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## HOUSE RESOLUTION

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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, Honolulu-Mokuleia Marine Life Conservation  
29 District, Manele-Hulopoe Marine Life Conservation District,  
30 Hanauma Bay Marine Life Conservation District, Pupukea Marine  
31 Life Conservation District, Lapakahi Marine Life Conservation  
32 District, Waialea Bay Marine Life Conservation District, and the  
33 marine portion of the Ahihi-Kinau Natural Area Reserve; and



1 WHEREAS, ocean resources such as the waters of the Whale  
2 and Marine Sanctuary represent a vital component of Hawaii's  
3 essential visitor industry; and  
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5 WHEREAS, visitors and residents alike enjoy the resources  
6 of the Whale and Marine Sanctuary in a variety of ways,  
7 including snorkeling, diving, fishing, kayaking, canoeing, and  
8 wildlife observation tours; and  
9

10 WHEREAS, unfortunately, there have been increasing numbers  
11 of complaints from residents and visitors alike regarding the  
12 practice of tour boat operators dumping concentrated human  
13 sewage into the waters of the Whale and Marine Sanctuary; and  
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15 WHEREAS, the County Council of Maui has responded to this  
16 problem by adopting a resolution in February of 2006 stating  
17 that "...it is imperative that dumping of raw sewage and  
18 chemical contaminants into our ocean cease immediately, and that  
19 our precious marine ecosystem, which our residents and tourist  
20 industry cherish and depend on, be protected..."; and  
21

22 WHEREAS, the County of Maui has also taken the initiative  
23 in addressing this problem by providing funds to reimburse  
24 vessel operators who use mobile, dock-side "pumper" trucks that  
25 haul the sewage for land-based treatment; and  
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27 WHEREAS, other governmental agencies have indicated support  
28 for these mobile "pumper" trucks to haul sewage for land-based  
29 treatment; and  
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31 WHEREAS, mobile, dock-side "pumper" trucks are available at  
32 certain harbors; and  
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34 WHEREAS, the State has provided permanent facilities at  
35 certain other harbors; and  
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37 WHEREAS, the State has prohibited the dumping of most  
38 vessel sewage within state waters; and  
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40 WHEREAS, the federal government can and should prohibit the  
41 dumping of sewage in the waters of the Whale and Marine  
42 Sanctuary by:



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

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

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

19  
20 WHEREAS, the EPA must consider a request for a no-discharge  
21 zone from the State of Hawaii pursuant to the Clean Water Act;  
22 and

23  
24 WHEREAS, residents of Hawaii have requested the Whale and  
25 Marine Sanctuary to begin rule-making procedures designed to  
26 prohibit the dumping of sewage by tour vessels within the Whale  
27 and Marine Sanctuary, and such rule-making procedures have not  
28 been instituted; and

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

32  
33 WHEREAS, the Department of Commerce is the federal agency  
34 responsible for the administration of the Whale and Marine  
35 Sanctuary, and the EPA is the federal agency responsible for the  
36 administration of the Clean Water Act; and

37  
38 WHEREAS, the sewage dumped in federal waters within the  
39 Whale and Marine Sanctuary has a negative impact on the health,  
40 welfare, and enjoyment of the residents and visitors of Hawaii;  
41 now, therefore,



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

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

BE IT FURTHER RESOLVED that certified copies of this Resolution be transmitted to the United States Secretary of Commerce, Administrator of the Environmental Protection Agency, the Governor, Director of Land and Natural Resources, and Hawaii's Congressional Delegation.

OFFERED BY:

Mele Canale

HR HMS 2007-1581



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