United States Department of the Interior

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

In Reply Refer To:
01EPIF00-2018-TA-0275

April 23, 2018

Mr. Earl Matsukawa, AICP
Project Manager
Wilson Okamoto Corporation
1907 South Beretania Street, Suite 400
Honolulu, HI 96826

Subject: Comments for the Draft Environmental Assessment for the County of Hawaii Department of Environmental Management Pahala Community Large Capacity Cesspool Replacement, Paauau, Kau, Island and County of Hawaii

Dear Mr. Matsukawa:

The U.S. Fish and Wildlife Service (Service) received your correspondence on April 9, 2018, requesting technical assistance in the preparation for the Draft Environmental Assessment for the County of Hawaii Department of Environmental Management Pahala Community Large Capacity Cesspool (LCC) Replacement in Paauau, Kau, (TMK: 9-6-002: 018). The Service offers the following comments to assist you in your planning process so that impacts to trust resources can be avoided through site preparation, construction, and operation. Our comments are provided under the authorities of the Endangered Species Act of 1973 (ESA), as amended (16 U.S.C 1531 *et seq.*).

The County of Hawaii Department of Environmental Management (DEM) is proposing to construct wastewater system improvements to replace the current system servicing Pahala, now owned by the County. The wastewater system improvements would allow the County to comply with Environmental Protection Agency (EPA) regulations requiring closure of the LCC's and to construct a system meeting current State of Hawaii Department of Health and DEM design guidelines for the collection, treatment, and disposal of the treated effluent. The Pahala Community LCC closure project improvements would consists of a new wastewater collection system located within the public right-of-way and a treatment and disposal system located on a currently privately-owned parcel which would be acquired by the County. The Pahala LCC closure project would be funded by the EPA Special Appropriation Grant and by the State of Hawaii Clean Water State Revolving Fund loan program.

Based on information you provided and pertinent information in our files, including data compiled by the Hawaii Biodiversity and Mapping Project, eight (8) listed species that have the potential to either be in or fly through the vicinity of the project area: The federally endangered Hawaiian hoary bat *(Lasiurus cinereus semotus)*, Hawaiian hawk *(Buteo solitarius)*, Nene

Branta (=Nesochen) sandvicensis)), Hawaiian petrel (*Pterodroma sandwichensis*), Band-rumped storm-petrel (*Oceanodroma castro*), the threatened Newell's shearwater (*Puffinus auricularis newelli*), Hawaiian stilt (*Himantopus mexicanus knudseni*), and the Hawaiian coot, (*Fulica alai*).

Avoidance and Minimization Measures

Hawaiian hoary bat
The Hawaiian hoary bat roosts in both exotic and native woody vegetation across all 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. Additionally, Hawaiian hoary bats forage for insects from as low as three feet to higher than 500 feet above the ground and can become entangled in barbed wire used for fencing.

To avoid and minimize impacts to the endangered Hawaiian hoary bat we recommend incorporating the following applicable measures into your project description:

- Do not disturb, remove, or trim woody plants greater than 15 feet tall during the bat birthing and pup rearing season (June 1 through September 15).
- Do not use barbed wire for fencing.

Hawaiian hawk
The Hawaiian hawk is known to occur across a broad range of forest habitats throughout the Island of Hawaii. Loud, irregular and unpredictable activities, such as using heavy equipment or building a structure, near an endangered Hawaiian hawk nest may cause nest failure. Harassment of Hawaiian hawk nesting sites can alter feeding and breeding patterns or result in nest or chick abandonment. Nest disturbance can also increase exposure of chicks and juveniles to inclement weather or predators.

To avoid and minimize impacts to Hawaiian hawks we recommend you consider incorporating the following applicable measures into your project description:

- If work must be conducted during the March 1 through September 30 Hawaiian hawk breeding season, have a biologist familiar with the species conduct a nest search of the project footprint and surrounding areas immediately prior to the start of construction activities.
    - Pre-disturbance surveys for Hawaiian hawks are only valid for 14 days. If disturbance for the specific location does not occur within 14 days of the survey, conduct another survey.
- No clearing of vegetation or construction activities within 1,600 feet of any active Hawaiian hawk nest during the breeding season until the young have fledged.
- Regardless of the time of year, no trimming or cutting trees containing a hawk nest, as nests may be re-used during consecutive breeding seasons.

