

State of Hawai'i
DEPARTMENT OF LAND AND NATURAL RESOURCES
Division of Aquatic Resources
Honolulu, Hawai'i 96813

April 12, 2024

Board of Land and Natural Resources
State of Hawai'i
Honolulu, Hawai'i

Request Approval for a FY24 State-Funded Project Agreement Between the Department of Land and Natural Resources and the University of Hawai'i for Technical and Professional Services in Support of the Division of Aquatic Resources' Management Goals

Submitted for your consideration and approval is a request to enter into a project agreement (PA or Agreement) between the Department of Land and Natural Resources (DLNR or Department) and the University of Hawai'i (UH). The PA is entitled "Technical and Professional Services" and is scheduled to run from June 30, 2024 through April 15, 2029. The PA provides \$3,011,878.00 in State General funds and allows the Division of Aquatic Resources (DAR), through DLNR, to secure assistance from UH on the 16 project objectives listed below to facilitate timely completion of DAR's marine resources management projects over the next five (5) years.

PROJECT OBJECTIVES

1. **Provide Husbandry Support to the Rare Hawaiian Coral "Ark"** through:
 - Conducting aquaculture procedures involved with the maintenance of coral animals and colonies, maintenance of living cultures, and settlement of corals up to colony stages in a manner that ensures the maintenance, growth, and reproductive viability of the contained marine life.

2. **Provide Support for New Coral Restoration Techniques and Technologies** through:
 - Developing and refining protocols, including updating standard operating procedures and/or training materials, for and relating to coral husbandry techniques and/or new technologies required to carry out coral husbandry techniques; and
 - Providing expert technical advice on coral restoration and sharing results of work with partners.

3. **Provide Evaluation Support to the Aloha i ke Kai Ocean Stewardship Program** through:

- Developing procedures, flowcharts, and other tools to track and display metrics in a transparent manner;
 - Suggest options for processes with the end state to align funding with requirements.
4. **Provide Support for Ongoing Coral Reef Hazard Mitigation Research** including:
- Researching and evaluating relevant scientific literature related to coral reefs and their role in hazard mitigation, especially in Hawai'i;
 - Identifying knowledge gaps; and
 - Making recommendations on mechanisms to mitigate coral reef hazard risk.
5. **Evaluate and Recommend New Strategies and Methodologies for Mitigating Planned and Unplanned Coral Loss, Restoring Reefs, and Other Benthic Habitats** by:
- Conducting field monitoring using relevant scientific methodologies; and
 - Analyzing literature, field data, and digital imagery.
6. **Provide Support for Aquatic Fieldwork in Furtherance of DAR's Management Goals** including but not limited to:
- Collecting data on fish, benthic habitats, and invertebrates;
 - Performing data collection surveys in various aquatic environments; and
 - Conducting water quality surveys and sample collections to identify physical, chemical, and biological characteristics.
7. **Provide Support for the Barbless Circle Hook Project** by:
- Establishing, organizing, attending, and/or providing other support as needed for fishing tournaments to promote the use of barbless circle hooks and protected species conservation and recovery;
 - Planning, conducting, and/or providing other support as needed for outreach to the recreational and commercial fisher communities; and
 - Developing material for social media posts.
8. **Provide Support for Identifying Opportunities to Partner with Communities in the Management of Nearshore Marine Resources** including but not limited to:
- Incorporating community-based approaches to management to ensure local knowledge guides marine resource management planning at every step in the management process (i.e. consultation, plan development, monitoring, evaluation, etc.);

