

HB-553

Submitted on: 2/16/2021 10:57:21 AM

Testimony for WAL on 2/18/2021 8:30:00 AM

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

Comments:

To: Committees on Water and Land (WAL)

Representative David Tarnas, Chair

Representative Patrick Branco, Vice Chair

Re: HB553 RELATING TO THE PROTECTION OF SHARKS

Position: STRONG SUPPORT

Hearing Date: Thursday, February 18, 2021 8:30 a.m. House Conference Rooms 430 Via Videoconference

Aloha Chair Chair Tarnas, Vice Chair Branco, and Water and Land Committee Members,

Friends of Hanauma Bay strongly supports HB553 providing much needed protection for sharks in Hawaiian waters.

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

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

Respectfully,

Lisa Bishop

President

Friends of Hanauma Bay



HB553
RELATING TO THE PROTECTION OF SHARKS
Ke Kōmike Hale o ka Wai a me ka ‘Āina

Pepeluali 18, 2021

8:30 a.m.

Lumi 430

The Office of Hawaiian Affairs (OHA) **SUPPORTS** HB553, which would establish a new misdemeanor offense for knowingly killing, capturing, or harming a shark in state waters, and provide for fines and penalties for such offense.

OHA supports strong protections for manō which are culturally important and which serve critical ecological functions. Hawai‘i’s shark species hold great cultural significance for Native Hawaiians. Manō serve as the kinolau, or physical forms, for two prominent akua, Kū and Kanaloa. Sharks are also associated with many other akua and are regarded as ‘aumakua, or family guardians and incarnations, by some ‘ohana. Sharks 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, sharks serve critical ecological functions as apex predators. By controlling fish populations, sharks help mālama the healthy ocean environment that is necessary for the continuation of Native Hawaiian cultural and subsistence practices. **Accordingly, OHA appreciates the proposed enhanced protections for sharks in state waters.**

OHA notes that sharks are used in some constitutionally protected 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 practices.**

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

HB-553

Submitted on: 2/16/2021 11:26:10 AM

Testimony for WAL on 2/18/2021 8:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Maxx Phillips	Center for Biological Diversity	Support	No

Comments:

The Center for Biological Diversity submits this testimony in support of HB553 which would prohibit the intentional/known capture or killing of sharks in state waters (within 3 nm) except for research purposes, under DLNR issued Special Activity Permits, the use of shark parts/products for native Hawaiian cultural purposes and at the discretion of DLNR for any specific, emergency purposes. The Center respectfully requests this committee pass this bill.

Mahalo,

Maxx Phillips

Hawai'i Director and Staff Attorney

Center for Biological Diversity

1188 Bishop Street, Suite 2412

Honolulu, Hawai'i 96813

www.biologicaldiversity.org

HB-553

Submitted on: 2/16/2021 12:10:00 PM

Testimony for WAL on 2/18/2021 8:30:00 AM

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

Comments:

Aloha Chair Tarnas and representatives. I'm sure you are familiar with this bill and my past testimony in support. I am here to continue my support for this bill and continue the fight for protection for my 'ohana and my culture, and I hope you can continue to support as well. A version of this bill advanced nearly unanimously through all but 1 committee last year before COVID shut down the legislation. In past testimony I presented literature describing the decline in sharks and other apex predators in the Main Hawaiian Islands, as well as they cascading effects on this decline, and also the many benefits that come with protecting shark and apex predator populations. That information is still true and protecting sharks is as vital as ever. With the pandemic there was an actual increase in fishing pressure with many turning to the ocean to provide. There were even instances of oceanic white tip sharks being shot and killed by tuna fishers. This bill is crucial in restoring protection to provide actual consequences for killing sacred and ecologically vital beings. It is long overdue in restoring the protection these beings had traditionally, and I hope that you can continue supporting this bill until we can finally pass it through every committee. Mahalo nui, malama mano, and malama pono.

HB-553

Submitted on: 2/16/2021 1:27:03 PM

Testimony for WAL on 2/18/2021 8:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Jody Bright	Hawaii Marlin Tournament Series	Oppose	No

Comments:

Aloha and thanks for considering my testimony.

It is impossible to legislatively and administratively stop the hooking of some sharks by fishermen. This simple premise requires that I oppose HB553 as written. Here are reasons why:

When a fisherman puts a bait on a hook and drops it in the ocean hoping to catch an ahi, he doesn't "know" what species of fish is going to bite it - AND - there is no guarantee a shark won't bite it. If a shark gets hooked, it must be "captured" to be released back into the ocean.

Under the language of this proposed bill 553, if a shark bites it and he brings it to the boat - even to release it alive - he is guilty of a criminal offense. This is a non-starter. This is unrealistic.

District 6 is one of the most important, major fishing areas in Hawaii, an island State. Some sharks, lilke mako, take artificial lures quite often too! Further, they are so explosive, the crew never even knows a mako is looking at a lure until it crashes it, usually being hooked immediately. The only way to set it free is to bring it to the boat and remove the hooks and lure and let it go.

And yes, with deep water so close to land in Kona, pelagic sharks like Mako do swim in State waters.

Yes, sharks are valuable but this bill is too vague, and unclear and appears not to understand the practical realities of fishing in the ocean. The "administrative fines" it puts forth are likewise too broad and too harsh in many instances.

What is the definition of "knowingly capture or entangle?" As outlilned earlier, fishermen rarely "know" what is going to bite. Kindly take this simple fact into consideration and start over with this concept of protecting sharks.

If the Legislature wants to protect sharks within State waters, a practical and realistic way is to prevent the landing of sharks caught within State waters.

Other states have laws against landing sharks caught within State waters, but incidental bycatch of sharks is not a criminal offense, nor is even the targeting of sharks by recreational anglers.

Sharks have many more values than the two that this bill recognizes.

Although noble in appearance, this HB553 needs to go back to the drawing board and start by identifying EXACTLY what the goals are - and - then taking in the practical realities of what happens between fishers and sharks on the ocean.

The only way to legislatively or administratively ban shark fishing is to ban All Fishing. I can't see that any representative from the Kona district would want to propose banning all fishing, so back to the drawing board. If you are trying to protect Laverne, protect Laverne - but not at the expense of all fishing within State waters.

Mahalo

Capt. Jody Bright

HB-553

Submitted on: 2/16/2021 1:41:58 PM

Testimony for WAL on 2/18/2021 8:30:00 AM

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

Comments:

In strong support. Malama manÅ• .

HB-553

Submitted on: 2/16/2021 2:07:55 PM

Testimony for WAL on 2/18/2021 8:30:00 AM

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

Comments:

Aloha chair Tarnas and committee members,

thank you for hearing this bill that is so important to protect sharks from being endangered by careless fishing practices. I feel compelled to not even purchase fish that caught with practices that don't protect sharks and other aquatic species.

Please support this Bill which provides exemptions for research.

Respectfully,

Diane Ware

99-7815 Kapoha Volcano HI 96785



UNIVERSITY OF HAWAII SYSTEM

Legislative Testimony

Testimony Presented Before the
House Committee on Water and Land
Thursday, February 18, 2021 at 8:30 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

HB 553 – RELATING TO THE PROTECTION OF SHARKS

Chair Tarnas, Vice Chair Blanco, and members of the Committee:

The University of Hawai'i and the Hawai'i Institute of Marine Biology respectfully submit the following comments on HB 553.

While there is currently no indication that shark populations are declining or at risk in Hawai'i, we recognize the ecological and cultural importance of sharks in Hawai'i and support the intent of this measure to help protect sharks within state waters. At the same time, scientific research is a critical tool for understanding the behaviors and ecology of sharks, as well as any potential anthropogenic threats that could impact their survival. Research on any vertebrate, including sharks, is overseen at the university by the Institutional Animal Care and Use Committee (IACUC): "As a condition of agreement between the NIH, USDA, Food and Drug Administration (FDA), National Science Foundation (NSF), Veterans Administration (VA), and National Aeronautics and Space Administration (NASA) funding of live vertebrate animal research and testing, institutions must ensure that such activities conducted at or sponsored by the institution, irrespective of funding shall comply with regulations and policies of the Office of Laboratory Animal Welfare (OLAW), NIH. This committee is comprised of volunteer faculty and staff represented from its campuses and community colleges. The University of Hawai'i IACUC is also represented by volunteer community members unaffiliated to the University that express an interest in ensuring that live vertebrate research, testing, and instruction is conducted humanely and ethically. The members are appointed to the committee by the system-wide program Institutional Official on the behalf of the Office of the Vice President for Research and Innovation". HIMB also regularly consults with a group of cultural advisors regarding our research practices.

For these reasons, we suggest the following amended language to the bill:

(e) This section shall not apply to:

- (1) Special activity permits issued under section 187A-6or any person who holds a license or permit issued by the department to conduct research; or to research overseen by a state approved institutional animal care and use committee (IACUC).



THE HUMANE SOCIETY
OF THE UNITED STATES



HUMANE SOCIETY
INTERNATIONAL

TO: Representative David Tarnas, Chair
Members of the House Committee on Water and Land

In Support of: HB 553; Relating to Shark Protection

Date: February 16, 2021

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

Dear Chair Tarnas, Vice Chair Branco, and Members of the House Committee on Water and Land,

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

Why sharks need protection:

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

¹ IUCN Shark Specialist Group. Questions and Answers.

