

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

October 25, 2013

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

SUBJECT: REQUEST FOR DELEGATION OF AUTHORITY TO THE CHAIRPERSON TO NEGOTIATE, APPROVE, EXECUTE, AMEND, AND EXTEND RIGHT-OF-ENTRY AND RELEASE OF LIABILITY AGREEMENTS FOR THE DIVISION OF FORESTRY AND WILDLIFE TO CONDUCT MANAGEMENT ON PRIVATE LANDS, INCLUDING BUT NOT LIMITED TO INVASIVE SPECIES AND FIRE CONTROL, RESTORATION OR INTRODUCTION OF NATIVE SPECIES, INFRASTRUCTURE INSTALLATION AND MAINTENANCE, AND MONITORING

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 management needs of the Division of Forestry and Wildlife.

This submittal does not exempt DOFAW from compliance with Chapter 183C, Hawaii Revised Statutes or delegate authority to approve Conservation District Use Permits for activities conducted by DOFAW in the Conservation District.

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, execute, amend, and extend the Right-of-Entry and Release of Liability Agreements for the Division of Forestry and Wildlife to conduct management including but not limited to 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.

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  
Department of Land and Natural Resources