

**REPORT OF THE COMMITTEE ON
INTERGOVERNMENTAL AFFAIRS AND HUMAN SERVICES**

Voting Members

Kymerly Marcos Pine, Chair; Breene Harimoto, Vice-Chair,
Carol Fukunaga, Ann H. Kobayashi, Joey Manahan

Committee Meeting Held
November 21, 2013

Honorable Ernest Y. Martin
Chair, City Council
City and County of Honolulu

Mr. Chair:

Your Committee on Intergovernmental Affairs and Human Services, which considered Resolution 13-275 entitled:

"RESOLUTION AUTHORIZING THE DIRECTOR OF PARKS AND RECREATION TO ENTER INTO AN AMENDMENT TO AN INTERGOVERNMENTAL AGREEMENT WITH THE UNITED STATES DEPARTMENT OF AGRICULTURE FOR THE REDUCTION AND CONTROL OF FERAL ANIMALS AT THE HONOLULU BOTANICAL GARDENS SYSTEM,"

introduced on November 13, 2013 and transmitted by Communication D-821 from the Department of Parks and Recreation, dated October 31, 2013, reports as follows:

The purpose of the Resolution is to authorize the Director of the Department of Parks and Recreation to continue the reduction and control program of feral animals with the United States Department of Agriculture (USDA) to prevent the continued expansion of the feral population at Honolulu Botanical Gardens System.

CITY COUNCIL
CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAII

ADOPTED ON DEC 11 2013

COMMITTEE REPORT NO. 382

REPORT OF THE COMMITTEE ON INTERGOVERNMENTAL AFFAIRS AND HUMAN SERVICES

Voting Members

Kymberly Marcos Pine, Chair; Breene Harimoto, Vice-Chair,
Carol Fukunaga, Ann H. Kobayashi, Joey Manahan

Committee Meeting Held
November 21, 2013
Page 2

Your Committee amended the Resolution to a CD1 version that makes the following changes:

- A. Amends Section 2 of the BE IT FURTHER RESOLVED paragraph to authorize the execution of any incidental or related agreements and documents only if such agreements and documents do not incur additional obligations on the part of the City.
- B. Makes miscellaneous technical and nonsubstantive amendments.

The Director and the Urban Forestry Administrator of the Department of Parks and Recreation provided an overview of the Resolution. The cost for expenses for services provided by the USDA incurred from the date of approval by the City Council to September 30, 2014 would not exceed \$53,009.00.

Your Committee received oral testimony from one individual and one written testimony from the Hawaiian Humane Society, both offering comments on the measure.

Your Committee on Intergovernmental Affairs and Human Services is in accord with the intent and purpose of Resolution 13-275, as amended herein, and recommends its adoption in the form attached hereto as Resolution 13-275, CD1. (Ayes: Pine, Fukunaga, Harimoto, Kobayashi - 4; Noes: None; Excused: Manahan - 1.)

Respectfully submitted,


Committee Chair

SIGNED
12-11-13

CITY COUNCIL
CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAII

ADOPTED ON DEC 11 2013

COMMITTEE REPORT NO. 382



RESOLUTION

AUTHORIZING THE DIRECTOR OF PARKS AND RECREATION TO ENTER INTO AN AMENDMENT TO AN INTERGOVERNMENTAL AGREEMENT WITH THE UNITED STATES DEPARTMENT OF AGRICULTURE FOR THE REDUCTION AND CONTROL OF FERAL ANIMALS AT THE HONOLULU BOTANICAL GARDENS SYSTEM.

