



# 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:  
01EPIF00-2020-I-0290

June 3, 2020

Ms. Meesa Otani  
Environmental Engineer  
U.S. Department of Transportation  
Federal Highway Administration  
300 Ala Moana Blvd, Room 3-306, Box 50206  
Honolulu, Hawaii 96850

Subject: Poipu Road Multi-Modal Improvements in the County of Kauai, Hawaii.

Dear Ms. Otani:

The U.S. Fish and Wildlife Service (Service) received your email, dated May 22, 2020, requesting concurrence with your “may affect, but not likely to adversely affect” 7(a)(2) determination for the proposed Poipu Road multi-modal improvements project in Kauai County, Hawaii. The U.S. Department of Transportation's Federal Highway Administration (FHWA) has determined project components may affect, but are not likely to adversely affect the following federally listed species: the threatened Hawaiian goose (*Branta sandvicensis*) and Newell's shearwater (*Puffinus auricularis newelli*), and the endangered Hawaiian hoary bat (*Lasiurus cinereus semotus*), Hawaiian stilt (*Himantopus mexicanus knudseni*), Hawaiian common gallinule (*Gallinula galeata sandvicensis*), Hawaiian coot (*Fulica alai*), Hawaiian duck (*Anas wyvilliana*), band-rumped storm petrel (*Oceanodroma castro*), and Hawaiian petrel (*Pterodroma sandwichensis*). Our comments are provided in accordance with section 7 of the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.), as amended.

Our response is based on the best available information presented in your effects determination, and otherwise cited below. A complete decision record of this consultation is on file at the Service's Pacific Islands Fish and Wildlife Office in Honolulu, Hawaii. The Service's log number for this consultation is 01EPIF00-2020-I-0290.

## DESCRIPTION OF THE PROPOSED ACTION

The proposed project is located in the Koloa District, on the island of Kauai, and consists of multi-modal transportation improvements to the existing Poipu Road right-of-way, between Koloa Road and about 275 feet beyond Keleka Road. The scope of work of the proposed project

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COLUMBIA-PACIFIC NORTHWEST

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MARIANA ISLANDS

involves a number of roadway improvements to Poipu Road. Road improvements would primarily occur within existing operational rights-of-way; however, there are some areas where work would occur on parcels adjacent to the right-of-way, including minor grading work and intersection improvements at select locations. Improvements include:

- Replacement of stop-controlled intersections with roundabouts;
- Roadway resurfacing, shoulder widening, construction of sidewalks, installing Americans with Disabilities Act (ADA) accessible ramps, construction of vehicle stalls, construction of medians, storm drainage improvements, and replacement or upgrades to bus stops;
- Pavement striping including striping of turn lanes, pedestrian crossings, and bike lanes, replacement of roadway signage, and new roadway signage to denote roundabouts and pedestrian crossings;
- Relocation of street lighting and installation of new street lighting;
- Vegetation removal, removal of trees that endanger life or property, and installation of new landscaping; and,
- Construction staging as needed.

Construction is expected to occur beginning in March 2022 and run approximately 660 days (January 2024). Nighttime construction is not anticipated.

## **EFFECTS OF THE ACTION**

### General road construction and completion of project components

#### Hawaiian goose

Hawaiian geese are found on the islands of Hawaii, Maui, Molokai, and predominately Kauai. They are observed in a variety of habitats, but prefer open areas, such as pastures, golf courses, wetlands, natural grasslands and shrublands, and lava flows. Threats to the species include introduced mammalian and avian predators, wind facilities, and vehicle strikes. Hawaiian geese have an extended breeding season with eggs reported from all months except May, June, and July, although the majority of Hawaiian geese in the wild nest during the wet (winter) season from October and March. Nesting peaks in December and most goslings hatch from December to January. Hawaiian geese may use the vicinity of the proposed project for loafing, foraging, and possibly nesting. If a nest is present, potential impacts include parents being flushed from the nest for extended periods of time causing the nest to fail or eggs or goslings being crushed by humans or equipment. To avoid and minimize potential project impacts to the Hawaiian goose the following conservation measures will be incorporated into the project plan:

- Project personnel will be instructed to not approach, feed, or disturb Hawaiian Geese.
- If Hawaiian geese are observed loafing or foraging within the project area during their breeding season (September 1 through April 30), a biologist familiar with the nesting behavior of Hawaiian geese will survey for nests in and around the project area prior to the resumption of any work. Surveys will be repeated after any subsequent delay of work of three or more days (during which the birds may attempt to nest).
- If a Hawaiian goose nest is discovered within a radius of 150 feet of proposed work, or a previously undiscovered Hawaiian goose nest is found within said radius after work

begins, work will cease and the Service's Pacific Islands Fish and Wildlife Office will be contacted.

