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GOVERNOR OF HAWAII



**STATE OF HAWAII**  
**DEPARTMENT OF LAND AND NATURAL RESOURCES**  
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**Testimony of**  
**SUZANNE D. CASE**  
**Chairperson**

**Before the Senate Committees on**  
**AGRICULTURE AND THE ENVIRONMENT**  
**and**  
**WATER AND LAND**

**Friday, February 7, 2020**  
**1:30 P.M.**  
**State Capitol, Conference Room 224**

**In consideration of**  
**SENATE BILL 3052**  
**RELATING TO COMMERCIAL SHARK TOURS**

Senate Bill 3052 proposes to prohibit commercial shark tour operations from operating without a permit; and require the Department of Land and Natural Resources (Department) to adopt rules to regulate commercial shark tours. **The Department offers the following comments.**

The Department's Division of Boating and Ocean (DOBOR) has jurisdiction over vessel operation and ocean recreation activities in state ocean waters, extending three nautical miles from shore. All commercial vessels not under the jurisdiction of the Department of Transportation are required to obtain a commercial use permit (CUP) from DOBOR in order to operate commercially in state ocean waters. CUP applicants are required to specify the activity or activities they will be conducting as well as the area or areas where they plan to operate, subject to approval from the Department.

DOBOR CUPs for Haleiwa Ocean Waters include a requirement that any shark tours be conducted only outside of the three-nautical mile state waters boundary. Therefore, all operators conducting shark tours operate in federal waters past the three-nautical mile boundary and outside of state jurisdiction. Operators obtain a CUP from DOBOR if loading and unloading passengers at a state facility for any commercial purpose, and not all shark tour operators specifically list their permitted activity as "shark tours," instead categorizing the activity as "marine life observation" or a variation thereof. Because of this, the exact number of companies operating shark tours is unknown. DOBOR estimates that 16 companies operate shark tours of some kind based on the type of activity specified in the corresponding CUP.

Thank you for the opportunity to comment on this measure.

**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  
BOATING AND OCEAN RECREATION  
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MANAGEMENT  
CONSERVATION AND COASTAL LANDS  
CONSERVATION AND RESOURCES ENFORCEMENT  
ENGINEERING  
FORESTRY AND WILDLIFE  
HISTORIC PRESERVATION  
KAHOOLAWE ISLAND RESERVE COMMISSION  
LAND  
STATE PARKS

**SB-3052**

Submitted on: 2/4/2020 3:36:11 PM

Testimony for AEN on 2/7/2020 1:30:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
James Silva	Testifying for Waialua Boat Club	Support	No

Comments:

**SB-3052**

Submitted on: 2/4/2020 10:28:43 PM

Testimony for AEN on 2/7/2020 1:30:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Alexandra Kahn	Testifying for Surfrider Oahu	Support	No

Comments:

**SB-3052**

Submitted on: 2/5/2020 5:06:48 AM

Testimony for AEN on 2/7/2020 1:30:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
joe pavsek	Testifying for north shore shark adventures	Comments	No

Comments:

North Shore Shark Adventures has been doing bussiness for over 20 years. Our safty record is spotless we have had no injuries form sharks! In the past 2 years cageless tour operators have. had a number of shark bites. With no cage people are put in the water with no protection at all. I have a hard time thinking that these cageless tour operators have told there insruance companies what they are exactly doing. I believe all shark tour operators should have a cage while doing these types of operations. As Carl Meyers has said to me many times its only a matter of time when things will very go bad! Aloha Joe Pavsek

**SB-3052**

Submitted on: 2/5/2020 5:53:33 PM

Testimony for AEN on 2/7/2020 1:30:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Ocean Ramsey	Testifying for One Ocean	Oppose	Yes

Comments:

**SB-3052**

Submitted on: 2/6/2020 9:26:55 AM

Testimony for AEN on 2/7/2020 1:30:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Water Inspired Conservation Group	Testifying for Water Inspired Conservation Group	Oppose	Yes

Comments:

We firmly oppose SB 3052 in its current form. While the bill appears to be motivated by safety reasons it actually will likely result in more accidents and create a significant safety hazard as it currently stands. For example, professionally guided companies that have a perfect safety record after nearly 10 years of operating have never had an incident due to strict safety protocols, whereas a woman was bitten last year due to the fact that she went out on her own on a non-commercial boat without a trained experienced guide partaking in actions that responsible operators do not allow.

Certain operations like One Ocean Research and Diving actually improve safety for residents and visitors alike as they share information on how to reduce chance of an adverse interaction and important factors to consider should one encounter a shark.

The bill also imposes unfair restrictions that would have a disproportionate impact on entire industry including at least 40 Hawaii residents including a significant portion of women with a scientific background. Many have built a career centered around these operations which would force them to relocate as in water data collection, field research, and underwater conservation photography would be next to impossible from the confines of a cage.

One program in particular (One Ocean) also provides many benefits for the local and international community that would no longer be possible if they were forced to operate with a cage. Benefits such as the following would no longer be possible under currently drafted legislation:

- funding for conservation for groups and campaigns here in Hawaii as well as globally via One Ocean Global
- Cultural and educational programs from keiki in the form of complimentary educational outreach events and research assistant internships
- private funding for monthly reef and beach cleanups

-monitoring and disentanglement of sharks and other marine life as operators actively remove extensive amounts of fishing line, rope, plastic bands, and other marine debris from off the sharks and their aggregation zones.

-Significant revenue for the state and other local businesses from tourists that specifically come to Hawaii to participate in this unique activity

We want to clarify that we do not disagree with the entirety of the bill. It is true that safety measures vary greatly between operators, and we would support it if the following changes were made. The bill should clarify that responsible operators that already comply with proposed regulations, have a perfect safety record with protocols in place, and have been in operation for at least five years will be allowed to continue operations without interruption. Language for the insurance requirement should also be amended to clarify that operators provide insurance with language that states the coverage does not exclude injuries from sharks, as current professional liability insurance covers almost everything in the ocean and usually lists exceptions rather than inclusions. We also suggest the effective date be amended to allow for one year for a standard safety protocol to be written for clear enforcement guidelines along with a permitting process development time for DLNR/DOBOR to meet with companies to use specialty permits. Mahalo for your time and consideration.

**SB-3052**

Submitted on: 2/6/2020 11:58:54 AM

Testimony for AEN on 2/7/2020 1:30:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
chiara salomoni	Testifying for mermaids for change	Oppose	Yes

Comments:

This testimony is in opposition to SB 3052. Although I agree with some points, the bill requires significant changes to make the practice safe instead of inspiring individuals to seek shark diving without high safety and emergency protocols.

Being able to get in the water without a cage, guided by highly trained and safety concerned professional is a game changer in shark conservation. It doesn't just feed the cool factor of seeing a wild animal in the ocean, but reinforces the importance of respecting the animal and sparking conversation efforts world wide.

Safe and guided cage-less shark tours has allowed our organization to change the view on sharks in the eyes of kids from small mountains towns internationally that otherwise would still barely know sharks and Hawaii even exist.

The fascination for sharks has changed people perspective on them, encouraging wide spread awareness and ocean conservation on a much bigger scale. People start to care about the ocean, position and the well being of a huge ecosystem.

Hawaii is an incredible leader in this shift of perspective worldwide bringing people in from allover the world to experience sharks peacefully without a cage. People that would easily go to other states and countries instead. If this practice die out would be a sad setback in the conservation world.

We think limiting the number of organizations who can run these programs and holding them to high safety standards, like those of One Ocean, should be a requirement. But



we strongly urge you to consider the potential outcomes and consider insights from those who are more familiar with this industry than those who may be proposing the bill.

Thank you for your time and consideration.

Crissy

Mermaids for Change

**SB-3052**

Submitted on: 2/6/2020 12:32:15 PM

Testimony for AEN on 2/7/2020 1:30:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Kayleigh Nicole Burns	Testifying for OneOcean Diving	Oppose	Yes

Comments:

Aloha members of the committee,

My name is Kayleigh Grant and I have a bachelors degree in eco tourism, a marine options program certification from University of Hawaii, a Padi dive master certification, emergency first responder instructor certification, a free diving certification and I am the longest standing safety diver for One Ocean Diving. I have worked at this company for over 5 years and my extensive training alone took one year to complete. I am well versed in shark behavior, biology, and ecology and this bill (SB3052) as it is currently written is in my opinion going to cause a sever risk to public safety as well as the safety and protection to Hawaii's sharks.

One Ocean diving currently provides career opportunity for nearly 40 women in the marine science field. I have seen countless interns, employees, volunteers, and guests interested in the sciences gain the knowledge and skills necessary to achieve career and educational goals. It is imperative that women have the opportunity to thrive in a mostly male dominated industry.

I have now had the opportunity to travel around the globe studying sharks as well as participating in shark tourism and there is no better company than one ocean diving with a strong focus on safety and education. We have taken hundreds of thousands of individuals diving with sharks and still after a decade maintain a perfect safety record.

I have seen, over the 5 years of working offshore of Haleiwa, sharks and other marine life entangled, ingested, harmed, injured, and dead by human impacts. At one ocean diving we work tirelessly to remove debris from the ocean and remove entangled animals, specifically sharks.

We believe there does need to be standards set in place for all of the other companies to get our level of safety while working with wild animals and in the ocean which is an unpredictable place, however, the cageless tour companies should not be eliminated all together. Putting a limit on the permits and add safety requirements is a great idea but if we eliminate the cage less tour operations then kamaaina will go out on their own to see sharks without proper safety guides and safety gear. The current liability for our operation is on us as dive masters and the company since we operate outside of state waters. I would imagine the state could be gaining liability if a visitor or kamaaina of Hawaii go out and get injured within state waters with no safety guide and gear. Millions of people can see that diving with sharks is possible here in Hawaii and they will go out on their own if the tourism is not an option.

Please protect Hawaii's people and sharks by allowing safe and educational programs like one ocean diving to exist so we can teach others how to be safe in Hawaii with sharks and marine life.

Mahalo and Aloha,

Kayleigh Grant

**From:** [ONE OCEAN CONSERVATION](#)  
**To:** [AEN Testimony](#)  
**Subject:** Opposition for SB 3052  
**Date:** Thursday, February 6, 2020 9:35:44 AM

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This testimony is in opposition to SB 3052 on behalf of One Ocean Global. The current version requires significant revision to prevent disproportionate unreasonable impact on an entire industry and safety hazards for the general public.

Imposing restrictions on operators that have high safety standards and thorough emergency protocols that already comply with the majority of this bill would result in many unforeseen and unintended consequences. It will create a safety hazard due to the fact that professional guided cage free operations will no longer be available to the general public. There is a significant diving community in Hawaii that has been introduced to the activity under the supervision of professionally trained guides equipped with trauma and first aid kits for nearly a decade without incident. Accidents like the one that occurred last year in which a woman who chose to go out on her own got bit because she was doing things that cageless companies do not allow are very likely to increase.

Additional consequences include unemployment of over 40 Hawaii residents that specialize in this industry, a significant drop in tourism as hundreds of thousands of people now travel to Hawaii specifically to come just to learn about sharks from the one ocean program would no longer choose to do so if they were confined to a cage as well as a range of benefits the programs like One Ocean directly supports. These include but are not limited to support for conservation groups locally and around the world, local cultural and educational programs (for keiki through university) that are provided and funded by One Ocean Hawaii & One Ocean Education at no cost to the state, as well as private funding for monthly reef-and-beach-clean ups and other local conservation efforts. Countless sharks and other marine life would also likely suffer from extensive amounts of fishing line, rope, plastic bands, and other marine debris that are no longer being removed by safety guides and biologists regularly survey shark aggregation zones.

