



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:
2022-0030099-S7

August 31, 2022

Ms. Vera Koskelo
U.S. Army Corps of Engineers
Project Manager
Building 230
Fort Shafter, Hawai'i 96858-5440

Subject: Programmatic Informal Consultation with the U.S. Army Corps of Engineers for Stream Maintenance Activities at Various Locations, Island of O'ahu, Hawai'i.

Dear Ms. Koskelo:

In accordance with section 7 of the Endangered Species Act of 1973 (Act), as amended (16 U.S.C. 1531 *et seq.*), this letter documents the U.S. Fish and Wildlife Service's (USFWS) assessment of select stream maintenance activities authorized by the U.S. Army Corps of Engineers (ACOE) applied at 90 locations around the Island of O'ahu. This programmatic informal consultation (PA) was developed in response to the ACOE's request (File number POH-2017-00198) on March 7, 2019 and amended June 29, 2022 and August 31, 2022 to include eleven additional stream maintenance projects and revise project activity descriptions.

Consultation History

The August 8, 2019 assessment of potential impacts of the 79 proposed actions was based on phone calls and emails between Johnathon Kraska (USFWS), Courtney Cacace (AECOM), and Vera Koskelo (ACOE), when project actions and potential impacts to listed species were discussed and avoidance and minimization measures were agreed upon by both agencies.

May 3, 2022 ACOE sent USFWS a request to amend the existing programmatic informal consultation to include ten additional stream maintenance projects on O'ahu. Conservation measures for basking sea turtles were updated through emails between Emma Gosliner (USFWS), Courtney Cacace (AECOM), and Diana Kramer (NMFS).

June 29, 2022 ACOE sent a request to add one additional stream maintenance site on O'ahu to be incorporated into the programmatic informal consultation.

PACIFIC REGION 1

IDAHO, OREGON*, WASHINGTON,
AMERICAN SAMOA, GUAM, HAWAII, NORTHERN MARIANA ISLANDS

*PARTIAL

August 8, 2022 ACOE sent a request to revise the project description language to clarify the proposed action at the eleven stream mouth dredge opening projects appended to the programmatic informal consultation on June 29, 2022.

Reporting

Per the biological assessment submitted by ACOE, ACOE will submit an annual report to the USFWS by August 1, which will include: DFM project number, actions implemented, species impacted, and results of Hawaiian waterbird nest surveys. A meeting will occur between the ACOE and the USFWS no later than November 30 of each year to review this PA. If either the USFWS or the ACOE are not satisfied, this PA will be deemed inactive, and consultation will resume on an individual project basis.

Description of the Action

The City and County of Honolulu Department of Facilities Maintenance (DFM) will carry out the following actions which are restricted to the action areas described and illustrated in the revised 2021 stream maintenance manual (Enclosure 1) and associated maps (Enclosure 2 and 4). Maintenance actions are divided into three categories:

- Stream mouth breach opening (16 locations)
- Stream maintenance inland of the stream mouth (63 locations)
- Stream mouth dredge opening (11 locations)

The stream mouth breach opening activities will involve using heavy equipment (e.g. crane, excavator, skid steer, track loader, bulldozer, backhoe, boom truck, or loader) to dredge an approximately two to three-foot opening through the natural sand berm at the stream mouth allowing the force of the water backed up behind the berm to naturally widen the created channel. The sand removed from the berm will be placed on the beach adjacent to the stream mouth above the high-water mark or high tide line. Green waste, silt, debris, or other unsuitable materials will be handled separately, removed and disposed of at the City owned Waimānalo Gulch Landfill or one of Hawaiian Earth Recycling's disposal sites. Any dewatering of the material would occur offsite at a DFM dewatering facility.

The stream maintenance activities will involve using an assortment of heavy equipment (e.g. crane, excavator, skid steer, track loader, bulldozer, backhoe, boom truck, tire loader, or tractor loader) to remove accumulated sediment, trash, and debris by heavy equipment staged in the channel or in the uplands next to the channel. Material will be removed and disposed of at the City owned Waimānalo Gulch Landfill or at one of Hawaiian Earth Recycling's disposal sites.

