

JAN 23 2020

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# A BILL FOR AN ACT

RELATING TO CONSERVATION.

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

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

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

11          (A) The plan will further the purposes of this  
12          chapter by protecting, maintaining, restoring, or  
13          enhancing identified ecosystems, natural  
14          communities, or habitat types upon which  
15          endangered, threatened, proposed, or candidate  
16          species depend within the area covered by the  
17          plan;



1 (B) The plan will increase the likelihood of recovery  
2 of the endangered or threatened species that are  
3 the focus of the plan; and

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

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

18 (2) Each habitat conservation plan shall:

19 (A) Identify the geographic area encompassed by the  
20 plan; the ecosystems, natural communities, or  
21 habitat types within the plan area that are the



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1 focus of the plan; and the endangered,  
2 threatened, proposed, and candidate species known  
3 or reasonably expected to be present in those  
4 ecosystems, natural communities, or habitat types  
5 in the plan area;

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

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



1           plan and incidental take license applicant in an  
2           amount sufficient to cover all costs of  
3           transporting, treating, rehabilitating, and  
4           reintroducing into its original habitat any  
5           endangered, threatened, proposed, and candidate  
6           species injured as a result of an authorized  
7           incidental take;

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

16          (E) Be consistent with the goals and objectives of  
17          any approved recovery plan for any endangered  
18          species or threatened species known or reasonably  
19          expected to occur in the ecosystems, natural  
20          communities, or habitat types in the plan area;

1 (F) Provide reasonable certainty that the ecosystems,  
2 natural communities, or habitat types will be  
3 maintained in the plan area, throughout the life  
4 of the plan, in sufficient quality, distribution,  
5 and extent to support within the plan area those  
6 species typically associated with the ecosystems,  
7 natural communities, or habitat types, including  
8 any endangered, threatened, proposed, and  
9 candidate species known or reasonably expected to  
10 be present in the ecosystems, natural  
11 communities, or habitat types within the plan  
12 area;

13 (G) Contain objective, measurable goals, the  
14 achievement of which will contribute  
15 significantly to the protection, maintenance,  
16 restoration, or enhancement of the ecosystems,  
17 natural communities, or habitat types; time  
18 frames within which the goals are to be achieved;  
19 provisions for monitoring (such as field sampling  
20 techniques), including periodic monitoring by  
21 representatives of the department or the



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1           endangered species recovery committee, or both;  
 2           and provisions for evaluating progress in  
 3           achieving the goals quantitatively and  
 4           qualitatively; and

5           (H) Provide for an adaptive management strategy that  
 6           specifies the actions to be taken periodically if  
 7           the plan is not achieving its goals."

8           SECTION 2. Statutory material to be repealed is bracketed  
 9 and stricken. New statutory material is underscored.

10          SECTION 3. This Act shall take effect upon its approval.

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INTRODUCED BY: *Bill Rivera*

*Mr*  
*Kurt Ferella*

*V. J. J. J.*  
*Alfonso Mercado*  
*Rosely de Bak*



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**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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