa'a
Public Review of the Draft Environmental Assessment

Thank you for your comments on the proposed bike/pedestrian path sent by letter dated July 6, 2004.

We note your concerns regarding portions of Alternative 3 that would have passed through or adjacent to the Wetland Reserve Program easement with the Midler Family Trust. The County of Kaua'i felt there might be a mutual interest in designing and developing a pathway that would provide access for the community, yet safeguard endangered species habitat. Upon further analysis by the planning team, the County has eliminated from consideration all segments that about the WRP easement.

Mahalo for your interest in this project and, especially, to your staff for their assistance.

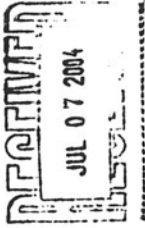
Sincerely,
KIMURA INTERNATIONAL, INC.

Glenn T. Kimura
President

Cc: Douglas Haigh, County of Kauai, Department of Public Works

1600 Kapulani Blvd., Suite 1610
Honolulu, Hawaii 96814
Tel (808) 944-8848 • Fax (808) 941-8999

MICHAEL A. KAHE
CHAIRMAN
HAWAIIAN HOMES COMMISSION
BEN HENDERSON
DEPUTY TO THE CHAIRMAN
KAILANA K. PARK
EXECUTIVE ASSISTANT



County of Kauai
Department of Public Works
4444 Rice Street, Suite 175
Lihue, Hawaii 96766
Attn: Douglas Haigh

Dear Mr. Haig:

Subject: Lydgate Park - Kapa'a Bike/Pedestrian Path
Draft Environmental Assessment

We have reviewed the Draft Environmental Assessment sent to us by your consultant, Kimura International, and do not have any specific concerns regarding this phase of the bike/pedestrian path or how it may impact Hawaiian home lands (HHL).

It appears that this phase stops just after crossing over to the Lihue side of the Waialua River. We are curious to know what alignment is planned for future phases that extend the pathway in the southerly direction because there is HHL nearby. We also assume that the proposed 10-12 foot wide concrete path will pass east of HHL identified by TMK:4-5-05:06, but will not be on HHL. If our assumption is correct, no response is needed at this time. However, please keep us informed as this project progresses because other phases may be very near or adjacent to HHL.

Should there be a need, you may contact the undersigned at (808) 587-6434 or you may call Noel Akamu, LMD Property Development Agent, at 587-6432 in Honolulu.

Aloha and mahalo,

Linda Chiriz, Acting Administrator
Land Management Division

Cc: Kimura International (Glenn Kimura)
Office of Environmental Quality Control (Director)



LINDA LINGLE
GOVERNOR OF HAWAII



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ADJUTANT GENERAL
MANAGER OF PARK RESERVATION
COMMISSION ON WATER RESOURCE MANAGEMENT
CONSERVATION AND RESOURCE ENHANCEMENT

FORESTRY AND WILDLIFE
DISTRICT PRESIDENT
LAND AND NATURAL RESOURCES COMMISSION
STATE PARKS

STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
DIVISION OF STATE PARKS
POST OFFICE BOX 521
HONOLULU, HAWAII 96809



July 6, 2004

Mr. Doug Haigh
County of Kaua'i
Department of Public Works
4444 Rice Street, Suite 175
Lihue, Hawaii 96766

August 11, 2004

Ms. Linda Chinn, Administrator
Land Management Division
Department of Hawaiian Home Lands
P.O. Box 1879
Honolulu, HI 96805

Dear Ms. Chinn,

Proposed Bike/Pedestrian Path, Lydgate Park to Kapa'a
Public Review of the Draft Environmental Assessment

Thank you for your comments on the proposed bike/pedestrian path sent to us by letter dated July 6, 2004. We want to acknowledge that you have no comments on the Lydgate Park to Kapa'a (third) phase of the proposed path.

Among the alternatives considered for this project, one route would have traversed on or near an HHL parcel located near Waika'ea Canal and identified as TMK 4-5-5: 06. This alignment would have skirted the mauka edge of Kapa'a town. However, given the difficulties of acquiring the necessary properties, this alternative is not considered viable at this time.

The fourth phase of the pathway will begin at the south end of Lydgate Park and extend southward to Ahukini. Although the proposed alignment is not expected to affect Hawaiian Home Lands in the Wailua area, the planning team for the County of Kaua'i will keep you informed of the plans as they continue to develop.

Sincerely,
KIMURA INTERNATIONAL, INC.

Glenn T. Kimura
President

Cc: Douglas Haigh, County of Kauai, Department of Public Works

1600 Kapiolani Blvd., Suite 1610
Honolulu, Hawaii 96814
Tel (808) 944-8848 • Fax (808) 941-8999

Dear Mr. Haigh:

Thank you for the opportunity to review and comment on the Draft Environmental Assessment (DEA) for the proposed bike/pedestrian path segment from Lydgate Park to Kapa'a. This project addresses one of the primary outdoor recreation needs identified in the 2003 Statewide Comprehensive Outdoor Recreation Plan which is to provide additional opportunities for walking, jogging and biking.

The path at Lydgate may potentially impact the Hikinaakala Heiau Area of Wailua River State Park. Hikinaakala Heiau is one of the four heiau that comprise the Wailua Complex of Heiau, a National Historic Landmark established in 1962, not 1988 (page 4-66). It is important that the historical setting and cultural landscape of the site be maintained, including open space buffers around the heiau and mitigating potential impacts of increased visitor traffic at the site from the construction of this path.

In regards to the path along Kuhiō Highway and mauka of Hikinaakala Heiau, we have requested that guardrails or vegetation hedges be installed along the mauka side of the path as a mitigating measure. We would like to recommend that the County and State Parks partner on the design and installation of interpretive signs at the cul-de-sac to heighten visitor awareness and keep users on the designated path.

As we requested, the path will not be routed adjacent to Hikinaakala Heiau (page 3-36). It was our understanding that the path along the shoreline of Lydgate Park would turn around before the heiau and follow Leho Drive to Kuhiō Highway. However, this path currently ends across the roadway from the heiau with no indication of the route from this point. It is imperative that the County address this concern with signage and/or designation of a path that will not direct bikers and walkers into the heiau area.

Very truly yours,

DANIEL S. QUINN
State Parks Administrator

cc: Wayne Souza, Kaua'i District State Parks Superintendent
Nancy McMahan, State Historic Preservation Division - Kaua'i
Office of Hawaiian Affairs (LaFrance Kapaka-Arboleada, Kaua'i and Heidi Guth, Honolulu)
Na Kahua Hikina A Ka La
Land Division



LINDA LINGLE
GOVERNOR OF HAWAII



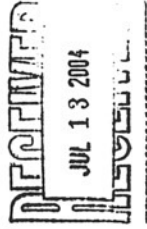
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HISTORIC PRESERVATION
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STATE PARKS

STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
LAND DIVISION

3060 Elms Street, Room 306
Lihue, Hawaii 96766
PHONE: (808) 274-3492
FAX: (808) 274-3438

June 17, 2004

L-3125



Nicholas A. Vaccaro, Land Agent
Land Division

Thomas H. Oj, District Land Agent
Kauai, Land Division

Draft Environmental Assessment (DEA) For the Proposed Lydgate Park-
Kapaa Bike-Pedestrian Path Project, Island of Kauai, Hawaii

Because most of the bike/pedestrian path follows along the coastline and
will be maintained by the County of Kauai. The Land Division will set aside
to the County of Kauai all unencumbered State of Hawaii lands along the
coastline to the mean low waters within the limits of this project. This will
clearly define jurisdiction of the coastal areas.

Central file
District Office

TO:
FROM:
Subject:

C/c

August 11, 2004

Mr. Daniel S. Quinn, Administrator
Division of State Parks
Department of Land and Natural Resources
P.O. Box 621
Honolulu, HI 96809

Dear Mr. Quinn,

Proposed Bike/Pedestrian Path, Lydgate Park to Kapa'a
Public Review of the Draft Environmental Assessment

Thank you for your comments on the proposed bike/pedestrian path sent by letter dated
July 6, 2004.

Throughout the planning process, the County of Kaua'i has consistently affirmed its
objectives of providing the public with appropriate access, while respecting
environmental and cultural resources. Accordingly, the County modified the path
alignment in response to unequivocal concerns about a potential route adjacent to
Hikinaakala Heiau. Other protective measures will be included in a Memorandum of
Agreement that is being prepared pursuant to Section 106 of the National Historic
Preservation Act. The County will consult with you and your staff regarding stipulations
to the proposed undertaking. Additional design details will be worked out during the
design-build phase of the project. The County and its designated contractors will
collaborate with you to ensure the proper design and installation of landscaping and
interpretive and routing signs.

Mahalo for your interest in this project.

Sincerely,
KIMURA INTERNATIONAL, INC.

