

MAR 10 2010

SENATE 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

29
30 WHEREAS, there is public concern that commercial shark
31 viewing tours from Haleiwa Harbor routinely feed sharks for
32 their operations; and



1 WHEREAS, public concerns about commercial shark viewing
 2 tours include alteration of the natural behavior and
 3 distribution of sharks, which may increase risk to humans and
 4 the sharks themselves, as well as impact shark populations and
 5 the health of the marine ecosystem; and

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 7 WHEREAS, Department of Land and Natural Resources (DLNR)
 8 has expressed concerns over the enforceability and nominal
 9 penalties of the statutory prohibition of shark feeding; and

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 11 WHEREAS, in view of such concerns, the Legislature believes
 12 that shark viewing tour businesses, which rely on feeding or
 13 response conditioning to attract sharks for commercial viewing
 14 and human and shark interaction purposes, should be prohibited
 15 from operating in state waters; now, therefore,

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 17 BE IT RESOLVED by the Senate of the Twenty-fifth
 18 Legislature of the State of Hawaii, Regular Session of 2010,
 19 that DLNR is urged to adopt rules to enforce the ban on shark
 20 feeding; and

21
 22 BE IT FURTHER RESOLVED that such rules should:

- 23
 24 (1) Prohibit commercial use of shark cages or other
 25 devices designed to place humans in close proximity to
 26 sharks for the purpose of feeding them;
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 28 (2) Prohibit use of public harbors and facilities, such as
 29 parks, piers, docks, and ramps, by shark tour
 30 operators using such cages;
 31
 32 (3) Prohibit the transportation of commercial shark
 33 feeding cages through state waters; and
 34
 35 (4) Stringently enforce the law prohibiting the feeding of
 36 sharks in the waters of Hawaii;

37
 38 and

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 40 BE IT FURTHER RESOLVED that should DLNR decline to adopt
 41 such rules, DLNR is urged to make specific recommendations to
 42 the Legislature for the revision of the applicable state
 43 statutes to promote enforcement of the prohibition against the



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1 feeding of sharks and provide adequate deterrence from violation
2 of existing statutes; and

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4 BE IT FURTHER RESOLVED that certified copies of this
5 Resolution be transmitted to the Chairperson of the Board of
6 Land and Natural Resources.

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OFFERED BY:









