Honoapi'ilani Highway Improvements Project
West Maui: Ukumehame to Launiupoko

Record of Decision

US Department of Transportation
Federal Highway Administration (FHWA)

September 2025

Honoapi'ilani Highway
Improvements

Honoapiʻilani Highway Improvements Project, West Maui: Ukumehame to Launiupoko National Environmental Policy Act Record of Decision Federal Highway Administration

Honoapiʻilani Highway Improvements Project (FHWA-HI-EIS-23-01-D)
Maui County, Hawaii

September 2025

Contents

LIST OF FIGURES

Decision

This National Environmental Policy Act (NEPA) Record of Decision (ROD) documents the Federal Highway Administration (FHWA) decision to proceed with the Honoapi‘ilani Highway Improvements Project (the Project) as described in the Final Environmental Impact Statement (Final EIS) (FHWA-HI-EIS-23-01-D).[1] The EIS was prepared jointly with the Hawai‘i Department of Transportation (HDOT). The Project is located in Maui County, Hawai‘i.

This combined EIS/ROD was prepared in accordance with NEPA (42 United States Code [USC] Section [§] 4231 et seq.), 23 U.S.C. 139, and pursuant to the *FHWA Environmental Impact and Related Procedures; Final Rule* (23 Code of Federal Regulations [CFR] Part 771.124).

FHWA, as the NEPA lead agency, has selected the Preferred Alternative as initially identified in the Draft EIS and as further refined in the Final EIS (the “Selected Alternative”) as evaluated in the Draft and Final EIS (Chapter 5, Selected Alternative).

[1] The complete text of the EIS documents are found at https://www.honoapiilanihwyimprovements.com/

Project Location

The Project is on the west side of Maui in an area approximately 6 miles long and 0.75 mile wide, between Ukumehame and Launiupoko. Honoapi‘ilani Highway is a two-lane principal arterial highway as part of Maui’s Belt Road system that serves as the primary access route connecting the communities of West Maui to the rest of the island. The southeastern terminus of the Project is at milepost 11 in Ukumehame, within the vicinity of Pāpalaua Wayside Park. The northwestern terminus of the Project is at milepost 17 in Launiupoko, where Honoapi‘ilani Highway intersects the southern terminus of Lāhainā Bypass.

Project Background

Honoapi‘ilani Highway is part of the National Highway System and Primary Highway Freight System and it has been in use since the late 1930s. In the past 10 years, Honoapi‘ilani Highway has been repaired three times after storm and high-wave events undermined pavement sections, overtopped the highway, and rendered it impassable.

In 2022, HDOT, in partnership with the FHWA, evaluated statewide transportation networks that were subject to frequent repair and reconstruction. Honoapi‘ilani Highway was identified as having the greatest vulnerability to emergency events. Honoapi‘ilani Highway in the project area is within the projected Sea Level Rise Exposure Area (SLR-XA) as established by Hawaii Act 32 (2017). As described below and in Chapter 1 of the Final EIS, the SLR-XA is critical to the Project’s purpose and need. SLR-XA coastal erosion modeling indicates that the number of emergency repairs and service disruptions on Honoapi‘ilani Highway would increase as sea level rise exacerbates the already observed frequency and severity of flooding.

HDOT and Maui County have furthered plans for the relocation of this portion of the Honoapi‘ilani Highway for many decades, most notably in the *Maui County 2005 Pali to Puamana Parkway Master Plan,* which originally identified a range of alternatives that were evaluated in the Project EIS.

In November 2022, the FHWA issued a Notice of Intent to prepare an EIS. The public scoping period included three meetings held in December 2022, a comment period in December 2022, and a scoping report posted in May 2023. In December 2025, the Draft EIS was released, starting a public review period that extended to February 2025. The public review period included two public hearings. The Notice of Availability of the Draft EIS was published in the Federal Register in January 2025. All substantive comments received on the Draft EIS have been summarized and addressed in Chapter 9 of the Final EIS, several of which resulted in refinements to the Preferred Alternative.

Project Purpose and Need

The Project’s primary purpose is to provide a reliable transportation facility in West Maui and improve Honoapi‘ilani Highway’s resilience by reducing its vulnerability to coastal hazards. Specifically, the Project is intended to address existing coastal erosion and flooding vulnerabilities as well as future coastal erosion and flooding caused by anticipated sea level rise (using a benchmark of the State of Hawaii’s SLR-XA 3.2 foot inundation area). In addition, the Project’s secondary objectives are (a) to provide regional transportation system linkage that supports the safe movement of goods and people; and (b) to be consistent with regional land use and transportation plans.

Honoapi‘ilani Highway is the main travel way for people and goods between West Maui and the rest of the island. It connects West Maui to transportation hubs (such as Kahului Airport and Kahului Harbor), critical medical services, and other goods and services that are not readily available in West Maui. About 15% of the island’s population lives in the region and it is the second largest employment center. With popular beaches, West Maui is a tourism hub, and many industry workers commute from outside the area. As the main access to this part of the island, closures and delays on Honoapi‘ilani Highway can severely affect West Maui’s economy.

Alternatives Considered

A reasonable range of alternatives for the Project, consisting of four Build Alternatives in Olowalu, three Build Alternatives in Ukumehame, and the No Build Alternative, were evaluated in the Draft EIS.[2] The Build Alternatives are based on variations of a makai (toward the ocean) and mauka (toward the mountains) alignment. FIGURE 1 provides an overview of the Alternatives evaluated in the Draft EIS including the No Build Alternative of leaving the existing highway in its current configuration.

ALTERNATIVES EVALUATED IN THE DRAFT EIS

No Build Alternative

The No Build Alternative serves as the benchmark to which the Build Alternatives are compared. The No Build Alternative reflects future conditions if the Project were not constructed and where the existing Honoapi‘ilani Highway would remain in its current alignment and configuration. As noted in Chapter 1, Introduction, Purpose and Need, of the Final EIS, this would result in a future condition where the vulnerabilities from coastal hazards remain a threat to the highway’s reliability as a critical link between West and Central Maui.

Olowalu Build Alternatives

The EIS evaluated four Build Alternatives in Olowalu. Each was initially evaluated with one signalized intersection at Luawai Street and two unsignalized intersections with the Olowalu Landfill Road and North Street.

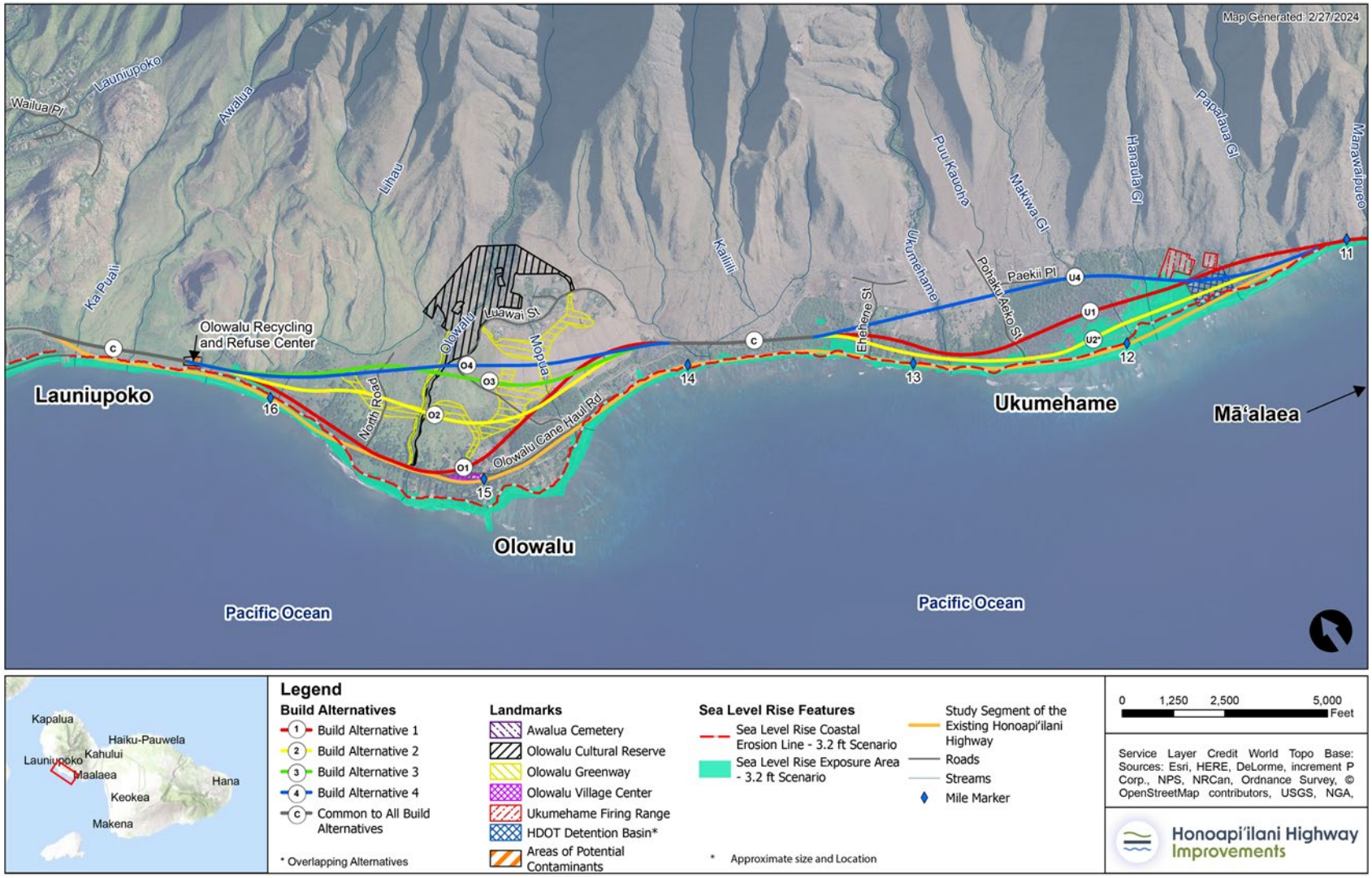
Build Alternative 1 is the most makai alignment in Olowalu and would be closer in proximity to (and partially overlap with) the existing highway before moving mauka behind existing businesses and residences to the south and east. This alternative would have a third intersection directly behind the commercial center.

Build Alternative 2 is a middle alignment crossing Olowalu Peninsula roughly parallel with Build Alternative 1 and along the middle properties of the subdivision that have not been developed with residences. In addition to the identified intersections, a culvert underpass would allow for continued use of a cane haul road providing access to mauka parcels.

Build Alternatives 3 and 4 are the mauka alternatives and the most inland and at the highest elevation compared with the No Build Alternative. These alternatives are closer to the mauka residences of the Olowalu Subdivision and cultural resources.

[2] In consideration of public comments during the initial scoping period, Build Alternatives were separated into two distinct sub areas in Olowalu and Ukumehame connected by areas of common alignment. In this way, the best alternative could be selected for each subarea.

FIGURE 1. **Alternatives Evaluated in the Draft EIS**



Ukumehame Build Alternatives

There are three alternatives in Ukumehame; each was initially studied with unsignalized intersections at Pōhaku 'Aeko Street and Ehehene Street. All the alternatives provide access to the Ukumehame Firing Range.

Build Alternative 1 is the makai/middle alignment that crosses the corridor through the HDOT detention basin before moving makai between Pōhaku 'Aeko Street and Ehehene Street.

Build Alternative 2 (which is identical to Build Alternative 3 as originally identified in the NEPA scoping document) is the most makai of the alternatives and, in general, is immediately inland of the existing highway.

Build Alternative 4 is the most mauka of the alternatives in Ukumehame. It avoids much of the low-lying areas within the SLR-XA but it is located within the center of the Ukumehame Subdivision, crossing many more private parcels.

ALTERNATIVES CONSIDERED AND DISMISSED

As documented in the Draft EIS, several additional alternatives were considered but not evaluated further due to their inability to meet the Project purpose and need. These alternatives are discussed below.