Glenn T. Kimura
President

Cc: Douglas Haigh, County of Kauai, Department of Public Works



LINDA LINGLE
GOVERNOR OF HAWAII

PETER T. YOUNG
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JUN 23 2004

STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
LAND DIVISION

POST OFFICE BOX 621
HONOLULU, HAWAII 96809

June 21, 2004
LD-NAV
LYDGATEPARKBIKEPATH.FCM2

Kimura International, Inc.
Glenn T. Kimura, President
1600 Kapiolani Blvd., Suite 1610
Honolulu, Hawaii 96814

Dear Mr. Kimura:

SUBJECT: Draft Environmental Assessment for the Proposed Lydgate Park-Kapaa Bike-Pedestrian Path Project, Kauai, Hawaii

Thank you for the opportunity to review and comment on the subject matter.

The Department of Land and Natural Resources' (DLNR) Land Division made available or distributed a copy of the document pertaining to the subject matter to the following DLNR Divisions for their review and comment:

- Commission on Water Resource Management
- Kauai District Land Office
- Office of Conservation and Coastal Lands
- Division of Forestry and Wildlife
- Na Ala Hele Trails
- Division of State Parks
- Engineering Division

Enclosed please find a copy of the Engineering Division comment.

Based on the attached responses, the Department has no other comment to offer at this time. Should you have any other questions, please feel free to contact Nicholas A. Vaccaro of the Land Division Support Services Branch at 1-808-587-0384.

Very truly yours,

Nicholas A. Vaccaro
DIERDRE S. MAMIYA
Administrator

C: KDLO



August 11, 2004

Mr. Thomas Oi
District Land Agent
Kauai, Land Division
Department of Land and Natural Resources
3060 Ewa Street, Room 306
Lihue, HI 96766

Dear Mr. Oi,

Proposed Bike/Pedestrian Path, Lydgate Park to Kapa'a
Public Review of the Draft Environmental Assessment

Thank you for your comments dated June 17, 2004. We appreciate your assistance in clarifying jurisdiction over land that will be affected by the bike/pedestrian path. However, after further examination, it appears that the project alignment will not enter unencumbered State of Hawaii lands along the coastline to the mean low waters.

Where set aside to the County of unencumbered State lands along the coastline to the mean low waters is an unresolved issue, the County requests that DLNR submit a proposal to the Department of Public Works so that it can be addressed separate from the Lydgate-Kapa'a path.

In the meantime, the County of Kauai will keep you informed as it finalizes the path alignment.

Mahalo for your interest in this project.

Sincerely,
KIMURA INTERNATIONAL, INC.

Glenn T. Kimura
Glenn T. Kimura
President

Cc: Douglas Haigh, County of Kauai, Department of Public Works

1600 Kapiolani Blvd., Suite 1610
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RECEIVED
LAND DIVISION
JUN 23 2004

STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
LAND DIVISION
HONOLULU, HAWAII 96809

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HAWAIIAN ISLAND RESERVE COMMISSION
LAND AND NATURAL RESOURCES
STATE PARKS

June 9, 2004

L-3125
Suspense Date: 6/18/04

LD/NAV
LYDGATEPARKBIKEPATHDEA.CMT

MEMORANDUM:

TO: Division of Aquatic Resources
XXX Division of Forestry & Wildlife (DD)
XXX Na Ala Hele Trails (RD)
XXX Engineering Division (DD)
XXX Division of State Parks (RD)
Division of Boating and Ocean Recreation
XXX Commission on Water Resource Management (DD)
XXX Office of Conservation and Coastal Lands (DD)
XXX Land-Kauai District Land Office (RD)
Land-Planning and Development

FROM: Dierdre S. Mamiya, Administrator
Land Division

SUBJECT: Draft Environmental Assessment (DEA) for the Proposed Lydgate Park-Kapaa Bike-Pedestrian Path Project, Island of Kauai, Hawaii

Please review the DEA pertaining to the subject matter and submit your comments (if any) to us on Division letterhead signed and dated by the suspense date.

Should you need more time to review the document, please contact Nicholas A. Vaccaro at ext.: 587--0384.

If this office does not receive your comments by the suspense date, we will assume there are no comments.

We have no comments. () Comments attached

Date: JUN 14 2004
Signed: *[Signature]*

DIVISION: _____ Name: MICHAEL G. BUCK, ADMINISTRATOR
DIVISION OF FORESTRY AND WILDLIFE

RECEIVED
LAND DIVISION
JUN 10 P3:35

STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
LAND DIVISION
HONOLULU, HAWAII 96809

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DEPT. OF LAND & NATURAL RESOURCES
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LINDA LINGLE
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DEPUTY DIRECTOR - WATER

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HAWAIIAN ISLAND RESERVE COMMISSION
LAND AND NATURAL RESOURCES
STATE PARKS

June 9, 2004

L-3125
Suspense Date: 6/18/04

LD/NAV
LYDGATEPARKBIKEPATHDEA.CMT

MEMORANDUM:

TO: Division of Aquatic Resources
XXX Division of Forestry & Wildlife (DD)
XXX Na Ala Hele Trails (RD)
XXX Engineering Division (DD)
XXX Division of State Parks (RD)
Division of Boating and Ocean Recreation
XXX Commission on Water Resource Management (DD)
XXX Office of Conservation and Coastal Lands (DD)
XXX Land-Kauai District Land Office (RD)
Land-Planning and Development

FROM: Dierdre S. Mamiya, Administrator
Land Division

SUBJECT: Draft Environmental Assessment (DEA) for the Proposed Lydgate Park-Kapaa Bike-Pedestrian Path Project, Island of Kauai, Hawaii

Please review the DEA pertaining to the subject matter and submit your comments (if any) to us on Division letterhead signed and dated by the suspense date.

Should you need more time to review the document, please contact Nicholas A. Vaccaro at ext.: 587--0384.

If this office does not receive your comments by the suspense date, we will assume there are no comments.

We have no comments. () Comments attached

Date: 6/16/04
Signed: *[Signature]*

DIVISION: CWRM Name: Edwin T. Sakoda

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LAND DIVISION
2004 JUN 17 A 10:12
DEPT. OF LAND & NATURAL RESOURCES
STATE OF HAWAII

LINDA LINGLE
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2004 JUN 18 P 3:22

DEPT. OF LAND AND NATURAL RESOURCES
LAND DIVISION
STATE OF HAWAII
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HONOLULU, HAWAII 96809



JUN 23 2004

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

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COMMISSION ON WATER RESOURCE MANAGEMENT
CONSERVATION AND COASTAL LANDS
ENGINEERING AND PLANNING
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MARSHLANDS AND WETLANDS
NATURAL RESOURCES
STATE PARKS

June 9, 2004

LD/NAV
LYDGATEPARKBIKEPATHDEA.CMT

L-3125
Suspense Date: 6/18/04

MEMORANDUM:

TO: Division of Aquatic Resources
XXX Division of Forestry & Wildlife (DD)
XXX Na Ala Hele Trails (RD)
XXX Engineering Division (DD)
XXX Division of State Parks (RD)
XXX Division of Boating and Ocean Recreation
XXX Commission on Water Resource Management (DD)
XXX Office of Conservation and Coastal Lands (DD)
XXX Land-Kauai District Land Office (RD)
Land-Planning and Development

FROM: Dierdre S. Mamiya, Administrator
Land Division

SUBJECT: Draft Environmental Assessment (DEA) for the Proposed Lydgate Park-Kapaa
Bike-Pedestrian Path Project, Island of Kauai, Hawaii

Please review the DEA pertaining to the subject matter and submit your
comments (if any) to us on Division letterhead signed and dated by the suspense
date.

Should you need more time to review the document, please contact Nicholas
A. Vaccaro at ext.: 587--0384.

If this office does not receive your comments by the suspense date, we will
assume there are no comments.

() We have no comments. *Add'l* Comments attached. (X)

Date: _____ Signed: _____

DIVISION: *Engineering* Name: ERIC T. HIRANO, CHIEF ENGINEER

DEPARTMENT OF LAND AND NATURAL RESOURCES
ENGINEERING DIVISION

LD/NAV

Ref.: LYDGATEPARKBIKEPATHDEA.CMT

COMMENTS

- () We confirm that the project site, according to the Flood Insurance Rate Map (FIRM), is located in Flood Zone _____.
- () Please take note that the project site, according to the Flood Insurance Rate Map (FIRM), is located in Zone X. The National Flood Insurance Program (NFIP) does not have any regulations for development within these areas.
- () Please note that the correct Flood Zone Designation for the project site according to the Flood Insurance Rate Map (FIRM) is _____.
- () Please note that the project must comply with the rules and regulations of the National Flood Insurance Program (NFIP) presented in Title 44 of the Code of Federal Regulations (44CFR), whenever development within a Special Flood Hazard Area is undertaken. If there are any questions, please contact the State NFIP Coordinator, Ms. Carol Tyau-Beam, of the Department of Land and Natural Resources, Engineering Division at (808) 587-0267.
- () Please be advised that 44CFR indicates the minimum standards set forth by the NFIP. Your Community's local flood ordinance may prove to be more restrictive and thus take precedence over the minimum NFIP standards. If there are questions regarding the local flood ordinances, please contact the applicable County NFIP Coordinators below:
 - () Mr. Robert Sumimoto at (808) 523-4254 or Mr. Mario Siu Li at (808) 523-4247 of the City and County of Honolulu, Department of Planning and Permitting.
 - () Mr. Kelly Gomes at (808) 961-8327 (Hilo) or Mr. Kiran Emiler at (808) 327-3530 (Kona) of the County of Hawaii, Department of Public Works.
 - () Mr. Francis Cerizo at (808) 270-7771 of the County of Maui, Department of Planning.
 - () Mr. Mario Antonio at (808) 241-6620 of the County of Kauai, Department of Public Works.

