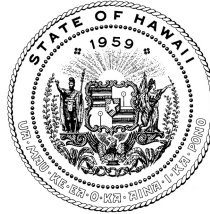


DAVID Y. IGE
GOVERNOR OF HAWAII



SUZANNE D. CASE
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT

ROBERT K. MASUDA
FIRST DEPUTY

KALEO L. MANUEL
DEPUTY DIRECTOR - WATER

AQUATIC RESOURCES
BOATING AND OCEAN RECREATION
BUREAU OF CONVEYANCES
COMMISSION ON WATER RESOURCE MANAGEMENT
CONSERVATION AND COASTAL LANDS
CONSERVATION AND RESOURCES ENFORCEMENT
ENGINEERING
FORESTRY AND WILDLIFE
HISTORIC PRESERVATION
KAHOOLAWE ISLAND RESERVE COMMISSION
LAND
STATE PARKS

STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
DIVISION OF FORESTRY AND WILDLIFE
1151 PUNCHBOWL STREET, ROOM 325
HONOLULU, HAWAII 96813

September 23, 2022

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

Board Members:

SUBJECT: APPROVE THE USE OF A REQUEST FOR INTEREST FOR
FEDERAL GRANTS WITH THE U.S. DEPARTMENT OF
AGRICULTURE, FOREST SERVICE COMMUNITY WILDFIRE
DEFENSE GRANT PROGRAM

AND

DELEGATE TO THE CHAIRPERSON THE AUTHORITY TO
NEGOTIATE, AWARD, EXECUTE AND EXTEND AGREEMENTS
WITH SUCCESSFUL PROVIDERS, AND TO ISSUE FUTURE RFIs
AND AWARDS ON AN ANNUAL BASIS FOR THE COMMUNITY
WILDFIRE DEFENSE GRANT PROGRAM

SUMMARY

This submittal requests approval from the Board of Land and Natural Resources (Board) to issue a Request for Interest (RFI) (see draft submittal, Exhibit A) as provided under Chapter 3-122 Section 4.5, and delegates authority to the Chairperson to negotiate, award, execute and extend agreements with successful providers, if any, and to issue future RFIs and awards on an annual basis for the Community Wildfire Defense Grant Program.

BACKGROUND

The U.S. Department of Agriculture (USDA) Forest Service established the Community Wildfire Defense Grant (CWDG) Program to mitigate risk from wildland fire, guided by the priorities outlined in the State of Hawaii Forest Action Plan and the 14 Community Wildfire Protection Plans across the state.

The Division of Forestry of Wildlife (Division) is interested in allowing opportunities for providers to submit project proposals to the Division for this federal grant program and, if a project is selected, to be incorporated into the proposal request to the USDA Forest Service from the Division. The Division is looking for other non-federal landowners, agencies, and organizations interested in collaborating on joint projects across land ownership and management boundaries.

ITEM C-2

The Division will work with applicants, select draft proposals, and submit final proposals to the USDA Forest Service to be considered in the competitive federal process for the CWDG program. The USDA Forest Service will select the projects for federal awards based on federal funding levels. The selected provider(s) will be responsible for the management and coordination of the CWDG award through a close working relationship with the Division and the USDA Forest Service to successfully implement the grant program.

Chapter 343, Hawaii Revised Statutes (HRS): Environmental Review

The Division advises that this RFI does not trigger HRS Chapter 343 requirements for environmental review because it involves the pass-through of federal funds for CWDG awards to a third party and is not an action that proposes a “use,” “amendment,” “reclassification,” “construction,” “expansion,” “modification,” “unit,” “facility,” “landfill,” or “refinery” for which an environmental assessment is required under HRS section 343-5(a).

RECOMMENDATION:

That the Board:

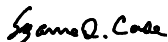
- 1) Approve the use of:
 - a. An RFI for the solicitation for the Community Wildfire Defense Grant Program.
 - b. Delegation of authority to the Chairperson to negotiate, award, execute and extend agreements, subject to the availability of funds and approval as to form by the Department of the Attorney General; and the approval of the use of an RFI on an annual basis for the solicitation, award, execution, and extension of agreements for the Community Wildfire Protection Grant program, similar to the authority delegated for the Wildland Urban Interface and Landscape Scale Restoration grants programs, as approved by the Board of Land and Natural Resources on July 10, 2020 (see Exhibit B -200710 BLNR Meeting Minutes).

Respectfully submitted,



DAVID G. SMITH,
Forestry and Wildlife Administrator

APPROVED FOR SUBMITTAL:



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

Attachments:

- Exhibit A – Request for Information (RFI)
- Exhibit B – 200710 BLNR Meeting Minutes

Department of Land and Natural Resources
Division of Forestry and Wildlife

September 7, 2022

RFI No. _____ CWDG-FY23

**Request for Interest for the U.S. Forest Service's
Community Wildfire Defense Grant Program**

**SUBMITTALS WILL BE RECEIVED UP TO 12:00 PM (HST) ON
October 5th, 2022**

AT THE
Department of Land and Natural Resources
Division of Forestry and Wildlife
1151 Punchbowl St., Rm. 325
Honolulu, HI 96813

SUBMITTALS MUST BE DELIVERED BY EMAIL BY THE ABOVE DEADLINE. TIMELY RECEIPT OF OFFERS SHALL BE EVIDENCED BY THE DATE AND TIME REGISTERED BY THE DIVISION OF FORESTRY AND WILDLIFE TIME STAMP CLOCK.

RFI Registration and Inquiries

If you intend to respond to this request for proposals, please register your organization by 12:00 PM October 5th, 2022, providing a contact name, address, phone number, and email address, otherwise you will not receive notification of any changes or addendums.

To register your organization contact Michael Walker at the address above, or call (808) 587-4188 or email michael.j.walker@hawaii.gov.

Request for Interests

Community Wildfire Defense Grant Program

1. IDENTIFICATION OF FEDERAL FUNDING

The Department of Land and Natural Resources (DLNR), Division of Forestry and Wildlife (DOFAW) is seeking responsible provider(s) for the U.S. Department of Agriculture (USDA) Forest Service competitive grant titled the Community Wildfire Defense Grant (CWDG). Grant awards provide funds to mitigate risk from wildland fire. Funds are awarded through a competitive process with emphasis on hazard fuel reduction, information and education, assessment and planning, and monitoring through community and landowner action.

The selected provider(s) for the program will be responsible for the management and coordination of the grant through a close working relationship with the DLNR Division of Forestry and Wildlife and the USDA Forest Service to successfully implement the grant program objectives.

2. CANCELLATION AND AWARD

The RFI may be canceled and any or all submittals rejected in whole or in part, without liability when it is determined to be in the best interest of the state. Neither the DLNR purchasing agency nor the interested provider has any obligations under this request for interest. The selection of a provider or providers will be based on the criteria established in this request for interest. DLNR reserves the right to incorporate or not incorporate in the State's application for federal grants any recommendations presented in response to the request.

3. TARGET POPULATIONS SERVED

The CWDG grant is a federally funded program providing States with financial assistance to mitigate risk from wildland fires within the Wildland Urban Interface and fund priority projects identified in State Forest Action Plans (SFAP) and Community Wildfire Protection Plans (CWPP). Entities eligible to apply for funding under the CWDG include:

- a. Units of local governments representing communities located in an area with a risk of wildfires,
- b. Non-profit organizations including homeowner associations that assist such communities, and
- c. State forestry agencies

For-profit entities are not eligible to apply for this funding opportunity.

Eligible Lands: Eligible applicants may apply for grant funding for a project proposal to be conducted on lands with the following ownership types if the project proposal directly reduces wildfire risk to a community:

- a. Private lands
- b. Local government
- c. Homeowner associations
- d. State government

Lands administered by the United States federal government are ineligible for CWDG funds

4. DESCRIPTION OF THE PROGRAM

The purpose of the Community Wildfire Defense Grant is to assist at-risk local communities with planning for and mitigating the risk created by wildfire. This program is authorized in the United States Public Law 117-58, “An Act to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes,” commonly referred to as the Infrastructure Investment and Jobs Act. Specifically, the CWDG is provided for in Title VIII, Section 40803 of that Act.

