

MAR 12 2021

SENATE 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 Senate of the Thirty-first
23 Legislature of the State of Hawaii, Regular Session of 2021, the
24 House of Representatives concurring, that the Department of Land
25 and 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



S.C.R. NO. 139

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

10
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:

17
18 (1) Swimmers and beachgoers;

19
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: *Rosalyn H. Berk*

