

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

Board Members:

**SUBJECT: REQUEST FOR APPROVAL TO ENTER INTO A COOPERATIVE AGREEMENT BETWEEN THE AMERICAN BIRD CONSERVANCY (ABC) AND THE DIVISION OF FORESTRY AND WILDLIFE FOR \$84,000 IN PRIVATE AND FEDERAL FUNDS TO SUPPORT THE CORE MISSIONS OF THE MAUNA KEA FOREST RESTORATION PROJECT, MAUI ENDANGERED FOREST BIRD RECOVERY PROJECT AND THE KAUAI ENDANGERED FOREST BIRD RECOVERY PROJECT SUBJECT TO THE REVIEW AND APPROVAL BY THE DEPUTY ATTORNEY GENERAL.**

**AND**

**APPROVAL OF DECLARATION OF EXEMPTION UNDER CHAPTER 343, HAWAII REVISED STATUTES, AND CHAPTER 11-200, HAWAII ADMINISTRATIVE RULES.**

**SUMMARY:**

The American Bird Conservancy (ABC) offered to award an \$84,000 grant to the Division of Forestry and Wildlife (DOFAW) in support of DOFAW's endangered forest bird recovery projects. DOFAW would receive the grant as a subrecipient of funds that ABC received from the National Fish and Wildlife Foundation (NFWF) and other private monies that were raised by ABC.

**BACKGROUND:**

The parties will jointly work on activities which are intended to advance conservation actions for five ESA-listed birds across the State of Hawaii. Restoring habitat, primarily mamane forest, on Mauna Kea, Hawaii is critical for increasing the population of Palila. The Maui Parrotbill population is limited by the extent of their currently occupied habitat on the eastern side of Haleakala, Maui, so creating an additional population of birds is a critical recovery action. Restoring the native forest and preparing the Wailailau unit of Nakula Natural Area Reserve site

for translocation are necessary to implement the action. The native forest birds of Kauai Alakai Plateau, particularly Puaiohi, Akikiki, and Akekee are depredated by non-native rats. Rats are one of the greatest threats to island birds worldwide. Reducing rat populations is critical to preserve these bird species. These activities have been deemed high priorities by the U.S. Fish and Wildlife Service and the Division of Forestry and Wildlife.

DOFAW and ABC, aided by the Deputy Attorney General, recently reviewed the agreement for directing ABC's initial NFWF grant to DOFAW, and DOFAW now seeks BLNR approval to accept \$84,000 in grant funds from ABC to support the above projects.

DISCUSSION:

Securing a funding commitment from ABC will enhance DOFAW's commitment to recover Hawaii's endangered forest birds.

CHAPTER 343 - ENVIRONMENTAL ASSESSMENT:

The proposed recovery projects is a minor action that will probably have minimal or no significant effects on the environment and is exempt from the requirement to prepare an environmental assessment in accordance with Chapter 343, HRS, and Chapter 11-200-8, Hawaii Administrative Rules, under the Department's Exemption Class 5, Exemption 1, 2, 13 & 19. (Exemption List for the Department of Land and Natural Resources, Reviewed and Concurred Upon by the Environmental Council on June 05, 2015):

Exemption Class 5: Basic data collection, research, experimental management, and resource evaluation activities which do not result in a serious or major disturbance to an environmental resource.

1. Conduct surveys or collect data on existing environmental conditions (e.g., noise, air quality, water flow, water quality, etc.).
2. Non-destructive data collection and inventory, including field, aerial and satellite surveying and mapping.
13. Research or experimental management actions that the Department declares are Designed specifically to monitor, conserve, or enhance native species or native species habitat.
19. Research or experimental management actions to identify, monitor and control introduced species.

DOFAW activities to be conducted under the terms of the grant agreement include the conservation of five ESA-listed birds across the State of Hawaii. These are minor actions that will probably have minimal or no significant effects on the environment and are exempt from the requirement to prepare an environmental assessment in accordance with Chapter 343, HRS, and Chapter 11-200-8, Hawai'i Administrative Rules, under the Department's following exemption classes (Exemption List for the Department of Land and Natural Resources, Reviewed and Concurred Upon by the Environmental Council on June 05, 2015):

Exemption Class 1: Operations, repairs or maintenance of existing structures, facilities, equipment or topographical features, involving negligible or no expansion or change of use beyond that previously existing.

