

**STATE OF HAWAII  
DEPARTMENT OF LAND AND NATURAL RESOURCES  
OFFICE OF CONSERVATION AND COASTAL LANDS  
Honolulu, Hawai'i**

July 12, 2024

180-Day Exp. Date: August 3, 2024

**Board of Land and  
Natural Resources  
State of Hawai'i  
Honolulu, Hawai'i**

**Regarding:** Conservation District Use Application (CDUA) KA-3926 for the Nāwiliwili-Ahukini Shared-Use Path Project

**Applicant:** County of Kaua'i, Department of Public Works, Division of Roads Maintenance and Construction

**Landowners and  
Tax Map Key  
(TMK) Parcels** State of Hawai'i Department of Transportation (DOT) - Airports Division: TMK: (4) 3-5-001:102, 128, 160  
County of Kaua'i Department of Public Works: TMK: (4) 3-5-001:005, & 008

**Agent:** Jim Niermann of R.M. Towill Corporation

**Location:** Hanamaulu & Nāwiliwili, Līhu'e, Kaua'i

**Area of Use:** Approximately 4.6 acres or 201,300 feet<sup>2</sup>

**Subzone:** Limited

**Exhibits:**

- 1: Project location and pathway map (Segment A)
- 2: Subzone map
- 3: Homeless encampment County GIS map
- 4: State historic inventory of historic properties sites
- 5: Landscape plan for Path Segment A
- 6: Cross section of Path Segment A
- 7: Comfort station layout
- 8: Site Visit Images 4/2/24
- 9: Homeless encampment relocation, debris removal and disposal, and area restoration plan
- 10: USGS Coastal Hazard Map for Hanamaulu and Nāwiliwili

**Item K-4.**

## SUMMARY

The Nāwiliwili-Ahukini Shared-Use Path project is the construction of a continuous 10-12 foot-wide concrete coastal pathway, between Ahukini Point and Ninini, and the construction of a comfort station near the Ninini Point Lighthouse. Proposed improvements include a 12-ft wide shared-use path connection to the comfort station, 10 parking stalls, restoration and improvements to existing pathways and facilities, safety railings, protective fencing, signage, and landscaping. Grading and excavation are necessary for path construction. The proposed project meanders in and out of the Limited Subzone of the Conservation District. The proposed work within the Conservation District is approximately 201,300 ft<sup>2</sup> or 4.6 acres. The proposed path segment is a key section of the Ke Ala Hele Mākalae – A coastal 16-mile shared-use path along Kauaʻi's eastern coastline from Nāwiliwili to Anahola.

## DESCRIPTION OF AREA

The proposed pathway alignment follows a dirt path on the southeastern coast of Kauaʻi, makai of the airport that goes from Ahukini to Ninini. See **Exhibits 1 & 2**. The shoreline consists of rocky outcrops and cliffs, filled with overgrown vegetation. The proposed path alignment is being used by houseless persons for unpermitted encampments, including construction of makeshift shelters, dump sites with abandoned vehicles, and unauthorized structures. Within the Conservation District, these uses are located primarily on parcel 105 (owned by the County). See **Exhibit 3**.

The surrounding area features Līhuʻe airport to the west, Ahukini Recreational Pier State Park, Ahukini Landing to the north, Ninini Point and Ninini lighthouse to the south, and the Pacific Ocean to the east. The project corridor is currently open to the public; however, paths are disconnected and ancillary to the motorized vehicle roadways. Informal trails to the shoreline are unimproved and may be difficult to navigate.

### Site Access

Access to the project site is available from the Līhuʻe International Airport via Ahukini Road that provides north end access, Ninini Point Street providing south access, and via a gravel airport perimeter road.

### Coastal Hazards

Natural hazards that may have the potential to affect the proposed pathway include hurricanes and severe weather events, tsunami inundation, and sea level rise . Strong trade wind events are responsible for majority of large wave action along the eastern coast of Kauaʻi. Passing hurricanes have generated the highest wave heights along the east facing shores and may coincide with a high tide that may generate a strong storm surge. See **Exhibit 10**.

### Flora and Fauna

Vegetation along the proposed path alignment is dominated by non-native and invasive species such as guinea grass, castor bean, and top grasses. Ironwood trees with virtually no understory are found at the project site. Native plants found along the coastline include beach naupaka, ʻilima, Paʻuohiʻiaka, and akulikuli. The applicant notes that no plants

along the proposed project corridor are listed as endangered, threatened, or are currently proposed for listing under either federal or State of Hawai'i endangered species statuses.

Staff visited the site and noted that along the dirt road, weedy vegetation was as tall as the Jeep vehicle and surrounded the vehicle on both sides making it difficult to see either side and further ahead of the vehicle.

Field surveys documented the presence of native avian species (water birds) within and adjacent to the project area. Four listed species: the Hawaiian Goose or Nēnē, Hawaiian duck, the Hawaiian endemic sub-species of the Common Moorhen, and the Hawaiian Coot. All four species were seen in and around the Timbers Resorts property, located immediately to the west of the Līhu'e Airport main runway.

Other native and indigenous avian species including both resident and migratory species were recorded within the area. These include the Hawaiian sub-species of the short-eared owl, the black-crowned night-heron, the migratory Pacific golden plover, and ruddy turnstone.

A significant nesting colony of wedge-tailed shearwater is present adjected to the portion of the path, between Ninini Point Lighthouse and Ninini Beach. The colony extends from just above the high-water mark inland, onto the flats above the cliff face. Additionally, both the endangered Hawaiian petrel or and the threatened Newell's shearwater overflies the project area on an annual basis on their way back to their inland colonies.

The endangered Hawaiian hoary nat was found foraging near the Timbers Resorts Ocean Course golf course. However, its occurrence in the project area is not expected, as they typically inhabit woody vegetation, trees, and shrubs within native forest, agricultural lands, residential, and lowland areas.

#### Marine Fauna

The USFWS and National Marine Fisheries Service (NMFS) note that the Hawaiian monk seal has used the coastal regions of the project as a birthing and pup-rearing site. In addition, the nearshore waters are frequented by various dolphin and whale species. Green sea turtles and hawksbill turtles frequent the nearshore waters along the project corridor to forage.

#### Historical & Cultural Resources

An archaeological inventory survey report was completed. See **Exhibit 4**.

The project area is located between the two main bays and streams of Nāwiliwili and Hanamā'ulu. The ahupua'a of Hanamā'ulu, Kalapakī, and Nāwiliwili were home to native Hawaiians, living traditional subsistence lifestyles. The archaeological record of the Līhu'e District indicates a date range of circa A.D. 1100 to 1650 for pre-contact Hawaiian habitations. The coastal areas were the locus of permanent house sites, temporary shelters, heiau, and numerous trails. Archaeological surveys of this area documented several remnants of or destroyed heiau, dune burials and Paukini Rock; now underwater in Nāwiliwili Bay, pre-contact habitation sites, activity areas, infrastructure related to the plantation era, and a historic piggery. The area was used for commercial sugar cane agriculture, following the Māhele of the 1850s, until 2000. Līhu'e Airport was opened outside of Līhu'e town in 1949, and continues to serve as Kaua'i's only public airport.

The departure of sugar cane cultivation presented opportunities for the use of former cane haul roads as bicycle and pedestrian pathways. The “Ke Ala Hele Makalae”, or “The Path That Goes by the Coast” is a shared-use pathway connecting towns along the east coast of Kaua’i.

Prior to the development of Ke Ala Hele Makalae, there was no dedicated system of paths or lanes for pedestrians and bicyclists to travel between parks, and the towns in the region. Ke Ala Hele Makālae is now a non-profit corporation called Kaua’i Path, Inc.

## **PROPOSED USE**

### Path Construction

The proposed path is a continuous 10-12-foot-wide concrete coastal pathway, approximately 8,430 linear feet (lf), referred to as “Path Segment A”. The path shall be constructed adjacent and parallel to the existing dirt road in limited segments where necessary, based on physical constraints such as drainage crossings, existing refuse landfill, and steep grades. Separation between the path and road will be provided as necessary by the means of bollards constructed of boulders, timber, concrete, or other physical barriers to prevent motor vehicle access on the concrete path. Motor vehicle access on the existing dirt road will continue. See **Exhibits 5 and 6**.

The construction of three prefabricated bridge spans across existing drainage ways, and modifications of two existing drainage culverts as necessary to accommodate the path or possible joint use of the existing crossing with the existing dirt road is proposed.

Proposed landscaping includes three-foot-wide vegetated shoulders on each side of the path would be planted, consisting of drought tolerant native or indigenous plant species common to the area. If site conditions do not support the establishment and growth of native or indigenous plant species, other non-invasive species may be substituted to ensure soil stability, and erosion protection. See **Exhibit 5**.

Airport authorities, including the State Department of Transportation Airports Division and the Federal Transportation Security Administration require that the pathway be located as far from the airport perimeter as possible in the interest of airport security.

### Comfort Station Construction

The proposed comfort station is approximately 16,025 ft<sup>2</sup> and would involve the construction of men’s and women’s lavatories, a drinking fountain, and lighting. The County plans to locate the comfort station at the site of the former lighthouse caretaker’s residence at Ninini Point Lighthouse, to take advantage of the previously disturbed building site. The building design would be based on native architectural forms, or natural landforms. Natural materials and colors for exterior surfaces would be used to minimize visual impacts, avoiding bright or reflective colors. See **Exhibit 7**.

Exterior lighting will be kept to a minimum required for safety and security. All lighting will use low-intensity sources that emit long wavelength light and will be shielded or angled downward to eliminate glare that could disturb or disorient animals. The comfort station will use an individual wastewater system for wastewater disposal. Electrical power will be supplied by existing overhead utility lines or photovoltaic cells. A water line will be installed with connection to a water service main on Ninini Point Street. No picnic pavilions, picnic

tables, or bike racks will be installed along the path corridor between Ahukini Landing and Ninini Point.

