

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

June 14, 2013

Chairperson and Members  
Board of Land and Natural Resources  
State of Hawai'i  
Honolulu, Hawai'i

Land Board Members:

**SUBJECT: REQUEST FOR AUTHORIZATION TO ISSUE AN INVITATION FOR BID AND AUTHORIZE THE CHAIRPERSON TO AWARD, EXECUTE AND EXTEND CONTRACT(S) TO INSTALL UNGULATE-PROOF FENCING WITHIN THE KĪPAHULU FOREST RESERVE, TMKs (2)1-7-004:006, AND (2)1-6-001:009, MAUI**

**AND**

**REQUEST APPROVAL OF DECLARATION OF EXEMPTION TO CHAPTER 343, HRS, ENVIRONMENTAL COMPLIANCE REQUIREMENTS FOR THE HALEMANO SECTION OF THE KĪPAHULU FENCE**

This board submittal requests approval to conduct a Competitive Sealed Bidding process utilizing an Invitation for Bid (IFB) to install ungulate-proof fencing on two units at Kīpahulu Forest Reserve. Further the submittal requests the authorization of the Chairperson to award and execute a contract for construction as well as approval of a declaration of exemption for Chapter 343, Hawaii Revised Statutes (HRS) for the smaller of the two proposed fence units.

**BACKGROUND**

A fence project is proposed to protect watershed forests in portions of the Kīpahulu Forest Reserve. Feral pig, goat, deer and cattle damage in these forests threaten the water supply of Hawai'i and unique natural and cultural resources, including rare native plant and animal species. Step-overs and gates will allow public access and traditional gathering within fenced areas.

The Kīpahulu Forest Reserve fencing project consists of two units. One unit will fence approximately 90 acres of the Halemano section of the Kīpahulu Forest Reserve (Exhibit A), and second will enclose approximately 1,300 acres of the Manawainui section of the Kīpahulu Forest Reserve (Exhibit B). Both sections of the forest reserve are land-locked and in general inaccessible for general public access. These projects are part of an ongoing effort to protect

Maui's watershed forests and implement the Department's "The Rain Follows the Forest" plan. Fence alignments are approximate and subject to change, and cross fences may also be installed within units. The project includes TMKs (2)1-7-004:006 and (2)1-6-001:009, Maui.

The Division of Forestry and Wildlife and partners will also conduct natural resource management activities including invasive species control, erosion control, outplanting of native vegetation and installation of associated management infrastructure.

#### DISCUSSION:

A Competitive Sealed Bid is the appropriate method to select a contractor to install ungulate-proof fencing within the Kīpahulu Forest Reserve because of the stringent criteria bidders will have to meet to be qualified. These include but are not limited to having experience working and camping off-trail in remote (requiring helicopter transport of material and/or crews) conditions with rough and steep terrain, experience in helicopter sling-load logistics, and must have built at least two (2) feral-ungulate-proof fence installation projects in remote and rough terrain in the State of Hawai'i. One or more contracts will be awarded based on the lowest qualified bidder.

#### CHAPTER 343 – ENVIRONMENTAL ASSESSMENT

The larger 1,300 acre Manawainui section of the Kīpahulu fence was included in an environmental assessment (EA) that was prepared by the East Maui Watershed Partnership in accordance with HRS Chapter 343. The final EA and Finding of No Significant Impact (FONSI) were approved and published in the July 8, 2007 issue of the Office of Environmental Quality Control's Environmental Notice. The review of the analysis and conservation measures in the EA and consideration of public comments and responses found that implementing the Preferred Alternative would result in no significant direct, indirect, or cumulative impacts on natural, cultural, water, recreational and other resources assessed in the EA.

The 90 acre Halemano unit was not included in the 2007 East Maui Watershed Partnership EA. In accordance with the requirements of Chapter 343, HRS, and Chapter 11-200-8(6), Hawaii Administrative Rules (HAR), the Exemption List for the Department of Land and Natural Resources as reviewed and concurred upon by the Environmental Council on July 13, 2011 and June 12, 2008, the Halemano portion of the Kīpahulu fence is exempt from the preparation of an environmental assessment pursuant to the exemption classes listed in Exhibit C.

