

STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
Land Division
Honolulu, Hawaii 96813

July 8, 2010

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

PSF No.: 07od-001

OAHU

Issuance of Direct Lease to Hawaii Fish Company, Inc. for Aquaculture Purposes,
Mokuleia, Waialua, Oahu, Tax Map Key: (1) 6-9-001:002, 003, 033, and 036.

APPLICANT:

Hawaii Fish Company, Inc., a domestic corporation, whose mailing address is P.O. Box
740, Waialua, Hawaii 96791-0740.

LEGAL REFERENCE:

Section 171-59(b), Hawaii Revised Statutes, as amended.

LOCATION:

Portion of Government lands situated at Mokuleia, Waialua, Oahu, identified by
Tax Map Key: (1) 6-9-001:002, 003, 033, and 036, as shown on the attached map
labeled Exhibit A.

AREA:

147.646 acres, more or less.
Note: At the commencement of the lease, the applicant is allowed to use the 18 acres as
approved by the previous CDUP. Applicant understands that another CDUP is needed
for any additional acreage to be used.

ZONING:

State Land Use District: Conservation and Agricultural
City and County of Honolulu LUO: P-1 & P-2

TRUST LAND STATUS:

(1) 6-9-001:002, 033, and 036

Acquired after Statehood, i.e. non ceded

(1) 6-9-001:003

Section 5(b) lands of the Hawaii Admission Act

DHHL 30% entitlement lands pursuant to the Hawaii State Constitution: No

CURRENT USE STATUS:

(1) 6-9-001:002, 033, and 036 encumbered by Governor's Executive Order No. 4141 to the Division of State Parks for State Park Reserve purposes.

Portion of (1) 6-9-001:003 is encumbered by Revocable Permit No. 6814 issued to the applicant.

CHARACTER OF USE:

Aquaculture purposes.

LEASE TERM:

Thirty-five (35) years

COMMENCEMENT DATE:

The first day of the month to be determined by the Chairperson.

ANNUAL RENT:

\$900 or 1% of gross annual receipt, whichever is the greater.

METHOD OF PAYMENT:

Semi-annual payments, in advance.

RENTAL REOPENINGS:

At the 10th, 20th, and 30th years of the lease term, by staff or independent appraisal on both the base rent and percentage rent.

PERFORMANCE BOND:

Twice the annual base rental amount.

CHAPTER 343 - ENVIRONMENTAL ASSESSMENT:

CDUA (OA-2504) was approved by the Board on January 24, 1992 (item H-2) and said permit was extended three times by the Board. The latest expiration date of the CDUP is July 31, 2012. Staff notes that the CDUP is only covering an area of about 18 acres as shown on Exhibit B in yellow for land and blue for water. Applicant understands that any use of State land beyond the said 18 acres may require a new CDUP and compliance with Chapter 343.

DCCA VERIFICATION:

Staff understands the applicant is a newly formed company, and staff will make sure the proper confirmation from DCCA will be obtained prior to the issuance of the lease.

APPLICANT REQUIREMENTS:

DAGS Survey Division has map and description for the four parcels covered by this request. If the subdivision of parcel 3 as mentioned in Remarks Section proceeds, applicant shall be required to provide survey maps and descriptions for the subdivided area according to State DAGS standards and at Applicant's own cost.

REMARKS:

The requested area is located at the former Dillingham quarry site vacated by Hawaii Bitumuls and Paving Co., Ltd in mid-1970s. In January 1992, the Board approved the Conservation District Use Permit (OA-2504) for a commercial aquaculture facility over an area of about 18 acres, which is further identified as tax map key (1) 6-9-001:003 and 033. Over the past years, such CDUA has been extended three times with the current expiration date falls on July 31, 2012.

Since June 1992, the applicant has been utilizing about 18 acres for his fish farm under revocable permit No. 6814. Portions of the requested area [i.e. 002, 033, and 036] have been set aside to the Division of State Parks (SP) pursuant to Governor's Executive Order No. 4141 in 2005 for State park reserve.

Use for State Parks Purposes

Staff and the applicant have discussed the project with SP and understand that there is no imminent development of the requested area into a State park due to tight resources. SP has indicated they have no objection to the request. Actually, there were some discussions pertaining to the incorporation of the subject fish farm into the future park

program. In the past, the applicant has entertained guided tours to his fish farm for students.