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

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

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

Sincerely,



Lindsay Vierheilig
Hawaii State Director
808-462-3561

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

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

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

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

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

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

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

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

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

Sharks

Order Orectolobiformes

Family Rhincodontidae

Whale shark, *Rhincodon typus*, VU

Order Carcharhiniformes

Family Scyliorhinidae

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

Family Pseudotriakidae

False cat shark, *Pseudotriakis microdon*, DD

Family Carcharhinidae

Bignose shark, *Carcharhinus altimus*, DD

Gray reef shark, *Carcharhinus amblyrhynchos*, NT

Silky shark, *Carcharhinus falciformes*, NT

Galapagos shark, *Carcharhinus galapagensis*, NT

Blacktip shark, *Carcharhinus limbatus*, NT

Oceanic whitetip, *Carcharhinus longimanus*, VU

Blacktip reef shark, *Carcharhinus melanopterus*, NT

Sandbar shark, *Carcharhinus plumbeus*, VU

Tiger shark, *Galeocerdo cuvier*, NT

Blue shark, *Prionace glauca*, NT

Whitetip reef shark, *Triaenodon obesus*, NT

Family Sphyrnidae

Scalloped hammerhead, *Sphyrna lewini*, EN

Smooth hammerhead, *Sphyrna zygaena*, VU

Order Lamniformes

Family Odontaspidae

Smalltooth sand tiger shark, *Odontaspis ferox*, VU

Bigeye sand tiger shark, *Odontaspis noronhai*, DD

Family Pseudocarchariidae

Crocodile shark, *Pseudocarcharias kamoharai*, NT

Family Megachasmidae

Megamouth shark, *Megachasma pelagios*, DD

Family Alopiidae

Pelagic thresher shark, *Alopias pelagicus*, VU

Bigeye thresher shark, *Alopias superciliosus*, VU

Family Lamnidae

White shark, *Carcharodon carcharias*, VU

Short-finned mako, *Isurus oxyrinchus*, VU

Longfin mako, *Isurus paucus*, VU

Order Hexanchiformes

Family Hexanchidae

Frilled shark, *Chlamydoselachus anguineus*, NT

Bluntnose sixgill shark, *Hexanchus griseus*, NT

Order Squaliformes

Family Echinorhinidae

Prickly shark, *Echinorhinus cookei*, NT

Family Dalatiidae

Combtooth dogfish, *Centroscyllium nigrum*, DD

Kitefin shark, *Dalatias licha*, NT

Blurred smooth lantern shark, *Etmopterus bigelowi*, LC

Blackbelly lantern shark, *Etmopterus lucifer*, LC

Smooth lantern shark, *Etmopterus pusillus*, LC

Hawaiian lantern shark, *Etmopterus villosus*, LC

Pygmy shark, *Euprotomicrus bispinatus*, LC

Cookiecutter shark, *Isistius brasiliensis*, LC

Viper dogfish, *Trigonognathus kabeyai*, DD

Velvet dogfish, *Scymnodon squamulosus*, DD

Family Centrophoridae

Mosaic gulper shark, *Centrophorus tessellatus*, DD

Gulper shark, *Centrophorus granulosus*, VU

Family Squalidae

Shortspine spurdog shark, *Squalus mitsukurii*, DD

HB-553

Submitted on: 2/16/2021 4:32:10 PM

Testimony for WAL on 2/18/2021 8:30:00 AM

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

Comments:

To: Honorable Representative David A. Tarnas, Chair

Honorable Representative Patrick Pihana Branco, Vice Chair, and Members of the House Committee on Water and Land

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

Re: Hearing HB553 RELATING TO THE PROTECTION OF SHARKS

Hearing Date: [Thursday, February 18, 2021, 8:30 am](#), videoconference

Position: STRONG SUPPORT FOR HB553!

Aloha Chair Tarnas, Vice Chair Branco, and Water and Land Committee members:

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

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

Sharks on the reefs not only play important ecological roles, but are also valued figures in Hawaiian culture. Sharks are more vulnerable than most other fish species. They are long-lived and slow-growing, start reproducing at an advanced age, and produce relatively few offspring per year. The benefits of maintaining viable populations greatly outweigh any value that would be gained by killing these species.

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

Please pass this bill to protect sharks for their ecological value and for their value to native Hawaiian cultural practice.

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

Hawaii Reef and Ocean Coalition (by Ted Bohlen)

HB-553

Submitted on: 2/16/2021 6:52:08 PM

Testimony for WAL on 2/18/2021 8:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Andrea Quinn	Individual	Support	No

Comments:

Dear Honorable Committee Members,

Please support HB553.

Sharks are a keystone species and to protect them you protect the marine environment.

Thank you,

Andrea Quinn



February 16, 2021

Rep. David A. Tarnas, Chair
Rep. Patrick Pihana Branco, Vice Chair
COMMITTEE ON WATER & LAND

Date: Thursday, February 18, 2021
Time: 8:30 a.m.
Place: VIA VIDEOCONFERENCE

Regarding: HB553 Relating to the protection of sharks

STRONGLY OPPOSES HB 553 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 **STRONGLY OPPOSES** HB 553 Relating to the protection of sharks

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

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

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

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

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

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

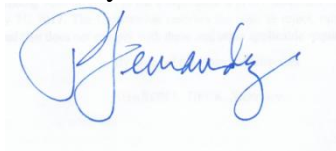
This bill also creates a law which will be difficult or impossible to enforce. Federal law allows fishers to land sharks as long as the fins are still attached to the body. Sharks caught outside of the 3-mile line are thus legal. An enforcement officer has no way to prove that a shark was caught outside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

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

HFACT believes that the management of sharks should be left to the fisheries managers at the division of aquatic resources and not legislated.

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

Sincerely and Aloha,

A handwritten signature in blue ink, appearing to read "Phil Fernandez", written over a light blue rectangular background.

Phil Fernandez
President

HB-553

Submitted on: 2/16/2021 9:35:45 PM

Testimony for WAL on 2/18/2021 8:30:00 AM

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

Comments:

Aloha mai Kakou Chair Tarnas & WTL,

Thank you for hearing this bill to Protect Manā• throughout the Pae 'aina.

Kanaka and Manā• , Manā• and Kanaka were in balance both Mauka and Makai. I am the father blessed with children Alohi & Kaikea Nakachi, I Mike Nakachi am the child of Leimakani, who is the child of Wailani Aki, who is the child of Julia Akana, who is the child of Waipuilani Paki, who is the child of Kealaka'i Samuel Paki, Kealaka'i is the child of Kalanihelehai'iluna Paki, who is the child of Kamehamehanui, who is the child of Kekaulike, who is the child Kalanihikikaukonohonuakaulahea.... Our Lineage is tied very closely to Manā• , Manā• to our 'ohana. As Kahā« Manā• .

Here in a modern day Hawaii Nei our Manā• are NOT protected, industrialized western ways of fishing are all across the Pae Aina that affect Manā• Kanaka, Local impacts with gill nets, modern day culls from the 60's-90's have affected this genealogy of Manā• and Kanaka that were entrusted to protect the Chiefs and Chiefesses of the seas across the waters of Hawaii Nei.

Our Ohana strongly supports this measure to Protect Manā• , please pass this bill.

Over the past few years, this Bill has died for political reasons, in conference committee for no good reason, last year because of COVID, auwe! In the mean time, Manā• are abused, poked at, hooked, shot at, left dead on our shores, any one with a western way of a marine biology degree thinks they have the right to mess at poke at and study Manā• Kanaka, whenever and with No disregard for accountability to the people, place, the cultural practitioners of place, and Manā• themsleves, this colonizer attitude of entitlement to the resources of Manā• , needs to end. Fill out a SAP, do the Kakou thing. Do your due dillegence for Manā• , this is NOT the mainland.

Our state has failed to protect one of Kanaka's Aumakua! La Hui rise up and end the desecration of Manā• Kanaka!

Mahalo nui, Mike Nakachi

HB-553

Submitted on: 2/16/2021 7:40:48 PM

Testimony for WAL on 2/18/2021 8:30:00 AM

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

Comments:

Oppose

HB-553

Submitted on: 2/17/2021 7:02:08 AM

Testimony for WAL on 2/18/2021 8:30:00 AM

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

Comments:

ARH strongly supports HB553

DAVID Y. IGE
GOVERNOR OF HAWAII



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

POST OFFICE BOX 621
HONOLULU, HAWAII 96809

**Testimony of
SUZANNE D. CASE
Chairperson**

**Before the House Committee on
WATER & LAND**

**Thursday, February 18, 2021
8:30 AM**

State Capitol, Via Videoconference, Conference Room 430

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

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

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

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

Thank you for the opportunity to comment on this measure.

