
HOUSE 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
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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
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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
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16 WHEREAS, this extensive and overly aggressive proposed rule
17 could effectively kill ocean based clean energy initiatives in
18 Hawaii; and
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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
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25 WHEREAS, the unimpeded development of clean energy
26 projects, including ocean-based projects, is vital to breaking
27 our oil dependence; and
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29 WHEREAS, NOAA's own economic report states that the agency
30 has insufficient data to be able to determine the economic
31 impacts of the proposed rule on clean energy programs; and
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1 WHEREAS, NOAA's report also indicates that there is
2 insufficient data to estimate the effect on many other
3 activities, including harbors modernization, oil spill clean
4 ups, and beach replenishment and restoration projects; and
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6 WHEREAS, NOAA's report seems to indicate that monk seal
7 populations are doing better in areas where the critical habitat
8 designation does not exist, suggesting that certain federal
9 regulations intended to help monk seals may ultimately be
10 ineffective and potentially harmful; and
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12 WHEREAS, it is inappropriate and irresponsible for NOAA to
13 proceed with this rule when the impacts are, by NOAA's own
14 admission, unknown; and
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16 WHEREAS, adoption of this proposed rule would seriously
17 impede the State's ability to use critical habitat areas to
18 pursue clean and renewable energy, thus tying the State to an
19 unsustainable and environmentally dangerous dependence on oil;
20 now, therefore,
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22 BE IT RESOLVED by the House of Representatives of the
23 Twenty-sixth Legislature of the State of Hawaii, Regular Session
24 of 2012, that this body, opposes the adoption of rule 064B-BA81
25 proposed by the National Oceanic and Atmospheric Agency and
26 requests that the Department of Land and Natural Resources and
27 the Department of Business, Economic Development, and Tourism
28 unanimously oppose the adoption of rule 064B-BA81 proposed by
29 the National Oceanic and Atmospheric Agency; and
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31 BE IT FURTHER RESOLVED that certified copies of this
32 Resolution be transmitted to the Under Secretary of Commerce for
33 Oceans and Atmosphere, the Governor of Hawaii, the Director of
34 Business, Economic Development, and Tourism, and the Chairperson
35 of the Board of Land and Natural Resources.
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OFFERED BY:



