

STAND. COM. REP. NO.

18

Honolulu, Hawaii

FEB 04 2019

RE: S.B. No. 489  
S.D. 1

Honorable Ronald D. Kouchi  
President of the Senate  
Thirtieth State Legislature  
Regular Session of 2019  
State of Hawaii

Sir:

Your Committee on Water and Land, to which was referred S.B. No. 489 entitled:

"A BILL FOR AN ACT RELATING TO SHARK AND RAY PROTECTION,"

begs leave to report as follows:

The purpose and intent of this measure is to protect sharks and rays by:

- (1) Establishing fines and penalties for knowingly capturing, taking, possessing, abusing, or entangling a shark, whether alive or dead, or killing a shark, within state marine waters;
- (2) Expanding the existing prohibition on knowingly capturing or killing a manta ray to apply to all rays; and
- (3) Expanding the prohibition regarding rays to include knowingly taking, possessing, abusing, or entangling a ray, whether alive or dead, or killing a ray, within state marine waters.

Your Committee received testimony in support of this measure from the Office of Hawaiian Affairs, Animal Rights Hawai'i, Keiko Conservation, For the Fishes, West Hawaii Humane Society, The Humane Society of the United States, Hawaii Marine Animal



Response, Keiko Conservation International, One Ocean Diving, Friends of Hanauma Bay, Wipeout Crew, O'ahu County Committee on Legislative Priorities of the Democratic Party of Hawai'i, and two hundred fourteen individuals. Your Committee received testimony in opposition to this measure from the Center for Hawaiian Sovereignty Studies and one individual. Your Committee received comments on this measure from the Department of Land and Natural Resources.

Your Committee finds that sharks and rays are extremely important to ocean ecosystems because they keep the ecosystem balanced, regulate populations of other marine life, and ensure healthy fish stock and reefs. Your Committee further finds that sharks and rays play a vital historical and cultural role in Hawaii, including Native Hawaiian customary and traditional rights protected by the Hawaii State Constitution. In 2010, Hawaii became the first state in the nation to enact a prohibition on the sale of shark fins and fin products; however, the law does not prohibit the taking of whole live sharks in state waters. Your Committee finds that this loophole must be closed to protect Hawaii's valuable sharks, and manta ray protections must be expanded to include all rays.

Your Committee has amended this measure by:

- (1) Inserting language to exempt any person from the prohibitions regarding sharks if the capture, taking, possession, abuse, entanglement, or killing is the result of defense of the person's self or of another against death or bodily harm;
- (2) Inserting the Hawaiian words, hāhālua and hailepo, associated with rays; and
- (3) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.



As affirmed by the record of votes of the members of your Committee on Water and Land that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 489, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 489, S.D. 1, and be referred to your Committee on Judiciary.

Respectfully submitted on  
behalf of the members of the  
Committee on Water and Land,



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KAIULANI KAHALE, Chair