Interpretive signage at Ninini Point will be provided, describing the following:

- The history of Nāwiliwili Harbor and historic and cultural resources in the vicinity: Hawaiian settlement patterns, Ninini Heiau, and Kuhiau Heiau, and development of Līhu'e Airport.
- The natural history of the area, including surrounding landmarks, and natural features (e.g. Ha'upu, Nāwiliwili, and Kalapakī), unique flora and fauna including marine animals, and protected bird species commonly seen in the area (e.g. nesting colonies of Wedge-tail Shearwater and Nēnē).
- Identify views and points of interest.
- Safety, orientation, conservation efforts, user's responsibilities, regulatory restrictions, and other relevant information.

#### Alternatives Considered

1. *No Action*. The County finds this is not a feasible option as it would fail to address their objective of constructing a dedicated, continuous, ADA-accessible shared-use path facility to connect Nāwiliwili, Ahukini, and the Līhu'e civic center with the Ke Ala Hele Makalae coastal path system.
2. *Delayed Action*. While the potential for environmental impacts and costs would be spared in the short-term, long-term effects would include higher development costs due to inflation, and changes in environmental laws and regulations.
3. *Path Aligned Along Shoreline (preferred alternative)*. This alternative follows along with the County's goal of creating a scenic, recreational coastal path. This alternative also greatly reduces potential conflicts with motor vehicles as the path will be removed away from the road.
4. *Path Aligned Parallel to Dirt Road*. This alternative would place the shared-use path adjacent and parallel to the public access dirt road. A separation between the path and road would be necessary. Fishing sites will still be accessible by foot or by motor vehicle. This location would reduce coastal views along the path. Its proximity to the road could also attract greater unauthorized motor vehicle use, and expose path users to excess noise, dust, and exhaust. This location also does not align with airport authorities wishes for the path to be the greatest distance from their property.
5. *Paved, Signed Shared Roadway with Separate Pedestrian Path*. This alternative suggests paving the existing dirt road, and the construction of a new 6-foot-wide concrete pedestrian path along the shoreline. Access would be provided across the pedestrian path for motor vehicle users to access fishing spots along the

shoreline. This action is not ideal, as the cost of constructing a pedestrian path, in addition to pavement of the dirt road for use as a signed shared roadway would exceed the cost of other alternatives and would force bicycle users to share the road with motor vehicles.

The County believes that the positive aspects of the proposed project in the areas of economic, social, and health benefits to the community are greater than the “No Action” alternative.

## **MITIGATIVE ACTIONS AND POLICIES**

### General and Site-Specific Best Management Plans (BMPs)

The proposed path construction has been designed to be compatible with standard conditions as well as site specific BMPs, including but not limited to general, before, during, and after construction, during adverse weather conditions, and long term BMPs. The mitigation measures are contained within the BMP list that was prepared for the project.

There will be minor impacts to air quality and noise levels during construction. After completion of construction work, these impacts are predicted to be insignificant or undetectable. Construction activity is not anticipated to generate underwater sounds that would adversely affect marine creatures.

### Historic and Cultural Resources Mitigation Actions

The following mitigation measures will be implemented, and at a minimum:

- The applicant will follow the measures to avoid and minimize potential impacts to archaeological, cultural, and historic resources as indicated in their Section 106 Review from SHPD.
- The proposed interpretive signage will be reviewed by SHPD.
- If cultural materials are discovered during construction, all earth-moving activity within and around the immediate discovery area will be halted until a qualified archaeologist can assess the nature and significance of the find.
- If human remains are discovered, SHPD and Police Department will be contacted. The County will prevent the disturbance or taking of any historic property or resource to the extent possible by instituting these mitigation measures and enforcing their implementation by contractors.

Mitigation measures, including preservation in place, avoidance, data recovery, adaptive re-use, and on-site and on-call monitoring are proposed to ensure that identified resources are not adversely affected. Should any archaeologically or historically significant artifacts, or other indicators of precious on-site activity be uncovered during the construction phase, their treatment will be conducted in compliance with the requirements of the DLNR.

### Avian Mitigative Practices

Seabirds that fly at night are affected by artificial light which can result in disorientation and subsequent fallout due to exhaustion or collision with objects such as utility lines, or towers that protrude above the vegetation line. No lighting will be installed along the

pathway, and the proposed comfort station at Ninini Point will include full cut off nighttime lighting. Designed lighting will be kept to the minimum required for safety and security. The County will get approval from USFWS for their comfort station lighting design prior to final design and construction.

All work should be done in non-nesting season for seabirds (December- March), and if work must proceed during the nesting season (March-November) the area must be surveyed by a qualified Wildlife Biologist to ensure there are no signs of nesting or birds.

The County plans to install educational signage at appropriate intervals and locations along the path including information about protected species, threats to these species, Kaua'i's pet leash laws, and instructions with contact information on what to do when encountering a downed bird or fledgling.

The U.S. Fish and Wildlife Services (USFWS), and the State DLNR's Division of Forestry and Wildlife (DOFAW) monitor, and when necessary, translocate portions of a population of Nēnē geese located west of the Līhu'e Airport due to concerns over the potential Bird Air Strike Hazards posed by the geese to aircraft using the Līhu'e Airport.

The path alignment will avoid the vegetated areas along the coastal bluff where Wedge-tail Shearwater and Nēnē are known to nest by following the south segment of the airport perimeter road. Additionally protective fencing will be installed along the path segment between Ninini Point and adjacent property and/or around Wedge-tail Shearwater nesting areas.

#### Homeless Encampment Mitigation Plan

The presence of the homeless encampment adversely impacts the coastal environment through the accumulation of materials, debris, trash, and untreated human waste. Occupation of the area, including continuous human presence, the construction of unsafe and unpermitted shelters, the use of open fires and stoves for cooking, as well as traffic to and from the area, result in modifications to the landscape, impacts to plants, soil exposure, and unsanitary conditions. See **Exhibit 8**.

The County has provided a homeless encampment removal, debris removal and disposal, and area restoration plan. See **Exhibit 10**.

#### **SUMMARY OF COMMENTS**

The Office of Conservation and Coastal Lands referred the application to the following agencies for review and comment:

##### State Agencies:

- DLNR: Engineering Division, Division of Aquatic Resources, Kaua'i District Land Office, Division of Conservation and Resource Enforcement, State Parks, and Division of Forestry and Wildlife.
- Aha Moku Council.
- Office of Hawaiian Affairs
- Department of Transportation-Airports
- Department of Health
- Department of Human Services

## County Agencies:

- County of Kaua'i: Public Works Department, Department of Planning, Parks and Recreation, Housing Agency, and the Police Department.

This application was forwarded to the Līhu'e Public Library and the Kaua'i Sierra Club, and was also available on OCCL's website to make this information readily available for those who may wish to review it. Additionally, notice of CDUA KA-3926 was published in the February 23, 2024, edition of *The Environmental Notice*.

Comments were received by the following agencies, and summarized by Staff as follows:

DLNR- Division of Forestry and Wildlife

DOFAW concurs with the measures to avoid impacts to State-listed species such as the Hawaiian duck, Hawaiian stilt, Hawaiian coot, Hawaiian common gallinule, Hawaiian goose, and seabirds. For illustrations and guidance related to seabird-friendly light styles that also protect the dark, starry skies of Hawai'i please visit <https://dlnr.hawaii.gov/wildlife/files/2016/03/DOC439.pdf>.

DOFAW agrees with the measures outlined for the use of BMPs during and after construction to contain any soils and sediment to prevent damage to nearshore waters and marine ecosystems.

Any required site clearing should be timed to avoid disturbance to Hawaiian hoary bats during their birthing and pup rearing season (June 1 through September 15). During this period woody plants greater than 15 feet (4.6 meters) tall should not be disturbed, removed, or trimmed. Barbed wire should also be avoided in any construction as bats can become ensnared and killed by such fencing material during flight.

If the Hawaiian green sea turtle or the Hawaiian monk seal is detected within 100 feet (30 meters) of the project area, all nearby construction operations should cease and not continue until the focal animal has departed the area on its own accord.

DOFAW recommends using native plant species for landscaping that are appropriate for the area. Please do not plant invasive species. DOFAW recommends referring to [www.plantpono.org](http://www.plantpono.org) for guidance on the selection and evaluation of landscaping plants.

DOFAW recommends minimizing the movement of plant or soil material between worksites to avoid the spread of detrimental fungal pathogens, invertebrate pests, or invasive plant parts that could harm our native species and ecosystems. We recommend consulting the Kaua'i Invasive Species Committee (KISC) at (808) 821-1490 to learn of any high-risk invasive species in the area, and ways to mitigate their spread. All equipment, materials, and personnel should be cleaned of excess soil and debris to minimize the risk of spreading invasive species.

The invasive Coconut Rhinoceros Beetle (CRB) is found on the islands of O'ahu, Hawai'i Island, Maui, and Kaua'i. Please be aware of the CRB quarantine and restrictions on the movement of host materials to prevent spreading this invasive species. For more information regarding CRB, please visit <https://dlnr.hawaii.gov/hisc/info/invasive-species-profiles/coconut-rhinoceros-beetle/>.



We recommend taking action to minimize predator presence; remove cats, place bait stations for rodents and mongoose, and provide covered trash receptacles.

We recommend coordinating with the Hawai'i Wildfire Management Organization at (808) 850-0900 or [admin@hawaiiwildfire.org](mailto:admin@hawaiiwildfire.org), on how wildfire prevention can be addressed. Recommendations include wetting down areas before high-risk activities like welding and having a fire extinguisher on hand.

#### Applicant's Response

The County will comply with the recommended mitigation measures, specifically concerning the protection of the Hawaiian Hoary Bat, Hawaiian Monk Seal, Green Sea Turtle, landscaping with native plant species, invasive species control, and wildfire prevention. If there is any substantial changes in the project scope or indications of potential impact on threatened or endangered species, the County will promptly communicate with DOFAW to address concerns and implement necessary measures for the protection of these species and their habitats.

