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Re: Kāneʻohe Bay Regional Council Comments on Environmental Impact Statement Preparation Notice for the Proposed Collection of Marine Life for Commercial Aquarium Purposes on the Island of Oʻahu Pursuant to Commercial Aquarium Permits and Commercial Marine Licenses

The Kāneʻohe Bay Regional Council (“Council”) submits these comments on the Environmental Impact Statement Preparation Notice (“EISPN”) regarding the proposal to reopen commercial aquarium collection on the Island of Oʻahu. The Council has been tasked with, among other things, (1) serving as the public advocate for Kāneʻohe Bay, (2) making recommendations to the state and county on matters regarding the use of Kāneʻohe Bay by the public and commercial ocean users, and (3) helping implement the Kāneʻohe Bay Master Plan, which establishes a framework for the sustainable management and protection of the Bay’s natural resources while accommodating compatible uses. Consistent with this kuleana, the Council strongly urges the Department of Land and Natural Resources (“DLNR”) and the Division of Aquatic Resources (“DAR”) to reject efforts to reopen the commercial aquarium collection trade.

Our community remains firm in its position that the commercial extraction of reef wildlife for ornamental purposes is fundamentally incompatible with the cultural values, stewardship practices, and way of life of Hawaiʻi’s people and host culture. For decades, community members throughout Koʻolaupoko and across Hawaiʻi have fought to end the commercial aquarium trade, including many past and present members of this Council. Numerous boards and committees in our community have adopted resolutions calling for an end to commercial aquarium collection in our State, including but not limited to the Kahaluʻu Neighborhood Board, Kāneʻohe Neighborhood Board, Kailua Neighborhood Board, Waimānalo Neighborhood Board, the Koʻolaupoko Hawaiian Civic Club, Koʻolauloa Hawaiian Civic Club, Koʻolau Foundation, and the Association of Hawaiian Civic Clubs, among others. On July 28, 2021, the Kāneʻohe Bay Regional Council likewise formally called for action banning commercial aquarium collection.¹

¹ Resolution Supporting Legislative Action to End the Commercial Harvesting of Reef Wildlife for the Aquarium Pet Trade, Kāneʻohe Bay Regional Council (2021) *available at*: https://dlnr.hawaii.gov/dar/files/2021/10/Kaneohe_Reso_AQ_Ban_amended.pdf

Notwithstanding significant community efforts to close the commercial aquarium pet trade in the State of Hawai‘i, the Council offers the following comments on the EISPN:

NOTE: These are the general issues that will be addressed in the Council’s EISPN comment letter. The material to be included under these section headings is subject to further Council review and discussion. Any positions taken in the final comment letter will be consistent with the positions stated herein.

1. The Commercial Aquarium Collection Trade is Not Consistent with the Kāne‘ohe Bay Master Plan and Community-Based Management Objectives.
 2. Herbivore Populations on O‘ahu are in Peril and Commercial Aquarium Collection Would Exacerbate Harm from Ongoing Stressors
 - a. Significant reef stressors on O‘ahu and in Kāne‘ohe Bay
 - b. Spike in aquarium collection in Kāne‘ohe Bay
 - c. Lack of data measuring commercial aquarium collection impacts
 - d. Lack of protected areas on O‘ahu that would be closed to collection
 3. Commercial Aquarium Collection Infringes on Constitutionally Protected Traditional and Customary and Public Rights being Exercised in the Bay.
 4. The EIS should fully examine the “no action” alternative, which would maintain the status quo of prohibiting AQ throughout the Island of O‘ahu
 5. The EIS should explore alternatives that mitigate collection’s impacts, including the take of only non-native species or minimal take for aquaculture operations.
 6. The 15 Proposed Permittees should be identified so the Board and the public can assess each applicant’s qualifications, compliance history, collection practices, geographic scope of activities, and potential and cumulative impacts on public trust resources, Native Hawaiian rights and ecosystem health.
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