REGION 9

SAN FRANCISCO, CA 94105

FINDING OF NO SIGNIFICANT IMPACT

Wahikuli Subdivision Gravity Sewer System, Hawai'i, United States

Proposed Action

In accordance with the National Environmental Policy Act (NEPA), 42 United States Code (U.S.C.) §§ 4321 *et seq*., as well as the United States Environmental Protection Agency's (EPA's) implementing regulations for NEPA, 40 Code of Federal Regulations (C.F.R.) Part 6, EPA has prepared an environmental assessment (EA) describing the potential environmental impacts associated of the proposed Wahikuli Subdivision Gravity Sewer System (Proposed Action).

Project Background

On the evening of August 8, 2023, winds from Hurricane Dora rapidly spread wildfires on the Island of Maui. The fires devasted the westernmost area of the island burning an estimated 2,170 acres including much of the community of Lahaina. Emergency response and recovery efforts have been ongoing between local government, the County of Maui, the State of Hawai'i, and federal agencies. The planning and design of the Proposed Action is funded by a mission assignment issued by the Federal Emergency Management Agency (FEMA) to the EPA. The statutory authority for the FEMA funding is the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. § 5121 *et seq*.

Construction funds are not yet in place. Project construction may be funded by both federal and state funds, including the State of Hawai'i Department of Health (DOH) Clean Water State Revolving Fund (CWSRF) Program. The CWSRF Program authorizes low-interest loans for the construction of publicly owned wastewater treatment works. The County of Maui also requested construction funding for this project from the U.S. Department of Agriculture – Rural Development Disaster Assistance Funds in the form of a grant.

FEMA's funding for the Proposed Action is considered a major federal action requiring compliance with NEPA. The Final EA has been prepared jointly by EPA and the County of Maui to meet the content and procedural requirements of both NEPA and Hawai'i State and local requirements

Purpose and Need for Action

The Wahikuli subdivision consists of approximately 231 single-family house lots, each currently serviced by a cesspool or a septic system. The construction of a gravity sewer system in the Wahikuli subdivision would create a wastewater management system better equipped to

withstand impacts from disasters and severe weather events. The Proposed Action aims to improve wastewater management to protect human health, nearshore waters, and coral reefs while minimizing the seepage of pollutants from the cesspools into the Class A waters along Wahikuli Wayside Park. It also seeks to safeguard areas that are important to local communities and watersheds. Furthermore, this would help to support broader wildfire recovery efforts by enhancing residents' quality of life, promoting economic development, and reviving land values.

Implementing the Proposed Action would also facilitate compliance with Hawai'i's Act 125 of 2017, as amended by Act 87 of 2022, which requires that by January 1, 2050 all cesspools in the State, unless granted exemption, shall upgrade or convert to a wastewater system approved by the State of Hawai'i DOH, or connect to a sewer system.

The purpose of the Proposed Action is to enable the individual residents of the Wahikuli subdivision to connect to a sewer system and properly abandon their cesspool or septic system in compliance with Federal, State and local requirements. The need for action is driven by the public health and environmental concerns associated with cesspools and failing septic systems. These systems can release disease-causing pathogens and other pollutants (e.g., nitrates) into groundwater aquifers, streams, and eventually the ocean, thus leading to public health and environmental concerns.

Alternatives Including the Proposed Action

The location of the Proposed Action is north of the Lahaina town center, on the western slopes and coastal plains of the Island of Maui, about 12 miles west of Wailuku, the county seat of the County of Maui. The Wahikuli subdivision is within the West Maui Community Plan Area, which aligns with the Lahaina Judicial District, and is located mauka, east, of Honoapi'ilani Highway, State Route 30, along the shoreline of the 'Au'au Channel in the Pacific Ocean.

<u>Proposed Action</u>

The proposed project involves designing and constructing a gravity sewer system for the Wahikuli subdivision. The gravity sewer system would be installed in the County of Maui roadway rights-of-way and as needed, easements across private property. The system would connect to the existing Lahaina sewer system at the operational Lahaina No. 3 Pump Station located approximately 975 feet south of Fleming Road, on the mauka, eastern, side of Honoapi'ilani Highway. The wastewater from the Wahikuli subdivision would be conveyed via the No. 3 Pump Station, its force main, and gravity sewers to the No. 2 and No. 1 Pump Stations which then lead to the Lahaina Wastewater Reclamation Facility.

