

Appendix O: Section 7 Documentation

THIS PAGE INTENTIONALLY LEFT BLANK.



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:
2011-I-0202

RECEIVED
APR 18 2011
HAWAII DIVISION

APR 13 2011

Mr. Clifford Chew
Construction Programs Manager
300 Ala Moana Boulevard
Room 3-306, Box 50206
Honolulu, Hawaii 96850

Subject: Informal Section 7 Consultation for Improvements to the Keaau-Pahoa Road,
Hawaii

Dear Mr. Chew:

We received your letter dated March 9, 2011, on March 14, 2011, seeking our concurrence that the proposed the Keaau-Pahoa Road Improvements Project is not likely to adversely affect the endangered Hawaiian hoary bat (*Lasiurus cinereus semotus*), Hawaiian hawk (*Buteo solitarius*), Hawaiian petrel (*Pterodroma sandwichensis*) or the threatened Newell's shearwater (*Puffinus auricularis newelli*). We reviewed the project pursuant to the Endangered Species Act (ESA) of 1973 (16 U.S.C. 1531 et seq.), as amended, and the Migratory Bird Treaty Act [16 U.S.C. 703-712].

Project Description

The Hawaii Department of Transportation is proposing to improve approximately 9.5 miles of the existing Keaau-Pahoa Road (State Route 130), from the terminus of the existing four-lane Keaau Bypass to its intersection with Pahoa-Kapoho Road. The proposed project includes a four-lane divided roadway for the entire project length, combined bike lanes/shoulders, bus pullouts, crosswalks, median treatments, roundabouts at three intersections, traffic signals at five intersections, improvements to local subdivision roads and access points to direct travel to traffic-controlled locations for safety.

Species Affected

Hawaiian petrel and Newell's shearwater

To avoid impacts to Hawaiian petrel and Newell's shearwater, you have agreed to insure the following avoidance and minimization measures are implemented:

- During the construction phase of the project, any lighting necessary to conduct nighttime activities will be shielded and/or directed at the ground.

TAKE PRIDE®
IN AMERICA 

- No nighttime construction will occur during the peak seabird fallout period, namely between September 15 and December 15 annually.
- Any streetlights that are installed as part of this action will be shielded.

Based on the above avoidance and minimization measures, we concur with your determination, this proposed project may affect, but is not likely to adversely affect Hawaiian petrel or Newell's shearwater.

Hawaiian hawk

To avoid impacts to Hawaiian hawk, you have agreed to insure the following avoidance and minimization measures are implemented:

- In areas with suitable hawk nesting trees, if clearing and grubbing of the right-of-way must occur between January and June (the hawk breeding season), an audio-playback nesting survey will be conducted by a qualified biologist to identify if Hawaiian hawks are nesting in the area.
- If an active hawk nest is discovered during the course of the Hawaiian hawk audio playback surveys, construction activity will not be permitted within 300 feet of the nest tree until such time as the hawks are no longer in attendance at the nest, and the chick has fledged.

Based on the above avoidance and minimization measures, we concur with your determination, this proposed project may affect, but is not likely to adversely affect Hawaiian hawk.

Hawaiian hoary bat

To avoid impacts to Hawaiian hoary bat, you have agreed to insure the following avoidance and minimization measure is implemented:

- Woody vegetation taller than 15 feet high will not be cleared between April 15 and August 15, the bat breeding and pupping season.

Based on the above avoidance and minimization measures, we concur with your determination, this proposed project may affect, but is not likely to adversely affect Hawaiian hoary bat.

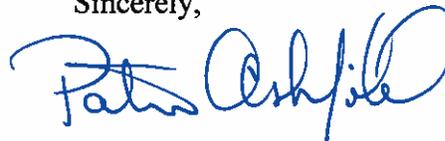
Unless the project description changes, or new information reveals the proposed project may affect listed species in a manner or to an extent not considered, or a new species or critical habitat is designated that may be affected by the proposed action, no further action pursuant to section 7 of the ESA is necessary. If you have any questions regarding this letter, please contact

Mr. Clifford Chew

3

Dr. Jeff Zimpfer, Fish and Wildlife Biologist, Consultation and Habitat Conservation Planning Program (phone: 808-792-9431; email: jeff_zimpfer@fws.gov).

Sincerely,

A handwritten signature in blue ink that reads "Pat Ashfile". The signature is fluid and cursive, with the first name "Pat" and last name "Ashfile" clearly legible.

for Loyal Mehrhoff
Field Supervisor

THIS PAGE INTENTIONALLY LEFT BLANK.