Nene
Nene are found on the islands of Hawaii, Maui, Molokai, and Kauai predominately, with a small population on Oahu. 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.

To avoid and minimize potential project impacts to Nene we recommend incorporating the following applicable measures into your project description:

- Do not approach, feed, or disturb Nene.
- If Nene are observed loafing or foraging within the project area during the Nene breeding season (September through April), have a biologist familiar with the nesting behavior of Nene survey for nests in and around the project area prior to the resumption of any work. Repeat surveys after any subsequent delay of work of three or more days (during which the birds may attempt to nest).
    - Cease all work immediately and contact the Service for further guidance if a nest is discovered within a radius of 150 feet of proposed work, or a previously undiscovered nest is found within said radius after work begins.
- In areas where Nene 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.

Hawaiian petrel, Band-rumped storm-petrel, and Newell's shearwater
Hawaiian seabirds may traverse the project area at night during the breeding, nesting and fledging seasons (March 1 to December 15). Outdoor lighting could result in seabird disorientation, fallout, and injury or mortality. Seabirds are attracted to lights and after circling the lights they may become exhausted and collide with nearby wires, buildings, or other structures or they may land on the ground. Downed seabirds are subject to increased mortality due to collision with automobiles, starvation, and predation by dogs, cats, and other predators. Young birds (fledglings) traversing the project area between September 15 and December 15, in their first flights from their mountain nests to the sea, are particularly vulnerable.

To avoid and minimize potential project impacts to seabirds we recommend you incorporate the following applicable measures into your project description:

- Fully shield all outdoor lights so the bulb can only be seen from below bulb height and only use when necessary.
- Install automatic motion sensor switches and controls on all outdoor lights or turn off lights when human activity is not occurring in the lighted area.
- Avoid nighttime construction during the seabird fledging period, September 15 through December 15.

Hawaiian stilt and Hawaiian coot
Listed Hawaiian waterbirds are found in fresh and brackish-water marshes and natural or man-made ponds. Hawaiian stilts may also be found wherever ephemeral or persistent standing water may occur. Threats to these species include non-native predators, habitat loss, and habitat degradation.

Based on the project details provided, our information suggests that your project may result in standing water or the creation of open water, thus attracting Hawaiian waterbirds to the site. In particular, the Hawaiian stilt is known to nest in sub-optimal locations (e.g. any ponding water),

if water is present. Hawaiian waterbirds attracted to sub-optimal habitat may suffer adverse impacts, such as predation and reduced reproductive success, and thus the project may create an attractive nuisance. Therefore, we recommend you work with our office during project planning so that we may assist you in developing measures to avoid impacts to listed species (e.g., fencing, vegetation control, predator management).

To avoid and minimize potential project impacts to Hawaiian waterbirds we recommend you incorporate the following applicable measures into your project description:

- 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.
- If water resources are located within or adjacent to the project site, incorporate applicable best management practices 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 (during which the birds may attempt to nest). If a nest or active brood is found:
    - Contact the Service within 48 hours for further guidance.
    - Establish and maintain a 100-foot buffer around all active nests and/or broods until the chicks have fledged. Do not conduct potentially disruptive activities or habitat alteration within this buffer.

Have a biological monitor that is familiar with the species' biology present on the project site during all construction or earth moving activities until the chicks fledge to ensure that Hawaiian waterbirds and nests are not adversely impacted.

