

FEMA
FINDING OF NO SIGNIFICANT IMPACT
Pohoiki Road and Highway 137 Road Repair and Water Line Installation

BACKGROUND

The Federal Emergency Management Agency (FEMA) makes federal assistance available to state, local, tribal, and territorial governments and certain private nonprofit entities under the Hazard Mitigation Assistance (HMA) and Public Assistance (PA) grant programs. These non-federal entities are the recipients and subrecipients of FEMA's grant programs. FEMA's grant programs foster the protection of health, safety, and welfare of citizens, assist communities in recovering from damages caused by disasters, and reduce future losses resulting from natural disasters. The HMA grant program encompasses several pre-disaster grant programs that support action that reduces or eliminates long-term risk to people and property from future disasters. The PA program provides grant assistance to repair or restore disaster-damaged facilities or make other site improvements and may include mitigation measures along with repair, in accordance with Sections 406 and 428 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, Public Law 100-707, as amended.

FEMA is required during decision making to evaluate and consider the environmental consequences of its actions, in accordance with The National Environmental Policy Act of 1969 (NEPA); the Council on Environmental Quality (CEQ) regulations implementing NEPA; the Department of Homeland Security (DHS) Directive 023-01, Revision 01 and DHS Instruction 023-01-001-01, Revision 01; and FEMA Directive 108-1 and FEMA Instruction 108-1-1. The purpose of the Environmental Assessment (EA) was to provide the analysis and determine the effects of the proposed project implementation, and alternatives, on the environment. The EA also discloses the federal decision-making process, agency coordination, and public participation in determining whether to revise the EA, withdraw the EA, prepare this Finding of No Significant Impact (FONSI), or initiate an Environmental Impact Statement (EIS).

PROJECT DESCRIPTION

The EA includes and evaluation of two scenarios, a no action alternative as a benchmark, and the proposed action alternative. The proposed action alternative seeks to restore County of Hawai'i roads and water lines in the Puna district on the Island of Hawai'i that were destroyed during the 2018 Kilauea volcanic eruption and lava inundation. The County of Hawai'i Department of Public Works (DPW) and the County of Hawai'i Department of Water Supply (DWS) are the joint subrecipients of FEMA's PA grant program under a Section 428 Alternative Procedure grant. DPW proposes to realign and reconstruct approximately 9.1 miles of County roads that were inundated with lava in the easternmost portion of the island. DWS proposes to install water lines along approximately 7.8 miles of the same County roads. The two projects are collectively referred to as the Proposed Action in the EA.

Along road sections covered by hardened lava from the 2018 eruption, the road surface will be constructed on top of the hardened lava and will change elevation to follow the grade of the naturally hardened lava. Some of the roads will be realigned, in addition to being reconstructed, to avoid important vegetation and/or meet current design standards. Ductile iron pipes, with a 6-inch or 4-inch inner diameter water lines, will be installed under the unpaved shoulder of the road, or in some cases, under existing culverts. In road sections where the remnant heat of the hardened lava is too high to install water lines underground, the new water line would be installed in a V-shaped riprap trench. The work will take place

FEMA
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along County of Hawai'i rights-of-way and adjacent private parcels. In total, the entire project is anticipated to take approximately 25 months, from completion of the project design, obtaining right-of-way access, to completion of four phases of construction.

SUMMARY OF POTENTIAL EFFECTS

The proposed action alternative has mostly short-term, minor, but in some instances long-term minor impacts to resources, primarily relating to construction disturbances and realigned roadways. Minor impacts are measurable, and the changes would be small and localized. Impacts or benefits would be within or below regulatory standards, as applicable. FEMA expects the proposed action alternative will have positive, long-term impacts on living standards of residents in the area, with the restoration of water utilities and transportation networks and benefits regarding economic recovery for businesses in the area. The following permit and project conditions are meant to mitigate for the effects associated with the proposed action alternative.

PERMITS & PROJECT CONDITIONS

The subrecipients are responsible for obtaining all applicable federal, state, and local permits and other authorizations and adhering to permit conditions for project implementation, prior to construction. Subrecipients are responsible for providing copies of permits and authorization to the grant recipient, the Hawai'i Emergency Management Agency, and FEMA, prior to project closeout, and should do so upon obtaining them. Any substantive change to the approved scope of work will require reevaluation by FEMA for compliance with NEPA, other laws, and Executive Orders.

The subrecipients must also adhere to project-specific conditions as documented during project implementation and observe the project conditions as set out in the EA and below. FEMA expects the following conditions are applicable the entire scope of work covered by the EA. Failure to comply with these grant conditions may jeopardize federal funds:

1. The subrecipients are responsible for completing state and local environmental and land use reviews in accordance with federal, state, and local regulations.
2. Excavated soil and waste materials must be managed and disposed of in accordance with applicable federal, state, and local regulations.
3. The subrecipients are responsible for complying with state air quality regulations, and with state and federal guidance regarding vehicle and equipment idling. Best management practices (BMPs) applicable to minimizing effects to air quality shall be incorporated, including limiting vehicle idling and utilizing fugitive dust suppression techniques.
4. The subrecipients are responsible for complying with federal, state, and local water quality, stormwater, water pollution control, erosion, and sedimentation regulations, ordinances, and guidance.

