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# HOUSE CONCURRENT RESOLUTION

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

1 WHEREAS, the waters around the islands of Hawaii are  
2 enjoyed by residents, tourists, sports enthusiasts, and  
3 recreational users, and provide an essential habitat for many  
4 kinds of animals, whether birds, fish, or mammals; and  
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6 WHEREAS, the ocean resources of the State of Hawaii include  
7 the waters of the Hawaiian Islands Humpback Whale National  
8 Marine Sanctuary, created pursuant to the Hawaiian Island  
9 National Marine Sanctuary Act, Title II, Subtitle C, Public Law  
10 102-587, herein referred to as the "Whale and Marine Sanctuary";  
11 and  
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13 WHEREAS, the Whale and Marine Sanctuary adjoins portions of  
14 all of the Hawaiian islands of Kauai, Oahu, Maui, Molokai,  
15 Hawaii, and Lanai; and  
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17 WHEREAS, the waters of the Whale and Marine Sanctuary are  
18 relatively shallow, calm, protected waters, and are a critical  
19 habitat in winter months of the endangered North Pacific  
20 humpback whales; and  
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22 WHEREAS, critically endangered humpback whales breed,  
23 calve, and nurse their young in the Whale and Marine Sanctuary;  
24 and  
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26 WHEREAS, the Whale and Marine Sanctuary provides an  
27 important habitat for other endangered and protected species,  
28 including green sea turtles, hawksbill sea turtles, monk seals,  
29 and others; and



1 WHEREAS, the waters of the Whale and Marine Sanctuary  
2 include complex ecosystems of marine life populations and reefs  
3 that are fragile and under stress from human activities; and  
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5 WHEREAS, the waters of the Whale and Marine Sanctuary  
6 include areas previously designated for preservation of wildlife  
7 by the State of Hawaii, including the Molokini Shoal Marine Life  
8 and Bird Conservation District, Honolua-Mokule'ia Marine Life  
9 Conservation District, Manele-Hulopo'e Marine Life Conservation  
10 District, Hanauma Bay Marine Life Conservation District, Pupukea  
11 Marine Life Conservation District, Lapakahi Marine Life  
12 Conservation District, Waialea Bay Marine Life Conservation  
13 District, and the marine portion of the 'Ahihi-Kina'u Natural  
14 Area Reserve; and  
15

16 WHEREAS, the economy of Hawaii benefits from the tourism  
17 industry that, in turn, relies upon the ocean's resources,  
18 including the waters within the Whale and Marine Sanctuary; and  
19

20 WHEREAS, residents and tourists alike enjoy the resources  
21 located within the Whale and Marine Sanctuary in a variety of  
22 ways, including snorkeling, diving, fishing, kayaking, canoeing,  
23 and wildlife observation tours; and  
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25 WHEREAS, human activities in the waters surrounding Hawaii  
26 and in particular within the Whale and Marine Sanctuary have  
27 increased dramatically in recent years; and  
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29 WHEREAS, governmental agencies have received an increasing  
30 number of complaints from Hawaii residents and from tourists  
31 about tour boat operators' practice of dumping concentrated  
32 human sewage into the waters surrounding Hawaii and in  
33 particular into the waters within the Whale and Marine  
34 Sanctuary; and  
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36 WHEREAS, the County of Maui has declared, by Council  
37 Resolution adopted February, 2006, that "...it is imperative  
38 that dumping of raw sewage and chemical contaminants into our  
39 ocean cease immediately, and that our precious marine ecosystem,  
40 which our residents and tourism industry cherish and depend on,  
41 be protected..."; and



1 WHEREAS, the County of Maui has taken the initiative in  
2 this problem and provided funds for vessel operators to be  
3 reimbursed for pumping sewage contents at Ma'alaea Harbor via  
4 mobile pump trucks that haul away the sewage for land-based  
5 treatment; and

6  
7 WHEREAS, other governmental agencies have pledged  
8 additional funds for mobile dock-side pump trucks to haul vessel  
9 sewage to land-based treatment facilities; and

10  
11 WHEREAS, mobile dock-side pump trucks are available at  
12 other harbors within Maui and Hawaii counties; and

13  
14 WHEREAS, the State of Hawaii has provided permanent land-  
15 based sewage treatment facilities at certain harbors; and

16  
17 WHEREAS, the State of Hawaii has prohibited the dumping of  
18 most vessel sewage within state waters; and

