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JUL 08 2016

Scott Glenn, Interim Director
Office of Environmental Quality Control
235 South Beretania Street, Suite 702
Honolulu, Hawaii 96813

Subject: Final Environmental Assessment and Finding of No Significant Impact for Ahukini to Lydgate Bicycle/Pedestrian Path, Kaua'i, Hawai'i, Project Number STP-0700(51)

Dear Mr. Glenn,

With this letter the County of Kaua'i, Department of Public Works (DPW) hereby transmits the Final Environmental Assessment and Finding of No Significant Impact (FEA-FONSI) for the Ahukini to Lydgate Bicycle/Pedestrian Path, Kaua'i, Hawai'i, Project Number STP-0700(51), for publication in the next available edition of the Environmental Notice.

The DPW has included in the FEA copies of comments and responses that were received during the 30-day public comment period on the Draft Environmental Assessment and anticipated finding of no significant impact (DEA-AFONSI).

Enclosed is the completed OEQC Publication Form, one hardcopy of the FEA-FONSI, and Adobe Acrobat PDF file of the same, and an electronic copy of the publication form in MS Word.

Should you have any questions, please contact Douglas Haigh at (808) 241-48[illegible] or dhaigh@kauai.gov.

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Yours truly,

Lyle Tabata
Acting County Engineer

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JUL 08 2016

AGENCY PUBLICATION FORM

Project Name:	Ahukini to Lydgate Park Bicycle and Pedestrian Path Project
Project Short Name:	Ahukini-Lydgate Park Bike/Ped Path
HRS §343-5 Trigger(s):	(1), (2), (3) and (4)
Island(s):	Kauai
Judicial District(s):	Lihue
TMK(s):	(4) 3-5-001:008,159; (4) 3-9-005:001,002,003,009,012; (4) 3-9-002:004,999,032; (4) 3-7-002:001,002,999; (4) 3-7-003:001,017; (4) 3-9-006:999
Permit(s)/Approval(s):	Special Management Area Use Permit, Conservation District Use Permit, Shoreline Setback Variance, CZM Consistency, NPDES, Grubbing and Grading, Building Permit
Proposing/Determining Agency:	County of Kaua'i, Department of Public Works
Contact Name, Email, Telephone, Address	Douglas Haigh dhaigh@kauai.gov (808) 241-4854 4444 Rice Street, Suite 175 Lihue, Hawai'i 96766-1340
Accepting Authority:	(for EIS submittals only)
Contact Name, Email, Telephone, Address	N/A
Consultant:	SSFM International, Inc.
Contact Name, Email, Telephone, Address	Jared Chang jchang@ssfm.com (808) 531-1308 501 Sumner Street, Ste 620 Honolulu, Hawai'I 96817

Status (select one)	**Submittal Requirements**
____ DEA-AFNSI	Submit 1) the proposing agency notice of determination/transmittal letter on agency letterhead, 2) this completed OEQC publication form as a Word file, 3) a hard copy of the DEA, and 4) a searchable PDF of the DEA; a 30-day comment period follows from the date of publication in the Notice.
__X__ FEA-FONSI	Submit 1) the proposing agency notice of determination/transmittal letter on agency letterhead, 2) this completed OEQC publication form as a Word file, 3) a hard copy of the FEA, and 4) a searchable PDF of the FEA; no comment period follows from publication in the Notice.
____ FEA-EISPN	Submit 1) the proposing agency notice of determination/transmittal letter on agency letterhead, 2) this completed OEQC publication form as a Word file, 3) a hard copy of the FEA, and 4) a searchable PDF of the FEA; a 30-day comment period follows from the date of publication in the Notice.
____ Act 172-12 EISPN ("Direct to EIS")	Submit 1) the proposing agency notice of determination letter on agency letterhead and 2) this completed OEQC publication form as a Word file; no EA is required and a 30-day comment period follows from the date of publication in the Notice.
____ DEIS	Submit 1) a transmittal letter to the OEQC and to the accepting authority, 2) this completed OEQC publication form as a Word file, 3) a hard copy of the DEIS, 4) a searchable PDF of the DEIS, and 5) a searchable PDF of the distribution list; a 45-day comment period follows from the date of publication in the Notice.
____ FEIS	Submit 1) a transmittal letter to the OEQC and to the accepting authority, 2) this completed OEQC publication form as a Word file, 3) a hard copy of the FEIS, 4) a searchable PDF of the FEIS, and 5) a searchable PDF of the distribution list; no comment period follows from publication in the Notice.

____ FEIS Acceptance Determination	The accepting authority simultaneously transmits to both the OEQC and the proposing agency a letter of its determination of acceptance or nonacceptance (pursuant to Section 11-200-23, HAR) of the FEIS; no comment period ensues upon publication in the Notice.
FEIS Statutory Acceptance	Timely statutory acceptance of the FEIS under Section 343-5(c), HRS, is not applicable to agency actions.
____ Supplemental EIS Determination	The accepting authority simultaneously transmits its notice to both the proposing agency and the OEQC that it has reviewed (pursuant to Section 11-200-27, HAR) the previously accepted FEIS and determines that a supplemental EIS is or is not required; no EA is required and no comment period ensues upon publication in the Notice.
____ Withdrawal	Identify the specific document(s) to withdraw and explain in the project summary section.
____ Other	Contact the OEQC if your action is not one of the above items.

Project Summary
Provide a description of the proposed action and purpose and need in 200 words or less.

Kauai's ocean and coastline are frequently visited areas for recreational activities and gatherings, however many any of the popular coastline sites in the project area are not easily accessible. The popularity of these areas creates a need to improve existing pathways or create new pathways to provide Kaua'i residents and visitors with alternative transportation modes to access the shoreline.

The Department of Public Works is proposing to construct a 10-foot wide multi-use path for bicyclists, pedestrians, and other users. This path will begin at Ahukini Point and will end by connecting with an existing path to the north at Lydgate Park, covering a distance of approximately 6.7 miles. Other improvements associated with this project include three comfort stations, restoration and use of two historical bridges, parking lot improvements at Marine Camp, and improvements to the entranceway and lower parking lot at the Wailua Golf Course. The path will provide an alternative transportation route for bicyclist and pedestrians besides Kūhiō Highway. This alternative route would provide shoreline and park accessibility to a variety of users of differing ages and skill levels.

AHUKINI to LYDGATE
Bicycle / Pedestrian Path
STP-0700 (51)

FINAL ENVIRONMENTAL ASSESSMENT

County of Kauai
Department of Public Works

JUNE 2016

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AHUKINI to LYDGATE PARK
Bicycle and Pedestrian Path Project

County of Kaua'i, Hawai'i
Federal Aid Project No. STP-0700 (51)

Final Environmental Assessment/ Finding of No Significant Impact

Submitted pursuant to Hawai'i Revised Statutes, Chapter 343

County of Kaua'i, Department of Public Works
and State of Hawai'i, Department of Transportation, Highways Division

8/20/16
Date of Approval

For County of Kaua'i, Department of Public Works

6.9.16
Date of Approval

For State of Hawai'i, Department of Transportation

The following persons may be contacted for additional information concerning this document:

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Department of Public Works
County of Kaua'i
4444 Rice Street, Suite 275 Lihue,
Hawaii 96766 Phone: 241-4996

The Department of Public Works (DPW) of the County of Kauai is proposing to construct a multi-use path for bicyclists, pedestrians, and other users from Ahukini Point to Lydgate Park. A 10' wide path will be constructed using various low maintenance materials and is approximately 6.7 miles in length. Other design elements include 3 comfort stations, restoration of two historical bridge structures, improvements to a parking lot at Marine Camp, and improvements to the entranceway and lower parking lot at the Wailua Golf Course. The project is not expected to cause substantial environmental impacts because of limited construction area and location of the path. Impacts associated with these improvements are generally associated with short-term construction activities. Mitigation measures will be implemented in accordance with applicable regulations and/or consultation with appropriate agencies.

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AHUKINI POINT TO LYDGATE PARK
BIKE AND PEDESTRIAN PATH

FINAL ENVIRONMENTAL ASSESSMENT

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ACOE	Army Corps of Engineers
APE	Area of Potential Effect
CFR	Code of Federal Regulations
CMU	Concrete Masonry Units
CWA	Clean Water Act
CZM	Department of Business, Economic Development and Tourism, Office of Planning, Coastal Zone Management Program
CZMA	Coastal Zone Management Act
DA	Department of Army
DAR	Department of Land and Natural Resources, Division of Aquatic Resources
DEA	Draft Environmental Assessment
DHHL	Department of Hawaiian Homelands
DLNR	Department of Land and Natural Resources
DOCARE	Department of Land and Natural Resources, Division of Conservation and Resources Enforcement
DOFAW	Department of Land and Natural Resources, Division of Forestry and Wildlife
DOH	State of Hawai‘i Department of Health
DPR	Department of Parks and Recreation
DPW	Department of Public Works
EIS	Environmental Impact Statement
EPA	U.S. Environmental Protection Agency
ESA	Endangered Species Act
FEA	Final Environmental Assessment
FEMA	Federal Emergency Management Agency
FHWA	Federal Highway Administration
FIRM	Flood Insurance Rate Map
FONSI	Finding of No Significant Impact
HAR	Hawaii Administrative Rules
HDOT	State of Hawai‘i Department of Transportation
HEER	State of Hawai‘i Department of Health Hazard Evaluation and Emergency Response
HRS	Hawai‘i Revised Statues
HUD	U.S. Department of Housing and Urban Development
ISST	State of Hawai‘i Department of Health Initial Site Screening Team
JD	Jurisdictional Determination
KHPRC	Kaua‘i Historic Preservation Review Committee
LUC	Land Use Commission
LWCF	Land and Water Conservation Fund
MSAT	Mobile Source Air Toxins
NEPA	National Environmental Policy Act
NHO	Native Hawaiian Organizations
NPDES	National Pollutant Discharge Elimination System
NPS	U.S. National Park Service
NTBG	National Tropical Botanical Garden
NHHPC	Native Hawaiian Historic Preservation Council
NHPA	National Historic Preservation Act
NOAA	National Oceanic and Atmospheric Administration
OEQC	Office of Environmental Quality Control
OHA	Office of Hawaiian Affairs
PIERC	U.S. Geological Survey, Biological Resources Division, Pacific Island Ecosystems Research Center
SHPD	Department of Land and Natural Resources, State Historic Preservation Division

SMA	Special Management Area
SRP	Ahukini State Recreation Pier
TE	Transportation Enhancement
TEA	Transportation Equity Act
TMDL	Total Maximum Daily Load
TMK	Tax Map Key
TSA	Transportation Security Administration
UBC	Uniform Building Code
USFWS	U.S. Fish and Wildlife Service
UST	Underground Storage Tanks
VMT	Vehicle Miles Traveled

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1.0 INTRODUCTION

1.1 Proposing Agency

The action is proposed by the County of Kaua‘i Department of Public Works.

1.2 Approving Agencies of the Environmental Assessment

The County of Kaua‘i Department of Public Works and the State of Hawai‘i Department of Transportation will accept the Environmental Assessment under the state environmental review process. The Federal Highway Administration (FHWA) will serve as the lead federal agency that will ensure that the Environmental Assessment complies with National Environmental Policy Act (NEPA) documentation and processes.

1.3 Purpose and Need for Action

Kauai’s ocean and coastline are frequently visited areas for recreational activities and gatherings, especially during weekends and holidays. The popularity of these areas creates a need to improve existing pathways or create new pathways to provide Kaua‘i residents and visitors with alternative transportation modes to access the shoreline. This project presents opportunities to provide an improved pathway for walkers, joggers, bicyclists, and other non-motorized forms of transportation which need a safe thoroughfare to and along the coastline.

The purpose of the proposed project, referred to as “Ahukini to Lydgate Park Bicycle and Pedestrian Path,” is to provide a shared-use bicycle and pedestrian path for residents and visitors to Kaua‘i. The path will begin at Ahukini Point and will end by connecting with an existing path to the north at Lydgate Park, covering a distance of approximately 6.7 miles. Construction of this path will be a key segment of the Nawiliwili to Anahola Bike and Pedestrian Path proposed in the 1994 State of Hawai‘i Master Plan – Bike Plan Hawai‘i.

The rising costs of fuel and transportation have increased public interest in bicycling, however bicyclists have limited or no riding space in the project area. In addition, many of the popular coastline sites in the project area are not easily accessible and do not have improved access ways. The path will provide an alternative transportation route for bicyclist and pedestrians besides Kūhiō Highway. This alternative route would help bicyclist and pedestrians travel between the Airport, Ahukini Point and Lydgate Park along a pathway that is accessible to a variety of users of differing ages and skill levels. The paths for bicyclists would be consistent with County and State DOT plans for promoting bicycling within the State.

This shared-use bicycle and pedestrian facility will meet the following needs for residents and visitors to Kaua‘i by providing an alternative form of transportation to the automobile, thereby reducing fuel consumption, pollution, roadway congestion and the need for parking lots; by providing affordable recreation for persons of all ages and abilities; by providing a safe mode of transportation and recreation; and by providing a means for ecotourism. There is also need to provide supporting facilities for current coastal resources. Implementing this project creates an opportunity to provide supporting facilities within the project area such as comfort stations and parking.

The objectives of the project are to design a 10’ wide path that can be constructed using various low maintenance materials such as concrete, composite plastics, stainless steel, etc. Other design elements include:

- 3 comfort stations
- Restoration of two historical bridges
- Improvements to the parking lot at Marine Camp
- Improvements to the entranceway and lower parking lot at the Wailua Golf Course

1.4 State and Federal Involvement

Funding for this project will come from two sources: The Federal Highway Administration (FHWA) and the County of Kaua'i. The use of County funds and jurisdictional lands for the project requires a state review process, specifically the environmental documentation requirements prescribed under Hawaii Revised Statutes Chapter 343, Environmental Impact Statements, Hawaii Revised Statutes (as amended) and Title 11, Chapter 200 (Environmental Impact Statement Rules) of the Department of Health's Hawaii Administrative Rules (as amended, State of Hawai'i 1996). The use of federal FHWA funds requires that the project undergo a federal review process as prescribed under the National Environmental Policy Act (NEPA). The federal review process under NEPA involves the FHWA's review of the project to determine if a categorical exclusion, environmental assessment, or environmental impact statement is warranted for this project under the National Environmental Policy Act, and 23 CFR 771. The County of Kauai is currently in the process of addressing the NEPA compliance requirements for the project with FHWA and HDOT. Consultations conducted with Federal Agencies are included in Appendix A.

1.5 Process and Purpose of the Final Environmental Assessment

The Final Environmental Assessment (FEA) is a product that is derived from the draft environmental assessment (DEA) process, which takes into account the environmental, cultural, and socioeconomic effects that would be caused by implementing a project. The DEA was prepared to satisfy State Regulatory Requirements. The DEA examined the project corridor, the alternative alignment routes, and the impacts associated with the different options. The publication of the DEA was published in the Office of Environmental Quality Control (OEQC) *Environmental Notice*. In addition, copies were sent to libraries, regulatory agencies, land owners, and other organizations with a request for comments (see Appendix C). All received comments and the responses to each are included in this Final Environmental Assessment (FEA) document (see Appendix C) The FEA discloses the impacts, mitigation measures, and permitting processes that would be associated with the preferred alignment.

Environmental review for this project was necessary for the following reasons:

- The project proposes the use of public lands
- The project proposes the use of public funds
- The project proposes the use of land that is designated Conservation Land
- The project proposes development within the Special Management Area (SMA)
- The project proposes to repurpose a historical bridge
- The project proposes the use of archaeologically recognized areas

The environmental review process determines what level of impact the project will have on the environment. There are three levels of impact and associated courses of action of each that can be determined from the environmental review process, including:

- Categorical Exclusion-the project proposes actions that do not individually or cumulatively have a significant environmental effect.
- Finding Of No Significant Impact (FONSI)-the project does not have a "significant" impact to the environment. An Environmental Assessment (EA) is prepared and is to be used as the formal environmental review document.
- Significant Impact-the project has a "significant" impact to the environment. An Environmental Impact Statement and Record of Decision (ROD) is prepared.

The FEA is also used to determine if there is a significant impact on the environment and may result in either a Finding Of No Significant Impact (FONSI) or an Environmental Impact Statement (EIS) and Record of Decision (ROD).

A FONSI is rendered for this project under the state HRS 343 review process. A 30-day challenge period is opened following the OEQC's notice of availability of a FEA/FONSI. Section 1.6 outlines the State environmental review process steps.

1.6 Steps in the Environmental Review Process

Proposed Project

Agency (County, State, & Federal) consultation and assessment

⇩

Start of HRS §343 EA

⇩

Agency (County and State) anticipates an HRS §343 FONSI

⇩

Agency (County) consults with community, experts, and other agencies

⇩

Pre-Draft HRS §343 EA reviewed and accepted by Agency (County & State) with determination of an anticipated FONSI

⇩

Draft HRS §343 EA submitted to and published by OEQC

⇩

30 day comment period

⇩

Pre-Final HRS §343 EA reviewed and accepted by Agency (County)

⇩

HRS §343 Final EA and FONSI
submitted to and published by OEQC

⇩

30 day challenge period

1.7 Coordinating Agencies

1.7.1 Federal:

1.7.1.1 Federal Highway Administration
Administers the funding for Transportation Enhancements (TE) projects, and coordinates with all federal, state, and local governmental offices.

1.7.1.2 U.S. Environmental Protection Agency (EPA)
Reviews permits under the ten comprehensive environmental protection laws to include the Clean Air and Water Acts, and the Marine Protection, Research, and Sanctuaries Act.

1.7.1.3 U.S. Army Corps of Engineers
Reviews permits for dredging and filling activities in wetlands and waters of the US.

1.7.1.4 U.S. Department of the Interior, U.S. Fish & Wildlife Service, Ecological Services
Performs formal and informal consultation under Section 7 of the Endangered Species Act (ESA) as it relates to land and freshwater organisms, reviews Federal, state and local permits and license applications, environmental assessments and impact statements, general plans and land use amendments, clearinghouse reviews, water quality certifications, and issues regarding fish and wildlife resource study methods and design.

1.7.1.5 National Oceanic and Atmospheric Administration (NOAA)
Performs formal and informal consultation under Section 7 of the Endangered Species Act as it relates to marine and anadromous organisms.

1.7.1.6 U.S. Department of Housing and Urban Development (HUD)
Reviews EIS' initiated under NEPA or Chapter 343. HUD review is not required for a NEPA EA.

1.7.1.7 U.S. Department of Agriculture, Natural Resources Conservation Service
Works with county, state, and federal agencies as well as with Hawai'i's 16 Soil and Water Conservation Districts to prevent soil erosion and water contamination, and to improve water quality and quantity, soil productivity, wetlands ecosystems, and wildlife habitats.

1.7.1.8 U.S. Geological Survey, Biological Resources Division, Pacific Island Ecosystems Research Center (PIERC)
Reviews and gives technical assistance, relating to conservation of indigenous biological resources occurring within the cultural, sociological, political and environmental environs of all lands and islands under US jurisdiction in the Pacific Basin.

1.7.2 State:

1.7.2.1 Department of Land and Natural Resources
Reviews all Conservation District Use permits, and includes the following divisions:

- **Engineering Division**
  Submit permits relating to Water Resources management, mineral resources, flood prevention, and control or water development.
- **Land Management Division**
  Submit any permits related to State Owned Lands that are not set aside for use by other governmental agencies. This is the office of record and maintains a central repository of all government documents dating back to the Great Mahele of 1848.
- **Aquatic Resources Division (DAR)**
  Reviews all permits relative to pelagic, reef, and inshore aquatic resources protection and enhancement programs.

- **Forestry and Wildlife Division (DOFAW)**
  Consults on issues relating to forest reserves, public hunting, wildlife sanctuaries, commercial forestry on State lands, endangered species protection and management, and provides information on natural resources.
- **State Historic Preservation Division (SHPD)**
  Reviews all proposed projects for any effects they might have on historic properties. Can assist with the statewide inventory of properties on historical, architectural or cultural importance, and coordinates the Burial Sites Program and Historic Preserves Program. Any human remains that are unearthed are reported to this office.

1.7.2.2 State Department of Transportation, Statewide Transportation Planning Office
Reviews and coordinates any intergovernmental endorsements and approvals, integrating established plans and parameters and groundwork for the implementation of transportation plans.

1.7.2.3 Environmental Center (University of Hawai‘i)
Reviews Environmental Impact Statements, applications for various environmental pollution management permits, proposed environmental legislation and regulations, and various state and federal plans which may have environmental implications.

1.7.2.4 Department of Health, Environmental Planning Office
Assists with planning services, maintains environmental plans, land use, environmental education and public information programs.

1.7.2.5 Office of Environment and Quality Control
Reviews Draft EAs and Final EAs.

1.7.2.6 Department of Business, Economic Development and Tourism
Includes the following divisions:

- **Land Use Commission**
  Reviews any petitions to change land uses
- **Office of Planning, Coastal Zone Management Program (CZM)**
  Reviews any permits relating to coastal issues to ensure consistency in actions that can impact the coastal zone
- **Office of Planning, Land Use Division**
  Reviews any issues relating to land use policies of the State of Hawai‘i

1.7.2.7 Disability and Communication Access Board
Enforces and reviews ADA compliance. In particular “All buildings, facilities, and sites shall conform to applicable federal, state, and county accessibility guidelines and standards. Hawai’i Revised Statutes 103-50 requires all State of Hawai’i or County governments’ 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 Hawai‘i or County government buildings, facilities, and sites to be reviewed by the Disability and Communication Access Board for conformance to those guidelines and standards.”

1.7.3 County:

1.7.3.1 Kaua'i Planning Department and Planning Commission
Reviews all land-use related permits relating to zoning, shoreline setback variances, and special management area permits.

1.7.3.2 Kaua'i Historic Preservation Review Commission
Reviews and provides recommendations on various aspects of archeological and building design review of historic resources and in-fill development.

1.7.3.3 Kaua'i County Council
The Kaua'i County Council is the legislative branch of Kaua'i County government. Authority includes approval of land acquisitions and acceptance of grant funds.

1.7.3.4 Kaua'i Department of Public Works
Coordinating and approving agency for this project.

1.7.3.5 Kaua'i Department of Water
Reviews Draft EA and Final EA for issues relating to water.

1.7.3.6 Kaua'i Police Department
Reviews path plan to ensure that police patrolling and emergency response access is adequate along the path corridor.

1.7.3.7 Kaua'i Fire Department
Reviews path plan to determine if emergency response access has been provided along the path corridor.

1.8 Project Summary

1.8.1 Project Name
Ahukini to Lydgate Park Bicycle and Pedestrian Path.

1.8.2 Proposing Agency
The proposing agency is the County of Kaua'i Department of Public Works.

1.8.3 Tax Map Key Numbers
3-05-00, 3-05-01, 3-07-00, 3-07-02, 3-07-03, 3-09-00, 3-09-02, 3-09-05, 3-09-06

1.8.4 Determination
A Finding Of No Significant Impact (FONSI) is determined for this project. The path will be aligned in areas with minimal impact, including existing roads, highways and social trails. The habitats of endangered or threatened species will not be affected by the construction or use of this project. Construction of the path or any design elements will not occur within the designated Shoreline Setback Area (within 40' of the certified shoreline). The use of historical and archeological resources will undergo the necessary consultation process. All actions are determined to result in no significant impact.

1.8.5 Land Use Classifications

1.8.5.1 State Designations
The State Land Use Commission has the right to classify all lands in the State of Hawai'i, as stated in Chapter 205 and 205A, HRD and Chapter 15-15, Hawaii Administrative Rules (HAR). Land falls into one

of four categories: Conservation, Urban, Rural, or Agriculture. Most of the lands of the corridor fall into the Conservation Zone. Areas that are zoned urban include the land mauka of the conservation zone on the Ocean Bay Plantation property, and the area behind Hanamaʻulu Beach Park that is owned by Grove Farms.

1.8.5.2 County Designations

The land on the County of Kauaʻi is divided into the following categories: residential, resort, commercial, industrial, agricultural, open, special treatment, or constraint areas. Most of the corridor falls into conservation. Zoning at the Radisson property is urban. The area mauka of the conservation zone on the Ocean Bay Plantation property is zoned open-scenic ecological resources.

1.8.5.3 Special Designations

Special Management Areas (SMA) are located along the corridor, including from Ahukini Point to the existing Motocross Park. At the Motocross Park, a sub-route of the path diverts to Marine Camp which is also included in the SMA boundary. The main path connection to Lydgate Park at Nehe Road is also included in the SMA boundary.

1.8.6 County General Plan

The County of Kauaʻi in 2000 revised and adopted the General Plan. This Plan considers long-range planning, development, protection of scenic views, conservation and other resources. The following are issues relative to this adopted General Plan that this project supports and/or exhibits:

- **Scenic Views**

  The County seeks to preserve scenic views and public resources in administering land use regulations. Scenic views with a high degree of intactness or vividness shall be protected. The scenic qualities of mountains, hills or other elevated sites shall be protected. The lowlands and open spaces, to include the shoreline, marshes, fishponds, bluffs overlooking the coast, historic or cultural properties shall be protected.
- **Historic and Archaeological Sites**

  The County seeks to preserve historic and archaeological sites and provide buffers in between them and other uses abutting them, and to provide pedestrian access to the sites, where appropriate.
- **Visitor Activities, Parks, & Natural Areas Policies**

  To manage parks, resources, streams, beaches and other areas to conserve resources, encourage and provide for access to these areas, and to allow for group use. In addition, the plan strives to enhance the visitor experience and provide jobs to residents, and to interpret natural areas, historic and archaeological sites, and cultural activities, and to maintain and manage these facilities.
- **Open Lands Policies**

  Areas designated as Open, shall be protected to maintain or enhance the characteristics of the land. These lands can be coastal bluffs, stream valleys, native plant and wildlife habitats, and archaeological resources.
- **Scenic Roadway Corridors Policies**

  Scenic Roadway Corridors shall receive such designation to conserve the open space and scenic qualities and views along the most heavily traveled roadways.
- **Bikeways**

  The County wants to support and develop a bikeway system to provide for transportation, recreation and activities that are alternatives to vehicles.

  This project does not require any variances or action contrary to these policies and objectives adopted by the County.

1.9 List of Commitments

Many different stakeholders were consulted throughout the writing of this Final Environmental Assessment and associated processes. Through discussions with government agencies, community members, Native

Hawaiian Organizations, adjacent landowners, and other interested parties a list of commitments is included in this Final Environmental Assessment as commitments by the County Public Works Department.

WAILUA GOLF COURSE

- Wailua Golf Course personnel will be consulted during all phases of the design process
- The public will be provided the opportunity to review and comment on proposed design solutions
- A designer with golf course experience will be part of the design team
- There will be no loss of fairways
- Safety will be improved for automobiles turning into and out of the golf course parking lot
- The aesthetics of the golf course entrance will be improved with a new entrance sign and lower parking lot, plus new landscaping, paving and fencing
- The reconstruction of the Wailua Golf Course parking lot will be funded to include grading, paving, striping, and signage
- There will be no net loss of parking stalls at the Wailua Golf Course parking lot
- Wailua Golf Course overflow parking will be provided for
- Signs will be placed that state that the golf course in to a parking access location for the shared use path
- Horses will be banned from the golf course reach of the path
- Measures will be taken to prevent people from illegally accessing the golf course
- A guardrail will be placed along Kuhio Highway where appropriate to prevent automobiles from driving onto the path and golf course
- Visual and noise pollution from Kuhio Highway will be reduced
- Construction fencing and an approved construction staging and phasing plan will minimize the negative impact to the golf course during construction

PATH SIGNAGE

- The County of Kaua‘i will work with DOFAW on two interpretative signs and two regulatory seabird signs using DOFAW provided text and graphics
- Educational signage will be incorporated where appropriate to inform the public of the marine environment and the species that live there. Educational signage will also include wildlife viewing guidelines as part of the County of Kaua‘i’s interpretive sign program titled “Sign Requirements for Proposed Bikeway/Walkway”
- Signage reflecting all rules for the shared use path will be posted

MAINTENANCE

- A Maintenance Plan for the facility has been drafted and is included as Appendix H in this report
- Construction materials that minimize maintenance will be used

LANDSCAPING AND TREES

- The path will be routed around any major trees whenever possible, avoiding the drip line
- Trees that are one-foot or greater will be moved to a nearby location if they cannot be avoided
- Any tree moving within known nesting areas will be done in consultation with DOFAW to determine whether or not nesting burrows are near the affected trees
- Landscaping buffers, where appropriate, will be placed on the golf course side of the fencing
- New plants will be irrigated until they are established
- Areas disturbed by construction will be re-vegetated as soon as possible after construction of each area
- Native plants will be used for new plantings where this is feasible

LISTED SEABIRDS AND WATERBIRDS

- No outdoor lights will be installed along the path
- In order to minimize the potential for disorienting listed seabirds and minimizing collision of listed seabirds and bats with light poles, lighting at the comfort stations will be shielded lighting mounted on the shortest poles possible that do not extend above the height of the existing vegetation
- In order to minimize the effect of the proposed project on listed waterbirds, disturbance from construction and increased human activity along the proposed path will be kept to a minimum

AHUKINI STATE RECREATION PIER AND COMFORT STATION

- An assessment of additional parking needs created by the proposed path at Ahukini State Recreation Pier (SRP) will be completed in the design phase
- DLNR State Parks will manage any user conflicts between park and path users on an as-needed basis
- DLNR State Parks will own and manage the new comfort station at Ahukini SRP
- Septic system for new comfort station at Ahukini SRP will require a leach field

HISTORIC PRESERVATION

- To protect the historic character of Hanamaʻulu Cane Haul Bridge (Site number -1845), work to the bridge will be as minimal as possible and will include structural repairs as well as handrails and other public safety features
- The historical concrete box culvert structure (Site number -1846) will be left intact; additions will be minimal, including deck pavement with concrete and safety railings

NATIVE HAWAIIAN ORGANIZATIONS

- The design team is to work with the Office of Hawaiian Affairs (OHA), State of Hawaiʻi Department of Hawaiian Homelands, local Hawaiians, the Kauaʻi/Niʻihau Island Burial Council, and whomever OHA recommends so that the needs and wishes of the Native Hawaiians are better understood.

ARCHAEOLOGY

- The Archaeological Monitoring Plan will be the primary form of mitigation to address the presence/absence of sites not previously identified along the path corridor

INTERMENT SITE

- There will be a 30-foot buffer around the interment site

2.0 Technical Characteristics

PREFERED PATH ALIGNMENT ACTION
(Refer to Alternative Alignment Map at the end of this Chapter and in Appendix E)
The Preferred Path Alignment Alternative is approximately 6.7 miles in length. The proposed path ranges from ten feet wide to 12 feet wide (12 foot width preferred), depending on cost considerations and the available land to accommodate the path. The required easement for the path will be a minimum of 16-18 feet wide (add three foot wide shoulders on each side of the path). The maximum width required for the path will depend on the amount of grading disturbance required to construct the path and proposed path amenities that are desired along the path such as pocket parks, scenic overlooks, comfort stations, etc. Construction materials for the path vary from concrete to wooden or plastic composite materials, depending on durability and cost. In addition to the actual path, three comfort stations and path access/trailheads are also planned. The Preferred Path Alignment has been sub-divided into the following 10 sub-reaches:

Sub Reach One - Airport
An on-street, Shared Road Bicycle Route designation is planned for Ahukini Road, between Ahukini Landing and Kapule Highway (See Photo Points 1a through 1c).

The Airport Authority owns the property along the upper ridge of Ahukini Landing. An eight-foot tall security fence is planned to separate the airport property from the path.

Photo Point 1a - Ahukini Road just south of Ahukini Landing

Photo Point 1b - Improved section of Ahukini Road halfway between Ahukini Landing and the airport

Photo Point 1c - Ahukini Road adjacent to the airport. Kapule Highway is shown in the background.

Sub Reach Two - Ahukini Landing
The path ends at Ahukini Landing, the southern terminus of this project (See Photo Point 2a). Existing parking will serve as a trailhead and path access location. Ahukini Landing will become a major destination and trailhead for path users. Parking lot improvements will include striping to delineate parking and accessible parking stalls.

A ramp will be required in order to make a connection between the upper ridge of the point and the parking lot. Since the elevation change is not significant, there will be little, if any, retaining walls required for the path. A comfort station is proposed for Ahukini Landing (See Photo Point 2b and Figure 2a). Outdoor showers, a septic tank, and leach field sewer system are planned for the comfort station. The leach field will be located underneath the paved parking area. The proposed comfort station would be approximately 20 feet by 24 feet (480 square feet), constructed on a concrete slab on grade makai of the shoreline setback required by the County Planning Department and as determined by the SMA permitting process. The walls of the proposed comfort station will consist of concrete masonry units (CMU) and a wood framed roof with asphalt shingles. The comfort station shall be placed outside of the AE Flood Zone. The approximate cost for the proposed comfort station is $300,000.00.

Potable water and electrical supply will come from the airport area.

Photo Point 2a - Ahukini Landing

Photo Point 2b - Location of the proposed comfort station at Ahukini Landing

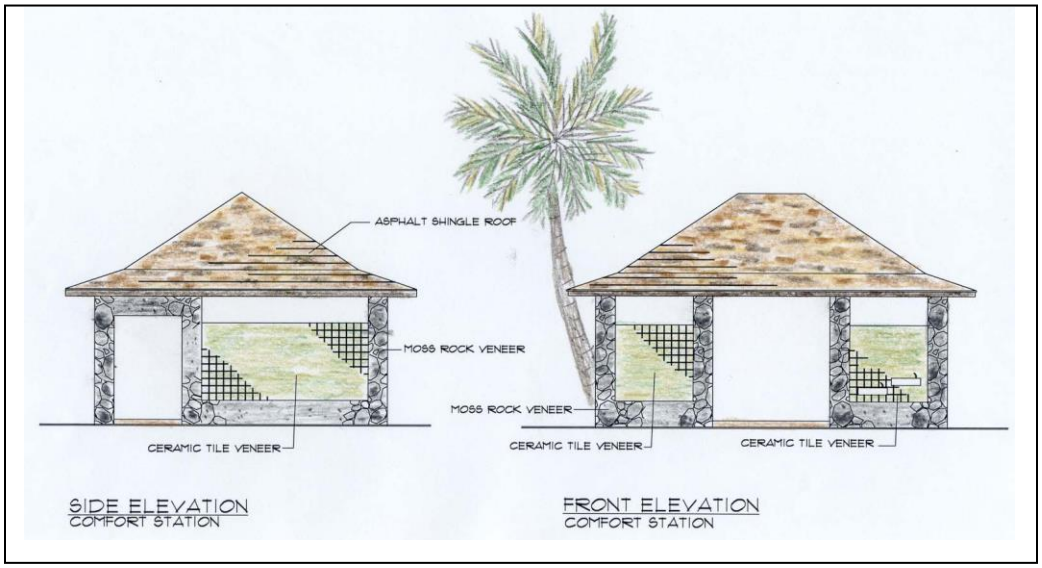

Figure 2a - Elevation of the proposed comfort station at Ahukini Landing

Sub Reach Three - Grove Farms

Once the path departs from the proposed Ahukini Landing comfort station and parking area, it will extend mauka long the bay side of an abandoned cane field for a distance of approximately 2,400 lineal feet. Rental car companies currently store cars in the field (See Photo Point 3a). An eight-foot tall security fence is planned for the path in this area in order to keep path users from accessing the rental car lots. From this point the path continues on to an abandoned cane haul road that drops in elevation at a slope of approximately 3 to 5 percent, all of the way to a low-lying area southwest of the Hanamaʻulu Stream and Beach (See Photo Points 3b and 3c). The lower grade area is an abandoned agricultural field characterized by vegetation typical of disturbed sites. No threatened and endangered species, wetlands, or cultural resources were found in this area. The path turns to the north toward the abandoned Hanamaʻulu Railroad Bridge that spans over the Hanamaʻulu Stream and Beach Park access road. Grove Farms owns the Hanamaʻulu Railroad Bridge as well as the low lying property that the path traverses. Heading north, the path would extend off of the north railroad bridge abutment and ramp upward to the bridge deck elevation. The elevation change between the railroad grade and the lower area is approximately 25 – 30 feet, and it appears that the lower area is within the AE Flood Zone . An elevated bridge/ramp structure constructed on spread footings or piles, depending on the soil characteristics in that area (See Figure 3a) is proposed to ramp the path from the low-lying area to the existing Hanamaʻulu Bridge. The preferred path ramp grade is 5%, however, steeper grades in compliance with Outdoor Recreation Accessibility Guidelines may be required. An advantage of the elevated bridge option is that there is little impact on the surrounding vegetation and drainage patterns, as only the footing and/or the piles contact the ground. These footings only occur at selected, on-center distances depending on alignment, construction materials, soil conditions, topography of the area, etc. A budget of approximately $250.00 per square foot area of path ramp/bridge deck should be considered for this option.

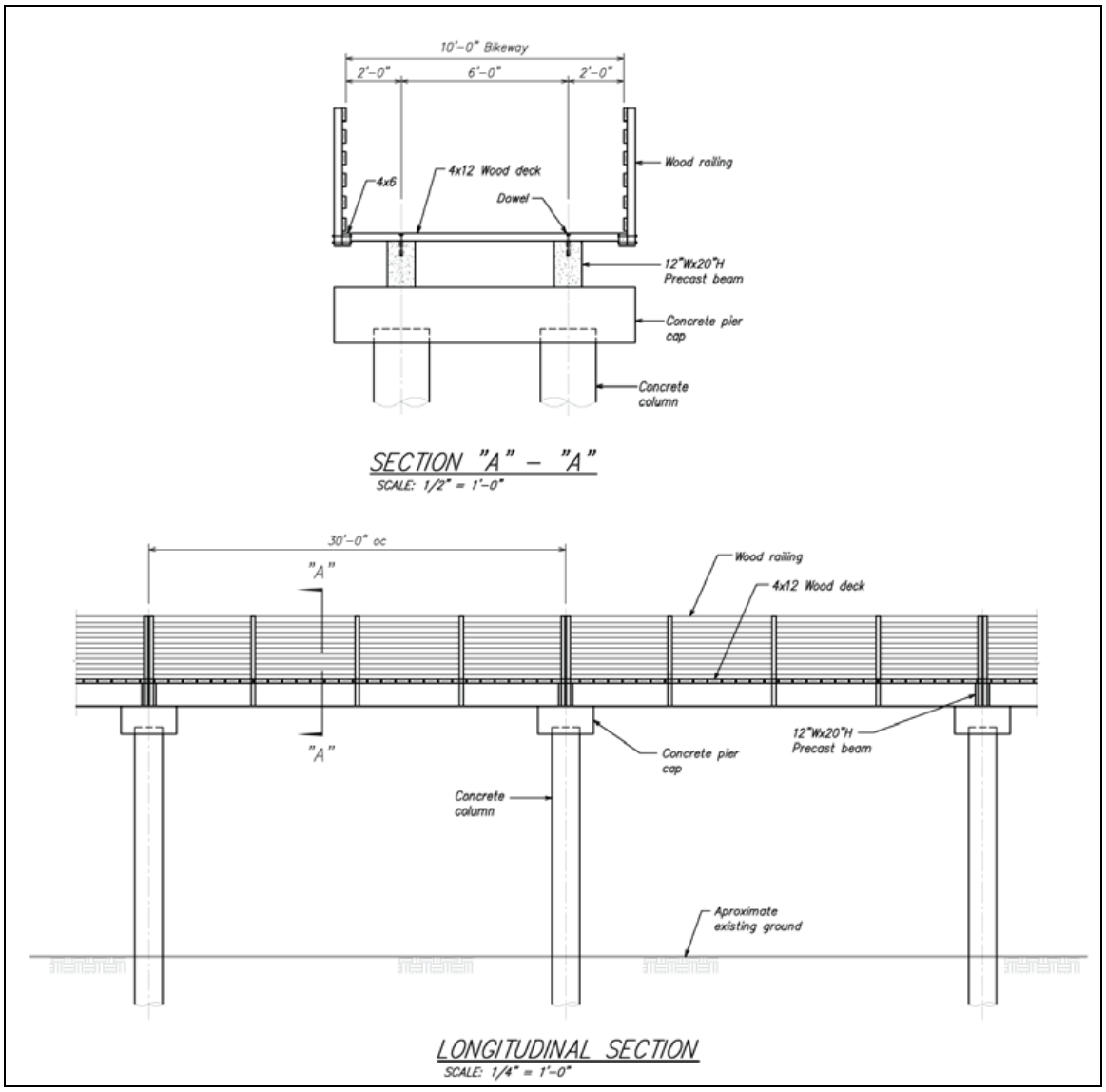

Figure 3a. Elevated Bridge/Ramp

Photo Point 3a – Photo of the abandoned cane filed where rental cars are stored

Photo Point 3b – Upper cane haul road on the south edge of Hanama‘ulu Bay

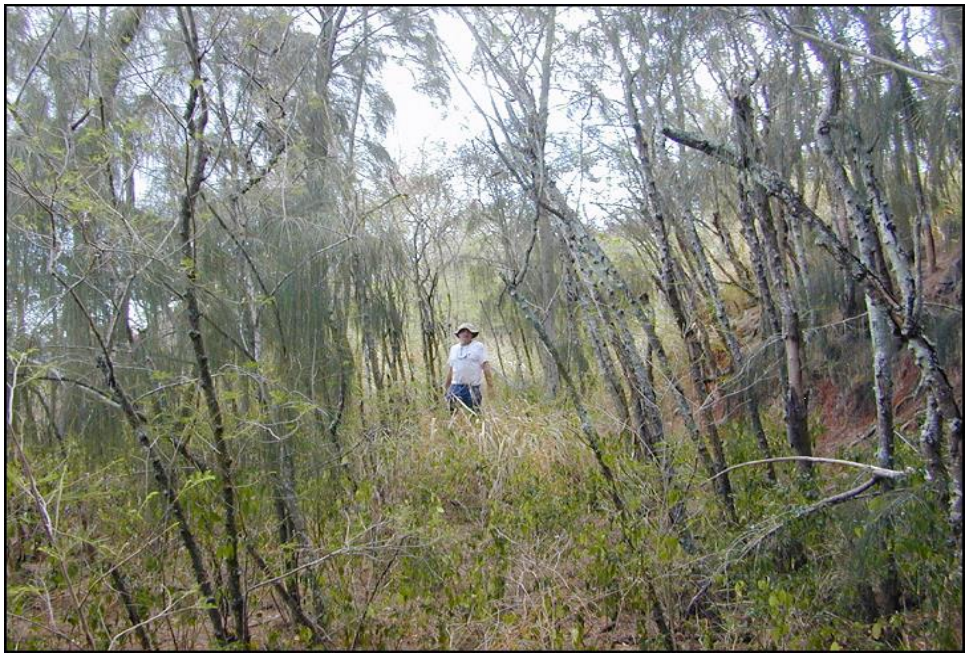

Photo Point 3c – The existing lower can haul road on the south edge of Hanamaʻulu Bay

Sub Reach Four - Hanamaʻulu Railroad Bridge

The path continues along the existing**,** abandoned railroad grade until it reaches the Hanamaʻulu Railroad Bridge (See Photo Points 4a and 4b). The Hanamaʻulu Railroad Bridge spans over the roadway and the Hanamaʻulu River. The path will be constructed on top of the existing railroad bridge. Structural analysis of the bridge indicates that the bridge is structurally sound, but will need some retrofitting and restoration in order to make the bridge safe for pedestrians and cyclists. These efforts would include widening of the deck to a width of 12-feet and adding safety railing (See Figure 4a). Concrete planks would be added to the top of the existing bridge. The planks would be doweled into the existing structure to provide stability. The approximate cost to restore and retrofit the Hanamaʻulu Bridge is $300,000.00. Because of its height relative to the surrounding landscape, views from the bridge are spectacular. A residence currently exists below the north abutment and approach to the bridge.

Photo Point 4a - The Hanamaʻulu Bridge

Photo Point 4b – The Hanamaʻulu Bridge

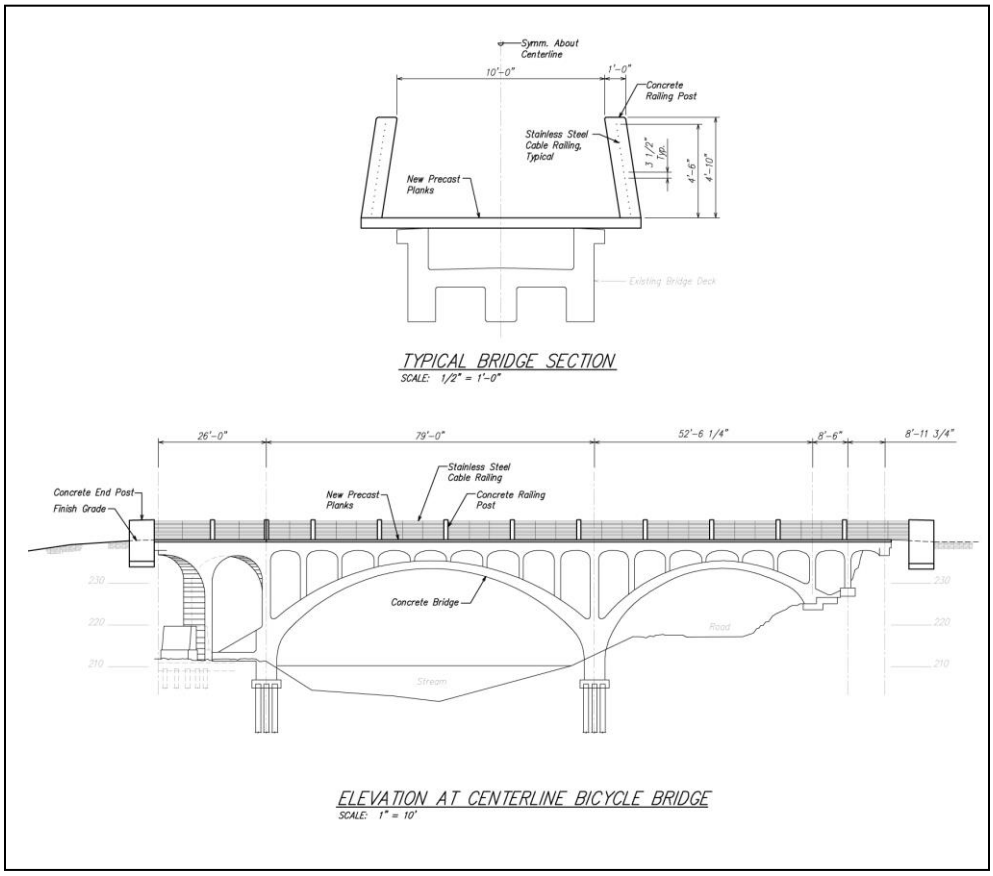

Figure 4a – Proposed Hanamaʻulu Bridge retrofit

Sub Reach Five - Hanamaʻulu Beach Park

The path will continue north on the abandoned railroad bed to Hanamaʻulu Beach Park (See Photo Point 5a). In order to obtain access to the railroad grade from the beach park, (an elevation of approximately 25 – 30 feet), a 10-foot wide ramp of approximately 800 lineal feet will be required. In order to create a bench for the ramp, structural walls will be needed. Safety railings will be provided on the downhill side of the path. The desired grade of the ramp would be at a 5.0 percent grade, however, steeper grades in compliance with the Outdoor Recreation Accessibility Guidelines may be necessary (See Figure 5a).

The ramp will extend to a point near the existing pavilion/comfort station and parking area located on the north end of the beach park. A visual inspection of the existing pavilion/comfort station was conducted resulting in the conclusion that the building is beyond repair (See Photo Point 5b). The inspection found that the foundation appears to be undermined due to water. The wood framed walls and roof also have termite and water damage. Improvements to the pavilion/comfort station would consist of removing the existing structure and constructing a new building to replace the old one. The existing sewer system may be useable but further inspections are required to determine the condition of the sewer pipes, septic system or cesspool, and leach field. Water and electricity are already to the building. The approximate cost to demolish the old pavilion/comfort station and build a new one is approximately $300,000.00.

Hanamaʻulu Beach Park will function as a trailhead/path access location as well as a major destination for path users.

Photo Point 5a - Hanama‘ulu Beach Park taken from the Kapule Highway bridge

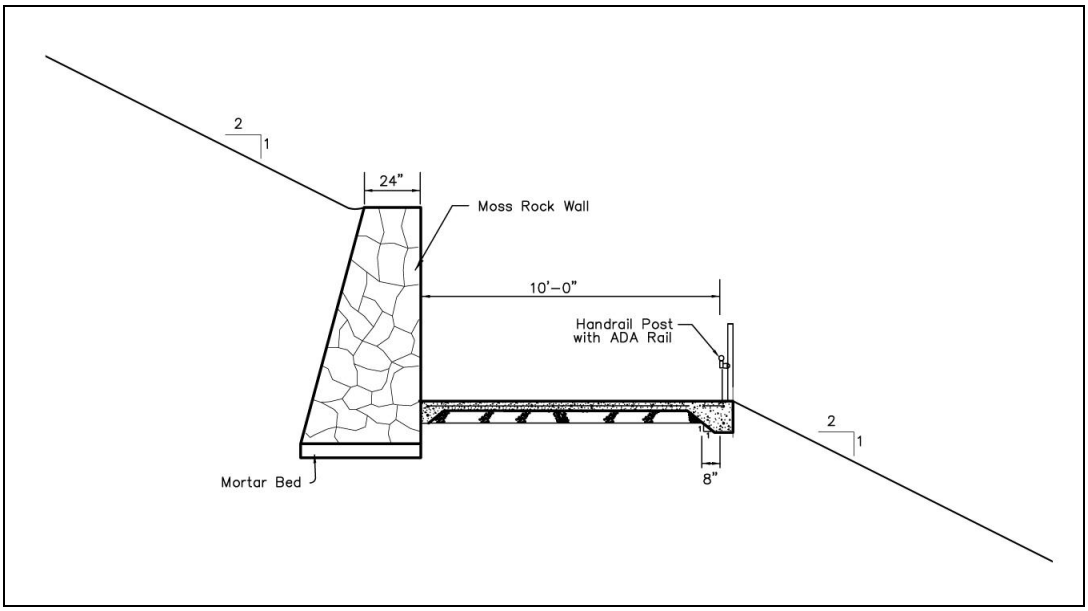

Figure 5a – Cross section of ramp

Photo Point 5b - Photo of existing comfort station at Hanamaʻulu Beach Park

Sub Reach Six - Ocean Bay Plantation
Moving north from the historic Hanama'ulu Bridge, the path will follow along the railroad grade for approximately 1,300 lineal feet, gaining elevation up and onto the upper cane haul road located on the Ocean Bay Plantation property. From this point, the path will follow the upper cane haul road that extends along the makai edge of the field (See Photo Point 6a) for approximately 5,600 lineal feet where it will depart the cane haul road to an area through a more scenic landscape (See Photo Points 6b and 6c). The Land Use designation in this area is Conservation Land. From this area, there are panoramic views of the ocean and many trees that provide shade. The U.S. Fish and Wildlife Service (USFWS) recommends that a survey for the wedge-tailed shearwater be conducted during the peak breeding season to determine the location of nesting adults (if any) and to avoid take, move the proposed path alignment to an area where the wedge-tailed shearwaters do not nest (refer to USFWS letter dated May 4, 2007 in Appendix A –Federal Consultations). The State of Hawaiʻi Department of Land and Natural Resources (DLNR) and the consultant jointly conducted a nesting seabird study in July of 2008. The area surveyed is the north side of Hanamaʻulu Bay along the coast and makai of the old sugar cane road to the south of Hilton Lane. Although no seabird nesting sites were observed, the area is a suitable nesting habitat for the Wedge-tailed Shearwater, and nesting Wedge-tailed Shearwaters have been seen in the area in the past (refer to DLNR letter dated October 27, 2008 in Appendix A – Federal Consultations). Recommendations in the letter include appropriate path alignment to avoid known nesting sites, protection of native coastal vegetation, no outdoor lighting along the path, and future consultations with the DLNR during the design, development, and construction phases of the project.

As the path extends further to the north, it must decrease in elevation until it meets the existing grade at Hilton Lane.

Photo Point 6a - Existing abandoned cane haul road on the upper bluff

Photo Point 6b – Scenic views from the Conservation Lands below the cane field

Photo Point 6c – Ocean view from the proposed path location within the Conservation Lands

Photo Point 6d –North view of cane haul road approximately 100 feet south of Hilton Lane

The path will continue north within the Conservation Land, utilizing abandoned cane haul roads (See Photo Point 6d) whenever possible until it comes to Hilton Lane. Before reaching Hilton Lane, the path will need to cross over an un-named drainage ditch just mauka of an existing box culvert (See Photo Point 6e). The U.S. Army Corps of Engineers provided a Jurisdictional Determination (JD) for the proposed ditch

crossing. In a letter dated July 8, 2009 (see letter in Appendix A), the Corps determined that the ditch was not a navigable water of the U.S., and therefore, a Section 10 Permit is not required. However, a Section 404 Permit and Corps authorization are required prior to any construction of a structure crossing over the ditch. A new concrete box culvert is proposed to span over the existing drainage ditch that is located along the south edge of Hilton Lane and then will continue along the south edge of Hilton Lane (See Photo Point 6f).

Photo Point 6e – Abandoned drainage ditch and box culvert. The box culvert will not be utilized for the path.

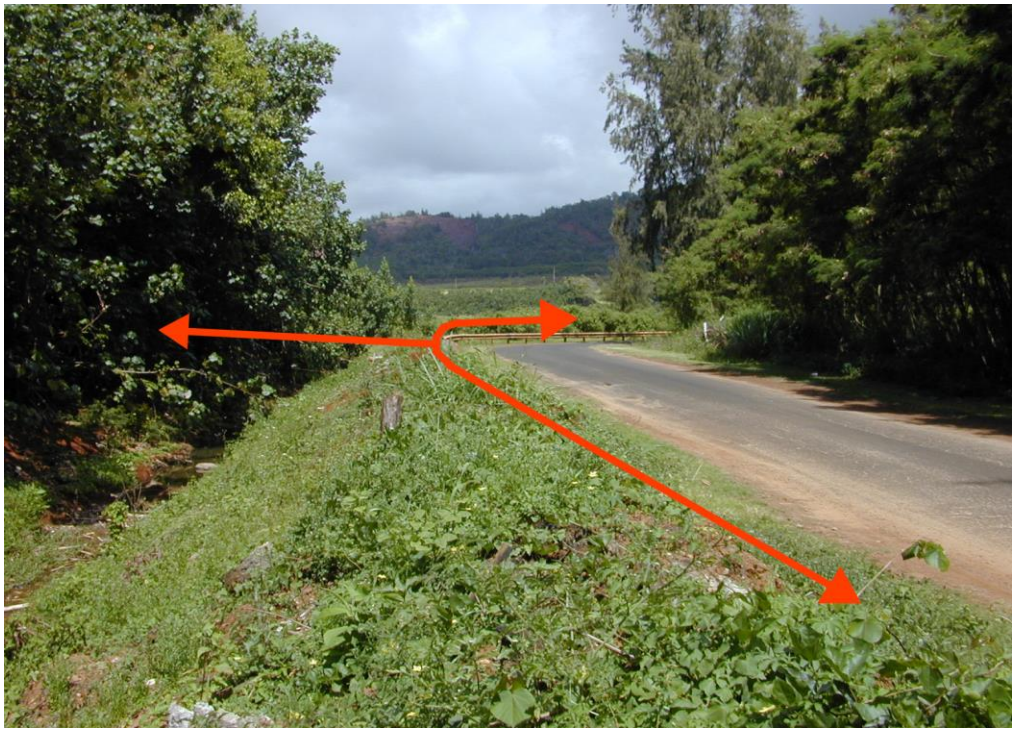

Photo Point 6f - Mauka view of Hilton Lane and location of the proposed path and ditch crossing

Sub Reach Seven – Hilton Hotel

At Hilton Lane, the path extends in two directions; one makai toward the existing comfort station and the other, along the south and mauka edge of Hilton Lane (See Photo Points 6f, 7a, and 7b). The path continues along Hilton Lane on the mauka edge of the road until it reaches Kauai Beach Drive, the main entrance roadway into the Hilton Hotel complex (See Photo Points 7c and 7d). The owner of the roadway and land is planning to install a round-a-bout intersection at this location. The path will go to the mauka edge of the round-a-bout. North of Kauai Beach Drive, the path will follow a dirt road that was once a cane haul road and extend over a concrete box culvert bridge that was also used as a bridge for the cane industry (See Photo Points 7e – 7g). The box culvert will be retrofitted with a new concrete deck and safety railings on each side (See Figure 7a).

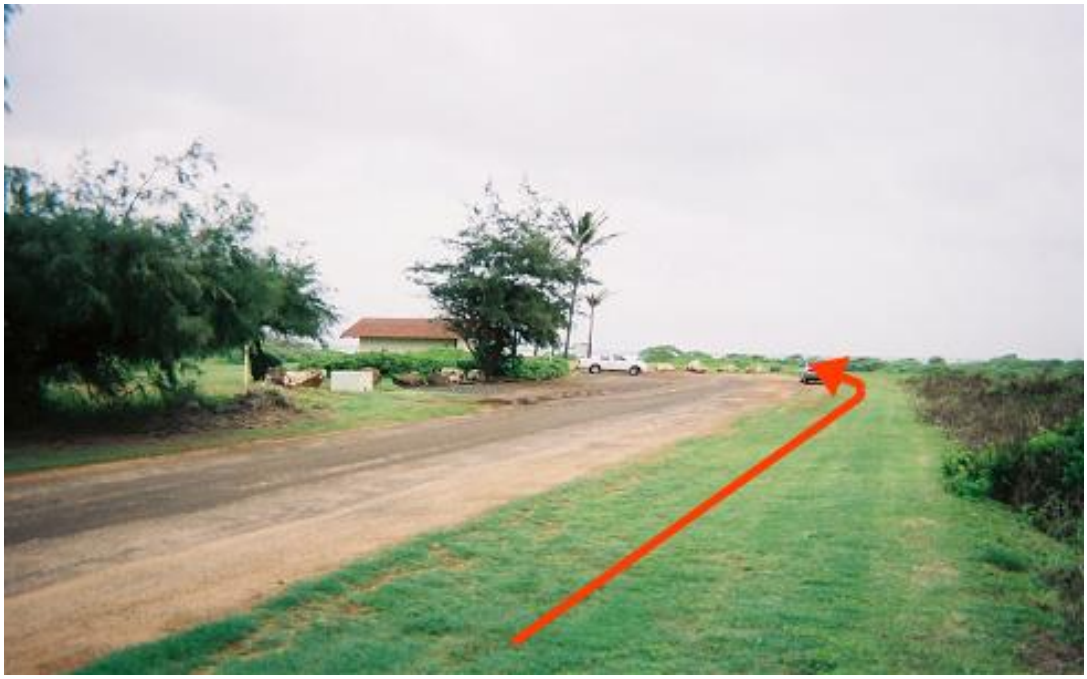

Photo Point 7a- Makai view along Hilton Lane towards the existing comfort station. The path ends where the existing large boulders are placed.

Photo Point 7b – North view along Hilton Lane. The path will be located on the mauka side of the road.

Photo Point 7c – North view of the intersection with Hilton Lane and the Kauai Beach Road (entrance to the Hilton Hotel) where a round-a-bout intersection and an at-grade crossing is proposed.

Photo Point 7d – North view of the abandoned cane haul road

Photo Point 7e – North view of the abandoned cane haul road. The box culvert bridge is located 20 feet beyond the pile of debris

Photo Point 7f – Mauka view of the abandoned box culvert bridge

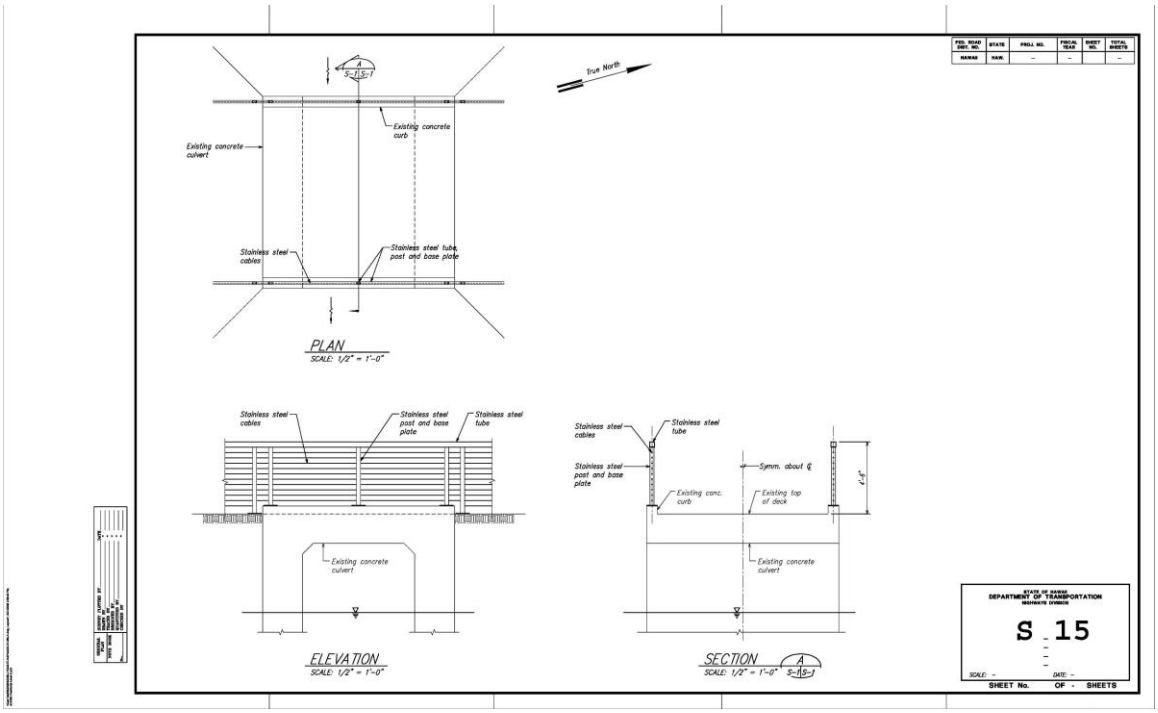

Figure 7a - Retrofit of the box culvert with a new concrete deck and safety railings

Photo Point 7g – North view of the abandoned cane haul road. Marine Camp Park and the moto-cross course are to the right of the earthen berm located on the right side of the photo.

Sub Reach Eight - Marine Camp

North of the Radisson Hotel Complex, the path will follow the abandoned cane haul road all of the way to Marine Camp Park (See Photo Points 8a and 8b). Currently, Marine Camp Park is casually used for fishing, accessing the beach, parking cars, and unrestricted dirt bike use. Proposed improvements for this property may include a comfort station (with septic and leach field sewer systems), drinking water, showers, a pay phone and parking. The proposed comfort station would be of the same size and design as the comfort station proposed for Ahukini Point (see Sub Reach Two-Ahukini Point).

The parking area will consist of gravel with large boulders used to control vehicle access within the park. The future beach park would be a trailhead/access location to the path system and would be a major destination for path users. Improvements to Marine Camp Park will be placed above the AE Flood Zone. Other potential uses for the site include a junior golf course if the existing MotoCross facility is moved to another location. Heading north from Marine Camp, the path will follow the dirt road access that extends between Kuhio Highway and Marine Camp all of the way to the Wailua Golf Course (See Photo Points 8c and 8d).

Photo Point 8a - Makai view from the abandoned box culvert bridge and location of the path connection into the park

Photo Point 8b – Existing conditions of the Marine Camp Park site

Photo Point 8c – North view of un-named cane haul road extending to the Marine Camp Park site from Kuhio Highway. The golf course can be seen in the background.

Photo Point 8d – North view from the dirt road entrance drive to Marine Camp Park at the south end of the golf course

Sub Reach Nine – Wailua Golf Course

Once the path has crossed into the golf course, it will extend north on the makai side of the drainage ditch and will often be on the same alignment as an informal golf course maintenance road that runs parallel to the drainage ditch (See Photo Point 9a) and continue mauka of the 4th green, 5th tee, 6th green, 7th fairway and the 9th fairway and makai of the drainage ditch.

A safety fence and landscaping will be required along the makai edge of the path in order to protect path users from errant golf balls. A shorter, chain link fence will be installed along the canal edge (See Figures 9a and 9b).

Photo Point 9a – Before photo along the 7th fairway

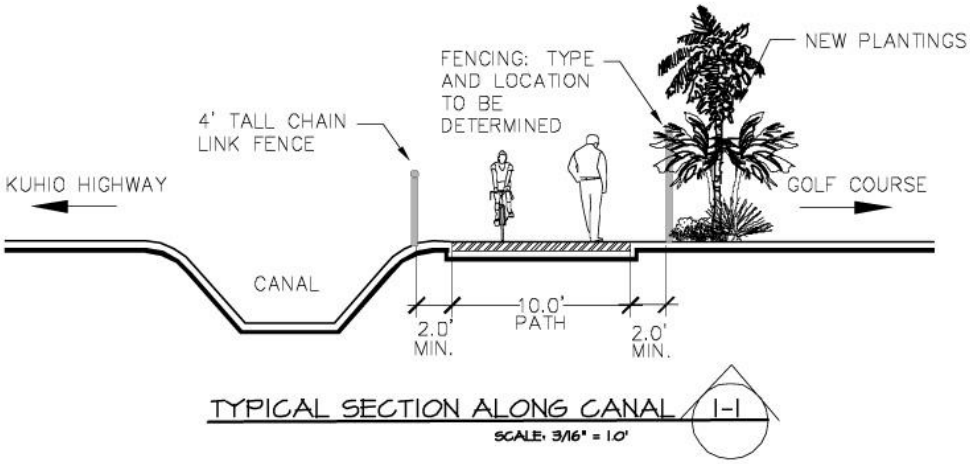

Figure 9a – Typical section along the drainage canal

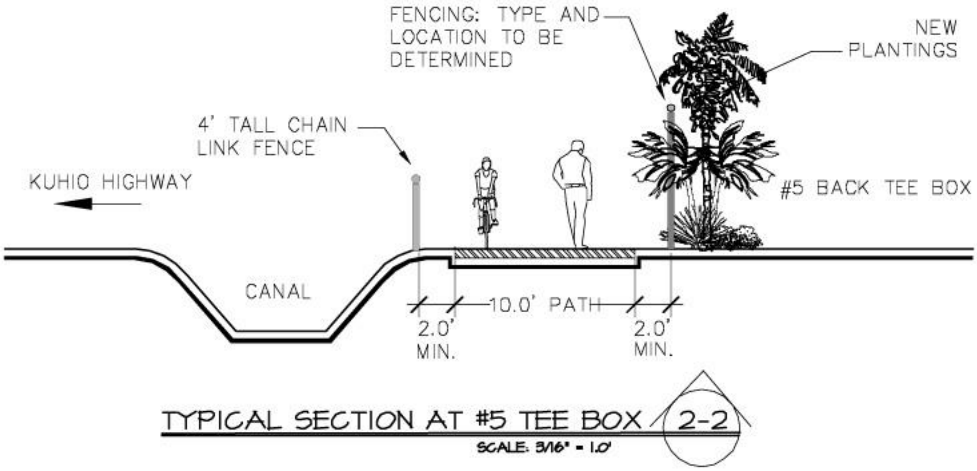

Figure 9b – Typical section along the drainage canal at the #5 back tee box

Sub Reach Ten – Wailua Golf Course Parking Lot and Entrance Drive
After passing the 9th green, the path intersects the only entrance driveway into the golf course from Kuhio Highway (See Photo Points 10a and 10b). The consulting team has been advised that this section of Kuhio Highway is one of the most dangerous roadways on the island, due in part to vehicles entering and departing the golf course. If the entrance drive configuration were to remain the same as it is today, the path would need to cross over the entrance driveway in order to continue northward. Therefore, a signalized intersection with a user activated crosswalk is proposed for this scenario. In addition, regulatory signs would warn the motorist and path user of potential dangers. Even with these improvements, safety for motorists and path users at this intersection will remain a concern. This scenario would require signal warrants if implemented.

Upon review of the alternative alignment plan in the DEA, The Kaua‘i Office of the Hawai‘i Department of Transportation (HDOT) proposed an entrance drive/path alignment alternative that would help to resolve the existing safety concerns at this intersection as well as new ones that would arise with the addition of a path crossing. The HDOT proposal is to align the golf course entrance across from the existing entrance with the County Correctional Facility. In addition, decel/accel lanes and left turn lanes for the golf course would be provided by moving utility poles and other utilities makai from their current location. The path would be aligned makai of the highway/golf course entrance drive intersection and along the edge of the lower parking lot (See Figures 10a and 10b). By implementing this plan, cyclists and pedestrians will be crossing where automobiles are moving much slower and have a greater line of sight (See Photo Points 10c – 10e). Since the existing golf course parking lot is at capacity for golf course patrons, the parking lot will not be used as a path access point/trailhead.

In addition, the golf course parking lot will be improved by new paving, striping, and stairs between the lower and upper lots, and a golf course sign. Finally, the parking lot can be used for construction staging and access during construction of the path and parking lot improvements.

Photo Point 10a – North view towards the golf course entrance drive. The path is located on top of the dirt maintenance road.

Photo Point 10b – North view of the entrance drive into the Wailua Golf Course

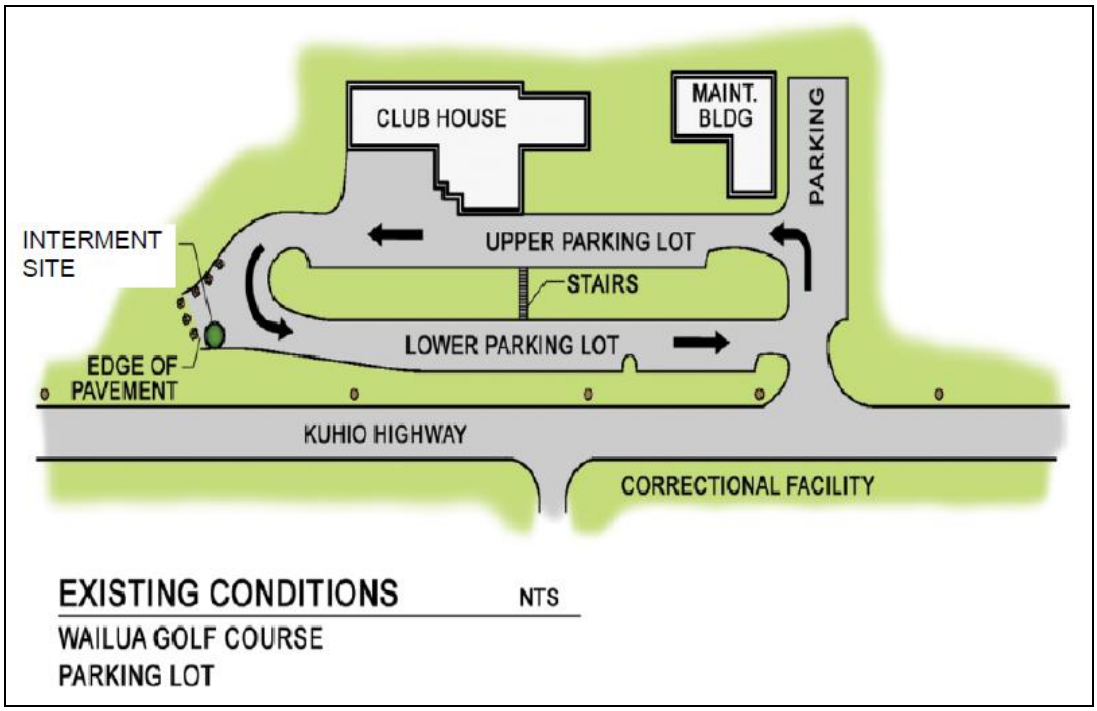

Figure 10a – Existing Conditions to the Wailua Golf Course Parking Lot and Kuhio Highway

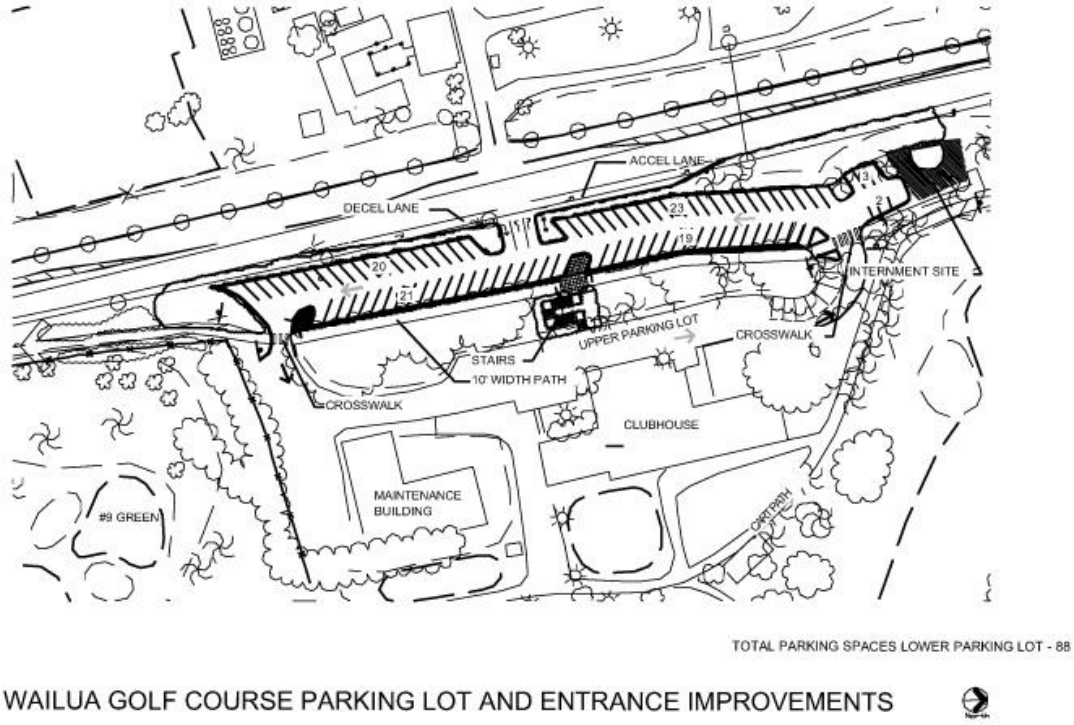

Figure 10b – Proposed improvements to the Wailua Golf Course Parking Lot and Kuhio Highway

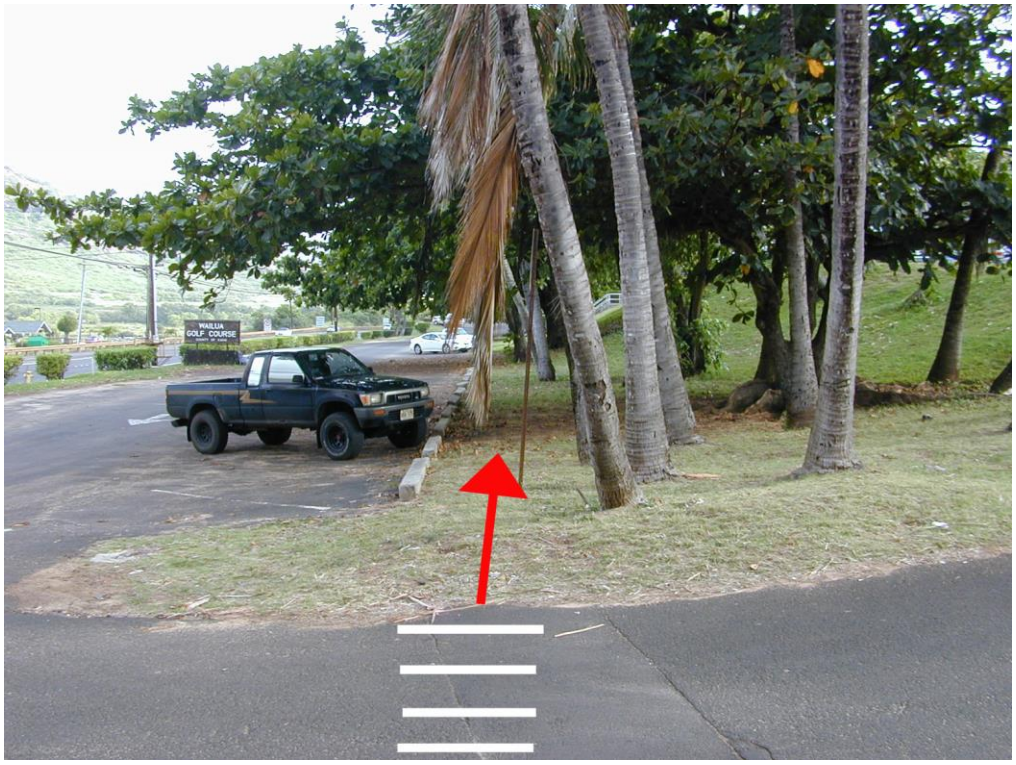

Photo Point 10c – North view of the lower parking lot and landscape area

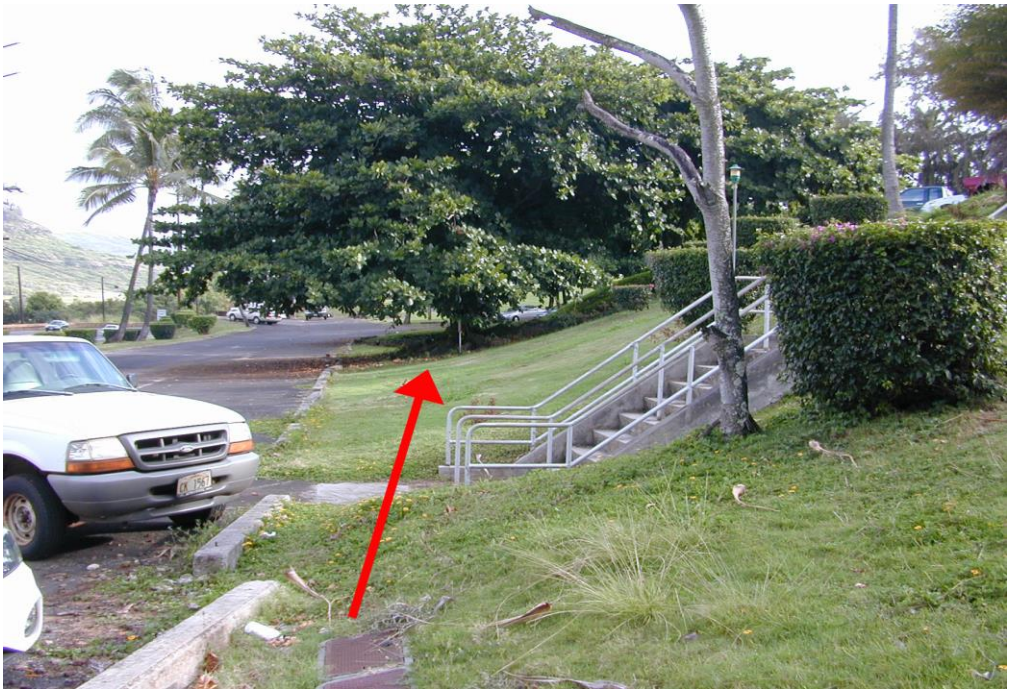

Photo Point 10d – North view of the lower parking lot and landscape area. The stairs will need to be redesigned to accommodate the path.

Photo Point 10e-North view of the north edge of the lower parking lot

An interment site is located on the north end of the lower golf course parking lot. The path is proposed to pass along the makai edge of the interment site (See Photo Points 10f – 10g).

Photo Point 10f – South view of the interment site and lower parking lot. The path will be located to the left of the interment site.

The path continues north past the interment site toward and below the 18th tee. (See Photo Point 10g). The path continues mauka and below of the 10th tee and between the irrigation pump station building located adjacent to the 10th tee and Kuhio Highway (See Photo Points 10h and 10i). A solid safety fencing and guardrail will be installed between the pump house and highway to keep path users from wandering onto the highway and automobiles on the highway (see Figure 10c).

Photo Point 10g – South view of the slope area below the interment site

Photo Point 10h– North view of the area between the pump house and Kuhio Highway (on left)

Photo Point 10i – South view of irrigated pump house. The path will be located between the pump house and the highway.

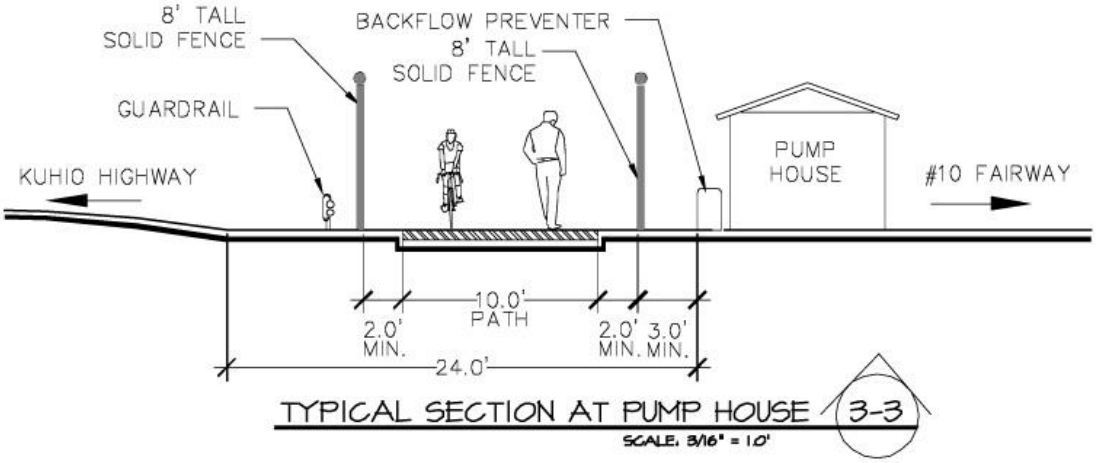

Figure 10c – Typical section at Pump House

The path extends north on the mauka edge of the 10th fairway (See Photo Point 10j) inside of the existing trees (See Photo Point 10k) along the 11th fairway. It then extends behind the 12th green. The path will need to be protected from errant golf balls along the golf course fairways by installing a ten-foot tall safety fence along the makai edge of the path. As applicable, guardrail will be installed between the path and the highway.

Photo Point 10j - 10th fairway taken from the back 10th tee

Photo Point 10k – North view along Kuhio Highway. The 10th fairway is to the right.

After passing the 10th fairway, the path heads north toward the 11th green and 12th tee (See Photo Point 10l). The path will be located between the 11th green and Kuhio Highway, where existing vegetation will help screen the path from the green. Since the back 12th tee is close to the highway, approximately 10 feet of the back tee will need to be removed in order to accommodate the path (See Photo Point 10m). A safety fence and landscaping buffer will be installed between the back tee and path. According to golf course management, play from the back tee will not be affected (see Figure 10d).

Photo Point 10l – North view along the edge of the 10th fairway looking towards the 11th green and 12th tee. Kuhio Highway is to the left.

Photo Point 10m – South view of the back 12th tee box. A solid fence will be installed between the tee box and path. Kuhio Highway is to the right.

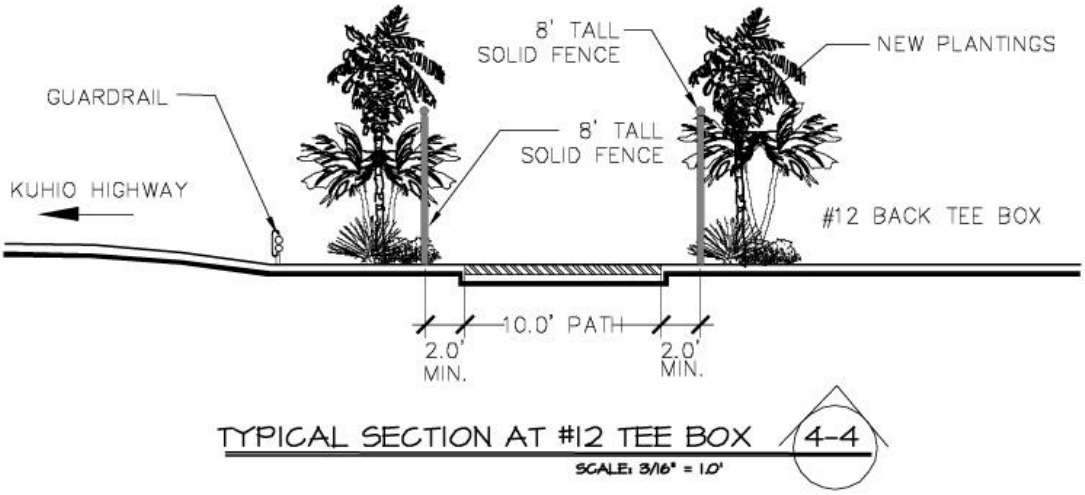

Figure 10d –Typical section at the 12th Back Tee Box

Once the path passes behind the 12th tee, it will continue along Kuhio Highway all of the way to Leho Drive. The path continues makai on the south edge of Leho Drive to Nehe Road, where it connects with the existing Lydgate Park path near the Kaha Lani Condominiums and the south end of Lydgate Park (See Photo Points 10n, 10o and 10p). A map of the preferred alignment is presented in Figure 11.

Photo Point 10n – View of Leho Drive from Kuhio Highway

Photo Point 10o – Leho Drive at Nehe Road. The path will connect with the existing Nehe Road/Lydgate Park Path and continue makai on Nehe Road

Photo Point 10p – Mauka view of the existing Lydgate Park path where it crosses over Nehe Road. The golf course is to the left beyond the fence.

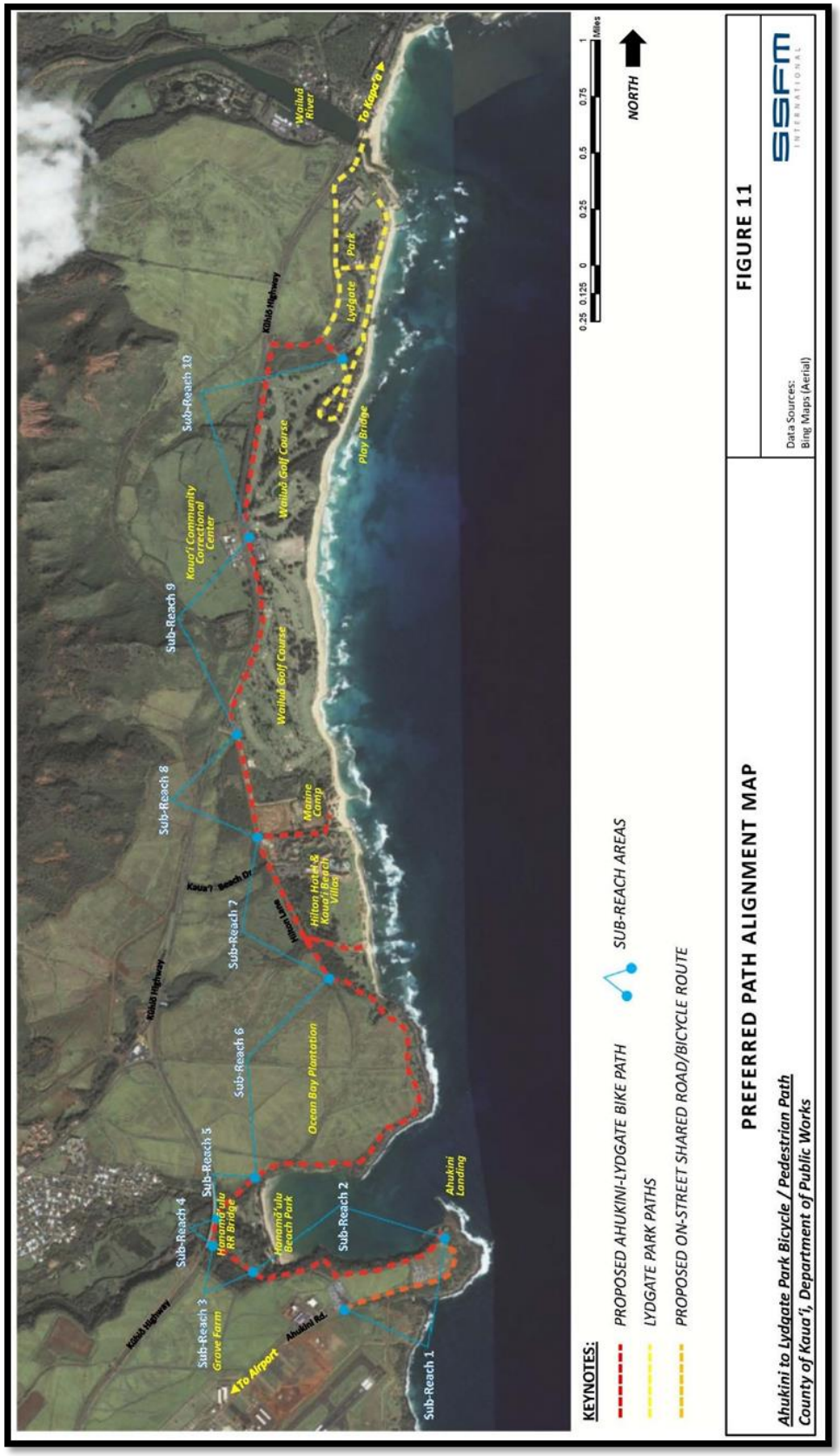

Figure 11. Preferred Alignment Map

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3.0 AFFECTED ENVIRONMENT

3.1 Physical Environment

The action is proposed by the County of Kaua‘i Department of Public Works.

3.1.1 Geology

A Preliminary Geotechnical Engineering Study was prepared for this project and can be found in Appendix D. The soils descriptions described in this document have been taken from the Soil Conservation Service (SCS) *Soil Survey of Islands of Kaua‘i, O‘ahu, Maui, Moloka‘i, and Lāna‘i, State of Hawai‘i*.
The Island of Kaua‘i is composed of a single basalt shield volcano built by the extrusion of lava of the Waimea Canyon Volcanic Series during the late Pliocene Epoch (more than 2.25 million years before present). Following the cessation of this main shield building phase, there was renewed volcanic activity with the extrusion of basaltic lava of the post-erosional Kōloa Volcanic Series and the concurrent deposit of the alluvial sediments of the Palikea Formation.

The majority of the Island of Kaua‘i is covered by lava of the Waimea Canyon Volcanic Series. These lavas consist of four distinct formations: Napali, Olokele, Haupu, and Makaweli. These formations are comprised of thin-bedded a‘a and pahoehoe flows to massive basalt flows that ponded in calderas and graben.

Rocks of the Kōloa Volcanic Series cover most of the eastern half of the Island of Kaua‘i. These rocks are generally characterized as thick flows of dense basalt extruded from groups of vents aligned in north-south trends in various locales. Associated with the vents are pyroclastic materials, which usally form low cinder cones at the vent.

The basaltic rock built by the extrusion of lavas of the Kōloa Volcanic Series are generally characterized by flows of jointed dense vesicular basalt inter-bedded with thin clinker layers. The weathering process has formed a mantle of residual soils which grade to saprolite with depth. In general, saprolite is composed of mainly silty material and is typical of the tropical weathering of volcanic rocks. The saprolite grades to basaltic formation with depth.

Erosion of the upper Kōloa and Waimea Canyon Volcanic Series has deposited alluvial sediments along streams, drainageways, and low-lying areas. These sediments are generally unconsolidated to moderately consolidated, noncalcareous soil deposits. Agricultural and commercial developments within the last century have brought the project site to its present conditions.

The geology of the preferred alignment is mainly underlain by alluvial deposits consisting of recent and older alluvium as described above. The older alluvial deposits are more consolidated and stiffer in consistency compared to the recent alluvial deposits. The southern portion of the path alignment is underlain by basalt rock formation of the Kōloa Volcanic Series. The presence of residual and saprolitic soils near the ground surface is anticipated. These soils are developed from the in-situ weathering of the basalt formation. In addition, the northern portion of the path alignment near Lydgate Park is underlain by a dune sand deposit. Recent alluvial deposits may be encountered further inland from the shoreline near the Kawailoa area and within the Hanama‘ulu Stream area. The recent alluvial deposits tend to be soft in consistency and compressible. In addition, basalt rock formation of the Kōloa Volcanic Series may be encountered along the southern portion of the path alignment at the sides of Hanama‘ulu Bay.

3.1.2 Soils

Dune land
Dune land (DL) consists of hills and ridges of sand-size particles drifted and piled by wind. The hills and ridges are actively shifting or are so recently fixed or stabilized that no soil horizons have developed. The sand is dominantly from coral and seashells.

This miscellaneous land type occurs in coastal areas on the islands of Maui and Kaua‘i.

Elevations range from nearly sea level to 150 feet. The annual rainfall amounts to 15 to 90 inches.

This land type is used for wildlife habitat and recreational areas and as a source of liming material. Vegetation is sparse, but ironwood trees, koa haole, tropical almond, kiawe, and mixed grasses have gained a foothold in places. (Capability classification VUle, non-irrigated).

Fill Land
This land type consists of areas filled with material from dredging, excavation from adjacent uplands, garbage, and bagasse and slurry from sugar mills. The areas are on the islands of Kaua‘i, Maui, and O‘ahu.

Fill Land (Fd)

This land type consists mostly of areas filled with bagasse and slurry from sugar mills. A few areas are filled with material from dredging and from soil excavations. Generally, these materials are dumped and spread over marshes, low-lying areas along the coastal flats, coral sand, coral limestone, or areas shallow to bedrock.

Hanalei Series

This series consists of somewhat poorly drained to poorly drained soils on bottom lands on the islands of Kaua‘i and O‘ahu. These soils developed in alluvium derived from basic igneous rock. They are level to gently sloping. Elevations range from nearly sea level to 300 feet. The annual rainfall amounts to 20 to 120 inches. Soil temperatures range from 69° F to 74° F. Hanalei soils are geographically associated with Haleiwa, Hihimanu, Mokuleia, and Pearl Harbor soils.

These soils are used for taro, pasture, sugarcane, and vegetables. The natural vegetation consists of paragrass, sensitiveplant, honohono, Java plum, and guava.

Hanalei silty clay, 0 to 2 percent slopes (HnA).

This soil is on stream bottoms and flood plains. Included in the areas mapped on Kauai along the Waimea River and in Waipaoiki Valley are small areas where the surface layer is 8 to 10 inches of reddish-brown silty clay. Included in the areas mapped on O‘ahu were small areas of very deep, well-drained alluvial soils and small areas of very poorly drained to poorly drained clay soils that are strongly mottled and are underlain by peat, muck, or massive marine clay.

In a representative profile the surface layer, about 10 inches thick, is dark-gray and very dark gray silty clay that has dark-brown and reddish mottles. The subsurface layer is very dark gray and dark-gray silty clay about 3 inches thick. The subsoil, about 13 inches thick, is mottled, dark-gray and dark grayish-brown silty

clay loam that has angular blocky structure. The substratum is stratified alluvium. The soil is strongly acid to very strongly acid in the surface layer and neutral in the subsoil.

Permeability is moderate. Runoff is very slow, and the erosion hazard is no more than slight. The available moisture capacity is about 2.1 inches per foot of soil. Roots penetrate to the water table. Flooding is a hazard.

This soil is used for taro, pasture, and sugarcane. (Capability classification Iiw).

Kalapa Series
This series consists of well-drained soils at the base of slopes on the island of Kaua‘i. These soils developed in material weathered from basic igneous rock and in colluvium. They are moderately sloping to very steep. Elevations range from 200 to 1,200 feet. The annual rainfall amounts to 60 to 100 inches.

The mean annual soil temperature ranges from *69° to 74° F*. Kalapa soils are geographically associated with Hihimanu and Hanama‘ulu soils. These soils are used mainly for water supply, woodland, wildlife habitat, and pasture. A small acreage is used for irrigated sugarcane. The natural vegetation consists of guava, lantana, joee, sensitiveplant, pilipiliula, ohia, Japanese tea, and ferns.

Kalapa silty clay, 40 to 70 percent slopes (KdF)
This soil is on uplands. In a representative profile the surface layer is dark reddish-brown silty clay about 10 inches thick. The subsoil, about 40 inches thick, ranges from dark-red to dark reddish-brown silty clay and clay that has subangular blocky structure. The substratum is dark-brown, duskyred, and dark-red silty clay and soft, highly weathered rock. The soil is very strongly acid throughout the profile.

Permeability is moderately rapid. Runoff is very rapid, and the erosion hazard is severe to very severe. In places roots penetrate to a depth of 5 feet or more.

This soil is used for water supply, pasture, and woodland. (Capability classification Vile, non-irrigated; pasture group 8; woodland group 14) .
This soil is used for irrigated sugarcane and pasture. (Capability classification I if irrigated, IVc if non-irrigated; sugarcane group 1; pasture group 2; woodland group 4).

Koloa Series
This series consists of well-drained soils on slopes of old volcanic vents and upland ridges on the island of Kauai. These soils are underlain by hard rock at a depth of 20 to 40 inches. They developed in material weathered from basic igneous rock. They are gently sloping to moderately steep. Elevations range from nearly sea level to 300 feet. The annual rainfall amounts to 40 to 60 inches. The mean annual soil temperature is 74° F. Koloa soils are geographically associated with Mamala and Waikomo soils. These soils are used for irrigated sugarcane. The natural vegetation is mainly koa haole.

Koloa stony silty clay, 8 to 15 percent slopes (KvC)
On this soil, runoff is medium and the erosion hazard is moderate.

This soil is used for irrigated sugarcane. (Capability classification lIIe if irrigated, IVe if non irrigated; sugarcane group1; pasture group 5; woodland group 5)

Koloa stony silty clay, 15 to 25 percent slopes (KvD)
On this soil, runoff is medium and the erosion hazard is moderate to severe. Included in mapping were small areas where the slope is more than 40 percent. This soil is used for irrigated sugarcane, pasture, woodland, and wildlife habitat. (Capability classification IVe, irrigated or nonirrigated; sugarcane group 1; pasture group 5; woodland group 5).

Lihue Series
This series consists of well-drained soils on uplands on the island of Kaua‘i. These soils developed in material weathered from basic igneous rock. They are gently sloping to steep. Elevations range from nearly sea level to 800 feet. The annual rainfall amounts to 40 to 60 inches. The mean annual soil temperature is 730 F. Lihue soils are geographically associated with loleau and Puhi soils.

These soils are used for irrigated sugarcane, pineapple, pasture, truck crops, orchards, wildlife habitat, woodland, and homesites. The natural vegetation consists of lantana, guava, koa haole, joee, kikuyu grass, molasses grass, guinea grass, bermuda grass, and Java plum.

Lihue silty clay, 0 to 8 percent slopes (LhB)
This soil is on the tops of broad interfluves in the uplands. Included in mapping were small areas of a soil that has a very dark grayish-brown surface layer and a mottled subsoil.

In a representative profile the surface layer is dusky red silty clay about 12 inches thick. The subsoil, more than 48 inches thick, is dark-red and dark reddish-brown, compact silty clay that has sub-angular blocky structure. The substratum is soft, weathered rock. The surface layer is strongly acid. The subsoil is slightly acid to neutral.

Permeability is moderately rapid. Runoff is slow, and the erosion hazard is no more than slight. The available water capacity is about 1.5 inches per foot of soil. In places roots penetrate to a depth of 5 feet or more.

This soil is used for sugarcane, pineapple, pasture, truck crops, orchards, wildlife habitat, and homesites. (Capability classification lie, irrigated or nonirrigated; sugarcane group 1; pineapple group 5; pasture group 5; woodland group 5)

Mokuleia Series
This series consists of well-drained soils along the coastal plains on the islands of O‘ahu and Kaua‘i. These soils formed in recent alluvium deposited over coral sand. They are shallow and nearly level. Elevations range from nearly sea level to 100 feet. The annual rainfall amounts to 15 to 40 inches on O‘ahu and 50 to 100 inches on Kaua‘i. The mean annual soil temperature is 74° F. Mokuleia soils are geographically associated with Hanalei, Jaucas, and Keaau soils.

In this survey area a poorly drained variant of the Mokuleia series was mapped. This soil, Mokuleia clay loam, poorly drained variant, is described in alphabetical order, along with other mapping units of this series.

These soils are used for sugarcane, truck crops, and pasture. The natural vegetation consists of kiawe, klu, koa haole, and bermuda grass in the drier areas and napier grass, guava, and joee in the wetter areas.

Mokuleia fine sandy loam (Mr)
This soil occurs on the eastern and northern coastal plains of Kaua‘i. It is nearly level. This soil has a profile like that of Mokuleia clay loam, except for the texture of the surface layer.

Permeability is moderately rapid in the surface layer and rapid in the subsoil. Runoff is very slow, and the erosion hazard is slight. The available water capacity is about 1 inch per foot in the surface layer and 0.7 inch per foot in the subsoil. Included in mapping were small areas where the slope is as much as 8 percent.

This soil is used for pasture. (Capability classification Ills if irrigated, IVs if nonirrigated; sugarcane group 1; pasture group 3)

Mokuleia clay loam, poorly drained variant (Mta)
This soil occurs on Kaua‘i. It is nearly level. The soil is poorly drained, and in this way, it differs from other soils of the Mokuleia series. The surface layer is dark brown to black and is mottled.

This soil is used for sugarcane, taro, and pasture. (Capability classification IIIw, irrigated or non-irrigated; sugarcane group 3; pasture group 3)

Rough Broken Land

Rough broken land (rRR) consists of very steep land broken by numerous intermittent drainage channels. In most places it is not stony. It occurs in gulches and on mountainsides on all the islands except O‘ahu. The slope is 40 to 70 percent. Elevations range from nearly sea level to about 8,000 feet. The local relief is generally between 25 and 500 feet. Runoff is rapid, and geologic erosion is active. The annual rainfall amounts to 25 to more than 200 inches.

These soils are variable. They are 20 to more than 60 inches deep over soft, weathered rock. In most places some weathered rock fragments are mixed with the soil material. Small areas of rock outcrop, stones, and soil slips are common. Included in mapping were areas of colluvium and alluvium along gulch bottoms.

This land type is used primarily for watershed and wildlife habitat. In places it is used also for pasture and woodland. The dominant natural vegetation in the drier areas consists of guava, lantana, Natal redtop, bermuda grass, koa haole, and molasses grass. Ohia, kukui, koa, and ferns are dominant in the wetter areas. Puakeawe, aalii, and sweet vernal grass are common at the higher elevations. (Capability classification VIIe, nonirrigated.

This land type is used mostly for the production of sugarcane. (Not in a capability classification)

Rock Outcrop

Rock outcrop (rRO) consists of areas where exposed bedrock covers more than 90 percent of the surface. It occurs on all five islands. The rock outcrops are mainly basalt and andesite. This land type is gently sloping to precipitous. Elevations range from nearly sea level to 10,000 feet. Included in mapping were a small area of lithified coral sand on Moloka‘i and small areas of coral outcrop along the coasts of other islands.

This land type is not suited to farming. It is used for water supply, wildlife habitat, and recreation. (Capability classification VIIIs, nonirrigated)

The following is the Legend for the next Soil Maps:

Map Symbol	Soil Name
BS	Beaches
DL	Dune Land
Fd	Fill Land
HnA	Hanalei silty clay, 0 to 2 percent slopes
KdF	Kalapa silty clay, 40 to 70 percent slopes
KvB	Koloa stony silty clay, 3 to 8 percent slopes
KvC	Koloa stony silty clay, 8 to 15 percent slopes
KvD	Koloa stony silty clay, 15 to 25 percent slopes
LhB	Lihue silty clay, 0 to 8 percent slopes
LhC	Lihue sitly clay, 8 to 15 percent slopes
LhE2	Lihue silty clay, 25 to 40 percent slopes, eroded
LiB	Lihue gravelly silty clay, 0 to 8 percent slopes
LiC	Lihue gravelly silty clay, 8 to 15 percent slopes
Mr	Mokuleia fine sandy loam
Mta	Mokuleia clay loam, poorly drained variant
rRR	Rough broken land
rRO	Rock Outcrop

3.1.3 Topography
The topography varies along the path corridor. The terrain is hilly at the north end of the project around the Lydgate Play Bridge Structure. The land becomes relatively flat along Kuhio Highway, through the golf course and onto the Marine Camp Site.

Two drainage areas occur on the project site; one is located north of the Radisson Hotel and the other fronts the hotel. Moving south, the topography rises at the Ocean Bay Plantation and then runs in a steady, but slight incline across the coastal bluff towards the Hanama‘ulu railroad bridge. At the south end of the bridge, the topography drops dramatically to then meet the airport property. Above the Ahukini Point fishing Pier, the land flattens out again across the bluff.

3.1.4 Climate
Climate conditions in the area are known to have mean temperatures ranging from 70.3 degrees Fahrenheit in the winter to 78.4 degrees Fahrenheit in the summertime. The relative humidity levels vary from 63% to 88%. The annual average rainfall is approximately 45 inches.

3.1.5 Air Quality
The air on the island of Kaua‘i is good and meets the standards of the Clean Air Act.

3.1.6 Hydrology and Water Quality
The alignment of the proposed bicycle and pedestrian path lies within two watersheds, the Hanama‘ulu and Kawailoa watershed, and are described below:

Hanamaóulu Watershed

Within the project area, the Hanama‘ulu watershed contains the Hanama‘ulu Stream that will be traversed approximately twenty-five feet above the drainage canal and along an existing bridge.

Kawailoa Watershed

Within the project area, the Kawailoa watershed contains one drainage ditch and one drainage canal that will be traversed along the proposed alignment. The drainage ditch flows adjacent to Hilton Lane. The water level fluctuates greatly with precipitation, and is most often dry at the location where the ditch will be traversed. The drainage canal flows south of the Motocross facility located in Marine Camp Park. The path will cross over the drainage canal on an existing, abandoned cane haul concrete box culvert bridge.

According to the USGS topographical map of the area, another drainage traverses the Moody property, flowing to the southeast. The canal terminates mauka of the railroad grade and cane haul road intersections. This drainage most likely functioned as a means for irrigating for the cane haul fields. The drainage will not be traversed along the proposed path alignment.

Water Quality
The state waters that will be traversed along the project corridor are classified as inland, flowing, Class II waters as defined by the Department of Health (HAR Title 11, Chapter 54). The objective of Class II waters is “to protect their use for recreational purposes, the support and propagation of aquatic life, agricultural and industrial water supplies, shipping, and navigation. The uses to be protected in this class of waters are all uses compatible with the protection and propagation of fish, shellfish, and wildlife, and with recreation in and on these waters.” These waters shall not receive discharge without a high degree of control compatible for the criteria established for this class (Chapter 54-3).

<u>Clean Water Act, Section 303(d)</u>
The federal Clean Water Act (CWA) requires states to submit to the Environmental Protection Agency lists of waterbodies that are not expected to meet state water quality standards. This list is referred to as the 303(d) List of Impaired Waters. The level of impairment of each waterbody as determined by the state is judged by review of all existing available surface water quality data and compared to the State’s Water Quality Standards. For all impaired waters, the State Department of Health (DOH) is required to compute

the Total Maximum Daily Load (TMDL). This is the maximum amount of a pollutant, from point or non-point sources, that a waterbody can receive and still meet water quality standards. The DOH assigns each impaired waterbody a priority of high, medium, or low, based on the severity of pollution and how the water is used. The Hanamaʻulu Stream is the only listing in the project area. It is a priority 2a stream, and is listed on a numeric basis for an exceedance of the wet season turbidity standard. (http://www.hawaii.gov/health/environmental/env-planning/wqm/303dpcfinal.pdf)

3.1.7 Natural Hazards

The natural hazards endemic to all of Hawaiʻi involves tsunami action. There have been four episodes since 1946. These occurrences happened in 1946, 1957, 1960 and 1964 respectively. In the project area, the runup heights vary from 9.5 feet to 20 feet.

Flood Zones are designated by FEMA and depicted on a Flood Insurance Rate Map (FIRM).
Zone X includes areas that have a less than 0.2 percent chance of annual flooding. Zone VE includes areas which are subject to a one percent or greater annual chance of flooding in a year where base flood elevations have been determined and the site is subject to velocity hazards caused by ocean wave action. Zone AE includes areas which are subject to a one percent or greaer annual chance of flooding and base flood elevations have been determined. Zone A includes areas which are sujbect to a one percent or greater annual chance of flooding in a year, but base flood elevations are not available because hydraulic analysis has not been performed.

In relation to flooding, most of the project corridor is assigned Zone X, defined as areas outside the 0.2% annual chance floodplain. Only one area along the preferred path alignment is within Zone VE, defined as the coastal flood zone with velocity hazard caused by wave action in the 100 year flood. This area occurs at the Hanamaʻulu Stream. Three additional areas are within Zone AE, defined as a special flood hazard area that is subject to inundation by the 1% annual flood, where base flood elevations are determined. These areas occur at Ahukini Point, along Hilton Lane where the path alignment meets the Hilton Lane and continues makai to the existing comfort station, and in the northern region of the golf course. Another area along the Wailua Golf Course is within Zone A, where no base flood elevations have been determined.

Further natural hazards include hurricanes and swells. Swells have had a range of waves from four to ten feet. The most recent hurricanes to affect the island of Kauaʻi were Hurricane Iwa in 1982, and Hurricane Iniki in 1992. The wave action from these hurricanes varied from 17 to 40 feet.

Earthquakes in Hawaiʻi are typically associated with volcano action. The Uniform Building Code (UBC) scale is rated from Seismic Zone 1 through 4, with 1 having the lowest potential for seismic induced ground movement. Kauaʻi is assigned to Seismic Zone 1, and has had lower intensity of seismic activity than most of the Hawaiian Islands.

3.1.8 Noise

Currently, there is not a substantial amount of noise along the path corridor, with the exception of the sound of traffic along Kuhio Highway.

3.1.9 Hazardous Materials

Research was conducted to identify areas with potential ground contamination in the area of the corridor that could come into contact during construction of the pathway. Governmental databases were reviewed for this information, including those that are maintained by the Department of Health and the Environmental Protection Agency.

The mission of the Hazard Evaluation and Emergency Response (HEER) Office is to protect human health, public welfare, and the environment and provide state leadership, support and partnership in preventing, planning for, responding to and enforcing environmental laws relating to the releases or threats of releases of hazardous substances, pollutants or contaminants. The HEER Office has an interest, has already investigated, or may investigate under HRS 128D the following facilities, sites, or areas that the preferred path alignment may come into contact with:

Site Name	Address	Fed ID#/Case #	Activity Type	Status
Lihue Plantation Co, LTD-Lihue Herbicide Mixing Plant	3-4671 Kuhio Hwy Hanama‘ulu, HI 96766	No data available	PA1/SI1	Ongoing Superfund Site
Hanama‘ulu Beach Park	Hanama‘ulu Beach Park, 96766	20040708-1157	Abandoned drum containing inert material	No further action required
Radisson Kaua‘i Beach Resort	4331 Kauai Beach Drive Lihue, HI 96766	19910903	UST removal and remediation (Diesel Fuel)	No further action required
Aloha Airlines, Lihue Airport	No data available	19981221-2230	1 gallon jug in cardboard box-unknown	No further action required
Lihue Airport	No data available	20000831-1434	Ahukini Road well dumping of 2,000 gallons of motor oil	No data available
Radisson Kaua‘i Beach Resort	No data available	’33 (?)	KAUAI HILTON Soil Remediation	No further action required

Mapping and/or data of the exact location of the contamination on each property was not found in the databases. Therefore, the path may or may not encounter these contamination sites.

3.2 Biological Environment

Consultation with the US Fish and Wildlife Service (USFWS) and the National Oceanic and Atmospheric Administration (NOAA) was conducted to identify sensitive areas as related to the biological environment (refer to the ESA section of Appendix A). This document does not include specific assessments for plants, birds or marine animals, as the only areas of this project that are relatively undisturbed were studied with the preparation of the EIS for the Ocean Bay Plantation project, and the Lihue/Hanama‘ulu Master Plan.

3.2.1 Flora and Vegetation Communities

The vegetation along the corridor is a mixture of native and introduced species. According to Dr. David Lorence, Director of Science and Chair of Botany at the National Tropical Botanical Garden, there are no known terrestrial endangered plants where the project is located (refer to Appendix C for the meeting minutes associated with this consultation). In addition, no concerns were identified from the USFWS (refer to the ESA section of Appendix A).

The following vegetation communities and dominant plant species of each are represented along the corridor:

Rock Outcrop: This vegetation community is located along the coastal bluff of the Ocean Bay Plantation.

Trees:
- ironwood (*Casuarina equistifolia)*
- tree heliotrope (*Tournefortia argentea)*

Shrubs:
- naupaka (*Scaevola sericea)*
- yellow ilima (*Sida fallax)*

Understory:
- pau o hiiaka (*Jacquemontia ovalifolia ssp. sandwicensis)*
- akulikuli (*Sesuvium portulacastrum)*
- aki aki grass (*Sporobolus virginicus)*

Forested Areas: This vegetation community is located along the Hanama‘ulu Bay and where the path extends into Conservation Land on the north side of the Ocean Bay Plantation Property heading towards Hilton Lane.

Trees:
- ironwood
- coconut palm (*Cocos nucifera)*
- java plum (*Syzygium cumini)*
- lemonscented gum (*Eucalyptus citriodora)*
- bingabing *(Macaranga mappa)*
- parasol leaf tree (*Macaranga tanarius)*
- kolomona (*Senna gaudichaudii)*
- hau (*Hibiscus tiliaceus)*

Understory:
- guinea grass (Panicum maximum)
- wedelia (*Wedelia tribolata)*
- coramadel (*Asystasia sp.)*

Abandoned Sugar Cane Fields: This vegetation community exists along the old cane haul roads that will be used for sections of the path corridor. These roads occur mauka of Ahukini State Recreation Pier, at the south end of the Ocean Bay Plantation property, and where Hilton Lane road ends and turns into a cane haul road mauka of the existing motocross facility.

Trees:
- guava (*Psidium guajava)*
- chinaberrytree (*Melia azedarach)*
- kolomona
- hau
- silkoak (*Grevillea robusta)*
- ironwood
- haole-koa (*Leucaena leucocephala)*

Understory:
- guinea grass
- lantana (*Lantanta camara)*
- California grass (*Brachiaria mutica)*
- molasses grass (*Melinis munutiflora)*

Beach Parks: This vegetation community occurs at Ahukini Beach Park, Hanamaʻulu Beach Park, Marine Camp, and at the Lydgate Park Play Bridge Structure.

Trees:
- ironwood
- coconut palm
- tree heliotrope
- false kamani (*Terminalia catappa)*

Shrubs:
- naupaka

Understory:
- bermuda grass species
- aki aki grass

Disturbed Sites: These areas have been highly disturbed from development and include the Kauaʻi Beach Hotel and Resort (old Radisson), Kauaʻi Beach Villas, the Wailua Golf Course, and along Kuhio Highway. The resort, villas, and golf course consist mainly of grassy lawns and landscaping. Kuhio Highway is bordered by a thick mass of guinea grass.

3.2.2 TERRESTRIAL FAUNA

The following mammalian and avian species have already been documented in the project area:

- **Mammals:** In the EIS prepared for the Lihue-Hanamaʻulu Master Plan, one endangered mammalian species, the hoary bat (*Lasiurus cinereus semotus)* was documented in the area.

- **Avians:** In the EIS prepared for the Lihue-Hanamaʻulu Master Plan (Bruner, 1994), no native land, water, or migratory birds were found in the area studied for the EIS. Hawaiian Duck (*Anas wyvilliana)* and Hawaiian Moorhen (*Gallinula chloropus sandvicensis)* were observed off-site in wetlands. These two species are listed as endangered under the Federal Endangered Species Act. In addition, Newell's Shearwater (*Puffinus auricularis newelli)* was recorded as being a probable species to fly over the property as they move between nesting and foraging. This species is listed as a threatened species.

Another study was conducted for the Ocean Bay Plantation EIS in 2001 (Rana Productions Ltd., 2001). Three endangered avian species were documented in this area, including the Hawaiian Coot (*Fulica alai*), the Hawaiian Petrel (*Pterodroma phaeophgia sandwichensis*) and Newell's Shearwater. The Wedge-tailed Shearwater, or the ʻuaʻu kani (*Puffinus pacificus*), is an indigenous breeding seabird that was also documented in the area.

Another protected avian species in the area is the Nene (*Nesochen sandvicensis*).

A study to determine if endangered bird species, notably, the Wedge-tailed Shearwater, are present will need to be conducted to determine if a path route through the Conservation Lands is possible. The survey of the path route cannot be conducted until permission for right-of-entry is granted by the landowner, which has not been obtained as of this publication. If the Conservation Lands do contain nesting Wedge-tailed Shearwaters, it is recommended by the DLNR that the path be re-aligned along the old sugar cane road to avoid impact to these species (refer to the ESA section of Appendix A).

3.2.3 Marine Fauna

According to Dr. Jeffrey Walters, Co-Manager of the Hawaiian Islands Humpback Whale National Marine Sanctuary for the State of Hawaiʻi, Department of Land and Natural Resources Division of Aquatic Resources, Kauaʻi sees the Humpback Whale (*Megaptera novaeangliae*), Green Sea Turtle (*Chelonia mydas*), and Hawaiian Monk Seal (*Monachus schauinslandi*) as they swim south. All of these species are listed as endangered under the Endangered Species Act.

The Humpback Whale season is November to May, with January to March being the peak season. The Green Sea Turtle will breed in the northwest islands and go south to forage. The Hawaiian Monk Seal uses the beach to dry out, digest food, and rest throughout the day, and then goes to sea to feed during the night. There are approximately 200-300 Hawaiian Monk Seals in the main eight Hawaiian Islands.

3.3 Socio-Economic Environment

A full discussion of Archaeological, Historic, and Cultural Resources and Native Hawaiian Rights Issues is found in Appendix A of this document.

3.3.1 Archaeological Resources

There have been at least 15 archaeological projects conducted in this area from 1907 to 2004 (Archaeological Conditions Report, 2005). These have lead to the documentation of numerous prehistoric sites. In 1906, two *heiau* were recorded in the project area: Ahukini and Kalauokamanu. These *heiau* were not marked on maps but were simply described. During an island-wide survey in 1928-1929, the two *heiau*, now known as Site 101 and Site 102, were also noted. Ahukini *heiau* was built near Ahukini Point on a bluff overlooking the sea while the location of Kalauokamanu *heiau* was never identified. Both *heiau* had been destroyed as of 1855.

The most well-known site in this area, due to the influx of Cultural Resources Management research related to golf course activities and development of Lydgate Park, is Site 103, originally recorded by Bennett during an island-wide survey in 1928-1929. Bennett makes first mention of Site 103 in this area: "in the sand dunes that run along the shore half way between Hanamaʻulu and Wailua River are many burials." At this writing, over 66 burials have been identified throughout the golf course area alone, with most of these having been re-interred in a burial crypt at the golf course itself.

An above ground interment site, a critical component of Site 103, is located inside the parking lot of the Wailua Golf Course. The interment site will not be directly affected, but the path alignment will cross within 30' of the site.

3.3.2 Historical Resources

There are many historical sites in the general project area (refer to Appendix D-Archaeological Conditions Report). These include Ahukini Landing as well as other local historic resources including habitation complexes, structures, roads, and cemeteries/burial areas. The historic infrastructure from Ahukini

Landing toward the Lydgate area is dominated by plantation-era construction representing transport and processing relative to the sugar cane industry. It is very possible that the disturbance caused by the historic sugar cane industry destroyed many prehistoric sites in the area, including dryland agricultural loci and house sites. During WWII, the military enhanced some of these features for their own transport and access and often created new roads through the area. However, the history of this area still remains entrenched within the bygone plantation-era.

Specific to the preferred path alignment, only two historical sites will be traversed. Site 1845 is the historic Hanamaʻulu Railroad Bridge, a structure representing the plantation era. Site 1846 represents two historical concrete railroad bridges; only one will be traversed, located north of the Radisson property and north of the dead end of Hilton Lane.

3.3.3 Cultural Resources

Hanamaʻulu translates as "tired (as from walking) bay" and is said to be the birthplace of the hero Kawelo. This area was referred to as Puna District at the time of the Great Mahele of 1848; not as Lihue District as it is now. The Hanamaʻulu area is not specifically mentioned in many historical texts.
However, Hanamaʻulu is noted in *Olelo Noʻeau*, a book of Hawaiian sayings and epithets, which states the following:

- No Hanamaʻulu ka ipu puehu ("The quickly emptied container belongs to Hanamaʻulu").

Another quote about the area states the following (Archeological Conditions Report, 2005):

- "Said of the stingy people of Hanamaʻulu, Kauaʻi—no hospitality there. At one time, food containers would be hidden away and the people of Hanamaʻulu would apologize for having so little to offer their guests."

From Hanamaʻulu Bay to the west, toward Lihue, multiple Land Commission Awards (LCA's) are present. In general, the LCA's primarily denote *loʻi* lands (taro fields). Here, dryland taro cultivation was probably practiced while coconut, sweet potato, and breadfruit were also likely grown. The Mahele records of the Hanamaʻulu area tell of native tenants living in the valleys and by the shoreline. House sites, taro pond fields, irrigation systems, dryland agricultural parcels, fishponds, pastures, and other features were across the landscape. Many of these lands were cleared during Plantation days, thus masking or erasing these sites.

The cultural significance of the Wailua Area, further to the North, is well documented. Center of the isle's political and economic universe, Wailua was the chiefly seat of Kauaʻi during prehistoric times, as is attested by the numerous *heiau* and other ceremonial sites occurring along the Wailua River basin.

3.3.4 Native Hawaiian Rights

According to Wade Ishikaura, of Department of Land and Natural Resources, Aquatic Resources Division, many local men fish in the areas of the Marine Camp and Ahukini Point. Swimming is a common activity for locals at Hanamaʻulu Beach Park. According to LaFrance Kapaka Arboleda, of Office of Hawaiian Affairs, Burial Council indicates that in the area north of the Hanamaʻulu Railroad Bridge is an area known as "nokuliʻi", and may contain mass burials.

According to members of a native Hawaiian family and their friends, there are a number of ancient historic paths used by the native Hawaiians, which may or may not occur on this path corridor. Based on cultural interviews, access to native gathering areas for fishing remain just as important today.

Further, this native group stakes a claim on all the property of the corridor, with the view that all the land of Hawai'i belongs to all the native Hawaiians. A common view is that all lands that contain wetlands or ponds are to be preserved for taro fields, and all the dry land should be preserved for home sites.

3.3.5 Summary of the Socio-Economic Environment

Overall, this portion of eastern Kauaʻi contains abundant evidence for historic networks related to plantation-era days and prehistoric sites related to burial and temporary habitation locations. While none of the sites beyond Ahukini Landing remain in spectacular form, they do allude to land tenure in the area

during the late 1880's onwards. The preferred path alignment will cross through various important historical zones, providing opportunities for educational signage and outdoor classroom experiences.

3.3.6 Title VI/Environmental Justice

The area of Hanamaóulu is an Environmental Justice community. Throughout this process, the County of Kauaó has worked to ensure full and fair participation by the community in the transporation decision-making process. A number of families in the area were consulted throughout this process. This area will benefit from this proposed bicycle/pedestrian path as it will provide transportation alternatives to the community.

3.4 Public Infrastructure and Facilities

3.4.1 Vehicular Access

Access to the path by vehicles can be accomplished in several locations along the corridor, including Ahukini Point, Hanama'ulu Beach Park, Marine Camp, the Radisson Hotel and Lydgate Park.

3.4.2 Water

The County Water Department will supply adequate water to the path project.

3.4.3 Wastewater

The waste from the comfort stations will use septic tanks and leach fields.

3.4.4 Power & Communications

There is power and electricity along Kapule/Kuhio Highway. The existing capacity is adequate to serve the project.

3.4.5 Schools

The only school near the project corridor vicinity is King Kaumaulii Elementary School in Hanama'ulu.

3.4.6 Parks & Recreation Facilities

There are three county parks and one state park recreational facility within the boundaries of this project. On the north end is the county park, known as Lydgate Park. The second county park is the Marine Camp, and towards the south end of the project is the third county park, Hanama'ulu Beach Park. Ahukini Point at the south end is a State Park Recreation Area providing fishing opportunities.

3.5 Public Health and Safety

3.5.1 Police Services

Services will be provided by the County of Kaua'i Police Department. The Deputy Chief, Ron Venneman requests that access be available for the police cars at reasonable points along the corridor, that the path use at night be considered the same as any other County park facility, and that emergency call boxes be installed in the more remote locations along the corridor.

3.5.2 Fire and Emergency Services

Fire protection and Emergency services will be provided from the County of Kaua'i Fire Department. The closest hospital is Wilcox Hospital in Lihue, and will be the service provider for emergencies.

The Prevention Captain, Chief David Bukowski, requests that access be available for fire trucks at intervals of no less than ¼ mile, and on either end of the Hanama'ulu Railroad Bridge.

4. IMPACTS AND MITIGATION MEASURES

4.1. Short-term Impacts

4.1.1. Noise

4.1.1.1. No Action Alternative

Under the No Action Alternative, future traffic noise levels are likely to increase in relation to the increases of traffic volumes on Kūhiō Highway that would be associated with trips generated by coastal recreational resources, such as Lydgate Park, Hanamāʻulu Beach Park and Ahukini Landing. This alternative would not entail any construction and therefore create no temporary increases in noise from construction activities.

4.1.1.2. Preferred Alternative

Noise will be generated during the construction phase of this project. This impact is temporary and confined to the period of construction. During construction, the contractor must comply with DOH Administrative Rules Chapter 11-46 on Community Noise Control.

Non-motorized transportation does not generally produce loud noise. Socializing along the path could be an issue to golfers and residents of the area. Nighttime use of the path could be disruptive to the Kauaʻi Beach Villas and/or the Radisson Hotel. A mitigation measure for this impact is to install signs along the path in noise sensitive areas, reminding path users to keep noise at a respectful level.

4.1.2. Air Quality

4.1.2.1. No Action Alternative

Under the No Action Alternative, no path would be constructed and no path amenities would be provided. Therefore, there would be no short-term impacts on air quality resulting from construction activities.

4.1.2.2. Preferred Alternative

The purpose of this project is to reduce combustion vehicle trips and provide recreational opportunities by constructing a non-motorized bicycle and pedestrian path. The project will not result in any meaningful changes in traffic volumes, vehicle mix, location of the existing facility, or any other factor that would cause an increase in emission impacts relative to the no-action alternative. As such, FHWA has determined that this project will generate minimal air quality impacts for Clean Air Act criteria pollutants and has not been linked with any special mobile source air toxin (MSAT) concerns. Consequently, this effort is exempt from analysis for MSAT.

Moreover, EPA regulations for vehicle engines and fuels will cause overall MSATs to decline significantly over the next 20 years. Even after accounting for a 64 percent increase in vehicle-miles traveled (VMT), FHWA predicts MSATs will decline in the range of 57 percent to 87 percent, from 2003 to 2020, based on regulations now in effect, even with a projected 64 percent increase in VMT. This will both reduce the background level of MSATs as well as the possibility of even minor emissions from this project.

Best Management Practices will be incorporated into the construction of the path project. Some of the mitigation measures include:

- Irrigate the construction site during periods of drought or high winds
- Install silt screening in the areas of disturbance
- Clean roads of construction dirt from the construction vehicles
- Cover open beds of trucks hauling materials into and out of the site
- Disturb only the areas of construction that are in the immediate zone of construction to limit the amount of time that the areas will be subject to erosion

To minimize the amount of exhaust from the construction trucks and other vehicles, all equipment shall be maintained properly to minimize emission during the time of construction.

The contractor shall incorporate the measures required by the State Department of Health Rules and Regulations in Chapter 43, Section 10, and the Hawaii Administrative Rules Chapter 11-60.1 Air Pollution Control, and Section 11-60.1-33 related to Fugitive Dust Emissions.

4.1.3. Energy and Mineral Resources

The resources required for construction will not be excessive and will be required only for the course of the construction of the project.

4.1.4. Construction and Utilities

4.1.4.1. No Action Alternative

Under the No Action Alternative, no construction would be required and therefore no construction and utilities impacts are expected.

4.1.4.2. Preferred Alternative

The impacts of the construction of the project will involve construction of the path, comfort stations, and parking lots at the golf course and Marine Camp. The present entranceway to the golf course will remain open while the new one is constructed. The parking lot at Marine Camp will be gravel. The utilities required for the Hanamāʻulu Beach Park comfort station renovation are in place, as they were needed for the operation of the building that was formerly in the location of the comfort station. Six utility poles at the Wailuā Golf Course will need to be moved in order to widen Kūhiō Highway for deceleration and acceleration lanes in and out of the golf course. These impacts will be temporary and are confined to the time of construction.

4.1.5. Underground Storage Tanks

4.1.5.1. No Action Alternative

No impacts are anticipated since there are no known underground storage tanks within the project corridor.

4.1.5.2. Preferred Alternative

No impacts are anticipated since there are no known underground storage tanks within the project corridor.

4.1.6. Hazardous Waste Sites

From the research conducted for potential hazardous waste sites in or near the project corridor using the HEER website database, two sites are lacking specific detail and were a cause of initial concern. These two sites are listed below:

Site Name	Address	Fed ID #/Case #	Activity Type	Status
Līhuʻe Airport	No data available	20000831-1434	Ahukini Road well dumping of 2,000 gallons of motor oil	No data available
Radisson Kauaʻi Beach Resort	4331 Kauaʻi Beach Drive Līhuʻe, HI 96766	19910903	UST removal and remediation (Diesel Fuel)	Refer to ISST

4.1.6.1. No Action Alternative

The No Action Alternative would not entail any construction and therefore not cause any adverse impacts to any known or unknown hazardous waste sites.

4.1.6.2. Preferred Alternative

The "Līhuʻe Airport" Site is not of concern because the proposed path alignment in this area will utilize the existing paved roadway of Ahukini Road. No construction is necessary for this portion of the pathway; rather, a bike lane will be added to the present concrete using white striping to indicate the assigned bike lane. Though the address and status of this hazardous site is not available in the HEER database, "well dumping" would occur at a well location. Well sites would not occur on a constructed roadway.

Personal communications with Melody Calisay, from the Department of Health, have occurred regarding the status of the "Radisson Kaua'i Beach Resort" site. Per Ms. Calisay's letter response dated February 16, 2000, the site was evaluated by HEER according to criteria listed in HAR Tile 11, Chapter 451 for the appropriate determination of prioritization. Possible priority determinations can identify sites as high priority, medium priority, low priority, or for no further action. Based on an evaluation of available reports and studies, the HEER Office had determined that no further action was appropriate for this site in regards to release and threats of releases of hazardous substances.

4.1.7. Traffic

4.1.7.1. No Action Alternative

Under the No Action Alternative, no path or recreational amenities would be improved. Pedestrians and bicyclist would be forced to use Kūhiō Highway to traverse the project corridor.

4.1.7.2. Traffic Impacts

There will be no disruption to existing traffic patterns for the construction of the project. Some short-term impact to roadways may result from construction activities, such as temporary lane closures and disruptions to Kūhiō Highway. If necessary, a traffic control plan would be developed and coordinated with County and State agencies for the appropriate review and approval. It is possible that police officers may be required to assist with implementing traffic control during construction activities along Kūhiō Highway.

4.1.8. Employment

4.1.8.1. No Action Alternative

The No Action Alternative would have a negative impact on the employment in Kaua'i, as jobs for numerous laborers and supervisors for construction would not be created.

4.1.8.2. Preferred Alternative

The construction of the project will have a positive impact on the employment in Kaua'i, as there will be a need for numerous laborers and supervisors for construction.

4.2. Long Term Impacts

4.2.1. Land Use Changes

4.2.1.1. No Action Alternative

The No Action Alternative would not entail any land use changes and would not cause any land use impacts.

4.2.1.2. Preferred Alternative

The alignment is compatible with existing land use designations and is not anticipated to require any changes.

4.2.2. Zoning

4.2.2.1. No Action Alternative

The No Action Alternative would not entail any zoning changes and would not cause any zoning impacts.

4.2.2.2. Preferred Alternative

The project will not require any zoning changes from the County.

4.2.3. Churches and Institutions

4.2.3.1. No Action Alternative

There are no churches or institutions located in the vicinity of the project corridor; therefore, the No Action Alternative would not have any impacts on churches and institutions.

4.2.3.2. Preferred Alternative

There are no churches or institutions located in the vicinity of the project corridor to be affected.

4.2.4. Controversy Potential

4.2.4.1. No Action Alternative

Under the No Action Alternative, no path would be built which would result in the disappointment of those community and political leaders who supported the project. In addition, a portion of the Nāwiliwili to Anahola Bike/Pedestrian Path contained in the 1994 State of Hawai‘i Master Plan – Bike Plan Hawai‘i would not be completed.

4.2.4.2. Preferred Alternative

Overall, there is widespread support for this project from the community and political leaders. Several Native Hawaiians expressed the desire to determine land uses in this area rather than having government make that determination for them. Many golfers expressed concerns about path users interfacing with the golf course and felt this would impact their ability to play at the Wailuā Golf Course. However, after discussion of the alternative alignments at Public Meeting #3, many golfers saw those alternatives as causing a much greater impact to the golf course, and much of the concerns were relieved.

Mitigation for this impact is to take into consideration the views and opinions of everyone who expresses a voice about the project. A goal of the project is to strive to create a path that is compromising and a reflection of a majority of people’s opinions and concerns. Considering the efforts to appease everyone involved, public opposition is considered minimal.

4.2.5. Economic

4.2.5.1. No Action Alternative

The No Action Alternative would not involve the increase of short term jobs through construction and therefore not have any economic impacts.

4.2.5.2. Preferred Alternative

There are no negative long-term impacts resulting from the bicycle and pedestrian path project.

4.2.6. Historical, Archeological, and Cultural Resources

Appendix A includes the Section 106 Consultation documents and correspondence letters that relate to historical, archeological, and cultural resource issues. Specifically, coordination with the State Historic Preservation Division occurred as a response to the Draft Environmental Assessment (DEA) on January 31, 2006 (see Appendix C). Additional Section 106 consultation occurred in 2012 and is contained in Appendix A.

The following historical, archeological, and cultural resources will be traversed within the proposed path alignment:

- The Hanamāʻulu Railroad Bridge
- A historical concrete box culvert
- An interment site in the Wailuā Golf Course parking lot

4.2.6.1. No Action Alternative

The No Action Alternative would not create any new or direct impacts on any historical, archeological, and cultural resources.

4.2.6.2. Preferred Alternative
Minimal impact with no adverse effect is expected for these resources.

In general, the following mitigation efforts are proposed:

- The historic and cultural sites are to be avoided where possible. An Archaeological Monitoring Plan was prepared for the SHPD because of the archaeologically sensitive nature of portions of the project area (refer to Appendix D). This report determines what measures will be taken when and if cultural artifacts are found during and/or before construction commences. Monitoring procedures will be conducted in accordance with the rules and regulations established by the Department of Land and Natural Resources (DLNR) SHPD.

- To protect the historic character of the Hanamāʻulu Railroad Bridge, work to the bridge will be as minimal as possible. Structural repairs will be done to restore and stabilize the bridge. Further, handrails and other features that will be required for public safety shall be incorporated with sensitivity to the historic nature of the bridge and to minimize the visual effect of handrails by using tension cabling for the handrails. A letter dated May 1, 2006, was submitted to Susan Tasaki at SHPD for comment. As of this writing, no comment has been forwarded regarding modifications to the bridge and they are deemed acceptable (SHPD 30-day review period).

- The design team is to work with the Office of Hawaiian Affairs (OHA), Hawaiian Homelands, local Hawaiians, the Kauaʻi Burial Council, and whomever OHA recommends so that the needs and wishes of the Native Hawaiians are better understood. The ancient ala loa (ancient paths) are to be used where feasible and desirable, and signage to celebrate and educate about the Hawaiian heritage should be incorporated where budget and design allow.

SHPD has agreed that the Monitoring Plan will be the primary form of mitigation to address the presence/absence of sites not previously identified along the preferred path corridor. At this juncture, the preferred path alignment has not adverse impacts to any known sites with the possible exception of the Hanamāʻulu Railroad Bridge. A letter was sent to SHPD regarding the proposed path retrofit of the bridge. No response was received within the 30-day review period, indicating that SHPD had no concerns with the proposed path use of the bridge.

4.2.7. Wetlands
4.2.7.1. No Action Alternative
The No Action Alternative would not create any wetland impacts.

4.2.7.2. Preferred Alternative
Consultation with the Army Corps of Engineers (ACOE) occurred on January 9, 2006 as a response to the alternative alignment options that were analyzed in the draft environmental assessment process (refer to Appendix C). In 2009, a letter was submitted requesting a Jurisdictional Determination (JD), which was received on July 8, 2009. This project will be required to get an approved Department of Army (DA) Permit under Section 404 prior to construction, and if necessary, another JD approval would be sought in the event that the current JD expires prior to obtaining the permit.

4.2.8. Hydrology and Water Quality
4.2.8.1. No Action Alternative
The No Action Alternative would not impact hydrology or water quality.

4.2.8.2. Preferred Alternative
Hydrology and water quality will not impacted by the project. The existing Hanamāʻulu Railroad Bridge and an existing concrete box culvert bridge (located at Marine Camp) that will be used as bridges for the path do not and will not impede upon the hydrologic flow for the water from the mauka to makai sides of the path, and no work is planned inside of the canal channel. In addition, the irrigation canal that the concrete box culvert bridge crosses has not been listed as “impaired waters” by the Department of Health.

Hanamāʻulu Stream is the only listing in the project area by the Department of Health. It is a priority 2a stream and is listed on a numeric basis for exceeding the wet season turbidity standard. There will be no impacts to these current conditions, as the existing bridge over Hanamāʻulu Stream will be used for the proposed path alignment.

The National Pollutant Discharge Elimination System (NPDES) permitting mechanism, as mandated by Congress under the Clean Water Act, requires the implementation of controls designed to prevent harmful pollutants from being washed by stormwater runoff into local body waters. A permit is required if 1 or more acres of land will be disturbed, regardless of the size of any of the individually-owned or developed sites. The operator is responsible for applying for the permit as required by 40 CFR 122.21(b), the operator being the person who has operational control over the construction plans and specifications.

A Jurisdictional Determination for the proposed project was made by the U.S. Army Corps of Engineers (USACE), Honolulu District dated July 8, 2009. As determined by the USACE, no navigable waters of the U.S. are being crossed by the project that would trigger the need for a Section 10 Department of Army Permit. However a Section 404 permit is likely required for the proposed culvert replacement which has the potential to impact the physical, chemical, or biological integrity of a navigable water of the U.S. If the Section 404 Permit is deemed applicable after further consultation with the USACE, then a Section 401 Water Quality Certification will also be required for the culvert replacement.

Any impacts from non-point source pollution from construction activities will be minimized by implementation of best management practices. During the long term operation and maintenance of the path, impacts from non-point source pollution will be minimal because of adjacent landscaping and vegetation.

4.2.9. Wild/Scenic Rivers

4.2.9.1. No Action Alternative

There are no wild or scenic rivers in the proposed project site; therefore, the No Action Alternative will not impact any rivers.

4.2.9.2. Preferred Alternative

There are no wild or scenic rivers in the proposed project site that will be impacted by the project.

4.2.10. Farmland

4.2.10.1. No Action Alternative

There are no active farmlands on the corridor; therefore, the No Action Alternative will not impact any farmlands.

4.2.10.2. Preferred Alternative

There are no active farmlands on the corridor. The sugar cane fields that were on the Ocean Bay Plantation site and behind Hanamāʻulu Beach Park are no longer in production.

4.2.11. Natural Hazards

4.2.11.1. No Action Alternative

The No Action Alternative will not impact any natural hazards.

4.2.11.2. Preferred Alternative

Portions of the proposed alignment are within natural hazard zones and mitigation measures will be implemented.

Floodplains

Most of the proposed path alignment is outside the .2% annual chance floodplain, and are not areas of concern for impact of flood activity by the path. In these areas (Zone “X”), the path will not encroach on the base flood plains as defined in 23 CFR Part 650. In this regard, the majority of the path is not expected to obstruct floodwaters in extreme rain weather.

Four areas along the pathway are within flood zones for which base flood elevations have been determined. Zone VE occurs where the path traverses Hanamāʻulu Stream. However, since the proposed pathway will occur on top of the Hanamāʻulu Railroad Bridge, located approximately twenty-five feet above the stream, this path will not impact nor be impacted by the flood zone in this area.

Zone AE occurs in three areas: at Ahukini Point; where the path meets Hilton Lane and heads makai to the existing comfort station; and in the northern region of the golf course. The proposed path will be built with construction techniques and materials that are floodable. The proposed comfort stations will be built above the flood zones. A Best Management Practices program will be designed prior to commencement of construction to minimize storm water runoff during construction.

Tsunamis, Hurricanes, and Earthquakes
Coastal portions of the alignment are located within the tsunami inundation zone. Except for the bridges and the proposed comfort stations, the path alignment is flat and not vulnerable to hurricane high wind action. The bridge will be retrofitted to meet seismic and load standards. The culvert is not being used by the project and therefore would not be retrofitted.

Mitigation measures should include signage in natural hazardous areas, which would warn path users of potential coastal hazards, including hurricanes, tsunamis from wave action, or flood potential from storm action. In extreme weather conditions, the path should be closed as comparable to beach closures during the same conditions. Under such closure regulations, path users should be subject to evacuation or additional instructions as given by authorities for the area.

4.2.12. Traffic

4.2.13. No Action Alternative

The No Action Alternative would mean that an alternative form of transportation to the automobile would not be available in this area.

4.2.13.1. Preferred Alternative

Any long term effect on traffic may be positive, as more people will use the path and non-motorized transportation to connect to destinations along the corridor, rather than driving automobiles.

4.2.14. Visual

The 2000 Kauaʻi General Plan includes Heritage Resource Maps that depict natural, cultural, and scenic resources that are important to the County of Kauaʻi and that are intended to be conserved. The Līhuʻe Planning District Heritage Resource Map was reviewed to identify resources that may be affected by the proposed path corridor. Within the project area, Ahukini Point and the Radisson Hotel properties are identified as "residential, urban, resort, transportation, and/or military." Around the half circle of Hanamāʻulu Bay, the area is identified as an "important land form." Heading north into the conservation area and onto Hilton Lane heading inland towards the golf course and Kūhiō Highway, the land is identified as, "open space, parks, agriculture, and conservation." Kūhiō Highway and the entire pathway along the golf course are identified as a "scenic roadway corridor."

4.2.14.1. No Action Alternative

The No Action Alternative will not have any visual impacts.

4.2.14.2. Preferred Alternative

In general, the proposed path alignment is not expected to have significant negative impacts on view opportunities; rather, this flat corridor will not intrude on the surroundings but provide greater opportunities for the public to experience and appreciate the beauty of the natural settings.

Vertical additions to the proposed pathway include safety rails to the two existing bridges and safety fencing between the golf course fairways and the path. These visual impairments are minimal compared to the safety elements that they provide to the users. The boundary between Kūhiō Highway and the Wailuā

Golf Course is already separated by an abundance of trees, which reduce, if not eliminate, any view of the path and safety fence from the highway. Views from the golf course to the path and safety fence will be partially mitigated through placement of the proposed amenity through existing vegetation and by planting shrubs and trees on the golf course side of the safety fence. The existing bridges will have safety railing additions to them that could only block minimal specific heights for views. However, safe, non-motorized access along the proposed path corridor and accessibility for persons with disabilities will extend access to the many scenic viewpoints along the corridor to more people that would regularly have access to such views if the path were not built.
To minimize the visual impact along the path corridor, the path should be constructed with materials and colors that blend into the natural environment whenever possible.

4.2.15. Endangered/Threatened Species

4.2.15.1. No Action Alternative

The No Action Alternative will not have any impacts on endangered/threatened species.

4.2.15.2. Preferred Alternative

There are no endangered plant species in the area of the proposed path. The preferred alignment is not a coastal alignment and therefore avoids the habitat of the Hawaiian Monk Seal. The areas of concern that are inhabited by nesting Wedge-tailed Shearwaters will be surveyed, and if colonies are found, the path will be redirected along cane haul roads to avoid disturbance. In order to minimize the potential for disorienting listed seabirds and minimizing collision of listed seabirds and bats with light poles, lighting at the comfort stations will be shielded lighting mounted on the shortest poles possible that do not extend above the height of the existing vegetation. In order to minimize the effect of the proposed project on listed waterbirds, disturbance from construction and increased human activity along the proposed path will be kept to a minimum. The County of Kaua‘i will work with DOFAW on two interpretative signs and two regulatory seabird signs using DOFAW provided text and graphics. Educational signage will be incorporated where appropriate to inform the public of the marine environment and the species that live there. Educational signage will also include wildlife viewing guidelines as part of the County of Kaua‘i’s interpretive sign program titled “Sign Requirements for Proposed Bikeway/Walkway.”

4.2.16. Native Vegetation

4.2.16.1. No Action Alternative

The No Action Alternative will not have any impacts on Native Vegetation.

4.2.16.2. Preferred Alternative

It is not anticipated that there will be any negative impact to the native vegetation along the corridor; however, the following is a list of the measures that will be taken if encountered:

- The path will be routed around any major trees whenever possible, avoiding the drip line
- Trees that are one-foot or greater will be moved to a nearby location if they cannot be avoided
- New plants will be irrigated, at least until they are established
- Areas disturbed by construction will be re-vegetated as soon as possible after construction of each area
- Native plants will be used for new plantings where this is feasible

4.2.17. Terrestrial Environment

4.2.17.1. No Action Alternative

The No Action Alternative will not have any impacts to the terrestrial environment.

4.2.17.2. Preferred Alternative

It is not anticipated that there will be any negative impact to the terrestrial environment during construction. However, it is anticipated that a signage program can be incorporated into the path program to educate path users to the importance of the terrestrial environments along the corridor.

4.2.18. Marine Fauna

4.2.18.1. No Action Alternative—Marine Fauna

The No Action Alternative will not impact any marine fauna.

4.2.18.2. Preferred Alternative

It is not anticipated that there will be any negative impact to the marine mammal environment during construction, however, it is anticipated that an educational signage program can be incorporated into the path program to educate path users about Hawaiian Monk Seals and a description identifying the importance of the protocol that is followed when a Hawaiian Monk Seal beaches itself onto the shore. In addition, interpretive signs can be established for other marine fauna that may be observed at viewpoints along the path.

The State of Hawaiʻi Department of Land and Natural Resources, Division of Aquatic Resources has offered to assist the County and the design team in the development of this signage program.

4.2.19. Interpretive Signs

4.2.19.1. No Action Alternative

The No Action Alternative will not would not entail any construction and therefore there would not be a need for Interpretive Signs.

4.2.19.2. Preferred Alternative

The County of Kauaʻi has developed an interpretive sign program titled "Sign Requirements for Proposed Bikeway/Walkway" for the path between Nāwiliwili Harbor and Anahola Beach Park, including locations within the Ahukini to Lydgate Park reach. The list of signs should be reviewed and incorporated into the path design during the design phase of the project.

4.2.20. Segmentation Cumulative Impacts

The current phasing of the path project is a result of budget constraints that prohibited the planning and permitting for the entire project length as one initiative. As funds were made available, each path reach was started; however, each path reach has logical termini. All the other segments of the path project that are currently in the environmental permitting, planning, pre-planning, and construction phases are being completed by other consulting teams and are not included in the scope of work or budget for this particular project.

4.2.20.1. No Action Alternative

The No Action Alternative would not entail any construction; therefore, there would not be any segmentation cumulative impacts.

4.2.20.2. Preferred Alternative

The project area satisfies two general principals in FHWA regulations (23 CFR 771.111(f)) (GPO 2004) on framing a transportation project.

1. Connect logical termini and is of sufficient length to address environmental matters on a broad scope.

   The proposed action for the Ahukini to Lydgate Park project has logical termini. The project begins on the south end at Ahukini Point, a State Park and popular destination point. The north end of the proposed path connects with an existing bicycle and pedestrian path located in Lydgate Park. Therefore, the proposed action connects an existing bicycle and pedestrian facility located within a park to another park amenity, Ahukini Point.

   The approximate length of the proposed path is 6.7 miles and the study area is approximately 850 acres. The length and size of the study area are sufficient to address the environmental issues for each of the alternative alignments presented in the Draft Environmental Assessment (DEA) phase of the project. The overall goal of the DEA is to identify and study alternative alignments and to

obtain comments from regulatory agencies and the public. Based on these comments, a preferred alternative alignment is selected that best avoids adverse environmental impacts.

2. Have independent utility or independent significance, i.e., be usable and be a reasonable expenditure even if no additional transportation improvements in the area are made.

   The proposed path extension of the existing path from Lydgate Park to Ahukini Point is an independent and usable bicycle and pedestrian facility for both recreation and transportation. Additional connections/trip generators within this corridor include the Hanamāʻulu Beach Park, Marine Camp Park and its motor-cross facility, the Radisson Hotel and condos, and the Wailuā Golf Course. An on-street bicycle facility planned to extend along Ahukini Road to the airport will allow for an additional multi-modal transportation connection.

   As an independent utility, the proposed project is reasonable even if no other transportation improvements in the area are made. The project is not expected to require a substantial amount of natural resources to construct, nor would the completion of the project require a significantly large commitment of such resources after construction. The project is expected to have minimal secondary impacts on resident population, land use patterns, public facilities and infrastructure, and the natural environment. Project construction activities are expected to generate only minor short-term impacts. Creation of short-term construction jobs would not require a substantial number of workers to move to Kauaʻi island to fill these new jobs. It is anticipated that local Kauaʻi contractors or contractors within the State of Hawaiʻi would likely be used for the project's construction. These workers would have minimal if any effect on the County's residential population or housing demand and thus not generate the associated secondary effects on infrastructure, public facilities, and housing.

5.0 ALTERNATIVES TO THE PROPOSED ACTION

5.1. No Action Alternative

The No Action Alternative involves no changes in the site. The path project has been identified in the Lydgate Park Master Plan as one of the most important aspects of the park, and in Bike Plan Hawaii. Further, the project has been awarded TEA funds in the past for the construction of the project, and the current funding mechanism is MAP-21. There continues to be high community anticipation for the path and path related amenities such as comfort station.

If the project were not to be constructed, the following negative impacts would result:

- The shared-use path would need to be replaced by a path, sidewalk, or on-street bike and pedestrian facility with the Kūhiō and Kapule Highways right-of-ways resulting in an unsafe amenity for cyclists, pedestrians, and motorists.
- A major gap would be left in between the Lydgate to Anahola path segment and the Nāwiliwili to Ahukini Point path segment. Path users would be forced onto the highway (an unsafe option) would have to turn around once they encountered the un-built gap. If the Lydgate to Anahola and the Nāwiliwili to Ahukini Point shared use paths were not constructed, then the No Action Alternative would not result in this negative impact. However, the Lydgate to Anahola connecting path segment has been constructed, and the Nāwiliwili to Ahukini Point path segment has received approved entitlements to construct.
- Because of the un-built path segment, the original intention of the entire path network as a viable form of transportation as an alternative to the automobile would be greatly diminished. This means there would not be a reduction in fuel consumption, pollution, or roadway congestion. The need for parking lots would increase because the availability of an alternative to the automobile would not be available in this area.
- Affordable recreation for persons of all ages and abilities would not be provided.
- A means for ecotourism would not be provided.

5.2. Alternative Path Alignments Examined in the DEA

Two major path alignments and four sub-alternatives were identified in the DEA including:

- Alternative Alignment 1 (Coastal Path)
- Alternative Alignment 2 (Kapule/Kūhiō Highway Path)
- Sub-Alternative 3 (Ocean Bay Plantation—Upper Cane Haul Road)
- Sub-Alternative 4 (Hilton Lane and Marine Camp Connection)
- Sub-Alternative 5 (Radisson Hotel Bypass)
- Sub-Alternative 6 (Wailuā Golf Course Tunnel)

Refer to Appendix E—Alternative Maps 1 through 6, and Tables 1, 2, and 3 at the end of this chapter for the following discussion.

5.2.1. Common Elements to all Path Alignments

Each alignment and sub-alignment alternative has one segment in common, the reach between Ahukini Point and Hanamāʻulu Beach Park because of a lack of other viable locations on which to construct the path. All path alignments that were considered have the following elements in common:

- Connection to Ahukini Point, including a new comfort station and on-street bicycle facility extending along Ahukini Road to the Līhuʻe Airport and Kapule Highway;
- Use of the abandoned can haul road/railroad bed and Historic Hanamāʻulu Railroad Bridge for the path;
- Connection to Hanamāʻulu Beach Park, including the reconstruction of an existing comfort station;
- Connection to the existing comfort station located south of the Radisson Hotel on Hilton Lane, including a path trailhead and automobile parking improvements;

- Connection to the Radisson Hotel;
- Connection to the Marine Camp site, including a new comfort station, path trailhead, and new gravel parking lot;
- Connection to the Wailuā Golf Course;
- Connection to the existing path in Lydgate Park;
- Eight to ten foot width concrete path with 3-foot wide shoulders; and
- Minimum corridor width of 16 feet.

5.2.2. Alternative Alignment 1 (Coastal Path)

(Refer to Appendix E – Alternative Alignment Map 1-6)
The Coastal Path Alignment is approximately 4.5 miles in length and is located along the coastline whenever possible. The major characteristics of the Coastal Path Alignment Alternative are:

- Is along the coast from approximately 2,000 lineal feet south of the Radisson Hotel all of the way to Lydgate Park, including the Wailuā Golf Course.
- Requires significant dune restoration to construct the path along the golf course reach.
- Requires specially designed wood and recycled plastic board walks for the pathway.
- New bike and pedestrian bridge that attaches to the existing Kamalani Play Bridge in Lydgate Park.

5.2.3. Alternative Alignment 2 (Kapule/Kūhiō Highway Path)

(Refer to Appendix E– Alternative Alignment Map 1-6)
The total distance of the Kapule/Kūhiō Highway Alternative is approximately 4.8 miles. The Kapule/Kūhiō Highway Path alignment generally runs parallel to both the Kapule and Kūhiō Highways most of its length. However, since the Kapule Highway Bridge spanning over the Hanamāʻulu Stream does not have accommodations for bicycles or pedestrians and any such accommodation would be unsafe and cost prohibitive, the path will need to depart the highway corridor and make a connection into the abandoned cane haul road located mauka of the highway on the north side of Hanamāʻulu Bay.

A major characteristic of the Kapule/Kūhiō Highway Path Alignment Alternative is:

- Avoids potential environmental conflicts that may occur with a coastal path alignment.

5.2.4. Sub-Alternative 3 (Ocean Bay Plantation – Upper Cane Haul Road)

(Refer to Appendix E – Alternative Alignment Map 1-6)
This alignment alternative takes advantage of the abandoned cane haul road rather than the area with the Conservation lands.

Major characteristics of the Ocean Bay Plantation – Upper Can Haul Road Alignment Alternative are:

- Relatively easy and inexpensive construction.
- Can be very hot on the abandoned cane haul road due to a lack of trade winds.
- Ocean views are often blocked because of vegetation and land.

5.2.5. Sub Alternative 4 (Hilton Lane and Marine Camp Connections)

(Refer to Appendix E – Alternative Alignment Map 3)
This Sub-Alternative was provided in order to provide a connection to those two locations from the Kapule/Kūhiō Highway Path Alternative.

Major characteristics of the Hilton Lane and Marine Camp Connections Alignment Alternative are:

- Connections to the Marine Camp site and existing comfort station located south of the Radisson Hotel, including parking lot improvements and trailhead amenities.
- Relatively easy and inexpensive construction along Hilton Lane.

5.2.6. Sub-Alternative 5 (Radisson Hotel Bypass)

(Refer to Appendix E – Alternative Alignment Map 3)
This sub-alternative was identified as an alternative to locating the path makai of the Radisson Hotel and Kaua‘i Beach Villas Condominium complex, including a bridge over the drainage ditch that flows along the north edge of the Radisson property.

Major characteristics of the Radisson Hotel Bypass Alignment Alternative are:

- Eliminates one new bike/pedestrian bridge.
- Utilizes an abandoned cane haul road and existing box culvert bridge over the drainage ditch.
- Requires an at-grade crosswalk at Kaua‘i Beach Drive.
- Relatively easy and inexpensive construction along Hilton Lane and the abandoned cane haul road.

5.2.7. Sub-Alternative 6 (Wailuā Golf Course Tunnel)

(Refer to Appendix E– Alternative Alignment Map 4)
The Wailuā Golf Course Tunnel was identified as an alternative to the Coastal Path along the 1st and 2nd fairways of the golf course. It also allows for an additional path alignment alternative that combines a portion of the Highway and Coastal Alternatives. This sub-alternative involved dividing the golf course along the south edge of the driving range and parking lot, thereby avoiding the entrance drive into the golf course parking lot. In order to minimize disturbance to the golf course from this alignment, a tunnel is proposed to extend underneath the 1st tee.

Major characteristics of the Wailuā Golf Course Tunnel Alignment Alternative are:

- Tunnel would reduce conflicts between path users and those playing golf.
- Eliminates the possibility of negative impacts to the 1st and 2nd fairways and greens.
- Is less expensive to construct than the path alternative along the 1st and 2nd fairways and greens.

5.3. Explanation for the Non-Selection of Alternative Path Alignments

The Path Alignment Alternatives identified in Section 5.2 were presented in the DEA and at Public Input Meeting Two. The public was given the chance to select the No Build Alternative as well as all other alternatives. As part of the EA process, a notice of availability and request for comment on the Draft EA was published in the OEQC Environmental Notice on November 23, 2005.

Written comments received during the DEA review period and Public Input Meeting Two are summarized in this section as explanations of why a given Alternative Path Alignment was not selected. Comments from each public agency and civic organization can be found in Appendix C of the Final EA. Refer to Chapter 7 for Public Meeting Minutes and to view letters from the public regarding the project.

Since two major alternative alignments and four sub-alternative alignments were identified in preparation of the DEA, it was likely that the eventual preferred path alignment could be a hybrid of more than one path alignment alternative based on known environmental resources and potential to impact listed bird species.

5.3.1. Alternative Alignment 1 (Coastal Path)

The Coastal Path Alternative received the most negative feedback and concerns than any of the other Alignment Alternatives during the DEA comment review period. Of the 18 written responses received, 13 comment letters contained comments not supporting a coastal path alignment. Negative consequences to the environment such as the endangered monk seal, conflicts with the Wailuā Golf Course along the coastline, and coastal erosion issues that might eventually destroy the path, dominated the concerns. It is important to note that despite the negative comments, none specifically suggested that a coastal path alignment could not be permitted and eventually constructed.

Another concern was the cost of construction and long-term maintenance of the dune restoration/path portion of the coastal path alignment. In addition to a maintenance plan, the costs to put the plan into action were also a concern. Because of the dynamic nature of the coastal environment and the likelihood that erosion rates would be intensified during storms, tsunamis, and hurricanes, the annual maintenance costs for the Coastal Path are unpredictable.

5.3.2. Alternative Alignment 2 (Kapule/Kūhiō Highway Path)

The Kapule Highway reach of the Kapule/Kūhiō Highway Path was eliminated because other more desirable alignment alternatives including the Hilton Land and Marine Camp connections and Radisson Hotel Bypass sub-alternatives were found to have widespread support and received no adverse comments. In addition, these two sub-alternatives provide connections to important destinations and trip generators including the Marine Camp site, Radisson Hotel Complex, and the existing comfort station east of the Radisson Hotel.

5.3.3. Sub-Alternative 3 (Ocean Bay Plantation)

Some portions of the upper cane haul sub-alignment alternative were incorporated into the preferred alignment while other portions were not. The portion that was eliminated includes the railroad grade that runs along the south edge of the property near the coastline between Connection Points A and B (refer to Alternative Alignment Maps 1 and 2). Comments from agencies and private citizens included one comment of no support because the shoreline along Hanamāʻulu Bay is unsafe for pedestrians and too rocky for construction.

5.3.4. Sub-Alternative 6 (Wailuā Golf Course Tunnel)

The Wailuā Golf Course Tunnel sub-alternative did not receive any support in the comments received. Five negative comments were identified including user conflicts between path and golf course users, noise from path users disrupting golf play, potential for increased maintenance for golf course maintenance staff, and negative impact to sacred Hawaiian burial grounds.

5.4. Alternatives Selected and Eliminated Prior to the DEA

A path alignment alternative was explored that would locate the path on the mauka side of both Kūhiō and Kapule Highways. The alignment alternative was eliminated for the following reasons:

1. A mauka path alignment will not safely connect important destinations and trip generators such as Lydgate Park, Wailuā Golf Course, Radisson Hotel Complex, the Marine Camp site and motor-cross facility. There are no important destinations or trip generators on the mauka side of the highways between Lydgate Park and Kapule Highway.

2. Two highway crossings would be required, one adjacent to Lydgate park and the other before the Kapule Highway Bridge over Hanamāʻulu Stream. There are no traffic signals in the vicinity of Lydgate Park through the Wailuā Golf Course, rendering an at-grade crossing extremely unsafe. If the crosswalk were to be signalized, the flow of traffic would be slowed to allow for persons to cross the highway. The signalized intersections at Kūhiō and Kapule Highway or Kapule Highway and Ahukini would be the best locations for the second crossing, however, additional time would need to be allowed in the signal for persons crossing the highway, slowing the movement of automobiles in all directions.

3. The Hawaiʻi Department of Transportation will not allow for a signalized crosswalk in between Lydgate Park and the Kapule/Kūhiō Highway intersection.

4. Construction of a bike and pedestrian bridge over the highways would be very expensive to construct and maintain. In addition, future widening or relocation efforts on the highways could render the bridge overpasses useless.

5. There was no support for the mauka highway path alignment alternative in the first two public meetings.

5.5. Summary of Draft Environmental Assessment Comments

The following Tables provide a summary of the comments that were received from regulatory agencies, private property owners, and citizens for the alignment and sub-alignment alternatives. Only the comments that relate directly to alignment issues are included on the Summary Chart. To review the un-edited comment letters, refer directly to Appendix C.

Table 1: Summary of Agency and Public Comments of the Alternative Alignments from the Draft Environmental Assessment

COUNTY AGENCIES	ALIGNMENT 1-COASTAL PATH	ALIGNMENT 2-KAPULE/KUHIO HWY
Gregg Fujikawa Department of Water	NO COMMENT SPECIFIC TO ALIGNMENT	NO COMMENT SPECIFIC TO ALIGNMENT
Ed Okamoto Wailua Golf Course	• **NO SUPPORT** (SR11)-path will encroach onto golf course (40' setback) and interfere with hole #1, 2, and 17 (signature hole). The vegetation line is already on the golf course.	• **SOME SUPPORT**-still impacts the golf course negatively. Back tee for #5 and #10 will have to be relocated. • **NO SUPPORT**-can't move irrigation pumpline.
Kauai Burial Council		• **SUPPORT**-waved 30' buffer around interment site.

STATE AGENCIES	ALIGNMENT 1-COASTAL PATH	ALIGNMENT 2-KAPULE/KUHIO HWY
Susan Tasaki SHPO		
Steven Kyono HDOT		• **NO SUPPORT**-traffic increase • **NO SUPPORT**-two opposing driveways to Kauai Community Correction Center and golf course driveway increases accident rate. • **SUPPORT**-if relocation of golf course entrance to align with driveway to KCC.
Clyde Namu'o OHA	• **SUPPORT**-doesn't jeopardize the integrity of burial interment sites.	• **SUPPORT**-only if 30' buffer to protect Kuhio Highway interment site.
Francine Wai Disability & Communication Access Board	NO COMMENT SPECIFIC TO ALIGNMENTS	NO COMMENT SPECIFIC TO ALIGNMENTS
Andrea Erichsen Divison of Forestry and Wildlife	• **NO SUPPORT**-path will affect breeding habitat for wedge-tailed shearwater • **SUPPORT**-only if pre-construction surveys are conducted to avoid and protect existing colonies • **SUPPORT**-only if dogs are leashed and educational signage is incorporated	
Michele Olry DLNR Division of Aquatic Resources	• **NO SUPPORT**-concern for cumulative impact from all phases of the project • **NO SUPPORT**-construction and establishment of path will interfere with monk seals • **NO SUPPORT**-seals could haul out on bike path	
Alapaki Nahalea Hawaiian Homelands Commission Adjacent Landowner	• **SUPPORT** preservation of coastal access • **SUPPORT** safe recreational use • **SUPPORT** alternative modes of transportation	

Table 1: Summary of Agency and Public Comments of the Alternative Alignments from the Draft Environmental Assessment (Continued)

STATE AGENCIES (continued)	ALIGNMENT 1-COASTAL PATH	ALIGNMENT 2-KAPULE/KUHIO HWY
Dan Polhemus DLNR Division of Aquatic Resources	• **NO SUPPORT**-unless there is a minimum of 150' between humans and monk seals. • **NO SUPPORT**-unless consultation with NMFS occurs to establish guidelines. • **SUPPORT**-educational signage regarding seals and other marine wildlife.	
Melanie Chinen State Historic Preservation Division	• **NO SUPPORT**-archeological inventory survey plan, testing and monitoring required because of subsurface habitation deposits and human burials exist in the ROW.	• **SUPPORT**-alignment is acceptable
Genevieve Salmonson Office of Environmental Quality Control	NO COMMENT SPECIFIC TO ALIGNMENTS	NO COMMENT SPECIFIC TO ALIGNMENTS
Sam Lemmo DLNR Office of Conservation and Coastal Lands	• **NO SUPPORT**-monk seals use "haul out" areas and would be disturbed by human activity, unless path is 150' away • **NO SUPPORT**-concern is maintenance and funding of dunes and renourishment after an erosion episode. • **NO SUPPORT**-erosion problems in front of driving range and 17th green. • **SUPPORT**-only if path is routed to minimize monk seal disturbance regimes and educational signs are incorporated.	• **SUPPORT**-with a proposed tunnel route then along the coast to Lydgate Park

FEDERAL AGENCIES	ALIGNMENT 1-COASTAL PATH	ALIGNMENT 2-KAPULE/KUHIO HWY
George Young Army Corp of Engineers	• **NO SUPPORT** (SR7/SR8/SR9/SR11)-wetland/drainages/dune renourishment subject to DA permitting. More information needed. • **SUPPORT** (SR 4)-Hanama'ulu Bridge portion will not require a DA permit	
Chris Yates NMFS	• **NO SUPPORT**-consultation with the NMFS and a BA is required if path impacts monk seal "haul out" habitat	

Table 1: Summary of Agency and Public Comments of the Alternative Alignments from the Draft Environmental Assessment (Continued)

LAND OWNERS	ALIGNMENT 1-COASTAL PATH	ALIGNMENT 2-KAPULE/KUHIO HWY
Jerry Corush Ocean Bay Plantation Property	• **NO SUPPORT**-shoreline along Hanama'ulu Bay and north to property is unsafe for pedestrians and too rocky for construction	• **SUPPORT**-the bike route is similar to that proposed in the EIS for the Ocean Bay Plantation. • **NO SUPPORT**-path comes into conservation line. • **SUPPORT**-with an alternative route to Hanama'ulu Bay and beach other than cane haul road
David Walters **Lynn McCrory** PAHIO Resorts	• **NO SUPPORT**	

NONPROFIT	ALIGNMENT 1-COASTAL PATH	ALIGNMENT 2-KAPULE/KUHIO HWY
Juan Wilson Sierra Club	• **NO SUPPORT-**does not comply with HRS 205A-2 or HRS 344-4 • **NO SUPPORT-**40' setback would touch a wetland boundary • **NO SUPPORT-**alignment has significant impact as set by criteria of the DOH rules.	• **SUPPORT-**no shoreline issues (See proposed alignment map prepared by the Sierra Club, Appendix B).

PUBLIC	ALIGNMENT 1-COASTAL PATH	ALIGNMENT 2-KAPULE/KUHIO HWY
Gabriela Taylor	• **SUPPORT**-benefits hotel guests and the public with a path on the beach	• **NO SUPPORT**-not a pleasant recreational experience along the highway
Kurt Bosshard	• **NO SUPPORT**-golf course encroachment • **NO SUPPORT**-insufficient space on beach • **NO SUPPORT**-coastal erosion happens at a fast rate/beach re-nourishment is unfeasible • **NO SUPPORT**-Oceanit's EA findings are being overlooked • **NO SUPPORT**-land is owned by the State • **NO SUPPORT**-takes away from the privacy for beach users • **NO SUPPORT**-vehicular traffic on the beach will increase • **NO SUPPORT**-impact to native gathering and fishing • **NO SUPPORT**-negative effect on monk seal. • **NO SUPPORT**-fence at golf course will be an eye sore	• **SUPPORT**-no interference to beach users or golfers. • **SUPPORT**-more cost efficient to construct and maintain.

Table 2: Summary of Agency and Public Comments of the Sub-Alternative Alignments from the Draft Environmental Assessment

COUNTY AGENCIES	**SUBALT #3** Ocean Bay Plantation-Upper Cane Haul Road	**SUBALT #4** Hilton Lane & Marine Camp Connections	**SUBALT #5** Radisson Hotel Bypass	**SUBALT #6** Wailua Golf Course Tunnel
Gregg Fujikawa Department of Water	NO COMMENT SPECIFIC TO SUBALT.	NO COMMENT SPECIFIC TO SUBALT.	NO COMMENT SPECIFIC TO SUBALT.	NO COMMENT SPECIFIC TO SUBALT.
Ed Okamoto Wailua Golf Course	• **SUPPORT**-no impact to the golf course			• **NO SUPPORT**-brings pedestrian pathway onto golf course • **NO SUPPORT**-understaffed to maintain additional landscaping for tunnel and/or fencing • **NO SUPPORT**-noise will disturb golfers • **NO SUPPORT**-area around #1 teeing ground is sacred Hawaiian ground
Kaua'i Burial Council				

STATE AGENCIES	**SUBALT #3** Ocean Bay Plantation-Upper Cane Haul Road	**SUBALT #4** Hilton Lane & Marine Camp Connections	**SUBALT #5** Radisson Hotel Bypass	**SUBALT #6** Wailua Golf Course Tunnel
Susan Tasaki SHPD	NO COMMENT SPECIFIC TO SUBALT.	NO COMMENT SPECIFIC TO SUBALT.	NO COMMENT SPECIFIC TO SUBALT.	NO COMMENT SPECIFIC TO SUBALT.
Steven Kyono HDOT	NO COMMENT SPECIFIC TO SUBALT.	NO COMMENT SPECIFIC TO SUBALT.	NO COMMENT SPECIFIC TO SUBALT.	NO COMMENT SPECIFIC TO SUBALT.
Clyde Namu'o OHA	NO COMMENT SPECIFIC TO SUBALT.	NO COMMENT SPECIFIC TO SUBALT.	NO COMMENT SPECIFIC TO SUBALT.	NO COMMENT SPECIFIC TO SUBALT.
Francine Wai Disability & Communication Access Board	NO COMMENT SPECIFIC TO SUBALT.	NO COMMENT SPECIFIC TO SUBALT.	NO COMMENT SPECIFIC TO SUBALT.	NO COMMENT SPECIFIC TO SUBALT.
Andrea Erichsen Divison of Forestry and Wildlife	NO COMMENT SPECIFIC TO SUBALT.	NO COMMENT SPECIFIC TO SUBALT.	NO COMMENT SPECIFIC TO SUBALT.	NO COMMENT SPECIFIC TO SUBALT.
Mimi Olry DLNR Division of Aquatic Resources	NO COMMENT SPECIFIC TO SUBALT.	NO COMMENT SPECIFIC TO SUBALT.	NO COMMENT SPECIFIC TO SUBALT.	NO COMMENT SPECIFIC TO SUBALT.
Dan Polhemus DLNR Division of Aquatic Resources	NO COMMENT SPECIFIC TO SUBALT.	NO COMMENT SPECIFIC TO SUBALT.	NO COMMENT SPECIFIC TO SUBALT.	NO COMMENT SPECIFIC TO SUBALT.
Melanie Chinen State Historic Preservation Division	• **SUPPORT**-avoids most of the historic properties			• **NO SUPPORT**-direct impact to Hawaiian burial ground

Table 2: Summary of Agency and Public Comments of the Sub-Alternative Alignments from the Draft Environmental Assessment (Continued)

STATE AGENCIES (continued)	**SUBALT #3** Ocean Bay Plantation-Upper Cane Haul Road	**SUBALT #4** Hilton Lane & Marine Camp Connections	**SUBALT #5** Radisson Hotel Bypass	**SUBALT #6** Wailua Golf Course Tunnel
Genevieve Salmonson Office of Environmental Quality Control	NO COMMENT SPECIFIC TO SUBALT.	NO COMMENT SPECIFIC TO SUBALT.	NO COMMENT SPECIFIC TO SUBALT.	NO COMMENT SPECIFIC TO SUBALT.
Sam Lemmo DLNR Office of Conservation and Coastal Lands	• **SUPPORT-**	• **SUPPORT-** combined with Alternative #2	• **SUPPORT-** combined with Alternative #2	

FEDERAL AGENCIES	**SUBALT #3** Ocean Bay Plantation-Upper Cane Haul Road	**SUBALT #4** Hilton Lane & Marine Camp Connections	**SUBALT #5** Radisson Hotel Bypass	**SUBALT #6** Wailua Golf Course Tunnel
George Young Army Corp of Engineers	NO COMMENT SPECIFIC TO SUBALT.	NO COMMENT SPECIFIC TO SUBALT.	NO COMMENT SPECIFIC TO SUBALT.	NO COMMENT SPECIFIC TO SUBALT.
Chris Yates NMFS	NO COMMENT SPECIFIC TO SUBALT.	NO COMMENT SPECIFIC TO SUBALT.	NO COMMENT SPECIFIC TO SUBALT.	NO COMMENT SPECIFIC TO SUBALT.

LAND OWNERS	**SUBALT #3** Ocean Bay Plantation-Upper Cane Haul Road	**SUBALT #4** Hilton Lane & Marine Camp Connections	**SUBALT #5** Radisson Hotel Bypass	**SUBALT #6** Wailua Golf Course Tunnel
Jerry Corush Ocean Bay Plantation Property	• **NO SUPPORT-** shoreline along Hanama'ulu Bay and north to property is unsafe for pedestrians and too rocky for construction			
David Walters **Lynn McCrory** PAHIO Resorts		• **SUPPORT**	• **SUPPORT-**would eliminate cost to purchase 3 properties and have KBRA still maintain Hilton Lane and comfort station. • **SUPPORT-**one could enjoy glimpse of the ocean from the comfort station.	

NONPROFIT	**SUBALT #3** Ocean Bay Plantation-Upper Cane Haul Road	**SUBALT #4** Hilton Lane & Marine Camp Connections	**SUBALT #5** Radisson Hotel Bypass	**SUBALT #6** Wailua Golf Course Tunnel
Juan Wilson Sierra Club	• **SUPPORT-**least impact to shoreline	• **SUPPORT-**only if 700 yards mauka of existing comfort station to avoid shoreline and wetland		

PUBLIC	**SUBALT #3** Ocean Bay Plantation-Upper Cane Haul Road	**SUBALT #4** Hilton Lane & Marine Camp Connections	**SUBALT #5** Radisson Hotel Bypass	**SUBALT #6** Wailua Golf Course Tunnel
Gabriela Taylor	NO COMMENT SPECIFIC TO SUBALT.	NO COMMENT SPECIFIC TO SUBALT.	NO COMMENT SPECIFIC TO SUBALT.	NO COMMENT SPECIFIC TO SUBALT.
Kurt Bosshard	• **SUPPORT-**no interference to beach users or golfers • **SUPPORT-**more cost efficient to construct and maintain			

Table 3 presents a summary showing how Alignments #1 and #2 and Sub-Alignments #3-#6 meet the project Purpose and Need.

Table 3: Summary How of Alignments #1 and #2, Sub-Alignments #3-#6 Meet Purpose and Need

Alignment	Purpose: Shared Use Path	Need: Alternative Form of Transportation	Need: Affordable Recreation for all ages and abilities	Need: Safe mode of transportation and recreation	Need: Means for ecotourism
Alignment #1	YES	YES	YES	YES	YES
Alignment #2	YES	YES	YES	YES	YES
Sub-Alignment #3: Ocean Bay Plantation—Upper Cane Haul Road	YES	YES	YES	YES	YES
Sub-Alignment #4: Hilton Lane and Marine Camp Connections	YES	YES	YES	YES	YES
Sub-Alignment #5: Radisson Hotel Bypass	YES	YES	YES	YES	YES
Sub-Alignment #6: Wailuā Golf Course Tunnel	YES	YES	YES	YES	YES

While all alignments and sub-alignments had the ability to meet all points of purpose and need, not all alignments were selected due to agency and public comments, cost of construction, impacts to Native Hawaiian burial ground, potential impacts to listed species and property ownership limitations.

6.0 DETERMINATION

6.1 State of Hawai‘i Finding of No Significant Impact (FONSI)

Based on the findings and investigations as evidenced in this report, the proposed path is not expected to result in negative significant social, economic, cultural, or environmental impacts. As a result, it is defined that, as per the provisions of Subchapter 6 of Chapter 200, Title 11, Hawaii Administrative Rules of the Department of Health, that a Finding of No Significant Impact (FONSI) has been determined for this project.

6.2 Findings / Significance Criteria and Reasons

According to the Department of Health Rules (11-200-12), an applicant or agency must determine whether an action may have a significant impact on the environment, including all phases of the project, its expected consequences, both primary and secondary, it's cumulative impact with other projects, and it's short and long term effects. In making the determination, the Rules establish "Significance Criteria" to be used as a basis for identifying whether significant impact environmental impact will occur. According to the Rules, an action shall be determined to have a significant impact on the environment if it meets any one of the following criteria:

1. Involves an irrevocable commitment to loss or destruction of any natural or cultural resources;

The proposed project will not cause any irrevocable loss of natural or cultural resources. Existing parks that can be accessed from the corridor have been used historically for recreation and fishing. The project will not cause a loss or destruction of these parks or the cultural activities that occur within them. Additionally, ocean views will not be impacted with the construction of the path or path amenities.

Should any archaeologically significant artifacts, bones, or other indicators of previous on-site activity be uncovered during the construction phase, their treatment will be conducted in strict compliance with the requirements of the Department of Land and Natural Resources.

2. Curtails the range of beneficial uses of the environment;

The alignment occurs within parks and park corridors that are dedicated to active and passive recreation. Currently, there is no restriction or direction given to people who walk, run, or jog within the parks or through the various habitats. With the construction of the trail, the users will restrict movement to the trail and thereby protect the environment from encroachment.

3. *Conflicts with the State’s long term environmental policies and guidelines as expressed in Chapter 344 HRS; and any revisions thereof and amendments thereto, court decisions, or executive orders;*

The proposed trail project is consistent with the Environmental Policies established in Chapter 344, HRS.

4. *Substantially affects the economic or social welfare of the community or state;*

The proposed project will provide a significant and positive impact on the Kaua‘i community in the short term with employment opportunities, and in the long term with enhanced and improved recreational opportunities.

5. *Substantially affects public health;*

During construction, there will be minor impacts to air quality and noise levels. After completion of the construction work, these will be insignificant or undetectable. The positive aspects of the proposed project in the areas of economic and social benefits such as improved health through exercise and recreation for the community are greater than the "No Action" alternative.

6. Involves substantial secondary impacts, such as population changes or effects on public facilities;

Impacts on public facilities will not be an issue. It is expected that the trail project will bring more tourists to Kaua‘i who are interested in eco-tourism and recreation, but it is not expected that the trail project will bring an increase in population to live on Kaua‘i.

7. Involves a substantial degradation of environmental quality;

The trail project and its construction do not involve a substantial degradation of environmental quality.

8. Is individually limited but cumulatively has considerable effect upon the environment or involves a commitment for larger actions;

The Ahukini to Lydgate Park Bike and Pedestrian Path will make the current county park system more accessible via non-motorized transportation, especially for those who cannot operate a motorized vehicle because of a disability or age, and will be sited away from environmentally sensitive areas, and does not commit resources or energy for a larger action.

9. Substantially affects a rare, threatened, or endangered species, or its habitat;

No endangered plant or animal species will be adversetly affected by the project with mitigations.

10. Detrimentally affects air or water quality or ambient noise levels;

There are no air or water quality or noise issues surrounding this project. All measures will be taken during construction to prevent runoff.

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;

The preferred alignment is not on the coast, and therefore, will not affect the environmentally sensitive areas of concern.

12. Substantially affects scenic vistas and viewplanes identified in county or state plans or studies; or,

The path will not substantially affect the views into or out of the corridor.

13. Requires substantial energy consumption.

The construction and/or use of the path, the bridges, and/or comfort station will not require substantial consumption of energy or resources.

7.0 CONSULTATIONS, MEETINGS, PRESS RELEASE, PUBLIC COMMENT

7.1 PREASSESSMENT CONSULTATIONS- Refer to Appendix B for a copy of all of the preassessment consultation meeting minutes that occurred before the Draft Environmental Assessment was published.

7.2 PUBLIC MEETINGS

7.2.1 Public Meeting Number One

AGENDA
Environmental Assessment Public Meeting #1

Wednesday, June 22, 2005
7:00 PM to 9:00 PM
King Kaumualiá Elementary School
Hanamaóulu, Hawaii

7:00 – 7:10 Welcome to Attendees
Introduction of County officials in attendance
Summary of the agenda for meeting
Introduction of Doug Haigh, County Project Manager

7:10 – 7:25 Presentation on Nawiliwili – Anahola Bike & Pedestrian Path Project by Doug Haigh
Questions and answers

7:25 – 8:00 Introduction Merle Grimes, MDG, Inc LLC, team lead
Introduction of team and respective roles
Presentation on Ahukini-Lydate Bike & Pedestrian Path Environmental Assessment project
Questions and answers

8:00 – 8:05 Small group exercise instructions
- Break into 4 groups
- Each group has one or more project team members
- Groups provided with maps and colored markers
- Assignment:
  - Mark **special and significant places** in **green**
  - Mark **preferred trail alignments in blue**
  - Mark **desired amenities and locations in red**
  - Use **post-it notes** to provide more detail
  - 5 minute summary report to the large group

8:05 – 8:40 Small groups meet to complete their assignments

8:40 – 9:00 Small group summary reports – 5 minutes max each

9:00 Next steps and brief closing remarks

AHUKINI-LYDGATE BIKE & PEDESTRIAN PATH

Environmental Assessment Public Meeting #1

Wednesday, June 22, 2005
7:00 PM to 9:00 PM
King Kaumualiʻi Elementary School

MEETING NOTES

WELCOME AND MEETING OVERVIEW
Project Team Public Communications Consultant and meeting facilitator, Roxanne MacDougall opened the meeting and reviewed the agenda and objectives, which were:

- Provide information on the scope of the environmental assessment project
- Present a visual tour of the path corridor, with discussion on potential alignments
- Answer questions and receive public input on the project

OVERALL MULTI-USE PATH HISTORY AND BACKGROUND
Doug Haigh, Chief of the County Building Division and Project Manager for the Nawiliwili to Anahola Bike and Pedestrian Path Project provided background on the origins of the project. Details on this information may be found in the County of Kauaʻi website, on a page devoted to the bike and pedestrian path project. The page address is www.kauai.gov/bikepath/aspx.

AHUKINI-LYDGATE PATH PRESENTATION
Lead consultant, Merle Grimes, of Merle D. Grimes LLC, presented an extensive discussion of the options and issues related to this phase of the path. A PowerPoint slide show was used to provide a visual tour of the path corridor.

During the presentation, members of the consulting team provided additional information. Sara Simmons-Fife, Sweetgrass Design, described the complex permitting process required as part of the environmental assessment. Charles Fletcher, PhD, University of Hawaii coastal expert, discussed the causes of beach erosion and the possibilities available for a win/win solution that protects the golf course while providing a coastal path. He stressed that beach erosion can not be stopped, but it can be delayed and reduced by periodic replenishing of the dunes. Mike Dega, SCS Archeology, spoke about the historically and culturally significant sites along the ocean side path. There are numerous prehistoric sites, as well as plantation era sites. These would be protected and educational signage installed along the path.

QUESTIONS, ANSWERS AND COMMENTS:

Question from Attendee: If I started my own bicycle company, for the bike path, there are a lot of people out there who walk. Who takes precedence?

Doug Haigh (project manager for the County) answers: As people, we work it out. Signs tell the protocol.

Merle Grimes (team lead) answers: In Lydgate, the Federal funding is to reduce vehicular traffic. Bicycles are a major component of that. We design these at a standard that can accommodate a variety of uses. The path allows for walkers, joggers, cyclists which is the reason for the 10-12' path. Some neighborhoods require a 14' wide path. Sometimes we put a stripe down the middle to differentiate users.

Cyclists have every right to be on the path.

The etiquette, calls for cyclists first. Signage like at Lydgate indicates that when a cyclist is approaching a pedestrian or slower cyclist is to announce "on your right, passing on your left." Usually it just works out.

There are no national liability issues typically with mixed use path projects. Most paths are there for recreation. The highway cyclists who want to go fast are usually on the highways.

Comment from Attendee: Planning of this is wonderful, in the future more tourists will be in front of the Kaua'i Villas and the Radisson, there will be more of this, and wonder what the impact will be in the future, the hotels will be encouraging people to use the paths, not use the highway. This is a good thing.

Comment from Attendee: Liberta Aubau, Kamehameha will be building school at the edge of the golf course on Leho Drive, and the fourteen acre area confronting Aloha Beach hotel, there will be a commercial development by the Department of Hawaiian homes. Across the highway from the Correctional Facility all the way to the Wailua River there will be new homes planned. The first increment will be 200 homes in 2007. Will offer a copy of the plan.

MAP EXERCISE
After the presentation, and questions/answers, meeting participants gathered around a map of the corridor. They marked special places, preferred path alignments and amenities. They discussed their preferences with the consulting team.

CLOSE
Merle Grimes thanked the participants for their excellent feedback. The second public meeting will be held August 22, 2005 at the Lydgate Park Pavilion.

7.2.2 Public Meeting Number Two

AHUKINI-LYDGATE BIKE & PEDESTRIAN PATH

Environmental Assessment Public Meeting #2

Monday, August 22, 2005
7:00 PM to 9:00 PM
Lydgate Park Pavillion

MEETING NOTES

NOTE: THIS EVENT WAS FILMED BY HOIKE PUBLIC TELEVISION AND WILL BE AIRED ON CHANNEL 52.

WELCOME AND MEETING OVERVIEW
Project Team Public Communications Consultant and meeting facilitator, Roxanne MacDougall opened the meeting and reviewed the agenda and objectives, which were:

- Provide information on potential path alignments
- Answer questions and receive input on proposed or new alignments, significant places and desired path amenities.

OVERALL MULTI-USE PATH HISTORY AND BACKGROUND

Doug Haigh, Chief of the County Building Division and Project Manager for the Nawiliwili to Anahola Bike and Pedestrian Path Project provided background on the origins of the project. Details on this information may be found in the County of Kaua'i website, on a page devoted to the bike and pedestrian path project. The page address is www.kauai.gov/bikepath/aspx.

AHUKINI-LYDGATE PATH PRESENTATION

Lead consultant, Merle Grimes, of Merle D. Grimes LLC, presented an extensive discussion of the options and issues related to this phase of the path. A PowerPoint slide show was used to illustrate the geography and simulate various ways the path might be designed. Six maps were taped to tables, so that participants could look at them and write comments during the presentation.

Several path alignment options were discussed, including:

- A totally coastal pathway, running from Ahukini Landing to the Kamalani Kai Bridge, along the ocean. This option will require beach restoration along the Wailua Golf Course, where erosion is a major problem.
- A route that moves inland to go around the golf course along the highway.
- A route that partially goes along the ocean side of the golf course and also goes along the highway, with a tunnel to move pedestrians and cyclists across the golf course, with minimal disturbance to golfers.
- A route that avoids the golf course entirely by going mauka of the highway.

During the presentation, four members of the consulting team provided additional information. Sara Simmons-Fife, Sweetgrass Design, described the complex permitting process required as part of the environmental assessment. Charles Fletcher, PhD, University of Hawai'i coastal expert, discussed the causes of beach erosion and the possibilities available for a win/win solution that protects the golf course while providing a coastal path. He stressed that beach erosion can not be stopped, but it can be delayed and reduced by periodic replenishing of the dunes.

Frank Sullivan, golf course designer, spoke about the use of tunnels in golf courses. He has implemented a tunnel at Pua Kea golf course.

Mike Dega, SCS Archeology, spoke about the historically and culturally significant sites along the ocean side path. There are numerous prehistoric sites, as well as plantation era sites. These would be protected and educational signage installed along the path.

Merle Grimes concluded the presentation, with a summation of the options. He then opened the floor to questions, answers and comments.

QUESTIONS, ANSWERS AND COMMENTS:

C- If we don't restore the dunes, we will lose part of the golf course. This is the simple fact that we must recognize. We don't have a choice.

Q - What about the moving of boulders. Several years ago, the county had issues with

A - We will not be moving existing boulders. They will be buried in the sand.

Q - What are the options for connecting with the Kamalani Kai Bridge? Can we consider a cable bridge? What about the wheel chair area?

A - We are intending to design a bridge compatible with the existing bridge. We can consider a cable bridge and will ensure wheelchair access.

C - Please make the path accessible with dogs, and horses if possible. Allow dogs on leashes so people have a place to walk their dogs.

C - The Kapaa Business Association is in support of the path. The speaker had some concerns about putting the path along the golf course lower to the beach, in order not to block the view from the golf course. The tunnel is better than going alon the dunes. There are safety issues with people potentially getting hit by golf balls. The fence and protection takes away golfers' view of the ocean. This is one of the top public golf courses in the country. We don't want to hurt this position.

C - I prefer the coastal route. I also prefer that you keep the signs low to the ground so they don't intrude upon the views and environment.

Q - Why would you consider any non-coastal options? Other options are not for pedestrians and not true to the "Beach access forever" slogan. Also, the county is overwhelmed now. How will they handle litter, vandals, unauthorized vehicles, etc? Will there be a ranger?

A - A maintenance plan will be included with the environmental assessment. It is difficult to determine costs until the path alignment is selected. The issues you raise will be explored with County officials. Vehicles can be locked out. Other communities have formed non-profits to support the maintenance, safety and enjoyment of the pathways. Kaua'i could consider such a model.

C - "Undesirables" will be on and around the path at night, making it unsafe. It is hard to stop them.

Comment submitted in writing at the end of the meeting:

New TEA funding just passed. More money for cycle/pedestrian projects comes down to the state DOT in the millions. Use that money for the Kapule/Kuhio Highway cycle/pedestrian improvements later (make the State DOT accountable). Use this money, the current TEA funds, for the coastal path.

SMALL GROUP EXERCISE

The participants were asked to break into small groups. Each group had one or more project team members with them. The groups worked with the black and white area maps taped to the tables. They were given colored markers. Their assignment:

- Mark special and significant places in green
- Mark preferred trail alignments in blue
- Mark desired amenities and locations in red
- Use post-it notes to provide more detail

There was active participation and a wealth of feedback provided. The consultants collected all maps and will process the feedback provided.

FINAL UNOFFICIAL "STRAW" VOTE

To get a sense of where people were in their preferences at the end of the meeting, the audience was polled on their choice of path options. The results were:

- Coast path only - 27 votes
- Tunnel options - 4 votes

- All highway option - 0 votes
- Mauka option - 0 votes.

CLOSE
Merle Grimes thanked the participants for their excellent feedback. The third and final meeting will be held in the late fall/early winter. The date will be announced through multiple media, including the web page www.kauai.gov/bikepath.aspx.

7.2.3 Public Meeting Number Three

AHUKINI-LYDGATE BIKE & PEDESTRIAN PATH

Environmental Assessment Public Meeting #3

Tuesday, May 23, 2006
7:00 PM to 9:00 PM
Lydgate Park Pavilion

MEETING NOTES

NOTE: THIS EVENT WAS FILMED BY HOIKE PUBLIC TELEVISION AND WILL BE AIRED ON CHANNEL 52. CONTACT HOIKE FOR THE SCHEDULE.

WELCOME AND MEETING OVERVIEW
Project Team Public Communications Consultant and meeting facilitator, Roxanne MacDougall opened the meeting and reviewed the agenda and objectives, which were:

- Overview and update the Nawiliwili-Anahola Bike & Pedestrian Path
- Review the Ahukini-Lydgate Bike & Pedestrian Path Draft Environmental Assessment
- Present a visual tour of the Ahukini-Lydgate preferred alignment
- Receive public comment and answer questions

NAWILIWILI-ANAHOLA BIKE & PEDESTRIAN PATH
Doug Haigh, Chief of the County Building Division and Project Manager for the Nawiliwili to Anahola Bike and Pedestrian Path Project provided background on the origins and scope of the overall project. He gave an update on progress on the various segments of the path. An overview article about the project may be found in the County of Kaua‘i website, on a page devoted to the bike and pedestrian path project. The page address is www.kauai.gov/bikepath/aspx.

AHUKINI-LYDGATE BIKE & PEDESTRIAN PATH
DRAFT ENVIRONMENTAL ASSESSMENT
Lead consultant, Merle Grimes, of Merle D. Grimes LLC, reviewed the Ahukini-Lydgate project and the Draft Environmental Assessment, which is published on the website listed above. This document was created over several months of research and comment from government agencies and the general public.
A PowerPoint slide show was used to illustrate the path alignment options, and their pros and cons.

Three path alignment options were evaluated in the Draft EA:

- A totally coastal pathway, running from Ahukini Landing to the Kamalani Kai Bridge, along the ocean. This option would require beach restoration along the Wailua Golf Course, where erosion is a major problem. This option is not viable, due to environmental and economic concerns expressed by a number of agencies.

- A route that moves inland to go around the golf course along the highway. Portions of this route are included in the preferred alignment, to be discussed below.

- A route that avoids the golf course entirely by going "mauka" of the highway, across the highway toward the mountains. This route is not viable due to safety concerns related to crossing a very busy road with fast-moving traffic.

AHUKINI-LYDGATE ENVIRONMENTAL ASSESSMENT PREFERRED ALIGNMENT
Merle Grimes went on to describe the preferred alignment which has emerged from consultant research and extensive input from governmental agencies and the general public. He took the audience on a visual tour of the path. The exact path and design details have not be determined at this time. The final EA will be accompanied by 30% design drawings, as well as a maintenance plan.

The path will move from the Ahukini fishing pier, around Hanama'ulu Bay, across the restored old haul cane bridge, along ocean bluffs to lands south of the Hilton Hotel. It will then move inland and run along the ocean side of the Kuhio Highway all the way to Lydgate Park. Grimes provided considerable detail on how this route can best be accomplished. He also showed where beach access and public amenities might be located.

He ended his presentation with a brief discussion on a maintenance plan to accompany the Final Environmental Assessment.

QUESTIONS, ANSWERS AND COMMENTS
Primarily fielded by Merle Grimes

Comment:
This is a good compromise. I support it. I want to clarify some details. It is possible to go over or under the highway. It can be done well, as in other areas of the country. You could use the high ground on the mauka side to help the grade. At Hilton Road, you could go under the highway, via a trench. The mauka route does have advantages, including scenery. I also think you are underestimating the difficulty of the 10th hole bottleneck. But, all in all, this is a good solution. It does not go through wetlands.

Answer:
Yes, we intentionally bypass wetlands. We will do a grade elevation to go above the wetlands.

Question:
Why couldn't you run the path from Marine Camp along the coast to the golf course?

Answer:
There are concerns. This is a monk seal area. We got a lot of agency comments on this. It is a known wetland. The resort will give us the land to go around it. This is the best option.

Question:
What about night use of the path? Is it allowed? Will there be lights? I am concerned about the shearwater birds and the lights.

Answer:
There will be no lights, except at previously existing comfort stations. Any lights will be shielded for birds.

Question:
There are shearwater colonies near the path. Who enforces the dog leash law?

Answer:
Most paths run on self-enforcement by users, with cell phones. This will not be the role of the ranger. The Draft EA went to the police and fire departments for comment. The design phase will deal with access for them to the path.

> **Doug Haigh, Department of Public Works, Project Manager:**
> The County ordinance allows dogs in public parks only by permit and on leash. The Department of Community Assistance, which governs parks, is currently establishing policy regarding the path system.

Question:
For safety purposes, will there be any location signs or mile markers, so that people who need assistance can be located?

Answer:
Now that the path system is growing, mile markers will make sense. This is a design decision. There will be public meetings related to design where this could be suggested.

Comment from Thomas Noyes, head of Ke Ala Hele Makalae bike and pedestrian path committee:
I invite all of you are interested in being on our contact list to provide me with your email address. My address is thomasnoyes@hawaiiantel.net.

Comment from Mimi Ulry, DLNR and NOAA monk seal coordinator:
I am concerned about the Nukoli‘i access. This is a big seal haul out area. Bikers will more easily be attracted to the seals. What will be done? Also, the old comfort station is in great disrepair.

Answer:
We would love to work with you to do whatever is appropriate. Signs can actually be an attractive nuisance, encouraging people to go to the seals. The comfort station is privately owned.

Question:
What assurance do we have that native plants will be protected?

Answer:
It is the rule of thumb to avoid native plants. The design phase will have a more specific alignment where we would know which plants will be affected. We do have experts to assist us, including Kaua‘i Nursery and NTBG.

> **Doug Haigh:**
> We are committed to use native plants and to preserve those there.

Question;
Who is liable for accidents from golf balls hitting people?

Answer:
There will be a special fence, minimum 10 feet high, designed based on the play of the ball. We will work with the golf course management and staff on this.

Question:
What will be done about flooding in the low area near the 12th fairway?

Answer:
We were there during the floods and know the problem. This will also be a design issue.

Question:
Why are you hugging the road right up to the park?

Answer;
We need to go around the property of the Department of Hawaiian Homelands.

CLOSE
Merle Grimes and Doug Haigh thanked the participants for their excellent feedback. The next step will be the completion of the Final Environmental Assessment, which will be submitted to the County to assist the decision-making of elected officials.

7.2.4 Public Meeting Number Four

7.2.4.1 Mailed Invitation

The following invitation was sent to 232 of 312 Kaua'i Residents who signed a petition against the path going through the Wailua Golf Course. Eighty of the signatures and addresses were not legible. The petition is included in section 8.5.5 - Public Comment Letters.

The County of Kaua'i invites you to participate in the

Ahukini-Lydgate Bike & Pedestrian Path

Environmental Assessment

Public Meeting #4
Monday, February 26, 2007
Lydgate Park Pavilion
7:00 PM to 9:00 PM

Agenda

- Overview entire Ahukini-Lydgate planning process
- Review path alignment options and selection process, as presented in Public Meeting #3, May 23, 2006
- Review golf course alignment and possible design alternatives
- Provide forum for public education and input

Call Roxanne MacDougall at 808-822-5798 for more information.

7.2.4.2 Press Release

The following press release was submitted:

AHUKINI-LYDGATE BIKE & PEDESTRIAN PATH

Environmental Assessment Public Meeting #4

Monday, February 26, 2007
7:00 PM to 9:00 PM
Lydgate Park Pavilion

MEETING NOTES

NOTE: THIS EVENT WAS FILMED BY HOIKE PUBLIC TELEVISION AND WILL BE AIRED ON CHANNEL 52. CONTACT HOIKE FOR THE SCHEDULE.
NOTES WILL ALSO BE POSTED ON THE COUNTY WEBSITE AT WWW.KAUAI.GOV/BIKEPATH.ASPX

WELCOME AND MEETING OVERVIEW
Project Team Public Communications Consultant and meeting facilitator, Roxanne MacDougall, along with facilitator Laurie Ho, opened the meeting and reviewed the agenda and objectives, which were:

- REVIEW the Ahukini-Lydgate Bike & Pedestrian Path Environmental Assessment process, alignment options and preferred alignment selection
- FOCUS on the Wailua Golf Course alignment and design alternatives
- RESPOND to community questions and comments

SPEAKERS
Merle Grimes, Merle D. Grimes LLC, lead project consultant
Steve Kyono, Hawaii Department of Transportation
Ed Okamoto, Wailua Golf Course Manager
Pat Phung, Federal Highway Administration
Thomas Noyes, Na Ala Hele Makalae committee chairman

AHUKINI-LYDGATE BIKE & PEDESTRIAN PATH ENVIRONMENTAL ASSESSMENT PROJECT
Merle Grimes, supported by a PowerPoint presentation, provided background on the scope of the overall project, including the potential path alignments that were considered in the Draft EA. This document was created over several months of research and comment from government agencies and the general public.

Three path alignment options were evaluated in the Draft EA:

- A coastal pathway, running from Ahukini Landing to the Kamalani Kai Bridge in Lydgate Park. This option would require beach restoration along the Wailua Golf Course, where erosion is a major problem. This option is not viable, due to environmental and economic concerns expressed by a number of agencies and shoreline experts.

- A route that moves inland to go around the golf course along the highway. Portions of this route are included in the preferred alignment, to be discussed below.

- A route that avoids the golf course entirely by going "mauka" of the highway, across the highway toward the mountains. This route is not viable due to safety concerns related to crossing a very busy road with fast-moving traffic. This position was supported by comments from Steve Kyono of HDOT.

Merle Grimes then reviewed the rationale for the recommended preferred alignment, which is in the Draft EA. This draft may be seen in the County website on page www.kauai.gov/bikepath/aspx.

AHUKINI-LYDGATE ENVIRONMENTAL ASSESSMENT PREFERRED ALIGNMENT,
Merle Grimes went on to describe the Preferred Alignment, which has emerged from consultant research and extensive input from governmental agencies and the general public. He took the audience on a visual tour of the path. The Final EA will be accompanied by approximately 30% plan drawings, as well as a maintenance plan. The design and engineering phase of the project will be completed by an engineering firm during the next phase of the project. Design and engineering is not within the scope of work for the Environmental phase that is being completed by Merle D. Grimes, llc. The future engineering firm will be tasked with providing a specific alignment plan, based on specific site conditions and guidelines included in the Final Environmental

Assessment and 30% complete plans.
The basic description of the Preferred Alignment for the Ahukini to Lydgate Path follows:

> The path will move from the Ahukini fishing pier, around Hanamaʻulu Bay, and cross the existing concrete cane haul bridge over the Hanamaulu Stream, then continue on the abandoned cane haul rail road alignment above Hanamaʻulu Beach Park and onto the property known as the Moody Property and along ocean bluffs to lands south of the Hilton Hotel, again, following abandoned cane haul roads when appropriate. The path continues along the mauka edge of Hilton Lane to the Wailua Golf Course where is will follow along the existing drainage canal and Kuhio Highway all of the way to Leho Drive. The path continues makai on Leho to Nehe Road where it will follow on the south edge of the road until it connects with the existing path at Lydgate Park.

Merle Grimes provided considerable detail on how this route can best be accomplished. He also showed where beach access and public amenities might be located.

WAILUA GOLF COURSE REACH
Project ideals that guide decision making were reviewed by Merle Grimes:

- Safety concerns
- Provide alternative form of transportation
- Build community bonds
- Meet community needs
- Americans with Disabilities Act compliance
- Compatible with other path phases
- Durable and high quality materials
- Low maintenance design
- Create first-rate public amenity
- Improve and/or sustain the coastal environment
- Cultural education
- Compatible with Wailua Golf Course
- Maximized existing amenities, such as the Hanamaʻulu Beach Park and railroad bridge
- Compatible with existing path amenities, such as Lydgate Park pathways

Merle Grimes then reviewed the elements of the golf course reach that the EA will include. He also drew upon the expertise of Steve Kyono, Hawaii Department of Transportation and Ed Okamoto, Wailua Golf Course manager, in

support of the analysis and decision-making, which resulted in the selection of the preferred alignment. Mr. Kyono stated that the mauka alignment would be much too costly, the relocating of the golf course entrance across from KCCC's entrance would be beneficial and safe (no traffic light is planned at this time) and any future highway widening would have to occur on the mauka side. Mr. Okamoto said that golf course impacts would not reduce the course quality and that locating the path along the highway to Leho Drive would eliminate a number of potential concerns.

Merle Grimes reviewed the following conditions and guidelines will be included in the Final Environmental Assessment:

- Golf Course personnel will be consulted during all phases of the design process.
- The public will be provided opportunity to review and comment on proposed design solutions.
- There will be no loss of fairways.
- Safety will be improved for automobiles turning into and out of the golf course parking lot.
- Aesthetics of the golf course entrance will be improved by a new entrance sign and lower parking lot, plus new landscaping, paving, and fencing
- Signs will be placed that state that the golf course is not a parking access location for the path
- There will be no net loss of parking stalls
- Overflow parking will be provided for
- There will be a buffer around the interment site
- Visual and noise pollution from Kuhio Highway will be reduced
- A designer with golf course experience will be part of the design team
- A guardrail will be placed along Kuhio Highway where appropriate to prevent autos from driving onto the path and golf course
- Measures will be taken to prevent people from accessing the golf course
- Horses will be banned from the golf course reach of the path
- Trees will be moved when necessary, not removed.
- Landscaping buffers, where appropriate, will be placed on the golf course side of fencing
- Construction fencing, and an approved construction staging and phasing plan, will minimize the negative impact during construction

In concluding his presentation, after reviewing general maintenance recommendations based on volunteer assistance for county parks employees, Merle Grimes opened the floor for discussion.

QUESTIONS AND COMMENTS, WITH RESPONSES (PARAPHRASED)

C: As a person who walks and occasionally bicycles this route, my option now is to be near cars going 50-60 mph. I am in complete support of this project, since now we have nothing but the highway.

C: I am a golfer at this course several times a week. The 7th fairway goes to the out-of-bounds marker. You are taking part of the golf course at the 7th. At the 10th, golfers hit balls into the trees every day. You will take away the playability and quality of the golf course by making the 7th easier and negatively affecting the 10th. Golfers won't like it. We have the best municipal golf course in the whole country now. Public links tournaments have come here twice. You should go mauka with the path.

R: Ed Okamoto
The path will infringe on the out-of-bounds for 7th and 10th. 7th is a par 3. We will still maintain the OB on 7 and 10. It will be tougher since narrower by 15-16 feet. My

position is that the path has to be put as close to the highway as possible, even in the areas that are sloped. I am trying to preserve golf course integrity as much as possible. I don't think it will greatly impact our course. It is good that the decision was made to run along the highway to Leho Drive vs going around the 12th.

Q: Is this path a county facility? If so, you will have problems with the union for using volunteer labor.

R: Merle Grimes
Volunteers will only assist county workers, as they do at Lydgate Park right now.

C: I am also a big walker and am very happy that this is happening.

Q: What about fishing access, such as at Marine Camp?

R: Merle Grimes
Nothing in this reach requires driving over the path. It goes along the side of Marine Camp Road. Fishing will not be adversely affected. We hope to improve the park there.

Q: What about the path attracting homeless people, as we have now in the park?

R: Merle Grimes
Kahalani condos had a problem with the homeless until the path went in. Generally, the homeless do not want to be beside a public path.

Q: Why build on the drainage canal from the golf course? It floods regularly, now due to a fence under the bridge.

R: Merle Grimes
This reach does not cross that canal. Drainage has always been a problem there.

Q: Why do you always talk about the view of the ocean? Why not go mauka?

R: Merle Grimes: As we just showed in the presentation, there is no safe way to cross the highway twice. We tried to find a safe, affordable way and failed. In addition, HDOT did not support any highway crossings.

Q: Cars could drive on the path at the 7th fairway, yes?

R: Merle Grimes: There will be a guardrail installed for safety.

Q: What about 11th green access?
R: Ed Okamoto: We will add a fence and gate, which will be open during the day.

C: I have walked this area for 20 years. I appreciate that we are preserving this forever. This is a good compromise. May bring some good for the golf course. I am highly in favor.

Q: I am not against the path, just against the highway route. What happens if the DOT decides to widen the highway?

R: Steve Kyono:
Good question. In this area all alternatives are mauka, since we can not use public recreation lands.

Q: Turn lanes for the golf course and KCCC, if aligned, will cause chaos. What happens to contra flow?

R: Steve Kyono: This is an engineering issue. When it is warranted, we will consider this.

Q: What is an EIS, vs an EA? Why no EIS required?

R: Pat Phung, Federal Highways Administration:
An EA gauges significant impact. If warranted, an EIS would be done. This meeting tonight will help us decide what is next.

Q: Why not reduce the speed limit to make the road safer and make it easier to negotiate that section?

R: Merle Grimes: A traffic study would assess this and would be required before any action could be taken. This is part of the design phase.

Q: What is the total mileage of this section and would it be possible to consider horses for the Marine Camp area? This has been a past use. I just want to get this request on the record.

R: Merle Grimes: About 4.5 miles. Horses on the path would be dealt with in future work.

C: By same participant shown in second comment: If you take away 7 and 10 rough, it does impact quality. Narrowness is not an improvement. Golfers hit balls over the trees. A wall will not be safe.

R: Merle Grimes: In the design phase, canopies can be considered to protect users of the path in certain key areas.

Q: Are there any plans for path access for Hanama`ulu residents? School?

R: Merle Grimes: The best highway crossing is at Ahukini Road. This is a tough issue. The highway is a major problem. Better addressed in the design phase.

C: I was disappointed that we could not go along the shoreline, but I like this and am excited. Let's build it.

Q: I am excited about using the old train bridge. Can we keep the old pavilion design?

R: Merle Grimes: Yes, this is the plan.

C: I appreciate what you are doing. There are no kids here tonight. This is for them. It will be great to bring kids to the path.

Q: I am really excited about the possibilities. This is an amazing process. How about a boardwalk on the shore for pedestrians?

R: Merle Grimes: We looked at that with shoreline experts. Golfers were very opposed to an ocean side route. Shoreline erosion is an issue. It is an expensive option, with many challenges.

Ed Okamoto: The coast route would create much loss for 1, 2 and 17, our signature hole.

I was very much against it.

C: My husband plays golf at Wailua. I enjoy seeing the golfers as I drive by. It is beautiful. Don't build a wall.

C: I am impressed by effort to fin win/win. Put a top over for safety. Look for a pedestrian path along the shore. This is great. I am totally for it and looking forward.

R: Merle Grimes: We can canopy, as mentioned. There is a type of "floating" boardwalk. This is preferable to social trails and ATV's on the dunes.

Q: Could we do it without a boardwalk?

R: Merle Grimes: It is possible, using signage. This will be important to study for a future walking-only path.

C: Thanks, I voice my support. I am disappointed about the coast trail, but I understand why. I am afraid of the section along the highway, to bring my child there. I have been hit by a golf ball. Do cover the trail.

R: Merle Grimes: The design phase criteria will include what types of fence, plus the requirement for a golf course designer.

C: I commend you all. My wife and I drive here from Anahola everyday of the week, for years. Will leashed dogs be allowed?

R: Thomas Noyes, Na Ala Hele Makalae Committee:
The path is a county park and currently dogs are not allowed in county parks. We are working on a permitting system for dogs and horses.

C: I am in support of leashed dogs on the entire path.

NEXT STEPS
In closing the meeting, Merle Grimes reiterated that all comments will be included in the Final EA, to be submitted to the county and to the Federal Highways Administration. These entities will determine whether any further work will be needed. Once a Final EA is approved, it will be used to guide the design and engineering phase of the project. The design phase will determine the best way to implement the preferred alignment as presented at this meeting and in the Final EA, and will include more study and public input.

7.2.5 Meeting with Stakeholders at Wailua Golf Course

AHUKINI POINT TO LYDGATE PARK MEETING MINUTES

DATE: August 18, 2005

WORKSHOP TIME: 7:00 p.m. HST

WORKSHOP LOCATION: Wailua Golf Course

FROM: Sara Edi Simmons-Fife

WORKSHOP ATTENDEES: Tim Bynum, Mayor's Office

Doug Haigh, County Public Works, project manager
Ed Okomoto, Golf Course Manager
Various golfers on island
Merle D. Grimes, MDG, llc
Sara Edi Simmons-Fife
Dr. Chip Fletcher, University of Hawai‘i
Frank Sullivan, Team Golf Course Consultant
Thomas Noyes, Team Computer Imaging Consultant
Roxanne MacDougal, Team Public Facilitator

WORKSHOP SUBJECT: Path Routing Interaction with Wailua Golf Course

The workshop began with Merle introducing the team to the golf course stakeholder group, and gave a brief overview of the project and the various situations that the path will have to interact with the golf course.

Merle described the Highway Alignment first, using a power point presentation constructed by Thomas. Merle showed and described that should the path be aligned along the highway in the area of the golf course, it would require a tall net to be installed along hole #10 and at the # 17 green to keep the balls out of the highway and off the path. The other solution for this area, would be to re-build the tees lower.

The path must avoid the existing interment site that is located in the parking lot at the highway. From the team discussions with the State Archaeologist, Nancy McMahon, she wanted to see a thirty foot (30’) buffer around the interment site. Merle also described the crossing at the entrance to the Golf Course as very dangerous.

Then, he described the Coastal Path issues and how this alignment relates to the Golf Course.

Merle said that this alignment could potentially have several sub alternatives. That the path would begin on the north end at the point of the existing playbridge at Lydgate Park.

This connection may be a swinging bridge. The path would go past the 17th green and be tight at the green. At the 18th tee, would be a boardwalk and the path would be hidden down the slope. Thomas’ power point presentation then showed a photo simulation at the 17th to show the helical piles and boardwalk.

Behind the driving range in 1994 and 1995, behind the driving range, is eroded and some natural vegetation has come back. A fiber optic cable at the south end of the range was installed in 1994.

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Appendix A:

FEDERAL CONSULTATIONS UNDER THE FHWA NEPA PROCESS:

NATIONAL HISTORIC PRESERVATION ACT, SECTION 106

ENDANGERED SPECIES ACT, SECTION 7

COASTAL ZONE MANAGEMENT ACT

NATIONAL HISTORIC PRESERVATION ACT, SECTION 106

National Historic Preservation Act

Section 106 Consultation, National Historic Preservation Act

"Historic Properties" include districts, sites, buildings, structures, and objects that are included in the National Register of Historic Places. However, it is possible that a historic property may not be listed in the National Register but it may be eligible for inclusion. It is necessary to consider properties that are eligible for inclusion in the National Register in the 106 review process. The National Historic Preservation Act requires that federal agencies consider their effects of their actions on such properties under Section 106.

Efforts to Identify Historic Properties

Historic Properties along the corridor were identified by a series of pre-assessment consultations with agencies and native Hawaiian people to identify sensitive places, sites and areas in the project area. In addition, two reports were prepared for the project that assisted in the identification and description of historic and archaeological resources in the area. These reports can be found in Appendix D of this report.

The National Register of Historic Places website was reviewed, and no historic places were documented along the corridor in that particular database. However, for properties that have not been evaluated for eligibility in the National Register, the National Register criteria (36 CFR Part 63) should be used to determine eligibility.

The historic and archeological site numbers that are referenced in this report were generated by the State of Hawaii Preservation Division.

History of Consultations

Pre-assessment Meetings

Several meetings were held prior to the Formal Section 106 Consultation Process to investigate historic and archeological resources that may exist along the project corridor. A complete overview of what was discussed at these meetings is included in Appendix B of this report.

The following meetings occurred before the draft environmental assessment was distributed:

- May 2, 2005 John Lydgate, President of the Kauai Historic Society-discussion included historic preservation issues
- May 2, 2005 LaFrance Kapaka Arboleda, Office of Hawaiian Affairs-discussion included Native Hawaiian and cultural issues
- May 2, 2005 Martha Yent of State Parks-discussion included archeological issues
- May 2, 2005 Lance Foster, Director of Office of Hawaiian Affairs-discussion included Native Hawaiian Rights Issues
- June 16, 2005 LaFrance Kapaka Arboleda of Office of Hawaiian Affairs-discussion included the interment site at golf course
- June 20, 2005 Butch Durant, Native Hawaiian-discussion included Native Hawaiian rights
- June 22, 2005 Butch Durant, Native Hawaiian-discussion included Native Hawaiian rights issues

- August 12, 2005 Lance Foster, Director of Hawaiian Affairs-discussion included Native Hawaiian Sovereignty Issues
- August 18, 2005 LaFrance Kapaka Arboleda, OHA and Jim Powell, SCS Archaeology-discussion included path interaction with the golf course
- August 18, 2005 Ed Okomoto, Chip Fletcher, and others-discussion included path routing interaction with golf course
- August 19, 2005 Butch Durant, Native Hawaiian-discussion included Native Hawaiian issues
- August 19, 2005 Nancy McMahon, State Archeologist-discussion included archeological, cultural, and historic preservation issues
- August 22, 2005 Mary Requilman, Director of Kauai Historical Society-discussion included historic resources, focusing on the railroad lines

Public Involvement in 106 Issues

Butch Durant, a Native Hawaiian, had the following comments and concerns about the project (refer to Appendix B for the complete meeting minutes):

- It is a conflict to use the Old Wharf for any reason other than what the Native Hawaiians would have used it for.
- Mineral rights have no value.
- The idea for the Native Hawaiian is not money, but more the land from ancient times.
- He was not willing to share their ancient story for educational purposes. He feels that when Americans took over the Hawaiian Islands, the Native Hawaiians lost their story. They have no more heritage and no more history.

Another meeting with the Durant family initiated the following comments for the path design:

- Show recognition of the ‘ili.
- Identify culture of the ‘ili ahapua‘a and that the boundaries come from the people.
- The family would not participate in locating any ancient pathways.

Public meetings were held to inform the public about the project and discuss historic resources (refer to the complete documentation of public meetings in Chapter 7). Public meetings #1 and #2 included informative presentations about historically and culturally significant sites along the alignments, presented by Mike Dega of SCS Archeology. No comments or concerns from attendees at the meetings related specifically to historic, cultural, or archeological resources.

Review of the Draft Environmental Assessment Pertaining to 106 Issues

The draft Environmental Assessment was sent on November 22, 2005 to the following agencies and individuals for review who would be associated with Section 106 issues and concerns:

- Ms. Nancy McMahon-DLNR, State Historic Preservation Division
- Ms. LaFrance Kapaka Arboldea-Office of Hawaiian Affairs
- Mr. Ronald E. Licona-Department of Hawaiian Homelands
- Mr. Lance Foster-Office of Hawaiian Affairs
- Ms. Mary Requilman-Kauai Historical Society

Letters, Meetings and Correspondence Regarding 106 Consultation Review (Documentation of these events can be found in Appendix A – Federal Consultations.

- January 3, 2005- A letter from Clyde Namuʻo with the Office of Hawaiian Affairs to Merle Grimes, MDG LLC, with comments and concerns on the integrity of the burial interment site and ground altering activities.
- March 6, 2006- A meeting with Ke Ala Hele Makalae to discuss the project, including historic and archeological resources that will be impacted by the corridor.
- May 2, 2006- A meeting with the Kauaʻi Niʻihau Island Burial Council approving the pathway to align within 30' of the interment site at the Wailuā Golf Course parking lot.
- May 8, 2006 – A letter from Rick Tsuchiya, County of Kauaʻi, to Jim Powell, SCS Inc., agreeing with the use of the Hanamaʻulu Bridge for a bike path and its preservation.
- May 1, 2006 – A letter from Michael Dega, SCS Inc., to Susan Tasaki, State Historic Preservation Division, requesting comment and acceptance of modifications to Hanamaʻulu bridge and box culvert.
- January 31, 2006- A letter from Melanie Chinen with the State Historic Preservation Division to Merle Grimes with comments and concerns regarding Alternatives and Sub-Alternatives.
- February 9, 2007 – A letter from Jim Powell to Susan Tasaki requesting response and comment of modifications to Hanamaʻulu Bridge and box culvert to a bike and pedestrian path.
- April 9, 2007 – A letter from Peter Young, State Historic Preservation Division, to Jim Powell, SCS Inc., concurring with proposed rehabilitation and request to review construction documents.
- March 12, 2008 – A letter from Laura Thielen, State Historic Preservation Division, to Merle Grimes approving proposed action at burial interment site.
- March 12, 2008 – A letter from Michael Dega, SCS Inc., to Nancy McMahon, State Historic Preservation Division, concurring with "no adverse effect" for bridge and box culvert.
- March 13, 2008 – A letter from Laura Thielen to Michael Dega stating determination of "no adverse effect."

Further Section 106 Consultation

While the Section 106 consultation process ended with a determination of No Adverse Effect by the State Historic Preservation Division, a subsequent decision was made to conduct one final consultation, jointly with the Nāwiliwili to Ahukini Shared Use Path Project (CMAQ 0700-57).

On April 9, 2012 the Director of Transportation sent a letter to State Historic Preservation Division, Native Hawaiian Organizations, and other interested parties inviting them to participate in on-going Section 106 consultation for the project. A narrative description of the Undertaking, Environmental Compliance, Section 106 initiation and consultation to date, Identification of Historic Properties, APE, Affected Properties, Assessment of Adverse Effects, and Resolution of Effects was included as an attachment. A copy of the invitation letter and narrative are contained in Appendix A.

One response was received to the DOT letter, from the State of Hawaiʻi Department of Hawaiian Homelands. DHHL noted they own approximately 526 acres of land in Wailuā directly adjacent to the proposed project and an additional 10.36 acres (comprising Aloha Beach Resort) has been purchased by DHHL from State DLNR. These land holdings will be used for agricultural and residential homesteading as well as commercial development on the makai side of Kūhiō Highway. The department supports the project intent to preserve coastal access, creates a safe recreational resource, and support alternative modes of transportation and notes that this shared

use path is noted in the DHHL Wailuā Regional Plan. DHHL states that it is unaware of any historic sites or cultural properties not already identified. DHHL consultation letter response is contained in Appendix A.

On April 3, 2012 a letter of invitation was sent by the County of Kaua‘i on behalf of the County, the State Department of Transportation and FHWA to participate in a meeting to be held April 19, 2012. A meeting notice was published in *The Garden Island* (Kauai newspaper) and press releases and PSA announcement sent to Kauai television and radio media. The consultation meeting was conducted jointly with another project, the Nāwiliwili-Ahukini Shared Use Path, due to similarity of issues and their abutting locations. Two meetings were held on the same day, at 2:30 and at 6:00, to accommodate the schedules of as many people as possible. Fifteen persons signed-in to one or both meetings. Meeting notes and attendance sheets are contained in Appendix B.

During the consultation meeting of April 19, 2012, one informant, Puanani Rogers, offered names of knowledgeable persons, including some who had not been contacted. As a result, additional consultation was attempted with five individuals/families.

On July 30, 2012 the FHWA sent a letter to the State Historic Preservation Division with a narrative description of the supplemental Section 106 consultation process to date, confirmation of resolution of adverse effects and mitigations, compliance with Section 4(f) of the U.S. DOT Act, and concluded that based on the supplemental consultation, no further consultation under Section 106 was warranted. A copy of the letter is contained in Appendix A.

DOCUMENTATION FOR 106 CONSULTATION
For the Finding of No Adverse Affect

1. Description of the Undertaking, specifying the federal involvement, and its area of potential effects, including photographs, maps, and drawings, as necessary.

Please refer to the Final Environmental Assessment report, included in the main body of this document, regarding the following:

- Description of the Undertaking-Refer to Chapter 1, Section 1.3 for a description of the purpose and need for the projects undertaking. Refer to Chapter 2 for a description of the proposed actions involved with the undertaking.
- Federal Involvement-Refer to Chapter 1, Section 1.2 and Section 1.4 for a description of federal (and state) involvement.
- Area of Potential Effect- Refer to Chapter 2 for a description of the entire proposed path corridor. This chapter includes photographic documentation, orientation of existing resources to the project, physical settings of resources, and existing and planned development plans. Refer to Chapter 4 for a description of the affected environment.

2. A description of the steps taken to identify historic properties.

Historic Properties along the corridor where identified by a series of pre-assessment consultations with agencies and natives to Hawaii to identify sensitive places, sites and areas in the project area. In addition, 2 reports were prepared for the project that assisted in the identification and description of historic and archaeological resources in the area, which can be found in Appendix D.

The National Register of Historic Places website was reviewed for national listings of historic places, and no national listings are documented along the corridor in the database. However, for properties that have not been evaluated for eligibility in the National Register, the National Register criteria (36 CFR part 63) should be used to determine eligibility. State historical listings were identified by the State of Hawaii Preservation District for purposes of this project. These listings can be found in the Archeological Conditions Report in Appendix D.

3. A description of the affected historic properties, including information on the characteristics that qualify them for the National Register.

The following criteria establish a property to be included in the National Register:

A. *be associated with events that have made a significant contribution to the broad patterns of our history; or*
B. *be associated with the lives of persons significant in our past; or*
C. *embody the distinctive characteristics of a type, period, or method of construction, or that represent the work of a master, or that possess high artistic values, or that represent a significant and distinguishable entity whose components may lack individual distinction; or*
D. *have yielded, or may be likely to yield, information important in prehistory or history.*

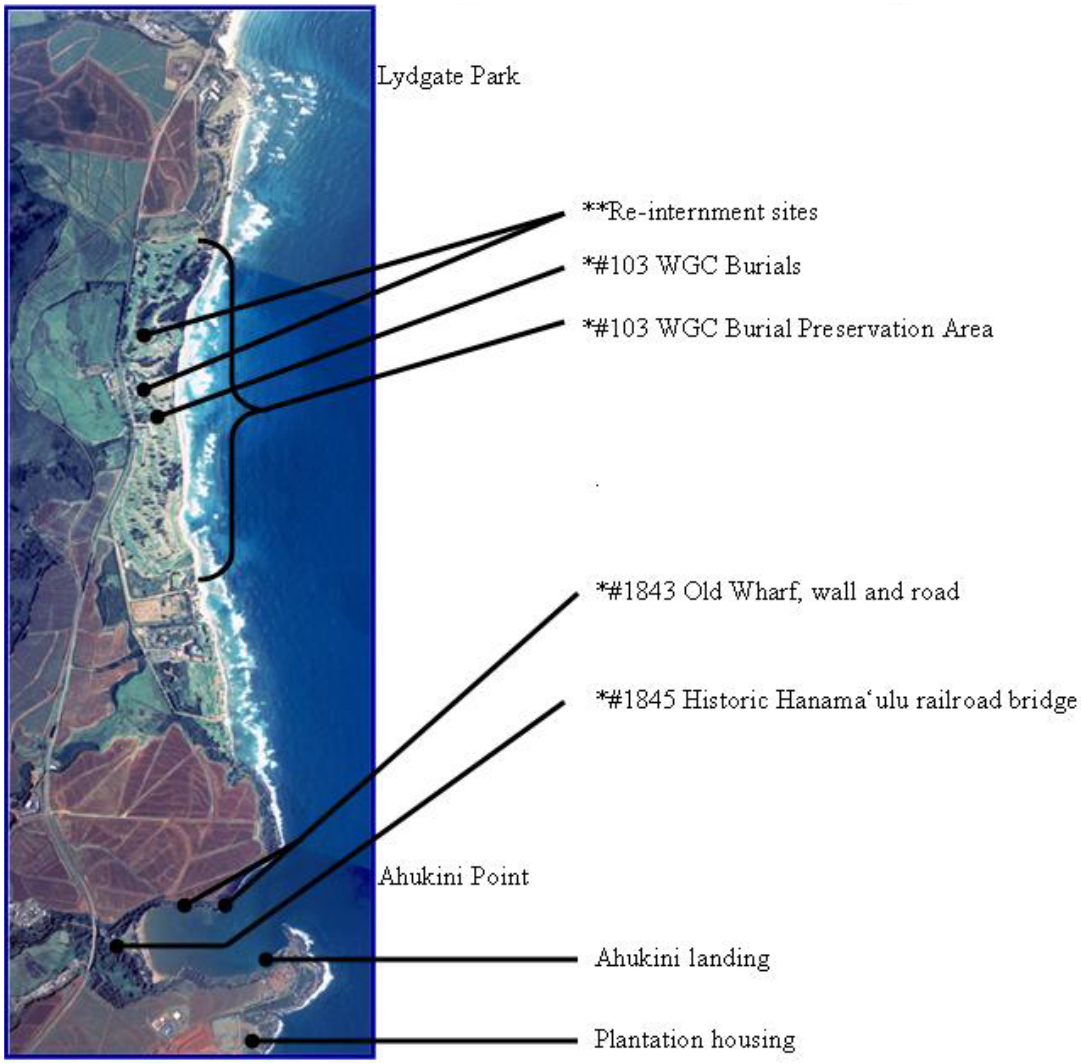
There are three historic properties that occur in the project corridor that are eligible to be included in the National Register of Historic Places. These sites were identified by the steps described above in Section 2.

- The Hanamaʻulu Bridge (Site 1845) was constructed between 1921 and 1924 by Ahukini Terminal and Railway Company. The company was formed in 1920 to provide rail service from Ahukini to Anahola. The Hanamaʻulu Bridge was originally wooden trestle, and was replaced with concrete in 1900. It was built by Hanamaʻulu Plantation as a section of the Lihue Plantation. The new 175' long concrete bridge required a 900' section of fill, 30 ' tall to cross Hanamaʻulu Valley and connect with the southern edge of the valley.

An 1800' long cut was required along the north shore of the bay. It is no longer in use as a form of modern transportation. This structure may be eligible for the National Register of Historic Places because of its association with an event that made significant contribution to the broad patterns of our history, and because it embodies a distinctive characteristic of a type, period, and method of construction.

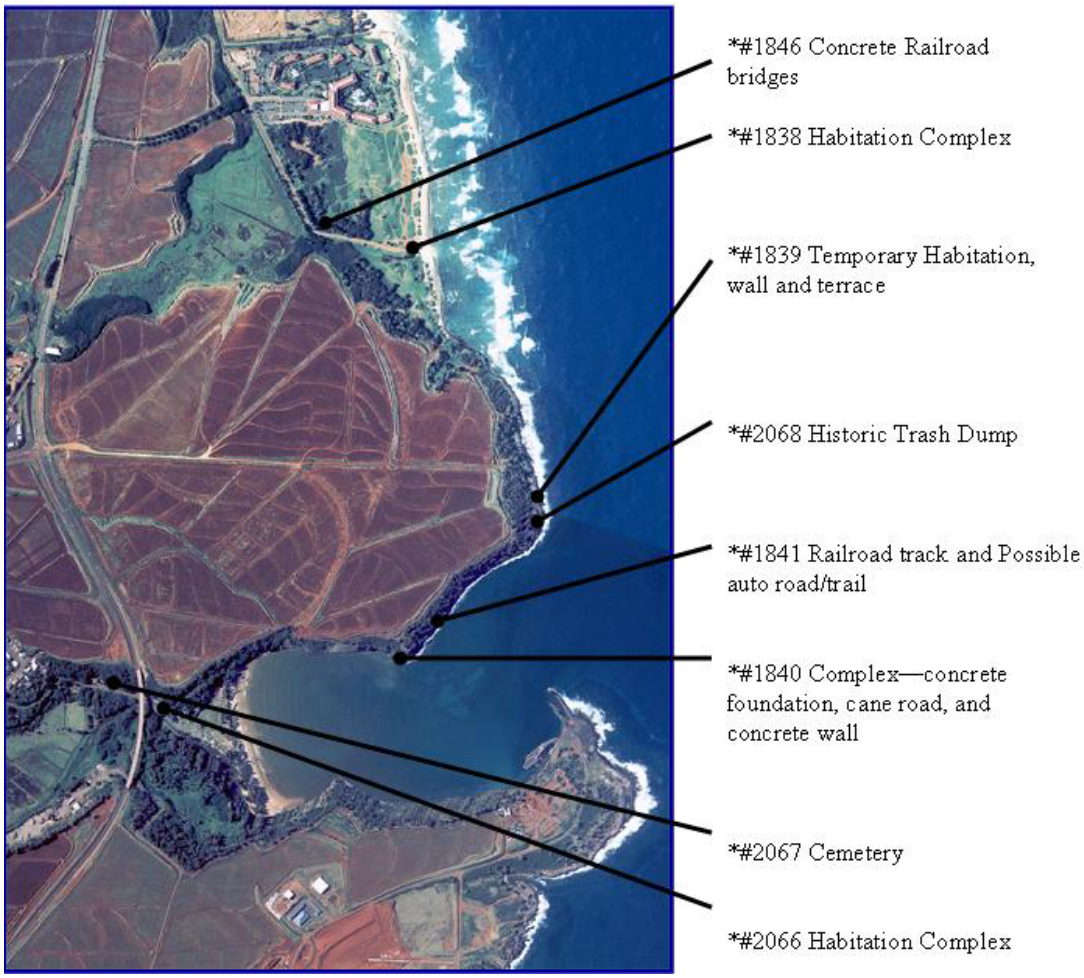
- In history, the coastal dunes between the marshland and the sea were primarily used for human interment (Site 103). The interment site that is located in the Wailua Golf Course parking lot may be eligible for the National Register of Historic Places because of its association with the lives of persons significant in our past and embody a distinctive characteristic of a type, period and method of burials.
- The historical concrete box culvert (Site 1846) is one of two historic railroad bridges that were used for hauling sugar cane from the fields to Lihu‘e. This structure may be eligible for the National Register of Historic Places because of its association with an event that made significant contribution to the broad patterns of our history.

Archaeological and Historical Conditions Map



*Known Archaeological Sites

Archaeological and Historical Conditions Map



*Known Archaeological Sites

4. A description of the undertaking's effects on historic properties.
The Hanama'ulu Railroad Bridge will be retrofitted to make it a safer structure for bicycles and pedestrians by strengthening the superstructure, repairing the spalling, and adding handrails. The box culvert will also be retrofitted for safety with a new concrete deck and safety railings on the side. The work to both of these structures will not change the historic integrity or character, and will have no adverse affect on the structures.

The interment site in the parking lot of the Wailua Golf Course will not be restored at all. The proposed path alignment will cross within 30' of the interment site; however, the site itself will not be impacted. Boulders will be placed around the interment site to keep cars from parking in close proximity to the site, as is currently the situation. The undertaking was approved by the Kaua'i Burial Council (refer to the meeting minutes at the end of this appendix.

5. An explanation of why the criteria of adverse affect were found applicable or inapplicable, including any conditions or future actions to avoid, minimize or mitigate adverse affects.

The following criteria of adverse effects (36 CFR PART 800) are inapplicable to the historic properties that occur along the proposed path corridor:

- *Physical destruction of or damage to all or part of the property*-none of historic properties will be physically destructed.
- *Alteration of a property, including restoration, rehabilitation, repair, maintenance, stabilization, hazardous material remediation and provision of handicapped access, that is not consistent with the Secretary's Standards for the Treatment of Historic Properties (36 CFR part 68) and applicable guidelines*-there will be minimal changes to the Hanama'ulu Bridge and the box culvert, through rehabilitation and stabilization of the existing structures, while preserving those portions or features that convey historical, cultural and/or architectural values. The interment site will not be affected, and therefore, will be preserved. All actions on the historical properties are consistent with the Secretary's Standards for the Treatment of Historic Properties and guidelines.
- *Removal of the property from its historic location*-none of the historical structures will be moved.
- *Change of the character of the property's use or of physical features within the property's setting that contribute to its historic significance*-none of the historic property's use, features, or settings that contribute to its historic significance will be changed.
- *Introduction of visual, atmospheric, or audible elements that diminish the integrity of the property's significant historic features*-no elements are being introduced that will diminish the integrity of significant historic features.
- *Neglect of a property which causes its deterioration, except where such neglect and deterioration are recognized qualities of a property of religious and cultural significance to an Indian tribe or Native Hawaiian organization*-The bridge and the box culvert will be rehabilitated to avoid further deterioration that may deem them obsolete and beyond repair in the future. The aged quality of the interment site has sentiment through religious and cultural significance and will not be rehabilitated to any degree.
- *Transfer, lease, or sale of property out of Federal ownership or control without adequate and legally enforceable restrictions or conditions to ensure long-term preservation of the property's historic significance.*-There will be no transfer, lease or sale of any of the historic structures or the properties in which they reside.

6. Copies or summaries of any views provided by consulting parties and the public.

The following is a summary of all consultations involved in the Section 106 Consultation process:

<u>Pre-assessment Meetings</u>
Several meeting were held prior to the Formal Section 106 Consultation Process to investigate historical and archeological resources that may exist along the project corridor. A complete overview of what was discussed at these meetings is included in Appendix B of this report.

The following meetings occurred before the draft environmental assessment was distributed:

- May 2, 2005 John Lydgate, President of the Kauai Historic Society-discussion included historic preservation issues
- May 2, 2005 LaFrance Kapaka Arboleda, Office of Hawaiian Affairs-discussion included native and cultural issues
- May 2, 2005 Martha Yent of State Parks-discussion included archeological issues
- May 2, 2005 Lance Foster, Director of Office of Hawaiian Affairs-discussion included Native Hawaiian Rights Issues
- June 16, 2005-LaFrance Kapaka Arboleda of Office of Hawaiian Affairs-discussion included the interment site at golf course
- June 20, 2005-Butch Durant, native-discussion included Native Hawaiian rights
- June 22, 2005-Butch Durant, native-discussion included Native Hawaiian rights issues
- August 12, 2005-Lance Foster, Director of Hawaiian Affairs-discussion included Native Hawaiian Sovereignty Issues

- August 18, 2005-LaFrance Kapaka Arboleda, OHA and Jim Powell, SCS Archaeology-discussion included path interaction with the golf course
- August 18, 2005-Ed Okamoto, Chip Fletcher and others-discussion included path routing interaction with golf course
- August 19, 2005-Butch Durant, Native Hawaiian-discussion included Native Hawaiian issues
- August 19, 2005-Nancy McMahon, State Archeologist-discussion included archeological, cultural, and historic preservation issues
- August 22, 2005-Mary Requilman, Director of Kauai Historical Society-discussion included historic resources, focusing on the railroad lines

Public Involvement in Section 106 issues

Butch Durant, a Native Hawaiian, had the following comments and concerns to the project (refer to Appendix B for the complete meeting minutes):

- It is a conflict to use the Old Wharf for any reason other than what the Native Hawaiians would have used it for.
- Mineral rights have no value.
- The idea for the Native Hawaiian is not money, but more the land from ancient times.
- He was not willing to share their ancient story for educational purposes. He feels that when Americans took over the Hawaiian Islands, the Native Hawaiians lost their story. They have no more heritage and no more history.

Another meeting with the Durant family initiated the following comments for the path design:

- Show recognition of the "ili"
- Identify culture of the ili ahupuaʻa and that the boundaries come from the people
- The family would not participate in locating any ancient pathways.

Public meetings were held to inform the public about the project and discuss historical resources (refer to the complete documentation of public meetings in Chapter 7). Public meetings #1 and #2 included informative speech about historically and culturally significant sites along the alignments, presented by Mike Dega of SCS Archeology. No comments or concerns from attendees at the meetings related specifically to historical, cultural, or archeological resources.

An additional set of public consultation meetings were held on April 26, 2012 from 2:30 PM to 5:00 PM and 6:30 PM to 8:00 PM at the Līhuʻe Center Piikoi Building covering Section 106 of the shared-use path projects from Nāwiliwili to Ahukini and from Ahukini to Lydgate Park. Notices notifying the public of the meetings were published in the Garden Island Newspaper and OHA's Ka Wai Ola newsletter. A public service announcement was also broadcasted by County of Kauaʻi. Letter invitations dated April 9, 2012 were mailed to the Native Hawaiian Organizations (NHO) and other interested members of the community and invited all parties to submit comments under the Section 106 process. Copies of the meeting notice and invitations comment, meeting agenda, and summary are included in the end of this Appendix A.

Review of the Draft Environmental Assessment pertaining to 106 issues

The draft Environmental Assessment was sent on November 22, 2005 to the following agencies and individuals for review who would be associated with Section 106 issues and concerns:

- Ms. Nancy McMahon-DLNR, State Historic Preservation District
- Ms. LaFrance Kapaka Arboldea-Office of Hawaiian Affairs
- Mr. Ronald E. Licona-Department of Hawaiian Homelands
- Mr. Lance Foster-Office of Hawaiian Affairs
- Ms. Mary Requilman-Kauai Historical Society

Letters, Meetings and Correspondence Regarding Section 106 Review

The following correspondence has occurred (letters are included at the end of this appendix):

- January 3, 2005-a letter from Clyde Namuʻo with the Office of Hawaiian Affairs to Merle Grimes, MDG LLC with comments and concerns on the integrity of the burial interment site and ground altering activities.
- May 2, 2006-a meeting with the Kauaʻi Niʻihau Island Burial Council approving the pathway to align within 30' of the interment site at the Wailua Golf Course parking lot.
- May 8, 2006 – a letter from Rick Tsuchiya, County of Kauaʻi to Jim Powell, SCS Inc. agreeing with the use of the Hanamaʻulu Bridge for a bike path and its preservation.
- May 31, 2006- a letter from Ed Okamoto, Manager, Wailua Golf Course, to Merle Grimes, MDG LLC approving the parking lot reconstruction and mitigation efforts.
- May 13, 2008 - a letter from Merle Grimes to Ed Okamoto with acknowledgment of concerns and response.
- June 6, 2006 – a letter (via email) from Steve Kyono, HDOT to Merle Grimes with comments and questions regarding highway proposals.
- June 19, 2006-a letter from Daniel Quinn, Division of State Parks to Merle Grimes approving the design of the comfort station; however, some concerns must be addressed.
- October 19, 2006-a letter from Gloria Shinn from the National Park Service to Daniel Quinn concurring that the use of Hanamaʻulu Beach Park will not result in a conversion from recreational opportunities.
- May 13, 2008 – a letter from Merle Grimes to Daniel Quinn with acknowledgment, concurring with concerns and response.
- October 26, 2006 -a letter from Mel Nishihara, Kauai Parks Administrator to Merle Grimes approving the plans for Hanamaʻulu Beach Park and Marine Camp anticipating no adverse impact and an overall great benefit for the parks.
- October 31, 2006 - a letter from Daniel Quinn to Merle Grimes announcing the approval of the 6(f) review of Hanamaʻulu Beach Park by the National Park Service.
- May 1, 2006 – a letter from Michael Dega, SCS Inc. to Susan Tasaki, State Historic Preservation Division requesting comment and acceptance of modifications to Hanamaʻulu bridge and box culvert.
- January 31, 2006-a letter from Melanie Chinen with the State Historic Preservation Division to Merle Grimes with comments and concerns regarding Alternatives and Sub-Alternatives.
- February 9, 2007 – a letter from Jim Powell to Susan Tasaki requesting response and comment of modifications to Hanamaʻulu bridge and box culvert, bike and pedestrian path.
- February 16, 2006 – a letter to Sara Edi, MDG LLC (via email) from Martha Yent, Hawaii State Parks with comments regarding bike path.
- April 9, 2007 – a letter from Peter Young, State Historic Preservation Division to Jim Powell, SCS Inc. concurring with proposed rehabilitation and request to review construction documents.
- March 12, 2008 - a letter from Laura Thielen, State Historic Preservation Division to Merle Grimes approving proposed action at burial interment site.
- March 12, 2008 – a letter from Michael Dega, SCS Inc. to Nancy McMahon, State Historic Preservation Division concurring with "no adverse effect" for bridge and box culvert.
- March 13, 2008 – a letter from Laura Thielen to Michael Dega stating determination of "no adverse effect"
- April 19, 2012 Section 106 public consultation meeting.
- May 3, 2012 – a letter from Alapaki Nahalea to Cheryl Soon. DHHL providing additional comments relating to the project and vicinity to lands held by DHHL. Also provided support for the project in addition to preservation of coastal access, safe recreational uses, and alternative modes of transportation.

PHONE (808) 594-1888

FAX (808) 594-1865

STATE OF HAWAI'I
OFFICE OF HAWAIIAN AFFAIRS
711 KAPI'OLANI BOULEVARD, SUITE 500
HONOLULU, HAWAI'I 96813

HRD05/2166

January 3, 2005

Merle D. Grimes
Merle D. Grimes, LLC
1042 Broken Arrow Circle
Elizabeth, CO 80107

RE: Draft Environmental Assessment for the Proposed Ahukini to Lydgate Park Bike and Pedestrian Path, Ahukini Point to Lydgate Park, Kaua'i, Various TMKs.

Dear Merle D. Grimes,

The Office of Hawaiian Affairs (OHA) is in receipt of your December 11, 2005 request for comment on the above listed proposed project. OHA offers the following comments:

Our staff has reviewed the Draft Environmental Assessment (DEA) for the above stated proposed project and has several preliminary comments. These are:

1) Due to the fact that the Alternative 2 alignment may jeopardize the integrity of a burial interment site (see Plate 3.2 of the DEA), OHA recommends that the Alternative 1 alignment be implemented.

2) If Alternative 2, or portions of this alternative, is/are chosen, an adequate buffer of at least 30 feet should be created surrounding the Kuhio Highway interment site.

3) As much as possible the contractor should avoid ground altering activities where sandy sediments predominate. Where possible, it would be appropriate to compact existing sediment to achieve structural integrity. This should be done to minimize potential impacts to human burials and subsurface cultural deposits.

4) A stipulation needs to be made in the Archaeological Monitoring Plan that all earth disturbing activities should be monitored by a professional archaeologist. It is appropriate that monitoring occur on an 'on-site' basis rather than an 'on-call' or spot check basis. The Plan should also state that one archaeological monitor shall be present per each piece of earth disturbing equipment (i.e. three simultaneous excavations shall require the presence of three archaeological monitors).

Merle D. Grimes
January 3, 2005
Page 2

5) While the word Hawai'i takes the diacritical glottal stop ('okina), the word Hawaiian does not. This error is found throughout the document and particularly on page 10 of the DEA.

6) The Hawaiian pāpio (Trevally sp.) is incorrectly referred to as an 'ulna' on page 209 of the DEA. The correct Hawaiian name for the adult pāpio is ulua.

7) Simple grammar issues such as missing punctuation (page 221) are found throughout the document. The DEA should be thoroughly edited before a Final Environmental Assessment is submitted in support of this project.

OHA further requests your assurances that if the project goes forward, should iwi or Native Hawaiian cultural or traditional deposits be found during ground disturbance, work will cease, and the appropriate agencies will be contacted pursuant to applicable law.

Thank you for the opportunity to comment. If you have further questions or concerns, please contact Jesse Yorck at (808) 594-0239 or jessey@oha.org.

'O wau iho nō,

Clyde W. Nāmu'o
Administrator

CC: La France Kapaka-Arboleda
OHA Community Affairs Coordinator (Kaua'i)
3-3100 Kuhio Hwy., Suite C4
Lihue, HI 96766-1153

Kauai Niihau Burial Council Meeting

DATE:	May 2, 2006
MEETING TIME:	9:00 a.m. HST
MEETING LOCATION:	Kauai County Council Chambers
FROM:	Jim Powell, SCS Archaeology
MEETING ATTENDEES:	Kaua`i Ni`ihau Island Burial Council
MEETING SUBJECT:	May 2006 Agenda (see below)

Information regarding agenda item IV - F:

Informational Update for the Wailua Golf Course/Coastal Path Alignment
[TMK: (4) 3-9-02: por 4]
Information/Recommendation: Informational presentation by SCS Archaeology for the purpose of obtaining the council's approval for the proposed Kauai County Coastal Path to pass within 30' of a known burial in the Wailua Golf Course parking lot.

An informational update on the Path Alignment was presented to the burial council by J. Powell of SCS. After a short discussion clarifying the location and circumstances regarding the request, the council voted unanimously to recommend approval of the proposal.

This recommendation for approval will appear in the minutes for the May 2006 meeting.

COUNTY OF KAUAI
PLANNING DEPARTMENT
4444 RICE STREET, SUITE A473
LIHUE, KAUAI, HAWAII 96766-1326

MEMORANDUM

DATE: May 8, 2006

TO: Jim Powell
SCS Archaeology

FROM: Kauai Historic Preservation Review Commission

SUBJECT: Request for comments in compliance with Chapter 6E-42 Historic Preservation Review for proposed changes to Hanamaulu Railway Bridge, State Historic Site #1845, TMK: 3-7-02; and Proposed changes to a box culvert, State Historic Site # 1846, TMK: 3-7-03, Hanamaulu: Ahukini to Lydgate Park Bike and Pedestrian Path, Federal-Aid Project NO. STP-0700(51), Lihue, Kauai, Hawaii.

Thank you for affording the Kauai Historic Preservation Commission (KHPRC) the opportunity to comment on the above project and for your informative background presentation.

After reviewing the information provided at its May 4, 2006 meeting, the KHPRC agreed with the use of the Hanamaulu Railroad Bridge for the bike path and its preservation and recommends that any changes have a minimum impact on the existing historic character of the bridge. While the proposed decking material was approved, the KHPRC requested the opportunity to review more detailed drawings of the proposed railing design railing along with any other alternative designs that may have been considered.

Please contact Rick Tsuchiya at 241-6677 should you have any questions.

Mahalo.

cc: SHPD
Building Div. attn. Dough Haigh

JUN-01-2006 12:44 PM WAILUA.GOLF.COURSE 808 241 6672 P.01

BRYAN J. BAPTISTE
MAYOR

GARY K. HEU
ADMINISTRATIVE ASSISTANT

DONALD M. FUJIMOTO
COUNTY ENGINEER
TELEPHONE 241-6800

LADYE H. MARTIN
DEPUTY COUNTY ENGINEER
TELEPHONE 241-6800

AN EQUAL OPPORTUNITY EMPLOYER
COUNTY OF KAUA'I
DEPARTMENT OF PUBLIC WORKS
4444 RICE STREET
MO'IKEHA BUILDING, SUITE 275
LIHU'E, KAUA'I, HAWAI'I 96766-1340

May 31, 2006

Mr. Merle Grimes
MDG, LLC
1042 Broken Arrow Circle
Elizabeth, Colorado 80107

Re: Lydgate Park to Ahukini Bike/Pedestrian Path Project

Dear Mr. Grimes:

I have reviewed the conceptual plans for the Wailua Golf Course Parking lot. It is my understanding that the entrance driveway into the golf course will be realigned to be directly across from the driveway entrance into the County Correctional Facility. In addition, deceleration and acceleration lanes into and out of the golf course will be included as part of the improvements. The bike and pedestrian path will be located within the landscaped area directly makai of the lower parking lot.

We do not have any issues with the proposed design under the following conditions:

1. The golf course personnel will be consulted during all phases of the design process.

2. That negative impacts to the golf course during construction of the bike and pedestrian path and parking lot are minimized.

3. No loss of parking stalls.

4. The lower parking lot is repaved and stripped.

5. A new golf course sign is included as part of the improvements

6. Signs be placed announcing that the golf course parking lot is not for path parking/access.

7. Every effort be made to ensure that motorized vehicles be controlled from entry onto the path and golf course.

I look forward to working with you on the preliminary planning of the project.

Sincerely,

Ed Okamoto

CC: County Engineer
Chief of Buildings

06/01/06 THU 13:43 [TX/RX NO 5025] 001

merle d. grimes llc.

May 13, 2008

Mr. Ed Okamoto
Manager,
Wailua Golf Course
Department of Public Works
County of Kauai
4444 Rice Street, Suite 275
Lihue Kauai, Hawaii 96766-1340

Re: Ahukini to Lydgate Park Bike/Pedestrian Path Project

Dear Mr. Okamoto:

I am in receipt of you letter dated May 31, 2006 and acknowledge issues and conditions that you outlined to occur during the design phase of the project. Your letter and this response will be included in the Final Environmental Assessment document.

If you have any questions or concerns, please do not hesitate to contact me.

Sincerely,

Merle D. Grimes
Principal, MDG, llc

Cc: Doug Haigh

June 6, 2006

Merle:

Please see my comments in italics:

Steven Kyono

-----Original Message-----
From: Merle Grimes [mailto:merle@mdgdenver.com]
Sent: Monday, June 05, 2006 2:47 PM
To: Steven. Kyono
Cc: Doug Haigh
Subject: Ahukini to Lydgate Path Project

Steven:

At our last public meeting for the Ahukini to Lydgate Park Bike and Pedestrian Path project several residents were concerned that we did not include a mauka of the highway alternative. We did in fact review a mauka to the highway alternative and dismissed it for the following reason:

1. Safety. We felt that an at-grade x-ing would be very unsafe. In addition, that HDOT would not allow a signalized cross walk at one or two locations between Lydgate Park and the Kuhio/Kapule intersection.

Agreed. The speed limits within this corridor are not conducive to at-grade pedestrian crossings.

2. A tunnel option would be expensive, unsafe and not fit with any potential future plans to move or widen the highway. We were also concerned with drainage/water issues in the tunnel due to its elevation and proximity to an existing drainage canal.

Agreed. The water table for most of this section of highway is high therefore requiring construction of any type of pedestrian tunnel to be built in water therefore making construction very costly. Also, a very long tunnel or modifications to a shorter one would be needed in order to accommodate a possible future widening of the highway to 4-lanes.

3. A bike/ped. bridge over the highway might be too expensive and become obsolete if the highway were to be moved or widened.

Agreed.

Steve Kyono
June 6, 2006
Page Two of Two

4. There are no connection points/trip generators on the mauka side of the highway at this time.

The areas mauka of the highway are currently undeveloped except for KCCC. We do not know what the Department of Hawaiian Home Lands will be doing with their large land holdings mauka of the highway and also do not know of any plans which Lihue Land Company might have for the bulk of the remainder of the mauka lands.

Could you please confirm or otherwise comment on these reasons for not selecting a mauka highway alternative so that I can include your comments in the Final EA? If at all possible, we could use your comments by Wednesday.

Merle Grimes,
MDG, LLC

LINDA LINGLE
GOVERNOR OF HAWAII

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

ROBERT K. MASUDA
DEPUTY DIRECTOR - LAND

DEAN NAKANO
ACTING 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

STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES

DIVISION OF STATE PARKS
POST OFFICE BOX 621
HONOLULU, HAWAII 96809

June 19, 2006

Mr. Merle Grimes
MDG, LLC
1042 Broken Arrow Circle
Elizabeth, Colorado 80107

Dear Mr. Grimes:

SUBJECT: Draft Environmental Assessment – Bicycle and Pedestrian Path
Ahukini to Lydgate Park, Līhu'e, Kaua'i

The proposed bicycle and pedestrian path from Lydgate Park is designed to follow along the coast to Ahukini Point and Ahukini State Recreation Pier (SRP). As part of this path, a trailhead and new comfort station are proposed in the vicinity of Ahukini SRP. Based on the map provided, it appears that the comfort station will be located on the bluff above the existing parking lot on State-owned land. We believe that a new comfort station will benefit the park users and those using the path. However, we do have some concerns that should be addressed in the planning for the path and improvements in the area of Ahukini SRP.

- There needs to be an assessment of the additional parking needs created by the proposed path. At present, Ahukini SRP is used largely by people fishing from the pier. As a trailhead, it is expected that bicyclists will be leaving their cars at this parking area which could create some user conflicts. It needs to be determined if the existing parking is adequate for a trailhead.

- The septic system for a new comfort station will require a leachfield. Because the soil in the proposed location is thin and underlain by rock, there could be problems encountered during construction. These factors should be considered when siting the new comfort station.

- Although the Ahukini Pier is not listed on the Hawai'i or National Register of Historic Places, this structure is over 50 years old and needs to be assessed for its historic significance. The foundations of stone and mortar structures in the vicinity of the new comfort station must also be considered.

- In the planning and design, the maintenance of this new facility should be addressed.

Thank you for the opportunity to comment on this project in regards to Ahukini SRP. We support a comfort station at Ahukini SRP, but believe that the concerns discussed above must be addressed. We look forward to working with you on future planning and design of these facilities.

Very truly yours,

DANIEL S. QUINN
State Parks Administrator

49046

United States Department of the Interior

NATIONAL PARK SERVICE
Pacific West Region
909 First Avenue, Fifth Floor
Seattle, Washington 98104-1061

IN REPLY REFER TO

LWCF (PWR/PP)
15-00032

October 19, 2006

RECEIVED
STATE PARKS DIV
'06 OCT 23 P3:11
DEPT OF LAND & NATURAL RESOURCES

Daniel S. Quinn
State Parks Administrator
Department of Land and Natural Resources
1151 Punchbowl Street, Room 130
Honolulu, HI 96813

Dear Mr. Quinn:

I have reviewed your request of September 25, 2006, and concur with your finding that the implementation of FWHA Project No. STP-CM-0700 (51) – Lydgate to Ahukini Bike/Pedestrian Path – will not result in a conversion at Hanama'ulu Beach Park, a Land and Water Conversation Fund protected site. As presented, it appears extending the existing path from Lydgate Park through the northern portion of Hanama'ulu Beach Park, along with the planned construction of a bike/pedestrian access ramp and new restroom, will expand upon and enhance the existing public outdoor recreation opportunities this site has to offer.

Please allow me to thank you for bringing this matter to the National Park Service's attention while it is still in the planning stages and affording us the opportunity to comment before construction begins. It is indeed our pleasure to work with you in protecting and preserving some of our nation's most valued and treasured outdoor recreation sites.

Sincerely,

Gloria Shinn
Project Manager

ADMINISTRATOR
ASST ADMIN
DEV BR
PLAN BR
RES MGT BR
CLERICAL
ADMIN ASST
INTERP BR

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TAKE PRIDE IN AMERICA

merle d. grimes llc.

May 13, 2008

Mr. Daniel S. Quinn
State Parks Administrator
Department of Natural Resources – Division of State Parks
State of Hawaii
Post Office Box 621
Honolulu, Hawaii 96809

Re: Ahukini to Lydgate Park Bike/Pedestrian Path Project

Dear Mr. Quinn:

We are in receipt of your letter dated June 19, 2006 and concur with your concerns that will need to be addressed during the design phase of the project.

Mr. Dough Haigh, Project Manager with the County of Kauai has had subsequent conversations with Mr. Wayne Souza. Those conversations indicated the following additional conditions:

- The existing parking lot should be stripped in order to maximize parking potential
- State Parks will manage any user conflicts between park and path users on an as-needed basis.
- State Parks will own and manage the new comfort station

This letter, as well as your letter dated June 19, 2006 will be included in the Final Environmental Assessment document.

Please fell free to contact me if you have any concerns or questions.

Sincerely,

Merle D. Grimes
President, MDG, llc

Cc: Doug Haigh
Wayne Souza

BRYAN J. BAPTISTE
MAYOR

GARY K. HEU
ADMINISTRATIVE ASSISTANT

DONALD M. FUJIMOTO
COUNTY ENGINEER
TELEPHONE 241-6600

DEPUTY COUNTY ENGINEER
TELEPHONE 241-6600

AN EQUAL OPPORTUNITY EMPLOYER
COUNTY OF KAUA'I
DEPARTMENT OF PUBLIC WORKS
4444 RICE STREET
MO'IKEHA BUILDING, SUITE 275
LIHU'E, KAUA'I, HAWAI'I 96766-1340

October 26, 2006

Mr. Merle D. Grimes, President
Merle D. Grimes, LLC
1042 Broken Arrow Circle
Elizabeth, CO 80107

Re: Draft Environmental Assessment Comments

Dear Mr. Grimes:

We have reviewed the Environmental Assessment completed by your firm. There are two County parks within the project area (Hanamaulu Beach Park and Marine Camp Park.) that will be connected with the proposed path.

We find that no adverse impacts to either park will result from the path project and that the proposed improvements will be of great benefit to both parks and the community.

If you should require any further assistance in this matter, please do not hesitate to call.

Sincerely,

Mel Nishihara
Parks Administrator

LINDA LINGLE
GOVERNOR OF HAWAII

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

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LAND
STATE PARKS

STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES

DIVISION OF STATE PARKS
POST OFFICE BOX 621
HONOLULU, HAWAII 96809

October 31, 2006

Mr. Merle Grimes
MDG, LLC
1042 Broken Arrow Circle
Elizabeth, Colorado 80107

Dear Mr. Grimes:

SUBJECT: 6(f)(3) Review of FWHA Project No. STP-CM-0700 (51)
Lydgate to Ahukini Bike/Pedestrian Path, Kaua'i, Hawai'i

Enclosed is a copy of the correspondence received from the National Park Service (NPS) regarding their review of the proposed bike/pedestrian path that runs from Lydgate Park to Ahukini Pier. The 6(f)(3) review by the NPS was requested because Land and Water Conservation Fund (LWCF) federal funds were used to develop park improvements at Hanama'ulu Beach Park between 1967 and 1970. As indicated in the letter, the NPS supports this project as a means of enhancing outdoor recreation. They also concur that the project will not result in a conversion.

If there should be any changes during the planning and design of this project as it affects Hanama'ulu Beach Park, it is recommended that you consult with Martha Yent, Hawaii LWCF Coordinator, at (808) 587-0287 or Martha.E.Yent@hawaii.gov. It is also important to remember that if any of the park area is used during the construction for non-recreation purposes, it may be necessary to seek approval for a "temporary non-conforming use" for the term of this use.

Please feel free to contact us if you have any further questions.

Very truly yours,

DANIEL S. QUINN
State Parks Administrator

Enclosure

cc: Doug Haigh, County of Kaua'i, Dept. of Public Works
Mel Nishihara, County of Kaua'i, Division of Parks
Wayne Souza, Kaua'i District, Division of State Parks

Mar. 1. 2006 10:44AM SCIENTIFIC CONSULTANT SVCS INC No.3543 P. 2/3

SCIENTIFIC CONSULTANT SERVICES, INC.
711 Kapiolani Blvd., Suite 975 Honolulu, Hawai'i 96813

May 1, 2006

Susan Tasaki
Acting, Architecture Branch Chief
State Historic Preservation Division
Kakuhihewa Building, 601 Kamokila Blvd., Suite 555,
Kapolei, Hawai'i, 96707

RE: Compliance for Modifications to the Historic Hanamaulu Bridge and Box Culvert Bridge for the Ahukini to Lydgate Park Bike and Pedestrian Path, Hanamaulu, Lihue, Kaua'i

Dear Ms. Tasaki:

Scientific Consultant Services, Inc. (SCS) would appreciate your comments and acceptance on proposed alterations to the Hanama'ulu Railway Bridge and a concrete box culvert as part of the Federal-County joint Bike and Pedestrian Path project. The segment of concern runs from Ahukini to Lydgate Park and involves two historic structures. Each structure is described below, as well as proposed modifications to the structures.

This request is being made of your office per Section 106 and Chapter 6E-42 requirements. Improvements to both structures will allow Ahukini to Lydgate Park Bike and Pedestrian Path users to safely cross Hanama'ulu Stream and second, a drainage ditch along a cane haul road just south of the Kaua'i Beach Resort in Kawailoa. We request comments in compliance with Chapter 6E-42 Historic Preservation Review for proposed changes to these two structures from your office. We would sincerely appreciate your timeliness on comment as your letter will be included in a final EA document, which will be submitted in May 2006.

Hanama'ulu Can Haul Bridge

The railway bridge, occurring on TMK:3-7-02, has been designated as State Site No. 1845 and consists of a primarily concrete structure, with the deck being concrete and reinforcing steel. The bridge, operated mainly for hauling sugar cane to and from the Ahukini area, will only be slightly modified along its deck area and improving corroded bars. Based on a structural assessment of the bridge by KSF, Inc., the bridge appears to be "in very good condition considering its age and ocean front exposure." A study of the bridge completed by Geolabs, Inc. concluded that "the existing foundation will be adequate to support the new path as the new loads will be of the same order of magnitude as originally intended."

In order to provide a safe and functional pathway across the railway bridge, plans call for placing precast concrete planks over the existing concrete beams. Anchors will be drilled and epoxied into the existing beams then connected to the planks to secure them in place. These planks will provide a level surface wide enough to accommodate

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users of the path and strong enough to secure railings, also a safety measure. The planks will span across the width of the existing bridge to provide a widened path and a durable, low maintenance pathway. The planks themselves will measure c. 6" thick and the railings will consist of stainless steel cables attached to concrete posts. The cables measure only ½" diameter, this minimal size used for their minimal visual impact and low cost. In addition, minor improvements will also be done and includes fixing spalls and removing and replacing corroded reinforcement bars. The color and texture of the concrete patches will exactly match the existing concrete structure.

Concrete Box Culvert

A concrete box culvert is present above a small drainage ditch along a cane haul road just south of the Kaua'i Beach Resort in Kawailoa. The culvert has been designated as State Site. No. 1846 and occurs on TMK: 3-7-03. Only minor improvements will be done for the culvert; the culvert will be left intact. The deck of the culvert will be paved with concrete and safety railings will be installed along the flanks of the structure.

Comment

Comments on these modifications to the Hanama'ulua Cane Haul Bridge and the Concrete Box Culvert will be sought at the May 4, 2006 meeting of the Kaua'i Historic Preservation Review Committee.

Herein, we request comments in compliance with Chapter 6E-42 Historic Preservation Review for proposed changes to these two structures from your office.

Best Regards,

Michael Dega, Ph.D.
SCS Archaeology

LINDA LINGLE
GOVERNOR OF HAWAII

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

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KAHOOLAWE ISLAND RESERVE COMMISSION
LAND
STATE PARKS

STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES

STATE HISTORIC PRESERVATION DIVISION
601 KAMOKILA BOULEVARD, ROOM 555
KAPOLEI, HAWAII 96707

January 31, 2006

Merle D. Grimes
Merle D. Grimes, LLC
1042 Broken Arrow Circle
Elizabeth, Colorado 80107

LOG NO: 2006.0149
DOC NO: 0601NM31
Archaeology

Dear Mr. Grimes:

SUBJECT: Historic Preservation Review –
Draft EA Ahukini to Lydgate Pedestrian/Bike Path
Lihue District, Island of Kaua'i
TMKs: (4) 3-05-00, 01; 3-07-00; 3-07-02; 3-07-03; 3-09-00, 02 05, 06

We have reviewed the above DEA and have the following comments and corrections:

1. Section 2.2; Nancy McMahon is the part of DLNR, State Historic Preservation Division not the County of Kauai. Martha Yent is the Branch Chief of the Interpretative Division of State Parks, which is also part of DLNR.

2. Section 2.3; Mary Requilman is the Director for the Kauai Historical Society. There is no such thing as a Kauai Historic Preservation Officer. However, there is the Kauai Historic Preservation Review Commission which does review these types of projects and they are under the County of Kauai Planning Department.

3. Alternative 1 (Coastal Path) previously identified historic sites exist along this alternative route and interpretative information could be provided. This alternative would require an archaeological inventory survey plan, testing, and may require monitoring because the potential exists for subsurface habitation deposits and human burials in the route Right-Of-Way (ROW). Depending on the findings, further archaeological work may be required. If human remains are found within the corridor, preservation in place may be the recommend option.

4. Alternative 2 (Kapule/Kuhio Highway) is an acceptable option.

5. Alternative 3 (Ocean Bay Plantation – Upper Cane Haul Road) is the best route since it avoids most of the historic properties.

Mr. Merle Grimes
Page 2

6. Hanamaulu Railroad Bridge is a historic site and our Architectural Branch will need to be involved in reviewing any work on this bridge.

7. Sub-Alternative; Wailua Golf Course Tunnel would directly impact a known Hawaiian burial ground. The Kauai/Niihau Island Burial Council would need to be consulted on this section of the project. We suggest the County of Kauai Public Works make a presentation if this alternative is chosen. If an access is needed across the Wailua Golf Course, we would suggest the use of fill on top of the current golf course and then the prefab tunnel be placed on top and fill placed on the sides to blend it into the golf course and Tee 1. This way, little digging would be needed to the original dune surface. If digging footings for this tunnel cannot be avoided, then archaeological testing would be required in order to determine if concentrations of burials are in this location.

8. Your proposed mitigation is archaeological monitoring to address unknown situations. We agree with this mitigation. An archaeological monitoring plan is required to be submitted to our office for review and approval.

9. In addition, all interpretative material would need to be reviewed by DLNR-SHPD.

If you have any questions please call Nancy McMahon at 742-7033.

Aloha,

Melanie A. Chinen, Administrator
State Historic Preservation Division

NM:jen

cc: Doug Haigh, County of Kauai, Public Works

SCIENTIFIC CONSULTANT SERVICES, Inc.
711 Kapiolani Blvd., Suite 975 Honolulu, Hawai`i 96813

Susan Tasaki
Architecture Branch Chief
State Historic Preservation Division
Kakuhihewa Building, 601 Kamokila Blvd. Ste. 555
Kapolei, HI 96707

February 9, 2007

Re: Compliance for Modifications to the Historic Hanamaulu Bridge and Box Culvert Bridge for the Ahukini to Lydgate Park Bike and Pedestrian Path, Hanamaulu, Lihue, Kaua`i

Dear Ms. Tasaki:

This letter is in response to discussions between yourself and Jodi Chew of the FHWA and provides additional information regarding the bridge and culvert as well as engineering assessments and consultation letters. The present letter follows a letter submitted to your office on May 1, 2006 and December 19, 2006 in which we solicited comment on proposed future use of the bridge.

