

ATTACHMENT B - EXHIBIT 7

Laura Mau

From: Pat.PHUNG@dot.gov
Sent: Friday, August 07, 2009 11:36 AM
To: Darell.Young@hawaii.gov
Cc: Ronald Sato; Laura Mau
Subject: FW: Consultation request for the Kuhio Highway Short-Term Improvements Project (FAP No. NH-056-1(50))

Pat V. Phung, P.E.
Federal Highway Administration
Hawaii Division
300 Ala Moana Blvd., Room 3-306

Office: (808) 541-2305
Mobile: (808) 284-0456

-----Original Message-----

From: Donald Hubner [mailto:Donald.Hubner@noaa.gov]
Sent: Thursday, August 06, 2009 5:05 PM
To: Phung, Pat <FHWA>
Subject: Consultation request for the Kuhio Highway Short-Term Improvements Project (FAP No. NH-056-1(50))

Aloha Pat,

It was very pleasant talking with you earlier about the Kuhio Highway Short-Term Improvements; Kuamo'o Road to Kapa'a Temporary Bypass Road Project (FAP No. NH-056-1(50)), near Wailua, on the island of Kauai, and

the FHA's consultation request for that action.

As mentioned earlier, I've reviewed your letter, which stated that your agency has made a "no effects" determination for ESA-listed marine species, and further indicated that there is no in-water work, and that your agency has been in consultation with the US Fish and Wildlife Service. Given that it is the standard policy of the NMFS to refrain from writing letters of concurrence, under the ESA, for "No Effects" determinations, this e-mail is intended to serve as notice that we received your letter, but will not be initiating informal consultation for this action. That being said, NMFS Protected Resources Division would like to requests that in addition to any other planned best management practices, measures be implemented to prevent the introduction into the Wailua River or into marine waters sediments and/or toxins that may be mobilized as a result of this action. We thank

you for informing this office of the action and appreciate your efforts to help conserve our natural marine resources. Please feel free to contact me any time via e-mail or by telephone at 808-944-2233.

Don

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Donald M. Hubner
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