

Draft Environmental Assessment

Ka'anapali Temporary Group Housing Site

FEMA DR-4724-HI

Maui County, Hawai'i

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FEMA

**U.S. Department of Homeland Security
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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 Hawai'i 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
EFH	Essential Fish Habitat
EHP	Environmental and Historic Preservation
EIS	Environmental Impact Statement
EISPN	Environmental Impact Statement Preparation Notice
EJ	Environmental Justice
EO	Executive Order
EP	Emergency Proclamation
EPA	U.S. Environmental Protection Agency
ESA	Endangered Species Act
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
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	Individual Housing 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
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
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
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
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
USC	United States Code
USDA	U.S. Department of Agriculture
USFWS	U.S. Fish and Wildlife Service
USGS	U.S. Geological Survey
VOCs	Volatile Organic Compounds
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 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 devastated 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 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 Ka'anapali Group Site would be located at Kaka'alaneo Dr, 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 63 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 Environmental EA analyzed the potential environmental impacts of the proposed temporary group housing site, Ka'anapali 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 January 19, 2024, 1,194 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, 85 percent were renters, while 15 percent were pre-disaster homeowners. Of the 1,194 households that completed PPI Admin process, 754 households (63 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 January 19, 2024, FEMA has secured a total of 1,029 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 Ka'anapali Group Site is located in West Maui, just east of the Honoapi'ilani Hwy and North of Kaka'alaneo Dr, Lahaina, Hawai'i 96793, Maui County, on a portion of the parcel identified by the Tax Map Key (TMK) 4400039 (Appendix A). The approximate center coordinates of the site are 20.940936, -156.684149. To the north of the site are agricultural lands and vacant land owned by the Honokowai Department of Hawai'i Home Lands (DHHL), to the west is the Maui Wastewater Reclamation Facility, and the future West Maui Hospital project is adjacent to the site on the south. 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 Appendix A.

The Ka'anapali Group Site is located approximately three (3) miles north of Lahaina.

The site has historically been used predominately for sugar cane and coffee cultivation since the mid-1800s. The sugar operations were terminated in 1999, and coffee operations ceased 2001. Portions of the project area were used to cultivate sweet corn; however, in recent years, the site has since remained fallow.

The site is within the footprint of the previously planned future development, identified as Ka'anapali Town, and specifically lies within the approximately 377 acre Lower "North" Honokowai planned area. A Hawaiian cultural center, transit station, community center, wellness

center, a golf clubhouse, park, and a mix of single and multi-family residences has been included in the development plan for this area. An Environmental Impact Statement Preparation Notice (EISP) was prepared for the Ka'anapali 2020 Master Plan (Ka'anapali Town) in February 2005.

3.1 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 Ka'anapali 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 Ka'anapali 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.

3.2 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.

3.3 Alternative 2: Develop the Ka'anapali 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 at Kaka'alaneo Dr, Lahaina, Hawai'i 96761 (Latitude: 20.940936; Longitude: -156.684149). 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 214 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 utilities, construction of 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 8,000 cubic yards of fill in low lying areas to bring the site to grade.
- Infrastructure for water, and sewer exist off Kaka'alaneo Drive, but would be extended onto and throughout the site.
- The connection to Hawai'i Electric Company existing electrical system will be near the end of Halawai Drive towards the northwest portion 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; 10% 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. The project site has already been planned for future development, and components of the Group Site, such as roads and utilities, which may be in accordance with the property owners' future development plans may be left in place, as agreed upon with the landowner. Relevant construction exhibits related to this alternative can be found in Appendix B.

3.4 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 Ka'anapali 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 Leiali'i Group Site and the Waikapu Country Town Group Site, are still under review; however, they are not the subject of this notice.

4.0 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: <i>No Impact</i> Alternative 2: <i>Negligible Impact – Not Significant</i>	Not applicable.
Physical Resource: Air Quality and Clean Air Act (CAA)	Alternative 1: <i>No Impact</i> Alternative 2: <i>Minor Impact – Not Significant</i>	For Alternative 2, construction and equipment-generated fugitive dust would be controlled using standard construction best management practices (BMPs), including watering of 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: <i>No Impact</i> Alternative 2: <i>Negligible Impact – Not Significant</i>	Not applicable.
Water Resources: Clean Water Act (CWA) and Surface Water	Alternative 1: <i>No Impact</i> Alternative 2: <i>Minor Impact – Not Significant</i>	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.