Direct Issuance of Lease for Aquaculture

The requested use "aquaculture" is permissible to be granted a direct lease pursuant to 171-59(b), Hawaii Revised Statutes. The applicant has over 30 years of experience in the related field prior to becoming the permittee under the revocable permit in 1992. Staff is not aware of any other interest in the same area for any commercial operation. Therefore, disposing the lease by public auction over the subject area may not attract lot of interest. Staff is recommending the Board issue a direct lease to an existing State permittee, who has a proven record of operating a fish farm.

As mentioned above, staff is not aware of any other interested parties over the same area. By entertaining the subject request, the Board is promoting the development of aquaculture industry in the State. Staff believes this would help encouraging competition in the industry.

Current and Future CDUP

Office of Conservation and Coastal Lands has indicated that they have no objection to the request, provided that the applicant understand that he has to file new CDUA application for any new improvements on the subject property not already covered by existing CDUP OA-2504, or he starts operation beyond the original 18 acres as permitted by CDUP OA-2504. Exhibit B shows the extent of the current CDUP (colored). Relevant language will be inserted into the lease stipulating that any new improvement on the area outside the existing CDUP may require a CDUP. Applicant has no problem with this remark.

Division of Forestry and Wildlife Future Gaming Management Area

Parcel 003 comprises the former quarry pit, which forms a substantial portion of the fish farm [fish cages being placed in the pit]. The same parcel also includes a portion of the slope and a trail, under the Na Ala Hele Program managed by the Division of Forestry and Wildlife (DOFAW). It is proposed to subdivide the parcel into two parcels, and the applicant and DOFAW will manage their respective portions under the lease and a Governor's executive orders (GEO). During the discussion with the staff, applicant indicates that the future DOFAW area can be included in the lease area until the Applicant files all the paperworks for the subdivision, including another CDUA. DOFAW requests participation in the process of determining the subdivision boundary between the new lease area and the DOFAW area. Upon such subdivision, staff will bring the request to withdraw from the lease area and a GEO to the Board for consideration at a later date.

Appraisal and Rent

Land Division manages another aquaculture lease offshore of Ewa with an area of 28 acres. The annual rent payable for that lease is \$1,400 or 1% of the annual gross receipts, whichever is the greater. The base rent equates to \$50/acre. Staff recommends using the

same rent structure for the proposed lease which will cover an area of 18 acres at the commencement of the lease. The base rent is: \$50/acre x 18 acres = \$900. However, it is anticipated that the applicant will expand its operation during the term of the lease and subject to approval of corresponding CDUP(s). Staff recommends inserting language in the lease allowing the State raise the base rent based on the permitted acreage under any future CDUP(s).

Agencies Comments

Comments from agencies and staff/applicant responses are consolidated as Exhibit C. Majority of them do not have major comment on the proposal.

In the meantime, staff understands the Applicant is discussing with DOT-A regarding the agency comments. According to the Applicant, the issue potential bird strike hazard was discussed with DOT-A, DOFAW, USFWS, USDA Wildlife Services, and FAA, and has been addressed to FAA's satisfaction. Applicant will obtain document confirming such resolution for our file. Further, the Applicant will have a meeting with DOT-A on June 28, 2010 regarding the utility payment comment and any other concerns. Staff does not believe that those issues should stop the process of issuing the lease because the Applicant will get separate utility connection upon the issuance of lease.

Applicant does not object to DOT-A having an access road over the proposed leased area for access to the water tank. Staff notes that such access easement in favor of DOT will be brought to the Board at a later date by DOT for consideration when the alignment is determined.

Applicant has not had a lease, permit, easement or other disposition of State lands terminated within the last five years due to non-compliance with such terms and conditions.

RECOMMENDATION: That the Board

1. Subject to the Applicant fulfilling all of the Applicant Requirements listed above, authorize the issuance of a direct lease to Hawaii Fish Company, Inc. covering the subject area under the terms and conditions cited above, which are by this reference incorporated herein and further subject to the following:
 - A. Applicant's obtaining document indicating the potential wildlife hazards issue is resolved with the Department of Transportation-Airports Division.
 - B. The standard terms and conditions of the most current aquaculture lease document form, as may be amended from time to time;
 - C. Upon obtaining relevant Conservation District Use Permit, withdraw portions of TMK (1) 6-9-001:003 from the leased premises for setting

aside to the Division of Forestry and Wildlife, further subject to no compensation payable to the lessee.