One Ocean global supports conservationists and campaigns around the globe the materials and platform they need to start making a change locally and hope to inspire enough individuals to make this a worldwide project. We work with ambassadors from around the world and actively support them on a variety of different projects including but not limited to area cleanups, educational outreach, documentary screenings, social media, political influence, campaigns/petitions, and research projects. One Ocean directly supports One Ocean Global, and if this bill were passed it would have a global impact on conservation efforts world wide.

Some portions of the justification for the bill are also based on misinformation. Operations off the north shore of Oahu take place 3 miles off shore outside state waters and already carry insurance that does not exclude shark bites. The bill also references 2 different incidents involving 4 people that were sent to the emergency room for treatment for shark bites. The 3 people involved in the other incident (see above for the first one) did NOT in fact go to the emergency room, they were NOT bitten by sharks but grazed and cut by mackerel tuna (which did not require stitches or emergency medical care) as reported by multiple news outlets.

We do agree with limiting the number of organizations who can run these programs and holding them to high safety standards, like those of One Ocean, should be a requirement. The following revisions would meet the states objectives while minimizing the impact on responsible operators:

1. Clear language should be included that states current cageless operations whom have a perfect safety record, have been in business more than five years, and already have safety protocol in place will be allowed to continue their operations without interruption if this bill passes. (As it is currently written it says "cage-requirement" and "IF" the department...)

2. Insurance requirements should not have to be specific to careless shark tours. It should instead be amended to "Provide insurance with language that states that the coverage does NOT exempt coverage from injuries from sharks."

Because current professional insurance covers almost everything in the ocean when people are guided by a certified divemaster. Insurance usually lists exemptions not all inclusions or situations that people swimming and diving in the ocean could encounter. It is NOT in the states best interest to limit insurance to just coverage for cageless shark diving, as that would limit the current greater open water

3. We also suggest that the state gives operators sufficient time to implement a standardized safety protocol. Allowing a one year period for a standard safety protocol to be written that has clear enforcement guidelines along with a permitting process development time for DLNR/DOBOR to meet with companies to use specialty permits would be an acceptable compromise.

We strongly urge you to consider the potential outcomes and consider insight from those who are more familiar with this industry than those who may be proposing the bill. Thank you for your time and consideration.

This testimony outlines

1. Why you should definitely **NOT** support SB3052 in its current form,
2. The three minimum changes that would make this bill something that should be supported.
3. Information about the actual cageless educational public shark safety program One Ocean
4. The bill with ~~strike through~~ and explanations of the real issues.
5. More information about actual professional cageless operations and their current safety protocol and insurance.
6. A clean draft of the bill with better language and suggested regulations that would actually make the public and sharks safer, and further reduce any chance of liability on the state.

Dear senators,

Please do **not** support this bill in its current form. We made suggestions for rewording regulations below. As is, it seems it leaves the door open to ban educational cageless operations which would be seriously counter productive for public safety, conservation, Hawaii's economy, employment, unique research and public shark safety programs, and the community.

**As it is currently written, this bill will NOT benefit anyone in the community except the cage tour operator who met to get introduced.**

**SB3052 As it is currently written is it HORRIBLE for shark and marine Conservation and PUBLIC SAFETY.**

**Here are the reasons you shouldn't support the current version of SB3052 and the three simple changes needed to make it something that should be supported:**

**Reasons NOT to Support:**

1. Dont support the potential for banning cageless, the bill makes it unclear if it intends to ban it or if the existing companies with a perfect safety record will be grandfathered in. Banning One Ocean Diving cageless operations **WILL create a serious safety hazard** as Kama'aina have been introduced to the activity through the company and have become used to regularly joining the professional guides that are equipped with trauma and first aid kits and trained shark safety guides for nearly a decade. (Case example: The incident mentioned in the proposed bill mentions the Russian woman **who went out on her own** and got bit because she was doing things that One Ocean company does not allow.)
2. Dont support the potential for banning cageless because it would result in the **unemployment** over 40 Hawaii residents, mostly women with a degree in marine science, who work hard to keep perfect safety records.
3. One ocean operations off the north shore who do dives with sharks do so **outside of state water (3 miles) and already carry insurance that does not exclude shark bites**, so the **State of Hawaii would not be responsible for any claims against that company or their activities** as they operate outside of state waters and already cary excess liability insurance.
4. Dont support the potential for banning cageless because it would mean that people who are afraid of sharks may opt to not come to Hawaii. **Tourism will drop** because hundreds of thousands of people now travel to Hawaii specifically to come just to learn about sharks from the one ocean program. Tourism on the north shore has already dropped from the VROB ban.

5. Dont support the potential for banning cageless because it would cut funding and seriously **harm conservation groups** locally and around the **world** that are supported by the One Ocean global program.

6. Dont support the potential for banning cageless because it would **stop the local cultural and educational programs** (for keiki through university) that are provided and funded by One Ocean Hawaii & One Ocean Education at no cost to the state.

7. Dont support the potential for banning cageless because it would **stop private funding for monthly reef-and-beach-clean ups** and other local conservation efforts that are funded and supported by One Ocean at no cost to the state.

8. Dont support the potential for banning cageless because it would mean there would be **hundreds of sharks and other marine life that would likely die** from **entanglement** as the safety guides and **biologists regularly survey and remove extensive amounts of fishing line, rope, plastic bands, and other marine debris from off the sharks** and their aggregation zones.

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**We do agree with limiting the # of organizations who can run these programs and holding them to high safety standards and insurance like those of One Ocean, should be a requirement.**

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**The simple three changes needed to make this bill something more people will support:**

**1. Make it clear** that current cageless operations of One Ocean Diving, whom have a perfect safety record, and have been in business nearly a decade, and already have safety protocol in place **will be allowed to continue their operations without interruption** if this bill passes. As it is

provided that the department may waive  
ment if the operator provides evidence of  
verage for cageless shark tours;

currently written it says “cage-requirement” several times and “provided that the department **may** waive...the cage requirement which is unclear if it **Will** waive.

**2. The language about the insurance requirement should be changed to insurance standard language:**

**“Provide insurance with language that states that persons are covered for swimming or diving in open water (the ocean) and shark bites or injuries from sharks are not exempt.”**

Because current professional insurance covers almost everything in the ocean when people are guided by a certified divemaster. Insurance usually lists exemptions not all inclusions or situations that people swimming and diving in the ocean could encounter. **It is NOT in the states best interest to limit insurance to just coverage for cageless shark diving, as that would limit the current greater open water coverage for things that are more likely to result in hospitalization (jellyfish allergies, boat strike, drowning, etc.)**

**3. Effective Date: Change to allow for one year** for a standard safety protocol to be written for clear



**enforcement guidelines along with a permitting process development time for DLNR/DOBOR to meet with companies to use specialty permits.**

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## **Some Important things you should know about One Ocean:**

The One Ocean diving educational and scientific cageless program **has helped to save lives** by teaching people what to do, and what not to do, to avoid an adverse interaction with a shark. (See documentary “Saving Jaws.”)

The One Ocean diving educational and scientific cageless program **has operated daily for nearly a decade and continues with a perfect safety record. Its founders have over two decades of working in-water with sharks and as water safety officers and training and certifying safety personnel for water related activities.**

The One Ocean diving educational and scientific cageless program **employs mostly women in marine science** and supports an accredited research intern program that allows students in marine science to earn three units of college credit.

The One Ocean diving educational and scientific cageless program Safety guides **train in-water full time for nearly a year** showing **they can anticipate and take action to prevent all potential situations that could lead to injury, identify things that would increase risk including shark behavior changes, agonistic or territorial body language and swim patters, identify and appropriately respond to any sharks coming closer and are experienced in how to deter if needed, and will consistently take every preventative safety measure possible to avoid any accidents.**

During the One Ocean diving educational and scientific cageless program Safety guides gather 62 data variables that support **unique research relating to shark and human-interactions and implications, population trends, abundance and behavior in relation to environmental conditions, etc.**

**The One Ocean diving educational and scientific cageless program has been scientifically proven to have positive conservation impacts.**

Link to study: (Search Barnes, Shark ecotourism has positive conservation impacts.)

The One Ocean diving educational and scientific cageless program **brings millions into Hawaii's economy and employs local residents.**

The One Ocean diving educational and scientific cageless program **teaches all participants about respect for Hawaii, the ocean, and the traditional respect for manō as aumakua, and ocean safety specific to Hawaii and specific to manō.**

The One Ocean diving educational and scientific cageless program biologists and safety guides **save sharks** by regularly remove extensive amounts of fishing line and other items like rope, packaging bands, plastic bag bands, etc from sharks and extensive amounts of marine debris from the areas where they school during the day.

**The One Ocean diving educational and scientific cageless program already requires that all participants are taken through a twenty to thirty minute safety briefing that includes mandatory safety rules and snorkel protocol that are strictly and successfully enforced by all crew members at all times.**

These rules include:

-Masks and Black fins must be worn at all times and people must look around constantly and put their fins towards any shark approaching sharks and stay closer to the boat than the safety guide.

-Safety guides are required to always be closer to the people than any sharks.

- No small bright or shiny colors or anything that would attract attention of sharks.
- No touching sharks (except to deter in an emergency)
- People must stay within twenty feet of the dive ladder/water exit.
- People must stay together and along the side of the vessel.
- GoPro's or other small cameras must be on a non shiny/non colorful pole no longer than 2 feet and hands must be kept off the camera.
- No swimming or diving behind the boat engines
- No swimming or diving under the bow of the boat
- Only one person is allowed to dive down at a time with the safety guide.
- No diving under sharks or close to sharks
- No diving when the sharks are shallow or closer
- No diving if there is a bait ball or exit the water if one forms
- No diving if agonistic territorial behavior is observed in any level of close proximity
- People under four feet tall are not allowed to dive.
- Exit the water immediately if the safety guide asks
- Do not disturb the behavior of the sharks in anyway.

The One Ocean diving educational and scientific cageless program **vessels are equipped with life saving safety equipment** including multiple **tourniquets and trauma kits that are readily accessible within arms reach** of the dive ladder. **All crew members run through regular trauma drills which include 1st Aid and CPR** that prove they can remove a victim from the water, control bleeding within seconds, monitor and prevent shock and cardiac arrest, account for all passengers, check for all boating hazards, alert EMS in a prompt and efficient manner and have everyone back to the dock to meet EMS in under 20 minutes.

The One Ocean diving educational and scientific cageless program founders have worked extensively in-water with sharks for over two decades, this includes working with great white sharks, bull sharks, mako sharks, and tiger sharks without a cage for research and tourism purposes. Shark ecotour programs are present in most coastal countries and also in California and Florida and bring in millions of dollars to each and are a sustainable business. All shark programs in the world operate without the use of a cage (except for great white shark diving) and most all companies use the same insurance that One Ocean carries.

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We do agree with limiting the # of organizations who can run these programs and holding them to high safety standards and insurance like those of One Ocean, should be a requirement.

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## A break down of the bill with explanations and suggested alternatives

Important information for consideration for those that would support SB3052 "Regulation of commercial shark tours"

Tours have operated safely for several decades bringing millions into the state economy and employing locals in an environmentally sustainable and educational activity that further makes Hawaii a unique destination of choice. **The original "cageless" pelagic**

research and educational tours from One Ocean Organization have now operated for nearly a decade and continue to operate without any accidents or incidents due to their strict safety protocol and extensive training programs. They are guided by experienced professionals who revere and respect Manō as aumakua and teach visitors safety and respect for manō and the ocean.