#### Department of Transportation- Airports

The HDOT Airports Division recommends that the County submit a Federal Aviation Administration (FAA) Form 7460-1 Notice of Proposed Construction or Alteration, pursuant to the Code of Federal Regulations, Title 14, Part 77.9 for the Comfort Station location prior to the commencement of construction.

The form and criteria for submittal can be found at the following website: <https://oeaaa.faa.gov/oeaaa/external/portal.jsp>. Please provide a copy of the FAA response to the Part 77 analysis to the HDOT Airport Planning Section.

#### Applicant's Response

The County has prepared the U.S. Department of Transportation Federal Aviation Administration (FAA) Form 7460-1 Notice of Proposed Construction or Alteration for the Comfort Station and will file at least 45 days prior to the commencement of the proposed construction, or the date an application for the construction permit is filed.

#### General Public

The OCCL received comments of support from members of the public in regard to the connecting of major residential hubs: Kapa'a and Līhu'e, with both Lydgate and Hanamaulu Beach Parks. Based on their experience with the already existing coastal bike path, the community believes that this path will provide broad, open-ocean views for kamaaina and visitors, while supporting healthier lifestyle choices. Comments of support were received by the following:

Greg Pacilio  
Pat Ichioka White  
Fran Becker  
Scott Oakley  
Melissa Wright  
Andy Honl  
Lori Koga  
Kirstie Kashima

John Ferguson  
Chet Meyers  
Leanora Kaiakamaile  
Jack Lundgren  
Claire Sasaki-Lundgren  
David Kennard  
Janet Berreman  
Paul Juma

Gaylen Worthen  
Annie Worthen  
Connor Worthen  
Soren Worthen  
Steven Geyer  
Reida Watson  
Joanna Cockman  
Pat Griffin

Alastair Bloxsom

Tom Worthen

Henry Edwards

Rotary Club of Kaua'i; Hawai'i Sustainability Foundation; The Friends of Kamalani & Lydgate Park; Disc Golf Kaua'i Ohana; Hawai'i Bicycling League; and Kaua'i Path, Inc.

## ANALYSIS

On February 5, 2024, the Department notified the applicant that:

1. The proposed uses are identified land uses in the Limited subzone of the Conservation District, pursuant to the Hawaii Administrative Rules (HAR) §13-5-22, PUBLIC PURPOSE USES (D-1) *Not for profit land uses undertaken in support of a public service by an agency of the county, state, or federal government, or by an independent non-governmental entity, except that an independent non-governmental regulated public utility may be considered to be engaged in a public purpose use. Examples of public purpose uses may include but are not limited to public roads, marinas, harbors, airports, trails, water systems and other utilities, energy generation from renewable sources communication systems, flood or erosion control projects, recreational facilities, community centers, and other public purpose uses, intended to benefit the public in accordance with public policy and the purpose of the conservation district.*

The above land uses require a permit from the Board of Land and Natural Resources, who have the final authority to modify, grant, or deny any permit;

2. Pursuant to HAR §13-5-40(a), a Public Hearing was not required;
3. In conforming with the Hawaii Revised Statutes (HRS), Chapter 343, as amended, and HAR, Section 11-200.1, the County of Kaua'i Department of Public Works published the project's Final Environmental Assessment (FEA) and a Finding of No Significant Impact (FONSI) in the February 8, 2018, periodic bulletin of *The Environmental Notice*.
4. Pertaining to the Special Management Area (SMA) requirements, the Planning Commission of the County of Kaua'i approved SMA Use Permit SMA(U)-2023-10 effective June 27, 2023, for the construction of the Nāwiliwili to Ahukini shared-use path and other associated improvements.

## CONSERVATION CRITERIA

The following discussion evaluates the merits of the proposed land use by applying the criteria established in §13-5-30, HAR.

- 1) The proposed use is consistent with the purpose of the Conservation District.

The objective 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.

The proposed project is consistent with the Conservation District objective in which the shared-use path will preserve public access to the shoreline for the health, wellbeing, and enjoyment of the public. Interpretive signage will be placed along the project corridor to educate users about the important natural and cultural resources throughout the area and ways to aid in the conservation, protection, and long-term sustainability of those resources. Signage will also be provided to inform path users regarding coastal hazards and safety guidelines.

The path will promote public welfare by creating multi-modal transportation infrastructure that reduces reliance on automobiles, encourages active lifestyles for better health outcomes, and improves accessibility to the shoreline for a broader range of ages and abilities.

- 2) The proposed land use is consistent with the objectives of the Subzone of the land on which the use will occur.

The objective of the Limited subzone is to limit the uses where natural conditions suggest constraints on human activities. The proposed land use is an identified land within the Limited subzone pursuant to HAR §13-5-22, P-6 Public Purpose Uses (D-1) *Land uses undertaken by the State of Hawai'i or the counties to fulfill a mandated government function, activity, or service for public benefit and in accordance with public policy and the purpose of the conservation district. Such land uses may include transportation systems, water systems, communications systems, and recreational facilities.*

The proposed use, a recreational bike/pedestrian pathway, is an appropriate land use for the coastal area as it will contribute to accessibility to the surrounding area by the public. The proposed land use does not appear to be inconsistent with the objective of the Limited subzone as the project does not require substantial improvements and other than the on-grade pathway, no structures shall be built between Ahukini Point and Ninini Lighthouse. Best Management Practices (BMPs) will be implemented to minimize potential impacts during construction.

- 3) The proposed land use complies with the provisions and guidelines contained in Chapter 205A, HRS entitled "Coastal Zone Management", where applicable.

**Recreational resources:** This segment of coastline is currently used for fishing, resource gathering and exercise. Existing coastal recreational access in the project corridor is a dirt road and informal dirt trails that are difficult to access by foot and bicycle due to uneven surfaces and heavy vegetation. Upon clearing the land of houseless individuals, abandoned vehicles, and other materials, the proposed shared-use path project may preserve and improve public access for non-motorized modes of transportation and increase coastal recreational opportunities between Ahukini Point and Ninini Point. It may also improve access to allow multi-generational range of users and abilities to utilize the proposed open space corridor.

**Historic resources:** An archaeological field inspection, archaeological inventory survey, architectural inventory survey, and cultural impact assessment were prepared for the project to identify known historic properties, as well as areas along the proposed path route where the potential for encountering previously unknown cultural or historic properties is higher.

The preferred path alignment is routed to avoid known archaeological and historic sites. The final alignment will be established during the design phase when areas have been cleared of houseless individuals, abandoned vehicles, and other materials, ground topography will be used to precisely locate known historic properties and ensure they are avoided by the path. Proposed mitigation measures include avoidance, preservation in place, data recovery, and on-site and on-call archaeological monitoring during construction activities.

Proposed signage will also communicate interpretive and regulatory information to path users concerning the history of the area, the presence of cultural and historic resources, and ongoing efforts to preserve and learn from these remains and artifacts.

**Scenic and open space resources:** The shared-use path will be designed to minimize the visual presence of path improvements in the open space coastal setting. The path will be constructed using pigmented cement to match existing natural colors in the area. No structures will be built along the coastline between Ahukini Point and Ninini Lighthouse to maintain the open space characteristics and visual resources of the area.

The only proposed structure is a new comfort station at Ninini Point, which will be located at the former lighthouse caretaker's house site and will be designed with appropriate materials and colors to blend into the surrounding landscape. The scale and placement of these improvements will have minimal visual presence in the landscape and will not obstruct views to or from the coastline. The removal of houseless individuals, abandoned vehicles, and other materials will improve scenic and open space resources.

**Coastal ecosystems:** Project activities do not involve alterations to stream channels or other water bodies or water sources. The project involves construction activities through a coastal area. During construction, site-specific BMPs will be employed in compliance with Clean Water Act NPDES permit requirements to prevent pollutant discharge in storm water runoff and protect coastal waters and ecosystems. Discharge pollution prevention measures will be installed for each project action as required by project activities.

**Economic uses:** The shared-use path system fosters equitable communities by supporting multimodal transportation and reduced dependence on automobiles for access to jobs and housing.

The proposed path segment could also create new economic opportunities by incentivizing Kaua'i's business owners to identify new ways to provide goods and services to path users, including bicycle rentals and walking and bicycle tours.

**Coastal hazards:** Long-term impacts due to coastal erosion are proposed to be minimized by the initial design of the path. The path will be constructed of concrete or another durable, all-weather surface to minimize potential for erosion. However, climate change and sea level rise may be significant, and may likely affect the proposed path's integrity regardless of the design parameters.

Grading and excavations required for construction of the path and related amenities will be designed to minimize the amount of cut and fill required, and minimum disruption to existing drainage patterns. Following project completion, permanent soil stabilization along the path shoulders will be achieved through landscaping with plant materials and ground cover. See **Exhibit 5**.

Improvements will be designed to withstand periodic saltwater inundation and energy from high wave conditions.

The project is not expected to exacerbate flooding or affect flood zone areas. No construction will occur within identified Federal Emergency Management Agency (FEMA) Flood Insurance Rate Maps (FIRM) flood zones, except for an approximately 1,000 lf segment of the path, associated bollards, and signage located within the VE zone at Ahukini Point. The path and amenities will be designed to withstand flood occurrences as estimated by FEMA and in compliance with County Code requirements.

No adverse impacts from natural disasters are anticipated and efforts will be taken to minimize natural hazard impacts to the proposed project improvements.

**Public participation:** A public hearing was conducted before the Kaua'i Planning Commission on June 27, 2023, as part of the SMA permit approval process. Conditions of the SMA approval will be incorporated into the project designs, construction, and operation. This CDUP application will be subject to a board hearing for approval. Additionally, public notice of the proposed action is provided through publication of the draft and final environmental assessment, Shoreline Certification Application, and SMA permit application in the Office of Environmental Quality Control (OEQC) Bulletin. Two public outreach meetings were conducted as part of the NHPA Section 106 consultation process to identify historic and cultural resources and practices.

