

Testimony In Support of West Hawai'i Rules and Amendments

From: John and Sue Kellam
Sent: Tuesday, November 13, 2012 10:41 AM
To: Bill Walsh
Subject: Support for the WHRFMA Rules Package

I wish to express my support for the West Hawai'i Regional Fishery Management Area Rules Proposal being considered at a public hearing in Kona on December 5.

I want to make it clear that I support all of the following:

- A new Fishery Replenishment Area for Ka'ohe Bay
- A ban on spearfishing with the use of SCUBA
- The proposed "White List" which would limit the commercial collection of aquarium fish to 40 listed species
- The bag and size limits for select species on that White List
- The ban on taking sharks, rays, and 2 large mollusks in West Hawai'i
- The clarification of current FRA boundaries
- The clarification of net rules proposed
- The establishment of a new permit for aquarium collection in West Hawai'i

Bean counters can stop here.

On the chance that someone on O'ahu reads these messages, I wish to use this one to expand on my support of these changes. During verbal testimony, the time limits prevent anyone from reasonably commenting on any more than one of these topics.

An FRA for Ka'ohe Bay

As a founding member of the Friends of Pebble Beach, I have worked with my neighbors for more than 8 years to provide a ban on commercial aquarium collection in one of the few areas of public access to the shore in South Kona. Noticing a distinct drop in tropical fish in Ka'ohe Bay, other members of our remote community had tried to work toward the same goal for years once the FRA system was established by Act 306, but their voices were ignored. We formalized our efforts in 2004 by circulating a petition asking to extend the Ho'okena FRA for 2 miles south in order to protect 4 popular dive spots along the rugged South Kona coast. Eventually more than 1600 people signed the petition before we suspended the petition drive at the end of 2004. We submitted the petition to the West Hawai'i Fisheries Council in November of that year and asked them to forward it to the chairman of DLNR. We felt that regulation by qualified specialists was preferable to the blunt instruments of legislative intrusion or judicial confrontation.

Our efforts were rewarded with seemingly endless delays and severe compromises. Our claims of decreasing fish counts were dismissed as "unscientific." When we asked that the fish population be

studied “scientifically,” Dr. William Walsh flatly refused. We were subjected to binding arbitration by a “User Conflict Committee” which included a collector who had been at the heart of our complaint. Eventually we bypassed the WHFC and negotiated directly with the Big Island Association of Aquarium Fishermen. Both sides made significant concessions that put aside roadblocks that had hindered an agreement for years. A couple of years ago, we submitted the agreement to the WHFC for their approval. Even with their overwhelming approval, it has taken another couple of years for DLNR to consider the arrangement formally. The area proposed for this FRA has been whittled down to a fraction (1500’) of the one requested in the petition. This is the one place where cars can approach the shore (outside of private roads) between Ho’okena and Miloli’i (a distance of 11 miles). Collectors would still be free to take tropical fish from the south side of Ka’ohe Bay which is where the bulk of the collection has always taken place.

It has been difficult to maintain support for this campaign over such a long period of time and through such severe compromises. I think it is remarkable that we have been able to come up with this solution essentially through consensus with collectors. I must say that if DLNR found some reason to not establish this FRA after all this negotiation, many of us would take that decision as a breach of good faith; we would lose confidence in the regulatory authority of state agencies; and we would seek a more comprehensive solution elsewhere.

A Ban on Spearfishing with SCUBA

This proposal was supposedly ready for submittal by the WHFC when we first submitted our petition 8 years ago. Night dives reveal many diurnal fish which rest in cracks and crevices, relying on camouflage (like mucus) that works great against predators but not against divers. Parrotfish have suffered greatly elsewhere in the Pacific (notably Samoa) due to spearfishing at night by divers using SCUBA. A survey of dive spots not just in the South Pacific, but around the world, shows that Hawai’i is one of the last dive recreation destinations to still allow spearfishing with SCUBA because the toll of such fishing is just too a sacrifice for other people using the reefs. Other arguments aside, that puts Hawai’i in the unenviable position of attracting spearfishermen addicted to a technique that has proven harmful elsewhere.

The White List

As I have said, we have listened to the progress of various issues at the WHFC for eight long years. For the first few years, we heard reports from representatives of collectors on the WHFC who had been assigned the task of developing a “Black List” of fish species that would be out of bounds for commercial collection. They made absolutely no progress, clearly stonewalling the effort. I believe that the development of this “White List” is an ingenious solution to the problem. It itemizes 40 species that represent the vast majority of the current income for commercial aquarium collectors and prohibits collecting any other fish. While the list looks daunting, clearly it leaves out many species that are highly valued by swimmers, snorkelers, and divers. Of course, species off the White List are much more likely

to be solitary and/or rare and therefore much more prone to disappear during even a brief fad in the aquarium trade.

Make no mistake: it is hard to look at some of the fish on the White List and think collectors are given carte blanche with them. Psychedelic Wrasses, Flame Wrasses, Tinker Butterflyfish, and Longfin Anthias quickly come to mind—and are a rhetorical weak point when arguing with environmentalists who claim collectors are getting away with murder. However, I, for one, appreciate the job Dr. Walsh has done negotiating this list with collectors. We were negotiating with collectors directly about the Ka’ohe FRA when the White List was worked out. I pleaded with Dr. Walsh to delink the White List from the Ka’ohe Bay FRA because I thought he would never get the collectors to agree to any list. We heard very heated negative feedback about the list when we talked with collectors. Dr. Walsh started with 25 species (many of them painful to accept) and ended with 40. Deep compromises have been made.

And I want to be a witness to the fact that the BIAAF did, indeed, agree to the list in its present form when it was submitted for approval to the WHFC, regardless of what certain collectors may claim now.

Bag and Size Limits

I am not really qualified to say whether 2”, rather than 1.5”, should be a minimum size for Yellow Tang. What I can say is that I think it is a good step to establish a size range for Yellow Tang, allow for some daily “mistakes” outside that range, and pressure the industry to collect only those fish that are likely to survive and leave the breeding stock on the reef. Protection of the breeding stock is also a good rationale for the maximum limit for kole. And there is a clear concern among fishermen as well as divers for the pressure on Achilles Tang (paku’iku’i). If nothing else, a daily limit on them begins to send a message to everyone that the take needs to be regulated.

Sharks, Rays, and Large Mollusks

Sharks and rays are a major part in the drawing power of West Hawai’i diving. We have not seen the depletion of sharks that other island nations have suffered, but even the WHFC has been contacted by Chinese fishermen interested in testing the waters for harvesting rays. Triton Trumpets are the only predator for Crown of Thorns, but they are disappearing from the West Hawai’i reef due to a demand for their shell for ornaments and as trumpets. Though we do not have much Acropora that are so prone to Crown of Thorn outbreaks, we have seen surges in Crown of Thorns infestations, notably in 2005. All of these species are clearly vulnerable, and banning their catch makes good sense.

Clarification of FRA Boundaries

There have been lingering controversies between collectors, particularly in the Puako area, and DAR over the exact boundaries of certain FRAs. Citations have not really solved the problem. A clear

delineation of the boundaries, which is now much easier with the widespread use of GPS, may put these controversies to rest. At the very least, it will put future citations on a firmer footing.

A New License to Collect in West Hawai'i

I have heard various explanations of why a unique permit should be required in West Hawai'i. A first step toward limiting entry to a reasonable number of collectors would be very welcome. Had the Superferry been allowed to come to the Big Island, we would have faced a significant crisis with easier access to the West Hawai'i reef by collectors from O'ahu and Maui. A clear means to orient local collectors to the new rules proposed in this Rules Package is also a good rationale for a new license.

I have heard considerable resistance to this new license from collectors who are now active in West Hawai'i. I believe the problem is not so much in the license itself, but in the way it has been explained. In the absence of a clear explanation, collectors suspect a hidden reason for the new license.

Conclusion

While I think these arguments are consistent, the rules themselves differ a great deal in terms of detail and contentiousness. The arbitrary lumping of all of them together, particularly the "take it or leave it" combination of items under the proposed Chapter 13-60.4, may make some sense to office workers in Honolulu; but it is totally unrealistic as far as carefully considering the merits of each item.

Thank you for listening to these concerns. In the future I will limit my testimony to the issue of the Ka'ohē Bay FRA. I hope you do not infer from that focus that we do not support the other aspects of this Rules Package.

Dec. 05, 2012

Good evening. My name is John Kellam.

More than eight-and-a-half years ago I helped found the Friends of Pebble Beach with my wife and Steve Meyer. Tonight you have heard some very subtle and persuasive speeches, but you're not going to hear one from me. I'm going to go over some very basic things that I think count in this process as I've been -- as I picked up from it in many years. One is a basic body count. The body count in this meeting is very important. Please be sure that you've signed in over here if you came in late, and we want the Board of Land and Natural Resources to recognize how many people are concerned with these issues.

I'd like to thank you individually for coming, regardless of your viewpoint, and I'd like to thank the organizations that help mobilize some of you, including the Eyes on the Reef, the Nature Conservancy, the Lost Fish Coalition, and of course, my own group, the Friends of Pebble Beach.

Secondly, I want to make it clear that however persuasive you are, you must make clear in your testimony, either oral or written, exactly where you stand on this rules amendment package. Some of you have, and some of you, even with very strong opinions, haven't. I want to make it clear that I fully support the rules amendment package being proposed by the West Hawaii Fisheries Council to the Department of Land and Natural Resources.

Thirdly, I want to try to give some impression on the recording that is made of people who are in support of different things. As I've said, my primary interest is in the FRA for Ka'ohe Bay. So if you agree with establishing an FRA, the smallest FRA possibly in the world, 1,500 feet in Ka'ohe Bay, after we've worked on it for eight-and-a-half years, give me an F, give me an R, give me an A. What does it spell? FRA. What does it spell? FRA. What does it spell? FRA. It could spell FRA, that's true. I've been asked to similarly rabble-rouse for the entire rules package. I'm not entirely sure how that would go. But what I would like to say is a good word for compromise

As you can see from my white hair, I come from a generation that reached very high. We wanted a lot of things out of life, but we settled for a lot less. Now some of the reasons for that were assassination and commercialization of music, but some of it is life. You have to compromise in life. I appeal to both extremes in this question, the people who want a complete ban, the people who want no interference with their activity whatsoever. Let's get real. In my lifetime this rules package is the best we can come up with. I hope you can support it, too.

Thank you.

John Kellam
Friends of Pebble Beach

I appeal to the Department of Land and Natural Resources to take responsibility for the ambiguous results of the December 5 public hearing in Kona regarding the Rules Amendment Package proposed by the West Hawai'i Fisheries Council. Repeatedly in the eight years that the Friends of Pebble Beach has persevered with our effort to get DLNR to accept a new Fish Replenishment Area for Ka'ohe Bay, we have begged the Council to separate the proposal for the FRA from the complicated package that you see before you. The consistent answer has been that the Division of Aquatic Resources was reluctant to put forth any single proposal to the Attorney General's office. Instead they wanted to incorporate any changes coming from West Hawai'i into one omnibus package in order to economize on interaction with the rest of the state bureaucracy. You see before you the unfortunate, if highly predictable, results of that strategy: everything in the hearing seems at cross-purposes.

We have been told clearly by Kona DAR that the Package, particularly Ch. 13-60.4, will stand or fall as a whole. I feel confident that if, after all the positive testimony, both written and oral, that the Board has heard in the past months, BLNR chooses to reject the Ka'ohe FRA because it is a part of a larger Rules Package with more contentious parts, we will not feel constrained to honor the compromise we have made through the WHFC. One

way or another, we will seek to exclude aquarium fish collectors from, at least, a broader swath of South Kona than just Ka'ohē Bay. We would prefer to rely on DLNR to professionally regulate the situation, but in the absence of any timely action on the Board's part, that is not our only alternative. We urge BLNR to give each section of the Rules Package the careful, individual attention it deserves and to act responsibly on each one according to its merits.

Please bear with me while I offer what I think is helpful background information. When we presented the petition for the Ka'ohē FRA to WHFC in November 2004, we were told that the following monthly meeting would be taken up with "wrapping up" a Rules Package for banning spearfishing with SCUBA. At that point, it was considered a "done deal." From January of 2005 on, we attended the WHFC meetings religiously (primarily because we felt that, by skipping the December meeting, we had been finessed by collectors when our petition was routed to a "User Conflict Committee" rather than considered in a broader aspect of concern about depletion of reef fish). For years, the delay of the ban on spearfishing with SCUBA was not a question of whether it was a good idea on merits, but that DAR was considering implementing it on a statewide basis. Gradually, through different administrations, DAR kept encouraging the Council to lump disparate proposals together, regardless of the impracticality of careful consideration of each proposal as a part of a "mega-package." Eventually the ban on spearfishing with SCUBA was relegated back to the Council as a West Hawai'i issue and joined the package.

I don't mean to suggest that the FRA proposal was settled in its present form many years ago. Much of the delay in coming to a compromise with collectors was due to relying on the Council to arbitrate "the conflict." Only when we tried negotiating with collectors directly nearly three years ago did we finally make much progress. Nevertheless, considerable delay and much confusion and frustration resulted from the persistence of DAR in seeking a comprehensive Rules Package. And the ban on spearfishing with SCUBA was always considered the most finished, most thoroughly vetted part of the package.

No one who attended the December 5 public hearing can ignore the dramatic testimony concerning spearfishing with SCUBA. On a very basic level, I value the zeal with which many people came forward to speak out about our ocean resources. But the smokescreen thrown up around the subject needs to be cleared. Some of it is obvious. Several speakers took advantage of the forum to express a denial of the authority of DLNR, the state of Hawai'i, or even the United States to regulate Hawai'ian waters. They oppose the Rules Package as an affront to Hawai'ian sovereignty. They have their own overriding agenda. We are all familiar with this brand of obstructionism. It is not too dissimilar from the approach of Maui activists who seek an EIS on the aquarium trade while opposing this Package as well: they both challenge the authority and competence of DLNR to handle marine resources.

Only slightly more reasonable is the approach of another group of opponents who use a strategy often seen at regulatory meetings. They refuse to participate in negotiations on a proposal for years; silently watch it edge its way through committee work and the bureaucracy; and then pop up crying "Foul!" at a public hearing. In fact, we watched 3 of the vocal opponents of spearfishing with SCUBA (Mike Nakachi, Teresa Nakama, and Leonard

Torriger) serve for years on the WHFC without saying a word against the proposal that, as we have said, was a “done deal” as far as the Council was concerned by the end of 2004.

Another red herring thrown out in the public hearing was the claim that SCUBA was primarily used by kupuna to allow them to do what they had done earlier in life by freediving. I am living proof that we start to wear out with age; and more specifically, that we cannot freedive as deep or as long in old age as we did in our prime. But the preponderance of the opponents’ testimony leads to the obvious conclusion that the overwhelming majority of use of SCUBA for spearfishing is done by men in their healthy years. They may be giving a few extra fish to older people, but they are in it for the money.

Equally questionable is the claim that spearfishing with SCUBA is a “cultural practice” protected by laws specific to the Hawai’ian community. There is no doubt that Hawai’ians love to eat parrotfish. (So do a lot of other people!) But “cultural practice” cannot be extended to whatever puts uhu in the mouth of a Hawai’ian. Obviously SCUBA has not been used by anybody for more than 2 generations. There were no ancient Hawai’ian SCUBA fishermen. One testifier suggested that the state recognize the “evolution” of cultural practices. That is a slippery slope. Special privileges have been rightfully granted to those in the Hawai’ian community who opt out of the money economy and support themselves largely through a subsistence economy similar to the one practiced before the European invasion. That is a cultural practice the whole society can accept and subsidize. One testifier, Leonard Torriger, has argued in the WHFC that “subsistence” fishing can be selling fish to pay for a grocery bill. There is nothing wrong with selling fish to pay for anything one wants, but DLNR, as well as the state as a whole, has to be careful to not stretch the English language in the way Mr. Torriger suggests. The subsistence laws were based on what “subsistence” really means in English, and the word “subsistence” precludes any activity in the money economy. You cannot buy a big truck; you cannot pay for a home; and you cannot buy parrotfish with money earned through fishing and call that “subsistence fishing.” You cannot market fish from the “subsistence community” of Miloli’i in the city of Hilo. It can be legitimate business, but it is on a par with other small businesses in Hawai’i. These businesses are regulated by the state to prevent depletion of common resources, or, in this case, overfishing.

What is clear from the testimony is that there is a disconnect between WHFC and the general fishing community. Act 306 was passed to handle the aquarium trade in West Hawai’i. WHFC was formed to help with community response to those regulations. In fact, we brought our petition to WHFC because we knew they were supposed to deal with collection issues. They just don’t deal with broader fishing issues as well. It is not due to lack of effort on the Council’s part. Numerous fishermen—and I mean real fishermen, people who catch fish for food—have served on the Council. The Council continues to recruit more fishermen. Unfortunately we can testify to the fact that they do not feel that they get their point of view expressed effectively in the Council. As Mr. Nakachi testified, they all “seem to just drift away.” There are probably many reasons for this disconnect. I know that by late 2004, the Council acted like it was shell-shocked. The agenda was closely guarded. Unscheduled speakers were unwelcome. The explanation was that meetings in the past had gotten “out of hand.” When fishermen did come to meetings as a group, there was considerable apprehension in the air which didn’t seem warranted by any misbehavior. Though English was used by everyone, the formal language used in the Council put off the fishermen. The testimony at the public hearing is also full of disrespect for PhDs and the

academic background of researchers. Education and cultural differences were obvious flashpoints: there is a clear lack of trust on both sides. There were even gross misunderstandings of the Rules Package itself that appeared to be the result of some testifiers not reading the (less than fascinating) document.

And there is the problem of logistics. Even we found the monthly drives from South Kona to Kailua-Kona for the WHFC meetings expensive and time-consuming. After a hard day fishing and with an extra 30 minute ride from Miloli'i, it can become a routine that doesn't make sense, especially if you feel you can't get through to members of the Council.

All of these points notwithstanding, it is clear that some people in West Hawai'i make a good living off of spearfishing with SCUBA (mostly at night). Anyone pulling in 800 pounds of uhu a night (cf. testimony to that effect) has a lucrative business, regardless of how he tries to justify it. Quite apart from kupunas, cultural practices, and demagoguery of any kind, there is a legitimate small business concern in this use of SCUBA. The question boils down to whether this practice leads to overfishing.

We are steadfast in our contention that it does. Even the opponents' testimony reveals multiple cases of people taking more fish at one time than is reasonable. Multiple examples from elsewhere in the Pacific have been cited that show that spearfishing with SCUBA, if left unchecked, leads to the disappearance of several prized species of diurnal fish. It can and will happen in Hawai'i unless it is controlled by DLNR.

I thank you for your careful consideration of this issue as well as the other respective parts of the Rules Package.

John Kellam

Friends of Pebble Beach

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To: DLNR, State of Hawaii, Department of Aquatic Resources  
Re: WHRFMA Chapter 13-60.4, 13-54, 13-57

From: Stephen E. Thompson, Ph.D., Director  
Marine Environmental Research

I attended the DNLR hearing in Kona on December 5, 2012. I submitted oral testimony and am including a written copy below. First, however, I would like to address the oral testimony of some of those in opposition that I heard.

The main objections to the new rules seemed to fall into two main categories: Spearfishing with SCUBA and the 40-species white list.

In the case of SCUBA spearfishing, a number of fishermen in attendance vehemently opposed the rule banning the practice. Their reasons were:

1. I have to **feed my family**.



2. I am a "waterman" and this is the only **lifestyle** I know.
3. I need to **make a living** and this is what I do.
4. **I like to provide** for my friends and extended family.
5. My family has been **fishing for generations**.
6. As a **native Hawaiian**, I have a **right** to fish using any method.
7. This has been our **tradition** for "thousands" of years.
8. Hawaiians have **evolved** along with everyone else to use modern equipment instead of the traditional ways. It is our right.
9. I have a right to pass on my fishing **tradition to my children**.
10. It is too **hard to find fish** at snorkeling depth. There aren't as many as before.
11. DLNR has **no jurisdiction** over native fishing privileges.
12. There is **no enforcement**, so the rule is meaningless.
13. The provision that bars having spears and SCUBA together in a boat or vehicle is **unfair**.
14. **I know more** about the habits of fish than any PhD from the mainland.
15. **Haoles** aren't going to come in here and tell us native Hawaiians how to fish.

There was a general lack of understanding of the real problem being addressed by this provision of the rules package: overfishing. In fact, this is the common link between most of the rules in the package. The issues are not of "native rights" or a "right to fish" or continuing a "tradition of generations" or passing on fishing knowledge to the "next generation." The issue is one of methodology. Spearfishing with SCUBA, especially at night, is a relatively new technique that represents a quantum advance in efficiency. It is proving to be too successful, and therefore, unsustainable. The grandfathers of the same people who were invoking the "tradition of generations" did not use SCUBA and/or high-powered spear guns. The right to pass this new "tradition" on to children will do them no good if there are no fish to be had. Opponents made the very point that the rules address: it is getting harder to find fish. Overfishing is already occurring in West Hawaiian waters, which is all the more reason to address it now.

Some opponents took the rule personally and turned it into a Haole vs. Native issue, or a "phony PhD science" vs. real life knowledge issue or an outsider vs. local issue. The point that most other Pacific Islanders and Australians, as well as Bahamians, Mexicans and many Caribbean Islanders have already banned this practice, apparently did not sink in. Those places also have their watermen, fishermen and generations of tradition, but they have seen the results of overfishing and taken steps to stop it and provide for future generations. Fishermen there will actually be able to pass on a fishing tradition to their children. One West Hawaii fisherman from down south who testified, made it clear that he would continue SCUBA spearfishing, regardless of any rules package, in defiance of the law.

Again, the issue is one of methodology. Dynamite and bleach are two very effective techniques for killing and then collecting fish. These are still used in other countries, even today. West Hawaii fishermen can certainly understand that these are destructive and unsustainable practices and would

never support them here in Hawaii. The challenge is to get them to see that SCUBA spearfishing is another technique along a continuum, whose extreme on one end is dynamite, that will produce an unsustainable outcome.

Some people at the hearing were open to banning night SCUBA spearfishing alone, or setting bag limits, or designating closure areas, but did not support an overall ban. The problem with this approach is insufficient protection and lack of enforceability. Various degrees of SCUBA spearfishing do not solve the basic problem of overfishing. Daytime SCUBA spearfishing will eventually lead to the same fish population depletion. It will just take longer.

Only banning the presence of spears and SCUBA in the same boat for any reason at any time produces a workable and enforceable outcome.

Enforcement is a legitimate concern, since DLNR doesn't have the manpower to patrol all of West Hawaii's waters. Citizen monitoring is the best method of enforcement in Hawaii. Other stakeholders will protect their interests. People on shore can see aquarium fishermen crossing FRA boundaries. Dive operators and line fishermen can see SCUBA spearfishermen in the water. Cell cameras can record boat registrations, so there is a way to address the issue of enforcement. People can report the presence of SCUBA and speared fish or spears in a vehicle or boat and record the registration or license number.

Opposition to the 40-species white list was fragmented, with claims of whitewashing, not going far enough, caving into aquarium interests and objections to certain species being on the list. Issues of process and access to input, as well as lack of cooperation from the DAR office were raised. Overall, people seemed ignorant of the general administrative rule making process where a rule contains a number of disparate provisions all falling under a single unifying principle: sustainable fisheries. To oppose the entire rule because of disagreement with just one provision, when someone supports everything else, throws the baby out with the bathwater and likely sets the whole effort back. Evidently, at least one person who was given practical advice about this political reality, reacted negatively, claiming DAR coercion. In effect, this is how the rule making and legislative process have always functioned and part of compromise is voting bills up or down on their overall merit. After years of discussion and debate, it is impractical to reopen the whole rules package just to tweak the aquarium species list. There is no line item veto in this process.

There was general consensus on almost everything else, especially the Pebble Beach FRA, except for those who objected to the entire process of DLNR and state jurisdiction over anything at all. Although there was some overt emotion in the opposition testimony, including a dramatic and theatrical chant from a woman claiming to be "hurt" by the rules (whose singing was not in Hawaiian incidentally, but some other language), the dispassionate written transcript will show untenable and contradictory arguments from opponents of the rule.

The bottom line is that some local fishermen need to be saved from themselves and bitterly resent the fact that someone else has to do it for them, so their children will have fish for the future.

Oral Testimony, December 5, 2012

My name is Stephen Thompson

I have been a resident of the Big Island for twelve years. I head Marine Environmental Research, a 501-C-3 non-profit that supports reef studies here in West Hawaii.

Before giving my own testimony, I have been asked to take three minutes to read a statement by Dr. Jeremy Claisse, who could not be here tonight (Note: See Claisse testimony on page xx).

## II.

For my own testimony I also strongly support the entire package of rules and amendments in Chapter 13-60.4. In particular, I first want to address spearfishing with SCUBA.

I have dived here for over two decades and have observed a decline in larger individual of certain species like parrotfish, jacks and wrasses at sites where I have also observed increased spearfishing activity targeting just these species. It's not science, but it's probably not coincidence either. I have seen SCUBA spearfishing up close and can say that, recreationally speaking, it is not a sport but rather a slaughter, especially at night when fish are actually asleep. For the same reason, it is commercially unsustainable and non viable. Almost everyone else in the world seems to have figured this out. Hawaii is one of the few places that have not already banned spearfishing with SCUBA and we need to remedy that now.

I support the 40 species white list and size and bag limits for key aquarium species. These have been developed as a result of a huge amount of time and effort by all stakeholders, and now is the time to make them a reality.

Finally, regarding the new FRA at Pebble Beach, not only does this resolve a conflict there, but an additional FRA is a good idea. Studies have shown: marine protected areas don't just protect the fish inside them, but as the fish increase in numbers and size, some gradually move out into surrounding unprotected areas, benefiting fisheries, a process known as spillover. Most importantly, as the fish in FRAs grow larger and produce more eggs, spawning provides more larvae which are transported by currents and settle on reefs both near and far. This form of replenishment was assumed to occur but had never before been documented.

I participated in a recent study of yellow tang sampled all around the Big Island that used DNA analysis. In one case, we discovered that adults in the Miloli'i FRA supplied new juvenile fish to unprotected reefs at Ho'okena and as far north as Wawaloli, about 40 miles. This definitive documentation of the seeding effect of yellow tang from an FRA was the first in the world for any species in any Marine Protected Area anywhere.

The lead scientist on that study, Dr. Mark Hixon, from Oregon State University, is now the new Hsiao Professor of Marine Biology at the University of Hawaii, Manoa, an endowed chair. He asked me to state that he, too, fully supports the entire package of rules and amendments in Chapter 13-60.4.

And finally, we must protect the sharks and rays, especially our signature manta rays for future generations. Thank you.

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From: Christopher Jury
Sent: Wednesday, December 19, 2012 10:52 PM
To: darkona@hawaiiantel.net
Subject: West Hawaii fishery management testimony

To whom it may concern,

This email includes testimony in support of the West Hawaii fishery management area rules package. For your convenience I have included my testimony in the body of this email below and have also attached a copy of the testimony as a MS Word document.

Testimony for the West Hawai'i Regional Fishery Management Area rules package

To whom it may concern,

I am submitting this testimony in support of the proposed regulations package for the West Hawai'i regional fishery management area.

Currently I am a PhD student in the Department of Oceanography at the University of Hawai'i at Mānoa. My dissertation research focuses on climate change and ocean acidification impacts on Hawaiian coral reefs. This work aims to inform management decisions and ultimately to maximize coral reef resilience under global change. As a citizen I care deeply about preserving the health of our coral reefs and the many organisms that inhabit them.

I became particularly interested in coral reefs when I was in high school, after a family trip to South Florida where I saw a coral reef in person for the first time. Two years later I visited Hawai'i and, while snorkeling in Hanauma Bay, I was mesmerized by the diversity of organisms I found there. Soon thereafter I began investigating the possibility of setting up a marine aquarium. After many months of research I finally made the leap and established my first coral reef aquarium. The thrill of seeing corals, reef fish, and other organisms thriving and growing in my own aquaria is ultimately what made me decide to pursue a career in marine science (and incidentally, to change my career plans).

About a year and a half ago I first became aware of the ongoing discussion we are having in Hawai'i about the marine aquarium trade. I saw that one side of the debate was advocating (and continues to advocate) for an outright ban on the collection of fish and invertebrates for the marine aquarium trade. This side of the debate states that collection for the marine aquarium trade is having a devastating impact on the populations of targeted species, and a significant negative impact on the reef ecosystems as a whole. When I first saw these claims I became deeply concerned. I am acutely aware that many fisheries in the U.S. and around the world have been poorly managed and as a result many have already collapsed, or are on a trajectory towards collapse in the near future. Therefore, the claims of devastating effects on targeted species and imminent fishery collapse left me very worried.

My reaction was to find all of the available data (from scientific journal articles and from DLNR) to see for myself what were the impacts of the marine aquarium fishery in Hawai'i. Rather than devastation and collapsing fisheries what I found was that essentially every claim made by those advocating for a ban on aquarium collection was either a misrepresentation of the data, a gross exaggeration, or an outright fabrication. In fact, the data that opponents of the marine aquarium trade cite shows precisely the opposite of what they claim. Rather than collapsing populations the data show that, for the vast majority of targeted species, collection for the marine aquarium trade simply has no effect whatsoever. This makes sense since collection rates for most species range from a few hundred to a few thousand per year while estimated populations of many target species are on the order of millions within the collection areas. For the most heavily collected species (Yellow Tang) in the most heavily exploited area (West Hawai'i) DLNR's data clearly show that their densities in areas open to collection have been stable at about 40-50% of their densities in areas closed to collection. These relative densities have been stable within this range over at least the period 1999-2010 (the period for which data are available to me). Even so, absolute densities of Yellow Tang vary from year to year in all areas (open and closed) largely as a consequence of variable rates of recruitment.

All of the available data demonstrate that the marine aquarium fishery in Hawai'i has been sustainable through at least 2010 (the most recent year for which I have seen data). The proposed regulations package for West Hawai'i will help to ensure that the marine aquarium fishery as well as the recreational and commercial food fisheries continue to be sustainable into the future.

Fundamentally, this debate is a conflict among resource users. Snorkel and dive shop owners want the fish and invertebrates left out on the reef so that they can take customers to see these organisms. Recreational users want the fish and invertebrates left on the reef so that they can go and see these organisms themselves. Commercial and recreational fishermen want the fish left out on the reef so that they can catch and eat them or sell them for food. Aquarium fishermen want the fish and invertebrates left out on the reef so that they can collect them for the marine aquarium trade. All of these are legitimate uses of the resource. DLNR is charged with the task of protecting the rights of all of these groups while also ensuring that the activities of any group does not unduly infringe on the rights of another. The proposed regulations help to achieve these tasks.

I strongly support the proposed regulations and urge DLNR to approve this package for the following reasons:

- 1) These regulations will reduce conflict among resource users.
- 2) The proposed regulations on gear and boat use will substantially reduce the risk of over-collection, helping to ensure that the fishery remains sustainable into the future.
- 3) The proposed bag limits will help to minimize the already very low levels of mortality, reducing take and ultimately minimizing the impact of the fishery. Further, the proposed bag limits on Achilles Tang will encourage population growth of this species which is also heavily targeted as a food fish.

- 4) The proposed bag limit on Yellow Tang <2 inches in length helps to minimize mortality for very small recruits which can be challenging to maintain in captivity, minimizing the impact of the fishery. The proposed bag limit on Yellow Tang >4.5 inches and Kole >4 inches in length reduces impacts on the broodstock, helping to minimize the impacts of the fishery.
- 5) Adoption of the 'White List' of species open to collection helps to ensure that rare species or species that can be challenging to maintain in captivity do not become over-collected, it minimizes unnecessary mortality, and it minimizes the impacts of the fishery.
- 6) The ban on harvest of sharks (Tiger Shark, Whale Shark, Whitetip Reef Shark, Blacktip Reef Shark, and Gray Reef Shark) and rays (Spotted Eagle ray, Broad Stingray, Pelagic Stingray, and Hawaiian Stingray) helps to ensure the viability of these species which are particularly susceptible to overfishing.
- 7) The ban on harvest of Triton's Trumpet and Horned Helmet helps to ensure that these relatively uncommon species are not overharvested and helps to protect the important ecological function that these species serve by feeding on Crown-of-Thorns Starfish.
- 8) This package allows DLNR to establish 'limited entry' regulations for the aquarium fishery in the future. A limited entry regulation mechanism has proven to be among the most effective measures in other fisheries to prevent over-harvest. I would strongly support future decisions by DLNR to utilize this measure.
- 9) The ban on SCUBA spearfishing is urgently needed to prevent severe over-harvest of targeted species. Experience in other locations has shown that this method of fishing is so effective (especially for species such as parrotfish which sleep in the open and are easily harvested) that even a small group of fisherman can rapidly deplete a fishery, to the detriment of the species, the reef, and the vast majority of users. I strongly support the ban on SCUBA spearfishing.
- 10) Adopting these regulations helps to preserve the economic benefits of the fishery to the state and preserves the jobs of collectors, wholesalers, and retailers involved in the marine aquarium trade and other resource users.

Lastly, I would like to stress two significant but often ignored benefits of a sustainable marine aquarium fishery in Hawai'i. First, as I mentioned above, the experience that ultimately led me to choose a career in marine science was keeping my own marine aquaria and seeing the organisms within them thriving under my care. If the marine aquarium hobby did not exist I can confidently say that I would not be working in the marine sciences today. Many of my friends and colleagues were also drawn to marine science or resource management because of their experiences keeping aquaria. Like me, many of them likely would not be marine scientists or managers today were it not for the marine aquarium hobby introducing them to these fields. The ability to care for a Yellow Tang, or a Kole, or a Potter's angelfish for many years in one's own aquarium has inspired scores of young people to preserve Hawai'i's reefs and has benefited all stakeholders as a result. The end of the marine aquarium trade in Hawai'i would, inevitably, kill at least part of the spark of curiosity which leads many of us to choose careers in marine science and management.

Second, the most serious threat facing coral reefs across the Hawaiian Islands as well as most coral reefs worldwide is the combination of climate change and ocean acidification. The technology needed to avoid levels of climate change and ocean acidification which would prove devastating to coral reefs already exists. The key to solving the climate change and ocean acidification problem is to develop the social and political will to do so. A recent NOAA survey found that among the most important predictors of a citizen's willingness to invest in protecting and restoring Hawaiian coral reefs are 1) familiarity with coral reefs, 2) having visited a coral reef in person, and 3) likelihood of visiting Hawai'i in the future. Hawaiian coral reef animals collected as part of the marine aquarium trade are ambassadors for our coral reefs. Hundreds of thousands of people in the U.S. alone who will likely never see a coral reef in person or visit Hawai'i nonetheless can become intimately connected to our reefs by keeping a marine aquarium, especially if they maintain Hawaiian animals. A sustainable marine aquarium fishery in Hawai'i helps to generate hundreds of thousands of impassioned voices demanding that we as a society take the steps necessary to protect Hawaiian coral reefs and other reefs around the world. In the fight to protect and preserve our reefs, marine aquarists are among our strongest allies. Therefore, sustainable collection for the marine aquarium trade is one of the most effective ways to ensure that Hawaiian coral reefs will be preserved into the future.

For these reasons, I strongly support the regulations and urge DLNR to approve the proposal.

Sincerely,

Christopher P. Jury

University of Hawai'i at Mānoa
Hawai'i Institute of Marine Biology

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**From:** David Dart  
**Sent:** Tuesday, December 04, 2012 1:40 PM  
**To:** Bill Walsh  
**Subject:** WHRP (for)

As it stands now the aquarium fishery is the most heavily regulated fishery in the state. In West Hawaii alone there are over 55 miles of protected area providing huge areas for the tourist industry to view fish in non-collected areas. Daily fish catch reports are mandatory for the industry. These catch reports provide valuable information for fishery managers and include area fished, type and length of net used and total time spent underwater. The new west Hawaii rules package (WHRP) adds another layer of protection to ensure the sustainability of the fishery. In fact the majority of the rules package specifically addresses new aquarium regulations.

Fish and reef studies have been going on for several decades in West Hawaii. No other area in state waters have had such a thorough examination taken place. Dr. Walsh was one of many

working on the information that is the background and bases for the rules package. 48 field workers spending thousands of hours worked on this information gathering also. Studies by NOAA scientists and other marine biologists like Dr. Brian Tissot formerly of the University of Hawaii Hilo and now Washington State University, laid the foundation of the reef studies that were to follow. Dr. Mark Hixon's work on DNA tagging of yellow tang proved how protected areas can "seed" unprotected areas with fish and larvae. All studies undergo rigorous peer review ensuring scientific findings are accurate and the methodology correct. Dr. Walsh's and the WHFC work in West Hawaii is given high marks world wide by the scientific community. Earlier this year at the Australia Coral Reef Symposium Dr. Walsh's work with the WHFC was praised and the term FRA is now being adopted in other areas of the world. The WHFC through community representation and involvement determined what went into the rules package.

### **Pebble Beach FRA**

This is a great example of community members, fishermen, and the WHFC coming together to work out an agreement to make this into an FRA. In fact from what I hear all collectors respect that area now as an FRA even though we can legally work there.

### **White List**

The white list contains 40 species of fish deemed to be sustainable, and of the type to thrive in captivity. Hundreds of man hours went into compiling and venting each species of fish. The collectors had a say as did the scientific and local communities as to what fish made it on to the list. Bag and size limits on yellow tang, kole tang and achille tang are part of the white list. A slot limit on yellow tang will ensure fish under 2" and over 4 1/2" will not be allowed for collection. This will allow the small fish to grow and leave the breeding size population undisturbed. In fact, repeated fish count studies by DAR teams show that there is not much difference in count of breeding size yellow tang in open areas than there is in the FRA's right now. Any ocean user can view huge schools of breeding size yellow tang all along the coast line in West Hawaii. Why are there so many breeder size yellow tang everywhere even outside the FRA's? It's simple, the aquarium trade does not market many breeder size fish. By protecting the breeder population the count of yellow tang along West Hawaii has increased by 325,000 fish in the 30 to 60 foot range over the last 12 years. Even though the kole population has been proven to be sustainable as it now stands by DAR surveys, the breeding population will be totally protected by having a 4" size limit on aquarium collecting only. The kole population is very healthy with 1.25 million more in the 30 to 60 foot range over the last 12 years. The bag limit on achille tangs at 10 per day per aquarium diver will help with a falling population, but a bag limit on all take is badly needed to protect the breeding population. The collectors voted to approve the white list as did the WHFC. Even though the rays and sharks, have never to my knowledge been taken by collectors in West Hawaii, they need protection from all types of take just in case a fishing operation shows up here to fish on them. The Triton's Trumpet and Horned Helmet need to be protected as they feed on the starfish crown of thorns that can, if left unchecked, destroy a coral reef.



## **Clarification Of Boundaries**

The Puako FMA boundaries has been a confusing issue with long time collectors in that area. I support the effort to clarify and provide an accurate map of FMA boundaries. Clarification of the Keauhou Bay boundaries is also welcomed as well as setting no-lay-netting boundaries.

## **INDUSTRY UNDER ATTACK**

I'm sure everyone in this room is aware that the aquarium fishery in West Hawaii is under attack spearheaded by Maui ecologists. It is my hope that true fishery science will prevail. When evidence is presented by so called experts from afar, questions need to be asked as to their qualifications. Are they fishery biologists or perhaps a biologist more in tune with mammals such as dogs and cats. How long have they been studying the reefs of West Hawaii? Where are their published studies. What methodology are they using? Do they stand up to peer review? Anyone can claim anything, but can it be proved? The West Hawaii Rules Package is backed by more scientific studies than anywhere in the Pacific.

What has the opposition done to improve the fish population in Maui where less than 2% of the take is aquarium related? There is less of the top ten aquarium fish in the closed areas of Maui than the open areas of West Hawaii by a wide margin. This difference is the result of good fishery management policy that has been implemented in West Hawaii. The proof of this success shows in the fish count.

## **Spearing On Scuba**

I hate the thought of interfering with any fisherman's livelihood, but according to DLNR catch records the dollar amount of speared fish sold has fallen dramatically over the years. There's been an average of 16 commercial spearfishers over the last 5 years with an average total reported catch value of less than \$26,000. It is unknown how much of that fish was speared on scuba and how much was speared breath holding.

All of Europe, Belize, Mexico, and all Pacific Island Nations except the Marshall islands have banned spearing on scuba. This has resulted in many fish populations making a big come back.

Dec. 05, 2012

Good evening, ladies and gentlemen. My name is David Dart. I'm a member of the West Hawaii Fishery Counsel, and I'm also an aquarium fish collector. There is not enough time in the three minutes to go through all the housekeeping rules, but I am in favor of the housekeeping rules that have been written into this rules package;

The Pebble Beach FRA, this is great example of community members, fishers, West Hawaii Fish Council coming together to work out an agreement to make this into an FRA. In fact, I haven't worked in front of Pebble Beach in

over 20 years, and I feel that most aquarium fish collectors haven't worked there either.

A size limit on yellow tang will ensure fish under 2 inches and over and 4-and-a-half will be westbound allowed for collection. In fact, the West Hawaii Fish Council voted on a 5-inch size limit. The collectors came back and said let's do a 4-and-a-half inch size limit and even gave more back.

Kole is another huge population out there that's increased 1.25 million over the last 12 years in that same 30- to 60-foot range. And from now on, if this rule package passes, the aquarium industry will not be allowed to collect the kole over 4 inches, totally protecting the breeders. The collectors voted to approve the White List as did the West Hawaii Fish Council.

Kole is another huge population out there that's increased 1.25 million over the last 12 years in that same 30- to 60-foot range. And from now on, if this rule package passes, the aquarium industry will not be allowed to collect the kole over 4 inches, totally protecting the breeders. The collectors voted to approve the White List as did the West Hawaii Fish Council.

The West Hawaii aquarium rules package is backed by more scientific studies than anywhere in the Pacific. There is less of the top 10 aquarium fish in the closed areas of Maui than the open areas of West Hawaii by a wide margin. The difference is the result of good fishery management policy that has been implemented in West Hawaii. The proof of this success shows in the DAR fish count.

I believe in managing fisheries through science, not closing them down.  
Thank you.

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December 5, 2012

SUPPORT FOR DAR PROPOSED WEST HAWAI'I RULES PACKAGE

Dear Board Members,

I am writing today in strong support of the West Hawai'i rules package proposed by the Division of Aquatic Resources. I am a researcher who has worked on resource management and conservation in Hawai'i for the past decade, and also someone who has served as an expert on an international panel to advise federal agencies on the impact of the aquarium trade to coral reef ecosystems.

Establishment of the West Hawai'i Regional Fishery Management Area in 1998 resulted in a rigorous and comprehensive research program that has culminated in one of the best available data sets regarding management of marine ornamental fishes anywhere in the world. In addition to collection of these data, the formation of the West Hawai'i Fisheries Council, which consists of stakeholders and community representatives, as well as non-voting members from programs including the Division of Aquatic Resources, the Division of Conservation and

Resources Enforcement, and UH Sea Grant, has ensured broad input from interested parties throughout this entire process. The design and execution of the study has been done in collaboration with researchers at Washington State University and the University of Hawai'i at Hilo and the data have been evaluated and the findings confirmed by researchers working for NOAA's Coral Reef Ecosystem Division. The results have passed peer-review and are held to the highest standards of scientific integrity. Only a handful of resource management areas in the world can boast this level of engagement and scientific study as the basis of their regulations.

I believe that the Kona DAR team has done an exemplary job of partnering with independent academic institutions, developing the Before-After-Control-Impact (BACI) design of the study, and collecting the data to shape their subsequent management decisions. As a marine scientist, I applaud their efforts and the process that has been followed for this effort. It is on that basis that I support the proposed rules package.

I understand that there is opposition to this proposed rules package, and I have been contacted by several NGO agencies (such as Earth Justice and Oceana) requesting my support to oppose the rules package in favor of a ban on the aquarium collection. I want to explain why I do not agree with those groups and am in favor of the proposed rules package. First, these groups are soliciting public support with a campaign of sensationalism and misinformation. For example, the following web site that I was asked to visit and voice my opposition does not mention the rules package at all, but simply asserts that the State of Hawai'i is breaking their own laws and that "if we don't act soon, Hawai'i could lose these vibrant sea creatures and the reef ecosystems that depend on them." The web page asserts that "One of our clients, a Hawai'i resident who has completed more than 10,000 scuba dives, has observed that particular species targeted by the tropical fish collection trade have completely vanished from certain reef areas." The website states quite openly that their goal is to flood DAR and Governor Abercrombie's offices with 15,000 letters before the proposed hearing:

<http://act.oceana.org/go/1067?t=4&akid=2578.639692.1IczgT> While spectacular and likely to incite a substantial response from those unaware of the facts, that claim is simply not supported by any peer-reviewed data to date, and is in direct opposition to those data collected by the State and independent academic partners involved in the studies outlined above. Second, the impacts of scuba diving and snorkeling on coral reefs is well-documented throughout the world – peer-reviewed studies in Egypt, Saint Lucia, Bonaire, the Cayman Islands, Eilat, the US Virgin Islands, the Galápagos, the Maldives, and the Great Barrier Reef of Australia were all shown to significantly decrease hard coral cover, while simultaneously increasing the amount of dead coral and coral rubble. In some cases the impacts of snorkelers significantly decreased live coral cover in as little as 6 months with as few as 15 snorkelers per week (Plathong et al. 2000 Conservation Biology, 14:1821–1830), or in a single month breakage of corals by snorkelers and divers was estimated at 17% of branching corals and 7% of total coral cover (Allison 1996, Coral Reefs 15:215-218). The fact that the opposition to implementing the proposed rules comes from a group that has roughly equal impacts on the reef suggests to me a political rather than a conservation agenda. Third, in my recent trip to survey coral reef impacts of the aquarium trade in Indonesia with NOAA, I was struck by the fact that the most stunning sites I went to were not the eco-tourism sites I paid to visit in my off time – they were the coral reef farms of aquarium trade exporters who were culturing coral fragments for the ornamental trade. I asked several of them why their area looked so beautiful compared to the surrounding area, and always got the same answer: they rely on that reef for their livelihood and protect it from others who wish to harvest. Areas where the reef was providing resources for the aquarium trade were actually *protected* by the aquarium trade because of their comparatively high value in relation to the outlying areas which were

exploited simply for food. Which leads me to my final point, I believe that contrary to the information presented by these groups, the ornamental trade is not universally exploitative and negative; it may in fact *conserve* reefs in some parts of the world. In Hawai‘i, the ornamental trade provides direct benefits in several ways: 1) there is some economic input to the State, 2) there is considerable outreach and educational value to public tropical reef aquaria, and 3) the valuation of Hawai‘i’s reefs to the American public is high (33.57 billion/yr, NOAA Tech Memorandum CRCP 16, 406 pp.), and I would bet that for many of those who have not physically been to Hawai‘i, that valuation likely comes from exposure to an aquarium at some point.

Overall, I believe that the proposed rules package is a great start to efforts to sustain Hawaiian reefs into the future. The bottom line is that many impacts are affecting the reefs of Hawai‘i and it seems to me that efforts to block these proposed rules come from special interest groups with an equally strong financial interest as the group being singled out for control. It is ironic that groups purporting to be environmentalists should be opposed to regulations while collectors who will most directly be impacted are resigned to accepting them. A truly great compromise is one in which none of the special interests are happy, and it seems to me that the DAR West Hawai‘i rules package is a pretty successful compromise.

I would hope that this fishery could serve as an example of sustainable harvest and could set the stage for other fisheries in the State of Hawai‘i and around the world to follow suit. I believe that, being based on the best available data collected with stake holder oversight and input, the proposed guidelines are sound and likely to be effective. I believe we owe it to the decade of effort that has gone into developing these proposed rules to at least give them a try. Thus, I offer my enthusiastic support for the submission before you. Although I am a marine biologist with UH, it should be noted that my testimony on this issue is my own opinion and does not represent an institutional position of the University of Hawai‘i.

Thank you for the opportunity to offer comment.

Sincerely,

Robert J. Toonen, Ph.D. Associate
Research Professor Hawai‘i
Institute of Marine Biology

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Department of Land and Natural Resources  
Public Hearing, December 5, 2012, Kona, Hawaii

Testimony in Favor of the new West Hawaii Regional Fishery Management Area (WHRFMA) rules: the adoption of Chapter 13-60.4 and amendments to Chapter 13-54, 13-57, and 13-75-12.4

As a lifelong resident of Hawaii who has been diving and fishing Hawaiian waters for over 50 years, I am in support of the proposed WHRFMA rules and amendments that are subject to

this public hearing, because they are designed to ensure the sustainability of our near-shore resources, and to reduce user conflicts.

As a 30 year resident of West Hawaii, who first dove and fished these waters in 1966, I am quite familiar with the changes in our near-shore waters, and have observed first hand how geometric human population growth and evolving patterns of consumption (such as the introduction of tropical aquarium fish collection), have created user conflicts and impacted the sustainability of our marine resources.

Moreover, as a founding member of the West Hawaii Fishery Council who retired after 10-years of involvement, and having served as one of the Council's co-chairs, I am aware that many of the changes being proposed in this rule package were first brought to the Council by fishermen and divers from West Hawaii, in some cases over a decade ago, and that they have been carefully considered, scientifically justified and publicly vetted by the Council in numerous public forums, for years.

The West Hawaii Fishery Council (WHFC) is an open, transparent, easily accessible advisory body with publicly noticed monthly meetings in a well-known central location in West Hawaii. The Council is made up of a diverse array of dedicated volunteers from all segments of the West Hawaii ocean community, and they bring with them unique knowledge, experience and expertise which is shared at Council meetings and utilized in the development of advice to the DAR on rule changes, like those being proposed in this package.

I have a long history of serving on ocean resource management bodies including as a Council-Member-at-Large on the Western Pacific Fishery Management Council, and as a member of the Marine Protected Areas Federal Advisory Commission, so I am intimately aware of both state and federal marine resources management issues and rules-making processes. I detail my qualifications here by way of justifying my opinion that the work of the West Hawaii Fishery Council, and each of these carefully considered and widely discussed rule changes, should be positively considered, supported and adopted by the DLNR.

With regard to some of the specific new provisions:

- 1) The proposed prohibition on SCUBA spearfishing should be a "no-brainer." Numerous scientific studies across the Pacific and around the world have shown that the significant advantage SCUBA gear provides to spearfishers allows them to be far too efficient, resulting in deleterious impacts on fish populations, particularly the larger breeders.
- 2) The Kaohe Bay FRA was requested and has been continuously championed by the adjacent community for many years due to user conflicts with aquarium fish collection off one of the only publicly accessible beaches in South Kona. The WHFC has come up with an appropriate rule revision after intensive and lengthy public discussion.
- 3) The list of 40 fish permitted for aquarium take has also been scientifically justified and publicly vetted with input from subsistence fishers and both the aquarium fish industry and the dive industry. It wisely considers current population dynamics, reproductive capability of each species and the viability of each species for transport out of Hawaii.

Moreover protections afforded the species in this list that are endemic, are of particular importance for preserving these unique Hawaiian species.

- 4) The size and bag limits for kole, Achilles tang and yellow tang are also based on best available science and seek to protect these species reproductive viability, while at the same time respecting the demand for both subsistence and aquarium take.
- 5) The updates to the two FMAs and to lay net rules are essential changes that have also been carefully considered and publicly discussed by the WHFC for many, many years.
- 6) Finally, the no take provision for various sharks, rays and two species of shells provides important new protections for these slow-reproducing animals. Most of the listed sharks are critical apex predators and their protection contributes measurably to the health of our near-shore ecosystems. It also adds these species to the manta ray, which has appropriately, already been fully protected.

Please adopt the years of hard work by the West Hawaii Fishery Council and the West Hawaii DAR staff and help them to assure the sustainability the near-shore resources, and end user conflict on our coast, by adopting all of the proposed new rules and amendments.

Mahalo,  
Rick Gaffney

Dec. 05, 2012

I should also add that I was one of the founding members of the West Hawaii Fishery Council and retired after ten years as one of the co-chairs so I'm intimately familiar with the process that has culminated tonight.

The rules package, as it's been stated, proposes several essential provisions and protections for West Hawaii's reefs including establishment of an additional Fish Replenishment Area at the request of the Pebble Beach community, and I think that's very important here.

This is an example of the West Hawaii Fishery Council working. The community came and said we have a problem with conflict, we would like to see it solved. The West Hawaii Fishery Council has come to the conclusion that the creation of an additional fishery replenishment area off Ka'ohe Bay was the right thing to do.

Protection from aquarium collection of all coral reef fish and invertebrates, except for 40 on a White List; and establishing a West Hawaii aquarium collection permit which is the first step in the development of a limited entry fishery. The world of fishery management is going to limit entry fisheries, and this is an important first step that hasn't been mentioned earlier tonight, I don't believe.

The proposed rules package also has three minor amendments to strengthen and clarify other rules, including rules for the Puako Fishery Management Area, the Keauhou Fishery Management Area, and with regard to lay gill nets. Each

of these proposed changes are scientifically based. Most of them were originally proposed by members of this community, and all of them have been thoroughly vetted during scores of easily accessible meetings in West Hawaii.

Our community enjoys some of the most pristine waters in the State of Hawaii, thanks in no small part to the work of the West Hawaii Fishery Council. And these rules, those proposed here tonight, those being considered by the Board of Land and Natural Resources, will assure that the protections that have conserved and sustained our near shore marine resources are strengthened in several important ways. This rule package should be approved by the Board of Land and Natural Resources. Thank you.

