

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

July 13, 2018

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) NEGOTIATE, APPROVE, EXECUTE, AMEND, AND EXTEND RIGHT-OF-ENTRY, LONG-TERM LICENSE AND RELEASE OF LIABILITY AGREEMENTS FOR THE DIVISION OF FORESTRY AND WILDLIFE TO CONDUCT MANAGEMENT, INCLUDING BUT NOT LIMITED TO INVASIVE SPECIES AND FIRE CONTROL, RESTORATION OR INTRODUCTION OF NATIVE SPECIES, INFRASTRUCTURE INSTALLATION AND MAINTENANCE, AND MONITORING; 2) DECLARE THESE AGREEMENTS EXEMPT FROM THE PREPARATION OF AN ENVIRONMENTAL ASSESSMENT (EA) OR APPROVE AN ENVIRONMENTAL ASSESSMENT AND ISSUE A FINDING OF NO SIGNIFICANT IMPACT (FONSI), IF APPROPRIATE

BACKGROUND:

Since 1992, the Department has been entering into Right-Of-Entry and Release of Liability Agreements (hereafter referred to as "Agreements") with private landowners to allow the Division of Forestry and Wildlife (DOFAW) to conduct animal control activities on their properties. On December 9, 2011, Item C-3, the Board approved delegating to the Chairperson authority to negotiate, approve, and execute right of entry and release of liability agreements for the Division of Forestry and Wildlife to conduct animal control activities on private lands. The board also authorized the Chairperson to determine and approve Chapter 343, HRS environmental compliance requirements for agreements with private landowners related to animal control activities, including approval of declaration of exemptions as permitted under Chapter 11-200, HAR.

Item C-2 in the October 25, 2013 Board of Land and Natural Resources meeting delegated this authority to execute agreements for DOFAW to manage private lands, expanding the types of activities listed in C-3 to include other management needs of DOFAW. This submittal broadens that request to include all lands, since the Division commonly works on other State, Federal, and County lands in addition to private lands.

This submittal does not exempt DOFAW from compliance with Chapter 183C, Hawaii Revised Statutes or delegate authority to approve Conservation District Use Permits for activities conducted by DOFAW in the Conservation District.

ITEM C- 1

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:

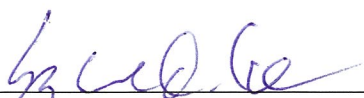
1. Delegate authority to the Chairperson to approve, sign, execute, amend, and extend right-of-entry, long-term license and release of liability agreements for the Division of Forestry and Wildlife to conduct management, including but not limited to invasive species and fire control, restoration or introduction of native species, infrastructure installation and maintenance, and monitoring.
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