

Mr. Robert Measel, Jr.  
DATE  
Page 2

environmental compliance requirements that would add years to the project time line. Because project funds are available now, and their future availability is less certain, the County made a decision to avoid all wetlands. The impact of this decision was to shift the alignment to the makai side of the north-south canal system and to avoid the floodplains on the mauka side.

**Land Needs and Constraints.** Because of interweaving through developed areas, Alternative 1 (shoreline path) and Alternative 2 (path along inland roads) were ruled out as inappropriate for bridle paths. This left sections of Alternative 3 (canal path) as a possible corridor for horseback riding. The follow-on issue was whether adequate space was available and, if land was available but in private ownership, whether it could be acquired.

A major obstacle along the north-south canal alignment is the Fernandez camp area, where the path threads through a narrow strip of land between the residences and the canal. There is not enough space for a bike/pedestrian path and a bridle path. A gap in the bridle path would leave one segment, measuring 3,000 feet (.57 mile) to the south from Wailua House Lots (near Bambuleit) to Fernandez camp, and another segment, measuring 800 feet (.15 mile) to the north from Fernandez camp to Pouli Road (Waipouli Shopping Center). The segment between Wailua House Lots and Fernandez camp is further impaired by a mid-block crossing across the temporary bypass road. These isolated segments are disconnected from other horse trails, and of seemingly diminished value to the equestrian community.

Other sections of Alternative 3 (canal path) discussed in the Draft EA were dropped from the preferred alignment. One section, along the boundary of the Natural Resources Conservation Service's wetlands restoration project, was deleted because of NRCS concerns. Another section, along the upper reaches of Waikaea Canal, was dropped as a cost-saving measure.

**Support Facilities.** Because any bridle path in the project area would not be an extension of an existing path or near stables, trail users would have to bring in their horses. At a minimum, this would require the construction of a new driveway and a parking lot/staging area for vehicles and horse trailers. The piecemeal segments discussed above do not seem to warrant the more extensive improvements needed. With other segments of Kc Ala Hele Makalae entering more rural areas, spending the funds in other areas, where a bridle path would have greater utility and connectivity seems advisable.

I offer these explanations from the perspective of our planning analysis. Of course, the County has the final say regarding the character and location of the project. We continue to believe that there will be opportunities to develop equestrian trails as the path network

Mr. Robert Measel, Jr.  
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Page 3

expands, especially in the mauka areas where earlier suggestions for these types of facilities were originally mapped and noted.

Sincerely,  
KIMURA INTERNATIONAL, INC.



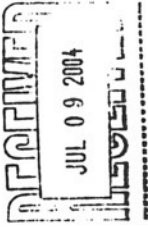
Glenn T. Kimura  
President

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

# BOB MIDDLETON

441 PAPALOA ROAD

KAPAA, KAUAI, HAWAII 96746



To: Kimura International Inc.  
From: Bob Middleton  
Date: July 07, 2004  
Page: 2 of 3

July 07, 2004

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

RE: Lydgate Park - Kapaa Bike/Pedestrian Path

Dear Kimura International:

I am a long term resident and business owner on Papaloa Road. I have children in college that spent many hours as toddlers frolicking at the beach and then later as teenagers fishing in the ocean in front of the Lae nani and Lani Kai condominiums. I have been at my Papaloa Road location full time since 1986, and have walked, jogged, swam, driven, etc. in this immediate area regularly. In other words, I am very, very familiar with the patterns of this immediate area. I have also studied the alternatives and have walked them recently in an effort to give you some third party insight. My input will be only for the area from the Wailua River through the Coconut Marketplace as that is the area that I am most familiar with. I do have considerable knowledge and background in the area just North of the Marketplace, but I will still focus my comments on this smaller area.

I am in favor of the Shoreline Path, Alternative 1, with some minor modifications. This entire bike path should follow the shoreline whenever possible. That is a benefit to both the tourists and to the residents.

- A. The bike path should traverse Makai of the Sea Shell Restaurant. The Sea Shell Restaurant is already too close to the Highway to go Mauka of it, and the southern intersection of Papaloa Road and the Highway is already too congested at the Shell Gas station location.
- B. The southern end of Papaloa Road SHOULD NOT be made into a one way street.

The stretch of Papaloa Road between the Highway and Lanikai Street is definitely a major hazard due to the width of the road being inadequate in combination with on-street parking on both sides of the street. The County of Kauai should have resolved this problem long ago by, at a minimum, of not allowing any on-street parking on one of the sides of Papaloa Road. It appears that the Shell Gas Station site has adequate

parking for the gas station only. However, there is a convenience store and a kayak rental/guide company also occupying the site which has added considerably to the on-street parking. Add to that the limited number of (tight) parking stalls at the adjacent Kinipopo Shopping Center and any overflow will swell to the on-street sites. The County has allowed for this end of Papaloa Road to almost become a mini parking lot for these property owners at the expense of the Public safety. By making Papaloa Road into a one way street it is a defacto taking of public street away from the public and giving an additional parking lot to the adjacent property owners without their paying for it.

- C. The bike path should head mauka (inland) between Hale Awapuhi and Kapaa Sands condos and then run parallel to Papaloa Road on the makai side of Papaloa Road until the Northern end of the Kauai Sands Hotel property where it touches the Coconut Marketplace (to run towards the ocean between the Kauai Sands Hotel and the Islander on the Beach). From that point the bike path should maintain its shoreline path until it reaches Mokihana of Kauai.

This means the bike path will not run between the ocean and the condominium developments of Kapaa Sands, Lani Kai and Lae nani or the Kauai Sands Hotel. The primary reason for this is to keep the bike path away from the Kukui Heiau. All efforts should be used to protect this sacred Hawaiian site, which has been abused considerably to date. I do not own any interest in any of these developments. Frankly, I am somewhat appalled at the Lae nani condominium management. They have signs on their pristine lawns stating that they are private property and there is no trespassing allowed. However, the pathway between the Lae nani condominiums and the Heiau is very worn, from the guests and owners of Lae nani that go to look at the ocean from the Heiau location. Lae nani should have placed signs on their own lawn facing their guests stating that they should not trespass over the Heiau, along with some informational signage describing the sanctity of the Hawaiian Heiau. I will not beat up on the Lae nani management too much, as I am aware that they do describe the Heiau some in their in-room literature. However, under this plan, the bike path would not be running on the makai side of these developments, so they (Kapaa Sands, Lani Kai, Lae nani and Kauai Sands Hotel) should

To: Kimura International Inc.  
From: Bob Middleton  
Date: July 07, 2004  
Page: 3 of 3

jointly agree to install/maintain some quality informational signage regarding the Heiau. Mayor Baptiste's statements at the Public Meeting #3 should be incorporated in this shoreline area between Kapaa Sands and the Kauai Sands Hotel, where some lateral sidewalks are installed along this portion of the shoreline, but just not the bike path. My rationale for having the bike path turn towards the ocean off of Papalooa Road at the property line between the Kauai Sands Hotel and the Coconut Marketplace is due to several reasons. 1) To run the bike path through the Kauai Sands Hotel parking lot would take away parking from that property and their parking lot is many times at a full capacity now. 2) Bikers could easily exit the bike path to go to the Coconut Marketplace to shop or go to the movies or whatever. 3) Less Hotel/Condo rooms are impacted within the corridor between the Kauai Sands Hotel and the Islander on the Beach, than any of the other alternatives.

Well that is my recommendation. I would be happy to meet with any of powers to be in these regards or to take additional walks along any of these routes and to discuss these issues that I have stated or any others that are under consideration.

Sincerely,



Bob Middleton

Cc: Honorable Brian Baptiste



August 11, 2004

Mr. Bob Middleton  
441 Papalooa Road  
Kapaa, HI 96746

Dear Mr. Middleton,

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

Thank you for your detailed comments sent by letter dated July 7, 2004. We want to acknowledge your preference for a bike path that follows Papalooa Road past the Kauai Sands Hotel, then along the shoreline to the Mokihana of Kauai. We also note your opposition to converting Papalooa Road into a one-way street.