There are two primary project types for which the grant provides funding: The development and revising of Community Wildfire Protection Plans (CWPP), and the implementation of projects described in a CWPP that is less than ten years old. The Act prioritizes at-risk communities that are in an area identified as having high or very high wildfire hazard potential, are low-income, and/or have been impacted by a severe disaster.

The CWDG helps communities in the wildland-urban interface (WUI) implement the three goals of the National Cohesive Wildland Fire Management Strategy (Cohesive Strategy):

- **Restore and Maintain Landscapes:** Landscapes across all jurisdictions are resilient to fire-related disturbances, in accordance with management objectives.
- **Create Fire Adapted Communities:** Human populations and infrastructure can withstand a wildfire without loss of life and property.
- **Improve Wildfire Response:** All jurisdictions participate in making and implementing safe, effective, and efficient risk-based wildfire management decisions.

DOFAW is looking for other non-federal landowners, agencies, and organizations interested in collaborating on joint projects across land ownership and management boundaries. Currently, there are 14 community wildfire protection plans statewide that are current (<https://dlnr.hawaii.gov/forestry/fire/community-risk-reduction/community-wildfire-protection-plans/>). Alternatively, communities can apply for funds to develop a new CWPP if one does not already exist or revise a plan that is older than ten (10) years.

5. DESCRIPTION OF WORK

The selected provider(s) will be responsible for managing and coordinating the CWDG proposal objectives. The grant program is funded by federal dollars from the USDA Forest Service. CWPP creation or revision requests are limited to a maximum of \$250,000 and require a 10% match using non-federal sources. Education, fuel reduction, or community protection projects that are described in a current CWPP that is less than 10 years old are funded up to a maximum of \$10,000,000 and require a match of 25% using non-federal sources.

Projects that include collaboration among multiple entities are encouraged within the criteria. Projects can indicate a multi-year implementation timeframe, up to five (5) years. Funding, however, will be delivered in the Fiscal Year of the application.

PROJECT PROPOSAL TYPES

Applications may be submitted to fund the following types of project proposals:

Planning:

Local governments are encouraged to conduct planning and exercises to assist their communities with wildfire preparedness, response, and adaptation efforts. One of the fundamental building blocks in creating a fire-adapted community is the development, adoption, and continuous use of a well-prepared Community Wildfire Protection Plan (CWPP). In some cases, a community may choose to utilize a FEMA-approved hazard mitigation plan with a wildfire component that meets the same objectives as a CWPP. A well-prepared CWPP or similar plan should address issues such as wildfire response, hazard mitigation, community preparedness (which includes smoke readiness), structure protection, or a combination of these issues, and will greatly assist a local government body in planning and prioritizing project work. Specific CWPP development guidance, as well as any more stringent requirements of the relevant state government, may be obtained by contacting your state forestry agency. In addition to the development of a CWPP or similar plan, local governments should also consider how tools such as zoning, building codes, and land use planning may be used to effect change in how and where homes and businesses are constructed and located so that wildfire risk is reduced, and firefighter safety is improved if protective actions are required. In developing any planning tools, and determining risk both now and into the future, a community should consider the most recent climate data available for the planning area involved, as appropriate. In support of the Biden-Harris Administration's National Initiative to Advance Building Codes, launched in June 2022 by the National Climate Task Force to accelerate the adoption of modern building codes to improve resiliency, create good-paying jobs, and lower energy bills, communities that develop and adopt modern NFPA, ICC, or similar building codes will receive access to funding reserved for communities with code requirements for any future CWPP applications. Finally, communities are encouraged to continuously refer to their CWPPs or similar plans, keep them updated, and conduct tests and exercises to ensure that recommended practices and objectives are being achieved.

Eligible Planning Projects

- Creation of a CWPP or development of a wildfire section for a hazard mitigation plan.
- Update of an existing CWPP/hazard mitigation plan (existing plan must be over five (5) years old.)
- Contract support to assist a community with developing building codes, zoning ordinances or land use planning.
- Direct staff funding support to assist a community with developing building codes, zoning ordinances or land use planning.
- Tabletop or functional exercises to test effectiveness of community wildfire planning.

Ineligible Projects

- GIS and database systems unless they support a CWPP, wildfire risk reduction planning or fuels mitigation initiative or project
- Creation and/or update of Forest Stewardship Plans
- Economic development projects

- Small business start-up funding
- Research and development projects

Wildfire Prevention and Mitigation Education/Outreach:

Local governments can provide leadership to result in reduced wildfire risk to their communities by coordinating, developing, and distributing educational programs. These programs and outreach may be delivered in association with states, insurance companies, non-governmental organizations, and other partners. Educational and outreach projects must raise awareness of what is the main cause of wildfires, what the risks are, and what actions they can take to reduce that risk. Projects should lead to actions such as the use or establishment of one or more fire program elements such as fire safety codes, implementation of Firewise USA© practices, establishing local fire safe councils, and fuels treatments within fire-prone communities. Projects should be concise and clearly demonstrate deliverables and measures of success of wildfire prevention/mitigation education and outreach activities.

Eligible Prevention and Outreach Projects:

- Firewise USA© or similar programs outreach to communities and property owners
- Fire education presentation such as Project Learning Tree
- Property inspections and/or assessments
- Training to conduct property inspections and/or assessments
- Implementation of WUI Structure / Parcel / Community Fire Hazard Mitigation Methodology (HMM) for community hazard reduction
- Adoption, implementation, enforcement, and training of National Fire Protection Association, International Code Council, or similar codes

Ineligible Projects:

- Printing of paper-based materials without an organized outreach/education program

Reduce Hazardous Fuels / Restore Fire-adapted Ecosystems:

Fuel reduction projects and vegetation treatments have been identified as effective means of mitigating wildfire hazards. Recipients shall facilitate and implement mitigating fuel treatments in, or adjacent to communities to reduce the threat of wildfire to such communities. Effective fuel mitigation treatments can be implemented across jurisdictional boundaries, on adjoining private lands, or within the respective communities. Communities may consider fuel treatments that extend out from community boundaries by 1.5 miles. Projects of this type include fuel breaks, thinning, pruning, landscape modifications, etc. The overall purpose is to modify or break up the fuels in such a way as to lessen wildfire risk and its threat to the public, provide for firefighter safety and reduce damage to property. Such treatments may have additional desirable outcomes, such as providing sustainable environmental, social, and economic benefits. Project proposals must consider all elements required to implement treatments on the ground, which includes acquiring the necessary permits and consultations needed to complete plans and assessments, as well as treatment prescriptions and measures of success. Projects should also consider any necessary maintenance treatments, especially in those areas of the country where woody vegetation regrows rapidly.