Resource and Resource Type	Environmental Consequence	Environmental Protection Measures and Required Permits
Water Resource: Floodplain Management (EO 11988)	Alternative 1: <i>No Impact</i> Alternative 2: <i>Minor Impact – Not Significant</i>	Not applicable.
Water Resource: Protection of Wetlands (EO 11990)	Alternative 1: <i>No Impact</i> Alternative 2: <i>Negligible Impact – Not Significant</i>	Not applicable.
Water Resource: Coastal Zone Management Act (CZMA)	Alternative 1: <i>No Impact</i> Alternative 2: <i>Negligible Impact – Not Significant</i>	All federal activities in the state will obtain Coast Zone Management (CZM) consistency through the State of Hawai'i Office of Planning and Sustainable Development by obtaining all appropriate state permits prior to construction.
Water Resource: Drinking Water and Groundwater	Alternative 1: <i>Negligible Impact – Not Significant</i> Alternative 2: <i>Negligible Impact – Not Significant</i>	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: <i>No Impact</i> Alternative 2: <i>Minor Impact – Not Significant</i>	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: Vegetation	Alternative 1: <i>Minor Impact – Not Significant</i> Alternative 2: <i>Minor Impact – Not Significant</i>	For Alternative 2, any vegetative debris generated during the construction activities would require authorization from HI DOH for staging and disposal activities.
Biological Resource: Threatened and Endangered Species	Alternative 1: <i>No Impact</i> Alternative 2: <i>No Impact</i>	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).

Resource and Resource Type	Environmental Consequence	Environmental Protection Measures and Required Permits
Biological Resource: Migratory Bird Treaty Act (MBTA)	Alternative 1: <i>No Impact</i> Alternative 2: <i>Minor Impact – Not Significant</i>	Not applicable.
Biological Resource: Magnusson-Stevens Fisheries Conservation Act (MSA)	Alternative 1: <i>No Impact</i> Alternative 2: <i>No Impact</i>	Not applicable.
Cultural Resource: Historic and Archaeological Resources	Alternative 1: <i>No Impact; No Historic Properties Affected</i> Alternative 2: <i>No Impact; No Historic Properties Affected</i>	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: <i>No Impact</i> Alternative 2: <i>No Impact</i>	Not applicable.
Socioeconomic Resource: Noise	Alternative 1: <i>No Impact</i> Alternative 2: <i>Minor Impact – Not Significant</i>	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 Hawaii 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.

Resource and Resource Type	Environmental Consequence	Environmental Protection Measures and Required Permits
Socioeconomic Resource: Transportation and Traffic	Alternative 1: <i>No Impact</i> Alternative 2: <i>Minor Impact – Not Significant</i>	For Alternative 2, local and county law enforcement would be responsible for the safe flow and operation of traffic in and around the Ka'anapali 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.
Socioeconomic Resource: Hazardous Materials/Wastes & Solid Waste	Alternative 1: <i>No Impact</i> Alternative 2: <i>Negligible Impact – Not Significant</i>	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 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: <i>No Impact</i> Alternative 2: <i>Negligible Impact – Not Significant</i>	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: <i>No Impact</i> Alternative 2: <i>No Impact</i>	Not applicable.
Socioeconomic Resource: Environmental Justice (EO 12898), Equity, and Protection of Children	Alternative 1: <i>Moderate Adverse Impact – Significant</i> Alternative 2: <i>Moderate Beneficial Impact – Significant</i>	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 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 January 18, 2024, soils underlying the subject site comprised of Ewa silty clay loam 0-3% slopes, Molokai Silty Clay loam 3-7% slopes, Wahikuli stony silty clay 7-15% slopes, and rough broken and stony land (Appendix C).

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 (USC) 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.

5.1.1.1 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.

5.1.1.2 Alternative 2 – Develop the Ka'anapali 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 October 21, 2023. The threshold level for a significant impact to air quality is defined as a violation of an ambient air quality standard or regulatory threshold.

5.1.2.1 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.

5.1.2.2 Alternative 2 – Develop the Ka'anapali 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 consist 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.

