

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 Senate Committees on
JUDICIARY
and
WAYS AND MEANS**

**Tuesday, April 6, 2021
9:55 AM**

State Capitol, Via Videoconference, Conference Room 211

**In consideration of
HOUSE BILL 553, HOUSE DRAFT 2, SENATE DRAFT 1
RELATING TO THE PROTECTION OF SHARKS**

House Bill 553, House Draft 2, Senate Draft 1 proposes to establish an offense of intentionally and knowingly capturing, entangling, or killing a shark in state marine waters; provides penalties and fines; provides certain exemptions; and allows the Department of Land and Natural Resources (Department) to establish rules to achieve certain objectives. **The Department supports this measure, subject to the following comments and proposed 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 recommends allowing limited take of sharks for subsistence purposes through a permitting system to allow for pre-approved subsistence harvest of sharks. This would provide a mechanism for both native Hawaiians and non-native Hawaiians to take a limited number of sharks for subsistence purposes. The bill, as currently written, purports to allow the continued subsistence take of sharks pursuant to traditional and customary native Hawaiian gathering rights. However, without a statutorily established permit system, native Hawaiian practitioners taking sharks for

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

subsistence purposes would face the prospect of criminal prosecution before they could raise their traditional and customary gathering rights as an affirmative defense in criminal court. A subsistence take permit would address this concern. **The Department offers a proposed Senate Draft 2 (see attached), which includes language for a subsistence take permit for sharks.**

Thank you for the opportunity to comment on this measure.

A BILL FOR AN ACT

RELATING TO THE PROTECTION OF SHARKS.

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

1 SECTION 1. The legislature finds that sharks, known as
2 māno in the Hawaiian language, are extremely important to ocean
3 ecosystems. As ocean predators near the top of the food chain,
4 sharks keep the ecosystem balanced, regulate populations of
5 other marine life, and ensure healthy fish stock and reefs.

6 The legislature also finds that a very limited number of
7 sharks are caught by subsistence fishers as a source of
8 food. In addition, some sharks are caught as incidental take by
9 fishers targeting other species. There have been numerous
10 incidents reported where young sharks, such as hammerhead shark
11 pups, are killed by being entangled in gill nets set in shark
12 nursery habitats. The legislature further finds that the very
13 limited amount of subsistence fishing for sharks is not a threat
14 to shark populations, and the incidental take of sharks by
15 fishers targeting other species is unavoidable and should not be
16 criminalized. In addition, the legislature finds that
17 prohibiting the placement of gill nets in areas determined to be

.B. NO.

1 shark nursery habitats would be an effective tool to protect
2 shark populations.

3 The purpose of this Act is to protect sharks for their
4 ecological value while not criminalizing the accidental capture
5 and release of sharks that may be captured while fishing for
6 other species as allowed by statute or rule.

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

10 "§188- Sharks; mano; prohibitions; exceptions; penalties
11 and fines. (a) Except as provided in subsection (f), or as
12 otherwise provided by law, no person shall intentionally and
13 knowingly capture or entangle any shark, whether alive or dead,
14 or kill any shark, within state marine waters.

15 (b) Any person violating this section or any rule adopted
16 pursuant to this section shall be guilty of a misdemeanor;
17 provided that the fine for violating this section shall be:

- 18 (1) \$500 for a first offense;
19 (2) \$2,000 for a second offense; and
20 (3) \$10,000 for a third or subsequent offense.

.B. NO.

1 (c) A person convicted of violating this section may be
2 sentenced to pay a fine not exceeding \$10,000 per offense.

3 (d) In addition to any other penalty imposed under this
4 section, a person violating this section shall be subject to:

5 (1) An administrative fine of no more than \$10,000 for
6 each shark captured or entangled, whether alive or
7 dead, or killed in violation of this section;

8 (2) Seizure and forfeiture of any captured sharks or any
9 part or product therefrom, commercial marine license,
10 vessel, and fishing equipment; and

11 (3) Assessment of administrative fees and costs, and
12 attorney's fees and costs.

13 (e) The criminal penalties and administrative fines, fees,
14 and costs shall be assessed per shark captured or entangled,
15 whether dead or alive, or killed in violation of this section.

16 (f) This section shall not apply to:

17 (1) Special activity permits issued under section 187A-6;

18 (2) The department of land and natural resources or its
19 designated agent if the capture or entanglement,
20 whether alive or dead, or killing is for the
21 protection of public safety;

.B. NO.

1 (3) Sharks taken outside of state marine waters and
2 possessed on a vessel in state marine waters pursuant
3 to any federally managed fishery, with the required
4 documentation of the location where the capture
5 occurred; [and]

6 (4) Any person if the capture or entanglement, whether
7 alive or dead, or killing is the result of defense of
8 the person's self or of another against death or
9 bodily harm[-]; and

10 (5) Any person who captures or kills sharks for
11 subsistence fishing purposes pursuant to a permit
12 issued by the department of land and natural resources
13 under subsection (h) (4).

14 (g) Nothing in this section shall be construed to restrict
15 the exercise of traditional and customary rights protected
16 pursuant to article XII, section 7, of the Hawaii State
17 Constitution.

18 (h) The department of land and natural resources may adopt
19 rules pursuant to chapter 91 to implement this section to:

20 (1) Ensure that the incidental taking of sharks while
21 targeting other species is not a violation;

.B. NO.

- 1 (2) Prevent the wanton waste of sharks; [and]
2 (3) Limit gear, such as gill nets, in areas identified as
3 shark nursery habitats [-]; and
4 (4) Allow the taking of sharks by permit for subsistence
5 purposes, subject to reasonable regulation by the
6 State for the protection of shark species.
7 (i) For the purposes of this section, "shark" means any
8 species of shark within the subclass Elasmobranchii."

9 SECTION 3. Section 188-70, Hawaii Revised Statutes, is
10 amended by amending subsection (a) to read as follows:

11 "(a) Any person violating any provision of or any rule
12 adopted pursuant to this chapter, except sections 188-23
13 [~~and~~], 188-39.5, and 188- , is guilty of a petty misdemeanor
14 and, in addition to any other penalties, shall be fined
15 [~~not~~] no less than:

- 16 (1) \$100 for a first offense;
17 (2) \$200 for a second offense; and
18 (3) \$500 for a third or subsequent offense."

19 SECTION 4. This Act does not affect rights and duties that
20 matured, penalties that were incurred, and proceedings that were
21 begun before its effective date.

.B.NO.

1 SECTION 5. Statutory material to be repealed is bracketed
2 and stricken. New statutory material is underscored.

3 SECTION 6. This Act shall take effect on January 1, 2022.

_____.B. NO._____

Report Title:

Sharks; Prohibitions; Penalties; Exemptions

Description:

Establishes an offense of intentionally and knowingly capturing, entangling, or killing a shark in state marine waters, and provides penalties and fines. Provides certain exemptions. Allows the department of land and natural resources to establish rules to achieve certain objectives. Effective 1/1/2022. (SD1)

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

HB553 HD2 SD1
RELATING TO THE PROTECTION OF SHARKS
Ke Kōmike ‘Aha Kenekoa Hale o ka Ho‘okolokolo
Senate Committee on Judiciary
Ke Kōmike ‘Aha Kenekoa o ke Ki‘ina Hana a me nā Kumuwaiwai
Senate Committee on Ways and Means

‘Apelila 6, 2021

9:55 a.m.

Lumi 211

The Office of Hawaiian Affairs (OHA) **SUPPORTS** HB553 HD2 SD1, which would prohibit individuals from knowingly killing, capturing, or harming culturally and ecologically significant manō (sharks) 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 SD1 for the curbing of unnecessary manō deaths in state waters.**

OHA notes that manō are used in some Native Hawaiian traditional and 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.**

OHA also expresses its appreciation for the changes made in the HD2 SD1 draft in the following instances:

Allowing for the review of manō related research activities by DLNR and Native Hawaiian cultural practitioners: The DLNR review process would allow for the vetting of proposed research activities by appropriate experts and stakeholders to best manage our ecologically and culturally significant manō species. OHA accordingly appreciates

amendments made to this current draft, which would retain the DLNRs special activity permit review process for research activities involving the take of manō.

The removal of any incidental take exceptions: OHA understands the concerns reflected in prior bill draft provisions that sought to avoid targeting fishers who accidentally hook sharks while fishing for other species. However, such a provision was unnecessary and could have significantly compromised the enforceability of this measure. OHA notes that currently, fishers who are truly targeting non-protected species and who immediately release incidentally hooked or taken 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 for such protected species. OHA accordingly appreciates the removal of the explicit incidental take exceptions that were included in prior drafts of this measure.

The removal of subsistence fishing exceptions: Similarly, OHA appreciates the removal of the exception for “subsistence” fishing of manō. Such an exception would have significantly reduced the enforceability and effectiveness of this measure, as fishers targeting manō primarily for “trophy hunting” or other non-subsistence purposes, could have simply claimed to be “subsistence” fishing to avoid liability under this bill.

Accordingly, OHA urges the Committees to **PASS** HB553 HD2 SD1. Mahalo nui for the opportunity to testify on this measure.

HB-553-SD-1

Submitted on: 4/1/2021 5:10:14 PM

Testimony for JDC on 4/6/2021 9:55:00 AM

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

Comments:

The reasoning opposing HB553 is sadly selfish- both researchers and fishers are unwilling to provide necessary protection for sharks. Please look beyond their excuses and help save ALL our marine animals-pass HB553! Mahalo

HB-553-SD-1

Submitted on: 4/2/2021 9:21:41 AM

Testimony for JDC on 4/6/2021 9:55:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Godfrey Akaka	Testifying for Native Hawaiian Gathering Rights Association	Oppose	No

Comments:

My name is Godfrey Akaka Jr. President for the Native Hawaiian Gathering Rights Association. Our organization is in opposition of this bill for the following reasons.

1. There is no clear evidence provided by non-biased parties that prove a decline in shark population due to over fishing especially subsistence fishing.
2. This bill includes restrictions for subsistence fishing which sets a precedence in over regulation of subsistence fishers.
3. Article 12 Section 7 protects Native Hawaiian Gathering Rights to allow cultural practice of gathering to provide for families subsistence from land and sea which also includes the harvest of shark.

We strongly oppose this bill as it would be a clear violation of Article 12 Section 7 Native Hawaiian Gathering Rights, even if there are Hawaiians who support this bill just because they do not practice the gathering of shark. Thank you for your attention regarding this matter.

Godfrey Akaka Jr.

NHGRA President



UNIVERSITY OF HAWAII SYSTEM

Legislative Testimony

Testimony Presented Before the
Senate Committees on Judiciary and Ways & Means
Tuesday, April 6, 2021 at 9:55 a.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

HB553 HD2 SD1 – RELATING TO THE PROTECTION OF SHARKS

Chairs Rhoads and Dela Cruz, Vice Chairs Keohokalole and Keith-Agaran, and members of the Committees:

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, but wishes to offer the following comments. Scientific research is a critical tool for understanding the behaviors and ecology of sharks, as well as any potential anthropogenic threats that could impact their survival. HIMB catch and release records show that all size ranges of sharks are captured during scientific fishing – from neonates to very large adults approaching maximum size, which is a sign of a healthy population. Recent data (2017) obtained via remote underwater camera systems also suggests that shark populations in Hawai'i may be utilizing deep water refugia, which could result in underestimation of some species using only traditional visual surveys done by divers.

Shark research at UH has always promoted and contributed to the conservation of sharks in Hawai'i. For example, early tracking research conducted by HIMB scientists (and funded by DLNR) provided information that led to endorsement by a Governor's Shark Task Force and subsequent change in state policy to no longer conduct shark hunts after shark attacks. This single piece of research alone has probably saved several hundred sharks since the policy was adopted. Tracking research also uses barbless hooks and releases all animals alive and unharmed. More recently, DLNR also requested and funded HIMB research on Maui to investigate the reasons behind the higher incidence of shark attacks on that island. These results have been published and disseminated through local media.

All of this research for the past two decades has been conducted under the review of an Institutional Animal Care and Use Committee (IACUC). IACUC oversees all vertebrate (including sharks) research in Hawai'i to comply with rigorous federal policies set forth by the National Institutes of Health. IACUC requires scientists to explain the reason why the

research is worthwhile and to ensure humane and appropriate treatment of the animals - for instance, to specify the manner in which they are captured and restrained (such as using barbless hooks and inducing tonic immobility by placing the animals upside down while still in the water) and appropriate attachment of tags (using mixed metals that corrode over time and allow for the tag to fall off). The protocols are reviewed by veterinarians, scientists, and non-scientists.

UH previously supported version HB 553 HD1 of this bill, which included exemption for researchers operating under an IACUC protocol, and would request a return to similar language in the bill:

(f) This section shall not apply to:

(1) Special activity permits issued under section 187A-6; or to research overseen by a state approved institutional animal care and use committee (IACUC).

HB-553-SD-1

Submitted on: 4/5/2021 2:36:21 AM

Testimony for JDC on 4/6/2021 9:55:00 AM

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

Comments:

We are in support of this bill for the ecological, economic, and cultural importance of manā• to Hawaii.

Mahalo nui loa.

-Save The Sea Turtles International

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mike@moanaohana.com



Aloha Mai Kakou Chair Rhoads, Chair Dela Cruz & Senator's from the JDC & WAM Committees,

Mahalo nui for taking the time to hear this important Bill HB553. My 'Ohana and I have been coming to the capitol for years advocating for the Protection of Sharks across the Pae 'aina. Sharks have been sacred for Hawaiians prior to their arrival here in the Islands. The realm of Kanaloa and his various forms once thrived in these islands long before the arrival of my ancestors of the Human form arrived here in Hawaii Nei. This place must have been a Pu'uhonua a place of refuge for all forms of Kanaloa including Sharks.

