

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 House Committees on
WATER & LAND
and
OCEAN, MARINE RESOURCES & HAWAIIAN AFFAIRS**

**Wednesday, February 12, 2014
8:00 AM
State Capitol, Conference Room 325**

**In consideration of
HOUSE BILL 2325
RELATING TO THE ENDANGERED SPECIES RECOVERY COMMITTEE**

House Bill 2325 proposes to establish a new member to Hawaii State's Endangered Species Recovery Committee (ESRC), which consults to the Department of Land and Natural Resources (Department) and the Board of Land and Natural Resources on matters relating to endangered, threatened, proposed, and candidate species. **The Department strongly supports this Administrative bill.**

Currently, nearly all of the boards and commissions under the Department require a member with a background in native Hawaiian traditional and customary practices. Last session, legislation was enacted requiring such expertise for the Natural Area Reserves System Commission. The remaining Department boards and commissions that need such expertise are the Board of Land and Natural Resources and the Endangered Species Recovery Committee.

As the Department is obligated under the Hawaii Constitution and Hawaii statutory and case law to preserve and protect the exercise of traditional and customary native Hawaiian rights, it would provide great value to have a member on the Endangered Species Recovery Committee to have expertise in this area to provide guidance on natural resource protection and management decisions.

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

ESTHER KIA'AINA
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

State of Hawaii, 27th Legislature, Second Regular Session

HB2325

RELATING TO THE ENDANGERED SPECIES RECOVERY COMMITTEE

House Committees on Water & Land and Ocean, Marine Resources, & Hawaiian Affairs
Public Hearing – Wednesday February 12, 2014
8:00 a.m., State Capitol, Conference Room 325

By
Dave Penn, Private Citizen
February 11, 2014
COMMENTS ONLY

Aloha Chairs Evans and Hanohano, Vice Chairs Lowen and Cullen, Representatives, and other readers

I have over three years of recent, direct experience with the work of the Endangered Species Recovery Committee ("ESRC"), at first as part of the review team at the University of Hawaii Environmental Center ("ENVCTR"), and more recently as the ENVCTR's voting representative on the ESRC. If the legislature wishes to modify the make-up of the ESRC, I suggest that the legislature consider reassigning the responsibilities of the ENVCTR to a different University of Hawaii ("UH") unit and administrator, such as the Dean of the Manoa College of Natural Sciences (which houses the Biology and Botany departments) or the Director of the Pacific Biosciences Research Center (which houses the Center for Conservation Research and Training). In the face of ongoing changes to the name, functions, administration, staffing, and operations of the ENVCTR, it is increasingly evident that other UH units have much greater resources and expertise for providing the level of commitment and type of analysis that the ESRC needs to obtain from UH than does the Water Resources Research Center, the unit that currently oversees UH's performance of the legislatively mandated duties of an environmental center.

Thank you for considering this mana`o on HB2325.

HEARING ON 12 FEB 2014, 8:00 AM

COMMITTEES ON WATER & LAND AND OCEAN, MARINE RESOURCES & HAWAIIAN AFFAIRS

Chairs Evans and Hanohano and Committee Members

Re. HB 2325, RELATING TO THE ENDANGERED SPECIES RECOVERY COMMITTEE.

Dear Representatives,

I urge you to kill this bill, and any others like it. The endangered species recovery committee (ESRC) consists of biological scientists and administrators all familiar with Hawaii's endangered species of plants, animals and their natural habitats and also the conditions of their endangerment. The members work within the contexts of the federal and state endangered species laws, dealing primarily with the take of specific endangered species by the activities of man in contemporary Hawaii, and how to compensate for it within the legal goal of the desired recovery of these species. The legal issues, scientific knowledge and deliberations of the ESRC have little or nothing to do with native Hawaiian traditional and customary practices, even though the organisms themselves were part of the material culture of traditional Hawaiians. The content of the state and federal endangered species laws are necessarily parallel where this subject matter is concerned, and a change in one might affect their correlation.

All the native species considered by the ESRC have declined to the point that they may fall into extinction like so many other native Hawaii species, and the discussions of the ESRC are technical and legal, not cultural. I would suggest that the proper place for cultural discussions regarding these species would be at the Department of Land and Natural Resources, where such discussions could inform and enlighten the state representatives who are attending the meeting. Perhaps an advisory committee could be formed, outside of the context and content of the state endangered species law to achieve this advisory role.

Thank you for your attention to this testimony,

Rick Warshauer, former ESRC member, Volcano

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From: mailinglist@capitol.hawaii.gov
Sent: Saturday, February 08, 2014 9:12 AM
To: waltestimony
Cc: hogdog44@hotmail.com
Subject: Submitted testimony for HB2325 on Feb 12, 2014 08:00AM

HB2325

Submitted on: 2/8/2014

Testimony for WAL/OMH on Feb 12, 2014 08:00AM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Dominic Souza	Individual	Comments Only	No

Comments: I have been working in the natural resource field for 12-13 yrs now in several capacities. Endangered species recovery is a daily task for me, as currently I'm a natural resource fence builder with the Oahu Army Natural Resource Program. I've served in this capacity for 8 yrs and seen and personally felt the struggle. I feel its vitally important that a hunter/gather be added to this committee. We know that endangered species recovery includes large scale fencing projects. These fences at times block off or take up areas that were traditionally used for hunting and gathering. I feel as a hunter/gatherer myself that our voices should be considered. That way we can work together to come to the best decisions possible. Thank you for your time