Your comments are important to the County of Kaua'i and the environmental review process. 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



**Lydgate Park-Kapa'a Bike/Pedestrian Path**

Public Meeting #3  
Thursday, July 1, 2004

Name: MARSHALL MOCK  
Address: 5914 KAWAIHAU RD, KAPAA

**Comments:**

- ① IF THE PROJECT IS FOR TRANSPORTATION THE MAUKA ALTERNATIVE IS MOST FEASIBLE.
- ② ~~THE~~ ISN'T THERE ARCHAEOLOGICAL SENSITIVE BURIAL SITES <sup>DOWN</sup> SOUTH OF THE BULL SHED?
- ③ NO MENTION OF ANY STUDY IS IN THE EA
- ④ WHY IS NO MENTION OF THE PIERED WALK/BIKEWAY IN THE MAUKA ALTERNATIVE.
- ⑤ THE WAIHUA HOUSELOTS ALTERNATIVE ~~DOES~~ NOT SEEM TO BE NECESSARY.

August 11, 2004  
Mr. Marshall Mock  
5914 Kawaihau Road  
Kapaa, HI 96746

Dear Mr. Mock,

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

Thank you for your comments submitted at the public meeting on July 1, 2004. We want to acknowledge your preference for a mauka alternative as the most feasible transportation route. "Mauka alternative" is assumed to mean the "Inland Roadways" alignment or "Canal Path" alignment. We also note your comment that the Waihua House Lots alternatives appear unnecessary.

You mentioned that there is "no mention of any studies in the EA" related to "archaeological sensitive (burial sites/areas) south of the Bull Shed." However, the Draft EA identifies and discusses three burial areas identified as Sites 50-30-08-791, 50-30-08-1800, and 50-30-08-1801 in the State Historic Preservation Division's (SHPD) inventory system (see Figure 36). The County of Kaua'i and the Federal Highway Administration are preparing a Memorandum of Agreement pursuant to the National Historic Preservation Act that delineates protocols and mitigation measures that would be implemented if the selected alignment impacts any known burial area or results in the inadvertent discovery of human remains. The protocols will be determined in consultation with SHPD, Kaua'i Ni'ihau Island Burial Council, Office of Hawaiian Affairs, and other agencies.

Finally, you asked why there is "no mention of the piered walkway/bikeway in the mauka alternative." Piered pathways, also called boardwalks, were considered in areas with special ground conditions, such as sandy, rocky, and sloped areas. Boardwalks were not considered in the mauka areas of the project corridor where dry, flat conditions prevail.

Thank you. Please leave comments in the reception area, or take an addressed stamped envelope and mail by (postmark) July 8, 2004.

Kimura International, Inc. 1600 Kapiolani Boulevard, Suite 1610 Honolulu, HI 96814

Mr. Mock  
August 11, 2004  
Page 2

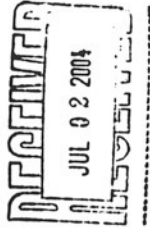
Your comments are important to the County of Kaua'i and the environmental review process. Mahalo for your interest in this project.

Sincerely,  
KIMURA INTERNATIONAL, INC.



Glenn T. Kimura  
President

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



QUESTIONS & COMMENTS ON:

DRAFT ENVIRONMENTAL ASSESSMENT ("DRAFT EA") PREPARED IN ACCORDANCE WITH STATE OF HAWAII EIS LAWS (HAWAII REVISED STATUTES, CHAPTER 343) AND EIS ADMINISTRATIVE RULES, TITLE 11, CHAPTER 200

In Response To:

State of Hawaii Office of Quality Control Environmental Notice

Dated: June 8, 2004

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

Dated: May, 2004

To: Douglas Haigh  
County of Kauai  
Department of Public Works  
4444 Rice Street, Suite 175  
Lihue, HI 96746

Submitted By:

JACK F MONDT, LANKAI CONDO 132, 390 PAPOLOA ROAD, KAPAA, HI, 96746

June 30, 2004

### Draft EA for Lydgate Park-Kapaa bike & pedestrian path phase

To locate, develop and construct the Lydgate Park-Kapaa bike & pedestrian path phase of the overall 23 mile bike & pedestrian path on the island of Kauai, three (3) alternatives have been proposed; namely,

- Alternative 1: Shoreline.
- Alternative 2: Inland Roadways and
- Alternative 3: Canal Path.

### QUESTIONS and COMMENTS

#### A. Transportation Enhancement (TE)

Why would Kauai County expend any more work or resources on Alternatives 1 and 3?

As reported in the subject EA, Alternative 2 is less costly, least costly to maintain, and easiest to access in case of an emergency. Alternative 2 requires no additional land acquisitions that Kauai County has to purchase. Alternative 2 creates no significant impact to the environment and meets the requirements for Federal Funding for TE. Therefore, Alternative 2 is the obvious selection for this project.

Finish the Final EA for Alternative 2 with a Finding of No Significant Impact (FONSI) and proceed with bids for a contract to design and construct.

How does Kauai County justify that Alternative 1 relates primarily to surface transportation and not recreation?

In 1991, the United States Congress passed the Intermodal Surface Transportation Efficiency Act (ISTEA). One of the most significant means through which ISTEA and its successor, the Transportation Equity Act for the 21st Century (TEA-21), promoted balanced, multi-modal transportation was through the creation of the "Transportation Enhancements (TE)" program. To comply with Federal guidelines for eligibility the decision makers must affirmatively answer the following two basic questions:

**First, is the proposed action one of the listed activities in the TE definition in 23 U.S.C. 107(a) (35)?**

**Second, does the proposed action relate to surface transportation?**

Therefore, federal funding for the Lydgate Park-Kapaa bike & pedestrian path may be in jeopardy. Alternative 1 relates primarily to recreation and not surface transportation. Alternative 1 is particularly suspected since there is already public access to this entire Alternative 1 shoreline.

**Why build a bike/pedestrian path which will change the environment, disrupt the archeology and affect the ecology?**

In accordance with federal regulations, all Transportation Enhancement projects must relate to surface transportation. Alternative 1 is marginal in its transportation relationship since Alternative 2 meets the requirements for TE, has no significant impact to the environment, archeology or ecology and is much less costly.

It is doubtful that Alternative 1 is principally for transportation. The Draft EA in the introduction states that Alternative 1 is recreational in nature.

- "Increased opportunities for recreation and physical fitness." (Draft EA, Paragraph 2.2., Project Purpose and Need, page 2-2).
- "The proposed path is needed to provide increased opportunities for outdoor recreation and fitness". (Draft EA, page 2-4).
- In discussing Alternative 3, the Draft EA states that "locating a transportation and recreation facility in conjunction with the canals is made all the more attractive because the waterways themselves are attractive and relatively clean." (Draft EA, page 4-43).
- The East side tourist market would also benefit from an attractive outdoor recreation amenity." (Draft EA, page 4-86).

The Inland Roadways route (Alternative 2) clearly satisfies the objective of enhancing transportation. The Inland Roadways route has a close relationship to Kuhio Highway and will serve a transportation purpose. As discussed in the Draft EA, the Inland Roadway route (Alternative 2) avoids potential significant environmental, archeological and ecological impacts.

**So what justification(s) does the State of Hawaii and/or Kauai County have that Alternate 1 Path's primary purpose is to enhance transportation?**

#### B. Project Costs

**Since Alternative 2 is the lowest cost and closest cost to the \$2M estimated for this project, why not select this alternative so that there is the best chance that the entire bike/pedestrian path can be completed within the estimated \$37M including the Kauai County \$7M?**

Alternative 1 has an estimated cost of \$2,803,000. I do not believe this estimated cost takes into account all the extra Engineering Design and Construction work that has to be included to protect the shoreline in front of the condos along Papaloa road and in front of the Bull Shed restaurant. I am a Mechanical and Nuclear engineer and have estimated costs for building power plants along the coast of California and Taiwan. To protect the environment the actual cost were more than double normal construction costs due to legal environmental delays and unsuspected environmental conditions once construction started.

My best estimate for Alternative 1 is \$3 to \$4M because of the environmental concerns with a shore line path.

It is also known that Alternative 1 cannot be completed until private property is acquired by the exercise of the Right of Eminent Domain. Since federal fund limits for the bike/pedestrian are known, it is of paramount importance that we know all costs associated with each Alternative.

Since battery powered wheel chairs are allowed why not battery powered bikes and scooters?

Motor bikes, scooters, and motor cycles create a safety hazard to pedestrians.

How will this safety hazard to pedestrians avoided?

