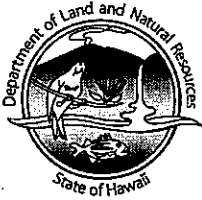


NEIL ABERCROMBIE
GOVERNOR OF HAWAII



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

POST OFFICE BOX 621
HONOLULU, HAWAII 96809

**Testimony of
WILLIAM J. AILA, JR.
Chairperson**

**Before the House Committee on
JUDICIARY**

**Tuesday, February 21, 2012
2:00 P.M.
State Capitol, Conference Room 325**

**In consideration of
HOUSE BILL 578, HOUSE DRAFT 1
RELATING TO SHARK FEEDING**

House Bill 578, House Draft 1 proposes to establish specific penalties for violations of Section 188-40.6, Hawaii Revised Statutes, relating to shark feeding. The Department of Land and Natural Resources supports the bill as drafted.

WILLIAM J. AILA, JR.
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT

GUY H. KAULUKUKUI
FIRST DEPUTY

WILLIAM M. TAM
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



THE HUMANE SOCIETY
OF THE UNITED STATES

TO: Honorable Chair Keith-Agaran, Vice-Chair Rhoades and Committee Members

House Judiciary Committee, 2-21-12 2pm, Rm 325

RE: Testimony in SUPPORT of HB578; Shark-feeding

Submitted by: Inga Gibson, Hawaii State Director, The Humane Society of the United States,
P.O. Box 89131, Honolulu, HI 96830, igibson@hsus.org, 808-922-9910

On behalf of our 50,000 members and supporters of the Humane Society of the United States in Hawaii, I would like to thank you for this opportunity to speak in **support of HB578**, to increase fines for the illegal feeding of sharks.

Sharks are among the oceans more ancient and fascinating residents. Further, the World Conservation Union's (IUCN) shark specialist group has evaluated shark status worldwide and found most large shark species vulnerable to extinction and still declining. We at The HSUS work to protect sharks in a number of venues. We have opposed the finning of sharks at both the national and international level, have supported limits on trade and actively oppose recreational shark tournaments that celebrate the death of sharks. We support efforts to educate the public of the important role that sharks play in the ocean ecosystem and to encourage appreciation of sharks. For that reason we oppose feeding sharks in the wild.

The introduction of food and other attractants during shark-feeding, which is already illegal under both state and federal law, increases risk to human swimmers, surfers and other ocean users who may then be looked to by sharks as a source of provisioning. This risks the life of people and may lead to retaliatory action against sharks if attacks ensue. In addition, feeding wild animals of any species encourages them to artificially concentrate in provisioning areas, which can result in their dependence on humans for food. It is for these reasons that bans exist on feeding a variety of both terrestrial and marine species as diverse as dolphins and bears. The ban, and proposed increased penalties, should also extend to feeding sharks.

We respectfully urge your support for HB578.

Testimony for HB578 on 2/21/2012 2:00:00 PM

mailinglist@capitol.hawaii.gov [mailinglist@capitol.hawaii.gov]

Sent: Monday, February 20, 2012 9:18 PM

To: JUDtestimony

Cc: safewatersforhawaii@gmail.com

Testimony for JUD 2/21/2012 2:00:00 PM HB578

Conference room: 325

Testifier position: Support

Testifier will be present: No

Submitted by: Safe Waters for Hawai'i

Organization:

E-mail: safewatersforhawaii@gmail.com

Submitted on: 2/20/2012

Comments:

Aloha to the House Judiciary Committee,

Safe Waters for Hawai'i is a grass roots community movement representing thousands of people across the State of Hawai'i from a wide variety of ocean activity organizations, to environmental groups, to hula halau, to trustees for the Office of Hawaiian Affairs. (Please read through the list of supporters below) We've all come together in wanting the practice of shark feeding, which is illegal in State waters other than for Hawaiian cultural practices, to end in the ocean waters of Hawai'i.

Safe Waters for Hawai'i STRONGLY SUPPORTS HB 578, H.D. 1.

Fines, penalties and enforcement need to be increased dramatically to reflect the serious negative implications shark feeding has on our ocean community and ocean ecosystem in Hawai'i. HB 578 addresses the needed increase of penalties for those feeding sharks. It's serious fines for a serious offense. HB 578 will help to deter shark feeding in the State waters of Hawai'i. HB 578 is an easy bill to support, we can't see why anyone would not support HB 578.

For all the people across the State of Hawai'i who are part of Safe Waters for Hawai'i, we humbly ask for your support of HB 578 H.D. 1.