Eligible Hazardous Fuels Reduction/ Restoration Projects

- Maintenance of fuel projects. Up to two (2) maintenance treatments are allowed per project during the grant term.
- Monitoring components of projects for effectiveness (must have established baseline).
- Prescribed fire training, including training on smoke management associated with prescribed fires.
- Design and installation of dry hydrants and cisterns.
- Purchase of mechanical equipment that meets, or does not exceed the following requirements:
 - Brush/woodchippers that are towable or mountable to a skid steer, compact track loader, or tractor with a maximum chipping capacity of no more than 15 inches.
 - Self-propelled forestry mulchers up to a maximum of 200 horsepower.
 - Forestry mulcher attachments designed for skid steers, compact track loaders, excavators, or crawler dozers.
 - Heavy duty brush mowers that can be utilized for maintaining road rights-of-ways and fire breaks.
 - Trailers that are necessary to transport equipment that is determined eligible in this section, including box-type trailers to store and transport prescribed fire equipment.
- Purchase of equipment for brush/fuel disposal, such as air curtain burner/trench burner.
- Purchase of the following equipment and supplies to support the use of prescribed fire:
 - Personal protection equipment, including fire shelters and N95 filtering face respirators
 - Drip torches
 - Wildland hand tools
 - Backpack blowers
 - Chainsaws
 - Portable wildfire pumps
 - Wildland hose
 - Portable folding water tanks
 - A cache of air filtration units for use by the public

Ineligible Projects or Purchases:

- Capital improvements including construction/infrastructure (building remodel, bridges, road construction, water development)
- Home hardening, including but not limited to:
 - Roof upgrades or replacements
 - Fire resistant siding
 - Metal gutters and vents
- Fire suppression training (unless the course is a requirement for prescribed fire qualifications)
- Fire suppression equipment and apparatus
- Drones

Cost Share Match Requirements and Waivers:

The CWDG program has differing levels of match dependent upon the proposal for which is being applied. For proposals to develop or update a CWPP, the required match is 10%. For proposals to implement projects described within a CWPP, the required match is 25%. Matching funds must be derived entirely

from non-Federal sources (unless expressly authorized in law by the other federal program). The match must be met by eligible and allowable costs and is subject to match provisions in grant regulations (Code of Federal Regulations Title 2 Part 200.306 and Subpart E for Cost Principles). The match must meet all the same requirements as the Federal share and be documented sufficiently to support financial tracking and accountability. **Communities meeting the definition of underserved may request a waiver of the match**; no other waiver requests are allowable under this program.

6. TERM OF GRANT PERIOD

Funding for this RFI will be associated with the state’s fiscal year 2023 and federal fiscal year 2024. The RFI project will start upon award of the grant and run for the term of the grant.

7. FORMAT AND CONTENT

Applications for the CWDG program must be submitted through the Department of Land and Natural Resources, Division of Forestry and Wildlife. DOFAW will load proposals into the relevant online system for submission for the competitive review/scoring process.

Only typed responses to this RFI will be accepted and must be submitted via email to the address below. All submitted responses must be on the appropriate grant form, specified below, and must be editable (i.e., in fillable pdf or MS Word format only). Please use English only and provide all financial information in U.S. dollars. The RFI is open to all qualified providers, as detailed in the grant requirements, and selection will be based on evaluation criteria detailed in this RFI and key materials noted below to be referenced by applicants.

Submittals are due at the relevant email below by **12:00 PM October 5th, 2022**. All submittals must be time-stamped upon receipt according to the time it was delivered to the inbox of the recipient in the time zone of the recipient. Any submittal received after the deadline date and time will not be considered for selection. All submittals must include the following label in the subject heading of the email:

Label:	CWDG Request for Interest
Email address:	michael.j.walker@hawaii.gov

ALL SUBMITTALS MUST USE THE FOLLOWING:

All applicants to the CWDG program are to review the following key documents on the Community Wildfire Defense Grant Program website: <https://www.westernforesters.org/community-wildfire-defense-grant>

- [FY 2023 CWDG Grant Application \(proposal development form\)](#)
- [GIS instructions for application](#)

All applicants are to complete and submit to DOFAW the FY 2023 CWDG Grant Application* form which includes information about the following:

- Project Overview and Purpose
- Grant Component Type
- At-Risk Community
- Roofing Code/Ordinance

- Grant Waiver
- Project Description
- Applicant Budget
- Project Budget Description
- Measurable Outcomes Table
- Accomplishments
- Collaboration
- Landscape Impacts
- Project Sustainability
- Low-Income Community
- Severe Disaster Impact
- Wildfire Hazard Potential

***Applicants are to disregard the note on the form to submit the application online - the online submission portion of the process will be completed by DOFAW if an application is selected to progress.**

8. EVALUATION CRITERIA

1. Project Description (10 points)

The application should clearly define the scope of the project, what the project proposes to accomplish, why it is important, and how it links to the Cohesive Wildland Fire Management Strategy and relevant State Forest Action Plan.

2. Budget (10 points) The budget narrative must describe how the grant funds will be spent with specific detail for each grant expenditure. It must describe how expenditures are applicable and relevant to the goals and objectives of the project. A project proposal must also show how the applicant will meet matching requirements or qualify for a waiver.

3. Accomplishments (10 points)

A proposal must clearly define how a project will be accomplished, timelines and milestones, as well as measures and metrics. Examples include:

- a. How the selected objectives will lead to measurable outcomes for the community wildfire risk reduction.
- b. How the applicant will measure progress towards those outcomes (such as acres treated to reduce hazardous fuels, and change in fire regime).
- c. The proposed metrics for measuring progress, which must be specific, measurable, achievable, realistic, and timely.

4. Collaboration (10 points)

The application should clearly define collaborative elements including support from partners, agencies, landowners, and communities. A project proposal must identify partners that will be actively engaged in carrying out the project and add value to project planning and implementation. Collaboration may be qualitative in nature, and the contribution of a partner may be more than the number of partners.

5. Landscape Impacts (10 points)

The application should clearly define the scale of the project including relationships with past, present, or future projects that, when combined, offer more benefits than when taken individually. The overall landscape that the project influences, in addition to the defined project area, should be clearly

described, as well as the land ownerships within the area. Specify areas targeted for planning or mitigation. Clearly describe each proposed activity and include details on where they will be occurring. Include the approximate number of structures that will benefit from the proposed action.

6. Project Sustainability (10 points)

The application should clearly define how or if the project will sustain itself after the grant period is over. Any steps or plans that will be carried out to continue the project benefits beyond the life of the grant should be described.

7. Low Income Community (10 points)

The application should clearly demonstrate and document whether the project benefits a low-income community.

8. Affected by a Severe Disaster (10 points)

The application should clearly demonstrate and document whether the project benefits a community that has been impacted by a severe disaster within the previous ten (10) years, and clearly exhibit how the severe disaster increased wildfire risk and/or hazard and was of a scale and scope to have had landscape impacts (please see full definition later in this NOFO).

9. Area of Wildfire Hazard Potential (20 points)

The application should clearly demonstrate and document whether the project is located in an area identified as having high or very high wildfire hazard potential as defined by a local, state, regional, or national wildfire hazard potential assessment.

ATTACHMENT 2 – SPECIAL PROVISIONS (AS APPROPRIATE AND RELEVANT)

Civil Rights: the selected provider and associated staff working with U.S. Forest Service State and Private Forestry (S&PF) grants must receive training in Title VI and other nondiscrimination laws, regulations, and policies; as well as display public notifications, outreach, and data collection at office locations. The provider shall comply with Federal Civil Rights laws which include, but are not limited to:

- Signing an assurance certifying compliance with Civil Rights laws.
- Displaying the “And Justice for All” USDA poster (AD-475C) in your public reception areas or other areas that are visible to the public. Contact the Forest Service to obtain copies.
- Include in any of your publications and outreach materials related to the grant, a statement of affiliation with the Forest Service, e.g., “*This publication made possible through a grant from the USDA Forest Service.*”
- Include the following statement about nondiscrimination and how to file a complaint in your publications and outreach materials:

“In accordance with federal law and USDA policy, this institution is prohibited from discrimination on the basis of race, color, national origin, sex, age, or disability (not all prohibited basis apply to all programs.) To file a complaint of discrimination: write USDA, Director, Office of Civil Rights, Room 326-W, Whitten Building, 1400 Independence Avenue, SW, Washington, D.C. 20250-9410 or call (202) 720-5964 (voice and TDD). USDA is an equal opportunity provider and employer.”

If the material is too small to permit the full statement to be included, the material will at a minimum include the statement, in print size no smaller than the text that “*This institution is an equal opportunity employer and provider.*”

Federal Civil Rights Laws that must be comply with:

U.S. Code	Statute	Prohibits Discrimination on the Basis of:
(42 USC National 2000d-2000c)	Title VI of the Civil Rights Act of 1964	Race, Color, or Origin
(20 USC 1681-1686)	Title IX of the Education Amendments of 1972	Sex (in educational programs and activities)
(42 USC 1601 et seq)	Age Discrimination Act of 1975 as amended	Age
(29 USC 794)	Section 504 of the Rehabilitation Act of 1973, as amended	Disability

See USDA brochure FS-850, Complying with Civil Rights Requirements, for more information.

