

STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
Land Division
Honolulu, Hawaii 96813

March 22, 2019

Board of Land and Natural Resources
State of Hawaii
Honolulu, Hawaii

Ref No. 19OD-020

Oahu

Set-Aside to Department of Land and Natural Resources, Division of Aquatic Resources for Fisheries Research Center and Related Purposes; Issuance of Management Right-of-Entry Permit, Kaholaloa, Sand Island, Honolulu, Oahu, Tax Map Key: (1) 1-5-041:003portion.

APPLICANT:

Department of Land and Natural Resources, Division of Aquatic Resources
("DAR")

LEGAL REFERENCE:

Sections 171-11 and -55, Hawaii Revised Statutes ("HRS"), as amended.

LOCATION:

Government lands of Kaholaloa, Sand Island, Honolulu, Oahu, Tax Map Key: (1) 1-5-041:003portion. (**Exhibit 1A and 1B**).

AREA:

3.641 acres, more or less.

ZONING:

State Land Use District: Urban
City and County of Honolulu LUO: I-3 Waterfront Industrial District

TRUST LAND STATUS:

Section 5 (b) lands of the Hawaii Admission Act.
DHHL 30% entitlement lands pursuant to the Hawaii State Constitution: No

CURRENT USE STATUS:

Currently subject area is being used by DAR for Fisheries Research Center and related purpose but staff has not found any prior disposition over the area.

PURPOSES OF SET-ASIDE:

Fisheries Research Center and related purposes.

CHAPTER 343- ENVIRONMENTAL ASSESSMENT:

In accordance with Hawaii Administrative Rule Section 11-200-8 and the Exemption List for the Department of Land and Natural Resources reviewed and concurred by the Environmental Council on June 5, 2015, the subject request is exempt from the preparation of an environmental assessment pursuant to Exemption Class No. 1, that states "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." Item No. 43 that states "transfer of management authority over state-owned land, such as setting aside of state lands to or from other government agencies through a Governor's executive order". See **Exhibit 2**.

REMARKS:

The Anuenue Fisheries Research Center ("AFRC") was dedicated in March of 1973 at its present site on Sand Island. Prior to the new AFRC site there was a facility called the Keehi Fisheries Station and was located in Kapalama near the entrance of Sand Island. The new AFRC site had many improvements over the old area and was capable of rearing mass quantities of Malaysian prawns as seed stock to promote the aquaculture industry at that time, but a disposition to set-aside the subject area to the DAR was never addressed. Staff believes the City and County of Honolulu has erroneously included the subject area into that held by Executive Order 4006 ("EO4006") to Department of Transportation, Harbors Division, TMK: (1) 1-5-041:003, because staff notes the documentation for EO4006 does not include the subject area.

Currently the Anuenue Center is involved with many programs to protect and nurture the ocean waters around the Hawaiian Islands. The Sea Urchin Hatchery project seeks to populate areas with native species of sea urchin that feed on invasive species of algae. The comprehensive program includes raising sea urchins from larva to adult then harvesting and placement in troubled areas of Hawaiian waters where they can do the most good against invasive alien seaweed expansion.

The AFRC also houses the Aquatic Invasive Species Program that is dedicated to prevention and management of alien aquatic species that threaten the ocean ecosystem around the Hawaiian Islands. The program's Aquatic Invasive Species team ("AIS") is dedicated to protecting the native ecosystem through rapid response, control, and monitoring and is currently pushing for management policies to control ballast water discharge and hull fouling, a major vector for the introduction of non-native marine species.

The facilities also contain a coral restoration nursery designed to provide healthy native coral for transplantation onto impacted coral reefs. Other projects include research into restoration of native sea weeds, promotion of marsh plants, and research into shrimp farming. The success of AFRC projects is partially due to the availability of a sea water well that provides clean sea water drawn from 80 feet below the ground surface. The AFRC site serves as DAR's base yard and Field Station on Oahu, housing Fisheries technicians, providing space to store and maintain boats, trucks, SCUBA equipment, nets, and other gear used when conducting surveys and other work related to streams and oceans.