5.1.3.1 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 214 ATTHUs on the project site. Therefore, the No Action Alternative will have no effect on greenhouse gases.

5.1.3.2 Alternative 2 – Develop the Ka'anapali 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 535 occupants of the proposed group site (averaging 2.5 occupants per ATTHU), the group site is expected to produce approximately 5,034 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 minimis 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.

5.2.1.1 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.

5.2.1.2 Alternative 2 – Develop the Ka'anapali 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 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 Ka'anapali Group Site, the project is located outside of the SFHA (Appendix D). 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 floor, 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.

5.2.2.1 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.

5.2.2.2 Alternative 2 – Develop the Ka'anapali Group Site with ATTHUs (Preferred Alternative)

Based on the FEMA FIRM Panel Number 1500030351F, with an effective date of September 19, 2012, the proposed project site under Alternative 2 is located outside of the SFHA (Appendix D). The Proposed Action would have no short- or long-term impacts on floodplains. Since the Ka'anapali 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.

5.2.3.1 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.

5.2.3.2 Alternative 2 – Develop the Ka'anapali 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 Map (<https://fws.gov/wetlands/>), accessed September 30, 2023, 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 E), 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.

5.2.4.1 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.

5.2.4.2 Alternative 2 – Develop the Ka'anapali Group Site with ATTHUs (Preferred Alternative)

Under Alternative 2, the construction of the Ka'anapali Group Site is approximately a quarter mile from the coastline and will not involve work within the County of Maui's SMA. Pursuant to State of Hawai'i CZM Program guidance, FEMA's direct action to provide Temporary Group Housing is still subject to CZMA and submitted a Hawai'i CZM Program Federal Consistency Assessment Form through the Hawai'i CZM Program. The form was completed (Appendix F), and all guidance received through coordination with the Office of Planning and Sustainable Development shall be implemented prior to project implementation.

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.

5.2.5.1 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.

5.2.5.2 Alternative 2 – Develop the Ka'anapali 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 Pu'u Kukui down to the sea (MIP 2012). The Ka'anapali Group Site is located within the Hawai'i water system. The water lines will be connecting to the 12" water main along Kaka'alaneo 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 excavation and grading at the Ka'anapali Group Site would not exceed a maximum of eight (8) feet for a gravity sewer and would otherwise be 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 Hawai'i 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 developed, surrounded by single family residential dwellings, a recreational complex, and other roadways. The site most likely supports minimal wildlife habitat and use in its current state. Wildlife is likely limited to common and nuisance species including but not limited to cattle, mongoose, domestic and feral cats, domestic dogs, mice, rats, and deer. The site contains no aquatic resources of significance.

5.3.1.1 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 214 ATTHUs on the project site. Therefore, the No Action Alternative will have no impacts on fish and wildlife.

5.3.1.2 Alternative 2 – Develop the Ka'anapali 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 214 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, has been highly disturbed as it was historically used for intensive sugar cane cultivation for the last 150 years. 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. 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). No wetlands or waterbodies are present within the project area.

The site is planned for future development as the Ka'anapali Town. The land was formerly cultivated with sugarcane and is recently fallow or cultivated for seed corn. The EISPN, indicated the former sugar lands are occupied by introduced species of grasses, weeds, shrubs, and trees. The site is currently covered in low grassy vegetation between twelve (12) inches to three (3) feet in height and some shrub vegetation.

5.3.2.1 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 214 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.

5.3.2.2 Alternative 2 – Develop the Ka'anapali 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 214 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.

5.3.3.1 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.

5.3.3.2 Alternative 2 – Develop the Ka'anapali 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 G 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 was subsequently reviewed and refined by staff of the USFWS PIFWO. The final species list is provided in Table 5.3.4 and the species are discussed in this section. FEMA submitted a letter for informal consultation to the USFWS PIFWO on October 23, 2023. USFWS responded on November 16, 2023, concurring with FEMA’s determination that the project 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 consultation documentation, which includes specific avoidance and minimization measures is included in Appendix H and I.