The bill claims to be motivated by two inaccurately referenced incidents that are NOT related to the two professional companies. One incident references a private citizen who took a private boat offshore and was grazed by a shark on her wrist and suffered a minor wound requiring few stitches. **Had she been with an experienced commercial operator** that would not have happened because they have rules against putting small electronics on arms and diving down under sharks. If anything the incident shows that allowing professional guides can and does actually help keep people safer. Banning commercial professional operations will very likely lead to an increase in injuries as the general local public enjoys going out to dive with the sharks with these professional companies on a regular basis now for nearly a decade. The other incident referenced was caused from injuries from a bait ball and was with a registered "Charter Fishing and dive company" called Hawaii adventure Diving LLC. Also this incident would not have happened with the professional cageless company One Ocean that do not allow diving if a bait ball is present or

forms and does not rev engines with people in the water.

**T**he original company, One Ocean Diving that has a perfect safety record, strict safety protocols, extensively trained experts and strong community support and benefits is also the company that stands to be the most burdened by this bill.

The company One Ocean Diving, research, and conservation which has operated its professional educational, research, and conservation pelagic program with the public for nearly a decade and its founders have been working with sharks in Hawaii and internationally without incident and for the majority of their lives. They are internationally recognized authorities on shark behavior, body language, and arguably the most experienced people in the world on shark and human interactions and shark body language. Please check out the book by co-founder Ocean Ramsey who wrote the book on "What you should know about sharks. Shark language, social behavior, human interactions, and life saving information." <https://www.amazon.com/Color-Version-SHOULD-ABOUT-SHARKS/dp/1701890399>

She has worked with over thirty species of sharks, including white sharks and tiger sharks around the world specifically studying social behavior, body language, and human-interactions for about two decades.

Mrs Ramsey is also a 1st Aid and CPR instructor and an AED, Emergency oxygen, and hazardous marine life injuries response Instructor. She was the dive and water safety officer for multiple multi-million dollar corporations and productions that film in Hawaii and has a perfect safety record with all and has train thousands of first responders and divers for emergency response. As the dive safety officer and senior shark researcher she requires the crew of One Ocean Diving to carry safety certifications for 1st aid, cpr, HMLI, and run trauma drills on a regular basis. Her safety regulations exceed industry standards for SCUBA, snorkeling, and most any commercial boating activity in the united states and any shark program in the world. The biologists that guide people in water with sharks train intensively with her and a team of more experienced safety divers for around 1 year before being allowed to guide people on their own. She has put in place protocols specific to the sensory responses and behavior of sharks to add safety layers and put in place preventative training and devices to help mitigate any potential incident and also to take every preventable action to protect against an injury or adverse interaction.

Any company operating with a perfect safety record for many years is almost unheard of but because this company has taken such strict and extensive safety measures they continue to operate without incident and their program is scientifically proven to help further conservation efforts. **See article for more on the scientific findings from the study done on the positive impacts of the program One Ocean**

**Diving:** <https://www.theinertia.com/environment/shark-tourism-can-change-your-mind-about-these-much-maligned-predators/>

The company has other founders with multiple decades of experience and multiple millions of local and international supporters and fifteen divisions for their on-going conservation efforts... We are in support of limiting the shark tourism to the extensively established companies that have a perfect safety record like: "One Ocean Diving and Island View Hawaii and the Cage tour companies: Hawaii Shark Encounters and North Shore Shark Adventures and Haleiwa Shark Tours."

The "charter fishing and dive" company that put people in a baitball is a concern to the industry, sharks reputation, and public safety. Restricting them from operating cageless diving because of their accident with the baitball seems fair and reasonable, but it doesn't seem fair and reasonable to ban cageless shark diving and punish the original professional shark ecotourism operators and researchers who have never had any incidents ever.

As a matter of public safety it would be good to limit shark operations in Hawaii to the north shore of Oahu between two-three miles offshore and no further east than in line with Lani's where they currently operate in the same zone as commercial crab pot fishing. In this way you could advise and/or restrict the public from personally diving in those zones for their own safety as shark diving is safer with a professional guide. We suggest 2-3 miles because



the state currently only has jurisdiction over the first three miles from shore.

Although sharks are heavily sensationalized in mainstream media for generations, in reality, sharks are actually incredibly cautious and tend to avoid people. Think about it, if sharks wanted to eat people they are capable enough that they could do it everyday. Statistically **cageless shark ecotourism is safer as it has the lowest injury rate for its decades of existence compared to almost every other current commercial and recreational activity.** More SCUBA divers die, swimmers drown, skydivers die, helicopters crash, pedestrians are hit, etc. More people die from jellyfish stings, drowning, coconuts falling on their head, etc. Even a natural shark bite where people are swimming or surfing is usually not fatal and the ones that were fatal were because they didn't have someone there to assist them, that's certainly not the case with a trained, certified, and licensed professional within arms reach of everyone on a vessel that is equipped with life saving equipment and is never more than 20 feet away. We do not argue that operating with sharks doesn't have the potential for injury which is why safety requirements should be requirements. However considering its nearly decade of operation without a cage, nearly every day, shark diving with One Ocean is actually statistically safer than most every other commercial nature activity on island.

The requirements we would recommend, that would also limit the amount of extra work that the

DLNR/DAR/DOBOR would need to do, and that are fair and reasonable would be:

1. Limit the number of permits to the organizations/companies that currently have perfect safety records (One Ocean Diving and Island View Hawaii) and the three cage tour companies (North shore shark adventures, Hawaii Shark Encounters, and Haleiwa Shark Tours.) This would essentially block newly formed/forming and most inexperienced companies who do not have a perfect safety record or whom are not as extensively trained and experienced.

2. Require companies to keep records of conducting mandatory trauma drills and emergency response drills every four months that prove they can get any victim and all passengers back to shore within twenty minutes of an incident while attending to any injury or condition including controlling blood loss within seconds.

3. Require each vessel to carry tourniquets, quick clot, gauze, and for cageless companies safety devices such as alarm diversions/drop cameras (a football size bright eye catching device a captain can put in water that drops and hangs at 30ft so if a shark comes very close to a person on the surface the captain can deploy it down so the shark also drops to see what it is and goes away from the person on the surface.. see book " What you should know about sharks" for reference to such device which is highly effective, easy to deploy, non-invasive and can help to offset any attention to people on the

surface so sharks remain in a more natural swim pattern.

4. Require proof and copies of safety protocol that will be shared with the public participants before they get in the water and written protocol for every preventative safety measure that will be taken as part of the permit process.

5. Companies should be required to hire only experience, trained, and competent guides and keep a video record and log of their training and experience on file for review in case of an incident or audit for safety requirements. Or require all new hire guides to go through extensive in-water training under the guidance of an experienced safety diver and document proof they are capable and experienced in consistently taking all possible preventative safety measures, deterring local species such as tiger, sandbar, and galapagos sharks for safety purposes. A video of them effectively deterring sharks from a trainer or dummy could be provided or a log of training hours with an experienced in-water on-island specialist could be another possible way to document or record official training.

6. Require proof of Insurance in excess of 1 million per occurrence for coverage for people in water being guided in open ocean with a professionally trained guide who carries professional liability insurance and a minimum of a divemaster certification which is a

professional certification for guiding groups in open ocean.

7. Set participant regulations to a minimum of four foot height, snorkeling and diving only within thirty feet from the boat and up current of the exit (boat ladder.)

RELATING TO COMMERCIAL SHARK TOURS.

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:**

SECTION 1. The legislature finds that shark boat tours, which began in Hawaii nearly twenty years ago, are increasingly popular with visitors and residents. ~~In recent years, (it started almost a decade ago commercially and several decades ago recreationally)~~ several tour operators have chosen to forsake protective shark cages and encourage customers to swim amongst sharks. ~~In 2019, two separate incidents occurred where one and three persons, respectively, were bitten by sharks off the North Shore of Oahu. All four persons were sent to the emergency room for treatment.~~ **This is not true. There was one private Russian citizen on their private boat who jumped into the ocean with sharks with spear fisherman, this has nothing to do with shark tourism, had she been on a professionally guided charter this wouldn't have happened because they have strict safety protocols.**

**The three people that were with a "charter fishing & dive" company that put people in the water with a bait ball with sharks in the area, again something that the older professional companies would never do.**

~~The legislature finds that shark boat tours are presently unregulated~~ They are regulated the same as commercial dive operators who also take people out diving to see sharks throughout the state, this could be seen as an attack on the greater dive industry if it goes against "cageless" ~~and safety measures~~—The older One Ocean Company has extensive safety protocol, training, and a perfect safety record and are

much safer than SCUBA companies diving with sharks where the potential for an air embolism and decompression sickness add much more risk to shark diving than quietly snorkeling on the surface over the areas where they naturally school., ~~such as they are, vary greatly between operators.~~ This is speculation, but it is true that some companies like One Ocean Diving are extensively more experienced and their crew more rigorously trained with stricter safety protocols in comparison to others. Sharks have the potential to cause great harm and death to humans. True, but sharks are actually very non confrontational and there are fewer deaths from sharks than jellyfish, drownings, even coconuts falling on people's heads, helicopters, motorcycles, cars, hiking, skydiving, paragliding, parasailing, etc all have nearly annual death tolls yet many commercial activities associated with these things continue. There are no deaths or injuries from sharks from One Ocean Diving or the other professional cageless company like Island View Hawaii. We are not against regulation and limiting permits is a great idea as we dont want to see random boats putting people in the water without trained and insured safety divers.

Noting the inherent risks associated with swimming with sharks, and the proliferation of shark tour operations, caged and uncaged, the legislature finds that shark boat tours should be regulated with appropriate codes of conduct, safety standards, and oversight. Agree to reasonable regulation and limitation that is framed by current operators with good practices and perfect safety records like One Ocean Diving

with their ten year cageless educational, research, and conservation program.

The purpose of this Act is to regulate shark boat tour operators, ~~improve public safety,~~ If cageless options are banned there will be accidents with private citizens going out on their own, there are a lot of people who go out very regularly with professional cageless operations and ~~increase protections of shark within state waters.~~ If cageless operations are banned it will cut major conservation efforts and support for local and international programs. The One Ocean Program is scientifically proven to support conservation. <https://www.theinertia.com/environment/shark-tourism-can-change-your-mind-about-these-much-maligned-predators/>

SECTION 2. Chapter 188, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

**"§188- Commercial shark tour regulations.** (a) No commercial shark tour operator shall engage in the business of providing guided shark tours without first receiving a permit from the department. The department shall adopt rules to regulate commercial shark tour operations by permit which shall include but not be limited to:

(1) A maximum number of commercial shark tour permits available on an annual basis; ~~Agree to a limit for the already established companies that are older than two years with a perfect safety record. This will make a cut off for the new or less experienced companies who do not have a perfect safety record.~~

(2) Designation of permitted operating sites; Two-Four miles from the head buoy of Haleiwa harbor and no further east than Waiamea bay and no closer to shore than two miles. 3 miles is federal water (out of state jurisdiction.)

(3) Training for tour guides that shall include advanced first aid and aquatic rescue; Agree, and they should provide proof to DLNR of annually current certifications for all crew and documented regular drills when renewing permits

(4) Education for tour guides on shark biology and ecology administered by the University of Hawaii's Hawaii Institute of Marine Biology; Shark biology and ecology is basic information readily available online, and shared daily with people going out with these companies. If safety is the true concern and reason for this bill than any annual proof of continuing education in dive safety, shark dive safety, hazardous marine life injuries response, or other safety or shark behavior course would be more useful for guides to keep people safer than a text book course.