() The applicant should include project water demands and infrastructure required to meet water demands. Please note that the implementation of any State-sponsored projects requiring water service from the Honolulu Board of Water Supply system must first obtain water allocation credits from the Engineering Division before it can receive a building permit and/or water meter. The applicant should provide the water demands and calculations to the Engineering Division so it can be included in the State Water Projects Plan Update.

(X) Additional Comments: Correct Flood Zones should be indicated for the preferred alternative sites in the Final Environmental Assessment document.

() Other: _____

Should you have any questions, please call Mr. Andrew Monden of the Planning Branch at 587-0229.

Signed: *Eric T. Hirano*
ERIC T. HIRANO, CHIEF ENGINEER

Date: 6/17/04



KIMURA INTERNATIONAL

LINDA LINDLE
GOVERNOR OF HAWAII

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LAND DIVISION



2004 JUL - 1 P 4: 13

STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
OFFICE OF CONSERVATION AND COASTAL LANDS
NATURAL RESOURCES POST OFFICE BOX 621
STATE OF HAWAII, HONOLULU, HAWAII 96809

PETER T. YOUNG
YOUNG
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT
DAN DAVIDSON
DEPUTY DIRECTOR - LAND
YVONNE Y. IZU
DEPUTY DIRECTOR - WATER
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BOATING AND OCEAN RECREATION
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COMMISSION ON WATER RESOURCE MANAGEMENT
CONSERVATION AND COASTAL LANDS
ENGINEERING
FORESTRY AND WILDLIFE
HAWAIIAN ISLAND RESERVE COMMISSION
STATE PARKS

July 2, 2004

Ms. Dierdre S. Mamiya, Administrator
Land Division
Department of Land and Natural Resources
P.O. Box 621
Honolulu, HI 96809

Dear Ms. Mamiya,

Proposed Bike/Pedestrian Path, Lydgate Park to Kapaa
Public Review of the Draft Environmental Assessment

Thank you for your letter dated June 21, 2004. We want to acknowledge that the Commission on Water Resource Management and Division of Forestry and Wildlife have no comments at this time. As indicated by the Engineering Division, the Final Environmental Assessment will show the flood zones for the preferred alternative.

Mahalo for your interest in this project. If you have any questions or further comments, please contact Douglas Haigh, project manager, at (808) 241-6650.

Sincerely,
KIMURA INTERNATIONAL, INC.


Glenn T. Kimura
President

Cc: Douglas Haigh, County of Kauai, Department of Public Works

1600 Kapulani Blvd., Suite 1610
Honolulu, Hawaii 96814
Tel (808) 944-8848 • Fax (808) 941-8999

Ref: OCCL: DE

MEMORANUM

TO: Dede Mamiya, Administrator Land Division

ATTN: Nicholas Vaccaro

FROM: Sam Lemmo, Administrator Office of Conservation and Coastal Lands

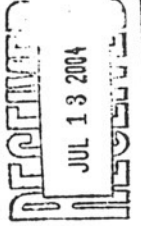
SUBJECT: Review and comments on Draft EA for Lydgate Park-Kapaa Bike Path
Waialua-Kapaa, Kauai.

The Office of Conservation and Coastal Lands (OCCL) staff has reviewed the submitted documentation and researched aerial photos for this project. And offers the following comments:

1. The project involves a planned development of a multi-use bike path and other improvements along the shoreline from Lydgate Park to Waikaea Canal. The project corridor is roughly 2 miles long and involves constructing a path 10 to 12 feet wide.
2. As a new improvement, the proposed pathway should be located as far mauka as possible to avoid potential erosion hazards. The pathway and improvements should be located mauka of 40' shoreline setback wherever possible.
3. The project proposes to construct the pathway entirely within county owned lands. Has a shoreline delineation or certification survey been carried out along this corridor to assess the location of the state jurisdiction? This will be required for those areas of the pathway that are proposed to extend makai of existing shoreline structures (such as fronting the Mokihana of Kauai).

Correspondence: KA-05-181

JUL - 1 2004



4. The OCCL recognizes the value of a common coastal thoroughfare and supports the effort to offer alternative transportation corridors for this area. In this regard we support Alternative 1 (in general concept) as illustrated on Figure 8 with some adjustments.
 5. The second alternative (post-supported elevated boardwalk, Figure 11) for the boardwalk design is preferred by the OCCL for slope conditions. It is suggested this be constructed in a modular fashion so that threatened/eroded sections could be replaced or relocated in a relatively easy manner.
 6. It would be helpful to demark the location of the proposed pathway on the attached ground photos to help visualize the proposed pathway.
 7. Measures should be taken to locate the improvements as far mauka as possible of known high erosion hazard areas. Erosion data suggests portions of the proposed pathway are subject to severe erosion of up to 1.1 ft per year of erosion from 1950 to 1988. In areas experiencing erosion rates of this magnitude, a 20 ft setback from the shoreline may only provide a 20 year buffer from erosion. Larger setbacks will provide additional protection of the improvements and ensure a more reasonable expected lifetime from the financial investment.
 8. Address the future position of the shoreline with regard to the setback of the pathway from the shoreline and the expected lifetime of the walkway. For example, much of the area shows a dynamic pattern of erosion over the 33 year period for the shoreline analysis study (1950 to 1988). In some cases, it is estimated that the rate of erosion can be as high as 1.1 ft/yr. Therefore the future position of the shoreline could be 22 ft more mauka within 20 years (or other estimated lifespan of the pathway).
 9. When it is unfeasible to locate the improvements mauka of the 40' setback, the improvements should be constructed of a non-permanent material that is readily disassembled and relocated such as wood, recycled plastic, paving stones or other low-impact materials.
 - a. The use of permanent slab on grade construction (MSE Figure 10) should not be used in areas that are prone to erosion and thus could be at risk of being undermined and failure.
 - b. In those areas where the pathway falls within the 40' setback along a coastal bluff line there should be consideration of excavating and grading the bluff to relocate the pathway mauka of the setback and/or the use of the post-supported elevated boardwalk.
 - c. It is preferable to use concrete or paving stones to asphalt (petroleum based) for the pathway to minimize non-point source pollution to the coastal system. Paving stones have the added benefit of being segmented and easily relocated if needed.
10. The methodology of 1991 erosion mapping study carried out by Makai Ocean Engineering, Inc and Sea Engineering, Inc utilizes the vegetation line as Shoreline Reference Feature (SRF). While the study is the only published data source on erosion in this area, it may be somewhat inaccurate. Because of the potential errors of this study, the results should be used as a rough guide but a more conservative approach to shoreline development should be applied to this area.
 - a. The methodology employed is prone to error due to the use of the vegetation line as an indicator of the position of the shoreline. The toe or step crest is now commonly used rather than the vegetation line in erosion mapping studies. The vegetation line is quite easily manipulated and can be artificially induced seaward (especially in developed areas such as Kapaa Beach Park). Furthermore it has been shown that many common forms beach vegetation are very salt-tolerant and can withstand significant wave inundation, especially if fertilized and watered. This suggests the erosion rates may actually be significantly higher than represented by the 1991 study.
 - b. The erosion study is somewhat dated now, utilizing photos up to 1988. This time period does not include Hurricane Iniki in 1991 or the more recent period of severe erosion experienced over the last 2 years.
 11. The use of additional shoreline hardening structures such as seawalls and revetments should not be considered within state-lands for the proposed improvements.
 12. Page 3-7 Wailua Beach Park describes the path following along Kuhio Hwy on the makai side of the existing low rock wall (with a new extension of the rock wall). Please describe the proposed extension and where it lies in relation to the shoreline.
 13. The area from Waiialua River to the Sea Shell restaurant is identified as being low elevation and subject to wave events. Describe how coastal hazards will be accounted for in this area? The OCCL recommends an elevated boardwalk for this section of pathway.
 14. Page 3-12 and 4-19 describe a section of pathway fronting the Lanikai where the path would pass close to the vegetation line where there are signs of erosion. Please describe the location of the pathway in more



detail in relation to the vegetation line or eroding scarp and what measures will be taken to reduce or eliminate the erosion hazard potential. An elevated (Figure 11) boardwalk located as far mauka as possible is recommended for areas of high erosion potential.

