

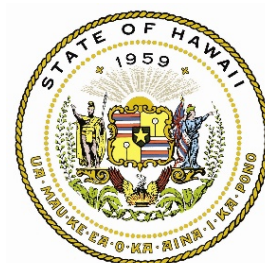
## Conservation District Use Application

### Ahukini-Lydgate Park Bicycle and Pedestrian Path

May 2022

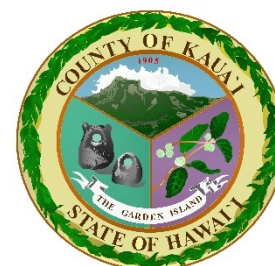
**SUBMITTED TO:**

State of Hawai'i,  
Department of Land and Natural Resources  
Office of Conservation and Coastal Lands  
1151 Punchbowl St., Room 131  
Honolulu, HI 96813



**PREPARED FOR:**

County of Kaua'i,  
Department of Public Works  
4444 Rice St., Suite 275  
Līhu'e, Hawai'i 96766



**SUBMITTED BY:**

SSFM International, Inc.  
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Honolulu, Hawaii 96817  
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# **1.0 CONSERVATION DISTRICT USE APPLICATION**



## CONSERVATION DISTRICT USE APPLICATION (CDUA)

All permit applications shall be prepared pursuant to HAR 13-5-31

File No.:

Acceptance Date:

180-Day Expiration Date:

Assigned Planner:

for DLNR Use

### PROJECT NAME Ahukini-Lydgate Park Bicycle and Pedestrian Path

Conservation District Subzone: Limited, General, Resource, and Undesignated

Identified Land Use: P-6 Public Purpose Uses, Item (D-1)

(Identified Land Uses are found in Hawai'i Administrative Rules (HAR) §13-5-22 through §13-5-25)

Project Address:

Tax Map Key(s): (4) 3-7-002:002, (4) 3-5-001:008, (4) 3-5-001:159, (4) 3-7-002:001, (4) 3-7-003:001, (4) 3-7-003:008, (4) 3-9-005:001, (4) 3-9-005:002, (4) 3-9-005:009, (4) 3-9-002:004

Ahupua'a: Hanamā'ulu and Wailuā

District: Līhu'e

County: Kaua'i

Island: Kaua'i

Proposed Commencement Date: August 2022

Proposed Completion Date: August 2023

Estimated Project Cost: \$20 million

### TYPE OF PERMIT SOUGHT



Board Permit



Departmental Permit

### ATTACHMENTS

\$ 2,500 Application Fee. 2.5% of project cost for Board Permits, but no less than \$250, up to a maximum of \$2500; \$250 for Departmental Permits (ref §13-5-32 through 34).

\$ \_\_\_\_\_ Public Hearing Fee (\$250 plus publication costs; ref §13-5-40)



20 copies of CDUA (5 hard + 15 hard or digital copies)



Draft / Final Environmental Assessment (EA) or Draft / Final Environmental Impact Statement (EIS) or Statement of Exemption



State Historic Preservation Division HRS 6E Submittal Form (dlnr.hawaii.gov/shpd/review-compliance/forms)



Management Plan or Comprehensive Management Plan (ref §13-5-39) if required



Special Management Area Determination (ref Hawai'i Revised Statutes 205A)



Shoreline Certification (ref §13-5-31(a)(8)) if land use is subject to coastal hazards.



Kuleana documentation (ref §13-5-31(f)) if applying for a non-conforming kuleana use.

☐ Boundary Determination (*ref §13-5-17*) if land use lies within 50 feet of a subzone boundary.

## REQUIRED SIGNATURES

### Applicant

Name: County of Kauai

Title; Agency: Department of Public Works

Mailing Address: 4444 Rice Street, Suite 275


Līhu'e, Hawai'i 96766

Contact Person & Title: Wade Lord, Capital Improvements Program Manager

Phone: (808) 241-4906

Email: wlord@kauai.gov

Interest in Property: Proposed site for the shared use path

Signature:  Digitally signed by Wade Lord  
Date: 2022.01.20 16:30:50 -10'00' Date: January 20, 2022

*Signed by an authorized officer if for a Corporation, Partnership, Agency or Organization*

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### Landowner (if different than the applicant)

Name:

Title; Agency:

Mailing Address:

Phone:

Email:

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

*For State and public lands, the State of Hawai'i or government entity with management control over the parcel shall sign as landowner.*

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### Agent or Consultant

Agency: SSFM International, Inc.

Contact Person & Title: Jared Chang, Planner

Mailing Address: 501 Sumner, Suite 620

Honolulu, Hawai'i 96817

Phone: 808-356-1242

Email: jchang@ssfm.com

Signature:  Date: 1/21/22

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### For DLNR Managed Lands

#### State of Hawai'i

Chairperson, Board of Land and Natural Resources  
State of Hawai'i  
Department of Land and Natural Resources  
P.O. Box 621  
Honolulu, Hawai'i 96809-0621

**Signature:** \_\_\_\_\_ **Date:** \_\_\_\_\_

## PROPOSED USE

Total size/area of proposed use (indicate in acres or sq. ft.): Approximately 18-acres

Please provide a detailed description of the proposed land use(s) in its entirety. Information should describe what the proposed use is; the need and purpose for the proposed use; the size of the proposed use (provide dimensions and quantities of materials); and how the work for the proposed use will be done (methodology). If there are multiple components to a project, please answer the above for each component. Also include information regarding secondary improvements including, but not limited to, grading and grubbing, placement of accessory equipment, installation of utilities, roads, driveways, fences, landscaping, etc.

