

MAR 14 2007

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## SENATE CONCURRENT RESOLUTION

REQUESTING PROHIBITIONS ON THE DUMPING OF VESSEL SEWAGE WITHIN  
THE BOUNDARIES OF THE HAWAIIAN ISLANDS HUMPBACK WHALE  
NATIONAL MARINE SANCTUARY.

1           WHEREAS, the Hawaiian Islands Humpback Whale National  
2 Marine Sanctuary was congressionally designated by the Hawaiian  
3 Islands National Marine Sanctuary Act on November 4, 1992, for  
4 the purpose of protecting humpback whales and their habitat  
5 within the sanctuary; and  
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7           WHEREAS, it is the mission of the Sanctuary to educate the  
8 public on the relationship of humpback whales and the Hawaiian  
9 Islands marine environment and to manage human uses of the  
10 sanctuary consistent with the Hawaiian Islands National Marine  
11 Sanctuary Act and the National Marine Sanctuary Act; and  
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13           WHEREAS, the protected waters of the Sanctuary are where  
14 critically endangered North Pacific humpback whales breed,  
15 calve, and nurse their young in winter months; and  
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17           WHEREAS, other endangered and protected species, such as  
18 green sea turtles, hawksbill sea turtles, and monk seals rely on  
19 the Sanctuary waters for essential habitation; and  
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21           WHEREAS, the Sanctuary is also home to complex ecosystems  
22 of marine life and reefs that are found nowhere else on earth  
23 that are fragile and under stress from human activities; and  
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25           WHEREAS, the Sanctuary includes areas previously designated  
26 for the preservation of wildlife by the State of Hawaii,  
27 including the Molokini Shoal Marine Life and Bird Conservation  
28 District, Honolua-Mokule'ia Marine Life Conservation District,  
29 Manele-Hulopo'e Marine Life Conservation District, Hanauma Bay  
30 Marine Life Conservation District, Pupukea Marine Life  
31 Conservation District, Lapakahi Marine Life Conservation



1 District, Waialea Bay Marine Life Conservation District, and the  
2 marine portion of the 'Ahihi-Kina'u Natural Area Reserve; and  
3

4 WHEREAS, Hawaii's economy is sustained by the tourist and  
5 fishing industries which rely on the ocean's resources,  
6 including the waters within the Hawaiian Islands Humpback Whale  
7 National Marine Sanctuary, for snorkeling, diving, fishing,  
8 kayaking, canoeing, and wildlife observation tours; and  
9

10 WHEREAS, these activities have significantly and negatively  
11 impacted Hawaii's ocean environment, causing deterioration of  
12 the ocean environment most dramatically in recent years with the  
13 increase in tour boat and fishing operations to serve the influx  
14 of tourism in Hawaii; and  
15

16 WHEREAS, a significant contributor to the ocean  
17 environment's deterioration is the dumping of raw sewage by the  
18 operators of these activities; and  
19

20 WHEREAS, currently, the State of Hawaii allows boats and  
21 tour operators to dump raw sewage three miles offshore; and  
22

23 WHEREAS, this is not only destructive to the ocean  
24 environment, but is detrimental to the public health; and  
25

26 WHEREAS, governmental agencies have received increased  
27 numbers of complaints from Hawaii residents, mainland tourists,  
28 and tourists from other countries about the practice of tour  
29 boat operators dumping concentrated human sewage into the waters  
30 of the Sanctuary; and  
31

32 WHEREAS, the increased number of complaints have developed  
33 as a result of tourists and residents witnessing raw sewage  
34 slicks in the waters where they are swimming; 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 tourist industry cherish and depend on,  
41 be protected. . ."; and  
42



1           WHEREAS, the County of Maui has taken the initiative in  
2 addressing this problem by providing limited funds for vessel  
3 operators to be reimbursed for pumping toilet contents at  
4 Ma'alaea Harbor via mobile pumper trucks that haul the sewage for  
5 land-based treatment; and

6  
7           WHEREAS, currently, the only small boat harbors with pump  
8 out stations in Hawaii are the Lahaina Small Boat Harbor,  
9 Nawiliwili Small Boat Harbor, and Rainbow Bay Marina; and

10  
11           WHEREAS, the pump out station in Lahaina is located on a  
12 busy dock, used by the ferry and by vessels carrying passengers  
13 to and from cruise ships; and