I stand in strong support of this Bill with my ancestors that have gone before me, I along with many other community members worked very hard in the 90's and 2000's, to finally get near shore sharks in West Hawaii protected under Act 306, species of special concern that included near shore sharks, it only took, 15 years, finally in 2014 then Governor Abercrombie signed this protection into law after a Tiger shark was harassed and tortured at Honokohau Harbor. A'ole! Shame on people that take advantage of our Aloha! Sharks are NOT the problem; Humans are the problem! Protection does not end there; sharks are far ranging species here today in West Hawaii then on to the shores of nu'u in Maui tomorrow.

In 2018 My father at the time who was 85 came to the Legislature also advocating as a Native Hawaiian Practitioner along with my son, daughter and I to ask members of this legislative process to pass shark protection measures it was his first time to the Capitol and his last, I vowed to him and our 'ohana that sharks will get the reverence they once had and deserve today and in perpetuity.

Our 'ohana along with many other Kanaka, Kama'aina & Malahini keep having this question unanswered!!! Why is it that many shark researchers in Hawaii & their disciples always object to any bill to protect all sharks in Hawaii? No make sense to blame another form of paperwork or blame the Konohiki in this case the State of Hawaii DLNR-DAR or DOCARE that they cannot enforce such laws. DLNR or agency needs to know who is doing what out there to protect all-natural resources for all the people and cultural rights of Hawaiians before anything else.

Mention the Name Kamohoali'i, Kūhai'moana, Lua'ehu, Kūa, Ka'ahupau, Kahi'uka, Kane'apua, Kealiikau'o ka'u, Kauhuhu; these are sacred names of shark gods that are often mentioned in stories (Mo'olelo), Hula, and have ancestral ties to many Kanaka. These are a few Names of a Royal Lineage of sharks in Hawaii, they are revered by us Kanaka, they are sacred! Ali'i, Chiefs, Kahuna, Kahu, Maka'ainana all believed sharks are sacred. What has happened, this is the way of the colonizer to water down our culture! To suppress the indigenous host culture.

Evidence of this disrespect is here in the opposition of this bill, by a few fishermen, by a few researchers, that impose their same colonialism way of man over shark. This is not Florida,

California, Mexico, or the Bahama's, where folks can get away with that. NO more in Hawaii! We cannot allow the desecration of sharks to be poked, drilled, shot at, jugged, used as bait, have ropes tied around them, put into tonic immobility, killed, allowed to be eaten by other predatory sharks because they have been left on the drum line to long, for what? Go do this somewhere else if you want to mess with our sacred Manō! This disrespect even happens in our prestigious Papahānaumokuākea!!! The researchers claim sharks are protected in 67% of the Hawaiian Islands that is the place of Pō that represents a place for the gods but still the killing happens by their archaic methodology in the name of western science, where is the Kanaka scientist? who understands both realms of Native Hawaiian culture are science. At least there is oversight for research in Papahānaumokuākea with DLNR, NOAA, FWS, & OHA.

Here is the problem, on why there is objection to the bill. Because anyone conducting research on sharks in Hawaii in the Main Hawaiian Islands will need to fill out an SAP for DLNR-DAR? So, they want to be exempt from any oversight on our sacred forms of Kanaloa or because researchers have had carte blanche on sharks in Hawaii, without anyone calling them out for the last three decades? Institutions like UH Manoa, should not forget when you think research is more vital than the sacred forms of Kanaloa that you are studying, then you also have lost your way! Time for transparency, time to have more Kanaka to be directly involved with their own Aumakua! Now is NOT time for a working group, that was the in the past in the 80's and still you did not listen to our Kupuna, time has passed, and your research still remains the same, invasive!

To the Lawai'a pono fishermen, thank you for realizing that the realm of Kanaloa is for the inhabitants of this realm, Manō first and us humans second. If your lens is coming from money first and resource second, then you have lost your way! For those that are NOT Lawai'a Pono, please let the Manō go, no need to jug, shoot, spear, free shaft, left to die in gill nets, please remember we were taught to be responsible for your hook, net, spear, knife and its consequences. Do the kakou thing and be responsible for all Kinolau of Kanaloa. Only host culture with proper protocol for Native Hawaiian traditional and customary practices should be allowed to ask for a shark with DLNR-DAR approval.

Ever since the overthrow of the Hawaiian Kingdom, sharks have been pillaged, please do not forget the territory of Hawaii and State of Hawaii from 1959-1976, allowed 1000's of sharks to be culled that has adversely affected the geneology of sharks in Hawaii forever, a couple fishermen that have opposed this bill were a part of this cull. So, folks think we are ok since 1976, and populations have increased. Wrong the killing continues with a HUGE long line fleet in Honolulu Harbor that has bycatch of 100'000 of sharks for years, disrespectful commercial charter boat shark hunts for tourist \$ right now in Waikiki at midnight tonight, commercial tour operators using palu daily to attract sharks to take tourist to swim with sharks daily is in direct violation of the law, both state and federal. This all needs to end for the benefit of our home and our Manō Kanaka.

Aloha still exists with us in Hawaii nei so please do not disrespect the Mano or take advantage of our Aloha.

I Mike Nakachi stand in support of the bill to protect all sharks in the main Hawaiian Islands and Papahānaumokuākea traditional and customary practices with Manō, along with my children Alohi & Kaikea, with ancestors that have gone before us as Kahu Manō Leimakani Nakachi, Wailani Aki, Julia Akana, Waipuilani Paki, Kealaka'I Paki, Kalanihelehai'iluna Paki, Kamehamehanui, Kekaulike, Kalanihikikaukonohonuakaulahea,... In Honor of past Kanaka Manō Practitioners Uncle Parley Kanakaole, Uncle Charlie Maxwell and so many others...

Please give sharks the Aloha they rightfully deserve, pass this bill on to the Governor to sign. Mahalo nui, Mike Kamuela Nakachi

HB-553-SD-1

Submitted on: 4/5/2021 3:39:18 AM

Testimony for JDC on 4/6/2021 9:55:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Christopher Dean	Testifying for Clean The Pacific	Support	No

Comments:

Clean The Pacific strongly endorses this measure. I understand that commercial fishing is the biggest killer of marine life, and sharks are being wiped out. That is where the focus should be, at the UN level, but that is largely beyond our control. What we can do is take care of the marine life in our waters and make the Hawaiian waters a safe haven, a refuge, from the marineicide happening all across the Pacific. As a surfer, I have had many close encounters with large tiger sharks, and other species, even a great white. I won't lie, it's always frightening, but I love it. I'm in their home, I'm a part of nature and that reconnects me in a way that many other people don't understand. It's a beautiful feeling. Of course, I'm sure you're all aware that sharks are a keystone species and have a very important job to do. We need to do everything we can to protect all life on this Earth as our population soars from 3 billion when I was born to 8 billion today. Mahalo

HB-553-SD-1

Submitted on: 4/5/2021 7:54:37 AM

Testimony for JDC on 4/6/2021 9:55:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Ted Bohlen	Testifying for Hawai'i Reef and Ocean Coalition	Support	No

Comments:

To: The Honorable Karl Rhoads, Chair, the Honorable Jarrett Keohokalole, Vice Chair, and Members of the Senate Committee on Judiciary, and

The Honorable Donovan Dela Cruz, Chair, The Honorable Gilbert Keith-Agaran, Vice Chair, and Members of the Senate Committee on Ways and Means

From Hawai'i Reef and Ocean Coalition (by Ted Bohlen)

Hearing: Tuesday, April 6, 2021, 9:55 a.m., Rm. 211 and by videoconference

RE: HB553 HD2 SD1 RELATING TO THE PROTECTION OF SHARKS

Aloha Chairs Rhoads and Dela Cruz, Vice Chairs Keohokalole and Keith-Agaran, and Members of the Judiciary and Ways and Means Committees:

The HAWAI'I REEF AND OCEAN COALITION – HIROC – was formed in 2017 by coral reef scientists, educators, local Hawai'i environmental organizations, elected officials, and others to address the crisis facing Hawaii's coral reefs, other marine life, and ocean. **The Hawai'i Reef and Ocean Coalition STRONGLY SUPPORTS HB553 HD2 SD1** with the below critical amendments!

Sharks are apex predators that are critical for preserving the health of coral reefs and aquatic species. For the health of the reefs and marine life, 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%. **Three-quarters of sharks are threatened with extinction. Strict prohibitions and catch limits are urgently needed to avert population collapse, avoid the disruption of ecological functions, and promote species recovery. Research in 2019 has shown reef shark depletion in the main Hawaiian islands of about 90% in comparison to the protected remote Northwestern Hawaiian Islands.**

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. That law does not protect sharks from

intentional capture or killing, however, only finning and possession or sale of detached fins. If amended, HB553 would complement our existing finning law, which has now become a global initiative, by again poising Hawaii to be a leader in shark and marine conservation. There have been many cases in recent years where sharks appear to have been intentionally entangled, injured and harmed. Current law does not provide for adequate enforcement or prosecution of such cases.

This bill establishes an offense of intentionally and knowingly capturing, entangling, or killing a shark in state marine waters (within 3 nm), and provides penalties and fines, while providing certain exemptions for:

- 1) research purposes under the Department of Land and Natural Resources (DLNR) issued Special Activity Permits;
- 2) sharks taken outside state waters as regulated by federal laws;
- 3) the use or take of sharks for native Hawaiian cultural purposes;
- 4) for the defense of one's safety or;
- 5) at the discretion of DLNR for any specific, emergency purposes.

The bill also allows DLNR to establish rules to achieve certain objectives. DLNR notes that it is difficult to distinguish between certain species of shark, so this measure applies to all shark species that frequent Hawaii waters.

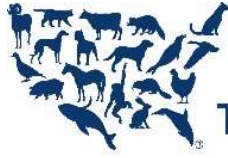
HIROC supports HB553, but with the below critical amendments:

1. Amend preamble to remove references to subsistence fishing as that can be addressed in rules, if necessary;
2. Page 2, line 12 & 13, should read ...shall intentionally **OR** knowingly... not AND;
3. Amend section (f)(4) to clarify the self defense exemption;
4. Add "and" to section (H) so that DLNR isn't limited in their rule-making scope; and
5. Strike "taking" in section (H)(1) and insert "capture and release a shark". If the capture was truly incidental then a person should not keep (take) the shark. The word "take" also has a different federal definition so including that may be confusing.

Thank you for your support of HB553 HD2 SD1 with the above noted critical amendments to protect Hawaii's reefs and ocean.

Please pass this bill with these amendments! Mahalo!

Hawai'i Reef and Ocean Coalition (by Ted Bohlen)



THE HUMANE SOCIETY
OF THE UNITED STATES



HUMANE SOCIETY
INTERNATIONAL

TO: Senator Karl Rhoads, Chair
Members of the Senate Committee on Judiciary

Senator Donovan M. Dela Cruz, Chair
Members of the Senate Committee on Ways and Means

In Support of: HB 553, HD2, SD1; Relating to the Protection of Sharks
Date: April 6, 2021
From: Lindsay Vierheilig, State Director, The Humane Society of the United States

Dear Chair Rhoads, Vice Chair Keohokalole, and Members of the Committee on Judiciary, and Chair Dela Cruz, Vice Chair Keith-Agaran, and Members of the Committee on Ways and Means,

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, HD2, SD1, which would impose penalties for anyone who knowingly captures, takes, or kills sharks in state waters except for a few specific exemptions, such as research purposes, under DLNR issued Special Activity Permits, exercising native Hawaiian gathering rights and cultural practices, and at the discretion of DLNR for specific, emergency public safety reasons.

Why sharks need protection:

- Hawaii is one of the first states to prohibit shark finning. In 2010, Hawaii became the first state to enact a ban on the sale of shark-fins or fin products. To this date, 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
- 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

¹ IUCN Shark Specialist Group. Questions and Answers.

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

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

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, HD2, SD1.

Sincerely,



Lindsay Vierheilig
Hawaii State Director

lvierheilig@humanesociety.org

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 pussilus*, 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



April 5, 2021

COMMITTEE ON JUDICIARY

Senator Karl Rhoads, Chair

Senator Jarrett Keohokalole, Vice Chair

COMMITTEE ON WAYS AND MEANS

Senator Donovan M. Dela Cruz, Chair

Senator Gilbert S.C. Keith-Agaran, Vice Chair

April 6, 2021, 9:55 a.m.

VIA VIDEOCONFERENCE

Conference Room 211

State Capitol

415 South Beretania Street

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

Aloha Chair Dela Cruz, Chair Rhoads and Members of the Committees,

Please accept these comments submitted by the Center for Biological Diversity (Center) in **strong 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) with appropriate exceptions.

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 and protecting the myriad of shark species found in Hawaiian water.

Sharks need this legislature's protection. Sadly, in recent years, sharks increasingly appear to have been intentionally entangled, injured, and harmed. Our current law does not provide for adequate enforcement or prosecution of such cases. With shark numbers declining worldwide

and in Hawaiian waters, it is our kuleana to ensure the survival and recovery of these important apex predators.

The Center proposes the following **five amendments**:

- 1. Amend the preamble and **remove reference to subsistence fishing** as this can be addressed in agency rules, if necessary.
- 2. Page 2, line 12 & 13, should read “...shall intentionally **OR** knowingly...”
- 3. Amend section (f)(4) to **clarify the self-defense exemption**.
- 4. Add **“and”** to section (H) so that DLNR is not limited in their rule-making scope.
- 5. **Strike “taking” in section (H)(1) and insert “capture and release a shark.”**
 - If the capture was truly incidental then a person should release and not keep the shark.
 - The word “take” has a different federal definition under the Endangered Species Act, thus should not be used in this way.

