



UNIVERSITY OF HAWAII SYSTEM

Legislative Testimony

Testimony Presented Before the
House Committee on Judiciary and Hawaiian Affairs
Wednesday, February 24, 2021 at 2:00 p.m.

By

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

HB 553 HD1 – RELATING TO THE PROTECTION OF SHARKS

Chair Nakashima, Vice Chair Matayoshi, and members of the Committee:

The Hawai'i Institute of Marine Biology recognizes the ecological and cultural importance of sharks in Hawai'i and supports the intent of this measure to help protect sharks within state waters. This measure acknowledges the importance of scientific research in understanding the behaviors and ecology of sharks, as well as potential anthropogenic threats that could impact their survival. The measure also provides a reasonable pathway for UH-sponsored research on sharks to continue in Hawai'i, the results of which will help to inform science-based management and conservation decisions.

HIMB respectfully submits its support of HB 553 HD1.

DAVID Y. IGE
GOVERNOR OF HAWAII



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

POST OFFICE BOX 621
HONOLULU, HAWAII 96809

**Testimony of
SUZANNE D. CASE
Chairperson**

**Before the House Committee on
JUDICIARY & HAWAIIAN AFFAIRS**

**Wednesday, February 24, 2021
2:00 PM**

State Capitol, Via Videoconference, Conference Room 325

**In consideration of
HOUSE BILL 553, HOUSE DRAFT 1
RELATING TO THE PROTECTION OF SHARKS**

House Bill 553, House Draft 1 proposes to establish an offense of knowingly capturing, entangling, or killing a shark in state marine waters; provides penalties and fines; provides certain exemptions; and requires the Department of Land and Natural Resources (Department) to establish rules to achieve certain objectives. **The Department supports this measure and provides the following comments and suggested amendments.**

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

In Hawaii, sharks are infrequently caught and retained by subsistence fishers. Existing levels of subsistence take in state waters do not pose a threat to nearshore shark populations. On the other hand, indiscriminate fishing gear and wasteful fishing practices have avoidable adverse impacts on shark populations and should be better regulated. The Department supports allowing limited take of sharks for subsistence purposes, but has concerns that the bill, as written, would be extremely difficult to enforce. The Department suggests an amendment (see below) to establish a permitting system to allow for pre-approved subsistence harvest of sharks.

The Department also has concerns regarding the language in paragraph (1) of subsection (f) on page 3, which would allow scientific researchers to bypass the Department's special activity permit process if the research was "overseen by a state-approved institutional animal care and use committee." The Department has an existing process to review all Special Activity Permit

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

applications to ensure that any permitted activities do not result in unacceptable ecological or cultural impacts. The Department suggests amending the language to simply exempt activities authorized under special activity permits (see below).

The Department supports regulating the take of sharks as proposed by the bill, subject to the following amendments to paragraphs (1) and (4) of subsection (f) beginning on page 3, line 14, and paragraph 4 of subsection (h) beginning on page 5, line 1:

- (f) This section shall not apply to:
 - (1) Special activity permits issued under section 187A-6
any person who holds a license or permit issued by the
department to conduct research, or research overseen
by a state-approved institutional animal care and use
committee];
 - (2) The department or its designated agent if the capture,
entanglement, whether alive or dead, or killing is for
the protection of public safety;
 - (3) Sharks taken outside of state marine waters and
possessed on a vessel in state marine waters pursuant
to any federally managed fishery, with the required
documentation of the location where the capture
occurred;
 - (4) Any person who captures or kills sharks for
subsistence fishing purposes pursuant to a permit
issued by the department under subsection (h) (4);
- ...

(h) The department shall adopt rules pursuant to chapter 91 to implement this section to:

- (1) Ensure that the incidental taking of sharks while targeting other species is not a violation;
- (2) Prevent the wanton waste of sharks;
- (3) Limit gear, such as gill nets, in areas identified as shark nursery habitats; and
- (4) Allow the taking of sharks by permit for subsistence purposes, subject to reasonable regulation by the State for the protection of shark species.

Thank you for the opportunity to comment on this measure.

HB-553-HD-1

Submitted on: 2/22/2021 4:24:36 PM

Testimony for JHA on 2/24/2021 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Cathy Goeggel	Animal Rights Hawai'i	Support	No

Comments:

ARH strongly supports this legislation.

HB-553-HD-1

Submitted on: 2/22/2021 9:33:20 PM

Testimony for JHA on 2/24/2021 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Jim Hori, DDS	Lokahi Fishing, LLC	Oppose	No

Comments:

I strongly oppose this bill.

Mahalo,

Jim Hori, DDS

Founder, Lokahi Fishing, LLC

HB-553-HD-1

Submitted on: 2/23/2021 7:15:44 AM

Testimony for JHA on 2/24/2021 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
James Silva	Waialua Boat Club	Oppose	No

Comments:

I oppose this bill



THE HUMANE SOCIETY
OF THE UNITED STATES



HUMANE SOCIETY
INTERNATIONAL

TO: Representative Mark Nakashima, Chair
Members of the House Committee on Judiciary and Hawaiian Affairs

In Support of: HB 553; Relating to the Protection of Sharks

Date: February 23, 2021

From: Lindsay Vierheilg, State Director, The Humane Society of the United States

Dear Chair Nakashima, Vice Chair Matayoshi, and Members of the House Committee on Judiciary and Hawaiian Affairs,

On behalf of The Humane Society of the United States, Humane Society International, and our members and supporters across Hawaii, we urge your support of HB 553, which would impose penalties for anyone who knowingly captures, takes, or kills sharks in state waters except for a few specific exemptions, such as research purposes, under DLNR issued Special Activity Permits, exercising native Hawaiian gathering rights and cultural practices, and at the discretion of DLNR for specific, emergency public safety reasons.

Why sharks need protection:

- Hawaii is one of the first states to prohibit shark finning. In 2010, Hawaii became the first state to enact a ban on the sale of shark-fins or fin products. To this date, over a dozen states have adopted similar measures following Hawaii's footsteps. HB 553 would further complement existing law, which has now become a global initiative, and further maintain Hawaii's global conservation leadership in shark and marine conservation. While current laws prohibit the possession or sale of shark fins or fin products there is no law preventing the capture, abuse, or killing of sharks in state waters.
- The number of shark and ray landings globally increased by 227% from 1950 to 2003.¹ However, actual number of animals killed is much larger since these data represent when animals are caught and brought to shore (landed) and do not account for illegal catches or discards.
- One quarter of shark and ray species are threatened with extinction due to overfishing and other fishing threats.²

¹ IUCN Shark Specialist Group. Questions and Answers.

