# Draft Environmental Assessment

***Fleming Road Temporary Group Housing Site***
***FEMA DR-4724-HI***
***Maui County, Hawai‘i***

***March 2024***

**U.S. Department of Homeland Security**
**Federal Emergency Management Agency, Region IX**
1111 Broadway, Suite 1200, Oakland, California 94607

**TABLE OF CONTENTS**

**LIST OF FIGURES**



**LIST OF TABLES**



**LIST OF APPENDICES**

**LIST OF ACRONYMS**

| | |
|---|---|
| ACHP | Advisory Council on Historic Preservation |
| AIS | Archeological Inventory Survey |
| APE | Area of Potential Effect |
| AMMs | Avoidance and Minimization Measures |
| ATTHU | Alternate Temporary Transportable Housing Unit |
| BMPs | Best Management Practices |
| CAA | Clean Air Act |
| CAB | Clean Air Branch |
| CATEX | Categorical Exclusion |
| CDP | Census Designated Place |
| CEQ | Council on Environmental Quality |
| CERCLA | Comprehensive Environmental Response, Compensation and Liability Act |
| CFR | Code of Federal Regulations |
| CWA | Clean Water Act |
| CWRM | Commission on Water Resource Management |
| CZM | Coastal Zone Management |
| CZMA | Coastal Zone Management Act |
| dBA | Decibels |
| DHHL | Department of Hawaiian Home Lands |
| DHS | Department of Homeland Security |
| DOH | Hawai‘i State Department of Health |
| DOT | Department of Transportation |
| DWS | Department of Water Supply |
| DR | Major Disaster Declaration |

| | |
|---|---|
| EA | Environmental Assessment |
| ECHO | Enforcement and Compliance History Online |
| EFH | Essential Fish Habitat |
| EHP | Environmental and Historic Preservation |
| EIS | Environmental Impact Statement |
| EJ | Environmental Justice |
| EO | Executive Order |
| EP | Emergency Proclamation |
| EPA | U.S. Environmental Protection Agency |
| ESA | Endangered Species Act |
| FEIS | Final Environmental Impact Statement |
| FEMA | Federal Emergency Management Agency |
| FHWA | Federal Highway Administration |
| FIRM | Flood Insurance Rate Map |
| FMR | Fair Market Rent |
| FPPA | Farmland Protection Policy Act |
| FONSI | Finding of No Significant Impact |
| GHGs | Green House Gases |
| GIS | Geographic Information System |
| GSA | General Service Administration |
| HAR | Hawai‘i Administrative Rules |
| HDLNR | Hawai‘i Department of Land and Natural Resources |
| HDOT | Hawai‘i Department of Transportation |
| HEER | Hazard Evaluation and Emergency Response |
| HHFDC | Hawai‘i Housing Finance and Development Corporation |

| | |
|---|---|
| HI | Hawai‘i |
| HICRIS | Hawai‘i Cultural Resource Information System |
| HI-EMA | Hawai‘i Emergency Management Agency |
| HRS | Hawai‘i Revised Statutes |
| HUD | Department of Housing and Urban Development |
| IBC | Island Burial Council |
| IHP | Individuals and Households Program |
| IPaC | Information for Planning and Consultation |
| MBTA | Migratory Bird Treaty Act |
| MIP | Maui Island Plan |
| MLR | Multi-Family Lease and Repair Program |
| MSA | Magnuson-Stevens Fishery Conservation and Management Act |
| NAAQS | National Ambient Air Quality Standards |
| NE | No Effect |
| NEPA | National Environmental Policy Act |
| NFA | No Further Action |
| NHOs | Native Hawaiian Organizations |
| NHPA | National Historic Preservation Act |
| NLAA | Not Likely to Adversely Affect |
| NOAA | National Oceanic and Atmospheric Administration |
| NPDES | National Pollutant Discharge Elimination System |
| NPL | National Priorities List |
| NRCS | Natural Resources Conservation Service |
| NRHP | National Register of Historic Places |
| NWI | National Wetlands Inventory |

| | |
|---|---|
| OHA | Office of Hawaiian Affairs |
| OSHA | Occupational Safety and Health Administration |
| PIC | Programmatic Informal Consultation |
| PIFWO | Pacific Islands Fish and Wildlife Office |
| PL | Public Law |
| PPE | Personal Protective Equipment |
| PPI | Pre-Placement Interview |
| RCRA | Resource Conservation and Recovery Act |
| SFHA | Special Flood Hazard Area |
| SHPD | State Historic Preservation Division |
| SHPO | State Historic Preservation Officer |
| SLOPES | Standard Local Operating Procedures |
| SMA | Special Management Area |
| SOI | Secretary of the Interior |
| SSA | Sole Source Aquifer |
| SWDA | Safe Water Drinking Act |
| SWPPP | Storm Water Pollution Protection Program |
| TMK | Tax Map Key |
| TRI | Toxic Release Inventory |
| TSCA | Toxic Substances Control Act |
| TTHU | Transportable Temporary Housing Units |
| U.S. | United States |
| UFAS | Uniform Federal Accessibility Standard |
| USACE | U.S. Army Corps of Engineers |
| U.S.C. | United States Code |

| | |
|---|---|
| USDA | U.S. Department of Agriculture |
| USFWS | U.S. Fish and Wildlife Service |
| USGS | U.S. Geological Survey |
| VSQG | Very Small Quantity Generator |
| VOCs | Volatile Organic Compounds |
| VOL | Villages of Leialiʻi |
| WOTUS | Waters of the U.S. |

# 1.0 INTRODUCTION

Between August 8 and September 30, 2023, major wildfires exacerbated by high winds caused significant damage throughout the Island of Maui. In response, Hawai‘i Governor Josh Green requested an expedited major disaster declaration on August 10, 2023. In response, President Biden issued major disaster declaration FEMA-4724-DR-HI the same day. The declaration authorized the United States (U.S.) Department of Homeland Security’s (DHS) Federal Emergency Management Agency (FEMA) to provide federal assistance to the designated areas within the State of Hawai‘i (recipient). This assistance is provided pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act (Stafford Act), and Public Law (PL) 93-288, as amended. Section 408 of the Stafford Act authorizes FEMA’s Individuals and Households Program (IHP) to provide emergency and temporary housing for eligible disaster victims, whose homes have been made uninhabitable or were destroyed as a result of the declared event.

The 2023 fires, named Lahaina, Kula, and Olinda, were the largest and most destructive fires in Hawai‘i’s history. The Lahaina fire burned approximately 2,170 acres, the Kula fire burned over 200 acres, and the Olinda fire burned approximately 1,081 acres. The wildfires quickly grew due to strong winds and dry conditions, resulting in catastrophic damage throughout Maui County, Hawai‘i. The Town of Lahaina, located in West Maui was most devasted by the wildfires and experienced significant property damage in excess of 3,000 structures. Thousands of residents have been displaced and are currently occupying short term, emergency housing solutions such as hotels, necessitating the need for immediate solutions for temporary housing and triggering a request for assistance from the State of Hawai‘i to FEMA in the form of Direct Temporary Housing (Direct Housing or Housing Assistance) through the Individuals and Households Program (IHP). FEMA authorized Housing Assistance for a period of up to 18 months for the County of Maui, with the potential for extensions. FEMA’s authorization for Direct Housing includes multiple temporary housing solutions: the Multi-Family Lease and Repair Program (MLR), Direct Lease, and Alternative Transportable Temporary Housing Units (ATTHUs).

Generally, when approved, FEMA provides Transportable Temporary Housing Units (TTHUs) in the form of travel trailers and manufactured housing units. In areas outside the contiguous United States, such as the Island of Maui, FEMA can augment its traditional assistance in the form of ATTHUs, which may more appropriately meet the requirements for temporary housing on an island. FEMA determines which form of temporary housing will be provided based on the applicant’s household composition, the amount of time the applicant expects to require temporary housing, and the feasibility and cost of the available temporary housing options.

As an option of last resort, when survivors’ private lots are not feasible and commercial parks are unavailable or insufficient to meet the housing need, FEMA may construct a ‘Group Housing Site’ in order to provide Direct Temporary Housing Assistance in the form of multiple, grouped ATTHUs. Group Housing Sites will often involve the lease of land and the installation of ATTHUs, including: construction of individual ATTHU pads; ingress, egress, and circulation roads; any necessary upgrades for individual ATTHUs to comply with the Americans with Disabilities Act; concrete parking lots; facility lighting; water, sanitation, and electrical utilities; and a perimeter privacy fence.

The proposed location of the Fleming Road Group Site would be located in Lahaina, Hawai‘i 96793, Maui County. The proposed action does not qualify for use of DHS Categorical Exclusion (CATEX) (N16) for federal assistance for disaster temporary group housing of less than five acres because the site has a potential footprint of up to 36 acres.

This draft Environmental Assessment (EA) has been prepared in accordance with the National Environmental Policy Act (NEPA) of 1969, (PL 91-190, as amended), its implementing regulations at 40 Code of Federal Regulations (CFR) Part 1500 to 1508, and FEMA's procedures for implementing NEPA (FEMA Instruction 108-1-1). FEMA is required to consider potential environmental impacts before funding or approving actions and projects. This draft EA analyzed the potential environmental impacts of the proposed temporary group housing site, Fleming Road Fleming Road Group Site, as part of an expedited review process. FEMA will use the findings in this draft EA to determine whether to prepare an Environmental Impact Statement (EIS) or a Finding of No Significant Impact (FONSI).

The scope of FEMA's environmental review includes evaluating project alternatives, characterizing the affected environment, identifying potential environmental impacts, and outlining ways to reduce or minimize adverse effects. This draft EA examines the site-specific environmental impacts associated with building a proposed FEMA Temporary Group Housing Site on private or publicly owned land to be leased by the General Services Administration (GSA) for this purpose. This draft EA was prepared based on a site evaluation, document research, and resource agency information. The public participation period will be brief, as necessitated by the emergency circumstances. Agency coordination and consultation will be deemed complete at the end of the public comment period. FEMA believes that this process will allow for sufficient action analysis and meet the goal of providing timely federal assistance to disaster survivors.

## 2.0 PURPOSE AND NEED

The objective of FEMA's Individuals and Household Program is to expeditiously provide temporary housing for eligible disaster survivors.

As of March 2, 2024, 1,293 Pre-Placement Interview (PPI) eligible households have confirmed a temporary housing need and are willing to participate in FEMA Direct Housing. According to the PPI data, 86 percent were renters, while 14 percent were pre-disaster homeowners. Of the 1,293 households that completed PPI Admin process, 745 households (57 percent) remain in non-congregate sheltering.

FEMA was unable to identify any potential MLR properties but was able to award contracts for Direct Lease to three property management companies for 21 properties at the U.S Department of Housing and Urban Development's (HUD) published Fair Market Rent (FMR) for Maui County. To expand FEMA's ability to secure additional Direct Lease properties, the Region requested, and FEMA Headquarters subsequently approved, an increase of allowable Direct Lease costs. As of March 2, 2024 FEMA has secured a total of 1,386 Direct Lease units. Although FEMA may be able to secure sufficient Direct Lease units to temporarily house the PPI eligible population, a significant percentage of households will not be licensed-in Direct Lease unit due to various household circumstances, including pet ownership (most units are not pet-friendly) and

unfavorable application determinations. Therefore, alternative solutions in addition to Direct Lease must be implemented to provide temporary housing solutions for eligible households. Therefore, FEMA has identified the need to develop temporary group housing sites. The need for the project is to provide the remaining eligible unhoused households in Maui County with temporary housing.

In accordance with federal laws and FEMA regulations, the EA process for a proposed federal action must include an evaluation of alternatives and a discussion of the potential environmental impacts. This draft EA was prepared in accordance with FEMA's regulations as required under NEPA. As part of this NEPA review, the requirements of other environmental laws and executive orders (EOs) are addressed.

## 3.0 PROJECT LOCATION AND BACKGROUND

The proposed Fleming Road Group Site is located in West Maui, just north of Keawe Street and the Lahaina Bypass and southwest of Fleming Road, Lahaina, Hawai‘i 96793, Maui County, on a portion of the parcel identified by the Tax Map Key (TMK) 4-05-021:03 (Figure 1 and 2). The approximate center coordinates of the site are 20.892807, -156.680137. To the north of the site are vacant lands owned by the Kaanapali Land Management Corporation, to the south are the Kelawea subdivision and future Keawe Street Apartments, to the east is the future Lahaina Bypass, and Lahaina is adjacent to the site on the west. Utilities exist adjacent to the south of the project site. Adjacent utilities would be extended to the project site to provide service to the proposed ATTHUs. Typical site conditions and adjoining properties are depicted in (Figures 3 and 4).

The site has historically been used predominately for sugar cane and pineapple cultivation since the mid-1800s; however, the site has been vacant and fallow since the closure of Pioneer mill in 1999.

The site is within the footprint of a planned future development for affordable housing, identified as Villages of Leiali‘i (VOL), which is a Hawai‘i Housing Finance and Development Corporation's (HHFDC) master planned community located on 1,128 acres in Lahaina Maui, Hawai‘i. The site specifically lies within the area known as Phase A of the planned development. The proposed group site was previously identified and referred to as the "Leiali‘i Temporary Group Housing site" but was changed to the Fleming Road Group Site, to prevent confusion with the planned VOL development. All references to the "Leiali‘i" group site in the appendices and figures are synonymous with the name included in the title of this draft EA, "Fleming Road". A Final Environment Impact Statement (FEIS) was prepared for the Villages of Leiali‘i Affordable Housing Project in accordance with the State of Hawai‘i requirements in Chapter 343 of Hawai‘i Revised Statutes (HRS) and Chapter 200 of Hawai‘i Administrative Rules (HAR) and accepted by the State of Hawai‘i Governor on December 12, 2012.

The VOL land is ceded, or crown lands acquired by the State of Hawai‘i prior to August 15, 1895. HHFDC acquired title to the VOL by Land Patent Grant No. S-15, 792, dated November 4, 1994. A portion of the VOL was sold to the Department of Hawaiian Home Lands (DHHL), in a land transfer agreement approved on June 17, 2004. In February 2022, HHFDC offered to the DHHL all undeveloped lands that HHFDC owned at the Villages of Leiali‘i, which includes the location of the proposed Fleming Road temporary group housing site. This offer is pending and has not

yet resulted in an executed Transfer Agreement. HHFDC has indicated the DHHL has been briefed on the proposed temporary housing site.

## 4.0 ALTERNATIVES

The alternatives considered in addressing the purpose and need stated are the No Action Alternative (Alternative 1) and the Preferred Alternative (Alternative 2), which is to develop the Fleming Road Group Site and install ATTHUs. Concurrent to the Preferred Action Alternative, other federally assisted housing options are being utilized first by FEMA's IHP. These options include minor home repairs, rental assistance, and repairing and improving existing multi-family housing or leasing existing ready-for-occupancy residential property, to be utilized as temporary housing. These options are rapidly depleting with the high demand for housing; therefore, the remaining alternative is to build an emergency and temporary group housing site when the above options do not satisfy the demand.

To expedite the group housing site selection process, FEMA has worked closely with State and County officials to identify potential sites, followed by initial site reconnaissance and research to determine site suitability. Important factors considered in choosing a site include:

- demand for temporary housing in the area;
- group and community acceptance;
- proximity of services and amenities (schools, healthcare facilities, public transportation, etc.) to the proposed group site;
- engineering and construction feasibility;
- access to utilities;
- land use compatibilities;
- property owner lease;
- costs to develop and maintain the site; and
- environmental and cultural resource sensitivities.

FEMA continues to evaluate alternative sites in Maui County in coordination with the State and County. Although various alternatives continue to be identified, the amount of needed housing has limited this draft EA to analysis of one suitable site alternative at this time. The Fleming Road Group Site was selected for further detailed analysis as it meets the basic site feasibility and selection criteria. Other group sites were considered but were deemed infeasible for various reasons including proximity to core populations in need of housing assistance; environmental considerations; access to utilities; challenges and timelines associated with land development; and willingness of landowners to sign a lease agreement with FEMA.

### 4.1 Alternative 1: No Action Alternative

Under the No Action Alternative, FEMA would not develop a temporary group housing site, and displaced residents would remain without a stable housing accommodation. Survivors may continue to leverage less than desirable housing options, including but not limited to, staying with relatives or friends, occupying hotels, their damaged dwellings, tents, personal vehicles, places of worship, places of employment, or in other temporary locations until they resolve their long-term

housing needs. This alternative may jeopardize public health, safety, and well-being of the community and does not satisfy the purpose and need of the direct housing mission. The No Action Alternative will continue to be evaluated throughout this draft EA and serve as a baseline comparison of impacts from other action alternatives.

## 4.2 Alternative 2: Develop the Fleming Road Group Site with ATTHUs (Preferred Alternative)

Under the Preferred Alternative, FEMA would provide temporary group housing in the form of ATTHUs for eligible disaster victims displaced by the wildfires in Maui County in Lahaina, Hawai‘i 96761 (Latitude: 20.892807; Longitude: -156.680137). FEMA eligible disaster survivors would be temporarily relocated to the site with an expected occupancy of up to 18 months, or when the Individuals and Households Program ends which may be longer, including a site deactivation period.

Development at this site would allow displaced residents to remain within relative proximity of their damaged dwellings and communities. Disaster survivors would retain access to reasonable commuting times to their workplaces, schools, childcare, places of worship, familiar food and shopping services, laundry facilities, playgrounds, and pet areas.

The Preferred Alternative would involve the placement of approximately 169 ATTHUs at the project site. FEMA would provide funding, purchase materials, shipping, and contract labor, as needed, for the development of the group site. Development of the site would require the installation of temporary utilities, construction of temporary roadways and parking lots, placement of stone-base and concrete for pads, residential parking, and associated appurtenances. The following specific site development components would be included with this project:

- Site preparation would include clearing, grading, removal of woody vegetation and debris, and the placement of approximately 17,000 cubic yards of fill in low lying areas to bring the site to grade.
- Infrastructure for water, and sewer exist off adjacent roads, but would be extended onto and throughout the site.
- The connection to Hawai‘i Electric Company existing electrical system will be along the western edge of the site.
- A storm water drainage system would be developed by utilizing drainage swales and detention-based quality controls.
- Fire hydrants and supply lines would be installed on the property in accordance with local ordinances.
- Site Uniform Federal Accessibility Standard (UFAS) features would be installed; at least 15% of the units would meet UFAS, and 100% of the on-site essential services and facilities (such as mailbox kiosk) would be UFAS compatible.
- Erosion control would be established during the construction period and a perimeter fence would be constructed around the project site. Additionally, the County grading permit and NPDES general requirements will be applied to the construction project.

FEMA would operate and maintain the site during the term of occupancy. When the temporary housing need ends, FEMA expects the ATTHUs would be removed from the site and repurposed

within Maui County or disposed of in accordance to state and local regulations. All components of the Group Site including roads and utilities, would be removed at the conclusion of use as a Group Site, and the property would be returned to its original condition with the exception of grading. Relevant construction exhibits related to this alternative can be found in Figure 5.

## 4.3 Alternatives Considered and Dismissed

Pursuant to NEPA, this draft EA is required to consider and analyze the potential environmental impacts of the Preferred Alternative, No Action Alternative, and additional reasonable alternatives when applicable. Reasonable alternatives are defined as technically and economically feasible and meet the purpose and need for the proposed action as described in section 2.0 of this draft EA. Evaluation of the following alternatives are subject to screening criteria (selection standards) which are suitable for the proposed action. These criteria may include requirements or constraints associated with operational, technical, environmental, budgetary, and time factors. Those alternatives determined to be unreasonable are dismissed from detailed analysis in this draft EA.

Twenty-five sites were evaluated, but twenty-two were dismissed. Factors considered in choosing a site include: site topography; property owner willingness; past land use; existing plans for development; access to existing utilities; ingress and egress; proximity to services and amenities; and engineering feasibility. The Fleming Road Group Housing Site was selected for further detailed analysis because it meets the basic site feasibility and selection criteria. Two additional potential group sites, the Ka'anapali Group Site and the Waikapu Country Town Group Site, are still under review; however, they are not the subject of this notice.

The state of Hawai'i (the State) is potentially developing a portion of this parcel, also within the boundaries of the VOL, to install approximately 500 temporary housing units to house displaced individuals. The State’s project would be adjacent to FEMA’s proposed temporary group site. The State’s potential housing project is separate from the federal action, and will not be considered in this review.

## 4.4 Impact Evaluation

The Council on Environmental Quality (CEQ) notes: “Effects includes ecological (such as the effects on natural resources and on the components, structures, and functioning of affected ecosystems), aesthetic, historic, cultural, economic, social, or health, whether direct, indirect, or cumulative. Effects may also include those resulting from actions which may have both beneficial and detrimental effects, even if on balance the agency believes that the effect will be beneficial” (40 CFR §1508.8).

When possible, quantitative information is provided to establish potential impacts; otherwise, the potential qualitative impacts are evaluated based on the criteria listed in Table 1 below.

**Table 1: Impact Significance and Context Evaluation Criteria for Potential Impacts**

| Impact Scale | Criteria |
|---|---|
| None/Negligible | The resource area would not be affected and there would be no impact, or changes or benefits would either be non-detectable or, if detected, would have effects that would be slight and local. Impacts would be well below regulatory standards, as applicable. |
| Minor | Changes to the resource would be measurable, but the changes would be small and localized. Impacts or benefits would be within or below regulatory standards, as applicable. Mitigation measures would reduce any potential adverse effects. |
| Moderate | Changes to the resource would be measurable and have either localized or regional scale impacts/benefits. Impacts would be within or below regulatory standards, but historical conditions would be altered on a short-term basis. Mitigation measures would be necessary, and the measures would reduce any potential adverse effects. |
| Major | Changes to the resource would be readily measurable and would have substantial consequences/benefits on a local or regional level. Impacts would exceed regulatory standards. Mitigation measures to offset the adverse effects would be required to reduce impacts, though long-term changes to the resource would be expected. |

The impact analysis in this draft EA evaluates the potential environmental direct and indirect impact of the No Action Alternative and the Preferred Alternative. A summary table of the potential impacts of Alternatives 1 and 2 is provided in Table 2 below.

**Table 2: Environmental Consequences and Environmental Protection Measures and Required Permits by Environmental Resource**

| Resource and Resource Type | Environmental Consequence | Environmental Protection Measures and Required Permits |
|---|---|---|
| Physical Resource: Geology and Soils, and Farmland Protection Policy Act (FPPA) | Alternative 1: *No Impact*<br><br>Alternative 2: *Negligible Impact – Not Significant* | Not applicable. |
| Physical Resource: Air Quality and | Alternative 1: *No Impact* | For Alternative 2, construction and equipment-generated fugitive dust would be controlled using standard construction best management practices (BMPs), including watering of |

| Resource and Resource Type | Environmental Consequence | Environmental Protection Measures and Required Permits |
|---|---|---|
| Clean Air Act (CAA) | Alternative 2: *Minor Impact – Not Significant* | exposed surfaces and enclosing or covering stockpiled material. Adherence to State of Hawai‘i Department of Health (DOH), Clean Air Branch (CAB) air quality standards and regulations during the construction and operation of the group site would be followed. |
| Physical Resource: Climate Change | Alternative 1: *No Impact*<br><br>Alternative 2: *Negligible Impact – Not Significant* | Not applicable. |
| Water Resources: Clean Water Act (CWA) and Surface Water | Alternative 1: *No Impact*<br><br>Alternative 2: *Minor Impact – Not Significant* | For Alternative 2, use of BMPs during construction to minimize impacts would be implemented, appropriate permits would be acquired, and guidelines would be followed to minimize stormwater impacts such as installation of silt fencing around the construction site, disturbed soil would be protected with seed or sod and fill material stored on-site would be appropriately covered. A National Pollutant Discharge Elimination System (NPDES) permit and a Stormwater Pollution Prevention Plan (SWPPP) would be required for Alternative 2, and the contractor would coordinate with the DOH Clean Water Branch and Maui County prior to initiating work. |
| Water Resource: Floodplain Management (EO 11988) | Alternative 1: *No Impact*<br><br>Alternative 2: *Minor Impact – Not Significant* | Not applicable. |
| Water Resource: Protection of Wetlands (EO 11990) | Alternative 1: *No Impact*<br><br>Alternative 2: *Negligible Impact – Not Significant* | Not applicable. |

| Resource and Resource Type | Environmental Consequence | Environmental Protection Measures and Required Permits |
|---|---|---|
| Water Resource: Coastal Zone Management Act (CZMA) | Alternative 1: *No Impact*<br><br>Alternative 2: *Negligible Impact – Not Significant* | In a Hawai‘i Office of Planning and Development, Coastal Zone Management (CZM) program response letter dated February 20, 2024, the Hawai‘i CZM program acknowledged receipt of FEMA’s negative determination, as described by 15 CFR §930 with regulations on federal consistency. |
| Water Resource: Drinking Water and Groundwater | Alternative 1: *Negligible Impact – Not Significant*<br><br>Alternative 2: *Negligible Impact – Not Significant* | For Alternative 2, any potential hazardous materials used, and hazardous wastes generated during construction would be managed in accordance with applicable environmental compliance regulations to prevent releases to groundwater. |
| Biological Resource: Fish and Wildlife | Alternative 1: *No Impact*<br><br>Alternative 2: *Minor Impact – Not Significant* | Under Alternative 2, the conditions identified in Section 5.3 would be applied regarding Endangered Species Act (ESA) compliance through programmatic informal consultation with the U.S. Fish and Wildlife Service (USFWS). |
| Biological Resource: Vegetation | Alternative 1: *Minor Impact – Not Significant*<br><br>Alternative 2: *Minor Impact – Not Significant* | For Alternative 2, any vegetative debris generated during the construction activities would require authorization from HI Department of Health (DOH) for staging and disposal activities. |
| Biological Resource: Threatened and Endangered Species | Alternative 1: *No Impact*<br><br>Alternative 2: *No Impact* | Under Alternative 2, the conditions identified in Section 5.3 would be applied regarding Endangered Species Act (ESA) compliance through consultation with the U.S. Fish and Wildlife Service (USFWS). |
| Biological Resource: Migratory Bird Treaty Act (MBTA) | Alternative 1: *No Impact*<br><br>Alternative 2: *Minor Impact – Not Significant* | Not applicable. |
| Biological Resource: Magnusson-Stevens Fisheries | Alternative 1: *No Impact* | Not applicable. |

| Resource and Resource Type | Environmental Consequence | Environmental Protection Measures and Required Permits |
|---|---|---|
| Conservation Act (MSA) | Alternative 2: *No Impact* | |
| Cultural Resource: Historic and Archaeological Resources | Alternative 1: *No Impact; No Historic Properties Affected*<br><br>Alternative 2: *No Impact; No Historic Properties Affected* | Under Alternative 2, the conditions identified in Section 5.4 would be applied regarding National Historic Preservation Act (NHPA) compliance with State Historic Preservation District (SHPD) and Native Hawaiian Organizations (NHOs). |
| Socioeconomic Resource: Land Use | Alternative 1: *No Impact*<br><br>Alternative 2: *No Impact* | Not applicable. |
| Socioeconomic Resource: Noise | Alternative 1: *No Impact*<br><br>Alternative 2: *Minor Impact – Not Significant* | For Alternative 2, the Governor's Emergency Proclamation (EP) suspended Chapter 342F, HRS, noise pollution, to the extent necessary to respond to the emergency. If required, coordination with the Hawai'i Department of Health and the county of Maui will be conducted to determine potential requirements related to noise abatement. Noise generated from the construction activities described in Alternative 2 would be intermittent, limited during nighttime hours (if overnight construction activities are required), and only for the duration of the project activities. |
| Socioeconomic Resource: Transportation and Traffic | Alternative 1: *No Impact*<br><br>Alternative 2: *Minor Impact – Not Significant* | For Alternative 2, local and county law enforcement would be responsible for the safe flow and operation of traffic in and around the Fleming Road Group Site. All appropriate traffic signage and markings would be completed in accordance with local and state traffic law prior to the opening of the group site. Traffic would flow through an existing stoplight at the intersection of Fleming Road and Honoapi'ilani Highway to ensure safe routing. |
| Socioeconomic Resource: Hazardous | Alternative 1: *No Impact* | For Alternative 2, FEMA would require any hazardous materials discovered, generated, or used during implementation of the proposed project to be disposed of and handled in |

| Resource and Resource Type | Environmental Consequence | Environmental Protection Measures and Required Permits |
|---|---|---|
| Materials/Wastes & Solid Waste | Alternative 2: *Negligible Impact – Not Significant* | accordance with applicable state and federal regulations. Any permits, or authorizations, if required, would be obtained prior to handling and disposal. |
| Socioeconomic Resource: Occupational Health and Safety | Alternative 1: *No Impact*<br><br>Alternative 2: *Negligible Impact – Not Significant* | For Alternative 2, occupational health and safety risks would be minimized as contractors would wear and use appropriate personal protective equipment (PPE) and follow all applicable Occupational Safety and Health Administration (OSHA) standards and procedures. A health and safety plan would be developed and implemented prior to construction. Work areas would be clearly marked with appropriate signage and secured against unauthorized entry. Standard construction traffic control measures would be used to protect workers, residents, and the travelling public. |
| Socioeconomic Resource: Utilities | Alternative 1: *No Impact*<br><br>Alternative 2: *No Impact* | Not applicable. |
| Socioeconomic Resource: Environmental Justice (EO 12898), Equity, and Protection of Children | Alternative 1: *Moderate Adverse Impact – Significant*<br><br>Alternative 2: *Moderate Beneficial Impact – Significant* | Not applicable. |

The resources identified in Table 3 would not be affected by either the No Action Alternative or the Preferred Alternative because they do not exist in the project area, or the alternatives would have no effect on the resources. These resources were removed from further consideration in this draft EA.

**Table 3: Resources Not Affected and Not Considered Further**

| Resource Topic | Reason for Elimination |
|---|---|
| Wild and Scenic Rivers | According to the National Wild and Scenic Rivers System website (https://www.rivers.gov/map), accessed October 11, 2023, there are no designated wild and scenic rivers in the State of Hawai‘i; therefore, the alternatives would have no effect on wild and scenic rivers. |
| Coastal Barrier Resources Act | According to the U.S. Fish and Wildlife Service's (USFWS) Coastal Barrier Resources Systems mapper (https://fwsprimary.wim.usgs.gov/CBRSMapper-v2/), accessed October 11, 2023, there are no defined Coastal Barrier Resources System Units or Otherwise Protected Areas in the State of Hawai‘i; therefore, the alternatives would have no effect on Coastal Barrier Resources Systems. |

# 5.0 AFFECTED ENVIRONMENT AND POTENTIAL IMPACTS

## 5.1 PHYSICAL RESOURCES

### 5.1.1 GEOLOGY AND SOILS, AND FARMLAND PROTECTION POLICY ACT

The U.S. Geological Survey (USGS) Hawai‘i Division of Hydrography Bulletin 7, dated 1942, provides insight into the geology of the region in which the proposed site is situated. Maui is composed of two volcanoes, the East Maui volcano is known as Haleakala, the West Maui volcano is dissected into several high peaks, commonly called the West Maui Mountains (Stearns, H.T., 1942). The proposed site is located on the western slope of the West Maui Mountains. Elevations at the project area range from approximately 50 to 170 feet above mean sea level, gently sloping westwardly and towards the ocean. Most of the area surrounding the proposed group site has historically been cultivated in sugar cane and coffee.

According to the U.S. Department of Agriculture's (USDA) Natural Resources Conservation Service (NRCS) Web Soil Survey soil data, accessed February 09, 2024, soils underlying the subject site comprised of Wahikuli stony silty clay 3-15% percent slopes and Wahikuli very stony silty clay 3-7% slopes.

The NRCS soil map identifies the project as "prime farmland if irrigated" and "not prime farmland". Prime farmland is defined as land that has the best combination of physical and chemical characteristics for producing food, feed, forage, fiber, and oilseed crops, and is available for these uses.

The purpose of the Farmland Protection Policy Act (FPPA) is to "minimize the extent to which Federal programs contribute to the unnecessary and irreversible conversion of farmland to nonagricultural uses" (7 U.S. Code (U.S.C.) Part 4201(b)). For the purpose of FPPA, farmland includes prime farmland, unique farmland, and land of statewide or local importance. Farmland

subject to FPPA requirements does not have to be currently used for cropland. It can be forest land, pastureland, cropland, or other land, but not water or urban built-up land.

Projects are subject to FPPA requirements if they may irreversibly convert farmland to non-agricultural use and are provided assistance by a federal agency or directly undertaken by a federal agency. While the NRCS is the agency responsible for ensuring that the FPPA is implemented, the federal agency assisting or undertaking the project must complete an impact rating form to evaluate potential impacts of the project to farmland. The federal agency undertaking the project then determines whether and how to move forward, based upon an assessment of the project's impacts. Projects are subject to FPPA requirements if they may irreversibly convert farmland (directly or indirectly) to non-agricultural use and are implemented or assisted by a federal agency. However, the FPPA excludes land already developed or irreversibly converted and/or land within U.S. Census mapped urban areas.

**Alternative 1 - No Action Alternative**

Under the No Action Alternative, the development of the proposed group site would not occur. Therefore, the No Action Alternative would have no impact on geology or soils.

**Alternative 2 – Develop the Fleming Road Group Site with ATTHUs (Preferred Alternative)**

Under Alternative 2, the construction and operation of the proposed group site would disturb soils during grading, paving, and facility construction activities. However, soils in the area have been previously disturbed. Based on the review conducted, Alternative 2 would have a negligible impact on soils. The impact would not be significant.

### 5.1.2 AIR QUALITY AND CLEAN AIR ACT

The Clean Air Act (CAA) requires the U.S. Environmental Protection Agency (EPA) to establish national ambient air quality standards for certain common and widespread pollutants based on standards established under the National Ambient Air Quality Standards (NAAQS) for the following criteria pollutants: carbon monoxide, lead, nitrogen dioxide, ozone, particulate matter, and sulfur dioxide. Areas meeting the quality standards for the criteria pollutants are designated as being in attainment. Areas which do not meet the air quality standards for one of the criteria pollutants are designated as being in nonattainment for that standard. State of Hawai‘i air quality standards are either equally or more stringent than the comparable national standards. Maui County is currently classified as being in attainment for all criteria pollutants stipulated under NAAQS. Maui County has never recorded a year of being in nonattainment according to EPA's Greenbook (https://www.epa.gov/airquality/greenbook) accessed on February 9, 2024. The threshold level for a significant impact to air quality is defined as a violation of an ambient air quality standard or regulatory threshold.

