

Attachment D - 1

Essential Fish Habitat (EFH), Concurrence June 6, 2014

Laura Mau

From: Darell.Young@hawaii.gov
Sent: Friday, June 06, 2014 8:11 AM
To: danielle.jayewardene@noaa.gov
Cc: meesa.otani@dot.gov; Laura Mau; Brian A. Lock; Tracy Fukuda; David.L.Zevenbergen@hawaii.gov; Ken.Tatsuguchi@hawaii.gov
Subject: Re: Fw: NMFS EFH comments on Kuhio Highway Improvements Project

Danielle,

Thanks for your quick response and the confirmation.

Darell Young
State of Hawaii
Department of Transportation
Highways Division, Planning Branch
Tel: [808-587-1835](tel:808-587-1835)

From: Danielle Jayewardene- NOAA Affiliate <danielle.jayewardene@noaa.gov>
To: Darell.Young@hawaii.gov,
Cc: meesa.otani@dot.gov, lmau@wilsonokamoto.com, balock@wilsonokamoto.com, tfukuda@wilsonokamoto.com, David.L.Zevenbergen@hawaii.gov, Ken.Tatsuguchi@hawaii.gov
Date: 06/05/2014 03:21 PM
Subject: Re: Fw: NMFS EFH comments on Kuhio Highway Improvements Project

Hi Darell,

This is to confirm that we had the conversations as per below, and that NMFS understands that HDOT does not plan to implement post-construction BMP's for the subject mentioned project as this is not practicable. If I recall correctly, we discussed that the sheet flow would lead into buffer areas anyway, i.e. not directly into the marine environment. This would be the reason why NMFS would not be so concerned about the lack of post-instruction BMP's.

Thanks,

Danielle

On 6/4/2014 4:09 PM, Darell.Young@hawaii.gov wrote:
Danielle,

This is to confirm the two telephone conversations we had, one on May 28, 2014 and another earlier this year regarding the post construction BMP's for the project. During the phone conversations, I explained that there's no existing permanent BMPs in the project area. In addition, the project have no plans to install post construction BMPs. The existing drainage, as well as the post project drainage, sheet flows off the roadway. The implementation of post construction BMPs "to the greatest extent practicable" was a recommendation, not a requirement and you understood that HDOT wouldn't be implementing post construction BMPs under this project.

Please confirm that the above is an accurate record of our telephone conversations.

Darell Young
State of Hawaii
Department of Transportation
Highways Division, Planning Branch
Tel: [808-587-1835](tel:808-587-1835)

From: meesa.otani@dot.gov [<mailto:meesa.otani@dot.gov>]
Sent: Monday, December 23, 2013 1:16 PM
To: Laura Mau; Brian A. Lock; ken.tatsuguchi@hawaii.gov; raymond.j.mccormick@hawaii.gov
Cc: darell.young@hawaii.gov
Subject: FW: NMFS EFH comments on Kuhio Highway Improvements Project

Good afternoon,

See response below from NOAA on EFH.

Thanks!
Meesa

From: Danielle Jayewardene- NOAA Affiliate [<mailto:danielle.jayewardene@noaa.gov>]
Sent: Monday, December 23, 2013 11:07 AM
To: Otani, Meesa (FHWA); darell.young@hawaii.gov
Cc: Gerry.Davis@noaa.gov; Donald Hubner
Subject: NMFS EFH comments on Kuhio Highway Improvements Project

Hi Meesa and Darell,

I hope this e-mail finds you well.

This is to inform you that the Habitat Conservation Division of NOAA Fisheries Pacific Islands Regional Office (NMFS) has reviewed the US Federal Highway Administration's (FHWA) 11/26/2013 Essential Fish Habitat (EFH) consultation request letter, and the 10/4/2013 EFH assessment for the Kuhio Highway Short-Term Improvements Project (Project) on the Island of Kauai. NMFS appreciates the opportunity to provide the following comments pursuant to the Essential Fish Habitat (EFH) provision, §305(b) of the Magnuson Stevens Fishery Conservation and Management Act (MSA; 16 U.S.C. 1855(b)).

The Proposed Action involves FHWA providing funds to the State of Hawaii Department of Transportation (DOT) to widen an approximately 1-km section of the southbound side of Kuhio Highway from three to four lanes between the intersections of the Temporary Kapaa Bypass Road and Kuamoo Road in the Kawaihau District of Kauai. The Project does not involve any in-water work, but includes tunneling under the Wailua River (estuarine reach), and work near the Coco Palms Lagoon, Kaloko Marsh, and Waipouli Canal.

The water column and seafloor in Wailua Bay, located adjacent to the proposed project site on Kuhio Highway, is designated as EFH and may support a variety of life stages for a variety of management unit species (MUS) identified under the Western Pacific Regional Fishery Management Council's Pelagic and Hawaii Archipelago Fishery Ecosystem Plans (FEPs). While the proposed action will occur outside of designated EFH it has a potential to be affected by storm water run-off into the Bay carrying pollutants including sediments from work areas during construction, also from a potential increase in volume of storm water post-construction due to increase in impervious surface created by the widened road.