- Conducting research for, developing, and distributing technical reports, biological assessments, evaluations of management tool effectiveness, and similar documents necessary to encourage transparency, build trust with community-partners, and allow informed management decision-making; and
 - Evaluating Hawai'i's nearshore management efforts and its components, such as marine managed areas, fisheries regulations, enforcement, outreach and monitoring.
9. **Provide Support for Native Hawaiian Cultural, Historical, and Linguistic Research and Resource Development** including but not limited to:
- Identifying and fulfilling Hawaiian language, culture, and history needs for the various projects within each program including the compilation of place-based cultural background information, review of documents for accuracy of Hawaiian language, culture, history references, etc.;
 - Creating new, culturally relevant material in English and/or Hawaiian;
 - Developing linguistically accurate outreach and other relevant material in English and/or Hawaiian;
 - Developing in-reach materials and activities relating to Native Hawaiian culture, history, and/or language; and
 - Conducting professional development training for DAR staff and contractors to increase relevant baseline knowledge of Hawaiian culture, history, and/or language.
10. **Lead Ongoing Restoration Research Activities in Lower He'eia Stream/Kāne'ōhe Bay**
- Project activities within the He'eia watershed will contribute to a larger partner effort aimed at implementing indigenous resource management that restores and maintains ecosystem processes. Project activities to be conducted through this PA include:
- Coordinating removal of invasive species and organic matter from priority areas;
 - Implementing sediment and nutrient reduction through maintenance of cleared areas and planting of native vegetation within a wetland with open ponds;
 - Sharing lessons learned regarding indigenous restoration techniques with partners.
11. **Provide Support for Priority Watershed Restoration Projects Statewide** by:
- Initiating permitting and environmental compliance for priority watershed restoration projects;

- Identifying and inventorying applicable environmental permits required for the various restoration tasks for each priority watershed statewide;
 - Drafting environmental compliance applications;
 - Creating a timeline for each permit application;
 - Creating and/or updating SOP(s) for the various applicable permitting processes;
 - Coordinating mandatory trainings and certifications for the watershed restoration team; and
 - Evaluating and implementing applicable safety operations.
12. **Provide Communications and Social Media Support** by:
- Developing guidelines, strategies, protocols, and SOPs;
 - Generating, editing, publishing, and sharing daily content on the various social media platforms;
 - Monitoring DAR's social media account for questions about programs, comments on content, and misinformation/spam, and working with appropriate DAR staff to draft informed responses;
 - Providing trainings on content development, posting, audience engagement, and analytics;
 - Capturing and analyzing appropriate social media data/metrics, insights, and best practices;
 - Developing social media moderation policies and procedures;
 - Updating metrics tools and reports for outreach, social media, and communication purposes; and
 - Consolidating and maintaining outreach and communication materials.
13. **Provide Geographical Information Systems (GIS) Support for DAR Projects and Initiatives** by:
- Conducting spatial analyses through time and generating story maps using ArcGIS Online and other relevant mobile applications;
 - Identifying, describing, modeling, and mapping various enforcement topics;
 - Providing guidance on geospatial issues, tools, and outputs;
 - Writing technical reports that include evaluation, analysis, and recommendations;
 - Integrating spatial data and management priorities; and
 - Maintaining a library of resources and reference materials.
14. **Facilitate Funding Opportunities and Provide Support to DAR and Partners to Develop Project Proposals** by:

- Creating a database of funding opportunities with relevant information including pertinent dates and deadlines, budgets, priorities, etc.;
- Coordinating and facilitating meetings to develop project proposals;
- Supporting and documenting state procurement processes for sub-awarding of funds to partners; and
- Drafting proposal documents.

15. **Provide Support to Streamline, Standardize, and, Where Possible/Feasible, Automate Administrative Processes** by:

- Taking inventory of current grants, contracts, and other organizational processes and identifying gaps and needs;
- Developing and implementing an evaluation framework to improve the design and structure of workflows, data entry portals, analytical queries, and informational databases;
- Creating report and budget tracking system(s); and
- Designing accessible and intuitive online interfaces to maximize productivity.

16. **Track Relevant Data and Metrics for DAR's Management Goals** by:

- Developing an annual plan of actions and milestones (i.e. a workplan); and
- Drafting regular progress reports and a final report including all deliverables produced under this PA.

DURATION

This PA, entitled "Technical and Professional Services," is scheduled to run from June 30, 2024 through April 15, 2029.

FUNDING SOURCE

State funds in the total amount of \$3,011,878.00 from the General Fund.