**Beach protection:** The coastal path, signage, comfort station, and improvements at Ninini Point will be constructed mauka of the 60-foot shoreline setback line and will not encroach into areas where it will interrupt shoreline processes. Vegetative groundcover will be planted along each side of the path to stabilize soils, reduce stormwater runoff velocity, and capture sediment.

**Marine resources:** The project is not anticipated to impact marine resources. Mitigation measures proposed for the protection of coastal fauna, particularly sea birds, sea turtles, and the Hawaiian monk seal, have been developed in consultation with the USFWS, NMFS, and DOFAW. The County has obtained Special Management Use Permit, SMA(U)-2023-10, effective June 27, 2023, for the

construction of the Nāwiliwili to Ahukini shared-use path and other associated improvements.

- 4) The proposed land use will not cause substantial adverse impact to existing natural resources within the surrounding area, community, or region.

The project is not foreseen to cause any substantial adverse impact to existing natural resources within the surrounding area, community, or region. Improvements in the Conservation District will not substantially change the form or appearance of existing landforms and will not obstruct any view planes or scenic corridors. The removal of houseless individuals, abandoned vehicles, and other materials will have a positive impact to the existing natural resources within the surrounding area.

No endangered plant or animal species are expected to be adversely affected by the project. Mitigation measures developed by specialists in biology, zoology, and botany, in consultation with the state and federal natural resource agencies, shall be implemented to prevent adverse impacts to protected birds and mammals known to inhabit the project area.

Potential effects related to erosion, sedimentation, or contamination due to earthwork near the coastline shall be mitigated by the implementation of construction BMPs. Long-term impacts related to coastal erosion will be mitigated by the path design and drainage features.

- 5) The proposed land use, including buildings, structures and facilities, shall be compatible with the locality and surrounding areas, appropriate to the physical conditions and capabilities of the specific parcel or parcels.

The path improvements will occupy some segments of existing dirt trails and roads, and limited vegetated areas along the coastline, but will provide the same access function, in addition to increasing accessibility to a wider range of people, such as those with limited physical abilities. The path will be aligned to avoid sensitive natural resources, erosion-prone conditions, and historic and cultural features.

The OCCL concurs with the applicant that the proposed path and comfort station will be compatible with the surrounding locality. The path will be designed to curve and undulate within the existing topography. Path materials will be colored to match the existing land hues in the natural landscape. Similarly, the comfort station will utilize the previous site of the lighthouse caretaker's house and will be designed with appropriate materials and colors to blend into the surrounding landscape.

- 6) The existing physical and environmental aspects of the land, such as natural beauty and open space characteristics, will be preserved or improved upon, whichever is applicable.

The view plane of the project corridor will not be affected by the path. Path improvements will primarily be constructed at-grade and will not include features or structures that will intrude on scenic vistas and view planes. The removal of houseless individuals, abandoned vehicles, and other materials will improve the

existing physical and environmental aspects of the land, such as natural beauty and open space characteristics.

The proposed path is intended to enhance public appreciation of scenic vistas and view planes through interpretive signage and educational exhibits that will provide information about the environment, natural processes, and historic and cultural aspects of the visual setting at various locations along the project corridor.

Ground cover plants will also be selected for suitability within the existing landscape. The County will restore and revegetate disturbed areas within County-owned parcels and will coordinate with the landowners to participate in funding the restoration work.

- 7) Describe how subdivision of land will not be utilized to increase the intensity of land uses in the Conservation District.

No subdivision of land is proposed for this project.

- 8) The proposed land use will not be materially detrimental to the public health, safety and welfare.

Factors affecting public health, including impacts to air quality, water quality, and noise levels are expected to be limited to the construction period, intermittent, and short-term in nature. During construction, there will be minor impacts to air quality and noise levels.

The development of this shared-use path directly supports increasing public health of Kaua'i's communities by hopefully providing services to the houseless community along the proposed alignment. The clearing of accumulated material and makeshift housing will improve public health and safety. A shared-use path supports and encourages physically active lifestyles by increasing accessibility by foot and by bike. The path would also boost social interaction within the community, by creating a shared public space.

See **Exhibit 9** for homeless encampment mitigation, waste management, and area restoration plan.

### **CULTURAL IMPACT ANALYSIS**

The project is federally funded by the Federal Highway Association (FHWA), therefore pursuant to Section 106 of the National Historic Preservation Act (NHPA), the applicant obtained concurrence for an effect determination of "no adverse effect" from the State Historic Preservation Officer (SHPO) on a revised effect determination for the shared-use path project on June 12, 2020.

In part of the NHPA process, consultation with the public, Office of Hawaiian Affairs, and the Native Hawaiian Historic Preservation Council took place for the preparation of a cultural analysis. The analysis was conducted in November 2022, and resulted in the creation of mitigation commitments by the County of Kaua'i and its federal and state funding partners that include avoidance of sensitive cultural and historic sites located along the path corridor; public education about Native Hawaiian culture and heritage,

Kaua'i island's history, and natural resources through interpretive signage; and context sensitive design of path features to blend in and minimize visual impacts in the open, natural landscape along the coast.

Based on this consultation, the findings of resources studies, and the mitigation commitments developed through those consultations, the proposed path project is expected to preserve and ensure continued access to the shoreline and coastal area, while having no effect to the rights customarily and traditionally exercised for subsistence, cultural, and religious purposes.

On October 4, 2021, the County submitted their HRS 6E-8 form to SHPD for review, however, no response has been received from SHPD at this time.

### **KA PA'AKAI ANALYSIS**

The project area is currently used as a fishing area; no other traditional cultural activities were observed or discussed in the application. The construction of the shared-use path is intended to maintain and increase accessibility to the shoreline, thereby promoting traditional Hawaiian rights and practices. Therefore, it is believed that no additional action is necessary to protect these rights.

### **DISCUSSION**

The County of Kauai's Department of Public Works would like to construct a shared-use path along the eastern coast of Kaua'i, with a comfort station at Ninini Lighthouse. The proposed area of work within the Conservation District is approximately 201,300 ft<sup>2</sup> or 4.6 acres; The path segment is approximately 185,460 ft<sup>2</sup> or 4.26 acres, and the comfort station, parking lot, and walkways will total to 16,025 ft<sup>2</sup> or 0.37 acres.

Standard Best Management Practices will be followed during construction. Within the Environmental Assessment, the applicant has identified several mitigative measures, conditions, and practices to ensure that the proposal will have minimal negative effects on the natural resources of the land. As such these proposed measures, conditions, and practices are incorporated into the permit.

Staff believes that the project will have negligible adverse environmental or ecological effects provided that best management practices and mitigation measures as described in the application and environmental assessment are fully implemented.

The OCCL conducted a site visit on April 2, 2024, meeting with the County representative, a County surveyor, Kaua'i County Housing Agency Homeless Coordinator, and a member of the Kaua'i Police Department. The County surveyor provided a count of 49 encampments along the proposed project site, with the majority of encampments lying within the parcel owned by the County of Kaua'i. It is not known how many individuals live in the camps.

Staff believes the project shall be beneficial to the public as the improvements will:

- Preserve public access to the shoreline for the health, wellbeing, and enjoyment of the public.



- Promote public welfare by creating multi-modal transportation infrastructure that reduces reliance on automobiles, encourages active lifestyles for better health outcomes, and improves accessibility to the shoreline for a broader range of ages and abilities.
- Eliminate unsafe activity within the project corridor and cleaning up the coastal area for the safety and wellbeing of the public. The encampments have created concentrations of materials and debris, including abandoned vehicles, fishing nets, gear, and unpermitted shelters made of tarps, pallets, and other materials.

Staff remains concerned that the County does not currently have the resources to provide alternative shelters or support services for the individuals living within the project corridor.

It appears the federal funding does not cover the entirety of the project. The County notes in their homeless encampment relocation plan that they have not encumbered project funding for path construction or restoration work. Aside from relocation unhoused individuals, additional funds will be needed to remove abandoned vehicles, remove debris and construction materials from the camps, and to clean and rejuvenate the area.

The OCCL notes that the HRS 6E-8 review with SHPD is still in progress.

Pursuant to HRS §6E-8 (a) Review of effect of proposed state projects. *Before any agency or officer of the State or its political subdivisions commences any project which may affect historic property, aviation artifact, or a burial site, the agency or officer shall advise the department and allow the department an opportunity for review of the effect of the proposed project on historic properties, aviation artifacts, or burial sites, consistent with section 6E-43, especially those listed on the Hawaii register of historic places. The proposed project shall not be commenced, or, in the event it has already begun, continued, until the department shall have given its written concurrence.*

Given the high number of known historic sites in the project area, staff recommends that a condition of the permit be that SHPD give its written concurrence prior to any construction.

OCCL concurs with the recommendations from DOFAW, and has incorporated them into our recommended conditions of the permit.

