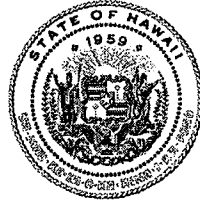
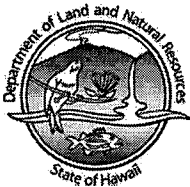


SB 1311

NEIL ABERCROMBIE
GOVERNOR OF HAWAII



**STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES**

POST OFFICE BOX 621
HONOLULU, HAWAII 96809

**Testimony of
WILLIAM J. AILA, JR.
Chairperson**

**Before the Senate Committee on
WAYS AND MEANS**

**Thursday, February 24, 2011
9:00 AM
State Capitol, Conference Room 211**

**In consideration of
SENATE BILL 1311, SENATE DRAFT 1
RELATING TO FEES FOR HABITAT CONSERVATION PLANS**

The Department of Land and Natural Resources (Department) strongly supports Senate Bill 1311, Senate Draft 1, an Administration bill, to authorize the collection of fees to cover the technical assistance program costs associated with developing, reviewing, and monitoring habitat conservation plans; and provisions for the adoption of rules to establish such fees.

Hawaii is the Endangered Species Capital of the Nation with 380 listed threatened and endangered species and many more that are candidates or species of concern. As such, Hawaii needs the flexibility within its state law to work cooperatively with its federal counterparts, private landowners and other government agencies to deal with the complexities of the endangered species situation in Hawaii and find the proactive, workable solutions that can protect and conserve our endangered species while allowing for acceptable resource use activities and sound development.

Under both State and Federal endangered species law, the incidental take of threatened and endangered species may be allowed if the applicant obtains state and federal approval of a habitat conservation plan that identifies and implements measures to avoid, minimize, mitigate, and monitor take of affected species, and that will increase the likelihood of recovery of the endangered or threatened species that are the focus of the plan. Under Chapter 195D, Hawaii Revised Statutes, the Department is responsible for evaluating, processing, and approving habitat conservation plans and incidental take licenses (ITL) and may establish a technical assistance program for landowners for that purpose. Most applicants request extensive assistance and the number of applications for ITLs and requests for assistance related to habitat conservation plans has increased significantly in recent years involving infrastructure and energy develop projects.

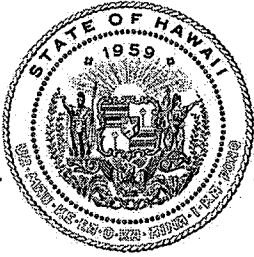
WILLIAM J. AILA, JR.
INTERIM CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT

GUY H. KAULUKUKUI
FIRST DEPUTY

WILLIAM M. TAM
DEPUTY DIRECTOR - WATER

AQUATIC RESOURCES
BOATING AND OCEAN RECREATION
BUREAU OF CONVEYANCES
COMMISSION ON WATER RESOURCE MANAGEMENT
CONSERVATION AND COASTAL LANDS
CONSERVATION AND RESOURCES ENFORCEMENT
ENGINEERING
FORESTRY AND WILDLIFE
HISTORIC PRESERVATION
KAHOOLAWE ISLAND RESERVE COMMISSION
LAND
STATE PARKS

The Department is currently providing required annual reviews for four approved habitat conservation plans, and is also reviewing applications for 13 habitat conservation plans. Each habitat conservation plan requires an average of 300 staff hours per year. There is currently no budgeted position within the department to address this need for technical assistance. This bill would authorize the adoption of rules for establishing a procedure to collect fees from applicants to cover the department's costs to implement the technical assistance program. Establishing these fees would enable the Department to better service the needs of applicants, and more efficiently process habitat conservation plans.



NEIL ABERCROMBIE
GOVERNOR

RICHARD C. LIM
INTERIM DIRECTOR

**DEPARTMENT OF BUSINESS,
ECONOMIC DEVELOPMENT & TOURISM**

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Statement of
RICHARD LIM
Interim Director
Department of Business, Economic Development, and Tourism
Before the
HOUSE COMMITTEE ON WAYS & MEANS
Thursday, February 24, 2011
9:00 AM
State Capitol, Conference Room 211
In consideration of
SB 1311, SD1
RELATING TO FEES FOR HABITAT CONSERVATION PLANS.

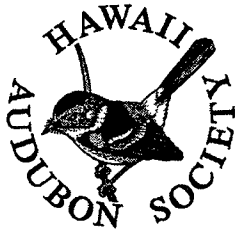
Chair Ige, Vice Chair Kidani, and Members of the Committee.

The Department of Business, Economic Development, and Tourism (DBEDT) supports the intent of SB 1311 SD1, but defers to the Department of Land and Natural Resources with respect to implementation of this measure.

DBEDT is mandated by law to facilitate the permitting of renewable energy projects and to work with permitting agencies. DBEDT is allowed to collect fees from participating projects and to provide a portion of those fees to agencies such as DLNR to help to offset their costs.

This bill would empower DLNR to directly collect fees to cover some of their own costs, allowing for more staff and enabling a more timely review process. It is our belief that this will benefit the renewable energy sector as well as the state's overall economic development.

We encourage your support of this bill. Thank you for the opportunity to testify.



For the Protection of Hawaii's Native Wildlife

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February 23, 2011

**TO: Committee on Ways and Means
Senator David Y. Ige, Chair
Senator Michelle Kidani, Vice Chair**

HEARING: Thursday, February 24, 2011; 9:00 a.m., Conference Rm. 211

RE: SB 1311, SD1 – Relating to Fees for Habitat Conservation Plans

TESTIMONY IN STRONG SUPPORT

Chair Ige, Vice Chair Kidani, and members of the Committee on Ways and Means. My name is George Massengale. I am a member of the Hawai'i Audubon Society and also serve as their legislative analyst during session. We strongly support SB 1311, SD1, which would authorize DLNR to collect fees to cover technical assistance program cost associated with Habitat Conservation Plans.

The Hawai'i Audubon Society's mission is the protection of Hawai'i's native birds, wildlife, habitats and our ocean resources; the restoration of ecosystems; and the conservation of natural resources through education, science and advocacy in Hawai'i and the Pacific.

We are aware that applications for incidental take licenses and requests for technical assistance related to habitat conservation plans by landowners has increased significantly in recent years. In addition, budget cuts to DLNR over the last few years, has made it difficult for DLNR field staff to comply with landowner request in a timely manner. Having said that, DLNR continues to do a remarkable job, despite its shoestring budget. Needless to say the department's resources are now spread thin, almost to the breaking point.

We see SB 1311, SD1, as very pragmatic measure that should benefit landowners by allowing DLNR staff to respond more expeditiously to their request. It will benefit DLNR by raising much needed funds for staff support of the Endangered Species Recovery Committee.

We would urge the committee to pass this measure, it's a win, win for all parties.

Respectfully,

George S. Massengale, JD
Legislative Analyst