

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

May 8, 2020

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

Land Board Members:

SUBJECT: REQUEST APPROVAL FOR SELECTION OF COMPETITIVE SEALED PROPOSAL PROCESS AND AUTHORIZE THE CHAIRPERSON TO AWARD, EXECUTE, MODIFY, AND EXTEND A CONTRACT(S) FOR THE CHIPPING, GRINDING AND/OR REMOVAL OF HAZARDOUS FUELS IN KŌKE'E TIMBER MANAGEMENT AREA AND FIREBREAK MAINTENANCE WITHIN PU'U KA PELE FOREST RESERVE, TAX MAP KEYS (4) 1-4-001:014; (4) 1-2-001:006; (4) 1-4-001:002, WAIMEA DISTRICT, COUNTY OF KAUA'I.

AND

REQUEST APPROVAL OF DECLARATION OF EXEMPTION FROM CHAPTER 343, 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 to chip, grind and otherwise dispose of hazardous non-native fuels and maintain firebreak roads within Kōke'e Timber Management area and Pu'u Ka Pele Forest Reserve, tax map key (TMK) numbers (4) 1-4-001:014; (4) 1-2-001:006; and (4) 1-4-001:002, Waimea District, Kaua'i County, pursuant to Chapter 103D-303 Hawaii Revised Statutes (HRS) and Chapter 3-122 subchapter 6 Hawaii Administrative Rules (HAR), and to authorize the Chairperson to award, execute, modify and extend, as needed, the resulting contract.

BACKGROUND

During the summer of 2012, the island of Kaua'i experienced a very active and destructive wildland fire season. The Hikimoe Ridge Fire burned approximately 800 acres within the Pu'u Ka Pele Forest Reserve, also sub-designated as the Kōke'e Timber Management Area (Figure 1). The forest area that burned is primarily comprised of non-native timber species including *Eucalyptus saligna*, *Pinus elliottii* and to a smaller extent *Eucalyptus deglupta* and *Eucalyptus robusta*. In 2014, the Division of Forestry and Wildlife (DOFAW) began small-scale logging of

burnt timber to be sold as fuel to the Green Energy biomass plant. This effort helped support the Kauai Island Utility Cooperative's initiative to increase and diversify Kauai's renewable energy portfolio.

During the logging project, much of the slash was deemed undesirable by Green Energy and subsequently piled and left onsite, and approximately 50% of the logs were not able to be removed due to budget constraints. Currently, high fuel loads of slash and log decks that remain in the area present a high fire risk and are a danger to the forest reserve, endangered and common native plants, and about 60 local cabins. Due to this, DOFAW has been awarded a grant by the U.S. Forest Service to plan for and mitigate the potential fire hazard.

In the same general area, the contour and ridge roads were established in the mid-late 1980s to serve as timber and public access and firebreak roads. Contour Road is 6.6 miles long and connects five major ridge roads, Trail 2 (Papaalai) through Trail 6 (Kauhao) (Figure 2), each of which are on western facing slopes of the Kōke'e area. Contour Road was designed to be the main firebreak for the Waimea Canyon State Park cabins that are directly east and upslope of the road (closest cabin being 0.5 miles away). In addition to the 60 cabin lots within the Waimea Canyon State Park, there are also various infrastructure such as public pavilions, parking lots, fences, viewing platforms and barriers, as well as restrooms.

During 2012, fire suppression efforts utilized these roads to successfully stop the fire from advancing towards the State Park cabins. Throughout the years, flammable vegetation along Contour and Ridge Roads have been cleared on both sides. However, due to a lack of staff capacity, heavy equipment, and available funds, many of these areas have become overgrown, which greatly compromises their effectiveness as firebreaks. A defensible space of 50-100 feet is ideal for these firebreak roads. Vegetation types along the 6.6-mile contour and connected ridge roads, is dominated with various *Eucalyptus* species with a thick understory of mixed native and non-native brush.

As this project evolves, landscape-scale fuel reduction may require utilization of unidentified local forest products markets. Without using a forest product market, it isn't feasible to keep up with the cost of removing invasive plants that quickly convert to extremely flammable fuels. Therefore, we are interested in conducting a fuel-load assessment on a local and landscape level in high risk wildland urban interface (WUI) areas in order to better understand the financial resources needed to maintain fuel breaks and high fuel loads over time.

DISCUSSION

The Division is recommending a competitive sealed proposal process to solicit interest in this type of contract, allow for competition, and ensure the State's interests are maintained. Such an approach will be the most advantageous procurement process for the solicitation because:

1. The primary consideration for the determination of the award for the request for proposal (RFP) is not price.
2. Oral and written discussion may need to be conducted with the applicants concerning technical and price aspects of their proposals.
3. Applicants may need to be afforded the opportunity to revise their proposals, including

price.

4. Awards may need to be based upon a comparative evaluation as stated in the RFPs of differing price, 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 adequate qualifications in the area of the goods or services to be procured. The Division recommends the following individuals to be on the evaluation committee:

Sheri S. Mann, DOFAW Kauai District Manager
Mapuana O'Sullivan, DOFAW Kauai Forest Management Supervisor
Irene Sprecher, DOFAW Forestry Program Manager

In order to expedite a contract for this procurement, the Division requests that the Board authorize the Chairperson to award and execute the contract for goods and services based on the recommendations of the evaluation committee, approval as to form by the Department of the Attorney General, and other terms and conditions as may be prescribed by the Chairperson to best serve the interest of the State. Additionally, should any of the committee members above be unable to participate, the Division requests the Board authorize the Chairperson to appoint alternates as the need arises. The Division is also requesting delegation to the Chairperson to sign and extend any contract resulting from this RFP.