Mahalo for this opportunity to provide testimony in **support of HB 553**, for these Committee’s consideration of the above noted amendments, and for protecting not only Hawaiian sharks, but our marine ecosystems that so desperately depend 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-SD-1

Submitted on: 4/5/2021 9:15:53 AM

Testimony for JDC on 4/6/2021 9:55:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Shelby Serra	Testifying for Pacific Whale Foundation	Support	No

Comments:

Testimony to the Hawaii State Senate Committee on Ways and Means and Judiciary

April 5th, 2021

9:55am

Hawaii State Capitol – Conference room 211

RE: HB 553, Relating to the Protection of Sharks

Aloha Chair Dela Cruz and Rhoads, Vice-Chair Keith-Agaran and Keohokalole, and members of the Committees,

Thank you for the opportunity to submit testimony on House Bill 533.

My name is Shelby Serra and I am the Conservation Coordinator for Pacific Whale Foundation, based on the island of Maui. For the last 40 years, Pacific Whale Foundation's (PWF) mission has been to protect the ocean through science and advocacy, and to inspire environmental stewardship. Our nonprofit work includes active research, education, and conservation projects here in Hawai'i and abroad in Australia and Ecuador.

On behalf of our nearly 20,000 supporting members, PWF would like to support HB 533, establishing an offense of knowingly capturing, entangling, or killing a shark in State marine waters.

We acknowledge the important role sharks play in the health of ocean ecosystems around the globe. A recent report has found there has been over 70% decline in oceanic sharks and rays in the last 50 years, due in large part to overfishing (1). Sharks balance the ocean ecosystem; the decline of large apex predatory sharks impacts lower tropic level ecosystems (2), such as those found in the coastal waters of Hawai'i.

Sharks are often referred to as apex predators. Apex predators impact population dynamics by not only consuming prey, but they control the spatial distribution of

potential prey through intimidation (3). Fear of shark predation causes some species to alter their habitat use and activity level, leading to shifts in abundance in lower tropic levels (3). This is particularly important as the State continues to increase its resiliency to climate change impacts by protecting biodiversity, and as we become more independent of major imports through support of small-scale fisheries.

One study compared sharks around the uninhabited Northwestern Hawaiian Islands (NWHI) and those in main Hawaiian Islands (MHI). The results showed a larger number of fish surrounding the NWHI, with apex predators making up over half the fish biomass, while in the waters surrounding the MHI, these same apex predators were less than 10% of the fish biomass (3). Locations with greater apex predator biomass also showed a high biomass of herbivorous fish (3), which help keep coral reef ecosystems, and therefore the ocean, healthy.

Pacific Whale Foundation believes that protecting sharks from the intentional capture, entanglement, or killing in State marine waters will help to keep marine resources abundant and ecosystems healthy.

Thank you for the opportunity to testify on HB 553.

References

1. Pacoureau, N., Rigby, C.L., Kyne, P.M. et al. Half a century of global decline in oceanic sharks and rays. *Nature* 589, 567–571 (2021).
<https://doi.org/10.1038/s41586-020-03173-9>
2. Census of Marine Life
http://www.coml.org/discoveries/trends/shark_decline_effects.html
3. Griffin, E., Miller, K.L., Freitas, B. and Hirshfield, M. *Oceana Report* - Predators as Prey: Why Healthy Oceans Need Sharks (2008).



Environmental Caucus of
The Democratic Party of Hawai'i



Legacy Reef Foundation



April 6, 2021 955am

JDC/WAM Committees

TO: Honorable Chairs Rhoads and Dela Cruz and Senate Judiciary and Ways & Means
Committee Members,

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

**RE: STRONG SUPPORT HB553 HD2 SD1; Relating to Shark Protection (with below
suggested amendments)**

The above businesses and organizations respectfully urge your support of **HB553 HD SD1, with the below clarifying amendments**, which would prohibit the intentional or knowing capture or killing of sharks in state waters (within 3 nm) except for the following:

- 1) research purposes under DLNR issued Special Activity Permits;
- 2) sharks taken outside state waters as regulated by federal laws;
- 3) the use or take of sharks for native Hawaiian cultural purposes;
- 4) for the defense of one's safety or;
- 5) at the discretion of DLNR for any specific, emergency purposes.

Amendments made in the prior AEN/WTL Committees made changes to clarify that this measure **IS NOT intended to impact fishers who may accidentally capture and release a shark while lawfully fishers for other species**. A few additional amendments were inadvertently missed in the SD1, which we respectfully request below.

Proposed Amendments:

1. Amend preamble to remove references to subsistence fishing as that can be addressed in rules.
2. Page 2, line 12 & 13, should read ...shall intentionally **OR** knowingly
3. Amend section (f)(4) to clarify the self defense exemption
4. Add "and" to section (H) so that DLNR isn't limited in their rule-making scope

5. Strike "taking" in section (H)(1) and insert "capture and release a shark". If the capture was incidental then a person should not keep (take) the shark. The word "take" also has a different federal definition so including that may be confusing.

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.

Further, in 2019, research comparing earlier predator population assessments between the Main Hawaiian Island and the protected remote Northwestern Hawaiian Islands have shown **reef shark abundance depletion values in the main islands of about 90% (shallow-water towed-diver surveys) and 84% to 94% (shallow- and deep-water baited/unbaited camera surveys)** *Asher et al. (2019) - Marine Ecology Progress Series. Vol. 630: 115–136 Nadon et al. (2012) - Conservation Biology. Vol. 26(3): 493-503*

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.

It is also important to note that while 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 law does not protect sharks from intentional capture or killing, only finning and possession or sale of detached fins. If amended, HB553 would complement our existing finning law, which has now become a global initiative, by again poising Hawaii to be a leader in shark and marine conservation.

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/fillets 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 amendments.

Cited Research:

<https://conbio.onlinelibrary.wiley.com/doi/full/10.1111/j.1523-1739.2012.01835.x>

<https://www.sciencedirect.com/science/article/pii/S0960982219316008>

Recent incidents of intentional killing and entanglements:

[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 are a photos all taken IN HAWAII, involving the intentional killing of sharks for their teeth, jaws and other parts, commercial trophy hunting excursions for sharks, take for the mainland aquarium pet trade, shark pups being dumped, sharks being caught and pegged on the beach and/or thrown on the rocks, further demonstrating the need for this measure.





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THU AT 6:28 PM

<https://m.youtube.com/watch?v=UvTlbzNi2vI&feature=youtu.be>



"Baby Shark" Hammer Time! Pier Fishing at Night-Hawaii

I spent 2 nights on the pier at the marine base. Armstrong and I were both able to get into some hammerhead sharks. We both missed a couple and landed one ea...

youtube.com





HB-553-SD-1

Submitted on: 4/1/2021 4:08:25 PM

Testimony for JDC on 4/6/2021 9:55:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Klayton Kubo	Individual	Oppose	No

Comments:

Oppose this bill. Where in this bill I Klayton Kubo Waimea, Kaua'i do I stand as a subsistence fisher without native blood(Koko)? This is the way we live.

HB-553-SD-1

Submitted on: 4/1/2021 5:22:13 PM

Testimony for JDC on 4/6/2021 9:55:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Cynthia Punihaole Kennedy	Individual	Support	No

Comments:

I fully support this bill.

HB-553-SD-1

Submitted on: 4/1/2021 7:27:17 PM

Testimony for JDC on 4/6/2021 9:55:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Alyson Easton	Individual	Support	No

Comments:

Hawaii State House of Representatives

re: HB553 Protection of sharks in Hawaiiin Marine Waters

I am contacting you in support house bill 553 protection of sharks in the are Hawaiian Marine water.

HB 553 does well in protecting sharks in our Waters as well as retaining cultural and personal history and leisure activities.

I support this bill because it goes further to protect shark Nursery grounds as well as assessing reasonable fines to those who insist on shark hunting or shark fishing with intent in our Hawaiian Marine Waters.

Thank you for your consideration

Alyson Easton MSW

HB-553-SD-1

Submitted on: 4/1/2021 7:46:32 PM

Testimony for JDC on 4/6/2021 9:55:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Clair Lueke	Individual	Support	No

Comments:

Apex predators like sharks provide stabilization of the food chain and are vital for healthy oceans. Sharks are responsible for taking care of weak, sick, and injured marine life, keeping populations in check. Sharks have so much economic value alive because they are among the most important "wish list" for divers and others who travel for eco-tourism. We have the opportunity here to protect na aumakua and provide an unusual sanctuary for many of the endangered shark species that occur here or migrate through Hawaiian waters. Please afford sharks the protections they need before it is too late to save them from extinction.

HB-553-SD-1

Submitted on: 4/1/2021 8:24:00 PM

Testimony for JDC on 4/6/2021 9:55:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Brittany Biggs	Individual	Support	No

Comments:

Aloha Representatives and Committee Members,

I am in **strong support** of HB 553. It is imperative to protect sharks, which are not only critical to the health of our oceans, but are also culturally important here in Hawai'i.

I urge the Committee to pass HB 553 to save our sharks and allow Hawai'i to continue to act as a global leader in protecting the environment.

Thank you for your time and consideration,

Brittany Biggs

HB-553-SD-1

Submitted on: 4/2/2021 12:19:32 AM

Testimony for JDC on 4/6/2021 9:55:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
GinnyJo Minamishin	Individual	Support	No

Comments:

Aloha ,

I come before you and humbly ask to pass HB553, due to number of reasons. Our manÅ• (sharks) provides us with life. Meaning healthy oceans, healthy reefs and fish to catch. Without them our oceans will slowly die, then us. Sharks regulate of oceans for the better.

sharks are the filters of our oceans. Here in Hawai'i we are blessed to be graced with some of our worlds top endangered sharks. Like the scallop hammerhead . Also the oceanic white tip is seen a lot in Hawai'i oceans but the are depleting rapidly world wide. Many people say say how can they be depreciating when we see them in Hawai'i? Well, that's because the worlds eco systems are changing and they are find refuge in our oceans. We are so blessed that they are here and keep our oceans so prestine. We need sharks alive!!! We live on an island!!! They are what gives us the fresh are we breathe and the very breath we take.

mahalo Piha

GinnyJo Minamishin aka ManÅ• Wahine

HB-553-SD-1

Submitted on: 4/2/2021 2:01:40 PM

Testimony for JDC on 4/6/2021 9:55:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Alison Lewis	Individual	Oppose	No

Comments:

NO to HB 553 HD2 SD1. This is not a compelling enough issue to waste state funds on the complex enforcing. I would support a bill that simply outlawed the INTENTIONAL killing and sale of sharks by COMMERCIAL fishermen.

NO to HB533.

Alison Lewis

Hanapāpā, Kaua'i

HB-553-SD-1

Submitted on: 4/2/2021 4:56:23 PM

Testimony for JDC on 4/6/2021 9:55:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Gabriel Bork	Individual	Support	No

Comments:

It is critical that this bill gets passed for the health of the reef and ocean ecosystems. I think line 3 in subsection e should be removed. If we decide sharks are worth protecting here, which they absolutely are, then why would we allow them to be trafficked through our ports. Stop allowing shark fishing period!

thank you,

Gabriel

HB-553-SD-1

Submitted on: 4/3/2021 12:41:06 PM

Testimony for JDC on 4/6/2021 9:55:00 AM

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

Comments:

Aloha Chair Rhoads, Chair Dela Cruz, and senators from the JDC and WAM committees.

Mahalo for your time, and for your support of previous shark protection bills. We were very close to passing HB808 last year before COVID-19 shifted our priorities. I stand in support of HB553 and hope you will continue to support restoring protection to sharks.

Sadly, there are a select few who have the nerve to oppose us as Hawaiians seeking to protect our way of life, our culture, and our sacred ancestors. Even worse, these people have directly benefitted from the exploitation of Hawaii's sacred sharks. In response to people who are claiming they use shark as bait, that should be a violation and a fine. Killing and using an apex predator as bait for a lower trophic level species is the definition of unsustainable fishing. As written in the bill, Native Hawaiians observing their traditional and customary practices should be and are the only ones exempt. Researchers who owe their academic careers to Hawaii's sharks oppose protecting them.. auwe! All we are asking for is for researchers to respect the beliefs and sacred status of their host culture. Please do not allow this colonizer privelege to persist. ALL research on a sacred being needs to have state and cultural oversight. I hope you as publicly elected state officials will hold them to that by keeping the bill's language that was recommended by DLNR and adopted in the previous committee requiring researchers to obtain permits to study Hawaii'is sacred sharks. If their methods and intentions are pono, they will have nothing to worry about, and we as kanaka will have no further issue.

There is clear scientific evidence of the decline in shark populations in the main Hawaiian Islands compared to the NW Hawaiians islands. We cannot let this trend continue. There are so many benefits for our reefs that begin with protecting our apex predators. The longer we delay in restoring protection for sharks, the closer we get to irreversibly damaging our reefs. This bill provides basic protection that is incredibly overdue. Even if the main Hawaiian Islands had shark populations on par with the NW Hawaiian Islands this bill would still be appropriate and pono. The fact that we do not have comparable shark populations make this bill necessary. Researchers continue to make the point that 67% of Hawaii's oceans are protected with the Papahanaumokuakea reserve. The realm of the akua is sacred and rightfully protected, however in the Main Hawaiian Islands shark-fishing was kapu except for a few

exemptions. We would like to reinstate that protection for sharks, again with a few pono exceptions that are already listed in the bill.

Please help us do the right things for Hawaii and restore important protections to our sacred sharks. We have an incredible opportunity to use Aloha to show and lead the rest of the world in conservation legislation. Mahalo nui for reading and malama mano and malama pono,

Kaikea Nakachi

HB-553-SD-1

Submitted on: 4/3/2021 3:54:14 AM

Testimony for JDC on 4/6/2021 9:55:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Gregg Gruwell	Individual	Support	No

Comments:

Aloha

I strongly support this bill with amendments. Our coastal oceans are the lifeblood of the state

and we need to do everything possible to promote its wildlife.