Build Alternative 5. This alternative would have moved the alignment even further mauka to avoid the SLR-XA inundation zone as well as avoid private property acquisition associated with the Ukumehame and Olowalu Subdivisions. This alternative was eliminated based on significant cultural resource concerns, difficult terrain, severe environmental impacts, and high cost.

Transportation System Management and Operations Alternative. This alternative would implement low-cost operational improvements such as adding turn lanes, optimizing signalization at intersections, and using electronic Intelligent Transportation Systems. The alternative was eliminated because it does not achieve the Project purpose and need of creating a more resilient transportation corridor that avoids exposure to existing coastal hazards and in consideration of the SLR-XA 3.2-foot inundation zone.

Longer Highway Realignment from Mā'alaea to Launiupoko Alternative. This alternative considered the potential of an extended highway realignment that would include the addition of a tunnel under/through the mountainous Pali region or an ocean causeway. The alternative was eliminated based on technical challenges of the difficult terrain and the high construction cost as well as extensive environmental concerns involved in traversing the Pali.

Kā'anapali to Wailuku Highway via the Northern Coast of West Maui. This alternative considered improving connectivity to West Maui by using the Kahekili Highway (County Route 340) that connects West Maui to Central Maui via the northern coast. County Route 340 and Honoapi'ilani Highway connect at Honokahua Bay in the northwest corner of West Maui. The alternative was eliminated based

on insufficient capacity and substandard roadway conditions combined with the likelihood of greater environmental and community impacts.

Roadway Couplet using Existing Highway Alternative. This alternative would have used the existing highway as the southbound/westbound travel lanes while northbound/eastbound travel lanes would be constructed mauka of the existing alignment. The alternative was eliminated based on not meeting the Project purpose and need of creating a more resilient transportation corridor that avoids existing coastal hazards and in consideration of the SLR-XA 3.2-foot inundation zone.

Alternative Transportation Modes. This alternative considered light-rail transit or an intra-island ferry system between Lāhainā and Kahului or Wailuku. The alternative was eliminated based on not meeting the Project purpose and need considering that West Maui would still need a reliable roadway to serve as the main vehicular access facility connecting it with the rest of the island.

SELECTED ALTERNATIVE

HDOT and the FHWA identified the Selected Alternative based on the evaluation and impact assessment conducted for the Draft EIS. Additional design and evaluation of the Selected Alternative were undertaken between the Draft and Final EIS to further avoid and minimize potential adverse effects.

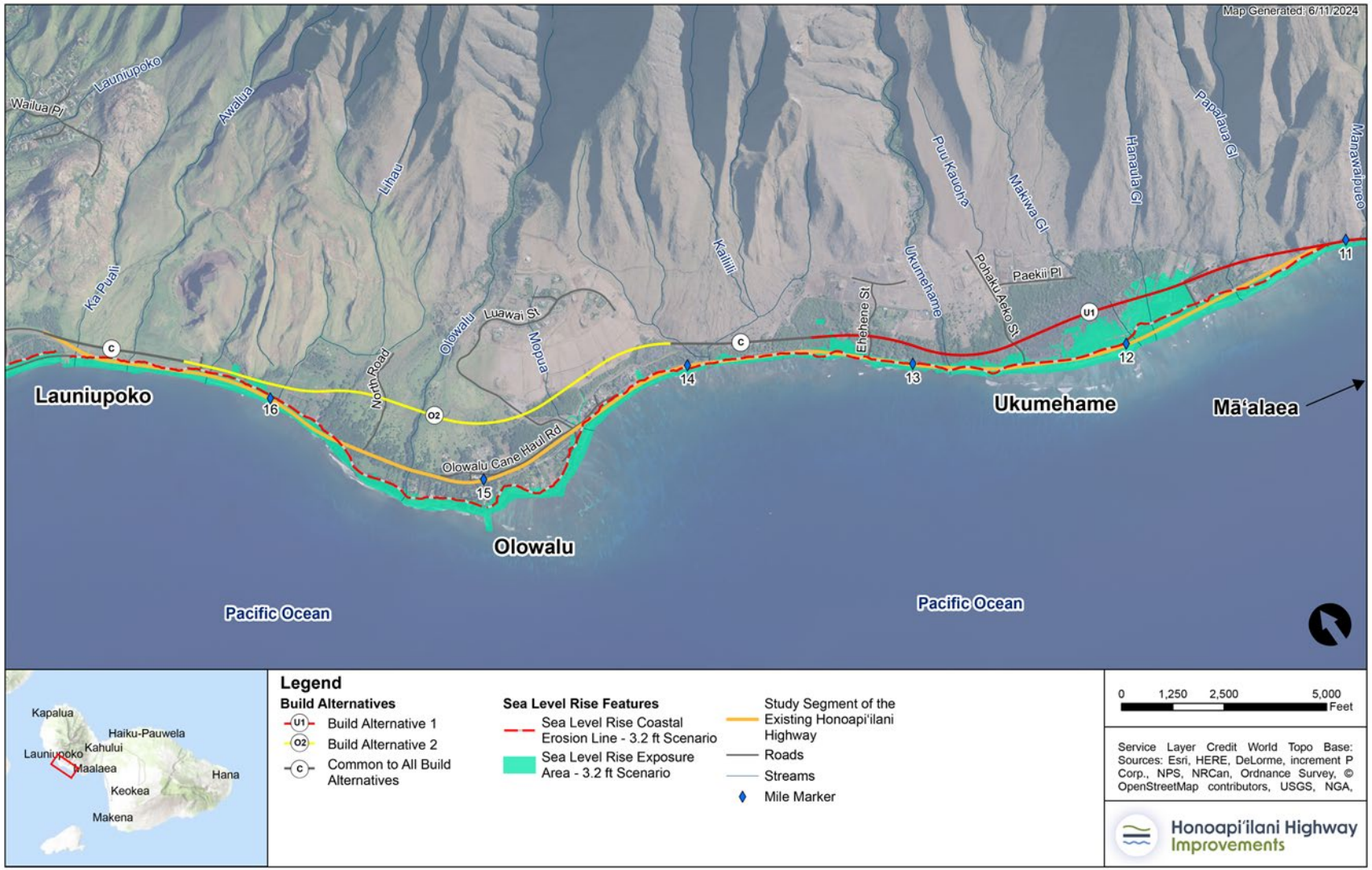
Initial Evaluation of Selected Alternative in the Draft EIS

The Selected Alternative is a combination of Build Alternative 2 in Olowalu and Build Alternative 1 in Ukumehame (FIGURE 2). As described in Chapter 5 of the Final EIS, this alternative represents the Selected Alternative because it provides the best opportunity to meet the Project’s purpose and need while minimizing potential adverse environmental effects.

As part of the Draft EIS, design elements were implemented to further minimize and avoid adverse effects. The changes were evaluated in the Draft EIS and identified additional information that would be analyzed and evaluated as part of the Final EIS. Key refinements for the Draft EIS included:

- Alignment shift at the Pali connection point and through the HDOT detention basin. By this makai shift for the initial segment of the viaduct structure, the project avoids identified sensitive archaeological resources.
- A minimum-width right-of-way was developed to allow for a modest shift of the new roadway to avoid archaeological resources identified in the area between Ukumehame and Olowalu as well as in the area between Olowalu and Launiopoko near the connection point with the existing Honoapi‘ilani bypass.

FIGURE 2. **Draft EIS Identification of the Preferred Alternative**



Selected Alternative Refinements as Evaluated in the Final EIS

In consideration of public comments on the Draft EIS and in continued consultation with cooperating and participating agencies, the Selected Alternative was further refined to optimize operational and environmental performance. The Final EIS also evaluates these changes for the potential environmental benefits as well as potential adverse effects of the refinements and no adverse effects of these changes were identified.

A comparison of the Selected Alternative in the Final EIS with the Draft EIS Alternatives is shown in FIGURE 3 for Olowalu and FIGURE 4 for Ukumehame. In summary, the design refinements to the Selected Alternative include the following:

- Adding a shared-use pathway along the makai edge of the right-of-way;
- Adding a second signalized intersection at Ehehene Street in Ukumehame;
- Using a bridge crossing of the intermittent Awalua Stream rather than a culvert; and
- Modest shifts to the location or configuration of the alignment to optimize design and to avoid and minimize disturbance of archaeological resources.

FIGURE 3. **Final EIS Refinements to Selected Alternative – Olowalu**

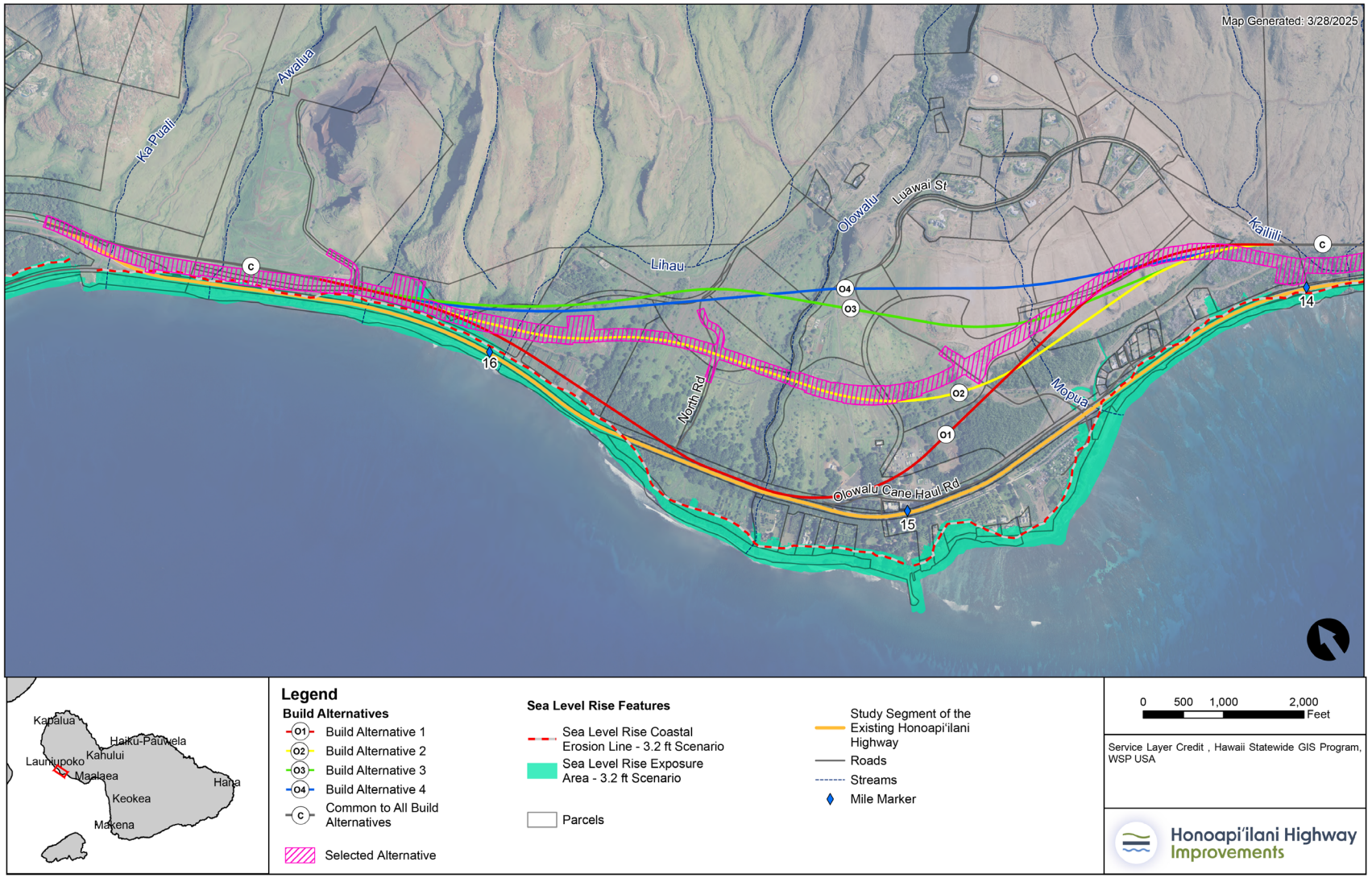
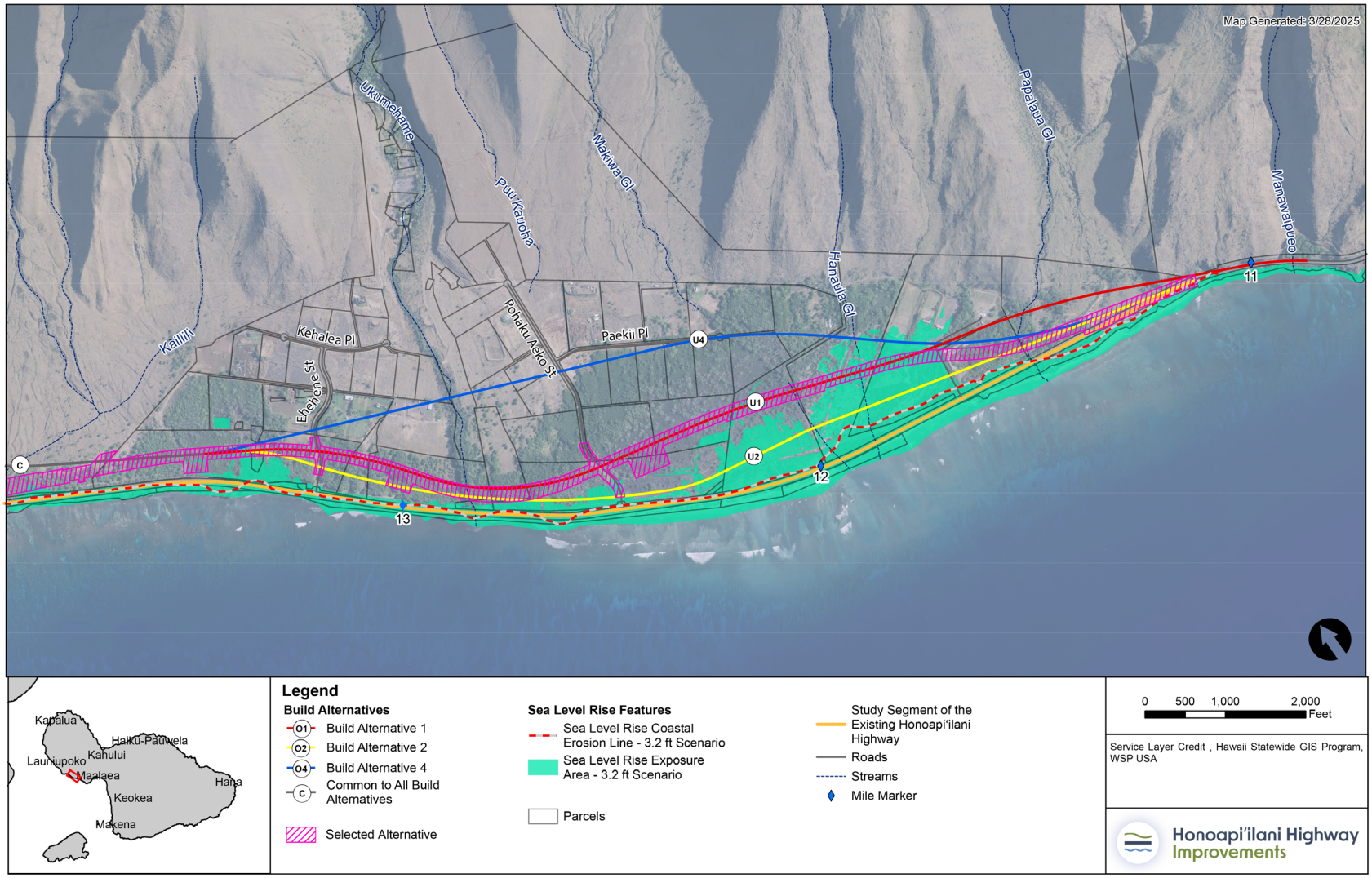


FIGURE 4. **Final EIS Refinements to the Selected Alternative – Ukumehame**



Factors in the Decision-Making Process, Including Measures to Minimize Harm

HDOT and the FHWA identified the Selected Alternative based on a balanced consideration of the need for reliable and efficient transportation with social, economic, and environmental effects of the Project. Notable considerations in selection of this Alternative include the following:

- The Selected Alternative meets the purpose and need because it provides for a new highway alignment that is almost entirely out of the 3.2-foot SLR-XA and is consistent with regional land use and transportation plans while minimizing environmental effects compared with the other Build Alternatives.
- Like all the Build Alternatives, the Selected Alternative would provide a reliable transportation link that can accommodate future traffic demands but it would not create disruptions to traffic circulation in Olowalu village center and would have no adverse effects on air quality or noise levels (compared with Build Alternative 4 in Olowalu, which would result in an adverse noise effect at the site of the Olowalu Petroglyphs).
- The Selected Alternative is designed to avoid and minimize potential disturbance of archaeological resources.
- In Olowalu, the Selected Alternative is the most compatible with overall existing land use and development patterns. There would be a notable reduction in traffic volumes near residences close to the existing highway, and the Selected Alternative does not come as close to the majority of the more mauka residences as the other Build Alternatives evaluated in the EIS. The Selected Alternative would result in less physical disruption to the existing Olowalu village center (compared to Build Alternative 1) and does not affect properties with an existing residence (compared to Build Alternatives 3 and 4).
- The Selected Alternative would be the most visually compatible alternative in Olowalu. Build Alternative 1 is close to Olowalu village center and overlaps with the existing highway right-of-way, while Build Alternatives 3 and 4 are close to (and would be more visually prominent from) the Olowalu Petroglyphs and mauka residences.
- In Ukumehame, the Selected Alternative is largely on public property and therefore avoids extensive acquisition of private property, compared with Build Alternative 4. Much of the County land that will be used for the project was originally acquired partially to advance the highway project and to enhance public parkland makai of the new highway alignment.
- In Ukumehame, the Selected Alternative balances the area of anticipated right-of-way in the SLR-XA with avoidance of adverse effects on land use, archaeological resources, property acquisition, and visual quality.

The Final and Draft EIS provide a comprehensive assessment of the Selected Alternative based on the technical analyses established for the Project inclusive of the environmental commitments set forth in the "Environmental Commitments" section below. Key findings of the Final EIS technical analyses are summarized below.

LAND USE AND ZONING

The Selected Alternative converts land to highway use but does not reflect overall change to land use and development patterns or underlying zoning regulations. There would be no required residential displacement. Depending on the final determination of right-of-way and parcel acquisition requirements, several agricultural businesses could be displaced. A shared-use path within the Olowalu Subdivision would be disrupted, but bicycle and pedestrian access through this area will be maintained with the creation of a continuous shared-use path as part of the Project.

AGRICULTURE AND FARMING

There would be no changes to agricultural designations by the State or County and no changes that exceed a threshold of significance related to the federal Farmland Protection Policy Act. Several tenant agricultural uses in Olowalu and one sod farm in Ukumehame could be displaced by the Selected Alternative based on the final determination of right-of-way and required land acquisition.

COMMUNITY FACILITIES AND SERVICES

There are no community facilities currently located in or proposed to be located in the Project's corridor. A more resilient and reliable highway would help to ensure continued access to services beyond the immediate project area.

LAND ACQUISITION, DISPLACEMENT, AND RELOCATION

The Selected Alternative may affect up to 17 private parcels in Olowalu, primarily comprised of undeveloped parcels within the Olowalu subdivision, including two parcels with active agricultural uses as noted above and one parcel with a commercial business (Maui Paintball). The Selected Alternative may affect up to five private parcels in Ukumehame, though only one would likely require a full acquisition that could displace the existing sod farm (El Toro Zoysia Turf-Maui Grass Farm) and potentially displace one residence (or relocate the house elsewhere on the same parcel). The Selected Alternative may affect five Land Commission Award/Kuleana parcels in Olowalu and five parcels in Ukumehame.

Mitigation may be required to ensure access to these businesses and if access cannot be maintained, full property acquisition, relocation assistance, or both may be required. While mitigation would conform with the applicable provisions of the Uniform Relocation Act, Hawaii Eminent Domain laws, or both, implementation depends on the final determination of the right-of-way and parcel acquisition requirements which occurs after NEPA and will be completed in coordination with HDOT and the Design Build contractor.

The Selected Alternative requires land agreements between the County of Maui and the State of Hawaiʻi on three parcels in Olowalu and on 14 parcels in Ukumehame.

PARKLANDS AND RECREATIONAL FACILITIES/BEACH ACCESS

All existing parks and public shorelines remain accessible via the existing highway. There are three recreational resources at the southern end of the project area. Mauka of the highway is the County-owned Ukumehame Firing Range, a portion of which is owned by the State and used by the U.S. National Guard. There are also two beach parks makai of the highway: Pāpalaua Wayside Park and Ukumehame Beach Park. The Selected Alternative would retain access to the Ukumehame Firing Range and County beach parks via the existing Honoapiʻilani Highway.

The Selected Alternative would be located on a viaduct over the existing driveway and users of the firing range would access the site via Pōhaku ʻAeko Street to the existing highway and to the firing range driveway. Because the viaduct would be constructed with piers on either side of the firing range driveway, the construction-related disruption to the driveway itself would be short-term. This has been determined to be a *de minimis* impact under Section 4(f) as summarized below (see Section 4(f) Finding).

ARCHAEOLOGICAL AND ARCHITECTURAL HISTORIC PROPERTIES

The Project is an undertaking subject to review under Section 106 of the National Historic Preservation Act of 1966, as amended (54 U.S.C. 300101 et seq.) and its implementing regulations (36 CFR Part 800), Protection of Historic Properties.[3] Section 106 requires federal agencies to consider the effects of their actions on historic properties in consultation with the Hawaiʻi State Historic Preservation Officer (SHPO) and HDOT. In addition, the FHWA, SHPO, and HDOT consultation for this Project included Native Hawaiian Organizations, the Maui/Lānaʻi Island Burial Council, and local community participants. As detailed in the Final EIS, Section 106 Consulting Parties meetings were held through the environmental review process between 2022 and 2025 and are anticipated to continue through final design and construction pursuant to the requirements established in the Programmatic Agreement (PA).

HDOT, in coordination with the FHWA and consultation with the State Historic Preservation Division (SHPD, the technical department reporting to the SHPO), identified historic properties (properties listed in or eligible for listing in the National Register of Historic Places) within the Project Area of Potential Effects (APE) and applied the Criteria of Adverse Effect (36 CFR § 800.5(1)). Following aboveground

[3] In Hawai'i, the Project is also subject to compliance with Hawaii Revised Statutes (HRS) § 6E and its administrative provisions at Hawaiʻi Administrative Rules (HAR) § 13-275, Rules Governing Procedures for Historic Preservation Review for Governmental Projects Covered Under Sections 6E-7 and 6E-8, HRS, and guidelines developed by the Hawaiʻi State Historic Preservation Division (SHPD 2018). Consultation for Section 106 and HRS § 6E compliance is being conducted concurrently to the extent possible. Archaeological research and field investigations will follow HAR § 13-276.

architectural and archaeological surveys, architectural and archaeological historic properties were identified in Olowalu, Launiupoko, and Ukumehame.

As described in the Final EIS, the Selected Alternative has been refined in its conceptual design to avoid and minimize potential effects to nearly all the archaeological historic properties identified in the aboveground archaeological survey. Because subsurface archaeological investigations will not be conducted until after NEPA, and effects to archaeological resources are not yet fully known, a Programmatic Agreement was developed in accordance with 36 CFR § 800.14(b) among the FHWA, HDOT, and the SHPD to govern Section 106 compliance for the Project (See Final EIS Appendix 3.6). The Programmatic Agreement includes guidance to the development of the Archaeological Inventory Survey; treatment measures to avoid, minimize, and mitigate potential adverse effects to historic properties; protocols for continued consultation during project implementation; and describes processes for project changes and unanticipated discoveries.

