HB 2173 -84
RELATING TO WILDLIFE

Statement for
House Committee on
Energy, Ecology and Environmental Protection
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By
Doak Cox, Environmental Center
Lee Hannah, Environmental Center
Charles Lamoureux, Botany
Sanford Siegel, Botany
Clifford Smith, Botany

HB 2173 would add "harm" to the effects on endangered species that are prohibited under HRS 195-4 and would add a definition of "harm" to HRS 195-2. This statement on the bill does not reflect an institutional position of the University of Hawaii.

The amendment proposed in the bill would make the statutes providing for the protection of endangered species consistent with a court decision concerning the protection of an endangered bird, the honey creeper Palila. Its adoption is environmentally desirable.

HB 2173 would strengthen the state endangered species act. It is important for Hawaii to have a strong endangered species act because Hawaii has more endangered species than any other state. Twenty-eight of Hawaii's 43 native animals are endangered, including 23 of 38 native Hawaiian forest birds, 5 of Hawaii's 6 native waterbirds, and both of Hawaii's native mammals. Most of these species are found nowhere else in the world. Hawaii has more species of wildlife found nowhere else in the world than any other area of comparable size. These species comprise a unique natural heritage. Sixty known native Hawaiian species are already extinct, and the large number of the remaining species that are endangered means that those species which remain are seriously threatened with extinction. These species are important resources for research, education and possible medical advances, but more importantly they are a resource of cultural heritage and pride in Hawaii's natural history. People from all over the world look to Hawaii as a special island environment with special plants and wildlife. The loss of these plants and animals would mean that a chapter of Hawaiian heritage would be lost forever. A strong state endangered species act can prevent this loss and ensure that future generations will have the opportunity to enjoy the beauty of Hawaii's native wildlife.
With the proposed amendment the state endangered species act would be strengthened by making more explicit what types of actions damaging to endangered species are prohibited under the act. Under the present act, a person may be prosecuted for harming an endangered plant or animal only after the plant or animal has been harmed. HB 2173 allows harmful acts to be stopped before they are committed. Since the purpose of a strong endangered species act is to prevent harm to species which are faced with extinction, HB 2173 makes good sense.

The definition of harm to an endangered species proposed in HB 2173 is similar to that in the original federal endangered species regulations. It is important to include habitat modification in this definition, because the biological concept of carrying capacity dictates that significant destruction of habitat will necessarily lead to the death of the wildlife dependent on the habitat.

We would, however, suggest that the act be amended so that the definition of harm is clearly restricted to endangered or threatened wildlife. This may be accomplished by inserting the words "endangered or threatened" before the word "wildlife" wherever it appears in the definition. This should preclude any misunderstanding that the bill prohibits hunting in general, which is clearly not its intent. Also, for consistency, the words "or threatened" should be added after the word "endangered" in Section 195-4(e).