The Division of Aquatic Resources has no objection/comments and concur to the proposed EA exemption.

RECOMMENDATION: That the Board:

1. Declare that, after considering the potential effects of the proposed disposition as provided by Chapter 343, HRS, and Chapter 11-200, HAR, this project will probably have minimal or no significant effect on the environment and is therefore, exempt from the preparation of an environmental assessment.
2. Approve of and recommend to the Governor the issuance of an executive order setting aside the subject State land to the Department of Land and Natural Resources, Division of Aquatic Resources, under the terms and conditions cited above, which are by this reference incorporated herein and subject further to the following:
 - A. The standard terms and conditions of the most current executive order form, as may be amended from time to time;
 - B. Disapproval by the Legislature by two-thirds vote of either the House of Representatives or the Senate or by a majority vote by both in any regular or special session next following the date of the setting aside;
 - C. Review and approval by the Department of the Attorney General; and
 - D. Such other terms and conditions as may be prescribed by the Chairperson to best serve the interests of the State.
3. Authorize the issuance of a management right-of-entry permit to the Department of Land and Natural Resources, Division of Aquatic Resources covering the subject

area under the terms and conditions cited above, which are by this reference incorporated herein and further subject to the following:


- A. The standard terms and conditions of the most current right-of-entry form, as may be amended from time to time;
- B. Such other terms and conditions as may be prescribed by the Chairperson to best serve the interests of the State.

Respectfully Submitted,



Darlene Bryant-Takamatsu
Land Agent

APPROVED FOR SUBMITTAL:



Suzanne D. Case, Chairperson



TMK: (1) 1-5-041:003portion

EXHIBIT 1A



EXEMPTION NOTIFICATION

Regarding the preparation of an environmental assessment pursuant to Chapter 343, HRS and Chapter 11-200, HAR

Project Title:	Set-Aside to Department of Land and Natural Resources, Division of Aquatic Resources for Fisheries Research Center and Related Purposes; Issuance of Management Right-of-Entry Permit, Kaholaloe, Sand Island, Honolulu, Oahu, Tax Map Key: (1) 1-5-041:003portion.
Project / Reference No.:	PSF 19OD-020
Project Location:	Kaholaloe, Sand Island, Honolulu, Oahu, Tax Map Key: (1) 1-5-041:003portion
Project Description:	Set-aside land for Department of Land and Natural Resources, Division of Aquatic Resources.
Chap. 343 Trigger(s):	Use of State Land
Exemption Class No.:	In accordance with Hawaii Administrative Rule Section 11-200-8 and the Exemption List for the Department of Land and Natural Resources reviewed and concurred by the Environmental Council on June 5, 2015, the subject request is exempt from the preparation of an environmental assessment pursuant to Exemption Class No. 1, that states "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." Item No. 43 that states "transfer of management authority over state-owned land, such as setting aside of state lands to or from other government agencies through a Governor's executive order".
Cumulative Impact of Planned Successive Actions in Same Place Significant:	No, being that this request is pertaining to a transfer of controlling and management authority, staff believes that the request would involve negligible expansion or change in use of the subject area beyond previously existing.
Action May Have Significant Impact on Particularly Sensitive Environment:	The requested area is in a heavily used Industrial area. Staff is not aware of any particularly sensitive environmental issues and use of the area would involve negligible change from what is existing.
Consulted Parties	Agencies as noted in the submittal.

EXHIBIT 2

Analysis:

The analysis factors are the proposed transfer of controlling and management authority to Department of Land and Natural Resources, Division of Aquatic Resources and negligible expansion or change in use of the subject area beyond previously existing. Taking these two factors into consideration staff believes there would be no significant impact to sensitive environmental or ecological receptors.

Recommendation:

That the Board finds this project will probably have minimal or no significant effect on the environment and is presumed to be exempt from the preparation of an environmental assessment.