

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**

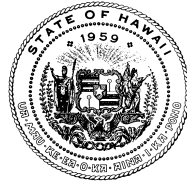
**Friday, January 31, 2020  
9:00 AM  
State Capitol, Conference Room 312**

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

House Bill 2193 proposes to requires 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: January 31, 2020

Room Number: 312

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

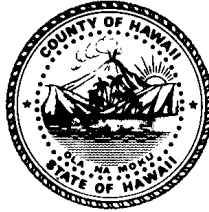
2 **Department Testimony:** The Department of Health supports the intent of HB2193, but defers  
3 to the Department of Land and Natural Resources on details of implementation.

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



Phone: (808) 961-8564  
(808) 887-2069

Email: [tim.richards@hawaiiicounty.gov](mailto:tim.richards@hawaiiicounty.gov)

**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: 1/29/2020 3:15:13 PM

Testimony for AGR on 1/31/2020 9:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Nicole K Galase	Hawaii Cattlemen's Council	Oppose	No

Comments:

**HCPs are expensive. Although landowners would like to enter into these agreements for added protections, not all farmers and ranchers will be able to afford to do so.**



**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**

**DATE: Friday, January 31, 2020**

**TIME: 9:00 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: 1/30/2020 3:08:06 PM

Testimony for AGR on 1/31/2020 9:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Nona b wilson	Hawaii Wildlife Center	Support	No

## Comments:

After witnessing on a first hand basis the commitment of this organization to our native wildlife, I strongly support this bill. Our native wildlife has been and continues to be under threat of extinction and needs help from everyone by way of rehabilitation and education. .



**HB-2193**

Submitted on: 1/29/2020 9:30:26 AM

Testimony for AGR on 1/31/2020 9:00:00 AM

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

Comments:

**HB-2193**

Submitted on: 1/29/2020 4:16:02 PM

Testimony for AGR on 1/31/2020 9:00:00 AM

<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 HB2193. Hawaii is the endangered species capital of the world. Habitat conservation plans is needed for Hawaii.

Thank you for the opportunity to present my testimony.

Andrea Quinn

Kihei

**HB-2193**

Submitted on: 1/29/2020 4:45:00 PM

Testimony for AGR on 1/31/2020 9:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
HANNAH MOON	Individual	Support	No

## Comments:

I strongly support this bill that will require entities with a Habit Conservation Plan to have a contract with a licensed wildlife care center. Several entities in Hawaii, such as wind and power companies, have known negative impacts on our native wildlife. As a scientist who works with seabirds directly affected by fallout associated with artificial lights at night and collisions with power infrastructure, I know how devastating human activity is to our native birds. I also have seen first hand how places like the Hawaii Wildlife Center have helped negatively affected birds recover and be released back to the wild, when otherwise they would have died. Requiring partnerships between entities with HCPs and wildlife centers benefits all involved: 1) entities will fulfill some requirements of their HCPs by reducing their impact on animals and increasing survivorship. 2) wildlife centers benefit by having stable income and therefore having the staff, supplies, and facilities needed to aid native wildlife, and 3) our native wildlife and land benefits by being cared for and not left to fend for itself - an impossible task in a human dominated landscape. Passing HB2193 will actively demonstrate a commitment to protecting Hawaii's beautiful, unique, and uniquely threatened wildlife.

**HB-2193**

Submitted on: 1/29/2020 5:23:09 PM

Testimony for AGR on 1/31/2020 9:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
REBECCA H. COLVIN	Individual	Support	No

## Comments:

I write in STRONG SUPPORT of House Bill 2193. On its website, the U.S. Fish and Wildlife Service explains that a Habitat Conservation Plan's purpose is to "describe the anticipated effects of [a] proposed taking; [and] how those impacts will be minimized, or mitigated." When a proposed project is expected to cause injury to a threatened or endangered animal, a service agreement with an appropriate response facility should be included in the required HCP measures in order to minimize or mitigate that injury. Adding this provision to an HCP will ensure that an appropriate response facility is available and able to provide such a response when the inevitable and expected injury occurs. This will promote the overall goal of the of the HCP system, which is "...to provide a means whereby the ecosystems upon which endangered species and threatened species depend may be conserved [and] to provide a program for the conservation of such ... species ..." Habitat Conservation Plans (HCPs), Section 10(a)(1)(B) of the Endangered Species Act. Respectfully submitted, Rebecca Colvin.

**HB-2193**

Submitted on: 1/29/2020 7:50:33 PM

Testimony for AGR on 1/31/2020 9:00:00 AM

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

Comments:

I support HWC in their experience and knowledge to give the endemic species of Hawaii the best rehabilitative chance.

Sincerely,

Duane

**HB-2193**

Submitted on: 1/30/2020 8:57:51 AM

Testimony for AGR on 1/31/2020 9:00:00 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.

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. What they do is vitally important to the survival of our native species.

I have been a part of the fund raising 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 financial challenges. As a taxpayer, this is the type of program I appreciate my money supporting.