

DAVID Y. IGE  
GOVERNOR OF HAWAII



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

POST OFFICE BOX 621  
HONOLULU, HAWAII 96809

**Testimony of  
SUZANNE D. CASE  
Chairperson**

**Before the House Committee on  
ENERGY & ENVIRONMENTAL PROTECTION**

**Monday, June 22, 2020  
9:30 AM  
State Capitol, Conference Room 325**

**In consideration of  
SENATE BILL 2717, SENATE DRAFT 1  
RELATING TO SHARK PROTECTION**

Senate Bill 2717, Senate Draft 1 proposes to establish an offense of knowingly capturing, possessing, abusing, entangling, or killing a shark in state marine waters, along with penalties and fines; and provides certain exemptions. **The Department of Land and Natural Resources (Department) supports this measure, subject to the following comments and proposed amendment.**

The Department recognizes the important role sharks play in maintaining healthy marine ecosystems, and the detrimental impact from significantly depleting their populations in our waters. The Department also recognizes the importance of these species for native Hawaiian cultural beliefs and practices, as well as their value for ocean recreation and tourism.

The Department supports regulating the take of sharks and rays, and will implement this measure by adopting regulations through the administrative rulemaking process to evaluate and apply scientific management principles, give due consideration to public interests, and carefully craft language to avoid conflict with existing state and federal laws.

The Department has concerns about the following language beginning on page 4, line 1, which creates an exemption for special activity permits:

- (e) This section shall not apply to:
- (1) Special activity permits allowed under section 187A-6 or research permits authorized by law; provided that the research conducted is overseen by an institutional

**SUZANNE D. CASE**  
CHAIRPERSON  
BOARD OF LAND AND NATURAL RESOURCES  
COMMISSION ON WATER RESOURCE MANAGEMENT

**ROBERT K. MASUDA**  
FIRST DEPUTY

**M. KALEO MANUEL**  
DEPUTY DIRECTOR - WATER

AQUATIC RESOURCES  
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COMMISSION ON WATER RESOURCE MANAGEMENT  
CONSERVATION AND COASTAL LANDS  
CONSERVATION AND RESOURCES ENFORCEMENT  
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FORESTRY AND WILDLIFE  
HISTORIC PRESERVATION  
KAHOOLAWE ISLAND RESERVE COMMISSION  
LAND  
STATE PARKS

animal care and use committee and has been reviewed by the academic institution's designated native Hawaiian cultural practitioners;

Not all institutions have an institutional animal care and use committee (IACUC). This language could unnecessarily restrict valid and beneficial research that is not overseen by an IACUC. Further, most institutions do not have designated native Hawaiian cultural practitioners to review research activities for cultural impacts. The Department recommends amending this language to read:

- (e) This section shall not apply to:
- (1) Special activity permits allowed under section 187A-6 or research permits authorized by law; [~~provided that 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;~~]

The Department already has an existing process to review all Special Activity Permit and other research permit applications to ensure that any permitted activities do not result in unacceptable ecological or cultural impacts. The Department is willing to amend its internal review process to specifically include consultation with native Hawaiian cultural practitioners on matters related to shark research.

Thank you for the opportunity to comment on this measure.



**SB2717 SD1**  
RELATING TO SHARK PROTECTION  
House Committee on Energy & Environmental Protection

June 22, 2020

9:30 a.m.

Room 325

The Office of Hawaiian Affairs (OHA) **SUPPORTS** SB2717 SD1, which would prohibit the killing, capturing, or otherwise harming of any shark in state waters.

**OHA supports strong protections for culturally important species that also serve critical ecological functions.** As this bill recognizes, Hawai‘i’s shark species may hold special cultural significance for Native Hawaiians. For example, sharks are recognized as kinolau for Kū and Kanaloa, and certain individuals and species can be regarded as ‘aumakua by some families. Sharks are also featured in mo‘olelo, ‘ōlelo no‘eau, and other cultural narratives that inform the Hawaiian understanding of the world and our natural environment. OHA also understands that the ecological services provided by apex predators such as sharks promote a healthy ocean environment, which is necessary for the continuation of Native Hawaiian cultural and subsistence practices. **Accordingly, OHA appreciates the proposed enhanced protections for sharks in state waters.**

OHA notes that sharks are also used for traditional and customary practices, including in the crafting of implements, weapons and ceremonial objects; OHA accordingly further appreciates the proposed statutory language explicitly allowing for the continuation of such cultural practices.

Accordingly, OHA urges the Committee to **PASS** SB2717 SD1. Mahalo nui for the opportunity to testify on this measure.



# UNIVERSITY OF HAWAII SYSTEM

## Legislative Testimony

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Testimony Presented Before the  
House Committee on Energy and Environmental Protection  
Monday, June 22, 2020 at 9:00 a.m.

By  
Judy Lemus, PhD  
Interim Director  
Hawai'i Institute of Marine Biology  
School of Ocean and Earth Science and Technology  
And  
Michael Bruno, PhD  
Provost  
University of Hawai'i at Mānoa

### SB 2717 SD1 – RELATING TO SHARK PROTECTION

Chair Lowen, Vice Chair Wildberger, and members of the committee:

The University of Hawai'i and the Hawai'i Institute of Marine Biology respectfully submit the following comments on SB 2717 SD1.

While there is currently no indication that shark populations are declining or at risk in Hawai'i, we recognize the ecological and cultural importance of sharks in Hawai'i and support the intent of this measure to help protect sharks within state waters. At the same time, scientific research is a critical tool for understanding the behaviors and ecology of sharks, as well as any potential anthropogenic threats that could impact their survival. Research on any vertebrate, including sharks, is overseen at the university by the Institutional Animal Care and Use Committee (IACUC). This committee "is composed of volunteers that consist of veterinarians, biological and non-biological scientists, and local community representatives. The members are appointed to the committee by the system-wide program Designated Institutional Official on the behalf of the Office of the Chancellor [sic]". Collection of all regulated aquatic animals conducted by HIMB is also overseen by the Division of Aquatic Resources special activity permitting process. HIMB also regularly consults with a group of cultural advisors regarding our research practices.

For these reasons, and those already stated by DLNR in their testimony dated March 17, we suggest the following amended language to the bill:

- (e) This section shall not apply to:
  - (1) Special activity permits allowed under section 187A-6 or research permits authorized by law; ~~provided that the or to research conducted is overseen by an a state approved institutional animal care and use committee[ and has been reviewed by the academic institution's designated native Hawaiian cultural practitioners;]~~



**SB-2717-SD-1**

Submitted on: 6/19/2020 5:33:31 PM

Testimony for EEP on 6/22/2020 9:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Ted Bohlen	Hawai'i Reef and Ocean Coalition	Support	No

Comments:

The Hawai'i Reef and Ocean Coalition (HIROC) strongly supports this bill! Sharks are apex predators, critical for the health of Hawai'i s reefs and ocean. Sharks are being driven to extinction and need the protections of this bill. Please pass it. Mahalo!

**SB-2717-SD-1**

Submitted on: 6/19/2020 6:32:46 PM

Testimony for EEP on 6/22/2020 9:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Sylvia Dolena	Aloha Animal Advocates	Support	No

Comments:

Protect the delicate balance of the eco system. Sharks are an integral part of this system.

**SB-2717-SD-1**

Submitted on: 6/20/2020 7:36:59 PM

Testimony for EEP on 6/22/2020 9:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Lisa Bishop	Friends of Hanauma Bay	Support	No

Comments:

Aloha Chair Lowen, Vice Chair Wildberger, and EEP Committe members:

Thank you for the opportunity to testify IN SUPPORT of SB2717 SD1. Passage legislation to protect sharks is long overdue!

Please pass SB2717 SD1.

Mahalo,

Lisa Bishop

Presiden

Friends of Hanauma Bay

[lisa.fohb@gmail.com](mailto:lisa.fohb@gmail.com)

**SB-2717-SD-1**

Submitted on: 6/20/2020 11:44:52 AM

Testimony for EEP on 6/22/2020 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Mark Royer	Individual	Oppose	No

Comments:

Testimony for SB2717 SD1

Aloha Members of the EEP and JUD Committees,

My name is Mark Royer. I am a PHD candidate at the University of Hawai'i at Mānoa and have studied sharks in Hawaii and on the mainland for over 11 years and published numerous scientific papers based on these studies. The objective information from these studies is used for the conservation and management of these species. The majority of the species of sharks and rays that occur in Hawai'i are found around the world. Many of the regional populations of these species outside Hawai'i have faced drastic declines to the point of collapse. Past and on-going research in Hawai'i has been applied to inform effective conservation and management strategies of these species, both within Hawai'i and abroad. For example, studies on the life history and ecology of scalloped hammerhead sharks in Kāne'ohe Bay were cited in the proposal and determination to list scalloped hammerhead sharks under the US Endangered Species Act. The tiger shark tagging studies led by Dr. Kim Holland and Dr. Carl Meyer have provided crucial, objective information on the ineffectiveness and ultimate cancelation of shark culling as a measure for reducing shark bites in state waters. Crucial information on the life history, behavior, ecology, and physiology of various species are needed to create effective species management plans, and scientific studies conducted in Hawai'i are critical to management of shark and ray species. Such nuanced information is also needed to predict how a changing ocean will affect these species and marine ecosystems as a whole.