(5) Requirements that at least one employee of the tour operator shall remain on the vessel at all times; Agree, this is already a requirement for commercial dive operator insurance.

(6) Requirements that all operators shall use shark or diving cages for tours where people enter the water to view sharks; provided that the department may waive this requirement if the operator provides evidence of insurance coverage for cageless shark tours; It would be nice to make it an absolute that the department WILL allow it with proof of insurance because otherwise there is a public safety risk as people will go out on their own if the professional safety guides are no longer available. One Ocean has millions of supporters for cageless shark operations and a perfect safety record. We already have insurance that covers people being guided in the ocean that does not exempt shark bites and our insurance limits are already 1 million more than the state requires. Statistically One Ocean's program truly is safer than swimming at the beach on your own, driving a car, crossing the street, sky diving, horseback riding, hiking, etc. not the whole decade + perfect safety



record industry shut down because one “fishing and dive charters” negligence or accident with a bait ball. Technically the cageless companies have an absolute perfect safety record and the cage tour companies have had a couple injuries from the cage or from sticking their arms out in front of the sharks mouths.

(7) Requirements that the certificate of insurance indicates if coverage is for tours that use cages at all times or if the policy covers tours that allow swimming with sharks outside of a cage; Diving insurance already covers this as scuba, snorkeling, and freediving are all activities where divers can see sharks in their ocean going activity and many divers want to see sharks and purposely dive with them. You should make sure that it is in excess of 1 million in coverage per occurrence and the verbiage for insurance you need to check for its that it does NOT exempt injuries from sharks.

(8) Establishment of a mandatory code of conduct that prohibits the following behaviors:

(A) Night diving in sites identified as habitat critical to the survival of sharks; Agree

(B) Touching or interfering with the natural behavior of sharks; Except in the unlikely event to deter or prevent an accident or for removal of fishing line, plastic, or other entanglement.

(C) Use of more than five pounds of bait approved by the Hawaii institute of marine biology, during daylight hours; Ok? This shows this bill is being pushed by the cage tour companies. We are not opposed to keeping sharks happy offshore and encouraging fish scrap dumping offshore, but if you are allowing this you must explicitly restrict it to never be put in the water when people are in water or you will create a serious safety hazard. We suggest

limiting it to use for cutting fishing line off sharks, and for research purposes only.

(D) Chasing, harassing, or interrupting the swimming patterns of sharks; Except in the unlikely event to deter or prevent an accident or for removal of fishing line, plastic, or other entanglement.

(E) Blocking cave entrances or entrapping sharks; Except in the unlikely event to deter or prevent an accident

(F) Diving in groups totaling more than eight divers; Agree, better wording would be by PADI regulations divemasters are limited to 8 people in the water with them at a time. Dive instructors are licensed to 10 with a divemaster assistant (2 safety.) These are insurable ratios.

(G) Using a mechanical apparatus, including but not limited to scooters, horns, or electronic shark protection devices; Disagree as some of these items can be used for preventative safety (scooter to pick up swimmers in strong currents, we can prove with extensive video that they do not change the sharks behavior.) Horns and bang-sticks should be prohibited. Why would you prohibit a shark protection device? That doesn't make sense.

(H) Operation of a commercial tour activity during a small craft advisory; The companies have been operating off the north shore for years and while small craft advisory's are issued for the different sides of the island the areas where the sharks normally school and where the shark ecotour companies operate are within the wind line of Kahuku allowing them to

operate in rougher forecasted trade and south wind conditions.

Should be a recommendation, not requirement, because 2-4 miles sites are in over 300 feet of water they are not affected by the surf that usually is calculated for small craft advisory and if regulating winds the specific knots that change conditions on the north shore substantially based on over twenty years of experience are:

winds from the north over 15 knots (this is more conservative than Small craft advisory.)

winds from the east over 25 knots,

winds from the south over 30 knots,

and winds from the west over 20 knots are not advised..

(I) Operation of a commercial tour activity during a brown water advisory;

Disagree because the 2-4 miles sites are in over 300 feet of water they are not affected by the brown water from the near shore surf unless there is extensively heavy on-going rains. You may get brown water from river mouth's opening and it is rare that it will make its way three miles or more offshore. A better regulation would be "if visibility is observed to be less than thirty feet dives shouldn't be conducted at that site."

**(9) Revocation of a permit based on the failure to comply with permit conditions; and**

**(10) Annual renewal of permits.**

(b) For purposes of this section, "commercial shark tour operator" means any individual, firm, corporation, association,

partnership, or any group of persons, whether incorporated or not, which provides shark tour excursions for compensation or other consideration."

SECTION 3. New statutory material is underscored.

SECTION 4. This Act shall take effect upon its approval. It would be fair and reasonable to allow a twelve month time for compliance for the new year because otherwise you will cause unfair and unnecessary hardship and economic strain for operators and DLNR to enact this regulation and check each company for safety protocol and records/documentation/licenses/training, etc.

**Report Title:**

Commercial Shark Tour Operations; Regulations; Code of Conduct; Cage Requirements Strongly disagree with the cage requirement. There are millions of local and international supporters who regularly enjoy the cageless shark dives and travel to Hawaii just to go diving with sharks without a cage.

**Description:**

Prohibits commercial shark tour operations from operating without a permit. Requires the department of land and natural resources to adopt rules to regulate commercial shark tours, including dive cage requirements and adherence to a code of conduct. Strongly disagree with the cage requirement. There are millions of local and international supporters who regularly enjoy

the cageless shark dives and travel to Hawaii just to go diving with sharks without a cage.

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*

*Further considerations in support of cageless shark ecotourism:*

- ☆ *The companies provide public safety programs by teaching shark safety, how to avoid a shark incident or bite. Lives have been saved from this information and the number of incidents in the state have decreased with the increased level of awareness. Surfer Keoni Kabowthorpe paddled over and saved a fellow surfers life from a bite in the surf line up because he had gone out with one ocean diving and learned about how to respond to an approaching shark.*
- ☆ *Teaching people how to respond to a shark and having swimmers enjoying the ocean with a professional safety guide is safer than having people swimming on their own.*
- ☆ *People from all over the world are flying to Hawaii specifically to participate in the cageless program which supports locals with jobs, businesses, and brings millions of dollars into the states economy. It is much better for the state of Hawaii's tourism to have the international public given the option for swimming with sharks as a fun activity than the fear of sharks which it significantly helps to offset. The fear of sharks keeps some people away from Hawaii, but with the program people have an opportunity to learn about and enjoy time in the ocean and the majority of participants come back for a dive every year. 90% of people who step onto the boat at the beginning are afraid and unaware of what to do if a shark approaches them. 100% of the participants express feeling better about sharks and understanding what to do to avoid being bitten and what to do if they are ever on their own and approached by a shark. The cageless shark program is a PUBLIC SAFETY PROGRAM that has been proven effective as people write in a year or so later that "while swimming in the Maldives or Tahiti or somewhere they were approached by a shark and responded as taught and swam out of the area safely. Reports from dolphin guides on west Oahu who have learned from the program how to avoid adverse interactions have helped to avoid*

*adverse interactions when their participants were approached by large sharks during a dolphin tour.*

- ☆ *The significance and deep respect for Manō in traditional and modern Hawaiian culture is shared and the beauty of Hawaii and how to respect it safely is shared and enforced with everything from not touching sharks to reef safe sunscreen to mandatory marine debris pick up.*
- ☆ *The company One Ocean Diving, Conservation, and Research offers its program as free for city state life guards, fire fighters, and police officers in order to share safety information for the safety benefit of community emergency responders.*
- ☆ *The organization One Ocean Diving, Conservation, and Research supports students earning up to three units of college credit for their assistance in shark behavior and population studies. The data collection is extensive and being used to further masters and PhD studies in novel and unique studies on shark behavior.*
- ☆ *Shark biology, physiology, behavior, and body language are shared with the public participants as well as information about their plight and conservation efforts.*
- ☆ *The One Ocean program has been scientifically proven to “Shark ecotourism can change people’s attitudes about sharks and make them more likely to support conservation projects” see the study from Dr. Barnes who achieved her PhD from UH and who is now an Environmental Social Science Research Fellow, at ARC center for Excellence and James Cook University.*  
<https://www.theinertia.com/environment/shark-tourism-can-change-your-mind-about-these-much-maligned-predators/>
- ☆ *The Organization has a cultural, educational, global ambassador, and conservation land component for the greater community.*

**Please see links to some of the other divisions that are supported by One Ocean Diving “cageless” educational shark research and dive program:**

<https://www.instagram.com/oneoceanconservation/?hl=en>

<https://www.instagram.com/oneoceanglobal/?hl=en>

<https://www.instagram.com/oneoceaneducation/?hl=en>

<https://www.instagram.com/savetheseaturtlesinternational/?hl=en>

<https://www.instagram.com/waterinspired/?hl=en>

<https://www.instagram.com/oneoceanhawaii/?hl=en>

<https://www.instagram.com/oneoceansharks/?hl=en>

<https://www.instagram.com/oneoceanresearch/?hl=en>

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[https://www.amazon.com/Color-Version-SHOULD-ABOUT-SHARKS/dp/1701890399/ref=pd\\_sbs\\_14\\_t\\_0/138-9870867-5171740?\\_encoding=UTF8&pd\\_rd\\_i=1701890399&pd\\_rd\\_r=15fe6590-3ac0-4fa3-8bf8-be182e8f2376&pd\\_rd\\_w=0J564&pd\\_rd\\_wg=tltg0&pf\\_rd\\_p=5cfcfe89-300f-47d2-b1ad-a4e27203a02a&pf\\_rd\\_r=VVP9ASK1W9B5C0HMPVJS&psc=1&refRID=VVP9ASK1W9B5C0HMPVJS](https://www.amazon.com/Color-Version-SHOULD-ABOUT-SHARKS/dp/1701890399/ref=pd_sbs_14_t_0/138-9870867-5171740?_encoding=UTF8&pd_rd_i=1701890399&pd_rd_r=15fe6590-3ac0-4fa3-8bf8-be182e8f2376&pd_rd_w=0J564&pd_rd_wg=tltg0&pf_rd_p=5cfcfe89-300f-47d2-b1ad-a4e27203a02a&pf_rd_r=VVP9ASK1W9B5C0HMPVJS&psc=1&refRID=VVP9ASK1W9B5C0HMPVJS)

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*Clean Draft of the bill with suggested regulations/requirements/language:*

THE SENATE	<b>S.B. NO.</b>	3052
THIRTIETH LEGISLATURE, 2020		
STATE OF HAWAII		

**A BILL FOR AN ACT**

RELATING TO COMMERCIAL SHARK **ECOTOURS**.

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:**

SECTION 1. The legislature finds that shark boat tours, which began in Hawaii nearly twenty years ago, are increasingly popular with visitors and residents. In the last **decade**, several tour operators **have operated safely without** protective shark cages **observing, researching, and swimming with sharks**.

**Commercial programs like One Ocean Diving and Research and Island View Hawaii have operated safely without a single injury or accident ever now for nearly a decade, however, new companies who lack experience and certifications may pose a safety hazard to the public.** The legislature finds that shark **ecotours** are presently unregulated **by the state** and safety measures vary between operators. Sharks have the potential to cause great harm and death to humans, **but they cause fewer injuries and death than every other ocean-going activity in Hawaii.** **These companies have proven for nearly a decade that this activity can be done safely, however they express concern for new companies starting to attempt to mimic their activities without the extensive experience or required safety protocol.** Noting the **potential for injury** and the damage that would also cause to the industry, the existing organizations and



legislature finds that shark **eco**tours should be regulated with appropriate codes of conduct and safety standards.

