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DEPARTMENT OF LAND AND NATURAL RESOURCES
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KAHOOLAWE ISLAND RESERVE COMMISSION
LAND
STATE PARK

Testimony of
RYAN K.P. KANAKA'OLE
Acting Chairperson

Before the House Committee on
WATER AND LAND

Thursday, February 5, 2026
9:00 AM
State Capitol, Conference Room 411

In consideration of
HOUSE BILL 1553
RELATING TO HABITAT CONSERVATION PLANS

House Bill 1553 requires any operator of a golf course in the State to consult with the Department of Land and Natural Resources to apply for an incidental take license and enter into a habitat conservation plan. It requires any existing habitat conservation plan that does not include an agreement for emergency medical and rehabilitation services to affected native wildlife to be amended to include the agreement, and the amended rights and obligations under the habitat conservation plan to be recorded by a certain deadline. **The Department appreciates the intent of this bill and offers the following comments.**

The Department acknowledges that some golf courses have experienced incidents of endangered species being taken on their lands. The Department also recognizes that many golf courses serve as habitats where endangered species, such as nēnē (*Branta sandvicensis*), 'alae ke'oke'o (*Fulica alae*), 'alae 'ula (*Gallinula galeata sandvicensis*), ae'o (*Himantopus mexicanus knudseni*), and koloa maoli (*Anas wyvilliana*), can forage and breed. For example, in 2025, golf courses contributed to an estimated 75 percent of new nēnē offspring on the island of Hawai'i.

Each golf course is unique, and the Department recommends evaluating each one individually to determine if a habitat conservation plan (HCP) is needed. The use of best management practices (BMPs), education, and other permits should also be considered when reviewing how to best avoid take of a threatened or endangered species on each golf course.

Some routine activities at golf courses incidentally cause the take of threatened and endangered species. HCPs provide measures to avoid, minimize, and mitigate unavoidable take of these species at a project site, ensuring net environmental benefit. Act 215, SLH 2022, required all new HCPs to include an agreement to enter and maintain an annual service contract to provide emergency medical and rehabilitation services to native wildlife covered by the HCP.

The Department recommends striking section 1 of the bill. Section 195D-21(a), Hawai'i Revised Statutes (HRS), states that any landowner may engage in the planning process with the department to develop and implement a habitat conservation plan.

The Department recommends the following amendments to subparagraph (I) on page 6, lines 16 to 19:

include the agreement. [~~and the amended rights and obligations under the habitat conservation plan shall be recorded by the department no later than.~~]

The bill's addition of this sentence appears to be redundant with section 195D-21(e), HRS, which states that rights and obligations under each HCP run with the land and shall be recorded in the Bureau of Conveyances or Land Court. Imposing a specific timeframe for recording HCPs could pose problems, especially as new HCPs are developed.

Mahalo 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 HAWAI'I WILDLIFE CENTER**

**PRESENTED TO THE COMMITTEE ON WATER AND LAND
February 5, 2026 | 9:00 A.M.
Conference Room 411 & Videoconference**

TESTIMONY IN SUPPORT OF H.B. 1553, Relating to Habitat Conservation Plans

To the honorable Representative Mark Hashem, Chair, Representative Dee Morikawa, Vice Chair, and members of the Committee:

I am submitting testimony in support of H.B. 1553 and comments on our perspectives from a wildlife hospital and rehabilitation center that treats native birds and bats.

We receive native bird patients from golf course areas each year. Sometimes patients are brought to us by State biologists who have retrieved injured wildlife from the area, and other times we are contacted by a member of the public or by golf course staff directly. Notably, patients we receive from golf courses typically require more work and resources to treat and care for due to the nature of their injuries. We see a lot of fractures, head trauma, and neurological issues. Many patients stay with us for a month or more before release.

We have experience with service contracts, as do our peers at Save our Shearwaters. Contracts are negotiated by each HCP participant and the response provider, similar to how an entity would enter into any other contract for services needed to fulfill operational needs and statutory obligations. Funding support by HCP participants ensures response resources are available for injured wildlife treatment and rehabilitation when needed. It also protects the care organization from being taken advantage of, preventing situations where services are utilized by corporations but not compensated.

While funding support is extremely vital to the sustainability of our services, equally important are formalized cooperation and standard operating procedures. These we also achieve through service contracts. Without a contract, response can be haphazard with responding parties, handling, and drop-off procedures varying each time. We have found that a formal contract helps all parties involved as it streamlines response procedures. H.B. 1553 will ultimately benefit native wildlife in Hawai'i as it ensures that permitted, professionally staffed, wildlife response resources are available and that all parties understand their specific roles and kuleana.

Mahalo for the opportunity to testify on this issue.



Save Our Shearwaters

Testimony of MOLLY BACHE
Program Director; Save Our Shearwaters

Before the Committee on WATER & LAND
Thursday, February 5th, 2026 9:00 AM - State Capitol, Conf. Room 411 & Videoconference
In consideration of HB 1553; RELATING TO HABITAT CONSERVATION PLANS

Aloha Chair Hashem, Vice Chair Morikawa, and Members of the Committee:

I am submitting testimony on behalf of Save Our Shearwaters, in support of HB 1553.