Respectfully Submitted

*Jack F Mondt*

Jack F Mondt  
390 Papaloa Road, Condo 132  
Kapaa, HI 96746-1460

CC: File

Douglas Haigh, PE.,  
Chief, Building Division  
Department of Public Works  
County of Kauai  
4444 Rice Street, Suite 275  
Lihue, Kauai, Hawaii 96766-1340

Glen Kimura  
Kimura International, Inc.  
1600 Kapiolani Blvd, Ste #1610  
Honolulu, Hawaii 96814

Doug Meller  
TE Program Manager  
Highway Planning Branch  
Department of Transportation  
869 Punchbowl St.  
Honolulu, Hawaii 96813

Jonathan Young  
TE Program Contact  
FHWA HI Division  
Prince Jonah Kuhio Kalaniana'ole Federal Bldg.  
300 Ala Moana Blvd.,  
Room 3-306  
Honolulu, Hawaii 96850

Abraham Wong, Division Administrator  
Federal Highway Administration  
U.S. Department of Transportation  
300 Ala Moana Boulevard, Room 3306  
Honolulu, Hawaii's 96813

How much are the estimated yearly maintenance costs for each Alternative?

What are the differences in maintenance costs between Alternatives?

What would be the estimated cost to repair and clear Alternative 1 Bike/Pedestrian (B/P) after the first large winter storm?

#### C. Segmentation

The FHWA regulations on evaluating environmental impacts (23 CFR 771.111(f)) require the following to ensure meaningful evaluation of alternatives and to avoid commitments to transportation improvements before they are fully evaluated:

How are all the Bike/Pedestrian (B/P) path projects connected and how are the environmental matters addressed on a broad scope for the entire (B/P) path?

How is Alternative 1 B/P path usable as an additional transportation improvement in the area at a reasonable expenditure if the entire (B/P) path is not completed?

Is Alternative 2 B/P path usable as an additional transportation improvement in the area at a reasonable expenditure if the entire Bike/Pedestrian (B/P) path is not completed?

In developing the entire Bike/Pedestrian (B/P) path project through the stages of planning, environment, design, and construction, how has the project sponsor evaluated all the environmental concerns?

How has the entire Bike/Pedestrian (B/P) path project satisfied an identified need, such as future travel demands, public safety, rehabilitation, or economic development?

A problem of "segmentation" may occur where a transportation need extends throughout an entire corridor but environmental issues and transportation need are discussed for only one segment and not the entire B/P path project.

How will the environmental concerns for the entire B/P project be discussed in the Final EA?

#### D. Safety and Traffic Control

How or who is responsible for policing the Bike/Pedestrian (B/P)?

How does Kauai County keep motorcycles and or motor bikes off of the Bike/Pedestrian (B/P)?

How does Kauai County prevent battery operated bikes and/or scooters off of the Bike/Pedestrian (B/P)?



KIMURA INTERNATIONAL

Mr. Jack Mondt  
September 2, 2004  
Page 2

September 2, 2004

Mr. Jack F. Mondt  
Lanikai Condo, #132  
390 Papaloa Road  
Kapa'a, HI 96746

Dear Mr. Mondt,

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

Thank you for your letter dated June 30, 2004. Your comments will be reproduced verbatim in the Final Environmental Assessment. However, as planning consultant to the Kapa'i County Department of Public Works, we also have been asked to respond to questions and, where appropriate, summarize and clarify the comments made. Your comments are indicated by bullet points; responses are indented.

A. Transportation Enhancement (TE)

- Why would Kapa'i County expend any more work or resources on Alternatives 1 and 3? (p. 2)
- How does Kapa'i County justify that Alternative 1 relates primarily to surface transportation and not recreation? (p. 2)
- So what justification(s) does the State of Hawai'i and/or Kapa'i County have that Alternate 1 Path's primary purpose is to enhance transportation? (p. 3)
- First, is the proposed action one of the listed activities in the TE definition in 23 USC 101(a)(35)? (p. 2)
- Second, does the proposed action relate to surface transportation? (p. 2)

Actual funds for this project may come from any of several federal sources, of which the Transportation Enhancements (TE) fund is most well-known. Under the TE program, there are two requirements for funding eligibility: (1) a project must be one of 12 designated TE activities and (2) relate to surface transportation. Pedestrian and bicycle facilities are at the top of the TE activities list, where the thrust of the TE program is to fund a variety of non-traditional projects. Depending on the preferred route and how it is packaged, the project is likely to qualify under other categories of TE activities as well. Additionally, the project

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Honolulu, Hawaii 96814  
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must be "related to surface transportation"; the TE program does not require a project to be "primarily for transportation purposes." As discussed in pages 2-2 through 2-5, the shared use path fulfills several transportation objectives: by providing improved safety for pedestrians, bicyclists, and others using non-motorized modes of travel; increasing choices for those seeking alternative modes of travel; improving connections to popular destinations, and enhancing non-motorized access to natural areas (including access under the Americans with Disabilities Act).

The County of Kapa'i continues to evaluate Alternatives 1 and 3 because this project encompasses objectives other than the most efficient transportation route. Safety, as well as the scenic and aesthetic qualities of the travel experience, are also important considerations.

- Why build a bike/pedestrian path which will change the environment, disrupt the archaeology and affect the ecology? (p. 2)

The Draft EA has concluded that, while there may be adverse environmental and cultural impacts, they do not rise to the level of significance and substance indicated in the EIS Rules (Section 11-200-12 of the Hawai'i Administrative Rules). Based on the experts consulted and review comments received from various regulatory agencies, we have determined that, with appropriate impact minimization and mitigation measures, the project will not generate significant impacts.

B. Project Costs?

- Since Alternative 2 is the lowest cost and closest cost to the \$2M estimated for this project, why not select this alternative so that there is the best chance that the entire bike/pedestrian path can be completed within the estimated \$37M including the Kapa'i County \$7M? (p. 3)
- How much are the estimated yearly maintenance costs for each Alternative? (p. 4)
- What are the differences in maintenance costs between Alternatives? (p. 4)
- What would be the estimated cost to repair and clear Alternative 1 Bike/Pedestrian (B/P) after the first large winter storm? (p. 4)

For a variety of reasons (including limited space, land acquisition costs, safe routing, and environmental constraints), it is unlikely that the preferred route will coincide with one of the alternatives, exactly as presented in the Draft EA. What the cost estimates tell us is that cost is related to the length of the facility. The same can be said for maintenance costs. A key issue, therefore, is finding a route



of reasonable length that is safe, serves destination nodes within the project corridor, and provides users with an enjoyable experience.

C. Segmentation

- How are all the Bike/Pedestrian (B/P) projects connected and how are the environmental matters addressed on a broad scope for the entire (B/P) path? (p. 4)
- How is Alternative 1 B/P path usable as an additional transportation improvement in the area at a reasonable expenditure if the entire (B/P) path is not completed? (p. 4)
- Is Alternative 2 B/P path usable as an additional transportation improvement in the area at a reasonable expenditure if the entire Bike/Pedestrian (B/P) path is not completed? (p. 4)

The Lydgate-Kapa'a bike/pedestrian path is part of a longer facility, but is also a self-contained project. The connecting segment to the south (within Lydgate Park) is already completed. The connecting segment to the north (the Kapa'a-Kealia segment) is scheduled to start construction ahead of the Lydgate-Kapa'a segment. In the very unlikely event that the Kapa'a-Kealia segment does not move forward, there is an existing path that begins at Waika'ea canal. Thus, connectivity of the Lydgate-Kapa'a segment is not an issue.

More importantly, however, the County views the Lydgate-Kapa'a segment as a useful component of the urban infrastructure that facilitates circulation in and around the town and gives people more options for moving about. Even if the entire path (Nāwiliwili-Anahola) is not completed, the Lydgate-Kapa'a segment, on its own, satisfies these purposes.

- In developing the entire Bike/Pedestrian (B/P) path project through the stages of planning, environment, design, and construction, how has the project sponsor evaluated all the environmental concerns? (p. 4)
- How has the entire Bike/Pedestrian (B/P) path project satisfied an identified need, such as future travel demands, public safety, rehabilitation, or economic development? (p. 4)
- How will the environmental concerns for the entire B/P project be discussed in the Final EA? (p. 4)

The project sponsor documents and evaluates environmental concerns through written assessments and the Chapter 343/NEPA public review processes. A discussion of purpose and need is a standard part of each assessment. The Final EA will discuss environmental issues in terms of the preferred alignment. The Final EA will also include a discussion of secondary and cumulative impacts, in conformance with the NEPA format.

D. Safety and Traffic Control

- Who is responsible for policing the Bike/Pedestrian (B/P)? (p. 4)

As in any public facility, there must be several levels of "policing." First, users individually are expected to obey posted rules and regulations. Second, a community of users typically emerges, establishing a set of norms and acceptable conduct through example and social interaction. Third, unlawful behavior is the jurisdiction of the County police force.


- How does Kaua'i County keep motorcycles and or motor bikes off of the Bike/Pedestrian (B/P)? (p. 4)
- How does Kaua'i County prevent battery operated bikes and/or scooters off of the Bike/Pedestrian (B/P)? (p. 4)
- Since battery powered wheel chairs are allowed why not battery powered bikes and scooters? (p. 5)
- Motor bikes, scooters, and motor cycles create a safety hazard to pedestrians. How will this safety hazard to pedestrians be avoided? (p. 5)

Bicycles, mopeds, and motorcycles are considered vehicles under the traffic code and riders are subject to applicable rules of the road. Wheelchairs are not.

The statewide traffic code (Chapter 291, HRS) allows counties to enact ordinances that prevent people from riding bicycles equipped with a motor on bicycle lanes and bicycle paths.

Your comments are important to the County of Kaua'i and the environmental review process. Mahalo for your interest in this project.

Sincerely,  
KIMURA INTERNATIONAL, INC.



Glenn T. Kimura  
President

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

**From:** Doug Haigh [dhaigh@kauaigov.com]  
**Sent:** Friday, July 09, 2004 4:09 PM

**Subject:** FW: We just received the comment card

Douglas Haigh P.E.  
Chief, Building Division  
808-241-6650, dhaigh@kauaigov.com

-----Original Message-----  
**From:** Jennifer Nicolai [mailto:JenniferNicolai@comcast.net]  
**Sent:** Friday, July 09, 2004 1:50 PM  
**To:** dhaigh@kauaigov.com  
**Subject:** Fw: We just received the comment card

Thank you, here is what i wrote.

----- Original Message -----  
**From:** Jennifer Nicolai  
**To:** stefan@hawaiian.net  
**Sent:** Wednesday, July 07, 2004 3:39 PM  
**Subject:** We just received the comment card

We do NOT want a bike path across our property at Wailua Bayview. There are just a few feet between the building and the outer edge of the lawn. I think a bike path would be aesthetically displeasing and extremely obstructive and destructive to the small existing lawn area and surrounding landscaped property. We do not want to clean up discarded refuse. The first floor guests, owners and lucrative tourists would have absolutely no privacy and a greater sense of fear of intrusion. I cannot imagine any way to design the path across the 20 or so feet available that would not lend to a strip mall visual effect. A side from normal path maintenance the path would likely increase the rate of erosion across the particular stretch.

However, we do like the idea of a bike path on the existing road, Papaloa. It seems to make sense economically, physically (to bikers and walkers due to the incline and the limited property) and aesthetically. Papaloa is a quiet safe street perfect for walkers and bikers and leads directly to the coconut plantation- a great spot to shop and have lunch.

A bike path cost money and does not increase revenues. In fact it will deter guests from returning to a heavily trafficked location and remain a constant liability.

Jennifer Nicolai  
510-547-1396 Office  
415-515-1230 Mobile

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DATE

Ms. Jennifer Nicolai  
JenniferNicolai@comcast.net

Dear Ms. Nicolai,

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

Thank you for your comments sent by email dated July 9, 2004. We want to acknowledge your opposition to the bike/pedestrian path along the shoreline and support for a path along Papaloa Road.

Your comments are important to the County of Kaua'i and the environmental review process. Mahalo for your interest in this project.

Sincerely,  
KIMURA INTERNATIONAL, INC.

Glenn T. Kimura  
President

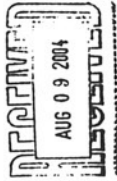
Cc: Douglas Haigh, County of Kauai, Department of Public Works



**KAUAI NURSERY & LANDSCAPING, INC**

3-1550 Kaunuaui Highway, Lihue HI 96766  
Phone: (808) 245-7747 / Fax: (808) 245-9289

Contractor's License No.: ABC-10825 E-mail: [knl@gte.net](mailto:knl@gte.net)



Tuesday, August 03, 2004

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

Dear Mr. Kimura:

Kauai Nursery & Landscaping, Inc. wish to state our qualified support for the proposed Lydgate-Kapa'a Bike/Pedestrian Path project. From attending the three public input and scoping meetings you held recently, we concluded that portions of the coastal path through Kapa'a and Waipouli will meet with certain heavy opposition. While we support the concept of having full coastal access for all of Kauai's residents, we believe that "lighting" to implement such a controversial route may be better left for another day. Rather than promoting a preferred route, the EA should provide a more balanced discussion of the alternatives.

Diverting the bike path mauka through the inland canals as shown in your Alternative 3 (Canal Path) presentation would be a better choice for the following reasons:


1. Provide a visually appealing journey with mountain and canal views unobstructed by buildings and vehicles;
2. Can be developed without screening or additional structural reinforcement requirements;
3. Can be developed with much less public opposition;
4. Facilitate possible future economic development opportunities along the currently under-utilized canal ways.

Community interest for this alternative was strong throughout the three meetings. In the final meeting, you stated that all alternate routes would be given equal consideration in the EA; the County of Kauai would then be responsible for selecting the appropriate route. We believe that this route should be given the strongest consideration.

Another issue that we would like to bring up is the absence of equestrian use on the draft EA. The first public input and scoping meeting produced attendee-inspired equestrian paths along the canal ways, extending through the Waihua Households perimeter. Connecting Waihua Homesteads through the Sleeping Giant trail was also proposed by attendees. This interest in incorporating an equestrian path extended into the second meeting, where further discussions of possible equestrian path connections to the Kawaihau community and the proposed Kapa'a-Kealia path. We have not seen this community interest fully translated into the EA.

Two final suggestions that were brought up by attendees at the meetings were feeder routes to Kuamoo Road and Waihua Marina. The feeder to Kuamoo Road would link the coastal path to an already existing bike path up to Waihua Homesteads; the feeder to Waihua Marina would connect the bike path to a popular tourist and local destination. Interest for these feeder routes were made clear at the first two meetings, however, they do not appear as alternatives in the EA.

In presenting our concerns to you, we are hoping that you will be able to amend your work to include our comments. We were under the impression that the final EA would include all community input from the three meetings. Although the deadline for the EA comment period is past, we hope that you will somehow see that our concerns over the final EA are at least documented. Not including the full voice of these community meetings would be a very serious mistake. We hope that you will be receptive of our position.

Sincerely,  
  
Lelan Nishek  
President



August 13, 2004

Mr. Lelan Nishek, President  
Kauai Nursery & Landscaping, Inc.  
3-1550 Kaunuaui Highway  
Lihue, HI 96766

Dear Mr. Nishek,

**Proposed Bike/Pedestrian Path, Lydgate Park to Kapa'a**

Thank you for your letter dated August 9, regarding the inclusion of equestrian or bridle paths within the preferred project alignment. In developing plans for a shared use path, we operated under the assumption that the facility should serve the widest range of possible users. Members of the Ke Ala Hele Makalae Committee have been a consistent source of support and ideas for this project. We have appreciated this input and tried to incorporate them in order to increase the project's value to the community.

At the same time, we have collected information and feedback from government agencies and private groups and individuals through the environmental assessment process, and, over time, have gained a more realistic understanding of what is feasible. In balancing desires and constraints, the equestrian element was found to be inappropriate for the largely urban conditions present in the Kapa'a segment. I want to review four factors that influenced this determination.

**Project Purpose.** A primary purpose of the Lydgate Park to Kapa'a segment was to accommodate alternative modes of transportation. Given the urban context of the project corridor, a key objective was to make it easier and safer for people to get to the places they want to go to without using automobiles. The facility was seen as a particularly important asset for children, seniors, and physically handicapped persons. While these users are not necessarily incompatible with horse riders, it highlighted the need for adequate separation between user groups.

