

## **Draft EA Comments and Responses**



Sandwich Isles  
Communications, Inc.

A Waimana Company

January 29, 2014

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

Subject: Sandwich Isles Communications, Inc.'s Comment to  
Draft Environmental Assessment  
Lydgate Park-Kapa'a Bike/Pedestrian Path, Phases C & D

Dear Mr. Haigh:

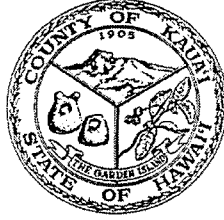
I have reviewed the environmental assessment and I have only one comment. Sandwich Isles Communications (SIC) has underground fiber cable and ducts along Kuhio Hwy. For the segments that run along Kuhio Hwy the engineering plans should be submitted to SIC for review: Attention: Lew Biven, P.O. Box 893189, Mililani, HI 96789. The plans can also be emailed to lbiven@sandwichisles.com.

Sincerely,

Rodney Kaulupali  
Director of Construction Services

Fax to Kimura International  
808-941-8999

**Bernard P. Carvalho, Jr.**  
Mayor



**Larry Dill, P.E.**  
County Engineer

**Nadine K. Nakamura**  
Managing Director

**Lyle Tabata**  
Deputy County Engineer

**DEPARTMENT OF PUBLIC WORKS**

**County of Kaua'i, State of Hawai'i**

4444 Rice Street, Suite 275, Līhu'e, Hawai'i 96766  
TEL (808) 241-4992 FAX (808) 241-6604

March 14, 2014

Mr. Rodney Kaulupali,  
Director of Construction Services  
Sandwich Isles Communications, Inc.  
P.O. Box 893370  
Mililani, HI 96789


Dear Mr. Liu:

Subject: Draft Environmental Assessment  
Lydgate Park-Kapaa Bike/Pedestrian Path, Phases C&D

Thank you for your Draft EA comment letter dated January 29, 2014. Thank you for informing us the Sandwich Isles Communications has underground fiber cable and ducts along Kuhio Highway. If the path runs along Kuhio Highway, we will notify Mr. Lew Biven and submit plans for his review.

If you have further comments or questions, please feel free to call Douglas Haigh at (808) 241-4849.

Yours truly,

  
Larry Dill, P.E.  
County Engineer

cc: Leslie Kurisaki, Kimura International



STATE OF HAWAII  
DEPARTMENT OF HEALTH  
P. O. BOX 3378  
HONOLULU, HI 96801-3378

In reply, please refer to:  
File:  
14-021  
Lydgate Park

January 30, 2014

RECEIVED FEB 04 2014

County of Kauai  
Department of Public Works  
Mr. Douglas Haigh, Chief  
Building Division  
4444 Rice Street, Suite 175  
Lihue, Hawaii 96766

Dear Mr. Haigh:

**SUBJECT: Draft Environmental Assessment  
Lydgate Park-Kapaa Bike/Pedestrian Path, Phases C & D  
Kawaihau District, Island of Kauai, TMK: 4-3-001, 002, and 007: various parcels**

The Department of Health (DOH), Environmental Planning Office (EPO), acknowledges receipt of the subject project from Kimura International, Inc. The document was routed to the relevant Environmental Health divisions and offices. They will provide specific comments to you if necessary. EPO recommends that you review the standard comments at:

<http://health.hawaii.gov/epo/home/landuse-planning-review-program/>.

You are required to adhere to all standard comments specifically applicable to this application.

EPO suggests that you examine the many sources available on strategies to support the sustainable and healthy design of communities and buildings, including the:

State of Hawaii, Office of Planning: [www.planning.hawaii.gov](http://www.planning.hawaii.gov) and the new 2013 ORMP;

U.H., School of Ocean and Earth Science and Technology: [www.soest.hawaii.edu](http://www.soest.hawaii.edu);

U.S. Health and Human Services: [www.hhs.gov/about/sustainability](http://www.hhs.gov/about/sustainability);

U.S. Environmental Protection Agency's sustainability programs: [www.epa.gov/sustainability](http://www.epa.gov/sustainability);

U.S. Green Building Council's LEED program: [www.usgbc.org/leed](http://www.usgbc.org/leed); and

International Well Building Standard: <http://delosliving.com>

The DOH encourages everyone to apply these sustainability strategies and principles early in the planning and review of projects. We also request that for future projects you consider conducting a Health Impact Assessment (HIA). More information is available at: [www.cdc.gov/healthyplaces/hia.htm](http://www.cdc.gov/healthyplaces/hia.htm). We request you share all of this information with others to increase community awareness on sustainable, innovative, inspirational, and healthy community design.

We request electronic response confirming receipt of this letter and any other letters you receive from DOH in regards to this project. Please email: [epo@doh.hawaii.gov](mailto:epo@doh.hawaii.gov). We anticipate that our letter(s) and your electronic response(s) will be included in the final document. If you have any questions, please contact me at (808) 586-4337 or [laura.mcintyre@doh.hawaii.gov](mailto:laura.mcintyre@doh.hawaii.gov)

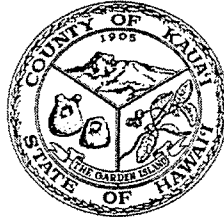
Mahalo,

A handwritten signature in cursive script, appearing to read "Laura Leialoha Phillips McIntyre".

FOR Laura Leialoha Phillips McIntyre, AICP  
Program Manager, Environmental Planning Office

c: ✓ Leslie Kurisaki, Kimura International, Inc.

**Bernard P. Carvalho, Jr.**  
Mayor



**Larry Dill, P.E.**  
County Engineer

**Nadine K. Nakamura**  
Managing Director

**Lyle Tabata**  
Deputy County Engineer

**DEPARTMENT OF PUBLIC WORKS**

**County of Kaua'i, State of Hawai'i**

4444 Rice Street, Suite 275, Līhu'e, Hawai'i 96766  
TEL (808) 241-4992 FAX (808) 241-6604

March 14, 2014

Ms. Laura McIntyre, Program Manager  
Environmental Planning Office  
Department of Health  
State of Hawaii  
919 Ala Moana Blvd., Suite 312  
Honolulu, HI 96814

Ref: 14-021 Lydgate Park


Dear Ms. McIntyre:

Subject: Draft Environmental Assessment  
Lydgate Park-Kapaa Bike/Pedestrian Path, Phases C&D  
Kawaihau District, Island of Kauai, TMK: 4-3-001, 002, and 007, various parcels

Thank you for your letter dated January 30, 2014 regarding this project. We have reviewed the Standard Comments on the Department of Health website related to 1) Hazard Evaluation and Emergency Response, 2) Clean Air, 3) Clean Water, 4) Safe Drinking Water, 5) Solid and Hazardous Waste, 6) Wastewater, and 7) Indoor and Radiological Health. The project will adhere to all applicable Standard Comments.

If you have further comments or questions, please feel free to call Douglas Haigh at (808) 241-4849.

Yours truly,

  
Larry Dill, P.E.  
County Engineer

cc: Leslie Kurisaki, Kimura International

NEIL ABERCROMBIE  
GOVERNOR OF HAWAII



WILLIAM J. AHLA, JR.  
CHAIRMAN  
BOARD OF LAND AND NATURAL RESOURCES  
COMMISSION ON WATER RESOURCE MANAGEMENT



STATE OF HAWAII  
DEPARTMENT OF LAND AND NATURAL RESOURCES  
LAND DIVISION

POST OFFICE BOX 621  
HONOLULU, HAWAII 96809

February 24, 2014

County of Kaua'i, Department of Public Works  
Attn: Mr. Douglas Haigh, Chief, Building Division  
4444 Rice Street, Suite 175  
Lihu'e, HI 96766

via email: [dhaigh@kauai.gov](mailto:dhaigh@kauai.gov)

Dear Mr. Haigh,

SUBJECT: Lydgate Park-Kapa'a Bike/Pedestrian Path, Phases C & D

Thank you for the opportunity to review and comment on the subject matter. The Department of Land and Natural Resources' (DLNR) Land Division distributed or made available a copy of your report pertaining to the subject matter to DLNR Divisions for their review and comments.

At this time, enclosed are comments from (1) Land Division – Kauai District; and (2) Engineering Division. No other comments were received as of our suspense date. Should you have any questions, please feel free to call Supervising Land Agent Steve Molmen at 587-0439. Thank you.

Sincerely,

A handwritten signature in black ink, appearing to read "Russell Y. Tsuji".

Russell Y. Tsuji  
Land Administrator

Enclosure(s)

c: Kimura International, Inc.  
Attn: Ms. Leslie Kurisaki  
[lkurisaki@kimurainternational.com](mailto:lkurisaki@kimurainternational.com)



STATE OF HAWAII  
DEPARTMENT OF LAND AND NATURAL RESOURCES  
LAND DIVISION

POST OFFICE BOX 621  
HONOLULU, HAWAII 96809

January 28, 2014

MEMORANDUM

TO: DLNR Agencies:  
 Div. of Aquatic Resources  
 Div. of Boating & Ocean Recreation  
 Engineering Division  
 Div. of Forestry & Wildlife  
 Div. of State Parks  
 Commission on Water Resource Management  
 Office of Conservation & Coastal Lands  
 Land Division - Kauai District  
 Historic Preservation

FROM: Russell Y. Tsuji, Land Administrator

SUBJECT: Lydgate Park-Kapa`a Bike/Pedestrian Path, Phases C & D

LOCATION: Kawaihau District, Island of Kaua`i; Tax Map Key Number: 4-3-001, 002, and 007; various parcels

APPLICANT: County of Kaua`i, Department of Public Works, by its consultant, Kimura International, Inc.

2014 FEB -9 AM 11:19  
 LAND DIVISION

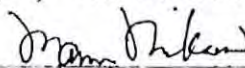
Transmitted for your review and comment on the above-referenced document which can be found here:

1. Go to: <https://sp01.ld.dnr.hawaii.gov/LD>
2. Login: Username: LD\Visitor Password: Opa\$\$word0 (first and last characters are zeros)
3. Click on: Requests for Comments
4. Click on the subject file "Lydgate Park-Kapa`a Bike/Pedestrian Path, Phases C & D" then click on "Files" and "Download a copy".

We would appreciate your comments on this document. Please submit any comments by February 21, 2014. If no response is received by this date, we will assume your agency has no comments. If you have any questions about this request, please contact Supervising Land Agent Steve Molmen at (808) 587-0439. Thank you.

Attachments

- We have no objections.
- We have no comments.
- Comments are attached.

Signed:   
 Print Name: MAENW MIKASA, ACTING DISTRICT LAND AGENT  
 Date: Feb. 31, 2014

cc: Central Files

NEIL ABERCROMBIE  
GOVERNOR OF HAWAII



14 JAN 29 PM 4:37 ENGINEERING

WILLIAM J. AHLA, JR.  
CHAIRPERSON  
BOARD OF LAND AND NATURAL RESOURCES  
COMMISSIONER OF WATER RESOURCE MANAGEMENT



STATE OF HAWAII  
DEPARTMENT OF LAND AND NATURAL RESOURCES  
LAND DIVISION

POST OFFICE BOX 621  
HONOLULU, HAWAII 96809

January 28, 2014

MEMORANDUM

TO: FR:

DLNR Agencies:

- Div. of Aquatic Resources
- Div. of Boating & Ocean Recreation
- Engineering Division
- Div. of Forestry & Wildlife
- Div. of State Parks
- Commission on Water Resource Management
- Office of Conservation & Coastal Lands
- Land Division Kauai District
- Historic Preservation

FROM: <sup>10</sup>

Russell Y. Tsuji, Land Administrator

SUBJECT: Lydgate Park-Kapa`a Bike/Pedestrian Path, Phases C & D

LOCATION: Kawaihau District, Island of Kaua`i; Tax Map Key Number: 4-3-001, 002, and 007: various parcels

APPLICANT: County of Kaua`i, Department of Public Works, by its consultant, Kimura International, Inc.

Transmitted for your review and comment on the above-referenced document which can be found here:

1. Go to: <http://www.sp01.ld.dlnr.hawaii.gov/LD>
2. Login: Username: LD\Visitor Password: 0pa\$\$word0 (first and last characters are zeros)
3. Click on: Requests for Comments
4. Click on the subject file "Lydgate Park-Kapa`a Bike/Pedestrian Path, Phases C & D" then click on "Files" and "Download a copy".

We would appreciate your comments on this document. Please submit any comments by February 21, 2014. If no response is received by this date, we will assume your agency has no comments. If you have any questions about this request, please contact Supervising Land Agent Steve Molmen at (808) 587-0439. Thank you.

Attachments

- We have no objections.
- We have no comments.
- Comments are attached.

Signed: \_\_\_\_\_

Print Name: Cory S. Chang, Chief Engineer

Date: 2/10/14

cc: Central Files

FEB 19 PM 2:43  
 DIVISION



DEPARTMENT OF LAND AND NATURAL RESOURCES  
ENGINEERING DIVISION

LD/ Russell Y. Tsuji  
REF: DEA for Proposed Lydgate Park – Kapa'a Bike/Pedestrian Path, Phases C & D,  
Kawaihau District  
Kauai.002


COMMENTS

- (X) We confirm 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 regulate developments within Zone X.
- ( ) Please take note that the project site according to the Flood Insurance Rate Map (FIRM), is located in Zone \_\_\_\_.
- ( ) 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:

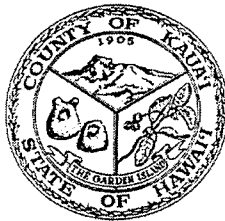
- ( ) Mr. Mario Siu Li at (808) 768-8098 or Ms. Ardis Shaw-Kim at (808) 768-8296 of the City and County of Honolulu, Department of Planning and Permitting.
- ( ) Mr. Frank DeMarco at (808) 961-8042 of the County of Hawaii, Department of Public Works.
- ( ) Mr. Carolyn Cortez at (808) 270-7813 of the County of Maui, Department of Planning.
- ( ) Mr. Stanford Iwamoto at (808) 241-4884 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.
- ( ) Additional Comments: \_\_\_\_\_  
\_\_\_\_\_
- ( ) Other: \_\_\_\_\_  
\_\_\_\_\_

Should you have any questions, please call Mr. Dennis Imada of the Planning Branch at 587-0257.

Signed:   
CARTY S. CHANG, CHIEF ENGINEER

Date: 2/12/14

**Bernard P. Carvalho, Jr.**  
Mayor



**Larry Dill, P.E.**  
County Engineer

**Nadine K. Nakamura**  
Managing Director

**Lyle Tabata**  
Deputy County Engineer

**DEPARTMENT OF PUBLIC WORKS**

**County of Kaua'i, State of Hawai'i**

4444 Rice Street, Suite 275, Līhu'e, Hawai'i 96766

TEL (808) 241-4992 FAX (808) 241-6604

March 14, 2014

Mr. Russell Y. Tsuji, Land Administrator  
Department of Land and Natural Resources  
Land Division  
P.O. Box 621  
Honolulu, HI 96809

Dear Mr. Tsuji:

Subject: Draft Environmental Assessment  
Lydgate Park-Kapaa Bike/Pedestrian Path, Phases C&D  
Kawaihau District, Island of Kauai, TMK: 4-3-001, 002, and 007, various parcels

Thank you for your letter dated February 24, 2014 transmitting comments from the DLNR Land Division and Engineering Division.

The following responds to the checked items in the CWRM comments:

**Item 1.** The DLNR Acting District Land Agent has no comments.

**Item 2.** The DLNR Engineering Division confirms that the project site, according to the Flood Insurance Rate Map, is located in Zone X and that the National Flood Insurance Program does not regulate developments in Zone X.

If you have further comments or questions, please feel free to call Douglas Haigh at (808) 241-4849.

Yours truly,

Larry Dill, P.E.  
County Engineer

cc: Leslie Kurisaki, Kimura International

NEIL ABERCROMBIE  
GOVERNOR OF HAWAII



**STATE OF HAWAII**  
**DEPARTMENT OF LAND AND NATURAL RESOURCES**

OFFICE OF CONSERVATION AND COASTAL LANDS  
POST OFFICE BOX 621  
HONOLULU, HAWAII 96809

WILLIAM J. AILA, JR.  
CHAIRPERSON  
BOARD OF LAND AND NATURAL RESOURCES  
COMMISSION ON WATER RESOURCE MANAGEMENT

ESTHER KIA'AINA  
FIRST DEPUTY

WILLIAM M. TAM  
DEPUTY DIRECTOR - WATER

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

REF: OCCL: AJR

COR: KA-14-119

Douglas Haigh, Chief  
County of Kauai - DPW  
4444 Rice St., Ste. 175  
Lihue, HI 96766

FEB - 7 2014

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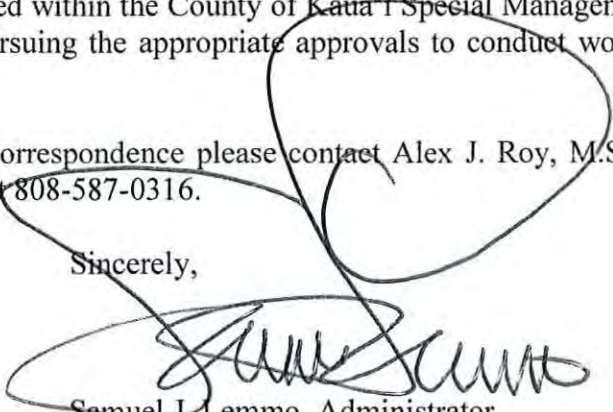
**SUBJECT: DRAFT ENVIRONMENTAL ASSESSMENT (DEA) REVIEW FOR THE PROPOSED  
LYDGATE PARK-KAPA'A BIKE/PEDESTRIAN PATH PROJECT**  
Kawaihau District, Island of Kauai  
TMK: (4) 4-3-001: various, (4) 4-3-002: various & (4) 4-3-007: various

Dear Mr. Haigh,

The Office of Conservation and Coastal Lands (OCCL) is in receipt of your letter, dated *January 23, 2014*, regarding a proposal to complete Phase C & D of an existing 10 to 12 foot wide bike/pedestrian path; Phase A & B have already been completed. A review of our records and maps indicates that the proposed work will not be located within the State Land Use Conservation District; therefore no approvals will be required from this office. We recognize that portions of the proposed project are sited within the County of Kauai Special Management Area (SMA) and we understand you are pursuing the appropriate approvals to conduct work in this area.

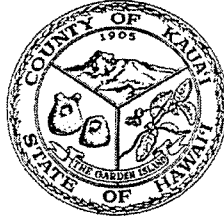
If you have questions regarding this correspondence please contact Alex J. Roy, M.Sc. of our Conservation and Coastal Lands staff at 808-587-0316.

Sincerely,

  
Samuel J. Lemmo, Administrator  
Office of Conservation and Coastal Lands

CC: KDLO  
State Parks  
County of Kauai - Dept. of Planning  
Leslie Kurisaki, c/o Kimura International, Inc., 1600 Kapiolani Blvd., Ste. 1610, Honolulu, 96814

**Bernard P. Carvalho, Jr.**  
Mayor



**Larry Dill, P.E.**  
County Engineer

**Nadine K. Nakamura**  
Managing Director

**Lyle Tabata**  
Deputy County Engineer

**DEPARTMENT OF PUBLIC WORKS**

**County of Kaua'i, State of Hawai'i**

4444 Rice Street, Suite 275, Lihu'e, Hawai'i 96766  
TEL (808) 241-4992 FAX (808) 241-6604

March 14, 2014

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

Dear Mr. Lemmo:

Subject: Draft Environmental Assessment  
Lydgate Park-Kapaa Bike/Pedestrian Path, Phases C&D  
Kawaihau District, Island of Kauai, TMK: 4-3-001, 002, and 007, various parcels

Thank you for your letter dated February 7, 2014 indicating that your records and maps indicate that the proposed work will not be located within the State Land Use Conservation District and therefore no approvals are required from your office. The County will be preparing an SMA permit during the next phase of this project.