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

ROBERT K. MASUDA
FIRST DEPUTY

M. KALEO MANUEL
DEPUTY DIRECTOR - WATER

AQUATIC RESOURCES
BOATING AND OCEAN RECREATION
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

HB-553

Submitted on: 2/16/2021 11:52:59 PM

Testimony for WAL on 2/18/2021 8:30:00 AM

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

Comments:

I am in full support of this bill. I am a PhD candidate at UH Mānoa in the department of Natural Resources and Environmental Management. As a social scientist and an Indigenous researcher I recognize the cultural significance of manāka to kānaka maoli and as kānaka maoli. It is long over due that manāka should be acknowledged with the utmost respect in Hawai'i and should of course be protected.

HB-553

Submitted on: 2/16/2021 10:44:23 PM

Testimony for WAL on 2/18/2021 8:30:00 AM

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

Comments:

Please pass this bill to help further protect sharks. Sharks are very vital for our ocean health. Having a healthy ocean not only benefits the earth but also the reefs here in Hawaii for all of the tourist to see.

HB-553

Submitted on: 2/16/2021 10:11:23 PM

Testimony for WAL on 2/18/2021 8:30:00 AM

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

Comments:

Me ka ha'aha'a,

The legislature's findings and recommended protections (Chapter 188, HRS) presented in HB 553 are in keeping with Hawaiian sensibility and culture as well as the science of ecology and progressive resources management. The sensibility and the science are harmonious in ways that are both practical and wise, contemporary and generations deep. And, HB 553 honors both. I pray you **approve this progressive step** towards improving resources management in Hawai'i nei. E ola mau ka manā• !

Mahalo,

Hannah Kihalani Springer

HB-553

Submitted on: 2/16/2021 11:31:47 PM

Testimony for WAL on 2/18/2021 8:30:00 AM

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

Comments:

Aloha WAL committee members,

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

HB 553 is well-intentioned but fundamentally flawed and **should be deferred**. Major problems include:

- 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.** There is no demand for coastal shark meat in Hawaii and shark fins are already banned. Coastal sharks are not sold at the fish auction nor at the various fish markets around the state. We have no commercial or recreational fisheries for coastal sharks in Hawaii. Fishers in Hawaii try to avoid sharks. There is no evidence of any decline in Hawaii coastal shark populations.
- 2. It is unenforceable.** All fishing methods used to target sharks can be legitimately used to catch other species of fish thus it would be impossible to prove that sharks were being targeted. Fishers who inadvertently capture sharks could not be distinguished from those targeting sharks.
- 3. It 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 tangible conservation gains are to be made with coastal sharks in Hawaii because Hawaii is already free of key stressors (e.g. significant targeted fishing) associated with shark declines in other regions. HB 533 threatens ongoing community outreach and citizen science programs that engage stakeholders in shark bycatch mitigation efforts.
- 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.

We can and should do much better than this bill when it comes to effective shark conservation in Hawaii. Poorly grounded, misdirected legislation wastes time and effort and creates an illusion of efficacy without delivering meaningful protection. Instead, we need to methodically identify specific threats to sharks in Hawaii and focus on targeted solutions to those threats (e.g. banning gillnets from known hammerhead shark nurseries).



February 18, 2021, 8:30am

TO: Honorable Chair Tarnas and House Water & Land Committee Members

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

RE: STRONG SUPPORT HB553; Relating to Shark Protection

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

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

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

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

There have been several 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) 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.

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





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

I am opposed to this bill as written. It is unnecessary and unenforceable and will have a stifling impact on legitimate scientific research which is key to real shark conservation. This bill would establish bureaucratic permitting hurdles with no clear guidance and which could change over time depending on the perspectives of whoever is holding office.

All universities – including UH – already have strict permitting requirements which must be met before research is allowed to take place. These permits are reviewed by veterinarians, scientists and non-scientists before they are approved. If the committee decides to go forward with this bill, I would strongly urge the committee to adopt language officially presented to the committee by the University of Hawaii which would provide for clear exemptions for legitimate research which has met university standards.

HB-553

Submitted on: 2/17/2021 8:26:35 AM

Testimony for WAL on 2/18/2021 8:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Juan Oliphant	save the sea turtles international	Support	No

Comments:

Aloha,

In strong support, sharks are keystone species that our ocean's ecosystems can't live without. World shark population studies show a 95% decline. Sharks need our help!

Mahalos

Juan Oliphant

HB-553

Submitted on: 2/17/2021 8:28:21 AM

Testimony for WAL on 2/18/2021 8:30:00 AM

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

Comments:

Sharks are fished for sport on a weekly basis off the west side of Oahu by night fisherman with methods they learned from the night shore fisherman in Florida. They are sometimes tagging them and releasing them with no direct scientific guidance. Sharks are not designed to support their body weight and are being dragged up on the beach in the surf which could cause internal damage. The energy they use fighting the line does sometimes exhaust them to death and leads to broken jaws. Please help pass this bill. Sharks are long overdue for full protection given their declining populations around the world, their ecological, cultural, and economic importance in Hawaii.

Mahalo nui loa.

HB-553

Submitted on: 2/17/2021 8:40:13 AM

Testimony for WAL on 2/18/2021 8:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Randy Cates	Individual	Oppose	No

Comments:

I oppose HB 553 relating to the protection of sharks on the grounds that this bill is simply not needed. Sharks are not a targeted species and rarely killed in Hawaii. Sharks and shark products have significant cultural uses and I have personally been asked to catch them to provide skins, teeth to several Hawaiian practitioners. Though I did do so, I do know that many practitioners are forced to get skins for drums and teeth from outside of Hawaii.

