

STAND. COM. REP. NO. 1260

Honolulu, Hawaii
March 28, 2013

RE: H.R. No. 73
H.D. 1

Honorable Joseph M. Souki
Speaker, House of Representatives
Twenty-Seventh State Legislature
Regular Session of 2013
State of Hawaii

Sir:

Your Committee on Energy & Environmental Protection, to which was referred H.R. No. 73 entitled:

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

begs leave to report as follows:

The purpose of this measure is to request the United States Department of the Interior Fish and Wildlife Service to work with affected persons and counties to establish reasonable Critical Habitat Designations for endangered species in the State.

The Department of Land and Natural Resources, three individual members of the Maui County Council, Alexander & Baldwin, 4 Ag Hawaii, Hawaii Farm Bureau Federation, Hawaii Aquaculture and Aquaponic Association, and a few individuals provided testimony in support of this measure. The Center for Biological Diversity and an individual provided testimony in opposition to this measure.

Your Committee has amended this measure by:

- (1) Amending its title to read: "REQUESTING THE UNITED STATES DEPARTMENT OF THE INTERIOR FISH AND WILDLIFE SERVICE TO WORK WITH AFFECTED PERSONS AND COUNTIES IN

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COUNTIES IN ESTABLISHING CRITICAL HABITAT DESIGNATIONS
FOR ENDANGERED SPECIES IN THE STATE";

- (2) Amending its contents to request that the United States Fish and Wildlife Service work with affected persons and counties in establishing critical habitat designations for endangered species in the State;
- (3) Deleting provisions stating that the proposed designation of land in Maui County for Critical Habitat Designation is overly broad and may constitute a taking of land without compensation;
- (4) Deleting provisions suggesting that an environmental impact statement should be considered before the proposed Critical Habitat Designation is finalized;
- (5) Deleting provisions that projected potentially adverse impacts on landowners from the proposed Critical Habitat Designation;
- (6) Specifying the Legislature's concern that the proposed Critical Habitat Designation may hurt the relationship between the county and the federal government; and
- (7) Making technical, nonsubstantive amendments for the purposes of clarity, consistency, and style.

Your Committee notes that concerns were raised that this measure will affect Maui County farmers and ranchers who currently depend on federal funds for their operations or who may seek federal funds in the future.

Your Committee respectfully requests that your Committee on Water & Land consider further amendments to this measure to urge the United States Fish and Wildlife Service to reopen its consultation on this matter with the counties and affected residents.

As affirmed by the record of votes of the members of your Committee on Energy & Environmental Protection that is attached to this report, your Committee concurs with the intent and purpose of H.R. No. 73, as amended herein, and recommends that it be referred to the Committee on Water & Land in the form attached hereto as H.R. No. 73, H.D. 1.



Respectfully submitted on
behalf of the members of the
Committee on Energy &
Environmental Protection,



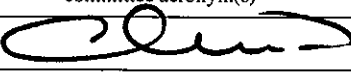
CHRIS LEE, Chair



State of Hawaii
House of Representatives
The Twenty-seventh Legislature

HSCR 1260

Record of Votes of the Committee on Energy & Environmental Protection

Bill/Resolution No.: HR73	Committee Referral: EEP, WAL	Date: 3/21/13		
<input type="checkbox"/> The committee is reconsidering its previous decision on the measure.				
The recommendation is to: <input type="checkbox"/> Pass, unamended (as is) <input checked="" type="checkbox"/> Pass, with amendments (HD) <input type="checkbox"/> Hold <input type="checkbox"/> Pass short form bill with HD to recommit for future public hearing (recommit)				
EEP Members	Ayes	Ayes (WR)	Nays	Excused
1. LEE, Chris (C)	✓			
2. THIELEN, Cynthia (VC)	✓			
3. COFFMAN, Denny	✓			
4. CULLEN, Ty J.K.	✓			
5. EVANS, Cindy	✓			
6. HANOHANO, Faye P.	✓			
7. KAWAKAMI, Derek S.K.	✓			
8. LOWEN, Nicole E.	✓			
9. FALE, Richard Lee	✓			
TOTAL (9)	9			
The recommendation is: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted If joint referral, _____ did not support recommendation. <div style="text-align: center; font-size: small;">committee acronym(s)</div>				
Vice Chair's or designee's signature: _____ <div style="text-align: center; font-size: large; font-family: cursive;">  </div>				
Distribution: Original (White) – Committee Duplicate (Yellow) – Chief Clerk's Office Duplicate (Pink) – HMSO				