For architectural historic resources, the Selected Alternative passes through the NHRP eligible expansion of the Olowalu Sugar Plantation Historic District but does not directly affect any of the contributing resources. A formal effect determination for the Preferred Alternative was made by FHWA in a letter to SHPO dated August 8, 2025, and SHPO concurred with the determination in a letter dated August 13, 2025 (see Final EIS Chapter 5, Selected Alternative). Because changes to the Project may occur that could affect architectural historic properties, or additional architectural historic properties could be discovered during construction activities, the Executed Programmatic Agreement includes treatments to avoid, minimize, or resolve potential adverse effects on architectural historic properties.

The Section 106 Programmatic Agreement was executed in July 2025 by the signatories and invited signatories (FHWA, HDOT, SHPD, and Department of Land and Natural Resources (DLNR)). Consulting parties were invited to sign the Programmatic Agreement as Concurring Parties. The Section 106 process for the Project will be determined to be complete upon concurrence of the FHWA with a written notification from HDOT that all stipulations in the Executed Programmatic Agreement have been completed.

VISUAL AND SCENIC CHARACTER

The Selected Alternative would have no adverse effect on visual and scenic character of the project area and would adhere to environmental commitments summarized below.

WATER RESOURCES, WETLANDS, AND FLOODPLAINS

The Selected Alternative would cross over certain areas of wetlands and other waters as well as small areas of flood hazard zones along Awalua Stream, Olowalu Stream, near the mouth of the Mōpua Stream, and at the west end of the common alignment between Olowalu and Ukumehame. The alignment would cross over approximately 6.08 acres of wetlands and 0.81 acre of other waters. However, considering the design commitment of an extended viaduct structure through Ukumehame and bridge structures over the key stream crossings, the actual area of disturbance is small. Accordingly, the Selected Alternative is not anticipated to permanently affect greater than 0.1 acre of Waters of the U.S. at any individual crossing.

To fulfill requirements under Section 404 of the Clean Water Act, it is anticipated that the project would need to obtain a series of nationwide permits. Further, based on US Army Corps of Engineers (USACE) and US Environmental Protection Agency (EPA) Guidance published on March 12, 2025, culverts as discrete features no longer constitute a continuous surface connection to a requisite jurisdictional water (the ocean) under the Clean Water Act. Therefore, the Section 404 permitting pathway would consider this new guidance in the overall applicability of permit requirements for the Project. In addition, the Project would require and adhere to a Section 401 Water Quality Certification, Section 402 National Pollutant Discharge Elimination System General Permit with a Stormwater Pollution Prevention Plan, and potentially a Stream Channel Alteration Permit.

Based on an extensive range of HDOT design requirements and standard specifications—as well as environmental commitments and best management practices (BMPs) presented in the Draft and Final EIS (and as summarized below)—and in consultation with federal and State resource agencies, potential adverse effects on water resources are minimized to the extent practicable.

FLORA AND FAUNA, ENDANGERED SPECIES

No threatened, endangered, or rare plants were observed in the project area. The project area is highly disturbed with a history of vegetation disturbance and landscape level modification. It is unlikely that the Project would result in an adverse effect to any plant species that is State or federally listed as threatened or endangered, a candidate species for listing, a rare native plant species, or a native plant species of concern.

There were no listed species observed or terrestrial critical habitat identified within Olowalu. Critical habitat exists for the Hawaiian monk seal (*Neomonachus schauinslandi*) along the entirety of the West Maui coast. However, with implementation of BMPs and other environmental commitments (as described below), effects are not anticipated to individuals or critical habitat.

Two State and federally endangered waterbird species, Hawaiian goose or nēnē (*Branta sandvicensis*) and Hawaiian stilt or ae‘o (*Himantopus mexicanus knudseni*), were observed near the classroom building in the Ukumehame Firing Range area during field surveys. Nēnē have been observed with goslings at Ukumehame Firing Range. Neither species exhibited nesting behavior and no nests were found; however, nesting cannot be ruled out. Effects to these species will be minimized to the greatest extent practicable.

The Selected Alternative would be implemented with an extensive commitment to BMPs and additional avoidance and minimization measures developed in coordination with the U.S. Fish and Wildlife Service (USFWS), the U.S. Environmental Protection Agency (USEPA), National Oceanic and Atmospheric Agency, National Marine Fisheries Service (NMFS), HDOT, and State agency partners. With these commitments, it is anticipated that effects to any listed species or critical habitats would be minor.

These findings are supported and memorialized in the Biological Opinion from the USFWS pursuant to Section 7 Endangered Species Act consultation with the USFWS and the NMFS, respectively, which reviewed the Project’s assessment of potential adverse effects to threatened and endangered species.

GEOLOGY, SOILS, NATURAL HAZARDS

The Selected Alternative would be designed and built consistent with the local geologic setting and known natural hazards. The Selected Alternative would be built to current seismic standards, be less susceptible to hurricanes and tropical storms and provide opportunities for firebreak benefits.

TRANSPORTATION

The Selected Alternative would provide a new and more reliable transportation linkage between West Maui and Central Maui. As established by the Final and Draft EIS, future year traffic operations would be improved compared to the No Build Alternative along the existing Honoapi‘ilani Highway, and the new highway would operate at Level of Service A for all intersections and Level of Service C or better for the entire corridor.

The existing Honoapi‘ilani Highway would be transferred to the jurisdiction of Maui County, which would then serve as a local roadway, and would continue to provide direct access to the residences, business, parks and the publicly accessible shoreline. Without the dominant through traffic on this local roadway, the existing highway would be less congested with less turning conflicts. This provides an opportunity for Maui County to implement the *West Maui Greenway Plan* along the existing highway right-of-way.

Based on public comments on the Draft EIS, the Selected Alternative was refined to include a continuous shared-use lane for bicycles and pedestrians, two signalized intersections to allow for pedestrian and bicycle crossings, and a central section with passing lanes to facilitate improved traffic operations. These refinements to the Selected Alternative reinforce the improved operating conditions and the multimodal value of the new transportation corridor.

AIR QUALITY

There is no incremental change in future traffic volumes resulting from the Project and no changes to overall air quality.

NOISE

As presented in the Final and Draft EIS, analyses considered traffic noise levels following HDOT traffic noise analysis procedures to determine any locations that resulted in exceedances or impacts of the Noise Abatement Criteria (NAC) threshold of 67 A-weighted decibels (dBA) or substantial increase threshold of 15 dBA (the NAC threshold that is considered as substantially exceeding existing noise levels). For the Selected Alternative, 66 locations were modeled, including all residences as well as at project area parks and recreation areas, a cemetery, areas of cultural importance, and outdoor areas at commercial businesses.

The NAC threshold of 67 dBA is not predicted to be approached or exceeded at any of the modeled sites, and no sites are predicted with the modeled 2045 traffic noise levels to experience a substantial impact resulting from an increase in traffic noise levels by 15 dBA. Because no noise impacts were

identified in the study area per HDOT's traffic noise analysis procedures, noise abatement or similar mitigation was not recommended for the Selected Alternative. Since traffic would be substantially reduced along the existing highway, the homes, parks and commercial areas located close to the existing roadway would experience a reduction in noise levels compared to the No Build Alternative.

As written into the overall commitments presented below, the Project would comply with Hawai‘i Department of Health community noise control standards (Hawai‘i Administrative Rules [HAR] §11 46) during construction and a noise permit would be obtained for construction activities performed during standard work hours. As noted in the Final EIS, there are two locations where nighttime work would be appropriate at the north and south ends of the corridor where the new highway would be connected to the existing roadway (Lāhainā Bypass and at the Pali). This would be of short duration occurring with the final linking of the two roadway segments. Both locations are located at considerable distances from closest residences (1,000 feet or greater at the Lāhainā Bypass, about one mile or more from the Pali connection) and no adverse noise effects are anticipated.

INFRASTRUCTURE AND UTILITIES

The Selected Alternative would not result in changes to or additional demand for local infrastructure and utilities present in the project area. Through ongoing coordination with utility providers, below ground conduits that serve the Olowalu and Ukumehame Subdivisions as they cross under the new highway alignment would be maintained or rebuilt. In addition, it is HDOT’s directive to install broadband conduit in all new roads and widened roadways so this resource is also available to utility providers into the future.

HAZARDOUS MATERIALS

As summarized in the Draft EIS (Chapter 3.18), an HDOT reconnaissance of the project corridor and records research identified that the area is generally undeveloped former agricultural land and there are no known contaminated sites that would be affected by the Selected Alternative. In the immediate corridor, there were three specific locations with an elevated potential for the presence of contaminated materials:

- The Olowalu Recycling and Refuse Convenience Center is near the northern terminus of the Build Alternatives.
- The Olowalu Landfill, located farther mauka of the recycling center, was capped and closed since the early 1990s. On October 27, 2023, the Board of Land and Natural Resource granted Maui County a land disposition to use the Olowalu Landfill to dispose of the Lāhainā wildfire ash and smaller particles. The debris would be wrapped in liners to prevent the migration of any waste materials and the landfill would again be capped and closed.
- Ukumehame Firing Range is near the southern terminus and mauka of the Build Alternatives. Lead-contaminated soil and water can result from typical activities at firing ranges, and this was found in baseline soil samples by the EPA prior to using the firing range for Lāhainā wildfire clean-up efforts. The EPA is temporarily using a portion of the firing range as a staging and processing

area for hazardous materials including electric vehicle batteries and contaminated sludge. All contaminants identified through sampling are stored in 55-gallon metal drums and shipped off-site for treatment and disposal.

As evaluated in the Draft and Final EIS, while some potentially sensitive sites were observed at these locations and other isolated sites, they would not directly be affected by the Selected Alternative. Nonetheless, a Construction Health and Safety Plan would provide guidance if any potential contamination is encountered during construction. As a requirement, any potential handling of hazardous materials or site remediation would be in accordance with applicable State and federal laws specifying the handling, treatment, and disposal of contaminated materials. With conformance to State and federal laws, no adverse effects from exposure to contaminated materials are anticipated.

SOCIOECONOMIC CONDITIONS

The Project will strengthen and support the County's economy by creating a more reliable transportation network for the critical linkage between West Maui and Central Maui. The flow of workers, visitors, residents, and goods is an essential underpinning of the County's economy. There is no new development or change in development patterns as a result of the Project, so there would be no overall changes to the socioeconomic characteristics of the project area.

Environmental Commitments

All reasonable measures have been incorporated into the Selected Alternative to minimize environmental effects as described in the Final EIS. The commitments below have been made to minimize the effects resulting from the Project. HDOT and the FHWA will oversee and monitor the implementation of these NEPA environmental commitments.

LAND USE/LAND ACQUISITION

HDOT will continue to consult with property owners and business tenants to ensure the following:

- Continued access to land parcels is maintained during construction and once Project is complete to the extent practicable.
- Minimal takings of entire parcels and retention of existing uses to the extent practicable.
- Adherence to the applicable process requirements of the Uniform Standards of Professional Appraisal Practice, the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended, the Hawai'i State Eminent Domain Law, and the Hawai'i Revised Statutes, Title 12 Chapter 171.
- Supplemental environmental assessments for extended right-of-way acquisitions (if necessary).

ARCHAEOLOGICAL AND HISTORIC RESOURCES

- HDOT will implement all stipulations specified in the Project's Section 106 Programmatic Agreement. The Programmatic Agreement provides treatment measures to avoid, minimize, and mitigate adverse effects to historic properties; provides protocols for continued consultation during project implementation; and describes processes for project changes and unanticipated discoveries.
- The Programmatic Agreement includes: roles and responsibilities of signatories (Stipulation I); qualifications for individuals completing work pursuant to the Programmatic Agreement (Stipulation II); Identification and evaluation of historic properties, process, surveys, reviews, and consultation requirements (Stipulation III); Archaeological Inventory Survey (AIS) plan, investigations, reporting and consultation requirements for subsurface archaeological surveys (Stipulation IV); assessment of effects on identified historic properties and seeking ways to avoid, minimize, or mitigate adverse effects through consultation (Stipulation V); proposed treatment measures to resolve adverse effects on historic properties (Stipulation VI); consultation with Native Hawaiians and consulting parties (Stipulation VII); changes in project scope (Stipulation VIII); post review discoveries of architectural and archaeological historic properties as well as burials and human remains, and required consultation and reporting requirements (Stipulation IX); and, administrative provisions covering confidentiality, Programmatic Agreement annual reporting,

dispute resolution, amendments to the Programmatic Agreement, termination of the Programmatic Agreement, and Programmatic Agreement duration (Stipulations X through XV).

