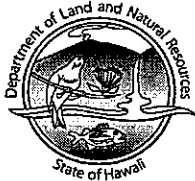


NEIL ABERCROMBIE
GOVERNOR OF HAWAII



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

POST OFFICE BOX 621
HONOLULU, HAWAII 96809

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
KAHOOLAWEISLAND RESERVE COMMISSION
LAND
STATEPARKS

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

**Before the House Committee on
FINANCE**

**Friday, March 30, 2012
5:00 PM
State Capitol, Conference Room 308**

**In consideration of
SENATE BILL 2277, SENATE DRAFT 2, HOUSE DRAFT 1
RELATING TO ENDANGERED AND THREATENED SPECIES**

Senate Bill 2277, Senate Draft 2, House Draft 1, proposes to remove the sunset date on approval of issuance of new safe harbor agreements, habitat conservation plans, and incidental take licenses after July 1, 2012. The Department of Land and Natural Resources (Department) strongly supports this bill with amendments.

Hawaii is the endangered species capitol of the nation with 385 listed threatened and endangered species and many more which are candidates or species of concern. As such, Hawaii needs the flexibility within its State Endangered Species Act (ESA) to work cooperatively with its federal counterparts, private landowners and other government agencies towards proactive solutions that can protect our threatened and endangered species while allowing for acceptable resource use activities.

In 1997, the Legislature expanded recovery options under the State 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 threatened and endangered species. In addition, the Legislature inserted a five-year sunset date (June 1, 2002) for the approval of habitat conservation plans and safe harbor agreements. Subsequently, Act 3 of the 2001 Legislative Session extended the sunset provision another five years (through July 1, 2007), and Act 90 of the 2006 Legislative Session extended the provision for another five years (through July 1, 2012).



Should the habitat conservation plan and safe harbor agreement provisions sunset, the State ESA would lose the flexibility to protect threatened and endangered species while allowing for acceptable resource use activities.

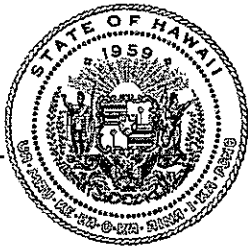
To date, nine habitat conservation plans and six safe harbor agreements have been approved under the State ESA. The Department is currently finalizing an additional ten habitat conservation plans and three safe harbor agreements. Habitat conservation plans and safe harbor agreements are proving to be invaluable tools in the process of recovering the State's threatened and endangered species with projects including: 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. Habitat conservation plans and safe harbor agreements have committed millions of dollars toward the recovery of threatened and endangered species in Hawaii, and habitat conservation plans provide a net recovery benefit for the affected species which would not otherwise be realized if the those sections of the State ESA are allowed to sunset.

With the expanding development of broad partnerships to protect threatened and endangered species and their habitats, it is imperative that these provisions within the State ESA be made permanent by removing the sunset date. This would provide a clear message that the Legislature is committed to maintaining proactive and responsible solutions to conserve Hawaii's threatened and endangered species.

The Department worked in collaboration with members of the environmental community to explore additional approaches to provide citizen oversight and expanded checks and balances under the State ESA. These provisions were in the original version of this bill. The version approved by the Senate, contains one of those provisions - language to establish a contested case process for challenging Habitat Conservation Plans and Safe Harbor Agreements. The Department continues to support that version of the bill.

The Department supports the passage of Senate Bill 2277, Senate Draft 2, House Draft 1 which removes the sunset date on the approval of new safe harbor agreements, habitat conservation plans, and incidental take licenses, with amendments to include expanded checks and balances under the State ESA.





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

NEIL ABERCROMBIE
GOVERNOR

RICHARD C. LIM
DIRECTOR

MARY ALICE EVANS
DEPUTY DIRECTOR

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
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Statement of
RICHARD C. LIM
Director
Department of Business, Economic Development, and Tourism
before the
**HOUSE COMMITTEE ON
FINANCE**
Friday, March 30, 2012
5:00 PM
State Capitol, Conference Room 308
in consideration of
SB2277, SD2, HD1
RELATING TO ENDANGERED AND THREATENED SPECIES.