The purpose of this Act is to regulate shark ecotour operators, improve public safety, and increase protections of shark within state waters.

SECTION 2. Chapter 188, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

**"§188- Commercial shark tour regulations.** (a) No commercial shark tour operator shall engage in the business of providing guided shark tours without receiving a permit from the department. The department shall adopt rules to regulate commercial shark ecotour operations by permit which shall include but not be limited to:

(1) A maximum number of commercial shark tour permits available on an annual basis to **only those existing permit holders that can prove extensive experience (minimum of five years), safety infrastructure, and sufficient insurance coverage.** :

(2) Designation of permitted operating **areas; limited to north shore, Oahu between two and four miles offshore.**

(3) Training for tour guides that shall include advanced first aid and aquatic rescue;

(4) **Some 3rd party educational program for shark safety or updates on the latest research like the HIMB on Stanford online shark course or PADI specialty course, or any safety course.**

(5) Requirements that at least one employee of the tour operator shall remain on the vessel at all times;

**\*\*\*This is the # 1 issue\*\*\*Its unjust to discriminate against cageless operations and dive companies that have proven they**

can maintain a perfect safety record for nearly a decade\*\*\* (6) Requirements that all operators shall use shark or diving cages for tours where people enter the water to view sharks; provided that the department may waive this requirement if—the operator provides evidence of insurance coverage for **guiding people in the ocean that “does not exclude injuries from sharks”**;

(7) Requirements that the certificate of insurance indicates if coverage is for tours that use cages at all times or if the policy covers tours that allow swimming with sharks outside of a cage;\*This is redundant, item 6 requires proof of coverage for guiding people in the ocean without use of a cage. Item 7 is impractical and not understanding that insurance companies DO cover all marine accidents which includes shark bites, medical from jellyfish allergies, boat strike, drowning, reef cuts, etc, but they don't specifically list cageless, they provide much greater coverage for guiding people in the ocean and all its hazards, because the whole ocean is cageless, if that makes sense, they wont distinguish open ocean but they can distinguish “confined water” like that from a cage or pool vs unconfined water, and they can state that the coverage does not exclude injuries from sharks.

(8) Establishment of a mandatory code of conduct that prohibits the following behaviors:

(A) Night diving in sites identified as habitat critical to the survival of sharks;

(B) Touching or interfering with the natural behavior of sharks, **except when absolutely necessary for a safety reason;**

(C) Use of more than five pounds of bait **only if, and when, no one is in the water** during daylight hours; Please You must NOT allow this without the strict stipulation that bait, if ever used, can only ever be put in water when no person is in water, and only at current sites between 2.5-4 miles offshore from Haleiwa harbor. It is actually safer to feed sharks

offshore so they stay offshore since so many fish scraps are discarded from daily fishing nearshore this could actually increase safety in the community to offer fish scrap dumping offshore.

(D) Chasing or harassing sharks,

(E) Interrupting the swimming patterns of sharks, **except when necessary for safety;**

(F) Blocking cave entrances or entrapping sharks;

(G) Diving in groups totaling more than eight divers **per certified divemaster;**

(H) Using a mechanical apparatus, including but not limited to scooters, horns, or electronic shark protection devices;\*\*\*Some of these are protective devices and can actually help people stay safer\*\*

(I) Operation of a commercial tour activity during a small craft advisory;

(J) Operation of a commercial tour activity **in conditions with less than thirty feet of visibility;**

(K) Cageless operations must require the use of dark colored fins, masks, and snorkels at all times and only operate within thirty feet of a dive ladder that is always readily accessible.

(L) Cageless operators must provide the standard safety briefing that informs and restricts the behavior of their divers from splashing or disturbing the sharks.

(M) In water safety guides for cageless operations must enforce the standard safety rules that restricts the behavior of their divers from splashing or disturbing the sharks at all times.

(N) In water safety guides for cageless operations must carry a minimum of a PADI divemaster certification and current professional liability insurance for coverage for people under their guidance.

(O) In water safety guides for Cageless operations must enter the water first and remain in-water at all times during the dive enforcing safety rules and protocol such as keeping eyes in water, looking around, staying close to other people and the boat, not splashing, not wearing shiny or bright items, and generally not doing anything that would disturb or catch the attention of the sharks in the general area.

(P) In-water safety guides must always be in a position so that they are always closer to the people they are guiding than the closest shark.

(9) Revocation of a permit based on the failure to comply with permit conditions; and

(10) Annual renewal of permits.

(b) For purposes of this section, "commercial shark **eco**tour operator" means any individual, firm, corporation, association, partnership, or any group of persons, whether incorporated or not, which provides shark tour excursions for compensation or other consideration."

SECTION 3. New statutory material is underscored.

SECTION 4. This Act shall take effect within **one year, upon its approval, for safety**

protocol and permits to be submitted by existing companies and for DLNR to approve standard operating safety procedures.

INTRODUCED BY:	_____
	_____

**Report Title:**

Commercial Shark Tour Operations; Regulations; Code of Conduct; ~~Cage Requirements~~

**Description:**

Prohibits commercial shark tour operations from operating without a permit. Requires the department of land and natural resources to adopt rules to regulate commercial shark tours, including ~~dive cage requirements~~ and adherence to a code of conduct approved by the department and **co-drafted by the existing cage and cageless companies that have perfect safety records.**

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*

**SB-3052**

Submitted on: 2/4/2020 12:43:28 PM

Testimony for AEN on 2/7/2020 1:30:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Ron Dellinger	Individual	Support	No

Comments:

I strongly support SB3052, as these Commercial Shark tour endeavors need to be regulated to protect the public and establish protective standards for the industry and aquatic environment. The shark tours are at present operating unchecked and out of control. In what universe does this make sense? Please act responsively for the community.

**SB-3052**

Submitted on: 2/4/2020 6:28:04 PM

Testimony for AEN on 2/7/2020 1:30:00 PM

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

Comments:

Once again, if DLNR was doing their job all the time we would not have gotten to this point, I believe. Please give them the funds and keep them accountable, then we can support.

**SB-3052**

Submitted on: 2/4/2020 2:28:15 PM

Testimony for AEN on 2/7/2020 1:30:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
William K. Chang	Individual	Support	No

Comments:

I Support this bill.

Thank you for allowing my testimony.

William Chang



**SB-3052**

Submitted on: 2/4/2020 10:48:44 PM

Testimony for AEN on 2/7/2020 1:30:00 PM

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

Comments:

I am in support of SB3052.

Thank you,

Brian F. Funai

Keaau, Hawaii 96749

**SB-3052**

Submitted on: 2/5/2020 1:28:39 PM

Testimony for AEN on 2/7/2020 1:30:00 PM

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

Comments:

My name is Carl Meyer. I have studied sharks in Hawaii and elsewhere around the globe for almost 30 years. I previously published a peer-reviewed scientific paper specifically characterizing the shark ecotourism activities occurring in waters off Haleiwa.

**Meyer CG**, Dale JJ, Papastamatiou YP, Whitney NM, Holland KN. 2009. Seasonal cycles and long-term trends in abundance and species composition of sharks associated with cage diving ecotourism activities in Hawaii. *Environmental Conservation* 36: 104–111

I strongly support sensible regulation of the shark ecotourism industry in Hawaii. Other jurisdictions around the world including South Africa and Australia have implemented legally permitted shark ecotourism with clearly defined industry codes of conduct and adaptive management with ongoing scientific assessments. There is no a priori reason why this should not be done in Hawaii.

Shark ecotourism provides people with opportunities to encounter sharks in their natural habitats and learn about their biology. When correctly managed this is a safe and sustainable industry because revenue is generated from live sharks and the volume and locations of these activities are restricted to minimize potential ecological impacts.

Current shark ecotourism activities in Hawaii are immensely popular bringing hundreds of visitors to Haleiwa each day to see sharks. These visitors also visit Haleiwa town to patronize local restaurants and buy souvenirs. This provides much needed economic opportunity for the local community including jobs within the shark ecotourism industry itself.

The popularity of shark ecotourism has resulted in a burgeoning number of these activities off Haleiwa, particularly the cageless excursions where people snorkel in open water with sharks. When I published the characterization of the industry in 2009, there were just two companies operating cage-diving tours off Haleiwa. Now there are approximately 14 companies, most of whom offer cageless snorkeling with sharks. There is no regulation of these activities beyond basic coastguard boating requirements which are minimal for vessels carrying up to 6 passengers. There are no limits on how many of these activities can occur or where they can occur. There is no requirement for

any training in shark biology or advanced first aid, and no standardized industry code of conduct prescribing how these activities are carried out. These deficiencies increase the risk of unwanted ecological impacts and serious accidents. In 2019, 3 people were bitten by sharks during the same cageless snorkeling tour. First-person witness statements from this incident can be viewed on archived media pages:

<https://www.kitv.com/story/41068652/three-people-suffer-from-apparent-shark-bites-at-haleiwa-boat-harbor>

The injuries suffered in this incident were mild to moderate but demonstrate the clear potential for serious injuries to occur when shark ecotourism activities occur outside a cage. At minimum companies operating these kinds of activities should be required to have personnel with advanced first aid training and appropriate trauma kits onboard every vessel.

Other important considerations include capping the total number of operators, defining the areas of operation, capping the amount of attractants used, setting a ratio of tour guides:customers for in-water activities, ensuring guides have formal training in basic shark biology and ecology, and requiring a commercial permit for these operations.

The bill introduced by Senator Riviere systematically addresses the key concerns surrounding shark ecotourism in Hawaii and provides a carefully considered framework for sensible regulation of this industry.

I strongly support this bill and urge you to pass it.

**SB-3052**

Submitted on: 2/5/2020 6:57:04 PM

Testimony for AEN on 2/7/2020 1:30:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Juan Oliphant	Individual	Oppose	Yes

Comments:

SB3052

Dear Senators

I'm writing in opposition to this bill because the potential language that sounds like it may somehow ban educational cageless shark diving programs like One Ocean Diving that have a 100 percent safety record, and above standard insurance. I would like to support limiting permits and standardizing safety protocol to protect the industry, I can't support it as its currently written

I'm a co-owner in One Ocean Diving and have been running dive operations with sharks all over the globe since 2003 with a perfect safety record. I have also been vice president of the NGO Save The Sea Turtles International since 1996 and help to establish the protection of the Pupukeya marine district. I started One Ocean Diving with Ocean Ramsey in 2103 in Hawaii and have continued a perfect safety record. We operate with seasoned shark marine biologists as in water guides. We have a strict ratio for guides to guest. The program is extremely educational and supports multiple ocean conservation efforts. The educational shark safety information learned during dives is essential for anyone entering the ocean. We offer it free to any professional in Ocean safety employed by the state and have provided it for many lifeguards, firemen, Hawaiian water patrol, and 1st aid responders.

We have full insurance coverage for anything that happens in the ocean including shark bites, jellyfish stings, drowning, boat strikes, scuba diving, and any accident that could occur during a cageless shark dive with us.

Cageless shark diving is also much less likely to have an incident than almost any activity permitted by the state of Hawaii. There have been multiple deaths just in 2019 with scuba divers, and helicopter tours. Also, this activity is much safer than Sky diving, hiking, zip-lining, parasailing, swimming, and rock climbing, all of which have had deaths that occur during these guided actives in Hawaii.

This bill seems misguided, unjustly, and would only benefit the caged operations, not the state of Hawaii, or the public.

We also employ over 25 residents that rely on this job for the well being of their families. This seems unjust since they have operated perfectly as a team and will be punished for something a Russian girl went and did on her own (which wouldn't have happened with us) and a fishing company putting people in a bait ball was an illogical thing to do as well.

