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KAHOOLAWE ISLAND RESERVE COMMISSION
LAND
STATE PARKS

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

**Before the Senate Committee on
WATER, LAND, CULTURE AND THE ARTS**

**Monday, February 9, 2026
1:00 PM**

State Capitol, Conference Room 224

**In consideration of
SENATE BILL 2005
RELATING TO CONSERVATION BANKING**

Senate Bill 2005 authorizes the use of conservation banks for compensatory mitigation in a habitat conservation plan and associated incidental take license and amends the membership and scope of the authority for the Endangered Species Recovery Committee. **The Department of Land and Natural Resources (Department) supports this bill.**

Conservation banks are large-scale projects aimed at increasing the populations of threatened or endangered species or enhancing their habitats. They serve as useful tools for incidental take permit holders with habitat conservation plans that require mitigation to offset the impact on threatened and endangered species. Credits from conservation banks cannot be sold until the species' population in the bank grows or their habitat is improved, following a credit schedule. With conservation banks, mitigation is completed before any take of a threatened or endangered species occurs.

The Department would benefit from operating conservation banks because funds collected by Department-operated banks would be used for conservation efforts for threatened and endangered species, aiding in their recovery.

Mahalo for the opportunity to testify in support of this measure.



SENATOR CHRIS LEE, CHAIR
SENATOR LORRAINE R. INOUE, VICE-CHAIR
SENATE COMMITTEE ON WATER, LAND, CULTURE AND THE ARTS

TESTIMONY IN OPPOSITION TO SENATE BILL NO. 2005, WITH PROPOSED
AMENDMENTS
RELATING TO CONSERVATION BANKING

February 9, 2026, 1:00 p.m.
Conference Room 224 & Videoconference
State Capitol
415 South Beretania Street

Good afternoon, Chair Lee, Vice-Chair Inouye, and members of the committee:

My name is David Lane Henkin, and I am an attorney with Earthjustice. We appreciate the opportunity to testify regarding Senate Bill 2005, which would “authorize the use of conservation banks where a person or entity is required to provide compensatory mitigation to offset adverse impacts to threatened, endangered, candidate, or proposed species as part of a habitat conservation plan and associated incidental take license.” SB 2005 at 1. For the following reasons, Earthjustice **opposes** SB 2005 in its current form. To realize the bill’s intent while eliminating its unintended, adverse consequences, the committee should **amend the bill** to adopt the language of HB 1802 HD1 (attached). We would support a bill amended in this fashion.

We have no objection in concept to conservation mitigation banks. Whenever the Legislature adopts policies related to endangered and threatened species, however, the devil is in the details. SB 2005 lacks critical details and thus threatens to undermine vital protections in existing law for Hawai‘i’s unique and irreplaceable native species in situations where entities seek an incidental take license under HRS § 195D-4(g) to kill, injure, or otherwise “take” endangered and threatened species. See HRS § 195D-2 (defining “take”).

Serious concerns with SB 2005 as current drafted include:

1. The bill would leave it entirely up to DLNR to determine through rulemaking the requirements for establishing a conservation bank; how compensatory mitigation credits would be determined and applied; and so forth. These are **important public policy issues that should be decided by the legislature**, not delegated to the executive branch in the hope that it gets it right. Even if you have confidence that the current administration would craft good rules, this bill would give a blank check to future

administrations to change the rules whenever they want. **Imagine if the Trump administration were writing the rules.**