To provide sewer service to the temporary group housing being constructed at the Kilohana temporary group housing site, the United States Army Corps of Engineers, on behalf of FEMA, installed a gravity sewer main underground along the length of Fleming Road and a segment of Wahikuli Terrace Park Access Road within the Wahikuli Subdivision Gravity Sewer System Project Area. Approximately 30 single-family house lots, among the 231 Wahikuli subdivision lots, would not be connected to the Proposed Action and instead would connect to the USACE-installed gravity sewer main along Fleming Road. The USACE also replaced sanitary manholes (SMHs) upstream along Wahikuli Terrace Park Access Road and Malo Street. The Proposed Action would

connect to one of the new manholes, depending on detailed analysis of the hydraulics during final design.

The Proposed Action may require some property owners to install sump or grinder pumps on their property where connecting to the sewer system via gravity is difficult due to grade differences. Such situations arise when a property's private sewer line is lower in elevation than the sewer system in the adjacent roadway. Additionally, easements may be necessary for constructing sewer laterals and County sewer lines for properties that do not have direct access to a public roadway. Both activities would occur on private property. The need for sump or grinder pumps, and easements has been assessed in the EA and will be confirmed during the design phase of the proposed project. Property owners are responsible for connecting their home to the sewer lateral from the sewer main, installed by the county approximately two feet onto private property.

All construction staging, including the storage of equipment and vehicles, stockpiles, waste bins, and other construction-related materials, would occur within the Project Area.

Alternative Considered but Not Carried Forward

An alternative tie-in to the Lahaina No. 3 Pump Station was identified in the 2013 Preliminary Engineering Report (PER). This alternative involves tying into the existing SMH #1A immediately south of the abandoned, original Lahaina No. 3 Pump Station on the makai, western, side of the Honoapiʻilani Highway. SMH #1A connects to an existing 18-inch PVC gravity sewer line that flows south toward Lahaina Town, then crosses the highway eastward to SMH #10 in front of the operational pump station. However, this alternative was not preferred and has been eliminated from further consideration due to greater associated impacts and other disadvantages, including:

- Additional dewatering needs from Malo Road/Kekai Road intersection to SMH #1A across Honoapiʻilani Highway;
- Need to obtain an easement from property owned by the State of Hawaiʻi;
- Need to cross the historic right-of-way and tracks of the Lahaina, Kāʻanapali, and Pacific Railroad Sugar Cane Train;
- Need to cross the four-lane Honoapiʻilani Highway, requiring a traffic control plan, State of Hawaiʻi Department of Transportation approval, Maui Police Department Traffic Division participation, and public inconvenience, potentially including lane closures, detours on local roadways, and resulting traffic delays; and
- Potential, additional permitting requirements.

No-Action Alternative

Under this alternative, a gravity sewer system for the Wahikuli subdivision would not be implemented. All property owners would need to upgrade or convert to an individual wastewater system (IWS) approved by the DOH by January 1, 2050, to comply with Hawaiʻi's Act 125, as amended by Act 87, unless granted an exemption. Thereafter, the property owners would be responsible for operating, maintaining, and servicing the IWSs.

The proposed gravity sewer system is preferred versus IWSs under the No-Action Alternative for the following reasons:

- The proposed sewer system would be operating before most individual homeowners comply with the phase-out of cesspools by installing DOH-approved IWSs. Construction of the gravity sewer system could begin as early as Winter 2026-27 and take approximately 12 months to complete. Each Wahikuli subdivision property owner would manage the tying in of their property to the new sewer system, although Maui County Code § 14.21A.010 would require that they establish a direct connection with the system within 180 days after the date of official notice. Conversely, homeowners would not be mandated to install IWSs by Hawai'i's Act 125 until 2050.
- In the interim, Wahikuli subdivision cesspools and septic systems, especially malfunctioning septic systems, would continue to release leachate to the environment. Unlike cesspools, septic systems, with engineered leach fields and regular maintenance, provide anaerobic treatment of waste, and remove most pathogens and some level of nutrients. However, cesspools and other IWSs, especially those that are poorly maintained or malfunctioning, negatively impact water resource quality, coral reefs, and human health.
- Homeowners would need to maintain the IWSs, which can be fraught with problems, including those related to the cost of maintenance. Without financial assistance, approximately 98 percent of Maui cesspool homeowners would be challenged to afford cesspool conversion, comprising monthly IWS installation loan repayment costs and monthly operation and maintenance costs. Inadequate or delayed maintenance could result in malfunctioning systems, along with attendant adverse impacts to the environment and human health.
- The long-term cost to homeowners for sewers is anticipated to be less than for IWSs. Both operating and maintaining IWSs and paying wastewater bills are costs to homeowners. However, in Maui County, typical average monthly sewer service charges for wastewater collection and treatment are lower, and in some cases substantially lower, than monthly IWS installation loan repayment costs.
- Connecting the Wahikuli subdivision to the existing Lahaina sewer system and wastewater reclamation facility would increase the amount of recycled water potentially available for reuse providing there is sufficient demand for R-1 water, the highest grade of recycled water. The reuse of recycled water would promote beneficial water resource management in Hawai'i, an island state with very limited freshwater resources. During the years 2015 through 2022, the use of recycled water in the County of Maui has ranged between 3.1 and 4.0 million gallons per day (MGD), with 3.9 MGD reused in 2022.

Environmental Impacts

In compliance with NEPA, EPA has prepared a Final EA that analyzes the environmental impacts of the Proposed Action. After considering a wide range of regulatory, environmental (both natural and human), and socioeconomic factors, the Final EA did not identify any significant impacts to the environment that would result from the implementation of the proposed project.

Summary of Endangered Species Act (ESA) Section 7 Consultation

The Proposed Action would be installed in previously disturbed areas within County of Maui roadway rights-of-way and as needed, easements across private property. There are no designated critical habitats for listed plant or animal species in the Project Area. A biological survey was conducted in November 2024 within the Project Area for the proposed Wahikuli Subdivision Gravity Sewer System project. No threatened or endangered plant or animal species were observed during the survey. In addition, numerous measures have been incorporated into the project to further avoid and minimize potential effects.

On March 5, 2025, EPA requested concurrence from the United States Fish and Wildlife Service's (USFWS) that the Proposed Action may affect, but is not likely to adversely affect, federally listed threatened and endangered species or critical habitat. The USFWS concurred on May 27, 2025, that the Proposed Action may affect, but is not likely to adversely affect, listed species.

Summary of National Historic Preservation Act (NHPA) Section 106 Consultation

As documented in FEMA's January 31, 2025 Section 106 consultation letter to the Hawai'i State Historic Preservation Officer (SHPO) for the Proposed Action, FEMA followed the Standard Project Review process in accordance with Stipulation II.C. of the Programmatic Agreement currently in effect with FEMA, SHPO, the Office of Hawaiian Affairs, and the Hawai'i Emergency Management Agency, executed in 2016, as extended through amendment in 2023. FEMA determined that the Proposed Action would have no adverse effect on historic properties. Even though no National Register of Historic Places eligible historic properties were identified within the area of potential effect, FEMA committed to incorporating avoidance and minimization measures to avoid potential effects to historic properties in the case of inadvertent discovery.

In a letter dated February 14, 2025, SHPO concurred with FEMA's determination of no adverse effect and FEMA's stipulation that the agency would implement avoidance and mitigation measures to avoid, minimize, or mitigate potential effects to historic properties in the case of inadvertent discovery. In addition to the mitigation measures provided by FEMA, the SHPD requested archaeological monitoring conventions be implemented during the project.

Summary of Other Resource Area Impacts

The Proposed Action would have negligible positive and no adverse effects on the economy. No long-term changes in regional employment, population, or income patterns are expected. The Proposed Action would allow the County to provide wastewater collection, treatment, and disposal or reuse to meet the needs of the Wahikuli subdivision and would be an integral part of the infrastructure needed to maintain the health and welfare of the community. The project would not result in population changes in Lahaina or nearby communities.