Attach any and all associated plans such as a location map, site plan, floor plan, elevations, and landscaping plans drawn to scale (*ref §13-5-31*).

The County of Kauaʻi, Department of Public Works (DPW) plans to develop a shared-use bicycle and pedestrian path between Ahukini Landing and Lydgate Park (“project”). The project is a key segment of Ke Ala Hele Makalae, a coastal shared-use path that will span Kauaʻi’s eastern coastline from Nāwiliwili to Anahola. The project will benefit residents and visitors by preserving coastal access, creating a new safe recreational resource and supporting alternate modes of transportation. In addition, the path will provide health benefits through exercise, education and learning from interpretive signs located along the path, ecotourism and improved ecological health from design concepts that protect and enhance the environment.

The proposed path will consist of a 10 to 12-foot wide concrete shared-use path that will begin at Ahukini Point and end by connecting with an existing path segment to the north at Lydgate Park, spanning a total distance of approximately 6.7 miles. Other design elements will include trailheads and three comfort stations. A historic bridge and culvert would be restored (SIHP 50-30-08-1845 Hanamāʻulu Railroad Bridge and SIHP 50-30-08-1846 a historic concrete box culvert) for path use. Improvements to the Hanamāʻulu Railroad Bridge include widening of the deck to a width of 12-feet, installation of concrete planks to provide stability to the existing structure and the addition of safety railings. The historic concrete box culvert structure will be left intact, but will include improvements such as the addition of concrete deck pavement and safety railings. Improvements would be made to the parking lot at Marine Camp, and to the entrance and lower parking lot at Wailuā Golf Course. Wailuā Golf Course improvements include grading, paving, striping, and new signage and landscaping. Low maintenance materials would be used including wood, composite plastics, stainless steel, and concrete. Safety and security fencing will also be installed in various areas along the path including the beginning of the path at Ahukini Point and areas that run along Kapule/Kūhiō Highway. The fencing will range in heights from 4 - 10-feet. The attached location map shows the proposed alignment of the path along with the location of the comfort stations and fencing.

The County of Kauaʻi's Water Department will supply adequate water to the path project. Wastewater from the comfort stations will use septic tanks and leach fields. Power and electricity will plug in to the existing lines along Kapule/Kūhiō Highway, which has adequate capacity to serve the project. The path will be routed around any major trees whenever possible. Trees that are one-foot or greater will be moved to a nearby location if they cannot be avoided. Landscaping buffers will be placed on the golf course side of the fencing, where appropriate, and native plants will be used for new plantings where feasible.



## EXISTING CONDITIONS

Please describe the following, and attach maps, site plans, topo maps, colored photos, and biological or archaeological surveys as appropriate:

### Existing access to site:

Access to the path by motorized vehicles can be accomplished in several locations along the corridor, including Ahukini Point, Hanama'ulu Beach Park, Marine Camp, Kaua'i Beach Resort Hotel, Wailuā Golf Course, and Lydgate Park.

### Existing buildings/structures:

The proposed path starts near Ahukini Recreational Pier State Park, which has a fishing pier and jetty. As the path approaches Hanamā'ulu Beach Park it will be elevated to cross over the existing Hanamā'ulu Railroad Bridge. The path will cross over two existing culverts; one is where the path meets Kaua'i Beach Road from the undeveloped EWM Kaua'i LLC parcel, and another is further down Kaua'i Beach Road as the path approaches Wailuā Motocross Track. As the path approaches Kūhiō Highway it starts to run along the mauka border of the Wailuā Golf Course, where it eventually crosses through the existing parking lot for the golf course. The majority of the path traverses through undeveloped land and along the perimeter of developed parcels, namely the Wailuā Golf Course.

### Existing utilities (electrical, communication, gas, drainage, water & wastewater):

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

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

### Physiography (geology, topography, & soils):

#### Topography

The topography varies along the path corridor. The terrain is hilly at the north end of the project and around the Lydgate Play Bridge Structure. The land becomes relatively flat along Kuhio Highway, through the golf course and onto the Wailuā Motocross Track site. Moving south, the topography rises at the Kaua'i Beach Resort and then runs in a steady, but slight incline across the coastal bluff towards the Hanama'ulu Railroad Bridge. At the south end of the bridge, the topography drops dramatically to then meet the airport property. Above the Ahukini Point fishing pier, the land flattens out again across the bluff.

#### Geology

The geology of the preferred alignment is mainly underlain by alluvial deposits consisting of recent and older alluvium as described above. The older alluvial deposits are more consolidated and stiffer in consistency compared to the recent alluvial deposits. The southern portion of the path alignment is underlain by basalt rock formation of the Kōloa Volcanic Series. The presence of residual and saprolitic soils near the ground surface is anticipated. These soils are developed from the in-situ weathering of the basalt formation. In addition, the northern portion of the path alignment near

Lydgate Park is underlain by a dune sand deposit. Recent alluvial deposits may be encountered further inland from the shoreline near the Kawaihoa area and within the Hanama'ulu Stream area. The recent alluvial deposits tend to be soft in consistency and compressible. In addition, basalt rock formation of the Kōloa Volcanic Series may be encountered along the southern portion of the path alignment at the sides of Hanama'ulu Bay.

