

## DRAFT Memorandum

### Lydgate Park-Kapa'a Bicycle/Pedestrian Path Alignment Decision

#### Planning Process

Alternative alignments were developed and the preferred route selected through a planning process that combined public participation and technical analyses. The planning process included four public information meetings and numerous private meetings with elected and agency officials, members of business and civic organizations, and property owners. The project alternatives and a full range of environmental concerns were discussed and evaluated as mandated by Chapter 343, Hawai'i Revised Statutes (HRS) and the National Environmental Policy Act (NEPA). Project impacts were further reviewed through the County's Special Management Area (SMA) regulatory process.

#### Planning Time Line

January 29, 2004, Public Input and Scoping Meeting 1. Meeting for all members of the community, included a mapping exercise during which participants were asked to draw possible alignments for bike/pedestrian paths and to annotate the map with other suggestions for non-motorized routes in the region. (49 people attended)

March 10, 2004, Public Information Meeting 2. Three alternative alignments were developed based on the first public meeting and analysis by the project team. The alternatives were described to meeting participants, advantages and disadvantages were discussed, and public input solicited. (75 people attended)

June 8, 2004. A Draft Environmental Assessment (DEA) was prepared pursuant to Chapter 343, HRS and NEPA. Potential environmental impacts and proposed mitigation measures were assessed for the no-build and three build alternatives. Notice of availability was published in the OEQC Environmental Notice.

June 8 to July 7, 2004. Thirty-day public review period for the DEA, during which comments were received from 12 government agencies and 31 individuals and organizations.

July 1, 2004, Public Information Meeting 3. This meeting, held during the DEA public review period, provided an opportunity for community feedback in light of more detailed, technical information available in the environmental assessment. (75 people attended)

After reviewing comments received on the DEA, the County selected a preferred alignment consisting of both coastal and mauka sections.

April 23, 2007. Final Environmental Assessment and Finding of No Significant Impact (FEA/FONSI) published in the OEQC Environmental Notice.

Note: No written comments or challenge received during the FEA/FONSI legal review period.

May 23, 2007, Public Information Meeting 4. The Department of Public Works hosted a fourth meeting to give the community a project update because of the lengthy time interval since Public Meeting 3 in July 2004. Four major themes emerged at this meeting: (1) widespread opposition to a connection between Wailua House Lots and the main north-south alignment, (2) continued preference for a coastal path system, (3) concern about locating the path adjacent to Kuhio Highway, and (4) strong interest in developing the East Kaua'i path system in general. (84 people attended)

July 31, 2007. Notice of Public Hearing sent by certified mail to all adjacent Tax Map parcels within 300 feet from project area and interested parties as provided by the County of Kaua'i (among the recipients were Sierra Club of Hawai'i and Judy Dalton). Deliveries were verified on the U.S. Postal Service website. Affidavit of Public Hearing Notification notarized on August 17, 2007.

August 28, 2007. SMA Use Permit Hearing convened by the Planning Commission.

September 11, 2007. Planning Commission Meeting (decision taken on SMA/SSV Permits).

December 2008. Public information meeting for project's design phase.

#### Alternative Path Alignments

The project team considered three route alternatives: (1) a coastal option, (2) a roadway option (on highway shoulder or shared use of low-volume roadways), and (3) a mauka option (adjacent to the inland canal system). Because of severe space limitations within the Kuhio Highway right-of-way,<sup>1</sup> the project team focused on two alternatives within the Wailua Beach section: the coastal and mauka options.

Coastal Alignment. After crossing Wailua River, the path would proceed northward parallel to Kuhio Highway. The path would be designed as a doublewide boardwalk installed on the makai side of an existing low rock wall (which would be extended along the park frontage). The land through this stretch is part of Wailua Beach Park, a County - owned facility. The boardwalk would continue to a point near the old Seashell Restaurant.

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<sup>1</sup> Beginning in mid-2005, the State Department of Transportation (HDOT), together with the County of Kaua'i and Federal Highway Administration (FHWA), undertook a project to widen Kuhio Highway in front of Coco Palms. This project became feasible only with transfer of a strip of land fronting Coco Palms (an abandoned railroad right-of-way) from the Department of Land and Natural Resources to HDOT.

Mauka Alignment. After crossing Wailua River, the path would cross Kuhio Highway at the signalized Kuamo'o Road intersection, continuing mauka on Kuamo'o Road for a distance of approximately 950 feet. The path would then turn north, hugging the east bank of the drainage canal. This alignment follows the mauka boundary of the Coco Palms resort area to Hale'liio Road. A mid-block crossing is required across Hale'liio Road, where the path would continue mauka of Wailua Shopping Plaza. The section immediately west (mauka) of the shopping center is comprised of three privately owned residential parcels that must be acquired in whole or in part.