**Wetlands.** Early in the environmental assessment process, we considered locating the path through wetlands that are prevalent mauka of Waipouli and Kapa'a. The image of boardwalks as an ecologically sensitive way to enjoy wildlife habitat was an appealing one. However, we learned that any intrusion into wetlands would trigger additional

Mr. Lelan Nishek  
August 13, 2004  
Page 2

environmental compliance requirements that would add years to the project time line. Because project funds are available now, and their future availability is less certain, the County made a decision to avoid all wetlands. The impact of this decision was to shift the alignment to the makai side of the north-south canal system and to avoid the floodplains on the mauka side.

**Land Needs and Constraints.** Because of interweaving through developed areas, Alternative 1 (shoreline path) and Alternative 2 (path along inland roads) were ruled out as inappropriate for bridle paths. This left sections of Alternative 3 (canal path) as a possible corridor for horseback riding. The follow-on issue was whether adequate space was available and, if land was available but in private ownership, whether it could be acquired.

A major obstacle along the north-south canal alignment is the Fernandez camp area, where the path threads through a narrow strip of land between the residences and the canal. There is not enough space for a bike/pedestrian path and a bridle path. A gap in the bridle path would leave one segment, measuring 3,000 feet (.57 mile) to the south from Wailua House Lots (near Bambule) to Fernandez camp, and another segment, measuring 800 feet (.15 mile) to the north from Fernandez camp to Pouli Road (Waipouli Shopping Center). The segment between Wailua House Lots and Fernandez camp is further impaired by a mid-block crossing across the temporary bypass road. These isolated segments are disconnected from other horse trails, and of seemingly diminished value to the equestrian community.

Other sections of Alternative 3 (canal path) discussed in the Draft EA were dropped from the preferred alignment. One section, along the boundary of the Natural Resources Conservation Service's wetlands restoration project, was deleted because of NRCS concerns. Another section, along the upper reaches of Waikaea Canal, was dropped as a cost-saving measure.

**Support Facilities.** Because any bridle path in the project area would not be an extension of an existing path or near stables, trail users would have to bring in their horses. At a minimum, this would require the construction of a new driveway and a parking lot/staging area for vehicles and horse trailers. The piecemeal segments discussed above do not seem to warrant the more extensive improvements needed. With other segments of Ke Ala Hele Makalae entering more rural areas, spending the funds in other areas, where a bridle path would have greater utility and connectivity seems advisable.

I offer these explanations from the perspective of our planning analysis. Of course, the County has the final say regarding the character and location of the project. We continue to believe that there will be opportunities to develop equestrian trails as the path network

Mr. Lelan Nishek  
August 13, 2004  
Page 3

expands, especially in the mauka areas where earlier suggestions for these types of facilities were originally mapped and noted.

Sincerely,  
KIMURA INTERNATIONAL, INC.



Glenn T. Kimura  
President

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



July 4, 2004

Mr. Douglas Haigh  
Kauai Dept. of Public Works  
4444 Rice Street, Suite 175  
Lihue, HI 96766

Jerry and Jeanie Paukert  
8021 N. Hughes Drive  
Spokane WA 99208

Dear Mr. Haigh,

My wife and I are retired and spend 3 to 4 weeks each winter at the Kapaa Sands condominium. We have found the natural serenity and beauty of Papaloa Bay nowhere else in our travels. It is an area where we have privacy yet still observe the local fishermen on the reef and the local children playing in the pool behind the reef. We can watch a family of sea turtles, in their natural habitat, off the rocks of the bluff above the bay. We can watch a monk seal swimming across the bay to beach itself on the sand behind the Kukui Heiau. We enjoy watching the surfers and the outrigger racers from our lanai.

We realize that the construction of a bike/multi-use path between the resort and the beach will adversely affect our privacy but our concern goes beyond this fact. We understand that 2 of the three options proposed for the path are to traverse the bluff in front of the Waihua Bay View, Hale Awapui, Kapaa Sands, and Lani Kai condominiums. It is obvious that construction of an elevated platform of some kind will be necessary. This type of construction will negatively affect the natural beauty of the bay and could contribute to erosion of the bluff. The first two options will also bring bicycle, rollerblade, and skateboard traffic to the boundary of the Kukui Heiau.

For all the reasons stated above plus the savings of construction costs, we urge you to support the third option for the path along Papaloa road away from the bluff and the Kukui Heiau.

Sincerely,

Jerry and Jeanie Paukert  
Spokane, WA



August 11, 2004

Jerry and Jeanie Paukert  
8021 N. Hughes Drive  
Spokane, WA 99208

Dear Mr. and Mrs. Paukert,

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 dated July 4, 2004. We want to acknowledge your preference for a path along Papaloa Road away from the coastal bluff and Kukui Heiau.

Your comments are important to the County of Kauai and the environmental review process. 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



**From:** Dale [edcra@aloha.net]  
**Sent:** Wednesday, August 04, 2004 10:52 AM  
**Subject:** Ke Ala Hele Makalae

Aloha

We have just been informed of the preferred route for the section of Ke Ala Hele Makalae that will go between Lydgate Park and Kealia. I notice that there is no current consideration for horse trails on the inland sections, and those of us with horse interests are sure we requested that in a mapping exercise done at the Middle School. I have been vocal at every meeting about horse use, saying that we will not expect to be in front of the hotels/condos, but if an inland route is chosen, we want to be there. Please look into this, it is important we not lose the rural character of our island.

Specifically we are wanting horse access from Sleeping Giant down the ag road abutting Bette Midler's property and along the canals, and when the next phase is planned we could connect to Kealia. This would allow us to ride from Wailua Homesteads eventually up to Anahola.

Please respond to this, I know it is past the comment period but the preferred route was not announced until after the comment period was over.

Mahalo.

--  
Dale Rosenfeld  
Esprit De Corps Riding Academy  
www.kauaihorses.com  
riding@kauaihorses.com  
808-822-4688 phone  
808-822-2309 fax  
PO Box 269  
Kapaa, HI 96746

August 13, 2004

Ms. Dale Rosenfeld  
Esprit De Corps Riding Academy  
P.O. Box 269  
Kapaa, HI 96746

Dear Ms. Rosenfeld,

Proposed Bike/Pedestrian Path, Lydgate Park to Kapa'a

Thank you for your letter dated August 9, regarding the inclusion of equestrian or bridge paths within the preferred project alignment. In developing plans for a shared use path, we operated under the assumption that the facility should serve the widest range of possible users. Members of the Ke Ala Hele Makalae Committee have been a consistent source of support and ideas for this project. We have appreciated this input and tried to incorporate them in order to increase the project's value to the community.

At the same time, we have collected information and feedback from government agencies and private groups and individuals through the environmental assessment process, and, over time, have gained a more realistic understanding of what is feasible. In balancing desires and constraints, the equestrian element was found to be inappropriate for the largely urban conditions present in the Kapa'a segment. I want to review four factors that influenced this determination.

**Project Purpose.** A primary purpose of the Lydgate Park to Kapa'a segment was to accommodate alternative modes of transportation. Given the urban context of the project corridor, a key objective was to make it easier and safer for people to get to the places they want to go to without using automobiles. The facility was seen as a particularly important asset for children, seniors, and physically handicapped persons. While these users are not necessarily incompatible with horse riders, it highlighted the need for adequate separation between user groups.

**Wetlands.** Early in the environmental assessment process, we considered locating the path through wetlands that are prevalent mauka of Waipouli and Kapa'a. The image of boardwalks as an ecologically sensitive way to enjoy wildlife habitat was an appealing one. However, we learned that any intrusion into wetlands would trigger additional

environmental compliance requirements that would add years to the project time line. Because project funds are available now, and their future availability is less certain, the County made a decision to avoid all wetlands. The impact of this decision was to shift the alignment to the makai side of the north-south canal system and to avoid the floodplains on the mauka side.

**Land Needs and Constraints.** Because of interweaving through developed areas, Alternative 1 (shoreline path) and Alternative 2 (path along inland roads) were ruled out as inappropriate for bridle paths. This left sections of Alternative 3 (canal path) as a possible corridor for horseback riding. The follow-on issue was whether adequate space was available and, if land was available but in private ownership, whether it could be acquired.

A major obstacle along the north-south canal alignment is the Fernandez camp area, where the path threads through a narrow strip of land between the residences and the canal. There is not enough space for a bike/pedestrian path and a bridle path. A gap in the bridle path would leave one segment, measuring 3,000 feet (.57 mile) to the south from Wailua House Lots (near Bambulele) to Fernandez camp, and another segment, measuring 800 feet (.15 mile) to the north from Fernandez camp to Pouli Road (Waipouli Shopping Center). The segment between Wailua House Lots and Fernandez camp is further impaired by a mid-block crossing across the temporary bypass road. These isolated segments are disconnected from other horse trails, and of seemingly diminished value to the equestrian community.