- The HRS § 6E Memorandum of the Programmatic Agreement includes: roles and responsibilities of HDOT, FHWA, and SHPD; qualifications for individuals completing work pursuant to HRS § 6E; consultation requirements; inadvertent effects to known historic properties within the right-of-way; identification and evaluation of historic properties, including a phased archaeological inventory survey; determining effects to historic properties under HRS § 6E; mitigation options for effects to significant historic properties including preservation (avoidance), data recovery, access and stewardship; and, archaeological monitoring, cultural monitoring, pre-construction training, unanticipated discoveries and effects on significant historic properties, and burials and iwi kupuna.

CULTURAL RESOURCES

- HDOT will implement all stipulations specified in the Project's Section 106 Programmatic Agreement
- HDOT will continue consultation with the FHWA, the SHPD, the Advisory Council on Historic Preservation, and Consulting Parties for final design and construction.
- As a part of public outreach during construction, HDOT will notify the local communities who depend on stream water and marine resources at the muliwai (stream mouth) regarding the onset and status of construction activities.
- HDOT and the FHWA will commit to continued dialogue with the community throughout the design process and through completion of construction for the purposes of (1) obtaining more information about the cultural practices and history of the area and (2) mitigating any impacts that the Project's design, construction, or both may have on those practices. This effort will be memorialized as a Continued Community Dialogue Plan in a PA prepared pursuant to the National Historic Preservation Act Section 106 process. The Continued Community Dialogue Plan will detail and manage the logistics of continued community engagement.
- HDOT will include language in the design build agreement requiring the selected contractor to provide a culturally focused training program prior to fieldwork. This will be in addition to any standard safety or project-related training in the procurement notice.
- HDOT will include language in the procurement notice and design build agreement requiring that the selected contractor provide a cultural monitoring program including pre-construction awareness training led by HDOT's lead archaeologist, archaeological monitors, and cultural monitors for anyone with access to the construction site, including all laborers, skilled construction workers, vehicle operators, management, and visitors.
- HDOT will commit to a construction cultural monitoring plan that is compliant with HAR § 13-279.

VISUAL AND SCENIC RESOURCES

HDOT commits to completing the following items to minimize visual prominence:

- Shield streetlights to direct light to roadway surfaces, minimize light spill to surrounding areas, and minimize light and glare impacts, particularly where visible from the Olowalu Petroglyphs (HDOT would identify such areas, as needed, on construction plans); and
- Provide or expand opaque fencing and visual screening for adjacent residential and commercial viewers as a part of final design (if applicable).

HDOT commits to completing the following items during construction:

- Preserve existing vegetation and minimize clearing for storage and laydown areas, using existing hard/paved areas for project staging where practical.
- Restore landscaping disturbed by construction-related activities after completion of work.
- Limit construction to daylight hours whenever possible.
- Include directional work and safety lighting and direct lights away from residential areas where nighttime construction is necessary.
- Reduce temporary construction light and glare impacts by shielding and aiming light sources downward and toward work areas to avoid light spillover.
- Screen views of construction equipment and materials from pedestrians and residential areas, as practical.

WATER RESOURCES

- HDOT will comply with National Pollutant Discharge Elimination System permit program.
- If required with an individual permit, HDOT would prepare a Stormwater Pollution Prevention Plan.
- If necessary and prior to ground disturbance,HDOT will obtain and comply with Clean Water Act Section 404 permits for water crossings that will discharge dredge or fill material into Waters of the U.S.
- If necessary, HDOT will obtain a Section 401 Water Quality Certification
- HDOT will obtain and comply with Stream Channel Alteration Permit for each occurrence where activities occur within a streambed or on the banks below the ordinary high-water mark.
- HDOT will ensure the Contractor adheres to HDOT Construction Best Management Practices Field Manual (January 2008) or superseding manual.

- HDOT will ensure the Contractor adheres to HDOT Storm Water Post-Construction Best Management Practices Manual (February 2022).
- HDOT will ensure the Contractor adheres to the HDOT Standard Specifications for Road and Bridge Construction, Section 209 Temporary Water Pollution, Dust, and Erosion Control.
- HDOT will obtain a Notice of General Permit Coverage from the State of Hawai‘i Department of Health.
- HDOT will monitor for construction work that may impact water resources important to traditional and customary practices.
- Contractor will prioritize previously disturbed and bare areas for use as staging and lay-down yards, disposal and borrow sites, and concrete batch plants.
- Contractor shall protect project construction-related materials from erosion (for example, with filter fabric) to prevent materials from being carried into waters by wind, rain, or high surf.
- All deliberately exposed soil or under-layer materials used in the Project near water shall be protected from erosion and stabilized by the Contractor as soon as possible with geotextile, filter fabric, or native or noninvasive vegetation matting, hydroseeding, or something similar.
- Contractor will minimize disturbances to stream banks. Seek to maintain baseline water flow volume and velocity within the system.
- Concrete wastes, solid wastes, and any sanitary/septic wastes will be located away from and managed by the Contractor to ensure there will be no contamination to ocean or critical habitats.
- Site-specific stormwater Best Management Practices would be implemented/installed at the staging and work areas by the Contractor to prevent water quality degradation associated with stormwater runoff.
- Contractor shall enact stormwater Best Management Practices such as maintaining equipment in good working order, storing equipment and materials away from the ocean or stream bank with strategic placement of absorbent material, such as fiber rolls, as a buffer between equipment and nearby waterbodies.
- Contractor will maintain drip pans beneath construction equipment.
- Contractor will prevent any debris from falling into the water.
- Stockpiling, storage, and equipment staging by the Contractor will utilize appropriate Best Management Practices to prevent potential surface runoff from entering the stream. No stockpiling, storage, or heavy equipment will be placed in the streams.
- Turbidity and sediment from project-related work will be minimized and contained to the immediate vicinity of the Project by the Contractor through the appropriate use of effective

sediment containment devices and the curtailment of work during adverse tidal and weather conditions.

- All silt fences, curtains, and other structures will be installed properly by the Contractor and maintained in a functioning manner for the life of the construction period by the Contractor and until the impact area is permanently stabilized, self-sustaining, and/or turbidity levels, elevated due to construction, return to ambient levels.
- Contractor will install sediment, turbidity, and/or pneumatic curtains, and use real-time monitoring (automated or manual) to detect failure and implement stop-work processes if predetermined project thresholds are reached (using standards from Clean Water Act 401 water quality certification). In areas of soft sediment, Contractor will consider partial length turbidity curtains to reduce resuspension of sediment during high winds and currents.
- Contractor will maintain baseline water flow, volume, and velocity of the waterbody.
- Contractor will use natural or bioengineered solutions when feasible.
- Contractor will fully stabilize disturbed upland areas prior to removing silt fences and erosion prevention measures.
- Temporary fills must be removed in their entirety by the Contractor and the affected areas returned to pre-construction conditions and elevations by the Contractor.
- Contractor will minimize disturbances to stream banks and place abutments outside of the floodplain whenever possible.
- Contractor will design the structure to maintain or replicate natural stream channel and flow conditions to the greatest extent practicable.
- Contractor will revegetate shoreline areas with appropriate native species and fully stabilize disturbed upland areas prior to removing silt fences and erosion prevention measures.
- For anticipated stream crossings, Contractor will remove all temporary structures at the completion of in-water work.
- For anticipated stream crossings, Contractor will not stockpile or stage materials in the marine environment unless necessary.
- Contractor is not authorized to use treated wood for in-water work.

FLORA AND FAUNA

- Contractor will prepare a construction lighting plan for HDOT approval prior to start of construction.
- All permanent lighting by the Contractor will adhere to the 2022 Maui Dark Skies Ordinance 5434.
- Contractor will utilize DLNR seabird-friendly light styles for all permanent lighting design.

- Night work by the Contractor is not allowed during the sea turtle nesting/hatching and seabird fledgling period (May 1 – December 15).
- Contractor design of bridge, culvert, and viaduct structures will avoid fill to wetland habitats.
- Contractor will, in coordination with and approved by HDOT, avoid placing staging areas in or directly adjacent to delineated wetland habitat and streambanks to avoid and minimize adverse effects to habitat that may support listed waterbirds and nēnē.
- Drilled shaft foundations will be used by the Contractor for pier bents, as appropriate, to minimize potential construction-related noise and vibration.
- Fueling of project-related vehicles and equipment by Contractor shall take place at least 50 feet, or the maximum distance possible, away from the aquatic environment and within a containment area, preferably over an impervious surface. A contingency plan will be prepared by the Contractor for HDOT approval prior to start of construction to control petroleum products accidentally spilled during the Project shall be developed by the Contractor. The plan shall be retained on-site by the Contractor with the person responsible for its compliance. Absorbent pads and containment booms shall be stored on-site by the Contractor to facilitate the cleanup of accidental petroleum releases.
- All vehicles and equipment cleaning, maintenance, and refueling done by HDOT or the Contractor will be located away from and managed to assure no contamination to critical habitats. Notably, there is no critical habitat in the project area.
- Contractor's project manager or heavy equipment operators will perform daily pre-work equipment inspections for leaks. Detection of leaks will result in postponing or halting the use of heavy equipment until the leak is repaired and the equipment cleaned.
- Contractor's worksite will have sufficient materials to contain and clean possible spills.
- Contractor's equipment storage will occur in an appropriate staging area designed to prevent unexpected spills when equipment is not in use or during fueling.
- HDOT will ensure that a monitoring plan developed by the Contractor prior to start of construction identifies the methods, equipment, communication, and all necessary measures to adequately observe ESA-listed species in the affected areas and communicate with workers.
- Contractor will ensure that trained competent observers are exclusively looking for ESA-listed marine species at the work site during active construction adjacent to marine habitat and not assigned to other tasks.
    - Trained competent observers shall report to the Contractor when motile ESA-listed marine species are within 50 meters (54.7 yards, 164 feet) of the proposed work and halt work and shall only begin/resume after the animals have voluntarily departed the area.

  - If Hawaiian green sea turtle, Hawksbill sea turtle, or Hawaiian monk seal are noticed in the area after work has already begun, that work may continue only if, in the best judgment of the Contractor’s project supervisor, there is no way for the activity to adversely affect the animal(s).

  - Contractor will ensure that project-related personnel will NOT attempt to disturb, touch, ride, feed, or otherwise intentionally interact with any protected species.

- Contractor will incorporate permanent highly visible signs placed along the new Honoapi‘ilani Highway through Ukumehame during construction and operation of the new roadway. These signs will alert workers and drivers to the presence of listed birds known to be in the area to reduce the chance of vehicle collisions.

  - Contractor will also secure all temporary structures to avoid them blowing over during heavy winds and hitting listed bird species.

- Speed limits of 15 miles per hour (mph) on active construction roadways within the project site will be posted by HDOT through the Olowalu area and 10 mph within the Ukumehame area. These speed limits are applicable to all construction access roads within the Project Area and do not apply to the existing Honoapi‘ilani Highway alignment. All construction personnel including contractors, cultural monitors, and subcontractors shall adhere to the posted speed limits at all times.

- Contractor will ensure that prior to the initial clearing and grubbing phase of the Project, the State’s qualified biologist would be on-site to perform visual surveys for listed species and nests. Should individuals or nests be observed, then species specific buffers and protocol would apply.

- Contractor will ensure that the State’s qualified biologist would be on-call throughout the duration of construction to assist in monitoring, surveys, and in an advisory capacity.

