

**THE UNIVERSITY OF HAWAII ENVIRONMENTAL CENTER IS PLEASED
TO SUBMIT THIS TESTIMONY IN ACCORDANCE WITH ACT 132 OF
1970 WHICH CREATED THE CENTER. AUTHORS ARE MEMBERS OF
THE UNIVERSITY COMMUNITY.**

RL: 2190

SB 3103 SD1
RELATING TO ENDANGERED SPECIES

House Committee on Water, Land, Ocean Resources and Hawaiian Affairs
House Committee on Energy and Environmental Protection

Joint Public Hearing – March 17, 2008
9:30 a.m., State Capitol, Conference Room 312

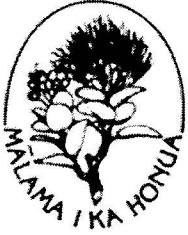
by
David Duffy, Botany
Peter Rappa, Environmental Center

SB 3103 SD1 authorizes 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. We emphasize that our testimony on this measure does not represent an official position of the University of Hawaii.

Safe Harbor Agreements enlist landowners into efforts to protect and restore endangered species, potentially saving the taxpayer a great deal of money. Partnerships with private landowners are critical to the State's ability to restore and protect our natural resources, and Safe Harbor Agreements provide landowners the assurance that they will not be penalized by additional endangered species restrictions at some point in the future as a result of their efforts. In 2006, the U.S. Department of Agriculture's (USDA) Natural Resources Conservation Service (NRCS), the Hawaii Department of Land and Natural Resources (DLNR) and the U.S. Fish and Wildlife Service (USFWS) announced the formation of what will be the first statewide "safe harbor agreement" for Hawaii. The agreement is to encourage land owners to make improvements to wetlands, riparian or uplands habitat that will benefit any of the five covered endangered birds: Hawaiian Goose (Nene), Hawaiian Duck (*Koia maoli*), Hawaiian Moorhen (*Alae ula*), Hawaiian Coot (*Alae keokeo*), and Hawaiian Stilt (*Aeo*).

This act would provide a mechanism for the state to align itself with similar federal program. While these agreements are not without their problems, they represent an important and efficient tool for conservation and the present bill should be supported.

Thank you for the opportunity to comment on this bill.



Sierra Club Hawai'i Chapter

PO Box 2577, Honolulu, HI 96803
808.537.9019 hawaii.chapter@sierraclub.org

**HOUSE COMMITTEE ON WATER, LAND,
OCEAN RESOURCES & HAWAIIAN AFFAIRS
HOUSE COMMITTEE ON ENERGY & ENVIRONMENTAL PROTECTION**
March 17th, 2008, 9:30 A.M.

(Testimony is 1 page long)

TESTIMONY IN OPPOSITION TO SB 3103 SD1

Chairs Ito and Morita and members of the committees:

The Sierra Club, Hawai'i Chapter, with 5500 dues paying members statewide, opposes SB 3103 SD1, 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 respectfully ask that these committees hold SB 3103 SD1.

Thank you for the opportunity to testify.



SB 3103 SD1 Relating to Endangered Species

**House Committee on Water, Land, Ocean Resources & Hawaiian Affairs
House Committee on Energy and Environment**

Conference Room 312 – 9:30 a.m. Monday, March 17, 2008

Chairs Ito and Morita, Vice Chairs Karamatsu and Carroll, Committee members, my name is Heidi Wild speaking on behalf of Mike Robinson, President of the Hawaii Forest Industry Association (HFIA).

Thank you in advance for allowing me to present testimony to you in support of SB3103 SD1.

SB3103 SD1 authorizes 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. Nationally, Safe Harbor Agreements have bolstered efforts to conserve endangered species and should be approved. In addition, HFIA is in agreement with the proposed language that DLNR has submitted in their testimony.

HFIA is a non-profit Hawaii organization, incorporated in 1989, which promotes a balance of forest land uses and sound management practices for all of Hawaii's forests. Our industry generates over \$35 million in business for the State, through the products and services of our approximately 200 member companies and individuals. We have worked closely with HDOA, the Division of Forestry and Wildlife (DOFAW) in the Department of Land and Natural Resources (DLNR) over the past 15 years to promote, foster and develop industry standards, initiate forestry research and development, and promote quality control and industry integrity in the State of Hawaii as a means of diversifying our economy and protecting our environment.

HFIA appreciates the opportunity to submit testimony in **support of SB3103 SD1** with amendment of DLNR suggested language to you today.

Hawaii Forest Industry Association

Mike E. Robinson
President

Hawaii Forest Industry Association P. O. Box 10216 Hilo, HI 96721
Phone (808) 933-9411 Fax (808) 933-9140 Email: hawaii.forest@verizon.net