While the intentions of this bill are good, with the purpose of seemingly providing protections to these species in Hawai'i, **the bill in its current form will jeopardize legitimate research and is in need of specific changes.** Particularly, the exemption statement in section II on line (e(1)) should not subject researchers from institutions to additional ambiguous and onerous bureaucracy. University researchers are required to undertake exhaustive reviews of their research plans before being permitted to work on animals, by Institutional Animal Care and Use Committees (IACUCs). University shark researchers already have oversight of their activities via an IACUC. If this bill in its current form is passed, permits could be denied and research could shut down based on someone's subjective opinion that is not grounded in any true scientific or

conservation principles. The approval from institutional cultural practitioners is not mandated for any other species in Hawai'i, including the many animal and plant species here that are endangered, indigenous and/or endemic, and that serve as 'aumakua to families. There is no precedent to establish this requirement solely for sharks. The process of opening and maintaining a connection between research and Native Hawaiian and local communities is an important relationship building step in both informing research efforts and making them available to the community, it should not be relegated to a bureaucratic process.

As a suggestion, this bill would benefit from adopting the wording from the house version regarding the research exemption. Specifically, the following amendments from HB2414 would benefit this bill:

“(5) Expanding the exemptions from the prohibition and fines and penalties proposed to:  
(A) Research conducted by nationally qualified educational institutions;  
(B) Sharks currently held in captivity;  
(6) Exempting nationally qualified educational institutions from the requirement to obtain a special activity permit to conduct scientific and educational research activities on sharks;”

**Please change this language in the bill to protect legitimate shark research that is vital for effective shark conservation and management in Hawai'i and abroad.**

Thank you,

Mark Royer

**SB-2717-SD-1**

Submitted on: 6/20/2020 2:48:19 PM

Testimony for EEP on 6/22/2020 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
julia hartl	Individual	Oppose	No

Comments:

Aloha to the State of Hawai'i,

**Please change this language in the bill to protect legitimate shark research that is vital for effective shark conservation and management in Hawai'i and abroad.**

I am a Masters candidate at the University of Hawai'i at Manoa. I have spent the last 6 years studying sharks in Hawai'i and abroad. I have local experience in the field, with conservation groups, as a tour guide and as a contributor to bona fide research resulting in peer reviewed articles.

I think that much of the testimony regarding this bill may pertain to the kind intentions of protecting local sharks. A few years ago I testified in support of a previous draft of a very similar bill in regards that the state of Hawai'i continue to be a leader in marine conservation.

In fact, Hawai'i remains a standing example of national and global shark protection for passing legislation against shark finning in 2010. This type of measure is now being presented before the consideration of the nation to encourage the United States to opt against participation in the international trade of shark fins which claims the lives of millions of sharks worldwide each year.

Fortunately, this state puts very low nearshore fishing pressure upon sharks. Much of the standing protection of these animals (as important living ecological, cultural or economic resources) is based in Native Hawaiian and Pacific Island roots.

As a budding researcher in the community, and as an acting citizen, I oppose the bill because in its current form it presents false hope for action that remains unrealistic to manage and because much of the language remains unclear. I also do not want the regulations to be misconstrued.

If the question remains regarding unpermitted and undue harassment to the shark then they may hold the same protections given for other local marine species the state deems to conserve (whales, birds, seals, dolphin, etc). That should also be the same standard held for all animals under unpermitted operations. At the University of Hawai'i, scientific research regarding the study and care of fish are held to IACUC standards

with the animals livelihood in mind (Institutional Animal Care and Use Committees). No other animal in the state currently requires Native Hawaiian approval for study. More importantly, that type of approval is very unclear in the language and format of the current bill in regards to specifically whom this would be.

In regards to shark research, my research project has a zero mortality rate. This is due to the available methods for more easily accessible species under the guide of Dr. Carl Meyer and Dr. Kim Holland experience in permitted shark research in the state of Hawai'i (over 160 publications). They helped to guide the progress of state funded projects away from control programs to invest in the study and understanding of sharks in Hawai'i. Their work is the recorded reference of what is known about shark ecology of local nearshore species today.

A PhD candidate in our lab, has recently discovered that the repetitive deep diving profiles of a foraging scalloped hammerhead shark are made possible by the conservation of heat likely as the result of closed gills. This means that over the course of a descent many hundreds of meters to very cold temperatures this species of shark may hold its breath. This knowledge is of the result of modern science, whose goal is to conserve and protect sharks for future generations to continue learning and living alongside.

New noninvasive research methods involving the fine scale movements and behaviors of sharks are already being tested in the HIMB Shark Lab with exciting implications for the future.

I oppose the bill with the sentiment that much of this public appeal be motivated toward the preservation of sharks may unknowingly be inhibiting the progress of peer-reviewed research in the state of Hawai'i.

Thank you for your time,

Julia M. Hartl

Masters candidate

University of Hawai'i at Manoa

Hawai'i Institute of Marine Biology

Shark Lab

**SB-2717-SD-1**

Submitted on: 6/20/2020 12:21:37 PM

Testimony for EEP on 6/22/2020 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Carl Meyer	Individual	Oppose	No

Comments:

Aloha EEP committee members,

My name is Carl Meyer. I have studied sharks in Hawaii and elsewhere around the globe for almost 30 years and published numerous scientific papers based on research focusing on the effective conservation and management of sharks.

Effective shark conservation requires basing our decisions on empirical facts derived from best available science and not on alarmist rhetoric. Scientific research is the **only source of actual empirical facts** upon which shark populations can be effectively managed and conserved. **Shark research has consistently contributed to shark conservation in Hawaii** by providing empirical information on shark biology and ecology. **Shark research in Hawaii has directly informed management and conservation policy** including demonstrating the ineffectiveness of shark culling in response to shark bites on ocean users, and revealing the space and habitat requirements, and growth rates, of these ecologically important top-level predators.

**The current version of the bill contains language that has the potential to significantly obstruct and undermine empirical scientific research crucial to understanding the health of shark populations in Hawaii.**

SB 2717 SD1 contains the following clause:

*“Special activity permits allowed under section 187A-6 or research permits authorized by law; provided that 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”*

This requires researchers to obtain a Special Activity Permit before engaging in scientific research on shark in Hawaii state waters. **There is no evidence whatsoever to suggest that scientific research practices threaten the health of Hawaii shark populations and therefore no a priori reason to hamper bona fide research by adding additional layers of unnecessary bureaucracy.**

Shark researchers operating under the auspices of **nationally qualified educational institutions are already subject to professional oversight** via federally-mandated



Institutional Animal Care and Use Committees (IACUCs). In order to qualify for an IACUC permit, **researchers must clearly justify the use of sharks in their studies, justify the species and numbers used and ensure ethical practices are followed.**

Further, the acquisition of a Special Activity Permit would be contingent on a review of research by a designated native Hawaiian cultural practitioner. **This requirement is not applied to scientists studying other marine animals in Hawaii.** This requirement would also place bona fide researchers and educators from elsewhere in the nation at a significant disadvantage because their institutions are unlikely to have any native Hawaiian cultural practitioners and thus they would struggle to fulfill this requirement when seeking a permit to conduct shark research in Hawaii.

The metrics by which the Special Activity Permit applications would be evaluated remain entirely undefined and thus there is no guarantee of fairness or transparency in the process. **The permitting process would be inherently vulnerable to ideological bias.**

The house version of this bill (HB2414) **exempted nationally qualified educational institutions from the requirement to obtain a special activity permit to conduct scientific and educational research activities on sharks.**

I urge you to amend SB2717 by replacing the current requirement for Special Activity Permits with language included in HB2414:

*“(5) Expanding the exemptions from the prohibition and fines and penalties proposed to:*

*(A) Research conducted by nationally qualified educational institutions;*

*(B) Sharks currently held in captivity;*

*(6) Exempting nationally qualified educational institutions from the requirement to obtain a special activity permit to conduct scientific and educational research activities on sharks;”*

Including this language in the bill will protect bona fide shark research that is vital for effective shark conservation and management in Hawaii.

Thank you,

Carl Meyer

**SB-2717-SD-1**

Submitted on: 6/20/2020 3:39:03 PM

Testimony for EEP on 6/22/2020 9:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Yannis Papastamatiou	Individual	Oppose	No

Comments:

I am a researcher who has been studying sharks for over 20 years including more than 10 years in Hawaii. As written this bill does not appear to be a huge benefit to sharks. I am not opposed to the protection measures but am opposed to the language used which appears to directly limit research activities. Research activities conducted by university of Hawaii are directly responsible for many advancements in our understanding of shark behavior and also led to the cancellation of a planned shark culling in the 90s. The bill could make it significantly harder for these research activities to continue.

# Aloha



## ONE OCEAN DIVING & RESEARCH

Aloha honorable chair Lowen and honorable representatives of the committee on energy & environmental protection,

We deeply appreciate your support for shark and marine conservation and we have also been in support of this bill for many years and work actively in shark and marine conservation daily here in Hawaii, however, we are deeply concerned that some of the language of the bill could have unintended negative consequences on conservation efforts and leave loopholes for others. We would like to respectfully request that you make amendments to the bill SB2717 regarding protection for sharks to define or remove the term abuse.

Our concern comes from a similar situation that cause HB2414 to be deferred indefinitely when harassment was not defined, and then later defined as not approaching closer than 150ft which is not a logical definition for a species that doesn't breathe at the surface and unenforceable.

