

MAR 12 2013

SENATE CONCURRENT RESOLUTION

URGING THE DEPARTMENT OF LAND AND NATURAL RESOURCES AND THE NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION TO RECOGNIZE THE INCREASING THREAT THAT OCEAN VESSELS PRESENT TO HUMPBACK WHALES WITHIN THE HAWAIIAN ISLANDS HUMPBACK WHALE NATIONAL MARINE SANCTUARY THROUGH STRONGER SAFETY, PENALTY, MONITORING, AND REPORTING REQUIREMENTS.

1 WHEREAS, the Kumulipo, the native Hawaiian chant of
2 creation, states: "Hanau ka palaoa noho I kai" – born is the
3 whale living in the ocean; and
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5 WHEREAS, the humpback whale, koholā, holds a sacred place
6 within native Hawaiian history as illustrated by its inclusion
7 in the Kumulipo; and
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9 WHEREAS, the humpback whale is also prevalent in ancient
10 Hawaiian petroglyphs and legends that further illustrate the
11 humpback whale's cultural and historical importance to
12 Hawaiians; and
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14 WHEREAS, over sixty percent of the North Pacific humpback
15 whales that begin their migration in the Gulf of Alaska find
16 their way to Hawaii's waters; and
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18 WHEREAS, the *Honolulu Star Advertiser* reported an increase
19 in whale-vessel collisions from one to four per year from 2001
20 to 2005, to five to eleven per year from 2006 to 2010; and
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22 WHEREAS, in 2006, three separate instances of whale-vessel
23 collisions were recorded during the migratory season; and
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25 WHEREAS, from January 29 to January 30, 2013, there were
26 three separate whale-vessel incidents within a twenty-four hour
27 period; and
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1 WHEREAS, the humpback whale is nationally protected by the
2 Federal Endangered Species Act and Marine Mammal Protection Act;
3 and
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5 WHEREAS, in 1992, recognizing the importance of the
6 Hawaiian Islands to the preservation of humpback whales, the
7 United States Congress created the Hawaiian Islands Humpback
8 Whale National Marine Sanctuary (HIHWNMS) to be overseen by the
9 National Oceanic and Atmospheric Administration (NOAA); and
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11 WHEREAS, any violation in regards to the HIHWNMS Act is
12 subject to a civil penalty of no more than \$100,000 per
13 violation per day; and
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15 WHEREAS, NOAA set speed requirements of 10 knots or less in
16 certain areas of the East Coast in 2008 to help promote whale
17 safety; and
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19 WHEREAS, in 1998, the State of Hawaii entered into a
20 Compact Agreement with NOAA for the coordinated management of
21 the HIHWNMS in order to combine resources and share expertise on
22 the protection of the humpback whale; now, therefore,
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24 BE IT RESOLVED by the Senate of the Twenty-seventh
25 Legislature of the State of Hawaii, Regular Session of 2013, the
26 House of Representatives concurring, that the Department of Land
27 and Natural Resources and NOAA are urged to:
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- 29 (1) Recognize the increasing threat that ocean vessels
30 present to humpback whales within the HIHWNMS;
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- 32 (2) Amend title 15 Code of Federal Regulations section
33 922.184 to increase the required distance between an
34 approaching vessel and humpback whale from 100 to 200
35 yards;
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- 37 (3) Impose a speed limit of 15 knots on all vessels
38 traveling within the area of the HIHWNMS except in
39 cases where:
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- 41 (A) The whale unexpectedly approaches the vessel
42 closer than the required 200 yards; provided that
43 the vessel immediately increase the distance
44 between the whale and the vessel to at least 200



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yards; provided further that the vessel document the divergence in its log book; or

(B) An emergency exists where the lives of passengers aboard the vessel are at extreme risk; provided that the vessel document the divergence in its log book;

(4) Amend title 15 Code of Federal Regulations section 922.186 to increase the fine from a maximum of \$100,000 to a maximum of \$200,000 per violation per day;

(5) Increase monitoring of whale-watching vessels to ensure compliance with the new restrictions; and

(6) Require the Department of Land and Natural Resources to report all whale-related accidents in the HIHWNMS; and

BE IT FURTHER RESOLVED that certified copies of this Concurrent Resolution be transmitted to the President of the United States; Secretary of Commerce; Governor; Chairperson of the Board of Land and Natural Resources; Director of the National Oceanic and Atmospheric Administration Office of National Marine Sanctuaries; Advisory Council of the Hawaiian Islands National Marine Sanctuary; and Chairperson of the Board of Hawaiian Affairs.

OFFERED BY:

Cham Hee

