HOUSE 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.

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

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

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

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

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

WHEREAS, there is public concern that commercial shark viewing tours from Haleiwa Harbor routinely feed sharks for their operations; and
WHEREAS, public concerns about commercial shark viewing tours include alteration of the natural behavior and distribution of sharks, which may increase risk to humans and the sharks themselves, as well as impact shark populations and the health of the marine ecosystem; and

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

WHEREAS, in view of such concerns, the Legislature believes that shark viewing tour businesses, which rely on feeding or response conditioning to attract sharks for commercial viewing and human and shark interaction purposes, should be prohibited from operating in state waters; 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 DLNR is urged to adopt rules to enforce the ban on shark feeding; and

BE IT FURTHER RESOLVED that such rules should:

(1) Prohibit commercial use of shark cages or other devices designed to place humans in close proximity to sharks for the purpose of feeding them;

(2) Prohibit use of public harbors and facilities, such as parks, piers, docks, and ramps, by shark tour operators using such cages;

(3) Prohibit the transportation of commercial shark feeding cages through state waters; and

(4) Stringently enforce the law prohibiting the feeding of sharks in the waters of Hawaii;

and

BE IT FURTHER RESOLVED that should DLNR decline to adopt such rules, DLNR is urged to make specific recommendations to
the Legislature for the revision of the applicable state
statutes to promote enforcement of the prohibition against the
feeding of sharks and provide adequate deterrence from violation
of existing statutes; and

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

OFFERED BY:

MAR 10 2010