

SB 2906



STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES

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**Testimony of
SUZANNE D. CASE
Chairperson**

**Before the Senate Committee on
WATER, LAND, AND AGRICULTURE**

**Monday, February 8, 2016
10:00 AM
State Capitol, Conference Room 224**

**In consideration of
SENATE BILL 2906
RELATING TO SECTION 13 OF ACT 380, SESSION LAWS OF HAWAII 1997**

Senate Bill 2906 proposes to remove the sunset date on the use of new safe harbor agreements, habitat conservation plans, and incidental take licenses as recovery options for conserving and protecting the State's threatened and endangered species. **The Department of Land and Natural Resources (Department) strongly supports this Administration bill.**

In 1997, the Legislature expanded recovery options provided under the State's endangered species law, by authorizing the Department to issue a license for the take (ITL) of threatened or endangered species if the take is incidental to an otherwise lawful activity and provided that the applicant prepares a habitat conservation plan (HCP) or provided that a landowner enrolls in a safe harbor agreement (SHA).

As part of establishing HCPs, SHAs, and ITLs, the Legislature also provided a sunset clause that no new HCPs, SHAs, or ITLs would be approved or issued subsequent to July 1, 2001. The Legislature has extended the date of the sunset clause, in 2001, 2006, and again in 2012. Currently, the sunset clause will become effective July 1, 2017.

With Hawaii being the endangered species capitol of the nation and take of endangered and threatened species being illegal under State and Federal law, HCPs, SHAs, and ITLs have provided flexibility in the law while concurrently addressing recovery needs of listed species. Without the option of HCPs, SHAs, and ITLs many development projects would be subject to illegal take of threatened or endangered species and private landowners would lose incentives and assurances to create, restore, or improve habitats, or maintain currently unoccupied habitats, that species can be reasonably expected to use.

Since 1997, the Department has approved eleven HCPs throughout the State. The approved plans include development projects, such as highway expansion, wind farms, housing and infrastructure development projects, and a solar telescope. Pursuant to the statutory requirement that a HCP must increase the likelihood of recovery of the threatened or endangered species that are the focus of the plan, applicants are currently providing funding for a multitude of successful conservation projects throughout the State including seabird colony protection through fencing and predator control, waterbird protection through wetland habitat improvement and predator control, bat habitat enhancement through forest restoration, native owl research and rehabilitation, and the reestablishment of rare plant populations. The Department is currently processing applications for fourteen additional HCPs for development projects throughout the State related to projects, such as utility infrastructure, additional wind farms, and a housing subdivision.

Since 1997, the Department has also approved six SHAs with private landowners. The approved agreements have facilitated new establishments of nene populations through the reintroduction of nene to Molokai and parts of Maui. The Department is currently processing additional SHAs with landowners throughout the State.

Safe harbor agreements and HCPs are proving to be invaluable tools in the process of recovering the State's endangered species. With the increase in development throughout the State and broad partnerships to protect endangered species and their habitats, it is vital that these provisions be made a permanent addition within the State's endangered species law by removing the sunset date on the approval of new HCPs, SHAs, and ITLs.

The Department appreciates the opportunity to provide these comments.

From: mailinglist@capitol.hawaii.gov
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Subject: *Submitted testimony for SB2906 on Feb 8, 2016 10:00AM*
Date: Saturday, February 06, 2016 6:54:24 PM

SB2906

Submitted on: 2/6/2016

Testimony for WLA on Feb 8, 2016 10:00AM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
Dale Sandlin	Hawaii Cattlemens Council	Support	Yes

Comments:

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