

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

June 14, 2013

Board of Land
and Natural Resources
Honolulu, Hawaii

Request for Approval of Special Activity Permit 2013-53 for
Dr. Edward DeMartini, NOAA, Pacific Islands Fisheries Science Center to
Take Undersized Unicorn Tangs and Parrotfishes for
A Study on Age and Growth Around the Time of Sexual Maturity

The applicant proposes to conduct activities relating to the take of undersized whole marine fishes of the unicorn tang and five species of parrotfishes. The study purposes to collect immature-sized specimens to complete estimation of body lengths at sexual maturity of the unicornfish and the parrotfishes, major shallow-reef fisheries species on Oahu.

RECOMMENDATION:

Based on the Departments exemption determination (attached) and the application and record in this matter, the Board DECLARES, FINDS, and DECIDES:

- 1) That the actions covered by this permit will have little or no significant effect on the environment and is therefore exempt from the preparation of an environmental assessment;
- 2) To delegate the Chairperson to sign the declaration of exemption on behalf of the Board, for purposes of recordkeeping requirements of chapter 343, HRS, and chapter 11-200, HAR; and
- 3) To authorize and approve, with stated conditions, the proposed special activity permit.

Respectfully submitted,


WILLIAM M. TAM
Acting Administrator

APPROVED FOR SUBMITTAL:


WILLIAM J. AILA, JR.
Chairperson

NEIL ABERCROMBIE
GOVERNOR OF HAWAII



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

ESTER 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



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

June 14, 2013

TO: Division of Aquatic Resources File

THROUGH: William J. Aila, Jr., Chairperson

FROM: Robert Nishimoto, Aquatic Biologist *RN*
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 Special Activity Permit to Dr. Edward DeMartini, NOAA, Pacific Islands Fisheries Science Center (PIFSC) for take of undersized unicorn tangs and various species of parrotfish for research on age and growth studies.

The following permitted activities are found to be exempted from preparation of an environmental assessment under the authority of Chapter 343, HRS and Chapter 11-200, HAR:

Project Title: Special Activity Permit to Dr. Edward DeMartini, National Oceanic and Atmospheric Administration (NOAA), PIFSC, for age and growth studies on unicorn tangs and various species of parrotfish.

Permit Number: SAP 2013-053.

Project Description: The research permit, as described below, would allow up to 50 undersized takes of five species of State regulated parrotfish, and up to 75 undersized takes of the blue-spine unicorn fish (*Naso unicornis*), to study age and growth curves for these species. The study purposes to collect immature-sized specimens to complete estimation of body lengths at sexual maturity of the unicornfish and the parrotfishes, major shallow-reef fisheries species on Oahu.

The applicant generally needs 300-500 total fish individuals to adequately estimate size at maturity for any one species. The sample sizes of 50 for parrotfishes are approximations that would provide a reasonable minimum number of fish below the inflection point at maturation on the logistic curve. Slightly more fish are needed (75) for the unicornfish because it is more difficult to estimate maturity.

Exemption Determination: After reviewing HAR § 11-200-8, including the criteria used to determine significance under HAR § 11-200-12, DLNR has concluded that the activities under this permit would have minimal or no significant effect on the environment and that issuance of

the permit is categorically exempt from the requirement to prepare an environmental assessment based on the following analysis:

1. All activities associated with this permit have been evaluated as a single action. Since this permit involves an activity that is precedent to a later planned activity, i.e. the collection of field data throughout the permit period, the categorical exemption determination here will treat all planned activities as a single action under §11-200-7, HAR.

2. The Exemption Class for Scientific Research with no Serious or Major Environmental Disturbance Appears to Apply. §11-200-8(a)(5), HAR, exempts the class of actions which 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 biometric studies of animals, 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 “wildlife and game surveys, censuses, inventories, studies...” and “...marine surveys and research activities...” Department of Land and Natural Resources, Exemption List for the Division of Fish and Game, approved January 19, 1976.

The proposed acoustic monitoring activities here appear to fall squarely under the exemption class identified under §11-200-8(a)(5), HAR, and as described under the 1976 exemption list class items. 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. We do not anticipate significant cumulative impacts.

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 permit. Specifically, all research activities covered by this permit 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 permit to be approved by the Chairperson, being delegated signatory authority on behalf of the Board of Land and Natural Resources at its meeting of June 14, 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

Department of Land & Natural Resources
DIVISION OF AQUATIC RESOURCES
1151 Punchbowl Street, Room 330
Honolulu, Hawaii 96813

Date Issued: June 14, 2013

Valid Not Longer Than June 13, 2014

SPECIAL ACTIVITY PERMIT

The Department of Land and Natural Resources hereby grants permission for certain activities involving aquatic organisms belonging to the people of Hawaii, under Section 187A-6, Hawaii Revised Statutes, and other applicable laws.

The Permittee is

Name: Dr. Edward DeMartini Address: PIFSC
Title: Researcher 2570 Dole Street
Affiliation: National Marine Fisheries Service Honolulu, HI 96822

This permit is issued, subject to the general and special conditions, to take State marine resources that are under the minimum size established by law for those species listed below for studies relating to their age and growth.

Common Name	Scientific Name	Number Specimen	Collecting Location
Unicorn fish	<i>Naso unicornis</i>	75	State waters Oahu
Spectacled parrotfish	<i>Chlorurus perspicillatus</i>	50	"
Redlip parrot	<i>Scarus rubroviolaceus</i>	50	"
Bullethead parrot	<i>Chlorurus spilurus</i>	50	"
Star-eye parrot	<i>Calotomus carolinus</i>	50	"
Palenose parrot	<i>Scarus psittacus</i>	50	"

I. GENERAL CONDITIONS:

- A. This permit does not make the Department of Land and Natural Resources or the State of Hawaii liable in any way for any claim of personal injury or property damage to the permittee or assistants which may occur during any activity conducted under this permit; moreover, the permittee and all assistants agree to hold the State harmless against any and all claims of personal injury, death or property damage resulting from activities of the permittee or any assistant.
- B. This permit conveys a privilege to engage in only those activities under the jurisdiction of the Department of Land and Natural Resources. The permittee is responsible for complying with all applicable County, State, and Federal requirements. The permit does not convey any privilege of access over or through private property.
- C. The permittee and each assistant are individually responsible and accountable for their actions while conducting activities authorized under this permit; additionally, the permittee is responsible and accountable for the actions of the permittee's assistants.
- D. This permit is not transferable or assignable. Any person whose name does not appear on this permit and is conducting any activity described herein is subject to prosecution for violation of State laws.
- E. The permittee may request changes to the permit. Any such request to make changes to the permit must be made in writing and received by the Department at least thirty days prior to the change. The addition of new assistants will require each individual to sign the Attachment on page 6 stating that they have read, understood, and agree to abide by all general and special permit conditions. No change may be implemented without written approval from the Department.
- F. The permittee may request to:
 - 1. Add assistants to the permit;
 - 2. Add another permittee or replace an existing permittee in the manner stated above;
and
 - 3. Change the activities authorized under this permit.
- G. The permittee or their assistant(s) must have with them a copy of this permit while conducting activities authorized by this permit.
- H. This permit authorizes collection of organisms protected by Federal law only with prior appropriate Federal authority, which must be described on Page 1 of this permit (if applicable).
- I. This permit does not authorize the sale of any collected organism.

- J. This permit expires on the date indicated on Page 1. Within one month of the expiration date, the permittee must return this permit to the address listed on the upper left corner of page 1 with complete information on all activities authorized under this permit, on the attached Activity Report form.
- K. The permittee and assistants agree to provide access to data obtained under authority of this permit upon request of the Division of Aquatic Resources, and to provide to the Division a copy of each report, published for distribution, prepared with data obtained under this permit. The permittee agrees to provide the Division of Aquatic Resources access to organisms obtained and held under this permit for on-site inspection.
- L. A violation of any terms or condition of this permit or any violation of State law not covered by this permit may result in revocation of the permit and other penalties as provided by law. In addition, the Department may consider any such violation as grounds for denying any future permit applications.

II. SPECIAL CONDITIONS

- A. This permit authorizes the use of small mesh nets and spears to take the regulated fish species in the numbers listed on page 1. The immature fishes are authorized to study age and growth at sexual maturity.
- B. The use of any chemical substance to take fish is expressly prohibited under this permit but may be used to preserve fish once taken.
- C. The primary permittee and designated assistants are required to obtain permission before entering upon lands or waters not under the jurisdiction of the Department (see "C", General Conditions, page 2 of this permit).
- D. This permit does not by implication authorize the primary permittee or any designated assistant to engage in any other activity that is in violation of any other State, Federal or County law, regulation or ordinance.

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

cc: (x) DOCARE

SIGNATURES AND AGREEMENT

By my signature below, I acknowledge receipt and understanding of the general and special conditions of this Special Activity Permit. Further, I agree to abide by all of these conditions when conducting activities authorized by this permit.

PRINCIPAL PERMITTEES: _____
Dr. Edward DeMartini

DESIGNATED ASSISTANTS:

Signature: _____

Print Name: Robert Humphreys

Signature: _____

Print Name: Ryan Nichols

Signature: _____

Print Name: Meagan Sundberg

Signature: _____

Print Name: Makani Christensen

Signature: _____

Print Name: _____

ACTIVITY REPORT

Results of all activities performed under authority of this permit must be reported on this form (or copies) within one month after the permit expires (see first page). Use as many sheets as you need. Submit the report to the Division of Aquatic Resources at 1151 Punchbowl Street, Room 330, Honolulu, HI 96813.

Date	Location	Common or Scientific Name	Quantity Collected*	Disposition of Specimens
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Permittee Signatures

Dr. Edward DeMartini
Printed name

Signature

Date

*If salvaged (collected because the specimen was dead or injured already), please detail circumstances: condition (dead, or describe extent of injury), how or from whom the specimen was obtained.

ATTACHMENT FOR DESIGNATED ASSISTANTS ONLY

Primary Permittee: Dr. Edward DeMartini

I, being the primary permittee, hereby acknowledge the addition of the following designated assistants.

Dr. Edward DeMartini

Date

ADDITIONAL DESIGNATED ASSISTANTS

We, the undersigned, have read, understand, and agree to all conditions stipulated in the above Special Activity Permit.

Signature _____

Print Name: _____

Signature _____

Print Name: _____