## Soils

The area of the path covers multiple different types of soils, listed as follows:

- Dune land (DL): Consists of hills and ridges of sand-size particles drifted and piled by wind. The hills and ridges are actively shifting or are so recently fixed or stabilized that no soil horizons have developed. The sand is dominantly from coral and seashells. This miscellaneous land type occurs in coastal areas on the islands of Maui and Kaua'i. Elevations range from nearly sea level to 150 feet. The annual rainfall amounts to 15 to 90 inches. This land type is used for wildlife habitat and recreational areas and as a source of liming material. Vegetation is sparse, but ironwood trees, koa haole, tropical almond, kiawe, and mixed grasses have gained a foothold in places.
- Fill land (Fd): Consists mostly of areas filled with bagasse and slurry from sugar mills. A few areas are filled with material from dredging and from soil excavations. Generally, these materials are dumped and spread over marshes, low-lying areas along the coastal flats, coral sand, coral limestone, or areas shallow to bedrock.
- Hanalei silty clay, 0 to 2 percent slopes (HnA): This soil is on stream bottoms and flood plains. Included in the areas mapped on Kaua'i along the Waimea River and in Waipaoiki Valley are small areas where the surface layer is 8 to 10 inches of reddish-brown silty clay. Included in the areas mapped on O'ahu were small areas of very deep, well-drained alluvial soils and small areas of very poorly drained to poorly drained clay soils that are strongly mottled and are underlain by peat, muck or massive marine clay. Permeability is moderate. Runoff is very slow, and the erosion hazard is no more than slight. The available moisture capacity is about 2.1 inches per foot of soil. Roots penetrate to the water table. Flooding is a hazard. This soil is used for taro, pasture and sugarcane.
- Kalapa silty clay, 40 to 70 percent slopes (KdF): This soil is on uplands. Permeability is moderately rapid. Runoff is very rapid, and the erosion hazard is severe to very severe. In places roots penetrate to a depth of 5 feet or more. This soil is used for water supply, pasture and woodland.
- Koloa stony silty clay, 8 to 15 percent slopes (KvC): On this soil, runoff is medium and the erosion hazard is moderate. This soil is used for irrigated sugarcane.
- Koloa stony silty clay, 15 to 25 percent slopes (KvD): On this soil, runoff is medium and the erosion hazard is moderate to severe. Included in mapping were small areas where the slope is more than 40 percent. This soil is used for irrigated sugarcane, pasture, woodland, and wildlife habitat.
- Lihue silty clay, 0 to 8 percent slopes (LhB): This soil is on the tops of broad interfluvies in the uplands. Permeability is moderately rapid. Runoff is slow, and the erosion hazard is no more than slight. The available water capacity is about 1.5 inches per foot of soil. In some places, roots penetrate to a depth of 5

feet or more. This soil is used for sugarcane, pineapple, pasture, truck crops, orchards, wildlife habitat, and homesites.

- Mokuleia fine sandy loam (Mr): This soil occurs on the eastern and northern coastal plains of Kauaʻi. It is nearly level. This soil has a profile like that of Mokuleia clay loam, except for the texture of the surface layer. Permeability is moderately rapid in the surface layer and rapid in the subsoil. Runoff is very slow, and the erosion hazard is slight. The available water capacity is about 1 inch per foot in the surface layer and 0.7 inch per foot in the subsoil. This soil is used for pasture.

- Mokuleia clay loam, poorly drained variant (Mta): This soil occurs on Kauaʻi. It is nearly level. The soil is poorly drained, and in this way, it differs from other soils of the Mokuleia series. This soil is used for sugarcane, taro and pasture.

- Rough Broken Land (rRR): Consists of very steep land broken by numerous intermittent drainage channels. In most places it is not stony. It occurs in gulches and on mountainsides on all the islands except Oʻahu. The slope is 40 to 70 percent. Elevations range from nearly sea level to about 8,000 feet. The local relief is generally between 25 and 500 feet. The soils are variable, and they are 20 to 60 inches deep over soft, weathered rock. In most places some weathered rock fragments are mixed with the soil material. Runoff is rapid, and geologic erosion is active. The annual rainfall amounts to 25 to 200 inches. This land type is used primarily for watershed, wildlife habitat and sugarcane production.

- Rock Outcrop (rRO): Consists of areas where exposed bedrock covers more than 90 percent of the surface. It occurs on all five islands. The rock outcrops are mainly basalt and andesite. This land type is gently sloping to precipitous. Elevations range from nearly sea level to 10,000 feet. This land type is not suited to farming, but is used for water supply, wildlife habitat and recreation.

#### Hydrology (surface water, groundwater, coastal waters, & wetlands):

The alignment of the proposed bicycle and pedestrian path lies within two watersheds, the Hanama'ulu and Kawaihoa watershed, as described below:

Hanama'ulu watershed: This watershed contains the Hanama'ulu Stream that will be traversed approximately 25 feet above the drainage canal and along an existing bridge.

Kawaihoa watershed: This watershed contains one drainage ditch and one drainage canal that will be traversed along the proposed alignment. The drainage ditch flows adjacent to Hilton Lane. The drainage canal flows south of the Wailuā Motocross Track site located near the Kauaʻi Beach Resort. The path will cross over the drainage canal on an existing abandoned cane haul concrete box culvert bridge. According to the U.S. Geological Survey topographical map of the area, another drainage canal traverses the EWM Kauaʻi LLC parcel, flowing to the southeast. The canal terminates mauka of the cane haul road and railroad grade intersections. This drainage most likely functioned as a means for irrigation for the cane haul fields. The drainage will not be traversed along the proposed path alignment.