2. To dig deeper into some of the many questions that SB 2005 leaves unanswered, the bill does not address what happens if someone buys credits from a conservation bank to mitigate for the harm they inflict on imperiled species, and it then turns out that the anticipated benefits from the conservation project are not realized (*e.g.*, because of climate change or a natural disaster, or because the assumptions on which the anticipated benefits were based turn out to be wrong). Under current law, a Habitat Conservation Plan (HCP) must “[p]rovide for an adaptive management strategy that specifies the actions to be taken periodically if the plan is not achieving its goals.” HRS § 195D-21(b)(2)(I). Moreover, the Board of Land and Natural Resources must suspend or revoke an HCP if “[c]ontinuation of the permitted activity would appreciably reduce the likelihood of survival or recovery of any threatened or endangered species in the wild.” HRS § 195D-21(c)(3). In other words, the Legislature insisted that the applicant for an incidental take license—not the imperiled species—is on the hook if things do not go according to plan. Under SB 2005, **if things are not working out, would the DLNR (i.e., Hawai‘i’s taxpayers) – rather than the person harming imperiled species – now be responsible to make and pay for the changes needed to confer the promised benefit to the imperiled species?** The bill is silent, creating the unacceptable prospect that either nothing will be done, and the imperiled species will suffer, or Hawai‘i’s taxpayers will have to cover the costs, rather than the entity inflicting harm
3. When the Legislature amended HRS chapter 195D to authorize the incidental taking of imperiled species, it established the Endangered Species Recovery Committee (ESRC) to ensure decisions affecting imperiled species are based on sound science and will confer the promised conservation benefits. *See* HRS § 195D-25(b). While SB 2005 provides for the experts on the ESRC to review conservation banks, it provides absolutely no standards for the ESRC to apply. Accordingly, **the bill’s ESRC review provision is completely meaningless.**

Establishing an entirely new conservation mitigation program involves complex policy issues and, unless those issues are thought through carefully, risks undermining important protections for Hawai‘i’s irreplaceable imperiled species.

The Legislature refused to enact a similarly vague bill to establish conservation banks in 2024 (HB 2473). After that legislative session, Earthjustice worked for months with DLNR to craft legislation that would address the serious policy concerns that creation of such a new program for imperiled species presents. **HB 1802 HD1** (attached), which the House Committee on Energy & Environmental Protection recently passed, is based on Earthjustice’s conversations with DLNR and **would ensure adequate protection for imperiled species.**

If the Legislature is going to open the door to the use of conservation banks to offset real-world harm to Hawai'i's imperiled species, it should include in the legislation the details necessary to do it the right way. **Consequently, if the committee wants to advance legislation to create a mechanism for the creation of conservation banks, we urge the committee to replace the language in SB 2005 with the attached language of HB 1802 HD1.**

Mahalo for the opportunity to offer this testimony.

A BILL FOR AN ACT

RELATING TO CONSERVATION MITIGATION BANKS.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. The legislature finds that the use of
2 conservation banks as compensatory mitigation projects for
3 incidental take licensees with habitat conservation plans
4 increases certainty that the mitigation obligation is complete,
5 expedites project review, and makes project costs more
6 predictable for incidental take licensees. Conservation banks
7 provide long-term, landscape-scale protection to Hawaii's
8 threatened, endangered, candidate, and proposed species.

9 Accordingly, the purpose of this Act is to:

10 (1) Authorize the department of land and natural resources
11 and certain public or private entities to operate
12 conservation banks, subject to approval from the board
13 of land and natural resources, for situations where a
14 person or entity is required to provide compensatory
15 mitigation to offset adverse impacts to threatened,
16 endangered, candidate, or proposed species as part of



1 an approved incidental take license and habitat
2 conservation plan;

3 (2) Add the associate director of the United States
4 Geological Survey, Ecosystem Mission Area, to the
5 membership of the endangered species recovery
6 committee; and

7 (3) Require the endangered species recovery committee to
8 review applications and proposals for conservation
9 banks and conduct subsequent reviews and oversight.

10 SECTION 2. Chapter 195D Hawaii Revised Statutes, is
11 amended by adding a new part to be appropriately designated and
12 to read as follows:

13 **"PART . CONSERVATION BANKING**

14 **§195D-A Definitions.** As used in this part:

15 "Adaptive management strategy" means the actions to be
16 taken if the resource management plan is not achieving its
17 goals.

18 "Administrative amendments" means changes to the bank
19 sponsor's name, address, or contact information.

20 "Bank sponsor" means any public or private entity
21 responsible for establishing or operating a conservation bank.



1 "Compensatory mitigation" means actions taken to fulfill,
2 in whole or in part, mitigation requirements pursuant to this
3 chapter.

4 "Conservation bank" means a site or suite of sites
5 established under a conservation bank instrument for the
6 purposes of restoring, creating, enhancing, or protecting
7 populations of threatened, endangered, candidate, or proposed
8 species and their habitats expressed as credits.

9 "Conservation bank instrument" means an agreement between
10 the board and a bank sponsor that establishes a conservation
11 bank and describes the terms and conditions of its operation,
12 including a system for assessing and releasing credits to be
13 used for compensatory mitigation.

14 "Credit" means a value based on defined units representing
15 the increase in numbers of a listed species or attainment of
16 enhanced ecological functions or services essential to the
17 survival of a listed species at a conservation bank and released
18 as the conservation bank meets performance criteria included in
19 its conservation bank instrument.

20 "Credit bundling" means a single unit of a conservation
21 bank that provides two or more spatially overlapping ecosystem



1 functions or services that are grouped together into a single
2 credit type and used as a single commodity to compensate for a
3 single permitted action.

4 "Credit stacking" means a single unit of a conservation
5 bank that provides two or more credit types representing
6 spatially overlapping ecosystem functions or services that can
7 be unstacked and used as separate commodities to compensate for
8 different permitted actions.

9 "Maintenance plan" means a bank sponsor's plan to ensure
10 the conservation bank remains viable after construction and
11 throughout the life of the conservation bank, including a
12 description of management requirements and a schedule for their
13 implementation. "Maintenance plan" includes infrastructure and
14 ecological management components within the project area and an
15 identification of regular or recurring actions needed for upkeep
16 of the conservation bank site.

17 "Major amendments" are changes that are not administrative
18 amendments. "Major amendments" include changes to the bank
19 sponsor, species that the conservation bank is established to
20 protect, resource management plan, financial assurances, system



1 for assessing and releasing credits, or the site protection
2 instrument.

3 "Monitoring requirements" means a description of parameters
4 to be monitored and a methodology to monitor those requirements
5 to determine if the conservation bank is on track to meet
6 performance standards or if an adaptive management strategy is
7 needed.

8 "Performance standards" mean ecologically based standards
9 that are used to determine whether the conservation bank is
10 achieving objectives in the resource management plan and that
11 describe the attribute to be measured, the level that
12 constitutes success, and the time period to achieve success.

13 "Resource management plan" means the plan identified by a
14 conservation bank instrument and described in section 195D-B.

15 "Site protection instrument" means an interest in real
16 property that protects a conservation bank for either long-term
17 stewardship or in perpetuity, such as a conservation easement,
18 deed restriction, condition, or covenant.

19 **§195D-B Conservation banking.** (a) The department or bank
20 sponsor may seek the approval of the board of a conservation
21 bank instrument to operate a conservation bank for the purposes



1 of restoring, creating, enhancing, or protecting populations of
2 threatened, endangered, candidate, or proposed species and their
3 habitats for situations in which a person or entity is required
4 to provide compensatory mitigation to offset adverse impacts to
5 threatened, endangered, candidate, or proposed species as part
6 of an approved incidental take license and habitat conservation
7 plan.

8 (b) Applications to establish and operate a conservation
9 bank shall include a proposed conservation bank instrument that
10 identifies:

11 (1) The geographic area encompassed by the conservation
12 bank and the ecosystems, natural communities, or
13 habitat types within the conservation bank;

14 (2) The endangered, threatened, proposed, or candidate
15 species that the conservation bank is established to
16 protect;

17 (3) A resource management plan for long-term stewardship
18 that includes:

19 (A) Goals and objectives;

20 (B) A review of the presence or absence of any
21 endangered or threatened species on the property



1 including the species identified in paragraph
2 (2);
3 (C) Performance standards;
4 (D) Monitoring requirements;
5 (E) A maintenance plan; and
6 (F) An adaptive management strategy;
7 (4) Any other information that the department requires in
8 rules adopted pursuant to section 195D-C;
9 (5) A system for assessing and releasing credits; and
10 (6) The measures for property protection.
11 (c) In addition to the requirements set forth in
12 subsection (b), for applications from bank sponsors other than
13 the department, the proposed conservation bank instrument shall
14 contain:
15 (1) Assurances that the bank sponsor has the scientific
16 and technical competence required to perform the
17 necessary conservation actions for the species
18 identified in subsection (b) (2);
19 (2) Financial assurances necessary to ensure the
20 successful completion of habitat construction,
21 management, monitoring, and remedial actions;



