

Honolulu, Hawaii
MAR 04 , 2022

RE: H.B. No. 1979
H.D. 2

Honorable Scott K. Saiki
Speaker, House of Representatives
Thirty-First State Legislature
Regular Session of 2022
State of Hawaii

Sir:

Your Committee on Judiciary & Hawaiian Affairs, to which was referred H.B. No. 1979, H.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO HABITAT CONSERVATION PLANS,"

begs leave to report as follows:

The purpose of this measure is to:

- (1) Require all persons, before engaging in an activity with a high likelihood of resulting in an incidental take of a threatened or endangered species, to enter into a planning process with the Department of Land and Natural Resources for the purpose of preparing and implementing a habitat conservation plan; and
- (2) Require habitat conservation plans to include additional components.

Your Committee received testimony in support of this measure from the Department of Land and Natural Resources, Hawai'i Wildlife Center, Kauai Albatross Network, Save Our Shearwaters, and sixteen individuals.

Your Committee finds that habitat conservation plans are voluntary under existing law. Requiring a responsible person to engage with the Department of Land and Natural Resources for the



purpose of preparing and implementing a habitat conservation plan for certain activities that have a high likelihood of take will appropriately place the burden of compliance and accountability with the person and would likely decrease the unauthorized take of threatened and endangered species.

Your Committee has amended this measure by:

- (1) Deleting repetitive and unnecessary statutory language that required each habitat conservation plan to include effective measures to:
 - (A) Minimize incidental take;
 - (B) Monitor for the presence of any threatened or endangered species that are injured;
 - (C) Mitigate potential incidental take by protecting additional habitat areas and through the proper design and construction of structures, lighting, wires, and other obstructions; and
 - (D) Implement adaptive management;
- (2) Requiring each habitat conservation plan to include effective measures to provide generally reasonable medical services for injured species, rather than emergency medical treatment for and long-term rehabilitation of the injured species so that they can be released into the wild;
- (3) Deleting language that required each habitat conservation plan to include a service agreement with a facility that can provide on-call emergency medical treatment for and long-term rehabilitation of any injured species detected; and
- (4) Making technical, nonsubstantive amendments for the purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Judiciary & Hawaiian Affairs that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 1979, H.D. 1, as amended herein, and recommends that it



pass Third Reading in the form attached hereto as H.B. No. 1979,
H.D. 2.

Respectfully submitted on
behalf of the members of the
Committee on Judiciary &
Hawaiian Affairs,



MARK M. NAKASHIMA, Chair



