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Attorneys for Petitioners

BEFORE THE LAND USE COMMISSION  
OF THE STATE OF HAWAI'I

In the Matter of the Petition    ) DOCKET NO. A15-798  
of:                                    )  
  ) DIRECT TESTIMONY OF ROBERT W.  
WAIKAPU PROPERTIES, LLC; MTP    ) HOBDY  
LAND PARTNERS, LLC; WILLIAM S.   )  
FILIOS, Trustee of the William    )  
S. Filios Separate Property       )  
Trust dated APRIL 3, 2000; and    )  
WAIALE 905 PARTNERS, LLC,        )  
  )  
To Amend the Agricultural Land    )  
Use District Boundaries into       )  
the Rural Land Use District for    )  
certain lands situate at           )  
Waikapu, District of Wailuku,     )  
Island and County of Maui,        )  
State of Hawaii, consisting of    )  
92.394 acres and 57.454 acres,    )  
bearing Tax Map Key No. (2) 3-    )  
6-004:003 (por) and to Amend      )  
the Agricultural Land Use         )  
District Boundaries into the       )  
Urban Land Use District for       )  
certain lands situate at           )  
Waikapu, District of Wailuku,     )  
Island and County of Maui,        )  
State of Hawaii, consisting of    )  
236.326 acres, 53.775 acres,      )  
and 45.054 acres, bearing Tax     )  
Map Key No. (2) 3-6-002:003       )  
(por), (2) 3-6-004:006 and (2)    )  
3-6-005:007 (por).                )

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DIRECT TESTIMONY OF ROBERT W. HOBDY

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My name is Robert W. Hobdy. I am a resident of Maui and have lived on Maui for over 46 years. I am an environmental consultant specializing in flora and fauna surveys, wetland surveys and site evaluations.

I received a Bachelor of Science Degree in Forestry from Oregon State University in 1965. After graduation, I took a job with the Department of Land and Natural Resources, Division of Forestry and Wildlife, for the State of Hawaii. I was employed by the Division of Forestry and Wildlife for 37 and one-half years, retiring in 2003.

Throughout my career I worked with and managed forest resources with particular attention focusing on native and endangered species and their eco systems. I collected plants for the Bishop Museum and other institutions, documenting the plants and their distribution.

While with the Division of Forestry and Wildlife, I discovered 12 new species of native plants in Hawaii, two of which I described in scientific publications and five of which were named after me by other botanists.

I served on the Maui County Arborist Advisory Committee for over 30 years and on the Federal Weed Risk Assessment Advisory Committee.

1 I served on the Maui Invasive Species Committee from  
2 1991 to the present.

3 Throughout my career with the Division of Forestry  
4 and Wildlife I participated in game species census and forest  
5 bird surveys.

6 I also documented wildlife species and made habitat  
7 assessments. I also administered forest bird and endangered  
8 species habitat management and recovery programs.

9 I testified as an expert witness on flora and fauna  
10 evaluations of properties on several occasions in the State of  
11 Hawaii.

12 I have authored over 300 flora and fauna surveys.

13 I am familiar with the proposed Waikapu Country  
14 Town Project that is outlined in Exhibit "25" which is the  
15 Final Environmental Impact Statement.

16 In February 2013, I was contracted by Waikapu  
17 Properties LLC to conduct a flora and fauna survey of a property  
18 in the Waikapu area in Central Maui. I understood that the  
19 property was vacant land that Waikapu Properties LLC was working  
20 on entitlements to allow that land to be developed as a  
21 residential subdivision.

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1           In conducting a flora and fauna survey, I  
2 independently assess the animal and plant resources of a  
3 property.

4           If there is an item of concern about the flora or the  
5 fauna, I will note that concern. I do not advocate for or  
6 against a project. Rather, I investigate, report the results of  
7 my investigation, and identify matters of concern, offering  
8 recommendations consistent with the guidance of the government  
9 agencies responsible for determining appropriate activities and  
10 procedures that affect endangered and threatened plant and  
11 animal species.

12           In conducting a flora and fauna survey I will review  
13 maps and aerial photographs of the project site, review soil  
14 survey maps, review an atlas concerning rainfall in the area,  
15 and identify potential areas that warrant closer examination.

16           I then go to the property and walk the property  
17 identifying and cataloging the species of plants and animals  
18 that exist on the property.

19           When walking the property, I will spend a minimum of  
20 several hours, taking the time to cover all the property fully.  
21 I pay particular attention to gullies, rock outcrops, and other  
22 physical formations on the property which survived previous  
23 farming or other activities conducted on the property.

1           I also will observe the property at dusk and into the  
2 evening to identify and catalog the animals which could be  
3 expected to be seen or heard at dusk or at night such as the  
4 Hawaiian hoary bat.

5           After I conduct the surveys necessary to catalog the  
6 plant and animal life, I prepare a report.

7           The report I prepared concerning the investigation I  
8 made of the property on which the Waikapu Country Town Project  
9 is proposed is attached as Appendix "B" to Exhibit "25." This  
10 report accurately lists the plants and animals that I observed  
11 and cataloged on the site.

12           I wish to highlight some items in the report for your  
13 consideration.

14           As to the flora survey, a total of 130 plant species  
15 were recorded in the project area. Of these, 127 were plants  
16 that are not native to Hawaii. I observed three plant species  
17 that were native to Hawaii which were 'uhaloa (*Waltheria*  
18 *indica*), koali awahia (*Ipomoea indica*) and pololo (*Solanum*  
19 *americanum*). Each of these species are common and widespread  
20 in Hawaii and occur on other Pacific Islands as well; none of  
21 these species raise conservation concerns due to the widespread  
22 occurrence of the plants. From a botanical standpoint, there  
23 was nothing found on the property that warranted protection,  
24 either as a native plant species or as habitat for an existing

1 native plant community.

2           As to the animal population, I observed and  
3 inventoried 4 mammal species, 21 birds, 15 insects, 1  
4 amphibian, 2 reptiles and 1 mollusk. The four mammal species  
5 (mongoose, cats, dogs and cattle) were all non-native. Looked  
6 for during an evening survey, but not detected, were any  
7 Hawaiian hoary bats (*Lasiurus cinereus semotus*). Birds  
8 observed included 20 non-native species that are of no  
9 environmental concern and one indigenous, migratory species,  
10 the Pacific golden plover (*Pluvialis fulva*), which is common in  
11 Hawaii. Again, because the golden plover  
12 commonly occurs throughout Hawaii, it is of no special  
13 environmental concern.

14           Insects were represented by 15 species. Twelve species  
15 were non-native and of no environmental concern. Two indigenous  
16 native dragonflies, the green darner (*Anax junius*) and the  
17 globe skimmer (*Pantala flavescens*) were identified. These two  
18 dragonflies are common in Hawaii and are of no special  
19 environmental concern.

20           One native insect that was found, the Blackburn's  
21 sphinx moth (*Manduca blackburni*), is on the federal endangered  
22 species list. The Blackburn's sphinx moth is currently known to  
23 occur in the central valley area of Maui. This native moth was

1 originally associated with plants of the genus *Nothocestrum*  
2 ('aiea) which are toxic plants. The Blackburn's sphinx moth can  
3 ingest those toxins which then rendered the moth inedible to  
4 potential predators. The abundance of the native 'aiea plants  
5 have greatly decreased over the years, resulting in the  
6 decrease in populations of the moth, and which in turn resulted  
7 in the moth's eventual placement on the endangered species  
8 list. The moth however, has been able to adapt to a similarly  
9 toxic non-native plant, the relatively numerous tree tobacco  
10 (*Nicotiana glauca*) plants which now provide the same  
11 protections to the Blackburn's sphinx moth.

12           Accordingly, whenever 'aiea plants or tree tobacco  
13 plants are found on a property, particular attention is  
14 directed to those plants to determine whether the moth might  
15 be present.

16           On the property which I surveyed, no aiea plants were  
17 found. I did, however, find two tree tobacco plants which I  
18 carefully examined for the moths, their eggs, or their larvae.  
19 I found two maturing eggs on one of the tree tobacco plants  
20 that would soon be hatching into larval caterpillars. I noted  
21 this in my report for the owner's information and attention. I  
22 later consulted with the owner to discuss the review process  
23 and the implications of this finding. I also described the  
24 likely federal guidance that would be forthcoming, that would

1 provide protections for the Blackburn's sphinx moth while  
2 allowing the project to move forward.

3 In summary, when I conducted a flora survey of the  
4 project site I found no plants which were endangered. However,  
5 I found three native plants, all of which are common throughout  
6 Maui, the State of Hawaii and Pacific islands. These native  
7 plants are of no special conservation concern given their  
8 common occurrence. It is my opinion that the proposed change  
9 of land use of the property will not have any significant  
10 negative impact on the botanical resources found in Central  
11 Maui.

12 As to the impact on the fauna resources, I saw a good  
13 number of non-native birds and insects and a few non-native  
14 mammals, amphibians, reptiles and mollusks. I observed no  
15 evidence of Hawaiian hoary bats, and found no evidence that the  
16 property would represent habitat for any native forest birds.

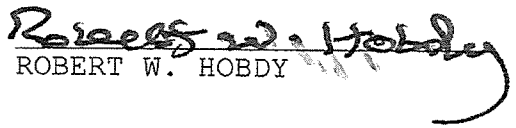
17 Based upon my review of materials, my inspections of  
18 the site on several occasions, and my knowledge and experience,  
19 I concluded that with recommended remedial actions dealing with  
20 the endangered Blackburn's sphinx moth, the development of the  
21 property will not have any significant negative impact on the  
22 animal resources of the Waikapu area of Central Maui. No  
23 important habitat for endangered native fauna exists on the  
24 property either.



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Thank you for the opportunity to address you.

DATED: Kula, Hawaii, October 31, 2017.

  
ROBERT W. HOBDY