Chair Oshiro, Vice Chair Lee, and Members of the Committee.

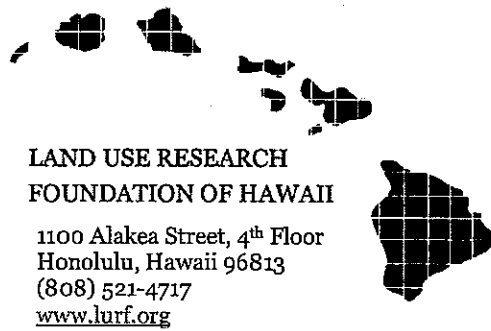
The Department of Business, Economic Development, and Tourism (DBEDT) **supports** SB2277, SD2, HD1, which repeals the "sunset" date on the approval of new safe harbor agreements, habitat conservation plans, and incidental take licenses, which are non-exemptions under H.R.S. §195D.

As this is a wildlife issue, we defer to the appropriate agency for comment regarding enforcement of H.R.S §195D.

Five existing and proposed wind energy facilities in Hawaii utilize, or will utilize, safe harbor agreements, habitat conservation plans, and incidental take licenses to allow for the legal harming of protected wildlife species during normal facility operations, while ensuring a net benefit to the impacted species. Allowing this law to sunset will significantly inhibit the development of any renewable energy facilities with potential to harm protected species.

Thank you for the opportunity to offer these comments on SB2277, SD2, HD1.





LAND USE RESEARCH
FOUNDATION OF HAWAII

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Honolulu, Hawaii 96813
(808) 521-4717
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March 28, 2012

Representative Marcus R. Oshiro, Chair
Representative Marilyn B. Lee, Vice Chair
House Committee on Finance

Support of SB 2277, S.D. 2, H.D. 1 – Conservation of Wildlife. (Makes permanent the Department of Land and Natural Resources’ power to approve habitat conservation plans, safe harbor agreements, and incidental take licenses.)

Friday, March 30, 2012, 5:00 p.m., in House Conference Room 308.

My name is Dave Arakawa, and I am the Executive Director of the Land Use Research Foundation of Hawaii (LURF), a private, non-profit research and trade association whose members include major Hawaii landowners, developers and a utility company. One of LURF’s missions is to advocate for reasonable, rational and equitable land use planning, legislation and regulations that encourage well-planned economic growth and development, while safeguarding Hawaii’s significant natural and cultural resources and public health and safety.

LURF appreciates the opportunity to provide testimony in support of this bill.

SB 2277, S.D. 2, H.D. 1. This bill makes permanent the Department of Land and Natural Resources’ (“DLNR’s”) power to approve habitat conservation plans, safe harbor agreements, and incidental take licenses.

LURF’s Position. LURF **strongly supports** SB 2277, S.D. 2, H.D. 1, which would continue to induce compliance with conservation measures by repealing the law which currently restricts the DLNR from approving habitat conservation plans (“HCPs”), safe harbor agreements (“SHAs”), and incidental take licenses (“ITLs”) after July 1, 2012.

HRS §195D-30 provides that all SHAs, HCPs, ITLs and subsequent actions authorized under those plans, agreements and licenses shall be designed to result in an overall net gain in the recovery of Hawaii’s threatened and endangered species. HRS Chapter 195D currently provides for criteria and the process for approval of SHAs, HCPs and ITLs, however, the law does not allow any new SHAs, HCPs or ITLs after July 1, 2012.

Provisions allowing SHAs were included in the Endangered Species Act (“ESA”) and in HRS Chapter 195D as a means of encouraging landowners to voluntarily engage in efforts that benefit endangered, threatened, proposed, and candidate species and to undertake conservation efforts on their land in support of the recovery of endangered species. Pursuant to HRS §195D-22, SHAs allow landowners to agree with the State to create, restore, or improve habitats or to maintain currently unoccupied habitats that threatened or endangered species can be reasonably expected to use. Without these provisions, some landowners may not undertake endangered species recovery efforts or other activities that would attract endangered species to



their land due to the threat of increased liability under these laws for any harm to endangered species that may occur.

