

STATE OF HAWAII  
DEPARTMENT OF LAND AND NATURAL RESOURCES  
Division of Forestry and Wildlife  
Honolulu, Hawaii 96813

October 27, 2023

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

Board Members:

SUBJECT:

REQUEST DELEGATION OF AUTHORITY TO THE  
CHAIRPERSON TO ACCEPT TRANSFER OF FUNDS FROM THE  
DEPARTMENT OF THE INTERIOR, NATURAL RESOURCE  
DAMAGE ASSESSMENT AND RESTORATION FUND TO THE  
DIVISION OF FORESTRY AND WILDLIFE, FOR THE POUHALA  
MARSH RESTORATION AND ENHANCEMENT PROJECT,  
WAIPAHU, OAHU, TAX MAP KEYS:  
(1) 9-3-001:002, (1) 9-3-001:004, (1) 9-3-001:006, (1) 9-3-001:012  
(portions)

AND

REQUEST DELEGATION OF AUTHORITY TO THE  
CHAIRPERSON TO PROCURE, AWARD, AND ENTER INTO  
PROFESSIONAL SERVICE CONSULTANT AND  
CONSTRUCTION CONTRACTS FOR IMPLEMENTATION OF  
THE POUHALA MARSH RESTORATION AND ENHANCEMENT  
PROJECT, PHASE I AND II.

BACKGROUND

The Pouhala Marsh Wetland Restoration and Enhancement Project was developed to restore natural resources and ecosystem services injured by the May 14, 1996, Chevron Pipeline oil spill into Waiau Stream and Pearl Harbor in Oahu, Hawaii.

The natural resource trustees (Trustees) for the Chevron Pipeline Oil Spill are the U.S. Department of the Interior (DOI), represented by the U.S. Fish and Wildlife Service (USFWS); the U.S. Department of Commerce, represented by the National Oceanic and Atmospheric Administration (NOAA); and the State of Hawaii, represented by the Department of Health (DOH) and the Department of Land and Natural Resources

(DLNR). A balance exists in the fund established to mitigate for the spill. The Trustees have the authority to distribute the funds and have unanimously agreed to transfer the remaining funds to the DLNR for this project.

The primary goal of the Pouhala Marsh Wetland Restoration and Enhancement Project is to provide habitat for native waterbird nesting, foraging, and loafing, while restoring wetland habitat, watershed function and native plant communities. A secondary goal is to continue to foster community involvement in stewardship of the area, and to provide educational opportunities to community groups, schools, and the public.

The Pouhala Marsh Wetland Restoration and Enhancement Project will be accomplished in two phases over five years. Phase I will be the construction of an eight-acre wetland restoration pond. Phase II will be the expansion of available waterbird habitat and wetland ecosystems through standard operations and maintenance activities. Phases I and II will complement the work being done within current habitat areas - expansion, restoration, enhancement, and creation of wetland habitats and ecosystems.

The project provides major benefits to the endangered waterbird species in the Pearl Harbor basin. Restoration and enhancement of wetland habitat in a manner that promotes nesting and rearing activities is a key initiative in species recovery. The project will also benefit local area students, community stewards and the public – recovery actions focused on species protection allows for higher levels of access to sites. An Environmental Assessment for the project was completed and accepted by the BLNR in 2018 (Exhibit A).

#### DISCUSSION:

To complete the planning, design, and construction of the Project, the Division of Forestry and Wildlife is seeking approval to accept the mitigation funds, held in the DOI's Natural Resources Damage Restoration and Assessment Fund. The Trustees have agreed that the Pouhala Marsh Project will satisfy the intent of the fund. Upon receipt of funds, the Division of Forestry and Wildlife, will complete all the necessary State and County compliance and permitting requirement for the project, which will require professional planning and design services that Division of Forestry and Wildlife would procure via contract.

All procurement actions will be made in accordance with the State Procurement Code, Hawaii Revised Statutes (HRS) Chapter 103D.

We request that the Board delegate authority to the Chairperson to negotiate, approve, and enter contracts for professional planning, design, and construction services. We also request the Board to authorize the Chairperson to sign supplemental agreements for professional services and construction and to enter and execute any other documents or agreements, including but not limited to permit applications, related to the

implementation of the project, if necessary and appropriate.

CHAPTER 343 – ENVIRONMENTAL ASSESSMENT:

An Environmental Assessment (EA) was completed by the Division of Forestry and Wildlife for the project in 2018. Pursuant to the State of Hawaii Board of Land and Natural Resources approval for the delegation of authority to the Chairperson dated July 13, 2018<sup>1</sup> (Item C-1), approval of the Final Environmental Assessment and Issuance of a Finding of No Significant impact, was approved by the Chairperson and submitted to the Office of Environmental Quality Control on December 21, 2018<sup>2</sup>.