Mahalo! Gregg Gruwell, Kamuela

HB-553-SD-1

Submitted on: 4/3/2021 2:22:33 PM

Testimony for JDC on 4/6/2021 9:55:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Hannah	Individual	Support	No

Comments:

Sharks need protection in Hawaii. Sharks have cultural and environmental significance to our islands. Cruelty to sharks damages fragile ecosystems and is morally wrong.

HB-553-SD-1

Submitted on: 4/3/2021 11:48:13 PM

Testimony for JDC on 4/6/2021 9:55:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Mackenna Cady	Individual	Support	No

Comments:

I support HB553 because sharks are vital to the health of our oceans and need better protection in Hawaiian waters.

STRONGLY OPPOSE

HB 553: An expensive misdirected conservation effort that will not protect sharks

Ways and Means: DLNR has recently testified that it does not have the resources to do 'at sea' enforcement. **The WAM committee should ask DLNR directly how it plans to enforce this bill when it testified that it couldn't enforce a shark ecotourism bill because it lacks 5 full-time positions to run enforcement patrols.**

Judiciary: This bill is unenforceable because there is no way to distinguish between bycatch and deliberate targeting of sharks. **JUD should ask DLNR how it plans to distinguish between fishers accidentally catching sharks versus those deliberately targeting sharks.**

HB 553 is a well-intentioned but fundamentally flawed and misdirected shark conservation effort. Hawaii already has an excellent conservation environment for coastal sharks. The two-thirds of the Hawaiian archipelago contained within the Papahānaumokuākea Marine National Monument are already completely protected from commercial and recreational fishing and there are no commercial fisheries for coastal sharks in the remaining third (i.e. the Main Hawaiian Islands). Our conservation focus should be on maintaining and improving this already favorable environment.

Major problems with HB 553 are:

1. The bill will produce no meaningful protection for sharks because targeted fishing for sharks (the focus of the bill) is already a rare activity in Hawaii. Beyond rare subsistence harvesting, there is no demand for coastal shark meat in Hawaii and shark finning is already banned under existing laws. Coastal sharks are not sold at the fish auction nor at the various fish markets or supermarkets around the state. The oft-cited decline in global shark populations is primarily due to industrial high seas fishing or intensive targeted fishing for coastal sharks - neither of which applies to Hawaii. Multiple previous attempts (including government-sponsored efforts) to establish commercial fisheries for coastal sharks in Hawaii have all failed. Fishers in Hawaii try to avoid sharks and release those captured inadvertently. There is no evidence of any decline in Hawaii coastal shark populations. In fact, key biological indicators suggest local shark populations are healthy.

2. The bill is unenforceable. All fishing methods used to target sharks can be legitimately used to catch other species of fish so it would be impossible to prove that sharks were being specifically targeted. Fishers who inadvertently capture sharks could not be distinguished from those targeting sharks. Fisheries cases are difficult to prosecute and require clear legal definitions not provided by this bill (i.e. under HB 553, if a shark is captured, the prosecutor would need to prove the specific intent to capture the shark which is effectively impossible because sharks are routinely caught when targeting other species). Even if the bill provided clearly enforceable language (which it does not), by their own testimony, DLNR lacks the resources to enforce this kind of legislation. DLNR recently opposed a bill to regulate shark ecotourism (SB 578) based on limited resources:

“A dedicated marine patrol, which was discontinued due to staff shortages, would be required to effectively enforce ocean regulations, including those contained in this measure. Reactivating the DOCARE marine patrol would require at least five positions that would be solely dedicated to patrolling and enforcing Department regulations by boat.”

If DLNR lacks sufficient resources to patrol and enforce Department regulations by boat and where the locations of the activities are known, then they are clearly unable to enforce a shark protection bill because fishing occurs throughout state waters.

3. The bill does not address the locally more significant issue of shark bycatch where sharks are inadvertently captured by fishers targeting other species (e.g. gill net mortalities of hammerhead pups). Bycatch is the only area is where real conservation gains are to be made with coastal sharks in Hawaii because the state lacks the significant targeted fishing responsible for shark declines in other regions. HB 553 threatens ongoing community outreach and citizen science programs that engage stakeholders in shark bycatch mitigation efforts. For example, local citizen scientists have been tagging and releasing bycaught sharks to help us understand post-release survival rates. There is no provision for them to continue doing this under HB 553.

Poorly grounded, misdirected conservation legislation wastes time and effort and creates an illusion of efficacy without delivering meaningful protection. Instead of simply recycling the same fatally flawed bill year after year, [we should adopt a more inclusive and carefully targeted approach](#). We need to methodically identify specific threats to sharks and focus on targeted solutions to those threats.

To develop effective local shark conservation policies we need to (1) engage all stakeholders in the process, (2) quantify the type, volume and impact of human interactions with sharks, (3) focus conservation measures on activities that have the largest impact on sharks, and (4) identify and implement practical solutions where these activities threaten the health of local shark populations or are unnecessarily wasteful or destructive. Legislation is not always the most effective conservation tool so practical solutions should include stakeholder engagement via community outreach to encourage behavioral changes to reduce negative impacts on sharks in addition to carefully crafted legislation that addresses specific threats with clearly enforceable regulations (e.g. no gill nets in hammerhead shark nurseries).

This pathway toward effective shark conservation in Hawaii could be facilitated by a legislative resolution for a task force to characterize and quantify human impacts on sharks so that we can develop trenchant conservation policies based on a clear, fact-based understanding of actual threats to local shark populations.

HB-553-SD-1

Submitted on: 4/4/2021 9:26:03 AM

Testimony for JDC on 4/6/2021 9:55:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Savanna Sahara	Individual	Support	No

Comments:

Sharks are an important part of our ocean's ecosystem to maintain balance and keep our oceans healthy. Without apex predators the health of our oceans are compromised. Sharks need to be protected in order to protect our oceans.

HB-553-SD-1

Submitted on: 4/4/2021 9:46:41 AM

Testimony for JDC on 4/6/2021 9:55:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Andrew J Hollinger	Individual	Support	No

Comments:

Sharks are crucial to marine conservation and need protection

HB-553-SD-1

Submitted on: 4/4/2021 10:10:23 AM

Testimony for JDC on 4/6/2021 9:55:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
linda willaby	Individual	Support	No

Comments:

Research shows that Hawaii reef shark populations have declined by up to 90 percent and globally, by 71 percent, with 3/4 of shark species facing potential extinction. There's no question that sharks face even greater threats outside of state waters, as bycatch in commercial long line fisheries, however, we can and should do our part and protect these animals (who know no human written boundaries) when they enter Hawaii state waters. I support HB 553 which would protect sharks (mano) in state waters, from intentional killing or commercial exploitation, which includes trophy hunting, mutilation for their teeth, jaws or other parts, and the taking of shark pups for the mainland .

HB-553-SD-1

Submitted on: 4/4/2021 1:08:14 PM

Testimony for JDC on 4/6/2021 9:55:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Olan Leimomi Fisher	Individual	Support	No

Comments:

I **strongly support** this measure - mano are important both culturally and spiritually to Native Hawaiians, as well as to maintain the health and balance of our ocean environments. Please **PASS** HB553 HD2 SD1! Mahalo nui.

HB-553-SD-1

Submitted on: 4/4/2021 1:13:24 PM

Testimony for JDC on 4/6/2021 9:55:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Scott Keli'i Fisher	Individual	Support	No

Comments:

I **strongly support** this measure - mano are important both culturally and spiritually to Native Hawaiians, as well as to maintain the health and balance of our ocean environments. Personally, my 'ohana from Hau'ula and Hale'iwa consider one of our ancestral 'aumakua as manifesting in the form of a mano - as such, I have always felt protected and at peace with these largely misunderstood animals whenever we surf or fish in our home spots. Protecting these animals is critical to ensuring that future generations, including my keiki, are able to best understand and love these creatures too. Please **PASS** HB553 HD2 SD1! Mahalo nui.

HB-553-SD-1

Submitted on: 4/4/2021 2:10:22 PM

Testimony for JDC on 4/6/2021 9:55:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Lanny Sinkin	Individual	Support	No

Comments:

The decimation of the shark population in recent years creates an imbalance in the natural order of the oceans. The time to protect the remaining sharks is now. Please support HB 553

HB-553-SD-1

Submitted on: 4/4/2021 4:09:31 PM

Testimony for JDC on 4/6/2021 9:55:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Tonya McDaniels	Individual	Support	No

Comments:

I fully support a measure such as this, to help protect the sharks.

HB-553-SD-1

Submitted on: 4/4/2021 2:10:23 PM

Testimony for JDC on 4/6/2021 9:55:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Amy Cady	Individual	Support	No

Comments:

I strongly SUPPORT the protection of Sharks in Hawaii.

HB 553 SD1
Oppose

Aloha Members of the JUD and WAM committees,

Though the intentions of this bill are good, with the purpose of seemingly providing protections to shark populations in Hawai‘i, it is fundamentally flawed and will not produce meaningful or enforceable protection.

My name is Mark Royer. I am a Ph.D. graduate from the University of Hawai‘i at Mānoa and have studied sharks in Hawai‘i and on the mainland for over 12 years and published numerous scientific papers based on these studies. The objective information from these studies is used for the conservation of these species. I also worked as a research assistant for the Hawai‘i Community Shark Tagging program. One of the objectives of this program is to develop practical methods to reduce negative shark interactions with local small boat fishers. This work depends on the efforts and local ecological knowledge of the fishing community to deploy tags, collect data and pursue practical, sustainable solutions to shark mortality mitigation. Incidental hooking of sharks is a **very common** issue for subsistence and local commercial hook and line fishing around Hawai‘i, whether it’s bottom fishing, trolling, surf casting, ika shibi fishing, or hand lining. For the community shark tagging program we engage with local fishers, many of whom are kānaka maoli, to gain an understanding of the scope of the problem while also addressing underlying conflict and sociopolitical inequities they face. Endeavors to mitigate negative shark interactions with local fishers require a multi-depth solution with substantive, process-, and relationships-based approaches. Regulation with inadequate or ambiguous enforcement is one of biggest factors that erodes the trust and confidence in perceptions of management legitimacy. **This drafting of bill did not seek proper input from the local subsistence and small-boat fishing community who may be unfairly affected by this legislation, nor from any scientists who have experience and expertise in shark bycatch reduction and conservation.**

Instead of simply recycling the same fatally flawed bill year after year, we should adopt a more inclusive and carefully targeted approach. A targeted approach can provide distinct, enforceable measures that can provide meaningful protections to sharks. To develop effective local shark conservation policies we need to **(1)** engage all stakeholders in the process, **(2)** quantify the type, volume and impact of human interactions with sharks, **(3)** focus conservation measures on activities that have the largest impact on sharks, and **(4)** identify and implement practical solutions where these activities threaten the health of local shark populations or are unnecessarily wasteful or destructive.

Poorly grounded, misdirected conservation legislation wastes time and effort and creates an illusion of efficacy without delivering meaningful protection. To draft practical, meaningful, and enforceable measures, the legislature should convene a task force to assess actual threats to sharks in Hawaii and enable the participation of all

stakeholders of the community including but not limited to subsistence and small-boat commercial fishers, cultural practitioners, and scientists.

Thank you for your consideration.

Mahalo,
Mark Royer Ph.D.

HB-553-SD-1

Submitted on: 4/4/2021 5:14:42 PM

Testimony for JDC on 4/6/2021 9:55:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Kayla Lamberson	Individual	Support	No

Comments:

Sharks are keystone species and are vital to keeping a healthy ecosystem. Sharks are being killed at an astonishing and unhealthy rate, it is over due that they need protection. In hawaii, killing sharks have absolutely no benefit for the community or the ecosystem. Please help do the right thing for our ecosystem and for our future generations.

HB-553-SD-1

Submitted on: 4/4/2021 5:38:55 PM

Testimony for JDC on 4/6/2021 9:55:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Amanda Sebrell	Individual	Support	No

Comments:

I support this measure.

HB-553-SD-1

Submitted on: 4/4/2021 5:39:28 PM

Testimony for JDC on 4/6/2021 9:55:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Korie Mijo	Individual	Support	No

Comments:

Sharks are so important for our ecosystem!

HB-553-SD-1

Submitted on: 4/4/2021 5:58:28 PM

Testimony for JDC on 4/6/2021 9:55:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Maria Gonzales	Individual	Support	No

Comments:

I think the sharks should be protected

HB-553-SD-1

Submitted on: 4/4/2021 6:03:05 PM

Testimony for JDC on 4/6/2021 9:55:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Shannon Rudolph	Individual	Support	No

Comments:

SUPPORT

HB-553-SD-1

Submitted on: 4/4/2021 6:49:30 PM

Testimony for JDC on 4/6/2021 9:55:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Arielle Skinner	Individual	Support	No

Comments:

Please pass this bill on behalf of these amazing creatures. Sharks are an important part of the ecosystem and deserve to be protected.

HB-553-SD-1

Submitted on: 4/4/2021 6:41:27 PM

Testimony for JDC on 4/6/2021 9:55:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
brook ahnemann	Individual	Support	No

Comments:

I support this bill. Please provide more protection for sharks.

HB-553-SD-1

Submitted on: 4/4/2021 7:11:55 PM

Testimony for JDC on 4/6/2021 9:55:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Diane Ware	Individual	Support	No

Comments:

Dear Chair and Committee members,

Sharks are apex predators essential to the life and resilience of ocean. I support the strongest protections possible to protect our marine ecosystem. Extinctions of ocean species are accelerating and all need protection.

In 2019, lawmakers did succeed in getting passed into law expansion of existing prohibitions on knowingly capturing, abusing or killing manta rays in state marine waters to apply to all rays. But sharks originally included in the Bill were removed. Please consider the strongest protections for sharks in HB553. The bill has been amended to create loopholes and broad exemptions that endanger sharks and make enforcement difficult. Please do not allow anyone claiming subsistence fishing be exempted.