**Alternative 1 - No Action Alternative**

Under the No Action Alternative, the proposed group site would not be constructed and operated. Therefore, the No Action Alternative would have no impact on air quality.

**Alternative 2 – Develop the Fleming Road Group Site with ATTHUs (Preferred Alternative)**

Under Alternative 2, the construction of the group site would generate short-term construction equipment exhaust emissions and short-term fugitive dust emissions. These air emissions would vary daily, depending on the level and type of work conducted and would be limited to the project construction period. Fugitive dust would be generated by construction vehicles and equipment operations on dirt surfaces and by wind action on stockpiled materials. Fugitive dust generated from the proposed action would consists primarily of nontoxic particulate matter and would be controlled at the sites using Best Management Practices (BMPs), including watering of exposed surfaces, using wind screens, keeping adjacent paved roads clean, and enclosing or covering stockpiled material. Based on the review conducted, Alternative 2 would have a minor adverse impact on air quality. The impact would not be significant.

### 5.1.3 CLIMATE CHANGE

"Climate change" refers to changes in the Earth's climate caused by a general warming of the atmosphere, its primary cause is emission of greenhouse gases (GHGs). Greenhouse Gases (GHGs) are emitted by both natural processes and human activities, and their accumulation in the atmosphere regulates temperature. GHGs included carbon dioxide, methane, nitrous oxide, and other compounds. There are currently no established thresholds or standards for GHGs. However, according to current guidance from the CEQ, a quantitative analysis and disclosure of GHG emissions is not warranted unless the proposed action's direct annual emissions would be greater than 25,000 metric tons of carbon dioxide equivalent.

**Alternative 1 - No Action Alternative**

Under the No Action Alternative, the site would not undergo the installation of utilities on the site, construction of gravel roadways and parking lots, placement of stone-base and concrete for trailer pads, residential parking, and associated appurtenance to facilitate approximately 169 ATTHUs on the project site. Therefore, the No Action Alternative will have no effect on greenhouse gases.

**Alternative 2 – Develop the Fleming Road Group Site with ATTHUs (Preferred Alternative)**

Under Alternative 2, the construction of the group site would generate short-term construction equipment exhaust emissions. Pollutants that would be emitted from the internal combustion engines exhaust of construction vehicles, equipment, domiciles, and resident vehicles include certain criteria pollutants, volatile organic compounds (VOCs), and certain GHGs. The EPA has estimated the average person produces approximately 9.41 metric tons (20,750 pounds) of carbon a year. Factors such as how much the individual drives, their car's milage-per-gallon, the home's average temperature, energy sources, and waste all contribute to this estimate. With the estimated 423 occupants of the proposed group site (averaging 2.5 occupants per ATTHU), the group site is expected to produce approximately 3,980 metric tons of carbon annually which would not exceed the 25,000 metric ton threshold. Annual construction and residential emissions are expected to be less than the federal de minims thresholds for criteria pollutants and VOCs. Construction-related GHG emissions are expected to be negligible in terms of overall quantity and within the range expected for construction and operation of a group site of this scale.

## 5.2 WATER RESOURCES

### 5.2.1 CLEAN WATER ACT AND SURFACE WATER

The Clean Water Act (CWA) of 1977, as amended, establishes the requirements for states and tribes to identify and prioritize waterbodies that do not meet water quality standards. CWA establishes the basic structure for regulating discharges of pollutants into the Waters of the U.S. (WOTUS) and regulating quality standards for surface waters. It sets forth procedures for effluent limitations, water quality standards and implementation plans, national performance standards, and point source (e.g., municipal wastewater discharges) and nonpoint source programs (e.g., stormwater).

The U.S. Army Corps of Engineers (USACE) is charged with regulating the disposal of dredged and fill materials under Section 404 of the CWA. Section 404 requires a permit before dredged or fill material may be discharged into WOTUS, including wetlands, unless the activity is exempt from Section 404 regulation (e.g., certain farming and forestry activities). Activities in WOTUS regulated under this program include fill for development, water resource projects (such as dams and levees), infrastructure development (such as highways and airports) and mining projects. Section 401 of the CWA specifies that states must certify that any activity subject to a permit issued by a Federal agency, such as a CWA Section 404 permit, meets all state water quality standards. Water quality certification is also necessary when a project qualifies for a General Permit, even if the activity does not need to be reported to the USACE. The certification process is used to determine whether an activity, as described in the Federal license or permit, would impact established site-specific water quality standards.

The National Pollutant Discharge Elimination System (NPDES) was established under Section 402 of the Clean Water Act and regulates wastewater discharges from point sources. NPDES regulations require construction sites resulting in greater than one acre of disturbance obtain a permit from the EPA, or the corresponding state agency where the permitting role has been assumed by the state. In November of 1974, EPA delegated the administration of the NPDES Permit program in Hawai‘i to the Hawai‘i State Department of Health (DOH). As part of an NPDES permit, the proponent of a project is required to prepare and implement a Stormwater Pollution Prevention Plan (SWPPP), which outlines BMPs and engineering controls to be used to prevent and minimize erosion, sedimentation, and pollution during construction.

**Alternative 1 – No Action Alternative**

Under the No Action Alternative, no construction activities would be involved. Therefore, there would be no impacts to surface waters.

**Alternative 2 – Develop the Fleming Road Group Site with ATTHUs (Preferred Alternative)**

Under Alternative 2, impacts to water quality would be expected to be minor. Appropriate BMPs would be implemented during site development to minimize sediment migration from the site into nearby surface water bodies. Surface water runoff would be mitigated through the use of siltation controls such as silt fencing or compacted berms around the construction site to minimize the erosion and runoff of materials into adjacent wetland areas and/or waterways. Any disturbed soil

would be protected with seed and straw or sod after construction to decrease the amount of soil eroded by rainfall and runoff. If fill material is stored on site, the contractor would provide appropriate cover to prevent runoff. To control storm water runoff, the contractor would be required to design drainage features so surface water flow would not cause nuisance flooding during heavy rainfall events. The NWI map identified no designated wetlands on site. The drainage system(s) would be required to meet all applicable local and county requirements. Additionally, the contractor would obtain 401 Water Quality Certification, SWPPP, and NPDES permits and/or self-certifications prior to the commencement of any work. These actions are designed to prevent any degradation of water quality as a result of silt-laden runoff from the construction site. Based on the review conducted, Alternative 2 would have minor impacts on surface waters.

### 5.2.2 FLOODPLAIN MANAGEMENT AND TSUNAMI HAZARD

Executive Order 11988, Floodplain Management (EO 11988), as implemented in 44 CFR Part 9, requires federal agencies to "avoid to the extent possible the long and short-term adverse impacts associated with the occupancy and modification of floodplains and to avoid direct or indirect support of floodplain development wherever there is a practicable alternative." The base floodplain means the 100-year floodplain (one-percent chance floodplain). Base floodplain is the same as the Special Flood Hazard Area (SFHA). The SFHA is the area covered by water in the event of a 100-year flood, which is a flood that has a 1% annual chance of being equaled or exceeded in magnitude in any given year. FEMA regulations (44 CFR Part 9.7) use the base floodplain as the minimal area for floodplain impact evaluation. The SFHAs are mapped on FEMA Flood Insurance Rate Maps (FIRMs).

Based on the current FEMA FIRM that covers the area of the proposed Fleming Road Group Site, the project is located outside of the SFHA (Appendix A). The group housing site identified on the FEMA FIRM as within Flood Zone X area of minimal flood hazard, which is defined as a low to moderate-risk area within the floodplain.

Tsunamis are large, rapidly moving ocean waves triggered by a major disturbance of the ocean flood, which is usually caused by an earthquake, a submarine landslide, or a volcanic eruption. About 50 tsunamis have been reported in the Hawaiian Islands since the early 1800's. The National Oceanic and Atmospheric Administration's (NOAA) Tsunami Zone Evacuation Map places the group site outside of the Tsunami Evacuation Zone. In the Mahinahina region the Tsunami Evacuation Zone is makai (towards the ocean) of Honoapi'ilani Highway.

**Alternative 1 – No Action Alternative**

Under the No Action Alternative, no short- or long-term impacts to water resources would occur. Therefore, the No Action Alternative will have no effect on the floodplain.

**Alternative 2 – Develop the Fleming Road Group Site with ATTHUs (Preferred Alternative)**

Based on the FEMA FIRM Panel Number 1500030361F, with an effective date of September 19, 2012, the proposed project site under Alternative 2 is located outside of the SFHA (Appendix A). The Proposed Action would have no short-or long-term impacts on floodplains. Since the Fleming

Road group site is located outside of the Tsunami Evacuation Zone, impacts from tsunamis are considered minimal.

### 5.2.3 PROTECTION OF WETLANDS (EO 11990)

Executive Order 11990, Protection of Wetlands (EO 11990), requires federal agencies to avoid, to the extent possible, the long- and short-term adverse impacts associated with the destruction or modification of wetlands, and to avoid direct or indirect support of new construction in wetlands wherever there is a practicable alternative.

**Alternative 1 - No Action Alternative**

Under the No Action Alternative, no short- or long-term impacts to wetlands would occur. Therefore, the No Action Alternative would have no impact on wetlands.

**Alternative 2 – Develop the Fleming Road Group Site with ATTHUs (Preferred Alternative)**

Under Alternative 2, no short- or long-term impacts to wetlands would be expected. According to the U.S. Fish and Wildlife Services (USFWS) National Wetlands Inventory (NWI) Map (https://fws.gov/wetlands/), accessed February 9, 2024, no designated wetlands were identified within the proposed group site area. Based on field observations and information provided within the National Wetlands Inventory map (Appendix B), Alternative 2 would not affect any wetland areas.

### 5.2.4 COASTAL ZONE MANAGEMENT ACT (CZMA)

The national Coastal Zone Management Act (CZMA) provides for the management of the nation's coastal resources. The CZMA defines the coastal zones where development must be managed to protect areas of natural resources unique to coastal regions. States are required to define the area that will comprise coastal zone and develop management plans that will protect these unique resources through enforceable policies of state Coastal Zone Management (CZM) programs. As defined in the Act, the coastal zone includes coastal waters extending to the outer limit of state submerged land title and ownership, adjacent shorelines, and land extending inward to the extent necessary to control shorelines. Federal as well as local actions must be determined to be consistent with the CZM plans and policies before they can proceed.

The CZM area encompasses the entire state. The Hawai‘i CZM program was approved as Hawai‘i Revised Statutes (HRS) Chapter 205A in 1977, under the authority of the CZMA of 1972. Key components of the program include (1) regulation of development within the Special Management Area (SMA), (2) a Shoreline Setback Area, which serves as a buffer against coastal hazards and erosion, and protects view planes, and (3) the Federal Consistency provision, which requires that federal activities, permits, and financial assistance be consistent with approved state or territory CZM programs.

Section 307, of the CZM, requires federal agency activities and development projects affecting any coastal use or resource to be undertaken in a manner consistent to the maximum extent practicable with the state's CZM program. The CZMA federal consistency provision ensures that federal agencies cannot act without regard for, or in conflict with, state policies that have been

officially incorporated into a state's CZM program. The federal consistency procedures and requirements are established in 15 CFR 930.

**Alternative 1 - No Action Alternative**

Under the No Action Alternative, no short- or long-term impacts to water resources would occur. Therefore, the No Action Alternative would have no impact on coastal resources.

**Alternative 2 – Develop the Fleming Road Group Site with ATTHUs (Preferred Alternative)**

Under Alternative 2, the construction of the Fleming Road Group Site is approximately a quarter mile from the coastline and will not involve work within the County of Maui's SMA. The Hawai'i CZM Program acknowledged receipt in a letter dated February 20, 2024 (Appendix C), of FEMA's CZMA federal consistency negative determination per 15 CFR 930.35 for the proposed group site.

Therefore, Alternative 2 would have negligible effects on coastal resources.

### 5.2.5 DRINKING WATER AND GROUNDWATER

The Safe Water Drinking Act (SWDA), passed in 1974, authorizes the EPA to set national health-based standards for drinking water to protect against both naturally occurring and man-made contaminants that may be found in drinking water. On the island of Maui, the Department of Water Supply (DWS) manages nine public water systems as defined by the State DOH under the SDWA in four districts: Central Maui, West Maui, Upcountry, and Hana. The State Commission on Water Resource Management (CWRM) has regulatory control over Maui's water resources. CWRM, through administration of the State Water Code, Chapter 174, HRS, is obligated to set policies, protect resources, define uses, establish priorities while assuring rights and uses, and establish regulatory procedures. Within designated Water Management Areas, CWRM possesses regulatory control over water withdrawals through a water use-permit process. The permit process is designed to provide better protection of freshwater resources.

The Sole Source Aquifer Program is authorized by Section 1424(e) of the SWDA. A Sole Source Aquifer (SSA) is an underground water source that has been designated by the EPA as the sole or principal source of drinking water for an area. By definition, SSA is an aquifer that supplies at least 50% of the drinking water consumed in the area overlying the aquifer. Designation of an aquifer as a SSA provides the EPA with the authority to review federal financially assisted projects planned for the area to determine their potential for contaminating the aquifer. This provides essential groundwater protection to ensure the storage, handling, or use of fertilizers, pesticides, or hazardous products do not pollute an SSA.

Federally funded projects reviewed by the EPA under the Sole Source Aquifer Program may include, but are not limited to, highway improvements and new road construction, public water supply wells, transmission lines, wastewater treatment facilities, construction projects involving disposal of storm water, and agricultural projects involving management of animal waste.

**Alternative 1 - No Action Alternative**

Under the No Action Alternative, no short- or long-term impacts to drinking water or ground water would occur. Therefore, the No Action Alternative would have negligible impacts on current drinking water or ground water.

**Alternative 2 – Develop the Fleming Road Group Site with ATTHUs (Preferred Alternative)**

According to the EPA Map of SSA locations (https://www.epa.gov/dwssa/map-sole-source-aquifer-locations , accessed October 10, 2023, no identified SSAs are located in the project area.

The West Maui watershed is composed of the mountain ridges, valleys, streams, and aquifers stretching from the top of Puʻu Kukui down to the sea (MIP 2012). The Fleming Road Group Site is located within the Hawai'i water system. The water lines will be connecting to the 12" water main along Kakaʻalaneo Drive and extended on site.

Under Alternative 2, the construction activities are not anticipated to directly impact local groundwater quality or flow. The depth of exaction and grading at the Fleming Road Group Site would not exceed a maximum of ten (10) feet for a gravity sewer and would otherwise by limited to the least extent necessary to facilitate construction and to comply with building code requirements. This depth for utilities is relatively shallow and unlikely to impact ground water resources. With the utilization of existing county utilities, the proposed site does not appear to be subject to rapid water withdrawal problems that would change the depth or character of the water table or aquifer. Hazardous materials used and hazardous wastes generated during construction would be managed in accordance with applicable environmental compliance regulations to prevent releases to groundwater.

Construction work would be done in conformance with the applicable provisions of the Hawaiʻi Administrative Rules (HAR) Chapter 11-54 Water Quality Standards and Chapter 11-55 Water Pollution Control, the erosion and sedimentation control standards and the Maui Department of Public Works guidelines. Prior to construction, coordination will be done with the CRWM, and a water use permit will be obtained for the project, if required. Based on the review conducted, Alternative 2 would have negligible impacts on groundwater.

## 5.3 BIOLOGICAL RESOURCES

### 5.3.1 FISH AND WILDLIFE

Biological resources include native or naturalized plants and animals and their habitats (e.g., wetlands, forests, and grasslands). This draft EA does not cover adverse impacts to species or habitats of concern over relatively large areas, or if disturbances cause reductions in population size or distribution. FEMA used potential physical impacts such as habitat loss, noise, and impacts to water quality to assess the effects of the Action Alternatives on biological resources.

The subject site is substantially disturbed, surrounded by family residential dwellings and other roadways. The site most likely supports little wildlife habitat and use in its current state as it was completely burnt during the 2023 Maui wildfires. Two known wildlife surveys have been

conducted on the subject site. Wildlife is likely limited to common and nuisance species including but not limited to, mongoose, domestic and feral cats, domestic dogs, mice, and rats. The site contains no aquatic resources of significance.

**Alternative 1 - No Action Alternative**

Under the No Action Alternative, the site would not undergo the installation of utilities on the site, construction of gravel roadways and parking lots, placement of stone-base and concrete for pads, residential parking, and associated appurtenance to facilitate approximately 169 ATTHUs on the project site. Therefore, the No Action Alternative will have no impacts on fish and wildlife.

**Alternative 2 – Develop the Fleming Road Group Site with ATTHUs (Preferred Alternative)**

Under the Proposed Action alternative, the site would undergo the installation of utilities on the site, construction of gravel roadways and parking lots, placement of stone-base and concrete for trailer pads, residential parking, and associated appurtenance to facilitate approximately 169 ATTHUs. While many common wildlife species would be driven away from the group site during construction and day to day operations, the occurrence of nuisance species is expected to increase modestly with the presence of food and solid waste produced by the occupants of the group site. However, the increase in activity is expected to be temporary and is anticipated to return to previous conditions once the group site is demobilized. Based on the review conducted, Alternative 2 would have a minor adverse impact on wildlife. The impact would not be significant.

### 5.3.2 VEGETATION

The subject site, as described in previous sections, was completely burnt during the 2023 Maui wildfires. The site currently consists of exposed soil and burnt barren shrubs occurring sporadically throughout the site. No wetlands or waterbodies are present within the project area.

Prior to the fire, the site has been highly disturbed as it was historically used for intensive sugar cane cultivation. Vegetation for all of Hawai‘i was mapped for the Carbon Storage of Hawai‘i project (USGS 2017). The associated geographic information system (GIS) data was used to determine the areas covered by different vegetation types in the project Area. The site is planned for future development as the Villages of Leiali‘i affordable housing project. The land was formerly cultivated with sugarcane and pineapple, it has been vacant since the closure of the Pioneer Mill in 1999. In the project Action Area and in the general project vicinity heavily disturbed cultivated agriculture was the primary type of vegetation with smaller areas of low intensity development (the roads located through the area).

**Alternative 1 - No Action Alternative**

Under the No Action Alternative, the site would not undergo the installation of utilities on the site, construction of gravel roadways and parking lots, placement of stone-base and concrete for pads, residential parking, and associated appurtenance to facilitate approximately 169 ATTHUs on the project site. If the area remains unmaintained, it could result in the introduction and colonization of invasive plant species, which typically out-compete native species in disturbed habitats. The No

Action alternative could potentially result in minor long-term adverse impacts in those areas. The impact would be negligible.

**Alternative 2 – Develop the Fleming Road Group Site with ATTHUs (Preferred Alternative)**

Under the Proposed Action alternative, the site would undergo the installation of utilities on the site, construction of gravel roadways and parking lots, installation of foundation pads, residential parking, and associated appurtenance to facilitate approximately 169 ATTHUs. The natural revegetation of the site would be severely impeded by the construction of group site and associated daily operation. Based on the review conducted, Alternative 2 would have a minor adverse effect vegetation. The impact would not be significant.

### 5.3.3 INVASIVE SPECIES

Executive Order 13112, Invasive Species (EO 13112), requires federal agencies to prevent the introduction of invasive species and provide for their control to minimize the economic, ecological, and human health impacts that invasive species cause.

**Alternative 1 - No Action Alternative**

Under the No Action Alternative, the proposed group site would not be constructed and operated. Therefore, the No Action Alternative would have no impact on threatened and endangered species or critical habitat.

**Alternative 2 – Develop the Fleming Road Group Site with ATTHUs (Preferred Alternative)**

The spread of invasive plant species due to construction activities would be prevented by following the specific biosecurity protocols that are described in Pacific Islands Fish and Wildlife Office (PIFWO) Invasive Species Biosecurity Protocols (https://www.fws.gov/media/invasive-species-biosecurity-protocols), dated April 2022. The species-specific biosecurity protocols that would apply to the geographic area of this project are those related preventing the spread of the Little Fire Ant. Refer to Appendix D for the complete description of these procedures. With implementation of these measures, there would be minor impacts on vegetation from invasive species due to construction activities. Long-term impacts from invasive species due to increased use of the roads and greater public access would result in minor impacts on native vegetation.

### 5.3.4 THREATENED AND ENDANGERED SPECIES AND CRITICAL HABITAT

The Endangered Species Act (ESA) of 1973 establishes a federal program to conserve, protect and restore threatened and endangered plants and animals and their habitats. ESA specifically charges federal agencies with the responsibility of using their authority to conserve threatened and endangered species. All federal agencies must ensure any action they authorize, fund, or carry out is not likely to jeopardize the continued existence of an endangered or threatened species or result in the destruction of critical habitat for these species.

The ESA defines the Action Area as “all areas to be affected directly or indirectly by the federal action and not merely the immediate area involved in the action” (50 CFR 402.02). Therefore, the Action Area where effects on listed species must be evaluated may be larger than the areas where

project construction activities would occur. The project Action Area used for this analysis was defined to include the greatest identified extent of potential impacts and was set at the project area.

The USFWS Information for Planning and Consultation (IPaC) system was used to identify proposed, threatened, and endangered species potentially present in the project area or in areas potentially affected by project activities. The official species list generated through IPaC. The final species list is provided in Table 5.3.4 and the species are discussed in this section. A Programmatic Informal Consultation (PIC) was developed in response to FEMA's biological evaluation and Standard Local Operating Procedures (SLOPES) for FEMA recurring Action in the Hawaiian and Pacific Islands was completed on July 27, 2021. FEMA has determined that the action is covered under this PIC for the action of providing temporary facilities and that the project has no effect (NE) or may affect but is not likely to adversely affect (NLAA) the federally listed species in Table 4; with the implementation of Service-recommended avoidance and minimization measures, the potential for adverse effects to the listed species is insignificant. The SLOPES documentation, which includes specific avoidance and minimization measures, is included in Appendix E.

Table 4. Federally Listed Species Identified by USFWS as Potentially Present or Affected by Project

| Common Name | Scientific Name | Listing Status | Impact Determination |
|---|---|---|---|
| Band-rumped Storm-petrel | *Oceanodroma castro* | Endangered | NLAA |
| Hawaiian Coot | *Fulica alai* | Endangered | NLAA |
| Hawaiian Duck | *Anas wyvilliana* | Endangered | NLAA |
| Hawaiian Goose | *Branta (=Nesochen) sandvicensis* | Endangered | NLAA |
| Hawaiian Petrel | *Pterodroma sandwichensis* | Endangered | NLAA |
| Hawaiian Stilt | *Himantopus mexicanus knudseni* | Endangered | NLAA |
| Newell's Townsend's Shearwater | *Puffinus auricularis newelli* | Endangered | NLAA |
| Green Sea Turtle | *Chelonia mydas* | Endangered | NLAA |
| Hawksbill Sea Turtle | *Eretmochelys imbricata* | Endangered | NLAA |
| Blackburn's Sphinx Moth | *Manduca blackburni* | Endangered | NE |
| Hawaiian Hoary Bat | *Lasiurus cinereus semotus* | Endangered | NE |
| ena‘ena | *Pseudognaphalium sandwicensium var. molokaiense* | Endangered | NE |
| Awiwi | *Schenkia sebaeoides* | Endangered | NE |
| Carter's Panicgrass | *Panicum fauriei var. carteri* | Endangered | NE |
| Dwarf Naupaka | *Scaevola coriacea* | Endangered | NE |
| Ihi | *Portulaca villosa* | Endangered | NE |
| Ko‘oloa‘ula | *Abutilon menziesii* | Endangered | NE |
| Ohai | *Sesbania tomentosa* | Endangered | NE |

| Common Name | Scientific Name | Listing Status | Impact Determination |
|---|---|---|---|
| Round-leaved Chaff-flower | *Achyranthes splendens var. rotundata* | Endangered | NE |
| Vigna o-wahuensis | *Vigna o-wahuensis* | Endangered | NE |

The nēnē or Hawaiian Goose (Branta (*Nesochen) sandvicensis*) is present between sea level and 7,800 feet elevation on the islands of Hawai‘i, Maui, Kaua‘i, and Moloka‘I (HDLNR 2022c). The 2017 statewide Nēnē count of individuals provided to USFWS from Hawai‘i Department of Land and Natural Resources (HDLNR) was a statewide population of 3,252 individuals comprised of 627 individuals on Maui (USFWS 2023e). On Maui Island, the species has been documented in many areas, approximately half of the population in Haleakala National Park, and the remainder distributed across areas of western Maui, southern Maui, and the northwestern slopes of Haleakala. Nēnē currently use a wide variety of habitats including coastal dune vegetation and nonnative grasslands (e.g., golf courses, pastures, rural areas), sparsely vegetated low- and high-elevation lava flows, mid-elevation native and nonnative shrubland, early successional cinderfall, cinder deserts, native alpine grasslands and shrublands, and open native and non-native alpine shrubland-woodland community interfaces (HDLNR 2022c).

The ‘alae ke‘oke‘o or Hawaiian Coot (*Fulica alai*), Koloa maoli or Hawaiian Duck (*Anas wyvilliana*), and ae‘o or Hawaiian Stilt (*Himantopus mexicanus knudseni*) are considered Hawaiian waterbirds. The Hawaiian waterbirds are currently found in a variety of natural and artificial wetland habitats with water (HDLNR 2015). The project area currently does not provide these types of suitable habitats; however, Hawaiian waterbirds may be attracted to areas of standing water that are inadvertently created during construction activities.

The ‘akē‘akē or Band rumped Storm-petrel (*Oceanodroma castro*), ‘ua‘u or Hawaiian Petrel (*Pterodroma sandwicensis*), and ‘a‘o or Newell’s Townsend’s Shearwater (*Puffinus auricularis newelli*) are considered Hawaiian seabirds. The Hawaiian seabirds may fly over the Action Area at night but are not known to nest in the project area. The Hawaiian petrel and Band-rumped storm-petrel are currently known to nest only at high elevations (USFWS 2021b, 2023b). The Newell’s Townsend’s Shearwater nests in burrows beneath ferns and tree roots in dense forest and on steep slopes and cliffs (USFWS 2023d).

The sea turtles, Honu or Green Sea Turtle (*Chelonia mydas*) and Honu ‘ea or Hawksbill Sea Turtle (*Eretmochelys imbricata*), may occur in the waters of West Maui. Green Sea Turtles are most often most often found in shallow, protected or semi-protected, water around coral reefs and coastal areas (HDLNR 2015) with appropriate habitat for foraging (feeding primarily on macroalgae and sea grasses). Hawksbill Sea Turtles are most often seen in shallow waters around reefs, bays, and inlets, primarily around the main Hawaiian Islands (HDLNR 2015). Hawksbill Sea Turtles often forage in coral reef ecosystems (Gaos et al. 2021). They are omnivorous and eat marine algae, corals, mollusks, tunicates, crustaceans, sea urchins, small fish, and jellyfish, but their preferred food in many areas is sea sponges (USFWS 2023c).

The e‘ōpe‘ape‘a or Hawaiian Hoary Bat (*Lasiurus cinereus semotus*) is a solitary, tree-roosting bat. It occurs on all of the major Hawaiian Islands; however, population numbers on the islands are unknown (USFWS 2021a). Hawaiian Hoary Bats roost in native and non-native vegetation

from three (3) to twenty-nine (29) feet above ground level (HDLNR 2015). In most locations where acoustic monitoring has been conducted, Hawaiian hoary bats have been present at some point during the year, including in urban, semiurban, and agricultural areas (USFWS 2021a).

The Blackburn's sphinx moth (*Manduca blackburni*) is an endemic moth that primarily occurs in coastal, lowland, and dry forests in areas receiving less than 127 centimeters (50 inches) of rain per year according to historical records (HDLNR 2015). It is known from the islands of Maui, Kahoʻolawe, and Hawaiʻi. The current Blackburn's sphinx moth range is now based on the presence of the invasive host tree tobacco (*Nicotiana glauca*; USFWS 2023h).

Based on current site conditions, no listed plants are expected to occur within the project area.

**Alternative 1 - No Action Alternative**

Under the No Action Alternative, the proposed group site would not be constructed and operated. Therefore, the No Action Alternative would have no impact on threatened and endangered species or critical habitat.

**Alternative 2 – Develop the Fleming Road Group Site with ATTHUs (Preferred Alternative)**

A total of nine (9) threatened or endangered species were identified by USFWS as having the potential to be affected by the proposed action. A search of the USFWS Critical Habitat online mapper (http://ecos.fws.gov/ecp/report/table/critical-habitat.html), accessed January 31, 2024, identified no designated critical habitats are located within the proposed project area. This Section summarizes the evaluation for potential impacts to each of these species.

BMPs and species-specific Avoidance and Minimization Measures (AMMs) will be implemented for the Proposed Action by the FEMA contractors. The General BMPs and species-specific AMMs (see Appendix F) are drawn from the USFWS PIFWO's July 27, 2021, PIC with FEMA for the Hawaiian and Pacific Islands. The implementation of BMPs and AMMs including general conditions and project- and species-specific conditions will reduce the potential for direct and indirect impacts. Indirect potential impacts that may occur to these species due to invasive species would be avoided or minimized by the procedures described previously in Section 5.3.3 (Invasive Species).

**Nēnē or Hawaiian Goose**

Nēnē use a wide variety of generally open habitats dominated by grasses or shrubs for foraging and nesting. Although there is no potentially favorable foraging and nesting habitat for the species in the Action Area, based on information from USFWS the species may be located near the Action Area; Nēnē are strong flyers and could fly to the area from known populations. If they were present, they could be temporarily disturbed by project construction activities.

To avoid and minimize any potential impacts on the Nēnē, the following specific avoidance measures would be implemented:

- Do not approach, feed, or disturb nēnē.

- If nēnē are observed loafing or foraging within the project area during the breeding season (September through April), have a biologist familiar with nēnē nesting behavior survey for nests in and around the project area prior to the resumption of any work. Repeat surveys after any subsequent delay of work of 3 or more days (during which the birds may attempt to nest).
- Cease all work immediately and contact the Service for further guidance if a nest is discovered within a radius of 150 feet of proposed project, or a previously undiscovered nest is found within the 150-foot radius after work begins.
- In areas where nēnē are known to be present, post and implement reduced speed limits, and inform project personnel and contractors about the presence of endangered species on-site.
- During construction activities, an on-site biological monitor will be present each morning to conduct start of day survey for species presence.
    - If Nene are observed as a result of the survey, the biologist will remain on site to observe the species until they depart the area.
    - If Nene are observed on site, the biologist will photograph and document the presence of the individual(s), if possible, for banded birds and provide confirmation of banded foot, band color, writing color, writing on band, via high resolution photo.
- Ensure all loose and/or staged materials are sufficiently anchored to prevent wind-blown materials from injuring birds.
- Install signage throughout construction area alerting construction crews on site of potential presence of Nene, and avoidance requirements.

With implementation of the proposed BMPs and AMMs, FEMA has determined that the Proposed Action may affect, but is not likely to adversely affect the Nēnē.

**Hawaiian Waterbirds other than the Nēnē**

The Hawaiian waterbirds are currently found in a variety of wetland habitats. The project area currently does not provide these types of suitable habitats. However, Hawaiian waterbirds may be attracted to areas of standing water that are inadvertently created during construction activities.

To avoid and minimize any potential impacts on the Hawaiian Waterbirds other than the Nēnē, the following specific avoidance measures would be implemented:

- In areas where waterbirds are known to be present, post and implement reduced speed limits, and inform project personnel and contractors about the presence of endangered species on-site.
- Have a biological monitor that is familiar with the species' biology conduct Hawaiian waterbird nest surveys where appropriate habitat occurs within the vicinity of the proposed project site prior to project initiation. Repeat surveys again within 3 days of project initiation and after any subsequent delay of work of 3 or more days (during which the birds may attempt to nest). If a nest or active brood is found:
    - Contact the Service within 48 hours for further guidance.

- Establish and maintain a 100-foot buffer around all active nests and/or broods until the chicks/ducklings have fledged. Do not conduct potentially disruptive activities or habitat alteration within this buffer.
- Have a biological monitor that is familiar with the species' biology present on the project site during all construction or earth moving activities until the chicks/ducklings fledge to ensure that Hawaiian waterbirds and nests are not adversely impacted.

FEMA has determined that with implementation of all the avoidance and minimization measures, the Proposed Project may affect, but is not likely to adversely affect the Hawaiian Coot (*Fulica alai*), Hawaiian Duck (*Anas wyvilliana*), and Hawaiian Stilt (*Himantopus mexicanus knudseni*).

**Hawaiian Seabirds**

The three seabirds that may potentially fly over the project area are Hawaiian petrel (*Pterodroma sandwicensis*), Band-rumped storm-petrel (*Oceanodroma castro*), and Newell's Townsend's shearwater (*Puffinus auricularis newelli*). These birds are subject to fallout that can occur when young birds fledge and leave their nest for the first time (and sometimes also includes adults). They normally use natural lighting such as moonlight to navigate out to sea to feed but can become disoriented by artificial lighting such as might occur during night-time construction or with installation of improper permanent lighting. They might then either circle lights or collide with structures, and then fall to the ground due to exhaustion or injury from collision and then also become vulnerable to predators or be hit by vehicles.

To avoid and minimize any potential impacts on the Hawaiian Seabirds, the following specific avoidance measures would be implemented:

- Fully shield all outdoor lights so the bulb can only be seen from below.
- Install automatic motion sensor switches and controls on all outdoor lights or turn off lights when human activity is not occurring in the lighted area.
- Where fences extend above vegetation, integrate three strands of polytape into the fence to increase visibility.
- Avoid nighttime construction during the seabird fledging period, September 15 through December 15

The Hawaiian seabirds may fly over the Action Area at night. Based on the unlikely potential for the Hawaiian seabirds to occur in the Action area due to the lack of suitable habitat and with the implementation of the proposed BMPs and AMMs, FEMA has determined that the Proposed Action may affect, but is not likely to adversely affect the Newell's Townsend's Shearwater (*Puffinus auricularis newelli*), Band-rumped Storm-petrel (*Oceanodroma castro*), and Hawaiian Petrel (*Pterodroma sandwicensis*).