15. Page 3-19 describes the pathway fronting the Mokihana of Kauai and the Bull Shed Restaurant. The overhanging design will need to be discussed further with OCCL staff. There are questions about whether the existing seawall and concrete footing material are permitted shoreline structures. The OCCL supports the suggestion of demolishing the addition at the Bull Shed restaurant (which may not be an authorized structure) and relocating the pathway in its place.

16. Page 4-40 addresses impacts and mitigation measures. Several sections of the pathway are proposed in areas of known erosion hazards. The OCCL concurs that it will be difficult to justify approval of shoreline hardening measures for the pathway if threatened. Address the response to the erosion in terms of mitigation response. It is important to address what the response to erosion will be if a portion of the pathway is threatened.

17. Several shore protection alternatives are mentioned on page 4-40, describe in more detail which of these might be employed for portions of the proposed pathway. As mentioned on Page 4-44 the VE FIRM zone in much of the project area is 8 to 15 feet. This should be used as a minimum height requirement for the pathway and the elevated boardwalk used to achieve these minimum heights.

Please feel free to contact Dolan Eversole, of the Office of Conservation and Coastal Lands at 587-0439 if you need more information.

Sincerely,

Sam Lemmo, Administrator
Office of Conservation and Coastal Lands

September 2, 2004

Mr. Sam Lemmo, Administrator
Office of Conservation and Coastal Lands
Department of Land and Natural Resources
P.O. Box 621
Honolulu, HI 96809

Dear Mr. Lemmo,

Proposed Bike/Pedestrian Path, Lydgate Park to Kapa'a
Public Review of the Draft Environmental Assessment (EA)

Thank you for your comments on the Draft EA submitted by memorandum dated July 1, 2004. As planning consultant to the Kauai County Department of Public Works, we have been asked to respond to questions and, where appropriate, summarize and clarify the comments made.

1. Restatement of the proposed action.
2. The OCCL recommends that the project should be located as far mauka as possible, specifically mauka of the 40-foot shoreline setback wherever possible.
3. The project proposes to construct the pathway entirely within county owned lands. Has a shoreline delineation or certification survey been carried out along this corridor to assess the location of the state jurisdiction? This will be required for those areas of the pathway that are proposed to extend makai of existing shoreline structures (such as fronting the Mokihana of Kauai).

Response: The alternatives involve construction on public and private properties. The County will need to obtain easements or acquire land in places where the path goes through property it does not own already. A shoreline delineation or certification survey will be conducted after the preferred alignment has been selected.

4. The OCCL supports the general concept embodied in Alternative 1 (Figure 8, with adjustments) because it offers a common coastal thoroughfare and alternative transportation corridors in the area.

July 1, 2004

Draft EA for Lydgate Park-Kapaa Bike Path

4.

5. The post-supported, elevated boardwalk (Figure 11) is preferred by the OCCL for slope conditions. The boardwalk should be constructed in a modular fashion so threatened or eroded sections can be replaced or relocated relatively easily.

6. It would be helpful to demark the location of the proposed pathway on the attached ground photos to help visualize the proposed pathway.

Response. At this stage of the planning process, the project alternatives are conceptual in nature. It would be more appropriate to overlay the pathway on photographs when there is greater precision regarding path's location. If the shoreline path goes forward, the certified shoreline survey will provide important information.

7. Measures should be taken to locate the improvements as far mauka as possible of known high erosion hazard areas. Erosion data suggests portions of the proposed pathway are subject to severe erosion of up to 1.1 ft per year of erosion from 1950 to 1988. In areas experiencing erosion rates of this magnitude, a 20 ft setback from the shoreline may only provide a 20 year buffer from erosion. Larger setbacks will provide additional protection of the improvements and ensure a more reasonable expected lifetime from the financial investment.

8. Address the future position of the shoreline with regard to the setback of the pathway from the shoreline and the expected lifetime of the walkway. For example, much of the area shows a dynamic pattern of erosion over the 33 year period for the shoreline analysis study (1950 to 1988). In some cases, it is estimated that the rate of erosion can be as high as 1.1 ft per year. Therefore the future position of the shoreline could be 22 ft more mauka within 20 years (or other estimated lifespan of the pathway).

Response to Comments 7 and 8. The table below presents the erosion rates and 30-year projected shoreline positions calculated at transects along the proposed bike path, as reported in the Aerial Photographic Analysis of Coastal Erosion on the Islands of Kaua'i, Moloka'i, Lāna'i, Maui, and Hawai'i (1991). This atlas represents the only existing analysis of historical erosion along the proposed route. The 30-year projected shoreline position is calculated relative to the 1988 shoreline. The erosion rate between transects may vary. The study indicated a maximum erosion rate of 0.5 ft/yr and accretion rate of 2 ft/yr, yielding a projected 30-year shoreline position (relative to 1988) 15 feet landward, and 64 feet seaward, respectively. This information is useful to evaluate general shoreline change trends that may be occurring along the bike path route. However, the transects are spaced approximately 300 to 1300 feet apart, the location of the 1988 shoreline with respect to the present day shoreline is not known, and a detailed survey showing the present shoreline, vegetation line, and bike path route has not yet been conducted. Thus, a careful evaluation of the expected lifetime of the path is not yet

possible, and would require an updated aerial photographic erosion analysis and detailed survey of the bike path route and shoreline.

Erosion Atlas Transect No. (1991)	Description of Area	Accretion Rate (average) (ft/yr)	30-Year Extension Relative to 1988	
			Year 2018 (ft)	Std. Dev. (ft)
21	Waialua Beach, approx. 1000 ft N Waialua River. Accreting; dynamic beach. Path just mauka of stone wall.	0.79	24	7
22	Waialua Beach, approx. 300 ft S of Seashell Restaurant. Accreting; dynamic beach. Path along road.	1.05	32	5
23	Fronting Lanikai Condos. Stable; beach rock at water line. Between Kauai Sands Hotel and Aston Islander on the Beach.	-0.26	-8	8
24	Stable; intermittent erosion. Proposed path would replace existing private path. Between Kauai Coast Resort at Beachboy and vacant lot at Waipouli Beach.	-0.18	-6	6
25	Stable; intermittent erosion. Property line is 48 feet inland of 2004 vegetation line.	0.21	6	3
26	Fronting vacant lot at Waipouli Beach. Stable; intermittent erosion. Proposed path is landward of trees.	0.21	6	4
27	Fronting vacant lot north of Kauai Coconut Beach Resort. Stable.	0.05	2	4
28	Fronting vacant lot, approx 300 feet south of Mokihana. Eroding.	-0.50	-15	4
29	Severe erosion; shore protection built.	--	--	--
30	Fronting vacant lot (Singleton development). Minor erosion	-0.24	-7	5
32	Across revetment at Moanakai Road. Severe erosion.	-0.32	-10	4
33	Approx 500 feet south of Waikaea Canal. Accreting.	1.05	32	9
34	Approx 150 feet south of Waikaea Canal. Accreting	2.08	64	2

9. When it is unfeasible to locate the improvements mauka of the 40' setback, the OCCL recommends that improvements be constructed of a non-permanent material that is readily disassembled and relocated such as wood, recycled plastic, paving stones or other low-impact materials.

- a. The use of permanent slab on grade construction (MSE Figure 10) should not be used in areas that are prone to erosion and thus could be at risk of being undermined and failure.
 - b. In those areas where the pathway falls within the 40' setback along a coastal bluff line there should be consideration of excavating and grading the bluff to relocate the pathway mauka of the setback and/or the use of the post-supported elevated boardwalk.
 - c. It is preferable to use concrete or paving stones to asphalt (petroleum based) for the pathway to minimize non-point source pollution to the coastal system. Paving stones have the added benefit of being segmented and easily relocated if needed.
10. The methodology of 1991 erosion mapping study carried out by Makai Ocean Engineering, Inc and Sea Engineering, Inc utilizes the vegetation line as Shoreline Reference Feature (SRF). While the study is the only published data source on erosion in this area, it may be somewhat inaccurate. Because of the potential errors of this study, the results should be used as a rough guide but a more conservative approach to shoreline development should be applied to this area.

- a. The methodology employed is prone to error due to the use of the vegetation line as an indicator of the position of the shoreline. The toe or step crest is now commonly used rather than the vegetation line in erosion mapping studies. The vegetation line is quite easily manipulated and can be artificially induced seaward (especially in developed areas such as Kapaa Beach Park). Furthermore it has been shown that many common forms [of] beach vegetation are very salt-tolerant and can withstand significant wave inundation, especially if fertilized and watered. This suggests the erosion rates may actually be significantly higher than represented by the 1991 study.
- b. The erosion study is somewhat dated now, utilizing photos up to 1988. This time period does not include Hurricane Iniki in 1991 or the more recent period of severe erosion experienced over the last 2 years.

Response. Sea Engineering's coastal assessment was based on available existing information. The only existing erosion mapping study of the project area is the 1991 erosion atlas cited above. Sea Engineering recognizes that this study is dated; the most recent photograph used was from 1988. Ideally, an analysis of erosion using historical aerial photographs should evaluate both the vegetation line and beach toe. Each of these features has advantages and disadvantages as a shoreline reference feature. The beach toe is often not a linear feature, especially where the beach has developed cusp formations, and can be difficult to map. It can be masked during breaking wave conditions. It is intimately tied to the beach profile, which will vary with the water level and wave conditions, and may therefore migrate with the rising and falling tide and

change as the beach profile responds to constantly changing wave parameters, such as wave height and wave period. On most beaches the beach plan-form will also shift in order to be oriented orthogonal to the wave approach direction. This is often a seasonal effect, and the beach toe line will rotate accordingly. Advantages of using the beach toe are that it does show short-term and seasonal change when that may be important, and it enables quantification of beach width and, in effect, the amount of sediment on the beach.

The vegetation line is a more stable feature that changes under chronic and sustained erosion conditions, or during singular extreme events. It will tend not to show short-term or seasonal changes. It can also be difficult to map from aerial photographs, especially when obscured by shadows. In developed areas, the vegetation line can be artificially fixed or moved by landscaping. An eroded vegetation line, especially from extreme events, does not necessarily indicate loss of sand volume.

The beach toe was initially used as a shoreline reference feature in the 1991 study, in addition to the vegetation line. Its use, however, was discontinued during the project because of difficulties and errors involved in determining the toe position in many photographs.

If warranted, Sea Engineering can update the 1991 study to include beach toe information and more recent photographs.

11. The use of additional shoreline hardening structures such as seawalls and revetments should not be considered within State lands for the proposed improvements.
12. Page 3-7 Wailua Beach Park describes the path following along Kuhio Hwy on the makai side of the existing low rock wall (with a new extension of the rock wall). Please describe the proposed extension and where it lies in relation to the shoreline.

Response. Extension of the rock wall would essentially follow the same line as the existing rock wall, on the makai side of the highway shoulder. The rock wall is well above (mauka of) the vegetation line.

13. The area from Wailua River to the Sea Shell restaurant is identified as being low elevation and subject to wave events. Describe how coastal hazards will be accounted for in this area. The OCCL recommends an elevated boardwalk for this section of pathway.
14. Pages 3-12 and 4-19 describe a section of pathway fronting the Lanikai where the path would pass close to the vegetation line where there are signs of erosion. Please describe the location of the pathway in more detail in relation to the

vegetation line or eroding scarp and what measures will be taken to reduce or eliminate the erosion hazard potential. An elevated (Figure 11) boardwalk located as far mauka as possible is recommended for areas of high erosion potential.

16. Page 4-40 addresses impacts and mitigation measures. Several sections of the pathway are proposed in areas of known erosion hazards. The OCCL concurs that it will be difficult to justify approval of shoreline hardening measures for the pathway if threatened. Address the response to the erosion in terms of mitigation response. It is important to address what the response to erosion will be if a portion of the pathway is threatened.

17. Several shore protection alternatives are mentioned on page 4-40, describe in more detail which of these might be employed for portions of the proposed pathway. As mentioned on Page 4-44, the VE FIRM zone in much of the project area is 8 to 15 feet. This should be used as a minimum height requirement for the pathway and the elevated boardwalk used to achieve these minimum heights.

Response to Comments 13, 14, 16, and 17. These comment all address erosion hazard response and mitigation. Any construction within the coastal zone is susceptible to wave damage or damage from ongoing erosion. Along a typical coast, the vegetation line is a good indicator of the shoreward limit of prevailing events. Thus, anything shoreward of the vegetation line can be considered outside of the reach of the typical daily occurrences, and, in general, the further behind the vegetation line, the more secure from inundation one will be. Extreme events, however, like a hurricane or large wave events, such as the November 2003 storm, may produce inland inundation well beyond the vegetation line. The Sea Engineering report references model and worst-case hurricane inundations and elevations for locations along the project site. For example, numerical modeling of coastal inundation on Kaua'i, based on a direct hit by a hurricane similar to Hurricane Iniki, calculated flood elevations of 10 to 20 feet and inland flooding distances of 100 to 433 feet along the project coastline. While extreme events are statistically rare, it is important to realize that they can nevertheless occur at virtually any time. Erosion hazard response and mitigation are therefore important to consider in the design of a project in the coastal zone.

In general, structures should be sited landward of the shoreline setback zone, or when this is not feasible, then as far landward as possible. Structures being designed to withstand storm wave damage require detailed site specific analyses of storm wave forces, inundation levels, and frequency of occurrence. Alternatively, if community projects, such as pathways, are constrained to be located within the setback zone, they should be designed with the knowledge that they may experience erosion or wave damage. In this case, non-permanent, low-impact construction materials and methods that will not affect coastal processes or result in environmental impacts are advisable.

15. Page 3-19 describes the pathway fronting the Mokihana of Kauai and the Bull Shed Restaurant. The overhanging design will need to be discussed further with OCCL staff. There are questions about whether the existing seawall and concrete footing material are permitted shoreline structures. The OCCL supports the suggestion of demolishing the addition at the Bull Shed Restaurant (which may not be an authorized structure) and relocating the pathway in its place.

Response. The County is reevaluating this section of the shoreline alternative in light of the seawall's condition in front of the Mokihana and Bull Shed Restaurant.

Mahalo for your interest in this project.

Sincerely,
KIMURA INTERNATIONAL, INC.



Glenn T. Kimura
President

Cc: Douglas Haigh, County of Kaua'i, Department of Public Works

RECEIVED
JUL 02 2004
DEPARTMENT OF LAND AND NATURAL RESOURCES



STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
HISTORIC PRESERVATION DIVISION
KAKUHIHEWA BUILDING, ROOM 555
601 KAMOKILA BOULEVARD
KAPOLEI, HAWAII 96707

PETER T. YOUNG
BOARD OF LAND AND NATURAL RESOURCES
COMMISSIONER
DAN DAVENSON
DEPUTY DIRECTOR - LAND
TYONNE Y. IZU
DEPUTY DIRECTOR - WATER
AQUATIC RESOURCES
BOATING REGISTRATION
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COMMISSIONER
HISTORIC PRESERVATION
LAND
COMMISSIONER
KAMOUKUIE WATERSHED COMMISSION
STATE PARKS

June 25, 2004

Mr. Glenn Kimura, President
Kimura International Inc.
1600 Kapiolani Blvd., Suite 1610
Honolulu, Hawaii 96814

Dear Mr. Kimura:

SUBJECT: National Historic Preservation Act, Section 106 Compliance - Historic Preservation Review - Draft Environmental Assessment (EA) for the Lydgate Park -Kapa'a Bike & Pedestrian Path
Lihue and Kapaa Districts, Kauai Island
TMK: (4) 3 & 4

LOG NO: 2004.1861
DOC NO: 0406NMM13

Thank you for submitting this Draft EA which we received on June 6, 2004. We have also recently reviewed the archaeological assessment report for this project (Hammatt and Shidler, 2004, *Archaeological Assessment of Alternative Routes Proposed for the Lydgate to Kapa'a Bike and Pedestrian Pathway Project Within the ahupua'a of Wailua, South Oloheua, North Oloheua, Waipouli and Kapa'a, Island of Kauai*, CSH, ms.). Eighteen historic properties (heiau, cultural deposits, human burials, grinding stones, railroad berm, and WWII bunker) were identified as being within or very near to the proposed routes. The 18 historic properties include sites listed on or eligible for listing on the National Register of Historic Places. The draft EA incorporates a number of our earlier comments, but we would like to state our general concerns with the proposed undertaking as follows.

The coastal trail has the most potential to have an "adverse effect" on historic sites listed on or eligible for listing on the National Register of Historic Places. To the extent possible, we would recommend complete avoidance of these sites. It is also possible that, in some locations, an adverse effect may be mitigated through archaeological monitoring of ground-disturbing activities associated with the proposed path that may adversely affect cultural deposits and inadvertent burials, where subsurface construction would take place in sandy subsolls. In any case, we strongly recommend that the pathways need to be around heiau sites with substantial buffer zones established - ideally 200 feet on all sides of these sacred sites. In addition, as noted above, it is possible that human burials may be encountered during ground-disturbing activities. In this event, a burial treatment plan will need to be submitted to the Kauai/Niihau Island Burial Council for the treatment of burials to be preserved in place and to ensure proper treatment of any further burials inadvertently discovered during monitoring work.

Mr. Glenn Kimura, President
Page 2

In addition, the community has a working group under the County Council for this bikeway plan, and they want to see interpreted signage along the path. So a preservation/interpretive plan would appear to be needed, to include interpretive signage and buffers around historic sites that are being preserved. By working with the Community group, Kauai's Historic Preservation Review Commission, our office, other consulting parties, and members of the public, a preservation and interpretative plan can be designed, approved and implemented.

Once a final alignment has been selected, a Memorandum of Agreement (MOA) will need to be worked out for these concerns. The MOA should include stipulations that address the foregoing concerns, including preservation and interpretation of known historic sites, an archaeological monitoring plan, and a preservation plan. Any mitigation plans developed should be submitted for review to the State Historic Preservation Division for this work.

You should have any questions about archaeology, please call Nancy McMahon at 742-7033. If you have questions about burial matters, please call Kana'i Kapellela at 692-8037.

Sincerely,

Peter T. Young, State Historic Preservation Officer
State Historic Preservation Division

NM: sky

- C: Ian Costa, Planning Department, County of Kauai
Doug Haigh, Public Works, County of Kauai
Chair, Kauai'i'ihau Islands Burial Council
Chair, Kauai's Historic Preservation Review Commission
Kana'i Kapellela, Burial Sites Program
Glenn Kimura, Kimura International
Pat Phung, Federal Highways Administration
Dan Quinn, Administrator, State Parks [ATTN: Martha Yent]



KIMURA INTERNATIONAL

Mr. Peter Young
September 2, 2004
Page 2

The comments in your June 25 letter, together with other written correspondence from your office, indicate that a mutually agreeable compromise is possible. On the issue of routing the path and providing a buffer, the letters have stated:

- From letter to Glenn Kimura dated May 4, 2004 responding to a request for pre-assessment comments:

As currently shown, the path either goes through or very close by the heiau. The path would need to be routed away from the heiau, and realistically, the only safe route is behind the heiau.

Although we would prefer at least a 200-foot buffer around such a sacred site, we acknowledge that this is difficult to do at Kukui Heiau since the privately owned Lae Nani Condominium pool itself is fairly close to the site. So, in this case, routing people off and away from the site is a better plan than current conditions at the site.

Proposed Bike/Pedestrian Path, Lydgate Park to Kapa'a
Public Review of the Draft Environmental Assessment

Thank you for your comments on the proposed bike/pedestrian path sent to us by letter dated June 25, 2004. As the County of Kaua'i evaluates the alternatives for a path alignment, any guidance you can provide in addressing important cultural resources is appreciated.

Kukui Heiau is not the only cultural resource identified in the project corridor; however, the County recognizes that it is a pre-eminent historic and cultural site, and the focus of public attention and concern. The County's desire to maintain the proper dignity of this site is complicated, under current conditions, by the absence of lateral public access along the shoreline in this area. Members of the general public who wish to travel along the popular beach have to go through the heiau or private property owned by the Lae Nani Condominiums. Most people choose the former.

Routing and Buffer

We want to be very clear that the bike and pedestrian path proposal goes around the heiau on the mauka side. There has never been any consideration of running a path through the heiau. However, even if a path is routed outside the heiau, there is limited space between the heiau and the condominium's pool area. Whether there is enough space to meet the minimum needs of SHPD and other cultural stakeholders, the condominium owners, and the project will determine whether this alternative is viable.

- From letter to David Shideler, Cultural Surveys Hawai'i, dated June 21, 2004 providing review comments on an archaeological assessment for the project

In any case, we strongly recommend that the pathways need to be around heiau sites with substantial buffer zones established – ideally 200 feet on all sides of these sacred sites.

- From letter to Glenn Kimura, dated June 25, 2004, providing comments on the DEA

In any case, we strongly recommend that the pathways need to be around heiau sites with substantial buffer zones established – ideally 200 feet on all sides of these sacred sites.

• From letter to Pat Phung, Federal Highway Administration, responding to a preliminary scoping letter under the Section 106 consultation process

The path would need to be routed off the heiau, with sizeable buffer zones established as well. Increased vegetation or landscape barriers and the installation of appropriate signage might also help mitigate the adverse effect that bicycle and pedestrian traffic would have on these sensitive sites.

Other Mitigations

We have also taken note of your recommendations for other mitigations, including interpretive signage along the path, a burial treatment plan, and archaeological monitoring of construction in sandy subsoils.

September 2, 2004

Mr. Peter T. Young
State Historic Preservation Officer
Department of Land and Natural Resources
601 Kamokila Boulevard, Room 555
Kapolei, HI 96707

Dear Mr. Young,

Mr. Peter Young
September 2, 2004
Page 3

These issues will be addressed through the Memorandum of Agreement under the National Historic Preservation Act and that will include stipulation of measures to avoid, minimize, or mitigate adverse effects.

Mahalo for your interest in this project.

Sincerely,
KIMURA INTERNATIONAL, INC.



Glenn T. Kimura
President

Cc:
Douglas Haigh, County of Kaua'i, Department of Public Works
Nancy McMahon, SHPD-Kaua'i

From: Paul.Santo@hawaii.gov
Sent: Monday, August 16, 2004 12:28 PM
To: Nancy Nishikawa
Cc: Steven.Kyono@hawaii.gov; Christine.Yamasaki@hawaii.gov; Julius.Fronda@hawaii.gov; Gary.Choy@hawaii.gov; dhaigh@kauaigov.com; calvinn@ksfinc.us; Holly.Yamauchi@hawaii.gov; Glenn.Yasui@hawaii.gov
Subject: Lydgate-Kapaa Bike/Pedestrian Path - Draft EA, Project No. STP-0700(49)

Nancy,

We would like to clarify our previous comment regarding the existing Wailua River Plantation Bridge in a transmittal memo dated July 6, 2004 and provide additional comments for your consideration in the Draft EA.

Due to lack of information regarding the load carrying capacity of the existing Wailua River Plantation Bridge, little or no vertical loads from the proposed bike/pedestrian structure should be imposed on the existing bridge. Depending on the proposed structure, lateral loads could be resisted by the existing bridge. However, any loads imposed on the existing bridge should be analyzed and justified by the design structural engineer subject to review by the State DOT.

An additional item to consider is that the State DOT does have plans to widen the existing Wailua River Bridge and/or the Wailua River Plantation Bridge. If a bike/pedestrian structure is constructed adjacent to the Plantation Bridge, it will likely impact any future widening. Actual widening requirements should be coordinated with the State DOT so that funds could be used most efficiently and for the benefit of all concerned. Ideally, widening of the existing bridge for vehicular and bike/pedestrian use should be done at the same time.

If there are any questions, please contact me.

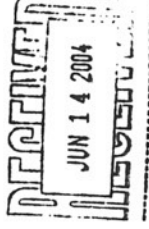
Paul Santo, P.E.
Bridge Design Engineer
Hawaii DOT
601 Kamokila Blvd., room 611
Kapolei, HI 96707
Phone: (808) 692-7611
Fax: (808) 692-7617
E-mail: Paul.Santo@hawaii.gov

9/6/2004

LINDA LINGLE
GOVERNOR



RODNEY K. HARAGA
DIRECTOR
Deputy Directors
BRUCE Y. MATSU
LINDEN H. JOESTING
BRUNN H. SEKIGUCHI



STATE OF HAWAII
DEPARTMENT OF TRANSPORTATION
HIGHWAYS DIVISION
KAUAI DISTRICT
3060 EIWA STREET, ROOM 205
LIHUE, HAWAII 96766

IN REPLY REFER TO:

HWY-K 4.040598

September 8, 2004

June 10, 2004

Mr. Paul Santo, P.E.
Bridge Design
Hawaii Department of Transportation
601 Kamokila Boulevard, Room 611
Kapolei, HI 96707

Ms. Ladye Martin
Deputy County Engineer
County of Kauai
Department of Public Works
4444 Rice Street, Suite 175
Lihue, Kauai, HI 96766

Dear Mr. Santo,

Proposed Bike/Pedestrian Path, Lydgate Park to Kapa'a
Public Review of the Draft Environmental Assessment

Attn: Mr. Doug Haigh

Thank you for your comments submitted by e-mail dated August 16, 2004. On behalf of the Kaaui County Department of Public Works, we acknowledge the prohibition of additional vertical loads on the existing Wailua River Plantation Bridge. We also note that any additional lateral load on the existing bridge must be analyzed carefully and is subject to review by the State Department of Transportation.

Dear Ms. Martin:

Subject:

Lydgate Park-Kapaa Bike/Pedestrian Path
Lihue and Kawaihau Districts, Kauai
TMK:(4) 3-9-6; 4-1-3 to 8, 12, 13, 16;
4-3-1 to 9; 4-5-1 to 8, 10 to 13; 4-6-14, 15 (various parcels)

In light of the State's plans to widen the existing Wailua River Bridge and/or the Wailua River Plantation Bridge, the County recognizes the need for close coordination. The County's bike/pedestrian path planners and engineers will work with your office and the Kaaui District Engineer so that bridge modifications can realize design and fiscal efficiencies and minimize inconveniences to the traveling public.

Mahalo for your interest in this project.