The stream mouth dredge opening activities will involve using heavy equipment (e.g., crane, excavator, backhoe, bulldozer and tire or track loader) to remove and dredge the sand from the entire width of the stream mouth and place it in designated dewatering areas located above the high tide line. Prior to the placement of the dredged sand in uplands, a sand berm would be constructed on the ocean-facing and stream-facing sides of the dewatering area, constructed with clean sand from the beach. Green waste, silt, debris, or other unsuitable materials will be handled

separately, removed and disposed of at the City-owned Waimānalo Gulch Landfill, one of Hawaiian Earth Recycling's disposal sites, or other upland disposal site.

The frequency, duration, and category of actions for all locations are listed in the "Eleven Stream Mouth Projects Impacts" table (Enclosure 3). More detailed descriptions of maintenance work to be done at each site can be found in the 2021 DFM's stream maintenance manual (Enclosure 1) and associated maps (Enclosure 2 and 4).

All project personnel are required to comply with the Best Management Practices (BMPs) in the Revised 2021 DFM Stream Maintenance Manual. Equipment will only be used in the stream channel if there is no other practical way to perform the maintenance activity and if the water level is low enough to ensure the axels and all oil and grease-containing parts remain above the water level. Equipment will be temporarily staged in upland areas for all 90-project locations. Equipment will access the stream via existing ramps or other access routes at 82 of the project locations. At the remaining eight project locations, a temporary rock or gravel access ramp will be constructed, which will be removed following the maintenance activity. Any disturbed streambanks will be restored to pre-maintenance conditions.

Construction BMPs (Enclosure 1, Sec. 4-1) will be used at all project locations, and temporarily in-water work area isolation BMPs will be used at 41 of the 90 sites. Jersey barriers or bulk sandbags will be temporarily installed for stream diversion in five tidally influenced stream maintenance project locations in the Waianae DFM District. The bulk bags filled with clean sand or gravel will be installed in the stream channel at low tide on the downstream side of the work area to isolate the project area from the incoming tide and will be removed following the completion of each dredging event.

Turbidity curtains will be temporarily installed during dredging at 38 stream maintenance project locations in accordance with the DFM Manual (two of which will also have bulk sandbags). Turbidity curtains will only be deployed in slow moving streams to contain suspended sediment. In addition, they will be installed upstream of the stream mouth to aid in the collection of floatable trash and debris prior to opening the stream mouth, as well as floatable trash and debris that is carried downstream when stream flow is restored. Turbidity curtains will not be installed in the marine environment downstream of the stream mouth and will not completely block the flow of the stream or inhibit the movement of aquatic fauna.

In streams that are greater than 3.5 feet deep, turbidity curtains with 3-foot long skirts below the water surface may be used to contain sediment suspended in the upper part of the water column with a gap between the bottom of the turbidity curtain skirt and the stream bed to allow continued stream flow and fish passage. Turbidity curtains without skirts may be used in water shallower than 3.5 feet deep to collect floating trash and debris. The configuration of the turbidity curtains will be installed to match the dredging activities. Turbidity curtains will be installed perpendicular across the stream for dredging across the full width of the stream, and diagonal across the channel or in a loop around a section of stream bank for dredging occurring along one side of the stream. Turbidity curtains will be cleaned and inspected for damage prior to installation at each stream site and removed after the suspended sediment has settled out.

Dredged sediment, as well as any vegetative debris and trash collected during dredging, will be loaded directly into dumpsters or dump trucks. At five stream maintenance project locations in the Waianae DFM District, the dredged sediment would be temporarily stockpiled in uplands before being loaded into dumpsters or dump trucks. Dredged sediment, debris, and trash will then be disposed of in the PVT Integrated Solid Waste Management Facility. Temporary stockpiles of trash, vegetation or sediment dredged from the stream maintenance projects and placed in uplands will be enclosed with filter socks and/or sandbag perimeter barriers anchored with stakes, surrounded by high visibility construction fencing, and covered prior to rain events and lined with geotextile fabric whenever practicable to prevent return surficial flow until the material is removed.