For biodiversity of the ocean,

Diane Ware, Volcano

HB-553-SD-1

Submitted on: 4/4/2021 7:12:13 PM

Testimony for JDC on 4/6/2021 9:55:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
David Cady	Individual	Support	No

Comments:

I support this Bill for the protection of sharks in Hawaii. It is important and imperative for the health of our oceans.

HB-553-SD-1

Submitted on: 4/4/2021 7:01:11 PM

Testimony for JDC on 4/6/2021 9:55:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Lisa Bishop	Individual	Support	No

Comments:

Aloha Chairs, Vice Chairs, and Members of JDC and WAM Committees:

Friends of Hanauma Bay supports HB553, but with the below critical amendments:

A few fishers, unfamiliar with prosecutorial procedures, are concerned they may be charged for the incidental capture of a shark while fishing for other species. To address this concern, and to aid in proper enforcement, we recommend the following:

Proposed amendments:

- 1) Page 1, 2, Amend preamble to clarify that: "The purpose of this Act is to protect sharks for their ecological value while not criminalizing the accidental capture and release of sharks that may be unintentionally captured while fishing for other species as allowed by law or rule"
- 2) Page 2, line 11 add "intentionally" or knowingly 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. We are suggesting the addition of "intentionally" as well.
- 3) Page 4 remove lines 4-9 to remove sections (4) and (5), as incidental capture while fishing for other species is clarified in the preamble, by using the highest mens rea (state of mind) and will be further addressed in DLNR's rulemaking process.

Additional provisions added by the House advise DLNR to explore issues such as wanton waste and prohibiting gill nets and other gear in shark nursery areas. We support these provisions being further discussed during a public scoping and rule-making process and therefore recommend the following additional changes:

- 1) Page 4, line 18-20, (h) Clarify that the department may adopt rules pursuant to chapter 91 to implement this section and to ensure that the incidental capture and release of sharks while targeting other species is not a violation;

2) Delete page 5, lines 4-6 relating to subsistence take as native Hawaiian cultural and subsistence practices are already exempt in section (g) and per our state constitution and any further take of individual sharks can be addressed in the DLNR rule-making process; and

3) [January 1, 2022](#), 6 month extended effective date to allow for community outreach and education about the importance of protecting sharks and info about the forthcoming rule process.

Thank you for your support of HB553 HD2 SD1 with the above noted critical amendments to protect Hawaii's sharks!

Mahalo,

Lisa Bishop

President

Friends of Hanauma Bay

HB-553-SD-1

Submitted on: 4/4/2021 7:28:47 PM

Testimony for JDC on 4/6/2021 9:55:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Fatima Abed	Individual	Support	No

Comments:

Please pass this and support saving marine life. Thank you.

HB-553-SD-1

Submitted on: 4/4/2021 8:35:34 PM

Testimony for JDC on 4/6/2021 9:55:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Tiare	Individual	Support	No

Comments:

I support the bill because we need sharks in our eco-system in order for the marine life/ocean to survive.

HB-553-SD-1

Submitted on: 4/4/2021 8:42:06 PM

Testimony for JDC on 4/6/2021 9:55:00 AM

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

Comments:

1. I support HB553 and the protection of sharks in Hawai'i. Sharks are very important to the health of the ocean ecosystem in Hawai'i, and also to the culture of Native Hawaiians. As residents of Hawai'i, we have a responsibility to protect and preserve all the gifts of this 'aina. Sharks are an important part of this paradise and we cannot let greed, laziness or neglect destroy this unique region. Please pass HB553. Mahalo.

HB-553-SD-1

Submitted on: 4/4/2021 9:33:53 PM

Testimony for JDC on 4/6/2021 9:55:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Honda Cevallos	Individual	Support	No

Comments:

Please vote in favor of this crucial bill. Sharks are an immensely important part of the health of our oceans, and thus an important part of the health of all life on Earth. Additionally, sharks are amazing sentient creatures that have long been misunderstood and deserve to be protected in their own right. Please support this bill.

HB-553-SD-1

Submitted on: 4/4/2021 9:05:38 PM

Testimony for JDC on 4/6/2021 9:55:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Christiana Rebelle	Individual	Support	No

Comments:

I support this bill because sharks play an important role in the ecosystem of our ocean which needs better protection. Please pass this bill.

HB-553-SD-1

Submitted on: 4/4/2021 9:44:24 PM

Testimony for JDC on 4/6/2021 9:55:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Chad Jamieson	Individual	Support	No

Comments:

I support the bill

HB-553-SD-1

Submitted on: 4/4/2021 10:28:58 PM

Testimony for JDC on 4/6/2021 9:55:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Holly Holman	Individual	Support	No

Comments:

Please pass bill HB553 to protect the sharks, as they are integral to the health of our oceans. Thank you.

HB-553-SD-1

Submitted on: 4/4/2021 10:43:55 PM

Testimony for JDC on 4/6/2021 9:55:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Brittany Evans	Individual	Oppose	No

Comments:

Aloha Legislators,

My name is Brittany Evans and I am a Master's student in the Marine Biology Graduate Program at the University of Hawaii. I study the behavior and horizontal movements of Hawaiian deepwater sharks as well as the movement patterns of Hawaiian predatory fishes.

While I greatly appreciate the efforts of the public community and legislators to create regulations to better protect sharks, I fear components regarding conservational efforts and additional permitting for shark research in the SB553 would do more harm than good. As such, I am writing to **oppose the bill in its current form.**

The shark protection bill, while it may look great on paper to some people, would be **unenforceable and may in fact put local fishers in legal jeopardy.** It would be difficult to distinguish between honest local fishers who accidentally capture sharks and fishers illegally targeting sharks and the bill in its current form does not specify how the DLNR plans to address this issue. In fact, shark bycatch is a much more significant problem in Hawaii than targeted shark fisheries. If we could transform the bill to focus more on reducing shark bycatch, that would have much stronger impact on conserving local shark populations. In addition, the DLNR does not have the resources to enforce this bill. The DLNR has testified previously and reported that they do not have the manpower to run enforcement patrols. We shouldn't pass a bill that couldn't be enforced; **legal measures without enforcement power will not aid in shark conservation efforts.**

This bill in its current form also threatens research programs. At the heart of it, shark researchers have one goal: to contribute to the conservation of these amazing predators of the marine environment by providing data needed to guide management efforts.

In order to perform proper scientific research, scientists must go through several rigorous forms of review from various individuals, committees, and departments for their proposed project, including but not limited to approval from an animal ethics board: the Institutional Animal Care and Use Committees (IACUCs) and valid permitting from various state and/or federal departments. **There are already several steps in place to**

ensure scientists must always defend their research methodology with the welfare of their study organisms as the top priority. Research through university institutions is also heavily regulated through peers in the scientific community as the methodology to capture and utilize any study organisms during projects are always noted and subjected to review during approvals from nationally qualified research and educational institutions, scientific conference or symposium presentations, and paper publishing through peer-reviewed scientific journals.

The idea of regulations needed for scientific research is a fantastic idea, but **regulation of scientific efforts is already fully covered** through the research and educational institutions, state and/or federal departments, and the scientific community as a whole. Subjecting scientists to additional regulations would be redundant and in fact limit or, in worse case, **inhibit research specifically aimed at broadening our understanding of sharks and providing important information to be utilized in their conservation and management.** As such, I propose that nationally recognized research and educational institutions should be exempt from the special activity permit to conduct scientific and educational research activities on sharks as stated in the current form of the bill.

I also propose additional inquires to determine how DLNR plans to enforce this bill and how they plan to distinguish between bycatch and deliberate targeting of sharks by local fishers.

Thank you for your time,

Brittany Evans

HB-553-SD-1

Submitted on: 4/4/2021 10:45:47 PM

Testimony for JDC on 4/6/2021 9:55:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
John Brislin	Individual	Support	No

Comments:

Sharks are crucial to their ecosystems as any apex predator is. Sharks should be protected by strong laws backed up by our government. Please pass this bill and begin to heal our ocean's ecosystems. We need action now before it's too late. Please do the right thing and protect these sharks now. If you don't we will elect people that do. Thank you.

HB-553-SD-1

Submitted on: 4/4/2021 10:55:19 PM

Testimony for JDC on 4/6/2021 9:55:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Cory Fults	Individual	Oppose	No

Comments:

The bill is unenforceable and creates legal jeopardy for local fishers. All fishing methods used to target commercial seafood species can have incidental interactions with sharks. It would be impossible to prove or disprove that sharks were or were not being specifically targeted. Fishers who accidentally capture sharks could not be distinguished from those targeting sharks. This puts local fishers at risk of unfair prosecution.. **This bill is unnecessary because there are no fisheries for Hawaii coastal shark species and meaningful regulations are already in place.** Fishing is already banned in two-thirds of the Hawaiian chain (Papahānaumokuākea Marine National Monument) and there are no commercial fisheries for coastal sharks anywhere in Hawaii. Coastal shark meat is not sold in Hawaii (due to long-term lack of demand and pressure from communities) and shark finning is already banned under existing laws. The decline in global shark populations is primarily due to industrial high seas fishing or intensive targeted fishing for coastal sharks - neither of which applies to state regulated waters in Hawaii.**This bill threatens ongoing tag and release programs.** Local fishers have been tagging and releasing bycaught sharks to help us understand: shark interaction rates, depredation rates, historical mortality rates, post-release survival rates, habitat use and movement behaviour, FAD association dynamics of protected species, handling and discard practices, and shark population demographics around Hawaii. This is the ONLY research program in the region that is working to generate quantitative data on shark populations around Hawaii. It is imperative that this tagging program continues to generate the required information for effective conservation management. There is no provision for them to continue doing this under HB 553.

HB-553-SD-1

Submitted on: 4/4/2021 11:46:46 PM

Testimony for JDC on 4/6/2021 9:55:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
alex	Individual	Support	No

Comments:

Please support our sharks

HB-553-SD-1

Submitted on: 4/5/2021 12:45:40 AM

Testimony for JDC on 4/6/2021 9:55:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Summer Muramoto	Individual	Support	No

Comments:

Sharks are animals that have been stereotyped and given the worst treatment of many sea animals. Sharks are creatures that Hawaii especially have ties to spiritually and is treated as a sacred animal by the people of certain cultures of Hawaii. As people of hawaii who are so full of aloha, we must spread that to our ocean and those that inhabit it. The people of Hawaii have faced violence and injustice for decades and what would it be showing if we continue this pattern in our oceans? Who does this help? We must respect these creatures. We must do better.

HB-553-SD-1

Submitted on: 4/5/2021 2:52:07 AM

Testimony for JDC on 4/6/2021 9:55:00 AM

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

Comments:

Aloha honorable chair and committee,

Please pass and continue to support this bill to protect manā• from wasteful killing. The bill would help to encourage fishermen who accidentally catch a shark to let it go immediately rather than using baby hammerheads as bait or just dumping them on the beach. These basic fines, and granting power to DLNR to be able to require that accidentally caught sharks are released immediately, would help to reduce unnecessary mortality, especially in endangered species like hammerheads. Manā• are culturally significant, they are ecologically significant, and they are also more valuable to Hawaii's people and economy directly through sustainable jobs in ecotourism and also indirectly through their important role in keeping fish stocks and reefs healthy.

Mahalo nui loa,
Ocean Ramsey

HB-553-SD-1

Submitted on: 4/5/2021 2:08:00 AM

Testimony for JDC on 4/6/2021 9:55:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Michelle Anderson	Individual	Support	No

Comments:

We must protect Sharks as they are essential for the oxygen we breath, the balance within the ocean,

Mahalo nui,

Michelle

HB-553-SD-1

Submitted on: 4/5/2021 7:43:39 AM

Testimony for JDC on 4/6/2021 9:55:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Gayathri Rao	Individual	Support	No

Comments:

Sharks are intelligent beings, and their existence is vital to the fragile balance of life on earth. In addition, sharks are amazing animals, and as the "intelligent" species, we should be living in harmony with other intelligent beings. I strongly support passing HB553.

HB-553-SD-1

Submitted on: 4/5/2021 7:06:25 AM

Testimony for JDC on 4/6/2021 9:55:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Sophia Nguyen	Individual	Support	No

Comments:

Sharks need to be protected from humans before they go extinct like many other animals have. Action needs to be taken soon to protect sharks from being hunted or killed.

