

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

April 12, 2024

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

Land Board Members:

SUBJECT: REQUEST FOR APPROVAL TO ENTER INTO A MULTI-YEAR CONTRACT WITH THE ZOOLOGICAL SOCIETY OF SAN DIEGO TO PROVIDE SERVICES TO OPERATE THE ENDANGERED BIRD CAPTIVE PROPAGATION FACILITY ON MAUI, THE MAUI BIRD CONSERVATION CENTER, AND TO PROVIDE EXPERT AVICULTURAL SERVICES TO CONDUCT RELATED FOREST BIRD PROPAGATION PROJECTS AT THE KEAUHOU BIRD CONSERVATION CENTER ON THE ISLAND OF HAWAII AND THROUGHOUT THE STATE.

AND

REQUEST APPROVAL OF DECLARATION OF EXEMPTION TO CHAPTER 343, HRS ENVIRONMENTAL COMPLIANCE REQUIREMENTS FOR THE PROJECT.

This Board Submittal requests approval to continue a contractual relationship with the Zoological Society of San Diego for an additional two years to operate the Captive Propagation Program, including constructing needed infrastructure. It authorizes the Chairperson to enter a contract for these services, subject to the necessary procurement approvals.

BACKGROUND:

In 1996, the Division approached the Board to obtain permission to outsource aspects of the State's Captive Propagation Program. This was advantageous as it enabled the hiring of experts to operate the program, thus providing a high level of expertise at a reasonable cost. It also allowed DOFAW to focus its limited resources on managing and restoring habitat on the 800,000 acres of state lands that the Division manages, as well as on other essential recovery actions for endangered species. The US Fish and Wildlife Service, a key Partner in our endangered bird recovery efforts, had entered a

contract with The Peregrine Fund, Inc. (TPF) to operate a newly developed captive propagation facility on the island of Hawaii. This presented the opportunity to consolidate both facilities under one manager -- thus integrating captive propagation and reintroduction programs in Hawaii. The Board approved the privatization of the captive propagation program with TPF in March 1996, issued a 20-year lease on the State's facilities at Olinda, and began a series of contracts to operate the State's program that has continued through Fiscal Year 2024.

In October 1999, TPF notified the Department and the US Fish and Wildlife Service of their desire to transition their operational role to another entity and recommended the Zoological Society of San Diego (ZSSD). Key to the recommendation of ZSSD was an ongoing collaboration between these institutions that would facilitate a smooth transition without a change in the operational management staff. The Board took the following actions to address that transition.

PRIOR BOARD ACTIONS

1. August 27, 1999. The Board approved TPF FY00 Contract with provisions for an option to subcontract or assign the contract. The Board also asked the Department to address public concerns for more information and openness in the program.
2. December 10, 1999. The Board approved the assignment of TPF's FY00 contract obligations and liabilities to ZSSD. The Board also approved the Department's development of a transition plan for the operation of the facilities that meets all federal and state procurement standards. The Department reported on the Partnership's commitment to provide more information to the public via outreach efforts, obtain input on Annual and Five-Year Workplans, provide for responsible data sharing, and form a Veterinary Advisory Group.
3. June 9, 2000. The Division reported on the transition plan, which included a letter of inquiry to 30 zoos. Only ZSSD responded that they were willing and able to run the program. The Board authorized the Division to begin a sole-source contract process for ZSSD to operate the Maui facility for FY01 and FY02 and to transfer the lease from TPF to ZSSD.
4. November 17, 2000. The Board approved a 2-year contract with ZSSD to provide services to operate the endangered bird captive propagation facilities on Maui and the island of Hawaii and conduct related forest bird propagation projects throughout the State.
5. August 23, 2002. The Board approved a two-year contract with ZSSD to provide services to operate endangered bird captive propagation facilities on Maui and the island of Hawaii and conduct related forest bird propagation projects throughout the State. The Chief Procurement Officer approved these services as an Exempt Purchase on 6/19/02 (Exempt Purchase Approval No. 02-55-J).
6. May 14, 2004. The Board approved a two-year contract with ZSSD to provide services to operate the endangered bird captive propagation facilities on Maui and the island of Hawaii and conduct related forest bird propagation projects

