

STAND. COM. REP. NO.

2457

Honolulu, Hawaii

FEB 10 2020

RE: S.B. No. 2717
S.D. 1

Honorable Ronald D. Kouchi
President of the Senate
Thirtieth State Legislature
Regular Session of 2020
State of Hawaii

Sir:

Your Committee on Agriculture and Environment, to which was referred S.B. No. 2717 entitled:

"A BILL FOR AN ACT RELATING TO SHARK PROTECTION,"

begs leave to report as follows:

The purpose and intent of this measure is to protect sharks for ecological purposes, for their value to the ocean recreation industry, and for their value to native Hawaiian cultural practices by establishing fines and penalties for knowingly capturing, taking, possessing, abusing, or entangling a shark, whether alive or dead, or killing a shark, within state marine waters.

Your Committee received testimony in support of this measure from Animal Rights Hawai'i, One Ocean Conservation, Surfrider Foundation Oahu, One Ocean Research and Diving, The Humane Society of the United States, Moana Ohana, Pono Advocacy, For the Fishes, Oikonos, Keiko Conservation, Friends of Hanauma Bay, and seventy-four individuals. Your Committee received testimony in opposition to this measure from one individual. Your Committee received comments on this measure from the Department of Land and Natural Resources.

Your Committee finds that sharks are extremely important to ocean ecosystems because they keep the ecosystem balanced, regulate populations of other marine life, and ensure healthy fish



stock and reefs. Your Committee further finds that sharks play a vital historical and cultural role in Hawaii, including native Hawaiian customary and traditional rights protected by the Hawaii State Constitution. In 2010, Hawaii became the first state in the nation to enact a prohibition on the sale of shark fins and fin products; however, the law does not prohibit the taking of whole live sharks in state waters. Your Committee finds that this loophole must be closed to protect Hawaii's valuable sharks.

Your Committee has amended this measure by:

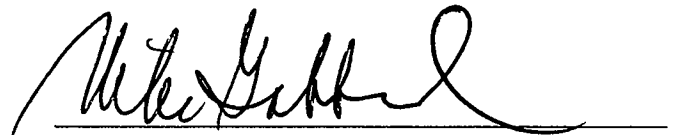
- (1) Removing the term "take" from the list of offenses prohibited against sharks;
- (2) Deleting language that would have exempted research permits authorized by law if the permit issued did not allow a take that would exceed the potential biological removal level and provided that the Department of Land and Natural Resources could adopt rules to define "take" and determine when a take would exceed the potential biological removal level;
- (3) Specifying that research permits authorized by law are exempt from the offense if the research conducted is overseen by an institutional animal care and use committee and has been reviewed by the academic institution's designated native Hawaiian cultural practitioners;
- (4) Clarifying that sharks taken outside of state marine waters and possessed on a vessel in state marine waters pursuant to any federally managed fishery, with the required documentation of the location where the capture occurred are exempt, rather than if it is for the purpose of landing the catch in the State;
- (5) Amending section 1 to reflect its amended purpose and clarify that it is not intended to prohibit legitimate shark research affiliated with an academic or research institution that is overseen by an institutional animal care and use committee, or those who unintentionally capture and immediately release a shark in the course of lawful fishing; and



- (6) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Agriculture and Environment that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2717, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2717, S.D. 1, and be referred to your Committee on Judiciary.

Respectfully submitted on
behalf of the members of the
Committee on Agriculture and
Environment,


MIKE GABBARD, Chair



