

STATE OF HAWAI'I
DEPARTMENT OF LAND AND NATURAL RESOURCES
Division of Forestry and Wildlife
Honolulu, Hawai'i 96813

March 24, 2017

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

Land Board Members:

SUBJECT: REQUEST FOR APPROVAL FOR SELECTION OF A COMPETITIVE
SEALED PROPOSAL PROCESS FOR A HAWAIIAN HOARY BAT
HABITAT CONSERVATION PLAN FOR BIOMASS AND TIMBER
HARVEST IN HAWAI'I

AND

REQUEST APPROVAL OF DECLARATION OF EXEMPTION UNDER
CHAPTER 342, HRS ENVIRONMENTAL COMPLIANCE REQUIREMENTS
FOR THE PROJECT.

This board submittal requests approval to issue a Request for Proposals (RFP) under the competitive sealed proposal process pursuant to Section 103D-303 Hawai'i Revised Statutes (HRS) and Chapter 3-122 subchapter 6 Hawai'i Administrative Rules (HAR) for the purpose of a Hawaiian hoary bat (HHB; *Lasiurus cinereus semotus*) habitat conservation plan (HCP) for biomass and timber harvest in Hawai'i.

BACKGROUND

Although most of the state's listed species are found in native forests and habitats, some, like the endangered HHB, are widely distributed and can be found using nearly all habitats. This species' broad distribution and use of many habitats raises the potential concern that forestry-related harvesting activities may inadvertently harm flightless young bats if a maternity tree is cut during the bat breeding season. Take of the HHB is regulated pursuant to State law (HRS 195D) and the federal Endangered Species Act (ESA). While the species uses a variety of habitats for foraging, it is thought that the distribution of maternity roosts is more limited, and that use of non-native commercial plantation sites is low. However, little survey work has been done to test this supposition. Juvenile bats cannot fly during much of the summer. Therefore, if maternity roosts are found in commercial forests, they may not be able to flee from harvest areas and could be abandoned by displaced females. Current guidance from the Hawai'i Division of Forestry and Wildlife (DOFAW) and the U.S. Fish and Wildlife Service (USFWS) states that harvesting or trimming of woody plants more than 15 feet tall should not occur between June 1 and September 15 without prior consultation with agency biologists, which greatly constrains potential forest

harvest operations. Based on the limited knowledge about the threat harvesting activities in commercial timber stands in commercial timber stands pose to HHB during the pupping season, it has to be assumed that incidental takes of HHB would be occurring during such activities. In order to enable the harvest of certain commercial timber stands year-round, DOFAW submitted a portion of an application for an incidental take permit pursuant to section 10(a)(1)(B) of the federal Endangered Species Act on December 30, 2016. To complete the incidental take permit application, and to qualify for an incidental take license pursuant to HRS 195D, DOFAW must develop a Habitat Conservation Plan (HCP) that describes the anticipated level of HHB take, the measures the DOFAW will take to minimize the take, and the anticipated benefits of the timber harvest program to the HHB.

At this time, much of the basic ecological and life history information required to develop an effective HCP for the HHB particularly in commercial timber stands is lacking. Considerable survey and research efforts are necessary to inform the HCP. To secure the funding for the activities necessary for the HCP such as planning, surveying, research and drafting of the HCP, DOFAW in cooperation with the Hawai'i Forest Industry Association (HFIA) and members of the biomass industry successfully applied for a section 6 HCP Planning Assistance grant by the U.S. Fish and Wildlife Service which was awarded on November 16, 2016. The grant will be used to conduct studies to assess the HHB use of these commercial timber stands during the breeding season, and if appropriate, to develop minimization and mitigation measures that would allow for year-round harvest.

DISCUSSION

DOFAW is intending to hire a contractor that provides the services required to create a Hawaiian hoary bat draft HCP for biomass and timber harvest in Hawai'i. Such services will include planning, conducting fieldwork, research, data analyses, assisting with landowner outreach, preparation of reports, attending meetings, drafting HCP documents, and providing project coordination and project management. To survey, inventory, and characterize how HHB use the commercial forest stands that are likely to be covered by the HHBHCP, the research activities may include the use of acoustic, infra-red, thermal, and scent-dog detection and monitoring techniques.

Competitive Sealed Proposal

Based on the requirements and special conditions of this procurement, DOFAW recommends that a competitive sealed proposal process be used for this solicitation. A competitive sealed proposal process for this solicitation will be the most advantageous procurement process for the solicitation, which is determined by the following:

- 1) The primary consideration for the determination of the awards for this RFP is not revenue.
- 2) The contract(s) will be other than a fixed-type price.
- 3) Oral or written discussion may need to be conducted with the Applicants concerning technical and revenue aspects of their proposals.
- 4) Applicants may need to be afforded the opportunity to revise their proposals, including revenues offered.

- 5) Awards may need to be based upon a comparative evaluation as stated in the request for proposal of differing revenue, quality, services and other contractual factors in order to determine the most advantageous offering to the State.

Pursuant to HAR § 3-122-43, a determination by the Department procurement officer must be made for the use of the competitive sealed proposal process over the competitive sealed bidding process when the competitive sealed bidding process is neither practicable nor advantageous to the State. Additionally, pursuant to HAR § 3-122-45, a determination must be made by the procurement officer that an evaluation committee, selected in writing by the procurement officer, shall evaluate the competitive sealed proposals.

The Division recommends the use of an evaluation committee for the selection of the proposals because an evaluation committee will allow for a subjective choice of the most appropriate proposal for the project. Further the evaluation committee must consist of at least three government employees with sufficient qualifications in the area of the goods or services to be procured. The Division recommends the following individuals to be on the evaluation committee:

M. Irene Sprecher, DOFAW (State, Forestry Program Manager)
Philipp LaHaela Walter, DOFAW (State, Resource and Survey Forester)
Raymond B. McGuire, DOFAW (State, Wildlife Biologist)
Katherine Cullison, DOFAW (RCUH, Habitat Conservation Planning Associate)

Additionally, should any of the committee members above be unable to participate, the Division requests that the Board authorize the Chairperson to appoint alternates or recommend that the committee be reduced by one member should the need arise. After proposals are received and evaluated by the evaluation committee, the Division will return to the Board for award of the RFP and approval of any land disposition with a qualified entity or entities.

CHAPTER 343 – ENVIRONMENTAL COMPLIANCE

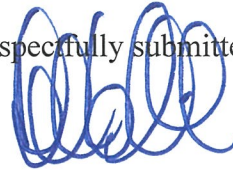
In accordance with “Exemption List for the Department of Land and Natural Resources, reviewed and concurred upon by the Environmental Council on June 5, 2015,” the proposed activities are exempt from the preparation of an environmental assessment. Specifically, the proposed activities fall under Exemption Class No. 5 Item 2, Item 3, Item 13, Item 14, Item 15, Item 22, and Item 23. Refer to attached Exemption Notification labeled Exhibit A.

RECOMMENDATION:

That the Board, as the Department of Land and Natural Resources, approves:


- 1) The use of a competitive sealed proposal for a solicitation for a Hawaiian hoary bat habitat conservation plan for biomass and timber harvest in Hawai'i.
- 2) The use of an evaluation committee comprised of the individuals identified above to serve, evaluate and select the competitive sealed proposals.
- 3) The authorization of the Chairperson to award and execute a contract for goods and services, subject to the availability of funds and approval as to form by the Department of the Attorney General.
- 4) The authorization of the Chairperson to appoint evaluation committee alternates or recommend that the committee be reduced by one member should the need arise.
- 5) Declare that, after considering the potential effects of the proposed dispositions provided by Chapter 343, HRS, and Chapter 11-200, HAR, this project will likely have minimal or no significant effect on the environment and is therefore exempt from the preparation of an environmental assessment.

Respectfully submitted,



David G. Smith, Administrator
Division of Forestry and Wildlife

APPROVED FOR SUBMITTAL:



SUZANNE D. CASE, Chairperson
Board of Land and Natural Resources

Exhibit A

DAVID Y. IGE
GOVERNOR OF
HAWAII



STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES

POST OFFICE BOX 621
HONOLULU, HAWAII 96809

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

KEKOA KALUHIWA
FIRST DEPUTY

JEFFREY T. PEARSON, P.E.
DEPUTY DIRECTOR - WATER

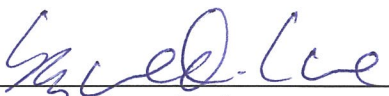
AQUATIC RESOURCES
BOATING AND OCEAN RECREATION
BUREAU OF CONVEYANCES
COMMISSION ON WATER RESOURCE MANAGEMENT
CONSERVATION AND COASTAL LANDS
CONSERVATION AND RESOURCES ENFORCEMENT
ENGINEERING
FORESTRY AND WILDLIFE
HISTORIC PRESERVATION
KAHOOLAWE ISLAND RESERVE COMMISSION
LAND
STATE PARKS

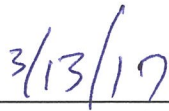
EXEMPTION NOTIFICATION

Regarding the preparation of an environmental assessment pursuant to Chapter 343, Hawaii Revised Statutes.

Project Title:	Hawaiian hoary bat (<i>Lasiurus cinereus semotus</i>) habitat conservation plan for biomass and timber harvest in Hawai‘i.
Project Number:	N/A
Project Description:	DOFAW is requesting permission to hire a contractor that provides the services required to create a Hawaiian hoary bat (HHB) draft habitat conservation plan (HCP) for biomass and timber harvest in Hawai‘i. Such services will include planning, conducting fieldwork, research, data analyses, assisting with landowner outreach, preparation of reports, attending meetings, drafting HCP documents, and providing project coordination and project management. To survey, inventory, and characterize how HHB use the commercial forest stands that are likely to be covered by the HHBHCP, the research activities may include the use of acoustic, infra-red, thermal, and scent-dog detection and monitoring techniques.
Chapter 343 Trigger:	Use of State Land and Funds
Exemption Class & Description	<p>Exemption Class No. 5 Item 2, “Non-destructive data collection and inventory, including field, aerial and satellite surveying and mapping.”</p> <p>Exemption Class No. 5 Item 3, “Conduct topographic, sounding, wave, littoral transport, bathymetric, and location surveys.”</p> <p>Exemption Class No. 5 Item 13, “Research or experimental management actions that the Department declares are designed specifically to monitor, conserve, or enhance native species or native species' habitat.”</p> <p>Exemption Class No. 5 Item 14, “Implanting transponders and affixing tags, transmitters, markers, or other similar devices to birds, mammals, invertebrates, or aquatic organisms to record movement, longevity, growth, distribution, behavior, and other activities; taking disease or blood samples from birds, mammals, invertebrates, or aquatic organisms; and placing remote monitoring devices (to determine animal movement), cameras, equipment and feeders.”</p>

	<p>Exemption Class No. 5 Item 15, "Game and non-game wildlife surveys, vegetation and rare plant surveys, aquatic life surveys, inventory studies, new transect lines, photographing, recording, sampling, collection, culture, and captive"</p> <p>Exemption Class No. 5 Item 22, "Conduct planning and feasibility studies."</p> <p>Exemption Class No. 5 Item 23, "Permission to enter state lands for the purpose of conducting those activities listed above."</p>
Consulted Parties	<p>DLNR Land Division, Division of State Parks, Historic Preservation Division, Conservation and Coastal Lands, Water Resource Management, Division of Aquatic Resources</p> <p>DOH, OHA, DHHL, C&C of Honolulu, County of Maui, County of Hawaii, County of Kauai</p>
Recommendation	<p>It is anticipated that this project will have minimal or no significant effect on the environment and is presumed to be exempt from the preparation of an environmental assessment.</p>


 Suzanne D. Case, Chairperson


 Date