Flora & fauna (indicate if rare or endangered plants and/or animals are present):

The vegetation along the corridor is a mixture of native and introduced species. According to Dr. David Lorence, Director of Science and Chair of Botany at the National Tropical Botanical Garden, there are no known terrestrial rare or endangered plants where the project is located. In addition, no concerns were identified from the U.S. Fish and Wildlife Service (USFWS).

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

Rock Outcrop: This vegetation community is located along the coastal bluff of the EWM Kaua'i LLC property.

Trees: ironwood (*Casuarina equisetifolia*), tree heliotrope (*Tournefortia argentea*)

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

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

Forested Areas: This vegetation community is located along the Hanamā'ulu Bay and where the path extends into Conservation Land on the north side of the EWM Kaua'i LLC property heading towards Kaua'i Beach Road.

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

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

Abandoned Sugar Cane Fields: This vegetation community exists along the old cane haul roads that will be used for sections of the path corridor. These roads occur mauka of Ahukini State Recreation Pier, at the south end of the EWM Kaua'i LLC property, and where Kaua'i Beach Road ends and turns into a cane haul road mauka of the existing motocross facility.

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

Understory: guinea grass, lantana (*Lantana camara*), California grass (*Brachiaria mutica*), molasses grass (*Melinis munutiflora*)

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

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

Shrubs: naupaka

Understory: bermuda grass species, aki aki grass

Disturbed Sites: These areas have been highly disturbed from development and include the Kaua'i Beach Hotel and Resort, Kaua'i Beach Villas, the Wailuā Golf Course, and along Kūhiō Highway. The resort, villas and golf course consist mainly of grassy lawns and landscaping. Kūhiō Highway is bordered by a thick mass of guinea grass.

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

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

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

Another study was conducted for the Ocean Bay Plantation EIS (EWM Kaua'i LLC property) in 2001. Three endangered avian species were documented in this area, including the Hawaiian Coot (*Fulica alai*), the Hawaiian Petrel (*Pterodroma phaeophaea sandwichensis*) and Newell's Shearwater. The Wedge-tailed Shearwater, or the 'ua'u kani (*Puffinus pacificus*), is an indigenous breeding seabird that was also documented in the area. Another protected avian species in the area is the Nene (*Nesochen sandvicensis*).

#### Natural hazards (erosion, flooding, tsunami, seismic, etc.):

The natural hazards endemic to all of Hawai'i includes tsunami action. In areas near the proposed path, the historical tsunami runup heights range from 0 to 16 feet. Coastal portions of the alignment are located within the tsunami inundation zone.

Most of the proposed path alignment is within the FEMA Flood Zone X areas, and the path will not encroach on the base flood plains as defined in 23 CFR Part 650, thus a majority of the path is not expected to obstruct floodwaters during extreme rain. Three areas of the path will be within Zone AE areas; at Ahukini Point, between Hanamā'ulu Beach Park and Kapule Highway, and near the intersection of the path and Kailua Bach Road.

Except for the bridges and the proposed comfort stations, the path alignment is flat and not vulnerable to hurricane high wind action.

The Kaua'i Shoreline Study Erosion Maps indicate that the Nukolii study area experiences erosion at an average rate of -0.9 ft/yr., and the Lydgate study area experiences erosion at an average rate of -0.4 ft/yr.

#### Historic & cultural resources:

##### Historic Resources:

The proposed path will traverse three historical sites; State Inventory of Historic Places (SIHP) 50-30-08-1845 the Hanamā'ulu Railroad Bridge, SIHP 50-30-1846 a historic concrete box culvert associated with sugar cane production, and SIHP 50-30-08-103 a human remains reinternment site at Wailuā Golf Course.

During the topographic survey conducted for the pre-final design, an undetermined and potentially historic structure was located around the 100-foot mark along the path, within the parcel identified as TMK 3-5-001:008. In addition, the concrete culvert that meets Kaua'i Beach Road from the undeveloped EWM Kaua'i LLC parcel is an undetermined and potentially historic structure. Further research and investigation is currently being conducted to determine the historical value of these structures. Should the structures be determined to be historical, DPW will coordinate with the appropriate agencies for historic preservation review and mitigation measures to be followed during the final design and construction of the proposed path.

##### Cultural Resources:

Hanama'ulu translates as "tired (as from walking) bay" and is said to be the birthplace of the hero

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

## EVALUATION CRITERIA

The Department or Board will evaluate the merits of a proposed land use based upon the following eight criteria (*ref §13-5-30(c)*)

1. The purpose of the Conservation District is to conserve, protect, and preserve the important natural and cultural resources of the State through appropriate management and use to promote their long-term sustainability and the public health, safety, and welfare. (*ref §13-5-1*) How is the proposed land use consistent with the purpose of the conservation district?

The project does not involve an irrevocable commitment to loss or destruction of any natural or cultural resources. As previously stated, the proposed path will traverse three historical sites; State Inventory of Historic Places (SIHP) 50-30-08-1845 the Hanamā'ulu Railroad Bridge, SIHP 50-30-01846 a historic concrete box culvert associated with sugar cane production, and SIHP 50-30-08-103 a human remains reinternment site at Wailuā Golf Course. The Hanamā'ulu Bridge and historic concrete box culvert will undergo retrofitting and restoration, including widening of the deck and addition of a safety railing. The reinternment site will not be directly affected, but the path alignment will cross within 30 feet of the site. Minimal impact with no adverse effect is expected for the historic sites. Two undetermined and potentially historic sites are currently being researched and investigated to determine its historical value. Should these structures be determined to be historic, DPW will coordinate with the appropriate agencies for historic preservation review and mitigation measures to be followed during the final design and construction of the path.

In addition, the existing parks near the proposed path will not be impacted and will be accessible from the path itself. The proposed path is not expected to have significant negative impacts on view planes or scenic corridors, but rather, it will provide greater opportunities for the public to experience and appreciate the natural surroundings.

2. How is the proposed use consistent with the objectives of the subzone of the land on which the land use will occur? (*ref §13-5-11 through §13-5-15*)

Limited (L) subzone: "The objective of this subzone is to limit uses where natural conditions suggest constraints on human activities." Portions of the path that are within the limited subzone include the area from Ahukini Point to Hanamā'ulu Bay and the segment that runs along the border of Wailuā Golf Course. The path is consistent with the objective of this subzone since it allows for only a restricted amount of uses and human activities to occur, including walking, running and biking.

General (G) subzone: "The objective of this subzone is to designate open space where specific conservation uses may not be defined, but where urban use would be premature." Portions of the path that are within the general subzone include the area from Ahukini Point to the southern outskirt of Hanamā'ulu Bay. The path is consistent with the objective of this subzone since it allows for only the use of walking, running and biking.

3. Describe how the proposed land use complies with the provisions and guidelines contained in chapter 205A, HRS, entitled "Coastal Zone Management" (*see 205A objectives on p. 9*).

Please see Section 4.4 of the Special Management Area Use Permit Application.

4. Describe how the proposed land use will not cause substantial adverse impact to existing

natural resources within the surrounding area, community or region.

The proposed land use will not cause substantial adverse impact to existing natural resources within the surrounding area, community or region as it will be sited away from environmentally sensitive areas and does not commit resources or energy for a larger action. The proposed path will make the county park system more accessible via non-motorized transportation, especially for those who cannot operate a motorized vehicle. The path will be routed around any major trees whenever possible. Trees that are one-foot or greater will be moved to a nearby location if they cannot be avoided. Any tree moving within known nesting areas will be done in consultation with DOFAW to determine whether or not nesting burrows are near the affected trees. Landscaping buffers, where appropriate, will be placed on the golf course side of the fencing. New plants will be irrigated until they are established. Areas disturbed by construction will be re-vegetated as soon as possible after construction of each area. Native plants will be used for new plantings where feasible.

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

5. Describe how the proposed land use, including buildings, structures and facilities, is compatible with the locality and surrounding areas, appropriate to the physical conditions and capabilities of the specific parcel or parcels.

Most of the proposed path traverses through recreational or park use areas that are dedicated to active and passive recreation. Currently there is no restriction or direction given to people who walk, run, or jog within the parks or through the various habitats. The construction of the trail will restrict movements of users to the trail, which will protect the environment from unrestricted encroachment. The comfort stations are also located within recreational areas such as Ahukini Point pier, Hanamā'ulu Bay and the motocross facility, and is compatible with these uses.

6. Describe how the existing physical and environmental aspects of the land, such as natural beauty and open space characteristics, will be preserved or improved upon.

The proposed path does not alter any existing natural land forms. The path is also not a coastal alignment, therefore existing public views to and along the shoreline will not be affected. It is not located within any scenic corridors, open space acquisition priorities or preserve areas, as identified on the Līhu'e Heritage Resource Map in the 2018 Kaua'i County General Plan. The boundary between Kūhiō Highway and the Wailuā Golf Course is already separated by an abundance of trees, which reduce, if not eliminate, any view of the path and safety fence from the highway. Views from the golf course to the path and safety fence will be partially mitigated through placement of the proposed amenity through existing vegetation and by planting shrubs and trees on the golf course side of the safety fence. The existing bridges will have safety railing additions to them that could only block minimal specific heights for views. However, safe, non-motorized access along the proposed path corridor and accessibility for persons with disabilities will extend access to the many scenic viewpoints along the corridor to more people that would regularly have access to such views if the path were not built.

7. If applicable, describe how subdivision of land will not be utilized to increase the intensity of

land uses in the Conservation District.

Subdivision of land will not be utilized as a part of this project, and therefore there will be no increase in intensity of land uses in the Conservation District. The proposed project is only for a pedestrian and bicycle path; no other uses will be included.

8. Describe how the proposed land use will not be materially detrimental to the public health, safety and welfare.

The project will provide a bike and pedestrian path that will serve as an alternate transportation route in addition to Kuhio Highway. This route would help bicyclists and pedestrians travel between the Airport, Ahukini Point and Lydgate Park along a pathway that is accessible to a diversity of users of varying ages and skill levels. It will provide the community with enhanced and improved recreational opportunities, which will be a benefit to public health, safety and welfare. In addition, by providing an alternate means of transportation other than the use of automobiles - fuel consumption, pollution, roadway congestion, and the need for parking lots would reduce, thereby reducing and mitigating the negative impact of vehicular transportation on the environment.