RECOMMENDATIONS:

That the Board:

- 1) Delegate the Chairperson authority to accept transfer of funds from DOI-NRDA to DLNR to implement the Pouhala Marsh Restoration and Enhancement Project, including negotiating and signing an agreement for the funding; and
- 2) Delegate the Chairperson authority to procure, award, and enter contracts for the planning, design, and construction of the Project, and to negotiate and sign any supplemental contracts or other agreements necessary for the Project.

Respectfully submitted,



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DAVID G. SMITH, Administrator  
Division of Forestry and Wildlife

APPROVED FOR SUBMITTAL:



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DAWN N. S. CHANG, Chairperson  
Board of Land and Natural Resources

Attachments:

Exhibit A, 2018 Pouhala Marsh Restoration FEA and FONSI Transmittal Page

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<sup>1</sup> <https://dlnr.hawaii.gov/meetings/blnr-meetings-2018/land-board-submittals-071318/>

<sup>2</sup> [https://files.hawaii.gov/dbedt/erp/EA\\_EIS\\_Library/2019-01-23-OA-FEA-Pouhala-Marsh-Restoration-Phase-1.pdf](https://files.hawaii.gov/dbedt/erp/EA_EIS_Library/2019-01-23-OA-FEA-Pouhala-Marsh-Restoration-Phase-1.pdf)

# EXHIBIT A

DAVID Y. IGE  
GOVERNOR OF  
HAWAII



FILE COPY

JAN 23 2019

SUZANNE D. CASE  
CHAIRPERSON  
BOARD OF LAND AND NATURAL RESOURCES  
COMMISSION ON WATER RESOURCE MANAGEMENT

ROBERT K. MASUDA  
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  
KAIHOLAWE ISLAND RESERVE COMMISSION  
LAND  
STATE PARKS

## STATE OF HAWAII DEPARTMENT OF LAND AND NATURAL RESOURCES

POST OFFICE BOX 621  
HONOLULU, HAWAII 96809

DEC 21 2018

### MEMORANDUM:

TO: Scott Glenn, Director  
Office of Environmental Quality Control

FROM: *ms* Suzanne D. Case, Chairperson *hlo*  
Board of Land and Natural Resources

SUBJECT: Final Environmental Assessment and Issuance of a Finding of No Significant Impact  
Pouhala Marsh Restoration Project, Phase I, Waipahu, Oahu

With this letter, the State of Hawaii, Department of Land and Natural Resources, hereby transmits the Final Environmental Assessment and Finding of No Significant Impact (FEA-FONSI) for the Pouhala Marsh Restoration Project situated on Tax Map Keys (TMK) 9-3-01:2, 9-3-01:4, 9-3-01:6, 9-3-01:12 (portions), in the Ewa District on the island of Oahu, for publication in the next available edition of *The Environmental Notice*.

The Division of Forestry and Wildlife has included copies of comments and responses that it received during the 30-day public comment period on the Draft Environmental Assessment and Anticipated Finding of No Significant Impact (DEA-AFONSI).

Enclosed is a completed Office of Environmental Quality Control Publication Form, one hardcopy of the FEA-FONSI, an Adobe Acrobat PDF file of the same, and an electronic copy of the Publication Form in Microsoft Word. Simultaneous with this letter, we have submitted the summary of the action in a text file by electronic mail to your office.

If there are any questions, please contact Jason Misaki, Wildlife Manager, at (808) 973-9786.

Sincerely,

SUZANNE D. CASE  
Chairperson

OFFICE OF ENVIRONMENTAL  
QUALITY CONTROL

18 DEC 28 P 2:26

RECEIVED

Enclosures: OEQC Publication Form  
One hardcopy of the FEA  
CD with electronic copy of the FEA