- D. Additional base rent at the same unit rate shall become payable upon obtaining relevant Conservation District Use Permit(s) covering additional acreage allowed for development/improvement.
 - E. Review and approval by the Department of the Attorney General; and
 - F. Such other terms and conditions as may be prescribed by the Chairperson to best serve the interests of the State.
2. Authorize the cancellation of Revocable Permit No. 6814 upon issuance of the lease.

Respectfully Submitted,



Barry Cheung
District Land Agent

APPROVED FOR SUBMITTAL:



Laura H. Thielen, Chairperson 



Figure 3. USGS map overlain by tax map key 6-9-1

Agency	Agency Comments	Response
OCCL	Current CDUA OA-2504 for Mr. Weidenbach aquaculture farm for TMK (1) 6-9-1:3 & 33. Land uses occurring outside these parcels will require Mr. Weidenbach submit a new CDUA.	Applicant is aware of the requirement of a new CDUA and is prepared to submit such application at a later date. Staff will note the condition in the lease.
DHHL	No comments	Noted
SHPD	This action does not affect historic properties	Noted
BWS	No comments/objections	Noted
DAR	No objections	Noted
DOA	<ol style="list-style-type: none"> 1.Require applicant to extend any CDUP as necessary. 2.Require applicant to conduct environmental assessment within a reasonable period. 3.Require applicant to rezone the current conservation land to agriculture under State land use classification; exclude the trail and forestry during the subdivision process. 	<ol style="list-style-type: none"> 1.See response for OCCL above. 2.EA will be conducted when the new CDUA is filed. <p>Applicant is required to process the subdivision at its own costs. Further, staff does not agree that the reclassification is necessary because setting aside State land to DOA can include land zoned non-agriculture.</p>
DPP	No objection	Noted
DPR	No comments	Noted
DFM	No objections	Noted
CWRM	Permits for construction of well and water use were issued. Still require permit for pump installation.	Noted
DOT-A	<ol style="list-style-type: none"> 1.Due to its close proximity to the Dillingham Airfield, DOT-A requires applicant to develop and maintain a wildlife hazard management program approved by DOT-A. 2.Applicant makes no reference to potential water usage nor where the applicant will acquire water service. 3.Applicant makes no reference about how to acquire electrical services. DOT-A requires applicant to pay for utility charges 	See responses by the Applicant at Exhibit D and Remarks Section.

	<p>if the service is obtained through airport facilities, or applicant set up its own meter.</p> <p>4.Requests an easement over existing roads to water tank site for maintenance purpose.</p>	
DOFAW	<p>"The continued operation of the Hawaii Fish Company's aquaculture facility is not likely to create or contribute a wildlife hazard problem."</p>	Noted.

HAWAII FISH COMPANY

Post Office Box 1039
Waialua, HI 96791, USA
Tel: 808 637 0494 or 808 429 3147
E-mail: hawaiiifish@gmail.com

City Bank 2000 TIGR Award
US SBA 2000 Tibbitts Award
US SBA 2001 Small Business Award
Special Congressional Recognition 2001

February 1, 2010

TO: Barry Cheung
Department of Land and Natural Resources
Land Division

FROM: Ronald P. Weidenbach
Co-Owner/Manager
Hawaii Fish Company



SUBJECT: Responses to the Department of Transportation, Airports Division's
comments on request for issuance of direct lease to Hawaii Fish Company
for aquaculture purposes

The Department of Transportation, Airports Division (DOT-A) offered four comments on Hawaii Fish Company (HFC)'s request for issuance of a direct lease for aquaculture purposes in their response of December 4, 2009. HFC has reviewed these comments, researched the issues in question, and will respond to each in sequence.

Response to Comment 1. The DOT-A states that it objects to a 35-year lease being issued to HFC because they contend its aquaculture purpose is considered a hazard to aviation safety due to its close proximity to Dillingham Airfield and the potential to attract wildlife hazardous to aircraft operations at the Airfield, or, would consider allowing the aquaculture activity if a condition is placed in the lease that the lessee develop and maintain a wildlife hazard management plan approved by DOT-A.