## CULTURAL IMPACTS

Articles IX and XII of the State Constitution, other state laws, and the courts of the State, require government agencies to promote and preserve cultural beliefs, practices, and resources of Native Hawaiians and other ethnic groups.

Please provide the identity and scope of cultural, historical, and natural resources in which traditional and customary native Hawaiian rights are exercised in the area.

According to Wade Ishikaura of the Department of Land and Natural Resources (DLNR), Aquatic Resources Division, many locals fish in the areas of Marine Camp and Ahukini Point. Swimming is a common activity for locals at Hanama'ulu Beach Park. According to LaFrance Kapaka Arboleda of the Office of Hawaiian Affairs (OHA), Burial Council, the area north of Hanama'ulu Railroad Bridge is an area known as "nokul'i", and may contain mass burials.

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

Further, some native Hawaiians believe that all the land of Hawai'i belongs to all the native Hawaiians; and one of their views on land use is that all lands that contain wetlands or ponds are to be preserved for taro fields, and all the dry land should be preserved for home sites.

Identify the extent to which those resources, including traditional and customary Native Hawaiian rights, will be affected or impaired by the proposed action.

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

To protect the historic character of the Hanamā'ulu Railroad Bridge, work to the bridge will be as minimal as possible. Structural repairs will be done to restore and stabilize the bridge. Further, handrails and other features that will be required for public safety shall be incorporated with sensitivity to the historic nature of the bridge and to minimize the visual effect of handrails by using tension cabling for the handrails.

The proposed site does not traverse within or near a Hawaiian fishpond. A human remains reinternment site at Wailua Golf Course (SIHP 50-50-08-103) is located near the proposed path. This is the site where remains are interred resulting from the construction of the Wailuā Golf Course. The proposed path is expected to traverse at least 30 feet from the internment site and will not have an adverse impact on it. In addition, 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.

Two undetermined and potentially historic sites are currently being researched and investigated to determine its historical value. Should these structures be determined to be historic, DPW will coordinate with the appropriate agencies for historic preservation review and mitigation measures to be followed during the final design and construction of the path.

What feasible action, if any, could be taken by the Board of Land and Natural Resources in regards to your application to reasonably protect Native Hawai'i rights?

The proposed project will be funded by Federal funds, and thus a Categorical Exclusion (CatEx) and an Environmental Assessment (EA) was prepared to be in compliance with Federal and State environmental laws. Measures to avoid, minimize and mitigate environmental, archaeological and cultural impacts were identified in both documents, which are attached to this application. The Board of Land and Natural Resources' support of these measures would be consistent with the protection of Native Hawaiian rights.

## OTHER IMPACTS

Does the proposed land use have an effect (positive/negative) on public access to and along the shoreline or along any public trail?

The proposed path does not negatively affect any existing public access to or along the shoreline or public trails. The purpose of the proposed path is to provide an alternative transportation route for bicyclist and pedestrians to access Kaua'i's eastern shoreline areas. The popularity of these areas creates a need to improve existing pathways or create new pathways to provide Kaua'i residents and visitors (of all ages and mobility levels) with alternative transportation modes to access the shoreline.

The project presents opportunities to provide an improved pathway for walkers, joggers, bicyclists, and other non-motorized forms of transportation which need a safe thoroughfare to and along the coastline.

Does the proposed use have an effect (positive/negative) on beach processes?

The proposed path does not require replacement of coastal resources or is anticipated to have negative impacts on these resources.

Will the proposed use cause increased sedimentation?

The proposed path is not expected to cause increased sedimentation since it is setback from the coastline along elevated bluffs and mauka (landward) of Kaua'i Beach Resort, Marine Camp Beach and Wailuā Golf Course.

Will the proposed use cause any visual impact on any individual or community?

The proposed alignment of the path is not expected to have significant negative impacts on the visual environments. The flat corridor will not intrude on the surroundings but will provide greater opportunities for the public to experience and appreciate the natural environment. In order to minimize any visual impacts along the corridor, the path will be constructed with materials and colors that blend into the natural environment whenever possible.

Please describe any sustainable design elements that will be incorporated into the proposed land use (*e.g. the use of efficient ventilation and cooling systems; renewable energy generation; sustainable building materials; permeable paving materials; efficient energy and water systems; efficient waste management systems; etc.*).

The materials for the path vary from concrete to wooden or plastic composite materials, depending on durability and cost.

If the project involves landscaping, please describe how the landscaping is appropriate to the Conservation District (*e.g. use of indigenous and endemic species; xeriscaping in dry areas; minimizing ground disturbance; maintenance or restoration of the canopy; removal of invasive species; habitat preservation and restoration; etc.*)

Landscaping buffers, where appropriate, will be placed on the golf course side of the fencing. New plants will be irrigated until they are established. Areas disturbed by construction will be re-vegetated as soon as possible after construction of each area. Native plants will be used for new plantings where feasible.

Please describe Best Management Practices that will be used during construction and implementation of the proposed land use.