If you have further comments or questions, please feel free to call Douglas Haigh at (808) 241-4849.

Yours truly,

Larry Dill, P.E.  
County Engineer

cc: Leslie Kurisaki, Kimura International



## OFFICE OF PLANNING STATE OF HAWAII

NEIL ABERCROMBIE  
GOVERNOR

JESSE K. SOUKI  
DIRECTOR  
OFFICE OF PLANNING

235 South Beretania Street, 6th Floor, Honolulu, Hawaii 96813  
Mailing Address: P.O. Box 2359, Honolulu, Hawaii 96804

Telephone: (808) 587-2846  
Fax: (808) 587-2824  
Web: <http://planning.hawaii.gov/>

Ref. No. P-14270

February 3, 2014

RECEIVED FEB 05 2014

Mr. Douglas Haigh, Chief  
Building Division  
Department of Public Works  
County of Kauai  
4444 Rice Street, Suite 175  
Lihue, Hawaii 96766

Dear Mr. Haigh:

Subject: Draft Environmental Assessment (EA) for Lydgate Park-Kapa'a  
Bike/Pedestrian Path, Phases C & D; Tax Map Key: 4-3-001, 002 and 007;  
various parcels

Thank you for the opportunity to provide comments on the subject Draft Environmental Assessment (EA).

According to the Draft EA, the County of Kauai Department of Public Works proposes to construct a shared use path for pedestrians, bicyclists, and other users from Papaloa Road to Uhelekawawa Canal, a distance of approximately 1.2 mile. The project aims to provide a safer bike and pedestrian path, and ensure lateral coastal access for the public and appropriate recreational development within the beach reserve. The design elements include grading, retaining walls, railing or fencing, landscaping, signage, and user amenities such as benches, water fountains, and trash receptacles. The proposed improvements include upgrading the existing County-owned parking lot, and a new comfort station.

The preliminary cost, which does not include land acquisition, is \$2 million. The project will be funded, in part, by the U.S. Department of Transportation, Federal Highway Administration. The project is programmed for construction in 2015, and expected to take 12 months to complete.

The Office of Planning has reviewed the subject Draft EA, and has the following comments.

1. Page 1-5, strike text in brackets and add the underscored as follows: "This project will require a Special Management Area (SMA) permit, which entails a public hearing and approval by the County [Council] Planning Commission." The County of Kauai Planning Commission is the SMA permit authority pursuant to Hawaii Revised Statutes (HRS) § 205A-22.

Mr. Douglas Haigh, Chief

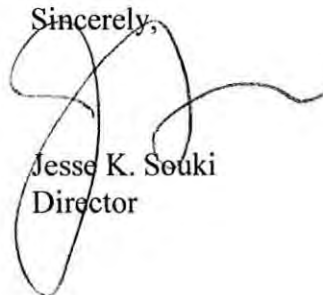
February 3, 2014

Page 2

2. Act 153, Session Laws of Hawaii 2011, effective on July 1, 2011, raises the valuation threshold between the SMA Use Permit and SMA Minor Permit from \$125,000 to \$500,000. The cost threshold on page 4-6 that “since this project has a development cost exceeding \$125,000” shall be corrected accordingly.
3. Pages 1-4 and 3-16, the Draft EA indicates the County has 40-foot shoreline setback requirements. As the shoreline setbacks are related to the depth of lots and coastal erosion rates, the Final EA should update the shoreline setback requirements from the County Planning Department for the specific parcels where the proposed path is preferred.
4. **Section 3.3.1 Archaeological, Historic, and Cultural Resources** of the Draft EA applies “archaeological monitoring plan” as the proposed mitigation measures. To ensure that historic resource objectives and its supporting policies set forth in HRS § 205A-2 will be met for the proposed path project, the Final EA should attach an archaeological monitoring plan, which should be reviewed and concurred by the State Historic Preservation Division prior to any construction activities.
5. HRS Chapter 205A requires all State and County agencies to enforce the coastal zone management (CZM) objectives and policies. The Final EA should include an assessment as to how the proposed action conforms to CZM objectives and its supporting policies set forth in HRS § 205A-2. The assessment on compliance with HRS Chapter 205A is an important component for satisfying the requirements of HRS Chapter 343 and obtaining the County SMA use approval.
6. As the project will be partly funded by the U.S. Department of Transportation, Federal Highway Administration, the Final EA should indicate that a federal consistency review will be required from the Office of Planning, Hawaii CZM Program.

If you have any questions regarding this comment letter, please contact Leo Asuncion, CZM Program Manager, at (808) 587-2846.

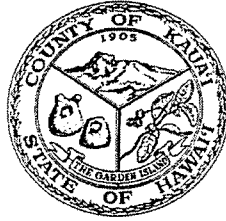
Sincerely,



Jesse K. Souki  
Director

c: ✓ Ms. Leslie Kurisaki

**Bernard P. Carvalho, Jr.**  
Mayor



**Larry Dill, P.E.**  
County Engineer

**Nadine K. Nakamura**  
Managing Director

**Lyle Tabata**  
Deputy County Engineer

**DEPARTMENT OF PUBLIC WORKS**

**County of Kaua'i, State of Hawai'i**

4444 Rice Street, Suite 275, Lihu'e, Hawai'i 96766  
TEL (808) 241-4992 FAX (808) 241-6604

March 14, 2014

Mr. Jesse K. Souki, Director  
Office of Planning  
State of Hawaii  
235 South Beretania Street, 6<sup>th</sup> Floor  
Honolulu, HI 96813

Dear Mr. Souki:

Subject: Draft Environmental Assessment  
Lydgate Park-Kapaa Bike/Pedestrian Path, Phases C&D  
Kawaihau District, Island of Kauai, TMK: 4-3-001, 002, and 007, various parcels

Thank you for your letter dated February 3, 2014 regarding this project. We provide the following responses to your comments:

1. The Special Management Area permit will require a public hearing by the County Planning Commission. Page 1-5 will be corrected to state that the "This project will require a Special Management area (SMA) permit, which entails a public hearing and approval by the County Planning Commission."
2. Page 4-6 will be revised correct the valuation threshold between the SMA Use Permit and SMA Minor Permit to \$500,000 instead of \$125,000.
3. Pages 1-4 and 3-16 the Draft EA indicates that the County has a 40-foot shoreline setback requirement. The next phase of this project will include a Special Management Area permit as well as engineering design. During this phase, a topographic survey and certified shoreline survey will be prepared and used by the County Planning Department as the basis for the shoreline setback determination.
4. Section 3.3.1 Archaeological, Historic and Cultural Resources of the Draft EA applies "archaeological monitoring plan" as the proposed mitigation measures. The FEA should attach the AMP that was reviewed and approved by SHPD.  
**Response:** The archaeological monitoring plan is a mitigation measure that will be completed during the design phase of the project and it is designed to be used during construction period, not for determining environmental, historical or cultural impacts. These issues were discussed

Mr. Souki  
March 14, 2014  
Page 2

and evaluated in depth with Native Hawaiian organizations during the Section 106 National Historic Preservation Act process.

5. The Final EA will provide an assessment relative to how the proposed action conforms to CZM objectives and policies as set forth in HRS §205-A-2.

6. The Final EA will indicate that a federal consistency review will be required from the Office of Planning, Hawaii CZM Program.

If you have further comments or questions, please feel free to call Douglas Haigh at (808) 241-4849.

Yours truly,



Larry Dill, P.E.  
County Engineer

cc: Leslie Kurisaki, Kimura International





## DISABILITY AND COMMUNICATION ACCESS BOARD

---

919 Ala Moana Boulevard, Room 101 • Honolulu, Hawaii 96814  
Ph. (808) 586-8121 (V/TDD) • Fax (808) 586-8129

February 4, 2014

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

Regarding: Draft Environmental Assessment  
Lydgate Park-Kapaa Bike/Pedestrian Path

Dear Mr. Haigh,

The Disability and Communication Access Board (DCAB) would like to thank you for the opportunity to review the Draft Environmental Assessment for Lydgate Park-Kapaa Bike/Pedestrian Path. The purpose of this review is to ensure that this project will take into account accessibility design requirements for persons with disabilities.

The following general statement should be included in the Plan:

*"All buildings, facilities, and sites shall conform to applicable federal, state, and county accessibility guidelines and standards. Hawaii Revised Statutes §103-50 requires all State of Hawaii or County government buildings, facilities, and sites to be designed and constructed to conform to the Americans with Disabilities Act Accessibility Guidelines, the Federal Fair Housing Amendments Act, and other applicable design standards as adopted and amended by the Disability and Communication Access Board. The law further requires all plans and specifications prepared for the construction of State of Hawaii or County government buildings, facilities, and sites to be reviewed by the Disability and Communication Access Board for conformance to those guidelines and standards."*

New construction and alterations are required to comply with the Department of Justice's (DOJ) 2010 ADA Standards for Accessible Design (2010 Standards) [http://www.ada.gov/2010ADASTandards\\_index.htm](http://www.ada.gov/2010ADASTandards_index.htm). To be consistent with the DOJ's standard, DCAB adopted the 2004 Americans with Disabilities Act Accessibility Guidelines (ADAAG) as of January 1, 2011 and passed interpretive opinions consistent with the 2010 ADA Standards. All new Interpretive Opinions can be viewed or downloaded at <http://www.health.hawaii.gov/dcab/facility-access/interpretive-opinions>.

Mr. Doug Haigh  
Department of Public Works  
Regarding: Draft Environmental Assessment, Lydgate Park-Kapaa Bike/Pedestrian  
Path  
February 4, 2014  
Page 2

In addition to the Bike/Pedestrian Path, the Plan proposes to include and possibly expand existing County parking areas, development of a comfort station, and installation of amenities such as trash receptacles, benches, and water fountains.

Page 2-16 states, "The path will be constructed in compliance with relevant design guides issues under the Americans with Disabilities Act. Thereby accommodating people requiring mobility aids." We strongly encourage the use of the following accessibility guidelines, published by the U.S. Access Board. These accessibility guidelines are not yet enforceable by the U.S. DOJ under the Americans with Disabilities Act (ADA), nor have they been adopted by state rules under Hawaii Revised Statutes (HRS) §103-50. However, these accessibility guidelines provide guidance for a minimal level of accessibility for those elements not addressed by the enforceable 2010 ADA Standards.

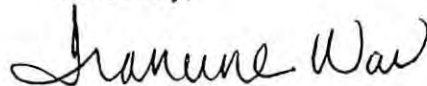
We recommend the following language: "The path will be constructed in compliance with relevant existing design guidelines on the Americans with Disabilities Act as well as:

- Proposed Guidelines for Pedestrian Facilities in the Public Right-of-Way, published in the Federal Register on July 26, 2011.
- Accessibility Guidelines for Pedestrian Facilities in the Public Right-of-Way; Shared Use Paths, Supplemental Notice of Proposed Rulemaking, published in the Federal Register on February 13, 2013."

The above reflects DCAB staff advice and recommendations for the Draft Environmental Assessment for Lydgate Park-Kapaa Bike/Pedestrian Path and is not a formal Board recommendation. Please note that all individual pedestrian and bicycle district and route projects must still be submitted to DCAB for review per HRS §103-50.

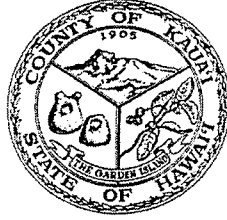
Should you have any further questions, feel free to contact Ms. Mona Higa, Facility Access Coordinator at (808) 586-8121.

Sincerely,



FRANCINE WAI  
Executive Director

**Bernard P. Carvalho, Jr.**  
Mayor



**Larry Dill, P.E.**  
County Engineer

**Nadine K. Nakamura**  
Managing Director

**Lyle Tabata**  
Deputy County Engineer

**DEPARTMENT OF PUBLIC WORKS**

**County of Kaua'i, State of Hawai'i**

4444 Rice Street, Suite 275, Līhu'e, Hawai'i 96766  
TEL (808) 241-4992 FAX (808) 241-6604

March 14, 2014

Ms. Francine Wai  
Executive Director  
Disability and Communication Access Board  
State of Hawaii  
919 Ala Moana Boulevard, Room 101  
Honolulu, Hawaii 96814

Dear Ms. Wai:

Subject: Draft Environmental Assessment  
Lydgate Park-Kapaa Bike/Pedestrian Path, Phases C&D  
Kawaihau District, Island of Kauai, TMK: 4-3-001, 002, and 007, various parcels

Thank you for your Draft EA comment letter dated February 4, 2014. We will revise the Final EA by including the general statement:

“All buildings, facilities, and sites shall conform to applicable federal, state, and county accessibility guidelines and standards. Hawaii Revised Statutes §103-50 requires all State of Hawaii or County government buildings, facilities, and sites to be designed and constructed to conform to the Americans with Disabilities Act accessibility Guidelines, the Federal Fair Housing Amendments Act, and other applicable design standards as adopted and amended by the Disability and Communication Access Board. The law further requires all plans and specification prepared for the construction of State of Hawaii or County government buildings, facilities, and sites to be reviewed by the Disability and Communication access Board for conformance to those guidelines and standards.”

Your other comments pertain to non-enforceable design standards and recommendations which are intended to ensure a minimal level of accessibility for the path and its associated amenities. We will pass on your recommendations to the county so they may coordinate these design and construction elements with your agency. Plans will be submitted to DCAB for review during the next design phase.

If you have further comments or questions, please feel free to call Douglas Haigh at (808) 241-4849.

Ms. Wai  
March 14, 2014  
Page 2

Yours truly,

A handwritten signature in black ink, appearing to be 'L. Dill', written over the printed name.

Larry Dill, P.E.  
County Engineer

cc: Leslie Kurisaki, Kimura International

NEIL ABERCROMBIE  
GOVERNOR OF HAWAII



GARY L. GILL  
ACTING DIRECTOR OF HEALTH

STATE OF HAWAII  
DEPARTMENT OF HEALTH  
P. O. BOX 3378  
HONOLULU, HI 96801-3378

In reply, please refer to:  
EMD/CWB

02011PCTM.14

February 06, 2014

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

Dear Mr. Haigh:

**SUBJECT: Comments on the Draft Environmental Assessment for the  
Lydgate Park-Kapaa Bike/Pedestrian Path, Phases C & D Project  
Kawaihau District, Island of Kauai, Hawaii**

The Department of Health (DOH), Clean Water Branch (CWB), acknowledges receipt of your letter, dated January 6, 2014, requesting comments on your project. The DOH-CWB has reviewed the subject document and offers these comments. Please note that our review is based solely on the information provided in the subject document and its compliance with the Hawaii Administrative Rules (HAR), Chapters 11-54 and 11-55. You may be responsible for fulfilling additional requirements related to our program. We recommend that you also read our standard comments on our website at: [http://health.hawaii.gov/epo/files/2013/10/CWB\\_Oct22.pdf](http://health.hawaii.gov/epo/files/2013/10/CWB_Oct22.pdf)

1. Any project and its potential impacts to State waters must meet the following criteria:
  - a. Antidegradation policy (HAR, Section 11-54-1.1), which requires that the existing uses and the level of water quality necessary to protect the existing uses of the receiving State water be maintained and protected.
  - b. Designated uses (HAR, Section 11-54-3), as determined by the classification of the receiving State waters.
  - c. Water quality criteria (HAR, Sections 11-54-4 through 11-54-8).
2. National Pollutant Discharge Elimination System (NPDES) permit coverage is required for pollutant discharges into State surface waters and for certain situations involving storm water (HAR, Chapter 11-55).
  - a. Discharges into Class 2 or Class A State waters can be covered under an NPDES general permit only if all of the NPDES general permit requirements are met. Please see the DOH-CWB website (<http://health.hawaii.gov/cwb/>) for the

NPDES general permits and instructions to request coverage.

- b. All other discharges into State surface waters and discharges into Class 1 or Class AA State waters require an NPDES individual permit. To request NPDES individual permit coverage, please see the DOH-CWB forms website located at: <http://health.hawaii.gov/cwb/site-map/clean-water-branch-home-page/forms/>
- c. NPDES permit coverage for storm water associated with construction activities is required if your project will result in the disturbance of one (1) acre or more of total land area. The total land area includes a contiguous area where multiple separate and distinct construction activities may be taking place at different times on different schedules under a larger common plan of development or sale. NPDES permit coverage is required before the start of the construction activities.

Land disturbance includes, but is not limited to clearing, grading, grubbing, uprooting of vegetation, demolition (even if leaving foundation slab), staging, stockpiling, excavation into pavement areas which go down to the base course, and storage areas (including areas on the roadway to park equipment if these areas are blocked off from public usage, grassed areas, or bare ground).

3. If your project involves work in, over, or under waters of the United States, it is highly recommend that you contact the Army Corp of Engineers, Regulatory Branch (Tel: 438-9258) regarding their permitting requirements.

Pursuant to Federal Water Pollution Control Act [commonly known as the "Clean Water Act" (CWA)], Paragraph 401(a)(1), a Section 401 Water Quality Certification (WQC) is required for "[a]ny applicant for Federal license or permit to conduct any activity including, but not limited to, the construction or operation of facilities, which may **result** in any discharge into the navigable waters..." (emphasis added). The term "discharge" is defined in CWA, Subsections 502(16), 502(12), and 502(6); Title 40 of the Code of Federal Regulations, Section 122.2; and Hawaii Administrative Rules (HAR), Chapter 11-54.

4. Please note that all discharges related to the project construction or operation activities, whether or not NPDES permit coverage and/or Section 401 WQC are required, must comply with the State's Water Quality Standards. Noncompliance with water quality requirements contained in HAR, Chapter 11-54, and/or permitting requirements, specified in HAR, Chapter 11-55, may be subject to penalties of \$25,000 per day per violation.

Mr. Douglas Haigh  
February 06, 2014  
Page 3

02011PCTM.14

If you have any questions, please visit our website at: <http://health.hawaii.gov/cwb>, or contact the Engineering Section, CWB, at (808) 586-4309.