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From: Doug Perrine
Sent: Tuesday, November 06, 2012 8:56 AM
To: Bill Walsh
Subject: In support of WHFRMA Amendment

Dear Sirs:

I SUPPORT the WHFRMA Amendment (Chapter 13-60.4) both because it provides long-overdue and badly-needed management of marine resources in West Hawaii, while reducing user conflicts, but also because failure to implement this proposal will effectively end local community-based management of marine resources in West Hawaii, and probably, by extension, for the entire state. This proposed rule set was the result of over a decade of hard work involving thousands of volunteer hours, and extensive negotiations and compromise between disparate user groups and every member of the community who cared to participate. The rule set came about through an all-inclusive process that represents the best model for other communities throughout the state to use in formulating solutions to their resource management issues. The package was submitted to DAR HQ in Honolulu over 3 years ago, and the West Hawaii community is still waiting for action on it. To not implement these well-thought-out rules at this point would be not only to dash all hope for rational management of marine resources in West Hawaii, but also to derail the democratic process set up by Act 306, and deprive West Hawaii residents of the right to participate in creating their own future. Passing the WHFRMA amendment will lead us toward both democracy and a healthy ocean.

Sincerely,

Doug Perrine

Dec. 05, 2012

My name is Doug Perrine. I'm a resident of Kailua-Kona. I support the adoption of the proposed West Hawaii rules amendment.

My first involvement with the aquarium fish collecting controversy was as a student at the University of Hawaii in 1972 so that's at least 40 years this

conflict has been going on. I subsequently earned a master's degree in fisheries biology. I've worked both as a marine biologist and a commercial fisherman. My specialty as a fisherman was SCUBA spearfishing. As one of two people involved in this on the island that I lived on, I was able to witness firsthand the very destructive nature of this fishery to the resource.

Since then for the past 26 years I've worked primarily as a nature photographer specializing in marine wildlife, therefore, I have a commercial interest in maintaining healthy populations of Hawaii's reef fish.

Over a thousand years ago when the first Polynesians arrived in Hawaii, they discovered a marine and terrestrial ecosystem that can truly be considered one of the wonders of the world. Hawaii has a higher proportion of unique species of plants and animals than any other place in the world, bar none. Nearly a quarter of the fish found on Hawaiian reefs occur nowhere else in the world. There are about 150 known endemic or uniquely Hawaiian, fish species here, with more being discovered all the time. These are living treasures that will disappear entirely from the fabric of life and the timeline of the universe if we allow them to be extirpated from our reefs. Whether you believe that these living jewels evolved in this group of islands over a period of millions of years or whether you believe these unique and beautiful things were created and placed here, and only here, by an omniscient creator as part of His divine plan, it is indisputable that it is our kuleana as citizens of Hawaii to protect and perpetuate them. No one else will save these biological treasures if we fail in our duty.

When we allow our endemic wildlife to be exported as pets to the world, we authorize, with the shipment of each fish, the deletion of its genetic code from the gene pool of the species. The removal of each individual reduces the biodiversity contained in the population, making the species more fragile and subject to extinction. And for the endemic species, there is no reserve population anywhere in the world from which the species can recover if we allow it to fail here. With each native fish that leaves the islands, a piece of the soul of Hawaii disappears forever. Merely reducing the numbers of these special fish to very low levels on accessible shallow reefs and changing their behavior by eliminating the bolder individuals makes them effectively unavailable as a tourism attraction. This has already occurred with regards to number of species.

So why am I supporting a rule that would allow the collection and export of 40 species of reef fish? The answer is that I am not the king and cannot declare a kapu on collecting endemic fish here. We live in a democracy where people disagree and we have to work together and compromise in order to find mutually acceptable decisions. These rules represent 11 years of hard work, negotiation, and compromise involving all of the affected -- all of the effected user groups, resulting in an agreement that has been endorsed by the major organizations representing fish collectors, as well as groups representing fish huggers, and the state aquatic biologist for West

Hawaii. There are fish on the White List that I personally don't believe belong on it, but most of the fish that need protection will receive it, while allowing the fish collectors to stay in business. Yellow tangs which are the backbone of the fish collecting business are doing very well in West Hawaii thanks to our management area. This area was created by Act 306 which resulted in the formation of the West Hawaii Fisheries Council which is responsible for the rules being discussed today. This all-inclusive body welcomes representatives from all user groups and has allowed opposing groups to sit down together and find common solutions. The user conflict between fish collectors and the fish viewing industry dates back, as I mentioned, at least 40 years and has at times flared into violence here with boats being burned and lives threatened. Now we have a democratic process that allows the survival of both groups and encourages them to work together.

Passing these rules into law endorses that peaceful democratic process and acknowledges the success of the community-based marine resource management process in Hawaii. Failure to adopt the rules, essentially, negates Act 306, is a blow to democracy in the formation of fisheries policy, and throws us back into a situation of hostile user conflict. The result of such a situation will be that everybody loses. First fish populations will be severely and possibly irreparably damaged through lack of management, and then fish collectors will be forced out of business. These rules contain a number of other vitally important measures that needed to be implemented years ago, but I've used up my time. Thank you.

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**From:** Tina Owens  
**Sent:** Wednesday, November 28, 2012 1:13 PM  
**To:** William Walsh  
**Subject:** Testimony in SUPPORT of the West Hawaii Rules Package

Re: Testimony in Support of the West Hawaii Rules Package to be heard at a Public Hearing  
Date: Dec. 5, 2012  
Time: 6:00 PM  
Place: Kealahou High School Cafeteria

To the Division of Aquatic Resources:

I wish to register my very strong support for the entire package of rules going to a public hearing in West Hawaii on Dec. 5, 2012.

I have been intimately involved with many of the factors included in this package of several different rules. I am fully aware of how much work and how much effort has gone into these rules and am very glad that, after so long a delay, they are finally coming to the stage of public hearing. I would like to

see all of the rules put in place as soon as possible. The people of West Hawaii have waited a long, long time for these.

I strongly support the banning of spearfishing on SCUBA, whether day or night. The practice has been found to be so destructive in island nations all around the Pacific, that many small and not very wealthy countries have decided to ban this fishing method. It is clear that any apparatus that allows a spearfisher to go deeper and stay longer than breathholding does affords the fish no refuge to escape the spear. Since many fish sleep at night, spearfishing at night can take many fish completely unawares. It's not sporting, it's not fair, and it's not ecologically sustainable.

The establishment of a small Fish Replenishment Area at Ka'ōhe Bay in South Kona is an excellent idea. The people of that community, as well as the many recreational swimmers and divers, have had many unfortunate interactions with fish collectors in that area. Originally an attempt was made to give the collectors an equal amount of shoreline somewhere else, but failed in the long run. Now the collectors have decided to relinquish any rights to fish at Ka'ōhe as a public service to the community. They are to be highly recommended for that stance.

The list of fish to be allowed for aquarium collecting, known as the "white list" is an important tool in safeguarding many of the rare marine animals that are important to the tourism industry. Although there are some who oppose the white list because they want no fish taken are, in effect, cutting off their noses to spite their faces, because opposing the list means no prohibition at all. I think this is a good compromise and I understand the the fish collectors as a whole support it as well.

I support the no-take list of nine species of sharks and rays, as well as no-take of Triton's trumpet shells and Horned helmet shells, as extremely important to the overall health of the reef. The sharks and rays have low reproductive rates and cannot repopulate very quickly. The sharks and rays are critical to cleaning up the reef and keeping it healthy. The two shells eat crown-of-thorns sea stars and maintain nature's balance.

The bag limits and size limits are necessary to ameliorate the downward population trend of several species which are not only popular aquarium fish but are also under heavy pressure from local populations as food fish. A double whammy, so to speak. Hopefully, we will soon have lots of fish for everyone.

Although the remaining rules could be considered as "housekeeping" (boundary clarifications, net identifications, rewording of the HAR section, etc.), that in no way diminishes their importance in the overall ability of the state to enforce marine regulations. I support all of these efforts.

I thank all the members of DAR, DLNR and the Board of Land and Natural Resources for helping us implement these important measures.

Mahalo.

Tina Owens

Dec. 05, 2012

Aloha, everyone, and thank you for coming tonight. My name is Tina Owens, and I have lived in Kona for 20 years. I have already submitted written testimony in support of the entire rules package, but I would like to use this opportunity to clarify some truly egregious fallacies that have been spread about this rules package and about the West Hawaii Fisheries Council and about the people who have worked for ten years to put this together.

I'm hoping that some of you will realize that you are here under false pretenses, not of your own making but of somebody else egregiously spreading lies about how these things have come about. The first is that the West Hawaii rules package that we're discussing tonight is not the same thing as the Oahu rules that they are also discussing tonight. This is just something that happened to come up at the same day and the same time. I know there are people who have been told that they are the same thing, but unfortunately, the Oahu collectors, the aquarium collectors have their own set of rules that they're discussing, and it is not what we are discussing here tonight.

Now, the West Hawaii Fisheries Council, a recent issue of the Hawaii Fishing News had a two-page printout of egregious lies and misinformation. As it stated, that the West Hawaii Fisheries Council is "a group of individuals who designated themselves to manage the West Hawaii Fisheries Management Area with an agenda to restrict fishing in West Hawaii." First of all, the application process to be on the fisheries council is kind of a long process and people who want to be on the council must identify which stakeholder group and/or geographic area they represent. No one is on the council to represent themselves.

Excuse me, I have the chair.

The thing is that nobody is on the council to represent himself. Of the 68 people who have been on the council for the entire time that it's been there, 78 percent of them have identified themselves as fishers.

I have been asked to concentrate on what is in the rules package. I'm happy to do that. The fact is that these rules have been produced over, some of them, ten years with lots and lots of community input, lots and lots of science, despite what people are saying, and that they are all going to help increase fisheries for everybody, not just one group or another group. This is not about one group or another group. So all of the fishers will find these rules to be advantageous to them in the long run.

I hope that everybody will support this rules package. Thank you.

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3 December 2012

Charles Birkeland

Hawaii Division of Aquatic resources

Attn: Board Members

1151 Punchbowl Street, Room 130

Honolulu HI 96813

Gentlemen:

I support each of the 5 provisions proposed in the Hawaii Division of Aquatic Resources' West Hawaii Rules Package. However, I wish to submit testimony especially for the rule concerning banning the use of scuba with spearfishing for the following reasons.

Nearly all tropical countries (e.g., Philippines, Okinawa, New Caledonia, Galapagos, Palau, Yap, Chuuk, Pohnpei, Kosrae, Samoa, American Samoa, Tonga, Fiji, Solomon Islands, Northern Marianas, French Polynesia, Queensland Australia (Great Barrier Reef), Tahiti and the rest of the Society Islands, Vanuatu, Marquesas, Tuamotus, Gambier Islands, Austral Islands, Seychelles, Cocos Keeling, Mexico, Bahamas, Bermuda, Belize, Curaçao, Bonaire and most others) have banned the use of spearfishing with scuba because viable fisheries cannot be maintained if the removal of the breeding stock of larger fishes becomes too thorough. Spearfishing with free-diving (mask, snorkel and fins) is an honorable sport and a viable fishery can be maintained, but the added technology of scuba allows the fishers to be very effective in targeting sleeping parrotfishes at night and can be selective in targeting the larger fishes.

Studies of hundreds of species of fishes have demonstrated that when the age or size structure of a fish population is "truncated" (older or larger individuals are "chopped off" and the size distribution is abbreviated) by selective removal of larger individuals, then recruitment or population replenishment seriously declines, becomes sporadic, and the fisheries population loses resilience and sustainability (Longhurst 2002; Anderson et al. 2008; Venturelli et al. 2009, 2010; Hidalgo et al. 2011; Rouyer et al. 2011; Stewart 2011). Although gill nets can be detrimental because of wasted bycatch and by catching large numbers of fishes, spearfishing with scuba can have a greater effect on the sustainability of fisheries by selectively targeting the larger fishes which can lead to the exponential reduction in the

number of eggs and larvae produced, shorten the population's reproductive season and thereby reducing the chance that some of the larvae will encounter favorable conditions, lowering the average survival potential of larvae produced, selection for slower growth and reproduction at a smaller size, and in extreme cases, lowering genetic heterogeneity (Birkeland and Dayton 2005).

How does effectively catching large fish have a greater impact on population replenishment than several times the total weight of medium-sized fishes? In nature, the fecundity goes up by about the cube (volume of gonads are length X height X width) of the gonads. It has been measured that a large snapper (61 cm length, 12.5 kg weight) has the same fecundity as 212 medium-sized snappers (42 cm each totaling 233 kg). Therefore, some Pacific islanders wisely harvest medium-sized fishes (e.g., 233 kg) and leave the big ones, because taking only one big one (12.5 kg) has the same effect on the sustainability of the population. In the modern world, people tend to be disconnected from nature and want the glory of taking a big one and don't think about the sustainability of the harvest, nor the value of 233 kg over 12.5 kg for the same cost to the system.

The late Robert Johannes spent much of his career learning the wisdom of the elder fishermen in Micronesia in resource management. He pointed out that the wise elders could see through the complex interactions and unpredictable recruitment patterns in assessing the state of their fisheries resources with straightforward observations as to whether the big ones were still there. Although there is still a great diversity and large numbers of colorful aquarium fishes on our reefs, the large fishes are scarce. The movies by Louis K. (Buzzy) Agard show that there was an abundance of large fishes immediately following World War II. But this was the time that scuba arrived and the large ones have substantially decreased since fishers have been given the power of high technology of scuba. It does not take rocket science to realize that we must ban the use of scuba with spearfishing.

In addition to reducing the sustainability of the fisheries, the taking of a substantial portion of large individuals of parrotfishes can have serious detrimental effects on the coral-reef ecosystem. Larger parrotfishes actually scrape the substratum when removing seaweed, thereby keeping the seaweed under control and facilitating coral growth for healthy systems. The smaller parrotfishes are relatively ineffective and so the decrease in large parrotfishes in Hawaii can lead to an increase in seaweed and the

resulting degeneration of the Hawaiian coral-reef ecosystem. Kathrine Howard (2008) in her PhD dissertation on the “Community structure, life history, and movement patterns of parrotfishes: large protogynous fishery species” found that large individuals of the parrotfish *Scarus rubroviolaceus* were ten times as abundant in Hanauma Bay where they were protected from spearfishers than other places with similar reef structure around Oahu. She calculated that only Hanauma Bay and a couple of other small areas largely inaccessible to divers had viable populations. It is urgent to ban the use of high technology such as scuba and night lights to harvest parrotfishes. For both the viability of parrotfish populations and the health of coral reef ecosystems, we must not allow scuba to be used with spearfishing. In the late 1970s, I observed the elimination of the large humphead parrotfish *Bolbometopon muricatum* from Guam. They were spectacular to observe until they were removed by commercial spearfishers when they began using scuba. The same was observed in American Samoa when commercial fishers began to use scuba (Page 1998).

I have heard several times in Micronesia and in American Samoa, the fishers say “Our resources do not belong to us, we are borrowing them from our children and our future generations.” This is why most other countries and coastal villages allow spearfishing by free-diving, but prohibit the use of high-technology scuba.



Charles Birkeland

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**From:** Jeremy Claisse

**Sent:** Tuesday, November 27, 2012 7:33 AM

**To:** darkona@hawaiiantel.net

**Subject:** Testimony in Support of adopting WHRFMA Chapter 13-60.4, HAR Chapter 13-57 and HAR Chapter 13-75-12.4, incorporating all proposed changes.

Division of Aquatic Resources  
74-380B Kealahou Pkwy,  
Kailua-Kona, HI 96740

Dear Division of Aquatic Resources,

I am writing in support of adopting the WHRFMA Chapter 13-60.4, HAR Chapter 13-57 and HAR Chapter 13-75-12.4, incorporating all proposed changes to increase the sustainability of our resources. I obtained my PhD from the University of Hawaii, Department of Zoology and have studied coral reef fish biology and the impacts of fishing and management actions on their populations in West Hawaii for over a decade.

Scientific evidence, plus practical implementation and enforcement considerations have been incorporated to draft these rules and they should be adopted in their entirety. I would also like to specifically express my support for the following rules:

1) Prohibition of SCUBA spearfishing.

Spearfishing on SCUBA, particularly at night when fish are extremely vulnerable, is banned in most other regions in the Pacific because the potential for over exploitation using this fishing method is so high. There have been a number of examples (e.g., American Samoa) where relatively few fishers using this technology have led to the rapid declines of local populations of species that are economically, culturally and ecologically valuable (e.g., parrotfish).

2) Establishment of a white list, permitting take of only specific species for the aquarium trade.

This measure will help protect populations of species that are rare, potentially overfished and/or are not suitable for home aquariums. This rule will reduce the threat of population decline for rare species, a major concern for stakeholders interested in the long term conservation of coral reef biodiversity.

3) Prohibiting take of many shark and ray species and Crown-of-Thorns predators. The life histories of these species (for example, sharks and rays start reproducing at old ages and produce relatively very few offspring per year) make them more vulnerable to fishing pressure than most bony fish species. Live sharks and rays on our reefs are an extremely important economic concern to our tourist industries, and the benefits of maintaining viable populations greatly outweighs any value that would be gained by the relatively few individuals that may fish these species. Crown-of-Thorns starfish represent a substantial threat to hard corals and their predators should be protected to help prevent COTs outbreaks.

4) Size and bag limits for all fishers for yellow tang - Fish < 2" – 5 fish/person/day

Fish >4.5" – 5 fish/person/day. These are very well thought out rules from both the fisher and management perspectives. Protecting yellow tang > 4.5" inches will help maintain the breeding populations to ensure long-term sustainability of the fishery. Adult yellow tang can live and breed for decades (the oldest individual aged to date is 41 years old). On the other hand, very small/young yellow tang (<2") do not survive transport and handling well, and therefore should not be taken in the aquarium trade. From the fisher perspective, combining these size limits with bag limits, provides fishers with flexibility and permits greater efficiency, so that they do not need to spend an extreme amount of extra effort being concerned about a few fish out of the dozens that might be taken on any given day being slightly above or below the size limits, a fair compromise for all concerned. However, in the event of a poor recruitment year, yielding a more limited amount of fish in the catchable size range, the populations of larger long-lived adults will still be protected from over exploitation.

5) Size and bag limits for aquarium collectors for kole Fish >4" – 5 fish/person/day. Kole, which are caught in much lower numbers for the aquarium trade than yellow tang, are also taken as adults by spear as a food fish. Therefore, given that this species is fished for 2 purposes, maintaining viable adult populations is of upmost concern and adult take limits for the aquarium trade makes sense. Again, combining this size limit with a bag limit helps maintain the efficiency for aquarium fishers.

6) Bag limits of Achilles tang 10 fish/person/day. Achilles tang are another species that is fished as juveniles for the both aquarium trade and as adults for food. Given that recently their populations have declined substantially and overall bag limit is necessary and should probably be even lower than 10 fish per day.

Thank you for carefully considering these new rules, particularly in light of the hundreds of hours that Hawaiian citizens from many different stakeholder groups on all sides of these issues, as members of the West Hawaii Fisheries Council, have donated to help carefully craft these rules so that the sustainability of our economic, cultural and ecological resources can be improved for generations to come.

Dr. Jeremy T. Claisse  
Jeremy Claisse, Ph.D.  
Adjunct Assistant Professor & Postdoctoral Research Fellow  
Vantuna Research Group  
Department of Biology  
Occidental College  
1600 Campus Rd.  
Los Angeles, CA, 90041

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3 December 2012

To: William J. Aila, Jr., Chairperson Board of
Land and Natural Resources c/o DAR,
Kailua-Kona

From: Timothy Tricas, Professor

Department of Biology University of
Hawai'i at Manoa Honolulu, HI
96822

Dear Mr. Aila and DLNR Board Members:

Please find below my testimony regarding the proposed Changes and Updates to the West Hawai'i Regional Fishery Management Area (WHRFMA) Administrative Rule (chapter 13-60.3).

General Statement:

The fish that inhabit the coral reefs of West Hawai'i represent a unique and important natural resource that is of great value to all people of Hawai'i. The reefs provide food fish for local residents and businesses. Many fishermen use these resources for income and recreation. Many tourists come to West Hawai'i to snorkel and scuba dive to view these animals in their natural environment. The relative natural state of the fish communities in WH is of great interest and value to local, national and international scientists.

Therefore, it is in the best interest of the public, business and state to preserve the diverse fish resources on WH reefs. I believe the proposed rules and amendments should be supported.

Specific Comments on Proposed Provisions:

Prohibition of SCUBA spearfishing and/or possession of SCUBA and a spear or speared aquatic life.

For over 35 years I have conducted underwater studies on the reef fish that inhabit WH reefs. In those early days, a SCUBA diver swimming in less than 30 feet of water could commonly see large white ulua swimming in reef caves searching for menpachi to eat. Mu would commonly sit in the water column over the reef waiting to see the movement of crabs on the bottom to eat. At night, it was common to see very large uhu sleeping in crevices and cracks of the reefs. Today, it is a rare occasion to see any of these large fish. The popularity of SCUBA has made it possible for people to spear these fish with relative impunity for commercial purposes, especially when fish like the uhu are sleeping on the reef at night. In my opinion, the state should prohibit the taking of these fish by SCUBA divers because it is like 'shooting fish in a barrel' and has nearly eliminated from many reefs the large animals that are important for spawning.

Establish a section of Ka'ohe Bay as a Fish Replenishment Area with no aquarium collecting allowed.

I endorse the desires of the the Ka'ohe Bay community to protect their reef fish. The taking of adult reef fish reduces the numbers that will be available to spawn. The young fish which are targeted by collectors have endured many weeks or months during their larval life in the open ocean before settling back on the reefs. The taking of juvenile fish from the reefs is like robbing a nursery of

young before they can grow to reproduce and replenish the population.

Establish a list of 40 fish species permitted for aquarium take.

Many collected aquarium fish are juveniles and take many years to become spawning adults. Many are important herbivores that feed upon and keep limu and other algae in check. Strict regulations for the species, size and bag limits for all collected fish are needed to insure that healthy populations and spawning stocks are available to replenish the reef fish inhabitants.

Prohibit take or possession of inshore sharks and rays, and crown-of-thorn predators.

The coral reefs of Hawai'i represent a complex ecosystem that is of great value to the State and its people. The crown-of-thorns starfish is a well-known predator that can decimate living corals. Its natural enemies are the large Triton's and Horned helmet snails which are taken for their shells by the public and also professional collectors for sale. Taking of these mollusks in large numbers reduces these natural predators of the crown-of-thorns starfish and may allow greater destruction of our living reefs. Making it illegal to take these important guardians of our living corals is a good investment for insuring the future health of our reefs.

In a similar way, our inshore sharks and rays are the top predators of fish and invertebrates on the reefs of Hawai'i. They form an important part of the food web and keep the reef community healthy.

Taking of these animals from our reefs has the same effect on the ecosystem as does killing lions in Africa, mountain lions of the desert plateaus and wolves in the forest...it allows populations of their prey to go unchecked and increase to over-abundance, and in some instances over-exploit their own food items because of the lack of natural predators. The taking of inshore sharks and rays should not be allowed so that other inhabitants of Hawaiian coral reefs have a healthy environment in which to live.

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**From:** Rachel Kochubievsky  
**Sent:** Saturday, November 10, 2012 10:24 AM  
**To:** darkona@hawaiiantel.net  
**Subject:** In support of the WHRFMA amendments

I support the WHRFMA amendments. I am a resident of South Kona who is currently building a home here. I love to walk along the King's Trail which fronts Pebble Beach. I also enjoy diving and snorkeling in Ka'ohe Bay. It is such a beautiful bay which such an amazing variety of fishes and other critters. I am grateful that if this Rule Amendment passes through the Public Hearing on Dec. 5th that the bay will be protected from commercial aquarium fish collectors. I am also in full support of the other parts of the Rule. Many other countries have outlawed spearfishing using scuba gear. It is a solid idea, and I'm glad that Hawai'i is finally catching up with the rest of the world! Also, the "white list" is not a perfect idea but it is much better than no list at all! So, I support that, too.

Thank you very much. Please include me as fully supporting this Rules Package,

Rachel Kochubievsky

HI.

**From:** Rachel Kochubievsky  
**Sent:** Tuesday, December 18, 2012 7:14 PM  
**To:** darkona@hawaiiintel.net  
**Subject:** A response to the FRA hearing from Dec 5

Aloha,

I am a resident of Kona Paradise who participated in the FRA hearing on Dec 5.

Let me begin this email by stating clearly that **I fully support the proposed package in its entirety!**

Since during the hearing there was no count of votes and since there was a very loud group of fisherman who may have made a disproportionate impression of their point of view, I feel called to followup and share with you my impressions from the hearing.

I think it was clear that the support for the bill among the people present as well as those that sent their testimony was overwhelming. I feel that the few negative testimonies showed little substance.

Since there were many wonderful testimonies that explained clearly the reasons and benefits of making Kahoehoe Bay FRA, restricting aquarium collector as well as the ban on spear fishing on scuba, I will limit this email to a response for what happened in the hearing itself.

A group of fisherman has objected loudly and may have made the impression that there was more of them than the actual people present. These fisherman have primarily objected the ban on spearfishing on scuba with two main points. The first is the right to feed their families and the second is the right to continue fishing as their parents and grand parents before them. To these people I say, this bill only target spear fishing on scuba. Any one willing will be still allowed to spear fish for their family needs the traditional way (non-scuba) just like their parents and grand parents did before them.

I feel that these fisherman though passionate were misinformed, some may not have understood that the ban is for scuba spearfishing only and the others that wants to continue spear fishing on scuba can not justify this as a tradition (scuba certainly was not available to their ancestors) nor the need to feed their families which can be satisfied by other, less destructive, fishing methods.

Some people worry that because of this loud objections for the scuba spear fishing ban the DLNR will cancel the **whole package**. To these people I have said that if the DLNR cancel the whole package because of these fisherman I think it prove they had no real intention in passing it in the first place. These fisherman showed very emotional personal concern that can easily be disproved as I did above. So though they were loud and emotional I don't think they had much substance to their objections. I assume that a package that took 10 year!!! to put together must have took into consideration these obvious personal concerns of the fisherman...

If the DLNR are honest in their intention to find a solution they must pass this bill, either in its entirety or minus the spear fishing on scuba part which is the only part that had any notable objections... That being said I will strongly suggest the DLNR go ahead and pass the spear fishing

on scuba ban as well and make Hawaii join all the other countries that understood the importance of it as was stated in the hearing by all the wonderful and detailed testimonies.

Mahalo nui loa,

Rachel Kochubievsky

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Dec. 05, 2012

Hello, I'm Michael Stroschen. I'm a professional SCUBA diver. I have to support the bill, the resolution. It's a Hobson's choice. It's either you support it and you get some of the things you want done, or you say I don't support it and then they throw it out, and a bunch of the stuff that you want to see done, doesn't get done for another ten years.

There is nobody here that wants to see the sharks and the rays fished or caught or endangered or anything else. Likewise, the horn helmets and the Triton's trumpets, we all want to see that. Some of us want to see the tropical fish collection taken care of.

Others want to continue SCUBA diving and using spearfishing. So if we say we support it, then we get some of the things we want; and if we say we don't support it, then nobody gets anything.

Of course, the tropical fish collectors love this. The whole West Hawaii Fishery Council, have you been to some of those meetings, I have, you guys know what I'm talking about, it's people who drive boats that are owned by corporations and take people out to catch marlin and they make up their rules and then they throw them out there, and this is what we're going to do.

Well, the only thing I really care about is protecting the sharks, protecting the shells that eat the Triton's trumpets -- excuse me, that eat the crown-of-thorns and doing something about the tropical fish collection.

40 fish, of course, they love it. Those are the fish they catch. Of course they want a bag limit on the yellow tang. The ones that are unlimited in the middle, they can take as many as they want. It doesn't affect them at all.

So you cannot say, okay, we support the SCUBA spearfishing and we're all about that, so they get your support there; and if it passes, they get what they want, because they still get to collect the 40 fish they're collecting anyway. And if it fails, then they get what they want, because there is no regulation and they just keep collecting what they want anyway.

So do I support it, yeah, I guess I kind of got to, but what I really support is the referendum that was sent to the state by the Hawaii council

saying that the majority of citizens both Hawaiian, haoles, everybody on this island do not want to see tropical fish collecting on our coast because it is depleting our natural resources.

And I don't think anybody out there except the tropical fish collectors -- have you noticed there has been one that's come up here, because they win either way. If they get the 40 fish, they keep doing what they do; and if it doesn't pass, they keep doing what they do.

But what's really happening here is we're all being shammed. We've had a thing put in front of us. If we say we support it, great. And if we say we don't support it, it still wins. So what we really have to look about is fishermen are not fish collectors.

Fishermen fish to eat and feed their families.

Fish collectors collect fish to send them to the mainland to put them in aquariums so they can make money. And there is, what, about 70 of those people. And they make a lot of money doing it. Oh, I don't know, \$800 a day. If I made \$800 a day and could morally swallow it, I would probably do it.

I like to go down and watch fish. I bet you fishermen couldn't give a crap about the tropical fish collectors. But what you really need to think about is they're depleting the ecosystem that supports the fish that you eat. And the White List that has 40 fish on it, but they're already collecting anyway, ain't helping the ecosystem. And those yellow tangs that have a bag limit on two inchers and four-and-a-half inchers, well, guess what, if they collect all the ones in the middle, pretty soon there won't be any four-and-a-half inchers left and they're the ones producing the yellow tang.

So when you're thinking about this thing and you're supporting it or not supporting it, we're all just being shammed, and this is really a game that's being played.

Have a great day.

~~~~~  
Dec.05, 2012

Good evening. Aloha, kakou. I'm Glennon Gingo. I'm the chair of the West Hawaii Fisheries Council. I've been active on the council for about -- as long as I can remember, at least a few thousand hours, probably since 1999. So when people say how to get involved and they have excuses about not making -- and I'm reaching out to my colleagues and my friends and my fellow fishermen, is that if I can make these meetings, you can make them. And there are people reading testimony tonight for others. So if you can't make our meetings, then write up some testimony and have it read at our regular meetings because I think the importance of the Fisheries Council is to have that representation, to have that voice, and to have that involvement. With

that I welcome you to be involved. My mom used to always tell me if you don't like something, then get involved and try to change it.

So one of the things that I did tonight is to just let you know it's not me personally mostly that is speaking for tonight, but I'm very proud of my colleagues on the Fisheries Council, many of them are here tonight. I give them a lot of credit for showing up, tirelessly working, showing up every month, spending the hours, spending the time, doing the job and we're not perfect. We try to find a balance. We try to reach out to people. Many of our people in this room do a lot of things. It would be easy for anyone in this room to say I do three things and I do it well. I could be a fisherman, I could be a diver, and I could be a trainer. And some of you in this room, I've had your children that I've trained in free diving and spearfishing and competitive free diving. I've worked with kids at Kamehameha Schools at Hale O'Ho'oponopono, Ke'ei, Maluhia, worked with kids that don't have a chance and taught them how to spear fish, spent time with them, lots of hours and lots of time with them. That's my personal background. That's why I do what I do and get involved and volunteer my time.

The one thing I was asked to do, and again, this is just reading for somebody that wanted to have representation tonight, most of you know Dr. Jack Randall from the Bishop Museum. He's in support of the proposed West Hawaii rule package. He's particularly in support of the ban on spearfishing with SCUBA.

The most offensive is spearing sleeping fishes at night. We all know that. Those of you that spear fish know the fishes that sleep at night. I kind of liken that as a defensive trainer of going into someone's bedroom and taking a shot at them without their eyes open. Okay. So that's my personal opinion. Those of you in the room know how good uhu is. Believe me, if you stuff it with Okinawan sweet potato, it's one of the best fish to eat. All of you who spear fish know the fish are pretty smart and they get a lot smarter after their cousins have been speared.

I'd like to close with my own personal statement since I have a few seconds; and that is, there are a lot of people in this room that do a lot of good things in this community. Many of those people come to our meetings. Some of those that have family and have children and have three jobs, like we joke in Kona two jobs are better than three, I'd like to see you come to the council meeting and find out what we do because our council is only as good as how many people get involved. And I reach out to my brothers, my friends, my fishermen friends that can't make it who are trying to take care of their families to make it to these meetings. If you can't make it, send us some testimony, get involved. It's better than to get involved than throw stones at the people that are trying to make a difference.

Thank you very much.

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Testimony for West Hawai'i Regional Fishery Management Area (WHRFMA) Rule Proposals

December 2, 2012

Donna R. Goodale
West Hawaii Fisheries Council

Dear DLNR: My name is Donna Goodale. I am here tonight to encourage you to pass the entire rule package, including all of the amendments, and put these proposed rules into practice as soon as possible. I am a member of the West Hawaii Fisheries Council and have been working on these rule proposals for over 7 years. I have a Master's Degree in Zoology with a concentration in Marine Biology. I am also a teacher where I work with young people helping them to grow and develop into educated, responsible citizens. Some of these students are here tonight to support these rule proposals.

The West Hawaii Fisheries Council is a community organization put brought together by legislative mandate. A large part of the mandate and the reason that the council was formed was and is to work with the citizens of West Hawaii to find resolutions to user conflicts in the near shore areas of West Hawaii.

The process of resolving conflicts requires compromise. The proposed rules I am here to support represent 100's of volunteer hours, including extensive discussions between opposing parties. The rules represent a workable compromise to resolve conflicts and are the best next step in the protection of our near shore ecosystems.

The prohibition of SCUBA spearfishing would allow free-divers to practice their sport and provide food for their families while allowing most of the large fish to escape death, and therefore reproduce and provide fish for future spear fishermen. Most other areas of the world have already seen the wisdom of protecting marine life from over fishing on SCUBA. Please support this protective measure for our crustaceans and fish.

The establishment of Ka'ohe Bay as a Fish Replenishment Area was a compromise worked out between participating Aquarium Fishermen, and the people who live in

the area and who use the area for recreational swimming, snorkeling and SCUBA diving. Please support protecting this area as an FRA.

The establishment of a “white list” of fish that aquarium fishermen would be allowed to take may be the most controversial of the proposals put forward by the WHFC and DLNR. There are many people who would like to see aquarium fish collecting banned outright and have zero fish on the “white list”. In addition, there are fish on the list such as the Tinkers Butterfly fish that many say should not be on the list. However, once again the white list is a compromise worked out between conflicting parties and represents our next best step to protect the reef fish. If this rule is rejected in favor of a total ban, then for the present and undetermined future, there will be NO restrictions on the types of fish that can be taken. That would be far more detrimental to the numbers and species of fish seen on the reefs. This proposed rule change would limit the types of fish taken, as well as limiting the numbers and sizes of Yellow tangs, Kole tangs and Achilles tangs that can be taken by aquarium fish collectors. Please support and implement the “white list” and its size and bag limitations.

The protection of sharks, rays and the large mollusks that prey on crown of thorns with further protect the coral reef ecosystem. Large predators are an integral part of any ecosystem. Their removal from the system changes the systems dramatically. Please support their protection.

Please support the additional rule proposal that would require a West Hawai'i Aquarium Permit of any aquarium fish collector in the West Hawai'i area. This will add further protection of the fish and therefore reefs in this area.

Thank you for the opportunity to express my support for the West Hawai'i Regional Fishery Management Area (WHRFMA) Rule Proposals

Sincerely,

Donna R. Goodale, MS Zoology

Dec. 05, 2012

These rules represent compromises that were formulated between opposing parties. The rules are also based on systematic scientific research conducted by multiple research groups and agencies.

Some of the rules changes included are the prohibition of spearing fish while on SCUBA. This has already been banned in most areas of the world.

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12/13/12

Aloha,

This letter concerns the Public Hearing that took place on Wednesday, December 5th, in Kailua-Kona at the high school. This Hearing pertained to the WHRFMA Amendments package which we hope will pass in its entirety.

Three friends and I, three divers and one snorkeler, attended the meeting together. We had all intended to sign up to read testimony. However, as we waited to enter the cafeteria at the school, it was obvious that there was a fairly large group (maybe 30?) of men who were talking loudly and planning a disruptive strategy for the hearing. So, we didn't sign in to read our testimonies. It was intimidating.

It seemed very clear that the vast majority of the folks there were in favor of the Rules Package. That was clear.

Once the meeting got underway, and the testimony against the ban on spearfishing on scuba began (it seemed to occur in a cluster), things got loud. In fact, although one woman, Tina Owens, had been told by Mr. Tam that she had to stop talking about anything that was not her direct opinion about the Rules Package, Mr. Tam allowed almost a DOZEN others limitless talking sessions. A few of those tedious diatribes (discussing Hawaiian history, the fact that the US has no jurisdiction over Hawaiians, and how scuba/spearfishing SEVEN HUNDRED POUNDS!!! of Parrotfish a NIGHT is SUBSISTENCE fishing????) lasted 10-15 minutes, even though there was a 3 minute limit on speaking. Nobody, not one person in attendance, corrected this crazy misinterpretation of 'subsistence fishing.' Additionally, there were obviously many traditional spear-fishermen who thought that THEY were going to be banned or might have to abide by the same rules as the commercial aquarium fishermen.

There was a lot of misinformation about the spearfishing/scuba aspect of this Rule Package passed around Kona in the 2 weeks prior to the meeting. There were posters with all kinds of nonsense on them. D.A.R. was alerted (I understand) but once people see something like that, it makes a lasting impression. The scuba/spear-fishermen were clearly trying (and succeeded) in getting traditional spear-fishermen to come to the meeting, be very loud and intimidate many others.

Isn't it true that scuba/spearfishing is already against the law in most Pacific countries? Is it correct for DAR and DLNR to continue to allow scuba/spear-fishers to think that removing HUNDREDS of

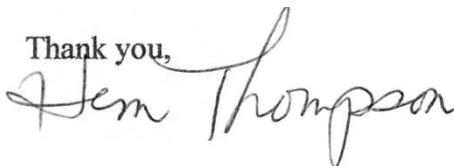
POUNDS of fish at a time from the reef is subsistence fishing? This is what many of them said. And, of course, using scuba/spear at night equals a slaughterhouse! There were one or two local guys who did say that it wasn't 'pono' to scuba/spear at night. And even some people who were there to complain about the total ban did say that a ban on night scuba/spear would be fair.

I hope that the Board watches the video that was made during the Hearing. Half of it is filled with a few people rambling on, even chanting!, and saying some pretty wacky stuff. However, there was definitely a lot of coherent, intelligent testimony given, too. Of course, there were many testimonies from researchers and marine biologists who reiterated that spearfishing on scuba is bad for the reef, bad for the fish population, and just a bad practice. These scientists have based their testimonies on years of research done in the Pacific, on reefs that have suffered terribly from overfishing on spearfishing with scuba.

I hope that the Board will pass this WHRFMA Amendments package in its entirety, or is able to withdraw or amend the scuba/spear element to a ban on night scuba/spearfishing in order to placate the folks who do use this very nontraditional method of fishing.

Thank you for your time and consideration.

I wish that we had felt comfortable enough to read the testimonies that we prepared for the Hearing but now, we feel that this is more appropriate and speaks to the specific issue at hand.

Thank you,  


Kim Thompson, PhD

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*Craig R. Glenn, Professor
University of Hawaii
School of Ocean & Earth Science & Technology Department of
Geology and Geophysics
1680 East-West Road, POST Building Room 701, Honolulu, HI 96822*



05 November 2012

State of Hawaii, Department of Land and Natural Resources Division of
Aquatic Resources
74---380B Kealahou Pkwy Kailua---
Kona, HI 96740

To whom it may concern,

I submit this testimony in support of the adoption of Chapter 13-60.4 and its ancillaries. As a concerned citizen of Hawaii, and as a tenured Professor of the University of Hawaii School of Ocean

and Earth Sciences and Technology of 23 years, I am deeply troubled by the ever-worsening depletion and destruction of Hawaii's coral reefs and fish communities. I thus write this letter in support of the DNLR proposal for repealing Chapter 13-60.3, and adopting instead proposed Chapter 13.60.4 (West Hawaii Regional Fishery Management Area, Hawaii), and to amend regulations 13-54 (Puako Bay and Puako Reef Fisheries Management Area), 13-57 (Keauhou Bay Fisheries Area), and 13-75-12.4 (Lay Nets). I briefly explain my endorsement of these changes and amendments below.

Among other things, Chapter 13-60.4 proposes to prohibit SCUBA spearfishing for the simple reason that it has already been demonstrated everywhere in the Pacific that the prohibition of SCUBA spearfishing is necessary, because this methodology leads to overfishing, overfishing that has had dire consequences for maintaining healthy fish populations. In addition, this problem is particular intensified when night fishing is involved it is at this time that the fish are most vulnerable. Relatively few numbers of SCUBA spearfishers can lead to rapid declines in local populations of particular species, which can have cascading deleterious effects that can travel up and down the food chain.

Concerning the taking of aquarium fish, I strongly endorse DNLR's proposal for the creation and enforcement of the "White Listed" species identified in the proposal to initiate a strictly curtailed taking of only certain fish species for aquarium takers. To these ends, I also support the establishment of a West Hawaii Aquarium Permit for both recreational and commercial collectors. I see this is only one correct step to put an end to this harmful practice, but an important and necessary one to help curtail it. As for the proposal for the formation of a 1550 foot Fish Replenishment Area at Pebble beach, at a minimum, this is needed to help ease the tensions and conflicts between the members of the Ka'ohe community and their problems with aquarium takers.

I endorse the prohibition of take or possession of the identified nine species of inshore sharks and rays because it is well known that sharks and rays are a critical ecological rheostat in the ecological balance of our reefs, and are also thus important to not only reef--habitat health. Although most people do not realize it, in this way sharks and rays are thus also important components in the economics of Hawaii's ocean recreation industry itself.

To better preserve our finite and dwindling corals, which form the true underpinning and backbone of the entire reef community itself, I endorse the prohibition of taking Triton's Trumpet and Horned Helmet shells as these invertebrates are critical to protecting our reefs, being but a few known predators to the crown---of---thorns starfish. If Australia's bitter experiences at the Great Barrier Reef have taught us anything at all, it is that the crown-of-thorns starfish feed on, and massively devastates the corals, and any action to reduce this threat is a needed one throughout Hawaii.

Last, in addition to the adoption of the new WHRFMA rules, I also endorse the proposed amendments to 13---54 (Puako Bay and Puako Reef Fisheries Management Area), 13---57

(Keauhou Bay Fisheries Area), and 13---75---12.4 (technical amendments to the statewide lay net rule to clarify language and to update references to the WHRFMA rule). These are all also sound, and needed.

Please pass the adoption of all of these changes. While they may fall short of the substantial changes that are really needed to help protect Hawaii's fragile corals and fish, they do promise to begin to move the State of Hawaii forward in the correct directions of controlling and mitigating the damages already being done.



Sincerely,
Craig R. Glenn
Professor of Geology and Geophysics
University of Hawaii
School of Ocean and Earth Science and Technology

From: Ron Tubbs
Sent: Wednesday, December 05, 2012 7:22 AM
To: darkona@hawaiiantel.net
Subject: Testimony in Support of West Hawaii Rules package

Aloha Governor Abercrombie, Chairman William Aila, Land Board members, and Dr Bill Walsh,

I am testifying today in overall support of West Hawaii proposed rules draft to further regulate the aquarium fishery and for increased FRA management.

I applaud all of your support in this matter and thank each of you for your time. Managing Hawaii's fisheries is not an easy task and I appreciate those who work hard to ensure that Hawaii's fisheries are there for all ocean users now and in the future.

I would like to ask you to please consider changing or adding to one point of the rules draft when it is necessary.

13-60.4 section d and e regarding a limited entry date. I support limited entry as do many of the fishermen. I think due to increased population growth and demographics we will be forced at one point to limit the number of ocean collectors or manage take by some other means. If current regulations fail to maintain sustainability in the future we will need to act accordingly. For now we may not need such rules but by addressing them now we can plan for the future.

At current levels with the current amount of divers there should not be a need for a back limited entry date. I have relatives who dive for my Kona shop who may not meet your date not because they are new to the fishery but because they came to Kona from Oahu and their Kona permit is not that recent.

I too am a permit holder since 1982 and have a large stake in the Kona fishery. I own a shop in Kona that buys fish from divers and ships them to my Oahu facility. Please allow me as a diver for 30 years to collect from Kona waters. Many divers come to Oahu from Kona to fish with their Kona permit. To allow them on Oahu and those from Oahu not to be able to dive Kona is not fair. When issued my permit it was for all Hawaii not just one Island. Please consider these points and future changes.

I believe it is very important to understand the basic law behind ocean management so below is what little I know about this. Let's be fair to all user groups.

What is the legal precedence to the use of Hawaii's near shore fisheries? United Nations Conference on Environment and Development laws state the Oceans and their resources are the common heritage of man.

State of Hawaii regulates near shore waters within 3 miles. Outside that falls under Federal regulations. Following International and Federal law, The State of Hawaii has the responsibility to care for and share with all our Oceans resources.

No one group in Hawaii can make claim or shut out another group. Ecology groups cannot claim and close all to others for their preservation views. Fishermen cannot claim areas for their use only. International law states no one group can lay claim to the ocean or its resources.

U.S. laws are based on these UN resolutions. State law should follow this precedence. We must all share in caring for and utilizing our States Ocean resources. Catch report data completely back the claim that aquarium fish collecting is a sustainable industry. User conflict and protectionist ecologist objections to aquarium fishing is the source of the conflict.

I am very willing to give back to the ocean I love and have chosen to be my source of income. If I can ever do anything for researchers or management let me know.

Thanks for your time and consideration,

Ron Tubbs

RT Distributors Inc.

Waimanalo Hawaii and

Kailua Kona Hawaii

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Dec. 05, 2012  
Chad Wiggins

Thank you. I've seen a lot of really important people, knowledgeable people tonight, people that I have a deep respect for, people that want to work together to solve problems, so do I, and thank you all for coming tonight and sharing what you know and being committed to working on making things better.

I live in Waimea. That's where my son was born. I'm originally from Alabama, so I fall into the category of the people who don't have that deep generational knowledge here, but I do support the amendments.

Some of us have said that the fishery and reef fish protections proposed are too extreme, while others say that they're not sufficient. That means that the volunteers of the Fisheries Council succeeded in working to find a balance where each side was willing to compromise.

All of the proposed amendments should benefit coral reefs, but the one that I most support is prohibiting take of predators that play a vital role in structuring coral reef fish communities. Protections for predatory shells, rays, and especially, sharks is a sensible step to maintain the health of our coral reef.

Sharks may be powerful, but they're also vulnerable. They mature slowly, they give birth to few young. Kohala kupuna tell us in the 1950s and '60s many sharks were caught to make fish cake. This was likely the major impact that led to reduced reef shark populations today.

Sharks have always shaped how coastal people interact with the ocean. In West Hawaii tales of sharks abound; expert lua warriors ritually battling sharks in open water, religious practices at Hale O' Kapuni, the belief that living spirits dwell in these guardians of the ocean, that on a deep level they are part of us.

In North Kona the relationship between people and sharks was also practical. Fisherman adapted innovative and ingenious ways of feeding ko'a with opae ula and cinder to avoid attracting sharks and devised clever ways of distracting sharks using ipus so that their abundant catch was landed.

Without the resource we could not dwell here. We have asked the ocean to adapt to us, but now we must adapt for the ocean, even if it means changing behavior or making hard decisions.

In our living ocean sharks are like an immune system that keeps the whole healthy. Just as a person without an immune system will remain ill, so too, should we expect an ocean where the immune system has been compromised to weaken and die.

We can help give our living ocean back what she needs to survive by giving her the time and space to recover on her own, if we so choose.

Where I'm from it is said give a man a fish, and he eats for a day. Teach a man to fish and he eats for a lifetime. And this adage may be true where the eating of fish is concerned, but I would add to these, teach a man to manage fish and his children will eat forever.

The knowledge is already here, not being shouted across the room, but in the quiet resolve of those with the deep responsibility of caring for a place already; or perhaps we may choose otherwise, doing as we have done, with a full understanding of where that path will lead.

Mahalo no.

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From: Deanna Zivalic
Sent: Wednesday, December 05, 2012 11:52 AM
To: darkona@hawaiiantel.net
Subject: Testimony

Our Testimony IN FULL SUPPORT OF THE WEST HAWAII REGIONAL FISHERIES MANAGEMENT AREA Amendments

The mention of Hawaii and the first thoughts that come to mind are beauty, excitement and intrigue to the imaginative mind.

Hawaii has three distinctive categories.

The first is the visual day with waterfalls, white coral beaches, sunsets and rainbows.

The second is the night with breaking opalescent waves behind a full moon's crossing wake or under a starry night next to a campfire talking about Hawaiian legends and the night walker's deadly glow.

The third and most giving is under the blue sea. To see this underwater world takes your mind into another dimension of life abounding fish, corals and aquatic beauty which parallels the Great Barrier Reef.

There is a virus though. There are many people removing fish from our reefs. Some are doing it while spearfishing on scuba, some are collecting the fish for

resale, and others just not paying attention to the overfishing that is rampant across our reefs.

Why are tropical fish so important?

It is a scientific fact that when one observes tropical fish , our heartbeat and breathing slows down, blood pressure drops mending the body from stress through hypnotic stimuli by watching the coloring and movement of fish. Also, as we well know, reef fish have a symbiotic relationship with the reef. The yellow tang and other algae-eaters keep the corals clean, and the fish remain healthy in this circular system.

Take our tropical fish away and you take tourism away and a treasure Hawaii cannot afford to lose. The state is worried about the loss of about 100 jobs. . Perhaps, the state could hire the aquarium collectors and use their expertise to promote tourism of aquatic resources, selling Hawaii's underwater healing aquarium to other high stressed countries bringing people to Hawaii instead of stealing her away.

We fully support the Hawaii Regional Fisheries Management Area Amendments.

Please Protect Kaohe Bay

Sincerely, Walter, Deanna, & Zoe Zivalic

~~~~~  
**From:** Deanna Zivalic  
**Sent:** Thursday, December 06, 2012 1:46 PM  
**To:** darkona@hawaiiantel.net  
**Subject:** My Testimony IN FULL SUPPORT OF THE WEST HAWAII REGIONAL

My Testimony IN FULL SUPPORT OF THE WEST HAWAII REGIONAL  
FISHERIES MANAGEMENT AREA Amendments

Aloha,

I attended the meeting last night and it seemed like everyone was on the same page, besides a few fishermen who opposed the ban on scuba spearfishing. I do not have a PH D, but it seems like a no brainer, if most other countries have banned this and after a decade of Hawaii mulling this



over, it is time we follow suit. I don't think the Hawaiian's grandfathers were out there in their scuba gear doing this....

I did not know that Hawaii exports two thirds more fish off our small reef than Australia, with their great reef. I did agree with the locals that someday it would be great to stop all this exporting, leaving the fish for the people that live here, but one step at a time. Our fish in the local stores has doubled in price for us in the last few years!

I think it is excellent that at least the fish collectors must have a permit. I also do wonder how any of this will even be enforced?

I am a resident living in Kona Paradise by Kaohe Bay for 12 years. To let our bay be a place where fish can replenish warms my heart.

I hope this does not sit on the table for another 10 years, and this can move forward.

Sincerely, Deanna Zivalic

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## United States Department of the Interior

NATIONAL PARK SERVICE  
Kaloko-Honokohau National Historical Park  
73-4786 Kanalani St., Suite 14  
Kailua-Kona, HI 96740

IN REPLY REFER TO:

L7621

December 19, 2012

William J. Aila, Jr. Chairperson

Board of Land and Natural Resources

Division of Aquatic Resources

74-380B Kealahou Pkwy.

Kailua-Kona, HI 96740

VIA EMAIL to [darkona@hawaiiintel.net](mailto:darkona@hawaiiintel.net)

Subject: National Park Service comments on proposed new rule Chapter 13-60.4, West Hawaii Regional Fishery Management Area, Hawaii (WHRFMA). Dear

Mr. Aila:

Thank you for the opportunity to comment on the proposed new rule Chapter 13-60.4, West Hawaii Regional Fishery Management Area, Hawaii (WHRFMA). The waters of Kaloko-Honokohau National Historical Park are within the West Hawaii Regional Fishery Management Area, specifically the Kaloko- Honokohau Fisheries

Management Area (HAR 13 Chapter 60.3 §13-60.3-16). The National Park Service supports the proposed rule-package in its entirety as developed by the West Hawaii Fisheries Council and others. The proposed rules are science-based, will enhance sustainability of Hawaii's nearshore ocean resources, and will improve enforcement.

The National Park Service (NPS) specifically supports the proposed ban of SCUBA spearfishing within the Kaloko-Honokohau Fisheries Management Area. Kaloko-Honokohau National Historical Park was authorized in 1978 "to provide a center for the preservation, interpretation, and perpetuation of traditional native Hawaiian activities and culture, and to demonstrate historic land use patterns as well as provide needed resources for the education, enjoyment, and appreciation for such traditional native Hawaiian activities and culture by local residents and visitors..." (Public Law 95-625). Breath-hold spearfishing is one of many fishing methods traditionally used by Hawaiians and this method can maintain a sustainable fishery. The proposed ban on SCUBA spearfishing in the Kaloko-Honokohau FMA is in keeping with the National Park's authorizing legislation and goals of preserving and perpetuating the traditional Hawaiian cultural and activities, and will enhance replenishment of nearshore fish stocks.

