

HB 988, HD2

RELATING TO NATIVE WILDLIFE.

Increases the environmental response, energy, and food security tax and deposits a specified amount into the wildlife recovery and rehabilitation special fund. Establishes the wildlife recovery and rehabilitation special fund to support a facility to respond to oil and fuel-related disasters affecting native wildlife. Effective July 1, 2030.

(HB988 HD2)



HB988 HD2
RELATING TO NATIVE WILDLIFE
Senate Committees on Energy and Environment and
Water and Land

March 19, 2013

2:45 p.m.

Room 225

The Office of Hawaiian Affairs (OHA) **SUPPORTS** HB988 HD2, which would foster a greater level of state readiness to respond to impacts from oil or fuel-related disasters on our culturally and ecologically invaluable native wildlife, including our endangered and threatened native seabirds.

This bill is an insurance policy against environmental catastrophe and the permanent loss of natural and cultural resources. Hawai'i's nearly exclusive reliance on imported oil and petroleum for our energy needs necessarily requires the continuous transfer and storage of oil and other fuel products in our waters and coastal areas. Not surprisingly, the potential for spills of these hazardous substances has already been realized on multiple occasions over the last few decades.ⁱ While Hawai'i has been relatively fortunate with respect to the potential impacts from such incidents, it may be only a matter of time when Hawai'i must face the full economic and environmental consequences of our dependence on imported oil and fuel. The potential costs of such consequences, including the loss of culturally significant, endangered or threatened native birds and their habitat, counsel much greater investment in our capacity to respond to and mitigate the full range of impacts from oil- and fuel- related disasters.

By providing for a nominal, distributor-level tax on imported petroleum products, and earmarking these additional tax revenues for addressing impacts to native wildlife from oil and petroleum spills, this bill will ensure that the state is better prepared to recover and rehabilitate coastal wildlife that may be so impacted -- including what may be the last remaining colonies and habitats of our native, endangered and culturally cherished seabirds.ⁱⁱ

Therefore, OHA urges the Committee to **PASS** HB988 HD2. Mahalo for the opportunity to testify on this measure.

ⁱ On February 23, 1977, a crack in the hull of the Hawaiian Patriot resulted in the release of approximately 50,000 tonnes of crude oil in waters 300 miles west of Hawai'i, which fortunately was carried away from the islands by prevailing currents at the time. On March 2, 1989, the Exxon Houston spilled approximately 2,200 barrels of oil after breaking off from its mooring during offloading operations 0.7 miles off of Barber's Point. On May 14, 1996, a Chevron Product Company pipeline ruptured, releasing bunker fuel oil that moved throughout the East Loch of

Pearl Harbor, fouling shorelines and closing harbors and vessel traffic throughout Pearl Harbor. On August 24, 1998, a hose failure during oil transfer operations to Tesoro's Oversea New York resulted in a spill of what was eventually estimated to be nearly 5,000 gallons of oil one-half mile off of Barber's Point, eventually coming ashore in the form of tarballs and oiled birds at Barking Sands, Polihale, Nukoli, Fiji, and Kīpukai beaches on the island of Kaua'i. Most recently, on May 19, 2006, Tesoro's Front Sunda released approximately 1,000 to 2,000 gallons of light crude oil 1.5 miles off of Barber's Point. See, e.g. International Tanker Owners Pollution Federation Limited, Case Histories: Hawaiian Patriot, <http://www.itopf.com/information-services/data-and-statistics/case-histories/hlist.html> (last accessed Jan. 29, 2013); NOAA National Ocean Service, Incident News: Exxon Houston, <http://www.incidentnews.gov/incident/6674> (last accessed Jan. 29, 2013); NOAA Damage Assessment, Restoration, and Remediation Program, Southwest Region, <http://www.darrp.noaa.gov/southwest/chevron/index.html> (last accessed Jan. 29, 2013); Helen Altonn, Oil Spill Recovery Halted, HONOLULU STAR-BULLETIN, May 21, 2006, available at <http://archives.starbulletin.com/2006/05/21/news/story04.html>.

ⁱⁱ The cultural importance of seabirds included their role in navigation, meteorology, craftwork, and in their spiritual and symbolic significance. See, e.g., Daniel Harrington, Seabirds of the Hawaiian Islands, in HAWAIIAN ENCYCLOPEDIA: A COMPREHENSIVE GUIDE TO THE HAWAIIAN ISLANDS HISTORY, CULTURE, NATIVE SPECIES, SCIENCE, <http://www.hawaiianencyclopedia.com/seabirds-of-the-hawaiian-island.asp> (last accessed February 6, 2013); see also CRAIG HARRISON, SEABIRDS OF HAWAII: NATURAL HISTORY AND CONSERVATION (1990).

NEIL ABERCROMBIE
GOVERNOR

SHAN TSUTSUI
LT. GOVERNOR



STATE OF HAWAII
DEPARTMENT OF TAXATION
P.O. BOX 259
HONOLULU, HAWAII 96809
PHONE NO: (808) 587-1540
FAX NO: (808) 587-1560

FREDERICK D. PABLO
DIRECTOR OF TAXATION

JOSHUA WISCH
DEPUTY DIRECTOR

To: The Honorable Mike Gabbard, Chair
and Members of the Senate Committee on Energy and Environment

The Honorable Malama Solomon, Chair
and Members of the Senate Committee on Water and Land

Date: Tuesday, March 19, 2013
Time: 2:45 P.M.
Place: Conference Room 225, State Capitol

From: Frederick D. Pablo, Director
Department of Taxation

Re: H.B. 988 H.D. 2, Relating to Native Wildlife

The Department of Taxation ("Department") **appreciates the intent** of H.B. 988 H.D. 2 and provides the following information and comments for your consideration.

H.B. 988 H.D. 2 increases the environmental response, energy, and food security tax by an unspecified amount; creates a wildlife recovery and rehabilitation (WRR) special fund, and deposits an unspecified amount into the new WRR special fund.

For clarity, the Department suggests that the language allocating an unspecified amount to the WRR special fund be modified, similar to other similar allocation provisions, but not to exceed the unspecified amount.

The Department also notes that a change in the tax rate will require changes to forms and to the computer system that are difficult to implement in the middle of a taxable year. In the event that the effective date in this bill is corrected, the Department requests that the effective date be amended to January 1, 2014.

Thank you for the opportunity to provide comments.

WRITTEN ONLY

TESTIMONY BY KALBERT K. YOUNG
DIRECTOR, DEPARTMENT OF BUDGET AND FINANCE
STATE OF HAWAII
TO THE SENATE COMMITTEES ON ENERGY AND ENVIRONMENT
AND WATER AND LAND
ON
HOUSE BILL NO. 988, H.D. 2

March 19, 2013

RELATING TO NATIVE WILDLIFE

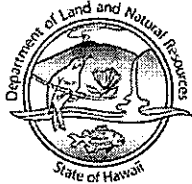
House Bill No. 988, H.D. 2, establishes the Wildlife Recovery and Rehabilitation Fund into which are deposited a portion of the State environmental response, energy, and food security tax; appropriations by the Legislature; all interest attributable to investment of money deposited in the fund and monies allotted to the fund from other sources. The special fund shall be used to support the operations of an environmental disaster standby and response facility in the State for the recovery and rehabilitation of native wildlife that are sickened, injured, or contaminated as a result of an oil or fuel-related disaster in the State.

The Department of Budget and Finance (B&F) appreciates the intent of the bill to assist native wildlife affected by oil and fuel-related disasters, and defers to the Department of Land and Natural Resources regarding the technical issues and merits of the bill. However, as a matter of general policy, B&F does not support the creation of any special fund which does not meet the requirements of Section 37-52.3 of the HRS. Special or revolving funds should: 1) reflect a clear nexus between the benefits sought and charges made upon the users or beneficiaries of the program; 2) provide an appropriate means of financing for the program or activity; and 3) demonstrate the capacity to be financially self-sustaining. In regards to House Bill

No. 988, H.D. 2, it is difficult to determine whether there is a clear nexus between the benefits sought and the source of funding, and whether the fund will be self-sustaining.

