



Contents

4. Section 4(f) Evaluation.....	4-1
4.1 REGULATORY CONTEXT	4-1
4.2 DESCRIPTION OF THE PROJECT	4-3
4.3 ARCHAEOLOGICAL AND ARCHITECTURAL HISTORIC PROPERTIES	4-3
4.3.1 Archaeological Historic Properties.....	4-3
4.3.2 Architectural Historic Properties	4-4
4.4 PUBLICLY OWNED WILDLIFE AND WATERFOWL REFUGES, PARKS, AND RECREATION AREAS	4-8
4.4.1 Wildlife and Waterfowl Refuges.....	4-8
4.4.2 Publicly Owned Parks and Recreational Facilities.....	4-8
4.5 MULTIPLE-USE PROPERTIES	4-19
4.6 SECTION 4(F) APPLICABILITY AND USE SUMMARY.....	4-21
4.7 PUBLIC INVOLVEMENT AND SECTION 4(F) COORDINATION.....	4-27

TABLES

TABLE 4-1.	Potential Architectural Resources in Olowalu.....	4-6
TABLE 4-2.	Potential Section 4(f) Parks, Recreational, and Refuge Facilities in Olowalu.....	4-11
TABLE 4-3.	Potential Section 4(f) Parks, Recreational, and Refuge Facilities in Ukumehame	4-17
TABLE 4-4.	Potential Multiple-Use Properties in Olowalu and Ukumehame.....	4-20
TABLE 4-5.	Potential Section 4(f) Resources and Use in Olowalu.....	4-22
TABLE 4-6.	Potential Section 4(f) Resources and Use in Ukumehame.....	4-25

FIGURES

FIGURE 4-1.	Potential Section 4(f) Facilities.....	4-13
FIGURE 4-3.	Preferred Alternative Traffic Access to Maui County Beach Parks and Firing Range - Ukumehame	4-16



4. Section 4(f) Evaluation

Section 4(f) of the Department of Transportation Act of 1966 (now 49 United States Code [U.S.C.] §303 and 23 U.S.C. §138) (U.S. Department of Transportation [USDOT] Act)—as implemented by Federal Highway Administration (FHWA) regulations found in 23 Code of Federal Regulations (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 requirements of Section 4(f) apply to the FHWA and other USDOT agencies.

4.1 REGULATORY CONTEXT

Section 4(f) of the USDOT Act stipulates that the FHWA and other USDOT operating administrations may not approve the use of Section 4(f) properties unless they have determined that the following conditions apply:

- There is no feasible and prudent alternative that would avoid the use of the Section 4(f) property; and
- The project includes all possible planning to minimize harm to that property resulting from such use (see also 23 CFR §774.3[a]); or
- The use of the Section 4(f) property, including any measures(s) to minimize harm (such as any avoidance, minimization, mitigation, or enhancement measures) will have a *de minimis* impact, as defined in 23 CFR §774.17, on the property.

Pursuant to 23 CFR §774.17, a project uses a Section 4(f) property when:

- Land from the Section 4(f) property is permanently incorporated into a transportation facility;
- There is a temporary occupancy of land that is adverse in terms of the statute’s preservation purpose, as determined by the criteria in 23 CFR §774.13(d) (for example, when all or part of the Section 4(f) property is required for a project’s construction-related activities); or
- There is a “constructive” use of a Section 4(f) property, as determined by the criteria defined in 23 CFR §774.15(a).

Under Section 4(f), the permanent incorporation of land into a transportation facility occurs when land from a Section 4(f) property is purchased outright as a transportation right-of-way, or when a project acquires a property interest that allows permanent access onto a property, such as a permanent easement for maintenance. Per 23 CFR §774.13(d), an exception for temporary occupancy results when a Section 4(f) property is required for a project’s construction activities and the land is not permanently incorporated into a transportation facility.



Constructive use occurs when there is no permanent incorporation or temporary occupancy of land, but the proximity impacts (for example, visual and noise) of a project are so severe that the protected activities, features, or attributes that qualify a resource for protection under Section 4(f) are substantially impaired.

A *de minimis* impact involves the use of Section 4(f) property that is generally minor in nature. A *de minimis* impact—after considering avoidance, minimization, mitigation, and enhancement measures that are committed to by the applicant—results in no adverse effect to a historic site or does not adversely affect the activities, features, or attributes qualifying a park, recreation area, or refuge for protection under Section 4(f). As set forth in the Section 4(f) regulations (23 CFR Part 774), once the FHWA determines that a transportation use of a Section 4(f) property results in a *de minimis* impact, an analysis of avoidance alternatives is not required, and the Section 4(f) evaluation process is complete.

As defined under 23 CFR §774.5(b), the FHWA may make a finding of *de minimis* impact on a historic site when the following have occurred:

- The FHWA has considered the views of any Consulting Parties participating in the Section 106 consultation process, as established by the National Historic Preservation Act and its implementing regulation (36 CFR Part 800).
- The Section 106 process results in a determination of no adverse effect or no historic properties affected with the written concurrence of the State Historic Preservation Office and the Advisory Council on Historic Preservation (if this agency is participating in the Section 106 consultation).
- The State Historic Preservation Office and the Advisory Council on Historic Preservation (if this agency is participating in the Section 106 consultation) are informed of the FHWA's intent to make a *de minimis* impact finding based on their written concurrence in the Section 106 determination of no adverse effect or no historic properties affected.

Under 23 CFR §774.5(b)(2), the FHWA may determine that the impacts of a transportation project on a publicly owned park, recreation area, and wildlife or waterfowl refuge that qualifies for Section 4(f) protection may be *de minimis* if the following criteria are met:

- The transportation use of the Section 4(f) property, together with any impact avoidance, minimization, and mitigation or enhancement measures incorporated into a project, does not adversely affect the activities, features, or attributes that qualify the resource for protection under Section 4(f).
- The public has been afforded an opportunity to review and comment on the effects of a project on the protected activities, features, or attributes of the Section 4(f) property.
- The official(s) with jurisdiction over a property are informed of the FHWA's intent to make the *de minimis* impact finding and concur in writing that a project will not adversely affect the activities, features, or attributes that qualify the property for protection under Section 4(f).



The following sections identify the potential for the Honoapiʻilani Highway Improvements Project (the Project) to use Section 4(f) properties in accordance with Section 4(f) regulations.

