

DAVID Y. IGE  
GOVERNOR OF HAWAII



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

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HONOLULU, HAWAII 96809

**Testimony of  
CARTY S. CHANG  
Interim Chairperson**

**Before the House Committee on  
JUDICIARY**

**Friday, February 27, 2015  
3:00 PM  
State Capitol, Conference Room 325**

**In consideration of  
HOUSE BILL 1339, HOUSE DRAFT 1  
RELATING TO SHARK AND MANTA RAY PROTECTION**

House Bill 1339, House Draft 1 proposes to prohibit any person from knowingly capturing, harming, or killing any species of shark or manta ray in State waters. **The Department of Land and Natural Resources (“Department”) appreciates the intent of this measure and offers the following comments.**

The measure prohibits persons from capturing, taking, or killing a shark in State waters but exempts the same in Federal waters. Sharks occur in both State and Federal waters around the Hawaiian Islands. Enforcement of this provision would require the enforcement officer to observe, at the time of capture, if the shark was caught in State or Federal waters in order to determine if a violation had occurred. This would be an extremely difficult measure to properly enforce.

For this Committee’s information, the federal Magnuson–Stevens Fishery Conservation and Management Act (MSA) requires that sharks be managed under an annual catch limit (ACL) that is reviewed annually, to ensure that the sharks are not over harvested. The 2013 ACL for reef sharks was over 110,000 pounds with a reported commercial catch of less than 3,000 pounds for 2012 and 2013. It appears that with the adoption of Section 188-40.7, Hawaii Revised Statutes, in 2010, the local market for sharks has essentially disappeared.

This measure also prohibits persons from capturing, taking, or killing a manta ray in State waters but exempts the same in Federal waters. As manta rays also occur in both State and Federal waters around the Hawaiian Islands, the same enforcement burden at the time of capture would exist as described in the previous discussion on shark enforcement.

**CARTY S. CHANG**  
INTERIM CHAIRPERSON  
BOARD OF LAND AND NATURAL RESOURCES  
COMMISSION ON WATER RESOURCE MANAGEMENT

**DANIEL S. QUINN**  
INTERIM FIRST DEPUTY

**W. ROY HARDY**  
ACTING 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



**HUMANE SOCIETY**  
INTERNATIONAL

February 27, 2015

To: Honorable Chair Rhoads, Vice-Chair San Buenaventura and Judiciary Committee Members

From: Inga Gibson, Hawaii State Director, The Humane Society of the United States-Humane Society International, PO Box 89131, Honolulu, HI 96830, [igibson@humanesociety.org](mailto:igibson@humanesociety.org)

**RE: SUPPORT FOR HB 1339 HD1 (with amendments); Relating to Shark and Ray Protections**

On behalf of The Humane Society of the United States members and supporters across Hawaii and The HSUS's international arm, Humane Society International (HSI), we urge your support of H.B. 1339, and your consideration of the below amendments, based on the following:

**Suggested Amendments to ease with enforcement and not to conflict with federal law:**

- Define Manta Ray to include any species of Myliobitidae: There are only five species of rays that inhabit Hawaiian waters, including manta rays (*Mobulidae*), eaglerays (*Myliobatidae*), and three species of stingrays (*Dasyatidae*), however, the bill currently only applies protections to 3 species.
- Define Sharks to include any species of Selachimorpha: there are around 40 different species of sharks found in and around Hawaiian waters.  
So as not to put unnecessary pressure on any excluded species, we respectfully request that all species be protected under this bill. This would also make enforcement easier since all species would be protected and, for both sharks and rays, it can be difficult to distinguish one species from another.
- Amend for consistency with Federal laws: Amend exemption for "any person who takes a shark outside of state waters" to "lawful activities, including take documentation requirements, permitted under federal law. This clarifies federal law authority outside of state waters (beyond 3nm) but does not apply to any activity that may *already be prohibited* under federal law since some species of sharks and rays are protected in federal waters. Federal long-line fisheries are already required to report shark/ray by-catch so this complements enforcement efforts if someone claims the shark/ray was captured in federal versus state waters.
- Remove public safety exemption for rays (rays do not pose a threat to public or personal safety as sharks may in very isolated cases)
- Technical amendment to change "tine" to "line"
- This law would **not** apply to those who unintentionally capture sharks or rays while fishing for other species and only applies to intentional take and landing. Responsible fishers release sharks and rays that may be accidentally caught as by-catch. This bill would reinforce that responsible practice.
- This bill also would **not** apply to public aquariums or research institutions taking shark or rays under a Special Activity Permit issued by the state.

