

**Appendix A:**

**FEDERAL CONSULTATIONS UNDER THE FHWA NEPA PROCESS:**

NATIONAL HISTORIC PRESERVATION ACT, SECTION 106

ENDANGERED SPECIES ACT, SECTION 7

COASTAL ZONE MANAGEMENT ACT

FINAL ENVIRONMENTAL ASSESSMENT  
**Ahukini to Lydgate Park Bicycle/Pedestrian Path**

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. Licon-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 Namu‘o 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 Kaua‘i Ni‘ihau 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 Kaua‘i, to Jim Powell, SCS Inc., agreeing with the use of the Hanama‘ulu 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 Hanama‘ulu 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 Hanama‘ulu 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 McMahan, 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 Hawai‘i 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 were 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:

- be associated with events that have made a significant contribution to the broad patterns of our history;*  
\*\*\*\*\*or
- be associated with the lives of persons significant in our past; or*
- 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*
- have yielded, or may be likely to yield, information important in prehistory or history.*

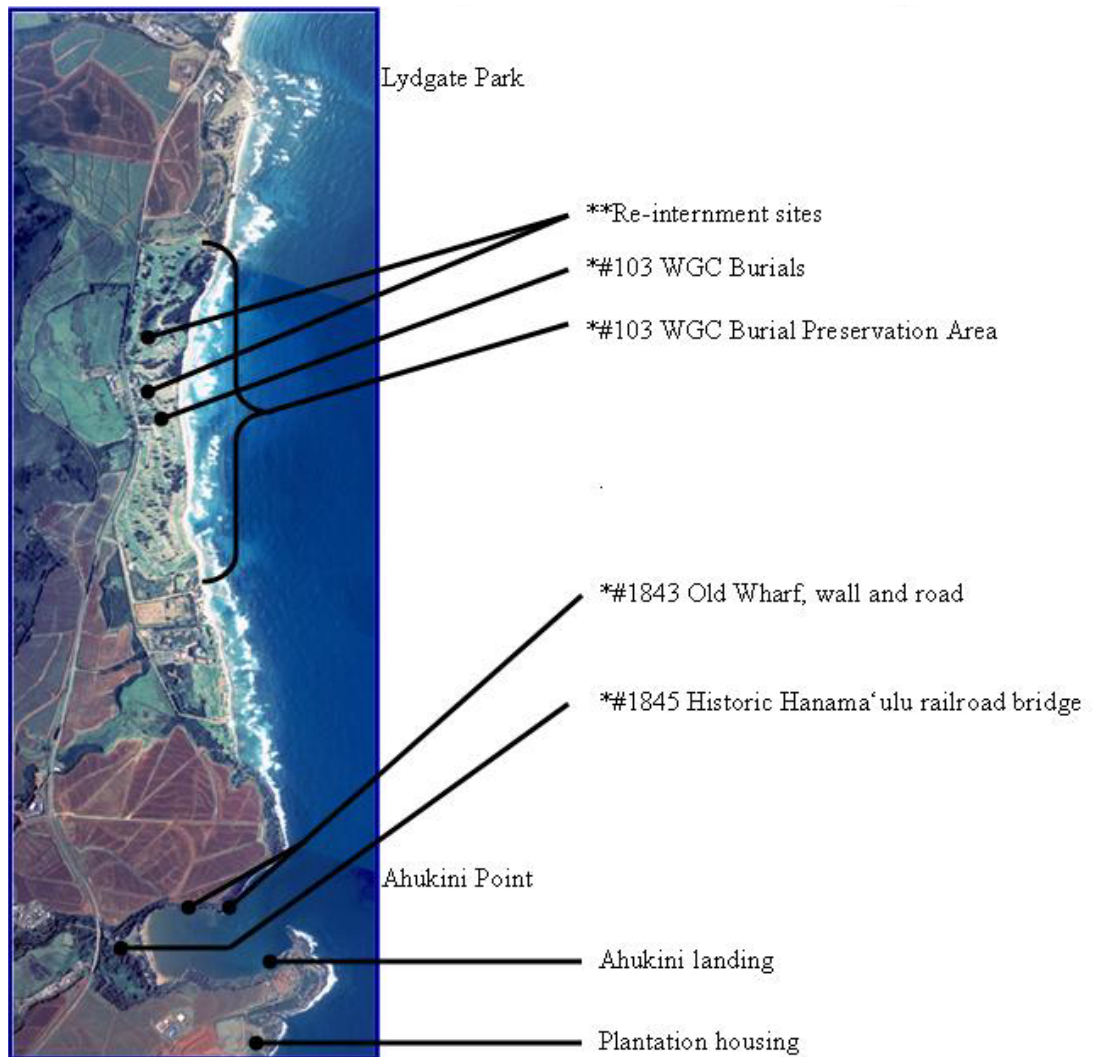
There are three historic properties that occur in the project corridor that are eligible to be included in the National Register of Historic Places. These sites were identified by the steps described above in Section 2.

- The Hanama‘ulu 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 Hanama‘ulu Bridge was originally wooden trestle, and was replaced with concrete in 1900. It was built by Hanama‘ulu Plantation as a section of the Lihue Plantation. The new 175’ long concrete bridge required a 900’ section of fill, 30’ tall to cross Hanama‘ulu 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.

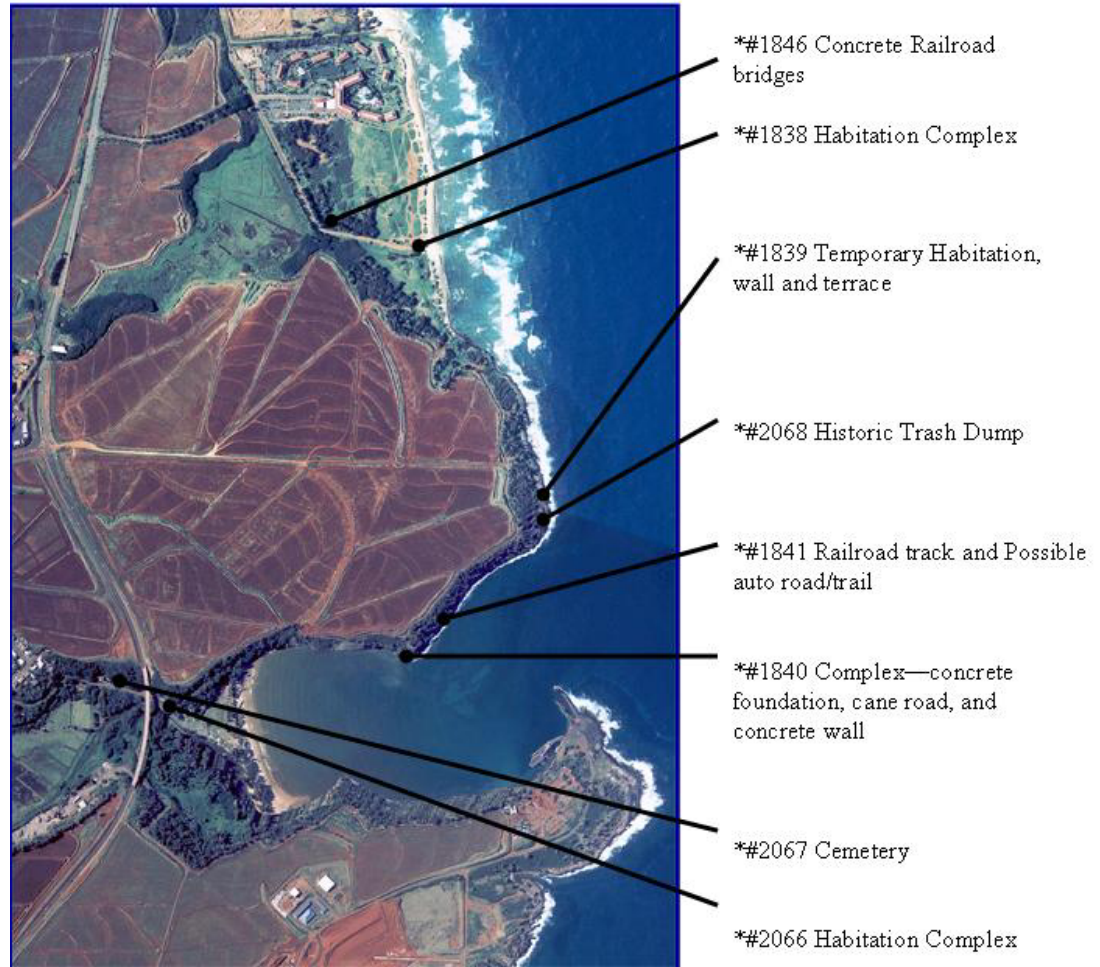
- In history, the coastal dunes between the marshland and the sea were primarily used for human interment (Site 103). The interment site that is located in the Wailua Golf Course parking lot may be eligible for the National Register of Historic Places because of its association with the lives of persons 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 destroyed.
- *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:

### **Pre-assessment Meetings**

Several meetings 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
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- 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
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**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 ahupua‘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 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 Līhu‘e 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 Kaua’i. 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 McMahan-DLNR, State Historic Preservation District
- Ms. LaFrance Kapaka Arboldea-Office of Hawaiian Affairs
- Mr. Ronald E. Licon-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 Namu‘o 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 Kaua‘i Ni‘ihau 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 Kaua‘i to Jim Powell, SCS Inc. agreeing with the use of the Hanama‘ulu 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 Hanama‘ulu 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 Hanama‘ulu 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 Hanama‘ulu 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 Hanama‘ulu 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 Hanama‘ulu 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) 594-1885

STATE OF HAWAII  
OFFICE OF HAWAIIAN AFFAIRS  
711 KAPĪOLANI BOULEVARD, SUITE 500  
HONOLULU, HAWAII 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).

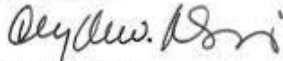
Merle D. Grimes  
January 3, 2005  
Page 2

- 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](mailto: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 *WY*

**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.

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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 HAILUA.GOLF.COURSE

888 241 6672

P.01

**BRYAN J. BAPTISTE**  
MAYOR



**DONALD M. FUJIMOTO**  
COUNTY ENGINEER  
TELEPHONE 241-8800

**GARY K. HEU**  
ADMINISTRATIVE ASSISTANT

**LADYE H. MARTIN**  
DEPUTY COUNTY ENGINEER  
TELEPHONE 241-8800

AN EQUAL OPPORTUNITY EMPLOYER  
COUNTY OF KAUAI  
DEPARTMENT OF PUBLIC WORKS  
4444 RICE STREET  
MO'IKIHA BUILDING, SUITE 275  
LIHUE, KAUAI, HAWAII 96786-1340

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

05/01/06 THU 15:43 [TX/RX NO 50251] 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 your 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



STATE OF HAWAII  
DEPARTMENT OF LAND AND NATURAL RESOURCES  
DIVISION OF STATE PARKS  
POST OFFICE BOX 621  
HONOLULU, HAWAII 96809

PETER T. YOUNG  
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CONSERVATION AND RESOURCES ENFORCEMENT  
ENGINEERING  
FORESTRY AND WILDLIFE  
HISTORIC PRESERVATION  
KAHOOLAWE ISLAND RESERVE COMMISSION  
LAND  
STATE PARKS

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, Lihū'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,

A handwritten signature in black ink, appearing to read 'Dan Quinn', written over a horizontal line.

DANIEL S. QUINN  
State Parks Administrator



United States Department of the Interior

NATIONAL PARK SERVICE  
Pacific West Region  
909 First Avenue, Fifth Floor  
Seattle, Washington 98104-1000



49096

IN REPLY REFER TO:

LWCF (PWR/PP)  
15-00032

October 19, 2006

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

DEPT OF LAND &  
NATURAL RESOURCES

06 OCT 23 P 3:11

RECEIVED  
STATE PARKS DIV

Dear Mr. Quinn:

I have reviewed your request of September 25, 2006, and concur with your finding that the implementation of FWA 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 Conservation 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
  - MGMT BR
  - OFFICE
  - ADMIN ASST
  - INTERP BR
  - FILE
  - CIRC/POST/STAFF RM
  - COMMENTS & REC
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  - FILE
  - FOLLOW UP
  - INFO
  - RUN COPIES
  - RUSH DUE
  - SEE ME
  - FAX/SEND COPY TO - Kawai
- Shinn*  
10/19/06





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 feel 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



**DONALD M. FUJIMOTO**  
COUNTY ENGINEER  
TELEPHONE 241-8600

**GARY K. HEU**  
ADMINISTRATIVE ASSISTANT

DEPUTY COUNTY ENGINEER  
TELEPHONE 241-8600

AN EQUAL OPPORTUNITY EMPLOYER  
COUNTY OF KAUAI  
DEPARTMENT OF PUBLIC WORKS  
4444 RICE STREET  
MO'IKEHA BUILDING, SUITE 275  
LEHU'E, KAUAI, HAWAII 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

PETER T. YOUNG  
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BUREAU OF CONSERVATION  
COMMISSIONER OF WATER RESOURCES MANAGEMENT  
CONSERVATION AND RESTORATION SERVICES  
DIRECTOR OF LAND AND NATURAL RESOURCES  
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



May 1, 2006 10:44AM

SCIENTIFIC CONSULTANT SVCS INC

No. 3543 P. 2/3



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, Lihuc, 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 Kawaiiloa. 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... SERVING ALL YOUR ARCHAEOLOGICAL NEEDS / FAX: 808-597-1193  
Neighbor Island Offices • Hawai'i Island • Maui • Kaua'i

05/01/06 MON 14:24 [TX/RX NO 5017] 002



May 1, 2006 10:44AM SCIENTIFIC CONSULTANT SVCS INC

No. 3642 P. 3/3

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 1/2" 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

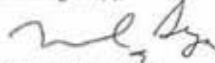
A concrete box culvert is present above a small drainage ditch along a cane haul road just south of the Kaua'i Beach Resort in Kaula. The culvert has been designated as State Site No. 1846 and occurs on TMK: 3-7-03. Only minor improvements will be done for the culvert; the culvert will be left intact. 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'ulu 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

05/01/06 MON 14:24 ITX/RX NO 30171 003



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

PETER T. YOUNG  
COMMISSIONER  
DEPARTMENT OF LAND AND NATURAL RESOURCES  
FURNISHED FOR PUBLIC RECORDS MANAGEMENT

ROBERT K. MARCUS  
DEPUTY COMMISSIONER

DEAN NAKANO  
ACTING DEPUTY COMMISSIONER

ALFONSO BARRON  
DEPUTY DIRECTOR  
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 Kanai/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.

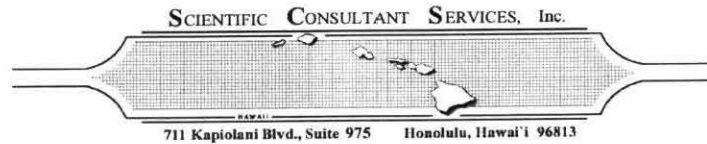
Aloha,



Melanie A. Chinen, Administrator  
State Historic Preservation Division

NM:jen

cc: Doug Haigh, County of Kauai, Public Works



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 Kawaihoa. 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



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.



[Martha.E.Yent@hawaii.gov](mailto: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



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

PETER T. YOUNG  
COMMISSIONER  
DEPARTMENT OF LAND AND NATURAL RESOURCES  
1555 ALI'OLE DRIVE, SUITE 200, HONOLULU, HAWAII 96813  
ROBERT K. MADSEN  
DEPUTY COMMISSIONER  
DEPARTMENT OF LAND AND NATURAL RESOURCES  
1555 ALI'OLE DRIVE, SUITE 200, HONOLULU, HAWAII 96813  
LINDA M. HARRIS  
DEPUTY COMMISSIONER  
DEPARTMENT OF LAND AND NATURAL RESOURCES  
1555 ALI'OLE DRIVE, SUITE 200, HONOLULU, HAWAII 96813  
LARRY J. HARRIS  
DEPUTY COMMISSIONER  
DEPARTMENT OF LAND AND NATURAL RESOURCES  
1555 ALI'OLE DRIVE, SUITE 200, HONOLULU, HAWAII 96813

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 Kawaihoa, 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 Kawaihoa. 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

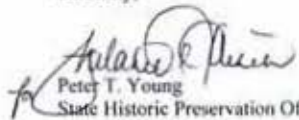
Architecture Concerns

We concur with the proposed rehabilitation of the Hananaula 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



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 V. TSUJI  
TRUST DEPUTY

REN C. KAWAHARA  
DEPUTY DIRECTOR - WATER

AGRICULTURE  
WATER ADMINISTRATION  
BUREAU OF STREAMS  
COMMISSION ON WATER RESOURCE MANAGEMENT  
CONSERVATION AND FORESTAL LAND  
CONSERVATION AND RECREATION DEPARTMENT  
LAND  
FORESTRY AND WILDLIFE  
HISTORIC PRESERVATION  
KAWAII 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 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



Ms. Nancy McMahon  
State Historic Preservation Division  
Kakuhihewa Building,  
601 Kamokila Blvd., Suite 555,  
Kapolei, Hawai'i, 96707

March 12, 2008

**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 Kawaiiloa. 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 FHWA 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



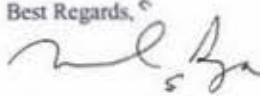
comment (January 20, 2006) for the proposed pathway segment. Their concerns were addressed both in letter form and at the above noted forums.

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  
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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](mailto:katie.j.kastner@hawaii.gov).

Sincerely,

A handwritten signature in black ink, appearing to read "Laura H. Thielen".

for Laura H. Thielen  
State Historic Preservation Officer and Chairperson

NEIL ABERCROMBIE  
GOVERNOR  
STATE OF HAWAII



ALBERT "ALAPAKI" NAHALE-A  
CHAIRMAN  
HAWAIIAN HOMES COMMISSION  
MICHELLE K. KAUHANE  
DEPUTY TO THE CHAIRMAN  
M. WAIALEALE SARSONA  
EXECUTIVE ASSISTANT

STATE OF HAWAII  
DEPARTMENT OF HAWAIIAN HOME LANDS

P. O. BOX 1879  
HONOLULU, HAWAII 96805

SSFM INTERNATIONAL, LLC  
RECEIVED

MAY 07 2012

ods

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



Ms. Cheryl Soon

May 3, 2012

Page 2


landholdings. For more information, see the Wailua Regional Plan at [www.hawaiianhomelands.org](http://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](mailto:Kaleo.L.Manuel@hawaii.gov).

Me ke aloha,



 Albert "Alapaki" Nahale'a, Chairman  
Hawaiian Homes Commission



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 2.1226

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**

July 30, 2012

300 Ala Moana Blvd, Rm 3-306  
Box 50206  
Honolulu, Hawaii 96850  
Phone: (808) 541-2700  
Fax: (808) 541-2704

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,

A handwritten signature in black ink that reads "John D. Nickelson". The signature is written in a cursive style with a large, looped initial "J".

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. Administrator  
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](mailto: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

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LARRY DILL, COUNTY ENGINEER  
Tel (808) 241-4996  
Fax (808) 241-6604

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**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](mailto: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.

###



PUBLIC SERVICE ANNOUNCEMENT FOR COUNTY OF KAUAI

START: APRIL 19, 2012, 11:30 AM

STOP: APRIL 26, 2012, 6:00 PM

20-SECOND PSA

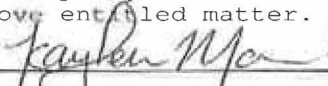
THE COUNTY OF KAUAI WANTS TO LET YOU KNOW THAT CONSULTATION MEETINGS UNDER SECTION 106 OF THE NATIONAL HISTORIC PRESERVATION ACT WILL TAKE PLACE TO DISCUSS SHARED-USE PATH PROJECTS FROM NAWILIWILI TO AHUKINI AND FROM AHUKINI TO LYDGATE PARK. THE MEETINGS WILL BE HELD AT THE LIHUE CENTER PIIKOI BUILDING, 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.


