

**Lydgate Park-Kapa'a
Bike/Pedestrian Path
Review of Planning Process**

Public Meeting Monday, December 7, 2009

Time Line Overview: Planning Phase

**Jan 29,
2004**

Public planning process begins
Meeting 1: Public Information and Scoping
Mapping session to identify potential routes

**March 10,
2004**

Meeting 2: Public Information and Follow Up
Presentation and discussion of 3 path alternatives

**June 8,
2004**

Draft Environmental Assessment (DEA)
Released for public review and comment

**July 1,
2004**

Meeting 3: Public Information and Review of the DEA
Q&A on the DEA—more than 40 questions and comments fielded. Additionally, DEA received 43 written comments.

Time Line Overview: Planning Phase

2005-2006

- Consideration of EA comments
- Completion of federal environmental compliance measures
- Coordination with Kuhio Highway short-term improvements

**June 21,
2006**

Memorandum of Agreement (MOA) submitted to the Advisory Council on Historic Preservation under Section 106, National Historic Preservation Act

**April 23,
2007**

Final Environmental Assessment and Finding of No Significant Impact (FONSI) issued by County

**May 23,
2007**

Meeting 4: Public Information and Project Status
Project update; changes from the FEA

**Aug 28,
2007**

Public Hearing on Special Management Area (SMA) and Shoreline Setback Variance (SSV) Permit applications before the Kaua'i Planning Commission

**Sep 10,
2007**

FHWA issues FONSI

**Sep 11,
2007**

Kaua'i Planning Commission approves SMA/SSV permits

Project transitions to the Design Team

Section 106 Process

“Section 106” of the National Historic Preservation Act (NHPA) requires federal agencies to examine the effects of federally funded activities and programs on significant historic properties

“Significant historic properties” are properties included in, or eligible for, the National Register of Historic Places.

Wailua Beach is not on the National or State Register of Historic Places.

Purpose of the Section 106 Review and Consultation Process

- To balance historic preservation concerns with the needs of federal projects
- To identify potential conflicts between federal projects and historic preservation
- To resolve any conflict in the public interest

How does the Section 106 process Work?

- Determine if project activities are covered by Section 106. If yes, initiate process.
- Gather information on which properties are listed in, or eligible for, the National Register of Historic Places. If no such properties in the project area, Section 106 is not needed.
- If there are eligible properties, determine how these historic properties might be affected by the project.
- If historic properties will be adversely affected, consult with other parties and explore alternatives to avoid or reduce harm.
- Finally, work on an agreement (MOA) with the state Historic Preservation Officer on appropriate measures to mitigate any adverse effects to historic properties.

Consulted Parties in the Section 106 Process

- Advisory Council on Historic Preservation
- DLNR State Historic Preservation Division
- DLNR State Parks
- Friends of Lydgate Park
- Halau Kanikapahuolohi'au, Pohaku Nishimitsu
- Historic Hawai'i Foundation
- Hui Malama I Na Kupuna O Hawai'i Nei
- Kauai'i County Planning Department
- Kaula'i Heritage Center, L. Kehaulani Kekua
- Kaula'i Historic Preservation Review Commission
- Kaula'i Historic Society
- Kaula'i-Ni'ihau Island Burial Council
- Na Kahu Hikinaakala (citizen caretaker group)
- Office of Hawaiian Affairs

Signatories to the Section 106 MOA

- Federal Highway Administration (FHWA)
- State Historic Preservation Officer

Concurrence by: County of Kauaʻi, Department of Public Works

- OHA asked to be a signatory to the MOA at a meeting in June 25, 2004.
- OHA commented on the Draft MOA (letter dated Feb 23, 2005)
 - Supported stipulations regarding an archaeological monitoring plan and burial treatment plan
 - Supported “dropping the route alternative along the drainage canal, *mauka* of Coco Palms, in response to concerns about encountering *iwi kupuna...*”
 - Raised no substantive concerns
 - OHA informed FHWA of decision against being a concurring party (letter dated July 31, 2006).

Wailua Beach Issues

Mayor Carvalho met with community members to discuss concerns about the path alignment across Wailua Beach, July 21, 2009.

Concerns:

- The region of Wailuanuiaho‘ano is a significant, beloved, and revered place deserving of the highest respect.
- Beach should remain intact for future generations to enjoy.
- Lack of information about the extent of the Mahunapu‘uone burial ground.
- Prudence of installing path in area subject to coastal processes (erosion, rising sea level) is questioned.

Agency Views on the Wailua Beach Path

OHA
2-23-05

“OHA further thanks you for listening to the concerns of our beneficiaries, and addressing the issue of inadvertent finds of *iwi kupuna* in the MOA; dropping the route alternative along the drainage canal, *mauka* of Coco Palms, in response to concerns about encountering *iwi kupuna*; and for fully representing all of the issues addressed by concerned community members.”

OHA
9-8-09

Recommends “that any pedestrian or bicycle path stay off of and away from Wailua Beach and away from the sacred sands of Wailua, and that any such project occur in a more *mauka* alignment, towards an existing cane haul road.”

Agency Views on the Wailua Beach Path

**Kauai
DPW
9-24-09**

Asks SHPD to advise on the status of the existing MOA and County's obligations with respect to laws on historic and cultural resources.

**SHPD:
10-19-09**

MOA remains valid unless alignment is altered, in which case Amendment and Termination stipulations apply.

Numerous archaeological studies have documented known, significant sites *mauka* of the highway.

“With due respect for OHA’s concerns, SHPD believes that a *mauka* alignment has greater potential to disturb historic sites than the currently proposed alignment *makai* of Kuhio Highway along Wailua Beach.”

Support for the Wailua Beach Path

Mayor Carvalho has also heard from community members who support the proposed path route as planned.

Benefits:

- Enhances lateral coastal access.
- Wailua Beach is an existing and popular recreation area, but excludes disabled persons (ADA), seniors, and others with mobility challenges. The planned path would be ADA-compliant.
- Realizes the original concept of Ke Ala Hele Makalae, the coastal path system. Completed sections are used and enjoyed by many people.
- Extends a link to—and through—public parks from Lydgate Park to Wailua Beach Park to Lihi Park; creating a network of green spaces.

Wailua Beach Decision

- Path alignment will be constructed along Wailua Beach, as close as possible to Kuhio Highway.
- Decision based on all information received and considered to date.
- Mayor has authorized an Archaeological Inventory Survey of the *makai* path alignment, to be completed prior to construction.
- Cultural monitors will be on site for all subsurface construction in Wailua Beach, and as specified in archaeological monitoring plan approved by SHPD.