

1 **WRITTEN DIRECT TESTIMONY OF ROBERT W. HOBDY**

2 1. **Please state your name and business address for the record.**

3 Robert W. Hobdy

4 2560-B Pololei Place, Haiku Maui, HI 96708

5 2. **What is your current occupation?**

6 Since 2004 I have been operating my own environmental consulting business specializing
7 in biological resource surveys to document the presence of plants, birds, mammals and
8 arthropods. Prior to that I was the Maui County District Manager for the State of Hawaii
9 Department of Land and Natural Resources Division of Forestry and Wildlife.

10 3. **How long have you been specializing in biological resources?**

11 Professionally, for over 40 years. I worked at the State DLNR-DOFAW for over 37
12 years.

13 4. **Did you provide a copy of your resume for these proceedings?**

14 Yes, my resume was provided as Petitioner's Exhibit 14.

15 5. **Please briefly describe your educational background.**

16 I received a Bachelor of Forestry from Oregon State University in 1965.

17 6. **Do you specialize in any particular areas?**

18 Yes.

19 7. **To what professional organizations do you belong?**

20 None at present.

21 8. **Have you even been qualified as an expert witness in bird and mammal surveys**
22 **before the Land Use Commission?**

23 Yes.

24 9. **Are you familiar with the proposed development plans for the Pu'unene Heavy**
25 **Industrial Subdivision ("Project") and the Petition Area?**

26 Yes. I understand that the Project located within the approximately 86 acre Petition Area
27 located in Pulehunui, Wailuku, Maui, at tax map key no. (2) 3-8-008: 019, is proposed to be
28 developed as a heavy industrial subdivision. 1

1 10. **Please identify the studies you prepared for the Petition Area.**

2 I was retained by Petitioner CMBY 2011 Investment, LLC to prepare two studies. I
3 prepared a study titled *Puunene Heavy Industrial Subdivision Project Arthropod Study*, dated July
4 23, 2012, a copy of which was provided as Appendix F-1 of the Environmental Assessment that
5 was prepared by Chris Hart & Partners, which I understand was filed as Petitioner's Exhibit 1. I
6 also prepared a study titled "*Survey Conducted on July 16, 2012 for the Nene or Hawaiian Goose*
7 *(Branta sandvicensis) Puunene Heavy Industrial Subdivision Project*" dated July 23, 2012, a copy
8 of which was provided as Appendix F-2 of the Environmental Assessment. There was a typo in
9 the actual title of the document, which reads *Branta sanvicensis*.

10 11. **Please describe the scope of your Arthropod Study.**

11 The objective of the Arthropod Study was to inventory all arthropod species located
12 within the Petition Area and the proposed access roads to the Petition Area, and to identify any
13 native species, and any listed threatened or endangered species.

14 12. **How did you conduct the survey?**

15 I conducted a one day field survey of the 86-acre Petition Area on July 16, 2012, by
16 walking through the site. I used binoculars and a magnifying lens to search for arthropods.

17 13. **Please describe your findings.**

18 I observed 15 arthropods, none of which are listed as threatened or endangered species.
19 Several examples of the blowfly (*Eucalliphora latifrons*) and the honey bee (*Apis mellifera*) were
20 observed. No endemic species were observed. One indigenous species, a dragonfly, the globe
21 skimmer (*Pantala flavescens*) was observed. This species is common in Hawaii, and is native
22 worldwide in the tropics. It is of no particular environmental importance. A list of the 15 species
23 observed is included in my Arthropod Study.

24 14. **Did you observe any Blackburn's sphinx moths?**

25 No. I looked, but did not see any Blackburn's sphinx moths (*Manduca blackburni*), nor
26 did I see any eggs or larvae. None of the moth's preferred host plant, the tree tobacco, are found
27 on the site.

28

1 15. **Please describe the scope of your Nene Study.**

2 The objective of the Nene Study was to assess the potential for the Petition Area or the
3 proposed access roads to the Petition Area to provide habitat for the nene, even if only incidental
4 or temporary.

5 16. **How did you conduct the survey?**

6 I conducted a one day walk-through field survey of the site on July 16, 2012. I used
7 binoculars to search for a detailed view of any nene activity on the ground or in the air.

8 17. **Please describe your findings.**

9 I did not observe any nene on the ground. I did not observe any nene flying overhead.
10 This was consistent with my expectations. Nene prefer damp, wet sites with succulent young
11 grasses. They can often be seen on newly planted cane fields, large parks and golf courses.
12 They can even be seen along roadsides that have been hydromulched. Nene are not attracted to
13 dry areas or areas with tough vegetation.

14 The Petition Area is located in one of the driest parts of Maui. During the summer grasses
15 and herbaceous plants become seared and withered. Even with a substantial wet season, the
16 vegetation in this area is tough, and greenness is fleeting. There is nothing at the Petition Area as
17 it currently exists, or as it is anticipated to be developed, that would attract nene.

18 18. **Did you read the letter dated June 3, 2013, from the U.S. Fish and Wildlife Service**
19 **raising concerns about the potential for various endangered species to be located within the**
20 **Petition Area, a copy of such letter was included as Attachment B to the Office of Planning's**
21 **Statement of Position, filed on July 18, 2013?**

22 I have read the letter and will address those aspects that are relevant to my studies.

23 The Service stated that the area should be surveyed for the Blackburn's sphinx moth
24 during the wettest time of the year, and approximately four to eight weeks after a significant
25 rainfall event. In my professional opinion, I feel an additional wet season survey is unnecessary
26 at this time. There are no tree tobacco or other host plant species on the property that are required
27 for the Blackburn's sphinx moth to establish a presence. The wet season survey would only allow
28 well established existing host plants to green up within the 4 to 8 week time frame. New

1 seedlings, if such should occur, would only be a few inches tall and would be too small to attract
2 this moth during its breeding cycle.

3 Although the tree tobacco plant is not present on the site now, the Service indicated that
4 the plant thrives in disturbed areas, and therefore may appear within the Project site during the
5 course of development. While I acknowledge that this is possible, I note that any small seedlings
6 that could come up would not survive the development and landscaping process. Therefore, the
7 plants would not attract the Blackburn's sphinx moth.

8 The Service indicated that due to its range and foraging behavior, the Hawaiian goose
9 (nene) could be present in the area. In my professional opinion, based on my survey of the area, I
10 do not anticipate that the Petition Area in its current state, nor as it will be developed, will attract
11 nene. Nevertheless, I concur with the Service's recommendation that if a nene appeared within
12 100 feet of ongoing work during the construction phase of the Project, however unlikely that is to
13 happen, construction activity should be stopped temporarily until the nene moves a safe distance
14 away and does so at its own volition.

15 19. **In your professional opinion, will the development of the Project have an adverse**
16 **effect on any threatened or endangered arthropods, or on the nene?**

17 Based on my professional opinion, no, the Project will not have an adverse effect on any
18 threatened or endangered species. No such species were observed within the Petition Area.

19 Neither the present state of the Petition Area, nor the condition of the site once developed,
20 should be attractive to nene.

21 None of the host plants for the Blackburn's sphinx moth are located on the property and it
22 is unlikely that any such plants will appear on the property as a result of the proposed
23 development, or become a part of the completed landscape.

24 DATED: Haiku, Maui, Hawaii, August 13, 2013.

25 Respectfully submitted,

26 *Robert W. Hobdy*

27 ROBERT W. HOBODY

28 4838-9233-2821.3.064670-00001