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

Common Name	Scientific Name	Status (ESA)	Impact Determination
Hawaiian Hoary Bat	<i>Lasiurus cinereus semotus</i>	Endangered	NLAA
Band-rumped Storm-petrel	<i>Oceanodroma castro</i>	Endangered	NLAA
Hawaiian Coot	<i>Fulica alai</i>	Endangered	NLAA
Hawaiian Duck	<i>Anas wyvilliana</i>	Endangered	NLAA
Hawaiian Goose	<i>Branta sandvicensis</i> (=Nesochen)	Endangered	NLAA
Hawaiian Petrel	<i>Pterodroma sandwichensis</i>	Endangered	NLAA
Hawaiian Stilt	<i>Himantopus knudseni</i> <i>mexicanus</i>	Endangered	NLAA
Newell's Townsend's Shearwater	<i>Puffinus auricularis newelli</i>	Endangered	NLAA
Green Sea Turtle	<i>Chelonia mydas</i>	Endangered	NLAA
Hawksbill Sea Turtle	<i>Eretmochelys imbricata</i>	Endangered	NLAA
Blackburn's Sphinx Moth	<i>Manduca blackburni</i>	Endangered	NE

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 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 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 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, Kaho'olawe, and Hawai'i. The current Blackburn's sphinx moth range is now based on the presence of the invasive host tree tobacco (*Nicotiana glauca*; USFWS 2023h).

Technical assistance provided by the USFWS PIFWO confirmed there were no listed plants expected to occur within the project area.

5.3.4.1 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.

5.3.4.2 Alternative 2 – Develop the Ka'anapali Group Site with ATTHUs (Preferred Alternative)

A total of 10 threatened or endangered species were identified by USFWS as having the potential to occur in the project area region where the Proposed Action is located. A search of the USFWS Critical Habitat online mapper (<http://ecos.fws.gov/ecp/report/table/critical-habitat.html>), accessed October 19, 2023, 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 (see Appendix I) are drawn from the USFWS PIFWO's July 27, 2021, Programmatic Informal Consultation (PIC) with FEMA for the Hawaiian and Pacific Islands. The species-specific AMMs were drawn from the USFWS updated animal AMMs (<https://www.fws.gov/media/animal-avoidance-and-minimization-measures-may-2023-0>), dated May 2023. 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).

5.3.4.2.1 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 'ōhi'a, 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. The Action Area lacks mature forest cover for roosting habitat for the species; however, given the tall unmaintained grasses within the Ka'anapali action area the Hawaiian Hoary Bat may occur.

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

- FEMA will ensure workers do not disturb, remove, or trim woody plants greater than 15 feet tall during the bat birthing and pup rearing season, June 1 to September 15.
- FEMA will not use barbed wire for fencing.

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 Hawaiian Hoary Bat.

5.3.4.2.2 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 potentially favorable foraging and nesting habitat for the species in the Action Area, based on information from USFWS, the species may not be located within the Action Area. However, 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 Nēnē, 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.

5.3.4.2.3 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.

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*).

5.3.4.2.4 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.

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*).

5.3.4.2.5 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 coast. 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:

- 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*).

5.3.4.2.6 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.

5.3.4.3 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), Sea Turtles (Green Sea turtle and hawksbill sea turtle), and the Hawaiian Hoary Bat. The project impacts are discountable. There would be no impact on the Blackburn Sphinx Moth, 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 November 28, 2023, 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 tameameia*) 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).

5.3.5.1 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.

5.3.5.2 Alternative 2 – Develop the Ka'anapali 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-STEVENSON 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.

5.3.6.1 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.

5.3.6.2 Alternative 2 – Develop the Ka'anapali 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).

5.4.1.1 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.

5.4.1.2 Alternative 2 – Develop the Ka'anapali 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 to 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 a survey completed at the Ka'anapali location specifically in support of residential site development: the *Archaeological Inventory Survey of the Ka'anapali 2020 Project Area, Located in Hanakao'o and Honokowai Ahupua'a, Lahaina District, Island of Maui TMK: 4-4-02, 4-4-04, 4-4-05, 4-4-06*, completed in 2003 by Xamanek Researches (2003 AIS). Additionally, 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.

The 2003 Archeological Inventory Survey (AIS) includes discussion of an approximately 2,700 acre study area, and subsequent AIS conducted at the location in support of the land owners intent to develop the current project area. As a result of the 2003 AIS, no historic properties were identified within the APE of the Undertaking, however a number of archaeological sites, primarily associated with agricultural practices, were recorded within 1,000 meters of the APE.

