

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

August 26, 2022

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 ENTER INTO A MEMORANDUM OF
AGREEMENT WITH AMERICAN BIRD CONSERVANCY FOR
VIDEO PRODUCTION SERVICES RELATED TO THE BIRDS NOT
MOSQUITOES PARTNERSHIP

SUMMARY

This submittal requests approval to enter into a Memorandum of Agreement (MOA) between the Department of Land and Natural Resources (DLNR) and American Bird Conservancy (ABC) to produce an educational video related to the Birds Not Mosquitoes partnership. Both DLNR and ABC are members of the Birds Not Mosquitoes (BNM) partnership, and as members, ABC is leading a collaborative effort to develop the documentary video describing the plight of Hawaiian forest birds and efforts to reduce populations of disease-carrying mosquitoes and prevent further bird extinctions.

The purpose of the Memorandum of Agreement (MOA) is to formalize the relationship between DLNR and ABC regarding the production of the documentary video and to allow DLNR to contribute financially to ABC's total project costs for producing the video.

LOCATION:

ABC's Hawai'i Office is located at 1136 Union Mall STE 301, Honolulu, HI 96813.

BACKGROUND

ABC is a 501(c)(3), not-for-profit organization whose mission is to conserve native birds and their habitats throughout the Americas, acting across the full spectrum of threats to birds to safeguard the rarest bird species, restore habitats, and reduce threats; unifying and strengthening the bird conservation movement.

Both DLNR and ABC are currently both members of BNM. BNM is a collaboration of state, federal, and private, non-profit partners evaluating the potential for control of mosquitoes on a

landscape scale in Hawai'i. Specifically, the purpose of BNM is to coordinate and advance efforts to develop, permit, test, and register for conservation use as a biopesticide a Hawaiian strain of *Culex quinquefasciatus* mosquito carrying the *Wolbachia* bacteria that leads to population suppression and reduces disease prevalence in native forest birds.

ABC currently provides significant staff time and funding for the BNM Community Engagement subcommittee, including a dedicated outreach associate. This outreach associate plans to work across BNM member agencies to coordinate the production of a documentary video regarding the plight of Hawaiian forest birds and the potential for landscape-scale mosquito control to drastically reduce the threat to these birds by avian malaria. In addition to coordination services, ABC intends to provide funding toward a total project cost to procure a video production company to plan, film, and edit the documentary video and associated products. DLNR intends to provide staff support to consult on the video project and to contribute funding as available to the total project cost. ABC would be the lead agency in coordinating the video project and procuring the video production company.

RECOMMENDATIONS

That the Board:

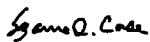
- 1) Authorize the Chairperson to enter and sign the Memorandum of Agreement on behalf of DLNR, providing that the Attorney General reviews and approves the contents of the Memorandum of Agreement to ensure compliance with all state legal requirements and in the best interests of the State.

Respectfully submitted,



David G. Smith, Administrator
Division of Forestry and Wildlife

APPROVED FOR SUBMITTAL:



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

Attachments:

Exhibit A: Draft MOA between DLNR and ABC for Video Production Services Related to the Birds Not Mosquitoes Partnership

**MEMORANDUM OF AGREEMENT
BETWEEN
THE STATE OF HAWAII DEPARTMENT OF LAND AND NATURAL RESOURCES
AND
AMERICAN BIRD CONSERVANCY
FOR
VIDEO PRODUCTION SERVICES RELATED TO THE BIRDS NOT MOSQUITOES
PARTNERSHIP**

This Memorandum of Agreement (MOA), by and between the American Bird Conservancy, hereinafter referred to as "ABC" and the State of Hawaii, Department of Land and Natural Resources (DLNR), hereinafter referred to as "DLNR" for the coordination and procurement of video production services related to the Birds Not Mosquitoes partnership, hereinafter referred to as "BNM."

