

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

October 26, 2012

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, AND EXTEND CONTRACT(S) TO INSTALL UNGULATE-PROOF FENCING WITHIN THE EWA, KAIPAPAU AND HAUULA FOREST RESERVES AND SACRED FALLS (KALUANUI) STATE PARK, AND ADJACENT LANDS CONTINGENT ON LANDOWNER APPROVAL, TMKs (1) 5-2-01:01 por., 5-3-11:01 por., 5-3-11:09 por., 5-4-06:01 por., 6-3-01:01 por., 7-2-01:06 por., and 7-6-01:01 por., OAHU

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 forests in portions of the Ewa, Kaipapau and Hauula Forest Reserves and Sacred Falls (Kaluanui) State Park. Feral pig damage in these forests threatens Hawaii's water supplies 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 project will fence approximately 1,500 acres or 1/3 of the Poamoho section of the Ewa Forest Reserve, and an approx. 80-acre section of the Hauula Forest Reserve. Additional upland areas within the Hauula and Kaipapau Forest Reserve may be included in later phases of project. The project also includes approximately 400 acres of the Sacred Falls (Kaluanui) State Park. The fences are proposed for the most inaccessible and remote sections of these areas. Fence alignments are approximate and subject to change, and cross fences may also be installed within units. The project does not affect the closed status of the Kaliuwaa (Sacred Falls) trail and the entire project is upland from the falls. The project includes TMKs (1) 5-2-01:01 por., 5-3-11:01 por., 5-3-11:09 por., 5-4-06:01 por., 6-3-01:01 por., 7-2-01:06 por., and 7-6-01:01 por., Oahu.

topography may necessitate inclusion of adjacent lands, contingent on landowner approval. A map is attached as Exhibit 1.

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

The Division of Forestry and Wildlife and the Koolau Mountains Watershed Partnership conducted public outreach on the project to public officials and agencies, and hunting, hiking, environmental, cultural, and local community organizations. Outreach included guided hikes, meetings, telephone calls, and presentations. Exhibit 2 is a list of agencies, organizations, and individuals contacted about the project.

Portions of the Ewa Forest Reserve and Sacred Falls (Kaluanui) State Park have been nominated as the Poamoho and Kaluanui Natural Area Reserves, respectively. The proposed fenced areas roughly correspond to the boundaries of the proposed Reserves.

DISCUSSION

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; and
- Best value factors: Understanding of project as outlined

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.

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. The Division 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 of the goods or services to be procured. DOFAW recommends: Marigold Zoll, Oahu NARS Program Manager; Christopher Miller, Oahu NARS IV Specialist; and Lisa Ferentinos, Planner IV.

In order to expedite the contract(s) for this procurement, DOFAW requests that the Board delegate authority to the Chairperson to award, execute and extend contract(s) for goods and services 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 including extending contract(s) as appropriate. 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 will be kept in the contract file.

CHAPTER 343 – ENVIRONMENTAL ASSESSMENT

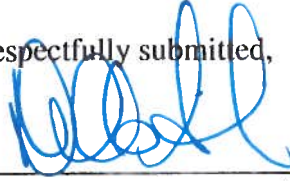
In accordance with the requirements of Chapter 343, HRS, and Chapter 11-200-8(6), Hawaii Administrative Rules (HAR), the Exemption List for the Department of Land and Natural Resources as reviewed and concurred upon by the Environmental Council on July 13, 2011 and June 12, 2008, the subject project is exempt from the preparation of an environmental assessment pursuant to the exemption classes listed in Exhibit 3.

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(s) for the installation of ungulate-proof fencing within the Ewa, Kaipapau, and Hauula Forest Reserves, and Sacred Falls (Kaluanui) State Park, and adjacent lands contingent on landowner approval, TMKs (1) 5-2-01:01 por., 5-3-11:01 por., 5-3-11:09 por., 5-4-06:01 por., 6-3-01:01 por., 7-2-01:06 por., and 7-6-01:01 por., Oahu.
 - 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, execute and extend contract(s) for goods and services, subject to the availability of funds and approval by the Department of the Attorney General.

Respectfully submitted,



DAVID G. SMITH, Acting 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. List of Contacted Agencies, Organizations, and Individuals

Exhibit 3. Declaration of Exemption



Ko'olau Forest Watershed Protection Project

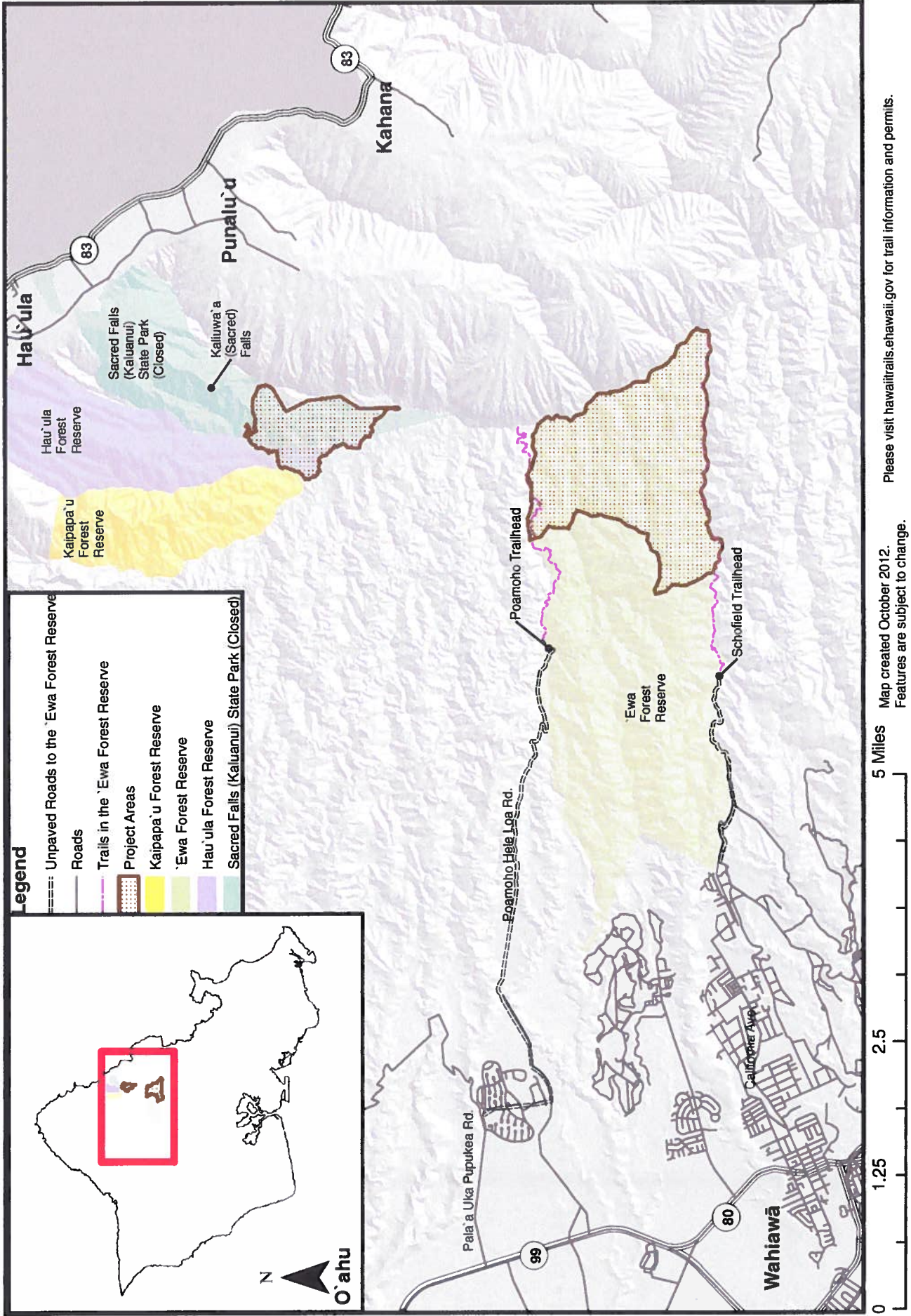


EXHIBIT 2. List of Contacted Agencies, Organizations, and Individuals

FEDERAL AGENCIES

U.S. Army- Oahu Army National Resource Program
U.S. Department of Agriculture- Natural Resource Conservation Service
US Fish & Wildlife Service
US Geological Survey
US Senate – Senator Daniel Inouye
US Senate – Senator Daniel Akaka
US House of Representatives – Representative Mazie Hirono