The information presented herein relates to a request made to your office for review per Section 106 and Chapter 6E-42 requirements. In general, improvements to both structures will allow Ahukini to Lydgate Park Bike and Pedestrian Path users to safely cross Hanama`ulu Stream and second, a drainage ditch along a cane haul road just south of the Kaua`i Beach Resort in Kawailoa. We hope this additional information will satisfy compliance with Chapter 6E-42 Historic Preservation Review for proposed changes to the structures. We do appreciate your diligence and providing a comment letter to us at your earliest convenience as the process is near completion.

I. Hanamaulu River Bridge History

The railway bridge, occurring in TMK:3-7-02, has been designated as State Site No. 1845 and consists of a primarily concrete structure, with the deck of the bridge being composed of concrete and reinforcing steel. The bridge, operated mainly for hauling sugar cane to and from the Ahukini area, was constructed in 1921–1923 by the Ahukini Terminal & Railway Company. The bridge was part of a rail system for the transportation of sugar along the eastern coast of Kauai to a terminal at Ahukini and Nawiliwili Harbors. The bridge itself represents construction typical of the era: steel reinforced concrete. Additional information on bridges in the area may be found in "Sugar Trains (Conde and Best 1973) and "Hawaii Historic Bridge Inventory and Evaluation" (PHRI Inventory Survey for the Ocean Bay Plantation 1996).

As is presented below, Site 1845 will only be slightly modified along its deck area and improving corroded metal bars. The bridge will not be subject to demolition or full replacement. The bridge will be rehabilitated in order to facilitate its modern proposed use as a low impact pathway. In order to provide a safe and functional pathway across the bridge, plans call for

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placing precast concrete planks over the existing concrete beams. Anchors will be drilled and epoxied into the existing beams then connected to the planks to secure them in place. These planks will provide a level surface wide enough to accommodate users of the path and strong enough to secure railings, also a safety measures. The integrity of the bridge will remain intact, below the precast concrete planks.

Two photographs are attached which provide an overview of the bridge from plan view and profile angles (Figure 1, Figure 2). Two plans depicting proposed bridge modifications are also presented at the end of this letter (Figure 3, Figure 4).

Concrete Box Culvert

A concrete box culvert is present above a small drainage ditch along a cane haul road just south of the Kaua`I Beach Resort in Kawailoa. The culvert has been designated as State Site No. 1846 and occurs in TMK:3-7-03. The culvert was constructed during the recent historic period (c. 1950s) during use of roads to haul sugar cane in the area. Only minor improvements will be made to the culvert. The deck of the culvert will be paved with concrete and safety railings will be installed along the flanks of the structure. Original structural integrity will be preserved beneath the concrete.

II. Structural Assessment for Site 1845

KSF, INC.
615 Piikoi Street, Suite 300 *Structural*
Engineering Honolulu, Hawaii 96814
Construction Management
Phone (808) 593-0933 *FAX (808) 593-9339*
444444444444444444444444444444444444444444444444444444444444444444

Project: **AHUKINI TO LYDGATE PARK BIKE AND PEDESTRIAN PATH**
Subject: **STRUCTURAL ASSESSMENT AND RECOMMENDATIONS FOR THE HISTORIC HANAMAULU CANE HAUL BRIDGE**

Date: October 5, 2005
To: Mr. Merle Grimes
MDG, LLC
1042 Broken Arrow Circle
Elizabeth, CO 80107

From: Myles Shimokawa

The following is a report summarizing our work regarding the Structural Assessment and Recommendations for the Historic Hanamaulu Bridge (see Figure 3, Figure 4).

A. Observations:
The bridge appears to be in very good condition considering its age and ocean front exposure. Several site visits have been conducted. At this

time, no exploratory evaluations such as coring and concrete sampling have been performed. Several minor spalled areas are visible from the ground. The top "trough" which formed the original roadway for the railway was filled with dirt and debris. Once cleaned, additional concrete damage can be expected due to constant moisture from the organic material. It is expected that these concrete defects can be readily repaired using conventional chip-and-patch methods.

B. Structural Assessment

An original plantation drawing was available indicating dimensions but containing very little other information regarding reinforcing steel or the foundation piles. The bridge was modeled using a STRUDL finite element program neglecting any reinforcing steel. Loading from the proposed, new concrete deck used to widen the path was included. The structure, with smaller secondary arches supported on longer span primary arches, was found to be completely in compression. Concrete compressive stresses were in the 500 psi range. This would partially explain the few observed spalls as the absence of tensile cracks has allowed the concrete to continue to protect the reinforcing steel.

C. Foundation Assessment

The substructure is being assessed by Geolabs, Inc. Initial indications are that the existing foundation will be adequate to support the new path as the new loads will be of the same order of magnitude as originally intended. A field assessment to probe the depth of the top of the pilecap and collection of boring samples have yet to be completed. Unknown will be the size, depth, number and condition of the original piles, assumed to be timber. This information will be extremely difficult to ascertain.

D. Design and Recommendations

Various schemes to modify the top deck for an increased width and guardrails have been reviewed. The recommend solution uses precast concrete planks attached to the existing structure with epoxy embedded steel dowels. The planks span across the width of the existing bridge to provide a widened path and will provide a durable, low maintenance pathway. Intermittent concrete posts which support steel cables are used for their minimal visual impact and low cost.

E. Cost:

Estimated Cost: $300,000

III. Consultation Letter: KHPRC

Kaua`i Historic Preservation Review Commission — April 23, 2006
Department of Planning
4444 Rice Street
Lihue, Hawai`i 96766

Dear Kaua`i Historic Preservation Review Commission Members:

Subject: **Chapter 6E – 42 Historic Preservation Review –**
1. Proposed changes to Hanama`ulu Railway Bridge, State Historic Site # 1845, TMK: 3-7-02
2. Proposed changes to, a box culvert State Historic Site # 1846,TMK: 3-7-03
Hanama`ulu Ahupua`a, Lihue District, Island of Kaua`i

SCS is formally seeking comment through consultation at the May, 2006 meeting of the KHPRC on proposed changes to the Hanama`ulu Railway Bridge (Site 1845) and a concrete box culvert (Site 1846). These changes will be the result of improvements to the bridge deck and the culvert that will allow Ahukini to Lydgate Park Bike and Pedestrian Path users to safely cross Hanamaulu Stream and a drainage ditch along the cane haul road just south of the Kauai Beach Resort in the area of Kawailoa.

1. Hanama`ulu Railway Bridge:
   In order to provide a safe and functional pathway, plans call for placing pre-cast concrete planks on top of the existing concrete beams. Anchors will be drilled and epoxied into the existing beams and then connected to the planks to secure them in place. These planks will provide a level surface wide enough to accommodate the users and strong enough to secure railings to. The planks will be around 6 inches thick and the railings will be stainless steel cables attached to concrete posts. The cables are half an inch in diameter so its visual impacts are minimal.

   In addition to adding the planks and the railings, minor repairs to the structure will be done. This would involve fixing spalls and removing and replacing corroded reinforcing bars. The color and texture of the concrete patches will match the existing concrete.

Enclosed are reports from two engineering firms describing and assessing the proposed bridge changes, recent photos of the bridge and plan drawings of the changes.

2. Concrete box culvert:
   The box will be left in place, paved on the surface and safety railings installed.

Please contact SCS at 651-5924 if there are any questions.

Sincerely,

James Powell
SCS Archaeology

IV. Kauai Historic Preservation Review Commission Letter
Please see attached

V. Hanamaulu River Bridge: Geotechnical Analysis
Please see attached

Figure 1: Planview Photograph of Hanamaulu Bridge. View to East.

Figure 2: Photograph Depicting Profile of Hanamaulu Bridge. View to West.

Figure 3: Drawing Depicting Proposed Hanamaulu Bridge Modifications.

Figure 4: Drawing Depicting Cross-Section of Proposed Hanamaulu Bridge Modifications.

Martha.E.Yent@hawaii.gov wrote:
Received by email on February 16, 2006

Aloha Sara Edi,

I finally was able to look at your DEA for the Ahukini to Lydgate bike path - hope I'm not too late. I decided it would be easiest to send you the pages where I had comments. A lot of my comments are "little details" about DLNR and the name of our park (Ahukini State Recreation Pier).

• I'm not sure of the Ahukini park boundaries, but the TMK indicates it is probably a very small area adjacent to the pier. It would be helpful to include a map of the location for the proposed parking lot and restroom so we know if they are outside the boundaries of Ahukini SRP. I would hope, however, that the facilities will also accommodate the pier users. There should be an indication that the County and State will work together on this.

• I note that the Hanama'ulu Bridge has been identified as a historic site. I will defer to SHPD on this, but I would think that it should be reviewed by the SHPD architect for its architectural significance and maybe considered for the National Register of Historic Places (?). If significant, any modifications would be subject to SHPD review.

• Visitor counts for our parks was conducted in 2003 and Ahukini has an annual visitation around 190,000, about 85% of this visitation is by residents. You may want to include this on page 76.

• In Section 3.4, it is important to recognize the potential for subsurface deposits and remains, not just what is present on the surface. Therefore, on page 131, I wonder if we can say that there will be no impact to cultural and archaeological sites.

Aloha,
Martha

LINDA LINGLE
GOVERNOR OF HAWAII

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

ROBERT K. MASUDA
DEPUTY DIRECTOR

STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES

POST OFFICE BOX 621
HONOLULU, HAWAII 96809

April 9, 2007

Mr. James Powell
Archaeology
Scientific Consultant Services, Inc.
711 Kapiolani Blvd., Suite 975
Honolulu, Hawaii 96813

LOG NO: 2007.0597
DOC NO: 0703ST15
Architecture

Dear Mr. Powell:

SUBJECT: **Section 106 (NHPA) Review and Chapter 6E-8 (HRS) Review**
Modifications to the Historic Hanamaulu Railway Bridge (State Historic Site # 1845) and a Box Culvert Bridge (State Historic Site #1846)
For the Ahukini to Lydgate Park Bike and Pedestrian Path
Federal Aid Project No. STP-0700(51)
Hanamaulu, Lihue and Kawailoa, Kauai, Hawaii
TMK: (2) 3-7-002 and -003

Thank you for the submittals received May 1, 2006 and February 16, 2007. We apologize for the late response. The proposed project is for modifications to the historic Hanamaulu Railway Bridge and Box Culvert Bridge for the Ahukini to Lydgate Park Bike and Pedestrian Path located in Hanamaulu, Lihue, on the Island of Kauai. Improvements to both structures are intended for safe crossing of the Hanamaulu Stream and a drainage ditch along a cane haul road just south of the Kauai Beach Resort in Kawailoa. The Railway Bridge was constructed in 1921-1923 and the concrete box culvert was built in the 1950s.

Work on the Railway Bridge involves attachment of precast, 6-inch-thick concrete planks over the existing concrete beams with epoxy embedded steel dowels; use of chip-and-patch methods to fix minor spalled areas; removal and replacement of corroded reinforcing bars; attachment of ½-inch-diameter stainless steel cables onto concrete posts to serve as railings; installation of intermittent concrete posts to support the steel cable; and installation of new concrete end post structures. The color and texture of the concrete patches will match the existing concrete. The existing foundation is adequate to support the new loads, which are of the same order of magnitude as originally intended. The bridge scour is not a consideration in the bridge design. There are no plans to demolish or to replace the bridge and the bridge will remain intact below the precast concrete planks.

Work on the concrete box culvert involves paving of the deck with concrete and installation of safety railings along the flanks of the structure. The culvert will remain intact below the concrete.

Mr. James Powell, Archaeology
Page 2

Architecture Concerns

We concur with the proposed rehabilitation of the Hanamaulu Bridge and the box culvert. Reuse of the Bridge as a bike and pedestrian path is an exemplary alternative to its demolition and replacement. This project provides a safe facility for the user and the community that preserves an aesthetic and historic resource and therefore exhibits a context sensitive solution.

In the absence of more detailed information, we request the opportunity to comment on the construction documents. We request drawings of where the proposed types of attachments will be located/how deep they penetrate into the existing surfaces; of the existing structure superimposed with the proposed work; photos (digital/CD is acceptable) of the existing bridge and culvert from both approaches; close-up photos of the existing bridge/culvert (e.g., approaches, side views, surfaces, structural/design details, railings); photos of the existing "end" conditions and what they will look like with the new end posts; details/photos of the proposed new railings and alternates.

We look forward to submittals of our requested information and any further developments in the project. Thank you for the opportunity to comment. Should you have any questions regarding architecture concerns, please call Susan Tasaki at (808) 692-8032.

Sincerely,

Peter T. Young
State Historic Preservation Officer

ST:jen

c: Mr. Rick Tsuchiya, County of Kauai, Planning Department, 4444 Rice Street, Suite A473, Lihue, Kauai 96766-1326

LINDA LINGLE
GOVERNOR OF HAWAII

STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES

STATE HISTORIC PRESERVATION DIVISION
601 KAMOKILA BOULEVARD, ROOM 555
KAPOLEI, HAWAII 96707

LAURA H. THIELEN
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT

RUSSELL Y. TSUJI
FIRST DEPUTY

KEN C. KAWAHARA
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KAHOOLAWE ISLAND RESERVE COMMISSION
LAND
STATE PARKS

March 12, 2008

Mr. Merle Grimes
MDG, LLC.
1042 Broken Arrow Circle
Elizabeth, CO 80107

LOG NO: 2008.1069
DOC NO: 0803NM02
Archaeology

Dear Ms. Grimes:

SUBJECT: National Historic Preservation Act (NHPA) Section 106 Review – Re-Burial Site at the Wailua Golf Course and the Ahukini-Lydgate Segment of the Bike and Pedestrian Path Project
Wailua, Kauai
TMK: (4) 3-9-02: por 4

We have reviewed the consultation conducted by your company in terms of approving the proposed Kauai County Coastal Path to pass within 30' of a known burial re-interment site in the Wailua Golf Course parking lot. The path alignment, as proposed, will pass c. 30 feet from the re-burial site. We understand that the internment itself will not be impacted by the path or path construction and the area surrounding the internment site will have better protection by the placement of boulders to prevent cars from parking close to the site as they currently do at present.

In addition, The Kauai Burial Council voted unanimously at their regularly scheduled meeting on May 2, 2006 to recommend approval of these proposed actions around the internment site.

We believe that no significant impacts will occur to the re-burial site during construction of the Bike and Pedestrian Path near the Wailua Golf Course re-interment site. We look forward to your continued cooperation on this project as it moves forward.

If you have any questions, please contact Nancy McMahon, our Kauai Island Archaeologist at 808-241-3690.

Aloha

Laura H. Thielen
State Historic Preservation Officer

NM

SCIENTIFIC CONSULTANT SERVICES, Inc.
711 Kapiolani Blvd., Suite 975 Honolulu, Hawai'i 96813

Ms. Nancy McMahon March 12, 2008
State Historic Preservation Division
Kakuhihewa Building,
601 Kamokila Blvd., Suite 555,
Kapolei, Hawai'i, 96707

RE: Concurrence of "No Adverse Effect" per the Hanamaulu Railroad Bridge Retrofit (State Site No. -1845) and Concrete Box Culvert (State Site No. -1846) within the Ahukini-Lydgate Segment of the Bike and Pedestrian Path Project

Dear Ms. McMahon:

This letter provides consultation (to date) on proposed modifications to the above noted structures and seeks formal SHPD concurrence of "no adverse impact" on these historic properties within the Ahukini-Lydgate Segment of the Bike and Pedestrian Path Project corridor (Path). Please note that no Memorandum of Agreement (MOA) was required for this segment of the Path project, although all the tenets of an MOA for other segments of the Path were followed for this segment.

Mitigation of Historic Structures: Two historic properties were identified in the Ahukini-Lydgate path corridor: Hanamaulu Cane Haul Bridge (State Site No. -1845) and a concrete box culvert (State Site No. -1846) in Kawailoa. Modest modifications to both structures have been proposed. As required in most MOA's, consultation with the SHPD has occurred. A letter dated May 1, 2006 was submitted to SHPD (S. Tasaki) for comment. A second compliance letter was submitted to Ms. Tasaki of SHPD on February 9, 2007 and addressed her concerns of modifications to these structures. SHPD (S. Taskai) responded in an April 9, 2007 letter (LOG NO.:2007.0597, DOC NO.:0703ST15). Consultation was also completed vis all Section 106 documents being submitted to the Federal Highways Administration (FHWA). The FWHA has commented, with the only comment being they require a letter of "no adverse effect" per the bridge and culvert from the SHPD.

Consultation per the two historic structures also occurred with the full membership of the Kauai Historic Preservation Review Committee (KHPRC) in April, 2006. The KHPRC generally agreed with the modifications and suggested a different railing system along the Hanama'ulu Cane Haul Bridge.

In addition, consultation has also been formally acquired during meetings for discussion of the Environmental Assessment. The public meetings were held on June 22, 2005 (Hanama'ulu, Kaua'i), August 25, 2005 (Lydgate Park, Kauai), May 23, 2006 (Lydgate Park, Kauai), and February 26, 2007 (Lydgate Park, Kauai). Public comment on the proposed routing was received during these meetings. Historic Preservation concerns were minimal. Of note, the Office of Hawaiian Affairs (OHA) provided written

Ph: 808-597-1182 SCS... SERVING ALL YOUR ARCHAEOLOGICAL NEEDS Fax: 808-597-1193
Neighbor Island Offices • Hawai'i Island • Maui • Kaua'i

comment (January 20, 2006) for the proposed pathway segment. Their concerns were addressed both in letter form and at the above noted forums.

Per formal reports submitted to the SHPD for review, several have been completed. An Archaeological Monitoring Plan was written and submitted to the SHPD for review in July, 2005. The AMP was accepted shortly thereafter. Pedestrian survey of the entire Ahukini-Lydgate corridor was completed by SCS archaeological staff on several occasions. The data is presented in the Environmental Assessment and also in a short archaeological report (Dega and Powell, September 2005) which was presented to the SHPD. Only the two above noted historic structures were identified during the field inspections. Any other sites would occur beneath the surface, and if present, would be identified during Monitoring.

Through the consultation process note above, there have been no negative comments to date regarding any of the proposed modifications being an adverse impact to the bridge (Site -1845) or the culvert (-1846). If you would like any additional information regarding consultation and any of the reports prepared for this project regarding the historic properties, we will send to you immediately.

Thank you for your considerations and we look forward to your concurrence letter or any additional questions you may have about this project.

Best Regards,

Michael Dega, Ph.D.
Senior Archaeologist
Scientific Consultant Services, Inc.

LINDA LINGLE
GOVERNOR OF HAWAII

STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES

POST OFFICE BOX 621
HONOLULU, HAWAII 96809

LAURA H. THIELEN
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT

RUSSELL Y. TSUJI
FIRST DEPUTY

KEN C. KAWAHARA
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

March 13, 2008

Dr. Michael Dega, Ph.D.
Scientific Consulting Services, Inc.
711 Kapiolani Blvd., Suite 975
Honolulu, Hawaii 96813

LOG NO: 2008.1024
DOC NO:0803KK08
Architecture

Dear Dr. Dega:

SUBJECT: Section 106 (NHPA) Consultation
Federal Highways Administration
Hanamaulu Railroad Bridge
Retrofit and Concrete Box Culvert with in the Ahukini-Lydgate Segment of the Bike and Pedestrian Path Project
Hanamaulu, Island of Kauai
TMK: (2) 3-7-002 and 003

This letter acknowledges receipt of your transmittal of March 12 received in our office on March 13, 2008.

Two historic properties were identified in the Ahukini-Lydgate path corridor: Hanamaulu Cane Haul Bridge (State site number -1845) and a concrete box culvert (State site number -1846) in Kawailoa. In regards to the proposed project, Susan Tasaki of our office made the following comments in a letter dated April 9, 2007: "We concur with the proposed rehabilitation of the Hanamaulu Bridge and the box culvert. Reuse of the Bridge as a bike and pedestrian path is an exemplary alternative to its demolition and replacement. This project provides a safe facility for the user and the community that preserves an aesthetic and historic resource and therefore exhibits a context sensitive solution" (DOC NO. 0703ST15). As such our determination for the purposed project is "**no adverse effect**."

Should you have any further questions please contact Katie Kastner in our Oahu office at (808) 692-8023 or katie.j.kastner@hawaii.gov.

Sincerely,

for Laura H. Thielen
State Historic Preservation Officer and Chairperson

NEIL ABERCROMBIE
GOVERNOR
STATE OF HAWAI'I

ALBERT "ALAPAKI" NAHALE-A
CHAIRMAN
HAWAIIAN HOMES COMMISSION

MICHELLE K. KAUHANE
DEPUTY TO THE CHAIRMAN

M. WAIALEALE SARSONA
EXECUTIVE ASSISTANT

STATE OF HAWAI'I
DEPARTMENT OF HAWAIIAN HOME LANDS

P.O. BOX 1879
HONOLULU, HAWAI'I 96805

SSFM INTERNATIONAL, INC
RECEIVED
MAY 07 2012
cds
FILE

May 3, 2012

Ms. Cheryl Soon
SSFM International
501 Sumner Street, Suite 620
Honolulu, Hawai'i 96817

RE: Section 106, National Historic Preservation Act Consultation, Ahukini-Lydgate Park Bike/Pedestrian Path Federal-Aid Project No. STP-0700(51)

Aloha Ms. Soon,

Mahalo for including the Department of Hawaiian Home Lands (DHHL) as a party in the NHPA Section 106 consultation process for the coastal, shared-use bike/pedestrian path between Ahukini Landing and Lydgate Park on the Island of Kaua'i.

The DHHL has the following comments to offer at this time:

1. The DHHL owns approximately 526 acres of land in the Wailua area that is directly adjacent to the proposed project. In addition, the Aloha Beach Resort, consisting of 10.36 acres of land, has been acquired from the Department of Land and Natural Resources and will be transferred to the DHHL.

2. The DHHL anticipates using the land holdings in this area for agricultural and residential homesteading, as well as commercial development on the ma kai side of Kūhiō Highway. Please coordinate the development of the path with the DHHL to ensure that there is regional collaboration and integration into our development plans. In addition, please make certain that the project does not adversely affect the DHHL's ability to develop its

FILE COPY

landholdings. For more information, see the Wailua Regional Plan at www.hawaiianhomelands.org.

3. In December 2009, the Hawaiian Homes Commission (HHC) approved an update to the Wailua Regional Plan that identifies the proposed shared-use bike/pedestrian path between Ahukini Landing and Lydgate Park. We support the intent of the project to preserve coastal access, create a safe recreational resource, and to support alternative modes of transportation.

4. One of the five priority projects in the Wailua Regional Plan includes conducting a Cultural Resources Inventory for the DHHL lands in Wailua. The DHHL is unaware at this time of any other historic sites or cultural properties not already identified in the proposed project area.

5. If any use of DHHL lands is required, please contact Linda Chinn, Land Management Division Administrator at (808) 620-9451.

6. Continue to keep the DHHL informed throughout the implementation and development of the project.

Mahalo again for including the DHHL as part of the NHPA Section 106 consultation process. If there are any questions, please contact Kaleo Manuel in our Planning Office at (808)620-9485 or Kaleo.L.Manuel@hawaii.gov.

Me ke aloha,

Albert "Alapaki" Nahale'a, Chairman
Hawaiian Homes Commission

NEIL ABERCROMBIE
GOVERNOR

GLENN M. OKIMOTO
DIRECTOR

Deputy Directors
JADE T. BUTAY
FORD N. FUCHIGAMI
RANDY GRUNE
JADINE URASAKI

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

IN REPLY REFER TO:
HWY-DD 2.1226

TO: THE HONORABLE WILLIAM J. AILA JR., CHAIRPERSON
DEPARTMENT OF LAND AND NATURAL RESOURCES

ATTN: PUA ALAOKALANI AIU, Ph.D.
ADMINISTRATOR
STATE HISTORIC PRESERVATION DIVISION

FROM: GLENN M. OKIMOTO, Ph.D.
DIRECTOR OF TRANSPORTATION

SUBJECT: NATIONAL HISTORIC PRESERVATION ACT
SECTION 106 CONSULTATION
AHUKINI-LYDGATE PARK BIKE/PEDESTRIAN PATH,
FEDERAL-AID PROJECT NO. STP-0700(51)

On behalf of the Federal Highways Administration (FHWA), the State of Hawaii, Department of Transportation, Highways Division (HDOT) is resuming consultation pursuant to NHPA Section 106 and Title 36 Code of Federal Regulations (CFR) Part 800 to identify and evaluate historic properties that could potentially be affected by the subject federal undertaking. The project consists of the development of a coastal, shared-use bike/pedestrian path between Ahukini Landing and Lydgate Park. The project is a key segment of *Ke ala Hele Makalae,* the 16-mile Nawiliwili to Anahola Shared-Use Path proposed in the 1994 *State of Hawaii Master Plan – Bike Plan Hawaii*, and in the 2003 *Bike Plan Hawaii* update.

The NHPA 106 consultation process was initiated on January 6, 2006. A summary of the NHPA Section 106 Consultation work that has been conducted for this project to date is attached along with a detailed description of the historic properties identified within the project's Area of Potential Effect (APE). Based on input received from participating consulting parties, including the State Historic Preservation Division (SHPD), the Office of Hawaiian Affairs (OHA), the Native Hawaiian Historic Preservation Council (NHHPC), the Kauai Historic Preservation Review Commission (KHPRC), and other individuals and government agencies, the County of Kauai and the HDOT have preliminarily determined that no historic properties will be adversely affected by the project.

We are resuming consultation efforts to ensure that all interested consulting parties, and in particular all interested *Native Hawaiian Organizations*, have an opportunity to participate in the NHPA 106 consultation process in accordance with 36 CFR Part 800.

An invitation letter is being mailed to all of the potential consulting parties identified to date. A copy of the letter and list of potential consulting parties is attached for your reference.

Pursuant to CFR Part 800.4, *Identification of Historic Properties*, we also request your consultation to identify any historic properties, including any data concerning possible historic properties not yet identified, and potential effects within the project's APE.

In addition, the County of Kauai, HDOT, and the FHWA plan to hold a public meeting with current and potential consulting parties to discuss the project and provide an opportunity to share information about historic properties and potential project effects within the project's APE. The County of Kauai will coordinate the meeting arrangements and will contact you to confirm the meeting agenda and schedule.

We appreciate your continued consultation and guidance as we work to complete the NHPA 106 consultation process for this project. If you have any questions or require additional information, please contact Doug Haigh, County of Kauai, Building Division Chief at 808-241-4849, or contact their planning consultant, Cheryl Soon, SSFM International at 808-356-1268.

Enclosure

c: County of Kauai (D. Haigh)
FHWA (J. Nickelson)
SSFM (C. Soon)

U.S. Department of Transportation
Federal Highway Administration

Hawaii Federal-Aid Division

300 Ala Moana Blvd, Rm 3-306
Box 50206
Honolulu, Hawaii 96850
Phone: (808) 541-2700
Fax: (808) 541-2704

July 30, 2012

In Reply Refer To:
HDA-HI

Mr. William J. Aila, Jr.
State Historic Preservation Officer
Department of Land and Natural Resources
601 Kamokila Boulevard, Suite 555
Kapolei, HI 96707

Subject: Ahukini to Lydgate Park Bike/Pedestrian Path,
Section 106 Consultation
Federal-aid Project No.: STP-0700 (51)

Dear Mr. Aila:

The County of Kaua'i, Department of Public Works is proposing to implement the Ahukini to Lydgate Park section of the shared use bike and pedestrian path from Ahukini Landing to Lydgate Park where it connects to an existing bike/pedestrian path. The Federal Highway Administration (FHWA) is proposing to authorize right of way acquisition and construction of this undertaking.

This letter, with enclosures, is being submitted as a review of historic and cultural information obtained since the conclusion of the Section 106 consultation process for this project when the State Historic Preservation Division (SHPD) made a determination of no adverse effect in a letter dated March 12, 2008.

By letter dated March 1, 2012, your office was updated on the subject project, including a project description (enclosed) which remains unchanged. That letter also provided a description of the consultation conducted from 2005-2008, the identification and description of the area of potential effects (APE) and of historic properties within the APE, assessment of adverse effects, and resolution of adverse effects and mitigations. The Draft Environmental Assessment (EA) for the project was issued in November 2005 and a Final EA addressing comments will be released later this year.

Supplemental Consultation

Over the past few months in anticipation of release of the Final EA, our office, in cooperation with the State of Hawai'i Department of Transportation and the County of Kaua'i, reopened Section 106 consultation on the project. Invitation letters for further consultation were sent to 37 consulting parties on April 9, 2012. One response was received, from the Department of Hawaiian Home Lands (DHHL). Their response letter (enclosed) describes their land ownership adjacent to or in proximity to the path alignment and they request continued coordination during the development period. The DHHL also relates that the shared use path was anticipated during the preparation of their Wailuā Regional Plan (December 2009) and they are supportive of the

intent of this project. They further state that they are unaware at this time of any historic sites or cultural properties not already identified.

On April 19, 2012, a Section 106 consultation meeting was held jointly with another project, Nāwiliwili-Ahukini Shared Use Path, due to the similarity of issues and their abutting location. Letters of invitation to this meeting were sent by the County of Kaua'i on behalf of the County, the Hawaii Department of Transportation and the FHWA. A meeting notice was published in the Garden Island (Kaua'i newspaper) and press releases were sent to television and radio media outlets. Two meetings were held on the same day, at 2:30 p.m. and at 6:00 p.m., in order to accommodate various schedules for attendees. Fifteen people signed-in to one or both meetings. Notes and attendance rosters for the meetings are enclosed.

During the Section 106 consultation meeting, one informant, Puanani Rogers, offered names of knowledgeable persons, including five who had not been previously contacted. Three of these individuals were reached and their information recorded. One declined an interview due to illness and one was not available. Most information was about cultural practices; no new information was revealed.

Confirmation of Resolution of Adverse Effects and Mitigations

The identification of the APE, affected properties, and assessment of adverse effects of the undertaking on historic properties remains unchanged as the result of additional consultation, and therefore, we find that the determination of "no adverse effect" remains appropriate. The following mitigations will be taken:

- Avoidance where possible. An Archeological Monitoring Plan was prepared and this will be the primary form of mitigation to determine the presence of sites not previously identified. This will determine what measures will be taken when and if cultural artifacts are found before or during construction. Monitoring procedures will be conducted in accordance with rules and regulations established by the Department of Land and Natural Resources.
- There will be minimal work on the Hanamā'ulu Railroad Bridge. Structural repairs will be completed to restore and stabilize the bridge. Handrails and other features required for public safety will be sensitive to the historic nature of the bridge and minimize the visual effect using tension cabling for the handrails. This treatment is described in a letter to SHPD dated May 2, 2006 (copy enclosed).
- During design, the Office of Hawaiian Affairs, DHHL, local Hawaiians, the Kaua'i Burial Council and others will be consulted to understand the native perspective. The ancient *ala loa* (paths) will be used where feasible and desirable. Signage to celebrate and educate about the Native Hawaiian heritage will be incorporated where budget and design allows.

Compliance with Section 4(f), U.S. DOT Act

An evaluation of Section 4(f) resources was completed in the Draft EA. The findings that there are measures in place to minimize and mitigate harm to Section 4(f) resources will be confirmed in the forthcoming Final EA.

Conclusion

Based on the recent supplemental consultation, we conclude that no further consultation under Section 106 is warranted. There are no project related effects to properties of a cultural and religious significance that have not been previously disclosed and fully considered. All mitigations measures will be made part of the project.

If you have any comments on this matter, please respond within thirty (30) days of receipt of this letter. If you have any questions, please feel free to contact me at 541-2304.

Sincerely yours,

John D Nickelson

John D. Nickelson, P.E.
Civil Engineer

Enclosures

cc: Douglas Haigh, Kaua'i Department of Public Works
Holly Yamauchi, Hawai'i Department of Transportation
Todd Nishioka, Hawai'i Department of Transportation
Kamana'opono M. Crabbe, Ka Pouhana, Office of Hawaiian Affairs
Jobie Masagatani, Director, Department of Hawaiian Home Lands

HDOT Letterhead

March 1, 2012

Pua Aiu, Ph.D. Adminstrator
State Historic Preservation Division
Kakuhihewa Building
601 Kamokila Boulevard, Suite 555
Kapolei, Hawaii 96707

Dear Ms. Aiu,

Section 106 National Historic Preservation Act (NHPA) Consultation
Ahukini-Lydgate Park Shared Use Path, Federal-Aid Project No. STP-0700 (51)
Līhu'e, Kaua'i, Hawai'i

We are writing to provide an update on the subject project. Previous consultation on this project was conducted in 2005-8 by Merle Crimes, LLC as the planning consultant and Michael Dega, SCA as the historic preservation consultant. Consultation included HSPD, OHA, Native Hawaiian Historic Council and Kauai Historic Preservation Commission and other county, state, federal agencies and private parties. Letters were received from SHPD on April 9, 2007 concurring in the proposed rehabilitation; on March 12, 2008 approving the proposed action at the burial re-internment site; and on March 13, 2008 providing a determination of "No Adverse Effect."

The County of Kaua'i Department of Public Works plans to proceed to develop the coastal, shared bicycle/pedestrian path between Ahukini Landing and Lydgate Park. A description of the project is included in this letter. The project is being funded through the State of Hawai'i Department of Transportation using funds from the Federal Highway Administration (FHWA). Use of federal funds triggers a requirement under Section 106 of the National Historic Preservation Act (NHPA) for consultation with Native Hawaiian Organizations (NHO) and other interested members of the community to invite comments on the potential effect to historic properties that could result from the project. The Draft EA was issued in November 2005 and while a Final EA was prepared, it has not yet been released. FHWA has asked for additional consultation prior to release of the Final EA.

A summary of the NHPA Section 106 consultation work that has been conducted for this project as of this date is included in the attachment, along with a detailed description of this historic properties identified within the project Area of Potential Effect (APE). Based on input received previously from participating consulting parties, including the State Historic Preservation Division (SHPD), the Office of Hawaiian Affairs (OHA), the Native Hawaiian Historic Preservation Council (NHHPC), the Kaua'i Historic Preservation Review Commission (KHPRC), and other individuals and government agencies, the County of Kaua'i and the SDOT-H have preliminarily determined that no historic properties will be adversely affected by the project.

The objective of this letter is to advise SHPD that we are re-activating the consultation process by sending letters to NHO, the County and others. In accordance with 36 CFR Part 800, Section 800.2 The County of Kaua'i, SDOT-H, and the FHWA plan to hold a public meeting with current and potential consulting parties to discuss the project and to provide an opportunity to share information about historic properties and potential project effects within the APE. Due to the untimely decease of Mr. Grimes, this additional consultation is being aided by SSFM International.

If you have any questions regarding the continued the consultation process, please do not hesitate to contact us. We also invite you to contact us if you would like any additional project information, or if you would like to discuss the project or the planned meeting. You can contact us at:

Cheryl Soon
SSFM International
501 Sumner Street, Suite 620
Honolulu, HI 96817
(808) 356-1268
csoon@ssfm.com

Very truly yours,

GLENN M. OKIMOTO, Ph.D.
Director of Transportation
State of Hawaii

Cc: Doug Haigh, County of Kaua'i, Department of Parks

Attachment

National Historic Preservation Act, Section 106
NHO and Community Consultation on the

County of Kauai
Nāwiliwili – Ahukini Shared Use Path Project and
Ahukini – Lydgate Park Shared Use Path Project

Thursday, April 26, 2012
Session # 1: 2:30 PM to 5:00 PM
Piikoi Conference Rooms A & B,
Piikoi Building, Lihue Civic Center, 4444 Rice Street

AGENDA

PART 1: PRESENTATIONS

2:30 PM **Pule**
Welcome, Meeting Purpose, and Introductions
Lenny Rapozo, Director, County of Kauai Parks & Recreation Department
Doug Haigh, Chief, Building Division, County of Kauai Department of Public Works
Mauna Kea Trask, Deputy County Attorney, County of Kauai

2:40 PM **Housekeeping and Explanation of Meeting Format**
Leslie Kahihikolo, Facilitator

2:45 PM **Overview of Project and the NHPA Section 106 Process**
Lenny Rapozo and Doug Haigh
- Overview of *Ke Ala Hele Makalae Path Project*
- Overview of the NHPA Section 106 Four-step Process
- Status of each Shared-Use Path Project

2:55PM **Ahukini to Lydgate Park Project**
Cheryl Soon, Ph.D., SSFM International, Inc. and
Michael Dega, Ph.D., Scientific Consultant Services, Inc.

3:10 PM **Nāwiliwili to Ahukini Project**
James Niermann, R. M. Towill Corporation and
Hal Hammatt, Ph.D., Cultural Surveys Hawaii

PART 2: FACILITATED DISCUSSION

3:25 PM **Leslie Kahihikolo, Facilitator**

4:25 PM **Concluding Remarks – Lenny Rapozo and Doug Haigh, County of Maui**

BERNARD P. CARVALHO, JR.
Mayor

GARY K. HEU
Managing Director

COUNTY OF KAUA'I

DEPARTMENT OF PUBLIC WORKS

News Release

For Immediate Release: April 17, 2012

LARRY DILL, COUNTY ENGINEER
Tel (808) 241-4996
Fax (808) 241-6604

Meetings regarding shared use path set for April 26

LĪHU'E – The county has scheduled two meetings next week to discuss the possible effects of the Nāwiliwili to Ahukini and Ahukini to Lydgate segments of the shared use path, *Ke Ala Hele Makalae*, on historic properties.

The meetings are being held in accordance with section 106 of the National Historic Preservation Act.

Both meetings are scheduled on Thursday, April 26 at the Līhu'e Civic Center, Pi'ikoi Building, conference rooms A&B. The first meeting is set for 2:30 to 5 p.m. and the second meeting will be held from 6 to 8 p.m.

A presentation on the scope of each segment will be made by the respective consultants, SSFM International, Inc. and R.M. Towill Corporation.

The public will have the opportunity to comment after the presentations.

Anyone requiring special assistance or an auxiliary aid for the meetings should contact Doug Haigh at 241-4854 or dhaigh@kauai.gov at least seven days before the meetings.

To date, 6.8 miles of *Ke Ala Hele Makalae* have been completed, including the Lihi Park to Keālia Beach Park and Lydgate Beach Park segments.

The Kawaihau spur of the shared use path is currently underway, and a notice to proceed is expected to be issued next month for the segment that will run from Lihi Park to the Foodland/Safeway pedestrian bridge.

During his inaugural speech titled *Holo Holo 2020*, Mayor Carvalho spoke about his vision for Kaua'i in the year 2020, which includes constructing as many segments of *Ke Ala Hele Makalae* as possible.

The multi-use path is one of 38 projects that are part of the mayor's Holo Holo 2020 vision for Kaua'i, which calls for all organizations, businesses, residents and visitors on Kaua'i to be part of creating an island that is sustainable, values the native culture, has a thriving and healthy economy, cares for all – keiki to kupuna – and has a responsible and user-friendly local government.

###

Holo Holo 2020
Growing Kaua'i responsibly.

PUBLIC SERVICE ANNOUNCEMENT FOR COUNTY OF KAUAI

START: APRIL 19, 2012, 11:30 AM
STOP: APRIL 26, 2012, 6:00 PM

20-SECOND PSA

THE COUNTY OF KAUAI WANTS TO LET YOU KNOW THAT CONSULTATION MEETINGS UNDER SECTION 106 OF THE NATIONAL HISTORIC PRESERVATION ACT WILL TAKE PLACE TO DISCUSS SHARED-USE PATH PROJECTS FROM NAWILIWILI TO AHUKINI AND FROM AHUKINI TO LYDGATE PARK. THE MEETINGS WILL BE HELD AT THE LIHUE CENTER PIIKOI BUILDING, CONFERENCE ROOMS A & B ON THURSDAY, APRIL 26, FROM 2:30 PM TO 5:00 PM AND 6:30 PM TO 8:00 PM. YOU MAY ATTEND EITHER OR BOTH SESSIONS.

STATE OF HAWAII
COUNTY OF KAUAI
AFFIDAVIT OF PUBLICATION

THE GARDEN ISLAND

HEATHER FORESTER
SSFM INTERNATIONAL INC.
99 AUPUNI STREET SUITE 202
HILO HI 96720

REFERENCE: 109554
742278 NAWILIWILI - AHUKINI
SHARED USE PATH

Kaylen Manoi, being duly sworn, deposes and says, that she is an employee of "The Garden Island," a newspaper published in Lihue, County of Kauai, State of Hawaii; that the NOTICE in the above entitled matter of which the annexed is a true and correct copy, was published 1 time(s) in "The Garden Island" aforesaid and that this affiant is not a party to or in any way interested in the above entitled matter.

Kaylen Manoi

Subscribed and sworn to me this 26 day of April, 2012.

CATHERINE VALENCIA
Notary Public, Fifth Judicial Ciruit
State of Hawaii
My Commission Expires: 10·3·2012

Document Description: Affidavit of Publication
No. of pages: 1 Document Date: 4·26·12

PUBLISHED ON: 04/19/2012

CATHERINE VALENCIA NOTARY PUBLIC No. 04-500 STATE OF HAWAII

KM

FILED ON: ~~04/19/12~~

LEGAL NOTICE

Notice is hereby given that the County of Kauai has scheduled Section 106 Consultation Meetings of the National Historic Preservation Act (NHPA) for two projects:

1) Nawiliwili-Ahukini Shared-Use Path Federal Aid Project CMAQ-0700(57); and
2) Ahukini-Lydgate Park Shared-Use Path Federal Aid Project STP-0700(51)

Date: **Thursday, April 26, 2012**
Time: **Session I: 2:30 pm to 5:00 pm AND**
Session II: 6:00 pm to 8:00 pm
Location: **Lihue Civic Center**
Piikoi Building, Conference Rooms A & B
4444 Rice Street
Lihue, HI 96766

Presentations and opportunities to comment will be the same at both the 2:30 pm and 6:00 pm session. Participants may attend either or both sessions.

Link to County of Kauai Maps of County Facilities can be found here: http://kauai.gov/tabid/164/Default.aspx

The County of Kauai is proposing to construct two connected shared-use paths, which are both segments of the 16-mile Nawiliwili to Anahola Bike and Pedestrian Path proposed in the 1994 State of Hawaii Master Plan – Bike Plan Hawaii. The Nawiliwili-Ahukini Shared-Use Path would connect Nawiliwili and Ahukini, a distance of approximately 5 miles. The Ahukini-Lydgate Park Shared-Use Path would connect Ahukini with Lydgate Park, a distance of approximately 4 miles.

The primary purpose of this meeting is to facilitate Section 106 Consultation under the National Historic Preservation Act.

All interested parties are invited to attend and participate in these meetings. If there are any questions or additional information is required regarding the meeting, please contact Mr. Doug Haigh at County of Kauai Department of Public Works at (808) 241-4854. If special accessibility or communications accommodations are required, email Christina Pilkington at mayorsada@kauai.gov or call (808) 241-6203.

Comments on this project may also be submitted by email, regular mail, or fax to:

Mailing Address: County of Kauai
Department of Public Works
4444 Rice Street, Suite 255
Lihue, Hawaii 96766
Attn: Doug Haigh
Email Address: dhaigh@kauai.gov
Fax Number: (808) 241-6204

(April 19, 2012)

PUBLIC NOTICE

Public notice for this Consultation Meeting was provided as follows:

Meeting notice letters were sent under County of Kaua'i letterhead to individuals and organizations, including Native Hawaiian Organizations, who had previously been identified as participants or potential interested participants in the National Historic Preservation Act (NHPA) Section 106 Consultation for the two path projects. A copy of the contact list is attached for reference.

A press release was issued on April 17, 2012 by the County of Kaua'i, Department of Public Works.

Public notice was published on April 19, 2012 in the Kaua'i Garden Island newspaper.

A Public Service Announcement (PSA) was broadcast beginning April 19, 2012 on KKCR, KFMN FM97, and KONG radio stations on Kaua'i.

TIME AND LOCATION

The meeting was held on Thursday, April 26, 2012. The meeting started 6:05 p.m. and ended at 8:00 p.m. when the public attendees concluded their comments and questions.

The meeting was held in the Piikoi Conference Rooms A&B, Piikoi Building, Lihue Civic Center, 4444 Rice Street.

ATTENDANCE

<u>County of Kaua'i</u>
Lenny Rapozo, Director, Department of Parks and Recreation
Doug Haigh, Chief, Building Division, Department of Public Works
<u>State Department of Transportation</u>
Ray McCormick, Director Kaua'i District
<u>Federal Highway Administration</u>
John Nickelson
<u>Project Consultants – Ahukini Landing to Lydgate Segment</u>
Cheryl Soon, SSFM, Project Manager
April Coloretti, SSFM, Project Planner
Michael Dega, SCS, Project Archaeologist
<u>Project Consultants – Nāwiliwili to Ahukini Landing Segment</u>
Jim Niermann, R. M. Towill Corporation, Project Manager
Craig Araki, RMTC, Project Planner
Hal Hammatt, Cultural Surveys Hawai'I (CSH), Principal Project Archaeologist
Gerald Ida, CSH, Project Archaeologist
<u>Facilitator</u>
Leslie Kahihikolo, Inharmony Solutions
<u>Community Members at the 6:00 p.m. meeting</u>
Sally Anson

Cheryl Lovell-Obatake (Aha Moku)
John Lydgate, Friends of Kamalani, Volunteer
Wilma Holi

PRESENTATIONS

A copy of the PowerPoint presentation used in the meeting is attached for reference.

Doug Haigh, Chief, Building Division, Department of Public Works, County of Kauai, Department of Parks and Recreation opened the meeting, introduced agency representatives, and presented an overview of the meeting purpose and objectives and of the National Historic Preservation Act (NHPA), Section 106 consultation process.

The purpose of this Consultation Meeting is to review and continue NHPA, Section 106 Consultation for two shared use path projects: (1) Ahukini Landing to Lydgate Park, and (2) Nāwiliwili to Ahukini Landing.

The objectives of this Consultation Meeting are:

- Establish a common understanding of the NHPA Section 106 consultation process;
- Share project information, status updates, and outcomes of studies and consultation efforts to date; and,
- Gather and document any new information on the Area of Potential Effect (APE), the historic properties in the APE, and the potential effects on the historic properties.

Leslie Kahihikolo, presented an overview of the meeting agenda and ground rules for meeting participation.

AHUKINI LANDING TO LYDGATE PROJECT

This project is in the third step of the NHPA process. An Archeological Monitoring Plan was done in 2005 and a no adverse effect letter of determination was received from SHPO in 2005.

Cheryl Soon (SSFM, Project Manager) and Michael Dega (SCS, Project Archaeologist) presented the Ahukini Landing to Lydgate path project. The presentation included an overview of the key project features, the planning process, NHPA 106 Consultation efforts, identification and assessment of historic properties in the Area of Potential Effect, planned mitigation measures and next steps for the project.

DISCUSSION

After the presentation by Cheryl Soon and Michael Dega, Leslie Kahihikolo facilitated a session with meeting attendees focused on the Ahukini Landing to Lydgate path segment.

Q: Cheryl Lovell-Obatake (CO) – Doug, what are the federal project numbers?

A: Doug Haigh (DH): Ahukini to Lydgate Project: STP-0700-5. Nāwiliwili to Ahukini Project: CMAQ-0700-57.

Q: Sally Anson (SA) three trail heads were mentioned. Where are they?

A: Ahukini, Hanamaulu Beach Park, and Wailua Marine Camp

Q: John Lydgate, Friends of Kamalani (JL) – Who will do the maintenance? Will volunteers be used?

A: LP: Maintenance is performed by the County DPR. We also rely on volunteer path caretakers. We welcome additional volunteers from Kaua'i Path or other community groups to adopt maintenance on future path segments.

Q: Chris Kauwe (CK) – 1) What is the width of the path? 2) Will there be gates? 3) There are several companies that rent bikes. What is the County's plan for handling commercial uses on the path? 4) Will there be clear signage and cultural /historic interpretation at the historic sites?

A: DH: 1) The path will have a standard width of 10' to 12'. It will have a minimum width of 8' only where site constraints require it. 2) There are no gates planned for the Ahukini Landing to Lydgate segment. 3) Commercial use on the path will be addressed the same as other concessionaires that use County recreational facilities, e.g. as is done with paddler concessionaires. People are seeing an opportunity to make a livelihood and provide and service and that's a good thing. Maybe the County will want to participate and generate some revenue for park maintenance. 4) There will be interpretive signage at some of the historic/archaeological sites. Sign locations and content will be determined in consultation with appropriate groups and individuals. Typically, burials are not identified and other sensitive sites are not called out in order to prevent vandalism and disturbance. We are open to input at this meeting or future meetings regarding sign content and will be happy to keep contact with interested parties through the design process.

Q: CO – 1) Regarding the commercial bike issue - the carrying capacity is important. The path and adjacent resources can only handle so much. 2) Need clarification regarding fiber optics near the shoreline. 3) I understand there will be archeological monitoring? 4) What about cultural monitoring?

A: DH: 1) Noted. 2) The fiber optics comes from the golf course (most sensitive part) and then to and along the hwy. 3) Yes. There will be archaeological monitoring according to the approved monitoring plan. 4) The County is using cultural monitors more and more on other projects and is open to including a cultural monitor on this project.

Q: Wilma Holi - Do a title search on the land. The land is owned by Victoria Kamamalu.

A: Noted.

Q: CK – Not all of the information on archaeology and historic properties is being obtained. Historical and cultural information lies with the kupuna, and they don't all come to these meetings. That coast line has been inhabited for centuries. There has been generations of fishing and resource gathering and other cultural practices in these areas. This project will open up access for everybody to come in and ultimately the host culture is getting squeezed out a little more. With development of the path - who is responsible for monitoring the impacts to resources? How are you going to mitigate the impact to those resources?

A: 1) Noted. 2) The path will increase the number of people along the coast line. The County respects and protects Hawaiian gathering rights, but the County cannot restrict other people's access to the resource. Fishing is regulated by the State (DLNR, DOCARE). We will inform DOCARE of the concerns about overfishing and other resource use.

C: WH – Because of the project there are natural resources that will ultimately be affected through exposure to more people and over use. DOCARE doesn't have enough people to monitor all the users.

C: CK – Maybe there are Konohiki from these areas who can monitor use.

NĀWILIWILI TO AHUKINI LANDING PATH PROJECT

This project is in the second and third steps of the NHPA process. Four special studies have been conducted to identify and assess potential effects to historic properties in the project area. These include:

1. *Archaeological Literature Review and Field Inspection Report for the Nāwiliwili – Ahukini Bike/Pedestrian Path Project, Nāwiliwili , Kalapakī, Hanamā'ulu, Ahupua'a, Līhu'e District (Puna Moku), Island of Kaua'i,* Chris Monahan and Hal Hammatt, Cultural Surveys Hawaii, Kailua, Hawai'i, June 2008.
2. *Cultural Impact Evaluation for Nāwiliwili – Ahukini Bike/Pedestrian Path Project, Nāwiliwili, Kalapakī, Hanamaulu Ahupua'a, Līhu'e District (Puna Moku), Island of Kaua'i,* Mishalla Spearing, Chris Monahan and Hal Hammatt, Cultural Surveys Hawaii, Kailua, Hawai'i, June 2008.
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4. *Architectural Inventory Survey and National Register Eligibility Evaluation for Nāwiliwili Stream Railroad Bridge and Niumalu Bridge, Island of Kaua'i,* Mason Architects, Inc., for R. M. Towill Corporation, Honolulu, Hawai'i, July 2009.

The SHPD and FHWA have not made an effect determination for the Nāwiliwili to Ahukini Landing segment of the project.

Jim Niermann (RMTC, Project Manager) and Hal Hammatt (Cultural Surveys Hawaii, Project Archaeologist) presented the Nāwiliwili to Ahukini Landing path project. The presentation included an overview of the key project features, the planning process, NHPA 106 Consultation efforts, identification and assessment of historic properties in the Area of Potential Effect, planned mitigation measures and next steps for the project.

DISCUSSION

After the presentation by Jim Niermann and Hal Hammatt, Leslie Kahihikolo facilitated a session with meeting attendees to discuss both the Ahukini Landing to Lydgate path segment and the Nāwiliwili to Ahukini Landing path segment.

Q: JL - When was the lighthouse built?

A: 1933.

Q: WH: - did you find anything from the stevedores' camp at Ahukini.

A: Hal Hammatt (HH): There are concrete house foundations. There may be trash pits. Not much is left.

Q: CO – I'm here for the second session representing the Nāwiliwili ahupua'a. Who has the possession of the sea wall area where Paukini rock is?

A: JN – The TMK records indicate that it is owned by the State.

Q: CO – Will the path easement be for the bike path only?

A: DH – Yes. The easement is for the shared-use path only.

Q: Who prepared the Nāwiliwili Beach Park master plan that you're using in your plan? What is the date on that plan? Because there were several plan alternatives.

A: We used the alternative with the most recent date from the master plans that were prepared by Carl Imura. Its dated March 16, 1999. All of the master plan alternatives that Carl Imura's planning group prepared are included in the Draft EA appendices. Path improvements at the park will be coordinated with ongoing park master planning that the County DPR is currently conducting.

Q: I would like some title review of the Nāwiliwili RR Bridge. Mr Tester wrote a letter to my grandfather, dated 1940, about the lease for the RR bridge. The letter says that "when the plantation is pau the bridge comes down." So I'll leave you with that.

A: The County will do a title search as part of the research required for the creation of public access easements for the path. Also, the KHPRC included as a condition of their support for the project that the County specifically check with the Lovell-Obatake 'ohana regarding unrecorded leases/title that might be documented in the County archives.

Q: WH: – 1) Did you talk with residents and locals at Nāwiliwili Beach Park?

A: 1) When we were doing field visits and kicking the dirt for the preliminary planning, we stopped by the beach park and spoke informally with the people who were hanging out there. We didn't document the discussions, but the information they provided influenced the plan. We also contacted representatives from Nāwiliwili and Niumalu canoe clubs. That correspondence will be documented as part of the 106 records.

Q: WH: Did you talk to the Army Corp of Engineers (ACOE)? Will the path affect the jetty that extends past the park?

A: JN – Yes. We contacted the ACOE and have pre-consultation correspondence documented in the Draft EA. If we do work within the State waters/ ACOE jurisdiction, we'll have to obtain a Clean Water Act Section 404 permit from the ACOE and 401 Water Quality Certification from State Dept. of Health. 2) The path won't go past the beach park and won't affect the jetty.

Q: SH – 1) The red line is 7 miles? (referring to the map) 2) What about rescue/emergency access? 3) Parking? 4) What about the tables?

A: 1) Yes. The primary corridor as shown by the red line on the map is approximately 7 miles. The secondary corridors shown in blue are approximately 6.8 miles all together. 2) Emergency vehicles will be allowed on the path. 3) As part of the Nāwiliwili to Ahukini segment, there will be parking at Ninini Point and at Nāwiliwili Beach Park. 4) There will be picnic tables / pavilions at Nāwiliwili Beach Park. Covered tables/pavilions at the park will be installed as part of the park master plan being prepared by the DPR. There won't be any tables between Ahukini and Ninini Point. Pavilions associated with the path will have tables.

Q: CK – 1) I see the path from Ninini Point to Nāwiliwili going inland around the Marriott property. Will there be lateral coastal access around the front of the Kaua'i Lagoons / Marriot property? 2) Again, how will commercial use be handled on the path? 3) Will we see you (referring to Jim N.) at OHA, Native Hawaiian Historic Preservation Council (NHHPC)?

A: 1) The Kaua'i Marriott path (Segment B) is already developed as a pedestrian facility. Bicycles are not allowed on that path. The pedestrian path will be incorporated into the shared-use path network. It will hopefully be used as the County's soft match for federal funding. 2) Steps will be taken to regulate commercial activities as necessary, the same as other concessionaires at County recreational facilities. 3) Yes, we can attend a meeting with OHA/NHHPC and provide an update.

DH: Be aware that OHA has notified us that communication with OHA has to go through OHA and not through the NHHPC.

C: JL - What is good for Hawaiians is good for Hawaii.

Community participants had no further questions or comments and the meeting discussion was concluded at 8:00 pm.

The FHWA representative, John Nickelson, offered to meet privately with any community member or Native Hawai'i Organization who wanted to have a confidential discussion about the project, historic properties, potential project effects to historic properties, or other issues. None of the participants at the meeting asked to meet privately with the FHWA.

WRITTEN COMMENTS

Two forms were provided at the meeting for participants to use to submit written comments to the County of Kaua'i and/or to the FHWA. Comments sent to the County are to be documented in the public project record. Comments sent to the FHWA are to be kept confidential unless the person who submits the form agrees to public disclosure.

One written comment form addressed to the County of Kaua'i was handed in at the 6:00 meeting by Ms. Sally Anson and is attached for reference.

PUBLIC NOTICE

Public notice for this Consultation Meeting was provided as follows:

Meeting notice letters were sent under County of Kaua'i letterhead to individuals and organizations, including Native Hawaiian Organizations, who had previously been identified as participants or potential interested participants in the National Historic Preservation Act (NHPA) Section 106 Consultation for the two path projects. A copy of the contact list is attached for reference.

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TIME AND LOCATION

The meeting was held on Thursday, April 26, 2012. The meeting started 2:45 and ended at 4:30 when the public attendees concluded their comments and questions.

The meeting was held in the Piikoi Conference Rooms A&B, Piikoi Building, Lihue Civic Center, 4444 Rice Street.

ATTENDANCE

<u>County of Kaua'i</u>
Lenny Rapozo, Director, Department of Parks and Recreation
Doug Haigh, Chief, Building Division,
<u>State Department of Transportation</u>
Ray McCormick, Director Kaua'i District
<u>Federal Highway Administration</u>
John Nickelson
<u>Project Consultants – Ahukini Landing to Lydgate Segment</u>
Cheryl Soon, SSFM, Project Manager
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Jim Niermann, R. M. Towill Corporation, Project Manager
Craig Araki, RMTC, Project Planner
Hal Hammatt, Cultural Surveys Hawai'I (CSH), Principal Project Archaeologist
Gerald Ida, CSH, Project Archaeologist
<u>Facilitator</u>
Leslie Kahihikolo, Inharmony Solutions
<u>Community Members at the 2:30 meeting</u>
Randall C. Blake, MD (Kaua'i Path)

D. Kaliko Santos (OHA)
David Makana Martin
Marge Freeman
Kanani Durant
Haulani Fernandez (Ana Hola Resident)
Pua Nani Rogers (Ho'okipa Network Kauai)
Rayne Regush (Sierra Club)
Cheryl Lovell-Obatake (Aha Moku)
Nancy McMahon
Wilma Holi

Ho'ike

The 2:30 – 5:00 meeting session was video recorded by Ho'ike Kaua'i Community Television. A copy of the recording is available upon request.

PRESENTATIONS

A copy of the PowerPoint presentation used in the meeting is attached for reference.

Lenny Rapozo, Director of the County of Kauai, Department of Parks and Recreation opened the meeting, introduced agency representatives, and presented an overview of the meeting purpose and objectives and of the National Historic Preservation Act (NHPA), Section 106 consultation process.

The purpose of this Consultation Meeting is to review and continue NHPA, Section 106 Consultation for two shared use path projects: (1) Ahukini Landing to Lydgate Park, and (2) Nāwiliwili to Ahukini Landing.

The objectives of this Consultation Meeting are:

- Establish a common understanding of the NHPA Section 106 consultation process;
- Share project information, status updates, and outcomes of studies and consultation efforts to date; and,
- Gather and document any new information on the Area of Potential Effect (APE), the historic properties in the APE, and the potential effects on the historic properties.

Leslie Kahihikolo, presented an overview of the meeting agenda and ground rules for meeting participation.

AHUKINI LANDING TO LYDGATE PATH PROJECT

This project is in the third step of the NHPA process. An Archeological Monitoring Plan was done in 2005 and a no adverse effect letter of determination was received from SHPO in 2005.

Cheryl Soon (SSFM, Project Manager) and Michael Dega (SCS, Project Archaeologist) presented the Ahukini Landing to Lydgate path project. The presentation included an overview of the key project features, the planning process, NHPA 106 Consultation efforts, identification and assessment of historic properties in the Area of Potential Effect, planned mitigation measures and next steps for the project.

DISCUSSION

After the presentation by Cheryl Soon and Michael Dega, Leslie Kahihikolo facilitated a session with meeting attendees focused on the Ahukini Landing to Lydgate path segment.

Q: Puanani Rogers (PR) – You mentioned habitation sites, have you found pre-contact house sites along this segment?

A: Michael Dega (MD) - No pre-contact house foundations were found along the path corridor. The habitation sites we found were temporary use, such as temporary shelters used by fishermen. Further down towards Lydgate park (not in APE) there are some potential house sites with substantial stone foundations and deep layers of cultural material that indicate long-term, continuous use.

Q: PR: Were there land commission awards (taro terraces)?

A: MD: Yes. There are some land commission awards in Hanamaulu, but mostly in the upland areas. Obviously, taro cannot be grown in the sand.

Q: Cheryl Lovell-Obatake (CO) - On ppt page 36, the State Historic Preservation Division (SHPD) letter of determination (letter of no effect), who signed off on it?

A: MD: Laura Thielen signed off on the letter as the SHPO. The no effect determination letter came from the SHPD Historic Architectural Branch because only historic architectural sites are affected by the project. These include the RR bridge and the concrete culvert. The SHPD strongly endorsed the proposed adaptive reuse of those two historic properties.

Q: PR – 1) Are you going to publish a final Environmental Assessment (EA)? 2) If you find anything historically significant during construction will you let SHPD know?

A: Cheryl Soon (CS) –1) Yes, a Final EA will be published later this year.
MD – 2) If anything is found during excavation, work in the area will be stopped and the SHPD will be notified. If a burial is found, it will be reported to the Burial Council for appropriate action.

Q: PR: What was the date of the last archeological inspection? Shouldn't updated reports be prepared? What if conditions have changed since the reports were done? What if erosion has exposed artifacts since then?

A: MD – The archaeological studies were done in 2005. The path alignment has not changed and there are no new areas to be inspected. That's a good comment.

C: PR: The project will affect resources by bringing more people to the area (fisherman, bicyclists, pedestrians) using the path. Maybe there will be some mitigation for that.

C: Rayne Regush (RR) – I'm having trouble (visually) aligning the path in relation to the historic sites. Can you prepare an overlay map showing the path alignment with the locations of the archaeological sites?

A: Doug Haigh (DH): There are more detailed overlay maps of the corridor that we can make available after the meeting for you to see.

Q: CO – Please include the federal aid project numbers on these maps (referring to the handouts) and for each project map.

A: DH: Will do.

Q: CO - Is this the first Native Hawaiian Organization meeting for the NHPA consultation? Did you say that you published notice or did you just contact the people/NHOs who you knew? Is this meeting exclusively for NHOs?

A: DH – This is not the first NHO meeting. We have presented a summary of the consultation conducted for the project and where we are continuing the consultation process. The consultation process to date has included NHOs and other interested parties. For this meeting, we sent invitations out to the groups we know about and published notice of the meeting in the newspaper, the OHA bulletin, and radio broadcasts. So we've gone through the first three steps of the 106 Consultation process and we have been transparent all along. That is where we are at.

Q: PR - This is a section 106 consultation for NHOs? Can we have the room vacated if necessary so the NHOs can discuss the project privately?

A: This is a NHPA Section 106 consultation meeting for NHOs and other interested parties are invited. If you want to have a private discussion or meeting, we can make arrangements for that. Also, John Nickelson from FHWA is here if you want to speak confidentially with him.

Q: PR - How well did you contact the people who live in the project area? Who showed up? That is the outreach we want to you do. Ahukini is a very populated place and I know there are people missing from this meeting.

A: DH - There were discussions with area residents that are documented in the cultural description in the Draft Environmental Assessment document.

Q: PR – Can I see what was said? I think we should know who you consulted with and the people (that were contacted) should be available for this meeting.

A: The people who were contacted and who provided information on the project are in the written report (referring to the cultural assessment and the archaeological report). If there are others we should contact, please help us with names of people you think should be contacted and we'll contact them.

PR provided the following names:

- Hanamaulu: Oana, Durant, Matsushima, Kulau ohana, Hanamaulu Community Association
- Ahukini: Ray Pae (AKA Polau), Joe Polau, Peahu Rapozo, Jacob Pia, Kane

C: Lynette Fernandez (LF) - The map is nice with the red line showing the path alignment (referring to the Nāwiliwili to Ahukini map). Can you do that for the Ahukini to Lydgate segment?

A: The Ahukini to Lydgate map can be revised to highlight the path alignment.

Q: Is there anyone here that represents the Wailua Golf Course community? What were their concerns?

A: DH: No one from Wailua Golf Course is here today. The path runs along the parking lot area. We had extensive meetings with the Golf Course and the project changed to address concerns. Those meetings are documented in the DEA.

Q: CO: Did you meet with the burial council?

A: DH: Yes, we consulted with the Burial Council.

Q: RR: We went to these places, shown on ppt page 21, (historical RR bridge). Doug, for clarification how will the Hanamaulu railroad bridge be restored and reused?

A: DH: No significant modifications are required to reuse the bridge at this time. It is a concrete compression bridge. Based on the preliminary structural evaluation on the bridge, no structural renovation is necessary. The bridge is in great shape. Additional evaluation will be conducted during the design phase. The path will follow the railroad grade with improvements. New railings will be constructed to match the historic character of the bridge.

Q: Randy Blake (RB) of Kauai PATH: In regards to the bridge there will be some guards (safety components etc.)

A: Yes. There will be new railings.

Q: How will runoff incorporate BMP?

A: The path is sloped to drain mauka to the vegetated area.

NĀWILIWILI TO AHUKINI LANDING PATH PROJECT

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1. *Archaeological Literature Review and Field Inspection Report for the Nāwiliwili – Ahukini Bike/Pedestrian Path Project, Nāwiliwili , Kalapakī, Hanamāʻulu, Ahupuaʻa, Līhuʻe District (Puna Moku), Island of Kauaʻi,* Chris Monahan and Hal Hammatt, Cultural Surveys Hawaii, Kailua, Hawaiʻi, June 2008.
2. *Cultural Impact Evaluation for Nāwiliwili – Ahukini Bike/Pedestrian Path Project, Nāwiliwili, Kalapakī, Hanamaulu Ahupuaʻa, Līhuʻe District (Puna Moku), Island of Kauaʻi,* Mishalla Spearing, Chris Monahan and Hal Hammatt, Cultural Surveys Hawaii, Kailua, Hawaiʻi, June 2008.
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DISCUSSION

After the presentation by Jim Niermann and Hal Hammatt, Leslie Kahihikolo facilitated a session with meeting attendees to discuss both the Ahukini Landing to Lydgate path segment and the Nāwiliwili to Ahukini Landing path segment.

Q: CO - What is the federal project number for Nāwiliwili to Ahukini?

A: We will get you that number.

Q: CO - Is that Bertram'shouse in Nāwiliwili (referencing the ppt)?

A: Yes.

Q: Kaliko Santos (OHA): A family member with ties to Nāwiliwili did not get contacted. Cheryl Lovell-Obatake was contacted. Suggestion is to reach out to those families with ties to the project area because not all individual family members are still in Nāwiliwili or even on Kauai.

A: Perhaps you can help us by providing a list of families to contact. John Nickelson: We made a good faith effort to reach out to NHOs. Everyone we consulted we asked for names of other people we should contact. We ask that you help us by providing names of people to contact, or ask them to contact us. Otherwise, its difficult to include them.

C: CO – Kuleana owners were called to come to the Office of Hawaiian Affairs to file an affidavit for fishing/access rights/native Hawaiian gathering rights along the coastline in this area. For contacts, we suggest looking at the public record for the Hawaiian families that filed with OHA for fishing rights.

A: noted.

Q: PR - At the end of the section 106 consultation process, will we come up w/ a MOA?

A: That is often the way the 106 consultation process is concluded and SHPD has indicated that this project is headed that direction. Whoever wants to be involved in the preparation of the MOA will be included.

Q: RB – Secondary network routes - is there a possibility of alignment routes going up Nāwiliwili Stream?

A: We looked at that alignment during preliminary planning. The landowners in the stream valley were contacted and those that replied were 100% against that alignment. Due to landowner opposition and the difficulty and cost of land acquisition, that alternative was eliminated.

C: CO – I signed up and am represented on the OHA list. I recommend that you check with the OHA documentation of family rights in follow up to what Kaliko said.

A: We presented the project before the Kauai Historic Preservation Review Committee (KHPRC) in November 2009 and January 2010. They were supportive of the project, but included as a condition of their support that the County conduct research on unrecorded leases in Nāwiliwili, and specifically directed us to research unrecorded leases/title for Cheryl Lovell-Obatake's family. No other families are specifically named by the KHPRC. The County will look into that as part of the easement acquisition.

Q: (Pointed out the path alignment along the Nāwiliwili Beach Park seawall). Will that whole section be used for the path? Its used for parking now. Where will the cars park?

A: The path improvements will be coordinated with the master planning for the beach park, including parking. The beach park improvements are a long way away from implementation. LR - The DPR has completed a draft master plan for the beach park. The plan is currently being reviewed, with comments due on April 20 (last week). Discussion with families in the area was excellent with regards to planning for the park.

Q: LF - Is the concrete used for the path going to be colored?

A: Where the path goes through park like settings, it will be colored (earth tone reddish brownish), but along a road right-of-way it will be standard concrete white.

Q: What about the fishing access?

A: Along the Ahukini to Ninini point segment, the existing dirt fishing access road will remain as is. It is not being improved as part of this project. The new path will be constructed with colored concrete along that segment.

Q: RB – we at Hawaii path would prefer the path to be called a "multi-use path" and not a bike path. It is for pedestrian use as well as bicycles. The majority of users on the completed segment are pedestrians.

A: Noted.

A: KS – Regarding consultation with the DLNR/Kauai Island Burial Council, the problem is that they currently do not have enough members for quorum. My suggestion is to create an alternative group of individuals/families to act as a working group for consultation on treatment of burials and to help contact families and lineal descendants. Don't rely on the DLNR. They don't have the resources. Who is going to spend the time to call 15 people when a burial is discovered?

A: One thing we are still able to do is contact the current head of the Kauai Island burial council to let them know. The district reps can contact the kupuna in the area.

Q: SO – looking at the proposed F-route to Niumalu. Has anyone communicated w/ the State DOT Harbors Division?

A: Yes. They're concerned with safety and liability. They requested that the path be moved to the mauka side of the road for safety, to avoid the heavy traffic coming out of the docks. They also ask that a jersey barrier or similar safety barrier be installed to protect the path. An unresolved issue is to how to construct the path through a narrow segment of the road alignment where passes the steep cut in the cliff face. The options are to cut the cliff face back, cross the road, or shift the road. That segment will require closer investigation during design.

Q: CO - Has anyone communicated w/ the airports division?

A: Yes, we met with the State DOT Airports Division and with TSA. TSA has taken the position that having more people, eyes and celphones in the area is a good thing for security. One condition is that they have the capability to close off the area from Ahukini to the airport perimeter road at Ninini / Kauai Lagoons in the event of an emergency or security incident. To accommodate that condition, we will install gates and signage at Ahukini and on Ninini Point Street at the boundary of Kauai Lagoons. For security purposes, the TSA also requires that the path alignment be located as far makai as reasonably possible, away from the airport fence and runway.

Q: CO - What about water quality and pollutant run-off from the path? I'm worried about impacts to the ocean water, because I love opihi. All the impervious path surface will increase runoff. Would recommend a sump, like they used in the old plantation days, to mitigate the runoff.

A: The concept is for the paths to follow existing land contours and be constructed at existing grades to minimize ground disturbance. The path surface will have a cross-slope to avoid concentrating surface runoff and to direct runoff into the vegetated shoulders. All of the existing drainage ways will be accommodated with bridge, culvert or pipe crossings. Now that the County has acquired the larger land area makai of the Airport for park land, drainage improvements will be addressed as part of the park master planning that is currenyly underway. Lenny would be the best person to talk to regarding using sumps.

Q: RR – Request clarification on the alignment for Ahukini to Ninini point. Are you saying the existing cane road will remain the same and a new trail is being blazed? What is the distance between the path and the dirt road? How do you know where to align the path to match contours? What are you basing the alignment on?

A: Correct. A new path alignment will be constructed. We are not touching the existing dirt road, except to accommodate vehicle crossings for fishing access at five locations along the path. It is important to clarify that the existing road is not a cane road. It is a dirt public access road located within a public access easement. The existing road will most likely be incorporated in the parks master plan. It may be too early in the planning process to address at this point, but the park planning is in process. The distance between the existing road and the path alignment will vary. The path will be located as makai as possible. The alignment shown in the route alternatives maps is based on aerial topography with 5-foot contour intervals. The alignment will accommodate a 10 to 12 ft wide path and maintain proper slopes for ADA access. The alignment will be refined during design after the County completes a ground topographic survey of the path alignment corridor.

Q: Wilma Holi from Hanapēpē, lineal decedent: Did anyone do a complete title search? I would suggest that be done. That is Victoria Kamamalu's land.

A: That is a significant issue and is documented for the record.

Q: CO - The comfort station at Ninini point - is that a bathroom? Who is going to police the Ahukini area? Who takes on responsibility for maintenance and what happens on the path?

A: Yes. A bathroom is proposed at Ninini Point. It would either be septic with a leach field or an aerobic treatment system. The site plan hasn't been developed yet, so we don't know exactly where a leachfield would be located. An aerobic system could treat wastewater to R-1 levels, suitable for landscape irrigation. The bathroom at Ahukini is being improved as part of the Ahukini to Lydgate project. The County DPR park rangers are responsible for the active path and comfort station and there will be care takers. The gates at Ahukini and the Kauai Lagoons boundary are for emergency events only. The path would be open 24 hours. The county takes the responsibility / liability for maintenance and use on the path. That's what the government does.

Q: RR – I caution you regarding pushing the path as far makai as possible. Do not abuse variances, particularly the shoreline setback variance. The shoreline setback and conservation district designations are there for a reason.

A: Variance permits will only be used where there is a physical condition that would require the path to be routed into the shoreline setback. In addition, we have to get an SMA permit for the project, which will require further

review of potential impacts to the shoreline resources, but we need to complete the EA right now. A certified shoreline survey is about to start. DH – The County will abide by all requirements of the law.

Q: PR - Where is the certified shoreline survey boundary and shoreline setback? Conservation lands should not be built on.

A: The shoreline setback line is based on an offset distance from a certified shoreline survey. The setback distance is established by County ordinance. We'll obtain a certified shoreline survey as part of this project. The certification is only good for one year, so we have to time it right. The certified shoreline and shoreline setback lines will vary over time due to shoreline erosion or accretion. We will also be going into the State Land Use Conservation District, General Subzone. This is a separate designation from the shoreline setback. The SLU Conservation District Boundary is a fixed line established by the State Land Use Commission. Uses within the Conservation District are subject to additional regulation. For this project, we'll need to obtain a Conservation District Use Permit from the LUC for segments of the path that pass through the Conservation District.

Q: CO - Would like to see the ahupuaʻa identified correctly. From the harbor mall to Hanamaulu is the ahupuaʻa of Kalapakī, not Nāwiliwili.

A: noted.

Q: Segment B doesn't connect to anything at the end.

A: Segment B is an existing pedestrian path developed by Kauai Lagoons as a condition of their land use entitlements. There is an elevator at the end of Segment B that provides access down the cliff face to Kalapakī Beach. Segment B is being integrated into the overall coastal path system.

Q: RR - I was pleased to hear the undeveloped makai lands will remain undeveloped, but what about landscaping. Suggest you preserve existing trees and wind the path around them.

Q: No "landscaping" is proposed, the path shoulders will be planted with ground cover. At this point, no specific plant species (spp) have been selected. The design specifications will call for native (endemic or indigenous) plant species as the first choice. If suitable native plants can't be used for some reason, then non-invasive introduced species that can tolerate the conditions would be used. We'll try to preserve existing trees as much as possible and maintain a minimum safety buffer of three feet at the edge of the path and around trees.

Q: RR - Will there be a new EA document, or will the final EA be an improved version of the Draft EA?

A: Yes. The Final EA will be the same EA document revised to incorporate responses to comments received during the Draft EA public review period and will include documentation of the federal consultations.

Community participants had no further questions or comments and the meeting discussion was concluded at 4:30 pm.

The FHWA representative, John Nickelson, offered to meet privately with any community member or Native Hawaiʻi Organization who wanted to have a confidential discussion about the project, historic properties, potential project effects to historic properties, or other issues. None of the participants at the meeting asked to meet privately with the FHWA.

WRITTEN COMMENTS

Two forms were provided at the meeting for participants to use to submit written comments to the County of Kaua‘i and/or to the FHWA. Comments sent to the County are to be documented in the public project record. Comments sent to the FHWA are to be kept confidential unless the person who submits the form agrees to public disclosure.

One written comment form addressed to the County of Kaua‘i was handed in at the 2:30 meeting by Ms. Pua Nani Rogers and is attached for reference.

Bernard P. Carvalho, Jr.
Mayor

Gary K. Heu
Managing Director

Leonard A. Rapozo, Jr.
Director

Ian K. Costa
Deputy Director

DEPARTMENT OF PARKS & RECREATION
County of Kaua'i, State of Hawai'i
4444 Rice Street, Suite 105, Lihu'e, Hawai'i 96766
TEL (808) 241-4456 FAX (808) 241-5126

April 16, 2012

Council Member KipuKai Kuali'i
4396 Rice Street, Room 201
Lihue, Hawaii 96766

Dear Mr. Kuali'i

On behalf of the County of Kauai, the State of Hawaii and the Federal Hawaii Administration, I wish to invite you to a meeting on Thursday April 26, 2012 to discuss two projects:

- The Nawiliwili-Ahukini Shared Use Path (Project No. CMAQ-0700 (57)
- The Ahukini-Lydgate Park Shared Use Path (Project No. STP-0700 (51)

There will be two sessions on that date, one at 2:30 PM and one at 5:00 PM. The purpose of these sessions is to further consultation with Native Hawaiian Organizations (NHO) and other interested consulting parties under Section 106 of the National Historic Preservation Act (NHPA). The two sessions are intended to make it easier for you to participate; both will be identical.

At each session, short presentations will be made to describe the project, findings of the cultural and archaeology studies, the potential adverse impacts, and mitigations for adverse impacts. Sessions will have a meeting facilitator.

The meetings will be held at:

Lihue Civic Center, Piikoi Rooms A & B
4444 Rice Street
Lihue, Hawaii 96766

Attached are summaries of the two projects for your information.

Very truly yours,

LEONARD A. RAPOZO JR.
Director, Parks & Recreation Department

Bernard P. Carvalho, Jr.
Mayor

Gary K. Heu
Managing Director

Leonard A. Rapozo, Jr.
Director

Ian K. Costa
Deputy Director

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TEL (808) 241-4456 FAX (808) 241-5126

April 12, 2012

Lynette Fernandez
P.O. Box 72
Anahola, HI 96703

Dear Lynette Fernandez,

On behalf of the County of Kauai, the State of Hawaii and the Federal Hawaii Administration, I wish to invite you to a meeting on Thursday April 26, 2012 to discuss two projects:

- The Nawiliwili-Ahukini Shared Use Path (Project No. CMAQ-0700 (57)
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If you need special accessibility or communication accommodations, please contact Mr. Doug Haigh by Thursday, April 19, 2012 at dhaigh@kauai.gov.

Very truly yours,

LEONARD A. RAPOZO JR.
Director, Parks & Recreation Department

Bernard P. Carvalho, Jr.
Mayor

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Managing Director

Leonard A. Rapozo, Jr.
Director

Ian K. Costa
Deputy Director

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April 3, 2012

Mr. Kunane Aipoalani
Kauai Island Burial Council
c/o SHPD - Kauai
601 Kamokila Blvd., Room 555
Kapolei, HI 96707

Dear Mr. Kunane Aipoalani,

On behalf of the County of Kauai, the State of Hawaii and the Federal Hawaii Administration, I wish to invite you to a meeting on Thursday April 26, 2012 to discuss two projects:

- The Nawiliwili-Ahukini Shared Use Path (Project No. CMAQ-0700 (57)
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Very truly yours,

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Mayor

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Managing Director

Leonard A. Rapozo, Jr.
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Deputy Director

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April 3, 2012

Mr. Nathan Kalama
Kauai Island Burial Council Kawaihau Regional Representative
c/o SHPD - Kauai
601 Kamokila Blvd., Room 555
Kapolei, HI 96707

Dear Mr. Nathan Kalama,

On behalf of the County of Kauai, the State of Hawaii and the Federal Hawaii Administration, I wish to invite you to a meeting on Thursday April 26, 2012 to discuss two projects:

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Very truly yours,

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Director, Parks & Recreation Department

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April 3, 2012

Mr. Warren Perry
Royal Order of Kamehameha
Kaumalii Chapter Number 3
4268 Rice St.
Lihue, HI 96766

Dear Mr. Warren Perry,

On behalf of the County of Kauai, the State of Hawaii and the Federal Hawaii Administration, I wish to invite you to a meeting on Thursday April 26, 2012 to discuss two projects:

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Very truly yours,

LEONARD A. RAPOZO JR.
Director, Parks & Recreation Department

Bernard P. Carvalho, Jr.
Mayor

Gary K. Heu
Managing Director

Leonard A. Rapozo, Jr.
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Ian K. Costa
Deputy Director

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April 3, 2012

Ms. Kehaulani Kekua
Director of Kauai Heritage Center
Kumu Hula
P. O. Box 1261
Kapaa, HI 96746

Dear Ms. Kehaulani Kekua,

On behalf of the County of Kauai, the State of Hawaii and the Federal Hawaii Administration, I wish to invite you to a meeting on Thursday April 26, 2012 to discuss two projects:

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Very truly yours,

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Director, Parks & Recreation Department

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Mayor

Gary K. Heu
Managing Director

Leonard A. Rapozo, Jr.
Director

Ian K. Costa
Deputy Director

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April 3, 2012

Ms. Lilia Kapuniai
Council of Native Hawaiian Advancement
Native Hawaiian Economic Alliance
1050 Queen St.
Honolulu, HI 96814

Dear Ms. Lilia Kapuniai,

On behalf of the County of Kauai, the State of Hawaii and the Federal Hawaii Administration, I wish to invite you to a meeting on Thursday April 26, 2012 to discuss two projects:

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Very truly yours,

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Director, Parks & Recreation Department

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Mayor

Gary K. Heu
Managing Director

Leonard A. Rapozo, Jr.
Director

Ian K. Costa
Deputy Director

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April 3, 2012

Mr. Kealakahi William Meyers
Native Hawaiian Historic Preservation Council
Office of Hawaiian Affairs
711 Kapi'olani Blvd., Suite 500
Honolulu, HI 96813

Dear Mr. Kealakahi William Meyers,

On behalf of the County of Kauai, the State of Hawaii and the Federal Hawaii Administration, I wish to invite you to a meeting on Thursday April 26, 2012 to discuss two projects:

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Very truly yours,

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Director, Parks & Recreation Department

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Mayor

Gary K. Heu
Managing Director

Leonard A. Rapozo, Jr.
Director

Ian K. Costa
Deputy Director

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April 3, 2012

Mr. Christopher Kauwe
Native Hawaiian Historic Preservation Council
Office of Hawaiian Affairs
711 Kapi'olani Blvd., Suite 500
Honolulu, HI 96813

Dear Mr. Christopher Kauwe,

On behalf of the County of Kauai, the State of Hawaii and the Federal Hawaii Administration, I wish to invite you to a meeting on Thursday April 26, 2012 to discuss two projects:

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Very truly yours,

LEONARD A. RAPOZO JR.
Director, Parks & Recreation Department

Bernard P. Carvalho, Jr.
Mayor

Gary K. Heu
Managing Director

Leonard A. Rapozo, Jr.
Director

Ian K. Costa
Deputy Director

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TEL (808) 241-4456 FAX (808) 241-5126

April 3, 2012

Mr. Soulee Stroud
Association of Hawaii Civic Clubs
P. O. Box 1135
Honolulu, HI 96807

Dear Mr. Soulee Stroud,

On behalf of the County of Kauai, the State of Hawaii and the Federal Hawaii Administration, I wish to invite you to a meeting on Thursday April 26, 2012 to discuss two projects:

- The Nawiliwili-Ahukini Shared Use Path (Project No. CMAQ-0700 (57)
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Very truly yours,

LEONARD A. RAPOZO JR.
Director, Parks & Recreation Department

Bernard P. Carvalho, Jr.
Mayor

Gary K. Heu
Managing Director

Leonard A. Rapozo, Jr.
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Ian K. Costa
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TEL (808) 241-4456 FAX (808) 241-5126

April 3, 2012

Mr. Jeff Chandler
Cultural Practitioner
1666 Papau St.
Kapaa, HI 96746

Dear Mr. Jeff Chandler,

On behalf of the County of Kauai, the State of Hawaii and the Federal Hawaii Administration, I wish to invite you to a meeting on Thursday April 26, 2012 to discuss two projects:

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Very truly yours,

LEONARD A. RAPOZO JR.
Director, Parks & Recreation Department

Bernard P. Carvalho, Jr.
Mayor

Gary K. Heu
Managing Director

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Ian K. Costa
Deputy Director

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TEL (808) 241-4456 FAX (808) 241-5126

April 3, 2012

Ms. Waldeen Palmeria
Cultural Practitioner
290 Kaulana Rd.
Kapaa, HI 96746

Dear Ms. Waldeen Palmeria,

On behalf of the County of Kauai, the State of Hawaii and the Federal Hawaii Administration, I wish to invite you to a meeting on Thursday April 26, 2012 to discuss two projects:

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4444 Rice Street
Lihue, Hawaii 96766

If you need special accessibility or communication accommodations, please contact Mr. Doug Haigh by Thursday, April 19, 2012 at dhaigh@kauai.gov.

Very truly yours,

LEONARD A. RAPOZO JR.
Director, Parks & Recreation Department

Bernard P. Carvalho, Jr.
Mayor

Gary K. Heu
Managing Director

Leonard A. Rapozo, Jr.
Director

Ian K. Costa
Deputy Director

DEPARTMENT OF PARKS & RECREATION
County of Kaua'i, State of Hawai'i
4444 Rice Street, Suite 105, Līhu'e, Hawai'i 96766
TEL (808) 241-4456 FAX (808) 241-5126

April 3, 2012

Ms. Ka'iulani Edens-Huff
Cultural Practitioner
310 Apana Rd.
Kapaa, HI 96746

Dear Ms. Ka'iulani Edens-Huff,

On behalf of the County of Kauai, the State of Hawaii and the Federal Hawaii Administration, I wish to invite you to a meeting on Thursday April 26, 2012 to discuss two projects:

- The Nawiliwili-Ahukini Shared Use Path (Project No. CMAQ-0700 (57)
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April 3, 2012

Wilma Holi
Cultural Practitioner
P. O. Box 368
Hanapepe, HI 96716

Dear Wilma Holi,

On behalf of the County of Kauai, the State of Hawaii and the Federal Hawaii Administration, I wish to invite you to a meeting on Thursday April 26, 2012 to discuss two projects:

- The Nawiliwili-Ahukini Shared Use Path (Project No. CMAQ-0700 (57)
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April 3, 2012

Mr. Ramsay Taum
Hawaii Maoli
P.O. Box 1135
Honolulu, HI 96807

Dear Mr. Ramsay Taum,

On behalf of the County of Kauai, the State of Hawaii and the Federal Hawaii Administration, I wish to invite you to a meeting on Thursday April 26, 2012 to discuss two projects:

- The Nawiliwili-Ahukini Shared Use Path (Project No. CMAQ-0700 (57)
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April 3, 2012

Mr. Arthur Hoke
Hawaiian Civic Club of Hilo
P. O. Box 543
Hilo, HI 96721

Dear Mr. Arthur Hoke,

On behalf of the County of Kauai, the State of Hawaii and the Federal Hawaii Administration, I wish to invite you to a meeting on Thursday April 26, 2012 to discuss two projects:

- The Nawiliwili-Ahukini Shared Use Path (Project No. CMAQ-0700 (57)
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April 3, 2012

Mr. Alapaki Nahale-a
Hawaiian Home Lands Trust
P. O. Box 1879
Honolulu, HI 96805

Dear Mr. Alapaki Nahale-a,

On behalf of the County of Kauai, the State of Hawaii and the Federal Hawaii Administration, I wish to invite you to a meeting on Thursday April 26, 2012 to discuss two projects:

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April 3, 2012

Pua Nani Rogers
Ho'okipa Network
P. O. Box 88
Kapaa, HI 96746

Dear Pua Nani Rogers,

On behalf of the County of Kauai, the State of Hawaii and the Federal Hawaii Administration, I wish to invite you to a meeting on Thursday April 26, 2012 to discuss two projects:

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April 3, 2012

Lynette Haulani Fernandez
Hui Kako'o Aina Ho'opulapula
767 Kailua Rd.
Kailua, HI 96734

Dear Lynette Haulani Fernandez,

On behalf of the County of Kauai, the State of Hawaii and the Federal Hawaii Administration, I wish to invite you to a meeting on Thursday April 26, 2012 to discuss two projects:

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April 3, 2012

Mr. Edward Halealoha Ayau
Hui Malama Na Kupuna O Hawaii Nei
P. O. Box 190
Haleiwa, HI 96711

Dear Mr. Edward Halealoha Ayau,

On behalf of the County of Kauai, the State of Hawaii and the Federal Hawaii Administration, I wish to invite you to a meeting on Thursday April 26, 2012 to discuss two projects:

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April 3, 2012

Ms. Sabra Kauka
Island School
3-1875 Kaumualii Hwy.
Lihue, HI 96766

Dear Ms. Sabra Kauka,

On behalf of the County of Kauai, the State of Hawaii and the Federal Hawaii Administration, I wish to invite you to a meeting on Thursday April 26, 2012 to discuss two projects:

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April 3, 2012

Pepe Trask
Kaiola Canoe Club
P. O. Box 492
Anahola, HI 96703

Dear Pepe Trask,

On behalf of the County of Kauai, the State of Hawaii and the Federal Hawaii Administration, I wish to invite you to a meeting on Thursday April 26, 2012 to discuss two projects:

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April 3, 2012

Pomai Kane
Kaiola Canoe Club
P. O. Box 492
Anahola, HI 96703

Dear Pomai Kane,

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April 3, 2012

Denise Ham Young
Kaiola Canoe Club
P. O. Box 492
Anahola, HI 96703

Dear Denise Ham Young,

On behalf of the County of Kauai, the State of Hawaii and the Federal Hawaii Administration, I wish to invite you to a meeting on Thursday April 26, 2012 to discuss two projects:

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April 3, 2012

Cash Lopez
Kaiola Canoe Club
P. O. Box 492
Anahola, HI 96703

Dear Cash Lopez,

On behalf of the County of Kauai, the State of Hawaii and the Federal Hawaii Administration, I wish to invite you to a meeting on Thursday April 26, 2012 to discuss two projects:

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April 3, 2012

Ms. Taffi Wise
Kanu o ke Aina Learning Ohana
P. O. Box 6511
Kamuela, HI 96743

Dear Ms. Taffi Wise,

On behalf of the County of Kauai, the State of Hawaii and the Federal Hawaii Administration, I wish to invite you to a meeting on Thursday April 26, 2012 to discuss two projects:

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April 3, 2012

Mr. Reg Gage
Kauai Historical Society
4396 Rice St.
Lihue, HI 96766

Dear Mr. Reg Gage,

On behalf of the County of Kauai, the State of Hawaii and the Federal Hawaii Administration, I wish to invite you to a meeting on Thursday April 26, 2012 to discuss two projects:

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April 3, 2012

Jo Manea
Kauai PATH
P. O. Box 81
Lihue, HI 96766

Dear Jo Manea,

On behalf of the County of Kauai, the State of Hawaii and the Federal Hawaii Administration, I wish to invite you to a meeting on Thursday April 26, 2012 to discuss two projects:

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At each session, short presentations will be made to describe the project, findings of the cultural and archaeology studies, the potential adverse impacts, and mitigations for adverse impacts. Sessions will have a meeting facilitator.

The meetings will be held at:

Lihue Civic Center, Piikoi Rooms A & B
4444 Rice Street
Lihue, Hawaii 96766

If you need special accessibility or communication accommodations, please contact Mr. Doug Haigh by Thursday, April 19, 2012 at dhaigh@kauai.gov.

Very truly yours,

LEONARD A. RAPOZO JR.
Director, Parks & Recreation Department

Bernard P. Carvalho, Jr.
Mayor

Gary K. Heu
Managing Director

Leonard A. Rapozo, Jr.
Director

Ian K. Costa
Deputy Director

DEPARTMENT OF PARKS & RECREATION
County of Kaua'i, State of Hawai'i
4444 Rice Street, Suite 105, Lihu'e, Hawai'i 96766
TEL (808) 241-4456 FAX (808) 241-5126

April 3, 2012

H. Kanoeokalani Cheek
Na Ku'auhau'o Kahiwakaneikopolei
P. O. Box 5411
Kaneohe, HI 96744

Dear H. Kanoeokalani Cheek,

On behalf of the County of Kauai, the State of Hawaii and the Federal Hawaii Administration, I wish to invite you to a meeting on Thursday April 26, 2012 to discuss two projects:

- The Nawiliwili-Ahukini Shared Use Path (Project No. CMAQ-0700 (57)
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TEL (808) 241-4456 FAX (808) 241-5126

April 3, 2012

Mr. Peter Chow
Niumalu Canoe Club
P. O. Box 444
Lihue, HI 96766

Dear Mr. Peter Chow,

On behalf of the County of Kauai, the State of Hawaii and the Federal Hawaii Administration, I wish to invite you to a meeting on Thursday April 26, 2012 to discuss two projects:

- The Nawiliwili-Ahukini Shared Use Path (Project No. CMAQ-0700 (57)
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TEL (808) 241-4456 FAX (808) 241-5126

April 3, 2012

Mr. Gregory Meyers
Niumalu Canoe Club
P. O. Box 444
Lihue, HI 96766

Dear Mr. Gregory Meyers,

On behalf of the County of Kauai, the State of Hawaii and the Federal Hawaii Administration, I wish to invite you to a meeting on Thursday April 26, 2012 to discuss two projects:

- The Nawiliwili-Ahukini Shared Use Path (Project No. CMAQ-0700 (57)
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Mayor

Gary K. Heu
Managing Director

Leonard A. Rapozo, Jr.
Director

Ian K. Costa
Deputy Director

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County of Kaua'i, State of Hawai'i
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TEL (808) 241-4456 FAX (808) 241-5126

April 3, 2012

Mr. Kamana'opono Crabbe
Offfice of Hawaiian Affairs
711 Kapi'olani Blvd., Suite 500
Honolulu, HI 96813

Dear Mr. Kamana'opono Crabbe,

On behalf of the County of Kauai, the State of Hawaii and the Federal Hawaii Administration, I wish to invite you to a meeting on Thursday April 26, 2012 to discuss two projects:

- The Nawiliwili-Ahukini Shared Use Path (Project No. CMAQ-0700 (57)
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TEL (808) 241-4456 FAX (808) 241-5126

April 3, 2012

Ms. Vivian Ainoa
Papa Ola Lokahi
894 Queen St.
Honolulu, HI 96813

Dear Ms. Vivian Ainoa,

On behalf of the County of Kauai, the State of Hawaii and the Federal Hawaii Administration, I wish to invite you to a meeting on Thursday April 26, 2012 to discuss two projects:

- The Nawiliwili-Ahukini Shared Use Path (Project No. CMAQ-0700 (57)
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Mayor

Gary K. Heu
Managing Director

Leonard A. Rapozo, Jr.
Director

Ian K. Costa
Deputy Director

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April 3, 2012

Mr. Laakea Suganuma
Royal Hawaiian Academy of Traditional Arts
835 Ahuwale St.
Honolulu, HI 96821

Dear Mr. Laakea Suganuma,

On behalf of the County of Kauai, the State of Hawaii and the Federal Hawaii Administration, I wish to invite you to a meeting on Thursday April 26, 2012 to discuss two projects:

- The Nawiliwili-Ahukini Shared Use Path (Project No. CMAQ-0700 (57)
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Very truly yours,

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Director, Parks & Recreation Department

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Mayor

Gary K. Heu
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Leonard A. Rapozo, Jr.
Director

Ian K. Costa
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TEL (808) 241-4456 FAX (808) 241-5126

April 3, 2012

Mr. Kippen de Alba Chu
The Friends of Iolani Palace
P. O. Box 2259
Honolulu, HI 96804

Dear Mr. Kippen de Alba Chu,

On behalf of the County of Kauai, the State of Hawaii and the Federal Hawaii Administration, I wish to invite you to a meeting on Thursday April 26, 2012 to discuss two projects:

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TEL (808) 241-4456 FAX (808) 241-5126

April 3, 2012

Mr. Melvin Soong
The I Mua Group
422 Iliaina St.
Kailua, HI 96734

Dear Mr. Melvin Soong,

On behalf of the County of Kauai, the State of Hawaii and the Federal Hawaii Administration, I wish to invite you to a meeting on Thursday April 26, 2012 to discuss two projects:

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Director, Parks & Recreation Department

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Mayor

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Leonard A. Rapozo, Jr.
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Deputy Director

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County of Kaua'i, State of Hawai'i
4444 Rice Street, Suite 105, Līhu'e, Hawai'i 96766
TEL (808) 241-4456 FAX (808) 241-5126

April 3, 2012

Ms. Healani Trembath
4152 Palau Mahu St.
Lihue, HI 96766

Dear Ms. Healani Trembath,

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Director, Parks & Recreation Department

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Ian K. Costa
Deputy Director

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County of Kaua'i, State of Hawai'i
4444 Rice Street, Suite 105, Līhu'e, Hawai'i 96766
TEL (808) 241-4456 FAX (808) 241-5126

April 3, 2012

Cheryl Lovell-Obatake
P. O. Box 366
Lihue, HI 96766

Dear Cheryl Lovell-Obatake,

On behalf of the County of Kauai, the State of Hawaii and the Federal Hawaii Administration, I wish to invite you to a meeting on Thursday April 26, 2012 to discuss two projects:

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April 3, 2012

Mr. Kaupena Kinimaka
P.O. Box 226
Lihue, HI 96766

Dear Mr. Kaupena Kinimaka,

On behalf of the County of Kauai, the State of Hawaii and the Federal Hawaii Administration, I wish to invite you to a meeting on Thursday April 26, 2012 to discuss two projects:

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April 3, 2012

John Kruse
P.O. Box 628
Koloa, HI 96756

Dear John Kruse,

On behalf of the County of Kauai, the State of Hawaii and the Federal Hawaii Administration, I wish to invite you to a meeting on Thursday April 26, 2012 to discuss two projects:

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Very truly yours,

LEONARD A. RAPOZO JR.
Director, Parks & Recreation Department

NEIL ABERCROMBIE
GOVERNOR

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

GLENN M. OKIMOTO
DIRECTOR

Deputy Directors
JADE T. BUTAY
FORD N. FUCHIGAMI
RANDY GRUNE
JADINE URASAKI

IN REPLY REFER TO:
HWY-DD 2.1229

APR 09 2012

TO: THE HONORABLE RICHARD PEZZULO
INTERIM CHIEF EXECUTIVE OFFICER
OFFICE OF HAWAIIAN AFFAIRS

FROM: GLENN M. OKIMOTO, Ph.D.
DIRECTOR OF TRANSPORTATION

SUBJECT: SECTION 106, NATIONAL HISTORIC PRESERVATION ACT CONSULTATION, AHUKINI-LYDGATE PARK BIKE/PEDESTRIAN PATH FEDERAL-AID PROJECT NO. STP-0700(51)

We are writing to you to provide an update on the subject project and to invite your participation in ongoing consultation concerning historic properties within the project area.

The County of Kauai, Department of Public Works plans to develop a coastal, shared-use bike/pedestrian path between Ahukini Landing and Lydgate Park. A description of the project is attached. The project is being funded through the State of Hawaii Department of Transportation (HDOT) using funds from the Federal Highways Administration (FHWA). Use of FHWA funds triggers a requirement under Section 106 of the National Historic Preservation Act (NHPA) for consultation with Native Hawaiian Organizations (NHO) and other interested members of the community to invite comments on the potential effect to historic properties that could result from the project.

You are receiving this letter because you have been identified as a current or potential consulting party in the NHPA Section 106 consultation process for this project. In accordance with 36 CFR Part 800, Section 800.2, we invite you to formally participate in the consultation process as a *Consulting Party*, either as a *Native Hawaiian Organization*, or as an *Additional Consulting Party*. You may also provide comments as a member of the public without formally participating as a *Consulting Party*.

A summary of the NHPA Section 106 Consultation work that has been conducted for this project to date is included in the attachment along with a detailed description of the historic properties identified within the project's Area of Potential Effect (APE). Based on input received from participating consulting parties, including the State Historic Preservation Division (SHPD), the Office of Hawaiian Affairs (OHA), the Native Hawaiian Historic Preservation Council (NHHPC), the Kauai Historic Preservation Review Commission (KHPRC), and other individuals and government agencies, the County of Kauai and the HDOT have preliminarily determined that no historic properties will be adversely affected by the project.

APR 09 2012

We invite you to review the project information and contact us to participate in the on-going consultation effort. We ask your kokua to help identify any historic properties that have not already been identified and/or potential effects to historic properties that could result from the planned shared-use path.

We would also appreciate any comments you may have regarding the project in general, proposed mitigation measures, and opportunities for education and interpretation in the project plans. If there are other Native Hawaiian Organizations, individuals or groups you recommend we speak with, please let us know.

The County of Kauai, HDOT, and the FHWA plan to hold a public meeting with current and potential consulting parties to discuss the project and provide an opportunity to share information about historic properties and potential project effects within the project's APE. The County of Kauai will coordinate the meeting arrangements and will send out additional information on the meeting agenda, schedule, and location.

If you would like to participate in the consultation process, please do not hesitate to contact us. If you would like additional project information, or if you would like to discuss the project or the planned meeting, please contact Doug Haigh, County of Kauai, Building Division Chief at (808) 241-4849, or contact their planning consultant, Cheryl Soon, SSFM International at (808) 356-1268. Written comments can be sent to:

Cheryl Soon
SSFM International
501 Sumner Street, Suite 620
Honolulu, Hawaii 96817
csoon@ssfm.com

We ask that you provide comments within 30 days from the date of this letter.

Enclosure

c: County of Kauai (D. Haigh) – all letters
FHWA (J. Nickelson)

NEIL ABERCROMBIE
GOVERNOR

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

GLENN M. OKIMOTO
DIRECTOR

Deputy Directors
JADE T. BUTAY
FORD N. FUCHIGAMI
RANDY GRUNE
JADINE URASAKI

IN REPLY REFER TO:
HWY-DD 2.1229

APR 09 2012

Mr. Kunane Aipoalani, Chairperson
Kauai Island Burial Council
c/o State Historic Preservation-Kauai
5532 Tapa Street
Koloa, Hawaii 96756

Dear Mr. Aipoalani:

Subject: Section 106, National Historic Preservation Act Consultation
Ahukini-Lydgate Park Bike/Pedestrian Path
Federal-Aid Project No. STP-0700(51)

We are writing to you to provide an update on the subject project and to invite your participation in ongoing consultation concerning historic properties within the project area.

The County of Kauai, Department of Public Works plans to develop a coastal, shared-use bike/pedestrian path between Ahukini Landing and Lydgate Park. A description of the project is attached. The project is being funded through the State of Hawaii Department of Transportation (HDOT) using funds from the Federal Highways Administration (FHWA). Use of FHWA funds triggers a requirement under Section 106 of the National Historic Preservation Act (NHPA) for consultation with Native Hawaiian Organizations (NHO) and other interested members of the community to invite comments on the potential effect to historic properties that could result from the project.

You are receiving this letter because you have been identified as a current or potential consulting party in the NHPA Section 106 consultation process for this project. In accordance with 36 CFR Part 800, Section 800.2, we invite you to formally participate in the consultation process as a *Consulting Party*, either as a *Native Hawaiian Organization*, or as an *Additional Consulting Party*. You may also provide comments as a member of the public without formally participating as a *Consulting Party*.

A summary of the NHPA Section 106 Consultation work that has been conducted for this project to date is included in the attachment along with a detailed description of the historic properties identified within the project's Area of Potential Effect (APE). Based on input received from participating consulting parties, including the State Historic Preservation Division (SHPD), the Office of Hawaiian Affairs (OHA), the Native Hawaiian Historic Preservation Council (NHHPC), the Kauai Historic Preservation Review Commission (KHPRC), and other individuals and government agencies, the County of Kauai and the HDOT have preliminarily determined that no historic properties will be adversely affected by the project.

We invite you to review the project information and contact us to participate in the on-going consultation effort. We ask your kokua to help identify any historic properties that have not already been identified and/or potential effects to historic properties that could result from the planned shared-use path. We would also appreciate any comments you may have regarding the project in general, proposed mitigation measures, and opportunities for education and interpretation in the project plans. If there are other Native Hawaiian Organizations, individuals or groups you recommend we speak with, please let us know.

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Ms. Cheryl Soon
SSFM International
501 Sumner Street, Suite 620
Honolulu, Hawaii 96817
csoon@ssfm.com

We ask that you provide comments within 30 days from the date of this letter.

Very truly yours,

GLENN M. OKIMOTO, Ph.D.
Director of Transportation

Enclosure

c: County of Kauai (D. Haigh) – all letters
FHWA (J. Nickelson)

NEIL ABERCROMBIE
GOVERNOR

GLENN M. OKIMOTO
DIRECTOR

Deputy Directors
JADE T. BUTAY
FORD N. FUCHIGAMI
RANDY GRUNE
JADINE URASAKI

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

IN REPLY REFER TO:
HWY-DD 2.1229

APR 09 2012

TO: THE HONORABLE RICHARD PEZZULO
INTERIM CHIEF EXECUTIVE OFFICER
OFFICE OF HAWAIIAN AFFAIRS

ATTN: MR. J. KEEAUMOKU KAPU, CHAIRPERSON
NATIVE HAWAIIAN HISTORIC PRESERVATION COUNCIL

FROM: GLENN M. OKIMOTO, Ph.D.
DIRECTOR OF TRANSPORTATION

SUBJECT: SECTION 106, NATIONAL HISTORIC PRESERVATION ACT CONSULTATION, AHUKINI-LYDGATE PARK BIKE/PEDESTRIAN PATH FEDERAL-AID PROJECT NO. STP-0700(51)

We are writing to you to provide an update on the subject project and to invite your participation in ongoing consultation concerning historic properties within the project area.

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Enclosure

c: County of Kauai (D. Haigh) – all letters
FHWA (J. Nickelson)

NEIL ABERCROMBIE
GOVERNOR

GLENN M. OKIMOTO
DIRECTOR

Deputy Directors
JADE T. BUTAY
FORD N. FUCHIGAMI
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JADINE URASAKI

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

IN REPLY REFER TO:
HWY-DD 2.1229

APR 09 2012

Mr. Alapaki Nahale-a, Chairman
Hawaiian Homes Commission
P.O. Box 1879
Honolulu, Hawaii 96805

Dear Mr. Nahale-a:

Subject: Section 106, National Historic Preservation Act Consultation
Ahukini-Lydgate Park Bike/Pedestrian Path
Federal-Aid Project No. STP-0700(51)

We are writing to you to provide an update on the subject project and to invite your participation in ongoing consultation concerning historic properties within the project area.

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Very truly yours,

GLENN M. OKIMOTO, Ph.D.
Director of Transportation

Enclosure

c: County of Kauai (D. Haigh) – all letters
FHWA (J. Nickelson)

NEIL ABERCROMBIE
GOVERNOR

GLENN M. OKIMOTO
DIRECTOR

Deputy Directors
JADE T. BUTAY
FORD N. FUCHIGAMI
RANDY GRUNE
JADINE URASAKI

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

IN REPLY REFER TO:
HWY-DD 2.1229

APR 09 2012

Ms. Leimomi Khan, President
Association of Hawaii Civic Clubs
P.O. Box 1135
Honolulu, Hawaii 96807

Dear Ms. Khan:

Subject: Section 106, National Historic Preservation Act Consultation
Ahukini-Lydgate Park Bike/Pedestrian Path
Federal-Aid Project No. STP-0700(51)

We are writing to you to provide an update on the subject project and to invite your participation in ongoing consultation concerning historic properties within the project area.

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Very truly yours,

GLENN M. OKIMOTO, Ph.D.
Director of Transportation

Enclosure

c: County of Kauai (D. Haigh) – all letters
FHWA (J. Nickelson)

NEIL ABERCROMBIE
GOVERNOR

GLENN M. OKIMOTO
DIRECTOR

Deputy Directors
JADE T. BUTAY
FORD N. FUCHIGAMI
RANDY GRUNE
JADINE URASAKI

IN REPLY REFER TO:
HWY-DD 2.1229

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

APR 09 2012

Ms. Cheryl Lovell-Obatake
P.O. Box 366
Lihue, Hawaii 96766

Dear Ms. Lovell-Obatake:

Subject: Section 106, National Historic Preservation Act Consultation
Ahukini-Lydgate Park Bike/Pedestrian Path
Federal-Aid Project No. STP-0700(51)

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GLENN M. OKIMOTO, Ph.D.
Director of Transportation

Enclosure

c: County of Kauai (D. Haigh) – all letters
FHWA (J. Nickelson)

NEIL ABERCROMBIE
GOVERNOR

GLENN M. OKIMOTO
DIRECTOR

Deputy Directors
JADE T. BUTAY
FORD N. FUCHIGAMI
RANDY GRUNE
JADINE URASAKI

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

IN REPLY REFER TO:
HWY-DD 2.1229

APR 09 2012

Ms. Healani Trembath
4152 Palaumahu Street
Lihue, Hawaii 96766

Dear Ms. Trembath:

Subject: Section 106, National Historic Preservation Act Consultation
Ahukini-Lydgate Park Bike/Pedestrian Path
Federal-Aid Project No. STP-0700(51)

We are writing to you to provide an update on the subject project and to invite your participation in ongoing consultation concerning historic properties within the project area.

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Director of Transportation

Enclosure

c: County of Kauai (D. Haigh) – all letters
FHWA (J. Nickelson)

NEIL ABERCROMBIE
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GLENN M. OKIMOTO
DIRECTOR

Deputy Directors
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FORD N. FUCHIGAMI
RANDY GRUNE
JADINE URASAKI

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

APR 09 2012

IN REPLY REFER TO:
HWY-DD 2.1229

Mr. Kaupena Kinimaka
P.O. Box 226
Lihue, Hawaii 96766

Dear Mr. Kinimaka:

Subject: Section 106, National Historic Preservation Act Consultation
Ahukini-Lydgate Park Bike/Pedestrian Path
Federal-Aid Project No. STP-0700(51)

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Director of Transportation

Enclosure

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FHWA (J. Nickelson)

NEIL ABERCROMBIE
GOVERNOR

GLENN M. OKIMOTO
DIRECTOR

Deputy Directors
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FORD N. FUCHIGAMI
RANDY GRUNE
JADINE URASAKI

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

IN REPLY REFER TO:
HWY-DD 2.1229

APR 09 2012

Mr. Edward Halealoha Ayau
Hui Malama O Na Kupuna O Hawaii Nei
622 Wainaku Avenue
Hilo, Hawaii 96720

Dear Mr. Ayau:

Subject: Section 106, National Historic Preservation Act Consultation
Ahukini-Lydgate Park Bike/Pedestrian Path
Federal-Aid Project No. STP-0700(51)

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Director of Transportation

Enclosure

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FHWA (J. Nickelson)

NEIL ABERCROMBIE
GOVERNOR

GLENN M. OKIMOTO
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JADINE URASAKI

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

APR 09 2012

IN REPLY REFER TO:
HWY-DD 2.1229

Ms. Kehaulani Kekua, Director
Kauai Heritage Center/Kumu Hula
P.O. Box 1261
Kapaa, Hawaii 96746

Dear Ms. Kekua:

Subject: Section 106, National Historic Preservation Act Consultation
Ahukini-Lydgate Park Bike/Pedestrian Path
Federal-Aid Project No. STP-0700(51)

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Ms. Cheryl Soon
SSFM International
501 Sumner Street, Suite 620
Honolulu, Hawaii 96817
csoon@ssfm.com

We ask that you provide comments within 30 days from the date of this letter.

Very truly yours,

GLENN M. OKIMOTO, Ph.D.
Director of Transportation

Enclosure

c: County of Kauai (D. Haigh) – all letters
FHWA (J. Nickelson)

NEIL ABERCROMBIE
GOVERNOR

GLENN M. OKIMOTO
DIRECTOR

Deputy Directors
JADE T. BUTAY
FORD N. FUCHIGAMI
RANDY GRUNE
JADINE URASAKI

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

APR 09 2012

IN REPLY REFER TO:
HWY-DD 2.1229

Mr. Nathan Kalama, Representative
Kauai Island Burial Council
Kawaihau Regional
c/o State Historic Preservation, Kauai
5532 Tapa Street
Koloa, Hawaii 96756

Dear Mr. Kalama:

Subject: Section 106, National Historic Preservation Act Consultation
Ahukini-Lydgate Park Bike/Pedestrian Path
Federal-Aid Project No. STP-0700(51)

We are writing to you to provide an update on the subject project and to invite your participation in ongoing consultation concerning historic properties within the project area.

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Very truly yours,

GLENN M. OKIMOTO, Ph.D.
Director of Transportation

Enclosure

c: County of Kauai (D. Haigh) – all letters
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NEIL ABERCROMBIE
GOVERNOR

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DIRECTOR

Deputy Directors
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RANDY GRUNE
JADINE URASAKI

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

APR 09 2012

IN REPLY REFER TO:
HWY-DD 2.1229

Mr. Warren Perry
Royal Order of Kamehameha
Kaumalii Chapter
4268 Rice Street, #3
Lihue, Hawaii 96766-1318

Dear Mr. Perry:

Subject: Section 106, National Historic Preservation Act Consultation
Ahukini-Lydgate Park Bike/Pedestrian Path
Federal-Aid Project No. STP-0700(51)

We are writing to you to provide an update on the subject project and to invite your participation in ongoing consultation concerning historic properties within the project area.

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GLENN M. OKIMOTO, Ph.D.
Director of Transportation

Enclosure

c: County of Kauai (D. Haigh) – all letters
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DIRECTOR

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

IN REPLY REFER TO:
HWY-DD 2.1229

APR 09 2012

Ms. Nani Rogers
Hookipa Network Member
Kapaa Resident
P.O. Box 88
Kapaa, Hawaii 96746

Dear Ms. Rogers:

Subject: Section 106, National Historic Preservation Act Consultation
Ahukini-Lydgate Park Bike/Pedestrian Path
Federal-Aid Project No. STP-0700(51)

We are writing to you to provide an update on the subject project and to invite your participation in ongoing consultation concerning historic properties within the project area.

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GLENN M. OKIMOTO, Ph.D.
Director of Transportation

Enclosure

c: County of Kauai (D. Haigh) – all letters
FHWA (J. Nickelson)

NEIL ABERCROMBIE
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GLENN M. OKIMOTO
DIRECTOR

Deputy Directors
JADE T. BUTAY
FORD N. FUCHIGAMI
RANDY GRUNE
JADINE URASAKI

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

APR 09 2012

IN REPLY REFER TO:
HWY-DD 2.1229

Ms. Lynette Haulani Fernandez
Kauai Director
Hui Kakoo Aina Hoopulapula
767 Kailua Road
Kailua, Hawaii 96734

Dear Ms. Fernandez:

Subject: Section 106, National Historic Preservation Act Consultation
Ahukini-Lydgate Park Bike/Pedestrian Path
Federal-Aid Project No. STP-0700(51)

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Director of Transportation

Enclosure

c: County of Kauai (D. Haigh) – all letters
FHWA (J. Nickelson)

NEIL ABERCROMBIE
GOVERNOR

GLENN M. OKIMOTO
DIRECTOR

Deputy Directors
JADE T. BUTAY
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JADINE URASAKI

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

IN REPLY REFER TO:
HWY-DD 2.1229

APR 09 2012

Mr. Henry Gomes
Hawaii Maoli
P.O. Box 1135
Honolulu, Hawaii 96807

Dear Mr. Gomes:

Subject: Section 106, National Historic Preservation Act Consultation
Ahukini-Lydgate Park Bike/Pedestrian Path
Federal-Aid Project No. STP-0700(51)

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Director of Transportation

Enclosure

c: County of Kauai (D. Haigh) – all letters
FHWA (J. Nickelson)

NEIL ABERCROMBIE
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Deputy Directors
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JADINE URASAKI

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

IN REPLY REFER TO:
HWY-DD 2.1229

APR 09 2012

Mr. Laakea Suganuma
Royal Hawaiian Academy of Traditional Arts
835 Ahuwale Street
Honolulu, Hawaii 96821

Dear Mr. Suganuma:

Subject: Section 106, National Historic Preservation Act Consultation
Ahukini-Lydgate Park Bike/Pedestrian Path
Federal-Aid Project No. STP-0700(51)

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Director of Transportation

Enclosure

c: County of Kauai (D. Haigh) – all letters
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NEIL ABERCROMBIE
GOVERNOR

GLENN M. OKIMOTO
DIRECTOR

Deputy Directors
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JADINE URASAKI

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

IN REPLY REFER TO:
HWY-DD 2.1229

APR 09 2012

Ms. H. Kanoeokalani Cheek
Na Kuauhau o Kahiwakaneikopolei
P.O. Box 5411
Kaneohe, Hawaii 96744

Dear Ms. H. Kanoeokalani Cheek:

Subject: Section 106, National Historic Preservation Act Consultation
Ahukini-Lydgate Park Bike/Pedestrian Path
Federal-Aid Project No. STP-0700(51)

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Enclosure

c: County of Kauai (D. Haigh) – all letters
FHWA (J. Nickelson)

NEIL ABERCROMBIE
GOVERNOR

GLENN M. OKIMOTO
DIRECTOR

Deputy Directors
JADE T. BUTAY
FORD N. FUCHIGAMI
RANDY GRUNE
JADINE URASAKI

IN REPLY REFER TO:
HWY-DD 2.1229

STATE OF HAWAII
DEPARTMENT OF TRANSPORTATION
869 PUNCHBOWL STREET
HONOLULU, HAWAII 96813-5097
APR 09 2012

Mr. Kippen de Alba Chu
The friends of Iolani Palace
P.O. Box 2259
Honolulu, Hawaii 96804

Dear Mr. Chu:

Subject: Section 106, National Historic Preservation Act Consultation
Ahukini-Lydgate Park Bike/Pedestrian Path
Federal-Aid Project No. STP-0700(51)

We are writing to you to provide an update on the subject project and to invite your participation in ongoing consultation concerning historic properties within the project area.

The County of Kauai, Department of Public Works plans to develop a coastal, shared-use bike/pedestrian path between Ahukini Landing and Lydgate Park. A description of the project is attached. The project is being funded through the State of Hawaii Department of Transportation (HDOT) using funds from the Federal Highways Administration (FHWA). Use of FHWA funds triggers a requirement under Section 106 of the National Historic Preservation Act (NHPA) for consultation with Native Hawaiian Organizations (NHO) and other interested members of the community to invite comments on the potential effect to historic properties that could result from the project.

You are receiving this letter because you have been identified as a current or potential consulting party in the NHPA Section 106 consultation process for this project. In accordance with 36 CFR Part 800, Section 800.2, we invite you to formally participate in the consultation process as a *Consulting Party*, either as a *Native Hawaiian Organization*, or as an *Additional Consulting Party*. You may also provide comments as a member of the public without formally participating as a *Consulting Party*.

A summary of the NHPA Section 106 Consultation work that has been conducted for this project to date is included in the attachment along with a detailed description of the historic properties identified within the project's Area of Potential Effect (APE). Based on input received from participating consulting parties, including the State Historic Preservation Division (SHPD), the Office of Hawaiian Affairs (OHA), the Native Hawaiian Historic Preservation Council (NHHPC), the Kauai Historic Preservation Review Commission (KHPRC), and other individuals and government agencies, the County of Kauai and the HDOT have preliminarily determined that no historic properties will be adversely affected by the project.

We invite you to review the project information and contact us to participate in the on-going consultation effort. We ask your kokua to help identify any historic properties that have not already been identified and/or potential effects to historic properties that could result from the planned shared-use path. We would also appreciate any comments you may have regarding the project in general, proposed mitigation measures, and opportunities for education and interpretation in the project plans. If there are other Native Hawaiian Organizations, individuals or groups you recommend we speak with, please let us know.

The County of Kauai, HDOT, and the FHWA plan to hold a public meeting with current and potential consulting parties to discuss the project and provide an opportunity to share information about historic properties and potential project effects within the project's APE. The County of Kauai will coordinate the meeting arrangements and will send out additional information on the meeting agenda, schedule, and location.

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Ms. Cheryl Soon
SSFM International
501 Sumner Street, Suite 620
Honolulu, Hawaii 96817
csoon@ssfm.com

We ask that you provide comments within 30 days from the date of this letter.

Very truly yours,

GLENN M. OKIMOTO, Ph.D.
Director of Transportation

Enclosure

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FHWA (J. Nickelson)

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

IN REPLY REFER TO:
HWY-DD 2.1229

APR 09 2012

Mr. Arthur Hoke
Hawaiian Civic Club of Hilo
P.O. Box 543
Hilo, Hawaii 96721

Dear Mr. Hoke:

Subject: Section 106, National Historic Preservation Act Consultation
Ahukini-Lydgate Park Bike/Pedestrian Path
Federal-Aid Project No. STP-0700(51)

We are writing to you to provide an update on the subject project and to invite your participation in ongoing consultation concerning historic properties within the project area.

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Very truly yours,

GLENN M. OKIMOTO, Ph.D.
Director of Transportation

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

IN REPLY REFER TO:
HWY-DD 2.1229

APR 09 2012

Ms. Vivian Ainoa
Papa Ola Lokahi
894 Queen Street
Honolulu, Hawaii 96813

Dear Ms. Ainoa:

Subject: Section 106, National Historic Preservation Act Consultation
Ahukini-Lydgate Park Bike/Pedestrian Path
Federal-Aid Project No. STP-0700(51)

We are writing to you to provide an update on the subject project and to invite your participation in ongoing consultation concerning historic properties within the project area.

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Very truly yours,

GLENN M. OKIMOTO, Ph.D.
Director of Transportation

Enclosure

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FHWA (J. Nickelson)

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DIRECTOR

Deputy Directors
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FORD N. FUCHIGAMI
RANDY GRUNE
JADINE URASAKI

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

IN REPLY REFER TO:
HWY-DD 2.1229

APR 09 2012

Ms. Taffi Wise
Kanu oke Aina Learning Ohana
P.O. Box 6511
Kamulea, Hawaii 96743

Dear Ms. Wise:

Subject: Section 106, National Historic Preservation Act Consultation
Ahukini-Lydgate Park Bike/Pedestrian Path
Federal-Aid Project No. STP-0700(51)

We are writing to you to provide an update on the subject project and to invite your participation in ongoing consultation concerning historic properties within the project area.

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Very truly yours,

GLENN M. OKIMOTO, Ph.D.
Director of Transportation

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FHWA (J. Nickelson)

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Deputy Directors
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JADINE URASAKI

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

IN REPLY REFER TO:
HWY-DD 2.1229

APR 09 2012

Mr. Melvin Soong
The I Mua Group
422 Iliana Street
Kailua, Hawaii 96734

Dear Mr. Soong:

Subject: Section 106, National Historic Preservation Act Consultation
Ahukini-Lydgate Park Bike/Pedestrian Path
Federal-Aid Project No. STP-0700(51)

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Director of Transportation

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JADINE URASAKI

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

APR 09 2012

IN REPLY REFER TO:
HWY-DD 2.1229

Mr. Robyn Danner
Council for Native Hawaiian Advancement
1050 Queen Street
Honolulu, Hawaii 96814

Dear Mr. Danner:

Subject: Section 106, National Historic Preservation Act Consultation
Ahukini-Lydgate Park Bike/Pedestrian Path
Federal-Aid Project No. STP-0700(51)

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GLENN M. OKIMOTO, Ph.D.
Director of Transportation

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JADINE URASAKI

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

APR 09 2012

IN REPLY REFER TO:
HWY-DD 2.1229

Ms. Vickie Smith
Native Hawaiian Economic Alliance
1050 Queen Street
Honolulu, Hawaii 96814

Dear Ms. Smith:

Subject: Section 106, National Historic Preservation Act Consultation
Ahukini-Lydgate Park Bike/Pedestrian Path
Federal-Aid Project No. STP-0700(51)

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Director of Transportation

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FHWA (J. Nickelson)

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

IN REPLY REFER TO:
HWY-DD 2.1229

APR 09 2012

Mr. Edward Halealoha Ayau
Hui Malama I Na Kupuna O Hawaii Nei
Group Caring for the Ancestors of the
Hawaiian Islands
622 Wainaku Avenue
Hilo, Hawaii 96720

Dear Mr. Ayau:

Subject: Section 106, National Historic Preservation Act Consultation
Ahukini-Lydgate Park Bike/Pedestrian Path
Federal-Aid Project No. STP-0700(51)

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Ms. Cheryl Soon
SSFM International
501 Sumner Street, Suite 620
Honolulu, Hawaii 96817
csoon@ssfm.com

We ask that you provide comments within 30 days from the date of this letter.

Very truly yours,

GLENN M. OKIMOTO, Ph.D.
Director of Transportation

Enclosure

c: County of Kauai (D. Haigh) – all letters
FHWA (J. Nickelson)

NEIL ABERCROMBIE
GOVERNOR

GLENN M. OKIMOTO
DIRECTOR

Deputy Directors
JADE T. BUTAY
FORD N. FUCHIGAMI
RANDY GRUNE
JADINE URASAKI

IN REPLY REFER TO:
HWY-DD 2.1229

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

APR 09 2012

Ms. Kaiulani Edens-Huff
Cultural Practitioner
310 Apana Road
Kapaa, Hawaii 96746

Dear Ms. Eden-Huff:

Subject: Section 106, National Historic Preservation Act Consultation
Ahukini-Lydgate Park Bike/Pedestrian Path
Federal-Aid Project No. STP-0700(51)

We are writing to you to provide an update on the subject project and to invite your participation in ongoing consultation concerning historic properties within the project area.

The County of Kauai, Department of Public Works plans to develop a coastal, shared-use bike/pedestrian path between Ahukini Landing and Lydgate Park. A description of the project is attached. The project is being funded through the State of Hawaii Department of Transportation (HDOT) using funds from the Federal Highways Administration (FHWA). Use of FHWA funds triggers a requirement under Section 106 of the National Historic Preservation Act (NHPA) for consultation with Native Hawaiian Organizations (NHO) and other interested members of the community to invite comments on the potential effect to historic properties that could result from the project.

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GLENN M. OKIMOTO, Ph.D.
Director of Transportation

Enclosure

c: County of Kauai (D. Haigh) – all letters
FHWA (J. Nickelson)

NEIL ABERCROMBIE
GOVERNOR

GLENN M. OKIMOTO
DIRECTOR

Deputy Directors
JADE T. BUTAY
FORD N. FUCHIGAMI
RANDY GRUNE
JADINE URASAKI

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

APR 09 2012

IN REPLY REFER TO:
HWY-DD 2.1229

Ms. Waldeen Palmeira
Cultural Practitioner
290 Kaulana Road
Wailua, Hawaii 96746

Dear Ms. Palmeira:

Subject: Section 106, National Historic Preservation Act Consultation
Ahukini-Lydgate Park Bike/Pedestrian Path
Federal-Aid Project No. STP-0700(51)

We are writing to you to provide an update on the subject project and to invite your participation in ongoing consultation concerning historic properties within the project area.

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csoon@ssfm.com

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Very truly yours,

GLENN M. OKIMOTO, Ph.D.
Director of Transportation

Enclosure

c: County of Kauai (D. Haigh) – all letters
FHWA (J. Nickelson)

NEIL ABERCROMBIE
GOVERNOR

GLENN M. OKIMOTO
DIRECTOR

Deputy Directors
JADE T. BUTAY
FORD N. FUCHIGAMI
RANDY GRUNE
JADINE URASAKI

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

IN REPLY REFER TO:
HWY-DD 2.1229

APR 09 2012

TO: THE HONORABLE CHRISTOPHER KAUWE
KAUAI REPRESENTATIVE
NATIVE HAWAIIAN HISTORIC PRESERVATION COUNCIL
OFFICE OF HAWAIIAN AFFAIRS

FROM: GLENN M. OKIMOTO, Ph.D.
DIRECTOR OF TRANSPORTATION

SUBJECT: SECTION 106, NATIONAL HISTORIC PRESERVATION ACT
CONSULTATION, AHUKINI-LYDGATE PARK
BIKE/PEDESTRIAN PATH
FEDERAL-AID PROJECT NO: STP-0700(51)

We are writing to you to provide an update on the subject project and to invite your participation in ongoing consultation concerning historic properties within the project area.

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Enclosure

c: County of Kauai (D. Haigh) – all letters
FHWA (J. Nickelson)

NEIL ABERCROMBIE
GOVERNOR

GLENN M. OKIMOTO
DIRECTOR

Deputy Directors
JADE T. BUTAY
FORD N. FUCHIGAMI
RANDY GRUNE
JADINE URASAKI

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

IN REPLY REFER TO:
HWY-DD 2.1229

APR 09 2012

Mr. Peter Chow
Niumalu Canoe Club
P.O. Box 444
Lihue, Hawaii 96766

Dear Mr. Chow:

Subject: Section 106, National Historic Preservation Act Consultation
Ahukini-Lydgate Park Bike/Pedestrian Path
Federal-Aid Project No. STP-0700(51)

We are writing to you to provide an update on the subject project and to invite your participation in ongoing consultation concerning historic properties within the project area.

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GLENN M. OKIMOTO, Ph.D.
Director of Transportation

Enclosure

c: County of Kauai (D. Haigh) – all letters
FHWA (J. Nickelson)

NEIL ABERCROMBIE
GOVERNOR

GLENN M. OKIMOTO
DIRECTOR

Deputy Directors
JADE T. BUTAY
FORD N. FUCHIGAMI
RANDY GRUNE
JADINE URASAKI

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

APR 09 2012

IN REPLY REFER TO:
HWY-DD 2.1229

Mr. Marleny Cotrim, President
Niumalu Canoe Club
P.O. Box 444
Lihue, Hawaii 96766

Dear Mr. Cotrim:

Subject: Section 106, National Historic Preservation Act Consultation
Ahukini-Lydgate Park Bike/Pedestrian Path
Federal-Aid Project No. STP-0700(51)

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Director of Transportation

Enclosure

c: County of Kauai (D. Haigh) – all letters
FHWA (J. Nickelson)

NEIL ABERCROMBIE
GOVERNOR

GLENN M. OKIMOTO
DIRECTOR

Deputy Directors
JADE T. BUTAY
FORD N. FUCHIGAMI
RANDY GRUNE
JADINE URASAKI

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

APR 09 2012

IN REPLY REFER TO:
HWY-DD 2.1229

Mr. Pepe Trask, Coach
Kaiola Canoe Club
P.O. Box 492
Anahola, Hawaii 96703

Dear Mr. Trask:

Subject: Section 106, National Historic Preservation Act Consultation
Ahukini-Lydgate Park Bike/Pedestrian Path
Federal-Aid Project No. STP-0700(51)

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GLENN M. OKIMOTO, Ph.D.
Director of Transportation

Enclosure

c: County of Kauai (D. Haigh) – all letters
FHWA (J. Nickelson)

NEIL ABERCROMBIE
GOVERNOR

GLENN M. OKIMOTO
DIRECTOR

Deputy Directors
JADE T. BUTAY
FORD N. FUCHIGAMI
RANDY GRUNE
JADINE URASAKI

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

APR 09 2012

IN REPLY REFER TO:
HWY-DD 2.1229

Ms. Pomai Kane, President
Kaiola Canoe Club
P.O. Box 492
Anahola, Hawaii 96703

Dear Ms. Kane:

Subject: Section 106, National Historic Preservation Act Consultation
Ahukini-Lydgate Park Bike/Pedestrian Path
Federal-Aid Project No. STP-0700(51)

We are writing to you to provide an update on the subject project and to invite your participation in ongoing consultation concerning historic properties within the project area.

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Very truly yours,

GLENN M. OKIMOTO, Ph.D.
Director of Transportation

Enclosure

c: County of Kauai (D. Haigh) – all letters
FHWA (J. Nickelson)

NEIL ABERCROMBIE
GOVERNOR

GLENN M. OKIMOTO
DIRECTOR

Deputy Directors
JADE T. BUTAY
FORD N. FUCHIGAMI
RANDY GRUNE
JADINE URASAKI

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

IN REPLY REFER TO:
HWY-DD 2.1229

APR 09 2012

Ms. Denise Ham Young
Kaiola Canoe Club
P.O. Box 492
Anahola, Hawaii 96703

Dear Ms. Young:

Subject: Section 106, National Historic Preservation Act Consultation
Ahukini-Lydgate Park Bike/Pedestrian Path
Federal-Aid Project No. STP-0700(51)

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SSFM International
501 Sumner Street, Suite 620
Honolulu, Hawaii 96817
csoon@ssfm.com

We ask that you provide comments within 30 days from the date of this letter.

Very truly yours,

GLENN M. OKIMOTO, Ph.D.
Director of Transportation

Enclosure

c: County of Kauai (D. Haigh) – all letters
FHWA (J. Nickelson)

NEIL ABERCROMBIE
GOVERNOR

GLENN M. OKIMOTO
DIRECTOR

Deputy Directors
JADE T. BUTAY
FORD N. FUCHIGAMI
RANDY GRUNE
JADINE URASAKI

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

IN REPLY REFER TO:
HWY-DD 2.1229

APR 09 2012

Mr. Cash Lopez
Kaiola Canoe Club
P.O. Box 492
Anahola, Hawaii 96703

Dear Mr. Lopez:

Subject: Section 106, National Historic Preservation Act Consultation
Ahukini-Lydgate Park Bike/Pedestrian Path
Federal-Aid Project No. STP-0700(51)

We are writing to you to provide an update on the subject project and to invite your participation in ongoing consultation concerning historic properties within the project area.

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Director of Transportation

Enclosure

c: County of Kauai (D. Haigh) – all letters
FHWA (J. Nickelson)

NEIL ABERCROMBIE
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Deputy Directors
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STATE OF HAWAII
DEPARTMENT OF TRANSPORTATION
869 PUNCHBOWL STREET
HONOLULU, HAWAII 96813-5097

IN REPLY REFER TO:
HWY-DD 2.1229

APR 09 2012

Mr. Jeff Chandler
Cultural Practitioner
5-6593 Kuhio Highway
Hanalei, Hawaii 96714-0000

Dear Mr. Chandler:

Subject: Section 106, National Historic Preservation Act Consultation
Ahukini-Lydgate Park Bike/Pedestrian Path
Federal-Aid Project No. STP-0700(51)

We are writing to you to provide an update on the subject project and to invite your participation in ongoing consultation concerning historic properties within the project area.