**HB1339 is needed for the following reasons:**

- In 2010, Hawaii became the first state in the world to enact a prohibition on shark-finning and the sale of shark-fins or fin products. This measure would complement this existing law, which has now become a global initiative, by again poising Hawaii to be a leader in shark and marine conservation.

- More than 70 million sharks are estimated to be killed annually for their fins. While laws such as the above are helping to improve shark populations, many species are still threatened and face possible extinction.
- Recent research from the University of Hawaii has shown that many species of shark, such as tiger and hammerhead, frequent state waters, especially the marine shelf around Maui, and are faced with numerous threats most notably humans and pollution (SEE: [Hawaii Scientists Study Threatened Shark Species](#)) While this measure does NOT preempt or impact federal fishing laws, and only applies to Hawaii state waters (3 nm), prohibiting take within state waters could protect potentially thousands of sharks.
- Sharks are apex predators; when they are removed our entire marine ecosystem is negatively impacted. In addition, sharks and rays are not a staple human food source as other fish species are.
- There have been numerous incidents, one most recently on the Big Island (Honokohau Harbor) where sharks were harassed and harmed for no purpose other than cruel enjoyment. This measure would prohibit the “recreational” take of sharks, which is disrespectful to native Hawaiians who revere sharks as aumakua.

Thank you for the opportunity to testify on this important marine conservation issue.



**Conservation Council  
for Hawai'i**

*Hawai'i's voice for wildlife*

*Kō Hawai'i / leo no nā holoholona lōhiu*



Testimony Submitted to the  
House Committee on Judiciary

Hearing: Friday, February 27, 2015 3:00 pm, Room 325

In Support of HB 1339 HD 1 Relating to Shark and Manta Ray Protection

Aloha, Chair Rhoads, Vice Chair San Buenaventura, and Members of the Committee. The Conservation Council for Hawai'i supports HB 1339 HD 1, which creates administrative penalties for any person who knowingly captures, kills, or takes any shark or manta ray within state marine waters, and provides exemptions for native Hawaiian gathering rights and cultural practices, research purposes, and public safety.

We agree with the following points made by the Humane Society of the United States in support of this bill:

- In 2010, Hawai'i became the first state in the world to enact a prohibition on shark-finning and the sale of shark-fins or fin products. This measure would complement this existing law, which has now become a global initiative, by again poising Hawai'i to be a leader in shark and marine conservation.
- More than 70 million sharks killed annually for their fins. While legal protection helps increase shark populations, many species are still threatened and face possible extinction.
- Recent research from the University of Hawai'i has shown that many species of shark, such as tiger and hammerhead, frequent state waters, especially the marine shelf around Maui. While this measure does not preempt or impact federal fishing laws, and only applies to Hawai'i state waters (out to 3 nm), prohibiting take within state waters could protect potentially thousands of sharks.
- There have been numerous incidents, one most recently on the Big Island at Honokohau Harbor in which sharks were harassed and harmed for no purpose other than cruel enjoyment. This measure would prohibit the "recreational" take of sharks, which is disrespectful to native Hawaiians who revere sharks as 'aumakua.
- Sharks are apex predators; when they are removed our entire marine ecosystem is negatively impacted.
- This law would not apply to those who unintentionally capture shark while fishing for other species and only applies to intentional take and landing. Responsible fishers release sharks that may be accidentally caught as by-catch. This bill would reinforce that responsible and pono fishing practices.

*Conservation Council for Hawai'i is a nonprofit, environmental membership organization dedicated to protecting native Hawaiian plants, animals, and ecosystems for future generations.*

*Established in 1950 and based in Honolulu, CCH is one of the largest and most effective wildlife organizations in Hawai'i with more than 5,000 members and supporters, including concerned citizens, educators, scientists, government agencies, and elected officials.*

*Through research, education, service, organizing, and legal advocacy, CCH works to stop the destruction of native wildlife and wild places in Hawai'i.*

*Since 1973, CCH has served as the Hawai'i state affiliate of the National Wildlife Federation.*