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.

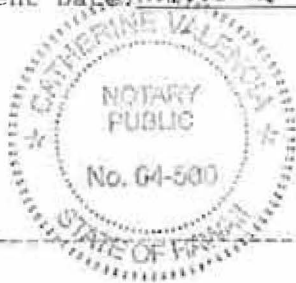
  
Subscribed and sworn to me this 26 day of April, 2012.

  
Catherine Valenzuela  
Notary Public, Fifth Judicial Circuit  
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

FILED ON: 04/19/12  
*KIM*



**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 [mavorsada@kauai.gov](mailto:mavorsada@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](mailto: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**

### County of Kaua'i

Lenny Rapozo, Director, Department of Parks and Recreation  
Doug Haigh, Chief, Building Division, Department of Public Works

### State Department of Transportation

Ray McCormick, Director Kaua'i District

### Federal Highway Administration

John Nickelson

### Project Consultants – Ahukini Landing to Lydgate Segment

Cheryl Soon, SSFM, Project Manager  
April Coloretti, SSFM, Project Planner  
Michael Dega, SCS, Project Archaeologist

### Project Consultants – Nāwiliwili to Ahukini Landing Segment

Jim Niermann, R. M. Towill Corporation, Project Manager  
Craig Araki, RMTTC, Project Planner  
Hal Hammatt, Cultural Surveys Hawai'i (CSH), Principal Project Archaeologist  
Gerald Ida, CSH, Project Archaeologist

### Facilitator

Leslie Kahihikolo, Inharmony Solutions

### Community Members at the 6:00 p.m. meeting

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 Kauaʻi 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, 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.
3. *Archaeological Inventory Survey Report for the Nāwiliwili – Ahukini Bike Path Project, Nāwiliwili, Kalapakī, Hanamāʻulu Ahupuaʻa, Līhuʻe District, Kauaʻi Island*, Kendy Altizer and Hal Hammatt, Cultural Surveys Hawaii, Kailua, Hawaiʻi, September 2009, Revised April 2010.
4. *Architectural Inventory Survey and National Register Eligibility Evaluation for Nāwiliwili Stream Railroad Bridge and Niumalu Bridge, Island of Kauaʻi*, Mason Architects, Inc., for R. M. Towill Corporation, Honolulu, Hawaiʻi, 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 ahupuaʻa. 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**

### County of Kaua'i

Lenny Rapozo, Director, Department of Parks and Recreation  
Doug Haigh, Chief, Building Division,

### State Department of Transportation

Ray McCormick, Director Kaua'i District

### Federal Highway Administration

John Nickelson

### Project Consultants – Ahukini Landing to Lydgate Segment

Cheryl Soon, SSFM, Project Manager  
April Coloretti, SSFM, Project Planner  
Michael Dega, SCS, Project Archaeologist

### Project Consultants – Nāwiliwili to Ahukini Landing Segment

Jim Niermann, R. M. Towill Corporation, Project Manager  
Craig Araki, RMTTC, Project Planner  
Hal Hammatt, Cultural Surveys Hawai'i (CSH), Principal Project Archaeologist  
Gerald Ida, CSH, Project Archaeologist

### Facilitator

Leslie Kahihikolo, Inharmony Solutions

### Community Members at the 2:30 meeting

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 (Hoʻokipa Network Kauai)  
Rayne Regush (Sierra Club)  
Cheryl Lovell-Obatake (Aha Moku)  
Nancy McMahan  
Wilma Holi

Hoʻike

The 2:30 – 5:00 meeting session was video recorded by Hoʻike Kauaʻi 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**

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, 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.
3. *Archaeological Inventory Survey Report for the Nāwiliwili – Ahukini Bike Path Project, Nāwiliwili, Kalapakī, Hanamāʻulu Ahupuaʻa, Līhuʻe District, Kauaʻi Island*, Kendy Altizer and Hal Hammatt, Cultural Surveys Hawaii, Kailua, Hawaiʻi, September 2009, Revised April 2010.
4. *Architectural Inventory Survey and National Register Eligibility Evaluation for Nāwiliwili Stream Railroad Bridge and Niupalu Bridge, Island of Kauaʻi*, Mason Architects, Inc., for R. M. Towill Corporation, Honolulu, Hawaiʻi, 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: CO - What is the federal project number for Nāwiliwili to Ahukini?

A: We will get you that number.

Q: CO - Is that Bertram's house 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 currently 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 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 2:30 meeting by Ms. Pua Nani Rogers and is attached for reference.

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



**Leonard A. Rapozo, Jr.**  
Director

**Gary K. Heu**  
Managing Director

**Ian K. Costa**  
Deputy Director

**DEPARTMENT OF PARKS & RECREATION**

**County of Kaua'i, State of Hawai'i**  
4444 Rice Street, Suite 105, Lihue, Hawai'i 96766  
TEL (808) 241-4456 FAX (808) 241-5126

April 16, 2012

Council Member KipuKai Kualii  
4396 Rice Street, Room 201  
Lihue, Hawaii 96766

Dear Mr. Kualii

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



**Leonard A. Rapozo, Jr.**  
Director

**Gary K. Heu**  
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Deputy Director

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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:

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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](mailto:dhaigh@kauai.gov).

Very truly yours,

LEONARD A. RAPOZO JR.  
Director, Parks & Recreation Department

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



**Leonard A. Rapozo, Jr.**  
Director

**Gary K. Heu**  
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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,

LEONARD A. RAPOZO JR.  
Director, Parks & Recreation Department

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



**Leonard A. Rapozo, Jr.**  
Director

**Gary K. Heu**  
Managing Director

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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:

- 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](mailto:dhaigh@kauai.gov).

Very truly yours,

LEONARD A. RAPOZO JR.  
Director, Parks & Recreation Department

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



**Leonard A. Rapozo, Jr.**  
Director

**Gary K. Heu**  
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Deputy Director

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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:

- 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



**Leonard A. Rapozo, Jr.**  
Director

**Gary K. Heu**  
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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:

- 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



**Leonard A. Rapozo, Jr.**  
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4444 Rice Street, Suite 105, Lihue, Hawai'i 96766  
TEL (808) 241-4456 FAX (808) 241-5126

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:

- The Nawiliwili-Ahukini Shared Use Path (Project No. CMAQ-0700 (57)
- The Ahukini-Lydgate Park Shared Use Path (Project No. STP-0700 (51)

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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](mailto:dhaigh@kauai.gov).

Very truly yours,

  
LEONARD A. RAPOZO JR.  
Director, Parks & Recreation Department

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



**Leonard A. Rapozo, Jr.**  
Director

**Gary K. Heu**  
Managing Director

**Ian K. Costa**  
Deputy Director

**DEPARTMENT OF PARKS & RECREATION**  
County of Kaua'i, State of Hawai'i  
4444 Rice Street, Suite 105, Lihue, Hawai'i 96766  
TEL (808) 241-4456 FAX (808) 241-5126

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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Director, Parks & Recreation Department

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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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Director, Parks & Recreation Department

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Deputy Director

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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:

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Director, Parks & Recreation Department

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



**Leonard A. Rapozo, Jr.**  
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**Gary K. Heu**  
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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:

- The Nawiliwili-Ahukini Shared Use Path (Project No. CMAQ-0700 (57))
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LEONARD A. RAPOZO JR.  
Director, Parks & Recreation Department

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



**Leonard A. Rapozo, Jr.**  
Director

**Gary K. Heu**  
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Deputy Director

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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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Very truly yours,

LEONARD A. RAPOZO JR.  
Director, Parks & Recreation Department

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



**Leonard A. Rapozo, Jr.**  
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**Gary K. Heu**  
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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:

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Very truly yours,

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Director, Parks & Recreation Department

**Bernard P. Carvalho, Jr.**  
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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:

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Very truly yours,

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Director, Parks & Recreation Department

**Bernard P. Carvalho, Jr.**  
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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:

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Director, Parks & Recreation Department

**Bernard P. Carvalho, Jr.**  
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**Leonard A. Rapozo, Jr.**  
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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:

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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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Director, Parks & Recreation Department

**Bernard P. Carvalho, Jr.**  
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**Leonard A. Rapozo, Jr.**  
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**Gary K. Heu**  
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**Ian K. Costa**  
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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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Director, Parks & Recreation Department

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



**Leonard A. Rapozo, Jr.**  
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**Gary K. Heu**  
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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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Very truly yours,

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Director, Parks & Recreation Department

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



**Leonard A. Rapozo, Jr.**  
Director

**Gary K. Heu**  
Managing Director

**Ian K. Costa**  
Deputy Director

**DEPARTMENT OF PARKS & RECREATION**

**County of Kaua'i, State of Hawai'i**  
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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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**Bernard P. Carvalho, Jr.**  
Mayor



**Leonard A. Rapozo, Jr.**  
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**Gary K. Heu**  
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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:

- The Nawiliwili-Ahukini Shared Use Path (Project No. CMAQ-0700 (57)
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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](mailto:dhaigh@kauai.gov).

Very truly yours,

LEONARD A. RAPOZO JR.  
Director, Parks & Recreation Department



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



**Leonard A. Rapozo, Jr.**  
Director

**Gary K. Heu**  
Managing Director

**Ian K. Costa**  
Deputy Director

**DEPARTMENT OF PARKS & RECREATION**

**County of Kauai, State of Hawaii**  
4444 Rice Street, Suite 105, Lihue, Hawaii 96766  
TEL (808) 241-4456 FAX (808) 241-5126

April 3, 2012

Pomai Kane  
Kaiola Canoe Club  
P. O. Box 492  
Anahola, HI 96703

Dear Pomai Kane,

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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Deputy Director

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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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Director, Parks & Recreation Department

**Bernard P. Carvalho, Jr.**  
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**Leonard A. Rapozo, Jr.**  
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Deputy Director

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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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Director, Parks & Recreation Department

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**Gary K. Heu**  
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Deputy Director

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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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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:

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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:

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Mayor



**Leonard A. Rapozo, Jr.**  
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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:

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April 3, 2012

Mr. Kamana'opono Crabbe  
Office 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:

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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:

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Mayor



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**Gary K. Heu**  
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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:

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



**Leonard A. Rapozo, Jr.**  
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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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Deputy Director

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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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April 3, 2012

Ms. Healani Trembath  
4152 Palau Mahu St.  
Lihue, HI 96766

Dear Ms. Healani Trembath,

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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](mailto:dhaigh@kauai.gov).

Very truly yours,

  
LEONARD A. RAPOZO JR.  
Director, Parks & Recreation Department

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



**Leonard A. Rapozo, Jr.**  
Director

**Gary K. Heu**  
Managing Director

**Ian K. Costa**  
Deputy Director

**DEPARTMENT OF PARKS & RECREATION**  
County of Kaua'i, State of Hawai'i  
4444 Rice Street, Suite 105, Lihue, 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:

- 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.

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Very truly yours,

  
LEONARD A. RAPOZO JR.  
Director, Parks & Recreation Department



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



**Leonard A. Rapozo, Jr.**  
Director

**Gary K. Heu**  
Managing Director

**Ian K. Costa**  
Deputy Director

**DEPARTMENT OF PARKS & RECREATION**

County of Kaua'i, State of Hawai'i  
4444 Rice Street, Suite 105, Lihue, Hawai'i 96766  
TEL (808) 241-4456 FAX (808) 241-5126

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:

- 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.

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Lihue, Hawaii 96766

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Very truly yours,

LEONARD A. RAPOZO JR.  
Director, Parks & Recreation Department

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



**Leonard A. Rapozo, Jr.**  
Director

**Gary K. Heu**  
Managing Director

**Ian K. Costa**  
Deputy Director

**DEPARTMENT OF PARKS & RECREATION**

County of Kaua'i, State of Hawai'i  
4444 Rice Street, Suite 105, Lihue, Hawai'i 96766  
TEL (808) 241-4456 FAX (808) 241-5126

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:

- 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.

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Very truly yours,

LEONARD A. RAPOZO JR.  
Director, Parks & Recreation Department

NEIL ASERCROMBIE  
GOVERNOR



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

APR 09 2012

GLENN M. OKIMOTO  
DIRECTOR

Deputy Directors  
JADE T. BUTAY  
FORD N. FUCHIGAMI  
RANDY GRUNE  
JADINE UKASAKI

IN REPLY REFER TO:  
HWY-DD 2.1229

TO: THE HONORABLE RICHARD PEZZULO  
INTERIM CHIEF EXECUTIVE OFFICER  
OFFICE OF HAWAIIAN AFFAIRS

FROM: GLENN M. OKIMOTO, Ph.D.  
DIRECTOR OF TRANSPORTATION *Glenn Okimoto*

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.

Mr. Richard Pezzulo  
Page 2

HWY-DD 2.1229

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 Summer Street, Suite 620  
Honolulu, Hawaii 96817  
[csoon@ssfm.com](mailto: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

APR 09 2012

GLENN M. OKIMOTO  
DIRECTOR

Deputy Directors  
JADE T. BUTAY  
FORD N. FUCHIGAMI  
RANDY GRUNE  
JADINE URASAKI

IN REPLY REFER TO:  
HWY-DD 2.1229

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*.

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Mr. Aipoalani

HWY-DD 2.1229

Page 2

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:

Ms. Cheryl Soon  
SSFM International  
501 Sumner Street, Suite 620  
Honolulu, Hawaii 96817  
[csoon@ssfm.com](mailto:csoon@ssfm.com)

We ask that you provide comments within 30 days from the date of this letter.

Very truly yours,

A handwritten signature in black ink, appearing to read "Glenn M. Okimoto".

GLENN M. OKIMOTO, Ph.D.  
Director of Transportation

Enclosure

c: County of Kauai (D. Haigh) -- all letters  
FHWA (J. Nickelson)



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

APR 09 2012

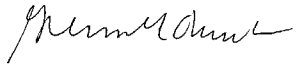
GLENN M. OKIMOTO  
DIRECTOR

Deputy Directors  
JADE T. BUTAY  
FORD N. FUCHIGAMI  
RANDY GRUNE  
JADINE URASAKI

IN REPLY REFER TO:  
HWY-DD 2.1229

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)

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Mr. J. Keeaumoku Kapu

HWY-DD 2.1229

Page 2

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.

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SSFM International  
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Honolulu, Hawaii 96817  
[cssoon@ssfm.com](mailto:cssoon@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

APR 09 2012

GLENN M. OKIMOTO  
DIRECTOR

Deputy Directors  
JADE T. BUTAY  
FORD N. FUCHIGAMI  
RANDY GRUNE  
JADINE URASAKI

IN REPLY REFER TO:  
HWY-DD 2.1229

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.

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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Mr. Alapaki Nahale-a  
Page 2

HWY-DD 2.1229

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.

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Honolulu, Hawaii 96817  
[csoon@ssfm.com](mailto:csoon@ssfm.com)

We ask that you provide comments within 30 days from the date of this letter.

Very truly yours,

A handwritten signature in black ink, appearing to read "Glenn M. Okimoto".

GLENN M. OKIMOTO, Ph.D.  
Director of Transportation

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

APR 09 2012

GLENN M. OKIMOTO  
DIRECTOR

Deputy Directors  
JADE T. BUTAY  
FORD N. FUCHIGAMI  
RANDY GRUNE  
JADINE URASAKI

IN REPLY REFER TO:  
HWY-DD 2.1229

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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Ms. Leimomi Khan

HWY-DD 2.1229

Page 2  
APR 09 2012

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SSFM International  
501 Summer Street, Suite 620  
Honolulu, Hawaii 96817  
[cssoon@ssfm.com](mailto:cssoon@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



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

APR 09 2012

GLENN M. OKIMOTO  
DIRECTOR

Deputy Directors  
JADE T. BUTAY  
FORD N. FUCHIGAMI  
RANDY GRUNE  
JADINE URASAKI

IN REPLY REFER TO:  
HWY-DD 2.1229

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)

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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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.

Ms. Lovell-Obatake  
Page 2  
APR 09 2012

HWY-DD 2.1229

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](mailto: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



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

APR 09 2012

GLENN M. OKIMOTO  
DIRECTOR

Deputy Directors  
JADE T. BUTAY  
FORD N. FUCHIGAMI  
RANDY GRUNE  
JADINE URASAKI

IN REPLY REFER TO:  
HWY-DD 2.1229

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.

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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Ms. Healani Trembath

HWY-DD 2.1229

Page 2  
APR 09 2012

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SSFM International  
501 Sumner Street, Suite 620  
Honolulu, Hawaii 96817  
[csoon@ssfm.com](mailto: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)



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GOVERNOR



STATE OF HAWAII  
DEPARTMENT OF TRANSPORTATION  
669 PUNCHBOWL STREET  
HONOLULU, HAWAII 96813-5097  
APR 09 2012

GLENN M. OKIMOTO  
DIRECTOR

Deputy Directors  
JADE T. BUTAY  
FORD H. FUCHIGAMI  
RANDY GRUINE  
JADINE URASAKI

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)

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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Mr. Kaupena Kinimaka  
Page 2  
APR 09 2012

HWY-DD 2.1229

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Ms. Cheryl Soon  
SSFM International  
501 Sumner Street, Suite 620  
Honolulu, Hawaii 96817  
[cssoon@ssfm.com](mailto:cssoon@ssfm.com)

We ask that you provide comments within 30 days from the date of this letter.

Very truly yours,

A handwritten signature in black ink, appearing to read "Glenn M. Okimoto".

GLENN M. OKIMOTO, Ph.D.  
Director of Transportation

Enclosure

c: County of Kauai (D. Haigh) – all letters  
FHWA (J. Nickelson)



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

APR 09 2012

GLENN M. OKIMOTO  
DIRECTOR

Deputy Directors  
JADE T. BUTAY  
FORD N. FUCHIGAMI  
RANDY GRUNE  
JADINE URASAKI

IN REPLY REFER TO:  
HWY-DD 2.1229

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)

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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Mr. Edward Ayau  
Page 2  
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HWY-DD 2.1229

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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[csoon@ssfm.com](mailto: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)

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GOVERNOR



STATE OF HAWAII  
DEPARTMENT OF TRANSPORTATION  
869 PUNCHBOWL STREET  
HONOLULU, HAWAII 96813-5097  
APR 09 2012

GLENN M. OKIMOTO  
DIRECTOR

Deputy Directors  
JADE T. BUTAY  
FORD N. FUCHIGAMI  
RANDY GRUNE  
JADINE URASAKI

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)

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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Ms. Kehaulani Kekua

HWY-DD 2.1229

Page 2  
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SSFM International  
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Honolulu, Hawaii 96817  
[csoon@ssfm.com](mailto: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



STATE OF HAWAII  
DEPARTMENT OF TRANSPORTATION  
869 PUNCHBOWL STREET  
HONOLULU, HAWAII 96813-5097  
APR 09 2012

GLENN M. OKIMOTO  
DIRECTOR

Deputy Directors  
JADE T. BUTAY  
FORD N. FUJIGAMI  
RANDY GRUNE  
JADINE URASAKI

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)

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Mr. Nathan Kalama  
Page 2  
APR 09 2012

HWY-DD 2.1229

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SSFM International  
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Honolulu, Hawaii 96817  
[csoon@ssfm.com](mailto: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



STATE OF HAWAII  
DEPARTMENT OF TRANSPORTATION  
869 PUNCHBOWL STREET  
HONOLULU, HAWAII 96813-5097  
APR 09 2012

GLENN M. OKIMOTO  
DIRECTOR

Deputy Directors  
JADE T. BUTAY  
FORD N. FUCHIGAMI  
RANDY GRUNE  
JADINE URASAKI

IN REPLY REFER TO:  
HWY-DD 2.1229

Mr. Warren Perry  
Royal Order of Kamehameha  
Kaunahuli 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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Mr. Warren Perry  
Page 2  
APR 09 2012

HWY-DD 2.1229

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Ms. Cheryl Soon  
SSFM International  
501 Sumner Street, Suite 620  
Honolulu, Hawaii 96817  
[csoon@ssfm.com](mailto:csoon@ssfm.com)

We ask that you provide comments within 30 days from the date of this letter.

