

MAR 10 2010

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## SENATE CONCURRENT RESOLUTION

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URGING THE DEPARTMENT OF LAND AND NATURAL RESOURCES TO ADOPT  
RULES TO ENFORCE THE BAN ON SHARK FEEDING FOR THE SAFETY OF  
THE PEOPLE OF HAWAII AND PRESERVATION OF ITS MARINE  
ECOSYSTEM.

1           WHEREAS, Hawaii's coastal waters are heavily used by  
2 Hawaii's residents and visitors for numerous aquatic activities,  
3 including fishing, boating, swimming, canoe paddling, kayaking,  
4 jet skiing, parasailing, surfing, body surfing, snorkeling, and  
5 scuba diving; and

6  
7           WHEREAS, commercial shark viewing tours that attract sharks  
8 into coastal waters through feeding and artificial means may  
9 increase safety risks to humans participating in activities in  
10 adjacent waters, promote interactions between fishermen and  
11 sharks, and offend native Hawaiians and native Hawaiian  
12 practitioners; and

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14           WHEREAS, in 2002, the Legislature, citing concerns  
15 regarding the impacts of shark feeding operations, enacted Act  
16 127, Session Laws of Hawaii 2002, to prohibit the feeding of  
17 sharks in state marine waters, which extend three nautical miles  
18 from shore; and

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20           WHEREAS, violations are petty misdemeanors with fines  
21 ranging from \$100 to \$500; and

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23           WHEREAS, in 2006, the federal Magnuson-Stevens Fishery  
24 Conservation and Management Act (MSA) was amended to prohibit  
25 introducing food into the water to attract sharks for any  
26 purpose other than to harvest sharks within the Exclusive  
27 Economic Zone seaward of the state, which is understood to be  
28 three to 200 nautical miles from shore; and



1 WHEREAS, there is public concern that commercial shark  
2 viewing tours from Haleiwa Harbor routinely feed sharks for  
3 their operations; and  
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5 WHEREAS, public concerns about commercial shark viewing  
6 tours include alteration of the natural behavior and  
7 distribution of sharks, which may increase risk to humans and  
8 the sharks themselves, as well as impact shark populations and  
9 the health of the marine ecosystem; and  
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11 WHEREAS, Department of Land and Natural Resources (DLNR)  
12 has expressed concerns over the enforceability and nominal  
13 penalties of the statutory prohibition of shark feeding; and  
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15 WHEREAS, in view of such concerns, the Legislature believes  
16 that shark viewing tour businesses, which rely on feeding or  
17 response conditioning to attract sharks for commercial viewing  
18 and human and shark interaction purposes, should be prohibited  
19 from operating in state waters; now, therefore,  
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21 BE IT RESOLVED by the Senate of the Twenty-fifth  
22 Legislature of the State of Hawaii, Regular Session of 2010, the  
23 House of Representatives concurring, that DLNR is urged to adopt  
24 rules to enforce the ban on shark feeding; and  
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26 BE IT FURTHER RESOLVED that such rules should:  
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- 28 (1) Prohibit commercial use of shark cages or other  
29 devices designed to place humans in close proximity to  
30 sharks for the purpose of feeding them;  
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- 32 (2) Prohibit use of public harbors and facilities, such as  
33 parks, piers, docks, and ramps, by shark tour  
34 operators using such cages;  
35
- 36 (3) Prohibit the transportation of commercial shark  
37 feeding cages through state waters; and  
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- 39 (4) Stringently enforce the law prohibiting the feeding of  
40 sharks in the waters of Hawaii;  
41

42 and  
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1 BE IT FURTHER RESOLVED that should DLNR decline to adopt  
2 such rules, DLNR is urged to make specific recommendations to  
3 the Legislature for the revision of the applicable state  
4 statutes to promote enforcement of the prohibition against the  
5 feeding of sharks and provide adequate deterrence from violation  
6 of existing statutes; and  
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8 BE IT FURTHER RESOLVED that certified copies of this  
9 Concurrent Resolution be transmitted to the Chairperson of the  
10 Board of Land and Natural Resources.  
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12  
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OFFERED BY:

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