WHEREAS, sharks, called "mano" in the Hawaiian language, carry great cultural, historical, and spiritual significance for many native Hawaiians, native Hawaiian practitioners, and others who value the Hawaiian culture; and

WHEREAS, sharks are revered and regarded by many native Hawaiians as their "'aumakua," a protective ancestral spirit; and

WHEREAS, in 2002, the Legislature enacted section 188-40.6, Hawaii Revised Statutes (HRS), which made it "unlawful for any person to conduct any activity related to the feeding of sharks in state marine waters"; and

WHEREAS, the only exception to the law, as codified in section 188-40.6, HRS, is the feeding of sharks for traditional Hawaiian cultural or religious practices that is not associated with commercial activity; and

WHEREAS, despite the clear outlawing of shark feeding as outlined in section 188-40.6, HRS, shark tours, which take paying customers out to sea to view sharks, routinely and continuously feed sharks and use attractants to attract, hold, and reward sharks near the viewing sites; and

WHEREAS, some ocean users near the shark feeding and shark viewing sites have reported increased sightings of and encounters with sharks because of illegal shark feeding; and
WHEREAS, recent studies reveal that illegal shark feeding by tour operators has caused larger, more aggressive species of shark--including Galapagos and Tiger sharks--to displace smaller sharks from cage diving sites; and

WHEREAS, illegal shark feeding by shark tours is disruptive to the ocean environment, disrespectful of native Hawaiians, and contemptuous of the law; now, therefore,

BE IT RESOLVED by the House of Representatives of the Twenty-fifth Legislature of the State of Hawaii, Regular Session of 2010, that the Department of Land and Natural Resources (DLNR) is requested to:

(1) Enforce the prohibition of shark feeding under section 183-40.6, HRS, against "any activity related to the feeding of sharks in state marine waters"; and

(2) Prohibit the operation of shark tours that involve feeding or the use of any other attractants to attract and reward sharks for viewing;

and

BE IT FURTHER RESOLVED that when receiving complaints of a violation of section 183-40.6, HRS, DLNR is requested to immediately investigate the complaint; and

BE IT FURTHER RESOLVED that DLNR is also requested to:

(1) Engage in routine on-site monitoring of existing shark tours as part of the enforcement effort;

(2) Cooperate with and assist the appropriate federal agencies in the enforcement of the federal ban against shark feeding beyond state marine waters; and

(3) Submit a report on the actions taken pursuant to this resolution to the Legislature, no more than 20 days before the convening of the Regular Session of 2011;
and

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

OFFERED BY:

[Signatures]

MAR 10 2010