The Proposed Action would result in minor, short-term impacts to noise, air quality, and traffic within and in the immediate vicinity of the Project Area during the period of construction. However, operation of the gravity sewer system would not contribute substantial additional air emissions, light pollution, or detrimentally affect air or water quality, noise, or traffic in the local area.

Mitigation Measures

The Proposed Action would include the incorporation of certain mitigation measures as discussed in the Final EA, including, but not limited to, measures that were specified in the ESA Section 7 consultation process and the NHPA Section 106 consultation process.

The Proposed Action would incorporate avoidance and minimization measures based on USFWS's general project design guidelines for endangered species included on the Official Species List provided by the Information for Planning and Consultation (IPaC) tool. Surveys and other measures to avoid and minimize potential impacts to endangered plants and animals would be implemented as needed based on the recommendations of USFWS and the Division of Forestry and Wildlife (DOFAW) of the State of Hawai'i Department of Land and Natural Resources provided during consultation with those agencies. These include, but are not limited to, avoiding impacts to potential Hawaiian hoary bat habitat during the bat birthing and pup rearing season, avoiding nighttime construction during the Hawaiian seabird fledging period, conducting Hawaiian waterbird nest surveys where appropriate habitat occurs within the vicinity of the project site prior to project initiation, surveying the construction site for nesting Hawaiian goose prior to the start of construction activities, and surveying Blackburn's sphinx moth and its larval host plants prior to construction and vegetation clearing.

The Proposed Action would incorporate appropriate avoidance and mitigation measures to avoid, minimize, or mitigate potential effects to historic properties. In addition, archaeological monitoring conventions would be implemented during the project to avoid potential effects to cultural resources. The Proposed Action would include the following conditions and future actions to further avoid, minimize, or mitigate adverse effects:

- The locations of the historic railroad alignment (SIHP No. 50-50-30-08886 and 50-50-03-08887) just outside the APE and the inadvertent discovery of human remains (SIHP No. 50-50-03-09023) previously identified within the APE would be annotated on the project related construction plans.
- Archaeological monitor(s) who meets the Secretary of the Interior Professional Qualifications Standards for that discipline, and is based in Hawai'i, would be on site during all new ground disturbing activities.
- A cultural monitor would be on site during all new ground disturbing activities.
- In the event of an inadvertent discovery of human remains, the process outlined in Stipulation III.B. of the Programmatic Agreement and HAR §13-300-40 would be followed. Additionally, FEMA would follow 11 of the 13 principles developed by the Advisory Council on Historic Preservation (ACHP) in the policy statement on burial sites, human remains, and funerary objects as they pertain to the current undertaking.

Public Review and Comments

A letter to interested parties was issued notifying stakeholders of the availability of the Draft EA for review and the public comment period. The Draft EA was available for online review from April 23, 2025 through May 23, 2025 and a copy was provided to local libraries. In accordance with 40 C.F.R. § 6.203(b)(1), a preliminary FONSI was made available for public review and comment as part of the Draft EA. A public meeting was held on May 7, 2025, during the public

comment period, to present the Draft EA and answer questions. The Draft EA was made available to the public at least 15 days in advance of the public meeting.

EPA received detailed, technical, and other public comments from individuals, various agencies, and interested parties. In total, nine comment letters were received, some of which included multiple individual comments. Responses to comments were developed and are incorporated into the Final EA. No substantial changes to the Proposed Action were necessary as a result of comments on the Draft EA.

Finding

After carefully considering the regulatory, environmental (both natural and human), and socioeconomic factors as described in the Final EA, EPA has determined that the Proposed Action would not significantly affect the quality of the human environment in accordance with NEPA. Accordingly, preparation of an environmental impact statement on the Proposed Action is not required and this FONSI formally documents EPA's finding of no significant impact in accordance with 40 C.F.R. § 6.206 and 40 C.F.R. § 6.203(b).

APPROVAL

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June 12, 2025

Tomás Torres

Director, Water Division

Date