

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

September 14, 2012

Board of Land  
and Natural Resources  
Honolulu, Hawaii

Request for Approval of Special Activity Permit 2013-3 for  
Ms. Eva Schemmel, University of Hawaii at Manoa, Zoology Department to Take  
Undersized Bonefish or O'io for a Study on Their Life History and Reproduction

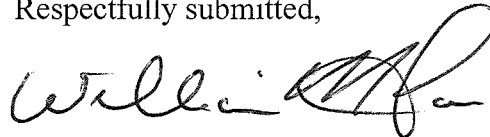
The applicant proposes to conduct activities relating to the take of undersized bonefish or locally known as O'io for a study on their life history and reproduction. Up to 40 individuals may be taken under this permit from the waters of Oahu only. The study will document if there are differences in life history parameters between the two species of bonefish.

RECOMMENDATION:

Based on the Department's 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,

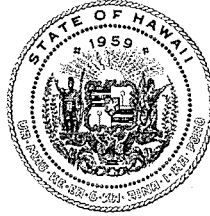
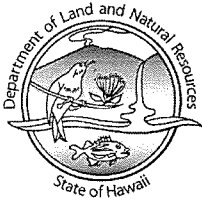


WILLIAM M. TAM  
Acting Administrator

APPROVED FOR SUBMITTAL:



WILLIAM J. AILA, JR.  
Chairperson



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

September 14, 2012

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

PAUL J. CONRY  
INTERIM 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  
KAIHOLAWE 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 Special Activity Permit 2013-3 Issued to Ms. Eva Schemmel, UH Zoology Department.

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 2013-3 Issued to Ms. Eva Schemmel, UH Zoology Department, to Conduct Activities Regulated Under Hawaii State Law to take undersized oio (bonefish) for studies on biology, growth, diet, and other life cycle metrics.

Permit Number: SAP-2013-3.

Project Description:

The project would involve the taking of two regulated marine fish species of bonefish in non-regulated areas. The permit would be valid from September 14, 2012 through September 13, 2013.

This permit is required to exempt the permittee from the prohibition on the taking of undersized bonefish under section 13-95-10, Hawaii Administrative Rules (HAR). The undersized fish will be collected by hook and line for studies on the two oio species (*Albula glossodonta* and *A. virgata*) of their diets, age, growth, and reproduction through the younger life stages.

Up to 20 individuals of each species (40 total) may be taken under this permit. The small number of animals to be taken and the abundant numbers in the wild, indicate that the proposed take is not significant. Samples will be taken on Oahu from non-regulated areas only.

Exemption Determination: After reviewing § 11-200-8, HAR, including the criteria used to determine significance under § 11-200-12, HAR, 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 the same methodology over the entire 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 research, such as those being proposed.

In addition, the activities under consideration are exempt under Exemption Class #5, Exempt Items #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 research 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 in either the operation of the vessel or the monitoring activities. 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 permit. Specifically, all research

activities covered by this permit will be carried out with strict safeguards for the natural, historic, and cultural resources of the area.

Conclusion. Upon consideration of the permit to be approved by the Board of Land and Natural Resources, 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.

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

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Date

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

Date Issued: September 14, 2012

Valid Not Longer Than  
September 13, 2013

### 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 Permittees are

Name: Eva Schemmel                      Address: UH Zoology Department  
Title:    2538 McCarthy Mall, Edmondson 152  
Affiliation: UH Manoa                      Honolulu, HI 96822

This permit is issued, subject to the general and special conditions, to authorize the taking of undersized regulated marine bonefish or oio to study life history parameters of the two bonefish species found in Hawaii.

Common Name	Scientific Name	Number Specimen	Collecting Location
Roundjaw Bonefish	<i>Albula glossodonta</i>	20, 10-15 inches long	Oahu
Sharpjaw Bonefish	<i>Albula virgata</i>	20, 10-15 inches long	Oahu

#### 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 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.
- J. 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.
- K. 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.
- L. The permittee agrees to notify the island office of the Division of Conservation and Resources Enforcement at least 24 hours prior to any authorized activity being conducted in the field. Please provide the permittee name, the permit number, the date, time, and location of the planned activity, and contact information.

- M. 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 application for this or any other permit issued by the Department.

II. SPECIAL CONDITIONS

- A. This permit authorizes the taking and killing of undersized oio or bonefish, up to the numbers and sizes listed on page 1 of this permit from the waters off Oahu. Take is authorized only in non-regulated areas using hook and line.
- B. 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 1 of this permit).
- F. 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.

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WILLIAM J. AILA, JR., Chairperson  
Department of Land and Natural Resources

cc:  DOCARE  
 DAR - Maui

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: \_\_\_\_\_  
Eva Schemmel

DESIGNATED ASSISTANTS:

Signature: \_\_\_\_\_

Print Name: Mary Donovan

Signature: \_\_\_\_\_

Print Name: Kim Harding

Signature: \_\_\_\_\_

Print Name: Alex Filous

Signature: \_\_\_\_\_

Print Name: Julie Kolomyski

Signature: \_\_\_\_\_

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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.

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

Eva Schemmel  
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: Eva Schemmel

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

\_\_\_\_\_  
Eva Schemmel

\_\_\_\_\_  
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 \_\_\_\_\_

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