The Ka'anapali Location is located in an area that has been privately and commercially farmed for sugarcane until the late 1990's, followed by rotations of corn and alfalfa for several years. A site visit was conducted on October 10, 2023 by FEMA Secretary of the Interior (SOI) Qualified Archaeologist, to document current site conditions. During the inspection it was observed that

grass and low shrub vegetation has grown over the majority of the location. Large rocks and boulders were observed intermittently across the site, with higher density noted along the gulch that spans the northern boundary of the parcel. The property is bisected multiple times by unimproved dirt roads, within which substantial irritation material (drip line and associated plastics) can be observed within the exposed soils. The location is accessible along the southern boundary by an existing road, Kaka'alaneo Drive, which also provides access to the under development hospital location.

Consultation with the State Historic Preservation Division (SHPD), the OHA, and Native Hawaiian Organizations (NHOs) was initiated on December 1, 2023 for Alternative 2 (See Appendix J). 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 is initiating Expedited Review for Emergency Undertaking in accordance with Stipulation II.B.2.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 Ka'anapali 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.

Comments were received by OHA and two NHOs. By letter dated December 7, 2023, 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.

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). The MIP 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's Directed Growth Plan places approximately 840 acres of the future development of Ka'anapali Town into urban growth boundaries.

The group site project area is undeveloped. Maui County Code Section 19.06.020, amended by Ordinance No. 5363, adopts the digital zoning map as the official zoning map for the Island of Maui effective March 22, 2022. The proposed temporary housing site is situated where future residential development is expected. A review of the County of Maui Planning Department's Land Use Viewer designates the parcel where the proposed action is to occur is zoned for R-3 Residential.

5.5.1.1 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.

5.5.1.2 Alternative 2 – Develop the Ka'anapali Group Site with ATTHUs (Preferred Alternative)

Under Alternative 2, the development of the Ka'anapali Group Site would comply with current Maui County zoning of "Urban Residential." No disruption or displacement of an existing or planned land use is anticipated. Alternative 2 would have no impact on Maui County zoning.

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 Hawai'i. 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.

5.5.2.1 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 214 ATTHUs. Therefore, the No Action Alternative will have no impact on noise.

5.5.2.2 Alternative 2 – Develop the Ka'anapali 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 residential property is approximately 0.4 miles northwest of the project area, and it would receive an estimated construction related noise of approximately 45 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 Ka'anapali Group Site is located adjacent to the State-owned Honoapi'ilani Highway across from the Ka'anapali Resort development composed of hotel, single- and multi-family residential land uses, park, golf course, light industrial, business, public/quasi-public and open space designated land uses with the Pacific Ocean beyond. 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, and continues south through Waikapu, Maalaea, and wraps around towards West Maui.

5.5.3.1 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 214 ATTHUs on the project site. Therefore, the No Action Alternative would have no impact to transportation and traffic.

5.5.3.2 Alternative 2 – Develop the Ka'anapali Group Site with ATTHUs (Preferred Alternative)

Under Alternative 2, the proposed action would result in the installation of approximately 214 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 via the existing four-way traffic light at the Honoapi'ilani Highway and Kaka'alaneo Drive.

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.

5.5.4.1 Alternative 1 - No Action Alternative

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

5.5.4.2 Alternative 2 – Develop the Ka'anapali 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 a 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 NEPAassist tool, (<https://www.epa.gov/nepa/nepassist>) accessed November 29, 2023. According to the database, there are two (2) hazardous waste (RCRA) handlers within 0.25 miles of the project area, and there are no toxic releases, NPL (Superfund) sites, brownfields, or TSCA sites within 0.25 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 Hazard Evaluation and Emergency Response (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/>), accessed November 29, 2023, no sites or incidents were recorded in the project area, there were four sites located within 0.25 miles of the project area. The four sites identified in the iHEER system are all transformer sites located downgradient of the proposed project area, based on the review of records, the immediate threats no longer exist.

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 USC § 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.

5.5.5.1 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 214 ATTHUs on the project site. Therefore, the No Action Alternative will have no impact on occupational health and safety.