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Director of Transportation

Enclosure

c: County of Kauai (D. Haigh) – all letters
FHWA (J. Nickelson)

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

IN REPLY REFER TO:
HWY-DD 2.1229

APR 09 2012

Ms. Wilma Holi
Cultural Practitioner
P.O. Box 368
Hanapepe, Hawaii 96716-0368

Dear Ms. Holi:

Subject: Section 106, National Historic Preservation Act Consultation
Ahukini-Lydgate Park Bike/Pedestrian Path
Federal-Aid Project No. STP-0700(51)

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Enclosure

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869 PUNCHBOWL STREET
HONOLULU, HAWAII 96813-5097

IN REPLY REFER TO:
HWY-DD 2.1229

APR 09 2012

Ms. Sabra Kauka
Island School
1875 Kaumualii Highway
Lihue, Hawaii 96766

Dear Ms. Kauka:

Subject: Section 106, National Historic Preservation Act Consultation
Ahukini-Lydgate Park Bike/Pedestrian Path
Federal-Aid Project No. STP-0700(51)

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c: County of Kauai (D. Haigh) – all letters
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NEIL ABERCROMBIE
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STATE OF HAWAII
DEPARTMENT OF TRANSPORTATION
869 PUNCHBOWL STREET
HONOLULU, HAWAII 96813-5097

IN REPLY REFER TO:
HWY-DD 2.1229

APR 09 2012

Mr. Randy Wichman
Kauai Historical Society
4396 Rice Street
Lihue, Hawaii 96766-1371

Dear Mr. Wichman:

Subject: Section 106, National Historic Preservation Act Consultation
Ahukini-Lydgate Park Bike/Pedestrian Path
Federal-Aid Project No. STP-0700(51)

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Enclosure

c: County of Kauai (D. Haigh) – all letters
FHWA (J. Nickelson)

ENDANGERED SPECIES ACT, SECTION 7
&
COASTAL ZONE MANAGEMENT ACT

Section 7 Consultation, Endangered Species Act (ESA)

The U.S. Fish and Wildlife Service, in the Department of the Interior, and the National Oceanic and Atmospheric Administration Fisheries, in the Department of Commerce, share responsibility for administration of the Endangered Species Act. The Act ensures that an action does not jeopardize the continued existence of any plant or animal species listed as threatened or endangered, or destroy or adversely modify any designated critical habitat.

Identification of Protected Species along the corridor

The following pre-assessment meetings were conducted to identify species in the area that are protected by the Endangered Species Act. A complete overview of what was discussed at these meetings is included in Appendix B of this report.

- May 2, 2005-Wade Ishikawa-Department of Land and Natural Resources (DLNR)- discussion included aquatic resources of the area
- August 12, 2005-Dr. Jeffrey Walters, DLNR-discussion included endangered marine species issues
- August 17, 2005-Mimi Olry and Donald Heacock, DLNR-discussion included endangered species issues
- August 19, 2005-Dr. David Lorence, National Tropical Botanical Gardens-discussion included endangered and threatened plants along the corridor

Review of the Draft Environmental Assessment pertaining to Section 7 ESA issues:

The draft environmental assessment was sent to the following agencies:

- Dr. David Lorence-National Tropical Botanical Garden
- No name-U.S. Fish and Wildlife Service, Honolulu
- Mr. Donald Heacock-DLNR Division of Aquatic Resources
- Dr. Mimi Olry-DLNR Division of Aquatic Resources
- Dr. Jeffrey Walters-DLNR Division of Aquatic Resources
- Mr. Mike Hawkes-U.S. Fish and Wildlife Service, Kīlauea
- Mr. Wade Ishikawa-DLNR Division of Aquatic Resources

Letters, Meetings and Correspondence Regarding Section 7 ESA Consultation:

The final preferred alignment maps were sent to regulatory agencies for concurrence that the path alignment will not affect species that are protected under the endangered Species Act. These agencies include:

- Mimi Olry-DLNR, Division of Aquatic Resources
- Chris Yates-National Oceanic and Atmospheric Administration, National Marine Fisheries Service
- Thomas Kaiapapu-DLNR, Division of Forestry and Wildlife
- Jeffrey Walters/Dan Polhemus-DLNR, Division of Aquatic Resources
- Peter Cohen-USFWS

Feedback from Consulted Parties Pertaining to Section 7 ESA Matters:

These letters can be found at the end of this section.

- June 1, 2006-Mimi Olry of DLNR agrees that the inland route avoids the sensitive coastal areas that were previously discussed. She recommends signage to alert people of the presence of sensitive native species as well as wildlife viewing guidelines.
- June 2, 2006-Chris Yates, NOAA, agrees that the path substantially avoids monk seal haulout sites. With effective signage at the comfort station south of the Radisson, there is confidence that there will be no adverse affect to the monk seal resulting from construction of the path.
- June 6, 2006-Thomas Kaiapupa, DLNR. Areas should be surveyed for the wedge-tailed shearwater in two areas of concern. Shielded lighting and educational signage should be

- incorporated. Otherwise, the path will not have an adverse affect.
- October 3, 2006-Peter Cohen, USFWS. Review indicates no principle negative impacts on the local wetland and adjacent areas as proposed by the path.
- April 2, 2007 – A letter from Pat Phung, US Department of Transportation, to Patrick Leonard, US Fish and Wildlife Division, summarizing coordination efforts and findings.
- May 4, 2007 - Patrick Leonard, USFWS. Response and comments regarding proposal.
- October 27, 2008 – A letter from Andrea Erichsen to Merle Grimes summarizing findings for seabird nesting and recommendations.
- February 26, 2009 – Letter from Patrick Leonard USFWS with proposed mitigation measures and a determination that no further action pursuant to ESA is necessary.
- June 1, 2009 – A letter from Merle Grimes to Patrick Leonard acknowledgment and receipt of letter.
- August 27, 2013 - A letter from FHWA to USFWS summarizing the Section 7 consultation process to date and requesting concurrence for a "not likely to adversely affect" determination.
- October 25, 2013 - A concurrence letter from USFWS to FHWA summarizing Section 7 mitigation measures necessary and concurring on a "may effect, but not likely to adversely affect" determination.

- July 8, 2009 – A letter from George Young, Department of the Army, to Merle Grimes providing Jurisdictional Determination (JD) for bicycle and pedestrian path

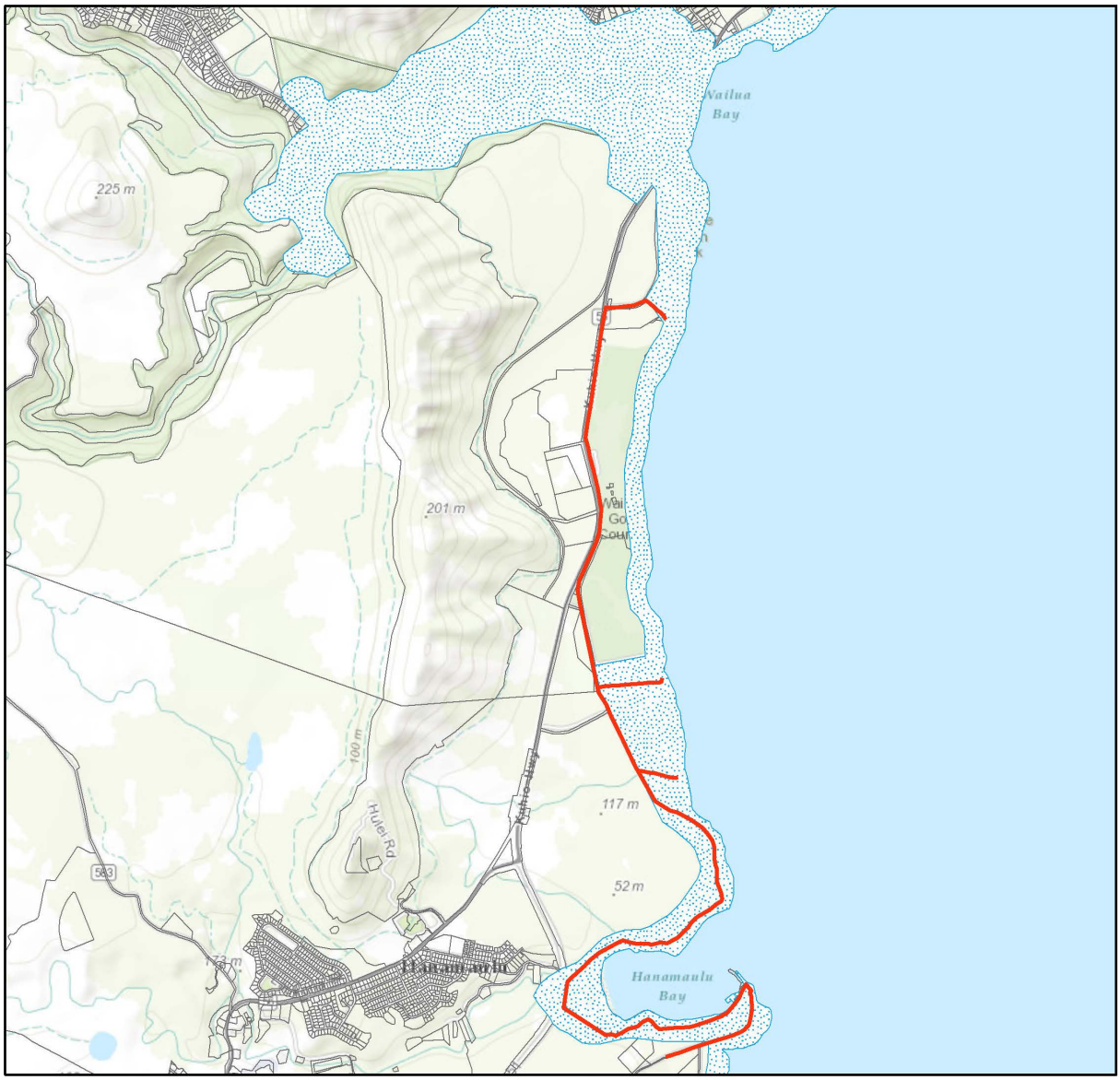
Coastal Zone Management Act/Special Management Area

The Coastal Zone Management Act (CZMA) is a federal act that ensures consistency with State programs for the protection and enhancement of the nation's coastal zones. County governments play a crucial role in implementing the CZMA program by regulating development in geographically designated Special Management Areas (SMA). The SMA permit system is defined differently for each County, beginning from the shoreline and extending inland to specific boundaries. (Refer to the SMA map of the project area in Kauai at the end of this section).

The proposed corridor is within the defined SMA for Kaua'i from Ahukini Point to the existing Motocross Park. At the Motocross Park, a subroute of the path diverts to Marine Camp, which is also included in the SMA boundary. The main path connection to Lydgate Park at Nehe Road is also included in the SMA boundary.

An SMA permit (major) is required for the project and it must show consistency with the CZM rules and regulations.

Special Management Area Map

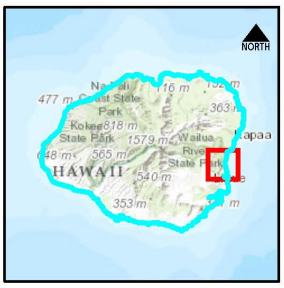


LEGEND

Ahukiki-Lydgate_Path

SMA

0 0.25 0.5 1 Miles



ISLAND OF KAUAI

DOCARE KAUAI ID:274-3525 JUN 02'06 15:45 No.002 P.01

Michele Olry
Kauai Marine Conservation Coordinator
Hawaii DLNR/ Division of Aquatic Resources
Lihue, Hawaii 96756
FAX: 808-274-3446

Merle Grimes
FAX: 303-646-8708
June 1, 2006

Aloha Merle,

Thank-you for your recent phone call and request for written comments for the Environmental Assessment of the bike path from Lydgate to Ahukini, that you presented for the final public hearing. I was pleased that you followed DLNR and NOAA's recommendations to minimize impacts on the marine environment and the highly endangered Hawaiian Monk Seal.

I am in full agreement with the bike path alignment that you presented that follows the inland route and avoids the sensitive coastal areas that were discussed. The one area of the bike path that I am concerned with is where the path extends to the comfort station at Nukoli'i beach (near the previously known Radisson Resort). Also where the path extends down to Marine Camp, another location where seals haul out on the beach. To keep bikes off the beach I recommend some kind of barrier be placed near the comfort station and signs to alert people to the possible presence of sensitive native species, many of which are endangered, including the Hawaiian monk seals that often haul out to rest in this area.

I also recommend, which we agreed upon, the placement of signs along the path that are interpretive signs to inform users of our marine environment and the species that live there as well as wildlife viewing guidelines (ie keep 150 feet away from monk seals). DLNR and NOAA would like to participate in the design development of the signs and make recommendations for their placement along the length of the path.

I am quite pleased by your efforts to protect the marine species and precious coastal environments present here on Kaua'i by designing such a good path that all users can appreciate and enjoy

Aloha,
Michele A. Olry
Mimi Olry.

Post-it® Fax Note 7671	Date 6/2/06 # of pages ▶ 1
To Merle Grimes	From Michele Olry
Co./Dept.	Co. DLNR / DAR
Phone # 303-646-8708	Phone # 808-691-7668
Fax #	Fax # 808-274-3525

[redacted]

06/02/06 FRI 18:50 ITX/RX NO 5027 P.001

U.S. DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE
Pacific Islands Regional Office
1601 Kapiolani Blvd., Suite 1110
Honolulu, Hawaii 96814-4730
(808) 944-2200 • Fax: (808) 973-2941

Merle D. Grimes, LLC
1042 Broken Arrow Circle
Elizabeth, CO 80107

JUN 0 2 2006

Dear Mr. Grimes:

We have reviewed the revised Preferred Path Alignment proposed for the Ahukini to Lydgate Park Bike/Pedestrian Path and are very pleased to see that you have addressed our concerns regarding the potential impacts to Hawaiian monk seals. As you noted in your e-mail of May 30, 2006, the path now substantially avoids the monk seal haulout sites at these beaches by following an inland route. By adding signage advising users of proper human behavior should monk seals be present at the beach where the path leads to the existing comfort station, we are confident that there should be no additional adverse impacts to the seals resulting from the construction of the path.

We appreciate the manner in which you willingly worked with our representatives, David Schofield and Mimi Olry, to minimize the impacts to this critically endangered species by incorporating our recommendations into the layout and design of the path.

Thank you for working with NMFS to protect our nation's living marine resources. Should you have any other questions regarding this project or the consultation process, please contact Jayne LeFors on my staff at (808) 944-2277 or at the e-mail address jayne.lefors@noaa.gov.

Sincerely,

Chris E. Yates
Assistant Regional Administrator for
Protected Resources

KAUAI DOFAW ID:808-274-3438 JUN 06'06 22:41 No.004 P.01

LINDA LINGLE
GOVERNOR OF HAWAII

PETER T. YOUNG
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BOARD OF LAND AND NATURAL RESOURCES
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COASTAL LANDS
FORESTRY AND WILDLIFE
HISTORIC PRESERVATION
KAHOOLAWE ISLAND RESERVE COMMISSION
LAND
STATE PARKS

STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES

DIVISION OF FORESTRY AND WILDLIFE
3060 Eiwa Street, Rm 306
Lihue, Hawaii 5766

June 6, 2006

Merle Grimes, President
MDC, LLC
1042 Broken Arrow Circle
Elizabeth, CO. 80107

Dear Sir:

I have reviewed the preferred alignment maps of the proposed Ahukini-Lydgate Bike/Pedestrian Path, Kauai, Hawaii and below are my comments:

Map 1- From Ahukini Pier to Hanamaulu bay: The path from Ahukini pier along the old sugar cane road is good. The path on the north side of Hanamaulu bay which goes along an old sugar cane road is also good. However, the section of path which enters conservation zoned lands may contain a colony(s) of Wedge-tailed shearwater (*Puffinus pacificus*). Therefore, we recommend a survey be conducted in this section. If the area contains nesting seabirds, we further recommend a re-aligning the path to the old sugar cane road.

Map 2 - Hanamaulu bay inland: Although, most of the proposed route is on the old sugar cane road, there appears to be a section before the path crosses over the historic Hanamaulu bridge near low growing vegetation may indicate a wet area. If so, the area may be prone to flooding during periods of high rainfall. The path from the historic bridge to the old sugar cane road is good.

Map 3 – Hanamaulu to Radisson and Wailua Golf Course: The proposed path from Hanamaulu passes through conservation zoned lands which may contain a Wedge-tailed shearwater colony(s). A report of several dead Wedge-tailed shearwaters was recently documented in the area. We entered the private property via the shoreline area from Nukolii beach. The vehicle access gates from Kuhio highway were locked and the landowner could not be notified for assistance. Because dead shearwaters were found in the area, we recommend a survey be conducted along this section. If the area contains nesting seabirds, we further recommend re-aligning the path to old sugar cane road. The path from Hilton lane to the abandoned cane haul road is good.

Map 4 – Wailua Golf Course/Kuhio Highway: The proposed path is good. Nene (*Nesochen sandvicensis*) may occasionally be observed on the golf course.

Map 5 – Kuhio Highway along Wailua Golf Course boundary to Nehe Road: The proposed path is good. Nene may occasionally be observed on the golf course.

06/07/06 WED 02:18 ITX/RX NO 5029 P.001

Additional comments: As you are aware of the seabird light attraction problem on Kauai, Ms. Andrea Erichsen, who also works for DLNR-DOFAW, has recommended using seabird safe lights in areas where lighting may be needed. We also recommend to strategically placing educational signage to inform the general public of native wildlife in the area, and Kauai's pet leash laws.

Thank you for allowing us to comment on the project. If you need additional information, please feel free to contact me at (808) 274-3433 or email: Thomas.j.kaiakapu@hawaii.gov Mahalo nui loa.

Sincerely,

Thomas Ka'iakapu
Kauai Wildlife Manager

Cc: Kauai DOFAW

From: Peter_Cohen@fws.gov [mailto:Peter_Cohen@fws.gov]
Sent: Tuesday, October 03, 2006 4:16 PM
To: merle@mdgdenver.com
Cc: peter_cohen@fws.gov
Subject: Re: Lydgate Park Bike Path

Dear Mr. Grimes,

Thank you for your call. After reviewing the Environmental Assessment there is no indication of any principle negative impacts on the local wetland and adjacent areas by the proposed Lydgate Park bike path.

Peter Cohen, PhD
U.S Fish and Wildlife Service
Pacific Islands Office
Room 3-122
300 Ala Moana Boulevard
Honolulu, HI 96850

Tel: (808) 792-9409
Fax: (808) 792-9580
Email: peter_cohen@fws.gov

U.S. Department of Transportation
Federal Highway Administration

07-TA-0190

Hawaii Division
300 Ala Moana Boulevard, Room 3-126
Honolulu, HI 96850

April 2, 2007

In Reply Refer To:
HDC-HI

RECEIVED
APR 04 2007

Mr. Patrick Leonard
Ecological Services – Field Supervisor
U.S. Fish and Wildlife Services
Pacific Islands Office
300 Ala Moana Boulevard
Room 3-122
Honolulu, HI 96850

Dear Mr. Leonard:

The County of Kauai is in the process of completing an Environmental Assessment (EA) for a bike and pedestrian path between Ahukini Point and Lydgate Park along the eastern coast of Kauai. The federal-aid project number is STP 7001(1). The proposed route, identified by the consultant, Marie D. Grosso, LLC., includes lands (please refer to attached map) that may contain Shearwater habitat, although none has been identified to date nor have any birds been observed on the property.

We are writing this letter for two reasons:

- To summarize the coordination efforts to date
- To notify U.S. Fish and Wildlife Service (Service) of our finding for Section 7

The Draft EA was distributed on November 22, 2005. Ms. Andrea Erichsen, Kauai Seabird HCP Coordinator, Division of Forestry and Wildlife, responded to the Draft EA. Ms. Erichsen's response letter (see attached) raised concerns about the possibility of wedge-tailed shearwaters (*Puffinus pacificus*) in the project area since she had observed many dead wedge-tailed shearwaters around Hanamaulu Bay in the fall of 2005. Ms. Erichsen goes on to request that a pre-construction survey be conducted for wedge-tailed shearwaters and consultation with the Division of Forestry and Wildlife and the U.S. Fish and Wildlife Service.

The consultant on the property did not complete a survey since the landowner denied access and no wedge-tailed shearwaters had been seen in the area, except for those mentioned by Ms. Erichsen. In addition, consultation with Mr. Peter Cohen stated: "After reviewing the Environmental Assessment there is no indication of any principal negative impacts on the local wetland areas by the proposed Lydgate Park bike path" (please see attached).

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Therefore, the FHWA has determined no effect on T&E species.

Please let us know in thirty days or we will assume that your original Draft EA assessment stands. However, if additional time is needed, please let us know. We appreciate your efforts since the Service's comments will be beneficial when we finalize the EA.

Please contact me at 541-2700, extension 305, if the Service has any comments or questions.

Sincerely yours,

Pat V. Phung, P.E.
Transportation Engineer

Enclosure

Cc: Ms. Christine Yamanaki, Hawaii Department of Transportation
Mr. Doug Haigh, County of Kauai
Mr. Merle Grimes, Merle D. Grimes, LLC.

—Original Message— **From:** Andrea.L.Erichsen@hawaii.gov [mailto:Andrea.L.Erichsen@hawaii.gov] **Sent:** Monday, January 09, 2006 2:23 PM **To:** Doug Haigh **Subject:** Comments on the Ahukini to Lydgate Park Bicycle/Pedestrian Path Draft EA

Aloha Doug, I appreciate being able to provide comments via email on such short notice. I am providing the following comments on the Ahukini to Lydgate Park Bicycle/Pedestrian Path Draft EA. I am the Kauai Seabird HCP Coordinator for the Division of Forestry and Wildlife. I work on issues related to causes of "unauthorized incidental take" of federal and state listed seabirds. 1. It is essential that no additional outdoor lighting is added by the project if possible. It is my understanding that this is the case except for potential lights around the comfort stations. 2. Any lighting deemed necessary for safety and security (i.e. at comfort stations) should and can be fully shielded so as not to attract: Newell's shearwater, Hawaiian petrel and wedge-tailed shearwater. I can provide information on "seabird" safe lighting styles and encourage project proponents to consult with me on this to avoid causing "take" of listed seabirds due to lighting. 3. Page 77. Newell's shearwater is listed as a threatened species at the federal and state levels (it is not endangered). However, over 80% of the world's remaining population breeds on Kauai. The Hawaiian petrel is listed as an endangered species at the federal and state levels. Both of these species migrate over the coastal area during breeding and fledging and thus could be harmed by any additional outdoor lighting that is not fully shielded. 4. Page 77. The biological setting and analysis fails to discuss adverse effects on wedge-tailed shearwaters (*Puffinus pacificus*) (referred to only as the ua'u kani) that is protected by the Federal Migratory Bird Treaty Act. This species nests in colonies along the coast. Breeding colonies are likely to be adversely affected by the proposed action. I directly observed many dead wedge-tailed shearwaters around Hanama'ulu Bay in the fall of 2005. Brenda Zaun and Keith Swindle of the U.S. Fish and Wildlife Service also documented this mass mortality (photographs and information can be provided). We documented an enormous man-caused mortality on the north side of Hanama'ulu Bay in addition to devastating predation by cats and dogs, presumably. There are also several other colonies along the coast north and south of the aforementioned area. The construction of the bike path would increase public access and risk of disturbance and mortality as well as potentially result in direct removal of occupied nesting habitat for this protected species. As a way to mitigate for such adverse effects to less than significant levels, I recommend pre-construction surveys for wedg-tailed shearwater colonies by a qualified biologist at the appropriate time of year. These surveys would help avoid and protect existing colonies. In addition in areas along the bike path there should be permanent educational signs on the seabird species nesting and seen along the shoreline. If dogs are allowed on the bike path there should be a posted requirement that all dogs remain on leash at all times (penalties should be cited as necessary). Additional protective measures such as fencing and predator control may also be necessary. In summary I recommend colony surveys and consultation with the Division of Forestry and Wildlife and U.S. Fish and Wildlife Service regarding potential adverse effects to wedge-tailed shearwater along proposed and alternative bike/pedestrian pathway routes. 5. The biological information from reports cited for the two paragraph analysis on page 77 appears significantly outdated and inaccurate in my opinion i.e.(data from reports issued in 1994 and 2001). Therefore the analysis of potential effects would be compromised. 6. Page 77. Here

(*Nesochen sandvicensis*) is an endangered species listed at the state and federal. Nene should be included in the analysis. Construction activities, noise, and human activities could along the path could cause adverse effects to Nene. 7. Page 77. Hoary bat is not an avian species, but rather, it is a mammal. Thank you for your time and consideration.

Andrea Erichsen, M.S. Kauai Seabird HCP Coordinator Division of Forestry and Wildlife P.O. Box 458 Waimea, HI 96796 (808) 346-3489 mobile (808) 338-1381 office

-----Original Message-----
From: Peter_Cohen@fws.gov [mailto:Peter_Cohen@fws.gov]

Sent: Tuesday, October 03, 2006 4:16 PM
To: merle@mdgdenver.com
Cc: peter_cohen@fws.gov
Subject: Re: Lydgate Park Bike Path

Dear Mr. Grimes,

Thank you for your call. After reviewing the Environmental Assessment there is no indication of any principle negative impacts on the loca wetland and adjacent areas by the proposed Lydgate Park bike path.

Peter Cohen, PhD
U.S Fish and Wildlife Service
Pacific Islands Office
Room 3-122
300 Ala Moana Boulevard
Honolulu, HI 96850

Tel: (808) 792-9409
Fax: (808) 792-9580
Email: peter_cohen@fws.gov

TLE MAP 2
PREFERRED PATH ALIGNMENT
Ahukini to Lydgate Park Bike / Pedestrian Path

United States Department of the Interior

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

In Reply Refer To:
2007-TA-0140

MAY 4 2007

Mr. Pat Phung
Transportation Engineer
Department of Transportation
Federal Highway Administration
Hawaii Division, Box 50206
300 Ala Moana Boulevard, Room 3-306
Honolulu, Hawaii 96850

Subject: Comments on Draft Final Environmental Assessment (EA) for Ahukini to Lydgate Park Bicycle/Pedestrian Path on the island of Kaua'i

Dear Mr. Phung:

Thank you for your letter of April 2, 2007, notifying our office of your finding and determination in the Draft Final Environmental Assessment under section 7 of the Endangered Species Act (Act) for the proposed Ahukini to Lydgate Park Bicycle/Pedestrian Path on the island of Kaua'i. We received your letter on April 4, 2007. We understand that you have determined that the proposed project will not affect listed species that may occur in the action area: the federally threatened Newell's shearwater (*Puffinus auricularis newelli*) and the federally endangered Hawaiian petrel (*Pterodroma phaeopygia sandwichensis*), Hawaiian hoary bat (*Lasirus cinereus semotus*), Hawaiian goose (*Branta sandvicensis*), Hawaiian duck (*Anas wyvilliana*), and Hawaiian moorhen (*Gallinula chloropus sandvicensis*). The EA also includes determinations regarding the endangered Hawaiian monk seal (*Monachus schauinslandi*), green sea turtle (*Chelonia mydas*) and humpback whale (*Megaptera novaeangliae*). Please note that the National Marine Fisheries Services, not the U.S. Fish and Wildlife Service, has regulatory authority under the Act for these marine species and for sea turtles that are in the ocean and not hauled out or nesting on the beach.

We disagree with your determination that the proposed project will not affect listed species in the vicinity of the project area. After reviewing the Draft Final Environmental Assessment, we are concerned that the proposed action may affect, however is not likely to adversely affect, listed species. If lighting associated with the bicycle/pedestrian path is down-shielded and lights use the shortest poles possible and do not extend above the height of existing vegetation, this will minimize the potential for disorienting listed seabirds traveling to or from their montane nesting areas and minimize collisions of listed seabirds and bats with light poles. In order to minimize the affect of the proposed project on listed waterbirds, disturbance from construction and increased human activity along the proposed path should be kept to a minimum. Educational

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signs should be strategically placed along the path to inform the general public of native wildlife in the area and Kaua'i's pet leash laws.

Wedge-tailed shearwaters (*Puffinus pacificus chlororhynchus*) may nest in littoral vegetation in the project area, and nesting adults may be displaced by construction of this path. This species is not threatened or endangered, but it is federally protected from take under the Migratory Bird Treaty Act [16 U.S.C. 703-712]. Surveys for wedge-tailed shearwaters should be completed during the peak breeding season, August through October, to determine the location of nesting adults. We agree with your proposed mitigation measure that if wedge-tailed shearwaters nest along the proposed alignment, the path should be redirected to an area where wedge-tailed shearwaters do not nest to avoid take.

We agree with your determination the proposed project will not affect endangered or threatened plant species or their proposed or designated critical habitat, because to the best of our knowledge, no federally listed plant species or proposed or designated critical habitat are present along the proposed alignment.

We appreciate your efforts to conserve endangered species. If you have questions, please contact Patrice Ashfield, Consultation and Technical Assistance Program Coordinator (phone: 808/792-9400; fax: 808/792-9581).

Sincerely,

Christa Russell for

Patrick Leonard
Field Supervisor

LINDA LINGLE
GOVERNOR OF HAWAII

LAURA H. THIELEN
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT

RUSSELL Y. TSUJI
FIRST DEPUTY

KEN C. KAWAHARA
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

STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
DIVISION OF FORESTRY AND WILDLIFE
KAUAI DISTRICT
3060 EIWA STREET, ROOM 306
LIHUE, KAUAI, HAWAII 96766

October 27, 2008

Merle D. Grimes
MDG, LLC
1042 Broken Arrow Circle
Elizabeth, CO. 80107

Dear Mr. Grimes:

This letter summarizes findings of a seabird nesting survey and provides for recommendations and conditions for the proposed "preferred alignment" of the Ahukini to Lydgate Park segment of the Kauai County Bike and Pedestrian Path (Maps 1, 2, and 3). The area surveyed is the north side of Hanamaula bay (Map 1) along the coast and makai of the old sugar cane road to the south of Hilton Lane (Map 3) for nesting activity by wedge-tailed shearwaters (*Puffinus pacificus*) on July 22, 2008 at 9-11 am. This species is not listed threatened or endangered but is protected under the U.S. Migratory Bird Treaty Act (16 USC 703 et seq.).

The area defined as **polygon "A"** on Maps 1 (A1) and 3 (A2) contains potentially suitable nesting habitat for wedge-tailed shearwater and is considered "occupied habitat" based on observations in 2006, and 2007. The Kaua'i Division of Forestry and Wildlife (DOFAW) has been interested in conducting a formal seabird survey for the area, however, other projects of higher priority have taken the forefront. Therefore, the exact number of breeding pairs is unknown at this time. Other areas within the aforementioned path segment are not highly suitable for this species due to vegetation type and land use history, however, care should be taken to assume presence anywhere along the coast.

Seabird mortalities have been documented in Polygons "A1 and A2" with the likely culprit being feral cats and/or stray dogs. People may cause unintentional harm by walking their unleashed pets along the shore line however, this has not been documented. Wedge-tailed shearwaters are ground nesters and generally breed from February to November, and pairs lay a single egg along coastal vegetation such as beach naupaka (*Scaevola taccada*), between rocks, and under tree roots. Birds return after nightfall between 7:30 to 9:30 p.m. to feed and care for their chick and depart for the open sea early the next morning at 3:00 to 5:00 am. It is not uncommon to hear birds calling or see them overhead near their nesting area.

Based on the habitat type, and recent documentation of nesting activities, it is recommended that the proposed bike path alignment be either placed on the old cane road(s) or adjacent (makai side) to the old cane road(s). The following conditions are recommended to avoid, minimize, and mitigate

for potentially negative impacts to nesting seabirds and their habitat during the construction phase as well as the long-term maintenance of the path project:

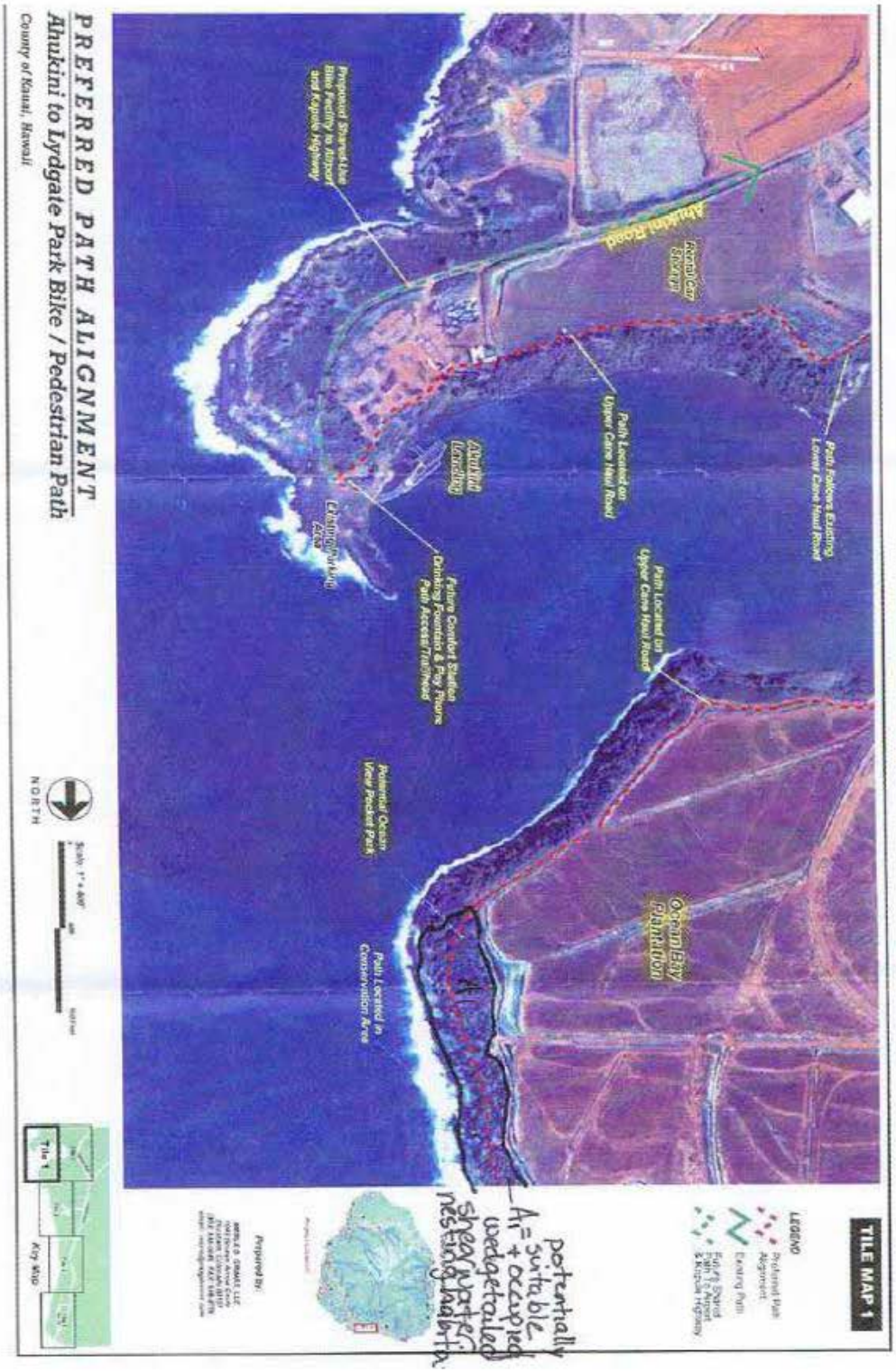
1. The County should consult with DOFAW during final design of the path alignment. During this consultation DOFAW can share new biological information that could guide path construction and management practices (including fencing, predator control/removal, monitoring);
2. The path alignment should stay west of **polygons "A1 and A2"** (Maps 1 and 3), preferably on the existing cane road;
3. Scenic overlooks should be incorporated north or south of the **polygons "A1 and A2"** areas;
4. The County would fund design, production, installation, and maintenance of interpretive and regulatory signs per DOFAW guidance on content and location. Approximately two (2) interpretive signs and two (2) regulatory seabird signs are recommended for this segment of the bike path (i.e. in the vicinity of **polygons "A1 and A2"**). DOFAW has already provided County and its consultants with some text and graphics and will continue assist in guiding the content as well as placement of the interpretive and regulatory signs along the path;
5. Restoration of native coastal vegetation such as beach naupaka and other native beach shrubbery is recommended as part of any landscaping plan for this segment of the bike path;
6. Tree removal within known nesting areas should consult with DOFAW to determine whether or not nesting burrows are near the affected tree(s). Wedge-tailed Shearwaters breed on Kaua'i from February to November and tree removal and earth disturbance should be avoided during these months unless biological monitors are on hand to supervise and ensure adequate protection of the species;
7. Existing native vegetation should be protected to the maximum extent practicable;
8. During construction and maintenance activities, best management practices (BMPs) shall be implemented and monitored to avoid trampling vegetation, crushing burrows beneath, and creating paths through the vegetation; and
9. No outdoor lights shall be installed along the path.

With implementation of these measures, the potential adverse impacts of the proposed project to protected wedge-tailed shearwaters will be mitigated to less than significant levels. It is our hopes that the County of Kauai will collaborate with DOFAW for a long-term seabird habitat management plan for the area.

Sincerely,

Andrea Erichsen

Cc: Thomas Ka'iakapu, Kauai Wildlife Manager


TILE MAP 1
LEGEND
Proposed Path Alignment
Existing Path
Existing Signed Bicycle Route
Path Follows Existing Lower Cane Haul Road
Path Located on Upper Cane Haul Road
Path Located on Upper Cane Haul Road
Ahukini Road
Rental Car Storage
Ocean Bay Plantation
Ahukini Landing
Proposed Shared-Use Bike Facility to Airport and Kapaia Highway
Existing Parking Area
Future Comfort Station Drinking Fountain & Pay Phone Path Access/Trailhead
Potential Ocean View Pocket Park
Path Located in Conservation Area
potentially suitable wedge-tailed shearwater nesting habitat
Prepared by:
Key Map
Tile 1
Scale: 1" = 800'
NORTH
PREFERRED PATH ALIGNMENT
Ahukini to Lydgate Park Bike / Pedestrian Path
County of Kauai, Hawaii

TILE MAP 3
Abandoned Cane Haul Road
Waiua Golf Course
Existing Moto Cross Park
Marine Camp
Hilton Hotel & Kauai Beach Villas
Kauai Beach Drive
Existing Comfort Station
Wetlands
Ocean Bay Plantation
Connection to Marine Camp
LEGEND
Proposed Path Alignment
Key Map
NORTH
PREFERRED PATH ALIGNMENT
Ahukini to Lydgate Park Bike / Pedestrian Path
County of Kauai, Hawaii

United States Department of the Interior

FISH AND WILDLIFE SERVICE

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

In Reply Refer To:
2009-I-0119

FEB 2 6 2009

Mr. Pat V. Phung
Federal Highways Administration
300 Ala Moana Boulevard, Room 3-306
Honolulu, Hawaii 96850

Subject: Informal Consultation for the Ahukini to Lydgate Park Bike and Pedestrian Path, Kauai

Dear Mr. Phung:

This is in response to your February 18, 2009, letter requesting informal section 7 consultation regarding the proposed Ahukini to Lydgate Park Bike and Pedestrian Path (proposed project) on Kauai. At issue are the potential effects of the proposed project on the endangered Hawaiian duck (*Anas wyvilliana*), Hawaiian moorhen (*Gallinula chloropus sandvicensis*), Hawaiian coot (*Fulicia alai*), and Hawaiian stilt (*Himantopus mexicanus knudseni*) (collectively referred to as waterbirds), Hawaiian goose (*Branta sandvicensis*), Hawaiian petrel (*Pterodroma sandwichensis*), hawksbill turtle (*Eretmochelys imbricata*), Hawaiian hoary bat (*Lasiurus cinereus semotus*), and the threatened Newell's shearwater (*Puffinus auricularis newelli*) and green sea turtle (*Chelonia mydas*). The wedge-tailed shearwater (*Puffinus pacificus*), a species protected by the Migratory Bird Treaty Act (MBTA), may also be impacted by this project.

We used the following information in our review of the proposed project: (1) your February 18, 2009, letter; (2) email correspondence with your non-federal representative, Mr. Merle Grimes; (3) telephone and email correspondence between Mr. Dough Haigh from the County of Kauai Department of Public Works and Ms. Megan Laut from the U.S. Fish and Wildlife Service (Service); (4) the November 22, 2005, Draft Environmental Assessment for the proposed project, and; (5) other information available to us.

Project Description

The proposed project includes the development of a recreational path from Ahukini Point to Lydgate Park, and is one segment of the County of Kauai's Nawiliwili to Anaholola Bike and Pedestrian Path. The purpose of the proposed project is to support alternative forms of transportation, to connect important destinations, and to preserve coastal areas and access. In general, the proposed project will be constructed along or adjacent to existing paths or roads, will be 10 to 12 feet wide, and will be constructed of concrete or other low-maintenance materials.

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No additional lighting will be installed, except where described below, and interpretive signs will be developed at numerous locations along the path.

Conservation Measures

Potential impacts to protected species from the proposed project could occur as a result of: construction-related impacts; increased interactions with humans; increased interactions with feral animals due to larger populations from food in trash cans or "cat feeding colonies"; interactions with dogs; and increased nighttime lighting. Beneficial impacts to protected species could include increased public awareness about protected species, their threats, and recovery needs as a result of the information kiosks; greater identification with these resources from the opportunity to view them in the wild; and the protection of nesting habitat.

The following conservation measures, developed in cooperation with the Service, and proposed in the consultation request letter will offset project impacts and avoid adverse effects to the listed species reviewed in this informal consultation. Conservation measures are considered part of the project description. Any changes within or failure to implement these conservation measures may result in the need to reinitiate section 7 consultation. The following is a summary of the conservation measures described in your February 18, 2009, letter.

- The County of Kauai has begun an 18-month trial allowing leashed dogs on a different segment of the path[1]. The success of the program will be monitored for application to the entire path. The County will post signs, including specific information describing Section 19-1.4 of the County Code relating to "General Prohibitions Applicable to all Parks and Recreational Facilities" in five different locations of this segment of the path. Rules for this trial include: (1) dogs must be on a leash no longer than 6 feet, retractable leashes are not allowed; (2) a person may not walk more than two dogs at a time; (3) dogs must wear a valid license on their collar; (4) a dog must be removed from the path if it exhibits aggressive behavior; and, (5) feces must be picked up and disposed of in a waste recepticle. Violation of the rules can result in fines and court hearings. The regulations above are expected to be the minimum requirements established for the proposed project, results from the monitoring period will serve to develop additional recommendations, and will serve to avoid impacts to protected species from loose domestic dogs.

- To educate the public about protected species, informational signs will be installed at numerous locations along the path. Locations will be determined during the design phase and in cooperation with the Service and other interested parties such as Hawaii Division of Forestry and Wildlife.

- To prevent increases in populations of non-native mammalian predators (domestic and feral cats, and feral dogs), feeding stations for these animals will be strictly prohibited and signs will be posted at the locations listed above. Sturdy animal-proof garbage containers will prevent food scraps and other refuse from serving as additional food sources for house mice, rats, cats, and dogs. Garbage will be picked up on a regular schedule.

---

[1] County of Kauai. News Release November 25, 2008. County prepares for dogs on bike path. 2pp.

- To increase public awareness about protected species, content of the informational signs will include basic biology, habitat, and behavior of species. Threats to protected species from human interaction (harassment, feeding, and habitat destruction), loose or uncontrolled dogs, and feral or loose domestic cats will also be described. The importance of keeping dogs leashed will be emphasized and the signs may include photographs of depredated birds. Instructions on what to do if a downed or injured bird is found, will be included. Because the Save Our Shearwater program occasionally receives healthy wedge-tailed shearwater chicks, the signs may contain information to help the public differentiate between a healthy nestling wedge-tailed shearwater sitting outside its burrow and an injured bird. Relevant local, State and Federal laws and penalties will be posted, as will the logos of related agencies.

- No lighting will be installed along the pathway between Ahukini Landing and Hilton Lane.

- If the proposed comfort stations are developed at Ahukini Landing, Hanamaulu, and Marine Camp, the facilities will include nighttime lighting that will be the minimum required for safety. Lighting will be low-intensity and down-shielded to minimize attraction of shearwaters and petrels. Lighting will not be directed toward the ocean or beaches to prevent sea turtle disorientation.

- Nighttime construction is not anticipated, but if it does occur, lighting will be downward facing and shielded. Nighttime work will cease during the shearwater and petrel fledging period, October 1 through December 15.

- If nighttime construction does occur, impacts to seabirds will be reduced by implementing a seabird fallout monitoring program. All staff associated with the project will be educated about seabird fallout and how to respond if a downed bird is located. A cat kennel will be kept on site to temporarily hold downed birds, and the Service and the Save Our Shearwaters program will be contacted if a bird is found.

- To avoid impacts to nesting waterbirds and the Hawaiian goose, a biologist familiar with these species will conduct surveys no more than three days prior to the beginning of construction and after any delay in work of three or more days during which waterbirds may attempt nesting.

- If a nest is discovered, work will cease within a minimum radius of 100 feet of the nest for a minimum of 60 days. If a nest with chicks is discovered, work will cease for 30 days. The Service will be contacted within 24 hours.

- If a previously undiscovered nest is found after work begins, work with cease within a minimum radius of 100 feet of the nest and the Service will be contacted within 24 hours.

- The removal of large mature trees will be minimized. If tree removal is associated with the proposed project, trees will not be removed during the Hawaiian hoary bat pupping season (July 1 to September 30), to avoid impacts to Hawaiian hoary bats. A qualified biologist with documented experience conducting Hawaiian hoary bat surveys will

perform surveys three or fewer days prior to tree removal. If bats are present in the area, tree removal will be postponed until bats are no longer detected in the area.

- According to email correspondence from Mr. Grimes, a 10-foot tall safety fence will be installed along the 5th tee box, 10th fairway, and 12th green of Wailua Golf Course and will be either a solid fence or a chain-link fence with 1-inch fabric woven into the links. In addition, trees, shrubs, and other vegetation will be planted in order to screen the fence.

- The Best Management Practices for Construction Related projects listed in the Biological Evaluation will be implemented to prevent erosion and siltation and to protect near shore marine resources.

Summary

Hawaiian Waterbirds and Hawaiian Goose

Endangered waterbirds and the Hawaiian goose use areas in close proximity to portions of the proposed project for loafing, foraging, and nesting. As a result of the proposed project, they will likely have increased exposure to humans and dogs, if dogs are allowed on the trail. The conservation measures described above will avoid impacts from construction of the trail, the information contained at the kiosks should increase public awareness about these listed species, and County of Kauai regulations related to dogs in public facilities and the monitoring program will address potential impacts from pet dogs. Therefore, we concur that the proposed project is not likely to adversely affect the Hawaiian duck, Hawaiian coot, Hawaiian moorhen, Hawaiian stilt, or Hawaiian goose.

Hawaiian Hoary Bat

The Hawaiian hoary bat is likely to occur in the vicinity of the proposed project. If large trees are cut, construction activities related to the project will avoid impacts to bats during the pupping season. Therefore, we concur that the proposed project is not likely to adversely affect the Hawaiian hoary bat.

Newell's Shearwater, Hawaiian Petrel, and Wedge-Tailed Shearwater

The Newell's shearwater and Hawaiian petrel are nocturnal species known to collide with tall objects at night when moving between feeding areas at sea to upland nesting areas. Of particular concern are fledging seabirds, which are attracted to artificial lights and they fly around the light source until they either collide with a tall object such as an adjacent building, light pole, wire, or fall to the ground from exhaustion. Once grounded, they are vulnerable to predators or often struck by vehicles along roadways. The construction phase of the proposed project is anticipated to occur during daylight hours. If nighttime construction is planned, it will not occur during the listed seabird fledging period. If night construction occurs during other times of year, a downed seabird monitoring program will be implemented as described above. Information kiosks will increase awareness of these elusive species. Because of the minimization measures described above, we concur that the proposed project is not likely to adversely affect the Newell's shearwater or the Hawaiian petrel.

The wedge-tailed shearwater is not listed as endangered, but is protected under the Migratory Bird Treaty Act. It is similar to the Hawaiian petrel and Newell's shearwater in its nocturnal habits. The minimization measures developed for the Hawaiian petrel and Newell's shearwater

will also benefit the wedge-tailed shearwater. A population of wedge-tailed shearwaters occurs near the proposed project in the vicinity of Hanamaula Bay and makai of the old sugar cane road south of Hilton Lane. According to your February 18, 2009, letter, recommendations made by Hawaii Division of Forestry and Wildlife in a letter dated November 18, 2008, regarding the alignment of the path, measures to avoid disturbing the birds during construction, planting the area with native vegetation, avoiding the installation of lights, and the installation of informational signs in the vicinity of the breeding colonies will be implemented.

Green Sea Turtle and Hawksbill Sea Turtle
Green sea turtles and hawksbill sea turtles use the near shore waters for foraging and haul out on the sandy beaches adjacent to the proposed project. The beaches are currently open to the public and a significant increase in human interactions with these species is not expected. All additional lighting associated with the project will not project on the ocean or beach, and will minimize disorientation of turtles. Therefore, we concur that the proposed project is not likely to adversely affect the green sea turtle or the hawksbill sea turtle.

We appreciate your efforts to protect listed species. Unless the project description changes, or new information reveals that the effects of the proposed action may affect listed species in a manner or to an extent not considered, or a new species or critical habitat is designated that may be affected by the proposed action, no further action pursuant to the Endangered Species Act is necessary. If you have questions or would like additional information regarding these comments, please contact Fish and Wildlife Biologist Megan Laut by telephone at (808) 792-9400.

Sincerely,

Christa Russell

for Patrick Leonard
Field Supervisor

merle d. grimes llc.

June 1, 2009

Mr. Patrick Leonard
Field Supervisor
United States Department of the Interior
Fish and Wildlife Service
Pacific Islands Fish and Wildlife Office
300 Ala Moana Boulevard, Room 3-122, Box 50088
Honolulu, Hawaii 96850

Re: Ahukini to Lydgate Park Bike/Pedestrian Path Project

Dear Mr. Leonard:

I am in receipt of your February, 2009 letter to Mr. Pat Phung with the FHWA regarding Informal consultation for the Ahukini to Lydgate Park Bike and Pedestrian Path project on Kauai. As the project consultant under contract with the County of Kauai to complete the Environmental Assessment for this project, we acknowledge and agree to the conservation measures that you outlined in the correspondence. Your letter and this response will be included in the Final Environmental Assessment document.

If you have any questions or concerns, please do not hesitate to contact me.

Sincerely,

Merle D. Grimes
Principal, MDG, llc

Cc: Doug Haigh

U.S. Department of Transportation
Federal Highway Administration

Hawaii Federal-Aid Division

300 Ala Moana Blvd, Rm 3-306
Box 50206
Honolulu, Hawaii 96850
Phone: (808) 541-2700
Fax: (808) 541-2704

August 27, 2013

In Reply Refer To:
HDA-HI

Loyal Mehrhoff
Field Supervisor
U.S. Fish and Wildlife Service
300 Ala Moana Boulevard, Room 3-122
Honolulu, HI 96850

Subject: Informal Section 7 Consultation
Ahukini to Lydgate Bicycle and Pedestrian Path Project, Kaua'i, Hawai'i
Federal-aid Project No. STP-0700(51)

Dear Dr. Mehrhoff:

The purpose of this letter is to summarize Section 7 informal consultation efforts that have occurred since 2007 and to request your concurrence with the Federal Highway Administration's (FHWA) recommendation that a not likely to adversely affect impact finding is appropriate for the proposed project on listed, endangered, and threatened species or designated habitat.

Background

The County of Kaua'i, Department of Public Works, in coordination with the State of Hawai'i Department of Transportation (HDOT), is proposing the Ahukini to Lydgate Park Bicycle and Pedestrian project. The proposed action involves constructing a multi-use path for bicyclists, pedestrians, and other users between Ahukini Point and Lydgate Park along Kaua'i's eastern coastline. The FHWA is designated as the lead federal agency for this project.

The Draft Environmental Assessment (DEA) was published in the Office of Environmental Quality Control Bulletin on December 8, 2005. A Draft Final EA responding to all comments has been prepared, but has not yet been published. A finding of no significant impact (FONSI) was rendered under the state review process. A FONSI under the National Environmental Policy Act has not yet been made and is subject to review by the FHWA as the lead federal agency.

Summary of Informal Section 7 Consultation

The FHWA previously determined that the proposed project would have no effect on threatened or endangered species as communicated via a letter dated April 2, 2007, from Mr. Pat Phung to Mr. Patrick Leonard. In a response to FHWA on May 4, 2007, Mr. Leonard disagreed with the no effect determination and expressed concerns that the proposed project may affect, however was not likely to adversely affect, listed species in the vicinity of the proposed path alignment. A number of mitigation measures were proposed by Mr. Leonard for the project in order to

minimize disturbances during construction and mitigate the effects of longer-term increased human traffic along the path alignment on wildlife.

In a letter dated June 1, 2009, Mr. Merle D. Grimes (the authorized agent of the County Department of Public Works) acknowledged receipt of Mr. Leonard's letter and accepted the following proposed mitigations measures for inclusion in the Draft Final EA:

- No outdoor lights will be installed along the path.
- In order to minimize the potential for disorienting listed seabirds and collisions of listed seabirds and bats with light poles, lighting at the comfort stations will be shielded. The lights will be mounted on the shortest poles possible so as not to extend above the height of the existing vegetation.
- The County of Kaua'i will work with the Department of Land and Natural Resources, Division of Forestry and Wildlife (DOFAW) on two interpretative signs and two regulatory seabird signs using DOFAW-provided text and graphics. Educational signage will be incorporated where appropriate to inform the public of the marine environment and the species that live there. Educational signage will also include wildlife viewing guidelines as part of the County of Kaua'i's interpretive sign program titled "Sign Requirements for Proposed Bikeway/Walkway."
- Signage reflecting all rules for the shared use path will be posted.

Considering the information provided herein, the FHWA seeks concurrence that the proposed action is not likely to adversely affect listed, endangered, and threatened species or designated habitat. A response within 30 calendar days of receipt of this letter would be greatly appreciated.

If you have any questions, you may contact me at (808) 541-2316 or by email at meesa.otani@dot.gov. The HDOT project manager is Christine Yamasaki and she may be contacted at (808) 692-7572 or by email at christine.yamasaki@hawaii.gov. The contact at the County of Kaua'i is Douglas Haigh and he may be contacted at (808) 241-4849 or by email at dhaigh@kauai.gov. Thank you for your assistance.

Sincerely yours,

FOR Meesa T. Otani
Environmental Engineer

cc: Ms. Holly Yamauchi, HDOT
Mr. Douglas Haigh, County of Kaua'i

United States Department of the Interior

FISH AND WILDLIFE SERVICE
Pacific Islands Fish and Wildlife Office
300 Ala Moana Boulevard, Room 3-122
Honolulu, Hawai'i 96850

In Reply Refer To:
2013-I-0436

OCT 25 2013

Ms. Meesa T. Otani
Environmental Engineer
U.S. Department of Transportation
Federal Highway Administration
300 Ala Moana Boulevard, Room 3-306
Honolulu, Hawai'i 96850

Subject: Informal Consultation for the Ahukini to Lydgate Bicycle and Pedestrian Path Project, Kaua'i

Dear Ms. Otani:

The U.S. Fish and Wildlife Service (Service) received your letter on August 27, 2013, requesting our concurrence with your determination that the Ahukini to Lydgate Bicycle and Pedestrian Path project will is not likely to adversely to affect listed endangered and threatened species or designated habitat. The findings and recommendations in this consultation are based on (1) your August 27, 2013 letter; (2) email correspondence dated September 26, 2013; (3) the Service's February 26, 2009, Informal Consultation for the Ahukini to Lydgate Park Bike and Pedestrian Path letter; and (4) other information available to us. A complete administrative record is on file in our office. This response is in accordance with section 7 of the Endangered Species Act of 1973 (Act), as amended (16 U.S.C. 1531 *et seq.*).

At issue are the potential effects of the proposed project on the endangered Hawaiian petrel (*Pterodroma sandwichensis*), threatened Newell's shearwater (*Puffinus auricularis newelli*), and a candidate for listing, the band-rumped storm petrel (*Oceanodroma castro*) (collectively referred to as Hawaiian seabirds), endangered Hawaiian duck (*Anas wyvilliana*), endangered Hawaiian moorhen (*Gallinula chloropus sandvicensis*), endangered Hawaiian coot (*Fulicia alai*), and endangered Hawaiian stilt (*Himantopus mexicanus knudseni*) (collectively referred to as Hawaiian waterbirds), endangered hawksbill turtle (*Eretmochelys imbricata*) and threatened green sea turtle (*Chelonia mydas*) (collectively referred to as Hawaiian sea turtles), endangered Hawaiian goose (*Branta sandvicensis*), and endangered Hawaiian hoary bat (*Lasiurus cinereus semotus*). The wedge-tailed shearwater (*Puffinus pacificus*), a species protected by the Migratory Bird Treaty Act [16 U.S.C. 703-712] (MBTA), may also be impacted by this project.

TAKE PRIDE IN AMERICA

Project Description
The County of Kaua'i, Department of Public Works, in coordination with the State of Hawai'i Department of Transportation (HDOT), is proposing the Ahukini to Lydgate Park Bicycle and Pedestrian project. The proposed project includes the development of a multi-use path for bicyclists, pedestrians, and other users between Ahukini Point and Lydgate Park along Kaua'i's eastern coastline. The Federal Highway Administration (FHWA) is designated as the lead federal agency for this project.

Summary of Correspondence for Section 7 Consultation
The FHWA previously determined in a letter dated April 2, 2007, that the proposed project would have no effect on threatened or endangered species. Our response to FWHA on May 4, 2007 disagreed with the no effect determination and recommended measures to minimize the effects of the proposed project to Hawaiian seabirds, Hawaiian waterbirds, Hawaiian bat, and federally protected migratory seabirds. As described in your February 18, 2009 letter, the County of Kaua'i implemented an 18-month trial allowing leashed dogs on a different segment of the path. The success of the program was supposed to be monitored for application to the entire path. The County should have posted signs, including specific information describing Section 19-1.4 of the County Code relating to "General Prohibitions Applicable to all Parks and Recreational Facilities" in five different locations of this segment of the path. Rules for this trial included: (1) dogs must be on a leash no longer than 6 feet, retractable leashes are not allowed; (2) a person may not walk more than two dogs at a time; (3) dogs must wear a valid license on their collar; (4) a dog must be removed from the path if it exhibits aggressive behavior; and, (5) feces must be picked up and disposed of in a waste receptacle. Violation of the rules would result in fines and court hearings. The regulations above were expected to be the minimum requirements established for the proposed project, results from the monitoring period would serve to develop additional recommendations, and would serve to avoid impacts to protected species from loose domestic dogs. We are unaware of the results of the trial and request updates on this information.

Conservation Measures
The following measures identified in your email will be implemented at the project site to avoid and minimize effects to Hawaiian seabirds, Hawaiian waterbirds, Hawaiian sea turtles, Hawaiian goose, Hawaiian hoary bat, and the wedge-tailed shearwater. These conservation measures are considered part of the project description. Any changes to, modifications or, or failure to implement these conservation measures may result in the need to reinitiate this consultation.

- To educate the public about protected species, the County of Kaua'i will work with the Department of Land and Natural Resources, Division of Forestry and Wildlife (DOFAW) to design and install two interpretative signs and two regulatory seabird signs using DOFAW-provided text and graphics. Educational signage will be incorporated where appropriate to inform the public of the marine environment and other species that utilize the coastal environment. Educational signage will also include wildlife viewing guidelines as part of the County of Kaua'i's interpretive sign program titled "Sign Requirements for Proposed Bikeway/Walkway."

- Signage reflecting all rules for the shared use path will be permanently installed.

- To prevent increases in populations of non-native mammalian predators (domestic and feral cats, and feral dogs), feeding stations for these animals will be strictly prohibited and signs will be posted at the locations listed above. Sturdy animal-proof garbage containers will be installed and maintained to prevent food scraps and other refuse from serving as additional food sources for house mice, rats, cats, and dogs. Garbage will be picked up on a regular schedule.

- To increase public awareness about protected species, content of the informational signs will include basic biology, habitat, and behavior of species. Threats to protected species from human interaction (harassment, feeding, and habitat destruction), loose or uncontrolled dogs, and feral or loose domestic cats will also be described. The importance of keeping dogs leashed will be emphasized and the signs may include photographs of depredated birds. Instructions on what to do if a downed or injured bird is found, will be included. Because the Save Our Shearwater program occasionally receives healthy wedge-tailed shearwater chicks, the signs shall contain information to help the public differentiate between a healthy nestling wedge-tailed shearwater sitting outside its burrow and an injured bird. Relevant local, State and Federal laws and penalties will be posted, as will the logos of related agencies.

- No outdoor lighting will be installed along the pathway.

- If proposed comfort stations are developed at Ahukini Landing, Hanamaulu, and Marine Camp, the facilities will include nighttime lighting that will be the minimum required for safety. Lighting will be low-intensity and down-shielded to minimize attraction of Hawaiian seabirds. The lights will be mounted on the shortest poles possible so as not to extend above the height of the existing vegetation to minimize collisions of Hawaiian seabirds and Hawaiian hoary bat. Lighting will not be directed toward the ocean or beaches to prevent Hawaiian sea turtle disorientation.

- Nighttime construction is not anticipated, but if it does occur, lighting will be downward facing and shielded. Nighttime work will cease during the shearwater and petrel fledging period, October 1 through December 15.

- If nighttime construction does occur, impacts to seabirds will be reduced by implementing a seabird fallout monitoring program. All staff associated with the project will be educated about seabird fallout and how to respond if a downed bird is located. A cat kennel will be kept on site to temporarily hold downed birds, and the Service and the Save Our Shearwaters program will be contacted if a bird is found.

- To avoid impacts to nesting Hawaiian waterbirds and the Hawaiian goose, a biologist familiar with these species will conduct surveys no more than three days prior to the

beginning of construction and after any delay in work of three or more days during which Hawaiian waterbirds may attempt nesting.

- If a nest is discovered, work will cease within a minimum radius of 100 feet of the nest for a minimum of 60 days. If a nest with chicks is discovered, work will cease for 30 days. The Service will be contacted within 24 hours of discovery.

- If a previously undiscovered nest is found after work begins, work with cease within a minimum radius of 100 feet of the nest and the Service will be contacted within 24 hours.

- The removal of large mature trees will be minimized. If tree removal is associated with the proposed project, trees will not be removed during the Hawaiian hoary bat pupping season (July 1 to September 30), to avoid impacts to Hawaiian hoary bats. A qualified biologist with documented experience conducting Hawaiian hoary bat surveys will perform surveys three or fewer days prior to tree removal. If bats are present in the area, tree removal will be postponed until bats are no longer detected in the area.

- According to previous correspondence, dated February 26, 2009, the conservation measures included a 10-foot tall safety fence to be installed along the 5th tee box, 10th fairway, and 12th green of Wailua Golf Course and would be either a solid fence or a chain-link fence with 1-inch fabric woven into the links. In addition, trees, shrubs, and other vegetation would be planted in order to screen the fence.

- The Best Management Practices for Construction Related projects listed in the Biological Evaluation will be implemented to prevent erosion and siltation and to protect near shore marine resources.

Hawaiian Waterbirds and Hawaiian Goose
Endangered waterbirds and the Hawaiian goose use areas in close proximity to portions of the proposed project for loafing, foraging, and nesting. As a result of the proposed project, they will likely have increased exposure to humans and dogs, if dogs are allowed on the trail. The conservation measures described above will avoid impacts from construction of the trail, the information contained at the kiosks should increase public awareness about these listed species, and County of Kauai regulations related to dogs in public facilities and the monitoring program will address potential impacts from pet dogs. Therefore, we concur that the proposed project is not likely to adversely affect the Hawaiian duck, Hawaiian coot, Hawaiian moorhen, Hawaiian stilt, or Hawaiian goose.

Hawaiian Hoary Bat
The Hawaiian hoary bat is likely to occur in the vicinity of the proposed project. The Hawaiian hoary bat roosts in both exotic and native woody vegetation and, while foraging, will leave young unattended in "nursery" trees and shrubs. If trees or shrubs suitable for bat roosting are cleared during the breeding season, there is a risk that young bats could inadvertently be harmed

or killed. By implementing the above conservation measures, we concur the proposed project is not likely to adversely affect Hawaiian hoary bats.

Hawaiian Seabirds and Wedge-tailed Shearwater
Hawaiian seabirds and wedge-tailed shearwater fly at night and are attracted to artificially-lighted areas that can result in disorientation and subsequent fallout due to exhaustion or collision. Seabirds are also susceptible to collision with objects that protrude above the vegetation layer when traversing between the ocean and their mountainous breeding areas, such as utility lines, guy-wires, and communication towers. Additionally, once grounded, they are vulnerable to predators and are often struck by vehicles along roadways. Any increase in the use of nighttime lighting, particularly during each year's peak fallout period (September 15 through December 15), could result in additional seabird injury or mortality. The construction phase of the proposed project is anticipated to occur during daylight hours. If nighttime construction is planned, it will not occur during the listed seabird fallout period. If night construction occurs during other times of year, a downed seabird monitoring program will be implemented as described above. Information kiosks will increase awareness of these elusive species. By implementing the above conservation measures, we concur the proposed project is not likely to adversely affect Hawaiian seabirds and the wedge-tailed shearwater.

A population of wedge-tailed shearwaters occurs near the proposed project in the vicinity of Hanamaula Bay and makai of the old sugar cane road south of Hilton Lane. Wedge-tailed shearwaters nest in littoral vegetation along coastlines. Nesting adults, eggs, and chicks are particularly susceptible to impacts from human disturbance and predators. According to your February 18, 2009, letter, recommendations made by Hawaii Division of Forestry and Wildlife in a letter dated November 18, 2008, regarding the alignment of the path, measures to avoid disturbing the birds during construction, planting the area with native vegetation, avoiding the installation of lights, and the installation of informational signs in the vicinity of the breeding colonies will be implemented. If it is found that wedge-tailed shearwaters nest along the proposed alignment, the path should be redirected to an area where they do not nest to avoid adverse impacts.

Hawaiian Sea Turtles
Hawaiian sea turtles use the near shore waters for foraging and haul out on the sandy beaches adjacent to the proposed project. Sea turtles are susceptible to artificial lighting that can disorient turtles away from the ocean. Sea turtles come ashore to nest on beaches from May through September, peaking in June and July. Optimal nesting habitat is a dark beach free of barriers that restrict their movement. Nesting turtles may be deterred from approaching or laying successful nests on lighted or disturbed beaches. If they do come ashore, they may become disoriented by artificial lighting, leading to exhaustion and placement of a nest in an inappropriate location (such as at or below the high tide line where nests are unlikely to be successful). Hatchlings that emerge from unprotected nests may be disoriented by artificial lighting. In addition, turtle nests and hatchlings are susceptible to human disturbance and predation by feral mammals such as small Indian mongoose (*Herpestes auropunctatus*), cats (*Felis catus*), and dogs (*Canis familiaris*). The beaches are currently open to the public and a significant increase in human interactions with these species is not expected. All additional

lighting associated with the project will not project on the ocean or beach, and will minimize disorientation of turtles. Therefore, we concur that the proposed project is not likely to adversely affect Hawaiian sea turtles.

Summary

We concur that the proposed project may affect, but is not likely to adversely affect Hawaiian seabirds, Hawaiian waterbirds, Hawaiian sea turtles, Hawaiian goose, and Hawaiian hoary bat based on the implementation of the aforementioned conservation measures. Should project plans change, or if additional information becomes available, we recommend you contact our office so that we may assist you in re-assessing project impacts.

If you have questions regarding this consultation, please contact Jiny Kim, Fish and Wildlife Biologist (phone: 808-792-9400; fax: 808-792-9581).

Sincerely,

Loyal Mehrhoff
Field Supervisor

merle d. grimes llc.

April 6, 2009

Mr. Robert Deroche
U.S. Army Corps of Engineers
Honolulu District (CEPOH-EC-R)
Ft. Shafter, Hawaii 96858-5440

Re: Kauai Bicycle and Pedestrian Path – Determination of Jurisdictional Wetlands

Dear Mr. Deroche,

My firm, Merle D. Grimes, llc is under contract with the County of Kauai to complete an Environmental Assessment for the Ahukini to Lydgate Park Bicycle and Pedestrian Path project. Toward that goal, we have completed the Draft EA and are currently in the process of completing the Final EA.

The path will cross over a drainage ditch that is located adjacent to the gravel road portion of Hilton Lane. The ditch is approximately 10 feet wide (top of bank to top of bank) and approximately five feet deep at the location of the proposed ditch crossing (Refer to photos). Vegetation and debris are routinely removed from the ditch to facilitate drainage. The ditch drains storm runoff from the gravel road and immediate surrounding area toward the ocean that is located approximately 1000 feet from the proposed ditch crossing. The main drainage for the abandoned agricultural field located mauka from the ditch is a canal that runs north and parallel to Hilton Lane (Refer to Tile Map 3). The canal passes under Kauai Beach Drive, then under an existing concrete box culvert before turning makai at the southwest corner of the existing Moto Cross/Marine Camp Park, where it flows between the Hilton Hotel and Marine Camp Park to the ocean.

A concrete pipe culvert is being recommended to provide for the path crossing of the ditch. The path is 12 feet in width and the culvert would be approximately 18 feet in length. Since the focus of our work is completing the Environmental Assessment, the actual design and engineering of the path and culvert will be at a latter date.

The County of Kauai would like a Determination of Jurisdictional Wetlands from the USACE regarding the proposed ditch crossing. Your response within 30 days would be greatly appreciated.

Thank you for your attention to this matter. If you should have any questions regarding this request, please contact me at your convenience.

Merle D. Grimes

Merle Grimes

Photo looking makai along Hilton Lane. The drainage ditch is to the right of the road. Earth and debris from recent ditch cleaning can be seen along the ditch. The proposed culvert path crossing is located approximately 25 feet past the end of the guardrail.

Photo looking mauka with the ditch on left of the road. Hau Trees are the dominant species where the proposed culvert crossing will be located near the existing guardrail toward the bend in the road.

Photo view of the bottom of the ditch at the proposed culvert crossing.

DEPARTMENT OF THE ARMY
U.S. ARMY CORPS OF ENGINEERS, HONOLULU DISTRICT
FORT SHAFTER, HAWAII 96858-5440

REPLY TO ATTENTION OF

July 8, 2009

Regulatory Branch

POH-2009-00194

Merle Grimes
1042 Broken Arrow Circle
Elizabeth, CO 80107

Dear Mr. Grimes:

This is in response to your Email correspondence of May 6, 2009 requesting a Department of the Army (DA) Jurisdictional Determination (JD) for proposed culvert replacement for the Kauai Bicycle and Pedestrian Path over an un-named ditch adjacent to Hilton Lane, near Lihue, Island of Kauai, Hawaii.

Your proposed project was reviewed pursuant to Section 10 of the Rivers and Harbors Act of 1899 (Section 10) and Section 404 of the Clean Water Act (Section 404). Section 10 requires that a DA permit be obtained for certain structures or work in or affecting navigable waters of the United States (U.S.), prior to conducting the work (33 U.S.C. 403). Navigable waters of the U.S. are those waters subject to the ebb and flow of the tide shoreward to the mean high water mark, and/or other waters identified as navigable by the Honolulu District. In addition, a Section 10 permit is required for structures or work outside this limit if they affect the course, location, or condition of the waterbody as to its navigable capacity. Some typical examples of structures or work requiring Section 10 permits within this jurisdictional area include beach nourishment, boat ramps, breakwaters, bulkheads, dredging, filling or discharging material such as sand, gravel or stones, groins and jetties, mooring buoys, piers (seasonal or permanent), placement of riprap for wave protection or streambank stabilization, boat hoists, pilings and construction of marina facilities.

Section 404 requires that a DA permit be obtained for the placement or discharge of dredged and/or fill material into waters of the U.S., including wetlands, prior to conducting the work (33 U.S.C. 1344). For regulatory purposes, the U.S. Army Corps of Engineers (Corps) defines wetlands as those areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. The area of Corps jurisdiction under Section 404 extends to the Mean Higher High Tide Line (MHHTL) or to the Ordinary High Water Mark (OHWM) for navigable waters other than the Pacific Ocean, and to the upland boundary of any adjacent wetlands. Projects involving discharges typically include placement of fill material for homes and landscaping, impoundments, causeways, road fills, dams and dikes, riprap, groins, breakwaters, revetments, and beach nourishment. Section 404 also regulates discharges of dredged material incidental to certain activities such as grading, mechanized

landclearing, ditching or other excavation activity, and the installation of certain pile-supported structures.

The un-named ditch at this location is not considered a navigable water of the U.S. and therefore a Section 10 permit is not required. While we have determined that the ditch at this location is not considered a navigable water of the U.S., we have determined that the discharge of any fill material as part of the proposed culvert replacement may have the potential to impact the physical, chemical, or biological integrity of a traditional navigable water of the U.S. and will require a permit under Section 404 and you will need to apply for and receive authorization from the Corps prior to starting such work. A map of the site is enclosed. You may access our website at http://www.poh.usace.army.mil/EC-R/EC-R.htm to download copies of the DA permit application materials that you will need to complete and submit to us in order to request authorization to perform any activities falling under the Corps' jurisdiction. As described in the application materials, you will need to include plan and cross-section view drawings of your proposed work in 8 1/2 x 11 inch format.

Our assertion of jurisdiction is based on our documentation that the waterbody in question is a water of the United States and recognition that the use, degradation, or destruction of this waterbody could affect interstate commerce.

This letter contains an approved JD for the site in question. If you object to this determination, you may request an Administrative Appeal under Corps regulations at 33 Code of Federal Regulations (CFR) Part 331. We have enclosed a Notification of Appeal Process and Request For Appeal (NAP/RFA) form. If you request to appeal this determination you must submit a completed RFA form to the Corps' Pacific Ocean Division office at following address:

Thom Lichte, Appeals Review Officer
U.S. Army Corps of Engineers
Pacific Ocean Division, ATTN: CEPOD-PDC
Building 525
Fort Shafter, HI 96858-5440

In order for an NAP/RFA to be accepted by the Corps, the Corps must determine that the RFA is complete, that it meets the criteria for appeal under 33 CFR Part 331.5, and that it has been received by the Division office within 60 days of the date of the NAP/RFA sheet. If you decide to submit an NAP/RFA form, it must be received at the above address by September 6, 2009. It is not necessary to submit an NAP/RFA form to the Division office if you do not object to the determination in this letter. You may contact Mr. Lichte at (808) 438-0397.

This jurisdiction determination is valid for a period of five (5) years from the date of this letter unless new information warrants revision of the delineation before the expiration date.

Thank you for giving us the opportunity to review this proposal and for your cooperation with our regulatory program. Please be advised you can provide comments on your experience with

the Honolulu District Regulatory Branch by accessing our web-based customer survey form at http://per2.nwp.usace.army.mil/survey.html.

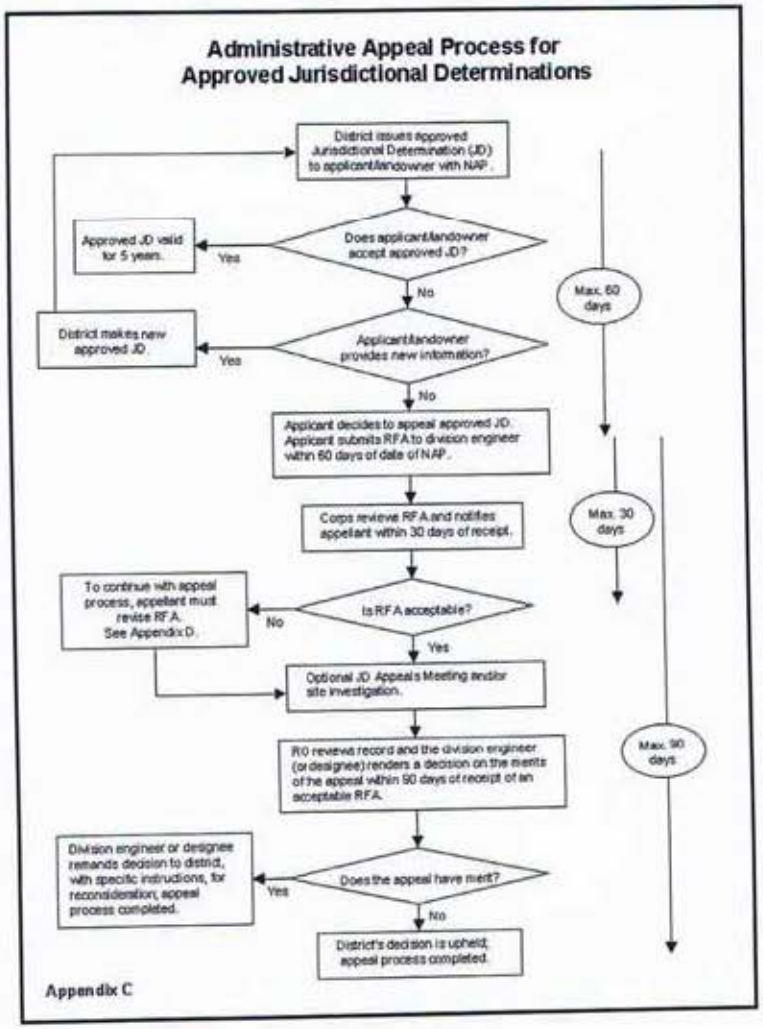
Should you have any questions, please contact Mr. Robert Deroche of this office at the above address or telephone 808-438-2039 (FAX: 808-438-4060) or by E-Mail at robert.d.deroche2@usace.army.mil. Please refer to File No. POH-2009-00194 in all future communications with this office regarding this or other projects at this location.

Sincerely,

for George P. Young, P.E.
Chief, Regulatory Branch

Enclosures

Flowchart
RFA Document


Administrative Appeal Process for
Approved Jurisdictional Determinations
District issues approved Jurisdictional Determination (JD) to applicant/landowner with NAP.
Does applicant/landowner accept approved JD?
Yes
Approved JD valid for 5 years.
No
Applicant/landowner provides new information?
Yes
District makes new approved JD.
No
Applicant decides to appeal approved JD. Applicant submits RFA to division engineer within 60 days of date of NAP.
Max. 60 days
Corps reviews RFA and notifies appellant within 30 days of receipt.
Max. 30 days
Is RFA acceptable?
No
To continue with appeal process, appellant must revise RFA. See Appendix D.
Yes
Optional JD Appeals Meeting and/or site investigation.
RO reviews record and the division engineer (or designee) renders a decision on the merits of the appeal within 90 days of receipt of an acceptable RFA.
Max. 90 days
Does the appeal have merit?
Yes
Division engineer or designee remands decision to district, with specific instructions, for reconsideration; appeal process completed.
No
District's decision is upheld; appeal process completed.
Appendix C

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Appendix B:

Meeting Minutes

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AHUKINI POINT TO LYDGATE PARK PHONE MEETING MINUTES

DATE:	February 2, 2005
TIME OF CONVERSATION:	8:30 p.m.
FROM:	Sara Edi Simmons-Fife
DISCUSSION WITH:	Doug Haigh, County Project Manager, Public Works
MEETING SUBJECT:	General Permitting Issues

Sara called Doug to get some general information basic to beginning the permitting process.

The issues discussed are listed below:

Certified Shoreline Survey
Sara asked Doug who the team should coordinate the survey with from the County. Doug said it would be George Kalisik.

Mapping
Sara asked Doug about existing mapping, and he said that the current aerials are from 1975.

State Parks
Sara told Doug that she had talked with Wayne Sousa to get an idea from him of what the issues State Parks might have with this project, and Wayne indicated that he felt that the County had invaded the setback around the Hikinnala Heiau at the Aloha Beach Resort at the area of the turnaround. He would not work with the County until this issue had been resolved.

Doug said that these issues were resolved in the Environmental Assessment for Lydgate Park as evidenced by the comment letters in the record.

Tax Map Keys and STP Number
Sara asked Doug for assistance in determining what the TMK's are for this project and Doug said he would get her the numbers. He said that the STP for this project is : 070051

Property Ownership
Sara needed confirmation about who the property owners are that might be consulted on the project.

Doug said that Sara was to contact the owners to determine what their issues might be. Sara indicated that usually this communication does not typically occur at this stage of the permitting, and Doug said that Sara should contact Pat Phung for the go-ahead.

Doug said that the owner of the Hanama'ulu Railroad Bridge to Ahukini Point is Lihue Land Company and the contact person is Mike Furukawa, 808-245-3678.

AHUKINI POINT TO LYDGATE PARK MEETING MINUTES

DATE: April 20, 2005

MEETING TIME: 9:00 a.m.

MEETING LOCATION: Doug's Office

FROM: Sara Edi Simmons-Fife

MEETING ATTENDEES: Doug Haigh
Tim Bynum
Merle Grimes
Sara Simmons-Fife

MEETING SUBJECT: Kick Off Meeting with Client

Lydgate Sports Fields
Doug requested that the maps be reprinted at 20 scale. Merle and Sara agreed.

Ahukini to Lydgate Park Limits of Project
Sara requested information regarding the exact limits and boundaries of this segment. Doug indicated that this segment would begin at Ahukini Point, access the Hanama'ulu Railroad Bridge, the Hanama'ulu Beach Park and end at the play bridge at Lydgate.

Highway Access to the Project
Doug said the access to the project would be from Kuhio Highway

Invoices
Doug said that we are to invoice based on a Schedule of Values, and he would email us the spreadsheet to use.

Identifying Property Owners
Doug said that the Moody Property is owned by the Hosako Corporation. A man named Dave Walters may have an option of it.

Tim said that the contact for the Radisson Hotel is Mr. Brian Anderson, who lives on the Big Island. Neither Tim nor Doug had a name for the Kauai Beach Villa's, but indicated that the facility is north of the Radisson.

Doug said that Tom Bartlett could help with property ownership.

Tim said he would get me a name for a contact with the Motocross Group.

Contact names for information about the Hanama'ulu Beach Park are Eddie Cereta, Olli and Rocky Sasaki and Kathy Simon.

Property Owners, cont.

Doug said that the Ahukini Point contact is Harbors and State Parks, and the Airport is the Airport Authority. At Port Allen, there are helicopters only.

Mapping
Doug said that the ownership maps and tax maps are in a .tif format. And that he would get us an electronic version of the FIRM maps from Harry Beatty.

Schedule
Doug would give us the schedule for the project to be completed, minus the days and weeks when permits are being reviewed and the clock stops. But, overall, Doug thinks there is 211 days in the contract. The date for the first public meeting was discussed. Dates in May and June were considered. Due to scheduling conflicts with the County including pre-scheduled County Council meetings, the public meeting presentation was scheduled for Wednesday, June 22, 2005.

The Motocross Facility Interaction with the Path Project
Tim said that later we might pave the road at the trailhead by the motocross. He wants to see that the ATV's are stopped from accessing the beach. Doug suggested that we might negotiate with the Radisson to use their road.

Tim said he would get Sara the contact name for the Motocross group. Further, that this group wants a bathroom and running water. Currently there is dangerous inaction with the highway, and that possibly the facility may be moved, and the compensation to the group may be giving them fifteen acres for the new facility.

Junior Golf Facility
Tim mentioned that there is interest in developing a Junior Golf project with the group called First Tee. If there is expansion of the golf course, there has been talk of it occurring where the Motocross currently is located.

Beach and Dune Renourishment
Merle brought up the subject of sand needed for dune renourishment and where the sand might come from.

Tim asked if we could possibly capture enough sand from the Radisson to perform the beach renourishment. Doug asked how much sand we needed. Merle said that we need roughly 10,000 yards of sand per 200 feet of restoration. Doug said the County currently has 25,000 cubic yards of available sand. Merle requested that Doug reserve it for this project so when and if we need it, the sand would still be available.

Merle said that the renourishment might involve removing the existing asphalt road at the 2nd fairway of the golf course.

Wetlands Issues
Sara asked about known wetlands issues, and Doug recommended she talk to Pat Phung first about 404 issues.

Meeting adjourned.

AHUKINI POINT TO LYDGATE PARK PHONE MEETING MINUTES

DATE:	April 28, 2005
TIME OF CONVERSATION:	4:15 p.m.
FROM:	Sara Edi Simmons-Fife
DISCUSSION WITH:	George Kalisik
MEETING SUBJECT:	Time of Validity of the Certified Shoreline Survey

Sara spoke with George regarding the issue of timing for beginning the process of the surveyor performing the Certified Shoreline Survey.

George said that typically the certification is valid with the County for purposes of the SMA permit, for a period of six months, however, the County will consider valid and will accept the certification for a period of one year.

AHUKINI POINT TO LYDGATE PARK PHONE MEETING MINUTES

DATE:	May 2, 2005
TIME OF CONVERSATION:	3:00 p.m.
FROM:	Sara Edi Simmons-Fife
DISCUSSION WITH:	John Lydgate, President, Kauai Historical Society
MEETING SUBJECT:	Historic Preservation Issues

Sara called John to inform him of the project, to describe the interaction with Lydgate Park and the perameters of the project.

Sara inquired of John what Historic Preservation issues the team should be aware of and what he would like to see incorporated into the project.

John said that at this time he had no issues, and that Sara should contact LaFrance regarding any cultural issues.

AHUKINI POINT TO LYDGATE PARK PHONE MEETING MINUTES

DATE:	May 2, 2005
TIME OF CONVERSATION:	4:30 p.m.
FROM:	Sara Edi Simmons-Fife
DISCUSSION WITH:	LaFrance Kapaka Arboleda, OHA
MEETING SUBJECT:	Native Hawaiian and Cultural Issues

Sara Edi introduced LaFrance to this segment of the path project, and briefly outlined the path alternatives.

In response to what issues might be a factor in deciding the best route for the path, LaFrance said that there is possibly a nukolii "mass burial" at the golf course. There may be another one south of the Radisson. It was controversial when the zoning was changed from Agricultural to Urban for the Radisson and Kauai Beach Villas to be constructed.

Another area that might be of concern is the area above the bluff south of Hanama'ulu. This is the area that the developer of the Moody property wanted to use.

Other than these, LaFrance recommended we talk about the Native Hawaiian rights issues with someone. She recommended we talk with Butch Durant, and gave me Cheryl Obatake-Lovell's phone number to get in touch with them.

Other than these issues, LaFrance said that she had no other issues at this time, but would let us know if she thinks of something else that would be helpful.

AHUKINI POINT TO LYDGATE PARK PHONE MEETING MINUTES

DATE:	May 2, 2005
TIME OF CONVERSATION:	4:45 p.m.
FROM:	Sara Edi Simmons-Fife
DISCUSSION WITH:	Nick Zaccaro, State Surveyor, Accounting & General Services Dept.
MEETING SUBJECT:	Certified Shoreline Survey

Sara called Nick and introduced herself and the project. She described the problem of determining the timing to begin the shoreline surveying and submitting this to his office for certification.

Nick said that typically the County's recognize the certifications for a period of one year.

He further suggested Sara contact Dolan Eversol, of the Office of Conservation and Coastal Lands (808-587-0377) to discuss the issue of beach replenishment.

Nick said for us to call him back when we are ready to begin the CSS.

AHUKINI POINT TO LYDGATE PARK PHONE MEETING MINUTES

DATE:	May 2, 2005
TIME OF CONVERSATION:	4:45 p.m.
FROM:	Sara Edi Simmons-Fife
DISCUSSION WITH:	Martha Yent, State Parks
MEETING SUBJECT:	Sensitivity Issues, Archaeology

Sara called Martha to acquaint Martha with this segment of the trail project in Kauai, and asked Martha if there were issues of sensitivity and/or issues she might have with a trail being constructed on the proposed corridor.

Martha said that there is a two acre heiau nearby, and that she would like to see interpretive signs if we come near this or any other historic/cultural sites.

She told me that now Daniel Quinn is the permanent Director of State Parks, and updated her email address to: Martha.e.yent@hawaii.gov

AHUKINI POINT TO LYDGATE PARK PHONE MEETING MINUTES

DATE:	May 2, 2005
TIME OF CONVERSATION:	6:00 p.m..
FROM:	Sara Edi Simmons-Fife
DISCUSSION WITH:	Pat Phung, FHWA project manager
MEETING SUBJECT:	Project in General, 404 Issues

Pat and Sara discussed the issue of the wetlands on the proposed corridor. Sara wanted to discuss with Pat the subject of using boardwalks to avoid the need for a 404 as Merle and Sara have done on similar projects in Georgia.

Pat recommended Sara call Lolly Silva with the Army Corps of Engineers (808-438-7023) regarding the issue. He was that if we do have to apply for a 404 for any of the wetland areas, we should apply for a Nationwide as this does not require EPA coordination.

Pat further said that the County Council did an EA, and need to approve alternatives.

He said that there was a recent article in the Honolulu Advertiser on the past Friday regarding the path projects in Kauai.

AHUKINI POINT TO LYDGATE PARK PHONE MEETING MINUTES

DATE:	May 2, 2005
TIME OF CONVERSATION:	7:30 p.m.
FROM:	Sara Edi Simmons-Fife
DISCUSSION WITH: OHA	Lance Foster, Director, Native Hawaiian Rights,
MEETING SUBJECT:	Native Hawaiian Rights

Sara introduced herself to Lance, and the project. She gave him a brief overview of the proposed alternatives for the path alignment.

She asked Lance if he had any initial issues or advice. Lance indicated that LaFrance Kapaka Arboleda was his Kauai person, he said that he would defer community awareness issues to her. If there are issues that come up beyond her knowledge or require his interaction, give him a call.

He further offered that we can send our documentation to him for an informal review. And be available to answer questions.

AHUKINI POINT TO LYDGATE PARK PHONE MEETING MINUTES

DATE:	May 2, 2005
TIME OF CONVERSATION:	7:45 p.m.
FROM:	Sara Edi Simmons-Fife
DISCUSSION WITH:	Curtis Motoyama, 808-586-8121 Dept. Of Health, State of Hawaii, Disability & Communication
MEETING SUBJECT:	ADA and Accessibility Issues

Sara introduced herself and this path project to Curtis. She asked him what his concerns and issues might be relative to this project.

Curtis said that he would be reviewing the project for compliance with the Americans with Disabilities guidelines, as well as the State Interpretive Guidelines.

He would be looking specifically for compliance with accessible routes from the parking lots to the comfort stations. He would allow no routes to be grassed. We are responsible to use the new Outdoor Development Guidelines for Trails, Picnic Benchers. We can refer to the web site www.access-board.gov for specifics.

Further, Curtis offered to review preliminary drawings.

AHUKINI POINT TO LYDGATE PARK PHONE MEETING MINUTES

DATE:	May 2, 2005
TIME OF CONVERSATION:	8:00 p.m.
FROM:	Sara Edi Simmons-Fife
DISCUSSION WITH:	Mike Napier, 808-891-0525 x 34, GIS Specialist Pacific Disaster Center
MEETING SUBJECT:	Mapping

Sara introduced herself to Mike and described an overview of the path project. She asked Mike if he could assist with mapping to include:

FEMA Firm Maps
USGS Quad Maps to include Lydgate to Ahukini.

Mike responded that he could not send digital FEMA maps, but could email USGS Quads as pdf's.

Sara requested he send them to the email address of Merle Grimes at merle@mdgdenver.com.

Mike said he would do so right away.

AHUKINI POINT TO LYDGATE PARK PHONE MEETING MINUTES

DATE:	May 2, 2005
TIME OF CONVERSATION:	8:15 p.m.
FROM:	Sara Edi Simmons-Fife
DISCUSSION WITH:	Christina Pilkington, 808-241-6203, ADA Coordinator Office of the Mayor, Kauai
MEETING SUBJECT:	Accessible Issues

Sara re-introduced herself to Christina from the Lydgate project prior. Sara gave Christina a brief overview of this phase of the path project and inquired what Christina's issues would be relative to accessibility.

Christina said that she would require that the project comply with all Federal, State and County accessibility regulations. That her new email address is: mayorsada@kauai.gov, and that she had ideas she would like to see incorporated at the swimming beach at Lydgate.

She would like to have a floating boardwalk built similar to one on the beach in New Jersey. She would like to see wheelchairs be made available to people that are custom made to specifications that would allow the chairs to go into the water.

Sara and Christine discussed the coastal erosion issues along the corridor, and she asked if we could email her a copy of the photo prepared by Dr. Chip Fletcher showing the areas of most severe erosion, and where it is projected that the coast will be in fifty years.

Sara assured her that as soon as this was available by email, it would be sent to her.

AHUKINI POINT TO LYDGATE PARK PHONE MEETING MINUTES

DATE:	May 2, 2005
TIME OF CONVERSATION:	8:30 p.m.
FROM:	Sara Edi Simmons-Fife
DISCUSSION WITH:	Wayne Sousa, 808-274-3445, State Parks Department
MEETING SUBJECT:	State Parks Properties on the Corridor

Sara re-introduced herself to Wayne from the Lydgate Path project, and gave a brief overview of the alignment options for this segment of the path.

She asked Wayne to verify which properties along the corridor belonged to State Parks.

Wayne indicated that Ahukini Point was State Parks property.

Wayne said that until he felt he had gotten resolution to the loop at the initial Lydgate Path project at the north terminus of the project by the Aloha Beach Resort, he would not support this project. Wayne felt that the loop invaded the setback from the Hikinaala Heiau east of the hotel. Sara said that all issues had been resolved in the Final EA for the Lydgate project, but Wayne did not agree.

With this in mind, Sara asked Wayne to comment on the current project, and Wayne said he will be looking at Ahukini what the potential impacts may be. He insists that no changes be made to the state recreational fishing pier and current parking. At all costs, fishing was to remain at the pier.

He recommended Sara get in touch with Wade Ishykara regarding Aquatic resources. Wade's number is: 808-274-3344.

Wayne updated his email address as wayne.h.sousa@hawaii.gov.

AHUKINI POINT TO LYDGATE PARK PHONE MEETING MINUTES

DATE:	May 2, 2005
TIME OF CONVERSATION:	8:45 p.m.
FROM:	Sara Edi Simmons-Fife
DISCUSSION WITH:	Wade Ishikara, 808-274-3344, cell: 635-7200
MEETING SUBJECT:	Aquatic Resources

Sara introduced herself to Wade, and gave a brief overview of the project and the potential alignments.

She asked Wade what his issues might be, and/or what our opportunities for providing aquatic opportunities might be on the corridor.

Wade said that most fishing occurs at Ahukini Bay, Nawiliwili Bay, and at the lighthouse at Ninini Point at the north end of Nawiliwili, and at the County park area. Most fishing is done by surfcasting and/or throw-netting.

Wade said that people are typically fishing for papio (ulua, jack fish), and bottom feeders to include goatfish (weke) and surgeonfish.

The endangered species that occur there include the monk seal and the green sea turtles.

AHUKINI POINT TO LYDGATE PARK PHONE MEETING MINUTES

DATE:	May 2, 2005
TIME OF CONVERSATION:	9:00 p.m.
FROM:	Sara Edi Simmons-Fife
DISCUSSION WITH:	Mike Furukawa, Lihue Land Co, 245-3678 x 224
MEETING SUBJECT:	Grove Farm Property Access Issues

Sara introduced herself and gave Mike a brief overview of this segment of the path project and the alignment opportunities.

She asked Mike what property along the corridor belongs to Lihue Land Company. He indicated that most likely his company owns the Hanama'ulu Railroad Bridge, and the property east of the County Beach Park at Hanama'ulu, and around to the Airport and Ahukini State Parks property.

Mike said he was in favor of the project, but would like to have a meeting with Doug Haigh to discuss opportunities and issues. Sara confirmed she would have the meeting set up.

AHUKINI POINT TO LYDGATE PARK PHONE MEETING MINUTES

DATE:	May 2, 2005
TIME OF CONVERSATION:	9:30 p.m.
FROM:	Sara Edi Simmons-Fife
DISCUSSION WITH:	Wendy Wiltse, E.P.A., Honolulu Office, 541-2752
MEETING SUBJECT:	Wetlands Issues

Sara introduced herself to Wendy, and gave her a brief overview of the project, and this segment of the path, with the beginning and ending locations and an idea of the options in between.

Sara described that the potential wetland interaction with the path is south of the Marine Camp, between there and the Kauai Beach Villas, in the tidal drainage area. The other wetland issue is the pond south of the Radisson Hotel at the existing comfort station in the parking lot, and the Ocean Bay Plantation property.

Sara described the floating boardwalk solutions that MDG has used in projects in the south with Army Corps of Engineers where we have avoided the need for 404 permits with these path solutions. She asked Wendy if she would consider such solutions to interaction with the wetlands.

Wendy explained that E.P.A. And U.S.A.M.C. Have joint jurisdiction with regard to wetlands, but her office has the ultimate authority in the permitting phase over Army Corps as per the Clean Water Act.

She recommended that we contact Lolly Silva, and that she would most likely defer to Lolly's judgement as to what is needed with the wetlands and what is needed regarding 404 permits.

We discussed the community built playbridge, and Sara said she would email Wendy a picture of the bridge to Wendy.

AHUKINI POINT TO LYDGATE PARK PHONE MEETING MINUTES

DATE:	May 16, 2005
TIME OF CONVERSATION:	3:00 p.m.
FROM:	Sara Edi Simmons-Fife
DISCUSSION WITH:	Lolly Silva, Army Corps of Engineers, 808-438-7023
MEETING SUBJECT:	Wetlands and 404 and 401 Permits

Sara introduced herself and gave Lolly a brief overview of the path project in Kauai, and the beginning and terminus of this segment and what the potential alignments might be in-between.

Sara described her conversation with Pat Phung and Wendy Wiltse regarding the work of MDG in the south and how they have accessed wetlands with boardwalks and thus avoided the requirement for a 404 permit. Sara asked Lolly if she would consider similar rulings with these techniques.

Lolly requested that Sara send her:

- Photos of the projects
- Design Details
- Maps of the projects
- Names of the Corp representatives Sara has worked with in this capacity.

Lolly gave Sara her address as:

Lolly Silva
USACE, Honolulu District
Building 230
Fort Shafter
Honolulu, HI 96858

AHUKINI POINT TO LYDGATE PARK PHONE MEETING MINUTES

DATE:	May 17, 2005
TIME OF CONVERSATION:	5:00 p.m.
FROM:	Sara Edi Simmons-Fife
DISCUSSION WITH:	Jerry Corush, Ocean Bay Plantation project manager 613-866-1608 (cell) with CSW of Ottowa, Canada
MEETING SUBJECT:	Ocean Bay Plantation Property Access Issues

Sara introduced herself to Jerry and gave him an overview of this segment of the Kauai path project.

She described the areas that the design team were considering access into and through the Ocean Bay Plantation property.

Jerry took some time to describe what the Ocean Bay Plantation project had been about. He described that the initial plan had been to build high end houses on roughly 5 acre sites, with a golf course.

The 560 acre project required a zoning change from Agriculture to Urban in the General Plan, and that County council had refused the change. There were issues with the native Hawaiian sovereignty special interest group members.

Then, his design called for offering 40 acres for the County to build affordable housing, but the zoning change request was still denied.

Sara asked Jerry if she could have a copy of the Environmental Assessment that was prepared for his project. Jerry declined.

AHUKINI POINT TO LYDGATE PARK MEETING MINUTES

DATE:	June 16, 2005
MEETING TIME:	1:00 p.m. Hawaii time
MEETING LOCATION:	Kauai OHA office
FROM:	Sara Edi Simmons-Fife
MEETING ATTENDEES:	LaFrance Kapaka, OHA Merle Grimes, MD, llc Sara Simmons-Fife
MEETING SUBJECT:	Path Alignment at Re-Internment Site at Golf Course

Merle described the alignment of the path along Kuhio Highway, and his concerns about how it will relate to the existing Re-Internment site.

We walked to the re-internment site and reviewed the available land between it and Kuhio Highway, and realized that as the area is very narrow, the path in this location would negatively impact the cultural site.

Further, LaFrance described that she felt the path with this alignment would:
1. Have too much impact
2. Create "sluffing" makiing the slope fail
3. Require at least a buffer of 10' around the re-internment site.

AHUKINI POINT TO LYDGATE PARK MEETING MINUTES

DATE:	June 20, 2005
MEETING TIME:	3:30 p.m. Hawaii Time
MEETING LOCATION:	Residence of Butch Durant
FROM:	Sara Edi Simmons-Fife
MEETING ATTENDEES:	Sara Edi Simmons-Fife Merle D. Grimes Butch Durant, 808 - 245-3742 Roland Durant Robert Durant
MEETING SUBJECT:	Native Hawaiian Rights

Merle and Sara Edi introduced themselves to the Durants, and with a map of the corridor, reviewed the concept of the regional path project, and the specific segment of Lydgate Park to Ahukini Point.

The Durants began to explain their position regarding the land. They described that they are Polynesian, not American. That, in their view, the United States is illegally occupying the lands of Hawaii. That all lands of Hawaii, belong to the natives and that in their opinion, no trail can be built.

The "kula" is the land where the water can't get to, and this relates to the contracting rights of native Hawaiians. The "ili" are the ancient neighborhoods to protect the taro patches. The "loi" is the land that is accessible to water. Same as for the taro and fish ponds. Using the value of the land Americans will come across the rights of the native Hawaiians, and that if the Federal Government gives monies for a trail to be built, they do it at their own risk.

The high water mark represents the native Hawaiians. Their authority comes from boundaries and all is to be a benefit to the natives.

They described that they do not recognize the County government, will not recognize addresses given to the land by the County, and do not pay County property taxes, but said they do pay Federal taxes.

AHUKINI POINT TO LYDGATE PARK MEETING MINUTES

DATE:	June 20, 2005
MEETING TIME:	4:00 p.m. Hawaii Time
MEETING LOCATION:	Tim Skinner's Office, 808-246-1400
FROM:	Sara Edi Simmons-Fife
MEETING ATTENDEES:	Tim A. Skinner, Ass. Airports District Superintendent State of Hawaii, Dept. Of Transportation, Airports Div. Sara Edi Simmons-Fife Merle D. Grimes
MEETING SUBJECT:	Airport Property Access

Merle and Sara introduced themselves to Tim, and gave a brief overview of the regional path project and the specifics of this segment of the path. Merle described the beginning of the project as being the state of Hawaii fishing piers at Ahukini Point, and the ending at the playbridge at Lydgate Park.

Merle described how the path will interact with airport property, and that the alignment will need to be on the bluff by the airport property.

Tim said the airport is in complete support of the project, and the fence that will need to be constructed between the path and airport property can be designed by the team, but will be constructed and paid for by the Airport Authority.

Tim gave Merle a map of the airport property, and Merle and Tim discussed the possibility of a future segment of the path using the airport road to get access to the highway when the path continues towards Nawiliwili. Tim said the airport would support this path access road.

Meeting adjourned.

AHUKINI POINT TO LYDGATE PARK MEETING MINUTES

DATE:	June 22, 2005
MEETING TIME:	8:30 a.m.
MEETING LOCATION:	Residence of Butch Durant
FROM:	Sara Edi Simmons-Fife
MEETING ATTENDEES:	Butch Durant Roland Durant Robert Durant Wally Waialiale Eric ? John ? Merle D. Grimes Sara Edi Simmons-Fife
MEETING SUBJECT:	Native Hawaiian Rights Issues

The meeting was held at Butch's to continue the discussion of native Hawaiian rights issues for June 20, 2005. Butch had invited others who are interested in this issue, however, two of the attendees did not share their last names.

Merle asked the group to speak some about the Old Wharf landing. If they could describe what the uses were and how it was used, and what cultural products the ancient Hawaiians imported and exported from there, prior to the plantation period. Merle described that if the path alignment went past the old wharf, this would provide an opportunity for education regarding the past of the landing.

The Durants said that the people is where it starts, that their rights transfer to the people and is in conflict with using the wharf for any reason other than what the native Hawaiians would have it.

The Senators are the land issue, and the citizens are the Federal. The mineral rights have no value. The idea for the native Hawaiian is not money, but the land from ancient times.

They said they would not offer any of their ancient story for educational purposes as they do not want to share their story. When the Americans took over the Hawaiian islands, the native Hawaiian lost his story. Now, they have no heritage, no history. They do "nahele" or share from the heart. The "konoliki" was the end of them according to Butch. For the native Hawaiian, the land would be used only to feed the people.

In order to understand what the Durants are talking about, they suggest we must use the native Hawaiians as a benchmark, as a place to begin. The rights of the Polynesians never went away, just because the U.S. Occupies the lands of Hawaii.

Roland Durant said that we must consider the Durant kuleana and use that right to say what you can do. That the native Hawaiian right begins three miles off shore, and includes all of the land of the islands.

AHUKINI POINT TO LYDGATE PARK MEETING MINUTES

DATE:	August 12, 2005
MEETING TIME:	9:00 a.m., Hawaii Time
MEETING LOCATION:	1151 Punchbowl Room 330, Honolulu
FROM:	Sara Edi Simmons-Fife
MEETING ATTENDEES:	Dr. Jeffrey Walters, DLNR, 808-651-7668 Sara Edi Simmons-Fife
MEETING SUBJECT:	Endangered Marine Species Issues

Sara Edi introduced herself, and described the regional path project for Kauai, and the specifics of this segment of the path. She showed Jeff drawings of the corridor and the potential alignment opportunities.

Sara asked Jeff to describe what the issues were going to be that the design team should be aware.

Jeff described his work as co-manager fo the whale program, and work with Aquatic Resources and the monk seals on all of the Hawaiian islands.

Jeff described some of the issues with monk seals. Some of those issues include:

The NOAH sponsored research has found that there are approximately 13,000 monk seals in the northern Hawaiian islands. That there are pioneers coming south and populating and the numbers have tripled, possibly quadrupled.

There are approximately 200-300 seals in the main eight islands from Niihau to Hawaii.

On a typical day a monk seal will lay on a beach during the day and dry out and digest food and rest.

Kauai is the prototype for repopulating monk seals. The area makai of the Radisson Hotel on Kauai is a prime place for them to beach. Jeff would like to see signage to educate the public. Should the path project include opportunities for signage, he will supply the language and images for such signs.

He offered that he and his staff would offer technical support for where to locate the signs as well.

On speaking of the turtles, Jeff described that they breed in the north west islands and come south to feel and live. They are exploding in population. The Hawksbill turtle will nest in the main Hawaiian islands, not really on Kauai. Jeff said of the Humpback Whales that the season for the to birth is from November to May, with the peak period being January to March.

Jeff gave Sara Mimi Ulry's name and number to call for assistance locating signs in Kauai.

Meeting adjourned.

AHUKINI POINT TO LYDGATE PARK MEETING MINUTES

DATE:	August 12, 2005
MEETING TIME:	10:00 a.m. Hawaii Time
MEETING LOCATION:	OHA Offices 711 Kapiolani Blvd. Suite 500, Honolulu
FROM:	Sara Edi Simmons-Fife
MEETING ATTENDEES:	Lance Foster, Director Native Rights, Land, Culture, 594-1888 Jonathan Scheuer, OHA Policy Analyst Sara Edi Simmons-Fife
MEETING SUBJECT:	Native Hawaiian Sovereignty Issues

Sara re-introduced herself to Lance, and met Jonathan. She used the aerial maps to show the proposed path and described some of the issues that have come up regarding native Hawaiian issues. She asked Jonathan and Lance to help clarify who owns what and how she can best work with the Durant family and their sovereignty issues.

Lance recommended that the design team work with the native Hawaiian sovereignty members to help identify the ancient paths, called "ala loa" translated roughly as "old road". This would pay tribute to the Mo'i".

Jonathan explained briefly the three varying perspectives regarding sovereignty.
1. There are the "independents". Those who feel that the islands are occupied by the U.S.
2. Those who are the "de-colonization" contingent. Those who feel that Hawaii has been colonized by the U.S., And thus can be "de-colonized".
3. Those who feel that they are seeking a "nation within a nation" status, similar to the situation of the American Indians Jonathan made the point that OHA falls within this group.

Jonathan made the point that the purpose of this part of the discussion, was to note that just because one group claims to be speaking on behalf of Hawaiians, it does not mean that they represent all viewpoints, and good planning requires consultation across the major factions.

Lance then discussed the Akaka bill and described that it refers to the relationship between the Federal government and the Hawaiian governing body. That there is to be a tribal roll and in a few years there is to be a governing body.

Lance referred Sara to the book, Hawaii State Constitution as a good book to cipher through the native Hawaiian rights issues.

Meeting adjourned

AHUKINI POINT TO LYDGATE PARK MEETING MINUTES

DATE:	August 12, 2005
MEETING TIME:	12:00 p.m. Hawaii Time
MEETING LOCATION:	State Parks Office, 711 Kapiolani Blvd., Honolulu
FROM:	Sara Edi Simmons-Fife
MEETING ATTENDEES:	Martha Yent, State Archaeologist Sara Edi Simmons-Fife
MEETING SUBJECT:	Archaeology, Cultural Resources, State Parks Issues

Sara reviewed the aerial photo of the path corridor with Martha, and described the path concept and alignment options. Sara asked Martha what the issues were going to be regarding State Parks, archaeology and cultural resources.

Martha said that we had identified most issues relating to Archaeology, and that she had reviewed the corridor for former Land and Water Conservation funds, and found that in the 70's Hanama'ulu Beach Park had received funds. She acknowledged that the path would intersect with the park, however, this interaction would not be considered a "taking" and therefore would not require a 6(F). She described that a letter acknowledging this interaction would be required. She gave Sara a sample of a typical letter, and requested that two copies be sent to her for processing at the proper time.

Sara and Martha discussed that there would be required a 4(F) analysis and commitment to action as Ahukini Point is a state parks property.

Meeting adjourned.

AHUKINI POINT TO LYDGATE PARK MEETING MINUTES

DATE:	August 12, 2005
MEETING TIME:	1:00 p.m. Hawaii Standard Time
MEETING LOCATION:	Department of Health 919 Ala Moana Blvd. Rm. 301 Honolulu
FROM:	Sara Edi Simmons-Fife
MEETING ATTENDEES:	Watson Okubo, Section Supervisor, Monitoring & Analysis Section Connie Ramsey, ACOE, Ecologist (404 issues) Ed Chen, ACOE, (401 Issues) Shane Sumeda, (NPDES Issues)
MEETING SUBJECT:	Water Quality, Wetlands Issues, Stormwater Issues

Sara introduced herself to the group, and described the path corridor using the aerial photo map showing the path beginning and terminus, and the potential path alignment opportunities.

Sara then brought the drawings, sketches, and maps requested by Lolly Silva and Wendy Wiltse from wetlands projects Sara has worked on in the south where boardwalks over the wetlands were allowed and did not require 404 permits. Connie said she would present them to Lolly and if this became an issue or opportunity on this or future projects, we could re-visit the drawings and ideas.

Shane then described the NPDES permits that would be required for a project of this scope and magnitude of disturbance. He said taht the permit would cover point source de-watering during construction and storm water discharge of one acre of disturbance.

The area of disturbance to consider for the NPDES permit includes the staging area for the construction equipment as well as the width of the equipment.

Shane said the the drinking water, the irrigation lines and the sewer will all have to be pressure tested. The pressure test or disinfected water lines require a hydro-testing permit.

Connie and Ed spoke regarding the 404 and 401 issues. Connie said that should the design call for beach and/or dune renourishment, there is a SSBN (Small Application

Scale Beach Renourishment) streamlined form to cover the permits. Ed said that typically when a 404 is needed, that triggers the requirement for a 401.

Ed described the SPGP permit that is one form for four agency with consultations on a variety of issues.

Watson spoke about salinity and water quality regarding the Hanama'ulu Stream, the tidal drainage area south of the Marine Camp, and the wetland pond south of the Radisson Hotel parking lot. She said that his on-island colleague, Gary Ueunten can assist the team with water quality and with noise abatement issues. Watson said that it would be required that we show the sources for the run-off and the receiving waters.

If we cross a Class A ocean, or a Class II Stream, .5 milligrams of salinity is marine. If we need a Section 10 permit, we will not need a 401, and if we incorporate beach renourishment, we will definitely need the SPGP (State Program General Permit). Watson gave Sara Gary's phone number and offered that Gary could assist the team in determining salinity and if the waters are ocean tidally influenced.

Meeting adjourned.

AHUKINI POINT TO LYDGATE PARK MEETING MINUTES

DATE:	August 17, 2005
MEETING TIME:	8:30 a.m. HST
MEETING LOCATION:	County of Kauai Public Works Conference Room
FROM:	Sara Edi Simmons-Fife
MEETING ATTENDEES:	Mike Furukawa, Grove Farm Doug Haigh, Public Works Tim Bynum, Office of the Mayor Merle D. Grimes, MDG, team lead Sara Edi Simmons-Fife
MEETING SUBJECT:	Property Acquisition Issues

The meeting began with Merle describing the path alignment on the aerial photo map to Mike to show how the Grove Farm property interfaces with the proposed path alignment.

Sara asked if it was known for sure that the Hanama'ulu Railroad Bridge does in fact belong to Grove Farm. Mike confirmed that the bridge does belong to his company, and that Kauai Lagoons land is at Ahukini Point.

Mike suggested that Grove Farm has some interest in donating the bridge and land surrounding it to the County for a park. Doug said that if such an arrangement is worked out that the County would want to use the value of the bridge as part of the match.

Currently the property is zoned as industrial.

Doug asked Sara to be sure to identify the special zoning on the Ocean Bay Plantation property, Sara agreed.

Mike said that Sara can borrow the EIS prepared for the property to assist her in the permits she is required to secure for this project, and gave directions to his office.

Meeting adjourned.

AHUKINI POINT TO LYDGATE PARK MEETING MINUTES

DATE:	August 17, 2005
MEETING TIME:	10:30 a.m. HST
MEETING LOCATION:	Starbucks Coffee Shop
FROM:	Sara Edi Simmons-Fife
MEETING ATTENDEES:	Mimi Ulry. DLNR, Marine Conservation Coordinator Donald Heacock, DLNR, Aquatic Biologist Merle D. Grimes, MDG, team lead Sara Edi Simmons-Fife
MEETING SUBJECT:	Endangered Species Issues

The meeting began with Merle describing the path alignment on the aerial photo map to Mimi and Don to acquaint them with the project and potential interaction with the coast, and potential habitats for monk seal, and sea turtles.

Sara shared information regarding her meeting in Honolulu with Dr. Jeff Walters, Mimi's boss, describing that Jeff wanted us to meet with Mimi so she would be up to speed about the project, and his desire that she assist the team in locating the best places for the educational signage for the turtles and seals.

Don spoke about a similar project he wanted us to look into. Web address is: www.greencovebasinsustainabledevelopment.

Mimi and Don indicated that there are no endangered fish.

Also the recommeded that the team look into the National Fish & Wildlife Federal Grants for funding for beach renourishment.

The recommended for endangered plant species we get in touch with the following individuals at the National Tropical Botanical Garden (808-332-7324):

- Steve Perlman
- Ken Wood
- David Lorence

Don and Mimi gave Sara their email addresses:
Donheacock@midpac.net
Mimi.ulry@hawaii.gov

Meeting adjourned.

AHUKINI POINT TO LYDGATE PARK MEETING MINUTES

DATE:	August 18, 2005
MEETING TIME:	1:00 p.m. HST
MEETING LOCATION:	Radisson Hotel lobby, and on site at Kauai Beach Villas
FROM:	Sara Edi Simmons-Fife
MEETING ATTENDEES:	Judy Dalton, Kauai Beach Villa's full time Resident (246-9067) Sara Edi Simmons-Fife Merle D. Grimes, MDG, llc
MEETING SUBJECT:	Encroachment Issues

Merle and Sara met Judy in the lobby of the Radisson Hotel, and discussed the project, and using the aerial photo map, discussed the scope of the project and how it fits into the regional plan. We showed her the potential alignments and how Kauai Beach Villas fit into the plan.

We then all walked out to the site of the drainage area north of the Villas, and walked the potential route of the path.

Judy said that she had lived in her unit for fifteen years and could verify that the drainage area changes drastically different times of the year. She felt that the design should protect the dune makai of the Kauai Beach Villas. She said how important it was to her that vehicular access to the beachfront be closed.

She gave us the name of the President of the Home Owners Association (HOA) as David Walters, and Lynn McCrory who is associated with Pahio Development.

She indicated that there would be support from the other homeowners for the path to be constructed makai of the Villas, if it was done as successfully as we had done at the Kaha Lani condominiums at Lydgate Park.

Meeting adjourned.

* NOTE: After the meeting, Judy contacted Merle to say that she had reconsidered, and now would require the path to be routed mauka of the Villas and use the existing footbridge, and that we could put the path in the parking lot of the Villas if necessary.

AHUKINI POINT TO LYDGATE PARK MEETING MINUTES

DATE:	August 18, 2005
MEETING TIME:	4:00 p.m. Hawaii time
MEETING LOCATION:	Wailua Golf Course
FROM:	Sara Edi Simmons-Fife
MEETING ATTENDEES:	LaFrance Kapaka, OHA Jim Powell, SCS Archaeology Merle Grimes, MD, llc Sara Simmons-Fife
MEETING SUBJECT:	Path Interaction with Golf Course,

Merle showed LaFrance the area where the proposed path would run south of the driving range between thee tee for hole number 1 and the parking lot for the clubhouse and intersect with Kuhio Highway at the south side of the entrance drive.

He described the proposed tunnel and the reason it was required for this alignment for safety for the path users, and for minimizing the interference of the path user to the golfer.

LaFrance and Jim discussed the presence of the nukolii at the base of the tee box, as well as the alignment of the fiber optic cable that also runs along this route.

It was decided that should this alignment be desired, and the tunnel be required, that the design must have the tunnel as shallow as possible, and that she would review the design and make a decision at that time.

AHUKINI POINT TO LYDGATE PARK MEETING MINUTES

DATE:	August 18, 2005
WORKSHOP TIME:	7:00 p.m. HST
WORKSHOP LOCATION:	Wailua Golf Course
FROM:	Sara Edi Simmons-Fife
WORKSHOP ATTENDEES:	Tim Bynum, Mayors Office Doug Haigh, County Public Works, project manager Ed Okomoto, Golf Course Manager Various golfers on island Merle D. Grimes, MDG, llc Sara Edi Simmons-Fife Dr. Chip Fletcher, University of Hawaii Frank Sullivan, Team Golf Course Consultant Thomas Noyes, Team Computer Imaging Consultant Roxanne MacDougal, Team Public Facilitator
WORKSHOP SUBJECT:	Path Routing Interaction with Wailua Golf Course

The workshop began with Merle introducing the team to the golf course stakeholder group, and gave a brief overview of the project and the various situations that the path will have to interact with the golf course.

Merle described the Highway Alignment first, using a power point presentation constructed by Thomas. Merle showed and described that should the path be aligned along the highway in the area of the golf course, it would require a tall net to be installed along hole #10 and at the # 17 green to keep the balls out of the highway and off the path. The other solution for this area, would be to re-build the tees lower.

The path must avoid the existing re-internment site that is located in the parking lot at the highway. From the team discussions with the State Archaeologist, Nancy McMahon, she wanted to see a thirty foot (30') buffer around the re-internment site. Merle also described the crossing at the entrance to the Golf Course as very dangerous.

Then, he described the Coastal Path issues and how this alignment relates to the Golf Course.

Merle said that this alignment could potentially have several sub alternatives. That the path would begin on the north end at the point of the existing playbridge at Lydgate Park.

Golf Course Workshop
August 18, 2005
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This connection may be a swinging bridge. The path would go past the 17th green and be tight at the green. At the 18th tee, would be a boardwalk and the path would be hidden down the slope. Thomas' power point presentation then showed a photo simulation at the 17th to show the helical piles and boardwalk.

Behind the driving range in 1994 and 1995, behind the driving range, is eroded and some natural vegetation has come back. A fiber optic cable at the south end of the range was installed in 1994.

MEETING AHUKINI POINT TO LYDGATE PARK MEETING MINUTES

DATE:	August 19, 2005
MEETING TIME:	1:00 p.m. HST
MEETING LOCATION:	National Tropical Botanical Gardens, Kalaheo
FROM:	Sara Edi Simmons-Fife
MEETING ATTENDEES:	Dr. David Lorence, Dir. Of Science, Chair of Botany, 332-7324
	Merle D. Grimes, MDG, llc, team lead Sara Simmons-Fife
MEETING SUBJECT:	Endangered and Threatened Plants on the Corridor

Merle and Sara introduced themselves and the project with David, showing him the potential path alignment with the aerial photo map. Sara inquired of David what would be the issues relating to endangered or threatened plants on the corridors.

David said that there are no endangered plant species on this end of Kauai. He said there is one endangered grass that grows on the cliffs on the Napali coast, by the Princeville Hotel, but no plants to worry about on this end of the island at all.

David spoke generally about the plants of the island, mentioning naupaka, vitex, and uva ursi, and theat we could get in touch with Tim Flynn, regarding birds, and the galanhil, a mud hen and a stint.

Sara inquired of David to give suggestions of the best plant reference guides, and he suggested she get a copy of Wetland Plants of Guan/Micronesia, author Stemmerman

And A Guide to the Pacific Wetland Plants, ACOE, Honolulu and a resource person would be Dr. Clyde Imada with the Bishop Museum, 848-4175.

Meeting adjourned.

AHUKINI POINT TO LYDGATE PARK PHONE MEETING MINUTES

DATE:	August 19, 2005
TIME OF CONVERSATION:	3:00 p.m. HST
FROM:	Sara Edi Simmons-Fife
DISCUSSION WITH:	Nancy McMahon, State Archaeologist assigned to Kauai
MEETING SUBJECT:	Archaeology, Cultural Resources, Historic Preservation Issues

Nancy attended the first public meeting, so she is acquainted with the corridor, and Sara asked her what would be issues that Nancy felt should be of consideration during the design and routing of the path.

She said that all of the issues that La France was bringing to our attention would be the same ones for us.

Sara asked Nancy who might the author of some studies of the Grove Farm properties, and Nancy said that most likely Rosendahl would be the persons work to look up.

Nancy said for us not to hesitate to contact her for other issues or help.

AHUKINI POINT TO LYDGATE PARK MEETING MINUTES

DATE:	August 19, 2005
MEETING TIME:	4:00 p.m. HST
MEETING LOCATION:	Residence of Butch Durant
FROM:	Sara Edi Simmons-Fife
MEETING ATTENDEES:	Butch Durant Roland Durant Robert Durant Merle D. Grimes Sara Simmons-Fife
MEETING SUBJECT:	Native Hawaiian Issues

Sara and Merle met briefly with the Durants to give one more opportunity for the Durants to participate in the location of the path, signage, and amenities that would honor the ancient ways, paths and areas of interest.

Roland Durant said that we must show regocnition of the "ili".

That we need to identify the culture of the ili alapua and that the boundaries come from the people.

The Durants declined to participate in locating any of the ala loa's (ancient pathways) or any sacred sites on the map.

Merle and Sara reminded the Durants of the Public Meeting on the 22nd, and invited them to come.

Meeting adjourned.

AHUKINI POINT TO LYDGATE PARK MEETING MINUTES

DATE:	August 22, 2005
MEETING TIME:	9:00 a.m. HST
MEETING LOCATION:	Kauai Historical Society Offices, Lihue
FROM:	Sara Edi Simmons-Fife
MEETING ATTENDEES:	Mary Requilman, Pres. Kauai Historical Society Merle D. Grimes Sara Edi Simmons Fife
MEETING SUBJECT:	Historic Resources focusing on the Railroad lines

Merle and Sara met with Mary to discuss the path project and used the aerial photo map to show her the limits of the project and discuss the plantation era use of the property at the Old Wharf, the railroad lines on the Ocean Bay Plantation property, the Hanama'ulu Railroad Bridge, the fishing pier at Ahukini and the housing that was constructed for the plantation workers.

Mary told Merle that the railroads brought sugarcane and pineapples to the Old Wharf for export, and received imported goods from back in the ancient Polynesian times.

Sara asked Mary about more documentation regarding all of these issues, and Mary said that all of the pertinent photos had already been given to SCS Archaeology on our team, but that she would be available to answer any further questions the team had.

Meeting adjourned.

AHUKINI POINT TO LYDGATE PARK MEETING MINUTES

DATE:	August 22, 2005
MEETING TIME:	1:00 p.m. HST
MEETING LOCATION:	Marine Camp
FROM:	Sara Edi Simmons-Fife
MEETING ATTENDEES:	Gary Ueunten, Dept. Of Health, Clean Water Section (241-3323) Merle D. Grimes, MDG, llc Sara Edi Simmons-Fife
MEETING SUBJECT:	Water Quality, and Noise Abatement

Sara and Merle met Gary on site at the Marine Camp where they introduced themselves and the project to Gary. Sara asked Gary what the issues would be for protecting the integrity of the water both on the beach, as well as in the drainageways that interact with the path alignment.

Gary said that he would recommend and that he would conduct at our request tests for salinity, oxygen, conductivity, and pH at the following locations:

1) The drainage area south of the Marine Camp
2) Hanama'ulu Stream
3) Hanama'ulu Beach
4) Ahukini Point

Gary said with the scope of the project, a NPDES permit would be required and that tests would need to be done for total soluble solids. The permit would cover the entire project.. And that the location from the ocean for the bridge north of the Radisson, may be an SMA isssue.

If a 401 is required, the State waters must be defined, and Lolly Silva can assist with this.

Also, that the drainage area by the Marine Camp is tidal in nature, but interestingly it runs away from the ocean rather than towards it. Also, that the drainage area south of the Radisson comfort
station and parking lot in his experience has never functioned as a drainage way.

AHUKINI POINT TO LYDGATE PARK MEETING MINUTES

DATE:	November 1, 2005
TIME OF CONVERSATION:	10:15 p.m. EST
FROM:	Sara Edi Simmons-Fife
DISCUSSION WITH:	David Bukowski, Prevention Captain County of Kauai Fire Department
MEETING SUBJECT:	Fire and Emergency Services Issues

Sara spoke with David and briefly described an overview of the limits of the project and the various options for alignments for the path project.

David indicated that his primary issue was in access to the path for emergency vehicles. David said that if he could have access at approximately 1/4 mile locations along the corridor this would be sufficient for his needs. Also, that if vehicles could have access at either end of the Hanama'ulu railroad bridge this would give the officers close enough access on foot to assist in an emergency.

Ke Ala Hele Makalae
Minutes from March 6, 2006 meeting
6:00 PM, Piikoi Building, 4444 Rice Street, Lihue HI

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Attended by: Laurel Brier, Tim Bynum, Marge Freeman, Merle Grimes, Doug Haigh, Laurie Ho, Liberta Hussey-Albao, John Lydgate, Robert Measel, Jr., Lelan Nishek, Thomas Noyes, Rayne Regush, Dale Rosenfeld, Margo Spears, Richard Sugiyama, Gabriella Taylor, and Diane Zachary

Next meeting: 6:00 PM, March 20, 2006, Piikoi Building Meeting Room B.

Doug Haigh called the meeting to order. Haigh stated that for various reasons, it could be advantageous for the Ke Ala Hele Makalae group to be independent from the County.

Examples given included:

- advantages of an independent group submitting testimony on matters before County agencies and bodies, such as the County Council and the Planning Commission,
- advantages of an independent group planning public relations campaigns, responding to challenges to the pathways program in the public forum, or proactively disseminating publicity,
- advantages of an independent group acting as a facilitator between private interests and governmental agencies,

Thomas Noyes asked if, since Ke Ala Hele Makalae has been an entity for several years, are there absent community members known to hold any position of influence within that group. The consensus was that there was nobody known to those present holding any such positions, and that other than Haigh, there was presently no leadership for the group.

Noyes subsequently offered to assume the responsibilities associated with a volunteer chair position for the organization, with the intent of his becoming the paid executive director of Ke Ala Hele Makalae as a non-profit, 501 (C) (3) organization. The group unanimously accepted Noyes' proposition.

Laurie Ho and Diane Zachary offered their support in transitioning Ke Ala Hele Makalae from its current status to a 501 (C) (3) organization.

The following agreed to assist in the process as committee members: Laurel Brier, Tim Bynum, Marge Freeman, Doug Haigh, John Lydgate, Robert Measel, Jr., Lelan Nishek, Thomas Noyes, Dale Rosenfeld, Gabriella Taylor, and Diane Zachary (tentatively).

Liberta Hussey-Albao suggested that the group identify ten critical areas of focus.

Haigh reviewed the status of the five remaining phases of the multi-use coastal pathways.

Phase II Kapaa to Kealia (Kuna Bay): in the design-build-construction stage. Haigh reported that there was discussion before the Planning Commission regarding the location of the comfort station at Kealia Beach. The lifeguards wanted to position the comfort station adjacent to the existing lifeguard tower for their convenience. The Planning Commission felt that the visual impact of building the comfort station in that location would be detrimental to the coastal views from Kuhio Highway and general appeal of the area. It was decided to position the comfort station as originally specified, in the low area on the mauka side of the pathway, towards the north end of the beach.

The proposed fence between the equestrian and multi-use paths will be replaced by plantings.

Dale Rosenfeld raised the issue of permitting (licensing) of horses for authorized access to the trail. Haigh suggested contacting the Offices of Community Assistance proactively to initiate necessary County support.

Phase III Lydgate to Kapaa: the Papaloa section (from the Waipouli Shopping Plaza towards the Kauai Sands Hotel) is no longer part of the federally funded portion of the project. Legal review determined that since there was controversy regarding that alignment, and an acceptable non-contested alignment was feasible, there could be legal challenges. Mayor Baptiste has directed Haigh to determine what is doable and do it.

The alignment of the pathway was discussed.

The Wailua River Cane Haul Bridge will be altered to support two lanes of vehicular traffic and a single multi-use path. The Mayor has identified this transition as a high priority. Design costs ($750,000 approx.) will be paid from pathways funding, but construction costs of $7 to $8 million will come from roadway improvement funds. Because the pathway Environmental Assessment and design consultant contract is close to complete and encompasses the work to be done for on the bridge, traffic relief should be completed two years sooner than if the process had to be started at this time. Additionally, the design work will be federally funded, rather than state funds being consumed. These are good opportunities for proactive, positive publicity for the pathways.

For a spur to head from the vicinity of the southern Kuhio Highway crossing towards the makai end of the Sleeping Giant (Nounou Mountain) Trail, there will need to be a commitment from the Department of Land & Natural Resources (DLNR) to make the connection. Additionally, there will need to be an agreement with the landowner, the Bette Midler Family Trust.

The path will cross Kuhio Highway adjacent to Safeway supermarket and proceed to Ala Road, which will have mixed (limited) vehicular and multi-use traffic. Currently a private road, Ala Road will be dedicated to the County.

Moanakai Road leading to Lihi Boat Ramp will become one way, with a lane for parking and a lane for multi-use.

Lelan Nishek reminded the group of the concept to integrate a recreational canal system from Wailua River to the Lihi Boat Ramp area with the pathways.

Phase VI Nawiliwili to Ahukini: On March 13, 2006 a request for professional services for the Environmental Assessment for this phase will be issued. $500,000 has been allocated for the design budget.

Phase V Kuna Bay to Anahola: Support is in place from the Hawaiian Homes. There is agreement for a single vertical vehicular access crossing the pathway, likely to the Crack Fourteen area.

Phase IV Ahukini to Lydgate: County Engineer Donald Fujimoto, consultant for the Environmental Assessment Merle Grimes of Merle D. Grimes LLC, Haigh, Noyes, and Wailua Golf Course Supervisor Ed Okamoto will meet with Mayor Baptiste on March 7, 2006 to determine the route for this phase.

Grove Farm has indicated a willingness to donate approximately 20 acres of land at the makai end of Hanamaulu Valley. This is a floodplain, but is not represented as a wetland. If completed, the land donation will help to qualify for additional Federal funding in future applications.

A challenge associated with the Hanamaulu Cane Haul Bridge is an approximately 20 ft. drop off at the existing bridge and existing grade. There will be a cost involved with bridging that drop off.

The group agreed that the preferred alignment for the path through the Moody property is the along the coast, which is within a Conservation zone.

Grimes referred to eighteen written comments on the Phase IV draft Environmental Assessment. Pdfs of the comments (not attached) had been distributed by e-mail. Grimes met with the Hawaiian Burial Council, but no position statement was made due to their lack of a forum. According to Grimes, none of the comments on any of the alignments were "show stoppers."

The group endorsed a pathway alignment on the mauka side of the Wailua Golf Course, basically following the alignment preferred by the Sierra Club.

The next Ke Ala Hele Makalae meeting was scheduled for 6:00 PM on Monday, March 20, 2006, in Room B, Piikoi Building, Lihue.

The meeting adjourned at 8:45 PM.

prepared by Thomas A. Noyes, Saturday, March 11, 2006

AHUKINI POINT TO LYDGATE PARK MEETING MINUTES

DATE:	March 10, 2006
MEETING TIME:	1:00 p.m. HST
MEETING LOCATION:	HDOT – Kauai Office
FROM:	Merle D. Grimes
MEETING ATTENDEES:	Steve Kyono – HDOT Jim Turturici, HDOT Doug Haigh, Public Works Merle D. Grimes, MDG, team lead
MEETING SUBJECT:	Highway issues along the proposed path corridor

The meeting began with a presentation by Doug Haigh of the alternative path alignments as identified in the Draft Environmental Assessment with an emphasis on the alignment option that parallels Kuhio and Kapule Highways. Upon review of the alternative alignment plan, Steve Kyono stated that the use of highway right-of-way for the path project (if needed) could be approved in the same manner as it was for the Lydgate Park path that parallels Kuhio Highway at the Aloha Beach Resort. He further stated that since both projects are transportation related, he predicted that no issues would arise in the event that highway right-of-way is required for the path.

Merle Grimes, stated that he had concerns regarding the proposed path in the area of the golf course. Specifically, that the path would need to cross the main entrance drive into the golf course and that this option could be unsafe for path users because of the probability for automobile/path user conflicts. It was noted that the intersection is already unsafe, and that the addition of the path may make conditions worse.