Mahalo,

Safe Waters for Hawai'i

www.safewatersforhawaii.com

Safe Waters for Hawai'i

Community Organizations & Individuals who have joined with the efforts of Safe Waters for Hawai'i

Ka Iwi Coalition

Save our Surf

Native Hawaiian Legal Corporation

Na Wahine O Ke Kai, Womens Moloka'i to O'ahu Canoe Race Commission

Livable Hawai'i Kai Hui

Hawai'i State Bodysurfing Association

Hui O He'e Nalu, Da Hui, North Shore

Malama Maunalua
Hawai'i Kai Boating Club
Halau No'eau Kahelemauna
Kulana Huli Honua
Betty Kanuha Foundation, Hawai'i
Waikiki Swim Club
Maui Sierra Club
Halau Hula O Na Lei Mokihana
North Shore Canoe Club
Manu o ke Kai Canoe Club North Shore
Hawaiian Canoe Club, Maui
Kihei Canoe Club, Maui
Anuenue Canoe Club
Waikiki Beach Boys Canoe Club
Hui Nalu Canoe Club
Kamehameha Canoe Club
Kumulokahi Canoe Club
Koa Kai Canoe Club
Waimanalo Canoe Club
Windward Canoe Club
Kailua Canoe Club
Kawaikini Canoe Club, Kaua'i
North Shore Renegades Canoe Club, Maui
Halau Hula Namakahonuakapiliwale
Hawai'i Military Surfing Organization
Surfrider Foundation, O'ahu Chapter
Hawai'i Kai Neighborhood Board
Kuli'ou'ou Kalani-Iki Neighborhood Board
The Waimanalo Neighborhood Board
Windward Ahupua'a Alliance
The Waimanalo Construction Coalition
'O Hina I Ka Malama Hawaiian Immersion Moloka'i High School
Kuhai Halau O Kahealani Pa Olapa Kahiko
Surf News Network
Hawaiian-Pipeline.com
Makana Aloha Group, California
Oswald Stender, Trustee Office of Hawaiian Affairs
Walter Heen, Trustee Office of Hawaiian Affairs
Dr. Carlos Andrade, Director Center for Hawaiian Studies UH Manoa
Ben Cayetano, Former Governor of the State of Hawai'i
(in 2002 Governor Cayetano signed the law prohibiting
feeding sharks in State Waters)
Pelagic Shark Research Foundation, Santa Cruz, California
The Humane Society of the United States

Jeannine Johnson, Legislative Sub-Committee Chair

Kuli'ou'ou / Kalani Iki Neighborhood Board #2

5648 Pia Street, Honolulu, Hawai'i 96821

Phone: 373-2874 (h) / 691-7261 (w)

February 20, 2012

COMMITTEE ON JUDICIARY

Rep. Gilbert S.C. Keith-Agaran, Chair

Rep. Karl Rhoads, Vice Chair

Re: HB578 HD1 – Relating to Shark Feeding

Hrg: Tuesday, February 21, 2012 at 2 pm in Conference Room 325

Aloha mai kākou,

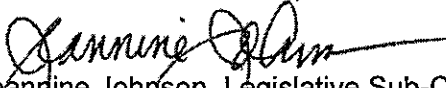
Under Section 2-14-125 of the Neighborhood Board Plan, I have been appointed as a Delegate with responsibilities to represent the **Kuli'ou'ou / Kalani Iki Neighborhood Board #2** on matters approved by the Board. As Committee Chair of the **Kuli'ou'ou / Kalani Iki Neighborhood Board #2** Legislative Sub-Committee, I am pleased to inform you **Neighborhood Board #2** supports HB 578, HD1 which establishes administrative fines for shark feeding. **Neighborhood Board #2** represents over 6,000 households, with a population of almost 20,000 people (State of Hawaii Data Book 2002) in East Honolulu.

On Thursday; June, 4, 2009, **Kuli'ou'ou / Kalani Iki Neighborhood Board #2** **unanimously supported a ban on commercial shark tours in Maunalua Bay and statewide.** The Board found that Maunalua Bay and Hawai'i's coastal waters statewide are used by Hawai'i residents and visitors for numerous aquatic activities, including fishing, boating, swimming, canoe paddling, kayaking, jet skiing, parasailing, surfing, paddle boarding, windsailing, kite surfing, snorkeling, and scuba diving; and artificial methods to attract predatory sharks into or near Maunalua Bay and other coastal waters obviously increase safety risks to human activities in those waters.

