

DAVID Y. IGE
GOVERNOR OF
HAWAII



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

POST OFFICE BOX 621
HONOLULU, HAWAII 96809

SUZANNE D. CASE
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT

ROBERT K. MASUDA
FIRST DEPUTY

M. KALEO MANUEL
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

**Testimony of
SUZANNE D. CASE
Chairperson**

**Before the House Committee on
AGRICULTURE**

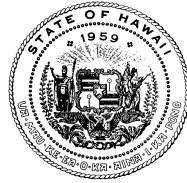
**Wednesday, February 5, 2020
9:15 AM
State Capitol, Conference Room 312**

**In consideration of
HOUSE BILL 2193
RELATING TO WILDLIFE**

House Bill 2193 proposes to require all habitat conservation plans to include an agreement for plan participants to enter into and maintain an annual service contract with a stand-by and response facility available to provide emergency medical and rehabilitation services to native wildlife affected by activities undertaken within the plan area. **The Department of Land and Natural Resources supports this measure.**

Section 195D-21 (2) (C), Hawaii Revised Statutes, requires that each habitat conservation plan shall identify the steps that will be taken to minimize the impact of any incidental take to the maximum extent practicable. A service contract with a stand-by and response facility capable of providing emergency medical and rehabilitation services could help to fulfill that requirement in the event of injured wildlife.

Thank you for the opportunity to comment on this measure.



STATE OF HAWAII
DEPARTMENT OF HEALTH
P. O. Box 3378
Honolulu, HI 96801-3378
doh.testimony@doh.hawaii.gov

**Testimony in SUPPORT of HB2193
RELATING TO WILDLIFE.**

REP. RICHARD P. CREAGAN, CHAIR
HOUSE COMMITTEE ON AGRICULTURE

Hearing Date: February 5, 2020

Room Number: 312

1 **Fiscal Implications:** N/A.

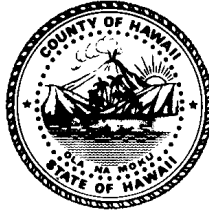
2 **Department Testimony:** The Department of Health supports the intent of HB2193, but defers
3 to the Department of Land and Natural Resources on details of implementation.

4 Hawaii's ecosystem is under constant threat by natural and manmade causes ranging from
5 infrastructure strikes and chemical spills to severe weather and sea level rise. In addition to
6 preserving and restoring native species populations that contribute to Hawaii's uniqueness,
7 maintaining the balance of wildlife and their habitat fosters a healthy environment and may
8 promote resilience in the face of climate change-related human health adaptation, e.g. control of
9 vectors.

10 Thank you for the opportunity to testify.

11

County of Hawai'i
Council District 9 -
North and South Kohala



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Chair: Committee on Agriculture,
Water, Energy, & Environmental
Management

Vice Chair: Committee on Finance

HERBERT M. "TIM" RICHARDS, III
HAWAI'I COUNTY COUNCIL
District 9

25 Aupuni Street, Ste. 1402, Hilo, Hawai'i 96720

January 30, 2020

House Committee on Agriculture
Honorable Representative Richard P. Creagan, Chair
Honorable Representative Lynn DeCoite, Vice Chair
Submission via online testimony

RE: Support of HB 2193
Hearing Date/Time: January 31, 2020 at 9:00 a.m.

Dear Representatives:

As the Chair of the Committee on Agriculture, Water, Energy, and Environmental Management and Vice Chair for the Committee on Finance for the Hawai'i County Council, I thank you for the opportunity to submit **testimony in SUPPORT of HB 2193**. Providing emergency medical and rehabilitation services to native wildlife, affected by activities within the conservation plan areas, are critical in protecting our native wildlife and its future existence. Therefore, requiring all habitat conservation plans to include an agreement to secure an annual service contract with a stand-by and response wildlife facility is critical.

Please feel free to contact me should you need to discuss my position and knowledge of this matter further. Thank you for your attention and consideration.