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

- Tens of millions of sharks are estimated to be killed annually for their fins. While anti-finning laws are designed to halt further shark population declines, many species are still threatened and face possible extinction. Recent research from the University of Hawaii³ has shown that many species of shark, such as tiger and hammerhead, frequent state waters, especially the marine shelf around Maui, and are faced with numerous threats most notably humans and pollution.
- There is no directed commercial shark fishery in Hawaii state waters. HB 553 would not be expected to have a negative economic impact on commercial fishing interests. Commercial fisheries operating in federal waters reported catching 85,067 sharks and releasing 84,441 of them.⁴
- This measure does NOT preempt or impact federal fishing laws, and only applies to Hawaii state waters.
- With the growing number of interactions between ocean users and sharks, this measure would prevent consideration of ineffective mass culling efforts and those individuals who may target sharks due to misinformation. Cases involving cruelty against sharks in recent years⁵ have prompted public outcry and highlighted public desire for strong penalties for cruelty against sharks.⁶
- Sharks are apex predators and play a vital role in maintaining the balance of marine ecosystem. Research has found that massive removal of sharks has a cascading effect throughout the ecosystems that they inhabit.
- Sharks share life history traits that make them particularly vulnerable to overexploitation and population collapse.⁷ These include slow growth; low fecundity; few, well-formed young; long gestation period; and delayed age at first reproduction that together are known in the ecological literature as a “K-selected life history”.⁸

Thank you for the opportunity to testify on this important marine conservation issue. We urge swift passage of HB 553.

Sincerely,



Lindsay Vierheilig
Hawaii State Director
808-462-3561

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

⁴ http://www.pifsc.noaa.gov/fmb/reports/hlreports/areport_items.php?yr=2014&type=tbl&num=1

⁵ Video of tiger shark torture sparks outcry in Hawaii. https://www.huffingtonpost.com/2013/09/13/shark-torture-video-n_3922319.html

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

⁷ Ebert, D.A. 2001. Sharks, Rays, and Chimaeras of California. University of California Press.

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

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

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

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

Sharks

Order Orectolobiformes

Family Rhincodontidae

Whale shark, *Rhincodon typus*, VU

Order Carcharhiniformes

Family Scyliorhinidae

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

Family Pseudotriakidae

False cat shark, *Pseudotriakis microdon*, DD

Family Carcharhinidae

Bignose shark, *Carcharhinus altimus*, DD

Gray reef shark, *Carcharhinus amblyrhynchos*, NT

Silky shark, *Carcharhinus falciformes*, NT

Galapagos shark, *Carcharhinus galapagensis*, NT

Blacktip shark, *Carcharhinus limbatus*, NT

Oceanic whitetip, *Carcharhinus longimanus*, VU

Blacktip reef shark, *Carcharhinus melanopterus*, NT

Sandbar shark, *Carcharhinus plumbeus*, VU

Tiger shark, *Galeocerdo cuvier*, NT

Blue shark, *Prionace glauca*, NT

Whitetip reef shark, *Triaenodon obesus*, NT

Family Sphyrnidae

Scalloped hammerhead, *Sphyrna lewini*, EN

Smooth hammerhead, *Sphyrna zygaena*, VU

Order Lamniformes

Family Odontaspidae

Smalltooth sand tiger shark, *Odontaspis ferox*, VU

Bigeye sand tiger shark, *Odontaspis noronhai*, DD

Family Pseudocarchariidae

Crocodile shark, *Pseudocarcharias kamoharai*, NT

Family Megachasmidae

Megamouth shark, *Megachasma pelagios*, DD

Family Alopiidae

Pelagic thresher shark, *Alopias pelagicus*, VU

Bigeye thresher shark, *Alopias superciliosus*, VU

Family Lamnidae

White shark, *Carcharodon carcharias*, VU

Short-finned mako, *Isurus oxyrinchus*, VU

Longfin mako, *Isurus paucus*, VU

Order Hexanchiformes

Family Hexanchidae

Frilled shark, *Chlamydoselachus anguineus*, NT

Bluntnose sixgill shark, *Hexanchus griseus*, NT

Order Squaliformes

Family Echinorhinidae

Prickly shark, *Echinorhinus cookei*, NT

Family Dalatiidae

Combtooth dogfish, *Centroscyllium nigrum*, DD

Kitefin shark, *Dalatias licha*, NT

Blurred smooth lantern shark, *Etmopterus bigelowi*, LC

Blackbelly lantern shark, *Etmopterus lucifer*, LC

Smooth lantern shark, *Etmopterus pusillus*, LC

Hawaiian lantern shark, *Etmopterus villosus*, LC

Pygmy shark, *Euprotomicrus bispinatus*, LC

Cookiecutter shark, *Isistius brasiliensis*, LC

Viper dogfish, *Trigonognathus kabeyai*, DD

Velvet dogfish, *Scymnodon squamulosus*, DD

Family Centrophoridae

Mosaic gulper shark, *Centrophorus tessellatus*, DD

Gulper shark, *Centrophorus granulosus*, VU

Family Squalidae

Shortspine spurdog shark, *Squalus mitsukurii*, DD

HB-553-HD-1

Submitted on: 2/23/2021 12:00:18 PM

Testimony for JHA on 2/24/2021 2:00:00 PM

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

Comments:

To: Committees on Judiciary and Hawaiian Affairs

Representative Mark Nakashima, Chair

Representative Scot Matayoshi, Vice Chair

Re: HB553 HD1 RELATING TO THE PROTECTION OF SHARKS

Position: STRONG SUPPORT with Amendments

Hearing Date: Wednesday , February 24, 2021 2:00 p.m. House Conference Rooms 325 Via Videoconference

Aloha Chair Chair Nakashima, Vice Chair Matayoshi, and Committee Members,

Friends of Hanauma Bay strongly supports HB553 HD1 providing much needed protection for sharks in Hawaiian waters with the following three amendments:

To ensure enforceability and prevent any potential loopholes we request the three (3) critical amendments:

Strike Page 4, lines 9-11, sections (4) and (5)

(4) Any person who captures or kills sharks for subsistence fishing purposes;

- The above exemption in section (4) creates a massive loophole whereby any person could simply claim that they intended to consume the shark or part of the shark and be absolved of charges. This would essentially upend our landmark shark fin law. If the intent is to allow for native Hawaiian subsistence fishing and cultural practices, that is already protected in section (g).

