

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

February 28, 2020

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

Land Board Members:

SUBJECT: AMEND PRIOR BOARD ACTION OF FEBRUARY 9, 2018 ITEM C-1 REQUEST DELEGATION OF AUTHORITY TO THE CHAIRPERSON TO APPROVE MEMORANDA OF UNDERSTANDING / AGREEMENTS, CONTRACTS FOR GOODS AND SERVICES, AND COOPERATIVE AGREEMENTS, THAT AWARD GRANT FUNDS TO THE DIVISION OF FORESTRY AND WILDLIFE, SUBJECT TO THE REVIEW AND APPROVAL BY THE DEPUTY ATTORNEY GENERAL.

THE PURPOSE OF THE AMENDMENT IS TO APPLY THIS DELEGATION TO THE DEPARTMENT.

The Board delegated authority to the Chairperson to approve grant agreements awarding funds to the Division of Forestry and Wildlife (See Exhibit 1).

Other Divisions also receive grant funds and request a similar delegation to increase consistency across the Department. A review of board submittals made in 2019 did not yield any requests that would have been covered by this delegation. However, other Divisions are anticipating grant awards in 2020 and seek to streamline the process to use these grants to implement existing management plans and fulfill their Divisions' mission.

CHAPTER 343, HAWAII REVISED STATUTES – ENVIRONMENTAL ASSESSMENT:

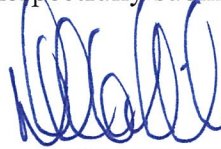
Most projects and associated actions are already included in an existing environmental assessment (EA) or declaration of exemption. If the project is not covered by an existing EA or exemption, the respective Division will be responsible for making a separate request for approval of the compliance document for Chapter 343, Hawaii Revised Statutes.

RECOMMENDATION:

That the Board of Land and Natural Resources:

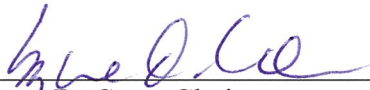
- 1) Delegate authority to the Chairperson to execute and sign memoranda of understanding/agreement, contracts for goods and services, and cooperative agreements, that award grant funds to the Department, subject to the review and approval by the Deputy Attorney General.

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

STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
Division of Forestry and Wildlife
Honolulu, Hawaii 96813

February 9, 2018

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

Land Board Members:

SUBJECT: REQUEST DELEGATION OF AUTHORITY TO THE CHAIRPERSON TO APPROVE MEMORANDA OF UNDERSTANDING / AGREEMENTS, CONTRACTS FOR GOODS AND SERVICES, AND COOPERATIVE AGREEMENTS, THAT AWARD GRANT FUNDS TO THE DIVISION OF FORESTRY AND WILDLIFE, SUBJECT TO THE REVIEW AND APPROVAL BY THE DEPUTY ATTORNEY GENERAL.

BACKGROUND:

The Division of Forestry and Wildlife (DOFAW) frequently receives grants from various private, County, and Federal programs, as well as from other State agencies. Many of these grant agreements follow standard formats (like the Federal Form SF 424 or journal vouchers). These agreements are signed by the Administrator or the Chairperson and do not come before the Land Board (Board). However, some of these grants come to DOFAW in the form of Memoranda Of Understanding/Agreements (MOU/MOA), Contracts for Goods and Services, and Cooperative Agreements. In the past, DOFAW sought Board approval for these fiscal instruments prior to approval from a Deputy Attorney General. Currently, a Deputy Attorney General is asked to review and approve as to form prior to DOFAW seeking Board approval.

Some of the recent examples of these fiscal instruments are from the Hawaii Tourism Authority (in the form of Contracts for Goods and Services), from the private non-profit American Bird Conservancy (in the form of a Cooperative Agreement), and from the Natural Resources Conservation Service of the U.S. Department of Agriculture (in the form of a Memorandum of Understanding). These agencies and organizations provide multiple grants to DOFAW. These grants fund projects that implement existing management plans and fulfill the mission of DOFAW. Most grants supplement funding for projects that DOFAW is already supporting with State funds. For example, the grants listed above provided funding for outreach and signage, predator control and monitoring of rare forest birds, and watershed protection activities such as invasive plant removal and tree planting.

DISCUSSION:

If approval of these grant agreements were also delegated to the Chairperson, there would be consistency in the way grants are approved, regardless of the funding instrument. This simplifies the process for staff administering the grants.

ITEM C- 1

Additionally, allowing the Chairperson to sign these documents would enable DOFAW to expediently secure the funding and begin the project. Many of these grant agreements have tight deadlines for completion. Board approval of these documents is one of the many time-consuming steps needed before funds can be allocated to the project. Other steps include various fiscal procedures and procurement requirements. Minimizing the time it takes to secure funding improves DOFAW's standing with the grantor and likelihood of getting future funding. It also enables on the ground management to happen more quickly.

Examples of requests made in 2017 that would be covered by this delegation of authority include:

November 9, 2017 Item C-3: Approval to enter into a memorandum of agreement between the Hawaii Tourism Authority and the Department of Land and Natural Resources, Division of Forestry and Wildlife for \$47,000 in grant funds to be provided for public outreach related to Rapid Ohia Death on Hawaii island for fiscal year 2018.

October 13, 2017 Item C-1: Approval to Enter into a Memorandum of Understanding between the U.S. Department of Agriculture, Natural Resources Conservation Service and the Department of Land and Natural Resources, Division of Forestry and Wildlife for \$1,063,000 in Federal Funds as part of the Regional Conservation Partnerships Program for fiscal year 2017.

April 28, 2017 Item C-1: Approval to Enter into a Memorandum of Agreement between the Department of Land and Natural Resources and the Department of Agriculture, for providing Funding Assistance for Rapid 'Ohi'a Death Monitoring Programs, Subject to Review and Approval by the Deputy Attorney General

And

Request Approval of Declaration of Exemption to Chapter 343, Hawai'i Revised Statutes for the project.

April 13, 2017: Item C7: Request for approval to enter into two (2) memorandums of agreement between the Department of Land and Natural Resources and the Department of Agriculture, for providing funding assistance for Rapid Ohia Death monitoring programs subject to review and approval by the Deputy Attorney General.

And

Approval of Declaration of Exemption under Chapter 343, Hawai'i Revised Statutes, and Chapter 11-200, Hawai'i Administrative Rules.

March 24, 2017 Item C-6: 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 Office of the Attorney General.

And

Approval of Declaration of Exemption under Chapter 343, Hawaii Revised Statutes, and Chapter 11-200, Hawaii Administrative Rules.

February 24, 2017 Item C3: 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 Recovery Project, Subject to Review and Approval by the Attorney General.

CHAPTER 343, HAWAII REVISED STATUTES - ENVIRONMENTAL ASSESSMENT:

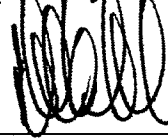
Most projects and associated actions are already included in an existing environmental assessment (EA) or declaration of exemption. If the project is not covered by an existing EA or exemption, a separate request for approval of the 343 compliance document will be made.

RECOMMENDATION:

That the Board:


- 1) Delegate authority to the Chairperson to execute and sign memoranda of understanding/agreement, contracts for goods and services, and cooperative agreements, that award grant funds to the Division of Forestry and Wildlife, subject to the review and approval by the Deputy Attorney General.

Respectfully submitted,



DAVID G. SMITH, Administrator
Division of Forestry and Wildlife

APPROVED FOR SUBMITTAL:



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