The discussion of the golf course reach of the highway resulted in a request from Steve Kyono and Jim Turturici that the entrance road to the golf course be moved to a location directly across from the existing jail entrance road for the purpose of improving safety. Left turn lanes and decel/excel lanes for both the jail and golf course entrance drives were also requested as part of the realignment improvements. The path could be located makai of the main entrance, resulting in a more safe bike/pedestrian path alignment. Doug Haigh and Merle Grimes agreed that moving the highway entrance road into the golf course would be beneficial and agreed to study the option further.

Merle Grimes left a copy of the Draft Environmental Assessment with Steve Kyono who agreed to write and send a letter with HDOT's comments regarding the Draft Environmental Assessment.

Meeting adjourned.

Kauai Niihau Burial Council Meeting

DATE:	May 2, 2006
MEETING TIME:	9:00 a.m. HST
MEETING LOCATION:	Kauai County Council Chambers
FROM:	Jim Powell, SCS Archaeology
MEETING ATTENDEES:	Kaua`i Ni`ihau Island Burial Council
MEETING SUBJECT:	May 2006 Agenda (see below)

Information regarding agenda item IV - F:

Informational Update for the Wailua Golf Course/Coastal Path Alignment
[TMK: (4) 3-9-02: por 4]
Information/Recommendation: Informational presentation by SCS Archaeology for the purpose of obtaining the council's approval for the proposed Kauai County Coastal Path to pass within 30' of a known burial in the Wailua Golf Course parking lot.

An informational update on the Path Alignment was presented to the burial council by J. Powell of SCS. After a short discussion clarifying the location and circumstances regarding the request, the council voted unanimously to recommend approval of the proposal.

This recommendation for approval will appear in the minutes for the May 2006 meeting.

Agenda for:

KAUAI / NIIHAU ISLANDS BURIAL COUNCIL MEETING
DATE: TUESDAY, MAY 2, 2006
TIME: 9:00 A.M.
PLACE: KAUAI COUNTY COUNCIL CHAMBERS
5396 RICE STREET
LIHUE, HAWAII 96766

I. CALL TO ORDER & ROLL CALL
II. OPENING REMARKS
III. APPROVAL OF DECEMBER 6, 2005 MEETING MINUTES
IV. BUSINESS

A. Election of Chair and Vice-Chair [§6E-43.5(f)(4), HRS, §13-300-24(e), HAR, and §92-9(a)(3), HRS]

B. Burial Component of a Data Recovery Plan for Inadvertently Discovered Remains in Kapaa Town: Reburial at Kapaa Lookout
Kapaa Ahupua'a, Kawaihau District, Island of Kauai
[TMK: 4-6-014: 36, 100]
Information/Recommendation: Informational presentation of the burial component of a data recovery plan by SCS Archaeology. Recommendations from the Kauai / Niihau Islands Burial Council on the measures detailed in the plan.

C. Burial Treatment Plan for Poipu Villas Project
Koloa Ahupua'a, Koloa District, Island of Kauai
[TMK: (4) 2-8-015: 051, 052, 074]
Information/Recommendation/Determination: Informational update by Cultural Surveys Hawaii. Recommendations from the Kauai / Niihau Islands Burial Council on the preservation measures detailed in the burial treatment plan.

D. Lineal/Cultural Descendants Claim
Burial Treatment Plan for Poipu Villas Project
Koloa Ahupua'a, Koloa District, Island of Kauai
[TMK: (4) 2-8-015: 051, 052, 074]
Information/Recommendation/Determination: Recognition of lineal and/or cultural descendants.

E. Burial Treatment Plan for Kapalawai Resort Project Makaweli Ahupua'a, Waimea District, Island of Kauai [TMK: (4) 1-7-005: 001 por.]
Information/Recommendation/Determination: Informational update by Cultural Surveys Hawaii. Recommendations from the Kauai / Niihau Islands Burial Council on the measures detailed in the burial treatment plan.

F. Informational Update for the Wailua Golf Course/Coastal Path Alignment
[TMK: (4) 3-9-02: por 4]
Information/Recommendation: Informational presentation by SCS Archaeology for the purpose of obtaining the council's approval for the proposed Kauai County Coastal Path to pass within 30' of a known burial in the Wailua Golf Course parking lot.

V. INFORMATIONAL UPDATES – DHHL LANDS

A. Anahola/Kamalomalo'o [TMK: (4) 4-7-4]
Information/Recommendation: Update by Scientific Consultant Services Inc./SCS Archaeology on reburials.

B. Kekaha [TMK: (4) 1-2-002: 032]
Information/Recommendation: Update by Scientific Consultant Services Inc./SCS Archaeology on reburials.

VI. CASE UPDATES – INADVERTENT DISCOVERIES

A. Single Family Residence [TMK: (4) 1-3-005: 045 unit 1]
Kekaha Ahupua'a, Waimea District, Island of Kauai
Information: CSH

B. Inadvertent Discovery in Anahola [TMK: (4) 4-8-007: 001]
Anahola Ahupua'a, Kawaihau District, Island of Kauai
Information

VIII. ADJOURNMENT

Pursuant to §92-3, HRS, all interested persons shall be afforded an opportunity to present oral testimony or submit data, views, or arguments, in writing on any agenda item. Additionally, pursuant to a policy adopted by the Oahu Island Burial Council at its September 14, 2005 meeting, oral testimony for items listed on the agenda is limited to four minutes for each agenda item, which is subject to extension by the Council as determined by the Chair.
Pursuant to sections 92-4, 92-5(a)(8), and 6E-43.5, Hawaii Revised Statutes (HRS), and upon compliance with the procedures set forth in section 92-4, HRS, the council may go into a closed meeting to consider information that involves the location or description of a burial site.
A request to be placed on a burial council meeting agenda must be made with the Burial Sites Program staff at least two weeks preceding the scheduled meeting date. In addition, the request must be accompanied by all related documentation. Failure to comply with this procedure will delay the item to the following month's agenda.

COUNTY OF KAUAI
PLANNING DEPARTMENT
4444 RICE STREET, SUITE A473
LIHUE, KAUAI, HAWAII 96766-1326

MEMORANDUM

DATE: May 8, 2006

TO: Jim Powell
SCS Archaeology

FROM: Kauai Historic Preservation Review Commission

SUBJECT: Request for comments in compliance with Chapter 6E-42 Historic Preservation Review for proposed changes to Hanamaulu Railway Bridge, State Historic Site #1845, TMK: 3-7-02; and Proposed changes to a box culvert, State Historic Site # 1846, TMK: 3-7-03, Hanamaulu: Ahukini to Lydgate Park Bike and Pedestrian Path, Federal-Aid Project NO. STP-0700(51), Lihue, Kauai, Hawaii.

Thank you for affording the Kauai Historic Preservation Commission (KHPRC) the opportunity to comment on the above project and for your informative background presentation.

After reviewing the information provided at its May 4, 2006 meeting, the KHPRC agreed with the use of the Hanamaulu Railroad Bridge for the bike path and its preservation and recommends that any changes have a minimum impact on the existing historic character of the bridge. While the proposed decking material was approved, the KHPRC requested the opportunity to review more detailed drawings of the proposed railing design railing along with any other alternative designs that may have been considered.

Please contact Rick Tsuchiya at 241-6677 should you have any questions.

Mahalo.

cc: SHPD
Building Div. attn. Dough Haigh

AHUKINI POINT TO LYDGATE PARK MEETING MINUTES

DATE:	May 22, 2006
MEETING TIME:	9:00 AM
MEETING LOCATION:	Conference room at the Office of Public Works
FROM:	Meredith Williams
MEETING ATTENDEES:	Doug Haigh Merle Grimes Pat Phung Thomas Noyes Meredith Williams
MEETING SUBJECT:	Review of the 3rd Public Meeting Presentation Conference

Doug and Merle went through the power point presentations that would be presented at the public meeting #3.

Pat suggested these things for the Final EA/Presentation:

- Say path-side resting stations rather than picnic shelters in the presentation/EA since the project is funded by TE funds.
- Send the maps and the preferred alignment to regulatory agencies for another review as an "insurance policy"
- List NEPA review separate from 106 Consultation
- List HRS 343 after listing the Draft Environmental Assessment since it is a state process
- "Alternative form of transportation" should be listed FIRST under goals of the project
- Change "economic stimulus" to eco-tourism
- Take out "cumulative impact to the coastline" and "adverse affect to condo owners" in reasons why we didn't choose the coastal alignment. Include these in the comments section.
- Too much detail for the ramp options from the Hanama'ulu Bridge in the presentation. Keep option 3 as an example because it is easiest to visualize.
- Take out the ramp detail to Hanama'ulu Beach Park for the presentation.
- Take out some of the internment photos for the presentation-too many.
- Cut back on maintenance slides-too many.

Pat asked about the maintenance budget, and Doug said it was increasing for the County.

Money to construct will run out by the shared use path. Doug said he is hoping for land donations.

Pat said that he thinks that if the state park owner agrees that it is a net-benefit to construct the comfort station at Ahukini Point, then it will not be subject to 4(f) review.

A shower is desired at the proposed comfort station at Ahukini, possibly an outdoor facility.

It was suggested to open up the view to the ocean from the cane haul road as you move from Ahukini Point.

We must get response from State Parks about the comfort station at Ahukini Point by the Final EA.

ASHTO guidelines should be incorporated into the bridge detail-show this.

The private road will be donated as easement in trade for the path to be away from the coast. PAHIO folks are cooperating because the State land use designation for the property is resort, but the County zoning is not.

We shouldn't use "wetland" terminology, but instead, "drainage issues" in describing routes for the alignment.

The Motocross is to be relocated and is the process of executive order. The dust is a big issue.

Safety first! If we need to move the poles at the parking lot then it will be done if it's a safety issue.

Signage will be necessary at the parking lot of the golf course that says "golfer parking only".

Ed Okomoto would benefit economically from a bike path stop at his facility so more people could use the restaurant and other amenities at the course.

To avoid major traffic impacts, the present entrance to the golf course parking lot should be left open while the other is constructed.

We will need a staging area for construction at the parking lot.

Merle suggested a wooden fence around the pump station, but Doug and Pat both rejected this idea because wood will rot. Instead, a chain link fence with blinds could be used.

Guardrails will be needed because the fence will be so close the highway. May need to coordinate with the DOT on this.

We want to keep behind the power poles with the guardrails and fencing.

Standards may say to wrap the guardrails outside of the power poles.

Moving the pump station is not an option.

Through the Norfolk Pine tree area, the goal is to not have to move any trees. Leland said he could do this with the equipment he has.

Golfers will certainly complain about having to move the stakes.

Pat suggested that maybe the Mayor would agree to lower golf fees during construction.

Construction of the path will be a major 4(f) issue-Pat says golfers could sue the County for 4(f).

SMA permit will be needed for the addition of boulders to block the beach for pedestrian path only at the Lydgate Play bridge structure.

Maintenance position will be a County employee, specifically assigned to the path.

Regarding the workshop:
2 nonprofits are the PATH Foundation and Greenway Foundation. They bring in lots of money from the private sector.

Thomas asked if the FHWA could help fund the conference. $15,000 is needed for airfare, hotel and other expenses to bring the consultants out for the conference.

Pat asked if there were other funds that could be used. Doug said potentially, from a bike path fund.

Pat said they could not provide funds if the conference is scheduled for September because it is the end of their fiscal year, so funds are lacking and they are very busy throughout this month. October and November would work much better.

Pat suggested that they change the date of the conference only if funds are provided by FHWA. It would take Pat a week or two to get an answer on funding.

Thomas discussed the agenda for the workshop.

Merle hopes that this could become an annual trail conference.

We discussed what needs to be finished for the Final Environmental Assessment and includes:

- 4(f)
- Get HDOT to say they can't put in traffic lights along Kuhio Highway to allow a mauka side path.
- There is not enough room on the makai side of Kuhio.
- Pat suggests that part of the mitigation for the golf course would be to redo the parking lot with TE funds, including grading, striping, and whatever else is necessary.
- Help draft a letter for Ed Okomoto to agree to this mitigation.

The draft final EA will be sent out to Doug and Pat for review on the 7th of June. Appendix A will be 106 Consultation and Appendix B will be 4(f) evaluation.

Several press releases were issued for the Public Informational Meetings held for this project.

In addition, several articles were written about this project.

The last section of this Appendix includes letters protesting the golf course alignment.

PRESS RELEASES FOR THE PROJECT

Press Release Number One

June 1, 2005

FOR IMMEDIATE RELEASE
Contact: Roxanne MacDougall 808-822-5798

Re: **Ahukini-Lydgate Bike & Pedestrian Path Public Information Meeting #1**

The first of three public information meetings for the Ahukini-Lydgate Bike/Pedestrian Path has been scheduled for June 22, 2005, at King Kaumuali‘i Elementary School from 7:OO PM until 9:00 PM.

MDG, Inc. has been contracted by the County Department of Public Works to evaluate alternative alignments and prepare the environmental assessment for the shoreline bicycle and pedestrian path which will run from Ahukini Landing to the Kamalani Kai Bridge in Lydgate Park. This project is one segment of the overall plan to have a 16-mile coastal trail which will connect Nawiliwili Harbor with Anahola. The first phase, the Lydgate Bike & Pedestrian Path project, was designed by MDG, Inc.

The community is invited to attend this first meeting to learn about the project and to give input to the planning process. Meeting participants will learn about path alignment options, give feedback on their preferences and identify potential areas of concern.

The MDG team will create a section with the County website dedicated to providing information on the Ahukini-Lydgate project, as well as the overall bike path. Information on the website will be provided at Public Meeting # 1.

For more information, contact Public Communication Project Consultant Roxanne MacDougall at 822-5798.

Press Release Number Two

August 1, 2005

FOR IMMEDIATE RELEASE
Contact: Roxanne MacDougall 808-822-5798

Re: **Ahukini-Lydgate Bike & Pedestrian Path Public Information Meeting #2**

The second of three public information meetings for the Ahukini-Lydgate Bike & Pedestrian Path has been scheduled for **Monday, August 22, 2005, at the Lydgate Park Pavilion from 7:OO PM until 9:00 PM.**

Merle D. Grimes, LLC. has been contracted by the County Department of Public Works to evaluate alternative alignments and prepare the environmental assessment for the shoreline bicycle and pedestrian path which will run from Ahukini Landing to the Kamalani Kai Bridge in Lydgate Park. This project is one segment of the overall plan to have a 16-mile coastal trail which will connect Nawiliwili Harbor with Anahola. The first phase, the Lydgate Bike & Pedestrian Path project, was designed by MDG, Inc.

Meeting #1 was held June 22, 2005 from 7:00 PM to 9:00 PM at King Kaumual`i Elementary School. It provided an overview of the Ahukini-Lydgate project, as well as a visual tour of the general route of this segment of the path. Participants shared information on preferred path alignments, desired amenities, and significant places.

Meeting #2 will also offer an overview of the Ahukini to Lydgate environmental assessment project, for those who missed Meeting #1. Consultants will provide more specific information on their research for potential path alignments. Meeting participants will be invited to ask questions, and to give input on their preferences and concerns.

The Planning Team has created a page in the County website dedicated to providing information on the Ahukini-Lydgate project, as well as the overall bike path. It currently contains an overview of the Nawiliwili-Anahola path project. As meeting notes and other documents are created, they will be posted on the web page. The web address is www.kauai.gov/bikepath.aspx.

For more information, contact Public Communication Project Consultant Roxanne MacDougall at 822-5798.

Press Release Number Three

FOR IMMEDIATE RELEASE
Contact: Roxanne MacDougall 808-822-5798

Re: **Ahukini-Lydgate Bike & Pedestrian Path Public Information Meeting #4**

The fourth public information meeting regarding the Environmental Assessment for the Ahukini-to-Lydgate portion of the county's 16-mile bike and pedestrian path is scheduled for **Monday, February 26, 7:00 PM – 9:00 PM, at the Lydgate Park Pavilion.**

Included on the agenda are the following:

- Overview of entire Ahukini-Lydgate planning process
- Review of path alignment options and selection process, as presented at Public Meeting #3, May 23, 2006
- Review of golf course alignment and possible design alternatives

Merle D. Grimes, LLC, has been contracted by the Department of Public Works to evaluate alternative alignments and prepare the environmental assessment for the Ahukini-to-Lydgate segment of the multi-use bicycle and pedestrian path.

A page on the County of Kaua`i website is dedicated to providing information on the Ahukini to Lydgate project, as well as the overall bike path. As meeting notes and other documents are created, they are posted on the web page. The webpage address is www.kauai.gov/bikepath.aspx.

For more information, please contact Public Communication Project Consultant Roxanne MacDougall at 822-5798.

ARTICLES REGARDING THE PROJECT

The following information was published for the County of Kauai Path website and was posted on June 21, 2005.

MacDougall
and Associates

Nawiliwili to Anahola Bike/Pedestrian Path

In 1994, the Hawai`i Department of Transportation completed a statewide master plan. Based on public input at community meetings on Kaua`i, a 16-mile coastal bike and pedestrian trail from Nawiliwili to Anahola was included in the plan.

In 1999, with the impetus of the Lydgate Park Master Plan and with active support from Mayor Marianne Kusaka, the County was able to secure $2.6 million of Federal Highway Administration funds for the first section of the trail. County funding and volunteer labor for the bridge construction provided a match for Federal funds. After completion of the project, the County was reimbursed for almost all of the costs.

This 2.5 mile, 10-foot wide concrete path runs from the Wailua River to the Kamalani Kai Bridge. In conjunction with this phase of the overall path project, additional amenities were added: landscaping, a campground, refurbishing of an old restroom facility, new restrooms with showers, and an arts pavilion. All are linked by the path and are key elements of the overall plan for expanding Lydgate Park.

Also in 1999, then Councilmember Bryan Baptiste chaired public meetings to get input for planning the coastal trail. The path was named Ala Hele Makalae, "the path to walk or to go along the coast". An advisory group was formed and continues to meet. Today, Mayor Baptiste is a strong advocate for the project. The overall goals for the Nawilwili to Anahola bike/pedestrian path are:

- Protect shoreline access for residents and visitors, including those with mobility impairments.
- Promote health and fitness.
- Enhance access to culturally significant areas.
- Preserve historic railroad corridors.
- Provide alternative transport routes.

In 2001, Kealia Makai Holdings, with Justin Hughes as manager, dedicated 7.23 acres of Kealia Beach lands to the County of Kaua`i, for the purposes of creating a public park. The County budgeted $75,000 in Capital Improvement Funds for the bike/pedestrian path.

In 2002 the Kealia Makai Property Owners Association, with Tom McCloskey as manager, dedicated 59 acres along the old cane road from Kealia Beach to Ahihi Point near what is known as "Donkey Beach". The County received a $200,000 HUD grant for the planning of the Kapaa-Kealia path, with the support of Senator Daniel Inouye.

These land donations were valued at $7.4 million and used in 2003 as a "soft match" for the approval of Federal Highway Administration (FHWA) funding for the entire trail. A soft match is the contribution a county makes to the overall cost of a project, which gives the government the incentive to then make federal funds available. The contributions may be in the form of land donations or community labor, as in the building of the Kamalani Kai bridge. The value of these donated lands were critical in giving impetus and funding to Kaua`i's coastal trail project.

Also in 2003, FHWA approved a $10 million budget for the Kapa`a to Kealia section of the trail and $250,000 for the Lydgate to Kapa`a environmental assessment. In 2004, FHWA approved $500,000 for the Ahukini Landing to Lydgate Park environmental assessment

FHWA provides what are called "Transportation Enhancement Funds". These funds are to be used for providing facilities for pedestrians and bicycles, safety and educational activities for pedestrians and cyclists, acquisition of scenic easements and scenic or historic sites, scenic/historic highway programs, landscaping and historic preservation. The Nawiliwili to Anahold Bike/Pedestrian Path fits exactly into this category of federal funds. In addition, FHWA provides congestion mitigation and air quality improvement program funding.

The federal funds provided to the Kaua`i project are designated specifically for bike/pedestrian trails. They can not be used for other highway related needs. The County does not have the discretion to use these funds for any other purpose. The total cost of the entire trail system is anticipated to be in the range of $30 million. This cost is based on the need for each segment of the trail to have an environmental assessment phase and a design/build phase. Each requires the expertise of numerous professionals in the fields of environmental science, Hawaiian culture, archeology, engineering, construction, bridge design, public communications and the complex permitting process. Kaua`i is fortunate be among the communities selected to receive these
targeted federal funds.

The County of Kaua`i will contribute capital improvement funds where needed and when available. It will also fund the on-going maintenance of the path system through the budget of the Parks Department. Design and construction specifications are for a highly cost-effective,
low-maintenance path and related improvements.

The Kaua`i Coastal Path will be completed in **six sections**, each of which will require its own **environmental assessment report process** and **design/build process**, both offering a series of three public meetings. Therefore, **each section of the trail will have a total of six public meetings** during its development.

The environmental assessment project team will include public feedback in their research to determine **three alternate alignments** and amenities for the path. The County will then decide which recommendation to accept. It will hire a **design/build project team to finish the design and complete the construction,** also with public education and input.

Phase I, 2.5 miles through Lydgate Park, is now completed and being enjoyed by residents and visitors.

Phase II will run from Lihi Boat Ramp in Kapa`a to Ahihi Point at Kuna Bay, or Donkey Beach. This 4.3 mile stretch will include the improvement of the existing cane haul bridge and cane road, as well as addition of an equestrian trail from Kealia Beach to Kuna Bay. The environmental assessment has been completed, the County has selected an alignment option and the contract has been awarded for the design/build, which is expected to be completed in 2006 or early 2007. This section includes the improvement or replacement of four bridges.

Phase III will run 2 miles from Lydgate Park to Lihi Boat Ramp in Kapa`a. The environmental assessment is in process. Construction and land acquisition funds have been allocated for fiscal year 2005-2006. The design/build team has not yet been selected.

Phase IV covers 4 miles from Ahukini Landing to Lydgate Park. The environmental assessment process began in May 2005 and is expected to be completed by year end. Construction and land acquisition funds have been allocated for fiscal year 2005-2007. This section of the trail
will include Hanama`ulu Beach Park, open lands between the park and the Radisson, and the Wailua Golf Course. The recommended alignments will be greatly dictated by the geographic features and terrain along the coast.

Phase V will be the 3 miles from Kuna Bay to Anahola. An environmental assessment will begin in 2005, with construction projected for 2006.

Phase VI will connect the path from Ahukini to Nawiliwili, 8 miles, the longest stretch of the overall project. The environmental assessment will begin 2006 and construction is projected for 2008.

The Nawiliwili to Anahola Bike/Pedestrian Path will be one-of-a-kind, not only in Hawaii, but throughout the world. It will provide coastal access, in compliance with the Americans with Disabilities Act and will offer scenic views, picnic pavilions and restroom facilities all along the way. It will be a treasure that Kaua`i residents and visitors will be able to enjoy for many years to come.

The following is an article published in "The Garden Island" on Thursday, June 9th, 2006

Bike-way focus shifts to Hanamaʻulu segment
By Lester Chang - The Garden Island

With Kauaʻi, work underway to develop the second leg of a proposed 16-mile bicycle and pedestrian coastal pathway to beautify East county officials are turning their attention to the next phase.

Representatives from MDG, Inc. and county officials will be holding the first of three public-informational meetings for a four-mile pathway from the Ahukini State Recreational Pier near Lihuʻe Airport to Lydgate Park in Wailua on Wednesday, June 22, from 7 p.m. to 9 p.m. at King Kaumualiʻi Elementary School in Hanamaʻulu.

The meeting comes on the heels of recent actions by county leaders to award a nearly $12-million contract to Jas. W. Glover leaders to design and build a 4.3-mile leg of the coastal trail from the county Lihi Park by the Pono Kai Resort in Kapaʻa to Ahihi Point, commonly known as "Donkey Beach."

The entire 16-mile project, which consists of six phases, is intended to preserve access to and beautify the coastline from Ahukini to Anahola. The project will result in much easier beach access, benefiting residents and visitors.

For the latest project, MDG Inc. leaders have been contracted by officials in the Kauaʻi County Department of Public Works to study various alignments before one is selected and is developed.

The consultant also will be preparing an environmental assessment for the pathway.

Determining the alignment will not be easy. Two years ago, the owner of a 400-plus-acre parcel located north of Hanamaʻulu Bay had his own ideas about how the bicycle path should be developed on his property.

E.W. Moody, a Las Vegas-based landowner, had proposed an upper-end residential project and golf course on his property in 2003.

At the time, Moody had proposed a bicycle pathway in his own project, and wanted to maintain the improvement, county officials were told at the time.

County officials said they would work with him in determining the alignment of the project, nonetheless.

Residents are invited to the June 22 meeting to learn about the project and to give input, according to Roxanne MacDougall, a consultant on the project.

An environmental assessment began in May, and is expected to be completed by the end of this year, MacDougall said. Some $500,000 in Federal Highway Administration funds will be used for that task, she said.

Construction and land-acquisition funds have been allocated for fiscal years 2005-2007. Mac-Dougall said that the coastal leg will include portions of Hanamaʻulu Beach Park, open lands between the park and the Radisson Kauai Beach Resort and the Wailua Golf Course, and that the alignment will be dictated by the terrain.

The first phase of the six-phase, 16-mile project, includes a 2.5-mile trail through Lydgate Park. This portion has been completed and is being used by the public.

The second phase involves the construction of a 4.3-mile leg from Lihi Park to Donkey Beach.

The other three phases include: a 2-mile portion from Lydgate Park to Lihi Park; a 3-mile leg from Kuna Bay to Anahola; and an 8-mile portion from Ahukini to Nawiliwili Harbor. The total cost of the 16-mile pathway is anticipated in the range of $30 million, primarily from federal dollars.

Kauaʻi County officials will contribute capital-improvement funds when needed and when available, they said. The maintenance of the pathway will be undertaken by county workers when the entire 16-mile project is completed. For more information on the latest project, please contact MacDougall at 822-5798.

- *Lester Chang, staff writer, may be reached at 245-3681 (ext. 225) or lchang@pulitzer.net.*

The following article was published in the "Garden Island" on June 5, 2006

By Lester Chang - THE GARDEN ISLAND
Posted: Thursday, May 18, 2006 - 10:06:16 pm HST

The proposed construction of the longest leg of a multi-phased, 16-mile-plus bicycle and pedestrian pathway in East Kaua'i that will be the only one of its kind in Hawai'i when completed, will be discussed during an informational meeting scheduled at the Lydgate Park Pavilion on Tuesday, May 23.

At a meeting scheduled from 7 p.m. to 9 p.m., a consultant and county officials will provide information on possible road alignments identified in a draft environmental assessment for an 8-mile section from Ahukini to Lydgate Park.

The project is one segment of an overall plan to build a pathway from Nawiliwili Harbor in Lihu'e to Anahola.

Representatives for Merle D. Grimes, the consultant, will also discuss the planned work for this next phase and give an overview of the entire 16-mile-plus recreational project.

The meeting will be opened for answers and questions, Roxanne MacDougall, a public communication project consultant on the proposed work, said in a news release.

The meeting will be the third public meeting on a draft environmental assessment for this phase, MacDougall said.

Merle D. Grimes has been contracted by the Kaua'i County Public Works Department to evaluate alternative alignments.

The options include putting the pathway near the coastline or immediately east of Kuhio Highway or putting parts of the project on the mountain side of the highway, MacDougall said.

No alignment, however, has been selected at this time, she said.

Information on this phase can be found on the county's Web site, www.kauai.gov/bikepath. aspx.

The first phase, a 2-mile leg at Lydgate Park, was designed by MDG and has been completed.

Jas W. Glover won a county contract and has been building a second leg of the bicycle and pedestrian project, a 4.3- mile segment from Lihi Park by the Pono Kai Resort in Kapa'a northward to Ahiki Point, which is commonly known as Donkey Beach.

Another three phases are planned.

The entire project is being built with up to $30 million in federal funds, with a promise of more federal funds coming to the county with financial contributions or donation of lands for the entire coastline project.

Wailua resident Glenn Mickens has offered the stiffest opposition to the project, contending the

federal funds should not be used for a recreational project but should instead be used to build more roads to alleviate long-standing traffic problems in the Waipouli and Kapa‘a area.

Mayor Bryan Baptiste has led the charge to have the entire coastline project built, partly to protect public access as more residential resorts go up in East Kaua‘i.

This article was written by a member of the public on May 11, 2006 regarding the project.

Island Breath: Eastside Bike path 5/17/06 11:25 AM

INDEX - PUBLIC ACCESS

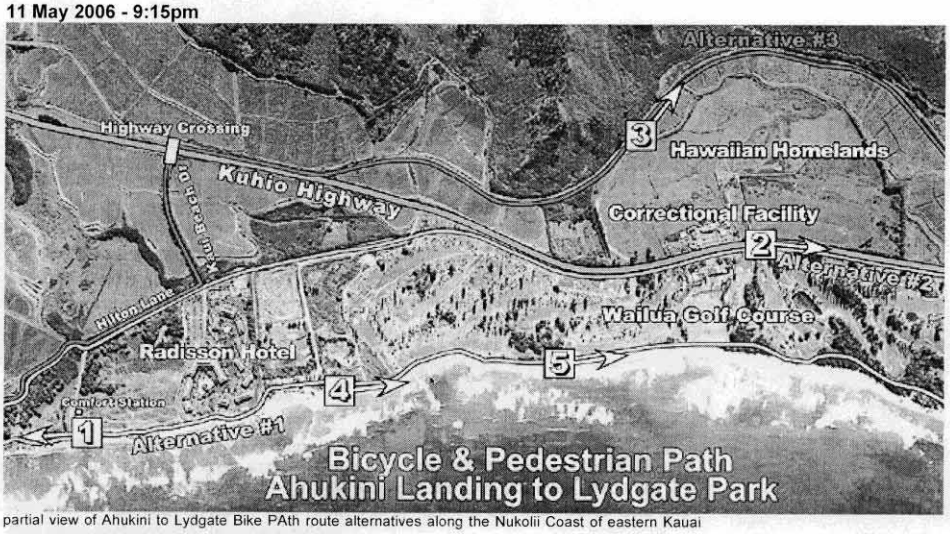
www.islandbreath.org

SUBJECT: EASTSIDE BIKE PATH

SOURCE: JONATHON JAY jonathan@dakauai.com

Ahukini - Lydgate Bike Path Project Meeting

11 May 2006 - 9:15pm



partial view of Ahukini to Lydgate Bike PAth route alternatives along the Nukolii Coast of eastern Kauai

http://homepage.mac.com/juanwilson/islandbreath/%20Year%202006/01-access/0601-01EastsideBikePath.html Page 1 of 8

The final public meeting for the Ahukini to Lydgate Bicycle and Pedestrian Path will be held on Tuesday, May 23 at the Lydgate Park large pavilion, from 7:00 PM until 9:00 PM. The agenda will include an overview of the entire Nawiliwili to Anahola project, a review of the Ahukini-Lydgate project process to date, and a presentation of path alignment alternatives and preferences.

The Draft Environmental Assessment (DEA) for the Ahukini to Lydgate Bicycle and Pedestrian Path Project is on the County of Kauai web site for your review and comments. Copies of the dEA can also be reviewed at the Kapaa and Lihue Libraries. The dEA has been listed in the Environmental Notice of the Office of Environmental Quality Control on December 8, 2005. You may send comments to:

Roxanne MacDougall, Communications Coordinator
Box 328, Kapaa, Hawaii 96746
rmacd@aloha.net

All comments received will be included in the Final Environmental Assessment report that will be completed in 2006. The comments collected at the third and final public meeting will also be included in the final Environmental Assessment.

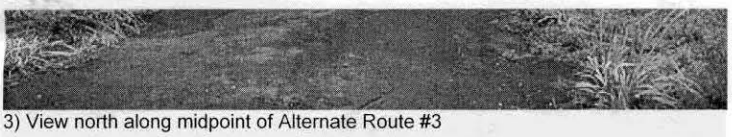
Questions may be directed to Roxanne MacDougall at **808-822-5798**.

visit the Kauai government website for more details
http://www.kauai.gov/Default.aspx?tabid=335

What it feels like on the ground

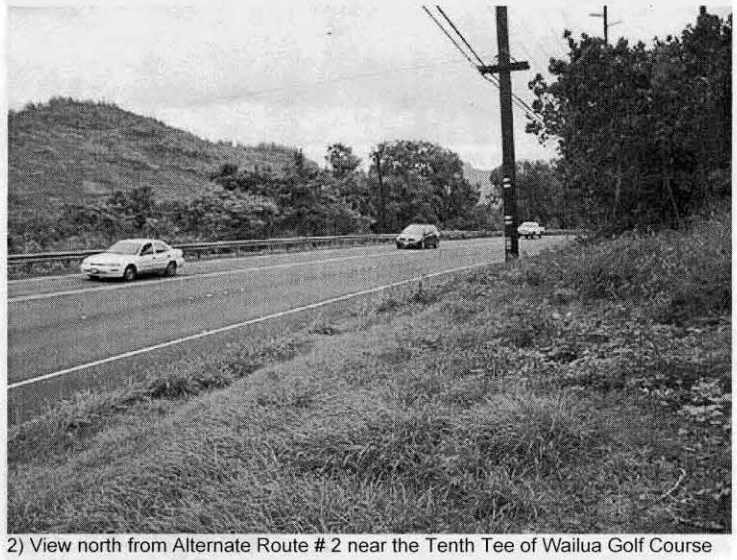
by Juan Wilson on 11 May 2006

On March 12th 2006 Jonathon Jay and I took bikes along the three alternative routes proposed in the map above. It was a cloudy day that proved to be a short break in the 40 days of rain that plagued Kauai at the end of winter. What we found was that each alternate bike route has difficulties, but that routes One and Two have features that are "deal killers".



3) View north along midpoint of Alternate Route #3

Alternate Route Three (red) proved to be drivable today with no major modification. The only real difficulty in using this immediately as a bike route is the crossing of Kuhio Highway at Kauai Beach Road. We found the ride pleasant, quiet and safe with interesting views of the mountains, wetlands and distant shoreline.

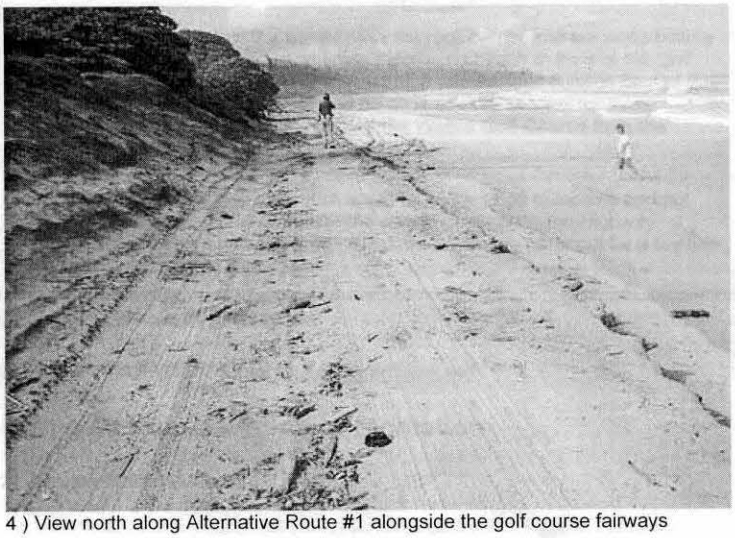


2) View north from Alternate Route # 2 near the Tenth Tee of Wailua Golf Course

We took Alternative Route Two from south to north and felt it was a great ride until we passed the Clubhouse at the Wailua Golf Course opposite the Kauai Correctional Facility. We found, until then that along the path there were excellent opportunities to provide a bike path away from traffic with peasant views that followed the canal that borders the golf course. However, as we passed the clubhouse and approached the Tenth Tee of the course there was no where for the bike path to go. There was no alternative but to ride into the road. Between the highway and the Tenth Tee there is only about 20 feet. A small utility building is there with a mammoth backflow prevent or that appears to be the main water supply line for the golf course. The condition there makes passage of a reasonable bike path difficult to imagine. The image above shows a group of trees coming right down to the road. In those trees is the utility building and the end of the line for any bike path.

1) View south from Alternative Route #1 near the south end of the beach

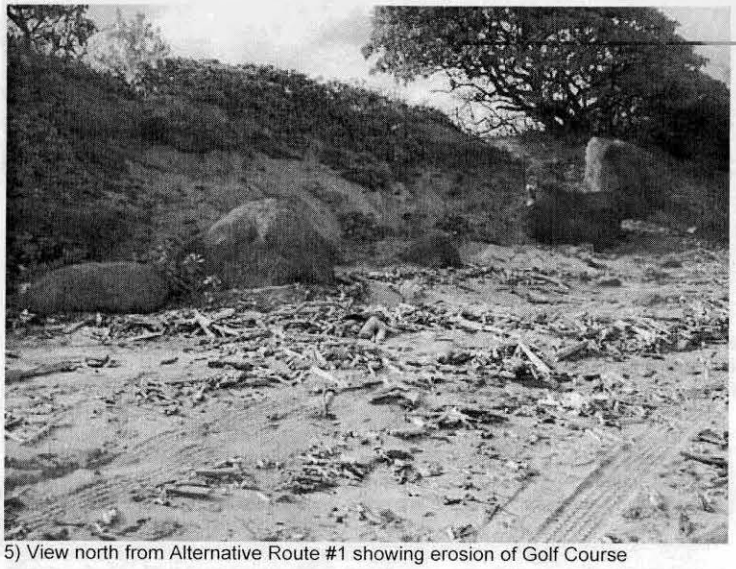
We could not ride much of Alternative Route One. This is because most of this path is on sand or dunes along the water. The most infrastructure would be required to make this path functional for bikes. There are several critical areas where the proposed path is situated in areas that are subject to inundation and damage from the ocean. See image above and note stream washout of dunes in the foreground. Note also the debris all along and on top of dunes shows winter surf activity that would threaten any bikeway and possibly riders. The bikeway itself would be damaging to the dunes and natural environment at several spots. This areas south of the Golf Course is considered the "easy" part of Alternative One.



4) View north along Alternative Route #1 alongside the golf course fairways

The image above was taken along the edge of the golf course south of Hole One.

The debris evidence and erosion of the embankment up to the golf course indicates that the area of the bikeway is right on top of the beach and that the normal standards of shoreline setback would place any future bike path up on the fairway itself. Not far further north is even greater erosion and signs that the Golf Course has been dumping fill and rock on the beach to slow the erosion rate.



5) View north from Alternative Route #1 showing erosion of Golf Course

Obviously, the high wash of the waves pass the rock barrier and are undercutting the fairways already. This means at times there is no beach in front of the Golf Course. The proposed bike path is to be set atop and artificial dune in front of the fairway that will eliminate the beach and be an ill advised seawall for those interested in "saving" the existing layout of the Wailua Golf Course from the inevitable encroachment of the ocean.

If one was looking for a bike route that would be ready to go in months and not years, then Alternative Three would be the way to go. Solving the Highway Crossing problem could be solved with a traffic light, bridge or tunnel for a fraction of the cost of Alternative One.

SUBJECT: EASTSIDE BIKE PATH

SOURCE: JUAN WILSON juanwilson@earthlink.net

Biking as transportation or recreation

27 January 2006 - 11:00am

Which bike route is best? Alternative#1 (yellow), Alternative#2 (orange) and Alternative #3 (red)

Conflict rises between advocates of bike path

by Juan Wilson on 27 January 2005

Maybe we should consider ourselves blessed. We have the opportunity to duscuss route options in the development of a large scale bicycle and pedestrian path that is proposed from Nawiliwili Harbor to Anahola Beach. This stretch of our shoreline is a significant portion of the east side of Kauai. The fact that this is controversial is an indication of how important the issue is.

The county government's interest in the path is motivated by goals related to tourism and recreation. A recreational path from the Lihue Airport along the scenic east shore to the beaches and resorts along the Coconut Coast has obvious selling points for those in the "visitor industry".

The development of such a recreational feature parallel to the most congested and overdeveloped transportation corridor on the island (Kapaa to Lihue) leads to another important motivation for wanting a bike and pedestrian pathway. One that is closer to the hearts of residents needs than visitors - access and transportation.

I strongly advocate the development of an island-wide network of bicycle and pedestrian paths that allow people to travel from Pole Hale to Kee Beach without a car. For that reason I joined with Jonathan Jay to organize "The Kauai Bike Network - Ke Alanui Paikikala" (see article **Island Breath: Bike Network**).

The Kauai Bike Network sees the eastside bike path is part of its overall goal. As the plans for the shoreline bike path have moved forward there has been a tendency for powerful property owners to find fault with the path routing in front of their section of beach and to ask for exceptions that would reroute the path behind them.

Certainly, there are places where a beachside path is impractical or unwise. But some cases of selfishness and greed are so obvious and self serving that they damage the heart of the bike path plan. One egregious case is at the future 300 unit Waipoli Beach Resort. Two bedroom condos will be starting at $875,000 in this four story wall of concrete. This traffic snarling mess is across the street from the busy red light at Kauai Village Plaza (where Papaya's Health Food is located).

The developer of the Waipoli Beach Resort was able to convince the county planners to route the bike path away from the beach, back to the Kuhio Highway,and around the condos. Since this was an undeveloped and unimpeded

site, this was a stupid and damaging decision by the county. It is having unforeseen effects in other areas of the coastline path planning process.

The Alternatives

An important and controversial section of the bike path lies between Hanamaulu Bay and the Wailua River. This section of the path includes The Radisson Hotel Resort, the Wailua Golf Course and Lydgate State Park are along this section of the shore.

[Editors note to mainlanders: *mauka* means towards the mountains and *makai* means towards the sea]

There have been three major routes suggested to connect Hanamaulu to Wailua. Each have there own variations with attending pros and cons. They are, in order of presentation,

Alternative #1: The Beach Route (yellow)
This path follows the shoreline, hugging the beach from north to south makai of the Radisson Hotel and the Wailua Golf Course.

Alternative #2: The Highway Route (orange)
This path follows Hilton Lane, mauka of the Radisson Hotel complex until it reaches the Kuhio Highway. There it parallels the Kuhio Highway until it passes mauka of the Wailua Golf Course where it reconnects with the shore at Lydgate State Park.

Alternative #3: The Mountain Route (red)
This path follows Hilton Lane to the Radisson and then turns at Kauai Beach Road towards the Highway. At a new underpass (or traffic light) the path would cross mauka of the highway and then follow the already designated and graded "Emergency Route" along the foothills of the Kelepa Forest Reserve. When it reaches the Leho Drive entrance to Lydgate State Park it would cross makai of the highway (at an overpass or new traffic light) and then join the shoreline at the park.

Pros & Cons

Each alternative has proponents. Each alternative has pros and cons. The real controversies have been generated because the resort, condo and recreational development along this section of the coast is highly valuable. It is sandwiched between the coast and the highway. On top of that the beach along this section of coast is eroding quickly. Briefly here are a few of the considerations.

Alternative #1
This scheme is scenic and connects all the amenities along the shore. But, the Golf Course is particularly vexing problem. Many powerful and important residents of the island (including county officials) use the Wailua Golf Course as country club where they meet and do business. Erosion of beach front has been treated aggressively and in some cases unwisely and without proper permits.The Wailua Golf Club will not yield an inch of ground to a bike and pedestrian path.

As a result, the current route for the path the county supports runs on a roadway built-up dune on top of the existing beach. This scheme is makai of all golf course real estate. In effect the bike path would be the seawall the golf course has been unsuccessfully trying to build for decades. Millions of dollars would be required.

The State Department of Land & Natural Resources have stated that the path

should be at least 100 and preferably 200 feet makai of the certified shoreline in order to protect the beach. This puts Alternative #1 between a rock and a hard place. It is probably a non-starter.

Alternative #2
A variation of this scheme may be the best compromise. To make it work it should ignore the county's proposal to follow the highway the whole way from the Airport Bypass (Kapuli Highway) to Lydgate and instead follow Alternative #1 until it is past the proposed Ocean Bay Plantation and then follow Hilton Lane past the Radisson until it reaches the southwest corner of the golf course. It would follow makai of the ditch that runs along the highway as it passes the golf course and would turn to the ocean at the Leho Drive entrance to Lydgate State Park.

This scheme could fail if this is found to be unacceptable to the golf course power brokers. For example, placing the path on the mauka side of the ditch would put it right on the highway. Noisy, polluted and dangerous--it would not be an amenity for visitors with kids on bikes to be squeezed between high speed traffic (typically over 60mph) and a ditch. Another danger to this scheme is the eventual widening of the Kuhio Highway to four lanes.

Alternative #3
This scheme has the advantage of being far from the highway and not on top of the beach. Much of it had been used historically by cane trucks. Recently it has been graded and prepared as an alternative emergency route when there is gridlock on the highway. Space is not a problem, and an attractive route could be found at the edge of the forest reserve.

One disadvantage to this scheme is that it is longer than the others and more isolated. Security would be an issue.

An added plus to this scheme is it could share a route more in line with a path needed by residents. A need not for recreation and beach access, but for a solution to highway congestion and ever increasing cost of fuel. A commuter bike path between Lihue and Kapaa would be well placed on Alternative #3.

This Bicycle & Pedestrian Path is an important and positive thing to be discussing. There are neighborhood meetings and other ways for you to be involved.

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see also **Island Breath: Kauai Bike Network**

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www.islandbreath.org

Pau

PUBLIC COMMENT LETTERS

PRO BIKE LETTER TO THE EDITOR

1. Mr. Rapozo wasn't it you and the County Council that OK'd the $4.3 million and 6 months of

closure for a main artery 20' x 20' mini Olohena Bridge to the Wailua and Kapaʻa Homesteads? At the same time denying the $1/4 million, 2 week closure, 35 year life expectancy alternative bridge; instead of using the $4.3 million to start another lane over the Wailua River?

2. Mr. Rapozo comparing a $30 million project to "screens on the Kekaha Neighborhood Center" isn't that a tremendous stretch of imagination; like comparing an apple with a Redwood Forest. And shame on the adult children of the seniors in Kekaha...if the situation is so bad why don't they screen the place for their folks. It has to be less than $1 million. Plus how many Seniors are in Kekaha compared to the population of the greater Kapa'a neighborhoods of the Kawaihau District that will have the opportunity to use the bike path. Geeeesh!!! The bike path will bring out more and more people as they discover the wonderful feeling of vitality from exercise in a beautiful environ.

3. Mr. Rapozo kids on the bike path headed to beach activities from the largest residential district on Kauai more than likely are staying away from drugs and crime. The kids need diversion from drugs and crime...bike paths serve that purpose and free up parents from having to drive them to and from a very healthy activity. The bike path is free for all ages and all the members of the community. If you want to save money...close the Wailua Golf Course which serves so few for too much of our tax dollars.

4. I think Mr. Doug Haigh has made it perfectly CLEAR, over and over. The FEDS say the money is for the bike path only...or let us know and we'll give the money to another less stupid community in America. Which part of "Federal $ earmarked for a bike path only" do you not understand? You yourself said that we can't let the $4.3 million for the Olohena Bridge not come to Kauai....why not Fed $ for this awesome bike path. As well, should we give the generous Hughes and the McClusky's their ocean front land back and let them bar us from ever going to that area again. Sounds like shooting oneself in the foot.

5. And Mr. Mickens, your complaint of an "ugly concrete path"...well Glenn, come on, you been here long enough. How about the "ugly asphalt (now broken up and uglier) haul cane roads" with those monster ugly haul cane trucks of the past, some with cane still burning in the back; circling much of the island from field to mill. The bike path will be like heaven compared to the hell of hauling cane. And Mr. Mickens, the reason sane people do not use the "bike paths" of our now Kauai Super Highways is because it is an insane risk to ones life to use them, you can't figure that one out?

We need a safe bike path, and we need it now for every age group on Kauai and especially Kawaihau district.

• *Jay Trennoche*
Kapaʻa

01/30/2006 22:09 8082469095 1 PAGE 01

To: Merle Grimes, ph. 303-646-8708
From: Jason M. Hashizume ph. 808-246-9095 JH 1/30/06 **January 27, 2006**
Subject: Comments on the proposed bike path route for the Ahukini-Lydgate phase.

Being born and raised in Wailua Houselots, I have been using the Golf Course stretch of beach for fishing or other recreational use going back to the early 70's and even more so in the last 3 years. Due to seasonal weather, tides, currents and other factors, I have seen the beachfront areas slowly eroding up to the edge of the golf course. Large boulders originally placed to border the fairways eventually slide down to the beach below sometimes endangering beachgoers. Throughout the years, wave action and gradual erosion will hit certain parts of the beach harder and effectively have most of the sand displaced. When this happens near the 14th & 17th holes, 4X4 vehicles can pass only during the low- tides. Certain other areas of beach along the #1 & #2 holes get affected as the sandy shoreline vanishes and eventually returns and the affected areas move along the coastline.

I would like to comment in favor of routing the proposed Ahukini-Lydgate bike path **away** from the coastal areas adjacent to the Wailua Golf Course #1, #2, #13, #14, #16, #17 & #18 holes for the following reasons:

a) Playing conditions at the Wailua GC have improved tremendously over the past several years. It isn't sensible to compromise the above-mentioned holes by routing the bike path along this stretch of beach. Golf play would be interrupted and golfers would have to be careful to avoid hitting them as they ride along.

b) The structural design of the bike path for this 1 mile stretch appears to be not only costly to build, but also costly to maintain. The County would be tasked with constantly maintaining and replenishing sand that is swept out by storm surges or blown away. Having riders exposed to potentially hazardous conditions on the bike-path would only invite potential lawsuits against the County or encourage property damage by vandals. Whatever route is selected, the design should be one that will require the least maintenance and stand the test of time.

I strongly believe that this stretch of beach should remain as it is. Sure there are some issues as the extensive use of the beach by 4X4 vehicles, ATV & motorbikes sometimes clash with the pedestrian beachgoers. I hate to see the reaction by this group if beach access is denied due to the bike path being built along this stretch.

It appears that the sensible, safe, feasible and scenic alternative would be to route the bike-path along the outskirts of the #2 green, along the 3rd hole, continuing adjacent to the 4th, 7th, 9th, 10th & 12th holes next to the highway but on the golf course side of the hedges. The path could then connect to the existing bike path near Kamalani Bridge and continue to Lydgate Park. The design would be similar like the existing Lydgate bike path. Simple and with less cost and maintenance. The bike path would be made of concrete just like at Lydgate and would certainly stand the test of time over the years.

This stretch of beach is one of the last open and undeveloped areas between Lihue and Kapaa. Let's try to keep it accessible as it is. By routing it around the golf course we accomplish the goal of keeping the space open and we end up with a continuous scenic and low maintenance bike path that will be around for future generations to enjoy.

I would like to thank you for allowing me to voice my thoughts and concerns.

Jason M. Hashizume

01/31/06 TUE 01:12 ITX/RX NO 8482I

To: Doug Haigh, Director, Building Dept., County of Kauai

Re: Comments on DEA, bike path portion from Hanamaulu to Lydgate

After looking at the DEA and walking the portion from the rest
station south of the Radisson Hotel to Lydgate Park, as an individual
resident of Kauai,I have comments for a path that I feel would be
most suitable for the community and respectful of the environment.
Here is the route that I propose. Thank you for considering my comments.

>> There are some wonderful features of the path coming from
>> Nawiliwili--through the lagoons area and over the old Hanmaulu
>> railroad
>> bridge. Then the paved path would run along the beach or on the
>> bluff at the Moody
>> property and bridge the small wetland just south of the Radisson
>> comfort station.
>>
>> The path can then proceed in front of the comfort station, hotel and
>> condos. I think that it is appropriate to have the path there and see
>> no problem with the setback from the shoreline. As with the paved
>> path
>> in front of the Mariott, such lateral access benefits both the hotel
>> guests and the public.
>>
>> After the Radisson, the path must bridge another stream to reach
>> Marine
>> Camp. From there, a dirt road actually heads north between the beach
>> and the golf course, but as noted above, it is eroded in one critical
>> spot. Being practical, we understand that the path will have to go
>> inland in this area, possibly along the existing dirt road to Kuhio
>> Hwy, but preferably on the south border of the golf course.
>>
>> The path can then proceed makai of Kuhio highway on the edge of the
>> golf course for about a half mile until the club house entrance is
>> reached across from the Kauai Correctional Center. Fortunately,
>> much of
>> that portion of the path will be set back from Kuhio highway a
>> substantial distance with a canal between the path and the
>> highway. If
>> the path were to parallel Kuhio Hwy all the way from Kapule Rd, there
>> would be a full 1.5 miles of Hwy frontage, not a pleasant
>> recreational
>> experience.
>>
>> The bike path will traverse the golf course on a safe route and
>> emerge
>> along side of the driving range where once again it will run on a
>> path
>> along the beach. There is only one small problematic area where sand
>> will have to be brought in near the 17th hole to create a good bed.
>> Thereafter, the paved path can run in the trees just inland of a nice
>> long beach stretch to join the path at the Kamalani play bridge in
>> Lydgate Park.

>>

Sincerely, Gabriela Taylor
5620 Keapana Rd. Kapaa, Hi. 96746
823-901

Letters protesting the golf course alignment

RE: AHUKINI - LYDGATE BIKE PATH PROJECT

TO WHOM IT MAY CONCERN:

The County of Kauai is considering locating a portion of the proposed bike path through Wailua Golf Course. We strongly oppose this site for the following reasons:

1. The Draft Environmental Assessment for the project fails to make a thorough investigation of the area mauka of Kuhio Highway. This area should include alternatives with as much concentration of effort as was placed into Alternate #1.

2. The Wailua Golf Course is an important recreational area. Federal funds should not be applied to disturb its existence and use by the development of an "Alternate Transport Route" when all of the area above Kuhio Highway is available to the planners for this.

3. A mauka alternate, removed from the Wailua Golf Course , should prove to be a better location for the project. This alternate may be much more scenic, certainly more serene and generally provides a much cleaner environment for bike path users, probably at a lesser cost for construction and maintenance than Alternate #1 that is subjected to high wave action.

4. Alternate #2, through Wailua Golf Course, confines the bike path users between noisy Kuhio Highway and an unsightly high fence which doubles negatively by also providing a visual intrusion on golfers. This only serves to do an injustice to both bike path users and golfers.

We firmly believe that mauka alternatives will meet all of the stated goals for the bike path and should be utilized to locate the project.

Signature	Print Name	Residence
Rona Miura	Rona Miura	Lihue, HI
[illegible]	Mitsuko Inde	Lihue, HI
Edward Vicker	Edward Vicker	Lihue HI
Bob Bentley	Bob Bentley	Lihue, HI
Joel Yamashita	Joel Yamashita	Hanamaulu
Marian Nakano	Marian Nakano	Lihue, HI
Sandi Na Nakano	Sandi Nakano	Lihue, HI
Tammy Schonivitz	Tammy Schonivitz	Lihue, HI
Lawrence T. Kashiwabara	Lawrence T. Kashiwabara	Lihue, HI
Robert Y. Hiraoka	Robert Y. Hiraoka	Kapaa, HI
David O Kinaki	David O Kinaki	[illegible] HI
Royce T. Egusa	Royce T. Egusa	Kapaa HI

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Signature	Print Name	Residence
	SUSAN K HONIYO	KAPAA, HI
	WINSTON F OSAKI	LIHUE
	G SCHUMACHER	LIHUE
	Phyllis Nakamura	Lihue
	Penelope Wong	Anahola
	Linda Uohara	Lihue
Dr Pat Ahana	PAT AHANA	Kapaa
Meslene Takemoto	Meslene Takemoto	Kapaa
Katherine Hamamura	Katherine Hamamura	Kalaheo
Jean E. Sato	Jean E Sato	Kapaa
	Gwen Lauma	Lihue

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Signature	Print Name	Residence
	KAZUO YOSHIOKA	Lihue, HI
	Pat Viernes	Lihue
	LITO ILORETA	KAPAA
	KEMANO Hookano	Lihue, Hi
	Ismo Yochichige	Lihue Hi
	ROY SHIMOKUSHI	LIHUE, HI
	RICHARD MAEDA	LIHUE, HI.
	GLENN SHIBAYA	LIHUE, HI
	DEBI Leyva	Lihue, HI
	PAUL ARIOLA	Wailua

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We firmly believe that mauka alternatives will meet all of the stated goals for the bike path and should be utilized to locate the project.

Signature	Print Name	Residence
Edwin H. Nakano	Edwin H. Nakano	Lihue, Hi
Ralph Y. Fujinaka	Ralph Y. Fujinaka	Hanapepe, Hi.
[illegible]	Jason Fujinaka	Hanapepe, Hi.
[illegible]	Jack Iida Jr.	Kapaa, Hi
[illegible]	Colin H. Nakamura	Lihue Hi
[illegible]	Wilfred Kimura	Kapaa Hi
[illegible]	Thomas Tokioka	Kapaa Hi
[illegible]	Isamu Hiranaka	Lihue Hi
[illegible]	Thomas M. Kurosaki	Lihue - 96766
Sonia L. Nakano	Sonia L. Nakano	Kapaa, 96746
Robert Tamura	Robert Tamura	Lihue Hi. 96766

Proposed Bike Path Through The Wailua Golf Course

The Golfers of Kauai desire not to have a bike path built along the perimeter of the existing Wailua Golf Course. We would like to enjoy a round of golf without any distractions of any sorts. We currently have the sound of the traffic along the areas where the bike path is to be built. We wish not to have added distractions like the type of noises that comes with bicyle riders talking or laughing and who knows maybe horses as proposed at one meeting.

This Petition is to stop the Bike Path starting at the 12th hole down to the 11th, 10th, the parking lot area, 5th hole, 7th hole and along the 4th hole and to the Nukoli'i Motocross area.

	PRINT NAME	SIGNATURE	ADDRESS	TELEPHONE OR CELLULAR
1	Wally Inosaki	[illegible]	4939 Eggking Pl Kapaa	
2	Kristen Buroski	[illegible]	3916 Uwila Pl. Lih.	
3	Damien Victorian	[illegible]	5566 Kaehulua Rd. Kapaa	
4	Alan Liu	[illegible]	304 Cuckle Ln Kapaa	
5	H. Ogawa	[illegible]	Kapaa, Kauai	
6	Ross Kawa	[illegible]	4117 Purple St.	
7	Annie Boldt	[illegible]	636A Kamalu Rd Kapaa	
8	June Araki	[illegible]	6437 Kaehuli St. Kapaa	
9	Davis Oshiro	[illegible]	3601 Ala Loke Pl.	652-2599
10	Ross Shimonishi	[illegible]	4286 Hardy St. Lihue, HI 96766	245-2633
11	Clay Kelekona	[illegible]	4033 Hoohana St Lihue 96766	
12	N. Acaw	[illegible]	169 Lolo Rd. Kapaa Hi 96746	822 9688
13	Mel Mandriques	[illegible]	6528 Kuamoo Rd Kapaa HI 96746	
14	Tofo Yoshida	[illegible]	3370 Oiwahe St. Lihue HI 96766	
15	Kei Shiba	[illegible]	4081 Ono Pl. Kalaheo 96741	332-9113
16	Virginia Ellis	[illegible]	3057 Poipu Rd. #49 Koloa Hi 96756	
17	Jane Bruckner	[illegible]	2381 Akoki Lihue, Hi 96766	
18	Wendy Akita	[illegible]	POB 3985, Lihue 96766	822-1662
19	Michele Kelly	[illegible]	4180 Rice Pinao Pl Omao 96750	
20	Lee Kelling	[illegible]		
21	Lindbergh M Akita	[illegible]	POB 3985 Lihue, 96766	822-1662
22	Dan Nishiota	[illegible]	3270 Pala St Lihue Hi 96766	245-4137
23	George Yamamoto	[illegible]	5795A Koali St, Kapaa, HI	822-9636
24	[illegible]	[illegible]	341 Kamoku Ln Kapaa	822 4525
25	Kevin Tokuhara	[illegible]	P.O. Box 203 Kapaa HI 96746	482-1318
26	Chae Kobayashi	[illegible]	544 Kuamauli Kapaa Hi 96746	346-4363

This Petition is to stop the Bike Path starting at the 12th hole down to the 11th, 10th, the parking lot area, 9th hole, 7th hole and along the 4th hole and to the Nukoli'i Motocross area.

	PRINT NAME	SIGNATURE	ADDRESS	TELEPHONE OR CELLULAR
1	Fred Kishida	Fred Kishida	P.O. Box 495 Hanapepe, HI	335-3878
2	LAWRENCE DIZON	Lawrence Dizon	P.O. Box 1725, Lihue, HI	332-8573
3	Rachel Kishida	Rachel Kishida	PO Box 495 Hanapepe	335 3878
4	THOMAS RITA	Thomas Rita	P.O. Box 632 KALAHEO	335-0366
5	FARIUM ABREU	Farium Abreu	P.O. Box 661 HANAPEPE	346-0695
6	LILY KAOHI	Lily Kaohi	Box 121 Eleele	
7	ELIA HORITA	[illegible]	P.O. Box 565 LAWAI	332-7454
8	Erin Moke	[illegible]	P.O. box 179 Kaumakani	989-9209
9	Minnie Olipo	[illegible]	PO Box 673 Hanapepe	335-5096
10	Les Matayoshi	[illegible]	PO Box 674 ELEELE	337-2168
11	JULIE KIM	[illegible]	PO Box 476 Eleele 96705	335-3162
12	CLARENCE NAKASHIMA	[illegible]	Box 363 Eleele 96705	335-5234
13	~~GAY TAKAYAKE~~	[illegible]	4321 Puuiki Lihue 96766	245-4111
14	RICHARD T. YANO	Richard T. Yano	3210 Aloki St. Lihue	245-3094
15	Ryan Kishida	[illegible]	PO Box 495 Hanapepe 96716	652-9352
16	Wesley Kishida	[illegible]	Po Box 495 Hanapepe 96716	335-3878
17	Kyle Kishida	[illegible]	Box 495 Hanapepe	335-3878
18	Hiromi Nakabayashi	Hiromi Nakabayashi	Box 74 Lawai	332-9897
19	TSURUO UKOTA	T. Ukota	Box 525 Eleele	335-3710 (unlisted)
20	Seichi Hoashi	Seichi Hoashi	Box 259 Kalaheo	335 5157
21	Dave Wirabayashi	[illegible]	P.O Box 506 Lawai	332-6096
22	Dano Fuji	[illegible]	P.O Box 453 Eleele	335-5747
23	Donald Keile	[illegible]	P.O. Box 817 Eleele	335-3788
24	Stephen Miyamoto	[illegible]	P.O. Box 839 Eleele	335-0130
25	Gene Matsuda	[illegible]	P.O. Box 144 Waimea	338-1398
26	Michael Ganader	[illegible]	P.O. Box 540 ELEELE	335-5864

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This Petition is to stop the bike path starting at the 12th hole down to the 11th, 16th, the parking lot area, 3rd hole, 7th hole and along the 4th hole and to the Nukoli'i Motocross area.

	PRINT NAME	SIGNATURE	ADDRESS	TELEPHONE OR CELLULAR
1	Temeo Hiranaka	Temeo Hiranaka	Lihue	245-4654
2	Isamu Yoshishige	[illegible]	Lihue	245-2336
3	Richard Uno Ka	Richard Uno	3921 Uhelei St Lihue	246-6646
4	Kanao Agaeka	Isamu Agaeka	3131 Uhelei St. Lihue	245-3970
5	George Ozaki	George Ozaki	P.O. Box 828 Lihue Hi	245-9088
6	Glenn Niffe	Glenn Niffe	P.O. Box 1134 Waimea	338-1172
7	Arthur Oshima	Arthur Oshima	2885 Haraiko St Lihue	245-9108
8	Frances Ocen	[illegible]	P.O. Box 555 Eleele	335-3367
9	Norman Nitta	[illegible]	3784 Kikee Rd, Kalaheo	332-9441
10	Stanley Tsuha	[illegible]	Koloa Hi	742-1062
11	Kiyoji Masaki	[illegible]	Box 288 Waimea 96796	338-1046
12	Stanley Shimabukuro	[illegible]	" 125 " "	338-1737
13	Michio Tanaka	Michio Tanaka	Box 965 Waimea 96796	338-9963
14	Val Nitta	Val Nitta	P.O. Box 623 Kekaha 96752	—
15	[illegible]	[illegible]	4289 Koloa Rd	~~338~~ 245-7866
16	B. Fujimoto	B. Fujimoto	Box 1446 Hanapepe 96716	335-5862
17	G. Nishiki	[illegible]	Box 517 Eleele 96705	335-5194
18	H. Kakutani	[illegible]	P.O. Box 283 Lawai 96765	332-9276
19	G. Paeste	[illegible]	P.O. Box 359, Kekaha	337-9045
20	Walter Nishiki	Walter H. Nishiki	P.O. Box 327 Eleele 96705	335-2632
21	Alvin Kano	[illegible]	P.O. Box 1653 Lihue 96766	332-7466
22	Wallace Sonoda	[illegible]	P.O. Box 532 Eleele	335-6460
23	Mike Mizukami	[illegible]	P.O. Box 786 "	335-3279
24	Frank Watanabe	[illegible]	4535 Puolo Rd	335-6809
25	Walter Sakai	[illegible]	P.O. Box 183 Koloa	335-5106

This Petition is to stop the Bike Path starting at the 12th hole down to the 11th, 10th, the parking lot area, 5th hole, 7th hole and along the 4th hole and to the Nukoli'i Motocross area.

	PRINT NAME	SIGNATURE	ADDRESS	TELEPHONE OR CELLULAR
1	Marshal N. Nakamura	[illegible]	P.O. Box 213, Lihue	332-8841
2	Gary Fujioka	[illegible]	Kapaa Hi	822 9316
3	Jay Hiramoto	[illegible]	P.O. Box 1527 Lihue Hi	245-3743
4	Gary Fujioka	[illegible]	4620 Hoi Rd Kapaa	822 5275
5	DONALD KAWAHE	[illegible]	5121 KIKALA ROAD, Kapaa	332-9553
6	OWEN OTA	Owen Ota	3250 ULUHUI ST. LIHUE	245-6137
7	Jonathan Ota	Jonathan Ota	3173 Akahi St, Lihue 96766	245 2833
8	Winifred Ota	Winifred K. Ota	3250 Uluhui St. Lihue, 96766	245-6137
9	ELAINE KONDO	Elaine Kondo	P O Box 1281 Lihue 96766	652 4958
10	SHARON ORIOSO	[illegible]	P.O. BOX 662029 LIHUE HI 96766	346-0159
11	CHRISTINE ROBLES	Christine Robles	P.O. BOX 931 KOLOA, HI 96756	742-6606
12	Rosalina Robles	Rosalina Robles	P.O. Box 931, Koloa Hi 96756	742-6606
13	KATSUHORI SHINTANI	[illegible]	2867 ILIAHI ST LIHUE 96766	246-9482
14	WINSTON OGATA	[illegible]	2752 PIKAKE ST LIHUE	245 7913
15	RICHARD APAN	[illegible]	6437 Kaalele St. Kapaa	823-6901
16	MERRY JANE ALCONER	[illegible]	4412 Hanamaulu Pl. Lihue	245-7492
17	Bonnie Ballin	[illegible]	2924 Akahi St Lihue	245-6480
18	Eileen Daly	[illegible]	2709 Nakekula Cir. Lihue	245-8984
19	JAMES A. PUE	[illegible]	P.O. BOX 48, HANAPEPE HI	651-6894
20	Archie Fontanilla	[illegible]	PO Box 392 Kaumakani, Hi 96747	335-6155
21	HANK NISHIKAWA	[illegible]	3422 Uhukinia St Lihue Hi 96766	245-4958
22	JACK IIDA	[illegible]	393 LAAUKEA PL Kapaa 96746	822-0327
23	Calvin Amii	[illegible]	5197 KALICE ST. Kapaa	651-3206
24	Patricia A. Ferrara	[illegible]	PO Box 313 Kalaheo 96741	332 6351
25	GROVER & YAMAMOTO	[illegible]	3084 A HALELIO St Kapaa 96746	822-4191

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This Petition is to stop the Bike Path starting at the 12th hole down to the 11th, 10th, the parking lot area, 9th hole, 7th hole and along the 4th hole and to the Nukoli'i Motocross area.

	PRINT NAME	SIGNATURE	ADDRESS	TELEPHONE OR CELLULAR
1	Veronica Sakaguchi		Kalaheo, HI 96741	—
2	Stephen Sakaguchi		Kalaheo HI 96741	
3	Susan Logan		PO Box 563 Lihue HI 96766	
4	Harvey Suiki		Lihue HI 96766	
5	Tammy Letreta		2846 Hoolako St. Lihue, HI 96766	
6	Christine Taniguchi		4156 Rice St. #401 Lihue HI 96766	808 245-7790
7	Lori Tomine		Box 488 Koloa HI 96756	639-1120
8	Kyle Matsumura		3800 Kuhio Pl Lihue 96766	N/P
9	Glenn Nakamoto		3126A Elua Street Lihue 96766	—
10	Olin Kauli'i		4141 Koloa Rd Koloa, HI 96756	651-9157
11	Randy B. Diana		PO Box 693 Anahola Hi 96703	822-9313
12	Sally Ann H. Diana		PO Box 693 Anahola 96703	822-9313
13	Walter Yasumoto		74 Alea St. Kapaa 96746	
14	Charlotte Yasumoto		74 Alea St Kapaa 96746	
15	Alice Takahashi		91 Alea St. Kapaa 96746	
16	Rodney Takahashi		91 Alea St Kapaa 96746	
17	Thomas Anakalea		Koloa 96756	
18	Sonny Cayton		P.O. Box 463 Anahola	
19	Iris Cayton		" " "	
20	John Reid		Lihue 96766	
21	Ken S. Bargamento		Kapaa 96746	
22	Roberta M.O. Bargamento		Kapaa, HI 96746	
23	Jeffrey Hirakata		P.O. Box 3114 Lihue	
24	Lorin Yamane		311 Hauliula Rd Kapaa	
25	Glenn Taniguchi		5130 Kawaihau Kapaa	

This Petition is to stop the Bike Path starting at the 12th hole down to the 11th, 10th, the parking lot area, 5th hole, 7th hole and along the 4th hole and to the Nukoli'i Motocross area.

	PRINT NAME	SIGNATURE	ADDRESS	TELEPHONE OR CELLULAR
1	June Esteban	June Esteban	PO Box 1411 Lihue	651-3413
2	BRAD JIMANU	Brad Jimanu	5531-D Hauaala	823-0642
3	RONALD HOLTE	Ronald Holte	PO BOX 1027, KAPAA	821 1330
4	HENRY SHIBATA	Henry Shibata	188 OHANA, KAPAA	822 7288
5	Richard Teixeira	[illegible]	PO Box 1333 Lihue	8280400
6	Barbara Trombley	Barbara Trombley	P.O. Box 286 Kilauea	828-2037
7	Tom Trombley	Tom Trombley	PO Box 286 Kilauea	828-2037
8	Alice Stefker	PHIL STEFKER	4660 Kaua'i Pl #28 Kalaheo	332-0660
9	Stan Simmons	[illegible]	1989 Kolo Rd. Kilauea	828-6622
10	[illegible] (LES PLANTS)	[illegible]	Koloa	742 5533
11	Kiyoshi Ogihara	[illegible]	6526 Lekia Pl Kapaa	822-9105
12	Sylvester	SYLVESTER	PO BOX 1161 Koloa	808 379-7211
13	Sekso Manuel	[illegible]	146 Paako Kapaa	823-8965
14	JASON LOCKWOOD	[illegible]	PO Box 214 Anahola HI	828-2121
15	ROBERT DIANA	Robert Diana	4794 KOLOHALA RD	823-8884 N/P
16	Lawen Pratt	D Pratt	3955 Chuchu Rd	346-2712
17	Florence Teshima	Florence Teshima	PO BOX 124 Lawai	245-5671
18	Terri-Lynn Walters	[illegible]	PO Box 2539 Lihue	652-5124
19	Allison Samonion	Allison Samonion	4798 Mahot Rd Kapaa	645-6705
20	Janice Wells	JANICE WELLS	P O Box 1606	635-2285
21	MARIE DIANA	Marie Diana	4796 KOLOHALA RD, KPA	NP
22	TONY DIANA	Tony Diana	PO Box 254 Lihue, HI	651-0559
23	Phyllis Stanwood	Phyllis Stanwood	3906 Hanakai St. Lihue	245-5053
24	Annette Kakuhin	Annette Kakuhin	4223 Kolo Lihue	
25	Mildred Sasaki	Mildred Sasaki	Box 1608 Lihue	245-2223

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This Petition is to stop the Bike Path starting at the 12th hole down to the 11th, 10th, the parking lot area, 9th hole, 7th hole and along the 4th hole and to the Nukoli'i Motocross area.

	PRINT NAME	SIGNATURE	ADDRESS	TELEPHONE OR CELLULAR
1	Troy Lanning		P.O. Box 880 Hanapepe HI	482-1801
2	Sam Sheldon		245 Lele Rd. Kapaa	241.1688
3	Scott Kouchi		3141 Inaole St, Lihue, HI	639-2884
4	Craig Shimabu		Po. 4457 Hanamaulu St Lihue	245-6209
5	Rodney Adric		5267 Aleliwa St. Kapaa, HI.	822-2623
6	Jon Nakashima		Box 802 Hanapepe, HI 96716	335-5748
7	Harry Otsuka		POBX 1889 Lihue 96766	245 6425
8	Glenn Hayashi		P.O Box 947 Lihue, HI	651 3864
9	Lyman Yoshimura		3466 Kuhio St. Lihue	245-2772
10	Gary Yoshioka		4164 Hoohana St	652. 3481
11	Brent Shimazu		1970 Haoleima St Lihue	635-0750
12	Nicole Shimazu		"	(8)221-9828
13	Kelly Gerard		6111 Kalanichio Pl. Kapaa	823-1360
14	Craig Watanabe		3168 Aloki St Lihue, HI	245-4208
15	Carol mackey		2268 Kaniko Street Lihue	632 0270
16	Faye Yoshida		4164 Hoohana	652-3172
17	Charles Kawakami		4158 Hili St Lihue	652-6250
18	Cynthia Rodrigues		3329 Elima St, Lihue HI	651-5977
19	[illegible]		3156 Eleele St Lihue	639 4461
20	Isidora M. Chiu		6116 Opaekaa Rd., Kapaa	823-5807
21	[illegible]		4945 Lapo Rd. Kapaa	822-4890
22	[illegible]		PO BOX 900 [illegible] 96756	632-2936
23	Les Pomaikai		4733 Hauliuli Rd. Kapaa	632-2916
24	Carmi Pau		6470 Kaahele St. Kapaa	652-9943
25	Starlene Kelekama		PO BOX 2239 Kapaa, 96746	652-9688

7

This Petition is to stop the Bike Path starting at the 12th hole down to the Fish, Fish, the parking lot area, 8th hole, Fish hole and along the 5th hole and to the Nukoli'i Motocross area.

	PRINT NAME	SIGNATURE	ADDRESS	TELEPHONE OR CELLULAR
1	William Morita	[illegible]	3383 Hinahino St Lihue Hi	245-6897
2	T. Kuroshige	[illegible]	3402 Ainakea St. Lihue	245-3157
3	N. Hikada	[illegible]	4116 Poipumaka St. Lihue Hi	245-2655
4	M. Nozaki	[illegible]	3386 Glenn Pu Hi	335-3684
5	C. T. Ebesu	[illegible]	1632 Kuahale ST Kapaa	822-3545
6	Laura Asari	[illegible]	4677 Iwaena Lp Kapaa	822-4425
7	TATSUO ASARI	[illegible]	4677 Iwaena Lp. Kapaa	822-4425
8	Mel Fukumoto	[illegible]	5660 Wailua Rd. Kapaa	742-6678
9	[illegible]	[illegible]	3195 [illegible] Lihue	[illegible]-2600
10	Hisao Mizumura	[illegible]	4242 Hanamaulu Rd	245-2090
11	Mitsi Namba	[illegible]	3172 Ulukui St.	245-3249
12	Myron Jim	[illegible]	6957 Ponaiwai St. Kapaa	8229749
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This Petition is to stop the Bike Path starting at the 12th hole down to the 11th, 10th, the parking lot area, 5th hole, 7th hole and along the 4th hole and to the Nukoli'i Motocross area.

	PRINT NAME	SIGNATURE	ADDRESS	TELEPHONE OR CELLULAR
1	Randall Nishimura	[illegible]	PO Box 311 Lihue HI	245 9575
2	Mark Hirahara	Mark Hirahara	Lihue	645 1320
3	Wayne Fujioka	Wayne Fujioka	Lihue	246-1870
4	Ben Cribbs	[illegible]	Lihue	288-2911
5	Richard Agaran	[illegible]	Kapaa	482-1546
6	Glen Kawamura	Glen Kawamura	Kapaa	822-4473
7	Roy Watanabe	Roy Watanabe	P.O. Box 1911 Kapaa	822-9953
8	Peter Spurry	Peter Spurry	4444 Kamalu Rd Kapaa	822-7122
9	Alma Yotsuda	Alma Yotsuda	343 Kamokila Kapaa	822-5964
10	Helen Chun	Helen Chun	4890 Lani Rd. Kapaa	822-4341
11	Edwin Corrales	Edwin Corrales	P.O. Box 1491 Lihue 96766	245-1600
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This Petition is to stop the Bike Path starting at the 12th hole down to the 11th, 10th, the parking lot area, 5th hole, 7th hole and along the 4th hole and to the Nukoli'i Motocross area.

	PRINT NAME	SIGNATURE	ADDRESS	TELEPHONE OR CELLULAR
1	ANNE T. MISHIMA	Anne T. Mishima	Waimea	
2	Wayne Sueyasu	Wayne Sueyasu	Hanapepe	
3	Lois Sueyasu	Lois Sueyasu	Hanapepe	
4	Joanne Imamura	Joanne Imamura	Hanapepe	
5	Milton S Yamamoto	Milton S Yamamoto	Koloa	
6	Richard Sugimura	Richard Sugimura	KHAHEO	
7	Arline Matsunaga	Arline Matsunaga	Eleele	
8	THOMAS NUHAOKA	[illegible]	Eleele	
9	STEVEN SAIKI	[illegible]	ELEELE	
10	Elaine H. Saiki	Elaine H. Saiki	Eleele	
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This Petition is to stop the Bike Path starting at the 12th hole down to the 11th, 10th, the parking lot area, 5th hole, 7th hole and along the 4th hole and to the Nukoli'i Motocross area.

	PRINT NAME	SIGNATURE	ADDRESS	TELEPHONE OR CELLULAR
1	Paul K. Nishimoto	Paul K. Nishimoto	4621 Halelio Rd. Kapaa, Hi	823-8487
2	Francine Lombard	Francine Lombard	5108 Hekili Rd 96746	822-3464
3	[illegible]	Larry Saito	182 Puako St Kapaa HI	822-3305
4	[illegible]	Frank Barretto	PO Box 312 Kapaa HI	823-8647
5	VINCENT PARONGAO	[illegible]	P.O. Box 1 Waimea	338-1877
6	Corey Silva	[illegible]	PO Box 645 Kalaheo	332-0417
7	PANCHO ALAPAI	[illegible]	180 Lulo Rd	822-5777
8	FEDERICO RAMELB	[illegible]	5202 ARELILA ST. KAPAA	822-0344
9	Orlando Ragasa	Orlando Ragasa	6611 Kuhoho St Wailua	821-1527
10	Lono K AKI	[illegible]	4467 Kalalea Anahola	821-5327
11	FRED AKI	Fred Aki	P.O. Box 353 ANAHOLA	821-5327
12	ALRIC ALESNA	[illegible]	P.O. Box 436 KAPAA	822-9714
13	[illegible]	[illegible]	2668 Pua Rd Kapaa Hi 96746	823-0708
14	Robert R. Cremer Jr	[illegible]	P.O. Box 1886 Kapaa Hi 96746	651-2965
15	Steven Carvalho	Steven Carvalho	5259 Jones St Lihue Hi 96766	241-6629
16	ASHFORD VIEIRA	[illegible]	2804 Hoolako Lihue 96766	245-4175
17	ROBIN SHIMABUKURO	Robin Shimabukuro	4077 Hoolako Pl. Lihue 96766	245-1974
18	DARREN MACHADO	[illegible]	3143 POIPU RD KOLOA 96756	6527110
19	Stephen Pereira Jr.	[illegible]	4360 Pua Kulana Pl. Kalaheo	332-9706
20	Ralph Nishimoto	Ralph Nishimoto	4621 A Halelio Rd Kapaa	8221483
21	Kurt Souza	Kurt Souza	PO BOX 3622 Lihue 96766	245-3035
22	TERRY SOUZA	Terry Souza	P.O BOX 3622 LIHUE 96766	245-3035
23	PONO LANNING SR	[illegible]	P.O Box 4873 Lanikai Street	246-1682
24	Dayn Terzoka	[illegible]	4952 Ee Rd. Kapaa, Hi	821-2568
25	JAMIE K. MOLONO	[illegible]	1072 KOKAHO, KAUAI, HI.	337-1225

This Petition is to stop the Bike Path starting at the 12th hole down to the 11th, 10th, the parking lot area, 9th hole, 7th hole and along the 7th hole and to the Nukoli'i Motocross area.

	PRINT NAME	SIGNATURE	ADDRESS	TELEPHONE OR CELLULAR
1	Epati S. Faima		P.O. Box 207 Kapaa Kauai	646-0970
2	Dayle Woodward	Dayle Woodward	1963-B-Hulali Lp Kapaa	821-0203
3	DAVE TOYAMA		5073 NONOU RD. KAPAA, HI 96746	822-5475
4	J. MIYASHIRO Sr.		P.O. Box 91 Hanamaulu HI 96235	823-6664
5	Sheron Sakagawa		4534 Mauka Rd Lihue HI 96766	652-5443
6	Eddie Ibarra		1984 Hulali Lp Kapaa	639-2115
7	Frank Lopez		2458 Kanio Lihue	245 6171
8	CLAYTON ARINAGA		PO Box 510037, Keauhou	822-0777
9	Ralph Y. Fujinaka		Box 515 Hanapepe	335-0152
10	Thomas Toksioka		4444 Kekaa Rd Kpa	822 5442
11	Edwin H. Nakano		2933 Pua Lolae St. Lihue	245-2884
12	Valentine K Hatatsui		PO Box 416 Kalaheo HI	337 8456
13	Wilfred N. Kimura		297 Kuhio Rd	822-5384
14	Debra Leyba		2500 Kanio St Lihue	652-5546
15	GORDON ISODA		2500 KANIO ST LIHUE	652 7233
16	Clyde Ishida		2866 Hodaka St.	652-2282
17	Sheron Hendrigues		6578 Kuamo Rd Kapaa	822-3948
18	Ernest Chang Jr		4655 Hanalei Ave Kapa	822 3077
19	Sam Ramos		41-2459 Helli St Waimanalo HI	781-1797
20	MIKE RODRIGUEZ		41-1189 T-56 Mikoni RD Kunia	630 0629
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12

This Petition is to stop the Bike Path starting at the 12th hole down to the 11th, 10th, the parking lot area, 9th hole, 7th hole and along the 4th hole and to the Nukoli'i Motocross area.

	PRINT NAME	SIGNATURE	ADDRESS	TELEPHONE OR CELLULAR
1	Jean G. Sato	Jean G. Sato	137 Mele St. Kapaa	
2	Penelope Wong	Penelope Wong	P.O. Box 826 Anahola	
3	Joel Meyers Mazzei	Joel Meyers Mazzei	P.O. Box 565 Eleele	
4	Mary Ann Sunfrai	Mary Ann C Sunfrai	4490 Kailana St, Lihue	
5	Esteban Larguisa	Esteban Larguisa	4806 Jini Rd Kapaa	821 0844
6	Douglas Domer	Douglas Domer	Kapaa 96746	
7	Randall Baguio	Randall Baguio	4231 Ono Lihue 96766	635-9083
8	Gerald Barron	Gerald Barron	5696 Kuna Manu St	822 1630
9	Eric Shimuya	Eric Shimuya	4464 Nuu St. Puhi 96766	645-0769
10	John Cole	John Cole	PO Box 143 Koloa 96756	822 9375
11	Al Castillo Jr Castillo	Al Castillo	2714 Eleele Pl. 96766	245-5302
12	Kevin Price	Kevin Price	1970 Hanahuna St. Rm 201 Lihue	245-5915
13	Clyde Shizumatsu	Clyde T. Shizumatsu	P.O. Box 193 Lawai 96765	332-9047
14	Miles Tom	Miles Tom	5443 Kawaihau Rd	822-2008
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This Petition is to stop the Bike Path starting at the 12th hole down to the 11th, 10th, the parking lot area, 9th hole, 7th hole and along the 4th hole and to the Nukoli'i Motocross area.

	PRINT NAME	SIGNATURE	ADDRESS	TELEPHONE OR CELLULAR
1	Robert Diego		2957 Oki Dhi St.	652-1253
2	Clare Morishige	Clare Morishige	4169 Hill St. Lihue	245-3189
3	Roland Balisacan		P.O. Box 483	635-2599
4	Arnold Fuji		2911 Mdala St Lihue	245-3730
5	George Tsukamoto		5470B Kawaihau Rd Kapaa	9820577
6	Stephen Rapozo		A614 Opuke St Lihue	4980475
7	Glenn Morishige	Glenn Morishige	4169 Hill St Lihue	245 3189
8	Robert Fujikawa		2910 Pikake St Lihue	245-2215
9	Susan Morishige	Susan Morishige	Hanalei, HI 96714	826 1106
10	Dwight Morishige	Dwight Morishige	Hanalei, HI 96714	826-1106
11	Dennis K. Seino		2223 Mokekula Cir. Lihue 96766	451-7448
12	Edward Morishige		456 Rice St Apt 4H	651-4168
13	Carl Braun		4264 Nonaha Pl, Lihue 96766	635-9664
14	Herbert S Saito Jr		Po Box 3718 Lihue HI 96766	635-3476
15	Vicki Dela Cruz	Vicki Dela Cruz	2964 Eueka Dr Lihue 96766	661-8761
16	Wayne T. Nakai	Wayne T. Nakai	3216 Palai St., Lihue HI.	245-4292
17	Reuben Yoshioka		330 Lanakila R Kapaa	822-1497
18	Herman Miranda		585 Kapule Rd Kapaa	822-5189
19	Carleen C. Saito		PO Box 3718, Lihue, HI 96766	245-3076
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This Petition is to stop the Bike Path starting at the 12th hole down to the 11th, 10th, the parking lot area, 9th hole, 7th hole and along the 4th hole and to the Nukoli'i Motocross area.

	PRINT NAME	SIGNATURE	ADDRESS	TELEPHONE OR CELLULAR
1	PHYLLIS NAKAMURA	[illegible]	3162 Palai St Lihue	245 2204
2	CALVIN NAKAMURA	[illegible]	3162 Palai St Lihue	245 2204
3	LESLIE HASHIMOTO	[illegible]	2960 Akoakoa Pl. Lihue	245-6696
4	MELVIN MORISHIGE	[illegible]	P.O. Box 371 Lihue	245-2671
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Additional Cultural Interviews in 2012

On June 27, 2012, Cathleen Dagher, B.A., and James Powell, B.A., of Scientific Consultant Services, Inc. (SCS), conducted cultural interviews with 5 residents who were born, raised, and lived most of their adult lines in the vicinity of the village of Hanamā`ulu a, Hanamā`ulu Ahupua`a, Līhu`e District, Kaua`i Island. All of the interviewees are individuals who are known within the community to be knowledgeable about the general history, cultural and archaeological sites, and past and present traditional cultural practices. The five interviewees were Lester Matsushima; Leopold Durant, who was attended by his son Roland Durant, and family friend, Jacob Pia; and Laola Peahu Rapozo.

Lester Matsushima's maternal great grandfather (Wahinealohakeo) was the konohiki (headman) of Hanamā`ulu Ahupua`a. Mr. Matsushima's grandfather's house was located in the center of the beach along Hanamā`ulu Bay. Mr. Matsushima spent much of his childhood there. Mr. Matsushima's parents worked on and off for the Honokai Plantation. According to Mr. Matsushima, the Plantation Manager's house also was located on the bay. During the interview, Mr. Matsushima stated 2 fishponds were located within Hanamā`ulu Bay, on either side of the bay; a fishing spot was located on the point on north side of Hanamā`ulu Bay; copra (coconut) was harvested in the area, and lo`i also were located in the area. Mr. Matsushima also stated the Pu`ali`i family had one of the fishponds, that sharks were the Pu`ali`i family `aumakua; and that a shark feeding hole was located on the north side of Hanamā`ulu Bay. Mr. Matsushima stated that the Plantation Railroad tracks were near-by; there was no battle field in Hanamā`ulu Bay; and that the area used to be comprised of sand dunes, but tsunami of 1947 wiped out the dunes.

Leopold Durant currently lives in the village of Kapaia, northwest of Hanamā`ulu Bay. According to Mr. Durant, cultural sites in the vicinity include an `akilolo (wrasse fish) fishing area on top of bluff; lo`i; and a fishing spot. Mr. Durant knew of the fishing spot, hake nalu (shark feeding hole) and of the coconut (copra) harvesting Lester Matsushima spoke of. Mr. Durant also said Lester Matsushima had kuleana land in the area. Mr. Durant's concern regarding the Kauai bike path was that the bike path may restrict access to Ahukini Point and restrict access to fishing.

Roland Durant was present during the interview with his father and offered to be interviewed. Roland Durant strongly feels that everything (lo`i; ahu, etc.) is connected to the land and to the Hawaiian people and culture.

Jacob Pia, a friend of the Durant family, present during the interviews with Leopold and Roland Durant, also offered to be interviewed. Mr. Pia is a freediver who indicated he was familiar with the coastal area of Hanamā`ulu Bay as he frequently dives in this area. Mr. Pia Knew of the 2 fishponds Lester Matsushima spoke of. Mr. Pia also mentioned the ahu (hale for locating fish and schools of fish) on Ahukini Point and a fresh water spring. Mr. Pia's family grew watercress on the point on the north side of Hanamā`ulu Bay. Mr. Pia also knew of the kilo (fishing spot) on the north side of Hanamā`ulu Bay that Mr. Matsushima spoke of, as well as a kilo on the south side of the bay; and on the bottom side of Kawaihau Stream, a spring, and lo`i are still there. In addition, Mr. Pia indicted there could be heiau, a birthing area; and petroglyphs in the general area.

Laola Peahu Rapozo was born in Nāwiliwili, grew up, and moved mauka. Mrs. Rapozo stated there were taro patches (lo`i) above the Hanamaulu Railroad Bridge; the Hanamaulu Dairy was in the area where the Hilton Hotel currently is located. Mrs. Rapozo also said the area along stream in Hanamā`ulu was farmed and that World War II military bunkers were located along the coastline. The Wailua Golf Course area was battleground with villages during the pre-Contact Period (pre-1778) and that Plantation-Era habitation occurred on south bank of Hanamā`ulu Stream. She had a friend who had lived there and remembered having to take boat to house. Mrs. Rapozo also mentioned that the Pia and Kane families

lived by Hanamā`ulu Bay and that sharks were the families' `aumakua. Mrs. Rapozo thinks bike paths, in general, are a good thing as they provide access to areas otherwise inaccessible and unseen.

In sum, five long-term, culturally knowledgeable members of the Hanamā`ulu community were interviewed for the Kaua`i Bike Path Project. Three of the interviewees expressed no concerns regarding the construction of the bike path. One of the three interviewees with no concerns believed that the bike path would enrich the community by providing access to beautiful vistas which are currently inaccessible and/or unnoticed. Two of the interviewees did express concerns regarding the construction of the bike path. One concern pertained to continued access to Ahukini Point and restrict access to fishing in the Hanamā`ulu. The second individual who expressed concerns regarding the construction of the bike path believed that development, in general, compromised the Hawaiian culture, the Hawaiian people, and the Hawaiian Islands.

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Appendix C:

Draft EA Comments and Reponses

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KURT R. BOSSHARD
ATTORNEY AT LAW
3144 ELUA STREET
LIHUE, HAWAII 96766
TELEPHONE 808-245-5302
FAX 808-245-6929

January 3, 2006

Department of Public Works
4444 Rice Street
Lihue, HI 96766

Attn: Douglas Haigh

RE: Ahukini to Lydgate Park Bicycle/Pedestrian Path
(HRS 343 DEA)

To Whom It May Concern:

The County of Kauai - Public Works Department (hereinafter "Applicant") is considering locating a portion of the proposed bikeway on or near the beach from the Radisson Hotel through Wailua golf course. I strongly oppose placement of the bikeway at that location for the reasons stated below:

1. The Applicant's DEA is woefully short of specifics as to the location of the structures. It is Dr. Fletcher's opinion that such a pathway should be sited at least 100 feet and most appropriately 200 feet inland from the vegetation line. How many feet from the existing vegetation line to the bikeway is being proposed by Applicant? How many feet from the existing certified shoreline to the bikeway? How many feet outside the existing certified shoreline out onto the beach does the County plan on dumping sand? As the beach is presently so narrow, how would the dunes be located so as to allow use of the beach?

   How many feet within fairways of holes #1 and #2 is the protective fence to be sited? At these holes, how many feet from the certified shoreline is the protective fence to be sited? How wide a vegetation barrier will be required to hide the fence? What effect on golf course play is this encroachment expected to have? How tall will the fence be? Will the fence extend over the bikeway? How far?

   The answers to these questions will verify that the bikeway would significantly adversely affect both users of the golf course and the beach. I have traversed a two and one quarter mile portion of the subject beach on most days for the past twenty four years. I am probably as familiar with the recent conditions at that location as

anyone. It should be apparent to any visitor to the area that there is insufficient space available on either the beach or the golf course for such a structure. This is especially true when one considers what would constitute a reasonable setback in order to avoid damage caused by coastal erosion or storm.

2. Public policy <u>dictates</u> that the bikeway should not be located in an area prone to coastal erosion. For good reasons, government has assumed the role of discouraging private landowners from placing structures in the coastal zone. Historically, the Applicant has claimed that without a seawall, a significant portion of the golf course would shortly disappear. The County was so certain of this eventuality that it twice constructed portions of an illegal seawall and later considered a five million dollar super seawall which would have extended two thirds of a mile along the beach fronting Wailua Golf Course. The Applicant recently retained an engineering firm (Oceanit) to prepare a draft environmental assessment of the subject location for purposes of constructing another seawall. Oceanit found that the subject coastline has been eroding at a rate of one foot per year and that Wailua Golf Course would soon be adversely impacted by the erosion.

   Oceanit determined in its draft Environment Assessment that beach nourishment is not feasible at this location because a successful sand nourishment scheme at this location would require a large buffer of sand to be initially built up and thereafter, the annual loss made up. Oceanit also found that placement of large amounts of sand on the beach would impact the nearshore reef and, in the absence of structures to retain the sand, the sand could flow to the adjacent beaches over time.

   In seeking permission to construct the seawall, Applicant promoted this assertion. Now Applicant asserts the opposite conclusion and is willing to gamble with the public's resources by placing a structure on top of the imported sand. As the Applicant's position has been that dune restoration at this location would pose a threat to the environment, clearly the Applicant's desire to place sand on the beach at this location is only meant to create a foundation upon which to place the bikeway structure. The Applicant wishes to push the bikepath out onto the beach and away from the golf course so as to minimize complaints from the users of the golf course.

Applicant has already wasted between one and two million dollars of taxpayer money on failed projects at this location. These projects have caused significant damage to the area. The Applicant should be required to conclusively rebut the Oceanit conclusion that sand nourishment is not feasible, the conclusion that the Applicant had until recently promoted.

I believe that the contract with Oceanit to study options as to the coastal erosion fronting the golf course is still ongoing. Has the Applicant closed out its contract with Oceanit? At what cost? With what result? Has the County's consultant reviewed Oceanit's environmental assessment? Does the consultant contest any of Oceanit's findings? If so, what data does the consultant rely upon in rebutting Oceanit's findings? Why would the Applicant, who one would expect would want to set a good example, consider placing a structure in an area that it has claimed will soon be swallowed by the sea?

In the present DEA I noted no reference to the Applicant's prior activities at this location or of the Oceanit DEA. How could an Applicant and/or consultant claim that they were presenting an objective assessment here when they intentionally omit the information most relevant to a determination as to the proper handling of these issues? Such an omission discredits the entire DEA. Most relevant Federal, State and County agencies (including the DLNR and OEQC) have a file on the Applicant's activities in this area and I would ask that each review that file when considering the sufficiency of the DEA.

The prior DEA and other relevant portions of the seawall files should be made a part of this DEA. This DEA should be rejected until such time as the Applicant has thoroughly addressed these issues.

3. The Applicant's proposal to build dunes by trucking in mass quantities of sand and placing a removable "helical boardwalk path" is nothing short of bizarre. Under present conditions at the beach, the sketch provided at page 40 of the DEA shows imported sand where the wash of the waves presently hits. The sand under a portion of the structure will immediately wash away leaving the structure hanging in the air. Aside from the cost and safety concerns this raises, there will be an unsightly appearance of the undermined structure from the beach.

At page 92 of the DEA it is stated that there is no way of predicting how long the imported sand will remain but that five years would be considered a success. The Applicant admits that one large storm could destroy the dunes and the structure. Who is going to be responsible for the upkeep of the dunes and the structure? All Kauai residents are aware that the County is unable to maintain its existing public parks, roads, restrooms, and other amenities. Will there be a dedicated source of funding or bond to insure that maintenance and beach replenishment is accomplished in a timely manner? Where will the funds come from?

Is it the Applicant's intent to remove the structure just prior to threatened storms or tidal waves? What will the protocol be as to removal during such threats? How long will it take to remove the structure? Is there a budget to cover removal and reinstallation?

The threat to the structure will occasion the attention of numerous public agencies at great expense and inconvenience to the public. I don't believe the purported benefit to be obtained by placing the bikeway along the ocean justify such a risk of environmental degradation and expense. There are still remnants of the Applicant's prior failed construction projects in this coastal area. For years, the users of the beach have been forced to dodge concrete, metal, meshing, rebar, etc. Should the bikeway be built at this location, it will likely suffer the same fate and the public will be left with the same mess as occasioned by the failed seawall projects.

4. In conjunction with the recent Oceanit Draft Environmental Assessment the County sought to certify the shoreline fronting Wailua Golf Course. During this process it was confirmed that the County had caused fill to be placed on the beach outside the golf course and that some of that fill still existed. For this reason, the State Surveyor refused to certify the shoreline. It appears that the County abandoned its desired seawall project as the result of this finding. The encroachment issue needs to be resolved prior to any attempt to locate the bikeway in the area. My understanding is that the Department of Public Works (Applicant) requires all applicants to resolve such violations prior to processing any further permits. The County should be required to follow its own rule. No further action should be taken

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on the proposed coastal path of the bikeway in this area until such time as the encroachment issue has been resolved.

5. The DEA at pages 39-40 indicates that Applicant intends on creating a sand foundation for the bikeway outside the certified shoreline and outside the lands which were granted the County by the State through an Executive Order. I don't believe that legal authority exists which would allow the Applicant (the County) to assume use, control and development rights over lands owned by the State. What is the legal authority and process for the proposition that the County can develop on these state lands?

6. Significant portions of the northern section of the bikeway have already been approved in areas fronting the beach/ocean. The users of the bikeway shall therefore have an opportunity to enjoy this proximity to the ocean in other locations. As a result of prior approvals, the users of the bikeway have already been provided with sufficient access to our beaches and ocean. Placing the bikeway on the ocean in this location would be at the expense of those who have enjoyed the privacy of the coastal location. These would include fishermen, hikers, and those seeking some solitude. The bikeway should not be located fronting the golf course so that beach users have a private place to enjoy.

7. The DEA fails to address the cumulative effects that arise when this project is added to the approximately ten miles of coastal bikeway that have already been imposed upon the public. The DEA fails to address the social and cultural effects that a coastal location shall have on the fishermen and beach goers who presently enjoy this significant resource. Does every location on the East side of the Island of Kauai have to be concrete accessible? Since when in Hawaii did placing concrete on the beach become an environmentally friendly activity? I thought it was public policy in Hawaii to maintain some naturalness to these areas. Kauai is the Separate Kingdom; not the drawing board for a suburban planner from Colorado. Preserve the coastline. The coastline can always be paved over later when the fishermen and ponderers are gone and the cellphone generation rules.

8. By virtue of the bikepath and amenities that the Applicant has recently placed at South Lydgate Park

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thousands of new people have already been introduced to the subject beach area. The increase in visitors has already caused a significant negative environmental impact, primarily due to the vehicular access which the Applicant has promoted. Vehicular traffic on the beach has approximately tripled over the past several years. There will be a significant increase in vehicular beach traffic should the coastal bikepath be built.

9. The DEA fails to address the negative impact that construction of a coastal bikeway (increasing by thousands, the number of individuals/traffic) will have on native gathering and fishing. It would seem obvious that the introduction of thousands of new people/vehicles to the coastline means less fish, less limu, etc. This is especially worrisome in light of Oceanit's concern that the introduced sand will impact the reef. However, the DEA fails to analyze these impacts.

10. Reference is made in the DEA that the subject area is habitat to the endangered monk seal. The seals are presently threatened by the motorized traffic on the beach and harassed by the growing number of people (tourists and locals) who use the beach. One of the biggest problem is the growing number of dogs brought to the beach by their owners. The significant increase of vehicles, people, and dogs which will be brought to this location by such a bikeway will obviously have a significant negative effect on the seal's environment.

11. An unsightly fence will have to be constructed to protect the users of the bikeway from errant golf balls. The fence will be a significant visual intrusion which will adversely effect the enjoyment of the area, including those using the bikeway. However, the greatest burden will be borne by those playing golf and using the beach. Such a fence will be an eyesore for both the golfers who now enjoy a stunning view of the beach/ocean and those of us using the beach who enjoy the mauka view. This public golf course is an important recreational asset. Over 100,000 rounds of golf are played there each year. The number of users of the bikeway is insignificant compared to the number of users of the golf course and beach. The cost of maintaining the mile of fence in this location will be significant due to the strong sea breezes. The fence will deteriorate and be an increasing eyesore and budgetary liability for the public.

12. Hawaii State environmental policy guidelines are found in HRS §344-4. These guidelines require consideration of population use and impact as a major factor in environmental degradation, encourage preservation, and protection of water and visual natural resources, foster protection of shorelines from encroachment of artificial improvements and structures, promote preservation of open spaces, and recognize the culture of the community. Construction of this non-motorized highway on this section of Kauai's coastline is contrary to these goals.

13. There are better alternative locations for the placement of the bikeway either adjacent to Kuhio Highway or mauka on the cane road. Such siting would not interfere with the enjoyment of the thousands of golfers/beach users and would be more cost efficient to construct and maintain. The cane road has already been improved by the County and would offer a safe and enjoyable passage away from the highway. Little or no further governmental monitoring would be required. The savings occasioned by such a rational choice could be used to upgrade associated amenities.

14. The Applicant recently completed a revegetation project at the subject location. FEMA paid almost $200,000.00 towards this project. It appears that Applicant's project would bury these plant materials.

15. There does not appear to be sufficient funds to build this section of the bikeway. How much money is available for this section? Where exactly will the funds come from to complete the project? Wouldn't the remaining funds be better used building at a less expensive location?

16. Should the County pursue a coastal alignment, litigation to prevent construction would likely be initiated. Such litigation would cause the County to incur expense and delays. The County would likely lose such litigation. The safer approach would be to accept a less controversial design and location.

I take issue with the following comments found in the Draft Environmental Assessment:

1. On page 8, it is stated that the certified shoreline is essentially where the vegetation line begins. Although the issue as to how and where to certify the shoreline is presently being debated in the Hawaii Courts, no party is

taking the position that the vegetation line defines the location. A review of such litigation should be conducted by the Applicant. See Public Access Shoreline Hawaii v. Board of Land and Natural Resources, et al. Is the Applicant claiming that it can relocate the certified shoreline by constructing dunes? What is the legally required setback for the structure from the certified shoreline?

2. On page 30, Mr. Geunton of the Department of Health indicates he is unaware that water flows from the drainage way south of the Radisson Hotel. It is true that since Lihue Plantation closed its operations, water rarely flows to the ocean over this drainage way. However, following the heavy rains of 12/04 and 1/05, water flowed through this drainage way to the ocean. Such flow should not be impeded. The cost of this structure is not noted on the estimated cost analysis on page 73.

3. On page 43, a photo of the proposed path is shown fronting the golf course driving range fence. The Applicant is aware that the ocean has reached the driving range fence and at times removed all sand and vegetation from a portion of this area. One such event took place following the installation of the fiber optic cable in 1994. Such event was not storm related. Is the driving range fence going to be moved inland? How far? If so, will the driving range be relocated? If not, how will the safety of the people using the beach be protected? It should be noted that this large, unsightly structure was built without a permit in the 1990s. When this was brought to the attention of the County Planning Department, that Department improperly slipped the County an "after the fact" minor SMA permit. Because of the significant visual degradation the structure creates, a real SMA review should be required if the backstop is to be moved. I believe such a review should lead to the removal of the structure.

4. On page 172, §8.1, it is asserted that the proposed path is not expected to result in significant negative social, economic, cultural or environmental impacts. Should the project be located on the coast, I disagree. What is proposed is a nonmotorized highway immediately adjacent to the beach. Such a structure would allow immediate access and intrusion to the area of a significant number of people, including thousands of tourists. Introducing thousands of tourists into this remote area will have a

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significant negative impact on this area. An unsightly fence and elevated structure fronting the golf course would destroy the views and ambiance. The primary cause of dune devastation during this period has been the increased vehicular traffic. The Applicant has done nothing to protect the dunes/vegetation in this area. Extending the bikeway along the beach will result in another significant increase in beach vehicle traffic and resultant dune destruction. If the Applicant was concerned about dunes and restoration, the Applicant would have already closed the beach to vehicular traffic. Since the Applicant has made representations in the past that vehicular traffic would continue, it will be difficult politically to close the beach. It would be a total waste of money to recreate and vegetate the dunes and then allow continued vehicular traffic on them. The Applicant needs to clearly state whether it intends on closing the beach to vehicular traffic.

There should by a finding that construction of the coastal route of the bikeway would have a significant negative impact on the coastal environment such that a full environmental impact statement is required. This finding is magnified in light of the cumulative effects of prior approvals of other portions of the bikeway along Kauai's eastern shoreline.

Sincerely,

KURT BOSSHARD

cc: OEQC
Merle Grimes
Jeffrey Walters - DLNR (jeffreywalters@hawaii.gov)
Peter Young - DLNR
Sam Lemmo - DLNR
Sara Simmons-Fife (sara@sweetgrassdesign.net)
Members of the Kauai County Council

MERLE D. GRIMES, LLC

Mr. Kurt R. Bosshard
Attorney at Law
3144 Elua Street
Lihue, HI 96766

May 9, 2006

Subject: Response to Comment Letter dated January 3, 2006 for the Ahukini to Lydgate Park Bicycle/Pedestrian Path - Draft Environmental Assessment (DEA) dated November 22, 2005

Dear Mr. Bosshard:

Thank you so much for your time in reviewing the Draft Environmental Assessment for the above mentioned path project, and submitting your comments regarding same. With this correspondence, we would like to respond to each of your issues and concerns as listed. Please find your comments in regular type and font, and the response to each in italics. Path alignment alternatives were determined through a process, which included three public meetings/workshops (one specific for the Wailua Golf Course reach and two for the entire project area) and meetings with stakeholders such as the Wailua Golf Course management, regulatory agencies and landowners. The Draft Environmental Assessment includes meeting minutes for each of these meetings.

At this time, there is no preferred path alignment. The County of Kauai will make the final determination for best alignment alternative once the public comment period is concluded and all of the issues have been identified.

The County of Kauai - Public Works Department (hereinafter "Applicant") is considering locating a portion of the proposed bikeway on or near the beach from the Radisson Hotel through Wailua golf course. I strongly oppose placement of the bikeway at that location for the reasons stated below:

1. The Applicant's DEA is woefully short of specifics as to the location of the structures.

Conceptual plans are provided at this early stage of the project. Final determination of which of the features, amenities, path, comfort stations, etc. will be incorporated into the final plan, and the location of those features will be determined based on the comments from the public and the regulatory agency officials.

It is Dr. Fletcher's opinion that such a pathway should be sited at least 100 feet and most appropriately 200 feet inland from the vegetation line. How many feet from the existing vegetation line to the bikeway is being proposed by the applicant?

A final alignment has not been determined so an exact answer to this question is not possible at present. Ideally, a coastal alignment would place the path as far from the vegetation line as practical and 100 to 200 feet is a desirable target. For places where this distance is not achievable, the use of dune restoration, controlling foot traffic, user education, an elevated pathway, and a commitment to restore dunes following erosion events are all designed to minimize negative impacts. Should a coastal path alignment be selected, all regulatory setbacks will be observed in the establishment of the final path alignment or if that is not feasible a variance will be required.

1042 BROKEN ARROW CIRCLE • ELIZABETH CO. 80107
303-646-0046 (OFF) • 303-646-8708 (FX)
MERLE@MDGDENVER.COM

How many feet from the existing certified shoreline to the bikeway?

The shoreline has not been certified in the corridor of this phase of the project, however, all setbacks as determined by the Federal, State, and County governments will be observed if a coastal path alignment is selected or a variance will be required.

How many feet outside the existing certified shoreline out onto the beach does the County plan on dumping sand? As the beach is presently so narrow, how would the dunes be located so as to allow use of the beach?

The design of the dunes will vary along the shoreline and has not been determined beyond a conceptual plan at this time. At several locations, dunes already exist and these will not be extended, simply repaired. At other locations where the beach is narrow the dunes will be designed at the far mauka extent of the beach and will not interfere with access. It is anticipated that when high wave events reach into the dunes, they will release sand and the beach will widen with the new sand, improving access.

How many feet within fairways of holes #1 and #2 is the protective fence to be sited?

If the helical boardwalk path option is selected, the protective fence would be incorporated (attached) onto the structure on the mauka edge of the boardwalk. If the wood boardwalk plank system is selected; the protective fence would be installed three feet from the mauka path edge. The exact distance between the #1 and #2 fairways and holes and the protective fence is not known at this time since the plan is still in the conceptual stage.

At these holes, how many feet from the certified shoreline is the protective fence to be sited?

See answer above.

How wide a vegetation barrier will be required to hide the fence?

The width of the vegetation barrier will be determined during the design phase of the project. We would encourage the design firm to perform an on-site visual analysis in order to help determine the extent of the visual barrier.

What effect on golf course play is this encroachment expected to have?

No encroachment is planned. The proposed path would be placed on top of the constructed dune in most locations along the golf course.

How tall will the fence be?

Approximately 10 feet.

Will the fence extend over the bikeway?

Depending on the projected angel of golf balls, it is possible that the fence be bent in toward the path however, this has not been determined at this time.

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How far?

If a bent extension toward the path is required, the bend would extend approximately 2 feet from the vertical plane of the fence.

The answers to these questions will verify that the bikeway would significantly adversely affect both users of the golf course and the beach. I have traversed a two and one quarter mile portion of the subject beach on most days for the past twenty-four years. I am probably as familiar with the recent conditions at that location as anyone.

It should be apparent to any visitor to the area that there is insufficient space available on either the beach or the golf course for such a structure. This is especially true when one considers what would constitute a reasonable setback in order to avoid damage caused by coastal erosion or storm.

Public policy dictates that the bikeway should not be located in an area prone to coastal erosion. For good reasons, government has assumed the role of discouraging private landowners from placing structures in the coastal zone.

Historically, the Applicant has claimed that without a seawall, a significant portion of the golf course would shortly disappear.

No seawalls have been proposed on this project area, and therefore, the implications of such construction have not been considered in this draft Environmental Assessment.

The County was so certain of this eventuality that it twice constructed portions of an illegal seawall and later considered a five million dollar super seawall which would have extended two thirds of a mile along the beach fronting Wailua Golf Course. The Applicant recently retained an engineering firm (Oceanit) to prepare a draft environmental assessment of the subject location for purposes of constructing another seawall. Oceanit found that the subject coastline has been eroding at a rate of one foot per year and that Wailua Golf Course would soon be adversely impacted by the erosion.

Oceanit determined in its draft Environment Assessment that beach nourishment is not feasible at this location because a successful sand nourishment scheme at this location would require a large buffer of sand to be initially built up and thereafter, the annual loss made up. Oceanit also found that placement of large amounts of sand on the beach would impact the nearshore reef and, in the absence of structures to retain the sand, the sand could flow to the adjacent beaches over time.

In seeking permission to construct the seawall, Applicant promoted this assertion. Now Applicant asserts the opposite conclusion and is willing to gamble with the public's resources by placing a structure on top of the imported sand.

According to the County, the Oceanit draft EA was never finalized and a Finding of No Significant Impact was not declared. Our analysis agrees with that of Oceanit in so far as finding that this coastline is experiencing erosion. However, we do not see the use of armoring structures that stabilize the coast as a viable option because the risk of environmental damage is great. Our

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analyses concluded that the dune on this coast has been heavily damaged and therefore dune restoration would be consistent with good coastal management practice. Any sand placed in the backshore/dune region would be subject to the same physical forces currently acting on the beach. As a result of this, eroded sand would follow the same pathways across and along the reef that sand presently follows during erosion periods.

As the Applicant's position has been that dune restoration at this location would pose a threat to the environment, clearly the Applicant's desire to place sand on the beach at this location is only meant to create a foundation upon which to place the bikeway structure.

There is sufficient foundation along most of this coast for construction of the pathway without the need for a dune. However, for this project it was recognized that the environment is severely damaged due to past dune loss. Restoring the dune is consistent with addressing and mitigating the erosion threat to the pathway while simultaneously improving the coastal environment that is faced with erosion and potentially staving off for some short period of time the impact of rising sea level that threatens the beach. The helical pile boardwalk structure would not rely on the dune for its foundation since the helical piles are driven well below the existing ground surface. If the wooden boardwalk plank system were used, it would sit on top of the constructed dune. Anchors would be installed along the wooden boardwalk planks in order to keep them from flowing away during storm events.

The Applicant wishes to push the bikepath out onto the beach and away from the golf course so as to minimize complaints from the users of the golf course. Applicant has already wasted between one and two million dollars of taxpayer money on failed projects at this location.

The coastal path alignment alternative along the golf course is one of several path alignment options. Many issues will need to be address for all of the alignment alternatives in order to determine feasibility. The Draft EA is the part of an on-going process to gather information that will aid the county in making a final determination on the final path alignment.

These projects have caused significant damage to the area.

We are unaware of any significant damage caused by paths in the area that has been documented.

The Applicant should be required to conclusively rebut the Oceanit conclusion that sand nourishment is not feasible, the conclusion that the Applicant had until recently promoted.

It is not our role to rebut past work and the Oceanit project was dropped by the County. All parties need to be fully cognizant of three points with regard to dune restoration:

1. A source of sand appropriate for dune restoration has not been conclusively identified, although potential sources have been preliminarily examined. If an appropriate sand source is not identified the dune restoration option is not viable. In this event, this issue remains an open question for further research.

2. It is not possible to conclusively determine the life expectancy of a restored dune. At any time another hurricane, storm, or large swell event could erode the dune and threaten the pathway. The dune could disappear the day following its construction, or it could potentially remain for decades. Restoration is meant as a purely temporary measure to provide some viability to a coastal path alignment that enhances the environment at the same time. If environmental

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enhancement and restoration is seen as an acceptable use of funds, then this project is consistent with that view.

3. Any sand that contributes to beach processes provides mitigative action against the trend of erosion that characterizes this shoreline and is consistent with coastal management seeking to achieve a sustainable environment.

I believe that the contract with Oceanit to study options as to the coastal erosion fronting the golf course is still ongoing. Has the Applicant closed out its contract with Oceanit? At what cost? With what result? Has the County's consultant reviewed Oceanit's environmental assessment? Does the consultant contest any of Oceanit's findings? If so, what data does the consultant rely upon in rebutting Oceanit's findings? Why would the Applicant, who one would expect would want to set a good example, consider placing a structure in an area that it has claimed will soon be swallowed by the sea?

The Oceanit study that you are referring to has been closed by the County.

In the present DEA I noted no reference to the Applicant's prior activities at this location or of the Oceanit DEA. How could an Applicant and/or consultant claim that they were presenting an objective assessment here when they intentionally omit the information most relevant to a determination as to the proper handling of these issues? Such an omission discredits the entire DEA. Most relevant Federal, State and County agencies (including the DLNR and OEQC) have a file on the Applicant's activities in this area and I would ask that each review that file when considering the sufficiency of the DEA.

We conducted our analyses without prejudice to or from past research.

The prior DEA and other relevant portions of the seawall files should be made a part of this DEA. This DEA should be rejected until such time as the Applicant has thoroughly addressed these issues.

Any seawalls, the design and/or construction and/or siting of same studied in the Oceanit study are not relevant to this project as no seawalls are being considered as part of this project.

The Applicant's proposal to build dunes by trucking in mass quantities of sand and placing a removable "helical boardwalk path" is nothing short of bizarre. Under present conditions at the beach, the sketch provided at page 40 of the DEA shows imported sand where the wash of the waves presently hits. The sand under a portion of the structure will immediately wash away leaving the structure hanging in the air. Aside from the cost and safety concerns this raises, there will be an unsightly appearance of the undermined structure from the beach. At page 92 of the DEA it is stated that there is no way of predicting how long the imported sand will remain but that five years would be considered a success. The Applicant admits that one large storm could destroy the dunes and the structure. Who is going to be responsible for the upkeep of the dunes and the structure? All Kauai residents are aware that the County is unable to maintain its existing public parks, roads, restrooms, and other amenities.

We are aware of the important role that continued dune maintenance plays in this project and it would not be undertaken without a maintenance plan and additional sand sources identified. Also, as previously mentioned, we have provided another path option for the constructed dune reaches (wooden boardwalk segments) that do not have piles or footings, are less visually intrusive to the coast and less expensive to construct.

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Mr. Kurt R. Bosshard
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Will there be a dedicated source of funding or bond to insure that maintenance and beach replenishment is accomplished in a timely manner? Where will the funds come from?

Appendix 3, Geological Status of the Shoreline Report by Charles Fletcher, PhD provides a discussion on the need for on-going maintenance and potential sources for dune sand. No funding source has been identified at this time. Also see previous comments.

Is it the Applicant's intent to remove the structure just prior to threatened storms or tidal waves?

This is not feasible, however the structure can be removed and placed in a new location, if desired.

What will the protocol be as to removal during such threats?

See previous answer.

How long will it take to remove the structure?

See previous answer.

Is there a budget to cover removal and reinstallation?

See previous answer.

The threat to the structure will occasion the attention of numerous public agencies at great expense and inconvenience to the public. I don't believe the purported benefit to be obtained by placing the bikeway along the ocean justify such a risk of environmental degradation and expense. There are still remnants of the Applicant's prior failed construction projects in this coastal area. For years, the users of the beach have been forced to dodge concrete, metal, meshing, rebar, etc. Should the bikeway be built at this location, it will likely suffer the same fate and the public will be left with the same mess as occasioned by the failed seawall projects.

As previously mentioned, the DEA discussed the need for a plan and funding to maintain the path and dune.

In conjunction with the recent Oceanit Draft Environmental Assessment the County sought to certify the shoreline fronting Wailua Golf Course. During this process it was confirmed that the County had caused fill to be placed on the beach outside the golf course and that some of that fill still existed. For this reason, the State Surveyor refused to certify the shoreline. It appears that the County abandoned its desired seawall project as the result of this finding. The encroachment issue needs to be resolved prior to any attempt to locate the bikeway in the area. My understanding is that the Department of Public Works (Applicant) requires all applicants to resolve such violations prior to processing any further permits. The County should be required to follow its own rule. No further action should be taken on the proposed coastal path of the bikeway in this area until such time as the encroachment issue has been resolved.

If the coastal path alignment in the area of the golf course is pursued a certification of the shoreline will be completed.

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The DEA at pages 39-40 indicates that Applicant intends on creating a sand foundation for the bikeway outside the certified shoreline and outside the lands which were granted the County by the State through an Executive Order. I don't believe that legal authority exists which would allow the Applicant (the County) to assume use, control and development rights over lands owned by the State. What is the legal authority and process for the proposition that the County can develop on these state lands?

Any portion of the project falling makai of the certified shoreline is subject to State Conservation Zone guidelines. Should the project proceed on this alignment, a Conservation District Use Permit application will be made to the Hawaii Office of Conservation and Coastal Lands. There is no guarantee that a permit will be granted, however.

Significant portions of the northern section of the bikeway have already been approved in areas fronting the beach/ocean. The users of the bikeway shall therefore have an opportunity to enjoy this proximity to the ocean in other locations. As a result of prior approvals, the users of the bikeway have already been provided with sufficient access to our beaches and ocean. Placing the bikeway on the ocean in this location would be at the expense of those who have enjoyed the privacy of the coastal location. These would include fishermen, hikers, and those seeking some solitude. The bikeway should not be located fronting the golf course so that beach users have a private place to enjoy.

The state constitution establishes that the coastline is not to be enjoyed for privacy and is for everyone to enjoy.

The DEA fails to address the cumulative effects that arise when this project is added to the approximately ten miles of coastal bikeway that have already been imposed upon the public. The DEA fails to address the social and cultural effects that a coastal location shall have on the fishermen and beach goers who presently enjoy this significant resource. Does every location on the East side of the Island of Kauai have to be concrete accessible?

No, and it is not the intention of this project to do so either.

Since when in Hawaii did placing concrete on the beach become an environmentally friendly activity? I thought it was public policy in Hawaii to maintain some naturalness to these areas. Kauai is the Separate Kingdom; not the drawing board for a suburban planner from Colorado. Preserve the coastline. The coastline can always be paved over later when the fishermen and ponderers are gone and the cellphone generation rules.

We will not respond to personal attacks.

By virtue of the bikepath and amenities that the Applicant has recently placed at South Lydgate Park thousands of new people have already been introduced to the subject beach area. The increase in visitors has already caused a significant negative environmental impact, primarily due to the vehicular access which the Applicant has promoted. Vehicular traffic on the beach has approximately tripled over the past several years. There will be a significant increase in vehicular beach traffic should the coastal bikepath be built.

We do not know of any studies documenting the thousands of new people introduced to the subject beach area due to the existing bike and pedestrian path located in Lydgate Park. The bike

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and pedestrian path is for non-motorized use only. The alternative alignment plans that we have proposed will actually reduce vehicular traffic on the dunes as evidenced in Lydgate Park.

The DEA fails to address the negative impact that construction of a coastal bikeway (increasing by thousands, the number of individuals/traffic) will have on native gathering and fishing. It would seem obvious that the introduction of thousands of new people/vehicles to the coastline means less fish, less limu, etc. This is especially worrisome in light of Oceanit's concern that the introduced sand will impact the reef. However, the DEA fails to analyze these impacts.

During the planning process we have encouraged fisherman to provide comments concerning path impacts to fishing access and fishing quality. To date, no negative comments were received from any person regarding negative impacts to fishing. We have also worked with the fishing community to identify popular fishing locations along the coast and will encourage that the future design phase of the project allow for fishing access to these locations. Concerns over fishing impacts stem from the perception that sand used for dune restoration will be interacting with the reef environment. Because this is a dune restoration and not a beach restoration, sand fill will be placed above the high tide line and will not interact with the littoral or neritic environment. Should shoreline retreat continue, sand fill will be accessed by waves at the same rate that ambient sand would and therefore constitutes no change in the natural process of sediment transport.

Reference is made in the DEA that the subject area is habitat to the endangered monk seal. The seals are presently threatened by the motorized traffic on the beach and harassed by the growing number of people (tourists and locals) who use the beach. One of the biggest problem is the growing number of dogs brought to the beach by their owners. The significant increase of vehicles, people, and dogs which will be brought to this location by such a bikeway will obviously have a significant negative effect on the seal's environment.

Should be environmental restoration component of this project be incorporated in the final path alignment, the restoration aspect will broaden the beach, re-establish the lost dune system, prohibit vehicular traffic, and enhance the native ecosystem on the beach. If an effective signage and railing component can be established, such that users come to understand that leaving the pathway can be environmentally destructive, we believe the monk seal population, and perhaps the bird populations can be positively impacted by the project.

An unsightly fence will have to be constructed to protect the users of the bikeway from errant golf balls. The fence will be a significant visual intrusion which will adversely effect the enjoyment of the area, including those using the bikeway.

However, the greatest burden will be borne by those playing golf and using the beach. Such a fence will be an eyesore for both the golfers who now enjoy a stunning view of the beach/ocean and those of us using the beach who enjoy the mauka view. This public golf course is an important recreational asset. Over 100,000 rounds of golf are played there each year. The number of users of the bikeway is insignificant compared to the number of users of the golf course and beach. The cost of maintaining the mile of fence in this location will be significant due to the strong sea breezes. The fence will deteriorate and be an increasing eyesore and budgetary liability for the public.

If the fence option is used, the fence will be painted with a black coating in order to reduce the visual effect and corrosion.

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Hawaii State environmental policy guidelines are found in HRS §344-4. These guidelines require consideration of population use and impact as a major factor in environmental degradation, encourage preservation, and protection of water and visual natural resources, foster protection of shorelines from encroachment of artificial improvements and structures, promote preservation of open spaces, and recognize the culture of the community. Construction of this non-motorized highway on this section of Kauai's coastline is contrary to these goals.

This project is not a non-motorized "highway" but a non-motorized path, emphasis on "non-motorized".

There are better alternative locations for the placement of the bikeway either adjacent to Kuhio Highway or mauka on the cane road. Such siting would not interfere with the enjoyment of the thousands of golfers/beach users and would be more cost efficient to construct and maintain. The cane road has already been improved by the County and would offer a safe and enjoyable passage away from the highway. Little or no further governmental monitoring would be required. The savings occasioned by such a rational choice could be used to upgrade associated amenities.

The Applicant recently completed a re-vegetation project at the subject location. FEMA paid almost $200,000.00 towards this project. It appears that Applicant's project would bury these plant materials.

Existing plantings will be replanted and those that are not endemic will be replaced with endemic vegetation.

There does not appear to be sufficient funds to build this section of the bikeway. How much money is available for this section? Where exactly will the funds come from to complete the project? Wouldn't the remaining funds be better used building at a less expensive location?

Additional funds would be required to construct any of the path alignment alternatives proposed through the golf course. A potential funding source would be Transportation Enhancement funds.

Should the County pursue a coastal alignment, litigation to prevent construction would likely be initiated. Such litigation would cause the County to incur expense and delays. The County would likely lose such litigation. The safer approach would be to accept a less controversial design and location.

I take issue with the following comments found in the Draft Environmental Assessment:

On page 8, it is stated that the certified shoreline is essentially where the vegetation line begins. Although the issue as to how and where to certify the shoreline is presently being debated in the Hawaii Courts, no party is taking the position that the vegetation line defines the location. A review of such litigation should be conducted by the Applicant. See Public Access Shoreline Hawaii v. Board of Land and Natural Resources, et al. Is the Applicant claiming that it can relocate the certified shoreline by constructing dunes? What is the legally required setback for the structure from the certified shoreline? *Staff from the DLNR Office of Coastal and Conservation lands will be asked for a site visit and to indicate the best location of the shoreline consistent with state policy.*

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On page 30, Mr. Ueunton of the Department of Health indicates he is unaware that water flows from the drainage way south of the Radisson Hotel. It is true that since Lihue Plantation closed its operations, water rarely flows to the ocean over this drainage way. However, following the heavy rains of 12/04 and 1/05, water flowed through this drainage way to the ocean. Such flow should not be impeded. The cost of this structure is not noted on the estimated cost analysis on page 73.

There is no intention to impede water flow at any point on this project. The proposed biker and pedestrian bridge structure is discussed in the draft EA, Sub Reach Nine – Kauai Beach Villas (KBV), pages 33-36. Estimates of probable construction costs for bike and pedestrian bridge options are provided in the draft EA, 3.2 Economic Characteristics, Alternative Alignment 1 (Coastal Path), page 73)

On page 43, a photo of the proposed path is shown fronting the golf course driving range fence. The Applicant is aware that the ocean has reached the driving range fence and at times removed all sand and vegetation from a portion of this area. One such event took place following the installation of the fiber optic cable in 1994. Such event was not storm related. Is the driving range fence going to be moved inland?

We are proposing that the shorter, chain link fence be moved mauka in alignment with the taller screen fence.

How far?

Refer to previous answer.

If so,will the driving range be relocated?

Refer to previous answer.

If not, how will the safety of the people using the beach be protected? It should be noted that this large, unsightly structure was built without a permit in the 1990s. When this was brought to the attention of the County Planning Department, that Department improperly slipped the County an "after the fact" minor SMA permit. Because of the significant visual degradation the structure creates, a real SMA review should be required if the backstop is to be moved. I believe such a review should lead to the removal of the structure.

Refer to previous answer.

On page 172, §8.1, it is asserted that the proposed path is not expected to result in significant negative social, economic, cultural or environmental impacts. Should the project be located on the coast, I disagree. What is proposed is a nonmotorized highway immediately adjacent to the beach.

What is proposed is a non-motorized path, emphasis on "non-motorized".

Such a structure would allow immediate access and intrusion to the area of a significant number of people, including thousands of tourists. Introducing thousands of tourists into this remote area will have a significant negative impact on this area. An unsightly fence and elevated structure fronting the golf course would destroy the views and ambiance. The primary cause of dune

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devastation during this period has been the increased vehicular traffic. The Applicant has done nothing to protect the dunes/vegetation in this area. Extending the bikeway along the beach will result in another significant increase in beach vehicle traffic and resultant dune destruction. If the Applicant was concerned about dunes and restoration, the Applicant would have already closed the beach to vehicular traffic.

The path project can assist in the effort to protect dunes from vehicular traffic and the resulting damage as evidenced in Lydgate Park.

Since the Applicant has made representations in the past that vehicular traffic would continue, it will be difficult politically to close the beach. It would be a total waste of money to recreate and vegetate the dunes and then allow continued vehicular traffic on them. The Applicant needs to clearly state whether it intends on closing the beach to vehicular traffic.

The vehicular beach traffic issue is not covered by the EA.

There should by a finding that construction of the coastal route of the bikeway would have a significant negative impact on the coastal environment such that a full environmental impact statement is required. This finding is magnified in light of the cumulative effects of prior approvals of other portions of the bikeway along Kauai's eastern shoreline.

Such a finding is the purview of the State Office of Environmental Quality Control – this comment is not directed at the applicant.

To clarify some general information, there have been several opportunities for you to participate in the planning of this project, and to date; we have no record of your input. As you have not taken advantage of these opportunities, we have prepared for you an overview of the planning process to date.

Public Meeting One was held on June 22, 2005. The purpose of this meeting was to inform the public of the project process schedule and solicit public input for the project. The Consultant Team presented a photo tour of the project area but did not provide any potential path alignment alternatives at this meeting. During the meeting, maps of the project area were distributed around the room and the public was invited to mark on the maps any items that they deemed important as well as potential path alignments. The public at this meeting identified no path alignment options mauka of Kuhio Highway.

A meeting was held at the Wailua Golf Course and was organized to deal with issues more specific to the golf course; however, any portion of the project area could be discussed. The Consulting Team presented the existing conditions of the golf course as it relates to a potential path and several path alignment alternatives through the golf course were presented and discussed in detail. During the meeting/workshop one person brought up the possibility of a path alignment alternative that would be mauka of Kuhio Highway. The Consultant Team agreed to study this option.

Prior to Public Meeting Two, the Consultant Team studied the various path alignment alternatives that were identified in Public Meeting One and the Golf Course Public Meeting for feasibility. This was accomplished by walking each alignment alternative, photo documentation, and meetings with specific persons who could provide additional information regarding a specific location or issue. For example, a representative from the Kauai Office of Hawaiian Affairs was asked to meet

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with members of the Consultant Team to discuss proposed path alignment alternatives that may impact native burial sites, and if these impacts could be mitigated to allow for a path. The meeting minutes from all of these meetings are provided in the Draft Environmental Assessment document.

In addition, the Consultant Team completed a Structural Report for existing structures, a Geological Status Report for the Shoreline, an Archeological Conditions Report, and a Preliminary Geotechnical Engineering Study to make sure that the path project could be constructed (or not constructed). All of these reports are included in the Draft Environmental Assessment document. Finally, the Consultant Team used topographic map information aid in the location of potential path alignments for all of the alignment alternatives to determine if the grades could meet ADA guidelines.

The results for the study phase of the project was presented in Public Information Meeting Two on August 22, 2005, at which time all path alignment alternatives were presented without bias or rank of importance. A path alignment mauka of Kuhio Highway was included.

As with the Public Information Meeting One, maps of the project area were distributed, except that this time they included the alternative alignments for the path. Individuals were encouraged to mark onto the maps anything that they desired such as recommendations for alignment changes and any other information they deemed important. No comments supporting a path alignment mauka of Kuhio Highway were identified on any of the maps.

During the question and Answer portion of the meeting, not one person supported a path alignment mauka of Kuhio Highway.

Finally, an unofficial straw vote of the public was held in order to get a sense of which path alignment alternatives were supported and the extent of that support. The results were:

Coastal Path Only	*27 votes*
Tunnel Option	*4 votes*
All highway Option	*0 votes*
Mauka Option	*0 votes*

The Consultant Team's study of the alignment mauka of Kuhio Highway resulted in the following conclusions:

The highway would need to be crossed twice in order to complete a continuous path between Ahukini Point and Lydgate Park. At-grade crosswalks over Kuhio Highway would be unsafe for users and motorists and reduce traffic flow. Whenever automobiles, and cyclists and pedestrians cross the same pavement, conflicts are a reality, even if crosswalk signals are installed. Mid-block crosswalks are even more dangerous. For safety reason alone, the Consultant Team will not endorse at-grade crossing over Kuhio Highway in order to accommodate the Ahukini Point to Lydgate Park Bike and Pedestrian Path project.

In summary, during the entire planning process, only one person expressed interest in a path alignment option mauka of Kuhio Highway and several persons expressed non-support for any alignment along the highway, regardless on which side that it was to be located. Since the path alignment option mauka of Kuhio Highway received no public support and would create an unnecessary liability for citizens and the County, it was dropped from the list of potential

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Page 13 of 13, letter response from Merle Grimes to Kurt Bosshard dated May 9, 2009. This is an unsigned file copy that is assumed to be same as the original signed letter.

alignment alternatives. The Alignment located along the makai side of Kuhio Highway was included because it does not include any at-grade crosswalks over the highway.

I hope that this overview of the project process gives you the rationale of why a path alignment alternative mauka of Kuhio Highway was not included in the Draft Environmental Assessment, and to help you understand that all alternatives are being considered at this stage of the process, none are preferred at this time.

