

Honolulu, Hawaii

Aj 04 , 2008

RE: S.B. No. 3103
S.D. 1
H.D. 2

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

Sir:

Your Committee on Judiciary, to which was referred S.B. No. 3103, S.D. 1, H.D. 1, entitled:

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

begs leave to report as follows:

The purpose of this bill is to increase landowner participation in safe harbor agreements and habitat conservation plans by authorizing the development and use of programmatic safe harbor agreements and programmatic habitat conservation plans that cover multiple landowners, or a class of landowners, over a wide area or region.

The Department of Land and Natural Resources and University of Hawaii Environmental Center supported this bill. The Hawaii Leeward Planning Conference supported the intent of this measure. Earthjustice and Sierra Club - Hawaii Chapter, opposed this bill. A concerned individual provided comments.

Your Committee has amended this bill by:

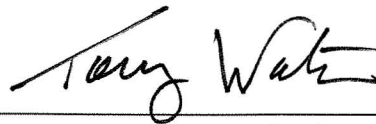
- (1) Removing the amendment defining "landowner" to include an agent of the landowner;



- (2) Moving to section 195D-4(g), Hawaii Revised Statutes, the provisions allowing certificates of inclusion extending the coverage of an incidental take license, to be issued to landowners joining existing programmatic safe harbor plans and programmatic habitat conservation plans, to ensure that the certificates are issued only after they meet specified conditions and are approved by not less than two-thirds of the members of the Board of Land and Natural Resources; and
- (3) Making technical, nonsubstantive amendments for style, clarity, and consistency.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 3103, S.D. 1, H.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 3103, S.D. 1, H.D. 2.

Respectfully submitted on
behalf of the members of the
Committee on Judiciary,



TOMMY WATERS, Chair



