

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

September 23, 2016

Board of Land and
Natural Resources
Honolulu, Hawaii

SUBJECT: Request for Approval to Enter into a Federally-Funded Contract (\$88,402.42) for Goods and Services between the Department of Health (DOH) and the Department of Land and Natural Resources (DLNR) to support the mission of the State's Polluted Runoff Control Program

Submitted herewith for your consideration is a request to enter into a Contract for Goods and Services between DOH and DLNR to support the mission of the State's Polluted Runoff Control Program by preventing and reducing nonpoint source pollution. The 24-month federally-funded contract, not to exceed \$88,402.42, will provide services in accordance with the Wahikuli-Honolowai Watershed Management Plan and the West Maui Watershed Plan.

The scope of services includes, but is not limited to, conducting education and outreach; coordinating and/or participating in a minimum of 23 outreach events; augmenting existing water quality monitoring efforts by coordinating with community water quality monitoring groups and government agency partners; identifying and documenting water quality trends and concerns, identifying management practices to address the concerns; and sharing monitoring outcomes with all involved partners. In addition all monitoring data and information collected through the project period will be incorporated into a final report for submission to DOH. The results from this research will assist DAR achieve its mission to manage, conserve, and restore the state's unique aquatic resources and ecosystems for present and future generations.

The subject contract was submitted to the State's Department of the Attorney General for legal review.

Chapter 343 - Compliance with Environmental Law:

The Contract for Goods and Services involves the use of state lands (submerged lands zoned in the Conservation District, Resource subzone). 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 Contract with the Department of Health to provide services to support the mission of the State's Polluted Runoff Control Program in accordance with the Wahikuli-Honolowai Watershed Management Plan and the West Maui Watershed Plan.

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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September 23, 2016

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

TO: Division of Aquatic Resources File

THROUGH: Suzanne D. Case, Chairperson *WDC*

FROM: Bruce S. Anderson, Administrator *Bruce Anderson*
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 Federally-Funded Contract (\$88,402.42) for Goods and Services Between the Department of Health (DOH) and the Department of Land and Natural Resources (DLNR) to Support the Mission of the State's Polluted Runoff Control Program

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: "Department of Land and Natural Resources Support of the Department of Health's Polluted Runoff Control Program"

Request for Approval to Enter into a Contract Agreement (\$88,402.42) Between the Board of Land and Natural Resources (BLNR) and the Department of Health (DOH) for a Project Titled "Department of Land and Natural Resources Support of the Department of Health's Polluted Runoff Control Program"

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

- a) Conducting education and outreach;
- b) Coordinating and participating in outreach events;
- c) Augment existing water quality monitoring efforts by coordinating with community water quality monitoring groups and government agency partners;
- d) Identifying and documenting water quality trends and concerns;
- e) Identifying management practices to address the concerns; and
- f) Sharing monitoring outcomes with all involved partners.

Exemption Determination: After reviewing §11-200-8, HAR, including the criteria used to determine significance under §§11-200-4 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 continued operation of the existing and functioning wastewater facility, the categorical exemption determination here will treat all planned activities as a single action under §11-200-8, HAR.
2. The Exemption Class #4, Minor alteration in the conditions of land, water or vegetation, appears to apply. §11-200-8(a)(4), HAR, exempts the class of actions that involve minor alterations to land and water. This exemption class has been interpreted to include the activities related to the continued operation of the wastewater facility, such as those being proposed.

The proposed activities here appear to fall squarely under the exemption class identified under §11-200-8(a)(4), HAR, and as described under the following 2015 DLNR exemption list class #4, items:

17. Management of surface water runoff, including installation of minor drainage ditches and implementation of other stormwater best management practices and low impact development techniques (e.g., bioretention areas, permeable pavers, etc.).
22. Natural resource management actions that the Department declares are designed specifically to monitor, conserve, or enhance the status of native species or native species' habitats, such as removal of introduced vegetation, reintroduction of native species into their historic range, or construction of fencing. This exemption would not apply to biocontrol of invasive species or commercial logging.

Exemption Class #5, Basic data collection, research, experimental management, and resource evaluation activities which do not result in a serious or major disturbance to an environmental resource.

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 following 2015 DLNR exemption list class #5, items:

1. Conduct surveys or collect data on existing environmental conditions (e.g, noise, air quality, water flow, water quality, etc.).
13. Research or experimental management actions that the Department declares are designed specifically to monitor, conserve, or enhance native species or native species' habitat.

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 September 23, 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

9/27/16

Date