If this bill is passed, it will have unintended consequences in my opinion that many have not thought of.

Randy Cates

HB-553

Submitted on: 2/17/2021 9:04:06 AM

Testimony for WAL on 2/18/2021 8:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Deron Verbeck	Individual	Oppose	No

Comments:

This bill is fundamentally flawed for the following reasons. 1. HB 533 will produce no meaningful protection for sharks because targeted fishing for sharks (the focus of the bill) is already a rare activity in Hawaii. There is no demand for shark meat in Hawaii and shark fins are already banned. Coastal sharks are not sold at the fish auction nor at the various fish markets around the state. We have no commercial or recreational fisheries for coastal sharks in Hawaii. Fishers in Hawaii try to avoid sharks. There is no evidence of any decline in Hawaii coastal shark populations.

2. It is unenforceable. All fishing methods used to target sharks can be legitimately used to catch other species of fish thus it would be impossible to prove that sharks were being targeted. Fishers who inadvertently capture sharks could not be distinguished from those targeting sharks.

3. It 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 conservation gains are to be made with coastal sharks in Hawaii because Hawaii is already free of key stressors (e.g. significant targeted fishing) associated with shark declines in other regions. HB 533 threatens ongoing community outreach and citizen science programs that engage stakeholders in shark bycatch mitigation efforts.

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

We can and should do much better than this bill when it comes to designing effective strategies for shark conservation in Hawaii. Poorly grounded, misdirected legislation wastes time and effort and creates an illusion of efficacy without delivering meaningful protection. Instead we need to methodically identify specific threats to sharks and focus on targeted solutions to those threats.

HB-553

Submitted on: 2/17/2021 9:07:38 AM

Testimony for WAL on 2/18/2021 8:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Molly Scott	Individual	Oppose	No

Comments:

HB 553 is well-intentioned but fundamentally flawed and **should be deferred**. Major problems include:

1. **HB 553 will produce no meaningful protection for sharks because targeted fishing for sharks (the focus of the bill) is already a rare activity in Hawaii.** There is no demand for shark meat in Hawaii and shark fins are already banned. Coastal sharks are not sold at the fish auction nor at the various fish markets around the state. We have no commercial or recreational fisheries for coastal sharks in Hawaii. Fishers in Hawaii try to avoid sharks. There is no evidence of any decline in Hawaii coastal shark populations.

2. **It is unenforceable.** All fishing methods used to target sharks can be legitimately used to catch other species of fish thus it would be impossible to prove that sharks were being targeted. Fishers who inadvertently capture sharks could not be distinguished from those targeting sharks.

3. **It 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 conservation gains are to be made with coastal sharks in Hawaii because Hawaii is already free of key stressors (e.g. significant targeted fishing) associated with shark declines in other regions. HB 533 threatens ongoing community outreach and citizen science programs that engage stakeholders in shark bycatch mitigation efforts.

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

We can and should do much better than this bill when it comes to designing effective strategies for shark conservation in Hawaii. Poorly grounded, misdirected legislation wastes time and effort and creates an illusion of efficacy without delivering meaningful protection. Instead we need to methodically identify specific threats to sharks and focus on targeted solutions to those threats.

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. 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 to 'aumakua, for threat as in niuhi and even by species in sustainable harvest. This level of awareness expresses a deep knowledge and understanding even of individual sharks. **The fact remains that Hawai'i has essentially no nearshore shark fishery.**

The reality of modern nearshore fisheries in Hawai'i is one of overharvest. The fate of the shark is being outcompeted by the demand of a global marketplace. In addition, these animals face constant habitat threat by thorough pollution, excessive runoff, and human-accelerated climate change. 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 and for passing 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, especially their movements, behaviors and habits.

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 sans carcass 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).

Note: Shiffman, Dulvy, Nicholas, et al. (2020). Inaccurate and Biased Global Media Coverage Underlies Public Misunderstanding of Shark Conservation Threats and Solutions. *iScience*. 23. 101205. [10.1016/j.isci.2020.101205](https://doi.org/10.1016/j.isci.2020.101205).

Aloha to the Hawai'i State Legislature,

*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 sans carcass 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).

Note: Shiffman, Dulvy, Nicholas, et al. (2020). Inaccurate and Biased Global Media Coverage Underlies Public Misunderstanding of Shark Conservation Threats and Solutions. *iScience*. 23. 101205. [10.1016/j.isci.2020.101205](https://doi.org/10.1016/j.isci.2020.101205).



**WRITTEN TESTIMONY OF
THE DEPARTMENT OF THE ATTORNEY GENERAL
THIRTY-FIRST LEGISLATURE, 2021**

ON THE FOLLOWING MEASURE:

H.B. NO. 553, RELATING TO THE PROTECTION OF SHARKS.

BEFORE THE:

HOUSE COMMITTEE ON WATER AND LAND

DATE: Thursday, February 18, 2021 **TIME:** 8:30 a.m.

LOCATION: State Capitol, Conference Room 430, Via Videoconference

TESTIFIER(S): **WRITTEN TESTIMONY ONLY.**
(For more information, contact Kory W. Young,
Deputy Attorney General, at 586-1160)

Chair Tarnas and Members of the Committee:

The Department of the Attorney General (Department) offers the following comments.

The purpose of this bill is to protect sharks by making it a misdemeanor offense to knowingly capture, entangle, or kill any shark within state marine waters, and authorizing administrative penalties for these actions.

On page 2, lines 14-19, the bill provides that:

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

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

Section 706-640(1)(d), Hawaii Revised Statutes (HRS), indicates that a person who has been convicted of a misdemeanor may be sentenced to pay a fine not exceeding \$2,000; however, pursuant to section 706-640(1)(g), HRS, higher maximum fines may be imposed, if they are specifically authorized by statute.