**Sea Turtles**

Green Sea Turtles are most often most often found in shallow, protected or semi-protected, water around coral reefs and coastal areas. Hawksbill Sea Turtles are most often seen in shallow waters around reefs, bays, and inlets. Sea turtles have been frequently sighted along the Kaanapali

coastline; the project area is approximately .28 miles from the boast. The project area does not provide suitable habitat; however, sea turtles could be affected by outdoor lighting. Hatchling sea turtles orient to the sea using a sophisticated suite of cues primarily associated with ambient light levels. Hatchlings become disoriented and misdirected in the presence of artificial lights behind (landward of) their hatching site. These lights cause the hatchlings to orient inland, whereupon they fall prey to predators, are crushed by passing cars, or die of exhaustion or exposure in the morning sun. Nesting adults are also sensitive to light and can become disoriented after nesting, heading inland and then dying in the heat of the next morning, far from the sea (USFWS 1998).

To avoid and minimize any potential impacts on the sea turtles, the following specific avoidance measures would be implemented:

- Avoid nighttime work during the nesting and hatching season (May 1 to December 31) for Hawaii.
- Minimize the use of lighting on or near beaches and shield all project-related lights so the light is not visible from any beach.
    - If lights can't be fully shielded or if headlights must be used, fully enclose the light source with light filtering tape or filters.
- Incorporate design measures into the construction or operation of buildings adjacent to the beach to reduce ambient outdoor lighting such as:
    - tinting or using automatic window shades for exterior windows that face the beach;
    - reducing the height of exterior lighting to below 3 feet and pointed downward or away from the beach; and
    - minimize light intensity to the lowest level feasible and, when possible, include timers and motion sensors.

With the implementation of the proposed BMPs and AMMs, FEMA has determined that the Proposed Action may affect, but is not likely to adversely affect the Hawksbill Sea Turtle (*Eretmochelys imbricata* and the Green Sea Turtle (*Chelonia mydas*).

**Hawaiian Hoary Bat**

Hawaiian Hoary Bats roost in native and non-native vegetation from three (3) to twenty-nine (29) feet above ground level, they have been found roosting in ʻōhiʻa, pū hala, coconut palms, macadamia, kukui, kiawe, avocado, shower trees, pukiawe, and fern clumps; they are suspected to roost in eucalyptus and sugi pine stands. The species forage in a variety of both open and more densely vegetated habitats, including open fields, over the open ocean (in bays near shore), over lava flows, and at streams and ponds, from 1 m to over 150 m above the ground or water. Based on the lack of suitable roosting or foraging habitat, the species is not expected to occur in the other project Action Area; therefore, there would be no impacts on this species.

**Blackburn's Sphinx Moth**

The majority of the current Blackburn's Sphinx Moth range is now based on the presence of its host invasive tree tobacco (*Nicotiana glauca*). Based on the lack of suitable habitat and no reports

of the tree tobacco host in the area, the species is not expected to occur in the other project Action Area; therefore, there would be no impacts on this species.

**Alternative 2 Conclusion**

Based on the review conducted, Alternative 2 would have minor short-term adverse impacts on Waterbirds (Hawaiian Coot, Hawaiian Duck, Hawaiian Goose and Hawaiian Stilt), Hawaiian Seabirds (Band-rumped storm-petrel, Hawaiian Petrel, and Newell's Townsend's shearwater), and Sea Turtles (Green Sea turtle and hawksbill sea turtle). The project impacts are discountable. There would be no impact on the Blackburn Sphinx Moth, the Hawaiian Hoary Bat, and critical habitat.

### 5.3.5 MIGRATORY BIRD TREATY ACT (MBTA)

The MBTA of 1918, as amended (16 U.S.C. 703–712), provides protection for migratory birds and their nests, eggs, and body parts. It prohibits harm, possession, sale, or other injurious actions, except under the terms of a valid permit issued pursuant to federal regulations. Under current interpretation this includes incidental as well as intentional harm. All migratory native birds are protected by the MBTA, and this includes native Hawaiian species potentially present in the project area. Existing habitat in the project area has the potential to support bird species protected by the MBTA as described in the following discussion.

The project area is not mapped as a Region of Conservation Importance under the Birdlife International Important Bird Area designations. The nearest Important Bird Area is Haleakala, located within the Haleakala National Park (Birdlife International 2023), approximately 17.1 miles away from the project area. The entire state of Hawai‘i is considered a flyway zone for migratory birds. According to the USFWS IPaC database accessed on January 31, 2024, 5 migratory bird species were identified as being potentially present within the project area and have a designated breeding season which could occur within the project vicinity. They are listed as USFWS Birds of Conservation Concern, which are a set of species that have been determined to warrant special attention, these include the following six species:

- 'Apapane (Himatione sanguinea), breeds December 1 to July 31
- Hawai'i 'amakihi (Hemignathus virens), breeds November 15 to August 15
- Maui 'alauahio (Paroreomyza montana), breeds April 1 to August 31
- Black Noddy (Anous minutus melanogenys), breeds April 1 to November 30
- Red-tailed Tropicbird (Phaethon rubricauda melanorhynchos), breeds December 1 to October 31

The first three listed are native forest birds ('Apapane, Hawai'i 'amakihi, and the Maui 'alauahio). The 'Apapane occurs in mesic and wet forests ‘ōhi‘a (*Metrosideros polymorpha*) and koa (*Acacia koa*), primarily at elevations greater than 4,100 feet (HDLNR 2015). The Hawai'i 'amakihi occurs between 1,000 – 9,500 feet on Hawai‘i, Maui and Moloka‘i. On Maui, they are common in subalpine dry communities dominated by ‘ōhi‘a, māmane, pūkiawe (*Styphelia tamieameiae*) and ‘a‘ali‘i (*Dodonea viscosa*). The Maui 'alauahio occurs on the slopes of Haleakalā, at elevations greater 3,000 feet primary in wet and mesic montane forests dominated by ‘ōhi‘a.

The last two listed are seabirds (Black Noddy and Red-tailed Tropicbird), that occur primarily close to the coastline. The Black Noddy forages in nearshore waters and feeds mainly on a variety of fish, breeds on oceanic and offshore islands, nests on ledges and in crevices of coastal cliffs, in sea caves, and in ironwood trees (HDLNR 2015). The Red-tailed tropicbird breeds mainly on oceanic islands and coral atolls with shrubs, nests on the ground in places such as under vegetation or in cliff crevices, and their diet is mainly comprised of a variety of fish and squid (HDLNR 2015).

**Alternative 1 – No Action Alternative**

Alternative 1 would not involve any construction activities. Therefore, no potential effects or take would occur. There will be no destruction or adverse modification of the surrounding habitat. The No Action Alternative would have no impact on migratory birds or associated habitat.

**Alternative 2 – Develop the Fleming Road Group Site with ATTHUs (Preferred Alternative)**

Under Alternative 2, minor short-term impacts to species within the project area could potentially occur due to construction activities. The habitat is unsuitable for Hawai‘i’s native forest birds (Apapane, Hawai‘i amakihi, and the Maui alauahio) that are presently restricted to good quality native forests at higher elevations, beyond the range of mosquitoes that are carriers of lethal avian diseases for which these native birds have almost no resistance. The seabirds (Black Noddy and Red-tailed Tropicbird) occur along the coast away from the project area and may nest in sea cliffs. Given their breeding location and diet, there would be no impact from project actions.

Based on the unlikely potential for the birds to occur in the project area, and the implementation of the AMMs for Hawaiian Birds described in Section 5.3.4, the take of a migratory bird species is not anticipated with this alternative. Alternative 2 would have no impact on migratory birds or associated habitat.

### 5.3.6 MAGNUSON-STEVENS FISHERY CONSERVATION AND MANAGEMENT ACT (MSA)

The MSA is the primary law governing marine fisheries management in U.S. federal waters and is meant to foster long-term biological and economic sustainability of our nation’s marine fisheries. Key objectives of the MSA are to prevent overfishing, rebuild overfished stocks, increase long-term economic and social benefits, and ensure a safe and sustainable supply of seafood. The National Oceanic and Atmospheric Administration (NOAA) Essential Fish Habitat (EFH) Mapper online tool can be used to determine designated EFH for species. No EFH are expected to be impacted by any of the proposed project alternatives as the work would be completed outside of the water. Additionally, no salt marshes or seagrass habitats are located near the project areas.

**Alternative 1 – No Action Alternative**

Alternative 1 would not involve any construction activities; further, there are no waterbodies at or near the project location. Therefore, there would be no impact on fisheries or breeding habitat.

**Alternative 2 – Develop the Fleming Road Group Site with ATTHUs (Preferred Alternative)**

The project area for Alternative 2 is not located in or near any waterbodies and is not near or in EFH; therefore, there would be no impact on fisheries or breeding habitat.

## 5.4 CULTURAL RESOURCES

### 5.4.1 HISTORIC AND ARCHEOLOGICAL RESOURCES

The consideration of impacts to historic and cultural resources is mandated under Section 101(b)(4) of the NEPA. Consideration of effects to historic properties as a result of Federal Undertakings is also mandated by Section 106 of the National Historic Preservation Act (NHPA) as implemented by 36 CFR Part 800. In addition, providing Direct Temporary Housing Assistance in the form of constructing Group Sites meets the definition of a Federal Undertaking pursuant to Title 36 Code of Federal Regulations Part 800. Accordingly, FEMA is required to comply with Section 106 of the NHPA.

Cultural resources include historic architectural properties (including buildings, structures, and objects), prehistoric and archaeological sites, historic districts, designed landscapes, and traditional cultural properties.

The NHPA created the National Register of Historic Places (NRHP) and criteria to determine if cultural resources are eligible for listing in the NRHP. The NHPA defines historic properties as any prehistoric or historic district, site, building, structure, or object that is listed in, or eligible for listing in, the NRHP (36 CFR 800.16). When NRHP-eligible properties are present, federal agencies must assess the effect of the Federal Undertaking on them and consider ways to avoid, minimize, or mitigate potential adverse effects. The area of potential effect (APE) for cultural resources is limited to the area within which all construction and ground-disturbing activities would be confined and the viewshed (or the visual impact) of the proposed project.

FEMA initiated Section 106 review for the Federal Undertaking in accordance with the Programmatic Agreement currently in effect with *Federal Emergency Management Agency (FEMA) of the U.S. Department of Homeland Security, the Hawai'i State Historic Preservation Officer (SHPO), the Office of Hawaiian Affairs (OHA), Hawai'i Emergency Management Agency (HI-EMA), and the Advisory Council on Historic Preservation (ACHP)* (Agreement), executed in 2016, as extended through amendment in 2023. (Agreement).

**Alternative 1 - No Action Alternative**

Under the No Action Alternative, there would be no Federal Undertaking; therefore, the No Action Alternative would have no impact on historic properties.

**Alternative 2 – Develop the Fleming Road Group Site with ATTHUs (Preferred Alternative)**

FEMA has determined that that the Area of Potential Effects (APE) for the proposed Undertaking includes all areas of potential ground disturbance within the perimeter of the proposed site necessary for the preparation of the individual ATTHU pads, including subgrade utilities, access

routes, parking locations, lighting, and a perimeter fence, as well as all locations identified for utility upgrades required for the location to operate. Due to the nature of this undertaking, the APE has not been expanded to include and indirect APE including viewshed as the use of this location for a survivor housing site is temporary.

The APE and area surrounding the APE has been subject to a multitude of previously completed archaeological surveys and studies, including surveys completed at the Fleming Road location specifically in support of residential site development including:

> *Archaeological Survey and Cultural Impact Assessment Villages of Leiali'i (PhasesA and B) Master Planning Project Land of Wahikuli, District, Island of Maui (TMK:4-5-021:003, por.004, 018-021, por.022; 4-5-036:001-111).* Paul H. Rosendahl, Ph.D., Inc., Hilo. (Corbin & Rosendahl, 2008);
>
> *Land of Pioneer Mill Company: Archaeological Inventory Survey Report Pioneer Mill Company, Ltd. Sugar Enterprise Lands, Site No. 50-50-03-4420, Villages of Leiali'i Project, Lahaina, Maui, Hawai i*. International Archaeological Research Institute, Inc., Honolulu. (Goodwin and Leineweber, 1997);
>
> *Archaeological Inventory Survey, Lahaina, Master Planned Project Site Land of Wahikuli, Lahaina District, Island of Maui*. Paul H. Rosendahl, Ph.D., Inc., Hilo. (Jensen, 1989).

More recently, a study was conducted for the portion of property located immediately south of the Leiali'i location: *Archaeological Inventory Survey for Kaiaulu O Kuku'ia Apartment Project at the Villages of Leiali'i, Wahikuli and Loali'i Ahupua'a, Lahaina District, Islante of Maui, Hawai'i [portions of TMK: (2) 4-5-021:041, 021, 026, and 027, 4-5-011:011, 4-5-035:037]* (Lee and Dega, 2021).

Additionaly, FEMA has reviewed the information available within the Hawai`i Cultural Resource Information System (HICRIS), and conducted a records search of the National Register of Historic Places.

No historic properties were identified within the APE of the Undertaking, as a result of any of the completed surveys, however during the Lee and Dega (2021) survey of the adjacent property, multiple post-contact clearing mounds (SIHP 50-50-03-04420) were documented directly south of the APE, however they were removed during development of that site for affordable housing. Seventeed additional historic properties have been recorded within 1,000 meters of the APE, however none will be affected as a result of the Undertaking (Table 1).

The Fleming Road location is in an area that has been extensively farmed for sugarcane until the area began to shift to tourism in the 1950's. The location was impacted by the wildifires in August, 2023, and vegetative coverage across the site was burned, leaving surface soils exposed. A site visit was conducted in December 2023, by the USACE, to document current site conditions. During the inspection it was observed that grass and low shrub vegetation had been burned to the ground, leaving the location free from vegetation.

Consultation with the State Historic Preservation Division (SHPD), the OHA, and Native Hawaiian Organizations (NHOs) was initiated on February 5, 2024 for Alternative 2 (See Appendix G). FEMA is required to consult with NHOs in a manner appropriate to the scale of the Undertaking and therefore provided documentation to NHOs who may have knowledge of cultural resources in the project area or who may have other concerns about the Undertaking concurrently with documentation provided to the SHPD.

FEMA determined that there are no historic properties as defined in 36 CFR 800.16(l) within the APE and finds the Undertaking would result in **No Historic Properties Affected** and initiated Standard Project Review in accordance with Stipulation II.C. of the Agreement.

Despite the fact that no historic properties were identified within the APE as a result of the 2003 AIS, and that the area itself has been extensively disturbed as a result of decades of agricultural practices, due to the high consolidation of historic properties within close proximity of the APE, FEMA will require an archaeological monitor who meets the Secretary of the Interior's Professional Qualifications Standards for that discipline, and be based in Hawai'i, be on site during all ground disturbing activities, and ensure that appropriate avoidance measures are applied in regard to the previously recorded archaeological sites. Additionally, FEMA would condition its approval of the Fleming Road location for temporary housing based on the condition that in the event of an inadvertent discovery, the process outlined in in Stipulation III.B. of the Agreement would be followed.

No comments were received from the OHA or the NHOs, although confirmation of receipt was provided to FEMA by two of the NHOs contacted. By letter dated February 20, 2024, the SHPD concurred with FEMA's determination of No Historic Properties Affected, as well as with FEMA's recommendation of archaeological monitoring during ground disturbing work and provided archaeological monitoring conventions to be implemented during construction activities.

## 5.5 SOCIOECONOMIC RESOURCES

### 5.5.1 LAND USE

Local regulatory bodies, such as municipalities or counties, utilize zoning as a planning tool for controlling and regulating the function of real estate markets within their jurisdiction. This is typically achieved by dividing land into sections within a jurisdiction and limiting land uses based on categories dictated by a regulatory body. Examples of these categories include residential, commercial, industrial, agricultural, etc. Through zoning, local regulatory authorities, and city planners, can dictate the particular use, layout, and permitting of cities to control present use and plan future development. In most cases, the development of comprehensive plans through a public participation process, as approved by publicly elected officials, will capture local values and attitudes of planning and future development. Zoning ordinances and land use regulations vary throughout the United States.

In December 2012, the County of Maui adopted the Maui Island Plan (MIP) which establishes goals, objectives, policies and actions to direct growth and development on Maui through the year 2030. The MIP was based upon a comprehensive analysis of population growth, economic conditions, development capacity of existing entitled lands, and extensive community outreach.

To guide development of future urban lands, the MIP sets forth policies requiring higher urban densities, a greater balance between single- and multi-family housing types, mixed-use development, vehicular and pedestrian connectivity between land uses, and the incorporation of parks, schools, open space and affordable housing into future developments. The MIP established the Lahaina Town North Planned Growth Area, which is intended to be compact, and contain a mix of uses, including single-family and multifamily housing units. The Directed Growth Plan places a portion of the future development of the Villages of Leialiʻi into the urban growth boundaries.

The 2022 West Maui Community Plan recognizes the Villages of Leialiʻi as an approved major master planned affordable housing development planned by the State Housing Finance Development and Corporation.

The group site project area is undeveloped. The site was reclassified from Agricultural District into Urban District for the development of the Villages of Leialiʻi in Docket No. A89-652 and approved the State Land Use Committee on May 18, 1990. The proposed temporary housing site is situated where future residential development is expected.

**Alternative 1 - No Action Alternative**

Under the No Action Alternative, no disruption or displacement of an existing or planned land use is anticipated. Therefore, the No Action Alternative will have no impact on land use.

**Alternative 2 – Develop the Fleming Road Group Site with ATTHUs (Preferred Alternative)**

Under Alternative 2, the development of the Fleming Road Group Site would be within the Urban Growth Boundaries of the MIP and in the growth plan of the 2022 West Maui Community Plan. No disruption or displacement of an existing or planned land use is anticipated. Alternative 2 would have no impact on Maui County land use.

### 5.5.2 NOISE

The Noise Control Act was enacted in 1972 (PL 92-574). Inadequately controlled noise presents a growing danger to the health and welfare of the nation's population. The major sources of noise include transportation vehicles and equipment; machinery; appliances; and other products in commerce, climate, or recreation. Sounds that disrupt normal activities or otherwise diminish the quality of the environment are designated as noise. Noise can be stationary or transient, intermittent or continuous.

Noise in this review is generally categorized as excessive or unwanted sound. The effects of noise on humans include but are not limited to, annoyance, sleep disturbance, and adverse health effects. In animals, high noise can interfere with communication, reproduction, identifying potential prey or food sources, and induce fear, forcing species to abandon their habitat. In general, animals and humans are stressed by excessively noisy environments.

Hawai’i Act 147, passed by the 1970 State Legislature, and approved by the Governor, authorized the DOH to control excessive noise in Hawaiʻi. This act authorized the department to promulgate

rules for each county to control all sources of noise. According to HRS Chapter 342F, the director shall prevent, control, and abate noise pollution in the state. HAR 11-46, statewide rules on Community Noise Control, were subsequently developed and adopted in 1996. Sound levels are measured in decibels (dBA). Per this ordinance, noise in residentially zoned single-family home areas cannot exceed 55 dBA between the hours of 0700 and 2200 and 45 dBA between the hours of 2200 and 0700. For multi-family homes, business, and commercial areas, noise limits are 60 dBA during the day and 50 dBA during the night. In cases where construction noise is expected to exceed the Hawai‘i DOH "maximum permissible" property line noise levels, a permit may be required to allow the operation of construction equipment. The department may require additional noise mitigation such as temporary noise barriers, or time of day usage limits for certain kinds of construction activities. Based on the data presented in the EPA publication, “Noise from Construction Equipment and Operations, Building Equipment, and Home Appliances” (EPA, 1971), the main phases of outdoor construction typically generate noise levels that range from 78 dBA to 89 dBA, approximately 50 feet from the construction site. Noise Levels are estimated to decrease by approximately 6 dBA with every doubling of distance from a noise source. Dominant noise sources in the group site area include traffic on Honoapi‘ilani Highway and aircraft noise from West Maui Airport to the north of the project site.

**Alternative 1 – No Action Alternative**

Under the No Action Alternative, the site would not undergo the installation of utilities on the site, construction of gravel roadways and parking lots, placement of stone-base and concrete for trailer pads, residential parking, and associated appurtenance to facilitate approximately 169 ATTHUs. Therefore, the No Action Alternative will have no impact on noise.

**Alternative 2 – Develop the Fleming Road Group Site with ATTHUs (Preferred Alternative)**

Under Alternative 2, the construction of the group site would generate short-term construction equipment noise, and the long-term noise associated with daily activities of group site residents. A temporary increase of ambient noise levels in and around the construction of the group site is expected. Construction noise may impact existing adjacent properties, such as the homes and businesses adjacent to Honoapi‘ilani Highway. Based on the construction equipment that would be used, such as excavators and dump trucks, the approximate noise is anticipated to be 85 dBA at a reference distance of 50 feet from the equipment (FHWA reports inventory, 2006). The nearest, undamaged, residential property is approximately 0.15 miles southeast of the project area, and it would receive an estimated construction related noise of approximately 60 dBA. Noise generated from construction would be intermittent, and only for the duration of the construction activities. Group site resident noise is not expected to exceed the limit set by the state. The Governor of Hawai‘i has issued an Emergency Proclamation (EP) relating to the wildfires which suspended Chapter 342F, HRS, noise pollution, to the extent necessary to respond to the emergency. If required, coordination with the Hawai’i Department of Health and the county of Maui will be conducted to determine potential requirements related to noise abatement.

Based on the review conducted, Alternative 2 would have minor short-term adverse impact on local noise. The impact would not be significant.

### 5.5.3 TRANSPORTATION AND TRAFFIC

The Hawai‘i Department of Transportation (HDOT) is the jurisdictional authority for traffic and transportation in the state of Hawai‘i. HAR Title 19 sets forth the legal structure and general description of HDOT. The mission of the Highways Division is to maximize available resources to provide a safe, efficient, accessible and sustainable State Highway System that ensures the mobility of people and goods and supports economic vitality and livability.

The Maui County Department of Transportation (DOT) works with local, State, and Federal partners to enhance the roadways throughout the region. Maui County DOT is responsible for planning and implementation of all modes of transportation in Maui County, including those in the air and those on water and land; planning and developing an efficient program to facilitate the rapid, safe, and economical movement of people and goods in Maui County; and coordinating Maui County's transportation programs with other county departments and with agencies of the state and federal government. providing safe and efficient transportation and stormwater systems for the residents of Maui County.

The proposed Fleming Road Group Site is adjacent to Lahaina Town, located near the State-owned Honoapi‘ilani Highway which could be accessed from Fleming Road. The Honoapi‘ilani Highway is a north-south oriented, two-way, two-lane, undivided arterial, beginning at the continuation of South High Street in Wailuku, continues south through Waikapu, Maalaea, wraps around towards West Maui and terminates at the Honokohau Bay where it continues as the Kahekili Highway.

**Alternative 1 – No Action Alternative**

Under the No Action Alternative, the site would not undergo the installation of utilities on the site, construction of gravel roadways and parking lots, placement of stone-base and concrete for pads, residential parking, and associated appurtenance to facilitate approximately 169 ATTHUs on the project site. Therefore, the No Action Alternative would have no impact to transportation and traffic.

**Alternative 2 – Develop the Fleming Road Group Site with ATTHUs (Preferred Alternative)**

Under Alternative 2, the proposed action would result in the installation of approximately 169 ATTHUs. Construction-related traffic volume in the vicinity of the proposed group site is expected to temporarily increase. Primary access to the site would be from Fleming Road that connects to the northwest portion of the site. Fleming Road has an existing stop light system on Honoapi‘ilani Highway. Additionally, construction access may be obtained by an existing roadway that runs parallel to the western side of the property and connects to Keawe Street.

All reasonable precautions to control site access will be taken during construction. All activities would be conducted in a safe manner in accordance with Occupational Safety and Health Administration (OSHA) work zone traffic safety requirements. The appropriate signage will be posted, and fencing installed to minimize potential adverse public safety concerns. Appropriate signage and barriers will be in place prior to construction activities in order to alert pedestrians

and motorists of project activities and traffic pattern changes. Traffic impacts from construction activities would be considered minor. The HDOT and County will be coordinated with in the planning and construction of this group site, to establish appropriate traffic safety measures and management protocols for the area. This site has been approved by the County for this temporary housing use. The proposed action would include parking access for each ATTHU, and a lack of safe parking access is not anticipated. Based on the review conducted, Alternative 2 is expected to have a minor adverse impact to transportation and traffic. This impact would not be significant.

### 5.5.4 HAZARDOUS MATERIALS AND SOLID WASTES

Hazardous materials are declared hazardous through various federal regulations including 40 CFR Parts 302.4 and 355, and 29 CFR Part 1910.1200. Hazardous waste is any solid, liquid, or contained gas waste that is dangerous or potentially harmful to humans and the health of the environment. Thousands of contaminated sites exist nation-wide due to hazardous waste being dumped, left out in the open, or otherwise improperly managed and disposed. In response, Congress established the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) on December 11, 1980. CERCLA, commonly known as Superfund, was enacted to allow EPA to clean up contaminated sites. The EPA utilizes the National Priorities List (NPL), a list of contaminated sites of national priority, to guide the determination of which sites warrant further investigation. An EPA designated Brownfield site is a property where the expansion, redevelopment, or reuse of may be complicated by the presence or potential presence of a hazardous substance, pollutant, or contaminant. A Brownfield area is a contiguous area of one or more Brownfield sites.

The purpose of the regulatory requirements set forth under these laws is to ensure the protection of human health and the environment through proper management (identification, use, storage, treatment, transport, and disposal) of these materials. Some of the laws provide for the investigation and cleanup of sites already contaminated by releases of hazardous materials, wastes, or substances.

**Alternative 1 - No Action Alternative**

Under the No Action Alternative, there would be no impact on hazardous materials, hazardous waste, and solid waste.

**Alternative 2 – Develop the Fleming Road Group Site with ATTHUs (Preferred Alternative)**

The management of hazardous materials is regulated under various Federal and state environmental and transportation laws and regulations, including but not limited to Resource Conservation and Recovery Act (RCRA); CERCLA; the Toxic Substances Control Act (TSCA); the Emergency Planning and Community Right-to-Know provisions of the Superfund Amendments and Reauthorization Act; and the Hazardous Materials Transportation Act.

Hazardous materials may be encountered during the project, or they may be generated by the project activities. To determine whether any hazardous waste facilities exist near or upgradient of the proposed project area or whether there is a known and documented environmental issue or concern that could affect the proposed project area, a search for Superfund sites, toxic release inventory sites, water dischargers (i.e., municipal and industrial wastewater treatment facilities),

hazardous facilities or sites, and multiactivity sites was conducted using the EPA's NEPAssist tool, (https://www.epa.gov/nepa/nepassist) accessed February 15, 2024. According to the database, there are no Superfund (NPL) sites or brownfields within one (1) mile of the project area. One site, the Pioneer Mill Company, Ltd., 380 Lahainaluna Road, Lahaina, HI, was identified in the Toxic Release Inventory (TRI) within one (1) mile of the project area. The site is located approximately 0.95 miles southeast of the project area, release of petroleum or hazardous substances from this facility would be unlikely to adversely impact the project area as the site is topographically cross-gradient from the project area. Several detailed environmental investigations, cleanup and removal actions have been conducted at the Mill since the 1990s and the documenting reports are on file with the Hawai‘i State DOH Hazard Evaluation and Emergency Response (HEER) Office. The EPA's Enforcement and Compliance History Online (ECHO) detailed facility report indicates the site has no violations identified since 2003. The database identifies facilities that are registered RCRA hazardous waste generators; no registered RCRA hazardous waste generators were identified on the project area, it identified two (2) very small quantity generators (VSQG) within 0.5 miles of the project area. The two RCRA sites identified were located downgradient of the group site, and based on the review of records, there is no evidence of past or existing releases or any material threat of release of hazardous substances or petroleum products on the target property.

The Hawai‘i State DOH HEER Office maintains an online system for holding incident-specific and site-specific potential environmental contamination (iHEER). Incidents in iHEER are hazardous substance releases overseen by State on-scene coordinators in the Emergency Preparedness and Response Section. Sites in iHEER are contaminated or potentially contaminated areas overseen by State Remedial Project Managers in the Site Discovery, Assessment, and Remediation Section. Upon review of the iHEER system (https://eha-cloud.doh.hawaii.gov/iheer/#!/viewer), accessed February 16, 2024, no sites or incidents were recorded within the project area.

There were two (2) sites located within 0.5 miles of the project area. The two (2) sites identified in the iHEER system were the Lahaina Cannery Mall (approximately 0.4 miles to the southwest) and the Kai Mauka Ike Nui Apartments (approximately 0.5 miles to the southeast). Both sites are located downgradient of the proposed project area, based on the review of records, the immediate threats no longer exist as both sites have a no further action (NFA) and a NFA with Institutional Controls determination from the HDOH HEER office.

Under Alternative 2, there would be no anticipated impacts from hazardous materials and hazardous substances. Any unusable equipment, debris and material on site would be disposed prior to occupancy in an approved manner and location. In the event significant items (or evidence thereof) are discovered during implementation of the project, the contractor shall handle, manage, and dispose of regulated, petroleum products, and hazardous materials and/or wastes in accordance with the rules and regulations and to the satisfaction of the governing local, state and federal agencies. Based on the review conducted, Alternative 2 would have a no anticipated impact on hazardous materials or waste.

### 5.5.5 OCCUPATIONAL HEALTH AND SAFETY

A considerable number of health and safety laws and regulations exist for a wide variety of activities. An exhaustive review of these various rules is beyond the scope of this draft EA. With regards to worker safety, the U.S. Congress enacted the OSHA of 1970, 29 U.S.C. § 651 et seq. to assure safe and healthful working conditions for working men and women.

Occupational health and safety hazards could include chemical agents (such as asbestos or lead), physical agents (such as noise or vibration), physical hazards (such as slip, trip, and fall hazard, electricity, or machinery), or biological hazards (such as infectious waste, poisonous plants, ticks, or other hazardous biota). Occupational health and safety concerns could affect both workers and other non-workers near the project site. Public safety hazards may include any direct or indirect effects related to the construction, removal, or operation of the group site. County, State, Municipal law enforcement and emergency services as well as contractors are responsible for following applicable local, state, and federal regulations such that the proposed action does not significantly adversely affect the general public.

**Alternative 1 - No Action Alternative**

Under the No Action Alternative, the site would not undergo the installation of utilities on the site, construction of gravel roadways and parking lots, placement of stone-base and concrete for trailer pads, residential parking, and associated appurtenance to facilitate approximately 169 ATTHUs on the project site. Therefore, the No Action Alternative will have no impact on occupational health and safety.

**Alternative 2 – Develop the Fleming Road Group Site with ATTHUs (Preferred Alternative)**

Under Alternative 2, the proposed action would include hazards common to construction and demolition activities, such as loud noise, heavy machinery, debris, electricity, and hazardous material used or encountered during work. To minimize occupational health and safety risks, workers would wear and use appropriate personal protective equipment and follow all applicable OSHA standards and procedures. A health and safety plan would be developed and implemented for work by the contractors. Work areas would be clearly marked with appropriate signage and secured against unauthorized entry. Standard construction traffic control measures would be used to protect workers, residents, and the surrounding public. Based on the review conducted, Alternative 2 would have negligible adverse impact on occupational health and safety. The impact would not be significant.

### 5.5.6 UTILITIES AND PUBLIC SERVICES

This section evaluates the potential impacts of the Action Alternatives on public utilities. A public utility is an organization that maintains the infrastructure for a public service. The interruption of public utilities can cause public health concerns. A reduction in the reliability of public utility services affects all areas of daily life.

Utilities for this draft EA are defined as water storage facilities; treatment plants and delivery systems; supplemental power generation, transmission, and distribution facilities, including, but

not limited to, wind turbines, generators, substations and power lines, natural gas transmission and distribution facilities; sewage collection systems and treatment plants; landfills; and communication systems. Potable water, sewer and electrical power exist south and east of the proposed site on Fleming Drive.

Police protection for the Lahaina region is provided by the Maui County Police Department headquartered on 1850 Honoapiʻilani Highway, Lahaina, HI 96761, approximately 3.4 miles from the project area. Fire prevention, suppression, and protection services for the Lahaina region is provided by two (2) fire stations: the Lahaina Fire Station and the Napili Fire Station. The Lahaina Fire Station is responsible for the Lahaina, Olowalu, and Kaanapali areas. The Napili Fire Station is responsible for the Honokowai, Napili, and Kapalua, areas. The Lahaina Fire Station is located on 1860 Honoapiʻilani Highway, Lahaina, Maui, HI 96761 approximately 3.4 miles from the project area. The Maui Memorial Medical Center is currently Maui's only acute care facility, it is located approximately 27.1 miles away and approximately an hour's drive by emergency ambulance. Routine and non-emergency medical services for West Maui residents is provided by medical and dental offices located in communities of West Maui.

**Alternative 1 - No Action Alternative**

Under the No Action Alternative, the site would not undergo the installation of utilities on the site, construction of gravel roadways and parking lots, placement of stone-base and concrete for trailer pads, residential parking, and associated appurtenance to facilitate approximately 169 ATTHUs on the project site. Therefore, the No Action Alternative will have no impact on utilities.

**Alternative 2 – Develop the Fleming Road Group Site with ATTHUs (Preferred Alternative)**

Under Alternative 2, the construction of the group site necessitates service of potable water, sanitation, and electrical power. Above ground temporary distribution lines have been approved for this location, if needed.

A gravity sewer main will be installed underground within or directly adjacent to roads created onsite and connect to the Maui County sewer system near the western portion of the site.

Water mains will be installed underground within or directly adjacent to the roads created onsite and connect to Maui County Department of Water near the southeast corner and northwest corner of the site. Fire water supply will be pulled from the same system.

Electric utilities will be installed overhead and enter the site along the western edge. The connection will be made to Hawaiʻi Electric Company.

The current service capacity for these utilities exists due to the current uninhabited area of Lahaina. The underground utilities that are installed for group site use would likely be removed once the group site is decommissioned.

The local community may experience a slight localized increase in the need for public services, such as schools, fire and police services, childcare, and medical services. However, the overall

demand for public and commercial services is not expected to be greater than the pre-disaster demand and potential impacts are expected to be minimal.

Based on the review conducted, Alternative 2 would have no impacts on local utilities and public service availability and capacity. The impact would not be significant.

### 5.5.7 ENVIRONMENTAL JUSTICE, EQUITY, AND PROTECTION OF CHILDREN

On February 11, 1994, President Clinton signed EO 12898 (59 Federal Register 7629), Federal Actions to Address Environmental Justice (EJ) in Minority and Low-Income Populations, which directs federal agencies to address and avoid disproportionate environmental and human health impacts from federal actions on minority populations and low-income populations. All federal agencies must analyze the environmental effects, including human health, social, and economic effects, on minority and low-income communities. The impacted area includes all areas of the scope of work for the proposed project, any staging areas or hauling routes, and any areas outside of the immediate project area that may be impacted indirectly by the proposed project.

In January 2021, President Biden issued EO 13985, Executive Order on Diversity, Equity, Inclusion, and Accessibility in the Federal Workforce, and EO 14008, Tackling the Climate Crisis at Home and Abroad, to further address the need to achieve environmental justice and equity across the federal government. These new executive orders direct federal agencies to renew their energy, effort, resources, and attention to implement environmental justice and underscore the Administration's commitment to environmental justice.

Guidelines for the protection of children are specified in EO 13045, Protection of Children from Environmental Health Risks and Safety Risk (Federal Register, Volume, 62, Number 78, April 23, 1997). This EO requires that federal agencies make it a high priority to identify and assess policies, programs, and standards addressing disproportionate adverse risks to children resulting from environmental health or safety risks.

Per FEMA's EJ Interim Guidance for Environmental Planning and Historic Preservation Reviews, dated September 2023 (FEMA 2023), this environmental justice analysis is focused on the local level. The local area included in this analysis is where project-related impacts would occur, potentially causing a disproportionately high and adverse effect on neighboring minority and low-income populations. The affected environment for this environmental justice analysis is the project footprint including construction staging areas. A minority or low-income population exists if the People of Color Population and/or Low-Income Population equals or exceeds the 50th percentile compared to the average for the state of Hawai‘i or the County of Maui. This means that the minority and/or low-income population exceeds the statewide average.

The proposed Fleming Road Group Site is in Lahaina, Maui County, Hawai‘i. According to the United States Census Bureau, the population of Maui County was 164,754 with a total of 71,439 housing units in 2020. The median household income was estimated to be approximately $88,249 (based on 2017 to 2021 American Community Survey 5-year estimates). According to the 2017 to 2021 American Community Survey 5-year estimates, approximately 11.4% of population in Maui County lives below poverty levels.

In Maui County, the age and sex distribution of the population is summarized by the 2020 Census as: 6.9% of the population is 5 and under, 5.3% of the population is under 18, 20.9% of the population is 65 years and over, and 20.7% of the total population is female. The race and Hispanic distribution are as follows: 32.9% of the population is white, 0.6% of the population is black or African American, 0.5% of the population is American Indian and Alaska native, 26.9% of the population is Asian, 12.1% of the population is Native Hawaiian and other Pacific Islander, 24.4% of the population is two or more races, and 10.3% of the total population is Hispanic or Latino. CEQ (1997) defines the term "minority" as persons from any of the following groups: Black, Asian or Pacific Islander, American Indian or Alaskan Native, and Hispanic.

The Environmental Justice Screening and Mapping Tool determined that the State of Hawai'i is 80 percent people of color, and the County of Maui is 70 percent people of color; and 21 percent of the population in both the State and County is low income. There is a low-income population in the affected environment area for this environmental justice analysis per the criteria. According to EPA's Environmental Justice Screening and Mapping Tool (https://ejscreen.epa.gov/mapper/), accessed February 20, 2024, the population in the affected environment (project area plus 0.25-mile buffer to account for other potential impacts from the Proposed Action) for this environmental justice analysis is 869 persons.

Historically, families and individuals living close to or under the poverty line are more susceptible to homelessness and displacement risk after natural disasters and are more likely to need direct housing assistance.

**Alternative 1 - No Action Alternative**

Under the No Action Alternative, the installation of utilities, construction of gravel roadways and parking lots, placement of stone-base and concrete for pads, residential parking, and associated appurtenances to facilitate approximately 169 ATTHUs on the project site would not be completed. Those in need of direct housing assistance would have to find alternative means of housing. Families in the vicinity of the proposed site who are denied group site housing would likely be disproportionately low-income and minority households. Therefore, the No Action Alternative would have a moderate adverse impact to human health or environmental effects on minority or low-income populations and may result in disproportionate health or safety risks to children. The impact would be significant.

**Alternative 2 – Develop the Fleming Road Group Site with ATTHUs (Preferred Alternative)**

According to the United States 2020 Census Bureau, the population in Lahaina Census Designated Place (CDP), Hawai'i, where the proposed Fleming Road Group Site is proposed, is 12,702 people. Under Alternative 2, with the establishment of the temporary group site, up to approximately 130 households could be temporarily relocating to the Fleming Road Group Site area. The potential group site would consist of current residents of the local community area impacted by the Maui Wildfires. The overall demand for public and commercial services is not expected to be greater than the pre-disaster demand and potential impacts are expected to be minimal.

Alternative 2 would provide housing relief to the communities affected by the Maui Wildfires in proximity to the proposed group site. The availability of federal assistance, including temporary

housing for displaced individuals, who likely represent a disproportionately significant number of low-income and minority households, is consistent with EO 12898. All forms of FEMA disaster housing assistance are available to any affected household that meets the conditions of eligibility, and demographics are not among the eligibility requirements. The ATTHU group housing site would be a temporary housing solution and would be installed at the proposed location for 18 months, therefore, no long-term adverse impacts to public health or to the environment would be expected.

The specific demographics of group site occupants are not available at this time because specific individuals or families are in the process of being identified for the group site. However, the demographic makeup of the group site residents is expected to be similar to the community as a whole, primarily low income or minority households. An effort is being made to keep applicants within a reasonable commuting distance, defined as, "a distance that does not place undue hardship on an applicant." Furthermore, the availability of temporary housing would result in a positive impact to displaced individuals, regardless of whether they are classified as minority or low income.

Based on the review conducted, Alternative 2 is not expected to have disproportionately high or adverse human health of environmental impacts on minority or low-income populations. Activities under Alternative 2 would be expected to have a moderate beneficial impact on local socioeconomics.

## 6.0 CUMULATIVE IMPACTS

Per the CEQ regulations, cumulative impacts refer to the impact on the environment that "results from the incremental impact of the action when added to the other past, present, and reasonably foreseeable future actions regardless of what agency (Federal or non-Federal) or person undertakes such other actions. Cumulative impacts can result from individually minor but collectively significant actions taken place over a period of time" (40 CFR 1508.7). In accordance with NEPA, this draft EA considered combined effects of the preferred alternative and other actions occurring or proposed in the vicinity of the proposed project site. Cumulative impacts are defined as environmental effects that are greater in magnitude, extent, or duration than the direct and indirect effects of the proposed FEMA-associated action when combined with the effects of other current and future actions, regardless of the proponent.

The Hawai‘i Housing Finance Development Corporation, as indicated in the FEIS for Villages of Leiali‘i (VOL) Affordable Housing Project, intends to develop the parcel. According to the FEIS, the future VOL project is approximately 1,033 acres intended to include a mix of residential, recreational, open space, light industrial, commercial (office and retail), infrastructure, roads, and elementary school. The project area was placed into MIPs Urban Growth Boundary in December 2012. According to the FEIS, the purpose for placing the lands within the growth boundary is so that the land can provide additional housing and services to accommodate project population growth through 2030. In accordance with the MIP's Planned Growth Guidelines, the VOL will comprise of over a thousand residential units, together with neighborhood retail, commercial, employment uses, a school, parks, and open space.

Cumulative impacts associated with past incremental actions by both federal and non-federal parties has had a marked effect on the human and natural environment. Changes to the human environment, including air quality, noise pollution, rising average temperatures, increasing traffic, variable crime rates, the presence of poverty, homelessness, and variable socioeconomic disparity can be attributed, in whole or in part, to incremental regional development, human expansion, and policy decisions. Considering the natural environment, past deleterious effects to native plant and animal species has likely occurred. Phenomena such as deteriorating water quality, harmful algal blooms, red tide, mass species die off events, and the continued loss and fragmentation of habitat can all be attributed, in whole or in part, to the same incremental regional development, human expansion, and policy decisions.

The inducement of potential development on the site does not constitute a significant deviation from historical rates of development seen in the region. Additionally, considering the no action alternative, the likelihood of the subject site being developed without federal involvement remains high.

Presently, the subject site does not represent a high-quality natural resource or aquatic site, nor does it function as critical habitat for threatened or endangered species. The loss of this undeveloped land carries little negative impact associated with natural resources through the next 10 to 30 years excepting for the marginal increase in the adverse effects of human activity within the area. Additionally, the increase in residential capacity would not likely have a more than minimal adverse effect on future commercial or infrastructure development within the region. The available parcels of the land that can be developed have been developed within the last 50 years. The modest increase of residential capacity, if a more permanent residential development is induced, does not merit a projection of future development and associated adverse impacts deviating significantly from the current trajectory in the region. The likelihood environmentally sensitive lands, natural areas, and valued open spaces adjacent to the site, and within the region, remain undeveloped due to local, state, federal restrictions and conservation measures remains high. One of the MIP's guiding land use principles in the direct growth plan is to identify native habitat, floodways, and steep slopes to direct future growth away from those areas, and plan growth on Maui in a manner that preserves habitat connectivity, watersheds, undeveloped shoreline areas, and other environmentally sensitive lands. The anticipated impacts associated with the proposed action has a low to moderate likelihood of adversely affecting the continued existing of these natural resources in the region now and into the future.

Considering reasonably foreseeable future incremental effects can be difficult. However, one such approach is projecting current trends forward. This is speculated to be more of the same variable deterioration of the human and natural environment already discussed. It is unlikely the adverse phenomena described previously will reverse course in a meaningful way outside of long-term incremental improvements contingent on local and regional policy decisions, increased conservation measures and social initiatives to address socioeconomic disparity and general human welfare.

## 7.0 PERMIT AND PROJECT CONDITIONS

1. An appropriate SWPPP, Erosion Control Plan, and NPDES permit must be obtained, and the FEMA's Contractor must comply with all of the conditions prescribed by the permit.

2. If necessary, appropriate dewatering permits are required prior to dewatering activities and the FEMA's Contractor must comply with all of the conditions prescribed by the permit.

3. The appropriate signage must be posted, and fencing installed to minimize potential adverse public safety concerns. Appropriate signage and barriers would be in place prior to construction activities in order to alert pedestrians and motorists of project activities and traffic pattern changes.

4. Under Alternative 2, SHPO and NHPA Conditions are applicable:

    a. Archeological Monitoring Conventions have been prepared in accordance with Hawai‘i Administrative Rules (HAR) §13-279-4 governing standards for Archaeological Monitor Plans. Specific monitoring provisions (provided in Appendix G) will be followed.

    b. FEMA will require an archaeological monitor who meets the Secretary of the Interiors Professional Qualifications Standards for that discipline, and be based in Hawai'i, be on site during all ground disturbing activities, and ensure that appropriate avoidance measures are applied in regard to the previously recorded archaeological sites.

    c. In the event of an inadvertent discovery:

        i. If during the course of work, archaeological artifacts (prehistoric or historic) are discovered, the Contractor shall pause work in the vicinity of the discovery and take all reasonable measures to avoid or minimize harm to the finds. The Contractor shall inform FEMA, who will in turn notify and SHPO, OHA, and participating NHOs, and initiate consultation as necessary.

        ii. If suspected human remains are discovered, the Contractor shall stop construction activities in the vicinity of the discovery and immediately notify FEMA, local law enforcement office, and coroner/medical examiner in accordance with the HAR § 13-300-40 (inadvertent discovery of human remains). FEMA in turn, will immediately notify SHPD and OHA. Remains will be protected from any harm by covering them with a cloth and then a tarp, or similar material while consultation occurs with known lineal or cultural descendants and appropriate Island Burial Council (IBC).

            1. The Contractor shall not proceed with work in the vicity of the discovery until FEMA EHP provides confirmation that work may commence.

5. Handling, storage, and disposal of hazardous materials and waste during construction activities, including measures to prevent releases, must be conducted in accordance with applicable environmental compliance regulations.
6. Appropriate BMPs will be implemented during site development to minimize sediment migration from the site into nearby water bodies. Surface runoff will be controlled by using siltation controls such as silt fencing around the construction site to minimize erosion of materials into adjacent wetlands and/or waterways. Any disturbed soil will be protected with seed or sod after construction in order to decrease the amount of soil eroded by rainfall and runoff. Any fill stored on site will be appropriately covered to prevent erosion. If the project results in a discharge to waters of the State, a National Pollution Elimination System (NPDES) permit may be required in accordance with the Section 401 of the CWA and the Hawai‘i Water Quality Certification.
7. Unusable equipment, debris and material will be disposed of prior to occupancy in an approved manner and location. In the event significant items (or evidence thereof) are discovered during implementation of the project, petroleum products, hazardous materials, and toxic waste will be handled, managed, and disposed of in accordance with the requirements and to the satisfaction of the governing local, state, and federal agencies.
8. If required, coordination with the Hawai‘i Department of Health and the county of Maui will be conducted to determine potential requirements related to noise abatement. Equipment and machinery used during construction will meet all applicable local, State, and federal noise regulations.
9. ATTHUs shall comply with 24 C.F.R. Part 3280 Manufactured Home Construction and Safety Standards (“Department of Housing and Urban Development [HUD] code”).
10. Any FEMA units will be installed in compliance with applicable local codes, ordinances and permitting requirements. Any contracted logistics installation entities (installers) for ATTHU placement will secure all pertinent Federal, state, and local permits and approvals before work.
11. General BMPs, Species Specific AMMs, and Biosecurity protocols (provided in Appendix D, E, and F) will be followed. If federally listed threatened or endangered species, or potential threatened or endangered species habitat, are found on or within close proximity to the project site, all work will immediately cease, and the relevant authorities, including FEMA and USFWS will be contacted. Construction will not resume until the appropriate permits are obtained.
12. Once the temporary housing need has ended, FEMA expects that all ATTHUs will be removed from the site in accordance with Section 408(d)(2) of the Stafford Act and repurposed within Maui County. Furthermore, the project site would be either reasonably restored to its previous condition and then seeded or left with the site improvements per the lease terms negotiated between the State with the landowner.
13. FEMA’s Contractors will secure all pertinent federal, state, and local permits and approvals before work and will comply with any applicable conditions.

## 8.0 AGENCY COORDINATION AND PUBLIC INVOLVEMENT

The following agencies were contacted during the preparation of this draft EA:

- Hawai‘i State Historic Preservation Division (SHPD)
- Office of Hawaiian Affairs
- State of Hawai‘i Office of Planning and Sustainable Development
- United States Fish and Wildlife Service Pacific Islands Fish and Wildlife Office

FEMA issued a disaster-wide initial public notice for the Maui Wildfires on August 14, 2023 (Appendix K), to notify the public of projects under the Public Assistance, Individual Assistance, and Hazard Mitigation Grant programs that may be occurring within floodplains or wetlands.

The public will be notified of the availability of the draft EA for review and comment by posting of the public notice (Appendix H) on the State of Hawai‘i Office of Planning and Sustainable Development Environmental Review Program’s periodic bulletin, The Environmental Notice; FEMA’s website; and at the proposed project location.

The public comment period was limited, due to the emergency nature of this action and the pressing need to provide temporary housing solutions for survivors of the Maui wildfires.

LIST OF PREPARERS

| Name | Organization | Title |
|---|---|---|
| Emily Benz | FEMA | Environmental and Historic Preservation Advisor |
| Kelley Liang | FEMA | Environmental Protection Specialist |

## 9.0 REFERENCES

Birdlife International. 2023. Important Bird Area: Haleakala National Park. Available at: http://datazone.birdlife.org/site/factsheet/26100.0. Accessed November 1, 2023.

eBird. 2023. An online database of bird distribution and abundance. Cornell Lab of Ornithology. Accessed November 1, 2023. http://www.ebird.org.

EPA. (September 30, 2023). Current Nonattainment Counties for All Criteria Pollutants. Accessed on October 21, 2023. Retrieved from: https://www.epa.gov/airquality/greenbook

EPA. (June 2023) EJSCREEN tool accessed on November 29, 2023. Retrieved from: https://www.epa.gov/ejscreen

EPA. Superfund National Priorities List (NPL) Where You Live Map. Accessed on November 1, 2023. Retrieved from: https://www.epa.gov/superfund/search-superfund-sites-where-you-live

EPA. (December 31, 1971). Noise from Construction Equipment and Operations, Building Equipment, and Home Appliances. https://nepis.epa.gov/

Federal Emergency Management Agency (FEMA). 2023. E.O. 12898 Environmental Justice: Interim Guidance for FEMA [Environmental and Historic Preservation] EHP Reviewers. September 2023.

FEMA. Flood Insurance Rate Map, Online Mapping Tool. Accessed on October 18, 2023. Retrieved from: https://msc.fema.gov/portal/home

Federal Highway Administration. 2006. FHWA Construction Highway Noise Handbook. NTIS No. PB2006-109102

Gaos, A., L. Kurpita, H. Bernard, L. Sundquist, C. S. King, Joy H. Browning, E. Naboa, I. K. Kelly, K. Downs, T. Eguchi, G. Balazs, K. Van Houtan, D. Johnson, T. T. Jones and S. L. Martin. 2021. Hawksbill Nesting in Hawai‘i: 30-Year Dataset Reveals Recent Positive Trend for a Small, Yet Vital Population. Front. Mar. Sci., Vol. 8 December.

HDLNR [Hawai‘i Department of Land and Natural Resources]. 2015. Hawai‘i's State Wildlife Action Plan. Species Fact Sheets. Available at: https://dlnr.Hawai‘i.gov/wildlife/hswap/fact-sheets/. Accessed 10/19/2023.

HDLNR. 2022c.: Division of Forestry and Wildlife: Wildlife Program | Nēnē (Hawai‘i.gov). Available at: https://dlnr.Hawai‘i.gov/wildlife/birds/nene/. Accessed 10/19/2023.

NRCS. National Resource Conservation Service Web Soil Survey. Accessed on October 18, 2023. Retrieved from: https://websoilsurvey.nrcs.usda.gov/

MIP. 2012. County of Maui Planning Department Long Range Division, Maui Island Plan General Plan 2030. The MIP was adopted by Ordinance No. 4004 and took effect on December 28, 2012.

Stearns, H.T., 1942, General geology and ground-water resources of the Island of Maui, Hawai‘i: Hawai‘i (Terr.) Division of Hydrography Bulletin 7.

U.S. Census Bureau. (2010). Quick Facts Maui County, Hawai‘i. Accessed on November 2, 2023. Retrieved from: https://www.census.gov/

USFWS. IPaC tool accessed January 31, 2024. Retrieved from: https://ecos.fws.gov/ipac/

USFWS. National Wetland Inventory Mapping Tool accessed on October 18, 2023. Retrieved from: https://www.fws.gov/program/national-wetlands-inventory/wetlands-mapper

USFWS. Critical Habitat Mapping Tool. Accessed on January 31, 2024. Retrieved from: http://ecos.fws.gov/ecp/report/table/critical-habitat.html

USFWS [U.S. Fish and Wildlife Service]. 1998. Recovery Plan for U.S. Pacific Populations of the Green Turtle (Chelonia mydas), January 1998. Available at: https://ecos.fws.gov/docs/recovery_plan/981201e.pdf

USFWS. 2021a. 5-Year Status Review, ‘ōpe‘ape‘a or Hawaiian hoary bat (Lasiurus cinereus semotus), available at: 2020_12_01_HawaiianHoaryBat5YR (fws.gov).

USFWS. 2021b. Species report for Band-rumped storm-petrel (Oceanodroma castro). Pacific Islands Fish and Wildlife Office, Pacific Islands Interior Region 12, Portland OR. 40 pages. Available at: Oceanodroma castro_SR.pdf (fws.gov).

USFWS. 2023b. Environmental Conservation Online System (ECOS): Species Profile for Hawaiian petrel (Pterodroma sandwichensis). Available at: https://ecos.fws.gov/ecp/species/3656. Accessed 10/20/2023.

USFWS. 2023c. Environmental Conservation Online System (ECOS): Species Profile for Hawksbill Sea turtle (Eretmochelys imbricata). Available at: https://ecos.fws.gov/ecp/species/3656. Accessed 10/20/2023.

USFWS. 2023d. Environmental Conservation Online System (ECOS): Species Profile for Newell's Townsend's shearwater (Puffinus auricularis newelli). Available at: https://ecos.fws.gov/ecp/species/2048. Accessed 10/20/2023.

USFWS. 2023e. Environmental Conservation Online System (ECOS): Species Profile for Hawaiian goose (Branta (=Nesochen) sandvicensis). Available at: https://ecos.fws.gov/ecp/species/1627. Accessed 10/20/2023.

USFWS. 2023h. Environmental Conservation Online System (ECOS): Species Profile for Blackburn's sphinx moth (Manduca blackburni). Available at: https://ecos.fws.gov/ecp/species/4528. Accessed 10/20/2023.

USGS. 2017. Baseline and projected future carbon storage and carbon fluxes in ecosystems of Hawai'i. Professional Paper. https://doi.org/10.3133/pp1834.

Villages of Leialii Afoordable Housing Final Environmental Impact Statement Lahaina, Maui, Hawai‘i TMK 4-5-21:03, 04, 05, 13, 21, 22, and 4-5-28:70, Prepared by Belt Collins Hawai‘i LLC., October 2012. Retrieved from: https://files.hawaii.gov/dbedt/erp/EA_EIS_Library/2012-10-23-MA-FEIS-Villages-of-Leialii-Affordable-Housing-Project.pdf

# FIGURES


**FIGURE 1**
**Location Map**

Fleming Road Temporary Group Site
DR-4724-HI
Maui County, Hawaii


**FIGURE 2**
**Project Area**

Fleming Road Temporary Group Site
DR-4724-HI
Maui County, Hawaii

**Figure 3 –** Facing south from the east/center of the Fleming Road location, facing west, December 2023.

**Figure 4 –** Facing south from the east/center of the Fleming Road location, facing west, December 2023.

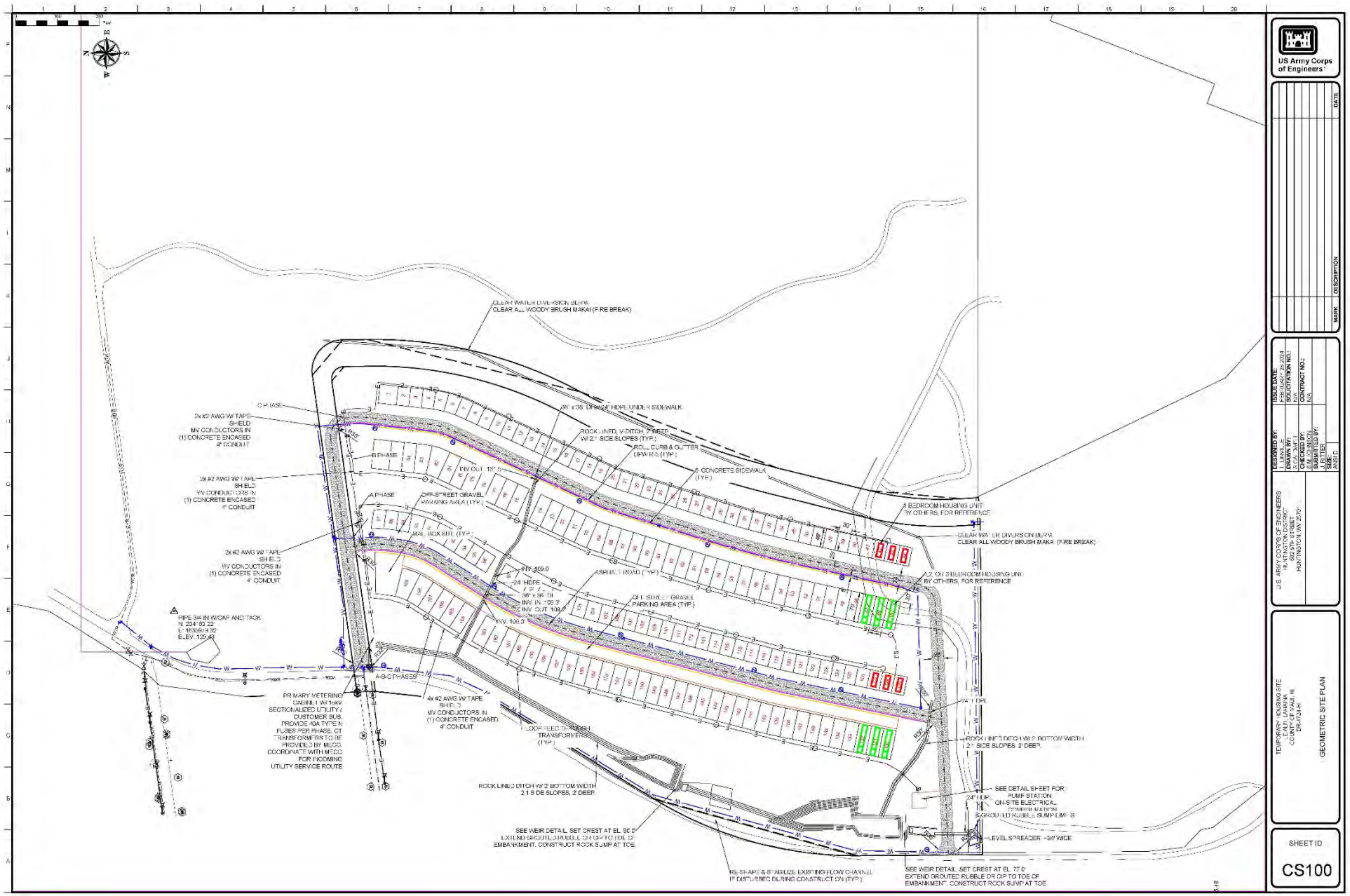



**Figure 5 –** Potential site plan for the proposed Fleming Road temporary group site

# APPENDICES

***At the time of consultation and document preparation, the proposed temporary group site was being identified by the name "Leialiʻi". The site's name was changed at a later date from Leialiʻi to Fleming Road Group Site, to prevent confusion with regard to the proposed Leiali'i Village development. All references to the "Leialiʻi" group site in these appendices are synonymous with the name included in the title of this Environmental Assessment, "Fleming Road Group Site".***

# Appendix A.

Flood Insurance Rate Map

# National Flood Hazard Layer FIRMette

FEMA

156°41'9"W 20°53'43"N


0 250 500 1,000 1,500 2,000 Feet

1:6,000

156°40'32"W 20°53'9"N

*Basemap Imagery Source: USGS National Map 2023*

## Legend

SEE FIS REPORT FOR DETAILED LEGEND AND INDEX MAP FOR FIRM PANEL LAYOUT

**SPECIAL FLOOD HAZARD AREAS**
- Without Base Flood Elevation (BFE) *Zone A, V, A99*
- With BFE or Depth *Zone AE, AO, AH, VE, AR*
- Regulatory Floodway

**OTHER AREAS OF FLOOD HAZARD**
- 0.2% Annual Chance Flood Hazard, Areas of 1% annual chance flood with average depth less than one foot or with drainage areas of less than one square mile *Zone X*
- Future Conditions 1% Annual Chance Flood Hazard *Zone X*
- Area with Reduced Flood Risk due to Levee. See Notes. *Zone X*
- Area with Flood Risk due to Levee *Zone D*

**OTHER AREAS**
- NO SCREEN — Area of Minimal Flood Hazard *Zone X*
- Effective LOMRs
- Area of Undetermined Flood Hazard *Zone D*

**GENERAL STRUCTURES**
- Channel, Culvert, or Storm Sewer
- Levee, Dike, or Floodwall

**OTHER FEATURES**
- 20.2 — Cross Sections with 1% Annual Chance
- 17.5 — Water Surface Elevation
- Coastal Transect
- Base Flood Elevation Line (BFE)
- Limit of Study
- Jurisdiction Boundary
- Coastal Transect Baseline
- Profile Baseline
- Hydrographic Feature

**MAP PANELS**
- Digital Data Available
- No Digital Data Available
- Unmapped

N

The pin displayed on the map is an approximate point selected by the user and does not represent an authoritative property location.

This map complies with FEMA's standards for the use of digital flood maps if it is not void as described below. The basemap shown complies with FEMA's basemap accuracy standards

The flood hazard information is derived directly from the authoritative NFHL web services provided by FEMA. This map was exported on 2/21/2024 at 12:48 PM and does not reflect changes or amendments subsequent to this date and time. The NFHL and effective information may change or become superseded by new data over time.

This map image is void if the one or more of the following map elements do not appear: basemap imagery, flood zone labels, legend, scale bar, map creation date, community identifiers, FIRM panel number, and FIRM effective date. Map images for unmapped and unmodernized areas cannot be used for regulatory purposes.

# Appendix B.

USFWS National Wetland Inventory Map

U.S. Fish and Wildlife Service

# National Wetlands Inventory

## Leialii


February 21, 2024

**Wetlands**

- Estuarine and Marine Deepwater
- Estuarine and Marine Wetland
- Freshwater Emergent Wetland
- Freshwater Forested/Shrub Wetland
- Freshwater Pond
- Lake
- Other
- Riverine

# Appendix C.

Coastal Zone Management Program Letter

# STATE OF HAWAIʻI
# OFFICE OF PLANNING
# & SUSTAINABLE DEVELOPMENT

235 South Beretania Street, 6th Floor, Honolulu, Hawai'i 96813
Mailing Address: P.O. Box 2359, Honolulu, Hawai'i 96804

**JOSH GREEN, M.D.**
GOVERNOR

**SYLVIA LUKE**
LT. GOVERNOR

**MARY ALICE EVANS**
INTERIM DIRECTOR

Telephone: (808) 587-2846
Fax: (808) 587-2824
Web: https://planning.hawaii.gov/


DTS202402121434ME



February 20, 2024

Ms. Chelsea Klein
Lead Environmental Advisor
U.S. Department of Homeland Security
Federal Emergency Management Agency
Region IX
1111 Broadway, Suite 1200
Oakland, CA 94607-4052

Dear Ms. Klein:

Subject: Coastal Zone Management Act Federal Consistency Negative Determination for the Proposed Alternate Transportable Temporary Housing at Leialiʻi, Lahaina, Island of Maui

The Hawaiʻi Coastal Zone Management (CZM) Program acknowledges receipt on February 14, 2024, of the Federal Emergency Management Agency (FEMA) Coastal Zone Management Act federal consistency negative determination for the proposed Alternate Transportable Temporary Housing at Leialiʻi, Lahaina, Island of Maui.

This Hawaiʻi CZM Program acknowledgment of receipt does not represent an endorsement of the proposed federal agency activity, nor does it convey approval with any regulations administered to any State of Hawaiʻi or county agency. If you have any questions, please contact Debra Mendes or our CZM Program at Debra.L.Mendes@hawaii.gov.

Mahalo,

Mary Alice Evans

Mary Alice Evans
Interim Director

c: Cecil Cox, AOCE (via email)

# Appendix D.

USFWS PIFWO Invasive Species Biosecurity Protocols

## INVASIVE SPECIES BIOSECURITY PROTOCOL

The invasive species biosecurity protocols are applicable to the Proposed Action, they were drawn from the USFWS updated Invasive Species Biosecurity Protocols, dated April 2022. Where noted, and to improve clarity, these invasive species biosecurity protocols have been modified to eliminate elements that are not applicable to this project.

### Invasive Species Biosecurity Protocol

1. Cleaning and treatment: Project applicants should assume that all project materials (i.e., construction materials, or aggregate such as dirt, sand, gravel, etc.), vehicles, machinery, and equipment contain dirt and mud, debris, plant seeds, and other invasive species, and therefore require thorough cleaning. Treatment for specific pests, for example, trapping and poison baiting for rodents, or baiting and fumigation for insects, should be considered when applicable. For effective cleaning we offer the following recommendations prior to entry into a project site: a. Project materials, vehicles, machinery, and equipment must be pressure washed thoroughly (preferably with hot water) in a designated cleaning area.
    a. Project materials, vehicles, machinery, and equipment should be visibly free of mud/dirt (excluding aggregate), seeds, plant debris, insects, spiders, frogs (including frog eggs), other vertebrate species (e.g., rodents, mongoose, feral cats, reptiles, etc.), and rubbish. Areas of particular concern include bumpers, grills, hood compartments, wheel wells, undercarriage, cabs, and truck beds. Truck beds with accumulated material are prime sites for hitchhiking invasive species.
    b. The interior and exterior of vehicles, machinery, and equipment must be free of rubbish and food, which can attract pests (i.e., rodents and insects). The interiors of vehicles and the cabs of machinery should be vacuumed clean particularly for any plant material or seeds.
2. Inspection:
    a. Following cleaning and/or treatment, project materials, vehicles, machinery, and equipment, must be visually inspected by its user, and be free of mud/dirt (excluding aggregate), debris, and invasive species prior to entry into a project site. For example, careful visual inspection of a vehicle's tires and undercarriage is recommended for any remaining mud that could contain invasive plant seeds.
    b. b. Any project materials, vehicles, machinery, or equipment found to contain invasive species (e.g., plant seeds, invertebrates, rodents, mongoose, cats, reptiles, etc.) must not enter the project site until those invasive species are properly removed/treated.
3. For all project site personnel:
    a. a. Prior to entry into the project site, visually inspect and clean your clothes, boots or other footwear, backpack, radio harness, tools and other personal gear and equipment for insects, seeds, soil, plant parts, or other debris. We recommend the use of a cleaning brush with sturdy bristles. Seeds found on clothing, footwear, backpacks, etc., should be placed in a secure bag or similar container and discarded in the trash rather than being dropped to ground at the project site or elsewhere.
4. Additional considerations:
    a. a. Consider implementing a Hazard Analysis and Critical Control Point (HACCP) plan (https://www.fws.gov/policy/A1750fw1.html) to improve project planning around reducing the risk of introducing or spreading invasive species.
    b. When applicable, use pest-free or low-risk sources of plants, mulch, wood, animal feed or other materials to be transported to a project site.
    c. Avoid unnecessary exposure to invasive species at a particular site (to the extent practical) to reduce contamination and spread. For example, if your project involves people or equipment moving between multiple locations, plan and organize timelines so that work is

completed in native habitat prior to working in a disturbed location to reduce the likelihood of introducing a pest into the native habitat. e. Maintain good communication about invasive species risks between project managers and personnel working on the project site (e.g., conduct briefings and training about invasive species). Ensure prevention measures are communicated to the entire project team. Also consider adding language on biosecurity into contracts or permitting mechanisms to provide clarity to all involved in the project. Report any species of concern or possible introduction of invasive species to appropriate land managers.

