

Report Title:

Threatened and Endangered Species

Description:

Removes the sunset date on the use of new safe harbor agreements, habitat conservation plans, and incidental take licenses as recovery options for conserving and protecting the State's threatened and endangered species.

JUSTIFICATION SHEET

DEPARTMENT: Land and Natural Resources

TITLE: A BILL FOR AN ACT RELATING TO SECTION 13 OF ACT 380, SESSION LAWS OF HAWAII 1997.

PURPOSE: To remove the sunset date on the use of new safe harbor agreements, habitat conservation plans, and incidental take licenses as recovery options for conserving and protecting the State's threatened and endangered species.

MEANS: Amend section 13 of Act 380, Session Laws of Hawaii 1997, as amended by Act 3, Session Laws of Hawaii 2001, and by Act 90, Session Laws of Hawaii 2006.

JUSTIFICATION: Hawaii is the Endangered Species Capital of the Nation with 317 listed threatened and endangered species, 117 proposed and candidate species, and 1,085 state 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 but allow life to go on.

In 1997, the Legislature expanded recovery options in the State Endangered Species Act (ESA) by establishing a process for the preparation and implementation of habitat conservation plans and safe harbor agreements, while providing for additional incentives to private landowners to conserve endangered species. In addition, the Legislature inserted a five-year sunset date (July 1, 2002) for the approval of habitat conservation plans and safe harbor agreements. Subsequently, Act 90 of the

2006 Regular Session extended the sunset provision through July 1, 2012.

To date, five habitat conservation plans and six safe harbor agreements have been issued under state law. The Department is currently processing thirteen habitat conservation plan applications and several others are in the early planning stages.

Safe harbor agreements and habitat conservation plans are proving to be invaluable tools in the process of recovering the State's endangered species. It is important that these provisions within the State ESA be made a permanent addition by removing the sunset date and to provide public and private landowners a clear message that the Legislature is committed to maintaining responsible solutions to conserve Hawaii's endangered species.

Impact on the public: Reaffirms State's commitment to protect and conserve its endangered species.

Impact on the department and other agencies: Reinforces Department's commitment to protect and conserve the State's endangered species. If the habitat conservation plan and safe harbor agreement provisions sunset, there will remain no process to allow mitigation and permitting of the relocation and take, if appropriate, of endangered species that are affected by development activities.

GENERAL FUND: None.

OTHER FUNDS: None.

PPBS PROGRAM DESIGNATION: LNR 402.

OTHER AFFECTED AGENCIES: Departments of Transportation, Hawaiian Home Lands, and Defense, University of Hawaii,

Housing and Community Development Corporation of Hawaii, counties, and any other land management agency that has development projects planned in areas that have endangered species.

EFFECTIVE DATE: Upon approval.