- Contractor will ensure that prior to starting any construction activities, a qualified biologist would produce a handout on listed species that occur within the Action Area and present a mandatory Environmental Awareness Program (developed by HDOT) to on-site personnel, including contractors, contractor's employees, supervisors, inspectors, and all subcontractors that educates Project personnel about the presence of endangered species on-site and associated avoidance and minimization measures.

- A list of Environmental Awareness Program attendees will be produced by the Contractor to ensure comprehensive compliance. A hardhat sticker would be produced by the Contractor to display completion of HDOT’s Environmental Awareness Training.

- HDOT’s Environmental Awareness Program will contain, at minimum, information concerning the biology and distribution of Hawaiian geese, Hawaiian stilt, Hawaiian coot, and Least Terns, including recognition of various behaviors, such as nesting, breeding, and molting; their occurrence in the area; measures to avoid impacts; and procedures to follow if encounters with these species occur.

- HDOT’s Environmental Awareness Program will also have information on invasive species and predator species including Best Management Practices to reduce the likelihood of predators being attracted to the construction footprint.
- HDOT will contact the U.S. Fish and Wildlife Service to review the awareness program prior to the Contractor administering to on-site personnel. The State’s qualified on-call biologist will be present on-site once every three weeks, or as needed, to provide training to new on-site personnel.
- No portable jobsite radios or other music equipment shall be used within the construction footprint at any time and enforced by the Contractor.
- Feeding any wildlife or feral cats shall be prohibited in all active work areas and enforced by Contractor-dedicated personnel during daily monitoring.
- Contractor shall maintain and require a copy of the approved Biological Assessment and the approved Biological Opinion in the on-site construction office.
- Following initial clearing and grubbing phases, if any ESA-listed species is observed the State’s on-call biologist will be contacted by the Contractor to evaluate and advise on next steps in accordance with the Biological Opinion.
- If nēnē or ae‘o (or other listed species) become injured in the Action Area or periphery due to project actions, Contractor’s on-site staff will contact the State’s on-call biologist immediately who will arrange for the bird(s) (or other listed animal species) to be picked up by the Division of Forestry and Wildlife and provide guidance on temporary handling prior to Division of Forestry and Wildlife pickup. Injuries to listed animals (e.g., nēnē or ae‘o) resulting from project actions may require care from the Hawai‘i Wildlife Center on the island of Hawai‘i. Should transport to and care at the Hawai‘i Wildlife Center be necessary, HDOT will provide funds to facilitate necessary and appropriate actions.
    - The State’s on-call biologist will use the U.S. Fish and Wildlife Service Standard Operating Procedure for handling and transporting injured birds or other listed animal species.
    - The State’s on-call biologist will complete the U.S. Fish and Wildlife Service Avian Injury/Mortality Form (Appendix D of the BO) and submit it to U.S. Fish and Wildlife Service within 72 hours of the incident.
- When engaging in activities that have a high risk of starting a wildfire—like welding in/near tall grass, the Contractor will wet down the area before starting the task, continuously wet down the area as needed, have a fire extinguisher on hand, and in the event that vision is impaired, (i.e. welding goggles) have a spotter to watch for fire ignitions.
- Contractor will install permanent bird diversion poles along both sides of the viaduct. Poles will extend approximately 6 feet (1.8 meters) above the 54-inch (137 centimeters) rail and spaced approximately 12 feet (3.7 meters) apart, a maximum pole height of 9 feet above the 54-inch-tall rails will be applied, which corresponds to the typical height of a tractor trailer truck of 13.5 feet.

With regard to the Hawaiian Hoary Bat:

- To the greatest extent possible, large [> 15 foot tall (4.6m)] trees will be preserved in place by Contractor. If Contractor must remove large trees, they will be cut down outside of the bat birthing and pup rearing season of June 1 to September 15.
- Neither HDOT nor the Contractor will use barbed wire for fencing.

With regard to the Hawaiian Goose (nēnē):

- On-site workers will not approach, feed, or disturb Hawaiian geese, if observed in the project area, to be enforced by the Contractor.
- Prior to the initial clearing and grubbing phase of the Project, the State's qualified biologist will be on-site to perform visual surveys for nēnē nests. Should individuals or nests be observed, then species specific buffers and protocol would apply. The State's on-call biologist shall be contacted by the Contractor to repeat surveys within 72 hours of initial clearing and grubbing phase of the Project, and after any subsequent delay of work of 72 or more hours.
- Whether during initial surveys prior to initiating work, after a delay of 72 hours or more, or in the middle of construction, if nēnē are observed loafing or foraging within the project area during the breeding season (September through April), a 150-ft (45.7 m) buffer will be established by the Contractor and maintained around the bird(s) and no work will occur within the buffer zone until the birds leave on their own.
    - If not already on site, the State's on-call biologist familiar with nēnē nesting behavior will be contacted by the Contractor to survey for nests in and around the buffer zone prior to the resumption of any work in the area.
- If a nest or active brood is discovered, the Contractor will immediately establish and maintain a 150-foot buffer around all active nests and/or broods until the chicks have fledged. No work will occur within this buffer:
    - The State's on-call biologist will be contacted by the contractor, who would then contact the U.S. Fish and Wildlife Service and Division of Forestry and Wildlife within 48 hours upon discovery for further guidance.
- The project site will be adequately signposted by HDOT with high-visibility signs alerting crew to the presence of Hawaiian geese in Ukumehame.
    - HDOT will install temporary signs that will be orange during construction and then permanent operating signs would be yellow following protocols for warning signs in the Manual on Uniform Traffic Control Devices.
- To prevent nesting, the State's on-call biologist (not construction crew) may perform hazing or other deterrent measures as long as such actions conform to the nēnē 4(d) rule (84 FR 69918;

December 19, 2019, 50 CFR 17.41). Any hazing that occurs to nēnē must follow the 4(d) rule. The Contractor would maintain and require a copy of the 4(d) regulations on-site.

- Work within 150 feet (45.7 meters) of a loafing or foraging Hawaiian goose can begin only after the birds have left on their own, to be enforced by the Contractor.

With regard to the Hawaiian stilt (ae'o) and Hawaiian coot:

- Crew will not approach, feed, or disturb Hawaiian stilt or Hawaiian coot, if observed in the project area, to be enforced by the Contractor.
    - Prior to the initial clearing and grubbing phase of the Project, State's on-call biologist familiar with the species' biology would perform visual surveys for Hawaiian waterbird nests where appropriate habitat occurs within the vicinity of the proposed project site (Ukumehame wetlands). Surveys will be repeated by the State's on-call biologist within 72 hours of initial clearing and grubbing phase of the Project and after any subsequent delay of work of 72 or more hours. If a nest or active brood is found at any time during the duration of the Project, the following measures would apply:
    - The State's on-call biologist will be contacted by the Contractor, who will then contact the U.S. Fish and Wildlife Service and Division of Forestry and Wildlife within 48 hours upon discovery for further guidance.
    - Contractor will immediately establish and maintain a 100-foot buffer around all active nests and/or broods until the chicks have fledged. No potentially disruptive activities or habitat alteration will be conducted within this buffer.
    - Contractor's biological monitor or State's on-call biologist that is familiar with the species' biology will be present on the project site during all construction or earth moving activities until the chicks fledge to ensure that stilt or coot and nests are not adversely impacted.
- If a Hawaiian stilt or Hawaiian coot is observed exhibiting nesting behavior within the Action Area during the nesting season (mid-February to August), then the State's on-call biologist familiar with Hawaiian stilt or Hawaiian coot nesting behavior will advise on next steps.
- If observed after work has begun, work in the vicinity of a loafing or foraging Hawaiian stilt or Hawaiian coot can begin only after the birds have left on their own and a 100-foot buffer maintained by the Contractor until that time.
- Border slopes of the permanent Best Management Practices will be designed by the Contractor to have a slope greater than 6:1 to deter Hawaiian stilt or Hawaiian coot from nesting adjacent to the ponds

With regard to Hawaiian Ducks:

- To the greatest extent possible, the Contractor will preserve suitable habitat such as wetlands, streams, and open water features in their natural condition.

- Through the State’s Environmental Awareness Program, the State’s on-call biologist will inform project personnel and contractors about the potential presence of endangered species on-site.
- HDOT will post and enforce speed limits in areas where waterbirds are known to be present.
- Contractor will incorporate the U.S. Fish and Wildlife Service Best Management Practices for Work in Aquatic Environments into the project design.
- If a nest or active brood is discovered, the Contractor will immediately establish and maintain a 100-foot buffer around all active nests and/or broods until the chicks have fledged. No work would occur within this buffer.
- The State’s on-call biologist will be contacted by the Contractor, who will then contact the U.S. Fish and Wildlife Service and Division of Forestry and Wildlife within 48 hours upon discovery for further guidance.

With regard to Hawaiian Seabirds:

- Night work will not be allowed during seabird fledgling periods (September 15 to December 15), to be enforced by the Contractor.
- Should night work be required (outside of seabird fledgling periods and sea turtle nesting/ hatching periods), then lighting will be configured by the Contractor to be “dark sky friendly,” in compliance with Hawai‘i Revised Statute § 201-8.5. These additional measures will be incorporated into the Project by the Contractor if nighttime work is required to avoid and minimize potential project effects to Hawaiian seabirds:
  - Contractor will fully shield all outdoor lights so the bulb can only be seen from below;
  - Contractor will install automatic motion sensor switches and controls on all outdoor lights or turn off lights when human activity is not occurring in the lighted area; and,
  - To avoid collisions for seabirds, where fences extend above vegetation, the Contractor will integrate three strands of polytape into the fence. For powerlines, guy-wires and other cables, the Contractor will minimize exposure above vegetation height and vertical profile as best as practicable.

With regard to Sea Turtles:

- There will be no vehicle use on or modification of the beach/dune environment during the sea turtle nesting or hatching season (May to December), to be enforced by the Contractor. Notably, there was no such habitat observed in the project area.
- Contractor will not remove native dune vegetation. Prior to any dune vegetation removal, a botanist familiar with native species will be consulted to identify native dune vegetation. Notably, there was no dune vegetation observed in the project area.

- Contractor will incorporate applicable best management practices regarding Work in Aquatic Environments into the project design.
- Contractor will not stockpile project-related materials in the intertidal zone, reef flats, sandy beach and adjacent vegetated areas, or stream channels. Notably, there are no such resources observed in the project area.
- Contractor will remove any project-related debris, trash, or equipment from the beach or dune daily, if not actively being used. Notably, there was no such habitat observed within the project area.
- When mechanical or construction activities are performed directly adjacent to or on top of the existing Honoapi'ilani Highway, the Contractor will assign a competent observer who has undergone the State's Environmental Awareness Program training to perform visual surveys for basking sea turtles.
- If a basking sea turtle is observed within the project area, the Contractor will not permit mechanical or construction activities within 100 feet of the animal, and no such activities will be permitted in the area between the basking sea turtle and the ocean. Construction activities will not resume in such areas until the animal voluntarily leaves the area, to be enforced by the Contractor.
- Night work will not be allowed by the Contractor during the sea turtle nesting and hatching period, and seabird fledgling period (May 1 to December 15).
- Should night work be required (outside of sea turtle nesting/ hatching period and seabird fledgling period), then lighting will be configured by the Contractor to be "dark sky friendly," in compliance with HRS § 201-8.5. These additional measures will be incorporated into the Project by the Contractor to avoid and minimize potential project effects to sea turtles:
  - Contractor will minimize the use of lighting on or near beaches and shield all project-related lights so the light is not visible from any beach;
  - If lights cannot be fully shielded or if headlights must be used, the Contractor will fully enclose the light source with light filtering tape or filters;
  - Contractor will reduce the height of exterior lighting to below 3 feet (0.9 meters) and point downward or away from the beach; and,
  - Contractor will minimize light intensity to the lowest level feasible and, when possible, include timers and motion sensors.
- Contractor will incorporate the following design measures into the construction or operation of buildings adjacent to the beach to reduce ambient outdoor lighting. Notably, there will be no buildings constructed adjacent to the beach:
  - Tinting or using automatic window shades for exterior windows that face the beach;

  - Reducing the height of exterior lighting to below 3 feet and pointed downward or away from the beach; and,

  - Minimize light intensity to the lowest level feasible and, when possible, include timers and motion sensors.