## **RECOMMENDATION**

Based on the preceding discussion, staff recommends that the Board of Land and Natural Resources approve Conservation District Use Permit KA-3926 for a Shared-Use Path located at Hanamaulu and Nāwiliwili, Līhu'e, island of Kaua'i, Tax Map Keys: (4) 3-5-001:008 & 102 & 128 & 160 subject to the following standard and special conditions:

1. The permittee shall comply with all applicable statutes, ordinances, rules, and regulations of the federal, state, and county governments, and applicable parts of HAR Chapter 13-5;

2. The permittee, its successors, and assigns, shall indemnify and hold the State of Hawai'i harmless from and against any loss, liability, claim, or demand for property damage, personal injury, and death arising out of any act or omission of the applicant, its successors, assigns, officers, employees, contractors, and agents under this permit or relating to or connected with the granting of this permit;
3. The permittee shall comply with all applicable department of health administrative rules;
4. The permittee shall provide documentation (e.g., book and page or document number) that the permit approval has been placed in recordable form as a part of the deed instrument, prior to submission for approval of subsequent construction plans;
5. The proposed project shall not be commenced, or, in the event it has already begun, continued, until the SHPD shall have given its written concurrence;
6. Before proceeding with any work authorized by the department or the board, the permittee shall submit four copies of the construction plans and specifications to the chairperson or an authorized representative for approval for consistency with the conditions of the permit and the declarations set forth in the permit application. Three of the copies will be returned to the permittee. Plan approval by the chairperson does not constitute approval required from other agencies;
7. Unless otherwise authorized, any work or construction to be done on the land shall be initiated within three years of the approval of such use, in accordance with construction plans that have been signed by the chairperson and shall be completed within five years of the approval of such use. The permittee shall notify the department in writing when construction activity is initiated and when it is completed;
8. All representations relative to mitigation set forth in the accepted environmental assessment or impact statement for the proposed use are incorporated as conditions of the permit;
9. The applicant shall plan to minimize the amount of dust generating materials and activities. Material transfer points and on-site vehicular traffic routes shall be centralized. Dusty equipment shall be located in areas of least impact. Dust control measures shall be provided during weekends, after hours and prior to daily start-up of project activities. Dust from debris being hauled away from the project site shall be controlled. Landscaping and dust control of cleared areas will be initiated promptly;
10. The permittee shall notify the Office of Conservation and Coastal Lands (OCCL) in writing prior to the initiation and upon completion of the project;

11. When provided or required, potable water supply and sanitation facilities shall have the approval of the department of health and the county department of water supply;
12. Provisions for access, parking, drainage, fire protection, safety, signs, lighting, and changes on the landscape shall be provided;
13. Obstruction of public roads, trails, lateral shoreline access, and pathways shall be avoided or minimized. If obstruction is unavoidable, the permittee shall provide alternative roads, trails, lateral beach access, or pathways acceptable to the department;
14. During construction, appropriate mitigation measures shall be implemented to minimize impacts to off-site roadways, utilities, and public facilities;
15. Cleared areas shall be revegetated, in accordance with landscaping guidelines provided in this chapter, within thirty days unless otherwise provided for in a plan on file with and approved by the department;
16. Use of the area shall conform with the program of appropriate soil and water conservation district or plan approved by and on file with the department, where applicable;
17. Any replanting shall be appropriate to the site location and shall give preference to plant materials that are endemic or indigenous to Hawaii. The introduction of invasive plant species is prohibited.
18. Signs, including safety signs, danger signs, no trespassing signs, and other informational signs. No signs shall exceed twelve square feet in area and shall be non-illuminated. All signs shall be erected to be self-supporting and be less than or equal to eight feet above finished grade
19. For all landscaped areas, landscaping and irrigation shall be contained and maintained within the property, and shall under no circumstances extend seaward of the shoreline as defined in section 205A-1, HRS;
20. Artificial light from exterior lighting fixtures, including but not limited to floodlights, up lights, or spotlights used for decorative or aesthetic purposes, shall be prohibited if the light directly illuminates or is directed to project across property boundaries toward the shoreline and ocean waters, except as may be permitted pursuant to section 205A-71, HRS. All exterior lighting shall be shielded to protect the night sky;
21. Where applicable, provisions for protection of beaches and the primary coastal dune shall be established by the permittee, to the satisfaction of the department, including but not limited to avoidance, relocation, or other best management practices;

22. The permittee acknowledges that the approved work shall not hamper, impede, or otherwise limit the exercise of traditional, customary, or religious practices of native Hawaiians in the immediate area, to the extent the practices are provided for by the Constitution of the State of Hawaii, and by Hawaii statutory and case law;
23. Should historic remains such as artifacts, burials or concentration of charcoal be encountered during construction activities, work shall cease immediately in the vicinity of the find, and the find shall be protected from further damage. The contractor shall immediately contact HPD (692-8015), which will assess the significance of the find and recommend an appropriate mitigation measure, if necessary;
24. Other terms and conditions as prescribed by the chairperson.
25. Failure to comply with any of these conditions shall render a permit void under the chapter, as determined by the chairperson or board.

Respectfully submitted,



Mari Kurosawa, Staff Planner  
Office of Conservation and Coastal Lands

Approved for submittal:

MC



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Dawn N. S. Chang, Chairperson  
Board of Land and Natural Resources