1. SCOPE- All CWDG Program proposals shall be in accordance with this RFI, including the special provisions in this section, the scope of work specified herein, and the General Conditions (GC), included by reference and available at the Division of Forestry and Wildlife, 1151 Punchbowl St., Rm. 325, Honolulu, HI 96813.

2. RESPONSIBILITY OF PROVIDERS- Provider is advised that if awarded an agreement under this solicitation, Provider shall, upon award of the agreement, furnish proof of compliance with the requirements of §103D-310(c), HRS within 120 days of the award date:

1. Chapter 237, tax clearance;
2. Chapter 383, unemployment insurance;
3. Chapter 386, workers' compensation;
4. Chapter 392, temporary disability insurance;
5. Chapter 393, prepaid health care; and
6. Chapter 103D-310(c), Certificate of Good Standing (COGS) for entities doing business in the State.

Refer to the Award of Agreement provision herein for instructions on furnishing the documents that are acceptable to the State as proof of compliance with the above-mentioned requirements.

3. PROVIDER QUALIFICATIONS- Provider shall meet all the qualifications required by this RFI. Failure to meet the qualifications as specified in this RFI will likely have an adverse effect on Provider's proposal evaluation.

4. TERM OF AGREEMENT- Successful Provider shall be required to enter into a formal written agreement to commence work on this project. The initial term of the agreement shall be for funds allocated in the state's fiscal year 2021 and federal fiscal year 2022 period starting on the official commencement date of the Notice to Proceed. These may be extended for up to twelve (12) months or any portion thereof, if mutually agreed upon in writing prior to agreement expiration. The Provider or State may terminate the extended agreement period at any time upon one month's prior written notice.

5. AGREEMENT ADMINISTRATOR- For the purposes of this agreement, Michael Walker, DOFAW Fire Protection Forester (808) 587-4188, or authorized representative, is designated the Agreement Administrator for CWDG program.

6. OVERVIEW OF THE RFI PROCESS

- a) The RFI is issued pursuant to Subchapter 4.5 of HAR Chapter 3-122, implementing HRS Section 103D-303.
- b) The procurement process begins with the issuance of the RFI and the formal response to any written questions or inquiries regarding the RFI.
- c) All proposals and other material submitted by Providers become the property of the State and may be returned only at the State's option.
- d) An evaluation committee shall evaluate the proposals in accordance with the evaluation criteria. The proposals shall be classified initially as acceptable, potentially acceptable, or unacceptable.
- e) Proposals may be accepted on evaluation without discussion. However, if deemed necessary, the State may enter into discussions with a priority list of Providers who submitted the highest-ranked proposals. The objective of these discussions is to clarify issues regarding the Provider's proposal before the BAFO is tendered.
- h) The date and time for Providers to submit their BAFO will be included in Addendum to priority list of Providers. If Provider does not submit a notice of withdrawal or a BAFO, the Provider's immediate previous offer shall be construed as its BAFO.
- i) After receipt and evaluation of the BAFOs in accordance with the evaluation criteria, the state representative will load proposals into the relevant online system for inclusion in the review/scoring process.
- j) The contents of any proposal shall not be disclosed during the review, evaluation, discussion, or negotiation process. Those sections that the Provider and the State agree are confidential and/or proprietary should be identified by the Provider(s) and shall be excluded from access.
- k) The Procurement Officer or an evaluation committee reserves the right to determine what is in the best interest of the State for purposes of reviewing and evaluating proposals submitted in response to the RFI. The Procurement Officer or an evaluation committee will conduct a comprehensive, fair and impartial evaluation of proposals received in response to the RFI.
- l) The RFI, any addenda issued, and the successful Provider's proposal shall become a part of the agreement. All proposals shall become the property of the State of Hawaii.

7. CONFIDENTIAL INFORMATION - If a person believes that any portion of a proposal, offer, specification, protest, or correspondence contains information that should be withheld as confidential, then the Procurement Officer named on the cover of this RFI should be so advised in writing and provided with justification to support confidentiality claim. Price is not considered confidential and will not be withheld. Provider shall request in writing nondisclosure of designated trade secrets or other proprietary data considered confidential. Such data shall accompany the proposal, be clearly marked, and shall be readily separable from the proposal in order to facilitate eventual public inspection of the non-confidential portion of the proposal. Pursuant to HAR Section 3-122-58, the head of the purchasing agency or designee shall consult with the Attorney General and make a written determination in accordance with HRS Chapter 92F. If the request for confidentiality is denied, such information shall be disclosed as public information, unless the person appeals the denial to the Office of Information Practices in accordance with HRS Section 92F-42(12).

8. QUESTIONS PRIOR TO OPENING OF PROPOSALS- All questions must be submitted in writing and directed to Michael Walker, DOFAW Fire Protection Forester (808) 587-4188, michael.j.walker@hawaii.gov

9. CANCELLATION OF RFI AND PROPOSAL REJECTION- The State reserves the right to cancel this RFI and to reject any and all proposals in whole or in part when it is determined to be in the best interest of the State, pursuant to HAR Section 3-122-96 through 3-122-97.

10. OFFER ACCEPTANCE PERIOD-The State's acceptance of offer, if any, will be made within ninety (90) calendar days after the opening of proposals. Prices or commissions quotes by the Provider shall remain firm for a ninety (90) day period.

11. PROPOSAL AS PART OF THE AGREEMENT- This RFI and all or part of the successful proposal may be incorporated into the agreement.

12. AGREEMENT MODIFICATIONS - UNANTICIPATED AMENDMENTS - During the course of this agreement, the Provider may be required to perform additional work that will be within the general scope of the initial agreement. When additional work is required, the Agreement Administrator will provide the Provider a written description of the additional work and request the Provider to submit a firm time schedule for accomplishing the additional work and a firm price for the additional work. Changes to the agreement may be modified only by written document (agreement modification) signed by the Department of Land and Natural Resources, Division of Forestry and Wildlife and Provider personnel authorized to sign agreements on behalf of the Provider. The Provider will not commence additional work until a signed agreement modification has been issued.

13. PROTEST- A protest shall be submitted in writing within five (5) working days after the aggrieved person knows or should have known of the facts giving rise thereto; provided that a protest based upon the content of the solicitation shall be submitted in writing prior to the date set for receipt of offers. Further provided that a protest of an award or proposed award shall be submitted within five (5) working days after the posting of award of the agreement. The notice of award, if any, resulting from this solicitation shall be posted on the Procurement Reporting System, which is available on the SPO website:

<http://www.hawaii.gov/spo2/source/>. Any protest pursuant to §103D-701, HRS, and Section 3-126-3, HAR, shall be submitted in writing to the Procurement Officer, Department of Land and Natural Resources, 1151 Punchbowl St., Honolulu, HI 96813.

14. GOVERNING LAW: COST OF LITIGATION-The validity of this agreement and any of its terms or provisions, as well as the rights and duties of the parties to this agreement, shall be governed by the laws of the State of Hawaii. Any action at law or equity to enforce or interpret the provisions of this agreement shall be brought in a state court or competent jurisdiction in Honolulu, Hawaii.

In case the State shall, without any fault on its part, be made a part to any litigation commenced by or against the Provider in connection with this agreement, the Provider, shall pay all costs and expenses incurred by or imposed on the State, including attorneys' fees.

15. SUBMISSION OF PROPOSAL- The submission of a proposal shall constitute an incontrovertible representation by the Provider of compliance with every requirement of the RFI, and that the RFI documents are sufficient in scope and detail to indicate and convey reasonable understanding of all terms and conditions of performance of the work. Before submitting a proposal, each Provider must:

- (1) Examine the solicitation documents thoroughly. Solicitation documents include this RFI, any attachments, plans referred to herein, and any other relevant documents;

(2) Become familiar with State, local, and federal laws, statutes, ordinances, rules, and regulations that may in any manner affect cost, progress, or performance of the work.

