



Sierra Club Hawai'i Chapter

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**HOUSE COMMITTEE ON WATER, LAND,
OCEAN RESOURCES & HAWAIIAN AFFAIRS
HOUSE COMMITTEE ON ENERGY & ENVIRONMENTAL PROTECTION**
February 12th, 2008, 8:50 A.M.

(Testimony is 1 page long)

TESTIMONY IN OPPOSITION TO HB 3181

Chairs Ito and Morita and members of the committees:

The Sierra Club, Hawai'i Chapter, with 5500 dues paying members statewide, opposes HB 3181, setting up a procedure for the state and county to establish a programmatic Habitat Conservation Plan (HCP) or Safe Harbor Agreement (SHA) that landowners can join without having to go through the scrutiny of their particular project. Endangered species issues cannot be resolved in this "one size fits all" manner.

The existing law already allows multiple landowners to enter into a single HCP or SHA (HRS 195D-21(a), 195D-22(a)). Thus, if all the folks on Kaua'i currently "taking" (killing, harming, etc.) listed seabirds want to enter into an island-wide HCP, they are free to do so. The process would require the assessment of each landowner's specific situation to quantify the level of take for each and determine what types of minimization and mitigation are necessary to confer a net benefit on the species. One option for mitigation would be contribution to efforts to protect seabird colonies from predators (cats, rats, etc.), with all landowners pooling their monetary contributions into one pot.

The difference between the foregoing and the programmatic HCP/SHA this bill proposes is that, under existing law, you would need to know which landowners would participate in the multiple landowner agreement. Then, based on detailed information about actual levels of take and offsetting minimization or mitigation, the proposed HCP/SHA could be assessed using real data to determine if it met the statutory standards. In contrast, the bill would allow incidental take to be authorized when you have no idea which/how many landowners would ultimately participate and what the total contribution to a joint effort ultimately would be. Thus, if you needed \$100,000 from each of 10 landowners to reach the \$1 million necessary for effective colony protection, under the existing law, you would grant the incidental take only after you knew 10 landowners were on board. Under this bill, you might grant incidental take authority to the first 5 landowners who sign up, and never get all the funds needed to carry out mitigation. The species could die with no offsetting benefit.

In the case of endangered species, one size does not fit all. We ask that this committee hold this measure.

Thank you for the opportunity to testify.