- throughout the State. The Chief Procurement Officer approved these services as an Exempt Purchase on 6/16/04 (Exempt Purchase Approval No. 02-55-J).
7. May 26, 2006. The Board approved a 2-year contract with ZSSD to provide services to operate the endangered bird captive propagation facilities on Maui and the island of Hawaii and conduct related forest bird propagation projects throughout the State.
 8. June 23, 2006. The Board approved an amendment to the above contract to provide additional funds to build a captive Maui Parrotbill flock. The Chief Procurement Officer approved these services as an Exempt Purchase on 8/09/06 (Exempt Purchase Approval No. 07-009-J).
 9. June 13, 2008. The Board approved a two-year contract with ZSSD to provide services to operate endangered bird captive propagation facilities on Maui and the island of Hawaii and conduct related forest bird propagation projects throughout the State. The Chief Procurement Officer approved these services as an Exempt Purchase on 6/19/08 (Exempt Purchase Approval No. 09-036-C).
 10. May 13, 2010. The Board approved a two-year contract with ZSSD to provide services to operate the endangered bird captive propagation facilities on Maui and the island of Hawaii and conduct related forest bird propagation projects throughout the State. The purchase of these services was approved as an Exempt Purchase by the Chief Procurement Officer on 2/25/10 (Exempt Purchase Approval No. 10-057-D).
 11. February 3, 2012. The Board approved a two-year contract with ZSSD to provide services to operate the endangered bird captive propagation facilities on Maui and the island of Hawaii and conduct related forest bird propagation projects throughout the State. These services were approved as an Exempt Purchase by the Chief Procurement Officer on 6/18/2012 (Exempt Purchase Approval No. 12-097-D).
 12. May 9, 2014. The Board approved a two-year contract with ZSSD to provide services to operate the endangered bird captive propagation facilities on Maui and the island of Hawaii and conduct related forest bird propagation projects throughout the State. These services were approved as an Exempt Purchase by the Chief Procurement Officer on 5/20/2014 (Exempt Purchase Approval PE14-0805).
 13. February 26, 2016. The Board approved a two-year contract with ZSSD to provide services to operate the endangered bird captive propagation facilities on Maui and the island of Hawaii and conduct related forest bird propagation projects throughout the State. The Chief Procurement Officer approved these services as an Exempt Purchase on 3/18/2016 (Exempt Purchase Approval PE16-047c).
 14. December 14, 2018. The Board approved a two-year contract with ZSSD to provide services to operate the endangered bird captive propagation facilities on Maui and conduct related forest bird propagation projects throughout the State. The Chief Procurement Officer approved these services as an Exempt Purchase on April 5, 2018 (Exempt Purchase Approval PE18-048K).

15. May 14, 2021. The Board approved a two-year contract with ZSSD to provide services to operate the endangered bird captive propagation facilities on Maui and conduct related forest bird propagation projects throughout the State. These services were approved as an Exempt Purchase by the Chief Procurement Officer on April 9, 2021 (Exempt Purchase Approval PE21-042SK).
16. June 22, 2022. The Board approved a two-year contract with ZSSD to provide services to operate the endangered bird captive propagation facilities on Maui and conduct related forest bird propagation projects throughout the State. The purchase of these services was approved as an Exempt Purchase by the Chief Procurement Officer on June 2, 2022 (Exempt Purchase Approval PE22-059J)

CONTRACT PROVISIONS

The proposed contract will provide \$1,000,000 of federal funds (\$500,000 in FY25 and \$500,000 in FY26) to the Zoological Society of San Diego dba San Diego Zoo Wildlife Alliance to provide services to operate the State-leased captive propagation facilities at the Maui Bird Conservation Center on Maui and to provide expert avicultural services to conduct related forest bird propagation projects at the Keauhou Bird Conservation Center, Volcano, and throughout the State (Attachment A). This contract will be effective from July 1, 2024, to June 30, 2026. The \$1,000,000 is composed entirely of Federal funding provided to the state through a U.S. Fish and Wildlife Service grant. The Zoological Society of San Diego will provide an estimated \$333,334 of private funds or in-kind services to meet the State matching requirement for these Federal funds. Entering the contract and continuing the contract for Year 2 (FY26) will be contingent on the continued receipt of Federal grants and the availability of Federal funds for this project.

The major activities planned for the program will be to continue to develop and implement successful captive propagation and reintroduction programs for Alala, Maui Parrotbill, Palila, Akikiki, and Akekee, as agreed to by the Forest Bird Conservation Breeding Partnership. The Zoological Society of San Diego will provide personnel, goods, and services to operate and maintain the Maui facilities as an integrated program with the Hawai'i facilities; provide care and breeding of captive endangered birds; assist in the collection and release of forest birds; administer the program; and provide annual progress and financial reports by November 30, 2025, and November 30, 2026. The scope of work implements the next two years of the jointly developed captive propagation work plan.

Upon approval by the Board, the Division will process a procurement exemption request for the purchase of these services from The Zoological Society of San Diego, negotiate the terms and conditions of the contract based on the parameters discussed above, submit the contract for review and approval as to form by the Attorney General and process the document for signature by the Chairperson.

CHAPTER 343 – ENVIRONMENTAL ASSESSMENT:

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, the subject project is exempt from the preparation of an environmental assessment under the following exemption classes:

From the DLNR November 10, 2020, Exemption List:

General Exemption Type 1, Part 1, #4, "Operation, repair, and maintenance of existing structures and facilities, including base yards, offices, cabins, sheds, and fencing."

General Exemption Type 4, Part 1, #15, "Captive propagation of birds, mammals, invertebrates, or aquatic organisms; cultivation of plants. Housing, care, feeding, veterinarian examination, breeding (pairing, hatching, brooding, fledgling, rearing), cross-fostering, double clutching nests, and experimental studies of native species (including those which are rare, threatened or endangered), game birds and game mammals"

*****CONTINUED ON PAGE 6*****

RECOMMENDATIONS:

That the Board:

- 1) Declare that, after considering the potential effects of the proposed project as provided by Chapter 343, HRS, and Chapter 11-200, HAR, this project will probably have minimal or no significant effect on the environment and is therefore exempt from the preparation of an environmental assessment.
- 2) Delegates authority to the Chairperson to negotiate and execute a Contract for Services for two years in the amount not to exceed \$1,000,000 with the Zoological Society of San Diego subject to:
 - a) The receipt of Federal grants and availability of Federal funds for the contract,
 - b) The approval by the Chief Procurement Officer of this as an exempt purchase,
 - c) Approval as to form by the Attorney General's Office.

Respectfully submitted,



DAVID SMITH, Administrator
Division of Forestry and Wildlife

APPROVED FOR SUBMITTAL:



DAWN N.S. CHANG, Chairperson
Board of Land and Natural Resources