Very truly yours,

A handwritten signature in cursive script, appearing to read "Glenn M. Okimoto".

GLENN M. OKIMOTO, Ph.D.  
Director of Transportation

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

APR 09 2012

GLENN M. OKIMOTO  
DIRECTOR

Deputy Directors  
JADE T. BUTAY  
FORD N. FUCHIGAMI  
RANDY GRUNE  
JADINE URASAKI

IN REPLY REFER TO:  
HWY-DD 2.1229

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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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.

Ms. Nani Rogers  
Page 2  
APR 09 2012

HWY-DD 2.1229

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:

Ms. Cheryl Soon  
SSFM International  
501 Summer Street, Suite 620  
Honolulu, Hawaii 96817  
[csoon@ssfm.com](mailto: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



STATE OF HAWAII  
DEPARTMENT OF TRANSPORTATION  
889 PUNCHBOWL STREET  
HONOLULU, HAWAII 96813-5097  
APR 09 2012

GLENN M. OKIMOTO  
DIRECTOR

Deputy Directors  
JADE T. BUTAY  
FORD N. FUCHIGAMI  
RANDY GRUNE  
JADINE URASAKI

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)

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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Ms. Lynette Fernandez  
Page 2  
APR 09 2012

HWY-DD 2.1229

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Ms. Cheryl Soon  
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501 Summer Street, Suite 620  
Honolulu, Hawaii 96817  
[csoon@ssfm.com](mailto: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



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

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)

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  
DIRECTOR

Deputy Directors  
JADE T. BUTAY  
FORD N. FUCHIGAMI  
RANDY GRUNE  
JADINE URASAKI

IN REPLY REFER TO:  
HWY-DD 2.1229

Mr. Henry Gomes  
Page 2  
APR 09 2012

HWY-DD 2.1229

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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[csoon@ssfm.com](mailto: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



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

APR 09 2012

GLENN M. OKIMOTO  
DIRECTOR

Deputy Directors  
JADE T. SUFAY  
FORD N. FUCHIGAMI  
RANDY GRUNE  
JADINE URASAKI

IN REPLY REFER TO:  
HWY-DD 2.1229

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)

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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Mr. Laakea Suganuma

Page 2

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HWY-DD 2.1229

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 Summer Street, Suite 620  
Honolulu, Hawaii 96817  
[cssoon@ssfm.com](mailto:cssoon@ssfm.com)

We ask that you provide comments within 30 days from the date of this letter.

Very truly yours,

A handwritten signature in cursive script, appearing to read "Glenn M. Okimoto".

GLENN M. OKIMOTO, Ph.D.  
Director of Transportation

Enclosure

c: County of Kauai (D. Haigh) – all letters  
FHWA (J. Nickelson)



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

APR 09 2012

GLENN M. OKIMOTO  
DIRECTOR

Deputy Directors  
JADE T. BUTAY  
FORD N. FUCHIGAMI  
RANDY GRUENE  
JADINE URASAKI

IN REPLY REFER TO:  
HWY-DD 2.1229

Ms. H. Kanoekalani Cheek  
Na Kuauhau o Kahiwakaneikopolei  
P.O. Box 5411  
Kaneohe, Hawaii 96744

Dear Ms. H. Kanoekalani Cheek:

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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Ms. H. Kanoekalani Cheek

HWY-DD 2.1229

Page 2  
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.

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SSFM International  
501 Summer Street, Suite 620  
Honolulu, Hawaii 96817  
[csoon@ssfm.com](mailto: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



STATE OF HAWAII  
DEPARTMENT OF TRANSPORTATION  
869 PUNCHBOWL STREET  
HONOLULU, HAWAII 96813-5097  
APR 09 2012

GLENN M. OKIMOTO  
DIRECTOR

Deputy Directors  
JADE T. BUTAY  
FORD N. FUCHIGAMI  
RANDY GRUNE  
JADINE URASAKI

IN REPLY REFER TO:  
HWY-DD 2.1229

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.

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Mr. Kippen de Alba Chu  
Page 2  
APR 09 2012

HWY-DD 2.1229

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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Honolulu, Hawaii 96817  
[csoon@ssfm.com](mailto: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)



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

APR 09 2012

GLENN M. OKIMOTO  
DIRECTOR

Deputy Directors  
JADE T. BUTAY  
FORD N. FUCHIGAMI  
RANDY GRUNE  
JADINE URASAKI

IN REPLY REFER TO:  
HWY-DD 2.1229

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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Mr. Hoke  
Page 2  
APR 09 2012

HWY-DD 2.1229

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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SSFM International  
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Honolulu, Hawaii 96817  
[csoon@ssfm.com](mailto: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)



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

APR 09 2012

GLENN M. OKIMOTO  
DIRECTOR

Deputy Directors  
JADE T. BUTAY  
FORD N. FUCHIGAMI  
RANDY GRUNE  
JADINE URASAKI

IN REPLY REFER TO:  
HWY-DD 2.1229

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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Ms. Vivian Ainoa  
Page 2  
APR 09 2012

HWY-DD 2.1229

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:

Ms. Cheryl Soon  
SSFM International  
501 Sumner Street, Suite 620  
Honolulu, Hawaii 96817  
[cssoon@ssfm.com](mailto:cssoon@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



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

APR 09 2012

GLENN M. OKIMOTO  
DIRECTOR

Deputy Directors  
JADE T. BUTAY  
FORD N. FUCHIGAMI  
RANDY GRUNE  
JADINE URASAKI

IN REPLY REFER TO:  
HWY-DD 2.1229

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.

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.

Ms. Taffi Wise

Page 2  
APR 09 2012

HWY-DD 2.1229

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 Summer Street, Suite 620  
Honolulu, Hawaii 96817  
[csoon@ssfm.com](mailto: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



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

APR 09 2012

GLENN M. OKIMOTO  
DIRECTOR

Deputy Directors  
JADE T. BUTAY  
FORD N. FUCHIGAMI  
RANDY GRUNE  
JADINE URASAKI

IN REPLY REFER TO:  
HWY-DD 2.1229

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)

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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Mr. Melvin Soong  
Page 2  
APR 09 2012

HWY-DD 2.1229

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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



STATE OF HAWAII  
DEPARTMENT OF TRANSPORTATION  
869 PUNCHBOWL STREET  
HONOLULU, HAWAII 96813-5097  
APR 09 2012

GLENN M. OKIMOTO  
DIRECTOR

Deputy Directors  
JADE T. BUTAY  
FORD N. FUCHIGAMI  
RANDY GRUNE  
JADINE URASAKI

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)

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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Mr. Robyn Danner

Page 2  
APR 09 2012

HWY-DD 2.1229

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SSFM International  
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Honolulu, Hawaii 96817  
[csoon@ssfm.com](mailto: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)



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GOVERNOR



STATE OF HAWAII  
DEPARTMENT OF TRANSPORTATION  
869 PUNCHBOWL STREET  
HONOLULU, HAWAII 96813-5097  
APR 09 2012

GLENN M. OKIMOTO  
DIRECTOR

Deputy Directors  
JADE T. BUTAY  
FORD N. FUCHIGAMI  
RANDY GRUNE  
JADINE URASAKI

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)

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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Ms. Vickie Smith

Page 2  
APR 09 2012

HWY-DD 2.1229

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Ms. Cheryl Soon  
SSFM International  
501 Sumner Street, Suite 620  
Honolulu, Hawaii 96817  
[csoon@ssfm.com](mailto:csoon@ssfm.com)

We ask that you provide comments within 30 days from the date of this letter.

Very truly yours,

A handwritten signature in cursive script, appearing to read "Glenn M. Okimoto".

GLENN M. OKIMOTO, Ph.D.  
Director of Transportation

Enclosure

c: County of Kauai (D. Haigh) - all letters  
FHWA (J. Nickelson)



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

APR 09 2012

GLENN M. OKIMOTO  
DIRECTOR

Deputy Directors  
JADE T. BUTAY  
FORD N. FUCHIGAMI  
RANDY GRUNE  
JADINE URASAKI

IN REPLY REFER TO:  
HWY-DD 2.1229

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)

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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Mr. Edward Ayau  
Page 2  
APR 09 2012

HWY-DD 2.1229

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.

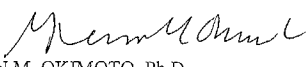
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Honolulu, Hawaii 96817  
[csoon@ssfm.com](mailto:csoon@ssfm.com)

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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



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

APR 09 2012

GLENN M. OKIMOTO  
DIRECTOR

Deputy Directors  
JADE T. BUTAY  
FORD N. FUCHIGAMI  
RANDY GRUNE  
JADINE URASAKI

IN REPLY REFER TO:  
HWY-DD 2.1229

Ms. Kaiulani Edens-Huff  
Cultural Practitioner  
310 Apana Road  
Kapaa, Hawaii 96746

Dear Ms. Edens-Huff:

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. Edens-Huff  
Page 2  
APR 09 2012

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[csoon@ssfm.com](mailto: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)

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GOVERNOR



STATE OF HAWAII  
DEPARTMENT OF TRANSPORTATION  
869 PUNCHBOWL STREET  
HONOLULU, HAWAII 96813-5097  
APR 09 2012

GLENN M. OKIMOTO  
DIRECTOR

Deputy Directors  
JADE T. BUTAY  
FORD N. FUCHIGAMI  
RANDY GRUNE  
JADINE URASAKI

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)

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Ms. Waldeen Palmeira  
Page 2  
APR 09 2012

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Ms. Cheryl Soon  
SSFM International  
501 Sumner Street, Suite 620  
Honolulu, Hawaii 96817  
[csoon@ssfm.com](mailto:csoon@ssfm.com)

We ask that you provide comments within 30 days from the date of this letter.

Very truly yours,

A handwritten signature in black ink, appearing to read "Glenn M. Okimoto".

GLENN M. OKIMOTO, Ph.D.  
Director of Transportation

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


APR 09 2012

GLENN M. OKIMOTO  
DIRECTOR

Deputy Directors  
JADE T. BUTAY  
FORD N. FUCHIGAMI  
RAMBO GRUNE  
JADINE URASAKI

IN REPLY REFER TO:  
HWY-DD 2.1229

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.

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.

The Honorable Christopher Kauwe  
Page 2  
APR 09 2012

HWY-DD 2.1229

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:

Ms. Cheryl Soon  
SSFM International  
501 Sumner Street, Suite 620  
Honolulu, Hawaii 96817  
[csoon@ssfm.com](mailto: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

APR 09 2012

GLENN M. OKIMOTO  
DIRECTOR

Deputy Directors  
JADE T. BUTAY  
FORD N. FUCHIGAMI  
RANDY GRUNE  
JADINE URASAKI

IN REPLY REFER TO:  
HWY-DD 2.1229

Mr. Peter Chow  
Niunalu 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.

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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Mr. Peter Chow  
Page 2  
APR 09 2012

HWY-DD 2.1229

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SSFM International  
501 Sumner Street, Suite 620  
Honolulu, Hawaii 96817  
[csoon@ssfm.com](mailto: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



STATE OF HAWAII  
DEPARTMENT OF TRANSPORTATION  
869 PUNCHBOWL STREET  
HONOLULU, HAWAII 96813-5097  
APR 09 2012

GLENN M. OKIMOTO  
DIRECTOR

Deputy Directors  
JADE T. BUTAY  
FORD N. FUCHIGAMI  
RANDY GRUNE  
JADINE URASAKI

IN REPLY REFER TO:  
HWY-DD 2.1229

Mr. Marleny Cotrim, President  
Niūmalu 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)

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*.

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Mr. Marleny Cotrim

Page 2  
APR 09 2012

HWY-DD 2.1229

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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SSFM International  
501 Sumner Street, Suite 620  
Honolulu, Hawaii 96817  
[csoon@ssfm.com](mailto: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



STATE OF HAWAII  
DEPARTMENT OF TRANSPORTATION  
869 PUNCHBOWL STREET  
HONOLULU, HAWAII 96813-5097  
APR 09 2012

GLENN M. OKIMOTO  
DIRECTOR

Deputy Directors  
JADE T. BUTAY  
FORD N. FUCHIGAMI  
RANDY GRUNE  
JADINE URASAKI

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)

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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Mr. Pepe Trask  
Page 2  
APR 09 2012

HWY-DD 2.1229

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](mailto: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



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

APR 09 2012

GLENN M. OKIMOTO  
DIRECTOR

Deputy Directors  
JADE T. BUTAY  
FORD N. FUCHIGAMI  
RANDY GRUNE  
JADINE URASAKI

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.

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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Ms. Pomai Kane  
Page 2  
APR 09 2012

HWY-DD 2.1229

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](mailto: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



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

APR 09 2012

GLENN M. OKIMOTO  
DIRECTOR

Deputy Directors  
JADE T. BUTAY  
FORD N. FUCHIGAMI  
RANDY GRUNE  
JADINE URASAKI

IN REPLY REFER TO:  
HWY-DD 2.1229

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)

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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Ms. Denise Young  
Page 2  
APR 09 2012

HWY-DD 2.1229

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SSFM International  
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[cssoon@ssfm.com](mailto:cssoon@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



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

APR 09 2012

GLENN M. OKIMOTO  
DIRECTOR

Deputy Directors  
JADE T. BUTAY  
FORD N. FUCHIGAMI  
RANDY GRUNE  
JADINE URASAKI

IN REPLY REFER TO:  
HWY-DD 2.1229

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)

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Mr. Cash Lopez  
Page 2  
APR 09 2012

HWY-DD 2.1229

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SSFM International  
501 Sumner Street, Suite 620  
Honolulu, Hawaii 96817  
[csoon@ssfm.com](mailto: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



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

APR 09 2012

GLENN M. OKIMOTO  
DIRECTOR

Deputy Directors  
JADE T. BUTAY  
FORD N. FUCHIGAMI  
RANDY GRUNE  
JADINE URASAKI

IN REPLY REFER TO:  
HWY-DD 2.1229

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.

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.

Mr. Jeff Chandler

Page 2  
APR 09 2012

HWY-DD 2.1229

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:

Ms. Cheryl Soon  
SSFM International  
501 Sumner Street, Suite 620  
Honolulu, Hawaii 96817  
[csoon@ssfm.com](mailto: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



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

APR 09 2012

GLENN M. OKIMOTO  
DIRECTOR

Deputy Directors  
JADE T. BUTAY  
FORD N. FUCHIGAMI  
RANDY GRUNE  
JADINE URASAKI

IN REPLY REFER TO:  
HWY-DD 2.1229

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)

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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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.

Ms. Wilma Holi  
Page 2  
APR 09 2012

HWY-DD 2.1229

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:

Ms. Cheryl Soon  
SSFM International  
501 Sumner Street, Suite 620  
Honolulu, Hawaii 96817  
[csoon@ssfm.com](mailto: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



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

APR 09 2012

GLENN M. OKIMOTO  
DIRECTOR

Deputy Directors  
JADE T. BUTAY  
FORD N. FUCHIGAMI  
RANDY GRUNE  
JADINE URASAKI

IN REPLY REFER TO:  
HWY-DD 2.1229

Ms. Sabra Kauka  
Island School  
1875 Kaunualii 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)

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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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.

Ms. Sabra Kauka

Page 2

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.

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Ms. Cheryl Soon  
SSFM International  
501 Sumner Street, Suite 620  
Honolulu, Hawaii 96817  
[csoon@ssfm.com](mailto: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)

HWY-DD 2.1229

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. 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)

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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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.

Mr. Randy Wichman  
Page 2  
APR 09 2012

HWY-DD 2.1229

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.

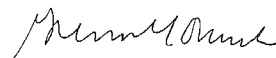
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SSFM International  
501 Summer Street, Suite 620  
Honolulu, Hawaii 96817  
[csoon@ssfm.com](mailto:csoon@ssfm.com)

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)

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

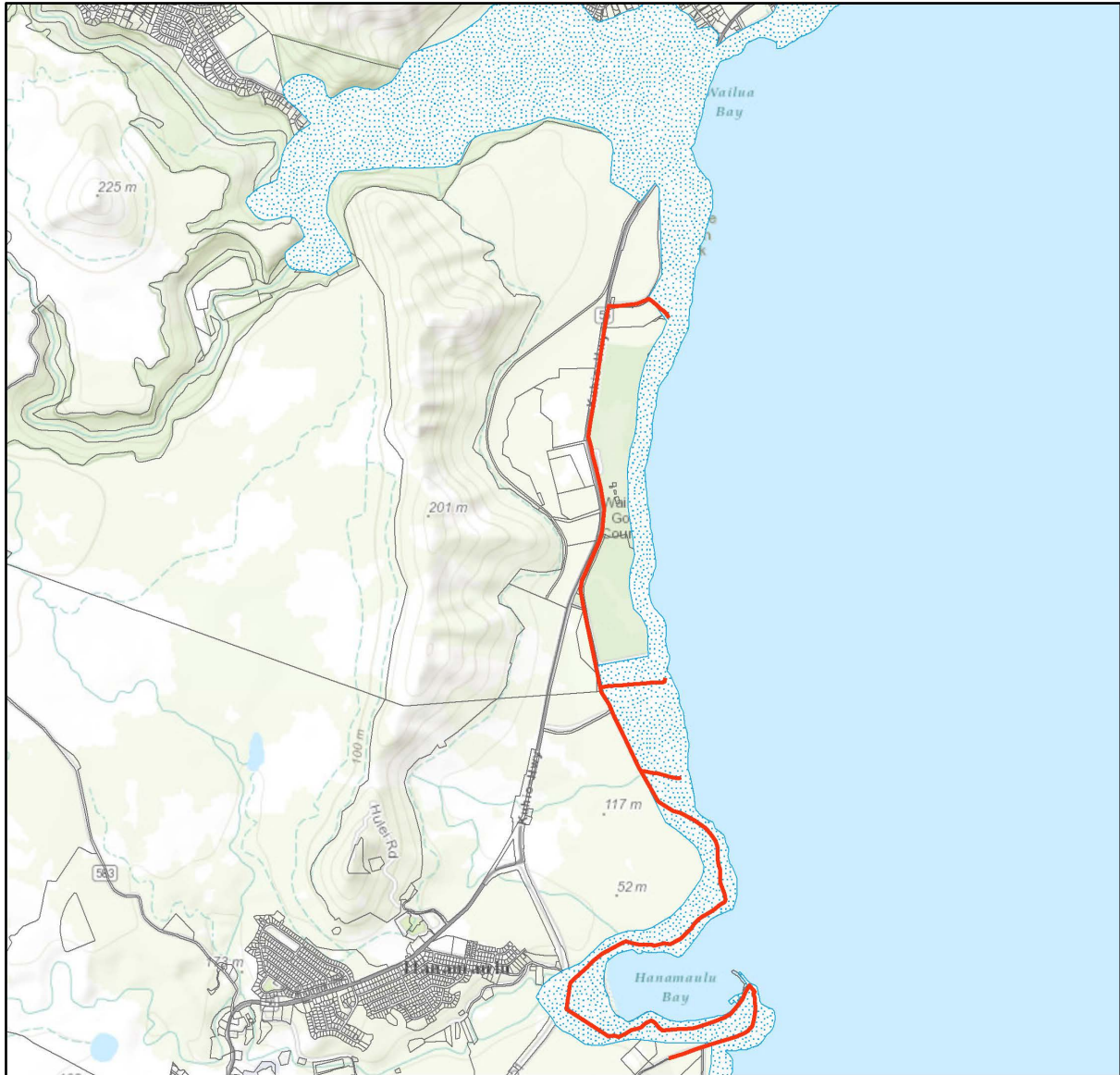
#### **Coastal Zone Management Act/Special Management Area**

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.