Sincerely,

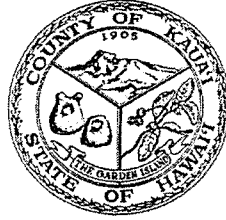


ALEC WONG, P.E., CHIEF  
Clean Water Branch

CTM:tg

c: Ms. Leslie Kurisaki, Kimura International, LLC  
[via email [LKurisaki@kimurainternational.com](mailto:LKurisaki@kimurainternational.com) only]  
DOH-EPO #14-021 [via email only]

**Bernard P. Carvalho, Jr.**  
Mayor



**Larry Dill, P.E.**  
County Engineer

**Nadine K. Nakamura**  
Managing Director

**Lyle Tabata**  
Deputy County Engineer

**DEPARTMENT OF PUBLIC WORKS**

**County of Kaua'i, State of Hawai'i**

4444 Rice Street, Suite 275, Līhu'e, Hawai'i 96766  
TEL (808) 241-4992 FAX (808) 241-6604

March 14, 2014

Mr. Alec Wong, P.E., Chief  
Clean Water Branch  
State of Hawaii  
Department of Health  
P.O. Box 3378  
Honolulu, HI 96801-3378


Dear Mr. Wong:

Subject: Draft Environmental Assessment  
Lydgate Park-Kapaa Bike/Pedestrian Path, Phases C&D  
Kawaihau District, Island of Kauai, TMK: 4-3-001, 002, and 007, various parcels

1. The project will meet all DOH criteria related to impacts to State waters (anti-degradation, designated uses, water quality).
2. A National Pollutant Discharge Elimination System (NPDES) permit will be obtained for stormwater associated with construction activities if applicable (to be determined during design).
3. The U.S. Army Corps of Engineers (USACE) Regulatory Branch has been contacted, and confirmed that the project does not involve work within or discharge into waters of the U.S. As such, no Department of the Army permit is required. Best management practices will be utilized during construction of the path to avoid discharge of pollutants into navigable waters.
4. All discharges related to construction or project operation will comply with State Water Quality Standards. A copy of your letter will be provided to the design team and applicable conditions will be included on the project specifications for the construction contractor.

If you have further comments or questions, please feel free to call Douglas Haigh at (808) 241-4849.

Yours truly,

  
Larry Dill, P.E.  
County Engineer

cc: Leslie Kurisaki, Kimura International



NEIL ABERCROMBIE  
GOVERNOR



STATE OF HAWAII  
DEPARTMENT OF TRANSPORTATION  
869 PUNCHBOWL STREET  
HONOLULU, HAWAII 96813-5097

GLENN M. OKIMOTO  
DIRECTOR

Deputy Directors  
FORD N. FUCHIGAMI  
RANDY GRUNE  
AUDREY HIDANO  
JADINE URASAKI

IN REPLY REFER TO:  
DIR 0134 & HWY 1883  
HWY-DD 2.6349

February 14, 2014

RECEIVED FEB 15 2014

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

Dear Mr. Kimura:

Subject: Lydgate-Kapaa Bike/Pedestrian Path, Phases C & D  
Federal-aid Project No. CMAQ-0700(49)

The Hawaii Department of Transportation (HDOT) has received the Draft Environmental Assessment for the subject project. HDOT will review the document and send any comments directly to the County of Kauai, Department of Public Works.

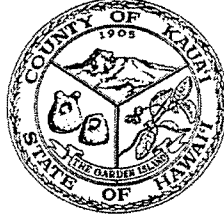
Should you have any questions, please call Christine Yamasaki at 692-7572 or Holly Yamauchi at 692-7574 of our Design Section, Design Branch, Highways Division, and reference letter no. HWY-DD 2.6349 as noted above.

Very truly yours,

A handwritten signature in black ink that reads "Alvin A. Takeshita".

Alvin A. Takeshita  
Highways Administrator

**Bernard P. Carvalho, Jr.**  
Mayor



**Larry Dill, P.E.**  
County Engineer

**Nadine K. Nakamura**  
Managing Director

**Lyle Tabata**  
Deputy County Engineer

**DEPARTMENT OF PUBLIC WORKS**

**County of Kaua'i, State of Hawai'i**

4444 Rice Street, Suite 275, Lihu'e, Hawai'i 96766  
TEL (808) 241-4992 FAX (808) 241-6604

March 14, 2014

Mr. Alvin A. Takeshita  
Highways Administrator  
Director of Transportation  
State of Hawaii  
Department of Transportation  
869 Punchbowl Street  
Honolulu, Hawaii 96813-5097


Dear Mr. Takeshita:

Subject: Draft Environmental Assessment  
Lydgate Park-Kapaa Bike/Pedestrian Path, Phases C&D  
Kawaihau District, Island of Kauai, TMK: 4-3-001, 002, and 007, various parcels

Thank you for your Draft EA comment letter dated February 14, 2014. We note that Hawaii DOT will review the DEA and send any comments directly to the County of Kauai, Department of Public Works.

If you have further comments or questions, please feel free to call Douglas Haigh at (808) 241-4849.

Yours truly,

  
Larry Dill, P.E.  
County Engineer

cc: Leslie Kurisaki, Kimura International

PHONE (808) 594-1888

FAX (808) 594-1865



**STATE OF HAWAII**  
**OFFICE OF HAWAIIAN AFFAIRS**  
737 IWILEI ROAD, SUITE 200  
HONOLULU, HAWAII 96817

RECEIVED MAR 07 2014

HDR14-0093K

March 3, 2014

County of Kaua'i, Department of Public Works  
Mr. Douglas Haigh  
Chief Building Division  
4444 Rice Street, Suite 175  
Lihu'e, HI 96766

Re: Request for comments on the Draft Environmental Assessment (DEA) for the Lydgate Park-Kapa'a Bike/Pedestrian Path, Phases C & D.

Dear Mr. Haigh:

The Office of Hawaiian Affairs (OHA) is in receipt of your January 22, 2014 letter requesting comments on the Draft Environmental Assessment for the Lydgate Park-Kapa'a Bike/Pedestrian Path, Phases C & D. The purpose of the project is to provide a bike and pedestrian path that is safer and more accessible than the existing assemblage of highway, local roads, and informal trails. Phases C & D close a gap in the recently constructed shared use paths (Phases A & B). The shared use path is to ensure lateral coastal access to the public and appropriate recreational development within the beach reserve.

OHA appreciates the overall purpose of the project, but has serious concerns regarding Phase C & D, as the pathway goes through the area of Waipouli. It is a historically and culturally significant area, and it is known to have a high likelihood of burials. In fact, previous projects and archaeological surveys in the area have uncovered at least 69 burials over the years, in the Makai Wailua to Waipouli area.

There are 11 documented historical properties on the State Inventory of Historic Places (SIHP) with the State Historic Preservation Division, of which nine are burials. Of those burials, two sites were discovered during the Archaeological Inventory Survey conducted for this project.

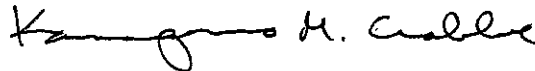
Mr. Douglas Haigh  
March 3, 2014  
Page 2

Of the 11 SIHP sites, Cultural Surveys Hawaii determined that six sites will have no adverse effect *with mitigation*, while the project will have no effect on the remaining five sites. Of the six sites that will be affected, five are burials. The County has made efforts to realign the pathway in order to avoid all known burial sites. However, there is high likelihood that more will be discovered, as shown from the above numbers, and the very nature of the area. The County has stated that "excavation requirements will be relatively shallow – the path itself typically involves excavation to a maximum of one foot." OHA would like to emphasize that excavating only one foot does not preclude the discovery of burials, especially when dealing with sand dunes in a heavily eroding area. OHA is aware that an archaeological monitor will be present during all levels of excavation as part of the mitigation plan. However, OHA would like to stress the importance of the monitor, and the execution of a burial treatment plan, because of the high likelihood of inadvertent discoveries.

Lastly, OHA concurs with the State of Hawai'i Department of Land and Natural Resources Office of Conservation and Coastal Lands' letter of August 1, 2011. They expressed concerns regarding the effect rising sea levels and beach erosion will have on the project. The coastline shows heavy erosion and accretion in varied locations of over a foot per year. OHA further agrees that the pathway should be constructed as far mauka as possible due to the high fluctuation of the coastline, and that all sand displaced during construction should be placed on the makai face of the frontal dune.

Thank you for continuing the opportunity to comment on this project. Should you have any questions, please contact Jeannin Jeremiah at 594-1790 or by email at [jeanninj@oha.org](mailto:jeanninj@oha.org).

'O wau iho nō,

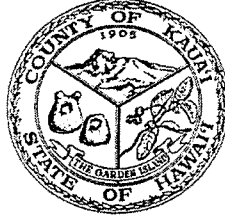


Kamana'opono M. Crabbe, Ph.D.  
Ka Pouhana, Chief Executive Officer

KMC;jj

C: Kimura International, Inc.  
OHA Trustee Dan Ahuna  
OHA Kaua'i Community Outreach Coordinator

**Bernard P. Carvalho, Jr.**  
Mayor



**Larry Dill, P.E.**  
County Engineer

**Nadine K. Nakamura**  
Managing Director

**Lyle Tabata**  
Deputy County Engineer

**DEPARTMENT OF PUBLIC WORKS**

**County of Kaua'i, State of Hawai'i**

4444 Rice Street, Suite 275, Lihu'e, Hawai'i 96766  
TEL (808) 241-4992 FAX (808) 241-6604

March 14, 2014

Mr. Kamana'opono M. Crabbe, Ph.D.  
Ka Pouhana, Chief Executive Officer  
Office of Hawaiian Affairs  
State of Hawaii  
737 Iwilei Road, Suite 200  
Honolulu, HI 96817

Ref: HDR14-0093K

Dear Dr. Crabbe:

Subject: Draft Environmental Assessment  
Lydgate Park-Kapaa Bike/Pedestrian Path, Phases C&D  
Kawaihau District, Island of Kauai, TMK: 4-3-001, 002, and 007, various parcels

Thank you for your letter dated March 7, 2014 regarding this project. We note your concern regarding the likelihood of discovering more burials within the path corridor and the importance of having an archaeological monitor and a burial treatment plan. Over the course of 18 months, we convened a Section 106, National Historical Preservation Act consultation process with Native Hawaiian Organizations (NHO) and the public. The outcome was a "no adverse effect determination" by the Federal Highways Administration, which was conditioned on a long list of mitigation measures that were described in the DEA. Ms. Kaliko Santos of OHA's Kauai office was an active participant and provided excellent guidance throughout the process.


The mitigation commitments acknowledge the high potential for encountering burials, emphasize the need for a knowledgeable on-site archaeological monitor, and the importance of involving State Historic Preservation Division and the Kauai/Niihau Island Burial Council in determining the respectful treatment of any inadvertent discoveries.

Regarding concerns over rising sea levels and beach erosion, the county has made a commitment to locate the path as far mauka as feasibly possible.

If you have further comments or questions, please feel free to call Douglas Haigh at (808) 241-4849.

Dr. Crabbe  
March 14, 2014  
Page 2

Yours truly,



Larry Dill, P.E.  
County Engineer

cc: Leslie Kurisaki, Kimura International



**Kapa'a Missionary Church**  
— loving God, living aloha —

January 29, 2014

RECEIVED JAN 31 2014

County of Kaua'i  
Department of Public Works  
4444 Rice Street, Suite 175  
Lihu'e, HI 96766  
Attention: Mr. Douglas Haigh, Chief, Building Division

Dear Mr. Haigh:

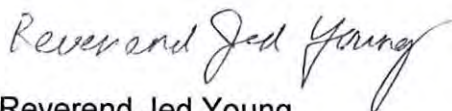
We received a letter with the proposed bike and pedestrian path through Waipouli connecting Lydgate to the existing Kapa'a path.

We would like to comment on the Phase C portion of the path. According to the proposal the "Build Alternative" will run on Kuhio Highway. Therefore, we do not agree with that proposal.

Recently, there seems to be an increase in bicycle and pedestrian traffic on Kuhio Highway in front of the Kapaa Missionary Church. It is more difficult to turn in to the church property from Kuhio Highway with this increased traffic. We believe that placing the path on Kuhio Highway will increase traffic and pose serious safety hazards for our attendees, those using the path and to the other businesses that the path on Kuhio Highway would run past.

We humbly ask that you seriously consider our concerns and place the path along the canal and behind the Village Manor (Proposed Additional Alignment).

Sincerely,



Reverend Jed Young  
Senior Pastor, Kapaa Missionary Church

cc: Kimura International, Inc.

COPY

  
**Kapa'a Missionary Church**  
— loving God, living aloha —

February 18, 2014

RECEIVED FEB 21 2014

County of Kaua'i  
Department of Public Works  
4444 Rice Street, Suite 175  
Lihu'e, HI 96766  
Attention: Mr. Douglas Haigh, Chief, Building Division

RE: The proposed bike and pedestrian path through Waipouli connecting Lydgate to the existing Kapa'a path – Phase C

Dear Mr. Haigh:

Attached is a list of names and signatures of people who do not want the "Build Alternative" (2007 FEA) route approved for Phase C.

These people are attendees of Kapaa Missionary Church who make turns from Kuhio Highway onto the Kapaa Missionary Church property on a regular basis. They are very concerned with the potentially higher risk of an accident if there are bicyclists and pedestrians constantly crossing the driveway entrance.

We would like to see the path run along the canal and behind the Village Manor (Proposed Additional Alignment). This is a much safer route for users of the path and a much nicer one as well. We request that the County of Kauai not allow the bike and pedestrian path to run on Kuhio Highway.

Respectfully submitted,

Kapaa Missionary Church Elders' Board

cc: Kimura International, Inc.



To the County of Kauai:

We are attendees and/or supporters of the Kapaa Missionary Church. We agree with KMC that the Phase C "Build Alternative (2007 FEA)" route for the Bike/Pedestrian Path is not safe or reasonable (where it would run on Kuhio Hwy). Please approve the "Proposed Additional Alignment" which will have the path go past the Uhelekawawa Canal and behind the Village Manor condominiums.

NAME (Print First & Last)

SIGNATURE

Caroline Okasako

Caroline Okasako

Linda L. KeleKoma

Linda L. KeleKoma

Merle Spence

Merle Spence

Veronica Cook

Veronica Cook

Sumiko I. Kondo

Sumiko I. Kondo

PATRICIA L. SIMPSON

Patricia Simpson

Sophie Fujiwara

Sophie Fujiwara

Helene K. Yamagata

Helene K. Yamagata

Deborah Byrnes

Deborah Byrnes

Joseph H. DeBeau

Joseph H. DeBeau

MARK E. HORST

Mark E. Horst

Jessie Muramatsu

Jessie Muramatsu

Sandy Takaezu

SANDY TAKAEZU

Joseph VICTORINO JR

Joseph Victorino Jr

EDWARD KA'AIHA

Edward Ka'aha

Donna Whitaker

Donna Whitaker

DJ Medeiros

DJ Medeiros

Kathleen Woodward

Kathleen Woodward

Kea Kanealei

Kea Kanealei

Tara Purnell

Tara Purnell

To the County of Kauai:

We are attendees and/or supporters of the Kapaa Missionary Church. We agree with KMC that the Phase C "Build Alternative (2007 FEA)" route for the Bike/Pedestrian Path is not safe or reasonable (where it would run on Kuhio Hwy). Please approve the "Proposed Additional Alignment" which will have the path go past the Uhelekawawa Canal and behind the Village Manor condominiums.

NAME (Print First & Last)

SIGNATURE

Jean K YADAO  
 June Kodani Lizama  
 Merna Jim  
 Lani Pedron  
 Anniece Sherwood  
 JED YOUNG  
 VELVIA L LAI  
 Judi Young  
 Stephanie Barsaba  
 Carol Moriguchi  
 MYRON JIM  
 JEFFREY ANNIS  
 Janice S. Bond  
 RON KADEY  
 John Stem  
 NATASHA TRODGE  
 Alyce L. Lier  
 Kathleen Young  
 ARNOLD MORALES  
 Rebeka Morales

Jean K. Yadao  
 June S. K. Lizama  
 Merna Jim  
 Lani Pedron  
 Anniece Sherwood  
 Jed Young  
 Velvia L. Lai  
 Judi Young  
 Stephanie Barsaba  
 Carol Moriguchi  
 Myron Jim  
 Jeffrey Annis  
 Janice S. Bond  
 Ron Kadey  
 John Stem  
 Natasha Trodger  
 Alyce L. Lier  
 Kathleen Young  
 Arnold Morales  
 Rebeka Morales



**Bernard P. Carvalho, Jr.**  
Mayor



**Larry Dill, P.E.**  
County Engineer

**Nadine K. Nakamura**  
Managing Director

**Lyle Tabata**  
Deputy County Engineer

**DEPARTMENT OF PUBLIC WORKS**

**County of Kaua'i, State of Hawai'i**

4444 Rice Street, Suite 275, Lihu'e, Hawai'i 96766  
TEL (808) 241-4992 FAX (808) 241-6604

March 14, 2014

Reverend Jed Young  
Kapaa Missionary Church  
4-758 Kuhio Highway  
Kapaa, Kauai, Hawaii 96746

Dear Reverend Young:


Subject: Draft Environmental Assessment  
Lydgate Park-Kapaa Bike/Pedestrian Path, Phases C&D  
Kawaihau District, Island of Kauai, TMK: 4-3-001, 002, and 007, various parcels

Thank you for your letter dated January 29, 2014 and the follow on letter dated February 18, 2014 regarding this project. We note your concern as well as members of your congregation regarding the alternative alignment that runs along Kuhio Highway and the preference for the alternative that goes between the Village Manor Apartments and along Uhelekawawa Canal.

Thank you also for attending the public meeting and voicing your concerns.

If you have further comments or questions, please feel free to call Douglas Haigh at (808) 241-4849.

Yours truly,

  
Larry Dill, P.E.  
County Engineer

cc: Leslie Kurisaki, Kimura International

RECEIVED FEB 12 2014



**COPY**

P. O. Box 81 :: Lihue, HI 96766  
phone 808.639.1018 :: fax 808.822.5075  
www.KauaiPath.org  
news@kauaipath.org

a registered 501 (C) 3 non-profit

February 10, 2014

County of Kaua'i  
Department of Public Works  
4444 Rice Street, Suite 175  
Lihue, HI 96766  
Attn. Mr. Douglas Haigh, Chief, Building Division

**Subject: Lydgate Park-Kapa'a Bike/Pedestrian Path, Phases C & D  
(Waipouli Connection) Draft Environmental Assessment (343 HRS)**

Aloha Mr. Haigh,

Mahalo for the opportunity to comment on the Lydgate Park-Kapa'a Bike/Pedestrian Path, Phases C & D (Waipouli Connection) Draft Environmental Assessment ("DEA").

Kauai Path Inc.'s board of directors firmly and unanimously supports the near-term construction of new path and supporting amenities as described in the above referenced DEA. This segment will complete the connection between the first two Phases of Ke Ala Hele Makalae, resulting in a contiguous coastal green belt system that links the island's primary residential area to the region's most popular park.

There are multiple benefits to expeditiously completing this connection. Most importantly, Hawaii is engaged in battling the obesity epidemic. An attractive facility sited along the waterfront like Ke Ala Hele Makalae rewards active lifestyles and is a proven contributor to improved fitness and health. People who will use the path for transportation relieve motor vehicle traffic in this congested corridor. The economic boost experienced by local businesses is a thoroughly documented result from such an investment in active transportation.

This coastal path alignment has been extensively reviewed and should be transformed into pathway enjoying the shoreline for the general benefit without delay. Any recommendation that the path be relocated away from the shore, moved further inland, or aligned beside Kuhio Highway should be respectfully declined since those alternatives have previously been thoughtfully considered and rejected. Using public lands for the path to follow the coast will result in the best, most attractive facility that will most profoundly benefit the largest number of Kauai residents.

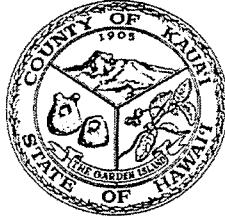
Sincerely,

A handwritten signature in blue ink that reads "Tommy A. Noyes".

Tommy A. Noyes  
Secretary, Kauai Path Inc. board of directors

Kauai residents working together to preserve, protect, and extend access island-wide through the design, implementation, and stewardship of non-motorized multi-use paths.