We encourage the Legislature to scrutinize the fiscal and operational plan for this program to ensure that it does conform to the requirements of Section 37-52.3, HRS.

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 Senate Committees on
ENERGY AND ENVIRONMENT
and
WATER AND LAND**

**Tuesday, March 19, 2013
2:45 PM
State Capitol, Conference Room 225**

**In consideration of
HOUSE BILL 988, HOUSE DRAFT 2
RELATING TO NATIVE WILDLIFE**

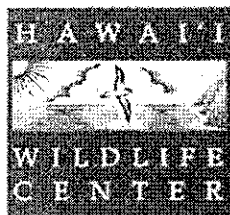
House Bill 988, House Draft 2 proposes to create a wildlife recovery and rehabilitation special fund within the Department of Land and Natural Resources (Department) and deposit into this fund, annual revenues from the Environmental Response, Energy, and Food Security Tax on petroleum products. **The Department appreciates the intent of this bill but is concerned that this bill may be in conflict with the Administration measure House Bill 857 (and companion Senate Bill 1088), that seeks to reallocate the Environmental Response, Energy, and Food Security Tax toward sustained support for Hawaii's food, energy security, and environmental response agenda.** The Department defers to the beneficiary agencies to determine the impact House Bill 988, House Draft 2 will have on the Administration measures.

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
KAIHOOLAWE ISLAND RESERVE COMMISSION
LAND
STATE PARKS



Hawai'i Wildlife Center
P.O. Box 551752 • Kapa'au, HI 96755



**TESTIMONY OF LINDA ELLIOTT,
PRESIDENT AND CENTER DIRECTOR
HAWAI'I WILDLIFE CENTER**

**PRESENTED TO THE
SENATE COMMITTEES ON ENERGY AND ENVIRONMENT
AND WATER AND LAND**

**DATE: Tuesday, March 19, 2013
TIME: 2:45 P.M.
PLACE: Conference Room 225
State Capitol, 415 South Beretania Street**

TESTIMONY IN SUPPORT OF HB 988, HD2, RELATING TO NATIVE WILDLIFE

To the Honorable Chairs Senator Mike Gabbard, and Senator Malama Solomon, and Vice Chair Senators Russell Ruderman and Maile Shimabukuro, and members of the Committee:

I am submitting testimony in support of HB988 HD2. Thank you for this opportunity to provide comment.

Hawaiian wildlife species are among the most critically threatened species on the planet. Most of their habitat has been altered or destroyed by conversion for economic use and by the introduction of non-native plants and animals. In addition, more than 15 million seabirds spend all or part of each year in the Hawaiian archipelago. Most are found on densely populated colonies where they are highly vulnerable to vessel groundings, pollutant spills and introduced species.

Hawaii receives more than 40 million barrels of petroleum products each year in nearly 700 tanker trips. Much of this oil is moved throughout the main islands in an extensive network of tanks and pipelines on Oahu and transported between islands on many smaller vessels. In addition, nearly 18,000 sea-going vessels travel within the islands, including commercial fishing vessels, Navy ships and submarines, cargo vessels, tugboats and cruise liners. Other sources of oil that impact wildlife include bilge discharges at sea, transfer operations and onshore storage and refining.

There have been more than 100 vessel groundings reported in the Hawaiian archipelago. We dodged the bullet in 1989 when the *Exxon Houston* grounded off Oahu with 490,000 barrels of fuel on board and in 1990 when the *Star Connecticut* grounded with 250,000 barrels on board, but sometimes we're not so lucky. When the *Hawaiian Patriot* sank west of Kauai in 1967 more than 715,000 barrels of fuel, nearly three times the Exxon Valdez spill, were released. A decade later, when the *Irene's Challenge* broke apart near Midway, nearly 240,000 barrels of crude oil were released. Closer to home, the barge *Hana* released 42,000 gallons of fuel off Oahu in 1987 and, in the same year, more than 127,000 gallons of jet fuel were released from a pipeline into Pearl Harbor.

State and Federal governments share statutory responsibility for the conservation of migratory birds and endangered species. This includes the requirement to respond to spills, or potential spills, of petroleum products and other contaminants. The agencies with lead roles in spill response include the Coast Guard, the US Fish and Wildlife Service and the State Department of Health and the State Department of Land and Natural Resources, all acting together through an Area Contingency Plan. The HWC is the designated response facility in that plan.

So, what does this have to do with the Hawaii Wildlife Center (HWC)?

Put simply, Hawai'i has been woefully unprepared to deal with the wildlife-related impacts of oil spill events and HWC has been designed and constructed to meet these challenges head on. HWC is the only facility in the State that meets all minimum requirements for this type of emergency response and native wildlife rehabilitation and provides professional, state-of-the-art treatment for native Hawaiian wildlife affected by contamination, disease and injury.

Oiled wildlife response requires a specialized facility and highly trained and experienced staff. HWC staff has the experience and capability to manage wildlife-related response, including assessment, training, mobilization, supervision, facilities management, wildlife capture, handling, stabilization and transportation. At the Center, staff will perform triage, assessment, stabilization, rehabilitation, husbandry, quarantine, hydration, feeding, cleaning, monitoring, recovery and release into the wild. The Center will also provide emergency response training for agency staff, interns, students and volunteers. The training will include wildlife identification, biology, capture, handling, stabilization, treatment, injury and illness recognition and translocation.

HWC is already providing statewide coverage for rescue and rehabilitation of our native wildlife and these efforts can easily be applied to wildlife emergency response, regardless of location within the Hawaiian Islands. Thanks to the assistance of a growing team of volunteer pilots, including pilots with the Hawaii Wing of the Civil Air Patrol and inter-island commercial flights, we are able to offer multi-island wildlife response coverage. HWC is also located in a location

**Linda Elliott, President & Center Director – Linda@HawaiiWildlifeCenter.org
Hawai'i Wildlife Center, P.O. Box 551752, Kapa'au, HI 96755 – 808.884.5000 HawaiiWildlifeCenter.org**

that has ready access to three airports, Kona International Airport, Waimea/Kohala Airport, and Upolu Airport. During an emergency response event the air transport can be expanded to include charter flights directly to Upolu Airport, which is just 10 minutes from the HWC facility.

As HWC is the only such resource in the Pacific Region, it is critical that HWC be ready to respond to oil and fuel related disasters affecting native wildlife. The HWC has a Memorandum of Agreement between the Center, the Fish and Wildlife Service and the State Department of Land and Natural Resources that provides a framework for effective collaboration, but this MOA does not ensure that the resources will always be available to keep the Center open and "ready for business." We have been open for animal care since September 2012, and have already received 23 birds representing 9 different native species. In order to keep our critical services available to Hawai'i, we will need a predictable and consistent source of operational funding.

Currently, revenues from the barrel tax (\$1.05/barrel) are split between DOH, DBEDT, DOA and the General Fund. The DOH share (\$.05) is directed into the Environmental Response Revolving Fund. Chapter 128D directs that barrel tax revenues be allocated for "oil spill planning, prevention, preparedness, education, research, training, removal and remediation." To date, these revenues have been allocated to prepare for and support a physical spill response, but only minimal funds have been made available to prepare for and mitigate oil spill impacts to wildlife with no funds provided for the necessary oiled wildlife response facility.

We believe that a portion of the barrel tax revenue should be allocated to fund the HWC's oiled wildlife response center operations relating to oil spill response and remediation.

The original purpose of the barrel tax was for emergency response funding. Wildlife recovery and response resulting from an oil spill should have been covered from the very beginning, but has been neglected. All monies to date from the emergency response fund have gone to environmental response and clean up, but nothing has been provided to support a necessary oiled wildlife response facility and the care of wildlife affected by these spills.

\$275,000 is small amount when compared to the total revenue collected from the barrel tax, but is desperately needed to protect Hawai'i's vulnerable wildlife. \$275,000 accounts for only half of our operational costs, but we are committed to raising the other half through private fundraising.

HB988 HD2 will have an immediate effect, ensuring that a permitted, professionally staffed, state-of-the-art facility is fully prepared to respond to any spill event and help to satisfy the statutory responsibility of the State and Federal government. There is solid precedent for the use of state tax on barrels of oil to provide for oiled wildlife response staff, training programs,

equipment, and even to operate wildlife response centers in states such as California, Alaska, Maine, and Washington.