Provisions allowing HCPs and ITLs were included in both the Endangered Species Act and HRS Chapter 195D as a means of allowing proposed activities with the potential to impact endangered species to proceed, provided that measures be taken to ensure an overall benefit to the species (for example, by setting aside habitat for the species outside of the project area). Absent these provisions, important economic activities, including renewable energy projects, would be impossible, and existing land uses which attract endangered species would also be severely impacted.

SHAs, HCPs and ITLs provide a net benefit to endangered species and to the State by encouraging conservation efforts while allowing for important economic development in Hawaii. They are an essential component of our State endangered species law; a crucial and successful tool in achieving an overall net gain in the recovery of Hawaii's threatened and endangered species; and should be retained.

Based on the above, LURF respectfully requests that the effective date of SB 2277, S.D. 2, H.D. 1 be changed to "upon approval," and that this bill be passed.

Thank you for the opportunity to provide testimony in support of this measure.





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

March 29, 2012

**TESTIMONY IN SUPPORT OF SB2277, SD2, HD1
RELATING TO ENDANGERED AND THREATENED SPECIES**

Dear Chair Marcus Oshiro, Vice Chairs Marilyn Lee and Members of the Committee on Finance,

Thank you for the opportunity to testify in support of SB2277, SD2, HD1 - Relating to Endangered and Threatened Species. The Hawaii Forest Industry Association (HFIA) supports SB2277, SD2HD1 which 2782 which makes permanent the Department of Land and Natural Resources' power to approve habitat conservation plans, safe harbor agreements, and incidental take licenses.

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 17 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,

Lloyd Jones
Legislative Chair





CONSERVATION COUNCIL FOR HAWAII

Testimony Submitted to the House Committee on Finance

Hearing: Friday, March 30, 2012 5:00 p.m.
Conference Room 308

In Opposition to SB 2277 SD 2 HD 1 Relating to Endangered and Threatened Species

Aloha. The Conservation Council for Hawai'i opposes SB 2277 SD 2 HD 1, which would remove vital protections for Hawai'i's endangered and threatened plants and animals. We oppose the current version of the bill for the following reasons.

Oversight is critical to ensure that DLNR acts responsibly in issuing licenses to kill and injure endangered species. Accordingly, the Legislature should either keep the sunset date in place or provide alternate oversight, so that future generations can continue to enjoy our unique native flora and fauna.

Proven, effective alternatives to legislative oversight exist. The Legislature should bring our state law in line with the federal Endangered Species Act, which has – since its inception in 1973 – encouraged citizens to take action to protect imperiled species.

Particularly in these difficult economic times, with government services being cut back, it is vital for the Legislature to encourage Hawai'i's citizenry to assist in preventing harm to our imperiled plants and animals.

In 1997, when the Legislature amended the state's endangered species law to allow for the incidental "take" (killing, harming, wounding, and harassing) of endangered and threatened species through safe harbor agreements and habitat conservation plans, it recognized the importance of keeping close tabs on activities that, if improperly managed, could drive Hawai'i's critically imperiled native plants and animals to extinction. Accordingly, the initial legislation established a five-year sunset on the Department of Land and Natural Resources' authority to issue incidental take licenses, safe harbor agreements, and habitat conservation plans. While the Legislature has twice extended the sunset date, it has affirmed the need for periodic review of DLNR's performance and consistently rejected requests to remove the sunset date altogether. House Draft 1 of SB 2277 would lift the sunset date, without providing any alternate checks and balances.

Mahalo nui loa for the opportunity to testify. Please oppose SB 2277 SD 2 HD 1.