- In areas where Hawaiian geese are known to be present, reduced speed limits will be posted and implemented, and all project personnel will be informed about the presence of endangered species on-site.

#### Hawaiian waterbirds

Hawaiian coot, Hawaiian duck, and Hawaiian stilt (collectively known as Hawaiian waterbirds) may occur in fresh and brackish water. The Hawaiian waterbirds may use the vicinity of the proposed project for loafing, foraging, and possibly nesting. If a nest is present, potential impacts include parents being flushed from the nest for extended periods of time causing the nest to fail or eggs or chicks being crushed by humans or equipment. To avoid and minimize potential project impacts to Hawaiian waterbirds the following conservation actions will be incorporated into the project plan:

- 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 or nearby.
- If water resources are located within or adjacent to the project site, incorporate the applicable best management practices (BMPs) regarding work in aquatic environments into the project design.
- 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.
- If a nest or brood is found:
  - The Service's Pacific Islands Fish and Wildlife Office will be contacted within 24 hours for further guidance.
  - A 100-foot buffer will be established and maintained around all active nests or broods until the chicks or ducklings have fledged. Potentially disruptive activities or habitat alteration will not be conducted within this buffer.
  - A biological monitor that is familiar with the species' biology will be present on the project site during all construction or earth moving activities until the chicks or ducklings fledge to ensure that Hawaiian waterbirds and nests are not adversely impacted.

#### Vegetation clearing

##### Hawaiian hoary bat

The Hawaiian hoary bat roosts in both exotic and native woody vegetation across all major Hawaiian islands and will leave young unattended in trees and shrubs when they forage. If trees or shrubs 15 feet or taller are cleared during the pupping season, there is a risk that young bats could inadvertently be harmed or killed since they are too young to fly or may not move away. To avoid and minimize potential project impacts to the Hawaiian hoary bat the following conservation measures will be incorporated into the project plan:

- 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).
- Barbed wire fencing will not be used.

### Nighttime construction lighting and installation of new lighting

#### Hawaiian seabirds

The Band-rumped storm petrel, Hawaiian petrel, and the Newell's shearwater (collectively known as Hawaiian seabirds) may transit over the project area when flying between the ocean and nesting sites in the mountains during their breeding, nesting, and fledging season (March 1 through December 15). Seabirds fly at night and are attracted to artificially-lighted areas resulting in disorientation and subsequent fallout due to exhaustion. Seabirds are susceptible to collision with objects that protrude above the vegetation layer, such as utility lines, guy-wires, and communication towers. Additionally, once grounded, they are vulnerable to predators and are often struck by vehicles along roadways. Any increase in the use of nighttime lighting, particularly during each year's peak fallout period (September 15 through December 15), could result in additional seabird injury or mortality. To avoid and minimize potential project impacts to seabirds the following conservation measures will be incorporated into the project plan:

- Although nighttime construction is not anticipated, construction specifications will include a note to avoid nighttime construction during the seabird fledging period, September 15 through December 15.
- Should construction flood lights be required, all outdoor lights will be fully shielded and automatic motion sensor switches and controls will be installed.
- Roadway lighting in this area after construction is completed must also be wildlife friendly. Street lights should be the minimum intensity necessary for safe vehicle operation and pedestrian use, and should be shielded to reduce the amount of light visible to the birds flying above.

### **CONCLUSION**

We have reviewed our data and conducted an effects analysis of your project. By incorporating the conservation measures listed above, potential effects to listed species are extremely unlikely to occur, and are therefore discountable. Based on this analysis, the Service concurs with your determination that the proposed action may affect, but is not likely to adversely affect the Hawaiian goose, Hawaiian hoary bat, Hawaiian stilt, Hawaiian common gallinule, Hawaiian coot, Hawaiian duck, band-rumped storm petrel, Hawaiian petrel, and the Newell's shearwater. No further action pursuant to section 7 of the ESA is necessary unless: (1) new information reveals effects of the action that may affect listed species or critical habitat in a manner or to an extent not previously considered; (2) if the identified action is subsequently modified in a manner that causes an effect to the listed species or critical habitat that was not considered in this letter; or (3) if a new species is listed or critical habitat designated that may be affected by the identified action.

We appreciate your efforts to conserve endangered species. If you have any questions concerning this consultation, please contact Johnathon Kraska, Fish and Wildlife Biologist, at 808-792-9427 or by email at [johnathon\\_kraska@fws.gov](mailto:johnathon_kraska@fws.gov).

Sincerely,

Darren LeBlanc  
Planning and Consultation Team Manager