The majority of Pacific Island countries ban SCUBA spearfishing (Gillett and Moy 2006). The detrimental effects of SCUBA spearfishing includes selective targeting of larger fishes, targeting a wider number of species than other fishing gear, and accessing larger fishes in deep water refugia that are inaccessible to most breath-hold spearfishers (Gillett and Moy 2006). Selective targeting of and access to larger fish is of particular concern. Berkeley et al. (2004a) and Berkeley et al. (2004b) demonstrated that older, larger female fish produce offspring that survive better and grow faster than the offspring of younger fish. This finding has important implications for fisheries management (Berkeley et al. 2004b, Birkeland and Dayton 2005). These older, larger fish provide substantial economic and ecosystem value to the West Hawaii community (Cesar and Beukering 2004). Adoption of the proposed new rule will ultimately support the sustainability of this important community resource.

We appreciate the efforts of the Division of Aquatic Resources, the West Hawaii Fisheries Council, and the community members who work tirelessly to guide sustainable management of community and state resources. If you have any questions regarding our comments please contact me at 808-329-6881 x1201 (kathy\_billings@nps.gov) or Sallie Beavers, Chief of Resources, at x1220 (sallie\_beavers@nps.gov).

Sincerely,

  
Kathy Billings  
Superintendent

#### References:

Berkeley, S., C. Chapman, and S. Sogard. 2004a. Maternal age as a determinant of larval growth and survival in a marine fish, *Sebastes melanops*. Ecology 85:1258-1264.

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Birkeland, C. & Dayton, P.K. 2005. The importance in fishery management of leaving the big ones. Trends in Ecology and Evolution 20: 356-358.

Cesar, H.S.F. and P.F.H. van Beukering. 2004. Economic Valuation of the Coral Reefs of Hawai'i. Pacific Science 58:231-242.

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From: Sue Kellam
Sent: Friday, November 16, 2012 12:31 PM
To: Dr. Bill
Subject: IN SUPPORT OF WHRFMA Rule Proposal

IN SUPPORT OF WHRFMA Rule Proposals:

It has been more than 8 years that we at the Friends of Pebble Beach have worked tirelessly to add Ka'ohe Bay to the Fish Replenishment Areas (FRA) in West Hawai'i. Along the way, our "user conflict" (ocean users vs. collectors) resolution has been added to a DLNR Rule Amendment Package that is now coming to a public hearing on December 5th at Kealahou High School at 6pm..

While this package is not a perfect solution, each part is a step in the right direction. Including Pebble Beach/Ka'ohe Bay as an FRA is extremely important. Ka'ohe Bay is very easily accessible and is used by both kama'aina from all over the island and by visitors. It is a beautiful reef which is popular for SCUBA diving, as well as snorkeling, swimming, kayaking and just relaxing. It is such a good shore dive that dive shops in Kona offer underwater maps of the bay to shore divers. I'd also like to add that many commercial aquarium collectors have agreed (at County Council meetings and other venues) that the bay should have been in the original FRAs that were created in Act 306, in 1999.

Do we agree with the other parts of this package? Mostly, yes: a ban on spearfishing with SCUBA (while leaving traditional spearfishing alone); clarification of FRA borders; and an ingenious "White List" that limits collection to 40 species of tropical fish, thereby protecting hundreds of others—all are steps in the right direction. In fact, our biggest disagreement is that some "charismatic" fish have made it onto the White List. Some very vocal critics from Maui have condemned the whole package for this reason. Despite claims that they have exhausted all means of controlling collection through DLNR, those Maui critics (like Robert Wintner and Rene Umberger) have never sat down and worked out with collectors a realistic plan for keeping the tropical fish catch in control. They are too self-righteous and impatient. It is to the credit of Dr. Bill Walsh (of DAR) and the West Hawai'i Fishery Council that they have ground out a solution that maintains current income levels for collectors but prevents the industry from going wild. Deep compromises have been made—too deep for many of us. But the collectors feel the same way. Mutual frustration is often a result of successful compromises. I hope that everybody realizes that if this Rule passes, EVERYTHING that is NOT on the White List will be protected. Sure it is hard for us who enjoy tropical fish to read the White List, but all of those fish will still be protected in FRAs. And all other fish will be protected everywhere. Think of it: Bandit and Flame Angelfish, Turkeyfish, Moorish Idols, Whitley's Boxfish, Bicolor Anthias, Picasso Triggerfish, Teardrop Butterflyfish—the list goes on and on of fish that will never be taken again to languish in some teenager's fish tank in the Midwest. They will continue to reproduce here and build to healthier populations.

There is protection for rays, sharks, Triton Trumpets (finally!), and Horned Helmets, too. These are positive steps!

While this Amendment Proposals are not a perfect solution, they are steps that will help to protect the reef ecosystem on the Big Island. For those who don't live on our island or haven't been here long, you might think that small steps aren't worth taking. We disagree. As we know from last year's failed attempt at banning the aquarium trade spearheaded by Snorkel Bob, the legislature twisted that bill, suggesting the establishment of a Maui advisory council very similar to the one he loves to criticize, namely the WHFC. As for the legal efforts to throw an Environmental Impact Statement in the way of aquarium collection, it is clear by the reaction of the Attorney General's office this week that, at best, there will be a protracted court case before anything is decided. The truth is that banning any established business in Hawai'i is very tricky business. There are plenty of legal and cultural barriers to doing any such thing.

If these Proposed Rule Amendments don't pass, West Hawai'i will not increase its protection for the reefs at all. It means that it will be 'business as usual' with aquarium collectors operating under 'carte blanche'-- no restrictions, no size or bag limits outside the FRAs. Nothing. Since banning aquarium collecting is not currently an option, passing more regulation of the aquarium trade, and more protection for the reef critters is good. This proposed package DOES deliver on that. And many collectors are willing to cooperate. They recognize that it is not in their interest to generate so much public hostility. Let's seize on this cooperative mood and establish reasonable regulation of their trade.

Additionally, in no way does this Rule Proposal prevent anybody from continuing with further island or state-wide restrictions. After 8 years of fighting tooth and nail for 1500 feet of protection of Ka'ohe Bay, we've got one thing to say. Good luck!

I support the West Hawai'i Regional Fishery Management Area (WHRFMA) Rule Proposals. At this point, they cannot be changed or altered. They will pass or fail. It would be a terrible thing for this Package to fail. It is our kuleana to protect the reef. Small steps are much better than none at all.

Mahalo,

Susan Kellam

Friends of Pebble Beach/ Ka'ohe Bay

Dec. 05, 2012

My name is Susan Kellam, and I am one of the founders of Friends of Pebble Beach. Eight years ago, petition of 1,600 signatures in hand, we asked the West Hawaii Fisheries Council to add the bay to the current Fish Replenishment Areas. About three years ago, the Big Island Association of Aquarium Fishermen made a gentlemen's agreement with us to halt collecting in the bay directly. We have been very pleased with their cooperation in this effort. The problem is that new collectors who don't respect this

arrangement could come in at any time. An FRA will ensure that we will never again have the kinds of user conflicts that led us to the Fisheries Council in the first place.

Recently, I've seen several posters around town stating that adding Ka'ohe Bay as an FRA would be "bad for small business." Since the aquarium collectors haven't fished in the bay for almost three years and totally on a volunteer basis, they've agreed to do this, I would say that the other claims are quite farfetched.

About the White List; some groups are very vocal in complaining that it's too lenient and others say it's too much. I think it's a good compromise because it allows commercial aquarium collectors to continue their livelihood while providing some regulations and protections for many species at the same time. The environmental element of this list is that while it allows most of the species that collectors do take, it bans collection of all the rest. Some of the fish that will be protected if this passes are, flame angelfish, teardrop butterfly fish, Moorish idols, Hawaiian cleaner wrasse, bi-color anthias, reticulated butterflies, and many others. Some opponents, like For the Fishes on Maui, say that any charismatic fish on the White List is one too many. We have seen Maui's plans fail time after time because they won't compromise. How can groups like For the Fishes claim to be conservation-minded when they are undermining a rules package that would add more protections and regulations to our reefs here in West Hawaii? Is it because they're involved in a lawsuit in Honolulu that might benefit from this package failing?

In the last several weeks a lot of people who are against this rules package have come out of the woodwork. During the eight-and-a-half years that I've been actively involved in this process, in monthly meetings, presentations by researchers from various universities and plenty of public vetting at forums from ReefTalk to the Natural Energy Lab, I don't know where these folks have been. I have personally witnessed years of vetting and have sat through dozens and dozens of scientific studies.

I say this. Let's pass these decade long, well-vetted rule proposals. While I have focused on certain parts of this package, I do support all sections. Should folks say this is not enough, I suggest they continue working for more. To those who say it's too much, I say that most of us recognize some kind of regulations are needed. After almost a decade of working together with several diverse groups to reach a reasonable consensus, I ask DLNR and the Attorney General's office to pass this through the rule-making process in its entirety. Thank you.

~~~~~

December 17, 2012

To whom it may concern,

It has come as welcome news that someone, somewhere in HI finally recognizes how spearfishing can seriously deplete our marine resources. And this is even more so using tanks and at night. I bet most people don't realize it, but spearfishing in general is an efficient way to eliminate species of fish. That's why roi roundups which are held to eliminate the roi, toau, and taape are spearfishing tournaments. Oh, but the divers who hold these tournaments will have you believe that they are our stewards of the ocean. To me, it's like letting the fox be the steward of the hen house. And they also have a big part in the proliferation of these so-called undesirable species of fish. The divers want zero restrictions on spearfishing. Instead they think or want others to think that establishing bag limits (which should only apply to themselves) is the way to go. Correct me if I'm wrong, but don't you need something to bag in order to have bag limits? It's not like we have tons and tons of kumu, uhu, menpachi, moana-ukali, etc, along our shoreline and we better set bag limits before they're all gone.

No, we hardly have any of these fish along our shorelines. So if you have 30 (and this is a very liberal amount) kumu along a one-mile stretch of shoreline and set a bag limit of two kumu per person per day, and one night five divers come in a boat and each take their bag limit share, this would total 10 in one night. In one night one-third of the kumu in that area is gone. Two more nights and you'll have zero in that area. On the fourth night another area will be hit. This scenario has played out many times. Awhile back I spoke with the DLNR officials on Samoa and they said the same thing. They told me that they might "think" about bag limits in the future.

I reside on the island of Maui, and back in 2001 suggested to the DLNR officials here that something needed to be done about diving with tanks and night diving. I've submitted written testimony and have spoken with them on numerous occasions, but obviously to no avail. I've pretty much given up on trying to help replenish our marine resources. I'd taken up the attitude that I don't care already, and the only way that diving with tanks and night diving (and spearfishing in general) will have restrictions placed on them, will be when we have absolutely nothing left on our reefs. But now there might be renewed hope. Even though the planned regulations will be only for West Hawaii, I believe it's a giant step in the right direction. I think by making these proposals, people on all islands will start to realize that diving with tanks and at night greatly decimates many types of our valued food fishes. If you folks haven't yet, try going to a wholesale fish market and you will see that 90% of the reef fish from HI have spear marks on them. Just like to mention that I'm a shoreline, hook and line fisherman.

Sincerely,

John Tokumatsu Moniz Barclay

Kahului, Maui

~~~~~



www.aza.org
8403 Colesville Road, Suite 710
Silver Spring, MD 20910-3314
301-562-0777 tel 301-562-0888 fax

December 12, 2012

Division of Aquatic Resources
Department of Land and Natural Resources
74-380B Kealahou Parkway
Kailua-Kona, HI 96740

Division of Aquatic Resources
Department of Land and Natural Resources
1151 Punchbowl Street, Room 330
Honolulu, HI 96813

On behalf of the 223 accredited member institutions of the Association of Zoos and Aquariums (AZA), we want to express our support for the regulatory amendments to the Hawai'i's Administrative Rules for the management of aquarium fish collecting for West Hawai'i and O'ahu. AZA is very supportive of the scientifically-based, adaptive management regime for coral reef fisheries currently employed in Hawai'i which has proven to be very successful from both an economic and ecological perspective. The data collected over many years on Hawai'i's coral reefs conclusively indicate that tropical fish collecting can be managed on a sustainable basis. This is critical to AZA to gain our support for these new proposed rules.

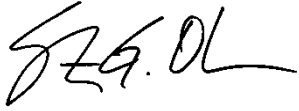
AZA accredited zoos and aquariums fully understand, recognize and support Hawai'i's desire to maintain its unique and diverse coral reef habitat. We also acknowledge Hawai'i's marine aquarium fishery to be one of the best-studied and best-managed fisheries in the United States, if not the world. The fishery is a model for similar aquarium fisheries management programs around the world. We applaud the numerous efforts underway by state, federal and private organizations to accurately determine the health of this fragile ecosystem. Sustainably managed fisheries have a long term positive impact on the public aquarium industry (as well as other economies) ensuring that generations of children visiting our member institutions and viewing the species acquired from these fisheries will be inspired to a lifetime of proactive stewardship of all our collective marine resources.

AZA is a non-profit organization dedicated to the advancement of accredited zoos and aquariums in the areas of animal care and husbandry, conservation, education, science and recreation. With 180 million visitors to 223 accredited zoos and aquariums, AZA's focus on connecting people and animals provides a critical link to helping animals in their native habitats. AZA zoos and aquariums are committed to conserving the world's oceans for future generations of Americans and people around the globe. We do this by inspiring our millions of visitors with compelling exhibits that showcase the natural beauty of marine life and habitats, including coral reefs. We also educate our audiences about issues related to ocean health, and encourage them to join us in reducing threats to fragile ocean ecosystems and wildlife. This is very important as a recent National Research Council study found that people learn as much as 90% of their science in informal settings such as accredited zoos and aquariums. We strongly believe that our message of respect, wonder and appreciation of the natural world contributes significantly to coral reef conservation and management.

The AZA community views itself as potential partners with Hawai'i. We have the ability to speak to millions of visitors annually about marine conservation needs and how fishery management is one of many tools that help protect the ocean's resources. AZA accredited institutions agree that common-sense regulatory approaches that governs the take of coral reef species, such as these regulatory

amendments, is a positive step in the management of this fishery and a key element in enhancing the coral reef fishery populations in Hawai'i. Thank you for the opportunity to provide input on these important decisions.

Respectfully,



Steven G. Olson
Vice President, Federal Relations
of Zoos and Aquariums



Doug Warmolts
Director, Animal Care
Columbus Zoo and Aquarium
And
Chair, AZA Marine Fish Taxon
Advisory Group



Bruce Carlson
Science Officer, Association
Emeritus
Georgia Aquarium
Ewa Beach, Hawaii

Note: The following is a list of AZA affiliated members from the AZA website

Abilene Zoological Gardens, Texas
Adventure Aquarium, N.J.
Africam Safari Park, Mexico
African Safari Wildlife Park, Ohio
Akron Zoological Park, Ohio
Alameda Park Zoo, N.M.
Alaska SeaLife Center, Alaska
Albuquerque Biological Park, N.M.
Alexandria Zoological Park, La.
Aquarium of the Bay, Calif.
Aquarium of the Pacific, Calif.
Arizona Sonora Desert Museum, Ariz.
Atlantis, Paradise Island, Bahamas
Audubon Aquarium of the Americas, La.
Audubon Zoo, La.
Bergen County Zoological Park, N.J.
Bermuda Aquarium, Museum and Zoo, Bermuda
Binder Park Zoo, Mich.
Binghamton Zoo at Ross Park, N.Y.
Biodôme de Montreal, Canada
Birch Aquarium at Scripps, Calif.
Birmingham Zoo, Ala.

Blank Park Zoo, Iowa
Boonshoft Museum of Discovery, Ohio
Bramble Park Zoo, S.D.
Brandywine Zoo, Del.
BREC's Baton Rouge Zoo, La.
Brevard Zoo, Fla.
Bronx Zoo/WCS, N.Y.
Brookgreen Gardens, S.C.
Buffalo Zoological Gardens, N.Y.
Busch Gardens (Tampa), Fla.
The Butterfly House, Mo.
Buttonwood Park Zoo, Mass.
Cabrillo Marine Aquarium, Calif.
Caldwell Zoo, Texas
Calgary Zoo, Alberta
California Science Center, Calif.
Cameron Park Zoo, Texas
Cape May County Park Zoo, N.J.
Capron Park Zoo, Mass.
Central Florida Zoological Park, Fla.
Central Park Zoo, N.Y.
Chahinkapa Zoo, N.D.

Charles Paddock Zoo, Calif.
 Chattanooga Zoo at Warner Park, Tenn.
 Chehaw Wild Animal Park, Ga.
 Cheyenne Mountain Zoological Park, Colo.
 Chicago Zoological Society - Brookfield Zoo, Ill.
 Children's Zoo at Celebration Square, Mich.
 Cincinnati Zoo and Botanical Garden, Ohio
 Cleveland Metroparks Zoo, Ohio
 Clyde Peeling's Reptiland, Pa.
 Columbus Zoo and Aquarium, Ohio
 Como Park Zoo and Conservatory, Minn.
 Connecticut's Beardsley Zoo, Conn.
 Cosley Zoo, Ill.
 CuriOdyssey, Calif.
 Dakota Zoo, N.D.
 Dallas World Aquarium, Texas
 Dallas Zoo, Texas
 David Traylor Zoo of Emporia, Kan.
 Denver Zoological Gardens, Colo.
 Detroit Zoological Park, Mich.
 Dickerson Park Zoo, Mo.
 Disney's Animal Kingdom, Fla.
 El Paso Zoo, Texas
 Ellen Trout Zoo, Texas
 Elmwood Park Zoo, Pa.
 Erie Zoo, Pa.
 Florida Aquarium, The, Fla.
 Fort Wayne Children's Zoo, Ind.
 Fort Worth Zoo, Texas
 Fossil Rim Wildlife Center, Texas
 Franklin Park Zoo, Mass.
 Fresno Chaffee Zoo Calif.
 Georgia Aquarium, Ga.
 Gladys Porter Zoo, Texas
 Granby Zoo, Quebec
 Great Plains Zoo and Museum, S.D.
 Greenville Zoo, S.C.
 Grizzly & Wolf Discovery Center, Mont.

Happy Hollow Zoo, Calif.
 Henry Vilas Zoo, Wis.
 Henson Robinson Zoo, Ill.
 Honolulu Zoo, Hawaii
 Houston Zoo, Inc. Texas
 Hutchinson Zoo, Kan.
 Indianapolis Zoological Society, Inc., Ind.
 International Crane Foundation, Wis.
 Jackson Zoological Park, Miss.
 Jacksonville Zoo and Gardens, Fla.
 Jenkinson's Aquarium, N.J.
 John Ball Zoological Gardens, Mich.
 John G. Shedd Aquarium, Ill.
 Kansas City Zoo, Mo.
 Knoxville Zoological Gardens, Tenn.
 Lake Superior Zoo, Minn.
 Landry's Downtown Aquarium - Denver, Colo.
 Landry's Houston Aquarium, Inc., Texas
 Lee G. Simmons Conservation Park and Wildlife
 Safari, Neb.
 Lee Richardson Zoo, Kan.
 Lehigh Valley Zoo, Pa.
 Lincoln Children's Zoo, Neb.
 Lincoln Park Zoological Gardens, Ill.
 Lion Country Safari, Fla.
 Little Rock Zoological Gardens, Ark.
 Living Desert, The, Calif.
 Living Desert Zoo & Gardens, N.M.
 Los Angeles Zoo and Botanical Gardens, Calif.
 Louisville Zoological Garden, Ky.
 Lowry Park Zoo, Fla.
 Maryland Zoo in Baltimore, Md.
 Memphis Zoological Garden and Aquarium,
 Tenn.
 Mesker Park Zoo & Botanic Garden, Inc.
 Mill Mountain Zoo, Va.
 Miller Park Zoo, Ill.
 Milwaukee County Zoological Gardens, Wis.

Minnesota Zoological Garden, Minn.
 Mississippi River Museum, Iowa
 Monterey Bay Aquarium, Calif.
 Montgomery Zoo, Ala.
 Moody Gardens Rainforest and Aquarium, Texas
 Mote Marine Laboratory and Aquarium, Fla.
 Museum of Science, Mass.
 Mystic Aquarium & Institute for Exploration,
 Conn.
 Naples Zoo, Fla.
 Nashville Zoo, Tenn.
 National Aquarium in Baltimore, Md.
 National Aviary, Pa.
 Natural Science Center & Animal Discovery of
 Greensboro, N.C.
 New England Aquarium, Mass.
 New York Aquarium, N.Y.
 Newport Aquarium, Ky.
 North Carolina Aquarium at Fort Fisher, N.C.
 North Carolina Aquarium at Pine Knoll Shores,
 N.C.
 North Carolina Aquarium on Roanoke Island,
 N.C.
 North Carolina Zoological Park, N.C.
 Northeastern Wisconsin (NEW) Zoo, Wis.
 Northwest Trek Wildlife Park, Wash.
 Oakland Zoo, Calif.
 Ocean Park Corporation, Hong Kong
 Oglebay's Good Zoo, W.Va.
 Oklahoma City Zoological Park, Okla.
 Omaha's Henry Doorly Zoo, Neb.
 Oregon Coast Aquarium, Ore.
 Oregon Zoo, Ore.
 Palm Beach Zoo at Dreher Park, Fla.
 Parque Zoologico de Leon, Mexico
 Peoria Zoo, Ill.
 Philadelphia Zoo, Pa.
 Phoenix Zoo, The, Ariz.

Pittsburgh Zoo and PPG Aquarium, Pa.
 Point Defiance Zoo and Aquarium, Wash.
 Potawatomi Zoo, Ind.
 Potter Park Zoological Gardens, Mich.
 Prospect Park Zoo, N.Y.
 Pueblo Zoo, Colo.
 Queens Zoo, N.Y.
 Racine Zoological Gardens, Wis.
 Red River Zoo, N.D.
 Reid Park Zoo, Ariz.
 Ripley's Aquarium at Myrtle Beach, S.C.
 Ripley's Aquarium of the Smokies, Tenn.
 Riverbanks Zoological Park, S.C.
 Riverside Discovery Center, Neb.
 Roger Williams Park Zoo, R.I.
 Rolling Hills Adventure Center, Kan.
 Roosevelt Park Zoo, N.D.
 Rosamond Gifford Zoo at Burnet Park Zoo, N.Y.
 Sacramento Zoo, Calif.
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 St. Augustine Alligator Farm, Fla.
 Saint Louis Zoo, Mo.
 Salisbury Zoological Park, Md.
 San Antonio Zoological Society, Texas
 San Diego Zoo, Calif.
 San Diego Zoo Safari Park, Calif.
 San Francisco Zoological Gardens, Calif.
 Santa Ana Zoo, Calif.
 Santa Barbara Zoological Gardens, Calif.
 Santa Fe Community College Teaching Zoo, Fla.
 Scovill Zoo, Ill.
 Seas, The, Fla.
 Seattle Aquarium, Wash.
 SeaWorld Orlando, Fla.
 SeaWorld San Antonio, Texas
 SeaWorld San Diego, Calif.
 Sedgwick County Zoo, Kan.
 Seneca Park Zoo, N.Y.

Sequoia Park Zoo, Calif.
Shark Reef Aquarium at Mandalay Bay, Nev.
Six Flags Discovery Kingdom, Calif.
Smithsonian National Zoological Park, DC
South Carolina Aquarium, S.C.
Squam Lakes Natural Science Center, N.H.
Staten Island Zoo, N.Y.
Steinhart Aquarium, Calif.
Stone Zoo, Mass.
Sunset Zoological Park, Kan.
Tautphaus Park Zoo, Idaho
Temaiken Foundation, Buenos Aires
Tennessee Aquarium, Tenn.
Texas State Aquarium, Texas
Toledo Zoological Gardens, Ohio
Topeka Zoo, Kan.
Tracy Aviary, Utah
Trevor Zoo, N.Y.

Tulsa Zoo and Living Museum, Okla.
Turtle Back Zoo, N.J.
Utah's Hogle Zoo, Utah
Vancouver Aquarium Marine Science Centre,
British Columbia
Virginia Aquarium and Marine Science Center,
Va.
Virginia Living Museum, Va.
Virginia Zoological Park, Va.
Western North Carolina Nature Center, N.C.
Wildlife Safari, Ore.
Wilds, The, Ohio
Woodland Park Zoo, Wash.
Zoo Atlanta, Ga.
Zoo Boise, Idaho
Zoo Miami, Fla.
ZOOAMERICA NA Wildlife Park, Pa

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**From:** Jamie Pardau  
**Sent:** Wednesday, November 21, 2012 10:11 AM  
**To:** darkona@hawaiiantel.net  
**Subject:** Testimony for WHRFMA Chapter 13-60.4

**Name:** Jamie Pardau

**Position on Amendments:** Support with grave reservations

While I am writing in favor of these amendments, I cannot do so without outlining the grave reservations I have about the weak protections that they place on our most fragile and important resource in West Hawaii - the ocean environment. Protective measures have been lumped into this action with other items that do not help - and probably harm- our reefs. I am very skeptical of the inclusion of these protective measures and view them as a "bribe" to get the white list passed. To make my points as clear as possible, I will list the parts of this action and my reaction to each.

Spearfishing on SCUBA prohibition: I support this  
Pebble Beach designation as FRA: I support this  
White List: I **do not and never will** support this  
Protection of sharks, rays, and invertebrates: I support this  
Establishment of a permit for collecting: I support this

I, further, am in support of 13-54 and 13-57 which clarify maps of Puako and Keauhou and the use of nets.

I would like to explain that the White List, in my view, is the real issue here. Every other part of this action has been tacked on to encourage reluctant citizens to support the measure. While these other parts of the action are valuable, they can not balance the harm done by the White List. I will give a few examples.

1. Tinker Butterflyfish are rare. They live in deep water (usually at least 100 feet). They have no business on a list of allowable collection. Just bringing them to a boat puts them in jeopardy.
2. Flame wrasses are ENDEMIC and rare. They are one of the fish that divers travel to our island to see. Again, their natural habitat is deep.
3. Psychedelic wrasses are among the most colorful fish on the reef. They are ENDEMIC. We cannot allow them to be collected to extinction. Divers search for them in deep water. While there may be sizable harems of females, each group has just one male. It is the male whose colors lure collectors.
4. Hawaiian longfin anthias are ENDEMIC! That alone should protect them from collection. If they are eliminated from our reefs in Hawaii, they will be extinct.
5. Hawaiian Saddle wrasses are also ENDEMIC and their numbers, for reasons that research has not been able to explain, are declining. It is not appropriate to further reduce their numbers by collecting.

In conclusion, the ocean life of our island brings in millions of dollars in tourist trade each year. When the collection of the fish on the white list produces a depleted reef population, snorkelers and divers will leave with them, taking their

tourist dollars with them. It is not sustainable use of a resource to ship it away. I am **supporting** these amendments with **grave reservations**. I can only hope that those who call it a "step in the right direction" intend to "keep walking", and not just sit back while our reefs are destroyed.

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The Nature Conservancy of Hawai'i
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Honolulu, HI 96817

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Fax (8 08) 545-2019

nature.org/hawaii

Testimony of The Nature Conservancy
Supporting the Proposed Amendments to Hawai'i Administrative Rules Ch. 13
Relating to the West Hawai'i Fishery Management Area
December 5, 2012

The Nature Conservancy supports the entire package of proposed rule changes for the West Hawai'i Fisheries Management Area. The proposals are the result of thoughtful deliberation, widespread community input, careful incorporation of historical and current knowledge and observation, consideration of local and international management experiences, and the application of sound scientific information all gathered over more than a decade. In particular, we support the proposed prohibitions on SCUBA spearfishing and on taking of nine species of sharks and rays.

In 2008, a comprehensive population survey and analysis by NOAA, the Oceanic Institute, DLNR, and UH of 55 near shore fish species in the Main Hawaiian Islands found that 75% of species are in critical (42%) or depleted (33%) condition, with an additional 11% below desired level. (*The State of Coral Reef Ecosystems of the Main Hawaiian Islands*, Friedlander, A., et al., 2008) The species in most trouble include parrotfish, jacks and sharks, all of which play critical roles in ecosystem health and function either as predators or plant eaters. Jacks and parrotfish are prized by fishers using a variety of gear types in Hawai'i. Though sharks and rays are not necessarily targeted by fishers here and are somewhat long-lived, many don't reach reproductive maturity for several years, have long gestation periods and produce relatively few offspring. Thus, their populations tend to grow slowly and are also slow to recover if depleted.

The usual argument in favor of SCUBA spearfishing is that it is highly selective and avoids waste. However, this selective quality has also proven to be SCUBA spearfishing's greatest negative attribute. SCUBA spearfishing allows for highly efficient harvesting, enhanced targeting of prized species, and a preference for bigger fishes; together resulting in the removal of large numbers of important fishes at their most productive ages. SCUBA divers can spearfish for extended periods of time and at depths that are unavailable to other types of fishers and fishing methods and that would otherwise serve as refuges for many fishes. These conditions are magnified when SCUBA spearing is employed at night when many species are sleeping. This is particularly problematic when groups of fish like herbivores (e.g., uhu) are targeted in large numbers while sleeping under ledges, in holes or caves. The grazing behavior of such species is critical to ecosystem function, coral health and sand production.

Having experienced the negative effects of SCUBA spearfishing, several nations (e.g., Australia, Mexico, Belize) and most Pacific island countries and territories (e.g., Fiji, Marianas, Tonga, American Samoa, Samoa, Solomons) have banned or severely restricted SCUBA spearfishing. Coupled with other management regimes and consistent enforcement, the proposed ban on SCUBA spearing in the West Hawai'i rules package is a reasonable and justified component of a broader management strategy in support of near shore fisheries and habitat health so these resources will flourish for the benefit of present and future generations of people.

Thank you for this opportunity to offer The Nature Conservancy's comments in full support of the proposed package of rule changes for the WHFMA.

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**From:** Lisa Choquette  
**Sent:** Sunday, December 02, 2012 11:37 PM  
**To:** Bill Walsh  
**Cc:** Donna Goodale  
**Subject:** Testimony re: Draft Rules on Aquarium Fishing.

Aloha, Everyone,

I am sending my testimony from the Solomon Islands, where I have lived and worked for the past 6 years. establishing a SCUBA charter business run by Islanders, educating them on conservation, and establishing Kicha Island as a Marine and Terrestrial Protected Area.

I lived and worked, operating Dive Makai Charters in Kona for 30 years. I watched the steady decline in our reef fishes due mainly to completely unregulated removal by Tropical fish collectors. Hundreds of thousands of our reef fish were shipped to aquaria around the world every year, most of them dying before they reached their destinations. And there is no fish ATM to replace them. Many of these species are very slow breeders, taking up to 7 years to reach breeding age. I spent much of my time there struggling with others to establish some kind of limits and controls on the aquarium industry. I served on the West Hawaii Fisheries Council from its inception until I left Hawaii. I think we achieved a great deal in establishing areas up and down the Kona Coast that were protected from aquarium collectors. These proved, without any doubt, the value of such areas, as the populations of many of the collected species slowly but steadily increased. Sadly, by the time I left, some species had yet to show any sign of substantial recovery.

I have read these draft rules sent to me by E mail. They are good rules, and should be adopted. I would be overjoyed to see a complete ban on aquarium collecting. I live in an area where there is NO collecting, and the fecundity of our reefs is staggering to the imagination. But I also am realistic enough to know that it is not likely to happen in the near future in Hawaii, and I stand firmly in support of tightening up the existing laws and adding new controls and restrictions as is deemed necessary. The opposition claims that it is not "good science". The reality is that fisheries science is not, and probably never will be, an exact science, being in a realm that is difficult to study with 100% accuracy. What IS good science is that we know certain species are declining rapidly, and certain areas are highly susceptible to over collecting. ANYTHING we can do to protect these species and areas IS GOOD SCIENCE.

Between the year 2000 and 2005, I made well over 100 dives in the Pebble Beach area, and found that it is a crucial nursery for many of the highly collected species, especially yellow tangs, and therefore should be protected to ensure their survival and the replenishment of near by reefs.

In conclusion, I fully support the proposed rules, and hope, that as more knowledge becomes available, protective measures will be enacted to ensure the passing down of our reef system in as healthy a state as possible to our children, and to our children's children. Thank you for your time.

Lisa Choquette  
SOLOMON DIVE ADVENTURES  
VUANA GUEST HOUSE  
Peava Village- Marovo Lagoon

~~~~~

From: normetta@aol.com
Sent: Monday, December 03, 2012 11:00 AM
To: darkona@hawaiiantel.net
Cc: susankellam@yahoo.com
Subject: In support of WHRFMA Amendments

December 3, 2012

STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
Division of Aquatic Resources-Kona
74-380B Kealakehe Parkway
Kailua-Kona, HI 96740

To Hawaii Department of Land and Natural Resources:

I read the new provisions proposed for the West Hawai'i Regional Fishery Management Area and feel they are a good compromise between all parties...spearfishermen, aquarium collectors, swimmers, scuba divers, surfers, and beach users. I recently returned from a scuba diving trip to the Philippines and saw both ravaged reefs and sustainable reefs. It is so important for West Hawaii ocean sustainability to have the new provisions added. We cannot continue to let our reef fish be taken without regulations and size limitations. Our reef at Ka'ohe Bay has minimal numbers of tropical fish at this time and the population continues to decline because of fish collecting. When

I first moved here five years ago, I saw many yellow Tangs in Ka'ohē Bay, now I see a few. The Clownfish population is almost gone; on my last dive I saw one in a very hidden spot. The establishment of a Fish Replenishment Area at Ka'ohē Bay would allow the reef fish population to replenish. Please establish a Fish Replenishment Area at Ka'ohē Bay.

My husband was a spearfisherman and watched as the populations of eatable fish decline and disappear in the ocean off the California Coast. He realized too late that fish don't repopulate without some replenishment time. I support prohibition of scuba spearfishing for West Hawaii.

The establishment of a White List for aquarium collectors is needed to protect the long term health and biodiversity of West Hawaii coral reefs. Size and bag limits would bolster populations of Yellow Tang, Kole, and Achilles. The Kole and Achilles are food fish and regulations are needed to maintain a viable adult population for fishing.

I have seen the decrease in live coral on reefs due to Crown of Thorns starfish here in West Hawaii, and, therefore support a ban on taking Triton's Trumpet and Horned Helmet shells. I also support the permit for cultural take of these species.

Shark and Ray protection is economically important to the West Hawaii recreational businesses. People come from around the world to dive and swim in West Hawaiian waters to see rays and sharks. Also, these species produce few offspring and need protection.

The proposed rules to the existing aquarium collecting regulations will facilitate enforcement of the rules.

Puako is a well known and popular recreational area for visitors and local residents. Any additional regulations of clarification of existing rules is important to the fish populations and the recreational use of the area. Again people come from around the world to stay in Puako for its pristine beaches and beautiful reefs.

As an Ocean lover and resident of West Hawaii, it is so important to me that the DLNR pass the new provisions for West Hawaii. I want my children, grandchildren and great-grandchildren to see and appreciate the West Hawaiian coral reefs and aquatic life.

PLEASE pass the new rule proposals to the West Hawai'i Regional Fishery Management Area.

Sincerely,

Normetta Muir

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December 19, 2012

Division of Aquatic Resources  
74-380B Kealahē Parkway Kailua-Kona, HI 96740  
Email: [darkona@hawaiiantel.net](mailto:darkona@hawaiiantel.net)

RE: support of WHRFMA Proposed Rule Chapter 13-60.4

Dear Sir or Madam:

With this letter, please find my full support for adopting **ALL** of the West Hawai'i Regional Fishery Management Area Amendments proposed rule chapter (13-60.4). Several of the new provisions are especially critical for preserving the biodiversity of species off West Hawai'i as well as promoting health fish and coral reef communities. I've discussed these provisions below.

- Prohibition of SCUBA/Rebreather spearfishing and/or possession of such gear with a spear or speared aquatic life



This provision seems like a 'no-brainer'. "Fishermen" should not be allowed to use SCUBA gear while spear-fishing. Spear-fishermen using SCUBA gear can effectively remove all the targeted fish in an area, because they are essentially unlimited by their air supply. This is especially true at night, when a fisherman outfitted with SCUBA gear could target fish that are sleeping and more vulnerable.

- Pebble Beach will become an FRA where commercial aquarium fish collectors cannot collect fish.

In many other areas of the world, fish replenishment areas or marine protected areas have been found to be highly successful in serving as nursery areas. These fish do not stay in the FRAs but disperse to other areas. There needs to be a location where fish populations are not targeted by fishermen, allowing juveniles to grow to breeding size.

- Establishment of a list of 40 fish species permitted for aquarium take. Only fish found on this "White List" could be collected live for aquarium use. Size and bag limits would be established for three of the species on the White List.

This amendment just makes sense. There has to be a limitation on what species can be taken for aquaria use. Removing all the fish in a given area means you don't have any chance for juveniles to reach breeding age, which would allow for replenishment. Different fish species have different breeding rates and thus need to be protected in different ways. Yellow tang collection needs to be regulated as in the past, there has been widespread indiscriminate and wasteful removal of these fish in some areas.

- Prohibition of take or possession of nine species of inshore sharks and rays and two invertebrate crown-of-thorns predators

Crown-of-thorns have the ability to eat their way through a coral reef, leaving dead coral in their wake. Coral reefs are the backbone of the eco-system and without live, healthy coral, the fish and invertebrate communities that live in these communities will disappear.

Inshore sharks and rays are apex predators that breed slowly with only one to a few offspring per year. Having healthy populations of elasmobranchs is essential for healthy reef and fish communities. Juveniles of these species can be found in near-shore areas where they are vulnerable to fishing and other human induced mortality. They need to be protected.

Thank you very much for taking the time to read my thoughts. Sincerely

yours,



Suzanne Yin

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## TESTIMONY IN SUPPORT OF THE WEST HAWAII REGIONAL FISHERY MANAGEMENT AREA RULE PROPOSALS

Prepared for the Board of the Department of Land and Natural Resources  
By Katrina Nakamura, Sustainable Fisheries Partnership

19 December 2012

Dear Members of the Board;

Thank you for this opportunity to show support for the WHRFMA rule proposals. They represent yet another step forward for sustainable fisheries management in Hawaii. I would like to let you know firsthand that the WHRFMA plays an important role worldwide for sustainable fisheries by symbolizing best practice in local fisheries area management. I was an independent certifier and consultant to the Marine Aquarium Council program and recently asked to join in its revival, and for the past seven years have worked on sustainable fisheries planning here in Hawaii and internationally. Back in 2005/6 I formally reviewed the management system of the WHRFMA for certification and have kept watch on developments since. I often use the example of the WHRFMA in speeches about sustainable fishing. It is one of the best sustainability case studies I know in any sector, and I have reviewed thousands of cases in a career focused on common property and community-based resource management since 1991.

My specialty is the verification of sustainability claims. When I reviewed the WHRFMA carefully, in 2006 as a certifier (auditor), I was surprised by the consistently positive outcomes it generated for the aquarium industry, other marine users and residents alike --not to mention for the marine life! I was surprised that from extensive stakeholder engagement had come intensive management that accommodates the needs for all, acknowledges what's at stake, and gets on with the day to day management of risks. I would like to offer that the rules proposal is the result of what we call "fisheries improvements" in the sustainable fisheries movement and a 'continuous improvement trajectory' for the fishing industry. True sustainability is a work in progress and that is what the WHRFMA demonstrates so well, that the work is progressive, and all hands in for everyone. Our thorough evaluation of management outcomes at the time of certification included the formal and informal rules, quality of stakeholder engagement, adequate provisions for conflict resolution, and demonstrated commitments for conserving biodiversity, ethical treatment, and avoiding adverse impacts and waste. The review included site visits and interviews conducted over a year-long period. All three levels of management area, aquarium collectors and exporters were recommended for certification.

The Hawaii yellow tang is an iconic symbol of quality to aquarists worldwide. It is one of many important exports from Hawaii contributing to Hawaii's international reputation for sharing Aloha. Ongoing support from the State of Hawaii will enable ongoing improvement and a continuous stream of benefits from the WHRFMA to the people and the ecosystem.

I encourage the Board of Land and Natural Resources to show support for the rules proposal in order to demonstrate clear support for the community to continue the sustainable use of Hawaii's marine resources.

Mahalo for the opportunity to contribute.

Sincerely,



Katrina Nakamura

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Dec 2, 2012

Dr. William Walsh
Division of Aquatic Resources
74-380B Kealahou Pkwy.
Kailua-Kona, HI 96740

RE: Testimony in Support of Hawaii Administrative Rules §13-60.4

Dear Dr. Walsh,

I am writing to give you my strong support for Hawaii Administrative Rules §13-60.4, the West Hawaii rule amendments. I have been working in West Hawaii since 1992 while I served on the faculty of the Department of Marine Science at the University of Hawaii-Hilo until 1998 and as faculty member at Washington State University since 1998. As such I have conducted multiple research projects on the aquarium fishery in West Hawaii including evaluating the effectiveness of the West Hawaii Regional Fishery Management Area (I helped author both the 2005 and 2010 Legislative reports), research on the habitat, ecology and genetics of aquarium fish, and the dynamics and long-term sustainability of the aquarium fishery. As a marine scientist I have authored or co-authored 20 scientific papers on West Hawaii through more than 20 funded research projects, many supported by NOAA and the State of Hawaii.

Fishery management in West Hawaii is unique for the unparalleled amount and quality of scientific data available for management, the effective leadership of DAR in West Hawaii by Dr. William Walsh, and the very important high level of engagement of the community through co-

management with DAR through the West Hawaii Fisheries Council (WHFC). The proposed rules package outlined in HAR 13-60.4 specifically address important issues that have been identified in West Hawaii and are the result of ten years of research, committee meetings, and community discussions; all facilitated by the WHFC. I believe these rules are absolutely necessary to not only ensure the long term viability of West Hawaii's aquarium fishery, but to also prohibit the use of SCUBA for spearfishing, which is a long overdue regulation. More importantly, HAR 13-60.4 was developed in conjunction with a large number of diverse stakeholders, including the native Hawaiian community, and therefore has extensive regional support. Lastly, HAR 13-60.4 is the most rational, well-constructed and equitable piece of legislation considered in recent past for improving the management of West Hawaii's aquarium fishery.

I recently conducted an international review of the global aquarium trade and published a paper with 18 co-authors, all experts in various fields relating to the aquarium trade (Tissot et al., 2010, Marine Policy). One of the conclusions of our study was that Hawaii, and West Hawaii in particular, was one of the best managed fisheries in the world. However, to continue this distinction the adoption of the HAR 13-60.4 rules package is essential to address issues that have risen during the course of adaptive management of the fishery as identified by DAR and the WHFC. As a result I strongly support Hawai'i Administrative Rule 13-60.4 and encourage you to adopt it in its entirety.

Thank you in advance for this opportunity to provide this testimony.

Sincerely,



Brian N. Tissot
Professor, School of the Environment

360-624-8138

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College of Arts & Sciences  
Science / Mathematics Department  
December 17, 2012

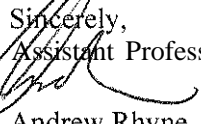
**STRONG SUPPORT FOR DAR PROPOSED WEST HAWAI'I RULES PACKAGE**

Dear Board Members,

I am writing today in strong support of the West Hawai'i rules package proposed by the Division of Aquatic Resources. I have been studying the ornamental fish trade, as well as the biology of the animals involved in this trade for the past decade with the goal to assess the value of this biodiversity in a public trade. I also have developed an academic program at Roger Williams University to train the next generation of biologists and aquarists that will inherit the results of our current efforts.

I fully support the notion that effective management is necessary. My prior research on the live aquatic animal trade, both in Florida as well as globally, points to the need for the development of effective regulations. In assessing the management of species collected for the ornamental fish trade, the rigorous and comprehensive research program enacted by the state and local researcher and coalesced into the West Hawai'i Regional Fishery Management Area in 1998 is one of the best available data sets regarding management of marine ornamental fishes anywhere in the world. In part, this is because of the multi-stakeholder approach utilized that called upon input from stakeholders and community representatives, as well as non-voting members from programs including the Division of Aquatic Resources, the Division of Conservation and Resources Enforcement, and UH Sea Grant. Ensuring broad input from interested parties throughout this entire process has made this a rigorous process in which the rules put forth could account for the divergent needs to those that engaged within the process. As well, the science, including the Before-After-Control-Impact study design has been done in collaboration with researchers at Washington State University and the University of Hawai'i at Hilo and these data have been evaluated and the findings confirmed by researchers working for NOAA's Coral Reef Ecosystem Division. The results have passed peer-review and are held to the highest standards of scientific integrity. In my presentations at conferences, to academics, and also to the trade, I use Hawai'i as an example of where management and other conservation initiatives can help protect functioning resilient reefs.

From a scientific standpoint, the management of the Hawai'i ornamental fishery is robustly developed. There are many impacts affecting the reefs of Hawai'i and globally, and the proposed regulations are a necessary means to keep this low biomass fishery in check. I encourage you to review your rules package every few years to update as the industry changes and increase the standards that fisherman and traders work by. Thus your work should be viewed as an ongoing process and not an endpoint.

Sincerely,  
  
Assistant Professor of Marine Biology  
Andrew Rhyne, Ph.D.

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December 5, 2012

To: Board of Land and Natural Resources; William Aila, Chair

From: Marni Herkes, Kona

RE: This testimony is in support of the DLNR adopting a new rule - Chapter 13-60.4, West Hawai'i Regional Fishery Management Area, Hawai'i (WHRFMA) and amending regulations of the following Hawai'i Administrative Rules (HAR); Chapter 13-54, Puako Bay and Puako Reef Fisheries Management Area, Chapter 13-57, Keauhou Bay Fisheries Management Area and Chapter 13-75-12.4, Lay Nets.

DLNR is proposing to repeal the existing WHRFMA rule (chapter 13-60.3) and adopting a new chapter (13-60.4) in its place. This new rule repeals the existing WHRFMA rules; clarifies the rule amendment now in force and adds new provisions to further preserve West Hawaii's reef environment.

West Hawai'i is the most protected and studied coastline in the main Hawaiian Islands. The recent Kona Symposium had over 100 scientists presenting over two days about the work they have done, or are doing, in West Hawai'i. The West Hawai'i Fisheries Council has been in place for over 14 years and has worked on these recommendations for many of these years. The new provisions (and the existing ones) have been well thought out, vetted in the community and with stakeholder groups, and submitted to DLNR in the hope that the regulations will maintain and enhance the reef life on the West Hawai'i coast.

It is true some of the recommendations are controversial but none of them are unusual. The banning of SCUBA with spearfishing is done in over 30 countries in the Pacific; the list of 40 fish species permitted for the aquarium trade (the White List) is admittedly a compromise but the Council was set up to mitigate conflict; the establishment of the West Hawai'i Aquarium Permit is vital for this protected coastline as the rest of the state gets "fished out".

The changes in Fish Replenishment Areas (FRAs) were also created as a compromise to mitigate a conflict with user groups. The big surprise was that none of the communities in the areas that are in FRAs would give up even 10 feet of their FRA. After much resistance in the 1990s, the communities that are near the FRAs are enjoying providing protection of their coral and replenishment of their reef fish as well as some spillover, which is just beginning.

Enforcement is always a problem but communities can be taught to enforce the regulations in their neighborhoods and we all have to be vigilant. There are many communities that need education and common sense to preserve their reef resources. These regulations will help.

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Cornell University

Drew Harvell

*Professor*

*Department of Ecology and Evolutionary Biology*

*Associate Director for Environment*

*Atkinson Center for Sustainable Future*

WHRFMA Rule Proposals: Public Testimony

November 26, 2012

I fully support the proposed WHRFMA rule additions and rule changes. I am a Cornell Professor that has been actively engaged in teaching and research on Hawai'i island for the last 12 years. Our research on Hawai'i focuses on drivers of health of corals. My research lab at Cornell focuses on the functioning of the coral immune system and how it is affected by pollutants, key components of the biota and climate factors. Work done by my group in Palau, the Philippines and now Indonesia is supporting the hypothesis that intact fish communities can improve the health and resilience of the corals themselves. My PhD student, Courtney Couch, is mapping indicators of coral health over water quality gradients in W Hawai'i. I am very relieved to see the rules developed to help maintain the health of Hawai'i's coral reefs. Many of these proposed rules have been in development for nearly ten years and they all represent important steps toward better management of the near shore marine fish populations, which in turn improve health of the corals themselves. Several key new rules and rule changes are addressed below:

- Prohibition of SCUBA spearfishing is a necessary step to protect near shore food fish stocks because SCUBA fishing could rapidly over-fish current stocks. This measure has already been taken in most other regions of the Pacific.
- Establishment of an aquarium collection "White List" will help protect species that are rare, overfished and/or not suitable for home aquariums. I have long been concerned about the extent of harvesting of inappropriate fish for home aquaria. The size and bag limits proposed in this rule are based on detailed science studies and their purpose is to protect the most heavily collected aquarium species. Similarly, the Aquarium permit will help educate harvesters and hopefully control pressure of this rapidly expanding fishery.
- Prohibition of take or possession of the crown-of-thorns predators should help control the population of this species which can have huge impacts on live coral cover if left unchecked. Crown of thorns starfish are currently the largest source of mortality to live coral on the Great Barrier Reef of Australia and are a significant threat to Hawai'i's reefs.

These proposed rules are based on many years of research on West Hawai'i's reefs and strong consensus among scientists and managers. This package is an impressive and necessary step in maintaining the sustainability of the near shore living marine resources of West Hawai'i.

Sincerely,



Drew Harvell  
Professor

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## **SUPPORT FOR DAR PROPOSED WEST HAWAI'I RULES PACKAGE**

Division of Aquatic Resources  
74-380B Kealakehe Pkwy  
Kailua-Kona, HI 96740  
Via email: darkona@hawaiiintel.net

December 17, 2012

Dear Board Members,

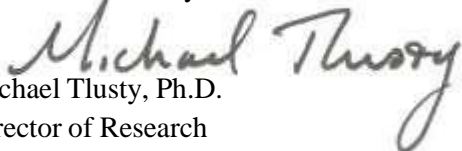
I am writing today in strong support of the West Hawai'i rules package proposed by the Division of Aquatic Resources. I am the Director of Research at the New England Aquarium in Boston Massachusetts, a public aquarium dedicated to educating, inspiring, and researching the world of water. Public zoos and aquariums are one of the most popular tourist attractions in North America. In a single year more people visit zoos and aquariums than attend NBA, NHL, NFL, and MBL games combined. Being a conduit to the public is critical, as we have conducted surveys that demonstrate that visitors to a public aquarium are twice as likely as the general public to be home aquarium hobbyists.

In a time when our oceans face a grave number of threats, we need to make sure that all people, even those not living by the oceans, care about their fate. One of the best ways to connect people to the oceans is through intimate contact, and bringing live aquatic animals into the home is the best connection that can be made. It is also a means through which interest in the natural resources of Hawai'i is generated. The fish leaving the reef are ambassadors to bring more people to the state.

Aquarium fish are also a cornerstone in developing scientific and research skills in children. Hypothesis testing and deductive reasoning are necessary skills to be successful in a home aquarium, and by engaging children in this hobby, can be developed at an early age.

Finally, my research points to the integral piece that the ornamental fish trade can have in maintaining the coral-reef Social-Ecological System. This is a high value, low biomass fishery that can effectively create value to a healthy extant reef. This gives fishing communities a means to create an economic livelihood in a manner consistent with suitable development principles. The effective management developed by the Hawai'i Division of Aquatic Resources is an integral piece of this management and sustainable development puzzle. This management is effective because it occurred in a multi-stakeholder format, and incorporated high-quality, peer reviewed science in the decision making process. This effort exceeds many of the management plans that have been developed for much higher biomass food fisheries. This management plan for ornamental fish needs to be adopted in order to help Hawai'i demonstrate the way for effective leadership and management in the ornamental fish trade the world over.

Thank you for the opportunity to offer  
comment. Sincerely,



Michael Tlusty, Ph.D.  
Director of Research  
New England  
Aquarium Boston MA  
02110

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WHRFMA Rule Proposals: Public Testimony

November 21, 2012

Kostantinos (Kosta) Stamoulis
Researcher

Hawaii Cooperative Fishery Research Unit
Department of Biology
University of Hawaii at Manoa
2450 Campus Rd, Dean Hall Rm 2
Honolulu, HI 96822

I fully support the proposed WHRFMA rule additions and rule changes. I currently live on the island of Oahu. However, I lived on Hawai'i island for over seven years and four of those years were spent in Kona. During that time I was employed with the Hawai'i Division of Aquatic Resources and participated in some of the marine research which informs management in West Hawai'i. Many of these proposed rules have been in development for nearly ten years and they all represent important steps toward better management of the near shore marine fish populations. Several key new rules and rule changes are addressed below:

- Prohibition of SCUBA spearfishing is critical to the protection of near shore food fish stocks because of the high potential for over exploitation. This measure has already been taken in most other regions of the Pacific.
- Establishment of an aquarium collection "White List" will help protect species that are rare, overfished and/or not suitable for home aquariums. This will reduce the threat of declines in reef health and biodiversity. The size and bag limits proposed in this rule are based on hard scientific data and their purpose is to protect the most heavily collected aquarium species to ensure sustainability of this fishery.
- Prohibition of take or possession of inshore sharks and rays is an important measure because the life histories of these families make them more vulnerable to fishing pressure than most other fish species. Sharks and rays play important ecological roles on the reef and are economically important to ocean recreation industries. Prohibition of take or possession of the crown-of-thorns predators ensures that nature is able to control the population of this species which can have huge impacts on live coral cover if left unchecked.
- Establishment of a West Hawai'i Aquarium Permit is logical because the vast majority of the fishery takes place in West Hawai'i and it will help educate aquarium collectors about the rules they must follow as well as facilitate enforcement of these rules.

These proposed rules are based on the best science available as well as the experience of other jurisdictions in the Pacific. The rule amendments are for the purpose of enabling and enhancing enforcement of new and existing rules. This package represents a leap forward in the effective management of the near shore living marine resources of West Hawai'i and in my opinion should be adopted into law.

Sincerely,



Kostantinos (Kosta) Stamoulis

Division of Aquatic Resources
74-380B Kealahou Pkwy
Kailua –Kona HI 96740
9th December 2012

Dear Sir

Ref: Testimony for West Hawaii Area rules

Tropical Marine Centre is Europe's largest and oldest importer of ornamental marine animals for use in the Aquarium trade. We have a long association with the Hawaiian ornamental industry and have been a strong supporter of a humane, sustainable and ethical aquarium trade for over 40 years.

Tropical Marine Centre was a founding supporter, data provider and financial sponsor of UNEP -WCMC's Global Marine Aquarium Database (GMAD) as well as being a founding member of the Marine Aquarium Council (MAC) and became one of the first certified livestock operations in Europe. Tropical Marine Centre maintains a close relationship with our own Government's Department of the Environment and Rural Affairs and assists with the training of CITES Wildlife Inspectors in the United Kingdom in respect of identification and handling of CITES listed corals species.

Through the collecting operations in both O'ahu and in particular Kona, which supply Tropical Marine Centre, we support the amendment of existing rules and the adoption of new measures to ensure the sustainability and viability, both of the marine ornamental fish collection industry and the wild resource in Hawaii.

It is important for all stakeholders to note that the Hawaiian marine collecting businesses supplying Tropical Marine Centre already conform to the highest standards of best practice in our industry and this is reflected in the very high quality and condition of collected Hawaiian fish, and the low mortality both during transport and post transport to the UK. These mortalities are typically less than 0.1 -0.3% for the long journey from the Pacific, and the onward survivorship in our aquariums, with our retailers and with the hobbyist is very high.

Tropical Marine Centre already consider the aquarium fishery in Hawaiian to be one of the best managed and regulated of all the 42 collection areas we work with worldwide. The further proposed measures and regulations relating to bag/size limits, no take of breeding size fish, net size limits and other restrictions will ensure that the aquarium trade will continue to access a unique natural resource in the knowledge that it is

supported by a world leading fishery management plan which will ensure its sustainability and future for all of us who benefit from its riches.

I hope that all parties will accept and support the proposed rule package as the best way forward for all stakeholders in the West Hawaii Regional Fishery Management Area.

Paul West BSc. Hons (Zool./Mar. Zool.) Managing Director

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**From:** Zac and Nancy  
**Sent:** Wednesday, November 07, 2012 1:40 PM  
**To:** darkona@hawaiiantel.net  
**Cc:** Sue Kellam; Zac & Nancy Zorn  
**Subject:** In Support of WHFRMA Amendment (Chapter 13-60.4)  
Aloha,

I am in support of the above subject amendment.

I am in favor of the entire amendment; however, if for some reason negative public testimony should create a problem, I hope that the Pebble Beach/Kaohe Bay amendment can move forward. The community has worked hard and has worked **with** the commercial tropical fish collectors to put forth a compromise that works for all stakeholders. This is quite unprecedented. I have attended past hearings and have heard several commercial tropical fish collectors voice their support of a Pebble Beach/Kaohe Bay FRA. It would be devastating if some other part of the amendment package were to destroy all our hard work. Please help us protect this special place.

Zachary Zorn

Dec. 05, 2012

Hello, my name is Zachary Zorn. I live in Kona Paradise.

I would like to come out in full support of the West Hawaii Regional Fisheries Management Area amendments. I'm certainly in favor of the White List approach to scientific management of our marine resources. I have strong feelings about controlling the shark population and our rays which are so popular to tourist attractions. I am in favor of updating FRA boundaries in Puako and Keauhou in order to clarify where those boundaries are. And most importantly, to me as a resident of Kona Paradise, I'm very much in favor of designating an FRA at Pebble Beach. I've lived there 20 years, and I've watched the swing in the fish populations from '89 when I moved there and saw a great abundance. And without scientific support, I did watch fish collecting happen on a fairly large scale for a long time. And when I came back to build my home, I realized that that population for one reason or another, scientific or serendipitous, had declined greatly. We had some members of our community that really, really stepped out and took command of leading a charge on investigating why and what to do about

it. And after eight years of real, real, trench warfare and battle and developing relationships and trust with the fishermen, we feel that we have gotten to a point of communication that has integrity and trust as its foundation. And it seems to me that now is the time to follow through and make something happen with these amendments and changes that will certainly bode well for all of the future of fisheries. Thank you.

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November 30, 2012

Aloha Department of Land & Natural Resources, Division of Aquatic Resources,

My name is **Malia Kipapa** and I sit on the West Hawaii Fisheries Council as a representative and I am in full support of the West Hawaii Regional Fishery Management Area Amendments including the following:

- Establishing an FRA designation for Pebble Beach so “NO” commercial aquarium fish collectors are allowed to collect.
 - Not allowing scuba gear for spearfishing along the west side of Hawaii Island.
 - Banning the collection and harvesting of rays and sharks.
 - The protection of the Triton’s Trumpet and Horned Helmet which predate on the Crown of Thorns sea star (pose a threat to our coral reefs); exception can be made to collect with a permit.
 - And all the provisions being made to clarify regulations and requirements for the commercial aquarium fish collectors and existing rule provisions.
 - Also the bag limits on for the (3) white listed fish species for commercial aquarium fish collectors (Yellow Tang, Kole, and Pakuikui).
- The rule changes for the FMA’s in Keauhou and Puako, to eliminate illegal aquarium collecting and regulating the lay net time period (24 hour period limited to one net).

As a Native Hawaiian I personally feel that by enhancing the education of marine regulations and projecting clarity in the fishing community is important. The need for sustainable and pono harvesting of our marine resources are what is important to me. And looking towards the future and ensuring that resource for the next generations to come.

As an individual that has worked with fishing communities and families in South Kona and in Kalapana fishing rights and harvesting is a Kuleana (responsibility) and a privilege, you need to malama (take care) your responsibility as a lawai’a (fisherman) before you reap the benefits to harvest. Developing and changing things are all part of the cycle and as people of Hawaii we have adjusted to many different changes in the past, and by making these provisions to the rule package we are fitting the rules to what is happening in our oceans today.

With my science and volunteer background I’ve noticed the changes that have taken place in our oceans and how important it is for us to pay attention to these changes and make a difference by taking political action. By this I end in saying, I support the WHRFMA Proposed Rule Chapter 13-60.4

Mahalo for your time and consideration,



Malia Kipapa

~~~~~

**From:** Eva Hillman

**Sent:** Saturday, November 17, 2012 3:59 PM

**To:** darkona@hawaiiantel.net

**Subject:** WHRFMA Rule Proposals

To Whom It May Concern:

I am in full support of the WHRFMA Rule Proposals that are coming to Public Hearing on Dec. 5th.