Sincerely,

HERBERT M. "TIM" RICHARDS, III
Hawai'i County Council, District 9

xc: Aaron S. Y. Chung, Chair – Hawai'i County Council

HB-2193

Submitted on: 2/3/2020 9:46:50 AM

Testimony for AGR on 2/5/2020 9:15:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Nicole K Galase	Hawaii Cattlemen's Council	Support	No

Comments:



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

**TESTIMONY OF LINDA ELLIOTT,
PRESIDENT AND CENTER DIRECTOR
HAWAII WILDLIFE CENTER**

**PRESENTED TO THE
COMMITTEE ON AGRICULTURE**

DATE: Wednesday, February 5, 2020

TIME: 9:15 a.m.

**PLACE: Conference Room 312
State Capitol, 415 South Beretania Street**

TESTIMONY IN SUPPORT OF HB 2193, Relating to Wildlife

To the honorable Representative Richard P. Creagan, Chair, Representative Lynn DeCoite, Vice Chair, and members of the Committee:

I am submitting testimony in strong support of HB 2193. Thank you for the opportunity to provide comment.

HB 2193 Requires all habitat conservation plans (HCPs) to include an agreement for plan participants to enter into and maintain an annual service contract with a stand-by and response facility available to provide emergency medical and rehabilitation services to native wildlife affected by activities undertaken within the plan area.

This amendment would require a thorough and proper response procedure for indigenous and endemic wildlife species covered by HCPs when individuals of these species are found injured, as well as a clear means of support for such response actions. At present HCPs do not require an adequate response plan that 1) outlines the procedures and protocols that need to be followed should injured wildlife be found and 2) sets forth an agreement with and funding support for a permitted response organization to ensure response resources are available for injured wildlife treatment and rehabilitation expertise when needed. Funding support should be provided as a measure to prepare for injured wildlife response and to keep resources available, instead of being made available only when a response event is needed/occurs.

Of the agreements we reviewed, all have failed to cover this specific response need and instead focus mainly on habitat improvements (i.e. in planting, invasive weed control) and population protection methods (i.e. predator control, re-introduction of species, captive breeding programs). Although those conservation programs are also important, the inclusion of the process for funding the response to injured wildlife covered by HCPs provides a missing piece

necessary to fully respond to protected wildlife species and creates more robust protection of native wildlife throughout the year.

From previous discussions with wildlife agencies, we have gathered that:

— Indigenous and endemic wildlife is under the responsibility of the Department of Land and Natural Resources. DLNR administrative rules mandate that if indigenous wildlife is injured, it must be brought to a permitted entity for care. Additionally, Hawai'i's indigenous wildlife is protected by federal Migratory Bird Act and or the Endangered Species Act. State or Federal wildlife agencies are not able to provide wildlife rehabilitative care services and therefore rely on partnerships with other organizations to fulfill this role.

— Current HCP requirements only focus on quantifying and mitigation for dead wildlife, while wildlife that are injured and still alive - wildlife that have the possibility of recovering and returning to their wild populations - are neglected because there are no statutory mandate requiring action and follow through.

— Providing concrete language to build the necessary avenues for wildlife response will help wildlife agencies follow through on their mandate to protect indigenous wildlife without creating much additional work for the agencies.

— By supporting wildlife response organizations via these agreements the benefits may also include:

- Net population benefits as the year-around operations of wildlife rehabilitation programs will treat other indigenous and endemic wildlife patients of the same species of concern adding to the number returned to the wild populations
- Preparedness for emergency response services (i.e. contaminants spill response, disease out breaks) with the trained experienced staff and a fully operational facility from the response organizations supported in part by these agreements.

Requiring entities needing an HCP agreement to also procure a support agreement with a qualified and permitted response and rehabilitation organization would also provide for first response training for the entity's staff, a supplies and equipment list to perform a response, and create procedures to consult on injured wildlife and assist in the transport of injured wildlife to the response organization(s). This support agreement would cover the costs for readiness to respond year-round and for the treatment and medical care of wildlife species covered by the agreement.

The Hawai'i Wildlife Center provides professional, state-of-the-art treatment for native Hawaiian wildlife affected by contamination, disease and injury. HWC staff members have 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 also provides emergency response training for agency staff, interns, students and volunteers.

HWC has a Memorandum of Agreement between the Center, the Fish and Wildlife Service and the State Department of Land and Natural Resources. However, while this MOA provides a framework for effective collaboration, it does not ensure that resources are available to keep the Center open and "ready for business."

