

STAND. COM. REP. NO.

1261

Honolulu, Hawaii

**March 28**, 2013

RE: H.C.R. No. 96

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.C.R. No. 96 entitled:

"HOUSE CONCURRENT 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, Department of Agriculture, two individual members of the Maui County Council, Alexander & Baldwin, 4 Ag Hawaii, Hawaii Farm Bureau Federation, Kualoa Ranch, Barbed S Ranch, Hawaii Cattlemen's Council, Kealia Ranch, Maui Cattlemen's Association, Maui County Farm Bureau Federation, and several individuals provided testimony in support of this measure. The Center for Biological Diversity and one individual provided testimony in opposition to this measure.

HCR96 HD1 HSCR EEP HMS 2013-2939



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 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 suggesting that an environmental impact statement should be considered before the proposed Critical Habitat Designation is finalized;
- (4) Deleting provisions that projected potentially adverse impacts on landowners from the proposed Critical Habitat Designation;
- (5) Specifying the Legislature's concern that the proposed Critical Habitat Designation may hurt the relationship between the county and the federal government; and
- (6) 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.C.R. No. 96, as amended herein, and recommends that it be referred to the Committee on Water & Land in the form attached hereto as H.C.R. No. 96, H.D. 1.



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



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CHRIS LEE, Chair



