



# Contents

<b>8. Public Involvement and Agency Coordination.....</b>	<b>8-1</b>
8.1 PUBLIC INVOLVEMENT TOOLS AND EFFORTS.....	8-2
8.1.1 Pre-NOI Scoping.....	8-2
8.1.2 Project Website.....	8-4
8.1.3 Coordination Plan and Stakeholder Database .....	8-4
8.1.4 Environmental Impact Statement Scoping .....	8-5
8.1.5 Public Comment Period on the Draft Environmental Impact Statement .....	8-5
8.1.6 Ongoing Outreach and Public Coordination .....	8-5
8.2 AGENCY PARTICIPATION.....	8-7
8.2.1 Cooperating Agencies.....	8-7
8.2.2 Participating Agencies.....	8-8
8.2.3 Agency Meetings and Coordination.....	8-9

## TABLES

TABLE 8-1.	Early Project Coordination.....	8-3
TABLE 8-2.	Public Outreach Meetings.....	8-6
TABLE 8-3.	Cooperating Federal Agencies.....	8-8
TABLE 8-4.	Cooperating State Agencies.....	8-8
TABLE 8-5.	Cooperating County Agencies.....	8-8
TABLE 8-6.	Participating Federal Agencies .....	8-9
TABLE 8-7.	Participating State Agencies.....	8-9
TABLE 8-8.	Participating County Agencies .....	8-10
TABLE 8-9.	Agency Meetings and Key Coordination.....	8-11





## 8. Public Involvement and Agency Coordination

This chapter describes efforts to provide opportunities for the public, agencies, and other stakeholders to provide input on the Honoapiʻilani Highway Improvements Project (the Project). The outreach approach for the Project is detailed in the *Coordination Plan for Public & Agency Participation*,<sup>1</sup> which was published in November 2022 and has guided Federal Highway Administration (FHWA) and Hawaiʻi Department of Transportation (HDOT) outreach.

The public and agency participation efforts for the Project have been developed in compliance with the following legislation and policies that guide public involvement in project development:

- National Environmental Policy Act of 1969 (NEPA)
- Hawaii Environmental Policy Act (HEPA, Chapter 343) and Hawaiʻi Revised Statutes and its implementing rules (Hawaiʻi Administrative Rules Chapters 11-200 and 11-201)
- 23 Code of Federal Regulations (CFR) Part 771 - Environmental Impact and Related Procedures
- 23 U.S.C. 139, Efficient environmental reviews for project decision-making and One Federal Decision
- Section 106 of the National Historic Preservation Act of 1966
- Section 7 of the Endangered Species Act of 1973
- Environmental justice, including Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations (1994), Executive Order 14008, Tackling Climate Crisis at Home and Abroad (2021), the Justice 40 Initiative (2022), and Executive Order 14096, Revitalizing Our Nation's Commitment to Environmental Justice for All (2023); U.S. Department of Transportation (USDOT) Order 5610.2(a) (1997 and 2012); and FHWA Order 6640.23A (2012)
- Executive Order 13166, Improving Access to Services for Persons with Limited English Proficiency (2000)
- Uniform Relocation and Assistance and Real Property Acquisition Policies Act of 1970; the Surface Transportation and Uniform Relocation Assistance Act of 1987; and State of Hawaiʻi regulations for eminent domain (HRS §101-2), which outline the requirements for property acquisition, including targeted outreach to affected property owners
- Section 4(f) of the USDOT Act of 1966
- HDOT Public Involvement Policy (April 2012)

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<sup>1</sup> <https://www.honoapiilanihighwayimprovements.com/media/fcfe011g/honoapiilanicoordinationplan.pdf>.



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## 8.1 PUBLIC INVOLVEMENT TOOLS AND EFFORTS

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The public involvement goals of the Project are as follows:

- Collaborate with the public, stakeholders, and agencies in reaching consensus on the best ways to improve the highway in the project area
- Provide a variety of equitable, inclusive, and accessible opportunities for the stakeholders and public to influence and shape the Project
- Understand specific local needs and concerns that would help to limit or avoid adverse impacts and help to shape the Project's alternatives
- Ensure that the Project is as consistent as possible with community plans and efforts undertaken by other agencies in the project area
- Position the Project to best meet the future conditions of the project area, both in terms of environmental changes and community changes

Outreach for the Project has included the following:

- Small group meetings, town-hall-style meetings, and other public meetings and hearings (in-person, virtual, or both)
- Print and electronic media
- The Project's website at [www.honoapiilanihwyimprovements.com](http://www.honoapiilanihwyimprovements.com), which provides public access to a project overview, project reports and documents, surveys, notices, resource information, and HDOT contact information
- MetroQuest, which is an online public survey tool specifically designed to inform users and collect feedback on various aspects of the Project

### 8.1.1 Pre-NOI Scoping

Early outreach activities were conducted with a number of key stakeholders and the public. This identified specific outreach activities needed to facilitate community participation, including providing up-to-date information about the Project and informing the public about the project development process and formal scoping period.

