

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

August 23, 2013

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

Land Board Members:

SUBJECT: REQUEST APPROVAL FOR SELECTION OF THE COMPETITIVE SEALED PROPOSAL PROCESS AND AUTHORIZE THE CHAIRPERSON TO AWARD, EXECUTE, AMEND, AND EXTEND CONTRACT(S) TO INSTALL UNGULATE-PROOF FENCING WITHIN MANUKĀ NATURAL AREA RESERVE, TMKs (3) 8-9-006-001, 8-9-006-002, 8-9-006-014 por., 8-9-006-017, 9-1-001-002, 9-1-001-003 por., 9-1-001-005 por., 9-1-001-006 por. and 9-1-001-007 por., KA'U AND SOUTH KONA, HAWAI'I

AND

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

BACKGROUND

A fence project is proposed to protect watershed and dry forests in Manukā Natural Area Reserve. This includes installation of fencing to protect native ecosystems from the negative impacts of feral ungulates. This project is part of the Department's "The Rain Follows the Forest" plan to sustain Hawaii's critical water sources. This project also protects many critically endangered plants and animals. The project will include approximately 22 miles of strategic and boundary fencing for approximately 24,000 acres. Proposed fencing is adjacent to existing, previously completed fenced units and boundary fencing. Fence alignments are approximate and subject to change, and may include cross or wing fences. Topography may necessitate inclusion of adjacent partner lands. A map is attached as Exhibit 1.

Long-term management of these fenced areas will require invasive species control, outplanting of native vegetation and installation of associated management infrastructure, and other natural resource activities, undertaken by the Division of Forestry and Wildlife (DOFAW) and partners.

In order to expedite the contract(s) for this procurement, DOFAW requests that the Board

delegate authority to the Chairperson to award, execute, amend and extend contract(s) and other terms and conditions as may be prescribed by the Chairperson to best serve the interest of the State. Contract(s) will be awarded to the most qualified proposals, based on evaluation criteria specified in the RFP.

DISCUSSION

Based on the requirements and special conditions of this procurement, DOFAW recommends that a competitive sealed proposal process be used for source selection. Such an approach will be the most advantageous procurement process for the solicitation because:

- 1) The primary consideration for the determination of the awards for this Request For Proposals is not price.
- 2) Oral or written discussion may need to be conducted with the Applicants concerning technical and price aspects of their proposals.
- 3) Applicants may need to be afforded the opportunity to revise their proposals, including price.
- 4) Awards may need to be based upon a comparative evaluation as stated in the request for proposals of differing price, quality, services and other contractual factors in order to determine the most advantageous offering to the State.

Evaluation criteria for the proposed fencing project include the following:

- Technical capability and approach for meeting performance requirements
- Managerial capability: Previous experience and expertise
- Pricing
- Best value factors: Understanding of project as outlined

Pursuant to HAR 3-122-43, a determination by the Department procurement officer must be made for the use of the competitive sealed proposal process over the competitive sealed bidding process when the competitive sealed bidding process is neither practicable nor advantageous to the State. Additionally pursuant to HAR § 3-122-45, a determination must be made by the procurement officer that an evaluation committee, selected in writing by the procurement officer, shall evaluate the competitive sealed proposals. DOFAW recommends the use of an evaluation committee for the selection of the proposals as an evaluation committee will allow for an objective review, evaluation, ranking and selection of the most qualified proposal for the program. Further the evaluation committee must consist of at least three government employees with sufficient qualification in the area to be procured; DOFAW recommends the following individuals: Emma Yuen, DOFAW Planner, Nicholas Agorastos, DOFAW NARS Specialist, and Ian Cole, DOFAW NARS Specialist

In order to expedite the contract(s) for this procurement, DOFAW requests that the Board delegate authority to the Chairperson to award, execute, amend and extend contract(s) based on the recommendations of the evaluation committee and other terms and conditions as may be prescribed by the Chairperson to best serve the interest of the State. Should any of the committee members be unable to serve, alternates with similar knowledge will be substituted and any changes and final make-up of the evaluation committee kept in the contract file.

CHAPTER 343 – ENVIRONMENTAL ASSESSMENT

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 subject project is exempt from the preparation of an environmental assessment pursuant to the exemption classes listed in Exhibit 2.