Respectfully submitted,

Merle D. Grimes

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January 9, 2006

Department of Public Works
4444 Rice Street
Lihue, HI 96766

Attn: Douglas Haigh

RE: Ahukini to Lydgate Park Bicycle/Pedestrian Path
(HRS 343 DEA)

Dear. Mr.Haigh:

Further to your testimony of January 5, 2006 and the DEA, I am asking that the Applicant and Mr. Grimes state with specificity why an alternative route mauka of Kuhio Highway was not considered in the draft DEA.

In these regards, please identify the individuals who participated in this decision, all data which was relied upon, when the conversations or correspondence were exchanged, and upon whose direction or decision such omission was based. Please provide me with copies of such correspondence and data.

Thank you for your attention to this matter.

Sincerely,

Kurt Bosshard

KB:rsnh

cc: OEQC
Merle Grimes
Jeffrey Walters - DLNR
Peter Young - DLNR
Sam Lemmo - DLNR
Sara Simmons-Fife (email)
Members of the Kauai County Council
Caren Diamond (email)
Judy Dalton (email)
Mimi Olry (email)
David Schofield (email)
Jayne Lefors (email)
Ed Okamoto - Wailua Golf Course

Merle D. grimes, llc

March 28, 2006

Mr. Kurt R. Bosshard
Attorney at Law
3144 Elua Street
Lihue, HI 96766

Re: Response to Comment Letter dated January 9, 2006, for the Ahukini to Lydgate Park Bicycle/Pedestrian Path - Draft Environmental Assessment (DEA) dated November 22, 2005

Dear Mr. Bosshard:

In regard to your comment letter dated January 9, 2006 concerning the Ahukini to Lydgate Park Bicycle and Pedestrian Path project we have the following response.

Thank you so much for your time in reviewing the Draft Environmental Assessment for the above mentioned path project, and submitting your comments regarding same. With this correspondence, we would like to respond to each of your issues and concerns as listed. Please find your comments in regular type and font, and the response to each in italics. Path alignment alternatives were determined through a process, which included three public meetings/workshops (one specific for the Wailua Golf Course reach and two for the entire project area) and meetings with stakeholders such as the Wailua Golf Course management, regulatory agencies and landowners. The Draft Environmental Assessment includes meeting minutes for each of these meetings.

At this time, there is no preferred path alignment. The County of Kauai will make the final determination for best alignment alternative once the public comment period is concluded and all of the issues have been identified.

Further to your testimony of January 5, 2006 and the DEA, I am asking that the Applicant and Mr. Grimes state with specificity why an alternative route mauka of Kuhio Highway was not considered in the draft DEA.

In these regards, please identify the individuals who participated in this decision, all data which was relied upon, when the conversations or correspondence were exchanged, and upon whose direction or decision such omission was based. Please provide me with copies of such correspondence and data.

Path alignment alternatives were determined through a process, which included three public meetings/workshops (one specific for the Wailua Golf Course reach and two for the entire project area) and meetings with stakeholders such as the Wailua Golf Course management, regulatory agencies and landowners. The Draft Environmental Assessment includes meeting minutes for each of these meetings.

Public Meeting One was held on June 22, 2005. The purpose of this meeting was to inform the public of the project process schedule and solicit public input for the project. The Consultant Team presented a photo tour of the project area but did not provide any potential path alignment alternatives at this meeting. During the meeting, maps of the project area were distributed around the room and the public was invited to mark on the maps any items that they deemed important as well as potential path alignments. No path alignment options mauka of Kuhio Highway were identified by the public at this meeting.

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A meeting was held at the Wailua Golf Course and was organized to deal with issues more specific to the golf course; however, any portion of the project area could be discussed. The Consulting Team presented the existing conditions of the golf course as it relates to a potential path and several path alignment alternatives through the golf course were presented and discussed in detail. During the meeting/workshop one person brought up the possibility of a path alignment alternative that would be mauka of Kuhio Highway. The Consultant Team agreed to study this option.

Prior to Public Meeting Two, the Consultant Team studied the various path alignment alternatives that were identified in Public Meeting One and the Golf Course Public Meeting for feasibility. This was accomplished by walking each alignment alternative, photo documentation, and meetings with specific persons who could provide additional information regarding a specific location or issue. For example, a representative from the Kauai Office of Hawaiian Affairs was asked to meet with members of the Consultant Team to discuss proposed path alignment alternatives that may impact native burial sites, and if these impacts could be mitigated to allow for a path. The meeting minutes from all of these meetings are provided in the Draft Environmental Assessment document.

In addition, the Consultant Team completed a Structural Report for existing structures, a Geological Status Report for the Shoreline, an Archeological Conditions Report, and a Preliminary Geotechnical Engineering Study to make sure that the path project could be constructed (or not constructed). All of these reports are included in the Draft Environmental Assessment document. Finally, the Consultant Team used topographic map information aid in the location of potential path alignments for all of the alignment alternatives to determine if the grades could meet ADA guidelines.

The results for the study phase of the project was presented in Public Information Meeting Two on August 22, 2005, at which time all path alignment alternatives were presented without bias or rank of importance. A path alignment mauka of Kuhio Highway was included.

As with the Public Information Meeting One, maps of the project area were distributed, except that this time they included the alternative alignments for the path. Individuals were encouraged to mark onto the maps anything that they desired such as recommendations for alignment changes and any other information they deemed important. No comments supporting a path alignment mauka of Kuhio Highway were identified on any of the maps.

During the question and Answer portion of the meeting, not one person supported a path alignment mauka of Kuhio Highway.

Finally, an unofficial straw vote of the public was held in order to get a sense of which path alignment alternatives were supported and the extent of that support. The results were:

Coastal Path Only	*27 votes*
Tunnel Option	*4 votes*
All highway Option	*0 votes*
Mauka Option	*0 votes*

The Consultant Team's study of the alignment mauka of Kuhio Highway resulted in the following conclusions:

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The highway would need to be crossed twice in order to complete a continuous path between Ahukini Point and Lydgate Park. At-grade crosswalks over Kuhio Highway would be unsafe for users and motorists and reduce traffic flow. Whenever automobiles, and cyclists and pedestrians cross the same pavement, conflicts are a reality, even if crosswalk signals are installed. Mid-block crosswalks are even more dangerous. For safety reason alone, the Consultant Team will not endorse at-grade crossing over Kuhio Highway in order to accommodate the Ahukini Point to Lydgate Park Bike and Pedestrian Path project.

In summary, during the entire planning process, only one person expressed interest in a path alignment option mauka of Kuhio Highway and several persons expressed non-support for any alignment along the highway, regardless on which side that it was to be located. Since the path alignment option mauka of Kuhio Highway received no public support and would create an unnecessary liability for citizens and the County, it was dropped from the list of potential alignment alternatives. The Alignment located along the makai side of Kuhio Highway was included because it does not include any at-grade crosswalks over the highway.

I hope that this overview of the project process gives you the rational of why a path alignment alternative mauka of Kuhio Highway was not included in the Draft Environmental Assessment.

In conclusion, copies of all correspondence are included in the body of the Draft Environmental Assessment for your review.

Respectfully submitted,

Merle D. Grimes

Cc: Douglas Haigh

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CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT

ROBERT K. MASUDA
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DEAN NAKANO
ACTING DEPUTY DIRECTOR - WATER

AGUIDO: RESOURCES
BOATING AND OCEAN RECREATION
BUREAU OF CONVEYANCES
COMMISSION ON WATER RESOURCE MANAGEMENT
CONSERVATION AND RESOURCE ENFORCEMENT
ENGINEERING
FORESTRY AND WILDLIFE
HISTORIC PRESERVATION
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LAND DIVISION
STATE PARKS

STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES

STATE HISTORIC PRESERVATION DIVISION
601 KAMOKILA BOULEVARD, ROOM 555
KAPOLEI, HAWAII 96707

January 31, 2006

Merle D. Grimes
Merle D. Grimes, LLC
1042 Broken Arrow Circle
Elizabeth, Colorado 80107

LOG NO: 2006.0149
DOC NO: 0601NM31
Archaeology

Dear Mr. Grimes:

SUBJECT: Historic Preservation Review –
Draft EA Ahukini to Lydgate Pedestrian/Bike Path
Lihue District, Island of Kaua'i
TMKs: (4) 3-05-00, 01; 3-07-00; 3-07-02; 3-07-03; 3-09-00, 02 05, 06

We have reviewed the above DEA and have the following comments and corrections:

1. Section 2.2; Nancy McMahon is the part of DLNR, State Historic Preservation Division not the County of Kauai. Martha Yent is the Branch Chief of the Interpretative Division of State Parks, which is also part of DLNR.

2. Section 2.3; Mary Requilman is the Director for the Kauai Historical Society. There is no such thing as a Kauai Historic Preservation Officer. However, there is the Kauai Historic Preservation Review Commission which does review these types of projects and they are under the County of Kauai Planning Department.

3. Alternative 1 (Coastal Path) previously identified historic sites exist along this alternative route and interpretative information could be provided. This alternative would require an archaeological inventory survey plan, testing, and may require monitoring because the potential exists for subsurface habitation deposits and human burials in the route Right-Of-Way (ROW). Depending on the findings, further archaeological work may be required. If human remains are found within the corridor, preservation in place may be the recommend option.

4. Alternative 2 (Kapule/Kuhio Highway) is an acceptable option.

5. Alternative 3 (Ocean Bay Plantation – Upper Cane Haul Road) is the best route since it avoids most of the historic properties.

Mr. Merle Grimes
Page 2

6. Hanamaulu Railroad Bridge is a historic site and our Architectural Branch will need to be involved in reviewing any work on this bridge.

7. Sub-Alternative: Wailua Golf Course Tunnel would directly impact a known Hawaiian burial ground. The Kauai/Niihau Island Burial Council would need to be consulted on this section of the project. We suggest the County of Kauai Public Works make a presentation if this alternative is chosen. If an access is needed across the Wailua Golf Course, we would suggest the use of fill on top of the current golf course and then the prefab tunnel be placed on top and fill placed on the sides to blend it into the golf course and Tee 1. This way, little digging would be needed to the original dune surface. If digging footings for this tunnel cannot be avoided, then archaeological testing would be required in order to determine if concentrations of burials are in this location.

8. Your proposed mitigation is archaeological monitoring to address unknown situations. We agree with this mitigation. An archaeological monitoring plan is required to be submitted to our office for review and approval.

9. In addition, all interpretative material would need to be reviewed by DLNR-SHPD.

If you have any questions please call Nancy McMahon at 742-7033.

Aloha,

Melanie A. Chinen, Administrator
State Historic Preservation Division

NM:jen

cc: Doug Haigh, County of Kauai, Public Works

MERLE D. GRIMES, LLC

Ms. Melanie Chinen, Administrator
State Historic Preservation Division
State of Hawaii, DLNR
601 Kamokila Boulevard, Room 555
Kapolei, Hawaii 96707

March 28, 2006

Subject: Response to Comment Letter dated January 31, 2006 for the Ahukini to Lydgate Park Bicycle/Pedestrian Path - Draft Environmental Assessment (DEA) dated November 22, 2005

Dear Ms. Chinen:

Thank you so much for your time in reviewing the Draft Environmental Assessment for the above mentioned path project, and submitting your comments regarding same. With this correspondence, we would like to respond to each of your issues and concerns as listed. Please find your comments in regular type and font, and the response to each in italics. Path alignment alternatives were determined through a process, which included three public meetings/workshops (one specific for the Wailua Golf Course reach and two for the entire project area) and meetings with stakeholders such as the Wailua Golf Course management, regulatory agencies and landowners. The Draft Environmental Assessment includes meeting minutes for each of these meetings.

We have reviewed the above DEA and have the following comments and corrections:

1. Section 2.2; Nancy McMahon is the part of DLNR, State Historic Preservation Division, not the County of Kauai. Martha Yent is the Branch Chief of the Interpretive Division of State Parks, which is also part of DLNR.

Thank you for this clarification. We will make the proper correction in the Final EA.

2. Section 2.3; Mary Requilman is the Director for the Kauai Historical Society. There is no such thing as a Kauai Historic Preservation Officer. However, there is the Kauai Historic Preservation Review Commission which does review these types of projects and they are under the County of Kauai Planning Department.

We will comply and make any corrections in the Final EA.

3. Alternative 1 (Coastal Path) previously identified historic sites exist along this alternative route and interpretative information could be provided. This alternative would require an archaeological inventory survey plan, testing, and may require monitoring because the potential exists for subsurface habitation deposits and human burials in the route Right-of-Way (ROW). Depending on the findings, further archaeological work may be required. If human remains are found within the corridor, preservation in place may be the recommend option.

We understand and will comply.

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4. Alternative 2 (Kapule/Kuhio Highway) is an acceptable option.

So noted.

5. Alternative 3 (Ocean Bay Plantation – Upper Cane Haul Road) is the best route since it avoids most of the historic properties.

So noted.

6. Hanamaulu Railroad Bridge is a historic site and our Architectural Branch will need to be involved in reviewing any work on this bridge.

So noted, and we will fully comply.

7. Sub-Alternative; Wailua Golf Course Tunnel would directly impact a known Hawaiian burial. The Kauai/Niihau Burial Council would need to be consulted on this section of the project. We suggest the County of Kauai Public Works make a presentation if this alternative is chosen.

The applicant and consultant are making arrangements to present the proposed project to the burial council. We were on the February, 2006 agenda but a quarum was not present. Currently we are on the March, 2006 agenda.

If an access is needed across the Wailua Golf Course, we would suggest use of fill on top of the current golf course and then the prefab tunnel be placed on top and fill placed on the sides to blend it into the golf course and Tee 1. This way, little digging would be needed to the original dune surface.

The tunnel and earth fill as described above would result in a dramatic visual and structural impediment to the golf course and golf course users. It is unlikely that ADA compliant access over or around this structure would be possible, as the height of such a structure would exceed 14 feet.

If digging footings for this tunnel cannot be avoided, then archaeological testing would be required in order to determine if concentrations of burials are in this location.

So noted.

8. Your proposed mitigation is archaeological monitoring to address unknown situations. We agree with this mitigation. An archaeological monitoring plan is required to be submitted to our office for review and approval.

So noted.

9. In addition, all interpretive material would need to be reviewed by DLNR-SHPD.

So noted.

If you have any questions, please call Nancy McMahon at 742-7033.

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Ms. Melanie Chinen, Administrator
March 28, 2006
Page Three of Three

Thank you for this information. At this time, there is no preferred path alignment. The County of Kauai will make the final determination for best alignment alternative once the public comment period is concluded and all of the issues have been identified.

The planning and permitting team agrees with you and feels that the design solutions we are developing will be in concert with your concerns. Feel free to contact me further if you have other concerns or ideas regarding this project.

Sincerely,

Merle D. Grimes

Cc: Doug Haigh

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File 1141-12

Corush Sunderland Wright
Limited

Landscape Architecture
Urban Design
Recreation and Park Planning
Site Planning
Environmental Planning
Project Management

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January 5, 2006

Merle D. Grimes, LLC
1042 Broken Arrow Circle
Elizabeth, Colorado
USA 80107

Attention: Mr. Grimes,
Re: **Ahukini to Lydgate Park Bike and Pedestrian Path Draft Environmental Assessment**

Dear Paul:

CORUSH SUNDERLAND WRIGHT

On behalf of EWM Kauai, L.L.C., owner of approximately 465 acres of land, presently referred to as Ocean Bay Plantation, we are in receipt of an electronic copy of the Ahukini to Lydgate Park, Bike and Pedestrian Path, Draft Environmental Assessment, dated November 22, 2005.

We have reviewed the document and have the following comments:

1.1 In June, 2002, EWM Kauai filed the Ocean Bay Plantation, Final Environmental Impact Statement, which you refer to in your references section, page 174. In this document, EWM Kauai proposed a bicycle route as indicated in Section 3.11 Page 3-6.

3.11 Roadways and Bike Routes

The interior roadway system consists of asphalt concrete roadways providing roadway connection to the various residential areas, the golf course clubhouse, and other project uses. The entry roadway will be a divided road with a landscaped median and 24 ft. width on both sides. The interior collector and smaller service roadways will all have two lanes, and vary in widths from 20 to 24 feet according to the intensity of use. The project roadways are planned to be without curbs, and include grassed shoulders. Sidewalks will be provide on one or both sides of the road in the residential areas.

Bicycle routes will be established within the interior roadway system, as shown in Figure 3-1. The regional bikeway route will extend along the project frontage along Kapule Highway and along Kūhiō Highway. This bikeway will have a designated extension into the project site along the main access road, continuing to the north toward the Kaua'I Radisson Hotel. The bikeway route would continue along Kūhiō Highway to the neighbouring hotel entrance.

This route closely follows Alternative Two in the draft EA Kauai, LLC supports this route.

FILE ID: C:\PROJECTS\ADMINISTRATIVE FILES\2. OFFICE FILES\PROJECT FILES\1337- 29A\LETTERS\AHUKINI TO LYDGATE PARK BIKE AND PEDESTRIAN PATH - GRIMES WITH LOGO.WPD

1.2 The EWM Kauai plan called for public access to several areas along the Ocean front, specifically at the old dock and at the tip of the property on the north shore of Hanamaulu Bay. This access was pedestrian only as it was felt that the shoreline along Hanamaulu Bay and north to the property limits were too prone to wave action for safe pedestrian movement and too rocky and unstable for construction.

We therefore do not support Alternative One or Sub-Alternative Three.

1.3 Section 1.1.2, Proposed Action, Draft EA - Page 1.

It is stated. *"It is further the intent of the project to preserve and convert and abandon cane railway corridor"*. This is a curious sentence and we assume the desire is to protect the abandoned rail corridor. Our question is one of context. Is it the intention of the design team to recapture the essence of the sugar cane industry or is it simply the use of a pre-graded corridor that lends itself to easy construction of a linear bicycle route?

1.4 Sub-Reach Thirteen, Draft EA, - Page 49.

As part of the Ocean Bay Master Plan, the conservation line was established. To this end we believe Alternative Two comes across this line onto development land on the northern side of Hanamaulu Bay. The steep grades, existing vegetated slope and the general difficulty in construction would lend us to believe that an alternate access to the beach should be explored other than the path following the upper cane haul road.

1.5 Property Ownership Issues, Draft EA, Item 2.1.4 - Page 8.

We wish to clarify that EWM Kauai in no way was intending to barr native Hawaiians or the general public from beach access or shoreline access. This is clear in our documents, was made clear in public meetings and is consistent with the tenants of the conservation zone designation.

1.6 Sub-Alternative Three (Ocean Bay Plantation - Upper Cane Haul Road) Sub Reach Twenty, Draft EA - Page 59.

Please refer to the Ocean Bay Plantation Master Plan. In the master plan we have allowed for both bicycle and pedestrian movement through the site, although not necessarily along the cane haul road. This would allow access from the Radisson Beach area, through the site and onto the Alternative Two routing.

FILE ID: C:\PROJECTS\ADMINISTRATIVE FILES\2. OFFICE FILES\PROJECT FILES\1337- 29A\LETTERS\AHUKINI TO LYDGATE PARK BIKE AND PEDESTRIAN PATH - GRIMES WITH LOGO.WPD

Mele D. Grimes, LLC
Ahukini to Lydgate Park, Bike and Pedestrian Path
Draft Environmental Assessment, November 22, 2005

Creech Sandelund Wright Limited
January 5, 2006
Page 3

1.7 Section 4.3.1.1 Mitigation Measures, Draft EA - Page 96.

Reference is made to native vegetation, and specifically ironwood trees. Our expert's study of this issue, determined that:

1.7.1 Ironwood is not native to Hawaii
1.7.2 Ironwood was brought in as a salt tolerant windbreak by the cane industry;
1.7.3 Ironwood is invasive and toxic to native understorey vegetation, thus leaving the understorey barren of plant material and causing significant soil erosion;
1.7.4 Where possible, Ironwood should be removed;
1.7.5 We do understand, through our public meetings, that the Ironwood issue is more emotional than scientific.

1.8 Meeting Minutes April 20th, 2005, Doug's Office Draft EA - Page 195

Identifying Property Owner: We believe the property being referred to is between the Radisson Hotel and the Beach Access Road. EWM Kauai owns all lands to the south of the beach access road. EWM Kauai does not own the property between the Radisson Hotel and the Beach Access. Road. This is probably the property being referred to in this meeting.

1.9 Meeting Minutes May 17th, 2005, Telephone Meeting - Jerry Corush

Ocean Bay Access Issues: Please refer to Pages 3-1 to 3-10 of the Ocean Bay Environmental Impact Statement for a detailed project description. The overview of the Master Plan 3.1 indicates the following:

3.1 OVERVIEW OF MASTER PLAN

EWM Kaua'i, LLC, intends to develop the subject property to provide a mixed-use residential and golf course community on approximately 460 acres of coastal land in Hanamā'ulu, Kaua'i. This low-density master-planned community will include large open space areas to preserve the coastline strand, open space and wetland resources, and maintain the open space character and sense of place of the surrounding area. The project will include a small retail commercial center at its access to Kūhiō Highway.

The Ocean Bay Plantation at Hanamā'ulu, is a new master-planned community that will serve the U.S. mainland, international, the local Kaua'i and Hawai'i market for single-family custom homes and quality multi-family housing.

Mele D. Grimes, LLC
Ahukini to Lydgate Park, Bike and Pedestrian Path
Draft Environmental Assessment, November 22, 2005

Creech Sandelund Wright Limited
January 5, 2006
Page 4

The proposed components of the Master Plan (Figure 3-1) for the Ocean Bay Plantation at Hanamā'ulu include:

- *18-hole golf course, golf clubhouse, driving range and tennis facility*
- *approximately 73 lots for single-family homes (a mix of lots ranging from 15,000 to 30,000 sq. ft.)*
- *up to 250 multi-family condominium homes (8 units/acre) built in three areas*
- *up to 100 single-family house lots on 55 acres (0.5-acre lots)*
- *an open space corridor along the coastline, wetlands and highway buffer*
- *a small-scale retail commercial centre on approximately 12.5 acres*
- *infrastructure facilities to support the overall development*
- *beach club and ocean cabanas.*

1.10 In conclusion we support Alternative Two with an alternative route for access to Hanamaulu Bay and beach other than the upper cane haul road.

1.11 It should be noted that we are very disappointed that despite being denied permission to enter the land, that the Draft EA team ignored our directive denying access. This denial of permission was relayed to the team both verbally and in writing. We would hope that in the future our requests as land owners are respected.

Respectfully,

Jerry Corush
Principal
JSC:sb

Copies: Sara Edi Simmonds-Fife - Sweetwater Design
Ernie Moody - EWM Kauai LLC
Steve Grogan - EWM Kauai LLC
Walton Hong - Attorney - Kauai

MERLE D. GRIMES, LLC

April 10, 2006

Mr. Jerry Corush
Principal
Corush, Sunderland Wright Limited
1960 Scott Street, Room 200
Ottawa, Canada K1Z 8L8

Subject: Response to Comment Letter dated January 5, 2006 for the Ahukini to Lydgate Park Bicycle/Pedestrian Path - Draft Environmental Assessment (DEA) dated November 22, 2005

Dear Mr. Corush:

Thank you so much for your time in reviewing the Draft Environmental Assessment for the above mentioned path project, and submitting your comments regarding same. With this correspondence, we would like to respond to each of your issues and concerns as listed. Please find your comments in regular type and font, and the response to each in italics. Path alignment alternatives were determined through a process, which included three public meetings/workshops (one specific for the Wailua Golf Course reach and two for the entire project area) and meetings with stakeholders such as the Wailua Golf Course management, regulatory agencies and landowners. The Draft Environmental Assessment includes meeting minutes for each of these meetings.

At this time, there is no preferred path alignment. The County of Kauai will make the final determination for best alignment alternative once the public comment period is concluded and all of the issues have been identified.

On behalf of EWM, Kauai, L.L. C., owner of approximately 465 acres of land, presently referred to as Ocean Bay Plantation, we are in receipt of an electronic copy of the Ahukini to Lydgate Park, Bike and Pedestrian Path, Draft Environmental Assessment, dated November 22, 2005.

We have reviewed the document and have the following comments:

1.1 In June, 2002, EWM Kauai filed the Ocean Bay Plantation, Final Environmental Impact Statement, which you refer to in your references section, page 174. In this document, EWM Kauai proposed a bicycle route as indicated in Section 3.11 Page 3-6.

This route closely follows Alternative Two in the draft EA Kauai LLC supports this route.

So noted.

1.2 The EWM Kauai plan called for public access to several areas along the Ocean front, specifically at the old dock and at the tip of the property on the north shore of Hanamaulu Bay. This access was pedestrian only as it was felt that the shoreline along Hanamaulu Bay and north to the property limits were too prone to wave action for safe pedestrian movement and too rocky and unstable for construction.

We therefore do not support Alternative One or Sub-Alternative Three.

So noted.

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1.3 Section 1.1.2. Proposed Action, Draft EA, Page 1.

It is stated, "It is further the intent of the project to preserve and convert and abandon cane railway corridor." This is a curious sentence and we assume that desire is to protect the abandoned rail corridor.

Our question is one of context. Is it the intention of the design team to recapture the essence of the sugar cane industry or is it simply the use of a pre-graded corridor that lends itself to easy construction of a linear bicycle route?

Our intention would be to use the pre-graded corridor whenever possible for construction feasibility. As the cane haul industry was significant in the history of Kauai, we would also want to provide educational and interpretive signage explaining this history along the path corridor. In addition, the aesthetics of some architectural elements such as comfort stations, shade shelters, signs, etc. may be inspired by architectural elements from the sugar cane industry.

1.4 Sub-Reach Thirteen, Draft EA, Page 49

As part of the Ocean Bay Master plan, the conservation line was established. To this end, we believe Alternative Two comes across this line onto development land on the northern side of Hanamaulu Bay.

The path alignment alternatives include alignments that would possibly be located within the Conservation Area and within developable lands. It is difficult with our existing base map to know exactly where the path is aligned on the property. I detailed topographic survey and location of the Conservation Area onto the map would provide the required information needed to locate the path based on grades and land use.

The steep grades, existing vegetated slope and the general difficulty in construction would lend us to believe than an alternate access to the beach should be explored other than the path following the upper cane haul road.

So noted.

1.5 Property Ownership Issues, Draft EA, Item 2.1.4 – Page 8

We wish to clarify that EWM Kauai in no was was intending to barr native Hawaiians or the general public from beach access or shoreline access. This is clear in our documents, was made clear in public meetings and is consistent with the tenants of the conservation zone designation.

Clarification noted. From our conversations with Butch Durant and several other native Hawaiians of whom we discussed this project, much was spoken about the Ocean Bay project. It was our impression that the perception of the native Hawaiians was that their access on the Ocean Bay property would have been barred, however, it was not our intent to imply that barring access from anyone was the intent of EWM Kauai.

1.6 Sub-Alternative Three (Ocean Bay Plantation 0 Upper Cane Haul Road) Sub Reach Twenty, Draft EA – Page 59.

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Mr. Jerry Corush
April 10, 2006
Page Three of Four

Please refer to the Ocean Bay Plantation Master Plan. In the master plan we have allowed for both bicycle and pedestrian movement through the site, although not necessarily along the cane haul road. This would allow access from the Radisson Beach area, through the site and onto the Alternative Two routing.

So noted, we are aware of the Ocean Bay Plantation Master Plan. The Draft Environmental Assessment is a fresh study of the corridor from Ahukini Point to Lydgate Park for the optimal routing for this bike/pedestrian project.

1.7 Section 4.3.1.1 Mitigation Measures, Draft EA – Page 96

Reference is made to native vegetation, and specifically ironwood trees. Our expert's study of this issue, determined that:

1.7.1 Ironwood is not native to Hawaii
1.7.2 Ironwood was brought in as a salt tolerant windbreak by the can industry
1.7.3 Ironwood is invasive and toxic to native understory vegetation, thus leaving the understory barren of plant material and causing significant soil erosion
1.7.4 Where possible, ironwood should be removed.
1.7.5 We do understand, through our public meetings that the Ironwood issue is more emotional than scientific

Thank you for taking the time to have your expert review in such depth the Ironwood issue, and we appreciate this discussion and will make revisions to references to Ironwood as desirable and/or native.

1.8 Meeting Minutes April 20th, 2005, Doug's Office, Draft EA – Page 195

Identifying Property Owner; We believe the property being referred to is between the Radisson Hotel and the Beach Access Road. WE< Kauai owns all lands to the south of the beach access road.

So noted.

EWM Kauai does not own the property between the Radisson Hotel and the Beach Access Road. This is probably the property being referred to in this meeting.

So noted. We have coordinated with the owners of the property.

1.9 Meeting Minutes May 17th, 2005 Telephone Meeting – Jerry Corush

Ocean Bay Access Issues: Please refer to Pages 3-1 to 3-10 of the Ocean Bay Environmental Impact Statement for a detailed project description.

We will review the pages in the document as requested.

1.10 In conclusion, we support Alternative Two with an alternative route for access to Hanamaulu Bay and beach other than the upper cane haul road.

So noted.

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Mr. Jerry Corush
April 10, 2006
Page Four of Four

1.11 It should be noted that we are very disappointed that despite being denied permission to enter the land, that the Draft EA team ignored our directive denying access. This denial of permission was relayed to the team both verbally and in writing. We would hope that in the future, our requests as land owners are respected.

We accessed your property prior to your denial of access and not since then.

The planning and permitting team agrees with you and feels that the design solutions we are developing will be in concert with your concerns. Feel free to contact me further if you have other concerns or ideas regarding this project.

Sincerely,

Merle D. Grimes

Cc: Mr. Douglas Haigh

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-----Original Message-----
From: Andrea.L.Erichsen@hawaii.gov [mailto:Andrea.L.Erichsen@hawaii.gov]
Sent: Monday, January 09, 2006 2:23 PM
To: Doug Haigh
Subject: Comments on the Ahukini to Lydgate Park Bicycle/Pedestrian Path Draft EA

Aloha Doug,

I appreciate being able to provide comments via email on such short notice.

I am providing the following comments on the Ahukini to Lydgate Park Bicycle/Pedestrian Path Draft EA.

I am the Kauai Seabird HCP Coordinator for the Division of Forestry and Wildlife. I work on issues related to causes of "unauthorized incidental take" of federal and state listed seabirds.

1. It is essential that no additional outdoor lighting is added by the project if possible. It is my undertanding that this is the case except for potential lights around the comfort stations.

2. Any lighting deemed necessary for safety and security (i.e. at comfort stations) should and can be fully shielded so as not to attract: Newell's shearwater, Hawaiian petrel and wedge-tailed shearwater.

I can provide information on "seabird" safe lighting styles and encourage project proponents to consult with me on this to avoid causing "take" of listed seabirds due to lighting.

3. Page 77. Newell's shearwater is listed as a threatened species at the federal and state levels (it is not endgangered). However, over 80% of the world's remaining population breeds on Kauai. The Hawaiian petrel is listed as an endangered species at the federal and state levels. Both of these species migrate over the coastal area during breeding and fledging and thus could be harmed by any additional outdoor lighting that is not fully shielded.

4. Page 77. The biological setting and analysis fails to discuss adverse effects on wedge-tailed shearwaters (*Puffinus pacificus*) (referred to only as the ua'u kani) that is protected by the Federal Migratory Bird Treaty Act. This species nests in colonies along the coast. Breeding colonies are likely to be adversely affected by the proposed action.

I directly observed many dead wedge-tailed shearwaters around Hanama'ulu Bay in the fall of 2005. Brenda Zaun and Keith Swindle of the U.S. Fish and Widlife Service also documented this mass mortality (photographs and information can be provided). We documented an enormous man-caused mortality on the north side of Hanama'ulu Bay in addition to devestating predation by cats and dogs, presumably. There are also several other colonies along the coast north and south of the aforementioned area.

The construction of the bike path would increase public access and risk of disturbance and mortality as well as potentially result in direct removal of occupied nesting habitat for this protected species.

As a way to mitigate for such adverse effects to less than significant levels, I recommend pre-construction surveys for wedg-tailed shearwater colonies by a qualified biologist at the appropriate time of year. These surveys would help avoid and protect existing colonies. In addition in areas along the bike path there should be permanent educational signs on the seabird species nesting and seen along the shoreline. If dogs are allowed on the bike path there should be a posted requirement that all dogs remain on leash at all times (penalties should be cited as necessary). Additional protective measures such as fencing and predator control may also be necessary.

In summary I recommend colony surveys and consultation with the Division of Forestry and Wildlife and U.S. Fish and Widlife Service.regarding potential adverse effects to wedge-tailed shearwater along proposed and alternative bike/pedestrian pathway routes.

5. The biological information from reports cited for the two paragraph analysis on page 77 appears significantly outdated and inaccurate in my opinion i.e.(data from reports issued in 1994 and 2001). Therefore the analysis of potential effects would be compromised.

6. Page 77. Nene (*Nesochen sandvicensis*) is an endangered species listed at the state and federal. Nene should be included in the analysis. Construction activities, noise, and human activities could along the path could cause adverse effects to Nene.
7. Page 77. Hoary bat is not an avian species, but rather, it is a mammal.

Thank you for your time and consideration.

Andrea Erichsen, M.S.
Kauai Seabird HCP Coordinator
Division of Forestry and Wildlife
P.O. Box 458
Waimea, HI 96796
(808) 346-3489 mobile
(808) 338-1361 office

MERLE D. GRIMES, LLC

Ms. Andrea L. Erichsen, M.S.
Kauai Seabird HCP Coordinator
Division of Forestry and Wildlife
P.O. Box 458
Waimea, HI 96796

March 28, 2006

Subject: Response to Comment Letter dated January 9, 2006, for the Ahukini to Lydgate Park Bicycle/Pedestrian Path - Draft Environmental Assessment (DEA) dated December 23, 2005

Dear Ms. Erichsen:

Thank you so much for your time in reviewing the Draft Environmental Assessment for the above mentioned path project, and submitting your comments regarding same. With this correspondence, we would like to respond to each of your issues and concerns as listed. Please find your comments in regular type and font, and the response to each in italics.

I appreciate being able to provide comments via email on such short notice. I am providing the following comments on the Ahukini to Lydgate Park Bicycle/Pedestrian Path Draft EA. I am the Kauai Seabird HCP Coordinator for the Division of Forestry and Wildlife. I work on issues related to causes of "unauthorized incidental take" of federal and state listed seabirds.

1. It is essential that no additional outdoor lighting is added by the project if possible. It is my understanding that this is the case except for potential lights around the comfort stations.

There is no path lighting planned for this phase of the project.

2. Any lighting deemed necessary for safety and security (i.e. at comfort stations) should and can be fully shielded so as not to attract: Newell's shearwater, Hawaiian petrel and wedge-tailed shearwater. I can provide information on "seabird" safe lighting styles and encourage project proponents to consult with me on this to avoid causing "take" of listed seabirds due to lighting.

We will have someone on the design team contact you for this assistance and coordination should lighting become an issue at the location of the comfort stations.

3. Page 77. Newell's shearwater is listed as a threatened species at the federal and state levels (it is not endangered). However, over 80% of the world's remaining population breeds on Kauai. The Hawaiian petrel is listed as an endangered species at the federal and state levels. Both of these species migrate over the coastal area during breeding and fledging and thus could be harmed by any additional outdoor lighting that is not fully shielded.

Any lighting installed at the comfort stations will be with appropriate shielding.

4. Page 77. The biological setting and analysis fails to discuss adverse effects on wedge-tailed shearwaters (*Puffinus pacificus*) (referred to only as the ua'u kani) that is protected by the Federal Migratory Bird Treaty Act. This species nests in colonies along the coast. Breeding colonies are likely to be adversely affected by the proposed action.

I directly observed many dead wedge-tailed shearwaters around Hanama'ulu Bay in the fall of 2005.

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Brenda Zaun and Keith Swindle of the U.S. Fish and Wildlife Service also documented this mass mortality (photographs and information can be provided). We documented an enormous man-caused mortality on the north side of Hanama'ulu Bay in addition to devastating predation by cats and dogs, presumably. There are also several other colonies along the coast north and south of the aforementioned area. The construction of the bike path would increase public access and risk of disturbance and mortality as well as potentially result in direct removal of occupied nesting habitat for this protected species.

As a way to mitigate for such adverse effects to less than significant levels, I recommend pre-construction surveys for wedge-tailed shearwater colonies by a qualified biologist at the appropriate time of year. These surveys would help avoid and protect existing colonies.

So noted. This recommendation will be completed once final path alignment is determined.

In addition in areas along the bike path there should be permanent educational signs on the seabird species nesting and seen along the shoreline. If dogs are allowed on the bike path there should be a posted requirement that all dogs remain on leash at all times (penalties should be cited as necessary). Additional protective measures such as fencing and predator control may also be necessary.

Proper signage and the use of railings, will be provided so that the pathway is a guided learning experience for users where they are taught about marine and littoral ecosystems. By embedding in the learning experience a consciousness to leave monk seals, migratory and resident birds, native flora, and natural shoreline terrain, undisturbed, we can go beyond simple prohibition signs to protect the environmental and enrich users simultaneously.

In summary I recommend colony surveys and consultation with the Division of Forestry and Wildlife and U.S. Fish and Wildlife Service regarding potential adverse effects to wedge-tailed shearwater along proposed and alternative bike/pedestrian pathway routes.

Should the coastal alignment become the preferred one, we will coordinate with you and your department to determine where these studies and surveys should be conducted.

5. The biological information from reports cited for the two paragraph analysis on page 77 appears significantly outdated and inaccurate in my opinion i.e.(data from reports issued in 1994 and 2001). Therefore the analysis of potential effects would be compromised.

Should the coastal alignment become the preferred one, we will recommend that the design team work with you and your department to determine where these studies and surveys should be conducted.

6. Page 77. Nene (*Nesochen sandvicensis*) is an endangered species listed at the state and federal. Nene should be included in the analysis. Construction activities, noise, and human activities along the path could cause adverse effects to Nene.

Should the coastal alignment become the preferred one, we will coordinate with you and your department to determine where these studies and surveys should be conducted.

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Ms. Andrea L. Erichsen, M.S.
March 28, 2006
Page Three of Three

7. Page 77. Hoary bat is not an avian species, but rather, it is a mammal.

Thank you for clarification on this point.

In conclusion, there is no preferred alignment at this time. Once the public review process is completed, the County will determine the best routing for this phase of the path. Your viewpoints will be taken into consideration as the County makes this final determination.

Respectfully submitted,

Merle D. Grimes

Cc: Mr. Douglas Haigh

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Department of Water County of Kaua'i

Water has no substitute.....Conserve it

December 28, 2005

Merle Grimes
1042 Broken Arrow Circle
Elizabeth, CO 80107

Dear Merle Grimes:

Subject: Draft Environmental Assessment – Ahukini to Lydgate Park Bike and Pedestrian Path, County of Kaua'i

This is in regard to your letter dated December 2, 2005. Request for County water service will be dependent on, but not limited to the following:

a) Quantity of water requested.
b) Location of request.
c) Status of the Department's source, storage, and transmission facilities.

It is recommended that any request for County water service should be submitted to the Department of Water, as soon as possible. The request should include pertinent information.

If you have any questions, please contact Mr. Edward Doi at (808) 245-5417.

Sincerely,

Gregg Fujikawa

ED:mll
Draft EA - Ahukini/Lydgate Park - PATH

4398 Pua Loke St., P.O. Box 1706, Lihue, HI 96766 Phone: 808-245-5400
Engineering and Fiscal Fax: 808-245-5813, Operations Fax: 808-245-5402, Administration Fax: 808-246-8628

MERLE D. GRIMES, LLC

Mr. Gregg Fujikawa
County of Kauai
Department of Water
4444 Rice Street
Lihue, HI 96766

March 28, 2006

Subject: Response to Comment Letter dated December 28, 2005 for the Ahukini to Lydgate Park Bicycle/Pedestrian Path - Draft Environmental Assessment (DEA) dated November 22, 2005

Dear Mr. Fujikawa:

Thank you so much for your time in reviewing the Draft Environmental Assessment for the above mentioned path project, and submitting your comments regarding same. With this correspondence, we would like to respond to each of your issues and concerns as listed. Please find your comments in regular type and font, and the response to each in italics. Path alignment alternatives were determined through a process, which included three public meetings/workshops (one specific for the Wailua Golf Course reach and two for the entire project area) and meetings with stakeholders such as the Wailua Golf Course management, regulatory agencies and landowners. The Draft Environmental Assessment includes meeting minutes for each of these meetings.

This is in regard to your letter dated December 2, 2005. Request for County water service will be dependent on, but not limited to the following:

a) Quantity of water requested.
b) Location of request
c) Status of the Department's source, storage, and transmission facilities.

As soon as the permitting process, a member of the team will contact your office to coordinate regarding the siting of water facilities to ensure that adequate sourcing for the water needs of the comfort stations is available.

It is recommended that any request for County water service should be submitted to the Department of Water, as soon as possible. The request should include pertinent information.

Coordinating with the Water Department will occur as soon as is practicable as per the permitting and design process.

If you have any questions, please contact Mr. Edward Doi at (808) 245-5417

Thank you for this contact information.

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At this time, there is no preferred path alignment. The County of Kauai will make the final determination for best alignment alternative once the public comment period is concluded and all of the issues have been identified.

Feel free to contact me further if you have other concerns or ideas regarding this project.

Sincerely,

Merle D. Grimes

CC: Douglas Haigh

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04/25/2006 16:21 FAX 1 808 241 6800 BUILDING DIVISION 002

LINDA LINGLE
GOVERNOR

RODNEY K. HARAGA
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BARRY FUKUNAGA
BRENNON T. MORIOKA
BRIAN H. SEKIGUCHI

STATE OF HAWAII
DEPARTMENT OF TRANSPORTATION
HIGHWAYS DIVISION
KAUAI DISTRICT
1720 HALEUKANA STREET
LIHUE, HAWAII 96766

IN REPLY REFER TO:

HWY-K 4.060262

April 19, 2006

Mr. Doug Haigh
Chief Building Division
County of Kauai
4444 Rice Street, Suite 175
Lihue, Hawaii 96766

Dear Mr. Haigh:

Subject: Draft Environmental Assessment
Ahukini to Lydgate Park Bike & Pedestrian Path
Project No. STP-0700(51)

We have reviewed the subject draft Environmental Assessment and our only major concern is vehicle access to Kuhio Highway. The report notes in section 4.5.1, Vehicular Access, that cars will access the path system from three locations from Kuhio Highway; the Wailua Golf Course, the Marine Camp and the access to the Radisson. The report does not specify a vehicle count or give any indication of relative increase these intersections can expect. This should be addressed.

The golf course driveway along with the driveway to Kauai Community Correction Center (KCCC) has experienced an increase in accident rate as traffic levels have increased. The particular layout of the two opposing driveways in effect creates a misaligned intersection, which is a contributing factor. The addition of the bike path near the golf course entrance creates one more point of conflict. To mitigate this problem we suggest the relocation of golf course entrance to align with the driveway to KCC

If there are any questions, please call Jim Turturici at 241-3018.

Sincerely,

for STEVEN M. KYONO, P.E.
District Engineer

JT: jl
cc: HWY-DD, Lana Murashige

04/25/06 TUE 19:22 [TX/RX NO 5016] 002

MERLE D. GRIMES, LLC

Mr. Steven M. Kyono, P.E.
District Engineer
State of Hawaii Department of Transportation
Highways Division
Kauai District
1720 Haleukana Street
Lihue, Hawaii 95766

April 28, 2006

Subject: Response to Comment Letter dated April 19, 2006, for the Ahukini to Lydgate Park Bicycle/Pedestrian Path - Draft Environmental Assessment (DEA) dated December 23, 2005

Dear Mr. Kyono:

Thank you so much for your time in reviewing the Draft Environmental Assessment for the above mentioned path project, and submitting your comments regarding same. With this correspondence, we would like to respond to each of your issues and concerns as listed. Please find your comments in regular type and font, and the response to each in italics. Path alignment alternatives were determined through a process, which included three public meetings/workshops (one specific for the Wailua Golf Course reach and two for the entire project area) and meetings with stakeholders such as the Wailua Golf Course management, regulatory agencies and landowners. The Draft Environmental Assessment includes meeting minutes for each of these meetings.

We have reviewed the subject draft Environmental Assessment and our only major concern is vehicle access to Kuhio Highway. The report notes in section 4.5.1, Vehicular Access, that cars will access the path system from three locations from Kuhio Highway; the Wailua Golf Course, the Marine Camp and the Radisson. The report does not specify a vehicle count or give any indication of relative increase these interactions can expect. This should be addressed.

The Wailua Golf Course parking lot will not be used for path parking and access. In addition, the Radisson Comfort Station area currently has formal parking for approximately five automobiles. No additional parking stalls are planned for the Radisson Comfort Station. Therefore, an increase in traffic levels on Kuhio Highway accessing these three locations is not anticipated.

The proposed access point/trailhead at the Marine Camp site will contain a gravel parking lot for up to 20 automobiles. It should be noted however, that informal parking on this site is already occurring even in the absence of a designated parking area. Based on these factors, minimal increases to traffic volumes are expected as a result of the proposed path.

The golf course driveway along with the driveway to Kauai Community Correction Center (KCCC) has experienced an increase in accident rate as traffic levels have increased. The particular layout of the two opposing driveways in effect creates a misaligned intersection. The particular layout of the two opposing driveways in effect creates a misaligned intersection, which is a contributing factor. The addition of the bike path near the golf course entrance creates one more point of conflict. To mitigate this problem we suggest the relocation of a golf course entrance to align with the driveway to KCC.

We concur with this concept.

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Mr. Steven M. Kyono, P.E.
April 28, 2006
Page Two of Two

Thank you for this information. At this time, there is no preferred path alignment. The County of Kauai will make the final determination for best alignment alternative once the public comment period is concluded and all of the issues have been identified.

The planning and permitting team agrees with you and feels that the design solutions we are developing will be in concert with your concerns. Feel free to contact me further if you have other concerns or ideas regarding this project.

Respectfully submitted,

Merle D. Grimes

Cc: Douglas Haigh

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2

LINDA LINGLE
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

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CONSERVATION AND RESOURCE ENFORCEMENT
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ENGINEERING
FORESTRY AND WILDLIFE
HISTORIC PRESERVATION
KAHOOLAWE ISLAND RESERVE COMMISSION
LAND
STATE PARKS

JAN - 9 2006

January 9, 2006

Merle D. Grimes, President
Merle D. Grimes, LLC
1042 Broken Arrow Circle
Elizabeth, Colorado 80107

Dear Mr. Grimes:

Subject: Draft Environmental Assessment (DEA) for the Ahukini to Lydgate Park Bike & Pedestrian Path, Island of Kauai

Thank you for your December 12, 2005 request for comments. We have reviewed the proposed alignments for the subject bike and pedestrian paths and offer the following comments.

Route Selection:

The path proposed along the shoreline (proposed alternative A), from connection point C (map 3) to Lydgate Park, may be subject to erosion hazards that effectively preclude project construction as proposed. The concept of a raised removable modular boardwalk on helical piles built on top of a sand dune is an excellent idea to address environmental constraints and potential hazards – e.g., shoreline recession, flooding, wave inundation, and others. Even so, there remain practical problems with this proposal. For instance, would the County be able to afford construction and maintenance of such a system? Specifically how reliable is the commitment to renourish the dune following an erosion episode?

The Office of Conservation and Coastal Lands (OCCL) prefers Sub Alternative 4&5 combined with Proposed Alternative 2 with the possibility of a proposed tunnel route through the golf course to the shoreline then reconnecting with Route Alternative 1 following along the shore to Lydgate Park. However, even this alterative has serious environmental constraints. There are at least two major "pinch" points between the driving range and Lydgate Park that concern us. The first is in front of the driving range. This area has traditionally experienced erosion problems that threatened the driving range fence. The other pinch point is in front of the seventeenth green (signature hole). It will be difficult and expensive to maintain a pathway through this area due to persistent erosion hazards. Both of these areas are subject to coastal erosion as evidenced by the shoreline revetment that was built in 1988.

The area south of Connection Point D may be subject to chronic erosion and any pathway built in this area will need to follow DLNR shoreline standards requiring that it is set back a sufficient distance from the certified shoreline that it would not be affected by shoreline recession for at least 70 years plus 40 feet (70 times annual erosion rate plus 40 feet). The published erosion data[1] suggests the southern portion of the project area is relatively stable due to stable beachrock outcrops at the waterline but that the northern portion is subject to "severe chronic erosion since 1950." Southern areas of the golf course have experienced up to 58 feet of erosion up to 1988 (-1.75 ft/yr). The entire southern golf course area is subject to chronic erosion with annual erosion rates between -1.75 ft/yr and -1.12 ft/yr. Since this area is not yet developed, it may be possible to locate the pathway further inland from the shoreline and dune. The northern extent appears to be more stable with dynamic shoreline history but little to no erosion mapped.

More recent erosion data (1927 to 2002) from Dr. Charles Fletcher of the University of Hawaii provides some insight on the recent erosion trends and suggests erosion rates along the golf course are highly variable but can reach 1 to 2 ft/yr. Dr. Fletcher's report also indicates the northern portion of the project is subject to large erosion rates that exceed 3 ft/yr in select locations. This information should be carefully considered when assessing the location of the proposed pathway.

It is the Department's belief the differences between Dr. Fletcher's report and the previous 1991 erosion report result from the type of shoreline reference feature utilized in each study. In Dr. Fletcher's report, the "toe" or step crest of the beach was utilized as a reference feature to map shoreline change. This feature more accurately measures changes to the seaward beach face where it intersects the ocean. The 1991 report used the vegetation line and thus reflects the dynamic nature of the coastal dune and vegetation. The apparent difference between the two studies suggests that the beach responds bimodally with the foreshore sporadically eroding but generally stable, as Dr. Fletcher's study indicates, while the back beach and dune system appear to be chronically eroding and moving landward rapidly. For the purpose of the project, we are concerned with the apparent migration of the coastal dune landward as it pertains to the siting of the proposed walkway.

The remainder of the pathway rounds a rocky headland that is void of sandy beach. However, the abandoned railway grade through this area appears to be located too close to the sea to safely accommodate a pedestrian path, and any such path should be located mauka of this feature.

One deficiency in the DEA is the lack of a certified shoreline. Because this is a shore-parallel pathway, a shoreline delineation and certification should be completed prior to any major environmental project planning and evaluation. Shoreline location may be a significant factor in siting and may even factor into major project modifications.

A Conservation District Use Application (CDUA) will need to be filed with the OCCL prior to any project work being conducted. We will require a shoreline certification as part of the application process.

[1] *Aerial Photographic Analysis of Coastal Erosion on the Islands of Kauai, Molokai, Lanai, Maui and Hawaii.* June 1991. Prepared by Makai Ocean Engineering, Inc. and Sea Engineering, Inc. for the State of Hawaii, Offcie of Planning, Coastal Zone Management Program

Should you have any questions on any of these matters, please feel free to contact me at 587-0381.

Aloha,

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

Cc: Chairman's Office
County of Kauai Planning Department
DAR (Jeff Walters)
Dr. Charles Fletcher

MERLE D. GRIMES, LLC

March 28, 2006

Mr. Sam Lemmo
State of Hawaii, DLNR
Office of Conservation and Coastal Lands
P.O. Box 621
Honolulu, HI 96809

Subject: Response to Comment Letter dated January 9, 2006, for the Ahukini to Lydgate Park Bicycle/Pedestrian Path; Draft Environmental Assessment (DEA) dated November 22, 2005

Dear Mr. Lemmo:

Thank you so much for your time in reviewing the Draft Environmental Assessment for the above mentioned path project, and submitting your comments regarding same. With this correspondence, we would like to respond to each of your issues and concerns as listed. Please find your comments in regular type and font, and the response to each in italics.

Thank you for your December 12, 2005 request for comments. We have reviewed the proposed alignments for the subject bike and pedestrian paths and offer the following comments.

Route Selection:

The path proposed along the shoreline (proposed alternative A), from connection point C (map 3) to Lydgate Park, may be subject to erosion hazards that effectively preclude project construction as proposed. The concept of a raised removable modular boardwalk on helical piles built on top of a sand dune is an excellent idea to address environmental constraints and potential hazards – e.g., shoreline recession, flooding, wave inundation, and others. Even so, there remain practical problems with this proposal. For instance, would the County be able to afford construction and maintenance of such a system?

The County will review the budget and manpower requirements for maintaining the boardwalk option, and make a determination regarding commitment to build and maintain the system.

Specifically, how reliable is the commitment to re-nourish the dune following an erosion episode?

Should the County make the decision to locate the path in this area, and commence dune re-nourishment, there will be a commitment to continue the upkeep of same.

The Office of Conservation and Coastal Lands (OCCL) prefers Sub Alternative 4 & 5 combined with Proposed Alternative 2 with the possibility of a proposed tunnel route through the golf course to the shoreline then, reconnecting with Route Alternative 1 following along the shore to Lydgate Park.

This preference is so noted.

However, even this alternative has serious environmental constraints. There are at least two major "pinch" points between the driving range and Lydgate Park that concern us.

The first is in front of the driving range. This area has traditionally experienced erosion problems that threatened the driving range fence.

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Data collected in our analysis agree that this is an area of high erosion potential. Although rates as high as 1.5 ft/yr are calculated, it is not clear if these are consistent year after year, or if they are related to severe erosion in response to storm events.

The other pinch point is in front of the seventeenth green (signature hole). It will be difficult and expensive to maintain a pathway through this area due to persistent erosion hazards. Both of these areas are subject to coastal erosion as evidenced by the shoreline revetment that was built in 1988.

We agree that both these areas are subject to high erosion hazards and will need specific design considerations. However, given the presence of a relatively wide beach in both areas, we feel that a strong dune nourishment program, perhaps with special emphasis in these two areas, will provide some mitigation of the erosion hazard. It wil be important to monitor the shoreline and nourishment projects carefully in these two areas and to design a path structure that can be easily modified should erosion pose a threat.

The area south of Connection Point D may be subject to chronic erosion and any pathway built in this area will need to follow DLNR shoreline standards requiring that it is set back a sufficient distance from the certified shoreline that it would not be affected by shoreline recession for at least 70 years plus 40 feet (70 times annual erosion rate plus 40 feet).

As long sections of this beach have low chronic erosion rates, and possess evidence of a remnant dune system, this is seen as a feasible requirement.

The published erosion data (1) suggests the southern portion of the project area is relatively stable due to stable beachrock outcrops at the waterline, but that the northern portion is subject to "severe chronic erosion since 1950."

Southern areas of the golf course have experienced up to 58 feet of erosion up to 1988 (-1.75ft/yr).

The entire southern golf course area is subject to chronic erosion with annual erosion rates between –1.75 ft/yr and –1.12ft/yr. Since this area is not yet developed, it may be possible to locate the pathway further inland from the shoreline and dune.

So noted.

The northern extent appears to be more stable with dynamic shoreline history, but little to no erosion mapped.

So noted.

More recent erosion data (1927 to 2002) from Dr. Charles Fletcher of the University of Hawaii provides some insight on the recent erosion trends and suggests erosion rates along the golf course are highly variable but can reach 1 to 2 ft/yr. Dr. Fletcher's report also indicates the northern portion of the project is subject to large erosion rates that exceed 3 ft/yr in select locations. This information should be carefully considered when assessing the location of the proposed pathway.

We agree and will use the erosion rate information, as recommended, for the final path alignment assessment.

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Mr. Sam Lemmo
March 28, 2006
Page Three of Four

It is the Departments' belief the differences between Dr. Fletcher's report and the previous 1991 erosion report result from the type of shoreline reference feature utilized in each study.

In Dr. Fletcher's report, the "toe" or step crest of the beach was utilized as a reference feature to map shoreline change. This feature more accurately measures changes to the seaward beach face where it intersects the ocean.

The 1991 report used the vegetation line and thus reflects the dynamic nature of the coastal dune and vegetation. The apparent difference between the two studies suggests that the beach responds bimodally with the foreshore sporadically eroding, but generally stable, as Dr. Fletcher's study indicates, while the back each and dune system appear to be chronically eroding and moving landward rapidly.

For the purpose of the project, we are concerned with the apparent migration of the coastal dune landward, as it pertains to the siting of the proposed walkway.

*We understand your concerns. The entire path system was planned under the belief that it is subject to both chronic and episodic erosion hazards along its entire length. At no point do we rely upon the shoreline to be stable – hence the application of dune restoration as a mitigant. For your information, we also included a wooden boardwalk option for on top of the reconstructed dunes as an alternative to the helical pile boardwalk in the Draft EA. The wooden path system along with informational signs can be modeled after those found in the National Shoreline system. Ten (10)**National Seashores** have been established on the Atlantic, Gulf and Pacific coasts; some are developed and some relatively primitive. See the following web sites for additional information:*
http://usparks.about.com/blparktypes-ns.htm
http://www.nps.gov/legacy/nomenclature.html

The remainder of the pathway rounds a rocky headland that is void of sandy beach. However, the abandoned railway grade through this area appears to be located too close to the sea to safely accommodate a pedestrian path, and any such path should be located mauka of this feature.

One deficiency in the DEA is the lack of a certified shoreline. Because this is a shore-parallel pathway, a shoreline delineation and certification should be completed prior to any major environmental project planning and evaluation. Shoreline location may be a significant factor in siting and may even factor into major project modifications.

Once a determination is made regarding the preferred alignment, any areas of the path that will interact with the shoreline will be surveyed and certified prior to final alignment. The location of the path will conform to all requirements for setbacks.

A Conservation District Use Application (CDUA) will need to be filed with the OCCL prior to any project work being conducted. We will require a shoreline certification as part of the application process.

Should the path be located in the area of the shoreline or within a Conservation District, a certified shoreline and CDUA will be prepared and submitted as required.

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Mr. Sam Lemmo
March 28, 2006
Page Four of Four

Respectfully submitted,

Merle D. Grimes

Merle D. Grimes

Cc: Douglas Haigh

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STATE OF HAWAI'I
OFFICE OF HAWAIIAN AFFAIRS
711 KAPI'OLANI BOULEVARD, SUITE 500
HONOLULU, HAWAI'I 96813

HRD05/2166

January 3, 2005

Merle D. Grimes
Merle D. Grimes, LLC
1042 Broken Arrow Circle
Elizabeth, CO 80107

RE: Draft Environmental Assessment for the Proposed Ahukini to Lydgate Park Bike and Pedestrian Path, Ahukini Point to Lydgate Park, Kaua'i, Various TMKs.

Dear Merle D. Grimes,

The Office of Hawaiian Affairs (OHA) is in receipt of your December 11, 2005 request for comment on the above listed proposed project. OHA offers the following comments:

Our staff has reviewed the Draft Environmental Assessment (DEA) for the above stated proposed project and has several preliminary comments. These are:

1) Due to the fact that the Alternative 2 alignment may jeopardize the integrity of a burial interment site (see Plate 3.2 of the DEA), OHA recommends that the Alternative 1 alignment be implemented.

2) If Alternative 2, or portions of this alternative, is/are chosen, an adequate buffer of at least 30 feet should be created surrounding the Kuhio Highway interment site.

3) As much as possible the contractor should avoid ground altering activities where sandy sediments predominate. Where possible, it would be appropriate to compact existing sediment to achieve structural integrity. This should be done to minimize potential impacts to human burials and subsurface cultural deposits.

4) A stipulation needs to be made in the Archaeological Monitoring Plan that all earth disturbing activities should be monitored by a professional archaeologist. It is appropriate that monitoring occur on an 'on-site' basis rather than an 'on-call' or spot check basis. The Plan should also state that one archaeological monitor shall be present per each piece of earth disturbing equipment (i.e. three simultaneous excavations shall require the presence of three archaeological monitors).

5) While the word Hawai'i takes the diacritical glottal stop ('okina), the word Hawaiian does not. This error is found throughout the document and particularly on page 10 of the DEA.

6) The Hawaiian pāpio (Trevally sp.) is incorrectly referred to as an 'ulna' on page 209 of the DEA. The correct Hawaiian name for the adult pāpio is ulua.

7) Simple grammar issues such as missing punctuation (page 221) are found throughout the document. The DEA should be thoroughly edited before a Final Environmental Assessment is submitted in support of this project.

OHA further requests your assurances that if the project goes forward, should iwi or Native Hawaiian cultural or traditional deposits be found during ground disturbance, work will cease, and the appropriate agencies will be contacted pursuant to applicable law.

Thank you for the opportunity to comment. If you have further questions or concerns, please contact Jesse Yorck at (808) 594-0239 or jessey@oha.org.

'O wau iho nō,

Clyde W. Nāmu'o
Administrator

CC: La France Kapaka-Arboleda
OHA Community Affairs Coordinator (Kaua'i)
3-3100 Kuhio Hwy., Suite C4
Lihue, HI 96766-1153

MERLE D. GRIMES, LLC

Mr. Clyde W. Namu'o
Administrator
State of Hawai'i
Office of Hawaiian Affairs
711 Kapi'olani Boulevard, Suite 500
Honolulu, Hawai'i 96813

HRD05/2166

April 10, 2006

Subject: Response to Comment Letter dated January 3, 2006 for the Ahukini to Lydgate Park Bicycle/Pedestrian Path - Draft Environmental Assessment (DEA) dated November 22, 2005

Dear Mr. Namu'o:

Thank you so much for your time in reviewing the Draft Environmental Assessment for the above mentioned path project, and submitting your comments regarding same. With this correspondence, we would like to respond to each of your issues and concerns as listed. Please find your comments in regular type and font, and the response to each in italics. Path alignment alternatives were determined through a process, which included three public meetings/workshops (one specific for the Wailua Golf Course reach and two for the entire project area) and meetings with stakeholders such as the Wailua Golf Course management, regulatory agencies and landowners. The Draft Environmental Assessment includes meeting minutes for each of these meetings.

At this time, there is no preferred path alignment. The County of Kauai will make the final determination for best alignment alternative once the public comment period is concluded and all of the issues have been identified.

The Office of Hawaiian Affairs is in receipt of your December 11, 2005 request for comment on the above listed proposed project. OHA offers the following comments:

Our staff has reviewed the Draft Environmental Assessment (DEA) for the above stated proposed project and has several preliminary comments. These are:

1) Due to the fact that the Alternative 2 alignment may jeopardize the integrity of a burial internment site (see Plate 3.2 of the DEA), OHA recommends that the Alternative 1 alignment be implemented.

So noted.

2) If Alternative 2, or portions of this alternative, is/are chosen, an adequate buffer of at least 30 feet should be created surrounding the Kuhio Highway internment site.

The following is an excerpt on the issue of the highway alignment from the comment letter dated February 19,2006, Melanie Chinen, Administrator, SHPD. "This alternative would require an archaeological inventory survey plan, testing, and may require monitoring because the potential exists for subsurface habitation deposits and human burials in the route Right-of-Way (ROW). Depending on the findings, further archaeological work may be required. If human remains are found within the corridor, preservation in place may be the recommend option." Further, in SHPD's comment letter, "Alternative 2 (Kapule/Kuhio Highway) is an acceptable option."

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3) As much as possible, the contractor should avoid ground-altering activities where sandy sediments predominate. Where possible, it would be appropriate to compact existing sediment to achieve structural integrity. This should be done to minimize potential impacts to human burials and subsurface cultural deposits.

So noted. This protocol and information will be communicated to the appropriate agencies, individuals and/or organizations prior to construction activities.

4) A stipulation needs to be made in the Archaeological Monitoring Plan that all earth disturbing activities should be monitored by a professional archaeologist.

This stipulation is so noted.

It is appropriate that monitoring occur on an "on-site" basis rather than an "on-call" or spot check basis.

This issue is to be addressed by the Archaeological Monitoring plan subject to SHPD's approval.

The plan should also state that one archaeological monitor shall be present per each piece of earth disturbing equipment (i.e. three simultaneous excavations shall required the presence of three archaeological monitors).

This issue is to be addressed by the Archaeological Monitoring plan subject to SHPD's approval.

5) While the word Hawai'i takes the diacritical glottal stop ('okina), the word Hawaiian does not. This error is found throughout the document and particularly on page 10 of the DEA.

We were unaware of this convention, and will make corrections in the final EA.

6) The Hawaiian papio (Trevally sp.) is incorrectly referred to as an 'ulna' on page 209 of the DEA. The correct Hawaiian name for the adult papio is ulua.

Thank you for this clarification. We will correct this in the final EA.

7) Simple grammar issues such as missing punctuation (page 221) are found throughout the document. The DEA should be thoroughly edited before a Final Environmental Assessment is submitted in support of this project.

The sentence fragments in the Meeting Minutes will be corrected, as well as a more thorough grammatical check for the document as recommended.

OHA further requests your assurances that if the project goes forward, should iwi or Native Hawaiian cultural or traditional deposits be found during ground disturbance, work will cease, and the appropriate agencies will be contacted pursuant to applicable law.

This issue is to be addressed by the Archaeological Monitoring plan subject to SHPD's approval.

Thank you for the opportunity to comment. If you have further questions or concerns, please contact Jesse Yorck at (808) 594-0239 or jesseyo@oha.org.

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The planning and permitting team agrees with you and feels that the design solutions we are developing will be in concert with your concerns. Feel free to contact me further if you have other concerns or ideas regarding this project.

Sincerely,

Merle D. Grimes

Cc: Mr. Douglas Haigh

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3

February 14, 2006

Mr. Merle D. Grimes, President
Merle D. Grimes, LLC
1042 Broken Arrow Circle
Elizabeth, CO 80107

Re: Draft Environmental Assessment Comments

Dear Mr. Grimes:

The following comments are specific to that section of the pathway at Wailua Golf Course only.

Alternative 1 – Coastal Path Alignment Alternative

Construction of the coastal route of the pathway will have a significant negative impact on the golf course for the following reasons:

1.6.6.2 Shoreline Setback: The shoreline setback is forty feet from the certified shoreline, which essentially is where the vegetation line begins. As of this assessment, the certified shoreline has not been determined. The vegetative line on holes one, two and seventeen begins on the golf course. Forty feet into the golf course from the existing vegetative line with the addition of the width required for the pathway is a significant encroachment onto the golf course.

Hole #1: This could put the pathway nearly one half way into the first hole fairway, an unacceptable consequence. Realignment of the hole and the relocating the green would be required. There is no room to relocate the green. This will also impact the number nine hole and require significant change to the alignment of that hole too. The limited space available in this area makes this impractical.

Hole #2: The second hole will not be as severely impacted but the encroachment of the pathway into the second hole will also alter the design and playability of the hole. Again, an unacceptable consequence.

Hole #17: The seventeenth hole is Wailua Golf Course's signature hole. The shoreline setback will put the pathway so close to the seventeenth green that the green will have to be relocated. Relocation of the green is a significant negative impact on this hole. The quality of the hole will be tremendously diminished. Relocation of the green is an unacceptable option.

Driving Range: Without a certified shoreline, the possibility exists that the driving range netting may have to be relocated inland. The driving range is short as it is and shortening it any more will allow golf balls hit on the driving range to go over the net, putting beach goers and pathway users in jeopardy of being hit by a golf ball.

Alternative 2 – Kapule/Kuhio Highway Path Alignment Alternative

This is a more acceptable route but one that still impacts the golf course negatively.

Hole #5: The back tee complex will have to be relocated to provide enough room for the pathway as well as keeping the teeing ground far enough away from the pathway that golfers are not bothered by pedestrian noise.

Hole #10: The back tee complex will have to be relocated to accommodate the pathway. The tee complex on this hole was relocated to its present location for the purpose of protecting Kuhio Highway from errant tee shots. The lack of space in this area does not allow for the teeing ground to be moved without significantly affecting the playability of this hole. Moving the teeing ground back to its original location is not an option due to the safety concerns for the highway.

Irrigation Pump Station: Also impacted in this area will be the golf course irrigation pump station. Again, space is a premium in this area and relocating the pump station is not an option due to the large, underground irrigation lines going to and from the pump station as well as the lack of space.

Sub-Alternative 3 – Ocean Bay Plantation – Upper Cane Haul Raod

This is my first choice of pathway routing. There is no impact on the golf course. Utilizing the former cane haul road keeps the pathway far from vehicular traffic. Impact on the environment is minimal.

Sub-Alternative 6 – Wailua Golf Course Tunnel

This alternative puts the pathway in a location that brings pedestrian traffic onto the golf course to the #1 teeing ground and behind the #9 green. As depicted in the pictures, portions of the tunnel will be hidden by landscaping. Current golf course maintenance staffing levels are inadequate to maintain the addition of this landscaping. Fencing both sides of the pathway from the driving range net to the back of the number nine green will be an eyesore. Any landscaping installed to hide the fencing becomes more work for the already understaffed golf course maintenance crew. Also, any time pedestrians are brought that close to in-play areas, noise to golfers becomes an issue. Located in the area near the number one teeing ground is sacred Hawaiian ground.

Summary

As you have read, my first choice is to have no impact on Wailua Golf Course. I believe Alternatives 1, 2 and Sub-Alternative 6 present too much of a negative impact on the golf course. Wailua Golf Course is Hawaii's number one municipal facility and rated among the State's best golf courses. My responsibility to the golfing community of Kauai as well as players across the State is to maintain the integrity of Wailua Golf Course.

Sincerely,

Ed Okamoto

Ed Okamoto, CGCS
Executive Assistant to the Mayor
Wailua Municipal Golf Course

CC: Dough Haigh
Donald Fujimoto

MERLE D. GRIMES, LLC

April 10, 2006

Mr. Ed Okamoto, CGCS
Executive Assistant to the Mayor
Wailua Municipal Golf Course
3-5350 Kuhio Hwy
Lihue, HI 96766

Subject: Response to Comment Letter dated February 14, 2006 for the Ahukini to Lydgate Park Bicycle/Pedestrian Path - Draft Environmental Assessment (DEA) dated November 22, 2005

Dear Mr. Okamoto:

Thank you so much for your time in reviewing the Draft Environmental Assessment for the above mentioned path project, and submitting your comments regarding same. With this correspondence, we would like to respond to each of your issues and concerns as listed. Please find your comments in regular type and font, and the response to each in italics. Path alignment alternatives were determined through a process, which included three public meetings/workshops (one specific for the Wailua Golf Course reach and two for the entire project area) and meetings with stakeholders such as the Wailua Golf Course management, regulatory agencies and landowners. The Draft Environmental Assessment includes meeting minutes for each of these meetings.

The following comments are specific to that section of the pathway at Wailua Golf Course only.

Alternative 1 – Coastal Path Alignment Alternative

Construction of the coastal route of the pathway will have a significant negative impact on the golf course for the following reasons:

1.6.6.2 Shoreline Setback: The shoreline setback is forty feet from the certified shoreline, which essentially is where the vegetation line begins. As of this assessment, the certified shoreline has not been determined. The vegetative line on holes one, two and seventeen begins on the golf course. Forty feet into the golf course from the existing vegetative line with the addition of the width required for the pathway is a significant encroachment onto the golf course.

A new shoreline certification must be acquired prior to permitting. If the pathway falls within the setback, a variance will be requested for those sections of the pathway.

Hole #1: This could put the pathway nearly one half way into the first hole fairway, an unacceptable consequence. Realignment of the hole and the relocating the green would be required. There is no room to relocate the green. This will also impact the number nine hole and require significant change to the alignment of that hole too. The limited space available in this area makes this impractical.

The proposed action involves the construction of a sand dune makai of the existing golf course fairway in the area of the 1st and 2nd fairways and greens. The proposed path would sit in top of the newly constructed sand dune and will not be located on what is now, existing golf course property.

Hole #2: The second hole will not be as severely impacted but the encroachment of the pathway into the second hole will also alter the design and playability of the hole. Again, an unacceptable consequence.

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See previous response.

Hole #17: The seventeenth hole is Wailua Golf Course's signature hole. The shoreline setback will put the pathway so close to the seventeenth green that the green will have to be relocated. Relocation of the green is a significant negative impact on this hole. The quality of the hole will be tremendously diminished. Relocation of the green is an unacceptable option.

The proposed path would be located on the slope below the 17th green and will not be seen from the golf course.

Driving Range: Without a certified shoreline, the possibility exists that the driving range netting may have to be relocated inland. The driving range is short as it is and shortening it any more will allow golf balls hit on the driving range to go over the net, putting beach goers and pathway users in jeopardy of being hit by a golf ball.

Final alignment has not been determined. If sections of the pathway fall within the shoreline setback a variance can be requested.

Alternative 2 – Kapule/Kuhio Highway Path Alignment Alternative

This is a more acceptable route but one that still impacts the golf course negatively.

Hole #5: The back tee complex will have to be relocated to provide enough room for the pathway as well as keeping the teeing ground far enough away from the pathway that golfers are not bothered by pedestrian noise.

The proposed path in the area of the 5th tee box will be located near the drainage ditch. A fence and vegetation buffer will be proposed between the back tee box and path in order to reduce negative impacts to golfers. A site visit between you and myself on March 7, 2006 confirmed that this approach was acceptable.

Hole #10: The back tee complex will have to be relocated to accommodate the pathway. The tee complex on this hole was relocated to its present location for the purpose of protecting Kuhio Highway from errant tee shots. The lack of space in this area does not allow for the teeing ground to be moved without significantly affecting the playability of this hole. Moving the teeing ground back to its original location is not an option due to the safety concerns for the highway.

The proposed path will impact approximately ¼ of the back tee box. A fence and vegetation buffer will be planted between the path and back tee box in order to reduce any negative impact to golfers. . A site visit between you and myself on March 7, 2006 confirmed that this approach was acceptable.

Irrigation Pump Station: Also impacted in this area will be the golf course irrigation pump station. Again, space is a premium in this area and relocating the pump station is not an option due to the large, underground irrigation lines going to and from the pump station as well as the lack of space.

The proposed path would be located between the irrigation pump house and highway. A fence will be installed to separate the irrigation pump house from the path. A site visit between you and myself on March 7, 2006 confirmed that this approach was acceptable.

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Mr. Ed Okamoto, CGCS
April 10, 2006
Page Three of Three

Sub-Alternative 3 – Ocean Bay Plantation – Upper Cane Haul Raod

This is my first choice of pathway routing. There is no impact on the golf course. Utilizing the former cane haul road keeps the pathway far from vehicular traffic. Impact on the environment is minimal.

So noted.

Sub-Alternative 6 – Wailua Golf Course Tunnel

This alternative puts the pathway in a location that brings pedestrian traffic onto the golf course to the #1 teeing ground and behind the #9 green. As depicted in the pictures, portions of the tunnel will be hidden by landscaping. Current golf course maintenance staffing levels are inadequate to maintain the addition of this landscaping. Fencing both sides of the pathway from the driving range net to the back of the number nine green will be an eyesore. Any landscaping installed to hide the fencing becomes more work for the already understaffed golf course maintenance crew. Also, any time pedestrians are brought that close to in-play areas, noise to golfers becomes an issue. Located in the area near the number one teeing ground is sacred Hawaiian ground.

The consultant team is working on a maintenance plan for the bike and pedestrian path. Maintenance of the path and path amenities, including landscaping, will become the responsibility of those in charge of path maintenance.

Summary

As you have read, my first choice is to have no impact on Wailua Golf Course. I believe Alternatives 1, 2 and Sub-Alternative 6 present too much of a negative impact on the golf course. Wailua Golf Course is Hawaii's number one municipal facility and rated among the State's best golf courses. My responsibility to the golfing community of Kauai as well as players across the State is to maintain the integrity of Wailua Golf Course.

So noted.

Thank you for this information. At this time, there is no preferred path alignment. The County of Kauai will make the final determination for best alignment alternative once the public comment period is concluded and all of the issues have been identified.

The planning and permitting team agrees with you and feels that the design solutions we are developing will be in concert with your concerns. Feel free to contact me further if you have other concerns or ideas regarding this project.

Sincerely,

Merle D. Grimes

Cc: Doug Haigh

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December 23, 2005

To whom it may concern:

I am employed by the state of Hawaii, Department of Aquatic Resources, as the Kauai Marine Conservation Coordinator. I also work with the National Oceanic and Atmospheric Administration, chiefly for the conservation of the endangered Hawaiian Monk Seal. In the last six months of employment, I have taken over the reporting of monk seal sightings for the National Marine Fisheries Service, responded to harassment calls, coordinated volunteers to assist me with the managing of monk seals when they haul-out onto beaches by putting a "seal protection zone" (SPZ) around them to protect the seals from disturbance and to protect humans from the seals. In addition to field work, I continue to do public education and outreach to inform Hawaii's residents and constantly changing population of visitors about the unique nature and endangered status of the Hawaiian monk seal and its conservation needs. ~~The Hawaiian monk seal is a relatively "new" species to the main Hawaiian Islands, moving from the Northwest Hawaiian Islands and now becoming established on all of the main islands. It has become apparent that there are now~~ There are now "resident" Hawaiian monk seals that are populating and reproducing on ~~the~~ each of the main Hawaiian Islands. All this has necessitated the establishment of my position to protect this endemic species according to the Marine Mammal Act and Endangered Species Act. Currently and in the past, this has been done by the concerted effort of various coordinators, volunteers, organizations, and DLNR employees.

Each day I receive calls from resorts, lifeguards, volunteers, visitors and residents about monk seals that have hauled out to rest on Kauai's beaches. If possible each seal is roped off and warning signs are placed to make a SPZ to protect the seal from disturbance and public from injury. The distance guideline for observing seals is 150 feet, but often there is not that much space on the beach to rope off the seal and allow for this due to ocean conditions and available land. With increasing and multiple uses of the marine environments of Kauai, it is becoming increasingly more challenging to manage the conservation of the Hawaiian monk seals. Often visitors do not know how to behave around wildlife, especially animals as large as monk seals that can be potentially dangerous, so that ensuring public safety becomes a greater demand. Even with the seals in a SPZ, supervision is often required to keep people from entering the SPZ and/or harassing the seal by throwing objects/or making load noises. If the seal is molting or the tide changes they frequently move, necessitating the movement of the SPZ through the day

It has recently come to my attention the decision of the County of Kauai to build a bike path along the east coast stretching from Anahola to Nawiliwili. I understand that the bike path will be done in several phases and that the final plan has not been established for some of the phases. It is my great concern that the construction and establishment of the proposed bike path will have an adverse impact on the Hawaiian monk seals on Kauai. From my current and past records of locations where monk seals haul out on Kauai's beaches there are places where the bike path will be very close to where seals haul-out, especially at high tide. These locations are used fairly consistently by seals, depending on the ocean conditions, and often go unreported when there are few people to observe the seal, or if seen by locals who regularly frequent the area. With the establishment of the bike path, the frequency of human and seal interactions will increase as well as the possibility of harassing the seals and human injury, as seen on heavily used beaches, such as Po'ipu. Often just the presence of people standing on the beach to observe a seal coming to shore will prevent it from being able to haul out in a favored location due to people inadvertently "crowding" the seal. In some areas, it is also my concern that the seals at high tide may actually haul out onto the bike path, as they sometimes do on streets that are adjacent to the shoreline such as Lawai and Aliomanu Road.

I am aware that phase two, from Kapa'a to Kealia has just broken ground for the bike path. I am concerned with its construction that the impact to the seals in that area can be negative due to the presence of people, machinery, building materials and possible runoff onto the beach and ocean. Known haul-out areas include (not exclusively) around Waia'kea Canal, especially "baby beach" on Fuji Beach, Kapa'a Beach County Park, Town Park, and the beach in front of Hotel Coral Reef. At Kealia Beach, the seals often haul out near the river and among the rocks. Going north, seals commonly haul out at Kumukumu Beach, Donkey Beach, near the stream outlet near Ahihi Pt., at Crack 14 and Anapalau. Presently, many of these locations are rarely visited by people due to private property and the rough beach accessibility. With

the placement of a bike path, this will most surely increase the number of humans present and disturbance of the seals.

In the phase three, from Libi Park to Lydgate I am asking that the inland route for the proposed bike path be used instead of the beach route due to the high frequency of haul outs and use of the reef along that area by monk seals. Also, the available beach in this stretch of coast is narrow and already frequently occupied by tenants at the resorts and condominiums in Papaloa. Seals are regularly found on the beaches in front of the Marriott Courtyard, Coconut Plantation Resort, Kauai Coast, Islander, Kauai Sands, Lae Nani, Lani Kai, and Kapaa Sands (frequency being at one of these locations 2 or 3 times in a week).

Phase four which stretches from Lydgate Park to Ahukini is now also being considered and with an Environmental Assessment being prepared. The beach called "Kitchen's Beach" is frequently used by fisherman and beachgoers that drive on the beach and currently poses many management problems for monk seal conservation as seals are harassed and/or prevented from going on the beach by ATV's and vehicular traffic. Nukolii Beach Park is frequent haul out beach for seals, with seals either on the exposed reef at low tide or up in the naupuka and beach grass during the high tide.

It is my hope that if the County of Kauai pursues the proposed bike path that it, and all parties involved will take into consideration the negative impact it will most likely have on the endangered Hawaiian monk seals. The placement of the concrete pathway will require future planning and funding for its maintenance and management of the environs around it as increased numbers of people will be accessing the east coast. Already, our beaches at Ke'e, Haena and Polihale, to name a few, are being heavily used and stressed. It is apparent that there are not enough resources and management to maintain the facilities and protect the environment at these sites. Presently, it is difficult enough to protect the Hawaiian monk seals in the locations that people already use, that I can not imagine what it will require once the bike path and adjacent beaches are being used. If a more inland route can be used, I ask that it be used to preserve the monk seals and in those places where the bike path will go along the coast, that measures be taken to mitigate its impact in its construction and then future use (signs, rails, fencing, and vegetation to hide and protect the seals). This species historically has been known to be sensitive to human disturbance and over time in the Northwest Hawaiian Islands have dropped in numbers, as recorded on Midway Island. As we continue to develop Kauai and increase the human uses of the beaches, the future impact on the marine environment and its species must be taken into consideration. This must be done with wise and good stewardship if we are to enjoy and share the beautiful beaches we now have for perpetuity.

Sincerely,

Michele Olry

MERLE D. GRIMES, LLC

Dr. Michele Olry
Marine Conservation Coordinator
DLNR
Division of Aquatic Resources
3060 Eiwa Street Room 306
Lihue, HI 96766

March 28, 2006

Subject: Response to Comment Letter dated January 9, 2006, for the Ahukini to Lydgate Park Bicycle/Pedestrian Path - Draft Environmental Assessment (DEA) dated December 23, 2005

Dear Dr. Olry:

Thank you so much for your time in reviewing the Draft Environmental Assessment for the above mentioned path project, and submitting your comments regarding same. With this correspondence, we would like to respond to each of your issues and concerns as listed. Please find your comments in regular type and font, and the response to each in italics.

I am employed by the state of Hawaii, Department of Aquatic Resources, as the Kauai Marine Conservation Coordinator. I also work with the National Oceanic and Atmospheric Administration, chiefly for the conservation of the endangered Hawaiian Monk Seal. In the last six months of employment, I have taken over the reporting of monk seal sightings for the National Marine Fisheries Service, responded to harassment calls, coordinated volunteers to assist me with the managing of monk seals when they haul-out onto beaches by putting a "seal protection zone" (SPZ) around them to protect the seals from disturbance and to protect humans from the seals. In addition to field work, I continue to do public education and outreach to inform Hawaii's residents and constantly changing population of visitors about the unique nature and endangered status of the Hawaiian monk seal and its conservation needs.

There are now resident monk seals that are populating and reproducing on each of the main Hawaiian Islands. All this has necessitated the establishment of my position to protect this endemic species according to the Marine Mammal Act and Endangered Species Act. Currently and in the past, this has been done by the concerted effort of various coordinators, volunteers, organizations, and DLNR employees.

Each day I receive calls from resorts, lifeguards, volunteers, visitors and residents about monk seals that have hauled out to rest on Kauai's beaches. If possible each seal is roped off and warning signs are placed to make a SPZ to protect the seal from disturbance and public from injury. The distance guideline for observing seals is 150 feet, but often there is not that much space on the beach to rope off the seal and allow for this due to ocean conditions and available land. With increasing and multiple uses of the marine environments of Kauai, it is becoming increasingly more challenging to manage the conservation of the Hawaiian monk seals. Often visitors do not know how to behave around wildlife, especially animals as large as monk seals that can be potentially dangerous, so that ensuring public safety becomes a greater demand. Even with the seals in a SPZ, supervision is often required to keep people from entering the SPZ and/or harassing the seal by throwing objects/or making loud noises. If the seal is molting or the tide changes they frequently move, necessitating the movement of the SPZ through the day

It has recently come to my attention the decision of the County of Kauai to build a bike path along the east coast stretching from Anahola to Nawiliwili. I understand that the bike path will be one in several phases and that the final plan has not been established for some of the phases.

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Dr. Michele Olry
March 28, 2006
Page Two of Four

It is my great concern that the construction and establishment of the proposed bike path will have an adverse impact on the Hawaiian monk seals on Kauai. From my current and past records of locations where monk seals haul out on Kauai's beaches there are places where the bike path will be very close to where seals haul-out, especially at high tide. These locations are used fairly consistently by seals, depending on the ocean conditions, and often go unreported when there are few people to observe the seal, or if seen by locals who regularly frequent the area. With the establishment of the bike path, the frequency of human and seal interactions will increase as well as the possibility of harassing the seals and human injury, as seen on heavily used beaches, such as Po'ipu. Often just the presence of people standing on the beach to observe a seal coming to shore will prevent it from being able to haul out in a favored location due to people inadvertently "crowding" the seal. In some areas, it is also my concern that the seals at high tide may actually haul out onto the bike path, as they sometimes do on streets that are adjacent to the shoreline such as Lawai and Aliomanu Road.

I am aware that phase two, from Kapa'a to Kealia has just broken ground for the bike path. I am concerned with its construction that the impact to the seals in that area can be negative due to the presence of people, machinery, building materials and possible runoff onto the beach and ocean. Known haul-out areas include (not exclusively) around Waia'kea Canal, especially "baby beach" on Fuji Beach, Kapa'a Beach County Park, Town Park, and the beach in front of Hotel Coral Reef.

This section is not part of this phase of the project which is from Ahukini Point to the south end of Lydgate Park. Your concerns for this area should be directed to the design and/or permitting team working on that phase of the bike and pedestrian path. Mr. Doug Haigh, with the County of Kauai Public Works Department can give you specifics of the right person to send these concerns.

At Kealia Beach, the seals often haul out near the river and among the rocks. Going north, seals commonly haul out at Kumukumu Beach, Donkey Beach, near the stream outlet near Ahihi Pt., at Crack 14 and Anapalau. Presently, many of these locations are rarely visited by people due to private property and the rough beach accessibility. With the placement of a bike path, this will most surely increase the number of humans present and disturbance of the seals.

The areas that you mention above are not within our study area for the Ahukini to Lydgate Park bike and Pedestrian Path.

In the phase three, from Lihi Park to Lydgate I am asking that the inland route for the proposed bike path be used instead of the beach route due to the high frequency of haul outs and use of the reef along that area by monk seals.

The Lihi Park to Lydgate Park reach is also not within our study area. .

Also, the available beach in this stretch of coast is narrow and already frequently occupied by tenants at the resorts and condominiums in Papaloa. Seals are regularly found on the beaches in front of the Marriott Courtyard, Coconut Plantation Resort, Kauai Coast, Islander, Kauai Sands, Lae Nani, Lani Kai, and Kapaa Sands (frequency being at one of these locations 2 or 3 times in a week).

These are all areas outside of the limits of this phase of the project under consideration with this Draft EA.

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Dr. Michele Olry
March 28, 2006
Page Three of Four

Phase four which stretches from Lydgate Park to Ahukini is now also being considered and with an Environmental Assessment being prepared. The beach called "Kitchen's Beach" is frequently used by fisherman and beachgoers that drive on the beach and currently poses many management problems for monk seal conservation as seals are harassed and/or prevented from going on the beach by ATV's and vehicular traffic. Nukolii Beach Park is frequent haul out beach for seals, with seals either on the exposed reef at low tide or up in the naupaka and beach grass during the high tide.

Proper signage and the use of railings (where appropriate) will be provided so that the pathway is a guided learning experience for users where they are taught about marine and littoral ecosystems. By embedding in the learning experience, a consciousness to leave monk seals, migratory and resident birds, native flora, and natural shoreline terrain undisturbed, we can go beyond simple prohibition signs to protect the environmental and enrich users simultaneously.

Should an environmental restoration component of this project be incorporated in the final path alignment, the restoration aspect will broaden the beach, re-establish the lost dune system, prohibit vehicular traffic, and enhance the native ecosystem on the beach. If an effective signage and railing component can be established, such that users come to understand that leaving the pathway can be environmentally destructive, we believe the monk seal population, and perhaps the bird populations can be positively impacted by the project.

It is my hope that if the County of Kauai pursues the proposed bike path that it, and all parties involved will take into consideration the negative impact it will most likely have on the endangered Hawaiian monk seals. The placement of the concrete pathway will require future planning and funding for its maintenance and management of the environs around it as increased numbers of people will be accessing the east coast. Already, our beaches at Ke'e, Haena and Polihale, to name a few, are being heavily used and stressed.

We will bring your concerns directly to the County of Kauai for consideration as they make the decisions on final alignment for this phase of the path project.

It is apparent that there are not enough resources and management to maintain the facilities and protect the environment at these sites. Presently, it is difficult enough to protect the Hawaiian monk seals in the locations that people already use, that I can not imagine what it will require once the bike path and adjacent beaches are being used. If a more inland route can be used, I ask that it be used to preserve the monk seals and in those places where the bike path will go along the coast, that measures be taken to mitigate its impact in its construction and then future use (signs, rails, fencing, and vegetation to hide and protect the seals). This species historically has been known to be sensitive to human disturbance and over time in the Northwest Hawaiian Islands have dropped in numbers, as recorded on Midway Island.

There are stretches of this corridor adjacent to resort properties, either currently developed or planned for development. This is a developed area with ever increasing public use and the current condition without a coastal path will result in areas where there is no easy access except through potential monk seal beaching areas. A coastal path would provide an alternative route away from the monk seal beaching areas. If the path is placed too far inland, it would not serve this function.

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Dr. Michele Olry
March 28, 2006
Page Four of Four

As the final path alignment is determined, the County will consult with the NOAA's National Marine Fisheries Service and your agency to determine mitigation measures where necessary.

As we continue to develop Kauai and increase the human uses of the beaches, the future impact on the marine environment and its species must be taken into consideration. This must be done with wise and good stewardship if we are to enjoy and share the beautiful beaches we now have for perpetuity.

This design and permitting team agrees with you and feel that the design solutions we are developing will be in concert with your concerns.

Respectfully submitted,

Merle D. Grimes

Merle D. Grimes

Cc: Mr. Douglas Haigh

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LINDA LINGLE
GOVERNOR OF HAWAII

STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
DIVISION OF AQUATIC RESOURCES
1151 PUNCHBOWL ST., ROOM 330
HONOLULU, HAWAII 96813

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

ROBERT K. MASUDA
DEPUTY DIRECTOR - LAND

DEAN NAKANO
ACTING DEPUTY DIRECTOR - WATER

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

January 9, 2006

Mr. Douglas Haigh
Department of Public Works
County of Kauai
4444 Rice St.
Lihue, HI 96766

Subject: Ahukini to Lydgate Park Bicycle/Pedestrian Path, Draft Environmental Assessment (DEA) dated November 22, 2005

Dear Mr. Haigh:

Regarding the above-referenced DEA, we are concerned that the routing of the path described in the preferred action may cause adverse impacts to Hawaiian monk seals and their shoreline habitat.

Hawaiian monk seals are known to use the beaches and shoreline in the project area for hauling out to rest, molt and possibly to give birth and nurse their pups. If the path comes too close to these haul out areas, seals are likely to be disturbed and displaced by the human activity associated with the path.

NOAA's National Marine Fisheries Service, the federal agency responsible for protection of Hawaiian monk seals under the federal Endangered Species Act and Marine Mammal Protection Act recommends maintaining a minimum distance of 150 feet between humans and monk seals to avoid disturbance and possible "take" of the animals as defined in the above-mentioned federal statutes. We recognize that maintaining this distance may not be practicable in some cases, but it appears that the path as proposed in the preferred action will cause path user traffic to be as close as 20 feet from important seal habitat in some areas, especially at high tide. This distance is generally considered to be too close to prevent seal disturbance or displacement from their habitat.

Considering the concerns discussed above, we recommend that all possible measures be taken to maximize the distance between the path and the shoreline throughout the entire proposed project area. Given the numerous factors involved, instead of our suggesting a set minimum distance between the makai edge of the path and the certified shoreline, we suggest that you and/or your staff consult with NOAA's National Marine Fisheries Service and my staff to develop a set of

Letter to Mr. Douglas Haigh
January 9, 2006
Page 2 of 2

guidelines regarding the best placement of the path relative to the shoreline for monk seal conservation purposes.

Assuming the path is routed to minimize our monk seal disturbance concerns, we would be happy to work with your agency and partners to develop education signage regarding the seals and other marine wildlife the path users may encounter.

Thank you for considering our comments, should you have any questions or require additional information, please contact Jeff Walters of my staff at 808-587-0106. Please note that these comments are restricted to marine endangered species concerns, other comments regarding other natural resource concerns may be provided by the DLNR under separate cover.

Sincerely,

Dan Polhemus
Administrator

c: Sam Lemmo, DLNR OCCL
√Merle D. Grimes
Naomi McIntosh, NOAA HIHWNMS
Genevieve K.Y. Salmonson, DOH OEQC
Chris Yates, NOAA NMFS

MERLE D. GRIMES, LLC

Mr. Dan Polhemus
Administrator Division of Aquatic Resources
DLNR
1151 Punchbowl St. Room 330
Honolulu, HI 96813

April 10, 2006

Subject: Response to Comment Letter dated January 9, 2006, for the Ahukini to Lydgate Park Bicycle/Pedestrian Path - Draft Environmental Assessment (DEA) dated November 22, 2005

Dear Mr. Polhemus:

Thank you so much for your time in reviewing the Draft Environmental Assessment for the above mentioned path project, and submitting your comments regarding same. With this correspondence, we would like to respond to each of your issues and concerns as listed. Please find your comments in regular type and font, and the response to each in italics.

Regarding the above-referenced DEA, we are concerned that the routing of the path described in the preferred action may cause adverse impacts to Hawaiian monk seals and their shoreline habitat.

Hawaiian monk seals are known to use the beaches and shoreline in the project area for hauling out to rest, molt and possibly to give birth and nurse their pups. If the path comes too close to these haul out areas, seals are likely to be disturbed and displaced by the human activity associated with the path.

NOAA's National Marine Fisheries Service, the federal agency responsible for protection of Hawaiian monk seals under the federal Endangered Species Act and Marine Mammal Protection Act recommends maintaining a minimum distance of 150 feet between humans and monk seals to avoid disturbance and possible "take" of the animals as defined in the above-mentioned federal statutes. We recognize that maintaining this distance may not be practicable in some cases, but it appears that the path as proposed in the preferred action will cause path user traffic to be as close as 20 feet from important seal habitat in some areas, especially at high tide. This distance is generally considered to be too close to prevent seal disturbance or displacement from their habitat.

Considering the concerns discussed above, we recommend that all possible measures be taken to maximize the distance between the path and the shoreline throughout the entire proposed project area. Given the numerous factors involved, instead of our suggesting a set minimum distance between the makai edge of the path and the certified shoreline, we suggest that you and/or your staff consult with NOAA's National Marine Fisheries Service and my staff to develop a set of guidelines regarding the best placement of the path relative to the shoreline for monk seal conservation purposes.

The concern regarding monk seals is a serious aspect of path design and layout. It is important that path users understand the need to avoid contact with, and disturbance of resting seals as well as other native fauna and flora.

With proper signage and the use of railings, we believe the pathway can be a guided learning experience for users where they are taught about marine and littoral ecosystems. By embedding

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Mr. Dan Polhemus
April 10, 2006
Page Two of Two

in the learning experience a consciousness to leave monk seals, migratory and resident birds, native flora, and natural shoreline terrain undisturbed, we can go beyond simple prohibition signs to protect the environmental and enrich users simultaneously. This same approach is employed within the national shoreline system on the mainland where wooden walkways and railings are used with educational signs to guide the user experience and prevent traffic onto the native environment

Should an environmental restoration component of this project be incorporated in the final path alignment, the restoration aspect will broaden the beach, re-establish the lost dune system, prohibit vehicular traffic, and enhance the native ecosystem on the beach. If an effective signage and railing component can be established, such that users come to understand that leaving the pathway can be environmentally destructive, we believe the monk seal population, and perhaps the bird populations can be positively impacted by the project.

Assuming the path is routed to minimize our monk seal disturbance concerns, we would be happy to work with your agency and partners to develop education signage regarding the seals and other marine wildlife the path users may encounter.

When we met with Dr. Jeff Walters on August 12, 2005, Manager for the Hawaiian Islands Humpback Whale program of the National Marine Sanctuary, Division of Aquatic Resources, he also offered to assist the team with graphics and wording for interpretive signage. He also suggested we meet with Dr. Mimi Olry, whom he says knows the most about the best locations for locating interpretive signs. As a result, later in the week, we met with Mimi Olry and Don Heacock to discuss this issue as well as other environmental issues.

Thank you for considering our comments, should you have any questions or require additional information, please contact Jeff Walters of my staff at 808-587-0106. Please note that these comments are restricted to marine endangered species concerns, other comments regarding other natural resource concerns may be provided by the DLNR under separate cover.

We understand and appreciate your comments and concerns. If you have further thoughts on this subject, please feel free to get back in touch with me.

Sincerely,

Merle D. Grimes

CC: Douglas Haigh

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09:46:31 12-21-2005 1/2

LINDA LINGLE
GOVERNOR OF HAWAII

GENEVIEVE SALMONSON
DIRECTOR

STATE OF HAWAII
OFFICE OF ENVIRONMENTAL QUALITY CONTROL

235 SOUTH BERETANIA STREET
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HONOLULU, HAWAII 96813
TELEPHONE (808) 586-4185
FACSIMILE (808) 586-4186
E-mail: oeqc@health.state.hi.us

December 21, 2005

Doug Haigh
Department of Public Works
4444 Rice Street
Lihue, Hawaii 96766

Dear Mr. Haigh:

Subject: Draft Environmental Assessment (EA)
Ahukini to Lydgate Park Bike/Pedestrian Path

We have the following comments to offer:

Photographs: We would like to commend you on the liberal use of photographs and graphics throughout the text. They are a great help in visualizing the activity in the proposed environment.

Two-sided pages: Please print on both sides of the pages in the final document to reduce bulk and save on paper. HRS 342G-44 requires double-sided copying in all state and county agencies, offices and facilities.

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

Segmentation: Section 10.1 discusses the six sections of the Kauai Coastal Path, each to be disclosed in a separate EA. The environmental impact statement law prohibits segmentation of larger projects and requires that full disclosure of impacts be made on projects in their entirety. Provide a full analysis and discussion of all sections that are currently in the planning or pre-planning phase.

Terminology: The term "sub-reach" is used in the text. In the final EA define this term.

Contacts: In the final EA include copies of any correspondence received or sent during the pre-consultation phase in addition to the draft EA review period.

Permits: Section 1.4 lists permits required and those potentially required. If you know which will definitely be required at the time of finalization of the EA, revise this section accordingly.

12/21/05 WED 12:29 [TX/RX NO 8473]

09:46:55 12-21-2005 2/2

Doug Haigh
December 21, 2005
Page 2

Table of contents: Inclusion of the figures and exhibits in the table of contents would be very helpful for the reviewer. Please add this to the final EA.

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

Sincerely,

GENEVIEVE SALMONSON
Director

c: Merle Grimes, MDG, LLC

12/21/05 WED 12:28 [TX/RX NO 8473]

MERLE D. GRIMES, LLC

April 11, 2006

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

Subject: Response to Comment Letter dated December 21, 2006 for the Ahukini to Lydgate Park Bicycle/Pedestrian Path - Draft Environmental Assessment (DEA) dated November 22, 2005

Dear Ms. Salmonson:

Thank you so much for your time in reviewing the Draft Environmental Assessment for the above mentioned path project, and submitting your comments regarding same. With this correspondence, we would like to respond to each of your issues and concerns as listed. Please find your comments in regular type and font, and the response to each in italics. Path alignment alternatives were determined through a process, which included three public meetings/workshops (one specific for the Wailua Golf Course reach and two for the entire project area) and meetings with stakeholders such as the Wailua Golf Course management, regulatory agencies and landowners. The Draft Environmental Assessment includes meeting minutes for each of these meetings.

At this time, there is no preferred path alignment. The County of Kauai will make the final determination for best alignment alternative once the public comment period is concluded and all of the issues have been identified.

We have the following comments to offer:

Photographs: We would like to commend you on the liberal use of photographs and graphics throughout the text. They are a great help in visualizing the activity in the proposed environment.

So noted. We appreciate your opinion on this.

Two Sided Pages: Please print on both sides of the pages in the final document to reduce bulk and save on paper. HRS 342G-44 required double-sided copying in all state and county agencies offices and facilities.

Where possible, we will accommodate this requirement. The number of 11 x 17 sheet sizes with maps, photos and graphics makes the orchestration of double siding the entire document a monumental task, but we will double side what is feasible in the final document as required.

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

So noted.

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Ms. Genevieve Salmonson
April 11, 2006
Page Two of Three

Segmentation: Section 10.1 discusses the six sections of the Kauai Coastal Path, each to be disclosed in a separate EA. The environmental impact statement law prohibits segmentation of larger projects and requires that full disclosure of impacts be made on projects in their entirely. Provide a full analysis and discussion of all sections that are currently in the planning or pre-planning phase.

The current phasing of the path project is a result of budget constraints that prohibited the planning and permitting for the entire project length as one initiative. As funds were made available, each path reach was started, however, each path reach has a logical termini. All the other segments of the path project that are currently in the environmental permitting, planning, pre-planning and construction phase are being completed by other consulting teams and are not included in our scope of work or budget.

The project area satisfies two general principals contained in FHWA regulations (23 CFR771.111(f) (GPO 2004) on framing a transportation project.

(1) Connect logical termini and be of sufficient length to address environmental matters on a broad scope.

The proposed action for the Ahukini Point to Lydgate Park project has logical termini. The project begins on the south end at Ahukini Point, a State Park and popular destination point. The south end of the proposed path connects with an existing bicycle and pedestrian path located in Lydgate Park. Therefore, the proposed action connects an existing bicycle and pedestrian facility located within a park to another park amenity, Ahukini Point.

The approximate length of the proposed path is 3.5 miles and the study area is approximately 850 acres. The length and size of the study area are sufficient to address the environmental issues for each of the alternative alignments presented in the Draft Environmental Assessment (dEA) phase of the project. The overall goal of the dEA is to identify and study alternative alignments and to obtain comments from regulatory agencies and the public. Based on these comments, a preferred alternative alignment is selected that best avoids adverse environmental impacts.

(2) Have independent utility or independent significance, i.e., be useable and be a reasonable expenditure even if no additional transportation improvements in the area are made.

The proposed path extension of the existing path from Lydgate Park to Ahukini Point is an independent and useable bicycle and pedestrian facility for both recreation and transportation. Additional connections/trip generators within this corridor include the Hanamaulu Beach Park, Marine Camp Park and its motor-cross facility, the Radisson Hotel and Condos, and the Wailua Golf Course. An on-street bicycle facility planned to extend along Ahukini Road to the airport allow for a multi-modal transportation connection.

Table of Contents: Inclusion of the figures and exhibits in the table of contents would be very helpful for review. Please add this to the final EA.

So noted.

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Ms. Genevieve Salmonson
April 11, 2006
Page Three of Three

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

Thank you.

The planning and permitting team agrees with you and feels that the design solutions we are developing will be in concert with your concerns. Feel free to contact me further if you have other concerns or ideas regarding this project.

Sincerely,

Merle D. Grimes

CC: Douglas Haigh

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DISABILITY AND COMMUNICATION ACCESS BOARD

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

January 8, 2006

Mr. Merle D. Grimes
President
Merle D. Grimes, LLC
1042 Broken Arrow Circle
Elizabeth, Colorado 80107

Regarding: Draft Environment Assessment
Ahukini Point to Lydgate Park Bike and Pedestrian Path
Path Alternative Alignments STP-0700 (51)
County of Kauai – Lihue, Kauai, Hawaii

Dear Mr. Grimes,

The Disability and Communication Access Board (DCAB) would like to thank you for the opportunity to review and provide advice and recommendations on the Ahukini Point to Lydgate Park Bike and Pedestrian Path and the Path Alternative Alignments. The purpose of this review is to ensure that the Environmental Assessment will take into account accessibility design requirements for persons with disabilities.

The following general statement should be included in the Environmental Assessment, Section 1.5 Coordinating Agencies:

> *"All buildings, facilities, and sites shall conform to applicable federal, state, and county accessibility guidelines and standards. Hawaii Revised Statute §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."*

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. Department of Justice under the Americans with Disabilities Act, nor have they been adopted by state rules under Hawaii Revised Statute §103-50. However, these accessibility guidelines provide guidance for a minimal level of accessibility for those elements not addressed by the enforceable ADA Accessibility Guidelines.

- Americans with Disabilities Act (ADA) Accessibility Guidelines for Buildings and Facilities; Architectural Barriers Act (ABA) Accessibility Guideline; Public Rights-of-Way, published November 23, 2005.
- ADA Accessibility Guidelines for Buildings and Facilities; ABA Accessibility Guideline; Recreation Facilities; Supplemental Notice of Proposed Rulemaking, published September 3, 2002.
- Regulatory Negotiation Committee on Accessibility Guidelines for Outdoor Developed Areas, Final Report, published September 30, 1999.

The above reflects DCAB's advice and recommendations for the Environmental Assessment on the Ahukini Point to Lydgate Park Bike and Pedestrian Path and the Path Alternative Alignments. Should you have any further questions, feel free to contact Gary Batcheller, Facility Access Specialist, at (808) 586-8121.

Sincerely,

FRANCINE WAI
Executive Director

c: Mr. Donald M. Fujimoto
County Engineer
Department of Public Works
County of Kauai
4444 Rice Street, Ste. 275
Lihue, Kauai, Hawaii 26766

MERLE D. GRIMES, LLC

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

June 6, 2006

Subject: Response to Comment Letter dated January 8, 2006 for the Ahukini to Lydgate Park Bicycle/Pedestrian Path - Draft Environmental Assessment (DEA) dated November 22, 2005

Dear Mr. Yates:

Thank you so much for your time in reviewing the Draft Environmental Assessment for the above mentioned path project, and submitting your comments regarding same. With this correspondence, we would like to respond to each of your issues and concerns as listed. Please find your comments in regular type and font, and the response to each in italics. Path alignment alternatives were determined through a process, which included three public meetings/workshops (one specific for the Wailua Golf Course reach and two for the entire project area) and meetings with stakeholders such as the Wailua Golf Course management, regulatory agencies and landowners. The Draft Environmental Assessment includes meeting minutes for each of these meetings.

At this time, there is no preferred path alignment. The County of Kauai will make the final determination for best alignment alternative once the public comment period is concluded and all of the issues have been identified.

The Disability and Communication Access Board (DCAB) would like to thank you for the opportunity to review and provide advice and recommendations on the Ahukini Point to Lydgate park Bike and Pedestrian Path and the Path Alternative Alignments. The purpose of this review is to ensure that the Environmental Assessment will take into account accessibility design requirements for persons with disabilities.

The following general statement should be included int he Environmental Assessment, Section 1.5 Coordinating Agencies:

> All buildings, facilities, and sites shall conform to applicable federal, state, and county accessibility guidelines and standards. Hawai'i Revised Statute 103-50 requires all State of Hawai'i or County governments 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 Hawai'i or County government buildings, facilities, and sites to be reviewed by the Disability and Communication Access Board for conformance to those guidelines and standards.

So noted. We will be certain that this wording is included in the Final Environmental Assessment except we will delete the phrase "and other applicable design standards as adopted and amended by the Disability and Communication Access Board".

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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. Department of Justice under the Americans with Disabilities Act, nor have they been adopted by state rules under Hawai'i Revised Statute 103-50. However these accessibility guidelines provide guidance for a minimal level of accessibility for those elements not addressed by the enforceable ADA Accessibility Guidelines.

Americans with Disabilities Act (ADA) Accessibioity Guidelines for Buildings and Faciliteis; Architectural Barriers Act (ABA) Accessilitity Guideline: Public Rights-of-Way, published November 23, 2005.

ADA Accessibility Guidelines for Buildings and Facilities; ABA Accessibility Guideline: Recreation Facilities; Supplemental Notice of Proposed Rulemaking; published September 3, 2002.

Regulatory Negotiation Committee on Accessibility Guidelines for Outdoor Developed Areas, Final Report, published September 30, 1999.

Our scope of services for this project does not include either schematic or final design and engineering of the final path alignment. We will, however, note your recommendations in the Final Environmental Assessment and the preliminary plan drawings that we will complete as part of our scope of services.

The above reflects DCAB's advice and recommendations for the Envrionmetnal Assessment on the Ahukini Point to Lydgate park Bike and Pedestrian Path and the path Alternative Alignments. Should you have any further questions, feel free to contact Gary Batchelier, Facility Access Specialist, at (808) 586-8121.

The planning and permitting team agrees with you and feels that the design solutions we are developing will be in concert with your concerns. Feel free to contact me further if you have other concerns or ideas regarding this project.

Sincerely,

Merle D. Grimes

CC: Douglas High

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03/01/2006 10:51 FAX 1 808 241 6806 BUILDING DIVISION 002

February 27, 2006

PAHIO RESORTS

Mr. Doug Haig
Public Works Department
County of Kauai
444 Rice Street Suite 175
Lihue, HI 96766
Express Mail

Re: Ahukini to Lydgate Park Bicycle/Pedestrian Path
Draft Environmental Assessment

Dear Doug:

Thank you for taking the time to contact us on February 7, 2006, regarding the Ahukini to Lydgate Park Bicycle/Pedestrian Path Draft EA and providing the maps for the Path Alternative Alignments. This letter is representing two properties along the proposed path.

The first property is what we call 34 acres/Kauai Beach Villas II and is the vacant land to the south of the Radisson Hotel and north of the existing comfort station. The second property is called Kauai Beach Villas and is a condominium resort with 105 of the units in the PAHIO at Kauai Beach Villas Interval Owners Association (time share), 8 units that are owner occupied, and 37 units which are either left empty or are in transient vacation rental. Kauai Beach Villas is all fee simple ownership; there is nothing leased.

There is a master association for the 34 acres, Kauai Beach Villas and the Radisson Hotel called Kauai Beach Resort Association ("KBRA"). KBRA is the owner of the Hilton Lane (which connects to the boundary of the Marine Camp site at the edge of the Motor Cross park to the existing comfort station) and the existing comfort station. As part of the original SMA for the properties this beach access and the comfort station was built and is maintained by KBRA.

The proposed Alternative One would bring the bicycle/pedestrian pathway along the shoreline of these three properties. A bridge would need to be constructed to cross the drainage ditch between the Kauai Beach Villas property and Marine Camp. This alternative would also come very close to the F Building at the Kauai Beach Villas resort. The estimated cost for Alternative One was listed as $22,483,200.

The proposed Alternative Five would bring the bicycle/pedestrian pathway along the Hilton Lane to the existing comfort station. This alternative had an additional cost of $838,000.

A Vacation Ownership Company 3970 Wylie Road, Princeville, Kauai, Hawaii 96722 Telephone 808/826/6549 Facsimile 808/826/6715

03/01/06 WED 13:51 [TX/RX NO 8499]

/2006 10:51 FAX 1 808 241 6806 BUILDING DIVISION 003

Letter to Doug Haig, County of Kauai, Public Works
Ahukini to Lydgate Park Bicycle/Pedestrian Path – Draft EA
February 27, 2006
Page Two

We would suggest to you that you could eliminate the payment for the land shown in Alternative One for the three properties of $2,807,000 and continue to have the Hilton Lane and comfort station maintained by KBRA should you locate the bicycle/pedestrian pathway using Alternative Five. We also understand that with the easement dedicated to the County in this manner, you would be eligible for a 4:1 Federal fund match. Should this work for the County, we would be pleased to discuss this further.

One of the very enjoyable experiences of Kauai is that you do not see the ocean continuously as you are driving on the roadways. The glimpses that you do find make the ocean experience very special. At the existing comfort station, one could easily pause and reflect, and experience what we all so enjoy. We would offer this as another reason for Alternative Five selection.

There is one question that arose from reading the Draft EA. In Section 6.1.6. Hazardous Waste Sites, there is listed the Radisson Hotel and Kauai Beach Villas with "No Further Action Required" stated after the names. The next item in the list is the Lihue Herbicide Mixing Plant which has "Ongoing Superfund" designation. We are not aware of any hazardous waste sites being located on either property. At one time it was a dairy farm, but other than that use, we do not know of any other waste situations. Could you please let us know where this information came from and we will address the issue further?

Once again Doug, thank you for taking the time to talk with me regarding the project. It is a very exciting opportunity for the public and one that should continue. Mahalo!

Me ke aloha pumehana
With warm aloha,

PAHIO RESORTS, INC.

Lynn P. McCrory
President
Managing Agent for Kauai Beach Villas

Sincerely,

PAHIO RESORTS, INC.

David E. Walters
Chairman
President – AOAO Kauai Beach Villas
President – Kauai Beach Resort Association

03/01/06 WED 13:51 [TX/RX NO 8499]

MERLE D. GRIMES, LLC

April 27, 2006

Ms. Lynn McCrory
Mr. David Walters
PAHIO Resorts
3970 Wylie Road
Princeville
Kauai, HI 96722

Subject: Response to Comment Letter dated February 27, 2006, for the Ahukini to Lydgate Park Bicycle/Pedestrian Path; Draft Environmental Assessment (DEA) dated November 22, 2005

Dear Ms. McCrory and Mr. Walters,

Thank you so much for your time in reviewing the Draft Environmental Assessment for the above mentioned path project, and submitting your comments regarding same. With this correspondence, we would like to respond to each of your issues and concerns as listed. Please find your comments in regular type and font, and the response to each in italics.

Thank you for taking the time to contact us on February 7, 2006, regarding the Ahukini to Lydgate Park Bicycle/Pedestrian Path Draft EA and providing the maps for the Path Alternative Alignments. This letter is representing two properties along the proposed path.

The first property is what we call 34 acres/Kauai Beach Villas II and is the vacant land to the south of the Radisson Hotel and north of the existing comfort station. The second property is called Kauai Beach Villas and is a condominium resort with 105 of the units in the PAHIO at Kauai Beach Villas Interval Owners Association (time share), 8 units that are owner occupied, and 37 units which are either left empty or are in transient vacation rental. Kauai Beach Villas is all fee simple ownership; there is nothing leased.

There is a master association for the 34 acres, Kauai Beach Villas and the Radisson Hotel called Kauai Beach Resort Association ("KBRA"). KBRA is the owner of the Hilton Lane (which connects to the boundary of the Marine Camp site at the edge of the Motor Cross park to the existing comfort station) and the existing comfort station. As part of the original SMA for the properties, this beach access and the comfort station was built and is maintained by KBRA.

Thank you for this information.

The proposed Alternative One would bring the bicycle/pedestrian pathway along the shoreline of these three properties. A bridge would need to be constructed to cross the drainage ditch between the Kauai Beach Villas property and Marine Camp. This alternative would also come very close to the F Building at the Kauai Beach Villas resort. The estimated cost for Alternative One was listed as $22,483,200.

So noted.

The proposed Alternative Five would bring the bicycle/pedestrian pathway along the Hilton Lane to the existing comfort station. This alternative had an additional cost of $838,000.

So noted.

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We would suggest to you that you could eliminate the payment for the land shown in Alternative One for the three properties of $2,807,000 and continue to have the Hilton Land and comfort station maintained by KBRA should you locate the bicycle/pedestrian pathway using Alternative Five.

We also understand that with the easement dedicated to the County in this manner, you would be eligible for a 4:1 Federal fund match. Should this work for the County, we would be pleased to discuss this further.

So noted.

One of the very enjoyable experiences of Kauai is that you do not see the ocean continuously as you are driving on the roadways. The glimpses that you do find make the ocean experience very special. At the existing comfort station, one could easily pause and reflect, and experience what we all so enjoy. We would offer this as another reason for Alternative Five selection.

So noted.

There is one question that arose from reading the Draft EA. In Section 6.1.6. Hazardous Waste Sites, there is listed the Radisson Hotel and Kauai Beach Villas with "No Further Action Required" stated after the names. The next item in the list is the Lihue Herbicide Mixing Plant which has "Ongoing Superfund" designation. We are not aware of any hazardous waste sites being located on either property. At one time it was a dairy farm, but other than that use, we do not know of any other waste situations. Could you please let us know where this information came from and we will address the issue further?

It was difficult to get current information regarding hazardous waste sites in Kauai. Basically, the Hawaii Department of Health regulates Hazardous Waste in Hawaii. There is a link to the Environmental Protection Website that gives information as well. There is a problem with this link, but several conversations with Ms. Grace Simmons, a supervisor with the Department of Health in the Hazardous Waste section, assisted us in our investigation. Her phone number is 808-586-4426, and her email at the time of our communications with her (on or about 11/22-23/05) was: gsimmons@eha.health.state.hi.us.

When you go to the EPA website to look, the EPA ID is for CERCUS ID's for the National Priorities List.

The Radisson Kauai Beach Resort is listed as site 506, 9158.
The Kauai Hilton Beach Villas USTL is 2/3/2000, "No Further Action"

We found a site numbered "971" Kauai Marriott Resort & Beach Club, but marked this off our list as we could not find any back up information on it, or details regarding the nature of the reference. Feel free to call our team member, Sara Simmons-Fife at 843-655-3981 who worked on this information if you need more assistance.

Once again, Doug, thank you for taking the time to talk with me regarding the project. It is a very exciting opportunity for the public and one that should continue. Mahalo!

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Ms Lynn McCrory
Mr. David Walters
April 27, 2006
Page Three of Three

The planning and permitting team agrees with you and feels that the design solutions we are developing will be in concert with your concerns. Feel free to contact me further if you have other concerns or ideas regarding this project.

Respectfully submitted,

Merle D. Grimes

Cc: Douglas Haigh

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SIERRA CLUB
Kaua'i Group of the Hawai'i Chapter
Post Office Box 3412
Lihu'e, Kaua'i, Hawai'i 96766

January 9, 2006

Ahukini to Lydgate Park Bicycle/Pedestrian Path Draft Environmental Assessment

The Kaua'i Group of the Hawai'i Chapter Sierra Club supports a bicycle path for Kauai as a means of alternative transportation as well as for recreation. Determining which of the proposed pathways creates the least amount of environmental impact on this sensitive coastal area is of critical importance. Protection of natural resources must be the main consideration of any development or project and shall be in compliance with Hawaii Revised Statues Chapter 205A and Chapter 344-4.

The alternative routes presented in the Draft Environmental Assessment (DEA) vary widely in their environmental impact. In areas where the path follows natural land contours, away from the beaches, the environmental impact is minimal. In other sections where sand dunes are manipulated to support boardwalk platforms, development would have a substantial impact. Examination of the alternative paths reveals that the northern section of Alternative #1 - Coastal Path between Connection Point "C" and Lydgate Beach would be in non-compliance with HRS 205A or HRS 344-4.

This section of Alternate #1 proposes a boardwalk/bike path to be situated along a long, sandy beach relatively free of development. This route would not comply with HRS 205A-2 Scenic and open spaces resources policy (c3D) which states, "Encourage those developments that are not coastal dependent to locate in inland areas" and HRS 205A-2 Beach protection policy (c9A) "Locate new structures inland from the shoreline setback to conserve open space, minimize interference with natural shoreline processes, and minimize loss of improvements due to erosion".

The section of Alternative #1 which does not meet Statute objectives and policies is located along Nukoli'i Beach between Connection C, south of the existing comfort station on Hilton Lane, continues up the beach fronting the Radisson Hotel/Kauai Beach Villas area past the Marine Camp, and continues on the beach along the Wailua Golf Course to Lydgate Park. This area is shown on Maps 3, 4, and 5 of the DEA. It also includes the path proposed at the end of Hilton Lane, between Connection point C and D which presently consists of a narrow trail between the beach and the existing wetland. (Figure 7d page 30 of the DEA). The required 40-foot set back from the shoreline would set the proposed bike path on the rim of the wetland and possibly within it depending on the location of the shoreline certification. Any reference below to Alternative #1 includes the entire length of sandy beach from Lydgate to Connection Point C.

For an Environmental Assessment to be determined to have no significant impact a project, all phases of a project, its expected consequences, its cumulative impact and its

short and long term effects must meet the Significance Criteria set forth by the Department of Health Rules (11-200-12). The Rules state an action shall be determined to have significant impact upon the environment if it meets any one of a number of criteria.

Alternative #1 from Connection point C to Lydgate Beach is evaluated below according to the following "Significance Criteria":

Criterion 1 "The action involves an irrevocable commitment to loss or destruction of any natural or cultural resources;"
Sand dune enhancement using imported sand, with additional sand added on a continual basis could result in sand being deposited onto the reef from wave action and wind. Jeopardizing the reef puts fish reserves at risk upon which local subsistence fishermen depend. It would be considered an action involving loss or destruction of natural or cultural resources. Such action would also be in non-compliance with HRS Chapter 205A-2 (b4A) "Protect valuable coastal ecosystems, including reefs, from disruption and minimize adverse impacts on all coastal ecosystems".

Criterion 7 "Involves a substantial degradation either by its construction or by its use;"
Construction of a board walk/bike path is proposed over sand dunes which would have the potential of causing degradation to the dunes and the beach, exposing them to unknown consequences. Page 38 of the DEA claims that the design of the boardwalk "allows for the natural process of the ocean/coast occurring underneath and around the structure", yet there is no evidence to support this speculation.

Dr. Fletcher states that the most suitable distance for a bike path would be at least 100 feet and most appropriately 200 feet setback from the vegetation line. (A-3 Geological Status of the Shoreline Report DEA) Because of the proximity of the Wailua Golf Course to the beach, it is not possible to place the bike path 200 feet of the vegetation line. The alternative considered therefore was to place the path on the top of the sand dunes.

Criterion 8 - "Is individually limited but cumulatively has considerable effect on the environment, or involves a commitment for larger action;"
The board walk/bike path along the beach would involve a commitment to on going beach nourishment if this path were to be selected. This approach is not a sustainable one and would be extremely costly.

Criterion 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 areas, geologically hazardous land, estuary, freshwater or coastal areas;"
This section of Alternative 1 is in a tsunami zone, on a beach, and in an erosion prone area, eroding between 1 - 2 feet a year. and therefore would have significant impact on this environmentally sensitive area. The sand dunes, the beach, and the reef could suffer damage from the board walk/bike path.

The DEA (page 37) warns, "It is important that the Helical Boardwalk Path can be removed in this area since the structure would be located in the tsunami zone." In the event of a tsunami or hurricane, it is unrealistic to assume that there would be the time, the manpower or the inclination to dismantle the boardwalk. The other option of an interlocking system (page 38 of the DEA) cautions that sections of the path could become dismantled and "become projectiles or will wash out into the ocean during storm events" unless the boards are anchored by augers and cables. Since these systems have not been tested over a period of time in a coastal area there can be no assurance that the boards for either option would not indeed become projectiles or wash into the ocean, harming marine life and the reef.

Criterion 12 "Substantially affects scenic vistas and view planes identified in county or state plans or studies;"
Alternative 1 - the coastal path as proposed along the golf course would substantially affect scenic vistas of the mountains with "a one-inch thick fabric, black chain link fence to be installed on the golf course side of the boardwalk path" (DEA page 37)
The intrusive structure would be in violation of HRS Chapter 205A (c3B) which states, "Ensure that new developments are compatible with their visual environment by designing and locating such developments to minimize the alteration of natural landforms and existing public views to and along the shoreline".

Criterion 13 "Requires substantial energy consumption"
Excavating for sand sources, washing the sand and placing it on the sand dunes under the boardwalk on a regular basis would require a substantial consumption of energy and is environmentally unsustainable.

It is abundantly clear that the reasons cited above for Alternative 1, the coastal path located along Nukoli'i Beach, constitute a significant impact as set forth by the "Significance Criteria" Department of Health Rules. The Rules state an action shall be determined to have significant impact upon the environment if it meets any **one** of a number of their criteria. The section of Alternative 1 between Lydgate Park and Connection Point C creates significant impacts on **six** of the Rules.

There can be no compelling reason to attempt accommodation of bicycles on this narrow and eroding coastline exposing sand dunes, beaches, and reefs to unnecessary risk. Public access is readily available along the entire stretch of Nukoli'i Beach providing enjoyment of a coastline in its natural state devoid of any man-made structures. Local families, fishermen and visitors who value a nature experience seek out this beach for quiet and solitude.

One of the guidelines in HRS Chapter 344-4 requires all agencies to (4C) "Promote open space in view of its natural beauty not only as a natural resource but as an ennobling, living environment for its people." Concrete paths and boardwalks on beaches are exploitive impositions to those who value and appreciate nature's wild, untouched beauty. Such coastal development is also incongruent with public policies.

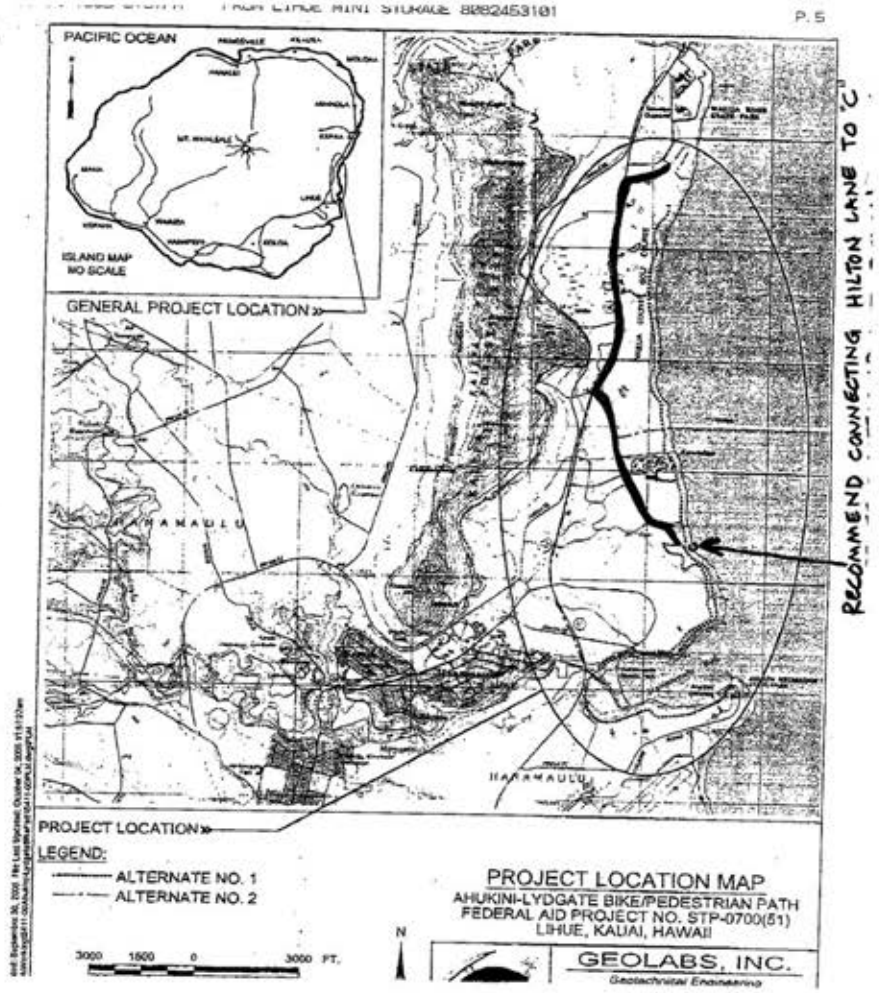
Recommended Pathway:
The route which appears to impose the least environmental impact would be the section of Alternative 1 coastal path between Ahukini Point, passing by Hanama'ulu Beach Park and continuing to Connection C; or from Hanama'ulu Beach Park on to Sub Alternative 3 Upper Cane Haul Road.

Continuing north from either of these two alternatives presented in the DEA, we're proposing that the path connect onto Hilton Lane approximately 700 yards mauka of the existing comfort station (located at Connection Point D). This would be a diagonal path, avoiding the drainage ditch and the wetland between Connection C and Hilton Lane. The slightly more mauka pathway avoids construction on the beach and provides protection for the wetland.

From Hilton Lane the path would continue to Connection Points F, G and H on the Old Cane Haul Road, passing by the Kauai Beach Villas tennis courts to cross an existing bridge over the canal, continuing mauka of the moto cross and golf course. It would then connect with Alternative 2, Kapule/Kuhio Highway route which runs along the mauka side of Wailua Golf Course and on to Lydgate Park via Alternate #2. It is our understanding that the bike path would run along the *makai* side of the drainage ditch on the mauka side of the Golf Course, which we support, and not directly next to the highway.

Thank you for the opportunity to comment,

Juan Wilson,
Executive Committee member,
Kaua'i Group of the Hawai'i Chapter Sierra Club



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MERLE D. GRIMES, LLC

Mr. Juan Wilson
Executive Committee Member
Sierra Club
Kauai Group of the Hawaii Chapter
P.O. Box 3412
Lihue, Kauai, Hawaii 96766

April 26, 2006

Subject: Response to Comment Letter dated January 9, 2006 for the Ahukini to Lydgate Park Bicycle/Pedestrian Path - Draft Environmental Assessment (DEA) dated November 22, 2005

Dear Mr. Wilson:

Thank you so much for your time in reviewing the Draft Environmental Assessment for the above mentioned path project, and submitting your comments regarding same. With this correspondence, we would like to respond to each of your issues and concerns as listed. Please find your comments in regular type and font, and the response to each in italics. Path alignment alternatives were determined through a process, which included three public meetings/workshops (one specific for the Wailua Golf Course reach and two for the entire project area) and meetings with stakeholders such as the Wailua Golf Course management, regulatory agencies and landowners. The Draft Environmental Assessment includes meeting minutes for each of these meetings.

January 9, 2006

Ahukini to Lydgate Park Bicycle/Pedestrian Path Draft Environmental Assessment

The Kaua'i Group of the Hawai'i Chapter Sierra Club supports a bicycle path for Kauai as a means of alternative transportation as well as for recreation. Determining which of the proposed pathways creates the least amount of environmental impact on this sensitive coastal area is of critical importance. Protection of natural resources must be the main consideration of any development or project and shall be in compliance with Hawaii Revised Statues Chapter 205A and Chapter 344-4.

So noted.

The alternative routes presented in the Draft Environmental Assessment (DEA) vary widely in their environmental impact. In areas where the path follows natural land contours, away from the beaches, the environmental impact is minimal. In other sections where sand dunes are manipulated to support boardwalk platforms, development would have a substantial impact. Examination of the alternative paths reveals that the northern section of Alternative #1 - Coastal Path between Connection Point "C" and Lydgate Beach would be in non-compliance with HRS 205A or HRS 344-4.

This section of Alternate #1 proposes a boardwalk/bike path to be situated along a long, sandy beach relatively free of development. This route would not comply with HRS 205A-2 Scenic and open spaces resources policy (c3D) which states, "Encourage those developments that are not

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coastal dependent to locate in inland areas" and HRS 205A-2 Beach protection policy (c9A) "Locate new structures inland from the shoreline setback to conserve open space, minimize interference with natural shoreline processes, and minimize loss of improvements due to erosion".

Dune restoration accompanying the pathway is intended to restore the degraded environment. The pathway will be sited as far mauka as possible, with a minimal footprint, to avoid interference with coastal processes following restoration. The proposed project has been designed to conform with the intent and spirit of 205A, to conserve, and where possible restore coastal environments, as well as enhance public access and enjoyment of same with minimal impact and exposure to hazards. It should also be noted that some could misinterpret the statement "relatively free of development" because the alterative path alignments are either adjacent to the golf course, resorts, or vacant lands that may become resorts.

The section of Alternative #1 which does not meet Statute objectives and policies is located along Nukoli`i Beach between Connection C, south of the existing comfort station on Hilton Lane, continues up the beach fronting the Radisson Hotel/Kauai Beach Villas area past the Marine Camp, and continues on the beach along the Wailua Golf Course to Lydgate Park. This area is shown on Maps 3, 4, and 5 of the DEA.

Please refer to the previous response.

It also includes the path proposed at the end of Hilton Lane, between Connection point C and D, which presently consists of a narrow trail between the beach and the existing wetland. (Figure 7d page 30 of the DEA). The required 40-foot set back from the shoreline would set the proposed bike path on the rim of the wetland and possibly within it depending on the location of the shoreline certification.

A preliminary assessment of the wetland area was conducted in this area for the reasons that you identified. From this investigation, we believe that there is sufficient room to place the proposed path in this area without encroaching within the 40-foot setback or wetlands. However, we will not be able to confirm this until a certified shoreline survey and jurisdictional wetland delineation are completed.

Any reference below to Alternative #1 includes the entire length of sandy beach from Lydgate to Connection Point C.

So noted.

For an Environmental Assessment to be determined to have no significant impact a project, all phases of a project, its expected consequences, its cumulative impact and its short and long term effects must meet the Significance Criteria set forth by the Department of Health Rules (11-200-12). The Rules state an action shall be determined to have significant impact upon the environment if it meets any one of a number of criteria.

So noted.

Alternative #1 from Connection point C to Lydgate Beach is evaluated below according to the following "Significance Criteria":

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Criterion 1 "The action involves an irrevocable commitment to loss or destruction of any natural or cultural resources;"

Sand dune enhancement using imported sand, with additional sand added on a continual basis could result in sand being deposited onto the reef from wave action and wind. Jeopardizing the reef puts fish reserves at risk upon which local subsistence fishermen depend. It would be considered an action involving loss or destruction of natural or cultural resources. Such action would also be in non-compliance with HRS Chapter 205A-2 (b4A) "Protect valuable coastal ecosystems, including reefs, from disruption and minimize adverse impacts on all coastal ecosystems".

The restoration would not be adding more sand than has been there naturally in the past. To create the impact you describe would require many hundreds of thousands of cubic yards of sand that push the shoreline seaward. The restoration design will not change the location of the waterline. It is intended to counteract the chronic erosion affecting this shoreline by slowing the erosion rate and temporarily stabilizing the coast. Sand that is removed from the dune area to the reef will only be reached by high wave events and the energy of the environment is unlikely to allow this sand to be deposited. Eroded sand will follow the same pathway that presently eroded sand follows, some moving alongshore, some moving cross-shore and some returning to the beach following the high wave event.