Sincerely,

Marjorie Ziegler



Hawai'i's Voice for Wildlife – *Ko Leo Hawai'i no na holoholona lohiu*

Telephone/Fax 808.593.0255 • email: info@conservehi.org • web: www.conservehi.org
P.O. Box 2923 • Honolulu, HI 96802 • Office: 250 Ward Ave., Suite 220 • Honolulu, HI 96814

President: Hannah Springer * Vice-President: Julie Leialoha * Treasurer: Rick Barboza * Secretary: Maka'ala Ka'aumoana
Directors: Lida Pigott Burney * Koalani Kaulukukui * Robin Kaye
Executive Director: Marjorie Ziegler





Sierra Club

Hawai'i Chapter

PO Box 2577, Honolulu, HI 96803
808.538.6616 hawaii.chapter@sierraclub.org

HOUSE COMMITTEE ON FINANCE

March 30, 2012, 5:00 P.M.
(Testimony is 1 page long)

TESTIMONY IN OPPOSITION TO SB 2277 (SD2, HD1)

Aloha Chair Oshiro and Members of the Committee:

The Sierra Club, Hawaii Chapter, with 10,000 dues paying members and supporters statewide, **opposes** SB 2277 (SD2, HD1). As drafted, this measure would eliminate the necessary checks and balances to ensure that Hawaii's endangered and threatened species are not eliminated forever.

We strongly prefer the original language of this measure -- which was approved by the business, environmental and governmental stakeholders -- that eliminated the sunset provision of this law and created a measured citizen suit right. This balanced DLNR's desire to have a permanent program and ensured that when an agency cannot or will not act, other remedies existed to ensure Hawaii's endangered species are protected.

Under the federal Endangered Species Act, citizens already have the right to sue to protect listed fish and wildlife. Citizen suits are an effective tool to ensure that public agencies abide by their agreements and comply with their duty to protect Hawaii's critically imperiled species. Checks and balances are vital to ensure that conservation programs serve their intended purpose: to promote the conservation of listed species.

Amending Chapter 195D to allow citizen suits against public agencies would ensure that Hawaii's nearly 300 endangered and threatened plants receive protection against destructive projects, like animals do under the federal Endangered Species Act. Nearly 30 years of experience with the federal Endangered Species Act's citizen suit provision has demonstrated that citizens use the right to sue responsibly. Suits are relatively rare and are only brought when critically necessary. And, like the lawsuit that sought to protect the *palilia* on the Island of Hawai'i, citizen suits are proven to work when agencies or developers are intransigent.

Mahalo for the opportunity to testify.

Testimony of The Nature Conservancy of Hawai'i
Commenting on S.B. 2277 HD1 Relating to Endangered and Threatened Species
House Committee on Finance
Friday, March 30, 2012, 5:00PM, Room 308

The Nature Conservancy of Hawai'i is a private non-profit conservation organization dedicated to the preservation of Hawaii's native plants, animals, and ecosystems. The Conservancy has helped to protect nearly 200,000 acres of natural lands for native species in Hawai'i. Today, we actively manage more than 32,000 acres in 10 nature preserves on Maui, Hawai'i, Moloka'i, Lāna'i, and Kaua'i. We also work closely with government agencies, private parties and communities on cooperative land and marine management projects.

The Nature Conservancy does not take a position on the provisions in earlier drafts of S.B. 2277 that would expand the allowance of citizen suits to enforce provisions of HRS Chapter 195D, habitat conservation plans, safe harbor agreements, or incidental take licenses.

We do support the provision of the bill that would repeal the July 1, 2012 cut-off for issuance of new habitat conservation plans, safe harbor agreements, or incidental take licenses. Safe harbor agreements, habitat conservation plans, and incidental take licenses are valuable and welcome tools for the State's ongoing conservation efforts. These tools provide a safe and flexible framework for landowners to move ahead with land-use projects, while providing protection for endangered or threatened species through plans that result in an overall net gain in the recovery of the species.

Thank you for the opportunity to testify.

BOARD OF TRUSTEES

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EARTHJUSTICE

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

REPRESENTATIVE MARCUS R. OSHIRO, CHAIR
REPRESENTATIVE MARILYN B. LEE, VICE-CHAIR
HOUSE COMMITTEE ON FINANCE

TESTIMONY RE: SENATE BILL NO. 2277, S.D. 2, H.D. 1
RELATING TO ENDANGERED AND THREATENED SPECIES

March 30, 2012, 5:00 p.m.
Conference Room 308

Good afternoon Chair Oshiro, Vice-Chair Lee, and members of the committee:

My name is David Lane Henkin, and I am an attorney with Earthjustice. We appreciate the opportunity to offer this testimony in **opposition** to the current version of Senate Bill No. 2277, which lacks the necessary safeguards to ensure adequate protection of Hawai'i's critically imperiled native plants and animals.