American Bird Conservancy (ABC) is a 501(c)(3), not-for profit organization whose mission is to conserve native birds and their habitats throughout the Americas, acting across the full spectrum of threats to birds to safeguard the rarest bird species, restore habitats, and reduce threats; unifying and strengthening the bird conservation movement. ABC's Hawai'i Office is located at 1136 Union Mall STE 301, Honolulu, HI 96813.

DLNR and ABC are currently both members of BNM. BNM is a collaboration of state, federal, and private, non-profit partners evaluating the potential for control of mosquitoes on a landscape-scale in Hawai'i. Specifically, the purpose of BNM is to coordinate and advance efforts to develop, permit, test and register for conservation for use as a biopesticide a Hawaiian strain of *Culex quinquefasciatus* mosquito carrying the *Wolbachia* bacteria that leads to population suppression and reduces disease prevalence in native forest birds. BNM includes representatives from the Hawai'i Department of Land and Natural Resources, Hawai'i Department of Health, US Fish and Wildlife Service, University of Hawai'i, U.S. Geological Survey, National Park Service, American Bird Conservancy, The Nature Conservancy of Hawai'i, Coordinating Group on Alien Pest Species, and Island Conservation.

ABC currently provides significant staff time and funding for the BNM Community Engagement subcommittee, including a dedicated outreach associate. This outreach associate plans to work across BNM member agencies to coordinate the production of a documentary video regarding the plight of Hawaiian forest birds and the potential for landscape-scale mosquito control to drastically reduce the threat to these birds by avian malaria. In addition to coordination services, ABC intends to provide funding toward a total project cost to procure a video production company to plan, film, and edit the documentary video and associated products. DLNR intends to provide staff support to consult on the video project, as well as funding support to contribute to the total project cost. DLNR does not have the capacity to be the lead agency in coordinating the video project and procuring the video production company. ABC would be the lead agency in coordinating the video project and procuring the video production company.

This MOA will address the need for collaborative funding for this shared project, to be led by ABC with funding and staff support from DLNR.

AGREEMENT

ABC shall:

- Provide the services of their outreach coordinator for overall project coordination and consultation across BNM member agencies.
- Provide funding as available toward total project costs.
- Assist with the promotion of the final product.

DOFAW shall:

- Provide funding as available toward total project costs.
- Provide recommendations and assistance in the video project, including input into planning, content, and creative direction.
- Assist with the promotion of the final product.

Indemnification:

ABC agrees to indemnify and hold harmless the DLNR or any affiliates thereof (or any official, representative, agent, director or officer thereof) (collectively, the "Indemnified Parties") from and against all claims, liabilities, damages, or suites of any nature whatsoever arising out of, because of, or due to the breach of this memorandum of agreement by the site manager, its employees and/or representatives, or due to any act or occurrence of omission of the site manager, including but not limited to cost and reasonable attorneys' fees. In suits against an Indemnified Party arising out of the memorandum of agreement, the Indemnified Party, at its sole option, may defend itself or require the site manager to provide the defense.

DLNR agrees to indemnify and hold harmless ABC or any affiliates thereof (or any official, representative, agent, director or officer thereof) (collectively, the "Indemnified Parties") from and against all claims, liabilities, damages, or suites of any nature whatsoever arising out of, because of, or due to the breach of this memorandum of agreement by the site manager, its employees and/or representatives, or due to any act or occurrence of omission of the site manager, including but not limited to cost and reasonable attorneys' fees. In suits against an Indemnified Party arising out of the memorandum of agreement, the Indemnified Party, at its sole option, may defend itself or require the site manager to provide the defense,

This agreement shall be in effect from _____ to _____. If both parties agree with this agreement it may be extended to continue video production services related to the BNM.

Termination of this Memorandum of Agreement can be made by either or both parties with a minimum of one month of advance notification.

This agreement constitutes the entire agreement of the parties hereto.

Erin Chen, Vice President for Development
American Bird Conservancy

Date

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

Date