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JAMES CAMPBELL NATIONAL WILDLIFE REFUGE EXPANSION ACT OF 2005

DECEMBER 8, 2005.—Ordered to be printed

Filed under authority of the order of the Senate of November 18, 2005

Mr. INHOFE, from the Committee on Environment and Public
Works, submitted the following

REPORT

[to accompany S. 1165]

[Including cost estimate of the Congressional Budget Office]

The Committee on Environment and Public Works, to which was referred a bill (S. 1165) to provide for the expansion of the James Campbell National Wildlife Refuge, Honolulu County, Hawaii, having considered the same, reports favorably thereon with an amendment and recommends that the bill, as amended, do pass.

GENERAL STATEMENT AND BACKGROUND

The James Campbell National Wildlife Refuge (Refuge) is located near Kahuku Point on the northeastern tip of the Island of Oahu and is part of the City and County of Honolulu, Hawaii. The Refuge was established on December 17, 1976, through a 55-year lease between the Estate of James Campbell (Estate) and the U.S. Fish and Wildlife Service (Service). Two refuge units are separated by approximately one mile of open space used for agricultural purposes. The Refuge is managed to provide optimum recovery habitat for all four endangered Hawaiian waterbird species. A multitude of wintering migratory waterfowl and migratory shorebird species also thrive on the Refuge units. Through careful management, the Refuge has become the premier recovery site on Oahu for endangered Hawaiian stilts, coots, moorhens, and ducks. It also serves as an important site for wildlife-dependent public use featuring wild-

life observation and photography and environmental education and interpretation.

The principal land acquisition authority for the Refuge has been the Endangered Species Act (16 U.S.C. 1531–1543), as amended, and the Fish and Wildlife Act of 1956 (16 U.S.C. 742a–742j), as amended. Authority for acquiring additional lands could also be derived from the Emergency Wetlands Resources Act (16 U.S.C. 3901–3931), which authorizes the purchase of wetlands that are not acquired under the authority of the Migratory Bird Conservation Act, consistent with the wetlands priority conservation plan.

OBJECTIVES OF THE LEGISLATION

S. 1165 would expand the Refuge boundary to include additional lands currently owned in fee by the Estate of James Campbell. The expansion would provide additional habitat, including shoreline, freshwater wetlands and sand dunes, as well as make the current refuge units contiguous. Expanding the Refuge boundary to allow for the acquisition of additional lands for habitat conservation from a willing seller will also prevent the land from being sold at a later time and used for development, thus protecting the habitat value of the land and the existing Refuge units.

SECTION-BY-SECTION ANALYSIS

Section 1. Short title.

This section provides that this Act may be cited as the “James Campbell National Wildlife Refuge Expansion Act of 2005”.

Sec. 2. Findings.

This section provides congressional findings supporting the need for the Act.

Sec. 3. Definitions.

This section provides definitions for terms relevant to the Act.

Sec. 4. Expansion of Refuge.

This section expands the boundary of the refuge to include approximately 1,100 acres of land depicted on a map dated October 20, 2005 on file in the office of the U.S. Fish and Wildlife Service.

Sec. 5. Acquisition of land and water.

This section provides the authority for the Secretary of the Interior to acquire, subject to the availability of appropriated funds, any land, water or interest within the boundary of the refuge.

Sec. 6. Authorization of appropriations.

This section authorizes to be appropriated such sums as are necessary to carry out the Act.

LEGISLATIVE HISTORY

On June 6, 2005, Senator Inouye introduced S. 1165, which was cosponsored by Senator Akaka. The bill was received, read twice and referred to the Senate Committee on Environment and Public

Works. The committee met on November 17, 2005 to consider the bill. S. 1165 was ordered favorably reported, as amended, by voice vote.

HEARINGS

No committee hearings were held on S. 1165.

ROLLCALL VOTES

The Committee on Environment and Public Works met to consider S. 1165 on November 17, 2005. The committee agreed to an amendment offered jointly by Senator Inhofe and Senator Jeffords by voice vote. The bill was ordered favorably reported, as amended, by voice vote. No roll call votes were taken.

REGULATORY IMPACT STATEMENT

In compliance with section 11(b) of rule XXVI of the Standing Rules of the Senate, the committee finds that S. 1165 does not create any additional regulatory burdens, nor will it cause any adverse impact on the personal privacy of individuals.

MANDATES ASSESSMENT

In compliance with the Unfunded Mandates Reform Act of 1995 (Public Law 104-4), the committee finds that S. 1165 would not impose Federal intergovernmental unfunded mandates on State, local, or tribal governments.

COST OF LEGISLATION

Section 403 of the Congressional Budget and Impoundment Control Act requires that a statement of the cost of the reported bill, prepared by the Congressional Budget Office, be included in the report. That statement follows:

S. 1165, James Campbell National Wildlife Refuge Expansion Act of 2005, As ordered reported by Senate Committee on Environment and Public Works on November 17, 2005

S. 1165 would establish a statutory boundary for the James Campbell National Wildlife Refuge in Hawaii. CBO estimates that implementing S. 1165 would cost about \$20 million over the next 5 years, assuming appropriation of the necessary amounts. Enacting the bill 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 bill 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 3 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 bill once it has been acquired.

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

CHANGES IN EXISTING LAW

Section 12 of rule XXVI of the Standing Rules of the Senate requires the committee to publish changes in existing law made by the bill as reported. Passage of this bill will make no changes to existing law.