Other sections of Alternative 3 (canal path) discussed in the Draft EA were dropped from the preferred alignment. One section, along the boundary of the Natural Resources Conservation Service's wetlands restoration project, was deleted because of NRCS concerns. Another section, along the upper reaches of Waikaea Canal, was dropped as a cost-saving measure.

**Support Facilities.** Because any bridle path in the project area would not be an extension of an existing path or near stables, trail users would have to bring in their horses. At a minimum, this would require the construction of a new driveway and a parking lot/staging area for vehicles and horse trailers. The piecemeal segments discussed above do not seem to warrant the more extensive improvements needed. With other segments of Ke Ala Hele Makalae entering more rural areas, spending the funds in other areas, where a bridle path would have greater utility and connectivity seems advisable.

I offer these explanations from the perspective of our planning analysis. Of course, the County has the final say regarding the character and location of the project. We continue to believe that there will be opportunities to develop equestrian trails as the path network

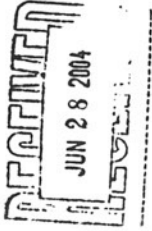
expands, especially in the mauka areas where earlier suggestions for these types of facilities were originally mapped and noted.

Sincerely,  
KIMURA INTERNATIONAL, INC.



Glenn T. Kimura  
President

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



Date: June 24, 2004

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

From: Jeanne M. Ross  
POB 1704  
Kapaa, HI 96746

Cc: Glenn Kimura  
Kimura International, Inc.  
1600 Kapiolani Boulevard, Suite 1610  
Honolulu, HI 96814

RE: Lydgate Park -Kapa'a Bike/Pedestrian Path

I am a resident of Kapaa and do not own a vehicle. My major modes of transportation are walking and biking, mostly walking since there aren't many safe areas for biking.

I am in favor of a bike path but I am not in favor of placing a cement pathway along the shoreline. There is beauty all around you on this island and I don't feel it's necessary to destroy that beauty along the beach when there are alternate routes with scenic views that will not be marred by a cement path and whatever construction is necessary to place the path along the shore. The Lydgate Park Path already parallels the shoreline.

I also feel that an increase of activity so close to the beach would endanger the monk seals that you see frequently along this shoreline.

July 2, 2004

Ms. Jeanne M. Ross  
P.O. Box 1704  
Kapaa, HI 96746

Dear Ms. Ross,

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

Thank you for your letter dated June 24, 2004. We want to acknowledge your support for a bike/pedestrian path that is located away from the shore.

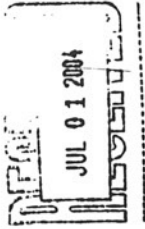
Your comments are important to the County of Kaua'i and the environmental review process. Mahalo for your interest in this project.

Sincerely,  
KIMURA INTERNATIONAL, INC.

Glenn T. Kimura  
President

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





*Only the beach path (#1) opens access of the  
Kauai Bike Path public comment period ends July 8, 2004,  
Shoreline to the public - this is my  
The County owned shoreline is one of 3 alternative pedestrian/bicycle  
pathways routes being considered. preference*

This pathway runs by 8 condos and hotels between the old Seashell Restaurant at Waialua Bay and the Beachboy in the Coconut Marketplace.

The beach and its lawns are used primarily by owners and guests of condos located along the coast.

*Stefan Schweitzer*

*80 X Lihue, HI 96741*

Some condo owners contend this pathway would be intrusive to them. The project, advocated by the Mayor, is expected to significantly enhance recreational opportunities for the Lihue and Kapaa areas, the most densely populated areas on the island.

The above is from The Garden Island newspaper p. 1 6/27/04.

Currently some of these shoreline areas are difficult to get to and have restricted access and signage.

These owners certainly purchased knowing the County owned shoreline was there.



August 11, 2004

Mr. Stefan Schweitzer  
P.O. Box 1011  
Kalaheo, HI 96741

Dear Mr. Schweitzer,

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. We want to acknowledge your preference for Alternative 1, which opens access of the shoreline to the public.

Your comments are important to the County of Kauai and the environmental review process. 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

From: jmsone@verizon.net  
Sent: Thursday, July 08, 2004 3:27 PM  
To: projects@kimurainternational.com  
Subject: Lydgate Park - Kapa'a Bike/Pedestrian Path

Hi - Thank you for the opportunity to provide comment to the proposed Lydgate Park - Kapa'a Bike/Pedestrian Path. Although, the bike path does affect many areas, the bulk of my comments apply to the Houselots and the Wailua coastal segments.

Thanks,  
Jimmy Sone  
370 Laaukea place  
Kapaa, HI 96746  
808-822-1688 Home  
808-241-5052 Bus  
jmsone@gte.net  
\*\*\*\*\*

SEGMENT E - Wailua Houselots

Preference:

=====  
Haleiilo Road Alternative

Discussion:

=====  
Presently, Haleiilo Road is well used by pedestrians, joggers and bicyclists. Further, these are parents who take their infants in strollers for walks along the road. Often time these users are older citizens out for some exercise, or young children. Because there is no sidewalk, though, these users will use the roadway rather than the shoulder. Bicyclists find it difficult to traverse along the muddy, uneven, or overgrown shoulders. Parents with strollers have the same difficulty, as well as pedestrians. Motorists must therefore swing into the oncoming lane to avoid the pedestrian/bicyclist. Clearly, this is a safety issue for both motorists and the pedestrian/bicyclist.

Haleiilo Rd. also sees increased use from the typical residential feeder road because there are so many amenities along Kuhio Highway at the origin of Haleiilo Road which are within walking distance. Pedestrians use the road to get to TCBY, local restaurants, the Wailua Shell Convenience Store, Kinipopo Shopping Village, Wailua Beach, the movie theatres and the Plantation Marketplace.

Summary:

=====  
The Haleiilo Road alternative is more favorable over the North side alternative because:  
1. SAFETY. Motorists and pedestrians/bicyclists will benefit with increased safety. Many pedestrians and bicyclists will continue to travel on Haleiilo Rd. The proposed path will provide increased safety since there is less likelihood of a conflict.

2. INCREASED USE. Pedestrians/bicyclists may not utilize the North side alternative because there are insufficient connections to Haleiilo and the route will increase the travel time. In many cases, users will have to travel mauka or makai along Haleiilo Rd. just to reach the connector road. Invariably, many users will simply stay on Haleiilo Road rather than waste time or increase their travel distance.

SEGMENT A - WAILUA

Preference:

=====  
Coastal alternative.

Discussion:

=====

I walked along the coastline from the Seashell Restaurant to Mokihana of Kauai. Although, there are some engineering and construction challenges between the Seashell and Lae Nani, this is the best choice. It is scenic, provides coastal access, there is adequate space, and it provides an opportunity to correct the presently undesirable situation of walking through the Heiau at Lae Nani.

It was disconcerting to find that Lae Nani had fenced their property on the North side forcing people to actually walk through the heiau. Although, they may have a legal right to do so, it ignores the cultural significance of the site as well as contributes to its further deterioration. The coastal alternative gives correction to this undesirable situation the most likelihood of succeeding.

For exercise, I walk along Papaloa Rd. and take the beach access right of way between Lae Nani and Kauai Sands to get to the coastal path. However, if there were a coastal path between Seashell and Lae Nani, there's no doubt that the coastal path would be the one to use for its scenic quality and coastal access.

I have also used the existing path at Lydgate park, and agree if it is technically and environmentally feasible, to connect the existing path on the makai side to the existing path on the mauka side by locating a new path somewhat contiguous with the Northern boundary of the existing Aloha Beach Resort Property.

SEGMENT D - Coconut Plantation

Preference:

=====  
Coastal alternative, but go mauka of Mokihana of Kauai.

Discussion:

=====  
There does not seem to be sufficient space fronting the Mokihana of Kauai Time Share and the Bullshed restaurant. It might be more workable to circumvent that area by locating the path mauka of Mokihana of Kauai, and makai of Village Manor condos. The route will require a new bridge crossing over Uhelekawawa Canal, but this would be a good thing as it'll provide alternative pedestrian use for those who walk or ride bikes along Kuhio Highway.



