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GOVERNOR OF  
HAWAII



SUZANNE D. CASE  
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COMMISSION ON WATER RESOURCE MANAGEMENT

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LAND  
STATE PARKS

STATE OF HAWAII  
DEPARTMENT OF LAND AND NATURAL RESOURCES

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Testimony of  
SUZANNE D. CASE  
Chairperson

Before the Senate Committees on  
AGRICULTURE AND ENVIRONMENT  
and  
PUBLIC SAFETY, INTERGOVERNMENTAL, AND MILITARY AFFAIRS

Wednesday, February 10, 2021  
1:45 PM  
Via Videoconference

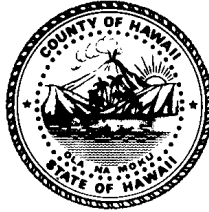
In consideration of  
SENATE BILL 573  
RELATING TO WILDLIFE

Senate Bill 573 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 agreement 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, but may increase costs for renewable energy providers.

Thank you for the opportunity to comment on this measure.

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



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**Chair:** Committee on Regenerative  
Agriculture, Water, Energy, and  
Environmental Management

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

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

February 9, 2021

**Committee on Agriculture and Environment**

Senator Mike Gabbard, Chair

Senator Clarence Nishihara, Vice Chair

**Committee on Public Safety, Intergovernmental, and Military Affairs**

Senator Clarence Nishihara, Chair

Senator J. Kalani English, Vice Chair

**Submission via online testimony**

RE: Support of SB 573  
Hearing Date/Time: February 10, 2021 at 1:45 p.m.

Dear Senators:

As the Chair of the Committee on Regenerative Agriculture, Water, Energy, and Environmental Management for the Hawai'i County Council, I thank you for the opportunity to submit **testimony in SUPPORT of SB 573.**

Providing emergency medical and rehabilitation services to native wildlife, affected by activities within the conservation plan areas, are critical in protecting our endangered and native wildlife and its future existence. Therefore, it is imperative that all habitat conservation plans be required to include an agreement for plan participants to enter into and maintain an annual service contract with a stand-by and response wildlife facility, to ensure best treatment practices to our native wildlife and endangered species.

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



**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 AND ENVIRONMENT  
COMMITTEE ON PUBLIC SAFETY, INTERGOVERNMENTAL, AND MILITARY AFFAIRS**

**DATE: Wednesday, February 10, 2021**

**TIME: 1:45 P.M.**

**TIMESLOT: AEN**

**TESTIMONY IN SUPPORT OF H.B.46/S.B.573, Relating to Wildlife: Habitat Conservation Plans**

To the honorable Senator Mike Gabbard, Chair, Senator Clarence Nishihara, Chari & Vice Chair, Senator J. Kalani English, Vice Chair and members of the Committees:

I am submitting testimony in **strong support** of SB573/HB 46. Thank you for the opportunity to provide comment.

SB573/HB 46 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 scope of the plan. Since the costs would be incorporated into the fees already being paid by entities that are required to have a Habitat Conservation Plan, this does not raise taxes or require State funding.

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 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 basic measure to prepare for injured wildlife response and to keep resources available year-round.

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 and from our first-hand experiences, 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 mitigating 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 is no statutory mandate requiring action and follow through.

— The State provides permit regulations as to what is required to care for native species, but in our experience have not been responsible for funding the care of patients impacted by HCP participants. Nor does the State's limited funding allow them to keep these services available in the case members of industry need it.

— Though DLNR may have a cost recovery process for their time, organizations that are not State-run yet provide services for the State are neglected and do not receive support to be ready to provide treatment to wildlife impacted by HCP participants. 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 additional work for the agencies.

— HCP participants follow a Downed Wildlife Protocol. The Downed Wildlife Protocol provides significant detail on injured wildlife response in the areas of capture, handling, and points of contact. What is NOT included in the protocol however, is any clear articulation on how participants will support the response work required or ensure its availability. All that is mentioned in the protocol in this area is one line: "non-governmental parties should make prior arrangements, including procedures and payments with the rehabilitation or veterinary care facilities that will be used to treat injured animals". The lack of details and absence of concrete requirements for follow-through in this area opens the door for this weakness to be taken advantage of at the expense of the rehabilitation and veterinary care facilities that are doing the work and who need to find other ways to stay open in order to be available for these purposes.

