

STAND. COM. REP. NO. 1911

Honolulu, Hawaii

APR 18 2023

RE: S.R. No. 157  
S.D. 1

Honorable Ronald D. Kouchi  
President of the Senate  
Thirty-Second State Legislature  
Regular Session of 2023  
State of Hawaii

Sir:

Your Committee on Water and Land, to which was referred S.R. No. 157 entitled:

"SENATE RESOLUTION REQUESTING THAT THE DEPARTMENT OF LAND AND NATURAL RESOURCES ADOPT ADMINISTRATIVE RULES REGULATING VESSEL SPEED NEAR HUMPBACK WHALES,"

begs leave to report as follows:

The purpose and intent of this measure is to request that the Department of Land and Natural Resources adopt administrative rules regulating vessel speed near humpback whales.

Your Committee received testimony in support of this measure from the Environmental Caucus of the Democratic Party of Hawai'i and Hawai'i Reef and Ocean Coalition. Your Committee received testimony in opposition to this measure from the Department of Land and Natural Resources, Ocean Tourism Coalition, Hono Heke Corporation, and one individual. Your Committee received comments on this measure from the Matson Navigation Company, Inc. and Hawai'i Harbors Users Group.

Your Committee finds that the humpback whale is not only an endangered species but the official marine mammal of the State. However, as humpback whale populations have slowly recovered, their increasing numbers have led to more frequent collisions with vessels. In 2022, representatives from the Pacific Whale Foundation, National Oceanic and Atmospheric Administration, State



of Hawaii, tour operators, private boaters, fishers, and other community members, collaborated to develop a set of voluntary recommendations intended to keep both whales and whale watchers safe. This measure requests the Department of Land and Natural Resources to adopt those voluntary recommendations as administrative rules, to reaffirm the State's commitment to protecting and preserving the humpback whale.

Your Committee has amended this measure by:

- (1) Inserting language clarifying that the Department of Land and Natural Resources is requested to adopt rules regulating vessel speed near humpback whales for vessels other than an inter-island vessel or an intra-island vessel, as defined in section 19-41-2, Hawaii Administrative Rules; and
- (2) Requesting the Department of Land and Natural Resources to:
  - (A) Prohibit persons from operating certain vessels within the waters of the State at a speed exceeding fifteen knots when the vessel is within one thousand yards of a humpback whale; and
  - (B) Require any person operating certain vessels within the waters of the State to ensure that another person on the vessel is acting as a lookout to prevent collisions with humpback whales when the vessel is within one thousand yards of a humpback whale.

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. 157, as amended herein, and recommends its adoption in the form attached hereto as S.R. No. 157, S.D. 1.




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

  
LORRAINE R. INOUYE, Chair



The Senate  
 Thirty-Second Legislature  
 State of Hawai'i

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

Bill / Resolution No.:* <b>SR 157</b>	Committee Referral: <b>WTL</b>	Date: <b>4/12/23</b>		
<input checked="" type="checkbox"/> The Committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: <u>Pass with Amendments</u>				
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
INOUYE, Lorraine R. (C)	✓			
ELEFANTE, Brandon J.C. (VC)	✓			
CHANG, Stanley				✓
MCKELVEY, Angus L.K.	✓			
FEVELLA, Kurt				✓
<b>TOTAL</b>	<b>3</b>	<b>0</b>	<b>0</b>	<b>2</b>
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

