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# HOUSE CONCURRENT RESOLUTION

REQUESTING ALL BRANCHES OF THE UNITED STATES GOVERNMENT TO  
PROHIBIT DUMPING OF VESSEL SEWAGE WITHIN THE HAWAIIAN  
ISLANDS HUMPBACK WHALE NATIONAL MARINE SANCTUARY.

1           WHEREAS, the State of Hawaii enjoys ocean resources,  
2 including the waters of the Hawaiian Islands Humpback Whale  
3 National Marine Sanctuary, created pursuant to the Hawaiian  
4 Island National Marine Sanctuary Act, Title II, Subtitle C,  
5 Public Law 102-587, herein referred to as the "Whale and Marine  
6 Sanctuary"; and

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8           WHEREAS, the Whale and Marine Sanctuary adjoins portions of  
9 all of the Hawaiian islands of Kauai, Oahu, Maui, Molokai,  
10 Hawaii, and Lanai; and

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12           WHEREAS, the waters of the Whale and Marine Sanctuary are  
13 relatively shallow, calm, protected waters, and are a critical  
14 habitat in winter months of the endangered North Pacific  
15 humpback whales; and

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17           WHEREAS, critically endangered humpback whales breed,  
18 calve, and nurse their young in the Whale and Marine Sanctuary;  
19 and

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21           WHEREAS, the Whale and Marine Sanctuary provides an  
22 important habitat for other endangered and protected species,  
23 including green sea turtles, hawksbill sea turtles, monk seals,  
24 and others; and

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26           WHEREAS, the waters of the Whale and Marine Sanctuary  
27 include complex ecosystems of marine life populations and reefs  
28 that are fragile and under stress from human activities; and

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30           WHEREAS, the waters of the Whale and Marine Sanctuary  
31 include areas previously designated for preservation of wildlife



1 by the State of Hawaii, including the Molokini Shoal Marine Life  
2 and Bird Conservation District, Honolulu-Mokule`ia Marine Life  
3 Conservation District, Manele-Hulopo`e Marine Life Conservation  
4 District, Hanauma Bay Marine Life Conservation District, Pupukeya  
5 Marine Life Conservation District, Lapakahi Marine Life  
6 Conservation District, Waialea Bay Marine Life Conservation  
7 District, and the marine portion of the `Ahihi-Kina`u Natural  
8 Area Reserve; and  
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10 WHEREAS, the economy of Hawaii benefits from the tourism  
11 industry that, in turn, relies upon the ocean's resources,  
12 including the waters within the Whale and Marine Sanctuary; and  
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14 WHEREAS, residents and tourists alike enjoy the resources  
15 located within the Whale and Marine Sanctuary in a variety of  
16 ways, including snorkeling, diving, fishing, kayaking, canoeing,  
17 and wildlife observation tours; and  
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19 WHEREAS, human activities within the Whale and Marine  
20 Sanctuary have increased dramatically in recent years; and  
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22 WHEREAS, governmental agencies have received an increasing  
23 number of complaints from Hawaii residents and from tourists  
24 from the continental United States and foreign countries about  
25 tour boat operators' practice of dumping concentrated human  
26 sewage into the waters of the Whale and Marine Sanctuary; and  
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28 WHEREAS, the County of Maui has declared, by Council  
29 Resolution adopted February, 2006, that "...it is imperative  
30 that dumping of raw sewage and chemical contaminants into our  
31 ocean cease immediately, and that our precious marine ecosystem,  
32 which our residents and tourism industry cherish and depend on,  
33 be protected..."; and  
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35 WHEREAS, the County of Maui has taken the initiative in  
36 this problem and provided funds for vessel operators to be  
37 reimbursed for pumping toilet contents at Ma`alaea Harbor via  
38 mobile pump trucks that haul away the sewage for land-based  
39 treatment; and  
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41 WHEREAS, other governmental agencies have pledged  
42 additional funds for mobile dock-side pump trucks to haul vessel  
43 sewage to land-based treatment facilities; and  
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1           WHEREAS, mobile dock-side pump trucks are available at  
2 other harbors within Maui and Hawaii counties; and

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4           WHEREAS, the State of Hawaii has provided permanent sewage  
5 treatment facilities at certain harbors; and

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7           WHEREAS, the State of Hawaii has prohibited the dumping of  
8 most vessel sewage within state waters; and

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10          WHEREAS, the United States government can and should  
11 prohibit dumping sewage into the waters of the Whale and Marine  
12 Sanctuary by creating a no-discharge zone, pursuant to the Clean  
13 Water Act, 33 United States Code section 1251 et seq. and by  
14 adopting appropriate rules pursuant to 16 United States Code  
15 section 1431 et seq.; and

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17          WHEREAS, residents of Hawaii have requested a no-discharge  
18 zone for the waters of the Whale and Marine Sanctuary and were  
19 informed that pursuant to the Clean Water Act, the United States  
20 Congress is required to receive a request for a no-discharge  
21 zone from the State of Hawaii in order for the Environmental  
22 Protection Agency to create a no-discharge zone; and

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24          WHEREAS, the Environmental Protection Agency is requested  
25 to consider an application for a no-discharge zone from the  
26 State of Hawaii if made pursuant to the Clean Water Act; and

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28          WHEREAS, residents of Hawaii have requested that laws and  
29 rules designed to prohibit the dumping of sewage by tour vessels  
30 within the Whale and Marine Sanctuary be enacted and adopted,  
31 and specific laws and rules have not been instituted; and

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33          WHEREAS, the State of Hawaii's representative serves as  
34 co-manager of the Whale and Marine Sanctuary; and

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36          WHEREAS, the United States Department of Commerce is the  
37 federal agency responsible for the administration of the Whale  
38 and Marine Sanctuary, and the Environmental Protection Agency is  
39 the federal agency responsible for administration of the Clean  
40 Water Act; and

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42          WHEREAS, the sewage dumped in federal waters within the  
43 Whale and Marine Sanctuary impacts the health, welfare, and  
44 enjoyment of Hawaii residents and visitors; now, therefore,



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 2 BE IT RESOLVED by the House of Representatives of the  
 3 Twenty-fourth Legislature of the State of Hawaii, Regular  
 4 Session of 2007, the Senate concurring, that the United States  
 5 Congress is respectfully requested to prohibit the dumping of  
 6 vessel sewage within the boundaries of the Hawaiian Islands  
 7 Humpback Whale National Marine Sanctuary, by creation of a  
 8 no-discharge zone pursuant to the Clean Water Act, 33 United  
 9 States Code section 1251 et seq., and by requiring appropriate  
 10 federal executive agencies to adopt necessary regulations  
 11 pursuant to 16 United States Code section 1431 et seq. to ensure  
 12 proper administration, management, and enforcement of applicable  
 13 laws; and

14  
 15 BE IT FURTHER RESOLVED that the Hawaii Department of Land  
 16 and Natural Resources and other state agencies and personnel,  
 17 including the Hawaii co-manager of the Hawaiian Islands Humpback  
 18 Whale National Marine Sanctuary, are requested to cooperate,  
 19 assist, and encourage efforts to prohibit dumping of vessel  
 20 sewage into the Hawaiian Islands Humpback Whale National Marine  
 21 Sanctuary; and

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 23 BE IT FURTHER RESOLVED that certified copies of this  
 24 Concurrent Resolution be transmitted to the Majority Leader of  
 25 the United States Senate, the Speaker of the United States of  
 26 House of Representatives, the United States Secretary of  
 27 Commerce, the Administrator of the Environmental Protection  
 28 Agency, the members of Hawaii's congressional delegation, the  
 29 co-managers of the Hawaiian Islands Humpback Whale National  
 30 Marine Sanctuary, the Governor, and the Chairperson of the Board  
 31 of Land and Natural Resources.

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OFFERED BY:

*John M. ...*  
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