We also understand that the Governor currently has a bill going through the legislative process, H.B. 857, which also seeks to amend the barrel tax statute. As it stands now, H.B. 857 HD2 would double the appropriated amount for the Environmental Response Revolving Fund from 5 cents to 10 cents per barrel. We believe that H.B. 988 HD2 and H.B. 857 HD2 are complementary.

Our desire is to provide a measure of protection for native wildlife affected by oil spills. If necessary, we are open to alternative funding mechanisms that will allow us to achieve this goal. For example, if H.B. 857 HD2 is heard and considered favorably in committee, the intent of H.B. 988 HD2, to set aside a portion of funding to support a native wildlife recovery facility and to protect our native wildlife resources, could be incorporated into the uses of the Environmental Response Revolving Fund in H.B. 857 HD2 and/or taken off the top of what is redistributed. All redistributed funds supported by the barrel tax would still see considerable increases and you would be correcting a critical vulnerability in the current protection of Hawai'i's resources.

Thank you for the opportunity to testify on this important matter.

March 17, 2013

To: Senate Committee on Energy and the Environment

Senate Committee on Water and Land

From: Mr. Robert Fields

Board President, Friends of Midway Atoll National Wildlife Refuge

Subject: Support for HB988. HD2

Members:

I represent the Friends of Midway Atoll National Wildlife Refuge (FOMA). The Mission of this organization is to support the Refuge in its efforts to preserve, protect and restore the biological diversity and historic resources of Midway Atoll, while providing opportunity for wildlife-dependent recreation, education and scientific research. With this objective in mind, the membership of FOMA **strongly supports enactment of HB988 HD2**. This legislation would provide funding to enable continued operation of the Hawaii Wildlife Center, directly benefitting conservation of wildlife at Midway.

More than 15 million seabirds of nearly two dozen species inhabit the Northwestern Hawaiian Islands. They nest in dense colonies on the rock and sandy islands in this archipelago and range widely throughout the north Pacific in search of food. The islands also support a number of critically endangered bird species, such as Laysan ducks, Short-tailed albatross, Nihoa millerbirds and Laysan finches. These birds and their habitat are legally protected within Federal and State refuges and the Papanauumokuakea Marine National Monument. Yet, these birds are highly vulnerable to a host of natural and man-made environmental challenges, such as oil spills, avian disease, introduced predators, invasive weeds, tsunamis and related weather events.

Ms. Linda Elliott, Director of the Center, has provided technical support to refuge managers at Midway Atoll for several years. Now that the Center is operational and staff are on board, it will be possible to prepare for and develop timely oil spill response capability at Midway. Also, the infrastructure at Midway, including the airfield and harbor, ensures that Midway will play a critically important logistical role in response to an oil spill at any location in the western half of the archipelago.

Friends of Hakalau Forest National Wildlife Refuge

P.O. Box 6065

Hilo, HI 96720

Website: FriendsOfHakalauForest.org

Email: FriendsOfHakalauForest@gmail.com



March 16, 2013

To: Senate Committee on Energy and the Environment

Senate Committee on Water and Land

From: Richard "Rick" Camp

President, Friends of Hakalau Forest National Wildlife Refuge

Subject: Support for HB988. HD2

BOARD OF DIRECTORS 2013

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Rick Camp
Secretary
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Robert Shallenberger
Layne Yoshida

Members:


I represent the Friends of Hakalau Forest National Wildlife Refuge (FOHF). The purpose of this non-profit volunteer organization is to support and facilitate accomplishment of Refuge objectives. On behalf of FOMA members, I would like to express our **very strong support for HB988 HD2**.

Hakalau Forest National Wildlife Refuge includes more than 38,000 acres of native forest in two units on the Island of Hawaii. This refuge was created in 1985 to protect the diversity of endangered forest birds and their rainforest habitat. The refuge also supports a population of Nene geese, Hawaii's state bird. Habitat for native birds on the refuge is enhanced by restoring forest on formerly grazed lands and by controlling pigs and noxious weeds. With the help of volunteers, more than a quarter million native koa seedlings and other native trees have been planted on the refuge. Yet, in spite of these continuing efforts, native birds at Hakalau remain highly vulnerable to disease, injury and predation. The Hawaii Wildlife Center, if adequately funded, will provide a critically important service in support of refuge objectives by ensuring access to state-of-the-art care for native wildlife. Although the Center has been created, in large part, through donated funds, a solid base of continued financial support will be necessary for the Center to function effectively.

Sincerely,

Richard Camp

fs/



Surety Kohala Corporation

P.O. BOX 249 HAWI, HAWAII 96719 • TELEPHONE: (808) 889-6257 • FAX: (808) 889-5252

TESTIMONY IN FAVOR OF HB 988, HD2

March 15, 2013

Senator Malama Solomon, Chair
Senate Committee on Water and Land

Senator Mike Gabbard, Chair
Senate Committee on Energy and Environment

RE: HB 988, HD2 Hearing
2:45 p.m., Tuesday, March 19, 2013
Hawaii State Capitol, Room 225
415 South Beretania Street
Honolulu, Hawaii 96813

Aloha, Chairs Solomon and Gabbard, Vice Chairs Shimabukuro and Ruderman, and Members of the Senate Committees on Water & Land, and Energy & Environment:

I am the Executive Vice-President and Chief Operating Officer of Surety Kohala Corporation, a land holding company based in Hawi. I present this testimony in strong support of HB 988, HD2 relating to Native Wildlife.

Much of the testimony that you have and will continue to receive regarding HB 988 will focus on the important details of the need, benefits, and means available to protect Hawaii's dwindling native wildlife from the very real dangers posed by the activities of man. Not being an expert in that area of endeavor, I do not have much to add to those erudite observations. I am, however, able to point out to you the quality of the individuals who have created, managed, staffed, and operate the Hawaii Wildlife Center (HWC) – a key part of HB 988.

As the licensor of the property upon which the HWC is located, our company has worked closely with Linda Elliot -- the Founder, President, Director and "all around spark plug" of the HWC -- from the earliest planning stages for the HWC. Throughout, Linda has sought and fostered vast support in the community to make the dream of a Hawaii-based, fully permitted, professionally staffed, state-of-the-art emergency spill-event response facility a reality. I have seen elementary school children and respected kupuna, experts in land use law and Hawaiian cultural protocol, business consultants, educators, surveyors, architects, heavy equipment operators, expert tradesmen of every type, and even people

HB 988 HD2
March 15, 2013
Pg. 2

with no other discernable skill except perhaps the ability to mow the lawn, *kokua* to help make the HWC dream a reality. This has been, and continues to be, a community effort; a great source of pride for the Kohala community.

It would be a shame to let all that effort go to waste due to a lack of funding support.

I have great confidence in Linda Elliot, the HWC Board, and the broader community's ability and desire to keep the HWC striving forward, fully viable, and ever ready to provide the response needed in an environmental emergency to protect the very viability of our precious native species and the quality of life we are all blessed with here in Hawaii.

Please give your support to HB 988 HD2.

Sincerely,

A handwritten signature in black ink, appearing to read "W. M. Shontell". The signature is fluid and cursive, with a large, sweeping flourish at the end.

Bill Shontell
Ex. Vice President, COO
SURETY KOHALA CORPORATION

TESTIMONY OF JASON UMEMOTO
IN SUPPORT OF H.B. 988 HD2
RELATING TO NATIVE WILDLIFE
March 18, 2013

Re: HB 988 HD2 Hearing
Tuesday, March 19, 2013
2:45 p.m.
Conference Room 225
State Capitol
415 South Beretania Street



U M E M O T O
D E S I G N C O R P O R A T I O N
C A S S A N D R O
P.O. Box 1105 • Kailua, Hawaii 96734
808.254.8702 • uchawaii.com

Honorable Chairpersons Senator Mike gabbard and Senator Malama Solomon and Vice Chairpersons Senator Russell Ruderman and Senator Maile Shimabukuro and members of the Committees on Energy and Environment and Water and Land:

I am in support of H.B. 988 HD2 relating to Native Wildlife.

