

DAVID Y. IGE  
GOVERNOR OF  
HAWAII



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

STATE OF HAWAII  
DEPARTMENT OF LAND AND NATURAL RESOURCES

POST OFFICE BOX 621  
HONOLULU, HAWAII 96809

Testimony of  
SUZANNE D. CASE  
Chairperson

Before the House Committee on  
WATER & LAND

Thursday, February 10, 2022  
8:30 AM

State Capitol, Conference Room 430, Via Videoconference

In consideration of  
HOUSE BILL 1979  
RELATING TO HABITAT CONSERVATION PLANS

House Bill 1979 proposes to amend Chapter 195D, Hawaii Revised Statute (HRS), so that any person engaging in an activity with a high likelihood of take of an endangered or threatened species, must enter into a planning process with the Department of Land and Natural Resources (Department) and requires additional components in approved Habitat Conservation Plans (HCP). The Department shall identify in administrative rule what activity has a high likelihood of take. **The Department supports this measure and offers the following comments.**

The Department recognizes that some activities have a high likelihood of take of threatened and endangered species. Currently, under HRS § 195D-23, entry by a landowner into a HCP shall be voluntary. The Department notes that although HCPs are voluntary, incidental take of a listed species is prohibited without a permit. Requiring responsible persons, regardless of land ownership, to engage with the Department under HRS Chapter 195D for certain activities that have a high likelihood of take, identified by administrative rule, will appropriately place the burden of compliance and accountability with the entity engaging in such activity and would likely decrease unauthorized take of listed species in the State.

The Department notes that the additional requirements set forth in the proposed bill under HRS § 195D-22(b)(2)(I) (i), (ii), (iv) and (v) are already requirements of an HCP. Specifically, minimization and mitigation measures are required elements described in HRS § 195D-22(b)(2)(C). Monitoring for take levels and achieving goals of the HCP are required under HRS § 195D-22(b)(2)(D) and (G) and providing for an adaptive management strategy is described in HRS § 195D-22(b)(2)(H).

The Department recommends amending Section 3, page 9, lines 7 through 21 as follows, to prevent repetitive and unnecessary statutory language:

(I) Include effective measures to:

~~(i) Minimize incidental take;~~

~~(ii) Monitor for the presence of any threatened, or endangered species that are injured;~~

(iii) Retrieve any injured threatened or endangered species in a timely manner and provide emergency medical treatment for and long-term rehabilitation of the injured species so that they can be released into the wild;

~~(iv) Mitigate potential incidental take by protecting additional habitat areas and through the proper design and construction of structures, lighting, wires, and other obstructions; and~~

~~(v) Implement adaptive management; and~~

New provisions proposed in the bill under HRS § 195D-22(b)(2)(I)(iii) and HRS § 195D-22(b)(2)(J) recognize the need to provide for the care of injured listed species covered under an HCP. The Department supports this addition so long as the rehabilitative care expected is reasonable and practicable.

Thank you for the opportunity to comment on this measure.

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Thank you for the opportunity to comment on this measure.



**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  
HOUSE COMMITTEE ON WATER AND LAND**

**DATE: Thursday, Feb. 10, 2022**

**TIME: 8:30 A.M.**

**PLACE: Via Videoconference**

**TESTIMONY IN SUPPORT OF H.B. 1979, Relating to Habitat Conservation Plans**

To the honorable Representative David Tarnas, Chair, Representative Patrick Pihana Branco, Vice Chair and members of the Committee:

I am submitting testimony in **strong support** of HB 1979. Thank you for the opportunity to provide comment.

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 performs 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.

HB 1979 helps expand the range of activities that would require a Habitat Conservation Plan (HCP) before proceeding. The Hawai'i Wildlife Center cares for hundreds of native patients each year that come from throughout the state. Last year we ended 2021 with 790 native bird patients between our wildlife hospital, satellite operations, and partner projects. Many of these patients had been affected by commercial activities of entities that did not have an HCP and under the current rules are not required to create one.

While Hawai'i's native populations are nowhere near their historical numbers, certain species like endangered waterbirds (Nēnē/Hawaiian Goose, A'e'o/Hawaiian Stilt, 'Alae ke'oke'o/Hawaiian Coot, and 'Alae 'ula/Hawaiian Gallinule) and seabirds ('Ua'u/Hawaiian Petrel, 'A'o/Newell's Shearwater) are becoming more common around businesses and recreational industries. As numbers grow, it will become increasingly more important for a plan to be in place that covers what to do when native wildlife is injured by business activities and supports the resources necessary to respond appropriately.