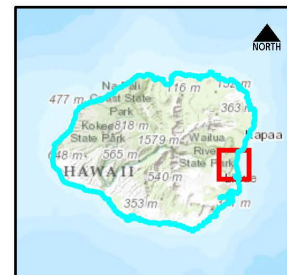
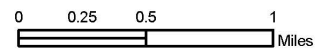
An SMA permit (major) is required for the project and it must show consistency with the CZM rules and regulations.

**Special Management Area Map**



**LEGEND**

-  Ahukini-Lydgate\_Path
-  SMA



**ISLAND OF KAUAI**

DOCARE KAUAI

ID:274-3525

JUN 02 '06 15:45 No.002 P.01

Michele Oly  
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,



Mimi Oly.

Post-It* Fax Note	7571	Date	6/2/06	# of pages	1
To	Merle Grimes	From	Michele Oly		
Co./Dept		Co.	DLNR/DAR		
Phone #	303-646-8708	Phone #	808-691-7668		
Fax #		Fax #	808-274-3525		



U.S. DEPARTMENT OF COMMERCE  
National Oceanic and Atmospheric Administration  
NATIONAL MARINE FISHERIES SERVICE  
Pacific Islands Regional Office  
1501 Kapiolani Blvd., Suite 1110  
Honolulu, Hawaii 96814-4730  
(808) 944-8200 • Fax: (808) 973-2841

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

JUN 02 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 Oly, 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](mailto: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 F.01



STATE OF HAWAII  
DEPARTMENT OF LAND AND NATURAL RESOURCES  
DIVISION OF FORESTRY AND WILDLIFE  
3060 Piiaa Street, Room 306  
Lihoe, Hawaii 96766  
June 6, 2006

PETER S. VILSON,  
GOVERNOR  
BRUCE B. BISHOP, DEPUTY GOVERNOR  
COMMISSIONER OF WATER & STATE LANDS  
ROBERT N. MANDULA,  
DEPUTY COMMISSIONER  
DEAN KAKANA,  
ACTING DEPUTY COMMISSIONER  
DAVID S. HARRIS,  
DEPUTY COMMISSIONER  
COMMISSIONER OF WATER RESOURCES  
CORPORATION AND INDUSTRIAL LANDS  
COMMISSIONER OF FORESTRY AND WILDLIFE  
COMMISSIONER OF LAND AND NATURAL RESOURCES  
STATE OF HAWAII

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.

KAUAI DOFAW

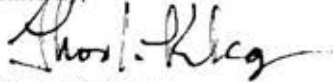
ID:808-274-3438

JUN 06 '06 22:42 KAU004 5131

Additional comments: As you are aware of the seabird light attraction problem on Kauai, Ms. Andrea Frichsen, 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: [as.j.kaiakapu@hawaii.gov](mailto:as.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](mailto:peter_cohen@fws.gov)





07-7A-0190  
Hazel Walker  
Box 02222  
300 Ala Moana Boulevard, Room 3-022  
Honolulu, HI 96820

April 2, 2007

In Reply Refer To:  
HDC-111

Mr. Patrick Leonard  
Ecological Services - Field Supervisor  
U.S. Fish and Wildlife Service  
Pacific Islands Office  
300 Ala Moana Boulevard  
Room 3-022  
Honolulu, HI 96820

RECEIVED  
APR 11 4 2007  
U.S. Fish and Wildlife Service  
HONOLULU, HI 96820

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(31). The proposed route, identified by the consultant, Mize G. Green, LLC, includes lands (please refer to attached map) that may contain Shearwater habitat, although no one 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 Erickson, Kauai Seabird HCP Coordinator, Division of Forestry and Wildlife, responded to the Draft EA. Ms. Erickson's response letter (see attached) raised concerns about the possibility of wedge-tailed shearwaters (*Puffin pacificus*) on the project area since she had observed many dead wedge-tailed shearwaters around Hanalei Bay in the fall of 2005. Ms. Erickson 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. Erickson. 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).



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 335, if the Service has any comments or questions.

Sincerely yours,

Pat V. Phung, P.E.  
Transportation Engineer



**Enclosures**

CC: Ms. Christine Yasunaka, 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 Hoigh 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 Hanalei Bay in the fall of 2005. Brenda Zaun and Keith Swends 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 Hanalei 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. 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 inappropriate. 6. Page 77. Kana

(*Nesochen sandvicensis*) is an endangered species listed at the state and federal. None should be included in the analysis. Construction activities, noise, and human activities could along the path could cause adverse effects to None. 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. Kaula Seabird HCP Coordinator, Division of Forestry and Wildlife, P.O. Box 458, Waimea, HI 96795 (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 4:06 PM  
**To:** merle@madgdenver.com  
**Cc:** peter\_cohen@fws.gov  
**Subject:** Re: Lydgate Park Bike Path

Dear Mr. Gates,

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 3-123  
300 Ala Moana Boulevard  
Honolulu, HI 96838

Tel: (808) 792-5408  
Fax: (808) 792-4588  
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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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MAY - 7 2007

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,



Patrick Leonard  
Field Supervisor





STATE OF HAWAII  
DEPARTMENT OF LAND AND NATURAL RESOURCES  
DIVISION OF FORESTRY AND WILDLIFE  
KAUAI DISTRICT  
3060 IWA STREET, ROOM 306  
LIHUE, KAUAI, HAWAII 96766

October 27, 2008

LAURA H. THOLEN  
CHAIRPERSON  
BOARD OF LAND AND NATURAL RESOURCES  
COMMISSIONER OF LAND AND NATURAL RESOURCES MANAGEMENT

RUSSELL Y. TSUJI  
CHAIRPERSON  
BOARD OF LAND AND NATURAL RESOURCES

KEN C. KAWAHARA  
DEPUTY COMMISSIONER  
BOARD OF LAND AND NATURAL RESOURCES

AGRICULTURE  
BOATING AND WATER RECREATION  
BUREAU OF CONSERVATION  
COMMISSIONER OF WATER RESOURCES MANAGEMENT  
FOOD, RATIONING AND AGRICULTURAL LANDS  
CONSERVATION AND RECREATION  
ENGINEERING  
FORESTRY AND WILDLIFE  
HISTORIC PRESERVATION  
KADOLAWA ISLAND RESERVE COMMISSION  
LANDS  
STATE PARKS

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 Kauai 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 taecada*), 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,

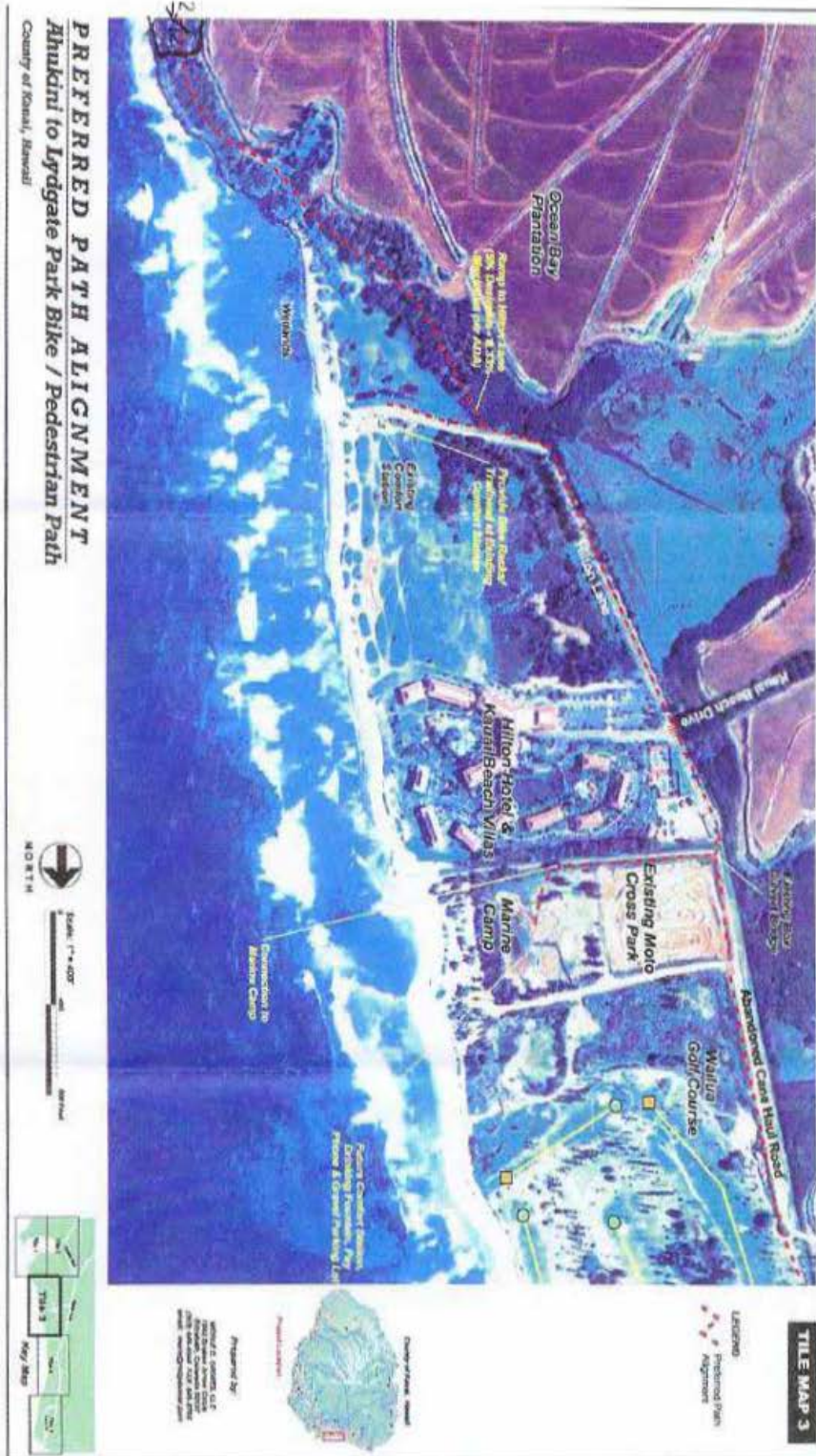


Andrea Erichsen

Cc: Thomas Ka'iakapu, Kauai Wildlife Manager











# 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 26 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<sup>1</sup>. 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 receptacle. 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.

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<sup>1</sup> 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 will 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 5<sup>th</sup> tee box, 10<sup>th</sup> fairway, and 12<sup>th</sup> 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**

August 27, 2013

300 Ala Moana Blvd, Rm 3-306  
Box 50206  
Honolulu, Hawaii 96850  
Phone: (808) 541-2700  
Fax: (808) 541-2704

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](mailto: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](mailto: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](mailto: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.





**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 reinstate 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 will 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 5<sup>th</sup> tee box, 10<sup>th</sup> fairway, and 12<sup>th</sup> 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 auro-punctatus*), 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,

A handwritten signature in black ink, consisting of several overlapping loops and a horizontal line at the end.

 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 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.





REPLY TO  
ATTENTION OF

DEPARTMENT OF THE ARMY  
U.S. ARMY CORPS OF ENGINEERS, HONOLULU DISTRICT  
FORT SHAFTER, HAWAII 96858-5440

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 (MHHHL) 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.

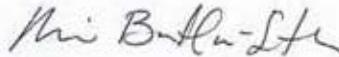
Thank you for giving us the opportunity to review this proposal and for your cooperation with our regulatory program. Please be advised you can provide comments on your experience with

- 3 -

the Honolulu District Regulatory Branch by accessing our web-based customer survey form at <http://per2.rwp.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](mailto: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,

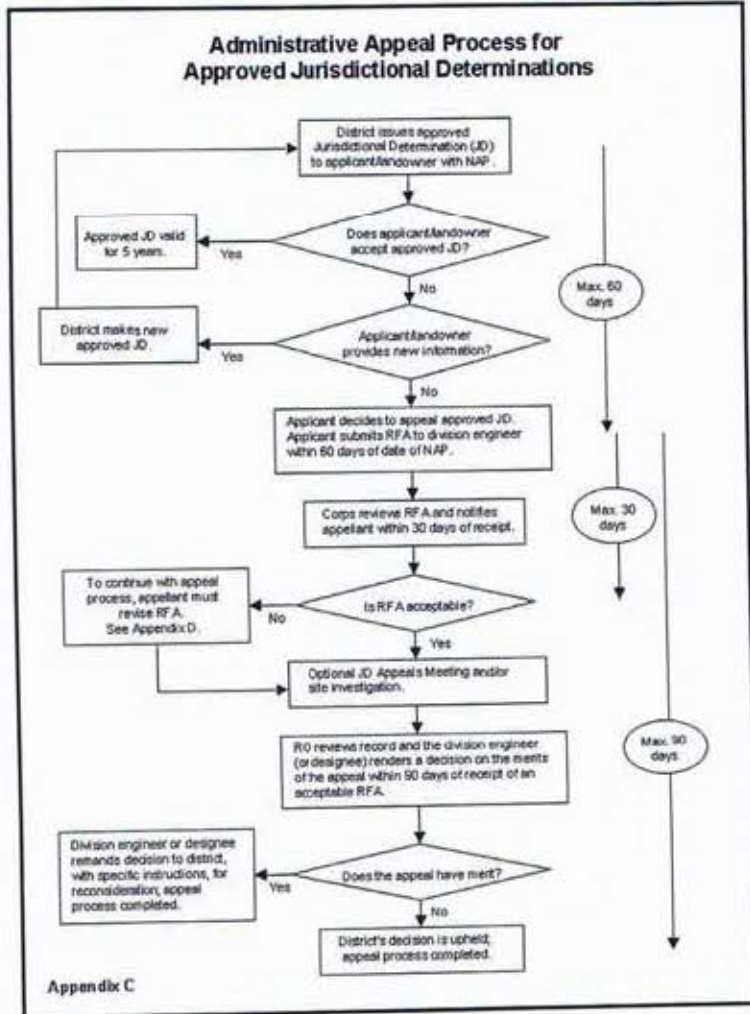


*for* George P. Young, P.E.  
Chief, Regulatory Branch

Enclosures

Flowchart  
RFA Document





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Appendix B:  
Meeting Minutes

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AHUKINI POINT TO LYDGATE PARK PHONE MEETING MINUTES

Doug Haigh  
Feb. 2, 2005  
Page 2 of 2

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

Doug Haigh, Tim Bynum  
April 20, 2005  
Page 2 of 3

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.

AHUKINI POINT TO LYDGATE PARK PHONE MEETING MINUTES

Doug Haigh, Tim Bynum  
April 20, 2005  
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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.

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 parameters 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](mailto: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: Lance Foster, Director, Native Hawaiian Rights, OHA  
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 Benches. We can refer to the web site [www.access-board.gov](http://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](mailto: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 Ottawa, 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, Ilc  
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" making 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

Durants  
June 22, 2005  
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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.

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.

AHUKINI POINT TO LYDGATE PARK MEETING MINUTES

Walters  
August 12, 2005  
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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 feed 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

Foster  
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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

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

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.

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

Connie Ramsey  
August 12, 2005  
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AHUKINI POINT TO LYDGATE PARK MEETING MINUTES

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.

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.com](http://www.greencovebasinsustainabledevelopment.com).

Mimi and Don indicated that there are no endangered fish.

Also the recommended 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 the 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-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 re-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.

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, Ilc, 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 that 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 be 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 recognition 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 issue.

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.

Ke Ala Hele Makalae  
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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.

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.

Ke Ala Hele Makalae  
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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.

Ke Ala Hele Makalae  
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**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

LHUE, 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 §92-5, 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 92-43.5, 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 *ET*

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 3<sup>rd</sup> 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 interment 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 7<sup>th</sup> 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 7:00 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 7:00 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](http://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](http://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 Nawilwili 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 to 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 9<sup>th</sup>, 2006

#### **Bike-way focus shifts to Hanama'ulu segment**

*By Lester Chang - The Garden Island*

With Kaua'i, 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 Lihu'e Airport to Lydgate Park in Wailua on Wednesday, June 22, from 7 p.m. to 9 p.m. at King Kaumuali'i Elementary School in Hanama'ulu.

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 Lihī Park by the Pono Kai Resort in Kapa'a 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 Kaua'i 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 Hanama'ulu 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. MacDougall said that the coastal leg will include portions of Hanama'ulu 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 Lihī Park to Donkey Beach.

The other three phases include: a 2-mile portion from Lydgate Park to Lihī 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.

Kaua'i 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](mailto: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](http://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

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**INDEX - PUBLIC ACCESS**  
[www.islandbreath.org](http://www.islandbreath.org)


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**SUBJECT: EASTSIDE BIKE PATH**

**SOURCE: JONATHON JAY [jonathan@dakauai.com](mailto:jonathan@dakauai.com)**

**Ahukini - Lydgate Bike Path Project Meeting**

11 May 2006 - 9:15pm



**Bicycle & Pedestrian Path  
Ahukini Landing to Lydgate Park**

partial view of Ahukini to Lydgate Bike Path route alternatives along the Nukoli Coast of eastern Kauai

<http://homepage.mac.com/juanwilson/islandbreath/%20Year%202006/01-access/0601-01EastsideBikePath.html> Page 1 of 8

Island Breath, Eastside Bike path

5/17/06 11:25 AM

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](mailto: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>

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## 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".



<http://homepage.mac.com/juanwilson/islandbreath/%20Year%202006/01-access/0601-01EastsideBikePath.html>

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island Breath\_Eastside Bike path

5/17/06 11:25 AM



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.



<http://homepage.mac.com/juanwilson/islandbreath/%20Year%202006/01-access/0601-01EastsideBikePath.html>

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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.

Island Breath: Eastside Bike path

5/17/06 11:25 AM

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.

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**SUBJECT: EASTSIDE BIKE PATH**

**SOURCE: JUAN WILSON [juanwilson@earthlink.net](mailto:juanwilson@earthlink.net)**

### **Biking as transportation or recreation**

**27 January 2006 - 11:00am**

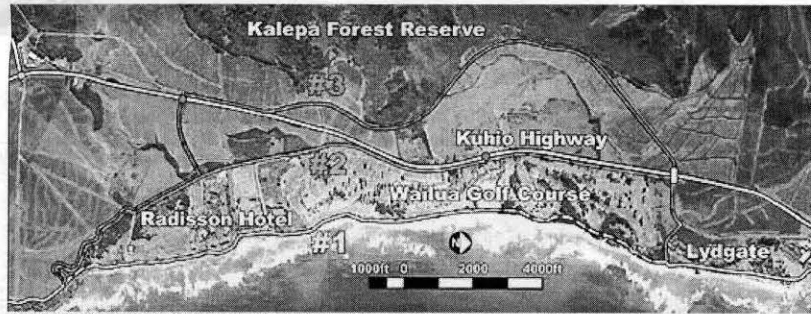
<http://homepage.mac.com/juanwilson/islandbreath/%20Year%202006/01-access/0601-01EastsideBikePath.html>

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Island Breath: Eastside Bike path

5/17/06 11:25 AM



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 discuss 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

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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



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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](http://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 Kapa'a 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. Geeeeesh!!! 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*  
*Kapa'a*

P1/30/2006 22:09 8082469095

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PAGE 01

To: Merle Grimes, ph. 303-646-8708  
From: Jason M. Hashizume ph. 808-246-9095  
Subject: Comments on the proposed bike path route for the Ahukini-Lydgate phase.