In 1997, when the Legislature amended H.R.S. Chapter 195D to allow for the incidental "take" (killing, harming, wounding, and harassing) of endangered and threatened species through safe harbor agreements (SHAs) and habitat conservation plans (HCPs), it recognized the importance of keeping close tabs on activities that, if improperly managed, could drive Hawai'i's critically imperiled native plants and animals to extinction. Accordingly, the initial legislation established a five-year sunset on the Department of Land and Natural Resources' (DLNR's) authority to issue incidental take licenses, SHAs and HCPs. While the Legislature has twice extended the sunset date, it has affirmed the need for periodic review of DLNR's performance and consistently rejected requests to remove the sunset date altogether.

House Draft 1 of SB 2277 would lift the sunset date, without providing any alternate checks and balances. Earthjustice respectfully submits that oversight is critical to ensure that DLNR acts responsibly in issuing licenses to kill and injure endangered species.

Accordingly, we respectfully urge you **either to hold SB 2277 SD 2, HD 1, or to adopt as House Draft 2 the attached proposed amendments**, which would extend the sunset date, allowing for additional discussion regarding necessary and appropriate checks and balances to ensure that future generations can continue to enjoy our unique native flora and fauna, which are irreplaceable public trust resources.

The proposed HD 2 would further improve Chapter 195D by deleting HRS § 195D-27's administrative enforcement procedures. While the Legislature's adoption of HRS § 195D-27 in 1997 may have been well-intentioned, the procedures it establishes were poorly conceived. Consequently, these provisions impose burdens on DLNR, concerned citizens and the regulated industry, with no offsetting benefit for imperiled species to justify the costs. Keeping HRS §



Earthjustice Testimony in Opposition to SB 2277, S.D. 2, H.D. 1
March 30, 2012
Page 2

195D-27 on the books serves only to create the illusion of a meaningful process for citizens to raise concerns about threats to listed species. The statute is better without it.

Thank you again for the opportunity to offer this testimony.



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Email: info@gcahawaii.org
Website: www.gcahawaii.org



GCA of Hawaii

GENERAL CONTRACTORS ASSOCIATION OF HAWAII

Quality People. Quality Projects.

Uploaded via Capitol Website

March 30, 2012

TO: HONORABLE REPRESENTATIVES MARCUS OSHIRO, CHAIR, MARILYN LEE, VICE CHAIR AND MEMBERS OF THE HOUSE COMMITTEE ON FINANCE

SUBJECT: **SUPPORT OF S.B. 2277, SD2, HD1, RELATING TO ENDANGERED AND THREATENED SPECIES.** Makes permanent the Department of Land and Natural Resources' power to approve habitat conservation plans, safe harbor agreements, and incidental take licenses. Effective July 1, 2050. (SB2277 HD1)

HEARING (Agenda #4)

DATE: Friday, March 30, 2012
TIME: 5:00 p.m.
PLACE: Conference Room 308

Dear Chair Oshiro, Vice Chair M. Lee and Members of the Committee,

The General Contractors Association (GCA) is an organization comprised of over six hundred (600) general contractors, subcontractors, and construction related firms. The GCA was established in 1932 and is celebrating its 80th anniversary this year; GCA remains the largest construction association in the State of Hawaii whose mission is to represent its members in all matters related to the construction industry, while improving the quality of construction and protecting the public interest. GCA **supports** S.B. 2277, SD2, HD1, Related to Endangered and Threatened Species.

Senate Bill 2277, SD2, HD1 proposes to amend Chapter 195D, HRS, to repeal Section 195D-27, which covers administration enforcement of rules, plans, agreements or licenses. The bill also repeals the sunset date for approval of safe harbor agreements, conservation plans, and incidental take licenses of July 1, 2012 established by Act 90 SLH, 2006.

