

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

April 8, 2016

Board of Land and
Natural Resources
Honolulu, Hawaii

REQUEST FOR APPROVAL TO ENTER INTO A GRANT-IN-AID CONTRACT AGREEMENT (\$95,000 STATE OPERATING BUDGET) BETWEEN THE BOARD OF LAND AND NATURAL RESOURCES (BLNR) AND MALAMA MAUNALUA FOR A PROJECT TITLED “RESTORING AND CONSERVING MAUNALUA BAY THROUGH COMMUNITY KULEANA AND BUILDING THE NEXT GENERATION OF MARINE CONSERVATION PROFESSIONALS”

Submitted for your consideration and approval is a request to enter into contract agreement between the BLNR and Malama Maunalua, a 501(c)(3) nonprofit organization under the laws of the State of Hawaii, to support activities in and uses of Maunalua Bay, Oahu. Funding for the project, \$95,000 in State Operating Funds, was authorized by Act 119, Session Laws of Hawaii 2015.

The primary objectives of the project are to 1) develop and implement a community-based and partner-supported comprehensive Bay-wide marine management plan using an ecosystem approach in managing activities and uses of Maunalua Bay; 2) conduct large-scale marine restoration community events, e.g. invasive algae removals; information and education addressing threats to Maunalua Bay; publicizing and celebrating important national and international honored days, such as International Coastal Cleanup Day, Earth Day, and Invasive Species Awareness Week; and 3) foster the next generation of marine stewards by providing internship and career opportunities.

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 final approval as to form; preliminary approval, with modifications, was received on March 2, 2016 from Deputy Attorney General Colin J. Lau. Furthermore, a memo was submitted to the State Comptroller requesting retroactive contract approval per Comptroller's Memo No. 2009-14. 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:

The contract 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, enter into a grant-in-aid contract with Malama Maunalua to support activities in and uses of Maunalua Bay, Oahu.

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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HONOLULU, HAWAII 96809

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
KAHOOLAWE ISLAND RESERVE COMMISSION
LAND
STATE PARKS

April 8, 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 (\$95,000 State Operating Budget) between the Board of Land and Natural Resources (BLNR) and Malama Maunalua for a Project titled "Restoring and Conserving Maunalua Bay through Community Kuleana and Building the Next Generation of Marine Conservation Professionals"

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: Restoring and Conserving Maunalua Bay through Community Kuleana and Building the Next Generation of Marine Conservation Professionals

Request for Approval to Enter into a Grant-In-Aid Contract Agreement (\$95,000 State Operating Budget) between the Board of Land and Natural Resources (BLNR) and Malama Maunalua for a Project titled "Restoring and Conserving Maunalua Bay through Community Kuleana and Building the Next Generation of Marine Conservation Professionals"

Project Description: The primary objectives of the project are to 1) develop and implement a community-based and partner-supported comprehensive Bay-wide marine management plan using an ecosystem approach in managing activities and uses of Maunalua Bay; 2) conduct large-scale marine restoration community events, e.g. invasive algae removals; information and education addressing threats to Maunalua Bay; publicizing and celebrating important national and international honored days, such as International Coastal Cleanup Day, Earth Day, and Invasive

Species Awareness Week; and 3) foster the next generation of marine stewards by providing internship and career opportunities.

Malama Maunalua currently has a Special Activity Permit (SAP 2016-77) and Declaration of Exemption from Chapter 343, HRS, to conduct activities related to the removal of invasive algae and by-catch of native algae in Maunalua Bay. The SAP requires a final report of activities conducted under the permit within one month of the permit's expiration on 10/08/16.

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 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 research contract involves activities that are precedent to a later planned activity, i.e., the monitoring and collection of data and research, the categorical exemption determination here will treat all planned activities as a single action under §11-200-8, HAR.
2. 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 data collection, research and resource evaluation activities related to Oahu marine resources, such as those being proposed.

The proposed activities here appear to fall squarely under the exemption class identified under §11-200-8(a)(5), HAR, and as described under the 2015 DLNR exemption list class #5, item #2, #13 and #15. 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.

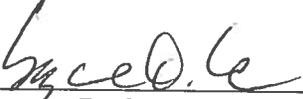
3. Cumulative Impacts of Actions in the Same Place and Impacts with Respect to the Potentially Particularly Sensitive Environment Will Not Be Significant. Even where a categorical exemption appears to include a proposed action, the action cannot be declared exempt if "the cumulative impact of planned 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 8, 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

3/25/16
Date