**Bernard P. Carvalho, Jr.**  
Mayor



**Larry Dill, P.E.**  
County Engineer

**Nadine K. Nakamura**  
Managing Director

**Lyle Tabata**  
Deputy County Engineer

**DEPARTMENT OF PUBLIC WORKS**

**County of Kauai, State of Hawaii**

4444 Rice Street, Suite 275, Lihu'e, Hawaii 96766  
TEL (808) 241-4992 FAX (808) 241-6604

March 14, 2014

Tommy A. Noyes  
Secretary, Kauai Path Board of Directors  
P.O. Box 81  
Lihue, Kauai, Hawaii 96766


Dear Tommy Noyes:

Subject: Draft Environmental Assessment  
Lydgate Park-Kapaa Bike/Pedestrian Path, Phases C&D  
Kawaihau District, Island of Kauai, TMK: 4-3-001, 002, and 007, various parcels

Thank you for your letter dated February 10, 2014 supporting this project. The points you make regarding the path's benefits that promote active lifestyles, improved fitness and health, a useful transportation alternative that reduces traffic congestion and the economic boost to our local economy are noted. We further acknowledge your support for the coastal path alignment away from Kuhio Highway.

If you have further comments or questions, please feel free to call Douglas Haigh at (808) 241-4849.

Yours truly,

  
Larry Dill, P.E.  
County Engineer

cc: Leslie Kurisaki, Kimura International



SIERRA CLUB OF HAWAII  
KAUA'I GROUP

MALAMA I KA HONUA  
Cherish the Earth

February 21, 2014

Meesa T. Otani  
Environmental Engineer  
U.S. Department of Transportation, Federal Highways Admin.  
300 Ala Moana Blvd., Room 3-306  
Honolulu, HI 96850

VIA EMAIL: meesa.otani@dot.gov

Dear Ms. Otani:

RE: NHPA Section 106 Determination for Lydgate Park-Kapa'a Bike/Pedestrian Path, Phases C&D  
(Waipouli) TMK 4-3-001, 002 and 007. [FHWA Letter to William Aila/DLNR, Nov. 26, 2013]

In followup to our phone conversation yesterday and at your suggestion, the Sierra Club of Hawai'i Kaua'i Group is writing to express concern about the inaccurate conclusions drawn from our testimony (both written and verbal) during the Section 106 Consultation meetings.

In the FHWA letter referenced above, on page 10, first paragraph, Footpath through Ironwoods (TMK: 4-3-007:027) it references Sierra Club's April 4, 2012 letter (to Mr. Glenn M. Okimoto, Director, Hawai'i DOT) and my comments at public meetings #4 and #5. However, that paragraph only cites the TMK for Coconut Plantation, and omits TMK 4-3-02:15 & 16 for the Coconut Beach Development parcel. Similarly, Cultural Surveys Hawaii commented only on the northern most parcel (Coconut Plantation). Our testimony was inclusive of both undeveloped resort parcels which have existing footpaths through mature Ironwood trees.

As you know, our Sierra Club April 2012 letter showed photographs of ocean debris washed up and over the footpath through the ironwoods, adjacent to Coconut Beach Development property, indicating that these trees are located on the public beach. Therefore, jurisdiction over the future disposition of the ironwoods does not rest solely with the developer.

On page 10, paragraph 2, last sentence, FHWA's letter states: "To the extent feasible, the bike/pedestrian will seek to incorporate the existing footpath." When this letter was presented at Meeting #5, you may recall my shock, concern and strong comments about this statement. Whereas Sierra Club testimony focused on preserving the footpaths and trees and locating the Path mauka, this statement indicates that the footpath will be replaced with a 12-ft wide cement multi-use path.

On pages 11-12, in the chart called **Summary of Site Specific Mitigation Measures**, for TMK 4-3-007:027 (Coconut Plantation) it states: "Path to follow the existing footpath where feasible". Again, this statement is absolutely contrary to our testimony. We proposed that these mature trees remain as a buffer between the shoreline/beach and the proposed Path and the undeveloped resort properties. This would allow beach users, fishers, and traditional cultural practitioners, to be left moderately undisturbed by Path activities and able to celebrate the quiet enjoyment of this beautiful coastline.

Page 2

Ms. Meesa T. Otani, U.S. DOT, Federal Highways Admin.

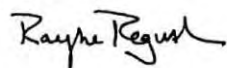
February 21, 2014

Furthermore, the Coconut Beach Development property has a non-buildable, 100-foot Open District designation along the coastline, allowing the county to establish the shoreline setback for the Path, mauka of these trees, without needing a Variance Permit.

I hope you will agree to take corrective action to clarify these inadvertent mischaracterizations in the FHWA's 2013 letter to William Aila. And, we would also appreciate if your assessment could be submitted for the record for the Draft Environmental Assessment, which also published your FHWA letter.

In creating the Multi-use Path, it is important that the coastal environment be left unchanged to the greatest degree possible to preserve the shoreline and natural beach processes, historic properties, views, the natural landscape, and traditional and cultural subsistence and recreational activities.

Sincerely,



Rayne Regush

Sierra Club of Hawaii, Kaua`i Group Executive Committee



Footpath through Ironwood trees in TMK 4-3-02:15 & 16 - Coconut Beach Development.  
Looking south; ocean on the left.





WAILUA - KAPA'A  
NEIGHBORHOOD  
ASSOCIATION

February 22, 2014

(VIA EMAIL: dhaigh@kauai.gov &  
lkurisaki@kimurainternational.com)

Doug Haigh, Chief Building Division  
County of Kaua'i, Public Works Department  
4444 Rice Street, Suite 175  
Lihu'e, HI 96766

RE: Draft EA for Bike/Pedestrian Path Phase C & D - Waipouli

Aloha Mr. Haigh:

As stated in the DEA, the County will be seeking Shoreline Setback Variances (SSV), and we are writing to object to any variances along the coastline fronting the undeveloped resort parcels owned by Coconut Beach Development (TMK 4-3-002:015 and 016) and Coconut Plantation (TMK 4-3-007:007).

Shoreline setbacks serve a real and critical purpose in protecting our beaches, our recreational ocean access, our coastal wildlife, and even our coastal developments. It is in no one's interests to compromise that protection with variances, for any reason.

The DEA inappropriately takes the position that these currently undeveloped resort parcels referenced above will be built simply because they were granted permits. But this is not a given, and the expiration dates of these County SMA Use Permits need to be included in the DEA. Furthermore, Coconut Beach Development cannot build within the 100-foot Open District and therefore a shoreline setback without a variance is available for siting the Path.

The Path should not be located within the shoreline setback through these two parcels, it must be aligned landward of the setback, based on current Certified Shorelines, otherwise negative impacts will occur. It will:

- 1) impede recreational use of the public beach which is based on the high water mark where evidence of the high wash of the waves is known to exceed the pre-existing foot paths through the Ironwoods;
- 2) eliminate a mature stand of Ironwood trees that provide shade and beauty, and whose roots secure the coastal berm protecting the land/beach seam, and the back-beach dunes;
- 3) thwart the haul-out activities of the endangered Hawaiian monk seal and threatened green sea turtles and other flora/fauna active here, and hinder birdwatchers and those who enjoy observing wildlife;
- 4) constrict yet another traditional and well-used fishing and diving beach down to a mere ribbon of land between resort traffic, a "bicycle freeway" and the sea; and
- 5) infringe on cultural and social traditions within the coastal environment.

Hawaii's long-established, environmentally proven, and legally sound shoreline protections should not be side-stepped with variance permits, setting the bar for future development variance requests at a new low.

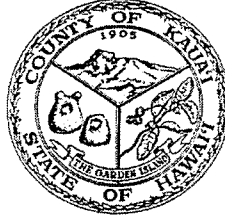
Coastal lands on Kaua'i are perhaps our most mutable and therefore precious asset. We request that the County not seek a SSV for the above referenced TMKs. Thank you for your serious consideration of this matter.

Sid Jackson, Secretary  
On behalf of the W-KNA Board of Directors

Serving Residents of the Kawaihau District  
*"We treasure our rural community"*

340 Aina Uka Street, Kapa'a, Hawai'i 96746 • 821-2837

**Bernard P. Carvalho, Jr.**  
Mayor



**Larry Dill, P.E.**  
County Engineer

**Nadine K. Nakamura**  
Managing Director

**Lyle Tabata**  
Deputy County Engineer

**DEPARTMENT OF PUBLIC WORKS**

**County of Kaua'i, State of Hawai'i**

4444 Rice Street, Suite 275, Lihu'e, Hawai'i 96766  
TEL (808) 241-4992 FAX (808) 241-6604

March 14, 2014

Sid Jackson  
Secretary, W-KNA Board of Directors  
340 Aina Uka Street  
Kapaa, Hawaii 96746


Dear Mr. Jackson:

Subject: Draft Environmental Assessment  
Lydgate Park-Kapaa Bike/Pedestrian Path, Phases C&D  
Kawaihau District, Island of Kauai, TMK: 4-3-001, 002, and 007, various parcels

Thank you for your letter dated February 22, 2014 regarding this project. We would like to clarify that the County would request a Shoreline Setback Variance only if sufficient land is unavailable along the coast. You are correct in that the undeveloped resort properties will not require a shoreline setback variance because of the required 100-foot shoreline setback conditioned on their SMA permit. For the other, already developed parcels, the next phase of the project will give us detailed topographic surveys with metes and bounds for properties, a certified shoreline survey and shoreline setback determination from which we can more precisely locate the path. As stated in our public meeting, our intent is to locate the path as far mauka from the shoreline as possible.

If you have further comments or questions, please feel free to call Douglas Haigh at (808) 241-4849.

Yours truly,

  
Larry Dill, P.E.  
County Engineer

cc: Leslie Kurisaki, Kimura International



SIERRA CLUB OF HAWAII  
KAUAI GROUP

MALAMA I KA HONUA  
*Cherish the Earth*

February 24, 2014

VIA EMAIL: dhaigh@kauai.gov &  
lkurisaki@kimurainternational.com

County of Kaua'i  
Department of Public Works  
4444 Rice Street, Suite 175  
Lihu'e, HI 96766  
Attn. Mr. Douglas Haigh, Chief, Building Division

RE: Lydgate Park-Kapa'a Bike/Pedestrian Path, Phases C&D (Waipouli Connection) Draft Environmental Assessment Comments

The Kaua'i Group of the Sierra Club Hawaii Chapter would like to provide comments about the above referenced Draft Environmental Assessment (DEA) for the proposed multi-use path (Path) along the Waipouli coast of East Kaua'i and have our questions and concerns addressed.

Foremost, we request that Sierra Club be consulted during the design phase, and particularly for the coastal portions adjacent to two large undeveloped resorts parcels: TMK 4-3-002:015 and 016 (Coconut Beach Development) and TMK 4-3-007:027 (Coconut Plantation). Since the DEA states that the actual siting of the path will occur during the design phase, will you include Sierra Club representatives in the design phase review process?

When deciding the Path's alignment, it is important that the coastal environment be left unchanged to the greatest degree possible to preserve the shoreline and natural beach processes, the mauka and makai views, the mature trees along the coastline, and to ensure there is no infringement on traditional and cultural subsistence and recreational activities.

According to the DEA, "because of FHWA project funding policies, detailed project design is not allowed prior to completion of the EA." Due to the DEA presenting a generalized alignment, it is possible that potential adverse environmental, cultural and historic impacts have not been accurately ascertained. Therefore, we would appreciate the opportunity to remain involved through the design phase which will address the critical issue of locating the Path's alignment.

Omissions and Corrections

Although Sierra Club's April 5, 2012 letter to DOT Director Glenn Okimoto RE: National Historic Preservation Act, Section 106 Consultation - Lydgate Park to Kapa'a Bike/Pedestrian Path Phases C&D - Federal Aid Project CMAQ-0700(49) is reprinted in the DEA, two recommendations in that letter were addressed marginally in the DEA:

- Identification on the maps of the existing footpaths; and
- Identification on the maps of the locations of the current certified shoreline and all previous certified shorelines.

On page 3-39, Figure 12, **Historical and Cultural Mitigations**, the notation for the Coconut Plantation parcel says: "Locate path along existing footpath (subject to shoreline setback)". However, the photos on Page 2-11, Photos 9 & 10 show how close that existing footpath is to the ocean. Therefore, we strongly object to the DEA conclusion "to the extent feasible, the bike/pedestrian path will seek to incorporate the existing footpath." The footpath should remain intact and the Path needs to be sited landward of it.

**Related to Significance Criteria:** On Page 5-3 Item 4 - 4. **Substantially affects the economic welfare or social welfare of the community or state.** The term "cultural practices" has been omitted. Hawaii Administrative Rules Statute §11-200-12 Significance Criteria Item 4 reads: "Substantially affects the economic welfare, social welfare, and cultural practices of the community or State." [However, we do know that Appendix D is Cultural Surveys Hawai'i's "Cultural Impact Assessment".]

#### **Page 8-11 Chart – Pre-Assessment Comments Received.**

In the "Response" column it states: "Future disposition of the ironwood trees is at the discretion of the landowner". This statement is not entirely accurate -- the public beach extends to where the high wash of the waves reaches and goes beyond these trees, as evidenced since 2005.

**Significance Criteria §11-200-12 B. 11** - Affects or is likely to suffer damage by being located in an environmentally sensitive area such as a flood plain, tsunami zone, beach, erosion-prone area, geologically hazardous land, estuary, fresh water, or coastal waters. However, the response to this criterion on page 5-5 states: "This project is located in the tsunami inundation zone; however, no occupied structures are proposed." Question: Why wouldn't the Path be considered a structure that can be significantly damaged due to high water events if positioned too close to the ocean?

#### **Shoreline Setback Variance (SSV)**

The DEA does not identify the locations for which the County intends to seek a Shoreline Setback Variance. QUESTION: Will the variance be for Phase C&D in its entirety, or for particular areas such as the reconstruction of existing paved sidewalk along the makai frontage of some properties? Please cite those locations with insufficient setbacks from the shoreline, with TMK numbers prior to the Final EA.

A Shoreline Setback Variance can undermine Coastal Zone Management protections. QUESTION: Without knowing the Path's specific alignment, how can the DEA justify that the Path is in compliance with the following beach protections?

#### **Page 4-3 regarding Coastal Land Policies:**

2. When developing public facilities or granting zoning, land use permits, or subdivision for development along the coast, the first priority shall be to preserve and protect sandy beaches.

(a) Strips of land along the shoreline... in the County Open zoning district are intended to serve as a buffer from coastal erosion. Structures should be sited inland of these coastal buffers on lands that are appropriately zoned.

(b) When development is proposed along a sandy beach, hazards of long-term coastal erosion should be assessed and used to determine appropriate setbacks.

**Page 4-4. E. Open Lands Policies** - Item 3. Lands designated Open shall remain predominantly free of development involving buildings, paving and other construction.

### **Coastal Erosion**

QUESTION: What are the shoreline **erosion rates** along the coastal corridor of Phase C&D? What are the erosion rates in the areas with concentrated cultural deposits? Please provide pertinent coastal erosion maps that were to be developed and used as a basis for the new shoreline setback requirements of Ordinance 863. Coastal erosion data is intended to be incorporated during the earliest stages of development and therefore should be included in the DEA.

According to page 3-3 in the DEA, the path is proposed for construction on berms to avoid excavation in areas with **concentrated cultural deposits**. These areas measure approximately 270 feet in length (across TMK: 4-3-002: 016) and 190 feet (across TMK: 4-3-007: 027). At a height of 1.5 feet, the berms would require an estimated 700 cubic yards of fill material. Certainly these cultural deposits must be avoided, however, placing fill in close proximity to active beach processes can have negative impacts as well. Please address this dilemma.

On page 3-5 in the last paragraph it states: "The lawn areas located landward of the beach crest are typically at an elevation of about 9 feet MSL and the bike route is about 110 feet from the water line."

QUESTION: is the water line the certified shoreline? Is it the high water mark at high tide? Please clarify. Although it's stated on page 3-7 that: "In the coastal section, the preliminary path alignment is landward of the tree line and damage to the path due to beach erosion is not expected," isn't it possible that a SSV could result in precisely this unintended consequence?

Some facilities which are publically owned (such as the Multi-use Path), and result in no interference with the natural beach may be a permitted structure **within** the Shoreline Setback Area. QUESTION: If the Path is intended to be constructed within the setback, rather than landward of the setback, how will you demonstrate it won't interfere with coastal processes?

On page 4-8, Figure 18 shows a **Conceptual Layout of a Portion of Project Area Relative to 40-Foot Shoreline Setback**. Although "this drawing is indicative only and subject to change, it shows how the various features are likely to relate to each other" we find Figure 18 very helpful. QUESTION: Can additional illustrations like this be prepared for all portions of the Path corridor, prior to the FEA?

According to the SMA Permit for Coconut Beach Development resort, "The coast line fronting the property is also designated as an Open District with a depth of 100 feet inland from the certified shoreline" and that "No buildings are proposed within the Open District along the shoreline". QUESTION: Does this enable the County to adhere to the shoreline setback distance, aligning the Path 40-feet landward of the certified shoreline plus 70-feet multiplied by the annual coastal erosion rate?

**Biological Environment.** Section 3.2.2 addressing Fauna notes: "Several avian and mammalian surveys were conducted in the Wailua-Waipouli-Kapa'a coastal corridor in the 2000s. Intensive counts for the original project corridor were taken in March 2004 (David 2004).

QUESTION: Will you please identify the species counts for the Waipouli corridor, separate from Wailua and Kapa`a in order to more accurately assess possible impacts for Phase C&D. We've frequently observed the indigenous Frigatebird or 'iwa, for example, flying close-in and low along the coastal area populated with ironwood trees, and wonder whether this is more common in Waipouli.

As noted on page 3-15, the National Marine Fisheries Service (NMFS) proposes revising the current critical habitat for the Hawaiian monk seal by extending the current terrestrial habitat 5 meters (approximately 16.4 feet) from the shoreline. From this fact, we conclude the importance of siting the Path no less than the 40-foot shoreline setback requirement to keep as large a buffer as possible between Path activities and seal and threatened green sea turtle habitat. The goal is to not discourage these haul-outs, and so the best mitigation is avoidance.

Page 3-16 states that "users who stay on the path itself are highly unlikely to encounter a hauled out seal since the path is on the elevated flat land above the beach." We'd like to point out this is not consistently true because the beach elevation changes so dramatically and can align with inland elevations, allowing the seals a direct line of sight to human activities.

QUESTION: Is the grove of existing mature coconut palms on TMK 4-3-007:027 (Coconut Plantation) recognized and protected by the Kauai County Exceptional Tree Ordinance and if so, please describe how the Path will impact these trees and what mitigation efforts will be proposed.

In the Flora section on Page 3-13, it references the "thin line of ironwood trees (*Casuarina equisetifolia*) ... found along the seaward side of the undeveloped parcels." These trees are located on the back beach area where, from time to time, the high tide reaches. Therefore, these trees are part of the public beach. Their root system holds the berm and mitigates beach erosion, they minimize adverse impacts on public views from and along the shoreline, and they can serve as a buffer between the Path activities and beach activities.