The GCA supports the proposed repeal of the sunset date enacted in Act 90, SLH, 2006. We believe that this provision enacted in 2006 regarding administrative enforcement of habitat conservation plans, safe harbour agreements, and incidental take licenses has worked to encourage conservation of natural resources and protection of wildlife, native plants and fish and at the same time encourage a rational, balanced economic development in Hawaii. We believe that this approach works, and has been beneficial to all parties concerned.

For these reasons, GCA supports this bill and requests that this Committee pass the measure.

Thank you for the opportunity to comment on this measure.



The Pacific Resource
PARTNERSHIP



Testimony of C. Mike Kido
External Affairs
The Pacific Resource Partnership

House Committee on Finance
Representative Marcus R. Oshiro, Chair
Representative Marilyn B. Lee, Vice Chair

SB 2277, SD2, HD1 – Relating to Endangered and Threatened Species
Friday, March 30, 2012
5:00 PM
Conference Room 308

Aloha Chair Oshiro, Vice Chair Lee and Members of the Committee:

My name is C. Mike Kido, External Affairs of the Pacific Resource Partnership (PRP), a labor-management consortium representing over 240 signatory contractors and the Hawaii Regional Council of Carpenters, formerly the Hawaii Carpenters Union.

PRP **supports** SB 2277, SD 2, HD 1, which would continue to induce compliance with conservation measures by repealing the law which currently restricts the DLNR from approving habitat conservation plans (“HCPs”), safe harbor agreements (“SHAs”), and incidental take licenses (“ITLs”) after July 1, 2012.

SHAs, HCPs and ITLs provide a net benefit to endangered species and to the State by encouraging conservation efforts while allowing for important economic development in Hawaii. They are an essential component of our State endangered species law; a crucial and successful tool in achieving an overall net gain in the recovery of Hawaii’s threatened and endangered species; and should be retained.

Thank you for the opportunity to share our views with you. We respectfully ask for your support on SB 2277, SD2, HD1.



BIA-HAWAII
BUILDING INDUSTRY ASSOCIATION

Testimony to the House Committee on Finance
Friday, March 27, 2012
5:00 p.m.
State Capitol - Conference Room No. 308

RE: S.B. 2277 SD2 HD1, RELATING TO ENDANGERED AND THREATENED SPECIES

Chair Oshiro, Vice Chair M. Lee, and members of the committee:

I am Gladys Marrone, Director of Government Relations for the Building Industry Association of Hawaii (BIA-Hawaii). Chartered in 1955, the BIA-Hawaii is a professional trade organization affiliated with the National Association of Home Builders, representing the building industry and its associates. BIA-Hawaii takes a leadership role in unifying and promoting the interests of the industry to enhance the quality of life for the people of Hawaii.

BIA-HAWAII **strongly supports** S.B. 2277 SD2 HD1, which proposes to make permanent the Department of Land and Natural Resources' power to approve habitat conservation plans, safe harbor agreements, and incidental take licenses.

We understand that these processes were established first in 1997 by the Legislature to expand recovery options in the State 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 (June 1, 2002) 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 July 1, 2007), and Act 90 of the 2006 Legislative Session extended the provision for another 5 years (through July 1, 2012).

We understand that the processes developed in 1997 have had a successful track record and, thus, we fully support SB 2277 SD2 HD1.

Thank you for this opportunity to express our views.





Committee on Finance
Hearing
Friday, March 30, 2012, 5:00 p.m.
Conference Room 308
Representative Marcus R. Oshiro, Chair
Representative Marilyn B. Lee, Vice Chair

Testimony on SB2277, SD2, HD1, Relating to Endangered and Threatened Species

Dear Chair Oshiro and Members of the Committee:

My testimony is in STRONG SUPPORT of SB2277, SD2, HD1. My name is Lynn McCrory and I am the President of PAHIO Development, Inc. We are a locally owned and operated time share development company on the island of Kauai.