Kaohe Bay (a.k.a. Pebble Beach) is in immediate need of protection from fish collectors. It is one of the few accessible beaches in the South Kona area and is enjoyed by many for its healthy reef ecosystem and its variety of fish and coral species. I understand that the Department of Land & Natural Resources attempts to balance the needs of all stakeholders. Since the fish collectors access their collection sites by boat, they have alternative areas for collection that do not come into this type of conflict with swimmers, snorklers and divers. Thus, I strongly urge you to protect Kaohe Bay by designating it as an FRA.

I additionally support the other proposals as a means of more broadly ensuring that the reef systems on the Big Island maintain healthy populations of reef fish, invertebrates, rays, sharks, corals, etc.

Thank you for your consideration.

Respectfully submitted,

Eva Hillman

Dec. 05, 2012

Hello. My name is Betsy Morrigan. I live in Ka'ohe Bay, Kona Paradise. I'm speaking tonight on behalf of Eva Hillman who's my friend and neighbor who couldn't make it tonight.

To whom it may concern: I am in full support of the West Hawaii Regional Fisheries Management Area rule proposals that we are here to discuss. Ka'ohe Bay, known as Pebble Beach, is in immediate need of protection from fish collectors. It's one of the few accessible beaches in the South Kona area and is enjoyed by many for its healthy reef ecosystem and its variety of fish and coral species. We are grateful that the Big Island Association of Aquarium Fishermen has been very reliable in cooperating with the Gentlemen's agreement and staying out of the bay but new collectors could come in at any time, collectors who are not sympathetic to our situation. Therefore, we would like Ka'ohe Bay made into an FRA so that all collectors

will be restricted from the bay. I understand that the DLNR attempts to balance the needs of all stakeholders. Since the fish collectors access their collection sites by boat, they have alternative areas for collection that do not come into conflict with swimmers, snorkelers, and divers. Thus, I strongly encourage you and urge you to protect Ka'ohe Bay by designating it as a Fish Replenishment Area, FRA.

I additionally support the other proposals as a means of more broadly ensuring that the reef systems on the Big Island maintain healthy populations of reef fish, invertebrates, rays, sharks, and corals.

Thank you for your consideration.

Respectfully submitted, Eva Hillman,  
Ili'ili Road, Captain Cook, Hawaii.

~~~~~  
From: Mark Barville Sent: Sunday, November 11, 2012 8:12 AM
To: darkona@hawaiiantel.net
Subject: Re: WHI management rules

I feel strongly that taking any marine life (such as lobsters) on SCUBA should be prohibited.

I have watched SCUBA divers fill up large bags with lobsters they took on SCUBA. A SCUBA diver can go into large caves, especially those that are 40 feet or more below the surface, and systematically take every lobster in the cave. I have never found lobsters in caves where SCUBA charters regularly visit.

This rule should be added immediately.

All of these rules should have been passed 30 years ago.

You may quote me.

Mark=

From: Mark Barville
Sent: Wednesday, November 28, 2012 7:17 AM
To: Bill Walsh
Subject: Support for WHRFMA Rule Proposals

To Whom It May Concern:

I am writing in support of the WHRFMA Rule Proposals. I urge the State to adopt the proposed chapter (13-16.4) as soon as possible.

Since June, 1983, I have spent tens of thousands of hours diving in Hawaii waters. I am adamantly opposed to spearfishing on SCUBA.

I have seen first hand how spearfishing on SCUBA has wiped out entire fish populations. I have frequently watched divers (in person) on SCUBA spear hundreds, perhaps thousands, of reef fish, and all of this in the course of an hour or two. I have watched large populations of mu and uhu completely disappear over the years due to commercial spearfishing on SCUBA.

As a respected and responsible freediver and spearfisherman, I find this deplorable. Spearfishing while using SCUBA, particularly at night, allows a person unlimited access to sleeping fish, and allows them to wipe out an entire area of many local species.

I support the entire WHRFMA Rule proposals exactly as written, and I ask you to do the same.

Thank you,

Mark Barville

From: Mark Barville To: Bill Walsh
Subject: SCUBA Spearfishing

To the DLNR:

An argument was made last night in Kona that passing a law forbidding spearfishing on SCUBA would prevent locals from getting food they need.

As a freediving spearo, I dispute this argument. It is absurd and wrong. If anything, spearfishing on SCUBA has decimated fish populations throughout the islands, even in very difficult places to reach. I have seen the fish populations plummet since the 1980's. I have seen the ice chests full of reef fish, including massive amounts of Mu, Kumu, and Uhu. If anything, spearfishing on SCUBA has wiped out fish populations in such a way as to prevent locals from getting reef fish, because the reef fish aren't there to get!

Spearfishing on SCUBA (or any kind of supplied air) should be banned immediately.
Thank you,

Mark Barville

~~~~~  
Brian Yannutz

West Hawaii Regional FMA Public Hearing  
December 5, 2012

Testimony of Brian Yannutz

## regarding the WHRFMA Rule Proposals

### In Support of WHRFMA Rule Proposals

To Department of Land and Natural Resources, Division of Aquatic Resources:

I, Brian Yannutz, am in support of the WHRFMA rule amendments including:

1. Pebble Beach will become an FRA where commercial aquarium fish collectors Cannot collect fish.
2. Spearfishing using scuba gear will be illegal along the west coast of the Big Island.
3. There will be a 'White List' of 40 species of fish which commercial collectors can take, but all others (and invertebrates) will be illegal to take. There are also some size & bag limits included.
4. The taking or possession of 9 inshore species of rays & sharks will be banned.
5. Two large mollusks which eat the Crown-of-Thorns sea star (which devours coral) will be protected.

As a marine biologist and graduate from the University of Hawaii at Hilo, I am aware of these issues and how fragile coral reef ecosystems can be. These rule Amendments are mandatory in providing a better future for Hawai'i. The tourist Economy in Hawai'i is driven by observing wildlife that the reefs have to offer, not from killing the reefs for minimal profit. Please consider the future of Hawai'i as you make your decision to include these rule amendments in the WHRFMA.

Sincerely,

Brian Yannutz

~~~~~

From: John Randall

Sent: Saturday, November 10, 2012 2:51 PM

To: darkona@hawaiiantel.net

Subject: Article for newspaper

I have been spearing fishes for over 70 years, first as a teenager for sport and proudly bringing home fish for dinner, later for my research as an ichthyologist. If one is spearing fishes with SCUBA, it can hardly be considered as a sport. It is banned in many places in the world, such as Mexico, the Bahamas, and Australia, and it should be in Hawai'i. The most offensive is spearing sleeping fishes with SCUBA at night. This is a special threat in Hawai'i because of the vulnerability of some of our endemic fishes, such as the Spectacled Parrotfish (*Chlorurus perspicillatus*), the male uhu uliu uliuli and female uhu 'ahu'ula, the largest of our parrotfishes. The largest of Atlantic parrotfishes, the Rainbow Parrotfish (*Scarus guacamaia*) is now extinct in Brazil, and the main cause has been attributed to spearfishing.

Another bad effect of spearfishing is the fear of man that it soon creates in resident fishes. If you dive on a pristine reef that has never experienced a skindiver or scuba diver, it is amazing how closely you can approach the resident fishes. All it takes is a single spearfisherman to disrupt this tranquility, especially one with noisy SCUBA gear. I have been surprised at how quickly the fishes perceive this threat (I believe through warning sounds that many species emit).

So let us ban spearfishing with SCUBA and save it for observing our reef fishes, instead of killing them.

I support the additional sections of the rule as well.

John E. Randall, PhD
Senior Ichthyologist Emeritus
Bishop Museum, Honolulu

Dec. 05, 2012

Testimony in Support of the Proposed West Hawaii Rule Package

I am particularly in support of the ban on spearfishing with SCUBA. Anyone with knowledge of the marine resources of Hawai'i knows very well that the populations of our reef fishes are seriously depleted.

What are the reasons? One is pollution. Inadequate flood control can cause siltation of coral reefs, and fertilizer in run-off water promotes the growth of benthic algae that kills coral and associated marine life. The foremost cause is overfishing, of which the most offensive is the use of gill nets. We need to totally ban lay gill nets, as have other maritime states in the U.S. Another is the use of scuba for spearfishing.

John E. Randall, PhD
Senior Ichthyologist Emeritus
Bishop Museum, Honolulu

~~~~~

November 16, 2012

Bill Walsh, Ph.D.  
Chief Aquatic Scientist  
Division of Aquatic Resources - Kona  
74-380B Kealahou Parkway  
Kailua-Kona, HI 96740

Dear Dr. Walsh:

I write to provide testimony in support of three of the proposals in the new provisions section

of the West Hawaii Regional Fishery Management Area (WHRFMA) Rule Proposals. My lack of commentary on the proposal to establish a new Ka'ohē Bay FRA should not be interpreted as my being against the proposal. I simply do not know enough about that particular provision and its history to offer informed testimony. However, I wholeheartedly support a ban on spearfishing while using scuba, the implementation of a 40-species "white list" of fishes that may be collected for the aquarium trade, and the protection of nine species of near shore sharks/rays and the triton trumpet/horned helmet shell.

Spearfishing while using scuba has the potential to result in unacceptably high fishing mortality, particularly on sought after species, especially when it is done at night when diurnal fishes are quiescent and particularly vulnerable to predation. For this reason, this fishing technique has been banned outright in many regions. Hawaii should follow suit and ban it outright or, perhaps as a compromise, ban nocturnal scuba spearfishing and place strict bag limits on species that may be taken in daylight hours.

The aquarium trade fishery on the leeward coast of the Island of Hawaii is well regulated and sustainable, based on the current model of pelagic larval replenishment of fished areas from populations of adults residing in protected areas (FRA's, FMA's and MLCD's). The establishment of a list of 40 species that will be collectable for the aquarium trade will only strengthen the sustainability of this fishery, as will the size/limit restrictions being placed on three particularly popular aquarium species: *Zebrasoma flavescens*, *Ctenochaetus strigosus*, and *Acanthurus achilles*.

Given the reproductive life history of sharks and rays and the trophic roles of the nine near shore species listed in the WHRFMS document, it is reasonable to protect them from fishing mortality. It is also reasonable to protect the two mollusc species that prey on *Acanthaster*.

In closing, I reiterate my support for a ban on scuba spear fishing, for allowing the collection of 40 species of aquarium fishes, for the protection of near shore sharks and rays, and for the protection of the two mollusc species listed in the proposal. Thank you for considering my testimony.

Sincerely,

Leon E. Hallacher, Ph.D.  
Professor of Biology and Chair of the  
Natural Sciences Division  
University of Hawaii at Hilo



**U.S. DEPARTMENT OF COMMERCE**  
**National Oceanic and Atmospheric Administration**  
**NATIONAL MARINE FISHERIES SERVICE**  
Pacific Islands Fisheries Science Center  
2570 Dole St. • Honolulu, Hawaii 96822-2396 (808)

December 1, 2012 F/PIFSC:eed

Subject: Comments on WHRFM Rule Proposals

I wholeheartedly endorse the intent of all of the new proposed provisions. Especially important is the provision (prohibiting SCUBA spearfishing within the WHRFMA). SCUBA spearfishing, particularly at night, is an entirely too effective and destructive technique to be allowed in the WHRFMA. Also, shark stocks are presently so depleted in the MHI that the proposed provision to prohibit their take or possession is long overdue. The proposed provision to establish a West Hawaii Aquarium Permit also is long overdue as a necessary first step in creating a limited entry system that will cap the take of ornamentals from west Hawaii's reefs.

While I support the intent of all of the proposed provisions, I do differ, however, on specifics regarding the "white list" of species to be permitted in the aquarium trade. The stated purpose of the list is to protect the many other, rare species that are infrequently encountered by ornamental fishers. The populations of some species deserving such protection (e.g., Hawaiian lionfish, *Dendrochirus barberi*; Hawaiian turkeyfish, *Pterois sphex*) will benefit from the prohibited extraction. There are two additional functional groups of fishes, however, that need special protection but that have member species included on the white list. First, there are small-bodied species like the *Centropyge* spp pygmy angelfishes that are collected by ornamental fishers both as juveniles and as adults (i.e., the reproductive adults have no refuge in size). Second, there are species, large-bodied targets for consumption as adults that have a refuge in size for reproduction, but which are long-lived and have low, episodic replenishment by rarely successful year-classes (achilles tang, *Acanthurus achilles*; palani surgeonfish, *Acanthurus dussumieri*). In my experience, both the pygmy angelfishes and the long-lived, episodically recruiting surgeonfishes need additional protection from ornamental harvesting. Conversely, there are some unlisted species that might replace species that I have just recommend be taken off the white list. An obvious species is the arc-eye hawkfish, a non-trivial component of the west Hawaii ornamental trade that is much more abundant and has less episodic recruitment than the two other hawkfish species that appear on the white list.

I sincerely hope that my recommendations are seriously considered. Thank you very much for the opportunity to express my concerns.

Sincerely yours,

Edward E. DeMartini, PhD  
Fisheries Biologist (Research)

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Dr. William J. Walsh  
Hawai'i Division of Aquatic Resources  
Honokohau Marina  
74-380B Kealahou Pkwy.  
Kailua-Kona, HI 96740  
808-327-6226

2 December 2012

Dear Bill:

This letter is being written in support of the West Hawaii Regional Fishery Management Area (WHRFMA) Rule Proposals. Specifically, the adoption of a new chapter incorporating increased protection for nearshore and pelagic fish and benthic molluscs. Fish and molluscs play a critical role in maintaining healthy reef ecosystems. For example, many of the fish not on the white list are grazers that help keep algae at bay on coral reefs, and many serve as prey for top level predators. The threats of overfishing to coral reefs have been well documented globally (1), and it is also well known that healthy fish stocks lead to more resilient reefs (2).

The Hawaii Division of Aquatic Resources has been assiduously documenting demographics of aquarium fish in West Hawaii over the past 10+ years, so the rationale upon which these rules are based is scientifically sound and defensible. The protection of two known predators of crown of thorn starfish (COTS) also makes eminent sense, particularly in light of recent findings that COTS are a major cause of declines of reefs in the Western Pacific (3).

We recently documented an epizootic of disease in coral reefs in North Kauai. The reefs were severely degraded so it will be interesting to see how well corals recover. Maintaining healthy reefs (by maintaining healthy fisheries) should promote resilience and more rapid recovery from catastrophic events like storm damage and diseases whilst providing a sustainable source of income and food for fishers. These rule changes can only help us move closer towards that goal.

Thank you for the opportunity to comment.

Sincerely,

Thierry M. Work MS, DVM, MPVM PO

1. Hughes, T.P., 1994. Catastrophes, phase shifts, and large-scale degradation of a Caribbean coral reef. *Science* 265, 1547-1551.
2. Hughes, T.P., Rodrigues, M.J., Bellwood, D.R., Ceccarelli, D., Hoegh-Guldberg, O., McCook, L., Moltschanowskyi, N., Pratchett, M.S., Steneck, R.S., Willis, B., 2007. Phase shifts, herbivory, and the resilience of coral reefs to climate change. *Current Biology* 17, 360-365.
3. De'ath, G., Fabricius, K.E., Sweatman, H., Puotinen, M., 2012. The 27-year decline of coral cover on the Great Barrier Reef and its causes. *Proc Natl Acad Sci USA* 109, 17995-17999.

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From: christiane schmidt

Sent: Sunday, December 02, 2012 10:49 AM

To: darkona@hawaiiantel.net

Subject: Testimony in support of West Hawai'i Regional Fishery Management Area (WHRFMA) Rule Proposals

Dear Dr. Walsh

as representative of SAIA, a project of ESAIA e.V., expressing concerns and the wish for a sustainable marine aquarium trade and hobby in Europe, I would like to support the proposed West Hawaii Rule Package.

Reefs are vulnerable resources and face many threats by the ever changing conditions (climate change, ocean acidification, ocean pollution, raising coastal populations, conflicting land use, increased dive tourism, effluents from hotels, etc. are only those that come ad hoc to my mind). We, as citizens, often living far from reefs, but with a deep love for their beauty and inhabitants, see our responsibility when basing our business or hobby on this natural resource. As such we are fully supportive

of the West Hawaii Management of marine aquarium fisheries, which we recognize as one of the very limited worldwide efforts to regulate reef resource use in a meaningful way.

However, as conditions are changing and thus affect reefs and reef associated fish stocks, existing management rules and legislation need to be assessed and amended according to research results. The proposed rule package reflect adaptive management as a tool to cope with changing conditions and identified trends in fish stocks. The changes proposed and additional tools like permit regulated access for aquarium fish collectors, size and bag limits for species, in need of increased regulation and the white list of 40 species for aquarium fishery, respond to the findings of research done and will improve management of resource use, certainly reflected in future development of concerned populations in the ecosystem.

We especially appreciate the process of stakeholder consultation, presenting research results, negotiating, and balancing resource user conflicts to ensure a fair and meaningful result as achieved now by the WHFC, DLNR and DAR.

We hope you will consider and approve adoption of the new rule - Chapter 13-60.4, West Hawai'i Regional Fishery Management Area, Hawai'i (WHRFMA) and amend regulations of the following Hawaii Administrative Rules (HAR): Chapter 13-54, Puako Bay and Puako Reef Fisheries Management Area, Chapter 13-57, Keauhou Bay Fisheries Management Area and Chapter 13-75-12.4, Lay nets.

Kind regards,

Christiane Schmidt

MSc. Tropical Marine Ecology & Marine Biology

SAIA/ESAIA e.V.

Project Coordinator

Skype: csonair

From: Sarah Courbis

Sent: Wednesday, December 05, 2012 12:13 PM

To: darkona@hawaiiantel.net

Subject: comments

Aloha! Attached are comments I would like to submit with respect to the WHFMA proposed rules. These comments are from me personally and do not reflect the position of my employer or any other entity. Please let me know if I need to send them to another address as well as emailing them to you. Thanks!

12/5/12

State of Hawaii

Department of Land & Natural Resources

Division of Aquatic Resources-Kona

74-380B Kealakehe Pkwy

Kailua-Kona, HI 96740

Dr. Sarah Courbis

DLNR&BLNR,

As a citizen of Hawaii, I am in favor of the rules proposed by DLNR in collaboration with the West Hawaii Fisheries Council and other community groups on Hawaii Island (Administrative Rule proposal 13-60.4). This rule proposal combines community-based requests with scientific information to improve sustainability of resources on Hawaii Island.

Walsh et al 2010's report "Long Term Monitoring of Coral Reefs of the Main Hawaiian Islands" states that implementation of fish replenishment areas (FRAs) has coincided with increases in several of the popular aquarium fish species in West Hawaii. The science supports FRA's, and I encourage the use of such areas to maintain fish populations.

I am a proponent of managing aquarium collection rather than banning the practice, which I have heard as an option among some groups. However, I also agree that some species are not well suited to aquaria, and I am pleased to see that collaboration with communities and aquarium fishers resulted in information that allowed creation of a white list and prohibited list of species.

I also support the concept of permits that will be accompanied by information that will keep fishers and community members abreast of rules and rule changes, as well as scientific and cultural information. I encourage DAR to continue to increase education and outreach actions.

Sharks & rays are often keystone species that serve important apex predatory functions in their ecosystems. Although you would think that predators would have a negative impact on prey, in fact, they drive local diversity, evolutionary change, and health of prey species. This makes protection of these species very important to ecosystem health and the support of ecological services, like fisheries. Likewise, predators like Triton's trumpet and homed helmet shells maintain balance with respect to crown-of-thorns starfish that consume reef building corals, so it is important to avoid depleting these species.

Further, I am in favor of allowing cultural and subsistence permits under the rules. The cultural practices of Hawaii should be cherished and maintained for future generations.

Thank you for the opportunity to comment.



**PET INDUSTRY JOINT
ADVISORY COUNCIL**
1146 19th Street, N.W., Suite 350
Washington, DC 20036
Tel: 202-452-1525
Fax: 202-452-1516

Division of Aquatic Resources
74-380B Kealahou Parkway
Kailua-Kona, HI 96740

December 18, 20012

Dear Sir:

Ref: West Hawai'i Regional Fishery Management Area Rules Package

On behalf of the Pet Industry Joint Advisory Council (PIJAC) and its membership, we appreciate the opportunity to submit comments in support of the proposed rules.

PIJAC is the world's largest pet trade association representing the interests of all segments of the pet industry. PIJAC's membership includes member associations, organizations, and corporations as well as individuals involved in the commercial and hobby pet and aquarium trade. More specifically, we represent the interest of live animal retailers, importers/exporters/ breeders, product manufacturers, wholesale distributors, and hobbyists.

PIJAC, for more than 40 years, has promoted best practices including the sustainable use of renewable natural resources pursuant to the IUCN and UN Sustainable Use Guidelines. PIJAC endorses and supports high standards of excellence in the care and handling of marine organisms covered by the proposed rules. For many decades PIJAC has participated in organizations devoted to conserving natural resources; PIJAC incorporates such materials in its programs that educate the pet industry on the need for fostering environmental stewardship. Moreover, PIJAC's efforts contribute to the industry's increasing awareness of the threats to reef ecosystems and the continuing need for industry involvement in the promotion of science-based regulatory regimes aimed at ensuring sustainable use and a healthy and viable fishery.

PIJAC commends the Department for its comprehensive and considered approach reflected in the proposed rules package covering fish replenishment areas, bag limits, size/bag limits for certain species and establishment of a West Hawai'i Aquarium Permit in the WHFRMA. Adoption of a permit system and record-keeping will improve DAR's oversight of collection activities. Additionally, the establishment and clarification of permissible fishing area boundaries coupled with setting standards for gear, nets, no take areas, etc. will benefit both the resource and DNR enforcement.

Adoption of the proposed rules will benefit the resources and aid the ornamental collecting industry's collaboration with the State in ensuring an effective management regime for a healthy and productive, self-sustaining resource. Therefore, PIJAC supports the proposed rules as an important component of Hawai's overall fishery management plan.

Sincerely yours,

Michael Canning, Esq

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Dec 4, 2012

Dr. William Walsh
Division of Aquatic Resources
74-380B Kealahou Pkwy.
Kailua-Kona, HI 96740

RE: Testimony in Support of Hawaii Administrative Rules

Dear Dr. Walsh,

I am writing in support for Hawaii Administrative Rules. I am a master's student at Washington State University Vancouver and have conducted my research in West Hawaii for the past two years. My research has focused on the effects of aquarium fish collection methods implemented by fishers and the methods used by West Hawaii exporters on short- and long-term yellow tang health and mortality. This research was supported by the NOAA Coral Reef Conservation Program (CRCP).

My expertise allows me to address the benefits of the white list in the new rules package. The new rules do not permit collection of fish species that are not well suited for home aquariums. It does, however, include species that make up the majority of the catch in the Hawaii aquarium trade (i.e. yellow tangs), and fish species that are better suited for life in captivity. In regards to concerns about the ability of these fish to survive in captivity, I would like to present some recent results from a study I began this past summer. In June, I collaborated with fishers and exporters in Kona, and caught 60 yellow tangs from the reef, held them in an export facility, and shipped them from Kona, HI to Portland, OR. The tangs were then transported to

the Hatfield Marine Science Center in Newport, OR where they have resided for nearly 6 months. My study shows 100% survival rate of these tangs during collection, holding in the export facility, air transport, and after a 6-month holding period. These results are congruent with the proposed continued collection of yellow tangs through their inclusion on the white list.

Not only does science support the implementation of the new rules, but also the rules reflect the cooperation of different stakeholders working hard to solve difficult problems. I think it is worth supporting this unique collaboration, an example of successful community based management, that has resulted in well-reasoned ideas incorporating the interests of multiple stakeholders.

Thank you for hearing my testimony.

Sincerely,

Emily S. Munday
Master's Student
School of the Environment
Washington State University Vancouver

~~~~~

From: Chris Gabriele  
Sent: Saturday, December 08, 2012 2:04 PM  
To: darkona@hawaiiantel.net  
Subject: West Hawai'i Regional Fishery Management Area Amendments

To Department of Land & Natural Resources, Division of Aquatic Resources:

Thank you for getting the word about about the opportunity to comment on these important proposals. I fully support the West Hawai'i Regional Fishery Management Area Amendments including:

1. Pebble Beach will become an FRA where commercial aquarium fish collectors cannot collect fish.
2. Spearfishing using scuba gear will be illegal along the west coast of the Big Island.
3. There will be a 'White List' of 40 species of fish which commercial collectors can take, but all others (and invertebrates) will be illegal to take. There are also some size & bag limits included.
4. The taking of most rays & sharks will be banned.
5. Two large mollusks which eat the Crown-of-Thorns sea star (which devours coral) will be protected.

As a marine biologist and ocean user in West Hawaii since 1988, I very much appreciate that DAR has undergone the process of gathering the data and soliciting public comment on these additional protections.

It's an ecosystem (obviously) and these changes will cascade their effects to other species and lead to a healthier marine environment over all. The fact that we are so ill-equipped to deal

with insults to the pelagic environment outside state waters make these coastal protections all the more important. Additionally, changes in ocean temperature, acidity and climate cycles that are already occurring and may accelerate over time mean an uncertain future to many of these species despite the proposed protective measures. They can use all the help they can get.

Without exception, the proposed amendments offer needed protections that will benefit West Hawai'i's marine environment to the benefit of all. Special interests will of course oppose these new restrictions, but for the DAR to give in to their selfish claims would be short sighted and detrimental to the rest of us. Claims of economic hardship from collectors should be balanced against the economic hardships that all of us will face if we do not take good care of our coastal marine resources.

Sincerely,

Christine Gabriele

~~~~~

From: allenhe@aol.com
Sent: Saturday, December 01, 2012 5:16 PM
To: darkona@hawaiiintel.net
Cc: pebblebeach@hawaii.rr.com
Subject: Personal comments in support of WHFRMA Amendment

Allen Eggleston

Saturday, December 01, 2012

I support the WHFRMA Amendment

Last Thursday night, my wife, Normetta Muir, and I returned from three weeks of scuba diving in the Philippines. We dove in fish sanctuaries in which there was abundant sea life, including fish and many other sea critters, such as shellfish, crabs, lobsters, and sea snakes. These were wonderful dives. Local fishermen maintain the sanctuaries, and these areas serve to increase sea life in the areas outside the sanctuaries.

The last place we stayed was a highly recommended resort with a reputation for excellent diving. However, there were virtually no fish other than very small reef fish and only a few other animals of interest. We were very disappointed. Our boat passed a sanctuary, but we were told that no diving was allowed. We asked about a few local small fishing boats at the edge of the sanctuary, and were told that there was only one inspector and that there was no enforcement after dusk.

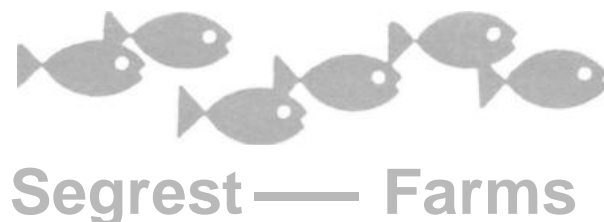
As residents and divers at Pebble Beach, we have been aware of the decline in certain species over the past few years. We want a Fish Replenishment Area (FRA) that will bring back all species and provide for the restoration and sustainability of species outside the FRA. We also want a "white list" to identify which species are sustainable.

In Southern California, I was a diver and spear fisherman for many years. During that time, I saw the decline in fish stocks, especially the slower growing and slower moving fish that are relatively easy to spear by divers with scuba. After I realized I was part of the problem, I traded my spear for a camera and hope that I am now part of the solution.

This is a win-win solution for everyone. There will be more fish, more people can enjoy the marine life, and the

sustainability of species will be improved.

Allen Eggleston
Pebble Beach



December 17th, 2012

Division of Aquatic Resources
74-380B Kealahou Pkwy. Kailua-Kona, HI 96740
RE: West Hawaii Regional Fishery Management Area WHRFMA Administrative Rules Package

Dear Sir,

Based in Gibsonton, Florida, Segrest Farms has provided retailers, public aquariums, and research facilities across the world with ornamental fish for over 50 years. We hold leadership positions within Ornamental Fish International (www.ornamental-fish-int.org), Florida Tropical Fish Farmers Association (www.ftffa.com), and Pet Industry Joint Advisory Council (www.pijac.org). Our facilities have been Marine Aquarium Council (MAC) Certified. We have been importing and supplying native Hawaiian fish for the past 25 years, and proudly promote these fish as they are known for their quality, high standards of care with which they are caught and the husbandry in the supply chain.

While the overall take from your local waters for ornamental use is small in comparison to other collection points, this rules package promotes the sustainable use of natural resources under a well-reasoned, fact based fisheries management plan. This proposed rules package-which clarifies key management matters such as improved record keeping, bag limits, and size limits-should be adopted to ensure the sustainable collection of fish as well as the continued health of the reefs. In addition, the management area rules package allows the ornamental fishery to remain viable and takes into account the local fishermen who rely on this trade for their livelihood.

Therefore, we fully support the proposed rule package as an important part of achieving both a fishery that is truly sustainable in the long term and a vibrant and protected reef ecosystem which will be enjoyed by generations to come. This rules package can be seen by other island nations as an example of best-in-class fisheries management.

Very best regards,

Sandy Moore
Vice President

P.O. BOX 758 • GIBSONTON, FLORIDA 33534
NATIONAL (800) 237-9317 • FLORIDA (800) 677-9196 • FAX (813) 677-4448 • LOCAL (813) 677-9196

~~~~~

**From:** Ira Leitel  
**Sent:** Tuesday, November 13, 2012 12:37 PM  
**To:** darkona@hawaiiintel.net  
**Subject:** Public Comment

Dear DAR:

Please see the attached letter. We are unable to attend the public hearing in question and wish to present comments on the issues contained in the attached letter. Thank you,  
Ira Leitel

**IRA & TOMOE LEITEL**

KOHALA COAST, HAWAII 96743

Wednesday, February 06, 2013

By email only to: [darkona@hawaiiintel.net](mailto:darkona@hawaiiintel.net)

Department of Land and Natural Resources  
Division of Aquatic Resources  
74-381 Kealakehe Parkway  
Kailua-Kona, HI 96740

Re: Comments for Upcoming Public Hearing

Dear DLNR/DAR:

We have lived in Hawai'i, and at the Mauna Lani Resort for more than 20 years; we swim almost every day in Makaiwa Bay at the Mauna Lani Resort (some people refer to the area as the 'Beach Club'). Resort home owners, hotel guests, visitors and local residents use this popular swimming beach. An article in West Hawaii Today dated 11/13/12 told us we could present testimony in written form regarding the practices of taking reef fish, scuba spear fishing and related subjects along the West Hawaii Coast. It follows:

From our personal and regular observations from swimming and snorkeling in the same area of the ocean for many years, it is apparent that there are less and less of the beautiful reef fish in and around Makaiwa Bay. We also see scuba and non-scuba spear fishing in and around Makaiwa Bay in increasing numbers.

Something(s) are depleting our resources; whatever it is, it hurts everyone who recreates along this coast and tourism in general, which, as an industry may be more important to Hawai'i than the aquarium collection industry. Further, it is frightening - particularly for tourists on the beach and in the water - to see long spear guns in the same area where they are swimming, snorkeling or paddle boarding. This is a tragic accident waiting to happen, and is an uncomfortable situation for many. It is not a good idea to have spear guns in the water around swimmers, kayakers, and paddle boarders.

We ask that the DLNR Division of Aquatic Resources protect Hawai'i's coastline for everyone who uses it; allow our reef fish to replenish, especially in areas where both locals and tourists use the water; and keep the scuba and free dive spear fishing away from the Resorts or other public beach areas.  
Thank you for your consideration.

Respectfully,  
Ira & Tomoe Leitel

~~~~~

From: Robert Rothrock
To: darkona@hawaiiintel.net
Subject: In support of WHRFMA Proposed Rule Amendments

DAR:

Please accept this email as support for your upcoming amendments, specifically:

1. Pebble Beach will become an FRA where commercial aquarium fish collectors cannot collect fish.
2. Spearfishing using scuba gear will be illegal along the west coast of the Big Island.
3. There will be a "White List" of 40 species of fish which commercial collectors can take, but all others (and invertebrates) will be illegal to take. There are also some size & bag limits included.
4. The taking of most rays & sharks will be banned.
5. 2 large mollusks which eat the Crown-of-Thorns sea star (which devours coral) will be protected.

As a land owner in South Kona, I full support these changes. We came to the Big Island and south Kona in 2004 and found ourselves living above Pebble Beach and Kaohe Bay. You cannot imagine our delight as we took our, then 1 year old, daughter down to Pebble Beach to discover the beauty of the coral reefs. The time we have spent in the water and with the creatures living there have been cherished, and never cease to amaze. We were

trained and became part of the fish counters that tried to create a census in our little bay. We witnessed the beauty of reef sharks and the damaging effects of the Crown-of-Thorns. We travel north to Two Step, and even further north to Kailua-Kona and beyond, to drink in the wonders of the West Hawaii coastline and its environs. We cannot imagine what these places of beauty would be like if they were left to prosper, but we can imagine what they will look like if they are left to be harvested at will. Please protect our coastline and the native species that dwell there.

Aloha nui loa,
Robert D. Rothrock

~~~~~

Ku'ulei Rodgers Ph.D  
Hawai'i Institute of Marine Biology  
46-007 Lilipuna Road  
Kāne'ohe, Hawai' 96744  
16 November 2012

Department of Land and Natural Resources  
Division of Aquatic Resources  
74-380B Kealakehe Pkwy  
Kailua-Kona, HI 96740

I am submitting written testimony in support of Chapter 13-60.4, West Hawai'i Regional Fisheries Management Area, Hawai'i (WHRFMA) and amend regulations of Hawai'i Administrative Rules (HAR) Chapter 13-54, Puako Bay and Puako Reef Fisheries Management Area, Chapter 13-57, Keauhou Bay Fisheries Management Area and Chapter 13-75-12.4, Laynets.

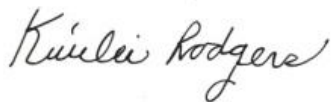
I support the provision to prohibit SCUBA spearfishing as it provides an imbalanced advantage that has been shown in other regions of the Pacific to rapidly deplete fish populations (Page 1998). Technological advances that increase fishing efficiency including SCUBA have the potential to place added pressure on an already vulnerable resource. The refuges that fish previously had such as deeper waters and the shelter of darkness have been virtually eliminated and with it the ability for populations to recover from fishing pressure. Thus, this prohibition of SCUBA spearfishing within the WHRFMA will support the maintenance of reproductive stocks.

Marine protected areas including FRAs can act as the refuges of the past. Research undeniably shows an increase in the number and size of fishes within reserves (Friedlander 2001). In addition, fishing adjacent to the reserves increases since fishes moving in and out of the area "spill-over" into nearby regions (Johnson et al. 1999). I believe that these regulations will strengthen the WHFMA, rebuild fish stocks and benefit all resource users.

Even though a much smaller proportion of the population presently fishes or consumes local fish products relative to ancient times, marine resources have steadily declined over time. Unlike fishing communities of the past, we are currently out of sync with many of the natural cycles. If we are to

maintain a viable fish population for all stakeholders including recreational and aquarium fishers for future generations, regulations such as these bring us a step closer to sustainability.

Sincerely,



Ku'ulei Rodgers Ph.D  
HIMB Research Faculty  
Coral Reef Ecologist

~~~~~

Dr. William Walsh, DAR West Hawaii

Division of Aquatic Resources, Honokohau Harbor

Kailua-Kona HI 96740

Dec 17, 2012

I support HAR13-60.4 and other amendments as proposed. The rule changes support the intent of Act 306 which was legislated in 1998. Research conducted by UH Manoa and Hilo professors, the Division of Aquatic Resources biologists and NOAA supports the rule changes. Research and fisheries statistics throughout the Atlantic, Caribbean and Pacific Oceans detail collapsed or near failing fisheries. The West Hawaii Regional Fisheries Management Area already has, through community input and strong DAR support, seen repopulation of a number of heavily collected aquarium fished species. Fishes should only be speared by free divers, NOT by SCUBA divers. South Pacific Islanders have, in many areas, prohibited this practice after hard lessons were learned, per Dr. Charles Birkeland.

I was the University of Hawaii Coastal and Marine Resources Extension Agent on the Big Island from 1995 to Aug. 2010. During those years I worked closely with the DAR office in West Hawaii and tangentially with the DAR office in East Hawaii to involve the communities of the Big Island in fisheries discussions. With respect to the rule changes in HAR 13-60.4, I can testify to the fact that many meetings with community members were held to take input on the rule changes, and the rules evolved based on that input. From 2001 to June 2010, I conducted and/or facilitated an average of 4 meetings each year, not including the 100+ West Hawaii Fisheries Council meetings, at which topics addressed in the proposed rules package were discussed and public input was gathered.

The West Hawaii Fisheries Council's goal is to include among its members a broad cross section of island residents, the majority of whom have been or are commercial, subsistence or recreational fishers. Fishermen and women contributed substantially to this rules package.

Thank you,

Sara Peck, retired UH Sea Grant College Program



Cornell University

Courtney Saltonstall Couch

PhD

Candidate

Department of Ecology and Evolutionary Biology

Cornell University
E323 Corson Hall
Ithaca, NY 14853

Telephone: 607 254-4296
Fax: 607 255-8088

December 18, 2012

William Walsh, PhD
Department of Land and Natural Resources
Division of Aquatic Resources-Kona
74-380B Kealahou Pkwy
Kailua-Kona, HI 96740

Dear Dr. Walsh,

I strongly **support** the adoption of the new ruling – Chapter 13-60.4, West Hawai'i Regional Fishery Management Area, Hawai'i. I also urge legislators to amend regulations of Chapter 13-54, Puako Bay and Puako Reef Fisheries Management Area, Chapter 13-57, Keauhou Bay Fisheries Management Area and Chapter 13-75-12.4, Lay Nets.

I am currently a PhD Candidate from Cornell University where I am researching the ecological and environmental factors influencing coral health and disease along the leeward coast of the Island of Hawai'i. I have spent the last three years conducting detailed coral health assessments at reefs just north of Kawaihae to Ho'okena. West Hawai'i has the largest expanse of intact coral reefs in the Main Hawaiian Islands. While West Hawai'i still has relatively healthy reefs overall compared to adjacent Islands, I have witnessed strong evidence that the combination of overfishing of herbivorous fish and coastal eutrophication is not only having a detrimental effect on coral health but is also negatively affecting ecosystem structure and function. There are an alarming proportion of coral colonies being overgrown by algae

that is clearly resulting in partial or complete coral mortality. If we do not take steps to curb the level of fishing, West Hawaii's reefs are likely to experience a similar phase shift from a coral-dominated reef to an algal dominated reef that Maui, Oahu and much of the Caribbean has already experienced. There are decades of research indicating that once reefs make this transition, not only are they less able to support the remaining fish community, but it is nearly impossible to return reefs back to their original coral-dominated state. West Hawaii's healthy reef fish populations sustain its residents culturally, economically and nutritionally. Let's protect this fragile ecosystem before it is too late.

Sincerely,



Courtney S. Couch
Ph.D. Candidate

~~~~~

Dr Bill Walsh  
Biologist  
Hawaii Division of Aquatic Resources  
Division of Aquatic Resources  
74-380B Kealahou Parkway  
Kailua-Kona, HI 96740

Dear Dr Walsh:

I am writing this letter to you on behalf of my family, as concerned citizen, fisher, diver and father of a future fisher. Please note that I am also a federal employee of NOAA and recognize that none of the thoughts, ideas or comments expressed in this letter reflects the opinion of my employer or anyone else other than myself and my family.

I am in support of the Division of Aquatic Resources 'proposal to amend and adopt Hawaii Administrative Rules (HAR) pertaining to West Hawaii, specifically to amend chapters 13-54, 13-57, and 13-75, repeal 13-60.3, and adopt a new replacement chapter 13-60.4. The rules propose a SCUBA spearfishing prohibition, closing a 1,500 foot section of Ka'ohe Bay, South Kona, to aquarium collecting, establishment of a list of 40 fish species permitted for aquarium take with size and bag limits on three of these species, prohibition on take or possession of nine species of inshore sharks and rays and two invertebrate crown-of-thorns predators, and several other rule changes to enhance enforcement of aquarium collecting regulations and to clarify existing rule provisions.

I have fished and gone scuba diving in numerous countries in the Pacific (Palau, Yap, Chuuk, Pohnpei, Vanuatu, Kosrae, American Samoa and Western Samoa) and the fishing and diving I have experienced in past six years, since my family has lived in Hawaii, has been disappointing compared to the other locations. I believe that the proposed rules will improve the management of the reef ecosystems of West

Hawaii, hopefully inspire additional management improvements on other islands and ultimately improve the quality of the fishing and diving experiences for all residents and visitors in Hawaii.

In particular, a state wide ban on scuba spearfishing is long overdue.

Sincerely, Mike Lameier and Family

~~~~~

From: Steve Cotton

Sent: Wednesday, December 19, 2012 12:37 PM

To: William j. Walsh

Subject: In Support of West Hawaii Regional Fishery Management Area Administrative Rules amendments

To whom it may concern,

As a long time resident of Hawaii and an ocean professional who has spent many years monitoring our coral reefs from Kure to South Point I stand in full support of the proposed amendments for the West Hawai'i Regional Fishery Management Area Administrative Rules.

I have also spent many hours researching how the rest of the world addresses the issue of spearfishing using scuba. Many countries around the world have banned it, having experienced the devastating effect it has had on their fish populations. Whole fish populations have been destroyed by it. It is happening before our eyes here in Hawaii. Hawaii is one of only a few places on earth where this practice is still allowed. As the population of Hawaii grows the threats to our reefs from overfishing grow as well. Scuba spearfishing is a destructive and unnecessary practice and needs to be banned before it is too late. The evidence is out there for all who wish to see it. It will be our shame if we allow this practice to continue in spite of the evidence against it.

The time is now to take positive steps to enhance management of these precious and fragile reefs. Once they are gone they are gone forever and it will be us who will have to answer to our children and grandchildren. We should not have to say to them that we had the chance and we let our egos and parochial interests trump our responsibility to protect their heritage.

These rules were painstakingly developed by dedicated volunteers and scientists over many years. I know and respect them for their good faith efforts to preserve one of Hawaii's last and best coral reefs.

Stephen Cotton

Waimea, Hawaii

~~~~~

**From:** Steven Meyer

**Sent:** Friday, November 30, 2012 6:52 AM

**To:** darkona@hawaiiintel.net

**Subject:** Ka'ohe bay

To whom it may concern, Being a long time Scuba diver and water enthusiast I surely hope you close Ka'ohe bay to commercial tropical fish collectors. Having a home in Kona Paradise for 20 years and seeing all of the conflicts with the people and the damage to the reef do to poor collecting it is so important that you close this bay to commercial collecting. As you know there are only a few access roads to the water and places for people to snorkel and enjoy the beach. Why you would have this bay open to such conflict I just don't understand.

In the past I have scene collectors screaming at kids snorkeling and swimming to get away from there boats while they net the same fish the kids are trying to look at. This is just not right! Over the years Ka'ohe bay has become a very popular scuba diving area. I think the locals have the right to enjoy the diving and have collectors there taking the same fish they came to look at (many of them rare and endangered) is ridiculous. I also have a home in Fiji and in the Philippines and sadly Hawaii's conservation laws are worse than third world countries. This would be a small step in the right direction to prove you want to do the right thing and that you are better than third world countries, not money hungry and corrupt and or in bed with the fish collecting industry. Please finally do what is right. Aloha, Steve Meyer

Steve Meyer

From: Steven Meyer Sent: Friday, November 30, 2012 7:17 AM  
To: darkona@hawaiiantel.net  
Subject: amendment

Please give me a yes vote in support of the entire amendment package at the Dec 5 meeting. I'm currently in Colorado and can't make the meeting. Thank you.

Steve Meyer

~~~~~

Support Ch. 13-60.4

I am writing to express my strong support for the complete package of rule changes to Ch. 13-60.3 proposed by the West Hawaii Fisheries Council. I am a knowledgeable SCUBA diver with 18 years of experience diving and snorkeling around the reefs of West Hawaii

I see that our fish populations have increased since the Fish Replenishment Areas (FRAs) were established, which has led to healthier reefs. I believe that the "White List" is very important to continue the protections to the fish and the reefs. I know it was developed with community input and represents the best compromise for our people and our resources.

In addition, I believe that using the advantages of SCUBA to spear fish is highly inappropriate. In fact, this practice has been banned in other areas of the Pacific where it resulted in over-exploitation and rapidly declining fish populations.

Our community, including a majority of fish collectors, supports protecting Ka'ohe Bay as a Fish Replenishment Area (FRA), as do I. Protecting this precious bay will lead to greater populations of fish in the future for ocean users as well as collectors. It has been a desire of the community for so many years, it is time to protect it now.

The health of our reefs includes the sharks, rays and shells that inhabit them. I absolutely support banning all catching and killing of all live species. These important reef dwellers are not as prolific as other fish species, take much longer to mature, and therefore should be protected in order to maintain our vital reef ecosystem.

Please replace the current Ch. 13-60.3 with **all of the changes** contained in the new Ch. 13-60.4.

Respectfully Submitted by:

Janice Kerr

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December 3, 2012

To: Department of Land & Natural Resources, Division of Aquatic Resources  
74-380B Kealakehe Pkwy.  
Kailua-Kona, HI 96740

From: Bob Jacobson, Hawaii Couty Councilmember 2002-2008 Puna/Kau/South Kona

Topic: Proposed Rules, In support of WHRFMA Proposed Rule Chapter 13-60.4 and support for West Hawaii Regional Fisheries Council (WHRFC) amendments

To Whom It May Concern:

I am writing to this to let you know that I fully support the West Hawai'i Regional Fishery Management Area. After working at Kona Hospital for 25 years and serving six years on the Hawaii County Council and can say unequivocally that these amendments suggested by the West Hawaii Regional Fisheries Council (WHRFC) are needed and well researched. They are vital to maintaining

and restoring this resource that belongs to the people of Hawaii. They are needed to protect the tourism industry that promotes the financial health of our residents and to protect the good name of Hawaii's assets. To continue to allow the rape of our reefs is unconscionable and shortsighted. I represented this area for six years and spoke with thousands of residents on this issue. Except for a few fish collectors that exhibit denial (this is a charitable appraisal) and worse yet, outstanding greed and selfishness, everyone I spoke with during the last thirty years wanted the maximum protections applied to this area. To do anything strikes me as criminal and wholly irresponsible.

These amendments are as follows:

1. Pebble Beach will become an FRA where commercial aquarium fish collectors cannot collect fish.
2. Spear fishing using scuba gear will be illegal along the west coast of the Big Island.
3. There will be a 'White List' of 40 species of fish which commercial collectors can take, but all others (and invertebrates) will be illegal to take. There are also some size & bag limits included.
4. The taking of most rays & sharks will be banned.
5. Two large mollusks which eat the Crown-of-Thorns sea star (which devours coral) will be protected.