### **Foot path through the Ironwood Trees**

Referring to the photographs of the undeveloped resort parcels (Page 2-9 Photos 5 & 6, and Page 2-11 Photos 9 & 10) and based on periodic evidence of the high wash of the waves in this location, the mature

Page 5

Mr. Douglas Haigh, Chief, Building Division

February 24, 2014

ironwood trees along the shore are within the active beach corridor. This means that the tree's future disposition is not solely in the hands of the landowner.

The existing foot path through the Ironwood trees on TKM 4-3-002:015 and 016 are a distinct feature enjoyed by those who walk along this coastline and their preservation are important to many Sierra Club members. Two photographs of the footpath through the trees are inserted on the last page of this letter for the record.

**Appendix B - Effect Determination - Section 106, National Historic Preservation Act  
Letter from Federal Highway Administration to State Historic Preservation Officer -  
November 26, 2013.**

As you are aware, I attended the December 12, 2013 final Section 106 meeting where this letter was presented. I clearly pointed out the misrepresentation on page 3 of Sierra Club's Section 106 comments taken from our April 2012 letter to Mr. Okimoto, State DOT Director. Having noted these errors at the meeting, but seeing that they were negligibly addressed in the DEA, please find attached Sierra Club's February 21, 2014 letter to Meesa T. Otani, U. S. Dept. of Transportation, Federal Highways Administration.

**Closing Statement.**

We agree that the path does promote a healthy lifestyle, but where it is located along the coastline, must not diminish the public benefits derived from preserving the natural environment, protecting cultural assets and endangered/threatened species, and recreational and subsistence activities of seashore users. We look forward to having our questions and concerns addressed.

Sincerely,



Rayne Regush  
on behalf of the Kaua'i Group Executive Committee  
Sierra Club of Hawai'i

Encl. Letter to Meesa T. Otani, FHWA, Feb. 21, 2014

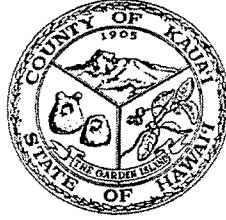


Footpath through Ironwood trees in TMK 4-3-002:015, looking south; ocean on left side.





**Bernard P. Carvalho, Jr.**  
Mayor



**Larry Dill, P.E.**  
County Engineer

**Nadine K. Nakamura**  
Managing Director

**Lyle Tabata**  
Deputy County Engineer

**DEPARTMENT OF PUBLIC WORKS**

**County of Kaua'i, State of Hawai'i**

4444 Rice Street, Suite 275, Līhu'e, Hawai'i 96766  
TEL (808) 241-4992 FAX (808) 241-6604

March 14, 2014

Rayne Regush  
on behalf of the Kauai Group Executive Committee  
Sierra Club of Hawaii  
P.O. Box 3412  
Lihue, Hawaii 96766

Dear Ms. Regush:

Subject: Draft Environmental Assessment  
Lydgate Park-Kapaa Bike/Pedestrian Path, Phases C&D  
Kawaihau District, Island of Kauai, TMK: 4-3-001, 002, and 007, various parcels

Thank you for your letter dated February 24, 2014 regarding this project. The following are responses to the questions in your letter. Your other comments are acknowledged.

1. Will you include the Sierra Club representatives in the design phase review process?  
**Response:** There will be public meetings during the design phase of the project and the Sierra Club representatives are invited to attend.
2. Page 3-39, Fig. 12. Strongly object to the DEA conclusion "to the extent feasible, the bike/pedestrian path will seek to incorporate the existing footpath".  
**Response:** The map label will be corrected to say "locate path as far mauka as feasible".
3. Page 5-3, item 4-4, related to significance criteria.  
**Response:** Omission regarding cultural practices noted and will be corrected.
4. Significance Criteria §11-200-12 B.11. Why wouldn't the Path be considered a structure that can be significantly damaged due to high water events if positioned too close to the ocean?  
**Response:** a path is neither an "occupied" structure nor a structure as defined by the Kauai County Flood Plain Management Ordinance.
5. Shoreline Setback Variance (SSV). Will the variance be for Phase C & D in its entirety, or for particular areas such as the reconstruction of existing paved sidewalk along the makai frontage of some properties?

**Response:** Until we enter the next phase which will require a topographic survey map with property lines plotted, certified shoreline and shoreline setback determination, the precise locations cannot be determined.

6. Shoreline Setback Variance (SSV) can undermine Coastal Zone Management protections. Without knowing the Path's specific alignment, how can the DEA justify that the Path is in compliance with beach protection policies?

**Response:** Compliance with beach protections will be finalized during the SMA compliance process.

7. Page 4-4. E. Open Land Policies – Item 3. Lands designated Open shall remain predominantly free of development involving buildings, paving and other construction.

**Response:** A public facility such as a multi-use path is expressly permitted in the open zone.

8. Coastal Erosion: What are the shoreline erosion rates along the coastal corridor of Phase C & D? What are the erosion rates in the areas with concentrated cultural deposits?

**Response:** Coastal erosion rates will be addressed during the SMA compliance process.

9. Page 3-3, the path is proposed for construction on berms to avoid excavation in areas with concentrated cultural deposits.

**Response:** Any fill will be with appropriate material and will be addressed during the SMA compliance process.

10. Page 3-5, Is the water line the certified shoreline? Is it the high water mark at high tide? Is it possible that a SSV could result in precisely this unintended consequence?

**Response:** The water line in the diagram is not the certified shoreline. The high water mark is at high tide. The SSV issue will be addressed during the SMA compliance process.

11. If the path is intended to be constructed within the setback, rather than landward of the setback, how will you demonstrate it won't interfere with coastal processes?

**Response:** Impacts to the coastal processes will be addressed during the SMA compliance process.

12. Page 4-8, Figure 18. Can additional illustrations like this be prepared for all portions of the Path corridor, prior to the FEA?

**Response:** Similar maps will be provided during the SMA compliance process.

13. Regarding the SMA Permit for the Coconut Beach Development resort, does this enable the County to adhere to the shoreline setback distance, aligning the Path 40- feet landward of the shoreline setback distance, aligning the Path 40-feet landward of the certified shoreline plus 70-feet multiplied by the annual coastal erosion rate?

**Response:** This issue will be addressed during the SMA compliance process.

14. Biological environment, Section 3.2.2, will you please identify the species counts for the Waipouli corridor, separate from Wailua and Kapaa in order to more accurately assess possible impacts for Phase C & D?

**Response:** The avian makeup of the Waipouli, Wailua and Kapaa is the same. Any species recorded within any of these three areas can be expected to be found at least occasionally in the other two sites. Birds are mobile creatures and use resources as they occur on a seasonal and opportunistic fashion. There is no significant difference in the avifauna within the three areas.

Great Frigatebirds can be expected to be seen on an occasional basis anywhere along the coastline of Kauai and there is nothing special or significantly different from a frigate birds point of view about any of the sections within Phases C & D. Frigatebirds do not nest and rarely if ever roost within the greater Kapaa area. The proposed bike/pedestrian path will not result in deleterious impacts to this or other seabird species.

15. Is the grove of existing mature coconut palms on TMK 4-3-007:027 (Coconut Plantation) recognized and protected by the Kauai County Exceptional Tree Ordinance and if so, please describe how the Path will impact these trees and what mitigation efforts will be proposed.

**Response:** The grove of mature coconut trees are identified by Exceptional Tree No. K-12-Coconut Grove (otherwise known as *Niu*, Coconut-palm or *Cocos nucifera*) and whose location is described as "The grove extends both makai and mauka of Highway 56 (Kuhio Highway) at Waipouli; TMK 4-4-6-2, 4-3-7-27, 28 and 29). The coconut trees on parcel 27 are on the exceptional tree list and appear to be concentrated as a grove of a former coconut plantation. The grove does not extend to the shoreline and there does not appear to be any coconut trees where the path will be aligned. However, if a coconut tree is found within the proposed alignment, the Count Arborist Committee will be consulted as to measures to replace or avoid any such tree.

If you have further comments or questions, please feel free to call Douglas Haigh at (808) 241-4849.

Yours truly,



Larry Dill, P.E.  
County Engineer

cc: Leslie Kurisaki, Kimura International

## Leslie Kurisaki

---

**From:** Doug Haigh  
**Sent:** Friday, January 24, 2014 9:50 AM  
**To:** Glenn T. Kimura (glennk@kimurainternational.com); Leslie Kurisaki (lkurisaki@kimurainternational.com)  
**Subject:** FW: Bike Path Direction Kapaa Kauai

FYI

**From:** Mary [mailto:mary.ransbury@gmail.com]  
**Sent:** Thursday, January 23, 2014 6:49 PM  
**To:** Larry Dill; Doug Haigh  
**Cc:** boards.and.commissions@hawaii.gov  
**Subject:** Bike Path Direction Kapaa Kauai

Aloha Larry and Doug

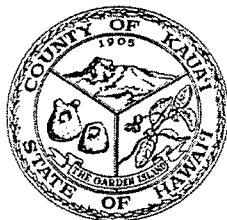
I am taking this opportunity to reach out to you to voice my concern of the current direction of the bike path? I am asking that you all please reconsider the direction of the path to run between the coconut market place and islander vs directly in front of the islander. The reason is it would be the natural course that you currently have. I am unclear to the reasoning of why but all I can advise you on is that you have only heard from two individuals at islander 1. Scott Valor who has his unit up for sale and does not represent the islander owners who would be impacted by the path and 2. Bruce who is absolutely not the owners voice.

I own at Kailani and I own at Kapaa Sands and neither of these properties have the bike path in front? So why would you direct the path to run in front of the islander except you have been misinformed as we owners would like for you to reconsider the current direction and flow.

The coconut market place needs patrons and visibility? This would be a great opportunity to help all those shops who have struggled.

Regards  
Mary Ransbury  
Islander on the beach owner

**Bernard P. Carvalho, Jr.**  
Mayor



**Larry Dill, P.E.**  
County Engineer

**Nadine K. Nakamura**  
Managing Director

**Lyle Tabata**  
Deputy County Engineer

**DEPARTMENT OF PUBLIC WORKS**

**County of Kaua'i, State of Hawai'i**

4444 Rice Street, Suite 275, Lihu'e, Hawai'i 96766

TEL (808) 241-4992 FAX (808) 241-6604

March 14, 2014

Mary Ransbury  
email: mary.ransbury@gmail.com

Dear Ms. Ransbury:

Subject: Draft Environmental Assessment  
Lydgate Park-Kapaa Bike/Pedestrian Path, Phases C&D  
Kawaihau District, Island of Kauai, TMK: 4-3-001, 002, and 007, various parcels

Thank you for your email dated January 24, 2014 regarding this project. We note that your preference is to have the path run between the Coconut Marketplace and Islander on the Beach instead of directly in front (assume you mean makai or shoreside?) of the Islander. We considered an alternative that ran along Aleka Loop, but this alternative was dismissed because Aleka Loop is a privately owned roadway. The County owns a beach reserve makai of Islander on the Beach and a beach access that runs between Islander on the Beach and Kauai Sands from the shoreline to Papaloa Road.

Because the path runs along the parking lot of the Coconut Marketplace, users of the path will have opportunities to patronize shops there when these phases are completed.

If you have further comments or questions, please feel free to call Douglas Haigh at (808) 241-4849.

Yours truly,

Larry Dill, P.E.  
County Engineer

cc: Leslie Kurisaki, Kimura International

## Leslie Kurisaki

---

**From:** Doug Haigh  
**Sent:** Friday, January 24, 2014 10:06 AM  
**To:** KrellersGetaway; Larry Dill  
**Cc:** Glenn T. Kimura (glennk@kimurainternational.com); Leslie Kurisaki (lkurisaki@kimurainternational.com); Dawn Olsen <dolsen1071@aol.com> (dolsen1071@aol.com)  
**Subject:** RE: Bike path at the Islander on the Beach

You are welcome to attend the next public meeting on February 19<sup>th</sup> at Kapa'a Middle School cafeteria from 6:00-8:00 PM to learn more about the project and express your concerns.

You can find a copy of the draft EA at Kapa'a Library or download it from the web site of the State Office of Environmental Quality Control -[http://oeqc.doh.hawaii.gov/Shared%20Documents/Environmental\\_Notice/current\\_issue.pdf](http://oeqc.doh.hawaii.gov/Shared%20Documents/Environmental_Notice/current_issue.pdf).

**From:** KrellersGetaway [mailto:krellersgetaway@gmail.com]  
**Sent:** Thursday, January 23, 2014 11:28 AM  
**To:** Larry Dill; Doug Haigh  
**Subject:** Bike path at the Islander on the Beach

Aloha Larry and Doug,

We own three units at the Islander on the Beach project, only one is direct ocean front. We are think of selling one, if interested. Ha!

However, we strongly urge you to consider the route out by the road in front of the Coconut Market Place (vs in front of the Islander complex) for the following reasons:

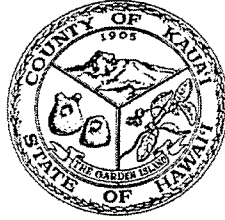
- 1) There could be some serious drainage issues which could cause major damage to the ground floor units that sit direct ocean front at the Islander, as we already have drainage issues there anyhow, but to put a big path in there, the water has no place else to go!
- 2) Hazard to both bikers and resort guests; we have a lot of folks that go from their rooms and/or from the pool area to the beach, but having bikers zoom past could create major liability issues/injuries to both the guest and rider.

Thank you for considering an alternate route.

Blessings,

Brad and Wendy Kreller

**Bernard P. Carvalho, Jr.**  
Mayor



**Larry Dill, P.E.**  
County Engineer

**Nadine K. Nakamura**  
Managing Director

**Lyle Tabata**  
Deputy County Engineer

**DEPARTMENT OF PUBLIC WORKS**

**County of Kaua'i, State of Hawai'i**

4444 Rice Street, Suite 275, Lihu'e, Hawai'i 96766  
TEL (808) 241-4992 FAX (808) 241-6604

March 14, 2014

Brad and Wendy Kreller  
krellersgetaway@gmail.com

Dear Mr. and Mrs. Kreller:

Subject: Draft Environmental Assessment  
Lydgate Park-Kapaa Bike/Pedestrian Path, Phases C&D  
Kawaihau District, Island of Kauai, TMK: 4-3-001, 002, and 007, various parcels

Thank you for your email dated January 23, 2014 regarding this project. We note that you own three units at the Islander on the Beach and urge us to consider the route out by the road in front of the Coconut Market Place instead of in front of the Islander complex. We offer the following responses to your comments:

1. There are existing drainage issues for ground floor units and the path would not allow the water to go anywhere.  
**Response:** Surface water runoff and drainage issues will be addressed in the next engineering design phase of the project.
2. Hazard to both bikers and resort guests.  
**Response:** The multi-use path will be designed according to the American Association of State Highway and Transportation Officials (AASHTO) guidelines which address safety concerns. Signage and markers will be installed to warn users of safety concerns, as needed. The multi-use path is not only designed for bicycles, but also for pedestrians and joggers of all ages that use the path for exercise and fitness.

If you have further comments or questions, please feel free to call Douglas Haigh at (808) 241-4849.

Yours truly,

Larry Dill, P.E.  
County Engineer

cc: Leslie Kurisaki, Kimura International

## Leslie Kurisaki

---

**From:** Doug Haigh  
**Sent:** Monday, January 27, 2014 7:53 AM  
**To:** Gregg and Debbie Gray  
**Cc:** Larry Dill; Glenn T. Kimura (glennk@kimurainternational.com); Leslie Kurisaki (lkurisaki@kimurainternational.com); Dawn Olsen <dolsen1071@aol.com> (dolsen1071@aol.com)  
**Subject:** RE: bike path spur d

You are welcome to attend the next public meeting on February 19<sup>th</sup> at Kapa'a Middle School cafeteria from 6:00-8:00 PM to learn more about the project and express your concerns.

You can find a copy of the draft EA at Kapa'a Library or download it from the web site of the State Office of Environmental Quality Control -[http://oeqc.doh.hawaii.gov/Shared%20Documents/Environmental\\_Notice/current\\_issue.pdf](http://oeqc.doh.hawaii.gov/Shared%20Documents/Environmental_Notice/current_issue.pdf).

**From:** Gregg and Debbie Gray [mailto:tothegrayz7@aol.com]  
**Sent:** Sunday, January 26, 2014 7:52 AM  
**To:** Doug Haigh  
**Cc:** Larry Dill  
**Subject:** bike path spur d

Greetings Doug and Larry,  
We are owners at Islander on the Beach and have direct ocean front units that will be greatly affected by Spur D section of bike path.

Unlike other areas that have been installed, **the grass area fronting these buildings is far too narrow to allow a busy bike lane, without endangering our constant crossing** to and from the beach in front. It feels like the bikes would be whizzing by 10 feet from where we sit on our lanai! We use this area for chaise lounges.

- **Many residents are elderly and we cross back and forth over this path all day. It is an accident waiting to happen!**
- **The huge liability to both County of Kauai and owners of Islander is avoidable by rerouting section of path to a safer area more appropriate for bikes**
- **There are existing severe drainage issues that will cost much more than anticipated to address properly**
- **I know from pedestrian accidents involving elderly in Hawaii, they do not look before stepping out! Fast moving bicycles will collide sooner or later, possibly with fatalities. Please do not install it in a much-used pathway, where the area is narrow.**

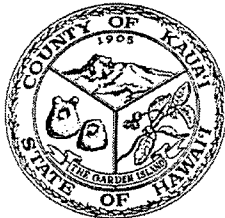
We sincerely hope you will reconsider this leg of path being rerouted behind Islander instead of across our unit's small grass area.

Thank you!

Aloha and mahalo for all you do,  
Debbie Gray (Gregg and Debbie Gray, owners #351)



**Bernard P. Carvalho, Jr.**  
Mayor



**Larry Dill, P.E.**  
County Engineer

**Nadine K. Nakamura**  
Managing Director

**Lyle Tabata**  
Deputy County Engineer

**DEPARTMENT OF PUBLIC WORKS**

**County of Kaua'i, State of Hawai'i**

4444 Rice Street, Suite 275, Līhu'e, Hawai'i 96766  
TEL (808) 241-4992 FAX (808) 241-6604

March 14, 2014

Greg and Debbie Gray  
tothegrays7@aol.com

Dear Mr. Greg and Ms. Debbie Gray:

**Subject:** Draft Environmental Assessment  
Lydgate Park-Kapaa Bike/Pedestrian Path, Phases C&D  
Kawaihau District, Island of Kauai, TMK: 4-3-001, 002, and 007, various parcels

Thank you for your email dated January 26, 2014 regarding this project. We note that you are owners at Islander on the Beach and have direct ocean front units that will be affected by Phase D of the multi-use path and are concerned that the grass area fronting the Islander on the Beach is far too narrow to allow a busy bike lane, without endangering constant crossing to the beach. The concerns you note in your email are addressed below:

1. Many residents are elderly and cross back and forth over the existing path and is an accident waiting to happen.

**Response:** The multi-use path will be designed according to the American Association of State Highway and Transportation Officials (AASHTO) guidelines which address safety concerns. Signage and markers will be installed to warn users of safety concerns, as needed. Surface water runoff and drainage issues will be addressed in the next engineering design phase of the project.

2. Liability to the County of Kauai and owners of Islander:

**Response:** Liability concerns are managed by proper design of the facilities.

3. Existing severe drainage issues.

**Response:** Surface water runoff and drainage issues will be addressed in the next engineering design phase of the project.