CHAPTER 343, HAWAII REVISED STATUTES – ENVIRONMENTAL ASSESSMENT

The Division activities under the terms of this RFP include actions that will likely have minimal or no significant negative effects on the environment and will be improving the overall environmental health of the area by reducing the wildland fire risks; and are thus exempt from the requirement to prepare an environmental assessment in accordance with Chapter 343, HRS and Chapter 11-200-8, HAR, under the Department's following exemption class (Exemption List for the Department of Land and Natural Resources, reviewed and concurred upon by the Environmental Council on March 3, 2020):

Exemption Class No. 1. (Part 1) Item 11. Operation, repair or maintenance of existing fuel breaks.

Exemption Class No. 4. (Part 1) Item 3 and 14; and (Part 2) Item 2. Minor alternation in the condition of land, water, or vegetation.

Despite this work taking place in an existing Timber Management Area, it is not a commercial timber project, but rather a wildfire fuel reduction project.

RECOMMENDATION:

That the Board approve:

- 1) The use of a competitive sealed proposal for a solicitation to chip, grind, and remove hazardous fuels and firebreak maintenance within Kōke'e Timber Management Area and Pu'u Ka Pele Forest Reserve in Kaua'i County.
- 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 appoint evaluation committee alternates.
- 4) The authorization for the Chairperson to award, execute, modify, and extend a contract(s) for goods and services, subject to the availability of funds and approved as to form by the Department of the Attorney General.
- 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.

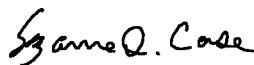
Respectfully submitted,



DAVID G. SMITH, Administrator
Division of Forestry and Wildlife

Attachments: Figure 1 & 2

APPROVED FOR SUBMITTAL:



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

Figure 1. Map of the Kōkeʻe Timber Management Area (TMA), including Puʻu Ka Pele Pavilion and Contour Road

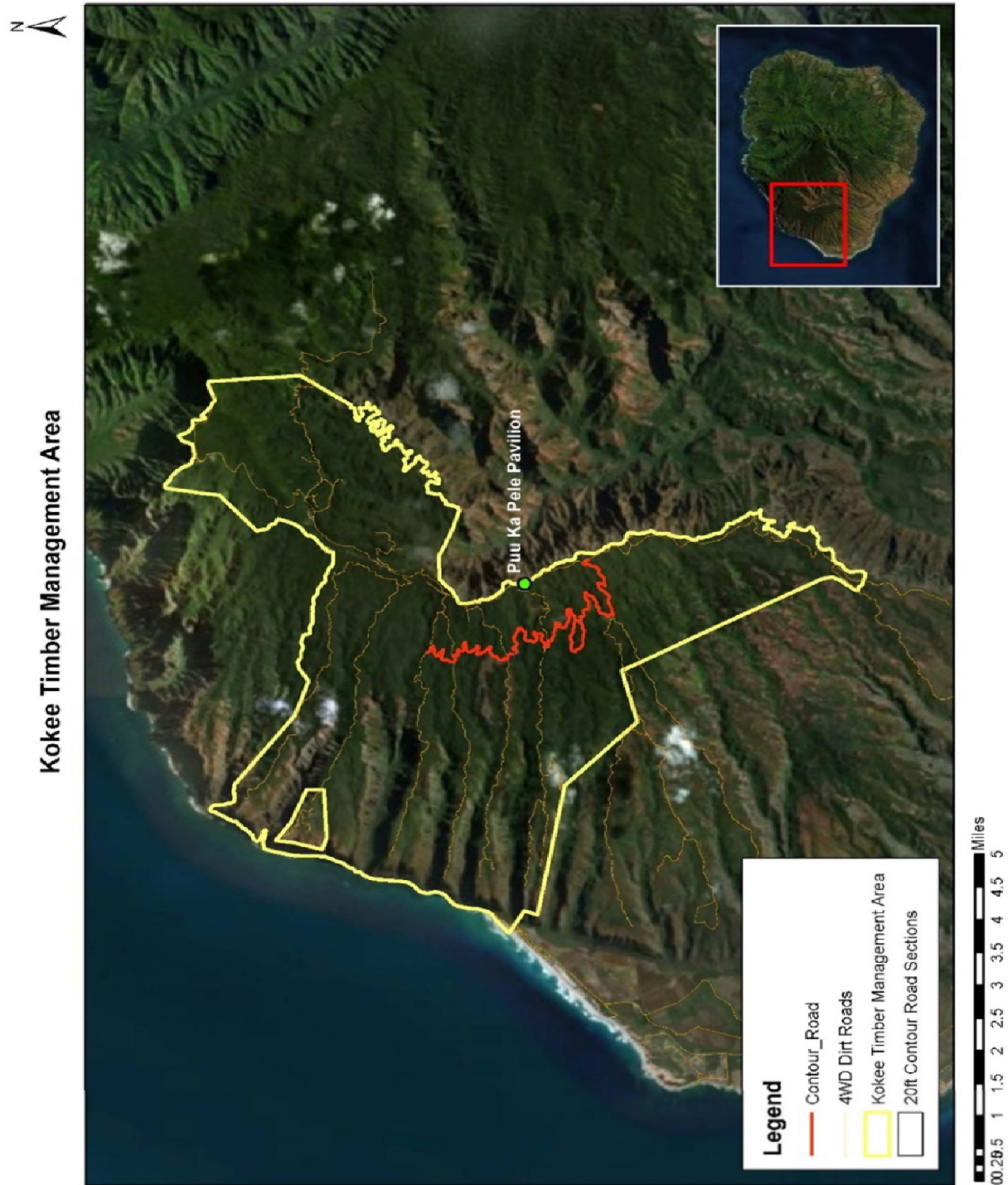


Figure 2. Primary Wildland Urban Interface (WUI) roads on West Kauai ridges.