Sincerely,

Councilmember Bob Jacobson

Submitted by email

To whom it may concern,

I submit this testimony in **support** of the adoption of Chapter 13-60.4 and all that it encompasses. As a concerned citizen of Hawai'i, a Marine Science graduate from University of Hawai'i Hilo, and a avid scuba diver, I feel this rule package will a large step forward in the effort of conservation and management to the Kona coast reef ecosystem.

As a trained observer of reef ecosystems I feel that every concept of the rule package is very much needed for the Kona coast. Scuba spearfish has been shown to be very destructive and has been banned in such places as Australia and American Samoa. The adoption of the "White List" will be a huge step forward in the protection of our rare and charismatic species of fish. The protection of two know species of invertebrates that eat Crown of Thorn sea stars *Acanthaster planci*. These sea stars are a boom and bust species but without their natural predators these sea stars can reek more havoc on the ecosystem in times of boom. The formation of the FRA at Pebble beach will be very good for the community of Ka'ohe as there has been confrontations between residents and aquarium collectors in the past and FRA's have been shown to be beneficial to surrounding habitats. And last but not least the Protection of nearshore sharks and rays is very much needed!!!! Sharks are a keystone species. They keep the ecosystem healthy by consuming the weak and diseased fish. The more sharks on the reef the healthier the reef ecosystem.

Please pass the proposed rule package. It is a step in the right direction for ocean conservation and management for west Hawai'i.

Mahalo,

Ross Martin

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Sciences Programs

December 5, 2012

Department of Land and Natural Resources
Attn: Board Members
1151 Punchbowl Street, Room 130
Honolulu, HI 96813

RE: TESTIMONY IN SUPPORT OF NEW HAWAII ADMINISTRATIVE RULES Dear

DLNR Board Members,

I have worked in West Hawaii pursuing my doctoral research on social-ecological aspects of the marine aquarium fishery over the past six years. During that time, I was fortunate to have worked with many West Hawaii aquarium fishers, Kona-based Division of Aquarium Resources personnel, and West Hawaii Fisheries Council members, and I have grown intimately familiar with the region's fishery management issues.

I strongly support the new Hawaii Administrative Rule Chapter 13-60.4 and amendments to Hawaii Administrative Rules Chapter 13-57, Chapter 13-54 and Chapter 13-75-12.4. Not only HAR 13-60.4 help safeguard the long term sustainability of West Hawaii's aquarium fishery, but it will also prohibit the use of SCUBA for spearfishing activities, which I feel is long overdue and should be considered statewide. More importantly, HAR 13-60.4 was developed in conjunction with countless stakeholders and therefore has extensive regional support. Lastly, HAR 13-60.4 is the most rational, well-constructed and equitable piece of legislation considered in recent past for improving the management of West Hawaii's aquarium fishery.

Having worked as a scientist and conservation practitioner in more than seven countries located in the tropical Pacific, I have never witnessed anything as scientifically robust with so much public support as the West Hawai'i Regional Fishery Management Area. The numerous internationally recognized scientific publications generated from this region has underscored the importance of West Hawaii's marine ecosystem and its management practices, and a lot of people are watching to see how the state will respond to the pending new administrative rules.

Please consider my testimony in support of HAR Chapter 13-60.4, Chapter 13-57, Chapter 13-54, and Chapter 13-75-12.4. Thank you in advance for this opportunity.

Mahalo,

Todd C. Stevenson, Ph.D.
School of the Environment
Washington State University

From: John Tullock
Sent: Wednesday, November 28, 2012 6:41 AM
To: darkona@hawaiiantel.net
Subject: RE: Support needed

Good Morning, Bill,

I am writing you to express my wholehearted support for the proposed new management rules for West Hawai'i. As a biologist, I understand the importance of effective reef resources management in furthering the goal of long-term vitality of coral reef communities. As a businessman with long experience in the aquarium industry, I understand how science-based regulation of the aquarium fishery helps to insure that there will be plenty of fish to catch for the foreseeable future, without negative impacts on reef resources.

I believe the proposed White List of species permitted to be taken by collectors should become a model for resource managers wherever reef organisms are harvested for the aquarium trade. As long as mechanisms exist for modifying such lists, either via addition or deletion, as new scientific evidence comes to light regarding the targeted species, I believe this approach will find support among a majority of industry stakeholders. Similarly, bag limits for the three surgeonfish species make sense. Experienced aquarium keepers know that long term survivability of these species often depends upon the size at which the individual is collected. Outright bans on the taking of sharks, rays, and the two crown-of-thorns predators will have minimal impact, if any, on the aquarium trade.

The aquarium industry is uniquely situated to call attention to, and share the beauty of, the world's coral reefs. To contribute, via unsustainable collection practices, to negative impacts on these very same reefs is inconsistent with industry goals. We owe the scientists at the DAR a debt of gratitude for their hard work and dedication to fact-based management of the reef resources of West Hawai'i.

Best regards,
John Tullock



John Tullock, Executive Director

[AquaLife Dealer Lounge](#), Knoxville, TN



2253 AIR PARK RD • PO BOX 100
RHINELANDER, WI 54501-0100
PHONE (715) 369-3305
DrsFosterSmith.com

December 18th, 2012

Division of Aquatic Resources

74- 380B Kealahou Pkwy.

Kailua-Kona, HI 96740

Email: darkona@hawaiiintel.net

RE: Testimony for the West Hawaii Regional Fishery Management Area rules package

Staunch Support for DAR Proposed West Hawaii Rules Package

Dear Sirs,

Thank you for considering improvements regarding managed collection of fish and aquatic life from Hawaii's coastal waters. My name is Kevin Kohen, and I am the Director of Drs. Foster and Smith's LiveAquaria.com, one of the fish industry's leading advocates for responsible aquarium keeping through education, responsible aquarium keeping, and environmentally-responsible fisheries management. LiveAquaria.com is a proud corporate sponsor of the Marine Aquarium Societies of North America, member of the Pet Industry Joint Advisory Council, and strong supporter of the proposed rules package.

While Hawaii's Marine Ornamentals Fishery is already one of the best-managed fisheries in the world, we agree that the oversight proposed in collaboration with The Hawaii Department of Land & Natural Resources will ensure it continues to be a sustainable and viable fishery in the future. We urge you to adopt the proposed rules package, including imposition of bag and size limits on certain species, no take of other species, net size limits, certain closures, and boundary clarifications. Doing so will help to ensure sustainable collection to maintain a viable fishery, with the continued well being of the reefs, while taking into account the fishermen who depend on the marine ornamentals trade for their livelihood.

As both global educators and local community employers, we at Drs. Foster and Smith LiveAquaria.com value the continued management of Hawaii's beautiful waters to keep this important fishery in check. As an industry leader, we pledge to continue our efforts to help establish best practices in the marine aquarium ornamentals trade, and responsible aquarium keeping. We look forward to working in concert with you on this important legislative issue.

Sincerely,

A handwritten signature in black ink, appearing to read "K. Kohen".

Kevin Kohen
Director, LiveAquaria.com

Drs. Foster and Smith

From: KATHLEEN JOHNSON
Sent: Wednesday, December 05, 2012 12:07 PM
To: darkona@hawaiiantel.net
Subject:

To Whom it May Concern:

I am in strong support of the proposed rule package for West Hawaii, including the adoption of a new rule (Chapter 13-60.4), and the amendment of the HAR regulations (Chapter 13-54, Chapter 13-57, and Chapter 13-75-12.4), which collectively represent an important step forward in the conservation of marine resources.

I've hiked the complete shoreline of West Hawaii and how sad it is that it's rare to see schools of fish. It's said that Kona was called the Gold Coast because of all the yellow tang. I would love to see it restored to it's former beauty.

It's unconscionable to me that aquarium fishing is even allowed when the fish have such a short lifespan outside of their environment.

The prohibition of spearfishing on SCUBA in particular is a long overdue regulation, as this practice has the potential to over-exploit fish populations, and has been banned elsewhere in the Pacific for this reason. The white list and associated size and bag limits are also measures that are based on long-term ongoing scientific studies and are intended to prevent over-exploitation. Finally, measures to protect sharks and rays as well as the mollusks Triton's Trumpet and Helmets, all ecologically important species, should be commended as well as passed.

I understand that this effort has been underway for years, and represents a collaborative and inclusive multi-stakeholder process to develop a rule package that makes a meaningful difference in the conservation landscape. This is the type of approach that CORAL supports as an organization, and we feel that it should be a model for the rest of the state.

Thank you for your consideration,

Kathleen Johnson

From: arpad horvath
Sent: Sunday, November 11, 2012 12:59 PM
To: darkona@hawaiiantel.net
Subject: In support of WH Rule Amendments

I am writing today in support of the proposed amendments to the West Hawaii administrative rules.

I own a property in South Kona. For so many of us down here pebble beach is a special place; the bay and reefs need to be preserved for everyone in the area. In the years I have been coming to this coast, I can see the loss of diversity on many of the reefs. Pebble beach should be closed to fish collecting.

My first trip to Hawaii was a scuba trip up and down this coast, and from that day I knew I would end up here. As a dive instructor, I have worked and dived in many places and seen what a reef looks like when left unprotected from commercial interest. Extractive industries add nothing, they simply take - we must promote interactive industries instead; divers and snorkelers stay in our hotels and support our restaurants, aquarium owners do not.

While I personally would prefer a total ban and protection for the entire coastline, these amendments are absolutely a big step in the right direction. A 'White-List' is certainly better than no list. Banning spearguns with scuba is another long overdue rule. Hawaii has shown leadership before with the recent shark fin legislation. The protection of sharks and rays here is an important measure. It is magical to me to be able to waddle out from shore and dive with these magnificent creatures, there are so few places in the world today - let alone as accessible as Kona - where you can do that.

Arpad Horvath

~~~~~

Division of Aquatic Resources  
74-3800 Kealahou Pkwy. Kailua-Kona  
HI 96740

RE Public Hearing on New Rule- Chapter 13-60.4 WHRFMA

Dear Department of Land and Natural Resources:

I began my work on Hawaii's reefs and nearshore areas in 1963. In the almost half century since then, I have witnessed the decline, not only of resources such as fishes and limu, but also of natural habitats and their communities. Through those decades the Division of Aquatic Resources has fought an uphill battle working to preserve nearshore fisheries and the stocks that maintain them. The Division has had some success over this time, but also many setbacks. The West Hawai'i Fisheries Management Area is a shining example of DAR's efforts and a nationally and internationally recognized successful management program.

The proposed rules and amendments will strengthen the protection of this area and support the wise management of these resources. Specifically, the prohibition of SCUBA spearfishing is overdue in Hawai'i. It has long been banned in many jurisdictions. Because of the importance of the West Hawai'i reefs and their fish resources its implementation in the Management Area will be an important lesson in the effectiveness of this simple measure.

The listing of fish on the "white list" and the prohibition of take for several sharks and rays as well as the predatory gastropods, will clarify the permitted and prohibited takes making following the rules and enforcing them clearer and simple.

I support these new rules and commend DLNR, DAR and the West Hawai'i Management team for their efforts in promotion of sound management of our marine resources

Respectfully

Robert A. Kinzie III

Professor (Emeritus) Zoology UHM

~~~~~

From: Bill Anderson

Sent: Wednesday, December 05, 2012 9:44 AM

To: William J. Walsh

Subject: DAR WHRFMA Rules

Friends at DAR Kona,

Attached are my comments regarding the proposed rules.

To whom it may concern,

Over the past several years my wife and I have had the pleasure of visiting Hawaii regularly. We have swum and snorkeled along the reasonably accessible beaches of the Kona coast. We have also attended public meetings held by DAR Kona over those years. Those meetings were well attended by a spectrum of aquatic resource users. The scientific findings are extensive. Explained in a simple straightforward manner the facts were interesting and informative. They were undisputed by anyone and caused us to look with different eyes at the marine environment of the West Coast of the Big Island. It is obvious even to casual observers like us that the managed areas have much healthier and balanced populations of species than the open areas. We also appreciate the need for effective harvesting of the marine resources. We understand the importance of aquariums to many people and fish as a food source both nutritionally and culturally.

The proposed rules have taken into account the needs of all user groups and the aquatic resources. The development process was extensive and innovative. An excellent example of this is the "White List" of species that may be taken by aquarium collectors, a positive approach as opposed to a negative approach. The licensing requirements are not onerous and access to the resource is still available to sport, commercial, and subsistence fishing.

We strongly support WHRFMA's proposed rules.

William Anderson

Bellevue, Washington

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5420 W. 104th Street  
Los Angeles, CA 90045 U.S.A  
Ph: 310-645-1107 Fax: 310-670-8837  
[www.qualitymarine.com](http://www.qualitymarine.com)

December 5, 2012

**Division of Aquatic Resources**

**74- 380B Kealakehe Pkwy.**

**Kailua-Kona, HI 96740**

Via Email : [darkona@hawaiiantel.net](mailto:darkona@hawaiiantel.net)

RE: West Hawaii Regional Fishery Management Area WHRFMA Administrative Rules Package

To Whom It May Concern,

Quality Marine, established in 1976, is one of the North America's largest and longest-standing marine aquarium fish wholesalers. Quality Marine has been involved with the Hawaiian ornamental fish industry for the past 35 years and has distributed fishes from Hawaiian waters to industry throughout North America. Although the actual harvest is very small by almost any other fishery standards, this is a very valuable industry, not only to the fishermen, their families, and economy of Hawaii, but also to the many thousands of retail stores, and tens of thousands of employees of those stores, public aquaria and associated industries across North America.

The Aquarium Fish fishery in Hawaii, like any other fishery in any North American waters needs effective, pro-active and sensible management. This includes a cooperative effort by the fishermen in the fishery through their actions and willingness to harvest the resource sustainably, and responsiveness by the Department of Land and Natural Resources, charged with managing the resource so it remains healthy and productive for both the health of the State's resource and the industries that depend on it.

Quality Marine views the proposed rules as effective tools for management of these resources and is encouraged by the levels of support garnered for these measures by the fishermen of Hawaii. We support the proposed rules package as it pertains to the ornamental marine fish fishery in the West Hawaii Regional Fishery management Area.

Sincerely,



G. Christopher Buerner

President, Quality Marine

~~~~~

Lisa Marrack

Aloha DLNR Representatives,

I strongly **support** the adoption of the new ruling- Chapter 13-60.4, West Hawai'i Regional Fishery

Management Area, Hawai'i. I also urge legislators to amend regulations of the following Hawaii Administrative Rules (HAR): Chapter 13-54, Puako Bay and Puako Reef Fisheries Management Area, Chapter 13-57, Keauhou Bay Fisheries Management Area and Chapter 13-75-12.4, Lay Nets.

I am from the Big Island of Hawaii and have worked for over 15 years on West Hawaii coral reefs as a marine scientist and educator. I am currently a PhD Candidate at UC Berkeley where I am researching coastal conservation on the Island of Hawaii. While the Big Island reefs are still relatively healthy, there are strong indications that there is heavy pressure on herbivorous reef fishes due to aquarium fishing as well as non-commercial fishing. If we do not take steps to protect these fish populations, our reefs could shift to algae dominated systems as has happened on parts of Maui and Oahu and many other places around the world (ie. Florida, Bahamas). When there are not enough grazing fish to keep the algae off the corals, the coral are overgrown and die. Then the fish go away. Restricting fishing and creating no-take areas have been successful solutions around the world. Fishing, tourism and our own livelihoods depend on healthy fish populations and healthy reefs. Let us take steps to protect them before it is too late.

Best Regards

Lisa Marrack 11/13/2012

~~~~~

20 November 2012

Division of Aquatic Resources  
74-380B Kealahou Pkwy,  
Kailua-Kona, HI 96740

Dear DLNR,

This letter is in support of adopting new rule changes (Chapter 13-60.4) West Hawaii Regional Fishery Management Area, Hawai'i being proposed. Born and raised in Kaneohe, and part Hawaiian as well as a father of three, it is important to manage our near shore resources for our future generations to come. The Hawaiian's had a strong Kapu system; this provided management, information and specifics to better care for our important resources.

These management rules, while I don't like to tell people what to do are truly needed. Our islands population has increased to the point that it is now important to manage our resources. Many other locations in the world, have already suffered with scuba and spearfishing, completely wiping out entire ecosystems.

As mentioned growing up in Hawaii, there are far fewer fish then before. Having visited the North West Hawaiian Islands and having dove all the way to Midway and Kure, with strong management practices and distance from fisherman, these reefs are teeming with fish, many of which are endemic, found only in Hawaii. Puako and Pebble beach are two of my favorite dive locations. I used to find tinkers butterfly fishes and flame wrasses, but rarely find them anymore.

Please without amendment adopt this new rule in support of protecting our precious marine environment.

Mahalo Nui Loa



John Coney

~~~~~

Dec. 05, 2012

My name is Richard Osada. My daughter works for DLNR. I also work for DLNR. I make my living on the water. I've done that for the 13 years I've lived here. I don't fish. I have fished. I have nothing against fishing, and I did my first spearfishing when I was about ten years old off the coast of New Jersey with a broom stick and a trident and a mask and fins.

So I enjoy fishing and I enjoy spearfishing. But I grew up in New Jersey before I moved here, and I saw what happened with no regulations on any kind of fishing. And the fish disappeared and there aren't many fish left. People go out fishing and there is not much left there.

A lot of people with a lot of things to say here tonight, a lot of good points, a lot of people finally listening maybe, both directions.

I do support the West Hawaii Fishery Council proposals because they are necessary. Families may have fished here forever and supported themselves and feed themselves and others, but you can't keep doing that, especially on SCUBA. The fish don't stand a chance, even during the day. People spearfishing on SCUBA, the fish disappear.

Not much else to say but aloha, and I'm glad everyone is here trying to get their points across.

Thank you.

~~~~~

**From:** Julie Klaz  
**Sent:** Wednesday, December 05, 2012 10:11 AM  
**To:** darkona@hawaiiantel.net  
**Subject:** Rules package

Hi Dr. Walsh,

I support the rules package. The only part I do not like is the slot size for the Yellow Tang. I believe some of the members of the Bid Island Association on Aquarium Collectors were quite over zealous in making too small of a 'size window' on the Yellows .We , the majority of collectors, were a tad

'railroaded' into these numbers and quite a few collectors distanced themselves from Pete Basabe, Tony Nahake, Jim Lovell over this, myself included.

I and quite a few other collectors do not think a 2 " minimum size is realistic . 1.5 inches -5" would have made more sense. During dink season we collect fish very close to 2 inches, because that is all that's out there on the reef and that is what the buyers want. I was adamantly against not accepting your offer of 1.5 inches as the lower size number. I was out numbered in the executive council 'vote' (the general membership was not included on this vote ) by the handful of primarily non-Yellow collectors mentioned above.

If there would be anyway to return to that number (1.5") as a lower size limit, it would be much more realistic for those of us who collect Yellows.

I advocate supporting your rules package and thank you for supporting our fishery in the current "climate " of lawsuits.

Thank you,  
Julie Klaz

~~~~~



Dec 4, 2012

Dr. William Walsh
Division of Aquatic Resources
74-380B Kealahou Pkwy.
Kailua-Kona, HI 96740

Subject: Testimony in Support of Hawaii Administrative Rules §13-60.4

Aloha Dr. Walsh,

I want to provide strong support for Hawaii Administrative Rules §13-60.4. The West Hawaii 'i rule amendments are very sound conservation strategies that are needed sustain the very valuable marine resources in Hawaii 'i. The model developed for community-based management with community stakeholders represented by the West Hawaii Fisheries Council (WHFC) and with State of Division of Aquatic Resources (DAR, Dr. William Walsh) has been successful and should be shared throughout the

State of Hawai'i. The sound management support and monitoring has been critical to provide the necessary information for effective management justification for the proposed rules.

The proposed rules in HAR 13-60.4 address important conditions identified in West Hawai'i and on several years of resource monitoring conducted by DAR and committee meetings/discussions facilitated by the WHFC. The proposed rules are essential for conservation of Hawaiian natural resources in this unique coral-rich region of Hawaii. The proposed rules were developed by diverse groups of stakeholders, carefully reviewed by community and government employees, and has extensive support.

I strongly support Hawai'i Administrative Rule 13-60.4 and encourage adoption.

Additionally, Dr. Mark Hixon, the new Hsiao Endowed Professor of Marine Biology at UH Manoa, and lead scientist of the study that found that yellow tang spawning within WHI FRAs help to replenish fished populations outside the reserves, fully supports the proposed administrative rules.

Mahalo,

Jim Beets

Marine Science Department

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351 California Street, Suite 650  
San Francisco, CA 94104  
[www.coral.org](http://www.coral.org)



Headquarters: (415) 834-0900  
Hawai'i: (808) 669-9062  
[info@coral.org](mailto:info@coral.org)

State of Hawaii Department of Land and Natural Resources  
Division of Aquatic Resources - Kona  
74-380B Kealakehe Parkway  
Kailua-Kona, HI 96740

November 30, 2012

To Whom it May Concern:

On behalf of myself, and my organization, the Coral Reef Alliance (CORAL), I am in strong support of the proposed rule package for West Hawaii, including the adoption of a new rule (Chapter 13-60.4), and the amendment of the HAR regulations (Chapter 13-54, Chapter 13-57, and Chapter 13-75-12.4), which collectively represent an important step forward in the conservation of marine resources.

The prohibition of spearfishing on SCUBA in particular is a long overdue regulation, as this practice has the potential to overexploit fish populations, and has been banned elsewhere in the Pacific for this reason. The white list and associated size and bag



limits are also measures that are based on long-term ongoing scientific studies and are intended to prevent overexploitation. Finally, measures to protect sharks and rays as well as the mollusks Triton's Trumpet and Horned Helmets, all ecologically important species, should be commended as well as passed.

I understand that this effort has been underway for years, and represents a collaborative and inclusive multi-stakeholder process to develop a rule package that makes a meaningful difference in the conservation landscape. This is the type of approach that CORAL supports as an organization, and we feel that it should be a model for the rest of the state.

Thank you for your consideration,



Liz Foote  
Hawaii Field Manager, Coral Reef Alliance  
Wailuku, Maui, Hawai'i

~~~~~

From: Kristin Hamlin
Sent: Wednesday, December 12, 2012 12:08 PM
To: darkona@hawaiiantel.net
Subject: Testimony: WHRFMA Proposed Rules Package

To Whom It May Concern,

Petco, as a leading pet specialty retailer with currently nearly 1,200 stores in all 50 states, prides itself on its high animal care standards. We work closely with our Independent Animal Care Advisory Council (IACAC) – a panel of animal care, welfare and animal behavior experts – and our Vice President of Veterinary Medicine (Dr. Thomas Edling, DVM, MSpVM, MPH), to ensure we offer the appropriate companion animals, services and supplies to our customers.

I recently reviewed the proposals in West Hawaii regarding marine ornamental fish regulations. Petco strongly supports this legislation as it promotes resource sustainability efforts for this highly valued industry. It is essential to have reasonable rules packages in place to benefit the long term health of the marine resources the industry and state depend on.

These proposed rules are deemed appropriate and necessary for the continued success of the fisherman, the local economy and the associated industries across the country. It is noted that the proposed rules package is the result of the cooperative effort between the fisheries and the DLNR, and we are encouraged by this partnership. We are fully supportive of this legislation that is necessary for the Aquarium Fish Fishery to continue to be a sustainable and viable fishery in the future.

Please feel free to contact me with any questions or concerns.

Thank you.

Kristin Hamlin

Companion Animal Regulatory Specialist
Petco Animal Supplies, Inc.
(858) 453-7845 x3806

 Healthier **Pets**. Happier **People**. Better **World**™

~~~~~

**From:** Tal Sweet  
**Sent:** Sunday, December 16, 2012 8:33 PM  
**To:** darkona@hawaiiantel.net  
**Subject:** Testimony for the West Hawaii Regional Fishery Management Area rules

To whom it may concern,

I am writing to voice my support in favor of passing the proposed rules for the West Hawaii Fishery Management Areas. As an avid marine enthusiast, recreational diver, and breeder of marine fishes I support the proposed legislation.

Hawaii has one of the best regulated fisheries in the world. I hope the scientific data is given more consideration than the emotional responses against the issue.

I have been involved with the marine aquarium hobby for over eight years and have been instrumental in forming the Marine Breeding Initiative (MBI) <http://www.mbisite.org/Default.aspx> It is the goal of the MBI to promote responsible practices and to share information about captive breeding with anyone that wants to learn.

Advanced "hobbyists", such as myself, are very concerned with the environment and how fish are collected in the wild. Significant strides have been made in the realm of breeding many marine fishes in captivity and that can only continue if responsible, wild, collection is not shut down.

While some people see the practice of housing reef fishes in a captive environment as cruel, I view it as a way to educate people that may never get a chance to see them in person. This also helps to inspire the next generation of marine biologists to become caretakers of the reefs.

Sincerely,  
Tal Sweet  
[www.FishtalPropagations.com](http://www.FishtalPropagations.com)  
"Making captive breeding easier."

~~~~~

To whom it may concern:

As a resident of Hawaii for over 12 years, a local dive Instructor, researcher and leader in conservation work for the community I am in strong support of the proposed rule package for West Hawaii, including the adoption of a new rule (Chapter 13-60.4), and the amendment of the HAR regulations (Chapter 13-54, Chapter 13-57, and Chapter 13-75-12.4), which collectively represent an important step forward in the conservation of marine resources.

These rules have gone through their due diligence in vetting with the community over the last ten years and it is time to see them passed. With over 10 years of research on the Kona Coast monitoring aquarium collecting along with the amazing community work and meetings through the West Hawaii Fisheries Council these rules represent a great balance between science and community for regulations.

It is time for Hawaii to step up as other areas have to protect our environment through the banning of SCUBA spearfishing, protection of sharks and rays as well as COT's predators. To use good science as a base for increased regulation where it is needed for the aquarium trade and have these regulations as a starting point for a limited entry fishery in the future.

Thank you for your consideration

Kara Osada-D'Avella

~~~~~

Dec. 18, 2012

To: State of Hawaii DLNR – DAR Kona  
74-380B Kealakehe Pkwy.  
Kailua-Kona, HI 96740

Re: West Hawaii Regional Fishery Management Area Rule (WHRFMA) Proposals

To whom it may concern,

I am native Hawaiian and active scuba diver since 1984. The Kona coast has always been my favorite place to visit because of the excellent diving conditions and relative abundance of marine life in comparison to Oahu. I am encouraged by the protective measures previously implemented in West Hawaii and have seen firsthand an increase in fish abundance over the past decade.

I am writing in support of the recommended changes to the WHRFMA Administrative Rules with the adoption of Chapter 13-60.4.

The elimination of spearing using compressed gas is important to protect vulnerable species, especially at night. I saw the effects of unregulated spearing in American Samoa in 1997, where few adult fish were encountered and small ornamental fish were terrified by the sound of diver's bubbles.

I support the creation of an FRA at Ka'ohe Bay, one of the best shore diving sites in South Kona.

I support the adoption of an aquarium fish White List and associated bag and size limits for Yellow tang, Kole, and Achilles tang.

I support the protection of sharks, rays, and COTS predator snails.

I support the clarification of West Hawaii Aquarium Fishery regulations

I support the clarification of rules regarding Puako and Keauhou Bay

I support the clarification of rules regarding lay nets

Mahalo,

G. Keoki Stender

~~~~~

From: Kekaulike Tomich

Sent: Tuesday, December 18, 2012 7:27 PM

To: darkona@hawaiiintel.net

Subject: Testimony West Hawaii Rules Package

My name is Kekaulike Tomich, I am from Kaupulehu, North Kona. I support the proposed rule package. Sharks, rays, and crown of thorn predators need protection. I think the more rare animals on the white list should have bag limits. I strongly support the ban on scuba spearing. When I dive I take maybe 15 pounds of fish for my home table. Many of those who testified at the public hearing take for commercial purposes. Taking 400-800 pounds is not pono to me. If it were still the 70's when only had a few guys taking that much, that is one thing, but today there are many more people using the resource, and the cumulative effect is greater. Many mentioned that they rotate where they go, that doesn't mean someone else, following their own rotation, won't pound the same area the following night. Again, the cumulative is great. I hope DAR can use some of the testimony to make rules that are pono, even to those who testified against these rules. Even those who testified against the rule had some positive comments such as bag limits, spawning seasons, L50 as the minimum size limit, and a maximum size limit for all species of interest.

Malama kakou i ka honua.

~~~~~

**From:** TERRY - MARIE SCHROEDER

**Sent:** Monday, December 03, 2012 1:54 PM

**To:** darkona@hawaiiintel.net

**Subject:** In support of WHRFMA Proposed Rule Chapter 13-60.4

**Importance:** High

To Department of Land & Natural Resources, Division of Aquatic Resources:

My husband and I volunteer and work on doing studies for the West Maui Area KHFMA. We have loved and been visiting Maui for the past 27 years. We finally moved here permanently last year. We have witnessed the decline in the reefs and work hard to protect it, keep it clean, and share our knowledge with anyone who will listen/are interested. PLEASE know how important this is to our

community, our tourism, our ecology system and our ocean and world!

I fully support the West Hawai'i Regional Fishery Management Area Amendments including:

- A ban on SCUBA/Rebreather spearfishing
- Total Protection for 9 species of sharks and rays
- Total Protection for 2 Crown-of-Thorns predators
- Establishing another Fish Replenishment Area (FRA) where aquarium collecting is prohibited at Pebble Beach, South Kona.
- Protection from aquarium collecting of *all* coral reef fish and invertebrates except for 40 fish species contained on a permitted 'White List'.
- Establishing a West Hawai'i aquarium collecting permit as step toward the development of a limited entry fishery.
- three other minor amendments to other rules (Puako FMA, Keauhou FMA & lay gill nets) which strengthen and clarify the rules.

12/3/12

Marie Schroeder

*Marie Schroeder*

~~~~~  
From: Janice Palma-Glennie **Sent:** Wednesday, December 05, 2012 4:24 PM
To: darkona@hawaiiantel.net
Subject: New rules package
Importance: High

Aloha,

First, I am absolutely opposed to reef fish collection and have seen, first-hand, the loss of fish populations in the 30 years I have lived and dived in Kona.

Next, it's clear that these new rules ignore the fact that so many people disagree with fish collecting, but that improvements won't be made without adopting this rules package. This seems unfair to those who support ecosystem protection but who feel that our state is unwilling to do the right thing, which is to stop commercial aquarium fish collection.

So, having said that, I support the positive changes in this package, but hope that new rules banning fish collection on all islands will be considered and adopted as soon as possible.

Mahalo,
Janice palma-glennie
I support:

A ban on SCUBA/Rebreather spearfishing

Total Protection for 9 species of sharks and rays (long overdue)

Total Protection for 2 Crown-of-Thorns predators

Establishment of another Fish Replenishment Area (FRA) where aquarium collecting is prohibited at Pebble Beach, South Kona. This will add to the 9 other FRAs (comprising 35.2% of the coastline) already so protected.

Protection from aquarium collecting of *all* coral reef fish and invertebrates (no exceptions)

Establishing a West Hawai'i aquarium collecting permit as step toward the development of a limited entry fishery

~~~~~  
**From:** SandraScar@aol.com  
**Sent:** Saturday, December 01, 2012 7:16 AM  
**To:** darkona@hawaiiantel.net  
**Subject:** Re: Support for WHI coral reef management

To the Department of Land and Natural Resources, Division of Aquatic Resources:

The Hawaii Division of Aquatic Resources (DAR) is developing and implementing management rules to help insure the long-term vitality of West Hawai'i's coral reef communities. This effort, facilitated and nurtured by the West Hawai'i Fisheries Council (WHFC), is the result of over ten years of research, committee meetings, and public discussions.

I strongly support the rules package, which proposes several very important and essential provisions for West Hawai'i's reefs including:

A ban on SCUBA/ Rebreather spearfishing

Total Protection for 9 species of sharks and rays

Total Protection for 2 Crown-of-Thorns predators

Establishing another Fish Replenishment Area (FRA) where aquarium collecting is prohibited at Pebble Beach, South Kona. This will add to the 9 other FRAs (comprising 35.2% of the coastline) already so protected.

Protection from aquarium collecting of *all* coral reef fish and invertebrates except for 40 fish

species contained on a permitted 'White List

Establishing a West Hawai'i aquarium collecting permit as step toward the development of a limited entry fishery

The rules package also has three other minor amendments to other rules (Puako FMA, Keauhou FMA & lay gill nets) which strengthen and clarify the rules.

Please adopt this well-researched rules package, which has the support of the West Hawaii community.

Aloha,  
Sandra Scarr  
Holualoa

12/1/12

#### **SUPPORT FOR RULE AMENDMENT**

I am writing to express my support of the Hawaii Regional Fishery Management Area amendment. This letter will be brief because it repeats arguments that you have already heard.

Passing the amendment is a good compromise because it would reduce the collection of aquarium fish without hurting those who depend on this trade as a living. Unless the amendment is passed, commercial collectors will continue to operate without reasonable restrictions.

Some people will argue that that the white list includes too many species but this list is a good beginning to protect species that have become depleted. In time, these species will reproduce to build healthier populations instead of suffering in someone's private fish tank.

The amendment would also add protection for sharks, rays and other invertebrates, an additional provision to help preserve our reefs. These very special ecosystems are fragile and need out vigilance and protective measures because the ocean supports our lives and the economy in very complex ways.

Human beings have the power to choose. It is our responsibility to choose wisely. The proposed amendment is not perfect and will leave both sides wishing for more, but it is a good compromise and should be passed.

Susan Olson

WRITTEN TESTIMONY FOR: Public hearing to adopt a new rule- Chapter 13-60.4, West Hawai'i Regional Fishery Management Area, Hawai'i (WHRFMA) and amend regulations of the following

Hawai'i Administrative Rules (HAR): Chapter 13-54, Puako Bay and Puako Reef Fisheries Management Area; Chapter 13-57, Keauhou Bay Fisheries Management Area; and Chapter 13-75-12.4 Lay nets.

I SUPPORT THE RULE CHANGES PROPOSED.

The fisheries in West Hawaii are being depleted and there is a great need for better management. The changes proposed are a good start in developing a more reasonable management framework. The West Hawaii Fisheries Council recognized this need many years ago and has been working on improving the rules to better protect and manage the fish populations along our coast. This was not a task that was taken lightly. The Council spent more than 10 years gathering scientific data in addition to input from the various stakeholders in the region. The Council includes member from a wide range of fishers, scientists, environmentalists, teachers, tourist and dive industry, aquarium collectors, cultural practitioners, the public, and State officials.

We have built a consensus among these groups and come up with these proposed changes that were unanimously adopted by the Council. I think this effort represents the best scientific information available. Fishing is a big part of the Hawaiian culture and was based on a strict management system that supported a healthy vibrant marine ecology. That system recognized a balance between harvesting the ecosystem for food and protecting sustained fishery populations. These management suggestions attempt to regain some of that balance.

Thank you.

Dale Sarver, Ph.D.  
Marine Ecologist  
West Hawaii Fisheries Council Member  
Fisherman



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keith@ornamentalfish.org www.ornamentalfish.org

Division of Aquatic Resources  
74- 380B Kealahou Pkwy.  
Kailua-Kona, HI 96740

17 December 2012



Dear Sir,

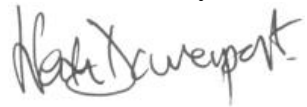
**West Hawaii Regional Fishery Management Area rules package**

OATA represents the interests of over 700 businesses in the ornamental fish industry throughout the UK. A number of these import and supply ornamental fish from Hawaii to aquatic retailers. Ornamental marine fish imported from Hawaii are held in high regard for their quality. This is a reflection of the already high standards of care with which they are caught and the husbandry in the supply chain.

OATA has a long track record in promoting best practice, for instance through our Code of Conduct and working with the Marine Aquarium Council, as well as data gathering via such initiatives as the Global Marine Aquarium Database.

Clear rules effectively managed to ensure that fish stocks are sustainable is in the best interests of all concerned. The new rules will clarify key management matters such as improved record keeping, bag limits, size limits and species lists is reasonable and should be adopted to ensure the continued health of the reefs, the viability of the fisheries and the livelihoods which rely upon them. Thus we support the proposed rule package as an important part of achieving these outcomes which are important to us all.

Yours faithfully



Keith Davenport  
Chief Executive

~~~~~  
From: Bill Anderson
Sent: Wednesday, December 05, 2012 9:49 AM
To: William J. Walsh
Subject: Proposed DAR WHRFMA Rules

Please find attached my support letter for the new DAR WHRFMA Rules.

To Whom It May Concern:

The coral reefs are one of the most important reasons why my family and I visit West Hawaii on a regular basis. The loss of such an important resource would be a tragedy for all who want long term health and biodiversity of the coral reef. I have a strong interest in supporting effective management of the reef resources. Many years of good scientific research have gone into the process of developing management rules to help insure the long term vitality of West Hawaii's coral reef communities. Now, before it's too late to save this dwindling resource, is the time to implement these new rules. Having attended the public discussions, it is mind boggling to learn and witness all the various delay tactics that

have been put in front of the West Hawaii DAR in its many efforts to save your/our reef resources. Let's get these new rule clarifications of sustainable collecting in force so everyone interested is abiding by the same rules! I declare my support of approval of the new rules package. It's a huge step forward for good fisheries management in West Hawaii.

Sincerely submitted,
Trish Anderson
Washington State and Kona, HI

From: Kunar Samoa
Sent: Monday, December 03, 2012 8:36 AM
To: darkona@hawaiiantel.net
Subject: My Testimonyfor Protecting reef fish

Date: Mon, 3 Dec 2012 09:43:48 +0000

Dear Sir: I wish I could attend your public hearing to express my support for the ban of SCUBA Spear fishing and limiting of numbers of Aquarium species to 40. Unfortunately, I have no vehicle and I live far in Waikoloa Village. I am from the Marshall Islands and I just moved to live in Kona last March 2012. During my short here, I am amazed of the richness of the marine reef fish species here at Kona coastal waters. However, because these coastal reef fishes do not migrate far and wide that they are very sustainable to over fishing and population depletion especially by uses of destructive modern fishing methods like SCUBA spearing. Another negative impact on these reef resources is the proliferation of the number of fishermen on the island from neighboring Pacific Islands and Asia. My testimony therefore is ban use of destructive SCUBA Spearing in designated coastal areas as may be approved by this proposed law. Should you need further clarifications, please do not hesitate to contact. Thank you for the opportunity to comment on this very important proposal to protect the vulnerable reef fish species.

From: Kathy and Kawika Devine
Sent: Thursday, November 08, 2012 10:45 AM
To: darkona@hawaiiantel.net
Subject: Puako FMA

Dr. Bill Walsh,

Aloha. My name is Kawika Devine, we have met several times in the past. I was born and raised in Hilo and was lucky enough to have my parents buy property in Puako in 1952. I have enjoyed the reef since I was 2 years old. I am hoping that instead of clarifying the existing FMA boundary we can extend it out to 100 fathoms like the other FMA's. This would clear up any question of whether aquarium collectors are inside of the 250 yards. I would appreciate your help in pushing for this change.

I also support the other proposed changes especially banning spearfishing with scuba. It would be nice if we could stop the night fishing with nets and spears at night on the Puako reef. At times it looks like a city out there, they take everything and anything. When you go snorkeling the next day huge rocks and coral heads are turned over and left. No respect for the reef. One other thing is I would like to see stricter regulations on octopus. A larger minimum size and a take limit.

Mahalo,
Kawika Devine

Date: 11/24/12

From: Ron and Michele Croci, land and homeowners

To: the Dept. of Land and Natural Resources,

As a land and homeowner in South Kona, we fully support the West Hawaii Regional Fishery Management area improvements amendment to include the following stipulations:

- Pebble will become a FRA where commercial aquarium fish collectors are PROHIBITED from COLLECTING and often killing these endangered, exquisite fish for some stupid collector
- Spearfishing with scuba gear will be illegal on the west coast of our precious Big Island
- A whitelist of 40 species of fish will be agreed upon for collectors to take but no others and all else will be illegal to take
- The taking of most rays and sharks will be banned. And large mollusks which eat Crown of Thorns will be protected.

Banning of commercial aquarium fish collecting at Pebble Beach with exceptions noted above, must stop as this is a unique aquatic environment for all to enjoy for generations to come and for travelers to visit. These waters must be protected from the short-sighted greed of commercial and private collectors. We would like to see this ban imposed in an area one mile north and south of Pebble Beach.

Signed,

Ron and Michele Croci

~~~~~  
**From:** Denise Ulrich  
**Sent:** Wednesday, December 05, 2012 3:45 PM  
**To:** darkona@hawaiiantel.net  
**Subject:** West Hawaii Fish Management Area Hearing Input

I strongly support the proposed rule package for West Hawaii, including the adoption of a new rule (Chapter 13-60.4), and the amendment of the HAR regulations (Chapter 13-54, Chapter 13-57, and Chapter 13-75-12.4), which collectively represent an important step forward in the conservation of marine resources.

The prohibition of spearfishing on SCUBA in particular is a long overdue regulation, as this practice has the potential to overexploit fish populations, and has been banned elsewhere in the Pacific for this reason.

The white list and associated size and bag limits are also measures that are based on long-term ongoing scientific studies and are intended to prevent overexploitation.

Measures to protect sharks and rays as well as the mollusks Triton's Trumpet and Helmets, all ecologically important species, should be commended as well as passed.

Establishing Ka'ohē Bay as a Fish Replenishment Area is also important.

I understand that this effort has been underway for years, and represents a collaborative and inclusive multi-stakeholder process to develop a rule package that makes a meaningful difference in the conservation landscape.

Thank you for your consideration,

Denise Ulrich

~~~~~

To: State of Hawaii DLNR – DAR Kona
74-380B Kealahou Pkwy.
Kailua-Kona, HI 96740

Re: West Hawaii Regional Fishery Management Area Rule (WHRFMA) Proposals

To whom it may concern,

I am a coral reef researcher at the Hawaii Institute of Marine Biology. The Kona coast has always been my favorite place to visit because of the excellent diving conditions and relative abundance of marine life in comparison to Oahu. I am encouraged by the protective measures previously implemented in West Hawaii and have seen firsthand an increase in fish abundance over the past decade.

I am writing in support of the recommended changes to the WHRFMA Administrative Rules with the adoption of Chapter 13-60.4.

I support the elimination of spearing while using compressed gas

I support the creation of an FRA at Ka'ohē Bay, one of the best shore diving sites in South Kona.

I support the adoption of an aquarium fish White List and associated bag and size limits for Yellow tang, Kole, and Achilles tang.

I support the protection of sharks, rays, and COTS predator snails.

I support the clarification of West Hawaii Aquarium Fishery regulations

I support the clarification of rules regarding Puako and Keauhou Bay

I support the clarification of rules regarding lay nets

Mahalo,

Yuko Stender

~~~~~

**From:** Carla Womack

**Sent:** Friday, November 16, 2012 10:03 PM

**To:** darkona@hawaiiantel.net

**Subject:** Dear DNLR, Protect Pebble Beach fish, rays, some sharks... Collectors are depleting Hawaii's beautiful fish for their own monetay gains. Please help us.

Aloha DLNR,

I support items 1, 2, 3, 4 below.

Please help us protect Hawaii's fish.

Mahalo,

Carla Womack

As property owners in Kona Paradise, we feel that you have a special reason to support these environmental efforts which are at the final stage of approval. Wouldn't it be wonderful to own property above a protected reef?

Here is a summary of the new Dept. of Land & Natural Resources Amendments Chapter 13-60.4. (The chapter must be accepted as a whole):

1. Pebble Beach would be closed to commercial aquarium fish collectors (an FRA).
2. A "White List" would limit aquarium collection to 40 species of tropical fish outside of FRAs. (These species account for 95% of collectors' current income.)
3. Spearfishing with SCUBA would be banned in West Hawai'i. Traditional spearfishing would not be affected.
4. There would be protection for rays and most sharks.

DLNR will finally hear public testimony on this Rule Amendment package on December 5 at 6:00pm in Kona at Kealakehe High School. If you will be on island, please come to this public hearing and support the changes!

December 15<sup>th</sup>, 2012

To: DLNR/DAR 74-380B Kealakehe Pkwy, Kailua Kona, HI 96740

From: Justin Viezbicke

Re: Public Hearing Testimony IN SUPPORT of proposed rule change

- Amend Hawaii Administrative Rules (HAR) Title 13, chapters 54 and 57;
- Repeal HAR Title 13, chapter 60.3;
- Adopt HAR Title 13, chapter 60.4; and
- Amend HAR Title 13, chapter 75

Aloha,

I am writing to show my strong support for all of the proposed amendments to the Hawaii Administrative Rule sections relating to the West Hawaii Regional Fishery Management Area.

The HRS 188F requires the DLNR to develop science-based resource management regulations based on close consultation and facilitated dialogue with stakeholders. Through the West Hawaii Fisheries Council and DAR Kona, community members and stakeholders were provided sound science and a forum to discuss concerns, challenges and ultimately make compromises to help better protect West Hawaii's future while still providing for today. I believe that these amendments will help to better protect some of Hawaii's marine coastal resources and that at this point where mans' increasing power to utilize, consume and destroy environments is at an all-time high it is increasingly important to err on the side of caution.

Please support what the West Hawaii community believes is the right way to move forward and choose to make the amendments and changes to Hawaii Administrative Rule sections relating to the West Hawaii Regional Fishery Management Area.

Mahalo,

Justin Viezbicke

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From: Kathryn Lezenby
Sent: Tuesday, November 27, 2012 6:18 PM
To: darkona@hawaiiantel.net
Subject: Comment on Proposed Rules for Aquarium Collection

I'm writing to urge the Department of Land and Natural Resources to strengthen the proposed rules for aquarium collection of Hawaii's reef fish. Hawaii is lucky to be home to a treasure trove of beautiful and fascinating sea life that find sanctuary in its reefs. Please be a good steward of these creatures and their world. Fish tanks are cruel places to confine animals who are adapted to swim freely in the vast expanses of the ocean with its rich variety of landscapes. A fish in a tank is forced to live its entire life confined with other fish with whom it may not be compatible or by whom it may be threatened. During transport or after being sold, fish often die from the living conditions to which they are subjected. Fish are better off in the ocean and are integral to its ecosystem. We can better enjoy and appreciate them there as well. I urge you to adopt much stronger protections for our coral reefs.

Thank you for the opportunity to comment.

Kathryn Lezenby

~~~~~

Jonatha Giddens  
UH Manoa Biology

Pre-doctoral candidate  
NSF Graduate Research Fellow

To Department of Land & Natural Resources, Division of Aquatic Resources:

I fully support the West Hawai'i Regional Fishery Management Area Amendments including:

- A ban on SCUBA/Rebreather spearfishing
- Total Protection for 9 species of sharks and rays
- Total Protection for 2 Crown-of-Thorns predators
- Establishing another Fish Replenishment Area (FRA) where aquarium collecting is prohibited at Pebble Beach, South Kona.
- Protection from aquarium collecting of all coral reef fish and invertebrates except for 40 fish species contained on a permitted 'White List'.
- Establishing a West Hawai'i aquarium collecting permit as step toward the development of a limited entry fishery.
- three other minor amendments to other rules (Puako FMA, Keauhou FMA & lay gill nets) which strengthen and clarify the rules.

It is our responsibility to ensure that future generations will inherit a vibrant and healthy coastal ecosystem. These FMA amendments are a major step forward towards our goal, and I fully support the immense amount of dedication and hard work that has gone into this collaborative process. Please feel free to contact me with any questions.

Date: 12/07/12

Print name: Jonatha Giddens



Signature:

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From: Terry Schroeder
Sent: Monday, December 03, 2012 1:51 PM
To: darkona@hawaiiantel.net
Subject: Subject: In support of WHRFMA Proposed Rule Chapter 13-60.4

To Department of Land & Natural Resources, Division of Aquatic Resources:

Aloha. As a volunteer for the Kahekili Herbivore Fish Management Area on Maui I fully support the West Hawai'i Regional Fishery Management Area Amendments including:

A ban on SCUBA/Rebreather spearfishing (how unfair is that?)

- Total Protection for 9 species of sharks and rays
- Total Protection for 2 Crown-of-Thorns predators
- Establishing another Fish Replenishment Area (FRA) where aquarium collecting is prohibited at Pebble Beach, South Kona.
- Protection from aquarium collecting of *all* coral reef fish and invertebrates except for 40 fish species contained on a permitted 'White List'.
- Establishing a West Hawai'i aquarium collecting permit as step toward the development of a limited entry fishery.
- three other minor amendments to other rules (Puako FMA, Keauhou FMA & lay gill nets) which strengthen and clarify the rules.

I have seen the how the coral is declining and see the WHRFMA proposed rules as a big step in preserving our coral reefs here on West Maui.

I am interesting in receiving updates on the progression of this proposal.

Aloha,

Terry Schroeder

December 3, 2012

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**From:** Laura Jackson  
**Sent:** Friday, November 30, 2012 10:18 AM  
**To:** darkona@hawaiiantel.net  
**Subject:** Support rule amendments

November 30, 2012

To whom it may concern:

As long time Big Island residents and ocean enthusiasts, we totally support all of the West Hawai'i Rule Amendments going to public hearing on December 5<sup>th</sup>, 2012. Despite the fact that we would



appreciate more enforcement of natural resource rules and stricter rules in general, we understand how things work in Hawaii and that compromise is inevitable and these rules are better than the status quo.

We appreciate all of the hard work that has gone in to making this rule amendment package and hope that the West Hawaii voices will be heard loudly over any others outside of West Hawaii. Each of the aspects of the rule amendments (ban SCUBA spearfishing, more AQ rules, close Kaohe Bay to AQ collecting, prohibit take of important COTs predators, sharks and rays, etc) is important. We hope the state government has the temerity to do the right thing and put these rules in to place and not bow down to a few loud voices/squeaky wheels.

Thank you for your consideration,

Mark & Laura Jackson

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December 4, 2012

To Whom It May Concern:

I have been diving off the leeward side of the Big Island for over 15 years. The fish population, particularly specific species, has declined dramatically. Certain species that were seen 10 years ago are rarely if ever seen now. I am not a scientist and won't deny several factors could be contributing to the decline. However, I won't be so naive to assume the fish collecting industry doesn't have a big impact on this decline. I am not blind to the repercussions this would have on that industry, but I find it difficult to support an industry, which robs our natural resources only to stick them in a tank for public display and dramatically shorten their lifespan.

Most of the world is becoming more conscious of these types of non-sustainable industries and it would do the people in this industry well to consider an alternative lifestyle that doesn't require the constant drain from the environment. There wouldn't be so much opposition if there truly weren't an impact.

Susan Wilson

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**From:** Liz Lees  
**Sent:** Friday, November 30, 2012 9:28 AM  
**To:** darkona@hawaiiantel.net  
**Subject:** Dec 5 Testimony

I would like to say I am in support of the proposed rules for reef management. I currently reside in Kona and snorkel several days a week. I spent most of my life in Florida and can say from first hand experience, that sensible natural resource management benefits everyone. While in Florida, I was active in helping establish the inshore limit for commercial netting. While this did have an impact on a few local commercial netters, within one year of the ban, the inshore fishery rebound was AMAZING. This benefited tourism, sport fishing, offshore commercial fishing, local ecology and the local economy by providing a safe haven for fish to spawn and reproduce. Natural resources should be for everyone's enjoyment and benefit, not just a select few who harvest that resource without meaningful regulation.

These proposed rules strike a good balance between the needs of the few (collectors), and the needs of the many (everyone else), to preserve the fishery resources for the future.

Liz Lees

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From: Ross, Richard
Sent: Tuesday, December 18, 2012 2:42 PM
To: darkona@hawaiiantel.net
Subject: West Hawaii Fishery Management administrative Rules Package

To whom it may concern,

I am a biologist at an AZA certified institution (though this letter represents my personal view, not necessarily the view of the institution), as well as a long time marine hobbyist, author and speaker. My goal has been to help steer the Marine hobby and industry towards sustainable, responsible and science based practices during my presentations and articles and I am always thrilled when science based action or legislation is discussed.

Therefore I support the Proposed West Hawaii Regional Management Area WHRFMA Administrative Rules Package. The rules package presents a well thought out plan to better manage record keeping, bag limits and size limits should be adopted to help ensure responsible collection and management of Hawaii's coral reef environments, as well as allowing Hawaii's Aquarium Fishery to continue supporting the local ornamental fisherfolk as well as sharing the beauty of the animals with aquarium enthusiasts.

Please adopt the rule package, and please let me know if I can be of any assistance.

Thank you
Richard Ross
Biologist 2
California Academy of Sciences

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**Testimony in Support of Ch. 13-60.4**

I ardently **support ALL of the proposed changes to Ch. 13-60.3.** These changes are not only vitally important for the continued protection of our precious West Hawaii reefs, they are also the **result of years of collaboration, compromise and consensus** among the representatives of the entire community.

These **changes are appropriate and have been developed with good scientific measurements and informed user evaluations.** They were properly communicated around the community and have had enormous public input. This should not be ignored or downplayed, because the way these rules were developed and presented exemplifies the best **community-based process for reaching appropriate solutions.** (Indeed, we should continue to follow this sensible way of dealing with future West Hawaii resource issues.)

I respectfully request you to **repeal the chapter of the Hawaii Administrative Rules pertaining to the West Hawaii Regional Fisheries Management Area (Ch. 13-60.3) and simultaneously replace it with the new Ch. 13-60.4 in its entirety.**

Thank you,

James Kerr

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**From:** Steve  
**Sent:** Thursday, November 08, 2012 2:49 PM  
**To:** darkona@hawaiiantel.net  
**Subject:** I support WHFRMA

I am writing to support the West Hawaii Fishery Management Area proposal. My wife and I have been visiting the Big Island for 18 years now and we have finally settled and bought a home in South Kona. As a local home owner I would like to see the rules proposals pass for the purpose of better regulating the reefs and as an environmentalist I want to see the fish protected from those who would take them out of our waters for the purpose of putting them in tanks or selling them such as the commercial aquarium collectors. I want to outlaw spearfishing using scuba, and create a list of fish that the collectors can take. Being a swimmer, snorkeler and scuba diver I am in the Kaohe Bay Area frequently and wish it to remain as beautiful and protected as possible. I think the proposed amendment will help deal with this very important issue.  
Thank you,

Steve Monahan

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From: terri2@hawaii.rr.com  
Sent: Monday, November 12, 2012 9:18 AM  
To: darkona@hawaiiantel.net  
Subject: IN SUPPORT OF WHFRMA AMENDMENT

I support the WHFRMA Amendment. Our oceans and all of its contents are important to our island and our world.

The beauty and abundance of our waters brings thousands of tourists each year. After talking with divers from other parts of the country, who have traveled worldwide to dive, I believe our reefs and our waters are well worth supporting just in terms of the dive tourists they attract. Protecting the creatures who live in and around those reefs is a huge part of supporting and protecting the reefs.

If we continue to ignore the damage we have done to the ocean, we will soon have to live with the ugly consequences. Although this amendment comes years after I think it should have, I don't believe it's too late to change our path of destruction.

I ask that you pass this important environmental amendment on behalf of all Hawaii islanders, their children, and their grandchildren.

Mahalo,

Terri L. Peterson

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Subject: Testimony for the Protection of Fish and Wildlife at Pebble Beach, South Kona, Hawaii, USA

To whom it may concern -

My name is Colby Allen. I have been visiting Pebble Beach since 2005. I have enjoyed this natural resource with my family and I am constantly amazed by the vibrancy and diversity of the fish and wildlife that make their home in that bay and reef. I believe that Pebble Beach, the reef, the bay and the fish and wildlife that live there are a unique natural resource because I have not seen anything like it, anywhere else in the world. Because of this uniqueness, I believe Pebble Beach, the reef, the bay and the fish and wildlife should be protected from commercial fishing - especially aquatic commercial fish collectors. I believe this natural resource should be protected for the enjoyment of current and future generations of Hawaiians and Americans,

rather than risking the health and longevity of the hundreds of species of fish and wildlife who live there.

Thank you for your consideration.

Regards,  
Colby Allen

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12-10-2012

From:  
Rebecca Most

To:  
Board of Land and Natural  
Resources Department of Land  
and Natural Resources State of  
Hawaii

Re: Written testimony in support of the proposed rule and amendments for the West Hawaii Regional Fisheries Management Area

Aloha,  
I personally support the proposed rule (Chapter 13-60.4) and proposed rule amendments (Chapter 13-54J 13-57, and 13-75-12.4) for the West Hawaii Regional Fisheries Management Area. I believe that the rules package in its entirety is a great example of management in the right direction to protect our marine resources. The rules are backed by sound science, and these management strategies have been shown to be successful in many other areas in the Pacific where they have been implemented. The intended benefit of each component of the rules package will protect important predators and reef fish, ensuring that our reefs remain thriving for economic value, food security and ecosystem health. The rules have been developed with careful consideration of all the stakeholders, and are an excellent example of compromise and management for a common good. I encourage you to support this rules amendment, thank you for the opportunity to submit written testimony.

Sincerely,



Rebecca Most

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**From:** Ruby Tzimeas  
**Sent:** Tuesday, December 04, 2012 4:26 PM  
**To:** Dr. Bill Walsh  
**Subject:** Fishery Management Area amendments

Aloha,

I have not participated in the process by which you developed the proposed amendments. I am speaking as someone who was first drawn here by the ocean several decades ago, and who values it and the natural beauty it contains.

We should appreciate how fortunate we are that the waters surrounding our island remain in relatively good condition, and realize how easily this could be lost. Many things threaten the quality of our near-shore waters, and many things need to be addressed. A total ban on collection of fish for aquariums is one important piece of the puzzle. Our marine resources should be harvested exclusively for food production.

So I see the current proposals as a half-measure. Nevertheless, I wholeheartedly support them until more can be done to protect all of our fish.

Mahalo to everyone who invested time and energy in developing these new regulations,

Ruby Tzimeas  
Kailua-Kona

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From: Kurt and Debbie Black
Sent: Friday, November 09, 2012 5:13 PM
To: darkona@hawaiiantel.net
Subject: SUPPORT AMENDMENT
Importance: High

Aloha,

I, Debbie Black, fully support the WHFRMA Amendment (Chapter 13-60.4).

I live on the Big Island, and I want our reefs to be as healthy as possible.

For many years, I lived on a boat and traveled the world. I have seen what happens when people don't take care of their delicate reef systems. Now, on our island, we can try to keep our reefs full of fish and healthy, or give up and let collectors take the fish away. We can move forward with some regulation or just give up. I choose to support regulation, even if it's not as much as I'd like to see. Banning spearfishing on scuba is good. Some sort of limited list that collectors can take is better than no list. And protecting rays, sharks and some predatory shells is good, too. So, I support this entire package.

Thank you.

Debbie Black

October 22, 2012

Aloha!

My name is Lorraine Newport. I live in Ocean View, and I love Pebble Beach! I go to the beach just about every weekend and have for over a decade. It's about time that DLNR is passing this Rules Package. It seems that many of the current fish collectors are agreeing to stay away from Pebble Beach but who knows what the future will bring? That is why it's so important to pass this Rules Package and make sure that the bay is protected for the future of our keiki.

I also think that a list of fish that collectors can take is a good idea, even though it sounds like the vast majority of them are on this list! Still, I understand that many fish and invertebrates will be protected. That's good.

Please pass along my support to those at the Public Hearing.

Lorraine Newport

From: Kirk Olsen

Sent: Monday, November 05, 2012 8:29 PM

To: darkona@hawaiiantel.net

Subject: Re: The WHFRMA Amendment

To whom it may concern,

I am writing this testimony to show my full support for the West Hawaii Fishery Regional Management Area (WHFRMA) Amendment.

As a resident of South Kona, and an almost daily user of Pebble Beach, I hope that it will become an FRA. If I never see a

commercial aquarium collector again, it will be too soon!

Also, I strongly support banning spearfishing on scuba. It's against the law in a lot of countries now, and it should be illegal here, too. As for the 'white list,' I wish that some of the fish weren't on it but something is better than nothing. So, I support it.

As a scuba diver, snorkeler, and member of the South Kona community, I love Ka'ohe Bay and our island. I hope that these Proposals pass after such a long wait.

Thanks, Kirk Olsen

Kirk Olsen

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**From:** Jeffrey Iverslie  
**Sent:** Saturday, November 17, 2012 4:11 PM  
**To:** darkona@hawaiiantel.net  
**Subject:** WHRFMA Rule Proposals

To Whom It May Concern:



I am in full support of the WHRFMA Rule Proposals that are coming to Public Hearing on Dec. 5th.

I urge you to protect Pebble Beach by delineating it as an FRA where aquarium fish collecting is prohibited. Because of its accessibility, Pebble Beach is utilized by swimmers, snorkels and divers who specifically come to the beach to enjoy its pristine reef ecosystem. This is an amazing resource, particularly in South Kona, and is deserving of protection.

I understand that this hearing is not about whether or not to permit fish collecting but rather to establish guidelines that will address the needs of all parties. Therefore, I urge you to support the additional proposals that define what can and cannot be taken, thereby protecting our reefs while considering the collectors need to make a living.

Mahalo,

Jeff Iverslie

~~~~~  
From: Patrick Wong]
!

Patch Wong

Dear DHNL, My thoughts are that new rules will change a lot, not badly change, but a good kind of change. I've been to Oahu before and have snorkeled there before and guess what? There were very few fishes that I saw, I THINK that in a few years our island of Hawaii could be exactly like Oahu. The new rules will save our island from going under. If SCUBA gear and spearfishing will be prohibited the aquatic life will live in their natural environment. I also have a solution/rule, we should have more "No-take" areas. I've been to a public hearing before, the Kaupulehu Fishing Hearing. My knowledge is not far yet known, so this would be a good experience for me. I think you guys should impose the rules.

Your Friend,
Patch

~~~~~  
**From:** RZ Ullrich  
**Sent:** Tuesday, November 06, 2012 4:13 PM  
**To:** darkona@hawaiiantel.net  
**Subject:** Chapter 13-60.4

To Whom It May Concern:

It is a shame that the entire state of Hawaii is not a marine preserve. Millions of people come here every year to enjoy the reefs that are still healthy and thriving. It is neither sensible nor efficient for the state to save only one small reef at a time. If my understanding that there is only a handful of commercial aquarium collectors taking fish from the reefs is correct, why are they allowed to destroy one of the irreplaceable treasures of our waters that belong to all of us? It is wrong. Is someone getting paid off to look the other way?

I support the Rule Proposals, Chapter 13-60.4 which will add Pebble Beach to the current Fish Replenishment Areas, as well as the other parts of the Package.

Regards,  
Miranda Ullrich

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From: Babara Payne
Sent: Thursday, November 08, 2012 3:24 PM
To: darkona@hawaiiantel.net
Subject: In support of WHRFMA Amendment

As a resident of South Kona and frequent swimmer at Pebble Beach and Kaohe Bay I fully support the proposed amendments by the West Hawaii Regional Fisheries Management Area. I am concerned about the taking of reef fish that is so vital to the health and welfare of the bay. Protecting nature isn't about putting up fences around pristine places to keep people out but to protect the places and resources we depend on for the benefit of all species—plants, animals and people. I support the protection of these vital ecosystems. I love Pebble beach and wish to protect it for harmful aquarium collecting and scuba spear fishing. Not passing this amendment would be a detriment and travesty to this bay, reef and all of its inhabitants.

BarBara A Payne

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## Testimony for West Hawai'i Regional Fishery Management Area (WHRFMA) Rule Proposals

December 2, 2012

Nathaniel Goodale

Dear DLNR:

My name is Nathaniel Goodale. I was born and raised in Kailua-Kona. I am an avid SCUBA diver as well as snorkeler and long distance open ocean swimmer. I have spent a lot of time on the reefs in the West Hawaii area. I believe in the need to protect the fish, sharks, and mollusks covered by these proposed rules and to manage the aquarium fishery. Full protection from all take of any kind would be the best protection, but that simply isn't feasible or practical. This entire rule package, with all its proposed amendments is the best way to protect these organisms and through that protection, the best way to protect their ecosystem.

Please pass and quickly enact this entire rule package.

Thank you,

*Nathaniel Goodale*

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**From:** saule apulskiene  
**Sent:** Thursday, November 29, 2012 2:47 PM  
**To:** darkona@hawaiiantel.net  
**Subject:** In support of WHRFMA Amendments

Aloha,

I fully support the WHRFMA Amendments which include Ka'ohe Bay becoming an FRA.

I support the Rule Amendment Chapter 13-60.4 which will help to protect our ocean resources. I visited South Kona and am pleased that Ka'ohe Bay will be protected from commercial aquarium collecting when this Rule passes through the Public Hearing.

I support the other parts of this Package, too. Please make sure that DLNR knows that we have worked for many years to get more protection for our reefs in West Hawai'i.

Please pass this Package so that aquarium collectors will have some kind of rules to follow, so that spearfishing on scuba will be no more, and that Pebble Beach will be added to the Fish Replenishment Areas.

Saule Apulskiene  
Valdas Tarasevicius

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**From:** Jeff Stark  
**Sent:** Monday, November 26, 2012 9:46 AM  
**To:** darkona@hawaiiantel.net  
**Subject:** In support of WHRFMA Amendments

Hi,

My name is Jeff Stark and I am a homeowner in the Kona Paradise subdivision in South Kona. I fully support the WHRFMA Amendments which include Ka'ohe Bay becoming an FRA. I frequently go to Ka'ohe Bay ('Pebble Beach') and enjoy seeing all the reef fish when I snorkel and dive there. The marine wildlife of West Hawaii is an important natural resource, the beauty of which draws visitors from all over the world. To lose this resource because of the over-collection of fish would be a devastating blow to the Big Island. I believe the proposed amendments will help to protect the marine wildlife of West Hawaii not only for current residents and visitors but for future generations as well.

Aloha,

Bruce Jeffry Stark

~~~~~  
From: LYNN BRAITMAN
Sent: Monday, December 03, 2012 6:37 AM
To: darkona@hawaiiantel.net
Subject: Proposed rulenchanges and public hearing

Dear Board

I have been a resident of Puako Beach Drive for 10 years and during this short time I have noticed a significant decline in the health , numbers and incidence of corals and fish. I have also noticed an increased activity of spearfishing, netting, and fishing during the day and night. The impact of this increased use and lack of regulation,combined with the effects of climate change and pollution are devastating this natural resource.

You have the opportunity before you to make a significant contribution to protecting our natural resources for the future by approving these proposed rule changes and the addition of others.

I strongly support your positive actions on this proposals.

Thank you for your consideration,
lynn Braitman
~~~~~

**From:** Moshe Rapaport  
**Sent:** Thursday, November 08, 2012 3:53 AM  
**To:** darkona@hawaiiintel.net  
**Subject:** In support of WHFRMA Amendment

Aloha,

I support the WHFRMA Amendment. Studies have shown that the aquarium trade on Kona reefs has resulted in significant declines of reef fish. Conversely, closures have resulted in a rebound of targetted species (Tissot and Hallacher 2003, 2004). The reef adjacent to Pebble Beach/Ka'ohe Bay has long been valued by area residents for diving and other activities and should be protected.

#### References

Tissot, Brian N. and Leon E. Hallacher. Effects of Aquarium Collectors on Coral Reef Fishes in Kona, Hawaii. Conservation Biology 17.6(2003): 1759-1768.

Tissot, Brian N. and Leon E. Hallacher. Evaluating The Effectiveness Of A Marine Reserve Network In West Hawai'i To Improve Management Of The Aquarium Fishery. Hawaii Coral Reef Initiative and NOAA, 2004.

Moshe Rapaport  
~~~~~

From: Zac and Nancy
Sent: Wednesday, November 07, 2012 12:24 PM
To: darkona@hawaiiintel.net
Cc: Sue Kellam; Zac & Nancy Zorn
Subject: In Support of WHFRMA Amendment (Chapter 13-60.4)

Aloha,

Let me begin by stating I am in support of the above subject amendment.

I realize there are several 'parts' to the amendment. I am in favor of the entire amendment; however, if for some reason negative public testimony should create a problem, I hope that the Pebble Beach/Kaohe Bay amendment can move forward. The community has worked hard and has worked with the fish collectors to put forth a compromise that works for all stakeholders. I have provided testimony at past hearings and have spoken with several commercial tropical fish collectors who have voiced their support for a Pebble Beach/Kaohe Bay FRA. It would be devastating if some other part of the amendment package were to destroy all our hard work. Please help us protect this special place.

Nancy A. Zorn
~~~~~

George A. Paleudis

Division of Aquatic Resources

74- 380B Kealakehe Pkwy.

Kailua-Kona, HI 96740

To Whom This May Concern

This document is to serve as testimony in support the DLNR proposed rule packages.

Adoption of the proposed rules would not only support measures necessary to conserve this community's aquatic resources, but would also serve as a definitive endorsement of community based management.

The proposed rules represent (literally) thousands of hours of time and effort donated to the state and our community in an effort to conserve resources that we recognize to be an integral part of our culture, lifestyle and economy.

Thank you for the opportunity to comment on this issue. I can be reached via the contact information provided above, should my further involvement in this matter be warranted.

Respectfully Submitted

George A. Paleudis

Dec. 05, 2012

Good evening. My name is Pamela Harlow, and I reside at 72-1075 Pu'ukala Road, Kailua-Kona.

I'm here tonight to encourage the Board of Land and Natural Resources to adopt the proposed rules including all of the amendments.

The prohibition of SCUBA spearfishing, the establishment of Ka'ohe Bay as a Fish Replenishment Area, the establishment of a White List of allowable species of aquarium fish, the protection of sharks, rays and the large mollusks that prey on crown-of-thorn starfish, and the expanded oversight of aquarium fish collecting are reasonable and balanced measures that will protect the fish and reefs of this biologically rich coastal area for present and future generations.

Thank you for the opportunity to express my support for the West Hawaii Regional Fishery Management Area rule proposals.

To Whom It May Concern,

Re. : WHRFMA Amendments to be considered at public hearing Wed., Dec. 5, 2012

As a resident of Kona Paradise I frequently use the ocean along parts of South Kona for recreational purposes. Over the past seven years I have seen the drastic decline in the numbers of reef fish in this area, making it much less attractive as a dive and snorkel area, and far less naturally alive, in general.

I urge the enactment of tougher regulations to curtail the taking of reef fish throughout Hawaii.

I am in full support of the WHRFMA Amendments which are being proposed and will face a Public Hearing on Wed., December 5th. Thank you,

Dan Swenson

~~~~~  
From: Kristina Anderson

Sent: Tuesday, November 06, 2012 9:21 AM

To: darkona@hawaiiantel.net

Subject: IN FAVOR OF PROTECTING PEBBLE BEACH with WHFRMA Amendment (Chapter 13-60.4)

I support of the West Hawaii Fishery Regional Management Area (WHFRMA) Amendment.
(Chapter 13-60.4)

I have lived near this bay for a total of 15 years and HIGHLY SUPPORT PROTECTIONS FOR OUR BAY, which will include:

1. Pebble Beach/Ka'ohe Bay will become an FRA where aquarium collectors can no longer come.
2. Spearfishing using scuba gear will be illegal along the west coast of our island.
3. There will be a 'white list' of 40 fish which commercial collectors can take but all others (and invertebrates) will be illegal to take.
There are also some size and bag limits included.
4. Many rays, sharks, and Triton Trumpet & Helmets will be protected.

Mahalo,

Kristina Anderson

~~~~~  
To: Division of Aquatic Resources

Aloha,

November 25, 2012

I support as a whole and without objection all provisions as proposed in the following rules package:

Chapter 13-60.4, West Hawaii Regional Fishery Management Area, Hawaii (WHRFMA) and amend regulations of the following Hawaii Administrative Rules (HAR): Chapter 13-54, Puako Bay and Puako Reef Fisheries Management Area, Chapter 13-57, Keauhou Bay Fisheries Management Area and Chapter 13-75-12.4, Lay nets.

Having collected aquarium fish in Hawaii for 45 years I believe these provisions are pro-active and will help to ensure the current sustainable aquarium fisheries into the future. Further these changes should add other benefits, for example clarification of boundaries. The non- aquarium provisions will help to manage other aquatic resources.

Sincerely,

Anthony Nahacky

~~~~~  
From: Kara Osada-D'Avella

Sent: Sunday, December 02, 2012 11:08 AM

To: Dr. Bill Walsh; Laura Livnat

Subject: Testimony for Matthew and I

As an 18 year resident of Hawaii who has worked as a Dive Instructor and Captain I am in full support of all of the West Hawaii Rule amendments that will be brought forth during the December 5th, 2012 public hearing. I believe it's about time Hawaii stopped the take of fish by SCUBA spearfishing. That it is long overdue that we have a complete no take of sharks, rays and COT predators. That although I would like to see a complete ban on aquarium collection in West Hawaii, I understand the need for compromise and believe the White List of 40 species meets this.

Thank you for your consideration

Matthew D'Avella

~~~~~  
**From:** linda hour

**Sent:** Thursday, November 08, 2012 9:11 PM

**To:** darkona@hawaiiantel.net

**Subject:** Supporting Rule Proposals

Good Morning,

I support the Rule Amendment Chapter 13-60.4 which will help to protect our ocean resources. I live in South Kona and am pleased that Ka'ohe Bay will be protected from commercial aquarium collecting when this Rule passes through the Public Hearing.

I support the other parts of this Package, too. Please make sure that DLNR knows that we have worked for many years to get more protection for our reefs in West Hawai'i.

Please pass this Package so that aquarium collectors will have some kind of rules to follow, so that spearfishing on scuba will be no more, and that Pebble Beach will be added to the Fish Replenishment Areas.

Mahalo,

Linda Cuthbetson



**From:** Richard Landon  
**Sent:** Friday, November 02, 2012 7:54 AM  
**To:** darkona@hawaiiantel.net  
**Subject:** Rule Proposals, Chapter 13-60.4

To Whom It May Concern:

I support the Rule Proposals, Chapter 13-60.4, which will add Pebble Beach to the current Fish Replenishment Areas. I also support the other parts of the Package. It is a pity that this entire state is not a marine preserve. Millions of people come here, like me, every year to enjoy the reefs that are still healthy and thriving. However, if the state chooses to only save one small reef at a time, then I will show my support. It is my understanding that there are only a handful of commercial aquarium collectors taking fish from the reefs. Why are they allowed to continue to do this? It is wrong.

Thank you,

Richard Landon

~~~~~

November 2, 2012

To Whom It May Concern:

I support the Rule Proposals, Chapter 13-60.4, which will add Pebble Beach to the current Fish Replenishment Areas. I also support the other parts of the Package. It is a pity that this entire state is not a marine preserve. Millions of people come here, like me, every year to enjoy the reefs that are still healthy and thriving. However, if the state chooses to only save one small reef at a time, then I will show my support. It is my understanding that there are only a handful of commercial aquarium collectors taking fish from the reefs. Why are they allowed to continue to do this? It is wrong.

Thank you,

Margaret Zorn

~~~~~

**From:** Charmaine  
**Sent:** Tuesday, November 06, 2012 11:50 AM  
**To:** darkona@hawaiiantel.net  
**Subject:** Support of amendment

Good Morning,

I support the Rule Amendment Chapter 13-60.4 which will help to protect our ocean resources. I live in South Kona and am pleased that Ka'ohe Bay will be protected from commercial aquarium collecting when this Rule passes through the Public Hearing.

I support the other parts of this Package, too. Please make sure that DLNR knows that we have worked for many years to get more protection for our reefs in West Hawai'i. Please pass this Package so that aquarium collectors will have some kind of rules to follow, so that spearfishing on scuba will be no more, and that Pebble Beach will be added to the Fish Replenishment Areas.

Mahalo,  
Charmaine Hackney

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**From:** Gil Robinson  
**Sent:** Thursday, November 08, 2012 12:27 AM  
**To:** darkona@hawaiiantel.net  
**Subject:** In support of WHFRMA Amendment

I support the WHFRMA Amendment (Chapter 13-60.4). The following are just a FEW of the reasons:

- \* Pebble Beach/Ka'ohe Bay in South Kona will become an FRA where aquarium collectors can no longer come.
- \*. Spearfishing using scuba gear will be illegal along the west coast of our island.
- \* There will be a 'white list' of 40 fish which commercial collectors can take but all others (and invertebrates) will be illegal to take. There are also some size and bag limits included.
- \* Many rays, sharks, and Triton Trumpet & Helmets will be protected.

As a citizen of Hawaii, I cannot think of any reason NOT to support this!

Gilbert A. Robinson

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**From:** daiva  
**Sent:** Tuesday, November 06, 2012 10:14 AM  
**To:** darkona@hawaiiantel.net  
**Subject:** SUPPORT of Amendment

Good Morning,

I support the Rule Amendment Chapter 13-60.4 which will help to protect our ocean resources. I live in South Kona and am pleased that Ka'ohe Bay will be protected from commercial aquarium collecting when this Rule passes through the Public Hearing.

I support the other parts of this Package, too. Please make sure that DLNR knows that we have worked for many years to get more protection for our reefs in West Hawai'i.

Please pass this Package so that aquarium collectors will have some kind of rules to follow, so that spearfishing on scuba will be no more, and that Pebble Beach will be added to the Fish Replenishment Areas.

Mahalo,  
Daiva Rimkus

~~~~~  
From: Ruta Ducinskaite
Sent: Friday, November 30, 2012 10:54 AM
To: darkona@hawaiiantel.net
Subject: in support of WHRFMA Amendments

Aloha,
I support the Rule Amendment Chapter 13-60.4 which will help to protect our ocean resources. I visited South Kona and am pleased that Ka'ohe Bay will be protected from commercial aquarium collecting when this Rule passes through the Public Hearing.
I support the other parts of this Package, too. Please make sure that DLNR knows that we have worked for many years to get more protection for our reefs in West Hawai'i.
Please pass this Package so that aquarium collectors will have some kind of rules to follow, so that spearfishing on scuba will be no more, and that Pebble Beach will be added to the Fish Replenishment Areas.

Ruta Ducinskaite,
~~~~~

Aloha!

November 2nd, 2012

Please pass along my complete support for Ka'ohe Bay being made a Fish Replenishment Area. As a full-time resident of South Kona, I often go to the bay where I enjoy swimming, snorkeling, diving, and just relaxing. It is a relief to know that it will finally be off-limits to fish collectors. I sometimes see spearfisherman using scuba in the bay, and the fact that this form of spearfishing will be illegal is also a positive change. I fully endorse the proposed rule package which passed through the WHFC. In case I cannot attend the public hearing, I would like to make sure that my support is heard.

Dulice Redden  
~~~~~

From: Bertha
Sent: Tuesday, December 04, 2012 8:38 PM
To: darkona@hawaiiantel.net
Subject: West Hawaii Public Hearing Testimony

December 4, 2012

I support the West Hawaii Fisheries Council rules package. I also support the proposed no spearing on SCUBA rule, and the proposed rules to protect sharks and rays.

I do not support the Limited Entry/ new West Hawaii license, as this proposed plan has never been discussed before being added to these rules. I also don't support the rule of no spear on a boat with SCUBA gear. I personally don't spear fish while collecting, but use one as a probe, you feel a bit braver when the tax collectors (shark) show up.
Thank you for your work to manage this fishery.

Bertha F. Basabe
BIAAF Member

~~~~~

**From:** Marianne Bickett [  
**Sent:** Sunday, November 04, 2012 6:18 PM  
**To:** darkona@hawaiiantel.net  
**Subject:** Save Pebble Beach fish and environment

Hello:

I live in California but visit Hawaii often. I have a dear friend who has been a teacher in Kona for many years. Everytime I see aquariums full of tropical fish, I feel so sad. What do we teach our children? As a retired public school teacher, I hope you will consider the ban on the collection of fish at Pebble Beach and continue with preservation of this beautiful beach.

Perhaps we can't save the world but we can take care of one beach at a time and make a huge difference. Education is the key as is taking bold steps in the right direction.

Thank you!

Sincerely,

MBickett

~~~~~

To: Division of Aquatic Resources
Aloha,

November 25, 2012

I support all provisions as proposed in the following rules package:

Chapter 13-60.4, West Hawaii Regional Fishery Management Area, Hawaii (WHRFMA) and amend regulations of the following Hawaii Administrative Rules (HAR): Chapter 13-54, Puako Bay and Puako Reef Fisheries Management Area, Chapter 13-57, Keauhou Bay Fisheries Management Area and Chapter 13-75-12.4, Lay nets.

My income has been from a mixture of aquarium fish collection and the packing of aquarium fish for export in Hawaii. I do not believe the above regulations will adversely affect me. I believe the proposed changes will provide into the future many benefits for both aquarium and non- aquarium fish.

Sincerely,

Ulla Carmiencke

~~~~~

**From:** August Rimkus  
**Sent:** Tuesday, November 06, 2012 10:03 AM  
**To:** darkona@hawaiiantel.net  
**Subject:** SUPPORT of Amendment

Aloha,

I am writing to show support for the DLNR Rule Proposals (Chapter 13-60.4).

I strongly support all the proposals, especially Ka'ohe Bay becoming an FRA. As a resident of South Kona and frequent user of Pebble Beach, I am very happy that

it is finally going to be a protected area. I also support no spearfishing using scuba gear and some kind of limit for aquarium collectors. Personally, I don't understand why the restrictions aren't stricter but some rules are better than none!

If we do not protect our reefs and our enviroment now what will we have in the future?!

Thank you,

August Rimkus

~~~~~

From: Michelle Mennis
Sent: Monday, November 05, 2012 5:38 PM
To: 'adrkona@hawaiiantel.net'
Subject: rules proposal, Chapter 13-60.4

I have had the incredible opportunity to visit Pebble Beach, Hawaii several times and experience the uniqueness of it's gifts. I support the Rule Proposals, Chapter 13-60.4 along with the other parts of this package that will add to the current Fish Replenishment Areas. Too often, Marine preserves are established after catastrophic depletions of these unique kinds of habitats. I urge you to be proactive NOW and pass this proposal for the protection for such an amazing habitat. It will enable future growth, education, habitat studies and protections while this environment is still viable and not after it is beyond repair.

Respectfully,

Michelle Mennis

~~~~~

**From:** donald geyer  
**Sent:** Thursday, December 06, 2012 5:19 AM  
**To:** darkona@hawaiiantel.net  
**Subject:** Proposed rules and amendments for the West Hawaii Regional Management Area

Donald Geyer

I fully support the proposed rules and amendments for the West Hawaii Regional Fishery Management Area. I have been a fisherman for over fifty years and have seen first hand, the damage done by targeting the large fish in a population. The breeding success is reduced, and the size of the fish diminishes over time, because of the removal of the genes to produce large fish. That said, to make any progress a compromise must be reached. If the opponents in this issue refuse, nothing will be accomplished. There will be no restrictions and the fish will be lost.

~~~~~

From: Paul Litz
Sent: Wednesday, October 24, 2012 3:44 AM
To: darkona@hawaiiantel.net
Subject: Support Rule Chapter 13-60.4

To whom it may concern:

Please count me to support the Rule Package which is going to a Public Hearing on December 5. I support Pebble Beach becoming an FRA, no spear fishing on SCUBA, and the creation of a 'white list.' I love the Big Island, and it's great to know that DLNR is moving in the right direction in protecting some of its important resources.

Yours truly,
Paul Litz

~~~~~

**From:** Dick Dresie  
**Sent:** Wednesday, November 07, 2012 11:06 AM  
**To:** darkona@hawaiiantel.net  
**Subject:** Rules Amendment Package

November 7, 2012

**To all at DAR:**

**When Act 306 passed, way back in 1999, I was somewhat disappointed that only 35% of the West Hawaii coastline was made FRA areas. But, I was pleased that some action was being taken to protect our valuable resources for decades to come.**

**Now we have the opportunity to protect a wonderful, peaceful, and interesting spot, called Pebble Beach, so let's DO IT! This Rules Amendment Package**

**should get passed as soon as possible, because every day we allow overfishing, anywhere, we lose valuable marine life.**

**Thanks for the chance to speak up, again, on this issue.**

**Aloha,**

**Dick Dresie**

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**From:** rshall  
**Sent:** Tuesday, December 18, 2012 2:05 PM  
**To:** darkona@hawaiiintel.net  
**Subject:** West Hawaii Fishery Management Rule

Dear Sirs: I am writing in SUPPORT of new provisions which have been proposed for the West Hawaii Regional Fishery Management Area. I also support the adoption of additional amendments to other marine-related rules. Together these actions will contribute substantively to the conservation of marine resources in West Hawaii.

I participated in the evolution of this rules package as a former member of the West Hawaii Fishery Council. I'm sorry that I was not able to testify in support of the rules package during the December 5 hearing. I was traveling at the time.

Aloha, Robert Shallenberger, Ph.D.  
Conservation Biologist.

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**From:** Tanya  
**Sent:** Sunday, November 11, 2012 7:09 PM  
**To:** darkona@hawaiiintel.net  
**Subject:** In support of WHFRMA Amendment

To Whom It May Concern,

I am writing you in support the West Hawaii Fishery Regional Management Area (WHFRMA) Amendment.

I have been a frequent visitor to the Big Island for over a decade and have been proud to introduce a number of friends to the Big Island as well. In this time, I have come to deeply appreciate the variety and beauty of the sea life in Ka'ohe Bay. The actions in this amendment - among them limiting aquarium collection and prohibiting spearfishing - are a small concession to maintain this beautiful place.

Sincerely,

Tanya Kellam

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**From:** Max Lachance  
**Sent:** Tuesday, December 04, 2012 12:26 PM  
**To:** Donna Goodale  
**Subject:** Re: Testimony

### Department of Land and Natural Resources Testimony.

Max Lachance

Dear Department of Land and Natural Resources I agree with all of the proposed ideas. I have only lived here a short while (1.5 years) but I have seen the fish and sharks and it would be a shame if we where to lose them. I truly want to help save the aquatic world in its natural form so that generations to come can enjoy it as much as we have.

Thank you, and I hope that we can pass these new rules quickly, effectively and efficiently.

Max Lachance

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**From:** Dave Shoup  
**Sent:** Wednesday, December 19, 2012 4:05 PM  
**To:** darkona@hawaiiantel.net  
**Subject:** WHRFMA Rule Proposals

Dear Chairman Aila and DAR,

We were unable to attend the public meetings, but we strongly support the West Hawaii Regional Fishery Management Area Rule Proposals by DLNR. While no proposals will totally please everyone, these have been carefully researched and discussed by many interested parties. We urge that these proposals be adopted as soon as possible.

Hawaii has many natural treasures, but surely our coral reefs are at the top. We have spent countless happy hours exploring them and volunteer our time to educate vivitors on reef etiquette and protection.

Mahalo,

David Shoup  
Carol Trowbridge

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**From:** Tammy Rouleau  
**Sent:** Monday, November 12, 2012 7:38 PM  
**To:** darkona@hawaiiantel.net  
**Subject:** In support of WHFRMA Amendment



darkona@hawaiiantel.net

"I support the WHFRMA Amendment."

Please, consider that the choices we make for the GOOD OF ALL, are much more important than the PROFIT OF A FEW.

The priority is what we choose it to be. There are many ways to earn an income that provide positive outcomes to the greater good of the whole community.  
I feel that this is clearly an opportunity to support a higher thought. That thought being a beautiful inspired natural unaltered coastal waters off the pristine shores of Hawaii.

Thank you for your consideration.

Tammy Rouleau

~~~~~

From: Betsy Morrigan
Sent: Saturday, November 24, 2012 3:55 PM
To: darkona@hawaiiantel.net
Subject: Re: In support of WHFRMA Amendments

TO THE DLNR DAR:

I support the full WHFRMA Amendment package. I am in favor of all the amendments presented here. I live in Kona Paradise and I think the exclusion on aquarium fishing for this area is a very good idea. I am in the water a great deal and I see the number of fish declining. Therefore I would like to see as much of the coast as possible protected by similar rules against aquarium fishing.

I thank the DAR for their efforts in protecting our fishery.

Thank you,
Betsy Morrigan
University of Hawaii professor

~~~~~

**From:** Steven Colbert  
**Sent:** Tuesday, November 06, 2012 12:28 PM  
**To:** darkona@hawaiiantel.net  
**Subject:** Support for West Hawaii DLNR Rules

November 6, 2012

Aloha Mr. Aila,

I will not be able to attend the meeting on December 5, 2012, to discuss the DLNR rules package for West Hawai'i. However, I wanted to lend my support to these rule changes. In the absence of these regulations, we have already seen the deterioration of the reef ecosystem. The proposed rule changes are a step forward that will help reduce anthropogenic stress on our reef ecosystem. By reducing the top-down pressures on reef organisms, I hope that a balanced ecosystem will prevail.

Mahalo,

Steven Colbert

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Steven Colbert  
Marine Science Department  
University of Hawai'i at Hilo  
200 W. Kawili St., Hilo, HI 96720

Creativity is our greatest natural resource.  
~~~~~

Aloha,

I am writing to you about Rule Package (chapter 13-60.4) to protect Pebble Beach as a protected FRA. This is a wonderful swimming, snorkeling and diving area. We have wonderful reef fish here and they are slowly disappearing. It hurts to see a once beautiful octopus that has been killed by a spear gun being taken from our bay. They are scarce and we need them to breed.

Please help us retain the beauty of our shores and protect those species that are left.

Sincerely,

Richard Gordon
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To Whom it may concern,

I am a resident of Kona Paradise, and enjoy the ocean along South Kona. I have noticed a decline in the amount of reef fish, over the past several years. I think that if we don't protect our fish now, there won't be any left to enjoy. I am in full support of tougher regulations regarding the taking of reef fish throughout Hawaii. I fully support the WHRFMA Amendments which are being proposed and will face a Public Hearing on Wed., December 5th.

Thank you,  
Velvet Johnson

~~~~~

From: Doug herkes
Sent: Wednesday, December 05, 2012 11:23 AM
To: darkona@hawaiiantel.net
Subject: Rules Package and Public testimony

Aloha I am a 4th generation native of the Big Island and 7 year member of the West Hawaii Fisheries Council representing the visitor industry. I am **in favor** of the rules package currently under consideration and up for public testimony regarding a ban on scuba spearfishing, a white list for tropical fish collecting, the Kaohe bay addition, and other clarifications. Although the coastline of West Hawaii is one of the best protected anywhere, more is need to insure it's sustainability.

Doug Herkes

~~~~~

Aloha,

We are contacting you to express our support for the adoption of the proposed rule changes affecting the West Hawai'i Regional Fishery Management Area, DLNR Rule Proposals (Chapter 13-60.4). While we strongly support all of the proposed changes, we specifically want to encourage the establishment of Ka'ohe Bay (Pebble Beach) as a Fish Replenishment Area (FRA). As residents of South Kona and users of Pebble Beach, we consider the designation of Ka'ohe Bay as a protected area to be long overdue.

Regards,

John and Victoria Helgeson

~~~~~

From: Rosanne Shank
Sent: Sunday, November 04, 2012 5:39 PM
To: darkona@hawaiiantel.net
Subject: In support of DLNR rule Chapter 13-60.4

I support the closing of Pebble Beach to commercial aquarium fish collectors. I love scuba diving at this bay and I want to see fish, octopus, manta rays and any other ocean creatures who want to swim my way for many years to come. Please support this rule in order to put more conservation programs in place. We need to work together to help keep the ocean a wonderful place to visit.

Thank you for your consideration in this effort.

Rosanne Shank

~~~~~

**From:** Fox, Helen  
**Sent:** Saturday, December 01, 2012 9:35 AM  
**To:** darkona@hawaiiantel.net  
**Subject:** RE: Support for WHI coral reef management

Aloha Bill,

I am absolutely happy to provide this written testimony in support of approval of the rules package. As you know I have worked on the coral reefs of West Hawai'i and maintain a strong interest in actively supporting effective management of its unique reef resources. Congratulations to you and WHFC on a giant step forward for enlightened fisheries management in West Hawai'i. I hope the public hearing goes well and let me know if there's more you'd need from me.

Mahalo for all you do,  
Helen

**Helen E. Fox, Ph.D.**

Director, Marine Science | Conservation Science Program | World Wildlife Fund  
1250 24th Street NW | Washington, DC 20037 USA | skype: fox.robison |  
+1.202.495.4793 (w) | +1.202.640.3070 (bb) | +1.202.293.9211 (fax) | [helen.fox@wwfus.org](mailto:helen.fox@wwfus.org)  
[www.worldwildlife.org/science](http://www.worldwildlife.org/science)

~~~~~

From: John Hoover
Sent: Monday, November 12, 2012 1:26 PM
To: William j. Walsh
Subject: In support of WHFRMA Amendment

To whom it may concern:

I support the WHFRMA Amendment (Chapter 13-60.4). Prohibiting spearfishing with scuba is a small but important start toward restore some of the larger fish to our reef ecosystems. Establishing a white list for aquarium collectors is a good start toward controlling animals taken for the aquarium trade. Finally, "Pebble Beach" is one of the closest good dive sites to my home in Volcano and I would love to see it protected in some measure.

Sincerely yours,

John P Hoover

From: Ken Obenski
Sent: Tuesday, November 06, 2012 9:13 AM
To: darkona@hawaiiantel.net
Subject: In support of WHFRMA Amendment.

November 6, 2012

"I support the WHFRMA Amendment."

Ken Obenski

Kaohe

From: Ken Obenski **Sent:** Wednesday, December 05, 2012 10:59 PM
To: darkona@hawaiiantel.net; John Sue Kellam
Subject: Administrative hearing 12/5 2012
I attended the hearing at Kealahou High School about the proposed administrative rules.

The speakers had two basic points of view.
One: The rule are reasonable and should be implemented.
or
Two: I do not approve of the process by which they were determined.

Number two was basically "You didn't do it my way"

Everything I heard convinced me that the proposed rules are as good as we have right to expect and should be implumented.

Ken Obenski .

From: Eric Cohen
Sent: Sunday, November 04, 2012 12:32 PM
To: darkona@hawaiiantel.net
Subject: Support of West Hawaii Council Package

Dr. Walsh,

"I vote to support the West Hawaii Rules Package that supports managing fisheries, not closing them down".

"I support the West Hawaii Rules Package, but don't agree that we need a 4 1/2" size limit on yellow tang since DAR surveys have show that there are as many large breeding populations of yellow tang in the open areas as there are in the FRA's".

"I am in favor of the West Hawaii Rules Package".

Have a Great Day!

Eric Cohen

Sea Dwelling Creatures, Inc - Los Angeles

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**From:** lucinda olsen

**Sent:** Thursday, November 08, 2012 11:56 AM

**To:** darkona@hawaiiantel.net

**Subject:** (WHFRMA) Amendment

Aloha!

Please write me down as completely supporting the Rule Amendment that will make Ka'ohe Bay an FRA, outlaw spearfishing using scuba, and create a list of fish that the collectors can take. It's my understanding that all other fish and critters will be off limits if this passes. It's also good that the predators of the crown of thorns will be protected. Thank you for your involvement in this important issue.

Lucinda Olsen

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EcoEZ Inc.

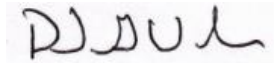
December 19, 2012

Division of Aquatic Resources
74-380B Kealakhe Pkwy
Kailua-Kona, HI 96740
Email: darkona@hawaiitel.net

Re: West Hawaii Regional Fishery Management Area WHRFMA Administrative Rules Package

EcoEZ Inc. and our SEASmart program, support the proposed administrative rules package put forth for the West Hawaii Regional Fishery Management Area. The marine aquarium trade has been moving in the direction towards sustainable management since the time of the Marine aquarium Council. This action by Hawaii will bring us all closer to a sustainable trade and healthier ecosystems, and will help guide other countries towards improved management. Thank you.

All the best,



David G. Vosseler
President

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From: Janice Abreu  
Sent: Tuesday, November 13, 2012 5:34 PM  
To: darkona@hawaiiantel.net  
Subject: IN SUPPORT OF RULE AMENDMENTS Ch.13-60.4

To Whom It May Concern:

We have recently become aware of the diminishing biological diversity at Ka'ohe Bay. We have had the pleasure of visiting friends in the area and snorkeling at Pebble Beach and think that it is a priceless asset of the Kona coast, one that needs and deserves protection. We fully support any actions including Rule Amendments Ch. 13-60.4, that would help restore the marine life in Ka'ohe Bay to historical levels.

Respectfully,

Janice Abreu and Phil Kay

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December 14, 2012

Division of Aquatic Resources
74-380B Kealakehe Parkway
Kailua-Kona, HI 96740

Subject: West Hawaii Regional Fisheries Management Area Rule Amendments

Mr. William Aila, Jr., Chairperson
Board of Natural Resources:

Thank you for the opportunity to review the subject rule amendments and provide comments.

The Puako Community Association (PCA) recommends the adoption of the proposed rule amendments. We particularly favor the elimination of SCUBA/Rebreather spearfishing in the WHRFMA.

Furthermore, the PCA favors the new detailed map of the Puako Reef FMA and clarification regarding barrier nets and hand nets prohibition.

Respectfully submitted,

Peter Hackstedde
President
Puako Community Association

Puako Community Association, P.O. Box 4345, Kawaihae, HI 96743

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(Note: The following tables are based on individual form testimonies sent to DAR)

**To Department of Land & Natural Resources, Division of Aquatic Resources:**



**I fully support the West Hawai'i Regional Fishery Management Area Amendments including:**

- 1. Pebble Beach will become an FRA where commercial aquarium fish collectors cannot collect fish.**
- 2. Spearfishing using scuba gear will be illegal along the west coast of the Big Island.**
- 3. There will be a 'White List' of 40 species of fish which commercial collectors can take, but all others (and invertebrates) will be illegal to take. There are also some size & bag limits included.**
- 4. The taking of most rays & sharks will be banned.**
- 5. Two large mollusks which eat the Crown-of-Thorns sea star (which devours coral) will be protected.**

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |            |  |                        |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------|--|------------------------|
| <b>Bob Gladden</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | 11/13/2012 |  | Kailua-Kona, HI 96740  |
| <b>Duane Erway</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | 11/13/2012 |  | Kailua-Kona, HI 96745  |
| <b>Marjorie Erway</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | 11/13/2012 |  | Kailua-Kona, HI 96745  |
| <b>Donald Erway</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | 11/13/2012 |  | Kailua-Kona, HI 96740  |
| <p>As a long time, avid snorkeler, scuba diver, and underwater photographer, I can plainly see the difference in behavior, in areas where spear fishing is allowed, and areas where it is not.</p> <p>All the large fish, especially large parrot fish, are very hard to photograph, underwater, in areas where spear fishing is allowed. And much easier to approach, in areas where it is not, such as old airport.</p> <p>I feel this ammendment is just the first step. Next, we need to continue to protect fisheries to make them truly sustainable, and we need completely disallow spearfishing in some of our most accessible and popular tourist snorkel spots, such as Kahalu'u, Two Step, and 4 mile bay.</p> <p>I support the amendment, as a great first step.</p>                                                                                                                                                         |            |  |                        |
| <b>Don Beatty</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | 11/13/2012 |  | Kailua-Kona, HI 96740  |
| <b>Connie Monell</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | 11/13/2012 |  | Kailua-Kona, HI 96740  |
| <b>Hugh Baker</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | 11/13/2012 |  | Kailua-Kona, HI 96740  |
| <b>Bruce Miller</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | 11/13/2012 |  | Kamuela, HI            |
| <b>Phyllis Connors</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | 11/13/2012 |  | Kailua-Kona, HI 96740  |
| <p>I support the White List as a beginning step in protecting our reef fish. I also support the regulations on banning Scuba spear fishing and the taking of sharks, rays, and Triton Trumpet shells. Also, I would like to see more FRAs including Pebble Beach.</p> <p>I feel we need many more restrictions on collectors and fishing. I think collectors should be paying hefty fees and no new permits should been issued. I would like to see fish collecting "phased" out. I would like to see more information for local people catching and eating reef fish. The waters at Manini sometimes have hardly any manini! Even the elders agree that sometimes people are taking too much.</p> <p>I just came back from a vacation on Maui and saw all of 2 yellow tang - very sad. I would also like to see more regulations controlling run off from golf courses and developments. Both water shed and ocean need protection.</p> |            |  |                        |
| <b>Cindi Baker</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | 11/13/2012 |  | Kailua-Kona, HI 96740  |
| <b>Judy Volquardsen</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | 11/13/2012 |  | Kailua-Kona, HI 96740  |
| <b>Betty Baker</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | 11/13/2012 |  | Kailua-Kona, HI 96740  |
| <b>Elly Mothoch</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | 11/13/2012 |  | Kona                   |
| <b>Arin White</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | 11/13/2012 |  | Kailua-Kona, HI 96740  |
| <b>Heather Howard</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | 11/13/2012 |  | Kailua-Kona, HI 96740  |
| <b>Kristen Dowling</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | 11/13/2012 |  | Kailua-Kona, HI 96740  |
| <b>Kat Nikolich</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | 11/13/2012 |  | Kailua-Kona, HI 96740  |
| <b>Audrey Archer</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | 11/13/2012 |  | Kailua-Kona, HI 96740  |
| <b>Allison Gordon</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | 11/13/2012 |  | Kailua-Kona, HI 96740  |
| <b>Carol Holmboe</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | 11/13/2012 |  | Kailua-Kona, HI 96740  |
| <b>Susan Scott</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | 11/13/2012 |  | Captain Cook, HI 96704 |
| <b>David Miller</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | 11/13/2012 |  | Captain Cook, HI 96704 |
| <b>Alexia Benrezkellani</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | 11/13/2012 |  | Kailua-Kona, HI 96740  |
| <b>BG Johnson</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | 11/13/2012 |  | Kailua-Kona, HI 96740  |

|                            |            |  |                          |
|----------------------------|------------|--|--------------------------|
| <b>Maribel Doeschale</b>   | 11/13/2012 |  | Puiflyk, The Netherlands |
| <b>Stacy Siegel</b>        | 11/13/2012 |  | Captain Cook, HI 96704   |
| <b>Russell Orr</b>         | 11/14/2012 |  | Kailua-Kona, HI 96740    |
| <b>Dave Booth</b>          | 11/15/2012 |  | Captain Cook, HI 96704   |
| <b>Jennifer Booth</b>      | 11/15/2012 |  | Captain Cook, HI 96704   |
| <b>Michael Bennett</b>     | 11/15/2012 |  | Captain Cook, HI 96704   |
| <b>Emelyn Rivera</b>       | 11/15/2012 |  | Captain Cook, HI 96704   |
| <b>Larry Rivera</b>        | 11/15/2012 |  | Captain Cook, HI 96704   |
| <b>Steve Preston</b>       | 11/15/2012 |  | Captain Cook, HI         |
| <b>Cliff Walters</b>       | 11/15/2012 |  | Captain Cook, HI         |
| <b>Deborah Walters</b>     | 11/15/2012 |  | Captain Cook, HI         |
| <b>Bernard Mayer</b>       | 11/15/2012 |  | Honaunau HI 96726        |
| <b>Anne Long</b>           | 11/15/2012 |  | Ocean View, HI 96737     |
| <b>Holly Screen</b>        | 11/15/2012 |  | Captain Cook, HI         |
| <b>Dan Malette</b>         | 11/16/2012 |  | Jackson, WY 83002        |
| <b>Robin Maggard</b>       | 11/16/2012 |  | Ocean View, HI 96737     |
| <b>Bandi Maxwell</b>       | 11/16/2012 |  | Chico, CA 95973          |
| <b>Kristopher Haverton</b> | 11/16/2012 |  | Ocean View, HI 96737     |
| <b>Jason Hollingsworth</b> | 11/16/2012 |  | Chico, CA 95973          |
| <b>Phillip Sharkey</b>     | 11/16/2012 |  | Ocean View, HI 96737     |
| <b>Mala Hislger</b>        | 11/16/2012 |  | Ocean View, HI 96737     |
| <b>Ramona Gaspar</b>       | 11/16/2012 |  | Ocean View, HI 96737     |
| <b>Heidi Johansen</b>      | 11/16/2012 |  | Captain Cook, HI 96704   |
| <b>David Malette</b>       | 11/16/2012 |  | Ocean View HI 96737      |
| <b>Liz Brown</b>           | 11/16/2012 |  | Kailua-Kona, HI 96740    |
| <b>Erin Heidrich</b>       | 11/16/2012 |  | Keauhou, HI 96739        |
| <b>Zack Hoffman</b>        | 11/16/2012 |  | Keauhou, HI 96739        |
| <b>James Gordon</b>        | 11/16/2012 |  | Kailua-Kona, HI 96740    |
| <b>Angela Woerner</b>      | 11/16/2012 |  | Kailua-Kona, HI 96740    |
| <b>Sven Lindemann</b>      | 11/16/2012 |  | Holualoa, HI 96725       |
| <b>Philip Bogdanovitch</b> | 11/16/2012 |  | Kailua-Kona, HI 96740    |
| <b>Ian Costello</b>        | 11/16/2012 |  | Kailua-Kona, HI 96740    |
| <b>Nahiku Phillips</b>     | 11/16/2012 |  | Kailua-Kona, HI 96740    |
| <b>Robert Jensen</b>       | 11/16/2012 |  | Kailua-Kona, HI 96740    |
| <b>Kila Quam</b>           | 11/16/2012 |  | Kailua-Kona, HI 96740    |
| <b>Jeremy Wilkins</b>      | 11/16/2012 |  | Kailua-Kona, HI 96740    |
| <b>Laura Roberts</b>       | 11/16/2012 |  | Kailua-Kona, HI 96740    |
| <b>Susan Oliver</b>        | 11/16/2012 |  | Ocean View, HI 96737     |
| <b>Lynn Gordon</b>         | 11/16/2012 |  |                          |
| <b>Christine Gallagher</b> | 11/16/2012 |  | Ocean View, HI 96737     |
| <b>Leigh Mitchell</b>      | 11/16/2012 |  | Ocean View, HI 96737     |
| <b>Enoch Wiseman</b>       | 11/16/2012 |  | Ocean View, HI 96737     |
| <b>Allan Humble</b>        | 11/16/2012 |  | Ocean View, HI 96737     |
| <b>Ted Sanchez</b>         | 11/16/2012 |  | Ocean View, HI 96737     |
| <b>Amanda Andrews</b>      | 11/16/2012 |  | Ocean View, HI 96737     |
| <b>Kirk Shurte</b>         | 11/16/2012 |  | Kailua-Kona, HI 96740    |
| <b>Christine Dupuis</b>    | 11/16/2012 |  | Kailua-Kona, HI 96740    |
| <b>Mark Schroeder</b>      | 11/16/2012 |  | Kailua-Kona, HI 96740    |
| <b>Les Hawger</b>          | 11/17/2012 |  | Hilo, HI 96721           |
| <b>Emily Harvell</b>       | 11/17/2012 |  | Hilo, HI 96721           |
| <b>Anthony Yates</b>       | 11/17/2012 |  | Kurtistown, HI 96760     |