Hundreds of thousands of people come to Hawaii specifically to dive with One Ocean Diving. We have millions of international supporters and a strong Kama'aina base from growing up here on the north shore and locals love coming diving with us and learning more about manā• .

I believe there is a need for basic regulations for this activity, and to restrict the permits to the existing companies, but an all-out ban is not good for the local community, economy and the safety for people entering the ocean. I can't support this bill with a potential ban on cageless shark dives. Ocean Ramsey and I are the leading experts in shark diving safety and can happily offer suggested safety regulation criteria to state agencies.

Mahalos for time on this issue.

Juan Oliphant

**SB-3052**

Submitted on: 2/6/2020 11:17:02 AM

Testimony for AEN on 2/7/2020 1:30:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Taylor Ostermiller	Individual	Oppose	Yes

Comments:

I am NOT in support of this bill. This bill makes it unclear if it intends to ban it or if the existing companies with a perfect safety records will be grandfathered in. This WILL also create a LARGE safety risk. Without trusty, record clean, trained professionals to assist in SAFE exploration of the water with sharks, people will just go out on their own. This will also result in unemployment for over 40 Hawaiiin residents. One Ocean Diving operates outside of state water (3 miles) and the state would not be held liable or responsible for any claims. Tourism will also drop as SAFE shark diving/research/exploration is a large attraction to the island. This would harm conservation groups, it would stop the local cultural and educational programs, and stop funding for monthly reef and beach clean ups.

**SB-3052**

Submitted on: 2/6/2020 11:18:41 AM

Testimony for AEN on 2/7/2020 1:30:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Taylor Walston	Individual	Oppose	Yes

Comments:

I am NOT in support of this bill. This bill makes it unclear if it intends to ban it or if the existing companies with a perfect safety records will be grandfathered in. This WILL also create a LARGE safety risk. Without trusty, record clean, trained professionals to assist in SAFE exploration of the water with sharks, people will just go out on their own. This will also result in unemployment for over 40 Hawaiiin residents. One Ocean Diving operates outside of state water (3 miles) and the state would not be held liable or responsible for any claims. Tourism will also drop as SAFE shark diving/research/exploration is a large attraction to the island. This would harm conservation groups, it would stop the local cultural and educational programs, and stop funding for monthly reef and beach clean ups.

**SB-3052**

Submitted on: 2/6/2020 11:19:07 AM

Testimony for AEN on 2/7/2020 1:30:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Blake Thompson	Individual	Oppose	Yes

Comments:

I firmly oppose SB 3052 in its current form. While the bill appears to be motivated by safety reasons it actually will likely result in more accidents and create a significant safety hazard as it currently stands. For example, professionally guided companies that have a perfect safety record after nearly 10 years of operating have never had an incident due to strict safety protocols, whereas a woman was bitten last year due to the fact that she went out on her own on a non-commercial boat without a trained experienced guide partaking in actions that responsible operators do not allow.

Some portions of the justification for the bill are also based on misinformation. Operations off the north shore of Oahu take place 3 miles off shore outside state waters and already carry insurance that does not exclude shark bites. The bill also references 2 different incidents involving 4 people that were sent to the emergency room for treatment for shark bites. The 3 people involved in the other incident (see above for the first one) did NOT in fact go to the emergency room, they were NOT bitten by sharks but grazed and cut by mackerel tuna (which did not require stitches or emergency medical care) as reported by multiple news outlets.

Certain operations like One Ocean Research and Diving actually improve safety for residents and visitors alike as they share information on how to reduce chance of an adverse interaction and important factors to consider should one encounter a shark.

The bill also imposes unfair restrictions that would have a disproportionate impact on entire industry including at least 40 Hawaii residents including a significant portion of women with a scientific background. Many have built a career centered around these operations which would force them to relocate as in water data collection, field research, and underwater conservation photography would be next to impossible from the confines of a cage.

One program in particular (One Ocean) also provides many benefits for the local and international community that would no longer be possible if they were forced to operate with a cage. Benefits such as the following would no longer be possible under currently drafted legislation:

- funding for conservation for groups and campaigns here in Hawaii as well as globally via One Ocean Global



-Cultural and educational programs from keiki in the form of complimentary educational outreach events and research assistant internships

-private funding for monthly reef and beach cleanups

-monitoring and disentanglement of sharks and other marine life as operators actively remove extensive amounts of fishing line, rope, plastic bands, and other marine debris from off the sharks and their aggregation zones.

-Significant revenue for the state and other local businesses from tourists that specifically come to Hawaii to participate in this unique activity

I want to clarify that I do not disagree with the entirety of the bill. It is true that safety measures vary greatly between operators, and we would support it if the following changes were made. The bill should clarify that responsible operators that already comply with proposed regulations, have a perfect safety record with protocols in place, and have been in operation for at least five years will be allowed to continue operations without interruption. Language for the insurance requirement should also be amended to clarify that operators provide insurance with language that states the coverage does not exclude injuries from sharks, as current professional liability insurance covers almost everything in the ocean and usually lists exceptions rather than inclusions. We also suggest the effective date be amended to allow for one year for a standard safety protocol to be written for clear enforcement guidelines along with a permitting process development time for DLNR/DOBOR to meet with companies to use specialty permits.

Please do not pass this bill in its current form.

**SB-3052**

Submitted on: 2/6/2020 11:44:43 AM

Testimony for AEN on 2/7/2020 1:30:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Shiloh Oliberos	Individual	Oppose	Yes

Comments:

Cageless shark diving provides a platform to stress the cultural and traditional importance of the Mano, which is the Aumakua of a lot of Hawaiian families. Being born and raised in Hawaii, I have the greatest respect for these wonderful animals. I've been in and around the ocean my entire life.! It is important and gratifying for me to teach people about these awesome animals, and share knowledge of how important it is to protect and respect these animals. Best way of showing that is by these cageless tours.! Mainstream media and Hollywood has labeled sharks as "man eaters", which clearly they are not!. Being able to interact with these animals, cageless, first hand, has taught people behavior and biological facts that go unnoticed.

**SB-3052**

Submitted on: 2/6/2020 11:46:57 AM

Testimony for AEN on 2/7/2020 1:30:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Forrest Thomas	Individual	Oppose	Yes

Comments:

I have been diving with sharks since I was 8 years old growing up in the Bahamas where sharks are protected and loved. My love for these animals is one reason I travel the world trying to change the global perspective for sharks. If this bill passes I will not be able to properly show people what these animals are like in order to save them. I currently live on North Shore of Oahu working at One Ocean Diving for its professionalism and strict safety rules which allows me to reach a greater audience to share my love.

Over my life time I have seen several people going out to dive with sharks all over the world and have no safety knowledge. If this bill passes people will still go out on their own boats and dive with no trained professionals, like we have seen in 2019. With One Ocean Diving allowed to continue to bring people out safely it will minimize the possibility of people getting into dangerous situations.

One Ocean Diving monitors weather carefully, and always makes safe calls. One advantage of running a cage less shark diving operation is no risk of being injured by the cage itself, and being able to run trips farther off shore where water will be clearer and safer. I have personally seen many people injured by getting in and out of cages because of rough seas.

One Ocean Diving also helps spread as much safety information when it comes to interacting with sharks. There have been several people that have said coming out with One Ocean Diving has given them the tools and knowledge they needed while Spearfishing, scuba diving, and surfing when sharks have approached them.

Thank you for reading this and hearing it hat everyone has to say. Passing this bill will cause many locals to lose their jobs on North Shore of Oahu.

Mahalo!  
-Forrest



**SB-3052**

Submitted on: 2/6/2020 12:01:48 PM

Testimony for AEN on 2/7/2020 1:30:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Tracy Izor	Individual	Oppose	Yes

Comments:

I strongly oppose this bill and believe you all should oppose it as well. With years experience working and sharing information about predators and limiting negative human/predator interactions, I know allowing safe and regulated cage-free shark dives is a great way to inform the general public what to do if they find themselves in a situation on their own with a shark. I work as a predatory scientist with sharks and have seen the positive change over the years that people have had for sharks. Not only have they become more informed on safety after coming on a cage-less shark dive, but they become more aware and invested in protecting the ocean. As the ocean is a huge part of Hawaii's tourism, it is crucial to get people to protect this valuable asset. Both ecologically and economically. I have also been fortunate enough to work with and teach children about the value of respecting the ocean and sharks. I can't stress enough being able to show children that we can safely coexist with these animals in a safe manner. Bringing them out to see the sharks is the most effective way to teach them that. Please stop this bill as ending these operations would only increase safety hazards and not allow professionals to continue teaching proper safety guidelines.

**SB-3052**

Submitted on: 2/6/2020 12:02:14 PM

Testimony for AEN on 2/7/2020 1:30:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Andriana Fragola	Individual	Oppose	Yes

Comments:

I am in strong opposition of bill SB3052 because although it seems as though it would be implementing more safety standards it actually could lead to an increase of incidents. Many local people have the opportunity to come out on a professional tour with a trained guide, if that is no longer an option people will continue to do so without the safety and knowledge that a guide has. Which is what can lead to more incidents and unsafe situations. As a shark biologist, being able to teach people on how to most safely interact with sharks if they ever run into one snorkeling or taking part in any other water activity, is so vital for minimizing incidents. That is something that is very important and unique about having cage-less shark tours that focus on biology and conservation. That is information and experience that could help save lives in the future - protecting both people and sharks. Many individuals also travel to Hawaii specifically for cage-less shark tours so banning the option for cage-less tours would be detrimental for Hawaii's eco-tourism. If this bill was implemented over 40 Hawaii residents including many women with a scientific background would be displaced and unemployed. Overall passing this bill the way it is currently written would result in severe negative consequences for safety of the local community and eco-tourism for Hawaii as a whole.

**SB-3052**

Submitted on: 2/6/2020 12:05:02 PM

Testimony for AEN on 2/7/2020 1:30:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Daniel Iomas	Individual	Oppose	Yes

Comments:

As a shark biologist I firmly oppose SB 3052 in its current form. While the bill appears to be motivated by safety reasons it actually will likely result in more accidents and create a significant safety hazard as it currently stands. For example, professionally guided companies that have a perfect safety record after nearly 10 years of operating have never had an incident due to strict safety protocols, whereas a woman was bitten last year was due to the fact that she went out on her own on a non-commercial boat without a trained experienced guide partaking in actions that responsible operators do not allow. This bill will support these sort of incidents due to the fact the demand to go free swim these animals is still going to exist and by passing this bill will only encourage people to go and interact with these animals without proper safety equipment and safety personnel.

As well as this, some cage-less tours (one ocean) also provide an educational service of how to safely deter these animals if ever encountered in the wild. Behavioural studies coming from these tours looking at how sharks interact in the presence of humans is imperative for stopping negative interactions. For example, educating the surf community in Hawaii who have interactions with these animals on a fairly regular basis.

The bill also imposes unfair restrictions that would have a disproportionate impact on entire industry including at least 40 Hawaii residents including a significant portion of women with a scientific background. Many have built a career centered around these operations which would force them to relocate as in water data collection, field research, and underwater conservation photography would be next to impossible from the confines of a cage.

