
HOUSE CONCURRENT RESOLUTION

URGING THE GOVERNOR TO REQUEST THE FEDERAL GOVERNMENT TO
PROHIBIT DUMPING OF VESSEL SEWAGE WITHIN THE HAWAIIAN
ISLANDS HUMPBACK WHALE NATIONAL MARINE SANCTUARY.

1 WHEREAS, our ocean ecosystems represent a precious natural
2 resource for our state, providing a unique and wondrous
3 attraction for both residents and visitors; and
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5 WHEREAS, the waters of the Hawaiian Islands Humpback Whale
6 National Marine Sanctuary (Whale and Marine Sanctuary),
7 established under federal law and located in various areas off
8 the coasts of Kauai, Oahu, Maui, Molokai, Lanai, and the Big
9 Island, represent critical habitats in winter months for the
10 endangered north Pacific humpback whale; and
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12 WHEREAS, the waters of the Whale and Marine Sanctuary are
13 where these endangered humpback whales breed, calve, and nurse
14 their young; and
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16 WHEREAS, the waters of the Whale and Marine Sanctuary
17 provide important habitats for other endangered and protected
18 species, such as the green sea turtle, hawksbill sea turtle, and
19 the monk seal; and
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21 WHEREAS, the waters of the Whale and Marine Sanctuary
22 include complex, vulnerable ecosystems of coral reefs and reef-
23 based animal and plant populations; and
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25 WHEREAS, the waters of the Whale and Marine Sanctuary
26 include areas previously designated for preservation of wildlife
27 by the State, including the Molokini Shoal Marine Life and Bird
28 Conservation District, Honolua-Mokuleia Marine Life Conservation
29 District, Manele-Hulopoe Marine Life Conservation District,
30 Hanauma Bay Marine Life Conservation District, Pupukeya Marine
31 Life Conservation District, Lapakahi Marine Life Conservation



1 District, Waialea Bay Marine Life Conservation District, and the
2 marine portion of the Ahihi-Kinau Natural Area Reserve; and
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4 WHEREAS, ocean resources such as the waters of the Whale
5 and Marine Sanctuary represent a vital component of Hawaii's
6 essential visitor industry; and
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8 WHEREAS, visitors and residents alike enjoy the resources
9 of the Whale and Marine Sanctuary in a variety of ways,
10 including snorkeling, diving, fishing, kayaking, canoeing, and
11 wildlife observation tours; and
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13 WHEREAS, unfortunately, there have been increasing numbers
14 of complaints from residents and visitors alike regarding the
15 practice of tour boat operators dumping concentrated human
16 sewage into the waters of the Whale and Marine Sanctuary; and
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18 WHEREAS, the County Council of Maui has responded to this
19 problem by adopting a resolution in February of 2006 stating
20 that "...it is imperative that dumping of raw sewage and
21 chemical contaminants into our ocean cease immediately, and that
22 our precious marine ecosystem, which our residents and tourist
23 industry cherish and depend on, be protected..."; and
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25 WHEREAS, the County of Maui has also taken the initiative
26 in addressing this problem by providing funds to reimburse
27 vessel operators who use mobile, dock-side "pumper" trucks that
28 haul the sewage for land-based treatment; and
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30 WHEREAS, other governmental agencies have indicated support
31 for these mobile "pumper" trucks to haul sewage for land-based
32 treatment; and
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34 WHEREAS, mobile, dock-side "pumper" trucks are available at
35 certain harbors; and
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37 WHEREAS, the State has provided permanent facilities at
38 certain other harbors; and
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40 WHEREAS, the State has prohibited the dumping of most
41 vessel sewage within state waters; and



1 WHEREAS, the federal government can and should prohibit the
2 dumping of sewage in the waters of the Whale and Marine
3 Sanctuary by:

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5 (1) Rule-making, pursuant to the enabling legislation
6 authorizing and creating the Whale and Marine
7 Sanctuary (The National Marine Sanctuaries Act, 16
8 U.S.C. 1431 et seq., as amended, and the Hawaii
9 Islands National Marine Sanctuary Act subtitle C,
10 title II, Pub. L. 102-587, as amended); and

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12 (2) Creation of a no-discharge zone, pursuant to the Clean
13 Water Act (United States Code, Title 33, Chapter 26);
14 and

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16 WHEREAS, residents of Hawaii have requested a no-discharge
17 zone for the waters of the Whale and Marine Sanctuary, and such
18 residents were informed that no request for a no-discharge zone
19 had been received from the State of Hawaii, and such residents
20 were further informed that pursuant to the Clean Water Act, a
21 request is required to be received from the State of Hawaii in
22 order for the Environmental Protection Agency (EPA) to create a
23 no-discharge zone; and

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25 WHEREAS, the EPA must consider a request for a no-discharge
26 zone from the State of Hawaii pursuant to the Clean Water Act;
27 and

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29 WHEREAS, residents of Hawaii have requested the Whale and
30 Marine Sanctuary to begin rule-making procedures designed to
31 prohibit the dumping of sewage by tour vessels within the Whale
32 and Marine Sanctuary, and such rule-making procedures have not
33 been instituted; and

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35 WHEREAS, the State of Hawaii's representative serves as Co-
36 Manager of the Whale and Marine Sanctuary; and

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38 WHEREAS, the Department of Commerce is the federal agency
39 responsible for the administration of the Whale and Marine
40 Sanctuary, and the EPA is the federal agency responsible for the
41 administration of the Clean Water Act; and



1 WHEREAS, the sewage dumped in federal waters within the
 2 Whale and Marine Sanctuary has a negative impact on the health,
 3 welfare, and enjoyment of the residents and visitors of Hawaii;
 4 now, therefore,

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 6 BE IT RESOLVED by the House of Representatives of the
 7 Twenty-fourth Legislature of the State of Hawaii, Regular
 8 Session of 2007, the Senate concurring, that the Governor is
 9 requested to urge the federal government to prohibit dumping of
 10 vessel sewage within the boundaries of the Whale and Marine
 11 Sanctuary; and

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 13 BE IT FURTHER RESOLVED that the State Department of Land
 14 and Natural Resources and other state agencies and personnel,
 15 including Hawaii's Co-Manager of the Hawaiian Islands Humpback
 16 Whale National Marine Sanctuary, are requested to cooperate
 17 with, assist, and encourage efforts to prohibit dumping of
 18 vessel sewage within the boundaries of the Whale and Marine
 19 Sanctuary; and

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 21 BE IT FURTHER RESOLVED that certified copies of this
 22 Concurrent Resolution be transmitted to the United States
 23 Secretary of Commerce, Administrator of the Environmental
 24 Protection Agency, the Governor, Director of Land and Natural
 25 Resources, and Hawaii's Congressional Delegation.
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OFFERED BY:

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Impress.