**Species Specific Biosecurity Protocol: Little Fire Ants (LFA)**

1. For projects involving plants from nurseries (e.g., outplanting activities, etc.), all plants should be inspected for little fire ants and other pests prior to being transported to the project site. If plants are found to be infested by ants of any species, plants should be sourced from an alternative nursery and the infested nursery should follow treatment protocols recommended by the Hawai‘i Ant Lab (https://littlefireants.com/wpcontent/uploads/2020-Management-of-Pest-Ants-in-Nurseries-min.pdf).
2. All work vehicles, machinery, and equipment should follow steps 1 and 2 in the “Invasive Species Biosecurity Protocol” for (1) cleaning and treatment and (2) inspection for invasive ants prior to entering a project site.
3. Any machinery, vehicles, equipment, or other supplies found to be infested with ants (or other invasive species) must not enter the project site until it is properly treated (https://littlefireants.com/how-to-treat-for-little-fire-ants-forhomeowners/#recommended-bait-products) and re-tested. Infested vehicles must be treated following recommendations by the Hawai‘i Ant Lab (https://littlefireants.com/resource-center/) or another ant control expert and in accordance with all State and Federal laws. Treatment is the responsibility of the equipment or vehicle owner. Ultimately however, it is the responsibility of the action agency to ensure that all project materials, vehicles, machinery, and equipment follow the appropriate protocol(s).
4. General Vehicle Ant Hygiene: Even the cleanest vehicle can pick up and spread little fire ant. Place MaxForce Complete Brand Granular Insect Bait (1.0 percent Hydramethylnon; https://labelsds.com/images/user_uploads/Maxforce%20Complete%20Label%201-5- 18.pdf) into refillable tamper resistant bait stations. An example of a commercially available refillable tamper resistant bait station is the Ant Café Pro (https://www.antcafe.com/). Place a bait station (or stations) in the vehicle and note that larger vehicles, such as trucks, may require multiple stations. Monitor bait stations frequently (every week at a minimum) and replace bait as needed. If the bait station does not have a sticker to identify the contents, apply a sticker listing contents to the station.
5. Gravel, building materials, or other equipment such as portable buildings should be baited using MaxForce Complete Brand Granular Insect Bait (1.0 percent Hydramethylnon; https://labelsds.com/images/user_uploads/Maxforce%20Complete%20Label%201-5- 18.pdf) or AmdroPro (0.73 percent Hydramethylnon; https://connpest.com/labels/AMDROPRO.pdf) following label guidance.
6. Storage areas that hold field tools, especially tents, tarps, and clothing should be baited using MaxForce Complete Brand Granular Insect Bait (1.0 percent Hydramethylnon; https://labelsds.com/images/user_uploads/Maxforce%20Complete%20Label%201-5- 18.pdf) or AmdroPro (0.73 percent Hydramethylnon; https://connpest.com/labels/AMDROPRO.pdf) following label guidance.
7. Vehicles that have entered a project site known or thought to overlap with areas infested with LFA should subsequently be tested for LFA with baiting in accordance with protocol recommended by the Hawai‘i Ant Lab (https://littlefireants.com/survey-yourhome-for-lfa/).
8. If LFA are detected, please report it to 808-643-PEST (Hawai‘i). Please visit https://littlefireants.com/identificationof-little-fire-ants/ for assistance in identifying LFA.

# Appendix E.

## USFWS PIFWO Programmatic Informal Consultation SLOPES Form

The following documents have been provided elsewhere in the Appendices document and have not been duplicated as a part of the SLOPES Form Appendix.

- Appendix D: Invasive Species Biosecurity Protocols
- Appendix F: General Best Management Practices and Species Specific Minimization Measures

# SLOPES Internal Documentation Form

| | |
|---|---|
| **FEMA Project No. (DR and PW number, GM number or HMGP grant number)** | FEMA Individuals and Households Program<br>Direct Housing Assistance<br>Alternative Transportable Temporary Housing Units<br>IA-DR-4724-HI-Leialii Group Site |
| **Project Name** | Leialii Group Housing Site |
| **Subject** | FEMA Internal Documentation |
| **FEMA EHP Reviewer** | Kelley Liang |
| **Date** | February 22, 2024 |

☐FEMA Administered Federal Action

☒FEMA Initiated Direct Federal Action

This form documents informal consultations under the Standard Local Operating Procedures for Endangered Species (SLOPES) in the Hawaiian and Pacific Islands. The U.S. Department of Homeland Security's Federal Emergency Management Agency (FEMA) has initially determined that the proposed action outlined below is not likely to adversely affect (NLAA) the covered endangered or threatened species under the Endangered Species Act (ESA) and U.S. Fish and Wildlife Service (USFWS) Pacific Island Fish and Wildlife Office (PIFWO) jurisdiction or adversely modify designated critical habitat listed below. FEMA or the FEMA Subrecipient will be required to comply with the SLOPES general conditions, special conditions, species-specific and activity-specific best management practices (BMPs) to avoid effects to threatened and/or endangered species covered under this programmatic consultation.

| **Project Information** | **Details** |
|---|---|
| Subrecipient Name | ☒ NA (Direct Action) |
| Project Location (street address, island,<br><br>city, county, TMK etc.) | East of Fleming Rd, Lahaina, Hawai‘i 96791, Island of Maui, Maui County, TMK 45021021 |
| Project Center | Latitude: 20.892807, Longitude: -156.680137 |
| Project Waterway (if applicable) | N/A |

**FEMA Project Reviewer**[1]

| | |
|---|---|
| Reviewer Name | Hayley Hanta |
| Reviewer Phone No. | 202-826-5698 |
| Reviewer Email | Hayley.Hanta@fema.dhs.gov |

[1]*The contact should be a long-term FEMA Region IX point of contact (i.e., not a National Cadre or other potentially short-term project manager).*

***Instructions:*** *On the following pages provide justification, description of the environment to be impacted, additional BMPs, special conditions and/or avoidance and minimization measures FEMA or the Subrecipient has proposed in order to comply with the SLOPES programmatic consultation between FEMA Region IX and USFWS PIFWO to ensure the proposed project is* ***not likely to adversely affect endangered or threatened species*** *covered under the consultation or to destroy or adversely modify critical habitat.*

**Type of Project Action(s)**
*Check all project type(s) that apply.*

**Non-Emergency Debris Removal**
- ☐ Debris removal

**Constructing, Modifying, or Relocating Facilities**
- ☐ Upgrading or modifying facilities
- ☒ Providing temporary facilities
- ☐ Acquiring and demolishing existing facilities
- ☐ Repairing, realigning, or otherwise modifying roads, trails, utilities, and rail lines
- ☐ Reconstructing new facilities or relocating existing facilities
- ☐ Relocating the function of an existing facility
- ☐ Survey activities
- ☐ Intake and outfall structures
- ☐ Developing demonstration projects

**Watercourses and Coastal Features**
- ☐ Repairing, Stabilizing or Armoring Embankments
- ☐ Creating, Widening, Clearing, or Dredging a Waterway
- ☐ Reconstructing a Water Crossing
- ☐ Reconstructing Other Flood-Control Structures or Repairing a Water Detention, Retention, Storage, or Conveyance Facility
- ☐ Reconstructing a Coastal Feature

**Project Description:** Provide a detailed narrative of the project that clearly describes the scope of work at a sufficient level of detail to support all analysis needed for compliance with the ESA.

Please explain construction methods here (e.g., equipment to be used, access routes, construction work areas, construction staging areas, pile driving methods and materials, etc.)

**Scope of Work:**

Group Housing Sites will involve the lease of land and the installation of ATTHUs, including construction of individual ATTHU pads; ingress, egress, and circulation roads; any necessary upgrades for individual ATTHUs to comply with the Americans with Disabilities Act; parking lots; facility lighting; water, sanitation, and electrical utilities; and a perimeter privacy fence. The sites could include appurtenant support features such as school bus shelters and mailbox units. Development of the sites will require several steps including surveying; clearing; stripping; grading; utility and access road design and installation; and surface storm water and erosion control.

In collaboration with Maui County and the State, FEMA will purchase and place ATTHUs on the Group Sites; options are currently being evaluated to select culturally sensitive options to best meet the specific needs of the community. FEMA would operate and maintain the Group Sites during the term of occupancy. When the temporary housing need ends, FEMA expects the ATTHUs would be removed from the site. The location has already been planned for future development, and infrastructure would be temporary.

Use of the group site locations would require grading and leveling for the installation of roads and individual gravel site pads, and to shed storm water to appropriate locations to support approximately 130 ATTHUs per location. Excavation for the installation of subsurface water, sanitation, and electric utilities would be required for each individual ATTHU and would extend as required to connect to existing utility tie-ins at the adjacent roads.

Utilities exist within the existing right of ways adjacent to the project sites and would be extended to the project site to provide service to the proposed ATTHUs; infrastructure at each location will be established to support long term development goals to the extent practicable.

Debris generated during construction would be removed to an existing, licensed landfill. Unusable equipment, debris and material will be disposed of prior to occupancy in an approved manner and location. In

the event significant items (or evidence thereof) are discovered during implementation of the project including but not limited to; petroleum products, hazardous materials, and toxic waste will be handled, managed, and disposed of in accordance with the requirements and to the satisfaction of the governing local, state, and federal agencies.

Appropriate Best Management Practices (BMPs) will be implemented during site development to minimize sediment migration from the site into nearby water bodies. Surface runoff will be controlled by using siltation controls such as silt fencing around the construction site to minimize erosion of materials into adjacent wetlands and/or waterways. Any disturbed soil will be protected with seed or sod after construction in order to decrease the amount of soil eroded by rainfall and runoff. Any fill stored on site will be appropriately covered to prevent erosion. If the project results in a discharge to waters of the State, a National Pollution Elimination System (NPDES) permit may be required in accordance with the Section 401 of the CWA. Construction work would be done in conformance with the applicable provisions of the HAR Chapter 11-54 (Water Quality Standards) and Chapter 11-55 (Water Pollution Control), the erosion and sedimentation control standards and the Maui Department of Public Works guidelines.

The exact depth of excavation and grading at the sites is unknown but would at a minimum be to the least extent necessary to facilitate construction and to comply with building code requirements. While the ATTHUs unit would likely be removed once more permanent housing solutions are found for displaced individuals and families, site improvements such as underground utilities, gravel and concrete pads, the perimeter fence, and access and circulation roads may remain.

**Describe the construction and project equipment:**

FEMA anticipates needing the following construction equipment for the duration of the main construction period: excavators, bulldozers, hydraulic impact hammers, backhoes, loaders, graders, dump trucks, compactors/rollers, an asphalt paver, rock crushers, rock haulers, and water trucks.

**Describe the access routes:**

Access roads for ingress and egress to and from the site and circulation roads to allow access to each individual unit would be constructed, and gravel pads for parking and trash, concrete parking pads for units with residents requiring upgrades to meet ADA compliance requirements, site lighting, and a perimeter privacy fence would be installed. Fleming Road would be extended, a temporary road will be built, and temporary access routes would be constructed from the Fleming Rd extension to the site.

**Describe the staging areas:**

Equipment staging would be limited to within the site boundary and would not extend to any undisturbed ground that may be adjacent to each proposed site.

**Description of the Action Area:** Briefly describe the Action Area in a few sentences including the size of the Action Area (acres, square feet, etc.) and explain the buffer or distance from the project footprint used to define the Action Area.

The project Action Areas (AAs) consists of approximately 36 acres (See Figure 2 in attachment A). The site is adjacent to a densely populated urban area of Lahaina. In addition, it is located within the burn scar, the site and surrounding areas was heavily impacted by the 2023 Maui Wildfire. A noise buffer was not applied as there are currently elevated noise from debris removal activities in the immediate vicinity.

**Briefly describe the project footprint, and include the size of the project footprint (acres, square feet, etc.):**

The project footprints consist of approximately 36 acres of a 365-acre parcel. The action area is an empty fallow field that was burned during the wildfire. Access to the site will be from Fleming Road

that connects to the northwest portion of the site. Fleming Road has an existing stop light system on Honoapiilani Highway. Additionally, construction access may be obtained by an existing roadway that runs parallel to the western side of the property and connects to Keawe Street.

**Describe general vegetation types and environmental surroundings, aquatic habitats, slope, ambient noise levels and any sensitive biological resources in the Action Area:**

The project Action Area totals approximately 36 acres and had been historically used for agriculture including cultivation of sugar cane. This site is generally flat with elevations ranging from approximately 100 to 130 feet above MSL, sloping westerly and towards the ocean. No vegetation remains on site, this area was completely burned during the August 2023 Maui Wildfires. Currently the site consists of dirt with sparsely populated barren burnt shrubbery (See attached photos in attachment B).

The general area was evaluated through aerial imagery available through Maxar post wildfire as of August 2023 and Google aerial imagery as of November 2023, other public and project information, and Botanical and Faunal Surveys. A review of the National Wetlands Inventory indicated there are no wetlands or waterbodies are present within the project Action Area. The Pacific Ocean is within 0.25 miles of the site.

The site had two surveys (See Attachment E) completed for the Final Environmental Impact statement for development of the property (Villages of Leialii FEIS). A walk-through botanical survey was conducted in April 2008 by two botanists. A walk-through survey for fauna was completed April of 2008. The surveys recorded common-non-native species of no particular concern, the habitat was unsuitable for Hawaii's native waterbirds or seabirds, no native land birds were observed, the Hoary bat was not observed on the property during the survey (Whistler 2008). Both surveys revealed no federally listed Threatened or Endangered species at the time, nor any proposed candidates on the site. It is not expected that the construction or operation of the proposed Villages of Leialii Housing Project will result in deleterious impacts to native avian or mammalian resources present with the general project area.

**Are there any waterbodies located within or near the Action Area? (If yes, please provide additional details)**

**☒ YES ☐ NO**

The National Wetlands Inventory mapper did not reveal any waterbodies within the Action Area. The Pacific ocean is approximately 0.25 miles west of the site. Project work would be completed entirely within the action area, and applicable BMPs will be implemented to prevent erosion and sedimentation. Seabird and Sea turtle AMMs will be implemented for lighting due to the potential for night work.

**If yes, will there be any in-water work? (If yes, provide additional details)**

**☐ YES ☒ NO**

**Proposed Project Schedule and Duration:** Please provide start and end dates (including month and year) of project implementation, number of work days, and number of work hours per day (e.g., 5 days of work for 10 hours per day).

**Start Date:** Approximately End of March 2024

**End Date:** Approximately End of July 2024

**Number of workdays:** 120 days

**Number of work hours:** 24/7

**Will there be nighttime work? (If yes, please describe)**
**☒ YES ☐ NO**

Construction of each Group Site is anticipated to take approximately 4 months to include site preparation, road improvements, and extension of utilities onto the site, and installation of units. Construction may take place up to 24 hours 7 days per week at certain points during development due to the need to establish safe housing for displaced disaster survivors as quickly as possible. Approximate construction dates would start March 2024 through July 2024 (approximately 120 days, 2,900 hours worked). Use of a Group Site for temporary housing generally includes an initial 18 months following a disaster declaration, with options to be extended based on the needs of the survivors. Prior to construction, coordination will be done with the Hawai‘i Department of Health and the County of Maui.

**USFWS Species and/or Critical Habitats Potentially Present**

*Check all potentially occurring species. The following list is based on PIFWO and other USFWS resources (e.g., ECOS) at the time of SLOPES publication. If a species is not listed below, please denote on page 5.*

FEMA conducted a desktop review to collect information on federally listed species under USFWS jurisdiction with potential to occur within or near the AA. The review included data from the USFWS Information, Planning and Consultation (IPaC) System and the USFWS critical habitat mapper. An official USFWS species list was requested from IPaC (Attachment C). Critical habitat maps are provided in Attachment A.

**Arachnids**

☐ Kaua‘i cave wolf spider, pe‘e pe‘e maka ‘ole (*Adelocosa anops*)

**Birds**

☐ nightingale reed warbler, ga‘ga‘karisu (*Acrocephalus luscinia*)
☐ Mariana gray swiftlet, yǻyaguak (*Aerodramus vanikorensis bartschi*)
☒ Hawaiian duck, koloa maoli (Anas wyvilliana)
☒ Hawaiian goose, nēnē (*Branta sandvicensis*)
☐ O‘ahu ‘elepaio (*Chasiempis ibidis*)
☐ Mariana crow, åga (*Corvus kubaryi*)
☐ ‘i‘iwi (*Drepanis coccinea*)
☒ Hawaiian coot, ‘alae ke‘oke‘o (*Fulica americana alai*)
☐ friendly ground-dove, tu‘aimeo (*Gallicolumba stairi*)
☐ Mariana common moorhen (*Gallinula chloropus guami*)
☐ Hawaiian moorhen, ‘alae ‘ula (*Gallinula galeata sandvicensis*)
☐ Guam Micronesion kingfisher, sihek (*Halcyon cinnamomina cinnamomina*)
☒ Hawaiian stilt, ae‘o (*Himantopus mexicanus knudseni*)
☐ Palila (*Loxioides bailleui*)
☐ Micronesian megapode, sasangat (*Megapodius laperouse*)
☒ band-rumped storm petrel, ‘akē‘akē (*Oceanodroma castro*)
☒ Hawaiian petrel, ‘ua‘u (*Pterodroma sandwichensis*)
☒ Newell’s shearwater, ‘a‘o (*Puffinus auricularis newelli*)

☐ Guam rail, koʻkoʻ (*Rallus owstoni*)
☐ bridled white-eye, nosaʻ (*Zosterops conspicillatus conspicillatus*)

**Crustaceans**

☐ anchialine pool shrimp, ʻŌpaeʻula (*Procaris hawaiana*)
☐ Kauaʻi cave amphipod (*Spelaeorchestia koloana*)
☐ anchialine pool shrimp, ʻŌpaeʻula (*Vetericaris chaceorum*)

**Insects**

☐ Hawaiian picture-wing fly (*Drosophila aglaia*)
☐ Hawaiian picture-wing fly (*Drosophila differens*)
☐ Hawaiian picture-wing fly (*Drosophila digressa*)
☐ Hawaiian picture-wing fly (*Drosophila hemipeza*)
☐ Hawaiian picture-wing fly (*Drosophila heteroneura*)
☐ Hawaiian picture-wing fly (*Drosophila montgomeryi*)
☐ Hawaiian picture-wing fly (*Drosophila mulli*)
☐ Hawaiian picture-wing fly (*Drosophila musaphilia*)
☐ Hawaiian picture-wing fly (*Drosophila neoclavisetae*)
☐ Hawaiian picture-wing fly (*Drosophila obatai*)
☐ Hawaiian picture-wing fly (*Drosophila ochrobasis*)
☐ Hawaiian picture-wing fly (*Drosophila sharpi*)
☐ Hawaiian picture-wing fly (*Drosophila substenoptera*)
☐ Hawaiian picture-wing fly (*Drosophila tarphytrichia*)
☐ Hawaiian yellow-faced bee (*Hylaeus anthracinus*)
☐ Hawaiian yellow-faced bee (*Hylaeus assimulans*)
☐ Hawaiian yellow-faced bee (*Hylaeus facilis*)
☐ Hawaiian yellow-faced bee (*Hylaeus hilaris*)
☐ Hawaiian yellow-faced bee (*Hylaeus kuakea*)
☐ Hawaiian yellow-faced bee (*Hylaeus longiceps*)
☐ Hawaiian yellow-faced bee (*Hylaeus mana*)
☐ Rota blue damselfly (*Ischnura luta*)
☐ Mariana wandering butterfly, ababbang/ Libweibwogh (*Vagrans egistina*)
☐ Mariana eight-spot butterfly (*Hypolimnas octocula marianensis*)
☐ Blackburn's sphinx moth (*Manduca blackburni*)
☐ orangeblack Hawaiian damselfly (*Megalagrion xanthomelas*)

**Mammals**

☐ Pacific sheath-tailed bat, payeʻyeʻ (*Emballonura semicaudata semicaudata*)
☐ Hawaiian hoary bat, ʻōpeʻapeʻa (*Lasiurus cinereus semotus*)
☐ Mariana fruit bat, fanihi (*Pteropus mariannus mariannus*)
☐ little Mariana fruit bat, fanihi (*Pteropus tokudae*)

**Reptiles**

☒ green turtle, honu, haggan (*Chelonia mydas*)
☐ Slevin’s skink, gualiek halomtanu/ gholuuf (*Emoia slevini*)
☒ hawksbill turtle, honuʻea, haggan karai (*Eretmochelys imbricata*)

**Snails**

☐ Oʻahu tree snails (*Achatinella* spp.)
☐ humped tree snail, akaleha’ (*Partula gibba*)
☐ Langford’s tree snail, akaleha/ denden (*Partula langfordi*)
☐ Guam tree snail, akaleha’ (*Partula radiolata*)
☐ Lānaʻi tree snail, pupu kani oe (*Partulina semicarinata*)
☐ Lānaʻi tree snail, pupu kani oe (*Partulina variabilis*)
☐ fragile tree snail, akaleha’ (*Samoana fragilis*)

**Critical Habitat Present (Species name)**

☒ None

**Additional Resources**

☒ See Attached List
☒ Not Applicable

**Subrecipient SLOPES Acknowledgement**

*This acknowledgement shall be provided to FEMA Region IX prior to the initiation of work.*

☒ Not Applicable (Direct Federal Action Initiated by FEMA)

On behalf of [_____] (Subrecipient name), I have read the requirements from FEMA's SLOPES programmatic agreement with USFWS that are specific to the subject project and plan to implement accordingly. I understand that failure to implement the required Avoidance and Mitigation Measures (AMMs) and Best Management Practices (BMPs) from SLOPES may jeopardize funding for the project.

[_____] (Subrecipient name) accepts implementation of the required AMMs and BMPs described in SLOPES (and identified below) as a stipulation of funding for

[_____] (project name) under

[_____] (FEMA Project No), and will provide FEMA with documentation and certification (see attached form) that these AMMs and BMPs were implemented within 30 days of the completion of the project.

_____ _____ _____

(Print Name) (Signature) (Date)

On behalf of _____ (Subrecipient Agency Name)

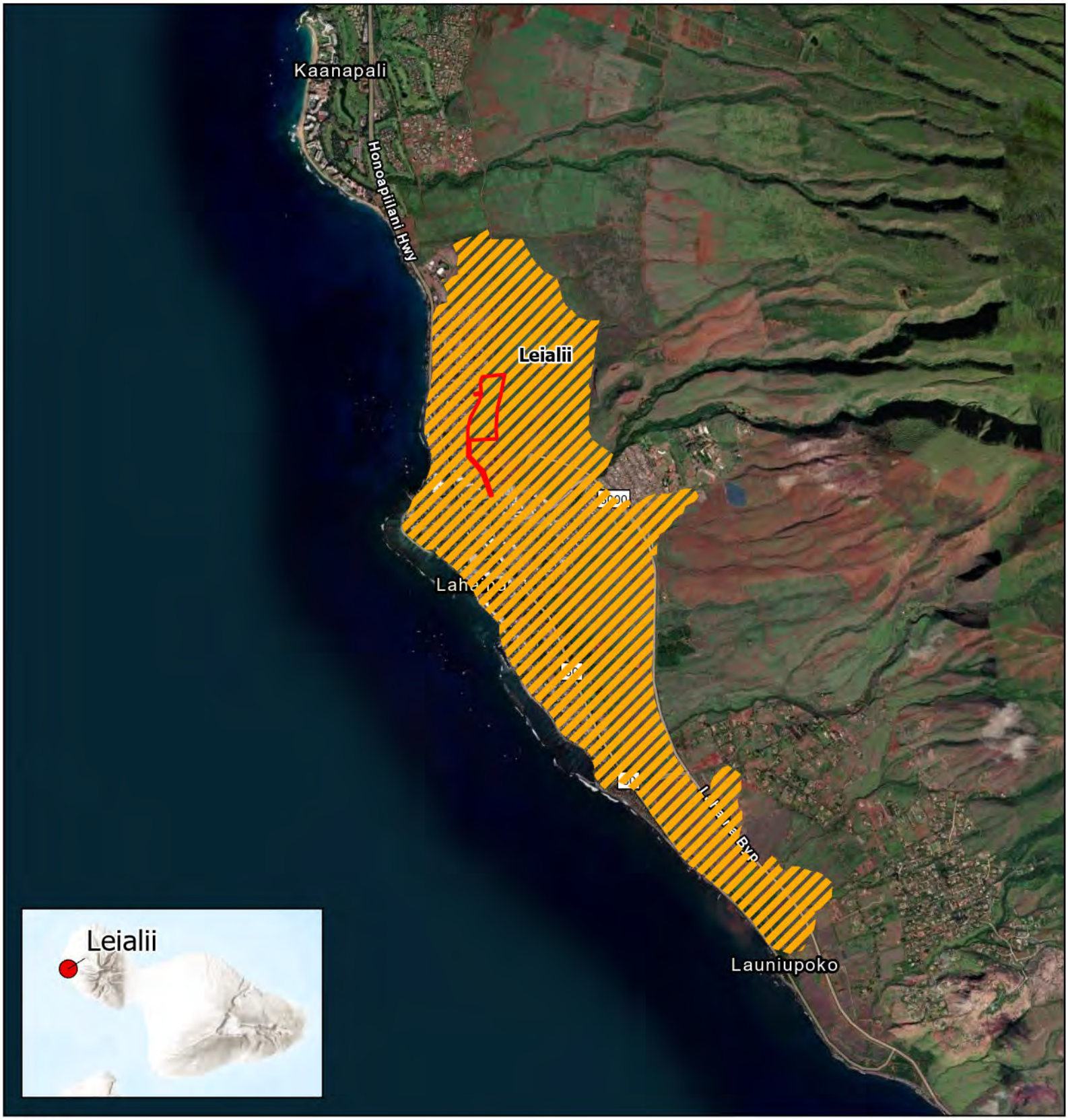
**Required AMMs and BMPs**

*To be filled out by FEMA prior to subrecipient acknowledgement and signature.*

- ☒ General Conditions (Section 6.1)
- ☒ Biosecurity Protocols (Section 6.2)
- ☐ Water Quality (Section 6.3)
- ☐ Nightingale Reed-Warbler (Section 6.4.1)
- ☐ Mariana Gray Swiftlet and Pacific sheath-tailed Bat (Section 6.4.2)
- ☒ Hawaiian Goose (Section 6.4.3)
- ☐ Marianas Common Moorhen (Section 6.4.4)
- ☐ Blackburn's Sphinx Moth (Section 6.4.5)
- ☐ Micronesian Megapode (Section 6.4.6)
- ☐ Hawaiian Hoary Bat (Section 6.4.7)
- ☐ Mariana Fruit Bat and Little Mariana Fruit Bat (Section 6.4.8)
- ☒ Hawaiian Seabirds (Section 6.4.9)
- ☒ Hawaiian Waterbirds (Section 6.4.10)
- ☐ Hawaiian Forest Birds (Section 6.4.11)
- ☒ Sea Turtles (Section 6.4.12)
- ☐ Land Snails (Section 6.4.13)
- ☐ Kauai Cave Wolf Spider and Kauai Cave Amphipod (Section 6.4.14)
- ☐ Friendly Ground Dove (Section 6.4.15)
- ☐ Mariana Crow (Section 6.4.16)
- ☐ Guam Rail (Section 6.4.17)
- ☐ Guam Micronesian Kingfisher (Section 6.4.18)
- ☐ Anchialine Pool Shrimp (Section 6.4.19)
- ☐ Hawaiian Picture-wing Flies (Section 6.4.20)
- ☐ Hawaiian Damselflies (Section 6.4.21)
- ☐ Hawaiian Yellow-faced Bees (Section 6.4.22)
- ☐ Mariana Eight Spot Butterfly and Mariana Wandering Butterfly (Section 6.4.23)
- ☐ Slevin's Skink (Section 6.4.24)
- ☐ Plants (Section 6.4.25)
- ☐ Vessel Operation (Section 6.5)
- ☐ Direct Impacts (Section 6.6)
- ☐ Entanglement (Section 6.7)
- ☐ Elevated Noise (Section 6.8)
- ☐ Marinas and Harbors (Section 6.9)
- ☐ Pilings (Section 6.10)
- ☐ Buoys and Similar Structures (Section 6.11)
- ☐ Dredging and Excavation (Section 6.12)
- ☒ Utility Lines (Section 6.13)
- ☐ Water Course/Coastal Features (Section 6.14)
- ☒ Roads and Railways (Section 6.15)
- ☐ Bridges and Water Crossings (Section 6.1)

# ATTACHMENT A

# FIGURES AND TABLES




0 1.25 2.5 Miles

Basemap Source: Esri, USGS, NOAA

Legend

- Leiali'i Boundary
- USGS Fire Perimeter

# FIGURE 1
# PROJECT VICINITY

Leiali'i Temporary Group Site
DR-4724-HI
Maui County, Hawaii


# FIGURE 2
# ACTION AREA

Leiali'i Temporary Group Site
DR-4724-HI
Maui County, Hawaii


0 4.25 8.5 Miles

Data Source: USFWS
Basemap Source: Esri, USGS, NOAA

Legend

- 10 Mile Buffer
- Leiali'i Boundary

Critical Habitat

- Endangered
- Threatened

# FIGURE 3
# CRITICAL HABITAT

Leiali'i Temporary Group Site
DR-4724-HI
Maui County, Hawaii

# Table 1: Critical Habitat within 10 Miles of Action Area

| Common Name | Scientific Name | Status | Federal Register | Publication Date | Species Listing Status |
|---|---|---|---|---|---|
| Maui parrotbill (Kiwikiu) | *Pseudonestor xanthophrys* | Final | 81FR17789 18110 | 3/30/2016 | Endangered |
| wahine noho Kula | *Isodendrion pyrifolium* | Final | 83FR42362 42435 | 8/21/2018 | Endangered |
| No common name | *Phyllostegia bracteata* | Final | 81FR17789 18110 | 3/30/2016 | Endangered |
| Haha | *Cyanea kunthiana* | Final | 81FR17789 18110 | 3/30/2016 | Endangered |
| Ha`iwale | *Cyrtandra filipes* | Final | 81FR17789 18110 | 3/30/2016 | Endangered |
| Haha | *Cyanea asplenifolia* | Final | 81FR17789 18110 | 3/30/2016 | Endangered |
| No common name | *Schiedea salicaria* | Final | 81FR17789 18110 | 3/30/2016 | Endangered |
| Nohoanu | *Geranium hillebrandii* | Final | 81FR17789 18110 | 3/30/2016 | Endangered |
| Newcomb's Tree snail | *Newcombia cumingi* | Final | 81FR17789 18110 | 3/30/2016 | Endangered |
| Kio`ele | *Kadua coriacea* | Final | 81FR17789 18110 | 3/30/2016 | Endangered |
| Kolea | *Myrsine vaccinioides* | Final | 81FR17789 18110 | 3/30/2016 | Endangered |
| No common name | *Pteris lidgatei* | Final | 81FR17789 18110 | 3/30/2016 | Endangered |
| Pauoa | *Ctenitis squamigera* | Final | 81FR17789 18110 | 3/30/2016 | Endangered |
| Ha`iwale | *Cyrtandra munroi* | Final | 81FR17789 18110 | 3/30/2016 | Endangered |
| Wawae`iole | *Phlegmariurus mannii* | Final | 81FR17789 18110 | 3/30/2016 | Endangered |
| pilo | *Kadua laxiflora* | Final | 81FR17789 18110 | 3/30/2016 | Endangered |
| No common name | *Gouania hillebrandii* | Final | 81FR17789 18110 | 3/30/2016 | Endangered |
| No common name | *Gouania vitifolia* | Final | 81FR17789 18110 | 3/30/2016 | Endangered |
| No common name | *Hesperomannia arborescens* | Final | 81FR17789 18110 | 3/30/2016 | Endangered |
| No common name | *Hesperomannia arbuscula* | Final | 81FR17789 18110 | 3/30/2016 | Endangered |
| (=Native yellow hibiscus) ma`o hau hele | *Hibiscus brackenridgei* | Final | 81FR17789 18110 | 3/30/2016 | Endangered |
| No common name | *Neraudia sericea* | Final | 81FR17789 18110 | 3/30/2016 | Endangered |
| Makou | *Peucedanum sandwicense* | Final | 81FR17789 18110 | 3/30/2016 | Threatened |
| Kuahiwi laukahi | *Plantago princeps* | Final | 81FR17789 18110 | 3/30/2016 | Endangered |
| Maui remya | *Remya mauiensis* | Final | 81FR17789 18110 | 3/30/2016 | Endangered |
| Pamakani | *Tetramolopium capillare* | Final | 81FR17789 18110 | 3/30/2016 | Endangered |
| No common name | *Tetramolopium remyi* | Final | 81FR17789 18110 | 3/30/2016 | Endangered |
| No common name | *Sanicula purpurea* | Final | 81FR17789 18110 | 3/30/2016 | Endangered |
| Liliwai | *Acaena exigua* | Final | 81FR17789 18110 | 3/30/2016 | Endangered |
| Mahoe | *Alectryon macrococcus* | Final | 81FR17789 18110 | 3/30/2016 | Endangered |
| Ko`oko`olau | *Bidens micrantha ssp. kalealaha* | Final | 81FR17789 18110 | 3/30/2016 | Endangered |
| No common name | *Bonamia menziesii* | Final | 81FR17789 18110 | 3/30/2016 | Endangered |
| Kamanomano | *Cenchrus agrimonioides* | Final | 81FR17789 18110 | 3/30/2016 | Endangered |
| Kauila | *Colubrina oppositifolia* | Final | 81FR17789 18110 | 3/30/2016 | Endangered |
| Ha`iwale | *Cyrtandra oxybapha* | Final | 81FR17789 18110 | 3/30/2016 | Endangered |
| No common name | *Platanthera holochila* | Final | 81FR17789 18110 | 3/30/2016 | Endangered |
| Ohai | *Sesbania tomentosa* | Final | 81FR17789 18110 | 3/30/2016 | Endangered |
| Lanai sandalwood (=`iliahi) | *Santalum haleakalae var. lanaiense* | Final | 81FR17789 18110 | 3/30/2016 | Endangered |
| Haha | *Cyanea lobata* | Final | 81FR17789 18110 | 3/30/2016 | Endangered |
| `Oha wai | *Clermontia oblongifolia ssp. mauiensis* | Final | 81FR17789 18110 | 3/30/2016 | Endangered |
| Haha | *Cyanea glabra* | Final | 81FR17789 18110 | 3/30/2016 | Endangered |
| Na`ena`e | *Dubautia plantaginea ssp. humilis* | Final | 81FR17789 18110 | 3/30/2016 | Endangered |
| No common name | *Lysimachia lydgatei* | Final | 81FR17789 18110 | 3/30/2016 | Endangered |
| No common name | *Spermolepis hawaiiensis* | Final | 81FR17789 18110 | 3/30/2016 | Endangered |
| Haha | *Cyanea obtusa* | Final | 81FR17789 18110 | 3/30/2016 | Endangered |
| Ko`oko`olau | *Bidens conjuncta* | Final | 81FR17789 18110 | 3/30/2016 | Endangered |
| A`e | *Zanthoxylum hawaiiense* | Final | 81FR17789 18110 | 3/30/2016 | Endangered |
| No common name | *Diplazium molokaiense* | Final | 81FR17789 18110 | 3/30/2016 | Endangered |
| Hillebrand's reedgrass | *Calamagrostis hillebrandii* | Final | 81FR17789 18110 | 3/30/2016 | Endangered |
| Hawaiian picture-wing fly | *Drosophila neoclavisetae* | Final | 73FR73795 73895 | 12/4/2008 | Endangered |
| No common name | *Wikstroemia villosa* | Final | 81FR17789 18110 | 3/30/2016 | Endangered |
| Ko`oko`olau | *Bidens campylotheca ssp. pentamera* | Final | 81FR17789 18110 | 3/30/2016 | Endangered |
| haha | *Cyanea magnicalyx* | Final | 81FR17789 18110 | 3/30/2016 | Endangered |
| No common name | *Stenogyne kauaulaensis* | Final | 81FR17789 18110 | 3/30/2016 | Endangered |
| `Akohekohe (crested honeycreeper) | *Palmeria dolei* | Final | 81FR17789 18110 | 3/30/2016 | Endangered |
| No common name | *Asplenium dielerectum* | Final | 81FR17789 18110 | 3/30/2016 | Endangered |

# ATTACHMENT B

# PHOTOS AND POTENTIAL SITE LAYOUT

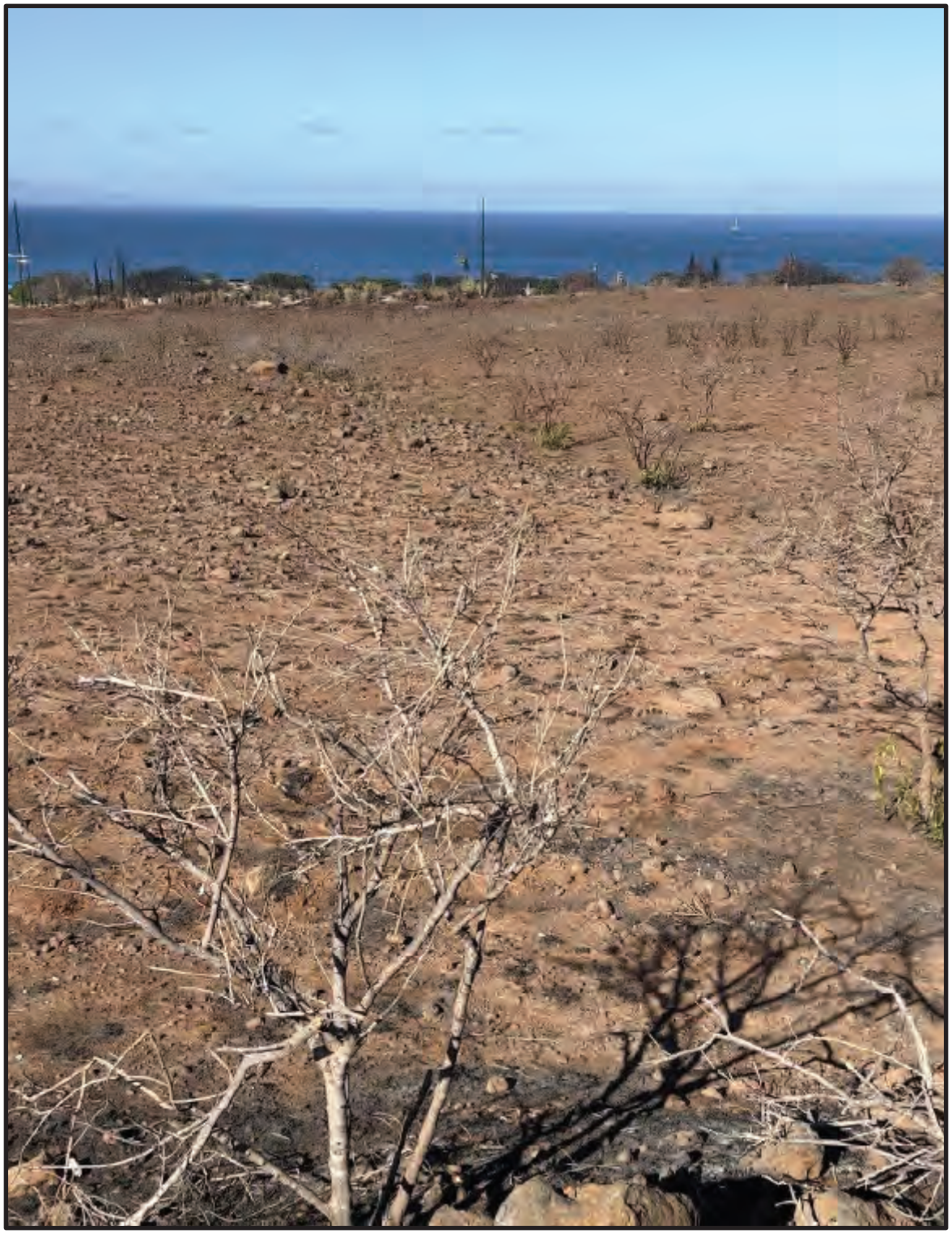
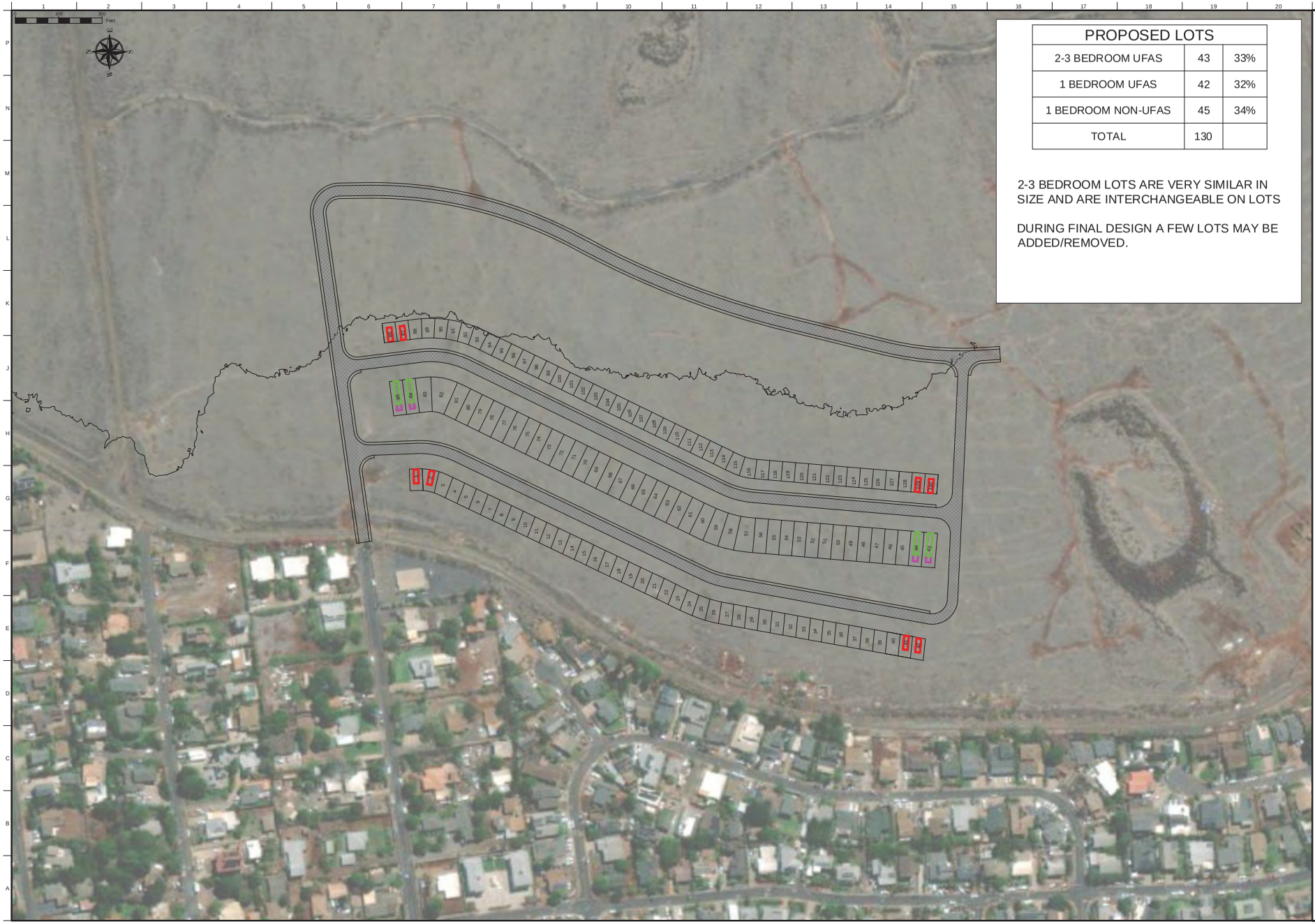


**Photo 1 –** Facing south from the east/center of the Leialiʻi location, facing west, December 2023.

**Photo 2 –** Facing south from the east/center of the Leialiʻi location, facing west, December 2023.



| PROPOSED LOTS | | |
|---|---|---|
| 2-3 BEDROOM UFAS | 43 | 33% |
| 1 BEDROOM UFAS | 42 | 32% |
| 1 BEDROOM NON-UFAS | 45 | 34% |
| TOTAL | 130 | |

2-3 BEDROOM LOTS ARE VERY SIMILAR IN SIZE AND ARE INTERCHANGEABLE ON LOTS

DURING FINAL DESIGN A FEW LOTS MAY BE ADDED/REMOVED.

US Army Corps of Engineers®

| MARK | DESCRIPTION | DATE |
|---|---|---|

DESIGNED BY: J.ANDERSON
DRAWN BY: S.CALDWELL
CHECKED BY: C.COX
SUBMITTED BY: J.RITTER
SIZE: ANSI D

ISSUE DATE: JANUARY 2024
SOLICITATION NO.: N/A
CONTRACT NO.: N/A

U.S. ARMY CORPS OF ENGINEERS
HUNTINGTON DISTRICT
502 8TH STREET
HUNTINGTON, WV 25701

TEMPORARY HOUSING SITE
LEIALI'I, LAHAINA
COUNTY OF MAUI, HI
DR-4724-HI

PRELIMINARY CONCEPT

SHEET ID
####

# ATTACHMENT C

# OFFICIAL USFWS SPECIES LIST

# United States Department of the Interior

FISH AND WILDLIFE SERVICE
Pacific Islands Fish And Wildlife Office
300 Ala Moana Boulevard, Box 50088
Honolulu, HI 96850-5000
Phone: (808) 792-9400 Fax: (808) 792-9580


In Reply Refer To: January 31, 2024
Project Code: 2024-0043334
Project Name: Leialiʻi Temporary Group Site

Subject: List of threatened and endangered species that may occur in your proposed project location or may be affected by your proposed project

To Whom It May Concern:

The enclosed species list identifies threatened and endangered species, as well as designated critical habitat that may occur within the boundary of your proposed project and that may be affected by project related actions. The species list fulfills the requirements of the U.S. Fish and Wildlife Service (Service) under section 7(c) of the Endangered Species Act (Act) of 1973, as amended (16 U.S.C. 1531 *et seq.*). Please contact the Service's Pacific Islands Fish and Wildlife Office (PIFWO) at 808-792-9400 if you have any questions regarding your IPaC species list.

The purpose of the Act is to provide a means whereby threatened and endangered species and the ecosystems upon which they depend may be conserved. Under sections 7(a)(1) and 7(a)(2) of the Act and its implementing regulations (50 CFR 402 *et seq.*), Federal agencies are required to utilize their authorities to carry out programs for the conservation of threatened and endangered species and to determine whether projects may adversely affect threatened and endangered species and/or designated critical habitat.

Please note that under 50 CFR 402.12(e) of the regulations implementing section 7 of the Act, the accuracy of this species list should be verified after 90 days. New information based on updated surveys, changes in the abundance and distribution of species, changed habitat conditions, or other factors could change this list. This verification can be completed formally or informally as desired. The Service recommends that verification be completed by visiting the IPaC website at regular intervals during project planning and implementation for updates to species lists and information. An updated list may be requested through the IPaC system by completing the same process used to receive the enclosed list.

A Biological Assessment is required for construction projects (or other undertakings having similar physical impacts) that are major Federal actions significantly affecting the quality of the human environment as defined in the National Environmental Policy Act (42 U.S.C. 4332(2)(c)). For projects other than major construction activities, the Service suggests that a Biological

Evaluation, similar to a Biological Assessment, be prepared to determine whether the project may affect listed or proposed species and/or designated or proposed critical habitat. Recommended contents of a Biological Assessment or Biological Evaluation are described at 50 CFR 402.12.

Due to the significant number of listed species found on each island within PIFWO's regulatory jurisdiction, and the difficulty in accurately mapping ranges for species that we have limited information about, your species list may include more species than if you obtained the list directly from a Service biologist. We recommend you use the species links in IPaC to view the life history, habitat descriptions, and recommended avoidance and minimization measures to assist with your initial determination of whether the species or its habitat may occur within your project area. If appropriate habitat is present for a listed species, we recommend surveys be conducted to determine whether the species is also present. If no surveys are conducted, we err on the side of the species, by regulation, and assume the habitat is occupied. Updated avoidance and minimization measures for plants and animals, best management practices for work in or near aquatic environments, and invasive species biosecurity protocols can be found on the PIFWO website at: https://www.fws.gov/office/pacific-islands-fish-and-wildlife/library.

If a Federal agency determines, based on the Biological Assessment or Biological Evaluation, that a listed species and/or designated critical habitat may be affected by the proposed project, the agency is required to consult with the Service pursuant to 50 CFR 402. More information on the regulations and procedures for section 7 consultation, including the role of permit or license applicants, can be found in the "Endangered Species Consultation Handbook" at: http://www.fws.gov/endangered/esa-library/index.

Non-federal entities can also use the IPaC generated species list to develop Habitat Conservation Plans (HCP) in accordance with section 10(a)(1)(B) of the Act. We recommend HCP applicants coordinate with the Service early during the HCP development process. For additional information on HCPs, the Habitat Conservation Planning handbook can be found at https://www.fws.gov/sites/default/files/documents/habitat-conservation-planning-handbook-entire.pdf.

Please be aware that wind energy projects should follow the Service’s wind energy guidelines (http://www.fws.gov/windenergy) for minimizing impacts to migratory birds. Listed birds and the Hawaiian hoary bat may also be affected by wind energy development and we recommend development of a Habitat Conservation Plan for those species, as described above. Guidance for minimizing impacts to migratory birds for projects including communications towers can be found at:

- http://www.fws.gov/migratorybirds/CurrentBirdIssues/Hazards/towers/towers
- http://www.towerkill.com
- http://www.fws.gov/migratorybirds/CurrentBirdIssues/Hazards/towers/comtow

We appreciate your concern for threatened and endangered species. The Service encourages Federal agencies to include conservation actions that benefit threatened and endangered species into their project planning to further the purposes of the Act in accordance with section 7(a)(1). Please include the Consultation Tracking Number associated with your IPaC species list in any

request for consultation or correspondence about your project that you submit to our office. Please feel free to contact us at PIFWO_admin@fws.gov or 808-792-9400 if you need more current information or assistance regarding the potential impacts to federally listed species and federally designated critical habitat.

Attachment(s):

- Official Species List
- USFWS National Wildlife Refuges and Fish Hatcheries
- Bald & Golden Eagles
- Migratory Birds
- Wetlands

# OFFICIAL SPECIES LIST

This list is provided pursuant to Section 7 of the Endangered Species Act, and fulfills the requirement for Federal agencies to "request of the Secretary of the Interior information whether any species which is listed or proposed to be listed may be present in the area of a proposed action".

This species list is provided by:

**Pacific Islands Fish And Wildlife Office**
300 Ala Moana Boulevard, Box 50088
Honolulu, HI 96850-5000
(808) 792-9400

# PROJECT SUMMARY

Project Code: 2024-0043334
Project Name: Leialiʻi Temporary Group Site
Project Type: New Constr - Above Ground
Project Description: FEMA my potentially be constructing a group site within a 35 acrea area east of Lahaina within the burn scar. Group Housing Sites will involve the lease of land and the installation of ATTHUs, including construction of individual ATTHU pads; ingress, egress, and circulation roads; any necessary upgrades for individual ATTHUs to comply with the Americans with Disabilities Act; parking lots; facility lighting; water, sanitation, and electrical utilities; and a perimeter privacy fence. The sites could include appurtenant support features such as school bus shelters and mailbox units. Development of the sites will require several steps including surveying; clearing; stripping; grading; utility and access road design and installation; and surface storm water and erosion control.

Construction of each Group Site is anticipated to take 6 months to include site preparation, road improvements, and extension of utilities onto the site, and installation of units. Construction may take place up to 24 hours 7 days per week at certain points during development due to the need to establish safe housing for displaced disaster survivors as quickly as possible. Approximate construction dates would start February 2024 through June 2024 (181 days, 4,344 hours worked). Use of a Group Site for temporary housing generally includes an initial 18 months following a disaster declaration, with options to be extended based on the needs of the survivors. Prior to construction, coordination will be done with the Hawaiʻi Department of Health and the County of Maui.

Project Location:

The approximate location of the project can be viewed in Google Maps: https://www.google.com/maps/@20.89230885,-156.67947445547708,14z

Counties: Maui County, Hawaii

# ENDANGERED SPECIES ACT SPECIES

There is a total of 19 threatened, endangered, or candidate species on this species list.

Species on this list should be considered in an effects analysis for your project and could include species that exist in another geographic area. For example, certain fish may appear on the species list because a project could affect downstream species.

IPaC does not display listed species or critical habitats under the sole jurisdiction of NOAA Fisheries[1], as USFWS does not have the authority to speak on behalf of NOAA and the Department of Commerce.

See the "Critical habitats" section below for those critical habitats that lie wholly or partially within your project area under this office's jurisdiction. Please contact the designated FWS office if you have questions.

---

1. NOAA Fisheries, also known as the National Marine Fisheries Service (NMFS), is an office of the National Oceanic and Atmospheric Administration within the Department of Commerce.

## MAMMALS

| NAME | STATUS |
|---|---|
| Hawaiian Hoary Bat *Lasiurus cinereus semotus*<br>No critical habitat has been designated for this species.<br>Species profile: https://ecos.fws.gov/ecp/species/770<br>General project design guidelines:<br>https://ipac.ecosphere.fws.gov/project/FATKQJ6C5NATDF6EPQNFMKQGBI/documents/generated/6477.pdf | Endangered |

## BIRDS

| NAME | STATUS |
|---|---|
| Band-rumped Storm-petrel *Hydrobates castro*<br>Population: USA (HI)<br>No critical habitat has been designated for this species.<br>Species profile: https://ecos.fws.gov/ecp/species/1226<br>General project design guidelines:<br>https://ipac.ecosphere.fws.gov/project/FATKQJ6C5NATDF6EPQNFMKQGBI/documents/generated/6939.pdf | Endangered |
| Hawaiian Coot (alae Ke`oke`o) *Fulica alai*<br>No critical habitat has been designated for this species.<br>Species profile: https://ecos.fws.gov/ecp/species/7233<br>General project design guidelines:<br>https://ipac.ecosphere.fws.gov/project/FATKQJ6C5NATDF6EPQNFMKQGBI/documents/generated/6934.pdf | Endangered |
| Hawaiian Duck *Anas wyvilliana*<br>No critical habitat has been designated for this species.<br>Species profile: https://ecos.fws.gov/ecp/species/7712<br>General project design guidelines:<br>https://ipac.ecosphere.fws.gov/project/FATKQJ6C5NATDF6EPQNFMKQGBI/documents/generated/6934.pdf | Endangered |
| Hawaiian Goose *Branta (=Nesochen) sandvicensis*<br>No critical habitat has been designated for this species.<br>Species profile: https://ecos.fws.gov/ecp/species/1627<br>General project design guidelines:<br>https://ipac.ecosphere.fws.gov/project/FATKQJ6C5NATDF6EPQNFMKQGBI/documents/generated/6925.pdf | Threatened |
| Hawaiian Petrel *Pterodroma sandwichensis*<br>No critical habitat has been designated for this species.<br>Species profile: https://ecos.fws.gov/ecp/species/6746<br>General project design guidelines:<br>https://ipac.ecosphere.fws.gov/project/FATKQJ6C5NATDF6EPQNFMKQGBI/documents/generated/6939.pdf | Endangered |
| Hawaiian Stilt *Himantopus mexicanus knudseni*<br>No critical habitat has been designated for this species.<br>Species profile: https://ecos.fws.gov/ecp/species/2082<br>General project design guidelines:<br>https://ipac.ecosphere.fws.gov/project/FATKQJ6C5NATDF6EPQNFMKQGBI/documents/generated/6934.pdf | Endangered |
| Newell"s Shearwater *Puffinus newelli*<br>No critical habitat has been designated for this species.<br>Species profile: https://ecos.fws.gov/ecp/species/2048<br>General project design guidelines:<br>https://ipac.ecosphere.fws.gov/project/FATKQJ6C5NATDF6EPQNFMKQGBI/documents/generated/6939.pdf | Threatened |

## REPTILES

| NAME | STATUS |
|---|---|
| Hawksbill Sea Turtle *Eretmochelys imbricata* | Endangered |

There is **final** critical habitat for this species. Your location does not overlap the critical habitat.
Species profile: https://ecos.fws.gov/ecp/species/3656

## INSECTS

| NAME | STATUS |
|---|---|
| Blackburn's Sphinx Moth *Manduca blackburni* | Endangered |

There is **final** critical habitat for this species. Your location does not overlap the critical habitat.
Species profile: https://ecos.fws.gov/ecp/species/4528
General project design guidelines:
https://ipac.ecosphere.fws.gov/project/FATKQJ6C5NATDF6EPQNFMKQGBI/documents/generated/6926.pdf

## FLOWERING PLANTS

| NAME | STATUS |
|---|---|
| `ena`ena *Pseudognaphalium sandwicensium var. molokaiense*<br>No critical habitat has been designated for this species.<br>Species profile: https://ecos.fws.gov/ecp/species/5993 | Endangered |
| Awiwi *Schenkia sebaeoides*<br>There is final critical habitat for this species. Your location does not overlap the critical habitat.<br>Species profile: https://ecos.fws.gov/ecp/species/7103 | Endangered |
| Carter's Panicgrass *Panicum fauriei var. carteri*<br>There is final critical habitat for this species. Your location does not overlap the critical habitat.<br>Species profile: https://ecos.fws.gov/ecp/species/5578 | Endangered |
| Dwarf Naupaka *Scaevola coriacea*<br>No critical habitat has been designated for this species.<br>Species profile: https://ecos.fws.gov/ecp/species/4669 | Endangered |
| Ihi *Portulaca villosa*<br>No critical habitat has been designated for this species.<br>Species profile: https://ecos.fws.gov/ecp/species/4886 | Endangered |
| Ko`oloa`ula *Abutilon menziesii*<br>No critical habitat has been designated for this species.<br>Species profile: https://ecos.fws.gov/ecp/species/3268 | Endangered |
| Ohai *Sesbania tomentosa*<br>There is final critical habitat for this species. Your location does not overlap the critical habitat.<br>Species profile: https://ecos.fws.gov/ecp/species/8453<br>General project design guidelines:<br>https://ipac.ecosphere.fws.gov/project/FATKQJ6C5NATDF6EPQNFMKQGBI/documents/generated/7050.pdf | Endangered |
| Round-leaved Chaff-flower *Achyranthes splendens var. rotundata*<br>There is final critical habitat for this species. Your location does not overlap the critical habitat.<br>Species profile: https://ecos.fws.gov/ecp/species/4709 | Endangered |
| Vigna o-wahuensis<br>There is final critical habitat for this species. Your location does not overlap the critical habitat.<br>Species profile: https://ecos.fws.gov/ecp/species/8445 | Endangered |

## CRITICAL HABITATS

THERE ARE NO CRITICAL HABITATS WITHIN YOUR PROJECT AREA UNDER THIS OFFICE'S JURISDICTION.

YOU ARE STILL REQUIRED TO DETERMINE IF YOUR PROJECT(S) MAY HAVE EFFECTS ON ALL ABOVE LISTED SPECIES.

# USFWS NATIONAL WILDLIFE REFUGE LANDS AND FISH HATCHERIES

Any activity proposed on lands managed by the National Wildlife Refuge system must undergo a 'Compatibility Determination' conducted by the Refuge. Please contact the individual Refuges to discuss any questions or concerns.

THERE ARE NO REFUGE LANDS OR FISH HATCHERIES WITHIN YOUR PROJECT AREA.

# BALD & GOLDEN EAGLES

Bald and golden eagles are protected under the Bald and Golden Eagle Protection Act[1] and the Migratory Bird Treaty Act[2].

Any person or organization who plans or conducts activities that may result in impacts to bald or golden eagles, or their habitats[3], should follow appropriate regulations and consider implementing appropriate conservation measures, as described in the links below. Specifically, please review the "Supplemental Information on Migratory Birds and Eagles".

---

1. The Bald and Golden Eagle Protection Act of 1940.
2. The Migratory Birds Treaty Act of 1918.
3. 50 C.F.R. Sec. 10.12 and 16 U.S.C. Sec. 668(a)

THERE ARE NO BALD AND GOLDEN EAGLES WITHIN THE VICINITY OF YOUR PROJECT AREA.

# MIGRATORY BIRDS

Certain birds are protected under the Migratory Bird Treaty Act[1] and the Bald and Golden Eagle Protection Act[2].

Any person or organization who plans or conducts activities that may result in impacts to migratory birds, eagles, and their habitats[3] should follow appropriate regulations and consider implementing appropriate conservation measures, as described in the links below. Specifically, please review the "Supplemental Information on Migratory Birds and Eagles".

---

1. The Migratory Birds Treaty Act of 1918.
2. The Bald and Golden Eagle Protection Act of 1940.
3. 50 C.F.R. Sec. 10.12 and 16 U.S.C. Sec. 668(a)

For guidance on when to schedule activities or implement avoidance and minimization measures to reduce impacts to migratory birds on your list, see the PROBABILITY OF PRESENCE SUMMARY below to see when these birds are most likely to be present and breeding in your project area.

| NAME | BREEDING SEASON |
|---|---|
| Apapane *Himatione sanguinea*<br>This is a Bird of Conservation Concern (BCC) throughout its range in Hawaii and the Pacific Islands.<br>https://ecos.fws.gov/ecp/species/9659 | Breeds Dec 1 to Jul 31 |
| Black Noddy *Anous minutus melanogenys*<br>This is a Bird of Conservation Concern (BCC) throughout its range in Hawaii and the Pacific Islands.<br>https://ecos.fws.gov/ecp/species/10559 | Breeds Apr 1 to Nov 30 |
| Hawai'i 'amakihi *Hemignathus virens*<br>This is a Bird of Conservation Concern (BCC) throughout its range in Hawaii and the Pacific Islands.<br>https://ecos.fws.gov/ecp/species/9655 | Breeds Nov 15 to Aug 15 |
| Maui 'alauahio *Paroreomyza montana*<br>This is a Bird of Conservation Concern (BCC) throughout its range in Hawaii and the Pacific Islands.<br>https://ecos.fws.gov/ecp/species/9663 | Breeds Apr 15 to Aug 15 |
| Red-tailed Tropicbird *Phaethon rubricauda melanorhynchos*<br>This is a Bird of Conservation Concern (BCC) throughout its range in Hawaii and the Pacific Islands.<br>https://ecos.fws.gov/ecp/species/10563 | Breeds Dec 15 to Oct 15 |

# PROBABILITY OF PRESENCE SUMMARY

The graphs below provide our best understanding of when birds of concern are most likely to be present in your project area. This information can be used to tailor and schedule your project activities to avoid or minimize impacts to birds. Please make sure you read "Supplemental Information on Migratory Birds and Eagles", specifically the FAQ section titled "Proper Interpretation and Use of Your Migratory Bird Report" before using or attempting to interpret this report.

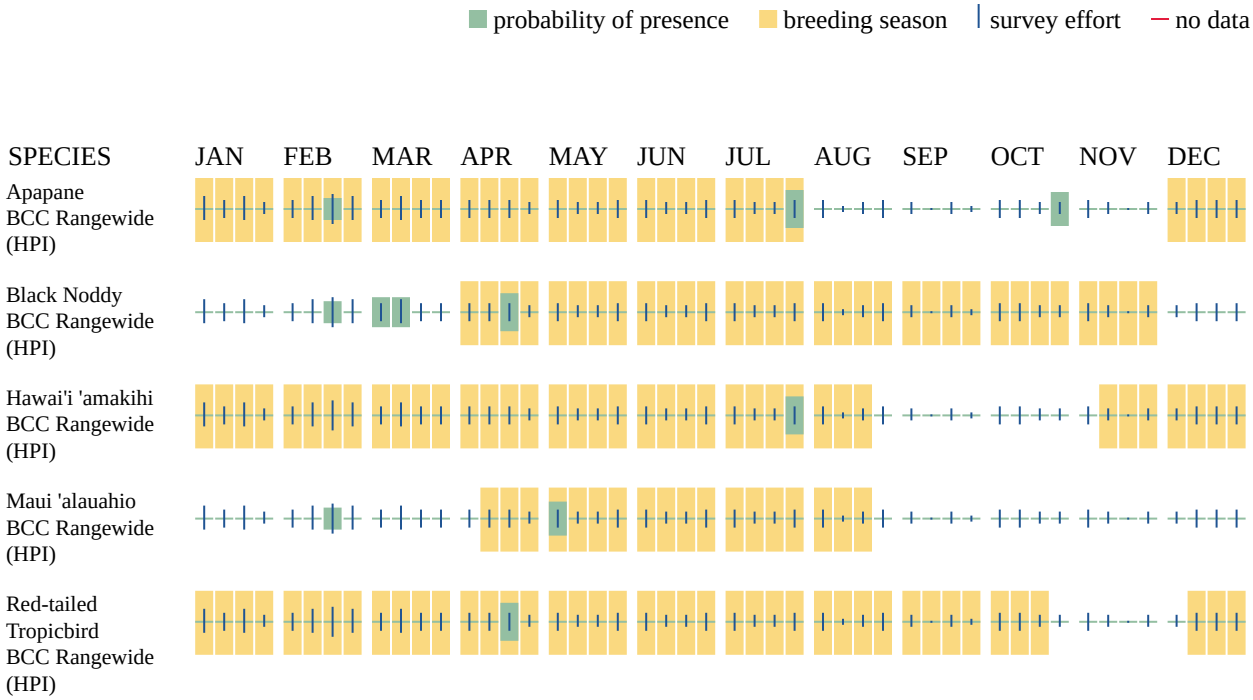
**Probability of Presence** (■)

Green bars; the bird's relative probability of presence in the 10km grid cell(s) your project overlaps during that week of the year.

**Breeding Season** (■)
Yellow bars; liberal estimate of the timeframe inside which the bird breeds across its entire range.

**Survey Effort** (|)
Vertical black lines; the number of surveys performed for that species in the 10km grid cell(s) your project area overlaps.

**No Data** (–)
A week is marked as having no data if there were no survey events for that week.




Additional information can be found using the following links:

- Eagle Management https://www.fws.gov/program/eagle-management
- Measures for avoiding and minimizing impacts to birds https://www.fws.gov/library/collections/avoiding-and-minimizing-incidental-take-migratory-birds
- Nationwide conservation measures for birds https://www.fws.gov/sites/default/files/documents/nationwide-standard-conservation-measures.pdf
- Supplemental Information for Migratory Birds and Eagles in IPaC https://www.fws.gov/media/supplemental-information-migratory-birds-and-bald-and-golden-eagles-may-occur-project-action

# WETLANDS

Impacts to NWI wetlands and other aquatic habitats may be subject to regulation under Section 404 of the Clean Water Act, or other State/Federal statutes.

