

STAND. COM. REP. NO.

856

Honolulu, Hawaii

MAR 05 , 2021

RE: H.B. No. 553  
H.D. 2

Honorable Scott K. Saiki  
Speaker, House of Representatives  
Thirty-First State Legislature  
Regular Session of 2021  
State of Hawaii

Sir:

Your Committee on Judiciary & Hawaiian Affairs, to which was referred H.B. No. 553, H.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO THE PROTECTION OF SHARKS,"

begs leave to report as follows:

The purpose of this measure is to:

- (1) Prohibit knowingly capturing, entangling, or killing a shark in state marine waters, with certain exemptions; and
- (2) Require the Department of Land and Natural Resources to adopt rules to:
  - (A) Ensure that the incidental taking of sharks while targeting other species is not a violation;
  - (B) Prevent the wanton waste of sharks;
  - (C) Limit gear, such as gill nets, in areas identified as shark nursery habitats; and
  - (D) Allow the taking of sharks for subsistence purposes, subject to reasonable regulation by the State for the protection of shark species.

2021-2091 HB553 HD2 HSCR HMSO



Your Committee received testimony in support of this measure from the Department of Land and Natural Resources; Office of Hawaiian Affairs; Hawai'i Institute of Marine Biology of the University of Hawai'i; Animal Rights Hawai'i; The Humane Society of the United States; Humane Society International; Friends of Hanauma Bay; Center for Biological Diversity; Hawaii Reef and Ocean Coalition; For the Fishes; Conservation Council for Hawai'i; Kai Palaoa; Moana 'Ohana; Ocean Defenders Alliance Hawai'i; Kalanihale; Kahea - The Hawaiian-Environmental Alliance; Sierra Club of Hawai'i; Haereticus Environmental Laboratory; Fair Wind; Environmental Caucus of the Democratic Party of Hawai'i; Legacy Reef Foundation; The Kohala Center; Hawai'i Fishermen's Alliance for Conservation and Tradition, Inc.; Save the Sea Turtles International; Conservation Council for Hawai'i; Keiko Conservation; and ten individuals. Your Committee received testimony in opposition to this measure from the Lokahi Fishing, LLC; Waialua Boat Club; and six individuals. Your Committee received comments on this measure from two individuals.

Your Committee finds that sharks play an important role in maintaining healthy marine ecosystems. Your Committee further finds that overfishing, pollution, and other threats can cause serious declines in shark populations. Your Committee recognizes that subsistence fishing and the incidental taking of sharks by fishers targeting other species are not a threat to shark populations, and therefore should not be criminalized. Your Committee also finds that requiring the Department of Land and Natural Resources to adopt rules to limit gear, such as gill nets, in areas identified as shark nursery habitats will further protect shark populations.

Your Committee has amended this measure by:

- (1) Deleting 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;
- (2) Requiring any person who captures or kills sharks for subsistence fishing purposes to obtain a permit issued by the Department of Land and Natural Resources; and



- (3) Making technical, nonsubstantive amendments for the purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Judiciary & Hawaiian Affairs that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 553, H.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as H.B. No. 553, H.D. 2.

Respectfully submitted on  
behalf of the members of the  
Committee on Judiciary &  
Hawaiian Affairs,



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MARK M. NAKASHIMA, Chair



Record of Votes of the Committee on Judiciary & Hawaiian Affairs

Bill/Resolution No.: <b>HB 553, HD1</b>	Committee Referral: <b>WAL, JHA</b>		Date: <b>2-24-21</b>	
<input type="checkbox"/> The committee is reconsidering its previous decision on the measure.				
The recommendation is to: <input type="checkbox"/> Pass, unamended (as is) <input checked="checked" type="checkbox"/> Pass, with amendments (HD) <input type="checkbox"/> Hold				
<input type="checkbox"/> Pass short form bill with HD to recommit for future public hearing (recommit)				
<b>JHA Members</b>	<b>Ayes</b>	<b>Ayes (WR)</b>	<b>Nays</b>	<b>Excused</b>
1. NAKASHIMA, Mark M. (C)	✓			
2. MATAYOSHI, Scot Z. (VC)	✓			
3. ICHIYAMA, Linda				✓
4. KOBAYASHI, Dale T.	✓			
5. LoPRESTI, Matthew S.	✓			
6. LOWEN, Nicole E.	✓			
7. McKELVEY, Angus L.K.		✓		
8. NAKAMURA, Nadine K.	✓			
9. TAKUMI, Roy M.	✓			
10. TODD, Chris	✓			
11. TOKIOKA, James Kunane				✓
12. WARD, Gene	✓			
<b>TOTAL (12)</b>	9	1	0	2
The recommendation is: <input checked="checked" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
If joint referral, _____ did not support recommendation.				
committee acronym(s)				
Vice Chair's or designee's signature: _____				
Distribution: Original (White) - Committee    Duplicate (Yellow) - Chief Clerk's Office    Duplicate (Pink) - HMSO				