

STUDY OF KEALIA POND NATIONAL WILDLIFE REFUGE,  
HAWAII

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JUNE 6, 2000.—Committed to the Committee of the Whole House on the State of  
the Union and ordered to be printed

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Mr. YOUNG of Alaska, from the Committee on Resources,  
submitted the following

REPORT

[To accompany H.R. 3176]

[Including cost estimate of the Congressional Budget Office]

The Committee on Resources, to whom was referred the bill (H.R. 3176) to direct the Secretary of the Interior to conduct a study to determine ways of restoring the natural wetlands conditions in the Kealia Pond National Wildlife Refuge, Hawaii, having considered the same, report favorably thereon without amendment and recommend that the bill do pass.

PURPOSE OF THE BILL

The purpose of H.R. 3176 is to direct the Secretary of the Interior to conduct a study to determine ways of restoring the natural wetlands conditions in the Kealia Pond National Wildlife Refuge, Hawaii.

BACKGROUND AND NEED FOR LEGISLATION

H.R. 3176 directs the Secretary of the Interior to conduct a study on restoring the natural wetland conditions of the Kealia Pond National Wildlife Refuge on the island of Maui, Hawaii. The refuge was established in 1992 to provide habitat for migratory waterfowl and shorebirds, particularly for three endangered Hawaiian birds. The refuge provides over 700 acres of habitat that these birds, and other migratory birds, need to survive. Over two million tourists visit the island of Maui each year, and many of these visitors spend time at the Kealia Pond National Wildlife Refuge.

Kealia Pond is the central feature of the refuge. Water levels vary drastically in the pond. In the winter, the pond may cover up to 400 acres to a depth of several feet. In the summer dry seasons,

the pond may be no more than a few inches deep covering less than 50 acres. The pond contains brackish water and is periodically flooded by seawater. Seasonal fluctuations in the pond acreage are important for maintaining biological diversity at the Refuge. The Refuge provides overwintering habitat and food for a number of waterfowl and shorebirds, including Hawaiian ducks, coots and endangered stilts. However, in recent years, the fluctuations in the Refuge have been so severe that the wetland areas have dried up completely, resulting in fish kills and the loss of aquatic habitat. In other years, a nonnative insect—the spotted wing midge (a small fly)—hatches in numbers so great that it is a nuisance for neighboring landowners and towns.

Land use changes in the watershed surrounding the Refuge are thought to be responsible for the water level fluctuations. Sediment from the surrounding lands has gradually filled in the basin. Agriculture (primarily sugar cane) is the predominate land use in the watershed. The Fish and Wildlife Service, which oversees the Refuge, believes that active water management is needed to maximize habitat benefits, minimize the fish die-offs, and reduce blooms of the exotic midges. A workshop between government and private groups was held in February 2000 to discuss water management strategies for the Refuge, but the Fish and Wildlife Service has not developed a final water management plan. The Committee encourages the Secretary of the Interior to share the results of the study authorized by this legislation with local citizens, and to continue to seek the input of these citizens as he moves forward with water management efforts.

H.R. 3176 authorizes \$250,000 for a hydrologic study to be carried out by the United States Geological Survey and requires the Secretary of the Interior to complete the study within one year.

#### COMMITTEE ACTION

H.R. 3176 was introduced on October 28, 1999, by Congresswoman Patsy Mink (D-HI). The bill was referred to the Committee on Resources, and within the Committee to the Subcommittee on Fisheries Conservation, Wildlife, and Oceans. On March 30, 2000, the Subcommittee held a hearing on the bill. On April 6, 2000, the Subcommittee met to mark up the bill. There were no amendments, and the bill was ordered favorably reported to the Full Committee by voice vote. On May 24, 2000, the Full Resources Committee met to consider the bill. There were no amendments, and the bill was ordered favorably reported to the House of Representatives by voice vote.

#### COMMITTEE OVERSIGHT FINDINGS AND RECOMMENDATIONS

Regarding clause 2(b)(1) of rule X and clause 3(c)(1) of rule XIII of the Rules of the House of Representatives, the Committee on Resources' oversight findings and recommendations are reflected in the body of this report.

#### CONSTITUTIONAL AUTHORITY STATEMENT

Article I, section 8 of the Constitution of the United States grants Congress the authority to enact this bill.

## COMPLIANCE WITH HOUSE RULE XIII

1. *Cost of Legislation.* Clause 3(d)(2) of rule XIII of the Rules of the House of Representatives requires an estimate and a comparison by the Committee of the costs which would be incurred in carrying out this bill. However, clause 3(d)(3)(B) of that rule provides that this requirement does not apply when the Committee has included in its report a timely submitted cost estimate of the bill prepared by the Director of the Congressional Budget Office under section 402 of the Congressional Budget Act of 1974.

2. *Congressional Budget Act.* As required by clause 3(c)(2) of rule XIII of the Rules of the House of Representatives and section 308(a) of the Congressional Budget Act of 1974, this bill does not contain any new budget authority, spending authority, credit authority, or an increase or decrease in revenues or tax expenditures.

3. *Government Reform Oversight Findings.* Under clause 3(c)(4) of rule XIII of the Rules of the House of Representatives, the Committee has received no report of oversight findings and recommendations from the Committee on Government Reform on this bill.

4. *Congressional Budget Office Cost Estimate.* Under clause 3(c)(3) of rule XIII of the Rules of the House of Representatives and section 403 of the Congressional Budget Act of 1974, the Committee has received the following cost estimate for this bill from the Director of the Congressional Budget Office:

U.S. CONGRESS,  
CONGRESSIONAL BUDGET OFFICE,  
*Washington, DC, June 1, 2000.*

Hon. DON YOUNG,  
*Chairman, Committee on Resources,  
House of Representatives, Washington, DC.*

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 3176, a bill to direct the Secretary of the Interior to conduct a study to determine ways of restoring the natural wetlands conditions in the Kealia Pond National Wildlife Refuge, Hawaii.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Deborah Reis.

Sincerely,

BARRY B. ANDERSON  
(For Dan L. Crippen, Director).

Enclosure.

*H.R. 3176—A bill to direct the Secretary of the Interior to conduct a study to determine ways of restoring the natural wetlands conditions in the Kealia Pond National Wildlife Refuge, Hawaii*

H.R. 3176 would require the U.S. Fish and Wildlife Service (USFWS) to study ways of restoring the natural conditions of Kealia Pond, a national wildlife refuge in Hawaii. The bill would authorize the appropriation of \$250,000 for the study, which would have to be completed within one year of funding.

Assuming appropriation of the authorized amount, CBO estimates that the USFWS would spend \$250,000 in fiscal year 2001 to complete the required study and report its findings. H.R. 3176

would not affect direct spending or receipts; therefore, pay-as-you-go procedures would not apply. The bill contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act and would not affect the budgets of State, local, or tribal governments.

The CBO staff contact is Deborah Reis. This estimate was approved by Peter H. Fontaine, Deputy Assistant Director for Budget Analysis.

COMPLIANCE WITH PUBLIC LAW 104-4

This bill contains no unfunded mandates.

PREEMPTION OF STATE, LOCAL, OR TRIBAL LAW

This bill is not intended to preempt any State, local, or tribal law.

CHANGES IN EXISTING LAW

If enacted, this bill would make no changes in existing law.