(5) Any person who incidentally takes sharks while targeting other species; and

- The above exemption in section (5) creates another massive loophole whereby any person could simply claim that they were intending to catch another species, absolving the person from any potential charges. This also jeopardizes our shark fin law.
- This bill includes the highest mens rea/state of mind, knowingly to prevent cases where unintentional hookings may occur.

Strike language on Page 3, line 17 exempting research overseen by an IACUC. department to conduct research, or research overseen by a state-approved institutional animal care and use committee;

- Removing this language would keep the research exemption consistent with the current research exemption under our shark fin statute, HRS 188- 40.7, enacted in 2010, which has not hindered shark research.
- Institutional Animal Care & Use Committee (IACUC) proposals are NOT subject to state (DLNR) or public review, including by OHA or other native Hawaiian cultural practitioners. Further, any person could claim they are performing research under an IACUC without any verification.
- Should researchers like to amend the current permitting process we suggest they discuss separately with DLNR-DAR and/or initiate a separate effort to amend that existing process.

Sharks, or “mano”, are deeply valued figures in Hawaiian culture. Further, protecting these magnificent apex ocean predators ultimately means healthier, more resilient oceans and reefs that are better able to withstand other pressures on the ocean ecosystem from climate change and pollution.

We strongly urge you to pass HB553 with these amendments, and thank you for the opportunity to testify about this important bill.

Respectfully,

Lisa Bishop

President

Friends of Hanauma Bay



February 23, 2021

COMMITTEE ON JUDICIARY & HAWAIIAN AFFAIRS

Rep. Mark M. Nakashima, Chair

Rep. Scot Z. Matayoshi, Vice Chair

February 24, 2021, 2:00 p.m.

VIA VIDEOCONFERENCE

Conference Room 325

State Capitol

415 South Beretania Street

**Re: TESTIMONY IN SUPPORT WITH AMENDMENTS OF HOUSE BILL 553 -
RELATING TO SHARK PROTECTION.**

Aloha Chair Nakashima and Members of the Committee,

Please accept these comments submitted by the Center for Biological Diversity (Center) in **support of House Bill 553, with below amendments**, which would prohibit the intentional and or knowing capture or killing of sharks in state waters (within 3 nm) except for research purposes, under DLNR issued Special Activity Permits, the use of shark parts and or products for native Hawaiian cultural purposes and at the discretion of DLNR for any specific, emergency purposes. As written, the bill sets forth a prosecutorial burden of “knowingly” which means it would not apply to those who, in the lawful course of fishing, may accidentally capture and subsequently release a shark.

The Center is a non-profit 501(c)(3) membership corporation dedicated to the protection of native, threatened, and endangered species and the habitats they depend on to survive. Through science, policy, and environmental law, the Center is actively involved in marine species and habitat protection issues throughout Hawai‘i. The Center has more than 88,000 members throughout the United States, including Hawai‘i, with a direct interest in conserving fragile and impacted marine ecosystems and the species that depend on them.

The Center proposes the following three amendments:

1. Strike Page 4, lines 9-11, sections (4) and (5)

(4) Any person who captures or kills sharks for subsistence fishing purposes;

- As written, this exemption could have a devastating impact on the shark species that the bill is designed to protect by essentially circumventing the existing law prohibiting shark finning. Native Hawaiian subsistence fishing and cultural practices are already protected in section (g).

2. ~~(5) Any person who incidentally takes sharks while targeting other species; and~~

- This language is unnecessary as this bill already includes “knowingly” in order to prevent cases of unintentional hookings.

3. Strike language on Page 3, line 17 exempting research overseen by an IACUC.

department to conduct research, ~~or research overseen by a state-approved institutional animal care and use committee;~~

- Removing this language would keep the research exemption consistent with the current research exemption under Hawai‘i’s existing shark fin statute, HRS 188- 40.7, enacted in 2010. It should be noted that this existing law **has not hindered shark research**.
- Institutional Animal Care & Use Committee (IACUC) proposals **are NOT subject to public review**, by the state, OHA, or other native Hawaiian cultural practitioners. Basically IACUC proposals allow any person to claim they are performing research without any oversight or appropriate review.

Mahalo for this opportunity to provide testimony in support of HB 553, for this Committee’s consideration of the above noted amendments, and for protecting not only Hawaiian sharks, but our marine ecosystem that so desperately depends on them.

/s/ Maxx Phillips

Maxx Phillips, Esq.

Hawai‘i Director and Staff Attorney

Center for Biological Diversity

1188 Bishop Street, Suite 2412

Honolulu, Hawai‘i 96813

(808) 284-0007

MPhillips@biologicaldiversity.org

HB-553-HD-1

Submitted on: 2/23/2021 1:09:52 PM

Testimony for JHA on 2/24/2021 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Ted Bohlen	Hawaii Reef and Ocean Coalition	Support	No

Comments:

To: Honorable Representative Mark Nakashima, Chair

Honorable Representative Scot Matayoshi, Vice Chair, and Members of the House Committee on Judiciary and Hawaiian Affairs

From: HAWAI'I REEF AND OCEAN COALITION – HIROC (by Ted Bohlen)

Re: Hearing HB553 HD1 RELATING TO THE PROTECTION OF SHARKS

Hearing Date: [Wednesday, February 24, 2021, 2:00 pm](#), videoconference

Position: SUPPORT FOR HB553, but striking the amendments in HD1

Aloha Chair Nakashima, Vice Chair Matayoshi, and Judiciary and Hawaiian Affairs Committee members:

The HAWAI'I REEF AND OCEAN COALITION – HIROC – was formed in 2017 by coral reef scientists, educators, local Hawaii environmental organizations, elected officials, and others to address the crisis facing Hawaii's coral reefs and other marine life.

Sharks are very important to the health of Hawaii's coral reefs, which in turn are very important to Hawaii's economy, recreational life style, and shoreline protection. As ocean predators near the top of the food chain, sharks keep the ecosystem balanced, regulate populations of other marine life, and ensure healthy fish stocks and reefs. If the food chain is disrupted by a decline in the shark population, it affects the entire reef system. Protection for sharks ultimately means healthier, more resilient oceans and reefs that are better able to withstand other pressures on the ocean ecosystem from climate change and pollution.

Sharks on the reefs not only play important ecological roles, but are also valued figures in Hawaiian culture. Sharks are more vulnerable than most other fish species. They are long-lived and slow-growing, start reproducing at an advanced age, and produce

relatively few offspring per year. The benefits of maintaining viable populations greatly outweigh any value that would be gained by killing these species.