- 1 (3) A site protection instrument; and
- 2 (4) A provision requiring the bank sponsor to submit an
- 3 annual report on the current status of the
- 4 conservation bank to the department within ninety days
- 5 after the end of each fiscal year ending June 30.
- 6 (d) After consultation with the endangered species
- 7 recovery committee, the board may approve a conservation bank
- 8 instrument for the operation of a conservation bank by the
- 9 department or bank sponsor if the board determines that:
- 10 (1) The conservation bank will further the purposes of
- 11 this chapter by restoring, creating, enhancing, or
- 12 protecting populations of threatened, endangered,
- 13 candidate, or proposed species and their habitats;
- 14 (2) The system for assessing and releasing credits is
- 15 based on the best available scientific information,
- 16 and where there is uncertainty about what constitutes
- 17 the best available scientific information, the
- 18 rationale used for developing the system for assessing
- 19 and releasing credits gives the benefit of the doubt
- 20 to the species;



- 1 (3) For a conservation bank operated by a bank sponsor
2 other than the department:
- 3 (A) The bank sponsor has the scientific and technical
4 competencies required to perform the necessary
5 conservation actions for the species identified
6 in subsection (b) (2);
- 7 (B) The bank sponsor's funding source is adequate to
8 ensure the successful completion of habitat
9 construction, management, monitoring, and
10 remedial actions;
- 11 (C) The nature and duration of the site protection
12 instrument is adequate to ensure the successful
13 completion of habitat construction, management,
14 monitoring, or remedial actions; and
- 15 (D) The conservation bank instrument shall run with
16 the land for the term specified in the site
17 protection instrument and shall not be assignable
18 or transferable separate from the land;
- 19 (4) For a conservation bank operated by the department,
20 the conservation bank shall be established on land
21 managed by the department; and



1 (5) The conservation bank instrument satisfies all
2 requirements in subsections (b) and (c).
3 Board approval shall require an affirmative vote of no less than
4 two-thirds of the authorized membership of the board. The board
5 shall not approve a conservation bank instrument that the
6 majority of the endangered species recovery committee
7 recommended for disapproval.

8 (e) The board's approval of a conservation bank instrument
9 for a conservation bank operated by a sponsor other than the
10 department does not relieve the bank sponsor of its obligation
11 to secure a temporary license pursuant to section 195D-4(f) or
12 (g) before causing take of any endangered, threatened, proposed,
13 or candidate species.

14 (f) After a conservation bank has created a credit
15 following the system for assessing and releasing credits
16 identified in the conservation bank instrument, the bank sponsor
17 may transfer or sell the credit to an incidental take licensee
18 for use of an approved conservation bank as compensatory
19 mitigation; provided that:

20 (1) The use of the credit as compensatory mitigation for
21 incidental take of threatened or endangered species is



1 part of a habitat conservation plan and satisfies
2 incidental take license requirements pursuant to
3 section 195D-4(g) and habitat conservation plan
4 requirements in section 195D-21(b);

5 (2) A majority of the endangered species recovery
6 committee approves the use of the credit as
7 compensatory mitigation;

8 (3) Credit stacking is prohibited;

9 (4) Credit bundling may be used to compensate for all or a
10 subset of the functions or services included in the
11 credit type but shall be used only once; and

12 (5) Once a credit is transferred or sold, that credit is
13 retired and cannot be used again.

14 (g) Notwithstanding any other law to the contrary, the
15 board shall suspend or revoke the approval of any conservation
16 bank instrument approved under this section if the board
17 determines that:

18 (1) The bank sponsor or its successor has breached its
19 obligations under the conservation bank instrument and
20 has failed to cure the breach in a timely manner, and
21 the effect of the breach will diminish the likelihood



1 that the conservation bank will achieve its goals
2 within the time frame or manner set forth in the
3 conservation bank instrument;

4 (2) For a conservation bank operated by a bank sponsor
5 other than the department, the conservation bank no
6 longer has the funding source specified in subsection
7 (d) (3) (B) or another sufficient funding source to
8 ensure the successful completion of the habitat
9 construction, management, monitoring, and remedial
10 actions in accordance with the conservation bank
11 instrument; or

12 (3) Continued operation of the conservation bank would
13 appreciably reduce the likelihood of survival or
14 recovery of any threatened or endangered species in
15 the wild.