— 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 to respond to injured wildlife.

We have been open for native wildlife care since September 2012, and have already received nearly 2,000 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. SB573/HB 46 will help ensure that permitted, professionally staffed, wildlife response resources are prepared to help native wildlife adversely affected by human activities as well as help satisfy the statutory responsibility of the State.

We are a small nonprofit that provides hospital care and rehabilitation to native birds and bats statewide. The way we operate is very similar to a fire station, where the continuity of our services depends on reliable support to keep everything open and operational. HCP participants that have impacts on native wildlife should contribute keeping response and care available should it be needed. If a fire happens, you don't wait until you see flames to build a fire station.

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

**SB-573**

Submitted on: 2/7/2021 12:02:01 PM

Testimony for AEN on 2/10/2021 1:45:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
JoAnn Bishop Freed	Individual	Support	No

Comments:

Aloha,

I am submitting this testimony in strong support of Senate Bill 573 Requiring that all habitat conservation plans 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.

I live on the Big Island and have admired the work of the Hawaii Wildlife Center in helping to heal injured birds and then release them back to the wild. The recovery of those birds is often as a result of the injured bird not needing to spend a great deal of time in transport. I believe this is a necessary service to our island and would like to hope you do, too.

Thank You

JoAnn Bishop Freed

**SB-573**

Submitted on: 2/8/2021 9:53:08 AM

Testimony for AEN on 2/10/2021 1:45:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Rae Okawa	Individual	Support	No

Comments:

I strongly support SB573 as it would provide critical support for native wildlife care services throughout the State. Mahalo for your consideration!

**SB-573**

Submitted on: 2/8/2021 12:21:35 PM

Testimony for AEN on 2/10/2021 1:45:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Gigi	Individual	Support	No

Comments:

Conservation is so important because when ecosystems are imbalanced, it affects everything and everyone. I stongly believe we need to take every opprtunity to protect our wildlife because once a species or resource is extinct, it is gone forever and again, it will have a negative domino effect on everything.



**SB-573**

Submitted on: 2/8/2021 12:28:57 PM

Testimony for AEN on 2/10/2021 1:45:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Andrea Quinn	Individual	Support	No

Comments:

Dear Honorable Committee Members,

Please support SB573.

Thank you,

Andrea Quinn

**SB-573**

Submitted on: 2/8/2021 2:38:52 PM

Testimony for AEN on 2/10/2021 1:45:00 PM

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

Comments:

To the honorable Senator Mike Gabbard, Chair, Senator Clarence Nishihara, Chari & Vice Chair, Senator J. Kalani English, Vice Chair and members of the Committees:

**I strongly support SB573/HB 46.**

I choose to reside in Hawaii because of the culture and values we honor here. One of these is malama which I have seen translated as to tend to, care for, preserve, protect, watch over. The idea of mālama describes taking care of the earth and its creatures, and has numerous applications to our every day lives.

Taking care of our native wildlife so that they are here for the generations that follow us is a multi-faceted endeavor requiring not only maintaining habitat and protecting populations, but also providing the funding to respond appropriately and in a timely manner to injured native wildlife.

Time is of the essence for the wildlife in such situations. Good stewardship means we have a plan and funding for response in place in advance.

The Hawaii Wildlife Center has demonstrated it possesses the extensive experience and expertise to meet the needs of injured native wildlife, but needs the stability the resources described in these bills would provide in order to ensure that its capabilities are available when and if needed.

These bills provide a prudent response to the situation for injured native wildlife, and moreover, do so without raising taxes or requiring state funding.

Thank you for the opportunity to speak to this matter.

**SB-573**

Submitted on: 2/8/2021 3:37:36 PM

Testimony for AEN on 2/10/2021 1:45:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Caroline Azelski	Individual	Support	No

Comments:

Please support.