

MAR 14 2007

SENATE CONCURRENT RESOLUTION

REQUESTING PROHIBITIONS ON THE DUMPING OF VESSEL SEWAGE WITHIN
THE BOUNDARIES OF THE HAWAIIAN ISLANDS HUMPBACK WHALE
NATIONAL MARINE SANCTUARY.

1 WHEREAS, the Hawaiian Islands Humpback Whale National
2 Marine Sanctuary was congressionally designated by the Hawaiian
3 Islands National Marine Sanctuary Act on November 4, 1992, for
4 the purpose of protecting humpback whales and their habitat
5 within the sanctuary; and

6
7 WHEREAS, it is the mission of the Sanctuary to educate the
8 public on the relationship of humpback whales and the Hawaiian
9 Islands marine environment and to manage human uses of the
10 sanctuary consistent with the Hawaiian Islands National Marine
11 Sanctuary Act and the National Marine Sanctuary Act; and

12
13 WHEREAS, the protected waters of the Sanctuary are where
14 critically endangered North Pacific humpback whales breed,
15 calve, and nurse their young in winter months; and

16
17 WHEREAS, other endangered and protected species, such as
18 green sea turtles, hawksbill sea turtles, and monk seals rely on
19 the Sanctuary waters for essential habitation; and

20
21 WHEREAS, the Sanctuary is also home to complex ecosystems
22 of marine life and reefs that are found nowhere else on earth
23 that are fragile and under stress from human activities; and

24
25 WHEREAS, the Sanctuary includes areas previously designated
26 for the preservation of wildlife by the State of Hawaii,
27 including the Molokini Shoal Marine Life and Bird Conservation
28 District, Honolua-Mokule'ia Marine Life Conservation District,
29 Manele-Hulopo'e Marine Life Conservation District, Hanauma Bay
30 Marine Life Conservation District, Pupukea Marine Life
31 Conservation District, Lapakahi Marine Life Conservation



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

4 WHEREAS, Hawaii's economy is sustained by the tourist and
5 fishing industries which rely on the ocean's resources,
6 including the waters within the Hawaiian Islands Humpback Whale
7 National Marine Sanctuary, for snorkeling, diving, fishing,
8 kayaking, canoeing, and wildlife observation tours; and
9

10 WHEREAS, these activities have significantly and negatively
11 impacted Hawaii's ocean environment, causing deterioration of
12 the ocean environment most dramatically in recent years with the
13 increase in tour boat and fishing operations to serve the influx
14 of tourism in Hawaii; and
15

16 WHEREAS, a significant contributor to the ocean
17 environment's deterioration is the dumping of raw sewage by the
18 operators of these activities; and
19

20 WHEREAS, currently, the State of Hawaii allows boats and
21 tour operators to dump raw sewage three miles offshore; and
22

23 WHEREAS, this is not only destructive to the ocean
24 environment, but is detrimental to the public health; and
25

26 WHEREAS, governmental agencies have received increased
27 numbers of complaints from Hawaii residents, mainland tourists,
28 and tourists from other countries about the practice of tour
29 boat operators dumping concentrated human sewage into the waters
30 of the Sanctuary; and
31

32 WHEREAS, the increased number of complaints have developed
33 as a result of tourists and residents witnessing raw sewage
34 slicks in the waters where they are swimming; 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 tourist industry cherish and depend on,
41 be protected. . ."; and
42



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

6
7 WHEREAS, currently, the only small boat harbors with pump
8 out stations in Hawaii are the Lahaina Small Boat Harbor,
9 Nawiliwili Small Boat Harbor, and Rainbow Bay Marina; and

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11 WHEREAS, the pump out station in Lahaina is located on a
12 busy dock, used by the ferry and by vessels carrying passengers
13 to and from cruise ships; and

14
15 WHEREAS, for most boaters, this pump out station is
16 inaccessible for much of the day; and

17
18 WHEREAS, many other states have taken advantage of the
19 federal funding provided by the Clean Vessel Act of 1992, which
20 recognized the need to protect our nation's waters from such
21 dumping, and provided funds to the states for the construction,
22 renovation, operation, and maintenance of pump out stations and
23 waste reception facilities; and

24
25 WHEREAS, the United States government can and should
26 prohibit dumping sewage into all ocean waters, especially those
27 of the Whale and Marine Sanctuary:

28
29 (1) By rulemaking, pursuant to the enabling legislation
30 authorizing and creating the Whale and Marine
31 Sanctuary (The National Marine Sanctuaries Act, 16
32 U.S.C. 1431 et seq., as amended, and the Hawaiian
33 Islands National Marine Sanctuary Act subtitle C,
34 title II, Pub. L. 102-587, as amended); and

35
36 (2) By creation of a No-Discharge Zone, pursuant to the
37 Clean Water Act (United States Code, Title 33, Chapter
38 26); and

39
40 WHEREAS, residents of Hawaii have requested a No-Discharge
41 Zone for the waters of the Whale and Marine Sanctuary, and such
42 residents were informed that no request for a No-Discharge Zone
43 had been received from the State of Hawaii, and such residents



1 were further informed that pursuant to the Clean Water Act, a
2 request is required to be received from the State of Hawaii in
3 order for the Environmental Protection Agency to create such a
4 No-Discharge Zone; and
5

6 WHEREAS, the Environmental Protection Agency must consider
7 a request for a No-Discharge Zone from the State of Hawaii
8 pursuant to the Clean Water Act; and
9

10 WHEREAS, residents of Hawaii have requested the Whale and
11 Marine Sanctuary begin rulemaking procedures designed to
12 prohibit the dumping of sewage by tour vessels within the Whale
13 and Marine Sanctuary, and such rulemaking procedures have not
14 been instituted; and
15

16 WHEREAS, the Department of Commerce is the federal agency
17 responsible for the administration of the Whale and Marine
18 Sanctuary, and the Environmental Protection Agency is the
19 federal agency responsible for administration of the Clean Water
20 Act and designating No-Discharge Zones; and
21

22 WHEREAS, the sewage dumped in federal waters within the
23 Whale and Marine Sanctuary has a significant impact on the
24 health, welfare, and enjoyment of the residents and visitors to
25 Hawaii; now, therefore,
26

27 BE IT RESOLVED by the Senate of the Twenty-fourth
28 Legislature of the State of Hawaii, Regular Session of 2007, the
29 House of Representatives concurring, that the United States
30 Congress is respectfully requested to ensure that the dumping of
31 raw sewage within the boundaries of the Hawaiian Islands
32 Humpback Whale National Marine Sanctuary is prohibited; and
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34 BE IT FURTHER RESOLVED that the Governor of the State of
35 Hawaii is urged to request the United States Environmental
36 Protection Agency to designate the waters within the boundaries
37 of the Hawaiian Islands Humpback Whale National Marine Sanctuary
38 as a No-Discharge Zone; and
39

40 BE IT FURTHER RESOLVED that the Department of Land and
41 Natural Resources of the State of Hawaii and the manager, co-
42 manager, and advisory council of the Hawaiian Islands Humpback
43 Whale National Marine Sanctuary, are requested to cooperate,
44 assist, and encourage efforts to prohibit dumping of sewage into



1 the Hawaiian Islands Humpback Whale National Marine Sanctuary
 2 and to assist in the process of designating the waters within
 3 the boundaries of the Sanctuary as a No-Discharge Zone; and
 4

5 BE IT FURTHER RESOLVED that certified copies of this
 6 Concurrent Resolution be transmitted to the United States
 7 Secretary of Commerce, the Administrator of the United States
 8 Environmental Protection Agency, the Governor of the State of
 9 Hawaii, each member of Hawaii's Congressional delegation, and
 10 the manager, co-manager, and advisory council of the Hawaiian
 11 Islands Humpback Whale National Marine Sanctuary.
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 13
 14

OFFERED BY:

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