EXEMPTION FROM ENVIRONMENTAL REVIEW REQUIREMENTS

This PA involves the use of state lands (submerged lands zoned in the Conservation District, Resource subzone) and the use of state funds. The Department has determined that the actions undertaken by this 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.

REMARKS

There is a need for DAR to fill capacity gaps for technical and professional services focused on aquatic restoration and monitoring. This project will provide technical and professional support staff to DAR, including trained aquatic biologists, technicians, specialists and other specialized staff who have the expertise to conduct the objectives outlined above.

The Project Agreement is being prepared for submission to the Attorney General's Office for approval as to form. 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 that the Board:

1. Find that the actions of the Agreement will have little or no significant effect on the environment and is therefore exempt from the preparation of an environmental assessment;
2. Upon making the requested findings in recommendation one above, delegate to the Chairperson to sign the attached Declaration of Exemption from the environmental review requirements Chapter 343, HRS, and Chapter 11-200, HAR;
3. Delegate to the Chairperson the authority to negotiate and approve the Division of Aquatic Resources' and the University of Hawai'i's project agreement entitled "Technical and Professional Services" and to amend the aforesaid Agreement, including any extensions, as necessary.

Respectfully submitted,



BRIAN J. NEILSON
Administrator

APPROVED FOR SUBMITTAL:



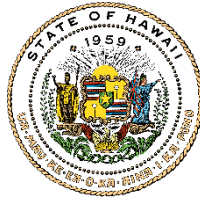
DAWN N.S. CHANG
Chairperson

Attachment(s)

- Declaration of Exemption

JOSH GREEN, M.D.
GOVERNOR | KE KIA'ĀINA

SYLVIA LUKE
LIEUTENANT GOVERNOR | KA HOPE KIA'ĀINA



STATE OF HAWAII | KA MOKU'ĀINA 'O HAWAII'
DEPARTMENT OF LAND AND NATURAL RESOURCES
KA 'OIHANA KUMUWAIWAI 'ĀINA

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DAWN N.S. CHANG
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT

RYAN K.P. KANAKA'OLE
FIRST DEPUTY

DEAN D. UYENO
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

April 12, 2024

TO: Division of Aquatic Resources File

THROUGH: Dawn N.S. Chang, 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, Hawaii Revised Statutes, and Chapter 11-200.1, Hawaii Administrative Rules, for a FY24 State-Funded Project Agreement, Entitled "Technical and Professional Services," Between the Department of Land and Natural Resources and the University of Hawai'i

Anticipated activities relating to the project agreement (Agreement) entitled "Technical and Professional Services" and its subsequent project objectives 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 DESCRIPTION

The Agreement will provide the Division of Aquatic Resources (DAR) with technical and professional services focused on aquatic restoration and monitoring, as well as support for administrative projects. Support staff that will be covered under the Agreement include trained aquatic biologists, technicians, and other specialized staff who have the expertise to conduct the objectives outlined below.

The Agreement's project objectives are to:

1. Provide husbandry support to the Rare Hawaiian Coral "Ark;"
2. Provide support for new coral restoration techniques and technologies;
3. Provide evaluation support to the Aloha i ke Kai Ocean Stewardship Program;
4. Provide support for ongoing coral reef hazard mitigation research;
5. Evaluate and recommend new strategies and methodologies for mitigating planned and unplanned coral loss and restoring reefs and other benthic habitats;
6. Provide support for aquatic fieldwork in furtherance of DAR's management goals;
7. Provide support for the Barbless Circle Hook Project;

8. Provide support for identifying opportunities to partner with communities in the management of nearshore marine resources;
9. Provide support for Native Hawaiian cultural, historical, and linguistic research and resource development;
10. Lead ongoing restoration research activities in lower He'eia Stream/Kāne'ohe Bay;
11. Provide support for priority watershed restoration projects statewide;
12. Provide communications and social media support;
13. Provide geographical information systems (GIS) support for DAR projects and initiatives;
14. Facilitate funding opportunities and provide support to DAR and partners to develop project proposals;
15. Provide support to streamline, standardize, and, where possible/feasible, automate administrative processes; and
16. Track relevant data and metrics for DAR's management goals.