Stream maintenance will occur monthly, quarterly, or once in a five-year period and/or as needed (e.g. prior to a storm event) depending on the activity location (Enclosure 3 and 4). In general, scheduled dredging for stream mouth breach opening project locations will be performed between Monday and Wednesday, avoiding government and school holidays to the greatest extent possible. Most stream maintenance activities will be scheduled for the dry season (April through October). Dredging will generally be conducted on a falling (ebb) tide and frequency during the peak coral spawning period of June 1 to September 30 will be minimized to the greatest extent possible.

All work will be conducted in accordance with the attached maps (Enclosure 2 and 4). The Action Area for each of the 90 locations is also shown as a solid blue line called out as “Area of Potential Effect” or “ESA Action Area” in the project plans (Enclosure 2 and 4).

The ACOE has determined these actions may affect, but are not likely to adversely affect the following listed species: The endangered Hawaiian stilt or ae‘o (*Himantopus mexicanus knudseni*), Hawaiian coot or ‘alae ke‘oke‘o (*Fulica americana alai*), Hawaiian duck or koloa maoli (*Anas wyvilliana*), and Hawaiian gallinule or ‘alae ‘ula (*Gallinula galeata sandvicensis*), collectively referred to as “Hawaiian waterbirds”; the threatened Central North Pacific Distinct Population Segment of the green sea turtle or honu (*Chelonia mydas*), and the endangered hawksbill sea turtle or honu‘ea, (*Eretmochelys imbricata*) collectively referred to as “sea turtles”; and the endangered Hawaiian hoary bat or ‘ope‘ape‘a (*Lasiurus cinereus semotus*). The ACOE has requested the USFWS’s concurrence with this determination.

Included in the conservation measure for sea turtles are avoidance measures for the Hawaiian monk seal or ‘ilioholoikauaua (*Neomonachus schauinslandi*). The National Marine Fisheries Service (NMFS) is the sole regulatory authority for that species.

Conservation Measures

Compliance with the Revised 2021 DFM Stream Maintenance Manual (Enclosure 1), including the avoidance and minimization measures (Enclosure 1, Sec. 4.4 - 4.6), proposed by ACOE and developed in coordination with the USFWS are considered part of the project description and shall be implemented.

General Measures

- Worker awareness training shall be provided to all DFM maintenance personnel. Training shall be provided by an environmental professional (e.g., biologist, engineer, environmental scientist). Training shall include identification of listed species, biological and monitoring survey procedures, stop work procedures, notification procedures, and buffer zone establishment.
- All work must stop under unusual conditions, such as large tidal events and high surf conditions, unless the action undertaken is to avoid or minimize damage to resources.

Hawaiian Hoary Bat

- Established trees greater than 15 feet tall shall not be disturbed, removed, or trimmed during the bat birthing and pup-rearing season of June 1 through September 15.

Hawaiian Waterbirds

- Hawaiian waterbird and nest surveys shall be performed by dedicated staff who has been trained in the identification of Hawaiian waterbirds and nest survey procedures. This staff's sole responsibility will be to monitor and survey for wildlife. Hawaiian waterbird and nest surveys shall be performed no more than three days prior to initiating stream maintenance activities.
- Any documented nests or broods within the project vicinity shall be reported to the USFWS within 48 hours.
- A trained monitor shall be present during stream maintenance activities at all sites that have Hawaiian waterbirds and/or nests, as identified during pre-maintenance surveys.
- A 100 foot buffer shall be established and maintained around all active nests and/or broods until the chicks have fledged.
- Should a Hawaiian waterbird be observed within the stream site, or fly into the site, all work within 100 feet of the individual(s) shall stop. Work shall not resume until the Hawaiian waterbird(s) leave the area on their own accord.
- An annual report providing the results of Hawaiian waterbird nest surveys and monitoring shall be submitted to the USFWS.
- The M-1 Channel maintenance site in the Waianae District (project 08-003) is used for nesting by a colony of Hawaiian stilts. To avoid impacts to nesting stilts, work shall only be performed at this site during the period from October to April, outside the stilt's nesting season.

Basking Sea Turtles

- Prior to initiating work at stream mouth opening sites, a competent observer shall survey the work site and beach areas within 150 feet of the work site for monk seals and sea

turtles. These surveys shall be performed prior the start of work each day and prior to resumption of work following any break of 30 minutes or more.

