

State of Hawaii
DEPARTMENT OF LAND AND NATURAL RESOURCES
Division of Aquatic Resources
Honolulu, Hawaii 96813

March 22, 2013

Board of Land
and Natural Resources
Honolulu, Hawaii

SUBJECT: REQUEST FOR APPROVAL TO ADD FEDERAL FUNDING (\$322,420) AND EXTEND THROUGH FY14 THE PROJECT AGREEMENT (CONTRACT NO. 58627, AMENDMENT NO. 4) BETWEEN THE BOARD OF LAND AND NATURAL RESOURCES (BLNR) AND THE RESEARCH CORPORATION OF THE UNIVERSITY OF HAWAII (RCUH) FOR A DIVISION OF AQUATIC RESOURCES RESEARCH PROJECT TITLED "MAUI/OAHU MARINE RESOURCES ASSESSMENT"

Submitted herewith for your consideration is a request to amend and extend an existing Project Agreement (Contract No. 58627) between the BLNR and RCUH. Amendment No. 4 to the Project Agreement will add Federal funding in the amount of \$322,420 and allow continuation of the project from July 1, 2013 through June 30, 2014. This Amendment is fully Federally-funded; no State General Funds are being used. Contract funds are being provided by a U.S. Fish and Wildlife Service Sport Fish Restoration grant. The State match component for the grant is being provided by Division of Aquatic Resources (DAR) in-kind match and community-based volunteer services. The BLNR/RCUH Project Agreement allows DAR to secure assistance from RCUH in order to perform project objectives. RCUH's assistance is required in order for DAR to meet project goals and objectives in a timely way.

The focus of this research project is to assess and monitor the status and trends of recreational fisheries resources to inform future management efforts, as well as evaluate the effectiveness of current regulations. In FY14, monitoring will be performed to look directly at the effectiveness of the lay gill-net ban around the entire island of Maui and at specific locations on Oahu, and to measure the effects on both herbivore stocks and coral reef health at the recently created Kahekili Herbivore Fisheries Management Area. Overall, the project will continue to examine broad trends in both fish stocks and their associated habitat characteristics in numerous marine reserves and associated open access control locations. Information from assessment efforts will be used to improve knowledge regarding the general state of Hawaii's broad scale marine resources. This knowledge will be important to document the immediate and possible long-term impacts from natural forces (storms, hurricanes, crown of thorn sea-star blooms, etc.), anthropogenic disturbances (runoff, pollution, over-fishing), and displacement of native marine species by alien species (fish, invertebrates and algae).

Approval to amend and extend the Project Agreement is being requested concurrently from the Governor, through the Department of Budget and Finance for review and approval. Also,

Amendment No. 4 to the Project Agreement is being prepared for submission to the Attorney General's Office for preliminary approval as to form. DAR is aware that implementation of Amendment No. 4 is dependent upon receipt of all required approvals and the availability of Federal funds, and that funding restrictions may occur at any time.

Chapter 343 - Compliance with Environmental Law:

Contract No. 60395 involves the use of state lands (submerged lands zoned in the Conservation District, Resource subzone) and use of state funds. The Department has determined that the actions undertaken by this ongoing project will have little or no significant effect on the environment and are exempt from the preparation of an environmental assessment. See Agency's Determination of Exemption (attached) from preparation of an environmental assessment.

RECOMMENDATION:

Based on the attached proposed declaration of exemption prepared by the department after consultation with and advice of those having jurisdiction and expertise for the proposed actions under the contract:

1. That the Board declare that the actions which are anticipated to be undertaken under this contract will have little or no significant effect on the environment and is therefore exempt from the preparation of an environmental assessment.
2. Upon the finding and adoption of the department's analysis by the Board, that the Board delegate and authorize the Chairperson to sign the declaration of exemption for purposes of recordkeeping requirements of chapter 343, HRS, and chapter 11-200, HAR.
3. That the Board authorize the Chairperson to negotiate and, subject to necessary approvals, amend and extend through a Project Agreement (Contract No. 58627, Amendment No. 4) with the Research Corporation of the University of Hawaii for a Division of Aquatic Resources resource project titled "Maui/Oahu Marine Resources Assessment."

Respectfully submitted,



WILLIAM M. TAM
Acting Administrator

APPROVED FOR SUBMITTAL:



WILLIAM J. AILA, JR.
Chairperson

Attachment

NEIL ABERCROMBIE
GOVERNOR OF HAWAII



STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
DIVISION OF AQUATIC RESOURCES
1151 PUNCHBOWL STREET, ROOM 330
HONOLULU, HAWAII 96813

March 22, 2013

WILLIAM J. AILA, JR.
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT

ESTHER KIA'AINA
FIRST DEPUTY

WILLIAM M. TAM
DEPUTY DIRECTOR - WATER

AQUATIC RESOURCES
BOATING AND OCEAN RECREATION
BUREAU OF CONVEYANCES
COMMISSION ON WATER RESOURCE MANAGEMENT
CONSERVATION AND COASTAL LANDS
CONSERVATION AND RESOURCES ENFORCEMENT
ENGINEERING
FORESTRY AND WILDLIFE
HISTORIC PRESERVATION
KAHOOLAWE ISLAND RESERVE COMMISSION
LAND
STATE PARKS