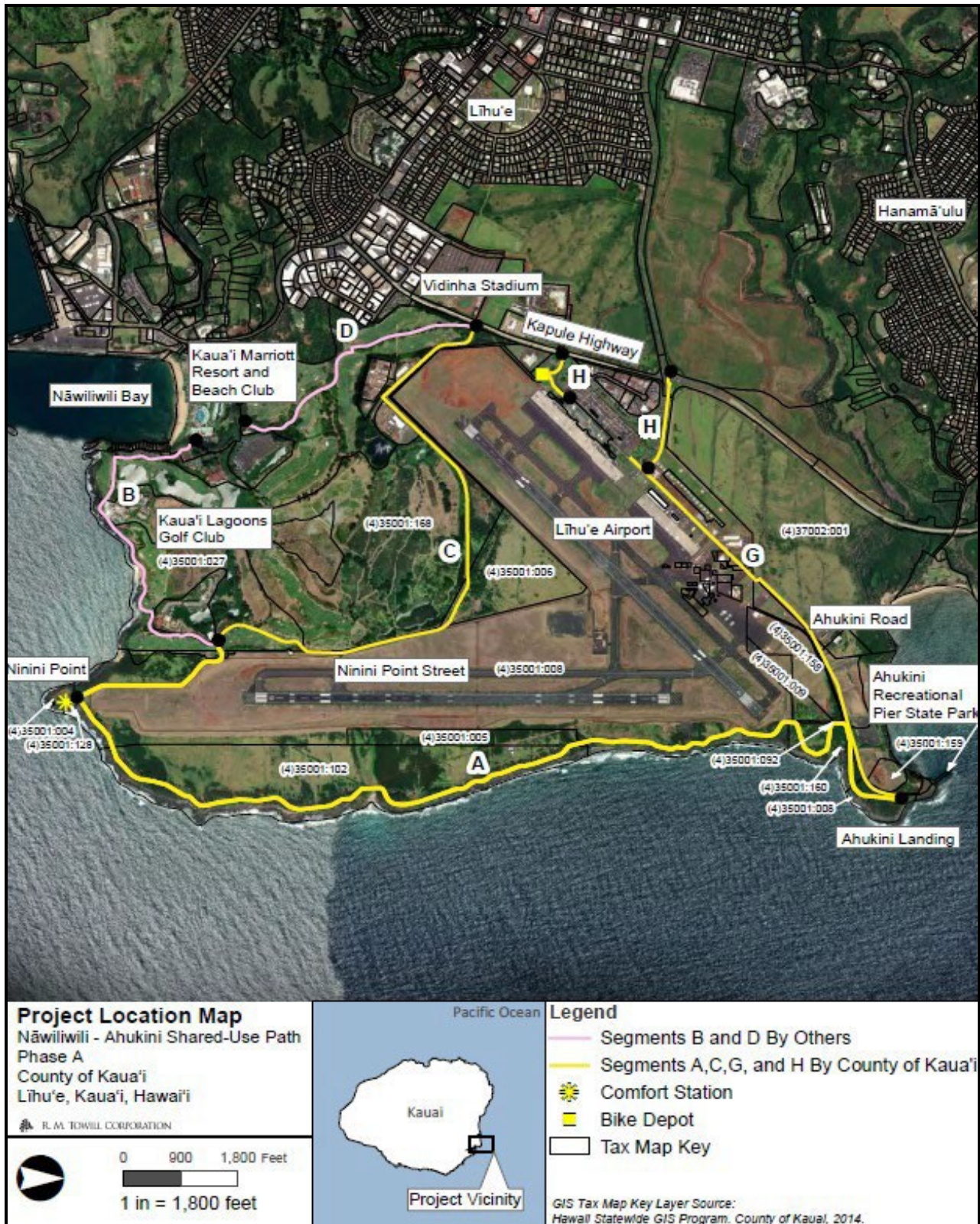


Exhibit 1- Project Location and Pathway Map



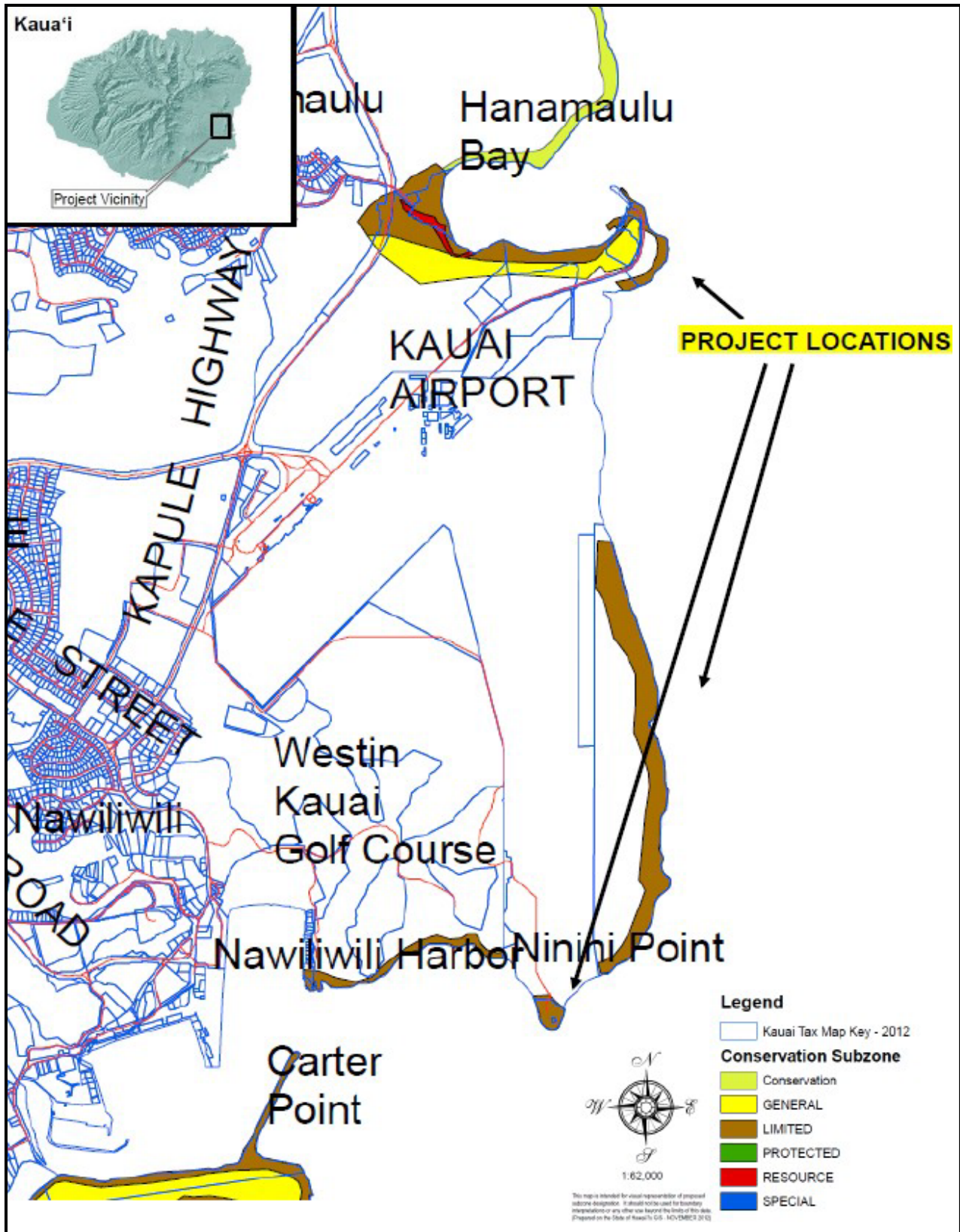


Exhibit 2- Subzone Map

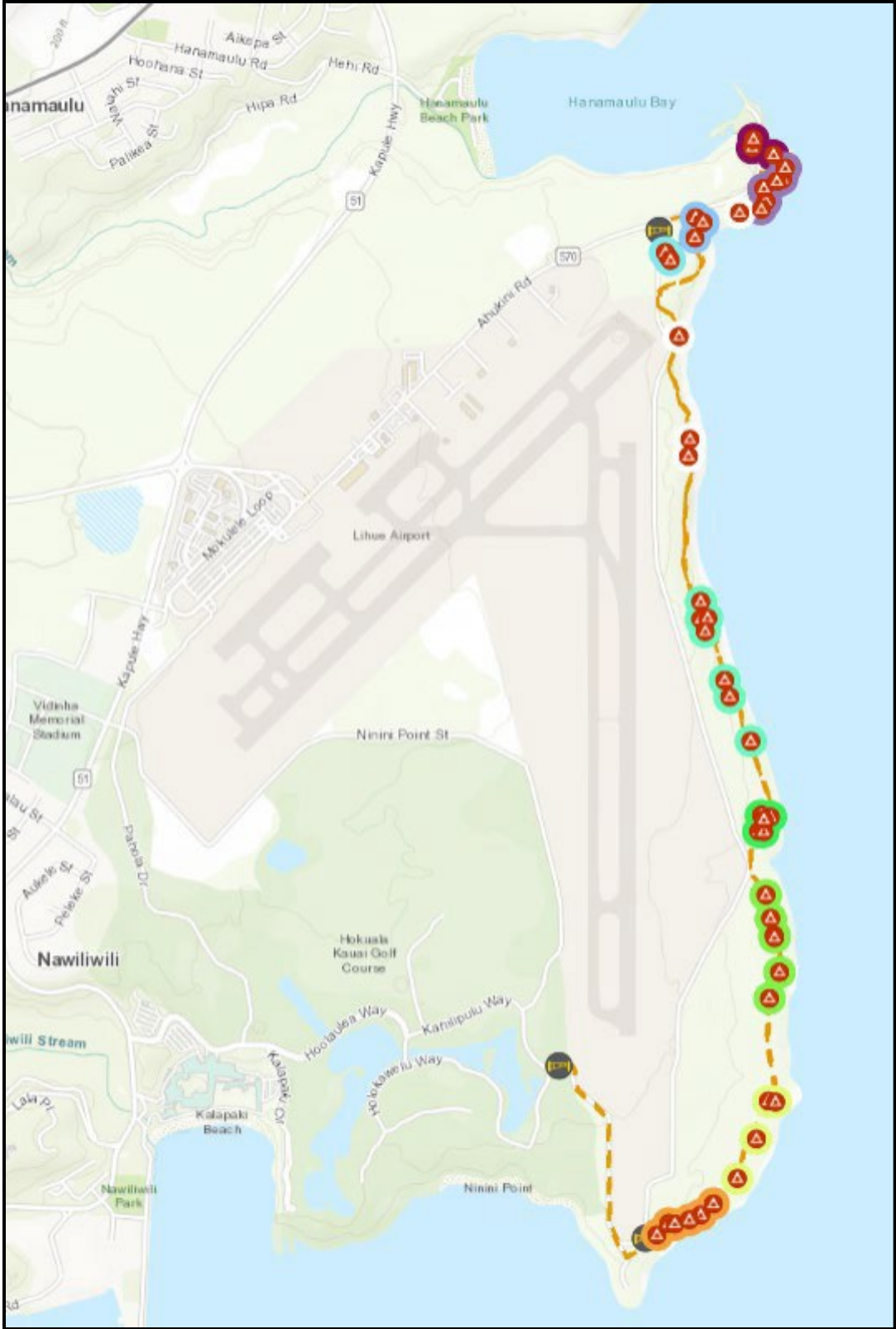


Exhibit 3- Homeless Encampment GIS Map





Exhibit 4- State Historic Inventory of Historic Sites



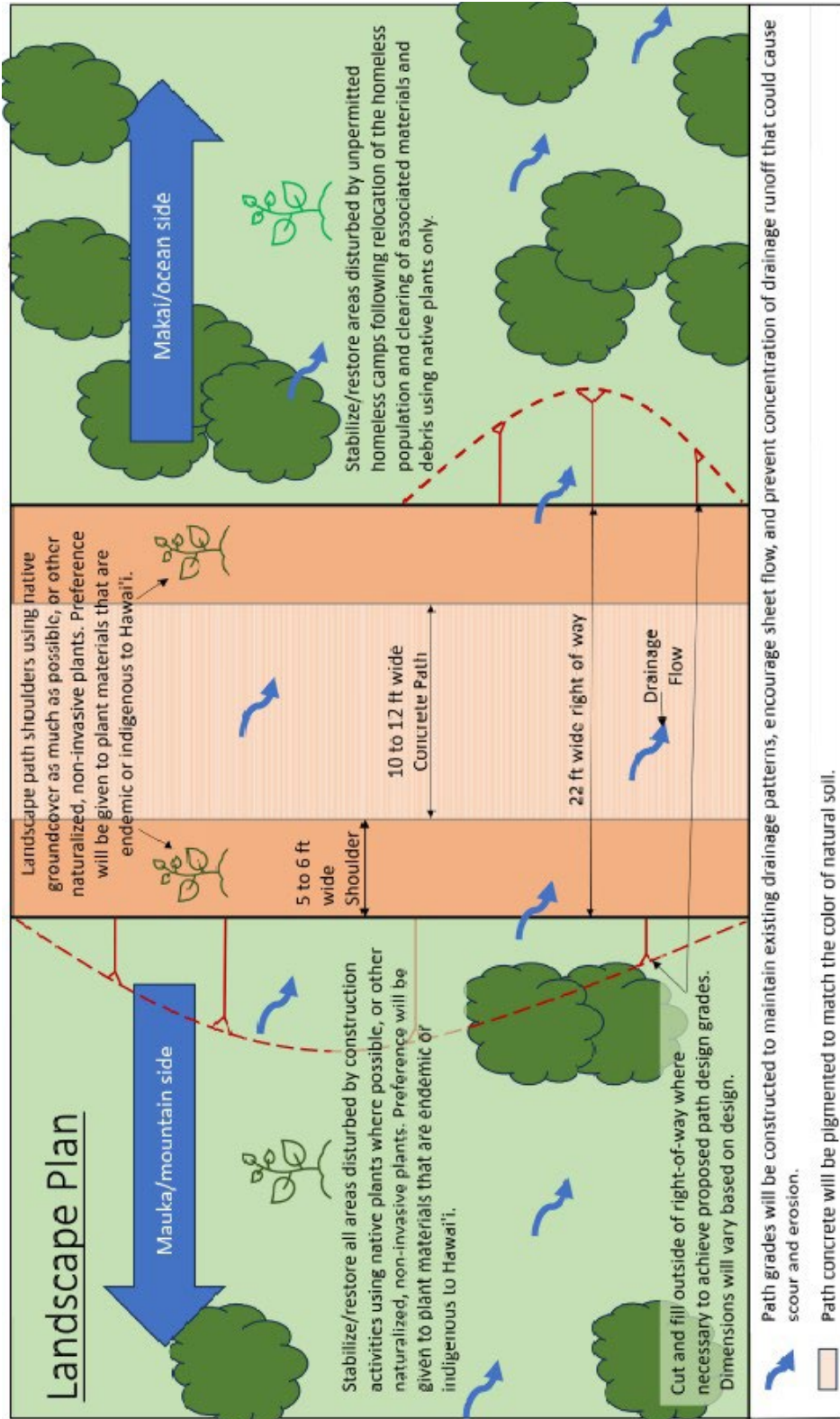


Exhibit 5- Landscape Plan

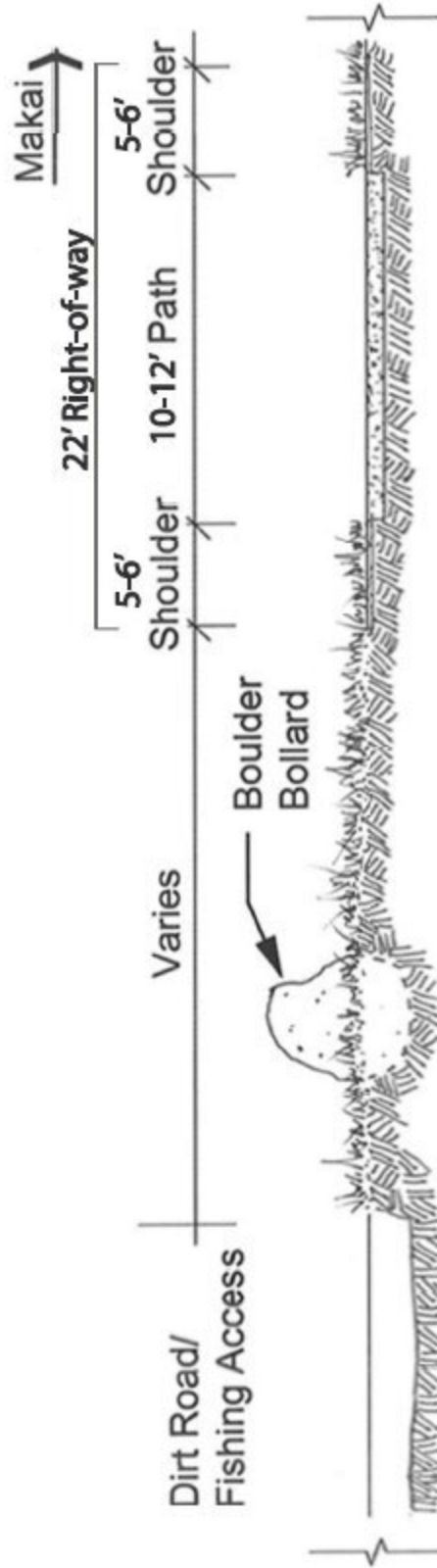


Exhibit 6- Path Design Cross Section



*Nāwiliwili - Ahukini Shared-Use Path*

County of Kaua'i

Līhue, Island of Kaua'i, Hawai'i

*Conceptual Plan for  
Ninini Point Comfort Station*



R. M. Towill Corporation

Notes:  
 (1) Aerial photos not orthographically rectified.  
 (2) Exhibit is for planning and discussion purposes only, not for engineering design.

Exhibit 7- Comfort Station Layout





Exhibit 8- Site Visit Photos 4/2/24



## ATTACHMENT B

### Homeless Encampment Removal, Debris Removal and Disposal, and Area Restoration Plan Nāwiliwili-Ahukini Shared-Use Path

The County of Kaua'i (COK), Department of Public Works (DPW) proposes the following process for relocating homeless encampments, clearing and disposing of accumulated debris and restoring disturbed areas within the Conservation District for the Nāwiliwili-Ahukini Shared-Use Path project. The proposed path alignment passes through coastal areas between Ahukini Point and Ninini Point that have been used intermittently by homeless persons for unpermitted encampments. Within the Conservation District, these uses are located primarily on parcels 3-5-001: 008 (under the authority of State of Hawai'i, Department of Transportation [HDOT], Airports Division), and 105 (owned by the COK). The encampments in these areas are a non-conforming land use.

The total number of homeless persons in the area fluctuates and is estimated to range from approximately 40 to 100 individuals. The lower estimate was shared by Ms. Farah Aquino, the COK Homeless Coordinator, based on an estimate provided to her by one of the homeless individuals in the area. An estimate of approximately 60 individuals was derived by Garrett Gee, COK GIS specialist, based on analysis of aerial imagery of the encampments. It is possible the homeless population in this area is intermittently larger than these figures, thus the upper estimate of 100 individuals.

The unpermitted encampments have created substantial concentrations of materials and debris, including numerous abandoned vehicles; fishing nets, gear and other flotsam collected from the shoreline; and materials used to construct unpermitted shelters, including pallets, tarps, lumber, sheet goods and other materials.

The COK will remove the homeless persons encampments, clear debris and restore areas disturbed by the encampments to resolve the non-conforming uses following a process that has been employed on other COK projects. The process will involve the following sequence of actions:

The Kaua'i Police Department (KPD) will visit the area commencing in June and speak with individuals who are illegally camped to notify them that they must vacate and remove their belongings. The KPD is familiar with many of the individuals and has established rapport with them. Written notices with the same message will be distributed and posted. Individuals will be given adequate time and iterative notices to leave the area and remove their belongings by a fixed deadline (to be determined) before work activities commence. Notification will clarify that any materials remaining after the relocation deadline will be considered abandoned waste materials to be removed and disposed of by COK. The KPD will accompany subsequent work parties (surveyors, contractors, DPW personnel) to reiterate the relocation notice to any

## Exhibit 9- Homeless Encampment Relocation, Debris Removal and Disposal, and Area Restoration Plan

remaining homeless individuals and ensure the safety of work personnel.

Following the notification period, Esaki Surveying, the COK's surveyor consultant on the project, will flag the proposed path alignment. A sub-contractor will then clear vegetation along the proposed path alignment, as required, to facilitate access for topographic survey of the alignment to be performed. **At this point, the final design of the path will commence.**

In coordination with the survey work, the COK DPW will administer the solid waste/debris removal. Kelli-Ann Oku, Senior Project Manager with DPW, is the lead for handling debris removal efforts. DPW estimates the cost to remove and dispose of the accumulated debris and abandoned vehicles to be **up to** 1 million dollars. In May 2024, DPW requested funding from the County Council for this purpose. The Council will vote on the request in June 2024. If approved, the funds will become available on July 1, 2024. DPW, Roads Division in-house labor and equipment, or a contractor administered by the DPW Project Manager will be used for the debris clean up.

