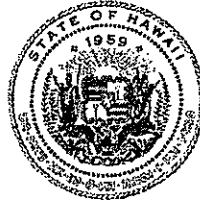
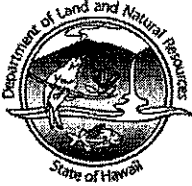


NEIL ABERCROMBIE
GOVERNOR OF HAWAII



**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 House Committees on
WATER, LAND, & OCEAN RESOURCES
and
ENERGY & ENVIRONMENTAL PROTECTION**

**Monday, March 21, 2011
9:15 AM
State Capitol, Conference Room 325**

**In consideration of
SENATE BILL 1311, SENATE DRAFT 2
RELATING TO FEES FOR HABITAT CONSERVATION PLANS**

Senate Bill 1311, Senate Draft 2 would 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. The Department of Land and Natural Resources (Department) strongly supports this Administration measure with the exception of its effective date (July 1, 2050). The Department respectfully asks that the effective date of this measure be restored back to "upon its approval".

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

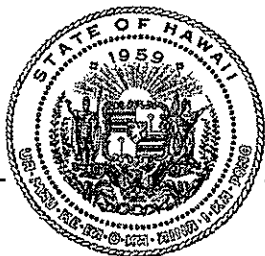
WILLIAM J. AILA, JR.
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT

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

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.



NEIL ABERCROMBIE
GOVERNOR

RICHARD C. LIM
DIRECTOR

DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT & TOURISM

No. 1 Capitol District Building, 250 South Hotel Street, 5th Floor, Honolulu, Hawaii 96813
Mailing Address: P.O. Box 2359, Honolulu, Hawaii 96804
Web site: www.hawaii.gov/dbedt

Telephone: (808) 586-2355
Fax: (808) 586-2377

Statement of
RICHARD LIM
Director

Department of Business, Economic Development, and Tourism
Before the

**HOUSE COMMITTEES ON
WATER, LAND & OCEAN RESOURCES**

&

ENERGY & ENVIRONMENTAL PROTECTION

Monday, March 21, 2011

9:15 AM

State Capitol, Conference Room 325

In consideration of

SB 1311, SD2

RELATING TO FEES FOR HABITAT CONSERVATION PLANS.

Chair Chang, Chair Coffman, Vice Chair Har, and Members of the Committee.

The Department of Business, Economic Development, and Tourism (DBEDT) supports the intent of SB 1311 SD2, 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.



EARTHJUSTICE

ALASKA CALIFORNIA FLORIDA MID-PACIFIC NORTHEAST NORTHERN ROCKIES
NORTHWEST ROCKY MOUNTAIN WASHINGTON, DC INTERNATIONAL

REP. JERRY L. CHANG, CHAIR
REP. SHARON E. HAR, VICE CHAIR
HOUSE COMMITTEE ON WATER, LAND, & OCEAN RESOURCES

REP. DENNY COFFMAN, ACTING CHAIR
HOUSE COMMITTEE ON ENERGY & ENVIRONMENTAL PROTECTION

TESTIMONY RE: SENATE BILL NO. 1311, S.D.2
RELATING TO FEES FOR HABITAT CONSERVATION PLANS

MARCH 21, 2011, 9:15 A.M.
CONFERENCE ROOM 325

Good morning Chairs Chang and Coffman, Vice-Chair Har, and members of the committees:

My name is David Lane Henkin, and I am an attorney with Earthjustice. We appreciate the opportunity to offer this testimony in support of Senate Bill No. 1311, S.D.2, which would help provide the Department of Land and Natural Resources (DLNR) with the funding it needs to ensure that habitat conservation plans (HCPs) approved pursuant to HRS chapter 195D adequately protect Hawai'i's critically imperiled native plants and animals, preserving these irreplaceable public trust resources for future generations.

When the Legislature amended chapter 195D over a decade ago to allow for incidental "take" (i.e., injury and death) of imperiled species, it wisely insisted that, before any take authorization could issue, an HCP would have to be developed and approved to ensure that the harm to imperiled species would be minimized and mitigated and that the overall effect of the approved activities would confer a net benefit on the affected species. Satisfying these mandates often requires considerable scientific and other technical expertise. Accordingly, the Legislature authorized DLNR to establish a technical assistance program to help private parties develop their HCPs.

Over the years, more and more landowners in Hawai'i have sought to bring their existing operations into compliance with chapter 195D, while others have sought to ensure that new undertakings would, from their inception, afford imperiled species with the required protection. As long as the HCPs comply fully with chapter 195D's requirements, these developments further the public's interest in preserving our natural heritage for future generations. Providing technical assistance for these new HCP initiatives has, however, imposed a heavy burden on DLNR, which already lacks adequate funds to carry out its mission.

SB 1311, S.D.2 would promote the public interest by providing DLNR with vital resources to help landowners comply with chapter 195D's command to protect imperiled species. Moreover, by ensuring adequate staffing for DLNR's technical assistance program, it would help expedite the processing of incidental take applications. Accordingly, we respectfully urge you to pass SB 1311, S.D.2. Thank you again for the opportunity to offer this testimony.



HAWAII FOREST INDUSTRY ASSOCIATION

P. O. Box 5594 ❖ Kailua-Kona, HI 96745-5594

Phone: 808-933-9411

Email: hawaii.forest@hawaiiantel.net

Website: www.hawaiiforest.org

February 5, 2011

TESTIMONY IN SUPPORT SB1311, SD1: RELATING TO FEES FOR CONSERVATION PLANS

Dear Chair Jerry Chang, Vice Chair Sharon Har and Members of the Water, Land & Ocean Resources and Chair Denny Coffman and Members of the Energy and Environmental Protection

Thank you for the opportunity to testify in support of SB1311, SD2, Relating to Conservation and Resources Enforcement Fund.

HFIA supports the Authorizes DLNR to collect fees to cover the technical assistance program costs associated with habitat conservation plans, and adopt rules for establishing such fees.

We support the authorization of the department of land and natural resources to collect fees to cover the technical assistance program costs associated with assisting landowners in the development, review, and monitoring of habitat conservation plans, and adopt rules for establishing such fees.

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 approximately 250 member companies and individuals. We have worked closely with the Division of Forestry and Wildlife (DOFAW) and the DLNR over the past 16 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.

Sincerely,

Tai Lake
Chairman of the Board

Heather Gallo
Executive Director