January 27, 2006

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 14<sup>th</sup> & 17<sup>th</sup> 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 3<sup>rd</sup> hole, continuing adjacent to the 4<sup>th</sup>, 7<sup>th</sup>, 9<sup>th</sup>, 10<sup>th</sup> & 12<sup>th</sup> 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 84821

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 Hanamaulu
- >> 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 Marriott, 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.

<u>Signature</u>	<u>Print Name</u>	<u>Residence</u>
<i>Rona Mui</i>	Rona Mui	Lihue, HI
<i>Mitchell L. [unclear]</i>	Mitchell L. [unclear]	Lihue, HI
<i>Edward Vicker</i>	Edward Vicker	Lihue, HI
<i>Bob Bentley</i>	Bob Bentley	Lihue, HI
<i>Joel Yamashita</i>	JOEL YAMASHITA	HANAMAULU
<i>Marian Nakano</i>	MARIAN NAKANO	Lihue, HI
<i>Sandi Nakano</i>	Sandi Nakano	Lihue, HI
<i>Tammy Schenowitz</i>	Tammy Schenowitz	Lihue, HI
<i>Lawrence K. Kahiwa</i>	LAWRENCE K. KAHIWAA	Lihue, HI
<i>Robert Y. Hirao</i>	Robert Y. Hirao	Kapaa, HI
<i>David Okinaka</i>	DAVID OKINAKA	Kapaa, HI
<i>Royce T. Eason</i>	Royce T. Eason	Kapaa, HI

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<u>Signature</u>	<u>Print Name</u>	<u>Residence</u>
<i>Susan K Hanaka</i>	SUSAN K HANAKA	KAPAA, HI
<i>Winona F O'Neil</i>	Winona F O'Neil	Lihue
<i>Phyllis Nakamura</i>	Phyllis Nakamura	Lihue
<i>Penelope Wong</i>	Penelope Wong	Anahulu
<i>Linda Uohara</i>	Linda Uohara	Lihue
<i>PAT AHANA</i>	PAT AHANA	Kapaa
<i>Melene Takimoto</i>	Melene Takimoto	Kapaa
<i>Katherine Hamanawa</i>	Katherine Hamanawa	Kalesao
<i>Jean E Sato</i>	Jean E Sato	Kapaa
<i>Queen Lami</i>	Queen Lami	Lihue

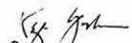

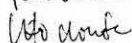
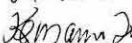
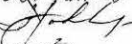

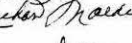
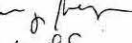
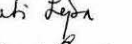
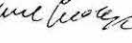
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We firmly believe that mauka alternatives will meet all of the stated goals for the bike path and should be utilized to locate the project.

<u>Signature</u>	<u>Print Name</u>	<u>Residence</u>
	KAZUO YOSHITAKA	Lihue, HI
	Pat Viernes	Lihue
	LITO ILORETA	KAPAA
	KEMARAO HOOKENO	Lihue, HI
	Ismo Yoshichige	Lihue HI
	ROK SHIMOMUSHI	Lihue HI
	RICHARD HASEGAWA	Lihue, HI
	GLOW SHIBUYA	Lihue, HI
	DEBI LEYVA	Lihue, HI
	PAUL ARIZONA	Wailua



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<i>Edwin H. Nakano</i>	Edwin H. Nakano	Lihue, HI
<i>Ralph Y. Fujinaka</i>	Ralph Y. Fujinaka	HANAPEPE, HI
<i>Jason Fujinaka</i>	JASON FUJINAKA	HANAPEPE, HI
<i>Jack Iida Jr.</i>	Jack Iida Jr.	KAPAA, HI
<i>Colin H. Nakamura</i>	COLIN H. NAKAMURA	LIHUE HI
<i>Wilfred Kimura</i>	Wilfred Kimura	Kapaa, HI
<i>Abmas Tokjoka</i>	ABMAS TOKJOKA	Kapaa HI
<i>Isamu Hiranaka</i>	ISAMU HIRANAKA	Lihue HI
<i>Thomas M. Kurosaki</i>	Thomas M. Kurosaki	LIHUE - 96766
<i>Sonia L. Nakano</i>	Sonia L. Nakano	Kapaa, 96746
<i>Robert Tamura</i>	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 bicycle riders talking or laughing and who knows maybe horses as proposed at one meeting.

THIS PETITION IS TO STOP THE BIKING PATH BUILDING AT THE 1.5M, 1.0M, AND PARALLEL TO THE ROAD, AND THERE, IN THE AREA DIVIDING THE TWO HIGHWAYS TO THE NUKOII MOTOCROSS AREA.

PRINT NAME	SIGNATURE	ADDRESS	TELEPHONE OR CELLULAR
1. Vally Mester	<i>[Signature]</i>	4929 Eggenburg Rd Kapaa	
2. Kristen Burrows	<i>[Signature]</i>	2416 Uehala Pl. Hilo	
3. Damien Victoria	<i>[Signature]</i>	556 Keolu Ave. Kapaa	
4. Alan Liu	<i>[Signature]</i>	304 Keolu to Kapaa Kapaa, Hawaii	
5. H. Ogawa	<i>[Signature]</i>	4117 PUPUKE ST.	
6. Ross Krasnik	<i>[Signature]</i>	636A KAMALEA RD KAPAA	
7. Annis Bogdt	<i>[Signature]</i>	6487 KAHOLE ST. Kapaa	
8. June Araki	<i>[Signature]</i>	3801 Ala Laka Pl.	552-3573
9. Davis Esler	<i>[Signature]</i>	4286 HAWAII ST. Kapaa, HI 96761	265-2633
10. Ross SHAMONSH	<i>[Signature]</i>	4033 HOLEHOLE ST. LILUOEA HI 96746	
11. Clay Kelekoma	<i>[Signature]</i>	609 L. B. RD. Kapaa HI 96744	822-9688
12. N. Kawa	<i>[Signature]</i>	6538 Kuamoo Rd Kapaa HI 96746	
13. Mel Mandrigues	<i>[Signature]</i>	2370 WAIKAE ST. LILUOEA HI 96761	
14. Tolo Yestipha	<i>[Signature]</i>	4001 Ome Pl. Kalaheo ST HI	392-7113
15. Pei Stuba	<i>[Signature]</i>	3157 Kilauea Rd. #9 Kilauea HI 96740	
16. Virginia Ellis	<i>[Signature]</i>	2381 Akopi Liliue HI 96760	
17. Joyce Burrows	<i>[Signature]</i>	POB 3785, Liliue 96766	822-1662
18. Wendy Akita	<i>[Signature]</i>	1180 Puna Puna Pl	
19. Mandy Keltig	<i>[Signature]</i>	POB 3785, Liliue 96766	
20. Bee Keltig	<i>[Signature]</i>	POB 3785, Liliue 96766	822-1662
21. Lindburgh Akita	<i>[Signature]</i>	320 Puna Pl, Liliue HI 96766	
22. Dan Nishimura	<i>[Signature]</i>	5995A Keali ST, Kapaa, HI	822-9636
23. George Yamamoto	<i>[Signature]</i>	34 KAMAHU RD. Hilo	822-9525
24. Bruce Williams	<i>[Signature]</i>	PO. BOX 203 KAMA HI 96746	482-1318
25. Kevin Tokura	<i>[Signature]</i>	5417 Kalamandani Kapaa HI 96744	346-4363
26. Chee Kabayashi	<i>[Signature]</i>		

This petition is to stop the bike path starting at the 1.4th node down to the 1.1th, 1.0th, the parking lot area, and there, for those who enjoy the full route and the Nukoli'i Motocross area.

	PRINT NAME	SIGNATURE	ADDRESS	TELEPHONE OR CELLULAR
1	Fred Kishida	<i>Fred Kishida</i>	P.O. Box 495 Hanalei, HI	335-3878
2	LAURENCE DIZON	<i>LAURENCE DIZON</i>	P.O. Box 175, Lihale, HI	332-8573
3	Rachel Kishida	<i>Rachel Kishida</i>	P.O. Box 485 Hanalei	335-3878
4	Thomas Ruff	<i>Thomas Ruff</i>	P.O. Box 632 Kalaheo	335-8366
5	FARUQ BARR	<i>FARUQ BARR</i>	P.O. Box 661 Hanalei	344-0695
6	LILY KOCHI	<i>LILY KOCHI</i>	Box 121 Elele	332-7454
7	ELIX HIRATA	<i>ELIX HIRATA</i>	P.O. Box 565 Lualaba	332-7454
8	GRIMMOND	<i>GRIMMOND</i>	P.O. Box 179 Kaula	929-7250
9	MIRVIE OLIG	<i>MIRVIE OLIG</i>	P.O. Box 679 Hanalei	335-5876
10	Lei Hasegawa	<i>Lei Hasegawa</i>	P.O. Box 674 Elele	337-2168
11	JULIE KISH	<i>JULIE KISH</i>	P.O. Box 476 Elele 96705	335-3162
12	CLARENCE MACHIMINT	<i>CLARENCE MACHIMINT</i>	Box 363 Elele 96705	335-3334
13	SHYAMMA	<i>SHYAMMA</i>	1921 Prince Lim 96706	245-4111
14	Richard T. Yano	<i>Richard T. Yano</i>	9210 Aloha St. Elele	245-3092
15	Lynn Kishida	<i>Lynn Kishida</i>	P.O. Box 485 Hanalei 96716	652-9352
16	Wesley Kishida	<i>Wesley Kishida</i>	P.O. Box 485 Hanalei 96716	275-2877
17	Kyle Kishida	<i>Kyle Kishida</i>	Box 415 Hanalei	335-3877
18	Airon Akasbeyashi	<i>Airon Akasbeyashi</i>	Box 74 Lualaba	332-9177
19	Tsuyuo Ukata	<i>Tsuyuo Ukata</i>	Box 525 Elele	335-3710 (unlisted)
20	Seiichi Hoshino	<i>Seiichi Hoshino</i>	Box 259 Kalaheo	335-5157
21	Naomi Watabayashi	<i>Naomi Watabayashi</i>	P.O. Box 526 Lualaba	332-6096
22	David Fuji	<i>David Fuji</i>	P.O. Box 413 Elele	335-5747
23	Donna Koike	<i>Donna Koike</i>	P.O. Box 817 Elele	335-7188
24	Stephen Miyamoto	<i>Stephen Miyamoto</i>	P.O. Box 839 Elele	335-0130
25	Jens Natsuda	<i>Jens Natsuda</i>	P.O. Box 144 Waimea	333-1398
26	Michael Gansara	<i>Michael Gansara</i>	P.O. Box 540 Elele	335-5864

THIS PORTION IS TO STOP THE BIKE RAIN STARTING AT THE 14TH HOUR UNTIL TO THE 11TH HOUR, WITH THE PARKING AND AREA, AND THERE, I AM THERE WITH MYSELF AND THE NUKOII MOTOCROSS AREA.

	PRINT NAME	SIGNATURE	ADDRESS	TELEPHONE OR CELLULAR
1	Terrie Hirano	<i>Terrie Hirano</i>	Lihue	245-4654
2	Isao Yoshida	<i>Isao Yoshida</i>	Lihue	245-2336
3	Richard Ueno	<i>Richard Ueno</i>	3521 Kokee St, Lihue	245-6666
4	Kaoru Asake	<i>Kaoru Asake</i>	3131 Uluhi St, Lihue	245-2870
5	George Ozaki	<i>George Ozaki</i>	P.O. Box 828, Lihue, HI	245-9088
6	Sam Nishi	<i>Sam Nishi</i>	P.O. Box 128, Lihue	245-1172
7	Aurine Estima	<i>Aurine Estima</i>	2995 Hanalei St, Lihue	245-9108
8	Charles O'Connell	<i>Charles O'Connell</i>	P.O. Box 555, Lihue	245-2367
9	Norman Nitta	<i>Norman Nitta</i>	3004 KIKER RD, KAMAHA	332-4241
10	Shirley Toku	<i>Shirley Toku</i>	Kolea, HI	742-1062
11	Kiyoshi Masaki	<i>Kiyoshi Masaki</i>	Box 251, Waimea	338-1046
12	James Tamura	<i>James Tamura</i>	" 225 "	338-1737
13	Alonso Tamura	<i>Alonso Tamura</i>	Box 965, Waimea	338-9883
14	Val Nitta	<i>Val Nitta</i>	P.O. Box 623, KAMAHA	
15	J. Lee	<i>J. Lee</i>	4289 KOLEA	338-2000
16	O. Fujimori	<i>O. Fujimori</i>	Box 146, Hanalei	335-8762
17	G. Nittan	<i>G. Nittan</i>	Box 578, KAMAHA	335-5732
18	H. Kusunoki	<i>H. Kusunoki</i>	P.O. Box 283, Lihue	332-9216
19	G. PRISTE	<i>G. PRISTE</i>	P.O. Box 359, KAMAHA	337-9045
20	Chieko Nitta	<i>Chieko Nitta</i>	P.O. Box 327, Lihue	335-2082
21	ALVIN YANO	<i>ALVIN YANO</i>	P.O. Box 103, Hanalei	332-7446
22	WALTER SONODA	<i>WALTER SONODA</i>	P.O. Box 532, Elea	335-6460
23	Miki Nitta	<i>Miki Nitta</i>	P.O. Box 786 "	335-3279
24	FRANK KAWAGUCHI	<i>FRANK KAWAGUCHI</i>	4535 KOLEA	335-6809
25	MIYU SAKURA	<i>MIYU SAKURA</i>	P.O. Box 589, KAMAHA	335-5106

9

THIS FORM IS TO BE FILLED OUT BY THE PARTICIPANTS AT THE MEETING. THE PARTICIPANTS SHOULD SIGN AND PRINT THEIR NAMES IN THE SPACES PROVIDED. THE PARTICIPANTS SHOULD SIGN AND PRINT THEIR NAMES IN THE SPACES PROVIDED. THE PARTICIPANTS SHOULD SIGN AND PRINT THEIR NAMES IN THE SPACES PROVIDED.

PRINT NAME	SIGNATURE	ADDRESS	TELEPHONE OR CELLULAR
1. Deborah A. McLean	<i>[Signature]</i>	P.O. Box 213, Lihue	332-9841
2. Gary Fisterer	<i>[Signature]</i>	Kapaia HI	822-9316
3. Jay Hironaka	<i>[Signature]</i>	P.O. Box 1537 Lihue HI	245-3743
4. Chon J. Kawake	<i>[Signature]</i>	420 Poi Poi Road, Kapaia	812-5275
5. Owen Oka	<i>[Signature]</i>	512 Kikaka Road, Kapaia	332-9553
7. Jonathan Ota	<i>[Signature]</i>	3250 Ulukui St, Lihue	245-6137
8. Winfred Ota	<i>[Signature]</i>	9173 Akahi St, Lihue	245-2333
9. Elaine Kaulde	<i>[Signature]</i>	3250 Ulukui St, Lihue	245-6137
10. Sharon Oros	<i>[Signature]</i>	P.O. Box 1288 Lihue HI	552-5695
11. Christine Robles	<i>[Signature]</i>	P.O. Box 921 Kapaia HI	245-6159
12. Rosalinda Robles	<i>[Signature]</i>	P.O. Box 931 Kapaia HI	742-6606
13. Katsuhori Shinzaki	<i>[Signature]</i>	2867 Liahua St, Lihue	742-6606
14. Winston Oata	<i>[Signature]</i>	2152 Pihace St, Lihue	245-9482
15. Richard Arai	<i>[Signature]</i>	6437 Kaula St, Kapaia	245-7913
16. Mary Jane Alcorn	<i>[Signature]</i>	4412 Hanamaya Pl, Lihue	245-6901
17. Lynn Dalun	<i>[Signature]</i>	8924 Kaula St, Lihue	245-7492
18. Sileen Daly	<i>[Signature]</i>	3709 Mokekua Cir, Lihue	245-6480
19. James A. Poe	<i>[Signature]</i>	P.O. Box 931 Hanalei HI	245-8984
20. Archie Fortman	<i>[Signature]</i>	4024 Aiea Dr, Hanalei HI	651-6894
21. Hank Nishikawa	<i>[Signature]</i>	3422 Lihue St, Lihue HI	742-6155
22. Jack Iida	<i>[Signature]</i>	393 Lahauna Pl, Kapaia	245-4258
23. Dwayne Arai	<i>[Signature]</i>	5197 Kaula St, Kapaia	822-0327
24. Patricia A. Ferrara	<i>[Signature]</i>	P.O. Box 913 Kapaia	651-3206
25. Grover Yamamoto	<i>[Signature]</i>	5074 A Hanalei St, Kapaia	332-6351
			822-4191

This Petition is to stop the Bike Path starting at the 12th hole down to the 11th, 10th, 9th, the parking lot area, and more, in the area shown on the map above. Nukoli'i Motocross area.

PRINT NAME	SIGNATURE	ADDRESS	TELEPHONE OR CELLULAR
1 Veronica Takaguchi	<i>[Signature]</i>	Kelohu, HI 96741	
2 Kapeen Takaguchi	<i>[Signature]</i>	Kalaloa, HI 96741	
3 Susan Hogan	<i>[Signature]</i>	PO Box 503, L. Hwy HI 96746	
4 Leveya Leveya	<i>[Signature]</i>	1800 Foster St. L. Hwy HI 96746	
5 Tammy Letrety	<i>[Signature]</i>	4150 Rice St. 4401 L. Hwy HI 96746	808 245-7790
6 Christine Tanguchi	<i>[Signature]</i>	18488 Kapa HI 96756	639-1120
7 Lori Tomita	<i>[Signature]</i>	3000 Kurewa Pl. L. Hwy 96746	W.P.
8 Kaye Matsumura	<i>[Signature]</i>	2126A Ewa Street L. Hwy 96746	
9 Glenn Nakamoto	<i>[Signature]</i>	5141 Kapa Rd. Kapa, HI 96756	651-8157
10 Olin Kauli	<i>[Signature]</i>	PO Box 699, Kapa, HI 96756	822-8213
11 Randy B. Diana	<i>[Signature]</i>	PO Box 699, Kapa, HI 96756	822-8213
12 Sally Ann H. Diana	<i>[Signature]</i>	PO Box 699, Kapa, HI 96756	822-8213
13 Walter Visumata	<i>[Signature]</i>	74 Alaa St. Kapa, HI 96746	
14 Chantelle Vasumata	<i>[Signature]</i>	74 Alaa St. Kapa, HI 96746	
15 Alice Takahashi	<i>[Signature]</i>	91 Alaa St. Kapa, HI 96746	
16 Audrey Takahashi	<i>[Signature]</i>	91 Alaa St. Kapa, HI 96746	
17 Mandy Akakahi	<i>[Signature]</i>	Kapa, HI 96746	
18 Sonny Akakahi	<i>[Signature]</i>	P.O. Box 463, Alaa, HI 96746	
19 Terry Akakahi	<i>[Signature]</i>	Alaa, HI 96746	
20 Susan Akakahi	<i>[Signature]</i>	Alaa, HI 96746	
21 Kays. Pargamento	<i>[Signature]</i>	Kapa, HI 96746	
22 Robert M.D. Pargamento	<i>[Signature]</i>	Kapa, HI 96746	
23 Lehey Hironaka	<i>[Signature]</i>	P.O. Box 7114, L. Hwy	
24 Lori Hironaka	<i>[Signature]</i>	511 Kapa Rd. Kapa	
25 Glenn Tanguchi	<i>[Signature]</i>	511 Kapa Rd. Kapa	



This petition is to stop the bike path starting at the 14th mile north to the 11th, 10th, 9th, 8th, 7th, 6th, 5th, 4th, 3rd, 2nd, 1st, 10th, 11th, 12th, 13th, 14th mile north along the main road from the 14th mile north to the Nukunui Motocross area.

PRINT NAME	SIGNATURE	ADDRESS	TELEPHONE OR CELLULAR
1 June Estaban	<i>June Estaban</i>	PO Box 1411 Lihue	657-3413
2 BRAD JIMARU	<i>Brad Jimaru</i>	5531-D HAKUHIKA	823-0642
3 RONALD HOLTE	<i>Ronald Holte</i>	PO BOX 1027 KAPAHA	821-1330
4 HENRY SHIBATA	<i>Henry Shibata</i>	188 OHANA I KAPAA	822-7288
5 Richard Laxson	<i>Richard Laxson</i>	PO BOX 1333 LANAHI	828-0400
6 Barbara Tombsley	<i>Barbara Tombsley</i>	P.O. Box 286 Palamua	828-2037
7 Tom Tombsley	<i>Tom Tombsley</i>	PO Box 286 Kikaua	828-2037
8 Alice Steiner	<i>Alice Steiner</i>	4460 Kimoa Pl #28 Koloa	332-0660
9 Stacy Simons	<i>Stacy Simons</i>	1899 Kalahele Palamua	828-6622
10 CP person (Les Poirier)	<i>Les Poirier</i>	Kapaa	822-5532
11 Kuyutha Daikhan	<i>Kuyutha Daikhan</i>	6526 LEEKIA PL KAPAA	822-9105
12 PHILIP HUNTER	<i>Philip Hunter</i>	PO BOX 1161 KIKOUA	82379-2111
13 Selso Mahuel	<i>Selso Mahuel</i>	146 Paaka Kapaa	823-8965
14 JASON LOCKWOOD	<i>Jason Lockwood</i>	PO Box 214 ANAHELE	828-2121
15 ROBERT DIANA	<i>Robert Diana</i>	4796 Kolohele R.D	823-8884 N/P
16 Jason Priest	<i>Jason Priest</i>	3955 Echuku Rd	346-2710
17 Florence Tishings	<i>Florence Tishings</i>	PO Box 104 LANAHI	825-5671
18 JEFFREY WALTERS	<i>Jeffrey Walters</i>	PO Box 2530 Lihue	652-5724
19 JENNIFER SAMONSON	<i>Jennifer Samonson</i>	4796 Kolohele Rd Kapaa	645-6705
20 Jennie Willes	<i>Jennie Willes</i>	P.O. Box 1606	635-2285
21 MARIE DIANA	<i>Marie Diana</i>	4796 Kolohele Rd, Kapaa	N/P
22 Tony Diana	<i>Tony Diana</i>	PO Box 254 Lihue, HI	651-0559
23 Phyllis Stanwood	<i>Phyllis Stanwood</i>	3906 Hanalei St. Lihue	825-5053
24 HENRIK YAKUHAN	<i>Henrik Yakuhan</i>	4233 Fall Ulu	
25 Milled Sasaki	<i>Milled Sasaki</i>	Box 1603 Lihue	245-2223



Ahukini to Lydgate Park Bike/Ped Path

This Petition is to stop the Bike Path starting at the 12th hole down to the 11th, 10th, the parking lot area, 5th floor, 7th floor area starting into the 10th main and into Nukoli'i Motocross area.

	PRINT NAME	SIGNATURE	ADDRESS	TELEPHONE OR CELLULAR
1	Trey Lanning	<i>Trey Lanning</i>	R. Pogo 880 Hanapepe Ave	482-1888
2	Sean Sheldens	<i>Sean Sheldens</i>	245 Cuts Ave, Kapaa	245-1688
3	Scott Kouchi	<i>Scott Kouchi</i>	3141 Inuaga Dr, Lihue, HI	639-2884
4	Quay Shimizu	<i>Quay Shimizu</i>	P.O. 4451 Hanalei, HI	245-6209
5	Keely Lopez	<i>Keely Lopez</i>	3207 Aaliwa St, Kapaa, HI	822-2623
6	Ken Nakashima	<i>Ken Nakashima</i>	Box 802 Hanapepe, HI 96716	335-5748
7	Wahne Ohtsuka	<i>Wahne Ohtsuka</i>	P.O. Box 1851 Lihue, HI 96716	245-6209
8	Glenn Ayoshiki	<i>Glenn Ayoshiki</i>	P.O. Box 947 Lihue, HI	651-9864
9	Lyman Yoshimura	<i>Lyman Yoshimura</i>	2466 Oahu St, Lihue	245-2772
10	Garry Yoshida	<i>Garry Yoshida</i>	4154 Hualala St	652-3481
11	Brent Shimizu	<i>Brent Shimizu</i>	1970 Hanalei St, Lihue	635-0750
12	Nate Shimizu	<i>Nate Shimizu</i>		(8) 221-9828
13	Keith Barrett	<i>Keith Barrett</i>	6111 Hanalei St, Lihue	822-1360
14	Chris Watanabe	<i>Chris Watanabe</i>	5168 Aiea St, Lihue, HI	245-4208
15	Carol Mackey	<i>Carol Mackey</i>	2208 Kapuni Street, Lihue	632-0270
16	Ray Yoshida	<i>Ray Yoshida</i>	4164 Hanalei St	652-3172
17	Elizabeth Kawakami	<i>Elizabeth Kawakami</i>	4108 Hanalei St, Lihue	652-6250
18	Christina Rodrigues	<i>Christina Rodrigues</i>	3329 Elima St, Lihue, HI	651-5977
19	Christina Rodrigues	<i>Christina Rodrigues</i>	258 Elea St, Lihue	637-4461
20	Isadora A. Ching	<i>Isadora A. Ching</i>	6116 Oahu St, Kapaa	822-5107
21	Yvonne Rodriguez	<i>Yvonne Rodriguez</i>	4945 Lapa Rd, Kapaa	822-4850
22	Yvonne Rodriguez	<i>Yvonne Rodriguez</i>	PO Box 900 Hanalei, HI	632-2936
23	Kelsi Romanus	<i>Kelsi Romanus</i>	4193 Hanalei St, Lihue	632-2916
24	Lyman Carol Pano	<i>Lyman Carol Pano</i>	6414 Kaula St, Kapaa	183-9019
25	Shirley Kerekere	<i>Shirley Kerekere</i>	182 PO Box 2289 Kapaa, HI 96746	652-9688

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This Petition is to stop the Bike Path starting at the 12th hole down to the 11th, 10th, 9th, the parking lot area, and more, in the area along the 4th hole area to the Nukunui Motocross area.

	PRINT NAME	SIGNATURE	ADDRESS	TELEPHONE OR CELLULAR
1	Randall NISHIMURA	<i>Randall Nishimura</i>	70 Box 311 Lihue HI	245-9115
2	Mike HIMAWA	<i>Mike Himawa</i>	Lihue	645-1320
3	Wayne Fujioka	<i>Wayne Fujioka</i>	Lihue	246-1870
4	Ben Carlson	<i>Ben Carlson</i>	Lihue	248-2911
5	Richard Agnew	<i>Richard Agnew</i>	Kapa'a	482-1546
6	Glen Kawamura	<i>Glen Kawamura</i>	Kapa'a	822-4473
7	Ray Watanabe	<i>Ray Watanabe</i>	P.O. Box 111 Kapa'a	822-9953
8	Peter Sperry	<i>Peter Sperry</i>	604 Kama'ehu Rd Kapa'a	822-7122
9	Aima Vetsuda	<i>Aima Vetsuda</i>	593 Kama'ehu Kapa'a	822-5864
10	Helen Egan	<i>Helen Egan</i>	4890 Lani Rd. Kapa'a	822-8341
11	Edwin Corrales	<i>Edwin Corrales</i>	P.O. Box 1491 Lihue 96766	245-1400
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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, and there, put more area along the path more area to the Nukolii Motocross area.

	PRINT NAME	SIGNATURE	ADDRESS	TELEPHONE OR CELLULAR
1	ARNE T. MISHIMA	<i>Arne T. Mishima</i>	Waiman	
2	Wayne Suesjasi	<i>Wayne Suesjasi</i>	Hanapepe	
3	Lois Suesjasi	<i>Lois Suesjasi</i>	Hanapepe	
4	Joanne Imamura	<i>Joanne Imamura</i>	Hanapepe	
5	Milton J Yamamoto	<i>Milton J Yamamoto</i>	Koloa	
6	Richard Ogimura	<i>Richard Ogimura</i>	Koloa	
7	Aline Natsunaka	<i>Aline Natsunaka</i>	Koloa	
8	THOMAS NUKOII	<i>Thomas Nukolii</i>	Koloa	
9	STEVEN SATEI	<i>Steven Satei</i>	Koloa	
10	Elaine H. Saito	<i>Elaine H. Saito</i>	Koloa	
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This Petition is to stop the Bike Path starting at the 1.4m note down to the 1.1m, 1.0m, 1.0m, the pathing not area, but more, 1.0m more area along into the 1.0m note for the Nukoli'i Motocross area.

	PRINT NAME	SIGNATURE	ADDRESS	TELEPHONE OR CELLULAR
1	Paul K. Nishimoto	<i>Paul K. Nishimoto</i>	4621 Hukeli'i Rd, Kapea, HI	823-8487
2	Francine Lombardi	<i>Francine Lombardi</i>	5108 Hukeli'i Rd, Kapea, HI	823-3464
3	Larry Saito	<i>LARRY SAITO</i>	182 Puako St, Kapea, HI	822-3305
4	Vincent Paronigad	<i>Vincent Paronigad</i>	P.O. Box 312, Kapea, HI	823-8697
5	Corey Silva	<i>Corey Silva</i>	P.O. Box 1, Waianae	338-1977
6	Pavlo A. Kapa	<i>Pavlo A. Kapa</i>	P.O. Box 645, Kapea	332-0417
7	Federico Ramoel	<i>Federico Ramoel</i>	180 Lulo Rd	823-5777
8	Orlando Ragsac	<i>Orlando Ragsac</i>	5202 ANEILA ST, KAPEA	822-0344
9	Lonele Aki	<i>Lonele Aki</i>	641 Kulohe St, Wailua	821-1527
10	Fred Aki	<i>Fred Aki</i>	4667 Kulohe St, Wailua	821-5327
11	Alex Alessa	<i>Alex Alessa</i>	P.O. Box 353, Waianae	821-5927
12	Robert E. Cremer Jr	<i>Robert E. Cremer Jr</i>	P.O. Box 436, Kapea	822-9714
13	Steven Carvalho	<i>Steven Carvalho</i>	P.O. Box 436, Kapea	822-9714
14	ASHFORD KOBAN SGA HARAHUNA	<i>ASHFORD KOBAN SGA HARAHUNA</i>	P.O. Box 1886, Kapea, HI	823-0700
15	DARREN MACIARDO	<i>DARREN MACIARDO</i>	P.O. Box 5259, Jervis St, Wailua, HI	651-2965
16	Stephen Ransjaar Jr	<i>Stephen Ransjaar Jr</i>	2804 Hukeli'i Rd, Kapea	241-6629
17	Ralph Nishimoto	<i>Ralph Nishimoto</i>	4011 Hukeli'i Rd, Kapea	241-4117
18	Kurt Souza	<i>Kurt Souza</i>	3143 PO Box, Ed Kapea	652-7110
19	TERRY SOUZA	<i>TERRY SOUZA</i>	4360 Pua Kuluwa Rd, Wailua	332-9706
20	Pono Lauking Sr	<i>Pono Lauking Sr</i>	4621 A Hukeli'i Rd, Kapea	822-1483
21	Deyn Terzoko	<i>Deyn Terzoko</i>	P.O. Box 3622, Wailua, HI	245-3035
22	James K. Moloney	<i>James K. Moloney</i>	P.O. Box 3622, Wailua, HI	245-3035
23		<i>Pono Lauking Sr</i>	P.O. Box 4803, Hanalei, HI	246-1812
24		<i>Deyn Terzoko</i>	4952 E. Rd, Kapea, HI	821-2568
25		<i>James K. Moloney</i>	1072 Kapea, Kapea, HI	537-1225



This Petition is to stop the Bike Path starting at the 12th hole down to the 11th, 10th, the parking lot areas, 9th hole, 8th hole, 7th hole area during the 1st hole area to the Nukoli'i Motocross area.

	PRINT NAME	SIGNATURE	ADDRESS	TELEPHONE OR CELLULAR
1	Jean E. Zito	<i>Jean E. Zito</i>	137 Meha St., Kapaemahu	
2	Pamela Wong	<i>Pamela Wong</i>	P.O. Box 822, Aiea, HI	
3	Timothy M. Madsen	<i>Timothy M. Madsen</i>	P.O. Box 565, Aiea, HI	
4	Marg Ann Williams	<i>Marg Ann Williams</i>	4990 Kailua St., Kailua	
5	Ernest Laegreid	<i>Ernest Laegreid</i>	4806 Ilii Rd., Kapaemahu	821-0844
6	Ruglas L. Jones	<i>Ruglas L. Jones</i>	Kapaa, HI 96741	
7	Robert Boyce	<i>Robert Boyce</i>	4251 Oros Ct., HI 96766	035-9083
8	Gerard Brown	<i>Gerard Brown</i>	5096 Kua Moku St.	822-1630
9	Bill Shroyer	<i>Bill Shroyer</i>	2164 Kua St., Puhi, HI 96744	645-0709
10	John C. Lee	<i>John C. Lee</i>	P.O. Box 143, Kapaemahu, HI 96741	7E 822-9375
11	Dr. Christiella A. O'Sullivan	<i>Dr. Christiella A. O'Sullivan</i>	2714 E. Oros Rd., HI 96766	265-5302
12	Karen Hill	<i>Karen Hill</i>	1970 Hanauiua St., P.O. Box 245, HI 96741	245-5915
13	Chloe Shojimatsu	<i>Chloe Shojimatsu</i>	P.O. Box 193, Kapaemahu, HI 96741	332-8047
14	Mia Tom	<i>Mia Tom</i>	5443 Kapaemahu Rd.	822-2002
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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 area to the Nukoli'i Motocross area.

	PRINT NAME	SIGNATURE	ADDRESS	TELEPHONE OR CELLULAR
1	ROBERT ABECE	<i>[Signature]</i>	2957 Ohi Dr. et.	652-1513
2	Clare Morishige	<i>[Signature]</i>	4169 Hill St. Lihue	245-3189
3	Roberto Morishige	<i>[Signature]</i>	P.O. Box 483	635-2599
4	Arnold Fuji	<i>[Signature]</i>	2911 Madak St. Lihue	245-3330
5	George Tsukanoto	<i>[Signature]</i>	5470B Kaeohama Rd. Kapehu	482-0577
6	STEPHEN RAPORO	<i>[Signature]</i>	4014 OAKED ST Lihue	482-0475
7	GLENN MORISHIGE	<i>[Signature]</i>	4169 Hill St. Lihue	245-3189
8	ROBERTI FUJIKAWA	<i>[Signature]</i>	2910 Pease St. Lihue	245-2215
9	SUSAN MORISHIGE	<i>[Signature]</i>	Ahukini, HI 96714	826-1104
10	DWIGHT MORISHIGE	<i>[Signature]</i>	Ahukini, HI 96714	826-1104
11	DEAN KULIM	<i>[Signature]</i>	2723 NOKERUA CIR. LIHUE 96716	584-4166
12	EDWARD MORISHIGE	<i>[Signature]</i>	452 RIOT AVE 4A	651-4163
13	Don Jotani	<i>[Signature]</i>	42404 Nonohe Pl., Lihue 96716	635-9664
14	Herbert Saito Jr	<i>[Signature]</i>	PO Box 3718 Lihue HI 96716	635-3472
15	Vicki DeLa Cruz	<i>[Signature]</i>	2964 Euphor St Lihue 96716	661-8767
16	Wayne T. Nakai	<i>[Signature]</i>	3216 Palai St., Lihue HI	245-4292
17	Reyber UDSHION	<i>[Signature]</i>	330 LANAKI, L. R. Kapehu	822-2197
18	Haruki Akana	<i>[Signature]</i>	5855 Kapehu Rd. Kapehu	822-2197
19	Carleen C. Saito	<i>[Signature]</i>	PO Box 3718, Lihue, HI 96716	822-2197
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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	<i>[Signature]</i>	3162 Palai St Lihue	245 2204
2	CADVIN NAKAMURA	<i>[Signature]</i>	3162 Palai St Lihue	245 2204
3	LESLIE HASHIMOTO	<i>[Signature]</i>	2960 ALOALO PI. LIHUE	245-6696
4	MERVIN MORISHIGE	<i>[Signature]</i>	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 lives 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 indicated 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 Responses

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KURT R. BOSSHARD  
ATTORNEY AT LAW  
3144 ELUA STREET  
LIHUE, HAWAII 96766  
TELEPHONE 808-245-5302  
FAX 808-245-6929

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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 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. 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.

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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.

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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 problems 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.

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12. Hawaii State environmental policy guidelines are found in HRS §244-4. 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

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- 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 be 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 Lemco - DLNR  
Sara Simons-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 area 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

Mr. Kurt R. Bosshard  
May 9, 2006  
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Mr. Kurt R. Bosshard  
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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 angle of golf balls, it is possible that the fence be bent in toward the path however, this has not been determined at this time.*

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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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 Waiua 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 this 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.*

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 imu, etc. This is especially worrisome in light of Oceanic'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 netic 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.*

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, §6.1, 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

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 be 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 Leiors (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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1

Mr. Kurt R. Bosshard  
March 28, 2006  
Page Two of Three

Mr. Kurt R. Bosshard  
March 28, 2006  
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A meeting was held at the Waiua 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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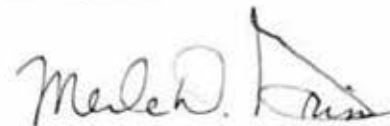
The highway would need to be crossed twice in order to complete a continuous path between Ahukini Point and Lydgate Park. At-grade crosswalks over Kuhio Highway would be unsafe for users and motorists and reduce traffic flow. Whenever automobiles, and cyclists and pedestrians cross the same pavement, 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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STATE OF HAWAII  
DEPARTMENT OF LAND AND NATURAL RESOURCES  
STATE HISTORIC PRESERVATION DIVISION  
601 KAMOKILA BOULEVARD, ROOM 555  
KAPOLEI, HAWAII 96707

PETER C. YOUNG  
COMMISSIONER  
DEPARTMENT OF LAND AND NATURAL RESOURCES  
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ROBERT S. WALKER  
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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 (Kapale/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

Ms. Melanie Chinen, Administrator  
March 28, 2006  
Page Two of Three

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 quorum 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.

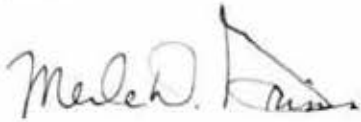
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Ms. Melanie Chinen, Administrator  
March 28, 2006  
Page Three of Three

*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

File 1141-12

**Corush  
Sunderland  
Wright  
Limited**

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:

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.

Merle D. Grimes, LLC  
Ahukini to Lydgate Park, Bike and Pedestrian Path  
Draft Environmental Assessment, November 22, 2005

Corush Sunderland Wright Limited  
January 5, 2006  
Page 2

- 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.