In addition, the DPW has determined that prior to debris removal work, the existing dirt access road will require repairs and maintenance, including re-grading of rutted and eroded sections and stabilization by placement and compaction of aggregate or recycled cold-plane material. The repairs are necessary to make the road accessible to the work vehicles (tow trucks, flatbeds, dumpster trucks) that will be used to remove abandoned vehicles and waste materials. Road repair work is estimated to cost \$226,000, assuming the use of recycled cold-plane material provided at no cost to COK from the HDOT. Road repair work will occur within the existing right-of-way. The DPW is currently coordinating with HDOT for the road repair work.

The DPW will process the removed solid waste through COK's waste diversion program. The COK solid waste diversion rate, that is the amount of solid waste that is diverted from landfill disposal through reuse, recycling and rot (compost), is 43 percent. Material that cannot be diverted will be disposed of in the Kekaha Landfill (KLF).

There is adequate capacity in the KLF to receive waste material from the encampments. Under the current Solid Waste Management Permit (SWMP No. LF-0042-16), KLF Phase II is projected to reach capacity in June 2027. The COK recently completed an environmental assessment and finding of no significant impact for proposed increase of the KLF Phase II vertical capacity from the currently permitted 120 feet to 171.5 feet above mean sea level. This will add an additional 2 to 4 years of capacity beyond 2027 to the KLF, thus providing sufficient landfill capacity until a long-term solid waste capacity solution can be implemented.

Abandoned vehicles may be removed by DPW Solid Waste Division personnel, or by **contract to** Puhi Metals which is contracted by COK for island-wide hauling and recycling of derelict cars. In either case, the abandoned vehicles will be taken to Puhi Metals for recycling. Derelict vehicles will not be disposed of at KLF.

Following debris removal, the DPW will assess the cleared encampment areas to determine the extent and scope of work for environmental restoration to address **exposed damaged** soils, erosion and illegal modifications to land forms (pits, trenches, berms). Affected areas within the path alignment will be restored and stabilized as part of the shared-use path project according to the project's landscape plan. This will include grading required to achieve the path design grades and to ensure proper drainage, and soil stabilization through landscaping. Drought tolerant indigenous or endemic plant species that are common to the local area will be the preferred vegetation used for landscaping. Species proposed for soil stabilization and restoration include beach naupaka (*Scaevola sericea*), 'ilima (*Sida fallax*), Pa'uohi'iaka (*Jacquemontia ovalifolia*), and akulikuli (*Sesuvium portulacastrum*).

At present, the COK has not encumbered project funding for path construction or restoration work. Therefore, additional funding will be needed. As part of its conditions assessment following debris removal, the DPW will prepare a cost estimate to restore and revegetate disturbed areas within COK-owned parcels, which will serve as the basis for a funding request. For disturbed areas located outside of COK-owned parcels, the COK will coordinate with the landowners, including the State Department of Transportation Airports Division and State Agribusiness Development Corporation, to participate in funding the restoration work. The specific schedule and timing for this work is not known. However, the COK will commit to a reasonable period of performance to fulfill this work as a condition of CDUP approval.

Regarding the relocation of homeless individuals, the COK currently does not have the resources to provide alternative shelters or support services for the estimated 40 to 100 individuals living between Ahukini Landing and Ninini Point. The COK Department of Public Works has been communicating with the COK Housing Agency and COK Homeless Coordinator to understand the needs of the homeless population in the project area and identify existing and potential resources to support individuals who desire to transition to stable housing.

Based on communication with the COK Homeless Outreach Coordinator and phone conversations with six homeless service providers on Kaua'i<sup>1</sup> (with four more not responding<sup>2</sup>), there are not enough emergency or temporary shelter bed spaces or transitional housing facilities to accommodate the homeless population camped in the project corridor, nor to serve the needs of the homeless population on the island. The total number of emergency shelter beds and transitional housing units available on Kaua'i is unclear; based on communication with service providers and online research, it appears to be less than 100 combined. The contacted service providers who offer temporary shelter or transitional housing are full and have long waiting lists. The one exception was Steadfast Housing, which serves homeless adults who have been diagnosed with mental illness, that reported two vacancies out of 10 spaces.

