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HAWAII DIVISION



## United States Department of the Interior

## FISH AND WILDLIFE SERVICE

Pacific Islands Fish and Wildlife Office  
300 Ala Moana Boulevard, Room 3-122, Box 50088  
Honolulu, Hawaii 96850



In Reply Refer To:  
2009-I-0301  
2009-B-0020

JUL 16 2009

Mr. Pat V. Phung, P.E.  
U.S. Department of Transportation  
Federal Highway Administration  
300 Ala Moana Boulevard, Room 3-306  
Honolulu, Hawaii 96850

Subject: Informal Consultation for Kuhio Highway Short-Term Improvements, Kuamoo Road to Kapaa Temporary Bypass Road Project (FAP No. NH-056-1(50))

Dear Mr. Phung:

We are in receipt of your letter dated June 30, 2009, in which you request our concurrence that the proposed project along Kuhio Highway from Kuamoo Road to the Kapaa Temporary Bypass Road is not likely to adversely affect listed bird species pursuant to section 7 of the Endangered Species Act of 1973, as amended (Act). The proposed action is to add a new southbound travel lane on the existing Kuhio Highway from South Leho Drive to slightly north of the Kapaa Temporary Bypass Road. The existing right-turn storage lane along Kuamoo Road will also be extended inland from its intersection with the highway. As part of the project, all existing overhead utility lines in the project area will be relocated into underground duct banks.

Three species of seabirds, the endangered Hawaiian petrel (*Pterodroma phaeopygia sandwichensis*), the threatened Newell's shearwater (*Puffinus auricularis newelli*), and the candidate band-rumped storm-petrel (*Oceanodroma castro*), are known to occur in the project area. These species are known to collide with objects and to be attracted to lights when moving between feeding areas at sea to upland nesting areas. In order to avoid and minimize impacts to these species during the construction phase, your June 30, 2009, letter stated that you would implement the following measures:

- No nighttime construction will occur during the seabird fledging period, September 15 through December 15.

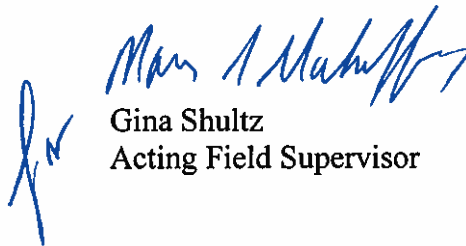
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- If nighttime construction occurs, all lighting will be shielded or directed toward the ground.
- All construction personnel will be required to attend seabird awareness training prior to the initiation of construction.
- A pet carrier will be on site at all times and will be used to temporarily hold any downed seabird recovered in the general project area.
- If a downed seabird is found within the general project area, it will be retrieved and placed in the pet carrier in a shady area until Save Our Shearwaters (SOS) personnel (Heather Young 808-246-4348) retrieve the bird.
- SOS and/or Hawaii Division of Forestry and Wildlife personnel (Andrea Erichsen 808-245-9160) will be contacted immediately upon the recovery of any downed seabird.
- Our office will be notified of a downed seabird in the project area within 24 hours of the occurrence.

By undergrounding approximately one mile of utility lines in an area with a high level of seabird movement, this project will remove a source of injury and mortality for these species. The implementation of the minimization measures above reduces the expected construction-related impacts such that we concur that the proposed Kuhio Highway short-term improvement from Kuamoo Road to the Temporary Bypass Road is not likely to adversely affect the Newell's shearwater, Hawaiian petrel, and band-rumped storm-petrel.

We appreciate your efforts to protect listed species. Unless the project description changes, or new information reveals that the effects of the proposed action may affect listed species in a manner or to an extent not considered, or a new species or critical habitat is designated that may be affected by the proposed action, no further action pursuant to the Act is necessary. If you have questions regarding these comments, please contact Megan Laut, Fish and Wildlife Biologist, Consultation and Technical Assistance Program (phone: 808-792-9400, fax: 808-792-9581).

Sincerely,



Gina Shultz  
Acting Field Supervisor