Landscape  
Architecture  
Urban  
Design  
Recreation  
and Park  
Planning  
Site Planning  
Environmental  
Planning  
Project  
Management

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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

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



*Mark D. Brown, LLC*  
*Ahukini to Lydgate Park, Bole and Pedestrian Path*  
*Draft Environmental Assessment, November 22, 2005*

*Ernst Environmental Weight Limited*  
*January 5, 2006*  
*Page 2*

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 20<sup>th</sup>, 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 17<sup>th</sup>, 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 Kauai, 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 Hanalei, Kauai. 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 Hanalei, Kauai, is a new master-planned community that will serve the U.S. mainland, international, the local Kauai and Hawaii market for single-family custom homes and quality multi-family housing.*

*Mark D. Brown, LLC*  
*Ahukini to Lydgate Park, Bole and Pedestrian Path*  
*Draft Environmental Assessment, November 22, 2005*

*Ernst Environmental Weight Limited*  
*January 5, 2006*  
*Page 2*

*The proposed components of the Master Plan (Figure 3-1) for the Ocean Bay Plantation at Hanalei, Kauai 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 Hanalei 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:tb

Copies: Sara Ed Simmonds-File - Sweetwater Design  
Ernie Moody - EWM Kauai LLC  
Steve Grogan - EWM Kauai LLC  
Walton Hong - Attorney - Kauai

MERLE D. GRIMES, LLC

Mr. Jerry Corush  
April 10, 2006  
Page Two of Four

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 Waialua Golf Course reach and two for the entire project area) and meetings with stakeholders such as the Waialua 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 way was intending to bar 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 Conush  
April 10, 2006  
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Mr. Jerry Conush  
April 10, 2006  
Page Four 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 20<sup>th</sup>, 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 17<sup>th</sup>, 2005 Telephone Meeting – Jerry Conush

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.

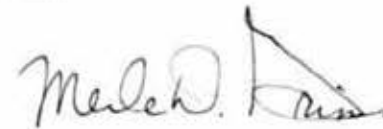
*So noted.*

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

-----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 wedge-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. 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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MERLE@MDCDENVER.COM

Ms. Andrea L. Erichsen, M.S.  
March 28, 2006  
Page Two of Three

Brenda Zaub 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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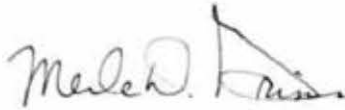
Ms. Andrea L. Erichsen, M.S.  
March 28, 2006  
Page Three of Three

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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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:ml  
Draft EA - Ahukini/Lydgate Park - PATH

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.*

Mr. Gregg Fujikawa  
March 28, 2006  
Page Two of Two

*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 10:21 FAX 1 808 241 8800

BUILDING DIVISION

002

LINDA LINGLE  
GOVERNOR



STATE OF HAWAII  
DEPARTMENT OF TRANSPORTATION  
HIGHWAYS DIVISION  
KAUAI DISTRICT  
1720 HALEUKANA STREET  
LIHUE, HAWAII 96766

ROONEY K. HARAGA  
DIRECTOR  
Faculty Director  
BARRY FURUSAGA  
BARBARA T. MORGAN  
RIMAH H. BERIBULUH

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,

STEVEN M. KYONO, P.E.  
District Engineer

JT: jl  
cc: HWY-DD, Lana Murashige

**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 96766

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.

04/28/06 THU 10:22 (TX/RX NO 50161) 002

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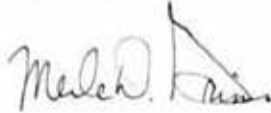


Mr. Steven M. Kyono, P.E.  
April 28, 2006  
Page Two of Two

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



PETER J. YOUNG  
DIRECTOR  
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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 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. 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<sup>1</sup> 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.

<sup>1</sup> *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, Office 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.

Mr. Sam Lemmo  
March 28, 2006  
Page Two of Four

*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 will 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

Mr. Sam Lemmo  
March 28, 2006  
Page Four 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 "nose" 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 foredune 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/blkparktypes-nr.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 inland 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.

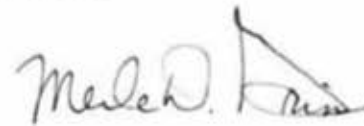
*Once a determination is made regarding the preferred alignment, any areas of the path that will interact with the shoreline will be surveyed and certified prior to final alignment. The location of the path will conform to all requirements for setbacks.*

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.*

Respectfully submitted,

Merle D. Grimes



Cc: Douglas Haigh

PHONE (808) 594-1888



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

FAX (808) 594-1885

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 'ulua' 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](mailto: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 Waiiua Golf Course reach and two for the entire project area) and meetings with stakeholders such as the Waiiua 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 interment 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 interment 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."

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 'ulua' 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.*

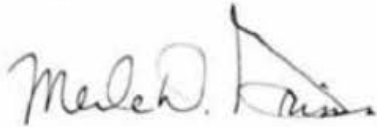
OHA further requests your assurances that if the project goes forward, should Iwi or Native Hawaiian cultural or traditional deposits be found during ground disturbance, work will cease, and the appropriate agencies will be contacted pursuant to applicable law.

*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 [jesssey@oha.org](mailto:jesssey@oha.org).

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

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 Road

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  
Waiiua 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 Waiiua Golf Course reach and two for the entire project area) and meetings with stakeholders such as the Waiiua 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 Waiiua 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 1<sup>st</sup> and 2<sup>nd</sup> 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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Mr. Ed Okamoto, CGCS  
April 10, 2006  
Page Two of Three

*See previous response.*

Hole #17: The seventeenth hole is Waiiua 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 5<sup>th</sup> 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

December 23, 2005

Sub-Alternative 3 – Ocean Bay Plantation – Upper Cane Haul Road

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

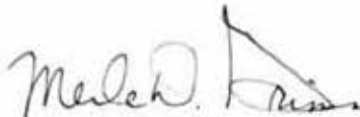
As you have read, my first choice is to have no impact on Wailua Golf Course. I believe Alternatives 1, 2 and Sub-Alternative 6 present too much of a negative impact on the golf course. Wailua Golf Course is Hawaii's number one municipal facility and rated among the State's best golf courses. My responsibility 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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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, "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 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 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 Aliomahu Road.

I am aware that phase two, from Kapi'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 Ahiki Pt., at Crack 14 and Anapala. 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 Lihī 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. Nukoli Beach Park is frequent haul out beach for seals, with seals either on the exposed reef at low tide or up in the nupaka 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 Ewa 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

Dr. Michele Olry  
March 28, 2006  
Page Three 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 Waiakea 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 Ahii 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 Papaloo. 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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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. Nukoli 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.*

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

Cc: Mr. Douglas Haigh



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  
AGUINETY RESEARCH  
BOATING AND ISLAND RECREATION  
BUREAU OF CONVEYANCES  
COMMISSION ON WATER RESOURCES MANAGEMENT  
CONSERVATION AND COASTAL LANDS  
CONSERVATION AND RESOURCES DEVELOPMENT  
ENGINEERING  
FORESTRY AND WILDLIFE  
HISTORIC PRESERVATION  
KAOIOLA ISLAND RESERVE COMMISSION  
LAND  
WATER 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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09:46:31 12-21-2005 1/2

LINDA LINGLE  
GOVERNOR OF HAWAII



GENEVIEVE SALAMONSON  
DIRECTOR

STATE OF HAWAII  
OFFICE OF ENVIRONMENTAL QUALITY CONTROL  
236 SOUTH BERETANIA STREET  
SUITE 102  
HONOLULU, HAWAII 96813  
TELEPHONE: (808) 586-4185  
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E-mail: oeqc@hawaii.gov

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. Mini Ory, whom he says knows the most about the best locations for locating interpretive signs. As a result, later in the week, we met with Mini Ory 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  
1041 BROKEN ARROW CIRCLE • ELIZABETH CO. 80107  
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MERLE@MDCDENVER.COM

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

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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12/21/05 WED 12:29 ITX/RX NO 34731



Ms. Genevieve Salmonson  
April 11, 2006  
Page Two of Three

Ms. Genevieve Salmonson  
April 11, 2006  
Page Three 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 entirety. 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 CFR771.11(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/strip generators within this corridor include the Hanalei Beach Park, Marine Camp Park and its motor-cross facility, the Radisson Hotel and Condos, and the Waikua 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.

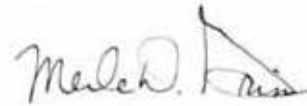
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303-646-0045 (O) • 303-646-8028 (FX)  
MARI@MDCDENVER.COM

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,



Marie D. Grimes

CC: Douglas Haigh

1042 BROKEN ARROW CIRCLE • ELIZABETH CO, 80017  
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MARI@MDCDENVER.COM



**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

Ms. Francine Wai  
June 6, 2006  
Page Two of Two

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 Waihua Golf Course reach and two for the entire project area) and meetings with stakeholders such as the Waihua 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 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 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 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.

*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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MERLE@MDGCDENVER.COM

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.

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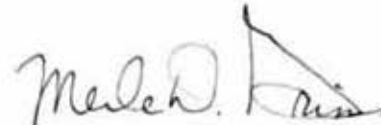
Regulatory Negotiation Committee on Accessibility Guidelines for Outdoor Developed Areas, Final Report, published September 30, 1999.

*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 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.

*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 8806

BUILDING DIVISION

002

February 27, 2006

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 Myrtle Road, Princetonville, Kauai, Hawaii 96722 Telephone 808/826/6349 Facsimile 808/826/6715

03/01/06 WED 13:51 [TX/RX NO 8489]

03/01/2006 10:51 FAX 1 808 241 8806

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!

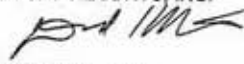
Me ke aloha pumehana  
With warm aloha,

Sincerely,

PAHIO RESORTS, INC.

PAHIO RESORTS, INC.

  
Lynn P. McCrory  
President  
Managing Agent for Kauai Beach Villas

  
David E. Walters  
Chairman  
President - AOA Kauai Beach Villas  
President - Kauai Beach Resort  
Association

03/01/06 WED 13:51 [TX/RX NO 8489]



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.

Ms. Lynn McCrory  
Mr. David Walters  
April 27, 2006  
Page Two of Three

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: [gmsimmons@eha.health.state.hi.us](mailto:gmsimmons@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!

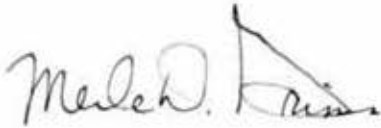
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Ms Lynn McCrory  
Mr. David Walters  
April 27, 2008  
Page Three of Three

*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,

A handwritten signature in black ink, appearing to read "Merle D. Grimes". The signature is written in a cursive style with a large initial "M".

Merle D. Grimes

Cc: Douglas Haigh



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 Statutes 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

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P. 1

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.

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FROM LIFELINE MINI STORAGE 8882453101

P. 3

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.

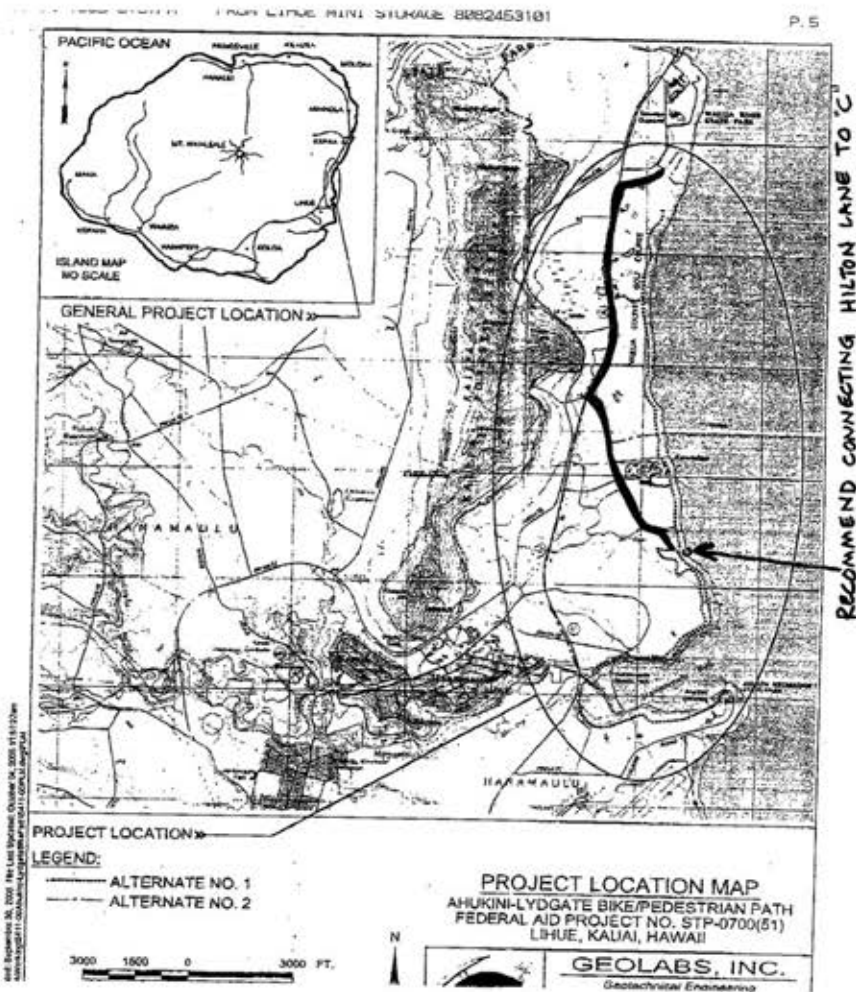
From Hilton Lane the path would continue to Connection Points F, G and H on the Old Cane Haul Road, passing by the Kaula Beach Villas tennis courts to cross an existing bridge over the canal, continuing mauka of the moto cross and golf course. It would then connect with Alternative 2, Kapule/Kuhio Highway 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





**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 Kauai Group of the Hawaii 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 Statutes 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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Mr. Juan Wilson  
April 26, 2006  
Page Two of Six

Mr. Juan Wilson  
April 26, 2006  
Page Three of Six

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 alternative 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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Mr. Juan Wilson  
April 26, 2008  
Page Four of Six

Mr. Juan Wilson  
April 26, 2008  
Page Five of Six

**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



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 04 2006

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

1043 BROKEN ARROW CIRCLE • ELIZABETH CO, BO107  
303-646-0046 (D) • 303-646-8708 (F)  
MERLE@MDG.DENVER.COM

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.

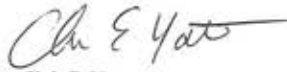
Our Marine Mammal Response Network Coordinator, David Schofield, will be on Kauai January 25<sup>th</sup> and 26<sup>th</sup>. He would be willing to arrange a meeting during this time to



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](mailto: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](mailto: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

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](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.



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

Mr. Chris E. Yates  
March 28, 2006  
Page Two of Four

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 Waiiua Golf Course reach and two for the entire project area) and meetings with stakeholders such as the Waiiua 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 (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 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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MERLE@MDCDENVER.COM

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 25<sup>th</sup> and 26<sup>th</sup>. 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](mailto: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) 944-2277 or at the email address: [jayne.lefors@noaa.gov](mailto: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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Mr. Chris E. Yates  
March 28, 2006  
Page Three of Four

Mr. Chris E. Yates  
March 28, 2006  
Page Four of Four

*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](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.*

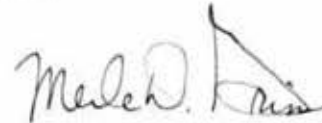
6. Any intake pipes on project related equipment must be screened or otherwise configured to ensure the prevention of entrapment of protected species.

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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](mailto: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 Harama'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 Waihua Golf Course reach and two for the entire project area) and meetings with stakeholders such as the Waihua 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



REPLY TO  
ATTENTION OF

DEPARTMENT OF THE ARMY  
U. S. ARMY ENGINEER DISTRICT, HONOLULU  
FT. SHAFTER, HAWAII 96858-5440

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.

• 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

1042 BROKEN ARROW CIRCLE • ELIZABETH CO. 80107  
303-646-0046 (OFF) • 303-646-8708 (FAX)  
MERLE@MDGDENVER.COM

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>.

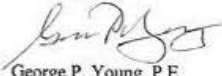
Based on information in the dEA, the segment of the proposed path that crosses the Hanama'ulu Bridge will use existing bridge structure and does not appear to involve deposition of dredged or fill material into waters of the U.S. Therefore, no DA permit will be required for this section. If construction 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](mailto: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 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 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 6), 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 Boach 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.*

1042 BROKEN ARROW CIRCLE • ELIZABETH CO. COLORADO  
303-646-0046 (OFF) • 303-646-6709 (FX)  
MERLE@M.D.G.DENVER.COM



Mr. George Young  
March 28, 2006  
Page Two of Two

PHONE (808) 594-1888



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

FAX (808) 594-1865

<http://www.usace.army.mil/inet/functions/cw/cecw/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/cecw/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](mailto: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 (FX)  
MERLE@MDGDENVER.COM

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).

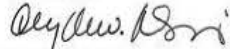
Merle D. Grimes  
January 3, 2005  
Page 2

- 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 'ulua' 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 York at (808) 594-0239 or [jessey@oha.org](mailto: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 verbatim 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 state or 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 *WY*  
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 HATLUA.GOLF.COURSE 008 241 6672 P.03

BRYAN J. BAPTISTE  
MAYOR

GARY K. HEU  
ADMINISTRATIVE ASSISTANT



AN EQUAL OPPORTUNITY EMPLOYER  
COUNTY OF KAUAI  
DEPARTMENT OF PUBLIC WORKS  
4444 RICE STREET  
MO'IKOHA BUILDING, SUITE 275  
LIHUE, KAUAI, HAWAII 96766-1340

DONALD M. FUJIMOTO  
COUNTY ENGINEER  
TELEPHONE 241-6800

LADYE H. MARTIN  
DEPUTY COUNTY ENGINEER  
TELEPHONE 241-6800

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 Waiiua 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



STATE OF HAWAII  
 DEPARTMENT OF LAND AND NATURAL RESOURCES  
 DIVISION OF STATE PARKS  
 POST OFFICE BOX 621  
 HONOLULU, HAWAII 96809

PETER T. YOUNG  
 CHAIRMAN  
 BOARD OF LAND AND NATURAL RESOURCES  
 COMMISSIONER OF WATER RESOURCES MANAGEMENT

ROBERT K. MARUDA  
 DEPUTY DIRECTOR - LAND

DEAN KAKANO  
 ACTING DEPUTY DIRECTOR - WATER

AGRICULTURE  
 NATURAL AND OCEAN RECREATION  
 BUREAU OF CONSERVATION  
 COMMISSION ON WATER RESOURCES MANAGEMENT  
 CONSERVATION AND CAPITAL LANDS  
 CONSERVATION AND RESOURCE IMPROVEMENT  
 PROGRAMS  
 FORESTRY AND WILDLIFE  
 HISTORIC PRESERVATION  
 HAWAIIAN ISLAND FORESTS COMMISSION  
 LAND  
 STATE PARKS

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, Lihue, Kauai

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



United States Department of the Interior

NATIONAL PARK SERVICE  
 Pacific West Region  
 909 First Avenue, Fifth Floor  
 Seattle, Washington 98101-104

IN REPLY REFER TO:

LWCF (PWR/PP)  
 15-00032

October 19, 2006

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 (S1) - Lydgate to Ahukini Bike/Pedestrian Path - will not result in a conversion at Hanama'ulu Beach Park, a Land and Water Conservation 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



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ADMINISTRATOR  
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 COMMENTS & REC  
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2-7 INTO  
 RUN COPIES  
 RUSH DATE  
 SEE ME  
 SEND COPY TO - Quinn  
 10/20/06





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 feel 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



AN EQUAL OPPORTUNITY EMPLOYER  
COUNTY OF KAUAI  
DEPARTMENT OF PUBLIC WORKS  
4444 RICE STREET  
MO'OKEA BUILDING, SUITE 275  
LHU'E, KAUAI, HAWAII 96766-1340

October 26, 2006

DONALD M. FUJIMOTO  
COUNTY ENGINEER  
TELEPHONE 241-6800

DEPUTY COUNTY ENGINEER  
TELEPHONE 241-6800



STATE OF HAWAII  
DEPARTMENT OF LAND AND NATURAL RESOURCES  
DIVISION OF STATE PARKS  
POST OFFICE BOX 421  
HONOLULU, HAWAII 96809

October 31, 2006

PETER J. YOUNG  
DIRECTOR  
DEPARTMENT OF LAND AND NATURAL RESOURCES  
DIVISION OF STATE PARKS  
HONOLULU, HAWAII 96809  
DANIEL S. QUINN  
DEPUTY DIRECTOR  
DIVISION OF STATE PARKS  
HONOLULU, HAWAII 96809  
DANIEL S. QUINN  
DEPUTY DIRECTOR  
DIVISION OF STATE PARKS  
HONOLULU, HAWAII 96809  
DANIEL S. QUINN  
DEPUTY DIRECTOR  
DIVISION OF STATE PARKS  
HONOLULU, HAWAII 96809

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

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

Dear Mr. Grimes:

SUBJECT: 6(f)(3) Review of FWHA Project No. 5TP-CM-0700 (51)  
Lydgate to Ahukini Bike/Pedestrian Path, Kaua'i, Hawaii

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.