HB-553-SD-1

Submitted on: 4/5/2021 8:19:42 AM

Testimony for JDC on 4/6/2021 9:55:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
James Anderson	Individual	Oppose	No

Comments:

To whom it may concern. I am writing to re-iterate my formal opposition to the Bill in it's current form. The Bill seeks to protect sharks in Hawaii State waters, while allowing for cultural and subsistence take of sharks. However, the wording of the Bill will afford little to no protection for shark populations, and in-fact, may further contribute to the inability to effectively protect and conserve coastal shark populations through enforcement. The Bill establishes that certain fishing practices pose a threat to shark populations, specifically to populations of neonate and juvenile shark species, and names gill-netting as an example of one such practice. However, the Bill then goes on to exempt fishers using such methods from any responsibility, thereby negating the efficacy of any protective measures. The Bill calls for limiting gear, such as gill nets, in areas identified as shark nursery habitats. This will limit any protection afforded to small handful of specific locations on Oahu and the Big Island for Scalloped Hammerhead sharks, as this is the only species with any defined nursery habitat in Hawaii. Thus, use of gill nets and other damaging fishing practices will continue to go unchecked in the rest of Hawaii, and will continue to impact upon other shark and ray species that utilize inshore areas as nursery habitat. The Bill then goes on to exempt anyone who captures or kills a shark while targeting other species. This leaves the burden or onus upon any enforcement officers to demonstrate beyond all reasonable doubt that anyone who captures or kills a shark was deliberately intending to do so. Again, this negates the efficacy of any protective measures and hampers conservation initiatives. This version of the Bill (HD2) specifically deleted language that would have exempted any person who holds a license or permit issued by the Department of Land and Natural Resources to conduct research or research overseen by a State-approved Institutional Animal Care and use Committee from the prohibition against knowingly capturing, entangling, or killing a shark in state marine waters. The irony here is that in it's current form, the only people the Bill will impact upon are those who strive to do most for informed and effective conservation –the scientific community. The Bill is therefore hamstrung by it's own contradictory wording, and is fatally flawed in it's ability to deliver conservation and protection for sharks. I am very much in favor of conservation and protection for shark and ray species. However, this Bill, in it's current form, will be to their detriment, rather than being their savior. I urge the Chairs and the committee to reject this Bill, and instead embark on a path that includes consultation with stakeholders and the scientific community to arrive at measures that will actually be both effective, and enforceable. Sincerely, James Anderson, PhD

HB-553-SD-1

Submitted on: 4/5/2021 8:01:43 AM

Testimony for JDC on 4/6/2021 9:55:00 AM

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

Comments:

I am currently a student at Hawaii Pacific University, receiving my degree in Marine Biology this May. Sharks are an important part of the marine ecosystem and without them, we would be losing apex predators, which means a cascade effect in the marine environment. Without sharks our ecosystem will collapse and even our economy will suffer due to the unhealthy environment fish and other organisms we use for profit or resources. If we lose sharks as an apex predator, we will all suffer.

HB-553-SD-1

Submitted on: 4/5/2021 8:28:31 AM

Testimony for JDC on 4/6/2021 9:55:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Jeannette Heidrich	Individual	Support	No

Comments:

I support HB553, Protection of Sharks. Our sharks are needed in our ocean to protect the marine balance. No One should catch, entangle or kill a shark in Hawaiian waters. Everyone should have a permit for any actions with sharks. thank you for passing this bill

HB-553-SD-1

Submitted on: 4/5/2021 8:35:42 AM

Testimony for JDC on 4/6/2021 9:55:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Paige Wernli	Individual	Oppose	No

Comments:

As Ford et al. state in their 2021 paper Understanding and avoiding misplaced efforts in conservation: "Conservation relies on cooperation among different interest groups and appropriate use of evidence to make decisions that benefit people and biodiversity. However, misplaced conservation occurs when cooperation and evidence are impeded by polarization and misinformation. This impedance influences actions that directly harm biodiversity, alienate partners and disrupt partnerships, waste resources, misinform the public, and (or) delegitimize evidence. As a result of these actions, misplaced conservation outcomes emerge, making it more difficult to have positive outcomes for biodiversity. - case studies illustrate that averting misplaced conservation requires greater adherence to processes that elevate the role of evidence in decision-making and that place collective, long-term benefits for biodiversity over the short-term gains of individuals or groups."

I am currently a masters student in the Shark Research Lab at the Hawaii Institute of Marine Biology. HIMB hosts a suite of world-class, legitimate shark researchers with a long history of conducting research focused on global shark conservation. Their expertise is an incredible resource for the state of Hawaii to use in creating effective, fact-based shark conservation measures. Unfortunately, their input nor their decades of experience on this issue were used in the creation of this bill. Opposing the bill for the following reasons:

1. It will not produce any kind of effective protection for sharks
2. It is unenforceable. Fishing methods used to target sharks can be legitimately used to capture other species of fish, therefore it would be impossible to prove intent.
3. It fails to address the issue of shark bycatch
4. Onerous and undefined permit requirements could jeopardize legitimate shark research focused on effective shark conservation
5. We can and should do better than this bill when it comes to designing shark conservation bills in Hawaii.

Conservation should be informed by science, and this bill does not identify any kind of specific need for sharks in Hawaii but is a blanket regulation that has the potential to do nothing effective in the short term and impede directed conservation efforts in the long term.

HB-553-SD-1

Submitted on: 4/5/2021 8:41:18 AM

Testimony for JDC on 4/6/2021 9:55:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Grant Heidrich	Individual	Support	No

Comments:

I am a part time resident and property owner on the Big Island. I am 68 years old and have been a life long scuba diver, and ocean swimmer, having dived all around the world.

Sadly sharks have come under heavy pressure and been killed and destroyed all around the world, including the sacred waters in Hawaii.

Besides being majestic animals in their own right, they play a critical role in the oceanic ecosystem. Additionally, the shark occupies a critical role in the Hawaiian culture , history, and lore.

It is critical that the state outlaw the destruction of sharks, and impose strict and heavy fines on those who continue the practice of killing or injuring this precious species.

Thank you for considering my testimony,

Grant Heidrich

Testimony on HB 553
House of Representatives
State of Hawaii

March 13, 2021

To Whom It May Concern:

I am writing to voice my opposition to HB 553, "relating to the protection of sharks." I am a shark scientist with over 20 years experience studying sharks, including 9 years of work in Hawaii where I earned my Masters and Ph.D. at the University of Hawaii at Manoa.

My objections to HB 553 stem from its overly broad reach, its failure to incorporate basic scientific information on shark populations in Hawaii, the inherent difficulties of enforcing the regulations it proposes, and the fact that it is extremely unlikely to provide meaningful protection for local sharks.

Although the bill accurately states that sharks, as a group, tend to be more vulnerable to fishing pressure than other fishes, this does not mean that all shark populations are in need of protection. In fact, there is no demand for shark meat in Hawaii, shark fins are already banned, and there is no evidence of decline in Hawaii coastal shark populations.

The bill is also unenforceable, since the fishing methods used to target sharks can be used to catch other species of fish. This would make it impossible to prove that sharks were being targeted, and fishers who had unintentionally caught sharks would be indistinguishable from those who were targeting them intentionally.

To develop effective local shark conservation policies we need to (1) engage all stakeholders in the process, (2) quantify the type, volume and impact of human interactions with sharks, (3) focus conservation measures on activities that have the largest impact on sharks, and (4) identify and implement practical solutions.

This pathway toward effective shark conservation in Hawaii could be facilitated by a legislative resolution for a task force to characterize and quantify human impacts on sharks so that we can develop conservation policies based on a clear, fact-based understanding of actual threats to local shark populations.

I respectfully encourage the legislature to reject HB 553 and instead consult with their local, world-renowned shark scientists, local fishermen, and other stakeholders to come up with initiatives that could actually help local sharks.

Thank you for the opportunity to provide this testimony in opposition to HB 553.

Sincerely,



Dr. Nick Whitney
drnickwhitney@gmail.com
www.drnickwhitney.com

HB-553-SD-1

Submitted on: 4/5/2021 8:57:37 AM

Testimony for JDC on 4/6/2021 9:55:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Patty Peters	Individual	Oppose	No

Comments:

Aloha and thank you for your consideration of this testimony.

Hawaiian state waters law enforcement along our coast line holds a vast history of a continued lack of presence and action on behalf of our enforcement agencies. Currently each enforcement agency defers to the next while clear laws are being broken even after years of reports. If we can't enforce the basics now how is it possible to enforce a broad spectrum bill such as this while in conjunction restricting the ability for research to identify specific avenues to find efficient enforcement, specific protection and new ways for sustainable fisheries along our coast line? It is possible that after shaving this bill down to what it is now should be a good consideration that it is incredibly unwarranted. To be clear not that the concerns are unwarranted but the bill itself accomplishes nothing.

Laws without enforcement confuse and further divide communities and although the water body seems large it is quite small. These waters are shared by numerous industries, local practitioners and tourism all conflicting but each have a place out on the water but it is turning very contentious. It is my opinion this bill is solely a reflection of that contention and is not a well thought out consideration for all stakeholders.

I would like to mention that local commercial fisheries are the least of the evils and the most sustainable of all the fisheries surrounding our Hawaiian Islands. These fisheries contest with purse seine nets off shore which take a gross amount of tuna stock and are unregulated for the most part doing the most damage to pelagic shark populations across the board. Next down the line our local fisheries contend with the longliner fleet who are NOAA regulated armed with incredible technology to maximize profit. They have enough lines out each night to encircle our islands 3 times. An estimated 200 sharks died each night as bycatch until recently, due to local fisherman efforts and research based evidence did the law finally change for longliners in Hawaii to use monofilament instead of steel leaders in hopes most of the shark population can get free from bycatch. To get that law to pass took a HUGE amount of effort and time from our local fisheries and researchers. It is a great example of a specific motion that has saved hopefully hundreds of thousands of sharks and other by catch over the last year or so. So yes we do absolutely need to look at our coastal populations and ecosystem as the affects and impact from off shore fisheries are contributing to why these conversations are taking place.

I understand you have seen all the research points that are being made. I consider them to all be valid, fair and honest. I understand and support that action needs to be taken to preserve our coastal resources, cultural practices and research opportunities. This bill is an example of what not to do to ensure the preservation of our beloved coastal shark species.

As you read this you must consider the amount of detail, time and data that MUST be reviewed and considered before creating a law that will cause more division and confusion adding to the complete lack of organization and follow through we experience consistently. As I write this I am wishing I had more data, numbers and proof of evidence for my point... but that takes research.

The communities are divided and that is because there is no solution for any of us. We continue to get pressured and pushed by laws and the pot is boiling over when the reality is we all have the ability to properly manage our coastline if we have the knowledge and details of HOW. Only data, specific knowledge and realistic enforcement opportunities will provide that. We are in need of SOLUTIONS not off base laws.

Please consider the task force being proposed by the research community as a resolution so we can move forward with all stakeholders present, their knowledge and expertise accounted for and create the correct solutions specific to the problems to be addressed.

Mahalo

HB-553-SD-1

Submitted on: 4/5/2021 9:01:51 AM

Testimony for JDC on 4/6/2021 9:55:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Isaac Barrow	Individual	Support	No

Comments:

Sharks are a vital part of our Ocean's ecosystem. As the apex predator in our oceans, they actually ensure the health of the full food chain below them, from other large fish (vital to our people and industries) all the way down to the health of the coral reefs themselves. As sharks populations are diminished, through misguided efforts by fishers that actually ultimately hurt the fish populations they believe they are helping, or through other means, we are accelerating the destruction of an ecosystem that is vital to our culture, our identify, and even our own continued existence - Ocean health is cretical to mitigating some of the most drastic effects of climate change.

Much as was observed through the reintroduction and protection of wolves in habitats like Yellowstone, the protection of apex predators is key to the preservation and restoration of a healthy ecosystem. HB 553 is needed if we are to preserve and protect our oceans around our Islands.

HB-553-SD-1

Submitted on: 4/5/2021 9:12:37 AM

Testimony for JDC on 4/6/2021 9:55:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Sunshine Eckstrom	Individual	Support	No

Comments:

Please pass HB 553 to protect sharks in Hawaii. Sharks are important, sentient members of our ocean ecosystem. Without them, the oceans cannot remain healthy.

HB-553-SD-1

Submitted on: 4/5/2021 9:19:50 AM

Testimony for JDC on 4/6/2021 9:55:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Jessica Palomino	Individual	Support	No

Comments:

I support.

HB-553-SD-1

Submitted on: 4/5/2021 9:50:19 AM

Testimony for JDC on 4/6/2021 9:55:00 AM

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

Comments:

I write to you not only as a “western scientist” (as us shark researchers are classified), I also write to you as a proud, Hawaii born, community member. I was born and raised in the ahupuaa of Waihee and have been fishing in Kaneohe bay since before I could walk. I believe in the protection of sharks and all of our amakua, however this bill will not protect our sharks for the reasons previously mentioned in past testimonies.

1. HB 533 will produce no meaningful protection for sharks because targeted fishing for sharks (the focus of the bill) is already a very rare activity in Hawaii.

2. It is unenforceable.

This bill is unenforceable because there is no way to distinguish between bycatch and deliberate targeting of sharks. JUD should ask DLNR how it plans to distinguish between fishers accidentally catching sharks versus those deliberately targeting sharks. JUD should not pass unenforceable legislation.

3. It does not address the locally more significant issue of shark bycatch

DLNR has testified that it does not have the resources to do 'at sea' enforcement. The WAM committee should ask DLNR directly how it plans to enforce this bill when it testified that it couldn't enforce a shark ecotourism bill because it lacks 5 full-time positions to run enforcement patrols. WAM should not pass bills if the resources are not there to implement the law.

4. As yet completely undefined permit requirements could jeopardize scientific research crucial to understanding the health of shark populations in Hawaii and vital for designing effective fact-based conservation and management strategies.

As researchers we are there to learn more about shark behaviors and movement patterns to better understand how they can better be protected and effectively inform the public about what we know. Putting shark research in jeopardy will be reducing our ability to put together an effective bill. This bill lacks a management plan and should be taken back to the drawing board and brought back when it has been rewritten to actually protect sharks.

Researchers and the native hawaiian community should be able to come together and learn from each other. This door of communication needs to be opened so we can work together and protect the species we all love and hold close to our hearts.

Aloha to the Hawai'i State Legislature,

Please change or remove this bill to protect legitimate shark research and conservation that is vital for effective management of sharks in Hawai'i and abroad.

I am a master's candidate at the University of Hawai'i at Mānoa having spent the last 7 years studying sharks (manō) in Hawai'i and abroad. I have local experience in the field, with conservation groups, as a tour guide and as a contributor to bona fide research resulting in peer reviewed articles from both MHI and NWHI. My goals are to present facts referencing the collected data and analysis that may inform these types of socio-economic/political regulations. But I do think it is important to acknowledge the bounty of information that already exists.

