
HOUSE CONCURRENT RESOLUTION

OPPOSING THE PASSAGE OF RULE 064B-BA81 PROPOSED BY THE NATIONAL
OCEANIC AND ATMOSPHERIC AGENCY.

1 WHEREAS, the National Oceanic and Atmospheric Agency
2 ("NOAA") has proposed rule 064B-BA81 to designate the shorelines
3 and waters surrounding all of the main Hawaiian Islands as
4 critical habitat for the Hawaiian monk seal; and

5
6 WHEREAS, prior to proposing this rule, NOAA representatives
7 failed to discuss this proposal with the Clean Energy Division
8 of the Hawaii Department of Business, Economic Development, and
9 Tourism; and

10
11 WHEREAS, therefore, NOAA seems to have been unaware of the
12 many clean energy projects planned or underway in Hawaii,
13 including ocean thermal energy conversion, deep sea air
14 conditioning, and wave energy programs; and

15
16 WHEREAS, this extensive and overly aggressive proposed rule
17 could effectively kill ocean based clean energy initiatives in
18 Hawaii; and

19
20 WHEREAS, Hawaii is the most oil dependent state in the
21 United States and sends an estimated \$7,000,000,000 out of the
22 State every year to purchase petroleum to meet the State's
23 energy needs; and

24
25 WHEREAS, the unimpeded development of clean energy
26 projects, including ocean-based projects, is vital to breaking
27 our oil dependence; and

28



1 WHEREAS, NOAA's own economic report states that the agency
2 has insufficient data to be able to determine the economic
3 impacts of the proposed rule on clean energy programs; and
4

5 WHEREAS, NOAA's report also indicates that there is
6 insufficient data to estimate the effect on many other
7 activities, including harbors modernization, oil spill clean
8 ups, and beach replenishment and restoration projects; and
9

10 WHEREAS, NOAA's report seems to indicate that monk seal
11 populations are doing better in areas where the critical habitat
12 designation does not exist, suggesting that certain federal
13 regulations intended to help monk seals may ultimately be
14 ineffective and potentially harmful; and
15

16 WHEREAS, it is inappropriate and irresponsible for NOAA to
17 proceed with this rule when the impacts are, by NOAA's own
18 admission, unknown; and
19

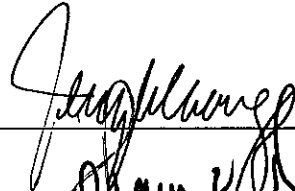
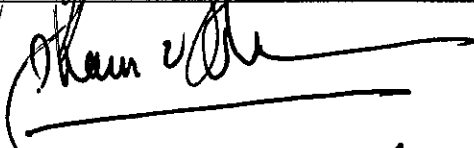
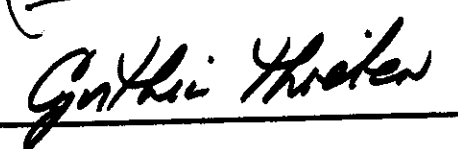
20 WHEREAS, adoption of this proposed rule would seriously
21 impede the State's ability to use critical habitat areas to
22 pursue clean and renewable energy, thus tying the State to an
23 unsustainable and environmentally dangerous dependence on oil;
24 now, therefore,
25

26 BE IT RESOLVED by the House of Representatives of the
27 Twenty-sixth Legislature of the State of Hawaii, Regular Session
28 of 2012, the Senate concurring, that the Legislature, opposes
29 the adoption of rule 064B-BA81 proposed by the National Oceanic
30 and Atmospheric Agency and requests that the Department of Land
31 and Natural Resources and the Department of Business, Economic
32 Development, and Tourism unanimously oppose the adoption of rule
33 064B-BA81 proposed by the National Oceanic and Atmospheric
34 Agency; and
35



1 BE IT FURTHER RESOLVED that certified copies of this
2 Concurrent Resolution be transmitted to the Under Secretary of
3 Commerce for Oceans and Atmosphere, the Governor of Hawaii, the
4 Director of Business, Economic Development, and Tourism, and the
5 Chairperson of the Board of Land and Natural Resources.
6
7
8

OFFERED BY:

FEB 03 2012

