

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

April 22, 2016

Board of Land and
Natural Resources
Honolulu, Hawaii

REQUEST FOR APPROVAL TO ENTER INTO A GRANT-IN-AID CONTRACT
AGREEMENT (\$142,500 STATE OPERATING BUDGET) BETWEEN THE BOARD OF
LAND AND NATURAL RESOURCES (BLNR) AND FRIENDS OF THE FUTURE FOR A
PROJECT TITLED "HA OLA O WAIPI'O VALLEY PROJECT TO DEVELOP
COMMUNITY CAPACITY TO MAINTAIN RIVERS AND STREAMS IN WAIPI'O"

Submitted for your consideration and approval is a request to enter into contract agreement between the BLNR and Friends of the Future, a 501(c)(3) nonprofit organization under the laws of the State of Hawaii, to support community efforts in Waipi'o Valley to improve river and stream flow and provide increased safety for residents, visitors, and property. Grant funds will aid valley taro farmers in successfully maintaining their agricultural traditions, which include providing a needed food source for the island of Hawaii. Funding for the project, \$142,500 in State Operating Funds, was authorized by Act 119, Session Laws of Hawaii 2015.

Waipi'o Valley is one of Hawaii's most historically significant, sacred and ecologically fragile sites in the archipelago. It is also the second most visited destination for visitors on Hawaii Island. For generations the valley has served as an agricultural center and currently produces approximately 500,000 pounds of taro per year.

The work to be performed under this contract agreement includes the following:

- a) Conduct community efforts to implement the Waipi'o Valley Stream Maintenance Plan;
- b) Provide preventative flood control measures and stream bank stabilization of Valley rivers and streams;
- c) Remove accumulated gravel banks and associated vegetative growth, compounded since the 2006 earthquake, which pose a threat to life, property and livelihood; and
- d) Perform ongoing, regular river mouth, river and stream maintenance to prevent accumulations of gravel and vegetative growth in the future.

A request to allot and expend a grant pursuant to Chapter 42F-103, has been requested from Governor David Ige, through the Department of Budget and Finance. In addition, the contract agreement is being prepared for submission to the Attorney General's Office for approval as to form. The Department is aware implementation of the contract is dependent upon receipt of all required approvals, as well as availability of funds, and that funding restrictions may occur at any time.

Chapter 343 - Compliance with Environmental Law:

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 no significant effect on the environment and that approval of the contract is categorically exempt from the requirement to prepare an environmental assessment. See Agency's Determination of Exemption (attached) from preparation of an environmental assessment.

The funds provided by this contract will be used to purchase heavy equipment and hire professional independent contractors to perform the work of stream bank stabilization and maintenance. The actual work to be performed would be subject to additional permitting and Chapter 343, HRS, review and compliance by the permitting agencies.

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, enter into a grant-in-aid contract with Friends of the Future to support activities in Waipi'o Valley.

Respectfully submitted,



BRUCE S. ANDERSON
Administrator

APPROVED FOR SUBMITTAL:



SUZANNE D. CASE
Chairperson

Attachment

DAVID Y. IGE
GOVERNOR OF HAWAII



STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES

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SUZANNE D. CASE
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT

KEKOA KALUHIWA
FIRST DEPUTY

JEFFREY T. PEARSON P.E.
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
KAIHOOLAWE ISLAND RESERVE COMMISSION
LAND
STATE PARKS

April 22, 2016

TO: Division of Aquatic Resources File

THROUGH: Suzanne D. Case, Chairperson

FROM: Bruce S. Anderson, Administrator
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 Enter into a Grant-In-Aid Contract Agreement (\$142,500 State Operating Budget) between the Board of Land and Natural Resources (BLNR) and Friends of the Future for a Project Titled "Ha Ola O Waipi'o Valley Project to Develop Community Capacity to Maintain Rivers and Streams in Waipi'o"

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: "Ha Ola O Waipi'o Valley Project to Develop Community Capacity to Maintain Rivers and Streams in Waipi'o"

Request for Approval to Enter into a Grant-In-Aid Contract Agreement (\$142,500 State Operating Budget) between the Board of Land and Natural Resources (BLNR) and Friends of the Future for a Project Titled "Ha Ola O Waipi'o Valley Project to Develop Community Capacity to Maintain Rivers and Streams in Waipi'o"

Project Description: The primary objectives of the project include the following:

- a) Conduct community efforts to implement the Waipi'o Valley Stream Maintenance Plan;
- b) Provide preventative flood control measures and stream bank stabilization of Valley rivers and streams;
- c) Remove accumulated gravel banks and associated vegetative growth, compounded since the 2006 earthquake, which pose a threat to life, property and livelihood; and
- d) Perform ongoing, regular river mouth, river and stream maintenance to prevent accumulations of gravel and vegetative growth in the future.

The funds provided by this contract will be used to purchase heavy equipment and hire professional independent contractors to perform the work of stream bank stabilization and maintenance. The actual work to be performed would be subject to additional permitting and Chapter 343, HRS, review and compliance by the permitting agencies.

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 no significant effect on the environment and that approval of the contract 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 activities that are precedent to a later planned activity, i.e., the maintenance of an existing stream for its continued flood control and drainage functions, the categorical exemption determination here will treat all planned activities as a single action under §11-200-8, HAR.
2. The Exemption Class #1 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 appears to apply. §11-200-8(a)(1), HAR, exempts the class of actions that involve maintenance and bank stabilization of a stream to ensure its continued function for flood control and drainage which do not result in a change of use beyond that previously existing.. This exemption class has been interpreted to include the stream maintenance work such as those being proposed.

The proposed activities here appear to fall squarely under the exemption class identified under §11-200-8(a)(1), HAR, and as described under the following 2015 DLNR exemption list class #1, items:

2. Removal of boulders, rocks, hazardous trees, marine debris, and other similar hazards necessary to maintain state lands and waters in a safe condition;
24. Repair, modify, and clear existing drainageways and waterways to maintain in safe working condition; and
39. Removal of silt, debris, sand and limu from above high water mark, from river and stream mouths, and from boat launching ramps.

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 No Significant Effect on the Environment. Any foreseeable impacts from the proposed activity will be 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 April 22, 2016, 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 no significant effect on the environment and exempt from the preparation of an environmental assessment.

Suzanne D. Case, Chairperson
Board of Land and Natural Resources

Date