August 11, 2004

Mr. James Sone  
370 Laaukea Place  
Kapaa, HI 96746


Dear Mr. Sone,

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

Thank you for your detailed comments sent by e-mail on July 8, 2004. We want to acknowledge your preference for a bike/pedestrian path on Haleiilo Road through Waihua House Lots and the shoreline alternative for the Lydgate Park to Kapaa segment. We also note your recommendation to align the path mauka of Mokihana of Kauai and the Bull Shed Restaurant.

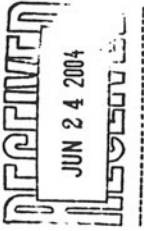
Your comments are important to the County of Kauai and the environmental review process. Mahalo for your interest in this project.

Sincerely,  
KIMURA INTERNATIONAL, INC.

  
Glenn T. Kimura  
President

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

35 Ontare Road  
Arcadia, CA 91006  
Jun 22, 2004



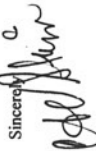
Mr. Douglas Haigh  
Kauai Department of Public Works  
4444 Rice Street, Suite 175  
Lihue, HI 96766

Dear Mr. Haigh:

We have just received a letter from Kimura International, Inc. concerning the proposed Lydgate Park-Kapa'a Bike/Pedestrian bike path meeting to be held July 1, 2004. Although the letter and postmark were both dated Jun 8, 2004, we just received it. Snail Mail no doubt and a slow one at that.

Unfortunately, we, like many other interested owners at Lae nani, will not be able to attend the meetings but am furnishing you a copy of our original letter to Mr. Kimura and our sentiments have not changed in the slightest. In fact, the more we hear and read about it the more it seems to become a very expensive project for the enjoyment it may provide. There seem to be so many variables being discovered with each passing day.

I attended a city council meeting on April 29 as a representative of Lae nani and expressed our thoughts that we were not opposed to a bike path but we were definitely concerned about its route. I also mentioned I hoped those who would be making the decision would approve a route where the taxpayers would "get the most bang for their buck" taking all things into consideration.

Sincerely,  


Charles and Virginia Stein

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

RECEIVED  
JUN 24 2004  
KIMMURA



KIMURA INTERNATIONAL

March 19, 2004

Dear Mr. Kimura:

We are the owners of a condo at Lae nani Condos, 410 Papaloa Road, in Kapaa and, in recent days, we have been receiving much information about the proposed bike/walking path which is being considered from its present terminus near Lydgate Park, through the Wailua Bay area and on to Kapaa. Unfortunately, we have not been able to attend any of the meetings so we have only second hand information on which to draw our conclusions. Sometimes this type of information cannot be relied upon, but, we do have two concerns: The monk seals and the route of the path.

One of our frequent visitors is the monk seal, who, on occasion, chooses our particular part of the shoreline to wander in at his (or her) leisure, stay maybe a day or two, and suddenly, like he arrived, disappears into the deep. One of our owners has accepted the task of protecting said seals and provides the "yellow ribbon" around an area 100-150 feet for its protection. From what we have heard, the bike path will not only be trespassing on the seal's "domain", but, of necessity, would have to be closed during the seal's visit. This could cause quite a problem since the seals are extremely sensitive to human activity. To help protect the species, it is important to enjoy the monk seals from a distance to give them the solitude they need to survive. The latest survey indicates their population to be 1200 to 1500, and declining. They are not only federally protected but also protected under the Hawaiian Island National Wild Life Refuge Act. We would certainly not want to be the cause of any violation of these acts.

Not having seen the proposed path along the seashore, I find it hard to believe there will be an attempt to skirt the rocky shore behind the Wailua Bay View Condo, the Kauai Sands, Hale Awapuli, and behind Lanikai, unless they intend to build a path on pilings. Such a plan would be a tremendous strain on the budget.

The use of Papaloa Road, we understand, has been proposed as a one-way road Northbound which seems to be quite logical. Although it is only a two-lane road, one side could be designated as a "bike path" which would skirt all the above mentioned properties, come in to the Coconut Market Place common area and from there on northward. I feel this plan would be a considerable saving, in dollars, for the future extension of the path. This would also be an economic help to the merchants in the market place.

Undoubtedly, you have been inundated with questions, comments, and suggestions so will not take more of your time.

Very truly yours,

Mr. and Mrs. Charles Stein  
35 Ontare rd.  
Arcadia, CA 91006

E-Mail chazngin@earthlink.net

July 2, 2004

Mr. and Mrs. Charles Stein  
35 Ontare Road  
Arcadia, CA 91006

Dear Mr. and Mrs. Stein,

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 also note your reference to additional comments expressed in a letter dated March 19, 2004. We want to acknowledge your concern for monk seals and their occasional use of Papaloa Cove. We also note your support for a bike/pedestrian path along Papaloa Road.

Your comments are important to the County of Kaua'i and the environmental review process. 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 Kapiolani Blvd., Suite 1610  
Honolulu, Hawaii 96814  
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**COMMENTS ON:**

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

**In Response To:**

State of Hawai'i  
Office of Quality Control Environmental Notice  
Dated: June 8, 2004

**To:**

County of Kaua'i  
Department of Public Works  
4444 Rice Street, Suite 175  
Līhu'e, HI 96746  
Attn: Douglas Haigh

**Submitted By:**

Lae nani, Lanikai, Kapa'a Sands and Hale Awapuhi Resort Condominiums  
Papaloa Road, Kapa'a, Kaua'i, Hawai'i

**Postmarked:**  
July 7, 2004

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**SUMMARY**

To locate, develop and construct the Lydgate Park-Kapa'a bike/pedestrian path phase of the overall 23 mile bike/pedestrian path on the island of Kaua'i three (3) alternatives have been proposed; namely, Alternative 1: Shoreline, Alternative 2: Inland Roadways and Alternative 3: Canal Path.

The following comments are primarily directed to the .25 mile portion of Alternative 1, beginning from the makai side of the Sea Shell Restaurant and proceeding along the makai side of Wailua Bay View condominium resort, Hale Awapuhi condominium resort, private property owned by Blair and Paula Gay, Kapa'a Sands condominium resort, Lanikai condominium resort, Lae nani condominium resort and to and through the Kukui Heiau environ. This shoreline of Alternative 1 is hereinafter referred to as "Shore Path."

Large projects such as the bike/pedestrian path can develop bureaucratic momentum that can heavily tilt decision-making toward a particular outcome. This appears to be the case in favor of the Shore Path portion of Alternative 1. This momentum can only be addressed by an unbiased examination of the pros and cons for Alternative 1. The environmental, archeological, ecological and economical consequences for Alternative 1 must be subjected to a detailed analysis at the outset before any momentum for a particular outcome becomes irresistible.

A fundamental purpose of the National Environmental Policy Act, 42 U.S.C. sec. 4321, et seq. ("NEPA") and Hawai'i Revised Statutes §343, otherwise known as the Hawai'i Environmental Policy Act ("HEPA"), is to inform the decision making process prior to any decision. But that purpose obviously cannot

be achieved if the outcome has been predetermined. We must consider the Draft Environmental Assessment ("Draft EA") as a legitimate request for comment and not merely window dressing.

For a number of years it has been the County of Kauai's publicly announced desire to develop a bike/pedestrian path for recreational use along the coast of Kauai. Some have taken this desire literally and maintain that a Lydgate Park-Kapa'a bike/pedestrian path should be constructed along the shore including makai of the resort condominiums along Papalooa Road (e.g. the Shore Path), even when the primary purpose of the Federal Funding is for transportation enhancement. Of course, this desire was arrived at before any objective transportation enhancement, environmental, archeological, or economic analysis.

Consequently, over time the Shore Path may have developed the feared bureaucratic momentum. It is now time for careful environmental, archeological, ecological and other related analysis to consider why the Shore Path should or should not be selected from the three bike/pedestrian path alternatives. The comments and request for responses set forth herein clearly dictate that the Shore Path should not be an alternative and support the need to delete the Shore Path from the bike/pedestrian path project or, alternatively, support the need for an Environmental Impact Statement (EIS), rather than the FONSI as anticipated in the Draft EA.

