

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

July 12, 2013

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

REGARDING: REQUEST FOR DELEGATION OF AUTHORITY TO THE
CHAIRPERSON TO (1) NEGOTIATE, APPROVE, EXECUTE,
AMEND, AND EXTEND RIGHT-OF-ENTRY AND RELEASE
OF LIABILITY AGREEMENTS FOR THE DIVISION OF
FORESTRY AND WILDLIFE TO CONDUCT
CONSERVATION MANAGEMENT ON PRIVATE LANDS,
INCLUDING INVASIVE SPECIES AND FIRE CONTROL,
RESTORATION OR INTRODUCTION OF NATIVE SPECIES,
INFRASTRUCTURE INSTALLATION AND MAINTENANCE,
AND MONITORING; AND (2) DETERMINE AND APPROVE
CHAPTER 343, HRS ENVIRONMENTAL COMPLIANCE
REQUIREMENTS, INCLUDING APPROVAL OF
DECLARATIONS OF EXEMPTIONS FOR THE DIVISION OF
FORESTRY AND WILDLIFE FOR AGREEMENTS WITH
PRIVATE LANDOWNERS RELATED TO CONSERVATION
MANAGEMENT ACTIVITIES

BACKGROUND

Since 1992, the Department has been entering into Right-of Entry and Release of Liability Agreements (hereafter referred to as "Agreements") with private landowners to allow the Division of Forestry and Wildlife (DOFAW) to conduct animal control activities on their properties. On December 9, 2011, item C-3, the Board approved delegating to the Chairperson authority to negotiate, approve, and execute right of entry and release of liability agreements for the Division of Forestry and Wildlife to conduct animal control activities on private lands. The Board also authorized the Chairperson to determine and approve Chapter 343, HRS environmental compliance requirements for agreements with private landowners related to animal control activities, including approval of declaration of exemptions as permitted under Chapter 11-200, HAR.

This Board Submittal expands the types of activities listed in item C-3 to include other conservation management needs of the Division of Forestry and Wildlife.

CHAPTER 343 - ENVIRONMENTAL ASSESSMENT:

This action before the Board represents approval to enter into right of entry and release of liability agreements and does not constitute a use of State lands or funds, and therefore, this action is exempt from the provisions of Chapter 343, HRS, relating to environmental impact statements. The Division of Forestry and Wildlife shall be responsible for compliance with Chapter 343, HRS, as amended for DOFAW program activities.

RECOMMENDATION: That the Board


1. Authorize the Chairperson to negotiate, approve and execute the Right-of-Entry and Release of Liability Agreements for the Division of Forestry and Wildlife to conduct conservation management including invasive species and fire control, restoration or introduction of native species, infrastructure installation and maintenance, and monitoring, on private lands, subject to review and approval by the Office of the Attorney General.
2. Authorize the Chairperson to determine and approve Chapter 343, HRS environmental compliance requirements for agreements with private landowners related to conservation management including invasive species and fire control, restoration or introduction of native species, infrastructure installation and maintenance, and monitoring, including approval of declaration of exemptions as permitted under Chapter 11-200, HAR.

Respectfully Submitted,



ROGER H. IMOTO, Administrator
Division of Forestry and Wildlife

APPROVED FOR SUBMITTAL:



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