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

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February 12, 2014

HEARING BEFORE THE
HOUSE COMMITTEES ON WATER AND LAND
And
OCEAN MARINE RESOURCES, & HAWAIIAN AFFAIRS

TESTIMONY ON HB 2325
RELATING TO THE ENDANGERED SPECIES RECOVERY COMMITTEE

Room 325
8:00 AM

Chairs Evans and Hanohano, Vice Chairs Lowen and Cullen, and Members of the Committees:

I am Christopher Manfredi, President of the Hawaii Farm Bureau Federation (HFB). Organized since 1948, the HFB is comprised of 1,832 farm family members statewide, and serves as Hawaii's voice of agriculture to protect, advocate and advance the social, economic and educational interests of our diverse agricultural community.

HFB respectfully submits the following comments and concerns regarding HB 2325 which amends the composition of the Endangered Species Recovery Committee by adding a member who possesses a background in native Hawaiian traditional and customary practices.

HFB does not oppose the addition of a new member who possesses this unique knowledge; we assume of course, that that person will also have the requisite biological expertise. However, we respectfully request that you also consider the addition of a member who has experience in commercial agriculture production. Although at first glance, this may seem odd; the reason for the request is that our state is in desperate need of a scientist with the skill and insight to help develop a program for co-existence between the increasing population of certain endangered species and commercial farmers throughout the state.

State policies promote agriculture and the conservation of productive agricultural lands. The Hawaii State Constitution clearly states that diversified agriculture is to be promoted and that we must increase agricultural self-sufficiency. This mandate is made even more difficult when farmers compete with endangered species.

Because of the hundreds of types of threatened and endangered species in the islands, the easy accessibility and attractiveness of commercial crops to feed on, and farm fields

that provide shelter, along with the decrease in appropriate habitat elsewhere, our farmers and their lands are unfortunately, negatively affected by these plants and animals. **We support the recovery of endangered species, but not at the expense of our farmers.**

The Recovery Committee can help to develop a means to co-exist. By adding a committee member who is knowledgeable in the current endangered species challenges faced by Hawaii's farmers, we could help protect these species so that they flourish, while simultaneously preserving our farms and farmers. We believe that both are equally important.

Farmers are experiencing increasing challenges as some endangered species thrive. For example, on Kauai, significant crop damage from endangered waterbirds, such as nene, moorhen, and coot, have endangered taro farmers' viability.

Over the last few years, farmers in the Hanalei Valley have lost hundreds of thousands of pounds of taro to these birds. "We like to see birds. We grew up with birds all around the farm," says Rodney Haraguchi, a fourth generation taro farmer. "But I don't think it's necessary for the farmers to lose the crop to bring the birds back."

Vegetable farmers are also struggling with the growing population of nene enjoying farmers' fields and crops. "The nene are our number one pest," says Phil Davies of Kailani Farm. "I've been farming on Kauai for 20 years, and there are more of them every year." "We try not to plant where the birds are because they eat everything," says Hannah Huang of Kauai Glory Farms, "They eat our eggplant, broccoli, string beans, corn, beets, kale and lettuce."

Maui farmers report that they are similarly impacted. Whether the endangered species are eating their crops or nesting in their fields, farmers are losing valuable produce and foregoing planting and other fieldwork so as not to disturb the birds.

Farmers are committed to providing food for Hawaii. This bill can easily be amended to recognize and address the challenges inherent in the recovery of Hawaii's endangered species.

Thank you for the opportunity to request a qualified additional member to the Recovery Committee to help balance the needs of endangered species with the needs of Hawaii's farmers, and ensure that we keep agriculture viable in Hawaii.



HB2325
RELATING TO THE ENDANGERED SPECIES RECOVERY COMMITTEE
House Committee on Water and Land
House Committee on Ocean, Marine Resources and Hawaiian Affairs

February 12, 2014

8:00 a.m.

Room 325

The Office of Hawaiian Affairs (OHA) **SUPPORTS** HB2325, which would enable the Endangered Species Recovery Committee to more fully consider potential impacts to Native Hawaiian traditional and customary practices in its advisory functions, by adding a person with a background in such practices to the committee.

OHA appreciates and supports the role of the Endangered Species Recovery Committee, in providing technical advice on the protection of Hawai'i's many endangered species and their respective habitats. Hawai'i is known as the "endangered species capitol of the world," with a renowned level of biodiversity that contributes significantly to our islands' scientific, cultural, educational and economic interests. Accordingly, protecting our unique and fragile natural resources, including our endangered species and their habitats, should be a high priority of the state.

OHA also notes that the state, through its boards and agencies, has a constitutional and moral obligation to promote Native Hawaiian cultural perpetuation, through the reasonable protection and enforcement of Native Hawaiian traditional and customary practices. Insofar as many of these practices are intrinsically connected to the land and its resources, certain endangered species recovery actions may unnecessarily restrict the exercise of these practices, or impact such practices to a greater extent than other potential alternatives. Therefore, OHA believes that the inclusion of a member with a background in Native Hawaiian traditional and customary practices will provide the Endangered Species Recovery Committee with an additional and important perspective through which to vet recovery action proposals, in carrying out its important advisory functions.

Accordingly, OHA urges the Committees to **PASS** HB2325. Mahalo nui for the opportunity to testify.