4. Pedestrian accidents involving elderly in Hawaii.

**Response:** The multi-use path is designed not only for bicyclists but also for pedestrians. It will be at least 10 feet wide to allow traffic to move in both directions. Our experience on the completed phases of the path has been that bicyclists are aware of pedestrians, elderly and children and proceed cautiously.

Mr. Greg and Ms. Debbie Gray  
March 14, 2014  
Page 2

If you have further comments or questions, please feel free to call Douglas Haigh at (808) 241-4849.

Yours truly,

A handwritten signature in black ink, appearing to read 'LD', written over a circular stamp or mark.

Larry Dill, P.E.  
County Engineer

cc: Leslie Kurisaki, Kimura International

2/12/14  
CHARLES N. BAKER  
BOX 286  
LAWAI, HAWAII 96765  
808-639-9622

RECEIVED FEB 14 2014

COUNTY OF KAUAI  
DEPARTMENT OF PUBLIC WORKS  
4444 RICE STREET, SUITE 175  
LIHUE, HI. 96766

ATTN: MR. DOUGLAS HAIGH, CHIEF, BUILDING DIVISION

ALOHA MR. HAIGH,

I AM WRITING YOU IN REFERENCE TO THE BIKE PATH ROUTE PHASE C.  
I AM IN POSSESSION OF THE PROJECT LOCATION MAP. MY PARTNER AND I OWN  
THE COMMERCIAL BUILDING AT 4-734 KUHIO HIGHWAY TMK:

4-4-3-007-019. IF THE ROUTE DESIGNATED IN RED ON THE PROJECT MAP  
IS USED IT WOULD DESTROY OUR COMMERCIAL USE BECAUSE WE JUST  
BARELY WERE ABLE TO PROVIDE THE REQUIRED PARKING STALLS FOR THIS  
LOCATION. MR. VERNON JORDON AND I ARE OWNERS OF THIS PROPERTY AND  
HE IS 78 AND I AM 73 AND THIS WOULD CREATE A ENORMOUS HARDSHIP ON  
OUR RETIREMENT. PUTTING THE ROUTE ALONG THE HIGHWAY WOULD NOT  
ONLY DESTROY OUR COMMERCIAL ACTIVITY BUT IT WOULD PUT MY PRESENT  
TENANT, SNORKEL BOB'S, OUT OF BUSINESS AT THIS LOCATION. THEY  
HAVE BEEN MY TENANT FOR MORE THAN 10 YEARS AND HAVE ESTABLISHED  
THEMSELVES AT THIS LOCATION FOR RETURNING CUSTOMERS.

IN ADDITION TO THE ABOVE THE ENORMOUS DANGER OF HAVING BICYCLE RIDERS  
ALONG THIS SECTION OF KUHIO HIGHWAY WOULD BE INVITING AN  
ACCIDENT, POTENTIAL DEATHS AND LAW SUITS.

OBVIOUSLY I SUPPORT THE DOTTED GREEN LINE ROUTE AS THE BEST POSSIBLE  
SOLUTION TO THE ABOVE PROBLEMS.

I ATTENDED THE PREVIOUS PUBLIC MEETINGS CONCERNING THIS ROUTE  
CONSIDERATIONS AND MAYOR BAPTISTE PROMISED US THE ROUTE WOULD NOT  
GO IN FRONT OF OUR BUSINESS LOCATION.

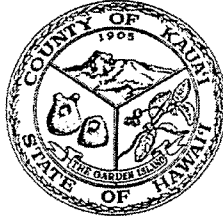
IN ADDITION TO ALL THIS IS THE CONSIDERATION OF THE ENORMOUS  
ADDITIONAL EXPENSE TO THE COUNTY FOR PAYING BUSINESS PROPERTY  
OWNERS AFFECTED BY THE RED LINE PATH. AS A TAXPAYER I DO NOT  
WANT TO BE SHARING IN THIS EXPENSE EITHER.

MAHALO,



CHARLIE BAKER

**Bernard P. Carvalho, Jr.**  
Mayor



**Larry Dill, P.E.**  
County Engineer

**Nadine K. Nakamura**  
Managing Director

**Lyle Tabata**  
Deputy County Engineer

**DEPARTMENT OF PUBLIC WORKS**

**County of Kaua'i, State of Hawai'i**

4444 Rice Street, Suite 275, Lihu'e, Hawai'i 96766  
TEL (808) 241-4992 FAX (808) 241-6604

March 14, 2014

Charles N. Baker  
P.O. Box 286  
Lawai, Hawaii 96765

Dear Mr. Baker:

Subject: Draft Environmental Assessment  
Lydgate Park-Kapaa Bike/Pedestrian Path, Phases C&D  
Kawaihau District, Island of Kauai, TMK: 4-3-001, 002, and 007, various parcels

Thank you for your letter dated February 12, 2014 regarding this project. We note your objection to having the multi-use path along Kuhio Highway in front of your commercial property for the many reasons you cite. We agree that this route is less than optimal given the safety issues, disruption to commercial activity, and cost to tax payers. We also note that you support the alignment that runs between the Village Manor apartments and along Uhelekawawa Canal. We will take your input into consideration and will evaluate the merits and demerits for both alternatives in the next engineering design phase.

If you have further comments or questions, please feel free to call Douglas Haigh at (808) 241-4849.

Yours truly,

Larry Dill, P.E.  
County Engineer

cc: Leslie Kurisaki, Kimura International

## Leslie Kurisaki

---

**From:** Doug Haigh  
**Sent:** Tuesday, February 18, 2014 9:05 AM  
**To:** srdaunt@comcast.net; Larry Dill  
**Cc:** Glenn T. Kimura (glennk@kimurainternational.com); Leslie Kurisaki (lkurisaki@kimurainternational.com); Larry Dill; Lenny Rapozo; Dawn Olsen  
**Subject:** RE: Concerns with bike path route-Sean Daunt

You are welcome to attend the next public meeting on February 19th at Kapa'a Middle School cafeteria from 6:00-8:00 PM to learn more about the project and express your concerns.

You can find a copy of the draft EA at Kapa'a Library or download it from the web site of the State Office of Environmental Quality Control -[http://oeqc.doh.hawaii.gov/Shared%20Documents/Environmental\\_Notice/current\\_issue.pdf](http://oeqc.doh.hawaii.gov/Shared%20Documents/Environmental_Notice/current_issue.pdf).

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**From:** srdaunt@comcast.net [mailto:srdaunt@comcast.net]  
**Sent:** Thursday, February 13, 2014 4:59 PM  
**To:** Larry Dill; Doug Haigh  
**Subject:** Concerns with bike path route

Larry and Doug,

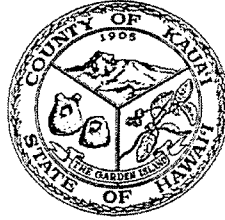
I'm an owner at Islander on the Beach and have concerns of the bike path and the proposed route. I'm an avid user of the path to Kealia Beach and truly appreciate your efforts. I believe the pathway plan is one of the best projects that the County has designed.

The problem with going in front of the Islander is the lack of space between the units, path and beach. It's just too tight an area to cross in front of the units of the Islander. I'm hoping that you can look into alternate routes.

Good luck with this project and I hope that you'll be able to move into the next phase swiftly.

Sean Daunt

**Bernard P. Carvalho, Jr.**  
Mayor



**Larry Dill, P.E.**  
County Engineer

**Nadine K. Nakamura**  
Managing Director

**Lyle Tabata**  
Deputy County Engineer

**DEPARTMENT OF PUBLIC WORKS**

**County of Kaua'i, State of Hawai'i**

4444 Rice Street, Suite 275, Līhu'e, Hawai'i 96766  
TEL (808) 241-4992 FAX (808) 241-6604

March 14, 2014

Sean Daunt  
srdaunt@comcast.net

Dear Mr. Daunt:

Subject: Draft Environmental Assessment  
Lydgate Park-Kapaa Bike/Pedestrian Path, Phases C&D  
Kawaihau District, Island of Kauai, TMK: 4-3-001, 002, and 007, various parcels

Thank you for your email dated February 13, 2014 regarding this project. We note that you are an owner at Islander on the Beach and have concerns regarding the lack of space between the units, path and beach in front of the Islander on the Beach.

The next engineering design phase of the project will address the lack of space issue when we complete a topographic survey with property lines, certified shoreline survey and shoreline setback determination. Additional public meetings will be held after the findings of these surveys and a more precise location is determined for the multi-use path.

If you have further comments or questions, please feel free to call Douglas Haigh at (808) 241-4849.

Yours truly,

Larry Dill, P.E.  
County Engineer

cc: Leslie Kurisaki, Kimura International

**Leslie Kurisaki**

---

**From:** Doug Haigh  
**Sent:** Tuesday, February 18, 2014 8:21 AM  
**To:** Gary Lamouria  
**Cc:** Glenn T. Kimura (glennk@kimurainternational.com); Leslie Kurisaki (lkurisaki@kimurainternational.com); Larry Dill; Lenny Rapozo  
**Subject:** RE: Bike path at Islander on the Beach

You are welcome to attend the next public meeting on February 19th at Kapa'a Middle School cafeteria from 6:00-8:00 PM to learn more about the project and express your concerns.

You can find a copy of the draft EA at Kapa'a Library or download it from the web site of the State Office of Environmental Quality Control -[http://oeqc.doh.hawaii.gov/Shared%20Documents/Environmental\\_Notice/current\\_issue.pdf](http://oeqc.doh.hawaii.gov/Shared%20Documents/Environmental_Notice/current_issue.pdf).

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**From:** Gary Lamouria [mailto:garylamouria@yahoo.com]  
**Sent:** Sunday, February 16, 2014 1:51 PM  
**To:** Doug Haigh  
**Subject:** Bike path at Islander on the Beach

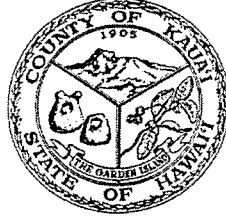
Aloha Mr. Haigh and first let me say how I appreciate being able to voice my opinion regarding the bike path construction at Islander on the Beach. I am not against bike paths, as I have enjoyed the use of bike paths in different times and different cities in my life, but I have never been on a bike path with such close proximity to private buildings and lanais. Everyone loves bike paths and properties "adjacent" to bike paths generally will increase property values, but even bike lovers will agree they don't want them steps from their doors. We may be able to phone in our security issues to the county, but what will the solution be--that we hire more security guards? That we police our own properties? Once done, I am afraid, cannot be undone.

There is so little land between our oceanfront properties now and even less where the path would curve around the Niihau and Molikai buildings, that safety issues between bikes, walkers, children, strollers, dogs (and I've seen plenty of unleashed dogs), is a real concern.

I am also extremely concerned with our drainage issue and will not go into the details as Bob MacCallum has already submitted an extensive review of the drainage issue here. Also, Kevin Ornallas, has broached the county on this issue. There are other routes this bike path can take. It seems to me that the county finds drainage to be a big issue in some of them, but dismissive of the problem at the Islander. We property owners at the IOTB are already facing a hugh assessment due to problems that were mismanaged in the past and I would want to see how this issue could be fixed correctly before construction.

These are my concerns and reasons that I object to the bike path going through our properties. Mahalo for taking the time to address these issues, as it will not be possible to attend the 2/19/14 meeting--Gary Lamouria, IOTB owner

**Bernard P. Carvalho, Jr.**  
Mayor



**Larry Dill, P.E.**  
County Engineer

**Nadine K. Nakamura**  
Managing Director

**Lyle Tabata**  
Deputy County Engineer

**DEPARTMENT OF PUBLIC WORKS**

**County of Kaua'i, State of Hawai'i**

4444 Rice Street, Suite 275, Līhu'e, Hawai'i 96766  
TEL (808) 241-4992 FAX (808) 241-6604

March 14, 2014

Gary Lamouria  
Islander on the Beach landowner  
garylamouria@yahoo.com

Dear Mr. Lamouria:

**Subject:** Draft Environmental Assessment  
Lydgate Park-Kapaa Bike/Pedestrian Path, Phases C&D  
Kawaihau District, Island of Kauai, TMK: 4-3-001, 002, and 007, various parcels

Thank you for your email dated February 16, 2014 regarding this project. We note your appreciation for bike paths both on Kauai and different cities. Regarding your concerns as follows:

1. Regarding the proximity of the path relative to the Niihau and Molikai buildings at the Island on the Beach Resort and safety issues regarding bikers, pedestrians and dogs.  
**Response:** The precise location of the multi-use path will be determined in the next engineering design phase. During this phase, a topographic survey map which will indicate property boundaries, a certified shoreline survey and a shoreline setback determination will be prepared to determine the alignment for the path. The multi-use path will be designed according to the American Association of State Highway and Transportation Officials (AASHTO) guidelines which address safety concerns. Signage and markers will be installed to warn users of safety concerns, as needed.
2. There are existing drainage issues that the county dismisses.  
**Response:** Surface water runoff and drainage issues will be addressed in the next engineering design phase of the project.

If you have further comments or questions, please feel free to call Douglas Haigh at (808) 241-4849.

Yours truly,

Larry Dill, P.E.  
County Engineer

cc: Leslie Kurisaki, Kimura International



# COMMENT SHEET

## **Lydgate Park-Kapa'a Bike/Pedestrian Path, Phases C & D (Waipouli Connection) Draft Environmental Assessment (Chapter 343 HRS)**

The County of Kaua'i, Department of Public Works (DPW) has completed a Draft Environmental Assessment (DEA) for a proposed bike and pedestrian path through Waipouli connecting Lydgate Park to the existing Kapa'a bike and pedestrian path. The DEA is currently undergoing a 30-day public comment period which ends on February 24, 2014. The County invites you to submit written comments on this form, or by mail/email to:

County of Kaua'i  
Department of Public Works  
4444 Rice Street, Suite 175  
Lihu'e, HI 96766  
Attn. Mr. Douglas Haigh  
Chief, Building Division  
[dhaigh@kauai.gov](mailto:dhaigh@kauai.gov)

*with a copy to:*

Kimura International, Inc.  
1600 Kapi'olani Blvd., Suite 1610  
Honolulu, HI 96814  
Attn. Ms. Leslie Kurisaki  
[lkurisaki@kimurainternational.com](mailto:lkurisaki@kimurainternational.com)

### **Comments:**

The Kapa'a Business Association SUPPORTS ALL COASTAL ROUTES WHEN FEASIBLY POSSIBLE. WE PREFER THE "GREEN" ROUTE AS SHOWN IN THE PRESENTATION.

*Neil Sams*

KAPA'A BUSINESS ASSOCIATION - VICE PRESIDENT

Name: Neil Sams

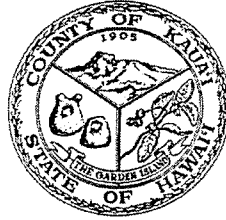
Address: 4388 Kanaele Road

Kapa'a, HI 96746

Email: htdd@aloha.net

Date: 2/17/14

**Bernard P. Carvalho, Jr.**  
Mayor



**Larry Dill, P.E.**  
County Engineer

**Nadine K. Nakamura**  
Managing Director

**Lyle Tabata**  
Deputy County Engineer

**DEPARTMENT OF PUBLIC WORKS**

**County of Kaua'i, State of Hawai'i**

4444 Rice Street, Suite 275, Lihu'e, Hawai'i 96766  
TEL (808) 241-4992 FAX (808) 241-6604

March 14, 2014

Neill Sams, Vice President  
Kapaa Business Association  
4388 Kanaele Road  
Kapaa, Hi 96746


Dear Mr. Sams:

Subject: Draft Environmental Assessment  
Lydgate Park-Kapaa Bike/Pedestrian Path, Phases C&D  
Kawaihau District, Island of Kauai, TMK: 4-3-001, 002, and 007, various parcels

Thank you for your comments dated February 17, 2014 supporting all coastal routes for the multi-use path when feasible.

If you have further comments or questions, please feel free to call Douglas Haigh at (808) 241-4849.

Yours truly,

  
Larry Dill, P.E.  
County Engineer

cc: Leslie Kurisaki, Kimura International

# COMMENT SHEET

## Lydgate Park-Kapa'a Bike/Pedestrian Path, Phases C & D (Waipouli Connection) Draft Environmental Assessment (Chapter 343 HRS)

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Attn. Mr. Douglas Haigh  
Chief, Building Division  
[dhaigh@kauai.gov](mailto:dhaigh@kauai.gov)

with a copy to:

Kimura International, Inc.  
1600 Kapi'olani Blvd., Suite 1610  
Honolulu, HI 96814  
Attn. Ms. Leslie Kurisaki  
[lkurisaki@kimurainternational.com](mailto:lkurisaki@kimurainternational.com)

### Comments:

Re parts C & D: meeting Kapa'a Middle School 2/19/14  
I AM totally in FAVOR of the pro-  
posed coastal path as designated in  
the MAP displayed ~~map~~. Let's have as  
much as is possible of the path on the  
coast/beach Route.

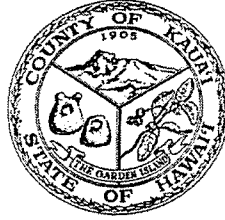
I love the park! Keep up the good  
work planning & orchestrating this project.  
This is the best thing that has  
happened to the East Side. THANKS!!

Name: Gabriela Taylor

Address: 5620 KAPANA RD  
KAPA'A, HI 96746

Email: gabrielat@kapananet Date: 2/19/14

**Bernard P. Carvalho, Jr.**  
Mayor



**Larry Dill, P.E.**  
County Engineer

**Nadine K. Nakamura**  
Managing Director

**Lyle Tabata**  
Deputy County Engineer

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**County of Kaua'i, State of Hawai'i**

4444 Rice Street, Suite 275, Līhu'e, Hawai'i 96766  
TEL (808) 241-4992 FAX (808) 241-6604

March 14, 2014

Gabriela Taylor  
5620 Keapana Road  
Kapaa, Hi 96746

Dear Ms. Taylor:

Subject: Draft Environmental Assessment  
Lydgate Park-Kapaa Bike/Pedestrian Path, Phases C&D  
Kawaihau District, Island of Kauai, TMK: 4-3-001, 002, and 007, various parcels

Thank you for your comments dated February 19, 2014 supporting all coastal routes for the multi-use path as possible.

If you have further comments or questions, please feel free to call Douglas Haigh at (808) 241-4849.

Yours truly,

Larry Dill, P.E.  
County Engineer

cc: Leslie Kurisaki, Kimura International

# COMMENT SHEET

## Lydgate Park-Kapa'a Bike/Pedestrian Path, Phases C & D (Waipouli Connection) Draft Environmental Assessment (Chapter 343 HRS)

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County of Kaua'i  
Department of Public Works  
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Lihu'e, HI 96766  
Attn. Mr. Douglas Haigh  
Chief, Building Division  
[dhaigh@kauai.gov](mailto:dhaigh@kauai.gov)

with a copy to:

Kimura International, Inc.  
1600 Kapi'olani Blvd., Suite 1610  
Honolulu, HI 96814  
Attn. Ms. Leslie Kurisaki  
[lkurisaki@kimurainternational.com](mailto:lkurisaki@kimurainternational.com)

Comments: Regarding the 2 options at Mokuhana Hotel area

As a pedestrian Advocate, supporting walking on Kauai for the health of Kauai's people, I support the section option along the canal (vs. in front of Kapaa Missionary Church along the Hwy.) has disadvantages:  
Walking along the highway is not preferred because  
- not safe for Pedestrian  
- poor air quality (breathing car fumes)  
- noisy (car noise)

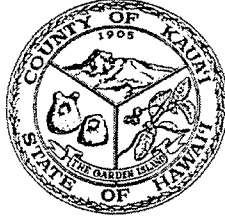
<sup>A</sup>  
~~The~~ path along the canal doesn't have any of ~~these~~ above disadvantages.

