

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

February 28, 2025

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

Land Board Members:

SUBJECT: REQUEST APPROVAL FOR THE SELECTION OF THE COMPETITIVE SEALED PROPOSAL PROCESS AND AUTHORIZE THE CHAIRPERSON TO AWARD, EXECUTE, AMEND AND EXTEND CONTRACTS FOR THE IMPLEMENTATION OF FOREST STEWARDSHIP PROGRAM MANAGEMENT PLANS AND PROJECTS THAT SUPPORT CLIMATE MITIGATION AND FOREST RESILIENCE.

PURPOSE:

This submittal requests the Board of Land and Natural Resources approval for the selection of the competitive sealed proposal process and authorizes the chairperson to award, execute, amend, and extend contracts for the implementation of Forest Stewardship Program management plans and projects that support climate mitigation and forest resilience.

The Division of Forestry and Wildlife (Division) received a Federal grant from the U.S. Department of Agriculture Forest Service (USDA-FS) Inflation Reduction Act Notice of Funding Opportunity (NOFO) to support landowner cost share payment programs for climate mitigation and forest resilience practices. Funding will be provided to landowners for the implementation of State approved Forest Stewardship Program (FSP) Management Plans. Up to \$1.5 million from the USDA-FS and approximately \$150,000 from FY25 State funds will be made available through a competitive request for proposals (RFP) process. Private landowners with approved FSP Management plans can apply for these funds. Multiple awards and/or multi-year contracts may be used under this RFP.

BACKGROUND:

The Forest Stewardship Program, established through Chapter 195F-6, Hawai'i Revised Statutes (HRS), provides the Department of Land and Natural Resources (Department) with the authority to provide technical and financial assistance to approved Forest

Stewardship projects for private landowners and managers to manage, protect, and restore critical natural resources on forested and formerly forested properties. The FSP is implemented according to Chapter 195F, HRS, and Section 109, Hawai'i Administrative Rules (HAR). The program provides cost-share reimbursement for developing long-term forest management plans and implementing approved Forest Stewardship management plans.

To participate in FSP, interested landowners and managers follow a sequence of application steps in developing a long-term Forest Stewardship management plan. All interested landowners submit their projects for review by the Forest Stewardship Advisory Committee (FSAC). The FSAC reviews the project based on program eligibility requirements and assures the proposed project aligns with the program's conservation, restoration, and forest production goals. Further, the FSAC recommends developing and reviewing all Forest Stewardship management plans. Landowners create the Forest Stewardship management plan in partnership with natural resource experts, reviewed and approved by the Division and the FSAC. They may be recommended for approval by the Department. The FSP then supports the implementation of approved Forest Stewardship management plans based on available funding.

#### DISCUSSION:

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

1. The primary consideration for determining the awards for this RFP 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 allowed to revise their proposals, including price.
4. Awards may need to be based on a comparative evaluation, as stated in the RFP, of differing prices, quality, services, and other contractual factors to determine the most advantageous offering to the State.

According to Hawaii Administrative Rules (HAR) §3-122-43, a determination by the Department procurement officer must be made to use 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, according 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 using an evaluation committee to select the proposals, which will allow for an objective review, evaluation, ranking, and selection of the most qualified proposals for the program. The evaluation committee must consist of at least three government employees with sufficient qualifications for the goods or services to be procured. The Division recommends the following individuals to serve on the committee, as available:

Tanya Rubenstein, DOFAW Cooperative Forestry Manager  
Jon Brito, DOFAW Watershed Planner  
Jennifer Grimm, DOFAW Forestry Program Manager  
Brittany Lawton, DOFAW-PCSU Forestry Management Specialist  
Skye Haraga, DOFAW-PCSU Forestry Management Specialist  
Tim Flynn, National Tropical Botanical Garden  
Cheri Mardon, Forest Stewardship Advisory Committee Member  
Malia West, US Fish and Wildlife Service

To expedite the contracts for this procurement, the Division requests that the Board delegate authority to the Chairperson to award, execute, and extend contracts 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 contracts as appropriate. Should any 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, HAWAII REVISED STATUTES – ENVIRONMENTAL ASSESSMENT

Specific project actions and locations are not currently known, as this depends on RFP applications. Activities and actions associated with each project are anticipated to fall under the Exemption Classes and Descriptions included in the Exemption List for the Department of Land and Natural Resources (approved by the Environmental Council on November 10, 2020) in the de minimis category. Exemption notices will be filed for any project actions included on the Exemption list that are not de minimis. An environmental assessment or impact statement will be prepared if any action does not fall within the exemption list.

#### KA PA'AKAI ANALYSIS

State governments must consider how proposed actions may affect traditional native Hawaiian gathering and access. Specific project locations are unknown for this submittal, as this depends on which eligible private landowners apply for this RFP. Thus, this RFP does not directly affect any known Native Hawaiian traditional and customary practices.

The overall objective of the FSP program is the restoration and management of forests, which may enhance opportunities for traditional and customary practices related to forest gathering. Other benefits include protecting watersheds and preventing erosion into streams and the ocean. The FSP program includes developing a forest stewardship plan for participating private landowners. Plans include information about the natural and cultural resources of the project area. The FSAC reviews project plans at a public meeting, which provides opportunities for input on identifying and protecting any traditional and customary practices of Native Hawaiians that may be practiced in the area.

LEGAL AUTHORITY:

Chapter 195F, HRS, Forest Stewardship establishes a program to financially assist landowners in managing, protecting, and restoring critical natural resources in Hawaii's forested and formerly forested lands.

RECOMMENDATIONS:

That the Board:

1. Approve the use of:
  - a. A competitive sealed proposal for soliciting the Forest Stewardship Program Project Proposals (RFP FSP-LA25).
  - b. An evaluation committee comprised of the individuals identified above (or alternates with similar knowledge) to serve, evaluate, and select the competitive sealed proposals.
2. Delegate authority to the Chairperson to:
  - a. Award, execute, amend, and extend contracts for goods and services, subject to annual funding availability, annual budget procedures and approvals, and approval as to form by the Department of the Attorney General.

Respectfully Submitted,



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DAVID G. SMITH, Administrator  
Division of Forestry & Wildlife

APPROVED FOR SUBMITTAL:



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DAWN N.S. CHANG, Chairperson  
Board of Land and Natural Resources