

MAR 14 2007

SENATE 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

6
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

12
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

16
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

20
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

24
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
32 District, Waialea Bay Marine Life Conservation District, and the
33 marine portion of the 'Ahihi-Kina'u Natural Area Reserve; and
34



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

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

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

17 WHEREAS, currently, the State of Hawaii allows boats and
18 tour operators to dump raw sewage three miles offshore; and
19

20 WHEREAS, this is not only destructive to the ocean
21 environment, but is detrimental to the public health; and
22

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

29 WHEREAS, the increased number of complaints have developed
30 as a result of tourists and residents witnessing raw sewage
31 slicks in the waters where they are swimming; and
32

33 WHEREAS, the County of Maui has declared, by Council
34 Resolution adopted February, 2006, that ". . .it is imperative
35 that dumping of raw sewage and chemical contaminants into our
36 ocean cease immediately, and that our precious marine ecosystem,
37 which our residents and tourist industry cherish and depend on,
38 be protected. . ."; and
39

40 WHEREAS, the County of Maui has taken the initiative in
41 addressing this problem by providing limited funds for vessel
42 operators to be reimbursed for pumping toilet contents at



1 Ma'alaea Harbor via mobile pumper trucks that haul the sewage for
2 land-based treatment; and

3
4 WHEREAS, currently, the only small boat harbors with pump
5 out stations in Hawaii are the Lahaina Small Boat Harbor,
6 Nawiliwili Small Boat Harbor, and Rainbow Bay Marina; and

7
8 WHEREAS, the pump out station in Lahaina is located on a
9 busy dock, used by the ferry and by vessels carrying passengers
10 to and from cruise ships; and

11
12 WHEREAS, for most boaters, this pump out station is
13 inaccessible for much of the day; and

14
15 WHEREAS, many other states have taken advantage of the
16 federal funding provided by the Clean Vessel Act of 1992, which
17 recognized the need to protect our nation's waters from such
18 dumping, and provided funds to the states for the construction,
19 renovation, operation, and maintenance of pump out stations and
20 waste reception facilities; and

21
22 WHEREAS, the United States government can and should
23 prohibit dumping sewage into all ocean waters, especially those
24 of the Whale and Marine Sanctuary:

25
26 (1) By rulemaking, pursuant to the enabling legislation
27 authorizing and creating the Whale and Marine
28 Sanctuary (The National Marine Sanctuaries Act, 16
29 U.S.C. 1431 et seq., as amended, and the Hawaiian
30 Islands National Marine Sanctuary Act subtitle C,
31 title II, Pub. L. 102-587, as amended); and

32
33 (2) By creation of a No-Discharge Zone, pursuant to the
34 Clean Water Act (United States Code, Title 33, Chapter
35 26); and

36
37 WHEREAS, residents of Hawaii have requested a No-Discharge
38 Zone for the waters of the Whale and Marine Sanctuary, and such
39 residents were informed that no request for a No-Discharge Zone
40 had been received from the State of Hawaii, and such residents
41 were further informed that pursuant to the Clean Water Act, a
42 request is required to be received from the State of Hawaii in



1 order for the Environmental Protection Agency to create such a
2 No-Discharge Zone; and

3
4 WHEREAS, the Environmental Protection Agency must consider
5 a request for a No-Discharge Zone from the State of Hawaii
6 pursuant to the Clean Water Act; and

7
8 WHEREAS, residents of Hawaii have requested the Whale and
9 Marine Sanctuary begin rulemaking procedures designed to
10 prohibit the dumping of sewage by tour vessels within the Whale
11 and Marine Sanctuary, and such rulemaking procedures have not
12 been instituted; and

13
14 WHEREAS, the Department of Commerce is the federal agency
15 responsible for the administration of the Whale and Marine
16 Sanctuary, and the Environmental Protection Agency is the
17 federal agency responsible for administration of the Clean Water
18 Act and designating No-Discharge Zones; and

19
20 WHEREAS, the sewage dumped in federal waters within the
21 Whale and Marine Sanctuary has a significant impact on the
22 health, welfare, and enjoyment of the residents and visitors to
23 Hawaii; now, therefore,

24
25 BE IT RESOLVED by the Senate of the Twenty-fourth
26 Legislature of the State of Hawaii, Regular Session of 2007,
27 that the United States Congress is respectfully requested to
28 ensure that the dumping of raw sewage within the boundaries of
29 the Hawaiian Islands Humpback Whale National Marine Sanctuary is
30 prohibited; and

31
32 BE IT FURTHER RESOLVED that the Governor of the State of
33 Hawaii is urged to request the United States Environmental
34 Protection Agency to designate the waters within the boundaries
35 of the Hawaiian Islands Humpback Whale National Marine Sanctuary
36 as a No-Discharge Zone; and

37
38 BE IT FURTHER RESOLVED that the Department of Land and
39 Natural Resources of the State of Hawaii and the manager, co-
40 manager, and advisory council of the Hawaiian Islands Humpback
41 Whale National Marine Sanctuary, are requested to cooperate,
42 assist, and encourage efforts to prohibit dumping of sewage into
43 the Hawaiian Islands Humpback Whale National Marine Sanctuary



1 and to assist in the process of designating the waters within
2 the boundaries of the Sanctuary as a No-Discharge Zone; and
3

4 BE IT FURTHER RESOLVED that certified copies of this
5 Resolution be transmitted to the United States Secretary of
6 Commerce, the Administrator of the United States Environmental
7 Protection Agency, the Governor of the State of Hawaii, each
8 member of Hawaii's Congressional delegation, and the manager,
9 co-manager, and advisory council of the Hawaiian Islands
10 Humpback Whale National Marine Sanctuary.
11
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OFFERED BY:

Aloa: Goh
Clarence Reichher
Fred Manning
Rita Bunn

Dwight H. Bell
Julia

Therese Chun Oapiana
Norman Sakonaka

Carol Fukunaga
Will Enyo

David Yife
Guy L. Hoover

Paula J.
Samuelson, Sr.
Russell Kohler

Paula L. L.
Anna Overman K.