Save Our Shearwaters (SOS) provides emergency response and rehabilitation for Kaua‘i’s native Hawaiian birds and bats. We care for native birds that have been injured on golf courses, including trauma consistent with golf ball strikes. These injuries often require intensive treatment and extended care time.

Native species regularly use golf courses for foraging and movement, and injuries can occur even with attentive management practices in place. SOS supports HB 1553, as it would help ensure that these risks are acknowledged, monitored, and mitigated.

SOS also supports the inclusion of clear emergency medical and rehabilitation response agreements within Habitat Conservation Plans. These agreements help establish response pathways, clarify roles and responsibilities, and reduce confusion during time-sensitive situations involving injured wildlife.

They also help ensure that wildlife care providers are not expected to shoulder the full cost of injuries associated with permitted activities. Emergency response and rehabilitation require trained staff, veterinary resources, permitted facilities, and constant readiness. An agreement or service contract supports these services in a way that allows them to be available when they are needed.

HB 1553 represents a practical approach to improving coordination, preparedness, and accountability while supporting responsible land use.

Mahalo for the opportunity to submit testimony.

Molly Bache
Program Director
Save Our Shearwaters
www.saveourshearwaters.org



Nene Research and Conservation

Nene.org

Aloha Chair, Vice Chair, and Members of the Committee,

I respectfully submit this testimony in strong opposition to HB1553.

My name is Jordan Lerma, and I am the Executive Director of Nene Research and Conservation. Over the past three years, our organization has conducted Nēnē surveys on nearly every golf course in the State and regularly surveys golf courses on Hawai‘i Island. We maintain more than 22,000 statewide Nēnē sighting records, along with banding, mortality, and rehabilitation data obtained from the U.S. Fish and Wildlife Service, National Park Service, USGS Bird Banding Lab, and Hawai‘i DLNR. To the best of our knowledge, this represents the most complete and integrated dataset for Nēnē in Hawai‘i.

We work directly with state and federal agencies and have developed a public-facing app that allows authorized stakeholders to access injury records, mortality records, banding data, and sighting information in near real time. We spend a significant amount of time on golf courses and have built strong, trust-based working relationships with operators and staff through years of consistent engagement. Many courses already go above and beyond to support Nēnē by educating golfers, installing temporary barriers around nesting sites, modifying maintenance practices, and proactively reporting injuries and mortalities to DLNR and our organization.

Requiring golf courses to enter into Habitat Conservation Plans, especially with carve-outs for funding wildlife rehabilitation, would be detrimental to the species as a whole. While these carve-outs may be well intentioned, tying rehabilitation costs to HCP compliance creates a perverse incentive. If an injured Nēnē requires days or weeks of care, rehabilitation costs can quickly reach thousands of dollars. Under an HCP framework that authorizes a certain level of take, an operator may face a choice between reporting an injury and absorbing substantial rehabilitation costs, or allowing the bird to die and counting the incident against an allotted take. This structure discourages early reporting and intervention, directly undermining survival outcomes for injured birds.

This bill also raises serious questions about enforcement. Who will be responsible for monitoring compliance with these HCPs and investigating individual injury or mortality events? Our conservation work is effective today because golf course operators trust us and grant access for regular surveys and rapid response. Introducing a regulatory enforcement framework risks

undermining that trust. Placing additional financial and legal pressure on operators who are producing far more Nēnē than are being killed is counterproductive.

Golf courses can also readily alter landscape features or change grass types to discourage Nēnē use when regulatory pressure increases. This bill therefore creates an incentive to reduce habitat value rather than improve wildlife management. It is particularly concerning that this mandate targets golf courses while other land uses with documented and ongoing take of protected species, such as wind energy facilities, are not subject to equivalent requirements.

More Nēnē will hatch at Waikoloa Village Golf Course this year than rehabilitation centers on Hawai‘i Island have treated since their inception. That comparison underscores what is truly at stake. Rehabilitation saves individual birds, but habitat quality, predator control, and sustained reproduction are what maintain the population. These outcomes are only possible because golf courses allow regular surveys, active predator management, and open communication built on trust. Without productive habitat, continued monitoring, and cooperative on-the-ground management, no amount of rehabilitation can prevent long-term population decline.

At Makani Golf Course on Hawai‘i Island, we have explicit landowner permission to actively remove invasive predators, including mongoose and feral pigs. These actions have significantly improved nesting success and gosling survival. This level of proactive, site-based management is only possible because operators view Nēnē conservation as a shared responsibility rather than a regulatory liability.

There is also a growing movement among golf courses to adjust turf management to reduce conflict, including transitioning to grass species that Nēnē do not preferentially feed on. While these changes can be appropriate when thoughtfully implemented, a mandatory incidental take license and HCP requirement could push operators to go much further by intentionally eliminating habitat value to reduce perceived regulatory risk. Such outcomes would be catastrophic for Nēnē statewide.