**Telephone/Fax: 808.593.0255 | email: [info@conservehi.org](mailto:info@conservehi.org) | web: [www.conservehi.org](http://www.conservehi.org)  
P.O. Box 2923 | Honolulu, HI 96802 | Office: 250 Ward Ave., Suite 220 | Honolulu, HI 96814**

**President: Hannah Kihalani Springer | Vice-President: Julie Leialoha | Treasurer: Bianca Isaki | Secretary: Wayne Tanaka  
Directors: Rick Barboza | Ryan Belcher | Maka'ala Ka'aumoana | Koalani Kaulukukui  
Executive Director: Marjorie Ziegler | Administrator: Jonnetta Peters**



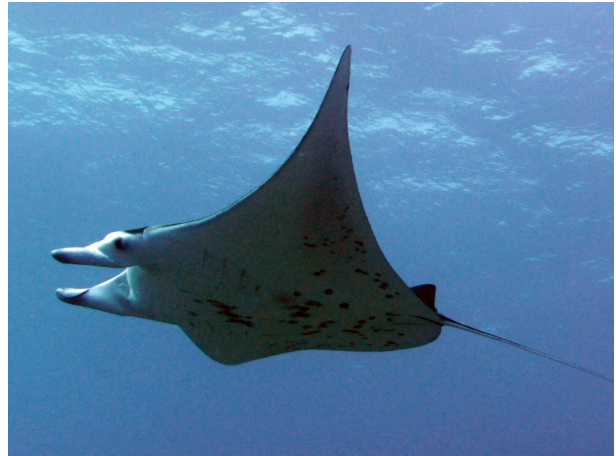
Sharks and manta rays are part of our rich natural and cultural heritage in Hawai'i. We have a moral responsibility to care for the future of our children and generations to come by leaving a wildlife legacy to know and enjoy as we do. Please kokua.

Mahalo nui loa for the opportunity to testify.

Sincerely,

*Marjorie Ziegler*

Marjorie Ziegler



## Ocean Marine Resources and Hawaiian Affairs Committee

3-27-15 Wednesday 3:00 PM Room 325

I oppose HB 1339HD1 Bill to ban the taking of sharks and manta rays as it stands.

If you could include wording the taking of live sharks for aquariums without a special activities permit then we would support the Bill. One fisherman recently reported in one day caught and releases 50 hammerheads from Kaneohe harbor there is no shortage of sharks in Hawaii for public and private aquarium use.

The shark fin law passed last year has an unintentional restriction. If I take a shark for live for public aquarium purposes it is at this time illegal. With that law it may not be necessary for HB 1339 to make shark taking illegal? I must apply for a special permit with DLNR to get around this unintended result of last year's passage of the shark fin law. My application attached for you to see. Please clarify this problem with amendments in HB 1339.

We wish to harvest Scalloped Hammerhead sharks (*Sphyrna lewini*) from Kaneohe Bay maintain them alive and ship them to a large public aquariums for display and educational purposes. In the past we have taken white tip sharks and black tip sharks. Only 5 sharks total have been taken in 35 years but we wish to be able to for the public in the future too. The population of Scalloped Hammerheads is not an issue here in Hawaii at this time. They are also protected by cites right now and a federal permit is required to take them. See link for more data on these sharks:

(<http://scholarspace.manoa.hawaii.edu/bitstream/handle/10125/4191/vol25n2-133-144.pdf?sequence=1>).

Many large adult hammerhead schools numbering nearly 100 per school exist all around Oahu. It is estimated 10,000 pups travel through Kaneohe Bay alone every year. These pups come from an estimated 700 adults which give birth to 12-15 live pups in the Bay mostly from April to October. Most bays and near shore areas of Hawaii also have big hammerhead populations as any night fisherman can tell you.

We are asking for only a small number of sharks for only large public aquariums.

If HB 1339 is passed we would not be able to supply public aquariums around the world who will share them with the public and do research with them. The research done by researchers caring for them may help us understand and protect their ocean populations in the future.

Public aquariums are in many ways arks which helps maintain many fish and animal species for the future.

The transport of these sharks is well documents with high success.

Sharks are more and more abundant in Hawaiian waters. The fact is that with more fish comes more sharks. I see more fish than ever in Hawaiian waters and I would know I am an Aquarium Fish collector.

We dive not far from the north shore shark operations and we see lots of sharks and even schools of hundreds of hammerheads. Hawaii has no shortage of all types of sharks.

