From: Matley, Ted (FTA)
To: Zelasko, Elizabeth (FTA)
CC: Sukys, Raymond (FTA); Marler, Renee (FTA)
Sent: 6/27/2010 12:32:33 PM
Subject: FW: Concurrence letter on Honolulu transit project
Attachments: FTA-USFWS - 5-28-09.pdf; v150369.pdf; v204725.pdf

Liz, what's you're thinking on this? Can we just do as Loyal discusses "if FTA agrees with the following bullets, then you could resend the attached letter, state that you will be ensuring the bulleted actions are accomplished, and request concurrence on a "not likely to adversely affect" determination for Abutilon menziesii"? I assume we need a call with the City to discuss? I'm available all day Tuesday but not Monday (childcare duty). Also, what about the voluntary measures he mentions?

Ted

From: Loyal_Mehrhoff@fws.gov [mailto:Loyal_Mehrhoff@fws.gov]
Sent: Fri 6/25/2010 5:18 PM
To: Matley, Ted (FTA); Zelasko, Elizabeth (FTA)
Cc: Gina_Shultz@fws.gov; Jeff_Newman@fws.gov; Aaron_Nadig@fws.gov; Bill_Standley@fws.gov
Subject: Concurrence letter on Honolulu transit project

Ted,

Two attached documents provide our previous comment on the proposed Honolulu High Capacity Transit project. As you read through these, you will note two general comment areas: (1) participation in the Abutilon menziesii conservation plan and (2) the potential for site-specific affects on a population of endangered A. menziesii located adjacent to the proposed East Kapolei rail station. I will address each of these areas below:

1. Abutilon menziesii conservation plan. In 2004, the Hawaii Department of Transportation (HDOT) developed a Habitat Conservation Plan (HCP) that both allowed for the future development of A. menziesii habitat and provided important conservation actions benefiting this species. If you have not already coordinated with the State of Hawaii on this issue, I would suggest that you contact HDOT (e.g., Mr. Nelson Sagum, Nelson.Sagum@hawaii.gov, 587-1834). This is not really a US Fish and Wildlife Service (USFWS) issue, but I want to alert you to the potential need under State requirements.

2. Site specific effects to the endangered plant, Abutilon menziesii. This is a USFWS issue under section 7 of the Endangered Species Act (ESA). We are concerned that the East Kapolei station has the potential to negatively impact the adjacent A. menziesii population by increasing human access to the population, increasing the risk of new invasive species impacting the population, and increasing the risk that fire could damage A. menziesii plants. Your 2009 letter (below) indicated that these issues were going to be addressed in the final EIS, but we did not see where this was accomplished.

3. We should be able to address the USFWS issues via an informal consultation under the ESA and provide concurrence that the project either has "no effect" or is "not likely to adversely affect endangered species." This does not have to be a time consuming process. For example, if FTA agrees with the following bullets, then you could resend the attached letter, state that you will be ensuring the bulleted actions are accomplished, and request concurrence on a "not likely to adversely affect" determination for Abutilon menziesii. In turn, we could then respond (quickly) with the concurrence. We would be satisfied with agreement to do the following:

- To prevent adverse effects from increase human access. FTA will ensure the integrity of the existing protective fence around the A. menziesii population both during the construction and operational phases. This would reduce negative impacts from human trampling/camping and impacts from the inappropriate staging of construction equipment.
- To prevent adverse effects from invasive species. Station and rail line areas adjacent to the A. menziesii population will not be landscaped with invasive species (e.g., USFWS will be allowed to review and concur with the plants proposed for landscaping on the station grounds and rail line; or the project will only use only native species, including A. menziesii) and existing invasive species will be removed from the areas adjacent to the population.
- To prevent adverse effects from fire. FTA will ensure that the interface between the station/rail line and the A. menziesii population is managed to reduce the risk of fires, both during construction and during operations. This could include maintaining a fuel break along the population boundary, controlling access along the population boundary, and controlling

activities along the boundary. For example, in the areas adjacent to the A. menziesii population, maintain a watered lawn that has restricted access and no smoking or vehicle parking. Alternatively, you could maintain the boundary area as concrete or bare ground, or install a rock wall. If you wanted to avoid wordsmithing, you could also just state that USFWS will be allowed to review and concur with the final station designs to ensure that the risk of fire has been adequately reduced.

In addition, we would be especially pleased if you would consider voluntarily partnering with us to develop an endangered species display at the station that could discuss the conservation of Abutilon and/or consider funding some weed removal within the Abutilon habitat area.

I really want to help you expedite your compliance, so feel free to call me with other suggestions, to ask for clarification, or any other issues.

Thank you,

Loyal

USFWS Correspondence:

FTA Correspondence:

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