5.5.5.2 Alternative 2 – Develop the Ka'anapali 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 machine, 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 of the proposed site on Kaka'alaneo Drive.

Police protection for the Lahaina region is provided by the Maui County Police Department headquartered on 1850 Honoapi'ilani Hwy, 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 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 Honoapi'ilani Hwy, 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.

5.5.6.1 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 214 ATTHUs on the project site. Therefore, the No Action Alternative will have no impact on utilities.

5.5.6.2 Alternative 2 – Develop the Ka'anapali Group Site with ATTHUs (Preferred Alternative)

Under Alternative 2, the construction of the group site necessitates service of potable water, sanitation, and electrical power. Utilities for this location would tie into connections being established for the hospital. 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 along Kaka'alaneo Drive.

Water mains will be installed underground within or directly adjacent to the roads created onsite and connect to existing Hawai'i Water Service water system along Kaka'alaneo Drive along the southern portion of the project site. Fire water supply will also be provided by Hawai'i Water Service.

Electric utilities will be installed underground, within or directly adjacent to roads created onsite. The connection to Hawai'i Electric Company existing electrical system will be near the end of Halawai Drive towards the northwest portion of the site.

The current service capacity for these utilities exists throughout the area as the subject site is planned for phased development for residential housing. The underground utilities that are installed for group site use would likely remain in place once the group site is decommissioned and would be utilized for the future mixed-use residential community at the subject site.

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 Ka'anapali 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 74 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 November 29, 2023, 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 23 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.

5.5.7.1 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 214 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.

5.5.7.2 Alternative 2 – Develop the Ka’anapali 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 Ka’anapali Group Site is proposed, is 12,702 people. Under Alternative 2, with the establishment of the temporary group site, up to approximately 214 households could be temporarily relocating to the Ka’anapali 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 or 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.

One of the results of the proposed action is not directly related to the temporary nature of the group site but rather is related to the utility infrastructure which would remain after the group site is decommissioned. As discussed in section 5.2.2, the construction of the utilities on the subject site has the potential to induce future development of the site. This future development is a potential indirect impact associated with the proposed action.

The current property owner, as indicated in the EISPN for Ka'anapali 2020 Project Development Area Plan (Ka'anapali Town), intends to develop the parcel. According to the EISPN, the future Ka'anapali Town project is 1,154 acres intended to include a mix of residential, recreational, open space, golf course, public/quasi-public and commercial uses. The project area was placed into MIPs Urban Growth Boundary in December 2012. According to the EISPN, 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 Ka'anapali Town 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. 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.
 - b. 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 Hawai'i Administrative Rules (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. Suspected human remains will not be photographed until after consultation occurs with known lineal or cultural descendants and appropriate Island Burial Council (IBC).

1. The Contractor shall not proceed with work in the vicinity 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 Hawaii 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 G, H, and I) 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
- Maui County Public Works Department
- 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 PA, 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 M) 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.

9.0 LIST OF PREPARERS

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Appendices are available for review upon request to fema-rix-ehp-document@fema.dhs.gov, please include “Temporary Housing Ka’anapali Site” in the email subject line.

Appendices are also available at the following location:

Lahaina Civic Center Gymnasium

1840 Honoapi‘ilani Highway, Lahaina, Hawai‘i 96761

January 25 to January 31, 2024 (8 a.m. to 4 p.m. Monday to Friday, 8 a.m. to 2 p.m. Saturday, closed Sunday)

If requesting a digital copy, please indicate which of the following appendices you are requesting:

- Appendix A – Location Map, Area Map, Photo Logs, Adjoining Property Exhibits
- Appendix B – Project Location, Construction, and Disturbance Exhibits
- Appendix C – NRCS Soil Map
- Appendix D – FIRM Map
- Appendix E – USFWS National Wetland Inventory Map
- Appendix F – CZM Federal Consistency Application
- Appendix G – USFWS PIFWO Invasive Species Biosecurity Protocols
- Appendix H – ESA Section 7 Informal Consultation
- Appendix I – USFWS PIFWO Programmatic Informal Consultation General BMPs and Species Specific AMMs
- Appendix J – NHPA Section 106 Consultation
- Appendix K – Initial Public Notice
- Appendix L – Final Public Notice