I took UH shark researchers out to find grey reef sharks. They explained to me they thought they were having population issues. When I explained I knew where there lots of them they had to go see for themselves. I took them out to the spot and sure thing they saw them.

The abundance of sharks and the resulting attack on people by mistaken identity is just an inevitability.

Fifteen shark attacks occurred last year alone. More fish than ever means more predators eating them. And more sharks!

Do I suggest we control the shark population. No. I see sharks many times a month and sometimes they get aggressive but in 50 years of tropical fish collecting no aquarium fish collector has ever been bitten by a shark! Lots of close calls though and many more recently with big tiger sharks.

We may however have to look eventually at protecting Hawaii's tourist beaches if attacks rise with the increased populations. You have a public safety clause in HB 1339 and you need to make sure you can use it if needed. I am seeing lots of big tiger sharks lately!

As for Manta rays I have seen many recently. Populations are up and they are a great resource for the tourist to see. As with shark fining rays can be taken by fishermen as mock crab meat so maybe protecting them is a good idea. Here to we may want to exclude for public aquariums even though their diet of krill or plankton would be difficult to meet in captivity it is still possible. The amount to be taken for that purpose would be small and should have no effect on overall populations.

I oppose HB Bill 1339 as it stands but think with the right changes I would gladly support it.

Thanks for your time,

Ron Tubbs B.S. N.D.

RT Distributors Inc.

Hawaii Tropical Aquarium Fish Association

I'm Robert Wintner of Snorkel Bob's, in strong support of HB 1339.

Sharks and manta rays are integral to ocean survival in these challenging times. This bill is on the correct side of history, and it's about time. Please exercise your kuleana. [Ua Mau ke Ea o ka 'Āina i ka Pono](#). It's a lovely idea, cast in stone, and it's the pulse of Hawaii, when you apply it to the law of the land.

Continuing desecration of these incredible animals is a wrong evaluation and both a moral and economic loss. It's an environmental loss, a loss of the soul, a loss of connection and a lost heritage. Thank you for doing the right thing.



<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Nathan Abe	Individual	Oppose	No

Comments:

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Cynthia Urry	Individual	Support	No

Comments: This is important for West Hawaii as we are one of the only places on earth where the Mantas and sharks feel safe in our waters.

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Charles Young	Individual	Support	No

Comments: I support this measure

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Ronald Tam	Individual	Oppose	No

Comments: The need for the proposed legislation is not established, particularly with a scientific basis. Fishermen do not intentionally go out to capture sharks. There is no market for shark meat. Additionally, how does one prove purposeful intent to catch sharks?

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Douglas Perrine	Individual	Support	No

Comments: Sharks are essential to the functioning of the marine ecosystem. Yet by all appearances they are being severely overfished in the Main Hawaiian Islands, as compared to the Northwestern Hawaiian Islands, where sharks are abundant. The majority of the sharks I see in the ocean (for the last several years) are "ornamented" with fishing gear. And I have to remind myself that I am only seeing the lucky ones that survived their encounters with hooks and lines. Most of the victims are no longer swimming. It is important to protect these valuable apex predators now, as sharks are not resilient and do not recover quickly or easily from over-exploitation, due to their very low reproductive rate.

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Ronnie Perry	Individual	Support	No

Comments: I strongly support this bill. The oceans are under tremendous threat because of modern man and this economic system. We need to do everything to protect our apex predators including sharks and rays. Please pass this bill! Mahalo, Ronnie Perry

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Shannon Rudolph	Individual	Support	No

Comments: Support

As a Hawaii resident I support the protection of Sharks and Rays

Dionne Miller  
Kailua Kona



**HB1339**

Submitted on: 2/26/2015

Testimony for JUD on Feb 27, 2015 15:00PM in Conference Room 325

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Janet Goodmanson	Individual	Support	No

Comments: Please vote to support this bill. We need to do all we can to protect our ocean life.

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**HB1339**

Submitted on: 2/26/2015

Testimony for JUD on Feb 27, 2015 15:00PM in Conference Room 325

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Robert F. Rogers	Individual	Support	No

Comments: I SUPPORT FULLY BILLS HB873, HB483, AND HB1339. I DO SO AS A RESIDENT OF HAWAII FOR OVER 14 YEARS AND AS AN ACTIVE DIVER, SCUBA INSTRUCTOR (NAUI 2809L) AND FISHERMAN. RESPECTFULLY, ROBERT F. ROGERS, PH.D

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<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Joni Kamiya	Individual	Oppose	No

Comments: There is no scientific basis for this law.

Submitted By	Organization	Testifier Position	Present at Hearing
Carl M Jellings Sr	Individual	Oppose	No

Comments: Comments: Strong opposition (Bill makes no regard for incidental take)( An incidental take permit is a permit issued under Section 10 of the United States Endangered Species Act (ESA) to private, non-federal entities undertaking otherwise lawful projects (Commercial Fishing Operations)that might result in the take of an endangered or threatened species.)these animals Hawaii's(sharks and Rays) are not endangered nor threatened but yet the penalty is severe enough for Seizure and forfeiture of vessel. ( (1) \$500 for a first offense; (2) \$2,000 for a second offense; and (3) \$10,000 for a third or subsequent offense. (c) In addition to any other penalty imposed under this section, a person violating this section shall be subject to: (1) An administrative fine of not more than \$10,000 for each shark captured, killed, or taken in violation of this section; (2) Seizure and forfeiture of any captured sharks, commercial marine license, vessel, and fishing equipment; and (3) Assessment of administrative fees and costs, and attorney's fees and costs. To be fair to "ALL' as the penalty and fines indicates these animals are in at least a critical state HB1339 should not be limited to kill or take it should include Harassment) when an activity has the potential to disturb a stock in the wild by causing disruption of behavioral patterns, including, but not limited to, migration, breeding , feeding, or sheltering.



# Ocean Tourism Coalition

**LATE**

February 27, 2015

*The Voice for Hawaii's Ocean Tourism Industry*  
Century Square-1188 Bishop St., Ste. 1003  
Honolulu, HI 96813-3304  
(808) 537-4308 Phone (808) 533-2739 Fax  
timlyons@hawaiiantel.net

Testimony To: House Committee on Judiciary  
Representative Karl Rhoads, Chair

From: James Coon  
President

Subject: H.B. 1339, HD 1 - RELATING TO SHARK AND MANTA RAY PROTECTION

Chair Rhoads and Members of the Committee:

I am James Coon, President of the Ocean Tourism Coalition and we support this bill.

The OTC represents over 300 small ocean tourism business state-wide. Most of these are family businesses which are locally owned and operated. Many of them have been in business for several decades and are an important and valued part of their respective communities.

Sharks and rays are a vital part of our ocean wildlife resources and need to be protected.

Clarifying the law in this area is good public policy.

We acknowledge the last Committee for their amendments and believe them to be fair and necessary.

We encourage passage of this bill.

Thank you.

**LATE**

6/2015

on Feb 27, 2015 15:00PM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Anthony Nahacky	Individual	Oppose	No

Comments: Exceptions for Public Aquariums are required as they have little impact on the populations and contribute greatly to the education of the public in understanding and the public wishing to protect sharks and rays. Thank you

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**LATE**

**HB1339**

Submitted on: 2/26/2015

Testimony for JUD on Feb 27, 2015 15:00PM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Ulla Carmiencke	Individual	Oppose	No

Comments: This will deprive the children and visitors of Hawaii of seeing rays and sharks in the public aquariums of Hawaii. Viewing and learning about sharks and rays is very useful in protecting them. Public aquariums need to be exempted in this Bill. Why was this not considered? Just go to a public aquarium and watch a child looking in awe at a ray or shark and look at the data for collection and you will reconsider this bill, I am sure. Thank you

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**LATE**

1339, to protect sharks and rays, and HB873, to limit aquarium collection of our

It is their ocean, not ours, we are their guests. I am against all aquarium collection, and killing of wild reef animals and fish, for any reason.

Rosemary Karlsson  
16-1885 Uilani Drive  
Keeau, HI 96749  
PO Box 492266, Keeau, HI 96749  
808-966-6589

**HB1339**

Submitted on: 2/26/2015

Testimony for JUD on Feb 27, 2015 15:00PM in Conference Room 325

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Kirby Kester	Individual	Oppose	No

Comments:

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**LATE**

**By**

**Organization**

**Testifier  
Position**

**Present at  
Hearing**

anita wintner

Individual

Support

No

Comments: Ban the killing of sharks and Manta rays before the poaching and illegal catching starts. Protect those beautiful creatures.