
A BILL FOR AN ACT

RELATING TO CONSERVATION.

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

1 SECTION 1. The legislature finds that human activities
2 have contributed to the fragility of local habitats, leading to
3 a current crisis in the survival of Hawaiian plants and animals
4 and impacting public and private land use. Chapter 195D, Hawaii
5 Revised Statutes, provides that the intended purpose of all
6 habitat conservation plans, safe harbor agreements, incidental
7 take licenses, and subsequent actions is to promote recovery of
8 Hawaii's threatened and endangered species.

9 The legislature further finds that effective implementation
10 of Hawaii's endangered species law, section 195D-4, Hawaii
11 Revised Statutes, requires resources for adequate staffing.
12 Currently, the department of land and natural resources division
13 of forestry and wildlife has three administrative positions to
14 manage statewide projects, plus additional staff supported by
15 grants to produce standalone habitat conservation plans. The
16 incidental take licenses currently issued or approved by the
17 board of land and natural resources for these plans and



1 agreements cover at least forty-five threatened or endangered
2 species on five islands, and the department of land and natural
3 resources is currently processing additional draft habitat
4 conservation plans and consulting on other potential projects
5 that will add at least fifteen more species. The State's
6 initiative to reach one hundred per cent renewable energy by
7 2045 is another factor that will likely result in more requests
8 for incidental take licenses.

9 The legislature finds that funding a state civil service
10 position to draft rules that implement and clarify the intent of
11 chapter 195D, Hawaii Revised Statutes, work with applicants for
12 incidental take licenses to develop their projects to minimize
13 and mitigate incidental take of threatened and endangered
14 species to the maximum extent practicable, and track and monitor
15 funds and expenditures related to each habitat conservation plan
16 project would further improve the implementation of chapter
17 195D, Hawaii Revised Statutes. This would provide greater
18 consistency in issuing incidental take licenses, conducting
19 follow-up monitoring for development projects, and implementing
20 and managing mitigation and other projects that are extremely



1 beneficial for the recovery of Hawaii's threatened and
2 endangered species.

3 The purpose of this Act is to establish a habitat
4 conservation program manager position within the department of
5 land and natural resources and appropriate funds for the initial
6 establishment of the position.

7 SECTION 2. Chapter 195D, Hawaii Revised Statutes, is
8 amended by adding a new section to part II to be appropriately
9 designated and to read as follows:

10 "§195D- Habitat conservation program manager. There is
11 established within the department a habitat conservation program
12 manager position. The habitat conservation program manager
13 shall draft rules that implement and clarify the intent of this
14 chapter, work with applicants for incidental take licenses, as
15 part of a habitat conservation plan, to develop their projects
16 to minimize and mitigate incidental take of threatened and
17 endangered species to the maximum extent practicable,
18 effectively track and monitor funds and expenditures related to
19 habitat conservation plans, conduct follow-up monitoring for
20 development projects, and implement and manage mitigation and



1 other projects that benefit the recovery of threatened and
2 endangered species."

3 SECTION 3. Section 195D-23, Hawaii Revised Statutes, is
4 amended by amending subsection (d) to read as follows:

5 "(d) The department [~~may~~] shall establish a habitat
6 conservation technical assistance program to assist landowners
7 in developing, reviewing, or monitoring habitat conservation
8 plans by providing technical assistance. The department may
9 collect fees and payment for costs incurred for use of the
10 technical assistance program in the development, review, or
11 monitoring of a specific habitat conservation plan. Fees shall
12 be charged at an hourly rate of \$50. The fees and payment for
13 costs collected pursuant to this subsection shall be deposited
14 into the endangered species trust fund established under section
15 195D-31."

16 SECTION 4. There is appropriated out of the general
17 revenues of the State of Hawaii the sum of \$ _____ or so
18 much thereof as may be necessary for fiscal year 2020-2021 for
19 start-up costs for one full-time equivalent (1.0 FTE) state
20 civil service position established pursuant to section 2 of this
21 Act.



1 The sum appropriated shall be expended by the department of
2 land and natural resources for the purposes of this Act.

3 SECTION 5. Statutory material to be repealed is bracketed
4 and stricken. New statutory material is underscored.

5 SECTION 6. This Act shall take effect upon its approval;
6 provided that section 5 shall take effect on July 1, 2020.



Report Title:

Department of Land and Natural Resources; Habitat Conservation Plans; Incidental Take Licenses; Staff Position; Appropriation

Description:

Establishes a habitat conservation program manager position. Requires the habitat conservation program manager to draft rules that implement and clarify the intent of chapter 195D, Hawaii Revised Statutes, work with applicants for incidental take licenses, as part of a habitat conservation plan, to develop their projects to minimize and mitigate incidental take of threatened and endangered species to the maximum extent practicable, effectively track and monitor funds and expenditures related to habitat conservation plans, conduct follow-up monitoring for development projects, and implement and manage mitigation and other projects that benefit the recovery of threatened and endangered species. Appropriates funds.
(SD1)

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