Native Hawaiians (Kanaka Maoli) have long recognized and revered manō for genealogical ties in the Kumu Lipo identify both individuals as 'aumakua and species by threat as in niuhi and in sustainable harvest of manō kihikihi, manō lalakea. This level of awareness expresses a deep knowledge and understanding of the value and ecological role of sharks. This bill should be put in place to protect sharks and their ecological role and not to incriminate fishers of other species, Native Hawaiian practice, nor place-based stakeholders of bona fide research.

The reality of modern nearshore fisheries in Hawai'i is one of overharvest. The fate of sharks in the MHI is being outcompeted by humans in the demand of a global marketplace. In addition, these animals face constant habitat threat by thorough pollution, excessive runoff, and human-accelerated climate change resulting in global warming. Over decades of 'open access' these types of pressures have contributed harm to both recreational and commercial fish stocks. The ocean can be a difficult place to regulate without efficient resources and community support. These are not addressed by HB 553.

Hawai'i remains a standing example of shark protection by Native Hawaiians against shark meat kamaboko a few decades ago and for state legislation against shark finning in 2010, followed by the federal Shark Conservation Act in the same year*. Unlike other coastal regions, this state has never mandated a target shark fishery, likely as a legacy of these people that continue to protect all natural resources.

The United States has restricted further participation in the global fin trade including limitations on transport and shipment of fins (including airlines, closing major ports/harbors and striking shark fin soup from the menu!). However, much of the trade of fins targets pelagic sharks outside of state waters. These sharks are not protected by HB 553.

The University of Hawai'i at Mānoa in association with the Hawai'i Institute of Marine Biology support over 25 years of shark and pelagic fishery research aimed to further protect and understand these animals.

I see issue within this bill to my research and that of my lab as stakeholders in the appropriate management of shark research and conservation in the State of Hawai'i and currently operate under University Institutional Animal Care and Use Committee permits. I also do not believe that further legislation of this nature adequately protects sharks or hinders their threats.

Thank you for your time.

Julia M Hartl

*The federal Shark Conservation Act was signed in 2011 in amendment of the High Seas Driftnet Fishing Moratorium Protection Act of the federal Magnuson-Stevens Fishery Conservation and Management Act (MSA). The MSA was previously amended in 2000 with the Shark Finning Prohibition Act which restricts the possession, removal and landing of shark fins without its body in the United States of America. NOAA Fisheries provide annual reports to Congress detailing the implementation and management of fisheries law (including numerous sustainable shark fisheries).

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

I am opposed to this bill. It is unnecessary and unenforceable. The only meaningful potential impact will be to place additional bureaucratic burdens on legitimate scientific research and scientific research has a demonstrable track record of conserving and protecting sharks.

Like many other professional marine biologists working in the area of shark biology, I feel that this bill is unnecessary and unenforceable. Sharks populations in Hawaii state waters are NOT under threat from people "knowingly fishing" for sharks.

Global declines in shark populations are mainly due to industrial high seas fishing or coastal fisheries where there is a coastal fishery targeting sharks – neither applies to Hawaii

Shark research conducted by universities already requires a rigorous screening process to obtain permits such as those issued by an Institutional Animal Care and Use Committee (IACUC). These committees are comprised of veterinarians, scientists and non-scientists who evaluate the value of the research and the way in which it conducted. An IACUC permit should be a legitimate exemption from the regulations in the proposed legislation. The University of Hawaii has provided testimony that suggests changes in the language of the current bill to make it similar to previous House bills that would exempt activities covered by an IACUC permit. HIMB's testimony on previous versions of this measure included the following suggested language (which I endorse)—

(f) This section shall not apply to:

- (1) Special activity permits issued under section 187A-6; or to research overseen by a state approved institutional animal care and use committee (IACUC).

LATE



Environmental Caucus of The Democratic Party of Hawai'i

April 6, 2021

To: Senate Committee on Judiciary
Senator Karl Rhoads, Chair
Senator Jarrett Keohokalole, Vice Chair, and
Members of the Senate Committee on Judiciary

Senate Committee on Ways and Means
Senator Donovan M. Dela Cruz, Chair
Senator Gilbert S.C. Keith-Agaran, Vice Chair
Members of the Senate Committee on Ways and Means

Re: HB 553, HD2 SD1 RELATING TO THE PROTECTION OF SHARKS

Meeting: Tuesday, April 6, 2021, 9:55 a.m., Room 221 via videoconference

Position: **STRONG SUPPORT WITH AMENDMENTS**

Aloha, Chairs Rhoads and Dela Cruz, Vice Chairs Keohokalole and Keith-Agaran, and Members of the Committee on Judiciary and Ways and Means:

The Environmental Caucus of the Democratic Party of Hawai'i and its Natural Resources Committee are in **strong support with amendments** of HB553, HD2, SD1, as it establishes an offense of intentionally and knowingly capturing, entangling, or killing a shark in state marine waters, and provides penalties and fines as well as certain exemptions. It allows the department of land and natural resources to establish rules to achieve certain objectives. This act has an effective date of January 1, 2022. This bill is consistent with the Democratic Party of Hawai'i ("DPH") Party Platform.

The Democratic Party of Hawai'i has adopted at its 2018 State Convention, clear safeguards to protect and promote our clean and healthy environment. At page 18 of the DPH Platform, it specifically provides, to wit:

PROTECTING OUR PUBLIC LANDS AND WATERS

DPH believes in the conservation and collaborative stewardship of our shared natural heritage: the public lands and waterways, the oceans, mountains and all that makes Hawai'i's great outdoors priceless. We need policies and investments that will keep Hawai'i's public lands public, strengthen protections for our natural and cultural resources, increase access to parks and public lands for all people,



April 6, 2021

Page 2

protect native species and wildlife, and harness the immense economic and social potential of our public lands and waters.

DPH will approach conservation of our public lands and waters in a way that reflects the diversity of our State, by actively engaging all people in the great outdoors and protecting natural landscapes and cultural sites that tell the story of Hawai'i's complex history. To help meet these goals, we will work to build a diverse workforce in the Department of Land and Natural Resources (DLNR) that manage Hawai'i's public lands, waters, and cultural sites.

Democrats oppose efforts to undermine the effectiveness of the Endangered Species Act to protect threatened and endangered species.

Specifically, HB533, HD2, SD1 establishes an offense of intentionally and knowingly capturing, entangling, or killing a shark in state marine waters, and provides penalties and fines as well as certain exemptions. This act would allow the department of land and natural resources to establish rules to achieve certain objectives.

We support this measure but request that the following amendments be added:

1. Amend preamble to remove references to subsistence fishing as this can be addressed in Rules,
2. Page 2, line 12 & 13, should read ...shall intentionally **OR** knowingly... not AND,
3. Amend section (f)(4) to clarify the self-defense exemption,
4. Add "and" to section (H) so that DLNR is not limited in their rule-making scope,
5. Strike "taking" in section (H)(1) and insert "capture and release a shark". If the capture was truly incidental then a person should not keep (take) the shark.

We strongly urge the passage HB 533, HD 2, SD1 with the aforementioned amendments. This bill is consistent with the DPH Platform as it is designed to protect endangered species in Hawai'i.

Thank you very much for the opportunity to testify on these important issues.



Environmental Caucus of
The Democratic Party of Hawai'i

April 6, 2021

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Respectfully yours,

Alan B. Burdick
Co-Chair, Environmental Caucus
Co-Chair, Natural Resources Committee
Democratic Party of Hawai'i
Email: burdick808@gmail.com

Melodie R. Aduja
Co-Chair, Environmental Caucus
Co-Chair, Human Environmental Impacts Committee
Democratic Party of Hawai'i
Email: legislativepriorities@gmail.com



LATE

March 5, 2021

THE SENATE
THE THIRTY-FIRST LEGISLATURE
REGULAR SESSION OF 2021

Senator Karl Rhoads, Chair
Senator Jarrett Keohokalole, Vice Chair
COMMITTEE ON JUDICIARY

Senator Donovan M. Dela Cruz, Chair
Senator Gilbert S.C. Keith-Agaran, Vice Chair
COMMITTEE ON WAYS AND MEANS

DATE: Tuesday, April 6, 2021
TIME: 9:55 a.m.

Regarding: HB553 HD1 SD1 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 requests that HB552 HD1 SD1 is deferred .

HB553 HD1 SD1 Relating to the protection of sharks should be deferred as more discussion is required. HFACT supported the HD1 version, but opposes the SD1 version which removed the exception of the take of sharks for subsistence use. Shark stock are healthy and the minimal take of sharks for subsistence use is exceptionally small. HFACT supports reinstating the exception of the take of sharks for subsistence use under appropriate permit from the Division of Aquatic Resources.

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.

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

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.

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.

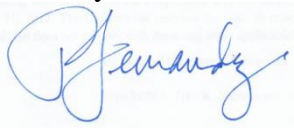
Hawaii law already bans possession, sale, distribution or trade of any shark fin. Therefore a commercial shark fishery does not exist. Overfishing of reef sharks and oceanic sharks is not occurring. What exists is a subsistence and non-commercial incidental catch fishery which should be allowed to continue.

The HD1 version acknowledges HFACT's concerns and rightly modifies the proposed bill from the original version. The SD1 version removes a critical exemption. HFACT can support the HD1 version, but cannot support the SD1 version.

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

HFACT thanks the chairs, vice-chairs, and committee members of both committees 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

LATE

In support of HB553.

THE IMPORTANCE OF BENTHIC SHARKS

Although larger destruction numbers of sharks are from commercial fisheries in pelagic (deeper water) zones, by-catch and poaching are also popular off Hawaii's beaches. Sharks play a crucial role in maintaining a healthy reef ecosystems (the benthic zone.) Benthic sharks balance predatory fish reef ecosystems allowing the smaller herbivore fish to keep reefs clean from overgrowth of seaweeds and algae suffocation. Removal of sharks imbalances this ecosystem to favor predatory fish which take out the herbivore fish.

Despite the "Expert/Researchers" claiming that sharks are not targeted in Hawaiian waters, the following examples contradict their misleading agendas. These "taggers" in fact are part off the problem encouraging fisherman to target sharks.

NIGHTLY WAIKIKI SHARK HUNTS

On February 18, 2020 while Bill 553 was being introduced, I took the following image at Ala Was Harbor of Blue Ocean Fishing offering nightly shark hunts. Similar nightly tours are also offered from Kewalo Harbor. Shark Hunts is the definition of targeting sharks.



While the intent of shark hunts are "catch & release," the animals are often mutilated and left for dead as large hooks impale their throat and gills. Similar "adventure tours" are also offered on the outer islands.



A sandbar shark found dead on the West Side Dec 2017



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

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

Online searches of “Kaneohe Shark fishing” will lead to several *Youtube* videos showing similar activities involving targeting Hammerhead juveniles & pups. This catch is often used as bait for Ulua fishing. The following examples of recent targeted shark fishing include a dead shark in Maui fished out on Feb. 20, 2020 just two days after the Shark Bill reading which experts testified sharks aren’t being fished.



The Hawaii Institute of Marine Biology has their Shark Research Lab also located in Kaneohe. Ironically instead of educating legislators about the important role sharks play in relation to Hawaii's reef ecosystems, the shark experts must be oblivious to the realities of shark fishing in Hawaii. HIMB has done a good job covering up their own destructive methods of targeting & tagging sharks. Their targeted fishing practices include the use of unattended drum lines, hooking, dragging, tying up, cutting, drilling, impaling, flipping, etc. of sharks. The research has yet to make our waters safer much less "conserve" any species contrary to what has been claimed. In fact they have been documented killing sharks w/ their archaic research. These incidents often include endangered species like Thresher Sharks.



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



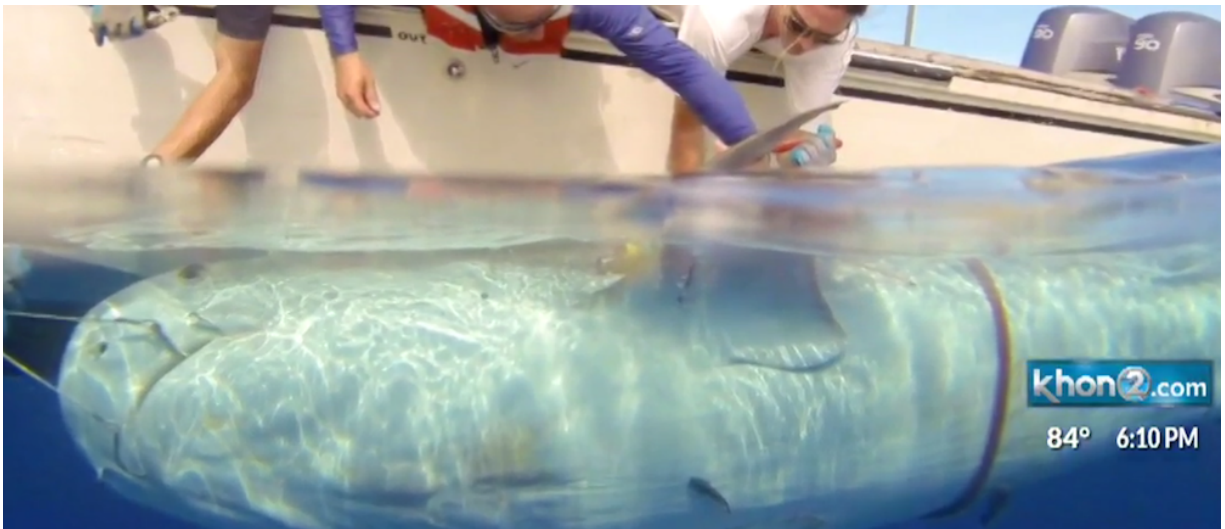
Liked by marc.dando.92 and 137 others

JULY 31, 2019

Add a comment...

Post





NEGATIVE BUOYANCY

Sharks do not have bladders and are negative buoyant. Additionally they have no bone support and when they thrash it causes internal rupturing which often results in their deaths within 48 hours. Removing sharks from water crushes their digestive tracts. Sitting on a dry-docked shark to tag it is even more irresponsible.



