

OAHU NATIONAL WILDLIFE REFUGE COMPLEX, WAIHEE
MARSH INCLUSION

APRIL 22, 1996.—Committed to the Committee of the Whole House on the State of
the Union and ordered to be printed

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

REPORT

[To accompany H.R. 1772]

[Including cost estimate of the Congressional Budget Office]

The Committee on Resources, to whom was referred the bill (H.R. 1772) to authorize the Secretary of the Interior to acquire certain interests in the Waihee Marsh for inclusion in the Oahu National Wildlife Refuge Complex, having considered the same, report favorably thereon with an amendment and recommend that the bill as amended do pass.

The amendment is as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

SECTION 1. AUTHORITY TO ACQUIRE INTERESTS FOR INCLUSION IN THE OAHU NATIONAL WILDLIFE REFUGE COMPLEX.

(a) **AUTHORITY TO ACQUIRE.**—The Secretary of the Interior may acquire, for inclusion in the Oahu National Wildlife Refuge Complex, the area known as the Waihee Marsh, located on the northeast coast of the Island of Oahu, Hawaii, consisting of approximately 36 acres (as determined by the Secretary) along both sides of Kamehameha Highway.

(b) **MANAGEMENT OF ACQUIRED INTERESTS.**—Lands and interests acquired by the United States under this section shall be managed by the Secretary of the Interior as part of the Oahu National Wildlife Refuge Complex.

PURPOSE OF THE BILL

The purpose of H.R. 1772 is to authorize the Secretary of the Interior to acquire certain interests in the Waihee Marsh for inclusion in the Oahu National Wildlife Refuge complex.

BACKGROUND AND NEED FOR LEGISLATION

The Waihee Marsh is a natural, lowland, palustrine wetland located in the Kahaluu on the windward (northeast) coast of the Island of Oahu, Hawaii. This approximately 36-acre wetland was identified in a 1993 revised Hawaiian Waterbirds Recovery Plan of the U.S. Fish and Wildlife Service (FWS) as essential habitat for the recovery of endangered waterbirds. In 1990, FWS identified Waihee wetland as a priority wetland acquisition site in its Regional Wetlands Concept Plan: Emergency Wetlands Resource Act. FWS has also described Waihee Marsh as an area for which the Federal Government has the lead in pursuing habitat protection.

Waihee Marsh lies at the base of the Koolau mountain range, surrounded by rural residential areas and small agricultural lots. The wetland is naturally perennially flooded, primarily fed by Haiamoa Stream and groundwater. Water in the wetland was surveyed at 10 to 15 centimeters (four to six inches) deep in a 1977 survey which also noted a layer of mud and organic ooze. The wetland is surrounded by embankments that protect man-made developments surrounding the wetland.

In general, Hawaii's coastal wetland habitat declined 31 percent between 1880 and 1980, leaving only 15,474 acres of wetland, according to a June 1990 preliminary project proposal for FWS' Hawaiian Waterbirds Acquisition Program. The loss of wetlands in the Kaneohe Bay area, including the Waihee Marsh, was 80 to 90 percent.

FWS found the remaining acres of wetlands in Hawaii to be home to four endangered Hawaiian waterbirds, 35 migratory waterfowl, and 40 migratory shorebirds. Lowland, palustrine marshes, montane streams, cultivated wetlands and shallow margins of anchialine ponds, mud flats, and related estuarine wetlands comprised the most important habitat for bird species. The wetlands also provide protection for estuarine and marine fishery resources.

Preservation of this small palustrine wetland is necessary to protect essential habitat for several endangered and threatened species including the Hawaiian coot, Hawaiian duck, Hawaiian moorhen, Hawaiian stilt, and other native birds such as the black-crowned night heron, the Pacific golden plover, and migratory waterfowl. These birds are found primarily in the interior portion of Waihee Marsh, which is subject to prolonged ponding during the rainy season. Outer sections of the wetland are overgrown with introduced vegetation, serving as a buffer for the inner wetlands.

The wetland also captures and retains stormwater runoff that preserves coral communities and water quality of the adjacent Kaneohe Bay. Waihee Marsh offers flood control protection for the nearby Waihee and Kaalaea areas.

Acquisition and inclusion into the Oahu National Wildlife Refuge complex is recommended for these reasons, especially because the wetland is near a fairly busy highway and adjacent to growing communities. An office would not be needed on site, as maintenance and management staff would travel to the Refuge on a rotating basis.

COMMITTEE ACTION

H.R. 1772 was introduced on June 7, 1995, by Congresswoman Patsy T. Mink. The bill was referred to the Committee on Resources, and within the Committee to the Subcommittee on Fisheries, Wildlife and Oceans.

On December 14, 1995, the Subcommittee held a hearing on H.R. 1772. Congresswoman Patsy T. Mink and Dr. Robert P. Davison, Deputy Assistant Secretary for Fish and Wildlife and Parks, U.S. Fish and Wildlife Service, Department of the Interior, testified in support of the bill.

On March 14, 1996, the Subcommittee on Fisheries, Wildlife and Oceans met to mark up H.R. 1772. At that time, Chairman Jim Saxton offered an amendment that would allow the Secretary of the Interior to acquire the entire 36-acre Waihee Marsh, not just the portion originally authorized by the bill. This amendment was adopted by voice vote. The bill, as amended, was then approved by voice vote and ordered favorably reported to the Full Committee.

On March 28, 1996, the Full Resources Committee met to consider H.R. 1772. There were no further amendments and the Committee ordered the bill favorably reported to the House of Representatives by voice vote, in the presence of a quorum.

SECTION-BY-SECTION ANALYSIS

Section 1. Authority to acquire interests for inclusion in the Oahu National Wildlife Refuge Complex

(a) AUTHORITY TO ACQUIRE.—The Secretary of the Interior may acquire, for inclusion in the Oahu National Wildlife Refuge Complex, the area known as the Waihee Marsh, consisting of approximately 36 acres along both sides of Kamehameha Highway.

(b) MANAGEMENT OF ACQUIRED INTERESTS.—Lands and interests acquired by the United States shall be managed by the Secretary of the Interior as part of the Oahu National Wildlife Refuge Complex.

COMMITTEE OVERSIGHT FINDINGS AND RECOMMENDATIONS

With respect to the requirements of clause 2(l)(3) of rule XI of the Rules of the House of Representatives, and clause 2(b)(1) of Rule X of the Rules of the House of Representatives, the Committee on Resources' oversight findings and recommendations are reflected in the body of this report.

INFLATIONARY IMPACT STATEMENT

Pursuant to clause 2(l)(4) of rule XI of the Rules of the House of Representatives, the Committee estimates that the enactment of H.R. 1772 will have no significant inflationary impact on prices and costs in the operation of the national economy.

COST OF THE LEGISLATION

Clause 7(a) 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 H.R. 1772. However, clause 7(d) 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 403 of the Congressional Budget Act of 1974.

COMPLIANCE WITH HOUSE RULE XI

1. With respect to the requirement of clause 2(l)(3)(B) of rule XI of the Rules of the House of Representatives and section 308(a) of the Congressional Budget Act of 1974, H.R. 1772 does not contain any new budget authority, spending authority, credit authority, or an increase or decrease in revenues or tax expenditures.

2. With respect to the requirement of clause 2(l)(3)(D) of rule XI 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 and Oversight on the subject of H.R. 1772.

3. With respect to the requirement of clause 2(l)(3)(C) of rule XI 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 H.R. 1772 from the Director of the Congressional Budget Office.

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, April 19, 1996.

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

DEAR MR. CHAIRMAN: The Congressional Budget Office has reviewed H.R. 1772, a bill to authorize the Secretary of the Interior to acquire certain interests in the Waihee Marsh for inclusion in the Oahu National Wildlife Refuge complex, as ordered reported by the House Committee on Resources on March 28, 1996. Assuming appropriation of the necessary amounts, CBO estimates that implementing this legislation would cost the federal government between \$2.5 million and \$3 million over the next two or three years. In subsequent years, ongoing costs would range from about \$100,000 to \$150,000 annually. H.R. 1772 would not affect direct spending or receipts; therefore, pay-as-you-go procedures would not apply.

H.R. 1772 would authorize the Secretary of the Interior to acquire the Waihee Marsh. The Waihee site, which comprises 36 acres or more on the eastern side of Oahu, would become part of the Oahu National Refuge Complex. CBO estimates that the U.S. Fish and Wildlife Service (USFWS) would spend between \$1.5 million and \$2 million to acquire property at the marsh site. Expenditures would depend on how many acres are purchased and on their appraised value. We estimate that the agency would spend an additional \$1 million to restore the marsh and construct facilities such as fences and viewing platforms. Once these activities have been completed, the agency would spend between \$100,000 and \$150,000 annually to administer the site and make payments to local governments under the Refuge Revenue Sharing Act.

For purposes of this estimate, CBO has assumed that H.R. 1772 will be enacted during fiscal year 1996 and that the entire amounts estimated are appropriated as needed. Estimated costs are based on information provided by the USFWS.

H.R. 1772 contains no intergovernmental or private sector mandates as defined in Public Law 104-4, and would impose no direct costs on state, local, or tribal governments.

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

Sincerely,

JUNE E. O'NEILL, *Director*.

COMPLIANCE WITH PUBLIC LAW 104-4

H.R. 1772 contains no unfunded mandates.

CHANGES IN EXISTING LAW

If enacted, H.R. 1772 would make no changes in existing law.

DEPARTMENTAL REPORTS

The Committee has received no departmental reports on H.R. 1772.

