



# United States Department of the Interior



## FISH AND WILDLIFE SERVICE

Midway Atoll National Wildlife Refuge  
Battle of Midway National Memorial  
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October 23, 2017

Mr. Gerry Davis  
Assistant Regional Administrator  
Habitat Conservation Division  
NMFS Pacific Islands Regional Office  
1845 Wasp Blvd., Building 176  
Honolulu, HI 96818

RE: Essential Fish Habitat Programmatic Consultation Recommendations for the Seawall Repairs along Henderson Airfield, Midway Atoll

Dear Mr. Davis:

Thank you for letter and recommendations regarding repairs to our seawall at Midway Atoll National Wildlife Refuge (Refuge) and Battle of Midway National Memorial. I apologize for the delayed response.

Individual responses to the EFH Conservation Recommendations follow:

- a. **NMFS recommendations:** Minimize the amount of in-water work (e.g., buildout the rock revetment and underlying support layers from land).  
**FWS response:** All work related to heavy equipment and rock placement will take place from land.
- b. **NMFS recommendations:** Minimize project footprint to protect the marine environment.  
**FWS response:** All work related to the seawall repair project will be kept to the minimal footprint possible.
- c. **NMFS recommendations:** Construction will be conducted entirely from land – based equipment to minimize disturbance of the marine environment. A barge will not be present at the project site in order to avoid further disturbance to marine species.  
**FWS response:** All work will be conducted from shore / land. Supply barges will dock at a designated approved location within Midways inner harbor. Heavy equipment will be used to translocate materials to an approved staging area away from shore.

- d. **NMFS recommendations:** Relocate, prior to the start of construction, the coral and macroinvertebrates present within the project area that will be damaged by construction (both in the direct fill footprint and adjacent to this, if appropriate) to an area that would not be disturbed (i.e., not alongside unrepaired sections of the seawall or other areas likely to be disturbed at some point in the future).  
**FWS response:** Per our Coral Translocation Plan, live coral will be relocated to an approved designated site outside of the project footprint.
- e. **NMFS recommendations:** A contingency plan to control the accidental spills of petroleum products at the construction site shall be developed. Absorbent pads and containment booms will be stored on-site to facilitate the cleanup of petroleum spills.  
**FWS response:** Heavy equipment emergency spill kits will be available on site and in association with all equipment.
- f. **NMFS recommendations:** All manmade construction debris will be collected and not allowed to enter waters of the U.S.  
**FWS response:** No man made materials generated from this project shall be left behind or otherwise discarded in adjacent waters in or around Midway Atoll NWR.
- g. **NMFS recommendations:** All debris removed from the seawall construction site will be disposed of at an approved upland site.  
**FWS response:** All debris (i.e. manmade waste, marine debris, or construction materials) generated from this project shall be removed and disposed of in an appropriate manner.
- h. **NMFS recommendations:** All debris or spill material will be properly disposed of at an approved off-site disposal facility.  
**FWS response:** All debris (i.e., manmade waste, oils, lubricants, spill cleanup materials etc.) generated from this project shall be removed and disposed of in an appropriate manner.
- i. **NMFS recommendations:** All equipment shall be checked daily for leaks and any necessary repairs made prior to commencement of work.  
**FWS response:** Daily inspection of equipment is required prior to each day start of work. All equipment shall be inspected and deemed safe for operations or otherwise repaired or removed from service until such time the issue is resolved.
- j. **NMFS recommendations:** Turbidity and siltation from the removal of existing sheet piles will be minimized and confined to the immediate vicinity through the use of effective silt containment devices (e.g., silt curtains) and the curtailment of debris removal during adverse sea conditions.  
**FWS response:** As described in the EA, a silt curtain would be installed sufficient to enclose debris and siltation generated during in-water construction. The Service would consult with the design-engineering consultant to determine the correct silt curtain for the project location and needs. The silt curtain would be installed during periods of low wave action using a Refuge boat located at Sand Island. The silt curtain would be removed during severe weather events to reduce the risk of damage.

- k. **NMFS recommendations:** Fueling of construction related equipment shall occur away from the seawall construction site at a designated location with the ability to handle an accidental spill on Sand Island.

