



APPENDIX C-5
USFWS comment letter dated June 7, 2011



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



RECEIVED

JUN 10 2011

In Reply Refer To:
2011-TA-0325

CHRIS HART & PARTNERS, INC.
Landscape Architecture and Planning

JUN 07 2011

cc: Mike + Brett

08/132

Mr. Michael Summers
Chris Hart & Partners, Inc.
115 North Market Street
Wailuku, Hawaii 96793

Subject: Technical Assistance for the Proposed Maui Research and Technology Park
Project, Maui

Dear Mr. Summers:

The U.S. Fish and Wildlife Service (Service) is in receipt of your letter, dated April 27, 2011, in which you informed us of new survey information and additional project details for the Maui Research and Technology Park Project in Kihei, Maui. We previously provided comments on the Environmental Impact Statement (EIS) preparation notice in a letter dated October 28, 2010 (Service File 2010-TA-0527). The proposed action entails the construction of a mix of housing, office, civic, live-work, park, and retail facilities on 58 acres of the project site, development of a "Village Center" flanked by 100 acres of residential development. The project area is located immediately downslope from one of the most intact examples of native dryland forests remaining in Hawaii.

Based on the information and comments we provided, you requested additional surveys to determine whether any federally listed species occur at the project site. The additional surveys resulted in an additional nine plant species, none of which are native to Hawaii. While one species, *Ipomoea obscura*, may be a host to adult Blackburn's sphinx moth (*Manduca blackburni*; BSM), no other larval or adult host plants were identified. We understand the effort of conducting additional surveys, and appreciate your response to our previous comments. We also acknowledge the numerous conservation and avoidance measures that you have incorporated into the project description regarding impacts to seabirds, waterbirds, and the spread of invasive species. We offer the following guidance to assist you in refining your assessment of project impacts to federally listed species and native habitats.

Hawaiian hoary bat

Our previous comments advised you to avoid cutting vegetation greater than 15 feet tall during the bat pupping season (May 15 through August 15) to avoid impacts to dependent, non-volant bat pups. Your letter states that you plan to avoid cutting trees between July 1 and August 15,

TAKE PRIDE[®]
IN AMERICA 

and that these dates are consistent with guidance from U.S. Geological Survey researcher Dr. Frank Bonnacorso. Dr. Bonnacorso has provided valuable insight on the life history and breeding habits of the Hawaiian hoary bat, however, we base species guidance on *all* available data.

After review of all raw data associated with Hawaiian hoary bats, we have altered our recommended avoidance dates to June 1 through September 15. This change reflects data collected by F. Bonnacorso (published and unpublished work), Theresa Menard (2001), and Tomich (data used in Menard's 2001 document). If it is determined that the proposed project cannot avoid trimming or cutting vegetation during this sensitive time period, we recommend that additional surveys be conducted to determine whether the site is occupied by bats. Please contact this office for our standardized bat survey protocol guidance document.

Blackburn's Sphinx Moth

Surveys conducted by Hobdy in 2008 and SWCA in 2011 did not find the project site to be occupied by the BSM. Additionally, no plant hosts for larval-phase BSM were found. While one plant found on site is known to be a host for adult BSM, it is described as "rare." We appreciate the additional surveys to search for BSM; however, given the proximity of occupied BSM critical habitat and the propensity for tree tobacco to grow in recently disturbed areas, we recommend that more comprehensive surveys be conducted prior to being cleared.

Minimize Wildfire Impacts

Our previous letter encouraged you to develop methods to avoid and minimize the impacts of wildfire on sensitive habitats and ecosystems upslope. The native forest and other nearby natural resources on the leeward slopes of Haleakala would be severely impacted by a wildfire. Your response to our letter indicates that non-native vegetation on the project site will be cleared to reduce the risk of fire, and that grazed ranches adjoining the property will act as de-facto fire breaks.

Despite these avoidance measures, we remain concerned that the proposed project will increase the risk of wildfire, which would significantly affect resources outside of the project footprint. We recommend you incorporate further measures to reduce the impacts of wildfire, as described in our previous letter. If your minimization methods rely on private landowners grazing their property, we suggest you develop a contractual agreement with them to address wildfire concerns.

If, in the course of your National Environmental Policy Act (NEPA) analysis, you find that the proposed project may directly or indirectly impact federally listed species, Maui Research Partners, LLC., should apply for an incidental take permit under section 10(a)(1)(A) of the Endangered Species Act of 1973 (ESA), as amended. 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.

We hope this information assists you in developing a comprehensive and thorough Draft EIS. When the draft EIS is complete, we request a hard copy of the document. We appreciate your efforts to conserve endangered species and native ecosystems. If you have questions regarding

these comments, please contact Michelle Bogardus, Consultation and Habitat Conservation Planning Program Biologist (phone: 808-792-9473; fax: 808-792-9581).

Sincerely,

A handwritten signature in black ink, appearing to read "Loyal Mehrhoff". The signature is fluid and cursive, with the first name "Loyal" being more prominent than the last name "Mehrhoff".

For

Loyal Mehrhoff
Field Supervisor

cc: Scott Fretz, Hawaii Department of Land and Natural Resources, Division of Forestry and Wildlife, Honolulu