A BILL FOR AN ACT

RELATING TO CONSERVATION.

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

SECTION 1. Section 195D-21, Hawaii Revised Statutes, is amended by amending subsection (b) to read as follows:

"(b) (1) Except as otherwise provided by law, the board, upon recommendation from the department, in cooperation with other state, federal, county, or private organizations and landowners, after a public hearing on the island affected, and upon an affirmative vote of not less than two-thirds of its authorized membership, may enter into a habitat conservation plan, if it determines that:

(A) The plan will further the purposes of this chapter by protecting, maintaining, restoring, or enhancing identified ecosystems, natural communities, or habitat types upon which endangered, threatened, proposed, or candidate species depend within the area covered by the plan;
(B) The plan will increase the likelihood of recovery of the endangered or threatened species that are the focus of the plan; and

(C) The plan satisfies all the requirements of this chapter.

In the event the board votes to enter into a habitat conservation plan for which the majority of the endangered species recovery committee recommended disapproval, the board may not enter into the habitat conservation plan unless the plan is approved by a two-thirds majority vote of both houses of the legislature. Habitat conservation plans may allow conservation rental agreements, habitat banking, and direct payments. Any habitat conservation plan approved pursuant to this section shall be based on the best available scientific and other reliable data available at the time the plan is approved.

(2) Each habitat conservation plan shall:

(A) Identify the geographic area encompassed by the plan; the ecosystems, natural communities, or habitat types within the plan area that are the
focus of the plan; and the endangered,
threatened, proposed, and candidate species known
or reasonably expected to be present in those
ecosystems, natural communities, or habitat types
in the plan area;

(B) Describe the activities contemplated to be
undertaken within the plan area with sufficient
detail to allow the department to evaluate the
impact of the activities on the particular
ecosystems, natural communities, or habitat types
within the plan area that are the focus of the
plan;

(C) Identify the steps that will be taken to minimize
and mitigate all negative impacts, including
without limitation the impact of any authorized
incidental take, with consideration of the full
range of the species on the island so that
cumulative impacts associated with the take can
be adequately assessed; and the funding that will
be available to implement those steps[+],

including funding from the habitat conservation
plan and incidental take license applicant in an amount sufficient to cover all costs of transporting, treating, rehabilitating, and reintroducing into its original habitat any endangered, threatened, proposed, and candidate species injured as a result of an authorized incidental take;

(D) Identify those measures or actions to be undertaken to protect, maintain, restore, or enhance the ecosystems, natural communities, or habitat types within the plan area; a schedule for implementation of the measures or actions; and an adequate funding source to ensure that the actions or measures, including monitoring, are undertaken in accordance with the schedule;

(E) Be consistent with the goals and objectives of any approved recovery plan for any endangered species or threatened species known or reasonably expected to occur in the ecosystems, natural communities, or habitat types in the plan area;
(F) Provide reasonable certainty that the ecosystems, natural communities, or habitat types will be maintained in the plan area, throughout the life of the plan, in sufficient quality, distribution, and extent to support within the plan area those species typically associated with the ecosystems, natural communities, or habitat types, including any endangered, threatened, proposed, and candidate species known or reasonably expected to be present in the ecosystems, natural communities, or habitat types within the plan area;

(G) Contain objective, measurable goals, the achievement of which will contribute significantly to the protection, maintenance, restoration, or enhancement of the ecosystems, natural communities, or habitat types; time frames within which the goals are to be achieved; provisions for monitoring (such as field sampling techniques), including periodic monitoring by representatives of the department or the
endangered species recovery committee, or both;
and provisions for evaluating progress in
achieving the goals quantitatively and
qualitatively; and
(H) Provide for an adaptive management strategy that
specifies the actions to be taken periodically if
the plan is not achieving its goals."
SECTION 2. Statutory material to be repealed is bracketed
and stricken. New statutory material is underscored.
SECTION 3. This Act shall take effect upon its approval.

INTRODUCED BY:
Report Title:
Species Conservation; Habitat Conservation Plans; Incidental Take Licenses; Requirement; Funding; Rehabilitation

Description:
Requires habitat conservation plans to identify available funding from the applicants in an amount sufficient to transport, treat, rehabilitate, and reintroduce into its original habitat any endangered, threatened, proposed, or candidate species injured as a result of an authorized incidental take.

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