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March 30, 2010

Representative Jon Karamatsu
Chairman, House Judiciary Committee
415 S. Beretania Street, Rm. 302
Honolulu, HI 96813

Representative Karamatsu:

I am submitting testimony in OPPOSITION to SB2169, SD2, HD2-Relating to Shark Fins. As a fourth generation resident of Chinese ancestry, I have strived to preserve the cultural values and traditions of my ancestors for our future generations. Many of our Chinese traditions have their roots in the food that is prepared for special celebrations and the use of shark fins has always been reserved for the most important of those celebrations. It has long been revered in Chinese cuisine for its medicinal and health benefits.

The bill requires a "preponderance of the evidence" be shown that:

1. All shark fins are naturally attached to the shark when landed;
2. The shark was harvested in federal waters beyond three nautical miles of any shore of the state, on the high seas, or in state waters where shark fishing is permitted; and
3. The shark is harvested for any commercial purpose:
 - Must be either a Mako or Thresher shark;
 - The person harvesting the shark has a commercial license; and
 - After harvesting and landing the shark, the fins are discarded.

It seems like the only way this can be verified is with an agent of the state on board each ship at the time of the catch. During this time of severe fiscal deficiencies within the State budget, it seems the cost to monitor this new law would be cost prohibitive. Additionally,

the shark fins that are used in Chinese cuisine here in Hawaii are brought in already in its prepared form and it would be impossible to determine how those shark fins were caught and processed.

Many of the shark fins brought in to the State for use in Chinese cuisine are caught in international waters where there are no regulatory requirements. There is no provision in the bill for those importers to validate their catches through some State required process. Also, the added administrative cost for this validation process would again be cost prohibitive for the State at this time.

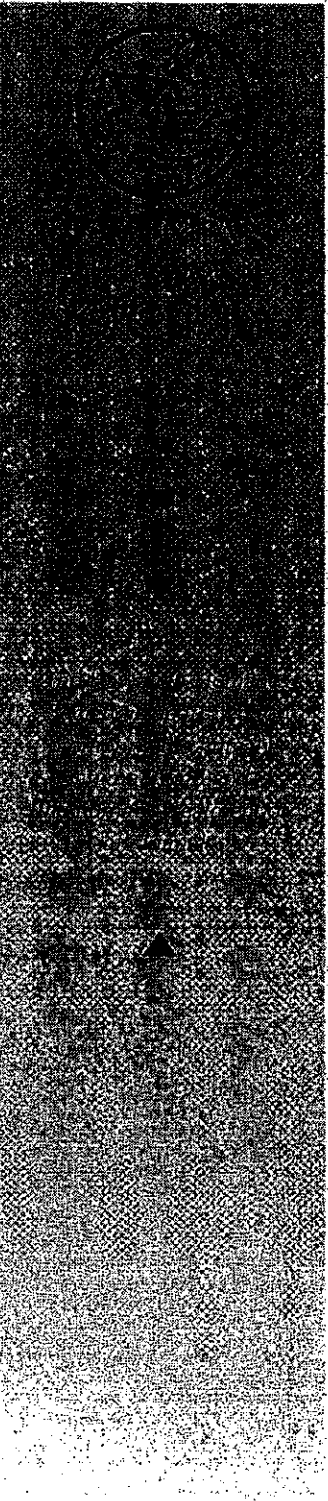
While I realize that the purpose of the bill is to recognize that sharks are an important member of our marine ecosystem and that their use as a food source must be conducted in a responsible and fair manner, I must also recognize that its use in Chinese cuisine has a long history of tradition that make it an important part of the Chinese culture here in Hawaii.

I therefore request that this bill be deferred due to the detrimental impact it would have on the continuation of Chinese culture and traditions here in Hawaii.

Sincerely,



Rod Tam
Councilmember District VI



**Senate Bill 2169 SD2 HD2 to be heard on March 30,
2010 at 2:30pm, Room 325. This is written
testimony.**

March 30, 2010

Chair Jon Riki Karamatsu & Vice Chair Ken Ito
Committee on Judiciary

Dear Chair Karamatsu and Vice Chair Ito:

On behalf of our more than 26,000 supporters in Hawaii, the Hawaiian Humane Society greatly appreciates the opportunity to comment on SB 2169 SD2 HD2, Related to Shark Fins.

We welcome every effort to provide greater protection for sharks by strengthening legislative measures to prevent shark finning. Every year, millions of sharks are hunted, have their fins sliced off, and are then thrown back into the ocean dead or dying – all due to the high demand for fins for shark fin soup.

We strongly support the intent of this bill, which aims to eliminate the inhumane practice of shark finning.

Sincerely,



Vanessa Golding-Fox
Community Advocacy Liaison
Hawaiian Humane Society

karamatsu1-Kenji

From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, March 30, 2010 9:54 AM
To: JUDtestimony
Cc: dive_kona@yahoo.com
Subject: Testimony for SB2169 on 3/30/2010 2:30:00 PM

Testimony for JUD 3/30/2010 2:30:00 PM SB2169

Conference room: 325
Testifier position: support
Testifier will be present: No
Submitted by: Sharon Williams
Organization: Individual
Address:
Phone:
E-mail: dive_kona@yahoo.com
Submitted on: 3/30/2010

Comments:

karamatsu1-Kenji

From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, March 30, 2010 9:55 AM
To: JUDtestimony
Cc: Dean_K_Williams@earthlink.net
Subject: Testimony for SB2169 on 3/30/2010 2:30:00 PM

Testimony for JUD 3/30/2010 2:30:00 PM SB2169

Conference room: 325
Testifier position: support
Testifier will be present: No
Submitted by: Dean Williams
Organization: Individual
Address:
Phone:
E-mail: Dean K Williams@earthlink.net
Submitted on: 3/30/2010

Comments:

karamatsu1-Kenji

From: MICHELLE.TAKUSHI [MICHELLE.TAKUSHI@pruhawaii.com]
Sent: Tuesday, March 30, 2010 11:21 AM
To: JUDtestimony
Subject: RE: IN SUPPORT of Measure SB2169, SD2, HD2

COMMITTEE ON JUDICIARY
Rep. Jon Riki Karamatsu, Chair
Rep. Ken Ito, Vice Chair

I plan on being at the State Capitol today to support the ban on shark finning.

I think now is the time for Hawaii to lead the efforts around the world to stop this barbaric act that has no place in society today. This practice has huge ramifications for the oceans ecosystem that far outweigh someones enjoyment of feeling of entitlement of shark fin soup.

Thank you,

Michelle

Michelle Takushi

Realtor-Associate
Prudential Locations LLC
95-720 Lanikuhana Avenue, Suite 120
Mililani, HI 96789
Bus 808 625-7100 Fax 808 625-3498
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michelle.takushi@pruhawaii.com

Regarding SB 2169.

Thank you for allowing me the opportunity to present testimony regarding SB 2169. My name is Andrew Rossiter and I am the director of the Waikiki Aquarium, the state aquarium of Hawaii.

This bill seeks to address the unacceptable overexploitation, this senseless slaughter, of sharks for their fins, and in that it is to be commended. I approve wholeheartedly of its noble purpose, but oppose it in its present form. As presented drafted, this bill would have the unintended effect of severely hampering or preventing responsible academic and educational institutions, such as the University of Hawaii and the Waikiki Aquarium, from undertaking research and educating the public about sharks and shark biology. It is relevant to note that both these Hawaii institutions are internationally renowned leaders in their respective shark-related activities, and whose efforts and activities over the past decades have led the way in promoting shark population management and conservation.

A second irony is that it is shark research, such that undertaken at the University of Hawaii, that has revealed the truth about sharks and the critical role they play in the marine ecosystem. And it is educational programs, such as those done at the Waikiki Aquarium, that has presented these facts to the public. And here I must emphasis FACTS – it is not sentimental wishful thinking, it is not stories or heresay – it is a fact, supported by solid scientific data, that many shark populations are declining precipitously and are in dire need of conservation.

Thirty or so years ago, for anglers, divers, and spearfishers, the mindset was See a shark, catch a shark – kill it, before it kills you.

Thirty or so years ago, the mindset among fishermen was Sharks – kill them all – mindless eating machines – eating all the fishes in the sea.

And then later – kill them all – mindless eating machines – but I can sell the fins!

And the backdrop to all this was the novel and movie, Jaws. This did so much to misinform the public about shark behavior and to negatively influence people's perceptions of sharks. The author, Peter Benchley, later became an ardent shark conservationist, and lamented that he sometimes wished he had never written it.

Today we are much better informed.

Thanks to research, we now know that sharks are not mindless killers, eating anything in their path.

Thanks to research, we now know that sharks have a key role to play as top predators in the reef ecosystem. Their presence there is critical for the reef ecosystem to stay in balance.

And most importantly, thanks to research, we now know that over the past decades the numbers of many species of sharks have crashed due to overexploitation - crashed to levels where some species are now considered threatened or endangered.

Shark finning and the commercial exploitation of shark parts should be banned, but the research and educational activities undertaken in Hawaii must be allowed to continue unimpeded. I therefore respectfully request that the text be amended such that the pioneering and internationally recognized research and education activities of responsible institutions, such as the Waikiki Aquarium, the University of Hawaii, the Bishop Museum, etc. , be allowed to continue unhindered.

