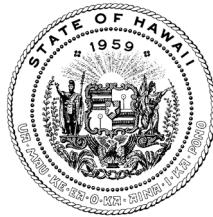


DAVID Y. IGE
GOVERNOR OF HAWAII



STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
POST OFFICE BOX 621
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Testimony of
SUZANNE D. CASE
Chairperson

Before the Senate Committees on
COMMERCE AND CONSUMER PROTECTION
and
WAYS AND MEANS

Thursday, March 4, 2021
9:30 AM

State Capitol, Via Videoconference, Conference Room 211

In consideration of
SENATE BILL 578, SENATE DRAFT 1
RELATING TO COMMERCIAL SHARK TOURS

Senate Bill 578, Senate Draft 1 proposes to prohibit commercial shark tour operations from operating without a permit; and require the Department of Land and Natural Resources (Department) to adopt rules to regulate commercial shark tours. **The Department appreciates the intent of this measure and offers the following comments.**

The Department's Division of Boating and Ocean (DOBOR) has jurisdiction over vessel operation and ocean recreation activities in state ocean waters, extending three nautical miles from shore. All commercial vessels not under the jurisdiction of the Department of Transportation are required to obtain a commercial use permit (CUP) from DOBOR and specify the activity(ies) they will be conducting as well as the area(s) where they plan to operate, subject to approval from the Department. DOBOR's CUPs include various terms and conditions that operators agree to before being issued the CUP, which allows DOBOR to quickly adapt to a change in the activity if the need arises.

DOBOR CUPs for Hale'iwa Ocean Waters include within their terms and conditions that any shark tours be conducted only outside of the three-nautical-mile state waters boundary. Therefore, all operators conducting shark tours operate in federal waters past the three-nautical-mile boundary and outside of state jurisdiction. Operators obtain a DOBOR CUP if loading and unloading passengers at a state facility for any commercial purpose, and not all shark tour operators specifically list their permitted activity as "shark tours," instead categorizing the activity as "marine life observation" or a variation thereof. DOBOR estimates that 16 companies operate shark tours of some kind.

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

Because of the prohibition on shark tours in state ocean waters through CUP terms and conditions, the Department believes there is no need for administrative rules that would regulate shark tours in state ocean waters. Further, the Department believes that the restrictions contemplated by this measure are better implemented through CUP terms and conditions, and this measure therefore would not be necessary.

Most importantly, the Department's Division of Conservation and Resources Enforcement (DOCARE) is responsible for enforcing the Department's regulations. Due to the current fiscal situation and resulting budget and personnel cuts, DOCARE has become severely short-staffed. DOCARE officers have a very diverse and comprehensive area of jurisdiction and expertise, being responsible for all conservation enforcement from mauka to makai. 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.

Additionally, the training required by Section 188- (a)(3), Hawaii Revised Statutes (HRS), would likely require funding, and possibly personnel, to create and conduct. If the Department cannot find a suitable entity to provide the education required by Section 188- (a)(4), HRS, it would need to provide the education itself, requiring further funding and personnel.

Thank you for the opportunity to comment on this measure.

SB-578-SD-1

Submitted on: 3/2/2021 12:05:13 PM

Testimony for CPN on 3/4/2021 9:30:00 AM

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

Comments:

Friends of Hanauma Bay strongly supports SB578.

Mahalo,

Lisa Bishop

President

Friends of Hanauma Bay

SB-578-SD-1

Submitted on: 3/2/2021 3:25:58 PM

Testimony for CPN on 3/4/2021 9:30:00 AM

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

Comments:

To: The Honorable Rosalyn Baker, Chair, the Honorable Stanley Chang, Vice Chair, and members of the Senate Committee on Commerce and Consumer Protection, 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: Hawaii Reef and Ocean Coalition (by Ted Bohlen)

Re: SB578 SD1– RELATING TO COMMERCIAL SHARK TOURS.

Hearing: Thursday, March 4, 2021, 9:30 a.m., CR211 and via videoconference

Position: SUPPORT

Aloha, Chair Baker, Vice Chair Chang, and Members of the Senate Committee on Commerce and Consumer Protection, and Chair DelaCruz, Vice Chair Keith-Agaran and members of the Senate Committee on Ways and Means:

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 ocean species. HIROC **SUPPORTS** this bill, which would prohibit commercial shark tour operations from operating without a permit.

We are currently asking the Legislature to pass a handful of very important bills to save our coral reefs and other marine life – they are bills relating to a constitutional amendment, aquatic species, plastic marine debris, the climate crisis and sea level rise, sunscreens, and cesspools.

Many shark species are threatened with extinction. The journal Nature reported on January 27, 2021, 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 are critical to a healthy marine ecosystem because, as apex predators, they help to regulate marine life and ensure healthy fish stocks. Sharks help maintain the balance that makes coral reefs stronger and better able to withstand the multiple stressors that reefs now face. A report in today's Star Advertiser indicated that sharks help ecosystems adjust to climate change.

HIROC is concerned that commercial shark tours, especially run by unpermitted and untrained operators, are disrupting the natural ecosystems of these threatened species. This bill would help to reduce the risks to sharks and natural ecosystems, as well as to people.

Please pass this bill. Mahalo!

Hawaii Reef and Ocean Coalition (by Ted Bohlen)

SB-578-SD-1

Submitted on: 3/3/2021 9:29:29 AM

Testimony for CPN on 3/4/2021 9:30:00 AM

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

Comments:

Please accept the Center for Biological Diversity's testimony in support of SB 578.

SB-578-SD-1

Submitted on: 3/2/2021 11:36:37 AM

Testimony for CPN on 3/4/2021 9:30:00 AM

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

Comments:

I support SB578.

LATE

SB-578-SD-1

Submitted on: 3/3/2021 10:58:18 AM

Testimony for CPN on 3/4/2021 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
William K. Chang	Individual	Support	No

Comments:

Support