Name: Esti Grinpas

Address: 6186 Helena Lane, Kapaa

Email: esti@bobstropicals.com Date: 2/19/14

**Bernard P. Carvalho, Jr.**  
Mayor



**Larry Dill, P.E.**  
County Engineer

**Nadine K. Nakamura**  
Managing Director

**Lyle Tabata**  
Deputy County Engineer

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**County of Kaua'i, State of Hawai'i**

4444 Rice Street, Suite 275, Lihu'e, Hawai'i 96766  
TEL (808) 241-4992 FAX (808) 241-6604

March 14, 2014

Esti Grinpas  
6186 Helena Lane  
Kapaa, Hi 96746


Dear Ms. Grinpas:

Subject: Draft Environmental Assessment  
Lydgate Park-Kapaa Bike/Pedestrian Path, Phases C&D  
Kawaihau District, Island of Kauai, TMK: 4-3-001, 002, and 007, various parcels

Thank you for your comments dated February 19, 2014 regarding this project. We note that you are a pedestrian advocate and support the route that runs along Uhelekawawa Canal instead of along Kuhio Highway.

If you have further comments or questions, please feel free to call Douglas Haigh at (808) 241-4849.

Yours truly,

  
Larry Dill, P.E.  
County Engineer

cc: Leslie Kurisaki, Kimura International

## Leslie Kurisaki

---

**From:** ML Knold Richardson  
**Sent:** Wednesday, February 19, 2014 7:15 AM  
**To:** dhaigh@kauai.gov; Leslie Kurisaki  
**Cc:** judydalton123@gmail.com  
**Subject:** Pedestrian/Bike Path Proposal

To whom it may concern:

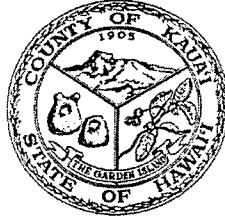
Having watched the evolution of the path from the beginning, I can state unequivocally that it is a wonderful addition to the island and is in constant use by all manner of walkers, runners, skaters, bikers, and people with impaired mobility. Using the railroad right-of-way where possible is, and will in the future, be the logical way to extend the path to Anahola, but connecting the two existing sections under consideration is a challenge. Your proposal is well thought out and presents the most practical and feasible solution. While I wish it could stay near the water all the way, there are existing structures that make this virtually impossible, so you have done the next best thing. The public presently has access to the proposed route, and I have walked it many times. Being that motorized vehicles will not use it, very little will change from the perspective of the public staying in the hotels along the coast, and if anything it will be an improvement. Far from impacting the coast negatively, I think users will do as they have along the existing parts, where they monitor and collect the minimal amount of refuse. If there is any potential abuse of monk seals or turtles I'm sure it will be reported or immediately addressed by users.

As a kid I loved spending time on the beach at Wailua and sadly watched the increasing traffic on the highway destroy its appeal to beach goers. I can't get over how much the new path with its barrier wall has changed the feeling for the better. The beach is getting more use and it feels separated from the traffic. The naupaka and other plants are growing with the additional water and change almost daily. You did the right thing and the path and the beach will get more and more use. Please do everything possible to place the path along the water where proposed, and if it is as well placed and built as what has been done already, my children, grandchildren and all future generations will thank you for the foresight and thought that went into making the path a reality.

Hope I live to see the path completed from Nawiliwili to Anahola.

Bruce Richardson

**Bernard P. Carvalho, Jr.**  
Mayor



**Larry Dill, P.E.**  
County Engineer

**Nadine K. Nakamura**  
Managing Director

**Lyle Tabata**  
Deputy County Engineer

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**County of Kaua'i, State of Hawai'i**

4444 Rice Street, Suite 275, Līhu'e, Hawai'i 96766  
TEL (808) 241-4992 FAX (808) 241-6604

March 14, 2014

Bruce Richardson  
ravenrich1@gmail.com

Dear Mr. Richardson:

Subject: Draft Environmental Assessment  
Lydgate Park-Kapaa Bike/Pedestrian Path, Phases C&D  
Kawaihau District, Island of Kauai, TMK: 4-3-001, 002, and 007, various parcels

Thank you for your comments dated February 19, 2014 supporting this project. We note your support for the coastal route, the positive benefits for walkers, runners, skaters, bikers and people with impaired mobility and appreciation for the culture of path users that includes caring for the path.

If you have further comments or questions, please feel free to call Douglas Haigh at (808) 241-4849.

Yours truly,

Larry Dill, P.E.  
County Engineer

cc: Leslie Kurisaki, Kimura International



**Leslie Kurisaki**

---

**From:** Doug Haigh  
**Sent:** Wednesday, February 19, 2014 12:54 PM  
**To:** Glenn T. Kimura (glennk@kimurainternational.com); Leslie Kurisaki (lkurisaki@kimurainternational.com)  
**Cc:** Lenny Rapozo  
**Subject:** FW: Bike Path Meeting 2/19/14 @ Middle School

FYI

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**From:** Mari Chan  
**Sent:** Wednesday, February 19, 2014 9:55 AM  
**To:** Doug Haigh  
**Cc:** Larry Dill; Lyle Tabata  
**Subject:** FW: Bike Path Meeting 2/19/14 @ Middle School

Hi Doug,  
 Glenn Mickens called here for Larry as he wanted to provide testimony for tonight's meeting. Informed him that I would do that as well as provide to you, the PM for the project.  
 Glenn said that he couldn't make the meeting.  
 Thanks,  
 Mari

Larry,  
 Providing you a hard copy to your tray as well as this email as Glenn was insistent that you was his testimony.  
 Tks.

---

**From:** Glenn Mickens [<mailto:glennruth2030@gmail.com>]  
**Sent:** Wednesday, February 19, 2014 9:42 AM  
**To:** Mari Chan  
**Subject:** Bike Path Meeting 2/19/14 @ Middle School

There have been a multitude of questions asked about this Path since its inception 12 years ago with no answers forthcoming. Let's review a few.

- 1) How does the total length of this path keep changing from the original 23 plus miles proposed to the reported 16 miles by the Garden Island in Monday's paper?
- 2) When the paving of our county road 20 feet wide by 1 mile long will cost about \$147,000 then by using the same formula a ten foot wide path should cost about \$73,000.  
 But this path is costing an unbelievable \$5 million dollars a mile! And for the 1/8 of a mile in the Wailua Corridor the cost was \$2 million or over \$10 million per mile!! How can that cost per use ever be justified?
- 3) The State Highway project (2 miles) by KCC cost under a million dollars a mile when considering the total material and labor used for the project---off ramps, curbs, sidewalks, center divider and a path.  
 And the traffic mitigation this project has accomplished compared to the the cost per use benefit we are getting from this path is staggering---absolutely no comparison.

2/24/2014

4) How was the usage of this path changed from a "transportation" path (to satisfy the Transportation Enhancement qualifications that say any bike path shall be used for transportation and not for recreation) to a dog, walking path as being used today?

5) A Council member who has pushed this path from the beginning once said it would take vehicles off the road and lessen the carbon monoxide going into the air. This has never happened and never will happen as people will continue to use their vehicles for their transportation needs. Our time, resources and money should be used to build alternate roads, not a recreational path that is costing a fortune to build.

6) Where is the local, State and Federal oversight to find out where this obscene amount of money is going to build this path? Why no accountability?

7) It has taken over 10 years to build about 7 miles of this path so if ever completed--a big if since Fed funds are drying up--it would take 30 years or more to complete. Even the Dept of Highways who have done a master plan of the segment of the path from Nawiliwili to Lydgate have cut the major part of this project from their plan.

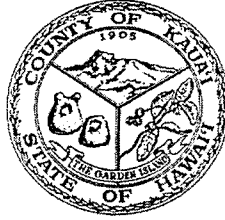
8) I am not opposed to bike paths per se. But this path was planned wrong from the beginning and is trying to be retrofitted into an area already built which is causing outrageous money and delays. Again, insane planning.

9) The rules of this path say no motor vehicles shall be permitted on it and yet vehicles drive and park on it by the Kapaa Neighborhood center creating hazards for the users.

Let me end by quoting from an editorial that our learned retired lawyer Walter Lewis wrote on 4/13/13. "We must recognize that no definitive accounting has ever been given for the costs of the completed portion of the path, a shameful disregard of the rights of our citizens to know how our government expends taxpayers funds, and the future costs for a completion of the path remain obscure."

Glenn Mickens

**Bernard P. Carvalho, Jr.**  
Mayor



**Larry Dill, P.E.**  
County Engineer

**Nadine K. Nakamura**  
Managing Director

**Lyle Tabata**  
Deputy County Engineer

**DEPARTMENT OF PUBLIC WORKS**

**County of Kaua'i, State of Hawai'i**

4444 Rice Street, Suite 275, Līhu'e, Hawai'i 96766  
TEL (808) 241-4992 FAX (808) 241-6604

March 14, 2014

Glenn Mickens  
glennruth2030@gmail.com

Dear Mr. Mickens:

Subject: Draft Environmental Assessment  
Lydgate Park-Kapaa Bike/Pedestrian Path, Phases C&D  
Kawaihau District, Island of Kauai, TMK: 4-3-001, 002, and 007, various parcels

Thank you for your email dated February 19, 2014 regarding this project. The following are responses to your questions:

1. How does the total length of this path keep changing from the original 23 plus miles proposed to the reported 16 miles in the Garden Island in Monday's paper?  
**Response:** The estimated final length of the path will not be determined until all the environmental clearances are completed.
2. Comparing cost of paving county roads versus the ten foot wide path, how can the cost per use ever be justified?  
**Response:** Repaving county roads generally cost less because the basic road foundation, right-of-way and bridge crossings are already in place. Building new multi-use paths often occur in areas where none of these exist.
3. How was the usage of this path changed from a "transportation" path which Transportation Enhancement qualifications disallow use for recreation?  
**Response:** According to the U.S. Department of Transportation, Federal Highway Administration (FHWA) website, "Bicycle and Pedestrians", Designing Sidewalks and Trails for Access, Part II of II: Best Practices Design Guides, "*A shared-use path serves as part of a transportation circulation system and supports multiple recreation opportunities, such as walking, bicycling, and inline skating...Shared use paths provide a transportation function.*"
4. Where is the local, State and Federal oversight and accountability regarding the cost to construct the path?  
**Response:** The County of Kauai administration, County Council, the State Department of Transportation Highways and the Federal Highway Administration are all involved in the planning, environmental documentation, engineering design and construction of the multi-use path. The FHWA provides oversight and requires compliance with all applicable federal regulations.

Mr. Mickens  
March 14, 2014  
Page 2

If you have further comments or questions, please feel free to call Douglas Haigh at (808) 241-4849.

Yours truly,

A handwritten signature in black ink, appearing to read 'LD', is written over the printed name 'Larry Dill'.

Larry Dill, P.E.  
County Engineer

cc: Leslie Kurisaki, Kimura International

## Leslie Kurisaki

---

**From:** Doug Haigh  
**Sent:** Thursday, February 20, 2014 3:58 PM  
**To:** Leslie Kurisaki (lkurisaki@kimurainternational.com); Glenn T. Kimura (glennk@kimurainternational.com)  
**Subject:** FW: Support for the Multi-Use Path

---

**From:** Glenn Head [mailto:Glenn@glennhead.com]  
**Sent:** Thursday, February 20, 2014 3:53 PM  
**To:** Doug Haigh  
**Cc:** Bobbie Schlobohm; Cindy Plemer (cindy.plemer@hawaiiantel.net); Pauline Kirchner (pmrak@aol.com); Larry and Pat corona; Lisen Berquist; Barbara Hill  
**Subject:** Support for the Multi-Use Path

Hi Doug,

I'm writing to express our support for the multi-use path as presented last night at the public meeting. I spoke with you briefly before the meeting began.

Our 17 owners look forward to enjoying the ocean side path including the short variation near the Bull Shed on the north end – the green line.

Going out along the highway is simply too dangerous.

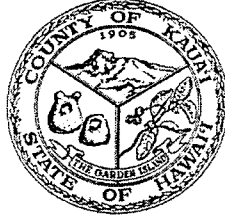
Naturally we would like to see the path completed as quickly as possible. The contractor that completed the Baby Beach section seemed to be very efficient.

If there is anything we can offer you that would be supportive going forward, please don't hesitate to ask.

Thanks for all that you do.

Glenn Head  
President  
Lanikai AOA  
390 Papaloa Rd  
720-353-2345 (cell)

**Bernard P. Carvalho, Jr.**  
Mayor



**Larry Dill, P.E.**  
County Engineer

**Nadine K. Nakamura**  
Managing Director

**Lyle Tabata**  
Deputy County Engineer

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TEL (808) 241-4992 FAX (808) 241-6604

March 14, 2014

Glenn Head  
glenn@glennhead.com

Dear Mr. Head:

Subject: Draft Environmental Assessment  
Lydgate Park-Kapaa Bike/Pedestrian Path, Phases C&D  
Kawaihau District, Island of Kauai, TMK: 4-3-001, 002, and 007, various parcels

Thank you for your email dated February 20, 2014 supporting this project. We also note that 17 owners of the Lanikai AOA look forward to the coastal path and the alignment along Uhelekawawa Canal.

If you have further comments or questions, please feel free to call Douglas Haigh at (808) 241-4849.

Yours truly,

Larry Dill, P.E.  
County Engineer

cc: Leslie Kurisaki, Kimura International

**Leslie Kurisaki**

---

**From:** Surfrider Foundation Kauai Chapter  
**Sent:** Thursday, February 20, 2014 2:43 PM  
**To:** dhaigh@kauai.gov; lkurisaki@kimurainternational.com  
**Subject:** Kauai Bike Path Environmental Assessment

Thanks you for last night's presentation on your work on the draft Environmental Assessment (EA) of the Kapa'a Area proposed "bike path."

The Surfrider Foundation is always concerned whenever anything is built too close to the beach. Coastal erosion and sea level rise, long term, will mean that these structures are in danger of washing away, or worse, might beget a coastal armoring project such as a seawall. For this reason, we urge the EA to proceed without any assumption of, as one of your slides said, "obtaining coastal setback variances." The Environmental Assessment should assume that the County will obey its own coastal setback law without seeking a variance.

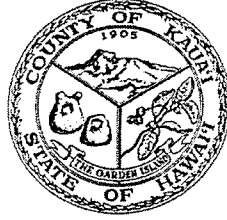
Thank you for your hard work on this challenging project.

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[www.kauai.surfrider.org](http://www.kauai.surfrider.org)  
Facebook: Surfrider Kauai

If you do not wish to receive e-mails from Surfrider Kauai, please reply with UNSUBSCRIBE in the subject line.

**Bernard P. Carvalho, Jr.**  
Mayor



**Larry Dill, P.E.**  
County Engineer

**Nadine K. Nakamura**  
Managing Director

**Lyle Tabata**  
Deputy County Engineer

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TEL (808) 241-4992 FAX (808) 241-6604

March 14, 2014

Surfrider Foundation Kauai Foundation  
surfriderkauai@gmail.com

Dear Sir:

Subject: Draft Environmental Assessment  
Lydgate Park-Kapaa Bike/Pedestrian Path, Phases C&D  
Kawaihau District, Island of Kauai, TMK: 4-3-001, 002, and 007, various parcels

Thank you for your email dated February 20, 2014 regarding this project. We note your concern regarding aligning the path too close to the beach, coastal erosion, sea level rise, and potential shoreline armoring as well as assuming that shoreline setback variances will be sought.

In the next engineering design phase of the project, a topographic survey, certified shoreline survey and shoreline setback determination will be completed. With that information, we can determine the alignment for the multi-use path and will seek a shoreline setback variance only if needed. The county's intent is to locate the path as far mauka from the shoreline as feasible.

If you have further comments or questions, please feel free to call Douglas Haigh at (808) 241-4849.

Yours truly,

Larry Dill, P.E.  
County Engineer

cc: Leslie Kurisaki, Kimura International



**Leslie Kurisaki**

---

**From:** Doug Haigh  
**Sent:** Monday, February 24, 2014 7:52 AM  
**To:** Leslie Kurisaki (lkurisaki@kimurainternational.com); Lenny Rapozo  
**Subject:** FW: Lydgate Park - Kapa'a Bike Path - Phases C&D

---

**From:** tjkrem41@comcast.net [mailto:tjkrem41@comcast.net]  
**Sent:** Saturday, February 22, 2014 8:30 AM  
**To:** Doug Haigh  
**Subject:** Lydgate Park - Kapa'a Bike Path - Phases C&D

Dear Mr. Haigh:  
Sorry about the earlier email. Hit the wrong button...

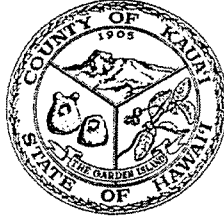
We attended the informational meeting this past Wednesday at Kapa'a Middle School and submit the following:

- (1) We support the continuing planning & funding of the entire bike path.
- (2) We do NOT support any plan that crosses either Kuhio Highway or the by-pass road due to safety concerns.
- (3) We generally support how the county is approaching the planning and engineering/construction of the path - safety first and foremost, but also considering cost, aesthetics, a healthy and fun (as well as practical) means of transportation along the east coast of Kauai.

Thank you,  
*Tom*  
Tom Kremer  
[tjkrem41@comcast.net](mailto:tjkrem41@comcast.net)  
Phone: 651-325-8763  
66 9th Street East Unit 1704  
Saint Paul, MN 55101

Pat White  
3175 Alohi St  
Lihue, HI 96766

**Bernard P. Carvalho, Jr.**  
Mayor



**Larry Dill, P.E.**  
County Engineer

**Nadine K. Nakamura**  
Managing Director

**Lyle Tabata**  
Deputy County Engineer

**DEPARTMENT OF PUBLIC WORKS**

**County of Kaua'i, State of Hawai'i**

4444 Rice Street, Suite 275, Lihu'e, Hawai'i 96766  
TEL (808) 241-4992 FAX (808) 241-6604

March 14, 2014

Tom Kremer  
[tjkrem41@comcast.net](mailto:tjkrem41@comcast.net)  
66 9<sup>th</sup> Street East Unit 1704  
Saint Paul, MN 55101

Pat White  
3175 Alohi St.  
Lihue, HI 96766


Dear Mr. Kremer and Ms. White:

Subject: Draft Environmental Assessment  
Lydgate Park-Kapaa Bike/Pedestrian Path, Phases C&D  
Kawaihau District, Island of Kauai, TMK: 4-3-001, 002, and 007, various parcels

Thank you for your email dated February 22, 2014 supporting this project. We note your concern regarding crossing Kuhio Highway and the by-pass road and your overall support for the planning and construction of the entire path system.

If you have further comments or questions, please feel free to call Douglas Haigh at (808) 241-4849.