HDOT and the FHWA held two early pre-Notice of Intent (NOI) scoping meetings on February 22 and 24, 2022. The meetings included the same presentation and provided opportunities to ask questions and provide input. Letters providing project information and requesting comments were mailed to federal, State, and County agencies, State and County elected officials, and other civic/social organizations. Input from these agencies and organizations was used to hone the Project's Purpose and Need Statement and to understand potential concerns that should be considered in this Draft Environmental Impact Statement (EIS).



Additionally, several small group meetings were held with agencies and various stakeholders (TABLE 8-1). Appendix 8, Scoping Report, contains more detailed information about these meetings.

TABLE 8-1. **Early Project Coordination**

DATE	TYPE OF MEETING	NO. OF ATTENDEES	TOPICS DISCUSSED
February 8, 2022	Early Scoping	3	Meeting with Maui County Council Member Tamara Paltin to discuss the Project.
February 22, 2022	Early Scoping Meeting (Virtual)	46	Purpose and need for the Project, the project development process, initiate discussions of potential alternatives, receive input on resource concerns, and gain input on criteria for design and selecting a preferred alternative.
February 24, 2022	Early Scoping Meeting (Virtual)	43	Purpose and need for the Project, the project development process, initiate discussions of potential alternatives, receive input on resource concerns, and gain input on criteria for design and selecting a preferred alternative.
April 7, 2022	Pre-Site Visit Project Overview with Native Hawaiian	6	History of the area, cultural practices, historical sites, plantation era activities, bicycle facilities should not be collocated with the new highway, the Olowalu Cultural Reserve, and access to taro patches.
April 7, 2022	In-person meeting with Native Hawaiian Organizations and Native Hawaiians	14	Potential alternatives, access to parcels and cultural sites, inclusion of bike path(s), area land development, burial avoidance and treatment, and historic and cultural sites.
April 8, 2022	Site Visit	6	Site visit including Ukumehame Firing Range (and adjacent area), Kahoʻolawe viewing area, Kapāiki Place, and various segments of the old government road.
April 8, 2022	Site Visit	6	Olowalu Cultural Reserve site visit.
April 25, 2022	Agency - Maui County Department of Parks and Recreation	10	Clarification of use of Maui County properties, future plans for Pali to Puamana Parkway (and other projects in the area), and potential Impacts to Ukumehame Firing Range.
April 25, 2022	Olowalu Developers	8	History and status of area development plans and parcel access impacts.
June 1, 2022	Developer		Meeting with West Maui Land to discuss right-of-entry and the Olowalu Subdivision Greenway.
June 2, 2022	Agency – Maui County Department of Public Works	9	Area parks use, existing area infrastructure, and future department plans.
June 30, 2022	Agency – State Historic Preservation Division	4	Historic preservation, project compliance with Section 106 and Chapter 6E.
July 8, 2022	Agency – Maui County Planning	8	Project overview.



DATE	TYPE OF MEETING	NO. OF ATTENDEES	TOPICS DISCUSSED
July 29, 2022	Agency – U.S. Army Corps of Engineers	7	Potential project alternatives, wetlands, integration of NEPA process and Section 404 consultation. Potential USACE jurisdiction and jurisdictional determination process.
September 9, 2022	Community Members and Conservation Partners		Meeting at Kipuka Olowalu. Attendees included Olowalu residents, Native Hawaiians, government agency representatives, scientists, and nonprofit organizations. The event was co-hosted by the Coral Reef Alliance, Kipuka Olowalu, and The Nature Conservancy. The information gathered was used to produce an Ahupuaʻa Snapshot featuring the voices of the community and information about the status of natural resources in Olowalu and Ukumehame.
September 22, 2022	Agency Site Visit – U.S. Army Corps of Engineers	11	Site visit looking at various inland water sites including streams, potential wetlands, and the HDOT detention basin in Ukumehame.
September 29, 2022	Agency – Office of Conservation and Coastal Lands, Department of Lands and Natural Resources – Division of Aquatic Resources	7	Potential project alternatives, Conservation District Use requirements, wetlands and streams, and the Ukumehame detention basin.
October 17, 2022	Agency – Maui County Parks	4	Ukumehame Firing Range and potential Section 4(f) impacts and issues.