INDUCED LABOR

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

1. Hammerhead neonates were dumped in a parking lot near La Mariana Restaurant off Keehi Lagoon, which can be traced to the commercial longliners. (they came out of adult female wombs as determined by fresh umbilical openings.)



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



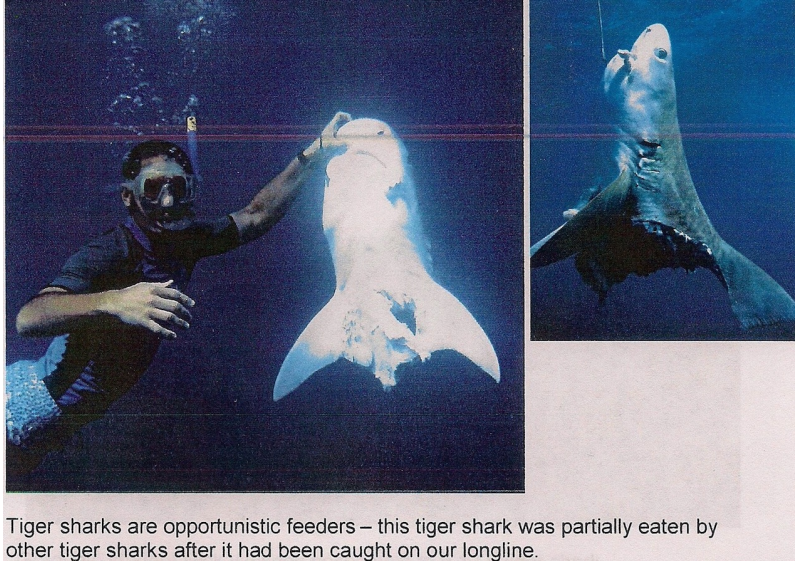
sharktagger_hi • Following ...

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

618 views
SEPTEMBER 28, 2018

DEATH BY RESEARCH

<https://www.civilbeat.org/2018/10/the-story/>



Tiger sharks are opportunistic feeders – this tiger shark was partially eaten by other tiger sharks after it had been caught on our longline.



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

The intent is not to sabotage responsible research, however after listening to misleading testimonies by those who know better, its best if these practices are known.

Perhaps it would be a good time for the State of Hawaii to take a better look at the funding of these research groups and their relationships with the fishery industry.

Marine Rescue & Restoration Management / The IUU Files

LATE



Aloha Committee Chairs:

**This testimony, on behalf of Keiko Conservation, is in strong support of HB553 HD2 SD1
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.

LATE

HB-553-SD-1

Submitted on: 4/6/2021 9:27:26 AM

Testimony for JDC on 4/6/2021 9:55:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Megan Lamson	Testifying for Hawai'i Wildlife Fund	Support	No

Comments:

Aloha kākou,

E kalamai for the late testimony but this bill is SO IMPORTANT to pass that we are sending this in belatedly.

Hawai'i Wildlife Fund (HWF) is in full support of HB 553 HD2 SD1 and mahalo to the senate for cleaning up some of the previous amendments.

Sharks are a critical component of healthy marine ecosystems, and this bill would help protect these apex predators from intentional kills. A similar law was passed in December 2015 for nearshore species in West Hawai'i, and this bill would extend this success to a statewide level and to additional species.

The recent 2017 Friedlander et al. paper indicates that fishing of the three most common Hawaiian shark species (Galapagos, Grey Reef and Whitetip) was *highly unsustainable*. As they noted, even these "common" species are only rarely encountered in the Main Hawaiian Islands, and that's certainly true for all other shark species. It is challenging to do any sort of studies on such uncommon and wide-ranging species.

However, there is a wealth of information on threats to sharks and rays worldwide, and we ought to learn from these experiences. **In particular, shark population declines in locations around the globe are primarily due to conservative life-histories and fishery exploitation.** Proposed HB 553, like companion SB 504, moves Hawai'i in the right direction of protecting these important species.

Please use your vote and PASS this bill during today's JDC/WAM committee meeting.

HWF is a local conservation organization that is dedicated to the protection of native wildlife in Hawai'i nei through research, restoration, education, and advocacy efforts since 1996.

Me ka mahalo,

Megan Lamson, M.S.

Hawai'i Wildlife Fund (wildhawaii.org)

Board President & Hawai'i (Island) Program Director

Kealahou, Hawai'i

Reference cited: Friedlander AM, Donovan MK, Stamoulis KA, Williams ID, Brown EK, Conklin EJ, DeMartini, Rodgers KS, Sparks, Walsh WJ. 2017. Human-induced gradients of reef fish declines in the Hawaiian archipelago viewed through the lens of traditional management boundaries. *Aquatic Conserv: Mar Freshw Ecosyst.* 2017; 112. <https://doi.org/10.1002/aqc.2832>

LATE

HB-553-SD-1

Submitted on: 4/5/2021 11:27:10 AM

Testimony for JDC on 4/6/2021 9:55:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Lauren Arnold	Individual	Oppose	No

Comments:

HB 553: A misdirected conservation effort that will not protect sharks

- **This bill is unnecessary because Hawaii coastal shark populations are healthy and already well-protected.** Fishing is already banned in two-thirds of the Hawaiian chain (Papahānaumokuākea Marine National Monument) and there are no commercial fisheries for coastal sharks anywhere in Hawaii. Coastal shark meat is not sold in Hawaii (due to long-term lack of demand) and shark finning is already banned under existing laws. The decline in global shark populations is primarily due to industrial high seas fishing or intensive targeted fishing for coastal sharks - neither of which applies to Hawaii.

- **The bill is unenforceable and creates legal jeopardy for local fishers.** All fishing methods used to target sharks can be legitimately used to catch other species of fish so it would be impossible to prove that sharks were being specifically targeted. Fishers who accidentally capture sharks could not be distinguished from those targeting sharks. This puts local fishers at risk of unfair prosecution.

- **DLNR has testified that it lacks the resources required to enforce this type of legislation:** *“A dedicated marine patrol, which was discontinued due to staff shortages, would be required to effectively enforce ocean regulations, including those contained in this measure. Reactivating the DOCARE marine patrol would require at least five positions that would be solely dedicated to patrolling and enforcing Department regulations by boat.”*

- **The bill does not address the locally more significant issue of shark bycatch** where sharks are inadvertently captured by fishers targeting other species (e.g. gill net mortalities of hammerhead pups). Bycatch is the only area is where real

conservation gains are to be made with coastal sharks in Hawaii because the state lacks the significant targeted fishing responsible for shark declines in other regions.

- **This bill threatens ongoing tag and release programs.** Local fishers have been tagging and releasing bycaught sharks to help us understand post-release survival rates. There is no provision for them to continue doing this under HB 553.

- **Effective shark conservation requires a more inclusive and carefully targeted approach.** We need to (1) engage all stakeholders in the process via community hearings, (2) quantify the type, volume and impact of human interactions with sharks, (3) focus conservation measures on activities that have the largest impact on sharks, and (4) identify and implement practical solutions where these activities threaten the health of local shark populations or are unnecessarily wasteful or destructive. Practical solutions should include stakeholder engagement to reduce negative impacts on sharks in addition to carefully crafted legislation that addresses specific threats with clearly enforceable regulations (e.g. no gill nets in hammerhead shark nurseries).

LATE

HB-553-SD-1

Submitted on: 4/5/2021 11:38:32 AM

Testimony for JDC on 4/6/2021 9:55:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Kailey Wilt	Individual	Oppose	No

Comments:

Since shark meat is not sold in Hawaii and shark finning is already banned unnecessary because shark populations are healthy and already well protected.

What this bill does is makes shark research even more difficult by forcing us to jump through hoops and creates legal jeopardy for local fisheries. This bill also fails to address local issues with shark bycatch (eg. gill net mortalities of hammerhead pups) which do threaten shark populations.

Just because some hot girl on Instagram thinks she is a scientist does not make any of her claims true. Instead ask shark researchers their research driven opinions to form legislation that actually benefits shark populations and the local community.

LATE

HB-553-SD-1

Submitted on: 4/5/2021 11:42:42 AM

Testimony for JDC on 4/6/2021 9:55:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
sharon arnold	Individual	Oppose	No

Comments:

Our granddaughter is a PhD student at the University of Hawaii and opposes this bill because she studies sharks. None of this bill will protect sharks in Hawaiian waters. There needs to be a coalition of stakeholders with scientific knowledge of sharks to craft any legislation to protect sharks.

LATE

HB-553-SD-1

Submitted on: 4/5/2021 2:10:48 PM

Testimony for JDC on 4/6/2021 9:55:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Claire Elise Strand	Individual	Oppose	No

Comments:

Aloha and to whom it may concern,

HB 553: A misdirected conservation effort that will not protect sharks

- This bill is unnecessary because Hawaii coastal shark populations are healthy and already well-protected. Fishing is already banned in two-thirds of the Hawaiian chain (Papahānaumokuākea Marine National Monument) and there are no commercial fisheries for coastal sharks anywhere in Hawaii. Coastal shark meat is not sold in Hawaii (due to long-term lack of demand) and shark finning is already banned under existing laws. The decline in global shark populations is primarily due to industrial high seas fishing or intensive targeted fishing for coastal sharks - neither of which applies to Hawaii.

- The bill is unenforceable and creates legal jeopardy for local fishers. All fishing methods used to target sharks can be legitimately used to catch other species of fish so it would be impossible to prove that sharks were being specifically targeted. Fishers who accidentally capture sharks could not be distinguished from those targeting sharks. This puts local fishers at risk of unfair prosecution.

- DLNR has testified that it lacks the resources required to enforce this type of legislation: "A dedicated marine patrol, which was discontinued due to staff shortages, would be required to effectively enforce ocean regulations, including those contained in this measure. Reactivating the DOCARE marine patrol would require at least five positions that would be solely dedicated to patrolling and enforcing Department regulations by boat."

- The bill does not address the locally more significant issue of shark bycatch where sharks are inadvertently captured by fishers targeting other species (e.g. gill net mortalities of hammerhead pups). Bycatch is the only area where real conservation gains are to be made with coastal sharks in Hawaii because the state lacks the significant targeted fishing responsible for shark declines in other regions.

- This bill threatens ongoing tag and release programs. Local fishers have been tagging and releasing bycaught sharks to help us understand post-release survival rates. There is no provision for them to continue doing this under HB 553.

- Effective shark conservation requires a more inclusive and carefully targeted approach. We need to (1) engage all stakeholders in the process via community hearings, (2) quantify the type, volume and impact of human interactions with sharks, (3) focus conservation measures on activities that have the largest impact on sharks, and (4) identify and implement practical solutions where these activities threaten the health of local shark populations or are unnecessarily wasteful or destructive. Practical solutions should include stakeholder engagement to reduce negative impacts on sharks in addition to carefully crafted legislation that addresses specific threats with clearly enforceable regulations (e.g. no gill nets in hammerhead shark nurseries).

Sincerely,

Claire Strand

Undergraduate Shark Researcher and Conservationist

University of Hawaii at Manoa

LATE

HB-553-SD-1

Submitted on: 4/5/2021 2:57:40 PM

Testimony for JDC on 4/6/2021 9:55:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Cindy Brownson	Individual	Support	No

Comments:

Sharks are an important component of the ocean ecosystem and should be protected to help sustain all oceanic life and subsequently terrestrial ecosystems.

LATE

HB-553-SD-1

Submitted on: 4/5/2021 4:12:01 PM

Testimony for JDC on 4/6/2021 9:55:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
B. Lani PrunÃ©s	Individual	Support	No

Comments:

PLEASE help protect sharks in Hawaiian waters from being intentionally killed or entangled. Sharks are not only sentient, misunderstood, and beautiful creatures, but they're also incredibly important to the health of the ocean & therefore to the health of all life on Earth! ʻŌʻŌ™ Mahalo

LATE

HB-553-SD-1

Submitted on: 4/5/2021 8:20:10 PM
Testimony for JDC on 4/6/2021 9:55:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Will Herbert	Individual	Support	No

Comments:

Sharks are essential to the delicate balance of the ocean ecosystem.

LATE

HB-553-SD-1

Submitted on: 4/5/2021 9:18:39 PM

Testimony for JDC on 4/6/2021 9:55:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Michaela Johnson	Individual	Oppose	No

Comments:

I oppose HB553. While this bill is well intended with an aim to protect sharks, recognizing them as both culturally and ecologically important, its impact will cause more harm than good for shark conservation in Hawaii.

Firstly, the act of shark finning is already banned in Hawaii. The demand for shark meat for consumption is almost non-existent in Hawaii. A majority of local fishermen try to avoid catching sharks, and try to release them when they are caught as bycatch.

Secondly, enforcement of HB553 is difficult if not impossible. This is because the targeted fishing of sharks, as opposed to capturing sharks through incidental bycatch, is difficult to prove. If a bill is unenforceable, it is also incapable of doing good.

HB553 also does not include anything about active citizen science programs that work with local fisherman by teaching them how to tag and release bycaught sharks. This provides community engagement and awareness, as well as provides data to further inform the survival rates of sharks following release from incidental bycatch. In no way does HB553 address or incentivize this important program.

Finally, HB553 would only complicate the active research that is conducted by accredited shark research programs that exist in Hawaii. This research is carried out for the purpose of monitoring shark populations and to better inform conservation and fishing practices. Research by official institutions are already required to handle sharks for research under an Institutional Animal Care and Use Committee (IACUC) permit, which ensures that all animals be treated ethically and only handled if necessary for justifiable research purposes. By implementing HB553, research practices that are already regulated for safe and humane practices will be further complicated, and thus will unintentionally hinder the fact-based evidence that is necessary to inform conservation of sharks in Hawaii.