This bill would prohibit the knowing killing, capture or entanglement of any shark within State marine waters. It would also make the offense a misdemeanor and increase penalties for violating. In short, the bill finally "puts some teeth" in the statute to protect sharks.

The Amendments to the original bill added in HD1 should be stricken by the Committee to ensure enforceability and eliminate loopholes. None of these exemptions added in HD1 (for subsistence fishing, incidental takes, or research) appear in other statutes protecting marine species such as monk seals, whales, turtles, and rays, and they are not necessary here. These exemptions would gut the measure's enforceability.

Please pass this bill without these exemptions to protect sharks for their ecological value and for their value to native Hawaiian cultural practice.

Mahalo for the opportunity to testify in **STRONG SUPPORT** of this bill with amendments!

Hawaii Reef and Ocean Coalition (by Ted Bohlen)



February 24, 2021, 2pm

TO: Honorable Chair Nakashima and Judiciary & Hawaiian Affairs Committee Members

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

RE: SUPPORT WITH AMENDMENTS HB553; Relating to Shark Protection

The above businesses and organizations respectfully urge your support of **HB553, with the below critical amendments**, which would prohibit the intentional/known capture or killing of sharks in state waters (within 3 nm) except for research purposes, under DLNR issued Special Activity Permits, the use of shark parts/products for native Hawaiian cultural purposes and at the discretion of DLNR for any specific, emergency purposes. **The bill sets forth a prosecutorial burden of “knowingly” and does NOT apply to those who, in the lawful course of fishing, may accidentally capture and subsequently release a shark.**

It is important for the Committee to note **that none of the exemptions added in the HD1** of this bill are present in any other statute protecting other marine species, such as monk seals, turtles, whales, nor in our existing ray protection statute (enacted in 2019), or in administrative rules that prohibit the killing of sharks in West Hawaii. We have worked on this effort for nearly 7 years and the measure has never included any of the amendments proposed in the HD1.

To ensure enforceability and prevent any potential loopholes we request the three (3) critical amendments:

Strike Page 4, lines 9-11, sections (4) and (5)

~~(4) Any person who captures or kills sharks for subsistence fishing purposes;~~

- The above exemption in section (4) **creates a massive loophole** whereby any person could simply claim that they intended to consume the shark or part of the shark and be absolved of charges. This would essentially upend our landmark shark fin law. If the

intent is to allow for native Hawaiian subsistence fishing and cultural practices, that is already protected in section (g).

~~(5) Any person who incidentally takes sharks while targeting other species; and~~

- The above exemption in section (5) creates **another massive loophole** whereby any person could simply claim that they were intending to catch another species, absolving the person from any potential charges. This also jeopardizes our shark fin law.
- This bill includes the highest mens rea/state of mind, knowingly to prevent cases where unintentional hookings may occur.

Strike language on Page 3, line 17 exempting research overseen by an IACUC.

~~department to conduct research, or research overseen by a state-approved institutional animal care and use committee;~~

- Removing this language would keep the research exemption consistent with the current research exemption under our shark fin statute, HRS 188- 40.7, enacted in 2010, which **has not hindered shark research.**
- Institutional Animal Care & Use Committee (IACUC) proposals **are NOT subject to state (DLNR) or public review, including by OHA** or other native Hawaiian cultural practitioners. Further, any person could claim they are performing research under an IACUC without any verification.
- Should researchers like to amend the current permitting process we suggest they discuss separately with DLNR-DAR and/or initiate a separate effort to amend that existing process.

Why do sharks need protection?

Last month, research published in *Nature* found that since 1970, the global abundance of oceanic sharks and rays has **declined by 71%** owing to an 18-fold increase in relative fishing pressure. This depletion has increased the global extinction risk to the point at which **three-quarters of the species comprising this functionally important assemblage are threatened with extinction.** Strict prohibitions and precautionary science-based catch limits are urgently needed to avert population collapse, avoid the disruption of ecological functions and promote species recovery.

Sharks do not know jurisdictional boundaries thus any and all efforts are needed to protect shark populations within the state's jurisdiction. In 2019, the state legislature extended the same protections proposed in HB553 to all Ray species.

Further, in 2010, Hawaii became the first state in the world to enact a prohibition on shark-finning and the sale of shark-fins or fin products. This measure would complement our existing law, which has now become a global initiative, by again poising Hawaii to be a leader in shark and marine conservation. While current laws prohibit the possession or sale of shark fins or fin products there is no law preventing the intentional capture or killing of sharks.

There have been many cases in recent years where sharks appear to have been intentionally entangled, injured and harmed and current law does not provide for adequate enforcement or prosecution of such cases. Research from the University of Hawaii has shown that many species of shark, such as tiger and hammerhead, frequent state waters, especially the marine shelf around Maui, and are faced with numerous threats including negative human interactions and pollution.

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

Thank you for your support of HB553 with the above noted critical amendments.

Recent incidents of intentional killing and entanglements:

[Tiger shark spotted with a 'NOOSE' around its neck in shock pics snapped in trash-filled waters off Hawaii \(thesun.co.uk\)](#)

[David Y. Ige | DLNR News Release-Shark Finning Raises Concerns on Hawai'i Island, July 31, 2019](#)

[Shark-finning incidents of Hawaii island raise alarm | Honolulu Star-Advertiser](#)

['Wiped out before our eyes': Hawaii offers bold plan to stop shark killings | Sharks | The Guardian](#)

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





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February 23, 2021

HOUSE OF REPRESENTATIVES
THE THIRTY-FIRST LEGISLATURE
REGULAR SESSION OF 2021

Rep. Mark M. Nakashima, Chair
Rep. Scot Z. Matayoshi, Vice Chair

COMMITTEE ON JUDICIARY & HAWAIIAN AFFAIRS

DATE: Wednesday, February 24, 2021

TIME: 2:00 PM

PLACE: VIA VIDEOCONFERENCE

Regarding: HB553 Relating to the protection of sharks

HFACT is a not-for-profit, IRS 501c(5) organization, that advocates for small boat commercial, non-commercial, and recreational fishermen throughout Hawaii. HFACT board members sit on a number of federal fisheries management and endangered species advisory committees as well as state marine and coastal zone advisory committees; and, HFACT is thoroughly familiar with and participates in ocean and marine resource management in Hawaii and the central Pacific.

