

STAND. COM. REP. NO.

1610

Honolulu, Hawaii

APR 22 2013

RE: H.C.R. No. 96
H.D. 2
S.D. 1

Honorable Donna Mercado Kim
President of the Senate
Twenty-Seventh State Legislature
Regular Session of 2013
State of Hawaii

Madam:

Your Committees on Energy and Environment, Public Safety, Intergovernmental and Military Affairs, and Water and Land, to which was referred H.C.R. No. 96, H.D. 2, entitled:

"HOUSE CONCURRENT RESOLUTION REQUESTING THE UNITED STATES DEPARTMENT OF THE INTERIOR FISH AND WILDLIFE SERVICE TO WORK WITH AFFECTED PERSONS AND COUNTIES IN ESTABLISHING CRITICAL HABITAT DESIGNATIONS FOR ENDANGERED SPECIES IN THE STATE,"

beg leave to report as follows:

The purpose and intent of this measure is to request the United States Department of the Interior Fish and Wildlife Service to work with affected persons and counties in establishing critical habitat designations for endangered species in the State.

Your Committees received testimony in support of this measure from the Department of Land and Natural Resources; Hawaii Housing Finance and Development Corporation; Hawaii Cattlemen's Association; Kauai Cattlemen's Association; Building Industry Association-Hawaii; 4Ag Hawaii; Barbed S. Ranch; Palani Ranch, Kukaiau Ranch; McCandless Ranch; Hawaii Aquaculture and Aquaponics Association; Ponoholo Ranch Ltd.; Mikilua Poultry Farm, Inc.; Ka'ala Ranch; Ulupalakua Ranch; Alexander & Baldwin; Maui Cattle Company; and eleven individuals. Your Committees received testimony in opposition to this measure from Conservation Council for Hawaii and two individuals. Your Committees received comments on this measure from the Department of Accounting and General Services.

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Your Committees find that the United States Department of the Interior Fish and Wildlife Service has recently proposed to designate 271,062 acres in Maui County as critical habitat for endangered species, which is more than twice the existing amount of critical habitat currently designated on the islands of Maui, Molokai, Lanai, and Kahoolawe. Your Committees further find that the proposed critical habitat designation has the potential to adversely impact landowners and hurt the relationship between the county and the federal government. Your Committees note that many of the ranchers and farmers who will be impacted by the proposed critical habitat designation have not been adequately notified or involved in the designation process. As such, your Committees request the United States Department of the Interior Fish and Wildlife Service to work with the affected persons and counties in establishing critical habitat designations by holding hearings on Maui regarding the proposed critical habitat designations to give all interested stakeholders an opportunity to participate in the process.


Your Committees have amended this measure by:

- (1) Inserting the word "reasonable" into the title of the measure to request the United States Department of the Interior Fish and Wildlife Service to establish "reasonable" critical habitat designations;
- (2) Clarifying that any conservation actions in this state should be implemented so as to not unreasonably impede local food production;
- (3) Deleting the language requesting the Department of the Interior Fish and Wildlife Service to perform an environmental assessment of its proposed Critical Habitat Designation and environmental impact statement, if necessary; and
- (4) Inserting language to request the United States Department of the Interior Fish and Wildlife Service to conduct hearings in the affected counties before making Critical Habitat Designations to give all interested stakeholders an opportunity to participate in the process.

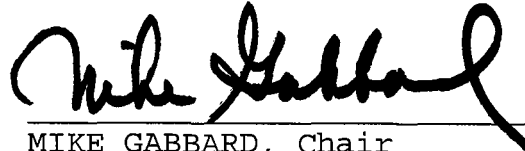


As affirmed by the records of votes of the members of your Committees on Energy and Environment, Public Safety, Intergovernmental and Military Affairs, and Water and Land that are attached to this report, your Committees concur with the intent and purpose of H.C.R. No. 96, H.D. 2, as amended herein, and recommend its adoption in the form attached hereto as H.C.R. No. 96, H.D. 2, S.D. 1.

Respectfully submitted on behalf of the members of the Committees on Energy and Environment, Public Safety, Intergovernmental and Military Affairs, and Water and Land,



WILL ESPERO, Chair



MIKE GABBARD, Chair

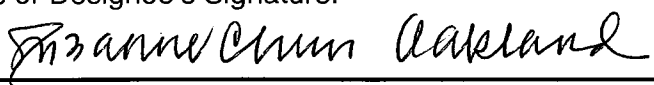


MALAMA SOLOMON, Chair



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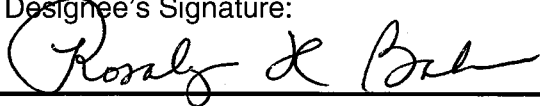
Record of Votes
Committee on Energy and Environment
ENE

Bill / Resolution No.:*	Committee Referral:	Date:		
HCR 96 HD2	ENE/PSM/WTL	4/19/13		
<input type="checkbox"/> The committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is:				
<input type="checkbox"/> Pass, unamended 2312	<input checked="" type="checkbox"/> Pass, with amendments 2311	<input type="checkbox"/> Hold 2310		
<input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
GABBARD, Mike (C)	✓			
RUDERMAN, Russell E. (VC)				✓
CHUN OAKLAND, Suzanne	✓			
IHARA, Jr., Les	✓			
SLOM, Sam	✓			
TOTAL	4	0	0	1
Recommendation:				
<input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature:				
				
Distribution:				
Original File with Committee Report	Yellow Clerk's Office	Pink Drafting Agency	Goldenrod Committee File Copy	

*Only one measure per Record of Votes

The Senate
 Twenty-Seventh Legislature
 State of Hawai'i

Record of Votes
Committee on Public Safety, Intergovernmental and Military Affairs
PSM

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<input type="checkbox"/> Pass, unamended 2312 <input checked="" type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313		
Members	Aye	Aye (WR)
Nay	Excused	
ESPERO, Will (C)	✓	
BAKER, Rosalyn H. (VC)	✓	
GALUTERIA, Brickwood	✓	
GREEN, Josh	✓	
SLOM, Sam	✓	
TOTAL	5	-
-	-	-
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted		
Chair's or Designee's Signature: 		
Distribution: Original Yellow Pink Goldenrod File with Committee Report Clerk's Office Drafting Agency Committee File Copy		

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