DPW and HDOT, along with contractor(s) shall strictly adhere to all of the Best Management Practices (BMPs) provided in the project's Water Pollution, Dust, and Erosion Control Plan, listed below:

- i. Waste Management - concrete wastes, solid wastes, and any sanitary/septic wastes will be located away from and managed to assure no contamination to the critical habitat.
- ii. Vehicle and equipment management- all vehicle and equipment cleaning, maintenance, and refueling will be located away from and managed to assure no contamination to the critical habitat.
- iii. Storm Water Management- Silt fences will be installed and maintained between the work areas and the critical habitat.
- iv. Erosion Control - Temporary or permanent grassing or permanent vegetation will be provided for any areas exposed over 30 calendar days.
- v. In addition, the DPW will be following the HDOT Standard Specifications for Road and Bridge Construction section 209 Temporary Water Pollution, Dust, and Erosion Control. The BMPs will be finalized in final design and in the National Pollutant Discharge Elimination System Permit.
- vi. DPW and HDOT, along with contractor(s) should use materials that are nontoxic to aquatic organisms, such as untreated wood, concrete, or steel.

Please describe the measures that will be taken to mitigate the proposed land use's environmental and cultural impacts.

Natural Hazards:

Mitigation measures will include signage, where budget and design allows, in natural hazardous areas which will warn path users of potential coastal hazards, including hurricanes, tsunamis from wave action, or flood potential from storm action. In extreme weather conditions, the path will be closed as comparable to beach closures during the same conditions. Under such closure regulations, path users should be subject to evacuation or additional instructions as given by authorities for the area. The proposed path traverses through flood zone AE areas; in these areas the path will be elevated and/or built with construction techniques and materials that are floodable. The proposed comfort stations will be built above the flood zones.

Flora and Fauna:

There are no endangered plant species along the proposed path, and it is not anticipated that there will be negative impacts to the native vegetation along the path. If encountered, the following measures will be taken:

- i. Path will be routed around any major trees whenever possible.
- ii. Trees that are one-foot or greater will be moved to a nearby location if they cannot be avoided.
- iii. New plants will be irrigated, at least until they are established.

- iv. Areas disturbed by construction will be re-vegetated as soon as possible after construction of each area.
- v. Native plants will be used for new plantings where feasible.

#### Cultural and Historic Preservation:

The Hanamā'ulu Railroad Bridge will be retrofitted to make it a safer structure for use by bicycles and pedestrians by strengthening the superstructure, repairing the spalling, and adding handrails. To protect the historic character of Hanamā'ulu Cane Haul Bridge (Site number - 1845), work to the bridge will be as minimal as possible and will include structural repairs as well as handrails and other public safety features.

The historical concrete box culvert structure (Site number - 1846) will be left intact; additions will be minimal, including deck pavement with concrete and safety railings. 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 effect on its structures.

There will be no physical destruction or damage to the historic properties. Alterations will be consistent with the Secretary's Standards for the Treatment of Historic Properties (36 CFR Part 68). No historic properties will be removed from their location. There will be no change of character or physical features. No visual, atmospheric or audible elements will diminish the integrity of the historic properties. There will be no transfer, lease or sale of any historic properties. Minimal impact with no adverse effect is expected for the historic sites and consultation with the State Historic Preservation Division (SHPD) has been completed as part of the FEA process. Additionally, Section 106 consultation was completed, which resulted in the State Historic Preservation Officer's (SHPO) concurrence of the Federal Highway Administration's (FHWA) finding of no adverse effect to the historic sites. Two undetermined and potentially historic sites are currently being researched and investigated to determine its historical value. Should these structures be determined to be historic, DPW will update the appropriate agencies for historic preservation review and mitigation measures to be followed so that there will be minimal impact with no adverse effect for the structures.

The Archaeological Monitoring Plan will be the primary form of mitigation to address the presence/absence of sites not previously identified along the path corridor. This determines what measures will be taken when and if cultural artifacts are found during or before construction. Monitoring procedures will be conducted in accordance with rules and regulations established by DLNR.

There will also be a 30-foot buffer around the internment site at Wailuā Golf Course to the extent possible. The internment site in the parking lot of the Wailuā Golf Course will not be disturbed. The proposed path alignment will cross within thirty feet of the internment site, and the site will not be impacted. Boulders will be placed around the internment site to keep cars from parking nearby, which is the current condition.

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.



## SINGLE FAMILY RESIDENTIAL STANDARDS

Single Family Residences must comply with the standards outlined in HAR Chapter 13-5, Exhibit 4. Please provide preliminary architectural renderings (e.g. building foot print, exterior plan view, elevation drawings; floor plan, etc.) drawn to scale.

### SIZE OF LOT

	Existing	Proposed	Total
Proposed building footprint			
Paved areas/ impermeable surfaces			
Landscaped areas			
Unimproved areas			

SETBACKS      Front:                      Side:                      Back:

### SHORELINE PROPERTIES

Average Lot Depth (ALD):                      Average annual coastal erosion rate:

Minimum shoreline setback based on Exhibit 4:

Actual shoreline setback or proposed structure:

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### MAXIMUM DEVELOPABLE AREA

The Maximum Developable Area includes all floor areas under roof, including first, second, and third stories, decks, pools, saunas, garage or carport, and other above ground structures.

Maximum Developable Area based on Exhibit 4:

Actual Developable Area of proposed residence:

Actual height of the proposed building envelope as defined in Exhibit 4:

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### COMPATIBILITY

Provide justification for any propose deviation from the established residential standards.

How is the design of the residence compatible with the surrounding area?

If grading is proposed, include a grading plan which provides the amount of cut and fill. Has grading or contouring been kept to a minimum?