In order for the courts to sentence violators to fines of \$10,000 as required by the bill, specific wording should be added to the bill establishing the maximum fine authorized for violations of section 188- , HRS. Wording could be inserted on page

2, line 20, creating a new subsection (c) that would read, “A person convicted of violating this section may be sentenced to pay a fine not exceeding \$10,000 per offense.”

If it is the intent of the bill to preclude the courts from suspending in whole or in part the mandatory fine imposed by the bill, wording could be added indicating that the fine cannot be suspended. The following wording could be added to the end of the new subsection (c), so the new subsection (c) would read in its entirety:

(c) A person convicted of violating this section may be sentenced to pay a fine not exceeding \$10,000 per offense. A fine imposed pursuant to subsection (b)(1), (b)(2), or (b)(3) shall be imposed without the possibility of suspension.”

Based on these changes, the current subsection (c) would become subsection (d), the current subsection (d) would become subsection (e) and so forth.

Thank you for the opportunity to provide comments on the bill.

HB-553

Submitted on: 2/17/2021 10:33:01 AM

Testimony for WAL on 2/18/2021 8:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Melanie Hutchinson	Individual	Oppose	No

Comments:

HB 553 is well-intentioned but fundamentally flawed and **should be deferred**. Major problems include:

1. **HB 553 will produce no meaningful protection for sharks because targeted fishing for sharks (the focus of the bill) is already a rare activity in Hawaii.** There is no demand for shark meat in Hawaii and shark fins are already banned. Coastal sharks are not sold at the fish auction nor at the various fish markets around the state. We have no commercial or recreational fisheries for coastal sharks in Hawaii. Fishers in Hawaii try to avoid sharks. There is no evidence of any decline in Hawaii coastal shark populations.

2. **It is unenforceable.** All fishing methods used to target sharks can be legitimately used to catch other species of fish thus it would be impossible to prove that sharks were being targeted. Fishers who inadvertently capture sharks could not be distinguished from those targeting sharks. Any enforcement actions on fishers that capture sharks incidentally will then put the fishing community at an unfair disadvantage. This bill will only discourage fishers from reporting incidental interactions and further undermine the tenuous relationship between the natural resource management agency and stakeholders.

3. **It 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 conservation gains are to be made with coastal sharks in Hawaii because Hawaii is already free of key stressors (e.g. significant targeted fishing) associated with shark declines in other regions. HB 553 threatens ongoing community outreach and citizen science programs that engage stakeholders in shark bycatch mitigation efforts. This bill will only discourage fishers from reporting incidental interactions and further undermine the tenuous relationship between the natural resource management agency and stakeholders.

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

5. Effective natural resource management requires baseline data to construct population assessments. This data currently does not exist and this bill will prevent the state from fostering a relationship of trust from resource users that interact with sharks incidentally. Reconstruction of catch histories is the most effective method of understanding population health over time. Fishers will be disincentivized from reporting interactions with sharks thereby preventing effective and meaningful conservation management measures from being enacted by the state.

We can and should do much better than this bill when it comes to designing effective strategies for shark conservation in Hawaii. Poorly grounded, misdirected legislation wastes time and effort and creates an illusion of efficacy without delivering meaningful protection. Instead we need to methodically identify specific threats to sharks and focus on targeted solutions to those threats.

HB-553

Submitted on: 2/17/2021 10:52:17 AM

Testimony for WAL on 2/18/2021 8:30:00 AM

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

Comments:

Although this bill is well-intentioned, in actuality it will not produce any meaningful or effective protection for sharks in Hawaii, is unenforceable, and could jeopardize legitimate shark conservation research. There is no commercial or recreational fishery for sharks in Hawaii, and this bill fails to address the more significant issue of shark bycatch. Bycatch is the only area where conservation goals for coastal sharks can be made. This bill not only criminalizes those stakeholders, but threatens existing community outreach and citizen science programs that are working to engage local fishers in shark bycatch mitigation. We can and should do much better than this bill when it comes to designing effective strategies for shark conservation in Hawaii. Poorly grounded, misdirected legislation wastes time and effort and creates an illusion of efficacy without delivering meaningful protection.

Testimony on HB 553
House of Representatives
State of Hawaii

February 17, 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. I have built my career on the use of advanced technology to study shark behavior and movements, with a focus on how sharks are impacted by humans through fisheries.

Although I worked for seven years at the Center for Shark Research at Mote Marine Laboratory, and for the past five years in my ongoing position as a Senior Scientist at New England Aquarium and Newport Aquarium, I am providing this testimony as an individual and not in representation of any institution.

While living in Hawaii from 2000 – 2009, I worked on multiple projects studying tiger, hammerhead, sandbar, and Galapagos sharks, while focusing my Ph.D. work on the movements and behavior of whitetip reef sharks. I have spent countless hours on and under the water off the coasts of Waimanalo, Honolulu, Kaneohe, Kihei, Wailea, Molokini, and Kona, and have a deep respect and appreciation for the sharks of Hawaiian waters.

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.

In fact, bycatch (where sharks are caught accidentally while targeting other species) is the primary threat to coastal sharks in Hawaii, and is the only area where conservation gains could be made. Not only does this bill fail to address shark bycatch, but it threatens ongoing community outreach and citizen science programs that engage stakeholders in shark bycatch mitigation efforts.

Finally, this bill would jeopardize scientific research that has been conducted for decades and has provided tremendous benefit to the state, the tourist industry, and the world's scientific understanding of shark biology and behavior.

One of the many things that should be a source of pride for the state of Hawaii is their world-class shark research laboratory at the University of Hawaii at Manoa and Hawaii Institute of Marine Biology. University scientists have been conducting top-notch, peer-reviewed, scientific research on shark biology and movements for over six decades. This includes work that has shed light on how to mitigate the risk of sharks biting humans, and work that has shown that mass shark culling programs do not improve human safety.

For the past thirty years this research group has become an incubator for developing and testing new tag technology, ranging from acoustic and satellite tags, to accelerometers and camera loggers. The lab's scientists have authored numerous scientific papers on this cutting-edge technology and how best to apply it to animals using the most humane, and non-invasive methods, and their alumni have gone on to lead a number of internationally respected research programs.