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<sup>1</sup> YWCA Kaua'i Family Violence Center; Women in Need; Family Life Center; Mental Health Kōkua; Steadfast Housing; Catholic Charities Community and Immigrant Services.

<sup>2</sup> Kaua'i Economic Opportunity Keo Mana'olana Emergency Homeless Shelter; Kaua'i Economic Opportunity Hale 'Ōpio Kaua'i, Inc.; U. S. Vets Veterans Shelter; Ho'omana Thrift Store Homelessness Drop-In Center.



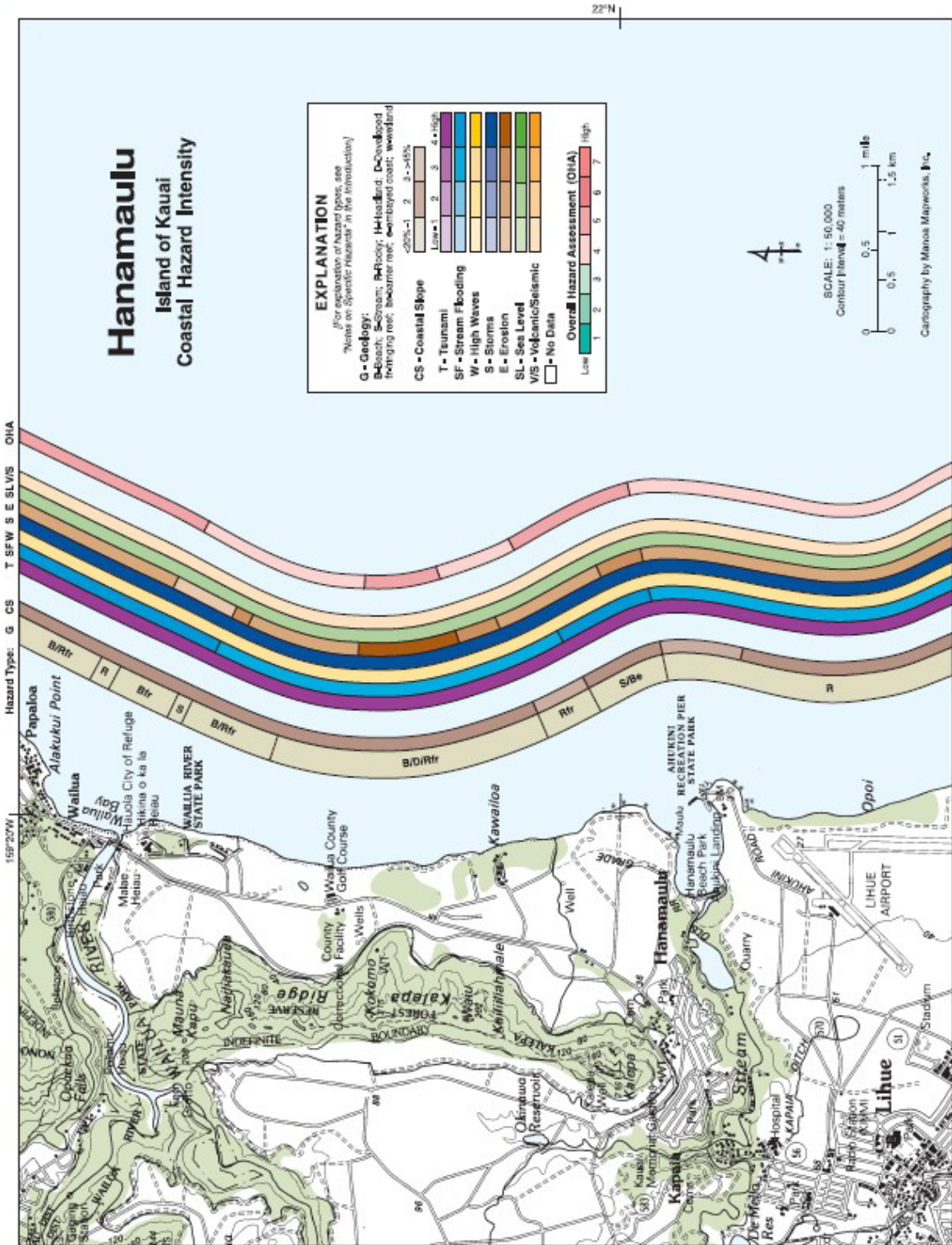
The COK Housing Agency also administers Kealaula, a 29-unit transitional housing project located in Lihue. It provides longer-term residential apartments and studios to provide stable housing for formerly homeless individuals and families while they transition out of homelessness. Residents must meet certain income criteria (30% to 100% of Area Median Income) and other program requirements to qualify for residency. There is a sizeable waiting list for these units. This is not a viable facility to meet the immediate needs of the homeless population within the project vicinity.

The lack of emergency shelter beds compared to the most recent Homeless Point in Time (PIT) Count (2023), which identified 430 unsheltered individuals, highlights the challenge faced by COK and the Kaua'i community to shelter and service the homeless population. The PIT count is an annual, single-night snapshot count for the purpose of providing year-to-year comparative data; it does not presume to capture the full scale of the homeless population on the island.

Equally challenging is the lack of trained social workers on the island to perform outreach and assessments within the homeless encampments to determine individual histories of homelessness, contributing factors (economic hardship, domestic violence, family conflict, drug use, mental health issues) and needs.

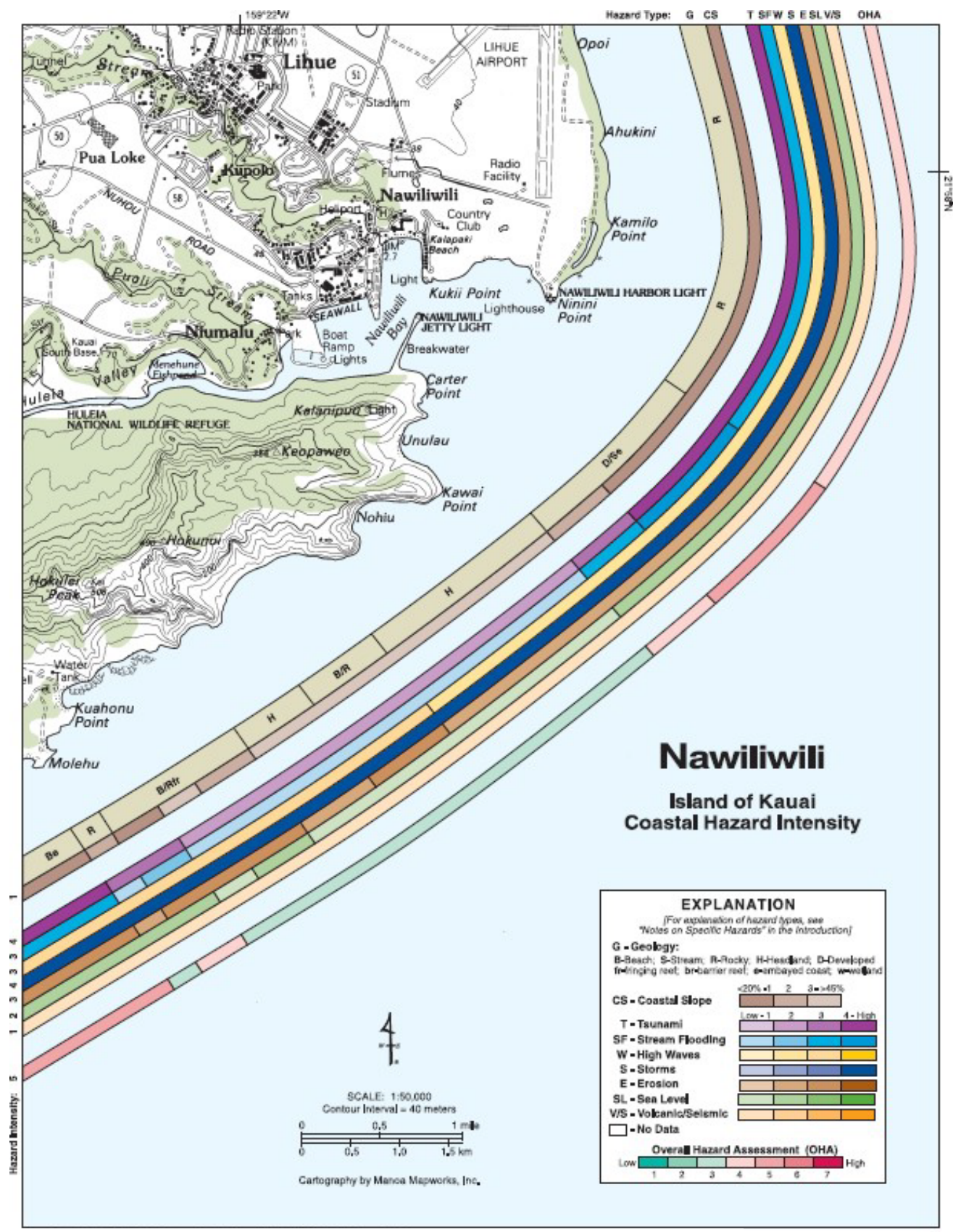
The COK Housing Agency is currently conducting community outreach (surveys, focus groups, interviews, listening sessions) as part of work on a Five Year Homeless Strategic Plan. A draft needs assessment and strategic plan is expected to be completed for community review and comment later in the summer of 2024. The plan can be expected to result in recommendations for the expansion of shelters, transitional housing, social services and other programs and policies to reduce homelessness, but these results will take funding and time to realize.





USGS 1:50,000 Eastern Kauai, Hawaii 5122, W733 Edition 1-DMA

Exhibit 10- USGS Coastal Hazard Map for Hanamaulu and Nāwiliwili



USGS 1:50,000 Eastern Kauai, Hawaii 5122, W733 Edition 1-DMA