

STAND. COM. REP. NO. 1517

Honolulu, Hawaii

APR 04 2023

RE: S.C.R. No. 219
S.D. 1

Honorable Ronald D. Kouchi
President of the Senate
Thirty-Second State Legislature
Regular Session of 2023
State of Hawaii

Sir:

Your Committee on Water and Land, to which was referred
S.C.R. No. 219 entitled:

"SENATE CONCURRENT RESOLUTION REQUESTING THAT THE DEPARTMENT
OF LAND AND NATURAL RESOURCES ADOPT ADMINISTRATIVE RULES
REGULATING VESSEL SPEED NEAR HUMPBACK WHALES,"

begs leave to report as follows:

The purpose and intent of this measure is to request the
Department of Land and Natural Resources to adopt administrative
rules regulating vessel speed near humpback whales.

Your Committee received testimony in support of this measure
from the Hawai'i Reef and Ocean Coalition and Environmental Caucus
of the Democratic Party of Hawai'i. Your Committee received
testimony in opposition to this measure from the Department of
Land and Natural Resources, Hone Heke Corporation, and one
individual. Your Committee received comments on this measure from
the Matson Navigation Company, Inc. and Hawai'i Harbors Users
Group.

Your Committee finds that the majestic and well-beloved
humpback whale is not only an endangered species but the official
marine mammal of the State. However, as humpback whale
populations have slowly recovered, their increasing numbers have
led to more frequent collisions with vessels. In response, in
2022, representatives from the Pacific Whale Foundation, National



Oceanic and Atmospheric Administration, State of Hawaii, tour operators, private boaters, fishers, and other community members, collaborated to develop a set of voluntary recommendations intended to keep both whales and whale watchers safe. This measure requests the Department of Land and Natural Resources to adopt those voluntary recommendations as administrative rules, to reaffirm the State's commitment to protecting and preserving the humpback whale.

Your Committee has amended this measure by:

- (1) Inserting language clarifying that the Department of Land and Natural Resources is requested to adopt rules regulating vessel speed near humpback whales for vessels other than an inter-island vessel or an intra-island vessel, as defined in section 19-41-2, Hawaii Administrative Rules; and
- (2) Making a technical, nonsubstantive amendment for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Water and Land that is attached to this report, your Committee concurs with the intent and purpose of S.C.R. No. 219, as amended herein, and recommends its adoption in the form attached hereto as S.C.R. No. 219, S.D. 1.


Respectfully submitted on
behalf of the members of the
Committee on Water and Land,


LORRAINE R. INOUE, Chair



The Senate
 Thirty-Second Legislature
 State of Hawai'i

Record of Votes
Committee on Water and Land
WTL

Bill / Resolution No.:* SCR 219	Committee Referral: WTL	Date: 3/24/23		
<input type="checkbox"/> The Committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is: <input type="checkbox"/> Pass, unamended 2312 <input checked="" type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
INOUYE, Lorraine R. (C)	✓			
ELEFANTE, Brandon J.C. (VC)	✓			
CHANG, Stanley	✓			
MCKELVEY, Angus L.K.	✓			
FEVELLA, Kurt				✓
TOTAL	4	0	0	1
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: 				
Distribution: Original Yellow Pink Goldenrod File with Committee Report Clerk's Office Drafting Agency Committee File Copy				

*Only one measure per Record of Votes