

STAND. COM. REP. NO.

1187

Honolulu, Hawaii

APR 01 2013

RE: S.R. No. 70  
S.D. 1

Honorable Donna Mercado Kim  
President of the Senate  
Twenty-Seventh State Legislature  
Regular Session of 2013  
State of Hawaii

Madam:

Your Committee on Water and Land, to which was referred S.R. No. 70 entitled:

"SENATE 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,"

begs leave to report as follows:

The purpose and intent of this measure is to urge 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.

Your Committee received testimony in support of this measure from the Department of Land and Natural Resources, Hawaiian Islands Humpback Whale National Marine Sanctuary, The Humane Society of the United States, Ocean Tourism Coalition, Conservation Council for Hawaii, Outrigger Hotels, and three individuals. Your Committee received testimony in opposition to this measure from the Maui Dive Shop, Maui Trailer Boat Club, and one individual. Your Committee received comments on this measure from one individual.



The Kumulipo, the native Hawaiian chant of creation, states: "Hanau ka palaoa noho I kai" – born is the whale living in the ocean. The humpback whale, koholā, holds a sacred place within native Hawaiian history as illustrated by its inclusion in the Kumulipo. The humpback whale is also prevalent in ancient Hawaiian petroglyphs and legends that further illustrate the humpback whale's cultural and historical importance to Hawaiians. Over sixty percent of the North Pacific humpback whales that begin their migration in the Gulf of Alaska find their way to Hawaii's waters. The humpback whale is nationally protected by the Federal Endangered Species Act and Marine Mammal Protection Act.

In 1992, recognizing the importance of the Hawaiian Islands to the preservation of humpback whales, the United States Congress created the Hawaiian Islands Humpback Whale National Marine Sanctuary to be overseen by the National Oceanic and Atmospheric Administration (NOAA).

In 1998, the State of Hawaii entered into a Compact Agreement with NOAA for the coordinated management of the Hawaiian Islands Humpback Whale National Marine Sanctuary in order to combine resources and share expertise on the protection of the humpback whale.

In spite of the apparent efforts of the Department of Land and Natural Resources and NOAA, there still has been no formalized permanent plan of protection against vessel strikes.

Your Committee has amended this measure by:

- (1) Deleting the language requesting the Department of Land and Natural Resources and NOAA to recognize the increasing threat that ocean vessels present to humpback whales within the Hawaiian Islands Humpback Whale National Marine Sanctuary and to work toward stronger safety, penalty, monitoring, and reporting requirements;
- (2) Inserting language urging the Department of Land and Natural Resources and NOAA to collaborate to form a permanent plan to protect humpback whales from vessel strikes within the Hawaiian Islands Humpback Whale National Marine Sanctuary;
- (3) Inserting language requesting the Department of Land and Natural Resources, with the assistance of NOAA, to




report to the Legislature, no later than twenty days prior to the convening of the Regular Session of 2014, a plan for the Hawaiian Islands Humpback Whale National Marine Sanctuary to address the threat from whale-vessel contacts;

- (4) Inserting language requesting the Department of Land and Natural Resources to report annually, beginning June 1, 2014, to the Legislature on confirmed whale-vessel contacts within the Hawaiian Islands Humpback Whale National Marine Sanctuary in the immediately preceding twelve months;
- (5) Clarifying the language of the whereas clauses to accurately reflect the past and ongoing activities to protect humpback whales, on the recommendation of the Department of Land and Natural Resources; and
- (6) Amending the title of the measure accordingly.

As affirmed by the record of votes of the members of your Committee on Water and Land that is attached to this report, your Committee concurs with the intent and purpose of S.R. No. 70, as amended herein, and recommends that it be referred to the Committee on Ways and Means, in the form attached hereto as S.R. No. 70, S.D. 1.


Respectfully submitted on  
behalf of the members of the  
Committee on Water and Land,

  
MALAMA SOLOMON, Chair



The Senate  
 Twenty-Seventh Legislature  
 State of Hawai'i

**Record of Votes**  
**Committee on Water and Land**  
**WTL**

Bill / Resolution No.:*	Committee Referral:	Date:		
SR70	WTL, WAM	3 / 28 / 2013		
<input type="checkbox"/> The committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is: <input type="checkbox"/> Pass, unamended 2312 <input checked="" type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
SOLOMON, Malama (C)	✓			
SHIMABUKURO, Maile S.L. (VC)	✓			
DELA CRUZ, Donovan M.				✓
IHARA, Jr., Les	✓			
RUDERMAN, Russell E.	✓			
THIELEN, Laura H.	✓			
SLOM, Sam	✓			
<b>TOTAL</b>	6			1
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: 				
<b>Distribution:</b> Original     Yellow     Pink     Goldenrod File with Committee Report     Clerk's Office     Drafting Agency     Committee File Copy				

\*Only one measure per Record of Votes