Exemption Class 2: Replacement or reconstruction of existing structure 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.

Exemption Class 3: Construction and location of single, new, small facilities or structures and the alteration and modification of same and installation of new, small equipment and facilities and the alteration and modification of same [].

Exemption Class 4: Minor alteration in the conditions of land, water, or vegetation.

Exemption Class 5: Basic data collection, research, experimental management, and resource evaluation activities which do not result in a serious or major disturbance to an environmental resource.

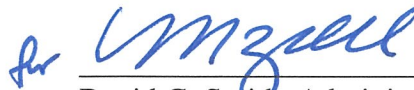
Exemption Class 6: Construction or placement of minor structures accessory to existing facilities.

RECOMMENDATIONS:

That the Board:

1. Approve DOFAW's acceptance of an \$84,000 grant from the American Bird Conservancy for DOFAW's conservation and restoration initiatives state-wide and to delegate authority to the Chair to negotiate and execute a Cooperative Agreement with the American Bird Conservancy subject to the approval of the Department of the Attorney General.
2. Approval of Declaration of Exemption under Chapter 343, Hawaii Revised Statutes, and Chapter 11-200, Hawaii Administrative Rules.

Respectfully submitted,



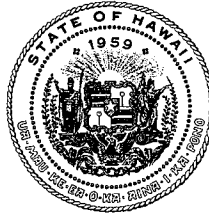
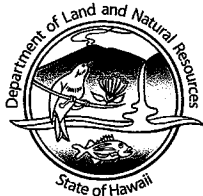
David G. Smith, Administrator  
Division of Forestry and Wildlife

APPROVED FOR SUBMITTAL:



Suzanne D. Case, Chairperson  
Board of Land and Natural Resources

DAVID Y. IGE  
GOVERNOR OF HAWAII



**STATE OF HAWAII**  
**DEPARTMENT OF LAND AND NATURAL RESOURCES**

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CHAIRPERSON  
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KAHOOLAWE ISLAND RESERVE COMMISSION  
LAND  
STATE PARKS

March 24, 2017

**DECLARATION OF EXEMPTION**  
from the preparation of an environmental assessment under the authority of  
Chapter 343, HRS and Chapter 11-200, HAR

**Project Title:** Cooperative Grant Agreement between Hawaii Division of Forestry and  
Wildlife and American Bird Conservancy

**Project Description:**

The American Bird Conservancy (ABC) offered to award an \$84,000.00 grant to the Division of Forestry and Wildlife (DOFAW) in support of DOFAW's endangered forest bird recovery projects. DOFAW would receive the grant as a subrecipient of funds that ABC received from the National Fish and Wildlife Foundation (NFWF) and other private monies that were raised by ABC.

The parties will jointly work on activities which are intended to advance conservation actions for five ESA-listed birds across the State of Hawaii. Restoring habitat, primarily mamane forest, on Mauna Kea, Hawaii is critical for increasing the population of Palilia. The Maui Parrotbill population is limited by the extent of their currently occupied habitat on the eastern side of Haleakala, Maui so creating an additional population of birds is a critical recovery action. Restoring the native forest and preparing the Wailailau unit of Nakula Natural Area reserve site for translocation are necessary to implement the action. The native forest birds of Kauai Alakai Plateau, particularly Puaiohi, Akikiki, and Akekee are depredated by non-native rats. Rats are one of the greatest threats to island birds worldwide, reducing rat populations is critical to preserve these bird species. These activities have been deemed high priorities by the U.S. Fish and Wildlife Service (USFWS) and the Division of Forestry and Wildlife.

DOFAW has the capacity to perform the duties provided below indicated in the grant agreement.

- Support core missions of the Mauna Kea Forest Restoration Project such as forest restoration, controlling non-native predators, maintaining the ungulate-proof fence around Palila Critical Habitat, and public outreach. The support will be via plant nursery time and space, office space for MKFRP, and direct financial assistance (matching activity).
- Conduct aerial sheep control on Mauna Kea (matching activity).

