
HOUSE CONCURRENT RESOLUTION

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 House of Representatives of the
22 Twenty-fifth Legislature of the State of Hawaii, Regular Session
23 of 2010, the Senate 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;
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42 and
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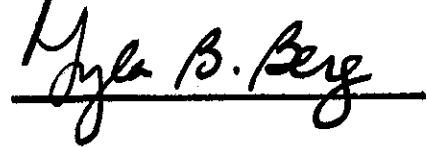
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1 BE IT FURTHER RESOLVED that should DLNR decline to adopt
2 such rules, DLNR is urged to make specific recommendations to
3 the Legislature for the revision of the applicable state
4 statutes to promote enforcement of the prohibition against the
5 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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OFFERED BY:





MAR 10 2010

