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## HOUSE RESOLUTION

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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

7  
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

11  
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

16  
17 WHEREAS, critically endangered humpback whales breed,  
18 calve, and nurse their young in the Whale and Marine Sanctuary;  
19 and

20  
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

25  
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

29  
30 WHEREAS, the waters of the Whale and Marine Sanctuary  
31 include areas previously designated for preservation of wildlife  
32 by the State of Hawaii, including the Molokini Shoal Marine Life  
33 and Bird Conservation District, Honolua-Mokule'ia Marine Life  
34 Conservation District, Manele-Hulopo'e Marine Life Conservation



1 District, Hanauma Bay Marine Life Conservation District, Pupukea  
2 Marine Life Conservation District, Lapakahi Marine Life  
3 Conservation District, Waialea Bay Marine Life Conservation  
4 District, and the marine portion of the 'Ahihi-Kina'u Natural  
5 Area Reserve; and

6  
7 WHEREAS, the economy of Hawaii benefits from the tourism  
8 industry that, in turn, relies upon the ocean's resources,  
9 including the waters within the Whale and Marine Sanctuary; and

10  
11 WHEREAS, residents and tourists alike enjoy the resources  
12 located within the Whale and Marine Sanctuary in a variety of  
13 ways, including snorkeling, diving, fishing, kayaking, canoeing,  
14 and wildlife observation tours; and

15  
16 WHEREAS, human activities within the Whale and Marine  
17 Sanctuary have increased dramatically in recent years; and

18  
19 WHEREAS, governmental agencies have received an increasing  
20 number of complaints from Hawaii residents and from tourists  
21 from the continental United States and foreign countries about  
22 tour boat operators' practice of dumping concentrated human  
23 sewage into the waters of the Whale and Marine Sanctuary; and

24  
25 WHEREAS, the County of Maui has declared, by Council  
26 Resolution adopted February, 2006, that "...it is imperative  
27 that dumping of raw sewage and chemical contaminants into our  
28 ocean cease immediately, and that our precious marine ecosystem,  
29 which our residents and tourism industry cherish and depend on,  
30 be protected..."; and

31  
32 WHEREAS, the County of Maui has taken the initiative in  
33 this problem and provided funds for vessel operators to be  
34 reimbursed for pumping toilet contents at Ma'alaea Harbor via  
35 mobile pump trucks that haul away the sewage for land-based  
36 treatment; and

37  
38 WHEREAS, other governmental agencies have pledged  
39 additional funds for mobile dock-side pump trucks to haul vessel  
40 sewage to land-based treatment facilities; and

41  
42 WHEREAS, mobile dock-side pump trucks are available at  
43 other harbors within Maui and Hawaii counties; and  
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1 WHEREAS, the State of Hawaii has provided permanent sewage  
2 treatment facilities at certain harbors; and

3  
4 WHEREAS, the State of Hawaii has prohibited the dumping of  
5 most vessel sewage within state waters; and

6  
7 WHEREAS, the United States government can and should  
8 prohibit dumping sewage into the waters of the Whale and Marine  
9 Sanctuary by creating a no-discharge zone, pursuant to the Clean  
10 Water Act, 33 United States Code section 1251 et seq. and by  
11 adopting appropriate rules pursuant to 16 United States Code  
12 section 1431 et seq.; and

13  
14 WHEREAS, residents of Hawaii have requested a no-discharge  
15 zone for the waters of the Whale and Marine Sanctuary and were  
16 informed that pursuant to the Clean Water Act, the United States  
17 Congress is required to receive a request for a no-discharge  
18 zone from the State of Hawaii in order for the Environmental  
19 Protection Agency to create a no-discharge zone; and

20  
21 WHEREAS, the Environmental Protection Agency is requested  
22 to consider an application for a no-discharge zone from the  
23 State of Hawaii if made pursuant to the Clean Water Act; and

24  
25 WHEREAS, residents of Hawaii have requested that laws and  
26 rules designed to prohibit the dumping of sewage by tour vessels  
27 within the Whale and Marine Sanctuary be enacted and adopted,  
28 and specific laws and rules have not been instituted; and

29  
30 WHEREAS, the State of Hawaii's representative serves as  
31 co-manager of the Whale and Marine Sanctuary; and

32  
33 WHEREAS, the United States Department of Commerce is the  
34 federal agency responsible for the administration of the Whale  
35 and Marine Sanctuary, and the Environmental Protection Agency is  
36 the federal agency responsible for administration of the Clean  
37 Water Act; and

38  
39 WHEREAS, the sewage dumped in federal waters within the  
40 Whale and Marine Sanctuary impacts the health, welfare, and  
41 enjoyment of Hawaii residents and visitors; now, therefore,

42  
43 BE IT RESOLVED by the House of Representatives of the  
44 Twenty-fourth Legislature of the State of Hawaii, Regular



1 Session of 2007, that the United States Congress is respectfully  
 2 requested to prohibit the dumping of vessel sewage within the  
 3 boundaries of the Hawaiian Islands Humpback Whale National  
 4 Marine Sanctuary, by creation of a no-discharge zone pursuant to  
 5 the Clean Water Act, 33 United States Code section 1251 et seq.,  
 6 and by requiring appropriate federal executive agencies to adopt  
 7 necessary regulations pursuant to 16 United States Code section  
 8 1431 et seq. to ensure proper administration, management, and  
 9 enforcement of applicable laws; and

10  
 11 BE IT FURTHER RESOLVED that the Hawaii Department of Land  
 12 and Natural Resources and other state agencies and personnel,  
 13 including the Hawaii co-manager of the Hawaiian Islands Humpback  
 14 Whale National Marine Sanctuary, are requested to cooperate,  
 15 assist, and encourage efforts to prohibit dumping of vessel  
 16 sewage into the Hawaiian Islands Humpback Whale National Marine  
 17 Sanctuary; and

18  
 19 BE IT FURTHER RESOLVED that certified copies of this  
 20 Resolution be transmitted to the Majority Leader of the United  
 21 States Senate, the Speaker of the United States of House of  
 22 Representatives, the United States Secretary of Commerce, the  
 23 Administrator of the Environmental Protection Agency, the  
 24 members of Hawaii's congressional delegation, the co-managers of  
 25 the Hawaiian Islands Humpback Whale National Marine Sanctuary,  
 26 the Governor, and the Chairperson of the Board of Land and  
 27 Natural Resources.  
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 29  
 30

OFFERED BY:

*[Handwritten signatures and initials]*  
 Tyler B. Berg  
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 John H. T. [unclear]  
 [unclear]