Golf courses in Hawai‘i produce more Nēnē than any other land use type and support more than half of the statewide population during critical breeding and brood-rearing periods. As one of the primary organizations in the State working directly with Nēnē, and the organization that spends the most time engaged with golf course operators, we strongly emphasize that this well-intentioned bill would have long-lasting and adverse impacts on the statewide Nēnē population.

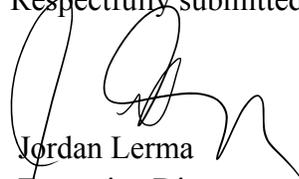
We have already had extensive conversations with golf course operators who have expressed serious concern about this bill and its unintended consequences. HB1553 risks discouraging predator control, ending third-party monitoring access, reducing injury reporting, and incentivizing habitat degradation. Existing law already provides DLNR with the authority to require incidental take licenses and Habitat Conservation Plans when take is unavoidable and

supported by evidence. A blanket mandate replaces effective, collaborative conservation with regulatory pressure that is likely to harm the species it seeks to protect.

For these reasons, I respectfully urge the House Committee on Water and Land to oppose HB1553.

Mahalo for the opportunity to submit this testimony.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Jordan Lerma', written over the printed name.

Jordan Lerma
Executive Director

Nene Research and Conservation

Cindy Freitas

makainanqi@gmail.com

OPPOSE UNLESS AMENDED – H.B. 1553

RELATING TO GOLF COURSES / HABITAT CONSERVATION PLANS

He Mele komo a he mele aloha no na kupuna o ke au i hala Aloha mai kakou.

Aloha,

My name is Cindy Freitas and I'm a Native Hawaiian descended of the native inhabitants of Hawai'i prior to 1778 and born and raised in Hawai'i.

I am also a practitioner who still practice the cultural traditional customary practices that was instill in me by my grandparents at a young age from mauka (MOUNTAIN TO SEA) to makai in many areas.

I respectfully submit testimony **OPPOSING H.B. 1553 UNLESS AMENDED**, due to its impacts on the **County of Hawai'i** and the absence of essential local safeguards.

H.B. 1553 requires golf course operators to consult with the Department of Land and Natural Resources and obtain Habitat Conservation Plans (HCPs) and incidental take licenses. While conservation planning is important, the bill **centralizes approval at the state level without addressing county-level impacts** that are significant on Hawai'i Island.

WHAT IS MISSING FROM H.B. 1553 (COUNTY OF HAWAI'I IMPACTS)

- **County coordination and concurrence.** The bill requires consultation with DLNR only and excludes the County of Hawai'i, despite county responsibility for land use, water systems, drainage, roads, and emergency services.
- **Water resource protection standards.** Golf courses are major water users in water-stressed areas of West Hawai'i. The bill does not require water source disclosure, consistency with sustainable yield or instream flow standards, or drought/climate stress planning.
- **Cultural and archaeological safeguards.** Many Hawai'i Island golf courses are located on lands with known or undocumented cultural sites and burials. The bill does not require cultural impact assessments, lineal descendant consultation, or integration with Chapter 6E review.
- **Cumulative impact analysis.** Hawai'i County contains multiple golf courses within shared watersheds and coastal ecosystems, yet the bill lacks island-wide or watershed-level standards for cumulative water use, chemical runoff, and habitat impacts.
- **Climate change and sea level rise standards.** Several Hawai'i County golf courses are coastal or low-lying. The bill does not require sea level rise exposure analysis, flooding/runoff planning, or long-term viability of mitigation lands.
- **County-level transparency and enforcement.** The bill does not require public reporting by location or provide counties access to compliance status, mitigation outcomes, or violations.

REQUIRED AMENDMENTS (OPPOSE UNLESS ADOPTED)

H.B. 1553 should not advance unless amended to:

1. Require **formal coordination and notice to the County of Hawai‘i** for HCPs affecting county resources or infrastructure;
2. Mandate **water resource analysis**, including source disclosure, sustainable yield consistency, and drought/climate planning;
3. Require **cultural impact assessments and lineal descendant consultation**, coordinated with Chapter 6E review;
4. Establish **cumulative impact standards** at the watershed or island level;
5. Require **climate and sea level rise analysis** for coastal or near-shore courses;
6. Provide **county-accessible reporting and transparency** on HCP compliance and outcomes.

CONCLUSION

Conservation planning must be **integrated with local realities**. Without county coordination, water safeguards, cultural protections, and climate standards, H.B. 1553 risks shifting environmental and infrastructure burdens to the **County of Hawai‘i**.

For these reasons, I **OPPOSE H.B. 1553 UNLESS AMENDED**.

Mahalo,

Cindy Freitas

HB-1553

Submitted on: 2/3/2026 6:06:46 AM

Testimony for WAL on 2/5/2026 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Uilani Naipo	Individual	Support	Written Testimony Only

Comments:

I support this measure.

HB-1553

Submitted on: 2/3/2026 5:43:49 PM

Testimony for WAL on 2/5/2026 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Rae Okawa	Individual	Support	Written Testimony Only

Comments:

This is an important measure to ensure that native wildlife impacted by human activities are able to get the treatment and care needed to maximize the odds of a successful return to the wild. Mahalo for considering this issue.