16. PROPOSAL PREPARATION

a) **TRANSMITTAL AND OFFER FORM.** Proposals shall be submitted using Provider's **exact legal name as registered with the Department of Commerce and Consumer Affairs**, if applicable; and to indicate exact legal name in the appropriate spaces on the Transmittal and Offer Form. Failure to do so may delay proper execution of the agreement. The authorized signature on the first page of the Offer Form shall be an original signature in ink. If unsigned or the affixed signature is a facsimile or a photocopy, the offer shall be automatically rejected unless accompanied by other material, containing an original signature, indicating the Provider's intent to be bound.

b) **Offer Guaranty.** An offer guaranty is NOT required for this RFI.

c) **Tax Liability.** Work to be performed under this solicitation is a business activity taxable under HRS Chapter 237, and if applicable, taxable under HRS Chapter 238. Vendors are advised that they are liable for the Hawaii GET at the current rate and the applicable use tax at the current 1/2% rate. If, however, a Provider is a person exempt by the HRS from paying the GET and therefore not liable for the taxes on this solicitation, Provider shall state its tax-exempt status and cite the HRS chapter or section allowing the exemption.

d) **Taxpayer Preference.** For evaluation purposes, pursuant to HRS §103D-1008, the Provider's tax-exempt price offer submitted in response to an RFP be increased by the applicable retail rate of general excise tax and the applicable use tax. Under no circumstance shall the dollar amount of the award include the aforementioned adjustment.

17. PRICING- Pricing shall include labor, materials, supplies, all applicable taxes, **except the GET, which may be added as a separate line item and shall not exceed the current rate**, and any other costs incurred to provide the specified services. **The pricing shall be the all-inclusive cost, except the GET, to the State and no other costs will be honored.**

18. ECONOMY OF PRESENTATION- Proposals shall be prepared in a straightforward and concise manner, in a format that is reasonably consistent and appropriate for the purpose. Emphasis will be on completeness and clarity and content. If any additional information is required by the State regarding any aspects of the Provider's proposal, it shall be provided within seven (7) business days.

19. CANCELLATION OF RFI AND PROPOSAL REJECTION- The State reserves the right to cancel this RFI and to reject any and all proposals in whole or in part when it is determined to be in the best interest of the State, pursuant to HAR Section 3-122-96 through 3-122-97. The State shall not be liable for any costs, expenses, loss of profits or damages whatsoever, incurred by the Provider in the event this RFI is cancelled or a proposal is rejected.

20. ADDITIONAL TERMS AND CONDITIONS-The State reserves the right to add terms and conditions during the agreement negotiations. These terms and conditions will be within the scope of the RFI and will not affect the proposal evaluation.

21. AGREEMENT EXECUTION- Successful Provider receiving award shall enter into a formal written agreement. No performance or payment bond is required for this agreement. No work is to be undertaken by the Provider prior to the commencement date. The State of Hawaii is not liable for any work, contract, costs, expenses, loss of profits, or any damages whatsoever incurred by the Provider prior to the official starting date. If an option to extend is mutually agreed upon, the Provider shall be required to execute a supplement to the agreement for the additional extension period. The Provider or

the State may terminate the extended agreement at any time without cause upon six (6) weeks prior written notice.

22. PAYMENT- Incremental payments shall be made to the awarded Provider upon receipt of reports that meet the expectations of the RFI. The receipt of reports shall be due based on the timeline submitted by the Provider in the proposal, or as amended. HRS Section 103-10 provides that the State shall have thirty (30) calendar days after receipt of invoice or satisfactory completion of agreement to make payment. For this reason, the State will reject any offer submitted with a condition requiring payment within a shorter period. Further, the State will reject any offer submitted with a condition requiring interest payments greater than that allowed by HRS §103-10, as amended. The State will not recognize any requirement established by the Provider and communicated to the State after award of the agreement, which requires payment within a shorter period or interest payment not in conformance with statute. If an advance payment is requested it must be stated including the amount in the budget section of the proposal.

23. AWARD- Method of Award. The award will be made to the responsive, responsible Provider(s) whose proposal is/are determined to be the most advantageous to the State based on the evaluation criteria.

Responsibility of Lowest Responsive Offeror(s). Reference HRS Chapter 103D-310(c). If compliance documents have not been submitted to the Department of Land and Natural Resources, Division of Forestry and Wildlife prior to award, the lowest responsive Provider(s) shall produce documents to the procurement officer to demonstrate compliance with this section.

HRS Chapter 237 tax clearance requirement for an award.

HRS Chapters 383 (Unemployment Insurance), 386 (Workers' Compensation), 392 (Temporary Disability Insurance), and 393 (Prepaid Health Care) requirements for an award.

Hawaii Compliance Express.

Vendors must use the Hawaii Compliance Express (HCE), which allows businesses to register online through a simple wizard interface at <http://vendors.ehawaii.gov> to acquire a "Certificate of Vendor Compliance." The HCE provides the current compliance status as of the issuance date. The "Certificate of Vendor Compliance" indicating that the vendor's status is compliant with the requirements of HRS Chapter 103D-310(c), shall be accepted for both contracting purposes and final payment. Vendors that elect to use the new HCE services will be required to pay an annual fee of \$15.00 to the Hawaii Information Consortium, LLC (HIC). Vendors choosing not to participate in the HCE program will be required to provide the paper certificates as instructed in the prior sections. Timely Submission of all Certificates. The above certificates should be applied for and submitted to the Department of Land and Natural Resources/Division of Forestry and Wildlife as soon as possible. If a valid certificate is not submitted on a timely basis for the award of a contract, an offer otherwise responsive and responsible may not receive the award.

Final Payment Requirements. The provider is required to submit a tax clearance certificate via Hawaii Compliance Express for final payment on the contract.

24. AGREEMENT INVALIDATION - If any provision of this agreement is found to be invalid, such invalidation will not be construed to invalidate the entire agreement.

25. NON-DISCRIMINATION - The Provider shall comply with all applicable federal and State laws prohibiting discrimination against any person on the grounds of race, color, national origin, religion, creed, sex, age, sexual orientation, marital status, handicap, or arrest and court records in employment and any condition of employment with the Provider or in participation in the benefits of any program or activity funded in whole or in part by the State.

26. CONFLICTS OF INTEREST - The Provider represents that neither the Provider, nor any employee or agent of the Provider, presently has any interest, and promises that no such interest, direct or indirect, shall be acquired, that would or might conflict in any manner or degree with the Provider's performance of this agreement.

27. WAIVER - The failure of the State to insist upon the strict compliance with any term, provision or condition of this agreement shall not constitute or be deemed to constitute a waiver or relinquishment of the State's right to enforce the same in accordance with this agreement.

28. SEVERABILITY - If any provision of this agreement is declared invalid or unenforceable by a court, such invalidity or unenforceability shall not affect the validity or enforceability of the remaining terms of this agreement.

29. CAMPAIGN CONTRIBUTIONS BY STATE AND COUNTY PROVIDERS - It has been determined that funds for this agreement have been appropriated by a legislative body. Therefore, Provider, if awarded an agreement in response to this solicitation, agrees to comply with HRS Section 11-205.5, which states that campaign contributions are prohibited from a State and county government provider during the term of the agreement if the provider is paid with funds appropriated by a legislative body.

30. ADDITIONS, AMENDMENTS, AND CLARIFICATIONS - Approvals. Any agreement arising out of this offer may be subject to the approval of the Department of the Attorney General as to form, and is subject to all further approvals, including the approval of the Governor, required by statute, regulation, rule, order, or another directive.

