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# SENATE CONCURRENT RESOLUTION

REQUESTING THAT THE DEPARTMENT OF LAND AND NATURAL RESOURCES  
ADOPT ADMINISTRATIVE RULES REGULATING VESSEL SPEED NEAR  
HUMPBACK WHALES.

1           WHEREAS, humpback whales are an endangered species and the  
2 official marine mammal of the State; and

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4           WHEREAS, humpback whales play a crucial role in marine  
5 ecosystems, and humpback whale populations are closely tied to  
6 the health of the oceans; and

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8           WHEREAS, collisions between vessels and humpback whales can  
9 result in significant humpback whale injuries or deaths; and

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11           WHEREAS, collisions with humpback whales are greatly  
12 reduced when vessels travel at speeds of fifteen knots or less;  
13 and

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15           WHEREAS, in 2022, the Pacific Whale Foundation, the  
16 National Oceanic and Atmospheric Administration, and the State  
17 released a new set of voluntary recommendations for boaters  
18 operating around humpbacks, including suggested speeds and the  
19 use of lookouts; and

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21           WHEREAS, adopting these recommendations as administrative  
22 rules will help to protect and preserve humpback whales; now,  
23 therefore,

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25           BE IT RESOLVED by the Senate of the Thirty-second  
26 Legislature of the State of Hawaii, Regular Session of 2023, the  
27 House of Representatives concurring, that the Department of Land  
28 and Natural Resources is requested to adopt rules pursuant to  
29 chapter 91, Hawaii Revised Statutes, to:  
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1 (1) Prohibit any person from operating a vessel other than  
2 an inter-island vessel or intra-island vessel as  
3 defined in section 19-41-2, Hawaii Administrative  
4 Rules, within the waters of the State at a speed  
5 exceeding:  
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7 (A) Fifteen knots when the vessel is within waters of  
8 one hundred fathoms in depth or less during  
9 humpback whale season; and  
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11 (B) Six knots when the vessel is within four hundred  
12 yards of a humpback whale; and  
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14 (2) Require any person operating a vessel other than an  
15 inter-island vessel or intra-island vessel as defined  
16 in section 19-41-2, Hawaii Administrative Rules,  
17 within the waters of the State to:  
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19 (A) Ensure that if another person on the vessel is  
20 available, that person should serve as a lookout  
21 to prevent collisions with humpback whales when  
22 the vessel is within waters of one hundred  
23 fathoms in depth or less during humpback whale  
24 season; and  
25

26 (B) Operate the vessel in a manner that is reasonable  
27 and prudent to avoid collision with a humpback  
28 whale, considering the time of day, time of year,  
29 and other relevant factors; and  
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31 BE IT FURTHER RESOLVED that the Department of Land and  
32 Natural Resources is also requested to exclude barges from any  
33 rules adopted in accordance with this measure; and  
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35 BE IT FURTHER RESOLVED that a certified copy of this  
36 Concurrent Resolution be transmitted to the Chairperson of the  
37 Board of Land and Natural Resources.

