

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 FUNDING (\$330,000 FEDERAL, \$20,000 COMMERCIAL FISHERIES SPECIAL FUND) AND EXTEND THROUGH FY14 THE DEPARTMENT OF LAND AND NATURAL RESOURCES (DLNR)/ UNIVERSITY OF HAWAII (UH) CONTRACT NO. 60379 (SUPPLEMENTAL CONTRACT NO. 2) FOR A PROJECT TITLED "COLLABORATIVE ADMINISTRATION OF THE HAWAII FISH AGGREGATING DEVICE SYSTEM"

Submitted herewith for your consideration is a request to amend and extend Contract No. 60379 between DLNR and the UH. Supplemental Contract No. 2 will provide additional Federal funding and allow continuation of the on-going fisheries project titled "Collaborative Administration of the Hawaii Fish Aggregating Device System." The Fish Aggregating Device (FAD) project is under the direction of Dr. Kim Holland of the UH's Hawaii Institute of Marine Biology. Supplemental Contract No. 2 extends the project from July 1, 2013 through June 30, 2014, and provides \$330,000 in Federal funds from a U.S. Fish and Wildlife Service Wildlife and Sport Fish Restoration grant and \$20,000 in LNR 153 Commercial Fisheries Special Funds. The State Special Funds provide a portion of the total required State match (\$110,000) with the UH providing the remaining match.

The FAD project maintains and improves the popular statewide FAD system and makes it more cost-effective. The scope of the project remains the same as FY13, with FAD fabrication and deployment being continued, as well as the maintenance of the FAD public information system. Ongoing FAD-related research will continue regarding the impact of FADs on Hawaii's pelagic fish resources, especially the influence of FADs on movements and distributions of tuna and marlin in Hawaiian waters. The overall efficacy of the FAD system will continue to be examined and improved by modifying mooring strategies based on analysis of previous deployment results.

Supplemental Contract No. 2 to Contract No. 60379 is currently being reviewed by the UH, and thereafter, will be submitted to the State's Department of the Attorney General for final approval as to form.

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

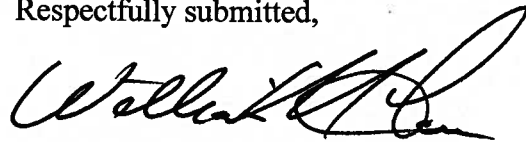
actions undertaken by this ongoing project will have little or no significant effect on the environment and are exempt from the preparation of an environmental assessment. See Agency's Determination of Exemption (attached) from preparation of an environmental assessment.

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, amend and extend Contract No. 60379 (Supplemental Contract No. 2) with the University of Hawaii for a project titled "Collaborative Administration of the Hawaii Fish Aggregating Device System."

Respectfully submitted,



WILLIAM M. TAM
Acting Administrator

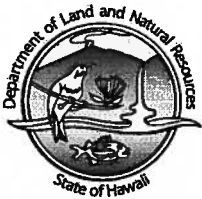
APPROVED FOR SUBMITTAL:



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 Funding (\$330,000 Federal, \$20,000 Commercial Fisheries Special Fund) and Extend through FY13 the Department of Land and Natural Resources (DLNR)/University of Hawaii (UH) Contract No. 60379 (Supplemental Contract No. 2) for a Project Titled "Collaborative Administration of the Hawaii Fish Aggregating Device System"

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: Collaborative Administration of the Hawaii Fish Aggregating Device System.

Request for Approval to Add Funding (\$330,000 Federal, \$20,000 Commercial Fisheries Special Fund) and Extend through FY14 the Department of Land and Natural Resources (DLNR)/University of Hawaii (UH) Contract No. 60379 (Supplemental Contract No. 2) for a Project Titled "Collaborative Administration of the Hawaii Fish Aggregating Device System."

Project Description: The Fish Aggregating Device (FAD) project maintains and improves the popular statewide FAD system and makes it more cost-effective. The scope of the project remains the same as FY13, with FAD fabrication and deployment being continued, as well as the maintenance of the FAD public information system. Ongoing FAD-related research will continue regarding the impact of FADs on Hawaii's pelagic fish resources, especially the influence of FADs on movements and distributions of tuna and marlin in Hawaiian waters. The overall efficacy of the FAD system will continue to be examined and improved by modifying mooring strategies based on analysis of previous deployment results.

Exemption Determination: During the previous 25 years of operation of the existing Fish Aggregating Device (FAD) system, there have been no reports of deleterious interactions with any protected species. FAD sites range from 2 to 15 miles off-shore. Based on this fact and the design of the FAD components, it can reasonably be stated that the proposed action will not affect the various marine mammals and turtles known to frequent Hawaiian waters. This FEA determines that, based on current data and past performance, the 54 FADs in waters around the main Hawaiian Islands will have no significant negative impact on the quality of the environment or cultural resources.

The Hawaii Institute of Marine Biology prepared a final programmatic environmental assessment (EA) in April 2012. The Department of Land and Natural Resources was the authorizing agency for purposes of compliance with Chapter 343, HRS, and determined a finding of no significant impact (FONSI) for this project, submitted the document to the Office of Environmental Quality Control, and was published in the May 8, 2012 edition of the Environmental Bulletin. Because the final Programmatic Environmental Assessment has been published, no exemption is being claimed or provided.