Not only does this bill fail to incorporate any research or input from the University's shark scientists but, as written, it would prohibit virtually all of the research conducted by this group, which involves capturing sharks to attach tags. This would be a tremendous loss for the scientific community as well as for the state's ability to understand its own shark populations so that it can adequately inform and protect its citizens and visitors.

I strongly encourage the legislature to reject HB 553 and instead consult with their local, world-renowned shark science team on common-sense legislation that could actually help local sharks while continuing to support research that has made the University of Hawaii so well-respected in the global shark science community.

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

Sincerely,

A handwritten signature in black ink, appearing to read 'N. Whitney', written in a cursive style.

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

HB-553

Submitted on: 2/17/2021 11:52:26 AM

Testimony for WAL on 2/18/2021 8:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Larry O'Brien	Individual	Oppose	No

Comments:

Although I support the broad intent of this article, I oppose it in its current form. As an active scuba and freediver, I am often in the water with sharks. I am concerned that the word 'capture' could be used in a broad sense that exceeds its everyday plain meaning. I believe that the bill should have an explicit definition of how the word 'capture' should be interpreted, such as, 'to partially or fully restrict the free movement of the shark'.

HB-553

Submitted on: 2/17/2021 12:03:51 PM

Testimony for WAL on 2/18/2021 8:30:00 AM

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

Comments:

Currently major efforts in funding and research are in action to collect specific data of the different species of sharks frequenting or residing along the Hawaiian Island chain. Research data is the only way we can offer a detailed understanding of how to efficiently and fairly protect each species and thier habitat as well as create sustainable practices.

With that data we have the chance to create and support sustainable fishing practices and begin to cut out comercialized fishing practices that are the root cause of the 90% estimated decrease of global shark populations. You can see that tying our local fisherman's hands behind thier back will only add to a bigger push for comercial fisheries to supply our local resturants and markets. Additionally the focus in law should focus on supporting sustainable fishing practices and elimanting unsustainable fishing practices. These techniques should refelct the shark species habitat and feeidng/mating/pupping patterns versus unrealistically allowing the same fishing practices that create large numbers of bycatch along our coast to continue. Our local fisherman are wanting to make a difference as they are the ones on the front lines noticing the change. But that takes community and creativity so we can all support sustainable fisheries. Research, education and understanding can make a huge detailed difference for our local fisheries as they are a neccessity and a wonderful tool to make change if we work together.

I would like to share a small example of how general protection (although it has wonderful intentions) offers little to no value:

There is a Marine Protected Area for Southern right whale along a major port where container ships frequent. Research identified that a majority of deaths of the current population are from boat strikes. The Marine Protected Area and asigned shipping lane was put in place with general boundaries not specific to the animals movement patters, however research kept identifying a decline in the population. A much more detailed study revealed that the container ships (who were told they could traffic in this general area) where still having a large number of run in's with the animals. The detailed study identified the animals follwoing a specific fathom line and that if the shipping lane was moved x miles north at a slightly different width it would eliminate a majority of strikes. BUT this would mean the container ships would have to take a longer, fuel burning 10-30 minute trip then before. The industry made the compromise

and since the new shipping lane was put in place AROUND the animals patterns they are finding less strike incidence and the shipping can continue. The pressure is off the animals to find a way "around" and this effort is showing signs of aiding in our efforts to bring population numbers back up.

If you look at the progression of conservation and protection efforts there is a trend that blanket laws such as this offer little to no protection, convolute the actual goal to protect, and possibly take away sustainable practices that need to be implemented now more than ever.

We need to allow the data, specific the species and thier habitat, to determine the correct laws of protection. We are in a global situation where DETAILS are what will make the difference and unenforcable laws such as this proposed Bill will only slow down and hinder efforts during a very a critical window of time to correct the balalnce.

HB 533 is well-intentioned but fundamentally flawed and **should be deferred**. Major problems include:

1. HB 533 will produce no meaningful protection for sharks because targeted fishing for sharks (the focus of the bill) is already a rare activity in Hawaii. There is no demand for shark meat in Hawaii and shark fins are already banned. Coastal sharks are not sold at the fish auction nor at the various fish markets around the state. We have no commercial or recreational fisheries for coastal sharks in Hawaii. Fishers in Hawaii try to avoid sharks. There is no evidence of any decline in Hawaii coastal shark populations.

2. It is unenforceable. All fishing methods used to target sharks can be legitimately used to catch other species of fish thus it would be impossible to prove that sharks were being targeted. Fishers who inadvertently capture sharks could not be distinguished from those targeting sharks.

3. It 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 conservation gains are to be made with coastal sharks in Hawaii because Hawaii is already free of key stressors (e.g. significant targeted fishing) associated with shark declines in other regions. HB 533 threatens ongoing community outreach and citizen science programs that engage stakeholders in shark bycatch mitigation efforts.

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

Mahalo for your consideration.

HB-553

Submitted on: 2/17/2021 1:03:27 PM

Testimony for WAL on 2/18/2021 8:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Ku'ulei Keakealani	Individual	Support	No

Comments:

Aloha mai kakou,

I am Ku'ulei Keakealani and I ask you to consider approving HB553, as measures of such are greatly needed in the collective malama of mano. This is but one way, that I would hope, would discourage people from hurting and killing mano. In Hawai'i, our relationship to mano run deep and wide and if ones consciousness is not enough for folks to do the pono thing, than perhaps things like these rules, fines and other means of punishment are necessary. Mahalo for your careful consideration.