We have been a part of the Kauai Seabird Habitat Conservation Plan/Program since inception (3 plus years). This program is an island wide HCP for the Newell's Shearwaters. I am also a former member of the Board of Land & Natural Resources representing Kauai. It is very important to have Habitat Conservation Plans, Safe Harbor Agreements, and Incidental Take Permits issued which provide mitigation measures to increase the populations of endangered or threatened species offsetting new or current issues that could harm a species. This bill, as now written, provides the mechanism for these programs to continue rather than have a sunset period. These programs are Hawaii's match to the Federal programs which are also required.

Any expansion of checks and balances should be fully discussed between the State, and the partners both within the environmental community and the broader Hawaii community. While one meeting was held in November 2011, what was discussed as a possibility was not what was drafted. This resulted in an initial and secondary bill that could not be supported by the broader Hawaii community.

We humbly ask for your consideration to SUPPORT SB2277, SD2, HD1 as written. Mahalo!

Sincerely,

A handwritten signature in cursive script that reads "Lynn P. McCrory".

Lynn P. McCrory
President



FINTestimony

From: mailinglist@capitol.hawaii.gov
At: Thursday, March 29, 2012 1:51 PM
Subject: FINTestimony
Cc: makaala@hawaiian.net
Subject: Testimony for SB2277 on 3/30/2012 5:00:00 PM

Testimony for FIN 3/30/2012 5:00:00 PM SB2277

Conference room: 308
Testifier position: Oppose
Testifier will be present: No
Submitted by: Makaala Kaumoana
Organization: Hanalei Watershed Hui
E-mail: makaala@hawaiian.net
Submitted on: 3/29/2012

Comments:

The Hanalei Watershed Hui submits this testimony in strong OPPOSITION to SB 2277, SD2, HD1, which would remove vital protections for Hawai'i's endangered and threatened animals and plants. House Draft 1 of SB 2277 would lift the sunset date, without providing any alternate checks and balances.

Particularly in these difficult economic times, with government services being cut back, it is vital for the Legislature to encourage Hawai'i's citizenry to assist in preventing harm to our imperiled plants and animals. Oversight is critical to ensure that DLNR acts responsibly in issuing licenses to kill and injure endangered species.

Accordingly, the Legislature should either keep the sunset date in place or provide alternate oversight, so that future generations can continue to enjoy our unique native flora and fauna.



FINTestimony

From: mailinglist@capitol.hawaii.gov
ent: Thursday, March 29, 2012 3:46 PM
To: FINTestimony
Cc: gottlieb@hawaii.rr.com
Subject: Testimony for SB2277 on 3/30/2012 5:00:00 PM

Testimony for FIN 3/30/2012 5:00:00 PM SB2277

Conference room: 308
Testifier position: Support
Testifier will be present: No
Submitted by: Alan Gottlieb
Organization: Hawaii Cattlemen's Council
E-mail: gottlieb@hawaii.rr.com
Submitted on: 3/29/2012

Comments:



FINTestimony

From: mailinglist@capitol.hawaii.gov
Sent: Thursday, March 29, 2012 4:38 PM
To: FINTestimony
Cc: pmorikami@kauai.gov
Subject: Testimony for SB2277 on 3/30/2012 5:00:00 PM
Attachments: CA SB 2277 SD2 HD1 Relating to Endangered and Threatened Species.msg

Testimony for FIN 3/30/2012 5:00:00 PM SB2277

Conference room: 308
Testifier position: Support
Testifier will be present: No
Submitted by: Paula Morikami
Organization: County of Kauai
E-mail: pmorikami@kauai.gov
Submitted on: 3/29/2012

Comments:



FINTestimony

From: mailinglist@capitol.hawaii.gov
ent: Wednesday, March 28, 2012 1:37 PM
To: FINTestimony
Cc: mendezj@hawaii.edu
Subject: Testimony for SB2277 on 3/30/2012 5:00:00 PM

Testimony for FIN 3/30/2012 5:00:00 PM SB2277

Conference room: 308
Testifier position: Support
Testifier will be present: No
Submitted by: Javier Mendez-Alvarez
Organization: Individual
E-mail: mendezj@hawaii.edu
Submitted on: 3/28/2012

Comments:

