

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 a Selected and Approved Vendor for Procurement of a New Research and Response Vessel in Support of the Division of Aquatic Resources' Operations in West Hawai'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 a selected and approved vendor (Vendor). The PA is entitled "Kona Research Vessel" and is estimated to run from June 30, 2024 through December 31, 2025. The PA provides \$280,000.00 in State General funds and allows the Division of Aquatic Resources (DAR), through DLNR, to secure assistance from the Vendor on the project objectives listed below to obtain new research and response vessel for DAR's operations in West Hawai'i.

PROJECT BACKGROUND

DAR's West Hawai'i District leads a variety of marine research, restoration, and response programs that require small vessel support. These activities include coral reef monitoring, coral restoration, marine debris removal, vessel grounding response, and protected species response. DAR staff currently utilize a 26-foot long Glacier Bay vessel for these operations, however the vessel is now over 10 years old and is often in need of repairs. Various components of the electrical, drive, and steering mechanisms have needed repair or replacement over the past several years leading to consistent field setbacks and increased costs to the Department. Further, the on-water needs of the West Hawai'i District are rapidly increasing and as such, a single vessel will not be sufficient to support all necessary field activities.

PROJECT OBJECTIVES

**1. Vessel Design and Construction**

- Design and construct a custom, purpose-built research and response vessel for DAR's West Hawai'i District Office in consultation with district staff.

**2. Vessel Delivery**

- Deliver completed vessel on a tandem axle vessel trailer to the Port of Kawaihae.

**3. Training on Proper Vessel Use and Care**

- Provide training and instruction on the use, care, and maintenance requirements specific to this vessel.

**DURATION**

This PA, entitled "Kona Research Vessel" is estimated to run from June 30, 2024 through December 31, 2025.

**FUNDING SOURCE**

State funds in the total amount of \$280,000.00 from the General Fund.

**EXEMPTION FROM ENVIRONMENTAL REVIEW REQUIREMENTS**

This PA involves 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's current research and response vessel is in need of replacement. This project will replace the current aging vessel with a new purpose-built vessel that will provide ample support for the West Hawai'i District's marine operations.

The Project Agreement is being prepared for submission to the Office of the Attorney General 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 Vendor's project agreement entitled "Kona Research Vessel" and to amend the aforesaid Agreement, including any extensions, as necessary.

Respectfully submitted,



BRIAN J. NEILSON  
Administrator

APPROVED FOR SUBMITTAL:



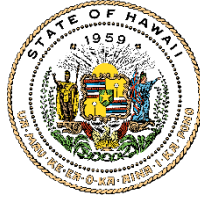
DAWN N.S. CHANG  
Chairperson

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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HONOLULU, HAWAII 96809

**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

May 10, 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 "Kona Research Vessel," Between the Department of Land and Natural Resources and a Selected and Approved Vendor

Anticipated activities relating to the project agreement (Agreement) entitled "Kona Research Vessel" 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 assistance in obtaining a new research and response vessel for DAR Kona's operations in West Hawai'i.

The Agreement's project objectives are to:

1. Design and construct a custom, purpose-built research and response vessel for DAR's West Hawai'i District Office in consultation with district staff;
2. Deliver completed vessel on a tandem axle vessel trailer to the Port of Kawaihae; and
3. Provide training and instruction on the use, care, and maintenance requirements specific to this vessel.

### 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 design and subsequent construction and delivery of a research and response vessel, 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 2 (Replacement or reconstruction of existing structures and facilities where the new structure will be located generally on the same site and will have substantially the same purpose, capacity, density, height, and dimensions as the structure replaced), and Type 8 (Continuing Administrative Activities) Apply.**

Subsection 11-200.1-15(c)(3), HAR, exempts the class of actions that involve "Replacement or reconstruction of existing structures and facilities where the new structure will be located generally on the same site and will have substantially the same purpose, capacity, density, height, and dimensions as the structure replaced" (General Exemption Type 2). Subsection 11-200.1-15(c)(8) exempts the class of actions that involve "Continuing Administrative Activities" (General Exemption Type 8).

These exemption classes have been interpreted to include the project objectives listed above, such as the design, construction, and delivery of a new research and response vessel as well as instruction on its use. The 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 2 (Replacement or reconstruction of existing structures and facilities where the new structure will be located generally on the same site and will have substantially the same purpose, capacity, density, height, and dimensions as the structure replaced), Part 1*

Applicable exemptions under Part 1 of General Exemption Type 2 include:

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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.

- (21) Replacement or reconstruction of existing machinery, equipment, vessels, or vehicles used to support Departmental operations.”<sup>3</sup>  
(emphasis added)

Procurement of a vessel to replace DAR’s current research vessel would fall directly within the parameters of General Exemption Type 2, Part 1, #21.

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

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

- (1) “Purchase of supplies, equipment, materials, motor vehicles, boats, and services”<sup>4</sup> (emphasis added) and
- (5) “Training, environmental interpretation, public safety efforts and other educational activities.”<sup>5</sup>

Purchase of boats are listed explicitly under General Exemption Type 8, Part 1, #1. Training of DAR staff as listed in Project Objective #3 aligns with General Exemption Type 8, Part 1, #5.

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>6</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>7</sup>

Significant cumulative impacts are not anticipated as a result of the objectives of this activity. All construction activities for this vessel will take place out of state. Once it is delivered within the State of Hawai’i, all standard vessel operation practices will be followed to ensure that its usage will not diminish or degrade natural resources,

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<sup>3</sup> See General Exemption Type 2, Part 1, #21.

<sup>4</sup> See General Exemption Type 8, Part 1, #1.

<sup>5</sup> See General Exemption Type 8, Part 1, #5.

<sup>6</sup> See §11-200.1-15(d), HAR.

<sup>7</sup> See §11-200.1-13, HAR.

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 design, manufacturing, delivery, and training activities covered by this Project Agreement will be carried out with strict safeguards following all applicable laws and agency policies as well as 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.