4.2 DESCRIPTION OF THE PROJECT

The Project is in Maui County, Hawaiʻi, and would create a new alignment of approximately 6 miles of the Honoapiʻilani Highway. The State of Hawaiʻi Department of Transportation (HDOT) considered four Build Alternatives in the Olowalu segment of the corridor and three Build Alternatives in the Ukumehame segment. The primary purpose of the Project is to provide a reliable transportation facility in West Maui and to improve Honoapiʻilani Highway’s resilience by reducing vulnerability to coastal hazards. Specifically, the Project is intended to address existing coastal erosion and flooding, as well as future coastal erosion and flooding caused by anticipated sea level rise. HDOT established the high priority need for the Project through its *Hawaii Highways Climate Adaptation Action Plan: Exposure Assessments*¹ and *Statewide Coastal Highway Program Report*.²

4.3 ARCHAEOLOGICAL AND ARCHITECTURAL HISTORIC PROPERTIES

As set forth in the Section 4(f) regulations (23 CFR §774.11[e]), Section 4(f) applies to historic sites (including any prehistoric or historic district, site, building, structure, or object) that are listed on or eligible for listing on the National Register of Historic Places. These sites are identified through the consultation process established under Section 106 of the National Historic Preservation Act and its implementing regulations (36 CFR Part 800).

The principal Section 106 participants (FHWA, HDOT, Hawaiʻi State Historic Preservation Office, Advisory Council on Historic Preservation) intend to execute a Programmatic Agreement that would establish subsurface investigation and overall mitigation requirements for the Preferred Alternative. A Draft Programmatic Agreement is provided in the Draft Environmental Impact Statement (EIS) while the executed Programmatic Agreement is anticipated to be included in the Final EIS and Record of Decision. The Draft Programmatic Agreement is found in Appendix 3.6 and a description of the Preferred Alternative is presented in Chapter 5, Preferred Alternative.

4.3.1 Archaeological Historic Properties

4.3.1.1 Resource Description

Section 4(f) applies to archaeological historic resources on or eligible for the National Register of Historic Places that are also recommended to be preserved in place (23 CFR 774.13[b]). As presented in Section 3.6, Archaeological and Architectural Historic Properties, there are several areas where archaeological resources are present and could be adversely affected by one or more Build Alternatives in both Olowalu and Ukumehame. Previously and newly identified archaeological sites are

¹ <https://hidot.hawaii.gov/wp-content/uploads/2021/07/HDOT-Climate-Resilience-Action-Plan-Exposure-Assessments-April-2021.pdf>. Accessed May 2023.

² https://hidot.hawaii.gov/highways/files/2019/09/State-of-Hawaii-Statewide-Coastal-Highway-Program-Report_Final_2019.pdf. Accessed May 2023.



listed in Section 3.6 in Tables 3.6-2, -3, and -4. The FHWA has determined that none of those sites warrant preservation in place because the FHWA found these sites are important, mainly because of what can be learned by data recovery.

4.3.1.2 Section 4(f) Applicability

None of the listed and eligible archaeological resources identified in Section 3.6 (either in Olowalu or in Ukumehame) are recommended for preservation in place by the FHWA. Because no archaeological resources are recommended for preservation in place, no archaeological resources identified in Section 3.6 are eligible for Section 4(f) protections.

4.3.1.3 NEPA and Section 106 Effects

While FHWA has not yet made effect determinations as part of the Section 106 process (which will be presented in the Final EIS), the initial eligibility findings indicate that there are no archaeological sites recommended by the FHWA for preservation in place.

4.3.1.4 Uses of Section 4(f) Resources

Since there are no archaeological sites recommended for preservation in place, there is not a use of Section 4(f) archaeological resources by the Project. Should any additional archaeological resources qualifying for Section (4f) protection be identified after the Final EIS/ROD and through construction, the Section 4(f) process will be expedited and any required evaluation of feasible and prudent avoidance alternatives will take account of the level of investment already made. In addition, the Section 106 Programmatic Agreement (Appendix 3.6) will govern compliance for the Project after the Final EIS/ROD and into final design, including identification of archaeological historic properties within the limits of disturbance for the complete Preferred Alternative.

4.3.2 Architectural Historic Properties

4.3.2.1 Olowalu

Resource Description

As presented in Section 3.6, Archaeological and Architectural Historic Properties, the Section 106 evaluation of potential architectural historic resources recommended that, based on the presence of eligible resources, the existing Olowalu Company Sugar Mill Complex be expanded to areas mauka of the existing highway to form a larger Olowalu Sugar Plantation Historic District. The expanded district contains 10 contributing resources, of which two are individually eligible. There is one individually eligible resource that is not part of the district.

Section 4(f) Applicability

The Olowalu Sugar Plantation Historic District and its individually eligible and contributing resources are subject to Section 4(f). As set forth in 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 (TABLE 4-1 and FIGURE 4-1).



NEPA and Section 106 Effects

None of the historic district's individually eligible or contributing resources would be adversely affected or displaced by any of the Build Alternatives. This is expected to result in a No Adverse Effect finding for Section 106.

Uses of Section 4(f) Resources

Build Alternatives 1 and 2 are within the mauka boundary of the Olowalu Sugar Plantation Historic District, but the two alternatives do not affect any contributing resources to the historic district. Therefore, there are no architectural historic sites that would be considered a Section 4(f) use by any of the Build Alternatives (**TABLE 4-1**). 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 in Olowalu.

4.3.2.2 Ukumehame

As assessed in Section 3.6, Archaeological and Architectural Historic Properties, there are no eligible architectural historic properties in Ukumehame and, as a result, there are no architectural historic sites that qualify for Section 4(f) protection.



