

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

January 24, 2014

Board of Land  
and Natural Resources  
Honolulu, Hawaii

Request for Approval of Special Activity Permit 2013-48 for  
Dr. Robert Kinzie III, SWCA Environmental Consultants,  
to Use an Electrofishing Device to Remove Alien Predator Species From Within the  
Uko'a Wetland in Haleiwa, Oahu

The applicant proposes to conduct activities relating to use of an electrofishing device to remove alien predatory species, such as mosquitofishes and bullfrogs, from within the Uko'a wetland in Haleiwa, Oahu. This study will test the feasibility of the use of this gear to reduce species which feed on insects. These species compete with the Hawaiian Hoary Bat for food. The removal of invasive fish and frogs will also directly benefit endangered waterbirds through the increase in aquatic insects available to waterbirds and reduced predation of waterbird chicks by bullfrogs. The Division of Aquatic Resources staff, Oahu Office, will be accompanying the study.

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 the Chairperson to approve, with stated conditions, the proposed special activity permit.

Respectfully submitted,



FRAZER MCGILVRAY  
Administrator

APPROVED FOR SUBMITTAL:



WILLIAM J. AILA, JR.  
Chairperson

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

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  
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HISTORIC PRESERVATION  
KAHOOLAWE ISLAND RESERVE COMMISSION  
LAND  
STATE PARKS

January 24, 2014

TO: Division of Aquatic Resources File

THROUGH: William J. Aila, Jr., Chairperson

FROM: Alton Miyasaka, Acting Commercial Fisheries 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 Special Activity Permit to Dr. Robert Kinzie III, SWCA Environmental Consultants.

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. Robert Kinzie III, SWCA Environmental Consultants, for the use of small mesh nets and an electrofishing device, to take, possess, and kill non-native aquatic species from Ukoa wetland, Haleiwa, Oahu, to reduce the population of predators on aquatic insects that are the prey for the endangered Hawaiian hoary bat that lives in the wetland.

Permit Number: SAP 2013-048

Project Description: The permit, as described below, would authorize the use of small mesh nets and an electrofishing device, to take, possess, and kill non-native aquatic species from Ukoa wetland, Haleiwa, Oahu, from January 24, 2014 through January 23, 2015. The use of small mesh nets is prohibited under section 13-75-14, Hawaii Administrative Rules (HAR). The use of electrofishing devices is prohibited under section 13-75-6, HAR.

Ukoa wetland is currently being managed by Kamehameha Schools (landowner) and First Wind to enhance habitat for the endangered Hawaiian hoary bat and endangered waterbirds. In the past year, Hawaiian hoary bats have been detected using Ukoa wetland occasionally. The Ukoa Wetland Evaluation and Research/Monitoring Plan for the Hawaiian Hoary Bat calls for invasive fish and frog control to reduce the number of predators on insects. Reducing the number of predators on insects (fish and frogs) is expected to increase the number of aerial insects available for Hawaiian hoary bats to feed on; resulting in improved foraging habitat. The removal of invasive fish and frogs will also directly benefit endangered waterbirds through the increase in aquatic insects available to waterbirds and reduced predation of waterbird chicks by bullfrogs.

The goal of the invasive fish species control is to reduce the populations found within Ukoa wetland, eradication of invasive fish species is not expected. No native fish or aquatic invertebrate species have been documented at Ukoa in recent years and no impacts to native aquatic fauna are expected.

The Oahu Division of Aquatic Resources will be accompanying the permittee, when available, when the electrofishing device will be used.

Parties Consulted: Glenn Higashi, DAR – Oahu; DOFAW - Oahu

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 removal and disposal of alien aquatic fish and frogs 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 Activities with no Serious or Major Environmental Disturbance Appears to Apply. HAR § 11-200-8(a)(1) exempts the class of actions which involve “maintenance of ... topographical features, involving negligible or no expansion or change of use beyond that previously existing.” The removal of invasive predators in the wetland involves a negligible use.

In addition, the activities under consideration are exempt under Exemption Class #1, Exempt Items #7 which include “maintenance of existing parks, fishing areas, ....” Department of Land and Natural Resources, Exemption List for the Division of Fish and Game, approved January 19, 1976.

The proposed search activities here appear to fall squarely under the exemption class identified under HAR § 11-200-8(a)(1) 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.

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 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: January 24, 2014

Valid not longer than January 23, 2015

### 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. Robert Kinzie III      Address: SWCA Environmental Consultants  
Affiliation: SWCA Environmental      1001 Bishop Street, Bishop Square  
ASB Tower, Suite 2800  
Honolulu, HI 96813

This permit is issued, subject to the general and special conditions, to use small mesh nets and an electroshocker to take the following non-native species listed in the table below to remove predators from the Ukoa wetland, Haleiwa, Oahu.

Common Name	Scientific Name	Number Samples Authorized	Sampling Locations
Non-native freshwater fishes	<i>Gambusia</i> , <i>Poecilia</i> , <i>Xiphophorus</i>	As needed; See Special Conditions II.A	Only in Ukoa Wetland, Oahu; See Special Conditions II.B.
American bullfrog	<i>Rana catesbeiana</i>	“	“

#### 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 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. 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.
- E. 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.
- F. 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.
- G. 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.
- H. The permittee or their assistant(s) must have with them a copy of this permit while conducting activities authorized by this permit.
- I. 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).
- J. 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.
- K. This permit does not authorize the sale of any collected organism or part therefrom.
- L. 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.
- M. 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.

- N. 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.
- O. 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. The permit may not be reissued if the permittee is not in compliance with the terms and conditions of this permit or any other permit issued to the permittee by the department of land and natural resources.

## II. SPECIAL CONDITIONS

- A. This permit authorizes the use of small meshed (less than 2”) hand nets, dip nets, minnow seines, and minnow traps and an electorshocker to take the listed species on Table 1, page 1 to reduce predators on the insect populations in Ukoa wetland in Haleiwa, Oahu only.
- B. This permit authorizes the take of an unlimited number of non-native fishes and bullfrogs.
- C. The permittee agrees to allow the Division of Aquatic Resources to accompany the permittee, or his designated assistants, any time electrofishing is conducted under this permit.
- D. The permittee agrees to take all reasonable steps to minimize negative impacts to aquatic life in the wetland due to the sampling regime and handling.
- E. The permittee shall report, as required under General Conditions I.L. above, on the form provided in this permit.
- F. Chemicals to take samples is expressly prohibited under this permit but may be used to disinfect tools and preserve samples once taken.

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

cc: (x) DOCARE  
( ) DAR-Kauai  
( ) 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: \_\_\_\_\_  
Dr. Robert Kinzie III

DESIGNATED ASSISTANTS:

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

Print Name: Bryson Luke

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

Print Name: Ling Ong

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

Print Name: Tiffany Thair

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

Print Name: Jaap Elizenga

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

Print Name: Mitchell Craig

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

Print Name: Sara Scheel

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

Print Name: Alyssa Lapine

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

Print Name: Jacob Dutton

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

Print Name: Aaron Ungerleider

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

Print Name: Lacey Fletcher

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

Print Name: Crystal Prussick

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

Print Name: \_\_\_\_\_

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

Print Name: Jeffrey Koch

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.

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

Dr. Robert Kinzie III  
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. Robert Kinzie III

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

\_\_\_\_\_  
Dr. Robert Kinzie III

\_\_\_\_\_  
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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