The DOT-A's stated contention that the aquafarm is considered a hazard to aviation safety is not supported by the documented wildlife facts in this case, as evidenced by the published bird strike data for Dillingham Airfield by the U.S. Federal Aviation Administration (FAA), the published water bird counts at the quarry site by the U.S. Fish and Wildlife Service (USFWS) and the DLNR Division of Forestry and Wildlife (DOFAW), and the observations of the U.S. Department of Agriculture, Animal and Plant Inspection Service, Wildlife Services (WS) staff that are responsible for controlling the wildlife hazards at the airfield, as detailed below. As you review this data, please be assured that HFC's

EXHIBIT "D"

Co-owners, Mr. and Mrs. Weidenbach, are personally very aware of the issue of potential wildlife hazards to aircraft as Mr. Weidenbach's grandfather was killed when his bi-plane struck a large flock of birds over the Florida Everglades, and, Mr. Weidenbach's father was the longtime Superintendent of Station Audits (airline maintenance and safety) for the former Eastern Airlines, based at Miami International Airport which is located near the eastern edge of the Everglades.

The FAA bird strike records for Dillingham Airfield from 2001 to 2008 are provided at <http://www.city-data.com/wildlife/Dillingham-Airfield-Airport-Mokuleia-Hawaii.html> and document that none of the 23 recorded bird strikes during the past nine years have involved any of the water bird species present at the quarry site aquafarm (~~Attachment 1.~~). Instead, the primary birds involved in these bird strikes have been Zebra doves and seasonally occurring Pacific golden plovers, both of which frequent the grassy fields that surround the airfield runways. Beyond these small birds, the primary birds of concern to WS at Dillingham Airfield have been large seabirds, i.e., Laysan albatross that return seasonally to the airfield, and Great frigate birds that periodically return to the area before approaching ocean storms.

The USFWS stated in a letter to Mr. Weidenbach dated May 24, 1991 (Attachment 2.), which was attached to HFC's 1991 Environmental Assessment (EA) for the proposed quarry site fish farm, that: "The quarry is deep and has extremely steep sides. As such, it does not have the gradually sloping wetland vegetation border that is found with many natural wetlands. This lack of vegetation greatly reduces its attractiveness as coot habitat."

The DOFAW Wetland/Taxon Summary Count data for the subject Mokuleia Quarry from August 22, 1990 to August 20, 2008 (Attachment 3.) indicates a low and declining presence of Hawaiian coots, Night herons, and Mallard ducks at the site. The highest recorded water bird count was in 1990, two years before HFC started its commercial aquaculture operations, with 14 Hawaiian coots. The counts from 1996 to 2008 have ranged from only two to six total water birds (coots, herons, and ducks) per inspection, and the count in January 2010 was "zero". This official data clearly indicates that HFC's aquaculture activities at the quarry site over the past 20 years have not resulted in any increase of water birds. It also supports the USFWS opinion above that the quarry pond is not an attractive water bird habitat, the DOFAW staff opinions conveyed to Mr. and Mrs. Weidenbach, in response to the subject DOT-A letter, that the aquafarm does not pose a wildlife hazard to the airfield, and the WS staff opinion conveyed to Mr. Weidenbach that the proposed wildlife hazard management program is both unwarranted and unnecessary.

Given these official records and personally conveyed expert opinions, HFC believes that the DOT-A's stated opposition to HFC's lease as a wildlife hazard is unfounded, and, that the DOT-A's request to place a condition in the lease that the lessee develop and maintain a wildlife hazard management program approved by

the DOT-A is clearly unwarranted and would constitute a costly and unreasonable burden for HFC and the DOT-A.

It should be noted that a succession of DOT-A administrators have long supported HFC's efforts to obtain a long-term lease of the quarry site for its aquaculture operations. The DOT-A has rented three land parcels at Dillingham Airfield to HFC since approximately 1990 to present, initially to support HFC's Environmental Assessment efforts of the proposed quarry site aquafarm, and subsequently for HFC's establishment of a temporary fish hatchery at the airfield, under three DLNR-approved Revocable Permits, until HFC could obtain a long-term lease of the quarry site and secure electrical service, construct a permanent fish hatchery, and initiate hatchery operations at the quarry site.

In addition, in recent years, HFC has periodically provided progress reports on HFC's efforts to obtain its long-term aquaculture lease of the quarry site to the late Oahu District Airports Manager, Mr. Benjamin R. Schlapak, who patiently supported HFC's efforts to obtain the subject lease. HFC has been and remains very grateful for his patience and long-term support.

Response to Comment 2. The DOT-A states that the lease makes no reference to the potential water usage necessary to maintain aquaculture operations nor where the lessee will acquire water service.

HFC's proposed quarry site aquafarm water usage was previously reviewed and approved by the DLNR Commission On Water Resources Management, and a 400 gpm well was subsequently drilled, cased and registered. The Commission's expert assessment determined that the Army well system and the HFC aquafarm well system were the only wells on the subject aquifer, and that the combined water usage by these two systems would be well below the aquifer capacity.

