



# Contents

---

<b>3. Affected Environment and Reasonably Foreseeable Effects.....</b>	<b>3-2</b>
CHANGES IN LEGAL LANDSCAPE SINCE THE DRAFT EIS .....	3-2
Reasonably Foreseeable Effects .....	3-2
Climate Change and Greenhouse Gas (GHG) Analysis.....	3-3
Environmental Justice .....	3-4
23 CFR part 771.....	3-4



### 3. Affected Environment and Reasonably Foreseeable Effects

This chapter (inclusive of Sections 3.1 through 3.20) primarily restates the Draft EIS assessment of the Build Alternatives. The chapter includes and denotes with double underlined text those changes made between Draft and Final EIS, primarily providing updated information on changes to the NEPA landscape which have been put into effect since the Draft EIS was released in December 2024 (for example, the chapter name change to “Reasonably Foreseeable Effects” reflects an emphasis in NEPA policy directives as described below). In addition, limited updated existing conditions and analyses are included based on information that was identified after the Draft EIS was released (i.e., based on information provided to FHWA and HDOT as part of public comments on the Draft EIS or based on continued agency coordination).

Chapter 5, Selected Alternative, presents the FHWA and HDOT initial determination of the Preferred Alternative as originally established in the Draft EIS and, as issued jointly in the Record of Decision (ROD), the agencies have selected the Preferred Alternative as the “Selected Alternative” for the Project which will be carried forward into the design build process.

---

#### **CHANGES IN LEGAL LANDSCAPE SINCE THE DRAFT EIS<sup>1</sup>**

---

Since publication of the Draft EIS, President Trump signed Executive Order (EO) 14154 – Unleashing American Energy – which, among other things, required the Council on Environmental Quality (CEQ) to issue guidance on implementing the National Environmental Policy Act (NEPA) and propose rescinding its NEPA regulations at 40 CFR 1500 et seq. Subsequently, on February 25, 2025, CEQ published an Interim Final Rule (IFR) removing the CEQ NEPA implementing regulations, effective April 11, 2025 (90 Fed. Reg. 10610).

#### **Reasonably Foreseeable Effects**

On February 19, 2025, CEQ issued a memorandum, Implementation of the National Environmental Policy Act, which acknowledged that the Fiscal Responsibility Act of 2023 amended NEPA to clarify that EISs must analyze and disclose the “reasonably foreseeable environmental effects of the proposed agency action.” CEQ encouraged Federal agencies to “analyze the reasonably foreseeable effects of the proposed action consistent with section 102 of NEPA, which does not employ the term ‘cumulative effects;’[...and the agencies should consider] ‘reasonably foreseeable’ effects, regardless of whether or not those effects might be characterized as ‘cumulative.’”

---

<sup>1</sup> This section is new text for the Final EIS. For ease of reading, the new text is not double underlined



Further, since the publication of the Draft EIS, the U.S. Supreme Court issued its decision in *Seven County Infrastructure Coalition v. Eagle County, Colorado*, which held the focus of NEPA is the project at hand, not other separate projects. 605 U.S. \_\_\_\_ (May 29, 2025).

Accordingly, this Final EIS analyzes reasonably foreseeable effects that result from the proposed action. The Honoapiʻilani Highway Improvements Project considers reasonably foreseeable effects to have a rational link to the Project in terms of geographic and temporal proximity and must be sufficiently likely to occur.

The reasonably foreseeable direct, indirect, and temporary effects of the No Build Alternative and Build Alternatives on environmental and community resources are evaluated in the resource-specific sections of the Final EIS (Section 3.1 through Section 3.19). Unless otherwise defined in the resource-specific section of the Final EIS, for the purposes of assessing reasonably foreseeable effects, the following parameters apply:

- Geographic proximity includes those effects within or directly adjacent to the project area for the Honoapiʻilani Highway Improvements Project, which is the area where most physical changes associated with the Project would occur.
- Temporal scope includes those effects that are expected to occur between 2024 (the year of the Draft EIS publication) and 2045 (the design year of the Project).
- Sufficiently likely to occur includes effects that are not speculative in nature or causally attenuated<sup>2</sup> from the Project. Effects which are sufficiently likely to occur may also be associated with projects for which funding has been committed.