WHEREAS, in accordance with Section 1-8.2, Revised Ordinances of Honolulu, 1990, as amended, any intergovernmental agreement or amendment thereof which places an obligation on City or any department or agency thereof requires the prior consent and approval of the City Council; and

WHEREAS, Section 103D-102(b)(3) of the Hawaii Revised Statutes, exempts contracts between governmental bodies, including the federal government from the requirements of Hawaii Revised Statutes Chapter 103D, the Hawaii Public Procurement Code; and

WHEREAS, Resolution 09-311, adopted on November 18, 2009, authorized the execution of an intergovernmental agreement ("Agreement") between the City and the United States Department of Agriculture ("USDA") for the reduction and control of feral animals at the Honolulu Botanical Gardens System for a period not to exceed five years on a cost reimbursement basis, contingent upon the need for the continued services and funding availability; and

WHEREAS, the Agreement provides that the USDA shall formulate a program work plan and associated budget for the provision of wildlife damage management services on an annual basis; and

WHEREAS, Resolution 12-136, CD1 approved the work plan and associated budget for the period from October 1, 2012 through September 30, 2013 proposed by the USDA; and

WHEREAS, the Department of Parks and Recreation ("DPR") desires to continue the reduction and control program with the USDA to prevent the continued expansion of the feral animal population at Honolulu Botanical Gardens; and

WHEREAS, the USDA has formulated a work/financial plan for the provision of wildlife damage management services for the period from October 1, 2013 to September 30, 2014, which is attached hereto as Exhibit A and by reference made a part of this Resolution; and

ATTACHMENT TO CR-382



CITY COUNCIL

CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAII

No. 13-275, CD1

RESOLUTION

WHEREAS, the DPR is prepared to reimburse the USDA for expenses incurred from the date of approval by the City Council to September 30, 2014, in an amount not to exceed FIFTY THREE THOUSAND NINE AND NO/100 DOLLARS (\$53,009.00); now, therefore,

BE IT RESOLVED by the Council of the City and County of Honolulu that the Council consents to and approves the proposed Work/Financial Plan attached hereto as Exhibit A; and

BE IT FURTHER RESOLVED that the Director of Parks and Recreation or the Director's duly authorized representative be hereby authorized to:

1. Execute the Work/Financial Plan with the USDA in substantially the same form as the proposed agreement attached hereto as Exhibit A; and
2. Execute any incidental or related agreements and documents in furtherance of the agreement so long as such agreements and documents do not incur additional obligations on the part of the City;

and



CITY COUNCIL

CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAII

No. 13-275, CD1

RESOLUTION

BE IT FINALLY RESOLVED that copies of this Resolution be transmitted to the Director of Parks and Recreation, City and County of Honolulu and the Director of the Western Region of the Animal and Plant Health Inspection Service, Animal Damage Control Section, United States Department of Agriculture, 3375 Koapaka Street, Suite H-420, Honolulu, Hawaii 96819.

INTRODUCED BY:

Ernest Martin (BR)

DATE OF INTRODUCTION:

November 13, 2013
Honolulu, Hawaii

Councilmembers

WORK/FINANCIAL PLAN
 between
CITY AND COUNTY OF HONOLULU
DEPARTMENT OF PARKS AND RECREATION
 and
U.S. DEPARTMENT OF AGRICULTURE
ANIMAL AND PLANT HEALTH INSPECTION SERVICE
WILDLIFE SERVICES