## **Evaluation of Alternatives**

### **Coastal Alignment Advantages**

- Consistent with original concept of a coastal path embodied in the name of the overall path system: Ke Ala Hele Makalae.
- Bike/pedestrian path links to—and through—public parks from Lydgate Park to Wailua Beach Park to Lihi Park, establishing a coherent network of green spaces.
- Bike/pedestrian path is an asset for Wailua Beach Park, which currently lacks a sidewalk compliant with the Americans with Disability Act (ADA). The beach park is not accessible for disabled persons and seniors who have mobility difficulties.<sup>2</sup>
- Availability of public right-of-way.
- Wailua Beach is within a scenic corridor enjoyed by motorists; bike/pedestrian path would enable bicyclists and pedestrians to enjoy view planes
- Because of the distance from waters' edge, people who stay on the path are less likely to disturb or interact with any endangered monk seal that may have hauled out at Wailua Beach. (Reference letter from National Marine Fisheries Service dated July 15,2005)

### **Disadvantages**

- Seasonal wave conditions are a concern, but the boardwalk can be engineered for safety of users and the environment.

EA: Summary of Environmental Concerns

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<sup>2</sup> The recreation purpose of Wailua Beach is related to its origins as part of Wailua River State Park, later transferred to County via Executive Order. In the 1960s, Land and Water Conservation Funds (LWCF) were used to improve park property—and subsequent conversions to non-recreation use are subject to Section 6(f) restrictions. The bike/pedestrian path is an acceptable recreational use according to the U.S. Dept of Interior.

Archaeological and Cultural Resources: A formal consultation process involving historic and cultural organizations and stakeholders was completed in accordance with Section 106 of the National Historic Preservation Act. The process culminated in a fully executed Memorandum of Agreement with the State Historic Preservation Officer which stipulates an archaeological monitoring plan and burial treatment plan to address the preservation of any burials or other human remains encountered during the course of the project.

(Reference:

Appendix C of the FEA for full documentation of the Section 106 consultation process.)

Coastal Resources: Office of Conservation and Coastal Lands (OCCL), by letter dated July 1, 2004, states:

OCCL recognizes the value of a common coastal thoroughfare and support the effort to offer alternative transportation corridors for this area. In this regard we support Alternative 1 (coastal alignment in general concept)...

The area from Waialua [sic] River to the Sea Shell restaurant is identified as being low elevation and subject to wave events. Describe how coastal hazards will be accounted for this area? [sic] The OCCL recommends an elevated boardwalk for this section of pathway.

### **Mauka Alignment Advantages**

- The mauka alignment offers the unique ambiance of the coconut grove which has historic value that could be incorporated into path's interpretive program.

### **Disadvantages**

- Right-of-way for a mauka alignment is problematic. There are severe space constraints along Kuamo'o Road; any expansion would encroach on the Coco Palms property. Routing the path mauka of Wailua Shopping Plaza would require acquisition of three residential properties at an estimated (ballpark) cost of \$3 million and also displace three households.
- A basic principle of path lay out is to avoid mid-block crossings wherever possible. The mauka alignment has two mid-block crossings, compared to one for the coastal alignment.
- The mauka alignment is 50% longer—3,900 feet compared to 2,600 feet for the coastal alignment. The extra length inflates the initial construction cost, as well as long-term operation and maintenance costs.
- Burials have been discovered adjacent to Coco Palms and Kuhio Highway. The burials are thought to correlate with the documented historic sand dune burial area,

Mahunapu'uone. In addition to sandy sediments along the coastline, isolated burials inland have been found, including locations of former kuleana, particularly in Wailua mauka of Coco Palms. Strong opposition to the mauka alignment was expressed by the Office of Hawaiian Affairs. During a Section 106 briefing, staff members Heidi Kai Guth and Matthew Myers reported that OHA had consulted with cultural practitioners and conducted a site visit of the project area (Reference Summary of Section 106 Consultations and Finding of Adverse Effect dated September 23, 2004). The cultural practitioners favored routes as far away as possible from Coco Palms, where bones are likely to be found. For this reason the path along the drainage canal mauka of Coco Palms were of concern (p. 9).

### **Conclusion: Alignment Decision**

The advantages were overwhelmingly in favor of the coastal alignment through Wailua Beach Park. Concerns about the coastal alignment, such as high wave events and the potential for inadvertent discovery of burials, could be mitigated adequately. In contrast, the mauka alignment offered few benefits. More consequentially, the mauka alignment was dismissed in deference to OHA and the cultural practitioners who were deeply concerned about encountering burials in the Coco Palms area and opposed the route along the drainage canal.