HFACT **SUPPORTS HB 553 HD1** Relating to the protection of sharks

In the introductory statements of the bill it states “... that sharks are more vulnerable than most other fish species. They are long-lived and slow-growing, start reproducing at an advanced age, and produce relatively few offspring per year.” These statements are misguided. These statements are based on thinking from the 1970’s and 1980’s when studies showed that sharks were vulnerable to overfishing in the international commercial fishing industry. Shark fisheries management was put in place in the 1990’s and have been effective in managing the fisheries.

Furthermore to make blanket statements on the biology of sharks are wrong – some species reproduce rapidly and are fast growing. For example, the green-eyed shark, that are common in Hawaii reproduce rapidly with over a dozen baby sharks born each time. Likewise, the hammerhead shark also reproduces rapidly. Both the green-eyed and hammerhead are food fish for subsistence fishers in Hawaii.

Additional sharks that are consumed by consumers and subsistence fishers include the thresher shark, mako shark, small tiger sharks, and blue sharks (another shark that reproduces rapidly and with large number of offsprings). Therefore it is clear that sharks are considered food.

Hawai’i Fishermen’s Alliance for Conservation and Tradition, Inc.
75-796 Hiona Street, Holualoa HI 96725

It is important to note that, outside of already listed as endangered or threatened under the Federal Endangered Species Act (ESA), none of the shark species are in any danger of decline. In fact, the Oceanic White Tip Shark which is listed as threatened under the ESA has declining numbers in the Atlantic Ocean, but it is known by NOAA that the Pacific population is healthy. It is a quirk in the law that requires that the entire species be protected regardless of location. (This threatened species can live as long as 36 years, and is sexually mature as early as 6 years old, thus having a possible reproductive span of 30 years.)

Shark landings in Hawaii are incidental catches. Fishers do not target sharks. It is not the preferred fish to catch, but incidentally caught fish may be retained for consumption. The total catch is small and of little significance to the biological stock of sharks in Hawaiian waters. In fact, studies of stock levels of sharks are of such low concern that it has not been a priority for fisheries managers.

This bill also creates a law which will be difficult or impossible to enforce. Federal law allows fishers to land sharks as long as the fins are still attached to the body. Sharks caught outside of the 3-mile line are thus legal. An enforcement officer has no way to prove that a shark was caught outside of 3 miles or inside.

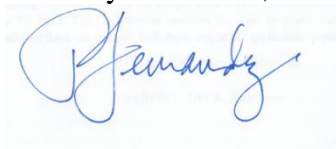
Hawaii law already bans possession, sale, distribution or trade of any shark fin. Therefore a commercial shark fishery does not exist. Overfishing of reef sharks and oceanic sharks is not occurring. What exists is a subsistence and non-commercial incidental catch fishery which should be allowed to continue.

The HD1 version acknowledges HFACT's concerns and rightly modifies the proposed bill from the original version. The modifications to the original bill is critical for HFACT's support of this bill.

HFACT believes that the management of sharks should be left to the fisheries managers at the division of aquatic resources.

HFACT thanks the chair, vice-chair, and committee members for this opportunity to provide comment and to assist in the management of sharks and to assist in the conservation of Hawaii's natural resources.

Sincerely and Aloha,



Phil Fernandez
President

HB-553-HD-1

Submitted on: 2/23/2021 1:59:00 PM

Testimony for JHA on 2/24/2021 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
savetheseaturtlesinternational	Save The Sea Turtles International	Support	No

Comments:

In support due to the importance of manā• in Hawaiian culture, ecologically as a keystone species, economically for sustainable jobs and the wellbeing of the community and their respect for Hawaii's wildlife. Through our beach and coral clean ups we have documented a significant increase in the number of sharks found dead on beaches in the last few years and the number seen with entanglement.

Mahalo nui loa



HB553 HD1
RELATING TO THE PROTECTION OF SHARKS
Ke Kōmike Hale o ka Ho‘okolokolo a me ke Kuleana Hawai‘i

Pepeluali 24, 2021

2:00 p.m.

Lumi 325

The Office of Hawaiian Affairs (OHA) **SUPPORTS** HB553 HD1, which would prohibit individuals from knowingly killing, capturing, or harming culturally and ecologically significant manō in state waters.

OHA supports strong protections for manō which are culturally important and serve critical ecological functions. Hawai‘i’s manō species hold great cultural significance for Native Hawaiians. Manō serve as the kinolau, or physical forms, for two prominent akua, Kū and Kanaloa. Manō are also associated with many other akua and are regarded as ‘aumakua, or family guardians and incarnations, by some ‘ohana. Manō are prominently featured throughout Hawaiian mo‘olelo (oral history), ka‘ao (legends), ‘ōlelo no‘eau (proverbs), and other cultural narratives; indeed, their symbolism and survival are key to explaining and informing Hawaiian perspectives of the natural environment and kinship. Moreover, manō serve critical ecological functions as apex predators. By controlling fish populations, manō help mālama the healthy ocean environment that is necessary for the continuation of Native Hawaiian cultural and subsistence practices. **Accordingly, OHA appreciates the enhanced protections provided in HD1 for the curbing of unnecessary manō deaths in state waters.**

OHA notes that manō are traditionally used in some customary practices, including in the crafting of certain implements, weapons, and ceremonial objects. Therefore, **OHA further appreciates that this measure explicitly allows for the continuation of such cultural practices.**

Additionally, OHA offers the following comments for the Committee’s consideration:

OHA does have concerns regarding certain exceptions within the HD1 version of this measure that would potentially hinder its enforcement and effectiveness. OHA appreciates the considerations reflected in these amendments regarding subsistence shark fishing and the incidental take of manō. However, the exceptions for the capturing and killing of manō for subsistence fishing purposes, and for the incidental taking of manō while targeting other species, may be unnecessary, and may render this measure largely unenforceable.

Specifically, individuals may take an unlimited number of manō and simply claim that they are “subsistence” fishing for sharks, to avoid liability under this measure’s subsistence take exception. OHA notes that the measure itself acknowledges the extremely limited subsistence fishery that may exist for manō, and further notes that the existing exemption for Native Hawaiian traditional and customary practices would already accommodate traditional and customary subsistence fishing by Native Hawaiians.

Similarly, individuals specifically targeting and even killing manō could nonetheless claim that they were targeting another predatory fish, and thereby also avoid liability under this measure and its incidental take exception. OHA questions the necessity of this latter exception, particularly given that similar explicit exceptions have not been found necessary to address the truly incidental take of protected species such as honu (green sea turtles)¹ or ‘īlioholoikauaua (monk seals).² OHA understands that fishers who are truly targeting non-protected species and who immediately release incidentally hooked protected species such as honu or out-of-season fish are not held liable for an unlawful “take” despite the lack of an explicit statutory or regulatory incidental take exception such as that found in the current draft of this measure. The exception here would therefore be unnecessary while also potentially rendering this measure largely unenforceable.