COOPERATOR ADDRESS	City and County of Honolulu, Department of Parks and Recreation 1000 Uluohia Street, Suite 309, Kapolei, HI 96707
COOPERATIVE CONTACT	Toni Robinson, Director – Department of Parks and Recreation Phone: (808) 768-3001 Fax: (808) 768-3053 Email: trobinson@honolulu.gov
FISCAL CONTACT	Terri Koike, Administrative Specialist Phone: (808) 768-7121 Fax: (808) 768-1883 Mobile: (808) 228-5993 Email: tkoike@honolulu.gov
SUPERVISORY SITE CONTACT	Derrick Miyasaki, Park Grounds Improvement Supervisor II Phone: (808) 522-7053 Fax: (808) 522-7050 Mobile: (808) 554-3205 Email: dmiyasaki@honolulu.gov
SITE CONTACT (Ho'omaluhia Botanical Garden)	Alma Phocas, T/A Botanical Garden Supervisor Phone: (808) 233-7325 Fax: (808) 233-7326 Mobile: (808) 721-3143 Email: aphocas@honolulu.gov
SITE CONTACT (Foster/ Liliuokalani Botanical Garden)	Justin Rickard, Botanical Garden Supervisor Phone: (808) 522-7060 Fax: (808) 522-7050 Mobile: (808) 542-5478 Email: jrickard@honolulu.gov
SITE CONTACT (Wahiawa Botanical Garden)	Erin Purple, Botanical Garden Supervisor Phone: (808) 621-7321 Fax: (808) 621-7321 Mobile: (808) 590-0906 Email: epurple@honolulu.gov
SITE CONTACT (Koko Crater Botanical Garden)	Robin Sunio, Nursery Worker II Fax: (808) 522-7050; Mobile: (808) 222-8965
FEDERAL TAX IDENTIFICATION NUMBER	99-6001257
COOPERATIVE AGREEMENT NUMBER	14-73-15-6069-RA
ACCOUNT NUMBER	AP.RA.RX15.73.0049
LOCATION	Ho'omaluhia Botanical Garden, Kaneohe, Oahu, Hawaii Wahiawa Botanical Garden, Wahiawa, Oahu, Hawaii Koko Crater Botanical Garden, Honolulu, Oahu, Hawaii Foster Botanical Garden, Honolulu, Oahu, Hawaii Lili'uokalani Botanical Garden, Honolulu, Oahu, Hawaii
AGREEMENT PERIOD	October 1, 2013 to September 30, 2014

Pursuant to Cooperative Service Agreement No. 10-73-15-6069-RA between the United States Department of Agriculture, Animal and Plant Health Inspection Service, Wildlife Services (APHIS-WS) and the City and County of Honolulu, Department of Parks and Recreation (DPR), this Work/Financial Plan defines the objectives, plan of action, and budget for the Wildlife Services program to be conducted during FY 2014.

I. OBJECTIVES/GOALS

To suppress the number nuisance free-ranging/feral pigs, chickens, peafowl and other nuisance and invasive avian species at the various botanical gardens within the City and County of Honolulu's Honolulu Botanical Gardens system on the island of Oahu to a more tolerable level. Feral pigs and various invasive avian species are damaging valuable plant outcroppings, digging up turf and posing human health and safety threats to visitors and employees of the Gardens.

II. PLAN OF ACTION

APHIS-WS will provide personnel to conduct wildlife damage management operations up to forty-four (44) hours per pay period (14 calendar days, Sunday through Saturday), excluding federal holidays and Sundays. This work schedule will allow APHIS-WS to monitor traps and snaring devices at least every 48 hours for animal welfare reasons. APHIS-WS will coordinate all wildlife damage management activities with the designated Botanical Gardens' staff, and take into consideration hours of operation of the Gardens to minimize impacts on visitors and staff.

Primary methodology for feral pig removal will be corral trapping, non-lethal leg snaring, and lethal neck snaring. All feral pigs that are captured using non-lethal control methods will be dispatched at close range using suppressed rimfire rifles. Alternate control methods such as night shooting and the use of trained pig hunting dogs will be utilized pending the approval of the Director of the Honolulu Botanical Gardens (Winifred Singeo) or her designee(s).

Primary methodology for free-ranging/feral chickens, peafowl and other invasive avian species will be cage trapping, netting and shooting. Shooting operations will involve high-powered pellet air rifles, suppressed rimfire rifles, or both.

All wildlife carcasses will be taken offsite for deep burial at an approved landfill. All APHIS-WS personnel will follow WS Directive 2.510 which prohibits benefiting personally from any animal(s), whole or in part, taken while conducting official duties. Blood and/or tissue samples may be taken from captured feral pigs and delivered to the State of Hawaii's Department of Agriculture laboratory for zoonotic disease monitoring programs.

III. REPORTS

APHIS-WS will be responsible for the preparation of periodic reports as specified in the Cooperative Service Agreement.

