
HOUSE RESOLUTION

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
10 102-397, 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
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31 WHEREAS, the waters of the Whale and Marine Sanctuary
32 include complex ecosystems of marine life populations and reefs
33 that are fragile and under stress from human activities; and



1 WHEREAS, the waters of the Whale and Marine Sanctuary
2 include areas previously designated for preservation of wildlife
3 by the State of Hawaii, including the Molokini Shoal Marine Life
4 and Bird Conservation District, Honolulu-Mokule'ia Marine Life
5 Conservation District, Manele-Hulopo'e Marine Life Conservation
6 District, Hanauma Bay Marine Life Conservation District, Pupukea
7 Marine Life Conservation District, Lapakahi Marine Life
8 Conservation District, Waialea Bay Marine Life Conservation
9 District, and the marine portion of the 'Ahihi-Kina'u Natural
10 Area Reserve; and
11

12 WHEREAS, the economy of Hawaii benefits from the tourism
13 industry that, in turn, relies upon the ocean's resources,
14 including the waters within the Whale and Marine Sanctuary; and
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16 WHEREAS, residents and tourists alike enjoy the resources
17 located within the Whale and Marine Sanctuary in a variety of
18 ways, including snorkeling, diving, fishing, kayaking, canoeing,
19 and wildlife observation tours; and
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21 WHEREAS, human activities in the waters surrounding Hawaii
22 and in particular within the Whale and Marine Sanctuary have
23 increased dramatically in recent years; and
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25 WHEREAS, governmental agencies have received an increasing
26 number of complaints from Hawaii residents and from tourists
27 about tour boat operators' practice of dumping concentrated
28 human sewage into the waters surrounding Hawaii and in
29 particular into the waters within the Whale and Marine
30 Sanctuary; and
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32 WHEREAS, the County of Maui has declared, by Council
33 Resolution adopted February, 2006, that "...it is imperative
34 that dumping of raw sewage and chemical contaminants into our
35 ocean cease immediately, and that our precious marine ecosystem,
36 which our residents and tourism industry cherish and depend on,
37 be protected..."; and
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39 WHEREAS, the County of Maui has taken the initiative in
40 this problem and provided funds for vessel operators to be
41 reimbursed for pumping sewage contents at Ma'alaea Harbor via
42 mobile pump trucks that haul away the sewage for land-based
43 treatment; and



1 WHEREAS, other governmental agencies have pledged
2 additional funds for mobile dock-side pump trucks to haul vessel
3 sewage to land-based treatment facilities; and
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5 WHEREAS, mobile dock-side pump trucks are available at
6 other harbors within Maui and Hawaii counties; and
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8 WHEREAS, the State of Hawaii has provided permanent land-
9 based sewage treatment facilities at certain harbors; and
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11 WHEREAS, the State of Hawaii has prohibited the dumping of
12 most vessel sewage within state waters; and
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14 WHEREAS, the United States government can and should
15 prohibit dumping sewage into federal waters in the vicinity of
16 the islands of Hawaii and particularly into the waters of the
17 Whale and Marine Sanctuary by creating a no-discharge zone,
18 pursuant to the Clean Water Act, 33 United States Code section
19 1251 et seq. and by adopting appropriate rules pursuant to 16
20 United States Code section 1431 et seq.; and
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22 WHEREAS, residents of Hawaii have requested a no-discharge
23 zone for the waters of the Whale and Marine Sanctuary and were
24 informed that pursuant to the Clean Water Act, the United States
25 Congress is required to receive a request for a no-discharge
26 zone from the State of Hawaii in order for the Environmental
27 Protection Agency to create a no-discharge zone for federal
28 waters; and
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30 WHEREAS, the Environmental Protection Agency is requested
31 to consider an application for a no-discharge zone from the
32 State of Hawaii if made pursuant to the Clean Water Act; and
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34 WHEREAS, residents of Hawaii have requested that laws and
35 rules designed to prohibit the dumping of sewage by tour vessels
36 within state waters, federal waters in the vicinity of the
37 Hawaiian islands, and in particular within the Whale and Marine
38 Sanctuary, be enacted and adopted, and specific laws and rules
39 have not been instituted; and
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41 WHEREAS, the State of Hawaii's representative serves as
42 co-manager of the Whale and Marine Sanctuary; and



1 WHEREAS, the United States Department of Commerce is the
2 federal agency responsible for the administration of the Whale
3 and Marine Sanctuary, and the Environmental Protection Agency is
4 the federal agency responsible for administration of the Clean
5 Water Act; and

6
7 WHEREAS, the sewage dumped in federal waters in the
8 vicinity of the Hawaiian islands and in particular within the
9 Whale and Marine Sanctuary impacts the health, welfare, and
10 enjoyment of Hawaii residents and visitors; now, therefore,

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12 BE IT RESOLVED by the House of Representatives of the
13 Twenty-fourth Legislature of the State of Hawaii, Regular
14 Session of 2007, that the United States Congress is respectfully
15 requested to prohibit the dumping of vessel sewage in federal
16 waters in the vicinity of the island of Hawaii and especially
17 within the boundaries of the Hawaiian Islands Humpback Whale
18 National Marine Sanctuary, by creation of a no-discharge zone
19 pursuant to the Clean Water Act, 33 United States Code section
20 1251 et seq., and by requiring appropriate federal executive
21 agencies to adopt necessary regulations pursuant to 16 United
22 States Code section 1431 et seq. to ensure proper
23 administration, management, and enforcement of applicable laws;
24 and

25
26 BE IT FURTHER RESOLVED that the Hawaii Department of Land
27 and Natural Resources and other state agencies and personnel,
28 including the Hawaii co-manager of the Hawaiian Islands Humpback
29 Whale National Marine Sanctuary, are requested to cooperate,
30 assist, and encourage efforts to prohibit dumping of vessel
31 sewage into federal waters in the vicinity of the islands of
32 Hawaii and the Hawaiian Islands Humpback Whale National Marine
33 Sanctuary; and

34
35 BE IT FURTHER RESOLVED that the Division of Boating and
36 Ocean Recreation of the Department of Land and Natural Resources
37 is requested to develop a plan to implement so called "pump-
38 don't dump" stations, where mobile pump trucks pump sewage from
39 vessels and transport the sewage to land-based sewage treatment
40 facilities; and

41
42 BE IT FURTHER RESOLVED that the Division of Boating and
43 Ocean Recreation is requested to submit a report of its findings
44 and recommendations, including suggested legislation, to the



1 Legislature no later than 20 days prior to the convening of the
2 Regular Session of 2008; and

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