RECOMMENDATIONS:

That the Board:

- 1) Declare that, after considering the potential effects of the Halemano portion of the Kīpahulu fence as provided by Chapter 343, HRS, and Chapter 11-200, HAR, this project will likely have minimal or no significant effect on the environment and is therefore exempt from the preparation of an environmental assessment.
- 2) Approves the issuance of an Invitation(s) for Bid to install ungulate-proof fencing within the Kīpahulu Forest Reserve, TMKs (2)1-7-004:006, and (2)1-6-001:009, Maui.
- 3) Authorize the Chairperson to award, execute and extend Contract(s) for Construction, subject to:
  - a. Availability of Funds,
  - b. Approval as to form by the Attorney General's Office, and
  - c. Other terms and conditions as may be prescribed by the Chairperson to best serve the interests of the State.

Respectfully submitted,



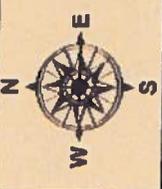
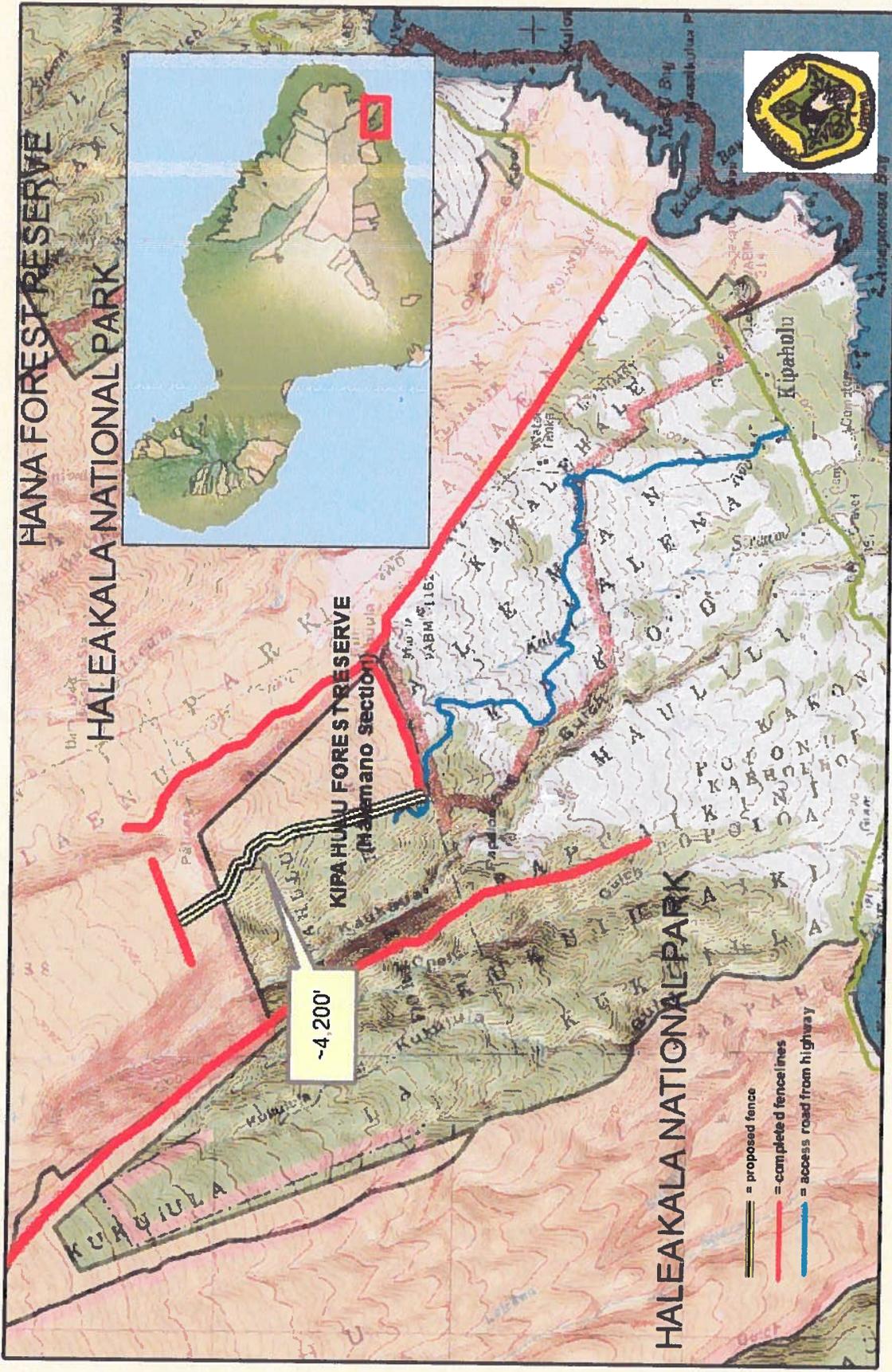
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ROGER H. IMOTO, Administrator  
Division of Forestry and Wildlife