OHA accordingly requests that the Committee consider the impacts of these exceptions on the enforceability and effectiveness of this measure, as well as their necessity in light of the measure’s overall purpose; should the Committee desire to include such exceptions, **OHA respectfully recommends that the Department of Land and Natural Resources (DLNR) be allowed to adopt rules for their implementation, as reflected in page 5, lines 1-10, and that the standalone exceptions found on page 4, lines 9-12 be deleted.**

OHA has additional concerns regarding the exception in this HD1 draft, which may preclude review of certain shark related research activities by DLNR and Native Hawaiian cultural practitioners. Currently, a research-based exemption from DLNR fishery regulations requires a Special Activities Permit (SAP) from the DLNR and its Division of Aquatic Resources.³ This process allows for the vetting of activities by Division of Aquatic Resources staff and agency partners in order to best manage Hawai‘i’s unique marine resources from a variety of perspectives. OHA notes that cultural practitioner consultation also occurs through this SAP process in areas such as Papahānaumokuākea and with other managed areas in Hawai‘i. The language found on page 3, lines 17-19, “or research overseen by a state-approved institutional animal care and use committee;” would allow researchers to essentially bypass the state’s SAP process altogether, and allow for manō to be taken without input from DAR biologists or cultural practitioners. **OHA urges the Committee to consider revising or removing this language to ensure that the SAP process, inclusive of Hawaiian cultural perspectives, will apply for any research-based exception to this measure.**

Accordingly, OHA urges the Committee to **PASS** HB553 HD1, with consideration of the additional comments above. Mahalo nui for the opportunity to testify on this measure.

¹ Haw. Admin. R. §13-124.

² HRS § 195D-4.5.

³ HRS §187A-6.

HB-553-HD-1

Submitted on: 2/23/2021 3:01:35 PM

Testimony for JHA on 2/24/2021 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Mike Nakachi	Moana Ohana	Support	No

Comments:

Aloha JHA Chair and Committee, Support but to change ammendments from WTL. The ammenments watered downt he bill, please see Suggestions below.

To ensure enforceability and prevent any potential loopholes we request the three (3) critical amendments:

Strike Page 4, lines 9-11, sections (4) and (5)

(4) Any person who captures or kills sharks for

subsistence fishing purposes;

- The above exemption in section (4) creates a massive loophole whereby any person could simply claim that they intended to consume the shark or part of the shark and be absolved of charges. This would essentially upend our landmark shark fin law. If the intent is to allow for native Hawaiian subsistence fishing and cultural practices, that is already protected in section (g).

(5) Any person who incidentally takes sharks while targeting other species; and

- The above exemption in section (5) creates another massive loophole whereby any person could simply claim that they were intending to catch another species, absolving the person from any potential charges. This also jeopardizes our shark fin law.

- This bill includes the highest mens rea/state of mind, knowingly to prevent cases where unintentional hookings may occur.

Strike language on Page 3, line 17 exempting research overseen by an IACUC.

department to conduct research, or research overseen by a state-approved institutional animal care and use committee;

- Removing this language would keep the research exemption consistent with the current research exemption under our shark fin statute, HRS 188- 40.7, enacted in 2010, which has not hindered shark research.

- Institutional Animal Care & Use Committee (IACUC) proposals are NOT subject to state (DLNR) or public review, including by OHA or other native Hawaiian cultural practitioners. Further, any person could claim they are performing research under an IACUC without any verification.

- Should researchers like to amend the current permitting process we suggest they discuss separately with DLNR-DAR and/or initiate a separate effort to amend that existing process.

As a Native Hawaiian Practitioner as a Kahu Manā• , I am saddened by the insensitivity of the proposed ammendments, Auwe, do the Kakou thing and do NOT change the original intent of the bill to protect sharks and have accountability to this treasured resource.

Mahalo nui, Mike



**SUBMITTED TO HOUSE COMMITTEE ON JUDICIARY AND HAWAIIAN AFFAIRS
HEARING: WEDNESDAY, FEBRUARY 24, 2021 2:00PM
HAWAII STATE CAPITOL ROOM 325 VIA VIDEO CONFERENCE
HB553, HD1 RELATING TO SHARK PROTECTION**

Conservation Council For Hawaii **supports HB553, HD1** and requests the below language be removed from the bill to ensure enforceability and to prevent loopholes.

Strike language on Page 3, line 17 exempting research overseen by an IACUC.

~~department to conduct research, or research overseen by a state-approved institutional animal care and use committee;~~

Strike Page 4, lines 9-11, sections (4) and (5)

~~(4) Any person who captures or kills sharks for subsistence fishing purposes;~~

~~(5) Any person who incidentally takes sharks while targeting other species; and~~

Strike language on Page 3, line 17 exempting research overseen by an IACUC.

~~department to conduct research, or research overseen by a state-approved institutional animal care and use committee;~~

Apex predators are crucially important to our marine ecosystem, sharks know no boundaries and therefore need protection within the State of Hawaii's jurisdiction. Hawaii should be a leader in shark protection and marine conservation.

Thank you for your **support of HB553, HD1** with the removal of above mentioned language.



Aloha Committee Chairs:

This testimony, on behalf of Keiko Conservation, is in strong support of HB553 HD1 Relating to the Protection of Sharks in Hawai'i.

From previous hearings, we have noticed that the two most common concerns with this bill have been potential impacts on research and the possibility of being penalized for accidentally catching a shark.

Re: Research concerns

Specific exceptions are written into the bill for both cultural and research purposes. We find it worrisome that a few individuals from the Hawai'i Institute Of Marine Biology (HIMB) have decided to leverage their students and peers to oppose this bill year after year due to personal motives that include their personal grievances with the Department of Land And Natural Resources (DLNR) and what they believe to be unnecessary bureaucracy. Our organization would like to remind the committee that these tactics were unsuccessfully used by some of the same individuals during both of the bills that ultimately succeeded in banning the possession, sale, trade, and distribution of shark fins and prohibited manta rays from being knowingly captured or killed in state waters.

This bill aims to simply expand the protections manta rays gained in state waters to sharks. Similarly to the manta ray legislation, there is no factual indication that enacting laws and regulations to further the protection of sharks is, in any way, counterproductive to the current legislative plan that the State's current resource protections operate under nor ongoing research. Again, we find it concerning that some individuals are trying to claim otherwise in attempts that are self-serving, lack factual grounds for opposition, and, frankly, are unethical.

Re: Bycatch/incidental catch concerns

This bill does not aim to pursue and penalize those who accidentally catch or kill sharks while fishing. If so, it would be nearly impossible to enforce. However, there have been many incidents of residents and visitors mutilating, killing, and dumping sharks that are indisputably done both knowingly and purposefully.

For example, it would be difficult to claim flying a live scalloped hammerhead pup from a drone as live bait is accidental. It would be equally as difficult to insist tying a rope around a sharks caudal fin, dragging it up the beach, and staking it in the sand to suffocate when the tide goes down is somehow an accident. That is the type of behavior this bill aims to prohibit.

The unnecessary, killing, fishing, and mutilation of sharks is happening in Hawaiian state waters and protecting these species is indisputably culturally and ecologically important.

From a resource management perspective, healthy shark populations serve a multitude of important purposes. One major purpose is their function in maintaining healthy, balanced and diverse reef ecosystems which Hawai'i depends on for coastal/erosion protection, tourism, and sustenance. From a Native Hawaiian perspective, shark species serve an even deeper purpose as 'Aumakua or ancestral guardians – essential to their cultural beliefs, practices and well-being.

The insinuation that uncertainty exists as to how shark fishing is affecting current population is not sufficient to withhold protections. Again, there was no indication that manta rays were being specifically targeted – yet a bill was passed to protect them as well. It is the duty of the legislature to enact marine resource protection laws that fit the State's values – and we believe that furthering protections of sharks is aligned with the resource protection values of Hawai'i and its various stakeholder groups. The Hawai'i Supreme Court has adopted a precautionary principle associated with the public trust with a ruling concluding that “where (scientific) uncertainty exists, a trustee's duty to protect the resource mitigates in favor of choosing presumptions that also protect the resource” (In re Water Use Permit Applications, 94 Haw. 97, 123–25, 9 P.3d 409, 466, 2000.) This is consistent with a 2019 decision by the Hawai'i Supreme Court that “all public natural resources are held in trust by the State for the common benefit of Hawai'i's people and the generations to come” (V. Ching Case, 145 Hawai'i 148, 152, 449 P.3d 1146, 1150, 2019.)

We implore this committee to pass HB553 Relating to the Protection of Sharks in Hawai'i in order to hold those purposefully capturing and killing sharks may be held criminally liable for their culpable behavior towards these species that deserve protection.

HB-553-HD-1

Submitted on: 2/22/2021 3:55:46 PM

Testimony for JHA on 2/24/2021 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Dana Keawe	Individual	Support	No

Comments:

I support hb553 hd1

HB-553-HD-1

Submitted on: 2/22/2021 9:44:10 PM

Testimony for JHA on 2/24/2021 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Brian F. Funai	Individual	Oppose	No

Comments:

Strongly Oppose

HB-553-HD-1

Submitted on: 2/23/2021 10:02:44 AM

Testimony for JHA on 2/24/2021 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Jennifer Chiwa	Individual	Support	No

Comments:

Committee on Judiciary and Hawaiian Affairs

Wednesday, February 24, 2021, 2 pm

Aloha Chairperson Nakashima and Committee Members.

Please support HB 553 HD 1 which would provide some protection for sharks. I think sharks should be protected, in part, because of their significance in Hawaiian culture. Again, please support this bill.

Mahalo.

Jennifer Chiwa

Makiki

HB-553-HD-1

Submitted on: 2/23/2021 10:12:01 AM

Testimony for JHA on 2/24/2021 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Ron Dellinger	Individual	Oppose	No

Comments:

STRONGLY OPPOSE ! DLNR "again" seeking more penalties & fines. Appears revenue is the focus not strong enforcement. Have revenue go to General Fund instead of DLNR and see if interest changes.

HB-553-HD-1

Submitted on: 2/23/2021 11:00:20 AM

Testimony for JHA on 2/24/2021 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Shyla Moon	Individual	Oppose	No

Comments:

Oppose

HB-553-HD-1

Submitted on: 2/23/2021 11:52:59 AM

Testimony for JHA on 2/24/2021 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Stephen Lee	Individual	Oppose	No

Comments:

Greetings, I am a fisherman and strongly oppose this measure as it places liability on us for the unintentional interaction with sharks. In virtually every type of fishing we have interaction with sharks that is usually not intended. Sharks bite our baits, they take seafood off of our lines and stringers even though sharks are not the target of our efforts. Without any science to backup the bill, we have no way of knowing whether or not such protection is warranted. Sharks have been protected for a number of years and their numbers(based on my observations) are on the rise, with numerous interactions with surfers, swimmers, divers and ocean recreation participants. Whose to say that an interaction is intentional? How is enforcement to be meted out? In my view this bill is entirely extraneous and should not be passed.

HB-553-HD-1

Submitted on: 2/23/2021 12:08:49 PM

Testimony for JHA on 2/24/2021 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Nadine Lane	Individual	Support	No

Comments:

Please pass this bill HB553 to further protect sharks in Hawaiian waters. sharks play a vital role for a healthy ecosystem. By protecting sharks we are also protecting our ocean for the next generation to learn from and enjoy just as we have. Hawaii will also provide a wonderful education system for tourists and also giving tourists another reason to visit Hawaii as Hawaii depends on tourism for financial stability. Mahalo for your time.

HB-553-HD-1

Submitted on: 2/23/2021 1:22:45 PM

Testimony for JHA on 2/24/2021 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Kim Holland	Individual	Comments	No

Comments:

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

Most professional biologists and experienced ocean users in Hawaii know that the nearshore shark population in Hawaii is healthy and that only very limited fishing is intentionally directed at sharks. Much of that small amount of fishing is "catch and release". Therefore, this bill is unnecessary and largely unenforceable. The sector most impacted by the language in the original bill would be legitimate research scientists whose efforts are crucial to the conservation and protection of Hawaii's sharks.

The changes in language of the bill made by the WAL committee are a strong step in the right direction. Consequently, if the JHA committee decides to approve this measure, I strongly urge the current language of the bill to be retained and possibly strengthened to protect objective scientific research from unnecessary bureaucratic burdens. Strict permitting requirements already exist and are enforced by university and federal oversight. Good science is independent of who is conducting the research and vibrant research is crucial to conserving our ocean resources. To be clear, most shark research in Hawaii does not involve the killing of sharks but instead focuses on understanding how sharks behave in their natural world. Mahalo.

