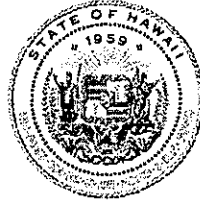
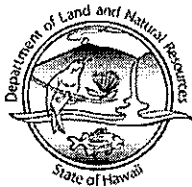


SB 1310

NEIL ABERCROMBIE
GOVERNOR OF HAWAII



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

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

**Before the Senate Committees on
ENERGY AND ENVIRONMENT
and
WATER, LAND, AND HOUSING**

**Thursday, February 10, 2011
4:30 PM
State Capitol, Conference Room 225**

**In consideration of
SENATE BILL 1310
RELATING TO SECTION 13 OF ACT 380, SESSION LAWS OF HAWAII 1997**

The Department of Land and Natural Resources (Department) strongly supports the passage of Senate Bill 1310, an Administration Bill, which 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 endangered species.

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.

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 5-year sunset date (07/01/02) for the approval of habitat conservation plans and safe harbor agreements. Subsequently, Act 3 of the 2001 Legislative Session extended the sunset provision another 5 years (through 07/01/07), and Act 90 of the 2006 Legislative Session extended the provision for another 5 years (through 07/01/12).

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
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CONSERVATION AND COASTAL LANDS
CONSERVATION AND RESOURCES ENFORCEMENT
ENGINEERING
FORESTRY AND WILDLIFE
HISTORIC PRESERVATION
KAIHOLAWE ISLAND RESERVE COMMISSION
LAND
STATE PARKS

To date, four habitat conservation plans and six safe harbor agreements have been issued under state law. The Department is currently finalizing an additional four habitat conservation plans and several others are in the planning stages. These agreements remove disincentives and allow private landowners to implement significant habitat improvements for the benefit of endangered plants and animals.

Safe harbor agreements and habitat conservation plans are proving to be invaluable tools in the process of recovering the State's endangered species. The habitat conservation plans and safe harbor agreements that have been approved or are being finalized provide important contributions to the recovery of endangered species in Hawaii. Conservation projects underway or planned to benefit Hawaii's endangered species include establishment of new populations of nene on Maui and Molokai, predator control to protect waterbirds at Oahu's wetlands, surveys to document population trends for the Hawaiian hoary bat, predator control to protect montane-nesting seabirds, and landscape-scale forest restoration to benefit endangered bats and seabirds.

With the expanding development of broad partnerships to protect endangered species and their habitats, 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.

The Department strongly supports Senate Bill 1310, which reinforces the 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.