



United States Department of the Interior



FISH AND WILDLIFE SERVICE
Pacific Islands Fish and Wildlife Office
300 Ala Moana Boulevard, Room 3-122
Honolulu, Hawaii 96850

In Reply Refer To:
01EPIF00-2016-I-0332

Ms. Meesa Otani
U.S. Department of Transportation
Federal Highway Administration
300 Ala Moana Boulevard, Room 3-306
Honolulu, Hawaii 96850

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HAWAII DIVISION

Subject: Informal Consultation for Kuhio Highway Short-term Improvements Project,
Kauai

Dear Ms. Otani:

The U.S. Fish and Wildlife Service (Service) received your letter, dated May 17, 2016, requesting our concurrence that the proposed project may affect, but is not likely to adversely affect (NLAA) the following species: the endangered Hawaiian hoary bat (*Lasiurus cinereus semotus*); the endangered Hawaiian petrel (*Pterodroma sandwichensis*), the threatened Newell's shearwater (*Puffinus auricularis newelli*), and a species proposed for listing the band-rumped storm-petrel (*Oceanodroma castro*) (hereafter collectively referred to as seabirds); and the threatened green sea turtle (*Chelonia mydas*). In your letter, you requested our concurrence with your determination that the proposed action will have not affect designated Critical Habitat. On June 3, 2016, the Service requested via email additional information pertaining to proposed measures to avoid and minimize potential impacts to the Hawaiian hoary bat. The Federal Highway Administration (FHWA) provided the requested information on July 21, 2016, and requested NLAA concurrence for the endangered Hawksbill sea turtle (*Eretmochelys imbricata*).

The findings and recommendations in this consultation are based on the following: (1) your consultation request; (2) email correspondences from July 21, 2016; (3) FHWA's Biological Assessment (BA); (4) site visit conducted by Service staff, Adam Griesemer, on September 2, 2015 during pre-consultation, and (5) other information available to us. Copies of pertinent materials and documentation are maintained in an administrative record in the Service's Pacific Islands Fish and Wildlife Office in Honolulu, Hawaii. This response is in accordance with section 7 of the Endangered Species Act (ESA) of 1973, as amended (16 U.S.C 1531 *et seq.*).

Project Description

The Hawaii Department of Transportation (HDOT), in cooperation with FHWA, proposes to improve Kuhio Highway from its intersection at Kuamoo Road to Kapaa Temporary Bypass Road in the town of Kapaa on the island of Kauai. The proposed project involves the following: (1) widening of a 0.65 mile section of Kuhio Highway, adding a new southbound lane; (2)

modifications to intersections at Lanikai Street, Haleilio Road, Papaloa Road, and Kuamoo Road; (3) extending the existing southbound right-turn storage lane at Kuamoo Road 650 feet from the highway; (4) synchronization of traffic signals at intersections; (5) extending culverts and sidewalks; (6) modifying signage; (7) relocating existing guardrails; (8) re-striping; and (9) adjusting existing utilities. No new streetlights will be installed and seventeen out of the 21 existing utility poles will be relocated approximately 2 to 15 feet away from the highway. Cut-off streetlights will be located 30 feet above the ground along the highway. Utility poles and lines will be lowered by approximately five feet along Kuhio Highway from one utility pole north of Kuamoo Road to two poles north of Haleilio Road. North of this section to the Kapaa Temporary Bypass Road, the poles and lines will be lowered approximately 10 feet.

Conservation Measures

To avoid and minimize impacts to federally listed species and their habitats, the below conservation measures are considered part of the project description and will be implemented at the project site. Any changes to, modifications of, or failure to implement these conservation measures may result in the need to reinitiate this consultation.

- To minimize impacts to the endangered Hawaiian hoary bat, woody plants greater than 15 feet tall will not be disturbed, removed, or trimmed during the bat birthing and pup rearing season (June 1 through September 15). Any site clearing will also be timed to avoid disturbance to Hawaiian hoary bats in the project area.
- If nighttime construction activity or equipment is proposed during the construction phase of the project, all associated lights will be shielded, and when large flood work lights are used, they should be placed on poles that are high enough to allow the lights to be pointed directly at the ground. During the construction phase of the project, any lighting necessary to conduct night time activities will be shielded and directed at the ground.
- No nighttime construction will occur during the peak fallout period, between September 15 and December 15 annually.
- All construction personnel will be required to attend a protected wildlife awareness program prior to the initiation of construction activity.
- Although adverse effects are not anticipated, a pet carrier will be maintained 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 and maintained in a shady location until the Department of Forestry and Wildlife (DOFAW) or Save our Shearwaters program personnel retrieve the bird. DOFAW and/or SOS program will be contacted immediately upon recovery of any downed bird. The USFWS shall be notified of any downed bird within 24-hours of the occurrence.

In addition to the above conservation measures, the Service acknowledges that the BA states that most of the utility poles and lines from Kuamoo Road to Kinipopo Shopping Center (located at intersection of Kuhio Highway and Haleilio Road) are shielded on both sides of the highway by dense vegetation. The BA also states that the lines between Kinipopo Shopping Center and the

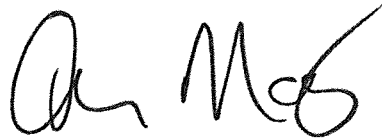
Kapaa Temporary Bypass Road are shielded on the makai (ocean) side of the highway by vegetation and resort development buildings, considerably higher than the proposed line and pole heights. Based on our site visit, we understand that the vegetation and buildings will provide shielding for lines and poles at proposed heights for respective sections of the highway. Additionally, the vegetation along Kuhio Highway in the section adjacent to Wailua Bay and the relocation of the street lights will minimize light reaching the beach, where sea turtle nesting has occurred.

Summary

Based on the above information and that avoidance and minimization measures will be implemented, we concur with your determination that the proposed project may affect, but is not likely to adversely affect the Hawaiian hoary bat, Hawaiian petrel, Newell's shearwater, band-rumped storm-petrel, green sea turtle, and Hawksbill sea turtle. You requested our concurrence with your determination that the proposed action will have not affect designated critical habitat areas. There is no designated critical habitat in the vicinity of the proposed project area. Unless the project description changes or new information reveals that the action may affect listed species in a manner or to an extent not considered, no further action pursuant to section 7 of the ESA is necessary.

We appreciate your efforts to conserve endangered species. Please contact Adam Griesemer, Endangered Species Biologist (phone: 808-285-8261, email: adam_griesemer@fws.gov) should you have any questions pertaining to this response.

Sincerely,

A handwritten signature in black ink, appearing to read 'A. Nadig'.

Aaron Nadig
Island Team Manager
Oahu, Kauai, Northwestern Hawaiian
Islands, and American Samoa