FEMA
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5. Subrecipients must comply with any requirements and avoidance measures pursuant to Section 7 of the ESA and of Executive Order 13112. If protected species are observed during construction, activities that could result in harm or disturbance must stop immediately and the subrecipient must notify the recipient and FEMA. USFWS may require FEMA to conduct additional consultation. Subrecipients must follow the conditions specified in the informal consultation between FEMA the United States Fish and Wildlife Service (USFWS) for the proposed action, as set out in the EA. Subrecipients must minimize the introduction or spread of invasive species, including decontamination procedures on vehicles and equipment, and using weed-free products. Avoidance and minimization measures per species and BMPs for prevention of the spread of invasive species are specified in Appendix C of the EA.
6. The subrecipients must follow the conditions resulting from consultation with the Hawai'i State Historic Preservation Division (SHPD) and SHPD-approved Archeological Monitoring and Treatment Plan (AMTP). Secretary of Interior (SOI)-qualified archaeologist will serve as a monitor for all ground disturbing activity associated with the proposed action. Archaeological monitors will monitor construction to protect cultural resources, traditional cultural resources of concern, and culturally sensitive plants. If unexpected archaeological resources are encountered during construction, the subrecipient and its construction contractor(s) must stop work and notify the recipient and FEMA. Per the approved AMTP, FEMA will determine what additional consultations with the SHPD, OHA, Native Hawaiian Organizations, and Native Hawaiian lineal descendants are required, and what additional conditions or avoidance measures may apply.
7. The subrecipients must follow all permit conditions and manufacture guidelines applicable to the handling and application of any hazardous substances used in connection with actions evaluated in the EA. In the event of discovery of soil or water contaminants exceeding reportable levels, the Subrecipient and its construction contractor(s) will follow applicable federal, state, and local protocol to report and respond to the contaminants. Should any spills occur from construction vehicles, they are to be addressed and contained in accordance with local regulations.
8. The subrecipients must follow the noise and transportation conditions set forth in the EA. Construction work will be limited to daytime hours. Vehicle and equipment runtimes will be kept to a minimum. Construction work will be staged to maintain access to the project area. The subrecipient's construction contractor will implement a traffic control plan. A minimum of one travel lane will remain open in each direction all day. From 2:30 p.m. to 9 a.m. traffic will be allowed to flow at the posted speed limit. Travel control devices will be installed in conformance with federal guidance.

PUBLIC INVOLVEMENT

The EA reflects the evaluation and assessment of the federal government, the decision maker for the proposed action, considering substantive comments received during the public review period to inform the final decision regarding grant approval and project implementation. The public involvement process began with County-led public meetings and an initial public notice distributed electronically by FEMA and the County of Hawai'i. The draft EA was made available for agency and public review and comment

FEMA
FINDING OF NO SIGNIFICANT IMPACT
Pohoiki Road and Highway 137 Road Repair and Water Line Installation

for a period of 30 days, concluding on September 5, 2023. The public was invited to submit written comments by emailing: fema-rix-ehp-documents@fema.dhs.gov or by mail to: Regional Environmental Officer, FEMA Region 9, 1111 Broadway, Suite 1200, Oakland, CA 94607-4052.

The EA was made available to the public on FEMA's website at: <https://www.fema.gov/emergency-managers/practitioners/environmental-historic/nepa/environmental-assessment-pohoiki-road>, and on the County's website at: <https://www.dpw.hawaiicounty.gov/resources/bulletins#Engineering>.

Hard copies of the EA were made also available at the following two locations:

- Hawai'i County Department of Public Works Office (Aupuni Center, 101 Pauahi Street, Suite 7, Hilo, HI 96720)
- Hawai'i County Department of Public Works Office (West Hawai'i Civic Center, 75-5044 Ane Keohokalole Highway, Bldg. D, 1st Floor, Kailua-Kona, HI 96740)

In total, 49 comments were received on the draft EA, with one comment receiving 263 endorsements. The comments were primarily from residents and business owners in the vicinity of the project area. The primary focus of the comments related to the protection of cultural resources, and a request to shift the construction sequencing of one segment of road repair from phase one to phase four of the proposed project schedule. The request for the shift in construction sequencing reportedly allowed for the completion of a community-led preservation plan of a culturally significant site, Kumukahi, in the vicinity of the project area. The subrecipients DWS and DPW agreed to shift the construction of the road near Kumukahi from phase one to phase four of the construction schedule. The Final EA reflects the revision in the construction sequencing, based on the public comments. The public comments and FEMA's responses are incorporated into the Final EA and presented in Appendix E.

In addition to the public involvement performed during the development of the EA, FEMA will provide this FONSI and final EA to the interested parties per CEQ NEPA Implementing Regulations 40 CFR §1501.6.

FINDINGS

In accordance with NEPA and the FEMA Directive and Instruction, FEMA has determined that the evaluated actions will have no significant adverse impact on the quality of the human environment. As a result of this FONSI, an EIS will not be prepared, and the proposed action as described in the EA may proceed. This FONSI serves as the final public notice for the proposed action.

APPROVED BY:

CHELSEA D KLEIN Digitally signed by CHELSEA D KLEIN
Date: 2023.10.19 08:10:50 -10'00'

Chelsea D. Klein
FEMA Lead Environmental Planning and Historic Preservation Advisor

Date