|                              |            |  |                        |
|------------------------------|------------|--|------------------------|
| <b>Ryan Holmboe</b>          | 11/17/2012 |  | Kailua-Kona, HI 96740  |
| <b>Peter Miller</b>          | 11/17/2012 |  | Kailua-Kona, HI 96740  |
| <b>Michael Bernstone</b>     | 11/17/2012 |  | Waikoloa, HI 96738     |
| <b>Michael Hazard</b>        | 11/17/2012 |  | Keauhou, HI 96739      |
| <b>Mark Devenot</b>          | 11/17/2012 |  | Kamuela, HI 96743      |
| <b>Aaron Hale</b>            | 11/17/2012 |  | Ocean View, HI 96737   |
| <b>Jeff Dickerson</b>        | 11/17/2012 |  | Ocean View, HI 96737   |
| <b>Dennis James</b>          | 11/17/2012 |  | Ocean View, HI 96737   |
| <b>Richard Popper</b>        | 11/15/2012 |  | Kailua-Kona, HI        |
| <b>Donna Werk</b>            | 11/17/2012 |  | Captain Cook, HI 96740 |
| <b>Hal McDougal</b>          | 11/17/2012 |  | Captain Cook, HI 96704 |
| <b>Leslie Bennett</b>        | 11/17/2012 |  | Kailua-Kona, HI 96740  |
| <b>Kupono Clark</b>          | 11/17/2012 |  | Ocean View, HI 96737   |
| <b>Larry Bock</b>            | 11/17/2012 |  | Ocean View, HI 96737   |
| <b>Makayla Green</b>         | 11/17/2012 |  | Ocean View, HI 96737   |
| <b>Floyd Lester</b>          | 11/17/2012 |  | Ocean View, HI 96737   |
| <b>Jerry Wegwessel</b>       | 11/17/2012 |  | Ocean View, HI 96737   |
| <b>Evelyn Crapser</b>        | 11/17/2012 |  | Ocean View, HI 96737   |
| <b>Russell Kaetsu</b>        | 11/17/2012 |  | Kailua-Kona, HI 96740  |
| <b>Gary Golding</b>          | 11/17/2012 |  | Naalehu, HI 96772      |
| <b>Michael Pusuh</b>         | 11/17/2012 |  | Ocean View, HI 96737   |
| <b>Patricia McEldowney</b>   | 11/17/2012 |  | Captain Cook, HI 96704 |
| <b>Eva Zamorano</b>          | 11/17/2012 |  | Naalehu, HI 96772      |
| <b>Greg Bland</b>            | 11/17/2012 |  | Naalehu, HI 96772      |
| <b>Mona Himell</b>           | 11/17/2012 |  | Ocean View, HI 96737   |
| <b>Paul Santos</b>           | 11/17/2012 |  | Ocean View, HI 96737   |
| <b>Ann McLemore</b>          | 11/17/2012 |  | Naalehu, HI 96772      |
| <b>Randy Elton</b>           | 11/17/2012 |  | Captain Cook, HI 96704 |
| <b>Jene Green</b>            | 11/17/2012 |  | Ocean View, HI 96737   |
| <b>Tessa Wirtz</b>           | 11/17/2012 |  | Ocean View, HI 96737   |
| <b>Chuck Green</b>           | 11/17/2012 |  | Ocean View, HI 96737   |
| <b>Flo Adams</b>             | 11/17/2012 |  | Pr. Rupert, B.C.       |
| <b>Berta Miraiedo</b>        | 11/17/2012 |  | Naalehu, HI 96772      |
| <b>Carol Lyelo</b>           | 11/17/2012 |  | Pr. Rupert, B.C.       |
| <b>Joseph Moring</b>         | 11/17/2012 |  | Naalehu, HI 96772      |
| <b>Lory Miller</b>           | 11/17/2012 |  | Pahala, HI 96777       |
| <b>Chris Jacobsen</b>        | 11/17/2012 |  | Ocean View, HI 96737   |
| <b>Donna Goering</b>         | 11/17/2012 |  | Ocean View, HI 96737   |
| <b>Susan Martin</b>          | 11/17/2012 |  | Naalehu, HI            |
| <b>Thomas Ramirez</b>        | 11/17/2012 |  | Ocean View, HI 96737   |
| <b>Edward Wirtz</b>          | 11/17/2012 |  | Ocean View, HI 96737   |
| <b>Andrew Green</b>          | 11/17/2012 |  | Ocean View, HI 96737   |
| <b>Lenda Hand</b>            | 11/17/2012 |  | Honaunau, HI 96726     |
| <b>Gary Adkinson</b>         | 11/17/2012 |  | Ocean View, HI 96737   |
| <b>Jeremich Bullfrog</b>     | 11/17/2012 |  | Ocean View, HI 96737   |
| <b>Vickie West</b>           | 11/17/2012 |  | Ocean View, HI 96737   |
| <b>William Radtkc</b>        | 11/17/2012 |  | Keauhou, HI 96739      |
| <b>Jeffrey Grossenbacher</b> | 11/17/2012 |  | Ocean View, HI 96737   |
| <b>Ed Wirtz III</b>          | 11/18/2012 |  | Ocean View, HI 96737   |
| <b>Marci Oah</b>             | 11/18/2012 |  | Wasilla, AK 99623      |
| <b>Chris Hunter</b>          | 11/18/2012 |  | Kealahakua, HI 96750   |

|                                                                                                                                                                                                                                                     |            |  |                           |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------|--|---------------------------|
| Jeff Sharp                                                                                                                                                                                                                                          | 11/18/2012 |  | Keauhou, HI 96739         |
| Jeanne White                                                                                                                                                                                                                                        | 11/18/2012 |  | Kailua-Kona, HI 96740     |
| Max Hunchion                                                                                                                                                                                                                                        | 11/18/2012 |  | Kailua-Kona, HI 96740     |
| Sterling Dorje                                                                                                                                                                                                                                      | 11/18/2012 |  | Kailua-Kona, HI 96740     |
| Cathy Swedelins                                                                                                                                                                                                                                     | 11/18/2012 |  | Kailua-Kona, HI 96740     |
| Paul Regan                                                                                                                                                                                                                                          | 11/18/2012 |  | Kailua-Kona, HI 96745     |
| Nancy Regan                                                                                                                                                                                                                                         | 11/18/2012 |  | Kailua-Kona, HI 96740     |
| Liz Swan                                                                                                                                                                                                                                            | 11/18/2012 |  | Honaunau, HI 96726        |
| Dean Towle                                                                                                                                                                                                                                          | 11/18/2012 |  | Kailua-Kona, HI 96740     |
| Christopher Ivey                                                                                                                                                                                                                                    | 11/18/2012 |  | Holualoa, HI 96725        |
| Trisha Hansen                                                                                                                                                                                                                                       | 11/18/2012 |  | Kailua-Kona, HI 96740     |
| Jeanne Borugois                                                                                                                                                                                                                                     | 11/18/2012 |  | Kamuela, HI 96743         |
| Roberto Agre                                                                                                                                                                                                                                        | 11/18/2012 |  | San Francisco, CA 94131   |
| Claire Grant                                                                                                                                                                                                                                        | 11/18/2012 |  | Kamuela, HI 96743         |
| Shigeko Jackson                                                                                                                                                                                                                                     | 11/18/2012 |  | Captain Cook, HI 96704    |
| Allen Slin                                                                                                                                                                                                                                          | 11/18/2012 |  | San Francisco, CA 94131   |
| Stefanie Delmont                                                                                                                                                                                                                                    | 11/18/2012 |  | Holualoa, HI              |
| Nancy Hitzemann                                                                                                                                                                                                                                     | 11/18/2012 |  | Kailua-Kona, HI 96740     |
| JE Hitger                                                                                                                                                                                                                                           | 11/18/2012 |  | Kailua-Kona, HI 96740     |
| Nathaniel Jackson                                                                                                                                                                                                                                   | 11/18/2012 |  | Captain Cook, HI 96704    |
| Kristoffer Haugen                                                                                                                                                                                                                                   | 11/18/2012 |  | Sandnes, Norway 4308      |
| Marie Haugen                                                                                                                                                                                                                                        | 11/18/2012 |  | Sandnes, Norway 4308      |
| Michael Talerico                                                                                                                                                                                                                                    | 11/20/2012 |  | Captain Cook, HI 96704    |
| Martha Stephens                                                                                                                                                                                                                                     | 11/20/2012 |  | Kailua-Kona, HI 96740     |
| Stacey Himmel                                                                                                                                                                                                                                       | 11/20/2012 |  | Kealakekua, HI 96750      |
| Heather Laurson                                                                                                                                                                                                                                     | 11/20/2012 |  | Kealakekua, HI 96750      |
| Kathy Brinton                                                                                                                                                                                                                                       | 11/20/2012 |  | Captain Cook, HI 96704    |
| Roslyn Ramsey                                                                                                                                                                                                                                       | 11/20/2012 |  | Captain Cook, HI 96704    |
| Please support the ocean's right to survive!                                                                                                                                                                                                        |            |  |                           |
| Joan Prater                                                                                                                                                                                                                                         | 11/20/2012 |  | Captain Cook, HI 96704    |
| I have been involved in counting fish at a site at Manini Beach, Kealakekua Bay since 2001. Many species of reef fish have greatly increased in numbers during this 11-year time since the FRA's have been in existence, particularly yellow tangs. |            |  |                           |
| Russell Laros                                                                                                                                                                                                                                       | 11/21/2012 |  | Kailua-Kona, HI 96740     |
| Neil Soicher                                                                                                                                                                                                                                        | 11/22/2012 |  | Honokaa, HI 96727         |
| Richard Maletic                                                                                                                                                                                                                                     | 11/25/2012 |  | Captain Cook, HI 96704    |
| Whitney Uldricks                                                                                                                                                                                                                                    | 11/26/2012 |  | Holualoa, HI 96725        |
| Nicholas Bahrdunn                                                                                                                                                                                                                                   | 11/27/2012 |  | Boise, ID 83702           |
| Laina Bahrdunn                                                                                                                                                                                                                                      | 11/27/2012 |  | Boise, ID 83702           |
| Meagan Selvig                                                                                                                                                                                                                                       | 11/27/2012 |  | Kea'au, HI 96749          |
| George Wilson                                                                                                                                                                                                                                       | 11/27/2012 |  | Kailua Kona, Hawaii 96740 |
| Richard Ednie                                                                                                                                                                                                                                       | 11/27/2012 |  | Kamuela, HI 96743         |
| Amanda Ault                                                                                                                                                                                                                                         | 11/28/2012 |  | Kailua-Kona, HI 96740     |
| Robert Stevens                                                                                                                                                                                                                                      | 11/28/2012 |  | Kamuela, HI 96743         |
| Jim Medeiros                                                                                                                                                                                                                                        | 11/28/2012 |  | Honaunau, HI 96726        |
| Teresa Leicher                                                                                                                                                                                                                                      | 11/28/2012 |  | Kailua-Kona, HI 96740     |
| Howell Nagatori                                                                                                                                                                                                                                     | 11/29/2012 |  | Captain Cook, HI 96704    |
| Nick Greenwell                                                                                                                                                                                                                                      | 11/29/2012 |  | Captain Cook, HI 96704    |
| Jean Trueman                                                                                                                                                                                                                                        | 11/29/2012 |  | Honaunau, HI 96726        |
| Jacob Hesterly                                                                                                                                                                                                                                      | 11/29/2012 |  | Ocean View 96737          |
| Jacob Gomes                                                                                                                                                                                                                                         | 11/29/2012 |  | Captain Cook, HI 96704    |

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |            |  |                        |
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| <b>Robert Dahlager</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | 11/29/2012 |  | Captain Cook, HI 96704 |
| <b>Stephen Lucido</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | 11/29/2012 |  | Calgary, AB T2S OY2    |
| <b>Mary Kahlager</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | 11/29/2012 |  | Captain Cook, HI 96704 |
| <b>Susani German</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | 11/29/2012 |  | Honaunau, HI 96726     |
| <b>Basia Lucido</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | 11/29/2012 |  | Calgary, AB T2S OY2    |
| <b>Yarden Dankner</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | 11/29/2012 |  | Honolulu, HI           |
| <b>Alice Morris</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | 11/29/2012 |  | Kealahou, HI 96750     |
| <b>Sohrab Dorabji</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | 11/29/2012 |  | Holualoa, HI 96725     |
| <b>Annie Spicer</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | 11/29/2012 |  | Kailua-Kona, HI 96740  |
| <b>Sandra Ednie</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | 11/29/2012 |  | Kamuela, HI 96743      |
| <b>Heather Marlow</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | 11/30/2012 |  | Auke Bay, AK 99821     |
| <b>Rebecca Reed</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | 11/30/2012 |  | Smallville, CA 95977   |
| <b>Elizabeth Kotowski</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | 11/30/2012 |  | Nottingham, NH 03290   |
| <b>Edward Kotowski</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | 11/30/2012 |  | Nottingham, NH 03290   |
| <b>Elizabeth Kilpatrick</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | 11/30/2012 |  | Captain Cook, HI 96704 |
| <p>I am a landowner of a home at Manini Beach in Captain Cook as well as an owner of a Kamehameha Schools Land Lease, in Captain Cook, being operated as an organic farm by my husband and me.</p> <p>We moved to South Kona on the Big Island in 2000; previously I was a schoolteacher and served in our public schools, and my husband was an attorney.</p> <p>Especially in the past 2-3 years, we have noticed the severe depletion of reef fish. My husband and I swim at least three times per week at Honaunau Bay and at Kealahou Bay. Both places were severely negatively affected by the tsunami and have been slow to recover their fish populations due to the detrimental affect of the tsunami on the coral, especially at Kealahou Bay. Why this destruction of coral reefs and fish population have not been taken into account in stopping commercial aquarium reef fish collection along the leeward side of the Big Island is a surprise to us!</p> <p>Following are my hopes, that when setting limits and laws, that the following are taken into account:</p> <p>Spear fishing should not be allowed. No one should be able to spear fish in popular swim, snorkel and dive areas on the Big island and spear fishing should be severely limited by commercial companies. With so many tourists and locals enjoying Big island swimming areas, it is very disheartening to see the fish before your eyes being killed for sport and it is dangerous for swimmers to be in the same area as spear fishermen who are killing beautiful fish as well as adding to the destruction of the fish population.</p> <p>TOURISM IS THE #1 BUSINESS FOR HAWAII'S INCOME: Tourists visit the Big Island to see and swim with the beautiful coral reef fish and shoreline fish. It is to Hawaii's financial and ecological advantage to stop commercial reef fish collection on the Big Island, on the West side of the Big Island, in Kealahou Bay and Honaunau Bay and Pebble Bay, and any other popular area on West Hawaii because tourists swim, snorkel and dive and site see, and bring income into Hawaii.</p> <p>Commercial Collection of our reef fish must be stopped! They are not "aquarium" fish. They are coral reef fish. Hawaii's tourist industry is being severely negatively affected by allowing commercial fish collection by other countries and other Hawaiian islands' operators. We are seeing our coral reefs decimated by the greedy businessmen who do not care about nor are affected by a decline in our Big Island's tourist industry through their operations. We have been told this quite often recently by travel groups, travel agents and visiting friends and family.</p> <p>We have swum in areas in Baja California where coral reefs and ocean shorelines were cleaned of all life by aquarium fish collectors and Japanese fisheries; and it is a devastating scene.</p> <p>In conclusion, I have looked over your "white list" of acceptable fish for collecting for aquariums. IT IS VERY MINIMAL! I would like to see it illegal to collect these fish by commercial aquarium companies and expand the ban to the entire leeward side of the Big Island, in particular, from Kailua Kona, South along the coastline, through Kealahou Bay, Honaunau Bay, Milolii, through Ocean View and Pebble Beach. That includes all rays and sharks.</p> <p>The above proposal is a start, and I am in support of it. However, I believe the stricter measures that I've suggested should be put in place IMMEDIATELY.</p> |            |  |                        |
| <b>Sherry Good</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | 11/30/2012 |  | Lakewood, CO 80228     |

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|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------|--|--------------------------|
| <b>Katharine T. McLeod</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | 11/30/2012 |  | Waikoloa, HI 96738       |
| <b>Star Lockwood</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | 11/30/2012 |  | Kamuela, HI 96743        |
| <b>Brad Moran</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | 11/30/2012 |  | Captain Cook, HI 96704+  |
| <b>James Donovan</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | 11/30/2012 |  | Captain Cook, HI 96704   |
| <b>Samuel Giese</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | 11/30/2012 |  | Captain Cook, HI 96704   |
| <b>Marc R. Rice</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | 11/30/2012 |  | Kamuela, HI 96743        |
| <p>I have dived and worked along the West Hawaii coast for 42 years and have witnessed the decline of fish and invertebrate species over those years. I have also witnessed the positive effect of protecting a species (the green turtle (honu), <i>Chelonia mydas</i>) over the last 34 years. We can return our reef biota to a reasonable level but only through strict regulation of fishing practices (personal and commercial). Rules must be set and enforcement supported with money as well as rhetoric.</p> <p>I fully support all of the provisions of amendments as stated and hope that we will be able to continue to refine them to better protect our reefs.</p> <p>Director, HPA/NOAA Sea Turtle Research Program<br/>Hawaii Preparatory Academy</p> |            |  |                          |
| <b>Sydney A. Kraul Jr.</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | 11/30/2012 |  | Kailua-Kona, HI 96740    |
| <p>6. FURTHER: I object to testimony from uniformed commercial snorkeling interests who try to deceive the public with misinformation that has no scientific basis: especially Maui based commercial tour companies that pretend they know what we need, and that use inflammatory language to scare Hawaii's people. Coercing the vote from a misled public is not a good way to protect Hawaii.</p> <p>7. I am a scientist, and I support the scientific studies done by DAR/DLNR over the past many years, and I support the use of those studies as a basis for determining who to manage our reefs.</p>                                                                                                                                                           |            |  |                          |
| <b>Denni Gaeth</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | 12/01/2012 |  | Keaau, HI 96749          |
| 5. I do not support the 'White list'.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |            |  |                          |
| <b>Jeff Gaeth</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | 12/01/2012 |  | Keaau, HI 96749          |
| 5. I do not support the 'White list'.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |            |  |                          |
| <b>Bob Smith</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | 12/01/2012 |  |                          |
| Even though I feel that coral reef fish collecting should be banned completely, I think the proposed rule is an excellent step forward in the right direction.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |            |  |                          |
| <b>Emily E. Burt</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | 12/01/2012 |  | Honaunau, HI 96726       |
| <b>Mary Ellen Smith</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | 12/01/2012 |  |                          |
| Although I feel that coral reef fish collecting should be banned completely, I think the proposed rule is an excellent step forward in the right direction.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |            |  |                          |
| <b>Susan Rickards</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | 12/02/2012 |  | Kamuela, HI 96743        |
| Please support this detailed protection for our reefs. I am so in favor of keeping our reefs alive with color and maybe this will appease those who make a trade of selling the delicate beauty at the expense of our tourist trade here and live.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |            |  |                          |
| <b>Margaret Arbo</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | 12/01/2012 |  | Captain Cook, HI 96704   |
| <b>Thomas Hartman</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | 12/01/2012 |  | Walnut, CA 91789         |
| <b>Susan Friesen</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | 12/01/2012 |  | Vernon, BC V1H1C1        |
| <b>Kevin Pittman</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | 12/01/2012 |  | Honaunau, HI 96726       |
| <b>Darlene Barrett</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | 12/01/2012 |  | Ocean View, HI 96737     |
| <b>Rod Friesen</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | 12/01/2012 |  | Vernon, BC V1H1C1        |
| <b>Bruce Corker</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | 12/01/2012 |  | Holualoa, HI 96725       |
| <b>Gail Smith</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | 12/01/2012 |  | Ocean View HI 96737      |
| <b>Donald MacDougal</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | 12/01/2012 |  | Port Charlotte, FL 33953 |
| <b>Carol MacDougal</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | 12/01/2012 |  | Port Charlotte, FL 33953 |
| <b>Courtney Lewis</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | 12/01/2012 |  | Kerhonkson, NY 12446     |
| <b>Gregory Smith</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | 12/01/2012 |  | Ocean View               |
| <b>Bacci Prala</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | 12/01/2012 |  | Honaunau, HI 96726       |
| <b>Donna Lettner</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | 12/01/2012 |  | Miss.,Canada             |
| <b>Bill Culluna</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | 12/01/2012 |  | Holualoa, HI             |

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| <b>Roger Kloepping</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | 12/01/2012 |  | Kailua-Kona, HI 96740   |
| <b>Steve Johnson</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | 12/01/2012 |  | Kailua-Kona, HI 96740   |
| <b>Tim Murray</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | 12/01/2012 |  | Laguna Niguel, CA 92637 |
| <b>Florencia Murray</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | 12/01/2012 |  | Laguna Niguel, CA 92637 |
| <b>Rowena Vaca</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | 12/01/2012 |  | Kailua-Kona, HI 96740   |
| <b>Howie Simon</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | 12/01/2012 |  | Kailua-Kona, HI 96740   |
| <b>Colin Gould</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | 12/01/2012 |  | Kailua-Kona, HI 96745   |
| <b>Sabine Anoliesen</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | 12/01/2012 |  | Kailua-Kona, HI 96745   |
| <b>Selina Rodriguez</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | 12/01/2012 |  | Kailua-Kona, HI 96740   |
| <b>Betsy Solis</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | 12/02/2012 |  | Kailua-Kona, HI 96740   |
| I do not support the taking of any Fish!                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |            |  |                         |
| <b>J Conlon</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | 12/02/2012 |  | Kailua-Kona, HI         |
| <b>Debbie Anderson</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | 12/02/2012 |  | Anchorage, AK 99501     |
| <b>William Murray</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | 12/02/2012 |  | Kailua-Kona, HI 96740   |
| <b>Christin Walsh</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | 12/02/2012 |  | Captain Cook, HI 96704  |
| <p>It is gratifying to note that after better than 20 years' communal effort, a rules package that will do much to protect our near shore resources has been hammered out. It may not be as stringent as I'd personally like to see in the long run, but it sure gives a great jumping off point.</p> <p>I know of no other place where such a varied group of people have taken so much time and put in so much effort to overcome their differences as the West Hawaii Fisheries Council has done.</p> <p>Please support their continuing efforts to balance so many disparate agendas and pass this rule package in its entirety.</p> <p>Me ka ha`aha`a...</p> |            |  |                         |
| <b>Shinji Inaba</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | 12/03/2012 |  | Kamuela, HI             |
| <b>Garrett Webb</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | 12/03/2012 |  | Kailua-Kona, HI 96745   |
| <b>James South</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | 12/03/2012 |  | Captain Cook, HI 96704  |
| <b>Kathy Lysorgorski</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | 12/03/2012 |  | Anchorage, AK 99516     |
| <b>Julie Webb</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | 12/03/2012 |  | Kailua-Kona, HI 96745   |
| <b>Joan Gannon</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | 12/03/2012 |  | Kealahou, HI 96750      |
| <b>Terry Tokuda</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | 12/03/2012 |  | Kailua Kona, HI 96740   |
| <b>Gudrun Deetjen</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | 12/03/2012 |  | Kailua Kona, HI 96740   |
| <b>Dennis Whistler</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | 12/03/2012 |  | Captain Cook, HI 96704  |
| <p>I have lived here in Kona Paradise above Pebble Beach for 10 years. Pebble Beach is special because of the overwhelming number of KP residents that actually care for and use our own bay. My life has always been water sports and protecting local waters.</p> <p>I know many neighbors who snorkel, scuba and swim in our own bay, all who are aware of diminishing fish populations and a need for protection of our small bay.</p> <p>I fully support the above proposal which also provides protection for sea life far beyond juts Pebble Beach.</p>                                                                                                    |            |  |                         |
| <b>Andrew Meislin</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | 12/03/2012 |  | Kahaluu-Kona, HI 96740  |
| <b>Arianna Villegas</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | 12/04/2012 |  | Kailua-Kona, HI 96740   |
| <b>Danielle Tuscher</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | 12/04/2012 |  | Kailua-Kona, HI 96740   |
| <b>Ann Murray</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | 12/04/2012 |  | Kailua-Kona, HI 96740   |
| <b>Jessica Begma</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | 12/04/2012 |  | Kailua-Kona, HI 96740   |
| <b>Malosi Abraham</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | 12/04/2012 |  | Kailua-Kona, HI 96740   |
| <b>Michal Pataroy</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | 12/04/2012 |  | Kailua-Kona, HI 96740   |
| <b>Ka'ea Pa'akonia</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | 12/04/2012 |  | Kailua-Kona, HI 96740   |
| <b>Danielle Ray</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | 12/04/2012 |  | Captain Cook, HI 96704  |
| <b>Deiven Grace</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | 12/04/2012 |  | Kailua-Kona, HI 96740   |
| <b>Abel Pacatang</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | 12/04/2012 |  | Kailua-Kona, HI 96740   |
| <b>Connor McGuire</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | 12/04/2012 |  | Kailua-Kona, HI 96740   |
| <b>Kalai Lincoln</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | 12/04/2012 |  | Kailua-Kona, HI 96740   |
| <b>Esaias Furtado</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | 12/04/2012 |  | Kailua-Kona, HI 96740   |

|                                |            |  |                          |
|--------------------------------|------------|--|--------------------------|
| <b>Jon Kim</b>                 | 12/04/2012 |  | Kailua-Kona, HI 96740    |
| <b>Lisa Diaz</b>               | 12/04/2012 |  | Kailua-Kona, HI 96740    |
| <b>S Ack</b>                   | 12/04/2012 |  | Kailua-Kona, HI 96740    |
| <b>Noelle Ray</b>              | 12/04/2012 |  | Captain Cook, HI 96704   |
| <b>Keoki Yamane</b>            | 12/04/2012 |  | Kailua-Kona, HI 96740    |
| <b>Revis Pettit</b>            | 12/04/2012 |  | Kailua-Kona, HI 96740    |
| <b>Jane Burton</b>             | 12/04/2012 |  | Kailua-Kona, HI 96740    |
| <b>Jacob Agard</b>             | 12/04/2012 |  | Kailua-Kona, HI 96740    |
| <b>Richard Stead</b>           | 12/04/2012 |  | Honolulu, HI 96822       |
| <b>Carla Trott Lejade</b>      | 12/04/2012 |  | Malibu, California 90264 |
| <b>Diane Ware</b>              | 12/04/2012 |  | Volcano HI 96785-0698    |
| <b>Guinevere Dawyes</b>        | 12/05/2012 |  | Kailua-Kona, HI          |
| <b>Zack Liddiard</b>           | 12/05/2012 |  | Kailua-Kona, HI 96740    |
| <b>Waileamaikalani Abraham</b> | 12/05/2012 |  | Kailua-Kona, HI 96740    |
| <b>McKale Hill</b>             | 12/05/2012 |  | Kailua-Kona, HI 96740    |
| <b>DeMarques Ballesteros</b>   | 12/05/2012 |  | Kailua-Kona, HI 96745    |
| <b>Joellamae Corpuz</b>        | 12/05/2012 |  | Kailua-Kona, HI 96740    |
| <b>Tehina Slade</b>            | 12/05/2012 |  | Kailua-Kona, HI 96745    |
| <b>Joie Agar</b>               | 12/05/2012 |  | Kailua-Kona, HI 96740    |
| <b>Kelsey Saplan</b>           | 12/05/2012 |  | Kailua-Kona, HI 96740    |
| <b>Courtney Lloyd</b>          | 12/05/2012 |  | Kailua-Kona, HI 96740    |
| <b>George Shattauer Jr.</b>    | 12/05/2012 |  | Kealahou, HI 96750       |

I am in support of all the rule amendments being proposed.

This is a good start, I also have other thoughts about how we can protect our reef fish. I think spearing fish at night should be talked about. I also think the market for lobster should be discussed.

I like to go night diving w/ a few good friends, maybe 2-3 times a year (even less the last few years) we DON'T take any spears, just flashlights, gloves a bag, and try to grab a few lobsters to eat. It's getting harder & harder to find them, I have seen a real decline in lobsters, uhu and other reef fish over the years. too many people are spearing fish while they sleep and grabbing too many lobsters. I think the problem is, there is a market and MONEY to be made from spearing at night. If the market was taken away for awhile or the seasons shortened, that would help. just a thought...

|                        |            |  |                    |
|------------------------|------------|--|--------------------|
| <b>John Jenkins</b>    | 12/05/2012 |  | Kamuela, HI. 96743 |
| <b>Camille Barnett</b> | 12/05/2012 |  | Honaunau, HI 96726 |

1) The community at Ka' ohe has been asking for this for a long time, and should not be denied the opportunity for conserving marine resources in their "front yard".

2) This method of fishing has been banned throughout the world because the practice guarantees an irreversible decline in fish stocks. We are one of the last places in the world still allowing this type of fishing extraction, and need to stop it before our reefs are damaged beyond repair and there are no fish left to feed our children.

3) This is a big step toward sustainable conservation of Hawaii's rare marine life, helping to continue the attraction for our coast's highly economic tourist industry, yet will allow for those whose livelihood is the aquarium fishery to continue to provide for their families. Bag and size limits will also help ensure continual species reproduction, thereby protecting the future of both ecosystem and fishermen.

4) Healthy ecosystems require top predators such as sharks, which can be mistaken for competitors by fishermen. Protecting these animals will not only help the marine environment, but may help educate those who would otherwise not understand their importance in Hawaiian waters.

5) Predators are an important part of our coral reef ecosystem. Ensuring the protection of Triton's Trumpets and Horned Helmets will allow for the food web to continue naturally, without human intervention in the population management of the Crown of Thorns sea star, which could prove very costly for the government if an outbreak occurs.

|                           |            |  |                   |
|---------------------------|------------|--|-------------------|
| <b>Heraldo Farrington</b> | 12/05/2012 |  | Volcano, HI 96785 |
| <b>Linda Preskitt</b>     | 12/05/2012 |  | Kamuela, HI       |

I support these rules for these reasons:



- SCUBA spearfishing is a highly immoral way to fish. Many fish, like the important indicator parrot fish, sleep at night. You can literally go up and poke them. Most the SCUBA spearfishing is done at night when so many fish are extremely vulnerable.

- Tritons and helmets are important predators of Crown-of-Thorns se stars (COTS). Yet they are over harvested for shells and for food. We had a COTS outbreak with over 500 animals just 2 months ago on the Kona Coast. With continuing land base pollution, etc. we are expecting to see more of these types of outbreaks. We need these important predators on the reef for natural control.

- The proposed FMA/FRA area rules provide protection from collecting at another area in Kona and better define the boundaries of other areas in question.

- The white list is a beginning to limit what the collectors can take. Hopefully more stringent rules, such as bag limits for all collectable fish will be put in place.

But these rules are only a beginning. We need a limit to the number of aquarium fish collectors allowed on our reefs, or these aquarium rules will have no effect as the number of fish taken will continue to grow. In addition, we need fishing licenses and limits for all fish. We are seeing large areas of healthy reefs become depauperate of all fish because of indiscriminate taking of all fishes off reefs by immigrant groups and indifferent fishermen. We need to start managing these resources before it is too late!

Lastly, without proper enforcement, no rules are effective. DOCARE needs an immediate restructuring, starting with officers who care about the resources and are truly interested in enforcing the rules in place. The current DOCARE is inept, ineffective, and alienate community members. Please address the DOCARE issue!

Hawaii Island Coordinator, Eyes of the Reef Network.

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |            |  |                       |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------|--|-----------------------|
| <b>Chyen Book</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | 12/05/2012 |  | Kailua-Kona, HI 96740 |
| <b>Rosanne Shank</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | 12/05/2012 |  | Kailua-Kona, HI 96740 |
| I have been living and scuba diving in Hawaii since 1906. I love the fact that we still have some live coral and fish on the Big Island. I would like to see more conservation efforts in place and feel that this amendment would be a start.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |            |  |                       |
| <b>Maya Racine</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | 12/05/2012 |  | Kailua-Kona, HI 96740 |
| <b>Charles Benson</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | 12/07/2012 |  | Honolulu HI 96815     |
| Over the years I've logged more than 20,000 dives in hawaiian waters.. I have see depletion of juvinile fish & adult! I have see over fishing take a toll on fish stocks, an corals !this along with polutions, hawaii will not have much to offer visitors except under water land scapes baren of life & nice hotels! The time has come to act, in truth it has to happen soon or like Hanauma bay on oahu corals will be gone & few fish left will be seeking a hand out ! Frustration is under statement, many divers have expressed there views on this dating back to early 70's .. yes those who dive & no longer do, have see first hand ! unfortunate that those who are in charge do not get wet nor have desire to, yet make the rules-I saw this when on Hawaii state advisory board late 70's .. its time to do right thing ! |            |  |                       |
| <b>Lindsey Kramer</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | 12/23/2012 |  | Kailua-Kona, HI 96745 |

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Good Morning!

I am very pleased that after so many years this group of rules is finally approaching a public hearing. I fully support all aspects of this amendment. As a family member of Big Island residents who greatly enjoy Ka'oh'e Bay, I am especially glad that Pebble Beach is finally becoming an FRA.

You have my full support for all other elements of this package including the ban on spear fishing using SCUBA and a limited list of fish that commercial collectors can remove from our reefs. I hope that this gets through the public hearing process smoothly.

Sincerely,
Pam Litz

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To Department of Land & Natural Resources, Division of Aquatic Resources:

As a land owner in South Kona, I fully support the West Hawai'i Regional Fishery Management Area Amendments including:

1. Pebble Beach will become an FRA where commercial aquarium fish collectors cannot collect fish.
2. Spear fishing using scuba gear will be illegal along the west coast of the Big Island.
3. There will be a 'White List' of 40 species of fish which commercial collectors can take, but all others (and invertebrates) will be illegal to take. There are also some size & bag limits included.
4. The taking of most rays & sharks will be banned.
5. 2 large mollusks which eat the Crown-of-Thorns sea star (which devours coral) will be protected.

Mahalo,

|                                                                                                                                                                                                                                                                                                                                                                                |            |  |                         |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------|--|-------------------------|
| <b>Elizabeth Armstrong</b>                                                                                                                                                                                                                                                                                                                                                     | 11/17/2012 |  | Captain Cook, HI, 96704 |
| <b>William Armstrong</b>                                                                                                                                                                                                                                                                                                                                                       | 11/17/2012 |  | Captain Cook, HI, 96704 |
| <b>Mary Tanaka</b>                                                                                                                                                                                                                                                                                                                                                             | 11/17/2012 |  | Honolulu, HI 96817      |
| <b>Don Taylor</b>                                                                                                                                                                                                                                                                                                                                                              | 11/17/2012 |  | Captain Cook, HI, 96704 |
| <b>Oli Winther</b>                                                                                                                                                                                                                                                                                                                                                             | 11/18/2012 |  | Captain Cook, HI, 96704 |
| <b>Leroy Victorine</b>                                                                                                                                                                                                                                                                                                                                                         | 11/19/2012 |  | Hilo, HI 96720          |
| <b>Elvine Victorine</b>                                                                                                                                                                                                                                                                                                                                                        | 11/19/2012 |  | Hilo, HI 96720          |
| <b>Vicki Philipps</b>                                                                                                                                                                                                                                                                                                                                                          | 11/19/2012 |  | Grass Valley, CA 95949  |
| <b>Jeremy Rich</b>                                                                                                                                                                                                                                                                                                                                                             | 11/20/2012 |  | Captain Cook, HI 96704  |
| <b>Vincent Graham</b>                                                                                                                                                                                                                                                                                                                                                          | 11/20/2012 |  | San Ramon CA. 94582     |
| <b>Minh Nguyen</b>                                                                                                                                                                                                                                                                                                                                                             | 11/20/2012 |  | San Ramon CA. 94582     |
| <b>Philip M. Yoo</b>                                                                                                                                                                                                                                                                                                                                                           | 11/20/2012 |  | Chantilly, VA 20151     |
| Included is a copy of the form signed and dated by me in supporting of the proposed activities by the friends of Pebble Beach at Kona Paradise property Owners.<br>I am interested in being informed of the future hearing process and its result as a property owner in Kona Paradise.<br>I strongly support all the activities regarding the WHRFMA Proposed Rule Amendment. |            |  |                         |
| <b>Monika Watts</b>                                                                                                                                                                                                                                                                                                                                                            | 11/21/2012 |  | Phoenix, AZ 85023       |
| <b>Ben Watts</b>                                                                                                                                                                                                                                                                                                                                                               | 11/21/2012 |  | Phoenix, AZ 85023       |
| <b>Richard Puente</b>                                                                                                                                                                                                                                                                                                                                                          | 11/23/2012 |  | Captain Cook, HI 96704  |
| <u>Please</u> save "ili-ili" Beach. As a Vietnam veteran, disabled I have spent nearly <u>25</u> years enjoying the beach and snorkeling the reefs. Lots of the previous fish have been stolen by the greedy. <u>Please</u> stop them. I will and my grandkids will be forever grateful?                                                                                       |            |  |                         |
| <b>John Thompson</b>                                                                                                                                                                                                                                                                                                                                                           | 11/24/2012 |  | Captain Cook, HI 96704  |
| <b>John Seymour</b>                                                                                                                                                                                                                                                                                                                                                            | 11/25/2012 |  | Temple City, CA 91780   |
| <b>Rich Vogler</b>                                                                                                                                                                                                                                                                                                                                                             | 11/29/2012 |  | Captain Cook, HI 96704  |
| This should be expanded to all east facing shore lines south of Volcano NP and all west facing shores. Our coasts only expand out from shore 100 yards for the majority of our sea life, it's a very fragile enviornment.                                                                                                                                                      |            |  |                         |
| <b>Caroline Barbeau</b>                                                                                                                                                                                                                                                                                                                                                        | 11/30/2012 |  | Kailua Kona HI 96740    |
| I also support establishing a West Hawai'i aquarium collecting permit as step toward the development of a limited entry fishery and the three amendments to other rules (Puako FMA, Keauhou FMA & lay gill nets) which strengthen and clarify the rules.                                                                                                                       |            |  |                         |
| <b>George Goodrich</b>                                                                                                                                                                                                                                                                                                                                                         | 12/04/2012 |  | Kona Paradise, HI       |
| <b>Margaret Gracely</b>                                                                                                                                                                                                                                                                                                                                                        | 12/05/2012 |  | Captain Cook, HI 96704  |
| I have family and friends that often come to Kona Paradise to snorkel and enjoy the beautiful fish & coral. As a landowner in Kona Paradise, I strongly support WHRFMA proposed Rule Chapter 13-60.4                                                                                                                                                                           |            |  |                         |

|                         |            |  |                        |
|-------------------------|------------|--|------------------------|
| <b>Mary Slingerland</b> | 12/11/2012 |  | Captain Cook, HI 96704 |
| <b>Lana Loomis</b>      | 12/12/2012 |  | Kamuela, HI 96743      |
| <b>Carol Poole</b>      | 12/14/2012 |  | Solana Beach, CA 92075 |
| <b>Patricia Hansen</b>  | 12/18/2012 |  | Captain Cook, HI 96704 |

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From: Ron Shepard **Sent:** Wednesday, December 05, 2012 12:09 PM
To: darkona@hawaiiintel.net
Subject: In support of WHRFMA Amendments

I fully support the WHRFMA Amendments which include Ka'ohe Bay becoming an FRA this ia a beatiful area and it's obvious by so few fish there, that collecting is taking place . please protect this area from fish collectors ,fish should be viewed in their natural environments, where they belong
Thanks , Ron Shepard 2731 Piantio Cir. San Diego Ca. 92108

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**From:** Pat [mailto:pprice519@yahoo.com]  
**Sent:** Wednesday, December 05, 2012 9:51 AM  
**To:** darkona@hawaiiintel.net  
**Subject:** Pebble Beach protection

Please designate Pebble Beach a Fish Replenishment Area. This is such a precious and finite natural resource that saving it seems in the best interest of all.

Thank you,  
Patricia Price

~~~~~

I fully support the West Hawai'i Regional Fishery Management Area (WHRFMA) Amendment.

This Amendment will do 4 important things, among others.

1. Pebble Beach/Ka'ohe Bay will become an FRA where aquarium collectors can no longer come.
 2. Spearfishing using scuba gear will be illegal along the west coast of our island.
 3. There will be a 'white list' of 40 fish which commercial collectors can take, but all others (and invertebrates) will be illegal to take. There are also some size & bag limits included.
 4. Many rays, sharks and Triton Trumpet & Helmets will be protected.
- More regulation of our reefs is a good thing.

Phil Smith	11/06/2012		Keauhou, HI 96739
Levinio Velasquez			Captain Cook, HI 96704
Kurt Black`	11/14/2012		Captain Cook, HI 96704
Tom Benton			Captain Cook, HI 96704
Malina Briggs			Keauhou, HI 96739
Carolynn Martin			Ocean View, HI 96737
Erin Halpin			Ocean View, HI 96737
Jennifer Olson			Ocean View, HI 96737
Jude Lynch			Ocean View, HI 96737

Joseph Sugiura			Honaunau, HI 96726
Jack Briggs			Keauhou, HI 96739
Greg Asbell			Kailua-Kona, HI 96740
Robert Critchfield			Captain Cook, HI 96704
Linda Velasquez			Captain Cook, HI 96704
Alice Sherer			Kealakekua, HI 96750
Kelly Asbell			Kailua-Kona, HI 96740
Miles Mucahy			Captain Cook, HI 96704
David Dye			Captain Cook, HI 96704
Edward Brueau	11/26/2012		Naalehu, HI 96772
Jeff Crowe	12/03/2012		Ocean View, HI 96737
Jennifer Mirsepasy	12/03/2012		Ocean View, HI 96737
Damaris Wescott	12/05/2012		Waikoloa, HI 96738
Wells Wescott	12/05/2012		Waikoloa, HI 96738
David Zimmerman	12/05/2012		Captain Cook, HI 96704
Gary Jacob	12/06/2012		Anchorage, AK 99511
Melanie Duchin	12/06/2012		Anchorage, AK 99511
Merrin Dickson			Kamuela, HI 96743
Shane Quigg			Captain Cook, HI 96704
Pearl Dickson			Kamuela, HI 96743
Annabel Edwards			Captain Cook, HI 96704
Rick Gordon			Captain Cook, HI 96704
Robert DeFazio			Hawi, HI 96719
Robin Barnett			Captain Cook, HI 96704
Charles Saveu			Captain Cook, HI 96704
Sharon Shields			Captain Cook, HI 96704
Tim Woods			Captain Cook, HI 96704
Cindy Walsh			Honaunau, HI 96726
Carol DeFazio			Hawi, HI 96719
Fred Dickson			Kamuela, HI 96743
Travis Gordon			Captain Cook, HI 96704
Heather Manley			Kamuela, HI 96743
Verna Chang			Captain Cook, HI 96704
Lori Benton			Captain Cook, HI 96704
Toni Reynolds			Kailua-Kona, 96740
Kristina Browne			Captain Cook, HI 96704
Karen MacIssac			Kamuela, HI 96743
Nicole Tachibana	12/18/2012		Holualoa, HI 96725

I believe that these amendments are a great step in the right direction to manage our coastline. I feel most strongly about making the use of scuba gear illegal. Many local people claim subsistence fishing but the same fish can be caught on a more even playing field by free diving. Also if you have enough money to buy scuba gear you should be able to help provide for your family by buying food at the grocery store.

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From: jay Cantor  
Sent: Wednesday, November 21, 2012 10:36 AM  
To: darkona@hawaiiantel.net  
Subject: In support of WHRFMA Proposed Rule Amendments

I have owned land a few hundred feet from Pebble Beach and have lived there part time for over thirty years. During that time I have seen increased aquarium fish collection coupled with a substantial reduction in the reef fish population.

I respectfully urge you to adopt the proposed rules.

Jay Cantor

~~~~~

From: Mark Deakos
Sent: Saturday, November 24, 2012 11:55 PM
To: darkona@hawaiiantel.net
Subject: Testimony in support of proposed rule package

To Whom it May Concern,

I am a marine biologist on Maui and a doctoral graduate from the University of Hawaii.

This testimony is in support of the West Hawaii Regional Fishery Management Area (WHRFMA) Rule Proposal.

Sincerely,

Mark Deakos, Ph.D.
Executive Director
Hawaii Association for Marine Education and Research, Inc.

~~~~~

**From:** Matt Playter  
**Sent:** Tuesday, November 27, 2012 5:34 AM  
**To:** darkona@hawaiiantel.net  
**Subject:** In support of WHFRMA Amendment.

"I support the WHFRMA Amendment . It has become obvious that fish stocks have been reduced since 1983 when I first enjoyed the Kona coast waters . I believe that this amendment is a first good step to help insure that future generations might be able to experience the diversity that makes Hawaii waters special .

Matt Playter

~~~~~

To whom it may concern,

I support the WHRFMA Amendment package that will have a Public Hearing on December 5th. I hope that this Package passes. Every part of this Package helps to preserve the reef

ecosystem. Adding more area to the current Fish Replenishment Areas is especially encouraging.

Thank you,

JoAnn Tattersall

~~~~~

**From:** William Bellessis  
**Sent:** Friday, November 16, 2012 4:54 AM  
**To:** darkona@hawaiiantel.net  
**Subject:** Ka'ohē Bay

**Please keep the commercial fisherman OUT of the bay! It's a beautiful Hawaiian site that should be protected.**

**Subject:** Full Support of Rule Amendments proposals for WHRFMA

Dear Sir:

I would like to ammend my testimony to include all parts of the WHRFMA Amendments package. Please count me as fully supporting all aspects of this Rule Package-- protecting Pebble Beach as an FRA, the protection for rays & sharks, the white list, netting adjustments, boundary guidelines, and everything else

Thank you,

William Bellessis

~~~~~

From: Gary and Wanda Jerri
Sent: Sunday, November 18, 2012 12:11 PM
To: darkona@hawaiiantel.net
Subject: IN SUPPORT OF RULE AMENDMENTS CH.13-60.4

DEAR SIRs: WE HAVE ENJOYED SWIMMING AND SNORKELING AT PEBBLE BEACH AND ARE SHOCKED THAT IT IS NOT PROTECTED. PLEASE REALIZE THE IMPORTANCE OF THIS WONDERFUL AREA BEING PROTECTED. WE ARE IN FULL SUPPORT OF RULE AMENDMENTS CH.13-60.4.

WANDA AND GARY JERRIT

~~~~~

**TO WHOM IT MAY CONCERN**

I am writing to express my very strong support for the proposed ammendments to the West Hawaii Regional Fisheries Management Area Rule.

All of the proposed ammendments are important and necessary, and will help to maintain and restore the coral reefs of West Hawaii.

Sincerely  
Ivor Williams

~~~~~

We were shocked to learn Ka'oheBay/Pebble Beach is not protected!
We have spent years on The Big Island and love it.
We support all of the Rule Amendments.

Richard & Diane Behrle

~~~~~

To whom it may concern,  
I support the WHRFMA Amendment package that will have a Public Hearing [on December 5th](#). I hope that this Package passes. Every part of this Package helps to preserve the reef ecosystem. Adding more area to the current Fish Replenishment Areas is especially encouraging.

Thank you,  
Jennifer Smith

~~~~~

Hello. DAR
I am supporting the rules package that is up for discussion this coming December. I believe that this will help keep the tropical fish industry in particular, healthy and sustainable.
Thank you
Todd Shiraki
Hawaii Tropical Fish Co.

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To whom it may concern,  
I support the WHRFMA Amendment package that will have a Public Hearing on December 5th. I hope that this Package passes. Every part of this Package helps to preserve the reef ecosystem. Adding more area to the current Fish Replenishment Areas is especially encouraging.

Thank you,  
leigha smith

~~~~~

I fully support the proposed rule and amendments for the West Hawai'i Regional Fishery Management Area Administrative Rules.

Thank you to those who participated in the long and complicated process that resulted in these changes.

Julia Simmons
Kamuela, HI

I want to express my support of the amendment package. I am pleased to see more protection for our Kona Coast reef biota.

Bryce Decker, PhD.

I Walter Burola Support the WHFRMA Amendment (Chapter 13-60.4) I am a resident and property owner of Kona Paradise and for the past 10 years seen many of the fish at Pebble Beach decreasing at alarming numbers.

From: Marcia Stone
Sent: Saturday, November 10, 2012 11:23 AM
To: darkona@hawaiiantel.net
Subject: Support for the WHFRMA Amendment

I support the WHFRMA Amendment (Chapter 13-60.4) in order to stabilize and enrich our reef environment. The first step towards that is to put a halt to indiscriminate taking of reef fish. We need to support the wildlife which supports us.

Sincerely,
Marcia Stone

From: Leilani Clark
Sent: Saturday, November 10, 2012 3:02 PM
To: darkona@hawaiiantel.net
Subject: In Support of the WHFRMA Amendment

I fully support the WHFRMA Amendment. The sustainability of our reefs for the fish and other marine life for the next generation depend on this amendment.

Thank you.

Leilani Clark

To Whom It May Concern, I am in support of the WHFRMA Amendment. I would love to have my children enjoy the natural aquatic life of the West Hawaiian coastline.

Mark Springs

From: John Arnold
Sent: Monday, November 12, 2012 1:17 PM
To: darkona@hawaiiantel.net
Subject: IN SUPPORT OF Rule Amendment CH.13-60.4

My family loves swimming and snorkeling at Pebble Beach when we stay in Hawaii. We just found out that the bay isn't protected. We support the proposed Rule Amendments.

John Arnold

From: dave and lindsay
Sent: Wednesday, November 14, 2012 6:05 AM
To: darkona@hawaiiantel.net
Subject: IN SUPPORT OF RULE AMENDMENTS CH. 13-60.4

I HAVE GREATLY ENJOYED SWIMMING AND SNORKELING AT PEBBLE BEACH WHILE VISITING FRIENDS IN HAWAII.
I DID NOT REALISH THE BAY WAS NOT PROTECTED FROM FISH COLLECTERS. ON MY LAST VISIT I HAD NOTISHED LESS FISH WHILE SNORKELING.
I HAVE TO SAY I FULLY SUPPORT ALL THE PROPOSED RULE AMENDMENTS.
REGARDS,
LINDSY WHITE

From: Kathy Malasky
Sent: Wednesday, November 14, 2012 2:52 PM
To: darkona@hawaiiantel.net
Cc: Bruce Malasky
Subject: In support of WHFRMA Amendment

I support the WHFRMA Amendment. We need to protect and regulate our reef life or we will lose it. Those of us who frequent these waters have noticed the decline in populations of certain beautiful species. If we can effectively maintain the reef life, it will still be there for tourists and future generations to enjoy.

Sincerely,

Kathleen Malasky

From: Jerry Kane
Sent: Thursday, November 15, 2012 7:28 AM
To: darkona@hawaiiantel.net
Subject: IN SUPPORT OF WHRFMA Rule Amendments

I am in full support of all of the proposed new rules.

Hawaii in general, and West Hawaii in particular, are long overdue for these protections. They should be implemented as soon as possible.

Thank you.

Jerry Kane

From: Janice Meyer
Sent: Friday, November 30, 2012 7:25 AM
To: darkona@hawaiiantel.net
Subject: ammendments
Dear Sir;

Please give me 2 yes votes for me and my daughter to support the entire rule amendments package coming to public hearing on December 5th. Closing Ka'ohe Bay to commercial fish collectors will help preserve our bay and in conflicts.

Thank you.
Summer and Janice Meyer.

From: Robert
Sent: Friday, November 30, 2012 9:33 AM
To: darkona@hawaiiantel.net
Subject: Support of Amendment

I am in support of the proposed rules for reef management. As a Kona resident, I feel it is very important above all to keep our fish and coral free from commercial exploitation.

I believe these proposed rules strike a good balance between the needs of the few (collectors), and the needs of the many (everyone else), to preserve the fishery resources for the future.

Robert Chung

From: judy carr
Sent: Thursday, November 08, 2012 12:28 AM
To: darkona@hawaiiantel.net
Subject: In Support of WHFRMA Amendment

I support the West Hawaii Fishery Regional Management Area (WHFRMA Amendment.

This amendment will do many important things, not the least of which is protecting Pebble Beach/Ka'ohe Bay. In addition, many species of marine life will be protected, including many rays, sharks, and Triton Trumpet & Helmets. Please, please consider my opinion more important than any commercial reasons to continue the destruction of one of Hawaii's most important assets.

Mahalo,

Judy L. Carr

~~~~~

**From:** Leilani  
**Sent:** Thursday, November 08, 2012 5:39 PM  
**To:** darkona@hawaiiantel.net  
**Subject:** I support the WHFRMA Amendment

Hello,

I'm writing in support of the WHFRMA Amendment. Pebble Beach/Kaohe Bay is a special place to anyone who lives near it or who has visited it. As a high school student, it was one of the few recreational areas I had access to. Such a place that serves community value and is a home for fish and other animals should be protected and conserved.

Thanks very much,

Leilani Rapaport

~~~~~

From: Clifford Cooter
Sent: Thursday, November 08, 2012 7:29 PM
To: darkona@hawaiiantel.net
Subject: I Support the WHFRMA Amendment

I am writing in support of the WHFRMA Amendment (Chapter 13-60.4) and would like my vote counted in my hope that this amendment will pass. The passage of this amendment will be a big step in the protection of West Hawaii's resources. Let's not wait any longer to do the right thing.

Clifford Cooter

~~~~~

**From:** Lynn Holman  
**Sent:** Friday, November 09, 2012 7:01 AM  
**To:** darkona@hawaiiantel.net  
**Subject:** Reef Management Proposal

To Whom It May Concern:

I am a concerned resident of the island of Hawaii and I support the Reef Management Proposals Developed by the West Hawai'i Fisheries Council (WHFC).