### Climate Change and Greenhouse Gas (GHG) Analysis

In addition to EO 14154, on January 20, 2025, President Trump signed EO 14148 – Initial Rescissions of Harmful Executive Orders and Actions. Together, EO 14154 and EO 14148 revoked EO 13990 – Protecting Public Health and the Environment and Restoring Science to Tackle the Climate Crisis (January 20, 2021) and EO 14008 – Tackling the Climate Crisis at Home and Abroad (January 27, 2021). Subsequently on January 29, 2025, Secretary Duffy signed a Memorandum for Secretarial Offices and Heads of Operating Administrations – “Implementation of Executive Orders Addressing Energy, Climate Change, Diversity, and Gender.” As a result of these actions, coupled with CEQ’s rescission of its NEPA implementing regulations, FHWA and FTA will not include GHG emissions and climate change analyses in the federal environmental review process, and any purported GHG emissions or climate change impacts will not be considered in the federal decision. Accordingly, no GHG emissions or climate change analyses are included in this Final EIS.

---

<sup>2</sup> “Causally attenuated” in this context means effects that are remote in time or place, or are the result of a lengthy causal chain (meaning intervening variables such as other actions may contribute or cause an effect), thereby making it difficult to establish a sufficiently close connection between the proposed action and a particular environmental impact. Generally, an outcome or effect is causally attenuated if it cannot be directly attributed to one particular action, but rather may result from another action or series of actions.



## Environmental Justice

EOs 14148 and 14154 also revoked EO 14096 – Revitalizing Our Nation’s Commitment to Environmental Justice for All (April 21, 2023). Subsequently on January 21, 2025, President Trump signed EO 14173 – Ending Illegal Discrimination and Restoring Merit-Based Opportunity. This EO revoked EO 12898 – Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations (February 11, 1994). As a result of these actions, coupled with CEQ’s rescission of its NEPA implementing regulations, all federal environmental justice requirements are revoked and no longer apply to the federal environmental review process. FHWA, FTA and FRA’s joint NEPA regulations (23 CFR part 771) and the agencies’ Interim Final Guidance on “Section 139 Environmental Review Process: Efficient Environmental Reviews for Project Decisionmaking and One Federal Decision” (12/17/2024) do not require an environmental justice analysis. Accordingly, no analysis of environmental justice is included in this Final EIS. Any purported environmental justice impacts will not be considered in the federal decision but social, economic, and community impacts will continue to be disclosed where applicable in accordance with 23 CFR part 771.

To the extent the laws of the State of Hawaiʻi require HDOT to consider the effects of GHG emissions and climate change, environmental justice, or cumulative impacts as part of the state environmental review, any such analysis is provided in the HEPA Final EIS. Because the HEPA Final EIS was developed by HDOT solely for the purpose of complying with State law, FHWA was not involved in the development of the HEPA Final EIS and did not consider the document in the Final EIS. This includes responding to comments related to GHG emissions, climate change, environmental justice, or cumulative impacts. FHWA is not expressing agreement or concurrence through this reference to the HEPA Final EIS.

## 23 CFR part 771

On July 3, 2025, FHWA, FRA, and FTA issued a joint Interim Final Rule (IFR) updating 23 CFR part 771. The IFR modifies the joint regulations implementing NEPA to be consistent with the removal of regulations previously issued by CEQ, the amendments to NEPA included in the section of the Fiscal Responsibility Act of 2023 known as the Building United States Infrastructure through Limited Delays and Efficient Reviews (BUILDER) Act of 2023, and amendments regarding efficient environmental reviews included in the Infrastructure Investment and Jobs Act of 2021.