



PLANNING DEPARTMENT
COUNTY OF HAWAII

United States Department of the Interior

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

In Reply Refer To:
2014-TA-0231

APR 1 1 2014

Maija Cottle
County of Hawaii, Planning Department
74-5044 Ane Keohokalole Highway
Kailua-Kona, Hawaii 96740

Subject: Comments on a Special Permit for a Quarry in Hilo, Hawaii

Dear Ms. Cottle:

Thank you for your letter dated March 18, 2014, requesting our comments on issuance of a Special Permit (SPP 14-000162) for establishment of a new quarry in South Hilo, Hawaii. We reviewed the proposed project pursuant to the Endangered Species Act (ESA) of 1973, as amended (16 U.S.C. 1531 *et seq.*). Our databases, including data compiled by the Hawaii Biodiversity and Mapping Program, indicate the project site is not near proposed or designated critical habitat. However, the following threatened and endangered species may be in the vicinity of the proposed project site: Hawaiian hoary bat (*Lasiurus cinereus semotus*), Hawaiian hawk (*Buteo solitarius*), Hawaiian goose (nene) (*Branta sandvicensis*), Hawaiian petrel (*Pterodroma phaeopygia sandwichensis*), Newell's shearwater (*Puffinus auricularis newelli*), and listed plant species.

To avoid and minimize impacts to listed species, we recommend that you incorporate the following conservation measures into your project. Please note that implementation of these measures does not ensure that impacts to listed species can be avoided, and further coordination with our office on compliance with the ESA may be required.

Hawaiian hoary bat

Hawaiian hoary bats roost in exotic and native woody vegetation at heights greater than 15 feet. If trees or shrubs suitable for bat roosting are cleared during the bat breeding season, there is a risk that breeding bats could inadvertently be harmed or killed. Young bats, which are incapable of flight, are particularly vulnerable during the bat-birthing and pup-rearing season (June 1 through September 15). To minimize potential impacts to the Hawaiian hoary bat, woody plants greater than 15 feet tall should not be removed or trimmed between June 1 and September 15 throughout the development and ongoing operation of the proposed project. Additionally, Hawaiian hoary bats forage for insects from as low as three feet to higher than 500 feet above the ground. When barbed wire is used in fencing, Hawaiian hoary bats can become entangled. We

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recommend that barbed wire not be used for fencing or only within 2 inches of the ground surface as part of this propose action.

Hawaiian hawk

The endangered Hawaiian hawk may be present within the project area. Loud, irregular, and unpredictable activities, such as using heavy equipment or building a structure, near a hawk nest may cause nest failure. Harassment of 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 impacts to Hawaiian hawks, we recommend not using heavy equipment or clearing any brush or trees during their breeding season (March through September). If you are unable to avoid clearing vegetation or using heavy equipment between March and September, then we recommend you conduct surveys for nests prior to any clearing activity. Please contact our office for survey methodology and recommendations for avoiding impacts to nests.

Hawaiian petrel and Newell's shearwater

Hawaiian petrels and Newell's shearwaters (collectively known as seabirds) may traverse the project area at night during the breeding season. Outdoor lighting at this project site could result in seabird disorientation, fallout, and injury or mortality. The seabirds are attracted to lights and after circling the lights they may collide with nearby wires, buildings, or other structures or they may land on the ground due to exhaustion. 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 minimize potential project impacts to seabirds during their breeding season, all outdoor lights should be fully shielded so the bulb can only be seen from below bulb height and only used when necessary. Automatic motion sensor switches and controls should be installed on all outdoor lights and/or lights should be turned off when human activity is not occurring in the lighted area. Any increase in night-time lighting, particularly during each year's peak fallout period (September 15 through December 15), could result in seabird injury or mortality. Nighttime construction should be avoided during the seabird fledging period, September 15 through December 15. If nighttime construction occurs during other times of year, all lighting should be shielded and directed toward the ground to avoid attracting adult seabirds as they travel from the ocean to their breeding areas.

Nene

The endangered Hawaiian goose (*Branta sandvicensis*, nene) may be present within the project area. We recommend avoiding work during the nene breeding season (October through March). If work must be conducted during this season, we recommend that a biologist familiar with the nesting behavior of nene survey the area prior to the initiation of any work, or after any subsequent delay in work of three or more days (during which birds may attempt nesting). If a nest is discovered, work should cease immediately and our office should be contacted for further guidance. Furthermore, all on-site project personnel should be apprised that nene may be in the

vicinity of the project at any time during the year. If a nene appears within 100 feet (30.5 meters) of ongoing work, all activity should be temporarily suspended until the animal leaves the area of its own accord.

Listed Plants

We recommended that surveys be conducted by a qualified botanist to determine if listed plant species are found within the proposed project site. If listed plants are found please contact our office for additional guidance.

If it is determined that the proposed project may affect federally listed species, we recommend you contact our office early in the planning process so that we may assist you with the ESA compliance. If the proposed project is funded, authorized, or permitted by a Federal agency, then that agency should consult with us pursuant to section 7(a)(2) of the ESA. If no Federal agency is involved with the proposed project, the applicant should apply for an incidental take permit under section 10(a)(1)(B) of the ESA. A section 10 permit application must include a habitat conservation plan that identifies the effects of the action on listed species and their habitats, and defines measures to minimize and mitigate those adverse effects.

If you have questions regarding these comments, please contact Rachel Rounds, Fish and Wildlife Biologist, (phone: 808-792-9400, email: Rachel_Rounds@fws.gov).

Sincerely,



Rachel Rounds
Acting Island Team Manager
Maui Nui and Hawaii Island Team