

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

March 24, 2017

Board of Land  
and Natural Resources  
Honolulu, Hawaii

**SUBJECT:** Request for Approval to Add Funding (\$505,000 Federal, \$100,000 DLNR Trust Fund, \$20,000 General Fund) and Extend through FY18 the Project Agreement (Contract No. 58627, Amendment No. 8) between the Board of Land and Natural Resources (BLNR) and The Research Corporation of the University of Hawaii (RCUH) for the Division of Aquatic Resources (DAR) Research Project Titled “Statewide Marine Resources Assessment.”

Submitted herewith for your consideration is a request to amend and extend an existing Project Agreement (Contract No. 58627) between the BLNR and RCUH. Amendment No. 8 to the Project Agreement will add \$525,000 and allow continuation of the project from July 1, 2017 through June 30, 2018. This Amendment provides \$505,000 in Federal funds from a U.S. Department of the Interior, Fish and Wildlife Service Sport Fish Restoration grant, \$100,000 DLNR Trust Fund for ecosystem restoration (Pila’a settlement) and \$20,000 LNR 401 General Fund. The General Fund, along with support from DAR in-kind and community-based volunteer services, provides the grant’s match component. The BLNR/RCUH Project Agreement allows DAR to secure assistance from RCUH in order to perform project objectives and meet project goals and objectives in a timely manner.

The purpose of this research project is to conduct marine fish and habitat surveys to determine the impact of fishing pressure and management actions on finfish and their associated habitat. The focus of the research is to assess and monitor the status and trends of fisheries resources statewide. In addition, the information will be used to evaluate the effectiveness of statewide-managed areas, as well as current fisheries regulations.

In FY18, the primary objectives include, but are not limited, to the following: survey the diversity and abundance of marine fish species targeted by recreational fishers in 9 managed areas and 14 unprotected control locations; collect and analyze data to determine changes in fish populations; conducting detailed habitat and environmental monitoring surveys at select coral reef sites on Maui and Kauai in order to measure changes in coral reef habitat health and their effects on finfish populations; survey the diversity and abundance of marine fish species and habitat quality in select areas where lay gillnet restrictions were imposed (effective March 2007), and at suitable control sites; conduct comprehensive surveys of fish and habitat resources to evaluate fish resources and associated habitat trends statewide in relation to the lay gillnet ban in Maui waters; conduct assessments to evaluate the effectiveness of the lay gillnet ban and Kahekili Herbivore FMA on Maui, and the Haena Community-Based Subsistence Fishing Area on the north coast of Kauai; perform habitat recovery monitoring surveys at Pilaa on the north coast of Kauai; and conduct fishing activity surveys to increase knowledge of factors influencing trends in fish populations, fishing effort, and success at specific fishing sites around Oahu.

Approval to amend and extend the Project Agreement is being requested concurrently from the Governor, through the Department of Budget and Finance. Also, Amendment No. 8 to the Project Agreement is being prepared for submission to the Attorney General's Office for preliminary approval as to form. DAR is aware implementation of Amendment No. 8 is dependent upon receipt of all required approvals and the availability of funds, and that funding restrictions may occur at any time.

Chapter 343 - Compliance with Environmental Law:

Contract No. 58627 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 through a Project Agreement (Contract No. 58627, Amendment No. 8) with The Research Corporation of the University of Hawaii for a Division of Aquatic Resources resource project titled "Statewide Marine Resources Assessment."

Respectfully submitted,



BRUCE S. ANDERSON, Ph.D.  
Administrator

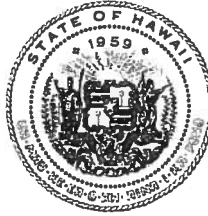
APPROVED FOR SUBMITTAL:



SUZANNE D. CASE  
Chairperson

Attachment

DAVID Y. IGE  
GOVERNOR OF HAWAII



STATE OF HAWAII  
DEPARTMENT OF LAND AND NATURAL RESOURCES

POST OFFICE BOX 621  
HONOLULU, HAWAII 96809

March 24, 2017

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

FROM: Bruce S. Anderson, Ph.D., Administrator  
Division of Aquatic Resources

A handwritten signature in black ink, appearing to read "Bruce S. Anderson".

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 (\$505,000 Federal, \$100,000 DLNR Trust Fund, \$20,000 General Fund) and Extend through FY18 the Project Agreement (Contract No. 58627, Amendment No. 8) between the Board of Land and Natural Resources (BLNR) and The Research Corporation of the University of Hawaii (RCUH) for the Division of Aquatic Resources (DAR) Research Project Titled "Statewide Marine Resources Assessment."

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: Statewide Marine Resources Assessment

Request for Approval to Add Funding (\$505,000 Federal, \$100,000 DLNR Trust Fund, \$20,000 General Fund) and Extend through FY18 the Project Agreement (Contract No. 58627, Amendment No. 8) between the Board of Land and Natural Resources (BLNR) and The Research Corporation of the University of Hawaii (RCUH) for the Division of Aquatic Resources (DAR) Research Project Titled "Statewide Marine Resources Assessment."

Project Description: The purpose of this research project is to conduct marine fish and habitat surveys to determine the impact of fishing pressure and management actions on finfish and their associated habitat. The focus of the research is to assess and monitor the status and trends of fisheries resources statewide. In addition, the information will be used to evaluate the effectiveness of statewide-managed areas, as well as current fisheries regulations.

In FY18, the primary objectives include, but are not limited to the following: survey the diversity and abundance of marine fish species targeted by recreational fishers in 9 managed areas and 14 unprotected control locations; collect and analyze data to determine changes in fish populations; conducting detailed habitat and environmental monitoring surveys at select coral reef sites on Maui and Kauai in order to measure changes in coral reef habitat health and their effects on finfish populations; survey the diversity and abundance of marine fish species and habitat quality in select areas where lay gillnet restrictions were imposed (effective March 2007), and at suitable control sites; conduct comprehensive surveys of fish and habitat resources to evaluate fish resources and associated habitat trends statewide in relation to the lay gillnet ban in Maui waters; conduct assessments to evaluate the effectiveness of the lay gillnet ban and Kahekili Herbivore FMA on Maui, and the Haena Community-Based Subsistence Fishing Area on the north coast of Kauai; perform habitat recovery monitoring surveys at Pilaa on the north coast of Kauai; and conduct fishing activity surveys to increase knowledge of factors influencing trends in fish populations, fishing effort, and success at specific fishing sites around Oahu.

Consulted parties: Fish & Wildlife Service, SFR Program; NOAA, CRED; UH CRAMP

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 Maui, Oahu and Kauai 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, #14 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 March 24, 2017, 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.

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

  
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Date