

LATE TESTIMONY

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From: Christopher Lepczyk [lepczyk@hawaii.edu]
Sent: Sunday, March 14, 2010 11:13 PM
To: WLOtestimony
Subject: Comment on SB 2169 SD 2 HD 1 Relating to Shark Fins

LATE TESTIMONY

Dear Esteemed Members of the House Committee on Water, Land, and Ocean Resources,

I am writing this letter in strong support of the bill SB 2169 that seeks to ban shark finning. As a certified ecologist (Ecological Society of America) and assistant professor of ecosystem management it is critical to use our limited natural resources as wisely as possible. Unfortunately, shark finning is an extremely wasteful form of harvesting and is causing marked impacts on shark populations. The repercussions of these impacts are not fully known, but at a minimum are likely to have noticeable impacts on the rest of the marine ecosystem. The state of Hawaii desperately needs to manage its marine resources and banning shark finning would be a very strong first step in reducing our wasteful exploitation of this species.

Sincerely,
Christopher A. Lepczyk, PhD

From: mailinglist@capitol.hawaii.gov
Sent: Monday, March 15, 2010 8:25 AM
To: WLOtestimony
Cc: Tracy.S.Oshiro@hawaii.gov
Subject: Testimony for SB2169 on 3/15/2010 10:00:00 AM
Attachments: SB2169SD2HD1_LNR_03-15_10_WLO.PDF

Testimony for WLO 3/15/2010 10:00:00 AM SB2169

Conference room: 325
Testifier position: oppose
Testifier will be present: Yes
Submitted by: Tracy Oshiro
Organization: DLNR
Address: 1151 Punchbowl Street Honolulu, HI 96813
Phone: 587-1495
E-mail: Tracy.S.Oshiro@hawaii.gov
Submitted on: 3/15/2010

Comments:

Please find the attached final testimony from DLNR for the hearing today at 10 AM. We are opposing some aspects within the draft of the bill.

LINDA LINGLE
GOVERNOR OF HAWAII



**STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES**

POST OFFICE BOX 621
HONOLULU, HAWAII 96809

LATE TESTIMONY

ALBA R. THIELEN
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT

RUSSELL Y. TSUJI
FIRST DEPUTY

KEN C. KAWAHARA
DEPUTY DIRECTOR - WATER

AQUATIC RESOURCES
BOATING AND OCEAN RECREATION
BUREAU OF CONVEYANCES
COMMISSION ON WATER RESOURCE MANAGEMENT
CONSERVATION AND COASTAL LANDS
CONSERVATION AND RESOURCES ENFORCEMENT
ENGINEERING
FORESTRY AND WILDLIFE
HISTORIC PRESERVATION
KAHOOLAWE ISLAND RESERVE COMMISSION
LAND
STATE PARKS

**Department of Land and Natural Resources
Testimony Transmittal Cover Sheet**

Date Submitted: March 15, 2010

Testifier's Name/Title: Ken Kawahara, Deputy Director and Commission on Water Resource Management Division Administrator

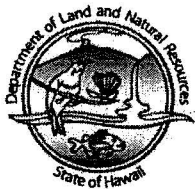
Committee Name: HOUSE COMMITTEE ON WATER, LAND & OCEAN RESOURCES
(WLO)

Day and Date: Monday, March 15, 2010
Time/Location: 10:00 AM, Conference Room 325

Measure Number: SB 2169, SD 2, HD 1 – RELATING TO SHARK FINS

Requested Copies: 1 (including original) to Room 438 in the State Capitol

LINDA LINGLE
GOVERNOR OF HAWAII



**STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES**

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HONOLULU, HAWAII 96809

**Testimony of
LAURA H. THIELEN
Chairperson**

**Before the House Committee on
WATER, LAND, AND OCEAN RESOURCES**

**Monday, March 15, 2010
10:00 AM
State Capitol, Conference Room 229**

**In consideration of
SENATE BILL 2169, SENATE DRAFT 2, HOUSE DRAFT 1
RELATING TO SHARK FINs**

Senate Bill 2169, Senate Draft 2, House Draft 1 would prohibit the harvest, possession, sale or distribution of a shark or shark parts unless landed whole and harvested under a commercial marine license or a non-commercial permit issued by the Department of Land and Natural Resources (Department), and would place additional restrictions on possession or sale under the authorities of the Hawaii Food, Drug and Cosmetics Act. The Department supports some aspects of this revised measure, but continues to oppose others.

In particular, the Department opposes requiring a permit to fish for sharks in state waters, because it would be practically unenforceable given that this fishery spans both state and federal waters, and that sharks may be caught without a permit in the latter. As a result, unless a Conservation and Resources Officer of the Department actually witnesses a catch in State waters, they will have no evidence that someone with a shark in a boat did not catch it in federal waters. Accordingly, we recommend eliminating the provisions that prohibit fishing and landing whole shark in State waters and that require a permit for such activity.

Specifically, the Department proposes amendments to this measure as follows in relation to the above concerns:

1. Amend subsection (a)(2) on lines 9-12 of page 3 to read: "The shark was harvested in federal waters beyond three nautical miles of any shore of the state, or on the high seas."

LAURA H. THIELEN
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
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2. Eliminate subsection (a)(4) on lines 1-4 of page 4, referencing a subsection (b) pertaining to state permits.

3. Eliminate subsection (b) on lines 4-20 of page 4, pertaining to state permits.

The Department also continues to oppose repeal of Section 188-40.5, Hawaii Revised Statutes, dealing with the prohibition of finning as proposed in this measure. The Department notes that retention of these existing provisions, coupled with the proposed prohibitions for the possession of sale of fins or any portion thereof on land, will greatly strengthen current law in regard to finning.