

Honolulu, Hawaii

APR 27 2012

RE: S.B. No. 2277
S.D. 2
H.D. 2
C.D. 1

Honorable Shan S. Tsutsui
President of the Senate
Twenty-Sixth State Legislature
Regular Session of 2012
State of Hawaii

Honorable Calvin K.Y. Say
Speaker, House of Representatives
Twenty-Sixth State Legislature
Regular Session of 2012
State of Hawaii

Sirs:

Your Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House of Representatives in S.B. No. 2277, S.D. 2, H.D. 2, entitled:

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

having met, and after full and free discussion, has agreed to recommend and does recommend to the respective Houses the final passage of this bill in an amended form.

The purpose of this measure is to make permanent the Department of Land and Natural Resources' authority to enter into safe harbor agreements and habitat conservation plans and issue incidental take licenses pursuant to chapter 195D, Hawaii Revised Statutes.

Your Committee on Conference finds that the Department of Land and Natural Resources has issued eight habitat conservation plans and six safe harbor agreements, which have helped restore certain populations of nene, montane-nesting seabirds, and Hawaiian hoary bats. Because the plans and agreements have proven effective, the department is seeking to finalize ten new habitat conservation plans



and three new safe harbor agreements. However, your Committee on Conference also finds that the existing procedure for enforcing rules, habitat conservation plans, and safe harbor agreements and accompanying licenses is problematic. Unforeseen emergencies inevitably arise, and when they do, effective remedies must be available. Because enforcement of these mechanisms has proven problematic, your Committee on Conference finds that section 195D-27, Hawaii Revised Statutes, which establishes provisions for the administrative enforcement of rules, habitat conservation plans, and safe harbor agreements and accompanying licenses, should be repealed.

Your Committee on Conference has amended this measure by:

- (1) Repealing section 195D-27, Hawaii Revised Statutes;
- (2) Extending the Department of Land and Natural Resources' authority to issue safe harbor agreements, habitat conservation plans, and incidental take licenses through June 29, 2017, rather than permanently authorizing the department to issue safe harbor agreements, habitat conservation plans, and incidental take licenses; and
- (3) Inserting an effective date of upon approval; provided that section 2 of the measure shall take effect on June 30, 2012.


As affirmed by the record of votes of the managers of your Committee on Conference that is attached to this report, your Committee on Conference is in accord with the intent and purpose of S.B. No. 2277, S.D. 2, H.D. 2, as amended herein, and recommends that it pass Final Reading in the form attached hereto as S.B. No. 2277, S.D. 2, H.D. 2, C.D. 1.



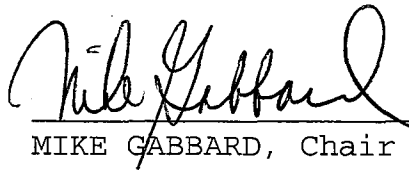
Respectfully submitted on behalf
of the managers:

ON THE PART OF THE HOUSE

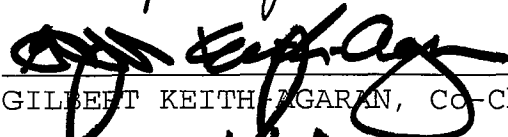
ON THE PART OF THE SENATE



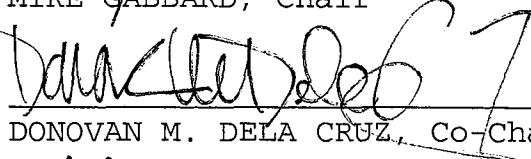
JERRY L. CHANG, Co-Chair



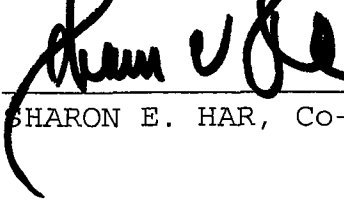
MIKE GABBARD, Chair




GILBERT KEITH AGARMAN, Co-Chair



DONOVAN M. DELA CRUZ, Co-Chair



SHARON E. HAR, Co-Chair



CLAYTON HEE, Co-Chair



