

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

May 27, 2022

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

SUBJECT: Request Approval for a Federally Funded Project Agreement between the Department of Land and Natural Resources (DLNR) and the Research Corporation of the University of Hawaii (RCUH) for the Division of Aquatic Resources (DAR) Research Project Entitled "Hawaii Freshwater Public Fishing Area (PFA) Resource Monitoring."

EXECUTIVE SUMMARY

Approval is sought to enter into a new Project Agreement between the DLNR and RCUH. The Project Agreement entitled "Hawaii Freshwater Public Fishing Area (PFA) Resource Monitoring" is scheduled to run from October 1, 2022 through September 30, 2023. The Project Agreement provides \$65,000 in Federal funds from the U.S. Fish and Wildlife Service Sport Fish Restoration Program. The DLNR-RCUH Project Agreement allows DAR to secure assistance from RCUH to meet project goals and objectives in a timely way.

Project Objectives

This project will educate and engage local and visiting communities in pono fishing practices and conduct research to help facilitate management of PFAs in Hawaii. The objectives of this project are:

- 1) Conduct rearing efforts of rainbow trout and largemouth bass on Oahu to provide for stocking efforts at Hawaii PFAs.
- 2) Stock rainbow trout in the Puu Lua Reservoir in Kokee, Kauai and largemouth bass in Lake Wilson in Wahiawa, Oahu.
- 3) Educate local and visiting anglers on pono fishing practices as they engage in seasonal fishing experiences at Hawaii PFAs.
- 4) Conduct fish surveys at Puu Lua Reservoir and Lake Wilson to assess the health and growth of freshwater sportfish populations during rearing and stocking activities.
- 5) Engage with Wahiawa Middle School Bass Hatchery to train citizen scientists to collect data and make observations at both PFAs to assess fish health and water quality.

Duration

The Project Agreement is scheduled to run from October 1, 2022 through September 30, 2023.

Funding Source

Federal funds from the U.S. Fish and Wildlife Service, Sport Fish Restoration Program will support this Project Agreement in the total amount of \$65,000.

HRS Chapter 343 - Compliance with Environmental Law

The Project Agreement will involve 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 to be conducted under the funding and project will have little or no significant effect on the environment and are exempt from the preparation of an environmental assessment. See the Division's proposed Determination of Exemption from the preparation of an environmental assessment (attached).

REMARKS

There is a need for DAR to educate local and visiting anglers on pono fishing practices while providing engaging freshwater fishing experiences at State Public Fishing Areas (PFAs). Importantly, research and monitoring on freshwater sport-fish populations and the utilization of these fish resources is needed as well as training future generations to continue this effort. The education and research efforts we plan to conduct will facilitate management of these fishery areas for its continued use in preserving freshwater fishing experiences, training future scientists, and providing the means of subsistence to the communities we serve.

Approval to enter into this new Project Agreement is being requested concurrently from the Governor, through the Department of Budget and Finance. Also, the Project Agreement is being prepared for submission to the Attorney General's Office for preliminary approval as to form and content. DAR is aware implementation of this Project Agreement is dependent upon receipt of all required approvals as well as the availability of funds and that funding restrictions may occur at any time.

RECOMMENDATIONS

Based on the above discussion, the Division of Aquatic Resources requests:

1. That the Board, based on the attached proposed declaration of exemption prepared after consultation with and on advice of those having similar expertise in exemption determinations for the proposed actions under the Project Agreement, declare that the actions which are anticipated to be undertaken under this Project Agreement will have little or no significant effect on the environment and are therefore exempt from the preparation of an environmental assessment.
2. That the Board authorize the Chairperson to approve and execute the Division of Aquatic Resources' Project Agreement entitled "Hawaii Freshwater PFA Resource Monitoring," with the Research Corporation of the University of Hawaii, subject to approval as to form and content by the Department of the Attorney General.

May 27,

Respectfully submitted,



BRIAN J. NEILSON
Administrator

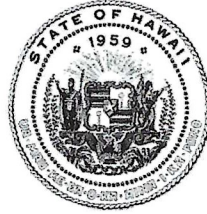
APPROVED FOR SUBMITTAL:



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

ROBERT K. MASUDA
FIRST DEPUTY

M. KALEO MANUEL
ACTING 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

May 27, 2022

TO: Division of Aquatic Resources File

THROUGH: Suzanne D. Case, Chairperson

FROM: Brian J. Neilson, Administrator *BN*
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 of a Federally Funded Project Agreement between the Department of Land and Natural Resources (DLNR) and the Research Corporation of the University of Hawaii (RCUH) for the Division of Aquatic Resources (DAR) Research Project Entitled "Hawaii Freshwater Public Fishing Area (PFA) Resource Monitoring."