Yours truly,

  
Larry Dill, P.E.  
County Engineer

cc: Leslie Kurisaki, Kimura International

**Leslie Kurisaki**

---

**From:** Andy Bushnell  
**Sent:** Sunday, February 23, 2014 11:12 AM  
**To:** dhaigh@kauai.gov; lkurisaki@kimurainternational.com  
**Subject:** Testimony: Lydgate Park -Kapaa Bike/Pedestrian Path Phases C & D

6510 Olohena Road  
Kapaa, HI, 96746  
808 822-1651

February 23, 2014

Dear Sirs,

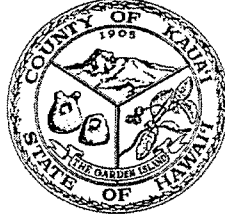
I just wanted to reiterate my concern for the location of the bike path along the shore makai of the present and proposed hotels in the area under study. The path should be sited as far mauka, away from the beach, as possible. No variances to the shoreline setback should be sought! This should be a benefit to residents and tourists alike, as no beach-goers want a path immediately next to them for esthetic, noise and safety reasons.

I also think that it is important for the project to preserve as many of the ironwood trees as possible. First the trees will provide a screen between beach goers and the path--useful for all of the reasons listed above. Second, the high wash of the waves, in significant areas goes as far as these trees, so their root systems play an important role in holding the sand. This is especially significant at a time when sea level rise will pose an ever greater threat to our beaches all around the island. Third, I have no evidence for this, but I would not be surprised if the roots are helping to hold in place sand burials, and removal of the trees only makes it more likely that *iwi* will be exposed. (I know that the trees were planted long after any burials would have been made, but that doesn't reduce the trees role in holding the sand and soil against the actions of both wind and sea.)

Finally, please have several people knowledgeable in the history and archaeology of the area look over the interpretive signage before it is put up. That way, perhaps, silly mistakes such as the faulty signage at Kapa`a Park can be avoided. (You might look at the comments on the Japanese Lantern on the Bike Path sign and compare them with the plaque at the base of the lantern itself to see what I mean. The plaque has got it right; the Bike Path sign, probably not.)

Mahalo for accepting my testimony,  
Andy Bushnell

**Bernard P. Carvalho, Jr.**  
Mayor



**Larry Dill, P.E.**  
County Engineer

**Nadine K. Nakamura**  
Managing Director

**Lyle Tabata**  
Deputy County Engineer

**DEPARTMENT OF PUBLIC WORKS**

**County of Kaua'i, State of Hawai'i**

4444 Rice Street, Suite 275, Lihu'e, Hawai'i 96766  
TEL (808) 241-4992 FAX (808) 241-6604

March 14, 2014

Andy Bushnell  
6510 Olohena Road  
Kapaa, HI 96746


Dear Mr. Bushnell:

Subject: Draft Environmental Assessment  
Lydgate Park-Kapaa Bike/Pedestrian Path, Phases C&D  
Kawaihau District, Island of Kauai, TMK: 4-3-001, 002, and 007, various parcels

Thank you for your email dated February 23, 2014 regarding this project. We note your concern regarding the coastal path, shoreline setback variances and the ironwood trees. Our next phase of the project will include a topographic survey with property metes and bounds, a certified shoreline survey and shoreline setback determination. This information will be used to determine the best alignment for the path and a shoreline setback variance will be sought only if sufficient space is unavailable. The county's intent is to locate the path as far mauka as feasible.

If you have further comments or questions, please feel free to call Douglas Haigh at (808) 241-4849.

Yours truly,

  
Larry Dill, P.E.  
County Engineer

cc: Leslie Kurisaki, Kimura International

**Leslie Kurisaki**

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**From:** Wendy  
**Sent:** Sunday, February 23, 2014 6:33 PM  
**To:** dhaigh@kauai.gov; lkurisaki@kimurainternational.com  
**Subject:** commentary / Waipouli phase of the multi-use path

County of Kaua`i  
Dept. of Public Works  
4444 Rice St.  
Lihu'e, HI 96766

To Douglas Haigh:

Regarding the proposed Waipouli bike path segment, the existing pavement of Aleko Loop, that includes a rarely-used road and almost-never-used sidewalk RIGHT THERE, is where the path should be constructed. Aside from being the perfect alternative to a destructive coastal path, Aleko Loop feeds directly into the Coconut Marketplace where pedestrians and cyclists could get food and refreshment, use restrooms, and spend money. The Coconut Marketplace also links up directly to Papaloa Rd. where the path route continues. To by-pass a perfect rest stop that would favorably serve tourists and residents, in favor of invading local fishing grounds, disturbing the ecosystem, jeopardizing the fragile coastline, and paving directly over ancient Hawaiian artifacts and even graves is anything but pono. To cheat the struggling Coconut Marketplace of major revenue is inconsiderate.

There should be no variance permitted for the construction of the bike path in the Waipouli Beach area. All coastline must be rigorously protected, and that is why these important laws have been implemented. *This multi-use path is exactly what the law was enacted to prevent.*

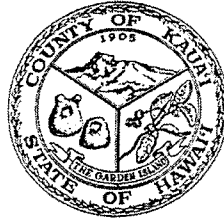
As well as the shore and beach, the mature Ironwood trees in Waipouli also need complete protection as this phase unfolds.

I implore Public Works to respect the locals, respect Hawaiians, respect the ecosystem, and stop favoring tourists. Every tourist I've ever spoken with about construction of the path along the shore at the expense of native habitat including native people, is appalled that Kaua`i would offer up its natural beauty and peace for more concrete and humans. "I thought this was The Garden Island," is what they always say . . .

Sincerely,

Wendy Raebeck

**Bernard P. Carvalho, Jr.**  
Mayor



**Larry Dill, P.E.**  
County Engineer

**Nadine K. Nakamura**  
Managing Director

**Lyle Tabata**  
Deputy County Engineer

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**County of Kaua'i, State of Hawai'i**

4444 Rice Street, Suite 275, Lihu'e, Hawai'i 96766  
TEL (808) 241-4992 FAX (808) 241-6604

March 14, 2014

Wendy Raebeck  
wendywailua@gmail.com

Dear Ms. Raebeck:

Subject: Draft Environmental Assessment  
Lydgate Park-Kapaa Bike/Pedestrian Path, Phases C&D  
Kawaihau District, Island of Kauai, TMK: 4-3-001, 002, and 007, various parcels

Thank you for your email dated February 23, 2014 regarding this project. We note your recommendation that the multi-use path be aligned along Aleka Loop instead of the coastline. This alternative alignment was studied earlier and dismissed because Aleka Loop is privately owned. The county owns a beach access that runs from Papaloa Road to the coastline between the Kapaa Sands Hotel and Islander on the Beach and a beach reserve between the shoreline and the property owned by Islander on the Beach and the adjacent vacant parcel to the north. Future development projects on these vacant parcels are required to grant a lateral easement for the multi-use path as a condition of their Special Management Area permit.

Our next phase of the project will include a topographic survey with property metes and bounds, a certified shoreline survey and shoreline setback determination. This information will be used to determine the best alignment for the path and a shoreline setback variance will be sought only if sufficient space is unavailable. The county's intent is to locate the path as far mauka as feasible.

If you have further comments or questions, please feel free to call Douglas Haigh at (808) 241-4849.

Yours truly,

Larry Dill, P.E.  
County Engineer

cc: Leslie Kurisaki, Kimura International

## Leslie Kurisaki

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**From:** Doug Haigh  
**Sent:** Monday, February 24, 2014 7:50 AM  
**To:** Leslie Kurisaki (lkurisaki@kimurainternational.com); Glenn T. Kimura (glennk@kimurainternational.com)  
**Cc:** Lenny Rapozo  
**Subject:** FW: Bike path

**From:** Margery Freeman [mailto:freemanmargery@gmail.com]  
**Sent:** Sunday, February 23, 2014 10:09 AM  
**To:** Doug Haigh  
**Subject:** Bike path

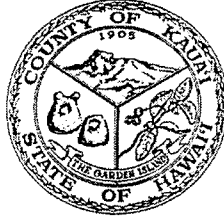
Dear Doug,

After the meeting on the bike path phase C, I want to remind you of the tree I mentioned that I hope will be saved even if it means making a small detour.

At the north end of the Marriot, after going through the trees, the path turns inland toward the highway. Just about at the point where it may either go strait to the highway or turn right into the parking lot there is a very large tree. Don't know the type but it is a beautiful tree and should be saved. Please try to be sure this is done.

Thanks,  
Marge

**Bernard P. Carvalho, Jr.**  
Mayor



**Larry Dill, P.E.**  
County Engineer

**Nadine K. Nakamura**  
Managing Director

**Lyle Tabata**  
Deputy County Engineer

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4444 Rice Street, Suite 275, Līhu'e, Hawai'i 96766  
TEL (808) 241-4992 FAX (808) 241-6604

March 14, 2014

Marge Freeman  
freemanmargery@gmail.com

Dear Ms. Freeman:

Subject: Draft Environmental Assessment  
Lydgate Park-Kapaa Bike/Pedestrian Path, Phases C&D  
Kawaihau District, Island of Kauai, TMK: 4-3-001, 002, and 007, various parcels

Thank you for your email dated February 23, 2014 regarding this project. We will evaluate your recommendation to save the large tree that stands at the point where the path either goes straight to the highway or turns right into the parking lot.

If you have further comments or questions, please feel free to call Douglas Haigh at (808) 241-4849.

Yours truly,

Larry Dill, P.E.  
County Engineer

cc: Leslie Kurisaki, Kimura International



## Leslie Kurisaki

---

**From:** Leslie Kurisaki  
**Sent:** Monday, February 24, 2014 10:00 AM  
**To:** 'troy@zenux.net'  
**Subject:** RE: Kauai Path Waipouli connection - makai!

We received a copy of your email from Doug Haigh. Thank you for your comments.

-----Original Message-----

**From:** Doug Haigh [mailto:dhaigh@kauai.gov]  
**Sent:** Monday, February 24, 2014 9:59 AM  
**To:** Leslie Kurisaki (lkurisaki@kimurainternational.com); Lenny Rapozo  
**Subject:** FW: Kauai Path Waipouli connection - makai!

-----Original Message-----

**From:** Troy Arnold [mailto:troy@zenux.net]  
**Sent:** Monday, February 24, 2014 9:54 AM  
**To:** Doug Haigh  
**Subject:** Kauai Path Waipouli connection - makai!

Hi Doug-

I was at the Feb 19th meeting at Kapaa Middle School. Slacker that I am, I forgot to mail in my written comments.

I would like to say that I *strongly* support the makai route for this section of the path. I've walked most of that already and the location is great. I have no doubts that the county will be able to make this route as beautiful and functional for everyone as with the rest of the path.

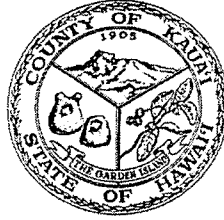
Having to cross Kuhio Highway, particularly at those locations is an absolutely awful alternative; one that is barely an improvement over no path at all.

Would you please forward this to Kimura International ? The comment sheet said I was supposed to write them as well but I don't have that address handy.

thanks for all that you do!

-troy

**Bernard P. Carvalho, Jr.**  
Mayor



**Larry Dill, P.E.**  
County Engineer

**Nadine K. Nakamura**  
Managing Director

**Lyle Tabata**  
Deputy County Engineer

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**County of Kaua'i, State of Hawai'i**

4444 Rice Street, Suite 275, Līhu'e, Hawai'i 96766  
TEL (808) 241-4992 FAX (808) 241-6604

March 14, 2014

Troy Arnold  
troy@zenux.net

Dear Mr. Arnold:

Subject: Draft Environmental Assessment  
Lydgate Park-Kapaa Bike/Pedestrian Path, Phases C&D  
Kawaihau District, Island of Kauai, TMK: 4-3-001, 002, and 007, various parcels

Thank you for your email dated February 24, 2014 supporting this project. We note that you strongly support the makai route and object to crossing Kuhio Highway.

If you have further comments or questions, please feel free to call Douglas Haigh at (808) 241-4849.

Yours truly,

Larry Dill, P.E.  
County Engineer

cc: Leslie Kurisaki, Kimura International

## **Appendix A**

### **Public Information Meeting**

Kapa'a Middle School

February 21, 2012

**Notes of Public Information Meeting**  
**Lydgate Park-Kapaa Bike/Pedestrian Path, Phases C&D, Waipouli Connection**  
Chapter 343, HRS and NEPA

Tuesday, February 21, 2012, 6:00 PM  
Kapaa Middle School

Attendance: See attached sign-up sheets

**Purpose of the meeting:** to provide background information about the project and need for a supplemental environmental assessment; and to update the community about other phases of the Lydgate Park to Kapaa project and additional sections of the overall Ke Ala Hele Makalae pathway.

Doug Haigh (Kauai Dept of Public Works) and Glenn Kimura (consultant) gave the presentation with the support of a Powerpoint slideshow. Members of the audience were welcome to ask questions or offer comments during the presentation.

**Comment:** A section of the bike/pedestrian path in Kealia is not ADA accessible. There is a steep slope between the parking area and restroom.

**Response:** The ADA Accessibility Guidelines (ADAAG) for recreational paths and trails is not as stringent as walkways in other contexts. The County seeks to comply with ADAAG wherever possible; however, in some cases, full compliance is not technically feasible because of environmental conditions. In those instances, a sign is posted indicating an alternate access route.

**Question:** Is the crossing over the Wailua River under the Dept of Parks and Recreation?

**Response:** Where the path is attached to the bridge, maintenance is being done by the State Dept of Transportation. The County is working on an agreement with Aloha Beach Resort for the resort to maintain the adjacent rest area.

**Question:** Doesn't the Dept of Hawaiian Home Lands own the land under the resort and the path?

**Response:** In the Wailua crossing area, the land under the path is owned by the State Dept of Transportation.

**Comment:** Bike path at Aloha Beach Resort affects historic properties. The king's path is blocked by a wall which obstructs access for cultural practitioners.

**Question:** Is the walkway at Marriott Courtyard their private walkway or is it a public walkway?

**Response:** There is an existing public easement. The County's path project would widen the easement to create a wider shared use path (i.e., allow use by pedestrians and bicyclists). The SMA permit for the property between Marriott and Mokihana requires an easement that is 10-12 feet wide.

**Question:** Why do a canal path where 22 coconut trees will be jeopardy?

**Response:** The alternate route calls for a 10-12 foot wide path along the highway which is possible, but very difficult. Some buildings that are located close to the highway may need to be condemned and demolished. The County sees this course of action as a last resort.

**Comment:** In order to get to the canal, you need to cut through properties and the owners have plans for development.

**Response:** The County has had preliminary contact with the owners and they are open to further discussion.

**Comment:** If the path is built along the canal, who would clean up the area? Right now Mokihana personnel are maintaining the area. In certain parts of the path, rubbish cans are not emptied in a timely way.

**Response:** The County would provide maintenance. Completed sections of the path run adjacent to properties such as Kaha Lani (Lydgate Park), Pono Kai, and Coral Reef—and they have not reported an increase in littering.

**Comment:** I would like the path to be located within the established easement for beach access.

**Response:** The difficulty is with sections along highway.

**Comment:** I'm concerned about stormwater runoff at Wailua Beach. The drainage outlet is blocked. There are leaks from the gas station.

**Response:** Extensive drainage improvements are not within the scope of this project. Gas station leaks would need to be treated as a spill.

**Comment:** I'm concerned about accessibility on Papaloa Road. Is the road going to be converted into a one-way road?

**Response:** The restriction on left turns from Papaloa Road onto Kuhio Highway has been implemented already. Papaloa Road will remain a two-way street. However, the roadway will be narrowed with construction of the bike/pedestrian path. Street parking will not be allowed on the makai side of the road, although parking on the mauka side will remain unchanged. A stop sign will be installed at Lanikai Street and a table-top cross walk installed to slow down traffic.

**Question:** Will there be parking for cultural practitioners who want to go to Kukui Heiau; specifically handicap parking?

**Response:** Kauai Sands will provide public parking as part of their SMA permit conditions. The Kintaro Restaurant lot has a certain number of stalls designated for the public.

**Question:** How will the path cross the canal?

**Response:** A cantilevered bridge will be constructed to cross Uhelekawawa Canal. Phase B includes a connection to the Foodland Bridge. This bridge was constructed by the shopping center developer and, once dedicated to the County, will allow the County to obtain federal matching dollars for the bike/pedestrian path.

**Comment:** (Relative to the Kawaihau spur), there is a Hawaiian Village in the area of Kawaihau Road and Kuhio Highway.

**Response:** No information has been received regarding such a village either from previous archaeological studies or SHPD. An archaeologist will monitor on-site excavation work.

**Comment:** I'm concerned about proximity of the path to buildings.

**Response:** On all phases of the path, the County has worked with adjacent neighbors to mitigate negative impacts. For the Kawaihau spur, neighbors said they preferred a wall with a lattice top to allow breezes to flow through (rather than a higher wall), so the design was modified to accommodate that preference.

**Comment:** The path should be integrated with bus routes.

**Response:** In Kealia, a bus stop was added as part of the path project. The County is looking into spurs that will connect the path to bus stops. The first priority has been connecting to schools; providing safe routes to schools. The County Council has adopted a "complete streets" policy. The Dept of Public Works is also pursuing complete streets design and the Planning Dept is incorporating a complete streets approach in updating the Comprehensive Zoning Ordinance.

**Comment:** The path project appears to favor service to resorts.

**Response:** The original intent of the path project includes connections to coastal parks.

**Comment:** Despite the switchbacks, the Kawaihau spur doesn't appear to be ADA compliant.

**Response:** The ADA design guidelines for trails is a little more lenient than accessibility within something like a school campus. However, the Kawaihau spur is being designed so that somebody in a wheelchair can go from top to bottom. The grades are appropriate for this type of facility.

**Comment:** What will you do if there's a negative response to the project?

**Response:** We would seek to mitigate negative impacts. For the Wailua Beach section, there was major mitigation, including moving the path virtually 100% off the beach.

**Comment:** Will there be public amenities? There's a need for restrooms, since there are no public facilities right now between Lihi Park and Lydgate Park.

**Response:** There are two places where a comfort station could be provided. One is the County-owned parking lot behind Ambrose and the other is the Seashell Restaurant

location. In the past, the County has considered portable toilets at Wailua Beach Park, which is in the flood zone, so the facilities would need to be removed if conditions warrant. Acquisition of Seashell would require a larger project, on the scale of the Kapaa Relief Route.

**Comment:** The concrete walkways don't seem to benefit fishermen—for example at Donkey Beach. Certain types of fishing need more equipment and, if vehicles are prohibited on the path, fishing access becomes more difficult.

**Response:** Fishing access is considered in project planning. At Lydgate Park, a section of the beach has been kept open for vehicular access by fishermen.

**Additional phases of Ke Ala Makalae.** The Ahukuni to Lydgate Park and Nawiliwili to Ahukuni phases will be opening the 106 process review in a few weeks.

## Attendance Sheet

Meeting: Lydgate-Kapaa Bike/Pedestrian Path, Phases C & D Public Information Meeting, HRS 343/NEPA

Date/Time: Tuesday, February 21, 2012, 6:00 PM

Name	Contact Information—CONFIDENTIAL, Not for Public Release	
	Mailing Address	E-mail Address
David Haight		
Liberté Alkso		
NELANI & JOSSELYN		
Dave Likely		
Margie Freeman		
Babak Azar		
Dennis MacCumber		
JEAN & LYUE NAKAMOTO		
Helaine Pencil <sup>CRP</sup>		
* Rayne Regush		
Carl Todd		
ALICIA E. KA'ALUA		
EVERY YOUNG		
Laurel Brier		

\* pls email powerpoint,