APPROVED FOR SUBMITTAL:



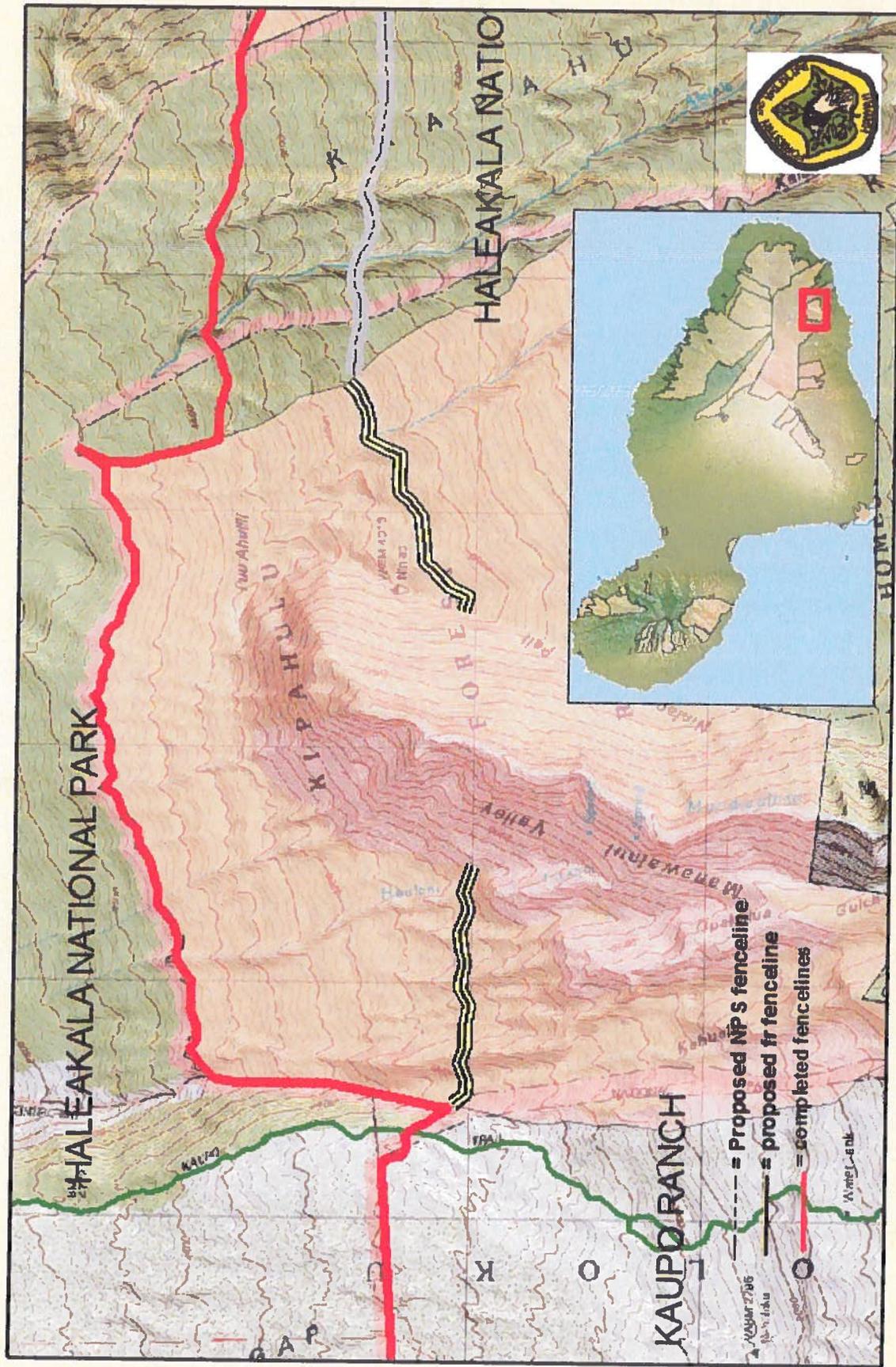
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WILLIAM J. AILA, JR., Chairperson  
Board of Land and Natural Resources

- Exhibit A. Map of Halemano Unit
- Exhibit B. Map of Manawainui Unit
- Exhibit C. Exemption Notification



**KIPAHULU STATE FOREST RESERVE  
HALEMANO SECTION  
PROPOSED FENCELINE**





**KIPAHULU STATE FOREST RESERVE  
MANAWAINUI SECTION  
PROPOSED FENCELINE**





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

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**EXEMPTION NOTIFICATION**

Regarding the preparation of an environmental assessment pursuant to Chapter 343, Hawaii Revised Statutes.

Project Title:	Installation and management of ungulate-proof fencing to enclose approximately 90 acres of the Halemano Section of the Kīpahulu Forest Reserve.
Project Number:	N/A
Project Description:	A fence project is proposed to protect watershed forests in portions of the Kīpahulu Forest Reserve. Feral pig, goat, deer and cattle damage in these forests threaten the water supply of Hawai‘i and unique natural and cultural resources, including rare native plant and animal species. Step-overs and gates will allow public access and traditional gathering within fenced areas. The Division of Forestry and Wildlife and partners will also conduct natural resource management activities including invasive species control, erosion control, outplanting of native vegetation and installation of associated management infrastructure.
Chapter 343 Trigger:	Use of State Land and Funds
Exemption Class & Description:	<p>Exemption Class No. 1 Item 8 of the Department of Land and Natural Resources, Division of Forestry and Wildlife. “Weed, brush and noxious tree control using hand tools, small motorized equipment (chainsaws and weedeaters), and approved herbicides on DOFAW program areas, campsites, picnic grounds, viewpoints, baseyards, wildlife water units, trails, captive propagation facilities, arboreta, plant nurseries, checking stations, and public use facilities.”</p> <p>Exemption Class No. 1 Item 17 of the Department of Land and Natural Resources, Division of Forestry and Wildlife. “Animal damage control actions, when needed to maintain resource values, in Division of Forestry and Wildlife (DOFAW) program areas, including application of approved rodenticides, and ungulate removal.”</p> <p>Exemption Class No. 3 Item 1 of the Department of Land and Natural Resources, Division of Forestry and Wildlife. “Fences around or to manage threatened or endangered plants; covered and open areas for endangered species, game birds and mammals; auxiliary buildings for food storage, equipment storage, incubators and brooders; open-top breeding and release pens, field aviaries and hacking boxes; and for</p>

	<p>watershed and native forest management and restoration. Fences shall contain step-overs or other features that permit pedestrian access for cultural and recreational use.”</p> <p>Exemption Class No. 3 Item 2 of the Department of Land and Natural Resources, Division of Forestry and Wildlife. “Cabins, resident workers’ quarters, warehouse workshops, mobile camping structures, weather stations, checking stations for hunters, hikers, and campers; meat safes, viewing kiosks and platforms, wildlife viewing towers, sanitary facilities, trail shelters, equipment shelters, fire equipment caches, arboreta, and plant nurseries.”</p> <p>Exemption Class No. 4 Item 1 of the Department of Land and Natural Resources, Division of Forestry and Wildlife. “Establishments of helispots for fire control and rescue.”</p> <p>Exemption Class No. 4 Item 7 of the Department of Land and Natural Resources, Division of Forestry and Wildlife. “Establish temporary or permanent vegetative cover including trees, shrubs and grasses for landscaping, reforestation, soil stabilization, and wildlife habitat provided, however, that this exemption shall not apply to tree plantings for which harvesting is planned or is reasonably foreseeable.</p> <p>Exemption Class No. 5 Item 2 of the Department of Land and Natural Resources, Division of Forestry and Wildlife. “Game and non-game wildlife surveys, inventory studies, new transect lines, photographing, recording, sampling, collection and captive propagation (involves walking, driving, and flying in the field (helicopter, light aircraft), use of nets and firearms, temporary traps including snares, mist nets, corral traps, drop door traps or leg hold traps.”</p>
<p>Recommendation:</p>	<p>It is anticipated that this project will have minimal or no significant effect on the environment and is presumed to be exempt from the preparation of an environmental assessment.</p>

  
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 William J. Aila, Jr., Chairperson

5/23/13  
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 Date

**EXHIBIT C**