For more information please contact the Regulatory Program of the local U.S. Army Corps of Engineers District.

Please note that the NWI data being shown may be out of date. We are currently working to update our NWI data set. We recommend you verify these results with a site visit to determine the actual extent of wetlands on site.

THERE ARE NO WETLANDS WITHIN YOUR PROJECT AREA.

# ATTACHMENT D

# SUMMARY OF EFFECT

**Table 2: Summary of ESA Effect Determinations for Federally Listed Species with Potential to Occur in Action Area for DR-4724-HI Leialii Temporary Group Site**

| Species Name | Federal Listing Status | Potential to Occur in the Action Area/ESA Effects Determination | Critical Habitat |
|---|---|---|---|
| Hawaiian Hoary Bat (*Lasiurus cinereus semotus)* | Endangered | No suitable habitat (i.e., roosting habitat for raising young is tall, shady trees; foraging habitat is in native and non-native forests) exists within or adjacent to the AA. Therefore, no potential direct or indirect effects to the species are anticipated to occur from implementation of the proposed project.<br><br>**No effect** | No critical habitat within 10 miles of AAs.<br><br>**No effect** |
| Blackburn's Sphinx Moth (*Manduca blackburni)* | Endangered | No suitable habitat (i.e., dry to mesic habitats, now usually associated with tree tobacco) exists within or adjacent to the AA. Therefore, no potential direct or indirect effects to the species are anticipated to occur from implementation of the proposed project.<br><br>**No effect** | No critical habitat within 10 miles of AAs.<br><br>**No effect** |
| Flowering Plants: ena`ena (*Pseudognaphalium sandwicensium var. molokaiense*), Awiwi (*Schenkia sebaeoides*), Carter's Panicgrass (*Panicum fauriei var. carteri*), Dwarf Naupaka (*Scaevola coriacea*), Ihi (*Portulaca villosa*), Ko`oloa`ula (*Abutilon menziesii*), Ohai (*Sesbania tomentosa*), Round-leaved Chaff-flower (*Achyranthes splendens var. rotundata*), (*Vigna o-wahuensis*) | Endangered (ALL) | Plant species are not present in the AA, no vegetation exists within or adjacent to the AA due to the wildfire.<br><br>**No effect** | The proposed project would have no effect on any designated critical habitat for flowering plant species because the AA does not occur within or near any critical habitat. The only plant species with critical habitat within 10 miles of the proposed project is Ohai. The nearest critical habitat is approximately 1.75 miles from the AA.<br><br>**No effect** |
| Hawaiian Coot *(Fulica alai)* | Endangered | No suitable habitat (i.e., coastal wetlands) exists within or adjacent to the AA. Hawaiian waterbirds may be attracted to areas of standing water that are inadvertently created during construction activities.<br><br>Therefore, the project may affect, but is not likely to adversely affect the Hawaiian Coot because of the temporary and limited nature of project-related disturbance and the proposed implementation of conservation measures which would avoid or minimize the extent and severity of any potential adverse effects to insignificant or discountable levels.<br><br>**May affect, but is not likely to adversely affect** | No critical habitat within 10 miles of AAs.<br><br>**No effect** |

| Species Name | Federal Listing Status | Potential to Occur in the Action Area/ESA Effects Determination | Critical Habitat |
|---|---|---|---|
| Hawaiian Duck<br>*(Anas wyvilliana)* | Endangered | No suitable habitat (i.e., coastal wetlands) exists within or adjacent to the AA. Hawaiian waterbirds may be attracted to areas of standing water that are inadvertently created during construction activities.<br><br>Therefore, the project may affect, but is not likely to adversely affect the Hawaiian Duck because of the temporary and limited nature of project-related disturbance and the proposed implementation of conservation measures which would avoid or minimize the extent and severity of any potential adverse effects to insignificant or discountable levels.<br><br>**May affect, but is not likely to adversely affect** | No critical habitat within 10 miles of AAs.<br><br>**No effect** |
| Hawaiian Goose<br>*(Branta sandvicensis)* | Threatened | No suitable habitat (i.e., shrubland and grassland) occurs within the AAs. The species may not be located within the Action Area, but they are located within the vicinity and can easily enter the project area.<br><br>Therefore, the project may affect, but is not likely to adversely affect the Hawaiian Goose because of the temporary and limited nature of project-related disturbance and the proposed implementation of conservation measures which would avoid or minimize the extent and severity of any potential adverse effects to insignificant or discountable levels.<br><br>**May affect, but is not likely to adversely affect** | No critical habitat within 10 miles of AAs.<br><br>**No effect** |
| Hawaiian Stilt<br>*(Himantopus mexicanus knudseni)* | Endangered | No suitable habitat (i.e., coastal wetlands) exists within or adjacent to the AA. Hawaiian waterbirds may be attracted to areas of standing water that are inadvertently created during construction activities.<br><br>Therefore, the project may affect, but is not likely to adversely affect the Hawaiian Stilt because of the temporary and limited nature of project-related disturbance and the proposed implementation of conservation measures which would avoid or minimize the extent and severity of any potential adverse effects to insignificant or discountable levels.<br><br>**May affect, but is not likely to adversely affect** | No critical habitat within 10 miles of AAs.<br><br>**No effect** |

| Species Name | Federal Listing Status | Potential to Occur in the Action Area/ESA Effects Determination | Critical Habitat |
|---|---|---|---|
| Band-rumped Storm-petrel *(Oceanodroma castro)* | Endangered | No suitable habitat (i.e., nesting: remote cliffs in high-elevation lava fields) within or adjacent to the AA. Suitable foraging habitat (i.e. open ocean) exists adjacent to the AA, the species may fly over or near the Action Area at night, flying to or from nesting colonies or when fledging.<br><br>Therefore, the project may affect, but is not likely to adversely affect Band-rumped Storm-petrel because of the temporary and limited nature of project-related disturbance and the proposed implementation of conservation measures which would avoid or minimize the extent and severity of any potential adverse effects to insignificant or discountable levels.<br><br>**May affect, but is not likely to adversely affect** | No critical habitat within 10 miles of AAs.<br><br>**No effect** |
| Hawaiian Petrel *(Pterodroma sandwichensis)* | Endangered | No suitable nesting habitat (i.e., densely vegetated areas at high elevation) exists within or adjacent to the AA. Suitable foraging habitat (i.e. open ocean) exists adjacent to the AA, the species may fly over or near the Action Area at night, flying to or from nesting colonies or when fledging.<br><br>Therefore, the project may affect, but is not likely to adversely affect Hawaiian Petrel because of the temporary and limited nature of project-related disturbance and the proposed implementation of conservation measures which would avoid or minimize the extent and severity of any potential adverse effects to insignificant or discountable levels.<br><br>**May affect, but is not likely to adversely affect** | No critical habitat within 10 miles of AAs.<br><br>**No effect** |
| Newell's Townsend's Shearwater *(Puffinus auricularis newelli)* | Threatened | No suitable nesting habitat (i.e., montane wet, low-elevation wet, and wet cliff habitats with steep to moderate slopes and open-canopy forests with dense thickets of vegetation in the understory) exists within or adjacent to the AA. Suitable foraging habitat (i.e. open ocean) exists adjacent to the AA, the species may fly over or near the Action Area at night, flying to or from nesting colonies or when fledging.<br><br>Therefore, the project may affect, but is not likely to adversely affect Newell's Townsend's Shearwater because of the temporary and limited nature of project-related disturbance and the proposed implementation of conservation measures which would avoid or minimize the extent and severity of any potential adverse effects to insignificant or discountable levels.<br><br>**May affect, but is not likely to adversely affect** | No critical habitat within 10 miles of AAs.<br><br>**No effect** |

| Species Name | Federal Listing Status | Potential to Occur in the Action Area/ESA Effects Determination | Critical Habitat |
|---|---|---|---|
| Green Sea turtle<br>*(Chelonia mydas)* | Endangered | The species would not be present in the AA due to distances to a potential basking area and known nesting habitat. Suitable habitat (i.e., foraging: Shallow, protected or semi-protected, water around coral reefs and coastal areas; Nesting on sandy beaches) exist adjacent to the AA (.25 miles to the west). Project lighting, both temporary and (semi)permanent could impact sea turtles during nesting season.<br><br>Therefore, the project may affect, but is not likely to adversely affect Green Sea turtle because of the temporary and limited nature of project-related disturbance and the proposed implementation of conservation measures which would avoid or minimize the extent and severity of any potential adverse effects to insignificant or discountable levels.<br><br>**May affect, but is not likely to adversely affect** | No critical habitat within 10 miles of AAs.<br><br>**No effect** |
| Hawksbill Sea Turtle<br>*(Eretmochelys imbricata)* | Endangered | The species would not be present in the AA due to distances to a potential basking area and known nesting habitat. Suitable habitat (i.e., foraging: Shallow waters around reefs, bays, and inlets; Nesting on beaches with a preference for areas with woody cover) exist adjacent to the AA (.25 miles to the west). Project lighting, both temporary and (semi) permanent could impact sea turtles during nesting season.<br><br>Therefore, the project may affect, but is not likely to adversely affect Hawksbill Sea Turtle because of the temporary and limited nature of project-related disturbance and the proposed implementation of conservation measures which would avoid or minimize the extent and severity of any potential adverse effects to insignificant or discountable levels.<br><br>**May affect, but is not likely to adversely affect** | No critical habitat within 10 miles of AAs.<br><br>**No effect** |

# Appendix F.

Programmatic Informal Consultation General Best Management Practices and Species Specific Avoidance Minimization Measures

## BEST MANAGEMENT PRACTICES AND AVOIDANCE AND MINIMIZATION MEASURES

This section describes best management practices (BMPs) and Avoidance and Minimization Measures (AMMs) that FEMAs Contractors will implement for the Proposed Action. The General (GEN) BMPs and species-specific AMMs are drawn from the Pacific Islands Fish and Wildlife Office's (PIFWO) July 27, 2021, Programmatic Informal Consultation (PIC) with FEMA for the Hawaiian and Pacific Islands.

If there are situations where one or more of the avoidance and minimization measures cannot be implemented, a responsible party (i.e., FEMA) will work with PIFWO to develop alternative measures for implementation that would avoid or minimize adverse effects on federally listed species and/or critical habitat.

### General Best Management Practices

The following GEN BMPs are applicable to the Proposed Action. Where noted, and to improve clarity, these BMPs have been modified to eliminate elements that are not applicable to this project. The name of each GEN BMP is the same as the name used in the PIC.

### GEN BMP-1 General Conditions

FEMA, and its Contractors will implement the following set of general conditions for the action described in this letter. Additionally, action-specific conservation measures described herein will be required, as applicable:

- Each applicable conservation measure will be included as an enforceable part of the approval document.
- FEMA and USFWS will be provided reasonable access to projects described in this letter to monitor the compliance with and efficacy of approval conditions.
- FEMA will require that its contractors document and report all interactions with ESA-listed species to FEMA and USFWS. Should it become apparent that an ESA-listed species may be adversely affected by the project, all non-emergency work must stop pending completion of formal ESA Section 7 consultation between FEMA and USFWS for the action.
- Constant vigilance will be kept for the presence of ESA-listed species during all aspects of the approved action:
    - Any site at which listed species have been identified will have a biological monitor present during all work. The biological monitor will have the authority to stop and resume work, and enforce buffer distances.
    - No one will attempt to feed, touch (e.g., pet, relocate), or otherwise intentionally interact with any protected species.
- Project footprints will be limited to the minimum area necessary to complete the project and project work limits must be clearly defined.
- Sensitive resource areas, such as ESA-listed species, if found within the Action Area. must be visibly flagged; however, fencing with non-natural material and smaller than 3- by x3- inch mesh size, and loose-weave joints for projects on or near the coast or suitable waterbird habitat, is prohibited due to the ensnarement hazard potential that exists with this type of material.
- Project operations will cease under unusual conditions, such as large tidal events, heavy rains and strong storms, and high surf conditions, with the exception of emergency protective measures implemented to preserve life and property resulting from such conditions.
- A stormwater management plan, commensurate to the size of the project must be prepared and carried out, for any project that will produce any new impervious surface or a land cover conversion that will slow the entry of water into the soil, to ensure that effects to water quality and hydrology are minimized.

- A pollution and erosion control plan for the Action Area and adjacent areas must be prepared and carried out. As a minimum, this plan will include:
  - Proper installation and maintenance of silt fences, booms, equipment diapers, or drip pans;
  - A contingency plan to control and clean spilled petroleum products and other toxic materials;
  - Appropriate materials to contain and clean potential spills will be stored at the action area, and be readily available;
  - All project-related materials and equipment placed in the water will be free of pollutants
  - Daily pre-work inspections of heavy equipment for cleanliness and leaks, with all heavy equipment operations postponed or halted until leaks are repaired and equipment is cleaned;
  - Fueling of project-related vehicles and equipment will take place at least 50 feet away from the water, preferably over an impervious surface;
  - A plan will be developed to prevent trash and debris from entering the environment during the project; and
  - All construction discharge water (e.g., concrete washout, pumping for work action area isolation, vehicle wash water, drilling fluids, etc.) must be treated prior to discharge or disposed of in an approved waste disposal facility.
- Erosion controls must be properly installed before any alteration of the action area may take place. When erosion control is necessary selecting products with biodegradable netting (natural fiber, biodegradable polyesters) is preferred as well as netting with flexible, non-welded, rectangular shaped mesh with openings no smaller than three inches by three inches. Additional options exist that include open weave textile, rolled erosion control products with woven, natural fiber netting. Erosion control products that require UV-light to biodegrade, netting with square mesh, plastic mesh are not authorized.
- Vegetation clearing will be strictly limited to that which is required for project completion. Indiscriminate clearing will not be permitted.
- Temporary access roads and drilling pads must avoid steep slopes of 15 degrees or steeper where grade, soil types, or other features suggest a likelihood of excessive erosion or failure; existing access routes must be used or improved whenever possible, in lieu of the construction of new access routes.
- All disturbed areas must be immediately stabilized in accordance with aforementioned erosion controls following cessation of actions in advance or any break in work longer than four days.
- Authorized work must comply with all applicable general, action- and species-specific conditions.

**GEN BMP-3 Utility Lines**

The following conservation measures are required for actions associated with the construction, maintenance, improvement, or repair of utility lines:

- Maximum utility corridor width will be limited to the minimum width necessary for safe operation and maintenance.
- Utilities will be designed and constructed in a manner that minimizes negative consequences on aquatic and marine waters due to runoff and erosion, including adequate stormwater treatment.
- Utilities will be constructed as near as possible to pre-construction contours and elevations.

**GEN BMP-4 Roads**

The following conservation measures are required for actions associated with the maintenance, improvement, or repair of roads:

- Maximum road width will be limited to the minimum width necessary for safe operation.
- Road will be designed and constructed in a manner that minimizes negative consequences on surface and marine waters due to runoff and erosion, including adequate stormwater treatment.
- Roads will be constructed as near as possible to pre-construction contours and elevations.

## SPECIES-SPECIFIC AVOIDANCE AND MINIMIZATION MEASURES

The following species-specific AMMs were developed for the project and are applicable to the Proposed Action. Where noted, and to improve clarity, these AMMs have been modified to eliminate elements that are not applicable to this project.

***Hawaiian Goose (Nēnē)***

- Do not approach, feed, or disturb nēnē.
- If nēnē are observed loafing or foraging within the project area during the breeding season (September through April), have a biologist familiar with nēnē nesting behavior survey for nests in and around the project area prior to the resumption of any work. Repeat surveys after any subsequent delay of work of 3 or more days (during which the birds may attempt to nest).
- Cease all work immediately and contact the Service for further guidance if a nest is discovered within a radius of 150 feet of proposed project, or a previously undiscovered nest is found within the 150-foot radius after work begins.
- In areas where nēnē are known to be present, post and implement reduced speed limits, and inform project personnel and contractors about the presence of endangered species on-site.
- During construction activities, an on-site biological monitor will be present each morning to conduct start of day survey for species presence.
    - If Nene are observed as a result of the survey, the biologist will remain on site to observe the species until they depart the area.
    - If Nene are observed on site, the biologist will photograph and document the presence of the individual(s), if possible, for banded birds and provide confirmation of banded foot, band color, writing color, writing on band, via high resolution photo.
- Ensure all loose and/or staged materials are sufficiently anchored to prevent wind-blown materials from injuring birds.
- Install signage throughout construction area alerting construction crews on site of potential presence of Nene, and avoidance requirements.

***Hawaiian Waterbirds (Hawaiian stilt, Hawaiian Coot, Hawaiian duck)***

- In areas where waterbirds are known to be present, post and implement reduced speed limits, and inform project personnel and contractors about the presence of endangered species on-site.
- Have a biological monitor that is familiar with the species' biology conduct Hawaiian waterbird nest surveys where appropriate habitat occurs within the vicinity of the proposed project site prior to project initiation. Repeat surveys again within 3 days of project initiation and after any subsequent delay of work of 3 or more days (during which the birds may attempt to nest). If a nest or active brood is found:
    - Contact the Service within 48 hours for further guidance.
    - Establish and maintain a 100-foot buffer around all active nests and/or broods until the chicks/ducklings have fledged. Do not conduct potentially disruptive activities or habitat alteration within this buffer.
    - Have a biological monitor that is familiar with the species' biology present on the project site during all construction or earth moving activities until the chicks/ducklings fledge to ensure that Hawaiian waterbirds and nests are not adversely impacted.

***Hawaiian Seabirds (Hawaiian petrel, Newell's shearwater, Band-rumped storm-petrel)***

- Fully shield all outdoor lights so the bulb can only be seen from below.
- Install automatic motion sensor switches and controls on all outdoor lights or turn off lights when human activity is not occurring in the lighted area.
- Where fences extend above vegetation, integrate three strands of polytape into the fence to increase visibility.

- Avoid nighttime construction during the seabird fledging period, September 15 through December 15

***Sea Turtles (Green Sea Turtle, Hawksbill Sea Turtle)***

- Avoid nighttime work during the nesting and hatching season (May 1 to December 31) for Hawaii.
- Minimize the use of lighting on or near beaches and shield all project-related lights so the light is not visible from any beach.
    - If lights can't be fully shielded or if headlights must be used, fully enclose the light source with light filtering tape or filters.
- Incorporate design measures into the construction or operation of buildings adjacent to the beach to reduce ambient outdoor lighting such as:
    - tinting or using automatic window shades for exterior windows that face the beach;
    - reducing the height of exterior lighting to below 3 feet and pointed downward or away from the beach; and
    - minimize light intensity to the lowest level feasible and, when possible, include timers and motion sensors.

# Appendix G.

NHPA Section 106 Consultation

**U.S. Department of Homeland Security**
FEMA – Region IX
1111 Broadway, Suite 1200
Oakland, CA 94607-4052

FEMA

February 5, 2024

Dr. Alan S. Downer, Ph.D.
Deputy State Historic Preservation Officer
Kakuhikewa Building
601 Kamokila Boulevard, Suite 555
Kapolei, Hawai‘i 96707
via: HICRIS

Ms. Stacy Ferreira,
Interim Ka Pouhana, Interim Chief Executive Officer
Office of Hawaiian Affairs
560 N. Nimitz Hwy., Suite 200
Honolulu, Hawai‘i 96817
via: ohacompliance@oha.org

ATTN: Jessica L. Puff, Architecture Branch Chief, SHPD
Susan A. Lebo, Archaeology Branch Chief, SHPD
Kai Markell, Compliance Enforcement Manager, OHA

Re: Alternate Transportable Temporary Housing – FEMA-4724-DR-HI
Leiali‘i: 20.893267, -156.679008 - TMK # 45021021

**Standard Project Review Pursuant to Stipulation II.C of the Programmatic Agreement – 15 Day Signatory Review**

Dear Dr. Downer:

The U.S. Department of Homeland Security’s Federal Emergency Management Agency (FEMA), is responding to the wildfires that resulted in Presidentially declared Major Disaster Declaration FEMA-4724-DR-HI, dated August 10, 2023 (Incident Period – August 8, 2023, through September 30, 2023). The State of Hawai`i has requested and FEMA has approved utilization of the Housing Assistance provision of the Individuals and Households Program (IHP), authorized by Section 408 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, or “Stafford Act,” as implemented in 44 C.F.R. Part 206.117 which authorizes FEMA to provide Direct Assistance for temporary housing when eligible applicants are unable to obtain temporary housing with financial assistance due to a lack of available housing resources.

A potential Alternate Transportable Temporary Housing (ATTHU) site has been identified in coordination with Maui County, for the placement of temporary housing units to support disaster survivors following the wildfires within Maui County.

The proposed Undertaking is being reviewed pursuant to Section 106 of the National Historic

Preservation Act (NHPA) and the Programmatic Agreement currently in effect with *FEMA of the U.S. Department of Homeland Security, the Hawai'i State Historic Preservation Officer (SHPO), the Office of Hawaiian Affairs (OHA), and HI-EMA* (Agreement), executed in 2016, as extended through amendment in 2023.

**Undertaking**

The proposed Undertaking within west Maui County would take place within the boundaries of a property previously planned for the development of residential housing, identified as the Leialiʻi location.

Use of the Leialiʻi location would include approximately 36 acres of the available parcel, and would require grading and leveling for the installation of roads and individual gravel site pads to support approximately 130 ATTHUs. The property is located in western Maui, east of the Honoapiʻilani Highway, directly north of Lahaina. Excavation for the installation of subsurface water, sanitation, and electric utilities would be required for each individual ATTHU and would extend as required to connect to existing utility tie-ins. Access roads for ingress and egress to and from the site and circulation roads to allow access to each individual unit would be constructed, and gravel pads for parking and trash, concrete parking pads for units with residents requiring upgrades to meet the Americans with Disabilities Act (ADA) compliance requirements, site lighting, and a perimeter fence would be installed. Additional details are provided below:

**Sewer:** Gravity sewer main will be installed underground within or adjacent to roads created onsite. Connect to the Maui County sewer system near the south-central portion of the site.

**Water:** Water mains will be installed underground within or adjacent to the roads created onsite. Connection will be made to Maui County Department of Water near the southeast corner of the site. Fire water supply will be pulled from the same system.

**Electric:** Electric will be installed overhead and enter the site along the western edge. The connection will be made to Maui County Electric.

**Stormwater:** Site stormwater will be met utilizing drainage swales and detention-based quality controls per local quality ordinances. Post development off-site stormwater discharge rates will not exceed existing rates for up to a 50-year, one (1) hour storm event in accordance with local ordinances.

**Site Entrance:** Site access will be from Fleming Road that connects to the northwest portion of the site. Fleming Road has an existing stop light system on Honoapiʻilani Highway. Additionally, construction access may be obtained by an existing roadway that runs parallel to the western side of the property and connects to Keawe Street.

**Maximum Excavation Depth:** 10 feet below final grade for utility installation. *Excavation is anticipated to be much more limited than 10 feet below grade due to tempoary nature of site use, however 10 feet will be used to ensure sufficient review.

Equipment staging would be limited to within the site boundary and adjacent hardened surface roads and pads. Debris generated during construction would be removed to an existing, licensed landfill.

The exact depth of excavation and grading at the sites is not yet known but would be limited to the least extent necessary to facilitate construction and to comply with building code requirements. The use of this location for housing would be fully temporary. All utilities, roads, and infrastructure installed to facilitate ATTHU occupation would be removed at the conclusion of site use.

**Area of Potential Effects**

FEMA has determined that that the Area of Potential Effects (APE) for the proposed Undertaking includes all areas of potential ground disturbance within the perimeter of the proposed site necessary for the preparation of the individual ATTHU pads, including subgrade utilities, access routes, parking locations, lighting, and a perimeter fence, as well as all locations identified for utility upgrades required to for the location to operate (Map 1). Due to the nature of this Undertaking, the APE has not been expanded to include an indirect APE including viewshed as the use of this location for a survivor housing site is temporary.

**Identification of Historic Properties**

The APE and area surrounding the APE has been subject to a multitude of previously completed archaeological surveys and studies, including surveys completed at the Leialiʻi location specifically in support of residential site development including:

> *Archaeological Survey and Cultural Impact Assessment Villages of Leialiʻi Phases A and B) Master Planning Project Land of Wahikuli, District, Island of Maui (TMK: 4-5-021:003, por.004, 018-021, por.022; 4-5-036:001-111).* Paul H. Rosendahl, Ph.D., Inc., Hilo.(Corbin & Rosendahl, 2008).
>
> *Land of Pioneer Mill Company: Archaeological Inventory Survey Report Pioneer Mill Company, Ltd. Sugar Enterprise Lands, Site No. 50-50-03-4420, Villages of Leiali'i Project, Lahaina, Maui, Hawai i.* International Archaeological Research Institute, Inc., Honolulu. (Goodwin and Leineweber, 1997).
>
> *Archaeological Inventory Survey, Lahaina, Master Planned Project Site Land of Wahikuli, Lahaina District, Island of Maui*. Paul H. Rosendahl, Ph.D., Inc., Hilo. (Jensen, 1989).

More recently, a study was conducted for the portion of property located immediately south of the Laiali'i location: *Archaeological Inventory Survey for Kaiaulu O Kukuʻia Apartment Project at the Villages of Leialiʻi, Wahikuli and Loaliʻi Ahupuaʻa, Lahaina District, Islante of Maui, Hawaiʻi [poertions of TMK: (2) 4-5-021:041, 021, 026, and 027, 4-5-011:011, 4-5-035:037]* (Lee and Dega, 2021).

Additionaly, FEMA has reviewed the information available within the Hawai`i Cultural Resource Information System (HICRIS), and conducted a records search of the National Register of Historic

Places.

No historic properties were identified within the APE of the Undertaking, as a result of any of the completed surveys, however during the Lee and Dega (2021) survey of the adjacent property, multiple post-contact clearing mounds (SIHP 50-50-03-04420) were documented directly south of the APE, however they were removed during development of that site for affordable housing. Seventeed additional historic properties have been recorded within 1,000 meters of the APE, however none will be affected as a result of the Undertaking (Table 1).

The Leialiʻi Location is located in an area that has been extensively farmed for sugarcane until the area began to shift to tourism in the 1950s. The location was impacted by the wildifires in August, 2023, and vegetative coverage across the site was burned, leaving surface soils exposed. A site visit was conducted in December 2023, by the USACE, to document current site conditions (See Photos 1-2). During the inspection it was observed that grass and low shrub vegetation had been burned to the ground, leaving the location free from vegetation.

**Native Hawaiian Organizations**

FEMA is required to consult with Native Hawaiian Organizations (NHOs) in a manner appropriate to the scale of the Undertaking and is therefore providing this documentation to NHOs who may have knowledge of cultural resources in the project area or who may have other concerns about the Undertaking. FEMA is providing this documentation concurrently to the SHPD, OHA, and NHOs in accordance with Stipulation II.C of the Agreement.

**Determination of Effect**

FEMA has determined that there are no historic properties as defined in 36 CFR 800.16(l) within the APE and finds the Undertaking would result in **No Historic Properties Affected** and is initiating Standard Project Review in accordance with Stipulation II.C. of the Agreement.

Despite the fact that no historic properties were identified within the APE as a result of the previously completed survey work, and that the area itself has been extensively disturbed as a result of decades of agricultural practices, due to the high consolidation of historic properties on western Maui, some of which are within close proximity of the APE, FEMA will require an archaeological monitor who meets the Secretary of the Interior Professional Qualifications Standards for that discipline, and be based in Hawai'i, be on site during all new ground disturbing activities, including the removal of any clearing mounds that may be present on site. Additionally, in the event of an inadvertent discovery, the process outlined in in Stipulation III.B. of the Agreement would be followed.

**Conclusion**

Due to the urgent need to provide housing for displaced individuals and households, your prompt attention to this matter would be greatly appreciated. We respectfully request concurrence with the proposed APE and with this determination of **No Historic Properties Affected** within fifteen (15) days from receipt of this consultation (February 20, 2024). Should

you have any questions or concerns please do not hesitate to contact Emily Benz at Emily.benz@fema.dhs.gov or at (202) 704-6163.

Sincerely,

CHELSEA D KLEIN

Digitally signed by CHELSEA D KLEIN
Date: 2024.02.05 13:03:34 -10'00'

Chelsea Klein
FEMA – Lead Environmental and Historic Preservation Advisor
4724-DR-HI

**Enclosures:**

- TABLE 1 – Historic Properties Recorded Within 1,000 Meters of the APE
- MAP 1 – Leialiʻi – ATTHU Housing Location, Maximum Area of Potential Effect
- MAP 2 – Leialiʻi – ATTHU Housing Location Overlaid with HICRIS Data
- PHOTOS 1 – 2 – Leialiʻi - Current Site Conditions, December 2023

**TABLE 1** - Historic Properties Recorded Within 1,000 Meters of the APE

| SIHP Number | Approx. Distance from APE | ID Number | Type | Name | Resource Description | Proposed Treatment - FEMA |
|---|---|---|---|---|---|---|

*The contents of this Table have been removed to protect archaeologically sensitive information.*

*The contents of this Table have been removed to protect archaeologically sensitive information.*


**MAP 1 –** Potential ATTHU Housing Location – Leialiʻi – Maximum Area of Potential Effect in **RED.**

*Map 2 has been removed to protect archaeologically sensitive information.*

**MAP 2 –** Potential ATTHU Housing Location – Leialiʻi – Overlaid with HICRIS Data, 1,000m Buffer.

**Photo 1 –** Facing south from the east/center of the Leialiʻi location, facing west, December 2023.

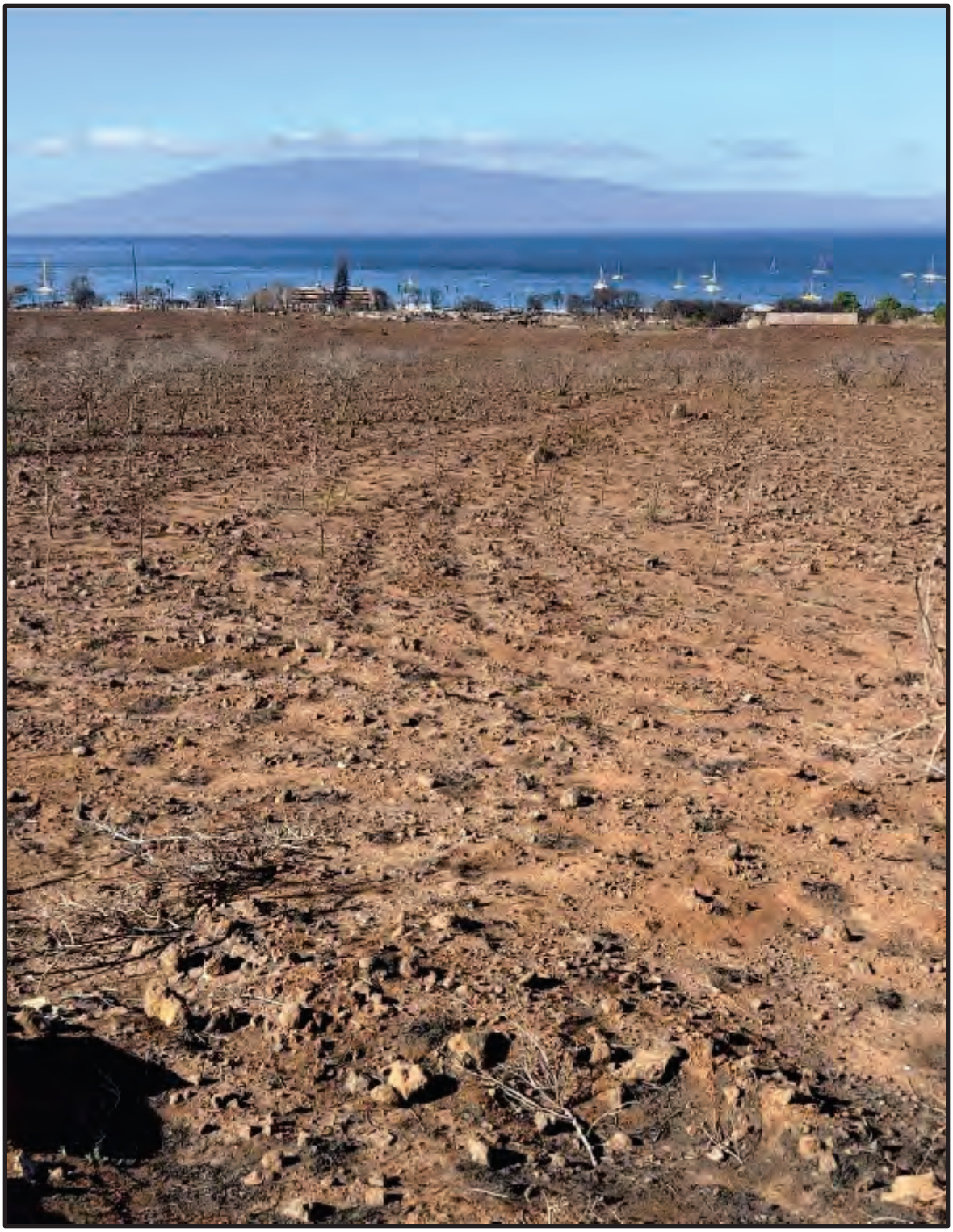


**Photo 2 –** Facing south from the east/center of the Leialiʻi location, facing west, December 2023.

**JOSH GREEN, M.D.**
GOVERNOR I KE KIA'ĀINA

**SYLVIA LUKE**
LIEUTENANT GOVERNOR I KA HOPE KIA'ĀINA

**STATE OF HAWAIʻI | KA MOKUʻĀINA ʻO HAWAIʻI**
**DEPARTMENT OF LAND AND NATURAL RESOURCES**
**KA ʻOIHANA KUMUWAIWAI ʻĀINA**

STATE HISTORIC PRESERVATION DIVISION
KAKUHIHEWA BUILDING
60 I KAMOKILA BLVD, STE 555
KAPOLEI, HAWAll 96707



February 9, 2024

IN REPLY REFER TO:
Project No.: 2023PR00979
Doc. No.: 2402IK02
Archaeology, Architecture

Chelsea Klein
Lead Environmental Planning
and Historic Preservation Advisor
Federal Emergency Management Agency (FEMA)
U.S. Department ofHomeland Security
Region 9
1111 Broadway, Suite 1200
Oakland, CA 94607-4052
Email: Chelsea.Klein@fema.gov

Dear Chelsea Klein:

SUBJECT: **National Historic Preservation Act (NHPA) Section 106 Consultation - Federal Emergency Management Agency**
**Alternate Transportable Temporary Housing – HI-FEMA-4724-DR-HI**
**Villages of Leiali'i**
**Wahikuli Ahupua'a, Lahaina District, Island of Maui**
**TMK: (2) 4-5-021:021**

This letter provides the State Historic Preservation Officer's (SHPO) review of the U.S. Department of Homeland Security's Federal Emergency Management Agency's (FEMA) Alternate Transportable Temporary Housing (ATTHU) – Villages of Leiali'i project. FEMA has determined that this project is a federal undertaking, as defined in 36 CFR § 800.16(y), and for which the Programmatic Agreement (P.A.) among the Federal Emergency Management Agency, the Hawaii State Historic Preservation Officer, the Office of Hawaiian Affairs, and the State of Hawaii Department of Defense applies. Additionally, the following project is subject to the NHPA Section 106, the HRS §6E-8, and HRS §6E-42 review processes and this letter only addresses the Section 106 portion of the overall project. SHPD received the submittal on February 5, 2024, including a FEMA letter requesting the SHPO's concurrence with the proposed area ofpotential effects (APE) and determination of*no historic properties affected* with proposed conditions for the subject Undertaking.

At the request of the State of Hawai'i, FEMA has approved utilizing the Housing Assistance provision of the Individuals and Households Program (IHP), authorized by Section 408 ofthe Robert T. Stafford Disaster Reliefand Emergency Assistance Act, as implemented in 44 C.F.R. Part 206.117. FEMA is authorized to provide Direct Assistance for temporary housing when eligible applicants are unable to obtain temporary housing with financial assistance due to a lack of available housing resources.

The proposed Undertaking includes constructing approximately 130 ATTHU units within a portion ofa previously planned Hawaii Housing Finance and Development Corp. master planned community identified as the Villages of Leiali'i. The proposed ground disturbances include constructing roads, individual gravel site pads, installation of subsurface water, sanitation, electric utilities, gravel pads for parking and trash, site lighting, perimeter fence, and concrete parking for units requiring Americans with Disabilities Act (ADA) compliance requirements. Equipment staging will be limited to within the site boundary and adjacent hardened surface roads and pads. Debris generated during construction will be moved to an existing licensed landfill. The proposed ground disturbances include a maximum depth of 10 ft below the final grade for utility installation. The exact depth of excavation and grading has not been determined and would be limited to the least

extent necessary. All utilities, roads, and infrastructure installed to facilitate ATTHU occupation will be removed at the conclusion of the site use. See Attachment 1 for additional details on the proposed Undertaking.

The proposed area of potential effects (APE) comprises ~ 36 acres within the overall 365.453-acre parcel and includes all areas proposed for ground disturbances. FEMA indicates the APE has not been expanded to include an indirect APE, including a viewshed, because the Undertaking will only result in temporary visual and audible impacts. FEMA has determined that no historic properties have been identified within the APE. However, an archaeological inventory survey (AIS) was conducted for the Kaiaulu O Kuku'ia Affordable Housing project (Lee and Dega 2021) adjacent to the current APE and documented multiple post-contact clearing mounds (SIHP #50-50-03-04420) directly south. FEMA indicates that the clearing mounds were removed during the affordable housing project. On December 2023, USACE conducted a site visit to the APE and observed that the area was impacted by the August 2023 wildfires. The vegetation of the APE was completely burnt exposing the ground surface.

See Attachment 2 for a summary of previous archaeological studies conducted within the APE.

In accordance with Stipulation 11.C of the Agreement, FEMA is concurrently consulting with the SHPD, OHA, and Native Hawaiian Organizations (NHOs). FEMA has initiated consultation with the NHOs who may have knowledge of the cultural resources in the APE or who may have other concerns about the proposed Undertaking. Due to the urgency of the project and on-going consultations, the NHO consultation record was not included in SHPD's review.

FEMA is requesting the SHPO's concurrence with the proposed APE and Section 106 effect determination of *no historic properties affected* with the condition that archaeological monitoring be conducted during the Undertaking's ground disturbing work. **The SHPO concurs** with the proposed APE, FEMA' s determination of *no historic properties affected*, and archaeological monitoring being conducted for the subject Undertaking. **The SHPO requests FEMA's concurrence** with the proposed archaeological monitoring conventions in Attachment 3. Please submit a brief letter to the existing HICRIS project number with FEMA' s response to this request.

FEMA is the office of record for this Undertaking. Please maintain a copy of this letter with your environmental review record.

The SHPD anticipates receiving from the County of Maui, and any other applicable agency, initiation of the Chapter 6E historic review process to be completed prior to the start of the project.

Please contact Susan A. Lebo, Archaeology Branch Chief, at Susan.A.Lebo@hawaii.gov or at (808) 321-9000, for any matters involving archaeological resources, and for any questions about this Undertaking or if there is a change to the scope of work and/or the APE, please contact Jessica Puff, Architecture Branch Chief, at (808) 462-3083 or at Jessica.Puff@hawaii.gov.

Sincerely,

Alan Downer

Alan S. Downer
Deputy State Historic Preservation Officer
Administrator, State Historic Preservation Division

cc:

Stacy Ferreria, OHA, ohacompliance@oha.org
Amanda B. Calhoun, FEMA, amanda.calhoun@fema.dhs.gov
David Herdrich, FEMA, david.herdrich@fema.dhs.gov
James Burros, HIEMA, james.barros@hawaii.gov
John Ketchum, FEMA, john.ketchum@fema.dhs.gov
Jamie Loichinger, ACHP, jloichinger@achp.gov
Emily Choi, ACHP, echoi@achp.gov
Dr. Elaine Jackson-Retondo, NPS, elainejackson-retondo@nps.gov
Summer Sylva, DOI, summer_sylva@ios.doi.gov

Colin Kippen, OHA, ohacompliance@oha.org
Kamakana Ferreira, OHA, kamakanaf@oha.org
Kai Markell, OHA, kaim@oha.org
Dr. Janet Six, Maui County, janet.six@co.maui.hi.us
Erin Wade, Maui County, erin.wade@co.maui.hi.us
Kawika Farm, Maui County, kawika.k.farm@co.maui.hi.us
Kaiea Mederios, Maui County, kaiea.e.medeiros@co.maui.hi.us

**Attachment 1**

FEMA's Proposed Undertaking

**Sewer:** Gravity sewer main will be installed underground within or adjacent to roads created onsite. Connect to the Maui County sewer system near the south-central portion of the site.

**Water:** Water mains will be installed underground within or adjacent to the roads created onsite. Connection will be made to Maui County Department of Water near the southeast comer of the site. Fire water supply will be pulled from the same system.

**Electric:** Electric will be installed overhead and enter the site along the western edge. The connection will be made to Maui County Electric.

**Stormwater:** Site stormwater will be met utilizing drainage swales and detention-based quality controls per local quality ordinances. Post development off-site stormwater discharge rates will not exceed existing rates for up to a 50-year, one (1) hour storm event in accordance with local ordinances.

**Site Entrance:** Site access will be from Fleming Road that connects to the northwest portion of the site. Fleming Road has an existing stop light system on Honoapiilani Highway. Additionally, construction access may be obtained by an existing roadway that runs parallel to the western side of the property and connects to Keawe Street.

**Maximum Excavation Depth:** 10 feet below final grade for utility installation. *Excavation is anticipated to be much more limited than 10 feet below grade due to temporary nature of site use, however 10 feet will be used to ensure sufficient review.

**Attachment 2**

Previous Archaeological Studies

Our records indicate that an archaeological survey was conducted for the 1,200-acre Lahaina Master Planned Project Site (Jensen 1989), which included the current APE and identified 12 historic properties and 44 component features. The historic properties include overhangs/caves, platforms, walled enclosures, petroglyphs, graves, agricultural terraces, and a single historic agricultural access road alignment. No historic properties were identified within the APE and situated east and northeast of the APE along Kahoma and Hahakea Gulches. Subsequently, an archaeological and architectural survey of the Villages of Leiali'i was conducted for 1,100 acres, including the current APE. The survey (Goodwin and Leineweber 1997) focused on historical architectural features related to the Pioneer **Mill** Company sugar plantation operations and infrastructure and identified a single historic property (SIHP #50-50-03-04420) and several component features. No historic properties were identified within the current APE.

**Attachment 3**

These Archaeological Monitoring Conventions (AMC) have been prepared in accordance with Hawaii Administrative Rules (HAR) §13-279-4 governing standards for Archaeological Monitoring Plans (AMP). Specific monitoring provisions are provided below.

1. Archaeological monitoring will be conducted on a full-time, on-site basis for all ground disturbing activities throughout the duration of the project. A request to change to spot monitoring must be submitted to SHPD in writing with appropriate field documentation (including photos) and rationale to support the request. Any change in monitoring provisions may occur only with prior written approval by SHPD.

2. Archaeological monitoring will be carried out by an archaeologist meeting the qualifications of HAR §13- 281-3 to be a Principal Investigator (PI) or by an archaeologist with a B.A. or graduate degree in archaeology or related field and a minimum of 2 years archaeology field experience in Hawaii under the supervision of a P.I. who shall conduct weekly or bi-weekly field visits throughout the duration of the project.

3. The County of Maui Archaeologist and SHPD shall be provided a list of all P.I. and monitors working on the project, along with their qualifications. This list shall be updated if/when any changes in archaeological staffing occurs.

4. The County of Maui Archaeologist and SHPD staff shall be able to conduct site visits with advance written approval. All requests need to be made 24 hours in advance, include the number of personnel attending, and the areas to be visited and why. Requests must be sent to ICP.Lahaina@gmail.com. It is understood that the site visit cannot stop work operations.

5. At least one archaeological monitor will be assigned to each piece of moving equipment. If significant cultural deposits or features are identified and additional archaeological monitors are required, the P.I. will notify the County of Maui Archaeologist and SHPD before additional personnel are brought to the site and to ensure adequate staffing is met.

6. Archaeological monitoring will be conducted on a full-time, on-site basis for all ground disturbing activities throughout the duration of the project. A request to change to spot monitoring must be submitted to SHPD in writing with appropriate field documentation (including photos) and rationale to support the request. Any change in monitoring provisions may occur only with prior written approval by SHPD.

7. The archaeological PI and archaeological monitor shall conduct a pre-construction briefing with the FEMA representative(s), the landowner (State of Hawaii), the County of Maui Archaeologist, all construction personnel, and the designated U.S. Army Corps representative. The purpose of the briefing is to ensure all parties are aware of the need for archaeological monitoring, the types of historic properties (archaeological, cultural, and/or burial) that may be encountered, the agreed-upon archaeological provisions set forth in this plan, and the responsibility of the construction team to ensure that no ground disturbing work is conducted without an archaeological monitor present, the responsibilities and procedures to be conducted by each party should construction activities result in an inadvertent discovery of human remains and/or archaeological historic properties. They also shall be informed that the removal of any artifacts or photography of human remains is prohibited.

7. The PI and archaeological monitor shall be responsible for conducting all coordination with the contractor, SHPD, the County of Maui Archaeologist and any other group involved in the project. The archaeological monitor shall coordinate all monitoring, sampling, and documentation activities with the safety officers for the contractors to ensure that proper safety regulations and protective measures meet compliance.

8. The archaeological PI and the archaeological monitor shall provide a copy of the SHPD-approved AMC to the FEMA, the County of Maui, and the County of Maui Archaeologist, and the construction supervisor(s), and the archaeological monitor shall maintain a copy of the SHPD-approved AMC on site during the duration of the archaeological monitoring fieldwork.

9. The archaeological monitor will conduct a 100% coverage pedestrian survey of the project area (with transects not to exceed 5-10 meters apart, depending on visibility) prior to project staging of equipment, vehicles, or office/work trailers, etc. or initiation of any project related ground disturbing activities.

10. The archaeological monitor will maintain a daily archaeological monitoring log, photo document the project area and daily construction and archaeology project activities, photos of all trench or unit excavations will include a N arrow and a photo stick at least 1 meter in length w/10-cm increments. The archaeological PI shall ensure the daily log is uploaded

to HICRIS Project No. 2023PR00979 and a brief status update will also be uploaded with a copy also provided via email to SHPD Maui Archaeologist and the County of Maui Archaeologist.

11. The archaeological PI shall ensure that the backhoe trench excavations are conducted using shallow lifts (10-15 cm max.) and short draws (2-3 m max.) to allow for greater control and less impact to cultural deposits, features, or human remains, should they be present. Manual excavation will be employed if cultural deposits or features are encountered.

12. GPS data shall be collected for all excavated trenches and units, site boundaries and, where appropriate, features. A GPS unit with sub-meter accuracy must be used. Site boundaries need to be recorded as a polygon, not as a single point.

13. If any potential cultural deposits, features, or archaeological sites are identified, the archaeological monitor has the authority to halt the work in the immediate area (up to 5 meters) to carry out appropriate identification and documentation. If the find is detennined to be a potential historic property, the archaeological monitor will notify the County of Maui Archaeologist and SHPD Maui Archaeologist regarding identification, appropriate documentation, and assessments of site significance and integrity.

14. Archaeological documentation of cultural deposits, features, etc. will include recording its location using a sub-meter accurate GPS unit (to obtain point or polygon data as appropriate); plotting its location on a scaled site map; taking digital photographs with scale and north arrow, and where possible, in both plan view and profile; illustrating feature morphology in scaled plan view and profile drawings; recording dimensions (length, width, depth, etc.); screening at least a 25% sample of a cultural deposit [or other% as detennined in consultation with SHPD] through 1/8-inch wire mesh screen to identify potential small-fraction remains; screening a measured volume of pit fill matrix through 1/8-inch wire mesh screen to facilitate identification of pit function; documenting in the field historic artifacts in large infilled pit features and fill layers, including digital photographs with scales, and descriptions of the range of artifact types and relative abundance of types; collecting all historic artifacts from cultural layers and pit features [unless a sampling strategy is agreed to by SHPD] to facilitate identification of function and age. Construction work will only continue in the area of the non-burial find when all documentation has been completed.

15. Stratigraphy will be recorded to provide an accurate sequence from the top to base of excavation. Soil descriptions will be completed using USDA soils tenninology and attributes and Munsell soil color charts or manuals. Photographs with scales and north arrows will be taken of all locations where stratigraphic profiles are recorded. Per SHPD directives, measured soil samples will be collected from cultural deposits and features and their locations will be recorded on the site map using a hand-held GPS with submeter capability, and their locations will also be recorded on individual stratigraphic profiles. Soil samples will also be collected from each of the layers identified in the field as possible former A-horizons.

16. In the event that no significant historic properties are identified, representative soil profiles will be collected from across the project area. Representative soil profiles will measure a minimum of 2 meters across (when possible) and their locations will be recorded using GPS data points and on a USGS topographic Quadrangle Map.

17. In the event that human remains (burial or isolated, displaced skeletal elements) are inadvertently encountered, all work in the immediate area of the find will cease, the area and human remains will be secured, and the archaeological monitor will immediately notify the FEMA representative who will ensure notification via both phone and email, to the Maui Police Department, the County of Maui Archaeologist, SHPD (archaeologist and burial sites specialist staff), and the Maui/Lanai Island Burial Council geographic representative. Treatment of the human remains (including archaeological documentation and completion of a SHPD Inadvertent Burial Form) shall be in accordance with Hawaii Revised Statutes §6E-43.6, Hawaii Administrative Rules §13-300-40, and written SHPD directives. Work will resume in the area of the inadvertent find only following written SHPD approval.

18. All artifacts and samples collected during the project (excluding human remains) shall be transported to the archaeological firm's office/laboratory on Maui for analysis in accordance with HAR §13-279; none will be transported off island. They will be cleaned, sorted, counted, weighed (metric), and analyzed (both qualitative and quantitative data), with all data recorded on standard laboratory forms. Midden samples will be minimally identified to major class (e.g., bivalve, gastropod mollusk, echinoderm, fish, bird, and mammal). Digital photographs with scales will be taken of a representative sample of the diagnostic artifacts. Tables and text discussing the artifact and sample results will be provided in the report, along with appropriate digital photographs.

19. Samples (wood charcoal, shell, non-human bone, kukui nut) identified as potentially suitable for dating from an undisturbed context (e.g., cultural layer, pit feature) shall be considered for radiocarbon dating in consultation with SHPD and the landowner. Prior to submittal, potential wood charcoal samples shall first be submitted to International Archaeological Research Institute, Inc. (IARII) for wood taxa identification. Only samples identified as short-lived endemic or Polynesian-introduced species will be selected for dating purposes.

20. All stratigraphic profiles and plan view maps of identified historic properties (e.g., sites, cultural layers, features) shall be drafted for presentation in the final report. Photographs of project work, including overviews, and of individual profiles, cultural layers, and features shall also be included in the final report. Representative soil profiles (non-cultural) summaries, stratigraphy and their location will be plotted on a USGS topographic map.

21. The contracted archaeological firm(s) shall store all project documentation (field notes, photographs, profiles and plan view drawings, laboratory data, etc.) in their office/laboratory on the island of Maui. They shall also store all collected artifacts and sample material until final disposition of the artifacts and samples is determined in consultation with SHPD and the landowner.

22. All historic properties (non-burial and burial) identified and/or further documented during archaeological monitoring (e.g., cultural layer, pit features, buried walls) shall be assessed for site significance per HAR§13-284-6 [13-275-6 for government projects], Criteria a through e and, as this project is also a federal undertaking, they shall be assessed for significance and eligibility for listing in the National Register of Historic Places. This information shall be included in the final report, along with an appropriate recommendation for future mitigation.

23. Any inadvertent discoveries are also subject to Section 106, 36 CFR *§* 800.13 post-review discoveries. If significant cultural resources are encountered after construction has commenced, determine actions that the federal official can take to resolve adverse effects, and notify the SHPO, and any Native Hawaiian organization that might attach religious and cultural significance to the affected property within 48 hours of the discovery. The notification shall describe the federal official's assessment of National Register eligibility of the property and proposed actions to resolve the adverse effects. The federal official shall provide the SHPO, the Native Hawaiian organization a report of the actions when they are completed. Consultation under Criterion e.

24. The archaeological P.I. is responsible for sending to SHPD a written notification via email and HICRIS at the start of archaeological monitoring, and responsible for ensuring the County of Maui Archaeologist is also notified in writing.

25. Within 30 days of completion of archaeological monitoring fieldwork, the FEMA shall submit via HICRIS to Project No. 2023PR00979 to the SHPD for review and acceptance a brief archaeological monitoring letter report of the findings as specified in HAR §13-282-3(t)(l). Within 60 days of completion of fieldwork, the FEMA shall submit for SHPD review and acceptance an archaeological monitoring report (AMR) meeting the requirements of HAR §13-279-5. The AMR shall be submitted to HICRIS Project No. 2023PR00979 and, if appropriate, the filing review fee.

26. SHPD requests FEMA provide written notification via email and HICRIS at the start of archaeological monitoring. Within 30 days of completion of archaeological monitoring fieldwork, SHPD looks forward to receiving a brief archaeological monitoring letter report of findings as specified in HAR §13-282-3(t)(l). Within 60 days of the completion of archaeological monitoring field work, SHPD looks forward to receiving for review and acceptance of an archaeological monitoring report meeting the requirements of HAR§13-279-5.

27. The final SHPD-accepted AMR shall be distributed to the FEMA, SHPD, the County ofMauai, and the County of Maui Archaeologist.

## Native Hawaiian Organizations Consulted

FEMA is required to consult with Native Hawaiian Organizations (NHOs) in a manner appropriate to the scale of the Undertaking. On February 5, 2024, FEMA sent a Section 106 consultation for review for the Leialiʻi Group Site to the following NHOs. The parties were identified through coordination with the Senior Advisor for Native Hawaiian Affairs for the U.S. Department of the Interior, the Office of Hawaiian Affairs, and also as a result of specific requests received directly from NHOs. Consultation period concluded March 6, 2024.

| NHO Name (if Listed) | Date of Consultation | Response Received |
|---|---|---|
| ʻĀina Momona | 2/5/2024 | N/A |
| ʻOhana Keaweamahi | 2/5/2024 | N/A |
| ʻOhana Keohokālole | 2/5/2024 | N/A |
| Aha Moku o Maui | 2/5/2024 | N/A |
| Ao Makole | 2/5/2024 | N/A |
| Association of Hawaiians for Homestead Lands | 2/5/2024 | N/A |
| Hoʻoponopono O Makena | 2/5/2024 | N/A |
| Kimokeo Ohana (Family) & Community | 2/5/2024 | N/A |
| Kuloloiʻa Lineage - I ke Kai ʻo Kuloloiʻa | 2/5/2024 | N/A |
| Malama Kananilua | 2/5/2024 | N/A |
| Maui Tomorrow/Aloha First | 2/5/2024 | N/A |
| Mauna Medic Healers Hui | 2/5/2024 | N/A |
| Nā ʻAikāne o Maui | 2/5/2024 | N/A |
| Paukukalo Hawaiian Homes Community Association | 2/5/2024 | N/A |
| Waiehu Kou Phase 3 Association | 2/5/2024 | N/A |

In addition to the NHOs identified above, the following cultural advisors/practitioners were included in this consultation effort:

| Cultural Advisor/Practitioner | Date of Consultation | Response Received |
|---|---|---|
| Dane Maxwell | 2/5/2024 | N/A |
| Ms. Hokulani Holt Padilla | 2/5/2024 | N/A |
| Makalapua Kanuha | 2/5/2024 | N/A |

# Appendix H.

Public Notices

FEMA

# DR-4724-HI Public Notice 002

English

| | |
|---|---|
| **Notice Date** | August 14, 2023 |

The U.S. Department of Homeland Security's Federal Emergency Management Agency (FEMA) hereby gives notice to the public of its intent to provide financial assistance to the State of Hawaii, local governments, and private nonprofit organizations under major disaster declaration FEMA-4724-DR-HI. This notice applies to the Individual Assistance (IA), Public Assistance (PA), and Hazard Mitigation Grant (HMGP) programs implemented under the authority of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. §§ 5121-5207. This public notice concerns activities that may affect historic properties, activities that are located in or affect wetland areas and the 100-year floodplain and may involve critical actions within the 500-year floodplain. Such activities may adversely affect the historic property, floodplain, or wetland, or may result in continuing vulnerability to flood damage.

## I. Public Notice – Major Disaster Declaration FEMA-4724-DR-HI and Overview of Authorized Assistance

The President declared a major disaster for the State of Hawaii on August 10, 2023, as a result of Hawaii Wildfires, which began on August 8, 2023 and continuing, pursuant to his authority under the Robert T. Stafford Disaster Relief and Emergency Assistance Act, Pub. L. No. 93-288 (1974) (codified as amended at 42 U.S.C. § 5121 *et seq*.) (Stafford Act). Maui County has been designated as adversely affected by the disaster and eligible for both Individual Assistance and Public Assistance (Category A and B) Program funding. Hawaii

County has been designated as eligible for emergency protective measures (Category B) under the Public Assistance Program.

The Hazard Mitigation Grant Program is available Statewide.

Individual Assistance is authorized by Section 408 of the Stafford Act. FEMA may provide IA program funding for disaster-related emergency housing. These actions may adversely affect a floodplain/wetland or may result in continuing vulnerability to floods. These actions may include repair, restoration, or construction of housing or private bridges, purchase and placement of travel trailers or manufactured housing units, or repair of structures as minimum protective measures. This will be the only public notice concerning these actions.

The Public Assistance Program is authorized by Sections 403, 406, and 407 of the Stafford Act. FEMA may provide financial assistance under the Public Assistance Program for the State of Hawaii local governments, and private nonprofit organizations to perform debris removal and emergency protective measures.

The Hazard Mitigation Grant Program is authorized by Section 404 of the Stafford Act. Under the Hazard Mitigation Grant Program, FEMA may provide financial assistance for the State of Hawaii local governments, and private nonprofit organizations to implement mitigation measures to reduce the risk of life and property from future disasters during the recovery from the major disaster. In the course of developing project proposals, subsequent public notices will be published, if necessary, as more specific information becomes available.

## II. Public Notice – Financial Assistance for Activities that Affect Historic Properties or Located in or that Affect Wetlands Areas or Floodplains

Some of the activities for which FEMA provides financial assistance under the Individual Assistance, Public Assistance, and Hazard Mitigation Grant Programs may affect historic properties, may be located in or affect wetland areas or the 100-year floodplain, and may involve critical actions within the 500-year floodplain. In accordance with all requirements of the National Environmental Policy Act (NEPA), all federal actions must be reviewed and evaluated for feasible alternatives. FEMA must also comply with Executive Order 11988, Floodplain Management; Executive Order 11990, Protection of Wetlands; the National Historic Preservation Act of 1966, Pub. L. No. 89-655 (1966) (codified as amended at 16 U.S.C. § 470 et seq.) (NHPA); and the implementing regulations at 44 C.F.R. pt. 9 and 36 C.F.R. pt. 800. The executive orders, NHPA, and regulations require FEMA to provide public notice for certain activities as part of approving the award of financial assistance for specific projects.

## A. Federal Actions in or Affecting Floodplains and Wetlands

FEMA has determined for certain types of facilities there are normally no alternatives to restoration in the floodplain or wetland. These are facilities meeting all of the following criteria: 1) FEMA's estimate of the cost of repairs is less than 50% of the cost to replace the entire facility and is less than $100,000; 2) the facility is not located in a floodway; 3) the facility has not sustained major structural damage in a previous Presidentially declared flooding disaster or emergency; and 4) the facility is not critical (e.g., the facility is not a hospital, generating plant, emergency operations center, or a facility containing dangerous materials). FEMA intends to provide assistance for the restoration of these facilities to their pre-disaster condition, except certain measures to mitigate the effect of future flooding or other hazards may be included in the work. For example, a bridge or culvert restoration may include a larger waterway opening to decrease the risk of future washouts.

For routine activities, this will be the only public notice provided. Other activities and those involving facilities not meeting the four criteria are required to undergo more detailed review, including the study of alternate locations. Subsequent public notices regarding such projects will be published, if necessary, as more specific information becomes available.

In many cases, an applicant may have started facility restoration before federal involvement. Even if the facility must undergo detailed review and analysis of alternate locations, FEMA will fund eligible restoration at the original location if the facility is functionally dependent on its floodplain location (e.g., bridges and flood control facilities), or the project facilitates an open space use, or the facility is an integral part of a larger network which is impractical or uneconomical to relocate, such as a road. In such cases, FEMA must also examine the possible effects of not restoring the facility, minimizing floodplain or wetland impacts, and determining both an overriding public need for the facility clearly outweighs the Executive Order requirements to avoid the floodplain or wetland, and the site selected is the only practicable alternative. The State and local officials will confirm to FEMA the proposed actions comply with all applicable federal, state, and local floodplain management and wetland protection requirements.

The Public Assistance (PA) Federal Flood Risk Management Standard (FFRMS) partial implementation policy, effective for all major disasters declared on or after June 3, 2022, applies to PA projects in the 1% annual chance floodplain (1% and 0.2% annual chance floodplains for critical actions) involving new construction of structures, structures that have a substantial damage determination, or structures that require substantial improvement. The policy applies regardless of the cause of damage.

The Hazard Mitigation Assistance (HMA) FFRMS partial implementation policy applies to non-critical actions involving structure elevation, dry floodproofing, and mitigation reconstruction in the 1% annual chance floodplain. For all FEMA programs and project

types, if a state or local government has its own higher elevation standard, FEMA requires use of the higher standard. FEMA program policies also reference additional consensus codes and standards, such as ASCE-24-14, that incorporate additional elevation requirements beyond the base flood elevation.

### B. Federal Actions Affecting Historic Properties

Section 106 of the NHPA requires FEMA to consider the effects of its activities (known as undertakings) on any historic property and to afford the Advisory Council on Historic Preservation (ACHP) an opportunity to comment on such projects before the expenditure of any federal funds. An Individual Assistance, Public Assistance, or Hazard Mitigation Grant Program activity is an "undertaking" for the purposes of the NHPA, and a historic property is any property which is included in, or eligible for inclusion in, the National Register of Historic Places (NRHP). For historic properties which will not be adversely affected by FEMA's undertaking, this will be the only public notice. FEMA may provide additional public notices if a proposed FEMA undertaking would adversely affect a historic property.

## III. Further Information or Comment

The Rehabilitation Act of 1973 protects the civil rights of persons with disabilities. It prohibits discrimination on the basis of disability by the federal government, federal contractors, and by recipients of federal financial assistance. Any recipient or sub-recipient of federal funds is required to make their programs accessible to individuals with disabilities. Its protections apply to all programs and businesses receiving any federal funds. This applies to all elements of physical/architectural, programmatic and communication accessibility in all services and activities conducted by or funded by FEMA. FEMA intends to comply with the Rehabilitation Act in all federally conducted and assisted programs in alignment with the principals of whole community inclusion and universal accessibility.

Executive Orders 13985 and 14008 further address the need to achieve environmental justice and equity across the federal government. The issuance of the new executive orders more than 20 years after Executive Order 12898 was signed indicates the administration's directive to federal agencies to renew their energy, effort, resources, and attention to environmental justice. FEMA is working with applicants/sub-applicants to identify communities with Environmental Justice concerns and provide an avenue for local groups and non-profits with an Environmental Justice mission to self-identify so FEMA Programs can start to work with them on specific projects from the beginning of the application process.

FEMA also intends to provide HMGP funding to the State of Hawaii to mitigate future disaster damages. These projects may include construction of new facilities, modification

of existing, undamaged facilities, relocation of facilities out of floodplains, demolition of structures, or other types of projects to mitigate future disaster damages. In the course of developing project proposals, subsequent public notices will be published, if necessary, as more specific information becomes available.

This will be the only public notice regarding the actions described above for which FEMA may provide financial assistance under the Individual Assistance, Public Assistance, and Hazard Mitigation Grant Programs. Interested persons may obtain information about these actions or a specific project by writing to the Federal Emergency Management Agency Region RIX Office, Regional Environmental Officer, 1111 Broadway, Suite 1200, Oakland, CA 94607. All comments concerning this public notice must be submitted in writing to the Region RIX Office within 30 days of its publication.

Last updated September 15, 2023

Return to top

**PUBLIC NOTICE**
**Federal Emergency Management Agency (FEMA)**
**Notice of Availability of the Draft Environmental Assessment**
**For Alternative Temporary Transportable Housing Unit Group Site**
**Known as the Kalaʻiola Temporary Group Site**
**FEMA DR-4724-HI**

Under the Aug. 10, 2023, major presidential disaster declaration for the Hawaiʻi wildfires and high winds (FEMA-DR-4724-HI), the Federal Emergency Management Agency (FEMA) will construct a temporary group housing site for displaced individuals and families. In accordance with the National Environmental Policy Act (NEPA) of 1969, FEMA has prepared a draft environmental assessment for a proposed Alternative Temporary Transportable Unit (ATTHU) group housing site. FEMA hereby gives notice to the public of its intent to construct the Kalaʻiola Temporary Group Site.

The proposed action is in response to the wildfires and high winds in Maui County for the incident period beginning Aug. 8, 2023, and ending Sept. 30, 2023. The president approved the major disaster declaration Aug. 10.

The proposed action includes developing a 36-acre site for about 169 ATTHUs to be located at West Maui, just north of Keawe Street and the Lahaina Bypass and southwest of Fleming Road, Lahaina, Hawaiʻi 96793 (Latitude: 20.892807; Longitude: -156.680137). Activities may include, where necessary, site clearing, grading, road construction, the placement of utilities (electricity, telephones, water, and sewer), and the transport and installation of housing units to the site. The group site, developed under FEMA's Individuals and Households Program, is intended to be operational for up to 18 months and extended depending on the needs of the disaster.

The draft environmental assessment summarizes the purpose and need for the project, site selection process, alternatives considered, the no-action alternative, the affected environment, and potential environmental consequences of the project. It assesses the potential impacts of the proposed action on the human and natural environment.

The draft environmental assessment was prepared in accordance with NEPA, the Council on Environmental Quality regulations implementing NEPA (40 Code of Federal Regulations Parts 1500–1508), FEMA's Instruction 108-1-1 for implementing NEPA, the National Historic Preservation Act, Executive Order 11988 ('Floodplain Management"), Executive Order 11990 ("Protection of Wetlands"), and the implementing regulations of FEMA.

Additional detailed descriptions of the alternative proposed actions may be reviewed in the draft environmental assessment conducted by FEMA, which is available for public review at the FEMA website: https://www.fema.gov/emergency-managers/practitioners/environmental-historic/region. Printed copies are available for viewing or photocopying at the following location:

**Lahaina Civic Center Gymnasium**
**1840 Honoapiʻilani Highway**
**Lahaina, Hawaiʻi 96761**
**8 a.m. to 4 p.m. Monday to Friday; 8 a.m. to 2 p.m. Saturday; closed Sundays**

Due to the emergency nature of this action, the public comment period will be limited to seven days,

**ending Mar. 15, 2024**. Written comments on the draft environmental assessment can be mailed or emailed to the contact listed below. If emailing, please remember to include "**Temporary Housing Kalaʻiola Site**" in the subject line. If no substantive comments are received by the conclusion of the comment period, the draft environmental assessment and associated *Finding of No Significant Impact* will become final and no additional public notice will be published. Substantive comments received will be addressed, as appropriate, in the *Final Environmental Assessment*/*Finding of No Significant Impact*, which will be posted to FEMA's NEPA repository, concluding the NEPA review.

Mail comments to:

FEMA Region IX EHP
1111 Broadway, Suite 1200
Oakland, CA 94607-4052
Email: fema-rix-ehp-documents@fema.dhs.gov

FEMA works to ensure that information is accessible to all of our customers. If you are unable to access any information presented in the document, please contact us by email at: fema-rix-ehp-documents@fema.dhs.gov.

**All other questions regarding disaster assistance or the availability of emergency housing should be directed to the FEMA Helpline at 800-621-3362, or visit www.DisasterAssistance.gov.**