

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

January 13, 2023

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

Board Members:

SUBJECT: REQUEST DELEGATION OF AUTHORITY TO THE CHAIRPERSON TO
PROCURE, AWARD, AND ENTER INTO PROFESSIONAL SERVICE
CONSULTANT AND CONSTRUCTION CONTRACTS FOR
IMPLEMENTATION OF THE COOPERATIVE AGREEMENT FOR
EXPANDING FOREST AND WATERSHED PROTECTION ABOVE
PEARL HARBOR, OAHU

AND

REQUEST APPROVAL OF DECLARATION OF EXEMPTION OF
PORTIONS OF THE PROJECT FROM CHAPTER 343, HAWAII
REVISED STATUTES

BACKGROUND:

The Department of Land and Natural Resources has received a Federal grant from the Department of the Navy for various projects that improve watershed health in the Pearl Harbor aquifer, in support of the Joint Base Pearl Harbor Hickam. This grant authorized funding for invasive plant removal, fencing along the summit regions of the Ko'olau mountains to exclude feral pigs, and ecosystem restoration to include out-planting of native plant species. This grant also supports the improvement of the baseyard capacity needed to undertake these watershed protection projects for the Division of Forestry and Wildlife's Makiki and Waimano baseyards on O'ahu. These funds will augment existing Capital Improvement Project (CIP) funding provided to repair the facilities including a new septic system, repurpose the existing fire cache building, improve the office, bathroom, and storage space, renovate the ranger cottage, and related baseyard facilities.

DISCUSSION:

All procurements will be made in accordance with the State Procurement Code, Hawaii Revised Statutes (HRS) Chapter 103D. Professional service consultants will be used in

accordance with HRS Chapter 103D-304, and contracted to perform feasibility or planning studies, or other services. We request the Board to delegate authority to the Chairperson to approve, procure and enter contracts for such professional services.

To move projects into the construction phase, we request that the Board delegate authority to the Chairperson to approve, procure and enter contracts for construction projects. We also request the Board to authorize the Chairperson to sign supplemental agreements for professional services or construction contracts and to enter and execute any other documents or agreements, including but not limited to permit applications, related to the implementation of the project, if necessary and appropriate.

CHAPTER 343 - ENVIRONMENTAL ASSESSMENT:

An Environmental Assessment was completed in 2016 for the Makiki Baseyard Improvement Project.

For the other aspects of the project, including the improvements at Waimano baseyard, fencing, planting, and invasive plant control, in accordance with the requirements of Chapter 343, HRS, Hawaii Administrative Rule Section 11-200-8(6), the Exemption List for the Division of Forestry and Wildlife, Department of Land and Natural Resources as reviewed and concurred upon by the Environmental Council on November 10, 2020, these activities are exempt from the preparation of an environmental assessment under:

General Exemption Type 3: Construction and location of single new, small facilities or structures and the alteration and modification of the facilities or structures and installation of new, small, equipment and facilities and the alteration and modification of the equipment or facilities...

Part 2

- 1. Natural resource management actions that the Department declares are designed specifically to monitor, conserve, or enhance the status of native species or native species' habitats, such as fences around or to manage rare, threatened, or endangered plants.*
- 2. Construction and location of new, small facilities or structures necessary to support or enhance safe and effective management of lands and waters, such as baseyards, caretaker's residences, work cabins and shelters, sanitation facilities, and other similar structures.*

General Exemption Type 4: Minor alterations in the conditions of the land, water, or vegetation.

Part 1

- 3. Removal of invasive vegetation utilizing cutting, mowing, application of federal and state-approved herbicides in conformance with label instructions, distribution of biocontrol agents already approved and permitted by the State of Hawaii, and other approved methods.*

5. *Establish temporary or permanent vegetative cover including trees, shrubs, grasses, and sod for landscaping, reforestation, soil stabilization, watershed protection, native wildlife habitat, native ecosystem restoration, and rare plant preservation; provided, however, that this exemption shall not apply to vegetation that is likely to be invasive or for tree plantings for which harvesting is planned or is reasonably foreseeable.*

RECOMMENDATIONS:

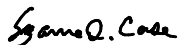
1. That the Board delegate authority to the Chairperson to procure, award, and enter into professional service consultant contracts and, if necessary, supplemental agreements, in accordance with HRS Chapter 103D, and to enter into and execute any other documents or agreements for the implementation of the Cooperative Agreement for Expanding Forest and Watershed Protection above Pearl Harbor, O'ahu, subject to available funding, and review and approval as to form by the Department of the Attorney General.
2. Declare that, after considering the potential effects of the proposed project as provided by Chapter 343, HRS, and Chapter 11-200, HAR, portions of this project will probably have minimal or no significant effect on the environment and are therefore exempt from the preparation of an environmental assessment.

Respectfully Submitted:



David G. Smith, Administrator

APPROVED FOR SUBMITTAL:



Suzanne D. Case, Chairperson