

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

April 13, 2017

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

Land Board Members:

SUBJECT: REQUEST FOR DELEGATION OF AUTHORITY TO THE
CHAIRPERSON TO: 1) APPROVE, PROCURE, AWARD, SIGN,
EXECUTE, AMEND, AND EXTEND CONTRACTS AWARDED
UNDER CHAPTER 42F, HAWAII REVISED STATUTES (HRS); 2)
DECLARE THESE CONTRACTS EXEMPT FROM THE
PREPARATION OF AN ENVIRONMENTAL ASSESSMENT OR
APPROVE AN ENVIRONMENTAL ASSESSMENT AND ISSUE A
FINDING OF NO SIGNIFICANT IMPACT, IF APPROPRIATE.

BACKGROUND:

Grant-in-aid contract awards are determined during the Legislative process. Ch. 42F-104, HRS requires that a grant-in-aid "appropriation shall be disbursed by a contract between the state agency designated the expending agency for the appropriation by the legislature, and the recipient of the grant." The contracting process then involves administrative release of funds, compliance with Chapter 343, HRS, certification of funds by the Comptroller, approval as to form by the Attorney General, and finally approval by the Chairperson.

DISCUSSION:

Under Chapter 171, HRS, the Board is given the powers and functions granted to the heads of departments for activities such as entering contracts and may delegate those powers and duties to the Chairperson or employees of the Department. Exhibit 1 is a list of recommended actions that have received Board approval to delegate authority to the Chairperson to approve grant-in-aids in calendar year 2016. Authorizing the Chairperson to review and approve these contracts at the Department level will increase the efficiency and speed of the procurement process. This will also reduce the volume of routine procurement matters going to the Board, and streamline a process that already has a pre-determined recipient and funding amount. This submittal applies to all Divisions within DLNR.

The Chairperson, Divisions, and Offices would retain the discretion to continue to submit any contract for Board approval to keep the Board informed of program development or provide

additional public forum for information and discussion on the project.

CHAPTER 343 – ENVIRONMENTAL ASSESSMENT:

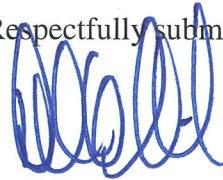
All projects will comply with applicable provisions of HRS Chapter 343, and Title 11, Chapter 200, Hawaii Administrative Rules (HAR). We ask the Board to delegate to the Chairperson the authority to declare a project exempt from the preparation of an EA, or to approve an EA and issue a FONSI, for projects in which an EA was prepared and resulted in such findings. All projects for which an environmental impact statement (EIS) was prepared will be presented to the Board. Findings of no significant impact as well as declarations of exemptions are publicly disseminated by regularly scheduled filings to the Office of Environmental Quality Control.

RECOMMENDATION:

That the Board of Land and Natural Resources:


- 1) Delegate authority to the Chairperson to approve, sign, execute, amend, and extend contracts procured through Chapter 42F, Hawaii Revised Statutes.
- 2) Delegate authority to the Chairperson to declare a project covered by this request exempt from the preparation of an EA or to approve an EA and issue a FONSI, if appropriate, and authorize the Chairperson to sign the necessary documents pertaining to the individual project to make such a declaration.

Respectfully submitted,



David G. Smith, Administrator
Division of Forestry and Wildlife

APPROVED FOR SUBMITTAL:



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

Attachment

Exhibit 1. Grant In Aid Contracts that Sought Board Approval in Calendar Year 2016

