

DAVID Y. IGE
GOVERNOR OF
HAWAII



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

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**Testimony of
SUZANNE D. CASE
Chairperson**

**Before the Senate Committee on
AGRICULTURE & ENVIRONMENT**

**Friday, March 19, 2021
1:05 PM
State Capitol, Via Videoconference**

**In consideration of
HOUSE BILL 46, HOUSE DRAFT 1
RELATING TO WILDLIFE**

House Bill 46, House Draft 1 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 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 response facility capable of providing emergency medical and rehabilitation services could help to fulfill that requirement in the event of injured wildlife, but may also incur costs for renewable energy providers.

Thank you for the opportunity to comment on this measure.

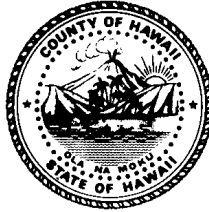
SUZANNE D. CASE
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT

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

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

March 17, 2021

Committee on Agriculture and Environment

Senator Mike Gabbard, Chair

Senator Clarence K. Nishihara, Vice Chair

Submission via online testimony

RE: Support of HB 46, HD1 (HSCR860)
Hearing Date/Time: March 19, 2021 at 1:05 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 HB 46, HD1.**

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
HAWAI'I WILDLIFE CENTER**

**PRESENTED TO THE
COMMITTEE ON AGRICULTURE AND ENVIRONMENT**

DATE: March 19, 2021

TIME: 1:05 P.M.

PLACE: Via videoconference

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

To the honorable Senator Mike Gabbard, Chair, Senator Clarence Nishihara, Vice Chair and members of the Committee:

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

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 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. **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.

HB-46-HD-1

Submitted on: 3/16/2021 9:48:15 AM

Testimony for AEN on 3/19/2021 1:05:00 PM

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

Comments:

I support this measure.

HB-46-HD-1

Submitted on: 3/17/2021 1:05:18 PM

Testimony for AEN on 3/19/2021 1:05:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Victoria Anderson	Individual	Support	No

Comments:

Please pass this important bill.

HB-46-HD-1

Submitted on: 3/17/2021 2:59:16 PM

Testimony for AEN on 3/19/2021 1:05:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Rae Okawa	Individual	Support	No

Comments:

I strongly support this effort as it helps ensure native wildlife care services are available when needed, without putting burden on the Dept. of Land and Natural Resources Division of Forestry and Wildlife's limited budget. Mahalo for the opportunity to testify.

HB-46-HD-1

Submitted on: 3/18/2021 9:19:30 AM

Testimony for AEN on 3/19/2021 1:05:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Juan Carlos Guerra	Individual	Support	No

Comments:

I strongly support this bill.

HB-46-HD-1

Submitted on: 3/18/2021 10:57:25 AM

Testimony for AEN on 3/19/2021 1:05:00 PM

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

Comments:

I strongly support HB46.

As a retired scientist and a concerned citizen, I feel strongly about the importance of preserving what remains of the native Hawaiian bird population. Such preservation is key not only to maintaining our native species themselves, but also to maintaining the quality of life for all of us living on these islands and enjoying the natural world.

Habitat conservation is only one part of addressing this issue. The other is maintaining the ability to respond rapidly to provide emergency medical and rehab services to the native wildlife. To be effective, this must be in place ready to be employed whenever the need arises. The service contract specified in the bill addresses this need.