Criterion 7 "Involves a substantial degradation either by its construction or by its use;"
Construction of a board walk/bike path is proposed over sand dunes which would have the potential of causing degradation to the dunes and the beach, exposing them to unknown consequences. Page 38 of the DEA claims that the design of the boardwalk "allows for the natural process of the ocean/coast occurring underneath and around the structure", yet there is no evidence to support this speculation.

We are reconsidering the design of the structure. A wooden boardwalk placed mauka of restored dunes is considered preferable for both economic and environmental reasons.

Dr. Fletcher states that the most suitable distance for a bike path would be at least 100 feet and most appropriately 200 feet setback from the vegetation line. (A-3 Geological Status of the Shoreline Report DEA) Because of the proximity of the Wailua Golf Course to the beach, it is not possible to place the bike path 200 feet of the vegetation line. The alternative considered therefore was to place the path on the top of the sand dunes.

The pathway will be placed at the most landward position possible, this will not be on top of the dunes; rather it will be on the landward slope.

Criterion 8 - "Is individually limited but cumulatively has considerable effect on the environment, or involves a commitment for larger action;"
The board walk/bike path along the beach would involve a commitment to on going beach nourishment if this path were to be selected. This approach is not a sustainable one and would be extremely costly.

The County is weighing these economic concerns and the viability of funding this approach is being considered. To correct your description, the project does not propose beach nourishment, it proposes dune restoration. This is no small distinction, as our approach is not designed to interact with daily wave processes.

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Criterion 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 areas, geologically hazardous land, estuary, freshwater or coastal areas;"
This section of Alternative 1 is in a tsunami zone, on a beach, and in an erosion prone area, eroding between 1 - 2 feet a year. and therefore would have significant impact on this environmentally sensitive area. The sand dunes, the beach, and the reef could suffer damage from the board walk/bike path.

Characterizing the changing nature of the shoreline is accompanied by uncertainty. Our analysis indicates that most of the shore experiences erosion associated with high wave events and not chronic daily recession. Those areas experiencing high rates of long-term recession do present a challenge and the design in these areas may not be sustainable – for this reason we are proposing a minimal footprint and emphasizing ease of retreat should the pathway be undermined. It is our hope that restoring the dunes with sand will assist in stabilizing the coast and extending the life of the pathway. To be sure, this is not a permanent structure and it will eventually be undermined by erosion and need to be withdrawn. However, on balance, the importance of increased public access to this coast, access that is becoming increasingly scarce, was considered a valid tradeoff. One aspect of the design is to improve our understanding of the viability of dune restoration and if it is found to be environmentally and economically successful, it offers the possibility of supporting public access where currently none exists.

The DEA (page 37) warns, "It is important that the Helical Boardwalk Path can be removed in this area since the structure would be located in the tsunami zone." In the event of a tsunami or hurricane, it is unrealistic to assume that there would be the time, the manpower or the inclination to dismantle the boardwalk. The other option of an interlocking system (page 38 of the DEA) cautions that sections of the path could become dismantled and "become projectiles or will wash out into the ocean during storm events" unless the boards are anchored by augers and cables. Since these systems have not been tested over a period of time in a coastal area there can be no assurance that the boards for either option would not indeed become projectiles or wash into the ocean, harming marine life and the reef.

These are valid comments and for this reason we are leaning toward the minimalist option for the design of the pathway and moving to a reduced use of materials with simple sand anchors connected to pathway segments.

Criterion 12 "Substantially affects scenic vistas and view planes identified in county or state plans or studies;"
Alternative 1 - the coastal path as proposed along the golf course would substantially affect scenic vistas of the mountains with "a one-inch thick fabric, black chain link fence to be installed on the golf course side of the boardwalk path" (DEA page 37)

Fencing will always reduce visibility, however the black chain link fence as proposed would have the least minimal impact, in our opinion, than compared to other safety fence options.

The intrusive structure would be in violation of HRS Chapter 205A (c3B) which states, "Ensure that new developments are compatible with their visual environment by designing and locating such developments to minimize the alteration of natural landforms and existing public views to and along the shoreline".

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In addition to the safety fence, we have also proposed extensive revegetation/restoration of the sand dune and along the edge of the golf course with indigenous plants. These plantings, if designed correctly could make the fence impact negligible.

Criterion 13 "Requires substantial energy consumption"
Excavating for sand sources, washing the sand and placing it on the sand dunes under the boardwalk on a regular basis would require a substantial consumption of energy and is environmentally unsustainable.

We recognize this is a concern and will require additional investigation.

It is abundantly clear that the reasons cited above for Alternative 1, the coastal path located along Nukoli'i Beach, constitute a significant impact as set forth by the "Significance Criteria" Department of Health Rules. The Rules state an action shall be determined to have significant impact upon the environment if it meets any **one** of a number of their criteria. The section of Alternative 1 between Lydgate Park and Connection Point C creates significant impacts on **six** of the Rules.

There can be no compelling reason to attempt accommodation of bicycles on this narrow and eroding coastline exposing sand dunes, beaches, and reefs to unnecessary risk.

Public access is readily available along the entire stretch of Nukoli'i Beach providing enjoyment of a coastline in its natural state devoid of any man-made structures. Local families, fishermen and visitors who value a nature experience seek out this beach for quiet and solitude.

One of the guidelines in HRS Chapter 344-4 requires all agencies to (4C) "Promote open space in view of its natural beauty not only as a natural resource but as an ennobling, living environment for its people." Concrete paths and boardwalks on beaches are exploitive impositions to those who value and appreciate nature's wild, untouched beauty. Such coastal development is also incongruent with public policies.

Unfortunately, much of the public access to this coast at present is by motor vehicle that has caused significant damage to the dune system. We seek to mitigate vehicle access damage with the proposed path and dune system. The low impact boardwalk option that sits on top of the sand and has no railings, would provide persons a place to walk, ride bikes and access the coast without causing any damage such as that from social trails that can now be seen along the entire coast and would be impossible to control. In this way, the boardwalk can be considered a part of the solution, not the problem.

Recommended Pathway:
The route which appears to impose the least environmental impact would be the section of Alternative 1 coastal path between Ahukini Point, passing by Hanama'ulu Beach Park and continuing to Connection C; or from Hanama'ulu Beach Park on to Sub Alternative 3 Upper Cane Haul Road.

So noted.

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Mr. Juan Wilson
April 26, 2006
Page Six of Six

Continuing north from either of these two alternatives presented in the DEA, we're proposing that the path connect onto Hilton Lane approximately 700 yards mauka of the existing comfort station (located at Connection Point D). This would be a diagonal path, avoiding the drainage ditch and the wetland between Connection C and Hilton Lane. The slightly more mauka pathway avoids construction on the beach and provides protection for the wetland.

From Hilton Lane the path would continue to Connection Points F, G and H on the Old Cane Haul Road, passing by the Kauai Beach Villas tennis courts to cross an existing bridge over the canal, continuing mauka of the moto cross and golf course. It would then connect with Alternative 2, Kapule/Kuhio Highway route, which runs along the mauka side of Wailua Golf Course and on to Lydgate Park via Alternate #2. It is our understanding that the bike path would run along the *makai* side of the drainage ditch on the mauka side of the Golf Course, which we support, and not directly next to the highway.

So noted.

Thank you for the opportunity to comment,

Thank you for this information. At this time, there is no preferred path alignment. The County of Kauai will make the final determination for best alignment alternative once the public comment period is concluded and all of the issues have been identified.

The planning and permitting team agrees with you and feels that the design solutions we are developing will be in concert with your concerns. Feel free to contact me further if you have other concerns or ideas regarding this project.

Respectfully submitted,

Merle D. Grimes

CC: Douglas Haigh

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U.S. DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE
Pacific Islands Regional Office
1601 Kapiolani Blvd., Suite 1110
Honolulu, Hawaii 96814-4700
(808) 973-2937 • Fax: (808) 973-2941

JAN 0 4 2006

Mr. Douglas Haigh
Department of Public Works, County of Kauai
4444 Rice St.
Lihue, HI 96766

Subject: Ahukini to Lydgate Park Bicycle/Pedestrian Path

Dear Mr. Haigh:

It has recently come to the attention of the Protected Resources Division, NOAA Fisheries Pacific Islands Regional Office (NMFS) that a draft environmental assessment (DEA) has been prepared for construction of a bike/pedestrian path along the east coast of Kauai. NMFS submits the following comments on this proposed project.

The Ahukini to Lydgate Park Bicycle/Pedestrian Path follows a route which carries it past a beach that is known to be used by Hawaiian monk seals (*Monachus schauinslandi*) as a haul-out site for resting and possibly for pupping. The monk seal is listed as endangered under the Endangered Species Act (ESA), and NMFS is the federal agency responsible for their management and protection under the ESA.

It is evident from the DEA that this project may affect monk seals, both during the construction of the path and as a result of the potential for increased human presence near the beach. Under the ESA, whenever an action that is authorized or funded by a federal agency (in this case, the Federal Highways Administration) may affect a listed species, consultation with the appropriate federal agency is required.

The DEA makes no mention of NMFS as a consulting agency on this project, and a search of our records could find no indication that we have been contacted either by your office or the consultant who has prepared the DEA regarding the impacts to monk seals.

In order to meet your legal obligations under the ESA, it is recommended that your office prepare a Biological Assessment of the effects to monk seals and initiate the consultation process with NMFS. We will make every effort to expedite this process and work with you to reduce the impacts to monk seals. We have also attached a list of recommended mitigating measures designed to further reduce these impacts.

Our Marine Mammal Response Network Coordinator, David Schofield, will be on Kauai January 25th and 26th. He would be willing to arrange a meeting during this time to

discuss this with you and facilitate the cooperation of our agency on this project. You can contact him at (808) 944-2269 or at the email address david.schofield@noaa.gov.

Thank you for working with NMFS to protect our nation's living marine resources. Should you have any other questions regarding this project or the consultation process, please contact Jayne LeFors on my staff at (808) 944-2277 or at the e-mail address jayne.lefors@noaa.gov.

Sincerely,

Chris E. Yates
Acting Assistant Regional
Administrator for Protected
Resources

cc: Merle D. Grimes, LLC
Genevieve K.Y. Salmonson, Director, Office of Environmental Quality Control
Jeffrey Walters, Department of Land and Natural Resources
Mimi Olry, Kauai Monk Seal Coordinator

Attachment

2

Attachment

To further minimize the potential for interactions between people and monk seals, NMFS recommends you consider the following mitigation measures:

1. Plant vegetation (i.e. naupaka) between beach areas and the path to serve as a natural barrier. This vegetation would not be meant to inhibit beach access, rather, it would be intended to form a visual barrier thus minimizing disturbance of monk seals.
2. We encourage the posting of signs along the path informing people of the possibility of monk seal haul-outs and proper behavior in the presence of monk seals.
3. We encourage placement of the path as far inland as possible in order to maximize the distance between people and monk seals.

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

1. A survey of the project area should be performed just prior to commencement or resumption of construction activity to ensure that no monk seals are in the project area. If any monk seals are detected, construction activities must be postponed until the animal(s) voluntarily leave the area.

2. If any monk seal enters the area during the conduct of construction activities, all activities must cease until the animal(s) voluntarily depart the area.

3. All on-site project personnel must be apprised of the status of any protected species potentially present in the project area and the protections afforded to those species under Federal laws. A brochure explaining the laws and guidelines for protected species in Hawaii may be downloaded from http://www.nmfs.noaa.gov/prot_res/MMWatch/hawaii.htm.

4. Any incidental take of monk seals must be reported immediately to NMFS' 24-hour hotline at 1-888-256-9840. Information reported must include the name and phone number of a point of contact, location of the incident, and nature of the take and/or injury.

5. Appropriate best management practices (BMPs) must be implemented as applicable to minimize turbidity, minimize species disturbance, and to avoid the release of pollutants into the water.

6. Any intake pipes on project-related equipment must be screened or otherwise configured to ensure the prevention of entrainment of protected species.

3

MERLE D. GRIMES, LLC

Mr. Chris E. Yates
Acting Assistant Regional Administrator for Protected Resources
U.S. Department of Commerce
NOAA
Pacific Islands Regional Office
1601 Kapiolani Blvd., Suite 1110
Honolulu, Hawaii 96814-2941

March 28, 2006

Subject: Response to Comment Letter dated January 4, 2006 for the Ahukini to Lydgate Park Bicycle/Pedestrian Path - Draft Environmental Assessment (DEA) dated November 22, 2005

Dear Mr. Yates:

Thank you for your time in reviewing the Draft Environmental Assessment for the above mentioned path project, and submitting your comments regarding same. With this correspondence, we would like to respond to each of your issues and concerns as listed. Please find your comments in regular type and font, and the response to each in italics. Path alignment alternatives were determined through a process, which included three public meetings/workshops (one specific for the Wailua Golf Course reach and two for the entire project area) and meetings with stakeholders such as the Wailua Golf Course management, regulatory agencies and landowners. The Draft Environmental Assessment includes meeting minutes for each of these meetings.

At this time, there is no preferred path alignment. The County of Kauai will make the final determination for best alignment alternative once the public comment period is concluded and all of the issues have been identified.

'It has recently come to the attention of the Protected Resources Division, NOAA Fisheries Pacific Islands Regional Office (NMFS) that a draft environmental assessment (DEA) has been prepared for construction of a bike/pedestrian path along the east coast of Kauai. NMFS submits the following comments on this proposed project.

The Ahukini to Lydgate Park Bicycle/Pedestrian Path follows a route, which carries it past a beach that is known to be used by Hawaiian monk seals (Monachus schauinslandi) as a haul-out site for resting and possibly for pupping. The monk seal is listed as endangered under the Endangered Species Act (SA), and NMFS is the federal agency responsible for their management and protection under the ESA.

It is evident from the DEA that this project may affect monk seals, both during construction of the path and as a result of the potential for increased human presence near the beach. Under the ESA, whenever an action that is authorized or funded by a federal agency (in this case, the Federal Highways Administration) may affect a listed species, consultation with the appropriate federal agency is required.

The DEA makes no mention of NMFS as a consulting agency on this project, and a search of our records could find no indication that we have been contacted either by your office or the consultant who has prepared the DEA regarding the impacts to monk seals.

It was not our intention to omit coordination with your office. We apologize for this oversight.

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In order to meet your legal obligations under the ESA, it is recommended that your office prepare a Biological Assessment of the effects to monk seals and initiate the consultation process with NMFS. We will make every effort to expedite this process and work with you to reduce the impacts to monk seals. We have also attached a list of recommended mitigating measures designed to further reduce these impacts.

If the preferred path alignment includes areas that will impact monk seals, a biological assessment will be conducted and the consultation process will be initiated with NMFS.

Our Marine Mammal Response Network Coordinator, David Schofield, will be on Kauai January 25th and 26th. He would be willing to arrange a meeting during this time to discuss this with you and facilitate the cooperation of our agency on this project. You can contact him at (808) 944-2269 or at the email address: david.schofield@noaa.gov.

Thank you for this offer. Mr. Schofield met with the County of Kauai project manager during his visit to Kauai.

Thank you for working with NMFS to protect our nation's living marine resources. Should you have any other questions regarding this project or the consultation process, please contact Jayne LeFors on my staff at (808) 944-2277or at the email address: jayne.lefors@noaa.gov.

Thank you for this offer.

Attachment with Mitigating Suggestions:

To further minimize the potential for interactions between people and monk seals, NMFS recommends you consider the following mitigation measures:

1. Plant vegetation (i.e. naupaka) between beach areas and the path to serve as a natural barrier. This vegetation would not be meant to inhibit each access, rather, it would be intended to form a visual barrier thus minimizing disturbance of monk seals.

Thank you, so noted.

2. We encourage the posting of signs along the path informing people of the possibility of monk seal haul-outs and proper behavior in the presence of monk seals.

Proper signage will be provided so that the pathway is a guided learning experience for users where they are taught about marine and littoral ecosystems. By embedding in the learning experience, a consciousness to leave monk seals, migratory and resident birds, native flora, and natural shoreline terrain undisturbed, we can go beyond simple prohibition signs to protect the environmental and enrich users simultaneously.

3. We encourage placement of the path as far inland as possible in order to maximize the distance between people and monk seals.

There are stretches of this corridor adjacent to resort properties, either currently developed or planned for development. This is a developed area with ever-increasing public use and the current conditions without a coastal path has areas where there is no easy access except through

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potential monk seal beaching areas. A coastal path will provide an alternative route away from the monk seal beaching areas. If the path were placed too far inland, it would not serve this function.

As the final path alignment is determined, the County will consult with the Hawaii State Department of Land and Natural Resources, Division of Aquatic Resources and your staff to determine mitigation measures where necessary.

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

1. A survey of the project area should be performed just prior to commencement or resumption of construction activity to ensure that no monk seals are in the project area. If any monk seals are detected, construction activities must be postponed until the animal(s) voluntarily leave the area.

So noted. This protocol will be communicated to the appropriate agencies, individuals and/or organizations prior to construction activities.

2. If any monk seal enters the area during the conduct of construction activities, all activities must cease until the animal(s) voluntarily depart the area.

So noted. This protocol will be communicated to the appropriate agencies, individuals and/or organizations prior to construction activities.

3. All on-site project personnel must be apprised of the status of any protected species potentially present in the project area and the protections afforded to those species under Federal laws. A brochure explaining the laws and guidelines for protected species in Hawaii may be downloaded from http://www.nmfs.noaa.gov/prot_res/MMWatch/hawaii.htm.

So noted. This protocol and information will be communicated to the appropriate agencies, individuals and/or organizations prior to construction activities.

4. Any incidental take of monk seals must be reported immediately to NMFS' 24-hour hotline at 1-888-256-9840. Information reported must include the name and phone number of a point of contact, location of the incident, and nature of the take and/or injury.

So noted. This protocol will be communicated to the appropriate agencies, individuals and/or organizations prior to construction activities.

5. Appropriate best management practices (BMP's) must be implemented as applicable to minimize turbidity, minimize species disturbance, and to avoid the release of pollutants into the water.

So noted. This protocol will be communicated to the appropriate agencies, individuals and/or organizations prior to construction activities.

6. Any intake pipes on project related equipment must be screened or otherwise configured to ensure the prevention of entrainment of protected species.

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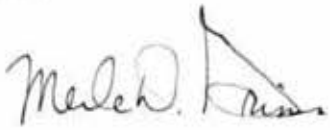
So noted. This protocol will be communicated to the appropriate agencies, individuals and/or organizations prior to construction activities.

The planning and permitting team agrees with you and feels that the design solutions we are developing will be in concert with your concerns. Feel free to contact me further if you have other concerns or ideas regarding this project.

Sincerely,



Merle D. Grimes

Cc: Douglas haigh

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Martha.E.Yent@hawaii.gov wrote:
Received by email on February 16, 2006

Aloha Sara Edi,

I finally was able to look at your DEA for the Ahukini to Lydgate bike path - hope I'm not too late. I decided it would be easiest to send you the pages where I had comments. A lot of my comments are "little details" about DLNR and the name of our park (Ahukini State Recreation Pier).

• I'm not sure of the Ahukini park boundaries, but the TMK indicates it is probably a very small area adjacent to the pier. It would be helpful to include a map of the location for the proposed parking lot and restroom so we know if they are outside the boundaries of Ahukini SRP. I would hope, however, that the facilities will also accommodate the pier users. There should be an indication that the County and State will work together on this.

• I note that the Hanama'ulu Bridge has been identified as a historic site. I will defer to SHPD on this, but I would think that it should be reviewed by the SHPD architect for its architectural significance and maybe considered for the National Register of Historic Places (?). If significant, any modifications would be subject to SHPD review.

• Visitor counts for our parks was conducted in 2003 and Ahukini has an annual visitation around 190,000, about 85% of this visitation is by residents. You may want to include this on page 76.

• In Section 3.4, it is important to recognize the potential for subsurface deposits and remains, not just what is present on the surface. Therefore, on page 131, I wonder if we can say that there will be no impact to cultural and archaeological sites.

Aloha,
Martha

MERLE D. GRIMES, LLC

Ms. Martha Yent
Department of Land and Natural Resources
Division of State Parks
P.O. Box 621
Honolulu, Hawaii 96809

March 28, 2006

Subject: Response to Comment Letter dated February 16, 2006 for the Ahukini to Lydgate Park Bicycle/Pedestrian Path - Draft Environmental Assessment (DEA) dated November 22, 2005

Dear Martha:

Thank you so much for your time in reviewing the Draft Environmental Assessment for the above mentioned path project, and submitting your comments regarding same. With this correspondence, we would like to respond to each of your issues and concerns as listed. Please find your comments in regular type and font, and the response to each in italics. Path alignment alternatives were determined through a process, which included three public meetings/workshops (one specific for the Wailua Golf Course reach and two for the entire project area) and meetings with stakeholders such as the Wailua Golf Course management, regulatory agencies and landowners. The Draft Environmental Assessment includes meeting minutes for each of these meetings.

Finally, we are in receipt of your hard copy with hand written notes, and we will commit to the Final EA, all of the editorial comments found on those pages. We really appreciate your time in detail with them.

Aloha Sara Edi,

I finally was able to look at your DEA for the Ahukini to Lydgate bike path - hope I'm not too late. I decided it would be easiest to send you the pages where I had comments. A lot of my comments are "little details" about DLNR and the name of our park (Ahukini State Recreation Pier).

• I'm not sure of the Ahukini park boundaries, but the TMK indicates it is probably a very small area adjacent to the pier. It would be helpful to include a map of the location for the proposed parking lot and restroom so we know if they are outside the boundaries of Ahukini SRP.

So noted. Thanks for the suggestion.

I would hope, however, that the facilities will also accommodate the pier users. There should be an indication that the County and State will work together on this.

So noted.

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Ms. Martha Yent
March 28, 2006
Page Two of Two

• I note that the Hanama'ulu Bridge has been identified as a historic site. I will defer to SHPD on this, but I would think that it should be reviewed by the SHPD architect for its architectural significance and maybe considered for the National Register of Historic Places (?). If significant, any modifications would be subject to SHPD review.

We have been working with them on this, and will make sure any modifications are done with their approval.

• Visitor counts for our parks was conducted in 2003 and Ahukini has an annual visitation around 190,000, about 85% of this visitation is by residents. You may want to include this on page 76.

Thank you for the data! We will make the inclusion in the final EA.

• In Section 3.4, it is important to recognize the potential for subsurface deposits and remains, not just what is present on the surface. Therefore, on page 131, I wonder if we can say that there will be no impact to cultural and archaeological sites.

We will indicate that we will prepare a Monitoring Plan that has been approved, and will follow the guidelines as such.

At this time, there is no preferred path alignment. The County of Kauai will make the final determination for best alignment alternative once the public comment period is concluded and all of the issues have been identified.

The planning and permitting team agrees with you and feels that the design solutions we are developing will be in concert with your concerns. Feel free to contact me further if you have other concerns or ideas regarding this project.

Sincerely,

Merle D. Grimes

Cc: Douglas Haigh

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DEPARTMENT OF THE ARMY
U. S. ARMY ENGINEER DISTRICT, HONOLULU
FT. SHAFTER, HAWAII 96858-5440

REPLY TO
ATTENTION OF

January 9, 2006

Regulatory Branch

File No. POH-2005-471

Merle D. Grimes, LLC
1042 Broken Arrow Circle
Elizabeth, CO 80107

Subject: Draft Environmental Assessment (dEA) for the Ahukini to Lydgate Park Bike and Pedestrian Path, County of Kauai.

Dear Mr. Grimes:

This office has reviewed the materials you submitted on December 12, 2005 regarding the proposed bike path, including alternative alignments. The purpose of the project is to construct a key segment of the Nawiliwili to Anahola Bike and Pedestrian Path proposed in the 1994 State of Hawaii Master Plan.

Section 10 of the Rivers and Harbors Act requires that a Department of the Army (DA) permit be obtained for certain structures or work in or affecting navigable waters of the United States (33 U.S.C. 403). Section 404 of the Clean Water Act requires that a DA permit be obtained prior to the placement or discharge of dredged and/or fill material into waters of the U.S., including wetlands (33 U.S.C. 1344).

The information included in the dEA describes numerous drainageway crossings as well as one wetland area. In order for the Corps to make a determination of DA jurisdiction, additional information is needed on the presence/absence of an ordinary high water mark (OHWM) for the drainageways and the location of the structural footprint (including bridge approaches, concrete abutments, etc.) in relation to such.

For instance, the dEA references a small tidal drainageway near the Radisson Hotel (Subreach 8), but does not include photographs. Although photographs may not be wholly sufficient in themselves to make a determination of jurisdiction, they may indicate if further investigation is necessary. Also, based on the photographs in the dEA, the drainageway near Kauai Beach Villas (KBV) (Subreach 9) appears to be tidally influenced in the project area. The dEA describes a span-type crossing for this as well as the crossing in Subreach 8, but it does not show this work in relation to extent of tidal reach (MHHW). It is not clear if the approach structures for the span elements are outside/landward of any high water mark.

2

For your information, information on the definition of OHWM can be found in our regulations at http://www.usace.army.mil/inet/functions/cw/cecwo/reg/33cfr328.htm. Likewise, information on extent of jurisdiction in waters subject to Section 10 authority can be found at http://www.usace.army.mil/inet/functions/cw/cecwo/reg/33cfr329.htm.

Based on information in the dEA, the segment of the proposed path that crosses the Hanama'ulu Bridge will use existing bridge structure and does not appear to involve deposition of dredged or fill material into waters of the U.S. Therefore, no DA permit will be required for this section. If construction plans change, a revised determination will be required.

Dune re-nourishment was also described in the dEA in conjunction with the proposed bike path. Please note that should fill be proposed waterward of the mean higher high water (MHHW) mark on the shoreline, a DA permit may be required.

Also, the dEA states that the Ocean Bay Plantation wetland delineation is pending confirmation by the Corps. Our records do not indicate this delineation has been submitted for review by the regulatory office. Please submit this report in order for us to assist you.

Should you have any further questions, please contact Ms. Connie Ramsey by phone at 808-438-2039, by facsimile at 808-438-4060 or by email at Connie.L.Ramsey@usace.army.mil and reference the above file number. Thank you for your cooperation with our regulatory program

Sincerely,

George P. Young, P.E.
Chief, Regulatory Branch

Copy Furnished:

Clean Water Branch, Department of Health, P.O.Box 3378, Honolulu, HI 96801

MERLE D. GRIMES, LLC

March 28, 2006

File No. POH-2005-471

Mr. George Young
Chief, Regulatory Branch
Department of the Army
U.S. Army Engineer District, Honolulu
Ft. Shafter, Hawaii 96858-5440

Subject: Response to Comment Letter dated January 9, 2006, for the Ahukini to Lydgate Park Bicycle/Pedestrian Path; Draft Environmental Assessment (DEA) dated November 22, 2005

Dear Mr. Young:

Thank you so much for your time in reviewing the Draft Environmental Assessment for the above mentioned path project, and submitting your comments regarding same. With this correspondence, we would like to respond to each of your issues and concerns as listed. Please find your comments in regular type and font, and the response to each in italics.

This office has reviewed the materials you submitted on December 12, 2005 regarding the proposed bike path, including alternative alignments. The purpose of the project is to construct a key segment of the Nawiliwili to Ahahola Bike and Pedestrian Path proposed in the 1994 State of Hawaii Master Plan.

Section 10 of the Rivers and Harbors Act requires that a Department of the Army (DA) permit be obtained for certain structures or work in or affecting navigable waters of the United States (33 U.S.C. 403). Section 404 of the Clean Water Act requires that a DA permit be obtained prior to the placement or discharge of dredged and/or fill materials into waters of the U.S., including wetlands (33 U.S.C. 1344).

So noted.

For instance, the DEA references a small tidal drainageway near the Radisson Hotel (Subreach 8), but does not include photographs. Although photographs may not be wholly sufficient in themselves to make a determination of jurisdiction, they may indicate if further investigation is necessary.

A photograph of the small tidal drainageway can be found in the Draft Environmental Assessment on page 34. We apologize for not correctly referencing this photo with the text.

Also, based on the photographs in the dEA, the drainageway near Kauai Beach Villas (KBV) (Subreach 9) appears to be tidally influenced in the project area. The dEA describes a span-type crossing for this as well as the crossing in Subreach 8, but it does not show this work in relation to extent of tidal reach (MHHW). It is not clear if the approach structures for the span elements are outside/landward of any high water mark.

Any bridge abutments will be constructed outside of the highwater mark, and according to your regulations.

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MERLE@MDGDENVER.COM

Mr. George Young
March 28, 2006
Page Two of Two

http://www.usace.army.mil/inet/functions/cw/cecwo/reg/33cfr328.htm. Likewise, information on extent of jurisdiction in wat4ers subject to Section 10 authority can be found at http://www.usace.army.mil/inet/functions/cw/cecwo/reg/33cfr329.htm.

Thank you for this information.

Based on information in the DEA, the segment of the proposed path that crosses the Hanama'ulu Bridge will use existing bridge structure and does not appear to involve deposition of dredged or fill material into waters of the U.S. Therefore, no DA permit will be required for this section. If construction plans change, a revised determination will be required.

So noted.

Dune re-nourishment was also described in the dEA in conjunction with the proposed bike path. Please note that should fill be proposed waterward of the mean higher high water (MHHW) mark on the shoreline, a DA permit may be required.

Should the County select this alternative as part of the preferred alignment, a DA permit application will be submitted.

Also the dEA states that the Ocean Bay Plantation wetland delineation is pending confirmation by the Corps. Our records do not indicate this delineation has been submitted for review by the regulatory office. Please submit this report in order for us to assist you.

We have delineated the wetland in this area. We will be submitting the report with the delineation forms, photos, and a map. We have photos and a map also to include with the delineation forms.

Should you have any further questions, please contact Ms. Connie Ramsey by phone at 808-438-2039, by facsimile at 808-438-4060 or by email at Connie.L.Ramsey @usace.army.mil and reference the above file number. Thank you for your cooperation with our regulatory program.

This design and permitting team agrees with you and feel that the design solutions we are developing will be in concert with your concerns. Thank you for your time on this, and feel free to contact me if you have further issues or concerns.

Respectfully submitted,

Merle D. Grimes

1042 BROKEN ARROW CIRCLE • ELIZABETH CO. 80107
303-646-0046 (OFF) • 303-646-8708 (FAX)
MERLE@MDGDENVER.COM

PHONE (808) 594-1888

FAX (808) 594-1865

STATE OF HAWAI'I
OFFICE OF HAWAIIAN AFFAIRS
711 KAPI'OLANI BOULEVARD, SUITE 500
HONOLULU, HAWAI'I 96813

HRD05/2166

January 3, 2005

Merle D. Grimes
Merle D. Grimes, LLC
1042 Broken Arrow Circle
Elizabeth, CO 80107

RE: Draft Environmental Assessment for the Proposed Ahukini to Lydgate Park Bike and Pedestrian Path, Ahukini Point to Lydgate Park, Kaua'i, Various TMKs.

Dear Merle D. Grimes,

The Office of Hawaiian Affairs (OHA) is in receipt of your December 11, 2005 request for comment on the above listed proposed project. OHA offers the following comments:

Our staff has reviewed the Draft Environmental Assessment (DEA) for the above stated proposed project and has several preliminary comments. These are:

1) Due to the fact that the Alternative 2 alignment may jeopardize the integrity of a burial interment site (see Plate 3.2 of the DEA), OHA recommends that the Alternative 1 alignment be implemented.

2) If Alternative 2, or portions of this alternative, is/are chosen, an adequate buffer of at least 30 feet should be created surrounding the Kuhio Highway interment site.

3) As much as possible the contractor should avoid ground altering activities where sandy sediments predominate. Where possible, it would be appropriate to compact existing sediment to achieve structural integrity. This should be done to minimize potential impacts to human burials and subsurface cultural deposits.

4) A stipulation needs to be made in the Archaeological Monitoring Plan that all earth disturbing activities should be monitored by a professional archaeologist. It is appropriate that monitoring occur on an 'on-site' basis rather than an 'on-call' or spot check basis. The Plan should also state that one archaeological monitor shall be present per each piece of earth disturbing equipment (i.e. three simultaneous excavations shall require the presence of three archaeological monitors).

Merle D. Grimes
January 3, 2005
Page 2

5) While the word Hawai'i takes the diacritical glottal stop ('okina), the word Hawaiian does not. This error is found throughout the document and particularly on page 10 of the DEA.

6) The Hawaiian pāpio (Trevally sp.) is incorrectly referred to as an 'ulna' on page 209 of the DEA. The correct Hawaiian name for the adult pāpio is ulua.

7) Simple grammar issues such as missing punctuation (page 221) are found throughout the document. The DEA should be thoroughly edited before a Final Environmental Assessment is submitted in support of this project.

OHA further requests your assurances that if the project goes forward, should iwi or Native Hawaiian cultural or traditional deposits be found during ground disturbance, work will cease, and the appropriate agencies will be contacted pursuant to applicable law.

Thank you for the opportunity to comment. If you have further questions or concerns, please contact Jesse Yorck at (808) 594-0239 or jessey@oha.org.

'O wau iho nō,

Clyde W. Nāmu'o
Administrator

CC: La France Kapaka-Arboleda
OHA Community Affairs Coordinator (Kaua'i)
3-3100 Kuhio Hwy., Suite C4
Lihue, HI 96766-1153

Kauai Niihau Burial Council Meeting

DATE: May 2, 2006
MEETING TIME: 9:00 a.m. HST
MEETING LOCATION: Kauai County Council Chambers FROM: Jim Powell, SCS Archaeology
MEETING ATTENDEES: Kaua`i Ni`ihau Island Burial Council
MEETING SUBJECT: May 2006 Agenda (see below)

Information regarding agenda item IV - F:

Informational Update for the Wailua Golf Course/Coastal Path Alignment [TMK: (4) 3-9-02: por 4]
Information/Recommendation: Informational presentation by SCS Archaeology for the purpose of obtaining the council's approval for the proposed Kauai County Coastal Path to pass within 30' of a known burial in the Wailua Golf Course parking lot.

An informational update on the Path Alignment was presented to the burial council by J. Powell of SCS. After a short discussion clarifying the location and circumstances regarding the request, the council voted unanimously to recommend approval of the proposal.

This recommendation for approval will appear in the minutes for the May 2006 meeting.

Section 4(f)

Section 4(f) Statement and Determination for Independent Bikeway or Walkway Construction Projects

MEMORANDUM

Background

There is a growing interest in bicycling and walking for commuting, for recreation, and for other trip purposes. Where this activity occurs on high-speed roadways, both safety and efficiency can be impaired because of the mixture of motorized and nonmotorized modes of travel. Construction of bikeways or pedestrian walkways can promote safety and will assist in retaining the motor vehicle carrying capacity of the highway while enhancing bicycle capacity.

The United States Congress recognized the importance of bicycle and pedestrian travel by including special provisions for these modes in the Federal-Aid Highway Act of 1973, Public Law 93-87. Section 124 of this Act (amended Title 23, U.S. Code, by adding Section 217) contained the following principal provisions:

(1) Federal funds available for the construction of preferential facilities to serve pedestrians and bicyclists are those apportioned in accordance with paragraphs (1), (2), (3), and (6) of Section 104(b), 23 U.S.C., and those authorized for Forest highways, Forest development roads and trails, public land development roads and trails, park roads and trails, parkways, Indian reservation roads, and public land highways.

(2) Not more than $40 million (amended to $45 million by Section 134 of the Federal-Aid Highway Act of 1976) apportioned in any fiscal year for purposes described in the preceding paragraph may be obligated for bicycle projects and pedestrian walkways.

(3) No State shall obligate more than $2 million (amended to $2.5 million by Section 134 of the Federal-Aid Highway Act of 1976) of Federal-aid funds for such projects in any fiscal year.

(4) Such projects shall be located and designed pursuant to an overall plan which will provide due consideration for safety and contiguous routes.

The funding limitations described in (2) and (3) above are applicable only to independent bikeway or walkway construction projects.

Project Description

Independent bikeway or walkway construction projects are those highway construction projects which provide bicycle or pedestrian facilities in contrast to a project whose primary purpose is to serve motorized vehicles. The requirements for qualification of proposed bikeway or walkway facilities as independent bikeway or walkway construction projects are contained in Volume 6, Chapter 1, Section 1, Subsection 1, of the Federal-Aid Highway Program Manual * *(the Federal -aid Highway Program Manuals were replaced by the Federal-aid Program Guide which includes selected verbatum sections of the CFR)*, codified as Part 652 of Chapter 1 of Title 23 of the Code of Federal Regulations (CFR).

The bikeways and walkways will be designed and constructed in a manner suitable to the site conditions and the anticipated extent of usage. In general, a bikeway will be designed with an alignment and profile suitable for bicycle use with a surface that will be reasonably durable that incorporates drainage as necessary, and that is of a width appropriate for the planned one-way or two-way use.

The facilities will be accessible to the users or will form a segment located and designed pursuant to an overall plan.

Projects may include the acquisition of land outside the right-of-way, provided the facility will accommodate traffic which would have normally used a Federal-aid highway route, disregarding any legal prohibitions on the use of the route by cyclists or pedestrians.

It is required that a public agency be responsible for maintenance of the federally funded bikeway or walkway. No motorized vehicles will be permitted on the facilities except those for maintenance purposes and snowmobiles where stateor local regulations permit.

Application

This negative declaration/preliminary Section 4(f) document is only applicable for independent bikeway or walkway construction projects which require the use of recreation and park areas established and maintained primarily for active recreation, open space, and similar purposes. Additionally, this document is applicable only when the official having specific jurisdiction over the Section 4(f) property has given his approval in writing that the project is acceptable and consistent with the designated use of the property and that all possible planning to minimize harm has been accomplished in the location and design of the bikeway or walkway facility. This document does not apply if the project would require the use of critical habitat of endangered species.

This document does not cover the use of any land from a publicly owned wildlife or waterfowl refuge or any land from a historic site of national, State, or local significance. It also does not cover those projects where there are unusual circumstances (major impacts, adverse effects, or controversy). A separate Section 4(f) statement and environmental document must be prepared in these categories.

This document does not cover bicycle or pedestrian facilities that are incidental items of construction in conjunction with highway improvements having the primary purpose of serving motor vehicular traffic.

Summary

The primary purpose for the development of independent bikeway and walkway projects is to provide a facility for traffic which would have normally used a Federal-aid highway route. In some cases, the bikeway and walkway projects can serve a dual function by also providing for recreational use. Where this situation occurs, artificially routing a bikeway or walkway around a compatible park area is not a prudent alternative because it would decrease the recreational value of the bikeway or walkway.

The written approval of the official having specific jurisdiction over the Section 4(f) property and construction authorization by FHWA will confirm that all possible planning to minimize harm has been accomplished in the location and design of the bikeway or walkway facility.

Noise and air quality will not be affected by bicycles. There would be increase in the noise level if snowmobiles are permitted. However,

this would likely occur at a time when other uses of the recreational facilities will be minimal.

Temporary impacts on water quality will be minimal. Erosion control measures will be used through the construction period. A certain amount of land will be removed from other uses. The type of land and uses will vary from project to project. However, due to the narrow crosssection of the bikeways and walkways, a minimal amount of land will be required for the individual projects. The projects will be blended into the existing terrain to reduce any visual impacts.

Displacement of families and businesses will not be required.

No significant adverse social or economic impacts are anticipated. There will be beneficial impacts such as the enhancement of the recreational potential of the parks and the provision of an alternate mode of transportation for the commuter.

Comments and Coordination

A draft of this negative declaration/Section 4(f) statement was published in the *Federal Register* (42 F.R. 15394), March 21, 1977, inviting interested persons to comment. The majority of the letters received were favorable and recommended approval of the document.

The document was also circulated to the Departments of the Interior (DOI), Housing and Urban Development (HUD), and Agriculture. Comments were received from DOI and HUD and are included in the appendix along with our responses.

Individual projects will be coordinated at the earliest feasible time with all responsible local officials, including the State Outdoor Recreation Liaison Officer. The use of properties acquired or developed with Federal monies from the Land and Water Conservation Fund will also be coordinated with the Bureau of Outdoor Recreation of DOI.

If HUD Community Development Block Grant Funds are used in conjunction with Federal Highway Administration Funds, HUD environmental review procedures set forth in 24 CFR, Section 58, are applicable.

Determination

Based on the above and on the scope of these bikeway and walkway projects, it is determined that they will not have a significant effect upon the quality of the human environment. It is also our determination that (1) there is no feasible and prudent alternative to the use of Section 4(f) lands, and (2) the conditions for approval will insure that the bikeway proposals will include all possible planning to minimize harm resulting from such use.

Date: May 23, 1977 /Original signed by/ Les Lamm For William M. Cox Federal Highway Administrator

COUNTY OF KAUAI
PLANNING DEPARTMENT
4444 RICE STREET, SUITE A473
LIHUE, KAUAI, HAWAII 96766-1326

MEMORANDUM

DATE: May 8, 2006

TO: Jim Powell
SCS Archaeology

FROM: Kauai Historic Preservation Review Commission

SUBJECT: Request for comments in compliance with Chapter 6E-42 Historic Preservation Review for proposed changes to Hanamaulu Railway Bridge, State Historic Site #1845, TMK: 3-7-02; and Proposed changes to a box culvert, State Historic Site # 1846, TMK: 3-7-03, Hanamaulu: Ahukini to Lydgate Park Bike and Pedestrian Path, Federal-Aid Project NO. STP-0700(51), Lihue, Kauai, Hawaii.

Thank you for affording the Kauai Historic Preservation Commission (KHPRC) the opportunity to comment on the above project and for your informative background presentation.

After reviewing the information provided at its May 4, 2006 meeting, the KHPRC agreed with the use of the Hanamaulu Railroad Bridge for the bike path and its preservation and recommends that any changes have a minimum impact on the existing historic character of the bridge. While the proposed decking material was approved, the KHPRC reqoested the opportunity to review more detailed drawings of the proposed railing design railing along with any other alternative designs that may have been considered.

Please contact Rick Tsuchiya at 241-6677 should you have any questions.

Mahalo.

cc: SHPD
Building Div. attn. Dough Haigh

JUN-01-2006 12:44 PM WAILUA.GOLF.COURSE 808 241 6672 P.01

BRYAN J. BAPTISTE
MAYOR

GARY K. HEU
ADMINISTRATIVE ASSISTANT

DONALD M. FUJIMOTO
COUNTY ENGINEER
TELEPHONE 241-6800

LADYE H. MARTIN
DEPUTY COUNTY ENGINEER
TELEPHONE 241-6800

AN EQUAL OPPORTUNITY EMPLOYER
COUNTY OF KAUA'I
DEPARTMENT OF PUBLIC WORKS
4444 RICE STREET
MO'IKEHA BUILDING, SUITE 275
LIHU'E, KAUA'I, HAWAI'I 96766-1340

May 31, 2006

Mr. Merle Grimes
MDG, LLC
1042 Broken Arrow Circle
Elizabeth, Colorado 80107

Re: Lydgate Park to Ahukini Bike/Pedestrian Path Project

Dear Mr. Grimes:

I have reviewed the conceptual plans for the Wailua Golf Course Parking lot. It is my understanding that the entrance driveway into the golf course will be realigned to be directly across from the driveway entrance into the County Correctional Facility. In addition, deceleration and acceleration lanes into and out of the golf course will be included as part of the improvements. The bike and pedestrian path will be located within the landscaped area directly makai of the lower parking lot.

We do not have any issues with the proposed design under the following conditions:

1. The golf course personnel will be consulted during all phases of the design process.

2. That negative impacts to the golf course during construction of the bike and pedestrian path and parking lot are minimized.

3. No loss of parking stalls.

4. The lower parking lot is repaved and striped.

5. A new golf course sign is included as part of the improvements

6. Signs be placed announcing that the golf course parking lot is not for path parking/access.

7. Every effort be made to ensure that motorized vehicles be controlled from entry onto the path and golf course.

I look forward to working with you on the preliminary planning of the project.

Sincerely,

Ed Okamoto

CC: County Engineer
Chief of Buildings

06/01/06 THU 15:43 [TX/RX NO 5025] 001

merle d. grimes llc.

May 13, 2008

Mr. Ed Okamoto
Manager,
Wailua Golf Course
Department of Public Works
County of Kauai
4444 Rice Street, Suite 275
Lihue Kauai, Hawaii 96766-1340

Re: Ahukini to Lydgate Park Bike/Pedestrian Path Project

Dear Mr. Okamoto:

I am in receipt of you letter dated May 31, 2006 and acknowledge issues and conditions that you outlined to occur during the design phase of the project. Your letter and this response will be included in the Final Environmental Assessment document.

If you have any questions or concerns, please do not hesitate to contact me.

Sincerely,

Merle D. Grimes
Principal, MDG, llc

Cc: Doug Haigh

June 6, 2006

Merle:

Please see my comments in italics:

Steven Kyono

-----Original Message-----
From: Merle Grimes [mailto:merle@mdgdenver.com]
Sent: Monday, June 05, 2006 2:47 PM
To: Steven. Kyono
Cc: Doug Haigh
Subject: Ahukini to Lydgate Path Project

Steven:

At our last public meeting for the Ahukini to Lydgate Park Bike and Pedestrian Path project several residents were concerned that we did not include a mauka of the highway alternative. We did in fact review a mauka to the highway alternative and dismissed it for the following reason:

1. Safety. We felt that an at-grade x-ing would be very unsafe. In addition, that HDOT would not allow a signalized cross walk at one or two locations between Lydgate Park and the Kuhio/Kapule intersection.

Agreed. The speed limits within this corridor are not conducive to at-grade pedestrian crossings.

2. A tunnel option would be expensive, unsafe and not fit with any potential future plans to move or widen the highway. We were also concerned with drainage/water issues in the tunnel due to its elevation and proximity to an existing drainage canal.

Agreed. The water table for most of this section of highway is high therefore requiring construction of any type of pedestrian tunnel to be built in water therefore making construction very costly. Also, a very long

tunnel or modifications to a shorter one would be needed in order to accommodate a possible future widening of the highway to 4-lanes.

3. A bike/ped. bridge over the highway might be too expensive and become obsolete if the highway were to be moved or widened.

Agreed.

Steve Kyono
June 6, 2006
Page Two of Two

4. There are no connection points/trip generators on the mauka side of the highway at this time.

The areas mauka of the highway are currently undeveloped except for KCCC. We do not know what the Department of Hawaiian Home Lands will be doing with their large land holdings mauka of the highway and also do not know of any plans which Lihue Land Company might have for the bulk of the remainder of the mauka lands.

Could you please confirm or otherwise comment on these reasons for not selecting a mauka highway alternative so that I can include your comments in the Final EA? If at all possible, we could use your comments by Wednesday.

Merle Grimes,
MDG, LLC

LINDA LINGLE
GOVERNOR OF HAWAII

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

ROBERT K. MASUDA
DEPUTY DIRECTOR - LAND

DEAN NAKANO
ACTING 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

STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES

DIVISION OF STATE PARKS
POST OFFICE BOX 621
HONOLULU, HAWAII 96809

June 19, 2006

Mr. Merle Grimes
MDG, LLC
1042 Broken Arrow Circle
Elizabeth, Colorado 80107

Dear Mr. Grimes:

SUBJECT: Draft Environmental Assessment – Bicycle and Pedestrian Path
Ahukini to Lydgate Park, Lihu'e, Kaua'i

The proposed bicycle and pedestrian path from Lydgate Park is designed to follow along the coast to Ahukini Point and Ahukini State Recreation Pier (SRP). As part of this path, a trailhead and new comfort station are proposed in the vicinity of Ahukini SRP. Based on the map provided, it appears that the comfort station will be located on the bluff above the existing parking lot on State-owned land. We believe that a new comfort station will benefit the park users and those using the path. However, we do have some concerns that should be addressed in the planning for the path and improvements in the area of Ahukini SRP.

- There needs to be an assessment of the additional parking needs created by the proposed path. At present, Ahukini SRP is used largely by people fishing from the pier. As a trailhead, it is expected that bicyclists will be leaving their cars at this parking area which could create some user conflicts. It needs to be determined if the existing parking is adequate for a trailhead.
- The septic system for a new comfort station will require a leachfield. Because the soil in the proposed location is thin and underlain by rock, there could be problems encountered during construction. These factors should be considered when siting the new comfort station.
- Although the Ahukini Pier is not listed on the Hawai'i or National Register of Historic Places, this structure is over 50 years old and needs to be assessed for its historic significance. The foundations of stone and mortar structures in the vicinity of the new comfort station must also be considered.
- In the planning and design, the maintenance of this new facility should be addressed.

Thank you for the opportunity to comment on this project in regards to Ahukini SRP. We support a comfort station at Ahukini SRP, but believe that the concerns discussed above must be addressed. We look forward to working with you on future planning and design of these facilities.

Very truly yours,

DANIEL S. QUINN
State Parks Administrator

44046

United States Department of the Interior

NATIONAL PARK SERVICE
Pacific West Region
909 First Avenue, Fifth Floor
Seattle, Washington 98104-1061

IN REPLY REFER TO:

LWCF (PWR/PP)
15-00032

October 19, 2006

RECEIVED
STATE PARKS DIV
'06 OCT 23 P3:11
DEPT OF LAND & NATURAL RESOURCES

Daniel S. Quinn
State Parks Administrator
Department of Land and Natural Resources
1151 Punchbowl Street, Room 130
Honolulu, HI 96813

Dear Mr. Quinn:

I have reviewed your request of September 25, 2006, and concur with your finding that the implementation of FWHA Project No. STP-CM-0700 (51) – Lydgate to Ahukini Bike/Pedestrian Path – will not result in a conversion at Hanama'ulu Beach Park, a Land and Water Conversation Fund protected site. As presented, it appears extending the existing path from Lydgate Park through the northern portion of Hanama'ulu Beach Park, along with the planned construction of a bike/pedestrian access ramp and new restroom, will expand upon and enhance the existing public outdoor recreation opportunities this site has to offer.

Please allow me to thank you for bringing this matter to the National Park Service's attention while it is still in the planning stages and affording us the opportunity to comment before construction begins. It is indeed our pleasure to work with you in protecting and preserving some of our nation's most valued and treasured outdoor recreation sites.

Sincerely,

Gloria Shinn
Project Manager

ADMINISTRATOR
ASST ADMIN
DIV RN
PLAN RN
ASS-MGT RN
CENTRAL
ADMIN ASST
INTERP RN
FILE
DIR/DPST/STAFF RN
COMMENTS & REC
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TAKE PRIDE IN AMERICA

merle d. grimes llc.

May 13, 2008

Mr. Daniel S. Quinn
State Parks Administrator
Department of Natural Resources – Division of State Parks
State of Hawaii
Post Office Box 621
Honolulu, Hawaii 96809

Re: Ahukini to Lydgate Park Bike/Pedestrian Path Project

Dear Mr. Quinn:

We are in receipt of your letter dated June 19, 2006 and concur with your concerns that will need to be addressed during the design phase of the project.

Mr. Dough Haigh, Project Manager with the County of Kauai has had subsequent conversations with Mr. Wayne Souza. Those conversations indicated the following additional conditions:

- The existing parking lot should be stripped in order to maximize parking potential
- State Parks will manage any user conflicts between park and path users on an as-needed basis.
- State Parks will own and manage the new comfort station

This letter, as well as your letter dated June 19, 2006 will be included in the Final Environmental Assessment document. Please fell free to contact me if you have any concerns or questions.

Sincerely,

Merle D. Grimes
President, MDG, llc

Cc: Doug Haigh
Wayne Souza

BRYAN J. BAPTISTE
MAYOR

GARY K. HEU
ADMINISTRATIVE ASSISTANT

DONALD M. FUJIMOTO
COUNTY ENGINEER
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DEPUTY COUNTY ENGINEER
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DEPARTMENT OF PUBLIC WORKS
4444 RICE STREET
MO'IKEHA BUILDING, SUITE 275
LIHU'E, KAUA'I, HAWAI'I 96766-1340

October 26, 2006

Mr. Merle D. Grimes, President
Merle D. Grimes, LLC
1042 Broken Arrow Circle
Elizabeth, CO 80107

Re: Draft Environmental Assessment Comments

Dear Mr. Grimes:

We have reviewed the Environmental Assessment completed by your firm. There are two County parks within the project area (Hanamaulu Beach Park and Marine Camp Park.) that will be connected with the proposed path.

We find that no adverse impacts to either park will result from the path project and that the proposed improvements will be of great benefit to both parks and the community.

If you should require any further assistance in this matter, please do not hesitate to call.

Sincerely,

Mel Nishihara
Parks Administrator

STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
DIVISION OF STATE PARKS
POST OFFICE BOX 621
HONOLULU, HAWAII 96809

October 31, 2006

Mr. Merle Grimes
MDG, LLC
1042 Broken Arrow Circle
Elizabeth, Colorado 80107

Dear Mr. Grimes:

SUBJECT: 6(f)(3) Review of FWHA Project No. STP-CM-0700 (51)
Lydgate to Ahukini Bike/Pedestrian Path, Kaua'i, Hawai'i

Enclosed is a copy of the correspondence received from the National Park Service (NPS) regarding their review of the proposed bike/pedestrian path that runs from Lydgate Park to Ahukini Pier. The 6(f)(3) review by the NPS was requested because Land and Water Conservation Fund (LWCF) federal funds were used to develop park improvements at Hanama'ulu Beach Park between 1967 and 1970. As indicated in the letter, the NPS supports this project as a means of enhancing outdoor recreation. They also concur that the project will not result in a conversion.

If there should be any changes during the planning and design of this project as it affects Hanama'ulu Beach Park, it is recommended that you consult with Martha Yent, Hawaii LWCF Coordinator, at (808) 587-0287 or Martha.E.Yent@hawaii.gov. It is also important to remember that if any of the park area is used during the construction for non-recreation purposes, it may be necessary to seek approval for a "temporary non-conforming use" for the term of this use.

Please feel free to contact us if you have any further questions.

Very truly yours,

DANIEL S. QUINN
State Parks Administrator

Enclosure

cc: Doug Haigh, County of Kaua'i, Dept. of Public Works
Mel Nishihara, County of Kaua'i, Division of Parks
Wayne Souza, Kaua'i District, Division of State Parks

SCIENTIFIC CONSULTANT SERVICES, Inc.
711 Kapiolani Blvd., Suite 975 Honolulu, Hawai'i 96813

Susan Tasaki
Acting, Architecture Branch Chief
State Historic Preservation Division
Kakuhihewa Building, 601 Kamokila Blvd., Suite 555,
Kapolei, Hawai'i, 96707

May 1, 2006

RE: Compliance for Modifications to the Historic Hanamaulu Bridge and Box Culvert Bridge for the Ahukini to Lydgate Park Bike and Pedestrian Path, Hanamaulu, Lihue, Kaua'i

Dear Ms. Tasaki:

Scientific Consultant Services, Inc. (SCS) would appreciate your comments and acceptance on proposed alterations to the Hanama'ulu Railway Bridge and a concrete box culvert as part of the Federal-County joint Bike and Pedestrian Path project. The segment of concern runs from Ahukini to Lydgate Park and involves two historic structures. Each structure is described below, as well as proposed modifications to the structures.

This request is being made of your office per Section 106 and Chapter 6E-42 requirements. Improvements to both structures will allow Ahukini to Lydgate Park Bike and Pedestrian Path users to safely cross Hanama'ulu Stream and second, a drainage ditch along a cane haul road just south of the Kaua'i Beach Resort in Kawailoa. We request comments in compliance with Chapter 6E-42 Historic Preservation Review for proposed changes to these two structures from your office. We would sincerely appreciate your timeliness on comment as your letter will be included in a final EA document, which will be submitted in May 2006.

Hanama'ulu Cane Haul Bridge

The railway bridge, occurring on TMK:3-7-02, has been designated as State Site No. 1845 and consists of a primarily concrete structure, with the deck being concrete and reinforcing steel. The bridge, operated mainly for hauling sugar cane to and from the Ahukini area, will only be slightly modified along its deck area and improving corroded bars. Based on a structural assessment of the bridge by KSF, Inc., the bridge appears to be "in very good condition considering its age and ocean front exposure." A study of the bridge completed by Geolabs, Inc. concluded that "the existing foundation will be adequate to support the new path as the new loads will be of the same order of magnitude as originally intended."

In order to provide a safe and functional pathway across the railway bridge, plans call for placing precast concrete planks over the existing concrete beams. Anchors will be drilled and epoxied into the existing beams then connected to the planks to secure them in place. These planks will provide a level surface wide enough to accommodate

Ph: 808-597-1182 / SCS ARCHAEOLOGICAL Fax: 808-597-1183
Neighbor Island Offices • Hawai'i Island • Maui • Kaua'i

users of the path and strong enough to secure railings, also a safety measure. The planks will span across the width of the existing bridge to provide a widened path and a durable, low maintenance pathway. The planks themselves will measure c. 6" thick and the railings will consist of stainless steel cables attached to concrete posts. The cables measure only ½" diameter, this minimal size used for their minimal visual impact and low cost. In addition, minor improvements will also be done and includes fixing spalls and removing and replacing corroded reinforcement bars. The color and texture of the concrete patches will exactly match the existing concrete structure.

Concrete Box Culvert

A concrete box culvert is present above a small drainage ditch along a cane haul road just south of the Kaua'i Beach Resort in Kawailoa. The culvert has been designated as State Site. No. 1846 and occurs on TMK: 3-7-03. Only minor improvements will be done for the culvert; the culvert will be left intact. The deck of the culvert will be paved with concrete and safety railings will be installed along the flanks of the structure.

Comment

Comments on these modifications to the Hanama'ulua Cane Haul Bridge and the Concrete Box Culvert will be sought at the May 4, 2006 meeting of the Kaua'i Historic Preservation Review Committee.

Herein, we request comments in compliance with Chapter 6E-42 Historic Preservation Review for proposed changes to these two structures from your office.

Best Regards,

Michael Dega, Ph.D.
SCS Archaeology

LINDA LINGLE
GOVERNOR OF HAWAII

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

ROBERT K. MASUDA
FIRST DEPUTY

DEAN YAMANO
ACTING DEPUTY DIRECTOR - WATER

AQUATIC RESOURCES
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COMMISSION ON WATER RESOURCE MANAGEMENT
CONSERVATION AND RESOURCES ENFORCEMENT
ENGINEERING
FORESTRY AND WILDLIFE
HISTORIC PRESERVATION
KAHOOLAWE ISLAND RESERVE COMMISSION
LAND
STATE PARKS

STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES

STATE HISTORIC PRESERVATION DIVISION
601 KAMOKILA BOULEVARD, ROOM 555
KAPOLEI, HAWAII 96707

January 31, 2006

Merle D. Grimes
Merle D. Grimes, LLC
1042 Broken Arrow Circle
Elizabeth, Colorado 80107

LOG NO: 2006.0149
DOC NO: 0601NM31
Archaeology

Dear Mr. Grimes:

SUBJECT: Historic Preservation Review –
Draft EA Ahukini to Lydgate Pedestrian/Bike Path
Lihue District, Island of Kaua'i
TMKs: (4) 3-05-00, 01; 3-07-00; 3-07-02; 3-07-03; 3-09-00, 02 05, 06

We have reviewed the above DEA and have the following comments and corrections:

1. Section 2.2; Nancy McMahon is the part of DLNR, State Historic Preservation Division not the County of Kauai. Martha Yent is the Branch Chief of the Interpretative Division of State Parks, which is also part of DLNR.

2. Section 2.3; Mary Requilman is the Director for the Kauai Historical Society. There is no such thing as a Kauai Historic Preservation Officer. However, there is the Kauai Historic Preservation Review Commission which does review these types of projects and they are under the County of Kauai Planning Department.

3. Alternative 1 (Coastal Path) previously identified historic sites exist along this alternative route and interpretative information could be provided. This alternative would require an archaeological inventory survey plan, testing, and may require monitoring because the potential exists for subsurface habitation deposits and human burials in the route Right-Of-Way (ROW). Depending on the findings, further archaeological work may be required. If human remains are found within the corridor, preservation in place may be the recommend option.

4. Alternative 2 (Kapule/Kuhio Highway) is an acceptable option.

5. Alternative 3 (Ocean Bay Plantation – Upper Cane Haul Road) is the best route since it avoids most of the historic properties.

Mr. Merle Grimes
Page 2

6. Hanamaulu Railroad Bridge is a historic site and our Architectural Branch will need to be involved in reviewing any work on this bridge.

7. Sub-Alternative: Wailua Golf Course Tunnel would directly impact a known Hawaiian burial ground. The Kauai/Niihau Island Burial Council would need to be consulted on this section of the project. We suggest the County of Kauai Public Works make a preservation if this alternative is chosen. If an access is needed across the Wailua Golf Course, we would suggest the use of fill on top of the current golf course and then the prefab tunnel be placed on top and fill placed on the sides to blend it into the golf course and Tee 1. This way, little digging would be needed to the original dirt surface. If digging footings for this tunnel cannot be avoided, then archaeological testing would be required in order to determine if concentrations of burials are in this location.

8. Your proposed mitigation is archaeological monitoring to address unknown situations. We agree with this mitigation. An archaeological monitoring plan is required to be submitted to our office for review and approval.

9. In addition, all interpretative material would need to be reviewed by DLNR-SHPD.

If you have any questions please call Nancy McMahon at 742-7033.

Aloha,

Melanie A. Chinen, Administrator
State Historic Preservation Division

NM:jen

cc: Doug Haigh, County of Kauai, Public Works

SCIENTIFIC CONSULTANT SERVICES, Inc.
711 Kapiolani Blvd., Suite 975 Honolulu, Hawai`i 96813

Susan Tasaki
Architecture Branch Chief
State Historic Preservation Division
Kakuhihewa Building, 601 Kamokila Blvd. Ste. 555
Kapolei, HI 96707

February 9, 2007

Re: Compliance for Modifications to the Historic Hanamaulu Bridge and Box Culvert Bridge for the Ahukini to Lydgate Park Bike and Pedestrian Path, Hanamaulu, Lihue, Kaua`i

Dear Ms. Tasaki:

This letter is in response to discussions between yourself and Jodi Chew of the FHWA and provides additional information regarding the bridge and culvert as well as engineering assessments and consultation letters. The present letter follows a letter submitted to your office on May 1, 2006 and December 19, 2006 in which we solicited comment on proposed future use of the bridge.

The information presented herein relates to a request made to your office for review per Section 106 and Chapter 6E-42 requirements. In general, improvements to both structures will allow Ahukini to Lydgate Park Bike and Pedestrian Path users to safely cross Hanama`ulu Stream and second, a drainage ditch along a cane haul road just south of the Kaua`i Beach Resort in Kawailoa. We hope this additional information will satisfy compliance with Chapter 6E-42 Historic Preservation Review for proposed changes to the structures. We do appreciate your diligence and providing a comment letter to us at your earliest convenience as the process is near completion.

I. Hanamaulu River Bridge History

The railway bridge, occurring in TMK:3-7-02, has been designated as State Site No. 1845 and consists of a primarily concrete structure, with the deck of the bridge being composed of concrete and reinforcing steel. The bridge, operated mainly for hauling sugar cane to and from the Ahukini area, was constructed in 1921–1923 by the Ahukini Terminal & Railway Company. The bridge was part of a rail system for the transportation of sugar along the eastern coast of Kauai to a terminal at Ahukini and Nawiliwili Harbors. The bridge itself represents construction typical of the era: steel reinforced concrete. Additional information on bridges in the area may be found in "Sugar Trains (Conde and Best 1973) and "Hawaii Historic Bridge Inventory and Evaluation" (PHRI Inventory Survey for the Ocean Bay Plantation 1996).

As is presented below, Site 1845 will only be slightly modified along its deck area and improving corroded metal bars. The bridge will not be subject to demolition or full replacement. The bridge will be rehabilitated in order to facilitate its modern proposed use as a low impact pathway. In order to provide a safe and functional pathway across the bridge, plans call for

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placing precast concrete planks over the existing concrete beams. Anchors will be drilled and epoxied into the existing beams then connected to the planks to secure them in place. These planks will provide a level surface wide enough to accommodate users of the path and strong enough to secure railings, also a safety measures. The integrity of the bridge will remain intact, below the precast concrete planks.

Two photographs are attached which provide an overview of the bridge from plan view and profile angles (Figure 1, Figure 2). Two plans depicting proposed bridge modifications are also presented at the end of this letter (Figure 3, Figure 4).

Concrete Box Culvert

A concrete box culvert is present above a small drainage ditch along a cane haul road just south of the Kaua`I Beach Resort in Kawailoa. The culvert has been designated as State Site No. 1846 and occurs in TMK:3-7-03. The culvert was constructed during the recent historic period (c. 1950s) during use of roads to haul sugar cane in the area. Only minor improvements will be made to the culvert. The deck of the culvert will be paved with concrete and safety railings will be installed along the flanks of the structure. Original structural integrity will be preserved beneath the concrete.

II. Structural Assessment for Site 1845

KSF, INC.
615 Piikoi Street, Suite 300 Structural
Engineering *Honolulu, Hawaii 96814*
Construction Management
Phone (808) 593-0933 *FAX (808) 593-9339*
444444444444444444444444444444444444444444444444444444444444444444

Project: **AHUKINI TO LYDGATE PARK BIKE AND PEDESTRIAN PATH**
Subject: **STRUCTURAL ASSESSMENT AND RECOMMENDATIONS FOR THE HISTORIC HANAMAULU CANE HAUL BRIDGE**

Date: October 5, 2005
To: Mr. Merle Grimes
MDG, LLC
1042 Broken Arrow Circle
Elizabeth, CO 80107

From: Myles Shimokawa

The following is a report summarizing our work regarding the Structural Assessment and Recommendations for the Historic Hanamaulu Bridge (see Figure 3, Figure 4).

A. Observations:
The bridge appears to be in very good condition considering its age and ocean front exposure. Several site visits have been conducted. At this

time, no exploratory evaluations such as coring and concrete sampling have been performed. Several minor spalled areas are visible from the ground. The top "trough" which formed the original roadway for the railway was filled with dirt and debris. Once cleaned, additional concrete damage can be expected due to constant moisture from the organic material. It is expected that these concrete defects can be readily repaired using conventional chip-and-patch methods.

B. Structural Assessment

An original plantation drawing was available indicating dimensions but containing very little other information regarding reinforcing steel or the foundation piles. The bridge was modeled using a STRUDL finite element program neglecting any reinforcing steel. Loading from the proposed, new concrete deck used to widen the path was included. The structure, with smaller secondary arches supported on longer span primary arches, was found to be completely in compression. Concrete compressive stresses were in the 500 psi range. This would partially explain the few observed spalls as the absence of tensile cracks has allowed the concrete to continue to protect the reinforcing steel.

C. Foundation Assessment

The substructure is being assessed by Geolabs, Inc. Initial indications are that the existing foundation will be adequate to support the new path as the new loads will be of the same order of magnitude as originally intended. A field assessment to probe the depth of the top of the pilecap and collection of boring samples have yet to be completed. Unknown will be the size, depth, number and condition of the original piles, assumed to be timber. This information will be extremely difficult to ascertain.

D. Design and Recommendations

Various schemes to modify the top deck for an increased width and guardrails have been reviewed. The recommend solution uses precast concrete planks attached to the existing structure with epoxy embedded steel dowels. The planks span across the width of the existing bridge to provide a widened path and will provide a durable, low maintenance pathway. Intermittent concrete posts which support steel cables are used for their minimal visual impact and low cost.

E. Cost:

Estimated Cost: $300,000

III. Consultation Letter: KHPRC

Kaua`i Historic Preservation Review Commission
Department of Planning
4444 Rice Street
Lihue, Hawai`i 96766

April 23, 2006

Dear Kaua`i Historic Preservation Review Commission Members:

Subject: **Chapter 6E – 42 Historic Preservation Review –**
1. Proposed changes to Hanama`ulu Railway Bridge, State Historic Site # 1845, TMK: 3-7-02
2. Proposed changes to, a box culvert State Historic Site # 1846,TMK: 3-7-03
Hanama`ulu Ahupua`a, Lihue District, Island of Kaua`i

SCS is formally seeking comment through consultation at the May, 2006 meeting of the KHPRC on proposed changes to the Hanama`ulu Railway Bridge (Site 1845) and a concrete box culvert (Site 1846). These changes will be the result of improvements to the bridge deck and the culvert that will allow Ahukini to Lydgate Park Bike and Pedestrian Path users to safely cross Hanamaulu Stream and a drainage ditch along the cane haul road just south of the Kauai Beach Resort in the area of Kawailoa.

1. Hanama`ulu Railway Bridge:
   In order to provide a safe and functional pathway, plans call for placing pre-cast concrete planks on top of the existing concrete beams. Anchors will be drilled and epoxied into the existing beams and then connected to the planks to secure them in place. These planks will provide a level surface wide enough to accommodate the users and strong enough to secure railings to. The planks will be around 6 inches thick and the railings will be stainless steel cables attached to concrete posts. The cables are half an inch in diameter so its visual impacts are minimal.

   In addition to adding the planks and the railings, minor repairs to the structure will be done. This would involve fixing spalls and removing and replacing corroded reinforcing bars. The color and texture of the concrete patches will match the existing concrete.

Enclosed are reports from two engineering firms describing and assessing the proposed bridge changes, recent photos of the bridge and plan drawings of the changes.

2. Concrete box culvert:
   The box will be left in place, paved on the surface and safety railings installed.

Please contact SCS at 651-5924 if there are any questions.

Sincerely,

James Powell
SCS Archaeology

IV. Kauai Historic Preservation Review Commission Letter

Please see attached

V. Hanamaulu River Bridge: Geotechnical Analysis
Please see attached

Figure 1: Planview Photograph of Hanamaulu Bridge. View to East.

Figure 2: Photograph Depicting Profile of Hanamaulu Bridge. View to West.

Figure 3: Drawing Depicting Proposed Hanamaulu Bridge Modifications.

Figure 4: Drawing Depicting Cross-Section of Proposed Hanamaulu Bridge Modifications.

LINDA LINGLE
GOVERNOR OF HAWAII

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

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FORESTRY AND WILDLIFE
HISTORIC PRESERVATION
KAHOOLAWE ISLAND RESERVE COMMISSION
LAND
STATE PARKS

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

April 9, 2007

Mr. James Powell
Archaeology
Scientific Consultant Services, Inc.
711 Kapiolani Blvd., Suite 975
Honolulu, Hawaii 96813

LOG NO: 2007.0597
DOC NO: 0703ST15
Architecture

Dear Mr. Powell:

SUBJECT: Section 106 (NHPA) Review and Chapter 6E-8 (HRS) Review
Modifications to the Historic Hanamaulu Railway Bridge (State Historic Site # 1845) and a Box Culvert Bridge (State Historic Site #1846)
For the Ahukini to Lydgate Park Bike and Pedestrian Path
Federal Aid Project No. STP-0700(51)
Hanamaulu, Lihue and Kawailoa, Kauai, Hawaii
TMK: (2) 3-7-002 and -003

Thank you for the submittals received May 1, 2006 and February 16, 2007. We apologize for the late response. The proposed project is for modifications to the historic Hanamaulu Railway Bridge and Box Culvert Bridge for the Ahukini to Lydgate Park Bike and Pedestrian Path located in Hanamaulu, Lihue, on the Island of Kauai. Improvements to both structures are intended for safe crossing of the Hanamaulu Stream and a drainage ditch along a cane haul road just south of the Kauai Beach Resort in Kawailoa. The Railway Bridge was constructed in 1921-1923 and the concrete box culvert was built in the 1950s.

Work on the Railway Bridge involves attachment of precast, 6-inch-thick concrete planks over the existing concrete beams with epoxy embedded steel dowels; use of chip-and-patch methods to fix minor spalled areas; removal and replacement of corroded reinforcing bars; attachment of ½-inch-diameter stainless steel cables onto concrete posts to serve as railings; installation of intermittent concrete posts to support the steel cable; and installation of new concrete end post structures. The color and texture of the concrete patches will match the existing concrete. The existing foundation is adequate to support the new loads, which are of the same order of magnitude as originally intended. The bridge scour is not a consideration in the bridge design. There are no plans to demolish or to replace the bridge and the bridge will remain intact below the precast concrete planks.

Work on the concrete box culvert involves paving of the deck with concrete and installation of safety railings along the flanks of the structure. The culvert will remain intact below the concrete.

Mr. James Powell, Archaeology
Page 2

Architecture Concerns

We concur with the proposed rehabilitation of the Hanamaulu Bridge and the box culvert. Reuse of the Bridge as a bike and pedestrian path is an exemplary alternative to its demolition and replacement. This project provides a safe facility for the user and the community that preserves an aesthetic and historic resource and therefore exhibits a context sensitive solution.

In the absence of more detailed information, we request the opportunity to comment on the construction documents. We request drawings of where the proposed types of attachments will be located/how deep they penetrate into the existing surfaces; of the existing structure superimposed with the proposed work; photos (digital/CD is acceptable) of the existing bridge and culvert from both approaches; close-up photos of the existing bridge/culvert (e.g., approaches, side views, surfaces, structural/design details, railings); photos of the existing "end" conditions and what they will look like with the new end posts; details/photos of the proposed new railings and alternates.

We look forward to submittals of our requested information and any further developments in the project. Thank you for the opportunity to comment. Should you have any questions regarding architecture concerns, please call Susan Tasaki at (808) 692-8032.

Sincerely,

Peter T. Young
State Historic Preservation Officer

ST:jen

c: Mr. Rick Tsuchiya, County of Kauai, Planning Department, 4444 Rice Street, Suite A473, Lihue, Kauai 96766-1326

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07-TA-0140

U.S. Department of Transportation
Federal Highway Administration

Hawaii Division
Box 50206
300 Ala Moana Boulevard, Room 3-306
Honolulu, HI 96850

April 2, 2007

In Reply Refer To:
HEC-HI

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APR 04 2007
U.S. FISH & WILDLIFE SVC
PACIFIC ISLANDS FWD
HONOLULU, HI 96850

Mr. Patrick Leonard
Ecological Services – Field Supervisor
U.S. Fish and Wildlife Services
Pacific Islands Office
300 Ala Moana Boulevard
Room 3-122
Honolulu, HI 96850

Dear Mr. Leonard:

The County of Kauai is in the process of completing an Environmental Assessment (EA) for a bike and pedestrian path between Ahukini Point and Lydgate Park along the eastern coast of Kauai. The federal-aid project number is STP 700(51). The proposed route, identified by the consultant, Merle D. Grimes, LLC., includes lands (please refer to attached map) that may contain Shearwater habitat, although none has been identified to date nor have any birds been observed on the property.

We are writing this letter for two reasons:

- To summarize the coordination efforts to date
- To notify U.S. Fish and Wildlife Service (Service) of our finding for Section 7

The Draft EA was distributed on November 22, 2005. Ms. Andrea Erichsen, Kauai Seabird HCP Coordinator, Division of Forestry and Wildlife, responded to the Draft EA. Ms. Erichsen's response letter (see attached) raised concerns about the possibility of wedge-tailed shearwaters (*Puffins pacificus*) in the project area since she had observed many dead wedge-tailed shearwaters around Hanamaulu Bay in the fall of 2005. Ms. Erichsen goes on to request that a pre-construction survey be conducted for wedge-tailed shearwaters and consultation with the Division of Forestry and Wildlife and the U.S. Fish and Wildlife Service.

The consultant on the property did not complete a survey since the landowner denied access and no wedge-tailed shearwaters had been seen in the area, except for those mentioned by Ms. Erichsen. In addition, consultation with Mr. Peter Cohen stated: "After reviewing the Environmental Assessment there is no indication of any principal negative impacts on the local wetland areas by the proposed Lydgate Park bike path" (please see attached).

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Therefore, the FHWA has determined no effect on T&E species.

Please let us know in thirty days or we will assume that your original Draft EA assessment stands. However, if additional time is needed, please let us know. We appreciate your efforts since the Service's comments will be beneficial when we finalize the EA.

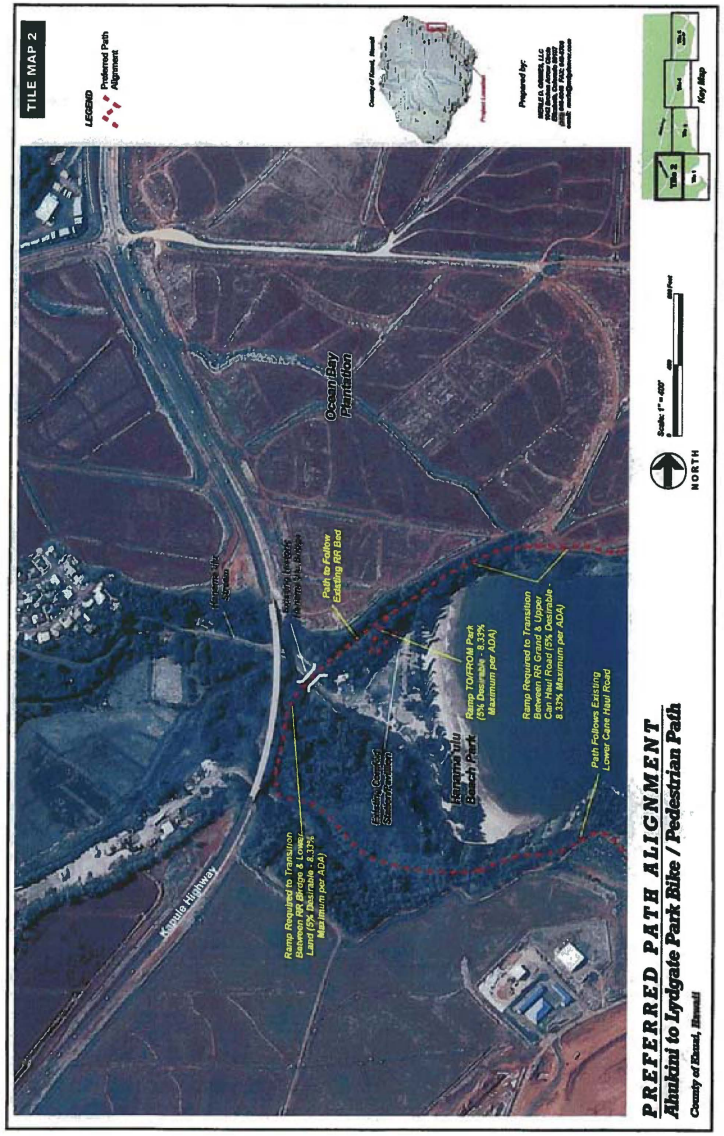
Please contact me at 541-2700, extension 305, if the Service has any comments or questions.

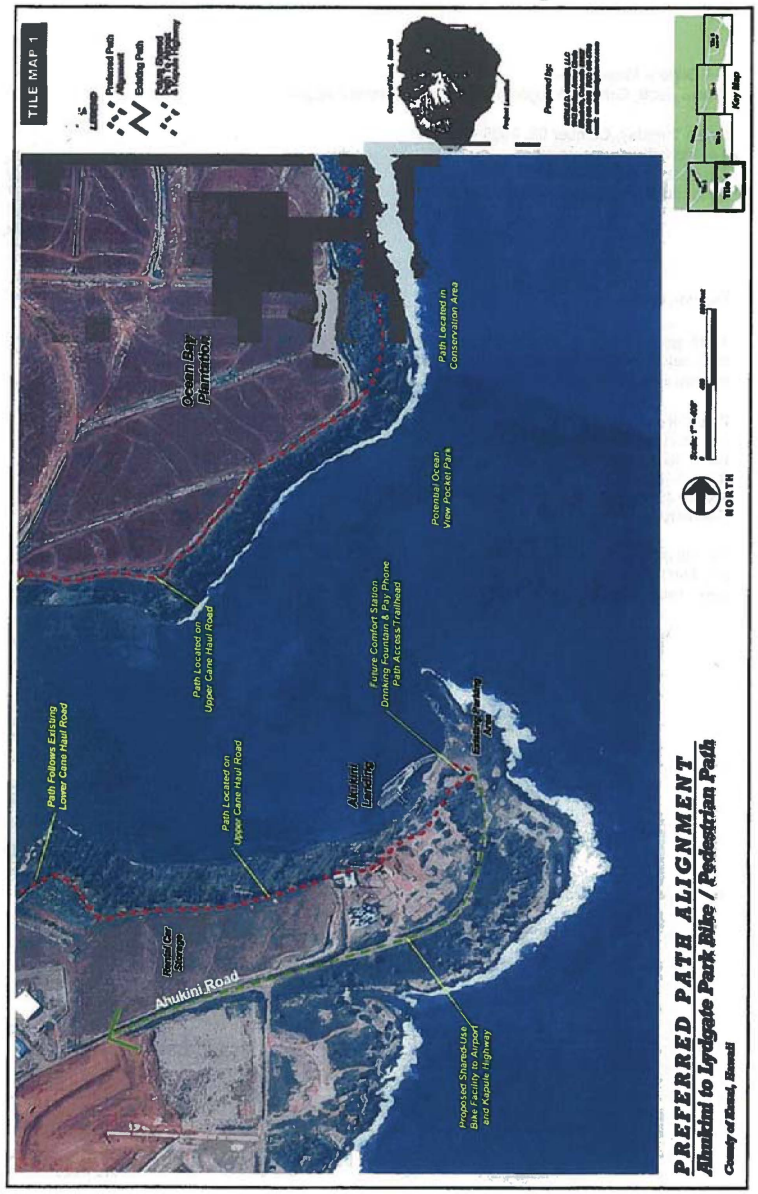
Sincerely yours,

Pat V. Phung, P.E.
Transportation Engineer

Enclosures

Cc: Ms. Christine Yamasaki, Hawaii Department of Transportation
Mr. Doug Haigh, County of Kauai
Mr. Merle Grimes, Merle D. Grimes, LLC.





-----Original Message----- **From:** Andrea.L.Erichsen@hawaii.gov [mailto:Andrea.L.Erichsen@hawaii.gov] **Sent:** Monday, January 09, 2006 2:23 PM **To:** Doug Haigh **Subject:** Comments on the Ahukini to Lydgate Park Bicycle/Pedestrian Path Draft EA

Aloha Doug, I appreciate being able to provide comments via email on such short notice. I am providing the following comments on the Ahukini to Lydgate Park Bicycle/Pedestrian Path Draft EA. I am the Kauai Seabird HCP Coordinator for the Division of Forestry and Wildlife. I work on issues related to causes of "unauthorized incidental take" of federal and state listed seabirds. 1. It is essential that no additional outdoor lighting is added by the project if possible. It is my undertanding that this is the case except for potential lights around the comfort stations. 2. Any lighting deemed necessary for safety and security (i.e. at comfort stations) should and can be fully shielded so as not to attract: Newell's shearwater, Hawaiian petrel and wedge-tailed shearwater. I can provide information on "seabird" safe lighting styles and encourage project proponents to consult with me on this to avoid causing "take" of listed seabirds due to lighting. 3. Page 77. Newell's shearwater is listed as a threatened species at the federal and state levels (it is not endgangered). However, over 80% of the world's remaining population breeds on Kauai. The Hawaiian petrel is listed as an endangered species at the federal and state levels. Both of these species migrate over the coastal area during breeding and fledging and thus could be harmed by any additional outdoor lighting that is not fully shielded. 4. Page 77. The biological setting and analysis fails to discuss adverse effects on wedge-tailed shearwaters (*Puffinus pacificus*) (referred to only as the ua'u kani) that is protected by the Federal Migratory Bird Treaty Act. This species nests in colonies along the coast. Breeding colonies are likely to be adversely affected by the proposed action. I directly observed many dead wedge-tailed shearwaters around Hanama'ulu Bay in the fall of 2005. Brenda Zaun and Keith Swindle of the U.S. Fish and Widlife Service also documented this mass mortality (photographs and information can be provided). We documented an enormous man-caused mortality on the north side of Hanama'ulu Bay in addition to devestating predation by cats and dogs, presumably. There are also several other colonies along the coast north and south of the aforementioned area. The construction of the bike path would increase public access and risk of disturbance and mortality as well as potentially result in direct removal of occupied nesting habitat for this protected species. As a way to mitigate for such adverse effects to less than significant levels, I recommend pre-construction surveys for wedg-tailed shearwater colonies by a qualified biologist at the appropriate time of year. These surveys would help avoid and protect existing colonies. In addition in areas along the bike path there should be permanent educational signs on the seabird species nesting and seen along the shoreline. If dogs are allowed on the bike path there should be a posted requirement that all dogs remain on leash at all times (penalties should be cited as necessary). Additional protective measures such as fencing and predator control may also be necessary. In summary I recommend colony surveys and consultation with the Division of Forestry and Wildlife and U.S. Fish and Widlife Service.regarding potential adverse effects to wedge-tailed shearwater along proposed and alternative bike/pedestrian pathway routes. 5. The biological information from reports cited for the two paragraph analysis on page 77 appears significantly outdated and inaccurate in my opinion i.e.(data from reports issued in 1994 and 2001). Therefore the analysis of potential effects would be compromised. 6. Page 77. Nene

(*Nesochen sandvicensis*) is an endangered species listed at the state and federal. Nene should be included in the analysis. Construction activities, noise, and human activities could along the path could cause adverse effects to Nene. 7. Page 77. Hoary bat is not an avian species, but rather, it is a mammal. Thank you for your time and consideration.

Andrea Erichsen, M.S. Kauai Seabird HCP Coordinator Division of Forestry and Wildlife P.O. Box 458 Waimea, HI 96796 (808) 346-3489 mobile (808) 338-1361 office

-----Original Message-----
From: Peter_Cohen@fws.gov [mailto:Peter_Cohen@fws.gov]

Sent: Tuesday, October 03, 2006 4:16 PM
To: merle@mdgdenver.com
Cc: peter_cohen@fws.gov
Subject: Re: Lydgate Park Bike Path

Dear Mr. Grimes,

Thank you for your call. After reviewing the Environmental Assessment there is no indication of any principle negative impacts on the local wetland and adjacent areas by the proposed Lydgate Park bike path.

Peter Cohen, PhD
U.S Fish and Wildlife Service
Pacific Islands Office
Room 3-122
300 Ala Moana Boulevard
Honolulu, HI 96850

Tel: (808) 792-9409
Fax: (808) 792-9580
Email: peter_cohen@fws.gov

United States Department of the Interior

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

In Reply Refer To:
2007-TA-0140

MAY 4 2007

Mr. Pat Phung
Transportation Engineer
Department of Transportation
Federal Highway Administration
Hawaii Division, Box 50206
300 Ala Moana Boulevard, Room 3-306
Honolulu, Hawaii 96850

Subject: Comments on Draft Final Environmental Assessment (EA) for Ahukini to Lydgate Park Bicycle/Pedestrian Path on the island of Kaua'i

Dear Mr. Phung:

Thank you for your letter of April 2, 2007, notifying our office of your finding and determination in the Draft Final Environmental Assessment under section 7 of the Endangered Species Act (Act) for the proposed Ahukini to Lydgate Park Bicycle/Pedestrian Path on the island of Kaua'i. We received your letter on April 4, 2007. We understand that you have determined that the proposed project will not affect listed species that may occur in the action area: the federally threatened Newell's shearwater (*Puffinus auricularis newelli*) and the federally endangered Hawaiian petrel (*Pterodroma phaeopygia sandwichensis*), Hawaiian hoary bat (*Lasirus cinereus semotus*), Hawaiian goose (*Branta sandvicensis*), Hawaiian duck (*Anas wyvilliana*), and Hawaiian moorhen (*Gallinula chloropus sandvicensis*). The EA also includes determinations regarding the endangered Hawaiian monk seal (*Monachus schauinslandi*), green sea turtle (*Chelonia mydas*) and humpback whale (*Megaptera novaeangliae*). Please note that the National Marine Fisheries Services, not the U.S. Fish and Wildlife Service, has regulatory authority under the Act for these marine species and for sea turtles that are in the ocean and not hauled out or nesting on the beach.

We disagree with your determination that the proposed project will not affect listed species in the vicinity of the project area. After reviewing the Draft Final Environmental Assessment, we are concerned that the proposed action may affect, however is not likely to adversely affect, listed species. If lighting associated with the bicycle/pedestrian path is down-shielded and lights use the shortest poles possible and do not extend above the height of existing vegetation, this will minimize the potential for disorienting listed seabirds traveling to or from their montane nesting areas and minimize collisions of listed seabirds and bats with light poles. In order to minimize the affect of the proposed project on listed waterbirds, disturbance from construction and increased human activity along the proposed path should be kept to a minimum. Educational

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HAWAII DIVISION

Mr. Pat Phung 2

signs should be strategically placed along the path to inform the general public of native wildlife in the area and Kaua'i's pet leash laws.

Wedge-tailed shearwaters (*Puffinus pacificus chlororhynchus*) may nest in littoral vegetation in the project area, and nesting adults may be displaced by construction of this path. This species is not threatened or endangered, but it is federally protected from take under the Migratory Bird Treaty Act [16 U.S.C. 703-712]. Surveys for wedge-tailed shearwaters should be completed during the peak breeding season, August through October, to determine the location of nesting adults. We agree with your proposed mitigation measure that if wedge-tailed shearwaters nest along the proposed alignment, the path should be redirected to an area where wedge-tailed shearwaters do not nest to avoid take.

We agree with your determination the proposed project will not affect endangered or threatened plant species or their proposed or designated critical habitat, because to the best of our knowledge, no federally listed plant species or proposed or designated critical habitat are present along the proposed alignment.

We appreciate your efforts to conserve endangered species. If you have questions, please contact Patrice Ashfield, Consultation and Technical Assistance Program Coordinator (phone: 808/792-9400; fax: 808/792-9581).

Sincerely,

Christa Russell for

Patrick Leonard
Field Supervisor

STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES

STATE HISTORIC PRESERVATION DIVISION
601 KAMOKILA BOULEVARD, ROOM 555
KAPOLEI, HAWAII 96707

March 12, 2008

Mr. Merle Grimes
MDG, LLC
1042 Broken Arrow Circle
Elizabeth, CO 80107

LOG NO: 2008.1069
DOC NO: 0803NM02
Archaeology

Dear Ms. Grimes:

SUBJECT: **National Historic Preservation Act (NHPA) Section 106 Review – Re-Burial Site at the Wailua Golf Course and the Ahukini-Lydgate Segment of the Bike and Pedestrian Path Project**
Wailua, Kauai
TMK: (4) 3-9-02: por 4

We have reviewed the consultation conducted by your company in terms of approving the proposed Kauai County Coastal Path to pass within 30' of a known burial re-interment site in the Wailua Golf Course parking lot. The path alignment, as proposed, will pass c. 30 feet from the re-burial site. We understand that the interment itself will not be impacted by the path or path construction and the area surrounding the interment site will have better protection by the placement of boulders to prevent cars from parking close to the site as they currently do at present.

In addition, The Kauai Burial Council voted unanimously at their regularly scheduled meeting on May 2, 2006 to recommend approval of these proposed actions around the interment site.

We believe that no significant impacts will occur to the re-burial site during construction of the Bike and Pedestrian Path near the Wailua Golf Course re-interment site. We look forward to your continued cooperation on this project as it moves forward.

If you have any questions, please contact Nancy McMahon, our Kauai Island Archaeologist at 808-241-3690.

Aloha

Laura H. Thielen
State Historic Preservation Officer

NM

SCIENTIFIC CONSULTANT SERVICES, Inc.
711 Kapiolani Blvd., Suite 975 Honolulu, Hawai'i 96813

March 12, 2008

Ms. Nancy McMahon
State Historic Preservation Division
Kakuhihewa Building,
601 Kamokila Blvd., Suite 555,
Kapolei, Hawai'i, 96707

RE: Concurrence of "No Adverse Effect" per the Hanamaulu Railroad Bridge Retrofit (State Site No. -1845) and Concrete Box Culvert (State Site No. -1846) within the Ahukini-Lydgate Segment of the Bike and Pedestrian Path Project

Dear Ms. McMahon:

This letter provides consultation (to date) on proposed modifications to the above noted structures and seeks formal SHPD concurrence of "no adverse impact" on these historic properties within the Ahukini-Lydgate Segment of the Bike and Pedestrian Path Project corridor (Path). Please note that no Memorandum of Agreement (MOA) was required for this segment of the Path project, although all the tenets of an MOA for other segments of the Path were followed for this segment.

Mitigation of Historic Structures: Two historic properties were identified in the Ahukini-Lydgate path corridor: Hanamaulu Cane Haul Bridge (State Site No. -1845) and a concrete box culvert (State Site No. -1846) in Kawailoa. Modest modifications to both structures have been proposed. As required in most MOA's, consultation with the SHPD has occurred. A letter dated May 1, 2006 was submitted to SHPD (S. Tasaki) for comment. A second compliance letter was submitted to Ms. Tasaki of SHPD on February 9, 2007 and addressed her concerns of modifications to these structures. SHPD (S. Taskai) responded in an April 9, 2007 letter (LOG NO.:2007.0597, DOC NO.:0703ST15). Consultation was also completed vis all Section 106 documents being submitted to the Federal Highways Administration (FHWA). The FWHA has commented, with the only comment being they require a letter of "no adverse effect" per the bridge and culvert from the SHPD.

Consultation per the two historic structures also occurred with the full membership of the Kauai Historic Preservation Review Committee (KHPRC) in April, 2006. The KHPRC generally agreed with the modifications and suggested a different railing system along the Hanama'ulu Cane Haul Bridge.

In addition, consultation has also been formally acquired during meetings for discussion of the Environmental Assessment. The public meetings were held on June 22, 2005 (Hanama'ulu, Kaua'i), August 25, 2005 (Lydgate Park, Kauai), May 23, 2006 (Lydgate Park, Kauai), and February 26, 2007 (Lydgate Park, Kauai). Public comment on the proposed routing was received during these meetings. Historic Preservation concerns were minimal. Of note, the Office of Hawaiian Affairs (OHA) provided written

Ph: 808-597-1182 / SCS... STAYING ALL YOUR ARCHAEOLOGICAL NEEDS / Fax: 808-597-1193
Neighbor Island Offices • Hawai'i Island • Maui • Kaua'i

comment (January 20, 2006) for the proposed pathway segment. Their concerns were addressed both in letter form and at the above noted forums.

Per formal reports submitted to the SHPD for review, several have been completed. An Archaeological Monitoring Plan was written and submitted to the SHPD for review in July, 2005. The AMP was accepted shortly thereafter. Pedestrian survey of the entire Ahukini-Lydgate corridor was completed by SCS archaeological staff on several occasions. The data is presented in the Environmental Assessment and also in a short archaeological report (Dega and Powell, September 2005) which was presented to the SHPD. Only the two above noted historic structures were identified during the field inspections. Any other sites would occur beneath the surface, and if present, would be identified during Monitoring.

Through the consultation process note above, there have been no negative comments to date regarding any of the proposed modifications being an adverse impact to the bridge (Site -1845) or the culvert (-1846). If you would like any additional information regarding consultation and any of the reports prepared for this project regarding the historic properties, we will send to you immediately.

Thank you for your considerations and we look forward to your concurrence letter or any additional questions you may have about this project.

Best Regards,

Michael Dega, Ph.D.
Senior Archaeologist
Scientific Consultant Services, Inc.

LINDA LINGLE
GOVERNOR OF HAWAII

STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES

POST OFFICE BOX 621
HONOLULU, HAWAII 96809

LAURA H. THIELEN
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT

RUSSELL Y. TSUJI
FIRST DEPUTY

KEN C. KAWAHARA
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
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FORESTRY AND WILDLIFE
HISTORIC PRESERVATION
KAHOOLAWE ISLAND RESERVE COMMISSION
LAND
STATE PARKS

March 13, 2008

Dr. Michael Dega, Ph.D.
Scientific Consulting Services, Inc.
711 Kapiolani Blvd., Suite 975
Honolulu, Hawaii 96813

LOG NO: 2008.1024
DOC NO:0803KK08
Architecture

Dear Dr. Dega:

SUBJECT: Section 106 (NHPA) Consultation
Federal Highways Administration
Hanamaulu Railroad Bridge
Retrofit and Concrete Box Culvert with in the Ahukini-Lydgate Segment of the Bike and Pedestrian Path Project
Hanamaulu, Island of Kauai
TMK: (2) 3-7-002 and 003

This letter acknowledges receipt of your transmittal of March 12 received in our office on March 13, 2008.

Two historic properties were identified in the Ahukini-Lydgate path corridor: Hanamaulu Cane Haul Bridge (State site number -1845) and a concrete box culvert (State site number -1846) in Kawailoa. In regards to the proposed project, Susan Tasaki of our office made the following comments in a letter dated April 9, 2007: "We concur with the proposed rehabilitation of the Hanamaulu Bridge and the box culvert. Reuse of the Bridge as a bike and pedestrian path is an exemplary alternative to its demolition and replacement. This project provides a safe facility for the user and the community that preserves an aesthetic and historic resource and therefore exhibits a context sensitive solution" (DOC NO. 0703ST15). As such our determination for the purposed project is "**no adverse effect**."

Should you have any further questions please contact Katie Kastner in our Oahu office at (808) 692-8023 or katie.j.kastner@hawaii.gov.

Sincerely,

Laura H. Thielen
State Historic Preservation Officer and Chairperson

LINDA LINGLE
GOVERNOR OF HAWAII

LAURA H. THIELEN
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT

RUSSELL Y. TSUJI
FIRST DEPUTY

KEN C. KAWAHARA
DEPUTY DIRECTOR - WATER

AQUATIC RESOURCES
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STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES

DIVISION OF FORESTRY AND WILDLIFE
KAUAI DISTRICT
3060 EIWA STREET, ROOM 306
LIHUE, KAUAI, HAWAII 96766

October 27, 2008

Merle D. Grimes
MDG, LLC
1042 Broken Arrow Circle
Elizabeth, CO. 80107

Dear Mr. Grimes:

This letter summarizes findings of a seabird nesting survey and provides for recommendations and conditions for the proposed "preferred alignment" of the Ahukini to Lydgate Park segment of the Kauai County Bike and Pedestrian Path (Maps 1, 2, and 3). The area surveyed is the north side of Hanamaula bay (Map 1) along the coast and makai of the old sugar cane road to the south of Hilton Lane (Map 3) for nesting activity by wedge-tailed shearwaters (*Puffinus pacificus*) on July 22, 2008 at 9-11 am. This species is not listed threatened or endangered but is protected under the U.S. Migratory Bird Treaty Act (16 USC 703 et seq.).

The area defined as **polygon "A"** on Maps 1 (A1) and 3 (A2) contains potentially suitable nesting habitat for wedge-tailed shearwater and is considered "occupied habitat" based on observations in 2006, and 2007. The Kaua'i Division of Forestry and Wildlife (DOFAW) has been interested in conducting a formal seabird survey for the area, however, other projects of higher priority have taken the forefront. Therefore, the exact number of breeding pairs is unknown at this time. Other areas within the aforementioned path segment are not highly suitable for this species due to vegetation type and land use history, however, care should be taken to assume presence anywhere along the coast.

Seabird mortalities have been documented in Polygons "A1 and A2" with the likely culprit being feral cats and/or stray dogs. People may cause unintentional harm by walking their unleashed pets along the shore line however, this has not been documented. Wedge-tailed shearwaters are ground nesters and generally breed from February to November, and pairs lay a single egg along coastal vegetation such as beach naupaka (*Scaevola taccada*), between rocks, and under tree roots. Birds return after nightfall between 7:30 to 9:30 p.m. to feed and care for their chick and depart for the open sea early the next morning at 3:00 to 5:00 am. It is not uncommon to hear birds calling or see them overhead near their nesting area.

Based on the habitat type, and recent documentation of nesting activities, it is recommended that the proposed bike path alignment be either placed on the old cane road(s) or adjacent (makai side) to the old cane road(s). The following conditions are recommended to avoid, minimize, and mitigate for potentially negative impacts to nesting seabirds and their habitat during the construction phase as well as the long-term maintenance of the path project:

1. The County should consult with DOFAW during final design of the path alignment. During this consultation DOFAW can share new biological information that could guide path construction and management practices (including fencing, predator control/removal, monitoring);
2. The path alignment should stay west of **polygons "A1 and A2"** (Maps 1 and 3), preferably on the existing cane road;
3. Scenic overlooks should be incorporated north or south of the **polygons "A1 and A2"** areas;
4. The County would fund design, production, installation, and maintenance of interpretive and regulatory signs per DOFAW guidance on content and location. Approximately two (2) interpretive signs and two (2) regulatory seabird signs are recommended for this segment of the bike path (i.e. in the vicinity of **polygons "A1 and A2"**). DOFAW has already provided County and its consultants with some text and graphics and will continue assist in guiding the content as well as placement of the interpretive and regulatory signs along the path;
5. Restoration of native coastal vegetation such as beach naupaka and other native beach shrubbery is recommended as part of any landscaping plan for this segment of the bike path;
6. Tree removal within known nesting areas should consult with DOFAW to determine whether or not nesting burrows are near the affected tree(s). Wedge-tailed Shearwaters breed on Kaua'i from February to November and tree removal and earth disturbance should be avoided during these months unless biological monitors are on hand to supervise and ensure adequate protection of the species;
7. Existing native vegetation should be protected to the maximum extent practicable;
8. During construction and maintenance activities, best management practices (BMPs) shall be implemented and monitored to avoid trampling vegetation, crushing burrows beneath, and creating paths through the vegetation; and
9. No outdoor lights shall be installed along the path.

With implementation of these measures, the potential adverse impacts of the proposed project to protected wedge-tailed shearwaters will be mitigated to less than significant levels. It is our hopes that the County of Kauai will collaborate with DOFAW for a long-term seabird habitat management plan for the area.

Sincerely,

Andrea Erichsen

Cc: Thomas Ka'iakapu, Kauai Wildlife Manager

TILE MAP 3
LEGEND
Preferred Path Alignment
Abandoned Cane Haul Road
Kauai Beach Drive
Wailua Golf Course
Existing Moto Cross Park
Ocean Bay Plantation
Hilton Hotel & Kauai Beach Villas
Marine Camp
Existing Comfort Station
Connection to Marine Camp
Prepared by:
PREFERRED PATH ALIGNMENT
Ahukini to Lydgate Park Bike / Pedestrian Path
County of Kauai, Hawaii
NORTH
Key Map

TILE MAP 1
LEGEND
Preferred Path Alignment
Existing Path
Path Follows Existing Lower Cane Haul Road
Rental Car Storage
Ahukini Road
Path Located on Upper Cane Haul Road
Ocean Bay Plantation
Ahukini Landing
Future Comfort Station Drinking Fountain & Pay Phone Path Access/Trailhead
Potential Ocean View Pocket Park
Path Located in Conservation Area
Proposed Shared-Use Bike Facility to Airport and Kapule Highway
Existing Parking Area
potentially suitable A1 + occupied wedgetailed shearwater nesting habitat
Prepared by:
PREFERRED PATH ALIGNMENT
Ahukini to Lydgate Park Bike / Pedestrian Path
County of Kauai, Hawaii
NORTH
Key Map

merle d. grimes llc.

June 1, 2009

Mr. Patrick Leonard
Field Supervisor
United States Department of the Interior
Fish and Wildlife Service
Pacific Islands Fish and Wildlife Office
300 Ala Moana Boulevard, Room 3-122, Box 50088
Honolulu, Hawaii 96850

Re: Ahukini to Lydgate Park Bike/Pedestrian Path Project

Dear Mr. Leonard:

I am in receipt of your February, 200 letter to Mr. Pat Phung with the FHWA regarding Informal consultation for the Ahukini to Lydgate Park Bike and Pedestrian Path project on auai. As the project consultant under contract with the County of auai to complete the Environmental Assessment for this project, we acknowledge and agree to the conservation measures that you outlined in the correspondence. our letter and this response will be included in the Final Environmental Assessment document.

If you have any questions or concerns, please do not hesitate to contact me.

Sincerely,

Merle D. Grimes
Principal, MDG, llc

Cc: Doug Haigh

DEPARTMENT OF THE ARMY
U.S. ARMY CORPS OF ENGINEERS, HONOLULU DISTRICT
FORT SHAFTER, HAWAII 96858-5440

REPLY TO ATTENTION OF:

July 8, 2009

Regulatory Branch

POH-2009-00194

Merle Grimes
1042 Broken Arrow Circle
Elizabeth, CO 80107

Dear Mr. Grimes:

This is in response to your Email correspondence of May 6, 2009 requesting a Department of the Army (DA) Jurisdictional Determination (JD) for proposed culvert replacement for the Kauai Bicycle and Pedestrian Path over an un-named ditch adjacent to Hilton Lane, near Lihue, Island of Kauai, Hawaii.

Your proposed project was reviewed pursuant to Section 10 of the Rivers and Harbors Act of 1899 (Section 10) and Section 404 of the Clean Water Act (Section 404). Section 10 requires that a DA permit be obtained for certain structures or work in or affecting navigable waters of the United States (U.S.), prior to conducting the work (33 U.S.C. 403). Navigable waters of the U.S. are those waters subject to the ebb and flow of the tide shoreward to the mean high water mark, and/or other waters identified as navigable by the Honolulu District. In addition, a Section 10 permit is required for structures or work outside this limit if they affect the course, location, or condition of the waterbody as to its navigable capacity. Some typical examples of structures or work requiring Section 10 permits within this jurisdictional area include beach nourishment, boat ramps, breakwaters, bulkheads, dredging, filling or discharging material such as sand, gravel or stones, groins and jetties, mooring buoys, piers (seasonal or permanent), placement of riprap for wave protection or streambank stabilization, boat hoists, pilings and construction of marina facilities.

Section 404 requires that a DA permit be obtained for the placement or discharge of dredged and/or fill material into waters of the U.S., including wetlands, prior to conducting the work (33 U.S.C. 1344). For regulatory purposes, the U.S. Army Corps of Engineers (Corps) defines wetlands as those areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. The area of Corps jurisdiction under Section 404 extends to the Mean Higher High Tide Line (MHHTL) or to the Ordinary High Water Mark (OHWM) for navigable waters other than the Pacific Ocean, and to the upland boundary of any adjacent wetlands. Projects involving discharges typically include placement of fill material for homes and landscaping, impoundments, causeways, road fills, dams and dikes, riprap, groins, breakwaters, revetments, and beach nourishment. Section 404 also regulates discharges of dredged material incidental to certain activities such as grading, mechanized landclearing, ditching or other excavation activity, and the installation of certain pile-supported structures.

The un-named ditch at this location is not considered a navigable water of the U.S. and therefore a Section 10 permit is not required. While we have determined that the ditch at this location is not considered a navigable water of the U.S., we have determined that the discharge of any fill material as part of the proposed culvert replacement may have the potential to impact the physical, chemical, or biological integrity of a traditional navigable water of the U.S. and will require a permit under Section 404 and you will need to apply for and receive authorization from the Corps prior to starting such work. A map of the site is enclosed. You may access our website at http://www.poh.usace.army.mil/EC-R/EC-R.htm to download copies of the DA permit application materials that you will need to complete and submit to us in order to request authorization to perform any activities falling under the Corps' jurisdiction. As described in the application materials, you will need to include plan and cross-section view drawings of your proposed work in 8 1/2 x 11 inch format.

Our assertion of jurisdiction is based on our documentation that the waterbody in question is a water of the United States and recognition that the use, degradation, or destruction of this waterbody could affect interstate commerce.

This letter contains an approved JD for the site in question. If you object to this determination, you may request an Administrative Appeal under Corps regulations at 33 Code of Federal Regulations (CFR) Part 331. We have enclosed a Notification of Appeal Process and Request For Appeal (NAP/RFA) form. If you request to appeal this determination you must submit a completed RFA form to the Corps' Pacific Ocean Division office at following address:

Thom Lichte, Appeals Review Officer
U.S. Army Corps of Engineers
Pacific Ocean Division, ATTN: CEPOD-PDC
Building 525
Fort Shafter, HI 96858-5440

In order for an NAP/RFA to be accepted by the Corps, the Corps must determine that the RFA is complete, that it meets the criteria for appeal under 33 CFR Part 331.5, and that it has been received by the Division office within 60 days of the date of the NAP/RFA sheet. If you decide to submit an NAP/RFA form, it must be received at the above address by September 6, 2009. It is not necessary to submit an NAP/RFA form to the Division office if you do not object to the determination in this letter. You may contact Mr. Lichte at (808) 438-0397.

This jurisdiction determination is valid for a period of five (5) years from the date of this letter unless new information warrants revision of the delineation before the expiration date.

Thank you for giving us the opportunity to review this proposal and for your cooperation with our regulatory program. Please be advised you can provide comments on your experience with

- 3 -

the Honolulu District Regulatory Branch by accessing our web-based customer survey form at http://per2.nwp.usace.army.mil/survey.html.

Should you have any questions, please contact Mr. Robert Deroche of this office at the above address or telephone 808-438-2039 (FAX: 808-438-4060) or by E-Mail at robert.d.deroche2@usace.army.mil. Please refer to File No. POH-2009-00194 in all future communications with this office regarding this or other projects at this location.

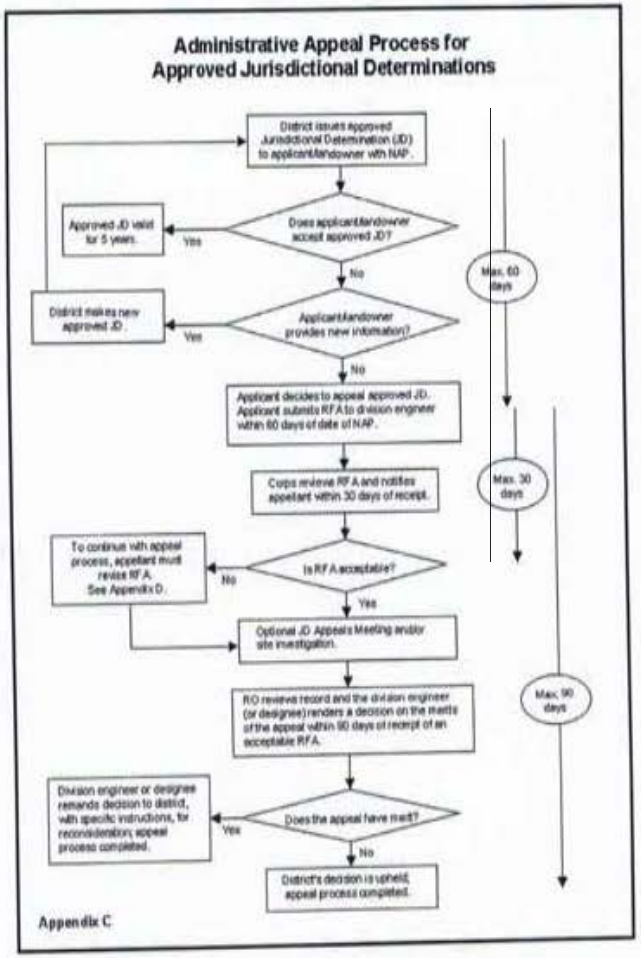
Sincerely,

for George P. Young, P.E.
Chief, Regulatory Branch

Enclosures

Flowchart
RFA Document

- 4 -



Appendix D:

Archaeological Conditions Report

Archaeological Monitoring Report

Preliminary Geotechnical Reports

Geological Status of the Shoreline Report

Structural Report

D-1 ARCHAEOLOGICAL CONDITION REPORT

SCS Project Number 426-3

AN ARCHAEOLOGICAL CONDITION REPORT FOR THE AHUKINI-LYDGATE SEGMENT OF THE KAUA`I PATHWAYS PROJECT KAUA`I ISLAND, HAWAI`I

Prepared by:
Michael Dega, Ph.D.
and
James Powell, B.A.

September 2006

Prepared for:
Merle D. Grimes, LLC.
1042 Broken Arrow Circle
Elizabeth, Colorado 80107

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INTRODUCTION

This interim report discusses the various archaeological and historic preservation issues related to construction and maintenance of the Kaua`i Pathway project and focuses on the segment stretching from Ahukini Point to Lydgate Park. The report lists the initial requirements per significant historic or cultural properties occurring within or near the alignment, describes known archaeological sites having been documented along this segment, the estimated significance of these sites, and potential mitigation of these sites and sensitive areas during construction of the pathway. As a quasi sensitivity zone report, predictive models are forwarded which detail any possible historic preservation challenges that could impact construction or location of the pathway.

PART I PROCESS SUMMARY

Several tasks were required concerning historic preservation issues related to this project. The results of several tasks are summarized below. The tasks outlined herein are born from discussions with N. McMahon of the State Historic Preservation Division (SHPD), LaFrance Kapaka-Arboleda, former Chair of the Kaua`i/Ni`ihau Islands Burial Council, and rules governing such work. These are essentially redundant to requirements established for other portions of the Bike and Pedestrian Path, particularly the Kapaa-Kealia segment. The tasks outlined in the latter segment were formalized through a Memorandum of Agreement (MOA). The present segment (Ahukini-Lydgate) does not have a formal MOA in place yet the tasks are the same and are in fact governed by the same rules. In essence, these tasks must be performed per SHPD request or a violation of State law will occur. Thus, it appears as though an MOA is fairly redundant in this case. Also, the required tasks are effectively outlined in the Environmental Assessment, a public document that has been available for review. Please note that the MOA for the Kapaa-Kealia phase of work did not require a formal Cultural Impact Assessment (CIA). A more parochial version of a CIA was completed for the Ahukini-Lydgate portion of the pathway even though it was not required.

Required/Completed Tasks

For the Ahukini-Lydgate segment of the Path, several tasks related to Historic Preservation were required. These tasks are somewhat duplicate to the tasks outlined in the Kapaa-Kealia MOA and all serve to show that no “adverse impact” will occur on the path alignment as mitigation will occur to prevent such.

1. Consultation with the SHPD (N. McMahon). This task has been completed on numerous occasions over the past three years, the latest being June, 2006. Ms. McMahon is in agreement as to required tasks for this project (see below).
2. Archaeological Monitoring Plan (AMP): An AMP was written and submitted to the SHPD for review in July, 2005. The AMP was accepted by the SHPD and outlines the provisions and procedures to be implemented during Path construction Monitoring work. Protocols were established in the AMP should significant cultural resources, inclusive of burials, be identified during Monitoring work. This AMP must be followed based on State law.
3. Mitigation of Historic Structures: Two historic properties were identified in the Ahukini-Lydgate path corridor: Hanamaulu Cane Haul Bridge (State Site No. -1845) and a concrete box culvert (State Site No. -1846) in Kawailoa. Modest modifications to both structures were proposed. As required in most MOA's, consultation with the SHPD has occurred. A letter dated May 1, 2006 was submitted to SHPD (S. Tasaki) for comment. As of this writing, no comment has been forwarded regarding modifications to these bridges and they are deemed acceptable (SHPD 30-day review period). SCS also forwarded these modifications for review to the KHPRC in April, 2006. The Commission generally agreed with the modifications and suggested a different railing system along the Hanama`ulu Cane Haul Bridge.
4. Burial Treatment Plan (BTP): No BTP is required at this stage as all burials occurring within or near the proposed corridor have been previously subject to BTP's, these all accepted by the SHPD and the Kaua`i/Ni`ihau Islands Burial Council (KNIBC). A BTP will be required if remains are identified during Monitoring (see above). In addition, once the final proposed corridor was established, SCS discussed the routing with the KNIBC at several full meetings of the council (February 2006; April 2006) and no new burial sites were discussed.
5. Data Recovery Plan (DRP)/Implementation: No DRP is required at this time, prior to construction of the path. If a significant cultural deposit is identified during Monitoring, SCS will consult with the SHPD and determine the level of Data Recovery testing needed for the deposit.
6. Field Inspection: Pedestrian survey of the entire Ahukini-Lydgate corridor was completed by SCS archaeological staff of several occasions. The data is presented in the Environmental Assessment.
7. Preservation Plan (PP): At this pre-construction juncture, there are no significant sites occurring within the proposed pathway corridor that required Preservation. As is presented in the Environmental Assessment, an initial draft of interpretive signage has been forwarded for review. This signage will be reviewed by SHPD, members of the local community, and members of the KHPRC prior to their manufacture and placement along the pathway.
8. Consultation: Section 106 consultation per this portion of the Path has occurred on numerous occasions, as is outlined in the Environmental Assessment and County website. Additional consultation pertaining to pathway historic properties has also occurred on numerous occasions with the SHPD (N. McMahon), KHPRC, KNIBC, and the Office of Hawaiian Affairs (OHA). The latter commented in a January 3, 2005 missive from Clyde W. Namu`o, OHA administrator, pertaining to the draft Environmental Assessment.

9. A formal Cultural Impact Assessment (CIA) was not required for this section of the path as the submitted document is an Environmental Assessment. The CIA would have been completed if the document were an EIS. A CIA was not completed for other portions of the path (Kapaa-Kealia, etc.). For the present Ahukini-Lydgate alignment, a cultural assessment was completed however, which is presented below. As part of a more formal CIA, community input was offered and provided during multiple meetings; no "adverse impact" statements were made during the meetings. In effect, through historic research, coordination and correspondence with the SHPD and KNIBC, and community meetings, a finding of "no adverse impact" can be determined for the suggested pathway route. These methods do not take the place of a more formal CIA as none was required for the present EA. However, the same principles have been applied and again deliver the same outcome.

In total, the requirements of an MOA, if one had been completed for this phase, have been met and even surpassed at this juncture of the project. The following details specific tasks required to complete the process during actual Path work itself. This work is regulated by the SHPD (State) and must be accomplished per State rules and regulations.

To be Accomplished:

1. Archaeological Monitoring: Per the accepted AMP, this work will commence during initial ground altering activities and occur for the duration of the project when construction requires intruding into subsurface contexts. Following all Monitoring activities, an Archaeological Monitoring Report will be prepared for review by the SHPD. This report outlines the methods and results of the Monitoring program.
2. Interpretive Signage: An initial list of proposed signs along this segment of the Path has been forwarded for review. SCS will be working with members of the community, SHPD, the KHPRC, and the KNIBC to finalize the wording of the signs. The signs will be informative and detail the history of certain areas along this segment of the Path.
3. Burial Treatment: This phase of research will only occur if burials are identified during Monitoring. Both the SHPD and KNIBC will be consulted during the burial mitigation process. As required, a Burial Treatment Plan will be written and submitted to the SHPD and KNIBC for review. Once approved, implementation of the plan will occur.
4. Data Recovery: This phase of research will only occur if significant cultural deposits are identified during Monitoring or as requested by the SHPD of known sites near the pathway corridor. A Data Recovery Plan will be written prior to the work and be submitted to SHPD for review. Following fieldwork, a Data Recovery Report must be written describing the results of the work. This document will be submitted to the SHPD for review.
5. Preservation: This phase of research will only occur if significant sites are identified during Monitoring and Preservation is warranted, per discussions with the SHPD. If a site warrants Preservation, a Preservation Plan document will be submitted to the SHPD for review. Once approved, the Plan will be enacted.
6. Community Input: While formal meetings are not scheduled during the actual work phase of this project, SCS archaeologists will continue seeking community input on past and present land use along the path corridor in preparation of the completed Monitoring work.

The completion date for a majority of the tasks will be somewhat dependent upon the construction timeline, with Monitoring being one of the most important phases of the work. As seen from the above task outline, these responsibilities are similar to previously established MOA's for the Path. The tasks are required, as outlined in State law regarding Historic Preservation in the State of Hawaii.

PART II KNOWN ARCHAEOLOGICAL SITES: A SUMMARY

A. Ahukini Point to the Raddison Hotel Area:

Based on a literature review of the proposed pathway alignments, there have been at least 15 archaeological projects conducted in this area from Thrum (1907) to Scientific Consultant Services, Inc. (SCS) in 2004. In 1906 Thrum compiled an inventory of *heiau* throughout the islands. Within the currently discussed segment from Ahukini to Lydgate, he "recorded" two *heiau*: Ahukini and Kalauokamanu. These *heiau* were not marked on maps but were simply described. Both *heiau* had been destroyed supposedly as of 1855. During Bennett's island-wide survey in 1928-1929, the two *heiau*, now known as Site 101 and Site 102 were also noted. Ahukini Heiau supposedly was built near Ahukini Point on a bluff overlooking the sea while the location of Kalauokamanu was never identified. Bennett (1931) did also note that both *heiau* were previously destroyed. Bennett makes first mention of Site 103, a burial ground in this area: "in the sand dunes that run along the shore half way between Hanamaulu and Wailua River are many burials."

From Hanamaulu Bay to the west, toward Lihue, multiple Land Commission Awards are present. In general, the LCA's primarily denote *lo`i* lands (taro fields). Here, dryland taro cultivation was probably practiced while coconut, sweet potato, and breadfruit were also likely grown. The Mahele records of the Hanamaulu area tell of native tenants living in the valleys and by the shoreline. House sites, taro pond fields, irrigation systems, dryland agricultural parcels, fishponds, pastures, and other features were constructed across the prehistoric-traditional landscape. Many of these lands were cleared during Plantation days, thus masking or erasing much evidence for these sites.

At least eleven known archaeological sites are present in the Hanamaulu area toward the Wailua Golf Course. As one moves from south to north, or Ahukini Point toward Wailua, several sites are present of both a historic and prehistoric nature. First, Ahukini landing itself, a probable late 19th construction, is present inside the breakwall of the bay. Plantation housing for

sugar cane workers has been noted just to the south of the point. Foundations still exist in remnant state. Moving inland to the west, several more sites are present:
Site 1845 is the historic Hanamaulu Railroad Bridge. This bridge is being preserved and represents the plantation era.

Site 2066 consists of multiple features: an upright (burial?), historic road, and historic house foundation;

Site 2067 consists of a historic cemetery perhaps dating to the 1880s. The cemetery is present on the *mauka* side of the highway on the edge of former sugar cane lands.

Site 1843: prior to construction of Ahukini Landing, an old wharf was present on the northern flank of the bay. This is Site 1843 and consists of a concrete wall, foundation, and sugar cane road. This is the location of the old wharf.

Site 1841 occurs just to the north and also represents the historic period: a road and trail running along the coast. It is possible this trail has some time depth from prehistoric times but it has not yet been dated.

As one rounds the point to the north, three archaeological sites are present above the rocky coastline. Site 2068 consists of a looted, historic-period trash dump dating between 1880 and 1910. Datable artifacts include glass and ceramic fragments that were recovered from the bluff, at the edge of plantation lands. Site 1840, nearby, consists of a historic-period retaining wall related to sugar cane or military transport; Site 1839, occurring about 25 m to the east of the trash dump represents the first fully known prehistoric site in this coastal area. This site is a prehistoric complex occurring on the flats and composed of a wall and terrace suspected to be related to temporary habitation. No carbon dates are available for this site.

Proceeding to the north, around the point and onto the flat coastal plains toward Wailua, both historic and prehistoric sites are present. Site 1838 consists of a prehistoric cultural deposit partially eroding out of modified sand dunes. The layers contained charcoal, shells, and coral fragments, this expected so near the coastline. The site had been disturbed during military training exercises in the 1940s. The cultural deposit, now a small remnant, was dated to AD 1170-1400, and represents temporary habitation of the area. This pattern of remnant cultural deposits and temporary activities near the coast holds through the Kealia area and beyond, and is one concern for the present work. The final historic site in this area is Site 1846, two historic

railroad bridges used for hauling sugar cane from the fields to Lihue. This site is present more inland and south of the Radisson Hotel.

Site 885, also occurring just to the south of the Raddison hotel, represents a possible traditional Native Hawaiian burial ground. Multiple burials have been documented in this sandy location, from the Raddison through Wailea Golf Course and Lydgate Park.

Overall, this first section contains abundant evidence for historic networks related to plantation-era days and prehistoric sites related to burial and temporary habitation loci. While none of the sites beyond Ahukini landing remain in spectacular form, they do allude to land tenure in the area during the late 1880s onwards. The two prehistoric sites identified near the rocky coastline provide foreshadowing for the immense number of sites occurring to the north along the sandy coastal flats. Site 885 and beyond provide our first glimpses at this pattern.

B. Wailua Golf Course to Wailua River

The most well-known site in this area, due to the influx of CRM research related to golf course activities and development of Lydgate Park, is Site 103, originally recorded by Bennett during island-wide survey in 1928-1929. At this writing, over 66 burials have been identified throughout the golf course alone, with most of these having been re-interred in a burial crypt and preserve area at the golf course itself. This discussion focuses on the area from the south end of the golf course and west to the Correctional Facility to the Wailua River. In this location, we enter one of the most sacred and site-rich areas of the island, an area that will be crucial for pathway development.

The *ahupua`a* of Wailua is situated in the old district of Puna but today is located in two separate judicial districts: south of Wailua River is Lihue District or *moku* and north of the river is Kawaihau District. Wailua Ahupua`a is the largest *ahupua`a* in both districts and extends from the shoreline to Mt. Wai`ale`ale. In this segment, we stop at the southern bank of the Wailua River, the largest navigable stream in the Hawaiian Islands. The southern extent of this area is relatively minor compared with the near-river areas. In this tract, very few LCA's were issued. The flatlands between the dunes and Kalepa Ridge contain swampy areas fed by springs at the base of the ridge that allowed for limited taro cultivation on the margins of the marsh. The coastal dunes between the marshland and the sea were primarily used for human interment (Site 103) while the direct coastline would contain evidence for temporary or seasonal fishing camps and other marine acquisition.

The first site we visit in this artificial corridor is Site 1980, which occurs on the golf course to the east of the correction facility. This site consists of eight traditional-period burials identified in sandy contexts between coastline and marshy areas to the west. It is likely this site could be included as a portion of Bennett's Site 103. As we move north into golf course lands, several more sites are present, particularly Site 103 and its 66+ known burials. Forty-four burials were identified during trenching by SCS in 2000. Also recovered were prehistoric implements (two adzes, sinkers, hammerstone) and historic items (glass and porcelain). Sites -542 through -546 and Site -819 compose portions of Site 103 burials found during monitoring work in 1977. Site -9357, a burial also part of the Site 103 complex, was identified on the grounds of the County correctional facility. A burial preserve area has also been established at the golf course, across from the first tee box.

Two archaeological sites were identified and documented during monitoring in 2003 by SCS at the Kumalani area of Lydagate, just off the golf course. Additional burials related to Site -103 were identified. A total of three incomplete burial sites and two isolated findspots from previously disturbed burials were identified. All were thought to be from traditional contexts. The second site, Site -356, consisted of a traditional cultural layer located within natural sand dune deposits. The site was assessed as a habitation layer and dated to A.D. 1440–1660, a traditional time period consistent with other archaeological finds in the area. Stone tool implements, charcoal, and shell were found at the site. Scattered stone tools (hammerstone, adze fragment) were identified in the sand dune during construction of the Kumalani playground.

While not directly impacting the pathway in this segment, the following is presented to provide additional context to the archaeology of the area. Staying on the south side of the river, near the coastline, we enter the more sacred Wailua River mouth area. On one side is Lydgate Park and across the highway from the hotel is a heiau complex. Staying near the coast, Site -105 is present within the park, much of the site having been preserved today. This site consists of Hikinaakala Heiau and Pu`uhonua o Hauola (city of refuge). This site was first recorded by Thrum in 1906 and later by Bennett (1931), Kikuchi (1974), and Yent (1989). This site is part of the Wailua Complex of Heiau National Historic Landmark. Yent's work at the site concluded that there were two occupational episodes at this site, one historic-period and one earlier occupation. This occupation may or may not have been associated with the *heiau* itself.

Another significant site is present in the area. In 1949, Mrs. Rebecca Banks recorded 36 petroglyph figures on boulders stretching across the mouth of Wailua River. These boulders became a National Historic Landmark in 1962. This petroglyph field was re-surveyed in 1973

and 1984 by Bill Kakuchi and he noted that there may be more in the river and that some boulders had been damaged during clearing the mouth of the river. Jim Powell of SCS states that you can see the site at times of low tide, etc.

The final area of concern on the southern bank of the Wailua River, prior to actually reaching the river, is Site -104 and Site -104a. The main site is Malae Heiau, part of the Wailua Complex of Heiau National Historic Landmark. The *heiau* is a walled, square enclosure measuring over 2 acres in size. Construction of this site occurred in phases through time, with early episodes from AD 1480-1580 and later construction at 1700-1800 and 1720-1840 respectively. Site -104a was identified by Kikuchi in 1987 and consists of an adze workshop/flake scatter occurring to the north-northeast of the *heiau* and extending to the marina. It is likely that the lithic manufacturing workshop was related to prehistoric occupation and use of the *heiau* and environs.

This summary was meant to provide a brief overview of known archaeological sites within the Ahukini-Lydgate pathway corridor in order to understand potential impacts to the sites and to gauge additional site types (*i.e.*, burials) that may be identified during archaeological Monitoring of the area.

C. Cultural Resources from Ahukini-Lydgate

As Corbin *et al*. (2002) state, Hanamaulu translates as "tired (as from walking) bay" and is said to be the birthplace of the hero Kawelo. This area was referred to as Puna District at the time of the Great Mahele of 1848, not Lihue District as it is now known. The Hanamaulu area is not specifically mentioned in many historical texts. However, Hanamaulu is noted *Olelo No`eau*, a book of Hawaiian sayings and epithets (Corbin *et al*. 2002:B-1):

*No Hanama`ulu ka ipu puehu* ("The quickly emptied container belongs to Hanama`ulu")

Pukui (1983:No. 2230) identified another quote about the area:

> "Said of the stingy people of Hanama`ulu, Kaua`i—no hospitality there. At one time, food containers would be hidden away and the people of Hanama`ulu would apologize for having so little to offer their guests."

From Hanamaulu Bay to the west, toward Lihue, multiple Land Commission Awards are present. In general, the LCA's primarily denote *lo`i* lands (taro fields). Here, dryland taro cultivation was probably practiced while coconut, sweet potato, and breadfruit were also likely grown. The Mahele records of the Hanamaulu area tell of native tenants living in the valleys and by the shoreline. House sites, taro pond fields, irrigation systems, dryland agricultural parcels,

fishponds, pastures, and other features were across the landscape. Many of these lands were cleared during Plantation days, thus masking or erasing these sites.

The cultural significance of the Wailua Area, further to the North, is well documented. Center of the isle's political and economic universe, Wailua was the chiefly seat of Kaua`i during prehistoric times, as is attested by the numerous *heiau* and other ceremonial sites occurring along the Wailua River basin. The Wailua area is covered in some detail in other sources.

PART III SIGNIFICANCE AND MITIGATION OF THE SITES

The following table denotes significant sites previously identified along this portion of the pathway from Lydgate Park to Ahukini and provides introductory mitigation possibilities for these sites.

Table 1: Lydgate to Ahukini Sites (North to South)

Site #	Location	Mitigation
# 103 WGC burials Burial Preservation Area	Between driving range & 1st Tee / fairway, along fiber optic cable route. Exact boundaries Unknown.	Reroute path to avoid burials-preserve area.
# 103 WGC Burials	Throughout dunes of WGC.	Monitor all pathway excavations.
# 1838, Habitation site	NE corner of Moody property at shoreline	Monitor all pathway excavations
# 1839, Temporary Habitation site	East side of Moody property	Monitor all pathway excavations
# 1840, possible retaining wall for RR / cane haul road	East side of Moody property	Rehabilitate and include in bike path
# 1841, original RR bed / cane haul road to Kou Wharf	Along SE edge of Moody property	Rehabilitate and include in bike path
# 1843, Kou Wharf, wall and road.	South side of Moody property on Hanamaulu Bay. Orginal wharf and access for Hanamaulu Sugar Plantation.	Rehabilitate and include in bike path as rest stop / fishing area. Signage.
# 1845, RR Bridge	Crosses Hanamaulu Stream, west of beach park.	Rehabilitate and include in bike path. Signage.
# 1846, Two concrete bridges.	RR bridges crossing Kawailoa marsh area.	Rehabilitate and include in bike path.
# 2066 Habitation complex	North west of RR Bridge 3 1845	Avoid Fea. A, (possible burial) Include Fea. B (road), and Test Fea. C. (possible habitation).
# 2068 Historic trash dump	Along eastern edge of Moody property	Monitor as pathway is built through area

The primary form of archaeological mitigation during pathway construction is Monitoring. In certain areas, particularly along the coastline and known burial areas, full-time Monitoring is required due to the likelihood of encountering burials or isolated remains. Other forms of mitigation for this project include rehabilitation of historic features (see above), Data Recovery (in the instance new or significant deposits are identified), Burial Treatment and

Preservation, as needed. This mitigation is required and primarily important as there has been a lack of formal Inventory Survey completed along sensitive portions of the pathway, particularly from the plains north of Hanamaulu Bay to the Wailua Golf Course and south of Hanamaulu Stream.

SCS will continue to discuss mitigation requirements with the SHPD throughout this process. Again, mitigation requirements are often dependent upon the final course of the pathway and the findings during construction. To aid in preparing for all scenarios, we have employed an ecological model for examining potential site types in the pathway segment area.

PART IV SENSITIVE AREAS DURING CONSTRUCTION OF THE PATHWAY

Site sensitivity along this pathway is partially determined by the types of soils encountered. There are five main ecological zones along the pathway, with several being sensitive in terms of archaeological resources. The zones are presented first, followed by a listing of pathway areas that may be sensitive for various cultural resources.

The first zone (Zone I) consists of coastal dunes, which include frontal accretion deposits, backslopes, the crest, and the slip face. Zone I predominantly consists of an area spanning from the high-tide water mark of the ocean to the lower portion of the slip face near the interdune area, or, where the backside of the dune becomes flat and expansive. Zone I sediments are primarily composed of beach sands. These sands are subject to variable sorting when high-energy depositional events such as storm surges or tsunamis typically lead to the deposition of courser sand grains while low energy events can lead to well-sorted, often fine-grained, sedimentary deposition. This is a dynamic zone in terms of landscape morphology as it constantly evolves through wind and tides, particularly if vegetation or modern impediments do not curtail dune migration. It is often in Zone I that archaeological signatures for temporary occupation activities such as fishing camps are identified.

Zone II represents a more stable land surface occurring leeward and inland from the terminus of Zone I. This zone composes the coastal plain or back beach environment. The latter term alludes to the formation of interdune deposits. Both Zone I and Zone II primarily consist of calcareous sand beaches derived from the decomposition of coral and seashells. These sandy deposits and associated coralline basements occur far inland in some areas, a symptom of the Holocene high sea stand occurring between *c.* 5,500 years ago and lasting until about 2,000 years

ago (Fletcher and Jones 1996:639). It is frequently within this sandy, back beach area that significant archaeological resources related to permanent habitation and burials are found (e.g., Site 103; see Table 1).