**FWS response:** All equipment needing fuel shall be serviced at the fuel farm. All fueling activities required a secondary containment system along with all necessary spill response capabilities.

1. **NMFS recommendations:** Post-construction, provide information on the species, size and the total amount of any corals impacted from the salvage operations.

**FWS response:** A post construction report / survey will be conducted each year to provide up to date information on coral species, numbers, and impacts affected. This report will be provided and incorporated in the annual Marine Monument report.

2. The USFWS must adhere to the Implementation Plan, and the Midway Seawall Coral Mitigation Plan specifically with respect to coral relocation methodology and ensure the post-repair monitoring is completed. If USFWS must propose a suitable offset that is approved by NMFS prior to the initiation of any repairs.

**FWS response:** The Implementation Plan and the Midway Seawall Coral Translocation / Mitigation Plan will be used as best management practices during construction and relocation work. Post repair monitoring will be conducted on the schedule stated in the plan. As agreed in the drafting of the coral translocation plan, the agencies involved will have to discuss the extent of the losses incurred from each action, and to identify strategies that will be used to offset those losses, should it be deemed necessary.

Some examples of compensatory mitigation may include:

- Monetary compensation;
- Debris removal;
- Invasive species control,
- Installation of mooring buoys, and
- Erosion control

3. Unavoidable losses of sensitive and hard to replace EGH resources, including corals and seagrass must be offset. The USFWS must propose a suitable offset that is approved by NMFS prior to the initiation of any repairs.

**FWS response:** As agreed in the drafting of the coral translocation plan, the agencies involved will have to discuss the extent of the losses incurred from each action, and to identify strategies that will be used to offset those losses. Some examples of compensatory mitigation may include:

- Monetary compensation;
- Debris removal;
- Invasive species control,
- Installation of mooring buoys, and
- Erosion control

4. The USFWS should include surveys of the rock wall revetments as part of the survey and monitoring effort of those corals that were relocated, and quantify the changes to the benthic community in order to justify the expected offset for unavoidable loss of water column volume and bottom EFH.  
**FWS response:** Per the Coral Translocation Plan, monitoring will occur within one week of the translocation and subsequent monitoring every three months through the first year, and then every six months for the second year, at which point monitoring will cease. Coral will be inspected and surveyed to determine health and condition and reported annually.
5. Conduct work at low and / or slack tide to minimize impacts from sedimentation and runoff.  
**FWS response:** Due to other wildlife impacts to endangered or migratory birds, Midway has a very short window of opportunity to conduct any kind of construction project, (July – September). FWS will make every attempt to minimize sedimentation and runoff issues during the construction phase of this project.
6. Stop work during peak hard coral spawning periods, including two weeks prior and after.  
**FWS response:** Spawning of species within the genus *Pocillopora* have only been documented in mid to late May and early June in the Northwestern Hawaiian Islands. The seawall repair projects are scheduled to take place in a narrow temporal window of July, August or September. This time frame is outside of the only known spawning time for Pocilloporid corals in this region and well outside of the above stated recommendations.
7. The USFWS should submit an annual report to NMFS describing the number of activities undertaken under the auspices of the programmatic, along with an update on surveys and monitoring efforts that were required during the year.  
**FWS response:** All required reports shall be submitted in a timely fashion.
8. All work should be done during daylight hours to ensure that all mitigation measures put into place can be monitored for effectiveness, and to allow for monitoring and control of sediment that is being produced from the construction.  
**FWS response:** All work shall be conducted during daylight hours.
9. The USFWS should use stones that made of the same (limestone) or similar material to the island in order to mimic natural conditions.  
**FWS response:** Midway Atoll exposed land mass is composed of natural coralline sand and substrates introduced by man over time during the construction of the Navy base. Limestone would not be a good choice due to its erodible nature to that of granite.

Thank you for your input and recommendations. If you have questions or would like additional information, please contact me at 808-954-4818 or email at [bob\\_peyton@fws.gov](mailto:bob_peyton@fws.gov).

Respectfully

Robert L. Peyton  
Refuge Manager  
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