The purpose of public meetings and public comment on the Draft EA, and the NEPA/HEPA process generally, is to stimulate an informed exchange of views on a proposed action. If the outcome has already been predetermined or

preordained then the value of public meetings and public comment is diminished and the whole purpose of the process is frustrated. Care must be given not to make decisions largely or entirely on the basis of momentum for a particular outcome or information supplied by advocates of the proposed action to the exclusion of other points of view.

Amazingly, the Draft EA, at Chapter 6, page 6-1, anticipatorily determined that the proposed project is not expected to result in significant social, economic, cultural, or environmental impacts. Based thereon, the Draft EA anticipated a Finding of No Significant Impact ("FONSI") pursuant to the provisions of Subchapter 6 of chapter 200, Title 11, Hawaii's Administrative Rules of the Department of Health. The Draft EA does not support a FONSI. A FONSI is simply not credible when one considers the numerous adverse impacts caused by the Shore Path, not the least of which are the cultural and environmental impacts. The Draft EA is imprecise, ambiguous, misleading and incomplete in many respects. There are too many unknowns and uncertainties that are not addressed in the Draft EA.

The Draft EA draws conclusions on bases that are fundamentally flawed or nonexistent. An on-site review of the proposed location of the Shore Path will clearly disclose to the unbiased eye that the Shore Path offers significant obstacles, not the least of which are significant impacts on culture, the shoreline environ and its ecology. In addition, because of the shore hardening structures to be constructed on the shoreline to support the Shore Path, it is abundantly clear

that the necessary permits and variances should never be issued by applicable government agencies.

The following comments and requests for responses are constructively submitted to alert decision makers to significant adverse matters which will result from the implementation of the Shore Path. The Shore Path requires substantial alteration of the shoreline, shore slope, rocky headland and high bluff, including the construction and placement of a concrete path supported by a substantial sea wall or a boardwalk supported by substantial pilings driven or drilled into the shoreline.

The Shore Path creates legal and practical issues, policy violations and potentially irreversible adverse environmental, archeological, ecological and economic consequences, including potential irreversible adverse effects on the cultural practices of the community and the State, including irreparable and irretrievable damage to a State and nationally registered historic site, namely the Kukui Heiau and its surrounding area. (See: *Archaeological Investigation At Kukui Heiau, South Oloheua, Puna, Kaula'i Island*, by Archaeological Research Center Hawaii'i, Inc., May 1977; Bertell D. Davis and Richard M. Bordner).

The Shore Path irrevocably commits a natural resource, curtails the range of beneficial uses of the environment and is contrary to Federal and State environmental policies and long-term environmental goals. The Shore Path does not enhance or relate to transportation as required by applicable law, is not economically sound and is not ADA accessible without substantial additional expense.

The following comments make it abundantly clear that Alternative 1, including the Shore Path, must be deleted from consideration as an alternative bike/pedestrian path. Alternatively, the Draft EA FONSI must be withdrawn and the County of Kaua'i must prepare an EIS and/or Cultural Environmental Impact Statement (CEIS).

### COMMENTS

#### NATIONAL ENVIRONMENTAL POLICY ACT

On January 1, 1970 NEPA was signed into Law. NEPA requires federal agencies to integrate environmental values into their decision making processes by considering the environmental impacts of their proposed actions and reasonable alternatives to those actions. Because the bike/pedestrian path is dependent on federal funding the Draft EA must conform to NEPA requirements.

The Draft EA violates NEPA in a number of important ways. First, it fails to meet the NEPA requirement to analyze impacts at the earliest possible point in the decision process. In drafting and enacting NEPA, Congress recognized that large projects develop a bureaucratic momentum that can heavily tilt decision-making toward continuation of the project -- a problem that could be addressed only by examining them in their entirety at the outset before this momentum became irresistible.

A fundamental purpose of NEPA is to inform the decision making process. But that purpose obviously cannot be achieved if the outcome has been predetermined. We all must approach the Draft EA as a legitimate request for comment and not as merely so much window dressing. The decision maker must



cease from taking any steps towards the implementation of Alternative 1, with its Shore Path, until the County of Kaua'i provides necessary consideration of all significant environmental effects in compliance with the NEPA. These significant environmental effects are further discussed later in this response.

For many years it has been the County of Kaua'i's publicly announced desire to develop a bike/pedestrian path along the coast. Some have taken this desire literally and maintain that a portion of the Lydgate Park-Kapa'a bike/pedestrian path should be constructed makai of the resort condominiums along Papaloa Road (e.g. the Shore Path). This position was arrived at before any objective environmental, archeological, ecological and other related analysis of the Shore Path was done.

Over time the Shore Path may have developed the feared bureaucratic momentum. It is now time for careful transportation enhancement, environmental, archeological, ecological and economic analysis. The Shore Path should be deleted from the bike/pedestrian path project and the Shore Path not be considered an alternative. Careful analysis by the unbiased decision maker will disclose the need to delete the Shore Path from the bike/pedestrian path project or, alternatively, the need for an Environmental Impact Statement (EIS) rather than the FONSI anticipated in the Draft EA.

The purpose of public meetings and the NEPA process generally, is to stimulate an informed exchange of views on the proposed action. If the outcome has already been predetermined or preordained then the value of public comments is diminished and the whole purpose of the process is negated. If key

decisions on the Draft EA will be made by policymakers, care must be given not to make decisions largely or entirely on the basis of information that is supplied by advocates of the proposed action. This is particularly true with regard to the controversial Shore Path.

Pursuant to NEPA and Section 4(f) of the Department of Transportation Act (49 U.S.C. 303) and HEPA (discussed, *infra*), any Final Environmental Assessment (EA) will be submitted by the U.S. Department of Transportation, FHWA, the State of Hawai'i, Department of Transportation, Highways Division and the County of Kaua'i, Department of Public Works. NEPA requires and the FHWA is committed to the examination and avoidance of potential impacts to the social and natural environment when considering approval of proposed transportation projects. (*Emphasis added*). In addition to evaluating the potential environmental effects, the FHWA, the State of Hawai'i, Department of Transportation, Highways Division and the County of Kaua'i must take into account the transportation needs of the public in reaching a decision that is in the best overall public interest. (*Emphasis added*).

The FHWA NEPA project development process is an approach to balanced transportation decision making that takes into account the potential impacts on the human and natural environment and the public's need for safe and efficient transportation. (*Emphasis added*). At 23 CFR§ 105, FHWA's policy states as follows:

- To the fullest extent possible, all environmental investigations, reviews, and consultations be coordinated as a single process, and

- compliance with all applicable environmental requirements be reflected in the environmental document required by this regulation.
- Alternative courses of action be evaluated and decisions be made in the best overall public interest based upon a balanced consideration of the need for safe and efficient transportation. (Emphasis added).
  - Alternative courses of action be evaluated and decisions be made in the best overall public interest based upon a balanced consideration of the social, economic, and environmental impacts of the proposed transportation improvement. (Emphasis added).
  - Alternative courses of action be evaluated and decisions be made in the best overall public interest based upon a balanced consideration of national, state, and local environmental protection goals.
  - Alternative courses of action be evaluated and decisions be made in the best overall public interest based upon a balanced consideration of the social, economic, and environmental impacts of the proposed transportation improvement. (Emphasis added). Public involvement and a systematic interdisciplinary approach be essential parts of the development process for proposed actions.
  - Measures necessary to mitigate adverse impacts be incorporated into the action.
- Consequently, responses are needed to the following questions:

- Is Alternative 2 in the best overall public interest based upon a balanced consideration of the need for safe and efficient transportation? If yes, why? If not, specifically, why not?
- Are there any portions of Alternative 2 that better serve the best overall public interest as compared to Alternatives 1 and 3? If yes, what portions? If not, specifically, why not?
- Is Alternative 3 in the best overall public interest based upon a balanced consideration of the need for safe and efficient transportation? If yes, why? If not, specifically, why not?
- Are there any portions of Alternative 3 that better serve the best overall public interest as compared to Alternatives 1 and 2? If yes, what portions? If not, specifically, why not?
- Is Alternative 1, including the Shore Path, in the best overall public interest based upon a balanced consideration of the need for safe and efficient transportation? If yes, why?
- If Alternative 1, including the Shore Path, is in the best overall public interest based upon a balanced consideration of the need for safe and efficient transportation, specifically how does the Shore Path meet the public's need for safe and efficient transportation as compared to Alternatives 2 and 3?
- What studies have been performed that would establish that Alternative 1, including the Shore Path, will enhance the public's need for safe and efficient transportation?