Zone III consists of a landform located at or very near sea level, but removed from the coastal inland of Zone II. This zone is characterized as 'marsh land,' or ponded areas that are approximately equal in elevation to sea level yet retain more terrigenous characteristics. Zone III often consists of slightly depressed areas amenable to water and soil catchment. This marsh land does contain some sandy sediment, but alluvial clays dominate soil matrices. It is within Zone III that *lo`i* agriculture was suggested to have been practiced during traditional times (see Creed et al. 1995) and fishponds are often present (e.g., Kawailoa Pond south of the Radisson Hotel). Later, these lands were filled and utilized for rice cultivation and modern occupation. Zone III contrasts brilliantly with Zone II in that it provides a near-coastal alternative for agricultural production normally only afforded at much more inland locations. Permanent residents of the near coastal environment (Zone II in particular) could practice both intensive agriculture while gathering resources from an immediately adjacent ecological zone. It is this situational affordability that allowed for Zone II occupation at the interface of several other significant resource zones.

Zone IV is demarcated by considerable increases in elevation and changes in topography. This zone is common mostly along the southern flank of the pathway route near Hanamaulu and along the highway, if the pathway is to be placed there. This zone primarily consists of rolling hills and plateaus that lead into more mountainous terrain. Now primarily consisting of grassy plains, subsurface deposits are dominated by the presence of red clays. Some historic and modern uses of this landscape include sugar cane cultivation and pasturing activities. Due to the intensive landscape modifications associated with these historic and modern uses, surface archaeological structures are fairly uncommon, although there are exceptions (Malae Heiau in Wailua). This zone contains red clay soils derived from the decomposition of underlying basalt. The soils are rich in iron and other nutrients amenable to the industrial production of certain crops (*e.g.*, sugar cane). During prehistoric and early historic times, Zone IV could have been used as another transition zone between lowland and upland locales. Trails linking lowland and upland sites and resource procurement zones, small-scale agricultural sites, habitation sites (both permanent and temporary loci), and some *heiau* were constructed in this zone. However, although several site classes may have occurred in Zone IV, the archaeological signatures of these site types may be minimal or non-existent. Zone IV gives way to another zone, the uplands.

The fifth zone (Zone V) consists of the uplands/steep slope lands cut by widely spaced erosional gullies and major drainages consisting of deep ravines. These drainages often create alluvial flats at their terminal points near the coastline (forming Zone III; Hanamaulu area). Also, plateaus are formed between the valleys and the routes occasionally course along side slopes. Rock outcropping is common is several areas, particularly along the northern flank of Hanamaulu Bay.

While each of these zones contributed to traditional and historic economies, archaeological signatures for traditional habitation and activity have been most evident in the back beach zone (Zone 2). This zone contained the artifacts produced for on-site use and off-site procurement of resources, midden and faunal remains indicative of food preparation and consumption, subsurface features such as postholes indicative of dwellings, and hearths characteristic of cooking locales, among others. Typically, the greatest quantity of archaeological sites indicating continuous use of the eastern Kaua`i landscape has been recovered from this back beach, accretion zone, the current project area not being an exception. While there is a specific correlation between soil types and the presence/absence of sites along this eastern coast, in this case, the documentation of the greatest proportion of sites being in Zone II does not provide such a simple association. Archaeological inquiry has been primarily conducted in Zone II as infrastructure and housing construction has rapidly expanded. Naturally, the more inquiry into one zone versus other zones skews the results somewhat. It is this caveat that archaeological models defining intensive landscape use through time must address

Ecological Subzones and Archaeological Sites

The back beach, or accretion zone area (Zone II), containing the predominant cultural layers identified in this project area, occurs at the interface of two other ecological zones. Zone I is represented by the immediate coastline, which often includes interdune deposits, crests and slipfaces, and backslope areas. Zone III, a bounding surface for Zone II, consists of an inland marshy area used through history for *lo`i*, fishponds, and wetland resources. This dynamic coastal to slightly inland ecological setting containing three discrete ecological zones, was utilized on a continuous basis along eastern Kaua`i for at least 800 years (see Creed *et al*. 1995).

It has been postulated elsewhere (Dega and Buffum 2001; Dega and Morawski 2002) that Zone II back beach locations were the stable, lowland land surfaces on which primary permanent occupation and associated activities occurred during pre-Contact times. Temporary habitation loci, work areas (e.g., lithic workshops), recreational activity areas, fishing camps, and some

burial areas are site types occurring directly along the coastline (Zone I). For the most part, direct coastal areas were transient in that dune movement and erosion were common. Back beach, accretion deposit areas were much more stable and selected for sustained, permanent habitation. Permanent house sites, ceremonial structures, some agricultural features, and such have been documented with more frequency in the Zone II area of eastern Kaua`i. Both burials and subsurface cultural layers often denoted as the paleo A-horizon along eastern Kaua`i have been most often identified in this ecological zone. The present archaeological project may reinforce this hypothesis. The western flank of the back beach zone (Zone III) commingled with depressed, marshy areas extending to the base of hill slopes to the west. These marshy areas, as noted above, were also utilized continuously throughout history, from lo`i and fishpond use to resource gathering areas. During historic times, these marshy areas were often filled and utilized for rice cultivation (see Creed et al. 1995). We continue to explore the possibility that a fishpond also occurred in this back beach area, the Kawailoa Pond south of the Radisson Hotel.

Historic Preservation Challenges

As discussed further above, several avenues of mitigation are possible for historic properties discovered prior to, or during, construction of the pathway. These include archaeological Monitoring, Data Recovery, Burial Treatment, and site Preservation. The primary impact to construction or location of the pathway appears to be in the form of traditional Native Hawaiian burials. Several known burial areas occur within or near proposed pathway routes. Such is the nature of coastal pathways in Hawaii. The singular challenge will be to more readily define the possible boundaries of the burial areas (and established preserve area such as occur at Wailua Golf Course) and to practice avoidance of the these areas. In working with the SHPD, other site types, such as traditional-period temporary habitation locations or camps and such, may be mitigated through Data Recovery sampling. Rehabilitation and Preservation of sites (see Table 1) will occur as part of the Preservation effort of known sites in the area, none of these occurring in the proposed pathway corridors. The greatest challenge again will be avoidance and protection of known burial preserve areas along the pathway. SCS and the contractors will work with the SHPD and Kaua`i/Ni`ihau Islands Burial Council to assess and mitigate known burials and those that are inadvertently discovered during construction.

Part V: Interpretive Signs along Ahukini-Lydgate Pathway

This section provides a table (Table 2) listing possible signs and interpretations that may be placed along this portion of the bikepath. This table is open for revision and consultation will occur to refine potential signs in the area.

Table 2: Potential Signage: Ahukini Landing toward Wailua River

#	Location	Sign Site	Size	Description
1	Ahukini Landing	Overlooking Bay and Wharf	L	Description of sugar plantations Lihue to Kapaa. Landing history
2	Ahukini Bluff, South Shore	Beginning of decline into valley	S	Description of RR
3	Hanamaulu Valley	South end of historic RR Bridge	L	Description of traditional agriculture activities
4	Hanamaulu Bay	North end of historic RR bridge	L	Description of traditional shoreline activities
5	Kou, Old Landing	At landing north shore of Hanamaulu Bay	S	Use by Hanamaulu Sugar Plantation
6	Hanamaulu / Wailua Ahupua'a	Border between Hanamaulu & Wailua Ahupua'a	S	Quote Historic descriptions from 19th century travelers and residents
7	Marine Camp	Beach area near Motocross track	S	Historical account
8	Wailua Golf Course/ Hawaiian Burial Area Site -103	Beach south of # 2 green, on trail	S	Description of Hawaiian Burial Area
9	Hanamaulu Sugar Company	Undetermined	L	Chronology and Sugar Company Information
10	Historic Sites of Hanamaulu Ahupua`a	Ahukini Point (start of path)	L	Nu`ukoli, Kawailoa, Hanamaulu Dairy, Wailua Airport, Marine Camp, Luckenback Shipwreck
11	Prehistoric and Historic Sites of Hanamaulu	Ahukini Point (start of path)	L	Ahukini Heiau, Ahukini Terminal and Railway Company, Ahukini Camp, Ahukini Landing, Railroad Track of Old Bridge, Hanamaulu Park

CONCLUSIONS

This interim report sought to discuss the various archaeological and historic preservation issues related to construction and maintenance of the Kaua`i Pathway project and focuses on the segment stretching from Ahukini Point to Lydgate Park. The report lists the known archaeological sites having been documented along this segment, the estimated significance of these sites, and potential mitigation of these sites and sensitive areas during construction of the pathway. The historic preservation challenges that may be faced during construction of the coastal pathway are presented, with recommendations for mitigation also being forwarded. SCS will continue to refine this document in consultation with the SHPD and various community organizations. In total, the relationship between known archaeological sites and possible pathway routes presents a dynamic opportunity to further explore the history of the Ahukini-Lydgate area while preserving the rich history of the area.

References Available

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D-2 ARCHEOLOGICAL MONITORING REPORT

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SCS Project Number 426-AMP

AN ARCHAEOLOGICAL MONITORING PLAN FOR THE COUNTY OF KAUA`I DEPARTMENT OF PLANNING AHUKINI-LYDGATE PARK COASTAL BIKE AND PEDESTRIAN PATHWAYS PROJECT HANAMA`ULU, LIHU`E DISTRICT, ISLAND OF KAUA`I, HAWAI`I [TMK: VARIOUS]

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Figure 1: Cross-section of Primary Landzones. 5

INTRODUCTION

At the request of the State of Hawai`i, County of Kaua`i Department of Public Works, Scientific Consultant Services, Inc. (SCS) has prepared this Archaeological Monitoring Plan (AMP) in advance of construction to occur for the proposed Ahukini-Lydgate Bike and Pedestrian Path project (Path) along eastern Kaua`i, Hawai`i. The proposed route commences near Ahukini Landing in Hanama`ulu and terminates at a pre-existing segment of the Path within Lydgate Park, Wailua. The current project is a segment of the overall Nawiliwili to Anahola coastal Path project. A Draft Environmental Assessment more specifically outlining the route of the Path and its various land divisions is available online at the County of Kaua`i website. These large maps are not included herein but are available for viewing at the following address: http://www.kauai.gov/Default.aspx?tabid=435. This document accurately demarcates the location of the proposed Path and is a substitute for any less precise maps which would be included herein.

The Path discussed herein extends along a coastal route from the Ahukini/Hanama`ulu area and takes a more inland route along the Wailua Golf Course toward the southern end of Lydgate Park (Note: The proposed routes are available for review in the draft Environmental Assessment). This segment of the Path will extend c. four miles long and consist of a twelve-foot wide, six inch thick concrete pathway. The Path crosses multiple Tax Map Key and *ahupua*`a divisions.

This Archaeological Monitoring plan is being prepared for the SHPD due to the archaeologically sensitive nature of portions of the project area. While a majority of the Path project area is removed from beach sand contexts, there remains the possibility that remnant or even intact cultural deposits and/or burials may be present in portions of the work area. Multiple archaeological investigations conducted in the general vicinity of this Path segment have resulted in the identification of traditional Native Hawaiian burials and significant prehistoric and historic-era cultural deposits. Monitoring is considered a necessary mitigation strategy based on the potential for the inadvertant discovery of human remains and/or cultural deposits during excavation work in support of the Path construction.

Monitoring procedures will be conducted in accordance with the rules and regulations established by the Department of Land and Natural Resources (DLNR) State

Historic Preservation Division (SHPD) under rule ' 13-279-5. If human remains are identified in the project area, the monitoring program will carry out appropriate and lawful protocols concerning the Inadvertent Discovery of Human Remains as identified in administrative rule 13-300-HAR. In the event that any culturally significant findings are identified, the features shall be investigated, adequately documented, and evaluated for their historical significance. This work will be accomplished only through consultation with the SHPD.

Prior to the commencement of any excavation work within the project area, this AMP will be submitted for review and require the approval of SHPD (Ms. N. McMahon). This AMP provides information regarding background of the project area, previous archaeological work conducted in the area and the results of this research, potential site types that may be encountered during monitoring, monitoring conventions, methodology for fieldwork, methodology for laboratory work, curation, and reporting.

PROJECT AREA BACKGROUND INFORMATION

The Ahukini-Lydgate Path segment generally runs from the rocky shores of Ahukini-Hanama`ulu through the back beach areas of Kawailoa, along red clays of Kuhio Highway, toward the sandy near-coastal area of the Wailua Golf Course, and continues to its terminal point at Lydgate Park. As is the nature of pathways, multiple natural and political boundaries are crossed from starting point to terminal point. The present Path is no exception. Based on previous archaeological work along eastern Kaua`i, a landscape model has evolved to provide insight into the nature of archaeological sites which are (and may be) present along the Path corridor.

Environmental Modeling of Project Area and Environs

Soil matrices and landform have long been determinant for predicting the presence/absence of significance cultural resources in the Hawaiian Islands. There is often a correlation between soil types and site types, environment and complex systems. The following provides some background to soil and landform types in the project area with an attempt to briefly estimate the types and nature of archaeological sites that could be encountered along this portion of the Path.

Soil Regimes

As the proposed Path corridor covers some distances, various soil environments are crossed. The path meanders along portions of the coast in Ahukuni/Hanama`ulu and

toward Wailua. Natural soils within these segments primarily consist of the Jaucas-Mokuleia association: deep nearly level to moderately sloping, excessively drained and well-drained soils that have coarse-textured underlying material and occur primarily on coastal plains. These beach deposits are light colored sand derived from marine shell and coral. Through time, coral and marine shell are transported through wind and water and are also impacted and broken down by ocean waves, forming sand. Similar to Jaucas sands from the Jaucas Series (*ibid*), beach sands (BS) are single grain, pale brown to very pale brown calcareous soils that have rapid permeability with very slow to slow runoff. The surface layer of Jaucas sands are commonly dark brown as a result of alluvium and the accumulation of organic matter. While sandy coastal areas are ill-suited for agricultural cultivation and farming, these beach areas were often used during pre- and post-Contact periods for activities from temporary and permanent settlement, thus providing direct access to marine resources. Beaches were also used as locales for human burial re-interment throughout the Hawaiian Islands (see Kirch 1985). This is one main reason Monitoring is recommended for portions of the Path.

Portions of the pathway occur both near the coastline and further removed from the coastline, with both areas having different soil contexts. For example, as the proposed pathway winds from the southern terminus at Ahukini Point to the south end of Lydgate Park area, with the concomitant increase in elevation, a change in soils occurs. This area is characterized by rock outcropping/rocky headland and hill slopes occurring between two coastal plains (Hanama`ulu and Lydgate Park). Soil formation is limited in this area due to the ubiquity of bedrock. The beach soils have effectively transitioned from sands to silty clays of the Lihue-Puhi association: deep, nearly level to steep, well drained soils that have fine textured or moderately fine textured subsoil and occur as more inland deposits (Foote *et al*. 1972). This reddish clay often underlies fill, particularly along Kuhio Highway and other previously developed infrastructure. As elevation increases from the coastline, the sediment changes from beach sand to clays overlying bedrock. These areas are not as culturally sensitive as the beach areas, but must be monitored nonetheless. Finally, one other soil zone may be present, depending upon the pathway route. Occurring in low-lying areas behind dunes (back beach area), marshy areas composed of mixed marine and terrestrial sediment are present. This would include areas on the coastal flank of Hanama`ulu Lands and near Kawailoa (Dega and Powell 2003). These low-lying areas are often marshy but were utilized in the past, primarily for intermittent activities related to gathering, fishing, and other raw material acquisition.

Environmental Zoning

The route of the Ahukini-Lydgate Bike and Pedestrian Path project courses through various segment of the eastern Kaua`i landscape. A landscape model devised from work by Dega and Powell (2003) is an effort to identify the relationship between environmental zones and the presence/absence of cultural materials for eastern Kaua`i, inclusive of the Path routing. In the model, landforms are divided into five general zones, some of which may be divided further into sub zones (Figure 1). A review of these zones is directly comparable to the known sites along or near the proposed corridor (see below).

The first zone (Zone I) consists of coastal dunes, which include frontal accretion deposits, backslopes, the crest, and the slip face. Zone I predominantly consists of an area spanning from the high-tide water mark of the ocean to the lower portion of the slip face near the interdune area, or, where the backside of the dune becomes flat and expansive. Zone I sediments are primarily composed of beach sands. These sands are subject to variable sorting when high-energy depositional events such as storm surges or tsunamis typically lead to the deposition of courser sand grains while low energy events can lead to well-sorted, often fine-grained, sedimentary deposition. This is a dynamic zone in terms of landscape morphology as it constantly evolves through wind and tides, particularly if vegetation or modern impediments do not curtail dune migration. It is often in Zone I that archaeological signatures for temporary occupation activities such as fishing camps are identified. Examples of Zone I along the Path include sections of Hanamaulu Bay area, the Wailua Golf Course, and Lydgate Park (coastal reaches only).

Zone II represents a more stable land surface occurring leeward and inland from the terminus of Zone I. This zone composes the coastal plain or back beach environment. The latter term alludes to the formation of interdune deposits. Both Zone I and Zone II primarily consist of calcareous sand beaches derived from the decomposition of coral and seashells. These sandy deposits and associated coralline basements occur far inland in some areas, a symptom of the Holocene high sea stand occurring between c. 5,500 years ago and lasting until about 2,000 years ago (Fletcher and Jones 1996:639). It is frequently within this sandy, back beach area that significant archaeological resources related to permanent habitation and burials are found. However, this traditionally utilized zone has also been modified to suit current societal needs such as housing and commercial development. Examples of Zone II include the Hanamaulu Bay area, Wailua Golf Course, and coastal portions of Lydgate Park.

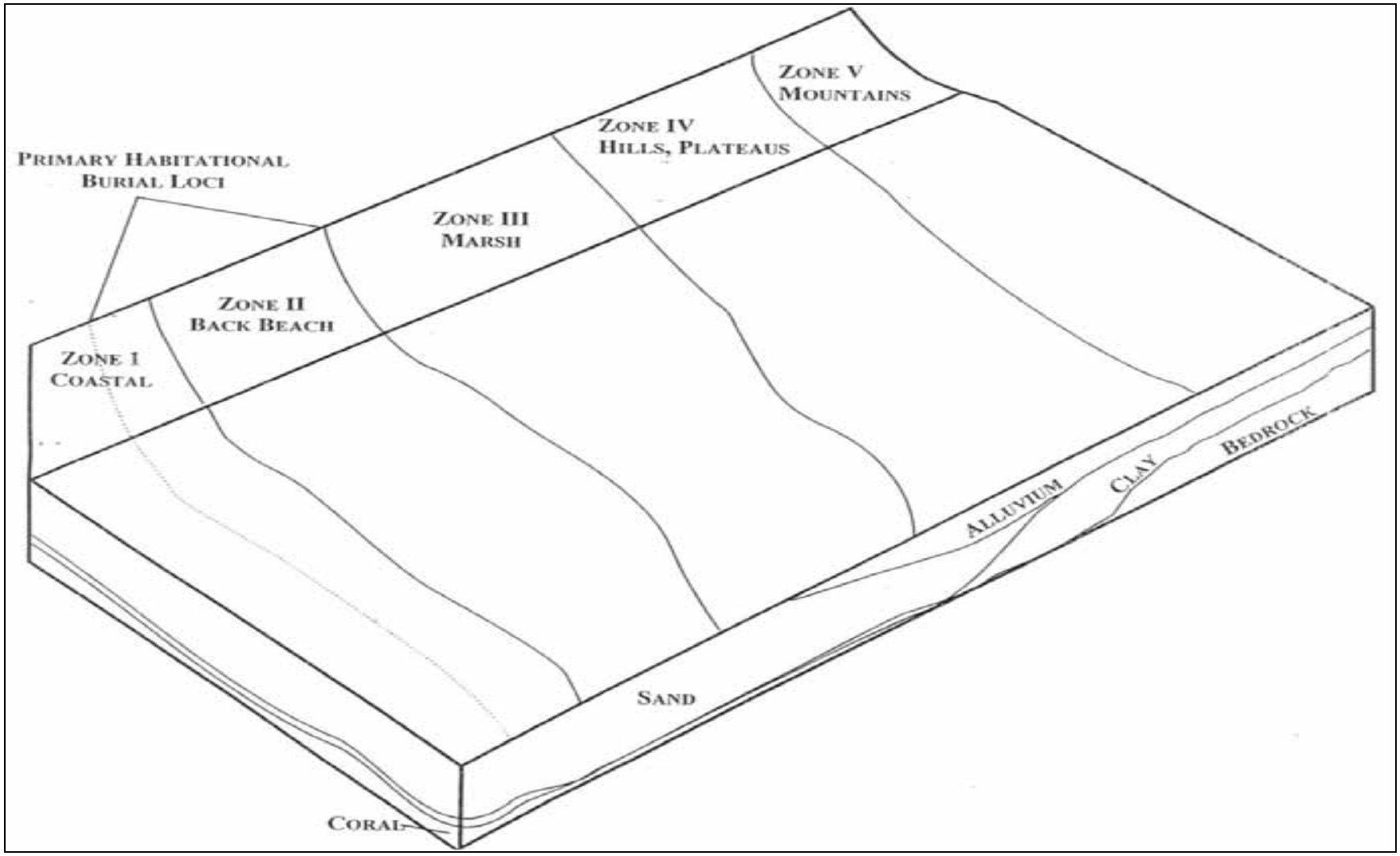

Figure 1: Cross-section of Primary Landzones.

Zone III consists of a landform located at or very near sea level, but removed from the coastal inland of Zone II. This zone is characterized as 'marsh land' or ponded areas that are approximately equal in elevation to sea level yet retain more terrestrial characteristics. Zone III often consists of slightly depressed areas amenable to water and soil catchment. This marsh land does contain some sandy sediment, but alluvial clays dominate soil matrices. It is within Zone III that *lo`i* agriculture was suggested to have been practiced during traditional times (see Creed *et al*. 1995). Later, these lands were filled and utilized for rice cultivation and modern occupation. Zone III contrasts brilliantly with Zone II, in that it provides a near-coastal alternative for agricultural production normally only afforded at much more inland locations. Permanent residents of the near coastal environment (Zone II in particular) could practice intensive agriculture while also gathering resources from an immediately adjacent ecological zone. It is this situational affordability that allowed for Zone II occupation at the interface of several other significant resource zones. An example of Zone III would be the Kawailoa area (near the former Radisson Hotel).

Zone IV is demarcated by considerable increases in elevation and changes in topography. This zone is most common beyond Wailua and primarily consists of rolling hills and plateaus that lead into more mountainous terrain. Now primarily consisting of grassy plains, subsurface deposits are dominated by the presence of red clays. Some historic and modern uses of this landscape include sugar cane cultivation and pasturing activities. Due to the intensive landscape modifications associated with these historic and modern uses, surface archaeological structures are fairly uncommon, although there are exceptions (Malae Heiau in Wailua). This zone contains red clay soils derived from the decomposition of underlying basalt. The soils are rich in iron and other nutrients amenable to the industrial production of certain crops (e.g., sugar cane). During prehistoric and early historic times, Zone IV could have been used as another transition zone between lowland and upland locales. Examples of Zone IV include a long stretch of the proposed Path along Kuhio Highway from Ahukuni/Hanamaulu to the Wailua Golf Course.

The final zone, Zone V, consists of more mountainous terrain. Red soils, outcrops, and more inland riverine environments characterize this zone. Trails linking lowland and upland sites and resource procurement zones, small-scale agricultural sites, habitation sites (both permanent and temporary loci), and some *heiau* were constructed in this zone. No segments of the proposed Path from Ahukini to Lydgate occur in this zone.

previous archaeology

Part 1: Known Archaeological Sites: A Summary

Ahukini Point to the Raddison Hotel Area:

Based on a literature review of the proposed pathway alignments, there have been at least 15 archaeological projects conducted in this area from Thrum (1907) to Scientific Consultant Services, Inc. (SCS) in 2004 (Morawski and Dega 2004). In 1906 Thrum compiled an inventory of *heiau* throughout the islands. Within the currently discussed segment from Ahukini to Lydgate, he "recorded" two *heiau*: Ahukini and Kalauokamanu. These *heiau* were not marked on maps but were simply described. Both *heiau* had been destroyed supposedly as of 1855. During Bennett's island-wide survey in 1928-1929, the two *heiau*, now known as Site 101 and Site 102, were also noted. Ahukini Heiau supposedly was built near Ahukini Point on a bluff overlooking the sea while the location of Kalauokamanu was never identified. Bennett (1931) did also note that both *heiau* were previously destroyed. Bennett makes first mention of Site 103, a burial ground in this area: "in the sand dunes that run along the shore half way between Hanamaulu and Wailua River are many burials."

From Hanamaulu Bay to the west, toward Lihue, multiple Land Commission Awards are present. In general, the LCA's primarily denote *lo`i* lands (taro fields). Here, dryland taro cultivation was probably practiced while coconut, sweet potato, and breadfruit were also likely grown. The Mahele records of the Hanamaulu area tell of native tenants living in the valleys and by the shoreline. House sites, taro pond fields, irrigation systems, dryland agricultural parcels, fishponds, pastures, and other features were constructed across the prehistoric-traditional landscape. Many of these lands were cleared during Plantation days, thus masking or erasing much evidence for these sites.

At least eleven known archaeological sites are present in the Hanamaulu area toward the Wailua Golf Course. As one moves from south to north, or Ahukini Point toward Wailua, several sites are present of both a historic and prehistoric nature. First, Ahukini landing itself, a probable late 19th construction, is present inside the breakwall of the bay. Plantation housing for sugar cane workers has been noted just to the south of the point. Foundations still exist in remnant state. Moving inland to the west, several more sites are present:

Site 1845 is the historic Hanamaulu Railroad Bridge. This bridge is being preserved and represents the plantation era.

Site 2066 consists of multiple features: an upright (burial?), historic road, and historic house foundation.

Site 2067 consists of a historic cemetery perhaps dating to the 1880s. The cemetery is present on the *mauka* side of the highway on the edge of former sugar cane lands.

Site 1843: prior to construction of Ahukini Landing, an old wharf was present on the northern flank of the bay. This is Site 1843 and consists of a concrete wall, foundation, and sugar cane road. This is the location of the old wharf.

Site 1841 occurs just to the north and also represents the historic period: a road and trail running along the coast. It is possible this trail has some time depth from prehistoric times but it has not yet been dated.

As one rounds the point to the north, three archaeological sites are present above the rocky coastline. Site 2068 consists of a looted, historic-period trash dump dating between 1880 and 1910. Datable artifacts include glass and ceramic fragments that were recovered from the bluff, at the edge of plantation lands. Site 1840, nearby, consists of a historic-period retaining wall related to sugar cane or military transport; Site 1839, occurring about 25 m to the east of the trash dump represents the first fully known prehistoric site in this coastal area. This site is a prehistoric complex occurring on the flats and composed of a wall and terrace suspected to be related to temporary habitation. No radiocarbon dates are available for this site.

Proceeding to the north, around the point and onto the flat coastal plains toward Wailua, both historic and prehistoric sites are present. Site 1838 consists of a prehistoric cultural deposit partially eroding out of modified sand dunes. The layers contained charcoal, shells, and coral fragments, this expected so near the coastline. The site had been disturbed during military training exercises in the 1940s. The cultural deposit, now a small remnant, was dated to AD 1170-1400, and represents temporary habitation of the area. This pattern of remnant cultural deposits and temporary activities near the coast holds through the Kealia area and beyond, and is one concern for the present work. The final historic site in this area is Site 1846, two historic railroad bridges used for hauling

sugar cane from the fields to Lihue. This site is present more inland and south of the former Radisson Hotel.

Site -885, also occurring just to the south of the Raddison hotel, represents a possible traditional Native Hawaiian burial ground. Multiple burials have been documented in this sandy location, from the Raddison through Wailea Golf Course and Lydgate Park.

Overall, this first section contains abundant evidence for historic networks related to plantation-era days and prehistoric sites related to burial and temporary habitation loci. While none of the sites beyond Ahukini landing remain in spectacular form, they do allude to land tenure in the area during the late 1880s onwards. The two prehistoric sites identified near the rocky coastline provide foreshadowing for the immense number of sites occurring to the north along the sandy coastal flats. Site -885 and beyond provide our first glimpses at this pattern.

Wailua Golf Course to Wailua River

The most well-known site in this area, due to the influx of CRM research related to golf course activities and development of Lydgate Park, is Site 103, originally recorded by Bennett during island-wide survey in 1928-1929. At this writing, over 66 burials have been identified throughout the golf course alone, with most of these having been re-interred in a burial crypt and preserve area at the golf course itself. This discussion focuses on the area from the south end of the golf course and west to the Correctional Facility to the Wailua River. In this location, we enter one of the most sacred and site-rich areas of the island, an area that will be crucial for pathway development.

The *ahupua`a* of Wailua is situated in the old district of Puna but today is located in two separate judicial districts: south of Wailua River is Lihue District or *moku* and north of the river is Kawaihau District. Wailua Ahupua`a is the largest *ahupua`a* in both districts and extends from the shoreline to Mt. Wai`ale`ale. In this segment, we stop at the southern bank of the Wailua River, the largest navigable stream in the Hawaiian Islands. The southern extent of this area is relatively minor compared with the near-river areas. In this tract, very few LCA's were issued. The flatlands between the dunes and Kalepa Ridge contain swampy areas fed by springs at the base of the ridge that allowed for limited taro cultivation on the margins of the marsh. The coastal dunes between the

marshland and the sea were primarily used for human interment (Site 103) while the direct coastline would contain evidence for temporary or seasonal fishing camps and other marine acquisition.

The first site encountered within this artificial corridor is Site 1980, which occurs on the golf course to the east of the correction facility. This site consists of eight traditional-period burials identified in sandy contexts between coastline and marshy areas to the west. It is likely this site could be included as a portion of Bennett's Site 103. As we move north into golf course lands, several more sites are present, particularly Site 103 and its 66+ known burials. Forty-four burials were identified during trenching by SCS in 2000 (Fagher and Spear 2000). Also recovered were prehistoric implements (two adzes, sinkers, hammerstone) and historic items (glass and porcelain). Sites -542 through -546 and Site -819 compose portions of Site 103 burials found during monitoring work in 1977. Site -9357, a burial also part of the Site 103 complex, was identified on the grounds of the County correctional facility. A burial preserve area has also been established at the golf course, across from the first tee box.

Two archaeological sites were identified and documented during monitoring in 2003 by SCS at the Kumalani area of Lydagate, just off the golf course (Morawski and Dega 2004). Additional burials related to Site -103 were identified. A total of three incomplete burial sites and two isolated findspots from previously disturbed burials were identified. All were thought to be from traditional contexts. The second site, Site -356, consisted of a traditional cultural layer located within natural sand dune deposits. The site was assessed as a habitation layer and dated to A.D. 1440–1660, a traditional time period consistent with other archaeological finds in the area. Stone tool implements, charcoal, and shell were found at the site. Scattered stone tools (hammerstone, adze fragment) were identified in the sand dune during construction of the Kumalani playground.

While not directly impacting the pathway in this segment, the following is presented to provide additional context to the archaeology of the area. Staying on the south side of the river, near the coastline, we enter the more sacred Wailua River mouth area. On one side is Lydgate Park and across the highway from the hotel is a heiau complex. Staying near the coast, Site -105 is present within the park, much of the site having been preserved today. This site consists of Hikinaakala Heiau and Pu`uhonua o Hauola (city of refuge). This site was first recorded by Thrum in 1906 and later by

Bennett (1931), Kikuchi (1974), and Yent (1989). This site is part of the Wailua Complex of Heiau National Historic Landmark. Yent's work at the site concluded that there were two occupational episodes at this site, one historic-period and one earlier occupation. This occupation may or may not have been associated with the *heiau* itself.

Another significant site is present in the area. In 1949, Mrs. Rebecca Banks recorded 36 petroglyph figures on boulders stretching across the mouth of Wailua River. These boulders became a National Historic Landmark in 1962. This petroglyph field was re-surveyed in 1973 and 1984 by W. Kikuchi and he noted in a letter report that there may be more in the river and that some boulders had been damaged during clearing the mouth of the river. J. Powell of SCS states that you can see the site at times of low tide.

The final area of interest on the southern bank of the Wailua River, prior to actually reaching the river, is Site -104 and Site -104a. The main site is Malae Heiau, part of the Wailua Complex of Heiau National Historic Landmark. The *heiau* is a walled, square enclosure measuring over 2 acres in size. Construction of this site occurred in phases through time, with early episodes from AD 1480-1580 and later construction at 1700-1800 and 1720-1840 respectively. Site -104a was identified by Kikuchi in 1987 and consists of an adze workshop/flake scatter occurring to the north-northeast of the *heiau* and extending to the marina. It is likely that the lithic manufacturing workshop was related to prehistoric occupation and use of the *heiau* and environs.

This summary was meant to provide a brief overview of known archaeological sites within the Ahukini-Lydgate pathway corridor in order to understand potential impacts to the sites and to gauge additional site types (*i.e*., burials) that may be identified during archaeological Monitoring of the area.

Cultural Resources from Ahukini-Lydgate

As Corbin *et al*. (2002) state, Hanamaulu translates as "tired (as from walking) bay" and is said to be the birthplace of the hero Kawelo. This area was referred to as Puna District at the time of the Great Mahele of 1848, not Lihue District as it is now known. The Hanamaulu area is not specifically mentioned in many historical texts. However, Hanamaulu is noted *Olelo No`eau*, a book of Hawaiian sayings and epithets (Corbin *et al*. 2002:B-1):

*No Hanama`ulu ka ipu puehu* ("The quickly emptied container belongs to Hanama`ulu")

Pukui (1983:No. 2230) identified another quote about the area:

"Said of the stingy people of Hanama`ulu, Kaua`i—no hospitality there. At one time, food containers would be hidden away and the people of Hanama`ulu would apologize for having so little to offer their guests."

From Hanamaulu Bay to the west, toward Lihue, multiple Land Commission Awards are present. In general, the LCA's primarily denote *lo`i* lands (taro fields). Here, dryland taro cultivation was probably practiced while coconut, sweet potato, and breadfruit were also likely grown. The Mahele records of the Hanamaulu area tell of native tenants living in the valleys and by the shoreline. House sites, taro pond fields, irrigation systems, dryland agricultural parcels, fishponds, pastures, and other features were across the landscape. Many of these lands were cleared during Plantation days, thus masking or erasing these sites.

The cultural significance of the Wailua Area, further to the North, is well documented. Center of the isle's political and economic universe, Wailua was the chiefly seat of Kaua`i during prehistoric times, as is attested by the numerous *heiau* and other ceremonial sites occurring along the Wailua River basin. The Wailua area is covered in some detail in other sources.

REASON FOR MONITORING AND POTENTIAL SITE TYPES TO BE ENCONTERED: LANDFORM AND SENSITIVE AREAS DURING CONSTRUCTION OF THE PATHWAY

Site sensitivity along this pathway is partially determined by the types of soils encountered. The five main ecological zones discussed above are now related to the potential of archaeological sites along this portion of the Path. The zones are presented first, followed by a listing of pathway areas that may be sensitive for various cultural resources.

The first zone (Zone I) consists of coastal dunes, which include frontal accretion deposits, backslopes, the crest, and the slip face. Zone I predominantly consists of an area spanning from the high-tide water mark of the ocean to the lower portion of the slip

face near the interdune area, or, where the backside of the dune becomes flat and expansive. Zone I sediments are primarily composed of beach sands. These sands are subject to variable sorting when high-energy depositional events such as storm surges or tsunamis typically lead to the deposition of courser sand grains while low energy events can lead to well-sorted, often fine-grained, sedimentary deposition. This is a dynamic zone in terms of landscape morphology as it constantly evolves through wind and tides, particularly if vegetation or modern impediments do not curtail dune migration. It is often in Zone I that archaeological signatures for temporary occupation activities such as fishing camps are identified.

Zone II represents a more stable land surface occurring leeward and inland from the terminus of Zone I. This zone composes the coastal plain or back beach environment. The latter term alludes to the formation of interdune deposits. Both Zone I and Zone II primarily consist of calcareous sand beaches derived from the decomposition of coral and seashells. These sandy deposits and associated coralline basements occur far inland in some areas, a symptom of the Holocene high sea stand occurring between *c.* 5,500 years ago and lasting until about 2,000 years ago (Fletcher and Jones 1996:639). It is frequently within this sandy, back beach area that significant archaeological resources related to permanent habitation and burials are found (e.g., Site 103; see Table 1).

Zone III consists of a landform located at or very near sea level, but removed from the coastal inland of Zone II. This zone is characterized as 'marsh land,' or ponded areas that are approximately equal in elevation to sea level yet retain more terrigenous characteristics. Zone III often consists of slightly depressed areas amenable to water and soil catchment. This marsh land does contain some sandy sediment, but alluvial clays dominate soil matrices. It is within Zone III that *lo`i* agriculture was suggested to have been practiced during traditional times (see Creed et al. 1995) and fishponds are often present (e.g., Kawailoa Pond south of the Radisson Hotel). Later, these lands were filled and utilized for rice cultivation and modern occupation. Zone III contrasts brilliantly with Zone II in that it provides a near-coastal alternative for agricultural production normally only afforded at much more inland locations. Permanent residents of the near coastal environment (Zone II in particular) could practice both intensive agriculture while gathering resources from an immediately adjacent ecological zone. It is this situational affordability that allowed for Zone II occupation at the interface of several other significant resource zones.

Zone IV is demarcated by considerable increases in elevation and changes in topography. This zone is common mostly along the southern flank of the pathway route near Hanamaulu and along the highway, if the pathway is to be placed there. This zone primarily consists of rolling hills and plateaus that lead into more mountainous terrain. Now primarily consisting of grassy plains, subsurface deposits are dominated by the presence of red clays. Some historic and modern uses of this landscape include sugar cane cultivation and pasturing activities. Due to the intensive landscape modifications associated with these historic and modern uses, surface archaeological structures are fairly uncommon, although there are exceptions (Malae Heiau in Wailua). This zone contains red clay soils derived from the decomposition of underlying basalt. The soils are rich in iron and other nutrients amenable to the industrial production of certain crops (*e.g.*, sugar cane). During prehistoric and early historic times, Zone IV could have been used as another transition zone between lowland and upland locales. Trails linking lowland and upland sites and resource procurement zones, small-scale agricultural sites, habitation sites (both permanent and temporary loci), and some *heiau* were constructed in this zone. However, although several site classes may have occurred in Zone IV, the archaeological signatures of these site types may be minimal or non-existent. Zone IV gives way to another zone, the uplands.

The fifth zone (Zone V) consists of the uplands/steep slope lands cut by widely spaced erosional gullies and major drainages consisting of deep ravines. These drainages often create alluvial flats at their terminal points near the coastline (forming Zone III; Hanamaulu area). Also, plateaus are formed between the valleys and the routes occasionally course along side slopes. Rock outcropping is common is several areas, particularly along the northern flank of Hanamaulu Bay.

While each of these zones contributed to traditional and historic economies, archaeological signatures for traditional habitation and activity have been most evident in the back beach zone (Zone 2). This zone contained the artifacts produced for on-site use and off-site procurement of resources, midden and faunal remains indicative of food preparation and consumption, subsurface features such as postholes indicative of dwellings, and hearths characteristic of cooking locales, among others. Typically, the greatest quantity of archaeological sites indicating continuous use of the eastern Kaua`i landscape has been recovered from this back beach, accretion zone, the current project area not being an exception. While there is a specific correlation between soil types and the presence/absence of sites along this eastern coast, in this case, the documentation of

the greatest proportion of sites being in Zone II does not provide such a simple association. Archaeological inquiry has been primarily conducted in Zone II as infrastructure and housing construction has rapidly expanded. Naturally, the more inquiry into one zone versus other zones skews the results somewhat. It is this caveat that archaeological models defining intensive landscape use through time must address.

Ecological Subzones and Archaeological Sites

The back beach, or accretion zone area (Zone II), containing the predominant cultural layers identified in this project area, occurs at the interface of two other ecological zones. Zone I is represented by the immediate coastline, which often includes interdune deposits, crests and slipfaces, and backslope areas. Zone III, a bounding surface for Zone II, consists of an inland marshy area used through history for *lo`i*, fishponds, and wetland resources. This dynamic coastal to slightly inland ecological setting containing three discrete ecological zones, was utilized on a continuous basis along eastern Kaua`i for at least 800 years (see Creed *et al*. 1995).

It has been postulated elsewhere (Dega and Buffum 2001; Dega and Morawski 2002) that Zone II back beach locations were the stable, lowland land surfaces on which primary permanent occupation and associated activities occurred during pre-Contact times. Temporary habitation loci, work areas (*e.g.*, lithic workshops), recreational activity areas, fishing camps, and some burial areas are site types occurring directly along the coastline (Zone I). For the most part, direct coastal areas were transient in that dune movement and erosion were common. Back beach, accretion deposit areas were much more stable and selected for sustained, permanent habitation. Permanent house sites, ceremonial structures, some agricultural features, and such have been documented with more frequency in the Zone II area of eastern Kaua`i. Both burials and subsurface cultural layers often denoted as the paleo A-horizon along eastern Kaua`i have been most often identified in this ecological zone. The present archaeological project may reinforce this hypothesis. The western flank of the back beach zone (Zone III) commingled with depressed, marshy areas extending to the base of hill slopes to the west. These marshy areas, as noted above, were also utilized continuously throughout history, from *lo`i* and fishpond use to resource gathering areas. During historic times, these marshy areas were often filled and utilized for rice cultivation (see Creed *et al*. 1995). We continue to explore the possibility that a fishpond also occurred in this back beach area, the Kawailoa Pond south of the Radisson Hotel.

MONITORING CONVENTIONS AND METHODOLOGY

This AMP has been prepared in accordance with DLNR-SHPD rules governing standards for Archaeological Monitoring (§13-279). Archaeological monitors will adhere to the following guidelines during monitoring:

1. A qualified archaeologist from SCS familiar with the project area and the results of previous archaeological work conducted in the area will monitor subsurface construction activities in the project area. If significant deposits or features are identified and additional field personnel are required, the archaeologist will notify the contractor or representatives before additional personnel are brought to the site.

2. If features or cultural deposits are identified during Archaeological Monitoring, the on-site archaeologist will have the authority to temporarily suspend construction activities at the significant location so that the cultural feature(s) or deposit(s) may be fully evaluated and appropriate treatment of the cultural deposit(s) is conducted. These actions are needed to fulfill the reporting requirements specified in §13-279-5(5) through (6). SHPD archaeologists will be consulted to establish feature significance and potential mitigation procedures. Treatment activities primarily include documenting the feature/deposit through plotting its location on an overall site map, illustrating a plan view map of the feature/deposit, profiling the deposit in three dimensions, photographing the finds (with the exception of human burials), artifact and soil sample collection, and triangulation of the finds. Construction work will only continue in the significant location when all documentation has been completed.

3. Stratigraphy in association with subsurface cultural deposits will be noted and photographed, particularly from deposits containing significant cultural materials. If deemed significant by SHPD and SCS, these deposits will be sampled.

4. In the event that human remains are encountered, all work in the immediate area of the find will cease; the area will be secured from further activity until compliance with §6E-43.6, HRS, and §13-300-40, HAR, has occurred. The SHPD-Oahu archaeologist and SHPD-Burial Sites Program (located in Kapolei, O‘ahu) will both be immediately notified about the inadvertent discovery of human remains on the property. Notification of the inadvertent discovery will also be made to the Kaua`i/Ni`ihau Islands Burial Council by either SHPD or by SCS (Dr. Michael Dega). Procedures to determine the minimum number of individuals, age of the site, and ethnicity of the individual(s) will conform to the relevant procedures established in §13-300, HAR, as directed by the SHPD. Profiles, plan view maps, and illustrative documentation of skeletal parts will be recorded to document the burial(s). The burial location will be identified and marked. If a burial is disturbed, materials excavated from the vicinity of the

burial(s) will be manually screened through 1/8-inch wire mesh screens in order to recover any displaced skeletal material. Only SHPD has the authority to approve the removal of human remains, which is typically conducted in consultation with the appropriate burial council members.

5. To ensure that contractors and the construction crew are aware of this AMP and possible site types to be encountered in the project area, a brief coordination meeting will be held between the construction personnel and monitoring archaeologist prior to initiation of the project. The construction crew will also be informed as to the possibility that human burials could be encountered and how they should proceed if they observe such remains.

6. SCS will provide all coordination with the contractor, SHPD, and any other group involved in the project. SCS will coordinate all monitoring and sampling activities with the safety officers for the contractors to ensure that proper safety regulations and protective measures meet compliance. Close coordination will also be maintained with construction representatives in order to adequately inform personnel of the possibility that open archaeological units or trenches may occur in the project area.

7. As necessary, verbal reports will be made to SHPD, and any other agencies as requested.

LABORATORY ANALYSIS

All samples collected during the project, except human remains, will undergo analysis at the SCS laboratory in Honolulu, in accordance with SHPD rules (§13-279, HAR). In the event that human remains are identified and the SHPD and Kaua`i/Ni`ihau Islands Burial Council authorize their removal, they will be curated at an acceptable location on O`ahu. All photographs, illustrations, and field notes accumulated during the project will be curated at the Honolulu laboratory (SCS). All retrieved artifacts and midden samples will be cleaned, sorted, and analyzed at SCS. Significant artifacts will be photographed, sketched, and classified (qualitative analysis). All metric measurements and weights will be recorded (quantitative analysis). These data will be presented in tabular form within the final monitoring report. Midden samples will be minimally identified to major ‘class’ (e.g., bivalve, gastropod mollusk, echinoderm, fish, bird, and mammal). All data will be clearly recorded on standard laboratory forms which also include number and weight (as appropriate) of each constituent category. These counts will also be included in the final report.

Should any samples amenable to dating be collected from a significant cultural deposit, they will be prepared in the SCS laboratory and submitted for taxa identification (Gail Murakami, International Archaeological Research Institute, Inc., Honolulu). If short-lived native and/or Polynesian-introduced taxa are identified, they shall be selected for radiocarbon dating, if necessary. While primary emphasis for dating is placed on charcoal samples, we do not preclude the use of other materials such as marine shell or nonhuman bone materials. SCS will consult with SHPD and with the client if radiocarbon dates are deemed necessary.

All stratigraphic profiles will be drafted for presentation in the final report. Representative plan view sketches showing the location and morphology of identified sites/features/deposits will be compiled and illustrated.

CURATION

SCS will curate all recovered materials in Honolulu (except human remains, which would remain on-island) until the work is completed, reviewed, and accepted by the state. All materials gathered during this project (including documentation) are ultimately the property of the client, who may request their transfer subsequent to the acceptance of the final Archaeological Monitoring Report (see below).

REPORTING

An Archaeological Monitoring Report documenting all aspects of the work will be submitted within 180 days of the completion of fieldwork, in accordance with SHPD administrative rules (§13-279-5). This time line is requested to account for any radiocarbon age determinations (typically 45 days), if necessary.

If cultural features or deposits are identified during fieldwork, the sites will be evaluated for historic significance according to criteria established in §13-275-6(b), HAR. The Archaeological Monitoring Report will be drafted until accepted by SHPD and final revised reports will be submitted to SHPD and to the client.

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D-3 PRELIMINARY GEOTECHNICAL REPORTS

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October 6, 2005
W.O. 5411-00

Mr. Merle D. Grimes
MDG, Inc.
1042 Broken Arrow Circle
Elizabeth, CO 80107

HANAMA'ULU RIVER BRIDGE
AHUKINI-LYDGATE BIKE/PEDESTRIAN PATH
FEDERAL-AID PROJECT NO. STP-0700(51)
LIHUE, KAUAI, HAWAII

Dear **Mr. Grimes:**

This letter describes the findings from our literature research performed and presents our preliminary geotechnical considerations for the Hanama'ulu River Bridge for the proposed Ahukini-Lydgate Bike/Pedestrian Path project on the Island of Kauai, Hawaii.

We understand that the bike and pedestrian path will be about 10 to 12 feet wide and will consist of a 6-inch thick concrete path. One of the path alignment alternatives travels primarily along the existing shoreline from Ahukini Landing to Lydgate Park. The other path alignment alternative travels further inland along Kapule/Kuhio Highway. One of the path alignment alternatives will traverse one existing major structure, the Hanama'ulu River Bridge. Since the Hanama'ulu River Bridge may be historic, construction of a replacement bridge structure may not be possible. Therefore, the Hanama'ulu River Bridge structure will probably require modifications.

The existing Hanama'ulu River Bridge is a 2-span concrete arch bridge with 53 and 79-foot long spans. The bridge was built in the 1920's with a bridge deck about 10 feet wide. The bridge piers and abutments are supported on a pile foundation except for the Kapaa-side abutment that is supported on spread footings bearing on rock. The type of pile and other details of the pile foundation were not shown on the available drawings. In addition, subsurface soil information was not provided on the drawings.

Based on geologic maps, the Hanama'ulu River area is underlain by recent alluvial deposits. The recent alluvial deposits are characterized as unconsolidated, non-calcareous soils. These recent alluvial deposits tend to be soft in consistency and compressible. We anticipate that the existing bridge structure is mainly underlain by recent alluvial deposits.

We understand that the existing bridge will be renovated with a new bridge deck on the existing bridge. The bridge deck will consist of precast concrete planks with stainless steel cable railings and concrete railing posts. In addition, new concrete end post structures will be constructed.

The load capacity of the existing bridge foundation will need to be determined for the additional loads of the new bridge deck structure. We understand that bridge scour need not be considered in the bridge design.

We appreciate the opportunity to be of continued service to you on this project. If you have questions or need additional information, please contact our office.

Respectfully submitted,

GEOLABS, INC.

By _____
Gerald Y. Seki, P.E.
Senior Geotechnical Engineer

GS:cj

(h:\5400 Series\5411-00.gs1)

October 5, 2005
W.O. 5411-00

Mr. Merle D. Grimes
MDG, Inc.
1042 Broken Arrow Circle
Elizabeth, CO 80107

PRELIMINARY GEOTECHNICAL ENGINEERING STUDY
AHUKINI-LYDGATE BIKE/PEDESTRIAN PATH
FEDERAL-AID PROJECT NO. STP-0700(51)
LIHUE, KAUAI, HAWAII

Dear **Mr. Grimes:**

This report describes the findings from our literature research performed and presents our preliminary geotechnical considerations for the proposed Ahukini-Lydgate Bike/Pedestrian Path project between Ahukini Landing and Lydgate Park on the Island of Kauai, Hawaii. This report is intended to provide preliminary geotechnical considerations for planning and for the development of the Environmental Assessment only. Our work was performed in general accordance with the scope of services outlined in our revised fee proposal of June 9, 2005. The general location and vicinity of the project site are shown on the Project Location Map, Plate 1.

SUMMARY OF FINDINGS

Based on our literature research performed for the proposed Ahukini-Lydgate Bike/Pedestrian Path project, we anticipate that the proposed path alignments will traverse beach and dune sand deposits, alluvial soils and volcanic rock. The beach and dune sand deposits generally consist of poorly-graded sands. Portions of the project site are underlain by recent alluvial deposits that are typically soft and compressible. One of the path alignments travels close to an estimated wetland area. In addition, portions of the proposed alignments are underlain by basalt formations. We anticipate that the areas with basalt formations are covered by stiff residual and saprolitic soils, to basalt rock formation.

Several geotechnical considerations that may have a significant impact on project cost and construction time were identified during our literature research. In addition, the geotechnical considerations may have adverse impacts to the project during construction. These geotechnical considerations include settlement due to soft soil deposits, slope raveling, potential rockfall hazards, seepage of groundwater, and flooding associated with high rainfall storms. Special attention should be given to soft ground stabilization, cut slope design, subgrade stabilization, drainage design, and erosion control measures during the design and construction of the bike/pedestrian path project.

We anticipate that the proposed path alignments will traverse soft, loose, and/or unstable ground, such as gullies and stream crossings underlain by recent alluvial soils. Methods to reduce the anticipated path settlements and increase the path stability include removal of the soft and/or loose soil deposits and replacement with compacted fill materials, installation of a working platform or drainage blanket prior to fill placement, and utilizing soil stabilization methods, such as vibro-replacement or jet-grouting to improve the soft and/or loose soil deposits for construction.

In addition, a settlement waiting period likely will be required for embankment construction over the soft ground areas to reduce the potential for shear failure in the soft material and to reduce post construction settlements of the embankment. In addition, a surcharge program with settlement monitoring may be required to reduce the settlement waiting period.

It is proposed to place the new path on the existing Hanama'ulu River Bridge structure. The load capacity of the existing bridge foundation will need to be determined for the additional loads of the new bridge deck structure. New bridge structures will be required for the drainageway crossing near the Radisson Hotel and for the roadway crossing near the Kamalani Bridge. Since poor subsoil conditions may be encountered at the crossing sites, a deep foundation system such as drilled shafts or driven piles may be required to support the new bridge structures. In areas subjected to scour, the new bridge structure should be designed for scour. We understand that the use of viaduct bridge structures is being considered for crossing the soft ground areas. Because of the soft subsoil conditions, we anticipate that a deep foundation system will likely be required to support the viaduct bridge structures.

It should be noted that the findings and preliminary recommendations provided in this report are intended for planning and development of the Environmental Assessment only. The text of this report should be referred to for detailed discussion of our findings and preliminary recommendations.

PROJECT CONSIDERATIONS

The proposed Bike/Pedestrian Path project is located between Ahukini Landing and the existing Lydgate Park on the Island of Kauai, Hawaii. The project involves completion of the planning phase, including obtaining approval of the environmental assessment. The study corridor is located between Ahukini Landing and a point near the existing Lydgate Park, and from the shoreline to the Kapule/Kuhio Highway.

Alternative path alignments were developed during the initial phase of the planning study for the project. These path alignments were reduced to two main alternative path alignments for engineering evaluation to quantify potential costs for grading and major structures. Geotechnical input will be required to identify potential hazards, such as soft ground conditions, rockfall, and other conditions that may have a large impact on project costs and construction time.

We understand that the bike and pedestrian path will be about 10 to 12 feet wide and will consist of a 6-inch thick concrete path. One of the path alignment alternatives travels primarily along the existing shoreline from Ahukini Landing to Lydgate Park. The other path alignment alternative travels further inland along Kapule/Kuhio Highway.

One of the path alignment alternatives will traverse one existing major structure, the Hanama'ulu River Bridge. Since the Hanama'ulu River Bridge is historic, construction of a replacement bridge structure may not be possible. Therefore, the Hanama'ulu River Bridge structure will probably require modifications. In addition, two new bridge structures and a tunnel structure are proposed along the alignments.

Based on the relatively flat site topography along most of the path alignments, we anticipate that the majority of the cuts and fills will be on the order of less than 10 feet. However, major cuts and fills on the order of up to about 20 to 30 feet are anticipated for the construction of the proposed path alignment located between Hanama'ulu Bridge and Ahukini Landing.

PATH ALIGNMENT ALTERNATIVES

We understand that two main path alignment alternatives were developed for the project. These selected path alignment alternatives were studied for this report and are described below. The different paths and segments for the path alignment alternatives are shown on the Site Plans, Plates 2.1 through 2.6.

Alternative No. 1

Path Alternative No. 1 generally runs along the existing shoreline. The path starts from Ahukini Landing, circles around Hanama'ulu Bay, and travels near the shoreline to Lydgate Park. At the back of Hanama'ulu Bay, the path alignment is located away from the shoreline and within a low-lying area. In addition, the path crosses over the existing historic Hanama'ulu Bridge in this area.

An alternative segment that connects the shoreline path up to Kapule/Kuhio Highway is proposed near the Wailua Golf Course driving range. This alternative segment includes a tunnel section that crosses an existing pathway. In addition, new bridge structures are proposed near the Radisson Hotel and the Kamalani Play Bridge at Lydgate Park.

Alternative No. 2

Path Alternative No. 2 connects with Path Alternative No. 1 near the northern portion of Hanama'ulu Bay. This alternative path alignment follows existing cane haul roads and runs along the eastern side of Kapule/Kuhio Highway to Lydgate Park. This path alternative also includes alternative path segments that travels from Kapule/Kuhio Highway down to the shoreline near the Radisson Hotel.

GEOLOGIC CONDITIONS

The Island of Kauai is composed of a single basalt shield volcano built by the extrusion of lava of the Waimea Canyon Volcanic Series during the late Pliocene Epoch (more than 2¼ million years before present). Following the cessation of this main shield building phase, there was renewed volcanic activity with the extrusion of basaltic lava of the post-erosional Koloa Volcanic Series and the concurrent deposition of the alluvial sediments of the Palikea Formation.

The majority of the Island of Kauai is covered by lava of the Waimea Canyon Volcanic Series. These lavas consist of four distinct formations: Napali, Olokele, Haupu, and Makaweli. These formations are comprised of thin-bedded a'a and pahoehoe flows to massive basalt flows that ponded in calderas and graben.

Rocks of the Koloa Volcanic Series cover most of the eastern half of the Island of Kauai. These rocks are generally characterized as thick flows of dense basalt extruded from groups of vents aligned in north-south trends in various locales. Associated with the vents are pyroclastic materials, which usually form low cinder cones at the vent.

During the Pleistocene Epoch (Ice Age), there were many sea level changes as a result of widespread glaciation in the continental areas of the world. As the great continental glaciers accumulated, the level of the ocean fell since there was less water available to fill the oceanic basins. Conversely, as the glaciers receded, or melted, global sea levels rose because more water was available. The land mass of Kauai remained essentially stable during these changes, and the fluctuations were eustatic in nature. These glacio-eustatic fluctuations resulted in stands of the sea that were both higher and lower relative to the present sea level of Kauai.

The basaltic rock built by the extrusion of lavas of the Koloa Volcanic Series are generally characterized by flows of jointed dense vesicular basalt inter-bedded with thin clinker layers. The weathering process has formed a mantle of residual soils which grade to saprolite with depth. In general, saprolite is composed of mainly silty material and is typical of the tropical weathering of volcanic rocks. The saprolite grades to basaltic rock formation with depth.

Erosion of the upper Koloa and Waimea Canyon Volcanic Series has deposited alluvial sediments along streams, drainageways, and low-lying areas. These sediments are generally unconsolidated to moderately consolidated, non-calcareous soil deposits. Agricultural and commercial developments within the last century have brought the project site to its present conditions.

The geology for the proposed path alignments were developed based on geologic references. The site geology for the two path alternatives is described in the following subsections.

Alternative No. 1

The proposed path alignment for Alternative No. 1 is mainly underlain by beach and dune sand deposits. The beach and dune sand deposits are characterized as unconsolidated calcareous deposits. These deposits are poorly graded and uniform in particle size. Recent alluvial deposits may be encountered further inland from the shoreline near the Kawailoa area and within the Hanama'ulu Stream area. The recent alluvial deposits are characterized as unconsolidated, non-calcareous soils. These recent alluvial deposits tend to be soft in consistency and compressible. In addition, basalt rock formation of the Koloa Volcanic Series may be encountered along the southern portion of the path alignment at the sides of Hanama'ulu Bay.

Alternative No. 2

This alternative alignment is mainly underlain by alluvial deposits consisting of recent and older alluvium. Characteristics of the recent alluvium are described above. The older alluvial deposits are more consolidated and stiffer in consistency compared to the recent alluvial deposits. The southern portion of path alignment is underlain by basalt rock formation of the Koloa Volcanic Series. We anticipate the presence of residual and saprolitic soils near the ground surface. These soils are developed from the in-situ weathering of the basalt formation. In addition, the northern portion of the path alignment near Lydgate Park is underlain by a dune sand deposit.

SURFACE TERRAIN

The terrain along the bike/pedestrian path project limits varies significantly from level, low-lying areas to sloping hillside areas. A brief description of the topography along the proposed alignments is presented below. These descriptions are based on United States Geological Survey (USGS) topographic maps.

Alternative No. 1

The initial roadway alignment from Ahukini Landing travels around Hanama'ulu Bay with the ground surface varying from low-lying near the mouth of the bay to sloping hillsides along the sides of the bay with ground surface elevations up to about +80 feet Mean Sea Level (MSL). The remaining portion of the alignment travels along the shoreline with ground surface elevations from about +5 to +20 feet MSL.

Alternative No. 2

Since this alternative path alignment is further inland, the ground elevations along Alternative No. 2 are generally higher compared to Alternative No. 1. The existing ground surface near Hanama'ulu Bay is about Elevation +80 feet MSL and generally slopes downwards as the alignment travels along Kapule/Kuhio Highway to Lydgate Park to about Elevation +5 to +20 feet MSL.

EXISTING/NEW BRIDGE STRUCTURES AND TUNNEL

The proposed path alignments will traverse existing and new bridge structures and a new tunnel structure. Description of the bridge and tunnel structures is provided in the subsequent subsections.

Existing Hanama'ulu River Bridge

The Hanama'ulu River Bridge is a 2-span concrete arch bridge with 53 and 79-foot long spans. The bridge was built in the 1920's with a bridge deck about 10 feet wide. The bridge piers and abutments are supported on a pile foundation except for the Kapaa-side abutment that is supported on spread footings bearing on rock. The type of pile and other details of the pile foundation were not shown on the available drawings. In addition, subsurface soil information was not provided on the drawings. We anticipate that the existing bridge structure is underlain by recent alluvial deposits.

We understand that the existing bridge will be renovated with a new bridge deck on the existing bridge. The bridge deck will consist of precast concrete planks with stainless steel cable railings and concrete railing posts. In addition, new concrete end post structures will be constructed.

The load capacity of the existing bridge foundation will need to be determined for the additional loads of the new bridge deck structure. We understand that bridge scour need not be considered in the bridge design.

New Bridge Near Radisson Hotel

A new one-span bridge structure is proposed to cross an existing drainageway near the Radisson Hotel. The new bridge will be supported at it ends by concrete abutment structures and will be about 90 feet in length. The use of prestressed planks or girders is being considered with stainless steel cable railings. Based on the geologic maps, the new bridge site is generally underlain by recent alluvial and beach sand deposits.

New Tunnel Structure Near Driving Range

A new path tunnel structure is proposed near the Wailua Golf Course Facility. The 160-foot long tunnel will be composed of concrete construction and will be about 12 feet wide by 10 feet high. The tunnel structure is situated on a path connecting the Alternative No. 1 Coastal Path with the Alternative No. 2 Highway Path. Based on the geologic maps, the tunnel site is generally underlain by dune sand deposits.

New Bridge Structure Near Kamalani Bridge

A new three-span bridge structure is proposed near the existing Kamalani Bridge within the Lydgate Park area. The new bridge will be about 140 feet in length with span lengths of 35 and 70 feet. The proposed bridge will consist of wooden deck and railings, concrete pier columns, and concrete abutment structures. The wooden deck will be supported by stainless steel cables. We anticipate that the new bridge site is underlain by a dune sand deposit.

WETLAND AREA

We estimate that the proposed Alternative No. 2 path alignment will travel close to an estimated wetland area. In general, these areas are characterized by swamp or marsh-like environment with possible presence of standing water. Wetland sites may contain various forms of unique wildlife, which may require preservation. The approximate location of the estimated wetland site is shown on Plates 2.4 and 2.5.

From a geotechnical engineering point-of-view, swamps and marshlands often imply the presence of soft soils. It should be noted that areas not designated as a "Wetland Site" may also contain deposits of soft soils. These areas are further discussed in the Geotechnical Considerations section.

GEOTECHNICAL CONSIDERATIONS

Based on our desk-top study of the project site, several types of geotechnical considerations may have the potential for adverse impacts on the stability of the planned structures as well as the future maintenance of the proposed path. The geotechnical considerations may include, but are not limited to, the following:

- Settlement Due to Soft Soils
- Slope Raveling or Failure
- Rockfall Hazard
- Seepage of Groundwater
- Flooding by Rainfall

Settlement Due to Soft Soils

Areas underlain by recent alluvium are susceptible to consolidation and settlement over time as man-made fills are placed over these soft ground areas. Based on our literature research, soft soils are likely to be encountered at stream crossings, drainageways, wetland areas and other localized areas. A thorough field exploration should be performed at these locations where soft soil deposits are suspected in order to determine the lateral extent, thickness, and consolidation characteristics under the proposed fill loading conditions. The soft soil areas should be further evaluated to provide recommendations for design and construction of embankments and/or bridge viaduct structures over these areas. The estimated soft ground areas are shown on the Plates 2.1 through 2.6.

Slope Raveling or Failure

Based on the aerial photographs and available topographic maps of the project site, we anticipate that earthwork for the proposed bike and pedestrian path project will involve cuts at various locations throughout the site. We anticipate that substantial cuts of up to about 20 feet in the saprolite and/or weathered rock may be required. Therefore, some slope raveling and localized slope failures may occur on very steep cut slopes. Most of these slope raveling and failures tend to occur in steeply cut slopes with slope inclinations of about 1H:1V or steeper. Because of these existing conditions, cut slope inclinations for the larger cut slopes will need to be evaluated on a case-by-case basis when the vertical profile of the alignment is established.

Rockfall Hazard

It should be noted that areas adjacent to relatively steep hillsides are susceptible to rockfall. Rockfall involves the detachment and fall of rock material from the slope face that can present dangerous conditions for bike and pedestrian traffic. Because of these potential issues, cut slope inclinations for the larger cut slopes will need to be evaluated on a case-by-case basis when the vertical profile of the alignment is established.

Seepage of Groundwater

We anticipate that the soils encountered during path construction may have relatively high water contents due to the high rainfall and high groundwater levels. In addition, perched groundwater tables may exist in some areas. Because of the high moisture anticipated in the weathered materials, earthwork cuts may expose permeable layers responsible for transmitting seepage of subsurface groundwater, which in turn may cause potentially unstable cut faces.

Flooding by Rainfall

Based on a review of available topographic maps of the site, the Island of Kauai contains numerous rivers, streams, and drainage paths as a result of the high volume of tropical rainfall. Extended periods of heavy rainfall may swell drainage pathways to their capacity and flood low-lying areas. We wish to emphasize that adequate modeling of scour potential and storm water runoff should be performed for the design of new bridge structures.

CLOSURE

We appreciate the opportunity to provide geotechnical services to you on this project. If you have questions or need additional information, please contact our office.

Respectfully submitted,

GEOLABS, INC.

By _____
Gerald Y. Seki, P.E.
Senior Geotechnical Engineer

By _____
Clayton S. Mimura, P.E.
President

CSM:GS:as

CLAYTON S. MIMURA
LICENSED PROFESSIONAL ENGINEER
No. 4176-C
HAWAII, U.S.A.

THIS WORK WAS PREPARED BY ME OR UNDER MY SUPERVISION.

_____ 4-30-06
SIGNATURE EXPIRATION DATE OF THE LICENSE

Attachments: Project Location Map, Plate 1
Site Plans, Plates 2.1 thru 2.6

(4 Copies to Addressee)

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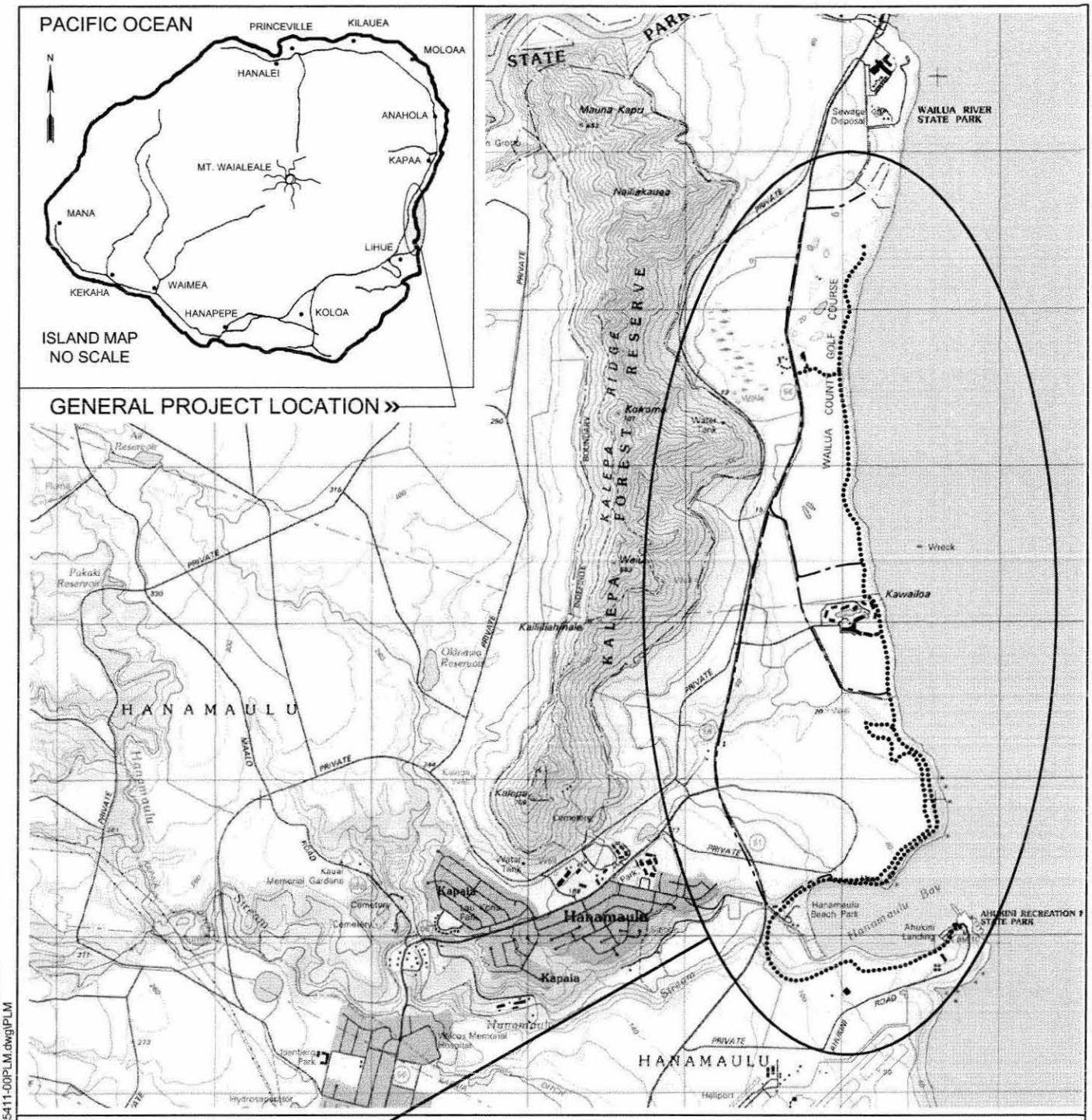

LEGEND:

····· ALTERNATE NO. 1

—·— ALTERNATE NO. 2

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GRAPHIC SCALE

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REFERENCE: MAP CREATED WITH TOPO!® ©2001 NATIONAL GEOGRAPHIC (WWW.NATIONALGEOGRAPHIC.COM/TOPO).

PROJECT LOCATION MAP

AHUKINI-LYDGATE BIKE/PEDESTRIAN PATH
FEDERAL AID PROJECT NO. STP-0700(51)
LIHUE, KAUAI, HAWAII

GEOLABS, INC.
Geotechnical Engineering

DATE	DRAWN BY	PLATE
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1" = 3,000'	5411-00	

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File: T:\Drafting-9904\Working\5411-00Ahukini-LydgateBikePath\5411-00PLM.dwg\PLM

D-4 GEOLOGICAL STATUS OF THE SHORELINE REPORT

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October 2, 2009

Merle D. Grimes, LLC
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Dear Mr. Grimes:

Following is my report on the geologic status of the shoreline at Wailua.

Physical Setting

The shoreline at Wailua on Kauai's east coast experiences persistent trade winds that blow 50 to 80% of the winter months, and 85 to 95% of the summer months[1]. These winds are incident to the shore at Wailua from a northeasterly angle such that they create a southward littoral current capable of transporting suspended sand and other materials in the water column. These winds may accelerate under the influence of the east Kauai vortex that develops due to diurnal heating of the upland. As a result, 25 to 35 knot winds are not uncommon and a moderate alongshore coastal current develops from the north to the south during gusting periods.

The trades cause the formation of a strong and persistent sea state in the waters offshore. Most of the long-period swell energy is dissipated at the seaward crest of the fringing reef, and the shoreline is characterized by 1 to 3 foot wind-waves with short periods (5-10 sec.), but openings and channels in the reef do allow shoreline access to higher energy waves. The primary energy controlling marine sediment transport at Wailua comes from tidal flow, long period surge, local wind-waves and their resulting currents across the reef-flat surface moving predominantly from north to south as well as directed offshore through channels and into depressions in the reef. The result is a shoreline that is not straight. Rather it has evolved pronounced curvatures and protuberances due to sediment accumulation and removal in response to both alongshore sediment transport and channel incision.

The reef-flat at Wailua is dominated by carbonate sediments produced as skeletal debris from various benthic organisms on the adjacent reef (carbonate algae, micromolluscs, coral fragments, and fossil carbonate lithic (rock) fragments). Closer to shore and along the littoral zone and beach, sediments tend to be clean carbonate sands produced by the reefal organisms.

The immediate upland on the northern and central sections is a sandy coastal plain with an origin related to a recent, past higher sea level (ca. 2000 yr ago), dune formation, and alongshore sediment accumulation. The upland along the southern section is basaltic, of volcanic origin.

[1] Sanderson, M. 1993. Prevailing Trade Winds, University of Hawaii Press, 126 p.

Controls on Shoreline Position

Shorelines maintain equilibrium (their position) under the influence of three environmental controls: sediment supply, waves and currents, and sea-level movements. These three factors compete for control over shoreline position. Sea level has been rising at approximately 1.5 to 2.4 mm/yr for most of the last century or more, and may, more recently, have experienced an acceleration in rate. Waves and currents have likely experienced little change in the last few centuries, although structures intersecting the littoral zone (such as the swimming pond) will influence their local impact. Sediment supply may vary widely due to human influences, seasonal changes in sediment production and delivery, and long-term shifts in sediment availability. A shoreline with sufficient sediment supply can maintain its position even while sea level and wave energy increase.

The shoreline at Wailua can be analyzed for changes in physical position over the last 75 years using a time series of historical aerial photographs and maps.

Methodology

The following map displays results of our historical shoreline analysis. Historical beach positions, color coded by year (see figure), were determined for the Wailua coastline using orthorectified and georeferenced aerial photographs and National Ocean Survey (NOS) topographic survey charts. We use the low water mark as the historical shoreline position (or shoreline change reference feature, SCRF). For locations in which there is coastal armoring or rocky shoreline seaward of any vegetation, the SCRF is delineated along the high water mark. Movement of the SCRF is used to calculate erosion/accretion rates at shore-normal transects spaced every 20 m (66 ft) along the shoreline. The 1987 SCRF is not used in the calculation of the annual erosion hazard rate, however it provides a gauge of seasonal uncertainty.

Erosion rates are determined at yellow shore normal transects (20 m). Annual erosion rates are displayed in a shore-parallel histogram graph located offshore of the coast on the diagram. Colored bars on the graph correspond to shore-normal transects; approximately every fifth transect and bar are numbered. Where necessary, some transects have been purposely deleted during data processing; as a result, transect numbering is not consecutive everywhere. Where complete beach loss has occurred, erosion rate calculations apply only to the time period when a beach existed.

Results

Our historical shoreline analysis reveals that the Wailua coast experiences intermittent historical variability in the form of some coastal segments that have long-term stability and others that display chronic erosion.

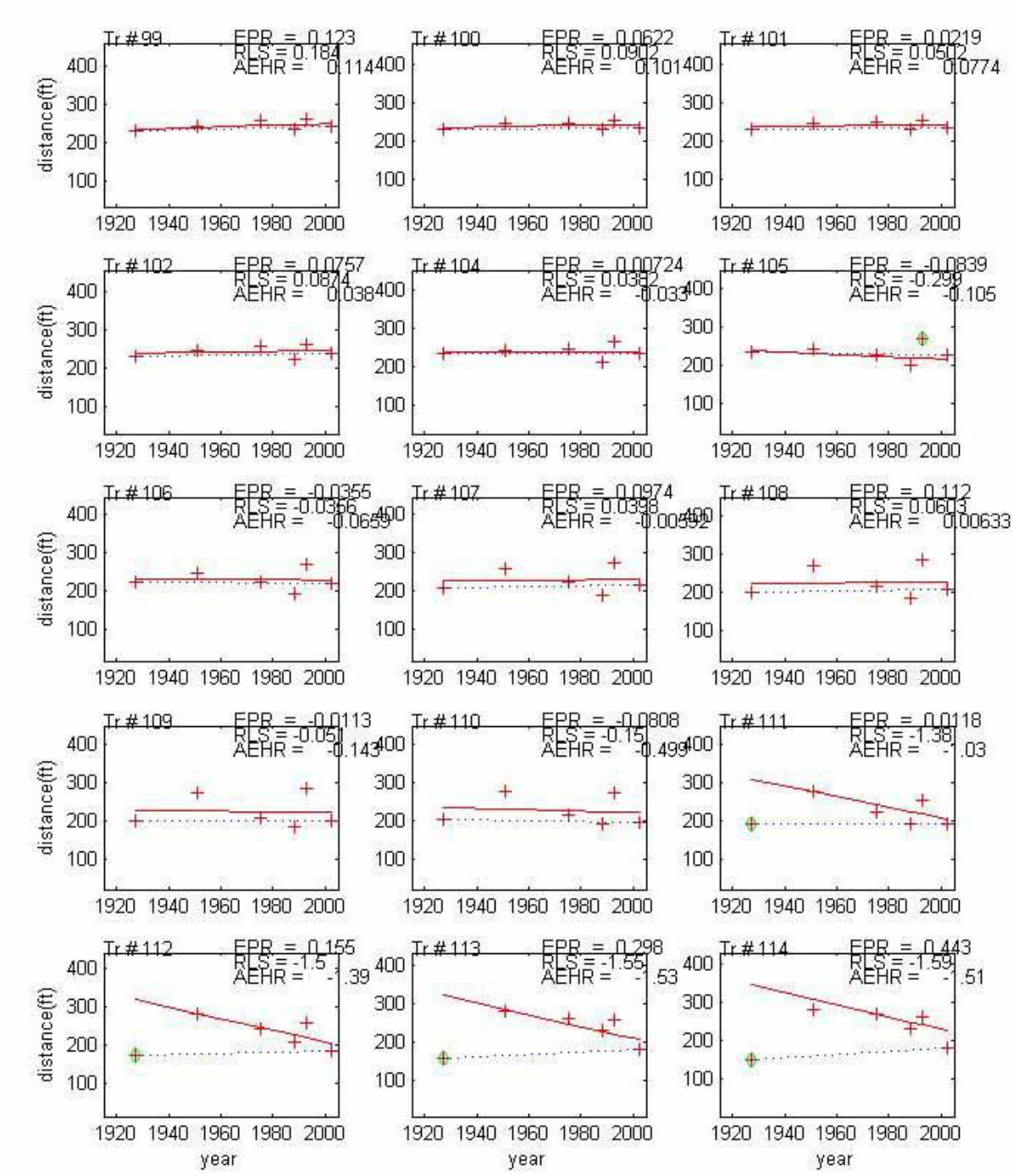
The northern portion of the coast at Lydgate Park suffers from chronic erosion at rates exceeding 2 ft/yr in places. This is due to the negative influence of the rock-wall swimming pond on sediment availability to the adjacent coast immediately to the south. The negative effects of the rock wall taper off at a distance of about 1500 feet to the south and the shoreline achieves greater long-term stability beyond this.

Along the Wailua Golf Course shoreline, the effects of erosion tend to be temporally sporadic and inconsistently spaced. Localized erosion characterizes places where reef channels and depressions intersect with the sandy beach to capture sands and divert them offshore. These are locations where

sands might otherwise reside along the beach. The practice range is one such location where erosion rates of 1 to 2 ft/yr characterize the last several decades.

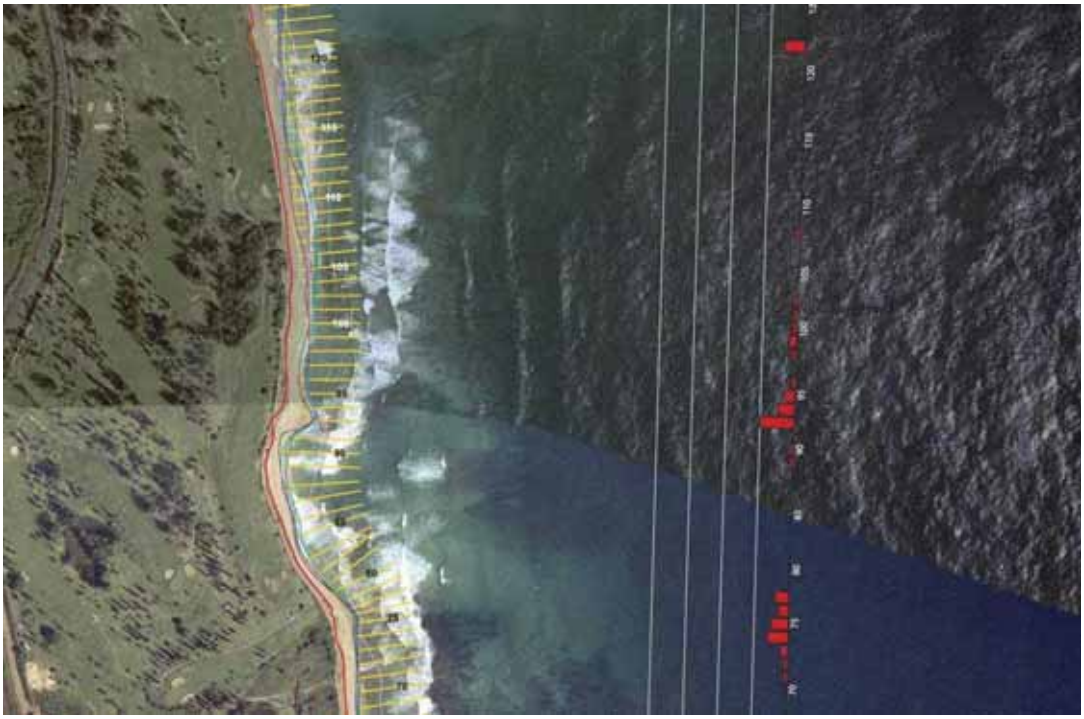
Kauai
Study Area
HISTORICAL SHORELINES
1927
Nov 1930
Apr 1975
July 1987
May 1998
Oct 1992
Feb 2002
Erosion rate measurement locations (shore normal transects)
Historical beach positions were coded by year, are determined using ortho-rectified and geometrically-corrected aerial photographs and National Ocean Survey (NOS) topographic survey charts. The low water mark is used as the historical shoreline or shoreline change reference feature (SCRF).
For situations in which there is coastal armoring or rocky shoreline seaward of any vegetation, the vegetation line is shown along the seaward side of the rock or armoring. If there is no sandy beach in these areas, both the vegetation line and the SCRF are delineated along the mean high water line.
Movement of the SCRF is used to calculate erosion rates along shore normal transects spaced every 20 m (66 ft) along the shoreline. The 1987 SCRF is not used in the calculation of the AEHR, however it provides a gauge of seasonal uncertainty.
EROSION RATES
Annual Erosion Hazard Rates (AEHR)
50 Year Hazard Line
Erosion rates are measured every 20 m along the shoreline. These sites are denoted by yellow shore normal transects. The AEHRs are shown on the shore parallel histogram graph. Colored bars on the graph correspond to shore normal transects, sequentially every fifth transect and bar are numbered. Where necessary, some transects have been purposely deleted during data processing as a result, transect numbering is not consecutive everywhere. Where complete beach loss has occurred, erosion rate calculations apply only to the time period when a beach existed.
The 50 year erosion hazard line is derived by multiplying the AEHR for each transect by 50 and projecting the calculated distance along each transect from the crest beach data point (2002).
Hazard Rates (ft/yr)

The first and second fairways show a history of relative stability when averaged over time. However, direct inspection of the coastline, and interviews with observers, indicate that the coast undergoes periods of retreat during high wave and wind events. The presence of large stone blocks at the location where a natural dune would otherwise exist, confirm a history of attempts to armor the coast to prevent land loss. A closer look at the history of shoreline positions on this section of coast, between transects 125 and 75, reveals the intermittent history. Transects 99-114 (below) illustrate and exemplify this.



The plot of shoreline positions through time, as typically captured in transect (Tr) #108, shows that two episodes of erosion characterize the otherwise stable shoreline. The period 1927-1950 is characterized by a strong erosion trend that apparently recovered over the following decades. Another erosion trend from 1988-1992 also displays strong shoreline displacement that also recovered in the subsequent decade.

The 1927-1950 trend may be due to a storm event, sand-mining from the beach, or reef blasting all of which are known to have occurred periodically over the course of the early to middle 20th century. The fact that the low water mark (the seaward front of the beach) recovered to nearly its original position following each erosion period suggests that a storm event, causing temporary sand removal, was the culprit for displacing the shoreline rather than permanent sand removal associated with blasting or mining. The 1992 erosion trend is the result of high wave energy related to Hurricane Iniki.



Overall, it appears that the position of the low water mark, which we map as the shoreline reference feature, and which is located at the seaward edge of the beach at the base of the sloping foreshore, has essentially maintained its position over the past 75 years. That history has been characterized by erosion events that temporarily displace the toe landward, which subsequently recovers, but permanently cuts-back the edge of the fairway, which does not recover. This has led to placement of stone blocks in a fruitless effort to stop erosion that would cease on its own anyway upon the termination of the storm. Net stability of the beach toe, and chronic retreat of the dune edge, suggest that the beach width has increased over time and that the beach relies on dune sand released by erosion to maintain its position.

Nature of the Erosion Problem

Coastal erosion occurs when a sandy shoreline (with a beach) experiences a deficiency in sand volume preventing it from maintaining a stable position on the edge of the ocean. The sand

deficiency may be caused by human actions, a rise in sea level, or a major event such as a storm or tsunami.

In response to a sand deficiency, the land abutting the beach may erode. This releases sand from the abutting dunes to feed the beach – in the process the shoreline migrates landward some distance and may stabilize once again if the sand deficiency is restored. Although the beach will migrate landward, it may not experience any narrowing due to erosion if it receives the sand eroded from the dunes. That is, a wide beach can persist even as it migrates landward at the expense of the abutting land. Hence, there is a difference between coastal erosion (land loss) and beach erosion (beach loss). Because of this phenomenon, for the environmental health of the beach (and because the beach is often more valuable than the land) it may be appropriate to let the erosion continue as a means of restoring a sand deficiency.

If a sand deficiency is temporary (such as a seasonal event associated with seasonal wave changes) any erosion will be temporary and repair itself from one year to the next. If a deficiency persists from year to year this signifies an ongoing impact to sand volume. Likely causes may include ongoing sea-level rise, ongoing human impacts, or continuing recovery from a large one-time impact such as a storm or tsunami. In such a case the landward recession is chronic.

In cases where chronic erosion destroys private land and/or threatens built structures, abutting owners have a tendency to develop remedial measure to stop the erosion. The most common measure is to build a seawall. However, this impounds the dune sand that would otherwise nourish the beach, and on a chronically eroding shoreline, seawalls will cause the beach to disappear. This is an undesirable result as the original goal of most coastal land use is to enjoy the economic and environmental benefits of the beach. In Hawaii particularly, the beach is a public resource and it is inappropriate to allow private land use to impact conservation land.

Unfortunately, in Hawaii where chronic erosion is a widespread problem, past practice has been to build seawalls in response to erosion. As a result, the total length of beaches on the island of Oahu has decreased by 25% due to seawall building, over 400 seawalls exist on the Maui shoreline with fewer than half being properly permitted, and public access to the sea is significantly decreased throughout the state because beach loss limits shoreline use.

Ironically, the attempt to armor the Wailua fairway coastline has not prevented landloss, and because the armoring is haphazard and poorly engineered, neither has it significantly interfered with sand movement from the dune to the beach. However, the dune does have a sand deficiency, and were the dune to undergo sand augmentation it would likely experience enhanced stability, ecological restoration, and offer better protection to the recessing fairway.

Appropriate Development - Pathway

Although the most appropriate coastal development emphasizes mitigating coastal hazards such as storm surge, erosion, and tsunami inundation by avoiding the problem through broad setbacks of several hundred feet or more, too many times we are forced to develop in the coastal hazard zone because of logistical, economic, and even philosophical constraints.

The Pathway project is a typical example. Laudably promulgated on the philosophy of "public access forever", the pathway would be ideally sited on a modular, low-impact surface with minimal solid area facing the sea at a distance of at least 100 feet and most appropriately 200 feet setback from the vegetation line. Unfortunately, at locations where upland improvements force the pathway to a

considerably more seaward position, or landward, away from the coast altogether, attempts must be made to accommodate the presence of unexpected traits in the new venue.

Pushed to the seaward edge of the fairway, perched on the edge of an episodically retreating upland surface, the design of the path should attempt to minimize hazard exposure, environmental impact, and negative influences on the function of the golf course. Hence, the following general guidelines are proposed.

The pathway should:

1. Restore the natural sand volume and geometry of the original coastal dune, as well as its critically important function as a coastal environment;
2. Present an absolute minimum surface area toward seaward forces;
3. Withstand strong instantaneous buoyant, shearing, and concussive forces associated with marine inundation and high winds;
4. Withstand temporary erosion events associated with storms;
5. Be amenable to future post-erosional sand placement to restore the dune system.

This results in essentially two structural options.

1. Build a lightweight pathway surface consisting of lockable modular sections floating on a sand foundation in connection with dune restoration. Dune construction should be located as far landward as possible, between the seaward-most line of stable vegetation on the beach and the fairway rough. It should emphasize a slope of 2:1 or greater (3:1) and a fill volume of approximately 8-10 yds^3/ft of frontage. Modular path sections should have a tethering system to prevent scattering during flooding. A small retaining wall to prevent sand spillage onto the pathway is acceptable. The dune should be strongly vegetated. A source of sand needs to be identified both for the initial restoration, as well as for replacement of sand eroded in future years.
2. Build a hanging pathway on narrow externally threaded auger piles of sufficient strength to allow broad spacing to avoid interference with wave processes. This version would likely survive marine forces intact and allow sand placement below and between the pathway superstructure. Piles would be augered several feet below grade and allow for marine flooding and erosion without subsequent damage to the path. Following the season of high wave action, sand restoration could ensue.

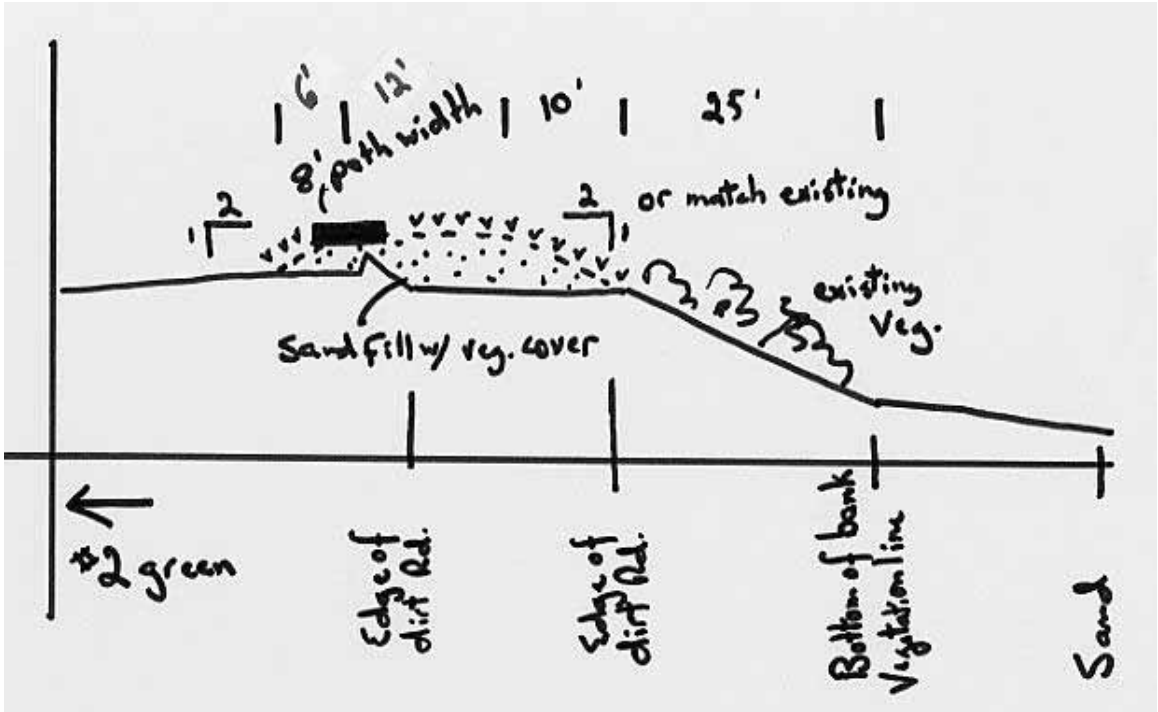
In both cases the existing topographic grade will simply be buried by the restored dune. This includes burying the stone blocks, dirt road, eroded escarpments, and other topographic features.

Both of these approaches emphasize the application of sand nourishment to the coastline. Although sand nourishment is not a permanent solution to coastal recession, it is the most consistent with natural environmental processes, it is the most permitable approach from a regulatory point of view, it represents a maintenance commitment, and does entail ongoing costs in repairing future erosion damage.

Kauai has three sand sources: Mana, Mahaulepu, and offshore. Offshore sand mining has not been considered here although this option is viable if the County wishes to pursue it further. Mana sand is the best developed resource at this time. However, the sand from Mana has shown a tendency to compact and harden when placed in the intertidal zone. This effect should be mitigated in the present

circumstance due to its removal from daily tidal inundation as part of a dune. The most effective approach to improving the sand is to wash it using a wet elevator and airfall system. With this treatment it is unlikely that the dune fill will undergo hardening. A sand improvement system such as this exists at the Mahaulepu quarry.

The following figure provides a generalized restoration section.



Shoreline South of Wailua Golf Course

Data on shoreline change to the south of the golf course indicates that erosion increases in the area of the Kauai Hilton hotel and to its south. Erosion on the south end of the Hilton property reaches a chronic rate of ~0.3 ft/yr and to the south in the area of the dirt road that accesses the shore, erosion reaches ~0.5 ft/yr.

The remainder of the shoreline to Ahukini Point was not analyzed with regard to shoreline change history. The majority of this coastline is rocky and not subject to pronounced erosive forces. Despite this, the placement of the bike path does present a challenging permitting issue as it will be subject to marine inundation during storm and tsunami events and frequent wave forces if it is placed too close to the higher intertidal zone. The bath should be structurally designed to withstand shearing, concussive, and buoyant marine forces.

The location of the path along the rocky shoreline should emphasize keeping the widest possible open space (set-back) between any evidence of marine influence and the seaward edge of the path. Where the path will have to be squeezed between rocky shore and heavy vegetation, it is most advantageous to conduct vegetation cutback, and locate the path in the upland direction.

The photo(s) below illustrates where it would be problematic to permit a pathway on the upper most boulders and seaward of the vegetation – the path will need to be located within the vegetation zone and <u>well</u> (~20ft) landward of the uppermost boulder zone. Exact location of the pathway in this section would be best performed with a coastal expert, a chainsaw, and flagging ribbon. In the bottom photo, the location of the old road/railbed does not <u>*exactly*</u> represent the optimal location. The bike path would be best located mauka of the road, or at least on the mauka edge of this feature.

Charles Fletcher
Professor of Marine Geology and Geophysics

D-5 STRUCTURAL REPORT

AHUKINI LANDING TO LYDGATE PARK
STRUCTURAL STATUS REPORT

KSF, Inc.

October 5, 2005

The path from Ahukini Landing to Lydgate Park may require the following proposed new structures or retrofit work on existing structures (refer to Map S-1), depending on the final path alignment.

1. Proposed Ramp South of the Existing Hanama'ulu Railroad Bridge
2. Existing Hanama'ulu Railroad Bridge Retrofit
3. Proposed Retaining Wall for Path Access Ramp at the Hanama'ulu Beach Park
4. Proposed Retaining Wall Path on the North Shore of Hanama'ulu Bay
5. Existing Cane Haul Box Culvert Bridge - Radisson Bypass Alternative
6. Proposed Temporary Integrated Boardwalk Plank System
7. Proposed Radisson Hotel Bike/Pedestrian Bridge
8. 4th Fairway – Proposed Bike/Pedestrian Bridge
9. 2nd Fairway – Proposed Helical Pile Boardwalk Path with Dune Restoration
10. 1st. Fairway – Proposed Helical Pile Boardwalk Path with Dune Restoration
11. 17th Green – Proposed Helical Pile Boardwalk Path
12. Proposed Lydgate Park Bike/Pedestrian Bridge

The following is a status report of structural assessment work completed to date:

1. Proposed Ramp South of the Existing Hanama'ulu Railroad Bridge

Three alternatives were prepared for this structure.

a. **Embankment**: Fill and re-grade the entire area to keep slopes within the ADA 5% maximum. This should be a low cost solution but accessibility problems and large height/grade differentials will increase construction difficulty. This solution impacts a wide area. The filled areas are likely to cause drainage problems, as runoff will be accumulated on the uphill side of the fill.

b. **MSE:** Use a mechanically stabilized earth, segmental retaining wall system to define the path. This system utilizes a system comprised of concrete masonry units with geotextile tiebacks to retain and stabilize the backfill. This may be the most cost effective system with the least impact on the area. Drainage concerns will be similar to "a" above as uphill runoff will be accumulated (Refer to Drawing S-2).

c. **Bridge:** Construct an elevated structure. A bridge requires foundation and superstructure work and would be the most costly especially if deep foundations (piles) are required. A major advantage of an elevated structure will be its limited impact on the surrounding area as the topography will be minimally affected and drainage will not be an issue (Refer to Drawing S-3).

Estimate of Probable Construction Costs:

- Embankment Option: Not available at this time. Estimate requires detailed topographic survey
- MSE/Segmental Retaining Wall Option: $1,000,000.00
- Elevated Bridge/Ramp Option: $1,5000,000.00 ($250.00 per s.f. plan area of deck)

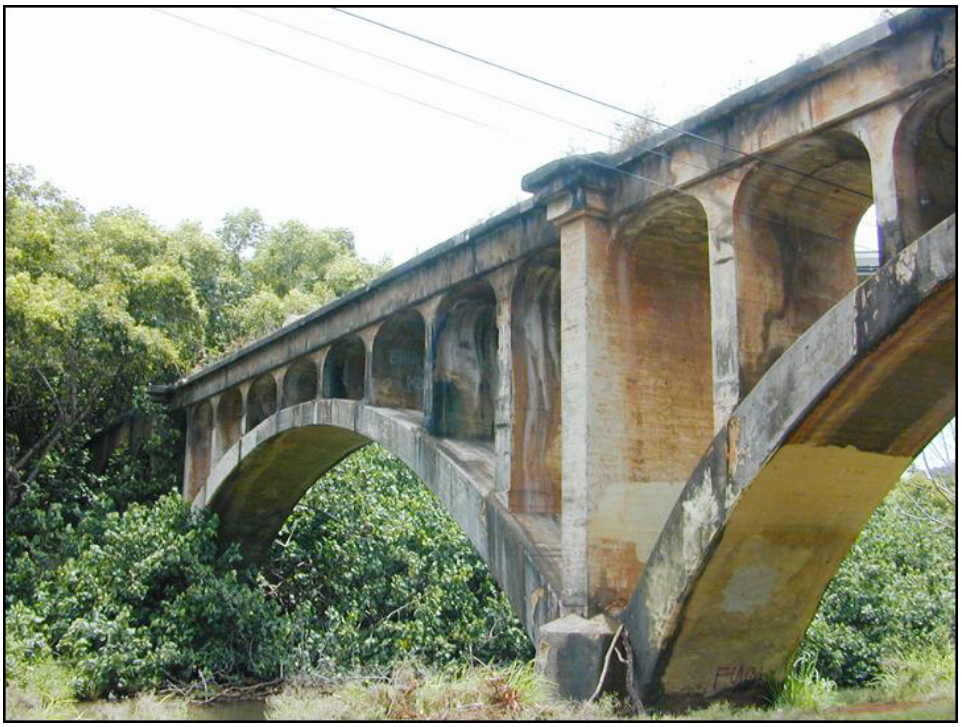
2. Existing Hanama'ulu Railroad Bridge Retrofit

The following is a report summarizing our work regarding the Structural Assessment and Recommendations for the Historic Hanama'ulu Railroad Bridge (Refer to Drawing S-4).

a. Observations

The bridge appears to be in very good condition considering its age and ocean front exposure. Several site visits have been conducted. At this time, no exploratory evaluations such as coring and concrete sampling have been performed. Several minor spalled areas are visible from the ground. The top "trough" which formed the original roadway for the railway was filled with dirt and debris. Once cleaned, additional concrete damage can be expected due to constant moisture from the organic material. It is expected that these concrete defects can be readily repaired using conventional chip-and-patch methods. (See Section "E")

Photo of the Hanama'ulu Railroad Bridge



Another view of the Hanama'ulu Railroad Bridge

b. **Structural Assessment**

An original plantation drawing was available indicating dimensions but containing very little other information regarding reinforcing steel or the foundation piles. The bridge was modeled using a STRUDL finite element program neglecting any reinforcing steel. Loading from the proposed, new concrete deck used to widen the path was included. The structure, with smaller secondary arches supported on longer span primary arches, was found to be completely in compression. Concrete compressive stresses were in the 500-psi range. This would partially explain the few observed spalls as the absence of tensile cracks has allowed the concrete to continue to protect the reinforcing steel.

c. **Foundation Assessment**

Geolabs, Inc is assessing the substructure. Initial indications are that the existing foundation will be adequate to support the new path as the new loads will be of the same order of magnitude as originally intended. Field assessments to probe the depth of the top of the pile cap and collection of boring samples have yet to be completed. Unknown will be the size, depth, number and condition of the original piles, assumed to be timber. This information will be extremely difficult to ascertain.

d. **Design and Recommendations**

Various schemes to modify the top deck for an increased width and guardrails have been reviewed. The recommend solution uses pre-cast concrete planks attached to the existing structure with epoxy embedded steel dowels. The planks span across the width of the existing bridge to provide a widened path and will provide a durable, low maintenance pathway. Intermittent concrete posts that support steel cables are used for their minimal visual impact and low cost.

e. **Concrete Repairs**

All concrete repairs shall be done in accordance with recommended practices of the International Association of Concrete Repair Specialists. Properly installed repairs will assure that the life of the structure can be extended with a minimum of additional concrete maintenance. All repairs visible from the ground shall be finished to match the color and texture of the existing concrete. In areas such as the upper trough, where continuous moisture and debris build up can be anticipated, any reinforcing steel exposed for repairs shall be coated with an anti corrosion material. Replacement segments of reinforcing shall be galvanized, stainless steel coated or FRP.

It is recommended that additional drains be installed along the length of the upper trough to remove any accumulated water. Also, the entire trough surface area should be coated with a waterproofing membrane as this area will be in accessible and difficult to maintain once the new roadway decking is installed.

Estimate of Probable Construction Costs:
$300,000.00 to $500,000.00

3 and 4. Proposed Retaining Wall Path – Hanama'ulu Beach Park and on the North Shore of Hanama'ulu Bay

Retaining walls will be required on steep slopes in order to provide a location for the bike/pedestrian path (Refer to Drawing S-5). Typically, the slope of the path shall not exceed a 5 percent grade for accessibility requirements. The path grade can exceed 5 percent, but not greater than 8.33 percent for a length, not to exceed 30 feet before a landing of at least 5 feet long is required that does not exceed a 2 percent grade. Whenever the path grade exceeds 5 percent, hand railing is required.

Estimate of Probable Construction Costs:
$2,700.00 per lineal foot

5. Existing Cane Haul Box Culvert Bridge - Radisson Bypass Alternative

An existing cane haul box culvert structure located upstream and mauka of the Radisson may be used as an alternate route. The concrete appears to be in good condition. Substantial cost savings may be realized with this alternative as only retrofit safety railings and an overlay surfacing material will be required.

Estimate of Probable Construction Costs:
$65,000.00 (railing and concrete path surface)

6. Proposed Temporary Segmental Boardwalk Plank System

The temporary integrated boardwalk plank system is designed to sit directly on top of the existing sand with minimal disturbance to the sand sub-grade and vegetation. The 12 - foot by 12 - foot planks (Refer to Drawing S-6) are prefabricated off-site. They

are connected with stainless steel bolts and can easily be removed. Stainless steel anchor/augers that are attached to the planks will be screwed into the sand in order to keep the planks from washing away or becoming projectiles during flood and high wind conditions.

Estimate of Probable Construction Costs:
$90.00 per square foot

7. Proposed Radisson Hotel Bike/Pedestrian Bridge

In order to span the ditch at this location, a 90 - foot span bridge is required. Three single span alternatives are proposed. All alternatives are designed to expedite construction and keep the work out of the water to avoid permitting issues.

a. **Pre-stressed Concrete Plank:** A pre-stressed concrete planks with a cast in place concrete topping (Refer to Drawing S-5). The pre-cast plank has a thin cross section and will have a lesser impact on the stream flow than a concrete girder bridge would have.

b. **Pre-stressed Concrete Girder:** Pre-stressed girders with a concrete deck are considered as an alternate (Refer to Drawing S-6). The advantage of this system is a lighter structure requiring a more economical foundation. The depth of the girders is a disadvantage. Raising the bridge will affect the on-grade portion of the trail on either end of the bridge, as retaining walls may be required. If the girder structure is lowered, stream flow may be adversely affected.

c. **Pre-fabricated Carbon Steel Bridge:**

Pre-fabricated steel bridges have become common, low cost alternatives on the mainland. For marine environments such as the Kauai bike/pedestrian path, the bridge will need to be hot-dipped galvanized and then painted with a marine grade coating of which there are many color options.

The pre-fabricated bridge sits on two abutments and can easily span without a center support pier for distances up to 140 lineal feet. They are typically 10 foot in width and have a concrete deck that is installed after the bridge has been set on its two abutments. The bridge has a 10,000 LBS vehicle load and a lifting weight of 37,543 LBS.

The manufacturer has a limited warranty of 10 years for the bridge. The actual life of the bridge will greatly depend on the maintenance routine that is implemented on the bridge. Steel bridges such as the Golden Gate Bridge are examples of painted steel bridges that can last indefinitely with proper maintenance.

Estimate of Probable Construction Costs:
Pre-stressed Concrete Plank Option: $500,000.00
Pre-stressed Concrete Girder Option: $450,000.00
Pre-fabricated Steel Bridge Option: $250,000.00

8. **4th Fairway – Proposed Bike/Pedestrian Bridge**

A bridge with a span of approximately 80 lineal feet will be required in order to cross over the ditch at this location. The same three bridge design options that were considered for the Proposed Radisson Hotel Bridge in Section Seven are proposed for this bridge and there is no significant difference in cost.

Estimate of Probable Construction Costs:
Pre-stressed Concrete Plank Option: $500,000.00
Pre-stressed Concrete Girder Option: $450,000.00
Pre-fabricated Steel Bridge Option: $200,000.00

9. **2nd Fairway – Proposed Helical Pile Boardwalk Path with Dune Restoration**

A helical pile supported boardwalk system is used along the coastline where there is tidal erosion and limited space (Refer to Drawings S-9 and S-10). Environmental and permitting constraints in the shoreline area prohibit permanent structures. The helical pile is removable; yet stable enough to support the boardwalk even if there is substantial sand erosion. The entire boardwalk system may be dismantled and the helical piles removed thus qualifying the structure as "temporary

Estimate of Probable Construction Costs:
$850.00 per lineal foot, including safety railing and excluding dune restoration

10. **1st. Fairway – Proposed Helical Pile Boardwalk Path with Dune Restoration**

The same Helical Pile Boardwalk Design used for the 2nd fairway will be utilized for the 1st fairway; however, the dune restoration design is slightly different (refer to drawing S-11).

Estimate of Probable Construction Costs:
$850.00 per lineal foot, including safety railing and excluding dune restoration

11. **17th Green – Proposed Helical Pile Boardwalk Path**

The same Helical Pile Boardwalk Design used for the 1st and 2nd fairways will be utilized for the 1st fairway; however, no dune restoration is needed (Refer to Drawing S-9).

Estimate of Probable Construction Costs:
$850.00 per lineal foot, including safety railing and excluding dune restoration

12. Proposed Lydgate Park Bike/Pedestrian Bridge

A bridge over the unpaved sand road is required mauka of the play structure. A 140 - foot span bridge will allow continued vehicular access to the beach via the sand road. Two alternatives were considered:

a. **Suspension Bridge.** In keeping with the aesthetic theme of the Kamalani Play Bridge structure, a suspension bridge is recommended (Refer to Drawing S-12). Reinforced concrete piers and a stainless steel cable will support the bridge span. The decking will be framed of either Trex or wood timber planks.

b. **Concrete Girder Bridge.** As an alternate to the suspension structure, a 3 span concrete girder bridge is proposed (Refer to Drawing S-13). Although more costly, a concrete structure will be more durable and require much less maintenance than the suspension bridge option.

Estimate of Probable Construction Costs:
Suspension Bridge Option: $500,000.00
Concrete Girder Bridge Option: $700,000.00

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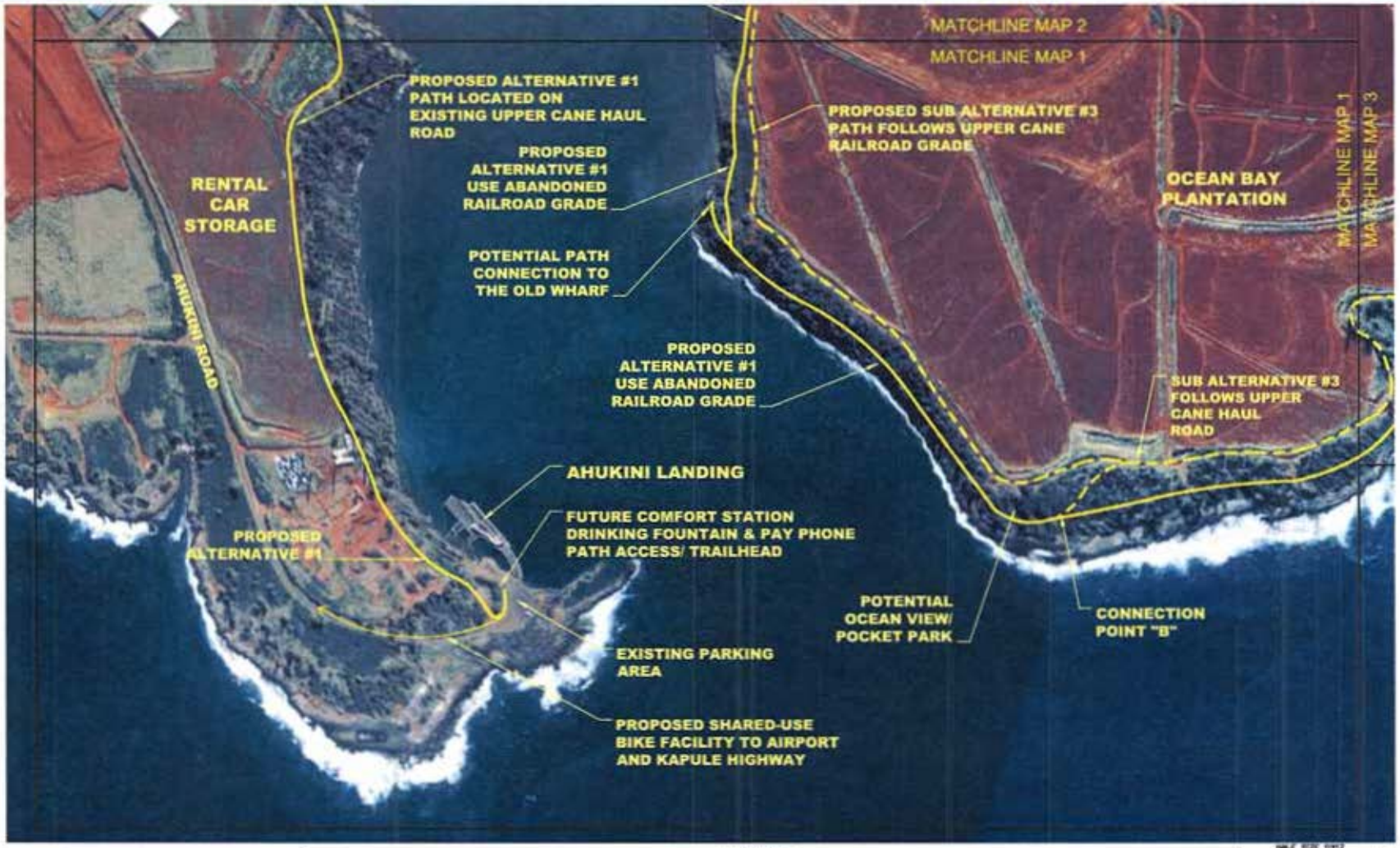
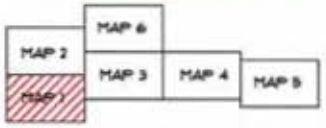
Appendix E:

Alternative Alignment Maps 1-6





LEGEND

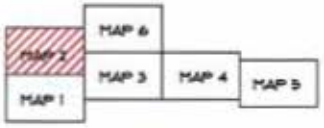
- EXISTING PATH
- PROPOSED ALTERNATIVE #1 - COASTAL PATH
- PROPOSED ALTERNATIVE #2 - KAPULE/KUHIO HIGHWAY PATH
- PROPOSED SUB ALTERNATIVE #3 - OCEAN BAY PLANTATION-UPPER CANE HAUL ROAD
- PROPOSED SUB ALTERNATIVE #4 - HILTON LANE & MARINE CAMP CONNECTIONS
- PROPOSED SUB ALTERNATIVE #5 - RADISSON HOTEL BYPASS
- PROPOSED SUB ALTERNATIVE #6 - WAILUA GOLF COURSE TUNNEL
- FUTURE PHASE
- EXISTING & PROPOSED BRIDGE

HALF SIZE (24X36)
0 100 200 400
Scale: 1"=400'

FULL SIZE (24X36)
0 100 200 400
Scale: 1"=200'
North

AHUKINI - LYDGATE PARK
BIKE & PEDESTRIAN PATH
PATH ALTERNATIVE ALIGNMENTS STP-0700 (51)
COUNTY OF KAUAI Lihue, Kauai, Hawaii

A A
MAP 1



LEGEND

- EXISTING PATH
- PROPOSED ALTERNATIVE #1 - COASTAL PATH
- PROPOSED ALTERNATIVE #2 - KAPULE/KUHIO HIGHWAY PATH
- PROPOSED SUB ALTERNATIVE #3 - OCEAN BAY PLANTATION-UPPER CANE HAUL ROAD
- PROPOSED SUB ALTERNATIVE #4 - HILTON LANE & MARINE CAMP CONNECTIONS
- PROPOSED SUB ALTERNATIVE #5 - RADISSON HOTEL BYPASS
- PROPOSED SUB ALTERNATIVE #6 - WAILUA GOLF COURSE TUNNEL
- FUTURE PHASE
- EXISTING & PROPOSED BRIDGE

HALF SIZE (1/2)
0 100 200 400
Scale: 1"=400'

FULL SIZE (24X36)
0 100 200 400
Scale: 1"=200'
North

AHUKINI - LYDGATE PARK
BIKE & PEDESTRIAN PATH
PATH ALTERNATIVE ALIGNMENTS STP-0700 (51)
COUNTY OF KAUAI Lihue, Kauai, Hawaii

A A
MAP 2

LEGEND

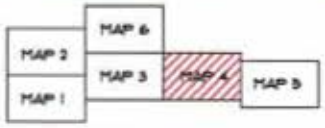
- EXISTING PATH
- PROPOSED ALTERNATIVE #1 - COASTAL PATH
- PROPOSED ALTERNATIVE #2 - KAPULEAKUHIO HIGHWAY PATH
- PROPOSED SUB ALTERNATIVE #3 - OCEAN BAY PLANTATION-UPPER CANE HAUL ROAD
- PROPOSED SUB ALTERNATIVE #4 - HILTON LANE & MARINE CAMP CONNECTIONS
- PROPOSED SUB ALTERNATIVE #5 - RADISSON HOTEL BYPASS
- PROPOSED SUB ALTERNATIVE #6 - WAILUA GOLF COURSE TUNNEL
- FUTURE PHASE
- EXISTING & PROPOSED BRIDGE

HALF SIZE (1917)
0 100 200 400
Scale: 1"=400'

FULL SIZE (1600)
0 100 200 400
Scale: 1"=200'
North

AHUKINI - LYDGATE PARK
BIKE & PEDESTRIAN PATH
PATH ALTERNATIVE ALIGNMENTS STP-0700 (51)
COUNTY OF KAUAI, Lihue, Kauai, Hawaii

A A
MAP 3



LEGEND

- EXISTING PATH
- PROPOSED ALTERNATIVE #1 - COASTAL PATH
- PROPOSED ALTERNATIVE #2 - KAPULEAKUHO HIGHWAY PATH
- PROPOSED SUB ALTERNATIVE #3 - OCEAN BAY PLANTATION-UPPER CANE HAUL ROAD
- PROPOSED SUB ALTERNATIVE #4 - HILTON LANE & MARINE CAMP CONNECTIONS
- PROPOSED SUB ALTERNATIVE #5 - RADISSON HOTEL BYPASS
- PROPOSED SUB ALTERNATIVE #6 - WAILUA GOLF COURSE TUNNEL
- FUTURE PHASE
- EXISTING & PROPOSED BRIDGE

HALF SIZE (11X17)
0 100 200 400
Scale: 1"=400'

FULL SIZE (24X36)
0 100 200 400
Scale: 1"=200'
North

AHUKINI - LYDGATE PARK
BIKE & PEDESTRIAN PATH
PATH ALTERNATIVE ALIGNMENTS STP-0700 (51)
COUNTY OF KAUAI Lihue, Kauai, Hawaii

A A
MAP 4

LEGEND

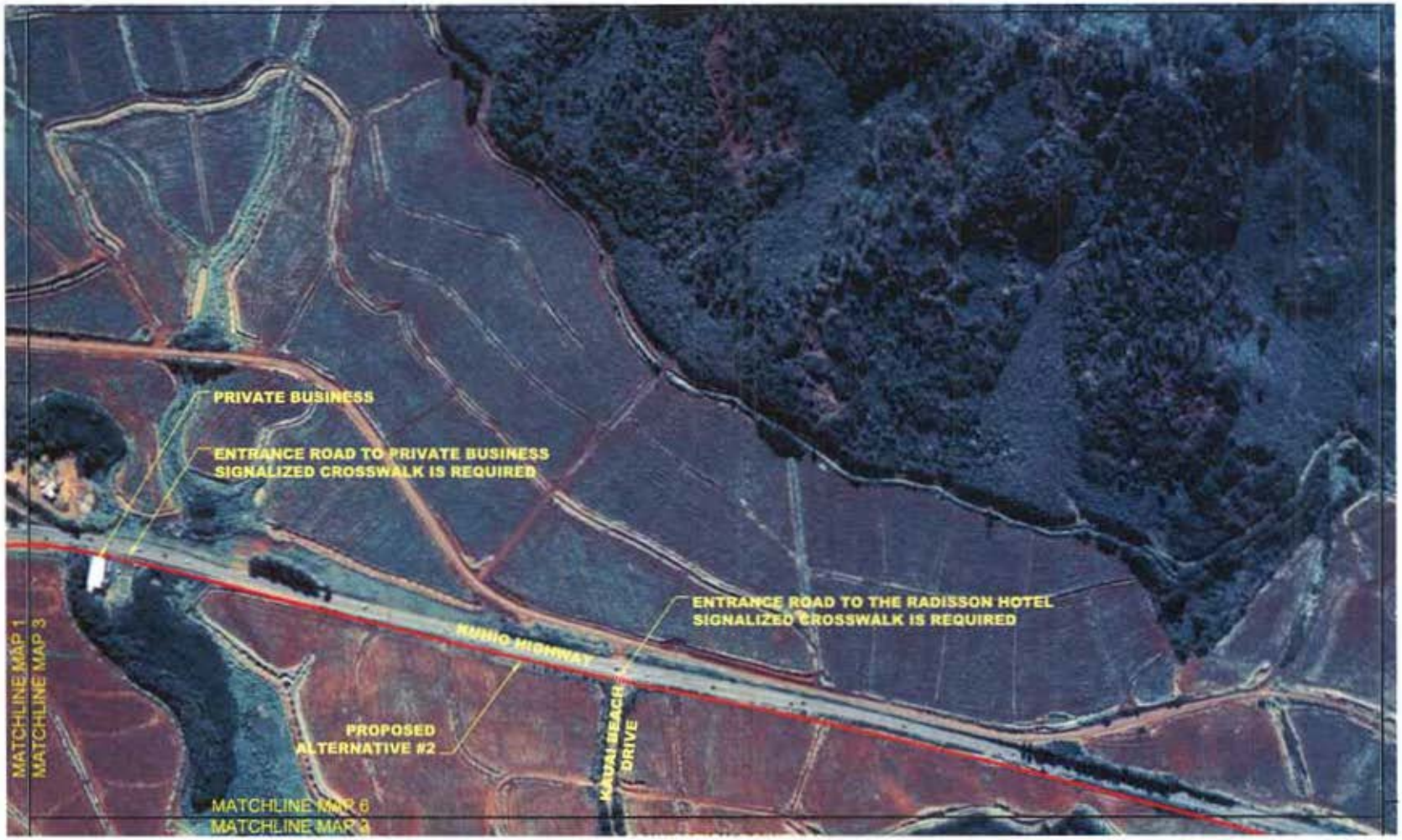
- EXISTING PATH
- PROPOSED ALTERNATIVE #1 - COASTAL PATH
- PROPOSED ALTERNATIVE #2 - KAPULEANUHIO HIGHWAY PATH
- PROPOSED SUB ALTERNATIVE #3 - OCEAN BAY PLANTATION-UPPER CANE HAUL ROAD
- PROPOSED SUB ALTERNATIVE #4 - HILTON LANE & MARINE CAMP CONNECTIONS
- PROPOSED SUB ALTERNATIVE #5 - RADISSON HOTEL BYPASS
- PROPOSED SUB ALTERNATIVE #6 - WAILUA GOLF COURSE TUNNEL
- FUTURE PHASE
- EXISTING & PROPOSED BRIDGE

HALF SIZE (11X17)
0 100 200 400
Scale: 1"=400'

FULL SIZE (24X36)
0 100 200 400
Scale: 1"=200'
North

AHUKINI - LYDGATE PARK
BIKE & PEDESTRIAN PATH
PATH ALTERNATIVE ALIGNMENTS STP-0700 (51)
COUNTY OF KAUAI, Lihue, Kauai, Hawaii

A A
MAP 5



LEGEND

- EXISTING PATH
- PROPOSED ALTERNATIVE #1 - COASTAL PATH
- PROPOSED ALTERNATIVE #2 - KAPULE/KUHIO HIGHWAY PATH
- PROPOSED SUB ALTERNATIVE #3 - OCEAN BAY PLANTATION-UPPER CANE HAUL ROAD
- PROPOSED SUB ALTERNATIVE #4 - HILTON LANE & MARINE CAMP CONNECTIONS
- PROPOSED SUB ALTERNATIVE #5 - RADISSON HOTEL BYPASS
- PROPOSED SUB ALTERNATIVE #6 - WAILUA GOLF COURSE TUNNEL
- FUTURE PHASE
- EXISTING & PROPOSED BRIDGE

HALF SIZE (11X17)
0 100 200 400
Scale: 1"=400'

FULL SIZE (24X36)
0 100 200 400
Scale: 1"=200'
North

AHUKINI - LYDGATE PARK
BIKE & PEDESTRIAN PATH
PATH ALTERNATIVE ALIGNMENTS STP-0700 (51)

COUNTY OF KAUAI Lihue, Kauai, Hawaii

A A
MAP 6

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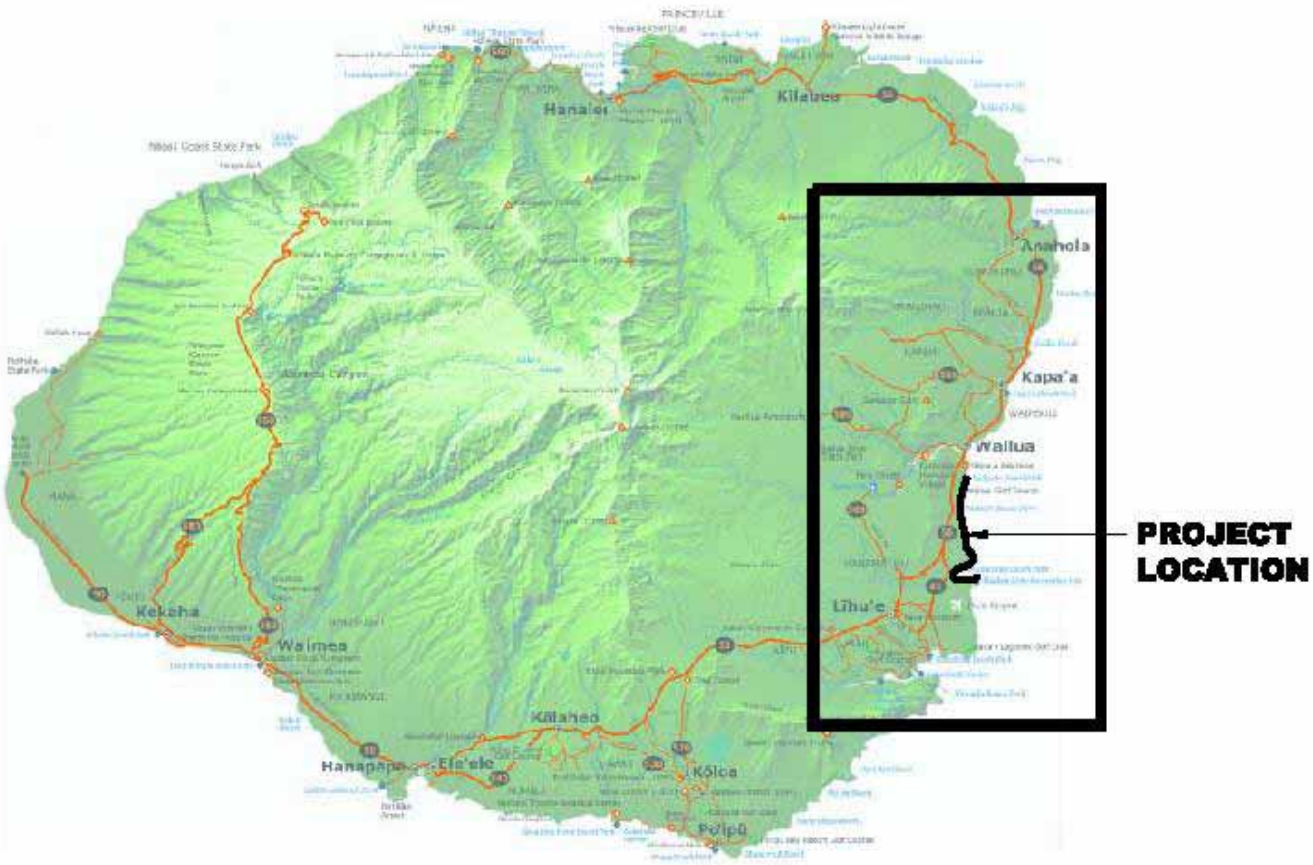
Appendix F:

Location Map

F-1 MAPS OF THE AFFECTED ENVIRONMENT

Location Map



KAUA'I
PROJECT LOCATION MAP

Appendix G:

Estimate of Probable Construction Costs

ESTIMATE OF PROBABLE CONSTRUCTION COSTS

The Estimate of Probable Construction Costs should be utilized for planning purposes only. Factors such as utilization of not-for-construction base map information and preliminary data typical of planning projects and Environmental Assessments were used to calculate this estimate. As more accurate topographic and existing conditions mapping and data is made available during design more accurate cost estimates can be determined.

The following Estimate of Probable Construction and Land Acquisition Costs are separated into the following Construction Reaches (Refer to Implementation Reach Map):

- Construction Reach A – Ahukini Landing to Hanamaulu Beach Park
- Construction Reach B – Hanamaulu Beach Park to Hilton Lane
- Construction Reach C – Hilton Lane to Wailua Golf Course
- Construction Reach B – Wailua Golf Course to Lydgate Park

SUMMARY OF ESTIMATED COST

IMPLEMENTATION REACH	APPROXIMATE PATH LENGTH	TOTAL ESTIMATED PROBABLE CONSTRUSTRUCTION COSTS
Ahukini Landing to Hanamaulu Beach Park	6,000 ft.	$6,814,800
Hanamaulu Beach Park to Hilton Lane	7,200 ft.	$1,795,800
Hilton Lane to Wailua Golf Course	6,700 ft.	$1,975,200
Wailua Golf Course to Lydgate Park	17,300 ft.	$9,507,120
GRAND TOTAL		**$20,092,920**

IMPLEMENTATION REACH – A.
Ahukini Landing to Hanamaulu Beach Park

DESCRIPTION	AMOUNT	UNIT	UNIT PRICE	TOTAL
Concrete Path (12 ft. width x 6 in. thick)	6,000	L.F	$140.00	$840,000
Rest Pavilion / Overlook	1	EA	15,000	15,000
Security Fence (8 ft. tall, standard chain link)	2,600	L.F.	60.00	156,000
Interpretive Signs	4	EA	7,500	30,000
Mile / Kilometer & Boundary Markers		L.S		3,000
Hanamaulu Bridge Approach Ramp (concrete deck on piles)		L.S.		1,800,000
Comfort Station at Ahukini Landing		L.S.		350,000
Comfort Station at Hanamaulu Beach Park		L.S.		300,000
Path Ramp with Retaining Walls and Railing	800	L.F.	2,700	2,160,000
Archaeological Monitoring		L.S.		25,000
SUBTOTAL				**$ 5,679,000**
Construction Contingency	20%			$1,135,800
TOTAL				**$6,814,800**

IMPLEMENTATION REACH - B.
Hanamaulu Beach Park to Hilton Lane

DESCRIPTION	AMOUNT	UNIT	UNIT PRICE	TOTAL
Concrete Path (12 ft. width x 6 in. thick)	7,200	L.F	$140.00	$1,008,000
Rest Pavilion / Overlook	2	EA	15,000	30,000
Concrete Box Culvert Ditch Crossing at Hilton Lane (16 ft. X 30 ft.)		L.F.		400,000
Interpretive Signs	4	EA	7,500	30,000
Mile / Kilometer and Boundary Markers		L.S.		3,500
Archaeological Monitoring		L.S.		25,000
SUBTOTAL				**$1,496,500**
Construction Contingency	20%			$299,300
TOTAL				**$1,795,800**

IMPLEMENTATION REACH - C.
Hilton Lane to Wailua Golf Course

DESCRIPTION	AMOUNT	UNIT	UNIT PRICE	TOTAL
Concrete Path (12 ft. width x 6 in. thick)	6,700	L.F	$140.00	$938,000
Concrete Box Culvert Bridge Retrofit		L.S.		10,000
Signalized Crosswalk at Hotel Entrance Drive		L.S.		175,000
Interpretive Signs	2	EA	7,500	15,000
Parking Lot / Trailhead (unpaved)		L.S.		100,000
Comfort Station		L.S.		350,000
Rest Pavilion	2	EA	15,000	30,000
Mile / Kilometer and Boundary Markers		L.S.		3,000
Archaeological Monitoring		L.S.		25,000
SUBTOTAL				**$1,646,000**
Construction Contingency	20%			$329,200
TOTAL				**$1,975,200**

IMPLEMENTATION REACH – D.
Wailua Golf Course to Lydgate Park
(Includes golf course parking lot improvements for path user safety)

DESCRIPTION	AMOUNT	UNIT	UNIT PRICE	TOTAL
Concrete Path (12 ft. width x 6 in. thick)	17,300	L.F	$140.00	$2,422,000
Relocate Golf Course Entrance, New Accel and Decel Lanes, Stripping	6,000	S.F.	150.00	900,000
Relocate Utility Poles	5	EA	20,000	100,000
Guardrail (irrigation pump house to Leho Drive)	2,700	L.F.	75.00	202,500
Golf Course Parking Lot Improvements, Stairs, Stripping	75,000	S.F.	35.00	2,625,000
Golf Course Landscaping, Irrigation (along path)	48,500	S.F.	16.00	776,000
Safety Fence (10 ft. tall, black chain link, 1 in. fabric)	4,500	L.F.	80.00	360,000
Safety Fence Between Canal and Path (4 ft. tall, black chain link, standard fabric)	2,360	L.F.	60.00	141,600
Solid Plastic Composite Fence (8 ft. tall, white)	2,600	L.F.	120.00	312,000
Golf Course Entry Sign		L.S.		30,000
Mile / Kilometer & Boundary Markers		L.S		3,500
Archaeological Monitoring		L.S.		50,000
SUBTOTAL				**7,922,600**
Construction Contingency	20%	.		1,584,520
TOTAL				**$9,507,120**

Appendix H:

Maintenance Plan

PATH MAINTENANCE PLAN

Path Maintenance Program Goals

- design methods and materials—durable and low maintenance
- maintenance pro-active, not reactive
- path corridor kept clean and safe on a daily basis
- maintenance activities should:
    - avoid damage to the path & amenities
    - not interfere with safe and enjoyable path use
    - be cost effective, efficient, and appropriate

Parks & Recreation Department Maintenance Tasks

- daily cleaning of amenities
- activities requiring safety training or certification (some machinery)
- maintenance requiring specialized tools or equipment
- mowing operations
- removal of heavy debris such as trees, boulders, etc
- moving or installing amenities that require machinery **w/ assistance from DPW.**

Parks & Recreation Department Maintenance Personnel

- Park Caretakers – Assigned to sections of path for daily maintenance
- Park Rangers – Assigned island wide and monitor path for safety and compliance to rules
- Path Rangers – Potential future program
- Volunteers – Community volunteers

Park Caretakers

- daily cleaning of restrooms\trash collection & removal
- painting and graffiti removal
- installation of small items not requiring machinery such as path signs (installation/replacement by DPW)
- planting, watering, and weed removal, edging vegetation from the path
- public relations by assisting the public
- note problems not related to park maintenance function & refer to appropriate department/division

Park Rangers

- periodic checks along the path to enforce path and park rules
    - monitor path usage
    - dog walkers compliance (checking for correct leash length/no retractable leashes, poop bags, current dog license, cleaning up after their dogs and keeping dogs within the designated portions along the path)
    - no motorized vehicles
    - unauthorized use