With regard to Blackburn’s Sphinx Moth:

- The State’s biologist familiar with Blackburn’s Sphinx Moth will survey for the species and its larval host plants during the wettest portion of the year (November to April or several weeks after significant rain) and within four to six weeks prior to construction. Surveys will include searches for eggs, larvae, and signs of larval feeding (chewed stems, frass, or leaf damage).

- If moths, eggs, larvae, or native ‘aiea or tree tobacco over 3 feet tall, are found during the survey, then the State’s on-call biologist will be informed by the Contractor, and the State’s biologist will then inform the U.S. Fish and Wildlife Service for additional guidance within 48 hours. Sometimes the pupating larvae are less visible on mature plants and when uprooting the mature plant larvae could also dislodge and remain in the ground typically within 33 feet (10m) of the parent plant. In this scenario, the Contractor will create a 33-foot (10m), disturbance-free buffer where no work activities at all will be performed around the woody host plant to prevent disturbance to any pupating larvae. The plant roots will be removed by the Contractor with guidance from the State’s on-call biologist 90 days following the initial survey to prevent resprouting.

- If no Blackburn’s Sphinx Moth, ‘aiea, or tree tobacco are found during survey, then the Contractor will take measures to ensure that tree tobacco plants do not establish in the project site. If tree tobacco grows more than 3 feet (0.9 meter) tall, it may become a host plant for Blackburn’s Sphinx Moth larvae, which can occur in as few as six weeks. Therefore, to ensure that tree tobacco does not get established in the project site, dedicated staff with prior completion of the State’s Environmental Awareness Program training and visual aids of tree tobacco at various life stages, will survey for tree tobacco every six weeks before, during, and after ground disturbing construction activities within a 33-foot (10 meters) buffer. If tree tobacco is found, the dedicated staff will remove and dispose of the pulled tree tobacco per guidance provided by the State’s on-call biologist.

With regard to Assimulans Yellow-faced Bee:

- If yellow-faced bee nests are observed by the State’s on-call biologist during pre-construction surveys, the State’s on-call biologist will contact the U.S. Fish and Wildlife Service for further guidance.

- If any ground disturbing activities will occur in or adjacent to known occupied habitat (on the beach or makai side of the highway), a buffer area around the habitat will be required and determined on a site-specific basis through consultation with the U.S. Fish and Wildlife Service. The Contractor will inform HDOT who will consult the U.S. Fish and Wildlife Service for this site-specific buffer area.

- Contractor will not collect wood nor have any fires.

- Contractor will restrict vehicles to existing and temporary construction roads and trails.
- Following completion of the State's Environmental Awareness Program training, the Contractor will post educational signs to inform people of the presence of sensitive species.

The Project will implement the following Reasonable and Prudent Measures to minimize the potential for injury and mortality of nēnē and aeʻo during project activities, as listed in the Biological Opinion (See Appendix 3):

- The State's on-call biologist will be notified by telephone and email immediately by the Contractor upon the discovery of an injured or dead nēnē or aeʻo in the Action Area.
- The State's on-call biologist will arrange for the bird(s) (or other listed animal species) to be picked up by the Division of Forestry and Wildlife and provide guidance on temporary handling prior to Division of Forestry and Wildlife pickup.
- The State's on-call biologist will use the U.S. Fish and Wildlife Service Standard Operating Procedure for handling and transporting injured birds or other listed animal species.
- The State's on-call biologist will provide the Pacific Islands Fish and Wildlife Office with a written notification using the Avian Injury/Mortality Form in Appendix D of the Biological Opinion, summarizing the event, within 3 calendar days and will contact and arrange for care from the Hawaiʻi Wildlife Center or other permitted rehabilitation facility for any injured bird.
- Should transport to and care at the Hawaiʻi Wildlife Center or other permitted rehabilitation facility be necessary, the State will provide funds to facilitate necessary and appropriate actions. Care must be taken in handling any dead or injured specimens of proposed or listed species to preserve biological material in the best possible state.
- In conjunction with the preservation of any dead specimens, the finder has the responsibility to ensure that evidence intrinsic to determining the cause of death of the specimen is not unnecessarily disturbed. The finding of dead or injured specimens does not imply enforcement proceedings pursuant to the Endangered Species Act.
- FHWA shall submit an annual report to the Pacific Islands Fish and Wildlife Office to be drafted by HDOT in coordination with the Contractor within 45- calendar days after each year-end in which Project actions occur. This reporting requirement enables the U.S. Fish and Wildlife Service to determine if take has been reached or exceeded and to ensure that the terms and conditions are appropriate and effective.
    - Annual reports will include all nēnē hazing activities, including the number of birds hazed during each hazing incident, the date and time, banding information (if available), and any other noteworthy behavioral observations and/or physical features and environmental conditions at the time.
    - Annual reports will also include all observations of nēnē, aeʻo, and/or other listed birds (and any other listed species) in the Action Area, including number of individuals and/or

nests, life stage, banding information (if relevant), brood structure (if relevant), date and time, any noteworthy behavioral observations or physical features on the species, environmental conditions at the time, and a detailed description of any incident(s) that resulted in take in the form of harm (injury), mortality, and capture using the Injury/Mortality Form in Appendix D of the Biological Opinion.

- Lastly, the annual reports will include all the conservation measures implemented each year.

- Upon the final year during which Project actions occur, FHWA will submit a final report to the Pacific Islands Fish and Wildlife Office within 45 calendar days after the Project has been completed containing the annual report for the last year, followed by an analysis and summary of all the annual reports combined.

- The depository designated to receive specimens that are found is the B.P. Bishop Museum, 1525 Bernice Street, Honolulu, Hawaiʻi, 96817 (telephone: 808/847-3511). If the B.P. Bishop Museum does not wish to accession the specimens, contact the U.S. Fish and Wildlife Service Division of Law Enforcement in Honolulu, Hawaiʻi (telephone: 808/861-8525; fax: 808/861-8515) for instructions on disposition.

Contractor will implement the following Best Management Practices related to invasive species:

- Prior to entry into a project site, project materials, vehicles, machinery, and equipment will be pressure-washed by the Contractor thoroughly (preferably with hot water) in a designated cleaning area. Project materials, vehicles, machinery, and equipment will be visibly free of mud/dirt (excluding aggregate), seeds, plant debris, insects, spiders, frogs (including frog eggs), other vertebrate species (e.g., rodents, mongoose, feral cats, reptiles, etc.), and rubbish. Areas of particular concern include bumpers, grills, hood compartments, wheel wells, undercarriage, cabs, and truck beds. Truck beds with accumulated material are prime sites for hitchhiking invasive species. Contractor will ensure the interior and exterior of vehicles, machinery, and equipment be free of rubbish and food, which can attract pests (i.e., rodents and insects). The interiors of vehicles and the cabs of machinery should be vacuumed clean particularly for any plant material or seeds. Following Contractor cleaning and/or treatment, project materials, vehicles, machinery, and equipment, will be visually inspected by its user, and be free of mud/dirt (excluding aggregate), debris, and invasive species prior to entry into a project site. For example, careful visual inspection of a vehicle's tires and undercarriage is recommended for any remaining mud that could contain invasive plant seeds.

- All materials imported to the project area will be certified weed-free. Contractor will ensure that any project materials, vehicles, machinery, or equipment found to contain invasive species (e.g., plant seeds, invertebrates, rodents, mongoose, cats, reptiles, etc.) must not enter the project site until those invasive species are properly removed/treated.

- Prior to entry into the project site, all on-site personnel will visually inspect and clean their clothes, boots or other footwear, backpack, radio harness, tools and other personal gear and equipment for insects, seeds, soil, plant parts, or other debris. Seeds found on clothing, footwear, backpacks,

etc., will be placed in a secure bag or similar container and discarded in the trash rather than being dropped to ground at the project site or elsewhere.

- Only weed-free seed mixtures will be used for hydroseeding and hydromulching in the project area. The State’s qualified botanist will inspect each seeded area once a minimum of 60 calendar days after application of hydroseed/hydromulch. Any species of plant other than those intended to be in the hydroseed/hydromulch will be removed. In particular, plant species that are not known to occur on Maui and those that are actively being controlled on the island will be removed.

- Vegetation and landscaping will follow all applicable guidelines set forth in the HDOT Highway Manual for Sustainable Landscape Maintenance including an annual comprehensive inspection (HDOT 2011).

- Revegetation and landscaping will include native plants found in the action area during biological surveys, native plants historically known from the area, as well as native and possibly nonnative plants not considered invasive species that are fire resistant and recommended by the Pacific Fire Exchange, Plant Pono website, and following County of Maui Planting Guidelines. These species include, but are not limited to ‘ilima (*Sida fallax*), ‘iliahialo‘e (*Santalum ellipticum*), ‘a‘ali‘i (*Dodonaea viscosa*), hoary abutilon (*Abutilon incanum*), akulikuli (*Sesuvium portulacastrum*), milo (*Thespesia populnea*), and naupaka (*Scaevola taccada*), and uhaloa (*Waltheria indica*). An additional three species are included for consideration in revegetation: Pōhinahina (*Vitex rotundifolia*), ‘Ūlei (*Osteomeles anthyllidifolia*), and ‘Āweoweo (*Chenopodium oahuense*).

- As best as practicable, disturbance to endemic plant species such as ‘iliahialo‘e will be avoided by the Contractor.

- Only plants local to Maui will be used for landscaping purposes to the extent practicable. If locally grown plants are unavailable, then imported plants may be used, but they will be thoroughly inspected or quarantined if necessary to ensure that they are free from invasive pests, such as little fire ants, and invasive plant seeds and seedlings that could arrive inadvertently.

- A litter-control plan shall be developed and implemented by the Contractor prior to start of construction to prevent attraction and introduction of nonnative species.

- Vehicles infested with little fire ants will be treated by the Contractor following recommendations by the Hawaii Ant Lab outlined in the 2024 Pacific Islands Fish and Wildlife Office Biosecurity Protocols.

- Contractor will adhere to little fire ant baiting recommendations for vehicles, materials, and storage areas as outlined in the 2024 Pacific Islands Fish and Wildlife Office Biosecurity Protocols.

- If little fire ants are detected, the Contractor would report it to 808-643-PEST.

- Contractor will adhere to Hawaii Department of Agriculture Plant Quarantine Interim Rule 24-1 prohibiting the movement of Coconut Rhinoceros Beetle -host material from the island of O‘ahu.

- If felling or trimming palms, the Contractor will contact Coconut Rhinoceros Beetle Response for a free inspection ((808) 679-5244 or email at info@crbhawaii.org).
- Contractor will keep green waste whole until it is ready to be treated and removed. Green waste will be chipped on site and transported on the same day to a secure and managed green waste disposal site/facility.
- Contractor will minimize accumulations of green waste by regularly treating mulch piles or depositing it in sealed green waste bins.
- If injured or dying coconut palm trees are observed or if Coconut Rhinoceros Beetle are detected, Contractor will contact the State’s on-call biologist who will then contact Coconut Rhinoceros Beetle Response at (808) 679-5244 or email at info@crbhawaii.org or online at https://www.crbhawaii.org/report.

With regard to predator control:

- In areas of known nēnē and ae‘o habitat (Ukumehame near firing range), the Contractor will be responsible for predator trapping and will develop a predator control plan for approval by the HDOT.
- On-site staff will practice good project-site hygiene to avoid litter and garbage from attracting rodents, feral cats, mongoose, and other wildlife, to be enforced by the Contractor.
- Contractor will provide covered waste bins and ensure they are emptied weekly.
- Contractor will ensure that all food waste is properly disposed of in covered waste bins.
- HDOT will monitor for construction work that may impact flora and fauna resources important to traditional and customary practices.

