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# SENATE RESOLUTION

REQUESTING THAT THE DEPARTMENT OF LAND AND NATURAL RESOURCES  
ADOPT ADMINISTRATIVE RULES REGULATING VESSEL SPEED NEAR  
HUMPBACK WHALES.

1           WHEREAS, humpback whales are an endangered species and the  
2 official marine mammal of the State; and  
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4           WHEREAS, humpback whales play a crucial role in marine  
5 ecosystems, and humpback whale populations are closely tied to  
6 the health of the oceans; and  
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8           WHEREAS, collisions between vessels and humpback whales can  
9 result in significant humpback whale injuries or deaths; and  
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11           WHEREAS, collisions with humpback whales are greatly  
12 reduced when vessels travel at speeds of fifteen knots or less;  
13 and  
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15           WHEREAS, in 2022, the Pacific Whale Foundation, the  
16 National Oceanic and Atmospheric Administration, and the State  
17 released a new set of voluntary recommendations for boaters  
18 operating around humpbacks, including suggested speeds and the  
19 use of lookouts; and  
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21           WHEREAS, adopting these recommendations as administrative  
22 rules will help to protect and preserve the humpback whale  
23 species; now, therefore,  
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25           BE IT RESOLVED by the Senate of the Thirty-second  
26 Legislature of the State of Hawaii, Regular Session of 2023,  
27 that the Department of Land and Natural Resources is requested  
28 to adopt rules pursuant to Chapter 91, Hawaii Revised Statutes,  
29 to:  
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- 31           (1) Prohibit any person from operating a vessel other than  
32           an inter-island vessel or intra-island vessel as  
33           defined in section 19-41-2, Hawaii Administrative



1 Rules, within the waters of the State at a speed  
2 exceeding:

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4 (A) Fifteen knots when the vessel is within one  
5 thousand yards of a humpback whale; and

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7 (B) Six knots when the vessel is within four hundred  
8 yards of a humpback whale; and

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10 (2) Require any person operating a vessel other than an  
11 inter-island vessel or intra-island vessel as defined  
12 in section 19-41-2, Hawaii Administrative Rules,  
13 within the waters of the State to:

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15 (A) Ensure that another person on the vessel is  
16 acting as a lookout to prevent collisions with  
17 humpback whales when the vessel is within one  
18 thousand yards of a humpback whale; and

19  
20 (B) Operate the vessel in a manner that is reasonable  
21 and prudent to avoid collision with a humpback  
22 whale, considering the time of day, time of year,  
23 and other relevant factors; and

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25 BE IT FURTHER RESOLVED that the Department of Land and  
26 Natural Resources is also requested to exclude barges from any  
27 rules adopted in accordance with this Concurrent Resolution; and

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29 BE IT FURTHER RESOLVED that a certified copy of this  
30 Resolution be transmitted to the Chairperson of the Board of  
31 Land and Natural Resources.