HB-553-HD-1

Submitted on: 2/23/2021 1:23:58 PM

Testimony for JHA on 2/24/2021 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Juan Oliphant	Individual	Support	No

Comments:

Aloha,

In strong support.

Mahalos

Juan

HB-553-HD-1

Submitted on: 2/23/2021 1:41:05 PM

Testimony for JHA on 2/24/2021 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Clay Tam	Individual	Oppose	No

Comments:

To the Presiding Hearing Committee:

I strongly oppose bill HB553 as shark by products have been used as medicinally in our asian culture for centuries. A total ban on shark products for this purpose will make criminals of our race and others who maybe using these products. To ban these certain products would be cultural genocide.

In respect to local native culture sharks are already adequately protected under existing laws to insure sustainable populations, There is no need to further add laws in this regard.

Sincerely,

Clay Tam

HB-553-HD-1

Submitted on: 2/23/2021 1:46:12 PM

Testimony for JHA on 2/24/2021 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Miss Henderson	Individual	Support	No

Comments:

I fully support this bill because over 100 million sharks are killed every year which is an number. Not only is killing sharks cruel and unjustified, an ocean without sharks would cause havoc to the ecosystem.

HB-553-HD-1

Submitted on: 2/23/2021 1:53:03 PM

Testimony for JHA on 2/24/2021 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Ocean Ramsey	Individual	Support	No

Comments:

Aloha honorable chair and committee,

Please help pass this bill to further protection for manā• in Hawaii. There are an increasing number of nearshore fisherman who do kill manā• when they are accidentally or purposefully caught. This bill would provide power to DLNR/the state to make such disrespectful and wasteful actions illegal and fineable. It would send a message to visitors who are fishing sharks for sport that it is not allowed here and would highlight the traditional respect for manā• in Hawaiian culture.

I have personally seen several dead tagged sharks washed ashore on hooks and chains and buoys only used to target large sharks, I have recently seen an increase in night shark fishing on O'ahu, and there are more photos and video's in social media to show drone fishing with hammerhead pups being used as bait. Addressing issues such as bycatch and net use during specific seasons should be expanded upon, but this is a great start to a solution to protecting sharks. Sharks and other marine life suffer from many human impacts, including climate change, declining fish stocks, and the degradation of coral reefs from pollution; this bill could provide some refuge from additional directed pressures.

HB-553-HD-1

Submitted on: 2/23/2021 2:03:41 PM

Testimony for JHA on 2/24/2021 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Kaikea Nakachi	Individual	Support	No

Comments:

I stand by my earlier testimony in support of this bill. In response to others testimony I would like to clarify several things.

Firstly, there should be NO reason for ANY researcher to be allowed to invasively study a SACRED being with NO oversight. If a researcher cares more about paperwork than the well-being of the SACRED being they are studying then they have NO place here in Hawaii nei, and I hope you as elected officials will uphold that justice. There HAS to be state and cultural oversight, and that requires transparency, communication, and permits. Please do NOT support ammendments giving blanket exemptions for researcher permits.

Secondly, the entire point of this bill is to PROTECT sharks and RESTORE the protections they once had. The ONLY exemption for a shark being killed is clearly stated in the language of the bill as it pertains to Native Hawaiian traditional and customary rights and practices. We do NOT want to create a fishery. Please do NOT support the ammendment for adding an exemption for subsistence fishing and killing of sharks. That not only directly contradicts several laws in place such as the shark-finning law, but defeats the whole purpose of this bill. In response to people who are claiming they use shark as bait, that should be a VIOLATION and FINE. Killing and using an apex predator as bait for a lower trophic level species is the definition of UNSUSTAINABLE fishing. Please help us do the pono things for our 'aina, our kai, our keiki, and our culture. Let's protect sharks and be one step closer on the right path to being pono and to healthier reefs.

HB-553-HD-1

Submitted on: 2/23/2021 3:09:55 PM

Testimony for JHA on 2/24/2021 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Marie Sugio	Individual	Support	No

Comments:

Sharks play a major role in sustaining a healthy ecosystem. Healthy ecosystem = healthy environment. Without protecting them, we are only worsening our aina we live.

HB-553-HD-1

Submitted on: 2/23/2021 3:15:11 PM

Testimony for JHA on 2/24/2021 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Cathy Goeggel	Individual	Comments	No

Comments:

To use a very bad pun, the teeth of HB553 have been dulled by impossible amendments. It has been completely gutted (yes another one) Please do not pass the HD 1 as submitted. Mahalo!

HB-553-HD-1

Submitted on: 2/23/2021 4:40:25 PM

Testimony for JHA on 2/24/2021 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Steve Kaiser	Individual	Oppose	No

Comments:

We have no fishery for sharks and none is being proposed. This is bill that does nothing as shark populations are healthy and for all purposes is growing as we can see from increasing interactions between sharks swimmers and fishermen. As for the sharks being sacred? Yes certain individual sharks can be amakua but that has never been extended to all sharks. Those sharks that are amakua had identifiable marks or color. And historical artifacts that include shark teeth, skin and a long history of using the oil from livers show that Hawaiians have always actively fished for sharks. As a fisherman whose family has always fished and fished pono my fear is that applying a sacred status to all sharks is wrong and misguided. And it will become a burden to those who fish and have interactions with some species that can be aggressive

HB-553-HD-1

Submitted on: 2/24/2021 2:27:13 AM

Testimony for JHA on 2/24/2021 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Paul Friese	Individual	Support	No

Comments:

In support of protecting sharks so they can balance out & keep Hawaiian reef ecosystems functional.

FYI... "Shark Hunts" are offered nightly out of Ala Wai & Kewalo Harbors. Therefore anyone claiming sharks aren't targeted in Hawaii, is not being honest.

Mahalo!
Paul Friese

HB-553-HD-1

Submitted on: 2/24/2021 12:54:13 PM

Testimony for JHA on 2/24/2021 2:00:00 PM

LATE

Submitted By	Organization	Testifier Position	Present at Hearing
Taylor Hall	Individual	Support	No

Comments:

My name is Taylor Hall and I strongly support HB553 HD1 for protection of sharks as the health of our marine ecosystems depend on it. Sharks are crucial for maintaining healthy marine ecosystems. Shark populations are being driven to extinction. We must protect sharks now in order to protect our Oceans. By doing this we will also protect our own livelihoods, the livelihood of the many species living in our Oceans, and the awe-inspiring beauty of a thriving Ocean for future generations. Please support this bill as time is running out to save sharks and prevent devastating damage to our Oceans.