In addition, **Kuli'ou'ou / Kalani Iki Neighborhood Board #2** urged the passage of city and state legislation to: (1) prohibit use of public facilities such as parks, piers, ramps, and harbors by shark tour operations; (2) prohibit advertising of commercial shark tours in any print and electronic media; and, (3) prohibit commercial use of shark cages or other devices designed to place humans in close proximity to sharks or within shark habitats; and urged the Department of Land & Natural Resources, with its authority over state waters, and the Coast Guard and other Federal enforcement agencies, with their authority over the state's exclusive economic zone, to vigorously enforce current state and federal laws that prohibit the feeding of sharks in the waters of Hawai'i.

Your support of HB 578, HD1 is respectfully requested.

'O au iho nō me ke aloha,



Jeannine Johnson, Legislative Sub-Committee Chair
Kuli'ou'ou / Kalani Iki Neighborhood Board #2

**Law Office of
Edwin A. Ebisui, Jr.**

410 Kilani Avenue, Suite 211
Wahiawa, Hawai'i 96786

Telephone No. (808) 622-3933
Facsimile No. (808) 621-6208

BEFORE THE
HOUSE COMMITTEE ON JUDICIARY

Representative Gilbert S. C. Keith-Agaran, Chair
Representative Karl Rhodes, Vice-Chair

HB 578 HD1 RELATING TO SHARK FEEDING

Testimony of Ed Ebisui

State Capitol, Conference Room 325
Tuesday, February 21, 2012, 2:00 p.m.

Chair Keith-Agaran and Committee Members:

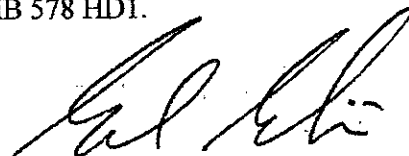
I am a lifelong resident of Haleiwa, Oahu, Hawai'i, and have fished, dived and surfed off of the Northshore of Oahu for more than 50 years. **I support HB 578 HD 1.**

During the Twenty-Fifth Legislature, a Senate bill increasing the penalties for violation of the prohibition against shark feeding was introduced. In support of that bill, a petition signed by more than a thousand Hawai'i residents was distributed in the Legislature. The bill passed but was vetoed by Governor Lingle.

HB 578, HD 1, has much merit. The current law provides only for nominal penalties, i.e., \$100 for a first offense, \$200 for a second offense, and \$500 for a third or higher offense. In comparison, the federal law prohibiting shark feeding in federal waters around the State (16 United States Code § 1866) carries maximum civil penalties up to \$130,000 and asset/vessel forfeiture.

That habituation of wild animals through feeding is detrimental to human beings and the animals themselves is well-understood and well-accepted. Increasing the penalties under State law is necessary to reflect the seriousness of violations, provide more deterrence against violation, foster compliance with the law, assist enforcement of the law, promote public safety and protect the marine environment.

Thank you for the opportunity to provide testimony on HB 578 HD1.



shark feeding

Lo Kaimuloa [lokaimuloa@hawaii.rr.com]

Sent: Monday, February 20, 2012 10:05 PM

To: JUDtestimony

PLEASE stop this terrible act that the people of Hawaii have already said they do not want this terrible act to continue.

Make the people who own these businesses be responsible to our ocean. ENOUGH IS ENOUGH.

Support H.B. 578 H.D.1

Clyde and Lo Kaimuloa
249 Portlock Road
Honolulu, Hawaii 96825

Shark Feeding Bill

Laura LaRose [lauralarose@att.net]

Sent: Tuesday, February 21, 2012 12:58 AM

To: JUDtestimony

This is a request in support of this bill that would increase the fines of those found feeding sharks in Hawaiian waters.

Mahalo,

Laura LaRose



In strong support of HB 578

Diane Wong [dwongz1@yahoo.com]

Sent: Tuesday, February 21, 2012 6:35 AM

To: JUDtestimony

Aloha

We need more teeth in the present shark feeding law. A slap on the wrist will not and does not prevent business from conducting this illegal activity. The money they make from the tourists on the "shark tours" far out weighs any fees they will pay for breaking the law. Come on now, do the right thing. Limit human intervention in our ocean. Raise the penalties to deter the law breakers.

Mahalo

Diane Wong



Re: H.B #578

Julie Cook [juliecat71@hotmail.com]

Sent: Tuesday, February 21, 2012 7:06 AM

To: JUDtestimony

This email is to show support of H.B.#578 regarding shark feeding. Please increase fines and penalties!! Julie Cook

Sent from my Palm Pre on AT&T