The following Project Agreement activities are found to be exempted from preparation of an environmental assessment under the authority of Chapter 343, Hawaii Revised Statutes (HRS) and Chapter 11-200.1, Hawaii Administrative Rules (HAR):

Project Title: Hawaii Freshwater Public Fishing Area (PFA) Resource Monitoring

Project Description:

There is a need for DAR to educate local and visiting anglers on pono fishing practices while providing safe and engaging freshwater fishing experiences at State Public Fishing Areas (PFAs). Importantly, research and monitoring on freshwater sport-fish populations and the utilization of these fish resources is needed as well as training future generations to continue this effort. The education and research efforts we plan to conduct will facilitate management of these fishery areas for its continued use in preserving freshwater fishing experiences, training future scientists, and providing the means of subsistence to the communities we serve.

Key project objectives during the grant period include the following:

- 1) Conduct rearing efforts of rainbow trout and largemouth bass on Oahu to provide for stocking efforts at Hawaii PFAs.

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- 2) Stock rainbow trout in the Puu Lua Reservoir in Kokee, Kauai and largemouth bass in Lake Wilson in Wahiawa, Oahu.
- 3) Educate local and visiting anglers on pono fishing practices as they engage in seasonal fishing experiences at Hawaii PFAs.
- 4) Conduct fish surveys at Puu Lua Reservoir and Lake Wilson to assess the health and growth of freshwater sportfish populations during rearing and stocking activities.
- 5) Engage with Wahiawa Middle School Bass Hatchery to train citizen scientists to collect data and make observations at both PFAs to assess fish health and water quality.

The project technicians implement the following measures during fish rearing, stocking, sampling, and vegetation control efforts to minimize cumulative impact:

Fish Rearing & Stocking

Puu Lua Reservoir is stocked with rainbow trout (*Oncorhynchus mykiss*). Rainbow trout fingerlings ranging 2"-3" are placed in 12' x 12' x 22' suspended soft small mesh nylon net pens. The soft small mesh nylon nets are used to prevent abrasion on the fish and keep the fish from getting caught in the mesh. A Fishery Technician monitors the fishes 3-5 times a week (more as needed), to ensure proper food dispersion and for signs of stress. These fish are grown in the net pens until they reach 5"-6" or before crowding occurs and are released into the reservoir to avoid stress. Visual checks are regularly made, and physical fish handling is limited while in the pens. If handling is needed to move fish from pen to pen or release into the reservoir, a small soft mesh nylon net is used to catch and move the fish. A typical transfer would take up to 10 seconds. The regular monitoring of food dispensing ensures proper fish growth and prevents over feeding.

Lake Wilson has no net pen rearing system. Any largemouth bass produced by the Wahiawa Middle School Bass Hatchery, is released directly into the reservoir. The largemouth bass are carefully transported from the hatchery to the reservoir in properly aerated fish transport tanks at low densities to reduce stress on the fish. The fish are then handled using a soft mesh nylon net to move the fish from the tank to the reservoir. A typical transfer would take up to 10 seconds. The fish may be placed in a bucket of water, when the fish is moved from tank to tank when distances are further than 10 seconds apart. These measures greatly reduce the impact on the fish to ensure optimal survival rates.

Fish Sampling

Fish in net pens are sampled with a soft small mesh nylon net. Typically, each fish will be handled for 10 seconds to measure length and weight, and immediately returned to the net pens. Fish swimming in the reservoir are sampled using a single barbless hook and line. The fish are landed quickly to minimize stress and are held in the water using a soft small mesh nylon net until measuring is conducted. Typically, the fish will be handled for 10

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seconds to measure length and weight, and immediately returned to the water. Technicians will manage one fish at a time to minimize stress on the fish.

Vegetation Control

The Puu Lua Reservoir and Lake Wilson surrounding vegetation control is limited to access trails leading to the water and areas along the water's edge. The vegetation consists of non-native variety. Grass trimmers are used to shorten the height of the grass to allow fishers easy passage. This method minimizes any impact to the area, as regrowth will occur, and plants are not removed. At Puu Lua Reservoir, grass trimming is performed once a year as needed for the annual fishing open period. Lake Wilson vegetation control is done as needed, typically once a year at most. All measures are taken to ensure no fuel is released into the surrounding areas by using absorbing pads to catch any drips during refueling of equipment. All synthetic cutting cords and absorbing pads are removed and properly disposed under State and County guidelines. This method is used to ensure minimal, or no impact is occurring in the area.