Declaration of Exemption – Cooperative Grant Agreement between Hawaii Division of Forestry and Wildlife and American Bird Conservancy

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- Maintain Mauna Kea road network and fire breaks to protect and manage Palila habitat (matching activity).
- Support core missions of the Maui Forest Bird Recovery Project, such as increasing habitat restoration activities within the 420 acre Wailaulau unit, collecting additional native seeds, and determining the prevalence of mosquitoes and avian disease (malaria, pox) at the proposed reintroduction site in Nakula (matching activity).
- Work with the Natural Area Reserve System and Forestry Division to expand the restoration efforts beyond the 420 acre Wailaulau unit to the greater Nakula NAR.
- Finalize and secure approval of the Maui Parrotbill translocation plan.
- Purchase Goodnature rat traps, counters, and other materials necessary to expand the rat trapping program to protect forest bird habitat in the Alaka'i Plateau. Operate and maintain the traps over the course of this agreement.
- Purchase sound meters and other materials necessary to conduct acoustic surveys for Kaua'i's endemic forest birds. Collect, enter, and analyze acoustic data and use it to ground-truth habitat models.
- Support the core mission of the Kaua'i Forest Bird Recovery Project, such as measuring rat abundance before and after rat trapping, and monitoring forest bird nests in rat-trapping and control plots.
- Preparation of interim and final reports, as shown in the table in Section 5. Payments and Reporting Requirements.

Funding for this work is supported by Private and Federal funds that are awarded and administered by DOFAW's Wildlife Program.

**Consultation:**

The State Office of Environmental Quality Control (OEQC) requires that agencies exempting projects from the preparation of an environmental assessment under their respective lists of exemptions consult with agencies and individuals having jurisdiction or expertise as to the propriety of the exemption before declaring a project exempt. A copy of the draft declaration of exemption was transmitted to the University of Hawaii (UH), Pacific Cooperative Studies Unit (PCSU) Kauai Endangered Forest Bird Recovery Project's lead biologist, UH PCSU, Maui Nui's Forest Bird lead biologist and to PCSU's Mauna Kea Coordinator. Each party provided their comments which stated that minimal or no significant impact on the environment will occur regarding the declaration of exemption from the preparation of an environmental assessment under the authority of Chapter 343, Hawaii Revised Statutes (HRS), and Section 11-200, Hawaii Administrative Rules (HAR).

**CHAPTER 343 - ENVIRONMENTAL ASSESSMENT:**

The proposed recovery projects is a minor action that will probably have minimal or no significant effects on the environment and is exempt from the requirement to prepare an environmental assessment in accordance with Chapter 343, HRS, and Chapter 11-200-8, Hawaii Administrative Rules, under the Department's Exemption Class 5, Exemption 1, 2, 13 & 19.

(Exemption List for the Department of Land and Natural Resources, Reviewed and Concurred Upon by the Environmental Council on June 05, 2015):

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DOFAW activities to be conducted under the terms of the grant agreement include the conservation of five ESA-listed birds across the State of Hawaii. These are minor actions that will probably have minimal or no significant effects on the environment and are exempt from the requirement to prepare an environmental assessment in accordance with Chapter 343, HRS, and Chapter 11-200-8, Hawai'i Administrative Rules, under the Department's following exemption classes (Exemption List for the Department of Land and Natural Resources, Reviewed and Concurred Upon by the Environmental Council on June 05, 2015)

#### **Exemption Class 5**

*Basic data collection, research, experimental management, and resource evaluation activities which do not result in a serious or major disturbance to an environmental resource.*

1. Conduct surveys or collect data on existing environmental conditions (e.g. noise, air quality, water flow, water quality, etc.).
2. Non-destructive data collection and inventory, including field, aerial and satellite surveying and mapping.
5. Installation of climatological stations and equipment and streamflow gaging stations and equipment, and other similar equipment necessary to measure environmental factors and collect data.
13. Research or experimental management actions that the Department declares are designed specifically to monitor, conserve, or enhance native species or native species' habitat.
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.
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 propagation.
  16. Captive propagation of birds, mammals, invertebrates, or aquatic organisms; cultivation of plants. Housing, care, feeding, veterinarian examination, breeding (pairing, hatching, brooding, fledgling, rearing), cross fostering, double clutching nests, and experimental studies of native species (including those which are rare, threatened or endangered), game birds and game mammals.
  17. The 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.
  18. Research or experimental wildlife and plant management actions, including controlled grazing or burning as a management tool and outplanting.
  19. Research or experimental management actions to identify, monitor, control, or eradicate introduced species.