Confidentiality of Material. All material given to or made available to the Provider by virtue of this agreement, which is identified as proprietary or confidential information, will be safeguarded by the Provider and shall not be disclosed to any individual or organization without the prior written approval of the State. All information, data, or other material provided by the Provider or the Provider to the State shall be subject to the Uniform Information Practices Act, HRS chapter 92F. Price is not confidential and will not be withheld. In addition, in the case of an RFI, makes and models, catalog numbers of items offered, deliveries, and terms of payment shall be publicly available regardless of any designation to the contrary. If a request is made to inspect the confidential material, the inspection shall be subject to written determination by the Department of the Attorney General in accordance with HRS chapter 92F. If it is determined that the material designated as confidential is subject to disclosure, the material shall be open to public inspection, unless the Provider protests under HAR chapter 3-126. If the request to inspect the confidential material is denied, the decision may be appealed to the Office of Information Practices in accordance with HRS §92F-15.5.

Nondiscrimination. No person performing work under this Agreement, including any subcontractor, employee, or agency of the Provider, shall engage in any discrimination that is prohibited by any applicable federal, state, or county law.

Records Retention. The Provider and any subcontractors shall maintain the books and records that relate to the Agreement and any cost or pricing data for three (3) years from the date of final payment under the Agreement.

Competency of Provider. Prospective Providers must be capable of performing the work for which offers are being called. Either before or after the deadline for an offer, the purchasing agency may require the Provider to submit answers to questions regarding facilities, equipment, experience, personnel, financial status, or any other factors relating to the ability of the Provider to furnish satisfactorily the goods or services being solicited by the STATE. Any such inquiries shall be made and replied to in writing; replies shall be submitted over the signatures of the person who signs the offer. Any Offeror who refuses to answer such inquiries will be considered non-responsive.

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

Date: _____

DRAFT

DAVID Y. IGE
GOVERNOR OF HAWAII



APPROVED BY THE BOARD *dar*
AT ITS MEETING HELD ON
SEPTEMBER 11, 2020

SUZANNE D. CASE
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT

ROBERT K. MASUDA
FIRST DEPUTY

M. KALEO MANUEL
DEPUTY DIRECTOR - WATER

**STATE OF HAWAII
BOARD OF LAND AND NATURAL RESOURCES**

POST OFFICE BOX 621
HONOLULU, HAWAII 96809

AQUATIC RESOURCES
BOATING AND OCEAN RECREATION
BUREAU OF CONVEYANCES
COMMISSION ON WATER RESOURCE MANAGEMENT
CONSERVATION AND COASTAL LANDS
CONSERVATION AND RESOURCES ENFORCEMENT
ENGINEERING
FORESTRY AND WILDLIFE
HISTORIC PRESERVATION
KAHOOLAWE ISLAND RESERVE COMMISSION
LAND
STATE PARKS

**DRAFT MINUTES
FOR THE MEETING OF THE
BOARD OF LAND AND NATURAL RESOURCES**

DATE: July 10, 2020
TIME: 9:00 A.M.
LOCATION: Online via ZOOM, Livestream via YouTube

MEMBERS

Suzanne Case
Tommy OI
Chris Yuen
Kaiwi Yoon

Jimmy Gomes
Sam Gon
Vernon Char

STAFF

Russell Tsuji-Land
Ian Hirokawa-Land
Tanya Rubenstein-DOFAW
Ed Underwood-DOBOR
Curt Cottrell/E1

Kevin Moore-Land
David Smith-DOFAW
Richard Howard-DOBOR
Sam Lemmo-OCCL
Trevor Fitzpatrick/OCCL

OTHERS

Bill Wynhoff/AG
Lurlyn Scott/D3
Lezley Jacinto/D2
Janice Fujimoto/D2
Kirk Saiki/D2
Adam Miller/D5
Allen Alana/E1
Heather Tonneson/K1
Frederick Gregg, Jr./K2

Mike Auerbach/DOT-Air
Jennifer Tomita/DOT-Air
Puna Kaneakua/D2
Kanani Kealalio/D2
Dawn Chang/D2
Peter Horovitz/D8
Alex Schwartz/K1
David Sacamano/K1
Randy Vitousek/K2

ITEM A-1

07.10.2020 00:00:30

Chair Case opened the meeting with general information regarding the procedures we will be following for the ZOOM on-line meeting, living streaming on YouTube. Chair Case acknowledged that written testimony has been received as well as requests to offer oral testimony in advance of the meeting.

Member Gon read the standard contested case statement.

07.10.2020 00:02:24

ITEM A-1 Request Approval for the meeting minutes for May 24, 2020. **DEFERRED**

07.10.2020 00:02:55

ITEM C-1 Request Approval of a Revised Waimea Valley Forest Stewardship Management Plan and Forest Stewardship Agreement with Hi'ipaka LLC, Tax Map Key: (I) 6-1-002:002, Waialua District, Island of O'ahu.

David Smith, Tanya Rubenstein, Division of Forestry and Wildlife, presented the submittal. Tanya Rubenstein (DOFAW) available to answer any questions.

Board Discussion-None

Public Testimony-None

MOTION

Approved as submitted (Gon, Yoon) unanimous.

07.10.2020 00:07:15

ITEM C-2 Request Approval of a Revised Kaupakuea Orchards Forest Stewardship Management Plan and Forest Stewardship Agreement with Kaupakuea Orchards, LLC, Tax Map Key: (3) 2-8-003:009 and (3) 2-8-003:010, Hamakua District, Island of Hawai'i.

David Smith, Tanya Rubenstein, Division of Forestry and Wildlife, presented the submittal.

Board Discussion

Have there been any reports? Rubenstein replied, that they are required to report (2) times a year. There was further discussion regarding the how much of the plan they have implemented and the financial part of the plan.

Public Testimony-None

MOTION

Approved as submitted (Gomes, Yuen) unanimous.

07.10.2020 00:14:04

ITEM C-3 Approve the use of a Request for Interest for Federal Grants with the U.S. Department of Agriculture Forest Service Wildland Urban Interface and Landscape Scale Restoration Grant Programs; Delegate to the Chairperson the Authority to Award, Execute, and Extend Agreements with Successful Providers; and to Issue Annual Requests for Interest

and Awards under these grant programs.

David Smith, Tanya Rubenstein, Division of Forestry and Wildlife, presented the submittal.

Board Discussion

What good things happened in the first year? Rubenstein conveyed, they have received grants and have worked on several projects.

Public Testimony-None

MOTION

Approved as submitted (Oi, Gon) unanimous.

07.10.2020 00:18:48

ITEM C-4 Request for Delegation of Authority to the Chairperson to Approve, Sign, Execute, Amend, and Extend Memoranda of Agreements with the Various Circuit Courts for Community Service and Remediation, subject to Approval as to form by the Department of the Attorney General.

David Smith, Division of Forestry and Wildlife, presented the submittal.

Board Discussion-None

Public Testimony-None

MOTION

Approved as submitted (Gon, Yoon) unanimous.

07.10.2020 00:20:57

ITEM D-1 Consent to Assign General Lease No. S-4276 from Tony Alik Tay, Assignor, to Tony A. Tay, Trustee of the Tony A. Tay Revocable Living Trust, dated July 19, 2001, Assignee; Hanapepe, Waimea, Kauai, Tax Map Key: (4) 1-8-008:040.

Kevin Moore, Land Division, presented the submittal.

Board Discussion-None

Public Testimony-None

MOTION

Approved as submitted (Oi, Gon) unanimous.

07.10.2020 00:24:30

ITEM D-2 Issuance of Construction Right-of-Entry to the State of Hawaii Department of Agriculture for Emergency Auwai Stabilization Purposes; Cancellation of Revocable Permit S-7846 to Lurlyn Scott and Sanford Kekahuna; and Issuance of Revocable Permit to Lurlyn Scott and Sanford Kekahuna for Intensive Agriculture and Auwai Maintenance Purposes; Honopou, Hamakualoa, Makawao, Maui, Tax Map Key: (2) 2-9-001:018.