IV. STIPULATIONS AND RESTRICTIONS

- a. All operations shall have the joint concurrence of APHIS-WS and the DPR and shall be under the direct supervision of APHIS-WS. APHIS-WS will conduct the program in accordance with its established operating policies and all applicable state and federal laws and regulations.
- b. Control on Public Lands: A Work Initiation Document for Wildlife Damage Management (WS Form 12A) or an appropriate NEPA document will be executed between APHIS-

WS and the public land administrator(s)/manager(s) before any APHIS-WS work is conducted.

- c. The performance of WDM actions by APHIS-WS under this agreement is contingent upon a determination by APHIS-WS that such actions are in compliance with the National Environmental Policy Act (NEPA), Endangered Species Act (ESA), and any other applicable environmental statutes. APHIS-WS will not make a final decision to conduct the requested WDM actions until it has made the determination of such compliance.
- d. APHIS-WS will use only APHIS-WS employees and APHIS Volunteer Program participants. All APHIS-WS employees have successfully met APHIS firearm safety standards and have received official APHIS-WS certifications. Certificates are available upon request.
- e. In accordance with Federal Governing Regulations (OPM Reg. 4610), federal employees, other than those on intermittent (on-call) status, are entitled to and accrue annual and sick leave on a bi-weekly basis. Therefore, there may be times when coverage on this project may be minimal to none as employees elect to use accrued leave.
- f. DPR will be responsible for granting APHIS-WS employee(s) after hour access to the botanical gardens in the event animal(s) will have to be removed from snares/traps for animal welfare and/or human sociological issues. All associated gate keys and/or contact numbers for on-call DPR staff will be furnished.
- g. DPR will provide ground support vehicles (golf carts, utility vehicles, etc.) to aid in equipment and personnel deployment.
- h. DPR will provide a space for a large chest freezer within the maintenance compound to store wildlife carcasses until such time the carcasses will be delivered to the appropriate landfill. This will minimize the need for travel to a landfill after every capture event.
- i. The program will be supervised by Homer Leong, Oahu Team Leader, (808) 479-7927, overseen by Darrin Phelps, Supervisory Wildlife Biologist, (808) 838-2845, and monitored by Tim J. Ohashi, HI/GU/Pacific Islands Acting State Director, (808) 985-8505.

V. COST ESTIMATE FOR SERVICES

WS shall submit quarterly bills for actual costs incurred to WS for performance of work as delineated in the Work Plan, not to exceed \$53,009.00. Such costs may include, but are not limited to, salaries/benefits/employee recognition, vehicle use, supplies, equipment and APHIS overhead. An estimated itemization of expenses are listed below, however funds may be distributed between itemized categories as needed.

Category of Expenses	Costs
Salaries/Benefits/Employee Recognition	\$37,388
Vehicle Use	5,044
Supplies	2,606
Equipment	600
Overhead	7,371
TOTAL	\$53,009

NOTES:

In accordance with the Debt Collection Improvement Act (DCIA) of 1996, bills issued by WS are due and payable within 30 days of receipt. The DCIA requires that all debts older than 120 days be forwarded to debt collection centers or commercial collection agencies for more aggressive action. Debtors have the option to verify, challenge and compromise claims, and have access to administrative appeals procedures which are both reasonable and protect the interests of the United States.

VI. AUTHORIZATION

CITY AND COUNTY OF HONOLULU
DEPARTMENT OF PARKS AND RECREATION
1000 ULUOHIA STREET, SUITE 309
KAPOLEI, HI 96707

TONI P. ROBINSON, Director
Department of Parks and Recreation

Date

DEPARTMENT OF BUDGET AND FISCAL SERVICES

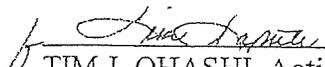
NELSON H. KOYANAGI JR., Director

Date

APPROVED AS TO FORM AND LEGALITY:

Deputy Corporation Counsel

UNITED STATES DEPARTMENT OF AGRICULTURE
ANIMAL AND PLANT HEALTH INSPECTION SERVICE
WILDLIFE SERVICES



TIM J. OHASHI, Acting State Director
HI/GU/Pacific Islands

17 Sep 13

Date

ROBERT L. HUDSON, Acting Director
Western Region

Date