Sincerely,
KIMURA INTERNATIONAL, INC.

Glenn T. Kimura
President

Cc: Douglas Haigh, County of Kauai, Department of Public Works

This office has completed review of the DRAFT Environmental Assessment (DEA) for the subject project and our comments are noted below.

- A. We have no comments on the DEA.
- B. During the DESIGN & CONSTRUCTION Phase, the following comments are applicable:
 1. The proposed bike/pedestrian path(s) shall not interfere with existing State highway facilities.
 2. Preliminary construction plans shall be submitted for review/approval for all bike/pedestrian path alignments encroaching within the State highway right of way.
 3. Bike/Pedestrian paths located in the State Highway right of way shall not interfere with existing roadway drainage patterns.

Ms. Ladye Martin
Page 2
June 10, 2004

HWY-K 4.040598

4. All existing traffic signs shall be shown on the proposed bike/pedestrian path plans. If relocation of the signs are necessary, plans shall indicate new sign locations.
5. For work within the State highway right of way, Traffic Control Plans (TCP) shall be included as part of the construction plans.
6. This office reserves the right to add, or impose, additional conditions as necessary to mitigate adverse impacts to State highway facilities.

Thank you for giving us the opportunity to review/comment on the Bike/Pedestrian Path project. If you have any questions, please call Steve Morikawa at 274-3118.

Sincerely,


STEVEN M. KYONO, P.E.
District Engineer

SM:in

cc: STP

Office of Environmental Quality
235 South Beretania St., Suite 702
Honolulu, Hawaii 96813

✓ Kimura International
1600 Kapiolani Blvd., Suite 1610
Honolulu, Hawaii 96814



August 11, 2004

Mr. Steven M. Kyono
District Engineer
Highways Division-Kauai District
State Department of Transportation
3060 Eiwa Street, Room 205
Lihue, HI 96766

Dear Mr. Kyono,

Proposed Bike/Pedestrian Path, Lydgate Park to Kapaa
Review of the Draft Environmental Assessment

Thank you for your letter dated June 10, 2004. We want to acknowledge that you have no comments on the DEA; however, six points were made relative to the design and construction phase of the project. Those points will be included in the Basis of Design that sets the groundwork for design-build proposals.

Mahalo for your interest in this project. If you have any questions or further comments, please contact Douglas Haigh, project manager, at 241-6650.

Sincerely,
KIMURA INTERNATIONAL, INC.



Glenn T. Kimura
President

Cc: Douglas Haigh, County of Kauai, Department of Public Works

1600 Kapiolani Blvd., Suite 1610
Honolulu, Hawaii 96814
Tel: (808) 944-8848 • Fax: (808) 941-8999

LINDA LINGLE
GOVERNOR OF HAWAII



GENEVIEVE SALMONSON
DIRECTOR

STATE OF HAWAII
OFFICE OF ENVIRONMENTAL QUALITY CONTROL

235 SOUTH BERETANIA STREET
HONOLULU, HAWAII 96813
TELEPHONE (808) 586-4185
FACSIMILE (808) 586-4186
F. MAIL: OEQC@HRS.STATE.HI.US

July 7, 2004

Ladye Martin
Department of Public Works
4444 Rice Street
Lihue, Hawaii 96766

Dear Ms. Martin:

Subject: Draft Environmental Assessment (EA)
Lydgate Park - Kapaa Bike-Pedestrian Path

We have the following comments to offer:

Paving: Hawaii Revised Statutes 103D-407 requires the use of recycled glass in paving materials whenever possible. For the text of this section of HRS contact our office for a paper copy or go to our website at <http://www.state.hi.us/health/oeqc/index.html>.

If you have any questions call Nancy Heinrich at 586-4185.

Sincerely,


GENEVIEVE SALMONSON
Director

c: Glenn Kimura



August 11, 2004

Ms. Genevieve Salmonson, Director
Office of Environmental Quality Control
235 South Beretania Street, Suite 702
Honolulu, HI 96813

Dear Ms. Salmonson,

Proposed Bike/Pedestrian Path, Lydgate Park to Kapa'a
Public Review of the Draft Environmental Assessment

Thank you for your comments on the proposed bike/pedestrian path, sent by letter dated July 7, 2004.

We appreciate your reminder regarding the use of recycled glass in paving materials. Following the environmental review process, we will be preparing a Basis of Design with preliminary specifications for the proposed pathway. This document will include a statement on the required use of recycled glass paving products.

Mahalo for your interest in this project.

Sincerely,
KIMURA INTERNATIONAL, INC.



Glenn T. Kimura
President

Cc: Douglas Haigh, County of Kauai, Department of Public Works

1600 Kapuhahua Blvd., Suite 1610
Honolulu, Hawaii 96814
Tel: (808) 944-8848 • Fax: (808) 941-8999



MEMORANDUM

TO: DOUG HAIGH, BUILDING DIVISION SUPERINTENDENT

FROM: LADYE H. MARTIN

VIA: CESAR C. PORTUGAL, P.E. WK

SUBJECT: LYDGATE PARK - KAPA'A BIKE/PEDESTRIAN PATH

CMAQ-0700 (49)

DATE: JULY 09, 2004

We reviewed the subject draft environmental assessment. We offer the following comments:

A. FLOOD:

1. The proposed bike path alignment along the shoreline is susceptible to flooding from the Pacific Ocean and its development and construction are subject to the County's flood plain management ordinance no. 630.
2. Specifically, fills are prohibited in the VE or coastal high hazard flood zone.
3. A No-Rise Determination is required for any encroachments in the floodway limits identified on the Federal Insurance Rate Maps (FIRM).
4. The lowest framing member of the cantilevered bike/ped. bridge off the existing cane haul road needs to be elevated at or above the determined base flood elevation. Based on Panel No. 140 D of the FIRM dated September 30, 1995 the flood zoning is a zone VE with a corresponding base flood elevation of 12 feet Mean Sea Level (MSL).

B. TRAFFIC:

1. The establishment of a one way traffic flow on Papalona Road and Moana Kai Road requires a traffic resolution. The traffic resolution will need to be approved by the County Council.
2. The midblock crossing at Haleliio Road also requires a traffic resolution. The midblock crossing should be located where there is adequate stopping sight distance and signed appropriately in accordance with the Manual on Uniform Control Devices (MUTCD). The area should be illuminated at the midblock crossing.

LYDGATE PARK-KAPA'A BIKE/PEDESTRIAN PATH CMAQ 0700(49)
 July 09, 2004
 Page 2

Thank you for this opportunity to provide our comments. We wish to remain on your distribution list on the filing of the draft EA. Should you have any questions, please feel free to contact Wallace Kudo of my staff at 241-6622 or Cesar Portugal at 241-6498.

Very truly yours,

CONCUR:

Wallace Kudo
 Cesar C. Portugal, P.E.
 Chief, Engineering Division

Ladye H. Martin
 LADYE H. MARTIN, ESQ.
 Deputy County Engineer

WK

cc: Design and Permitting Section



KIMURA INTERNATIONAL

August 11, 2004

Mr. Cesar C. Portugal, P.E.
Engineering Division
Kaua'i Department of Public Works
4444 Rice Street, Suite 175
Lihue, HI 96766

Dear Mr. Portugal,

Proposed Bike/Pedestrian Path, Lydgate Park to Kapa'a
Public Review of the Draft Environmental Assessment

Thank you for your comments submitted by memorandum dated July 9, 2004. In response to your comments on flooding, the bike and pedestrian path will be designed and built to comply with all applicable ordinances, regulations, and professional engineering standards related to construction in floodways and tsunami hazard zones. For roadway changes, council approval will be sought for the required traffic resolutions.

Project planners and engineers will continue to consult with your office as the pathway progresses to the more detailed design phase.

Mahalo for your interest in this project.

Sincerely,
KIMURA INTERNATIONAL, INC.

Glenn T. Kimura
President

Cc: Douglas Haigh, County of Kauai, Department of Public Works

1600 Kapulani Blvd., Suite 1610
Honolulu, Hawaii 96814
Tel (808) 944-8848 • Fax (808) 941-8999

Bryan J. Baptiste
Mayor



COUNTY OF KAUAI
Fire Department
Molokaa Building
4444 Rice Street, Suite 295
Lihue, Kauai, Hawaii 96766

July 2, 2004

Douglas Haigh
County of Kauai
Department of Public Works
4444 Rice Street, Suite 175
Lihue, HI 96766

Dear Mr. Haigh,

This is in response to Kimura International's Draft Environmental Assessment (DEA) regarding the Lydgate Park- Kapaa Bike /Pedestrian Path which you submitted to the Kauai Fire Department. The Bike Path that is proposed does present some concerns for the Fire Department.

Most of the coastline accesses parallel to the bike path are beaches that are unprotected/unguarded. The development of the bike path will increase the number of residents and visitors that frequent these areas. The increased use of these areas will also increase the amount of incidents.