I write as the Chairperson of the Board of Directors at the Hawaii Wildlife Center and as a concerned citizen, professionally involved with a private business in the landscape and environmental industry. I wish to express my professional and personal support for enacting the proposed bill to help establish a wildlife recovery and rehabilitation special fund to support the operations of a facility to respond to oil and fuel related disasters affecting native wildlife in the State.

I believe that Hawaii needs to establish specific funding for wildlife recovery and rehabilitation to support the operations of a facility to respond to oil and fuel related disasters affecting wildlife in the State. I strongly support allocating a portion of the funding collected from barrel taxes specifically for the purpose of wildlife recovery and rehabilitation.

The original purpose of the barrel tax was for emergency response funding. Wildlife rehabilitation resulting from a disaster response should have been covered from the beginning, but not been neglected. I support H.B. 988 HD2 as a method to comply with the original purpose of the statute.

Excerpt from original barrel tax statute:

“Moneys from the fund shall be expended by the department for **response actions and preparedness**, including removal and remedial actions, consistent with this chapter; provided that the revenues generated by the environmental response, energy, and food security tax deposited into the environmental response revolving fund shall be used (A) for oil spill planning, prevention, preparedness, education, research, training, removal, and remediation; and (B) for direct support for county used oil recycling programs”
(Hawaii revised statutes §128D-2 (b)(1))

Hawaiian wildlife species are among the most critically threatened species on the planet. Most of their habitats have been altered or destroyed by conversion for economic use and the introduction of non-native and invasive plants and animals. Our native wildlife species include those that can be found nowhere else (endemic) and those species that are found naturally in Hawaii and elsewhere (indigenous). Protection of these species is important and

critical to their survival. However, equally important is how to address threats to native wildlife such as oil spills, related contamination, disease and injury.

Although Hawaii has no offshore oil platforms, it receives more than 40 million barrels of petroleum oil and products each year, in nearly 700 tanker or tanker barge trips. Much of this oil is moved throughout the main islands in an extensive network of tanks and pipelines on Oahu and between the islands on many smaller vessels. Nearly 18,000 sea vessels travel within the islands, including long line fishing boats, commercial fishing vessels, Navy ships and submarines, cargo vessels, tugboats, and cruise liners. In excess of 12,000 pleasure and recreational craft also share these waters. In addition, oil can also impact native wildlife from other sources, such as bilge discharges at sea, transfer operations and onshore storage and refining.

In the recent past, we have seen the Exxon Houston grounded off Oahu in 1989 with 490,000 barrels of fuel on board and the Star Connecticut followed in 1990 with 250,000 barrels on board. Between 1900 and 1996, the Coast Guard's National Response Center recorded an average of 102 reported oil releases in Hawaii. There is clearly an ever present threat to our environment and native wildlife, every day from these activities that our economy and lifestyle depend upon.

Astonishingly, to date, no funds from the ERRF have been allocated to support wildlife rehabilitation facilities, operations or staffing to rehabilitate wildlife affected by oil releases. It would be appropriate and prudent to direct a portion of the barrel tax revenues to support the spill-related activities of the HWC, consistent with HRS 128D

Therefore, I support establishing the wildlife recovery and rehabilitation special fund to support the operations of a facility in Hawaii to respond to oil and fuel-related disasters affecting native wildlife. We must ensure that there is an operational capacity to care for Hawaii's 15 million seabirds, shorebirds, and water birds in the event of an oil spill or other wildlife related disaster.

Listed below are reasons why it is important to support a wildlife rehabilitation center for the care and treatment of native Hawaiian wildlife affected by contamination, disease, and injury; and to provide for their subsequent release into the wild:

- \$275,000 is an extremely small amount when compared to the total sum collected from barrel taxes, but is much-needed and will have an immediate effect.
- \$275,000 is only half of operation costs of HWC. The other half will be raised through private fundraising.
- Nearly 700 oil tankers and over 18,000 other sea going vessels enter Hawaiian waters each year.
- There have been more than 100 documented vessel groundings and sinkings, including some that had released more oil than the Exxon Valdez.
- State and Federal governments have a statutory responsibility for the conservation of migratory birds and endangered species.

- We need to ensure that Hawaii will always have the necessary facilities, equipment, logistic support and trained staff ready to mount an effective spill response available at a moment's notice.
- Hawaii Wildlife Center possess a MOA with the Fish and Wildlife Service and State DLNR relating to oil spill response and serves as a designated spill responder facility in the Area Contingency Plan
- Revenues derived from the barrel tax are allocated to DOH, DB EDT, DOA and the general Fund. To date, none of these funds have been allocated to mitigate oil spill impacts to wildlife.

I urge you to support H.B. 988 HD2. Thank you for your time and consideration.

Respectfully,

Jason Umemoto, ASLA, CLARB
President, Umemoto Cassandro Design
Chair, Board of Directors, Hawaii Wildlife Center

HB988

Submitted on: 3/15/2013

Testimony for ENE/WTL on Mar 19, 2013 14:45PM in Conference Room 225

Submitted By	Organization	Testifier Position	Present at Hearing
Aaron Spielman	Rhoady Lee Architecture & Design	Support	No

Comments:

[HB988 HD2 Talking Points]

We believe that Hawai'i needs to establish a wildlife recovery and rehabilitation special fund to support the operations of a facility to respond to oil and fuel-related disasters affecting native wildlife in the State. We support allocating the first \$275,000 collected from barrel taxes to this wildlife recovery and rehabilitation special fund.

- The original purpose of the barrel tax was for emergency response funding. Wildlife rehabilitation resulting from a disaster response should have been covered from the very beginning, but has been neglected.

From the original barrel tax statute:

“Moneys from the fund shall be expended by the department for **response actions and preparedness**, including removal and remedial actions, consistent with this chapter; provided that the revenues generated by the environmental response, energy, and food security tax deposited into the environmental response revolving fund shall be used (A) for oil spill planning, prevention, preparedness, education, research, training, removal, and remediation; and (B) for direct support for county used oil recycling programs” (Hawaii revised statutes §128D-2 (b)(1))

- \$275,000 is an extremely small amount when compared to the total sum collected from barrel taxes, but is much-needed and will have an immediate effect
- \$275,000 is only half of operation costs for HWC. The other half will be raised through private fundraising.

- Nearly 700 oil tankers and over 18,000 other seagoing vessels enter Hawaiian waters each year.
- There have been more than 100 documented vessel groundings and sinkings, including some that had released more oil than the Exxon Valdez
- State and Federal governments have a statutory responsibility for the conservation of migratory birds and endangered species
- We need to ensure that Hawai'i will always have the necessary facilities, equipment, logistic support and trained staff ready to mount an effective spill response available at a moment's notice.
- Hawai'i Wildlife Center posses a MOA with the Fish and Wildlife Service and State DLNR relating to oil spill response and serves as a designated spill responder facility in the Area Contingency Plan.
- Revenues derived from the barrel tax are allocated to DOH, DBEDT, DOA and the General Fund. To date none of these funds have been allocated to mitigate oil spill impacts to wildlife.

Sample Testimony

We have included sample language here. If you do plan to use the sample, we recommend using the sample as a foundation and personalizing your testimony based on what is important to you.

"I support establishing the wildlife recovery and rehabilitation special fund to support the operations of the Hawaii Wildlife Center to respond to oil and fuel-related disasters affecting native wildlife. We must be prepared to care for Hawaii's 15 million seabirds, shorebirds, and water birds in the advent of an oil spill or other wildlife related disaster. HB988 will have an immediate effect, ensuring that a permitted, professionally staffed, state-of-the-art facility is fully prepared to respond to any spill event and help to satisfy the statutory responsibility of the State and Federal government."

RE: HB988 HD2

I firmly believe that Hawai'i needs to establish a wildlife recovery and rehabilitation special fund to support the operations of a facility to respond to oil and fuel-related disasters affecting native wildlife in the State. Reality and common sense should make evident that it is not a matter of if, but sadly "when," that someday there will be an oil or fuel-related disaster on Hawaii's shores. It also seems common sense to support immediate allocation of the first \$275,000 collected from barrel taxes to this wildlife recovery and rehabilitation special fund.

Additional thoughts for your consideration as you deliberate this important measure:

- The original purpose of the barrel tax was for emergency response funding. Wildlife rehabilitation resulting from a disaster response should have been covered from the very beginning, but has been neglected.

From the original barrel tax statute:

"Moneys from the fund shall be expended by the department for **response actions and preparedness**, including removal and remedial actions, consistent with this chapter; provided that the revenues generated by the environmental response, energy, and food security tax deposited into the environmental response revolving fund shall be used (A) for oil spill planning, prevention, preparedness, education, research, training, removal, and remediation; and (B) for direct support for county used oil recycling programs" (Hawaii revised statutes §128D-2 (b)(1))

- \$275,000 is an extremely small amount when compared to the total sum collected from barrel taxes, but is much-needed and will have an immediate effect
- \$275,000 is only half of operation costs for Hawaii Wildlife Center. The other half will be raised through private fundraising.
- Nearly 700 oil tankers and over 18,000 other seagoing vessels enter Hawaiian waters each year. With the closing of the Tesoro refinery, even more tankers can be expected in Hawaiian waters to provide refined oil/fuel to meet growing demand.
- State and Federal governments have a *statutory responsibility* for the conservation of migratory birds and endangered species

- We need to ensure that Hawai'i will always have the necessary facilities, equipment, logistic support and trained staff ready to mount an effective spill response available at a moment's notice. It is, quite simply put, the right thing to do. Are you up for it?
- Hawai'i Wildlife Center possesses a MOA with the Fish and Wildlife Service and State DLNR relating to oil spill response and serves as a designated spill responder facility in the Area Contingency Plan.
- Revenues derived from the barrel tax are allocated to DOH, DBEDT, DOA and the General Fund. To date **none** of these funds have been allocated to mitigate oil spill impacts to wildlife.

Mahalo for your time and....for doing what is right for the future of Hawaii's endangered native species.

Vicky Kometani
Advisory Board Member
Hawaii Wildlife Center

**TESTIMONY IN SUPPORT OF H.B. 988 HD2
PRESENTED TO THE
SENATE COMMITTEES ON ENERGY & ENVIRONMENT AND WATER & LAND**

DATE: Tuesday, March 19, 2013

TIME: 2:45 P.M.

**PLACE: Conference Room 225
State Capitol, 415 South Beretania Street**

To the Honorable Chairs Senator Mike Gabbard, and Senator Malama Solomon, and Vice Chair Senators Russell Ruderman and Maile Shimabukuro, and members of the Committee:

I am writing in support of H.B. 988 HD2.

I am the Development Coordinator at the Hawai'i Wildlife Center, but I am writing today to express my personal viewpoints about Hawai'i's native wildlife.

Hawai'i's native animals are special and I believe it is our *kuleana*, our responsibility, to protect them. I was born and raised in Hawai'i and it was the passion I developed for our native species that kept me tied to the islands. My desire to see our native species recover and flourish, in addition to the opportunity to work at the Hawai'i Wildlife Center, was what ultimately brought me back home to Hawai'i after receiving my undergraduate and graduate degrees on the mainland.

It is terrifying to think what would happen to our vulnerable native species should a disaster, natural or manmade, hit and we are not prepared. Many of our native species are found nowhere else in the world and once they die out, there is no getting them back. H.B. 988 HD2 provides a measure of protection for our native species by setting aside a small portion of funding for a wildlife recovery and rehabilitation special fund, without lessening the appropriated amounts to any of the other already-established funds. Hawai'i's native wildlife wins, no one loses.

Please support H.B. 988 HD2. As a biologist, I ask you to protect species that are a key part of our native ecosystems and biodiversity. As *kama'āina*, I ask you to protect the wonderfully unique and special wildlife that are close to the hearts of many here in Hawai'i.

Mahalo for the opportunity to testify.

Aloha,



Rae Okawa
Kapa'au, HI

TAXBILLSERVICE

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TAX FOUNDATION OF HAWAII

Honolulu, Hawaii 96813 Tel. 536-4587

SUBJECT: FUEL, Environmental response, energy and food security tax; disposition to wildlife recovery and rehabilitation special fund

BILL NUMBER: HB 988, HD-2

INTRODUCED BY: House Committee on Finance

BRIEF SUMMARY: Amends HRS section 243-3.5 to increase the environmental response, energy and food security tax from \$1.05 to \$___ and provides that of the tax collected, the first \$_____ shall be deposited into the wildlife recovery and rehabilitation special fund.

On July 1, 2015, amends HRS section 243-3.5 to increase the state environmental response tax from 5 cents per barrel to 7 cents per barrel and provides that of the tax collected, the first \$_____ shall be deposited into the wildlife recovery and rehabilitation special fund.

Adds a new section to HRS chapter 195D to establish the wildlife recovery and rehabilitation special fund which shall be expended by the department of land and natural resources to support the operations of an environmental disaster standby and response facility in the state responsible for the recovery and rehabilitation of native wildlife that are sickened, injured, or contaminated as a result of an oil or fuel-related disaster.

EFFECTIVE DATE: July 1, 2030

STAFF COMMENTS: The legislature by Act 300, SLH 1993, enacted an environmental response tax of 5 cents per barrel on petroleum products sold by a distributor to any retail dealer or end user. The intent of the original nickel per barrel was to build up an emergency fund so that the state would have the financial resources to address an oil spill that threatened to damage the Islands' shorelines. Over the years, the activities for which the funds could be used expanded such that the fund was prevented from ever reaching the \$7 million cap that had been imposed by the original legislation.

The legislature by Act 73, SLH 2010, increased the amount of the tax to \$1.05 per barrel and provided that 5 cents of the tax shall be deposited into the environmental response revolving fund; 15 cents shall be deposited into the energy security special fund; 10 cents shall be deposited into the energy systems development special fund; 15 cents shall be deposited into the agricultural development and food security special fund; and the residual of 60 cents shall be deposited into the general fund between July 1, 2010 and June 30, 2015.

This measure increases the amount of the tax from \$1.05 to \$_____ and proposes that first \$_____ shall be deposited into the wildlife recovery and rehabilitation special fund. This increase is unacceptable when one remembers that the increase to \$1.05 was predicated on devoting the entire amount to energy self-sufficiency and food security. Taxpayers should feel insulted that the tax is being increased even more this year because the barrel tax is being used to bail out the state general fund,

letting lawmakers off the hook from making the cuts to state spending that are so critical if the ship of state is to be righted on its keel. Avoiding making those cuts in spending by raising hidden taxes, like the barrel tax, is less than honest as the tax is imposed on a transaction that is not seen by the average taxpayer. To merely up the tax to do what the original barrel tax proposal should have done is disingenuous and insincere.

It should be remembered that the environmental response tax was initially adopted for the purpose of setting up a reserve should an oil spill occur on the ocean waters that would affect Hawaii's shoreline. The nexus was between the oil importers and the possibility that a spill might occur as the oil product was being imported into the state. Now that the fund has become a cash cow, lawmakers have placed other responsibilities on the fund, including environmental protection and natural resource protection programs, such as energy conservation and alternative energy development, to address concerns related to air quality, global warming, clean water, polluted runoff, solid and hazardous waste, drinking water, and underground storage tanks, including support for the underground storage tank program of the department of health.

It should be noted that the enactment of the barrel tax for the environmental response revolving fund is the classic effort of getting one's foot in the door as it was initially enacted with a palatable and acceptable tax rate of 5 cents and subsequently increasing the tax rate once it was enacted which is what it has morphed into as evidenced by the \$1.05 tax rate. Because the tax is imposed at the front end of the product chain, the final consumer does not know that the higher cost of the product is due to the tax. Thus, there is little, if any, accountability between the lawmakers who enacted the tax and the vast majority of the public that ends up paying the tax albeit indirectly. Proponents ought to be ashamed that they are promoting a less than transparent tax increase in the burden on families all in the name of environmental protection and food security.

It should be remembered that the State Auditor has singled out the environmental response revolving fund as not meeting the criteria established and recommended that it be repealed. The Auditor criticized the use of such funds as they hide various sums of money from policymakers as they are not available for any other use and tend to be tacitly acknowledged in the budget process. More importantly, it should be recognized that it is not only the users of petroleum products who benefit from a cleaner environment, but it is the public who benefits. If this point can be accepted, then the public, as a whole, should be asked to pay for the clean up and preservation of the environment.

With the "toe in the door" this measure proposes to increase the tax rate for the environmental response portion of the tax from 5 cents to 7 cents and then earmark a portion of the monies for wildlife recovery. So, one must ask, where is this going to stop? Add a program this year and next year will there be another effort to earmark more of the fee for another program?

Funds deposited into a special fund are not subject to close scrutiny as an assumption is made that such funds are self-sustaining. It should be remembered that earmarking of funds for a specific program represents poor public finance policy as it is difficult to determine the adequacy of the revenue source for the purposes of the program. To the extent that earmarking carves out revenues before policymakers can evaluate the appropriateness of the amount earmarked and spent, it removes the accountability for those funds. There is no reason why such programs should not compete for general funds like all other programs which benefit the community as a whole.

It should be noted that the measure to increase the environmental response, energy, and food security tax was vetoed by the governor and subsequently overridden by the legislature. The governor's message stated that the measure was vetoed "because it raises taxes on Hawaii residents and businesses by an estimated \$22 million per year at a time when the community cannot afford these taxes, and deceptively implies these funds will be used to address the state's dependence on imported fuel and food. This tax will impact virtually everything we do or use in Hawaii including electricity, gasoline, trucking, shipping, retail goods, food, and even the propane for our backyard barbeques. The impacts will ripple through our entire economic system. I am particularly concerned that the tax increase occurs at a precarious moment when the State economy is beginning to stabilize and progress out of the slump created by the global recession."

Rather than perpetuating the problems of the barrel tax, it should be repealed and all programs that are funded out of the environmental response fund should be funded through the general fund. At least program managers would then have to justify their need for these funds. By continuing to special fund these programs, it makes a statement that such programs are not a high priority for state government. This sort of proliferation of public programs needs to be checked as it appears to be growing out of hand and at the expense of the taxpayer.

For those lawmakers who promoted the dollar increase for energy self-sufficiency and food security, taxpayers should recognize that they deliberately misled the public and should be held accountable for their lack of integrity as the dollar increase went largely for shoring up the state general fund.

Digested 2/18/13

Testimony of Cara Goodrich
Hospitality Advisor Volunteer
Hawaii Wildlife Center

TESTIMONY IN SUPPORT OF HB 988

I am the Hospitality Advisor Volunteer for the Hawaii Wildlife Center and in my regular work is in Tourism Industry and I am employed by a large hotel and condominium management company that has its roots in Hawaii.

Hawaii's indigenous Birds have had a place in Hawaii history since the beginning of time, Hawaiian patterns, songs, hula have all told stories of Hawaii's birds and their place in the Hawaiian culture. Tourism needs Hawaiian Wildlife to keep Hawaii special, significant and not just another pretty face as far as a destination is concerned.

The Hawaii Wildlife Center is the connector of science, history, culture. They understand the importance of our Hawaii's wildlife to our Ecosystem and embraces our very special Hawaiian history and culture. They collaborate with the Fish & Wildlife Service, the State Department of Land and Natural Resources, but like any other business need financial resources to keep the Center open and be prepared to handle emergencies

This Center is founded by a professional who has the experience in responding to any type of disaster as she has about 20 years of experience in wildlife response projects, working 18 oiled wildlife responses worldwide. She was the Rehabilitation Director for the world's largest and most successful oiled penguin response in South Africa, she was instrumental in releasing 93% of 20,000 treated penguins. More recently, she was with Focus Wildlife International rescuing nearly 3,000 oiled birds, mammals and freshwater turtles at the Marshall Michigan oil pipeline leak on the Kalamazoo River, 2010. These experiences gives her the field expertise that will be needed as well as many valuable contacts with other experts around the world.

The Hawaii Wildlife Center wants to perpetuate the survival of all of Hawaii's Indigenous Birds and wildlife so that we will have something to share to our keiki and visitors for generations to come. **I support establishing the wildlife recovery and rehabilitation special fund to support the operations of the Hawaii Wildlife Center to respond to oil and fuel-related disasters affecting native wildlife. We must be prepared to care for Hawaii's 15 million seabirds, shorebirds, and water birds in the advent of an oil spill or other wildlife related disaster. HB988 will have an immediate effect, ensuring that a permitted, professionally staffed, state-of-the-art facility is fully prepared to respond to any spill event and help to satisfy the statutory responsibility of the State and Federal government. I do want to add that I feel this should start NOW and not in 2030.**

Mahalo nui loa for your allowing me to comment on my support of HB988

Sunday March 17, 2013

Presented to the Senate Committees on Energy & Land Environment and Water & Land

Testimony in support of HB988 HD2

Aloha Honorable Chairs Senator Mike Gabbard, and Senator Malama Solomon, and Vice Chair Senators Russell Ruderman and Maile Shimabukuro, and members of the committee:

I am pleased to be submitting my testimony in support of HB988 HD2. I feel that this is a great opportunity for the community and the government to come together in support of Native Hawaiian Wildlife.

Hawai'i is a unique and amazingly special place; however, much of what makes it so special is rapidly disappearing. Just the other day I was reading an article in the National Geographic titled 'Hawaii's Vanishing Species'. The author spoke about our native species decline through loss of habitat, predation by non native species (both animals and plants) and even disease, such as avian malaria which is spread through mosquito's. This article was in the September 1995 edition of National Geographic. After all these years we are still fighting the same battles against the extinction of Hawaii's Native Wildlife. And as if that's not bad enough, Hawai'i has another very real threat to contend with. The threat of oil spills.

Quite often I've heard people say "it's not if we have an oil spill, it's when". That's a pretty scary thought. With the Islands of Hawai'i being as remote as they are, shipping is the main source for receiving. This said, it becomes obvious that we have quite a few oil carrying vessels in the area at any given time. Knowing that we may not be able to prevent an oil spill is one thing, but knowing that it will happen gives us the opportunity to prepare. And that's one of the main functions of Hawai'i Wildlife Center.

The Hawai'i Wildlife Center is a State of the Art; purpose built facility that is equipped to respond to this type of disaster. Why wait until something happens and then have to run around trying to set something up? Now that the Hawai'i Wildlife Center is completed, we (The State of Hawai'i) can be prepared and ready to respond. Time is critical. Time is an important issue in oil spills. Once it happens we need to act straight away. We have an established organization here ready to go which needs to be kept operational. Unfortunately, some of our native species have already run out of time. It's up to us as the custodians of the Islands, to take responsibility by being ready and prepared.

I can see daily how the Hawai'i Wildlife Center strives to protect and rehabilitate Native Hawaiian Birds and the Hoary Bat. It is a professional organization that is compassionate about what it does. It is committed to preserve and protect by providing the resources needed for a variety of situations, which means being flexible and proactive. The center believes in educating people in what to do and how we can all play a part in saving our native wildlife. It

also perceives the need to connect the cultural aspect of wildlife with its people, because Hawaii's native species play a major role in our heritage. Hawai'i Wildlife Center is working towards providing education by reaching out to visitors, schools and the greater community. We have already started programs with the local middle school, which has been a huge support to us from the very beginning. The children are learning the importance of protecting the 'aina in a variety of ways. Our most recent students told me that the school children are split into different houses. Their particular house is called Hale 'Ike. I learnt from them that it means to understand, to experience and have a deeper knowledge. The Hawai'i Wildlife Center provides a base for this and for people from all over the globe to learn, appreciate and support Native Hawaiian Wildlife. With your support we can be ready and prepared for the eventuality of an oil spill and to the best of our ability be guardians of our land and native wildlife. The Hawai'i Wildlife Center endeavor's to reconnect our heritage and culture with the world as it is today. Oil spills, amongst other things, are a part of the world today.

I am a staff member at the Hawai'i Wildlife Center. I am also part Hawaiian. I have been fortunate to have travelled, lived and studied abroad. Now I am home. My family is from Waipi'o Valley and I feel that I have a duty to them and my ancestors to learn and acknowledge, as much as I can to protect and preserve all that Hawai'i is. I am no expert in the field of oil spills, science or the way the government operates. However, I am able to see the necessity of the Hawai'i Wildlife Center, and what it is capable of doing when a crisis arises. Please help Hawai'i stay Hawai'i, by supporting HB988 HD2.

Thank you Honorable Chairs Senator Mike Gabbard, and Senator Malama Solomon, Vice Chair Senators Russell Ruderman and Maile Shimabukuro, and members of the committee, for viewing my testimony in support of HB988 HD2.

Mahalo nui loa,

JoAnna (Jojo) Pualeialoha Genovia
PO Box 551779
Kapa'au, HI 96755

Testimony in support of Bill HB988 HD2

Dear Honorable Chair Senators Mike Gabbard and Malama Solomon, and Vice-Chair Senators Russell Ruderman and Maile Shimabukuro,

I moved to Hawai'i last year and am currently living and working on the Big Island of Hawai'i in my chosen profession of wildlife rehabilitation. As a person who is committed to the conservation and care of Hawai'i's native wildlife species, especially those federally listed as threatened and endangered, I believe it is imperative to have the necessary funds and staffed facility ready to respond and handle any man-made or natural disaster in Hawai'i extending throughout the Archipelago.

I understand that the original purpose of the barrel tax was for emergency response funding, but that funding wildlife rehabilitation resulting from a disaster response was not included.

Thousands of seabirds, shorebirds and water birds permanently reside on the Hawaiian Islands, plus many thousands more who migrate to and from the Hawaiian Islands during various times of the year. During those times of the year, e.g. breeding season, numbers of birds can rise into the millions. Some of these species are already on the Federal Endangered List, which is one step closer to extinction. The waters surrounding the Hawaiian Islands are traversed daily by oil tankers and thousands of other seafaring vessels; it would be a grave mistake to think that an oil spill disaster impacting wildlife is unlikely to occur.

Hawai'i needs to establish funding specifically for wildlife recovery and rehabilitation in the event of an oil and fuel-related disaster affecting native wildlife. Hawai'i needs to have the necessary facilities, trained staff, equipment and logistical support ready to respond at a moment's notice. The Hawaiian State and Federal governments have a statutory responsibility for the conservation of migratory and endangered/threatened birds.

Therefore, I fully support Bill HB988 HD2 to establish a wildlife recovery and rehabilitation fund from the barrel tax to support the continued operations of the Hawai'i Wildlife Center, a permitted, professionally staffed, state-of-the-art facility fully prepared to respond to any spill event.

Sincerely,

Judith A Ellal
PO Box 551688
Kapaa, HI 96755

3/17/13

Testimony from Randee Golden-UH Manoa
Growing Pono Schools Project

Re: JB988 HD2

It is very important that Hawaii is ready to respond to oil and fuel-related disasters affecting native wildlife. There, I wholeheartedly support establishing a funding source from the barrel tax for this purpose.

We must be able to care for our incredible bird populations if an oil spill or other disaster to our wildlife happens. HB988 HD2 will ensure that a state-of-the-art facility is able to respond to any spill event and help to satisfy the statutory responsibility of the State and Federal government.

We are extremely fortunate that the Hawaii Wildlife Center has been created to properly support our native wildlife during times of disaster and on an ongoing basis. This permitted facility is professionally staffed and assisted by an impressive Board and many people in the community where it was. Its location is appropriate for both wildlife recovery care and education of students and the community. Funds from the barrel tax are a very appropriate source for this facility, designed by an individual with much experience in emergency response. The education provided from this organization serves Hawaii well in helping to sustain our native populations of wildlife and the habitat needed to help them thrive.

Please consider the benefits of supporting JB988 HD2.

HB988

Submitted on: 3/16/2013

Testimony for ENE/WTL on Mar 19, 2013 14:45PM in Conference Room 225

Submitted By	Organization	Testifier Position	Present at Hearing
Dr. Michael J. Glade	Individual	Support	No

Comments: The HWC is a fundamental component of the state's renewed efforts to sustain at least some viable populations of native Hawaiian birds and plants in their historical habitats. In my 27 years with the Lincoln Park Zoo in Chicago (as both employee and volunteer) I saw just how invaluable a facility with dedicated professional personnel, supported by enthusiastic volunteers, can be to even a single endangered species. Recently I spent 3 hours at the Center, capturing invasive Giant African Snails hiding within the sword-like leaves of a Hala plant; I came away knowing that as small a contribution this was, I had helped an important natural state resource survive a little longer. There is every reason to pass this bill.

HB988

Submitted on: 3/16/2013

Testimony for ENE/WTL on Mar 19, 2013 14:45PM in Conference Room 225

Submitted By	Organization	Testifier Position	Present at Hearing
Silvia Castioni	Individual	Support	No

Comments:

HB988

Submitted on: 3/16/2013

Testimony for ENE/WTL on Mar 19, 2013 14:45PM in Conference Room 225

Submitted By	Organization	Testifier Position	Present at Hearing
Meagan Kreycik	Hawaii Wildlife Center	Support	No

Comments:

HB988

Submitted on: 3/16/2013

Testimony for ENE/WTL on Mar 19, 2013 14:45PM in Conference Room 225

Submitted By	Organization	Testifier Position	Present at Hearing
Wayne Adkins	Individual	Support	No

Comments:

HB988

Submitted on: 3/16/2013

Testimony for ENE/WTL on Mar 19, 2013 14:45PM in Conference Room 225

Submitted By	Organization	Testifier Position	Present at Hearing
David Hyrenbach	Individual	Support	No

Comments: My name is David Hyrenbach and I am an oceanographer and marine ecologist at Hawaii Pacific University. I support establishing a funding source from the barrel tax for wildlife recovery and rehabilitation to support the operations of the Hawaii Wildlife Center to respond to oil and fuel-related disasters affecting native wildlife. We must be prepared to care for Hawaii's 15 million seabirds, shorebirds, and water birds in the advent of an oil spill or other wildlife related disaster. HB988 HD2 will have an immediate effect towards ensuring professionally staffed, state-of-the-art facility is fully prepared to respond to any spill event and help to satisfy the statutory responsibility of the State and Federal government. Moreover, the specimens rescued as part of this effort provide valuable information for research into their populations and the status of marine resources and ocean pollution. -- K. David Hyrenbach, Ph.D. Pew Fellow in Marine Conservation Assistant Professor of Oceanography HAWAII PACIFIC UNIVERSITY Marine Science Programs at Oceanic Institute 41-202 Kalaniana'ole Highway Waimanalo, Hawaii'i 96795 Tel: (808) 236-3563 Fax: (808) 544-1159 Email: khyrenbach@hpu.edu Web: <http://www.pelagicos.net>

HB988

Submitted on: 3/16/2013

Testimony for ENE/WTL on Mar 19, 2013 14:45PM in Conference Room 225

Submitted By	Organization	Testifier Position	Present at Hearing
Julie Henig	Individual	Support	No

Comments: I am in support of this bill, HB988. Hawaii's wildlife must be protected! Mahalo.

HB988

Submitted on: 3/17/2013

Testimony for ENE/WTL on Mar 19, 2013 14:45PM in Conference Room 225

Submitted By	Organization	Testifier Position	Present at Hearing
Michelle Hester	Individual	Support	No

Comments: I support establishing the wildlife recovery and rehabilitation special fund to support the operations of the Hawaii Wildlife Center to respond to oil and fuel-related disasters affecting native wildlife. We must be prepared to care for Hawaii's 15 million seabirds, shorebirds, and water birds in the advent of an oil spill or other wildlife related disaster. Within Hawaii there are individuals with expertise in wildlife response during oil spills trained in other states. A crucial need is a specific facility ready to respond and handle both live and dead wildlife impacted during an incident.

HB988

Submitted on: 3/17/2013

Testimony for ENE/WTL on Mar 19, 2013 14:45PM in Conference Room 225

Submitted By	Organization	Testifier Position	Present at Hearing
LORIN CLIFFORD	Individual	Support	No

Comments: Please support native wildlife found nowhere else on the planet by establishing funding for the Hawai'i Wildlife Center, enabling it to respond to native wildlife emergencies BEFORE its too late. Thank you for the support of our native species!

HB988

Submitted on: 3/18/2013

Testimony for ENE/WTL on Mar 19, 2013 14:45PM in Conference Room 225

Submitted By	Organization	Testifier Position	Present at Hearing
William T. Ruhl, AIA	Individual	Support	No

To the Honorable Chairs Senator Mike Gabbard, and Senator Malama Solomon, and Vice Chair Senators Russell Ruderman and Maile Shimabukuro, and members of the Committee

I strongly support establishing the wildlife recovery and rehabilitation special fund to support the operations of the Hawaii Wildlife Center to respond to oil and fuel-related disasters affecting native wildlife. We must be prepared to care for Hawaii's 15 million seabirds, shorebirds, and water birds in the advent of an oil spill or other wildlife related disaster. HB988 HD2 will have an immediate effect, ensuring that a permitted, professionally staffed, state-of-the-art facility is fully prepared to respond to any spill event and help to satisfy the statutory responsibility of the State and Federal government.

We believe that Hawai'i needs to establish a wildlife recovery and rehabilitation special fund to support the operations of a facility to respond to oil and fuel-related disasters affecting native wildlife in the State. We support allocating the first \$275,000 collected from barrel taxes to this wildlife recovery and rehabilitation special fund.

The original purpose of the barrel tax was for emergency response funding. Wildlife rehabilitation resulting from a disaster response should have been covered from the very beginning, but has been neglected. From the original barrel tax statute:

*"Moneys from the fund shall be expended by the department for **response actions and preparedness**, including removal and remedial actions, consistent with this chapter; provided that the revenues generated by the environmental response, energy, and food security tax deposited into the environmental response revolving fund shall be used (A) for oil spill planning, prevention, preparedness, education, research, training, removal, and remediation; and (B) for direct support for county used oil recycling programs" (Hawaii revised statutes §128D-2 (b)(1))*

\$275,000 is an extremely small amount when compared to the total sum collected from barrel taxes, but is much-needed and will have an immediate effect. \$275,000 is only half of operation costs for HWC; the other half will be raised through private fundraising. Nearly 700 oil tankers and over 18,000 other seagoing vessels enter Hawaiian waters each year. There have been more than 100 documented vessel groundings and sinkings, including some that had released more oil than the Exxon Valdez. State and Federal governments have a statutory responsibility for the conservation of migratory birds and endangered species. We need to ensure that Hawai'i will always have the necessary facilities, equipment, logistic support and trained staff ready to mount an effective spill response available at a moment's notice. Hawai'i Wildlife Center possesses a MOA with the Fish and Wildlife Service and State DLNR relating to oil spill response and serves as a designated spill responder facility in the Area Contingency Plan. Revenues derived from the barrel tax are allocated to DOH, DBEDT, DOA and the General Fund. To date none of these funds have been allocated to mitigate oil spill impacts to wildlife.

Aloha Honorable Chairs Senator Mike Gabbard, and Senator Malama Solomon, and Vice Chair Senators Russell Ruderman and Maile Shimabukuro, and members of the committee:

In support of a Bill (**HB988 HD2**).

My family volunteers at the Hawai'i Wildlife Center on a regular basis. We help with the native garden, maintenance of the building and as volunteer drivers. My daughter, Alexandra, 9 wanted to be a "conservationist biologist" since she was five or six. The Hawai'i Wildlife Center provides wonderful opportunity for us to learn about Hawai'i native species: animals and plants. Center's Staff of four works very hard seven days a week to keep center ready for any emergency, take care of native birds and provide education to any people who visit: occasional visitors or local intermediate school students. This Bill would really help to make sure the Hawai'i Wildlife Center has stable financing to serve its mission. We drive 55 miles one way from Kona to volunteer and enjoy being at the Center very much, we would like the Center to succeed.

Thank you,

Olga Musarsky, Alexandra Ruff.

HB988

Submitted on: 3/14/2013

Testimony for ENE/WTL on Mar 19, 2013 14:45PM in Conference Room 225

Submitted By	Organization	Testifier Position	Present at Hearing
Javier Mendez-Alvarez	Individual	Support	No

Comments:

HB988

Submitted on: 3/18/2013

Testimony for ENE/WTL on Mar 19, 2013 14:45PM in Conference Room 225

Submitted By	Organization	Testifier Position	Present at Hearing
Doug Genova	Individual	Support	No

Comments: I support this bill. We need to preserve our native and valued wildlife here in Hawaii--they are an integral and necessary part of our eco-system and future sustainability. The Hawaii Wildlife Center is the only one we have in Hawaii and should be supported by all of Hawaii.

HB988

Submitted on: 3/18/2013

Testimony for ENE/WTL on Mar 19, 2013 14:45PM in Conference Room 225

Submitted By	Organization	Testifier Position	Present at Hearing
Jill Shallenberger	Individual	Support	No

Comments: I am a Californian who was raised partly in Hawaii. My father and stepmother live on the Big Island. My father, Rob Shallenberger, has served as the Board Vice President for of the newly constructed Hawaii Wildlife Center (HWC), the first and only facility in the Pacific Islands designed to provide recovery and rehabilitation services for native wildlife harmed by major oil spills and natural disasters. I am writing to express my strong support for HB 988, proposed legislation that, if enacted will help secure funding for ongoing HWC operations. HWC is a critically important resource for Hawaii, a state which has more endangered species per square mile than anywhere else in the world -- and which gets more than 90 percent of its energy from oil. Nearly 700 oil tankers enter Hawaiian waters each year, and there have been more than 100 documented groundings and sinkings. Hawaii is also vulnerable to natural disasters that can affect wildlife populations. Under the leadership of founder, Board President and director Linda Elliott, trained staff and volunteers at HWC will respond 7 days a week to wildlife needs throughout the archipelago. The center will also provide valuable science education and cultural programs for the local community. HWC founders raised over \$2 million in donations and grants (including donated materials) to build the state of the art facility. However, additional funds are needed to keep the center operational beyond year one. State and federal governments have statutory responsibility for the conservation of migratory birds and endangered species. With the help of funding secured by HB988, the center will have a fully operational, licensed and professionally staffed facility. Similar funding mechanisms for the ongoing operations of wildlife rescue and rehabilitation centers have proved effective in other states. For example, California's Lempert-Keene-Seastrand Oil Spill Prevention and Response Act (OSPRA) requires, among other things, the establishment and funding of a network of rescue and rehabilitation facilities for seabirds, sea otters, and other marine wildlife. In that state, interest earned on the \$50 million State Oil Spill Response Trust Fund is dedicated to the establishment and operation of the statewide Oiled Wildlife Care Network (OWCN), a network of wildlife care organizations that responds to oil spills along the state's coastal areas. California and has cared for thousands of oiled birds and mammals by providing for the establishment and operations of oiled wildlife response facilities managed by nonprofit wildlife organizations and funded by a portion of the state tax on petroleum. Hawaii should do no less for its native wildlife populations. It is incontrovertible that HWC is poised to play a vital role in responding to the needs of Hawaii's astonishing--and vulnerable--array of native wildlife species. It is incumbent upon Hawaii state government to fulfill its statutory responsibility and support HWC's mission and efforts by securing a funding stream for the center's ongoing operations through the passage of HB988. I urge you to support this bill.

HB988

Submitted on: 3/18/2013

Testimony for ENE/WTL on Mar 19, 2013 14:45PM in Conference Room 225

Submitted By	Organization	Testifier Position	Present at Hearing
Jill Yoshicedo, DVM	Individual	Support	No

Comments: Dear Committee, I am writing in support of HB988 HD2 to allocate a certain amount of barrel tax funds to a wildlife recovery and rehabilitation special fund. This support of the Hawaii Wildlife Center or like facility dedicated specifically to providing native wildlife emergency response and rehabilitation is an appropriate and responsible way for the state to prepare for protection of its native wildlife in the event of an oil spill or other disaster. Please support HB988 HD2 and its conservation efforts on behalf of Hawaii's endangered and endemic animals. Sincerely, Jill Yoshicedo, DVM