

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

May 10, 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 Williams Scotsman, Inc. for Procurement and Installation of a Portable Modular Office in Support of the Division of Aquatic Resources' Operations on Kaua'i**

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 Williams Scotsman, Inc. The PA is entitled "Kaua'i Modular Office" and is estimated to run from June 30, 2024 through December 31, 2025. The PA provides \$1,580,258.00 in State General funds and allows the Division of Aquatic Resources (DAR), through DLNR, to secure assistance from Williams Scotsman, Inc. on the project objectives listed below to obtain new office space for DAR staff in Kapa'a on the island of Kaua'i.

**PROJECT BACKGROUND**

DAR's Kaua'i District is composed of eight staff members who carry out the Division's management objectives. The existing office space in the State Building utilized by the team provides approximately 675 square feet for seven full time staff, one part-time technician, and several intermittent hires. DAR Kauai is anticipating major growth in the workforce within the next two years including an additional three full time staff members.

This current office does not provide sufficient space for new staff to work effectively and efficiently. A new office structure will provide adequate workspace for this increased capacity and will ensure the ability to meet DAR's mission. Additionally, the proposed new location at Kapa'a will provide an area for boat and gear storage. Currently, boats and gear are spread to different locations where other Divisions have generously donated space temporarily. Having all gear, boats, and team members in one location will significantly increase efficiency and capacity for DAR Kaua'i.

**1. Current Office Space is Inadequate to House DAR Kaua'i Team**

- Present space is far too small to accommodate the number of staff, supplies,

- and project equipment while also serving as a public-facing office.
- There is no separation between work areas to provide private space for sensitive work-related conversations between staff. Additionally, there are often distractions which lead to decreased efficiency.

## **2. Gear, Boats, and Staff are in Different Locations**

- Boat storage at the Division of Forestry and Wildlife's baseyard has been donated temporarily, but their needs are expanding as well, and DAR will need to move the boat shortly. Having the boat stored in the same location as gear, supplies, and the team will make repairs and field work more efficient.
- The current location of gear storage has a leaking roof and insufficient space. Storing gear that is consistently damp leads to reduced lifespan of gear and creates issues with mold.

These varied issues have had noticeable effects on staff efficiency and morale. Further, they have even led to difficulties in hiring new staff as there is no space to accommodate them.

## **PROJECT OBJECTIVES**

### **1. Provide a New, Modular DAR Kaua'i Office on Site**

- Williams Scotsman, Inc. will provide a new office fabricated from multiple trailer-based modules that can be assembled together into a single customized workspace. The new office will provide approximately 3,400 square feet of usable area, greatly improving staff work accommodations and allowing for future growth.

### **2. Provide Improved DAR Kaua'i Office Layout and Facilities**

- The new office will provide a range of work spaces and common areas including enclosed offices, open work areas, a conference room, ample public reception space, storage space, restrooms, and a small kitchenette.

### **3. Improve DAR Kaua'i Facilities' Energy Efficiency**

- The office will be designed and fabricated for increased energy efficiency. The build will include double-paned windows, insulation, and an efficient air conditioning system. Additionally, once the office is constructed, DAR will be seeking additional funding to add solar photovoltaic energy production.

### **4. Modernize DAR Kaua'i Facilities' IT Capacity**

- The design accommodates fully modernized IT infrastructure to better support data intensive processes associated with DAR's marine monitoring program including 3D reef health surveys, mapping, and data analysis.

### DURATION

This PA, entitled "Kauai Modular Office" is estimated to run from June 30, 2024 through December 31, 2025.

### FUNDING SOURCE

State funds in the total amount of \$1,580,258.00 from the General Fund.

### EXEMPTION FROM ENVIRONMENTAL REVIEW REQUIREMENTS

This PA involves the use of state lands 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

DAR is in need of an upgraded office facility on Kaua'i. This project will provide a new modular office space that will yield increased work space, an efficient layout, and a number of amenities conducive to a safe and comfortable work environment.

The Project Agreement is being prepared for submission to the Attorney General's Office for approval as to form. DAR is aware that 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 are 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, Hawaii Revised Statutes, and Chapter 11-200, Hawaii Administrative Rules;

3. Delegate to the Chairperson the authority to negotiate and approve the Division of Aquatic Resources' and the Williams Scotsman, Inc. project agreement entitled "Kauai Modular Office" and to amend the aforesaid Agreement, including any extensions, as necessary.

Respectfully submitted,



BRIAN J. NEILSON  
Administrator

APPROVED FOR SUBMITTAL:



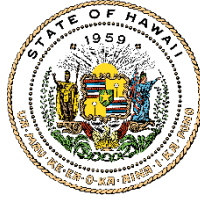
DAWN N.S. CHANG  
Chairperson

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**

P.O. BOX 621  
HONOLULU, HAWAII 96809

May 10, 2024

**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

**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, Hawai'i Revised Statutes, and Chapter 11-200.1, Hawaii Administrative Rules, for a FY24 State-Funded Project Agreement, Entitled "Kaua'i Modular Office," Between the Department of Land and Natural Resources and William Scotsman, Inc.

Anticipated activities relating to the project agreement (Agreement) entitled "Kaua'i Modular Office" 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, Hawai'i Administrative Rules (HAR).

### PROJECT DESCRIPTION

The Agreement will provide the Division of Aquatic Resources (DAR) with assistance in obtaining a new office space for DAR staff located in Kapa'a on the island of Kaua'i.

The Agreement's project objectives are to:

1. Provide a new, modular DAR Kaua'i office on site;
2. Provide improved DAR Kaua'i office layout and facilities;
3. Improve DAR Kaua'i facilities' energy efficiency; and
4. Modernize DAR Kaua'i Facilities' IT capacity.

### 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,<sup>1</sup> 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 phases or increments of a larger total program, i.e., the removal of existing office trailers and the design, construction, and delivery of a new modular office space, 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 (Construction of Single, New, Small Facilities or Structures) Applies**

The General Exemption Type 3, described in subsection 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 equipment or facilities, including but not limited to: ... (C) Stores, offices and restaurants designed for total occupant load of twenty individuals or fewer per structure, if not in conjunction with the building of two or more such structures; and (D) Water, sewage, electrical, gas, telephone, and other essential public utility services extensions to serve such structures or facilities; accessory or appurtenant structures including garages, carports, patios, swimming pools, and fences; and, acquisition of utility easements;"

This exemption class has been interpreted to include the project objectives listed above, such as the design, construction, and delivery of a new modular office space. These proposed activities fall squarely under the exemption classes identified above and as described in the most recent DLNR exemption list.<sup>2</sup>

*A. General Exemption Type 3 (Construction and location of single new, small facilities or structures and the alteration and modification of the equipment or facilities, including but not limited to: ... (C) Stores, offices and restaurants designed for total occupant load of twenty individuals or fewer per structure, if not in conjunction with the building of two or more such structures; and (D) Water, sewage, electrical, gas, telephone, and other essential public utility services extensions to serve such structures or facilities; accessory or*

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<sup>1</sup> 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](https://files.hawaii.gov/dbedt/erp/Agency_Exemption_Lists/State-Department-of-Land-and-Natural-Resources-Exemption-List-2020-11-10.pdf)

<sup>2</sup> See Footnote 1.

*appurtenant structures including garages, carports, patios, swimming pools, and fences; and, acquisition of utility easements), Parts 1 and 2*

Applicable exemptions under Part 1 of General Exemption Type 3 include:

- (14) “Construction or placement of utilities (telecommunications, electrical, solar panels, drainage, waterlines, sewers) and related equipment (such as transformers, poles, cables, wires, pipes) accessory to existing facilities.”<sup>3</sup>

Applicable exemptions under Part 2 of General Exemption Type 3 include:

- (2) “Construction and location of new, small facilities or structures necessary to support or enhance safe and effective management of lands and waters, such as baseyards, caretaker’s residences, work cabins and shelters, sanitation facilities, and other similar structures.”<sup>4</sup>

Procurement and placement of a modular office structure to replace DAR’s current office trailers would fall within the parameters of General Exemption Type 3, Part 2, #2. Connection of this structure to adjacent utilities (telecommunications, electrical, and water lines) would fall within the parameters of General Exemption Type 3, Part 1, #14.

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.”<sup>5</sup> 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.<sup>6</sup>

Significant cumulative impacts are not anticipated as a result of the objectives of this activity. All major manufacturing activities for this modular office will take place at the vendor’s purpose-built facility designed for such manufacture. Delivery of the new modular office will follow all standard operating practices to ensure that such activities

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<sup>3</sup> See General Exemption Type 3, Part 1, #14.

<sup>4</sup> See General Exemption Type 3, Part 2, #2.

<sup>5</sup> See §11-200.1-15(d), HAR.

<sup>6</sup> See §11-200.1-13, HAR.

will not diminish or degrade natural 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 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 manufacturing and delivery activities covered by this Project Agreement will be carried out with strict safeguards following all applicable laws 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.