Mr. Loyal A. Mehrhoff, Field Supervisor
Pacific Islands Fish and Wildlife Office
U.S. Fish and Wildlife Service
300 Ala Moana Blvd., Suite 3-122
Honolulu, HI 96850

Re: Honolulu High-Capacity Transit Corridor Project
Not Likely to Adversely Affect *Abutilon menziesii*

Dear Mr. Mehrhoff:

The U.S. Department of Transportation Federal Transit Administration (FTA) is seeking concurrence from your office per Section 7 of the Endangered Species Act that the Honolulu High-Capacity Transit Corridor Project (HHCTCP) may affect, but is not likely to adversely affect, any threatened and endangered species and critical habitat, specifically *Abutilon menziesii* (or ko'oloa'ula).

This letter responds to your questions sent to FTA on June 25, 2010 and supports the information included in the HHCTCP Final Environmental Impact Statement (EIS), June 2010 and correspondence sent to U.S. Fish and Wildlife Service (USFWS) on May 28, 2009. This letter summarizes the issues discussed during informal consultation with USFWS staff (Aaron Nadig and Megan Laut) on July 22, 2010.

***Abutilon menziesii* Habitat Conservation Plan - Certificate of Inclusion**
In 2004, the Hawaii Department of Transportation (HDOT) developed a Habitat Conservation Plan (HCP) that both allowed for the future development of *Abutilon menziesii* habitat and provided important conservation actions benefiting this species. Following approval of the HCP, a State Incidental Take License for *Abutilon menziesii* was issued to HDOT on March 18, 2005. As stated in the Final EIS and confirmed at the July 22, 2010 meeting, the City will secure a Certificate of Inclusion from HDOT for the Project. Mitigation measures have already been specified in the HCP for this population of *Abutilon menziesii*, including the establishment of an 18-acre Contingency Reserve Area for the plants. Specific measures to protect and offset losses of the *Abutilon menziesii* have been established by the USFWS in the existing HCP. If another HCP is needed, or if the existing HCP needs to be amended, the City will implement the measures outlined by the USFWS in the new or amended HCP. These measures will offset impacts to the plant, and would result in no unavoidable adverse environmental effect to the *Abutilon menziesii*.

Informal Consultation with USFWS
The City first met with Nelson Sagum and other representatives from HDOT, USFWS, and the Hawaii Department of Land and Natural Resources (HDLNR), Division of Forestry and Wildlife on January 8, 2009 to discuss the inclusion of the Project in the existing Incidental Take License should the City encounter *Abutilon menziesii* that could be disturbed during pre-construction and construction of the Project. The City participated in a second meeting with Mr. Sagum and other representatives from HDOT on April 19, 2010 to discuss the process for inclusion of the Project in the existing HCP.

Early consultation and coordination is discussed in the Final EIS Section 4.13 and early correspondence with regulatory agencies is included in the Ecosystems and Natural Resources Technical Report (RTD 2008j). All correspondence letters and the USFWS species list are included in Appendix F of the Final EIS.

Potential Project Effects to Contingency Reserve Area from Proximity of the Project Guideway and East Kapolei Station

The East Kapolei Station entrances and park-and ride lot are physically separated from the Contingency Reserve Area by North-South Road, East-West Road, the guideway and the Kaloi Gulch Drainage Canal. The closest project feature is approximately 165 feet from the Contingency Reserve Area as illustrated on the attached figure.

It is not anticipated that station users will impact the Contingency Reserve Area due to the physical barriers created by the roadways, the guideway and the Kaloi Gulch Drainage Canal. Transit users will access the station by car, bus or walking. As summarized below, transit users will not be driving or walking near the Contingency Reserve Area because:

- The majority of rail transit users will be arriving by bus, which will stop on the north side of East-West Road in front of the station entrances on the north side of road.
- Drivers will access the park-and-ride lot on the west side of North-South Road and use the entrance on west side of the road.
- Pedestrians walking to the station from development on the west side of North-South Road will use the entrance on the west side.
- Pedestrians from development on the east side of North-South Road will primarily use the sidewalk on the north side of East-West Road since that is where the development is generally located (i.e. no one coming from the contingency reserve area).

Measures to Minimize Effect from the Project Proximity to the Contingency Reserve Area

To prevent adverse effects from increased human access, the City's financial contribution to the contingency fund can be used by HDLNR to improve the fencing around the Contingency Reserve Area.

Measures to Minimize Effect to Contingency Reserve Area from Invasive Species

The City met with the Oahu Invasive Species Council on May 12, 2009 and their guidance was incorporated into the Final EIS and the Project plans and specifications. The Final EIS and the Project landscape design criteria include provisions to mitigate the adverse effects from invasive species during construction. The landscape design criteria include a "do not plant" list of species identified as "likely invasive" in the Hawaiian Islands. Landscaping plans for the Project will be developed and plants that are considered invasive species will not be planted. The City will review the landscaping plans and provide these plans to USFWS if requested.

In addition, an invasive species survey was completed for the area near the Contingency Reserve Area prior to the City undertaking preliminary engineering geotechnical studies. This survey was conducted to identify the presence of invasive species. Another survey will be done after the activities are completed to determine that no new invasive species were transported to the site. The contractor is required to remove invasive species transported by their activities.

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Measures to Minimize Effects to Contingency Reserve Area from Fire During Construction

The Final EIS Section 4.18.8 discusses the construction effects related to Natural Resources including *Abutilon menziesii*. To mitigate potential impacts to this plant, the City will follow the measures in the HCP, use high-visibility construction barriers around the Contingency Reserve Area, require contractors to develop and implement a fire mitigation plan, educate site workers about the plant species, maintain emergency site access and establish appropriate buffers.

The City conducted reconnaissance surveys in February and May 2010 along the project alignment near the Contingency Reserve Area prior to the start of preliminary engineering geotechnical testing. No *Abutilon menziesii* plants were observed. Greg Mansker from HDLNR surveyed the area on May 20, 2010 and confirmed the results of the City's surveys. The City will continue to coordinate with HDLNR and conduct additional field surveys as required.

A Fire Prevention Plan was prepared for protection of the area around the Contingency Reserve Area prior to the City's undertaking preliminary engineering geotechnical testing. The Fire Prevention Plan will be updated as needed prior to future Project construction activities. This plan is available for review by HDOT, HDLNR and USFWS upon request to the City.

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Measures to Minimize Long-term Effects to Contingency Reserve Area

Long term fire prevention in the vicinity of the Contingency Reserve Area and weed removal within the Contingency Reserve Area are responsibilities of HDLNR. The City's financial contribution to be included in the Incidental Take License will be used by HDLNR to manage the Contingency Reserve Area. As discussed above, the risk of fire from the Project guideway, East Kapolei Station and park-and-ride is low due to the distance from the Contingency Reserve Area and physical barriers.

In addition, the City will partner with USFWS to develop an *Abutilon menziesii* display at East Kapolei Station.

Based on the information provided above, we are seeking concurrence from your office that by implementing the proposed minimization measures, the Project is not likely to adversely affect the *Abutilon menziesii* plant species.

If you require any additional information or have questions regarding this submittal, please contact Mr. Ted Matley at FTA at (415) 744-2590.

Sincerely,

Leslie T. Rogers
Regional Administrator

cc: Faith Miyamoto, City and County of Honolulu Department of Transportation Services