19-213

## AGENCY PUBLICATION FORM

Project Name:	Pouhala Marsh Restoration Project, Phase I
Project Short Name:	Pouhala Marsh Restoration Project
HRS §343-5 Trigger(s):	Use of state lands and state funds; Use of conservation district lands
Island(s):	O'ahu
Judicial District(s):	Ewa District
TMK(s):	9-3-01:2, 9-3-01:4, 9-3-01:6, 9-3-01:12 (portions)
Permit(s)/Approval(s):	ESA, Section 7 Consultation; Section 106 Consultation; Section 404, Department of the Army Permit; CWA, Section 401; Chapter 6E, HRS, Historic Preservation Review; Conservation District Use Application; Coastal Zone Management Act Consistency Determination; NPDES Permit; Special Management Area Permit; Community Noise Permit; Construction Permits
Proposing/Determining Agency:	Department of Land and Natural Resources, Division of Forestry and Wildlife
<i>Contact Name, Email, Telephone, Address</i>	Jason Misaki, Wildlife Manager, jason.c.misaki@hawaii.gov, (808) 973-9786 DLNR-Division of Forestry and Wildlife, Oahu Branch 2135 Makiki Heights Dr., Honolulu, HI 96822
Accepting Authority:	(for EIS submittals only)
<i>Contact Name, Email, Telephone, Address</i>	
Consultant:	Bow Engineering & Development, Inc.
<i>Contact Name, Email, Telephone, Address</i>	William F. Bow, M.S., WBow@bowengineering.com, 808-941-8853 x117 1953 S. Beretania Street, PH-A Honolulu, HI 96826

**Status (select one)** DEA-AFNSI**Submittal Requirements**

Submit 1) the proposing agency notice of determination/transmittal letter on agency letterhead, 2) this completed OEQC publication form as a Word file, 3) a hard copy of the DEA, and 4) a searchable PDF of the DEA; a 30-day comment period follows from the date of publication in the Notice.

 FEA-FONSI

Submit 1) the proposing agency notice of determination/transmittal letter on agency letterhead, 2) this completed OEQC publication form as a Word file, 3) a hard copy of the FEA, and 4) a searchable PDF of the FEA; no comment period follows from publication in the Notice.

 FEA-EISPN

Submit 1) the proposing agency notice of determination/transmittal letter on agency letterhead, 2) this completed OEQC publication form as a Word file, 3) a hard copy of the FEA, and 4) a searchable PDF of the FEA; a 30-day comment period follows from the date of publication in the Notice.

 Act 172-12 EISPN  
("Direct to EIS")

Submit 1) the proposing agency notice of determination letter on agency letterhead and 2) this completed OEQC publication form as a Word file; no EA is required and a 30-day comment period follows from the date of publication in the Notice.

 DEIS

Submit 1) a transmittal letter to the OEQC and to the accepting authority, 2) this completed OEQC publication form as a Word file, 3) a hard copy of the DEIS, 4) a searchable PDF of the DEIS, and 5) a searchable PDF of the distribution list; a 45-day comment period follows from the date of publication in the Notice.

 FEIS

Submit 1) a transmittal letter to the OEQC and to the accepting authority, 2) this completed OEQC publication form as a Word file, 3) a hard copy of the FEIS, 4) a searchable PDF of the FEIS, and 5) a searchable PDF of the distribution list; no comment period follows from publication in the Notice.

 FEIS Acceptance  
Determination

The accepting authority simultaneously transmits to both the OEQC and the proposing agency a letter of its determination of acceptance or nonacceptance (pursuant to Section 11-200-23, HAR) of the FEIS; no comment period ensues upon publication in the Notice.

 FEIS Statutory  
Acceptance

Timely statutory acceptance of the FEIS under Section 343-5(c), HRS, is not applicable to agency actions.

Supplemental EIS Determination      The accepting authority simultaneously transmits its notice to both the proposing agency and the OEQC that it has reviewed (pursuant to Section 11-200-27, HAR) the previously accepted FEIS and determines that a supplemental EIS is or is not required; no EA is required and no comment period ensues upon publication in the Notice.

Withdrawal      Identify the specific document(s) to withdraw and explain in the project summary section.

Other      Contact the OEQC if your action is not one of the above items.

**Project Summary**

Pouhala Marsh is a 70-acre coastal marsh located in Waipahu on the southwestern region of the Island of O’ahu. The U.S. Fish and Wildlife Service identified Pouhala Marsh as a protected, core wetland area with permanent habitat that supports a substantial number of waterbirds. The marsh is owned by the State of Hawai’i and the City and County of Honolulu. The State of Hawai’i, Department of Land and Natural Resources, Division of Forestry and Wildlife manages the area as a wildlife sanctuary through a land lease agreement with the City. Over the past several decades, the marsh has been degraded through siltation, waste disposal, water pollution, and alien plant invasions. The State DLNR, DOFAW proposes the creation of a wetland pond within a ±8.8-acre area in Pouhala Marsh. Wetland restoration would provide a naturally functioning ecosystem with suitable habitat for four endangered Hawaiian waterbirds, including the Hawaiian Moorhen, Hawaiian Stilt, Hawaiian Duck, and Hawaiian Coot. Restoration of the site would allow for environmental education programs and opportunities, such as vegetation identification, avian surveys, and water quality studies.