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GOVERNOR OF
HAWAII



STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
DIVISION OF AQUATIC RESOURCES
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BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT

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FIRST DEPUTY

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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

June 10, 2021

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

**REQUEST FOR APPROVAL TO ENTER INTO A FEDERALLY-FUNDED
MEMORANDUM OF AGREEMENT (MOA) (\$104,000.00) 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 Memorandum of Agreement (MOA) 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 \$104,000.00, will provide services in accordance with the Wahikuli-Honokowai 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 12 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 to achieve its mission to manage, conserve, and restore the state's unique aquatic resources and ecosystems for present and future generations.

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

Chapter 343 - Compliance with Environmental Law:

The MOA 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 MOA:

1. That the Board declare that the actions which are anticipated to be undertaken under this MOA 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 MOA 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-Honokowai Watershed Management Plan and the West Maui Watershed Plan.

Respectfully submitted,



Brian Neilson,
Administrator
Division of Aquatic Resources

APPROVED FOR SUBMITTAL:



Suzanne D. Case
Chairperson, BLNR

Attachment

DAVID Y. IGE
GOVERNOR OF HAWAII



STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES

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SUZANNE D. CASE
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June 10, 2021

TO: Division of Aquatic Resources File

THROUGH: Suzanne D. Case, Chairperson

FROM: Brian J. Neilson, 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 11-200.1, HAR, for a Request for Approval to Enter into a Federally-Funded Memorandum of Agreement (MOA) 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 MOA activities are found to be exempted from preparation of an environmental assessment under the authority of Chapter 343, HRS and Chapter 11-200.1, 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 Federally-Funded Memorandum of Agreement (MOA) (\$104,000.00) 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.

Project Description: The Memorandum of Agreement (MOA), as described below, would authorize the Department of Health (DOH) and the Department of Land and Natural Resources (DLNR) to enter into a federally-funded MOA (\$104,000.00) for goods and services for a period of twenty-four (24) months after the effective date to support the mission of the State's Polluted Runoff Control Program. Pursuant to Section(s) 321-7; 342D-4; 342D-59; 342E-3, HRS, the State is authorized to enter into this MOA. Consultation with divisions within DLNR (Land Division, Division of Aquatic Resources - DAR, Division of Forestry and Wildlife - DOFAW, Division of State Parks, etc.) and DOH (Clean Water Branch - CWB, etc.) shall occur to determine if any permits are necessary to authorize the conducting of regulated activities (e.g. activities with regulated organisms, resources, areas or gear).

This MOA shall support the mission of the State's Polluted Runoff Control Program ("PRC") to protect and improve the quality of Hawai'i's water resources by preventing and reducing nonpoint source pollution. In accordance with the "Wahikuli-Honokowai Watershed Management Plan" and the "West Maui Watershed Plan," the MOA will facilitate supporting wages, supplies, and appropriate travel funding for a watershed coordinator for the Wahikuli, Honokowai, Kahana, Honokahua, and Honolulu watersheds, collectively known as the West Maui watershed. The 24-month federally-funded MOA, not to exceed \$104,000.00, will provide services in accordance with the Wahikuli-Honokowai Watershed Management Plan and the West Maui Watershed Plan.

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.

Education and Outreach

- a) Education and outreach to the public will be conducted to raise awareness of the impacts of nonpoint source pollution on coastal water quality, engage West Maui watershed community members in watershed stewardship activities, and increase awareness of the Ridge to Reef ("R2R") and watershed stewardship efforts. Outreach will consist of community events, workshops, press releases, social media campaigns, targeted email announcements, and regular updates to the R2R website.
- b) Coordination and/or participation in a minimum of twelve (12) outreach events will occur. Information will be provided to relevant stakeholders on R2R activities, events, watershed management plan implementation projects, workshops, planning milestones, meetings, and research efforts.

Project Monitoring

- a) Existing water quality monitoring efforts will be augmented by coordinating with community water quality monitoring groups and government agency partners to ensure that sufficient water quality monitoring is conducted throughout the West Maui watershed. Water quality monitoring data, fish abundance, benthic metrics, and indicators of coral health shall be collated and submitted to the PRC. The project will also identify and document water quality trends and concerns, identify management practices designed to address these concerns, and share monitoring outcomes with R2R partners and the PRC.

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-DLNR to achieve its mission to manage, conserve, and restore the state's unique aquatic resources and ecosystems for present and future generations.

This activity is exempt from the preparation of an environmental assessment under the Authority of Chapter 343, HRS and Chapter 11-200.1, HAR. In accordance with the revised Exemption List For The Department Of Land And Natural Resources (Concurred on by the Environmental Council on November 10, 2020), this activity does not require a declaration of exemption or "exemption notice" as this activity falls under "Part 1" of its exemption class. This revision separates exemption lists into categories listed in §11-200.1-16 (a)(1) and (2). Activities categorized as "Part 1" will fall under §11-200.1-16 (a) (1). Activities categorized as "Part 2" will require an exemption notice and fall under §11-200.1-16 (a) (2). Although all parts of the proposed activities fall under "Part 1" of its exemption class and a notice is not required, this exemption notice had been drafted in order to be transparent for BLNR review purposes.

Consulted Parties: Department of Health - Maui District Health Office (Maui) and Department of Public Works – Maui County (Maui)

Exemption Determination: After reviewing §11-200.1-15, HAR, including the criteria used to determine significance under §11-200.1-13, HAR, DLNR has concluded that the activities under this MOA would have minimal or no significant effect on the environment and that issuance of the MOA is categorically exempt from the requirement to prepare an environmental assessment based on the following analysis:

1. All activities associated with this MOA have been evaluated as a single action. Since this MOA involves an activity that is precedent to a later planned activity, i.e., the same methodology used throughout the MOA period, the categorical exemption determination here will treat all planned activities as a single action under §11-200.1-10, HAR.

2. The General Exemption Type #5 for Basic Data Collection, Research and Experimental Management with no Serious or Major Environmental Disturbance Appears to Apply. §11-200.1-16 (a) (1), 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." These exemption types have been interpreted to include education, outreach and water quality monitoring activities, such as those being proposed.

The proposed activities here appear to fall squarely under the general exemption type identified under HAR §11-200.1-16 (a) (1) and as described under the revised 2020 DLNR Exemption List (Concurred on by the Environmental Council on November 10, 2020), under the general exemption type #5 (Part 1), items #1 and #13, which includes, respectively, "conducting surveys or collecting data on existing environmental conditions (e.g.: noise, air

quality, water flow, water quality, etc.)” and “research that the Department declares is designed specifically to monitor, conserve, or enhance native species or native species' habitat”.

The General Exemption Type #8 for Continuing Administrative Activities Appears to Apply. §11-200.1-16 (a) (1), HAR, exempts the class of actions that involve “continuing administrative activities.” These exemption classes have been interpreted to include education, outreach and water quality monitoring activities, such as those being proposed.

The proposed activities here appear to fall squarely under the general exemption type identified under HAR §11-200.1-16 (a) (1) and as described under the revised 2020 DLNR Exemption List (Concurred on by the Environmental Council on November 10, 2020), under the general exemption type #8 (Part 1), item #5, which includes, “training, environmental interpretation, public safety efforts and other educational activities.”

As discussed below, no significant disturbance to any environmental resource is anticipated. Thus, so long as the below considerations are met, the general exemption types 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.” §11-200.1-15 (d), 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. §11-200.1-13, 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 a Minimal or No Significant Effect on the Environment. Any foreseeable impacts from the proposed activity will probably be minimal, and further mitigated by general and specific conditions and requirements outlined in the scope services attached to the MOA, in addition to any general and specific conditions of any permits required by DNLR or DOH. Specifically, all activities covered by this MOA will be carried out with strict safeguards for the natural, historic, and cultural resources, other applicable law and agency policies and standard operating procedures.

BLNR DOH MOA

June 10, 2021

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Conclusion. Upon consideration of the MOA to be approved by the Chairperson, being delegated signatory authority on behalf of the Board of Land and Natural Resources at its meeting of June 10, 2021, the potential effects of the above listed project as provided by Chapter 343, HRS, and Chapter 11-200.1, HAR, have been determined to be of probable minimal or no significant effect on the environment and exempt from the preparation of an environmental assessment.








DOH DLNR MOA F-1 Board Submittal June 10 2021

Final Audit Report

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