Response to Comment 3. The DOT-A states that the lease does not state how the lessee is or will be obtaining electrical service to the property.

HFC's request to Hawaiian Electric Company (HECO) for electrical service to the quarry site aquafarm was initially made approximately 20 years ago, with periodic follow-up requests and discussions, and is currently pending DLNR's approval of the subject lease and an additional easement for a HECO service power line. This extended quarry site electrical service delay has been the primary reason that the DOT-A has so generously rented airfield lands to HFC for the past 20 years for its temporary airfield fish hatchery. Once the subject DLNR lease is finalized, HFC and HECO will finalize arrangements for electrical service to the quarry site, with a separate meter for HFC as requested by DOT-A. HECO electrical service, with a separate meter, has already been provided to the DOFAW endangered plant nursery on the mauka quarry property.

Response to Comment 4. The DOT-A states that it requests a permanent easement over the existing roads to the water tank for maintenance purposes.

Land Court Application 588 previously designated Easement “D” (16 feet wide) for a roadway in favor of U.S.A., from the airfield to the water tank. However, the DOT-A re-routed the previously existing access road in 1987/88 under State Project No. D02018-23 titled “Water Tank Access Road Improvements.” It is unclear whether or not the prior easement was terminated when the road was rerouted, and, whether a new easement was designated for the new access road route. This question should be clarified for the DOT-A and HFC, and addressed if necessary.

Thank you for giving HFC the opportunity to respond to the DOT-A comments on this proposed aquafarm lease. Should you have any questions or comments regarding the above, please contact Mr. Ron Weidenbach at (808) 429-3147 or hawaiifish@gmail.com.

#



United States Department of the Interior

FISH AND WILDLIFE SERVICE
PACIFIC ISLANDS OFFICE

P.O. BOX 50167
HONOLULU, HAWAII 96850

May 24, 1991

Mr. Ron Weidenbach

[REDACTED]
Hauula, Hawaii 96717

Dear Mr. Weidenbach:

This follows up on our telephone conversation of May 14 regarding your proposed development of an aquaculture facility at the Dillingham quarry site, Oahu, Hawaii. You are proposing to construct a series of floating cages for the production of catfish and talapia for commercial purposes. Specifically, you requested that we review the proposal and consider the possible impact of the construction and operation of the facility on the Hawaiian coot, an endangered waterbird. While you would lease the quarry from the State of Hawaii (the owner), no federal permit, funding, or authorization is required.

As you described, the cages to be constructed would be of two sizes: 4- by 8-foot and 8- by 12-foot. A series of these cages would float on the quarry pond surface. The cages and hatchery tanks would occupy a small fraction of the 7-acre pond.

Hawaiian coots have been observed on the pond. As many as 15 have been reported there at any one time (summer, 1990). It appears, however, that the birds become partially used to human activities and tolerate minor disturbances; they would be expected to continue to use the pond after initial construction disturbance. The quarry is deep and has extremely steep sides. As such, it does not have the gradually sloping wetland vegetation border that is found with many natural wetlands. This lack of vegetation greatly reduces its attractiveness as coot habitat. While the birds may land on the pond and feed, it is doubtful if they nest there.

The pond does not contribute to the coots' island-wide recovery to any significant degree. As such, and in consideration of the "low impact" types of activities you have described, we do not believe your project will have any appreciable impact on coots. We have reached this determination with the understanding that you will not be adversely affecting the water quality in the quarry through the addition of chemicals or other harmful compounds, and that you will not be harassing any birds which may land on the ponds in any overt way. To do so may be in violation of federal and state law.

Thank you for the opportunity to comment on your proposal.

Sincerely yours,

William R. Kramer
Fish and Wildlife Enhancement
Pacific Islands Office

Wetland/Taxon Summary Count August 22, 1990 to August 20, 2008

Island	WetlandName (Complex)	WetlandSurveyName	TaxonName	Date	CommonName	Adult	SubAdult	Unknown
Oahu	Mokuleia Quarry	Mokuleia Quarry	Anas platyrhynchos	8/20/2008	Mallard	0	0	3
			Fulica alai		Hawaiian Coot, `Alae Ke`oke`o	1	0	0
			Nycticorax nycticorax		Night Heron, `Auku`u	0	0	1
Oahu	Mokuleia Quarry	Mokuleia Quarry		1/17/2007				
			Fulica alai		Hawaiian Coot, `Alae Ke`oke`o	1	0	0
			Nycticorax nycticorax		Night Heron, `Auku`u	0	0	3
Oahu	Mokuleia Quarry	Mokuleia Quarry		1/19/2006				
			Fulica alai		Hawaiian Coot, `Alae Ke`oke`o	2	0	0
			Other Domestic Waterfowl		Other Domestic Waterfowl	0	0	1
Oahu	Mokuleia Quarry	Mokuleia Quarry		8/17/2005				
			Fulica alai		Hawaiian Coot, `Alae Ke`oke`o	4	0	0
Oahu	Mokuleia Quarry	Mokuleia Quarry		1/19/2005				
			Fulica alai		Hawaiian Coot, `Alae Ke`oke`o	2	0	0
			Nycticorax nycticorax		Night Heron, `Auku`u	0	0	2
Oahu	Mokuleia Quarry	Mokuleia Quarry		8/18/2004				
			Fulica alai		Hawaiian Coot, `Alae Ke`oke`o	2	0	0
Oahu	Mokuleia Quarry	Mokuleia Quarry		1/21/2004				
			Fulica alai		Hawaiian Coot, `Alae Ke`oke`o	2	0	0
Oahu	Mokuleia Quarry	Mokuleia Quarry		8/20/2003				
			Nycticorax nycticorax		Night Heron, `Auku`u	0	0	2
Oahu	Mokuleia Quarry	Mokuleia Quarry		1/16/2003				
			Fulica alai		Hawaiian Coot, `Alae Ke`oke`o	3	0	0

Wetland/Taxon Summary Count August 22, 1990 to August 20, 2008

Island	WetlandName (Complex)	WetlandSurveyName	TaxonName	Date	CommonName	Adult	SubAdult	Unknown
Oahu	Mokuleia Quarry	Mokuleia Quarry	Fulica alai	8/21/2002	Hawaiian Coot, `Alae Ke`oke`o	2	0	0
Oahu	Mokuleia Quarry	Mokuleia Quarry	Fulica alai	8/15/2001	Hawaiian Coot, `Alae Ke`oke`o	2	0	0
Oahu	Mokuleia Quarry	Mokuleia Quarry	Fulica alai	1/17/2001	Hawaiian Coot, `Alae Ke`oke`o	2	0	0
Oahu	Mokuleia Quarry	Mokuleia Quarry	Nycticorax nycticorax		Night Heron, `Auku`u	0	0	3
Oahu	Mokuleia Quarry	Mokuleia Quarry	Fulica alai	9/4/1996	Hawaiian Coot, `Alae Ke`oke`o	6	0	0
Oahu	Mokuleia Quarry	Mokuleia Quarry	Fulica alai	8/22/1990	Hawaiian Coot, `Alae Ke`oke`o	14	0	0
Mokuleia Quarry 8/22/1990 to 8/20/2008 Total:						43	0	15

LINDA LINGLE
GOVERNOR OF HAWAII



STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
DIVISION OF FORESTRY AND WILDLIFE
1151 PUNCHBOWL STREET, ROOM 325
HONOLULU, HAWAII 96813
TEL (808) 587-0166 FAX (808) 587-0160

LAURA H. THIELEN
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT
RUSSELL Y. TSIJN
FIRST DEPUTY
KEN C. KAWAHARA
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

February 24, 2010

Mr. Ron Weidenbach
Hawaii Fish Company
P.O. Box 1039
Waialua, Hawaii 96791

Dear Mr. Weidenbach,

We understand that you are in the process of applying for a long-term lease through the Board of Land and Natural Resources for your aquaculture farm at the Dillingham quarry site. We further understand that upon agency review of the draft Board submittal, the Department of Land and Natural Resources' Land Division received comments from the Hawaii Department of Transportation, Airports Division (DOT-A) raising concern that your aquaculture facility may pose a wildlife hazard to the Dillingham airfield. This letter responds to your inquiry regarding this suggested risk.

The Hawaii Division of Forestry and Wildlife has conducted Statewide Bi-annual Waterbird Surveys at the Dillingham quarry site for over 20 years and believes, based upon our long-term data, that your aquaculture facility as currently managed does not actively attract waterbirds. This is evident in the exceptionally low numbers of waterbirds observed at the Dillingham quarry site during the State's Bi-annual Waterbird Surveys. Our official records indicate a small yet declining presence of Hawaiian Coots, Black-crowned Night Herons, and Mallard and hybrid ducks utilizing the quarry pond. Waterbird counts between 1996 and 2008 have ranged from a high of six to a low of two total waterbirds observed at the site. Our most recent survey, conducted this past January, 2010, showed zero waterbirds utilizing the quarry pond. It is thus apparent from our records that the Hawaii Fish Company's aquaculture activities

at the Dillingham quarry site have not resulted in an increase of waterbirds at that site and consequently, the continued operation of the Hawaii Fish Company's aquaculture facility is not likely to create or contribute to a wildlife hazard problem.

Regarding the DOT-A's concerns on the presence of game birds in the game bird hunting areas upland of the site, it should be noted that their diet primarily consists of seeds, nuts, insects, and grass. There are no game birds in Hawaii that are piscivorous (which feed on fish) therefore a fish hatching operation is not likely to have an effect on those species.

If you need any further assistance please contact Norma Bustos, Wildlife Biologist, at 808-587-0163, or myself.

Sincerely,

A handwritten signature in black ink that reads "Paul J. Conry". The signature is written in a cursive style with a long, sweeping tail on the letter "y".

Paul J. Conry
Administrator



United States Department of the Interior



FISH AND WILDLIFE SERVICE
Pacific Islands Fish and Wildlife Office
300 Ala Moana Boulevard, Room 3-122, Box 50088
Honolulu, Hawaii 96850

In Reply Refer To:
2010-TA-0171

MAR 19 2010

Mr. Ronald Weidenbach
Hawaii Fish Company
P.O. Box 1039
Waialua, Hawaii 96791

Subject: Technical Assistance for a Long-Term Lease for an Aquaculture Farm at Dillingham Quarry Pond, Oahu

Dear Mr. Weidenbach:

We are in receipt of your request of February 22, 2010, in which you requested our assistance regarding your application to the State of Hawaii Board of Land and Natural Resources for a long-term lease for an aquaculture farm at Dillingham Quarry Pond (pond). We received your request on February 22, 2010. You have operated an aquaculture farm at the pond since 1992.

You requested our assistance in evaluating potential bird-airstrike hazards (BASH) associated with the continued operation of the aquaculture farm. You also requested our assistance in evaluating whether the site may attract game birds that generally occur in upland areas. We can assist you with endangered species issues; however, we do not evaluate BASH risks, and we do not manage game birds.

Based upon information you provided, the pond is approximately 7 acres in size, and aquaculture activities would occur in a series of cages that float on the pond surface. Endangered Hawaiian waterbirds that might occur in the area include the endangered Hawaiian duck (*Anas wyvilliana*), Hawaiian moorhen (*Gallinula chloropus sandvicensis*), Hawaiian coot (*Fulicia alai*), and Hawaiian stilt (*Himantopus mexicanus knudseni*). Based upon the February 24, 2010, letter from Hawaii Division of Forestry and Wildlife (DOFAW) and information in our files, bi-annual surveys for waterbirds have been conducted statewide and at the pond for over 20 years. The species observed have been Hawaiian coots, black-crowned night-herons (*Nycticorax nycticorax*), mallards (*Anas platyrhynchos*), and mallard hybrids. Generally, low numbers (zero to four) individuals have been observed, although 14 Hawaiian coots were counted in 1990, prior to the operation of the aquaculture farm.

**TAKE PRIDE[®]
IN AMERICA** 

Mr. Ronald Weidenbach

2

We hope this letter can assist you with your application. If you have questions, please contact Aaron Nadig, Fish and Wildlife Biologist, Consultation and Technical Assistance Program (phone: 808-792-9400, fax: 808-792-9581).

Sincerely,

Christa Russell

for Loyal Mehrhoff
Field Supervisor



United States
Department of
Agriculture

April 28, 2010

Animal and
Plant Health
Inspection
Service

Mr. Steve Wong
Program Manager
FAA, Honolulu Airports District Office

Wildlife
Services

Dear Mr. Wong

Hawaii State Office

This letter is in response to FAA request to provide a recommendation on the Dillingham Airfield quarry site. On April 9, 2010 Wildlife Services (WS) conducted a site visit at the Dillingham Airfield quarry to observe the Tilapia aquaculture farm Hawaii Fish Company (HCF) owned and operated by Mr. Ron Weidenbach. During the visit, Mr. Weidenbach informed us of the history of the site, how it came into existence, as well as, the current and future plans.

3375 Koapaka Street,
Suite H-420
Honolulu, Hawaii
96819-1898

Prior to Mr. Weidenbach's operations beginning in 1991, Waterbird Surveys conducted by the Department of Fish and Wildlife (DOFAW) counted 14 Hawaiian Coots in 1990. All counts thereafter have resulted in no more than six Hawaiian Coots in 1996 and 5 or less total birds in the Waterbird Surveys from 2000-2008. The types of birds counted were mainly Mallards, Hawaiian Coots and Black-Crowned Night Heron. On the rare occasions Black-Crowned Night Herons and various species of ducks are encountered, they seem to be attracted to a canal on the north side at the departure end of Runway 8, and not the quarry area. In a letter from William Kramer of U.S. Fish and Wildlife Service dated May 24, 1991, it was stated that Hawaiian Stilts may occur in this pond but from WS observations of this area, there is no suitable habitat for stilts. There are no embankments and the sides are steep and covered with thick vegetation and trees.

Tel: (808) 838-2840
Fax: (808) 838-2860

Since 2002, the FAA records for Dillingham Airfield indicate 9 Zebra Doves, 7 Pacific Golden Plovers, 2 Spotted Doves, 2 Common Waxbills, 1 Frigatebird, 1 House Finch and 1 Red-Vented Bulbul were involved in strikes. There are no wetland or waterbird species such as Mallards, Hawaiian Coots, Black-Crowned Night Herons or Hawaiian Stilts in the strike records. We do see seabirds such as Laysan Albatross on the airfield on a frequent basis. Upon our site visit, we did count at least two Black-Crowned Night Heron, one Common Barn Owl a flock of pigeons passing through but along the cliffs and away from the aircraft take off and landing patterns and a dozen or so House Finch and a few Red-Vented Bultuls.

In regards to the holding cages for the tilapia, Mr. Weidenbach has taken steps to minimize predation on his fish, by implementing plastic pipes around the edges to prevent perching. The cages are also covered with wire to prevent fish from jumping out or birds predating. Mr. Weidenbach mentioned he was given 15mm "Bird Banger" pyrotechnics to use if he needed to haze birds from his cages. With these steps taken, along with Mr. Weidenbachs operations, WS believes this may actually be deterring birds from being attracted to this quarry. The site visit



Safeguarding American Agriculture
APHIS is an agency of USDA's Marketing and Regulatory Programs

An Equal Opportunity Provider and Employer

06-73-15-5591-IA
65873-15-008

gave us only a snap shot of what species, how many and how often the site is used by waterbirds, therefore we will continue monitoring of the area in case the situation does change.

Regarding Mr. Weidenbach's operation, we see no impact to aviation safety and his cooperation with wildlife issues is a positive step in ensuring any wildlife hazards to aviation could be mitigated if it ever arises.

Sincerely,

A handwritten signature in black ink that reads "Darrin Phelps". The signature is written in a cursive, slightly slanted style.

Darrin Phelps
USDA/APHIS/Wildlife Services
Assistant District Supervisor

JOHN WAIHEE
GOVERNOR



STATE OF HAWAII
DEPARTMENT OF TRANSPORTATION
AIRPORTS DIVISION
HONOLULU INTERNATIONAL AIRPORT • HONOLULU, HAWAII 96819-1898

REX D. JOHNSON
DIRECTOR

DEPUTY DIRECTORS
KANANI HOLT
JOYCE T. OMINE
AL PANG
CALVIN M. TSUDA

IN REPLY REFER TO:

AIR-O
93.0781

December 13, 1993

Mr. Ronald Weidenbach
HAWAII FISH COMPANY
68-059 B Waialua Beach Road
Waialua, HI 96791

Dear Mr. Weidenbach:

I was glad to have had the opportunity to meet with you to learn about your particular aquaculture activity at Dillingham Airfield.

Based on our discussion, it appears that those concerns which I had raised in my earlier correspondence regarding the possible negative impact to the water table is not a problem, contrary to our earlier impression. We are now satisfied that you have coordinated your affairs with the State Department of Health and the arrangement established will not pose any possible harm to our well source. Investigation by the SDOH has confirmed this situation.

In order to correctly document your use of the area to include the fish propagation tanks, a revocable permit to include the spaces between the cabins is needed. Application for these areas is enclosed for your completion.

Sincerely,


BARRY F. UNAGA
Manager
Honolulu International Airport

Enc.