Based on the information and impacts analysis provided, and NMFS's understanding of the Project activities, we agree that the Proposed Action will likely have minimal to no adverse effect to EFH given implementation of the following recommendations:

1) Standard Best Management Practices (BMPs) are implemented and monitored for effectiveness throughout the construction period to control pollutant discharge and run-off into Wailua Bay. If BMPs are found to be ineffective, or pollutants are detected in Wailua Bay, the contractor should halt construction and re-initiate construction only when effective BMPs have been implemented and pollutant discharge into the marine environment is controlled.

2) Post-construction BMP's are implemented in and around the project area, to the greatest extent practicable, to trap pollutants and minimize and slow runoff/discharge into the surrounding waters including Wailua Bay from the widened highway in the mid- to long-term.

Thank you for your efforts in engaging with and working with us to complete this EFH consultation; don't hesitate to contact us with any comments and/or questions regarding our determination, and/or for technical assistance.

Aloha, and Happy Holidays!

Danielle

On 11/27/2013 11:34 AM, meesa.otani@dot.gov wrote:
Hi Danielle,

I am forwarding you an electronic copy of the letter and EFH Assessment that was completed for the Kuhio Highway Short Term Improvements project on Kauai.

Please let me know if you have any questions.

Have a safe and happy holiday.

Thanks!

Meesa Otani

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300 Ala Moana Blvd., Room 3-306
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meesa.otani@dot.gov



Think before you print

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Danielle Chianese Jayewardene Ph.D.
Coral Reef Ecologist/EFH coordinator
Habitat Conservation Division
NOAA Fisheries, Pacific Islands Regional Office
1601 Kapiolani Blvd, Suite 1110
Honolulu, HI 96814
Ph 808-944 2162

----- Message from Laura Mau <lmaw@wilsonokamoto.com> on Tue, 24 Dec 2013 21:11:10 +0000 -----

To: ["darell.young@hawaii.gov"](mailto:darell.young@hawaii.gov) <darell.young@hawaii.gov>, ["meesa.otani@dot.gov"](mailto:meesa.otani@dot.gov) <meesa.otani@dot.gov>
"Brian A. Lock" <balock@wilsonokamoto.com>, ["ken.tatsuguchi@hawaii.gov"](mailto:ken.tatsuguchi@hawaii.gov)
cc: <ken.tatsuguchi@hawaii.gov>, ["raymond.j.mccormick@hawaii.gov"](mailto:raymond.j.mccormick@hawaii.gov) <raymond.j.mccormick@hawaii.gov>

Subject: RE: NMFS EFH comments on Kuhio Highway Improvements Project

Darell,

Per our tel con this morning, perhaps FHWA and HDOT should coordinate with NOAA regarding the permanent BMPs condition before wrapping up the EFH issue.

Thanks,

Laura Mau, AICP

Project Manager / Senior Planner



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From: Laura Mau

Sent: Tuesday, December 24, 2013 9:26 AM

To: 'darell.young@hawaii.gov'; 'meesa.otani@dot.gov'

Cc: Brian A. Lock; 'ken.tatsuguchi@hawaii.gov'; 'raymond.j.mccormick@hawaii.gov'

Subject: RE: NMFS EFH comments on Kuhio Highway Improvements Project

Need to reconfirm w/Brian, but I don't think the plans currently include standard construction BMPs. Will FHWA and HDOT agree to revise plans in response to NOAA's condition?

Laura Mau, AICP

Project Manager / Senior Planner



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From: Laura Mau

Sent: Monday, December 23, 2013 4:47 PM

To: 'darell.young@hawaii.gov'; 'meesa.otani@dot.gov'

Cc: Brian A. Lock; 'ken.tatsuguchi@hawaii.gov'; 'raymond.j.mccormick@hawaii.gov'

Subject: RE: NMFS EFH comments on Kuhio Highway Improvements Project

What does she mean by post-construction BMPs...in the mid- to long-term?

Laura Mau, AICP

Project Manager / Senior Planner



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Thanks!

Meesa Otani
Environmental Engineer
Federal Highway Administration, Hawaii Division
300 Ala Moana Blvd., Room 3-306
Honolulu, Hawaii 96850
(808) 541-2316
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Habitat Conservation Division
NOAA Fisheries, Pacific Islands Regional Office
1601 Kapiolani Blvd, Suite 1110
Honolulu, HI 96814
Ph 808-944 2162

----- Message from Tracy Fukuda <tfukuda@wilsonokamoto.com> on Fri, 23 May 2014 21:27:35 +0000 -----

To: "darell.young@hawaii.gov" <darell.young@hawaii.gov>