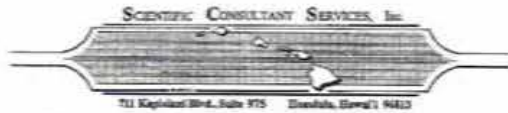
Very truly yours,

  
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

May 1, 2006 10:44AM SCIENTIFIC CONSULTANT SVCS INC No. 2545 P. 2/3



Susan Tasaki  
Acting, Architecture Branch Chief  
State Historic Preservation Division  
Kalaniihewa Building, 601 Kamehaha Blvd., Suite 555,  
Kapolei, Hawaii, 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, Liliue, Kauai

Dear Ms. Tasaki:

Scientific Consultant Services, Inc. (SCS) would appreciate your comments and acceptance on proposed alterations to the Hanamaulu 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 Hanamaulu Stream and second, a drainage ditch along a cane haul road just south of the Kaula Beach Resort in Kaula. 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.

Hanamaulu 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: 808-997-1130 / SCS, 2200 W. ALI DR., SUITE 200, HONOLULU, HI 96819 / FAX: 808-997-1131  
Neighborhood Offices • Honolulu • Maui • Kauai

05/01/06 MON 14:24 [TX/RX NO 2017] 2/003

May 1, 2006 10:44AM SCIENTIFIC CONSULTANT SVCS INC No. 2545 P. 3/7

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 1/2" 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 Kaula Beach Resort in Kaula. 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 Hanamaulu Cane Haul Bridge and the Concrete Box Culvert will be sought at the May 4, 2006 meeting of the Kauai 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

05/01/06 MON 14:24 [TX/RX NO 2017] 2/003

LINDA EGGLE  
DIRECTOR OF DLNR



STATE OF HAWAII  
DEPARTMENT OF LAND AND NATURAL RESOURCES

STATE HISTORIC PRESERVATION DIVISION  
601 KAMOKILA BOULEVARD, ROOM 555  
KAPOLEI, HAWAII 96707

PETER L. YOUNG  
COMMISSIONER  
HAWAIIAN LAND CONSERVATION DEPARTMENT  
DEPARTMENT OF LAND AND NATURAL RESOURCES

ROBERT A. MAHON  
DEPUTY COMMISSIONER

DEAN SARANO  
DIRECTOR OF HISTORIC PRESERVATION

STATE HISTORIC PRESERVATION DIVISION  
601 KAMOKILA BOULEVARD, ROOM 555  
KAPOLEI, HAWAII 96707  
TEL: 808-451-2100  
FAX: 808-451-2101  
WWW.DLNRS.HAWAII.GOV

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; 3-09-09, 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 3

6. Hanalei 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, Waiau Golf Course Tunnel would directly impact a known Hawaiian burial ground. The Kamae/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 Waiau 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,  
  
Melani A. Crown, Administrator  
State Historic Preservation Division

NMJ:ju

cc: Doug Daigh, County of Kauai, Public Works



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



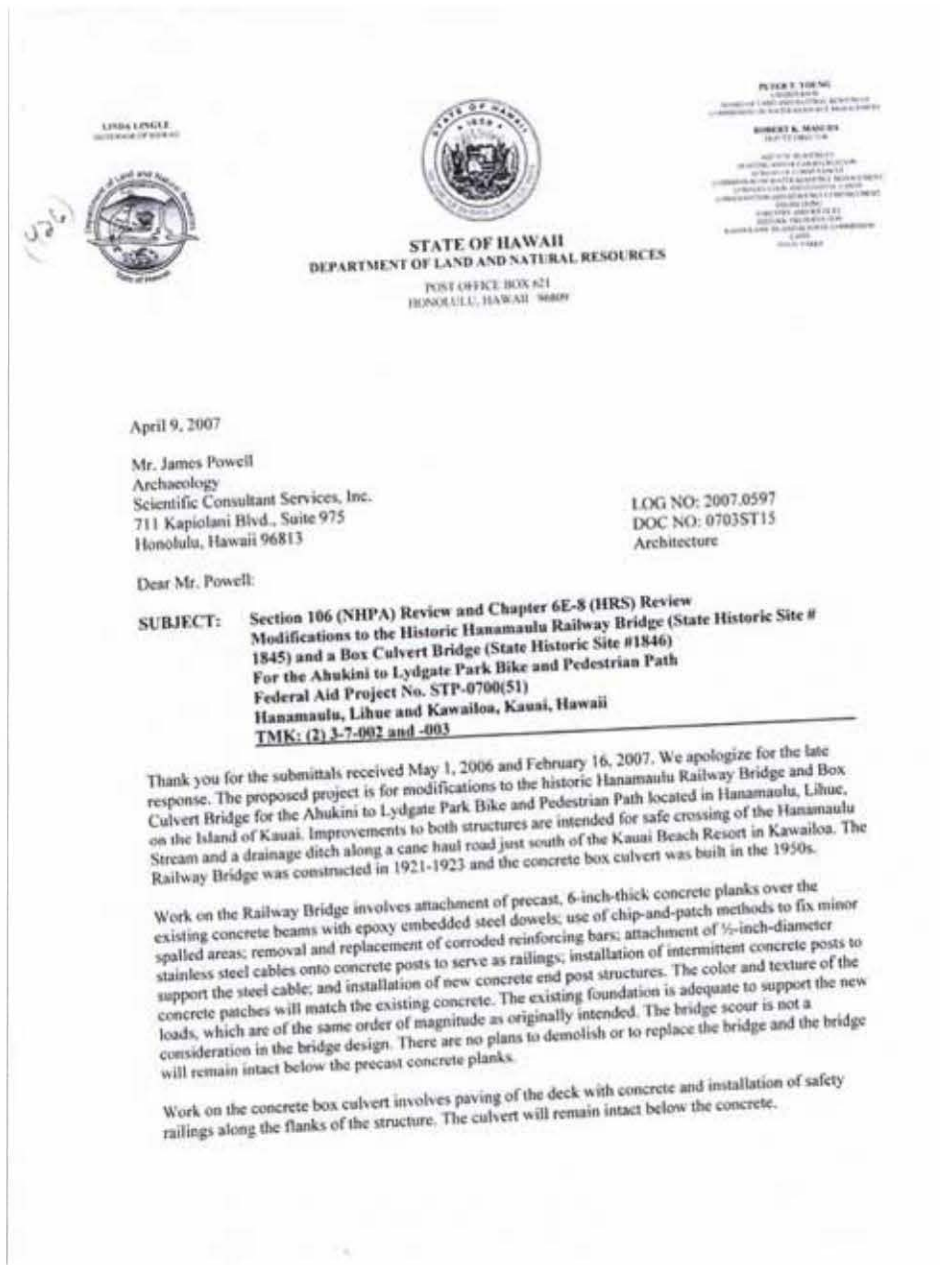
V. Hanamaulu River Bridge: Geotechnical Analysis  
Please see attached

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.





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



April 2, 2007

Job 7141-12  
Stat  
07-TA-0140  
Hawaii Division  
Box 50208  
300 Ala Moana Boulevard, Room 3-308  
Honolulu, HI 96850

In Reply Refer To:  
HEC-FI

RECEIVED

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 Service  
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).

MOVING THE  
AMERICAN  
ECONOMY

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.

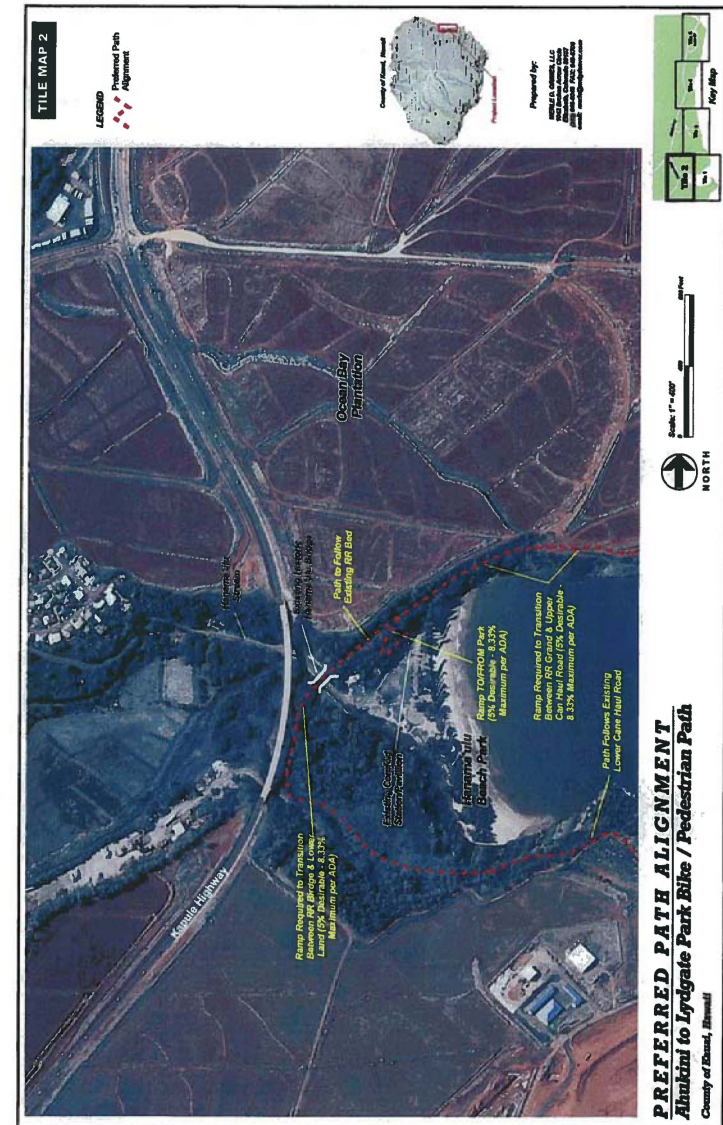
Please contact me at 541-2700, extension 305, if the Service has any comments or questions.

Sincerely yours,

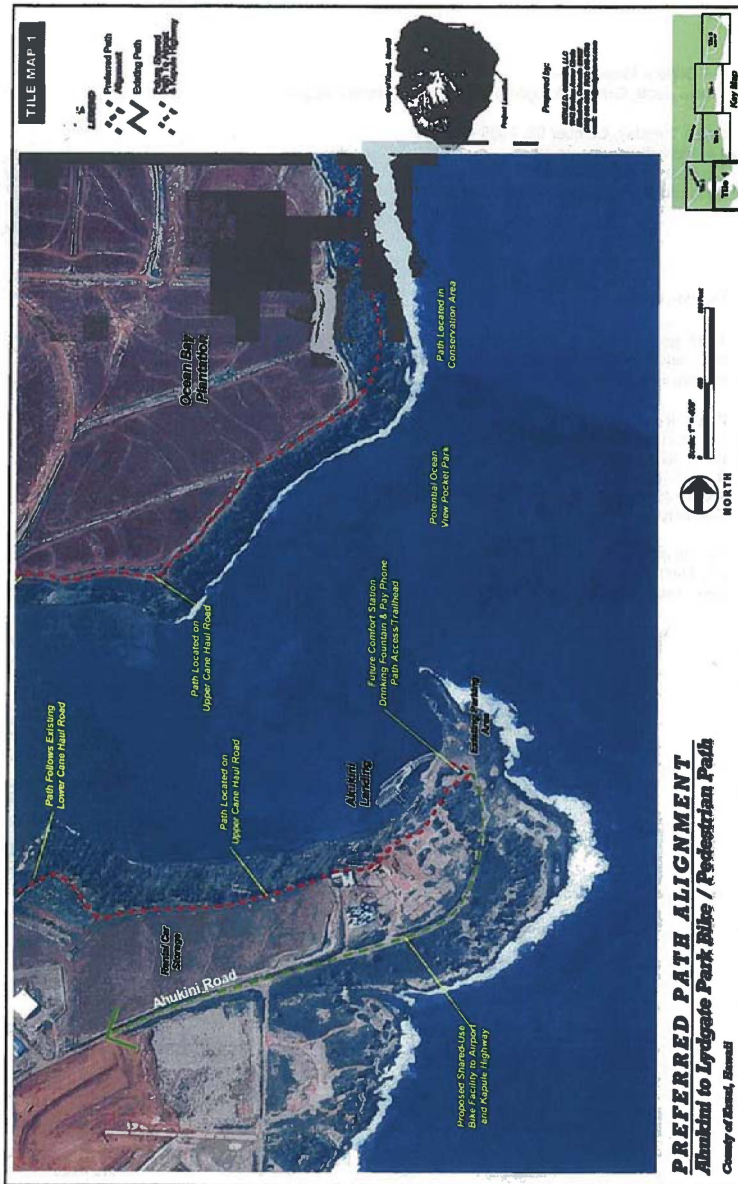
Pat V. Phung, P.E.  
 Transportation Engineer

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 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. 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

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

MAY 4 2007

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 (*Lasiurus cinereus semotis*), 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



RECEIVED  
MAY - 7 2007  
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  
401 KAMOKILA BOULEVARD, ROOM 555  
KAPOLEI, HAWAII 96707

Laura H. Thielen  
Executive Director  
Nancy V. Thiel  
Deputy Director  
Katie A. Kamae  
Deputy Director

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) 2-9-02: 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



Ms. Nancy McMahon  
State Historic Preservation Division  
Kakuheweha Building,  
601 Kamokila Blvd., Suite 555,  
Kapolei, Hawaii, 96707

March 12, 2008

**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 Kawaioloa. 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. Tasaki) 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 FHWA 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, Kauai), 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


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. TSUBI  
FIRST DEPUTY  
KEN C. KAWAHARA  
DEPUTY DIRECTOR - WATER  
AQUATIC RESOURCES  
BOATING AND OCEAN RECREATION  
BUREAU OF COUNTY AFFAIRS  
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:

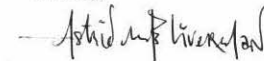
**SUBJECT: Section 106 (NHPA) Consultation  
Federal Highways Administration  
Hanamaulu Railroad Bridge  
Retrofit and Concrete Box Culvert with in the Ahukini-Lydgate Segment of  
the Bike and Pedestrian Path Project  
Hanamaulu, Island of Kauai  
TMK: (2) 3-7-002 and 003**

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 Kawaihoa. 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 proposed 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



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 Kauai 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

LAURA H. THOLEN  
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SPECIALIST  
JENNIFER ANDERSON  
DEPUTY DIRECTOR - SEASIDE  
SPECIALIST  
KATHLEEN H. ANDERSON  
DEPUTY DIRECTOR - SEASIDE  
SPECIALIST

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 Kauai 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.

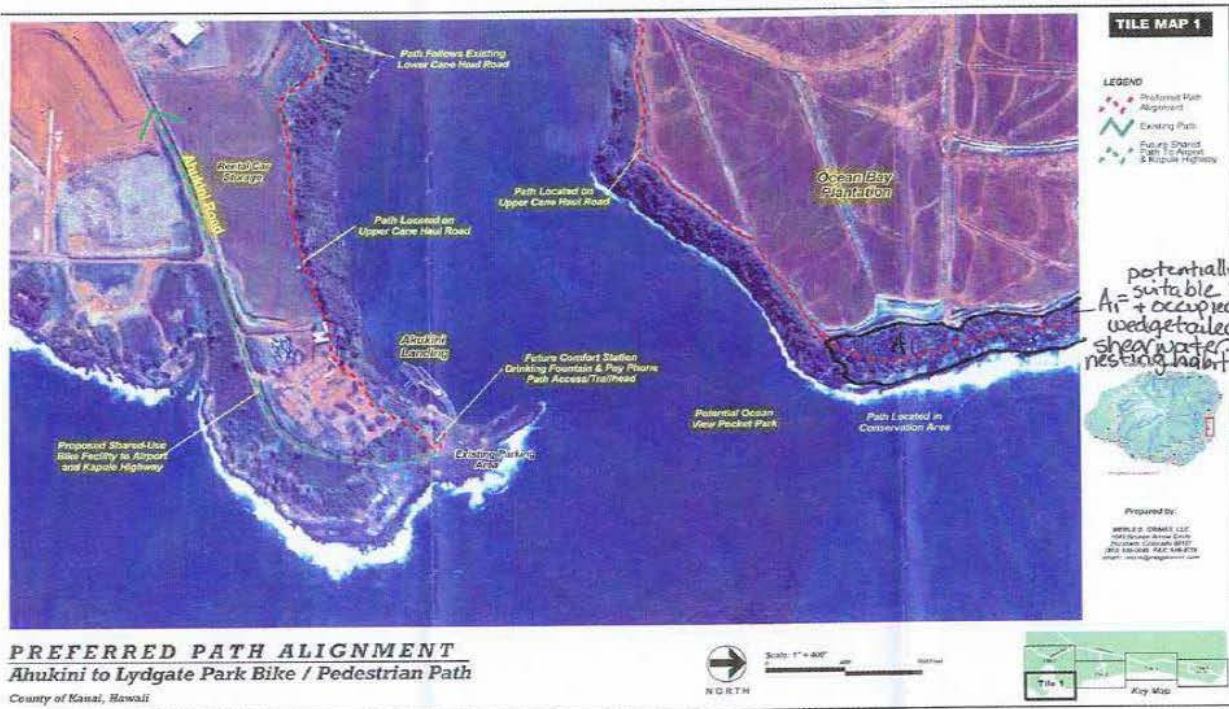
With implementation of these measures, the potential adverse impacts of the proposed project to protected wedge-tailed shearwaters will be mitigated to less than significant levels. It is our hopes that the County of Kauai will collaborate with DOFAW for a long-term seabird habitat management plan for the area.

Sincerely,

Andrea Erichsen

Cc: Thomas Ka'iakapu, Kauai Wildlife Manager







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 Oahu. As the project consultant under contract with the County of Oahu 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





REPLY TO  
ATTENTION OF:

DEPARTMENT OF THE ARMY  
U.S. ARMY CORPS OF ENGINEERS, HONOLULU DISTRICT  
FORT SHAFTER, HAWAII 96858-5440

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 (MHHHL) 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](mailto: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,

*George P. Young*  
 for George P. Young, P.E.  
 Chief, Regulatory Branch

Enclosures

Flowchart  
 RFA Document