Ian Hirokawa, Land Division, presented the submittal. Russell Tsuji, Land Division, Applicants Lurlyn Scott, Lezley Jacinto, (Kalo Farmers), Puna Kaneakua (AECOM), Dawn Chang, Janice Fujimoto, Kanani Kealalio, and Kirk Saiki, Department of Agriculture.

Board Discussion

Why would this not be a long-term disposition? Hirokawa said, in this case, the applicant has had an RP under a different use. Division of Agriculture will make the improvements and the community will maintain the 'auwai. There was further discussion regarding the contractors and the location of the stream.

Public Testimony

DOA provided an informational presentation. Lurlyn Scott, Kalo farmer, conveyed that the community and the families want to pass this along to the traditions. Janice Fujimoto supports the submittal.

MOTION

Approved as submitted (Gomes, Gon) unanimous.

07.10.2020 00:57:34

ITEM D-3 Grant of Perpetual, Non-Exclusive Easement to County of Maui, Department of Public Works for Drainage Purposes and Issuance of Immediate Construction and Management Right-of-Entry Permit; Napili, Maui, Tax Map Key: (2) 4-3-002: Portion of 023.

Russell Tsuji, Land Division, presented the submittal.

Board Discussion-None

Public Testimony-None

MOTION

Approved as submitted (Gomes, Oi) unanimous.

07.10.2020 00:58:20

ITEM D-4 Issuance of Construction and Management Right-of-Entry Permit to City and County of Honolulu on Lands Encumbered by Governor's Executive Order No. 2704, Sand Island, Honolulu, Oahu, Tax Map Key: (1) 1-5-041: Portions of 003 & 006.

Russell Tsuji, Land Division, presented the submittal.

Board Discussion-None

Public Testimony-None

MOTION

Approved as submitted (Gon, Yoon) unanimous.

07.10.2020 00:59:20

ITEM D-5 Grant of Term, Non-Exclusive Easement to Daisho Company, Ltd. dba Daishohouse for Seawall Purposes; Maunaloa, Honolulu, Oahu, Tax Map Key: (1) 3-9-016: Seaward of 036.

Russell Tsuji, Land Division, presented the submittal. Adam Miller, Counsel representing the applicant is present to answer any questions.

Board Discussion

Noted that there was a Legislative House Bill No. 2060, being voted upon today, regarding seawalls & revetments. If it passes, Tsuji conveyed that they would still have to get legislative and Governor's approval and may or may not go forward.

Public Testimony

Miller noted that they supported the submittal and all conditions. Noted that the seawall is pre-existing and there would be not changes, there is some footing that has been exposed due to rising sea-levels, no construction to be done.

MOTION

Approved as submitted (Yoon, Yuen) 6-ayes, 1-abstains (Gomes)

07.10.2020 01:02:65

ITEM D-6 Third Amendment of Prior Board Action dated October 10, 1986, Item F-9, as amended by October 25, 2019, Item D-9, and January 10, 2020, Item D-8, Request of the City and County of Honolulu, Board of Water Supply, for Executive Order Setting aside 6 MG Reservoir Site Together with Electrical Transmission line, Waterline and Roadway Easement at Kahana Valley, Kahana, Koolauloa Oahu, Tax Map Key: Portions of (1) 5-2-001 & 5-2-002.

The purpose of this amendment is to seek Board's authorization to issue the City and County of Honolulu, Board of Water Supply 1) a separate perpetual nonexclusive easement for access and utility purposes in addition to the proposed set-aside; and 2) a right-of-entry permit.

ITEM D-7 Second Amendment of Prior Board Action dated February 28, 1986, Item F-8, as amended by October 25, 2019, Item D-10, City and County of Honolulu, Board of Water Supply Requests Set Aside of lands at Sacred Falls Park, Kaluanui, Koolauloa, Oahu, for Well Site Purposes, Kaluanui, Koolauloa, Oahu, Tax Map Key: Portions of (1) 5-3-011:009 (Portion), 010, and 011.

The purpose of this amendment is to seek Board's Authorization to issue the City and County of Honolulu, Board of Water Supply a separate perpetual non-exclusive easement for access and utility purposes in addition to the proposed set-aside.

Russell Tsuji, Land Division, presented Items D-6 and D-7 together.

Board Discussion-None

Public Testimony-None

MOTION

Approved as submitted Item D-6 and Item D-7 (Oi, Gon) unanimous.

07.10.2020 01:04:56

ITEM D-8 Issuance of Right-of-Entry Permit to Maui Camelot, LLC for Seawall Demolition, Removal, Site Surveys and Construction of Replacement Revetment / Seawall Pursuant to Conservation District Use Permit (CDUP) MA-3745 Approved by the Board of Land and Natural Resources (BLNR) on October 23, 2015; Grant of Term, Non-Exclusive Easement to Maui Camelot, LLC for Revetment/Seawall Purposes; Kuau, Paia, Maui, Tax Map Key: (2) 2-6-009: seaward of 005.

Kevin Moore, Land Division, presented the submittal. Peter Horovitz, Counsel representing the applicant is present to answer any questions.

Board Discussion

Is there a deadline for Legislative approval? Moore, noted that there is not a drop date in the submittal.

Public Testimony

Horovitz, provided the history on the project.

MOTION

Approved as submitted (Char, Yoon) 6-Ayes 1-Abstained (Gomes)

07.10.2020 01:21:35

ITEM E-1 Issuance of a Month-to-Month Revocable Permit to Pro Park, Inc., for Property/Passenger Motor Carrier for Compensation Management at Diamond Head State Monument, Kapahulu, Waikīkī, Honolulu, O'ahu, Hawai'i, Tax Map Key: (1) 3-1-042:006 Portion;

and

Request Approval of Declaration of Exemption from Chapter 343, Hawai'i Revised Statutes, Environmental Compliance Requirements for the subject project.

Curt Cottrell, State Parks, presented in the submittal. Alan Alana, representing ProPark is available for questions.

Board Discussion

Is this like what the Airport is doing? Cottrell conveyed, yes, they are using it a model.

Public Testimony

Alana noted that they are happy to help in any way they can.

MOTION

Approved as submitted (Gomes, Gon) unanimous.

07.10.2020 01:30:25

ITEM J-1 Issuance of a Revocable Permit to The Friends of Hokulea and Hawaiiiloa, Inc., for Perpetuating and Teaching Hawaiian Traditions of Building, Restoring and Caring for Canoes Purposes, situated at Ke'ehi Small Boat Harbor, Honolulu, Island of Oahu, Hawaii, identified by Tax Map Key: (1) 1-2-023:054;

and

Declare Project Exempt from Requirements of Chapter 343, HRS and Title 11, Chapter 200.1, Hawaii Administrative Rules.

Ed Underwood, Division of Boating and Ocean Recreation presented the submittal.

Board Discussion

What are the long-term plans for this area? Underwood said there is no infrastructure at this time and they are aware that they will have to bring in their own water and electricity

Public Testimony-Written Testimony Received

MOTION

Approved as submitted (Yoon, Gon) unanimous.

07.10.2020 01:35:01

ITEM J- 2 Issuance of a Revocable Permit to H2O Sports Hawaii, LLC, for Purposes of Assembly, Repair and Storage of Boat and Water Sports Equipment, situated at Ke'ehi Small Boat Harbor, Honolulu, Island of Oahu, Hawaii, identified by Tax Map Key: (1) 1-2-023:053;

and

Declare Project Exempt from Requirements of Chapter 343, HRS and Title 11, Chapter 200.1, Hawaii Administrative Rules.

Ed Underwood, Division of Boating and Ocean Recreation, presented the submittal.

Board Discussion

Who's going to pay of the clean-up of the Homeless, over-grown vegetation. Underwood said that the applicant would. Howard, said due to the lack of infrastructure, we are discounting his rent. There was a robust discussion regarding this parcel.