**Cumulative Impacts of Actions in the Same Place and Impacts with Respect to the Sensitive Environment Will Not Be Significant.**

**Date of Final Agency Exemption List:** June 5, 2015

*I have considered the potential effects of the above listed project as provided by Chapter 343, HRS and Chapter 11-200 HAR. I declare that this project will probably have minimal or no significant effect on the environment and is therefore exempt from the preparation of an environmental assessment under the above exemption classes.*

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Suzanne D. Case, Chairperson  
Department of Land and Natural Resources

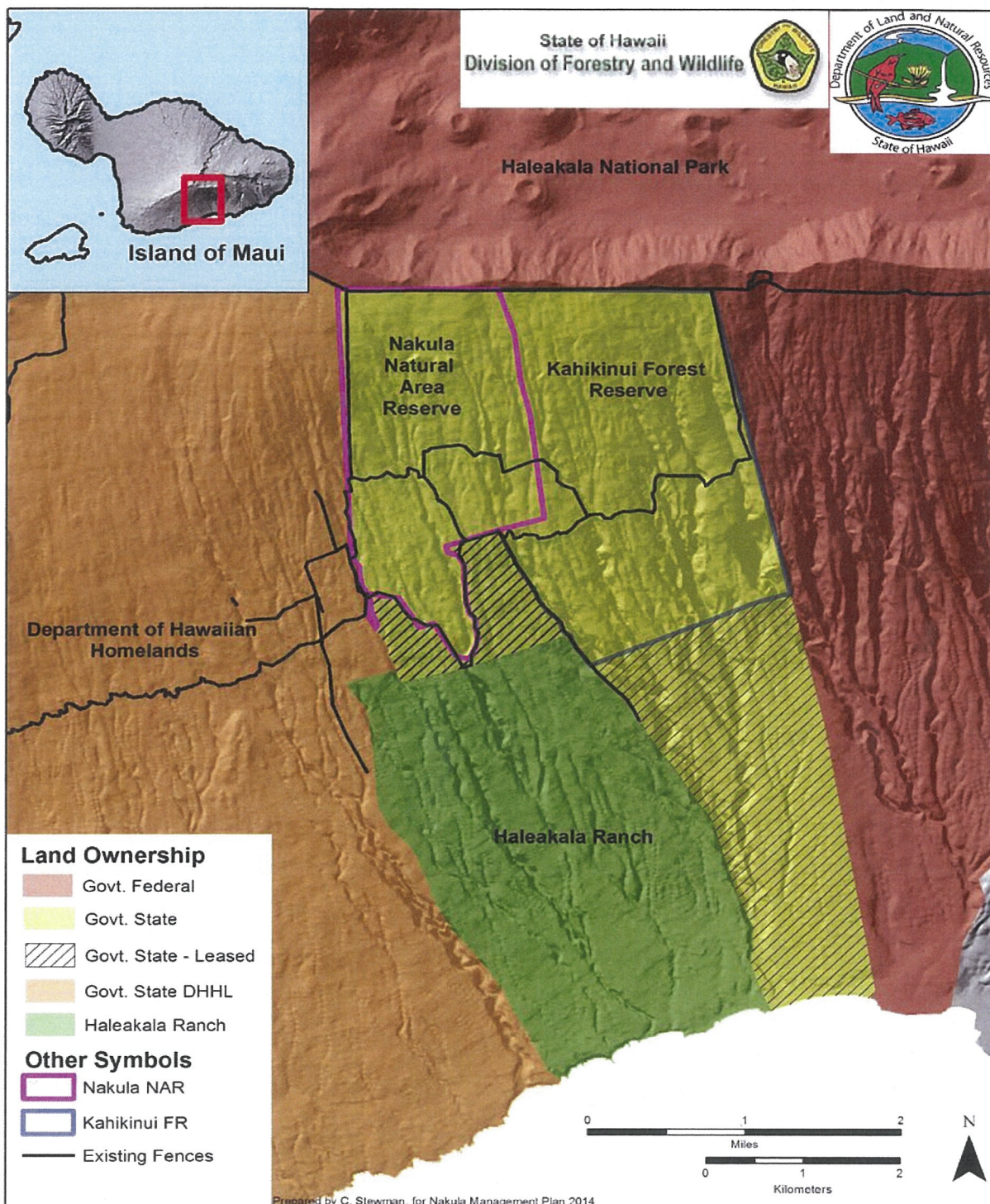
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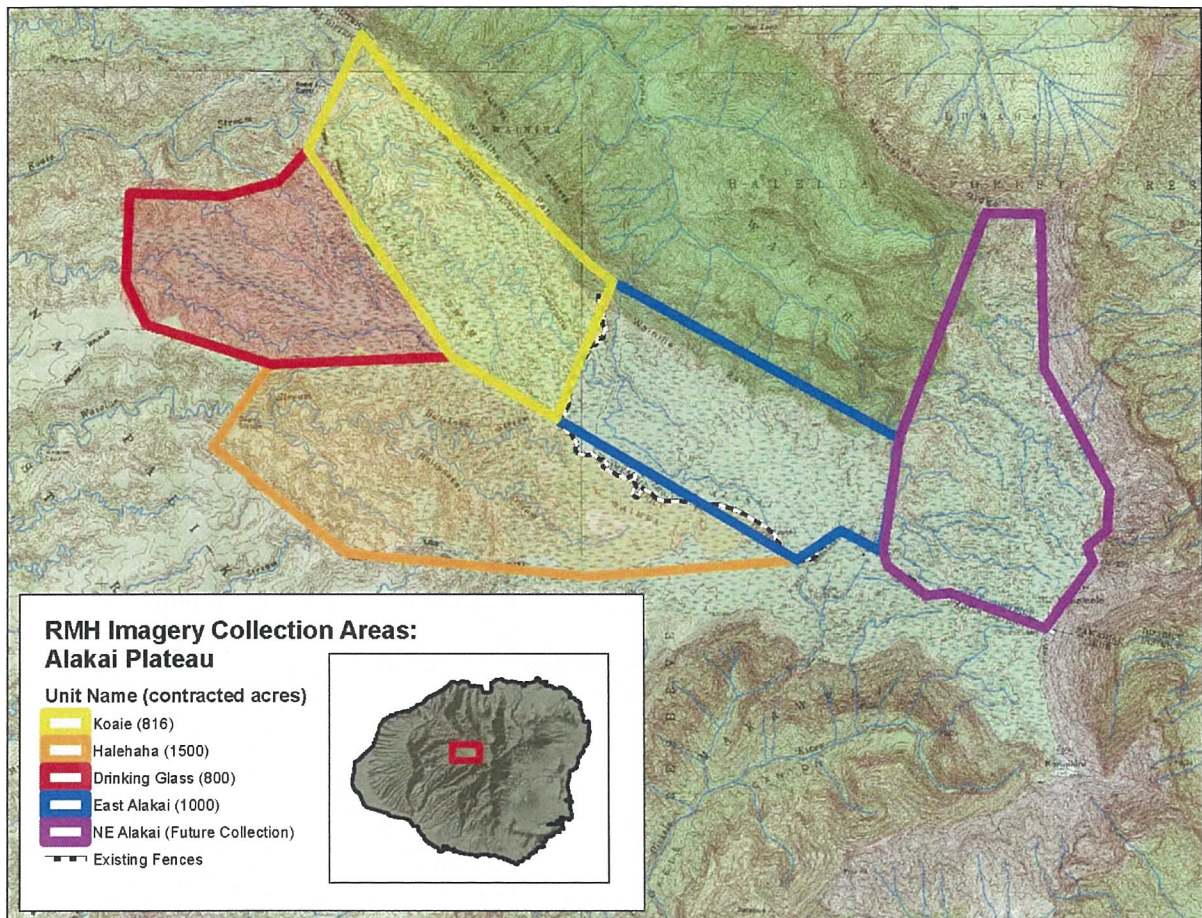
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Copy: Project file

Attachment A: Map of Project Area, Maui  
Attachment B: Map of Project Area, Kauai  
Attachment C: Map of Project Area, Hawaii

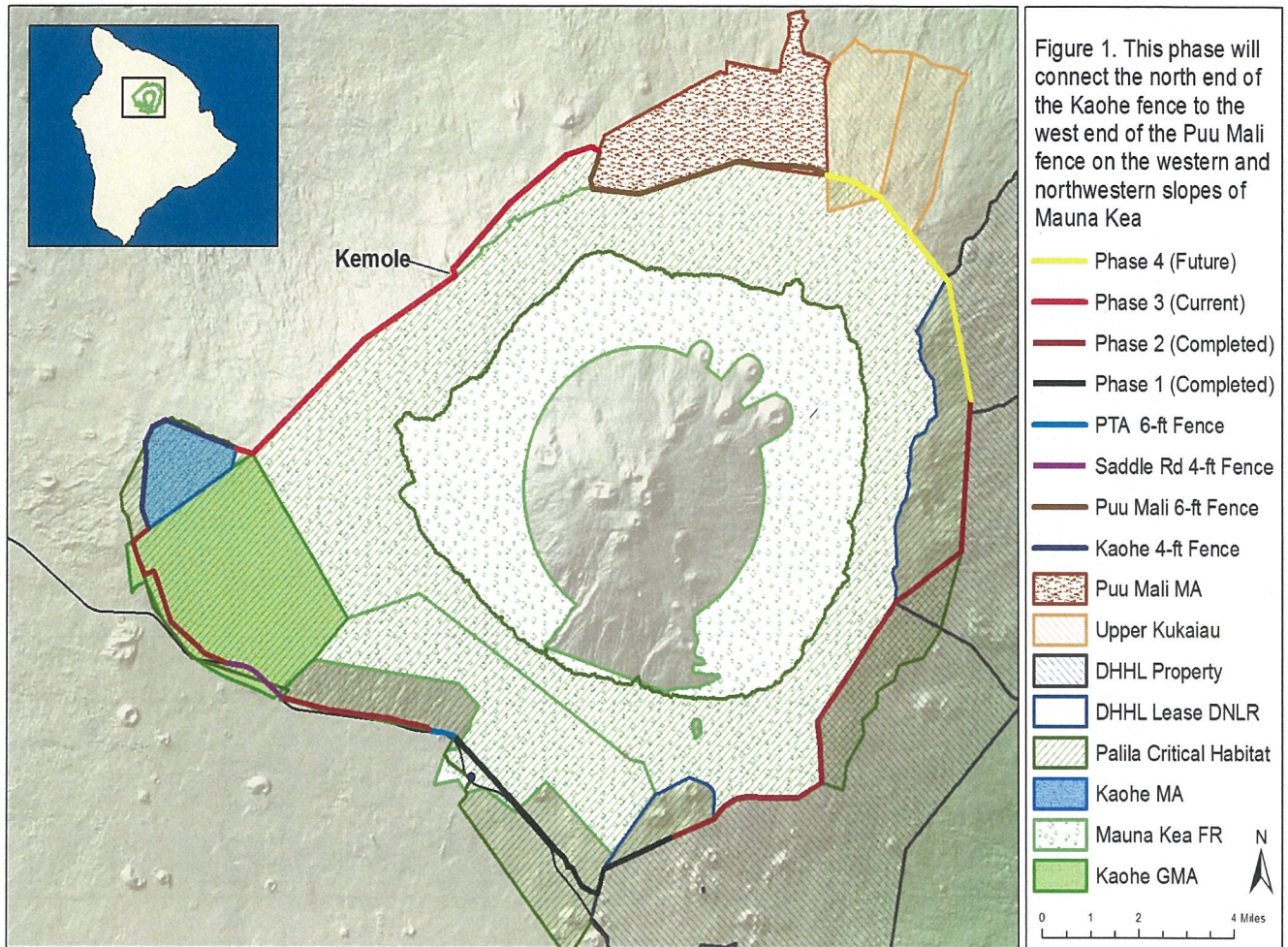




Attachment A



Attachment B



Attachment C