Thank you.

Andrew Rossiter (Dr)

Director, Waikiki Aquarium

Professor, Department of Zoology

University of Hawaii at Manoa.

karamatsu1-Kenji

From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, March 30, 2010 1:50 PM
To: JUDtestimony
Cc: topcatnm@hotmail.com
Subject: Testimony for SB2169 on 3/30/2010 2:30:00 PM

Testimony for JUD 3/30/2010 2:30:00 PM SB2169

Conference room: 325
Testifier position: support
Testifier will be present: No
Submitted by: Tom Curtis
Organization: Individual
Address:
Phone: 505 454-4226
E-mail: topcatnm@hotmail.com
Submitted on: 3/30/2010

Comments:



March 30, 2010

Chair Jon Riki Karamatsu & Vice Chair Ken Ito
Committee on Judiciary

Dear Chair Karamatsu and Vice Chair Ito:

On behalf of our company and Dive Club, we thank you for the opportunity to comment on SB 2169 SD2 HD2, Related to Shark Fins.

Shark finning is an inhumane practice driven by the demand for shark fin soup. Shark specialists estimate that over 100 million sharks are killed annually for their fins. Sharks are hunted down, their fins are sliced off and they are then left to die slowly as they drop to the sea floor unable to swim. Most sharks are then eaten alive by other fish. Finning has resulted in many shark species now being on the brink of extinction. Studies have conclusively shown that the decline of sharks has a direct correlation to the health and future sustainability of our ecosystem.

This important legislation highlights Hawaii's unique opportunity to position itself as a leader in shark and marine protection. Our islands are home to more than 1,250 unique species of marine life that can only be found here – that is over 25% of the world's marine life and scientists are finding new species regularly. Native Hawaiian culture speaks of everything having value and of balance in the ecosystem; in a 2001 Honolulu Advertiser article, sharks are discussed in complex terms, including that of 'aumuka – a benevolent guardian spirit or family protector. No matter what one's beliefs are, it is impossible to ignore the need to protect this magnificent species. Improving protection for sharks in Hawaiian waters sets an example worldwide and couldn't come at a more important time.

We strongly support the intent of this bill, which aims to eliminate the inhumane practice of shark finning. Thank you again for the opportunity to comment.

Sincerely,

Darren Fox
Owner/President

karamatsu1-Kenji

From: Jake [jakekilfoyle@mac.com]
Sent: Tuesday, March 30, 2010 1:17 PM
To: JUDtestimony
Subject: Ban Shark Finning in Hawaii.

Please stop this practice of wasting a valuable animal. Sharks keep our Oceans healthy & Clean and in balance. 90% of the shark is wasted and thrown over board, only keeping the fins. This is not acceptable. WE have a chance to do the right thing here. Please stop this practice in Hawaii...

Thank You

Jake Kilfoyle
P.O. Box 1110 Haleiwa HI 96712

To: Committee on Water Land
Re: Testimony SB2169
From: Tony Costa, Hawaii Nearshore Fishermen

Hawaii Nearshore Fishermen generally support the intent of the bill which would be to eliminate the practice of shark finning without keeping carcass. However, new legislation such as this is unnecessary because there are laws that adequately address the practice of shark finning in Hawaii. In addition, this bill poses several questions to fishermen:

Will this bill, prohibit anyone from catching a shark – fins or no fins? Section 188 (a) (*“preponderance of evidence”*)

Does this bill limit the species of shark that may be brought into Hawaii to Mako or Thresher shark? Section 188 (a) (3) (A) *The shark is of the species Isurus Oxyrinchus or Alopias pelagicus.*

Why would one be required to land the fish with fins intact, then be required to throw away fins upon bringing fish to dock? Section 188(a) (3) (C) *“After harvesting and landing the shark, the fins are discarded.”*

Hawaii based fishermen may face severe penalties such as losing their vessel and license for catching a shark. Section 188(a)(b) (2) *Seizure and forfeiture.....*

Possession becomes outlaw – what about shark liver oil, shark jaw etc.? Section 188 (a) *No person may harvest, possess, sell, offer for sale, trade, transfer, or distribute any shark or part of a shark unless the person establishes by a preponderance of the evidence...*

There is no shark fishery in Hawaii - the only sharks caught are usually as by-catch and landed with carcass and fins as prescribed by law.

Based on the aforementioned questions, we have concerns with the language of this bill.

Thank you for allowing my testimony.

Tony Costa

karamatsu1-Kenji

From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, March 30, 2010 1:05 PM
To: JUDtestimony
Cc: Tampaltn@gmail.com
Subject: Testimony for SB2169 on 3/30/2010 2:30:00 PM

Testimony for JUD 3/30/2010 2:30:00 PM SB2169

Conference room: 325
Testifier position: support
Testifier will be present: No
Submitted by: Tamara Paltin
Organization: Individual
Address: 4790 LHP Rd Lahaina, HI
Phone: 870-0052
E-mail: Tampaltn@gmail.com
Submitted on: 3/30/2010

Comments:

THE HOUSE
TWENTY-FIFTH LEGISLATURE
REGULAR SESSION OF 2010

COMMITTEE ON JUDICIARY
Representative Jon Riki Karamatsu, Chair
Representative Ken Ito, Vice Chair

Tuesday, March 30, 2010
2:30 p.m., Conference Room 325, State Capitol

SENATE BILL NO. 2169 SD2 HD2
RELATING TO SHARK FINS

Representative Karamatsu, Representative Choy, and members of the committee, my name is Linda Paul and I am Executive Director for Aquatics for the Hawaii Audubon Society, Director of the Ocean Law & Policy Institute of the Pacific Forum CSIS, and International Director of the Endangered Species Program for Earthtrust. I am testifying in support of Senate Bill 2169 SD2 HD2 which would prohibit the sale and distribution of shark fins in the State of Hawaii.

In 2000 this Legislature did a very good thing. It passed the current state law that prohibits a person from harvesting shark fins from the territorial waters of the State, or landing shark fins in the State, unless the fins were taken from a shark landed whole in the State. That bill was supported by a broad spectrum of Hawaii residents including the Native Hawaiian community who find the practice of shark finning wasteful. The Hawaiian cultural practitioners believe that if a shark is going to be harvested, all parts of the shark should be used, nothing should be wasted.

The Hawaii law paved the way for the passage of the federal Shark Finning Prohibition Act one year later, which in turn paved the way for a UN General Assembly resolution and several international fisheries commissions' resolutions that condemn the finning of sharks.

It also paved the way for the increasing number of shark species being proposed for listing on the Appendices of the Convention on International Trade in Endangered Species [CITES]. Shark species all over the world are threatened with extinction due to the global demand for shark fins. This month the parties to CITES met again and eight species of sharks were considered for listing, including six oceanic shark species. The continued existence of all of them are being threatened by the practice of cutting off their fins to provide fin rays for shark fin soup.

In China shark fin soup is served any time a host wants to impress his guests with his wealth. WildAid conducted a poll in Hong Kong not long ago and asked the question: "if you could buy a bowl of shark fin soup for \$10 instead of \$100, would you buy more, less, or the same amount?" The answer was "less". Ironically shark fin soup is chicken soup, with a few fin rays added to it for texture. As China became more affluent the demand for shark fin soup increased

and with it the killing of sharks for their fins only. The Hawaii-based longline fleet catches about 60,000 blue sharks per year as bycatch. Up until the early 1990s, those sharks were cut loose, but as the price of dried shark fins went up our longline fleet started finning blue sharks instead of letting them go. That practice stopped when this legislature passed a law in 2000 prohibiting the landing of shark fins unless they were still attached to the shark.

While Hawaii law requires that sharks be landed whole with their fins still attached, federal law allows the fins to be cut off as long as the total weight of shark fins landed or found on board is no more than 5 percent of the total weight of shark carcasses landed or found on board. This provision has proven impossible to enforce. Currently federal law, not state law, is being enforced in Hawaii most probably because the federal law has promulgated rules and the state has not. There is now a bill before Congress, S. 850, which would make federal law more like Hawaii law in that it would require that sharks be landed whole with their fins still attached.

However, there are still large quantities of shark fins flowing into and out of Honolulu and through Honolulu by vessels that supply fuel and provisions to international longline fleets and collect fins. They don't unload the fins in Hawaii; they transfer them to other ships that take them to Hong Kong. There are also reputed to be container ships transshipping partially-processed fins through Honolulu where they are further processed in drying facilities located in Honolulu before they are flown to Hong Kong. Since they are not fishing vessels and they are operating under customs tags protection, they also conduct this activity with impunity.

The language in the pending federal bill would prevent the transport of fins into the U.S. by all vessels, not just fishing vessels. It does not, however, restrict the sale of fins from sharks that were legally landed whole with their fins attached, which this bill would do. The bill before this committee would prohibit the harvest, possession, sale, or distribution of all shark fins unless they are from mako or thresher sharks that were landed whole and harvested under a commercial marine license or permitted by a non commercial permit issued by DLNR. We would like to see an end to shark finning, not only here in Hawaii, but in all the U.S. If the Legislature passes this bill, it would help make this happen.

Thank you for giving me the opportunity to testify.



Linda Paul
ph. (808) 262-6859