Consulted parties: U.S. Fish & Wildlife Service, Sport Fish Restoration Program

Exemption Determination: After reviewing §11-200.1-15, HAR, and DLNR's departmental exemption list approved on November 10, 2020, including the criteria used to determine significance under §§11-200.1-13, HAR, DLNR has concluded that the activities under this Project Agreement would have minimal or no significant effect on the environment and that approval of the Project Agreement is categorically exempt from the requirement to prepare an environmental assessment based on the following analysis:

1. All activities associated with this Project Agreement have been evaluated as a single action. Since this Project Agreement 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 § 11-200.1-10, HAR.
2. The General Exemption Type #3 for Construction/Modification of Facilities or Structures Appears to Apply. § 11-200.1-15(c)(3), HAR, exempts the class of actions that involve "construction and location of single new, small facilities or structures and the alteration and modification of the facilities or structures and installation of new, small equipment and facilities and the modification of the equipment or facilities...." This exemption class has been interpreted to include the construction and placement of signage, aerators, rearing pens, and automatic feeding devices, such as those being proposed for the Hawaii Freshwater Public Fishing Area Resource Monitoring Project.

The proposed activities here appear to fall squarely under the exemption class identified under § 11-200.1-15(c)(3), HAR, and as described under the revised 2020 DLNR Exemption List (Concurred on by the Environmental Council on November 10, 2020) under class #3 (Part 1), items #10, #11 and #12, and class #3 (Part 2), items #6,

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#10, and #13, respectively, which includes “Construction, placement or installation of signage, pavement markings, buoys, or other similar structures; Placement of aerators for increasing the dissolved oxygen content for fish populations in reservoirs, nurseries, ponds; Installation and operation of automatic feeding devices in reservoirs, ponds or other impoundments; Installation of automatic fish feeding devices in reservoirs, ponds, or other impoundments and fish aggregating devices within pre-approved sites; Installation of rearing pens for cage culture of fishes and aquatic organisms; and rearing pens for cage culture of various freshwater, estuarine, and marine fishes, invertebrates, and other aquatic organisms.”¹

3. The General Exemption Type #4 for Minor Alterations in the Conditions of Land, Water, or Vegetation Appears to Apply. § 11-200.1-15(c)(4), HAR, exempts the class of actions that involve “minor alterations in the conditions of land, water, or vegetation.” This exemption class has been interpreted to include minor vegetation clearing and management, such as those being proposed for the Hawaii Freshwater Public Fishing Area Resource Monitoring Project.

The proposed activities here appear to fall squarely under the exemption class identified under § 11-200.1-15(c)(4), HAR, and as described under the revised 2020 DLNR exemption list (Concurred on by the Environmental Council on November 10, 2020) under class #4 (Part 1), item #2 which includes “Minor vegetation clearing and management, including mowing, pruning, trimming, and application of federal and state approved herbicides in conformance with label instructions.”²

4. The General Exemption Type #5 for Basic Data Collection and Scientific Research with no Serious or Major Environmental Disturbance Appears to Apply. § 11-200.1-15(c)(5), HAR, exempts the class of actions that involve “basic data collection, research, experimental management, and resource and infrastructure testing and evaluation activities that 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, such as those being proposed for the Hawaii Freshwater Public Fishing Area Resource Monitoring Project.

The proposed activities here appear to fall squarely under the exemption class identified under § 11-200.1-15(c)(5), HAR, and as described under the revised 2020

¹ Exemption list for DLNR, approved on November 10, 2020. See Office of Environmental Quality Control (OEQC) website: http://oeqc2.doh.hawaii.gov/Agency_Exemption_Lists/State-Department-of-Land-and-Natural-Resources-Exemption-List-2020-11-10.pdf

² Exemption list for DLNR, approved on November 10, 2020. See Office of Environmental Quality Control (OEQC) website: http://oeqc2.doh.hawaii.gov/Agency_Exemption_Lists/State-Department-of-Land-and-Natural-Resources-Exemption-List-2020-11-10.pdf

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DLNR exemption list (Concurred on by the Environmental Council on November 10, 2020) under class #5 (Part 1), items #1 and #2, which includes “Conduct(ing) surveys or collect(ing) data on existing environmental conditions (e.g., noise, air quality, water flow, water quality, etc.)” and “non-destructive data collection and inventory, including field, aerial and satellite surveying and mapping.”³

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.

5. 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 assessment and data gathering activity, and numerous safeguards further ensure that the potentially sensitive environment of the project area will not be significantly affected. All assessment and data integrative 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.

6. 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 Project Agreement. Specifically, all research activities covered by this Project Agreement will be carried out with strict safeguards for the natural, historic, and cultural resources, other applicable law and agency policies and standard operating procedures.

³ Exemption list for DLNR, approved on November 10, 2020. See Office of Environmental Quality Control (OEQC) website: http://oeqc2.doh.hawaii.gov/Agency_Exemption_Lists/State-Department-of-Land-and-Natural-Resources-Exemption-List-2020-11-10.pdf

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Conclusion. Upon consideration of the Project Agreement to be approved by the Board of Land and Natural Resources, 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.









DAR - BLNR Submittal

Final Audit Report

2022-05-12

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By:	Naomi Ahu (naomi.k.ahu@hawaii.gov)
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