

Honolulu, Hawaii

March 20, 2008

RE: S.B. No. 3103
S.D. 1
H.D. 1

Honorable Calvin K.Y. Say
Speaker, House of Representatives
Twenty-Fourth State Legislature
Regular Session of 2008
State of Hawaii

Sir:

Your Committees on Water, Land, Ocean Resources & Hawaiian Affairs and Energy & Environmental Protection, to which was referred S.B. No. 3103, S.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO ENDANGERED SPECIES,"

beg leave to report as follows:

The purpose of this bill is to increase landowner participation in safe harbor agreements and habitat conservation plans by authorizing the development and use of programmatic safe harbor agreements and programmatic habitat conservation plans that cover multiple landowners or a class of landowners and over a wide area or region.

The Department of Land and Natural Resources (DLNR) and Hawaii Forest Industry Association testified in support of this bill. Earthjustice, Sierra Club-Hawaii Chapter, and Hawaii Building and Construction Trades Council, AFL-CIO, opposed this measure. The University of Hawaii Environmental Center provided comments.

Your Committees believe that the success of endangered species restoration relies on carefully crafted tools that ensure compliance with the terms of safe harbor agreements and habitat conservation plans. Accordingly, your Committees have amended this bill by requiring that the Endangered Species Committee review and the Board of Land and Natural Resources approve the



certificates of inclusion for consistency with the terms and conditions of the programmatic agreement or plan prior to the issuance of the certificates to extend coverage of the incidental take license, rather than requiring DLNR's review and concurrence.

This bill has also been amended by making technical, nonsubstantive amendments for style, clarity, and consistency.

As affirmed by the records of votes of the members of your Committees on Water, Land, Ocean Resources & Hawaiian Affairs and Energy & Environmental Protection that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 3103, S.D. 1, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 3103, S.D. 1, H.D. 1, and be referred to the Committee on Judiciary.

Respectfully submitted on
behalf of the members of the
Committees on Water, Land,
Ocean Resources & Hawaiian
Affairs and Energy &
Environmental Protection,



HERMINA MORITA, Chair



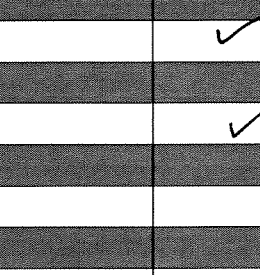
KEN ITO, Chair



State of Hawaii
House of Representatives
The Twenty-fourth Legislature

HSCR 1296-08

Record of Votes of the Committee on Water, Land, Ocean Resources & Hawaiian Affairs

Bill/Resolution No.: SB 3103 SD 1	Committee Referral: WLH/EEP, FIN	Date: 3/17/08		
<input type="checkbox"/> The committee is reconsidering its previous decision on the measure.				
The recommendation is to: <input type="checkbox"/> Pass, unamended (as is) <input checked="" type="checkbox"/> Pass, with amendments (HD) <input type="checkbox"/> Hold <input type="checkbox"/> Pass short form bill with HD to recommit for future public hearing (recommit)				
WLH Members	Ayes	Ayes (WR)	Nays	Excused
1. ITO, Ken (C)	✓			
2. KARAMATSU, Jon Riki (VC)	✓			
3. CARROLL, Mele	✓			
4. MAGAOAY, Michael Y.	✓			
5. MORITA, Hermina M.	✓			
6. SAGUM, Roland D., III				✓
7. SAIKI, Scott K.			✓	
8. THIELEN, Cynthia			✓	
TOTAL (8)	5		2	1
The recommendation is: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted If joint referral, _____ did not support recommendation. <small>committee acronym(s)</small>				
Vice Chair's or designee's signature: 				
Distribution: Original (White) – Committee Duplicate (Yellow) – Chief Clerk's Office				

State of Hawaii
House of Representatives
The Twenty-fourth Legislature

HSC2 1296-08

Record of Votes of the Committee on Energy & Environmental Protection

Bill/Resolution No.: SB 3103 SD1	Committee Referral: WLH/EEP, JWD	Date: 3/17/08		
<input type="checkbox"/> The committee is reconsidering its previous decision on the measure.				
The recommendation is to: <input type="checkbox"/> Pass, unamended (as is) <input checked="" type="checkbox"/> Pass, with amendments (HD) <input type="checkbox"/> Hold <input type="checkbox"/> Pass short form bill with HD to recommit for future public hearing (recommit)				
EEP Members	Ayes	Ayes (WR)	Nays	Excused
1. MORITA, Hermina M. (C)	✓			
2. CARROLL, Mele (VC)	✓			
3. ITO, Ken	✓			
4. KARAMATSU, Jon Riki	✓			
5. MAGAOAY, Michael Y.	✓			
6. SAGUM, Roland D., III				✓
7. SAIKI, Scott K.			✓	
8. THIELEN, Cynthia			✓	
TOTAL (8)	5		2	1
The recommendation is: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted If joint referral, _____ did not support recommendation. committee acronym(s)				
Vice Chair's or designee's signature: <u>Mele Carroll</u>				
Distribution: Original (White) – Committee Duplicate (Yellow) – Chief Clerk's Office				