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 likely have minimal or no significant effect on the environment and is therefore exempt from the preparation of an environmental assessment.
- 2) Approves the use of:
 - a. A competitive sealed proposal for a solicitation for the installation of ungulate-proof fencing within Manuka Natural Area Reserve, Hawai'i.
 - b. An evaluation committee comprised of the individuals identified above to serve, evaluate and select the competitive sealed proposals.
- 3) Delegates authority to the Chairperson to:
 - a. Award, amend, execute and extend contract(s) for fence installation, subject to the availability of funds and approval by the Department of the Attorney General.

Respectfully submitted,



ROGER H. IMOTO, Administrator
Division of Forestry and Wildlife

APPROVED FOR SUBMITTAL:

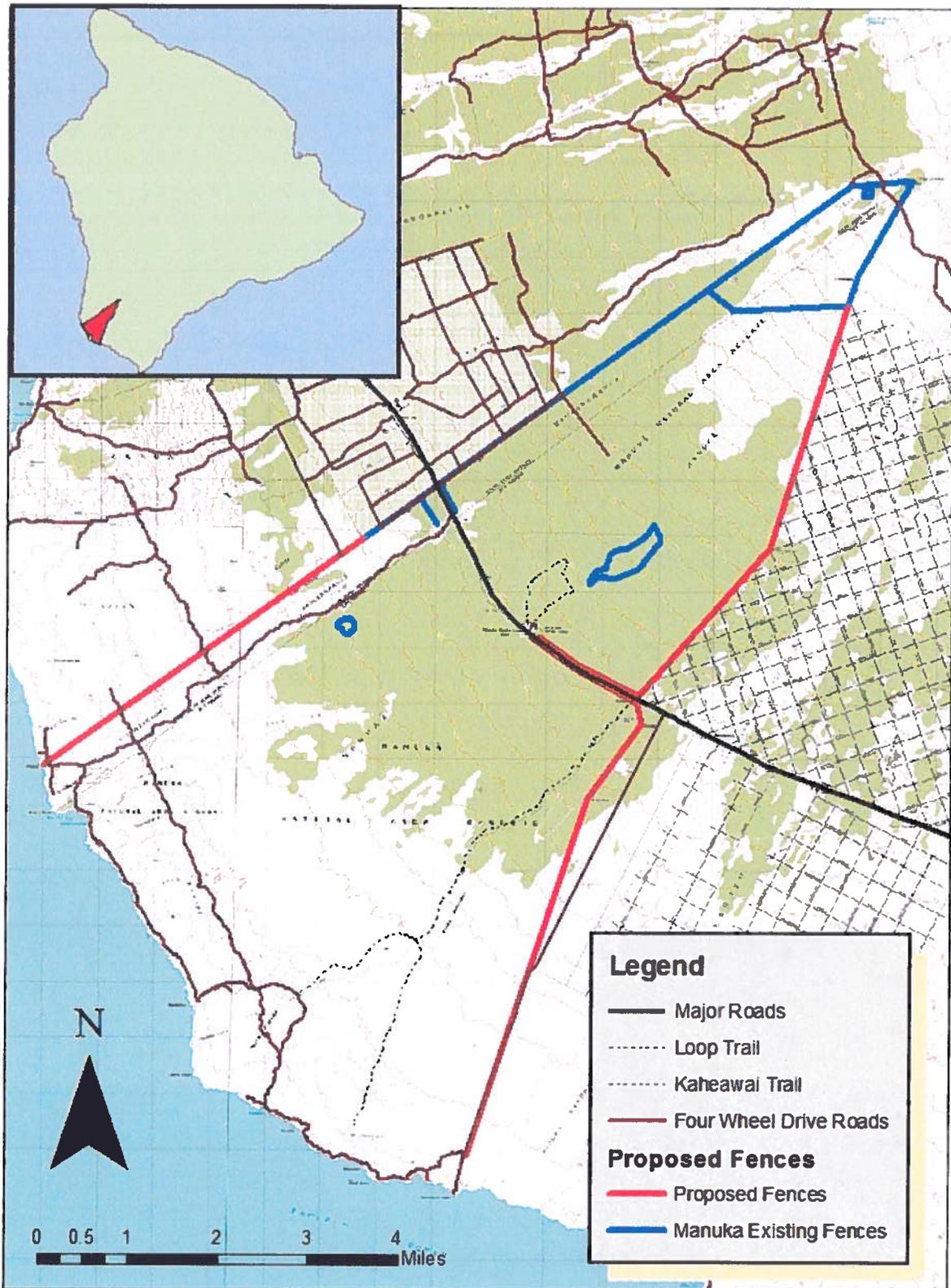


WILLIAM J. AILA, JR., Chairperson
Board of Land and Natural Resources

Exhibit 1. Map

Exhibit 2. Declaration of Exemption

Exhibit 1. Manukā Natural Area Reserve Protection Project, Island of Hawai'i





STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES

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WILLIAM J. AHL, JR.
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT

ESTHER KIA'AINA
FIRST DEPUTY

WILLIAM M. TAM
DEPUTY DIRECTOR - WATER

AQUATIC RESOURCES
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CONSERVATION AND COASTAL LANDS
CONSERVATION AND RESOURCES ENFORCEMENT
ENGINEERING
FORESTRY AND WILDLIFE
HISTORIC PRESERVATION
KAHOOLAWE ISLAND RESERVE COMMISSION
LAND
STATE PARKS

DECLARATION OF EXEMPTION

from the preparation of an environmental assessment under the authority of Chapter 343, HRS and Chapter 11-200, HAR

Project Title: Manukā Natural Area Reserve Protection Project

Project Description: The proposed Manukā Natural Area Reserve Protection project (project) will occur within the Ka'ū and South Kona Districts of Hawai'i including portions of TMK (3) 8-9-006-001, 8-9-006-002, 8-9-006-014, 8-9-006-017, 9-1-001-002, 9-1-001-003, 9-1-001-005, 9-1-001-006 and 9-1-001-007. Project funding is expected to include various State sources; Federal, County, and private funding may also be secured. The project is part of the Department's on-going watershed protection efforts as part of "The Rain Follows the Forest" initiative, and occurs in high priority watershed and biodiversity areas. The project area is characterized by diverse native-dominated mesic and dry forest. Most of the project area is within the State Conservation District, Resource Subzone; a portion of the Reserve within the ahupua'a of Kaulanamauna (TMK's (3) 8-9-006-001 and 8-9-006-002) is within the State Agricultural District.

The project will involve the installation of ungulate-proof fences that will exclude feral ungulates from approximately 24,000 acres. Step-overs and/or gates will be constructed at access points, if any, to allow public access into fenced areas. The project will also include, but not be limited to, invasive species control, out-planting of native vegetation and installation of associated management infrastructure.

Exemption Class: DLNR, Division of Forestry and Wildlife, Class 1

Exempt Item Number: 3: Repair and maintenance of existing DOFAW program area fences; includes boundary, enclosure, and exclosure fences, wildlife water units, checking stations, water pumps, nesting areas, aviaries and yards.

Exempt Item Number: 8: Weed, brush and noxious tree control using hand tools, small motorized equipment (chainsaws and weed eaters), 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.

Exempt Item Number: 17: 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.

Exemption Class: Department of Land and Natural Resources Class 3

Exempt Item Number: 1: 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 watershed and native forest management and restoration. Fences shall contain step-overs or other features that permit pedestrian access for cultural and recreational use.

Exempt Item Number: 2: 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.

Exemption Class: Department of Land and Natural Resources Class 4

Exempt Item Number: 1: Establishment of helispots.

Exempt Item Number: 7: Establish temporary or permanent vegetative cover including trees, shrubs and grasses for landscaping, reforestation, soil stabilization, and wildlife habitat.

Exemption Class: Department of Land and Natural Resources Class 5

Exempt Item Number: 2: 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 (helicopters, light aircraft)), use of nets and firearms, temporary traps including snares, mist nets, corral traps, drop door traps or leg hold traps.

Exempt Item Number: 3: Releases and recoveries of wildlife. On approved releases of game and non-game wildlife (after EA or EIS preparation and acceptance), actual release of animals and follow-up surveys, translocation within the range, or rearing in captivity and releasing to the wild.

Date of Final Agency Exemption List: July 18, 2011, June 12, 2008

I have considered the potential effects of the above listed project as provided by Chapter 343, HRS and Chapter 11-200 HAR. I declare that this project will probably have minimal or no significant effect on the environment and is therefore exempt from the preparation of an environmental assessment under the above exemption classes.

William J. Aila, Jr., Chairperson
Department of Land and Natural Resources

Date

Original: Agency file
Copy: Project file