One program in particular (One Ocean) also provides many benefits for the local and international community that would no longer be possible if they were forced to operate with a cage. Benefits such as the following would no longer be possible under currently drafted legislation:

- funding for conservation for groups and campaigns here in Hawaii as well as globally via One Ocean Global

-Cultural and educational programs from keiki in the form of complimentary educational outreach events and research assistant internships

-private funding for monthly reef and beach cleanups

-monitoring and disentanglement of sharks and other marine life as operators actively remove extensive amounts of fishing line, rope, plastic bands, and other marine debris from off the sharks and their aggregation zones. Media evidence on social media

-Significant revenue for the state and other local businesses from tourists that specifically come to Hawaii to participate in this unique activity.

-partner and staff international researchers to continue ongoing research done independently by individual and collective research as an entity

I want to clarify that we do not disagree with the entirety of the bill. It is true that safety measures vary greatly between operators, and we would support it if the following changes were made. The bill should clarify that responsible operators that already comply with proposed regulations, have a perfect safety record with protocols in place, and have been in operation for at least five years will be allowed to continue operations without interruption. Language for the insurance requirement should also be amended to clarify that operators provide insurance with language that states the coverage does not exclude injuries from sharks, as current professional liability insurance covers almost everything in the ocean and usually lists exceptions rather than inclusions. We also suggest the effective date be amended to allow for one year for a standard safety protocol to be written for clear enforcement guidelines along with a permitting process development time for DLNR/DOBOR to meet with companies to use specialty permits.



**SB-3052**

Submitted on: 2/6/2020 12:08:08 PM

Testimony for AEN on 2/7/2020 1:30:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
ikuyo goto	Individual	Support	No

Comments:

I strongly believe that swimming with shark “with no cage” is very dangerous and It is not good for Shark’s ecology because they chase sharks and touch them in open water.

Either “with cage” or “no cage”, Shark tours are giving positive impact to state’s economy. However before fatal accidents happen, State should look into these “no-cage operators” very carefully and regulate them.

I support this bill,

Ikuyo Goto Pavsek

**SB-3052**

Submitted on: 2/6/2020 12:20:52 PM

Testimony for AEN on 2/7/2020 1:30:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Paul Orbegoso	Individual	Oppose	No

Comments:

I strongly oppose SB3052 because although it highlights safety standards it will result in more incidents. Not having a cage-less tour available with trained guides will result in amateurs putting themselves in unsafe situations that could result in injury. Having a trained guide is crucial for having safe interactions with sharks.

**SB-3052**

Submitted on: 2/6/2020 12:25:30 PM

Testimony for AEN on 2/7/2020 1:30:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Alexis Araw	Individual	Oppose	Yes

Comments:

I do Not support SB3052

As a female marine biologist and captain I strongly oppose SB3052. Working with One Ocean Diving, a well respected, extremely safe, conservation and research focused organization I have witnessed the respect, support and success of women working in the field. Taking away these operations will limit opportunities for women around the globe to get involved in tourism, science and marine-related careers. This bill will also result in unemployment of numerous Hawaii residents and will create a serious public safety hazard. As a captain who operates a vessel with professional guides and has enforced strict rules when entering the water with sharks, we have educated people on the proper and safe techniques when approached by a shark in the water in order to reduce the chance of an adverse interaction. Without safety focused cageless operations to educate the public, people may decide to try to swim with sharks on their own without taking safety into consideration.

**SB-3052**

Submitted on: 2/6/2020 12:24:37 PM

Testimony for AEN on 2/7/2020 1:30:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Mackenna Cady	Individual	Oppose	Yes

Comments:

Aloha, Members of the Committee,

Thank you for taking the time to read my testimony.

I am in opposition of the current version of SB3052.

I used to be terrified of sharks. My prior perception of these animals was clouded by exaggerated and fictitious portrayals of them in the media & as a result, I developed an irrational fear that these creatures were no more than mindless monsters. But after a while of being afraid of going into the ocean, I was finally fed up with my fear & decided to do a little online research.

I came across One Ocean Diving, which runs education and conservation-based cage-free shark snorkel charters. With my new curiosity of sharks, this experience enamored me, although I was a little hesitant. However, I read more about this company's value of customer safety and that they have a 100% safety record, so that eased many of my nerves. I booked a spot, and the experience with this program changed my life forever.

Seeing sharks in-person under the safety protection of the highly-trained and knowledgeable crew, I fell in love with these animals. My perception of these creatures evolved into fascination and awe.

What was especially helpful to me overcoming my fear, though, was how the crew educated me about shark safety & what to do to prevent any possible negative shark encounter if I were to come across a shark on my own time. Without that experience, I wouldn't know how important looking around, making eye contact, and keeping splashing to a minimum was--to name a few example-- while enjoying time in the ocean.

It also furthered my interest in ocean conservation (as sharks are incredibly important for the ecosystem) and making positive changes for the planet, which has become an immense passion project in my life.

I know I am not an isolated case. My experience genuinely changed my life for the better, and I would hate to see something so beneficial to the ocean, to the people, and to the planet go away.

Mahalo for your time and consideration.

**SB-3052**

Submitted on: 2/6/2020 12:26:16 PM

Testimony for AEN on 2/7/2020 1:30:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Alana Nakamura	Individual	Oppose	No

Comments:

Aloha,

I'm a Haleiwa resident that works as a publisher in Hawaii. Not in support of this bill because I have gone on a cageless shark dive with One Ocean Diving and thought it was one of the best things I have ever paid to do in Hawaii. As an avid surfer, I have always had a fear of sharks, which limited my enjoyment of the ocean here in Hawaii. This experience completely changed my perception of the ocean and sharks because of the amount of educational information given about how to safely interact with sharks. I understand that we have to share the ocean with these animals and this program gives people the information and skills to be able to do that safely. Banning this program would hinder public safety not preserve it.

Thank you,

Alana Nakamura

**SB-3052**

Submitted on: 2/6/2020 12:34:14 PM

Testimony for AEN on 2/7/2020 1:30:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Daniel Francis	Individual	Oppose	No

Comments:

As a shark biologist I firmly oppose SB 3052 in its current form. While the bill appears to be motivated by safety reasons it actually will likely result in more accidents and create a significant safety hazard as it currently stands. For example, professionally guided companies that have a perfect safety record after nearly 10 years of operating have never had an incident due to strict safety protocols, whereas a woman was bitten last year was due to the fact that she went out on her own on a non-commercial boat without a trained experienced guide partaking in actions that responsible operators do not allow. This bill will support these sort of incidents due to the fact the demand to go free swim these animals is still going to exist and by passing this bill will only encourage people to go and interact with these animals without proper safety equipment and safety personnel.

As well as this, some cage-less tours (one ocean) also provide an educational service of how to safely deter these animals if ever encountered in the wild. Behavioural studies coming from these tours looking at how sharks interact in the presence of humans is imperative for stopping negative interactions. For example, educating the surf community in hawaii who have interactions with these animals on a fairly regular basis.

The bill also imposes unfair restrictions that would have a disproportionate impact on entire industry including at least 40 Hawaii residents including a significant portion of women with a scientific background. Many have built a career centered around these operations which would force them to relocate as in water data collection, field research, and underwater conservation photography would be next to impossible from the confines of a cage.

One program in particular (One Ocean) also provides many benefits for the local and international community that would no longer be possible if they were forced to operate

with a cage. Benefits such as the following would no longer be possible under currently drafted legislation:

- funding for conservation for groups and campaigns here in Hawaii as well as globally via One Ocean Global
- Cultural and educational programs from keiki in the form of complimentary educational outreach events and research assistant internships
- private funding for monthly reef and beach cleanups
- monitoring and disentanglement of sharks and other marine life as operators actively remove extensive amounts of fishing line, rope, plastic bands, and other marine debris from off the sharks and their aggregation zones.
- Significant revenue for the state and other local businesses from tourists that specifically come to Hawaii to participate in this unique activity.
- partner and staff international researchers to continue ongoing research done independently by individual and collective research as a single entity

I want to clarify that we do not disagree with the entirety of the bill. It is true that safety measures vary greatly between operators, and we would support it if the following changes were made. The bill should clarify that responsible operators that already comply with proposed regulations, have a perfect safety record with protocols in place, and have been in operation for at least five years will be allowed to continue operations without interruption. Language for the insurance requirement should also be amended to clarify that operators provide insurance with language that states the coverage does not exclude injuries from sharks, as current professional liability insurance covers almost everything in the ocean and usually lists exceptions rather than inclusions. We also suggest the effective date be amended to allow for one year for a standard safety protocol to be written for clear enforcement guidelines along with a permitting process development time for DLNR/DOBOR to meet with companies to use specialty permits.



**SB-3052**

Submitted on: 2/6/2020 12:36:38 PM

Testimony for AEN on 2/7/2020 1:30:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Chiara Salomoni	Individual	Oppose	Yes

Comments:

This testimony is in opposition to SB 3052.

I support most of the points in this bill because safety in the water with sharks should be number one priority to everyone seeking this loans of experience.

Limiting permits for this practice to cage tours operations only would be a huge setback for conservation, especially since I consider Hawaii a leader in shark awareness and safe shark diving.

Moreover, a considerable chunk of people that visit Hawaii from allover the world because of the SAFE AND EDUCATIVE cage-less shark diving would start filtering to other states in the US or other countries all together, because, let's face it, if I had to be in a cage I would definitely not come to Hawaii and pick South Africa, Mexico, or Australia.

I dedicated my life to marine conservation. As an artist and specially an underwater photographer I'm forever grateful for what hawaii has taught me in terms of water safety when in the water with the sharks.

I come from a small town in Italy, a country that not only doesn't have careless operations in its sea but doesn't even have an healthy sea to begin with. I moved and obtained very expensive visas to be able to learn and legally work along side sharks, guided by One Ocean Diving, an organization that strongly focuses on the highest safety standards and emergency protocols.

In my career as underwater photographer I never felt safer in the water nor more knowledgeable, because of the trained safeties I get to work with and the skills provided by One Ocean Diving.

I feel like Hawaii would lose out if the working in this bill doesn't change to protect and regulate safety protocols for cage-less tours. First, because of personal experience as my life and my career wouldn't be the same at this point without this practice. Second, because of the experience of others I get to acknowledge every day, sparking kids love for sharks and educating adults from allover the world.

Thank you

Chiara Salomoni

**SB-3052**

Submitted on: 2/6/2020 12:38:15 PM

Testimony for AEN on 2/7/2020 1:30:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Ocean Ramsey	Individual	Oppose	Yes

Comments:

Please don't support this bill as it is currently written is is bad for Hawaii's residents, economy, environment, and will have unintended consequences for public safety that may result in death or serious injury. The term "the department "MAY" allow cageless is not the same as the department "WILL" allow cageless, leading me to believe that there may be no guarantee that cageless will be allowed if this bill passes, which WOULD CREATE A PUBLIC SAFETY HAZARD, given that for nearly the last decade people have become accustomed to jumping on the professional One Ocean boats with a professional safety guide and biologist to go out and enjoy time learning about and snorkeling with sharks under the safety and guidance of an insured and equipped crew. Without the option to join cageless charters there will be many boats of private citizens going out to enjoy time with sharks and doing things that the professional charters don't allow, and just like the Russian girl who went out on her own and got bit on the wrist doing things that the commercial professional charters don't allow many more similar incidents will happen.

I do agree with limiting the number of permits to those companies who already exist and only those with a perfect safety record. Not the "Charter fishing & dive" company who put people in the water with a bait ball.

Please defer this bill as it will cause the unemployment of over 40 Hawaii residents who have worked nearly a decade commercially and have a perfect safety record. Many of the individuals who work for One Ocean are women with marine science degree's who collect data on marine life for unique studies. Passing this bill will put them out of a job and stop important studies on shark abundance, behavior, and human interactions.