Invasive Species

To avoid and minimize the risk of the road construction introducing harmful invasive pests including coqui, ants, and weeds into the project sites, we recommend the following measures be implemented by project contractors:

- Vehicles, machinery, and equipment must be thoroughly pressure washed and visibly free of mud, dirt, plant debris, frogs and frog eggs, insects and other debris. A hot water wash is preferred. Areas of particular concern include bumpers, grills, hood compartments, areas under the battery, wheel wells, undercarriage, cabs, and truck beds.
- The interior and exterior of vehicles, machinery, and equipment must be free of rubbish and food. The interiors of vehicles and the cabs of machinery must be vacuumed clean. Floor mats will be sanitized with a solution of >70% isopropyl alcohol or a freshly mixed 10% bleach solution.
- All work vehicles, machinery, and equipment may be subject to inspection.
- Any vehicles, machinery, and equipment that do not pass inspection will be turned away.
- Staging areas must be kept free of invasive pests.

Minimize Spread of Rapid Ohia Death

Rapid Ohia Death (ROD), a newly identified disease, has killed large numbers of mature ohia trees (*Metrosideros polymorpha*) in forests and residential areas of Hawaii Island. The disease is

caused by a vascular wilt fungus (*Ceratocystis fimbriata*). Crowns of an affected tree turn yellowish or brown within days to weeks and dead leaves typically remain on branches for some time. All ages of ohia trees can be affected and can have symptoms of browning of branches or leaves. As of early 2017 the disease has been confirmed in all districts except North and South Kohala. Additional information on ROD can be found at:

http://www2.ctahr.hawaii.edu/forestry/downloads/ROD-trifold-03.2016.pdf and http://www2.ctahr.hawaii.edu/forestry/disease/ohia_wilt.html.

The following avoidance and minimization measures should be followed for projects working in ohia forests or at sites with ohia trees on Hawaii Island:

1) A survey of the proposed project site should be conducted within two weeks prior to any tree cutting to determine if there are any infected ohia trees. If infected ohia are suspected at the site, the following agencies should be contacted for further guidance.
    a. Service – please contact the name at the bottom of this letter.
    b. Dr. J.B. Friday, University of Hawaii Cooperative Extension Service, 808-969-8254 or jbfriday@hawaii.edu
    c. Dr. Flint Hughes, USDA Forest Service, 808-854-2617, fhughes@fs.fed.us
    d. Dr. Lisa Keith, USDA Agriculture Research Service, 808-959-4357, Lisa.Keith@ars.usda.gov

2) Both prior to cutting ohia and after the project is complete:
    a. Tools used for cutting infected ohia trees should be cleaned with a 70 percent rubbing alcohol solution. A freshly prepared 10 percent solution of chlorine bleach and water can be used as long as tools are oiled afterwards, as chlorine bleach will corrode metal tools. Chainsaw blades should be brushed clean, sprayed with cleaning solution, and run briefly to lubricate the chain.
    b. Vehicles used off-road in infected forest areas should be thoroughly cleaned. The tires and undercarriage of the vehicle should be cleaned with detergent if they have travelled from an area with ROD or travelled off-road. Use a pressure washer with soap to clean all soil off of the tires and vehicle undercarriage.
    c. Shoes and clothing used in infected forests should also be cleaned. Shoes should be decontaminated by dipping the soles in 70 percent rubbing alcohol to kill the ROD fungus. Other gear can be sprayed with the same cleaning solutions. Clothing can be washed in hot water and detergent.
    d. Wood of affected ohia trees should not be transported to other areas of Hawaii Island or interisland. All cut wood should be left on-site to avoid spreading the disease. The pathogen may remain viable for over a year in dead wood. The Hawaii Department of Agriculture has passed a quarantine rule that prohibits interisland movement, except by permit, of all ohia plant or plant parts.

If this project should receive federal funding, federal permit, or any federal authorization, it will require a Section 7 consultation with the Service. The Service only conducts Section 7 consultations with the federal action agency or their designated representative.

Thank you for participating with us in the protection of our endangered species. If you have any further questions or concerns regarding this consultation, please contact Eldridge Naboa, Fish and Wildlife Biologist, 808-284-0037, e-mail: eldridge_naboa@fws.gov. When referring to this project, please include this reference number: ***01EPIF00-2018-TA-0275***.

Sincerely,

JODI CHARRIER

Digitally signed by JODI CHARRIER
Date: 2018.04.23 08:04:41 -10'00'

Jodi Charrier
Acting Island Team Leader
Maui Nui and Hawaii Island