## CHAPTER 205A – COASTAL ZONE MANAGEMENT

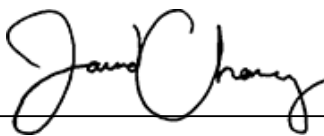
Land uses are required to comply with the provisions and guidelines contained in Chapter 205A, Hawai'i Revised Statutes (HRS), entitled "Coastal Zone Management," as described below:

- **Recreational resources:** Provide coastal recreational opportunities accessible to the public.
- **Historic resources:** Protect, preserve, and, where desirable, restore those natural and manmade historic and prehistoric resources in the coastal zone management area that are significant in Hawaiian and American history and culture.
- **Scenic and open space resources:** Protect, preserve, and, where desirable, restore or improve the quality of coastal scenic and open space resources.
- **Coastal ecosystems:** Protect valuable coastal ecosystems, including reefs, from disruption and minimize adverse impacts on all coastal ecosystems.
- **Economic uses:** Provide public or private facilities and improvements important to the State's economy in suitable locations.
- **Coastal hazards:** Reduce hazard to life and property from tsunami, storm waves, stream flooding, erosion, subsidence, and pollution.
- **Managing development:** Improve the development review process, communication, and public participation in the management of coastal resources and hazards.
- **Public participation:** Stimulate public awareness, education, and participation in coastal management.
- **Beach protection:** Protect beaches for public use and recreation.
- **Marine resources:** Promote the protection, use, and development of marine and coastal resources to assure their sustainability.

## CERTIFICATION

I hereby certify that I have read this completed application and that, to the best of my knowledge, the information in this application and all attachments and exhibits is complete and correct. I understand that the failure to provide any requested information or misstatements submitted in support of the application shall be grounds for either refusing to accept this application, for denying the permit, or for suspending or revoking a permit issued on the basis of such misrepresentations, or for seeking of such further relief as may seem proper to the Land Board.

I hereby authorize representatives of the Department of Land and Natural Resources to conduct site inspections on my property. Unless arranged otherwise, these site inspections shall take place between the hours of 8:00 a.m. and 4:30 p.m.



*Signature of authorized agent(s) or if no agent, signature of applicant*

## AUTHORIZATION OF AGENT

I hereby authorize Jared Chang to act as my representative and to bind me in all matters concerning this application.



Digitally signed by Wade Lord  
Date: 2022.01.20 16:29:49 -10'00'

*Signature of applicant(s)*

## 2.0 LANDOWNER LETTERS OF AUTHORIZATION

<b>Tax Map Key</b>	<b>Landowner</b>	<b>Included in Application</b>
(4) 3-7-003:017	Kaua'i Beach Resort AOA	Yes
(4) 3-7-002:999, (4) 3-5-001:008, and (4) 3-5-001:159	State of Hawai'i, Department of Transportation, Airports Division	Yes
(4) 3-7-003:008, (4) 3-9-005:001, (4) 3-9-002:004 and 032	County of Kaua'i, Department of Public Works	Yes
(4) 3-7-003:001	Rohn Boyd (Agent)	Yes
(4) 3-7-002:001	Visionary LLC, C/O Grove Farm Properties	Yes

LETTER OF AUTHORIZATION

Tax Map Key Parcel Number (4) 3-7-003: 017

I, Ben Dookchitra, President, Kauai Beach Resort AOA, hereby give SSFM International, Inc.  
(Undersigned Owner)

authorization to complete and submit applications for the Conservation District Use Permit

for the property, identified as the tax map key parcel number listed above.

Date: 12/14/21

Ben Dookchitra, President, Kauai Beach Resort AOA  
(Print)

*Ben Dookchitra*  
(Signature)

LETTER OF AUTHORIZATION

Tax Map Key Parcel Numbers (4) 3-7-002: 999, (4) 3-5-001: 008, and (4) 3-5-001: 159

I, Craig Davis, hereby give SSFM International, Inc.  
(Undersigned Owner)

authorization to complete and submit applications for the Conservation District Use Permit

for the property, identified as the tax map key parcel number listed above.

Date: 12/15/21

Craig Davis  
(Print)

Craig A. Davis  
(Signature)

LETTER OF AUTHORIZATION

Tax Map Key Parcel Numbers (4) 3-7-003: 008, (4) 3-9-005: 001, (4) 3-9-002: 004 and 032

I, Wade Lord, CIP Program Manager, County of Kauai, hereby give SSFM International, Inc.  
(Undersigned Owner)

authorization to complete and submit applications for the Conservation District Use Permit for  
the property, identified as the tax map key parcel number listed above.

Date: January 20, 2022

Wade Lord

(Print)

 Digitally signed by Wade Lord  
Date: 2022.01.20 16:48:51  
-10'00'

(Signature)

LETTER OF AUTHORIZATION

Tax Map Key Parcel Number (4) 3-7-003: 001

I, Charles Somers, hereby give SSFM International, Inc.  
(Undersigned Owner)

authorization to complete and submit applications for the Conservation District Use Permit

for the property, identified as the tax map key parcel number listed above.

Date: 5/25/2022 | 8:32 AM HAST

Charles Somers  
(Print)

DocuSigned by:  
Charles Somers  
D36D3031D38941C...  
(Signature)

LETTER OF AUTHORIZATION

Tax Map Key Parcel Number (4) 3-7-002: 001

I, David Hinazumi, hereby give SSFM International, Inc.  
(Undersigned Owner)

authorization to complete and submit applications for the Conservation District Use Permit

for the property, identified as the tax map key parcel number listed above.

Date: 1/28/22

David Hinazumi  
(Print)

David  
(Signature)