

The Pacific Resource
PARTNERSHIP



LATE TESTIMONY

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

House Committee on Judiciary
Representative Gilbert S.C. Keith-Agaran, Chair
Representative Karl Rhoads, Vice Chair

SB 2277, SD2, HD1 – Relating to Conservation of Wildlife
Tuesday, March 20, 2012
2:00 PM
Conference Room 325

Aloha Chair Keith-Agaran, Vice Chair Rhoads 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.

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
STATE PARKS

Testimony of
WILLIAM J. AILA, JR.
Chairperson

Before the House Committee on
JUDICIARY

Tuesday, March 20, 2012
2:00 PM
State Capitol, Conference Room 325

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 also appreciates and supports the amendments proposed by Earth Justice, which would provide an additional layer of protection for endangered and threatened species through the establishment of civil suit procedures that may be commenced against any person or agency alleged to be in violation of certain sections of the State ESA. These provisions, which are similar to proposed amendments in the original version of this bill, were developed 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. Expanding the citizen suit provisions under the State ESA would provide additional checks and balances to ensure enforcement and implementation of license requirements for take of threatened and endangered species. Such provisions would implement into state law a similar citizen suit provision that already occurs in federal environmental laws.

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 amendment to include expanded checks and balances under the State ESA.