14  
15           WHEREAS, for most boaters, this pump out station is  
16 inaccessible for much of the day; and

17  
18           WHEREAS, many other states have taken advantage of the  
19 federal funding provided by the Clean Vessel Act of 1992, which  
20 recognized the need to protect our nation's waters from such  
21 dumping, and provided funds to the states for the construction,  
22 renovation, operation, and maintenance of pump out stations and  
23 waste reception facilities; and

24  
25           WHEREAS, the United States government can and should  
26 prohibit dumping sewage into all ocean waters, especially those  
27 of the Whale and Marine Sanctuary:

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29           (1) By rulemaking, pursuant to the enabling legislation  
30 authorizing and creating the Whale and Marine  
31 Sanctuary (The National Marine Sanctuaries Act, 16  
32 U.S.C. 1431 et seq., as amended, and the Hawaiian  
33 Islands National Marine Sanctuary Act subtitle C,  
34 title II, Pub. L. 102-587, as amended); and

35  
36           (2) By creation of a No-Discharge Zone, pursuant to the  
37 Clean Water Act (United States Code, Title 33, Chapter  
38 26); and

39  
40           WHEREAS, residents of Hawaii have requested a No-Discharge  
41 Zone for the waters of the Whale and Marine Sanctuary, and such  
42 residents were informed that no request for a No-Discharge Zone  
43 had been received from the State of Hawaii, and such residents



1 were further informed that pursuant to the Clean Water Act, a  
2 request is required to be received from the State of Hawaii in  
3 order for the Environmental Protection Agency to create such a  
4 No-Discharge Zone; and  
5

6 WHEREAS, the Environmental Protection Agency must consider  
7 a request for a No-Discharge Zone from the State of Hawaii  
8 pursuant to the Clean Water Act; and  
9

10 WHEREAS, residents of Hawaii have requested the Whale and  
11 Marine Sanctuary begin rulemaking procedures designed to  
12 prohibit the dumping of sewage by tour vessels within the Whale  
13 and Marine Sanctuary, and such rulemaking procedures have not  
14 been instituted; and  
15

16 WHEREAS, the Department of Commerce is the federal agency  
17 responsible for the administration of the Whale and Marine  
18 Sanctuary, and the Environmental Protection Agency is the  
19 federal agency responsible for administration of the Clean Water  
20 Act and designating No-Discharge Zones; and  
21

22 WHEREAS, the sewage dumped in federal waters within the  
23 Whale and Marine Sanctuary has a significant impact on the  
24 health, welfare, and enjoyment of the residents and visitors to  
25 Hawaii; now, therefore,  
26

27 BE IT RESOLVED by the Senate of the Twenty-fourth  
28 Legislature of the State of Hawaii, Regular Session of 2007, the  
29 House of Representatives concurring, that the United States  
30 Congress is respectfully requested to ensure that the dumping of  
31 raw sewage within the boundaries of the Hawaiian Islands  
32 Humpback Whale National Marine Sanctuary is prohibited; and  
33

34 BE IT FURTHER RESOLVED that the Governor of the State of  
35 Hawaii is urged to request the United States Environmental  
36 Protection Agency to designate the waters within the boundaries  
37 of the Hawaiian Islands Humpback Whale National Marine Sanctuary  
38 as a No-Discharge Zone; and  
39

40 BE IT FURTHER RESOLVED that the Department of Land and  
41 Natural Resources of the State of Hawaii and the manager, co-  
42 manager, and advisory council of the Hawaiian Islands Humpback  
43 Whale National Marine Sanctuary, are requested to cooperate,  
44 assist, and encourage efforts to prohibit dumping of sewage into



1 the Hawaiian Islands Humpback Whale National Marine Sanctuary  
2 and to assist in the process of designating the waters within  
3 the boundaries of the Sanctuary as a No-Discharge Zone; and  
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5 BE IT FURTHER RESOLVED that certified copies of this  
6 Concurrent Resolution be transmitted to the United States  
7 Secretary of Commerce, the Administrator of the United States  
8 Environmental Protection Agency, the Governor of the State of  
9 Hawaii, each member of Hawaii's Congressional delegation, and  
10 the manager, co-manager, and advisory council of the Hawaiian  
11 Islands Humpback Whale National Marine Sanctuary.  
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13  
14

OFFERED BY:

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