
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 the humpback whale
23 species; now, 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
8 yards of a humpback whale; and

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10 (B) Six knots when the vessel is within four hundred
11 yards of a humpback whale; and

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13 (2) Require any person operating a vessel other than an
14 inter-island vessel or intra-island vessel as defined
15 in section 19-41-2, Hawaii Administrative Rules,
16 within the waters of the State to:

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18 (A) Ensure that another person on the vessel is
19 acting as a lookout to prevent collisions with
20 humpback whales when the vessel is within
21 yards of a humpback whale; and

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23 (B) Operate the vessel in a manner that is reasonable
24 and prudent to avoid collision with a humpback
25 whale, considering the time of day, time of year,
26 and other relevant factors; and

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28 BE IT FURTHER RESOLVED that the Department of Land and
29 Natural Resources is also requested to exclude barges from any
30 rules adopted in accordance with this Concurrent Resolution; and

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32 BE IT FURTHER RESOLVED that a certified copy of this
33 Concurrent Resolution be transmitted to the Chairperson of the
34 Board of Land and Natural Resources.