TO: Division of Aquatic Resources File

THROUGH: William J. Aila, Jr., Chairperson

FROM: Robert Nishimoto, Environmental Program Manager
Division of Aquatic Resources

SUBJECT: Declaration of Exemption from the Preparation of an Environmental Assessment under the Authority of Chapter 343, HRS, and Chapter 11-200, HAR, for a Request for Approval to Add Federal Funding (\$322,420) and Extend through FY14 the Project Agreement (Contract No. 58627, Amendment No. 4) between the Board of Land (BLNR) and the Research Corporation of the University of Hawaii (RCUH) for a Division of Aquatic Resources Research Project Titled "Maui/Oahu Marine Resources Assessment"

The following contract activities are found to be exempted from preparation of an environmental assessment under the authority of Chapter 343, Hawaii Revised Statutes (HRS) and Chapter 11-200, Hawaii Administrative Rules (HAR):

Project Title: Maui/Oahu Marine Resources Assessment

Request for Approval to Add Federal Funding (\$322,420 and Extend through FY14 the Project Agreement (Contract No. 58627, Amendment No. 4) between the Board of Land (BLNR) and the Research Corporation of the University of Hawaii (RCUH) for a Division of Aquatic Resources Research Project Titled "Maui/Oahu Marine Resources Assessment."

Project Description: The focus of this research project is to assess and monitor the status and trends of recreational fisheries resources to inform future management efforts, as well as evaluate the effectiveness of current regulations. Monitoring will be performed to look directly at the effectiveness of the lay gill-net ban around the entire island of Maui and at specific locations on Oahu, and to measure the effects on both herbivore stocks and coral reef health at the recently created Kahekili Herbivore Fisheries Management Area. Overall, the project will continue to examine broad trends in both fish stocks and their associated habitat characteristics in numerous marine reserves and associated open access control locations.

Exemption Determination: After reviewing §11-200-8, HAR, including the criteria used to determine significance under §11-200-1 and 5, HAR, DLNR has concluded that the activities

under this contract would have minimal or no significant effect on the environment and that approval of the contract extension is categorically exempt from the requirement to prepare an environmental assessment based on the following analysis:

1. All activities associated with this contract have been evaluated as a single action. Since this research contract involves activities that are precedent to a later planned activity, i.e., the monitoring and collection of data and research, the categorical exemption determination here will treat all planned activities as a single action under § 11-200-8, HAR.
2. The Exemption Class #5 or Scientific Research with no Serious or Major Environmental Disturbance Appears to Apply. §11-200-8(a)(5), HAR, exempts the class of actions that involve “basic data collection, research, experimental management, and resource evaluation activities which do not result in a serious or major disturbance to an environmental resource.” This exemption class has been interpreted to include the data collection, research and resource evaluation activities related to Maui and Oahu marine resources, such as those being proposed.

In addition, the activities under consideration are exempt under Exemption Class #5, Exempt Items #3, #4, and #5, respectively, which include “placing recording devices in the field to determine animal movement,” as well as “wildlife and game surveys, censuses, inventories, studies...” and “...marine surveys and research activities...” Department of Land and Natural Resources, the Division of Fish and Game 1976 Exemption List.

The proposed contract activities appear to fall under the exemption class identified under §11-200-8 (a)(5), HAR, and the Division of Fish & Game 1976 Exemption List. As discussed below, no significant disturbance to any environmental resource is anticipated. Thus, so long as the below considerations are met, an exemption class should include the action now contemplated.

3. Cumulative Impacts of Actions in the Same Place and Impacts with Respect to the Potentially Particularly Sensitive Environment Will Not Be Significant. Even where a categorical exemption appears to include a proposed action, the action cannot be declared exempt if “the cumulative impact of planned successive actions in the same place, over time, is significant, or when an action that is normally insignificant in its impact on the environment may be significant in a particularly sensitive environment.” §11-200-8(b), HAR. To gauge whether a significant impact or effect is probable, an exempting agency must consider every phase of a proposed action, any expected primary and secondary consequences, the long-term and short-term effects of the action, the overall and cumulative effect of the action, and the sum effects of an action on the quality of the environment. §11-200-12, HAR.

Significant cumulative impacts are not anticipated as a result of this activity, and numerous safeguards further ensure that the potentially sensitive environment of the project area will not be significantly affected. All activities will be conducted in a manner that does not diminish marine resources, qualities, and ecological integrity, or have any indirect, secondary, cultural, or cumulative effects.

Since no significant cumulative impacts or significant impacts with respect to any particularly sensitive aspect of the project area are anticipated, the categorical exemptions identified above should remain applicable.

4. Overall Impacts will probably have a Minimal or No Significant Effect on the Environment. Any foreseeable impacts from the proposed activity will probably be minimal, and further mitigated by general and specific conditions attached to the contract. Specifically, all research activities covered by this contract will be carried out with strict safeguards for the natural, historic, and cultural resources, other applicable law and agency policies and standard operating procedures.

Conclusion: Upon consideration of the contract to be approved by the Chairperson, being delegated signatory authority on behalf of the Board of Land and Natural Resources at its meeting of March 22, 2013, the potential effects of the above listed project as provided by Chapter 343, HRS, and Chapter 11-200, HAR, have been determined to be of probable minimal or no significant effect on the environment and exempt from the preparation of an environmental assessment.

William J. Aila, Jr. Chairperson
Board of Land and Natural Resources

Date