In addition to expanding the circumstances that would make an HCP necessary, I also appreciate that the bill amendments explicitly inserts language for timely retrieval of injured wildlife and provide for the emergency medical treatment and rehabilitation of those species. Our native wildlife hospital works with patients affected by various types of recreational and commercial industries and I want to stress that not all wildlife impacted by industry activities are automatic kills. Being proactive in search and rescue, along with timely response is one of the most critical factors in maximizing the odds that affected wildlife will be able to be released back into their habitats. Having an HCP will help ensure follow-through and commitment to these efforts.

I would like to conclude my comments by emphasizing that native wildlife hospital care and rehabilitation are important mitigation actions. Our work to treat and return wildlife to the wild has net population benefits that we can quantify through our years of patient records. As native wildlife become increasingly more prevalent in our daily lives, it adds additional responsibility on all of us to continue to protect them to the best of our ability.

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





# Save Our Shearwaters

Testimony of MOLLY BACHE  
Program Coordinator; Save Our Shearwaters

Before the House Committee on WATER & LAND  
Thursday, February 10th, 2022 8:30 AM State Capitol, Via Videoconference  
In consideration of HOUSE BILL 1979; RELATING TO HABITAT CONSERVATION PLANS

Dear Senators:

Thank you for the opportunity to submit comment on HB 1979. I am in **strong support** of this bill.

The odds are stacked against Hawai'i's threatened and endangered species. The rise of urbanization and development will continue to strain the ecosystems they rely on to survive. The changing climate will exacerbate environmental pressures they already face. While the State has taken many steps to help protect these habitats and the indigenous species they support, we must continue to evaluate and improve processes in order to be effective against rapid change. HB 1979 would bring more accountability to the way we interact with Hawai'i's natural environment, at a time that it is desperately needed.

This bill is relevant to those that engage in an activity that has a high likelihood of resulting in an incidental take of a threatened or endangered species. Given Hawai'i's historical and continued loss of biodiversity, requiring these parties to take the beginning steps towards a plan designed to minimize and mitigate the effects of their actions is overwhelmingly logical.

When it comes to conserving Hawai'i's natural environment, the density of threatened and endangered species throughout varied habitats Statewide presents a formidable challenge. We must remember that with this challenge comes opportunity. The impact of a single bill like HB 1979 does not stop at conserving the species directly involved. It also supports the preservation of biological interactions that have evolved over millions of years. These deep-rooted relationships form the core of a healthy ecosystem, which supports us all.

I agree with the State's declaration that "All indigenous species of aquatic life, wildlife, and land plants are integral parts of Hawai'i's native ecosystems and comprise the living heritage of Hawai'i, for they represent a natural resource of scientific, cultural, educational, environmental, and

economic value to future generations of Hawai'i's people. To ensure the continued perpetuation of indigenous aquatic life, wildlife, and land plants, and their habitats for human enjoyment, for scientific purposes, and as members of ecosystems, it is necessary that the State take positive actions to enhance their prospects for survival" HI Rev. Stat. § 195D-1.

If we don't consider it necessary to minimize and mitigate the effects of our actions on threatened and endangered species when incidental take is anticipated, we can only expect their prospects for survival to diminish.

Thank you for the opportunity to provide comment.



Molly Bache  
Program Coordinator  
Save Our Shearwaters

**HB-1979**

Submitted on: 2/9/2022 3:23:48 PM

Testimony for WAL on 2/10/2022 8:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Remote Testimony Requested</b>
Jonnetta Peters	Individual	Support	No

Comments:

To the honorable Representative David Tarnas, Cha Vice Chair and members of the Committee:

Aloha. I'm in support of HB1979 Relating to Habitat Conservation Plans (HCP). As an conservation environmentalist saving Hawaiian species and ecosystems, I strongly support this measure for businesses and commercial activities to produce a HCP before proceeding with their activities. As you probably heard before that Hawai'i is the extinction capital of the world Implementing HCP would help prevent and mitigate further casualties.

Mahalo,

Jonnetta Kaina Peters