<u>Subject</u>	<u>Division</u>	<u>Date</u>
<u>Delegation of Authority to the Chairperson of the Board of Land and Natural Resources to Approve Documents and Enter into an Agreement Pertaining to the Grant-In-Aid of \$200,000 to the 501(c)(3) Nonprofit Organization, Pacific Historic Parks, on the Island of O'ahu.</u>	State Parks	12/9/2016
<u>Request for Authorization for the Chairperson of the Board of Land and Natural Resources to Sign, Execute, Amend, and Extend Agreement(s), Contract(s), and Other Document(s) for the Capital Improvement Project Grants-in-Aid to Moanalua Gardens Foundation, Inc., in the Honolulu Watershed Forest Reserve. Tax Map Keys Nos.: (1) 1-1-012:002, (1) 1-1-012:015, and (1) 1-1-013:001, Moanalua Ahupua'a, Kona District, Island of Oahu and Request Approval of Declaration of Exemption to Chapter 343, Hawaii Revised Statutes, for the Project.</u>	DOFAW	10/28/2016
<u>Request for Authorization for the Chairperson of the Board of Land and Natural Resources to Sign, Execute, Amend, and Extend Agreement(s), Contract(s), and Other Document(s) for the Operating Grant-in-Aid to Hawaii Wildfire Management Organization to Support Wildfire Related Outreach and Education and Hazardous Vegetation Reduction Planning Statewide and Request Approval of Declaration of Exemption to Chapter 343, Hawaii Revised Statutes, Environmental Compliance Requirements for the Project.</u>	DOFAW	9/23/2016
<u>Request for Authorization for the Chairperson of the Board of Land and Natural Resources to Sign, Execute, Amend, and Extend Agreement(s), Contract(s), and Other Document(s) for the Capital Improvement Project Grant-in-Aid to the 501(C)(3) Nonprofit Organization, Hawaii Wildlife Center, Located in North Kohala on the Island of Hawai'i, Tax Map Keys no. (3) 5-3-007:015 and Request Approval of Declaration of Exemption from the Preparation of an Environmental Assessment, Pursuant to Hawai'i Revised Statutes Chapter 343 and Hawai'i Administrative Rules Chapter 11-200.</u>	DOFAW	5/27/2016
<u>Request for Authorization for the Chairperson of the Board of Land and Natural Resources to Sign, Execute, and Amend Contract(s) for the Capital Improvement Project as Appropriated by Act 119, Session Laws Of Hawai'i 2015 to the 501(C)(3) Nonprofit Organization, The Friends Of Iolani Palace On The Division Of State Parks Tax Map Key: (1) 2-1-25:02 in 'Iolani Palace State Monument, O'ahu and Request Approval of Declaration of Exemption to Chapter 343, Hawai'i Revised Statutes, Environmental Compliance Requirements for the Capital Improvement Project.</u>	State Parks	4/22/2016
<u>Request for Authorization for the Chairperson of the Board of Land and Natural Resources to Sign, Execute, Amend, and Extend Agreement(s), Contract(s), and Other Document(s) for the Operating Grant-In-Aid to Moanalua Gardens Foundation, Inc., in the Honolulu Watershed Forest Reserve. Tax Map Keys: (1) 1-1-013:001 and (1) 1-1-012:015, Moanalua Ahupuaa, Kona District, Island of Oahu and Request Approval of Declaration of Exemption to Chapter 343, Hawaii Revised Statutes, Environmental Compliance Requirements for the Project.</u>	DOFAW	4/8/2016

<u>Request for Authorization for the Chairperson of the Board of Land and Natural Resources to Sign, Execute, and Amend Contract(s) for the Capital Improvement Project to the 501(C)(3) Nonprofit Organization, Aha Hui E Kala DBA Lawai International Center on the Island of Kaua'i Tax Map Key: 4-2-5-004-007.</u>	DOFAW	3/24/2016
<u>Request for Authorization for the Chairperson of the Board of Land and Natural Resources to Sign, Execute, and Amend Contract(s) for the Capital Improvement Project to the 501(C)(3) Nonprofit Organization, Hui O Laka DBA Kōke'e Natural History Museum On The Division Of State Parks Tax Map Key: (4) 1-4-01:13 In Kōke'e State Park, Kaua'i and Request Approval Of Declaration Of Exemption To Chapter 343, Hawai'i Revised Statutes, Environmental Compliance Requirements For The Capital Improvement Project.</u>	DOFAW	3/24/2016