

JAMES CAMPBELL NATIONAL WILDLIFE REFUGE
EXPANSION ACT OF 2005

APRIL 25, 2006.—Committed to the Committee of the Whole House on the State of
the Union and ordered to be printed

Mr. POMBO, from the Committee on Resources,
submitted the following

R E P O R T

[To accompany S. 1165]

[Including cost estimate of the Congressional Budget Office]

The Committee on Resources, to whom was referred the bill (S. 1165) to provide for the expansion of the James Campbell National Wildlife Refuge, Honolulu County, Hawaii, having considered the same, report favorably thereon without amendment and recommend that the bill do pass.

PURPOSE OF THE BILL

The purpose of S. 1165 is to provide for the expansion of the James Campbell National Wildlife Refuge, Honolulu County, Hawaii.

BACKGROUND AND NEED FOR LEGISLATION

The James Campbell National Wildlife Refuge on the Hawaiian island of Oahu was administratively created on December 17, 1976, with the closure of the Kahuku Sugar Mill. Together with the Oahu Forest National Wildlife Refuge and the Pearl Harbor National Wildlife Refuge, they comprise the Oahu National Wildlife Refuge Complex which was created to protect Hawaii's endangered waterbird populations.

James Campbell was a 24-year old carpenter who arrived in Lahaina, Maui, in 1850 aboard a whaling vessel departed from New York. During the next fifty years he acquired a considerable amount of property on the islands of Hawaii, Maui and Oahu, established a number of highly successful sugar mills, commissioned the first artesian well in Hawaii and served in the Hawaiian State

Legislature. The Campbell estate family trust was established upon his death. Today, the estate is one of Hawaii's largest private landowners. The trust arrangement which was established for his widow and four surviving daughters will terminate on January 20, 2007. The pending termination has stimulated interest by the trustees to divest some land holdings.

The James Campbell National Wildlife Refuge, located on the north shore of Oahu, is currently 260 acres of land that was purchased from the estate by the U.S. Fish and Wildlife Service. This land is divided into two non-contiguous segments known as the Kii and Punamano Pond units. It is comprised of a mix of naturally occurring spring-fed marshes, man-made ponds, freshwater springs and water impoundments. While there are approximately 75 endangered species of plants and animals residing within the Refuge, it was specifically established to protect four highly imperiled species of waterbirds: Hawaiian coot, Hawaiian duck, Hawaiian moorhen and Hawaiian stilt. The Service is currently negotiating with the Campbell estate to acquire additional high-value wetlands that would provide essential habitat for migratory birds, shore birds and other waterfowl. These lands are critical to the survival of these birds because nearly 90 percent of the wetlands on the island of Oahu have been destroyed. The Refuge is open to the public from August 1st to February 15th each year and is closed for the stilt breeding season.

Under the terms of this legislation, the Refuge would be increased by approximately 800 acres of land. This target property is owned by the James Campbell estate which has indicated it is willing to sell this land to either a private conservation organization or the Fish and Wildlife Service. By purchasing this property, the Fish and Wildlife Service would connect the two existing units of the Refuge, historical wetland habitat would be restored, a new protected flyway would be created and the U.S. Army Corps of Engineers would have the opportunity to provide some badly needed flood protection for the neighboring town of Kahuku. In addition, this refuge expansion would protect the last remaining large scale coastal dune ecosystem on Oahu, preserve native strand plants, and protect coastal wildlife including threatened green sea turtles, migratory shorebirds and endangered Hawaiian monk seals.

There are currently ten tenants who are involved in shrimp aquaculture activities within the proposed boundary expansion area. According to the Ko'olau Loa Agriculture Coalition, these farms represent about 50 jobs and more than \$20 million in capital investments over a thirty-year period. Based on information provided to the Subcommittee on Fisheries and Oceans, three tenants are operating on month-to-month leases and the remaining seven tenants have existing leases that expire prior to 2014. In addition, all tenants were advised in 2001 that the Campbell estate was selling the property; the U.S. Fish and Wildlife Service has offered lease extensions to five tenants through 2023 contingent on federal acquisition of the property.

COMMITTEE ACTION

S. 1165 was introduced on June 6, 2005, by Senators Daniel Inouye (D-HI). It was passed by the Senate by unanimous consent on December 16, 2005. The bill was referred to the Committee on

Resources, and within the Committee to the Subcommittee Fisheries and Oceans. On March 29, 2006, the Full Resources Committee met to consider the bill. The Subcommittee on Fisheries and Oceans was discharged from further consideration of the bill by unanimous consent. No amendments were offered and the bill was ordered favorably reported to the House of Representatives by unanimous consent.

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. General Performance Goals and Objectives. As required by clause 3(c)(4) of rule XIII, the general performance goal or objective of this bill is to provide for the expansion of the James Campbell National Wildlife Refuge, Honolulu County, Hawaii.

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:

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S. 1165 would establish a statutory boundary for the James Campbell National Wildlife Refuge in Hawaii. CBO estimates that implementing the legislation would cost about \$20 million over the next five years, assuming appropriation of the necessary amounts. Enacting S. 1165 would not affect direct spending or revenues.

The legislation contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act and would have no significant impact on the budgets of state, local, or tribal governments.

S. 1165 would expand the boundary of the James Campbell National Wildlife Refuge, which was established administratively in 1976, to include a total of about 1,100 acres. The act would authorize the U.S. Fish and Wildlife Service (USFWS) to acquire land within the new boundary, subject to the availability of appropriated funds. Based on information provided by the USFWS and assuming appropriation of the necessary amounts, CBO estimates that the agency would spend \$19 million over the next three years to purchase about 750 acres of land that would be added by the bill to the refuge's administrative boundary. About half of this land, worth an estimated \$7 million, is the subject of an existing agency proposal to expand the refuge administratively and might be purchased even in the absence of this legislation (but possibly not for several years). We estimate that the USFWS would spend about \$500,000 a year to restore and manage the acreage added by the act once it has been acquired.

On December 5, 2005, CBO transmitted a cost estimate for S. 1165 as ordered reported by the Senate Committee on Environment and Public Works on November 17, 2005. The two versions of the legislation are the same as are the estimated costs.

The CBO contact for this estimate is Deborah Reis, who can be reached at 226-2860. 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.