With regard to reinitiation of Endangered Species Act Section 7 Consultation:

- Any changes made during final design will be evaluated by the State’s on-call biologist in coordination with the Contractor and HDOT for any impacts not previously considered in the Biological Assessment. HDOT will work with FHWA to coordinate with the U.S. Fish and Wildlife Service and reinitiate Section 7 Consultation if needed.
- If take is exceeded, reinitiation of consultation and review of reasonable and prudent measures is required by FHWA in coordination with HDOT. See Biological Opinion for Incidental Take Statement.

TRAFFIC, RIGHT-OF-WAY, PEDESTRIANS/BICYCLES

- Contractor will maintain signs, lights, barricades, and other safety equipment for motorists and pedestrians.
- HDOT will inform the public of planned construction activities that may affect service on the existing roadways.

- During construction, the Contractor will develop a traffic management plan HDOT's approval to minimize traffic congestion and maintain efficiency in the project area.

AIR QUALITY

- Airborne, visible fugitive dust during construction will be controlled at the project site by the Contractor in accordance with the provisions of HAR Chapter 11-60.1-33, Fugitive Dust, HDOT's Standard Specifications, and HDOT's *Construction Best Management Practices Field Manual* (BMP SM-18).
- Exhaust emissions and energy consumption from construction vehicles and equipment will be reduced through the following control measures to be enforced by the Contractor:
  - Keeping construction equipment and vehicles properly tuned and maintained.
  - Avoiding idling of diesel equipment, particularly near the air intake of any building heating, ventilation, and air conditioning systems.
  - Avoiding the use and routing of construction equipment near residential areas and clusters of sensitive receptors like hospitals, schools, day care facilities, elderly housing, and convalescent facilities.
  - Timing the assembly of construction crews, equipment, and work to minimize conflicts with typical commuting hours.
- Contractor will implement controls to limit fugitive dust, including watering (as appropriate), wind screens, and proper material transport and storage techniques.

NOISE

- Contractor will comply with HDOT Standard Specifications and local sound control and noise level rules, regulations, and ordinances.
- Contractor will obtain a Noise Permit from the State of Hawai'i Department of Health in order to comply with community noise control standards (Hawai'i Administrative Rules [HAR] §11 46) during construction.
- During construction, noise control measures will be implemented by the Contractor to minimize construction noise and the effect on existing noise sensitive land uses, including the following:
  - During the early stages of construction planning, strategic placement of stationary equipment, such as compressors and generators, will be considered for shielding against construction noise.
  - Contractor will comply with HDOT Standard Specifications and all local sound control and noise level rules, regulations, and ordinances that apply to work performed pursuant to

the contract. Each internal combustion engine used for any purpose on the job, or related to the job, will be equipped with a muffler that is recommended by the manufacturer. No internal combustion engine will be operated without a muffler.

  - At community meetings, project representatives by HDOT and the Contractor will explain the work, schedule, and planned noise control measures related to construction.

- The aforementioned measures will be incorporated by the Contractor into site-specific construction plans, and additional noise emission limits could be developed as well.

INFRASTRUCTURE AND UTILITIES

- Contractor will coordinate with the affected utilities and private water supply systems, as applicable for relocation.

HAZARDOUS MATERIALS

- Prior to construction activities, Contractor will develop a construction Health and Safety Plan.
- Contractor will comply with HAR §12-110 (Construction Standards – General Safety and Health Requirements).
- Contractor will perform lead and asbestos surveys prior to construction and provide to HDOT, as applicable.
- If contamination is identified, the Contractor will report it to HDOT immediately.
- Any potential handling of hazardous materials or site remediation by the Contractor or HDOT will be in accordance with applicable State and federal laws specifying the handling, treatment, and disposal of contaminated materials.

Section 4(f) Finding

Section 4(f) of the Department of Transportation Act of 1966 (49 U.S.C. §303 and 23 U.S.C. §138) (U.S. Department of Transportation [USDOT] Act)—as implemented by FHWA regulations found in 23 CFR Part 774—applies to the use of publicly or privately owned historic sites that are determined eligible for or listed on the National Register of Historic Places, and significant publicly owned parks, recreation areas, and wildlife and waterfowl refuges (collectively, Section 4[f] properties). The Honoapi‘ilani Highway Improvements Project is subject to review by the USDOT and the FHWA and is therefore subject to Section 4(f) review.

A Section 4(f) Evaluation was prepared and made available to the public as part of the Draft EIS (Chapter 4, Section 4(f) Evaluation), which was released in December 2024 with a public comment period that extended through February 18, 2025. The evaluation determined that there would be no Section 4(f) transportation use for properties associated with historic sites or wildlife and waterfowl refuges but that one recreational resource, the Ukumehame Firing Range, would be affected by the Project by traversing a small portion of the County-owned site on a tall viaduct. The transportation use is considered minor because the firing range would remain operational and fully active during construction and upon completion of the Project (other than brief closures when the viaduct is installed over the firing range driveway). As a result, the draft evaluation identified this as a *de minimis* impact to a Section 4(f) property.

As documented in the Final EIS, FHWA has determined a *de minimis* impact for the use of the Ukumehame Firing Range for the Selected Alternative. The official(s) with jurisdiction, Maui County Department of Parks and Recreation and the County, has concurred with FHWA’s determination.

In the Final EIS, FHWA determined that the Olowalu Sugar Plantation Historic District and its individually eligible and contributing resources are subject to Section 4(f). As set forth in Final EIS Section 3.6, Archaeological and Architectural Historic Properties, there are three individually eligible resources and 10 architectural elements identified as contributing resources to the historic district, including individual buildings and remains of the architectural infrastructure of the plantation.

The Selected Alternative passes through the eligible historic district but does not affect any of the contributing resources. On August 8, 2025, the State Historic Preservation Officer at SHPD, as the Official with Jurisdiction, was informed of FHWA’s determination that the Project’s Preferred Alternative constitutes No Adverse Effect on architectural historic resources and of FHWA’s intent to make a Section 4(f) *de minimis* impact determination for the Olowalu Sugar Plantation Historic District. On August 13, 2025, SHPO concurred with the FHWA with the determination that the Project constitutes No Adverse Effect on architectural historic properties. Therefore, the FHWA’s *de minmis* determination finds that there would be no direct, temporary, or constructive use of the 4(f) resources within the Olowalu Sugar Plantation Historic District or of the individually eligible and contributing resources within the Olowalu Sugar Plantation Historic District.

Permits and Approvals

The following anticipated permits and approvals are required for implementation of the Selected Alternative.

PERMIT/APPROVAL	ISSUING/APPROVING AGENCY
FEDERAL	
National Environmental Policy Act	Federal Highway Administration
Department of Army Permit, Clean Water Act, Section 404	U.S. Army Corps of Engineers (USACE)
Department of Transportation Act of 1966, Section 4(f) Evaluation	FHWA
Endangered Species Act, Section 7 consultation	U.S. Fish and Wildlife Service; National Oceanic and Atmospheric Administration, National Marine Fisheries Service
Farmland and Conversion Impact Rating, pursuant to the Farmland Protection Policy Act	U.S. Department of Agriculture, Natural Resources Conservation Service
Magnuson-Stevens Fishery Conservation and Management Act, Essential Fish Habitat coordination	National Oceanic and Atmospheric Administration, National Marine Fisheries Service
National Historic Preservation Act Section 106 consultation	Advisory Council on Historic Preservation, State Historic Preservation Officer (SHPO)
Section 309 of the Clean Air Act	U.S. Environmental Protection Agency (USEPA)
Rivers and Harbors Act Section 10 Impacts to Navigable Waters (if applicable specific to tidal water influence)	USACE
Flood Map Change Request (if no-rise condition cannot be achieved)	Federal Emergency Management Agency (FEMA), County of Maui Emergency Management Agency
STATE OF HAWAIʻI	
Hawaiʻi Revised Statutes (HRS) Chapter 343, environmental review compliance	Governor, State of Hawaiʻi
Coastal Zone Management Act Consistency Determination	Department of Business, Economic Development and Tourism, Office of Planning and Sustainable Development, Coastal Zone Management Program (DBEDT-OPSD, CZM)
Clean Water Act, Section 401, Water Quality Certification	Department of Health (HDOH), Clean Water Branch
Clean Water Act, Section 402, National Pollutant Discharge Elimination System Permit	HDOH, Clean Water Branch
HRS Chapter 6E-8, State Historic Preservation review	Department of Land and Natural Resources (DLNR), State Historic Preservation Division (SHPD)
HRS Chapter 195D, Conservation of Aquatic Life, Wildlife, and Land Plants	DLNR, Division of Forestry and Wildlife and Division of Aquatic Resources

PERMIT/APPROVAL	ISSUING/APPROVING AGENCY
Stream Channel Alteration Permit	DLNR, Commission on Water Resource Management (CWRM)
Conservation District Use Permit	DLNR, Office of Conservation and Coastal Lands (OCCL)
Americans with Disabilities Act Accessibility Guidelines	HDOH, Disability and Communication Access Board (DCAB)
Community Noise Permit/Community Noise Variance	HDOH, Indoor and Radiological Health Branch
COUNTY OF MAUI	
Special Management Area Permit (modification for Olowalu subdivision; new permit for highway construction)	County of Maui Planning Department
Building and Grading Permits	County of Maui Planning Department
Maui County Ordinance 5421 Compliance (applicability to be determined in final design by design-build contractor and HDOT ROW in coordination with Maui County)	Maui County Council
Flood Map Change Request (if no-rise condition cannot be achieved)	County of Maui Emergency Management Agency, FEMA

Monitoring or Enforcement Program

The Project will be subject to further review by federal and State agencies. As outlined above, permits will be required by the USACE and the State of Hawaii DLNR. These approvals and permits will ensure that mitigation and BMPs related to waters of the United States, including stormwater management are obtained before construction of the Project.

The Section 106 Programmatic Agreement outlines procedures for consultation among the FHWA, HDOT, and SHPO to evaluate archaeological resources and seek measures to avoid, minimize, or further mitigate an adverse effect on National Register-eligible archaeological properties.

Endangered and threatened species will be protected through implementation of best practices including monitoring throughout the construction period, which will be conducted under the supervision of a qualified biologist/ecologist with knowledge and understanding of the species and habitat needs.

Statute of Limitations

Pursuant to 23 U.S.C. Section 139(1), the FHWA will publish a statute of limitations (SOL) notice in the *Federal Register* upon issuance of the ROD. A claim arising under federal law seeking judicial review of the federal agency actions on the Honoapi‘ilani Highway Improvements Project will be barred unless the claim is filed within 150 days of the publication of the SOL notice in the *Federal Register.*

Conclusion

Having considered the environmental record noted above, the written and oral comments offered by other agencies and the public, as well as the written responses received, FHWA has determined the following:

- Adequate opportunity was afforded for the presentation of views by all parties with substantive economic, social, and environmental interests.
- Fair consideration has been given to the preservation and enhancement of the environment and interests of the communities in which the Selected Alternative is located.
- All reasonable steps have been taken to minimize adverse environmental effects of the Selected Alternative.

Based on a balanced consideration of the need for safe and efficient transportation, the social, economic and environmental effects of the proposed transportation improvements, along with national and State environmental project goals, FHWA has determined the following:

- The requirements of 23 CFR 771 have been met.
- Consistent with social, economic, and other essential considerations, to the maximum extent practicable, adverse environmental effects identified in the Draft and Final EIS process will be minimized or avoided.
- Consistent with social, economic, or other essential considerations, from the reasonable alternatives thereto, the action to be undertaken, funded, and permitted by HDOT is an alternative that minimizes and avoids adverse environmental effects to the maximum extent practicable, including the effects disclosed in the Draft and Final EIS.
- The action, to the fullest extent practicable, incorporates environmental investigations, reviews, and consultations in a single coordinated process.
- Compliance with all applicable environmental requirements is reflected in the environmental document required under NEPA.
- Public involvement and a systematic interdisciplinary approach were essential parts of the development process for the action.

Date: 9/8/2025

Richelle Takara
Hawaii Division Administrator
Federal Highway Administration