The ability of the Fire Department to effectively respond to these incidents will be determined by the amount of access points made available and the width of the path. Narrowing of the path or sharp bends in the path will present challenges while responding to incidents. Any of these conditions will delay or restrict the rescue/response efforts.

It is important that the Fire Department be consulted during the design stage of the project so that these issues may be addressed.

Sincerely,

Russell Yee
Prevention Captain

Approved:

Dennis Furushima
Fire Chief

An Equal Opportunity Employer



Kimura International, Inc.
1600 Kapi'olani Blvd., Suite 1610
Honolulu, HI 96814-3806

LYDGATE PARK - KAPA'A BIKE/PEDESTRIAN PATH
DRAFT ENVIRONMENTAL ASSESSMENT

August 11, 2004

Russell Yee, Prevention Captain
County of Kauai Fire Department
4444 Rice Street, Suite 295
Lihue, HI 96766

Dear Captain Yee,

Proposed Bike/Pedestrian Path, Lydgate Park to Kapa'a
Public Review of the Draft Environmental Assessment (EA)

Thank you for your comments on the Draft EA submitted by letter dated July 2, 2004.

Safety has been a paramount concern in planning the bicycle and pedestrian path. Because the facility is located in an urbanized area or accessible from abutting development, we believe there will be adequate provision for emergency response throughout the project area. The Fire Department will be consulted for further input during the design-build stage of the project to ensure that the specific needs of your equipment and personnel are accommodated.

Mahalo for your interest in this project.

Sincerely,
KIMURA INTERNATIONAL, INC.

Glenn T. Kimura
President

Cc: Douglas Haigh, County of Kauai, Department of Public Works

The following provides comments of the Draft Environmental Assessment from:
James Alalein
Kabuu of Waihuanuih'o'ano, including all heiau within the
Waihuanui complex, including Ala Kukui heiau

The following is in a draft form at this time due to time constraints, and is also not organized in any particular form and therefore will touch upon various aspects of the EA report in somewhat random order.

- > The coastal areas of Waihuanui should not be the site of any construction, in particular on the sands of Waihuanui between the river to the present Sea Shell location, and to Kukui Heiau. The sands and coastal area of Waihuanuih'o'ano, from the Hikinaakala area to the Ala Kukui area encompasses an area that is unmatched in all of Hawaii for its sacredness, and spiritual and cultural significance to the Native Hawaiians of yesterday and today. The recognition and respect for this area should not be diminished by other normative ad nonlocal people, but it is apparent that this is lacking. A boardwalk system on the sands of Waihuanui bay would adversely impact and disrespect the iwi kupuna and these sacred ancestral grounds, not only through the construction processes, but also through the recreational usus on the path on this area.
- > Mayor Baptiste and those advocating the Kauai island bike path argue that there is a need to provide for "lateral beach access", so that this is maintained in perpetuity. They seem to have forgotten that the County of Kauai and the State of Hawaii have the responsibility of ensuring that traditional access routes are maintained under their jurisdiction for the purposes of ensuring that public access is maintained for generations now and in the future. This so-called "lateral access" concept guises the real issues and problems, and that is the lack of responsibility of the County, including the Administration, the County Council and the Planning Dept., in particular in allowing the sale and/or approval of permits of properties without ensuring that access routes that have been traditionally used by Native Hawaiians and local people for generations, are stable and maintained.

> The so-called "lateral access" of the Waihuanui-Waihuanui "segment" involves areas that we have lateral access to if desired, and have held for thousands of years. The development of a concrete path and boardwalk path on the shoreline, from a local perspective, limits access and interferes with the sociocultural patterns of the use of coastal areas. Lateral access provides a "boundary" in which local people who are using the area as we have for generations, need to cross in order to reach the sands. In many cases, the local access is further obliterated, destroyed or adversely impacted through a seemingly "low-impact" project. However, within this project, for example, what will

happen to those who want to reach the Wailua beach, and who normally park their cars on the north side of Wailua bridge or who park their cars near the old Sea Shell, with families and fishing gear? This was not addressed, and it seems as though again overlooked. Look at what happened at Kamalani bridge - did this feel-good project by some community members not negatively impact the local fishing traditions there.

- Again, the Kimura EA report states that "the proposed action will enable residents and visitors to access some of these places under conditions that are better controlled than they are at present. Beach access is a traditional part of the island lifestyle, supported by numerous laws, government regulations and court actions. Despite efforts to preserve mauka-makai and lateral accesses, as land is developed, it is sometimes difficult for members of the public to determine where the public lands are or where they can go without trespassing on private property. The path would indicate a clear travel way." (p. 2-4)
- WE DO NOT BELIEVE THAT EFFORTS TO PRESERVE MAUKA-MA KAI AND LATERAL ACCESSES HAVE BEEN DONE IN LEGAL, MORAL, ETHICAL MANNERS WHICH SHOULD BE THE CASE. WE DO NOT BELIEVE THAT THE PROPOSED ACTION WILL RESULT IN ACCESS UNDER CONDITIONS THAT MAY BE BETTER CONTROLLED. Your argument above is weak - and points to the fact that the County, and through its consultant group, Kimura International, Inc. attempts to displace where the responsibility lies to ensure mauka-makai accesses remain under the County of Kauai for the people of Kauai.
- From local perspectives, there have been almost no effort to preserve mauka-makai and lateral access in the natural states that we have enjoyed. We have the responsibility to protect the shoreline and sacred areas, under established Hawaii State laws, as well as Hawaiian spiritual laws which are unwritten codes of conduct we owe to our island, its ancestors, and the for generations to come.

When Mayor Baptiste, at the 7/1/04 meeting stated that lateral access is needed to protect access for generations to come, it is our perspective that he needs to step up to the task of not allowing mauka-makai accesses fall into the hands of mainland developers, private landowners and other outsiders. Mayor Baptiste and the Kauai County Council owe it to the people of Kauai and their own families to know that the most precious gift that they could bestow on future generations is to leave the land, in this case, the coastal Wailua beach / sands area ma kat of Kuhio Hwy. (across Coco Palms) to Kukui heiau, as it is into perpetuity.

- He Nani 'O Puna Mai 'O a 'O
- This 'olelo no'au refers to the immense beauty that is and makes up the Wailua area. The beauty of Kauai is reknown, the people of this island love and appreciate this beauty. Our ancestors appreciated this beauty, and so do those who come here to "discover" this, what we have known for countless generations. Yet, this process of constructing a coastal bikepath will certainly have a negative effect and forever change the character and natural beauty of the land.

➤ It is clear that the main purposes of the bike path are to enhance the visitor experience and to support economic development along the Wailua to Kapa'a coastline, as stated on page 2-4 regarding "support for the regions economic base". The report refers to how places with popular bike-paths and rail-to-trails have "found that their facility has contributed to entrepreneurial growth, as small businesses step in to offer bike rental and repair, refreshment sales, and related goods and services".

➤ The intentions of those supporting not only the Wailua segment, but the Kapa'a segment clearly are economic. The Kapa'a Business Association was largely consulted in the SSFA EA for the Kapa'a segment, and this is believed true concerning the present Kimura International - Wailua segment. An informed EA study should responsibly report more details of the involvement of such groups, their input to the EA (beside comments which can be found in the report). If they are a part of our community, and consulted with for the purpose of development of our precious coastline community, they should also be held accountable to the people of Kauai. It is clear that these people do not represent the social and cultural interest of our communities. These projects are here for two main purposes that are advocated, identified and developed for the bottom line economic development it will produce for them. The purpose of the path, again, is to generate business in the Kawaihau district, mainly by bringing more venues to the visitor experience.

➤ To this end, the report states that "a path through and around the resort area is expected to spur greater mobility and circulation throughout. Visitors will find it easier and likely more pleasant to stroll between their lodgings and shops and restaurants. Given the regional scope of the proposed path system and its scenic qualities, it could emerge as one of the island's leading visitor attractions. The bike/pedestrian path would add a new activity for visitors to experience, perhaps warranting an extension of their stay. Moreover, the path is consistent with the type of activities favored by the ecotourism market, and could help the local industry tap into this market."

➤ At the 7/1/04 meeting, Mayor Baptiste stated that the path would not be used to generate more economic development on the path --- this is not an assurance that is expected to remain true in years to come. We do not want another Waikiki or Lahaina here at Wailua.

➤ Why does the County of Kauai need to prioritize the addition of a "new visitor activity"? Isn't there enough? Isn't it enough that they are allowed to "ZIP" through our mountains, live on our shorelines, tour our majestic mountains in helicopters to the detrimental impact it has on locals and Native Hawaiians; isn't what they have enough??? When will it be enough? What the County of Kauai has done over the past 20 years, to the present has created an unhealthy social impact on the cultures here, they have created socio-psychological stresses to the local / and Native Hawaiian community and they have taken OUR ACCESSES AND GIVEN THEM TO THE VISITOR - and now, they want to also take the shoreline from Mana to Ha'ena.