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# HOUSE CONCURRENT RESOLUTION

STRONGLY URGING THE DEPARTMENT OF LAND AND NATURAL RESOURCES TO  
RECOGNIZE THAT EFOIL VESSELS CONSTITUTE THRILL CRAFT AND TO  
UPDATE THE DEPARTMENT'S WEBSITE AND ENFORCE THRILL CRAFT  
LAWS AND RULES ACCORDINGLY.

1           WHEREAS, the Marine Mammal Protection Act of 1972 (MMPA)  
2 prohibits the harassment of marine mammals; and  
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4           WHEREAS, the MMPA defines harassment as any act that "has  
5 the potential to disturb a marine mammal or marine mammal stock  
6 in the wild by causing disruption of behavioral patterns,  
7 including, but not limited to, migration, breathing, nursing,  
8 breeding, feeding, or sheltering"; and  
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10           WHEREAS, under Hawaii law, "thrill craft" are any motorized  
11 vessels that are less than thirteen feet in length and can  
12 exceed twenty miles per hour; and  
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14           WHEREAS, according to all major eFoil vessel manufacturers,  
15 these vessels include an electric motor and can reach up to  
16 twenty-five miles per hour; and  
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18           WHEREAS, eFoil vessels therefore fall under the definition  
19 of "thrill craft" and should be regulated as such by the  
20 Department of Land and Natural Resources; now, therefore,  
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22           BE IT RESOLVED by the House of Representatives of the  
23 Thirty-first Legislature of the State of Hawaii, Regular Session  
24 of 2021, the Senate concurring, that the Department of Land and  
25 Natural Resources is strongly urged to recognize that eFoil  
26 vessels constitute thrill craft and update the Department's  
27 website and enforce thrill craft laws and rules accordingly; and



1 BE IT FURTHER RESOLVED that the Department of Land and  
2 Natural Resources is strongly urged to apply and enforce  
3 existing state statutes and administrative rules for thrill  
4 craft related to the maximum speed for eFoil vessels when in  
5 close proximity to:

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- 7 (1) Swimmers and beachgoers;
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- 9 (2) Marine life; and
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- 11 (3) Traditional surfers and traditional surf line-ups; and
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13 BE IT FURTHER RESOLVED that the Department of Land and  
14 Natural Resources is strongly urged to develop administrative  
15 rules regarding how close, regardless of speed, eFoil vessels  
16 may come to:

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- 18 (1) Swimmers and beachgoers;
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- 20 (2) Marine life; and
- 21
- 22 (3) Traditional surfers and traditional surf line-ups; and
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24 BE IT FURTHER RESOLVED that the Department of Land and  
25 Natural Resources is strongly urged to collaborate with the  
26 National Oceanic and Atmospheric Administration to enforce  
27 the MMPA as it relates to the impact of eFoil vessels on marine  
28 life; and

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30 BE IT FURTHER RESOLVED that certified copies of this  
31 Concurrent Resolution be transmitted to the Administrator of the  
32 National Oceanic and Atmospheric Administration and Chairperson  
33 of the Board of Land and Natural Resources.

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OFFERED BY: T. Wing  
MAR 12 2021

