

From: Javar, Chelsie <chelsie_javar@fws.gov>
Sent: Wednesday, December 15, 2021 8:15 AM
To: Derrickson, Scott A <scott.a.derrickson@hawaii.gov>
Cc: planning@munekiyohiraga.com
Subject: [EXTERNAL] 01EPIF00-2022-TA-0105 Comments on the Second Draft Environmental Assessment for the Proposed Miki Basin Industrial Park Project, Lānaʻi

Dear Scott Derrickson,

Attached you will find the FWS Pacific Islands Fish and Wildlife Office's response to your request for comment on the above named project.

We thank you for your efforts to conserve listed species and native habitats. Please contact me should you have any questions pertaining to this response or require further guidance. When referring to this project, please include this reference number: 01EPIF00-2022-TA-0105.

Sincerely,

Chelsie Javar-Salas



United States Department of the Interior



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

In Reply Refer To:
01EPIF00-2022-TA-0105

December 15, 2021

Scott Derrickson
State of Hawai'i Land Use Commission
P.O. Box 2359
Honolulu, Hawai'i 96804-2359

Subject: Comments on the Second Draft Environmental Assessment for the Proposed Miki Basin Industrial Park, Lāna'i

The U.S. Fish and Wildlife Service (Service) received your request for comment on the Second Draft Environmental Assessment (Draft EA) for the proposed Miki Basin Industrial Park on Lāna'i on November 23, 2021. The proposed project is a 200-acre master-planned light and heavy industrial development that will be developed incrementally over a 20-year period on a portion of Tax Map Key (2)4-9-002:061. The proposed Miki Basin Industrial Park will include areas for renewable energy projects, infrastructure improvements, relocating an existing asphalt plant, constructing new future industrial uses, and relocating an existing concrete recycling and rock crushing operation. The 200-acre project area is largely vacant and formerly part of the large pineapple plantation.

This letter has been prepared under the authority of, and in accordance with, provisions of the Endangered Species Act (ESA) of 1973 (16 U.S.C. 1531 *et seq.*), as amended. We provide the following comments for incorporation in your final Environmental Assessment and further consultation as necessary.

Please provide additional detail in the final EA regarding listed species that may occur or transit through the proposed project area. Below, we provide a list of species and our recommended avoidance and minimization measures for your consideration and incorporation into the final EA and your project plans as applicable.

Our data indicate the following federally listed species may occur or transit through the vicinity of the proposed project area: the endangered 'ōpe'ape'a or Hawaiian hoary bat (*Lasiurus cinereus semotus*), the endangered 'ua'u or Hawaiian petrel (*Pterodroma sandwicensis*), the

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MARIANA ISLANDS

endangered 'ake'ake or Hawai'i distinct population segment of the band-rumped storm-petrel (*Oceanodroma castro*), the threatened 'a'o or Newell's shearwater (*Puffinus auricularis newelli*), and the endangered Blackburn's sphinx moth (*Manduca blackburni*). The Hawaiian petrel, band-rumped storm-petrel, and Newell's shearwater will, hereafter, collectively be referred to as "Hawaiian seabirds." There is no critical habitat within the vicinity of the project area.

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 (ft) 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 3 ft to higher than 500 ft 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 you incorporate the following applicable measures into your project plan:

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

Blackburn's sphinx moth

The adult Blackburn's sphinx moth feeds on nectar from native plants, including *Ipomoea pes-caprae* (beach morning glory), *Plumbago zeylanica* ('ilie'e), *Capparis sandwichiana* (maiapilo), and others. Blackburn's sphinx moth larvae also feed on nonnative *Nicotiana glauca* (tree tobacco), and native, federally listed, *Nothocestrum* spp. ('aiea). To pupate, the larvae burrow into the soil and can remain in a state of torpor for a year or more before emerging from the soil. Soil disturbance can result in death of the pupae.

We offer the following survey recommendations to assess whether the Blackburn's sphinx moth occurs within the project area:

- A biologist familiar with the species should survey areas of proposed activities for Blackburn's sphinx moth and its larval host plants prior to work initiation.
 - Surveys should be conducted during the wettest portion of the year (usually November to April or several weeks after a significant rain) and within 4 to 6 weeks prior to construction.
 - Surveys should include searches for adults, eggs, larvae, and signs of larval feeding (i.e., chewed stems, frass, or leaf damage).
 - If moths, eggs, larvae, or native 'aiea or tree tobacco over 3 ft tall, are found during the survey, please contact the Service for additional guidance to avoid impacts to this species.

If no Blackburn's sphinx moth, 'aiea, or tree tobacco are found during surveys, it is imperative that measures be taken to avoid attraction of Blackburn's sphinx moth to the project location and prohibit tree tobacco from entering the site. Tree tobacco can grow greater than 3 ft tall in

approximately 6 weeks. If it grows over 3 ft tall, the plants may become a host plant for Blackburn's sphinx moth. We therefore recommend that you:

- Remove any tree tobacco less than 3 ft tall.
- Monitor the site every 4 to 6 weeks for new tree tobacco growth before, during, and after the proposed ground-disturbing activity.
 - Monitoring for tree tobacco can be completed by any staff, such as groundskeeper or regular maintenance crew, provided with picture placards of tree tobacco at different life stages.

Measures to Avoid the Spread of Invasive Species

Construction activities at project areas in or near local natural areas and areas with native habitat, risk introduction of nonnative species. Ensure that all equipment, personnel, and supplies are properly checked and are free of contamination (i.e., weed seeds, organic matter, or other contaminants) before entering natural areas and areas with native habitat.

Hawaiian seabirds

Lāna'ihale, the mountain just above Lāna'i City, is home to one of the largest and densest Hawaiian petrel colonies known to exist. 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 light attraction.

Thank you for incorporating avoidance and minimization measures for the Hawaiian petrel in your draft DEA. To avoid and minimize potential project impacts to all Hawaiian seabirds we recommend you incorporate the following applicable measures into your project plan:

- Fully shield all outdoor lights so the bulb can only be seen from below.
- 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.

Even with the incorporation of these avoidance and minimization measures, it is possible that the project may not be able to fully avoid adverse effects to Hawaiian seabirds. 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.

We appreciate your efforts to conserve protected species and native habitats. If you have questions regarding this letter, please contact Chelsie Javar-Salas, Fish and Wildlife Biologist at 808-792-9400 or chelsie_javar@fws.gov. When referring to this project, please include this reference number: ***01EPIF00-2022-TA-0105***.

Sincerely,

CADE
LONDON

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Acting Island Team Manager
Pacific Islands Fish and Wildlife Office