

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

March 23, 2012

Board of Land and Natural Resources
State of Hawaii
Honolulu, Hawaii

SUBJECT: REQUEST FOR APPROVAL OF A NO-COST EXTENSION THROUGH FY13 OF THE PROJECT AGREEMENT (CONTRACT NO. 52850, AMENDMENT NO. 10) BETWEEN THE DEPARTMENT OF LAND AND NATURAL RESOURCES (DLNR) AND THE RESEARCH CORPORATION OF THE UNIVERSITY OF HAWAII (RCUH) FOR A DIVISION OF AQUATIC RESOURCES RESEARCH PROJECT TITLED "AQUATIC INVASIVE SPECIES"

Submitted herewith for your consideration is a request for approval of a no-cost extension to the Project Agreement (Contract No. 52850) between Department of Land and Natural Resources (DLNR) and the Research Corporation of the University of Hawaii (RCUH). Amendment No. 10 to Project Agreement will allow continuation of the Aquatic Invasive Species (AIS) project from July 1, 2012 through June 30, 2013. The scope of services for research activities that address the State of Hawaii AIS Management Plan remains the same.

The key objectives of the AIS project are to improve the prevention, management, and response system for invasive species, which are also objectives of Governor Neil Abercrombie's "A New Day in Hawaii" Comprehensive Plan. Research activities are also geared to address organizing and training of local action teams for monitoring and control of marine AIS. Activities will continue to be focused on AIS outbreaks in Kaneohe Bay and the continued development of early detection methodologies and bio-control. It is foreseen that valuable information will be obtained as the project continues to:

- 1) develop a capacity to utilize native sea urchins as bio-control agents for alien algae control;
- 2) review priorities for the control of pests already present or recently arrived in the state;
- 3) develop/implement a decision making protocol for targeting species for eradication and control efforts;
- 4) develop large-scale algae control techniques using mechanical and community based methodologies;
- 5) develop capacity to conduct effective rapid response;
- 6) conduct research on basic methods and protocols for early detection and monitoring of AIS focusing on Kaneohe Bay, Oahu;
- 7) identify/monitor AIS introductions and the effectiveness of bio-controls on AIS populations;
- 8) monitor activities to measure success criteria of project goals; and
- 9) implement improvements to capacity for detection, eradication and control, e.g., increased staffing, training and infrastructure to respond to AIS.

Ultimately, mechanical removal and urchin biocontrol will reduce algal cover, increase coral cover, and allow an increase in fish biomass over a one to five year period. Overall project goals and success criteria are to 1) reduce algal distribution, 2) reduce algal cover, 3) increase coral cover by 3%; 4) increase fish biomass, 5) maintain native sea urchin, *Tripneustes gratilla* density, and 6) implement cost effective eradication and control programs against incipient and established pests.

Approval to 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. 10 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. 10 is dependent upon receipt of all required approvals, and that funding restrictions may occur at any time.

Chapter 343 – Compliance with Environmental Law:

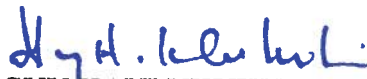
Contract No. 60379 involves the use of state lands (submerged lands zoned in the Conservation District, Resource subzone) and use of state funds. The Department has determined that the actions undertaken by this ongoing project will have little or no significant effect on the environment and are exempt 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, extend a Project Agreement (Contract No. 52850, Amendment No. 10) with the Research Corporation of the University of Hawaii for a Division of Aquatic Resources research project titled "Aquatic Invasive Species."

Respectfully submitted,


GUY KAULUKUKUI
Acting Administrator

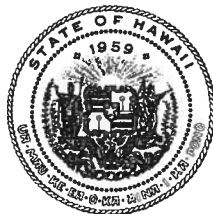
APPROVED FOR SUBMITTAL:

A handwritten signature in black ink, appearing to read "William J. Aila, Jr.", written in a cursive style.

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 23, 2012

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


GUY KAULUKUKUI
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 of a No-Cost Extension through FY13 of the Project Agreement (Contract No. 52850, Amendment No. 10) between the Department of Land and Natural Resources (DLNR) and the Research Corporation of the University of Hawaii (RCUH) for a Research Project Titled "Aquatic Invasive Species"

The following contracted 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: Aquatic Invasive Species

Request for Approval of a No-Cost Extension through FY13 of the Project Agreement (Contract No. 52850, Amendment No. 10) between the Department of Land and Natural Resources (DLNR) and the Research Corporation of the University of Hawaii (RCUH) for a Research Project Titled "Aquatic Invasive Species."

Project Description: The key objectives of the AIS project are to improve the prevention, management, and response system for invasive species, which are also objectives of Governor Neil Abercrombie's "A New Day in Hawaii" Comprehensive Plan. Research activities are also geared to address organizing and training of local action teams for monitoring and control of marine AIS. Activities will continue to be focused on collection of data on AIS outbreaks in Kaneohe Bay and the continued development of early detection methodologies and bio-control.

Ultimately, mechanical removal and urchin biocontrol will reduce algal cover, increase coral cover, and allow an increase in fish biomass over a one to five year period. Overall project goals and success criteria are to 1) reduce algal distribution, 2) reduce algal cover, 3) increase coral

cover by 3%; 4) increase fish biomass, 5) maintain native sea urchin, *Tripneustes gratilla* density, and 6) implement cost effective eradication and control programs against incipient and established pests.

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 contract involves an activity that is precedent to a later planned activity, i.e., the removal of AIS throughout the contract period, the categorical exemption determination here will treat all planned activities as a single action under § 11-200-8, HAR.
2. The Exemption Class #1 for Operation and Maintenance of Facilities Involving Little or No Expansion Beyond Previously Existing, Appears to Apply. §11-200-8(a)(1), HAR, exempts the class of actions which involve “Operations, repairs, or maintenance of existing structures, facilities, equipment, or topographical features, involving negligible or no expansion or change of use beyond that previously existing;” This exemption class has been interpreted to include the removal of AIS and maintenance of the coral reefs/fishing areas in Kaneohe Bay (i.e. the topographical features), such as that being proposed.

The proposed maintenance of an existing topographical feature appears to fall squarely under the exemption class identified under §11-200-8 (a)(1), HAR, and as described under Exemption Class #1 in the Division of Fish and Game 1976 exemption list.

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 study of AIS organisms, 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 classes identified under §§11-200-8 (a)(1) and 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 23, 2012, 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