### 8.1.2 Project Website

HDOT and the FHWA established and maintains a project website at <http://www.honoapiilanihwyimprovements.com/>. This site contains a project overview and timeline, up-to-date information/documents, an option to join the Project’s mailing list, and a form to submit comments at any time.

### 8.1.3 Coordination Plan and Stakeholder Database

The Project’s [Coordination Plan for Public & Agency Participation](#) was developed to identify the goals and objectives for public involvement and to outline specific strategies and tactics to effectively involve the public and relevant agencies in the decision-making process. The plan guides public involvement activities throughout the project development process and will be evaluated at milestones and updated as needed. Based on the goals and objectives of the coordination plan, HDOT developed a database of stakeholders, partners, and interested parties.



#### 8.1.4 Environmental Impact Statement Scoping

A public scoping period was initiated with the publication of the NEPA NOI on November 22, 2022, and with the publication of the State of Hawaiʻi Chapter 343 Environmental Impact Statement Preparation Notice on November 16, 2022. The period included three public scoping meetings: two virtual meetings held on December 14, 2022 (one afternoon and one evening session) and one in-person meeting held on December 15, 2022, at the Lāhainā Civic Center. The scoping comment period was open through December 31, 2022. Pursuant to 1502.17(a), the FHWA and HDOT reviewed and considered all comments, data, and information received by commenters. The agencies then responded to substantive comments and considered the information in finalizing the alternatives for assessment in this Draft EIS. HDOT completed and posted a summary [Scoping Report](#) on the Project’s website in May 2023. Appendix 8 also includes the Scoping Report.

#### 8.1.5 Public Comment Period on the Draft Environmental Impact Statement

On the publication of the Notice of Availability in the *Federal Register* and the State of Hawaiʻi, Office of Planning and Sustainable Development, Environmental Review Program’s *The Environmental Notice* in January 2025, this Draft EIS was made available and initiated a 45-day public review period extending to February 24, 2025. Two public hearings are scheduled to allow for one in-person and one virtual public hearing in January 2025. All substantive comments received on this Draft EIS would be summarized and responded to in the Final EIS.

#### 8.1.6 Ongoing Outreach and Public Coordination

HDOT and the FHWA remain engaged with the public during the development of this Draft EIS and would continue to be responsive and inclusive of public participation (TABLE 8-2). Most notably, development of this Draft EIS has included the following outreach and public coordination:

- Section 106 consulting parties that are seeking to ensure active engagement with local residents—particularly those with a Native Hawaiian affiliation and an interest in the cultural resources of the project area
- Environmental-justice related outreach, which overlaps extensively with the Section 106 participants, as well as local businesses and residents that the Project may adversely affect (for example, such as property displacement or loss of business)
- Property owners and businesses that may have a full or partial displacement of property



TABLE 8-2. **Public Outreach Meetings**

DATE	TYPE OF MEETING	NO. OF ATTENDEES	TOPICS DISCUSSED
December 14, 2022, 12 p.m.	Virtual Scoping Meeting	32	The Purpose and Need Statement, the project development process, potential alternatives, input on resource concerns, and criteria for design and selecting the Preferred Alternative.
December 14, 2022, 6 p.m.	Virtual Scoping Meeting	16	The Purpose and Need Statement, the project development process, potential alternatives, input on resource concerns, and criteria for design and selecting the Preferred Alternative.
December 15, 2022, 6 p.m.	In-Person Scoping Meeting	18	The Purpose and Need Statement, the project development process, potential alternatives, input on resource concerns, and criteria for design and selecting the Preferred Alternative.
March 22, 2023	Roundtable Discussion	6	Project overview.
March 29, 2023	Section 106 Consulting Party Meeting	21	Section 106 and Chapter 6E process, project overview, Preliminary APE/6E project area, review of project schedule, proposed Consulting Party list, the status of studies underway, Programmatic Agreement approach, and a request for input on historic and cultural sites and features in and around the project area.
March 30, 2023	Section 106 Consulting Party Meeting	20	Section 106 and Chapter 6E process, project overview, Preliminary APE/6E project area, review of project schedule, proposed Consulting Party list, the status of studies underway, Programmatic Agreement approach, and a request for input on historic and cultural sites and features in and around the project area.
May 1-6, 2023	Follow-Up Emails	15	Emails were sent to known Section 106 consulting parties sharing that Section 106 meeting materials were posted on the website, and input on the materials was requested from parties and individuals that were not able to attend the March 29 and 30 Section 106 meetings.
May 31, 2023	NHO Field Visit	19	Field visit of area archaeological sites, historic preservation approach including some proposed mitigation measures, and use and access impacts that the Project could have on traditional cultural practices.
June 1, 2023	COM-CRC (Virtual)		Project overview presented to County of Maui Cultural Resource Commission (CRC) including project purpose and need, project timeline, and the current archaeological past studies and field work findings. The public in attendance was given a chance to ask questions or make comments. No questions or comments were given.
June 1, 2023	Developer Coordination Meeting		Meeting with West Maui Land to discuss right-of-entry, the Olowalu Subdivision, and the greenway.
July 5, 2023	Developer Coordination Meeting (Virtual)	6	Meeting with West Maui Land Company to discuss status of development plans in Olowalu and Ukumehame and plans for area infrastructure, including roads and water system.