TABLE 4-1. **Potential Architectural Resources in Olowalu**

RESOURCE NAME	OFFICIAL WITH JURISDICTION	4(F) APPLICABILITY AND POTENTIAL EFFECT TO RESOURCE	SECTION 106 POTENTIAL EFFECT FINDING	POTENTIAL SECTION 4(f) USE	AVOIDANCE OPTIONS
Olowalu Company Sugar Mill Complex <i>(NRHP Eligible, district expansion recommended) (SIHP #01602/Survey #AR 8 SIHP 01602) /Olowalu Sugar Plantation Historic District (NRHP Eligible)</i>	SHPD	<ul style="list-style-type: none"> The resource is eligible for the NRHP and an expansion of the district is eligible for the NRHP. The resource is eligible for Section 4(f) protection. Build Alternatives 1 and 4 avoid the historic district. Build Alternatives 2 and 3 are within the mauka boundary of the historic district, but neither alternative affects contributing resources to the historic district. 	No Adverse Effect	No Section 4(f) use: No contributing elements to the historic district are affected.	N/A
Lanakila Historic Church (Olowalu Church and Cemetery) <i>(SIHP #01603/AR 17)</i>	SHPD	<ul style="list-style-type: none"> The resource is eligible for the NRHP and is eligible for Section 4(f) protection. The Build Alternatives do not affect the property. 	No Adverse Effect	No Section 4(f) use	N/A
Awalua Cemetery <i>(SIHP #04758/ (Survey #AR 1 SIHP 04758)</i>	SHPD	<ul style="list-style-type: none"> The resource is eligible for the NRHP and is eligible for Section 4(f) protection. The Build Alternatives do not affect the contributing resource. 	No Adverse Effect	No Section 4(f) use	N/A
807 Olowalu Road (plantation/bungalow) <i>(Survey #AR 4 SIHP 01602)</i>	SHPD	<ul style="list-style-type: none"> The resource is eligible for the NRHP and is eligible for Section 4(f) protection. The Build Alternatives do not affect the contributing resource. 	No Adverse Effect	No Section 4(f) use	N/A
808 Olowalu Road (plantation/bungalow) <i>(Survey #AR 5 SIHP 01602)</i>	SHPD	<ul style="list-style-type: none"> The resource is eligible for the NRHP and is eligible for Section 4(f) protection. The Build Alternatives do not affect the contributing resource. 	No Adverse Effect	No Section 4(f) use	N/A
810 Olowalu Road (Olowalu Plantation House) <i>(Survey #AR 6 SIHP 01602)</i>	SHPD	<ul style="list-style-type: none"> The resource is eligible for the NRHP and is eligible for Section 4(f) protection. The Build Alternatives do not affect the contributing resource. 	No Adverse Effect	No Section 4(f) use	N/A



RESOURCE NAME	OFFICIAL WITH JURISDICTION	4(F) APPLICABILITY AND POTENTIAL EFFECT TO RESOURCE	SECTION 106 POTENTIAL EFFECT FINDING	POTENTIAL SECTION 4(f) USE	AVOIDANCE OPTIONS
810 Olowalu Road (plantation/bungalow) (Survey #AR 7 SIHP 01602)	SHPD	<ul style="list-style-type: none"> The resource is eligible for the NRHP and is eligible for Section 4(f) protection. The Build Alternatives do not affect the contributing resource. 	No Adverse Effect	No Section 4(f) use	N/A
802 Olowalu Road (plantation/bungalow) (Survey #AR 16)	SHPD	<ul style="list-style-type: none"> The resource is eligible for the NRHP and is eligible for Section 4(f) protection. The Build Alternatives do not affect the contributing resource. 	No Adverse Effect	No Section 4(f) use	N/A
Water Tower (Survey #AR 19)	SHPD	<ul style="list-style-type: none"> The resource is eligible for the NRHP and is eligible for Section 4(f) protection. The Build Alternatives do not affect the contributing resource. 	No Adverse Effect	No Section 4(f) use	N/A
Bridge (Survey #AR 20)	SHPD	<ul style="list-style-type: none"> The resource is eligible for the NRHP and is eligible for Section 4(f) protection. The Build Alternatives do not affect the contributing resource. 	No Adverse Effect	No Section 4(f) use	N/A
Reservoir (Survey #AR 31 CSH-4)	SHPD	<ul style="list-style-type: none"> The resource is eligible for the NRHP and is eligible for Section 4(f) protection. The Build Alternatives do not affect the contributing resource. 	No Adverse Effect	No Section 4(f) use	N/A



4.4 PUBLICLY OWNED WILDLIFE AND WATERFOWL REFUGES, PARKS, AND RECREATION AREAS

4.4.1 Wildlife and Waterfowl Refuges

4.4.1.1 *Wildlife and Waterfowl Refuges*

No designated wildlife and waterfowl refuges are within the project area, and the Project would not result in the use of any such resources.

4.4.2 Publicly Owned Parks and Recreational Facilities

FIGURE 4-1 presents the total publicly owned parks and recreational facilities for the Project in both Olowalu and Ukumehame.

The publicly owned parks and recreation areas in the study area were assessed to identify those that qualify for Section 4(f) consideration and any potential use of Section 4(f) parks and recreation sites, using the following measures:

- Study area parks and recreation facilities that qualify for Section 4(f) consideration (per 23 CFR 774.11)
- How each of the 4(f) properties are affected by project alternatives, as documented by NEPA
- If the property qualifies for Section 4(f) consideration, the anticipated use of the 4(f) facility by the Project (per 23 CFR 774.3)

4.4.2.1 *Planned Parks and Recreational Facility – Planned Beachside Greenbelt Park*

Olowalu and Ukumehame

Resource Description

The County of Maui *Pali to Puamana Parkway Master Plan* (2005) identifies the opportunity to create open space and recreational facilities in conjunction with realigning Honoapiʻilani Highway. Specifically, the plan calls for areas to be designated as open space in the 2022 *West Maui* Community Plan, setting the foundation for future open space and recreational facility development. The plan identifies opportunities to create a beachside green belt park from Puamana Park (which is located just south of the Lāhainā center and is currently closed after the wildfire) to Pāpalaua Wayside Park. This coastal open space concept was further established in 2022 as policy goals in both the Maui Municipal Planning Organization’s *West Maui Greenway Plan* and the County of Maui’s *West Maui Community Plan*. In addition to coordination with the Honoapiʻilani Highway, the plan identifies several independent actions that would be required to facilitate the development of this proposed park, including obtaining Special Management Area permits, an environmental assessment, and a modification to the existing zoning.



Section 4(f) Applicability

The County of Maui Parks Department is planning the future beachside greenbelt parks jointly with HDOT as FHWA/HDOT complete the Honoapiʻilani Highway Improvements Project EIS, as reflected in the March 2006 quitclaim deed for properties transferred to the County. The deed states that “the property shall never be used for any purpose other than as a park for public recreation and exclusively for the purposes and uses set forth... provided, however, as to the portion of the property which is not subdivided and dedicated as a public road or highway, the foregoing limitation to use of the property as a park for public recreation shall apply and remain in full force and effect.”³ The County of Maui’s planning process is based on working with HDOT to designate the highway improvements and then utilizing the remaining land in this area for the future beachside park areas.

Pursuant to 23 CFR 774.11(i) the future beachside park does not qualify as a Section 4(f) resource, due to the joint development of the proposed parkland and the highway and coordination between County of Maui Parks and HDOT.

NEPA Effect

All Build Alternatives would extend across the areas considered for the planned beachside greenbelt park. All Build Alternatives are expected to extend across areas considered for the planned park in the common shared alignment where the Build Alternatives connect to the Lāhainā Bypass in the Olowalu section. Where the Olowalu and Ukumehame sections meet, the common Build Alternative alignment extends through areas considered for the planned park near Kaʻiliʻili Beach (FIGURE 4-1). Build Alternatives 1, 2, and 3 would extend through the areas considered for the planned park through the Ukumehame section, and all Build Alternatives will extend across the planned park where the alternatives connect to the existing Honoapiʻilani Highway near the Pali.

Use of Section 4(f) Resource: The planned beachside greenbelt park is being jointly developed between Maui County and HDOT. Pursuant to 23 CFR 774.11(i), the planned reserve expansion is not eligible for Section 4(f) protections and therefore would have no use of Section 4(f) resources.

4.4.2.2 Olowalu

Publicly Accessible Shoreline Beaches – Awalua, Olowalu, Kaʻiliʻili

Resource Description

As noted in TABLE 4-2, there are three publicly accessible shoreline beaches (Awalua, Olowalu, and Kaʻiliʻili) that are not specifically designated as County parks, are not managed by Maui County Department of Parks and Recreation, and do not contain public amenities. Each of these beaches are owned by the State of Hawaiʻi under the jurisdiction of the Department of Land and Natural Resources (DLNR) Land Division and are classified as unencumbered lands with no specific purpose:

³ State of Hawaii Bureau of Conveyances Recorded, Quitclaim Deed for TMK numbers (2) 4-8-002: 009 (por.), 028, 048 (por.), 068 (por.) and 070 (por.), Document number 2006-041618, 3 March 2006



Section 4(f) Applicability

The three beaches are publicly owned, open to the public, and their major purpose and significance is for recreation. These facilities are applicable for Section 4(f) protections.

NEPA Effect

The shoreline would continue to have access along the old highway (the highway is proposed to be transferred to Maui County). While there would be no noticeable change for Olowalu Beach, access to Awalua Beach could be more limited under Build Alternative 1 as this alignment would likely require a break in the old highway. Build Alternative 1 would not provide continuous north-south travel on the existing roadway, and beach users would access the beaches from the north or the south but not on a continuous basis.



TABLE 4-2. **Potential Section 4(f) Parks, Recreational, and Refuge Facilities in Olowalu**

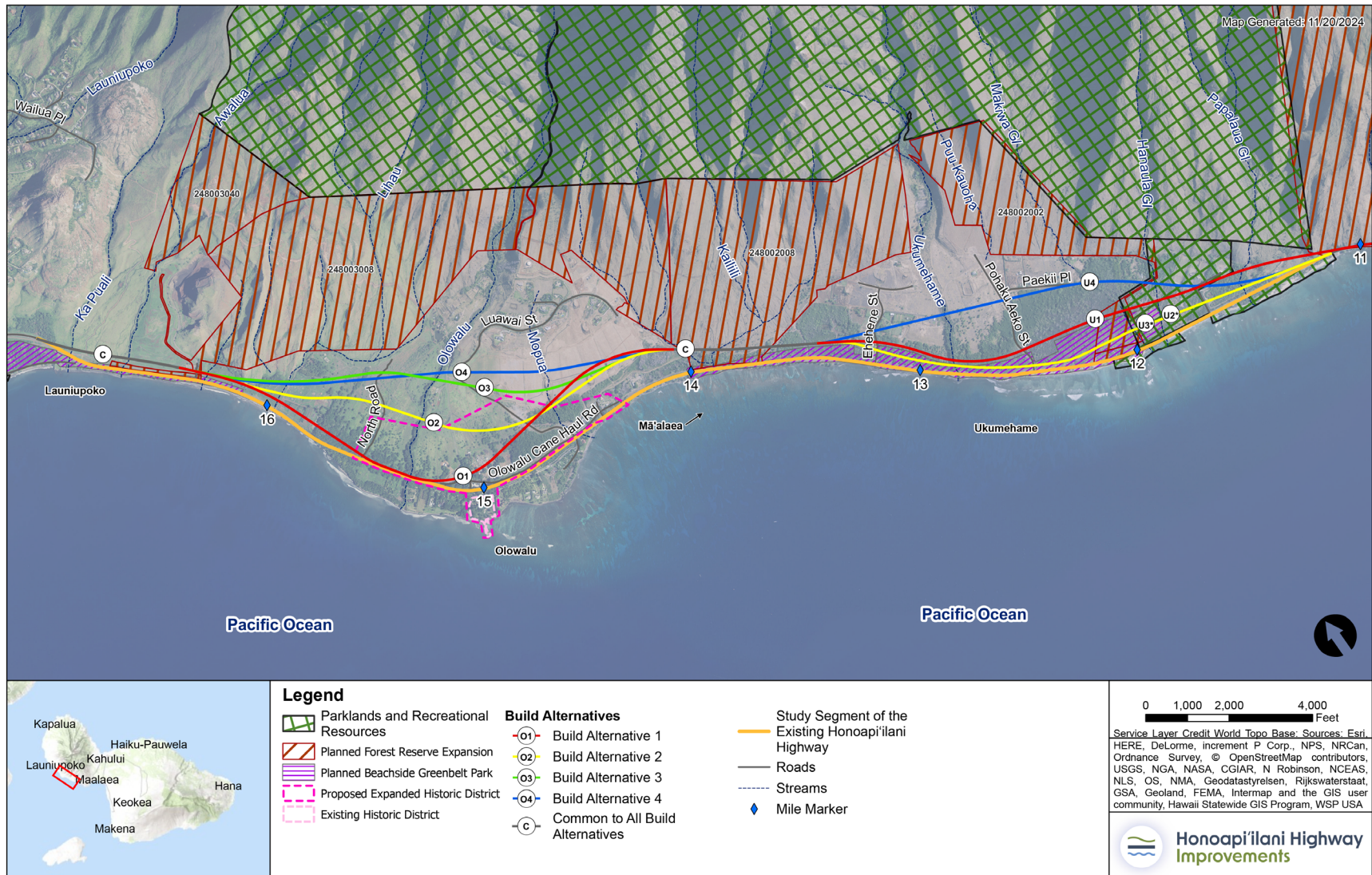
RESOURCE NAME	OFFICIAL WITH JURISDICTION	4(F) APPLICABILITY AND POTENTIAL EFFECT TO RESOURCE	NEPA ASSESSMENT	POTENTIAL SECTION 4(f) USE	AVOIDANCE OPTIONS
Planned Beachside Greenbelt Park	County of Maui	<ul style="list-style-type: none"> The planned beachside park is being planned jointly with the highway project. The park will be sited around the highway's Preferred Alternative after the Project is constructed. The planned park is not eligible for Section 4(f) protection. 	All Build Alternatives would extend across the areas considered for the planned park.	N/A	N/A
Awalua Beach	State of Hawai'i	<ul style="list-style-type: none"> The resource is eligible for Section 4(f) protection. The Build Alternatives would allow for continued access to publicly accessible shoreline. The highway project will not permanently incorporate any of the beach site. 	The shoreline would continue to have access along the old highway (the highway is proposed to be transferred to Maui County), although the old highway may become discontinuous with the Preferred Alternative.	No Section 4(f) use. The Project will not permanently incorporate any of the beach site.	N/A
Olowalu Beach	State of Hawai'i	<ul style="list-style-type: none"> The resource is eligible for Section 4(f) protection. The Build Alternatives would allow for continued access to publicly accessible shoreline. The highway project will not permanently incorporate any of the beach site. 	The shoreline would continue to have access along the old highway (the highway is proposed to be transferred to Maui County).	No Section 4(f) use. The Project will not permanently incorporate any of the beach site.	N/A



RESOURCE NAME	OFFICIAL WITH JURISDICTION	4(F) APPLICABILITY AND POTENTIAL EFFECT TO RESOURCE	NEPA ASSESSMENT	POTENTIAL SECTION 4(f) USE	AVOIDANCE OPTIONS
Kaʻiliʻili Beach	State of Hawaiʻi	<ul style="list-style-type: none"> The resource is eligible for Section 4(f) protection. The Build Alternatives would allow for continued access to publicly accessible shoreline. The highway project will not permanently incorporate any of the beach site. 	The shoreline would continue to have access along the old highway (the highway is proposed to be transferred to Maui County), although the old highway may become discontinuous with the Preferred Alternative.	No Section 4(f) use. The Project will not permanently incorporate any of the beach site.	N/A



FIGURE 4-1. Potential Section 4(f) Facilities



*figure does not include archaeology sites eligible for National Register recommended for preservation in place



4.4.2.3 Ukumehame

Resource Description

As noted in **TABLE 4-3** the project area includes three Maui County parks in Ukumehame:

- Ukumehame Beach Park is a 3.5-acre park makai of the existing Honoapiʻilani Highway under jurisdiction of the County of Maui Department of Parks and Recreation.
- Pāpalaua Wayside Beach Park is a 6.7-acre park makai of the existing Honoapiʻilani Highway under jurisdiction of the County of Maui Department of Parks and Recreation.
- Ukumehame Firing Range is an 84.1-acre facility mauka of the existing Honoapiʻilani Highway under jurisdiction of the County of Maui Department of Parks and Recreation.

Section 4(f) Applicability

- Ukumehame Beach Park and Pāpalaua Wayside Beach Park are publicly owned, open to the public, and their major purpose and significance is for recreation. These facilities are applicable for Section 4(f) protections.
- The Build Alternatives would not physically affect the two park properties. The Build Alternatives affect regional access to Pāpalaua Wayside Beach Park and Ukumehame Beach Park.
- Ukumehame Firing Range has various use areas (Figure 3.5-2), some of which are applicable for Section 4(f) protections and some which are not:
 - Applicable for Section 4(f): Portions of the firing range property that have active recreation uses include the two pistol ranges, the rifle range, the skeet range, classrooms, and the parking lot.
 - Not applicable for Section 4(f): Some makai portions of the firing range property parcel have no public access or active recreational uses. As established in 23 CFR 774.11 (d), these areas would not be considered Section 4(f) protected resources.

NEPA Effect

Ukumehame Beach Park and Pāpalaua Wayside Beach Park: The Build Alternatives would not physically affect the two park properties. The Build Alternatives affect access to Pāpalaua Wayside Beach Park and Ukumehame Beach Park. Access would be maintained along the existing Honoapiʻilani Highway (the highway is proposed to be transferred to Maui County). Travelers to and from the south (Central Maui) would access the existing Honoapiʻilani Highway via Pōhaku ʻAeko or Ehehene Streets, which would have connecting intersections with the new alignment and the existing Honoapiʻilani Highway. Travelers to and from the north (toward Olowalu and Lāhainā) would access the beaches as they do today (using the existing highway) or from the new highway using the intersection with Pōhaku



ʻAeko or Ehehene Streets.⁴ (Section 3.5, Parklands and Recreational Resources/Beach Access, Figure 3.5-3).

- Ukumehame Firing Range: The Build Alternatives affect access to and the physical property of the firing range.
 - Access: Build Alternatives 1 and 4 would similarly require that northbound travelers use Pōhaku ʻAeko Street to loop back to the firing range to access the existing driveway that would continue to connect to the firing range by passing under the viaduct structure. For Build Alternatives 2 and 3, it is anticipated that the location of the alignment would allow for the existing driveway to be regraded to provide access from the raised elevation. As with the beach parks access, this change in access by itself is not considered a change of the park use protected by Section 4(f).
 - Physical Property Effects:
 - All the Build Alternatives cross portions of the County-owned Ukumehame Firing Range parcel on viaduct in areas that have no public access or active recreational uses.
 - Build Alternatives 1 and 4 would extend through active use areas of the firing range such that viaduct piers and columns could possibly be located along makai portions of the parking lot. The recreational use is expected to remain fully intact, as the new highway would be on a tall viaduct over firing range property over makai portions of the parking lot area.
 - Build Alternatives 2 and 3 would not physically affect the active use areas of the firing range.

Use of Section 4(f) Resource

- Ukumehame Beach Park and Pāpalaua Wayside Beach Park: Since there is no transportation use of the current beach parks and the park uses remains in their entirety, and in consideration of the applicability regulations set forth in 23 CFR 774.11, the modification in travel routes to and from the facilities is not considered a change of the park use protected by Section 4(f).
- Ukumehame Firing Range:
 - All the Build Alternatives cross portions of the County-owned Ukumehame Firing Range parcel in areas that have no public access or active recreational uses and would not be considered Section 4(f) protected resources.
 - Build Alternatives 1 and 4 would require building piers and columns for the viaduct that would occupy active use areas of this facility (a parking lot) while not disrupting the recreational use. Build Alternatives 1 and 4 would be considered as a *de minimis* impact and would not adversely affect the features, attributes, or activities qualifying the property for protection

⁴ Over time, continuous access along the existing highway may no longer be feasible based on coastal erosion and sea level rise. If that occurs, beach access would be through the connector roads from the new Honoapiʻilani Highway.



under Section 4(f). Per 23 CFR 774.5(b)(2), a *de minimis* impact determination for the Ukumehame Firing Range requires coordination with and future concurrence from the Officials with Jurisdiction for the firing range, Maui County. Maui County Parks was informed of the FHWA's intent to make a *de minimis* impact determination for the firing range during a meeting on August 5, 2024, and will be asked for their written concurrence on the *de minimis* impact determination following the Project's public hearing. In addition, options to shift the initial alignment farther makai, which would not overlap the active use areas of the facility, are evaluated in Chapter 5, Preferred Alternative. For the Preferred Alternative, FIGURE 4-3 provides a flow map showing the new access routes for these Maui County facilities.

- Build Alternatives 2 and 3 would not physically affect active use areas of the firing range that are eligible for Section 4(f) protections.

FIGURE 4-2. Preferred Alternative Traffic Access to Maui County Beach Parks and Firing Range - Ukumehame

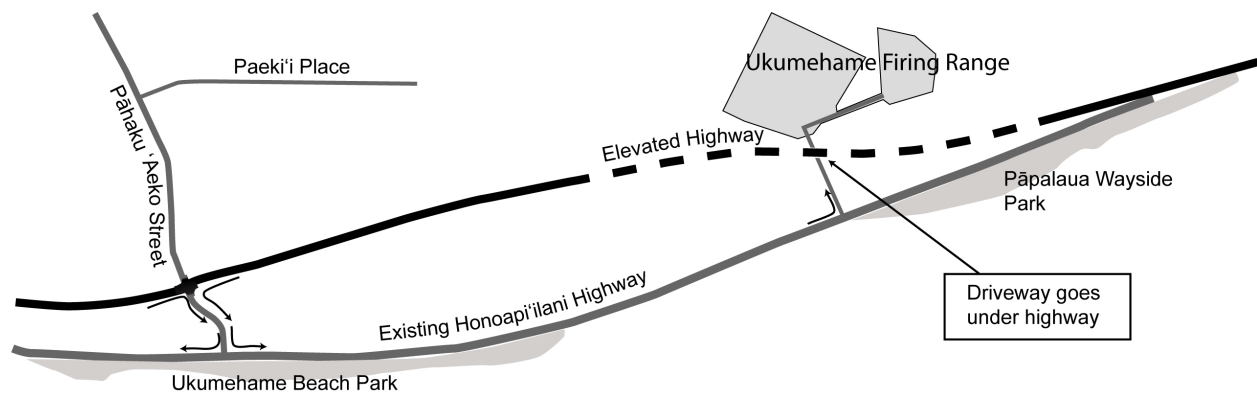




TABLE 4-3. **Potential Section 4(f) Parks, Recreational, and Refuge Facilities in Ukumehame**

RESOURCE NAME	OFFICIAL WITH JURISDICTION	4(F) APPLICABILITY AND POTENTIAL EFFECT TO RESOURCE	NEPA ASSESSMENT	POTENTIAL SECTION 4(F) USE	AVOIDANCE OPTIONS
Planned Beachside Greenbelt Park	County of Maui	The planned beachside park is being planned jointly with the Project. The park will be sited around the highway’s Preferred Alternative after the Project is constructed. The planned park is not eligible for Section 4(f) protection.	All Build Alternatives would extend across the areas considered for the planned park.	N/A (Not protected by 4(f))	N/A
Ukumehame Firing Range	County of Maui	<ul style="list-style-type: none"> The resource is eligible for Section 4(f) protection. Build Alternatives 1 and 4 extend across makai edges of parking lots for active firing ranges but would be on tall viaducts. Build Alternatives 2 and 3 are makai of active use area but would require relocation of access driveway. 	<ul style="list-style-type: none"> Build Alternatives 1 and 4: piers and columns for viaducts could be in areas used for parking; no loss of use but less direct access. Build Alternatives 2 and 3: No Adverse Effect. 	<ul style="list-style-type: none"> Build Alternatives 1 and 4: <i>de minimis</i> impact (may be shifted makai to minimize use) Build Alternatives 2 and 3: No Section 4(f) use 	N/A
Ukumehame Beach Park	County of Maui	<ul style="list-style-type: none"> The resource is eligible for Section 4(f) protection. The Build Alternatives would not permanently incorporate any of the beach site and would allow for continued use of the public beach. For all Build Alternatives, access would be along the existing highway with connections to the new highway at the intersection of Pōhaku ‘Aeko or Ehehene Streets. 	No loss of use, but less direct access	No Section 4(f) use	N/A



RESOURCE NAME	OFFICIAL WITH JURISDICTION	4(F) APPLICABILITY AND POTENTIAL EFFECT TO RESOURCE	NEPA ASSESSMENT	POTENTIAL SECTION 4(F) USE	AVOIDANCE OPTIONS
<p>Pāpalaua Wayside Beach Park</p>	<p>County of Maui</p>	<ul style="list-style-type: none"> • The resource is eligible for Section 4(f) protection. • The Build Alternatives would not permanently incorporate any of the beach site and would allow for continued use of the public beach park. • For all Build Alternatives, access would be along existing highway with a connection to the new highway at the intersection of Pōhaku 'Aeko or Ehehene Streets. 	<p>No loss of use, but less direct access</p>	<p>No Section 4(f) use</p>	<p>N/A</p>



4.5 MULTIPLE-USE PROPERTIES

Section 4(f) also provides protections for publicly owned “multiple use properties” such as National Forests, State Forests, or Bureau of Land Management Forests.

4.5.1.1 Planned Multiple-Use Property – DLNR Planned West Maui Forest Reserve Expansion

(Olowalu and Ukumehame)

Resource Description

The DLNR West Maui Natural Area Reserve is located within the districts of Lāhainā and Wailuku, and the West Maui Forest Reserve currently consists of twelve separate sections of Mauna Kahālāwai. The State uses the West Maui Forest Reserve for multiple uses, including habitat conservation, recreation, and threatened and endangered species protections. The section of the West Maui Forest Reserve closest to the Project is the Līhau Section, approximately 1 mile from the Project. The Līhau Section contains a rare grassland and shrubland, several rare plants, and also has recreational trails.⁵ The Preferred Alternative footprint does not affect these resources. The West Maui Forest Reserve is open to the public.

As noted in Sections 3.4, Land Acquisition, Displacement, and Relocation, and 3.5, Parklands and Recreational Resources/Beach Access, the DLNR has jurisdiction over three large parcels (TMK 48003008 in Olowalu and TMK 48002008 and TMK 48002002 in Ukumehame) that are conditionally approved by the Board of Land and Natural Resources (BLNR) to be designated as future forest reserves part of the West Maui Forest Reserve, which would be formally designated by a governor of Hawaiʻi Executive Order. The area of forest reserve expansion within the project area is approximately 1 mile makai of the Līhau section of the West Maui Forest Reserve.

Board approval for the future expansion of the West Maui Forest Reserve in Ukumehame was made in coordination with planning for the Project, which would cover a small portion of these parcels along their makai edge. The Board affirmed that formal designation by Executive Order would proceed after HDOT defines and acquires the land it needs for the proposed new highway alignment and that this road right-of-way would be excluded from the newly designated reserve area.

Section 4(f) Applicability

The planned West Maui Forest Reserve expansion is not applicable for Section 4(f) protection. Under Section 4(f), multiple-use properties are eligible for protection only in portions of the property that are designated by statute or identified in an official management plan as designated primarily for public park, recreation, or wildlife and waterfowl refuge purposes, and are determined to be significant for such purposes. Section 4(f) also applies to any historic site within the multiple-use property that is on or eligible for the National Register of Historic Places.