STATE AGENCIES

Office of Hawaiian Affairs
State Legislature – Senator Clayton Hee
State Legislature – Senator Donovan Dela Cruz
State Legislature – Representative Jessica Wooley
State Legislature – Representative Gil Riviere
State Legislature – Representative Marcus Oshiro
Office of the Governor – Governor Neil Abercrombie
Oahu Island BLNR Representative – John Morgan

COUNTY

Honolulu City Council – Councilman Ernest Y. Martin
City and County of Honolulu - Neighborhood Board No. 27 (North Shore)
City and County of Honolulu - Neighborhood Board No. 28 (Koolauloa)
City and County of Honolulu - Neighborhood Board No. 26 (Wahiawa-Whitmore Village)
Honolulu Board of Water Supply

ORGANIZATIONS

Kamehameha Schools
Koolau Mountains Watershed Partnership
Sierra Club, Oahu Chapter
Conservation Council of Hawaii
The Nature Conservancy of Hawaii
Hawaii Audubon Society
Oahu Pig Hunters Association
Bishop Museum
Oahu Invasive Species Committee
Hawaiian Botanical Society
Wahiawa Hawaiian Civic Club
Waialua Hawaiian Civic Club

Koolauloa Hawaiian Civic Club
Plant Extinction Prevention Program
Hawaiian Trail and Mountain Club
Windward Ahupuaa Alliance
Aha Kiole Council, Koolauloa
Aha Kiole Council, Ewa
Dole Foods Company, Inc.
Hawaii Nature Center
Hawaii Reserves, Inc.
Kaluanui Advisory Group
Kualoa Ranch
Oahu Country Club
Oahu Na Ala Hele Trails and Access Advisory Council
Punaluu Community Association
Punaluu Watershed Alliance
Queen Emma Land Company
Tiana Partners
North Shore Community Land Trust
Trust for Public Land

INDIVIDUALS

Individuals who received permits from the Division of Forestry and Wildlife to access the Poamoho Hele Loa Road leading to the Ewa Forest Reserve

NEIL ABERCROMBIE
GOVERNOR OF HAWAII



STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES

POST OFFICE BOX 621
HONOLULU, HAWAII 96809

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

PAUL J. CONRY
INTERIM FIRST DEPUTY

WILLIAM M. TAM
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

DECLARATION OF EXEMPTION

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

Project Title: Koolau Forest Watershed Protection Project

Project Description: This project will occur in the Koolauloa and Ewa Districts of Oahu including portions of Tax Map Keys 7-2-01:06 por, 5-4-06:01 por, and 5-3-11:09 por. Topography may necessitate inclusion of sections of adjacent private and public parcels in TMKs 6-3-01:01 por, 5-3:11:01 por, 7-3-01:01 por, 5-2-01:01 por, contingent on landowner and manager approval. Project has been funded through various State, and Federal sources, and private funding may also be secured. The proposed project is part of the Division of Forestry and Wildlife's (DOFAW) on-going watershed protection efforts. This project is located in the Conservation District, Resource, Limited, and Protective subzones. The proposed project will involve the installation of ungulate-proof fences that will exclude managed and feral ungulates from approximately 2,000 acres. Stepovers and/or gates will be constructed at access points to allow public access into fenced areas. The project will also include invasive species control and outplanting of native vegetation and installation of associated management infrastructure. The project is anticipated to benefit the natural resources of the region.

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

Exempt Item Number: 8

Exempt Item Description: 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.

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

Exempt Item Number: 17

Exempt Item Description: 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

Exempt Item Description: 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.

Exemption Class: Department of Land and Natural Resources Class 3

Exempt Item Number: 2

Exempt Item Description: 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

Exempt Item Description: Establishment of helispots.

Exemption Class: Department of Land and Natural Resources Class 4

Exempt Item Number: 7

Exempt Item Description: 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

Exempt Item Description: 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.

Date of 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 Division of Forestry and Wildlife
Exemption Class 1, Item Number 8 and Department of Land and Natural Resources
Exemption Class 3, Item Number 1.*

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

Date

Original: Agency file
Copy: Project file