DATE	TYPE OF MEETING	NO. OF ATTENDEES	TOPICS DISCUSSED
July 17, 2023	Business Outreach		Meeting with local business to discuss the Project and potential impacts to area businesses.
July 24, 2023	Business Outreach		Two meetings with local business to discuss the Project and potential impacts to area businesses.
July 27, 2023	Section 106 Consulting Party Meeting	15	Project timeline, progress of project archaeological field work and studies, review of the Build Alternatives, the use of a Section 106 programmatic agreement and draft contents.
August 2, 2023	Section 106 Consulting Party Meeting	17	Project timeline, progress of project architectural field work and studies, review of the Build Alternatives, potential mitigation options, use of a Section 106 programmatic agreement and draft contents.
November 18, 2023	Section 106 Consulting Party Meeting		Site visit with Native Hawaiian organizations to look at sites in the pinch points.
November 20, 2023	Section 106 Consulting Party Meeting		Virtual post site visit meeting recap for those members of Native Hawaiian organizations that could not attend the Nov. 18 site visit and begin a discussion on the PA.

## 8.2 AGENCY PARTICIPATION

The roles of agencies involved in project consultation are described in 23 U.S.C. 139. This includes the roles of lead, cooperating, and participating agencies.

### 8.2.1 Cooperating Agencies

According to the Council on Environmental Quality (40 CFR Part 1508.1(e)), “cooperating agency” means any federal agency, other than a lead agency, which has jurisdiction by law or special expertise with respect to any environmental impact involved in a proposed project or project alternative. By agreement with the lead agencies, a state or local agency of similar qualifications may also be a cooperating agency.

The FHWA and HDOT have contacted the agencies listed in the following sections. And TABLE 8-3 through TABLE 8-5 summarize responses from agencies that were invited to be cooperating agencies.

Further, the FHWA and HDOT will still continue to consult with some agencies, regardless of their status as a cooperating agency.



TABLE 8-3. **Cooperating Federal Agencies**

COOPERATING FEDERAL AGENCY	ACCEPTED DECLINED NO RESPONSE	PRIMARY ROLE
U.S. Army Corps of Engineers, Regulatory Branch	Accepted	Wetlands and water quality
U.S. Federal Emergency Management Agency	No Response	Flood elevations
U.S. Department of Agriculture, Natural Resources Conservation Service	No Response	NRCS has agreed to provide input on Farmland Preservation assessment
U.S. Department of Commerce, National Oceanic and Atmospheric Administration, National Marine Fisheries Service	Accepted	Section 7, Essential Fish Habitat
U.S. Department of Interior, U.S. Fish and Wildlife Service	Accepted	Section 7
U.S. Environmental Protection Agency	Accepted	Clean Air Act, overall NEPA coordination, environmental justice
Department of Homeland Security, U.S. Coast Guard	Declined	Confirmed no bridge permits would be required

TABLE 8-4. **Cooperating State Agencies**

COOPERATING STATE AGENCY	ACCEPTED DECLINED NO RESPONSE	PRIMARY ROLE
Governor, State of Hawaii	Accepted	HEPA
Department of Business, Economic Development and Tourism, Office of Planning and Sustainable Development, Coastal Zone Management Program	Accepted	Coastal Zone Management
Department of Land and Natural Resources, State Historic Preservation Division and the State Historic Preservation Officer	Accepted	Section 106/Chapter 6E
Department of Land and Natural Resources, Commission on Water Resource Management	No Response	
HDOH, Disability and Communication Access Board	Declined	
HDOH, Indoor and Radiological Health Branch	No Response	
HDOH, Clean Water Branch	Accepted	