Ku'ulei Keakealani

HB-553

Submitted on: 2/17/2021 4:51:20 PM

Testimony for WAL on 2/18/2021 8:30:00 AM

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

Comments:

As a commerical fisherman with a background in ichthyolgy and shark studies I am not in favor of this bill. First lets have a clear understanding of the role of sharks in hawaiian history. And that is hawaiians actively fished for sharks in the old days. The evidence is found in weapons, the pahu drums covered in shark skin and the liver and its oil used for medicine. And yes we have the amakua issue but that was always identified as a specific shark, either by color of a special mark. It did apply to all sharks. Next we have this idea that each and every shark needs to be protected for the sake our reefs and eco systems. Clearly laying this on sharks when we have major issues of pollution which go unanswered and ignored is troubling to say the least. And lets be clear no one is actively fishing for sharks in Hawaiian waters. In the 80s the DLNR and NMFS actually promoted a shark fishery and got nowhere. And yes while certain populations of sharks are endangered that is not the case for sharks in Hawaii. the exception is the oceanic white tip shark but that is because they are pelagic and migratory. However our local coastal species are not and I would venture to say that populations are not only healthy but increasing. I am not an advocate of creating a shark fishery or taking of sharks but they certainly dont need protection. And it still can have an effect of creating issues in the fishing communtiy who inadvertantly often catch sharks regardless of the wording of this bill should be adopted. So no I am not in favor of this bill. In closing this is nothing but a feel good bill that is unneeded and has the potential to put some fisheries in jeopardy such as netting akule, bottom fishing, palu ahi and diving.

Mahalo for recieving and valuing my testimony

Steve Kaiser

HB-553

Submitted on: 2/17/2021 5:26:06 PM

Testimony for WAL on 2/18/2021 8:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Megan Lamson Leatherman	Individual	Support	No

Comments:

â€‹Aloha kÅ• kou,

I am in full support of HB â€‹553â€‹.

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

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 â€‹HB 553, like companion SB â€‹504â€‹, moves Hawai'i in the right direction of protecting these important species.

Many thanks for this opportunity to provide comments on this proposed bill.

Mahalo nunui for your time & support,

Megan Lamson Leatherman, M.S.

Honalo, HI

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; 1–12. <https://doi.org/10.1002/aqc.2832>

HB-553

Submitted on: 2/17/2021 5:40:39 PM

Testimony for WAL on 2/18/2021 8:30:00 AM

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

Comments:

Aloha Members of the House,

While the intentions of this bill are good, with the purpose of seemingly providing protections to species of sharks in Hawai'i, **the bill in its current form is ineffective and will likely exacerbate the main conservation issue facing sharks in Hawaiian waters.** Sharks are caught as incidental bycatch by commercial and recreational fishers when they are targeting species such as pelagics, bottomfish, and reef fish for commercial, recreational, and subsistence purposes. Sharks will often target the same gear fishers use to catch these species, and sometimes become incidentally hooked while depredating bait or a catch. The ambiguity between what would be considered a punishable "intentional" and "unintentional" catch of a shark has a high potential to sow distrust between the fishing community and the state's ability to effectively manage resources.

The bill in its current form could jeopardize legitimate research and is in need of specific changes. Particularly, the exemption statement in section II on line (e(1)) requires completely undefined permit requirements which could subject researchers from institutions to additional ambiguous and onerous bureaucracy. University researchers are required to undertake exhaustive reviews of their research plans before being permitted to work on animals, by Institutional Animal Care and Use Committees (IACUCs). University shark researchers already have oversight of their activities via an IACUC. If this bill in its current form is passed, permits could be denied and research could shut down based on someone's subjective opinion.

Past and on-going research in Hawai'i has been applied to inform effective conservation and management strategies of these species, both within Hawai'i and abroad. For example, studies on the life history and ecology of scalloped hammerhead sharks in KÅ• ne'ohē Bay were cited in the proposal and determination to list scalloped hammerhead sharks under the US Endangered Species Act. The tiger shark tagging studies led by Dr. Kim Holland and Dr. Carl Meyer have provided crucial, objective information on the ineffectiveness and ultimate cancelation of shark culling as a measure for reducing shark bites in state waters. Crucial information on the life history, behavior, ecology, and physiology of various species are needed to create effective species management plans, and scientific studies conducted in Hawai'i are critical to management of shark and ray species. Such nuanced information is also needed to

predict how a changing ocean will affect these species and marine ecosystems as a whole.

Thank you for your consideration.

Mahalo,

Mark Royer Ph.D.

HB-553

Submitted on: 2/17/2021 6:33:14 PM

Testimony for WAL on 2/18/2021 8:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
janice palma-glennie	Surfrider Kona Kai Ea chapter	Support	No

Comments:

Aloha,

We strongly support HB 553 and ask that you do, too.

Sharks and rays are critical to the integrity of marine ecosystems. measures like this can help protect that necessary balance.

A similar law was passed in December 2015 for West Hawai'i only. This bill would build upon that success by extending it to all state waters.

Mahalo for supporting this bill.

Sincerely,

janice palma-glennie

for Surfrider's Kona Kai Ea chapter

HB-553

Submitted on: 2/17/2021 8:21:57 PM

Testimony for WAL on 2/18/2021 8:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Jeff Stark	Individual	Oppose	No

Comments:

I oppose HB553 because it is unclear how it would affect shark tagging programs performed by volunteers that provide valuable information and insight for shark research. Would such volunteers need to obtain the permit described in the bill to continue their activities? If they don't obtain a permit would they be subject to the penalties described in the bill?

HB-553

Submitted on: 2/17/2021 11:03:39 PM

Testimony for WAL on 2/18/2021 8:30:00 AM

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

Comments:

100% in support of shark protections and preserving our marine ecosystem.

Mahalo!

Paul Friese

HB-553

Submitted on: 2/18/2021 5:24:31 AM

Testimony for WAL on 2/18/2021 8:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Mary True	Individual	Support	No

Comments:

Sharks are a very important part of the balance of life and need to be protected.

HB-553

Submitted on: 2/18/2021 7:12:51 AM

Testimony for WAL on 2/18/2021 8:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Ryan Christopher	Individual	Support	No

Comments:

I support this bill. We should be protecting and respecting all animals no matter their location.