19  
20 WHEREAS, the United States government can and should  
21 prohibit dumping sewage into federal waters in the vicinity of  
22 the islands of Hawaii and particularly into the waters of the  
23 Whale and Marine Sanctuary by creating a no-discharge zone,  
24 pursuant to the Clean Water Act, 33 United States Code section  
25 1251 et seq. and by adopting appropriate rules pursuant to 16  
26 United States Code section 1431 et seq.; and

27  
28 WHEREAS, residents of Hawaii have requested a no-discharge  
29 zone for the waters of the Whale and Marine Sanctuary and were  
30 informed that pursuant to the Clean Water Act, the United States  
31 Congress is required to receive a request for a no-discharge  
32 zone from the State of Hawaii in order for the Environmental  
33 Protection Agency to create a no-discharge zone for federal  
34 waters; and

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36 WHEREAS, the Environmental Protection Agency is requested  
37 to consider an application for a no-discharge zone from the  
38 State of Hawaii if made pursuant to the Clean Water Act; and

39  
40 WHEREAS, residents of Hawaii have requested that laws and  
41 rules designed to prohibit the dumping of sewage by tour vessels  
42 within state waters, federal waters in the vicinity of the  
43 Hawaiian islands, and in particular within the Whale and Marine



1 Sanctuary, be enacted and adopted, and specific laws and rules  
2 have not been instituted; and

3 WHEREAS, the State of Hawaii's representative serves as  
4 co-manager of the Whale and Marine Sanctuary; and  
5

6 WHEREAS, the United States Department of Commerce is the  
7 federal agency responsible for the administration of the Whale  
8 and Marine Sanctuary, and the Environmental Protection Agency is  
9 the federal agency responsible for administration of the Clean  
10 Water Act; and  
11

12 WHEREAS, the sewage dumped in federal waters in the  
13 vicinity of the Hawaiian islands and in particular within the  
14 Whale and Marine Sanctuary impacts the health, welfare, and  
15 enjoyment of Hawaii residents and visitors; now, therefore,  
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17 BE IT RESOLVED by the House of Representatives of the  
18 Twenty-fourth Legislature of the State of Hawaii, Regular  
19 Session of 2007, the Senate concurring, that the United States  
20 Congress is respectfully requested to prohibit the dumping of  
21 vessel sewage in federal waters in the vicinity of the island of  
22 Hawaii and especially within the boundaries of the Hawaiian  
23 Islands Humpback Whale National Marine Sanctuary, by creation of  
24 a no-discharge zone pursuant to the Clean Water Act, 33 United  
25 States Code section 1251 et seq., and by requiring appropriate  
26 federal executive agencies to adopt necessary regulations  
27 pursuant to 16 United States Code section 1431 et seq. to ensure  
28 proper administration, management, and enforcement of applicable  
29 laws; and  
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31 BE IT FURTHER RESOLVED that the Hawaii Department of Land  
32 and Natural Resources and other state agencies and personnel,  
33 including the Hawaii co-manager of the Hawaiian Islands Humpback  
34 Whale National Marine Sanctuary, are requested to cooperate,  
35 assist, and encourage efforts to prohibit dumping of vessel  
36 sewage into federal waters in the vicinity of the islands of  
37 Hawaii and the Hawaiian Islands Humpback Whale National Marine  
38 Sanctuary; and  
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40 BE IT FURTHER RESOLVED that the Division of Boating and  
41 Ocean Recreation of the Department of Land and Natural Resources  
42 is requested to develop a plan to implement so called "pump-  
43 don't dump" stations, where mobile pump trucks pump sewage from

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1 vessels and transport the sewage to land-based sewage treatment  
2 facilities; and

3  
4 BE IT FURTHER RESOLVED that the Division of Boating and  
5 Ocean Recreation is requested to submit a report of its findings  
6 and recommendations, including suggested legislation, to the  
7 Legislature no later than 20 days prior to the convening of the  
8 Regular Session of 2008; and

9  
10 BE IT FURTHER RESOLVED that certified copies of this  
11 Concurrent Resolution be transmitted to the Majority Leader of  
12 the United States Senate, the Speaker of the United States of  
13 House of Representatives, the United States Secretary of  
14 Commerce, the Administrator of the Environmental Protection  
15 Agency, the members of Hawaii's Congressional delegation, the  
16 co-managers of the Hawaiian Islands Humpback Whale National  
17 Marine Sanctuary, the Governor, and the Chairperson of the Board  
18 of Land and Natural Resources.

