
HOUSE CONCURRENT RESOLUTION

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

1 WHEREAS, the waters around the islands of Hawaii are
2 enjoyed by residents, tourists, sports enthusiasts, and
3 recreational users, and provide an essential habitat for many
4 kinds of animals, whether birds, fish, or mammals; and

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6 WHEREAS, the ocean resources of the State of Hawaii include
7 the waters of the Hawaiian Islands Humpback Whale National
8 Marine Sanctuary, created pursuant to the Hawaiian Island
9 National Marine Sanctuary Act, Title II, Subtitle C, Public Law
10 102-587, herein referred to as the "Whale and Marine Sanctuary";
11 and

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13 WHEREAS, the Whale and Marine Sanctuary adjoins portions of
14 all of the Hawaiian islands of Kauai, Oahu, Maui, Molokai,
15 Hawaii, and Lanai; and

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17 WHEREAS, the waters of the Whale and Marine Sanctuary are
18 relatively shallow, calm, protected waters, and are a critical
19 habitat in winter months of the endangered North Pacific
20 humpback whales; and

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22 WHEREAS, critically endangered humpback whales breed,
23 calve, and nurse their young in the Whale and Marine Sanctuary;
24 and

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26 WHEREAS, the Whale and Marine Sanctuary provides an
27 important habitat for other endangered and protected species,
28 including green sea turtles, hawksbill sea turtles, monk seals,
29 and others; and



1 WHEREAS, the waters of the Whale and Marine Sanctuary
2 include complex ecosystems of marine life populations and reefs
3 that are fragile and under stress from human activities; and
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5 WHEREAS, the waters of the Whale and Marine Sanctuary
6 include areas previously designated for preservation of wildlife
7 by the State of Hawaii, including the Molokini Shoal Marine Life
8 and Bird Conservation District, Honolua-Mokule'ia Marine Life
9 Conservation District, Manele-Hulopo'e Marine Life Conservation
10 District, Hanauma Bay Marine Life Conservation District, Pupukeya
11 Marine Life Conservation District, Lapakahi Marine Life
12 Conservation District, Waialea Bay Marine Life Conservation
13 District, and the marine portion of the 'Ahihi-Kina'u Natural
14 Area Reserve; and
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16 WHEREAS, the economy of Hawaii benefits from the tourism
17 industry that, in turn, relies upon the ocean's resources,
18 including the waters within the Whale and Marine Sanctuary; and
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20 WHEREAS, residents and tourists alike enjoy the resources
21 located within the Whale and Marine Sanctuary in a variety of
22 ways, including snorkeling, diving, fishing, kayaking, canoeing,
23 and wildlife observation tours; and
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25 WHEREAS, human activities in the waters surrounding Hawaii
26 and in particular within the Whale and Marine Sanctuary have
27 increased dramatically in recent years; and
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29 WHEREAS, governmental agencies have received an increasing
30 number of complaints from Hawaii residents and from tourists
31 about tour boat operators' practice of dumping concentrated
32 human sewage into the waters surrounding Hawaii and in
33 particular into the waters within the Whale and Marine
34 Sanctuary; and
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36 WHEREAS, the County of Maui has declared, by Council
37 Resolution adopted February, 2006, that "...it is imperative
38 that dumping of raw sewage and chemical contaminants into our
39 ocean cease immediately, and that our precious marine ecosystem,
40 which our residents and tourism industry cherish and depend on,
41 be protected..."; and
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1 WHEREAS, the County of Maui has taken the initiative in
2 this problem and provided funds for vessel operators to be
3 reimbursed for pumping sewage contents at Ma'alaea Harbor via
4 mobile pump trucks that haul away the sewage for land-based
5 treatment; and

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7 WHEREAS, other governmental agencies have pledged
8 additional funds for mobile dock-side pump trucks to haul vessel
9 sewage to land-based treatment facilities; and

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11 WHEREAS, mobile dock-side pump trucks are available at
12 other harbors within Maui and Hawaii counties; and

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14 WHEREAS, the State of Hawaii has provided permanent
15 land-based sewage treatment facilities at certain harbors; and

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

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20 WHEREAS, the United States government can and should
21 prohibit dumping sewage into federal waters in the vicinity of
22 the islands of Hawaii and particularly into the waters of the
23 Whale and Marine Sanctuary by creating a no-discharge zone,
24 pursuant to the Clean Water Act, 33 United States Code section
25 1251 et seq. and by adopting appropriate rules pursuant to 16
26 United States Code section 1431 et seq.; and

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28 WHEREAS, residents of Hawaii have requested a no-discharge
29 zone for the waters of the Whale and Marine Sanctuary and were
30 informed that pursuant to the Clean Water Act, the United States
31 Congress is required to receive a request for a no-discharge
32 zone from the State of Hawaii in order for the Environmental
33 Protection Agency to create a no-discharge zone for federal
34 waters; and

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

39
40 WHEREAS, residents of Hawaii have requested that laws and
41 rules designed to prohibit the dumping of sewage by tour vessels
42 within state waters, federal waters in the vicinity of the
43 Hawaiian islands, and in particular within the Whale and Marine



1 Sanctuary, be enacted and adopted, and specific laws and rules
2 have not been instituted; and

3 WHEREAS, the State of Hawaii's representative serves as
4 co-manager of the Whale and Marine Sanctuary; and
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6 WHEREAS, the United States Department of Commerce is the
7 federal agency responsible for the administration of the Whale
8 and Marine Sanctuary, and the Environmental Protection Agency is
9 the federal agency responsible for administration of the Clean
10 Water Act; and
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12 WHEREAS, the sewage dumped in federal waters in the
13 vicinity of the Hawaiian islands and in particular within the
14 Whale and Marine Sanctuary impacts the health, welfare, and
15 enjoyment of Hawaii residents and visitors; now, therefore,
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17 BE IT RESOLVED by the House of Representatives of the
18 Twenty-fourth Legislature of the State of Hawaii, Regular
19 Session of 2007, the Senate concurring, that the United States
20 Congress is respectfully requested to prohibit the dumping of
21 vessel sewage in federal waters in the vicinity of the islands
22 of Hawaii and especially within the boundaries of the Hawaiian
23 Islands Humpback Whale National Marine Sanctuary, by creation of
24 a no-discharge zone pursuant to the Clean Water Act, 33 United
25 States Code section 1251 et seq., and by requiring appropriate
26 federal executive agencies to adopt necessary regulations
27 pursuant to 16 United States Code section 1431 et seq. to ensure
28 proper administration, management, and enforcement of applicable
29 laws; and
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31 BE IT FURTHER RESOLVED that the Hawaii Department of Land
32 and Natural Resources and other state agencies and personnel,
33 including the Hawaii co-manager of the Hawaiian Islands Humpback
34 Whale National Marine Sanctuary, are requested to cooperate,
35 assist, and encourage efforts to prohibit dumping of vessel
36 sewage into federal waters in the vicinity of the islands of
37 Hawaii and the Hawaiian Islands Humpback Whale National Marine
38 Sanctuary; and
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40 BE IT FURTHER RESOLVED that the Division of Boating and
41 Ocean Recreation of the Department of Land and Natural Resources
42 is requested to develop a plan to implement so called "pump-
43 don't dump" stations, where mobile pump trucks pump sewage from



1 vessels and transport the sewage to land-based sewage treatment
2 facilities; and

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4 BE IT FURTHER RESOLVED that the Division of Boating and
5 Ocean Recreation is requested to submit a report of its findings
6 and recommendations, including suggested legislation, to the
7 Legislature no later than twenty days prior to the convening of
8 the Regular Session of 2008; and

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10 BE IT FURTHER RESOLVED that certified copies of this
11 Concurrent Resolution be transmitted to the Majority Leader of
12 the United States Senate, the Speaker of the United States of
13 House of Representatives, the United States Secretary of
14 Commerce, the Administrator of the Environmental Protection
15 Agency, the members of Hawaii's Congressional delegation, the
16 co-managers of the Hawaiian Islands Humpback Whale National
17 Marine Sanctuary, the Governor, and the Chairperson of the Board
18 of Land and Natural Resources.

