
HOUSE CONCURRENT RESOLUTION

REQUESTING ALL BRANCHES OF THE UNITED STATES GOVERNMENT TO
PROHIBIT DUMPING OF VESSEL SEWAGE WITHIN THE HAWAIIAN
ISLANDS HUMPBACK WHALE NATIONAL MARINE SANCTUARY.

1 WHEREAS, the State of Hawaii enjoys ocean resources,
2 including the waters of the Hawaiian Islands Humpback Whale
3 National Marine Sanctuary, created pursuant to the Hawaiian
4 Island National Marine Sanctuary Act, Title II, Subtitle C,
5 Public Law 102-587, herein referred to as the "Whale and Marine
6 Sanctuary"; and

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8 WHEREAS, the Whale and Marine Sanctuary adjoins portions of
9 all of the Hawaiian islands of Kauai, Oahu, Maui, Molokai,
10 Hawaii, and Lanai; and

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12 WHEREAS, the waters of the Whale and Marine Sanctuary are
13 relatively shallow, calm, protected waters, and are a critical
14 habitat in winter months of the endangered North Pacific
15 humpback whales; and

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17 WHEREAS, critically endangered humpback whales breed,
18 calve, and nurse their young in the Whale and Marine Sanctuary;
19 and

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21 WHEREAS, the Whale and Marine Sanctuary provides an
22 important habitat for other endangered and protected species,
23 including green sea turtles, hawksbill sea turtles, monk seals,
24 and others; and

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26 WHEREAS, the waters of the Whale and Marine Sanctuary
27 include complex ecosystems of marine life populations and reefs
28 that are fragile and under stress from human activities; and

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30 WHEREAS, the waters of the Whale and Marine Sanctuary
31 include areas previously designated for preservation of wildlife



1 by the State of Hawaii, including the Molokini Shoal Marine Life
2 and Bird Conservation District, Honolua-Mokule'ia Marine Life
3 Conservation District, Manele-Hulopo'e Marine Life Conservation
4 District, Hanauma Bay Marine Life Conservation District, Pupukea
5 Marine Life Conservation District, Lapakahi Marine Life
6 Conservation District, Waialea Bay Marine Life Conservation
7 District, and the marine portion of the 'Ahihi-Kina'u Natural
8 Area Reserve; and

9
10 WHEREAS, the economy of Hawaii benefits from the tourism
11 industry that, in turn, relies upon the ocean's resources,
12 including the waters within the Whale and Marine Sanctuary; and

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14 WHEREAS, residents and tourists alike enjoy the resources
15 located within the Whale and Marine Sanctuary in a variety of
16 ways, including snorkeling, diving, fishing, kayaking, canoeing,
17 and wildlife observation tours; and

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19 WHEREAS, human activities within the Whale and Marine
20 Sanctuary have increased dramatically in recent years; and

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22 WHEREAS, governmental agencies have received an increasing
23 number of complaints from Hawaii residents and from tourists
24 from the continental United States and foreign countries about
25 tour boat operators' practice of dumping concentrated human
26 sewage into the waters of the Whale and Marine Sanctuary; and

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28 WHEREAS, the County of Maui has declared, by Council
29 Resolution adopted February, 2006, that "...it is imperative
30 that dumping of raw sewage and chemical contaminants into our
31 ocean cease immediately, and that our precious marine ecosystem,
32 which our residents and tourism industry cherish and depend on,
33 be protected..."; and

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35 WHEREAS, the County of Maui has taken the initiative in
36 this problem and provided funds for vessel operators to be
37 reimbursed for pumping toilet contents at Ma'alaea Harbor via
38 mobile pump trucks that haul away the sewage for land-based
39 treatment; and

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41 WHEREAS, other governmental agencies have pledged
42 additional funds for mobile dock-side pump trucks to haul vessel
43 sewage to land-based treatment facilities; and



1 WHEREAS, mobile dock-side pump trucks are available at
2 other harbors within Maui and Hawaii counties; and
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4 WHEREAS, the State of Hawaii has provided permanent sewage
5 treatment facilities at certain harbors; and
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7 WHEREAS, the State of Hawaii has prohibited the dumping of
8 most vessel sewage within state waters; and
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10 WHEREAS, the United States government can and should
11 prohibit dumping sewage into the waters of the Whale and Marine
12 Sanctuary by creating a no-discharge zone, pursuant to the Clean
13 Water Act, 33 United States Code section 1251 et seq. and by
14 adopting appropriate rules pursuant to 16 United States Code
15 section 1431 et seq.; and
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17 WHEREAS, residents of Hawaii have requested a no-discharge
18 zone for the waters of the Whale and Marine Sanctuary and were
19 informed that pursuant to the Clean Water Act, the United States
20 Congress is required to receive a request for a no-discharge
21 zone from the State of Hawaii in order for the Environmental
22 Protection Agency to create a no-discharge zone; and
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24 WHEREAS, the Environmental Protection Agency is requested
25 to consider an application for a no-discharge zone from the
26 State of Hawaii if made pursuant to the Clean Water Act; and
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28 WHEREAS, residents of Hawaii have requested that laws and
29 rules designed to prohibit the dumping of sewage by tour vessels
30 within the Whale and Marine Sanctuary be enacted and adopted,
31 and specific laws and rules have not been instituted; and
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33 WHEREAS, the State of Hawaii's representative serves as
34 co-manager of the Whale and Marine Sanctuary; and
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36 WHEREAS, the United States Department of Commerce is the
37 federal agency responsible for the administration of the Whale
38 and Marine Sanctuary, and the Environmental Protection Agency is
39 the federal agency responsible for administration of the Clean
40 Water Act; and
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42 WHEREAS, the sewage dumped in federal waters within the
43 Whale and Marine Sanctuary impacts the health, welfare, and
44 enjoyment of Hawaii residents and visitors; now, therefore,



BE IT RESOLVED by the House of Representatives of the Twenty-fourth Legislature of the State of Hawaii, Regular Session of 2007, the Senate concurring, that the United States Congress is respectfully requested to prohibit the dumping of vessel sewage within the boundaries of the Hawaiian Islands Humpback Whale National Marine Sanctuary, by creation of a no-discharge zone pursuant to the Clean Water Act, 33 United States Code section 1251 et seq., and by requiring appropriate federal executive agencies to adopt necessary regulations pursuant to 16 United States Code section 1431 et seq. to ensure proper administration, management, and enforcement of applicable laws; and

BE IT FURTHER RESOLVED that the Hawaii Department of Land and Natural Resources and other state agencies and personnel, including the Hawaii co-manager of the Hawaiian Islands Humpback Whale National Marine Sanctuary, are requested to cooperate, assist, and encourage efforts to prohibit dumping of vessel sewage into the Hawaiian Islands Humpback Whale National Marine Sanctuary; and

BE IT FURTHER RESOLVED that certified copies of this Concurrent Resolution be transmitted to the Majority Leader of the United States Senate, the Speaker of the United States of House of Representatives, the United States Secretary of Commerce, the Administrator of the Environmental Protection Agency, the members of Hawaii's congressional delegation, the co-managers of the Hawaiian Islands Humpback Whale National Marine Sanctuary, the Governor, and the Chairperson of the Board of Land and Natural Resources.

OFFERED BY:

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