

Honolulu, Hawaii
Feb 15, 2008

RE: H.B. No. 3181
H.D. 1

Honorable Calvin K.Y. Say
Speaker, House of Representatives
Twenty-Fourth State Legislature
Regular Session of 2008
State of Hawaii

Sir:

Your Committees on Water, Land, Ocean Resources & Hawaiian Affairs and Energy & Environmental Protection, to which was referred H.B. No. 3181 entitled:

"A BILL FOR AN ACT RELATING TO ENDANGERED SPECIES,"

beg leave to report as follows:

The purpose of this bill is to authorize the development and use of programmatic safe harbor agreements and programmatic habitat conservation plans that cover multiple landowners or a class of landowners and over a wide area or region.

The Department of Land and Natural Resources, and Department of Transportation testified in support of this bill. The Sierra Club, Hawaii Chapter, and Earthjustice opposed this measure.

Your Committees find that there is disagreement over whether this bill would be beneficial to the protection of endangered species, and whether this bill would advance the intent of your Committees to create incentives for landowners to participate in conservation efforts. Accordingly, your Committees have amended this bill by:

- (1) Limiting the issuance of certificates of inclusion to extend coverage of the incidental take license to landowners enrolling in the programmatic agreement or plan at a later date in conjunction with licenses issued



as part of a programmatic safe harbor or programmatic habitat conservation plan, to:

- (a) Landowners who provide data to support the findings in section 195D-22(b)(1) through (7) prior to enrollment; and
- (b) Those programmatic agreements or plans reviewed, and if necessary, updated by the Board of Land and Natural Resources under section 195D-21(b)(1)(A) through (C) prior to enrollment;

and

- (2) Changing the effective date to July 1, 2050, to encourage further discussion;

Technical, nonsubstantive amendments were also made for style, clarity, and consistency.

As affirmed by the records of votes of the members of your Committees on Water, Land, Ocean Resources & Hawaiian Affairs and Energy & Environmental Protection that are attached to this report, your Committees are in accord with the intent and purpose of H.B. No. 3181, as amended herein, and recommend that it pass Second Reading in the form attached hereto as H.B. No. 3181, H.D. 1, and be referred to the Committee on Finance.

Respectfully submitted on behalf of the members of the Committees on Water, Land, Ocean Resources & Hawaiian Affairs and Energy & Environmental Protection,



HERMINA MORITA, Chair



KEN ITO, Chair