- During work, a competent observer shall keep constant vigilance for the presence of monk seals and sea turtles.
- Should a monk seal or sea turtle be observed within or near the work site all work within 150 feet of the individual(s) shall stop. Work shall not resume until the individual(s) leaves the area on its own accord.
- Should a monk seal or sea turtle be adversely affected, all work must stop and USFWS and NMFS notified immediately. Work must stop at all stream mouth sites pending re-initiation and completion of consultation between the ACOE, USFWS, and NMFS.
- Project-related personnel shall not attempt to disturb, touch, ride, feed, or otherwise intentionally interact with any monk seals or sea turtles.
- If any sea turtle nests are identified, they must be flagged to identify and avoid impacts.

Stop Work Procedures

- Should a Hawaiian waterbird be observed within the stream site, or flies into the site all work within 100 feet of the individual(s) shall stop. Work shall not resume until the Hawaiian waterbird(s) leave the area on their own accord.
- Should a Hawaiian monk seal or sea turtle be observed within or near the stream mouth-opening site all work within 150 feet of the individual(s) shall stop. Work shall not resume until the individual(s) leaves the area on its own accord.
- Should a monk seal or sea turtle be adversely affected (injured or killed), all work must stop at all stream mouth sites pending re-initiation and completion of consultation between the ACOE, USFWS and NMFS.
- If any petroleum contamination is detected, attempt to identify the sources of contamination, cease operations, and notify the ACOE, Department of Health and the U.S. Coast Guard. Remove floating petroleum products as directed by these agencies.
- All work must stop under unusual conditions, such as large tidal events and high surf conditions, unless the action undertaken is to avoid or minimize damage to resources.

Effects of the Action

The ACOE has committed to implementing the Hawaiian hoary bat conservation measures, described above. Therefore, removal of trees containing pups is extremely unlikely to occur due to the avoidance of vegetation manipulation during the hoary bat's pupping season. Because adverse effects are extremely unlikely to occur, they are considered discountable.

The ACOE has committed to avoid negative impacts to Hawaiian waterbirds from activities such as removal of nests, or disturbance of individuals by equipment and personnel. Implementation of the above conservation measures, which includes on-site monitoring for listed species presence and the completion of nest surveys prior to the start of work, will minimize the effects to a level that would not be able to be meaningfully measured, detected, or evaluated and therefore the effects would be considered insignificant.

Sea turtles are not known to nest in the areas where the proposed actions would take place; however, they could use the beach areas for basking. The disturbance of basking sea turtles due to the presence of equipment and/or personnel would be avoided by having a monitor on site to identify and maintain a buffer around sea turtles while work is ongoing. The use of a sea turtle monitor during project implementation would make it extremely unlikely that sea turtles would be adversely affected, and therefore effect to basking sea turtles would be considered discountable.

Project implementation includes removing trash, debris, and accumulated sediment from the 90 project sites, which may also have a beneficial effect on water quality and aquatic habitats instream and nearshore marine environments.

Conclusion

For the reasons listed above in the effects of the action section, the USFWS has concluded that the ACOE's actions will have insignificant or discountable effects on listed species. We therefore concur with your determination that implementation of any of the covered actions may affect, but are not likely to adversely affect federally listed Hawaiian waterbirds, sea turtles, and Hawaiian hoary bats.

We appreciate your efforts to protect listed species. Unless the project description changes or new information reveals that the effects of the proposed action may affect listed species in a manner or to an extent not considered, or a new species or critical habitat is designated that may be affected by the proposed action, no further action pursuant to the Act is necessary.

If you have questions regarding this PA, please contact Emma Gosliner, Fish and Wildlife Biologist by phone at 808-792-9450 or email emma_gosliner@fws.gov. When referring to this project, please include this reference number: 2022-0030099-S7.

Sincerely,

Lorena Wada
Planning and Consultation Team Manager

Enclosure 1	Revised 2021 Department of Facility Maintenance Stream Maintenance Manual
Enclosure 2	Maps of 11 additional stream maintenance sites
Enclosure 3	Eleven Stream Mouth Projects Impacts table
Enclosure 4	2019 Programmatic Enclosures