CONSULTED PARTIES

- Department of Land and Natural Resources - Division of Aquatic Resources' Staff

EXEMPTION DETERMINATION

After reviewing §11-200.1-15, HAR, and DLNR's departmental exemption list approved on November 10, 2020,¹ including the criteria used to determine significance under §11-200.1-13, HAR, DLNR has concluded that the activities under the 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 the Agreement and its Subsequent Project Objectives Have Been Evaluated as a Single Action

Since the Agreement involves activities that are precedent to a later planned activity, i.e., the monitoring and collection of data and research and the continuation of DAR-related projects, 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 4 (Minor Alterations in the Conditions of Land, Water, or Vegetation), Type 5 (Basic Data Collection and Scientific Research with no Serious or Major Environmental Disturbance) and Type 8 (Continuing Administrative Activities) Apply

¹ Exemption list for DLNR, approved on November 10, 2020. See Environmental Review Program website: https://files.hawaii.gov/dbedt/erp/Agency_Exemption_Lists/State-Department-of-Land-and-Natural-Resources-Exemption-List-2020-11-10.pdf

Subsection 11-200.1-15(c)(5), HAR, exempts the class of actions that involve “minor alterations in the conditions of land, water, or vegetation” (General Exemption Type 4), “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” (General Exemption Type 5), and “continuing administrative activities” (General Exemption Type 8). These exemption classes have been interpreted to include the project objectives listed above, such as data collection, research related to coral husbandry and coral restoration, the propagation of aquatic organisms (invertebrates/corals), experimental studies of native species, and educational activities. The proposed activities fall squarely under the exemption classes identified above, and as described in the most recent DLNR exemption list.²

A. *General Exemption Type 4 (Minor Alterations in the Conditions of Land, Water, or Vegetation), Part 1*

Applicable exemptions under Part 1 of General Exemption Type 4 include:

- (15) The “captive propagation of birds, mammals, *invertebrates, or aquatic organisms*,”³ and
- (16) “[T]he reintroduction or supplementation (e.g., stocking) of native, formerly native, or established species into suitable habitat within their historic or established range, where no or negligible environmental disturbances are anticipated.”⁴

Husbandry support for the Rare Coral “Ark”⁵ and support for coral restoration techniques and technologies⁶ include the captive propagation of coral which would fall directly within the parameters of General Exemption Type 4, Part 1, #15. Once the corals are grown, restoration includes reintroduction, supplementation, and/or out-planting of these coral species into their native environment, which falls under General Exemption Type 4, Part 1, #16.

B. *General Exemption Type 5 (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), Part 1*

Applicable exemptions under Part 1 of General Exemption Type 5 include:

- (1) “[C]onduct[ing] surveys or collect[ing] data on existing environmental conditions...”⁷
- (2) “[N]on-destructive data collection and inventory, including field, aerial and satellite surveying and mapping;”⁸

² See Footnote 1.

³ See General Exemption Type 4, Part 1, #15 (emphasis added).

⁴ See General Exemption Type 4, Part 1, #16.

⁵ See Project Objective #1. “Provide husbandry support to the Rare Hawaiian Coral ‘Ark.’”

⁶ See Project Objective #2. “Provide support for new coral restoration techniques and technologies.”

⁷ See General Exemption Type 5, Part 1, #1.

⁸ See General Exemption Type 5, Part 1, #2.

- (15) “[R]esearch that the Department declares is designed specifically to monitor, conserve, or enhance native species or native species habitat;”⁹ and
- (16) “...[A]quatic life surveys...and captive propagation.”¹⁰

Analyzing coral reefs and their role in hazard mitigation in Hawai‘i,¹¹ could include surveying and mapping which falls under General Exemption Type 5, Part 1, #2. Evaluating and recommending new strategies for mitigating planned and unplanned coral loss and restoring reefs and other benthic habitats,¹² could necessitate the conducting of surveys and the collection of data on existing environmental conditions which would fall under General Exemption Type 5, Part 1, #1. Other activities related to project objectives within the Agreement, such as ongoing restoration research activities in lower He‘eia Stream/Kāne‘ohe Bay¹³ and fieldwork in marine waters, streams, reservoirs, estuaries, and anchialine pools for data collection on fish, benthic habitats, and invertebrates,¹⁴ would fall under General Exemption Type 5, Part 1, #13 and #15.

C. *General Exemption Type 8 (Continuing Administrative Activities), Part 1*

The applicable exemptions under Part 1 of the General Exemption Type 8, Part 1 include:

- (3) “[R]equests for federal, state, county or private assistance grants to support ongoing operations or implement programs of the Department;”¹⁵ and
- (5) “[T]raining, environmental interpretation, public safety efforts and other educational activities.”¹⁶

As many of this project’s objectives support the ongoing operations of DAR and/or involve the implementation of DAR’s current ongoing initiatives, such as the preparation of compliance documents,¹⁷ the generation of written materials and social media content,¹⁸ the development and maintenance of GIS maps in support of DAR projects and initiatives,¹⁹ funding proposal developments,²⁰ the

⁹ See General Exemption Type 5, Part 1, #13.

¹⁰ See General Exemption Type 5, Part 1, #15.

¹¹ See Project Objective #4. “Provide support for ongoing coral reef hazard mitigation research.”

¹² See Project Objective #5. “Evaluate and recommend new strategies and methodologies for mitigating planned and unplanned coral loss and restoring reefs and other benthic habitats.”

¹³ See Project Objective #10. “Lead ongoing restoration research activities in lower He‘eia Stream/Kāne‘ohe Bay”

¹⁴ See Project Objective #6. “Provide support for aquatic fieldwork in furtherance of DAR’s management goals.”

¹⁵ See General Exemption Type 8, Part 1, #3.

¹⁶ See General Exemption Type 8, Part 1, #5.

¹⁷ See Project Objective #11. “Provide support for priority watershed restoration projects statewide.”

¹⁸ See Project Objective # 12. “Provide communications and social media support.”

¹⁹ See Project Objective # 13. “Provide geographical information systems (GIS) support for DAR projects and initiatives”

²⁰ See Project Objective #14. “Facilitate funding opportunities and provide support to DAR and partners to develop project proposals.”

streamlining of automated administrative processes,²¹ the tracking of internal data/metrics,²² and the evaluation of the Aloha i ke Kai Ocean Stewardship Program²³ these activities should be exempt from the preparation of an environmental assessment.

Under the General Exemption Type #8, Item 5, “training, environmental interpretation, public safety efforts and other educational activities” are also exempt from the preparation of an environmental assessment. As many of this project’s objectives include educational activities, such as promoting the use of barbless circle hooks,²⁴ working with communities to identify opportunities to partner in the management of nearshore marine resources,²⁵ and providing Hawaiian cultural research and language translation support,²⁶ these objectives should be exempt from the preparation of an environmental assessment.

As discussed below, no significant disturbance to any environmental resource is anticipated. Thus, as long as the below considerations are met, the general exemption types discussed above should cover the project objectives within the Agreement.

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.”²⁷ 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.²⁸

Significant cumulative impacts are not anticipated as a result of the objectives of this activity, and numerous safeguards further ensure that the potentially sensitive environment of the project area(s) 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.

²¹ See Project Objective #15. “Provide support to streamline, standardize, and, where possible/feasible, automate administrative processes.”

²² See Project Objective #16. “Track relevant data and metrics for DAR’s management goals.”

²³ See Project Objective #3. “Provide evaluation support to the Aloha i ke Kai Ocean Stewardship Program.”

²⁴ See Project Objective #7. “Provide support for the Barbless Circle Hook Project.”

²⁵ See Project Objective #8. “Provide support for identifying opportunities to partner with communities in the management of nearshore marine resources.”

²⁶ See Project Objective #9. “Provide support for Native Hawaiian cultural, historical, and linguistic research and resource development.”

²⁷ See §11-200.1-15(d), HAR.

²⁸ See §11-200.1-13, HAR.

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 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.

CONCLUSION

Upon consideration of the Agreement before 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 negative effect on the environment and exempt from the preparation of an environmental assessment.