The program we run is currently only open to kama'aina and is still very busy even with COVID impacts as it brings a lot of value to the community by teaching ocean safety and employs kama'aina, many of whom are minority female scientists, and is a benefit not just to kama'aina, but the state, and global community through the safety and educational information shared. We DIRECTLY help save sharks by removing fishing line, plastic, and other entanglement from sharks we encounter in some of our ocean programs, and indirectly through the conservation campaigns and information shared through our programs. We ask that you remove the term abuse, or perhaps define it as "purposeful touching (except in self defense or for removal of entanglement,) or add an exemption for educational and conservation based programs to acknowledge that they shouldn't be affected by this bill since its language and purpose is only to limit those individuals or businesses that capture, take, or attempt to kill sharks.

We have millions of people supporting our conservation efforts and we have reached millions of keiki and people around the world with the work we do with sharks and marine life for conservation. It would be counter productive for conservation efforts to be accidentally negatively impacted by a bill like this whose original and core intent is to further conservation efforts.

I would very much like your feed back and questions if you have any and we appreciate your time and consideration for us as kama'aina stake holders and the manō who may be accidentally negatively impacted by the bill as it is currently written.

Much aloha and well wishes to you and your ohana.

-One Ocean Organization

Re:  
SB2717 Hearing June 22nd 2020 9:30AM

Aloha honorable chair and representatives,

I support SB2717 with amendments.

I respectfully request the committee to please consider defining “abuse” as intentional touching other than for self defense or for entanglement. I have supported this bill in other forms for years and I work daily in shark and marine conservation and research. I have devoted my life to working to save sharks and marine life and have directly saved hundreds of sharks from entanglement and through my conservation efforts and educational programs. This bill could also help to save sharks, however the current language could also leave loopholes and actually negatively affect conservation efforts and educational and safety programs that currently directly help save people by teaching them how to best avoid adverse interactions and helps to save sharks from fishing line and marine debris as well as through conservation campaigns that help to stop shark fishing through educational community programs that also help to reduce other human impacts by influencing consumer choices.

HB2414 had a similar issue when harassment was not yet defined and then later defined into a definition that also didn’t serve the bills original intent and was deemed unenforceable.

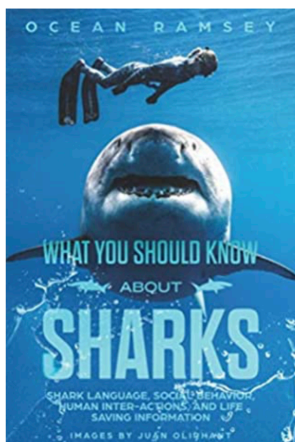
I appreciate very much that DLNR has acknowledged that they support the protection of sharks for ocean recreation, tourism, Hawaiian culture, and the environment. DLNR said that they support carefully crafting language. I hope the committee will also support the development of language that will best serve the public’s best interest to protect current conservation and safety programs by defining “abuse” and prohibiting “intentional touching other than for self defense or disentanglement efforts.”

Mahalo nui loa for your support for shark and marine conservation and I hope you and your ohana are healthy and well.

Aloha,

Mrs. Ocean Ramsey  
Conservationist  
Marine scientist  
&

*Author of “What you should know about sharks. Shark language, social behavior, human interactions, and life saving information.”*



**SB-2717-SD-1**

Submitted on: 6/20/2020 8:41:00 PM

Testimony for EEP on 6/22/2020 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Kelsey Maloney	Individual	Comments	No

Comments:

Testimony for SB2717 SD1

Aloha Members of the EEP and JUD Committees,

My name is Kelsey Maloney. I am an undergraduate student at the University of Hawai'i at Mānoa and have studied sharks in Hawaii for the last five years as an intern gaining valuable experiences and knowledge. The objective information from these studies is used for the conservation and management of these species. The majority of the species of sharks and rays that occur in Hawai'i are found around the world. Many of the regional populations of these species outside Hawai'i have faced drastic declines to the point of collapse. Past and on-going research in Hawai'i has been applied to inform effective conservation and management strategies of these species, both within Hawai'i and abroad. For example, studies on the life history and ecology of scalloped hammerhead sharks in Kāne'ohe Bay were cited in the proposal and determination to list scalloped hammerhead sharks under the US Endangered Species Act. The tiger shark tagging studies led by Dr. Kim Holland and Dr. Carl Meyer have provided crucial, objective information on the ineffectiveness and ultimate cancelation of shark culling as a measure for reducing shark bites in state waters. Crucial information on the life history, behavior, ecology, and physiology of various species are needed to create effective species management plans, and scientific studies conducted in Hawai'i are critical to the management of shark and ray species. Such nuanced information is also needed to predict how a changing ocean will affect these species and marine ecosystems as a whole.

Regulation for sea turtles and the Hawaiian Monk Seal have not prevented tourists and visitors from interacting and harassing the wildlife. While the intentions of this bill are good, to seemingly provide protections to these species in Hawai'i, **the bill in its current form will jeopardize legitimate research and requires specific changes.** Particularly, the exemption statement in section II on line (e(1)) should not subject researchers from institutions to additional ambiguous and onerous bureaucracy. University researchers are required to undertake exhaustive reviews of their research plans before being permitted to work on animals, by Institutional Animal Care and Use Committees (IACUCs). University shark researchers already have oversight of their activities via an IACUC. If this bill in its current form is passed, permits could be denied and research could shut down based on someone's subjective opinion that is not grounded in any true scientific or conservation principles. The approval from institutional

cultural practitioners is not mandated for any other species in Hawai'i, including the many animal and plant species here that are endangered, indigenous, and/or endemic, and that serve as 'aumakua to families. There is no precedent to establish this requirement solely for sharks. The process of opening and maintaining a connection between research and Native Hawaiian and local communities is an important relationship-building step in both informing research efforts and making them available to the community, it should not be relegated to a bureaucratic process. Being from Hawaii I believe that the connection between culture and science is crucial to better care for and understand our unique island.

As a suggestion, this bill would benefit from adopting the wording from the house version regarding the research exemption. Specifically, the following amendments from HB2414 would benefit this bill:

“(5) Expanding the exemptions from the prohibition and fines and penalties proposed to:  
(A) Research conducted by nationally qualified educational institutions;  
(B) Sharks currently held in captivity;  
(6) Exempting nationally qualified educational institutions from the requirement to obtain a special activity permit to conduct scientific and educational research activities on sharks;”

**Please change this language in the bill to protect legitimate shark research that is vital for effective shark conservation and management in Hawai'i and abroad.**

Mahalo,

Kelsey Maloney

**SB-2717-SD-1**

Submitted on: 6/21/2020 9:19:29 AM

Testimony for EEP on 6/22/2020 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Kim Holland	Individual	Oppose	Yes

Comments:

My Name is Kim Holland. I am the founder of the Shark Research Group at the Hawaii Institute of Marine Biology. I am presenting this testimony as a private individual.

I am opposed to this bill. This bill is **unnecessary** and **unenforceable** and could actually **harm shark conservation**.

Sharks populations in Hawaii state waters are NOT under threat from people "knowingly fishing" for sharks. On the other hand, scientific research into shark biology has made significant and demonstrable contributions to the conservation and protection of sharks in Hawaii. The language of this bill could negatively impact this essential research.

The University of Hawaii has provided testimony (endorsed by DLNR) that suggests changes in the language of the current bill to make it similar to previous House bills that would exempt activities covered by an IACUC permit.

Shark research conducted by universities already requires a rigorous screening process to obtain permits such as those issued by an Institutional Animal Care and Use Committee (IACUC). These committees are comprised of veterinarians, scientists and non-scientists who evaluate the value of the research and the way in which it conducted. I feel that an IACUC permit should be a legitimate exemption from the regulations in the proposed legislation.

Scientific research requires a predictable and objective permitting process in which to operate and I recognize that changes have been made to the language of proposed legislation in an attempt to facilitate research. However, the current language requires that permits be "reviewed by the institution's designated native Hawaiian cultural practitioners". This introduces a level of uncertainty and subjectivity to the that runs counter to other language in the bill that promotes objectivity and predictability. Not only do we not know the qualifications that would allow these cultural practitioners to evaluate scientific research but these individuals could change from year to year and bring a continuously changing perspective. Further, other research groups working in Hawaii (such as mainland universities) will not have designated native Hawaiian cultural practitioners.

If this committee decides to pass this bill, I respectfully suggest that this cultural review process be removed from the language of the proposed legislation and the language be changed to reflect that in previous House bills and currently endorsed by the University and DLNR. This language would promote a climate in which legitimate and essential shark research can continue be conducted.



**SB-2717-SD-1**

Submitted on: 6/21/2020 9:28:14 AM

Testimony for EEP on 6/22/2020 9:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
K. Keano Pavlosky	Individual	Oppose	No

Comments:

Aloha,

I am writing to oppose SB2717 SD1 as currently written, and suggest modifying to remove the stipulation that Hawaiian cultural review be secured prior to applying for special activities permit. I am a Native Hawaiian scientist. I am a 13 year graduate of Kamehameha Schools, I hold a master of science in Molecular Biosciences and Bioengineering, and am a newly graduated MD. I believe that interfacing with the native community is critical to developing stronger ties and knowledge sharing between the traditional understandings of scientific phenomena, and contemporary understanding of science. Indeed, many of these concepts and understandings overlap, and I believe there is synergy to be found there. However, it is not pono to whittle this necessary interface down to a government mandate. Many of the scientists with whom I interact regularly and with whom I did interact during my studies agree that this is necessary, and are very interested in pursuing these relationships abreast of the work they are doing.

From a practical perspective, the process of setting up this infrastructure will significantly impede legitimate scientific research efforts that are currently the only factual data we have on shark populations in Hawaii. These data are critical to supporting the global community's understanding of shark ecology. Much ground-breaking work has been done in Hawaiian waters by scientists from UH and elsewhere who care greatly for the shark population of Hawaii, and pursue legitimate research in their graduate studies and beyond. Unfortunately, the parties lobbying hardest for for Hawaiian cultural review are themselves operating under the guise that they are researchers, when in fact they run a shark tour business. They consistently appropriate Native Hawaiian culture and fancy themselves cultural practitioners, when in fact they have no claim to this 'aina, no claim to our kai, and no claim to manā• .

Really, we should be taking a closer look at the shark tour businesses--how does this help conserve sharks? Actually, it causes regular, unnatural interactions between sharks and humans that increase the probability of an adverse event (bite, fatality, etc.)-this has the most potential to cause poor publicity on behalf of sharks, and to thwart legitimate research efforts because of the potential backlash.

It is my sincere hope that the committee will vote against this bill, and support legitimate shark research through the University of Hawaii and other accredited research institutions, not those calling themselves researchers and appropriating Hawaiian culture for their own financial gain.

**SB-2717-SD-1**

Submitted on: 6/20/2020 9:12:08 PM

Testimony for EEP on 6/22/2020 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Kaikea Nakachi	Individual	Support	Yes

Comments:

This bill will be a long overdue restoration of protection to a culturally and ecologically important species. Past shark culling efforts combined with heavy fishing pressure have reduced overall apex-predator biomass in the Main Hawaiian Islands (MHI) relative to that in the protected Northwestern Hawaiian Islands (NWHI; Friedlander and Demartini 2002). The impact of the loss of apex predators from the nearshore habitats in the MHI can cascade through the ecosystem and lead to detrimental changes in fish assemblage structure, nutrient dynamics, and coral reef resilience (Sandin et al. 2008; Barley et al. 2017). Ensuring healthy populations of apex predators is important to maintain the ecological integrity of nearshore habitats in the MHI, particularly following human-induced trophic shifts of fish assemblages and the recent unprecedented bleaching of coral in Hawai'i (Friedlander and Demartini 2002; Couch et al. 2017). Furthermore, sharks have tremendous value in traditional Hawaiian cultural practices. Sharks were among the most universally worshipped organisms as *'aumakua*, or ancestral family deities (Emerson 1892; Beckwith 1917). The cultural importance of sharks to Native Hawaiians is highlighted by the existence of *kahu manā*, or shark keepers, who were responsible for the care of patron sharks and in turn were granted protection and fruitful fishing by them. The *kahu manā* ensured that the names, roles, stories, territories, and physical appearances of these patron sharks were well known to Hawaiian people (Emerson 1892; Beckwith 1917). We cannot allow further desecration of such an important species in Hawaiian waters.

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**SB-2717-SD-1**

Submitted on: 6/20/2020 10:46:54 AM

Testimony for EEP on 6/22/2020 9:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Haunani Hess	Individual	Support	No

Comments:

I am Hawaiian. I grew up hearing stories about the dedication my kupuna had towards our shark aumakua. My great grandfather would go feed the sharks every morning before sunrise. My Great Auntie Tio was said to have given birth to a shark while fishing. I dream of sharks at least once a week and have done so since I was a child. Besides the unethical, immoral, and disrespect for life, these attacks on sharks are crimes against the Hawaiian people. A crime against our humanity.

I am demanding for you to do the right thing and stand by Hawaiians, protect and defend sharks, criminalize shark finning, and hold those who commit this crime in our waters, accountable with sever punishment.

Support SB2717

**SB-2717-SD-1**

Submitted on: 6/21/2020 10:39:16 AM

Testimony for EEP on 6/22/2020 9:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Rosanna ?Anolani Alegado	Individual	Support	No

Comments:

**SB-2717-SD-1**

Submitted on: 6/20/2020 10:15:03 AM

Testimony for EEP on 6/22/2020 9:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Jun Shin	Individual	Support	No

Comments:

**SB-2717-SD-1**

Submitted on: 6/20/2020 5:28:47 PM

Testimony for EEP on 6/22/2020 9:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Benton Kealii Pang, Ph.D.	Individual	Support	No

Comments:



**LATE**

**SB-2717-SD-1**

Submitted on: 6/21/2020 2:36:51 PM

Testimony for EEP on 6/22/2020 9:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Cory Fults	Individual	Oppose	No

Comments:

Aloha members of the EEP and JUD committees,

My name is Cory Fults, i write you today in opposition of SB 2717. i live on the Kona coast of the Big Island. I work in the ecotourism industry and anytime not working i remain out on the water fishing, diving, or spearfishing. I have been fortunate to meet and work with some of the scientist from the University of Hawaii who have devoted their lives to studying sharks. I have also been fortunate enough to help with tagging programs, gathering ID photos, as well as interviewed for a study conducted on the effect unenforceable laws have on local fisherman.

If we take a look at the testimonies written up until this point involving this bill, we will find most of the arguments for the bill begin and end with "i love sharks". And while loving and wanting to protect sharks is a great thing, and this bill was no doubt written with good intention, i think its important we look at the opposing arguments and where majority come from. They come from scientists. Many PHD's at that. People who have dedicated there lives to studying sharks, and the ecosystems in which they live. Their collective opposition does not reside in a firm "no", rather it most simply states the bill is ineffective in its current form and would be more effective if rewritten. Hawaii does not have a shark fishing industry. As a matter of fact, most all commercial fisherman i know hate catching sharks. There pests, who steal valuable fish and bait and because of that, are sometimes killed. Believe it or not, the same goes for certain species of dolphin found offshore. They steal precious fish and bait and the same frustrated fisherman often times shoot at and kill them as well. Harming and killing dolphins is a federal offence under the Marine Mammal Protection Act of 1972. We unfortunately do not have the resources to monitor fishing practices in the state and state law unfortunately will not be the line some draw when already committing a federal offense.

The shark research programs i have been lucky enough to be apart of have really focused on getting the fishing community involved in the science. There has been huge success involving people rather than alienating them with laws that can not be enforced in the first place. Now, more than ever, i think its important we all work together. We hear each other out, and we teach one another. Good science creates good effective policy.

Thank you for your time.

**LATE**

I support SB2717 for Hawaii and would like to add the following clarifications.

After reading through testimony for SB2717 “Relating to Shark Protection,” it appears the majority of opposition comes from University of Hawaii’s Institute of Marine Biology researchers and related shark taggers. Much like fishing, marine research can also be categorized as responsible vs. irresponsible. Their main arguments suggest that sharks aren’t targeted in Hawaii and the bill is an inconvenience to their “conservation based research.”

A founding member of HIMB’s Shark Research Group testified that, “Hawaii’s coastal sharks are not being impacted by people ‘knowingly fishing or harassing’ them.” This claim was quickly proven false by subsequent testimony introducing the Waikiki Shark Hunts available nightly from Kewalo and Ala Wai Boat Harbors.

### Targeted Shark Hunts

Home » Oahu Fishing » **Midnight Shark Hunt**



✔ Sightseeing ✔ Fishing Gear

#### Sashimi Midnight Shark Hunt

##### Shark Fishing - Night Shark Hunt off Waikiki

Catch and release sharks on this 3 hour night shark hunt. Anglers will leave Kewalo Basin and hunt, raise, angle, and release assorted species of sharks including Tiger, Hammerhead, Gray Reef, Sandbar, and others. All sharks are released on this conservation minded trip which is designed to allow anglers the thrill of interaction with these large apex predators of the sea without contributing to their demise.

The trip runs on the Sashimi II, which also offers a daytime or evening bottom fishing trip.

The hunt is \$225.00 per person plus tax. The trip usually runs with a minimum of 4 people and a max of about 12. You can sign up for a trip with less than 4 people, the boat just needs to get more people in order to run the trip (we will do our best to get enough to run the trip). Large groups can be accommodated as a private trip, please call or email for information. Trip check in is at 6:30pm with the boat returning at about 10:00pm (note, trip times are approximate). All fishing is done off Oahu's South shore. Be sure to bring your camera as this is a great photo opportunity. The price includes pick-up and drop-off at Waikiki hotels, all the necessary gear. The boat provides juice and water. Anglers are welcome to bring their own food and beverages (alcohol is OK if desired).



#### SHARK HUNT



Take a walk on the wild side

Laniela Sportfishing offers PRIVATE CHARTER SHARK HUNT fishing on Kewalo Basin. Your trip will depart from Kewalo Basin and head to a special zone of sharks (Tiger, Hammerhead, Gray Reef, Sandbar, and others). It's just average size. All fishing is done off the Kewalo Basin.

Sharks are usually very aggressive when hooked and combined with their jump skills, the specific shark makes for an exciting challenge. Please give our Shark HUNT a try. You'll find out why Tiger Shark can reach 12 feet long. Some of the largest Tiger Sharks are hooked in Kewalo Basin.

They are deep ocean creatures and before that are commonly found inshore. A shark that includes school fish, tuna, mackerel, reef fish and dolphins.

Sharks are not picky eaters when hungry, eating almost anything in their path. Their teeth are fierce and razor-sharp, making it the "hunting" of their appearance. They are lightning and dangerous. Laniela's skilled and experienced crew will do their very best to assure an exhilarating and successful shark hunt!

All sharks are released on this conservation minded trip which is designed to allow anglers the thrill of interaction with these large apex predators of the sea without contributing to their demise.

#### Ultimate Fishing Tour

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Bam | 3 Hour Duration | Adult \$85 | Child \$65



Create the ultimate experience off the shore of Waikiki on the luxury fishing charter named Tortuga!

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- Child - \$65
- Infant - Free
- Private Charter - \$3,000
- Observer - \$45

##### Duration

3 hours

##### About

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While the intent of shark hunts are “catch & release,” the animals are often mutilated and left for dead as large hooks impale their throat and gills.



A sandbar shark found dead on the West Side Dec 2017



This is him, I saw this morning that he had another hook through his mouth that came out of his right eye, so his eye is gone. And he has another rusty hook in his left jaw.

If you zoom in you can see where it came through his eye, really sad. This is my only shark buddy on this side!

### Tagging Sharks for “research”

Despite the invasive and archaic methods, “shark tagging” is labelled under “research.” Illegal fishers can often use the data to locate and fish out sharks. Tagging programs consequently target endangered species like Makos, Hammerheads, Silky, and Blue Sharks. Endangered Thresher Sharks often die getting their long tails tangled in fishing lines.



sharktagger\_hi Two different species of thresher sharks off Kona, caught, filmed and released/tagged by local fisherman Lama Gaspar. He put a miniPAT, (satellite archival) tag on the pelagic thresher (first video), which recorded some incredible data on its movement and habitat. The second video is a bigeye thresher. How do you tell these species apart? Both have the characteristic elongated tail, sleek bodies, long pectoral fins and relatively large eyes. However, the bigeye thresher, for its namesake, has enormous eyes with sockets that extend over the top of the head. The bigeye thresher also has a prominent helmet-like crease behind the head. We highlight these features in our free

♥️ 💬 📌

Liked by marc.dando.92 and 137 others

JULY 31, 2019

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### **Illegal Fishing vs Irresponsible Research**

Damages caused by fishing by-catch are fairly easy to recognize, monofilament or leader lines cut with fishing lures or hooks still attached. Illegal fishing in Hawaii can be recognized by apparatus used as well, such as netting & size of hooks. Larger hooks attached to chains, ropes and buoys not only represents illegal poachers, but can also be considered “legal” if used for “research.” The damages left by irresponsible research is recognizable when the species are left in an impaired state. (i.e. abandoned hooks, dragging lines, hook damage, torn fins)

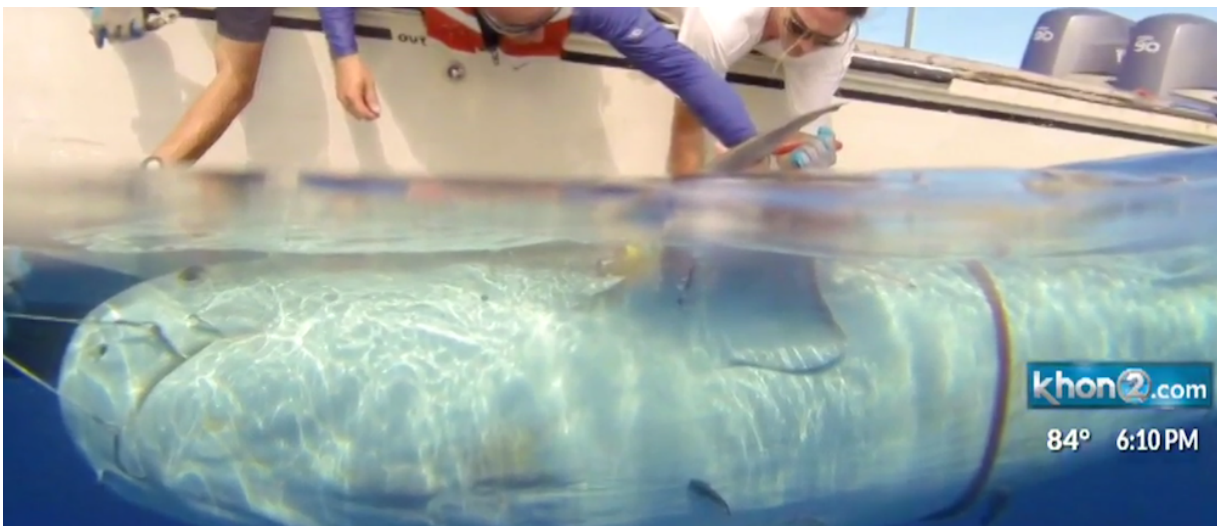


### **“Take”**

According to “Researchers,” these incidents including death are scientifically excused as “take.”

## Drum-line / Tagging Methodology

Drum-lines are used to cull and poach sharks and is a preferred method by researchers to tag sharks. It consists of baiting hooks attached to a buoy by rope or chain and leaving them unattended for hours and often overnight. Shark mortality rates increase with drum-lines as many need to swim forward in order to oxygenate their gills. Sharks attached too drum-lines with steel hooks that are still alive, become candidates for tagging, or if small enough into the aquarium trade.. Exhausted sharks are then dragged to the research vessel, where their tails get lassoed to stabilize them against the boat. The research then consists of flipping the shark over to disorient it enabling them to cut, drill, pierce and tag.





## Negative Buoyancy

Sharks do not have bladders and are negative buoyant. When they thrash it causes internal damage and they often die within 48 hours as a result. By removing sharks from water, it crushes their bodies. (Sitting on a dry-docked shark to tag it is even more irresponsible increasing the internal damage.)



(side note: To compensate for no bladder sharks have oily livers which contain *Squalene*, a popular yet expensive ingredient used in cosmetic and health care markets. This gives poachers another reason to target sharks.)

## Induced Labor

Pregnant sharks often abort pups prematurely after being caught. Hawaii has had at least two recent occurrences of this unnatural behavior.

1. Hammerhead neonates were dumped in a parking lot near La Mariana Restaurant off Keehi Lagoon, which can be traced to commercial longliners.




2. A female tiger shark aborted her pups after being caught for tagging recently off Kaneohe. The video shows the first pup sinking while the second pup was able to swim away.



 sharktagger\_hi • Following ...

 sharktagger\_hi Tiger shark birthing. While tagging adult tiger sharks with the @himb\_soest Shark Lab offshore out of the north end of Kane'ohe Bay, this female tiger shark on the line gave birth to 10 full term pups, and probably had at least 20 more to go after release. Each pup is in an individual embryonic sac while gestating inside the mother. During birth, each pup breaks out of the sac while leaving the

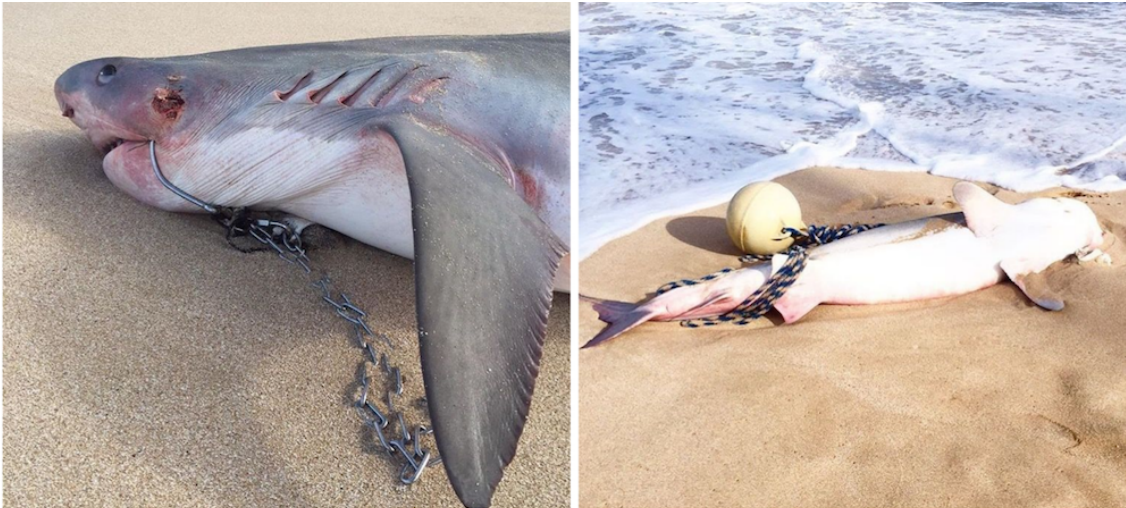
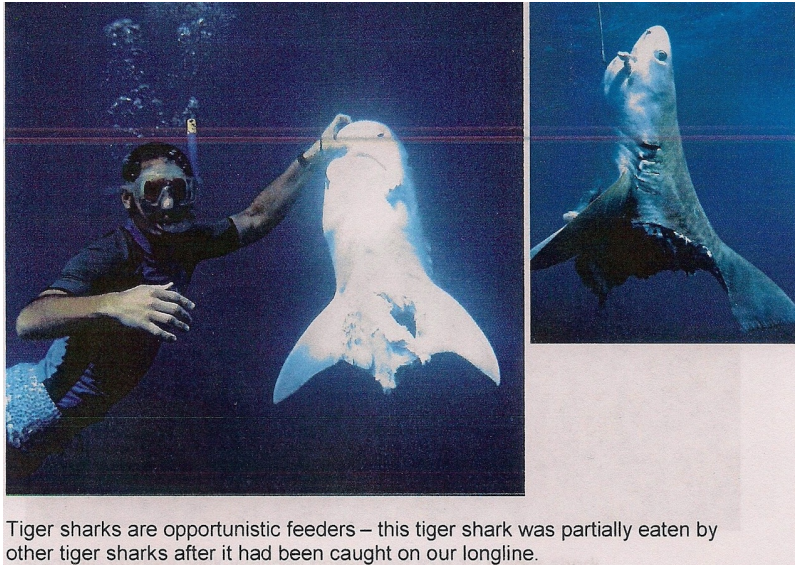
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SEPTEMBER 28, 2018



## Death by research

The HIMB shark “researchers” or taggers consistently use terminology such as “sustainability” and “conservation based research” to describe their work. Nothing has been conserved, no human nor shark has been saved, and beaches are not safer. In fact unattended baited lines tend to attract sharks into areas. In contrast to these “green-washing” claims the researchers have inflicted consistent mutilation, and deaths by their irresponsible targeting of sharks.



This is Roxanne, a juvenile tiger shark found Feb. 2016 on the North Shore. As you can see from the hook, this was a targeted attack. She was also tagged for a study by researchers on Oahu.

**LATE**



**THE HUMANE SOCIETY  
OF THE UNITED STATES**



**HUMANE SOCIETY  
INTERNATIONAL**

**TO: Honorable Chair Representative Lowen & Members of the Committee on Energy & Environmental Protection**

**June 22, 2020**

**FROM: Heather Carpenter, Western Regional Director, The Humane Society of the United States, [hcarpenter@humanesociety.org](mailto:hcarpenter@humanesociety.org), Phone number: 702.929.2999**

**RE: SUPPORT FOR SB 2717, SD1; Relating to Shark Protection**

On behalf of The Humane Society of the United States, Humane Society International and our members and supporters across Hawaii, we urge your support of SB 2717 SD1, which would impose penalties for anyone who knowingly captures, takes or kills sharks in state waters except for a few specific exemptions, such as research purposes, under DLNR issued Special Activity Permits, exercising native Hawaiian gathering rights and cultural practices and at the discretion of DLNR for specific, emergency public safety reasons.

**Why sharks need protection:**

- Hawaii is one of the first states to prohibit shark finning. In 2010, Hawaii became the first state to enact a ban on the sale of shark-fins or fin products. To this date, 14 states have adopted similar measures following Hawaii's footsteps. SB 2717 SD1 would further complement existing law, which has now become a global initiative, and further maintain Hawaii's global conservation leadership in shark and marine conservation. While current laws prohibit the possession or sale of shark fins or fin products there is no law preventing the capture, abuse or killing of sharks in state waters.
- The number of shark and ray landings globally increased by 227% from 1950 to 2003.<sup>1</sup> However, actual number of animals killed is much larger since these data represent when animals are caught and brought to shore (landed) and do not account for illegal catches or discards.
- One quarter of shark and ray species are threatened with extinction due to overfishing and other fishing threats.<sup>2</sup>
- Tens of millions of sharks are estimated to be killed annually for their fins. While anti-finning laws are designed to halt further shark population declines, many species are still threatened and face possible extinction. Recent research from the University of Hawaii<sup>3</sup>

<sup>1</sup> IUCN Shark Specialist Group. Questions and Answers.

<sup>2</sup> <http://www.iucnssg.org/global-conservation-status-of-sharks-and-rays.html>

<sup>3</sup> <https://www.voanews.com/a/2641635.html>

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.

- There is no directed commercial shark fishery in Hawaii state waters. SB 2717 would not be expected to have a negative economic impact on commercial fishing interests. Commercial fisheries operating in federal waters reported catching 85,067 sharks and releasing 84,441 of them.<sup>4</sup>
- This measure does NOT preempt or impact federal fishing laws, and only applies to Hawaii state waters.
- With the growing number of interactions between ocean users and sharks, this measure would prevent consideration of ineffective mass culling efforts and those individuals who may target sharks due to misinformation. Cases involving cruelty against sharks in recent years<sup>5</sup> have prompted public outcry and highlighted public desire for strong penalties for cruelty against sharks.<sup>6</sup>
- Sharks are apex predators and play a vital role in maintaining the balance of marine ecosystem. Research has found that massive removal of sharks has a cascading effect throughout the ecosystems that they inhabit.
- Sharks share life history traits that make them particularly vulnerable to overexploitation and population collapse.<sup>7</sup> These include slow growth; low fecundity; few, well-formed young; long gestation period; and delayed age at first reproduction that together are known in the ecological literature as a “K-selected life history”.<sup>8</sup>

**Thank you for the opportunity to testify on this important marine conservation issue. We urge swift passage of SB 2717 SD1.**

Below is a list of species of sharks that may be found in Hawaii waters.

**Hawaii Shark Species List:** <http://dlnr.hawaii.gov/sharks/hawaii-sharks/species-list/>

(EN: Endangered; VU – Vulnerable; NT – Near Threatened; LC: Least Concern; DD – Data Deficient)

## **Sharks**

### **Order Orectolobiformes**

#### **Family Rhincodontidae**

Whale shark, *Rhincodon typus*, VU

### **Order Carcharhiniformes**

#### **Family Scyliorhinidae**

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<sup>4</sup> [http://www.pifsc.noaa.gov/fmb/reports/hlreports/areport\\_items.php?yr=2014&type=tbl&num=1](http://www.pifsc.noaa.gov/fmb/reports/hlreports/areport_items.php?yr=2014&type=tbl&num=1)

<sup>5</sup> Video of tiger shark torture sparks outcry in Hawaii. [https://www.huffingtonpost.com/2013/09/13/shark-torture-video-n\\_3922319.html](https://www.huffingtonpost.com/2013/09/13/shark-torture-video-n_3922319.html)

<sup>6</sup> Three Florida men charged for shark dragging. <http://www.foxnews.com/us/2017/12/12/3-florida-men-charged-in-shark-dragging-video.html>

<sup>7</sup> Ebert, D.A. 2001. Sharks, Rays, and Chimaeras of California. University of California Press.

<sup>8</sup> Hoenig, J.M. and Gruber, S.M. 1990. Life-History Patterns in the Elasmobranchs: Implications for Fisheries Management in Elasmobranchs as Living Resources: Advances in the Biology, Ecology, Systematics, and the Status of the Fisheries (H.L. Pratt Jr., S.H. Gruber, and T. Taniuchi, eds.) NOAA Technical Report 90 (1990).

Sponge-headed cat shark, *Apristurus spongiceps*, DD

**Family Pseudotriakidae**

False cat shark, *Pseudotriakis microdon*, DD

**Family Carcharhinidae**

Bignose shark, *Carcharhinus altimus*, DD

Gray reef shark, *Carcharhinus amblyrhynchos*, NT

Silky shark, *Carcharhinus falciformes*, NT

Galapagos shark, *Carcharhinus galapagensis*, NT

Blacktip shark, *Carcharhinus limbatus*, NT

Oceanic whitetip, *Carcharhinus longimanus*, VU

Blacktip reef shark, *Carcharhinus melanopterus*, NT

Sandbar shark, *Carcharhinus plumbeus*, VU

Tiger shark, *Galeocerdo cuvier*, NT

Blue shark, *Prionace glauca*, NT

Whitetip reef shark, *Triaenodon obesus*, NT

**Family Sphyrnidae**

Scalloped hammerhead, *Sphyrna lewini*, EN

Smooth hammerhead, *Sphyrna zygaena*, VU

**Order Lamniformes**

**Family Odontaspidae**

Smalltooth sand tiger shark, *Odontaspis ferox*, VU

Bigeye sand tiger shark, *Odontaspis noronhai*, DD

**Family Pseudocarchariidae**

Crocodile shark, *Pseudocarcharias kamoharai*, NT

**Family Megachasmidae**

Megamouth shark, *Megachasma pelagios*, DD

**Family Alopiidae**

Pelagic thresher shark, *Alopias pelagicus*, VU

Bigeye thresher shark, *Alopias superciliosus*, VU

**Family Lamnidae**

White shark, *Carcharodon carcharias*, VU

Short-finned mako, *Isurus oxyrinchus*, VU

Longfin mako, *Isurus paucus*, VU

**Order Hexanchiformes**

**Family Hexanchidae**

Frilled shark, *Chlamydoselachus anguineus*, NT

Bluntnose sixgill shark, *Hexanchus griseus*, NT

**Order Squaliformes**

**Family Echinorhinidae**

Prickly shark, *Echinorhinus cookei*, NT

**Family Dalatiidae**

Combtooth dogfish, *Centroscyllium nigrum*, DD

Kitefin shark, *Dalatias licha*, NT

Blurred smooth lantern shark, *Etmopterus bigelowi*, LC

Blackbelly lantern shark, *Etmopterus lucifer*, LC

Smooth lantern shark, *Etmopterus pusillus*, LC

Hawaiian lantern shark, *Etmopterus villosus*, LC

Pygmy shark, *Euprotomicrus bispinatus*, LC

Cookiecutter shark, *Isistius brasiliensis*, LC

Viper dogfish, *Trigonognathus kabeyai*, DD

Velvet dogfish, *Scymnodon squamulosus*, DD

**Family Centrophoridae**

Mosaic gulper shark, *Centrophorus tessellatus*, DD

Gulper shark, *Centrophorus granulosus*, VU

**Family Squalidae**

Shortspine spurdog shark, *Squalus mitsukurii*, DD

**LATE**

**SB-2717-SD-1**

Submitted on: 6/21/2020 6:02:04 PM

Testimony for EEP on 6/22/2020 9:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Cathy Goeggel	Animal Rights Hawai'i	Support	Yes

Comments:

ARH is in strong support of SB2717



**LATE**



**TESTIMONY from the SURFRIDER FOUNDATION, O'AHU  
CHAPTER IN REGARD TO SB2717, RELATING TO SHARK  
PROTECTION**

**House Committee on Energy and Environmental Protection,  
June 22, 2020 at 9:30am.**

Aloha members of the House of Representatives, Energy and  
Environmental Protection Committee,

My name is Kaitlyn Jacobs and I represent the Surfrider Foundation O'ahu Chapter. Surfrider Foundation O'ahu is a nonprofit organization dedicated to protecting O'ahu's ocean, waves, and beaches.

Surfrider Foundation O'ahu Chapter **supports SB2717**. This measure requires consequences for **knowingly capturing, possessing, abusing, entangling, or killing a shark in state marine waters**.

This issue is recent and relevant in O'ahu conservation right now as shark tourism and encounters are becoming more popular. Sharks are what is known as a k-selected species, meaning they live longer, have fewer babies, and take longer to reach reproduction age. Because they are one of these species, they are much more reactive to sharp population declines and face more difficulty in rebounding. There has also been research that shows at the island level, coral reef structure and function are directly affected by the depletion or removal of predator species. This is what's called a trophic cascade: the removal of a top predator influencing the populations of the prey species below it, influencing the prey species below that, and so on. Sharks are not a popular food species in Hawai'i, so a lot of their species decline can be due to loss of habitat or entanglement in fishing gear. Passing this bill will eliminate those causes of loss, and allow the shark populations to recover. This will balance the ecosystem, as well as allowing for shark tourism to bring more money to the state. In Palmyra atoll, a protected island in the equatorial Pacific, the reefs are extremely abundant and biodiverse; the sign

of a healthy ecosystem. Palmyra also supports very high numbers of sharks, especially black tip reef sharks, and exhibits evidence of top-down control. Being able to assess reefs like these show that a healthy ecosystem can support high numbers of predators as well as reef fish, so protecting sharks on O'ahu will not affect food fish or other herbivores. We feel that passing SB2717 is an obvious positive choice, with little to no negative repercussions, and bring the reefs back to supporting flourishing diversity as they once did.

Mahalo for the opportunity to testify on behalf of Surfrider Foundation.

Kaitlyn  
Jacobs

Policy Coordinator  
Surfrider Foundation  
O'ahu Chapter



**LATE**

**SB-2717-SD-1**

Submitted on: 6/21/2020 6:25:17 PM

Testimony for EEP on 6/22/2020 9:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Mike Nakachi	Moana Ohana	Support	No

Comments:

Aloha Kakou Chair Lowen and fellow Committee Members,

In Strong Support of SB2717 SD1. This bill has been long overdue for Kanaka across the Pae 'aina to Protect Manā• . Western ways of colonization have affected Manā• forever in Hawaii! Commercial Long liners, Shark Culls initiated by the Territory and State, Auwe! Commercial exploitation of resources such as Manā• exist today, profiteering from Manā• exist today for products, services and Manā• Kanaka do not need this. Manā• need our protection from all of these commercial exploiters and especially researchers who have no protocol, no sense of place and exploit Manā• for their research gains. Accountability is in order. The state as the Konohiki has failed in this department dramatically, forgotten about the indiginous ways of our ancestors. We (My 'ohana) have been had a symbiotic realationship with Manā• for over 14 generations back the time of Kalanihikikaukonohonuakaulahea, we know Manā• , we have 'ohana as Manā• , we are Manā• ! The lineage of Kahu Manā• is alive with my 'ohana, we will always be their for Manā• first! Not \$\$\$\$! Protect our Manā• Now please.

Mahalo Chair Lowen for your support of the People of Moku 'o keawe and Manā• Kanaka

Respectfully with Humillity, Mike Nakachi, Moana 'Ohana.

**LATE**

**SB-2717-SD-1**

Submitted on: 6/21/2020 9:44:42 PM

Testimony for EEP on 6/22/2020 9:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Jessica Mitchell	Individual	Support	No

Comments:

Please help protect sharks. If sharks thrive the ocean thrives. Mahalo for your kokua.

**LATE**

**SB-2717-SD-1**

Submitted on: 6/21/2020 10:17:35 PM

Testimony for EEP on 6/22/2020 9:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Buffy Nakachi	Individual	Support	No

Comments:

1. I support SB2717 to protect the sharks of Hawai'i. Sharks are very important to the health of the oceans of Hawai'i. Sharks are often over-fished, either directly, or as by-catch. Sharks mature later, have slow growth and small broods, which makes them very vulnerable to over-fishing and exploitation. Hawai'i has a strong cultural relationship with sharks. These reasons should be enough to protect these amazing creatures. Hawai'i needs to at the forefront of the protection of sharks, as they play a vital role in the health of Hawai'i's corals reefs and ocean, as well as contribute to the rich cultural fabric of this island state. Please pass SB2717.

**LATE**

**LATE**

**SB-2717-SD-1**

Submitted on: 6/22/2020 8:05:08 AM

Testimony for EEP on 6/22/2020 9:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Kekoa McClellan	Individual	Support	No

Comments:

Aloha Chair Lowen and honorable members of the House Committee on Energy and Environmental Protection,

Thank you for your hearing on SB2717, SD1. This measure provides critical protection for the sharks who have called the waters of Hawai'i home since time immemorial. These creatures, sacred to our kanaka maoli, and crucial to the health of the seas, need our help. In passing SB2717, SD1 we will be one step closer to restoring our oceans.

Mahalo for your leadership on this matter.

Me ka pono,

Kekoa McClellan

**LATE**

**LATE**

**SB-2717-SD-1**

Submitted on: 6/22/2020 9:20:59 AM

Testimony for EEP on 6/22/2020 9:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Michael Sullivan	Individual	Support	No

Comments:

I strongly support protection of sharks. Thank you for addressing this issue.

**LATE**

**LATE**

**From:** [Sandra Tran](#)  
**To:** [EEPtestimony](#)  
**Subject:** Support SB2717 Shark Protection  
**Date:** Monday, June 22, 2020 8:15:40 AM

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Please pass the bill for the protection for sharks.

Mahalo nui loa,

Sandra

**LATE**



**THE HUMANE SOCIETY  
OF THE UNITED STATES**



**HUMANE SOCIETY  
INTERNATIONAL**

**TO: Honorable Chair Representative Lowen & Members of the Committee on Energy & Environmental Protection**

**June 22, 2020**

**FROM: Heather Carpenter, Western Regional Director, The Humane Society of the United States, [hcarpenter@humanesociety.org](mailto:hcarpenter@humanesociety.org), Phone number: 702.929.2999**

**RE: SUPPORT FOR SB 2717, SD1; Relating to Shark Protection**

On behalf of The Humane Society of the United States, Humane Society International and our members and supporters across Hawaii, we urge your support of SB 2717 SD1, which would impose penalties for anyone who knowingly captures, takes or kills sharks in state waters except for a few specific exemptions, such as research purposes, under DLNR issued Special Activity Permits, exercising native Hawaiian gathering rights and cultural practices and at the discretion of DLNR for specific, emergency public safety reasons.

**Why sharks need protection:**

- Hawaii is one of the first states to prohibit shark finning. In 2010, Hawaii became the first state to enact a ban on the sale of shark-fins or fin products. To this date, 14 states have adopted similar measures following Hawaii's footsteps. SB 2717 SD1 would further complement existing law, which has now become a global initiative, and further maintain Hawaii's global conservation leadership in shark and marine conservation. While current laws prohibit the possession or sale of shark fins or fin products there is no law preventing the capture, abuse or killing of sharks in state waters.
- The number of shark and ray landings globally increased by 227% from 1950 to 2003.<sup>1</sup> However, actual number of animals killed is much larger since these data represent when animals are caught and brought to shore (landed) and do not account for illegal catches or discards.
- One quarter of shark and ray species are threatened with extinction due to overfishing and other fishing threats.<sup>2</sup>
- Tens of millions of sharks are estimated to be killed annually for their fins. While anti-finning laws are designed to halt further shark population declines, many species are still threatened and face possible extinction. Recent research from the University of Hawaii<sup>3</sup>

<sup>1</sup> IUCN Shark Specialist Group. Questions and Answers.

<sup>2</sup> <http://www.iucnssg.org/global-conservation-status-of-sharks-and-rays.html>

<sup>3</sup> <https://www.voanews.com/a/2641635.html>

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.

- There is no directed commercial shark fishery in Hawaii state waters. SB 2717 would not be expected to have a negative economic impact on commercial fishing interests. Commercial fisheries operating in federal waters reported catching 85,067 sharks and releasing 84,441 of them.<sup>4</sup>
- This measure does NOT preempt or impact federal fishing laws, and only applies to Hawaii state waters.
- With the growing number of interactions between ocean users and sharks, this measure would prevent consideration of ineffective mass culling efforts and those individuals who may target sharks due to misinformation. Cases involving cruelty against sharks in recent years<sup>5</sup> have prompted public outcry and highlighted public desire for strong penalties for cruelty against sharks.<sup>6</sup>
- Sharks are apex predators and play a vital role in maintaining the balance of marine ecosystem. Research has found that massive removal of sharks has a cascading effect throughout the ecosystems that they inhabit.
- Sharks share life history traits that make them particularly vulnerable to overexploitation and population collapse.<sup>7</sup> These include slow growth; low fecundity; few, well-formed young; long gestation period; and delayed age at first reproduction that together are known in the ecological literature as a “K-selected life history”.<sup>8</sup>

**Thank you for the opportunity to testify on this important marine conservation issue. We urge swift passage of SB 2717 SD1.**

Below is a list of species of sharks that may be found in Hawaii waters.

**Hawaii Shark Species List:** <http://dlnr.hawaii.gov/sharks/hawaii-sharks/species-list/>

(EN: Endangered; VU – Vulnerable; NT – Near Threatened; LC: Least Concern; DD – Data Deficient)

## **Sharks**

### **Order Orectolobiformes**

#### **Family Rhincodontidae**

Whale shark, *Rhincodon typus*, VU

### **Order Carcharhiniformes**

#### **Family Scyliorhinidae**

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<sup>4</sup> [http://www.pifsc.noaa.gov/fmb/reports/hlreports/areport\\_items.php?yr=2014&type=tbl&num=1](http://www.pifsc.noaa.gov/fmb/reports/hlreports/areport_items.php?yr=2014&type=tbl&num=1)

<sup>5</sup> Video of tiger shark torture sparks outcry in Hawaii. [https://www.huffingtonpost.com/2013/09/13/shark-torture-video-n\\_3922319.html](https://www.huffingtonpost.com/2013/09/13/shark-torture-video-n_3922319.html)

<sup>6</sup> Three Florida men charged for shark dragging. <http://www.foxnews.com/us/2017/12/12/3-florida-men-charged-in-shark-dragging-video.html>

<sup>7</sup> Ebert, D.A. 2001. Sharks, Rays, and Chimaeras of California. University of California Press.

<sup>8</sup> Hoenig, J.M. and Gruber, S.M. 1990. Life-History Patterns in the Elasmobranchs: Implications for Fisheries Management in Elasmobranchs as Living Resources: Advances in the Biology, Ecology, Systematics, and the Status of the Fisheries (H.L. Pratt Jr., S.H. Gruber, and T. Taniuchi, eds.) NOAA Technical Report 90 (1990).



Sponge-headed cat shark, *Apristurus spongiceps*, DD

**Family Pseudotriakidae**

False cat shark, *Pseudotriakis microdon*, DD

**Family Carcharhinidae**

Bignose shark, *Carcharhinus altimus*, DD

Gray reef shark, *Carcharhinus amblyrhynchos*, NT

Silky shark, *Carcharhinus falciformes*, NT

Galapagos shark, *Carcharhinus galapagensis*, NT

Blacktip shark, *Carcharhinus limbatus*, NT

Oceanic whitetip, *Carcharhinus longimanus*, VU

Blacktip reef shark, *Carcharhinus melanopterus*, NT

Sandbar shark, *Carcharhinus plumbeus*, VU

Tiger shark, *Galeocerdo cuvier*, NT

Blue shark, *Prionace glauca*, NT

Whitetip reef shark, *Triaenodon obesus*, NT

**Family Sphyrnidae**

Scalloped hammerhead, *Sphyrna lewini*, EN

Smooth hammerhead, *Sphyrna zygaena*, VU

**Order Lamniformes**

**Family Odontaspidae**

Smalltooth sand tiger shark, *Odontaspis ferox*, VU

Bigeye sand tiger shark, *Odontaspis noronhai*, DD

**Family Pseudocarchariidae**

Crocodile shark, *Pseudocarcharias kamoharai*, NT

**Family Megachasmidae**

Megamouth shark, *Megachasma pelagios*, DD

**Family Alopiidae**

Pelagic thresher shark, *Alopias pelagicus*, VU

Bigeye thresher shark, *Alopias superciliosus*, VU

**Family Lamnidae**

White shark, *Carcharodon carcharias*, VU

Short-finned mako, *Isurus oxyrinchus*, VU

Longfin mako, *Isurus paucus*, VU

**Order Hexanchiformes**

**Family Hexanchidae**

Frilled shark, *Chlamydoselachus anguineus*, NT

Bluntnose sixgill shark, *Hexanchus griseus*, NT

**Order Squaliformes**

**Family Echinorhinidae**

Prickly shark, *Echinorhinus cookei*, NT

**Family Dalatiidae**

Combtooth dogfish, *Centroscyllium nigrum*, DD

Kitefin shark, *Dalatias licha*, NT

Blurred smooth lantern shark, *Etmopterus bigelowi*, LC

Blackbelly lantern shark, *Etmopterus lucifer*, LC

Smooth lantern shark, *Etmopterus pusillus*, LC

Hawaiian lantern shark, *Etmopterus villosus*, LC

Pygmy shark, *Euprotomicrus bispinatus*, LC

Cookiecutter shark, *Isistius brasiliensis*, LC

Viper dogfish, *Trigonognathus kabeyai*, DD

Velvet dogfish, *Scymnodon squamulosus*, DD

**Family Centrophoridae**

Mosaic gulper shark, *Centrophorus tessellatus*, DD

Gulper shark, *Centrophorus granulosus*, VU

**Family Squalidae**

Shortspine spurdog shark, *Squalus mitsukurii*, DD



June 22, 2020 930am

TO: Honorable Chair Lowen and Energy & Environmental Committee Members

SUBMITTED BY: Inga Gibson, Policy Consultant, For the Fishes  
PonoAdvocacy@gmail.com, 808.922.9910

**RE: STRONG SUPPORT for SB2717 SD1; Relating to Shark Protection**

For the Fishes respectfully urges your support of SB2717 which would prohibit the intentional/known capture or killing of sharks in state waters (within 3 nm) except for research purposes, under DLNR issued Special Activity Permits, the use of shark parts/products for native Hawaiian cultural purposes and at the discretion of DLNR for any specific, emergency purposes. The bill does NOT apply to those who, in the lawful course of fishing, may accidentally capture and subsequently release a shark.

In order to address the earlier concerns raised regarding shark research, we have discussed this issue with DLNR, who currently issues permits/SAP's to shark researchers, **and thus we recommend the following amendment:**

**Page 4, line 1, amend/strike the following:**

Special activity permits allowed under section 187A or research permits authorized by law.;  
~~provided that 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;~~

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 our existing law, which has now become a global initiative, by again poising Hawaii to be a leader in shark and marine conservation. While current laws prohibit the possession or sale of shark fins or fin products there is no law preventing the intentional capture or killing of sharks.

Most notably, as shown below, there have been a number of cases in recent years where sharks appear to have been intentionally entangled, injured and harmed and current law does not provide for adequate enforcement or prosecution of such cases. 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 human interactions and pollution.

Further, sharks are apex predators; when they are removed our entire marine ecosystem is negatively impacted. Fortunately, there is no longer any directed shark fisheries (for their meat/fillets) and sharks are not a staple human food source as other fish species are. DLNR notes that it is difficult to distinguish between certain species of shark thus this measure applies to all shark species.

Thank you for your support of SB2717.

Also see: <https://www.staradvertiser.com/2020/02/15/hawaii-news/bills-would-protect-sharks-in-hawaii-waters/>

(Below, Tiger shark with jaw/teeth cut out from Kaneohe Bay; Nearly 100 Hammerhead pups dumped at Keehi Lagoon; North Shore shark caught and pegged in the sand)









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(Below, Tiger shark with jaw/teeth cut out from Kaneohe Bay; Nearly 100 Hammerhead pups dumped at Keehi Lagoon; North Shore shark caught and pegged in the sand)









**From:** [Martina Wing](#)  
**To:** [EEPtestimony](#)  
**Subject:** SUPPORT SB2717 Shark Protection  
**Date:** Sunday, June 21, 2020 10:35:40 PM

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To whom it may concern, I am a strong supporter of SB2717 to protect sharks in Hawaii.

Sharks have been misunderstood for far too long and need all the protection they can get. They are of utmost importance to the ecosystem. Protection for sharks ultimately means healthier oceans and reefs that are better able to withstand other pressures on the ocean ecosystem.

Thank you.

Sincerely  
Martina Wing  
Kailua-Kona  
Ocean -Educator  
VP Manta Ray Advocates.com

**From:** [Makena Andersen](#)  
**To:** [EEPtestimony](#)  
**Subject:** Support SP2717 Shark Protection  
**Date:** Monday, June 22, 2020 5:42:12 AM

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.SUPPORT SB2717 Shark Protection. The bill will allow for bonafide research and of course, would not apply to those ethical fishers, who in the course of lawful fishing, may accidentally capture then release the shark. That's exactly what ethical fishers do now! Mahalo!



**From:** [Melissa Fontaine](#)  
**To:** [EEPttestimony](#)  
**Subject:** SUPPORT SB2717 Shark Protection  
**Date:** Sunday, June 21, 2020 8:47:05 PM

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PLEASE TAKE ACTION TODAY to protect Hawaii's sharks! On Monday, Chair Lowen will hear SB2717, to finally afford sharks the protections they need from intentional killing or mutilation. The bill will allow for bonafide research and of course, would not apply to those ethical fishers, who in the course of lawful fishing, may accidentally capture then release the shark. That's exactly what ethical fishers do now! Mahalo!

**LATE**

**LATE**

**LATE**

**SB-2717-SD-1**

Submitted on: 6/22/2020 10:00:58 AM

Testimony for EEP on 6/22/2020 9:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Kamaka'ike Bruecher	Individual	Support	No

Comments: