Delegation of Authority to Chairperson to Procure, Award and Enter into a Services Contract to Perform Research and Planning Assistance Pertaining to Mineral Resources

The Engineering Division desires to implement and execute this project by contracting the subject services.

DISCUSSION:

The contracting of the subject services will assist the Department of Land and Natural Resources (Department), in collaboration with the County of Hawaii (County), in carrying out legislative requirements to conduct site surveys on the island of Hawaii to identify and provide a legislative report 20 days prior to the 2022 regular legislative session, the most suitable location(s) for new black cinder cone quarries.

The Contractor will provide specialized geological services in identifying the most suitable locations for new black cinder cone quarries on the island of Hawaii including identifying land ownership for each parcel of land of interest, discuss accessibility barriers associated with each parcel, provide recommendation(s) on legislation to remove potential barriers that will facilitate resource access to interested industries, and other matters that the Department and County deem relative to access of this resource.

Act 191, SLH 2021, authorizes the expenditure of $150,000 of 2021 American Rescue Plan’s Coronavirus State Fiscal Recovery Funds for these services. The implementation of this project will comply with Budget Execution Policies issued by the Governor through the Department of Budget and Finance.

Procurement of this contract will be made in accordance with the State Procurement Code, Hawaii Revised Statutes (HRS) Chapter 103D. We request the Board to delegate authority to the Chairperson to approve, procure and enter this contract for such services.

This project is for planning services, therefore, HRS 343 and Title 11, Chapter 200.1, Hawaii Administrative Rules regarding environmental impact statements is not triggered.
We also request the Board to authorize the Chairperson to sign supplemental agreements for this services contract, and to enter into and execute any other documents or agreements, including but not limited to rights of entry or permit applications, related to the implementation of this project, if necessary and appropriate.

RECOMMENDATION:

That the Board delegate authority to the Chairperson to procure, award and enter into services contracts and, if necessary, supplemental agreements, in accordance with HRS Chapter 103D for this project that is funded with operating budget funds, and to enter into and execute any other documents or agreements to implement this project, subject to available funding, release of funds by the Governor, and review and approval as to form by the Department of the Attorney General.

Respectfully Submitted,

CARTY S. CHANG
Chief Engineer

Attachment: Act 191, SLH 2021

APPROVED FOR SUBMITTAL:

SUZANNE D. CASE, Chairperson
Board of Land and Natural Resources
July 6, 2021

The Honorable Ronald D. Kouchi,
President
and Members of the Senate
Thirty First State Legislature
State Capitol, Room 409
Honolulu, Hawaii 96813

The Honorable Scott K. Saiki,
Speaker and Members of the
House of Representatives
Thirty First State Legislature
State Capitol, Room 431
Honolulu, Hawaii 96813

Dear President Kouchi, Speaker Saiki, and Members of the Legislature:

This is to inform you that on July 6, 2021, the following bill was signed into law:

HB0834 HD1 SD1 CD1 RELATING TO A BLACK CINDER CONE QUARRY SITE SURVEY.
ACT 191 (21)

Sincerely,

DAVID Y. IGE
Governor, State of Hawaii
RELATING TO A BLACK CINDER CONE QUARRY SITE SURVEY.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

SECTION 1. The legislature finds that increased accessibility to an ample supply of black cinder is a long-term economic benefit for Hawaii. While black cinder is limited in supply, expensive in price, and difficult to access, its use improves agriculture production and stimulates plant growth, for which it is used in plant nurseries and the floral industry. Black cinder is also used in horticulture and landscaping for its beneficial drainage properties. As black cinder gains popularity, new uses will be sought, which will in turn increase and diversify demand.

The legislature recognizes that the use of state resources for research and selection of new black cinder cone quarry sites can assist industries that use large quantities of black cinder or that assist in its distribution, including plant nurseries, coffee farms, flower farms, ornamental industry, horticultural industry, landscaping industry, residential and commercial construction, and merchants and wholesalers.
The legislature also recognizes that a cinder cone quarry can only be established through mining an existing cosmic deposit created by a volcanic eruption.

The purpose of this Act is to require the department of land and natural resources, in collaboration with the county of Hawaii, to conduct site surveys on the island of Hawaii to identify the most suitable locations for new black cinder cone quarries.

SECTION 2. (a) The department of land and natural resources, in collaboration with the county of Hawaii, shall conduct site surveys on the island of Hawaii to identify the most suitable locations for new black cinder cone quarries.

(b) Any lands on the island of Hawaii owned by the State or county of Hawaii may be considered in determining where to conduct site surveys. Lands owned by private parties may be considered and site surveys may be conducted pursuant to agreements with landowners.

(c) The department of land and natural resources, in collaboration with the county of Hawaii, shall submit a report of its findings and recommendations to the legislature no later
than twenty days prior to the convening of the regular session
of 2022. The report shall include:

(1) A list of lands determined to be the most suitable
locations for new black cinder cone quarries,
including information regarding ownership of each
parcel of land;

(2) A discussion of any accessibility issues regarding the
lands;

(3) Ways the State may help facilitate access to
interested industries;

(4) Any proposed legislation; and

(5) Any other matters that the department and county
believe are relevant for consideration.

SECTION 3. There is appropriated out of the funds received
by the State of Hawaii from the American Rescue Plan Act
of 2021, Public Law 117-2 (Section 9901), the sum of $150,000,
or so much thereof as may be necessary for fiscal year 2021-2022
for the purposes of this Act.

The sum appropriated shall be expended by the department of
land and natural resources for the purposes of this Act.

SECTION 4. This Act shall take effect on July 1, 2021.
APPROVED this 06 day of JUL, 2021

[Signature]

GOVERNOR OF THE STATE OF HAWAII
THE HOUSE OF REPRESENTATIVES OF THE STATE OF HAWAII

Date: April 27, 2021
Honolulu, Hawaii

We hereby certify that the above-referenced Bill on this day passed Final Reading in the House of Representatives of the Thirty-First Legislature of the State of Hawaii, Regular Session of 2021.

Scott K. Saiki
Speaker
House of Representatives

Brian L. Takeshita
Chief Clerk
House of Representatives
THE SENATE OF THE STATE OF HAWAI‘I

Date: April 27, 2021
Honolulu, Hawaii 96813

We hereby certify that the foregoing Bill this day passed Final Reading in the Senate of the Thirty-First Legislature of the State of Hawai‘i, Regular Session of 2021.

[Signature]
President of the Senate

[Signature]
Clerk of the Senate
BLNR 10-22-21 Item L-1

Final Audit Report 2021-10-01

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