⁵ State of Hawaii Department of Land and Natural Resources. [West-Maui-Fact-Sheets-and-Topographical-Maps.pdf \(hawaii.gov\)](#), Accessed October 2024.



The planning process for the proposed West Maui Forest Reserve expansion into the project area has not yet started because the reserve is being jointly planned with the Honoapiʻilani project. The forest reserve expansion does not yet have a management plan or other planning document, so the uses within the future planned reserve are not known and the property is not eligible for Section 4(f) protection.

NEPA Effect

All Build Alternatives would extend across the areas considered for the planned forest reserve expansion. All Build Alternatives will extend across the planned forest preserve extension in the common shared alignment where the Build Alternatives connect to the Lāhainā Bypass in the Olowalu section. Where the Olowalu and Ukumehame sections meet, the common Build Alternative alignment extends where the planned forest reserve extension widens makai to Kaʻiliʻili Beach (FIGURE 4-1). In the Ukumehame section, all Build Alternatives will extend across the planned forest reserve extension where the alternatives connect to the existing Honoapiʻilani Highway near the Pali.

Use of Section 4(f) Resource

As documented in a letter from the BLNR on March 27, 2024 (see Appendix 4), the board is planning the forest reserve expansion jointly with HDOT as the FHWA and HDOT complete the Honoapiʻilani Highway Improvements Project EIS. The BLNR planning process is based on HDOT first completing the planning, designation, and right-of-way acquisition for the highway project before formally designating the lands that will be in the forest reserve. As coordinated between the BLNR and HDOT, the planned preserve would exclude the right-of-way for the highway, and the planned reserve is not eligible for Section 4(f) protections as there would be no use of Section 4(f) resource.

This planned forest reserve is a multiple-use property is not applicable for Section 4(f) protection (as documented above). Further, because the reserve expansion is being jointly planned by BLNR and HDOT there is no 4(f) use of the property because it is excepted under 774.11 due to joint development. The State of Hawaiʻi has not yet formally designated the forest reserve expansion in the project area because they intend to do so after the highway corridor is identified. The state would then designate their expansion area minus the highway corridor as forest reserve use.

TABLE 4-4. **Potential Multiple-Use Properties in Olowalu and Ukumehame**

RESOURCE NAME	OFFICIAL WITH JURISDICTION	4(F) APPLICABILITY AND POTENTIAL EFFECT TO RESOURCE	NEPA ASSESSMENT	POTENTIAL SECTION 4(f) USE	AVOIDANCE OPTIONS
Planned West Maui Forest Reserve Expansion	Board of Land and Natural Resources	The planned forest reserve expansion is not eligible for Section 4(f) protection as a multiple-use property because the individual uses within the future forest reserve are not yet planned.	All Build Alternatives would extend across the areas considered for the planned forest reserve expansion.	The planned West Maui Forest Reserve expansion is being jointly planned by the BLNR and HDOT. The forest reserve expansion would not be a 4(f) use because it is excepted under 774.11 due to joint development.	N/A



4.6 SECTION 4(F) APPLICABILITY AND USE SUMMARY

TABLE 4-5 and TABLE 4-6 summarize the applicability of Section 4(f) on resources in the study area, any effects to these resources as noted in the NEPA document, and any use of Section 4(f) resources. There would be no uses of areas protected by Section 4(f) in the Olowalu section of the Project, and the Ukumehame section is expected to have one *de minimis* impact determination at the Ukumehame Firing Range, pending concurrence by the official with jurisdiction. Because all uses of Section 4(f) areas are anticipated to be *de minimis* uses or less, no alternatives analysis or avoidance alternatives are required. A *de minimis* impact determination would be documented in the Final EIS/ROD for the Project.



TABLE 4-5. **Potential Section 4(f) Resources and Use in Olowalu**

RESOURCE NAME	OFFICIAL WITH JURISDICTION	POTENTIAL SECTION 4(F) APPLICABILITY	NEPA EFFECT	POTENTIAL SECTION 4(F) USE
Archaeological Resources				
Olowalu Company Sugar Mill Complex <i>(NRHP eligible, district expansion recommended) (SIHP #01602 / Survey #AR 8 SIHP 01602)/Olowalu Sugar Plantation Historic District</i>	SHPD	The resource is eligible for the NRHP and an expansion of the district is eligible for the NRHP. The resource is eligible for Section 4(f) protection.	<ul style="list-style-type: none"> Build Alternatives 1 and 4 avoid the historic district. Build Alternatives 2 and 3 are within the mauka boundary of the historic district, but neither alternative affects contributing resources to the historic district. 	No Section 4(f) use: No contributing resources to the historic district are affected.
Lanakila Historic Church (Olowalu Church and Cemetery) <i>(SIHP #01603/AR 17)</i>	SHPD	The resource is eligible for the NRHP and is eligible for Section 4(f) protection.	The Build Alternatives do not affect the property.	No Section 4(f) use
Awalua Cemetery <i>(SIHP #04758 / Survey #AR 1 SIHP 04758)</i>	SHPD	The resource is eligible for the NRHP and is eligible for Section 4(f) protection.	The Build Alternatives do not affect the contributing resource.	No Section 4(f) use
807 Olowalu Road (plantation/bungalow) <i>(Survey #AR 4 SIHP 01602)</i>	SHPD	The resource is eligible for the NRHP and is eligible for Section 4(f) protection.	The Build Alternatives do not affect the contributing resource.	No Section 4(f) use
808 Olowalu Road (plantation/bungalow) <i>(Survey #AR 5 SIHP 01602)</i>	SHPD	The resource is eligible for the NRHP and is eligible for Section 4(f) protection.	The Build Alternatives do not affect the contributing resource.	No Section 4(f) use
810 Olowalu Road (Olowalu Plantation House) <i>(Survey #AR 6 SIHP 01602)</i>	SHPD	The resource is eligible for the NRHP and is eligible for Section 4(f) protection.	The Build Alternatives do not affect the contributing resource.	No Section 4(f) use
810 Olowalu Road (plantation/bungalow) <i>(Survey #AR 7 SIHP 01602)</i>	SHPD	The resource is eligible for the NRHP and is eligible for Section 4(f) protection.	The Build Alternatives do not affect the contributing resource.	No Section 4(f) use



RESOURCE NAME	OFFICIAL WITH JURISDICTION	POTENTIAL SECTION 4(F) APPLICABILITY	NEPA EFFECT	POTENTIAL SECTION 4(F) USE
802 Olowalu Road (plantation/bungalow) <i>(Survey #AR 16)</i>	SHPD	The resource is eligible for the NRHP and is eligible for Section 4(f) protection.	The Build Alternatives do not affect the contributing resource.	No Section 4(f) use
Water Tower <i>(Survey #AR 19)</i>	SHPD	The resource is eligible for the NRHP and is eligible for Section 4(f) protection.	The Build Alternatives do not affect the contributing resource.	No Section 4(f) use
Bridge <i>(Survey #AR 20)</i>	SHPD	The resource is eligible for the NRHP and is eligible for Section 4(f) protection.	The Build Alternatives do not affect the contributing resource.	No Section 4(f) use
Reservoir <i>(Survey #AR 31 CSH-4)</i>	SHPD	The resource is eligible for the NRHP and is eligible for Section 4(f) protection.	The Build Alternatives do not affect the contributing resource.	No Section 4(f) use
Parks, Recreation Areas, and Refuges				
Planned Forest Reserve Expansion	Board of Land and Natural Resources	The planned forest reserve expansion is being planned jointly with the highway project. The forest reserve expansion will be sited around the highway's Preferred Alternative after the Project is constructed. The planned forest reserve expansion is not eligible for Section 4(f) protection.	All Build Alternatives would extend across the areas considered for the planned forest reserve expansion.	N/A (Not protected by 4(f))
Planned Beachside Greenbelt Park	County of Maui	The planned beachside park is being planned jointly with the highway project. The park will be sited around the highway's Preferred Alternative after the Project is constructed. The planned park is not eligible for Section 4(f) protection.	All Build Alternatives would extend across the areas considered for the planned park.	N/A (Not protected by 4(f))



RESOURCE NAME	OFFICIAL WITH JURISDICTION	POTENTIAL SECTION 4(F) APPLICABILITY	NEPA EFFECT	POTENTIAL SECTION 4(F) USE
Awalua Beach	State of Hawaiʻi	The resource is eligible for Section 4(f) protection.	<ul style="list-style-type: none"> • The shoreline would continue to have access along the old highway (the highway is proposed to be transferred to Maui County), although old highway may become discontinuous with the Preferred Alternative. • No direct effect 	<ul style="list-style-type: none"> • The Build Alternatives would allow for continued access to publicly accessible shoreline. • No Section 4(f) use
Olowalu Beach	State of Hawaiʻi	The resource is eligible for Section 4(f) protection.	<ul style="list-style-type: none"> • The shoreline would continue to have access along the old highway (the highway is proposed to be transferred to Maui County). • No direct effect 	<ul style="list-style-type: none"> • The Build Alternatives would allow for continued access to publicly accessible shoreline. • No Section 4(f) use
Kaʻiliʻili Beach	State of Hawaiʻi	The resource is eligible for Section 4(f) protection.	<ul style="list-style-type: none"> • The shoreline would continue to have access along the old highway (the highway is proposed to be transferred to Maui County), although the old highway may become discontinuous with the Preferred Alternative. • No direct effect 	<ul style="list-style-type: none"> • The Build Alternatives would allow for continued access to publicly accessible shoreline. • No Section 4(f) use



TABLE 4-6. **Potential Section 4(f) Resources and Use in Ukumehame**

RESOURCE NAME	OFFICIAL WITH JURISDICTION	POTENTIAL SECTION 4(F) APPLICABILITY	NEPA EFFECT	POTENTIAL SECTION 4(F) USE
Archaeological Resources				
None				
Parks, Recreational Areas, and Refuges				
Planned Beachside Greenbelt Park	County of Maui	The planned beachside park is being planned jointly with the highway project. The park will be sited around the highway's Preferred Alternative after the Project is constructed. The planned park is not eligible for Section 4(f) protection.	All Build Alternatives would extend across the areas considered for the planned park.	N/A (Not protected by 4(f))
Ukumehame Firing Range	County of Maui	The resource is eligible for Section 4(f) protection.	<ul style="list-style-type: none"> • Build Alternatives 1 and 4 extend across makai edges of parking lots for active firing ranges but would be on tall viaducts. • Build Alternatives 2 and 3 are makai of active use area but would require relocation of access driveway. 	<ul style="list-style-type: none"> • Build Alternatives 1 and 4: <i>de minimis</i> impact • Build Alternatives 2 and 3: No Section 4(f) use
Ukumehame Beach Park	County of Maui	The resource is eligible for Section 4(f) protection.	<ul style="list-style-type: none"> • The Build Alternatives would allow for continued use of the public beach. • For all Build Alternatives, access would be along existing highway with connections to new highway at Pōhaku 'Aeko Street or Ehehene Street. 	No Section 4(f) use



RESOURCE NAME	OFFICIAL WITH JURISDICTION	POTENTIAL SECTION 4(F) APPLICABILITY	NEPA EFFECT	POTENTIAL SECTION 4(F) USE
Pāpalaua Wayside Beach Park	County of Maui	The resource is eligible for Section 4(f) protection.	<ul style="list-style-type: none"> The Build Alternatives would allow for continued use of the public beach park. For all Build Alternatives, access would be along existing highway with connection to new highway Pōhaku 'Aeko Street or Ehehene Street. 	No Section 4(f) use
Multiple-Use Properties				
Planned West Maui Forest Reserve Expansion	Board of Land and Natural Resources	The planned forest reserve expansion is not eligible for Section 4(f) protection as a multiple-use property because the individual uses within the future forest reserve are not yet planned.	All Build Alternatives would extend across the areas considered for the planned forest reserve expansion.	The planned West Maui Forest Reserve expansion is being jointly planned by the BLNR and HDOT. The forest reserve expansion would not be a 4(f) use because it is excepted under 774.11 due to joint development.



4.7 PUBLIC INVOLVEMENT AND SECTION 4(f) COORDINATION

Before the FHWA can make a *de minimis* impact finding for a park identified as a Section 4(f) property, the FHWA must notify the Officials with Jurisdiction over the park of their intent to make a *de minimis* impact finding, then provide the public an opportunity to comment. The public review requirement can be satisfied in conjunction with other public involvement procedures, such as a comment period required by the NEPA process. For the Project, the opportunity for public review and comment on FHWA's proposed *de minimis* impact finding for the potential use of a portion of Ukumehame Firing Range would occur concurrent with public review and comment period for this Draft EIS (Chapter 8, Public Involvement and Agency Coordination). Following the public review period, the Officials with Jurisdiction must provide written concurrence that the Project will not adversely affect the activities, features, and attributes of the park that qualify it for Section 4(f) protection.

The FHWA would consider any public input on its proposed finding, and the analysis that resulted in the identification of the Preferred Alternative presented in Chapter 5, Preferred Alternative, during the public review period for this Draft EIS.