16 If approval of a conservation bank instrument is suspended, then
17 the bank sponsor shall not sell or transfer any credits from
18 that conservation bank. Any bank sponsor whose conservation
19 bank instrument has been revoked shall not be eligible to apply
20 to operate another conservation bank.



1 (h) An approved conservation bank instrument may be
2 amended through administrative amendment or major amendment;
3 provided that:

4 (1) The department may process administrative amendments
5 without recommendation from the endangered species
6 recovery committee and without approval from the
7 board; and

8 (2) Major amendments shall be reviewed and recommended for
9 approval by the endangered species recovery committee
10 and approved by the board pursuant to an affirmative
11 vote of no less than two-thirds of the authorized
12 membership of the board; provided that the board shall
13 not approve a major amendment that the majority of the
14 endangered species recovery committee recommended for
15 disapproval.

16 (i) The department may collect from bank sponsors fees or
17 payment for costs incurred by the department during:

18 (1) Its rulemaking process;

19 (2) Application processing; and

20 (3) Establishment, monitoring, and oversight of the bank
21 sponsor's conservation bank.



1 (j) This part shall not apply to aquatic life or their
2 habitats.

3 **§195D-C Rulemaking.** The department may adopt rules
4 pursuant to chapter 91 necessary to implement this part."

5 SECTION 3. Section 195D-25, Hawaii Revised Statutes, is
6 amended by amending subsections (a) and (b) to read as follows:

7 "(a) There is established within the department for
8 administrative purposes only, the endangered species recovery
9 committee, which shall serve as a consultant to the board and
10 the department on matters relating to endangered, threatened,
11 proposed, and candidate species. The committee shall consist of
12 two field biologists with expertise in conservation biology, the
13 chairperson of the board or the chairperson's designee, the
14 ecoregion director of the United States Fish and Wildlife
15 Service or the director's designee, [~~the director of the United
16 States Geological Survey, Biological Resources Division or the
17 director's designee,~~] the associate director of the United
18 States Geological Survey, Ecosystem Mission Area, or the
19 associate director's designee, the dean of the University of
20 Hawaii at Manoa college of natural sciences or the dean's



1 designee, and a person possessing a background in native
2 Hawaiian traditional and customary practices, as evidenced by:

3 (1) A college degree in a relevant field, such as Hawaiian
4 studies, native Hawaiian law, native Hawaiian
5 traditional and customary practices, or related
6 subject area;

7 (2) Work history that demonstrates an appropriate level of
8 knowledge in native Hawaiian traditional and customary
9 practices; or

10 (3) Substantial experience in native Hawaiian traditional
11 and customary practices.

12 Nongovernmental members shall be appointed by the governor
13 pursuant to section 26-34. Nongovernmental members shall not
14 serve for more than two consecutive terms. Nongovernmental
15 members shall serve for four-year staggered terms, except that
16 one of the members first appointed shall serve for two years.

17 Governmental members from the federal agencies are
18 requested but not required to serve on the committee. The
19 ability of the committee to carry out its functions and purposes
20 shall not be affected by the vacancy of any position allotted to
21 a federal governmental member.



- 1 (b) The endangered species recovery committee shall:
- 2 (1) Review all applications and proposals for habitat
- 3 conservation plans, safe harbor agreements, [~~and~~
- 4 incidental take licenses, and conservation banks and
- 5 make recommendations, based on a full review of the
- 6 best available scientific and other reliable data and
- 7 at least one site visit to each property that is the
- 8 subject of the proposed action, and in consideration
- 9 of the cumulative impacts of the proposed action on
- 10 the recovery potential of the endangered, threatened,
- 11 proposed, or candidate species, to the department and
- 12 the board as to whether or not they should be
- 13 approved, amended, or rejected;
- 14 (2) Review all habitat conservation plans, safe harbor
- 15 agreements, [~~and~~ incidental take licenses, and
- 16 conservation banks on an annual basis to ensure
- 17 compliance with agreed to activities and, on the basis
- 18 of any available monitoring reports, and scientific
- 19 and other reliable data, make recommendations for any
- 20 necessary changes;



- 1 (3) Consider and recommend appropriate incentives to
- 2 encourage landowners to voluntarily engage in efforts
- 3 that restore and conserve endangered, threatened,
- 4 proposed, and candidate species;
- 5 (4) Perform such other duties as provided in this chapter;
- 6 (5) Consult with persons possessing expertise in such
- 7 areas as the committee may deem appropriate and
- 8 necessary in the course of exercising its duties; and
- 9 (6) Not conduct more than one site visit per year to each
- 10 property that is the subject of a habitat conservation
- 11 plan [~~or~~] safe harbor agreement[~~+~~], or conservation
- 12 bank instrument."

13 SECTION 4. In codifying the new sections added by section
 14 2 of this Act, the revisor of statutes shall substitute
 15 appropriate section numbers for the letters used in designating
 16 the new sections in this Act.

17 SECTION 5. Statutory material to be repealed is bracketed
 18 and stricken. New statutory material is underscored.

19 SECTION 6. This Act shall take effect on July 1, 3000.



Report Title:

DLNR; BLNR; Conservation Banks

Description:

Authorizes the Department of Land and Natural Resources and certain public or private entities to operate conservation banks, subject to approval from the Board of Land and Natural Resources, for situations where a person or entity is required to provide compensatory mitigation to offset adverse impacts to threatened, endangered, candidate, or proposed species as part of an approved incidental take license and habitat conservation plan. Adds the associate director of the United States Geological Survey, Ecosystem Mission Area, to the membership of the Endangered Species Recovery Committee. Requires the Endangered Species Recovery Committee to review applications and proposals for conservation banks and conduct subsequent reviews and oversight. Effective 7/1/3000. (HD1)

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.



**Testimony of The Nature Conservancy
Supporting SB2005, Relating to Conservation Banking
Committee on Water, Land, Culture and the Arts
February 9, 2026 at 1:00 pm
Conference Room 224 and via Videoconference**

Dear Chair Lee, Vice Chair Inouye, and Members of the Committee:

Mahalo for the opportunity to testify today. The Nature Conservancy (TNC) Hawai'i and Palmyra supports SB2005, which authorizes the use of conservation banks for compensatory mitigation in a habitat conservation plan and associated incidental take license and amends the membership and scope of authority for the Endangered Species Recovery Committee.

Conservation banking is a well-established tool that provides long-term, landscape-level benefits for threatened and endangered species. By creating a clear framework for conservation banks in Hawai'i, this bill improves the predictability and effectiveness of mitigation, supports science-based species recovery, and ensures conservation actions are carried out with durable funding and long-term stewardship.

This bill strengthens Hawai'i's existing habitat conservation planning process and expands the suite of tools available to protect sensitive species and ecosystems. Conservation banking can be a powerful tool not only for species recovery, but also for strengthening the relationship between conservation efforts and the communities who depend on healthy ecosystems.

Mahalo for the opportunity to testify in support of SB2005.

Guided by science, TNC is a non-profit organization dedicated to the preservation of the lands and waters upon which all life depends. The Conservancy has helped protect more than 200,000 acres of natural lands in Hawai'i and Palmyra Atoll. We manage 84,000 acres in 13 nature preserves and 18 managed areas and have supported over 50 coastal communities to help protect and restore the nearshore reefs and fisheries of the main Hawaiian Islands.

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SB 2005 Testimony in Support

By Ron Tubbs B.S.N.D. UHM

In support of the use of conservation banks for compensatory mitigation in a habitat conservation plan and associated incidental take license. All fish proposed for take by the Aquarium AQ fishery are of “least concern” in IUCN listings, and none are CITES-listed either! Please ensure that sustainable fisheries are not affected by this bill, and state so in an amendment.

Meta-Analysis Hawaii, & Pacific Fisheries, Environmental Review, and Global Warming 2026 Report

Sustainability is Key to Hawaii’s future. As the most isolated island in the world, Hawaii is too dependent on tourism, the military, and other non-sustainable, unreliable economic sources. [UHERO Forecast for the State of Hawai‘i: Mild recession and weak recovery in 2026 - UHERO](#)

Marine fish are Hawaii's most renewable resource. Opah Moon Fish produces [300 million eggs a year per pair](#). Tuna produce 5 million to 15 million fry per female per spawn. Reef fish produce tens of thousands to millions of fry per spawn per female. Fish can be renewed and sustained through appropriate management of current fishing practices. We must support a managed, sustainable fishery to create a more sustainable society, especially in isolated Hawaii.

Since the introduction of the first men to Hawaii in 400 A.D., land-based species have resulted in over 100 endemic plant species, 30 bird species, 74 insect species, and 41 tree snails [becoming endangered or extinct](#). Insects, Birds, snails, and many others are listed as Hawaii IUCN red species of concern. In 2023 8 more birds were removed from the Federal Lists of Endangered and Threatened Wildlife and Plants due to their confirmed extinction.

Marine Fish are more immune to global warming impacts, and no Pacific marine fish species have become extinct over the past historical period. No Hawaiian marine fish are on the IUCN Red List of Endangered Species. Moreover, almost all of Hawaii's marine fishes used for the aquarium trade are listed as species of IUCN “Least Concern.” The lowest conservation level there is.

Examining the marine species extinctions of the past five global extinction-level events, marine fish have been more resilient to global impacts and are likely to out-survive land-based species.

It should be noted, however, that some marine mammals, with their low and long reproductive cycles, are more vulnerable than broadcast-spawning, highly reproductive marine fish species.

Marine fish's vast geographical distribution, due to broadcast breeding and larval distribution over as much as five thousand miles and even other oceans like the Atlantic and Indian Ocean from and to Hawaii, makes them much less vulnerable to fishing and environmental impacts. Marine fish studied in aquariums show that they are more resistant to global warming temperature changes, pH changes, salinity changes, and other ecological changes than land-based species. For example, Tuna and many other species are found in all oceans of the world. Ocean Depth habitat range, the latitude of the Hawaiian Islands chain from 19 degrees to 28 degrees latitude, and 1500 miles of 132 atolls, reefs, and shoals create a vast, unique habitat range protecting Hawaii's ocean biodiversity. Seventy percent of the earth is ocean, making marine fish in Hawaii less vulnerable to point-source pollution and global warming.

The Hawaii Sustainable Seafood Industry and fisheries generate around \$867 million in annual sales impacts, making it a significant contributor to the state's economy, with the majority of this value coming from the high-value, a low-volume longline fishery that is considered the largest food-producing industry in Hawaii. Small Nearshore fisheries without the Aquarium Fishery 53 million benefits are worth 16 million annually, and the Tuna Fishery is worth 100 million annually.

Along with agriculture, Managed Marine Fishing and Mariculture could be very valuable and sustainable resources for Hawaii's increased sustainability. Pisciculture is a type of aquaculture that consists of fish farming to obtain fish products as food, and this could greatly lessen our dependence on imported foods and the carbon footprint imports create.

Reports show **global aquaculture production** (including aquatic plants) in 2016 was 110.2 million tonnes, with the first sale value estimated at US\$244 billion. Three years later, in 2019, the reported output from global aquaculture operations was over 120 million tonnes, valued at US\$274 billion. Increased Aquafarming and managed fisheries should be Hawaii's "Blue Revolution" sustainable future.

Hawaii could greatly benefit from the 2.15 billion per year ornamental marine fish trade and the **207- billion-dollar** United States pet trade, which has grown from 100 billion in just a few years.

The value of Hawaii's nearshore oceans is worth 15.3 billion dollars in highly

renewable resources in 2024, with a current 50% estimated increase every 20 years, which means one of The state of Hawaii's most valuable resources is our Ocean. *Tourism impacts are Hawaii's biggest ocean ecological offender and the largest source of Carbon Footprint and is not sustainable.*

Reports show global aquaculture production (including aquatic plants) in 2016 was 110.2 million tonnes, with the first sale value estimated at US\$244 billion. Three years later, in 2019 the reported output from global aquaculture operations was over 120 million tonnes valued at US\$274 billion. Managing fisheries to their safest environmental output, improved ocean marine management science, and Aquafarming should be Hawaii's "Blue Revolution" to ensure a sustainable future.