Public Testimony-None

MOTION

Approved as submitted (Char, Yuen) unanimous.

07.10.2020 01:46:38

ITEM J-3 Mutual Cancellation of Revocable Permit No 52, to John's World Famous Hawaii Hot Dogs, LLC., located at the Ala Wai Small Boat Harbor, Honolulu, Oahu, Tax Map Key: (1) 2-3-037:012 (Por.);

and

Issuance of a New Revocable Permit to John's World Famous Hawaii Hot Dogs, LLC., for a Mobile Food Concession, Located at the Ala Wai Small Boat Harbor, Honolulu, Oahu, Tax Map Key: (1) 2-3-037:012 (Por.);

and

Declare the Project Exempt from Requirements of Chapter 343, HRS and Title 11, Chapter 200.1, Hawaii Administrative Rules.

Ed Underwood, Division of Boating and Ocean Recreation presented the submittal.

Board Discussion

There was discussion regarding the size and location of the applicant's cart. Underwood, explained that due to the Covid-19 pandemic, the applicant was looking for more foot traffic.

Public Testimony-None

MOTION

Approved as submitted (Yoon, Gomes) unanimous.

07.10.2020 01:51:32

ITEM J-4 Consent to Sublease under Harbor Lease No. H-82-4, GKM, Inc., Lessee, to: Hawaii Data Center, LLC, Sublessee, Kealakehe, Kailua-Kona, Hawaii, Tax Map Key: (3) 7-4-008:042.

Ed Underwood, Division of Boating and Ocean Recreation presented the submittal.

Board Discussion

Noted that Mr. Rivera's concerns would be reviewed, although his concerns are not related to the submittal. DOBOR to report back to the Board. There was further discussion regarding sub-lease participation.

Public Testimony

Sylva Rivera provided testimony.

Amendment:

DOBOR to provide a report on any lease violations of underground tanks if any.

MOTION

Approved as amended (Yuen, Gomes) unanimous.

07.10.2020 02:10:45

ITEM K-1 Conservation District Use Application (CDUA) KA-3862 by the Hawaii Department of Transportation and the US Fish and Wildlife Service for the Subdivision of property and the Development of the Hanalei Valley Viewpoint at Halelea, Hanalei, Kauai, Tax Map Key parcel: (4) 5-3-001:006.

Sam Lemmo, Office of Conservation and Coastal Lands, presented the submittal. Alex Schwartz (US Fish & Wildlife), Heather Tonneson (Hanalei National Wildlife Refuge), David Sacamano (Consultant) are available to answer questions for the Applicant.

Board Discussion

There was a discussion regarding view planes from the valley floor. Sacamano responded.

Public Testimony-None

MOTION

Approved as submitted (Oi, Gomes) unanimous.

07.10.2020 02:24:01

ITEM K-2 Conservation District Use Application HA-3863 for Mr. Frederick W. Gregg, Jr.'s Single-Family Residence, Landscaping, and Associated Improvements located at Ho'okena Beach Road, Ho'okena, South Kona, Hawai'i Tax Map Key: (3) 8-6-013:009.

Sam Lemmo, Office of Conservation and Coastal Lands, presented the submittal. Applicant is present to answer any questions.

Board Discussion

Is the rest of Ho'okena in a limited sub-zone? Fitzpatrick, indicated "no". Noted there were several kuleana lots.

Public Testimony

Randy Vitousek provided background on the process they went through to make the change to the sub-zone. Wright noted it took a long time.

MOTION

Approved as submitted (Yuen, Gomes) unanimous.

07.10.2020 02:34:36

ITEM K-3 Conservation District Use Application HA-3863 for Mr. J. Spencer Wright and Ms. M. Ellen Bentley's Single-Family Residence, removal of Invasive Species, and Related Improvements located at Kaiwiki Road, Kaiwiki, South Hilo, Hawai'i Tax Map Key: (3) 2-6-011:033.

Sam Lemmo, Office of Conservation and Coastal Lands, presented the submittal. Applicant is available for questions.

Board Discussion

Previous land use and area were discussed.

Public Testimony

Wright noted

MOTION

Approved as submitted (Yuen, Gon) unanimous.

07.10.2020 02:47:28

ITEM K-4 **NON-ACTION ITEM**

Briefing by the Office of Conservation and Coastal Lands regarding its Coastal Lands Program and its continuing efforts to protect the State's beaches and coastal communities from climate change threats.

07.10.2020 04:44:03

ITEM L-1 Delegation of Authority to the Chairperson to: (1) Procure, Award and Enter into Professional Service Consultant Contracts for Capital Improvement Program Projects Appropriated by the Legislature as Listed in Exhibit 1 or Program Operating Funds; (2) Declare a Construction Project Exempt from the Preparation of an Environmental Assessment or Approve an Environmental Assessment and Issue a Finding of No Significant Impact, if Appropriate; and (3) Approve, Procure and Enter Construction Contracts for Capital Improvement Program Projects Appropriated by the Legislature as Listed in **Exhibit 1** or Program Operating Funds

Carty Chang, Engineering Division, presented the submittal.

Board Discussion

Noted it was standard procedure.

Public Testimony-None

MOTION

Approved as submitted (Gomes, Gon) 6-Ayes Note: Yuen Absent.

07.10.2020 04:48:03

ITEM M-1 Issuance of a Revocable Permit for Office Space for the Purpose of Providing 24-Hour Medical Response Services, International Life Support, Inc. dba American Medical Response, At Daniel K. Inouye International Airport, Tax Map Key No: (1) 1-1-72: 69 (Portion).

ITEM M-2 Issuance of a Revocable Permit for Aircraft Parking, Snowbird Air, LLC, Kalaeloa Airport, Tax Map Key No: (1) 9-1-13: Portion of 32.

Board Discussion

Noted that more people using the airport (general aviation), what is being done regarding Covid-19 with pilots flying in on their own? Auerbach was not sure, believes that they have procedures in place to monitor.

ITEM M-3 Issuance of a Revocable Permit for Ramp Space for Cargo Sorting Operations, Aeko Kula, LLC dba Aloha Air Cargo, Ellison Onizuka Kona International Airport at Keāhole, Tax Map Key No: (3) 7-3-43: Portion of 003.

ITEM M-4 Issuance of a Revocable Permit for Temporary Space for Aircraft Maintenance and Storage, L & L Management, Inc. dba Big Island Air, Ellison Onizuka Kona International Airport at Keāhole, Tax Map Key No: (3) 7-3-43: Portion of 003.

Mike Auerbach-DOT-Airports, presented the Items M-1, M-2, M-3 and M-4.

Public Testimony-None

MOTION

Approved as submitted Items M-1, Item M-2, and Item M-4 (Gomes, Gon) 6-Ayes. Item M-3 approved as submitted (Gomes, Gon) 5-Ayes, 1-Abstained (Char). Note: Yuen absent

07.10.2020 04:52:52

ITEM M-5 Request Approval to Issue Eight (8) Month-to-Month Revocable Permits and Issuance of a Lease by Direct Negotiation to Sause Bros., Inc., for Maintenance Operations Warehouse, Employee Parking, Storage Containers, and Storage Space, situated at Pier 27, Honolulu Harbor, Oahu, Tax Map Key Nos. (1) 1-5-038-001 (P), (1) 1-5-038:073 (P) and (1) 1-5-038:074 (P), Governor's Executive Order No 2903.

Jennifer Tomita, DOT-Harbors, presented the submittal.

Board Discussion-None

Public Testimony-None

MOTION

Approved as submitted (Char, Yoon) 6-Ayes Note: Yuen absent.

There being no further business, Chair Case, adjourned the meeting. Recording(s) of the meeting and written testimonies received by the requested deadline can be found on-line with the submittal and available for review. Certain Items on the agenda were taken out of sequence to accommodate applicants or interest parties present.

Respectfully submitted,

Darlene Ferreira

Darlene S. Ferreira
Land Board Secretary

Approved for submittal:

Suzanne D. Case

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