This bill will cut one of the most influential programs for shark and marine conservation. The one Ocean program is also a public shark safety program and specifically teaches people what to do and what not to do to avoid a shark bite and has literally helped save lives by teaching people who later responded to a shark approach or helped someone who had been bitten.

The one ocean diving shark research and public program has millions of supporters, hundreds of thousands of people travel specifically to Hawaii to join their team of marine biologists, specialists, and safety guides just to learn about sharks and support their efforts. Passing this bill, if it bans cageless is bad for Hawaii's economy, bad for Hawaii

residents, and bad for sharks because it cuts conservation support and One Ocean biologists literally help save sharks lives by removing fishing line and other entanglement.

Please change the effective date so it allows time for safety rules to be adopted and DLNR/DOBOR to develop a permit process that wont hinder the One Ocean program, that continues to have a perfect safety record.

The One Ocean program is an immersive conservation and research program that is open to the public. The educational program is scientifically proven to influence positive conservation actions and has helped save lives. One Ocean has operated commercially for nearly a decade daily diving with sharks for research, including the public helps to financially support the intensive research efforts and the other divisions of One Ocean that provide free educational programs for ages 5-university, and conservation projects and campaigns that include reef and beach clean up's, ambassador programs, and more.

One Ocean already has strict safety protocol that is above industry standards and boasts the safest and most experienced and trained safety team, biologists, and program rules. It is because of the strict safety protocol that One Ocean continues to operate with a perfect safety record.

Many regulated activities on island such as scuba diving, sky diving, para gliding, hiking, swimming, etc all have fatalities and these operations continue to run and the dont even carry the insurance levels that one ocean companies carry which are higher than what the state requires.

One Ocean programs operate outside of state water and the state is not responsible for their activities.

We would like to support and limit the number of companies that are allowed to run cageless programs, but the bill needs to be reworded.

I appreciate your time, consideration, and if you would please defer this bill or work with One Ocean for something that is fair and reasonable and safer than the current bill.

Mahalo nui loa,

Ocean Ramsey



**SB-3052**

Submitted on: 2/6/2020 1:19:53 PM

Testimony for AEN on 2/7/2020 1:30:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Cameron Grant	Individual	Oppose	No

Comments:

I strongly oppose SB 3052 for a multitude of reasons. I do understand that his bill is safety driven but I believe the positive impacts outweigh all safety concerns.

I'm a waterman, underwater photographer and guide that has been working here on the Hawaiian Islands for the last 5 years commercially.

While on charter — My experience and confidence pertaining to safety in the water with paying customers has grown from various experiences but have ultimately stemmed from proper education from passionate companies that take the time to educate and express safety protocol.

One program in particular that has changed my life entirely has been One Ocean Diving/ One Ocean Research. Being introduced to sharks through proper safety, education and interaction without the use of a cage has allowed me to feel confident with my guests in the water out of Waianae.

Safety is paramount — But operations being limited to the use of cage will never allow respect towards our oceans to evolve.

This legislation would regulate the ability for:

-Funding for conservation for groups and campaigns here in Hawaii as well as globally via One Ocean Global

-Cultural and educational programs from keiki in the form of complimentary educational outreach events and research assistant internships

-Private funding for monthly reef and beach cleanups

-Monitoring and disentanglement of sharks and other marine life as operators actively remove extensive amounts of fishing line, rope, plastic bands, and other marine debris from off the sharks and their aggregation zones.

-Significant revenue for the state and other local businesses from tourists that specifically come to Hawaii to participate in this unique activity

Ultimately, I believe instating such law would have negative impact on our connection to the ocean. With practical and mandatory safety protocol, we can achieve positive impacts on our global community.

Thank you for taking the time and consideration on this issue.

Very Respectfully,

Cameron Grant

**SB-3052**

Submitted on: 2/6/2020 1:05:41 PM

Testimony for AEN on 2/7/2020 1:30:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Gloria Lum	Individual	Oppose	No

Comments:

Aloha Senators

As a sunrise shell jeweler and diver living on the North Shore I see the cageless operators in the Haleiwa harbor all the time. I love their crew and passion for ocean conservation. I was actually shocked to hear about a ban on their program. One ocean diving does so much good for the community with their educational shark dives and educational outreach in local schools on the importance of sharks in our ocean.

Mahalo Nui Loa

Kai



**SB-3052**

Submitted on: 2/6/2020 1:28:17 PM

Testimony for AEN on 2/7/2020 1:30:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Justin Friesen	Individual	Oppose	No

Comments:

Dear Senators,

I am writing this testimony in opposition to the proposed bill SB302. I call on you as a representative of the people, to not support this bill in its current form. The bill, in its current state and wording, focuses on the eradication and ban of educational cage less shark tour operations.. This would be seriously counter productive for public safety, conservation, Hawaii's economy, employment, unique research and public shark safety programs, and the community.

I have spent the past 10 years working in the maritime eco-tourism industry on the island of Oahu on both the Leeward and Northern coasts of the island. Through the commercial tourism industry I saw a dire need for the integration of education into these programs. As an avid waterman myself, the knowledge I gained through the education of operations like One Ocean Reaearch and Diving have equipped we with knowledge to approach our local marine environments with useful knowledge on how to non-invasively interact with local shark populations. With their flawless safety records, I struggle to see how banning their efforts benefit the local community. We stand to loose privately funded monthly beach clean ups and local school educational outreach opportunities. Our Keiki need to community partners that support cultural and sustainable ways of interacting with our oceans.

**SB-3052**

Submitted on: 2/6/2020 1:30:09 PM

Testimony for AEN on 2/7/2020 1:30:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Matthew A Izor	Individual	Oppose	No

Comments:

**I oppose Senate Bill SB3052 for 3 reasons. The first philosophical, the second ethical and finally a legislative point.**

**This premise upon which this bill is based commits a certain equivocation fallacy. It represents shark excursions with cages and shark excursions without cages as essentially being operators within the same industry, one which uses appropriate safety measures and one which does not operate with those same understood and widely accepted measures. This would be akin to comparing an office building possessing a working and up to code sprinkler system with an office building of equal size possessing no sprinklers at all. It is easy to see why this might be the first thought regarding this situation. But in fact it is much different.**

**The difference lies between the motivations of ECO-tourism and those of exploitation tourism. Genuine eco-tourism is premised on the idea that a public whose mind can be changed regarding the way they view the the living world beyond humans is vital in the preservation of certain species and ecosystems. People need to see the world on its terms to ignite such a change. You do not look at a bored gorilla in a zoo and get the feeling you have when you see it across an open expanse before you, or when you experience the sound of it near by you. You do not look at a shark in the Golden Nugget Casino tanks and feel what it is like to float face down in water, the bottom of which you cannot see, the waves keeping you moving, and the chill of which covers your body. Only there, with the experience of professional safety divers, can you understand sharks in ways that will release them from the meaningless fear of Jaws.**

**This fear created by the Jaws franchise is a fear which results in increases in needless and ineffective shark culls, as well as further enables the destruction of living sharks for the shark fin trade. The State of Florida just made a large bust of shark fins, in fact. Fear of these “monsters” further enables that sort of needless and exploitative consumption. Genuine eco-tourism aim to bring that public to the place of the organism and show them this is what they are really like, that you can be in open water with a shark and if you deeply understand their body language, you can keep from being engaged in anything more than a swim by.**

**This is why you must be in the water with professional shark safety divers, not as the so-called recent “bite” victims who were just out on their own, not paying neither attention nor respect to the complexity of shark behavior. And thus their encounter was marred with a scrapping caused by poor human behavior. But this is also why the equivocation in the premise mentioned above does not hold. These are not two identical operators within the same industry. They are operators of a different kind in different industries.**

**Cageless shark excursions with appropriate and acceptable safety measures including professional safety divers are operating in the realm of genuine eco-tourism as they are bringing a public to an essential encounter in our rush to save the oceans and the species it depends on. Those who think it necessary to put metal bars between that public and the much needed encounter further reinforces that fear in the public: “these are fascinating creatures so long as metal separates me from them.” Thus their view is not fundamentally changed and the patterns of consumption that fear enables continues to wreck our oceans. Those who think it necessary to keep metal bars between the public and that much needed interaction enough to engage in legislative acts to mandate such, do not complete the goals that genuine eco-tourism is motivated towards. Thus, these are not identical operators. They differ fundamentally in their goals, methodology, and their link between one’s real goals and one’s methods.**

**The equivocations at the heart of the premises this legislation is based on work to undermine it.**

**Ethically speaking, if this is a genuine issue of public safety, then the proponents of the legislation should be able to point to identifiable instances in which harm has been done by or occurred on shark excursions which do not use cages but who do use professional safety divers and other appropriate safety measures. If they cannot produce any such identifiable instances of such, then it appears difficult how the legislation can honestly be in the name of public safety, because it appears difficult how the proponents of the legislation can argue for a public danger except by basing it upon the fear of Jaws or by utilizing examples which are of no comparison.**

**Legislatively speaking, if there is no sound ethical basis for this legislation as public safety based, it seems hard not to see it as directly benefiting the economic interests of the proponents. As it will force some businesses out of a local market.**

**SB-3052**

Submitted on: 2/6/2020 2:20:03 PM

Testimony for AEN on 2/7/2020 1:30:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Kai Keemoku	Individual	Oppose	No

Comments:

**From:** [Angela B Thomas](#)  
**To:** [AEN Testimony](#)  
**Subject:** SB3052  
**Date:** Friday, February 7, 2020 4:55:54 AM

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“I am in opposition to SB3052 because its bad for public safety if it bans cageless, which as it is currently written it might, its bad for shark conservation, and Hawaii tourism, economy, and community. “

Thanks for your consideration

Angela Thomas

Sent from my iPhone

Tanja Remily

TO THE  
SENATE  
THIRTIETH LEGISLATURE, 2020  
STATE OF HAWAII

February 6, 2020

TESTIMONY RELATING TO S.B. NO 3052

TO THE HONORABLE GIL RIVIERE AND MEMBERS OF THE SENATE:

My name is Tanja Remily and I currently work part time as a boat captain for North Shore Shark Adventures. I have been a captain for 22 years and have been working on boats out of Haleiwa Harbor since 2004.

I have read S.B. No. 3052 and I honor this opportunity to offer some of my thoughts to the bill as written. I am in favor of many aspects of the bill like those related to harassing sharks, ensuring someone is on the vessel at all times, requiring the use of protective shark cages, shark biology training etc. I have two main concerns and those are outlined as follows:

Page 2 Line 7-14: Relating to permitting from the DLNR. I feel this provision is quite vague and makes no mention of how many permits might be issued and more specifically if those companies that are currently in operation will automatically be given a permit and if not, by what criteria will that determination be made.

Page 4 Line 8-11: Relating to operating when small craft advisory is posted and or when brown water advisory is posted. There are different types tours that operate from Haleiwa Harbor like whale tours, sport fishing tours, dive tours etc. Just because there is a small craft advisory posted, it does not necessarily make it dangerous to operate. There are many different factors that affect how rough the ocean is, like wind direction, current direction, swell period etc. National Weather Service will often issue a small craft advisory when the swell is large, but I have been on the shark tours with a large ground swell running in light and variable winds and the ocean conditions are beautiful. I do not believe that tours operating from Haleiwa Harbor, shark tours or any tours, should be bound by the National Weather Service alerts because they are just not always representative of the actual conditions that will be experienced. And as for brown water alerts, the shark tours operate 3 miles from the coast. A brown water alert is intended mainly for beach users. The water 3 miles from the coast might be completely clear and clean even when a brown water alert has been issued.

Thank you for allowing me the opportunity to testify.

Sincerely,

Captain Tanja Remiy