We have been open for animal care since September 2012, and have already received nearly 1,000 patients (majority are birds, with some bats) representing over 40 different native species. In order to keep our critical services available, we need a predictable and consistent source of operational funding. HB 2193 will help ensure that a permitted, professionally staffed, state-of-the-art facility is fully prepared to respond to native wildlife and help to satisfy the statutory responsibility of the State and Federal government.

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

HB-2193

Submitted on: 2/4/2020 10:37:43 AM

Testimony for AGR on 2/5/2020 9:15:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Dr. Rachel Sprague	Conservation Council for Hawai'i	Support	No

Comments:

The Conservation Council for Hawai'i strongly **SUPPORTS** this bill.

The existing structure for Habitat Conservation Plans (HCPs) provides for mitigation of adverse effects to wildlife caused by various activities. These mitigation actions generally occur in the form of additional protection or conservation measures for wildlife in some other location from the permitted activities. While this approach to mitigation is valuable and necessary to offset the damage of various permitted actions to sensitive wildlife species, it does not provide for the care and rehabilitation of the specific individual animals negatively impacted by a project. This bill would require a responsible and proper procedure to respond to and care for Hawai'i's native species that are directly injured by projects covered under HCPs.

Wildlife response facilities need to be supported in order to have the readiness to be fully trained, staffed, and prepared when our state's wildlife need them. This bill fills a current gap in regulations that will result in more consistent support for wildlife response readiness, and more ethical and responsible care for Hawai'i's precious native wildlife resources.

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

Warm regards,

Rachel Sprague, Ph.D.

President, Conservation Council for Hawai'i

HB-2193

Submitted on: 2/3/2020 9:48:22 AM

Testimony for AGR on 2/5/2020 9:15:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Nancy Rustad	Individual	Support	No

Comments:

I STRONGLY SUPPORT HB 2193.

I think we should be proactive in addressing the needs of our native wildlife. Way too many are already endangered and coexistence with humans has increased the magnitude of risk and injury to them. Establishing and supporting a proper response mechanism for emergency treatment as well as rehabilitation will not only benefit our native wildlife, but also be a benefit to our communities and state and protect the way of life we value here in Hawaii.

The work the Hawaii Wildlife Center has done over its nearly 8 years of existence has clearly demonstrated the need for this type of service, namely, treatment and rehabilitation, and that they possess the required professional expertise, protocols and facility to get the job done. While HWC has accomplished much in a short time, the need for its services has continued to grow over that time. The services HWC can provide are critically important and it is time for the stable funding that a service contract would provide.

HB-2193

Submitted on: 2/3/2020 11:14:56 AM

Testimony for AGR on 2/5/2020 9:15:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Cheri Johnston	Individual	Support	No

Comments:

I would like to submit my strong support for the funding of the Hawai'i Wildlife Center. The emergency medical services and rehabilitation services they provide for our native species is exemplary.

Since moving to the island 4 years ago, I have been involved with the center as a volunteer. I initially enjoyed being a part of the center due to my love for wildlife. I became more vested when I realized how committed they are to their patients and how they are the only entity that provides their service for hundreds of miles. Their medical services and rehabilitation programs are vitally important to the survival of our native species!

I have also been a part of fund-raising efforts for the center and realize how very challenging it is to acquire the funds necessary for them to continue to operate a quality facility and to continue their outreach and educational programs. In the 4 years I have known them, their excellence has never waived, even with their non-profit financial challenges. As a Hawai'i taxpayer, the Wildlife Center is the type of program I appreciate, and would expect, my taxes to support.

HB-2193

Submitted on: 2/3/2020 5:57:27 PM

Testimony for AGR on 2/5/2020 9:15:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Andrea Quinn	Individual	Support	No

Comments:

Dear Honorable Committee Members:

Please support HB2193.

Thank you for the opportunity to present my testimony.

Andrea Quinn

Kihe

HB-2193

Submitted on: 2/3/2020 8:19:50 PM

Testimony for AGR on 2/5/2020 9:15:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Benton Kealii Pang, Ph.D.	Individual	Support	No

Comments:

As a native Hawaiian conservationist, I support HB2193. There have been many instances where permitted applicants have met and exceeded their take limits with specific endangered species. Many of these species could be rehabilitated or saved, but the private landowner had no means to conduct an examination or have the means to rehabilitate the species. Please pass HB2193.

Benton Kealii Pang, Ph.D.