
SENATE CONCURRENT RESOLUTION

URGING THE DEPARTMENT OF LAND AND NATURAL RESOURCES AND THE NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION TO COLLABORATE TO FORM A PERMANENT PLAN TO PROTECT HUMPBACK WHALES FROM VESSEL STRIKES WITHIN THE HAWAIIAN ISLANDS HUMPBACK WHALE NATIONAL MARINE SANCTUARY AND REQUESTING THE DEPARTMENT OF LAND AND NATURAL RESOURCES TO REPORT TO THE LEGISLATURE A PLAN TO PROTECT HUMPBACK WHALES AND WHALE-VESSEL CONTACT INFORMATION.

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 whale, palaoa, holds a sacred place within
6 native Hawaiian history as illustrated by its inclusion in the
7 Kumulipo; and
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9 WHEREAS, the palaoa and the koholā, both Hawaiian words for
10 whale, are referenced in place names throughout Hawaii, further
11 illustrating their cultural and historical importance to
12 Hawaiians; and
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14 WHEREAS, approximately 10,000 humpback whales, which
15 constitute fifty percent of the Central North Pacific humpback
16 whale population, migrate to Hawaii's waters each year; and
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18 WHEREAS, in 1992, recognizing the importance of the
19 Hawaiian Islands to the preservation of humpback whales, the
20 United States Congress created the Hawaiian Islands Humpback
21 Whale National Marine Sanctuary (HIHWNMS) to be overseen by the
22 National Oceanic and Atmospheric Administration (NOAA); and
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24 WHEREAS, in 1998, the State of Hawaii entered into a
25 Compact Agreement with NOAA for the coordinated management of
26 the HIHWNMS in order to combine resources and share expertise on
27 the protection of the humpback whale; and
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1 WHEREAS, the humpback whale is also protected by the
2 Federal Endangered Species Act and Marine Mammal Protection Act;
3 and
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5 WHEREAS, the State of Hawaii bans the use of thrill craft
6 from December 15 to May 15 of each year in the waters off of
7 Maui to protect humpback whales; and
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9 WHEREAS, there have been 80 confirmed contacts between
10 vessels and whales from 1979 to 2013; and
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12 WHEREAS, from 2008 to 2013, there have been forty-four
13 whale-vessel contacts recorded during the Hawaii breeding season
14 (13 in 2008, 10 in 2009, 4 in 2010, 5 in 2011, 3 in 2012, and 9
15 in 2013), compared to thirty-six contacts from 1997 to 2007; and
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17 WHEREAS, of the forty-four confirmed whale-vessel contacts
18 recorded in Hawaii from 2008 to 2013, six were considered likely
19 life threatening and twelve were considered possibly life
20 threatening; and
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22 WHEREAS, from January 29 to January 30, 2013, there were
23 three separate whale-vessel contacts within a twenty-four hour
24 period; and
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26 WHEREAS, NOAA'S Pacific Region Enforcement Office
27 prosecuted fifteen cases since October 2007, fourteen of which
28 were for approach violations and one of which was for a ship
29 strike violation; and
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31 WHEREAS, NOAA'S Pacific Region Enforcement Office has
32 collected \$40,650 in penalties for humpback whale cases in
33 Hawaii since October 2007; and
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35 WHEREAS, NOAA'S Pacific Region Enforcement Office
36 prosecutes approach violations and ship strikes under the
37 National Marine Sanctuaries Act or the Federal Endangered
38 Species Act; and
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40 WHEREAS, any violation in regards to the HIHWNMS Act is
41 subject to a civil penalty of up to \$140,000 per violation per
42 day; and
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1 WHEREAS, amounts recovered under the National Marine
2 Sanctuaries Act and within the areas of the HIHWNMS that are
3 subject to state jurisdiction go to the HIHWNMS and are used in
4 consultation and agreement with the State; and

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6 WHEREAS, amounts recovered under the Federal Endangered
7 Species Act go to NOAA's enforcement asset forfeiture fund; and

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9 WHEREAS, in 2008, NOAA set speed requirements of ten knots
10 or less for vessels sixty-five feet or larger in certain areas
11 of the East Coast to help promote North Atlantic Right Whale
12 safety during their feeding season; and

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14 WHEREAS, the description of the State's and NOAA's efforts
15 to protect the humpback whale, as described herein, is evidence
16 of the progress in efforts to protect, preserve, and perpetuate
17 the humpback whale population with the HIHWNMS; and

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19 WHEREAS, in spite of the aforementioned efforts, there
20 still has been no formalized permanent plan of protection from
21 vessel strikes; now, therefore,

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23 BE IT RESOLVED by the Senate of the Twenty-seventh
24 Legislature of the State of Hawaii, Regular Session of 2013, the
25 House of Representatives concurring, that the Department of Land
26 and Natural Resources and the National Oceanic and Atmospheric
27 Administration are urged to collaborate to form a permanent plan
28 to protect humpback whales from vessel strikes within the
29 Hawaiian Islands Humpback Whale National Marine Sanctuary; and

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31 BE IT FURTHER RESOLVED that the Department of Land and
32 Natural Resources, with the assistance of the National Oceanic
33 and Atmospheric Administration, is requested to report to the
34 Legislature, no later than twenty days prior to the convening of
35 the Regular Session of 2014, a plan for the Hawaiian Islands
36 Humpback Whale National Marine Sanctuary to address the threat
37 from whale-vessel contacts; and

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39 BE IT FURTHER RESOLVED that the Department of Land and
40 Natural Resources is requested to report annually, beginning
41 June 1, 2014, to the Legislature on confirmed whale-vessel
42 contacts within the Hawaiian Islands Humpback Whale National
43 Marine Sanctuary in the immediately preceding twelve months; and

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1 BE IT FURTHER RESOLVED that certified copies of this
2 Concurrent Resolution be transmitted to the President of the
3 United States; Secretary of Commerce; Governor; Chairperson of
4 the Board of Land and Natural Resources; Director of the
5 National Oceanic and Atmospheric Administration Office of
6 National Marine Sanctuaries; State Co-Manager of the Hawaiian
7 Islands Humpback Whale National Marine Sanctuary; Superintendent
8 of the Hawaiian Islands Humpback Whale National Marine
9 Sanctuary, Advisory Council of the Hawaiian Islands National
10 Marine Sanctuary; and the Office of Hawaiian Affairs.
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