TABLE 8-5. **Cooperating County Agencies**

COOPERATING COUNTY AGENCY	ACCEPTED DECLINED NO RESPONSE	PRIMARY ROLE
Department of Planning	Accepted	Special Management Area Determination/Permit

### 8.2.2 Participating Agencies

A participating agency is a federal, state, Native Hawaiian, regional, or local government agency that has an interest in the Project and has agreed to participate in the NEPA/HEPA and scoping processes



(40 CFR 1508.1(w)). The standard for participating agency status is broader than the standard for cooperating agency status described in the previous section. Therefore, cooperating agencies are participating agencies by definition—but not all participating agencies are cooperating agencies. TABLE 8-6 through TABLE 8-8 summarize responses from organizations that were invited to be participating agencies.

### 8.2.3 Agency Meetings and Coordination

TABLE 8-9 summarizes the coordination meetings held with participating agencies. FHWA and HDOT will continue to consult with some agencies, regardless of their status as a participating agency.

TABLE 8-6. **Participating Federal Agencies**

FEDERAL PARTICIPATING AGENCY	ACCEPTED DECLINED NO RESPONSE
The Advisory Council on Historic Preservation*	No Response
Department of Housing and Urban Development	No Response
Department of the Interior, U.S. Geological Survey	No Response
Department of Transportation, Federal Aviation Administration	No Response

Note: The Advisory Council on Historic Preservation did not formally respond but have participated in the Section 106 process for the Project.

TABLE 8-7. **Participating State Agencies**

AGENCY	ACCEPTED DECLINED NO RESPONSE
Department of Accounting and General Services	Declined
Department of Agriculture	No Response
Department of Budget and Finance	No Response
Department of Business, Economic Development and Tourism	No Response
Department of Defense	Accepted
Department of Education	Declined
Department of Hawaiian Home Lands	Declined
State of Department of Health – Clean Air Branch	No Response
Department of Health – Clean Water Branch	Accepted
Department of Health – Environmental Management Branch	Accepted
Department of Health – Health Administration	Accepted
Department of Health – Maui District Health Office	Declined
Department of Health – Solid and Hazardous Waste Branch	Accepted
Department of Natural and Land Resources – Commission on Water Resource Management	No Response
Department of Natural and Land Resources – Division of State Parks	No Response



AGENCY	ACCEPTED DECLINED NO RESPONSE
Department of Natural and Land Resources – Maui Land Division	Accepted
Department of Natural and Land Resources – Division of Aquatic Resources	Accepted
Department of Natural and Land Resources – Division of Forestry and Wildlife	Accepted
Department of Natural and Land Resources – Na Ala Hele and Trails	No Response
Department of Natural and Land Resources – Engineering Division	Accepted
Department of Natural and Land Resources – Office of Conservation and Coastal Lands	Accepted
Department of Natural and Land Resources – Maui/Lanai Burial Council	Accepted
Office of Hawaiian Affairs	Accepted

TABLE 8-8. **Participating County Agencies**

PARTICIPATING AGENCY	ACCEPTED DECLINED NO RESPONSE
Department of Economic Development	No Response
Maui Emergency Management Agency	Accepted
Department of Environmental Management	Accepted
Department of Environmental Management, Solid Waste Division	Accepted
Department of Environmental Management, Wastewater Reclamation Division	Declined
Department of Environmental Management, Environmental Protection and Sustainability Division	Accepted
Maui Fire and Public Safety	Declined
Department of Housing and Human Concerns	Declined
Maui Metropolitan Planning Organization	Accepted
County of Maui Department of Parks and Recreation	Accepted
Maui Police Department	Accepted
Department of Public Works	Accepted
Department of Public Works – Development Services Administration	No Response
Department of Public Works – Engineering Division	Accepted
Department of Public Works – Highways Division	Accepted
Department of Transportation (Bus System)	Accepted
Department of Planning	Accepted
Maui Planning Commission	Accepted
County of Maui Cultural Resources Commission	Accepted
Department of Water Supply	Declined



TABLE 8-9. **Agency Meetings and Key Coordination**

DATE	AGENCY	PURPOSE OF COORDINATION/TOPICS DISCUSSED
January 20, 2023	USCG	The FHWA sent an email to the U.S. Coast Guard with the U.S.C. 144(c)(2) checklist. On February 2, 2023, the USCG concurred that no bridge permit would be required based on the factors specified in the checklist.
January 26, 2023	SHPD	Initiation of the Section 106 and Chapter 6E process, project overview, Preliminary APE/6E Project Area, review of project schedule, proposed Consulting Party list, the status of studies underway, Programmatic Agreement approach.
February 02, 2023	USACE	Project overview and schedule, review of progress of project studies related to wetlands and inland water resources, and potential Section 404 permit requirements.
February 02, 2023	USFWS	Project overview and schedule, review of progress of project studies related to flora and fauna resources, and potential flora and fauna mitigation measures.
February 16, 2023	NOAA-NMFS	Project overview and alternatives, field observations gathered to date, and aquatic species of concern and potential related mitigation measures.
February 27, 2023	NOAA—NMFS	NMFS Habitat Conservation Division provided a letter of technical assistance to the FHWA with suggestions and guidance on how to prepare an Essential Fish Habitat (EFH) Assessment and consult on potential effects to EFH.
March 09, 2023	COM Planning	Project overview and timeline, project alternatives, Ukumehame Firing Range (uses and management), review of status of project technical studies, and the disposition of the existing highway if the highway is relocated.
March 22, 2023	USFWS	Site visit with USFWS to look at the project area, with focus on project area biological resources.
Mar 24, 2023	BLNR	Meeting to discuss right of entry and involvement of State of Hawaiʻi land.
April 11, 2023	COM Planning Commission	Project presentation, which included project overview, purpose and need, alternatives, and timeline. Public testimony was given about the Project. Testimony included questions and comments about project public involvement, coastal beach processes and preservation, connector roads and continued area access, sedimentation and stormwater controls, multimodal uses, and integration with County open space plans.
May 2, 2023	NRCS	The FHWA sent email to NRCS with form CPA-106 to determine impact on farmlands. NRCS replied on May 2, 2023, by filling in their portion of the form.
May 30, 2023	COM-Parks	Project overview, timeline, and alternatives, Maui County land use plans, uses at Ukumehame Firing Range, the disposition of the existing highway if the highway is relocated, beach access, and the West Maui Greenway plan.
June 30, 2023	NMFS EFH	Letter sent to NMFS/PIRO providing an Essential Fish Habitat Analysis and requesting concurrence that the Project would have no more than minimal adverse effects to EFH and managed species.
June 30, 2023	NMFS Section 7	Letter sent to NMFS/PIRO providing information on Section 7 protected species and requesting concurrence that the Project may affect, but is not likely to adversely affect federally -protected species or their designated critical habitat.



DATE	AGENCY	PURPOSE OF COORDINATION/TOPICS DISCUSSED
<b>July 13, 2023</b>	Maui Lānaʻi Islands Burial Council	Presentation to the council covering the Project’s purpose and need, the proposed alternatives, findings of project archaeological studies, and the use of a Section 106 programmatic agreement.
<b>October 10, 2023</b>	NMFS EFH	NOAA NMFS concurred that with that implementation of the proposed BMPs and minimization measures discussed in the June 30, 2023, letter along with these Conservation Recommendations, there would be no more than minimal adverse effects to EFH.
<b>November 13, 2023</b>	USFWS	Letter sent to USFWS providing information on Section 7 protected species and requesting concurrence that the Project may affect, but is not likely to adversely affect federally -protected species or their designated critical habitat.
<b>November 27, 2023</b>	NMFS Section 7	NOAA NMFS concurred that with the implementation of agreed-upon avoidance and minimization measures the Project may affect but is not likely to adversely affect the listed species.
<b>December 12, 2023</b>	EPA	Virtual meeting to discuss status of Hazardous transfer station at the Ukumehame Firing Range
<b>January 17, 2024</b>	USFWS	Virtual meeting to discuss Endangered Species Act Section 7 submittal and impacts of Lāhainā wildfire on the Project.
<b>Feb 22, 2024</b>	USFWS	Need for a Biological Assessment and formal consultation on nēnē and waterbirds.
<b>March 1, 2024</b>	USACE	Meeting to discuss USACE jurisdiction of possible area wetlands and what is needed to complete a jurisdictional determination.
<b>October 22, 2024</b>	USACE	Meeting to discuss Connectivity Memo, design updates to viaduct structure, and help clarify a permitting pathway.
<b>November 8, 2024</b>	USFWS	Meeting to discuss Biological Report Supplement, design updated to viaduct structure and help clarify Endangered Species Act consultation pathway.