The aquarium fishery, with its higher biomass value and sustainable, highly renewable resources, should be utilized to its fullest to aid the state's plan for a sustainable future.

Submitted by Ron Tubbs,

An extensive detailed environmental review is available upon request.

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Effectiveness of the West Hawai'i Regional Fishery Management Area (WHRFMA) that overall fish populations of targeted aquarium fish species increased significantly in West Hawaii over 20 years. "Overall Yellow Tang abundance in the 30'-60' depth range over the entire West Hawai'i coast is estimated to have increased by over 3.4 million fish from 1999/2000 to 2017/2018 (150% increase) to a current population of about 5.7 million fish within this depth range alone. Over time, management and habitat increases due to coral growth contribute to increased fish populations. Overall Kole abundance in the 30'-60' depth range over the entire West Hawai'i coast is estimated to have increased 118% (>5.1 million fish) during this time period with a current estimated population of almost 9.6 million fish. As with Yellow Tang, summer 2014 recruitment for Kole in many areas was very strong.

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Oahu there is a much greater refuge area than West Hawaii. Sources; 2013 By Friedlander, Alan M. (Alan Marc) ; Donovan, Mary K. ; Stamoulis, Kostantinos ; ...
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SENATE COMMITTEE ON WATER, LAND, CULTURE, AND THE ARTS

February 13, 2026

1:01 PM

Conference Room 224

Offering COMMENTS on SB2005: RELATING TO CONSERVATION MITIGATION BANKS

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

On behalf of our 20,000 members and supporters, the Sierra Club of Hawai'i offers the following **COMMENTS and CONCERNS** on **SB2005**, which risks facilitating unintended and undue harm to our native and endemic species, including species threatened with extirpation or extinction.

The Sierra Club appreciates the intent behind this measure, to establish conservation mitigation banks that could allow for the more efficient investment of resources intended to mitigate the harms of certain activities on our endangered, threatened, species candidate, or proposed native species.

However, the Sierra Club is very concerned regarding possible omissions in this measure that could in fact facilitate harmful activities without adequate mitigation, and thereby contribute to the permanent loss of our endangered and threatened plants and wildlife. For example, we are particularly concerned regarding the lack of statutory guardrails in the Department of Land and Natural Resources' development of a conservation bank program, including those that can account for myriad considerations ranging from unforeseen climate and other events, to unanticipated impacts arising from a credit purchaser's covered activities, to incorporating new information or feedback as mitigation activities are developed and implemented. This could lead to a program that leads to less-than-fully informed or even politically influenced decisions that facilitate harmful activities without considering or adequately accounting for the needs of our most imperiled flora and fauna.

The Sierra Club notes that mitigation bank bills HB2327 and SB3147, companion measures in the Governor's legislative package, as well as the current draft of HB1802 HD1, all contain provisions that would address many of the concerns with this bill; we urge the Committee to consider the language in these vehicles as an alternative to that found in the current SB2005 draft.

Mahalo nui for the opportunity to testify.

Tawhiri Power LLC



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TESTIMONY OF TAWHIRI POWER LLC
ON SB 2005 BEFORE THE SENATE COMMITTEE ON
WATER, LAND, CULTURE AND THE ARTS
FRIDAY, FEBRUARY 13, 2026 AT 1:01 p.m.

TO THE HONORABLE CHAIR LEE, VICE CHAIR INOUE AND MEMBERS OF THE
COMMITTEE:

Tawhiri Power LLC (“TPL”)¹ supports SB2005 adding a new section to HRS 195 D which would permit the Department of Land and Natural Resources to seek Board approval to authorize the use of conservation banks to provide any Person a vehicle with which to provide compensatory mitigation when offsetting potential adverse impacts to threatened, endangered, candidate, or proposed species as part of a habitat conservation plan and associated incidental take license. This bill is needed due to recent Federal government cuts and administration changes seriously affecting the budgets and operation of wildlife management and land conservation entities such as the Fish & Wild Life and National Park Services.

Thank you for the opportunity to testify.

¹ TPL is an Independent Power Producer (“IPP”) that owns and operates Pakini Nui Wind Farm located in the South Point Area on the Island of Hawaii.