Evelynn Holman

~~~~~

From: Jack Hoyt
Sent: Friday, November 09, 2012 7:39 AM
To: darkona@hawaiiantel.net
Subject: In support of WHRFMA

Aloha,

I definitely support the WHRFMA and more regulation of our marine resources.
I am an avid open water swimmer along the west coast and I regularly keep tabs on monk seals in North Kohala.

Some of the places I swim have improved a bit over recent years due to increased regulation but most still have not come close to recovering what was there just a couple of decades ago. Each new generations will adjust to even lower standards if we do 'protect' our marine resources for the future.

mahalo,

John D. (Jack)Hoyt

~~~~~

To Whom It May Concern,

I am in support of the WHFRMA Amendment. We must protect the coral reefs in Hawai'i, to keep our oceans healthy and therefore keep the planet healthy. In the end, humans are affected - if our planet is not healthy then we will ultimately be affected.

Sincerely,  
Julie W. Henig

~~~~~

From: Scooter
Sent: Saturday, November 10, 2012 7:23 AM
To: darkona@hawaiiantel.net
Subject: I Support the WHFRMA Amendment

I support the WHFRMA Amendment (Chapter 13-60.4) and have written several times and attended more than one council meeting to give testimony of my feelings that this is an important step we must take in West Hawaii to protect our resources.

Suzanne Cooter

From: Star Lockwood
Sent: Friday, November 30, 2012 4:26 PM
To: darkona@hawaiiintel.net
Subject: In support of WHRFMA Proposed Rule Chapter 13-60.4

Please support this detailed protection for our reefs. I am so in favor of keeping our reefs alive with color and maybe this will appease those who make a trade of selling the delicate beauty at the expense of our tourist trade here and live.

From: Robert Stephens
Sent: Wednesday, December 05, 2012 1:07 PM
To: darkona@hawaiiintel.net
Subject: limiting the take of reef fish for aquarium - STRONGLY SUPPORT

Hello. I strongly support the proposed rule which limits collection of reef fish for aquariums. Please help this rule get passed.

Robert Stephens
Project Coordinator
Mauna Kea Forest Restoration Project

From: Kevin ' cindy Gilbride
Sent: Wednesday, December 05, 2012 6:45 PM
To: darkona@hawaiiintel.net
Subject: WHRFMA Amendments

I am in full support of the WHRFMA Amendments which are being proposed and will face a Public Hearing on Wed., December 5th. Thank you,
Kevin Gilbride

From: David Dart
Sent: Sunday, December 09, 2012 1:35 PM
To: darkona@hawaiiintel.net
Subject: WHP for

My family has worked in the West Hawaii aquarium business for over 20 years. I support the WHRP that will help to ensure sustainability. Wes Dart

Having worked in the aquarium trade for over twenty years I support the West Hawaii Rules Package that will add another layer of protection for sustainability. Janet Dart

From: Jim Adelberg
Sent: Tuesday, December 18, 2012 2:14 PM
To: darkona@hawaiiantel.net
Subject:

Hello, I'm writing to express my support of the passage of the West Hawaii Regional Fishery Management Area Rules Package. I believe a properly managed fishery can enhance both the educational and monetary value of Hawaii's reefs. Thank You. Jim Adelberg-Executive Editor, Reef Hobbyist Magazine

From: mike mickey
Sent: Tuesday, December 04, 2012 7:39 AM
To: darkona@hawaiiantel.net
Subject:

**I am in full support of the WHRFMA Amendments which are being proposed and will face a Public Hearing on Wed., December 5th.
Thank you, Mike Mickey**

From: Lori Kane [
Sent: Tuesday, November 06, 2012 7:57 AM
To: darkona@hawaiiantel.net
Subject: In support of WHFRMA Amendment.

I SUPPORT the WHFRMA Amendment (Chapter 13-60.4),
The health and continued life in our oceans, the sustainability for future generations is at stake. I support the WHFRMA Amendment.

Velora Kane

From: Virginia Shy
Sent: Tuesday, November 06, 2012 9:17 AM
To: darkona@hawaiiantel.net
Subject: In support of WHFRMA Amendment

Please help save our reef's along the Kona Coast. Our economy thrives on tourism and without the draw of beautiful underwater life we will all suffer. Protect what we have so future generations will be able to enjoy it as well. Also, once passed please make sure that there is funding for it to be enforced.

--

Mahalo,

Virginia Armstrong

~~~~~

**From:** Mikalee Shaffer

**Sent:** Tuesday, November 06, 2012 9:37 AM

**To:** darkona@hawaiiantel.net

**Subject:** WHFRMA Amendment

Aloha,

I support the WHFRMA Amendment that will be having a Public Hearing on December 5th in Kona and plan.

I also plan on attending the hearing.

Thank you.

Mikalee Shaffer

~~~~~

From: John Nunn

Sent: Tuesday, November 06, 2012 9:41 AM

To: darkona@hawaiiantel.net

Subject: WHFRMA Amendment

Aloha,

I support the WHFRMA Amendment that will be having a Public Hearing on December 5th in Kona and plan.

I also plan on attending the hearing.

JohnD. Nunn

~~~~~

**From:** TOM CAREY

**Sent:** Tuesday, November 06, 2012 2:28 PM

**To:** darkona@hawaiiantel.net

**Subject:** In support of WHFRMA Amendment.

Aloha,

I support the WHFRMA Amendment.

I want to support the WHFRMA Amendment (Chapter 13-60.4),

Thank you, Thomas Carey

Ocean planet Images <http://oceanplanetimages.smugmug.com/>

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**From:** Terry McVay (rr)  
**Sent:** Tuesday, November 06, 2012 7:11 PM  
**To:** darkona@hawaiiantel.net  
**Subject:** In SUPPORT of the WHFRMA Amendment

Legislators;

I strongly support the WHFRMA Amendment to Chapter 13-60.4.

Having been an avid diver and snorkler in Hawaii since 1964, particularly and most recently in West Hawaii since 1984, I find this most recent approach to ocean management a very hopeful sign.

Terrence E. McVay

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**From:** Horace Heck  
**Sent:** Wednesday, November 07, 2012 4:59 PM  
**To:** darkona@hawaiiantel.net  
**Subject:** WHFRMA

Respectfully, I wanted to add my strong support for the WHFRMA Amendment that will be having a Public Hearing on December 5th in Kona. It would be a shame to destroy this tremendous resource we have on our coast.

Thanks very much,  
Horace Heck

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**From:** Judy Robinson  
**Sent:** Thursday, November 08, 2012 12:17 AM  
**To:** darkona@hawaiiantel.net  
**Subject:** In Support of WHFRMA Amendment

I strongly support the WHFRMA Amendment. I consider it an important amendment in order to help keep our native marine species intact and thriving.

Judy Robinson

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On Behalf Of Judy Perino



**I strongly support the West Hawaii Rules Package. It is an important step in continuing sustainability of our ocean resources.**

**Luciano Perino**

Judith Smith Perino

~~~~~  
From: Johnathon Bicknell
Sent: Tuesday, December 04, 2012 12:21 PM
Subject: department of land and natural resources testimony.

Johnathon Bicknell

Dear department of land natural resources, I agree with all of the rules proposed. I lived here all my life and love the fish I see when i go swimming, but I believe that spear fishing on scuba is truly unfair and gives no chance for the fishes to escape. If this is all that happens the fish population can be decimated and there will be no more beautiful fish to see

~~~~~  
**From:** R Royer  
**Sent:** Tuesday, December 04, 2012 6:10 PM  
**To:** darkona@hawaiiantel.net  
**Subject:** IN SUPPORT OF Rule Amendments Ch.13-60.4

We really enjoy our vacations at Pebble Beach we were surprised to learn that the bay wasn't yet protected. We fully support all of the proposed Rule Amendments.

Sincerely,  
Rebecca and Richard Turner

~~~~~  
From: Jean Bevanmarquez
Sent: Tuesday, December 04, 2012 9:20 PM
To: darkona@hawaiiantel.net
Subject: Testimony

I am in full support of the proposed regulation changes. As the Manager of the Kahalu'u Bay Education Center, I speak with visitors daily about the conditions in Hawaiian waters. Many snorkelers who have been to other parts of the world express surprise that reef fish may be collected on our waters, and shocked that enforcement of current regulations is so lax.

Please implement the new regulations, and secure the future of our reefs

Jean BevanMarquez
Manager, Kahalu'u Bay Education Center

~~~~~  
**From:** George Robertson  
**Sent:** Tuesday, December 04, 2012 12:33 PM  
**To:** darkona@hawaiiantel.net  
**Subject:** DAR West Hawaii Rule changes

Aloha,

I can't make the meeting tomorrow night but here is my testimony:

1. I want to go on record that I am in favor of the proposed rule changes.
2. I particularly favor the elimination of SCUBA spearfishing and the amendment to the Puako and Puako FMA boundaries.

Mahalo,

George Robertson

Native Hawaiian resident of Waialea Bay, Lalamilo, for 38 years  
~~~~~

Sent: Tuesday, December 04, 2012 4:59 PM
To: darkona@hawaiiantel.net
Subject: Collecting of fish

I strongly agree with the proposal to limit the collecting of fish! I hope it gets voted in. aloha,
roger knoblauch
~~~~~

**From:** George Wilson  
**Sent:** Wednesday, December 05, 2012 5:27 AM  
**To:** darkona@hawaiiantel.net  
**Cc:** Ruby Tzimeas  
**Subject:** proposed rules to limit aquarium fish take, scuba spearfishing, etc.,

I am totally in favor of protecting our marine resources and feel this is only the first step in trying to reverse the inevitable decline in our ocean resources. The Florida Keys, multiple islands in the Pacific, and the entire East Coast of the US give us sad examples of what happens

to the ocean environment with uncontrolled economic exploitation of the marine resources.  
Please support the proposal fully.

George and Ellen Wilson

~~~~~

From: Dermal skin
Sent: Wednesday, December 05, 2012 9:20 AM
To: darkona@hawaiiantel.net
Subject:

I am in full support of the WHRFMA Amendments which are being proposed and will face a Public Hearing on Wed., December 5th. Thank you,

Tanya Mickey

~~~~~

**From:** Robert O'Conner  
**Sent:** Wednesday, December 05, 2012 9:25 AM  
**To:** darkona@hawaiiantel.net  
**Subject:** Chapter 13-60.4 Rule

Mr. Chairperson,

I support the proposed rule (Chapter 13-60.4). I do not believe SCUBA spearing is a sustainable fishing practice. SCUBA spearing is partly to blame for our decline in reef fish species (especially uhu and menpachi). Please end SCUBA spearing.

Thank You for considering my comment.

Sincerely,  
Robert O'Conner

~~~~~

From: Tim Adelman
Sent: Wednesday, October 24, 2012 6:26 AM
To: darkona@hawaiiantel.net
Subject: Supporting West Hawai'i Amendment

To DLNR:

I am writing to say, "YES!" to the long-awaited Rule Proposals that are heading for this Public Hearing. As I cannot attend the Hearing in early December, I wanted to be sure to write to show my support for the complete Amendment, especially Pebble Beach becoming an FRA.

Mahalo.

Tim Adelman

~~~~~  
**From:** Cheri Adelman  
**Sent:** Wednesday, October 24, 2012 6:29 AM  
**To:** darkona@hawaiiantel.net  
**Subject:** darkona@hawaiiantel.net

To DLNR:

I am writing to say, "YES!" to the long-awaited Rule Proposals that are heading for this Public Hearing. As I cannot attend the Hearing in early December, I wanted to be sure to write to show my support for the complete Amendment, especially Pebble Beach becoming an FRA.  
Mahalo.

Cheri Adelman  
~~~~~

From: Cory Pittman
Sent: Saturday, October 27, 2012 7:53 PM
To: darkona@hawaiiantel.net
Subject: regarding the proposed DLNR rule change, Chapter 13-60.4

Dear sir,

As a long-time marine biologist working in Hawaii (primarily on Maui though I've visited the Big Island), I'd like to express my support for the proposed DLNR rule change (Chapter 13-60.4) and, particularly, designation of Pebble Beach as a Fish Replenishment Area.

Sincerely,

Cory Pittman
~~~~~

**Sent:** Monday, November 05, 2012 6:10 PM  
**To:** darkona@hawaiiantel.net  
**Subject:** West Hawaii public hearing 10-5-12

I'm writing this in support of the rules package for AQ management. I'm sure your aware of all the time and hard work that has been spent on this rules package, it may not include or exclude everyone's wishes but It's a good step forward.

Aloha

Scott Brien

Sent from my HTC Inspire™ 4G on AT&T.

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**From:** Glenn Anderson  
**Sent:** Tuesday, November 06, 2012 5:12 AM  
**To:** darkona@hawaiiantel.net

**Subject:** In support of WHFRMA Amendment.

I, Glenn Anderson, **SUPPORT the WHFRMA Amendment (Chapter 13-60.4),  
Protecting our reefs and ocean life is important for our state to conduct.**

--

Glenn Anderson  
President  
Kona Honu Divers, Inc.  
[www.konahonudivers.com](http://www.konahonudivers.com)

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2012 Nov.6

Dear Sir,

This is to inform you that I fully support the WHRFMA amendment.

As resident of the Big Island I hop for continued protection of our reefs.

Mahalo, Marcia May

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**From:** Wanda.John Hodson  
**Sent:** Tuesday, November 06, 2012 6:49 AM  
**To:** Bill Walsh  
**Subject:** In SUPPORT of the WHFRMA Amendment (Chapter 13-60.4)

DAR,

I support the WHFRMA Amendment.

The provisions outlined in this amendment only make sense for the future of West Hawaii. If boundaries are not set, commercial fishers will continue to take until there is nothing left. Mother Nature can provide only so much.

Mahalo for your efforts in pushing this amendment through to success,

Wanda Rowan

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**From:** Jim Welsh  
**Sent:** Wednesday, December 19, 2012 1:43 PM  
**To:** darkona@hawaiiantel.net  
**Subject:** Strong Support for DAR Proposed West Hawaii Rules Package

December 19, 2012

Dear Board Members,  
I am writing today to express my strong support of the West Hawaii rules package proposed by the Division of Aquatic Resources.

Jim Welsh

---

**From:** Bruce Malasky]  
**Sent:** Saturday, December 01, 2012 7:37 AM  
**To:** darkona@hawaiiantel.net  
**Subject:** Support for WHI coral reef management

I'm writing in support of the WHRFMA Rules coming to the public hearing next week. This set of rules codifies many needed changes. My one request would be a scientific review and update of the white list within one year.

Bruce Malasky

---

**From:** Sarah Fogelstrom  
**Sent:** Saturday, December 01, 2012 8:55 AM  
**To:** darkona@hawaiiantel.net  
**Subject:** fish collecting

I am in support for the West Hawaii Regional Fishery Management area ammendment. I think there should be a ban on fish collecting but think this ammendment is a good start.

Sincerely,  
Sarah Fogelstrom  
West Hawaii resident

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**From:** Jerry Halverson  
**Sent:** Saturday, December 01, 2012 12:31 PM

**To:** DLNR Division of Aquatic Resources  
**Subject:** Proposed Rule Amendments Protecting Reef Fish

Aloha, Members, Division of Aquatic Resources:

This is to state that my wife and I strongly support the proposed rule amendments intended to protect some of our reef fish.

We would support a complete ban on collecting, but, if that is not possible, please adopt the amendments.

Thank you,

Jerry F. and Estela Halverson

~~~~~  
From: Joan Sudec
Sent: Sunday, December 02, 2012 3:46 AM
To: darkona@hawaiiantel.net
Subject: In full support of WHRFMA Amendments

I FULLY SUPPORT THE WHRFMA AMENDMENTS PROPOSAL which includes Ka'ohe Bay becoming an FRA, a white list, protections for sharks & rays, netting regulations and boundary verifications for some FRAs, and the rest of the package.

Thank you,

Joan Sudec

~~~~~  
**From:** Shauna Banta  
**Sent:** Sunday, December 02, 2012 2:33 PM  
**To:** darkona@hawaiiantel.net  
**Subject:** WHRFMA

I FULLY SUPPORT THE WHRFMA AMENDMENTS PROPOSAL which includes Ka'ohe Bay becoming an FRA, a white list, protections for sharks & rays, netting regulations and boundary verifications for some FRAs, and the rest of the package. Thank you, Shauna Banta

~~~~~  
Susan M Scott
Coral Reef Educator &
Calif licenced Tax Preparer

12/17/12

This letter is to support ALL of the WHRMFA Amendments.
Let's raise-up the world opinion of Hawaii with these Amendments

(not to mention the fish who won't be hunted while sleeping).

Sincerely,

Susan M Scott

~~~~~

**From:** Lisa Fox  
**Sent:** Sunday, December 02, 2012 7:56 PM  
**To:** darkona@hawaiiantel.net  
**Subject:** In full support of WHRFMA Amendments

I am in full support the West Hawaii Regional Fisheries Management Area Rule Amendments package.

Lisa Fox

--

Lisa Fox  
Early Childhood Education Specialist  
Shadow Teacher/Family Support

~~~~~

From: Rebecca Giovannetti
Sent: Sunday, December 02, 2012 12:06 PM
To: darkona@hawaiiantel.net
Subject: Support The WHRFMA AMENDMENYS PROPOSAL

I FULLY SUPPORT THE WHRFMA AMENDMENTS PROPOSAL which includes Ka'ohe Bay becoming an FRA, a white list, protections for sharks & rays, netting regulations and boundary verifications for some FRAs, and the rest of the package.

Thank you,
Rebecca Giovannetti

~~~~~

**From:** Vilnius  
**Sent:** Monday, December 03, 2012 9:47 PM  
**To:** darkona@hawaiiantel.net  
**Subject:** In support of WHRFMA Amendments  
**Importance:** High

Dear Sir/Madam,

I am in full support of the WHRFMA Amendments which are being proposed and will face a Public Hearing on Wed., December 5th.

Thank you!



With best regards from Lithuania,

Rustam Achmedov

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**From:** Rytlangis  
**Sent:** Monday, December 03, 2012 9:48 PM  
**To:** darkona@hawaiiantel.net  
**Subject:** In support of WHRFMA Amendments  
**Importance:** High

Dear Sir/Madam,

I am in full support of the WHRFMA Amendments which are being proposed and will face a Public Hearing on Wed., December 5th.

Thank you!

With best regards from Lithuania,

Rytis Davidonis

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**From:** Darrell Post  
**Sent:** Monday, December 03, 2012 1:28 PM  
**To:** darkona@hawaiiantel.net  
**Subject:** December 5 Hearing

Dear Sir or Madam:

We are in full support of the WHRFMA Amendments which are being proposed and will face a Public Hearing on Wed., December 5th. We would appear in person, but we have to work.

Thank you,  
Patrea Post  
Darrell Post

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**Sent:** Monday, December 03, 2012 9:32 PM  
**To:** darkona@hawaiiantel.net  
**Subject:** In support of WHRFMA Amendments

Hey!

I am in full support of the WHRFMA Amendments which are being proposed and will face a Public Hearing on Wed. , December 5th.

I am visiting this island an the beech, I want to protect it.

Thank you,

Yours faithfully,

IGNAS DUCINSKAS

~~~~~  
From: Chris Perritt
Sent: Wednesday, November 07, 2012 2:15 PM
To: darkona@hawaiiantel.net
Subject: In support of WHFRMA Amendment

I support the **West Hawaii Fishery Regional Management Area (WHFRMA) Amendment (Chapter 13-60.4)**

Chris Perritt
~~~~~

**From:** marg love  
**Sent:** Tuesday, November 06, 2012 11:44 AM  
**To:** darkona@hawaiiantel.net  
**Subject:** support for amendment

**I SUPPORT the WHFRMA Amendment (Chapter 13-60.4), Marg Love Capt. Cook, HI 96704**  
~~~~~

From: Larry Chang
Sent: Tuesday, November 06, 2012 7:52 AM
To: darkona@hawaiiantel.net
Subject:

I fully support the WHFRMA amendment (**Chapter 13-60.4**),

Paulette Chang
\
~~~~~

**From:** Anna Gentzel  
**Sent:** Monday, November 05, 2012 6:05 PM  
**To:** darkona@hawaiiantel.net  
**Subject:** West Hawaii Fishery Management

I am in support of the WHFRMA amendment because it will minimize commercial fish collecting.

Signed, Judith A. Gentzel

~~~~~  
From: Ann Hansen
Sent: Thursday, November 08, 2012 8:17 AM
To: darkona@hawaiiantel.net
Subject: WHFRMA

Aloha,
I support the WHFRMA Amendment that will be having a Public Hearing on December 5th in Kona.

Thank you for your attention.

Ann Hansen
~~~~~

**From:** jivan collins  
**Sent:** Saturday, November 17, 2012 11:20 AM  
**To:** darkona@hawaiiantel.net  
**Subject:** WHFRMA

**I support the WHFRMA Amendment that will be having a Public Hearing on December 5th in Kona**

**Jivan Collins**

~~~~~  
From: Anne Kennard
Sent: Wednesday, November 07, 2012 4:13 AM
To: darkona@hawaiiantel.net
Subject: In support of the WHFRMA Amendment (Chapter 13-60.4)

I, Dr Anne Kennard, SUPPORT the WHFRMA Amendment (Chapter 13-60.4).
~~~~~

**From:** Caroline Killeen  
**Sent:** Wednesday, November 07, 2012 5:47 AM  
**To:** darkona@hawaiiantel.net  
**Subject:** WHFRMA

**I support the WHFRMA amendment that will be held in a public hearing on December 5th 2012 in Kona.**  
**Caroline Killeen**  
~~~~~

From: Sushmita Sen
Sent: Sunday, November 18, 2012 5:08 AM

To: darkona@hawaiiantel.net
Subject: In support of WHRFMA Amendments

I fully support the WHRFMA Amendments which include Ka'ohe Bay becoming an FRA.

Thanks for the great work!

Regards,
Sushmita Sen and Mark Mason
Philadelphia, PA

Sent: Tuesday, November 20, 2012 2:50 PM
To: darkona@hawaiiantel.net
Subject: WHRFMA

As a homeowner in Kona Paradise, I fully support the West Hawaii Regional Fishery Management area amendments.

Linda Koo

From: Wild Dolphin Foundation
Sent: Sunday, December 16, 2012 8:15 PM
To: darkona@hawaiiantel.net
Subject: In support of WHRFMA Amendments

We strongly support the WHRFMA Amendments which are being proposed.

Thank you,

Victoria D. Cullins

Wild Dolphin Foundation

From: David Dart
Sent: Sunday, December 09, 2012 1:22 PM
To: darkona@hawaiiantel.net
Subject: WHRP (for)

I support the WHRP. Like my father I believe in managing fisheries not closing fisheries. Neil Dart

From: Alex Mevs
Sent: Wednesday, December 05, 2012 6:57 PM

To: darkona@hawaiiantel.net
Subject: Support the WHRFMA Amendments

I support the WHRFMA amendments (Chapter 13-60.4) Thanks!

From: Sam Giese
Sent: Thursday, November 08, 2012 8:25 AM
To: darkona@hawaiiantel.net; nene@diversparadisecove.com
Subject: WHFRMA Amendment

Aloha,
I support the WHFRMA Amendment that will be having a Public Hearing on December 5th in Kona.

Thank you.

Aloha,
Samuel Giese

From: Mary Kay Slingerland
Sent: Saturday, November 10, 2012 9:00 PM
To: darkona@hawaiiantel.net
Subject: WHFRMA

I support the WHFRMA Amendment that will be having a Public Hearing on December 5th in Kona.

MK Slingerland

From: Terry Schuller
Sent: Monday, December 17, 2012 5:26 PM
To: darkona@hawaiiantel.net
Subject: In support of WHRFMA Amendments

I am in full support of the WHRFMA Amendments which are being proposed

Thank you,

Terry Schuller

Dave Reid

From: Victoria Newman
Sent: Tuesday, December 18, 2012 3:38 PM
To: Bill Walsh, Ph.D.
Subject: In support of WHRFMA Amendments

I am in full support of all of the WHRFMA Amendments which are being proposed.

Thank you,

Victoria G Newman

From: Laury Scott
Sent: Wednesday, November 28, 2012 11:22 AM
To: darkona@hawaiiantel.net
Subject: In support of WHRFMA Amendments

I fully support the WHRFMA Amendments which include Ka'ohe Bay becoming an FRA!

Laurence Scott

From: Marie Sorce
Sent: Monday, November 12, 2012 4:29 AM
To: darkona@hawaiiantel.net
Subject: I SUPPORT the WHFRMA Amendment (Chapter 13-60.4)

To whom it may concern,
I SUPPORT the WHFRMA Amendment (Chapter 13-60.4)
Mahalo,
Marie Sorce

From: Margot Bogdonavich
Sent: Tuesday, November 06, 2012 3:02 PM
To: darkona@hawaiiantel.net
Subject:
"I support the WHFRMA Amendment."

Susie Jenkins

From: Mark Johnston
Sent: Wednesday, November 07, 2012 5:53 AM
To: darkona@hawaiiantel.net
Subject: In support of WHFRMA Amendment.

I support the WHFRMA Amendment.

MarkJohnston
EPIC Press

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**From:** Bonsangue, Martin  
**Sent:** Wednesday, November 07, 2012 7:03 PM  
**To:** darkona@hawaiiantel.net  
**Cc:** Annie \_ Kennard; Ryan Kennard; Martin Bonsangue  
**Subject:** In support of WHFRMA Amendment

Dear All:

I support the WHFRMA Amendment.

Yours,

Dr. Martin V. Bonsangue  
Professor of Mathematics  
California State University  
Fullerton, CA 92834

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I am in full support of the WHRFMA Amendments which are being proposed.

Chuck Babbitt	12/14/2012		Kaneohe HI 96744
Dr. David Delaney	12/14/2012		
Tim Levin	12/14/2012		Kailua Kona, HI 96745
Ryan Cox	12/14/2012		Nederland, CO 80466
Bryce Groark	12/14/2012		Kailua Kona, HI 976740
Very important to our reefs and community. Please don't pass this opportunity up.			
Scott Johnson	12/14/2012		Murfreesboro, TN 37130
I am a photojournalist, a Field Editor for Asian Geographic/Scuba Diver Austral Asia and on staff with Dive Training in the U.S. I am writing to confirm that I am in full support of the WHRFMA Amendments which are being proposed. The protective measures are desperately needed.			
Janice McLaughlin	12/14/2012		Bellingham, WA 98229
Michael Stretton	12/14/2012		Kailua Kona, HI 976740
Russell Keller Laros	12/14/2012		Kailua-Kona, HI 96740
Rachel Silverman	12/14/2012		Kailua-Kona, HI 96740
Patrice Heller	12/14/2012		Kailua Kona, HI 96745
Roger Roth	12/15/2012		Cincinnati, OH
Julian Tyne	12/15/2012		
Lala Aliyeva	12/16/2012		

~~~~~  
**From:** Amy Hart  
**Sent:** Tuesday, December 04, 2012 5:22 AM  
**To:** darkona@hawaiiantel.net  
**Subject:** WHRFMA

Hello,

I support the WHRFMA Rule Amendments package.

Amy Hart

*Love Is The Answer*

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Testimony In Partial Support of West Hawai'i Rules and Amendments



CONSERVATION COUNCIL FOR HAWAI'I

December 19, 2012

Division of Aquatic Resources
Hawai'i Department of Land and Natural Resources
74-380B Kealahou Parkway
Kailua-Kona, HI 96740

Via Email Transmittal: darkona@hawaiiintel.net

Comments on Proposed New Rule – Chapter 13-60.4 for the West Hawai'i Regional Fishery Management Area, Hawai'i and Proposed Amendments of Hawai'i Administrative Rules Chapter 13-54 and Chapter 13-75-12.4

Aloha. The Conservation Council for Hawai'i supports the prohibition of SCUBA spearfishing and possession of SCUBA gear and a spear or speared aquatic life in the West Hawai'i Regional Fishery Management Area; the establishment of a 1,500-foot section of Pebble Beach, South Kona, as a Fish Replenishment Area where aquarium collecting or recreational fish feeding will not be allowed; and the prohibition of taking or possessing nine species of inshore shark and ray and two species of invertebrate crown-of-thorns. We also support technical non-substantive rule changes, as well as boundary amendments for the Keauhou Bay Fisheries Management Area and inclusion of a more detailed and accurate map of the Puako Reef Fisheries Management Area if they facilitate better management and enforcement of the resource.

We oppose proposed rules relating to aquarium collection and offer the following comments:

1. The Department of Land and Natural Resources has not conducted a comprehensive environmental review to examine the effects of issuing such regulations, or of aquarium collection permitting in the state. It is making determinations on these rules without the necessary information or adequate public input.
2. There are currently no limits on the number of statewide aquarium collection permits that DLNR can issue, and the proposed rule does not put a limit on the number of West Hawai'i-specific aquarium collection permits that DLNR can issue. While DLNR has spoken out in favor of a limited entry system in West Hawai'i for aquarium collection, that is not included in this rulemaking, nor have we seen any timeline for implementation of such a system.
3. DLNR proposes to regulate aquarium collection only on O'ahu and in West Hawai'i, which means that anyone collecting outside these areas would not fall within the coverage of these regulations. Because the DLNR's aquarium collection permits allow collection statewide, it is not clear what DLNR's justification is for restricting its rulemaking to only these two areas.
4. Adequate analyses of the statewide impacts of aquarium collection to populations of endemic species are lacking, including analyses of cumulative impacts.
5. An analysis of the impacts of aquarium collection to reef ecosystems is lacking, including cumulative impacts.

Such an analysis should supplement information on populations and individual species for management purposes.

6. DLNR's background document on the proposed rule does not explain how DLNR determined the limits on fish collection that are included in the rules, nor does it provide justification for why certain species have been included on the "White List." For example, one of the species that the agency considers a "species of special concern" because it is relatively rare, is Tinker's butterflyfish, but DLNR included it on the "White List" without any bag limits. There is no explanation in the background document about what justification DLNR has for including it on the list as such.

7. In DLNR's Small Business Impact Statement, it discusses the proposed "White List" and the potential adverse impacts to aquarium collectors from the implementation of the list, stating that "[a]dverse revenue impacts should be minimal, given that these 'white list' species comprised 99% of the total fish catch and monetary value of the West Hawai'i aquarium fishery (2007-2011). The size limits for the highly targeted species have been tailored to prevent the taking of fish that are already considered less suitable for the aquarium trade (due to higher mortality rates or lower retail prices). . . ." The statement goes on to say a few pages later that "[t]here was considerable negotiation between involved parties on the final species listing in the 'white list' and the specifics of the size and bag limits. The number of species on the "White List" was ultimately increased from 25 to 40 in response to input from Big Island aquarium collectors. The background document on the proposed rules states the same thing without any explanation of the scientific reasoning behind why an additional 15 species were added to the "White List" in August/September 2010, DLNR expanded the list to 40 species in response to negotiations with the Big Island Association of Aquarium Fishers.

8. Regarding the species that are currently on the "White List," the Division of Aquatic Resources 2010 Long-Term Monitoring of the Main Hawaiian Islands Final Report states that in areas open to collection in West Hawai'i, there is "clear evidence of collecting impact" on five of the most-collected species. DLNR has proposed bag/size limits for two of these most-collected species – the yellow tang and the goldring surgeonfish. The proposed size limits for yellow tang in the West Hawai'i rule puts bag limits (five fish per collector per day) on yellow tang that are <2" and > 4.5". However, it places no collection limits on yellow tang that are between 2-4" long, despite the fact that these are the size that are targeted by collectors (according to one study this is because, "[s]maller and younger fish have low survivorship in holding tanks, and older and larger fish are less desired by the trade"). There is no scientific information in the rule or associated documents that discusses the rationale for the other bag and size limits set forth.

9. According to the same monitoring report, there are seven species that are included on the "White List" for which DLNR was unable to obtain any population density estimates because of the particular species' distributions or behaviors (blacklip butterflyfish, bluesripe snapper, Fisher's angelfish, Tinker's butterflyfish, flame wrasse, Hawaiian longfin anthias, and eyestripe surgeonfish), so at the very least, aquarium collection's effects on these particular species are unknown. There are no proposed bag limits for any of these species.

10. There are four species on the "White List" with no proposed bag limits for which DLNR has documented population problems in West Hawai'i:

- DLNR stated that it has "population concerns" and notes problems with "survivability in captivity" for the psychedelic wrasse.
- In its 2010 Long-Term Monitoring of the Main Hawaiian Islands Final Report, DAR stated that lei triggerfish populations "have not responded to the increase in protected areas and have actually decreased in West Hawai'i since 1999."
- Tinker's butterflyfish has been identified by DLNR as a species that is "particularly vulnerable to depletion" because it is "naturally uncommon or rare" and "command[s] high prices in the aquarium trade" in its 2010 Report to the State Legislature on the West Hawai'i Regional Fishery Management Area.
- The same report to the Legislature also states that "there should be concern for the sustained abundance of [Achilles tang] in West Hawai'i. The 2010 long-term monitoring report states that "aquarium collecting is having a major impact on Achilles [tang]." There are proposed bag limits for Achilles tang of 10 fish per person per day in the rules, but there is no

explanation of how DLNR came up with this limit.

11. The Hawaiian dascyllus is also on the "White List" with no bag limits, and it is an endemic species that the Center for Biological Diversity has petitioned for listing as an endangered species due to adverse effects on its habitat caused by climate change, among other things.

Mahalo nui loa for the opportunity to comment.

Marjorie Ziegler

Hawai'i's Voice for Wildlife – *Ko Leo Hawai'i no na holoholona lohiu*

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Directors: Rick Barboza * Lida Pigott Burney * Maka'ala Ka'aumoana * Koalani Kaulukukui * Robin Kaye

Executive Director: Marjorie Ziegler

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12/10/2012

#### **Testimony** for the "West Hawaii Regional Fishery Management Area Rules Package"

To whom it may concern:

Aloha,

As a resident and full time fisherman of West Hawaii, I would like to support most of the rules package. Let me be clear, I fully support certain aspects and other parts I do not.

I will start with what I do not support:

1. Spearfish on Scuba Ban. I don't support bans on any established fishery especially in a management area. Having heard both the supporters and detractors I must go with my conscience on this one and side with the detractors. This rule very well may have merit, but the process was not inclusive enough and it needs to be thoroughly vetted with active participants and other interested parties. Personally, I don't see much spearing on scuba taking place and I am on, or in the water more often than just about anyone.
2. Possessing a spear and scuba gear at anytime. I think that a person should be allowed to have both on their boat at anytime. I also believe that a spear is a practical defense against sharks while diving and this does not mean the person intends on shooting fish. Some of the supporters of this think this is silly but I think they base their opinion on theory and not facts of life. A spear can be the difference between life and death and that should be taken seriously. I

have kept sharks at bay with a spear and I was not shooting fish....just diving so I cannot deny reality.

Most everything else in this package I support. I will go over the major rules with my opinion and history on each.

1. Slot limit on Yellow Tang (*Acanthopagrus flavescens*). This rule has the most benefit in this entire package. First it protects the undersize (less than 2") fish which are more sensitive to hold and ship. Allowing the fish to grow to a more robust size eliminates wastage, which is not a tangible number but it does help. The rule also protects the larger fish (larger than 4.5"). This size fish will certainly enter the breeding population and this has been confirmed through scientific research by Jeremy Claisse. This ensures a healthy number of individuals will enter the breeding population in the open areas. Overall the breeding population will not only remain at capacity but will remain vigorous and full of vitality. The allowed size is the appropriate size for capture but for the sake of brevity I will move on.
2. Pebble Beach FRA. I am not keen on giving up fishing grounds for no good reason but in this particular situation a more moderate solution needed to prevail. The history on this is long and it needed to be put to rest. The Friends of Pebble Beach led by John and Sue Kellum have been very cordial and reasonable. Having two user groups finding common ground is a good thing and that is what has happened here.
3. White List. This list was vetted with the BIAFF and I took part in the final version of it and at this point I support it.
4. Bag limit of five per diver per day on over/under sized yellow tang, oversized kole. Bag limit of ten Achilles per diver per day. I support this.
5. West Hawaii Aquarium Permit. I support this under the context it was explained and the assurances made. I have had email communications and face to face meetings with Kona DAR and they said this permit will not be used to kick out active participants with the archaic control date of 2005. They said that date was left there because it has yet to be changed but it will. It was explained that this permit is the initial step towards limited entry and that active fishers, earning income and keeping their nose clean will be ensured participation. All of this was also confirmed in writing by the chair of the Limited Entry Committee of the WHFC .

There are other aspects I support but they are small and don't need mentioning. I would like to address a possible set of issues that should be changed. Aquarium fishermen will be required to notify DAR if and when they do overnight or two day trips. If the trip is two days, than two days worth of bag limits should be allowed. This was discussed with Kona DAR with various stakeholders in attendance and everyone agreed. Dr. Walsh agreed and said he would check with the Attorney General. He did, and the AG said it needed to be mentioned at Public hearing through testimony. Well here it is. I believe

another stakeholder (John Kellum) who was in on the meeting has sent his support for these changes to Dr. Bill and Rob Pacheko of the Land Board.

Overall, the rules making process is complex and a lot of work. Nobody is ever 100% happy with the outcome but in the end something good is accomplished. I am still unsure if this package is all or nothing as I have heard conflicting statements but I do support the vast majority of it.

Thank You

Eric Koch

Kailua-Kona

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Dec. 05, 2012

My name is David Zimmerman, University of Colorado, and I have been living here for about seven years now. And I can feel the tension, I can feel the animosity, and I can understand it. And this diving and taking fish, especially the parrot fish that are sleeping at night, I don't think that that's acceptable. I will support the ban, but I hope that the fishermen and the other people can get together and come back and say, hey, wait a minute, maybe there is something better that we're missing. How about not spearing at night. This would be acceptable to me. But for right now I have to support that.

I don't believe in the correctness, the Ph.D. syndrome, there is too many people doing bad science with Ph.Ds. I'll just say that. I know that in northern California where I'm from as a commercial fisherman, I can tell you that our rock fish we had to completely ban the catch of all rock fish because they got wiped out and that wiped out almost every fisherman from Monterey to who knows where. It wiped out in Preston, and we couldn't catch anything.

The abalone, if you put a tank -- two tanks on my back, abalone wouldn't stand a damn chance in hell, and that's why we don't do it. I'd like to see everybody with their fair share of abalone and also with their fair share of fish.

I have a lot of free divers, friends, who can dive down to 100, 150, 200 feet, but they're young. When we get old, I can't do that anymore, so I can understand the importance of having a tank on your back but not at the parrot fish and not at night diving. That's just too much.

Kole and yellow tang, I have no problems with that issue. I have no problems with Bill. He came up with this new title called charismatic. I do have a problem with people taking the dragon Moray eel out of the ocean.

They're rare. I asked Doug Perrine when is the last time he saw one. I think he said three or five years ago. I saw one about three years ago. It's on the White List. I hope that the White List is a dynamic list. I hope that we can come back and say, hey, wait a minute, let's not allow the dragon Moray eel.

There are other fish which Bill Walsh calls, I think, charismatic fish. You can tell when fish are getting rare. It's simple. If somebody is offering you 2 to 3 grand for a fish, it's getting frickin' rare, okay. And so these fish that are getting rare, the Achilles tang, he gets beat up. The Hawaiians love to eat the Achilles tang, the collectors like to collect them, two front, poor fish. I believe the one collector who I've had some words with before said, hey, let's ban it for about two, three years, give them a chance to come back. Now we're going to have to figure out how to convince the people that are eating it and plus the collectors.

Let's see, saddle wrasse, that's another that's got some issues, but crown-of-thorns, my God, if I hear another issue about crown-of-thorns, they're not out of control here in Hawaii, folks. I'd like to see -- anyone take me down and show me where we can count 30 or 40 crown-of-thorns. You might see one here, one there. This isn't Australia, folks. This is Hawaii. The crown-of-thorns are not out of control, they're not wiping out the reefs.

I would like to see a complete ban on taking of tiger sharks and people that think it's fun to catch an 18-foot tiger shark and sit there for 13 hours toying with it and then cut the damn thing loose. That's not humane, that's not fishing, that's not helping the locals, that's not helping a damn soul. And if somebody does that, I'm their enemy.

Anyway, bless you all -- one more thing; the DLNR, they're underpaid, they can't enforce this stuff, they need to get some enforcement capabilities. They cannot enforce. They can't even enforce the canoes over at K Bay, Captain Cook. Good grief, they need some back up, they need some money, they need to be able to enforce these regulations. Bless you all.

Thank you.

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Dear Sirs;  
The Big Island Association Of Aquarium Fishers would like to offer testimony on the following;

WE SUPPORT that 1500 ft fronting Pebble Beach will be made in to an FRA.  
WE SUPPORT a "white list" that would allow aquarium collectors to catch only 40 species.  
WE SUPPORT the proposed size and bag limits on yellow tangs, koles and achilles.  
WE DO NOT SUPPORT a WHFMA special license that may be used in the future to form a limited entry program.  
WE DO NOT SUPPORT making it illegal to have aquarium gears before sunrise or after sunset without notification of DLNR.

WE DO NOT SUPPORT having to "label" fishing gears with "CML".  
WE DO NOT SUPPORT a ban on spearfishing.

The items we do not support may be good candidates for management. Our concern is that none of these ideas were vetted by the stakeholders who they will affect.

The BIAAF is more than willing to discuss these concepts. We feel that our input should be critical to future management initiatives as we are the one's on the front lines with the day to day experience.

Aloha and thank you for your time,  
Pete Basabe/BIAAF

Dec. 05, 2012

MR. BASABE:

Maybe next time we have a meeting this large, we can ask them to have two separate lists for testifiers. We can have a seniors' list and then we can have people that are not seniors, so we won't have a mass exodus before people can testify.

I represent Big Island Association of Aquarium Fishermen. The Big Island Aquarium Fish Association supports the following, making Pebble Beach an FRA, adopting a White List of aquarium fish that can be caught, setting of a yellow tang slot size and bag limit for that slot size, kole size and bag limit, Achilles bag limit.

These are the items that we worked long and hard with the DAR to come up with this. And as it was said once before, the yellow tang slot size was not put upon us. We offered that up because we realized that those are the sizes that need to be looked at for having the breeder stock not be affected and having the baby stock not going on the market when they're not strong enough.

These proposed rules have been discussed by stakeholders in depth, and the BIAF wants to thank all the people that were involved with these rules that were set up.

The BIAF does not support the following rules, a ban on spearfishing, the West Hawaii special aquarium permit, possession of collecting gear on vessel before or after dark, labeling of gears. It's not that these are not good ideas, but these items were not vetted in the public forum. They were talked about at the West Hawaii Fishery Council, but the Big Island Association of Aquarium Fishermen were never allowed to make comments on this. So we would like to see the process come back where these items can be discussed and they can, hopefully, maybe be improved.

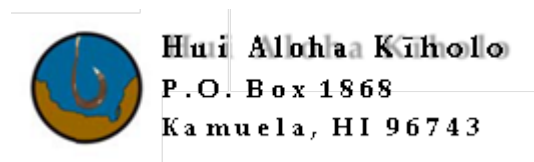
The one that's very scary for the fishermen is the special permit for the West Hawaii Fishery Management Area, and the reason that's scary is because there is no format to it. It's just an idea. And then it can be taken and

be done anything with it. We would like to see the blood and guts of what this is going to look like and have comment on it and then we can go forward with that.

On the spearfishing, and I also am representing myself on the spearfishing and not the BIAAF, our association is against it, but only in the sense that a lot of the fishermen, aquarium collectors carry a spear for protection, and we also use it to move our fish.

There have been occasions when we've had to use it to defend ourselves under water. And if we can be given a supplement to something that would work just as well, we would be glad to take it, but so far there is nothing that has been presented to us so that's a concern that we have. And that's the end of the BIAAF statement.

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December 19, 2012

Division of Aquatic Resources

74-380B Kealahou Parkway

Kailua Kona, HI 96740

darkona@hawaiiantel.net

RE: Written testimony regarding Chapter 13-60.4, West Hawai'i Regional Fishery Management Area

Aloha,

Hui Aloha Kiholo is pleased to have the opportunity to provide comments on the above-mentioned Chapter and proposed rule amendments. As a non-profit community-based organization in West Hawai'i, Hui Aloha is deeply committed to perpetuating the cultural and natural resources of the kekaha region of Hawai'i Island, and has been directly engaged in fisheries resources work within our area of concern, Kiholo Bay. The Hui Aloha Kiholo Board of Directors met on December 10, 2012 and discussed the proposed rules as an agenda item. As a group that will be directly affected by these rule changes, the Board offers the following comments to the proposed rule amendments:

- **Prohibition of SCUBA spearfishing:** Hui Aloha Kīholo is concerned with the implementation of this rule as it impacts so many recreational divers who aren't all trying to fill up their "T-Bars." For most of them, taking a few fish home for their family's dinner is the culmination of a great day of diving. If the abuse of this practice is definitely harming the resources sustainability, are there other measures we can take first before this blanket closure is implemented? Maybe limiting commercial spearfishing could be one of them. We would only support the blanket closure if these other measures were tried first.
- **Establishment of FRA in Ka`ohe Bay:** This area is beyond the kuleana of Hui Aloha, and therefore have no substantive comment beyond that we support community-based management of fisheries resources, as they have the best knowledge of the area.
- **Establishment of a "White List" of 40 fish species:** This measure is wholly inadequate to protect marine fisheries in Kīholo and West Hawai`i in general against the impacts of aquarium take. Unfortunately, it is superior to the rules that are currently in place. Bag limits, catch size and approved species does little to increase the accountability of aquarium collectors and the almost complete lack of enforceability of any AQ related rules. If DOCARE officers have not the right to inspect catch holding containers, how can anyone, lawful or otherwise, be considered compliant? While the rules need fixing, so does the system. Therefore, Hui Aloha Kīholo supports this measure with qualifications, particularly that a lot more work needs to be done.
- **Prohibition of take or possession of nine species of sharks and rays, two crown-of- thorns predators:** Hui Aloha Kīholo supports this rule, particularly with the provision of cultural take.
- **Establishment of a West Hawai`i Aquarium Permit:** Hui Aloha Kīholo supports this rule with the same caveat as the third item, that there is much more work to be done on these subjects.
- **Other AQ Collecting Provisions:** Hui Aloha Kīholo supports these rule changes.
- **Clarifications of the boundaries of the Puakō Bay and Puako Reef FMA:** As in item 2, this is beyond the kuleana of Hui Aloha, and therefore have not substantive comment beyond that we support community-based management of fisheries resources.
- **Clarification of no-netting boundaries within the Keauhou FMA:** This is beyond the kuleana of Hui Aloha, and therefore have not substantive comment beyond that we support community-based management of fisheries resources.
- **Technical amendments to the department's statewide lay net rule:** Hui Aloha Kīholo supports this rule with the caveat that Kīholo is a FMA within West Hawai`i that explicitly prohibits lay nets between Nawaikulua Point and Hou Point.

Hui Aloha Kīholo appreciates the time and effort that was invested into the protection of our fisheries resources in West Hawai`i and statewide. While we support these improvements to the existing rules, we still do not consider them to be adequate to meet the needs of the resource. Hui Aloha Kīholo and its partners are actively collecting fishery resource data in our ahupua`a with the intended result of a community-based fisheries management plan to support the enhancement of all marine resources while protecting pono fishing practices.

Mahalo again for the opportunity to provide comment on the proposed rules.

Aloha,



Jenny H. Mitchell, President
Hui Aloha Kīholo



Mike Donoho, Executive Director
Hui Aloha Kīholo

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**From:** KIM KOCH  
**Sent:** Sunday, December 09, 2012 4:05 PM  
**To:** darkona@hawaiiantel.net  
**Subject:** testimony

Hey Dr Bill,  
Testimony is attached, Please let me know if you have any questions.

Testimony for the West Hawaii Regional Fishery Management Area  
If I had to make a decision that is all or nothing, I would support this. If sections can be removed, I would be in a better situation to support this package.

1. I support the White List
2. I support the Pebble Beach FRA
3. I support the size and bag limits
4. I support calling in for an overnight trip, pending the language WILL BE CLARIFIED and will allow for two days worth of bag limits. As written, you are calling or emailing in to inform DAR of an overnight trip(Dr Bill has agreed that he would allow "double bag limits") but the rule says "you may not possess more than the daily bag limits". This would be left to interpretation of DOCAR or other agencies and with stiffen penalties within this rules package someone coming into port with two days of bag limits could get fined \$1000.00 per fish(violation).
  - a. In 13-60.4-7(B) needs to have "such notifications will allow for two days worth of bag limits" added.

- b. In 13-60.4-7(B) (1),(2), and (3) needs to have clarification on the portion that states, “or possessed at any time” . This need to have the two days worth of bag limits mentioned as it reads currently, you will be in violation pulling into the harbor.
5. I would like clarification on calling in on “overnight” trips. As it is written you would need to notify DAR, if you will be on the water from sun up to sun down. Most fisherman, leave early(4-6am) would this require notification? I think clarification is needed. Also, I would like to recommend that an auto reply type of email system be setup so DAR-Kona has the email, and the fisherman has documentation as well. Or some other type of verification system that is a quick reply and all parties are notified.
6. I support the remainder of the aquarium related portions, and hope that even though not clearly stated much of the future plans such as the “West Hawaii Aquarium Permit” will not put my family out of business. We have been assured(via various DAR Kona employees and members of the WHFC) that this is not the case and that all active participants within the fishery will be allowed to continued fishing and a new “effective” date will be issued through the actions of the WHFC subcommittee and this work has yet to be completed. Basically, my understanding is that this is the initial step in forming a limited entry program and if that is the correct case, I support this.
7. I am not in favor of ANY FISHING BAN. I am in favor of management. I am not a spear fisherwoman, so I cannot honestly give an opinion on the matter, but I am opposed to bans in general.

To summarize, I support the package as a whole BUT clarification need to be made. I would recommend that the spear fishing ban be removed, ONLY if it will not affect the package as a whole because I truly believe this management plan should be moved forward and passed into law.(pending minor verbiage and clarifications are made).

Kim Koch

Kona Hawaii

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Dr. William Walsh
Department of Land & Natural Resources
Division of Aquatic Resources
Tuesday, Dec. 18, 2012

Testimony in support of the proposed West Hawaii aquarium collecting rules

I work as a full time commercial fisherman on Oahu, with the majority of my income coming from saltwater aquarium fish. I do not fish on the Big Island, nor do I intend to do so in the future.

However, it is in the best interests of the state that all of our fisheries are properly managed, and I feel that the proposed amendments concerning the West Hawaii aquarium fishery are an important step in the right direction.

As such, I believe it is in the best interest of the state to pass the rule amendments concerning the Kaohe Bay FRA extension, the 40 species white list, the Yellow Tang, Kole, and Pakuikui size and bag limits, the West Hawaii Aquarium Permit, and all other amendments specifically concerned with the aquarium fishery. In my opinion, the most important of these are the Yellow Tang and Kole size limits, the Achilles Tang bag limit, and the Kaohe Bay FRA. These amendments will have the most immediate benefits in terms of conservation and limiting user conflict.

I do not have an opinion on the proposal to prohibit the take of sharks, rays, Triton's Trumpet, or helmet shells. Nor do I have an opinion on the Puako FMA rules or the lay net amendments.

Regarding the proposed ban on spearfishing with SCUBA, I believe that this issue requires more community involvement before it should be enacted into law. Spearfishing, by whatever means, is a highly selective method of fishing that is important to local people statewide, including those who cannot fish for themselves and must purchase their fish at the market. Hawaii is unique among most Pacific islands in its ability to monitor and regulate nearshore fisheries, and it ought to be possible to manage this fishery without prohibiting it entirely. At this stage, imposing a ban appears to imply a failure of community based management, which sets a dangerous precedent for the future of our marine resources statewide. If it is at all possible to do so without obstructing the rest of the rules proposal, I hope that this section can be held back and returned to the West Hawaii Fisheries Council for further discussion.

It's important to state that these regulations are only a first step. They do not preclude more management in future, and it is very likely that, in the future, more regulations will be needed to deal with issues that these rules do not address. When that time comes, I hope that the Department will be willing to consult with the fishing community to decide what is best.

Please approve the aquarium fish related portions of this draft. Thank

you for the opportunity to testify,



Matthew Ross

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**From:** Adam Snodgass  
**Sent:** Tuesday, December 18, 2012 6:44 PM  
**To:** darkona@hawaiiantel.net  
**Subject:** Testimony

Testimony for the west Hawaii Regional fishery management area rules package.

I am a resident of the west Hawaii and a full time fishermen . i would like to state that i do not support the spear fish on scuba ban i feel that there is not enough evidence to support such a ban. i would like to say that i am in support of the rules placed for the aquarium fishery. i would like to see that the wording in a particular part of the rules be addressed properly the rule states that the limit of 10 Achilles tangs are allowed per diver per day if one was to do a two day trip and came back with 20 for the two days of fishing even if DAR was notified of this trip i feel that this should be implicated in the writing of this rule i can see trouble of this. so what I'm saying is if i was to get checked at the ramp by Dlnr and their understanding is 10 Achilles per day because the rule is 10 not 20 and the DAR office says by some misunderstanding they were not informed of a two day trip i see trouble also the slot limit applies the same for the rule states 5 over and 5 under sized fish of yellow tangs and kole tangs if i or any one else comes in with double for two days i see a problem. i feel it would be better in writing than an agreement with one office and Dr bill Walsh. for the rule states at any time no more than 10 should be allowed in possession. i would also like to see that the possession of collective gear from sunset to sunrise be revised as well because of the two day trips that are taken we sleep on the boat with are gear its an impossible rule.

Sincerely Adam K Snodgass

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