

From: [erin adams](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] Keep Aquarium Fish Trade Closed!
Date: Monday, June 21, 2021 8:48:05 AM

With all due respect,

We must protect Hawaiian marine organisms and keep aquarium trade closed to the mainland.

From,

A concerned citizen

From: [Rosemary Alles](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] Agenda Item F.3 | Testimony
Date: Monday, June 21, 2021 5:06:43 AM

Aloha nui,

I hope this email finds you well.

My name is Rosemary Alles, I am a proud and humble resident of Hawaii.

SUMMARY: I request that the EIS related to agenda item F.3 be unequivocally rejected.

I was born in Sri-Lanka, an island shaped like a teardrop nestled just south of its giant neighbor on the vast slate of the Indian Ocean.

A violent civil war caused my family to leave Lanka and settle in the west. We made Hawaii our home. In Hawaii, I worked for the Keck and CFHT observatories, spending every moment I could spare collaborating with multiple organizations and groups to ensure our 'Aina's unique biodiversity and cultural integrity were preserved, protected and cherished for future generations.

Since that time, I have been deeply engaged in anti-poaching and anti-wildlife-trafficking activities; the organization I co-founded, the Global March for Elephants and Rhinos (also known as GMFER and cited most recently here: <https://www.theguardian.com/environment/2021/jun/20/new-oilfield-in-african-wilderness-threatens-lives-of-130000-elephants>), worked with multiple others to ensure Hawaii's landmark law, Act 125, known -at the time- as the "nation's broadest wildlife trafficking ban" became the law of the land.

As I write, I am temporarily resident in South Africa working at the intersection of indigenous communities and the extinction of iconic species to amplify the voices of the disenfranchised on behalf of earth's last wild giants. Wildlife trafficking is a billion dollar industry that destroys ecosystems, economies and human lives.

Aquarium collectors fit the definition of poachers, except, the *enterprise* has been "made legal" by powerful lobbying groups whose objective is *short term gain* over life, over the sanctity of our oceans; Hawaii, more than any other state in the federation must be cognizant of laws and policies that permit the persistence of neo-colonial practices that usurp the richness of biospheres, culture and history.

Re: the proposed EIS:

=====

The EIS is flawed, it relies on insufficient, faulty, inadequate and improper data. The EIS fails to accurately analyze the environmental consequences to reefs and fish abundance of 7 aquarium collectors taking over 246,000 fish, claiming it won't cause an impact; the EIS fails to accurately analyze the cultural and socioeconomic consequences of aquarium collection in West Hawai'i and ignores the research showing that Hawai'i residents receive ZERO benefits from the trade, but suffer *all* the costs; the EIS fails to propose and analyze any meaningful mitigation or alternatives that would reduce the impacts; the EIS fails to adequately incorporate input of Native

Hawaiian practitioners, experts, community members, and consulted parties and the EIS has NO PLAN for enforcement and compliance measures, even though DLNR asked them to provide them, and even though the trade has shown itself to be full of scofflaws.

With gratitude for the work you do, I strongly and humbly request that the proposed EIS be rejected.

Mahalo nui loa.

Warmly,
rosemary
Software Engineer & GIS Specialist
California, Virginia & South Africa

Core strategist & Co-founder
[The Global March for Elephants and Rhinos](#)



From: [Anne A](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] Agenda Item F3 testimony
Date: Tuesday, June 22, 2021 6:59:23 PM

To the BLNR,

I am a Hawaii resident and snorkel 5-7 days a week.

Please REJECT the EIS which is flawed do to faulty information, data, assumptions and analysis.

How can it be called the "aquarium trade" when there is no trade other than less fish for Hawaii, disturbance of the reefs and ocean ecology and much money for the "takers?" They get the money, we are left with the depletion of beautiful resources and further danger to our reefs.

We must preserve our natural resources while we still can. The reefs are already stressed with increased temperatures, sun screens, pollution, silt, etc. Without the algae-eating fish, the reefs will die.

Sincerely,

Anne Allison

From: [Amoory V7](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] Yellow tang ban
Date: Tuesday, June 22, 2021 12:47:41 AM

I want a yellow tang please remove the ban

To: Chair Case and Board of Land and Natural Resources

RE: West Hawaii Aquarium FEIS

June 12, 2021

Aloha,

I'm a resident of Captain Cook, Hawaii. I would like to express my full support for the West Hawaii aquarium FEIS and for the aquarium fish trade on the Big Island. The new preferred alternative addresses all the concerns from the prior FEIS and it uses the most current available data from the best managed and most studied fishery in Hawaii. I believe it's important to share the beauty of tropical reef fish with those around the world who may not otherwise be exposed to such marine life. This inspires and encourages education, understanding and respect for our ocean's inhabitants.

Mahalo,

Lee Ashford

leeatpass@aol.com

From: [Ayers, Donna](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] Item F3 Support/ / West Hawaii Aquarium EIS
Date: Tuesday, June 22, 2021 6:56:21 AM

Chair Case and The Board of Land and Natural Resources

RE: Support the West Hawaii Aquarium Revised EIS

Chair Case and Board Members:

I contact you today to support the Revised Final Environmental Impact Statement (RFEIS) for the West Hawai'i Aquarium Fishery published June 8, 2021, in The Environmental Notice.

Pursuant to the best available science of the RFEIS, the REVISED WHITELIST AND LIMITED PERMIT ISSUANCE (PREFERRED) ALTERNATIVE was developed that addresses the stated reason for denial of the previous FEIS submittal.

The preferred alternative is sustainable, only allowing take of species proven stable and increasing over twenty plus years of monitoring. The total allowable catch is an overall reduction from historic averages to ensure a buffer for climate change.

Aquarium Permits would be limited to 7 permit holders, fishing only the West Hawaii Regional Fishery Management Areas (WHRFMA), and limiting collection to 8 identified species. These species in turn would be subject to catch quotas.

Permittees would abide by all rules and regulations set forth in HRS 189-2,3 (Commercial Marine Permit), HRS-188-31 (Section 1.2.1), governing Aquarium Permit use, and would obtain a West Hawai'i Aquarium Permit as required under HAR 13-60.4 (Section 1.2.3.2). Existing slot limits for Yellow Tang and Kole remain in effect in addition to the individual catch quotas.

This Alternative supports the DLNR  %

From: [Ayers, Donna](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] help us help ourselves
Date: Monday, June 21, 2021 11:04:16 AM
Attachments: [image001.png](#)

June **21**, 2021

Chair Case and The Board of Land and Natural Resources

RE: Support the West Hawaii Aquarium Revised EIS

Chair Case and Board members:

I contact you today to support the Revised Final Environmental Impact Statement (RFEIS) for the West Hawai'i Aquarium Fishery published June 8, 2021, in The Environmental Notice.

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This Alternative supports the DLNR's purpose to ensure that in context to commercial aquarium collection, such fishing does not lead to degradation of fish populations and the habitats in which they occur. It specifically addresses concerns related to declining populations and sustainable collection. It supports the Applicant's purpose and need to continue fishers' livelihoods participating in the lawful, responsible, and sustainable commercial collection of various fish species from nearshore habitats.

Table 32. Proposed Individual Catch Quotas for the Revised White List. Annual limit [from January 1 through December 31](#) of each year

Species	Individual Catch Quota (per fisher)	Total Potential Catch (all 7fishers)
Yellow Tang	28,571	200,000
Black Surgeonfish	450	3,152
Orangespine Unicornfish	838	5,872

Kole	3,750	30,000
Bird Wrasse	49	344
Potter's Angelfish	625	4,376
Thompson's Surgeonfish	288	2,016
Brown Surgeonfish	114	800

Donna Ayers

Pet Supermarket Customer Service

Donna.ayers@sunpet.com

3765 Zip Industrial Blvd | Atlanta, GA 30354

O 800-996-1181 ext. 2516 **M** 770-833-5424 SEGRESTINC.COM



From: [Bronson Azama](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] Testimony Regarding Reopening West Hawai'i Reefs to Aquarium Fishing
Date: Tuesday, June 22, 2021 10:01:48 AM

Aloha mai kākou,

I am providing testimony via email to request that BLNR not reopen to West Hawai'i Reefs to Aquarium Fishing. Although the population of "Aquarium Fish" has increased in recent years, it negates the fact that the populations are still historically low.

Reopening every time there is a slight population increase is not a sustainable way of fishery management. These ecosystems need to be allowed a longer rejuvenation period. There has been illegal poaching of aquarium fish despite it being currently illegal, until greater enforcement occurs to crackdown on these poachers we cannot risk reopening these areas for aquarium fishing. If they do not follow the law now, what guarantee is there that they will follow any regulations in the future?

We need to maintain the conservation of our natural resources until they regenerate into higher populations, we cannot risk falling into yet another population decline. The results could be catastrophic, as these species are also impacted by natural disasters should the reef be harmed. So Aquarium fishing mixed with the possibility of natural disasters could alter what may seem like a "sustainable" practice. The practice with current populations cannot be fished sustainably.

Therefore, I implore the BLNR to not reopen Aquarium Fishing in West Hawai'i. As a youth of Hawai'i I want my keiki, mo'opuna, and nā mamo, to know that there will be these native fish in abundance for them to see and learn the mo'ōlelo around them. I do not want to have to share with them what once was, but rather what still is.

Mahalo for taking the time to read this testimony.

Me ke aloha,
Kainoa Azama

From: caroline.azelski.net
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] Agenda Item F.3 Testimony
Date: Sunday, June 20, 2021 8:13:46 AM

Greetings,

I'm a Hawaii resident and I respectfully request that you reject the EIS because there is no plan for enforcement and compliance measures.

Thank you,
Caroline Azelski
PO Box 551717
Kapaau, HI 96755

From: [Bob babson](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] BLNR Agenda Item F.3 Testimony
Date: Sunday, June 20, 2021 1:44:09 PM

Aloha,

Please reject the EIS regarding the fish on the reefs. Many reef fish take up to five years to mature and be able to reproduce. When collectors come along and catch the fish and remove them from the reef eco system, then the whole evolution of the fish is threatened and can possibly lead to extinction of that fish on that reef. It is further my understanding that up to half of the fish collected for sale on the mainland die in transit. That is tragic!! There should be no "collecting" here in Hawaii and the reef fish should be protected for all of the Hawaiian people and tourists to enjoy.

I have lived here in Maui since 1991 and have seen the significant reductions in reef fence.

Mahalo,

Bob Babson
3371 Kaha Drive
Kihei, Hawaii 96753
808 874-1166

From: [Maureen Bacon](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] Aquarium trade
Date: Monday, June 21, 2021 8:48:55 AM

I oppose the reopening of hawaiian reefs to aquarium collecting. Please Please save our reefs. Allowing an industry that strips our reefs & negatively impacts our ecosystem should not be allowed.

Mahalo
Maureen Bacon
808.866.2840

From: LSLITT@roadrunner.com
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] NEVER F.3.
Date: Thursday, June 24, 2021 7:52:31 AM

To Whom It Should Concern,

I've watched humans desecrate every ecosystem on this dying planet for self centered, anthropocentric things like tanked fish, cages birds, pet wild creatures, you name it, we exploit it for a buck.

And the results are devastating to the creatures, to our shared planet, to the moral fiber of what is hardly an ethical society that steals from every ecosystem and is managing to create our own demise from this fundamental debacle.

Fish belong in safe, clean, thriving habitats. If we can't appreciate and respect this basic right, our religion, education and politics are failed.

Leave them alone already and instead of raping the oceans where they live, for once spend the energy and money cleaning it up and protecting all species. What a sorry lot humans are, the worst trespass of all.

Our ecosystems are dying and this is what Hawaii promotes!!! We all live here and are impacted by human practices. Do the ethical thing for once and leave them alone!

Laura Slitt
Bartlett, NH

June 21, 2021

Chair Case and The Board of Land and Natural Resources

RE: Support the West Hawaii Aquarium Revised EIS

Chair Case and Board Members:

I contact you today to support the Revised Final Environmental Impact Statement (RFEIS) for the West Hawai'i Aquarium Fishery published June 8, 2021, in The Environmental Notice.

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Bird Wrasse	49	344
Potter's Angelfish	625	4,376
Thompson's Surgeonfish	288	2,016
Brown Surgeonfish	114	800

I encourage your support to this program. In this well regulated artisanal fishery, you will return many back to work. And many of us in other parts of the world interested in marine sciences may again have the opportunity to study and enjoy such fauna.

Very truly yours,



Tom Beat

tbeat57@hotmail.com

Barbara Bell

69-1536 Puako Beach Drive, Kamuela, HI 96743

MEETING OF THE BOARD OF LAND AND NATURAL RESOURCES

DATE: June 25, 2021, 9:00 A.M.

LOCATION: Online via ZOOM, Livestream via YouTube

TO: Ms. Suzanne D. Case, Chair Board of Land and Natural Resources, State of Hawai'i And all Board Members

Re: Final EIS for Commercial Aquarium permits

F.3. Determination of Whether the Revised Final Environmental Impact Statement (RFEIS) Complies with Applicable Law and Adequately Discloses the Environmental Impacts of Proposed Issuance of Commercial Aquarium Permits, Commercial Marine Licenses, and West Hawai'i Aquarium Permits for the West Hawai'i Regional Fishery Management Area, for the Purpose of Accepting the RFEIS.

I am a long-time resident of the island of Hawai'i, and a major lover of our ocean. It doesn't make sense to call it a resource, as it often is. It is more like home, and where so many people (residents and visitors) renew themselves. Many perform this renewal quite frequently, sometimes on a daily basis and we are absolutely up to speed on the condition of our waters! I have personally watched fish counts go down dramatically as well as the corals degrade significantly. It probably is no surprise to you—we need to help our fish and corals heal—by letting them rest! Can you imagine a pristine ocean environment? My goodness, what a boon that would be to our well-being and our economy!

I respectfully ask that you:

1. Reject acceptance and approval of the Final EIS for commercial aquarium permits due to the fact that so many factors were not considered and false assumptions abound. And,
2. Determine how enforcement will be handled fairly. The reef-fish collectors have proven themselves to not care very much at all about rules. Make MUCH stronger penalties for permit violations. This needs to include revoking permits when operators are not even trying to keep to their permit conditions. Why would we let people take advantage of what we are here to protect?

The whole aquarium "trade" is based on faulty assumptions. For a state that relies so heavily on tourism and promotes itself as a clean destination, how can we in good conscience be anything but hyper-vigilant in protecting our reef fish and corals?

NATURE CAN HEAL HERSELF—IF SHE IS ALLOWED! Please do more to protect our ocean!

Aloha, Sincerely,



From: [Brad Bellomo](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] Hawaii Pet Fish Ban
Date: Tuesday, June 22, 2021 5:22:46 AM

I am writing to you to express my strongest opposition to the total ban on aquarium fish collection in Hawaii. In 20 years of keeping a reef tank, I can say I have seen this hobby educate many people and make them care passionately about preserving our reefs. This helps reefs around the world far more than removal of a small number of fish can possibly hurt. Hawaii has always stood out as the best managed and most sustainable location for collection, and served as a model to other countries as they improved what started with destructive practices such as cyanide.

As the commercial collection of fish, such as fish intended as food, has not been banned, the ban on fish intended as pets makes little sense. The fish tank hobby is a tiny portion of the overall commercial fish collection. Any ban should restrict what species are removed and from where, but without any regard to the reason the fish are removed or the eventual fate of the fish. It is unjust to target the small businesses in the pet industry simply because they don't have the money and lobbying resources of the huge companies commercially fishing for food.

From: [E Of SO](#)
To: blnr.testimony@hawaii.gov
Subject: [EXTERNAL] Please do not allow collection of fish for aquariums in Kona
Date: Monday, June 21, 2021 6:01:21 AM

As a visitor to the Hawaiian islands for over 40 years, one of the most distinctive activities to treasure in Hawaii is snorkeling and/or scuba diving.

Collection of aquarium fish has notoriously been known to damage reefs and whole populations of fish while collectors search for the particular species they want.

Our oceans are already under assault from so many sources, please do not succumb to any type of short-term, unjustified financial offer that will, in the long-term, cause the delicate ecosystems in Hawaii to deteriorate.

Thank you,
E. Berman

From: [Lisa Bishop](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] F.3 Oral and Written Testimony in STRONG OPPOSITION to the Revised FEIS to reopen West Hawai'i to the Aquarium Trade
Date: Wednesday, June 23, 2021 7:38:11 PM

Aloha Chair Case and members of the Board of Land and Natural Resources,

My name is Lisa Bishop. I am a resident of Hawai'i and serve as president of Friends of Hanauma Bay. Mahalo for the opportunity to testify both orally and in writing in **STRONG OPPOSITION** to the Revised Final EIS (RFEIS) to reopen West Hawai'i to the Aquarium Trade.

Founded in 1990, Friends of Hanauma Bay is a 501(c)(3) non-profit dedicated to the conservation of coastal and marine environments, emphasizing stewardship of the natural resources of Hanauma Bay in Oahu, Hawai'i. We stand with thousands of other residents and visitors to Hawai'i opposing this RFEIS for a number of reasons, including:

- The RFEIS fails to address or mitigate the fourteen reasons that BLNR gave for rejecting the original FEIS one year ago;
- The RFEIS fails to respond to most public comments / concerns provided in response to the original FEIS;
- The RFEIS fails to comply with the Hawai'i Environmental Policy Act (HEPA);
- The RFEIS is wholly flawed-- relying on insufficient, faulty, inadequate and improper data and assumptions;
- The RFEIS fails to adequately incorporate input of Native Hawaiian practitioners, experts, community

- members, and consulted parties;
- The RFEIS fails to accurately analyze the environmental consequences to reefs and fish abundance of seven aquarium collectors taking over 246,000 fish, claiming it won't cause an impact;
 - The RFEIS fails to accurately analyze the cultural and socioeconomic consequences of aquarium collection in West Hawai'i, and ignores the research showing that Hawai'i residents receive ZERO benefits from the trade, but bear all of the costs;
 - The RFEIS fails to propose and analyze any meaningful mitigation or alternatives that would reduce the impacts; and
 - The RFEIS fails to provide a plan for enforcement and compliance measures, even though DLNR asked the applicant to provide them.

We therefore request that the Board reject this RFEIS.

Hawaii's coral reef ecosystems and marine wildlife deserve critical protection from this predatory industry with such high mortality rates.

With aloha,

Lisa Bishop
President
Friends of Hanauma Bay
Oahu, Hawai'i

From: [Kalena Blakemore](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] Agenda Item F.3 Testimony
Date: Tuesday, June 22, 2021 12:51:17 PM

Aloha nō e BLNR,

I would like to ask the BLNR to please REJECT the FEIS proposed for the “Issuance of Commercial Aquarium Permits and Commercial Marine Licenses for the West Hawai’i Regional Fishery Management Area.”

As a Native Hawaiian I oppose this EIS for the reasons below:

- 1) There is NO Reciprocity from those who seek to extract marine resources. There is zero effort on their part to sponsor, fund resources management and/or education.
- 2) The commercial aquarium industry uses questionable practices that destroy our coral reef systems.
- 3) Law enforcement is non-existent with little to no punishment for collectors who are expected to self-regulate their activities.
- 4) Why do they not grow their own fish in fish ponds like our ancestors?

He ali‘i ka ‘āina. He kauā ke kanaka.

Land is the chief. The man is the servant.

Please REJECT the FEIS-

Mahalo piha-

Kalena K. Blakemore

--

*Kalena K. Blakemore
PO Box 219
Hawaii National Park, HI
96718*

From: [neil bharath](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] Hawaiian fish
Date: Monday, June 21, 2021 8:23:15 PM

Good day ,

I would just like to inform you that hawaiian fish is such a staple to our hobby, and we would like to have hawaiian fish again available .
Could you please reopen the waters of hawaii for ornamental fish trade.

Please and thank you in advance
Kind regards

From: [Ryan Blauser](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] Reopen marine fish collecting
Date: Monday, June 21, 2021 3:59:32 PM

Please allow use to collect marine fish for our aquariums!!

From: [Lesmerelda Blokridge](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] Written Testimony for Agenda Item F.3
Date: Monday, June 21, 2021 4:42:22 AM

Aloha.

I grew up in Kona and still live here.

I have been diving on the Kona side of the Big Island for about 50 years.

The decline of reef health and fish numbers over the last 25 years has been alarming.

This last year was a real eye opener. The reef started to recover and it was plainly evident to those of us who swim daily.

The improved health of the coral from less human pressure meant there was a rebound of small fish for the first time in over 20 years of my observation.

If we value the health & recovery of our reefs on the Big Island, we need to stand against activities that degrade it.

Permitting the aquarium trade to suck our sea life off of the reef is a degrading activity!

This EIS is seriously flawed in many ways:

I don't see an accurate analyzation of environmental impacts!

Where is the incorporation of Native Hawaiian practice?

What is the plan for enforcement/compliance?

Please reject it!

The traffic of reef fish for the aquarium industry is a net loss to the natural ecosystem, and for all of us that depend on a healthy ocean ecosystem.

Sincerely

Leslie Blok

Sweetfunmonkey@gmail.com

From: [gregg blue](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] Agenda Item F.3 Testimony
Date: Wednesday, June 23, 2021 8:48:52 AM

Aloha and thanks,

I LIVE IN HAIKU MAUI..

The EIS is not complete and very flawed.....reject this effort to sell our fish to the mainland and deplete our precious reefs. Enuff already!!

Gregg Blue 808 575-9477

From: [Max Broad](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] Protect Reefs, Reject RFEIS
Date: Thursday, June 24, 2021 7:12:40 AM

Hello -

I grew up visiting my grandparents on Oahu and became intimately acquainted with the beauty of Hawaii. I have fond memories of swimming, snorkeling, and feeding the fish in Hanauma Bay. However, I now know that my actions were destructive to the marine environment, and I'm glad that your colleagues in the state of Hawaii have implemented policies to protect the aquatic ecosystem.

It's for that reason that I'm writing about item F.3 to ask BLNR to reject the RFEIS in order to protect nature and the environment. I know the plan includes protections for many species, but these do not seem enforceable nor sufficient to protect these species and others.

Please reject the RFEIS until an alternative is available that protects Hawaii's environment, wildlife, and tourist economy.

Sincerely,
Max Broad

From: [ted bohlen](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] REQUEST TO TESTIFY ORALLY AND IN WRITING BELOW ON ITEM F.3 WH AQUARIUM TRADE RFEIS
Date: Wednesday, June 23, 2021 6:53:52 PM

Aloha members of the BLNR. My name is Edward Bohlen. I hereby request to testify orally and in writing on Agenda Item F.3 WH Aquarium Trade RFEIS.

I am a full-time resident of Oahu. I have substantial experience with environmental reviews under the Hawaii Environmental Policy Act (HEPA), Hawaii Revised Statutes (HRS) chapter 343, and rules in Hawaii Administrative Rules (HAR) chapter 11-200.1, since I served as legal counsel for the Hawaii Office of Environmental Quality Control (OEQC) and the Environmental Counsel as Deputy Attorney General from 2006-2020.

The Revised Final Environmental Impact Statement (RFEIS) for commercial aquarium fishing is inadequate and must be rejected by the Board. It **DOES NOT COMPLY WITH HEPA and FAILS TO ADEQUATELY DISCLOSE ENVIRONMENTAL IMPACTS. IT HAS NOT CURED THE NUMEROUS DEFECTS IDENTIFIED IN THE DRAFT EIS (DEIS).** The RFEIS is wholly deficient in its discussion of impacts of removing almost 250,000 fish each year, the benefits of alternatives, particularly the no action and no herbivores take alternatives, and mitigation, as required under HAR 11-200.1-24.

I have the following specific concerns regarding the RFEIS:

The RFEIS does not accurately describe how taking the fish reduces the beauty of coral reefs.

The RFEIS does not describe the increases in some or all of these species that have occurred since AQ was banned in 2018.

The RFEIS does not describe how abundance is diminished by aquarium collecting.

The RFEIS does not describe how communities of reef species are disrupted by aquarium collecting.

The RFEIS minimizes the impacts of aquarium collecting on these species.

The RFEIS does not have a plan to restore depleted abundance and ensure future generations may encounter these species.

The RFEIS downplays the importance of the herbivores taken by aquarium collectors. Hawaii reefs need more herbivores and aquarium collectors should not take them. Hawaii needs these fish more than ever before.

The RFEIS does not explain why people with personal aquariums outside the state deserve these fish more than Hawaii does.

The RFEIS does not provide a cost/benefit analysis that showed an aquarium collecting benefit to Hawaii Island residents that outweighs the costs.

The RFEIS does not adequately address the fact that aquarium collecting is contrary to native Hawaiian cultural practices and beliefs.

The RFEIS does not adequately address the animal welfare issues and unacceptably high mortality rates linked to their practices.

The RFEIS fails to accurately describe the undeniable and significant environmental, socioeconomic, and cultural impacts of what it proposes.

An additional comment: I am also the co-founder of the Hawaii Reef and Ocean Coalition (HIROC), an organization that includes coral reef scientists and was formed in 2017 to address the crisis on our coral reefs. **HIROC is deeply concerned about the impact of aquarium fishing on the our coral reefs, especially from taking of herbivores that clean the reefs and improve reef resiliency that is so needed given the stresses of climate change. Maintaining the current level of fish biomass is insufficiently “sustainable” when reefs are in crisis. Dismissing the moratorium on herbivores alternative alone renders this RFEIS inadequate.**

The Board must reject this inadequate RFEIS! Mahalo!

Edward Bohlen

I can be reached at:

Tbohl8@yahoo.com

(808) 294-3689

From: [Marge Bonar](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] West Maui Aquarium collection
Date: Saturday, June 19, 2021 2:08:28 PM

I am a 20 year Maui resident, and had been a visitor since 1959. The massive numbers of reef fish that once populated the shores has been decimated in those intervening years. The impacts of roads, construction and shoreline encroachment and use of golf course maintenance chemicals have all impacted this decline, the taking of decorative fish is a variable that can be eliminated.

Most fish are not handled in a way to preserve life, just a commodity that can show profit at any level of live delivery. It is abusive and wasteful and has never had the regulatory support required for protecting the reefs. The only way the collection can be allowed is with massive enforcement. As that has never happened, please do not allow any commercial collection.

Marge Bonar, Pukalani

From: [Alan](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] Agenda Item F.3 Testimony
Date: Saturday, June 19, 2021 2:29:58 PM

As a Hawaii resident in Kihei I object to the re-opening of West Hawaii waters to the aquarium trade. The harvesting of tropical fish has no benefits to the people of Hawaii and I would urge the BLNR to reject the EIS. The BLNR has no means to monitor nor supervise the harvesting. This will lead to it being abused and excessive numbers of fish being harvested reducing the volume and varieties of fish to be seen in local waters. Protect the Hawaii oceans and reject the EIS.

Thanks

Alan

Alan Breese
Kihei

Sent from my iPad

From: [Leslie Briggs](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] Agenda - Division of Aquatic Resources Item #3
Date: Sunday, June 20, 2021 7:03:10 PM

The revised Final Environmental Impact Statement (FEIS) concerning commercial aquarium fishing in Hawaii does not address the 14 reasons that BLNR gave for rejecting the original FEIS one year ago. They have not been clarified or mitigated. Most of the public comments/concerns provided on the original FEIS have been ignored or dismissed.

I am urging BLNR to reject this FEIS.

Leslie Briggs
556 Pauku Street
Kailua, Hawaii 96734

From: [Harriet Burkholder](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] Agenda Item F.3 Testimony
Date: Wednesday, June 23, 2021 11:57:38 AM

Bureau of Land and Natural Resources,

Please reject the recent EIS. It does not address your requests for more information on how the fish collectors impact our Island and ways to mitigate the effects of their “collecting”. As a Big Island resident, I am counting on you to take the most pono action and continue to keep West Hawaii closed to the Aquarium industry.

Thank you for acting for the benefit of us all, instead of for a greedy few.

Harriet Burkholder
Honoka’a, Hawaii

From: [Nicole Busto](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] Agenda Item F.3 Testimony
Date: Saturday, June 19, 2021 6:15:20 PM

Aloha,

I live in Kula, Hawaii.

I am disappointed and saddened that Hawaiian fish are trapped and sold for people's fish tanks.

How can you allow this to happen?

This should be illegal!!!

These reefs have enough to deal with... all of the pollution and run off from us inhabiting these islands... the fish are taken as well???

The fish need to be left alone!!! People need to take responsibility for these reefs to thrive, not struggle with so much human impact.

I ask you to Reject the EIS.

Protect what is left of reefs, the fish, this beautiful ocean and all its inhabitants that make Hawaii such an amazing place.

Thank you for your consideration.

Nicole Busto

Maui Nutritional Therapy
Nicole Busto NTP, CGP
808-463-7783

From: [Cassie Christie](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] Testimony for Friday, June 25 Hearing
Date: Monday, June 21, 2021 1:12:38 PM

Hello,

My name is Cassie and I want to highlight agenda item F.3. I ask that the Board of Land & Natural Resources REJECT the Revised Final Environmental Impact Statement (RFEIS). My husband was born and raised in Maui, Hawaii and after years of visiting, I have Hawaii in my heart. Below I state my reasons for asking that the board REJECT the RFEIS.

The RFEIS claims revenue and jobs from aquarium collection but fails to assess impact on reef-based tourism, of exponentially more revenue and jobs—and most importantly to all species on Earth, the RFEIS fails to be attuned to reef conservation.

The RFEIS states that aquarium collection will include 8 species, down from 40, with no plans of enforcement. The Kona Coast history of poaching has led to coral damage from anchors, chains, nets and collectors destroying corals to flush reef wildlife. History clearly profiles carnage for dollars.

Thank you for your time and thoughtful consideration,

Cassie Christie

TO: CHAIR CASE AND BOARD OF LAND AND NATURAL RESOURCE MEMBERS
RE: IN SUPPORT OF THE WEST HAWAII AQUARIUM REVISED FEIS

Greetings,

June 19, 2021

I support the West Hawaii aquarium revised FEIS and I believe it determines the aquarium fishery to be sustainable.

Regards,
Chona Gagarin
bonchon79@gmail.com

From: [Bob Cam](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] Item F3 Support
Date: Monday, June 21, 2021 10:56:13 AM

I contact you to support the Revised Final Environmental Impact Statement for the West Hawaii Aquarium Fishery, Published June 8 2021, in the environmental notice.

The Aquarium Fishery in West Hawaii is very well managed, and has been studied closely and shown over the past 20 years to be sustainable. IT's hard to imagine that you somehow were blinded by the special interests that were finally able to convince the state to shut down the most controlled and watched fishery in the world!

Additional limits on collectors, species, and catch numbers further safeguard potential over-exploitation of the States Marine Resources.

The Aquarium Fishery in Hawaii has enabled people the world over without the means to travel to Hawaii, to visit Public Aquariums, keep aquariums, and to appreciate the beauty and learn about the marine life of Hawaii.

Exposure to and appreciation for Hawaiian marine life creates an awareness and understanding of the importance of the health and viability of our oceans.

I encourage your support for the Revised FEIS and the Revised whitelist and limited Permit issuance, which will further ensure the ongoing sustainability of the Aquarium Fishery in West Hawaii.

Sincerely,

Bob Camarena owner

--

Kansas City Pond & Water Gardening LLC

1557 Swift

N. Kansas City, Mo. 64116

816 842 5012

pondskc.com

kansascitypond@gmail.com

From: [Sara Cameron](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] aquarium trade
Date: Wednesday, June 23, 2021 3:50:01 PM

To the BLMR:

I, Sara Cameron, am a resident of Hawi in North Kohala, and I write to urge you to reject the Final EIS to reopen West Hawai'i to the aquarium trade. I am an avid snorkeler, frequenting many sites along the leeward side, North and South Kohala in particular most often. While the fish are not generally in great abundance, there has been a gradual increase in the last two years in certain spots. The policy should be for the enhancement of the fish population for the sake of a healthy ecosystem and also for the public to enjoy - not its short sighted and self-serving depletion by a few.

Thank you for your consideration.

Very Sincerely,

Sara Cameron

From: [Rodney Camps](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] Fishing Closure
Date: Tuesday, June 22, 2021 3:46:05 AM

Hello my name is Rodney Camps and wanted to say that my family and friends all appreciate the efforts you're making to protect the reefs in Hawaii against tropical fish removal. It's a shame business men are willing to decimate fish to the point of the extinction. For many years this has been going on and we all hope you keep these people out of the reefs hopefully forever. Thank you for your time and congratulations on making this matter a priority of yours.

[Sent from Yahoo Mail for iPhone](#)

To: Chair Case and Board of Land and Natural Resource Members
Re: Supporting West Hawaii Aquarium Revised FEIS
Date: 06-16-2021

Aloha Madam Case and Board Members,

I am testifying in support for the revised West Hawaii FEIS. As a resident born and raised on the Big Island, I'm a fisherman, free diver and surfer. I'm in the ocean regularly and have never noticed a decline in the amount or variety of reef fish I see. The data in the new revised environmental impact statement clearly demonstrates a healthy, sustainable fishery. I support the need for management of our ocean's resources, but supporting a ban on a fishery, which would allow taking of so few species at a reduced overall catch, just seems unjustifiable.

With Respect,
Levi Cardoza
levicardoza8@gmail.com

From: [Wanda Carey](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] F.3 EIS
Date: Wednesday, June 23, 2021 8:15:17 AM

Wanda Carey
77-440 Hoomaluhia Dr
Kailua Kona HI 96740

I ask that you reject the new EIS. The difference in the fish population has improved since the fish collection has been stopped there is no good reason to open back up for fish collecting. Please leave are fish in the ocean where they belong. Visitors come here because we still have fish they can see while snorkeling. Thank you and REJECT EIS

Sent from my iPhone

From: Nick Caswell
To: [Coral Reef Foundation](#)
Subject: [REDACTED] Aquarium Library 2021
Date: Monday, June 28, 2021 11:22:23 AM

Hello,

My name is Nick Caswell. I don't want to bore you with my story, so I will make it short and to the point. First, I run an aquarium service business in Fort Wayne, Indiana. I'm a one man small business operation, where there isn't any coastline nor public aquarium. So, I grew up raising fish/corals and turned my years of experience into a job. I was 9 when I had my first aquarium. I'm 33 now. I dropped out of college to pursue a profession that I truly enjoy. And that is setting up and maintaining aquariums here in Fort Wayne. I work solely on weekends and I let my work speak for me. That being said, this will sound contradictory, but how can I display the importance of conservation to kids that have an aquarium in their library, with fish they only see in books? I can hear the retorted building, however, Northeast Indiana has a great population of Anish. And, they rarely get to see what fish are from the ocean. If I'm being honest, the people that are rich and full of hubris are the ones that don't care. I do care. If my fish that I stock in an aquarium perish, so does my business. That being said, shutting down aquarium fisheries there won't just hurt them. Anecdotally, will hurt me as well. And, my money won't be coming to your state as well. So, my money will have to go over seas...I don't like. Thank you for hearing me out.

Nick Caswell





From: [Keith Christie](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] Revised FEIS - Commercial Aquarium Permits
Date: Sunday, June 20, 2021 4:19:57 PM

To Whom it May Concern,

I am writing to oppose commercial aquarium permits being considered for reissuance based on a RFEIS.

I strongly oppose and disagree with having a Pet Industry "Advisory Council" having anything to do with Hawaii's reefs. It's laughable that we would have PIJAC making decisions for what is our kuleana. There is a self-serving group dedicated to opening a market using our reef fish as inventory for their stores across the nation.

NO MARINE SPECIES should be taken for aquarium collection in Hawaii, or for that matter in the world. These WILD ANIMALS belong in nature, on the reef, as part of the natural ecosystem of Hawaii. Without these fish, the reefs will have an even more difficult time surviving and our precious reefs will die.

My testimony to disregard the bogus RFEIS, from the pet industry wanting to sell out our reef fish. GO AWAY AND LEAVE OUR REEFS ALONE. The reef collectors have shown they are a lawless group of thugs, willing to kill or threaten anyone who wants to prevent them from poaching what belongs to all of Hawaii. And lastly, the Hawaiian elders have spoken about what is PONO on this topic.

Thank you for your time,

Keith Christie

40 year resident, diver and ocean enthusiast from Maui

From: [Keith Christie](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] Re: Revised FEIS - Commercial Aquarium Permits
Date: Monday, June 21, 2021 8:47:39 AM

To Whom it May Concern,

I am Keith Christie, Hawaii resident, and I ask that you reject the Revised Final Environmental Impact Statement. I have been a resident of Hawaii for 38 years and have been a professional dive instructor and underwater enthusiast for that entire time. I have spent many years watching our oceans decline.

I strongly oppose and disagree with having a Pet Industry "Advisory Council" having anything to do with Hawaii's reefs. It's ironic that we would have PIJAC making decisions for what is our kuleana. There is a self-serving group dedicated to opening a market using our reef fish as inventory for their stores across the nation.

NO MARINE SPECIES should be taken for aquarium collection in Hawaii, or for that matter in the world. These WILD ANIMALS belong in nature, on the reef, as part of the natural ecosystem of Hawaii. Without these fish, the reefs will have an even more difficult time surviving and our precious reefs will die.

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Thank you for your time,
Keith Christie
Maui Resident

On Sun, Jun 20, 2021 at 4:19 PM Keith Christie <keithchristie3@gmail.com> wrote:

To Whom it May Concern,

I am writing to oppose commercial aquarium permits being considered for reissuance based on a RFEIS.

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spoken about what is PONO on this topic.

Thank you for your time,

Keith Christie

40 year resident, diver and ocean enthusiast from Maui

From: [Keith Christie](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] Revised FEIS - Commercial Aquarium Permits
Date: Sunday, June 20, 2021 4:19:57 PM

To Whom it May Concern,

I am writing to oppose commercial aquarium permits being considered for reissuance based on a RFEIS.

I strongly oppose and disagree with having a Pet Industry "Advisory Council" having anything to do with Hawaii's reefs. It's laughable that we would have PIJAC making decisions for what is our kuleana. There is a self-serving group dedicated to opening a market using our reef fish as inventory for their stores across the nation.

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My testimony to disregard the bogus RFEIS, from the pet industry wanting to sell out our reef fish. GO AWAY AND LEAVE OUR REEFS ALONE. The reef collectors have shown they are a lawless group of thugs, willing to kill or threaten anyone who wants to prevent them from poaching what belongs to all of Hawaii. And lastly, the Hawaiian elders have spoken about what is PONO on this topic.

Thank you for your time,

Keith Christie

40 year resident, diver and ocean enthusiast from Maui

From: [Radoslaw Cichno](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] "Item F3 Support"
Date: Tuesday, June 22, 2021 12:52:21 AM

>>> I am contacting you to support the Revised Final Environmental Impact Statement for the West Hawaii Aquarium Fishery, Published June 8 2021, in the environmental notice.

>>> The Aquarium Fishery in West Hawaii is very well managed, and has been studied closely and shown over the past 20 years to be sustainable.

>>> Additional limits on collectors, species, and catch numbers further safeguard potential over-exploitation of the States Marine Resources.

>>> The Aquarium Fishery in Hawaii has enabled people the world over without the means to travel to Hawaii, to visit Public Aquariums, keep aquariums, and to appreciate the beauty and learn about the marine life of Hawaii

>>> Exposure to and appreciation for Hawaiian marine life creates an awareness and understanding of the importance of the health and viability of our oceans

>>> I encourage your support for the Revised FEIS and the Revised whitelist and limited Permit issuance, which will further ensure the ongoing sustainability of the Aquarium Fishery in West Hawaii.

Radek Cichno

From: [ALAN COHEN](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] Aquarium License
Date: Monday, June 21, 2021 5:22:52 PM

Aloha, it is with great respect that I ask you to not allow collecting of aquarium fish in West Maui or Maui waters in general. I first came here 35 years ago. The reduction in species diversity and numbers has made the reef fishes barely noticeable anymore. A moratorium or outright ban is needed.

Mahalo, Al Cohen

From: [sean.conway](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] Item F3 Support
Date: Tuesday, June 22, 2021 12:22:32 PM

I am contacting you to support the Revised Final Environmental Impact Statement for the West Hawaii Aquarium Fishery, Published June 8 2021, in the environmental notice.

Kind regards
Sean

From: [John Fernley](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] Testimont for Big Island's FEIS
Date: Saturday, June 19, 2021 12:13:25 PM

Hello Board Members,

Please consider accepting the Big Island's RFEIS.

The Big Island has changed the DLNR's conditions that were of concern from their prior submittal with hopes that the document will be accepted.

Many thanks for your time,

Randy Fernley

Hawaii Sustainable Reef Fisheries

Coral Fish Hawaii



100 London Road
Forest Hill
London SE23 3PQ
United Kingdom

T +44 (0)20 8699 1872
F +44 (0)20 8291 5506
E enquiry@horniman.ac.uk

horniman.ac.uk

June 23rd, 2021

Chair Case and The Board of Land and Natural Resources

RE: Support the West Hawaii Aquarium Revised EIS

Chair Case and Boardmembers:

I contact you to support the Revised Final Environmental Impact Statement for the West Hawaii Aquarium Fishery, Published June 8 2021, in the environmental notice.

The scientific data on the collection of marine ornamental fish from Hawaii unequivocally shows this to be a sustainable fisheries and decision to implement a band earlier this year was clearly a political/ environmental emotionally driven response.

As curator of a public aquarium I aim to show species and represent habitats from around the world to the public, in order to educate them about the importance of aquatic ecosystems, and highlight conservation concerns relating to these, as a result of our changing world. Our audiences encompass a broad demographic range of society, many of whom from low income families whom will not travel to visit the natural world. Having access to species from around the world, including those collected in Hawaii, are therefore important conduits between the living world and society.

Aquarium Collection Permits would be limited to just 7 permit holders, fishing only the West Hawaii Regional Fishery Management Areas (WHRFMA), and would cover the collection of 8 identified species, the collection number of which would be controlled through catch quotas.

I urge you to support this well-regulated artisanal fishery program, so that those who have been displaced from work due to the band may once again generate a sustainable living. In addition so that public aquariums, such as ours, can continue to display iconic fish from Hawaii and to educate the hundreds of millions of visitor that pass through our doors each year.

Yours sincerely



Dr Jamie Craggs

jcraggs@horniman.ac.uk

Aquarium Curator

From: [ron.Croci](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] Aquarium collecting.
Date: Wednesday, June 23, 2021 9:49:26 AM

Dear BLNR, I was recently informed that the ban in West Hawaii on aquarium collecting might be lifted. Please do not do this. The few reef fish that are left should be left alone. They are an integral part of the eco system and provide much pleasure for the locals and visitors alike. Also the yellow Tangs as well as many other algae feeders help keep the diminishing corals alive. Black Pebble Beach is a jewel on the coast and it has constant fishing pressure already. Aquarium collecting would ruin an already diminishing fish population.

I have been an Hawaii resident for over thirty years and want to keep the oceans healthy and as close to natural as possible.

Ron and Michele Croci

87-450 Kaohe Road, Captain Cook Hawaii, 96740

From: [Lois](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] June 25 zoom conference F3 item agenda
Date: Sunday, June 20, 2021 11:57:28 AM

Aloha,

I'm an avid snorkeler, and have lived on Oahu for 30 years. I have seen the impact that climate change, crowds and fishing, etc. have done to the reef where I snorkel. There is hardly anything left, and the coral is dead and covered with algae. It's depressing!

I believe STRONGLY that the fish should stay on the reef, and Hawaiian practices would never encourage people to go out and take for profit.

I see there is an EIS, but I feel that what about the future stresses from climate change and acidification of the coral? Why would we stress our coral by removing so many fish? Where is the enforcement of the catch?

Please think about this VERY carefully if you are going to issue a permit. Too many times we've seen lobbyists skew perceptions and sway opinions.

Lois Crozer

From: [Judith Cucco's gmail](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] EIS
Date: Sunday, June 20, 2021 1:33:02 PM

To Whom It May Concern:

Please reject the EIS to open West Hawaii to aquarium collectors. As a resident of Hawaii and a frequent snorkeler, I have seen the number of species and their abundance decline dramatically over the years. The collectors steal fish from the ocean at no cost, sell them, and they are the only ones who benefit. The residents don't benefit. The ocean doesn't benefit and the environmental consequences are grave. BLNR doesn't have the staff to enforce compliance with the rules. The input of Native Hawaiian practitioners and experts, as well as residents is not adequately represented.

Sincerely,

Judith Cucco

From: [Judith Cucco's gmail](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] F.3
Date: Tuesday, June 22, 2021 3:00:46 PM

To Whom It May Concern:

Please reject the EIS to open Hawaii to aquarium collectors. As a resident of Hawaii and a frequent snorkeler, I have seen the number of species and their abundance decline dramatically over the years. The collectors steal fish from the ocean at no cost, often using illegal methods, sell them, and the collectors are the only ones who benefit. The residents don't benefit. The ocean doesn't benefit and the environmental consequences are grave. BLNR doesn't have the staff to enforce compliance with the rules. The input of Native Hawaiian practitioners and experts, as well as residents is not adequately represented.

Sincerely,

Judith Cucco

From: [Robert Culbertson](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] Agenda Item F.3 Testimony 6-25-2021
Date: Wednesday, June 23, 2021 7:20:45 AM

(Individual comments re: AQ RFEIS)

Aloha Chair Case and members of the Board!

For the purposes of this hearing and in the interest of brevity, the RFEIS before you should be REJECTED!

I will summarize my following concerns:

- The responses by the applicant in reply to the 14 points deemed inadequately addressed by DLNR staff previously, still have not been adequately or forthrightly addressed as HEPA requires. (Others will enumerate the faults in much more detail).
- The data presented in the current RFEIS, meant to validate exaggerated claims for 'enhancing sustainability' and 'buffering climate change' etc., do not accord with direct observations of a majority of island residents, and 'akamai' visitors. My own experience on Hawaii Island as an outdoors (Sierra Club - Marine Activities Section) leader is representative of many 'water people' who have complained about the diminishment of marine life on West Hawaii reefs for decades, contemporaneous with the acceleration of the aquarium collecting industry. Often we discuss the presence or absence of schools of Yellow Tang as one obvious indicator at many popular dive and snorkeling sites - both 'Open' and 'Protected'. We will of course continue to believe our own eyes instead of the selective and self-serving data rendered up in this document.
- We were made to understand that at this stage, the identities of the real applicant/permittees who stand to gain would be made public. It violates a healthy practice of transparency, which is (or should be) legally incumbent on this public action, not to have their identities disclosed thus far. When have other similar applications been so disguised and therefore damaging to the public process?

For these and a host of many other reasons please REJECT this flawed EIS!

R. A. Culbertson
Honokaa, HI



From: [Mendy Dant](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] Agenda Item F.3 Testimony
Date: Monday, June 21, 2021 5:37:39 PM

Aloha Board Members,

Our family has a 50-year-old snorkel business in Keauhou Kona. We strongly request that you **reject** this EIS. We all love the ocean and the fish and coral reefs have definitely declined in our lifetime here. We need to do everything in our power to protect them and take active steps immediately. This decline endangers our coastal areas when storms come, and they come every year, getting stronger and stronger. We are not helping to stop the coral reefs from disappearing when taking away the herbivores that are an important part of the habitat keeping reefs healthy. These fish have specific roles in keeping reefs healthy and alive. Capturing the tropical fish from these fragile reefs for nothing more than money for a very small few makes no sense and is shortsighted. When these fish are stolen from their habitat, many die before they get to the retailers who will sell them to live in a small glass tank for the rest of their lives however short that may be. If you all make the best decision to save them, besides tourism sources that will enjoy the fish alive here in their natural wild habitat so will the residents and the children of Hawaii. Seeing any animal in their natural habitat does everyone good, but mostly it shows children how wonderful our planet is, whether you are looking into the sky at birds flying or fish in the ocean, we have a critically important environment that is getting more and more damaged from human greed.

When you set limits but allow some pillaging of the fragile ecosystem, you are sending a message that it's okay to take these important wild fish from the fragile habitat. Our policing force, DOCARE here in Hawaii is very short-staffed for such a large island to patrol, they can not enforce the catch limits at every harbor every day of the year. Just like other industries, coal, tobacco, fossil fuel production, that are being found to be unhealthy for the planet, tropical fish collection is not good for the environment either and those who have made a living doing this should find another path in life to make their living.

This is your opportunity and privilege to protect our fragile Hawaiian environment for everyone's good. Please, please act in the best interest of our children and the future of our coral reefs.

Sincerely,
Mendy Dant and Ohana

Mendy Dant
Executive Vice President
Fair Wind Cruises
Kona Sunrise Charters
78-6775 Box A Makenawai St
Kailua Kona, Hi 96740
O. 808-331-3119
C.808-345-6211
www.fair-wind.com





"We need to respect the oceans and take care of them as if our lives depend on it. Because they do." Dr. Sylvia Earle

From: [terri david](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] Comments in reference to agenda item F.3
Date: Wednesday, June 23, 2021 11:05:17 PM

Hawaii should not allow the collection of fishes from the reefs again for the commercial aquarium trade.

The collectors, represented by the Pet Industry Joint Advisory Council – the same entity which fights for puppy mills, argue that by solely taking specific species they can sustainably remove fishes while adding “an estimated 57 jobs and \$1.67 million annually to state coffers.” They fail to acknowledge the unpredictability of fish populations with global warming, coral bleaching and other factors; or the greater economic benefits that fishes in the wild bring through tourism. They also fail to acknowledge the cruelty of removing wildlife from their natural habitats to live in glass boxes, and the many animals who perish along the way.

The revised environmental impact statement is based on inadequate data, and that effective enforcement of limited fish removal is highly improbable. Animals shouldn't be made to suffer or die for private profit and personal pleasure!

I enjoy coming to Hawaii to see the fish in their natural habitats. Let the fish stay. How many of Hawaii's fish will be flushed down the toilet when people get tired of them or they become an inconvenience?

Terri David

404 Harbor Drive S

Venice, FL 34285

From: [Thalia Davis](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] Agenda Item F.3 Testimony
Date: Wednesday, June 23, 2021 5:28:39 PM

Dear BLNR - I am remiss in not writing to you sooner to thank you for your work and decision during the May 2020 meeting. Mahalo for your strength and wisdom, for voting against the issuance of 10 Commercial Aquarium Permits under HRS § 188-3.

I am a resident of Kona, Hawai'i. I swim, snorkel, and SUP occasionally, paddle outrigger canoe at least three times a week. I really enjoy our waters here on the west side of the Big Island. The reefs and reef fish need our help so they can continue to thrive, to help keep the ocean healthy for future generations to enjoy as well. The continued removal of certain species will certainly have environmental consequences and cultural impacts that cannot be analyzed in advance. Please reject the EIS.

If there is such a need for the aquarium trade, let the collectors open facilities that breed certain fish. Let them run a proper business instead of harvesting from our ocean.

Thank you,

Thalia Davis
Kailua Kona, HI 96740

From: [dani](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] Remove the ban on the importation of fish and shellfish from Hawaii.
Date: Thursday, June 24, 2021 6:13:21 AM

Dear Hawaiian Government I love seawater even though I am only 8 years old, I am 47 years old now. My love and care of hearts since my childhood, has cared for and reproduced many corals and other fish such as clowns and girls from my humble home in Barcelona
Confirming We tell you that the fish and coral are not a problem in our backyard, but on the other hand, with our hard work and love for the animals we keep in our donation houses. we re -create and take care of the roots. We are part of the result and that is not the problem, so we strongly urge you to uphold the taboos of the present in order to continue to care for, re -create and preserve our heritage. we love so much, the roots and their animals.

Thank you.

Sent from my Galaxy

Enviado desde mi Galaxy

From: [dani](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] E ho'opau i ka pāpā 'ana mai ka lawe 'ia 'ana mai o nā i'a a me nā ko'a mai Hawaii.
Date: Thursday, June 24, 2021 6:10:47 AM

E ho'opau i ka pāpā 'ana mai ka lawe 'ia 'ana mai o nā i'a a me nā ko'a mai Hawaii.
E ke Aupuni Hawaii'i aloha He mea makemake au i ka wai kai 'oiai he 8 wale nō ko'u mau makahiki, 47 mau ko'u makahiki i kēia manawa. 'O ko'u aloha a me ka mālama 'ana i nā pu'uwai pu'u mai ko'u wā kamali'i, he mālama a ho'opuka hou i nā 'āko'ako'a he nui a me kekahi mau i'a 'ē a'e e like me clowns a me nā kaikamahine mai ko'u home ha'aha'a i Barcelona Ke hō'oiā aku nei iā 'oe 'a'ole pilikia iki nā i'a a me nā 'āko'ako'a i kā mākou 'ākō, akā, 'o ka 'ao'ao 'ē a'e, me kā mākou hana a me ke aloha i nā holoholona a mākou e mālama ai i loko o ko mākou mau hale hā'awi mākou i ka hana hou a mālama 'ana i nā 'a'a. 'O mākou kahi 'āpana o ka hopena a 'a'ole ia ka pilikia, no laila ke koi ikaika aku nei iā 'oe e hāpai i nā kapu o kēia manawa i mea e ho'omau ai i ka mālama 'ana, hana hou 'ana a mālama 'ana i nā mea a mākou e aloha nui ai, nā 'a'a a me kā lākou holoholona.

Mahalo.

Enviado desde mi Galaxy

From: [Manifest Health](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] No reef fish collecting for aquarium trade
Date: Sunday, June 20, 2021 3:45:47 PM

With climate change destroying our coral reefs at an astounding rate, now is not the time to let a very few get rich selling a commodity of living beings who mostly die once removed from their natural habitat. I swim and snorkel weekly and was astounded at how quickly the fish populations can come back, given a year or two of no human intervention or destruction as we saw during the COVID lockdowns. However, to come back, the fish have to actually exist!

There is NO reason to allow a few get rich quick'ers to destroy our tourist economy and quality of life by decimating the very things that bring people from around the world to discover our amazing beauty. Are you trying to create some sort of sterile, lifeless underwater environment? So far you've been doing an excellent job if that's the case. How many of you actually dive, snorkel or fish for subsistence?

DO NOT approve this wasteful and destructive practice. Please continue to arrest, prosecute and severely punish poachers. I recommend a \$100-500 or more per fish fine.

Mahalo for giving us the opportunity to testify, I hope you are listening.

J Dmeyer
Pearl City, HI and previous resident of Kailua-Kona, HI

From: [Cyndy Dyal](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] Agenda Item F.3 Testimony
Date: Tuesday, June 22, 2021 11:57:50 AM

Aloha,

I have been a resident of Hawaii Island for over 30 years and request that the Board of Land and Natural Resources REJECT the revised Final Environmental Impact Statement (EIS) to reopen West Hawaii to the aquarium trade.

Our fish are disappearing at an alarming rate. Please put a halt to the taking of our island's tropical fish for an individual's personal profit. The fish belong here, free in the ocean to thrive and been enjoyed by Hawaii Island residents and visitors alike.

Please REJECT this EIS as there are no solid means in place to enforce the rules of the taking of fish by those who do so for their own personal gain.

Mahalo,

Cynthia Dyal
P.O. Box 5622, Kailua-Kona, HI 96745
808-937-9937



Virus-free. www.avg.com



June 24, 2021

Via Electronic Mail

Attn: Suzanne Case, Chair
Board of Land and Natural Resources
blnr.testimony@hawaii.gov

Re: Agenda Item F.3: Determination of Whether the Revised Final Environmental Impact Statement (RFEIS) Complies with Applicable Law and Adequately Discloses the Environmental Impacts of Proposed Issuance of Commercial Aquarium Permits, Commercial Marine Licenses, and West Hawai'i Aquarium Permits for the West Hawai'i Regional Fishery Management Area, for the Purpose of Accepting the RFEIS

Dear Chair Case and Board Members:

Earthjustice submits this testimony on behalf of For the Fishes, Center for Biological Diversity, Kai Palaoa, Moana 'Ohana, and the Kaupiko 'Ohana of Miloli'i regarding the Revised Final Environmental Impact Statement (RFEIS) for Issuance of Commercial Aquarium Permits, Commercial Marine Licenses, and West Hawai'i Aquarium Permits for the West Hawai'i Regional Fishery Management Area (WHRFMA), prepared on behalf of the Pet Industry Joint Advisory Council (PIJAC). We strongly urge the Board to **reject the RFEIS** because it fails to fulfill the core purpose of the Hawai'i Environmental Policy Act (HEPA), Hawai'i Revised Statutes (HRS) chapter 343, to inform agency decision-making by "alert[ing] decision makers to significant environmental effects which may result from the implementation of certain actions."¹

Preliminarily, it appears the seven anonymous permittees seeking coverage under the RFEIS have submitted permit applications "in parallel" with the RFEIS to the Department of Land and Natural Resources (DLNR).² We remind the Board that DLNR may not resume authorizing commercial aquarium collection under aquarium permits pursuant to HRS § 188-31 or commercial marine licenses pursuant to HRS § 189-2 "until further order" of the Environmental Court of the First Circuit.³ Thus, even if the Board were to accept the RFEIS,

¹ HRS § 343-1.

² RFEIS at 1.

³ *Umberger v. Dep't of Land & Natural Res.*, Civil No. 12-1-2625-10 JPC, Order After Remand, Regarding Commercial Aquarium Collection Permits, ¶4 (Oct. 27, 2017); *Kaupiko v. Dep't of Land & Natural Res.*, Civil No. 1CCV-20-0000125 (JPC), Stipulation and Order re: Newly Issued or Renewed Commercial Marine Licenses (Jan. 26, 2021).

DLNR would be legally prohibited from issuing the seven collectors permits and licenses unless and until the Court has lifted the injunctions.

The Board should, in any event, reject the RFEIS due to its numerous fundamental flaws, including: (1) information flaws and gaps identified by the DLNR Division of Aquatic Resources (DAR) that must be addressed now, instead of leaving assessment of impacts to the permitting stage; (2) use of flawed and unsupported methodology in assessing impacts; (3) failure to assess the trade's cumulative impacts; (4) use of flawed and misleading data for the proposed catch quotas; (5) failure to analyze economic impacts; (6) failure to disclose and minimize cultural impacts; and (7) failure to propose enforcement measures.

These flaws repeat many of the same missteps the Board already cited as reasons for rejecting PIJAC's first Environmental Impact Statement (EIS). The RFEIS still:

- Lacks localized estimates of future take (BLNR Reason for Non-Acceptance No. 1), *see infra* Part IV;
- Lacks any scientific basis for assuming that taking certain percentages of fish populations is "sustainable" (BLNR Reason for Non-Acceptance No. 8), *see infra* Parts II, III & IV;
- Fails to assess cumulative impacts by comparing open and closed areas (BLNR Reason for Non-Acceptance No. 11), *see infra* Part III; and
- Fails to consider and minimize cultural impacts (BLNR Reason for Non-Acceptance No. 13), *see infra* Part VI.

These long-standing and persisting defects, many of which the Board has already specifically rejected, again necessitate rejecting the RFEIS.

I. THE TIME TO ASSESS THE TRADE'S IMPACTS IS NOW, RATHER THAN WAITING UNTIL THE PERMITTING PROCESS

DAR's staff submittal identifies major flaws with the RFEIS, including failure to assess potential impacts to coral, and failure to assess impacts from increased take of the Potter's angelfish and Thompson's surgeonfish (a species of kala).⁴ Yet, DAR recommends the Board punt these issues to the permitting phase, through inclusion of terms and conditions.⁵ We agree that the Board has broad authority and duties to place restrictions on permits and licenses to

⁴ DAR Staff Submittal on Item F-3 (June 25, 2021), at 8-9.

⁵ *Id.* at 9.

fulfill its constitutional and statutory mandates.⁶ However, PIJAC and the Board must *examine and disclose the impacts* of reopening the West Hawai'i aquarium trade *now*, before the permitting and licensing phase. HEPA is clear that full and adequate environmental review is a "condition precedent" to implementing a proposed action.⁷ Without completing this prerequisite step, the RFEIS must be rejected.

II. FLAWED METHODOLOGY FOR ASSESSING IMPACTS

The RFEIS continues to frame and define its assessment of impacts based on catch as a percentage of fish populations.⁸ The RFEIS again cites a Philippines-based, non-peer reviewed field manual (Ochavillo and Hodgson (2006)) for the proposition that catching 5% to 25% of fish populations is "sustainable."⁹ Contrary to the Board's express directives in rejecting PIJAC's first EIS, the RFEIS fails to conduct any statistical analyses of "sustainable" levels of take based on the species' life span, population size, reproductivity rates, and age at first reproduction.¹⁰ Because the RFEIS ignores the Board's clear instructions, the Board should reject the RFEIS on that basis once again. Moreover, any definition or formula for determining "sustainable" levels of catch should be geared toward restoring populations and minimizing the adverse impacts of commercial extraction,¹¹ rather than merely "sustaining" and rationalizing already depleted populations.

III. FAILURE TO CONSIDER CUMULATIVE IMPACTS OVER TIME

Regardless of the RFEIS's approach to analyzing sustainable levels of take, the RFEIS must determine the cumulative impacts of the proposed action, defined as impacts that result from "the incremental impact of the action when added to other *past*, present, and reasonably foreseeable future actions *regardless of what agency or person undertakes such other actions*."¹² The RFEIS falls far short of satisfying this requirement because it assesses impacts against a legally, scientifically, and logically faulty baseline, *i.e.*, depleted fish populations that have been subject to decades of extraction, rather than assessing the trade's cumulative impacts over time. The RFEIS states that commercial collection has been "part of the baseline condition of these

⁶ See, e.g., Haw. Const. art. XI, §§ 1, 6; Haw. Const. art. XII, § 7; HRS §§ 26-15, 171-3, 187A-2, 187A-5.

⁷ HRS § 343-5(e).

⁸ See RFEIS at 179, Tbl. 5-24.

⁹ See *id.* at 113, 146-47, 149-52, 156.

¹⁰ BLNR Reason for Non-Acceptance No. 8.

¹¹ See *In re Waiāhole Ditch Combined Contested Case Hr'g*, 94 Hawai'i 97, 150, 9 P.3d 409, 462 (2000) (maintaining that the constitutional public trust doctrine does "not differentiate . . . between preventing and undoing 'harm'" to public trust resources).

¹² HAR § 11-200-2 (emphases added).

resources since the late 1940s” and, therefore, concludes that PIJAC “does not anticipate a significant change in the current baseline condition of these resources.”¹³ Thus, the RFEIS fails to consider or acknowledge how further collection will perpetuate an already degraded state and foreclose any return to *mo‘onoa* for the WHRFMA.

The RFEIS should analyze cumulative impacts by comparing collected areas to protected environmental conditions without extraction activities. The RFEIS could easily accomplish this by using readily available, scientifically sound data that compare population densities and other ecosystem health indicators in open areas to areas unaffected by the activity, for example the Marine Protected Areas and/or Fishery Replenishment Areas within the WHRFMA. Without comparison between open and closed areas, the RFEIS lacks a full and accurate assessment of environmental impacts.

IV. FLAWED AND MISLEADING FOUNDATIONAL DATA FOR CATCH QUOTAS

Even beyond these fundamental flaws, the RFEIS is riddled with faulty data that hides and skews impacts, which renders the RFEIS inadequate and misleading for informing the Board’s decision-making. The RFEIS is built on the premise that all of its prior flaws have been resolved by instituting catch quotas for the eight species now slated for collection. The Board should reject this proposition for several reasons:

- **Nothing in the RFEIS prevents collectors from concentrating their catch in targeted areas within the WHRFMA.** Under an analogous hypothetical also involving public trust resources, the state could not grant a permit to divert water from an entire watershed, while allowing the diverter to selectively destroy individual streams by draining the maximum authorized amount wherever it wishes. To remedy this defect, the RFEIS must analyze maximum catch in individual subzones within the WHRFMA,¹⁴ or establish subzone-specific quotas. This could be accomplished using the various catch zones that span the WHRFMA and that collectors already use to report their take. Without considering potential localized impacts or setting place-based quotas, the RFEIS lacks an honest assessment of significant effects on communities or adequate mitigation measures.¹⁵

¹³ RFEIS at 25.

¹⁴ *Umberger v. Dep’t of Land & Natural Res.*, 140 Hawai’i, 500, 517, 403 P.3d 277, 294 (2017) (“[T]he properly defined activity for the purposes of the HEPA analysis must encompass the *outer limits of what the permits allow* and not only the most restrictive hypothetical manner in which the permits may be used.”) (emphasis added).

¹⁵ See HAR § 11-200-17(b).

- **The proposed quotas lack any scientific basis.** As discussed in Part II, *supra*, the Board previously instructed PIJAC to determine “sustainable” levels of take based on each species’ life span, population size, reproductivity rate, and age at first reproduction. The RFEIS lacks any such analyses and instead bases its quotas on historical catch levels, *i.e.*, economic demand, without any regard for impact to the species.¹⁶ The proposed quotas are central to PIJAC’s faulty assessment of environmental impacts and utterly fail to comply with HEPA because they are market-based, not science-based.
- **The proposed quotas would allow even greater levels of catch for some species.** The RFEIS’s sole mitigation tools are quotas that actually exceed recent historical catch for species such as Potter’s angelfish and Thompson’s surgeonfish.¹⁷ Thus, even if one were to entertain the RFEIS’s bald claim that fish populations are capable of withstanding steady-state commercial extraction, the RFEIS’s promise to maintain the status quo is unlikely to materialize under these bloated quotas.

PIJAC’s proposed quota system is merely another vessel for sustaining the aquarium trade—rather than the public trust resources of fish populations and reefs in the WHRFMA. This skewed proposal, and the RFEIS that rests on it, should be rejected.

V. FAILURE TO CONSIDER ECONOMIC IMPACTS

The RFEIS further fails to adequately disclose and discuss the aquarium trade’s economic impacts, despite publication several months ago of a peer-reviewed cost-benefit analysis (“CBA”) by Schaar and Cox on this topic.¹⁸ Under HEPA, an EIS must disclose the “effects of the proposed action on economic welfare, social welfare, and cultural practices of the community and state,” in addition to disclosing environmental effects.¹⁹

The Schaar and Cox CBA analyzes the relative costs and benefits of four aquarium fishery scenarios: (A) 2019 status quo collection (CML-only, no fine-mesh nets or collection in

¹⁶ RFEIS at 30 (“Individual catch quotas for these eight species were set based on either the 20-year historic average catch from the entire WHRFMA fishery (during which the species populations have all been increasing or stable), or to 1% of the 2019 PIFSC-ESD WHRFMA population estimate (see Table 5-16), based on issuance of 7 permits with individual catch quotas (Table 3-2).”).

¹⁷ RFEIS at portable document format page (“PDF”) 1393-94 (Asner, *et al.*); DAR Staff Submittal on Item F.3, at 9.

¹⁸ Siena I. Schaar & Linda J. Cox, *The Future for Hawai’i’s Marine Aquarium Fisher: A Cost Benefit Analysis Compared to an Environmental Impact Assessment*, Marine Policy 127 (2021) 104429, Feb. 17, 2021 (“Schaar & Cox”).

¹⁹ HRS § 343-2.

WHRFMA); (B) 2016 pre-*Umberger* permitting (including fine-mesh nets and the WHRFMA); (C) a statewide ban on collecting; and (D) collection only to support captive breeding of aquarium fish.²⁰ Taking into account a list of nine discrete economic factors—including management costs for the state, the value of the aquarium fish trade to individuals in Hawai‘i and elsewhere, impacts to on-reef tourism where commercial collection occurs, environmental costs, and others—Schaar and Cox reported that the only scenario showing positive net economic benefits for Hawai‘i is a statewide ban on commercial aquarium collecting.²¹ By analyzing on-reef tourism values for aquarium trade epicenters on O‘ahu and Hawai‘i Island, and recognizing the negative impacts to tourism caused by removing fish from reefs, the CBA projects net losses to our state economy of over \$400 million annually if commercial collection is allowed to continue on those islands.²² Comparing the annual on-reef tourism value for Hawai‘i Island alone (\$16,921,000²³) to the West Hawai‘i coast’s value to the aquarium trade (\$1,059,640²⁴), it is clear that any benefits to the aquarium pet industry come nowhere close to the benefits of maintaining reef fish populations for just the tourism economy alone, much less the full range of monetary and non-monetary benefits and values of such protections.

PIJAC again conveniently omits mention of findings unfavorable to its preferred outcome, rather than disclosing and analyzing economic effects, as HEPA requires. The RFEIS vows that the trade will add millions of dollars to “the economy,”²⁵ but implicitly acknowledges that the lion’s share of financial benefits derived from Hawai‘i-caught aquarium fish accrues to citizens and governments of other states.²⁶ The Board must reject the RFEIS for its failure to openly disclose and discuss the trade’s costs and benefits to the people of Hawai‘i, and West Hawai‘i in particular.

VI. FAILURE TO CONSIDER AND PROTECT CULTURAL RESOURCES

In considering the RFEIS, the Board must “effectuate [its] obligation to protect native Hawaiian customary and traditional practices,” and “fulfill its duty to preserve and protect”

²⁰ Schaar & Cox at 2.

²¹ *Id.* at 3-5.

²² *Id.* at 3, 4.

²³ *Id.* at 3.

²⁴ RFEIS at 103.

²⁵ RFEIS at 169.

²⁶ See RFEIS at 37 (noting a national retail value of aquarium fish in 1993 “nearly 6 times higher” than the value of aquarium catch in Hawai‘i during the same time, based on DAR aquarium catch reports); see also Schaar & Cox at 3 (reporting that retail prices for Hawai‘i-caught aquarium fish on the continent can be over 5 times the price of the same species sold locally and noting the accrual of greater taxes and other economic benefits in areas outside Hawai‘i).

such rights “to the extent feasible.”²⁷ The Board must, “*at a minimum,*” make specific findings and conclusions regarding (1) the identity and scope of valued natural and cultural resources in the WHRFMA, (2) the extent to which these resources, including traditional and customary native Hawaiian rights, will be affected by continued commercial aquarium collection, and (3) feasible actions to be taken by the Board to protect such rights.²⁸

The RFEIS fails to provide the information needed for the Board to make such findings. The RFEIS includes discussion (largely irrelevant to the resources at hand) of sacred mauka areas and some fishing traditions, and mentions the role of Hawaiian culture in resource management on Kaho’olawe and at Wao Kele o Puna.²⁹ When it comes to assessing cultural impacts, however, the RFEIS merely classifies them as “unknown.”³⁰ This is patently absurd and untrue. More importantly, it deprives the Board of the information it needs to fulfill its constitutional duties to identify and protect traditional and customary rights.

PIJAC’s preferred alternative also fails to sufficiently consider and minimize impacts to Native Hawaiian traditional and customary practices. As mentioned, under the region-wide quotas proposed, all commercial aquarium take could be concentrated in specific subzones and, therefore, drastically deplete fish populations in areas of particular cultural significance or importance for subsistence purposes, such as the open areas near Miloli’i. And as discussed in Part IV, *supra*, the proposed quotas, in fact, allow for higher levels of catch than historical levels for some species, which would further exacerbate cultural impacts.

The RFEIS, like the first EIS, attempts to minimize impacts to cultural resources by fixating on subsistence fishing instead of acknowledging the aquarium trade’s broader cultural impacts. Comments on the revised draft EIS (RDEIS) and PIJAC’s Cultural Impact Assessment are replete with examples of how reef fish and the ecosystems they inhabit are “cultural resources” above and beyond their value as a food source. Hawai’i law requires the state to protect “cultural and religious purposes” *in addition to* subsistence needs.

The Board has an affirmative duty to accurately identify such cultural resources, determine how those resources will be affected by a proposed state action, and to take action to protect these fundamental rights. The RFEIS’s perfunctory and dismissive treatment of potential impacts to cultural resources—and its limited focus on subsistence uses—fails to provide the Board sufficient information to make an informed, reasoned, and legally sound decision with respect to how cultural resources will be adversely affected by the issuance of commercial aquarium collection permits, either directly or cumulatively. Because the FEIS lacks

²⁷ *Ka Pa’akai o ka ‘Āina v. LUC*, 94 Hawai’i 31, 47 (2000) (“*Ka Pa’akai*”)

²⁸ *Id.* (emphasis in original).

²⁹ RFEIS at 40-41.

³⁰ RFEIS at 169.

any real analysis of such impacts, the Board cannot accept this FEIS and approve the action requested without running afoul of its constitutional mandates.

VII. NO ENFORCEMENT MEASURES

The RFEIS should be rejected because it fails to comply with DLNR's specific instruction that "[e]nforcement and compliance needs and challenges . . . should be analyzed as part of the environmental impact statement."³¹ In the RDEIS, PIJAC proposed a "Certificate of Origin" system, whereby permitted collectors would be issued a carbon copy booklet to generate triplicate receipts to be held by the collector, aquarium fish dealers, and DLNR.³² In the RFEIS, this minimal enforcement proposal is deleted, purportedly "based on comments received."³³ Some public comments on the RDEIS questioned the effectiveness of such a system, but no comment requested or recommended deletion of any and all enforcement measures.³⁴ PIJAC provides no valid justification for its refusal to meet DLNR's express requirements.

This failure to analyze enforcement "needs and challenges" raises serious concerns, particularly considering the quota system proposed in the preferred alternative. DLNR has no mechanisms in place to enforce such quotas, and as discussed above, the quotas themselves are in some cases higher than historical take.

VIII. CONCLUSION

In sum, the RFEIS fails to comply with HEPA because it lacks critical information necessary for the Board to determine whether these seven anonymous permit applicants deserve exclusive access to commercial aquarium collection in the WHRFMA. The information it does provide is based on scientifically flawed and skewed analysis and is blatantly dismissive of many concerns previously raised by the Board, DLNR, and the public. Viewed in light of current science, the RFEIS is little more than a self-serving recitation of the alleged benefits of the proposed action—benefits that will accrue only to a limited circle of individuals, most of whom reside outside of Hawai'i. Because the RFEIS fails entirely in providing the information that HEPA requires for the Board to render a legally sound decision in the interest of all Hawai'i citizens, the Board must reject it. Thank you for the opportunity to submit testimony on this matter.

³¹ FEA/EISPN, DLNR Notice of Determination at 3 (published August 8, 2018).

³² RDEIS at 31-32.

³³ RFEIS at 31.

³⁴ See RFEIS at PDF 1405-1575.

He ali'i ka 'āina,

A handwritten signature in black ink, consisting of stylized, overlapping loops and curves, enclosed within an oval shape.

Mahesh Cleveland
Kylie Wager Cruz
EARTHJUSTICE

From: [Michael Emilsson](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] Regarding the ban on collection of ornamental fish
Date: Monday, June 21, 2021 11:03:54 PM

Hi there!

I understand that you are welcoming opinions on this ban and I would like to give mine:

without a shred of evidence or any tangible environmental impact surveys showing harm to local fish populations the collection of ornamental fish was banned.

The Hawaii ornamental fish trade is one of the best studied, most heavily managed fisheries in the world and granted, there's a lot of yellow tangs captured but this fish species has shown sharp population increases in the open, closed and Marine Life Conservation District areas of the management area for the last twenty years. The closure of ornamental fish is punitive and without merit since aquarium fish collectors operate under the same commercial fishing permits as food fishing companies yet they harvest a fraction of the amount.

Regards,

Michael Emilsson

From: [Marjorie Erway](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] Agenda Item F.3 Testimony
Date: Tuesday, June 22, 2021 4:37:59 PM

Since the EIS is very flawed, and fails to analyze, accurately, the environmental consequences to reefs and fish abundance of 7 aquarium collectors taking about 250,000 fish, saying that it won't cause an impact. Also, the EIS has no plan for compliance measures even though DLNR asked them to provide them.

Therefore, I ask that you reject the EIS!

Mahalo for your consideration,
Marjorie Erway
PO Box 2807
Kailua Kona, HI 96745
808-324-4624

From: [tailwind.](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] Aquarium collecting
Date: Saturday, June 19, 2021 2:15:57 PM

I started scuba diving in Hawaii in the 70's when ocean businesses were still "the wild wild west" anything goes. Slowly I saw the destruction of the reefs by man. There was outflow there was over use there was trash and exploitation until the shore reefs were stone cold dead. It was one of the most tragic things I have witnessed. The living reef and all its creatures and beauty and support to the ecosystem were killed by humans. Many of my friends collected corals and fish. While aquarium collecting was only a part of this mass destruction every issue facing the reefs needs to be addressed. You have to start somewhere. The fish are living creatures and innocent victims of mans cruelty for his own ego gratification whether it be to confine them for their short lives in a cell like tank or make money from their trade. When you do that you have killed part of the ocean. The ocean is Hawaii's history and heritage. Jeezwhat are you thinking! Please refrain from killing our oceans any further. Your job should now be to rebuild them. Please have some respect for our oceans our heritage and the living creatures and stop the aquarium trade.

Leslie Farnel
PO box 1309
Kihei hi 96753

From: [Heraldo Farrington](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] Agenda Item F.3 Testimony
Date: Thursday, June 24, 2021 8:59:37 AM

Aloha kakou!

I have lived here in Hawai'i for close to 30 years, working in terrestrial ecology and supporting local terrestrial and marine conservation efforts as well as surfing, fishing, and diving in the beautiful waters across all of Hawai'i Nei. Like many, I am concerned about the health of our coral reef ecosystems under increasing multiple threats and I am writing to urge that you reject the revised Final Environmental Impact Statement (EIS) to reopen West Hawai'i to the aquarium trade.

Aquarium take directly threatens the overall health of our corals by reducing the populations and altering the community structure of our algae grazers and browsers and does not satisfy a local subsistence lifestyle or local economy. Given that we may very well need to further restrict and regulate subsistence take of our reef fish, any potential renewal of the aquarium trade here in West Hawai'i must be limited and carefully regulated and controlled.

My understanding is that this FEIS proposes a reduction in the total number of target fish species from 40 to 8, but has kept the total biomass about the same, which could skew the population structure and allow invasive algae to smother our reefs, especially during sea-surface warming events which are bound to occur more frequently and be more extreme.

Mahalo for your careful consideration in this matter!

Heraldo Farrington
Huaka'i Consulting
PO Box 952
Volcano, HI 96785
Cell: 808.756.6978

"Helping good people do great work, safely."

From: [Tim Jernberg](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] Sustainable Hawaii Aquarium Fishery
Date: Wednesday, June 23, 2021 4:35:52 PM

Hello,

I would like to voice several reasons on why the hawaii fishery should be reopened. The fishery has proved to be sustainable from an ecological perspective and I feel it actually places an importance on the reefs as a sustainable resource that should be preserved and managed. Furthermore, the aquarium hobby can help to promote a love for the reefs and help to educate those that would never be exposed to the reefs of the world. This exposure will hopefully help to spread the importance of the reefs of the world at a time where many are even unaware of its true existence. We need to take the time to applaud the hawaii fishery as being the best managed and in turn attempt to regulate the industries that have an actual impact on reef decline.

Thank you,
Tim Jernberg
mntim10@gmail.com
507-351-7655

TO: Chair Case and Board of Land and Natural Resource Members
Regarding: Support for West Hawaii Aquarium Revised FEIS

Aloha,

I'm writing in support of the new revised FEIS for West Hawaii aquarium fishing. I visit Kona on a regular basis and have always seen ample fish every time I've been snorkeling. The new preferred alternative is sustainable, and only allows taking of species proven to be stable and increasing over twenty years of monitoring. The new FEIS uses the best available data from the most studied and managed fishery in Hawaii, and I believe this shows no reason to ban the catching of aquarium fish in West Hawaii.

Mahalo,
Veronia Ferrer
June 14, 2021
veroniadiazferrer@gmail.com

From: [Fish Feel](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] Agenda item F.3: Please Reject the Revised Final Environmental Impact Statement
Date: Thursday, June 24, 2021 8:59:41 AM

Hello,

I am writing in reference to agenda item F.3, on behalf of our thousands of constituents, many of who are from Hawaii, have visited the islands, or are interested in doing so, with a special interest in seeing the fishes and other aquatic wildlife there in their natural habitat.

We request that you reject the Revised Final Environmental Impact Statement. As with their previous EIS, it is based on insufficient data. It fails to acknowledge the unpredictability of fish populations with global warming, coral bleaching, pollution and other factors, or the greater economic benefits that fishes in the wild bring through tourism. It also fails to acknowledge the cruelty of removing animals from their natural habitats, including the staggeringly high proportion of removed animals who perish prior to reaching their final destination or soon after. Effective enforcement of restricted fish removal would also be costly and highly improbable.

Hawaiian wildlife is invaluable, and the public wants wildlife to be preserved and protected. The animals should remain free for all to enjoy, not removed for private profit or personal pleasure for the few. Again, please reject the Revised Final Environmental Impact Statement.

Mary Finelli
President, Fish Feel
(301) 625-9321
Info@FishFeel.org
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<https://www.instagram.com/fish.feel/>

From: [Scott Fisher](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] Item F-3, Opposition to Aquarium Fishing Permit RFEIS
Date: Wednesday, June 23, 2021 10:30:35 PM

Aloha,

As an avid Native Hawaiian lawai'a (fisher), and concerned local citizen of Hawai'i, I urge you all on the Board to please **reject** yet another attempt by these commercial aquarium companies to continue their assault on our local fish populations for something as silly and unnecessary as commercial aquarium fishing. Enough is enough already!! Please listen to those without any hidden agenda for financial gain, those of us who really just care about our local fish populations and the overall health of our native ecosystems, that **issuing these permits is soooooooo not a priority in today's already-chaotic world of climate change and pollution and real-serious-problems like food/water security and sustainability!**

Please reject this RFEIS, and protect our precious fish that need your support to protect their babies from poachers like PIJAC!

Mahalo for your consideration,

Scott Keli'i Fisher

From: [Olan Leimomi Fisher](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] Re Item F-3, OPPOSITION to RFEIS for Aquarium Fishing Permits
Date: Wednesday, June 23, 2021 10:06:55 PM

Aloha mai,

As a Native Hawaiian with roots in Hawai'i Island, I **adamantly oppose** PIJAC's never-ending attempt to profit off of our precious, sacred, and dwindling i'a (fish) populations for something as ridiculous as commercial aquarium collecting (not even for food!!!!). This Revised FEIS clearly admits that issuance of these permits Would likely have cultural impacts to Native Hawaiian beliefs and practices - enough said! Please, please do not allow these crooks to once again steal and hurt to our poor i'a - **if we (us locals/you folks at DLNR) don't stand up to protect these threatened animals for our future generations of keiki to enjoy and love, who will?!**

BLNR, please uphold your own mission to protect our limited and threatened natural and cultural resources!

I echo the sentiments of Deborah Ward with the Hawai'i Island Sierra Club that the best and only action for this whole RFEIS is the **No Action Alternative**.

Mahalo nui for considering my personal testimony,

Olan

Olan Leimomi Fisher

"Kama 'ia ke aloha 'āina ā pa'a i loko."

From: [scott.folsom](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] Support for passage of the Aquarium Fishery FEIS
Date: Thursday, June 24, 2021 8:16:41 AM
Attachments: [watch21.htm](#)
[watch11](#)

I would like to submit testimony for the passage of the Aquarium Fishery FEIS.

I am a former marine biologist with University of Hawaii; I've conducted years of research and worked on campus, at Coconut Island and abroad.

Scott Folsom, MS

sfolsom1@gmail.com

808-256-0504

All the links you need to fishery facts here. It is clear the fishery is sustainable. **Please PASS the FEIS for the Aquarium Fishery.**

Welcome to Hawaii's Sustainable Aquarium Fishery Scientific Facts

Hawaii's Aquarium Fishery has been studied more than any other fishery in the world. Both the [2,400 page Environmental Review](#) of the West Hawaii fishery, and the [Oahu Environmental Review](#), based in [State fish counts and reports covering nearly 20 years of data](#), scientifically prove Hawaii's aquarium fishery is eco-friendly, having low environmental impact. The head of Hawaii Department of Land and Natural Resources (DLNR) – Suzanne Case, stated Hawaii's Aquarium Fishery is a **"Model Fishery"**. With many reef fish populations on the rise overall, Hawaii's Aquarium Fishery is the true definition of "Sustainability."

Hawaii's [leading scientist speak](#) out in opposition to DLNR Land Boards decision not to approve the environmental review of the West Hawaii Aquarium fishery. This review was based on many of these scientist research and then they were not even questioned or consulted about the board decision. It was like the science did not matter.

Hawaii's top marine biologists **William Walsh Ph.D., Ivor Williams Ph.D., Brian Tissot Ph.D.; Leon Hallacher Ph.D.; Bruce Carlson Ph.D.; Charles Birkeland Ph.D.; Jeremy Claisse Ph.D.; Mark Christie Ph.D.; Richard Pyle Ph.D.; Leighton Taylor Ph.D.; Randy Kosaki Ph.D.; Cynthia Hunter Ph.D.; Brian Bowen Ph.D.; Brian Zgliczynski Ph.D.; Jeff Ebel Ph.D.; Alan Friedlander Ph.D.; Kosta Stamoulis Ph.D.; Delisse Ortiz Ph.D.; Jan Dierking Ph.D.; Rob Toonen Ph.D.; and Jim Beets Ph.D.** Thursday, June 25, 2020, all signed the letter condemning the DLNR [land board decision](#) not to approve fisheries environmental review. Why? Because the fishery is sustainable.

Most reef fish produce 10,000 to 5 million fry per spawning, and with spawning occurring up to as many as seven times per year, their ability to repopulate is staggering! Moreover, marine biologists have stated that the Hawaii fisheries' most favorite fish- the indigenous Yellow Tangs- produce one million fry per pair per year! Further, warmer temperatures brought on by global warming, only seem to stimulate spawning. An example of this is the [fish population increase](#) of 2014 and 2015. Indeed, the [Fish base](#) website, which rate fish species vulnerability rates, indicates low vulnerability for all fish species taken by the proven sustainable aquarium fishery. None of these fishes are at risk of extinction. The Sustainability of the fishery being based on science should not be in question.

According to the state regulatory agency DLNR's [17 year study](#) of the fishery, fish counts for the major species collected were up by millions. The years of Kona fish count research was headed by DLNR marine biologist, Bill Walsh, Ph.D., who worked with his team of marine biologists to count fish and review years of fish reports and studies. These studies showed that Hawaii's small [aquarium fishery was sustainable](#), and had a low impact on Hawaii's oceans. The state has issued aquarium permits for over 60 years. Yet fish count data and catch reports up to 2017 show no major recent fish catch increases or declines in fish. Instead, fish counts were increasing for the 2017 fishery. In the past, DLNR has opposed closure of the fishery basing their decision on years of catch report data and fish counts. Why now with a reduced number of aquarium divers, reduced fish take, and proven sustainability, in the face of an environmental review ruling, has the DLNR changed their minds?

Hawaii Aquarium Trade Under Unconstitutional Attack Despite Sustainable Effective Management of the Fishery – Why?

Last year Hawaii's world famous and most famous leading [marine scientists](#) came out in Support of the fishery. Despite this, the support of Hawaii's Aquarium Fishery repeatedly finds itself still under attack. Why is it under attack? The answer is user conflict from a small, vocal tourist-based group whose eco-funding drives an emotional debate over the Hawaii fishery. The opposition, **snorkel dive charters** with a stake in owning the oceans, **gain by shutting the fishery down**. This opposition group wants all to pay to see Hawaii's fish from their tours only. This conclusion is evidenced by tourist groups who testified against new fish catch limits as proposed by Hawaii's aquarium fishermen ([enact new laws to protect fish](#)) who were willing to go the extra mile and were working with Hawaii's DLNR Land Board in 2015! ***What kind of ecology group testifies against fish protection laws?*** One that is not really based on ecology or science, but a user group who wishes to be the only ones who profit from Hawaii's oceans.



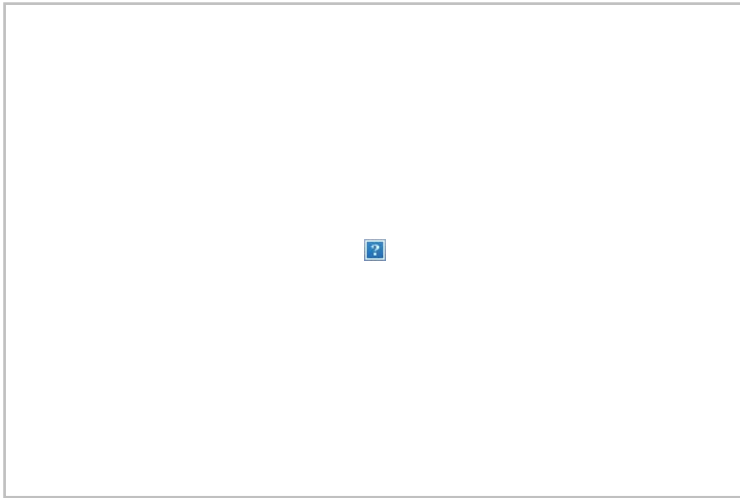
Public Aquarium's Educate Visitors on Ecosystems and Provide a Protective Ark for Many Fish Species Waikiki Aquarium Exhibit (photo by Ron Tubbs)

Our fishery has [proven effective at management](#). Aquarium fishermen's livelihoods depend on plentiful fish supply. For many years DLNR successfully managed the fishery; many new laws were implemented to regulate the fishery. FRA (Fish Management Areas) were created in Kona to separate the user groups and allow fish to repopulate. Over 1,600 fish counts were done and fish populations were on the increase with millions more fish on the reefs. The already sustainable aquarium fishery became even more regulated and sustainable when the Hawaii Tropical Fish Association met with DLNR scientists to create new laws to ensure the sustainability of the Hawaii aquarium fishery. These additional laws took the form of the Oahu and Kona aquarium collecting [rules packages](#) and went into effect in 2014 and 2015. These new rules created enhanced restrictions on diver's gear, species restrictions, size limitations, and quantities (bag limits) of fish that could be collected. To further prevent ocean user conflict, numerous areas statewide remain open to tourists but closed to aquarium fishermen. DLNR employees have stated that if they fail to manage the fishery effectively then they have not done their jobs. Clearly the results of the 20 years studied and the incredible [fish population](#) increases have shown DLNR has done its job!

How will other fisheries respond to working with governments to introduce laws if they still get shut down anyway? The fishery no longer exists on Maui. It had only a handful of divers 8 years ago, but it was blamed for fish population declines on the island. They claimed that the fishery has unlimited "take," but there are many [Hawaii laws for the fishery](#) which prove that to be untrue.

The **United Nations** has deemed that **oceans are the common heritage of all men, and that no individual group should lay claim to own it**. Current attacks violate the **United States Constitution**, and the **Hawaii State Constitution**, both of which state that **oceans belong to the public**. **Governing agencies are there to manage the oceans, not to eliminate user groups**. To restrict access to or eliminate any user group over another without the science to back-up the decision, particularly one in which many Hawaiians work, is clearly a violation to the State of Hawaii Constitution, and puts the state at legal risk. Aquarium fishermen were told by lawyers that we could legally sue DLNR for removing our permits, but unlike our opposition we have morals and ethics, especially regarding facts and truth.

There are several public and commercial marine **aquariums for tourism in Hawaii who rely on the fishery** (e.g. Oceanarium, Sea Life Park, Waikiki Aquarium, Waikaloa, and Disney resort), and **the potential for increasing the production of the state's already valuable marine [aquaculture](#) business that are also dependent on aquarium fishermen and the laws affecting them**. People may soon have to resort to diving or snorkeling to see Hawaii's fish, which will benefit the main proponents of the fishery closure- a few radical snorkeling and dive shop owners who have led this unsubstantiated, biased attack on Hawaii's sustainable aquarium fishery. Ignoring the scientific evidence with which to measure their ecological concerns, they are primarily concerned with their bottom line, not ecology, and have sold the majority of legislators, eco-groups, and the public, a bill of goods which will have negative impacts on tourism and our economy.



Hospital Aquariums Calm the Sick Children photo by Ron Tubbs

Hawaii's [beautiful fish](#) seen in aquariums around the world, allow education about sustainable ecosystems to occur, and encourage tourists to come to Hawaii. If tourist-based user conflict groups succeed in closing the fishery, no one will be able to learn about Hawaii's tropical fish in aquariums. Now that will be a big loss- to the fishermen, state business, and airlines and even to tourism.

For years, special interest groups have used the guise of "ecology," to attack the Hawaii Aquarium Fishery by promoting the fallacy that there is a lack of Hawaii tropical fish and aquarium fishermen have no restrictions. Anti-aquarium fish advocates refuse to listen to science, instead not budging on the stand that the fishery needs to be totally shut down. They use untruths because 20 years of scientific studies conducted by the state's ocean researchers show [fish population increasing](#), which does **not** back up their claims. Laws affecting ecological concerns must be based in science, or they will undermine the meaning and importance of real ecological issues.

Hawaii's small, but important [aquarium fishery](#) faces an uncertain future. With [corals in Hawaii recovering](#), we as fishermen are still not letting our guard down. We will continue to work with DLNR to ensure sustainability and fish and ocean health. Many ocean issues in the past have been reported and aquarium fishermen have aided researchers in studying them. We love giving back to the ocean that we love.

We can only hope those who are making very important life changing decisions educate themselves about the issue and make the right decision.

Tina Owens executive director of the LOST FISH Coalition, Member West Hawaii Fisheries Council says:

A great deal of the "sky is falling" news you've heard about the reef recently is just plain not true. Try giving credit to the thousands of volunteer hours given by your neighbors to the West Hawaii Fisheries Council to get the gains you are now free to enjoy. (done with the help of Aquarium Fishermen on the council who agreed to the laws) Lost Fish Coalition, through the venue of the West Hawaii Fisheries Council, has been working with many stakeholders to get a reasonable settlement to the long-standing problem of the aquarium industry harvest. In almost 16 years, we have accomplished the following management actions:

- We have 55-plus miles of coastline where reef fish cannot be taken. These areas allow the fish to grow large enough to be very successful breeders. These areas — Fish Replenishment Areas — are the nurseries for the reef fish to spread out to the rest of the reefs. Thanks to these measures, West Hawaii has more fish than most every other widely accessed reef in the state, especially the beautiful ornamentals that give tourists and residents so much delight. If someone says that nothing has been done in West Hawaii, they are either lying, unaware or are being duped by someone else's lies about the situation. There are a few "outsiders," by which I mean people who don't live here, who have decided that West Hawaii doesn't know what it's doing. This group, headed by Maui resident Robert Wintner, and Wintner's frontman Rene Umberger, decided it was going to be the ones to get aquarium collecting banned, to make themselves the "rescuers of the reef."*

Clearly if the goal is to get rid of the industry and management prevents that goal being reached, then discrediting the benefits and successes of management would seem the only way left to go. And so they have taken that path.

They have held community meetings and displayed a lot of false or twisted data, quoting from papers outdated by more than 15 years, and "re-interpreting" data from scientific papers. They have been telling people that "there are no fish left," which is patently untrue. I once had a woman tell me with great passion and assurance that there are no fish left anywhere in West Hawaii. I asked her why she thought that, and she replied that everyone knew it. I asked if she swam in the ocean. No. Did she dive? No. Did she know anything about the management strategies in place? No. She had, however, just come from an "information session" in which she heard these things from Wintner's frontman Rene Umberger.

Which brings me back to the wide-screen TV. The TV runs a 90-minute loop of undisturbed, natural activity of fish on the reef. Apparently, the footage was filmed on West Hawaii reefs. The article states: "Wintner praised the videos. 'It shows what abundance looks like,' Wintner said." At least he got that right.

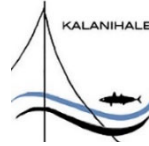
~ Tina Owens, executive director of the LOST FISH Coalition, Member West Hawaii Fisheries Council and resident of Kailua-Kona.

See for yourself News links:

[Videos show tropical fish swarming state's reefs](#)

[CORAL Excerpt: "Biblical" Spawning Event on Hawaiian Reefs](#)

[Most of Hawaii's coral recover from mass bleaching](#)



Via Email

Date: June 22, 2021

To: Chair Case and the Board of Land and Natural Resources (BLNR)

From: For the Fishes, Moana 'Ohana, The Kaupiko 'Ohana from Miloli'i, Kai Palaoa, Pono Advocacy, the Center for Biological Diversity, and The Humane Society of the United States

Re: Meeting of the Board of Land and Natural Resources, on June 25, 2021, at 9:00 am; **Item F.3.** Determination of Whether the Revised Final Environmental Impact Statement Complies with Applicable Law and Adequately Discloses the Environmental Impacts of Proposed Issuance of Commercial Aquarium Permits, Commercial Marine Licenses, and West Hawai'i Aquarium Permits for the West Hawai'i Regional Fishery Management Area

As conservation and animal protection organizations, Native Hawaiian subsistence fishers and cultural practitioners, and individuals with strong interests in preserving the State of Hawai'i's natural resources and protecting its delicate coral reefs, **we strongly urge you to reject** the Pet Industry Joint Advisory Council's (PIJAC's, or "Applicant's") Revised Final Environmental Impact Statement (RFEIS) purporting to analyze the environmental impacts of commercial aquarium fish collection by 7 permittees in the West Hawai'i Regional Fishery Management Area (WHRFMA).¹

This RFEIS warrants rejection for numerous reasons, including those listed below which are described in this testimony and detailed further in our comments on the Applicant's revised DEIS (RDEIS):

- As with the prior final EIS you considered in May 2020, this RFEIS fails to meet all of the criteria for acceptance as defined in HRS 343-2 by failing to fulfill the content requirements of an environmental impact statement, failing to adequately describe identifiable

¹ Office of Environmental Quality and Control, The Environmental Notice at 3 (June 8, 2021), http://oeqc2.doh.hawaii.gov/The_Environmental_Notice/2021-06-08-TEN.pdf; PIJAC, Revised Final Environmental Impact Statement for the Issuance of Commercial Aquarium Permits for the West Hawai'i Regional Fishery Management Area (2021), http://oeqc2.doh.hawaii.gov/EA_EIS_Library/2021-06-08-HA-Revised-FEIS-Hawaii-Island-Commercial-Aquarium-Permits.pdf

environmental impacts, and failing to satisfactorily respond to comments received during the review.

- The RFEIS fails to address seven of BLNRs fourteen reasons for non-acceptance
- The RFEIS fails to accurately analyze HEPA significance criteria
- The RFEIS fails to address two of the issues raised by DLNR in prior HEPA documents

The RFEIS fails to fulfill the definition of “environmental impact statement” in a number of ways, which include, but are not limited to a failure to disclose the environmental effects of the proposed action, as well as the effects on the economic and social welfare, and the cultural practices of the community and State; a failure to propose measures to minimize adverse effects; and, a failure to propose adequate alternatives.

The RFEIS’s failure to satisfy the acceptance criteria are primarily the result of its fatally flawed analyses which led the Applicants to anticipate no impacts to populations of White List species and the resultant insufficient disclosures and descriptions of the direct and cumulative impacts of the action in the affected areas. This grave error was reflected in every meaningful aspect of the document including the main requirement to adequately disclose and describe the identifiable environmental impacts.

These insufficiencies resulted in improper evaluations of HEPA significance criteria and prevent the BLNR from considering fully the environmental factors involved in the proposed action.

Therefore, the RFEIS must be rejected because it is required to “fully declare the environmental implications of the proposed action and discuss all relevant and feasible consequences of the action,” but fails to do so.² As described further below, documentation of significant impacts is included in several figures contained within the RFEIS, however they are not declared.

The RFEIS must be rejected because it is required to propose mitigation measures “to avoid, minimize, rectify, or reduce impact, including provision for compensation for losses of cultural, community, historical, archaeological, fish and wildlife resources . . .,” and to include “mitigation measures to reduce significant, unavoidable, adverse impacts to insignificant levels, and the basis for considering these levels acceptable,” but fails to do so.³

The RFEIS must be rejected because it is required to consider alternatives that “could attain the objectives of the action. . . while minimizing some or all of the adverse environmental effects, costs, and risks,” but it fails to do so.⁴

The RFEIS must be rejected because it is required to “satisfactorily respond to comments,” but fails to do so.⁵ Having entered into this process in good faith, we believe that had the comments we submitted during the consultation and public review phase been taken seriously, the insufficiencies would have been addressed.

² HAR 11-200-16

³ HAR 11-200-17 (m)

⁴ HAR 11-200-17 (f)

⁵ HAR 11-200-23

The end result is an RFEIS that is as deeply flawed and entirely inadequate under the Hawai'i Environmental Policy Act (HEPA, Haw. Rev. Chapter 343) and its implementing regulations, as it was in its first form as a Draft Environmental Assessment. In addition to the reasons listed above, the RFEIS fails to address these and other notable flaws that we outlined in our prior comments:

- The RFEIS fails to analyze the impacts of collection over time (i.e. the expanded 5-year scope of the analysis, beyond one year, is still inadequate);
- The RFEIS fails to accurately analyze the environmental consequences (i.e. direct, indirect, and cumulative impacts) of aquatic life collection under the Preferred Alternative to biological, cultural, and socioeconomic resources in the WHRFMA;
- The RFEIS fails to accurately analyze the environmental consequences (i.e. direct, indirect, and cumulative impacts) of aquatic life collection under the Preferred Alternative to biological, cultural, and socioeconomic resources in East Hawai'i and other parts of the State that may be connected via larval dispersal patterns;
- The RFEIS fails to accurately analyze the impacts of collection practices harmful to corals;
- The RFEIS relies on inaccurate, misleading, and incomplete data;
- The RFEIS fails to adequately incorporate input of Native Hawaiian cultural practitioners, experts, affected citizens and consulted parties.

The Applicant's Preferred Alternative does not ensure that commercial aquarium fish collection is lawful, responsible, and sustainable for any of the White List fish species from nearshore habitats in the WHRFMA. The RFEIS's conclusion that "populations of the White List Species are not anticipated to significantly decline under any of the 7 alternatives under consideration" and that there will be minimal to no impacts to coral reefs and the human communities who rely upon them is unsupportable.⁶

Failure to Adequately Disclose Environmental Effects

Flawed analyses and hypothetical and false assumptions drive the RFEIS conclusions that commercial aquarium collection under the alternatives causes minimal impacts.⁷ The fundamental error at the core of the flawed analyses is the incorporation of "past use and potential impacts by the commercial aquarium fishery" into the baseline against which impacts are measured.⁸ That egregious decision erases decades of aquarium collection impacts and creates an artificial and extremely shifted baseline.

The Applicant attempts to justify folding decades of unassessed impacts into the baseline—and thereby hiding them—by claiming that commercial aquarium collecting has been around since the late 1940s.⁹ Even if we agreed with this approach (which we don't), we would still dispute the assertion because as described below, aquarium collection was focused on O'ahu until 1981, and occurred at much lower levels than what the Applicant proposes in the Preferred Alternative:

⁶ RFEIS at 108

⁷ RFEIS at 180 and 108

⁸ RFEIS at 25

⁹ RFEIS at 25.

- Commercial aquarium collection occurred at very low levels until 1972, with just 4 - 7 permits issued statewide in 1969-1970, for example.¹⁰
- Commercial collection in the earlier years was “almost exclusively in the nearshore waters of the leeward coast of the island of O‘ahu,” with 84% of statewide aquarium catch coming from that area through 1981.¹¹

Furthermore, reported aquarium catch on Hawai‘i Island was below 50,000 fish annually until 1986.¹² The Applicant’s argument erases the impacts of the annual aquarium trade collection of up to 50,000 fish; erases the impacts documented by Tissot et al. in 1997 - 1999 (published in 2003 and 2004); erases the impacts of the annual aquarium trade collection of 330,821 fish in 2000 - 2017; and, then conveniently concludes that the proposed take of 246,560 fish would have no impacts.¹³

Obviously, the Applicant’s deeply flawed argument is illogical and does not stand up to even a cursory examination. More importantly, as a result of the West Hawai‘i Aquarium Project (WHAP), decades of data that are based upon a peer-reviewed and scientifically rigorous method prove that aquarium collection causes significant impacts and provides a simple, yet powerful means for determining the magnitude of that impact through a comparison of non-collected (i.e. control) to collected reefs (i.e. MPAs to Open Areas).

In all of those decades the industry has been allowed to operate, the impacts to the environment have—*still*—never been addressed, despite the data being widely available.

In the related context of protecting habitat for endangered salmon, federal courts require that trade degradation of baseline conditions be incorporated into the analysis of potential future jeopardy.¹⁹ In other words, the trade’s past degradation of fish populations cannot be “rolled into” the *status quo* as PIJAC insists; that defeats HEPA’s purpose by obfuscating the true impacts of the permits requested.

The Applicant responded to our comments on this critically important issue by repeating its refrain that trade exploitation is the baseline condition, and by claiming that the proper baseline is FRAs, not MPAs, because other fishing is also banned in MPAs. While we strongly disagree with that assertion because MPAs are a standard control group, known to best represent unexploited abundance, we were not given the opportunity to review the Applicant’s analyses based upon that claim, because the Applicant did not provide any for the White List species.

The hypothetical and false assumptions used to analyze impacts, such as that aquarium collection occurs uniformly throughout the WHRFMA Open Areas, ignores reality and data showing that collection pressure in some places is much more intensive than in other places, and thus fails to accurately disclose the impacts of focused, intensified collection pressure.

¹⁰ Walsh et al. (2004) at pdf pg. 3.

¹¹ Walsh et al. (2004) at pdf pg. 7.

¹² Walsh et al. (2004) at pdf pg. 8.

¹³ RFEIS at 108.

The RFEIS anticipates minimal impacts based upon what is described as “the low percentage of the overall population of each of the targeted species that would be collected annually and spread across multiple areas.”¹⁴ The fact that aquarium collection occurs in *specific places* is never addressed, and thus never assessed, in the RFEIS.

The use of the WHRFMA Open Areas as a whole to assess impacts results in an RFEIS that grossly miscalculates and underreports the potential effects and environmental consequences of the aquarium collection that would take place at an unknown number of sites, and where on any number of those sites, every fish from the White List species could be taken. This was not analyzed in the RFEIS.

HEPA requires that “agencies shall consider the sum of effects on the quality of the environment and shall evaluate the overall and cumulative effects of an action.”¹⁵ Furthermore, the Agency must consider “both primary and secondary” consequences, “and the cumulative as well as short-term and long-term effects of an action.”¹⁶ Notably, “cumulative impact” is defined as the impact resulting from “the incremental impact of the action when added to other past, present, and reasonably foreseeable future actions,” and “[c]umulative impacts can result from individually minor but collectively significant actions taking place over a period of time.”¹⁷

Failure to Adequately Address BLNRs May 30, 2020 Reasons for Non-acceptance of FEIS

The Applicant chose to address just 11 of BLNRs 14 reasons for non-acceptance of their first FEIS, citing the Environmental Council’s determinations that 3 of the reasons were arbitrary and capricious. The Applicant did so, despite knowing that a number of important points were under review by the court and Environmental Council. As detailed below, the RFEIS fails to resolve a surprising number of the reasons for non-acceptance that it did address which contributes to the continued absence of legally required analyses.

Furthermore, DAR claims in its RDEIS comments to have critically examined the RDEIS to assess whether or not it adequately discloses the impacts, and further states that it began with BLNRs non-acceptance points and evaluated whether they were adequately addressed in the RDEIS.¹⁸ Given that DAR recommended that BLNR accept the first FEIS, and failed to identify the glaring omissions described by BLNR in its reasons for non-acceptance, and because we take serious issue with a number of DARs comments, they are included below, where relevant, along with a brief discussion of our concerns.

Non-acceptance Reason #1: *“In order to properly assess the likely impact of the proposed take of the aquarium fish, the FEIS should contain a reasonably reliable estimate of the amount of future take.”*

The FEIS met the requirement to estimate the amount of future take, **but failed to provide the constraints necessary to properly assess the likely impact.** For example, the 246,560 fishes

¹⁴ RFEIS at 163 and 180.

¹⁵ HAR § 11-200-12.

¹⁶ HAR. § 11-200-12.

¹⁷ HAR. § 11-200-2.

¹⁸ RFEIS at 1485.

annually allowed under the Preferred Alternative might be taken from all eight, from several, or from just one of the aquarium collection trip report zones (AQ zones) within the WHRFMA that DLNR requires aquarium collectors to use when reporting aquarium catch. Taking all 246,560 fishes from just one AQ zone would have a significantly greater impact. The RFEIS fails to disclose, analyze, and provide mitigation for this.

We have repeatedly explained why place-based constraints, in much finer detail than the WHRFMA Open Areas as a whole, are essential. As described more in non-acceptance Item 8. below, total allowable catch (TAC) should be based upon the unique life history traits of each species (as DLNR has requested), the current status of the target species population within the AQ zone or smaller area (i.e. the impact of historical levels of take on the target species), whether or not a state of natural abundance has been achieved since 2018, and factor larval sources and sinks connected to or within that area.

Furthermore, this issue is strongly aligned with non-acceptance reasons #6 and #7 where BLNR noted that “[collectors] could change what species they target for collection and increase the impact on some species” and “that collectors can, and do, selectively target some species more than others.” Similarly, in this RFEIS, collectors could change what locations they target for collection and increase the impact in some locations; and, as shown by collection reports they can, and do selectively target some locations more than others. **Based on this alone, this RFEIS warrants rejection.**

The RFEIS analysis is based upon a completely hypothetical assumption that collection pressure would be equally distributed across the entire WHRFMA Open Areas, as we explained in our RDEIS comments.¹⁹ Furthermore, as we also explained in our comments, the importance of the 8 AQ zones is explained in a 2011 letter from DLNR to commercial aquarium collectors outlining the need to increase focus and gather more data by aquarium trip zone, to better monitor and analyze management of the fishery.²⁰ As further emphasis of the importance of gathering information by zone, the updated Aquarium Trip Fish Report included the instructions, “DO NOT COMBINE ZONES” and noting that a separate report is required for each zone, even for catch taken on the same day.²¹

We agree with DLNR that more data yields a better analysis and that for proper management, the level of catch must be understood at the spatial scale represented in the AQ zones.

If aquarium collectors cannot combine zones for reporting purposes, the RFEIS should not combine and conflate the zones when analyzing impacts.

The importance of analyzing impacts and setting limits for each zone are revealed in DLNR catch report data which show large variances in overall collection pressure between the 8 zones. For example, during one 5-year time frame (2013-2017) average annual take ranged from fewer than

¹⁹ RFEIS at 448 - 450.

²⁰ RFEIS at 443.

²¹ RFEIS at 443.

10,000 to 85,000 within the various zones. These large variances, together with the potential for all 246,560 fish to be taken from one zone must be addressed.²²

The Applicant's flawed analyses minimize the likely impacts that could occur under historical collection patterns, as well the impacts that could occur under the outer limits of what the permits allow.

DAR opined that the Applicant addressed this point with catch quotas but DAR failed to note that the applicant combined the AQ zones in its analyses, **despite the fact that DLNR prohibits the permittees from doing so when reporting their catch.**

Non-acceptance Reason #3: *"The existing regulations of the WHRFMA do not contain any daily or annual bag limits other than for the paku'iku'i, a "slot limit" for yellow tang, and a limit on kole over 4"long. To project how many fish are likely to be taken, the FEIS relies completely on the historical catch records of these ten fishers for the forty "White List" species. See Tables 5-2 and 5-11. The FEIS concludes that 160,832 fish would be taken annually, based on the maximum number taken by the ten permittees in any year, during the 2000-2017 period. See §5.4.1.5."*

The FEIS met the requirement to propose annual limits rather than relying upon historical catch records to estimate take. However, the total limit proposed under this RFEIS, 246,560 fishes, is 53.3% higher than the 160,832 fishes the Applicant claimed would be taken under the prior EIS. Furthermore, when applied to seven, rather than the ten permittees covered under the prior EIS, the level of take by each individual would be more than double (119%) the amount the applicant claimed would be taken. **This exemplifies the unacceptable consequences of relying upon the Applicant's assumptions rather than accurate scientific analyses for determining impacts.**

Non-acceptance Reason #8: *"In order to assess the likely impact of the take, the FEIS should adequately analyze the sustainable level of take. The FEIS relies on Ochavillo and Hodgson (2006) for the proposition that 5-25% of a population is a sustainable level for annual take. The FEIS has an inadequate justification for the reliance on this publication as the best available science. The FEIS does not provide data for nor statistically analyze the sustainability of that level of take for each type of fish, given each fish species' life span, population size, reproductivity rates and age at first reproduction."*

DLNR first asked the Applicant for this statistical analysis for each fish in its July, 2018, Notice of Determination for the Applicant's Final Environmental Assessment. The Applicant has never provided the analysis and has never provided a reason for omitting it.

The Applicant claims to have addressed this issue, however, we strongly disagree. The Applicant has never defined what is meant by "sustainable", especially as it pertains to the reduction of unexploited abundance for each species. Furthermore, the Applicant's claim that this issue is addressed through a comparison of exploited populations to themselves, over time, does not stand up to scrutiny, despite the fact that this so-called measure of sustainability was suggested by DAR.

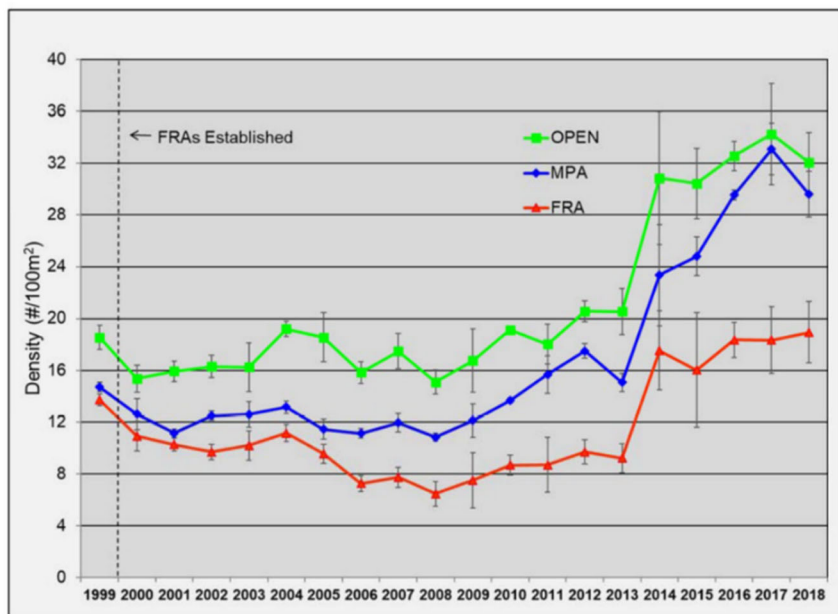
²² RFEIS at 445 and 446.

Importantly, none of the data supports the claims by DAR and PIJAC that all of the 8 White list species have had stable or increasing populations under historical collection pressure, because the data used to make that claim includes 12 - 14 months when there was no collection pressure because aquarium collection was prohibited in the WHRFMA.²³ In order for the claim of “under historical collection pressure” to be a true statement, DAR and PIJAC must exclude data after October 2017. Where data is included for the period after October 2017, for accuracy, it must be made clear that changes in Open Area abundance—especially increases such as occurred for yellow tangs since 2017—occurred during a time when aquarium collection was prohibited, and thus represents a beneficial impact of the No-action alternative (see Figure 2).

Furthermore, the data for each of the 8 White List species must be described and presented in tables and figures that are accurate and not misleading. The presentation of misleading data, such as that shown in Figure 1 and described below, which was provided by DAR to PIJAC and appears on page 122 of the RFEIS is unacceptable.²⁴

Figure 1 is misleading in the extreme because the grouping of those 8 species presents a trend line that is **the opposite** of what their individual, species-specific DAR data show. When analyzed individually, 5 of the 8 species have been consistently less abundant in the Open Areas (i.e. the green line is below the blue and/or red line), which indicates a collection impact. Importantly, among them are two of the White List species in the Preferred Alternative, the orangespine unicornfish and the black surgeonfish.

Figure 1. Overall changes in density for the top 3-10 collected aquarium species combined in FRAs, MPAs, and Open Areas, 1999-2018. Note: for 5 of the species, this graph is a misrepresentation of their abundance in the 3 management areas.²⁵



²³ RFEIS at ii, 153, 157, 180, pdf pg. 376, 1431, 1449.

²⁴ RFEIS at 122.

²⁵ RFEIS at 122.

Presenting misinformation—especially for species included in the White List—prevents BLNR from making an informed decision, and thus conflicts with HEPA requirements.

For accuracy and consistency, data for each of the 8 species should be presented individually, as it has been for yellow tang (Figure 3) and for *kole* in the RFEIS.²⁶ Additionally, we reiterate that where data is included for the period after October 2017, for accuracy, it must be made clear that changes in Open Area abundance occurred during a time when aquarium collection was prohibited, and thus represents a beneficial impact of the No-action alternative.

Figure 2. Differences in Yellow tang abundance in non-collected and collected areas in the WHRFMA 1999 - 2018 (adapted from RFEIS).²⁷

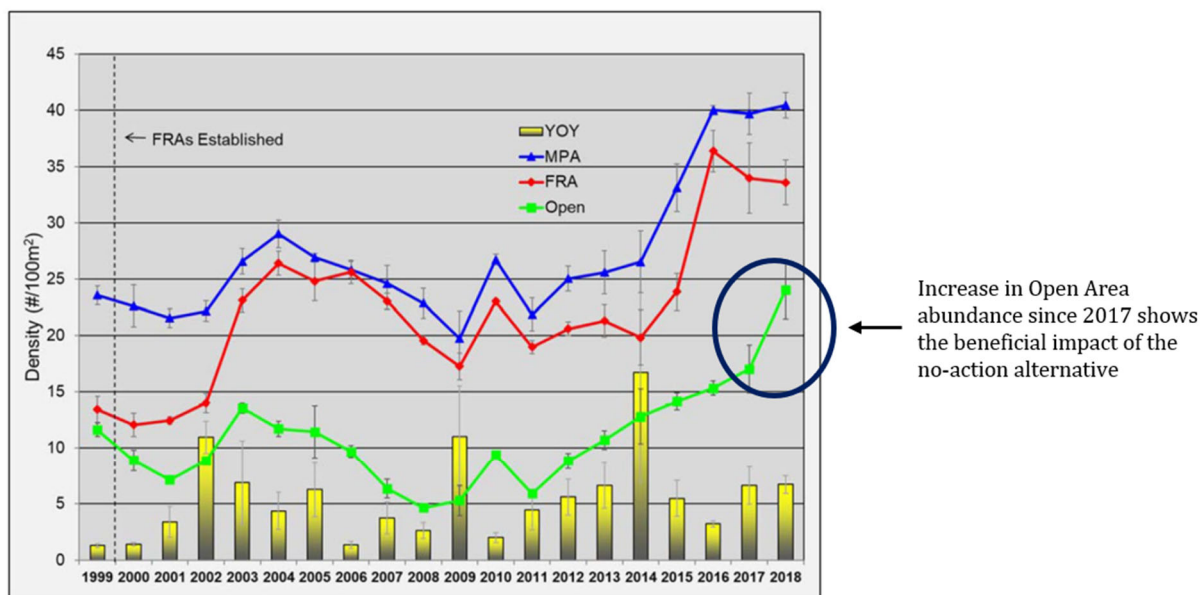


Figure 5. Overall changes in Yellow Tang density (Mean \pm SE) in FRAs, MPAs, and Open Areas, 1999-2018. Yellow vertical bars indicate mean density (MAY-NOV) of Yellow Tang YOY. YOY are not included in trend line data (DAR 2019a).

Non-acceptance Reason #9: “In §5.4.1.5, the FEIS uses Table 5-11 to compare the take of various species to the CREP population estimates, to show that they are well below the claimed 5-25% sustainable level. In Table 4-5, however, the harvest/population ratios of four or five species (depending on the year) in the West Hawai’i open areas at 30’-60’ depth exceeded 5% for several species, and are as high as 39.67% for the paku’iku’i in 2017-2018. The West Hawai’i open area population estimates may be more relevant than the island-wide CREP data.”

The yellow tang TAC proposed in the Preferred Alternative would amount to a harvest/population ratio of 7% for the entire WHRFMA Open area population. However, we reiterate that the harvest/population ratio is based upon a hypothetical equal distribution of take throughout the Open areas which fails to capture the impacts under typical and potential collection practices which are often highly focused in specific places. As explained in our RDEIS comments, actual collection

²⁶ RFEIS at 119 and 121

²⁷ RFEIS at 119

pressure is focused more heavily into specific areas.²⁸ Collection pressure exerted onto smaller and smaller areas, results in harvest/population ratios would be far greater than described in the RFEIS.

Non-acceptance #10: “The FEIS has an inadequate discussion of the role of herbivores. Many of the “White List” species are herbivores.”

The RFEIS added a section discussing the role of herbivores, but, more importantly, failed to disclose and describe the impact of the Preferred Alternative on herbivore populations. Seven of the eight species proposed in the Preferred Alternative are herbivores, and they represent >99% of the proposed total allowable take.

Herbivore biomass is greater in areas where no aquarium collection occurs.²⁹ The aquarium trade’s portion of reef fish biomass removal each year is substantial, and nearly 100% of it is herbivore biomass. Historical aquarium collection rates averaged 27% of the total reef fish biomass taken annually from the WHRFMA. Under the Preferred Alternative, it would represent 21% of the biomass.³⁰

The RFEIS does not disclose this impact, does not respond to our comment regarding this impact, and proposes no mitigation for this significant impact to reef fish herbivore biomass.

The RFEIS repeats data presented in various reports that herbivore biomass has not changed since 2003 in the Open Areas or FRAs. Here again, reporting on a trend over time fails to disclose the actual impact of aquarium collection on herbivores. Additionally, the RFEIS fails to discuss the extent to which aquarium collecting contributes to algal cover, which occurs at the highest levels in the Open Areas.

Additionally, the RFEIS claims the Preferred Alternative would lessen the impact of aquarium fishing on herbivores by reducing the number of species that can be collected and establishing individual catch quotas for the 8 species on the Revised White List.”³¹ However, because that statement is inaccurate, and because the direct, indirect, and cumulative/long-term impacts of the proposed level of take are not described in the RFEIS, for the following reasons, it fails to meet HEPA requirements:

- The RFEIS does not quantify the impact of aquarium collecting on herbivores.
- The RFEIS does not quantify the reduced impacts the Applicant claims would occur under the Preferred Alternative.
- Collection of herbivores in any given zone could *increase* under the Preferred Alternative.
- The total allowable catch would be less than reported regularly since 2003, but more than was reported during the prior 27 years.

²⁸ RFEIS at 445 and 446.

²⁹ Gove et al. (2019) at 4, 13-16, 39.

³⁰ Walsh (2020) at 66.

³¹ RFEIS at 181.

- The total allowable catch would allow aquarium collectors to take more reef fish from West Hawai'i reefs than all food fishers, *combined*.³²
- Under the Preferred Alternative, aquarium collection would amount to 55.9% of the total number of reef fish and 20.6% of the total biomass taken from West Hawai'i reefs, 99.9% of which would be herbivore biomass.

Non-acceptance Reason #11: *"The FEIS does not adequately discuss relevant negative findings, for example, the reduced numbers of aquarium fish at collection sites found by Tissot and Hallacher (2003). The FEIS need not agree or disprove the negative findings, but it should discuss them."*

Both PIJAC and DAR omitted a response to this key issue, incorrectly citing the prior Environmental Council determination which has been **vacated by the Environmental court and is back before the Council for further proceedings**.

As Commenters advised in our consultation letter, "the disclosure and discussion of findings contrary to what is claimed by the Applicant (i.e. negative findings), which in many cases are contained within the RDEIS but neither disclosed, nor described, is key to a legal, adequate EIS." We have provided numerous examples that illuminate the need for this disclosure and discussion, beginning with the draft environmental assessment and through to the RDEIS.³³ Several are summarized below:

When researchers set out to determine the magnitude of the impact of aquarium collection on West Hawai'i reefs, they determined that the most scientifically rigorous method for doing so would be via a comparison between non-collected (i.e. control) and collected sites.³⁴ Two peer reviewed studies were published:

- A 1997/1998 study of four sites (two each control and collected) published in 2003 documented the impact of aquarium collection on targeted species to be a significant 38% - 58% decline in their abundance.³⁵
- A 1999 study of fourteen sites (six control and eight collected, including the four from the prior study) published in 2004 documented the impact of aquarium collection on targeted species to be a significant 14% - 97% decline in their abundance. This study was conducted by the same authors as the 2003 study, with the addition of DAR staff, Bill Walsh, and using the same methodology.³⁶

DAR has continued documenting the abundance of aquarium targeted species on control (i.e. MPA), collected (i.e. Open Area), and FRA sites, using the same methodology, on the same sites (with numerous additions), throughout every year from 2000 - 2019 (surveys stopped in 2020 due to COVID precautions). Although DAR is focused on describing the beneficial impacts of prohibiting aquarium collection in the FRAs rather than on describing the impacts of aquarium collection, the data necessary for determining aquarium collection impacts is still collected. It is also disseminated

³² RFEIS at pdf pg. 472

³³ RFEIS beginning at pdf pg. 475

³⁴ Tissot and Hallacher (2003).

³⁵ Tissot and Hallacher (2003).

³⁶ Tissot et al. (2004).

to the public, in grant reports, and in reports to the legislature, however DARs focus on the FRAs has made it loath to accurately and meaningfully describe the impacts of aquarium collection in the collected areas, though that's precisely the information the surveys and methodology were designed to determine.

We presented the data showing the impacts of aquarium collection from the Tissot studies and DAR, covering 1997 - 2018, in various formats in our RDEIS comments, including a side-by-side comparison of the Tissot studies and DARs 2017/2018 data. The Applicant's response to our comments, particularly regarding the Tissot/DAR comparison, that "historic data can at times be useful and informative, but should not be used at the exclusion of the most current and up-to-date data," indicates either a failure to understand the data or willful ignorance in order to avoid the disclosure of the very significant impacts of aquarium collection which, for yellow tang and *kole*, show a **worsening impact**, despite the data including 14 months during 2017/2018 when aquarium collection was prohibited.

Furthermore, it must be noted that the collection impacts reported by Tissot in both papers resulted, at least in part, from collection rates that were substantially *lower* than the 246,560 total allowable take proposed under the Preferred Alternative.³⁷

Non-acceptance Reason #12: *"The extreme threat of climate change on our reefs warrants extreme caution in reviewing activities that may affect them. The FEIS should further discuss potential effects of present and future levels of climate change including ocean warming, ocean acidification, coral bleaching, extreme storms, and resulting reef destruction and algae growth, and the potential for mitigating harm (i.e. further regulation) if the proposed fishery has unanticipated or greater negative effects with climate change."*

The RFEIS fails to adequately evaluate the extreme threat to targeted fish species and coral reefs from the combination of aquarium collection and climate change. The RFEIS recognizes that climate change poses serious threats to Hawai'i's coral reefs and the species targeted by the Applicant, claims that "the Preferred Alternative was specifically designed to help buffer climate change by creating individual catch quotas," yet fails to quantify and evaluate the impacts of the Preferred Alternative which includes the annual removal of 246,216 herbivores—representing 20% of the total reef fish biomass taken annually from West Hawai'i reefs—from reefs located in areas ranging in size from 1 to 8 AQ zones.³⁸

Further, the RFEIS completely ignores a key aspect of this nonacceptance item: a discussion or proposal for mitigation in the event of unanticipated or greater than anticipated negative impacts from aquarium collecting stemming from climate change. For example, under the Preferred Alternative, should climate change result in habitat destruction (e.g. from storms, ocean heat waves, or acidification) or reduce the abundance of any of the White List species, during any permit period, nothing prevents the 7 aquarium collectors from focusing all of their effort in a single zone, or from removing all of any given species (in a "get it while you can" mentality).³⁹ As we documented in our

³⁷ DLNR catch reports.

³⁸ RFEIS at 165.

³⁹ Friedlander et al. (2008); Stevenson et al. (2011).

RDEIS comments, this is not mere speculation, as it has already happened on O‘ahu.⁴⁰ The Applicant’s denial of this fact in its response to our comments does not make the potential for this to happen in West Hawai‘i disappear. The RFEIS does not address this, although further analysis of impacts and exacerbation of impacts due to climate change is required, as is mitigation.

One such mitigation measure that we suggested in our RDEIS comments, and which received no response from the Applicant, would be a proposal for minimum thresholds for coral cover, total algal cover, species abundance, and herbivore biomass, which when crossed, as indicated by WHAP monitoring, would automatically trigger the closure of the impacted zone(s) and/or set the total allowable catch to zero for the impacted species until the population is restored.

The Applicant’s inclusion of a more in-depth discussion and an overview of the DAR Coral Bleaching Recovery Plan does not meet the requirements of this non-acceptance item. Neither does the proposed solution that as permits come up for annual renewal, DAR should evaluate whether there are significant new circumstances, such as those created by climate change, that would require supplemental HEPA review.⁴¹

Stating that the Agency can simply reevaluate the consequences of a year-long permit after that year is up entirely contradicts HEPA’s mandate to evaluate the potential consequences of an action before the Agency authorizes the action. The purpose of an EIS is to anticipate an event such as the major loss of coral reef habitat that would result in the substantial decline of a target species, and propose a plan for it. Potential climate change impacts to Hawai‘i’s coral reef habitat are predicted and quantified (e.g. the loss of 70% of Hawai‘i’s coral reefs by mid-century). Adding a sentence that DLNR should do an annual evaluation—after the fact—is not a plan, even when it has been proposed by DAR, as it was in this case.⁴²

Non-acceptance Reason #13: “The FEIS failed to sufficiently consider cultural impacts. The FEIS improperly concluded that the impacts to cultural resources under any of the proposed alternatives would be less than significant based on the flawed premise that cultural impacts would only occur if the proposed action would cause a significant decline in the population of a White List Species considered to be a cultural resource. A number of testimonies expressed misgivings from a cultural standpoint with the proposed activity itself, regardless of impact on resources, and this was not adequately considered in concluding no significant impact.”

As set forth in HAR §§ 11-200-10, 16-18, a complete analysis and discussion of impacts to cultural resources is required. The RFEIS fails to accurately analyze the direct, indirect, and cumulative impacts on cultural resources, because it (1) fundamentally fails to accurately assess the reductions in fish abundance, and (2) artificially narrows the scope of cultural impacts disclosed. The loss and harm caused by the irrevocable commitment of natural resources equally applies to impacts to cultural resources, as well. The RFEIS also fails to acknowledge and address the effects of the trade on native Hawaiian’s traditional reliance on species targeted by the trade for subsistence, and most importantly, propose proper mitigation measures.

⁴⁰ RFEIS at pdf pg. 447 and pg. 448.

⁴¹ RFEIS at 167.

⁴² RFEIS at pdf pg. 1489.

Decades of the Applicant's actions have directly impacted more than 200 species and indirectly impacted an unknown number of additional vertebrate and invertebrate species found in Hawai'i's coral reefs, one of the most complex ecosystems on Earth, where the fate of each species is determined by the existence, abundance and diverse actions of a multitude of other species that inhabit or otherwise rely upon these unique places.

While the CIA provided an extensive history of native Hawaiians and their symbiotic relationship with the ocean and its animal inhabitants, it completely dismissed the overwhelming oral testimonies in opposition to both past and current trade practices and impacts.

More than 90 percent of those interviewed noted how the trade both directly and indirectly impacts their cultural resources, beliefs, practices and values, yet none of these concerns were addressed and no mitigation measures were proposed.

Failure to Adequately Analyze and Address Significance Criteria and Other Unresolved Areas of Concern Outlined in the DLNR July 26, 2018 Notice of Determination on the Applicant's Final Environmental Assessment

DLNR, in the Final Environmental Assessment, Notice of Determination, described five HEPA significance criteria and eleven additional areas requiring further analysis by the Applicant. In this RFEIS, a number of critically important areas remain unresolved as they are either incomplete, not properly analyzed, or patently false.

HEPA Significance Criteria #1: To the question of "whether the annual take of cumulative numbers of fish as a percentage of estimated population results in irrevocable loss or destruction of populations of fish," the RFEIS wrongly concludes "the Preferred Alternative (i.e., Revised White List and Limited Permit Issuance Alternative) does not involve an irrevocable commitment or loss or destruction of any natural, historic, or cultural resource." See our RDEIS comments for detailed examples of how PIJAC erred in its conclusion.⁴³

HEPA Significance Criteria #2: To the question of whether "the take of aquarium fish curtails the uses of the environment, including aquatic invasive algae control, the tourism industry, and the overall integrity of diverse aquatic ecosystems," the RFEIS wrongly concludes "the Preferred Alternative does not curtail the range of beneficial uses of the environment." See our RDEIS comments for detailed examples of how PIJAC erred in its conclusion.⁴⁴

HEPA Significance Criteria #3: To the question regarding the extent to which the take of aquarium fish conflicts with the state's long-term environmental goals, the RFEIS wrongly concludes that "the Preferred Alternative does not conflict with the State's environmental policies or long-term environmental goals as established by law."

Among the state's long-term environmental goals, as plainly established in the Hawai'i Constitution, are to "conserve and protect Hawai'i's natural beauty and all natural resources" for the "benefit of

⁴³ RFEIS at pdf pg. 457 - 463.

⁴⁴ RFEIS at pdf pg. 457 - 463.

present and future generations.”⁴⁵ Another of the state’s long-term environmental goals is, unsurprisingly, provided for in HEPA itself: to “ensure that environmental concerns are given appropriate consideration in decision making.”⁴⁶ As an example of how the Applicant’s RFEIS conflicts with these goals, the limited temporal scope of the Applicant’s impacts analysis and failure to faithfully disclose the full range of impacts caused by the fishery pay no heed to the generational scope of state resource law, and certainly fall short of HEPA’s disclosure requirements.

Moreover, the RFEIS fails to appropriately consider the impacts of all alternatives, including the No Action alternative, which is having a beneficial impact in the WHRFMA. For example, the Preferred Alternative would allow 100% of the total allowable take to occur within one AQ zone. The RFEIS fails to analyze the impacts of that level of take in any of the 8 AQ zones and also fails to identify and factor the larval connectivity and dispersal patterns for the 8 White List species. Therefore, the extent to which the take of aquarium fish conflicts with the state’s long-term environmental goals has not been adequately described.

HEPA Significance Criteria #4: To the question of the impact of the take of aquarium fish on cultural practices in the state, the RFEIS wrongly claims that “the Preferred Alternative does not substantially affect the economic welfare, social welfare, and cultural practices of the community or State, but plays an important role as a nearshore fishery in the State.”⁴⁷ The RFEIS fails to describe exactly how the conclusion was reached that the aquarium fishery, whereby 7 people profit through the taking and subsequent diminishment of populations of culturally important species, from culturally significant places, is more important than the cultural practices and concerns expressed by the dozens of people who participated in the CIA interviews.

The RFEIS fails to accurately analyze the impacts of all alternatives, including the No Action alternative, which is having a beneficial impact in the WHRFMA. For example, the Preferred Alternative would allow 100% of the total allowable take to occur within one AQ zone, each of which is comprised of numerous *ahupua’a*. The RFEIS fails to analyze the impacts of that level of take in any of the 8 AQ zones and *ahupua’a*, and also fails to identify and factor the larval connectivity and dispersal patterns for the 8 White List species. Therefore, the impact on cultural subsistence practices has not been adequately described. Moreover, this misrepresentation of impacts to subsistence resources is then used to dismiss any concerns regarding non-subsistence cultural resources. One of the Applicant’s fundamental errors, now and in previous iterations of its HEPA documents, is to equate “cultural impacts” with population counts for specific subsistence species, which is a false equivalency. The Applicant has never seriously addressed the aquarium trade’s cultural impacts.

HEPA Significance Criteria #8: To the question regarding the cumulative effect of the commercial take of aquarium fish using fine mesh nets when combined with the effects of: the commercial take of aquarium fish by other legal methods; the take of aquarium fish for recreational purposes; and, the commercial and non-commercial take of aquarium fish species for consumption as food, particularly including Achilles Tang and *kole*, the RFEIS wrongly concludes “the Preferred

⁴⁵ Haw. Const. art. XI, § 1.

⁴⁶ Haw. Rev. Stat. § 343-1.

⁴⁷ RFEIS at 183.

Alternative does not involve a commitment for larger actions. . . .while commercial aquarium collection does contribute to cumulative impact, the Preferred Alternative is not anticipated to be a significant contributor.”⁴⁸

The RFEIS fails to accurately analyze the impacts of all alternatives, including the No Action alternative, which is having a beneficial impact in the WHRFMA. For example, the Preferred Alternative would allow 100% of the total allowable take to occur within one AQ zone. The EIS fails to analyze the impacts of that level of take in any of the 8 AQ zones and also fails to identify and factor the larval connectivity and dispersal patterns for the 8 White List species. Therefore, the cumulative effect of the commercial take of aquarium fish has not been adequately described.

As described throughout this testimony and our prior comments, fundamental errors in the RFEIS’s impact analyses resulted in failures to properly identify the varied and significant effects of commercial aquarium collection and led to erroneous conclusions and improper evaluations of these HEPA significance criteria.

Additional Areas Requiring Further Analysis as Described in the DLNR July 26, 2018 Notice of Determination on the Applicant’s Final Environmental Assessment:

- 1) *“The FEA identifies the scope of the analysis as one year and states that an EA with updated data and analysis would need to be completed on an annual basis. This improperly segments the analysis which must include the long-term and cumulative impacts over time of aquarium collection.”*

The RFEIS fails to address this issue. See our detailed comments in the RDEIS regarding the failure to adequately analyze long-term impacts.⁴⁹

- 2) *“Overall, we appreciate that certain alternatives have been proposed, but believe they are more appropriately proposed as mitigation measures in an environmental impact statement to mitigate potential environmental impacts, rather than as alternatives in an environmental assessment, which, if implemented, might result in a finding of no significant impact...”*

The RFEIS fails to address this issue and proposes no mitigation measures because their flawed analyses led the Applicants to anticipate no impacts to populations of White List Species.

- 3) *“There is no statistical analysis of population growth compared to the life span of each fish and the number of years to and size of first reproduction against which this annual proposed take can be measured for purposes of estimating sustainable take.”*

The RFEIS fails to address this issue, which is also DLNRs non-acceptance reason #8.

- 4) *“Enforcement and compliance needs and challenges are key factors in the effectiveness of fisheries management, and should be analyzed as part of the environmental impact statement.”*

⁴⁸ RFEIS at 184.

⁴⁹ RFEIS at 453 - 455.

After proposing an enforcement and compliance solution in the RDEIS, and after receiving comprehensive comments from us (and more than 100 other commentors) on the need for effective enforcement and compliance measures, the Applicant **completely deleted it** from the RFEIS, with no explanation. Therefore, the RFEIS omits this requested analysis entirely.

At the very least, to ensure compliance, a catch verification system that does not rely upon funding from DLNR for execution should have been proposed. This is essential, given that DLNR has estimated an annual cost of \$300,000 to \$500,000 for the administration of aquarium permits, not including enforcement or catch verification, and which far exceeds the tax and permit revenues generated by the aquarium trade.

Conclusion:

For the reasons explained above, as well as those found in our prior comments on the RDEIS, the RFEIS remains patently insufficient in its analysis of the impacts of commercial aquarium collection permits.

A serious overhaul of aquarium fish permitting in Hawai'i is needed.

The impact that aquarium collection may have on target species in the places in which they would be taken must be evaluated before issuing permits. As such, each aquarium collection permit and commercial marine license issued for aquarium collecting must show the total allowable catch, per species and per place (reporting sub-zone or smaller) that permit holders must follow to prevent further depletion of target species. Take limits per species and per place should be calculated in conjunction with input from all stakeholders and based on the stock assessment for each target species in the specific places from which they would be allowed to be taken under a permit.

The legislature has decreed it the "policy of the State" that DNLN and other agencies must "[c]onserve natural resources . . . by preserving or augmenting natural resources, and by safeguarding the State's unique natural environmental characteristics" ⁵⁰ The Agency must also "[e]ncourage management practices which conserve . . . all natural resources," and encourage all individuals "to fulfill the responsibility as trustees of the environment for the present and succeeding generations." ⁵¹ In enacting HEPA, the State legislature found "that the quality of humanity's environment is critical to humanity's well-being, [and] that humanity's activities have broad and profound effects upon the interrelations of all components of the environment" ⁵² The Agency simply cannot meet these mandates by continuing to allow unlimited aquarium collection, in light of the serious environmental consequences of those permits.

Respectfully submitted,

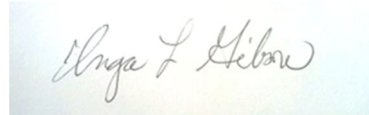
⁵⁰ Haw. Rev. Stat. § 344-3(1).

⁵¹ Haw. Rev. Stat. § 344-4(2)(A), (10)(A).

⁵² Haw. Rev. Stat. § 343-1.



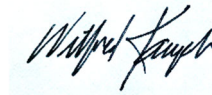
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From: ["NZB - Svein A. Fosså"](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] Testimonial for your meeting on Friday June 25, 2021 - Item F3 Support
Date: Monday, June 21, 2021 11:35:07 PM

The Board of Land and Natural Resources
Testimonial for your meeting on Friday June 25, 2021 - Item F3 Support

This email is to express our organization's support of the Revised Final Environmental Impact Statement (RFEIS) for the West Hawai'i Aquarium Fishery, dated May 26, 2021, and published in the Environmental Notice on June 8, 2021.

Thanks to the interest for Hawaiian reef fishes in the aquarium hobby, people all over the world have learned to know and appreciate the fabulous marine life of your islands, Hawaii's beauty and culture. One might wonder how many people outside of your borders who know your State Fish; but in aquarium hobbyist circles Humuhumunukunukuapua'a is a household name. Not that very many aquarium keepers have actually kept this particular species (and certainly not from collection in Hawai'i), but the aquarium hobby leads to awareness and love for the underwater world and marine life in general. Often, the aquarium keepers will be the true guardians of the reefs since they know what lives in them.

Sustainability and responsible methods are important in the aquarium fisheries, not least for the responsible industry. Studies over at least two decades have shown that the aquarium fishery in West Hawai'i is well managed and sustainable, serving as a positive example for the ornamental aquatic industry worldwide. The RFEIS proposes additional limitations on number of permits and the number of species that shall be allowed to be collected, subject to catch quotas and slot limits.

In our opinion, the RFEIS goes very far in a precautionary approach towards securing that the commercial aquarium fishery in West Hawai'i does not lead to degradation of fish populations nor of habitats. It will also secure the fishers' continued livelihoods, and make sure that these low volume, high value Hawaiian fisheries can continue as exemplarily managed and sustainable. Above all, Hawaiian marine life will continue to fascinate and inspire aquarium hobbyists all over the world.

We encourage you to support the RFEIS and wish you success in your deliberations.

Yours sincerely,

Svein A. Fosså
Styreleder og generalsekretær / Chairman of the Board and Secretary General

NZB – NORGES ZOOHANDLERES BRANSJEFORENING
**** The Norwegian Pet Trade Association ****
Fladefjell 15
NO-4878 Grimstad, Norway

Tel./mobile: +47 911 53 610
E-mail: svein.fossa@nzb.no

NZB Homepage: www.nzb.no

From: pfouce@aol.com
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] Protect reef wildlife
Date: Wednesday, June 23, 2021 4:01:46 PM

Dear BLNR,

Having snorkeled and seen many fish in the water years ago, we returned to Maui and the Big Island years later. Snorkeling again, I was shocked to see that were hardly no fish in the water at three sites!

Please do not grant permits for aquarium collection, it is decimating the reef species and the reefs.

Thank you,
Paula Fouce

From: [Eric Francek](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] Item F3 Support
Date: Tuesday, June 22, 2021 5:47:39 AM

My purpose in contacting you is to voice my support of the revised Final Environmental Impact Statement for the West Hawaii Aquarium Fishery, Published June 8 2021, in the environmental notice. It is my understanding, after reading previous studies as well as the most up to date information, the aquarium fishery in West Hawaii is very well managed and shown over the past 20 years to be sustainable. It is my opinion that managed collection should continue for several reasons, beyond the obvious economic and cultural impact that closing this fishery presents.

I feel that aquarium fisheries in Hawaii have enabled people the world over to visit Public Aquariums, keep aquariums, to appreciate the beauty, and to develop a personal connection with these animals that they would not have exposure to as they might not ever have the means to visit the islands. Exposure to, and a developed appreciation of Hawaiian marine life, creates a personal awareness for the importance of the health of our oceans that begins locally, but can expand globally.

Secondly, I feel that with proper management, such as additional limits on collectors, species, and catch numbers can further safeguard potential over-exploitation of the state's marine resources and make this a prime example of what ornamental fisheries management could be. It is in this respect that we could strike a proper balance and become the model that others strive to, not just imitate, but emulate.

I respectfully urge your support for the Revised FEIS, the Revised whitelist, and limited permit issuance, which will further ensure the ongoing sustainability of the Aquarium Fishery in West Hawaii and continue to create that personal connection, nurture appreciation, and motivate conservation of our oceans on a global level.

Eric Francek

Long Beach, California

From: [Dee Ann Fujioka-Lilley](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] Agenda Item F.3 Testimony
Date: Wednesday, June 23, 2021 1:01:31 PM

Aloha!

I am a resident of Kailua-Kona, and respectfully ask BLNR to reject the EIS.

The small pleasures of aquarium owners are but little compared to the health of Hawaiian waters and its inhabitants. One problem of aquarium collection--as with so much of human activity--is that it's driven by an inability to recognize when 'enough is enough.'

The EIS fails to plan for compliance and enforcement, and we've already witnessed enough harm to our reefs and fish populations. If the EIS is passed, we won't have any new surprises, only the same grim losses.

Please do not invite blame upon yourselves. Please reject the EIS.

Aloha,
Dee Ann Fujioka-Lilley
77-282 Maliko Street
Kailua-Kona, HI 96740

Email: BLNR.TESTIMONY@HAWAII.GOV **Email Subject:** Agenda Item **F.3** Testimony

1. Identify yourself as a Hawai'i resident and ask BLNR to **REJECT the EIS!** 2. Share your concerns – a few sentences from the heart. 3. Feel free to add one or more of these talking points (but don't copy/paste or it may be ignored):

- ~ The EIS is wholly flawed-- relying on insufficient, faulty, inadequate and improper data and assumptions;
- ~ The EIS fails to accurately analyze the environmental consequences to reefs and fish abundance of 7 aquarium collectors taking over 246,000 fish, claiming it won't cause an impact;
- ~ The EIS fails to accurately analyze the cultural and socioeconomic consequences of aquarium collection in West Hawai'i and ignores the research showing that Hawai'i residents receive ZERO benefits from the trade, but suffer ALL the costs.
- ~ The EIS fails to propose and analyze any meaningful mitigation or alternatives that would reduce the impacts;
- ~ The EIS fails to adequately incorporate input of Native Hawaiian practitioners, experts, community members, and consulted parties.
- ~ The EIS has NO PLAN for enforcement and compliance measures, even though DLNR asked them to provide them, and even though the trade has shown itself to be full of scofflaws.

From: [Todd Furmanek](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] Item F3 Support
Date: Tuesday, June 22, 2021 2:29:01 PM

I am writing in support of the Final Environmental Impact statement for the West Hawaiian Fishery which was published on June 8, 2021. It is important for the fishery to be open as the collection of these fish species will help inspire the present and future generations to help make decisions regarding the fishery. The fishery should be more closely monitored to the collectors and fish collected. The fishery was well maintained and has been sustainable over the years. Numerous scientific studies and papers have shown the sustainability of the Hawaiian fishery over the years. We should trust sound scientific data and the Final EIS statement shows that data. Thank you for listening and be well.

Best regards,
Todd Furmanek
Absolutely Fish Inc.

June 14, 2021

To Chair Case and the Board of Land and Natural Resource Members
Regarding SUPPORT of the West Hawaii Aquarium Revised FEIS

Aloha Chair Case and Board Members,

My family and I have traveled several times to the Big Island from Canada and we are all avid swimmers and snorkelers. We love snorkeling in Kona compared to other islands because there are always so many more fish to see! My kids have really come to love their time in the water, my son wants to learn about marine science and has done a wonderful job building and maintaining his aquarium at home. It would be a shame to know that aquarium fish from Hawaii would no longer be available for people to enjoy and have in their own aquariums. It provides so much unique perspective into the ocean world and has helped teach my kids the importance of nurturing and caring for the reefs and its inhabitants. We fully support this new preferred alternative and think the FEIS proves a sustainable future for aquarium fish in West Hawaii.

Sincerely,
Joyce Galapon
joyce_galapon@yahoo.com

From: secretariat@europets.org
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] Testimonial for your meeting on Friday June 25, 2021 - Item F3 Support
Date: Tuesday, June 22, 2021 12:31:36 AM

The Board of Land and Natural Resources
Testimonial for your meeting on Friday June 25, 2021 - Item F3 Support

This email is to express our organization's support of the Revised Final Environmental Impact Statement (RFEIS) for the West Hawai'i Aquarium Fishery, dated May 26, 2021, and published in the Environmental Notice on June 8, 2021.

Thanks to the Aquarium Fishery activities in Hawaii people from all over the world, including people here in Europe, have been in a position - and this without the means to travel to Hawaii - to learn about the marine life of Hawaii and enjoy its beauty by either keeping aquariums and/ or visiting public aquaria.

As you know such exposure and appreciation for Hawaiian marine life creates an awareness and understanding of the importance of the health and viability of our oceans – which are essential to preserve our biodiversity for our generation and the next ones to come.

In this respect, it is important that such activity can continue. Based upon the latest shared evidences, it should be stressed that the aquarium Fishery in West Hawaii is very well managed, and has shown over the past 20 years to be sustainable.

The RFEIS goes indeed very far in a precautionary approach towards securing that the commercial aquarium fishery in West Hawai'i does not lead to degradation of fish populations nor of habitats. It will also secure the fishers' continued livelihoods, and make sure that these low volume, high value Hawaiian fisheries can continue as exemplarily managed and sustainable. Above all, Hawaiian marine life will continue to fascinate and inspire aquarium hobbyists and lovers from all over the world, including here in Europe.

In this respect, we do encourage you to support the RFEIS and wish you success in your deliberations.

Very best regards,

Nathalie Gamain
Secretary General, European Pet Organization (EPO)
www.europets.org



From: [Benjy GARFINKLE](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] I strongly oppose any fish collecting in hawaii
Date: Wednesday, June 23, 2021 2:47:26 PM

Aloha

I have been a diver and fishermen in hawaii for over 30 years and have seen first hand how our fish quantity and diversity has been radically reduced I am on the board of the nature conservancy and have data that shows that state of decline of inshore and offshore waters you MUST stop this trade forever it is ridiculous that is allowed in the state

Respectfully Benjamin garfinkle

kukio resident

From: [Jo-Ann Garrigan](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] Aquarium business
Date: Wednesday, June 23, 2021 7:01:09 PM

Dearest Board of Land and Natural Resources,

I have lived in Hawaii for 20 years. I swim nearly daily for exercise, mainly on the east side but I visit all the swimming spots of the Big Island of Hawaii. The reefs are hurting. I absolutely do not want to see any reef fish taken from the reefs on the Big Island. I want to see our reefs thriving with color and teeming with life. Let the aquarium folks reproduce their fish from the stock they have already taken from the wild... we must strive to pass on something special to the next generation. How are we to attract them from screens to sea scenes if we allow removal of wildlife and leave fewer stunning coral gardens inhabitants? I used to see octopus. It's been too long. Where have all the yellow fin surgeons gone? The variety is lacking. Please protect our reefs and the inhabitants of the reefs, their homes.

Sincerely,
JoAnn Garrigan, MD

From: [Michael Gaulke](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] Agenda Item F.3 Testimony
Date: Wednesday, June 23, 2021 7:21:31 PM

My name is Michael Gaulke and I am a Hawaii resident who lives in Kailua Kona on the Big Island. I am providing written testimony for Agenda Item F.3 for the BLNR's meeting on June 25, 2021.

I ask that the BLNR to **REJECT the RFEIS** as I don't believe the RFEIS correctly analyzes the environmental consequences to reef and the fish populations if aquarium collectors are allowed to take nearly a quarter million fish per year. The RFEIS should also be rejected because it fails to propose and analyze any meaningful mitigation or alternatives that would reduce the impacts to the reefs.

Mahalo,

Michael Gaulke

From: [Brian Geppert](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] Testimony against RFEIS regarding collection of aquarium fish
Date: Wednesday, June 23, 2021 3:31:33 PM

To whom It May Concern,

I am merely a visitor, a guest to your island that visits frequently for the express purpose of seeing the natural aquatic beauty that surrounds your coasts via snorkeling. I would like to state my vehement disapproval of the act of collecting fish from your waters for use in aquariums around the world. Please reject the revised final environmental impact statement along with any notion of allowing such harvesting.

Over the last thirty years that I've been visiting, I've noticed a decline in diversity and quantity of your reef fish. I do not pretend to know how much of that is from harvesting for aquariums, but any amount contributes to the decline. The State of Hawaii would be better served by prohibiting such collection, which would encourage more people to visit because they'd have to come see the fish in the wild, as they were meant to be.

-Brian Geppert
Lynnwood WA 98087
brian@geppert.us
206-321-8453

From: [Laura Gerwitz](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] RFEIS
Date: Monday, June 21, 2021 11:39:03 AM

Aloha,

My name is Laura Gerwitz and I am a 30+ year resident of Honolulu. I am asking you to REJECT the Revised Final Environmental Impact Statement (RFEIS). I have been snorkeling around Hawaii for many years and greatly appreciate the variety of fish species that I get to see here.

The RFEIS states that aquarium collection will include 8 species, down from 40, however, the Kona Coast history of poaching and scofflaw devastation states otherwise, including coral damage from anchors, chains, nets and collectors destroying corals to flush reef wildlife. History clearly profiles carnage for dollars.

The RFEIS is STILL a wholly owned product of the Pet Industry Joint Advisory Council (PIJAC) a D.C. lobbyist notorious for pressing Congress to allow puppy mills, to avoid a hardship on pet shop retailers. The Hawaii RFEIS is STILL based on livelihood for 7 Hawaii collectors and revenue for the aquarium trade, a mainland amusement industry.

Most data referenced is skewed, gathered by the Department of Land & Natural Resources, for years working with aquarium collectors, propagating the "sustainability" lie but never defining "sustainability." The host culture will be affected, but this is not acknowledged. An aquarium collector testified in Hilo, that collectors do not impact Miloli'i, because aquarium collectors take yellow tangs but not the opelu Miloli'i depends on. Kaimi Kaupiko of Miloli'i said that yellow tangs graze algae, cleaning the coral.

Please side with residents and visitors to Hawaii, who pay good money in order to enjoy the native species which could be abundant in the ocean if they are not collected for entertainment purposes.

Sincerely,
Laura Gerwitz
Honolulu, HI

From: [cecilia giambalvo](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] Need to REJECT the Revised Final Environmental Impact Statement (RFEIS).
Date: Monday, June 21, 2021 10:35:11 PM

Aloha BLNR,

I am a Hawaii resident and would like BLNR to REJECT the Revised Final Environmental Impact Statement (RFEIS). Hawaii's aquarium trade damages the reefs and depletes the tropical fishes that are a heritage of the Hawaiian people, and need to stop, otherwise Hawaii will follow the historical footsteps of other tropical islands that have seen a total demise of their ecotourism trade like diving and snorkeling. This will have secondary effects on the local economy that benefits from tourism.

Hawaii Island has been well known all over the world for its tropical marine life and many come specifically to swim and dive. Two years ago, I travelled from Oahu (where I live) to Kona for a week on a liveaboard for scuba diving. I was so disappointed. There were no big schools of fish and the only fish I saw were TINY. When friends ask me about coming to Hawaii to dive, I have to tell them it WAS NOT WORTH IT, All the fishes were depleted, and aquarium collectors play a big part in that. Please, for the sake of Hawaii and its people, stop the aquarium trade before it is too late.

Mahalo,
Cecilia Giambalvo

June 25, 2021

RE: Testimony on Item F.3 TO REJECT West Hawaii Aquarium Trade FEIS

Dear Chair Case and Board Members:

I urge the Board to **REJECT the Final Revised EIS** for repeatedly failing to disclose environmental, social and cultural impacts, for failing to adequately respond to hundreds of comments submitted, and for failing to respond to DLNR's own required responses of the Applicant-- ALL of which are requirements for compliance with HEPA.

Further, its important the Board note the following:

1. Don't let the reduced number of potential permittees from 10 to 7 mislead the Board. **The 7 collectors are in fact proposing to take MORE fish than were taken by 22 collectors** (200,000 yellow tang). In 2002, 22 collectors took 174,000 yellow tang, **resulting in a 59% decrease in abundance** of those species.
2. In the prior EIS the trade claimed 10 collectors would take 160,832 fish. In this "revised" EIS the trade wants to allow **7 collectors to take 246,560 fish, which represents a 119% increase above what they previously proposed in their earlier DEIS.**
3. The "revised" EIS **removed the ENTIRE section on enforcement and compliance, including its own earlier proposed recommendations for enforcement and compliance.** More than 100 comments were submitted noting concerns about enforcement that the Applicant failed to respond to. Further, the Applicant falsely states that commenters requested that section be removed. See below discussion regarding the necessary improvements we recommended be addressed by the Applicant, which again, were instead removed in their entirety.

DLNR also required this of the Applicant, quoted below, in their earlier draft, which they failed to respond to. This alone is reason to reject this inadequate analysis.

*DLNR: "Enforcement and compliance needs and challenges are key factors in the effectiveness of fisheries management, and **should be analyzed as part of the environmental impact statement.**"*

The Applicant also **failed to address concerns with coral damage, inherent in the activities collectors use to remove fish** from their coral hiding places. DLNR-DAR also

noted this failure to address coral damage, and questioned how the collectors could ensure enforcement and compliance with laws that prohibit coral damage, which remains unaddressed in the RFEIS.

4. The Applicant **fails to disclose the identity of the 7 proposed permittees** who may very well be those who have been earlier charged with poaching or have pending criminal cases before the Court.

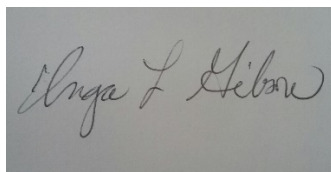
As the Board is well aware, last year 6 decades long collectors were arrested and charged with aquarium poaching in West Hawaii. Three have been found guilty and charged with both criminal and civil (Board) penalties. The remaining two will be back in criminal court at the end of June and early July. Another long-time collector was charged with safety and gear violations, culminating more than 15 years of repeated violations related to aquarium collection. We requested the names and/or DBA's of the 7 proposed permittees but were never provided that information, and despite the Applicant stating in the Draft EIS that they would provide this information.

In approving the proposed RFEIS **the Board could very well be granting access to those who have been recently charged with poaching.** The public has the right to know the names and criminal histories of the proposed permittees given they would be provided exclusive access to natural resources held in the public trust and operating in public waters.

5. The EIS **completely ignored a published, peer reviewed cost-benefit analysis of aquarium collecting which found the trade provides ZERO benefits to Hawaii residents – but who suffer ALL the losses.** Further, the Applicant failed to complete its own CBA to demonstrate any benefits to non-collectors. Any paltry revenue in the form of GET or licenses does not make up for the estimated \$300-500,000 that DLNR states is required to study the trade's impact. This figure does not even include enforcement costs.

For the above reasons alone, the Board should reject the RFEIS as inadequate and failing to comply with HEPA.

Sincerely,

A handwritten signature in cursive script, reading "Inga L. Gibson", is displayed within a rectangular frame.

Inga Gibson
Policy Director, Pono Advocacy

Honolulu, HI
PonoAdvocacy@gmail.com
808.922.9910

Discussion of earlier proposed enforcement measures REMOVED by the Applicant from the RFEIS

The Certificate of Origin proposed in the initial RDEIS to allow for better tracking and enforcement amounted to a small step in the right direction but still contained issues that must have been addressed to ensure compliance. Further, the earlier proposed Certificate of Origin simply duplicated many of the existing permit system requirements which can easily be manipulated given all data is dependent upon self-reporting and DLNR's lack of verification. For example:

- Collectors must already report their catch; and name the dealer sold to.
- Dealers must already report purchases from collectors.
- Hawai'i Department of Agriculture must already inspect and approve shipments (inter-island).

Gaping holes in the above already required processes, coupled with lack of adequate enforcement (DOCARE) resources, continues to allow for the intra and interstate movement of *unreported, uninspected, unidentified coral reef wildlife to enter into the aquarium trade*. For example, DLNR lacks the resources and capacity to enforce these existing requirements via real time comparisons of catch records and dealer reports. Additionally, the Hawai'i Department of Agriculture (HDoA) inspectors have been video recorded giving collectors the green intra-island inspection tags without even leaving their offices to look at the boxes, as required. In another recorded incident, a green tag was simply taped to the outside the door for a collector to pick up, without any direct contact between the HDoA inspector and the collector.

Moreover, collectors and dealers can easily conspire to ensure that sales records match purchase records, given they share the same interest in protecting profits. There is nothing that would prevent collectors and dealers from continuing to conspire through underreporting, or nonreporting, to ensure any quota is not met, so that collection and profits can continue.

Adequate enforcement to ensure compliance is best handled by DLNR and DOCARE, not HDoA. Given the loopholes in the Applicant's earlier proposed plan, and the decades-long compliance issues, **we proposed the following** inspections by DOCARE officers and DAR staff to ensure compliance, which again, ***were completely removed/ignored by the Applicant:***

- Upon return to harbors or ramp facilities (date/time confirmed in advance): DOCARE verification of required licenses and permits; zone where collection occurred (per vessel GPS); species and numbers collected; fish mortalities; and, next immediate destination (i.e., warehouse, holding facility).

- At warehouses/holding facilities (unannounced): DOCARE inspections to ensure terms and conditions of the aquarium permit which requires the animals to be held in good conditions, to verify equipment (tanks, oxygen levels) are functioning and maintained, that record keeping, and reporting requirements are being met, including catch and sales reports, and verify mortality.
- At air cargo carriers (date/time confirmed in advance): DOCARE inspections of containers to be transported off-island and packing lists (or similar document) to verify number and species, and destination/receiver information. Forward federal Lacey Act documentation, labeling and other potential violations to USFWS.
- Administrative (monthly): DAR inspections and comparisons of collector catch reports, dealer reports and packing lists/invoices to ensure accurate accounting; and coordination with DOCARE to ensure catch quotas are not exceeded.
- State and Federal Taxes: additional permit term and condition requiring tax clearance certificates for state and federal taxes prior to issuance of permit.

Permittees would have had the full burden of expenses associated with needed staff through fees to the state. Costs related to the Certificate of Origin and enforcement measures described above should be calculated and obtained from DLNR. Additionally, DLNR has estimated the current costs to administer the aquarium trade (statewide), including resource monitoring in West Hawai‘i at \$300,000 to \$500,000 annually, statewide.¹ Permit fees should be collected that meet those costs, in addition to the commercial fisheries shortfall related to the permittees under the Applicant’s proposal, and all resources needed to ensure compliance with species, catch numbers, catch locations, and all other terms and conditions, as outlined above.

¹ Schaar and Cox (2021).

From: [michael gilbert](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] Reject EIS
Date: Saturday, June 19, 2021 2:12:27 PM

Aloha I'm a Hawaii resident from Maui
I have watched first hand the destruction of one reef in Makena landing
For years you let these folks take all the fish I watched with my own eyes the total devastation of that reef.
My testimony is not flawed I observed this. The reef in front was stripped bare
I can't imagine from the bottom of my heart that you would even allow this practice
Stop please just use common sense I beg you.
I now see small Cessna planes spot from the AIR huge schools of Akule then radio the exact place and they net them
all
No one even talks about this practice it's just shameful
Why you think no Fish
Aloha Michael Gilbert MA.CR

Sent from my iPad

From: [w.gilliam](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] NO aquarium trade in West Hawaii
Date: Sunday, June 20, 2021 7:37:32 PM

**Please do Not approve the aquarium trade
again in West Hawaii waters, our reefs are
so fragil and the sea life that live there do not need
human invasion again, last year has been their
opportunity to heal, let them live in peace....**

From: [Chloe Gilzean Godlewski](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] Agenda item F3: Commercial aquarium trade fishery West Hawaii
Date: Thursday, June 24, 2021 12:01:25 AM

To whom it may concern,

As a scuba diver Hawaii is at the top of my wish list for destinations to visit.

I was horrified to read about plans to reopen a commercial fishery for select species of reef fish destined for the aquarium trade. My comments follow:

1. In light of emerging research of the welfare needs of fish, the commercial aquarium trade should be something that is phased out not reintroduced. Many fish suffer and die even just in the transport stage of this business. Reef fish deserve to be respected and recognised as wildlife and should remain on the reef not shipped to destinations unknown for lives (if they make it) in glass tanks. I hope that you have seen the documentary 'The Dark Hobby' which explores this trade in wildlife in detail.
2. Enforcement of commercial fisheries is notoriously difficult and unreliable. Allowing for the exploitation of select species opens the door for uncontrolled exploitation of all species.
3. The value of healthy and thriving reef ecosystems is extremely high from both tourism and ecosystem services perspectives. Reefs are facing many assaults from climate change, acidification, pollution, bleaching and many other factors. Adding an extra stressor on these extremely fragile ecosystems is unethical and nonsensical.
4. The revised Environmental Impact Statement is based on inadequate data.

I hope that you will take these comments into account and turn against the business as usual approach of placing profit for a few above the welfare of wildlife and the fight to protect coral reefs and their residents.

Kind regards,

Chloe Gilzean-Godlewski

From: cathyg@animalrightshawaii.org
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] testimony for BLNR mtg on Friday, June 25, 2021 F # 3
Date: Wednesday, June 23, 2021 9:20:54 PM
Importance: High

Chair Case and Members of the Board:

Animal Rights Hawai'i requests that you deny the RFEIS proposed by the pet trade (PIJAC) for the following reasons:

The health and well being of Hawai'i and her people depend upon that of our oceans. The reefs host a huge variety of sea life including the herbivorous species that are vital to maintaining them. There is no way to police permit holders ALL the time in ALL of West Hawai'i and we fear that continued degradation by aquarium collectors would cause great harm.

The wastage of living beings by aquarium collectors is horrendous. So many fragile bodies crammed into plastic bags ~ we know that few actually survive the transport, and those who do~ their entire world is then circumscribed by the glass walls of a tank, swimming in circles, ultimately to be flushed down a toilet when they die. The cruelty of the pet trade is documented and is unacceptable in the 21st century. According to PIJAC's website, part of their stated mission is to "promote animal well being and foster environmental stewardship" I would give them a grade of F on both.

The pet industry's cultural specialists have failed to address the concerns of the Hawaiian people who have a deep respect and love for the oceans. Malama Honua, the title of the voyages of Hokule'a, expresses this beautifully~Living on an island chain teaches us that our natural world is a gift with limits ...I hope that you, the Board of Land and Natural Resources, will take this to heart.

Cathy Goeggel

***President
Animal Rights Hawai'i
1511 Nu'uuanu Ave. Unit 173
Honolulu, HI 96817
808.721.4211***

From: [Janet](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] Agenda Item F.3 Testimony
Date: Tuesday, June 22, 2021 8:44:23 PM

Aloha,

I am a permanent resident of Hawai'i - living in Kealahou in West Hawai'i.

I am totally against the opening/renewing of access for aquarium collectors to "mine" our fish, and the subsequent damage to our reefs as a consequence.

The EIS is totally incompetent, and I will be researching all and every future actions they take, and make sure my voice is heard.

It is to Hawai'i's benefit to cease and desist such actions that destroy our marine environment, and it is about time it is stopped permanently.

Mahalo,

Janet Goodmanson
PO Box 747
Kealahou, HI 96750

Tel.: (808) 324 5212

From: [Sunny Goold](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] Please Re-open the Hawaiian Ornamental Fishery
Date: Wednesday, June 23, 2021 3:09:01 AM

To whom it may concern,

I am a reef keeper who loves and cares for the animals I keep.

I believe it's important for Hawaii to reopen its ornamental fishery as it used to set the gold standard for sustainable collection and many of us reef keepers want to most sustainably collected animals and I want others to follow Hawaii's lead.

In developing countries we have seen ornamental bans lead to destructive practices like dynamiting reefs. I think Hawaii should lead the way and us reef keepers want sustainably collected animals. Getting fish from a healthy source is a huge factor in my and many others decision making process. Having fish from Hawaii puts pressure on others to stop bad practices like cyanide.

Ornamental collection is a very low impact industry, especially in comparison to recreational and commercial fishing. However small the impact I understand there is an impact, however, I believe that it is more than offset by the positives it creates. Firstly it creates jobs - each fish collected puts a much higher value on that fish then if it was caught for food or by-catch. These ornamental collectors create jobs, just like tourism does, and these people have an incentive to protect the reefs.

I grew up catching animals in rock pools and went to study marine science at university. Now living far from the ocean I have an amazing piece of the ocean - it's calming, I teach my children about the ocean and science and people come over and are amazed. The more people that have reef tanks the more people are introduced to oceans and ecosystems and want to protect them.

Now I read forums and watch videos on how to better keep our animals. It's a hobby that is passionate. This is also about science and the science I have seen shows that the Hawaiian fishery was extremely low impact. Also a lot of deeper water species are collected in Hawaii and Hawaii leads in that area. These fish are common at depth but are extremely valuable. I would like these deeper ecosystems to be protected - they are super important and allowing collection only strengthens that. I would like Hawaii to get even better and for your fishery to lead to dramatic improvement around the world.

Reef keepers are passionate about protecting the oceans. We believe in better practices. We show people how amazing reef ecosystems are.

And so I believe that re-opening Hawaii will be a huge positive and will have positive flow on effects.

I wish you all the best in your decision and I hope it's a decision to leads to better collection practices globally.
Scott Goold

From: [Gail Grabowsky](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] Testimony Regarding West Hawaii Aquarium Fish Collection Revised EIS
Date: Wednesday, June 23, 2021 8:15:24 PM

Aloha BLNR Members, [PLEASE use this testimony - the one sent a minute ago had a crucial error in the first bullet! - Apologies!]

I would like to testify to reject the Revised Final Environmental Impact Statement (Revised FEIS) for the Issuance of Commercial Aquarium Permits for the West Hawai'i Regional Fishery Management Area situated in the West Hawai'i Regional Fishery Management Area. My reasons for this are as follows:

- The revised EIS is still **not in compliance with Hawaiian cultural practices valuing the importance of ocean resources and fish for critical utilitarian value** = food, medicines, materials essential to life (fish hooks, lures etc. made of parts of organisms). In fact the allowance of the collection of herbivorous fish for pets/pleasure "wants" versus "needs" **has the potential to directly diminish the utilitarian value of the reef as a provider of food, protection from storms, and tourism.**
- **There is no conclusive evidence that the continued capture of the species on the white list will not impact these populations and their ecosystem.** The data from the West Hawaii FRA open and closed areas demonstrates clearly that fish abundances in the open areas have never reached the abundances in the closed areas, and only approaches that abundance in the past few years when collection was halted and/or stopped in all areas. **In fact, the return of abundances in the FRA's to levels seen in the long closed MPA's in the area argues for the fact that collection depresses populations even when adjacent areas are protected. I.e. even nearby protected areas - with greater fish abundances - cannot restore fish abundance in open areas via spillover to natural levels.**
- **There is no demonstration that the revised preferred alternative will in fact be sustainable OR return abundances to levels seen in areas closed to protection.**
- There is **no clear plan for an increase in enforcement** either in terms of the number of enforcers or their methods and tools.
- Finally this plan has been **devised by businesses that do not have the health of the reef, or the community, in mind** in this time of ever increasing threats to reefs due to climate change and increased run-off pollution.

Thank you for your consideration,
Gail Grabowsky

Gail Grabowsky Ph.D

Professor & Director, Environmental Program

Interim Dean of Natural Sciences

Wesselkamper Science Center, Rm 105

Chaminade University of Honolulu

3140 Waialae Avenue, Honolulu, Hawaii 96816

o: 808.735-4834 | **e:** ggrabows@chaminade.edu



"Hope is a verb with its sleeves rolled up." David Orr

Testimony of William Graham on the Revised Final EIS for the Issuance of Commercial Aquarium Permits in West Hawaii, Agenda item F3 for 6/25/21. Submitted June 19, 2021

1. Scope of my viewpoint:

I will confine myself to looking from a large perspective, that of the acceptability of this document in regard to the requirements of HEPA. Specifically HRS chapter 343 and the relevant administrative rules, HAR Title 11 Chapter 200.

2. Summary of my finding:

This final EIS addresses an "applicant" action, not an "agency" action. The Pet Industry Joint Advisory Council (PIJAC) has undertaken this "project" in the role of the "applicant". In HRS 343 the applicant "requests approval for a proposed action." I am unable to discern any specific approval for this applicant, being requested by this applicant, other than the acceptance of this EIS itself. (One could call it circular in its nature.) Thus this EIS is unacceptable as a HEPA compliant document. The agency (DLNR) would more properly initiate this action.

3. Applicant or Agency?

Management of aquarium fishing in West Hawaii rests with the Division of Aquatic Resources (DAR) within the DLNR. PIJAC represents the pet industry which would like to have Hawaiian reef fishes available to its outlets. PIJAC did not prepare this EIS on behalf of the DAR to evaluate a possible renewed issuance of permits. That would be unseemly and perhaps unwelcome. So PIJAC has chosen to assume the role of an applicant.

When one looks at the alternatives described in sections 3.1 thru 3.7 of the EIS it is apparent that the alternatives speak to actions which the DLNR itself might take to control aquarium fishing. They are not offerings of alternative or modified applicant actions.

Since the applicant (PIJAC) needs something concrete to request, it associates itself loosely and ambiguously with a set of former aquarium fishers in West Hawaii. That set of aquarium fishers was initially 14, then 10, and now 7 individuals. None of the individuals have been named in the various EIS documents that have been submitted. On the 2nd page of Appendix B in the revised Draft EIS PIJAC asserts that the names of the 7 fishers will be provided in this FEIS (final EIS). They are not provided!

Furthermore, in the draft EIS which preceded this FEIS, the applicant proposed a whole set of new agency enforcement procedures to control the take of aquarium fishes (3.7.2). Those procedures would be implemented by the DLNR, not the applicant. Is this not evidence of the current project being essentially an agency project? Now, in this revised FEIS the applicant has chosen to discard its prior proposal for those particular agency actions.

4. PIJAC and the fishers:

In prior EIS documents on this matter PIJAC has based its impact analysis on the history of aquarium fish collection by the associated fishers. (More specifically on the reports which those fishers have submitted in the past.) That has been the rationale for PIJAC claiming that DAR would be justified in issuing collection permits to those specific yet unnamed fishers. Now in this final EIS the applicant has broken even that token association with the 7 currently associated fishers. The proposed acceptable collection quotas are completely unrelated to any historical collection data from the 7 fishers.

My comment to the Draft EIS asked: "What specific approval by DLNR is now requested?" (page 1566 of 1585 in the PDF rendering of the current FEIS). The response by PIJAC merely says that the 7 unnamed fishers would file applications "...in parallel with the submission of this Revised FEIS." And further, that "DLNR will review such applications and take action upon them..." PIJAC is merely claiming that the DLNR will "take action" upon the applications of persons other than the applicant in this matter. I don't see any specific approval for the applicant being requested.

It should be clear that the fishers are now nearly completely extraneous to this project. The project is simply attempting to facilitate the future collection of aquarium fishes via the acceptance of the current FEIS. This project will be finished once (if) the EIS is accepted. The true situation regarding this project is never acknowledged within this revised FEIS.

5. HEPA Requirements:

In the above I am alleging that the revised FEIS submitted by PIJAC does not qualify as a document produced in fulfillment of HRS 343 requirements. Three key sections of the HEPA rules stand out in my view.

A- HRS 343-5(e) begins "Whenever an applicant proposes an action specified by subsection (a) that requires approval of an agency...."

B- HAR 11-200.1-2 defines a project as a "discrete, planned undertaking that is site and time specific,..."

In the present FEIS the applicant (PIJAC) proposes to undertake NO action that would require approval by an agency except the preparation and eventual acceptance of the EIS. The "project" attempts to associate itself with other parties (prospective fishers) who are variable in number and are never named. These other parties will presumably file applications that will require agency approval. The only discrete, planned undertaking by the applicant is the preparation of the EIS. Subsequent (or concurrent) applications for permits by fishers are clearly no part of the current project.

The fishers will want the permits which do require approval of an agency, but they are not the applicant and they are not identified. At the time of the environmental assessments in 2018 these are clearly non-specific prospective future fishers. (See the Draft Environmental Assessment of March 13, 2018 and the Final Environmental Assessment of June 7, 2018.) This non-specificity requires that any EIS for future activities by non-specific individuals be prepared by the agency (DLNR), not by a non-fishing applicant.

C- HAR 11-200.1-28(b)(3) requires of an acceptable document that "Comments submitted during the review process have received responses satisfactory to the accepting authority, including properly identifying comments as substantive and responding in a way commensurate to the comment and have been appropriately incorporated into the final EIS."

Once the EIS documents appear in 2019, 2020 and 2021 the applicant (PIJAC) places numbers on the associated fishers and appears to consistently refer to specific fishers. However, PIJAC refuses to identify the fishers and avoids questions that ask for specificity. This avoidance is contra to the requirements of HEPA to meaningfully address public comments. My personal examples:

Commenting on the original draft EIS I asked why the individual fishers were not identified. And gave my reasons for why identification was necessary. The PIJAC response was "Your comment has been forwarded to the decision

makers." (Page 1868 of 2308 in PDF rendering of FEIS 2020-04-23.)

Commenting on the revised draft EIS I asked whether any of the fishers have been cited for unlawful aquarium fishing related actions. Which if any? The PIJAC response is "Your comment has been forwarded to the decision makers." (Page 1568 of 1585 in the PDF rendering of the current FEIS 2021-06-08.)

Note that the fishers "waived their right to confidentiality" (page 97 of this revised FEIS).

I can see in the revised FEIS that many substantive comments by others have received the identical response that I received in my two preceding examples. This attitude is disqualifying.

From: [Pj Gravis](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] Ornamental fish collection
Date: Monday, June 21, 2021 5:38:12 PM

To whom it may concern,

I am writing with the hope of offering a voice in favor of resuming ornamental fish collection in approved areas. I just finished a Masters degree in nursing, and I bring that up because throughout my many years of schooling and practicing as a nurse in a burn trauma ICU, I have always been taught to use the evidence presented to me to make an informed decision that is in line with best practices. The Hawaiian ornamental fish trade is one of the best studied, most heavily managed fisheries in the world, and in spite of the allowed harvest of fish, including the beloved yellow tang, this fish has shown a sharp population increase in the open, closed, and Marine Life Conservation District areas of the management area for the last 20 years.

It would be naive to think this is solely based on the science of the harvest. Environmental issues are very emotional issues, and before I identified as a nurse, or a reef tank hobbyist, I was (and am) an environmentalist. Seeing fish pulled from the sea (not intended to feed someone) can cause consternation among those not educated to the scientific benefits of a well managed fishery. Hawaii can be in the forefront of showing the world we can care for the world, while also preserving it for future generations. While I wish we lived in a world where conservation alone was enough of a reason to protect the natural world, Baba Dioum's 1968 words "In the end we will conserve only what we love; we will love only what we understand; and we will only understand what we are taught." The tropical fish I keep in landlocked Utah have enabled my children to come to love an animal they would have never had an opportunity to see and understand otherwise. My 6 year old talks about her dream of "studying fishies when she is an adult". She can name off more facts on these animals than most adults in our area. This is possible only because of the opportunities presented to her by keeping marine fish, including those from Hawaii.

There are many threats facing our reefs and oceans. Sustainable collection for the aquarium trade isn't one of them. Unfettered access to commercial food fishers with many tons of by-catch are a much bigger threat, as are the realities of a warming planet.

I urge you to reconsider your ban, look at the science, and move forward with a sustainable plan to allow ornamental collection that can be a model for the world.

Thank you for your consideration,
PJ Gravis, MSN BSN RN

Sent from my iPhone

From: [Bryce Groark](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] Agenda Item F.3 Testimony
Date: Monday, June 21, 2021 10:59:02 AM

Aloha,

I have been working in marine conservation as a filmmaker and consultant for more than 20 years in Hawaii. **I fully support banning all forms of aquarium fish collecting.**

With so many issues plaguing Hawaii reefs, it is so short-sighted to consider opening up such a wasteful industry that has such a bleak future - and only creates negative impacts for the community. The damage from this industry is exponential.

I'm hoping lawmakers take their kids snorkeling sometime. Not many fish left swimming over our dying, bleached corals - even in West Hawaii. How do we not realize that? How do we ignore that? How do we turn a blind eye and think causing more damage is "sustainable"? How can we even begin to believe an industry that has no external monitoring - only self-reporting? Trusting them to offer legitimate information is ridiculous and naive at best.

Also - if somewhere in the realm of 80% of the aquarium catch in Hawaii is yellow tangs, please do some industry research. In the past couple years, the yellow tang has now been successfully bred and commercialized in the aquaculture trade - there is no need to take them from the wild anymore. Not only is this a dying industry already with the onset of aquaculture for these species, the value of the yellow tang has dropped considerably and will continue to drop in the coming years.

What if we protected our systems and gave them a chance to recover - what if we had more true no-take zones - and worked together with the community to achieve this? That is leadership. I urge lawmakers to look at what's happening at Kaupulehu and the groups working there - with a complete no-take zone for a decade. The results of recovery of fish biomass are incredible - after just the first year of leaving the reef system alone.

Please vote for the community and environment as a whole, not just a small group of individuals. Ban all forms of aquarium collecting - and start working on new ways to bring the gold coast back to West Hawaii.

Much Aloha,
Bryce Groark

www.brycegroark.com

From: [Gregg G](#)
To: [DLNR, BLNR, Testimony](#)
Subject: [EXTERNAL] Agenda Item F.3 Testimony
Date: Wednesday, June 23, 2021 10:37:36 PM

Aloha Chair and Board Members.

I am Gregg Gruwell, a Hawaii State and Big Island resident.

There is nothing in this RFEIS before you that would do ANYTHING to restore the coral ecosystem damage brought on by the Aquarium Trade! It should be REJECTED!

West Hawaii Island coral reefs, once called Hawaii's "Gold Coast", sadly now pales in comparison to it's former self.

I first snorkeled Kona as a Naval Officer on leave in the 1980s. It is my strong belief that the coral reef fish population has been decimated by more than 75% (from what I saw in the 80s) as a direct result of Aquarium Collection.

The thousands of Yellow Tang schools you could see then while on Ali'i Drive are gone. Now a resident and an avid snorkeler, I no longer see Box Fish or Puffer Fish while most other species are in very low in numbers or not seen at all.

Let the Aquarium Trade learn how to captive breed their product and stop plundering this magical wonder of nature!

Now is the time to permanently stop Aquarium Collection in West Hawaii and restore it's Gold Coast!

Gregg Gruwell, Kamuela Hi

Pictured. Mass killing of fish by the Aquarium Trade 2010

 hawaii.newsnow.com



Live News



610 tropical fish found dead on Hawaii island



Published: Jan. 29, 2010 at 8:17 PM UTC |

Updated: Jan. 29, 2010 at 8:29 PM UTC



From: [Matthew Gurewitsch](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] F.3 Testimony
Date: Sunday, June 20, 2021 3:49:28 PM

Aloha!

I've been a full-time resident of Maui for 10 years. I urge you in the strongest possible terms to REJECT the Revised Final Environmental Impact Statement (RFEIS) that is now before you. The document makes a mockery of the approval process. It makes specious assumptions, presents sketchy data. It glosses over the activities of seven scofflaw collectors and their outright theft of a quarter of a million fish that are no one's personal property but are part of the living heritage of all who share this planet. It in no way addresses the views of or harms to Native Hawaiians. The RFEIS is an insult and a travesty.

My wife and I moved here the instant it was financially viable for us to do so. The single most important factor in our decision to move to Hawaii was the snorkeling. We're in the water for at least an hour virtually every day, observing the reefs, the fish, and other marine life.

The deterioration of the aina over the past decade has been agonizing to see. I understand that the global conditions (warming, acidification of the ocean) plays a huge part in this. Many of the laws we have on the books are fine as far as they go, but more safeguards are needed. Above all, we need to invest in enforcement, putting properly trained personnel into the field with the necessary equipment and authority to curb back actors. Despite explicit instructions from the DLNR, the authors of the RFEIS have conspicuously failed to address the issue of enforcement.

Put a stop of the shameful, exploitive, selfish, and extractive practices of the aquarium collectors who have been flouting law, ethics, and the aloha spirit, despoiling our aina without remorse.

Mahalo for your attention.

m.

Matthew Gurewitsch
3415 Kuaua Pl.
Kihei (Maui) HI 96753

t/+1 (808) 874-8925
fx/+1 (212) 656-1647

on the web: beyondcriticism.com
on skype & twitter: mg1228

From: [GB Hajim](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] Agenda Item F.3 Testimony
Date: Saturday, June 19, 2021 3:51:39 PM

Aloha!

I'm a resident of Hawaii island and have been watching the fish decline and the reefs die off.

Reef fish are explicitly necessary for reef health and if we want the reefs to survive we must ban the aquarium trade and **REJECT the EIS!**

- ~ The EIS is wholly flawed-- relying on insufficient, faulty, inadequate and improper data and assumptions;
- ~ The EIS fails to accurately analyze the environmental consequences to reefs and fish abundance of 7 aquarium collectors taking over 246,000 fish, claiming it won't cause an impact;
- ~ The EIS fails to accurately analyze the cultural and socioeconomic consequences of aquarium collection in West Hawai'i and ignores the research showing that Hawai'i residents receive ZERO benefits from the trade, but suffer ALL the costs.
- ~ The EIS fails to propose and analyze any meaningful mitigation or alternatives that would reduce the impacts;
- ~ The EIS fails to adequately incorporate input of Native Hawaiian practitioners, experts, community members, and consulted parties.

Malama pono

GB Hajim
Papaikou, HI

From: [suzanne.hammer](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] Strongly oppose F.3
Date: Wednesday, June 23, 2021 5:14:06 PM

Aquarium collectors have taken far too many fish
For many years we have watched our fish stocks depleted
Fish populations need time to recover and more of our marine life and reefs need protection

I have been snorkeling daily for 47 years in beaches around the island and have observed personally the massive changes in ocean life
I also helped with coral and turtle research projects
And have talked with a number of aquarium collectors some from here and others from the mainland who collected here in the past
They have acknowledged the depletion of our stocks and the depressing changes overtime

A lot of money is involved and therefore a lot of political pressure is exerted by these groups to continue this practice

There is a lot of clandestine taking of reef fishes and invasion of protected areas by collectors ie Hanauma Bay at night

I strongly object to F.3
And am willing to give more detailed input if needed

Please oppose F3

Suzanne Hammer MD

Sent from my iPhone

From: [Penelope Hazzard](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] Please reject the FEIS that resumes destructive aquarium fishing
Date: Sunday, June 20, 2021 4:17:18 PM

None of the 14 reasons that BLNR gave for rejecting the original FEIS one year ago by the applicant have been clarified or mitigated. Most public comments / concerns provided on the original FEIS were ignored or outright dismissed. We are therefore once again urging BLNR to reject this FEIS. We hope our membership will do the same.

Aloha,
Penelope Hazzard
1550 Rycroft Street, #522
Honolulu HI 96814
808 779-9723

From: [Patrick Hedgecoth](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] tem F3 Support / West Hawaii Aquarium EIS
Date: Tuesday, June 22, 2021 8:02:44 AM

June 22, 2021

Chair Case and The Board of Land and Natural Resources

RE: Support the West Hawaii Aquarium Revised EIS

Chair Case and Boardmembers:

I contact you today to support the Revised Final Environmental Impact Statement (RFEIS) for the West Hawai'i Aquarium Fishery published June 8, 2021, in The Environmental Notice.

Pursuant to the best available science of the RFEIS, the *REVISED WHITE LIST AND LIMITED PERMIT ISSUANCE (PREFERRED) ALTERNATIVE* was developed that addresses the stated reason for denial of the previous FEIS submittal.

The preferred alternative is sustainable, only allowing take of species proven stable and increasing over twenty plus years of monitoring. The total allowable catch is an over all reduction from historic averages to ensure a buffer for climate change.

Aquarium Permits would be limited to 7 permit holders, fishing only the West Hawaii Regional Fishery Management Areas (WHRFMA), and limiting collection to 8 identified species. These species in turn would be subject to catch quotas.

Permittees would abide by all rules and regulations set forth in HRS 189-2,3 (Commercial Marine Permit), HRS-188-31 (Section 1.2.1), governing Aquarium Permit use, and would obtain a West Hawai'i Aquarium Permit as required under HAR 13-60.4 (Section 1.2.3.2). Existing slot limits for Yellow Tang and Kole remain in effect in addition to the individual catch quotas.

This Alternative supports the DLNR's purpose to ensure that in context to commercial aquarium collection, such fishing does not lead to degradation of fish populations and the habitats in which they occur. It specifically addresses concerns related to declining populations and sustainable collection. It supports the Applicant's purpose and need to continue fishers' livelihoods participating in the lawful, responsible, and sustainable commercial collection of various fish species from nearshore habitats.

Table 32. Proposed Individual Catch Quotas for the Revised White List. Annual limit from January 1 through December 31 of each year

Species	Individual Catch Quota (per fisher)	Total Potential Catch (all 7fishers)
Yellow Tang	28,571	200,000
Black Surgeonfish	450	3,152
Orangespine Unicornfish	838	5,872
Kole	3,750	30,000

Bird Wrasse	49	344
Potter's Angelfish	625	4,376
Thompson's Surgeonfish	288	2,016
Brown Surgeonfish	114	800

I encourage your support to this program. In this well regulated artisanal fishery, you will return many back to work. And many of us in other parts of the world interested in marine sciences may again have the opportunity to study and enjoy such fauna.

Very truly yours,

--

Patrick Hedgecoth

Graphic Designer

patrick.hedgecoth@gmail.com

From: [Grant Heidrich](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] I requesting BVLNR reject the EIS - F.3 Testimony
Date: Monday, June 21, 2021 7:25:13 AM

My name is Grant Heidrich and I am a property owner and tax payer on the Big Island of Hawaii.

I am a lifelong lover of the ocean, the reefs, the fish, and everything ocean related. I am active swimmer, scuba diver, and snorkeler, and have been shocked by the ongoing onslaught of relentless fish extraction from our reefs. It is equally concerning that our government allows such practices that violate everything Hawaiian, and everything this is environmentally sound. It is anathema to the heritage of all cultural practitioners in Hawaii. What are we doing?

The EIS is flawed, faulty, and inadequate. Its data is wrong. It does not address adequate mitigation efforts or address native experts or community members.

Please reject this EIS.

See below:

FILE COPY

May 26, 2021

JUN - 8 2021

Director
Office of Environmental Quality Control
State of Hawai'i
235 South Beretania Suite # 702
Honolulu, HI 96813

RE: Transmittal of Revised Final Environmental Impact Statement

Dear Director:

With this letter, the Pet Industry Joint Advisory Council (PIJAC) hereby transmits the documents package for the Revised Final Environmental Impact Statement (Revised FEIS) for the Issuance of Commercial Aquarium Permits for the West Hawai'i Regional Fishery Management Area situated in the West Hawai'i Regional Fishery Management Area in the Puna, South Hilo, North Hilo, Kau, Hamakua, South Kona, North Kona, South Kohala, and North Kohala districts on the island of Hawai'i. We are providing the Revised FEIS for publication of a notice of availability in the next available edition of the Environmental Notice and for evaluation for acceptability under Section 11-200-23, Hawai'i Administrative Rules.

Also enclosed is a distribution list for the verification of OEQC under Section 11-200-20, Hawai'i Administrative Rules. Upon receiving verification from OEQC we will make the Revised FEIS available to those so indicated on the distribution list.

Finally, enclosed is a completed OEQC Publication Form, copies of the Revised FEIS, and an electronic copy of the publication form in MS Word. Simultaneous with this letter, we have submitted the summary of the action in a text file by electronic mail to the OEQC.

Through this letter, a copy of this submittal is being provided to Hawai'i Department of Land and Natural Resources. If you have any questions or if you need additional information, please feel free to contact me.

Sincerely,



James M. Lynch

Enclosures

Cc: Hawai'i Department of Land and Natural Resources (with enclosures)
Kalanimoku Building
1151 Punchbowl St.
Honolulu, HI 96813
Email: dlmr@hawaii.gov

21 - 160

From: [Terry Thompson](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] Aquarium Harvesting
Date: Monday, June 21, 2021 1:09:58 PM

I strongly oppose reopening Hawaiian reefs to aquarium harvesters!

Terry Thompson

From: [Jeanneherbert](#)
To: [DLNR.BLNR.Testimony](#)
Cc: [Jeanne Herbert](#)
Subject: [EXTERNAL] EIS
Date: Sunday, June 20, 2021 6:03:15 AM

Aloha,

I am a Hawaii resident and I would like to respectfully submit my opinion about the upcoming EIS decision around aquarium fish collecting.

Hawaii has no benefit from fish being taken from our reefs for aquarium collections. Hawaii has a lot to gain by disallowing fish collection - healthier reefs, healthier and more abundant fish.

There has been very little oversight of illegal fish collection and it is nearly impossible to regulate. Why is Hawaii devoting resources to managing this? We residents get nothing out of the aquarium collection business, we only get less fish. The aquarium collection business should be shut down in Hawaii. Just look at the positive benefits of the Kohala Coast "try wait" program. Abundant and healthy fish. The "try wait" program is real time evidence of the positive effects of stopping aquarium fish collection.

Please lets malama our reefs and our fish by stopping the aquarium collection business. This kind of business doesn't fit with our Hawaiian values.

Mahalo,
Jeanne Herbert
Honolulu, Oahu

Sent from my iPad

From: [Christiana Hetzel](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] Opposition to Reopening West Hawaii Reefs to Aquarium Collecting
Date: Monday, June 21, 2021 1:39:58 PM

To whom it may concern, myself & everyone in my subdivision in Captain Cook strongly oppose the reopening of West Hawaii reefs to aquarium collecting. This would have devastating environmental impact. Please don't allow this!

Mahalo,

Christiana Hetzel

Sent from my iPhone

From: dph0277@gmail.com
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] Reject the final Environmental impact study
Date: Thursday, June 24, 2021 7:08:02 AM

I oppose the reopening of West Hawaii reefs to Aquarium collection. Please reject the final EIS for failing to disclose the significant environmental and cultural impact from the ornamental fish trade.

David Hill

Sent from my iPad

From: [Catrinka Holland](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] Agenda Item F.3 Testimony
Date: Sunday, June 20, 2021 6:22:19 PM

Aloha,

I am a Hawai'i resident living on the island of Hawai'i.

Please reject the EIS.

I have swum in these waters for many years and see the small fish population along the reefs dwindling.

There are negative consequences to aquarium collectors taking over 246,000 fish.

We need a plan that proposes ways to reduce this extreme fish harvesting and its negative impact. The EIS does not do this adequately.

Mahalo, Catherine

Catherine Holland

From: [Cheryl Hopkins](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] relocating fish
Date: Wednesday, June 23, 2021 4:26:03 PM

To Whom It May Concern:

Please, do not remove fish and sell them to Aquariums! They should stay right where they are! The chances of survival are slim after relocating them.
Traveling to Hawaii as a tourist, I want to see wildlife in their natural habitat!

Please do not follow through with this plan!

Thank you for your attention to this matter.

Sincerely,
cheryl hopkins

From: [keith howe](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] Item F3 Support/West Hawaii Aquarium EIS
Date: Tuesday, June 22, 2021 9:02:16 AM

I support this! Keith Howe
Sent from my iPhone

From: [Phillip Hoyle](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] Tropical Fish
Date: Tuesday, June 22, 2021 10:52:46 AM

I am 78 years old I've spent the last 62 years on the ocean. The commercial fishing industry has a lot of problems. Tropical fish collection is a losing proposition for the state.
It's expensive to enforce the laws it's expensive to prosecute offenders.
The majority of us in Hawaii do not benefit from the collection of tropical fish.
Thank you Phillip Hoyle

Sent from my iPhone

From: [Clint Hudon](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] Bring Hawaii fish back
Date: Monday, June 21, 2021 2:31:52 PM

To whom it may concern,

The quick decision by the Hawaii government to ban the collection and export of ornamental fish was decided without due process. No evidence was provided and the decision was decided without a hearing. Americans have the right to vote and taking away that privilege is not how democracy works.

This decision has impacted small business local and abroad. Impacting families that rely on the resale of ornamental fish for income. Hawaii was regarded worldwide as the best practiced collection yet animals for human consumption continues without regulation.

As someone who's lively hood along with providing income for several employees who rely on the resale of aquatic animals. If governing bodies continue to make decisions and take away our freedoms by making decisions without an alternative approach will ruin many lives.

Allow collection to reopen. Create a strategy and funding to help with captive breeding programs that have already started. Give the collection companies an opportunity to shift their company from a collection to a breeding company.

Clint Hudon
Picasso Exotic Aquatic
General Manager

--

Clint Hudon
General Manager/Service Manager
913-338-3900 - Store
816-716-2642 - Cell

Follow us on Instagram and Facebook @Picassoexoticaquatics



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From: [Scott Hughes](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] Item F3 Support
Date: Wednesday, June 23, 2021 5:50:51 AM

I am writing you in support of the Revised Final Environmental Impact Statement for the West Hawaii Aquarium Fishery.

My company sells tropical aquarium fish and we have 8 families that directly depend on my business and the availability of aquarium fish from Hawaii. There are countless others that indirectly depend on us as well. And in the USA, there are literally thousands of small businesses that depend on the trade.

We consider ourselves environmentalists and strongly believe that the Hawaii fishery is the most studied and sustainable fishery on the planet. The additional controls put on the fishery in this new impact statement will further those controls due to limits on catch and available permits

I encourage you to support the Revised Final Environmental Impact statement and allow this fishery to reopen. The fish and environment will be well protected and you will be looking out for thousands of jobs.

Thank you for your consideration

Scott Hughes
Deep Blue Seas, LLC

From: [Heather Huitt](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] West Hawaii Fish collecting
Date: Saturday, June 19, 2021 2:36:42 PM

As a Hawaii resident I absolutely and strongly OPPOSE any approval of fish collection for aquarium collectors. I therefore REJECT THE EIS.

Salt water fish have very special needs and requirements to survive in a aquarium and the average aquarist is nowhere near equipped to handle these conditions. They do not belong in captivity. Only in professionally run facilities like the Waikiki Aquarium.

Mahalo for your consideration,

Heather Huitt

From: [matty zang](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] Item F3 Support
Date: Monday, June 21, 2021 9:58:00 AM

Hello,

I'm contacting you in regards to the final environmental impact statement for the West Hawaii Fishery and to show my support for it.

I'm not a scientist, but from what I understand from actual scientists, the Hawaii fishery is, or was, extremely well managed and very sustainable. I don't approach this simply because I am a hobbyist and like many Hawaiian fish, but it's important to me that this is sustainable and not hurting the actual reefs. If it were I'd be in favor of a ban, but as that is not the case, I fail to see the point. These fish are very valuable in the hobby, a fish that might sell for food at \$20 is sold for several hundred dollars in the hobby, something like the achilles tang *acanthurus achilles*.

I think there is also a lot of misinformation on the other side of this debate. I think they throw a lot of numbers around like 99% of aquarium fish are dead within a year, which simply doesn't seem to be supported by any kind of facts. I can only speak for myself, but I've owned several of my fish for years, and hope to keep them for many more. Some saltwater fish can live for decades.

Perhaps there can also be some kind of tradeoff in that perhaps shallow water herbivore fish like tangs are more frequently regulated as they provide a greater boost to the local reefs. Maybe those can be collected, but in smaller numbers or some sort of compromise like that.

Lastly, I'd just like to say that I think keeping fish in aquariums helps create a love for the ocean. People come over to my house and ask me about them, I inform them of the struggles of reefs around the world, etc. I think people need to see things to care about them, hence the need for zoos and public aquariums.

Thank you,
Matt Huizenga

From: [Nanci Drew](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] Keep Aquarium fishing away from west Maui
Date: Monday, June 21, 2021 10:35:57 AM

I am a resident of Maui and am always appalled at the fact aquarium fishing is allowed in Maui waters.

Please reject the EIS!

Thank you
Nancy Ichikawa

Sent from my iPhone

June 25, 2021

RE: Testimony on Item F.3 TO REJECT West Hawaii Aquarium Trade FEIS

Dear Chair Case and Board Members:

I urge the Board to **REJECT the Final Revised EIS** for repeatedly failing to disclose environmental, social and cultural impacts, for failing to adequately respond to hundreds of comments submitted, and for failing to respond to DLNR's own required responses of the Applicant-- ALL of which are requirements for compliance with HEPA.

Further, its important the Board note the following:

1. Don't let the reduced number of potential permittees from 10 to 7 mislead the Board. **The 7 collectors are in fact proposing to take MORE fish than were collected by 22 collectors** (200,000 yellow tang). In 2002, 22 collectors took 174,000 yellow tang, **resulting in a 59% decrease in abundance** of those species.
2. In the prior EIS the trade claimed 10 collectors would take 160,832 fish. In this "revised" EIS the trade wants to allow **7 collectors to take 246,560 fish, which represents a 119% increase above what they previously proposed in their earlier DEIS.**
3. The "revised" EIS **removed the ENTIRE section on enforcement and compliance, including its own earlier proposed recommendations for enforcement and compliance.** More than 100 comments were submitting noting concerns about enforcement that the Applicant failed to respond to. Further, the Applicant falsely states that commenters requested that section be removed. See below discussion regarding the necessary improvements we recommended be addressed by the Applicant, which again, were instead removed in their entirety.

DLNR also required this of the Applicant, quoted below, in their earlier draft, which they failed to respond to. This alone is reason to reject this inadequate analysis.

*DLNR: "Enforcement and compliance needs and challenges are key factors in the effectiveness of fisheries management, and **should be analyzed as part of the environmental impact statement.**"*

The Applicant also **failed to address concerns with coral damage, inherent in the activities collectors use to remove fish** from their coral hiding places. DLNR-DAR also

noted this failure to address coral damage, and questioned how the collectors could ensure enforcement and compliance with laws that prohibit coral damage, which remains unaddressed in the RFEIS.

4. The Applicant **fails to disclose the identify of the 7 proposed permittees** who may very well be those who have been earlier charged with poaching or have pending criminal cases before the Court.

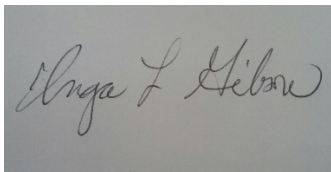
As the Board is well aware, last year 6 decades long collectors were arrested and charged with aquarium poaching in West Hawaii. Three have been found guilty and charged with both criminal and civil (Board) penalties. The remaining two will be back in criminal court at the end of June and early July. Another long-time collector was charged with safety and gear violations, culminating more than 15 years of repeated violations related to aquarium collection. We requested the names and/or DBA's of the 7 proposed permittees but were never provided that information, and despite the Applicant stating in the Draft EIS that they would provide this information.

In approving the proposed RFEIS **the Board could very well be granting access to those who have been recently charged with poaching.** The public has the right to know the names and criminal histories of the proposed permittees given they would be provided exclusive access to natural resources held in the public trust and operating in public waters.

5. The EIS **completely ignored a published, peer reviewed cost-benefit analysis of aquarium collecting which found the trade provides ZERO benefits to Hawaii residents – but who suffer ALL the losses.** Further, the Applicant failed to complete its own CBA to demonstrate any benefits to non-collectors. Any paltry revenue in the form of GET or licenses does not make up for the estimated \$300-500,000 that DLNR states is required to study the trade's impact. This figure does not even include enforcement costs.

For the above reasons alone, the Board should reject the RFEIS as inadequate and failing to comply with HEPA.

Sincerely,

A handwritten signature in cursive script, reading "Inga L. Gibson", is displayed within a rectangular frame.

Inga Gibson
Policy Director, Pono Advocacy

Honolulu, HI
PonoAdvocacy@gmail.com
808.922.9910

Discussion of earlier proposed enforcement measures REMOVED by the Applicant from the RFEIS

The Certificate of Origin proposed in the initial RDEIS to allow for better tracking and enforcement amounted to a small step in the right direction but still contained issues that must have been addressed to ensure compliance. Further, the earlier proposed Certificate of Origin simply duplicated many of the existing permit system requirements which can easily be manipulated given all data is dependent upon self-reporting and DLNR's lack of verification. For example:

- Collectors must already report their catch; and name the dealer sold to.
- Dealers must already report purchases from collectors.
- Hawai'i Department of Agriculture must already inspect and approve shipments (inter-island).

Gaping holes in the above already required processes, coupled with lack of adequate enforcement (DOCARE) resources, continues to allow for the intra and interstate movement of *unreported, uninspected, unidentified coral reef wildlife to enter into the aquarium trade*. For example, DLNR lacks the resources and capacity to enforce these existing requirements via real time comparisons of catch records and dealer reports. Additionally, the Hawai'i Department of Agriculture (HDoA) inspectors have been video recorded giving collectors the green intra-island inspection tags without even leaving their offices to look at the boxes, as required. In another recorded incident, a green tag was simply taped to the outside the door for a collector to pick up, without any direct contact between the HDoA inspector and the collector.

Moreover, collectors and dealers can easily conspire to ensure that sales records match purchase records, given they share the same interest in protecting profits. There is nothing that would prevent collectors and dealers from continuing to conspire through underreporting, or nonreporting, to ensure any quota is not met, so that collection and profits can continue.

Adequate enforcement to ensure compliance is best handled by DLNR and DOCARE, not HDoA. Given the loopholes in the Applicant's earlier proposed plan, and the decades-long compliance issues, **we proposed the following** inspections by DOCARE officers and DAR staff to ensure compliance, which again, ***were completely removed/ignored by the Applicant***:

- Upon return to harbors or ramp facilities (date/time confirmed in advance): DOCARE verification of required licenses and permits; zone where collection occurred (per vessel GPS); species and numbers collected; fish mortalities; and, next immediate destination (i.e., warehouse, holding facility).

- At warehouses/holding facilities (unannounced): DOCARE inspections to ensure terms and conditions of the aquarium permit which requires the animals to be held in good conditions, to verify equipment (tanks, oxygen levels) are functioning and maintained, that record keeping, and reporting requirements are being met, including catch and sales reports, and verify mortality.
- At air cargo carriers (date/time confirmed in advance): DOCARE inspections of containers to be transported off-island and packing lists (or similar document) to verify number and species, and destination/receiver information. Forward federal Lacey Act documentation, labeling and other potential violations to USFWS.
- Administrative (monthly): DAR inspections and comparisons of collector catch reports, dealer reports and packing lists/invoices to ensure accurate accounting; and coordination with DOCARE to ensure catch quotas are not exceeded.
- State and Federal Taxes: additional permit term and condition requiring tax clearance certificates for state and federal taxes prior to issuance of permit.

Permittees would have had the full burden of expenses associated with needed staff through fees to the state. Costs related to the Certificate of Origin and enforcement measures described above should be calculated and obtained from DLNR. Additionally, DLNR has estimated the current costs to administer the aquarium trade (statewide), including resource monitoring in West Hawai‘i at \$300,000 to \$500,000 annually, statewide.¹ Permit fees should be collected that meet those costs, in addition to the commercial fisheries shortfall related to the permittees under the Applicant’s proposal, and all resources needed to ensure compliance with species, catch numbers, catch locations, and all other terms and conditions, as outlined above.

¹ Schaar and Cox (2021).

From: [Jeffrey Iverslie](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] Agenda Item F.3 Testimony
Date: Saturday, June 19, 2021 3:37:29 PM

Aloha I am avid swimmer, diver, paddler here in South Kona. I urge you to REJECT the EIS. I am strongly against any form of collection. Our fragile reef system is already facing enough threats. Removing fish from the reef only adds additional stress to an already stressed system.

Thank You

Jeffrey Iverslie

Kona Paradise, South Kona

From: [Kate Jacobson](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] Agenda Item F.3 Testimony
Date: Wednesday, June 23, 2021 9:49:24 AM

Aloha,

Please consider this testimony against accepting the revised Final EIS to reopen the West Hawaii reefs to the aquarium industry. Since reef fish harvesters have been denied access to our fragile marine ecosystem, the fish are returning and creating a healthier environment. We have lived in Keahou for 20+ years and experienced first hand the positive change the ban of collecting reef fish for the pet aquarium trade has had. Please maintain the moratorium and reject the EIS.

Mahalo,
Kate & Will Jacobson
Keauhou, Hawaii

From: [Tim Jernberg](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] Sustainable Hawaii Aquarium Fishery
Date: Wednesday, June 23, 2021 4:35:52 PM

Hello,

I would like to voice several reasons on why the hawaii fishery should be reopened. The fishery has proved to be sustainable from an ecological perspective and I feel it actually places an importance on the reefs as a sustainable resource that should be preserved and managed. Furthermore, the aquarium hobby can help to promote a love for the reefs and help to educate those that would never be exposed to the reefs of the world. This exposure will hopefully help to spread the importance of the reefs of the world at a time where many are even unaware of its true existence. We need to take the time to applaud the hawaii fishery as being the best managed and in turn attempt to regulate the industries that have an actual impact on reef decline.

Thank you,
Tim Jernberg
mntim10@gmail.com
507-351-7655

From: [Elana Jones](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] REJECT THE EIS OF AQUARIUM COLLECTING IN WEST HAWAII
Date: Sunday, June 20, 2021 6:22:01 AM

Aloha,

My name is Elana Jones, full time resident of Ka'u, Hawai'i Island, and I am writing today to urge the BLNR to OPPOSE and REJECT the final Enviromental Impact Study of aquarium collecting in West Hawai'i, for failure to disclose the significant environmental and cultural impacts of this destructive trade.

For too long there has been nothing done about the rampant abuses of the 'āina for foreign interest and commerce. To continue in this sad legacy is insanity. We must do everything we can to protect our valuable resources for future generations, before we are left with nothing ourselves.

Sincerely,
Elana Jones

From: [C.R. Jordan](#)
To: [DLNR.BLNR.Testimony](#)
Cc: [C.R. Jordan](#)
Subject: [EXTERNAL] End Aquarium Collection
Date: Monday, June 21, 2021 1:58:27 PM

Aloha Board,

I moved to Hawaii in 2014 because I fell in love with the Aloha Spirit. I have been a photographer most of my life and when I found Waiopae Tide Pools I had to take up underwater photography. I was able to take over 20,000 pics in just a couple of short years! Even though this was a protected area, I witnessed the taking of fish for the aquarium trade, so much to the point, that at any given time you were lucky to find more than few yellow tang! To stop this will be a great thing for the locals fishing and tourist trade alike, if the snorkelers are allowed to see our endemic fish in all their glory with the numbers that could be. More importantly it takes the grazers to keep the algae at bay and the reef healthy! I'm not sure why the aquarium trade is tolerated for the profits of a few, they will only care when there are no more fish to collect! A high percentage of the fish never make it alive to their destinations, then more of the same are collected to fill orders. It is estimated that a very high percentage of fish are take with Sodium cyanide, a highly toxic chemical compound that makes it easy to catch the fish, but hurts our already endangered reefs! The state of Hawaii should STOP this trade, make it illegal to ship fish from the state and make the fines large enough to stop the practice in its tracts!

Mahalo for your time, CR Jordan

PS

Lets see, take the algae eaters, no fish for predators to eat the weak, no predators to catch for locals to feed their families, too much algae grows on reef, reef dies, then eventually we die! We are all tied to this, our Mother.

June 22, 2021

Aloha DLNR Staff and Decision makers,

I'm a lifelong resident of Hawaii Island and have been watching the fish decline and the degradation of the reefs along our shores and have serious concerns about the health of our Ocean and its inhabitants.

The EIS appears to rely on insufficient, faulty, inadequate and improper data and assumptions.

The EIS fails to accurately analyze the environmental consequences to our reefs and the fishes we depend upon to keep the reefs healthy.

I believe that we all recognize that Reef fish are necessary for reef health and survival. The thought of allowing aquarium collectors to collect over 246,000 fish, claiming it won't cause an impact is insane.

We also know that only a few survive the capture and transporting to its final destination and those who do survive are forced to live out their lives behind glass. I personally feel that practice needs to cease forever.

The EIS does not appear to analyze the true cultural and socioeconomic consequences of aquarium collection in West Hawai'i and ignores the research showing that Hawai'i residents receive ZERO benefits from the trade, but suffer ALL the consequences.

The EIS fails to adequately incorporate input of Native Hawaiian practitioners, experts, community members, and consulted parties.

Without a healthy ocean with all of the creatures that live there , we could not have a healthy balance on earth.

Please reject the EIS and close down the aquarium collection trade to protect our islands reefs and fisheries from those who negatively impact the health of the reefs and the fishes and other creatures that live there.

In Sincere Caring for our Islands resources,

Diane M. Kanealii
Kawaihae, Hawai'i

From: sabrakauka@aol.com
To: [DLNR.BLNR.Testimony](#)
Cc: wichman@ntbg.org
Subject: [EXTERNAL] In support of Submittal E-1
Date: Tuesday, June 22, 2021 7:57:15 PM

Aloha Chair Case and Board of Land and Natural Resources members,

I am writing to support the submittal of E-1, a proposed one-year revocable permit to be issued to the Hui Maka'āinana O Makana.

This action will bring the community closer to realizing the key objectives and goals outlined in the Ha'ena State Park master plan. As you are aware this plan was developed by State Parks with considerable community input and a community advisory committee.

Mahalo for supporting this important next step in implementing the ongoing stewardship and care of Ha'ena State Park. It is a most important cultural and natural resource.

Malama mau,
Sabra Kauka

PO Box 3870
Lihu'e, Kaua'i HI 96766

From: akeck@sonic.net
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] Agenda Item F.3: Testimony Opposing the Revised Final Environmental Impact Statement of PIJAC
Date: Monday, June 21, 2021 8:29:54 AM

Dear Board of Land & Natural Resources:

I first started visiting Maui in 1979, and am now fortunate to own property in the Kaanapali area and reside there part of each year. The difference in the reefs and fish life during that 40+ year time period is staggering: where the reefs were once teeming with fish life, they now seem almost barren. This is due in large part to the commercial aquarium trade, which has stolen Hawaii's reef fish for profit.

History will look back on the aquarium trade as not only inhumane, but also as a key destructor of our ocean environment. This theft of our ocean life must stop now – there is no time to waste. Global warming has made the ocean environment more challenging, and continuing to allow commercial theft of reef fish is simply unsupportable if we want to preserve Hawaii's reefs.

Accordingly, I urge you to REJECT the Pet Industry Joint Advisory Council's Revised Final Environmental Impact Statement. We simply cannot sacrifice Hawaii's reefs for personal gain any longer.

Thank you for your attention and consideration.

Sincerely,
Anne L. Keck
150 Puukolii Rd. # 18
Lahaina, HI 96761

From: [Constance A. Kelsey](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] Aquarium Collecting
Date: Sunday, June 20, 2021 7:58:45 PM

To BLNR:

I am a resident of Oahu and am very familiar with the near shore ocean environment of it and our neighbor islands. While our latitude imposes slow growth and hardness of our corals, we are blessed with a varied and even unique, for some species, fish life. In the 35 years I have been using this ocean for recreational and refreshing experiences, I have seen a general decline. For example, yellow tangs were once abundant, now they are scarce. Please do not open our seas to indiscriminate aquarium collecting. Most fish are captured with brutal techniques that harm the coral and other vertebrate species in the vicinity. The majority of captured fish never survive the transit to buyers from the states and other countries. The collectors see profits off our fish population who have so few defenses. What a tragic waste of one of our most valuable resources. Don't mortgage our future at the request of Aquarium collectors who are profit driven. We must not sell off the ocean legacy that native Hawaiians managed so sustainably.

Constance A. Kelsey
Hawaii Kai

From: [Damien Kenison](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] Reject Aquarium EIS
Date: Tuesday, June 22, 2021 11:29:03 AM

Aloha, my name is Damien Kenison, Ho'okena/Kauhako resident Hawaii island. My ohana here have fished for generations along the South Kona coast. Harvesting enough to feed our families and practicing "lawai'a pono" so that our keiki and our mo'opuna will be able to fish as our kupuna taught us.

The i'a provides a nutritious meal and allows us to pass on traditional fishing practices to each succeeding generation. These practices teach respect, working together effectively, and appreciation for nature. We share what we catch, even with strangers who happen to be there when we land our canoes.

Aquarium collecting has no redeeming value and the joy a fish buyer has, when looking at a pakuikui in a glass tank, is overshadowed by the reality of the negative impact the loss of those hundreds of thousands of fish annually has on the reef and the communities who eat those fish.

Visitors to our island who fuel our rejuvenating economy would not enjoy the coral reefs if it were devoid of a variety of colorful fish because the aquarium trade targets them. Even subsistence fishers should be aware of that fact and not overfish. Which is why the communities of Ho'okena and Miloli'i are taking steps to develop and propose sustainable harvesting management plans in their fishing grounds for all stakeholders.

Our ohana and our community ask that you reject the EIS and allow us to successfully participate in Governor Ige's 30/30 initiative for a bright future and pono ocean awareness.

Ke Aloha Nunui,

Damien Kenison - President

Kauhako Ohana Association

PO Box 38, Honaunau, HI. 96726

(808) 987-9149

[Sent from Yahoo Mail on Android](#)

From: [Graeme King](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] Item F3 Support
Date: Monday, June 21, 2021 10:17:09 PM

Dear Sirs,

I am contacting you to support the Revised Final Environmental Impact Statement for the West Hawaii Aquarium Fishery, Published June 8 2021, in the environmental notice.

The Aquarium Fishery in West Hawaii is very well managed from what I understand and has been studied closely and shown over the past 20 years to be sustainable and supports businesses all over the world.

Additional limits on collectors, species, and catch numbers further safeguard potential over-exploitation of the States Marine Resources and can surely make the Aquarium hobby industry sustainable as a whole.

I encourage your support for the Revised FEIS and the Revised whitelist and limited Permit issuance, which will further ensure the ongoing sustainability of the Aquarium Fishery in West Hawaii.

Regards,

Graeme King

From: [Bud and Delores](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] Agenda Item F.3 Testimony, Please Reject the EIS
Date: Tuesday, June 22, 2021 5:39:06 PM

Dear BLNR,

We have lived full-time in Hawaii for 12 years. Previous to that, it was our first choice for a vacation destination. We are avid snorkelers, and try to go at least 3 times a week. Hawaii does NOT have an overabundance of fish! We can see NO benefit to the ocean, tourism, or the local economy from allowing these precious resources to be taken by the aquarium trade.

If given a green light to harvest our beautiful fish, who will they have to answer to? How would it be monitored? This is a recipe for disaster, with no benefit to our beautiful underwater ecosystem! PLEASE REJECT THIS EIS.

Sincerely,
Bud and Delores Kinsey
68-1917 Lina Poepoe Street
Waikoloa, HI 96738



Kona Hawaiian Civic Club

Suzanne Case, Chair
State Board of Land and Natural Resources (BLNR)
Kalanimoku Building
1151 Punchbowl St.
Honolulu, HI 96813

Jun 19, 2021

Re: Item F-3, BLNR meeting, 6/25/21, Determination for the Purpose of Accepting the Final Revised Environmental Impact Statement (RFEIS) for a project to allow commercial aquarium fish collection by seven collectors for various fish species located in the nearshore habitats of the WHRFMA.

Aloha Ms. Case,

The Kona Hawaiian Civic Club strongly opposes acceptance of the revised final environmental impact statement.

The Kona HCC, founded in 1952, is part of the Hawaiian Civic Club movement begun in 1918 by Prince Kūhiō Kalanianaʻole. The purpose of this movement is to enable and empower kanaka maoli to have effective civic and political engagement with the government of the United States and its subunits, now the state and counties of Hawaiʻi. Prince Kūhiō established three founding objectives: 1) elevate (restore) the social status of Hawaiians, 2) elevate (restore) the intellectual status of Hawaiians, and 3) increase pride in race heritage and Hawaiian identity.

The KHCC disagrees with the Division of Aquatic Resources and Department of Land and Natural Resources conclusion that comments submitted during the review process have received satisfactory responses in the RFEIS.

Paragraph 136 of the Environmental Council's Amended Findings of Fact, Conclusions of Law, and Decision and Order Nunc Pro Tunc to August 13, 2020 states, in part, "Accordingly, the [original] EIS does not propose or even discuss mitigation measures specific to reducing cultural impacts that are not ecological in nature."

The Kona HCC finds that the RFEIS does not propose or discuss mitigation measures specific to reducing the cultural impacts that are not ecological in nature.

The Executive Summary of the RFEIS makes the following statements:

“The Cultural Impact Assessment (CIA; Appendix A) concluded that cultural impacts would occur if issuance of Aquarium Permits under an alternative would cause a significant decline in the population of a White List Species considered to be a cultural resource, either directly through the collection of fish or indirectly through habitat impacts. It is noted, however, that some believe that collection for aquarium purposes, regardless of impact or sustainability, is a violation of traditional beliefs. While seven of the eight species on the proposed Revised White List have a known cultural use for food, medicinal, religious or ceremonial purposes, it is assumed a negative cultural impact could occur if populations of any of the eight species were impacted. As detailed in Section 5.4, populations of the eight species on the proposed Revised White List are not anticipated to substantially decline under the Preferred Alternative. However, given that some native Hawaiians believe any collection for aquarium purposes is contrary to cultural practices, the Preferred Alternative may impact cultural practices, but the extent of the impact is unknown. Under the Preferred Alternative, negative cultural impacts in the WHRFMA would be less than the other action alternatives which include commercial aquarium collection in the WHRFMA due to implementation of the proposed Revised White List (32 species would not be collected at all in the WHRFMA) and individual catch quotas for the remaining 8 species. No negative cultural impacts would occur under the No Action Alternative, and negative cultural impacts under the CML-only Alternative would be limited to East Hawai’i.”

Article XII, Section 7 of the Hawai’i constitution states: “The State reaffirms and shall protect all rights, customarily and traditionally exercised for subsistence, cultural and religious purposes and possessed by ahupua’a tenants who are descendants of native Hawaiians who inhabited the Hawaiian Islands prior to 1778, subject to the right of the State to regulate such rights.”

The RFEIS statement that “the extent of the impact is unknown” is incorrect. Numerous cultural practitioners, who are also descendants of native Hawaiians who inhabited the Hawaiian Islands prior to 1778, stated in the CIA that any alternative that enabled the collection for aquarium purposes is a violation of traditional and customary practices. This violation is a significant negative impact that causes irreparable harm because the impact 1) cannot be adequately compensated by monetary damages and 2) constitutes a deprivation of constitutional rights.

Further, the RFEIS does not acknowledge that traditional and customary practices are based upon ‘ohana and ‘ahupu’a and that any action other than No Action will result in negative cultural impacts discriminatory against some traditional and customary practices and practitioners while favoring others.

The Hawai’i Supreme Court has ruled that traditional and customary Hawaiian rights are a part of the public trust. The Court along with the state legislature have taken the position that the precautionary principle should be applied when there are present or potential threats of serious damage to cultural resources, which include traditional and customary Hawaiian rights and practices.

The state Supreme Court has also ruled the applicant bears the burden of proof that their proposed activity does not result in harm or loss to the public trust. Where uncertainty exists, the

State's duty to perform as a public trustee requires a presumption in favor of public resource protection.

The Kona HCC would like to acknowledge the BLNR for exercising its affirmative duty to act as a trustee of the public trust in this matter. We urge the BLNR to continue applying the precautionary principle in this matter by rejecting this RFEIS.

Mahalo,

A handwritten signature in black ink, appearing to read "Caleb Kekoa Nazara", written over a horizontal line.

Caleb Kekoa Nazara
President

From: [Janice Kopff](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] Support the West Hawaii Aquarium EIS
Date: Monday, June 21, 2021 4:11:51 PM

Janice Kopff
1111 South Highway 79
Winfield, MO 63389

June 21, 2021

Dear Hawaii Board of Land and Natural Resources,

Re: DLNR's adoption of the Environmental Impact Statement analyzing Issuance of Commercial Aquarium Permits for the West Hawai'i Regional Fishery Management Area (WHRFMA).

Numerous impact statements have been submitted and Modern Science has clearly shown the industry's sustainability. I have relocated to the mainland but I lived in HI for 25 years and this discussion was going on as far back as 1979 when I first moved to the Big Island.

West Hawaii aquarium fishers have been out of work for over three years, yet the West Hawaii aquarium fishery is one of the best-managed near-shore fisheries in the world. Well educated scientists and DLNR staff agree with this. The opponents of the industry have repeatedly shown ignorance about scientific facts. There has never been depletion of the reef fish due to the industry. Qualified Licensed collectors insure continuation of all species because their very livelihood depends on it! Much Akin to plumeria growers who pick the flowers but don't cut down the trees!

Dive charter boats dump hundreds of people every day, all day and into the night too, into the waters off of the Hawaiian shores. The oil slicks around the boats are testimony to the sunscreen that these drivers are polluting the water with, that can't be good for any marine life. Their activities destroy coral, shell fish and do their part to negatively impact the oceans of Hawaii. They should be regulated, not the fisherman who care about the fish! Why are we only looking at a handful of collectors while these other damaging activities are occurring everyday with no regulations imposed?

Sincerely,
Janice

From: [Kirstin W](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] Please reject aquarium collection from reefs
Date: Tuesday, June 22, 2021 11:23:30 AM

Hello -

I am a sustainability professional and care deeply about Hawai'i, the 'aina and reefs. I do not believe any commercial fish collection from the reefs should be permitted, particularly given the many threats reefs face today, changing climate among them. Therefore, in regard to agenda item F.3, I ask BLNR (Board of Land & Natural Resources) to REJECT the Revised Final Environmental Impact Statement (RFEIS).

Mahalo,
Kirstin

From: [jordan kurokawa](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] No to aquarium trade
Date: Wednesday, June 23, 2021 10:47:15 PM

Please do not allow aquarium traders to make a profit off of our waters. It is despicable to sell out wildlife to people all around the world.

Keep Hawaii, Hawaii.

Mahalo

Jordan Kurokawa

Sent from my iPhone

From: [Mark Kurtz](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] Ornamental Fishery
Date: Thursday, June 24, 2021 3:18:26 AM

Good Morning,

While I live in Texas, I have visited Hawaii many times and love the marine wildlife and scuba diving. I also appreciate the concern of citizens to maintain the reefs and marine wildlife. Hawaii has a unique opportunity to lead as an example to the world on how to effectively and intelligently manage the ornamental fishery (along with other fishing of marine life). Hawaii has the resources and industry professionalism to devise an effective plan.

“One size fits all” rarely works, while it might be an easy path. Unfortunately, such an approach ignores the realities of fish populations, reproduction rates, employment needs and conservation. I hope Hawaii allows the ornamental fishery to restart with a balanced approach. No one wants to see populations decimated but a reasonable harvest of species with stable populations provides an employment opportunity for many people involved directly and indirectly in the fishery. I love Hawaii’s ornamental fish and maintain a 360 gallon reef tank, including Hawaiian species. It is a frequent reminder of the beauty of Hawaii.

Please allow the ornamental fishery to once again collect and export fish in a responsible manner.

Thanks,
Mark

Mark L. Kurtz
Sugar Land, TX

From: [Andrew Kwon](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] In support of the Aquarium Fishery FEIS passage
Date: Wednesday, June 23, 2021 4:59:41 PM

Hello, I am writing to voice my support for the sustainable Hawaii Aquarium fishery. As a hobbyist for over 15 years I have enjoyed several different Hawaiian fish in my own home and in the aquariums of some lifelong friends for many years. From the iconic yellow tang, to the hawaiian flame wrasse my all time favorite fish. Chevron tang is another all time fav.

I respect the decision to impose catch limits, studies to show the collection is still sustainable but outright bans, particularly when the Hawaiian fishery is considered to be the most well managed on the planet is very disheartening. This seems to be strictly an emotional response and not one backed by science.

While I am just enjoying aquarium fish at home for personal and family pleasure, many in the hobby have led to real world projects such as the coral spawning work done by Jamie Craggs. Who knows what future ocean problems may be solved thanks to the inspiration of home aquariums. Additionally marine captive breeding is just in its infancy with yellow tangs only in the last few years being captive bred. In future years wild broodstock will be needed to allow the captive breeding projects to continue. As more and more species are able to be bred in captivity the demands of wild collection will only go down despite the popularity of the hobby increasing. However this will not be possible without the collection of wild caught fish.

Thank you for taking the time to read this.

Andrew Kwon

From: [caroline landry](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] Please reject the EIS
Date: Wednesday, June 23, 2021 4:15:50 PM

Aloha,

My name is Caroline Landry and I live in Hawaii county. I swim in the ocean weekly or so, and over the years, I keep seeing fewer and fewer, and smaller fish. I have learned about aquarium fishing and how many fishes just die in transport. These beautiful creatures should not be sacrificed simply for some likelihood at becoming a live ornamental background, or pet, without the ability to run the course of their lives in their native environment.

I also have concerns related to responsible fishing: we already know that aquarium fishers are breaking the laws and poaching despite the current ban. If we blurry the rules, there will be absolutely nothing to prevent the "free for all" that follows.

Mahalo for reading.

Caroline

From: [Dan L](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] West Hawaii Fisheries
Date: Saturday, June 19, 2021 2:26:15 PM

Aloha,
Please stop the aquarium fish collection in all of west Hawaii.
Mahalo,
Dan and Stacey Lanterman
Kona, HI

From: [Alan Lem](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] Item F3 Support
Date: Tuesday, June 22, 2021 10:19:02 AM

Chair Case and The Board of Land and Natural Resources

RE: Support the West Hawaii Aquarium Revised EIS

Dear Chair Case and Board Members:

I am reaching out to you today to express my support for the Revised Final Environmental Impact Statement (RFEIS) for the West Hawai'i Aquarium Fishery published June 8, 2021, in The Environmental Notice.

The Aquarium Fishery in Hawaii has enabled people all over the world over to appreciate the beauty and learn about the marine life of Hawaii. Exposure to and appreciation for Hawaiian marine life creates awareness and understanding of the importance of the health and viability of our oceans.

By participation in the lawful, responsible, and sustainable commercial collection of various fish species from nearshore habitats, it safeguards against potential over-exploitation of the States Marine Resources.

Your support for this program will ensure the ongoing sustainability of the Aquarium Fishery in West Hawaii and provide livelihood for many people. Thank you.

Sincerely,

Alan Lem
Advance Aqua Tanks
515 W. 130th St.
Los Angeles, CA 90061
Work: 310-538-4282

From: [Steven Leong](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] Support the West Hawaii Aquarium EIS
Date: Monday, June 21, 2021 11:03:47 PM

Steven Leong
98-820 Moanalua Rd
Aiea, HI 96782

June 22, 2021

Dear Hawaii Board of Land and Natural Resources,

My concern is how this law has "umbrellaed" the collection of reef fish by local hobbiest.

I am 1/4 Hawaiian, and was born and raised in Hauula, where I would spend days at the beach, watching and looking at the interesting sealife.

Presently I am 69 years old. When I was 5 years old, my parents bought me a ten gallon aquarium. My mother helped me catch my first fish, a kupipi. I watched that aquarium for days. As the years passed, my interest in sealife continued to highschool, when I was able to build my own 75 gallon aquarium. I had a group of friends who were also interested in marine aquariums and their upkeep. We'd spend our weekends snorkeling for fish to put into our tanks. We traded information and learned all the local fish's names, common and Latin. We exchanged information on what the best and most updated filtrations were. We were the "aquarium fish geeks".

I went to the University of Hawaii in 1970, where I got to combine my hobby with studies. The love for sealife I had gained from my hobby made classes and writing my papers fun and interesting.

In 1975 I had the opportunity to turn my hobby into a business. I designed and set up aquariums for customers, in homes and businesses. I also offered them a maintenance contract to care for their setups. I collected fish on the side, and sold/traded them with public aquariums and shops. Japan companies sponsored me to travel the world to collect rare, new to science species. I was incredibly fortunate to visit Egypt, Puerto Rico, Easter Island, Austrial Islands etc. to do what I loved.

Being in the center of the Pacific Ocean, Hawaii should be the front runner in Aquaculture. We should be generating the "best of the best" educators, business owners, and scientist led by local born leaders in the field. Instead, presently most of the "few" existing companies are own by out of State people.

What was done (I'm sure with the best intention) in court with this law, unfortunately, also stripped away our keiki's chances, to collect, study, enjoy reef fish, and possibly build a foundation for their futures in the fields of ocean science, ocean oriented entrepreneurship and Aquaculture. I hope you will consider removing this hurdle that our keiki's now must face to gather specimens for their fish tank. Our ocean and reefs stand a better chance of being cared for and protected if the younger generations are encouraged to use the sea that surrounds us to fuel and seed their interest, as it did myself, and to contribute to the future of our State.

Aloha and Mahalo,
Steven Leong
Aquarium Design Center of Hawaii

Sincerely,
Steven Leong

June 13, 2021

TO: Chair Case and Board of Land and Natural Resource Members

RE: In Support of West Hawaii Aquarium Revised FEIS

Dear Members,

The revised FEIS clearly shows a healthy and sustainable fishery. I support this FEIS and I'm happy to see the new preferred alternative offers even more protection and ensures growing fish populations in the future.

Mahalo,
Sarah Leung
sleungbc@yahoo.com

From: [Peggy](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] Joy of Snorkeling Reefs in Hawaii is gone
Date: Tuesday, June 22, 2021 11:19:52 AM

To whom it may concern:

We have visited Hawaii many times. I LOVE to snorkel mainly due to my first experience in Hawaii several years ago. It was amazing-magical. The fish were vibrant and plentiful. We have been back several times since to snorkel. Each time we go, what was once a wonderful experience has been dwindling down to a great disappointment. In 2019 we purchased two Snorkel Tours to different reefs. We couldn't believe the lack of fish. We saw next to no fish. I thought the fish may have caught diseases or something. After looking into the problem, we discovered that the fish were being removed by commercial companies. We are returning in November with hopes that Hawaii is protecting these wonderful creatures for all who come to enjoy them, rather than allowing greedy indifferent companies to remove them so that a few individuals I can watch the captured fish in aquariums.

How / Why would Hawaii permit these corporations drain the wonderful and beautiful resources? Tourism will diminish if this practice goes unchecked. The preservation of your priceless treasures should be a top priority to any government agency that hopes to keep Hawaii a paradise rather than just one of many options to vacation at.

Putting restrictions in place without oversight and regulations is useless. Please protect your wonderful resources. Please prohibit the ravaging of your "once magical" Reefs.

Please - Please do not permit the practice to go on.

Mr Ronald Longoria
Mrs Peggy Longoria

33109 Sandpiper Court
North Ridgeville, Ohio 44039

440 316 6174

From: kyriakoslouca@hotmail.co.uk
To: [DLNR.BLNR.Testimony](#)
Date: Monday, June 21, 2021 11:30:52 AM

I oppose the reopening of the West Hawaii areas to aquarium collecting even as a pet trader
best leave the reefs to repopulate again.

Regards

Kyriakos Louca.

From: [kathy lucke](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] EIS
Date: Wednesday, June 23, 2021 9:02:49 AM

I live for 5 months a year in Hawaii on the Big Island in a home I own . I snorkel many times in a variety of places on the island and am appalled at how poor in general the snorkeling is. I do not want the EIS information accepted as factual and do not support harvesting of fish for aquariums. I trust that you will receive and read this e-mail. Thank you, Patricia K. (Kathy) Lucke

From: [Steve Maletzky](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] ITEM f3 SUPPORT/WEST hAWAII aQUARIUM
Date: Tuesday, June 22, 2021 8:43:36 AM

WE SUPPORT THE RIGHT OF FISHERMAN TO SUSTAINABLY COLLECT FISHES
FOR EXPORT

--

Steve

From: [Ingrid Malone](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] Aquarium Reef Fishing in West Hawaii
Date: Tuesday, June 22, 2021 6:13:06 AM

Aloha,
Reopening our West Hawaii reefs for the mainland pet industry is wrong! Allowing the reopen our reefs to aquarium collection is very destructive.

Please REJECT the Final Environmental Impact Study for failing to disclose the significant environmental and cultural impacts of this destructive, ornamental trade!!

Mahalo nui!
Ingrid Malone
Keauhou Kai Kamehameha III Rd #301
Kailua Kona, HI 96740

From: [S.A. Marek](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] Maintain the ban on the Aquarium trade
Date: Sunday, June 20, 2021 11:33:49 AM

Hello,

I live on the Big Island and regularly swim and snorkel in the ocean on the west side. I am opposed to the aquarium trade. When the moratorium on collecting aquarium fish went into effect a few years ago, it was a boon for the entire reef ecosystem and the fish numbers have slowly been increasing.

Please reject their new environmental impact statement. I ask you to protect the reef fish and our coastline.

Thank you,

Sherry A. Marek
Big Island resident

From: [Stephen Markowiak](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] Stand with science and small business, repeal the ornamental fish collecting ban
Date: Monday, June 21, 2021 4:33:40 PM

As a public health professional, it concerns me that the HI government senselessly eliminated the world's best run and most sustainable fisheries. That this was done without a shred of evidence or any environmental impact surveys showing harm to local fish populations is condemnable. The Hawaii ornamental fish trade is one of the best studied, most heavily managed fisheries in the world. Please reconsider this previous shortsighted decision, and make a new policy which sets an example of stewardship and common sense.

Thank you,

Stephen Markowiak, MD, MPH

Sent from my iPhone

From: [Bret Martines](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] No aquarium collection
Date: Sunday, June 20, 2021 10:39:44 PM

Dear Sirs,

Please reject the aquarium collecting option! Hawaii is a special place inhabited with unique creatures that shouldn't be sold off. It's bound to impact the local fishermen as well. So, please do not allow aquarium collection.

Thank you,

Bret Martines

Sent from my iPad

From: [Karen Martinez](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] Reject the EIS
Date: Wednesday, June 23, 2021 6:27:37 AM

I am an Hawaiian resident. I am in total and complete rejection of the EIS. WE must do better.

Karen Martinez
Big Island resident

From: [Ashley Mason](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] Please Reject RFEIS
Date: Tuesday, June 22, 2021 8:35:46 AM

Aloha,

My name is Ashley Mason, I'm a resident of Hawai'i and am writing to ask that you please reject the Revised Final Environmental Impact Statement regarding Hawaii Island Commercial Aquarium Permits.

My love for Hawaiian waters and the fish that call them home is what drew me to the islands and the reason I choose to live here. I believe they are invaluable to the marine ecosystem and worth far more in the sea than they are in an aquarium.

Thank you for continuing to protect our marine wildlife.

Mahalo,
Ashley

--

Ashley Mason

From: [Paul McCormick](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] Aquarium industry revised EIS
Date: Monday, June 21, 2021 7:34:03 AM

Dear sirs,

I would like to take this opportunity to urge you to reject the Pet Industry Joint Advisory Council' revised EIS for neglecting to take into consideration all the interested party's positions as well as not providing a public comment period for the revisions.

The aquarium reef fish are too important a resource to Hawaii to push this though without full consideration.

Mahalo,

From: [Mindy McDermott](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] Agenda Item F.3 Testimony
Date: Tuesday, June 22, 2021 6:58:29 AM

Hello,

My name is Mindy McDermott, a resident of Oahu and science instructor/researcher for the past six years. I strongly encourage you to reject this EIS (Agenda Item **F.3**). I firmly believe more research must be conducted before we allow West Hawai'i to reopen to the aquarium trade.

Thank you for hearing our concerns,
Mindy McDermott, PhD.
Instructor
Chaminade University

From: [Mcelvaine, Kerri](#)
To: [DLNR.BLNR.Testimony](#)
Cc: kerrithethefishgirl@gmail.com
Subject: [EXTERNAL] Item F3 Support / West Hawaii Aquarium EIS
Date: Monday, June 21, 2021 10:56:47 AM

June **21**, 2021

Chair Case and The Board of Land and Natural Resources

RE: Support the West Hawaii Aquarium Revised EIS

Chair Case and Board members:

I contact you today to support the Revised Final Environmental Impact Statement (RFEIS) for the West Hawai'i Aquarium Fishery published June 8, 2021, in The Environmental Notice.

Pursuant to the best available science of the RFEIS, the *REVISED WHITE LIST AND LIMITED PERMIT ISSUANCE (PREFERRED) ALTERNATIVE* was developed that addresses the stated reason for denial of the previous FEIS submittal.

The preferred alternative is sustainable, only allowing take of species proven stable and increasing over twenty plus years of monitoring. The total allowable catch is an overall reduction from historic averages to ensure a buffer for climate change.

Aquarium Permits would be limited to 7 permit holders, fishing only the West Hawaii Regional Fishery Management Areas (WHRFMA), and limiting collection to 8 identified species. These species in turn would be subject to catch quotas.

Permittees would abide by all rules and regulations set forth in HRS 189-2,3 (Commercial Marine Permit), HRS-188-31 (Section 1.2.1), governing Aquarium Permit use, and would obtain a West Hawai'i Aquarium Permit as required under HAR 13-60.4 (Section 1.2.3.2). Existing slot limits for Yellow Tang and Kole remain in effect in addition to the individual catch quotas.

This Alternative supports the DLNR's purpose to ensure that in context to commercial aquarium collection, such fishing does not lead to degradation of fish populations and the habitats in which they occur. It specifically addresses concerns related to declining populations and sustainable collection. It supports the Applicant's purpose and need to continue fishers' livelihoods participating in the lawful, responsible, and sustainable commercial collection of various fish species from nearshore habitats.

Table 32. Proposed Individual Catch Quotas for the Revised White List. Annual limit [from January 1 through December 31](#) of each year

Species	Individual Catch Quota (per fisher)	Total Potential Catch (all 7fishers)
Yellow Tang	28,571	200,000
Black Surgeonfish	450	3,152

Orangespine Unicornfish	838	5,872
Kole	3,750	30,000
Bird Wrasse	49	344
Potter's Angelfish	625	4,376
Thompson's Surgeonfish	288	2,016
Brown Surgeonfish	114	800

I encourage your support to this program. In this well regulated artisanal fishery, you will return many back to work. And many of us in other parts of the world interested in marine sciences may again have the opportunity to study and enjoy such fauna.

Very truly yours,

Kerri McElvaine

kerrithethefishgirl@gmail.com

From: [Mckibbin, Daniel](#)
To: [DLNR-ELNS-Testimony](#)
Subject: [EXTERNAL] Item F3 Support
Date: Tuesday, June 22, 2021 10:45:28 AM

As an avid aquarist for most of my life I would like to take this opportunity to strongly urge your department to take a closer look at the impact your proposed closure will continue to have. The Revised Final Environmental Impact Statement for The West Hawaii Aquarium Fishery, published June 8th in the environmental notice, shows the fishery is well managed. The fishery has been very well documented and has been studied very closely for the last 20 years. . From the personal to the wider ranging economic concerns there are many people and industries affected. Your state has one of the best track records in the world for managing the waters around itself. This fishery has provided marine aquarist's the world over with many hundreds of thousands of specimens of some of the most iconic marine species. Its shown to be sustainable and is the lifeblood of many native Hawaiians. From the much beloved Yellow Tang, the beautifully stark Bandit Angelfish and the absolutely gorgeous Flame Wrasse, Hawaii has been a bastion of sustainably collected aquarium fish. While the wishes of the Hawaiian people who ask for this closure should be considered, the voices of the fisherman who inhabit the land and waters of your great state should be heard also.

Daniel Mckibbin
Executive Chef
Morrison Health Care
UF North 41979
O 904.250.0448 ext. 76325 C 904.651.9460

This email is subject to certain disclaimers, which may be reviewed via the following link. <http://www.compass-usa.com/disclaimer/>

From: [Bonnie McMullen](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] Against Fish Capture
Date: Monday, June 21, 2021 7:43:29 PM

The environment, the planet and all of its inhabitants continue to be thoughtlessly, destructively and systematically dismantled.

YOU, right now, at this critical moment in time, have the opportunity and the obligation to stop this irreversible onslaught. Please use your heart and mind to vote against any further pillaging of our oceans' wildlife. It has to stop NOW.

Thank you for using this unique opportunity to have a hand in saving our planet. The repercussions of not acting in the best interests of our wildlife are overwhelming.

I trust you to stand up for our ocean inhabitants and for the well-being of our planet:

No more fishing our waters for aquariums!

Aloha,

Bonnie B. McMullen

Sent from my iPad

From: [Peter Millar](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] Agenda Item F.3 Testimony
Date: Sunday, June 20, 2021 5:36:41 PM

Aloha,

My name is Peter Millar and I am a full-time Hawaii resident at 73-4338 Ho'olana Pl. I have been a scuba Instructor in Hawaii for almost six years. I urge BLNR to REJECT the EIS to reopen aquarium collecting. We as scuba instructors aim to show people the wonders of our reefs here in Hawaii. And that includes the marine life that make the reefs their home. Aquarium collecting takes away/worsens the very thing that thousands of people come here every year to enjoy. Thousands of people who spend millions of dollars every year. Without healthy, thriving reefs to draw them in all those people and their money will no longer come here. And how can the reefs remain healthy and thriving if so many fish are being harvested, and who knows how many more besides that are not reported or get thrown away like trash, like all those yellow tang that wound up in the dumpster at Honokohau Harbor a few years ago? How can anyone look at something like that and not see the waste of life and destruction for what it is? It makes much more sense to support laws that preserve the life on our reefs than uphold those that destroy it.

Thank you for your time,
Peter Millar

From: [Scott Crawford - Kipahulu Ohana](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] Agenda Item F.3 Testimony
Date: Wednesday, June 23, 2021 8:54:03 AM

Aloha Chair Case and Board Members,

On behalf of the Kipahulu Ohana, Inc., and in support of the traditional practitioners and subsistence families of west Hawaii, we urge you to reject the Aquarium Fishery EIS.

Mahalo,

Mike Minn, President
Glenna Ann Lind, Secretary/Treasurer
John C Lind, Jr., Project Director
Scott Crawford, Executive Director

Kipahulu Ohana, Inc.

PO Box 454

Hana, HI 96713

[https://urldefense.com/v3/__https://www.kipahulu.org__!!LIYSdFfckKA!nsFxEcTFP3Anh0ZS6eBEGXrSi-ExXm8WG3tJ_QcLvnnZGuzzF8rwSY8Czgm_7KB2zlsHEo\\$](https://urldefense.com/v3/__https://www.kipahulu.org__!!LIYSdFfckKA!nsFxEcTFP3Anh0ZS6eBEGXrSi-ExXm8WG3tJ_QcLvnnZGuzzF8rwSY8Czgm_7KB2zlsHEo$)

From: [David Monasevitch](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] Agenda Item F.3 Testimony
Date: Saturday, June 19, 2021 8:12:48 PM

Aloha Gentlepersons of the BLNR,

I urge you to reject the final EIS for reopening West Hawaii to the aquarium trade. Come off it already. There is no short or long term environmental benefit to harvesting reef fish for aquariums. The only benefit is for a handful of people making money by taking from nature. It is wrong on all levels. To condone this behavior, in this day, knowing what we know about the state of the oceans and the future of life on the planet is an indication of the shared severe trauma you and the fish takers have in common. There is no other explanation for such a disconnect from the living world. I urge you to make your decision with courage and fearlessness and integrity. Reject the EIS.
Signed,

David Monasevitch

To: Chair Case and Board of Land and Natural Resource Members
Re: In support of West Hawaii Aquarium Revised FEIS

Dear Members,

I fully support the West Hawaii aquarium revised FEIS.

Thank you,
Vilma Morgado
vilma.morgado@yahoo.com
June 15, 2021

From: [Charles Morgan](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] Aquarium Fish Collections in Hawaiian waters
Date: Thursday, June 24, 2021 8:04:34 AM

Dear Board,

I strongly oppose continuation of fish collections for aquarium markets, proposed by the following EIS. Please select the "No Action" Alternative when this matter will be considered in Item F-3 of tomorrow's Board meeting. DLNR has already done a terrible job protecting our coastal marine fish communities by almost non-existent enforcement of fishing regulations. The reefs need all the help they can get. Please make sure that collections for aquaria sales are totally prohibited.

An active and concerned diver,
Charles Morgan

[2021-06-08-HA-Revised-FEIS-Hawaii-Island-Commercial-Aquarium-Permits.pdf](#)

Charles L. Morgan, Principal
Moana Hohonu Consulting LLC
94-452 Mūlehu St., Mililani, HI 96789
Charles@moanahohonu.com
www.moanahohonu.com
+1 808-295-0582

From: [Karima Morgan](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] Agenda item F3 Testimony
Date: Monday, June 21, 2021 11:26:15 AM

I am a resident of Hawaii. I have been following the process of this EIS because as a frequent snorkeler, I have seen a diminishing number of the beautiful fish that used to be so abundant on our reefs. I am aware that there are many factors contributing to this decline but one that we can surely influence is the number that are being collected for sale. Please consider a thorough review of the EIS and reject it until such time as all issues have been addressed. It has been brought to my attention that the data being considered fact is actually inaccurate and that the input from Native Hawaiians, other experts and general community has not been adequately considered. Nor has there been made a clear plan for enforcement and compliance. Please put some teeth in this bill and save the reef fish for those who live here and who come here for the enjoyment of the creatures in the wild.

Mahalo

Karima Kathrayn Morgan

Kihei

From: [Arthur Mori](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] Agenda item F3
Date: Wednesday, June 23, 2021 7:53:28 PM

I am a Hawai'i resident deeply concerned about protecting our environment, especially the ocean surrounding us. The continued attempts of aquarium collectors to deplete our reefs must stop. Please study the EIS carefully - it does not provide protection for the fishes.

Waltraut Mori

From: [Maki Morinoue](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] I strongly reject F.3!
Date: Thursday, June 24, 2021 8:17:57 AM

Aloha Department of Land and Natural Resources,

My name is Maki Morinoue from Holualoa, HI.

I strongly reject F.3!

This 70 Billion Dollar industry, is no wonder in the same year we are faced with testifying to protect our Natural Resources so soon. They will continue to try to pass a law to resurrect this year after year to try and sneak it in when people are not looking.

This should NEVER pass, for life.

The argument on why it is ok to continue to harvest from our ocean is repulsive as it holds no scientific evidence. I visualize the downfall of our beautiful fish!

I grew up here and I am saddened that when I go to the ocean we do not see beautiful colorful fish like we used to. Snorkeling for tourists is now as exciting. We have BIG schools of yellow tang. That was our Kona Gold. When humans tamper with the balance of nature for profit, it will cause a negative impact to the balance of life. There is a reason that we have big schools of fish. We notice we do not have big schools of fish anymore. That is food for larger fish, that helps the ecosystem for the coral.

Do not pass this. This will cause a massive negative ripple effect in our ocean and with our people. The only people this impacts are hobbyists...to me we as a human species need to understand critical thinking and responsibility. I don't care about someone's hobby.

Protect our Natural Resources!

Mahalo

Maki Morinoue

808-895-5152

--

Maki Morinoue

Share your ALOHA

"Aloha Spirit" is the coordination of mind and heart within each person. It brings each person to the self. Each person must think and emot good feelings to others.

In the contemplation and presence of the life force, "Aloha,"

From: [Gail](#)
To: [DLNR.BLNR.Testimony](#)
Cc: [Gail Morris](#)
Subject: [EXTERNAL] Reject the EIS
Date: Saturday, June 19, 2021 6:05:42 PM

Aloha-

As a long time resident of Puako, I have seen the reef from Hapuna to Paniau deteriorate over the years with fewer and fewer fish at Hapuna, Beach 69, and Puako reef. A few years ago I believe the aquarium trade was stopped in our area and we have seen a number of schools of yellow tang, convict tang, moorish idols and other “decorative” fish increase over the past several years.

Stop the aquarium trade and really fine those who are caught doing this. Please. For the health of our reef and to preserve our schools of fish for future generations.

Regards,

Mary Gail Morris
Puako Beach Drive

From: [Marcia Mueller](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] Item F.3
Date: Wednesday, June 23, 2021 8:18:58 AM

Sustainability of a species or a resource is unpredictable. The ocean habitat is getting more polluted, and fish populations are going down. We should not help deplete their numbers.

Please do not allow fish to be removed for the pet industry. Wild animals do not belong in cages or aquariums.

Thank you for your attention.

Marcia Mueller
Spokane, Washington

From: [Bruce Mundy](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] Testimony in support of the Revised Final Environmental Impact Statement (RFEIS) for the proposed issuance of commercial aquarium permits, etc.
Date: Monday, June 21, 2021 9:52:24 AM

Dear Chairperson Case and members of the State of Hawai'i Board of Land and Natural Resources,

I write to give my support for acceptance of the Revised Final Environmental Impact Statement (RFEIS) about the effects of the proposed issuance of commercial aquarium permits, commercial marine licenses, and West Hawai'i aquarium permits for the West Hawai'i Regional Fishery Management Area.

The research cited in the RFEIS is sound. Claims that it does not represent the best available science are false. Hawai'i has one of the best-studied aquarium fisheries in the world. The aquarium fishery on the Kona Coast of Hawai'i Island is also one of the best-managed in the world. While it is true that management of the fishery at certain other of Hawaii's islands could be improved, efforts by some people to close the aquarium fishery are not based on the scientific facts or understanding of the management of the fishery. The Preferred Alternative outlined in the RFEIS would be a good step toward improved management of the fishery.

I am a retired ichthyologist and fishery biologist with 46 years of professional marine research experience. Thirty-six of those years have been in Hawai'i, studying marine resources and participating in management activities for them. Among other things, I was part of the group that worked to establish the Pupukeya-Waimea Marine Life Conservation District to help protect Hawaii's coral reefs and better manage populations subject to aquarium and other fisheries.

There are many years of data on the aquarium fishery in the state, with many surveys conducted during research by the State of Hawai'i Department of Land and Natural Resources and the U.S. National Marine Fisheries Service. Those data were collected using rigorous, well-vetted, and peer-reviewed scientific protocols. The RFEIS reviews those studies, includes them in its Literature Cited section, and uses their findings to form its recommendations. It would not be responsible to ignore or dismiss this research.

The protected areas on the Kona Coast and management of its aquarium fishery can be a model for a sustainable aquarium fishery throughout the state. Rejecting the RFEIS and closing this fishery would be a rejection of good science and good natural resource management in the State of Hawai'i.

Sincerely,

Bruce C. Mundy

965 Prospect St., Apt. 602

Honolulu, HI 96822

Email: mundyichthyo@gmail.com

From: jason@jasonswatergardens.com
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] Agenda Item F.3 Testimony
Date: Saturday, June 19, 2021 7:37:26 PM

Aloha

I am a resident of Kona and I strongly feel that the collection of aquarium fish in Hawaii will negatively affect our reef ecosystem. These individual fish are important for keeping our reefs healthy. Hawaii's reef fish are native wildlife that should not be bought and sold. Increase the fines for poachers and stop the trade of these Hawaiian native species for good.

Mahalo

Jason Murray

From: [Kaikea Nakachi](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] Aquarium RFEIS
Date: Thursday, June 24, 2021 8:13:44 AM

Aloha BLNR,

My name is Kaikea Nakachi and I'm urging you all to please reject this extractive industry's latest revised FEIS. Mahalo for rejecting their previous flawed submissions. Once again they have failed to address the many flaws the board identified. Most concerning is their continued ignorance to Hawaiian culture and indigenous knowledge. They continue to exclude the CIS and as evidence of the many recent cases have continued to illegally harvest and remove public trust resources. This greed and destruction is not pono and has no place here in Hawai'i. Please reject this RFEIS.

And please allow me to provide a short oral testimony tomorrow. Kaikea Nakachi, 8087562835, kaikean@hawaii.edu, Kaikea Nakachi's MacBook Pro.

Mahalo nui, aloha nui,
Kaikea Nakachi

--

Kaikea Nakachi
UH Hilo TCBES
Malama Mano
kaikean@hawaii.edu
(808)756-2835

From: [Cynthia Nakamura](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] Testimony in Opposition to Agenda Item No. F.3.
Date: Wednesday, June 23, 2021 1:51:58 PM

DATE: June 25, 2021, 9:00 A.M.

TO: THE BOARD OF LAND AND NATURAL RESOURCES

RE: TESTIMONY IN OPPOSITION TO AGENDA ITEM NO. F.3.

Determination of Whether the Revised Final Environmental Impact Statement (RFEIS) Complies with Applicable Law and Adequately Discloses the Environmental Impacts of Proposed Issuance of Commercial Aquarium Permits, Commercial Marine Licenses, and West Hawai'i Aquarium Permits for the West Hawai'i Regional Fishery Management Area, for the Purpose of Accepting the RFEIS.

Thank you for the opportunity to provide written testimony in opposition to the adoption of the Revised Final Environmental Impact Statement (RFEIS) which proposes to allow commercial aquarium collection of marine life in West Hawai'i.

My name is Cynthia Nakamura and I am a resident of the state of Hawai'i. I have been snorkeling and swimming in many locations throughout the state for many years, and have seen the rapid decline in fish and marine life populations. Areas where any form of fishing is prohibited support healthier reefs and marine populations. Areas that are not protected are sadly barren of fish and marine life, and much of the coral reefs are decaying. An abundant fish population is necessary to sustain the coral reefs around the state.

Prior to the 2018 West Hawai'i ban, the aquarium trade reported taking nearly two times more reef fish than all food fishers, *combined*. 98% of those animals were herbivores, an important fish group that even DLNR admits should be left on the reef to help build resilience to climate change impacts.

Two of the eight species that would be taken under the RFEIS are so fragile in captivity, that they are sold and shipped at retail without any "Arrive Alive" guarantee. Making matters worse, one of those species, the Potter's Angelfish, is endemic to Hawai'i, found nowhere else on Earth.

The Applicant's RFEIS is not much better than the original:

- It still denies the scientifically proven, significant impacts of aquarium collection in West Hawai'i;
- Claims that taking over 246,000 fish each year won't cause population declines despite the increases in fish populations under the ban;
- Claims there would be no adverse natural, socio-economic, or cultural impacts that need addressing;
- Disregards that the largest surge in Yellow Tang abundance ever documented resulted from the closure of West Hawai'i to aquarium collection

in 2018.

Additionally, none of the 14 reasons that the BLNR gave for rejecting the original FEIS one year ago have been clarified or mitigated. Most public comments and concerns provided on the original FEIS were ignored or outright dismissed. Therefore, once again the BLNR is urged to reject the RFEIS and maintain a ban on aquarium fishing in West Hawai'i.

Wasting our important marine life for a deadly hobby thousands of miles away is not environmentally or ethically justifiable. Now that these fish can be aquacultured, there is no excuse to take them from the wild. The *only* reason the mainland pet trade wants to continue to take Hawai'i's fish from the wild is profits: these animals are cheaper to take than they are to aquaculture.

If DLNR reopens West Hawai'i reefs to the aquarium collectors, fish populations will plunge and all the gains over the last 3 years since the ban will be lost.

Therefore, DLNR is urged to reject the RFEIS and maintain the ban on aquarium collection to protect our delicate ocean ecosystem.

June 14, 2021

To: Chair Case and Board of Land Natural Resource Members
Re: Support of West Hawaii Aquarium Revised FEIS

Dear Members,

I am writing to express my support for the revised FEIS for West Hawaii. Many improvements from the previous FEIS help ensure plenty of fish and healthy ecosystem.

Thank you,
Ronda Navalta
ronda_navalta@yahoo.com

From: [David Neverette](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] Item F3 Support / West Hawaii Aquarium EIS
Date: Tuesday, June 22, 2021 9:16:35 AM

PLEASE LET THESE COLLECTORS (FARMERS) CONTINUE TO DO WHAT THEY HAVE BEEN DOING FOR DECADES AND KEEP THE POLITICS OUT OF REAL PEOPLES LIVES THANKS. DAVID NEVERETTE YOU CAN REACH MY AT DAVIDNEVERETTE@YAHOO.COM 719-359-2860 CELL

From: [Tracie Nicholson](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] 6/24 Meeting
Date: Monday, June 21, 2021 5:19:00 AM

Hello! My name is Tracy Nicholson and I am a visitor of Hawaii. We love visiting the reefs and paddleboarding with ecologically responsible companies who very much care about Hawaii's environment and wildlife.

Per Agenda Item F.3., I would like to ask the BLNR to REJECT the RFEIS submitted by The Pet Industry Joint Advisory Council. Aquarium collection is a destructive and mainly unregulated industry that is terrible for Hawaii in the long run. The PIJAC does not have animal welfare or environmental health in mind as it lobbies to continue this devastating activity. Please consider, at the very least, that healthy reefs and wildlife support far more tourism and business for all than the small number of companies profiting off of extracting aquarium fish. Thank you.

Tracy Nicholson

June 12, 2021

Chair Case and Board of Land and Natural Resource Members

Re: In Support of West Hawaii Aquarium Revised FEIS

Aloha,

I support the West Hawaii revised FEIS. I've traveled to the Big Island several times and have always observed lots of fish on the reefs when I snorkel. I think allowing aquarium fish to be caught is essential for continuing to educate people who only get to see these fish in an aquarium environment.

Mahalo,

Aubry Nicolas

alnicolas77@gmail.com

From: [karen.nordine](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] Agenda Item F.3 Testimony
Date: Saturday, June 19, 2021 4:02:07 PM

Aloha BLNR,

As a resident of Hawai'i, and an avid swimmer, I feel it's important that Hawai'i remains closed to aquarium collectors. Please reject the revised Final Environmental Impact Statement (EIS) to reopen West Hawai'i to the aquarium trade.

Mahalo,
Karen

><(((°> ><(((°> ><(((°> ><(((°>

"I am convinced that life is 10% what happens to me and 90% of how I react to it. And so it is with you... we are in charge of our Attitudes."- Charles Swindoll

From: [Wendy Noritake](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] Agenda Item F.3 Testimony
Date: Wednesday, June 23, 2021 11:11:21 AM

Dear BLNR Officials,

I am writing in support of Rejecting the EIS for commercial aquarium permits.

In the past two years, I've seen a resurgence of reef fish, so many baby Yellow Tangs have been schooling around the ladder at Mahukona where I swim almost every day. These fish are not the only babies that are making a comeback, but the Yellow Tangs are most visible. This sweet-faced fish can reach the age of 30 when living in the ocean, but will not live that long in someone's fish tank.

I've been a scuba diver, free-diver, swimmer and snorkeler for more than 20 years. The variety of reef fish in West Hawaii is remarkable and must be assured of keeping it that way. With global warming and coral bleaching, the reef fish already have a strain on their lives. They don't need poachers or an aquarium industry to also take away their lives. The reef fish should be allowed to flourish and grow, which will only do well for our ocean environment and economy.

Thank you for listening and taking action.

Much aloha,

Wendy Noritake
Kapaau, HI

From: [C.Nylin](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] Agenda Item F.3 Testimony
Date: Wednesday, June 23, 2021 10:30:46 AM

I am Hawaii resident since 1978. i am concerned about our reefs.Thank you ,C Nylin

- ~ The EIS is wholly flawed-- relying on insufficient, faulty, inadequate and improper data and assumptions;
- ~ The EIS fails to accurately analyze the environmental consequences to reefs and fish abundance of 7 aquarium collectors taking over 246,000 fish, claiming it won't cause an impact;
- ~ The EIS fails to accurately analyze the cultural and socioeconomic consequences of aquarium collection in West Hawai'i and ignores the research showing that Hawai'i residents receive ZERO benefits from the trade, but suffer ALL the costs.
- ~ The EIS fails to propose and analyze any meaningful mitigation or alternatives that would reduce the impacts;
- ~ The EIS fails to adequately incorporate input of Native Hawaiian practitioners, experts, community members, and consulted parties.
- ~ The EIS has NO PLAN for enforcement and compliance measures, even though DLNR asked them to provide them, and even though the trade has shown itself to be full of scofflaws.

From: [Joan O'Brien](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] Please reject the Revised Final Environmental Impact Statement (RFEIS)
Date: Tuesday, June 22, 2021 8:06:15 PM

My name is Joan O'Brien, and I have visited the Hawaiian Islands more than two dozen times. I was devastated to learn of the poor state of the reefs as a result of fish being taken for the aquarium trade. It is certainly a crime against nature to allow these animals to be taken from their rightful home and shipped in boxes around the world, with only a tiny fraction surviving the ordeal.

Regarding agenda item F.3, I ask that BLNR REJECT the Revised Final Environmental Impact Statement (RFEIS). The RFEIS states that aquarium collection will include 8 species, down from 40, as if saying it will make it so. Kona Coast history of poaching and devastation includes coral damage from anchors, chains, nets and collectors destroying corals to flush reef wildlife. The RFEIS claims revenue and jobs from aquarium collection but fails to assess impact on reef-based tourism - exponentially more revenue, jobs—and reef conservation.

Thank you for taking action to protect the reefs and the tourism industry.

Joan O'Brien

From: [Perry Olson](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] EIS and Reopening the West Hawaii Aquarium Trade
Date: Wednesday, June 23, 2021 12:06:54 PM

Ladies and Gentlemen:

As a Kohala residents for fifteen years, I am keenly aware of the importance of maintaining Hawaii's reef fish populations. Since the moratorium has been in effect, the populations of reef fish is already returning.

However, these fish represent a very significant resource for all of Hawaii, and especially native and local fishermen.

The EIS which is presented is shallow and flawed and not based upon expert research or findings. The fact that the harvesting of a quarter of a million reef fish a year for no productive use other than the aquarium trade, which mainly results in the killing of the fish, is even being debated seems incredible to me.

Anyone snorkeling, diving, or fishing in West Hawaii knows that the moratorium serves the people of Hawaii and the aquarium trade serves no one except for a small number of "harvesters".

Please Reject this EIS.

Mahalo,

Perry and Lynne Olson

Sent from [Mail](#) for Windows 10

From: [Carrie Ostroski](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] Agenda Item F.3 Testimony
Date: Tuesday, June 22, 2021 8:51:10 PM

Aloha,

I am a Hawai'i Island resident who cares deeply for the habitat and biodiversity and health of our oceans and sea life and our community, and I am also the executive director of a private foundation that supports marine conservation, community, and culture in our county and state.

I'm writing to ask you to **reject** the revised Final Environmental Impact Statement (EIS) to reopen West Hawai'i to the aquarium trade. The EIS is severely lacking proper data and assessment of cultural, environmental, and socioeconomic impacts of the aquarium fishing trade. This practice has completely changed our golden coast, devastated our precious coral and sea life, and brings no value to Hawai'i or our culture and residents. The EIS is ridiculous, inaccurate, and dangerous.

The aquarium trade is equal to the mafia in its violence against life, its destructive practices, and its frightening sum of illegal cash income and tax evasion. Why in the world would it ever be a good idea to support a plan that destroys life and livelihoods? Again, I ask you to **REJECT** the revised Final Environmental Impact Statement. It's time to say goodbye to aquarium fishing once and for all!

Carrie Ostroski
Hawai'i Island resident
480-290-1961

From: [Michael Paletta](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] Please reopen the fisheries
Date: Wednesday, June 23, 2021 4:06:37 AM

To whom it may concern,

I have been coming to Hawaii for vacation for the past 30 years to enjoy the beauty of the Islands, but mainly to enjoy the snorkeling and beautiful beaches. Over that span I can say that I have not seen any diminution in neither the quality nor the number of fish I come across while underwater, I am also a saltwater aquarium enthusiast. For these reasons I was quite dismayed when I heard that you had banned the collection of ornamental fish for the aquarium hobby due to some misguided environmentalists and a paucity of data, that ran contrary to all the information on how well run the Hawaiian fisheries are. Hopefully you will consider all of the data and all of the lives your decision has impacted and will reopen the fisheries. I am fortunate as I can visit any number of places to vacation and if you decide that you want to continue to take away the enjoyment I receive from getting a few of your fish I will probably visit other places that understand the impact that their decisions make. Please make the right decision,

Michael Paletta

From: [Chris Parodi](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL]
Date: Wednesday, June 23, 2021 11:50:53 PM

Banning the collection of ornamental fish not only upends the livelihoods of those effected directly, but indirectly as well. Boats, scuba gear, holding tanks, specialty shipping companies, fish wholesalers, fish retailers etc etc will all be negatively effected. This law will also hinder our ability to research certain species that are only available through this avenue. Displaying domestics also helps create interest in marine biology with the younger generations.

Sent from [Mail](#) for Windows 10

From: [Kavita](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] Do not allow aquarium collection of our reef fish!
Date: Tuesday, June 22, 2021 11:21:57 AM

.
Aloha I am a resident of South Kona for 8 years now. I am very concerned about the health of our reefs and ocean.
Please do not allow aquarium collectors to rob the reefs of the precious fish!
I URGE you to REJECT the EIS!
Mahalo for your Malama of the precious seas.

.
Blessings,
Darby L. Partner, CPM
Certified Professional Midwife
Hawai'i Holistic Midwifery
~all love surround you~
[https://urldefense.com/v3/__http://www.unfoldinglotus.com_!!LIYSdFfckKA!htF1h4i2_u7SRBn9Di-aMQ1lapt_gCkrMpQW-MVuAiNi401zIVvM8cxwON27HdOC_9LyC74\\$](https://urldefense.com/v3/__http://www.unfoldinglotus.com_!!LIYSdFfckKA!htF1h4i2_u7SRBn9Di-aMQ1lapt_gCkrMpQW-MVuAiNi401zIVvM8cxwON27HdOC_9LyC74$)
808.313.2428

From: [Phil Peck](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] Aquarium Trade
Date: Tuesday, June 22, 2021 11:22:16 PM

WHAT ARE YOU THINKING? This should never ever be a discussion!!! STOP ALL AQUARIUM COLLECTING/ TRADE IMMEDIATELY

Phil Peck

For: Chair Case and Board of Land and Natural Resource Members.
Re: Support for West Hawaii Aquarium Revised FEIS

June 11, 2021

Aloha!

I live in Kohala and I'm commenting in support of the West Hawaii revised FEIS for aquarium fish. The new preferred alternative addressed the concerns from the previous FEIS and is sustainable. By allowing collectors to only catch the species that are most abundant and have increasing populations, as well as reducing total amount allowed to catch of each species, it will prevent any possibility of overfishing or harming sustainable populations.

Thank you,
Kayla Polinske
kaylapolinske@gmail.com

From: [Greg Pope](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] Chair & the Council meeting
Date: Monday, June 21, 2021 8:32:37 AM
Attachments: [image001.png](#)

Chair & the Council meeting

RE: Support the West Hawaii Aquarium Revise EIS.

Best regards, Greg

Greg Pope

General Manager | Fish Mart

28 Richards Street | West Haven | CT 06516

O (203) 937-7387 [Ext.105](#) **M** (203) 843-8787 [FISHMARTINC.COM](https://fishmartinc.com)



Chair Case/Board of Land and Natural Resource Members
Regarding: Support of West Hawaii Aquarium FEIS

June 14, 2021

Dear Members,

I support the new preferred alternative West Hawaii aquarium FEIS. As a frequent visitor to the island, I always see lots of teeming fish when I snorkel the reefs. The FEIS demonstrates many key points that show the sustainability of the fishery. I think having catch limits on the fish that are allowed to be caught really protects the future of abundant fish populations and healthy reefs.

Thank you,
S. Charles Price
nolabassist@yahoo.com

From: [L.P](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] Item F3 Support
Date: Wednesday, June 23, 2021 6:22:10 PM

June 23, 2021

TO: Chair Case and Board of Land and Natural Resource Members
RE: Support of West Hawaii Aquarium Revised FEIS^[L]_[SEP]

Dear Chair Case and Board Members,

As a Hawaii Island resident, I'd like to express my support for the West Hawaii Revised FEIS. The preferred alternative presented, allowing catch of only those species proven to have stable and increasing populations, along with a reduced allowable catch of those species, ensures the fishery is sustainable and helps mitigate any potential impacts from climate change or other unforeseen circumstances. This safeguards already robust fish populations. All species that have shown decline or have any cultural concerns have been removed from the approved catch list. The industry has been operating sustainably for decades and has continued to work with DLNR to ensure a viable and sustainable fishery for the future. Because the new preferred alternative addresses the concerns from the previous FEIS and uses the best scientific data available, there are no reasons demonstrated in this environmental review for continuing a ban on aquarium fishing or for opposing the renewing of commercial aquarium permits.

Mahalo for your time and consideration,

Luci Price
lucisp99@yahoo.com

From: [Frances Pueo](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] Band / Stop all Commercial Aquarium permits.
Date: Thursday, June 24, 2021 8:27:35 AM

There should NOT! Be any future consideration to allow Hawai'i aquarium fishery permits.

Our ocean and costal fish population is already under distress, and needs protection, not assault by these greedy commercial aquarium looters.

A blind person when asked if any impact of what already these commercial aquarium collector's have already done, would say things are fine.....an allusion of not witnessing as a comparison of my 70 years ago of once an abundant healthy fish population to now very depleted.

Ask me, and other old timers of how it use to be of the fish population in our costal areas to now obviously millions, millions less fish. And less healthy.

World wide new data indicates fish decline, caused by human overpopulation, water contaminated by various sources.

Aquarium fishery collection is all about making money, and a high percentage of the fish collected die before or shortly arriving to the buyers destination.

Stop exploiting us and start protecting our already fragile islands fish population and their ecosystem.

Mahalo
Frannie Pueo (808) 769-1128
Hui Pono Holoholona
P.O. Box 943
Mt.View Hi 96771

From: [robin.rogers](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] Agenda item F3
Date: Sunday, June 20, 2021 6:36:06 PM

Dear members of the Board of Land & Natural Resources,
I have been coming to HI --several of its islands--to snorkel and dive for many, many years. I have seen the devastation of the coral reefs and lack of the magnificent fish that used to surround and feed from them. Allowing these fish thieves to steal what brings you tourist loyalty and dollars, not to mention the pride you must have for your spectacular seahorse and their treasure, is beyond my understanding.

The RFEIS states that the aquarium collection will include 8 species, down from 40, as if saying it will make it so. Kona Coast history of poaching and scofflaw devastation states otherwise, including coral damage from anchors, chains, nets and collectors destroying corals to flush reef wildlife. History clearly profiles carnage for dollars.

I reject the REVISED final environmental impact statement from the PIJAC.

Thank you for considering my plea.
Robin Rogers

From: [nu bd](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] Testimony in support of West Hawaii aquarium EIS approval
Date: Wednesday, June 23, 2021 9:25:24 AM

To: Board of Land and Natural Resources

Regarding: The West Hawaii aquarium EIS

From: Nick Ramirez

Date: 6/22/21

Email: surfgood@hotmail.com

I support the approval of the West Hawaii aquarium EIS. The West Hawaii aquarium EIS addresses all requirements for HEPA, provides a solution for Hawaiian cultural concerns, and fulfills the DLNR requirements.

DLNR scientific studies have shown that the specific fish species population increased while aquarium collection was permitted, therefore a sustainable fishery with the management of the DLNR. To promote growth in the fish population the West Hawaii aquarium EIS proposes a decrease in overall aquarium fish collection and to stop collecting certain species of fish.

The aquarium fishery was regulated and studied more than other coastline fisheries in Hawaii. These DLNR regulations and studies have kept the aquarium fish's total catch in a sustainable amount where no species of fish would become near extinction. Also, I'm asking that the West Hawaii aquarium EIS be approved since the aquarium industry has provided jobs for Hawaii residents and income for many resident households.

To: Chair Case and the Board of Land and Natural Resource Members
Re: In Support of West Hawaii Aquarium Revised FEIS

June 16, 2021

Hello,

I support the West Hawaii aquarium revised FEIS. The limited number of fish allowed to be caught, of the species with the most stable populations, really help protect the future sustainability of the fishery.

Thank you very much,

Genevive Ramos

myhevenn@yahoo.com.ph

From: [ashkan.razmjoo](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] Item F3 Support
Date: Tuesday, June 22, 2021 3:48:58 AM

I contact you to support the revised final Environmental Impact Statement for the West Hawaii Aquarium Fishery, Published June 8 2021, in the Environmental notice.

The aquarium Fishery in West Hawaii is very well managed, and has been studied closely and shown over the past 20 years to be sustainable .

I appreciate if you kindly consider those people that are making money for the living in this business parallel to sustaining marine life .

be safe and God bless you .

Samaneh

From: [John Welsh](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] tropical fish aquarium industry
Date: Monday, June 21, 2021 9:42:53 AM

Hello,

My name is John Welsh and my company is Reef Lovers Aquariums Inc. I have been in the aquarium industry business for over 25 years and it is solely how I support my family and the family of my staff. I have a retail salt water store and a aquarium service business. i have a well designed and maintained shop which all my patrons enjoy healthy well cared for fish and coral. We pride ourselves on educating the aquarium hobbyist on how to properly care for their aquariums and all life they keep within.

Since the Hawaii tropical fish collection ban, my business has shown a significant loss of gross sales and profit. The aquarium industry has depended on the tropical fish that come from Hawaiian waters for many decades. Many species of fish that are only found in Hawaiian waters have become a staple and endeared fish for the aquarium industry and aquarium community. Those Certain species of Hawaiian fish have been featured in block buster children movies. i always have children come to my store and ask to see those fish first.

The ban of collecting and sale of Hawaiian tropical fish, in my opinion. was very premature. I know there is a way to continue collecting Hawaiian fish for the aquarium industry in a sustainable responsible way.

The sudden ban of collecting and sale of Hawaii's tropical fish has negatively affected my personal business and all the aquarium industry businesses around the world. i would ask that you reconsider the collection ban and open Hawaii back up for world tropical fish trade.

Thank you for your time!

John Welsh
President
Reef Lovers Aquariums Inc.

From: [Regretful Pirates](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] Revised Final Environmental Impact Statement
Date: Wednesday, June 23, 2021 11:01:40 AM

In the Latest Revised Final Environmental Impact Statement from Hawaiian Aquarium Fisherman and the Pet Industry Joint Advisory Council (Aquarium Club) Nothing is Mentioned about the Impact of Missing Offspring. Only How Many Jobs, Taxes and Wallets Lost in the Preferred Alternative to Culture Practices with a Death List of Significant Impact on the Reef Ecosystems and Environmental Theft.

200,000 Yellow Tangs Add 48 Billion Spawn Annually to the Biodiversity of Nature Needing Every Single One to Offset Other Threats Facing Wildlife.

7 Aquarium Collectors may Lose Money with 8 species on a List to Nowhere But the Environment and the People of Earth Lose a Priceless Paradise for Nothing More than Amusement from a Short Time In a Torture Tank.

The Final Impact from Sustaining a Needless Fishery is the Death of Every Single Fish Sold, Taken and Lost for No Good Reasons And the Trillions of Babies Missing from Tide, Time and Tradition.

Negotiating for Wasteful Killing with a Statement of Acceptable Losses in Culture, Life and Spirit of Conservation is the Latest, Revised Threat to Hawaii And Beyond.

This is the One Threat Facing Wildlife, We CAN Do Something About.

Please Act Accordingly,
Regretful Pirates

From: [Susan Rhymes](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] reject West Hawaii aquarium plan
Date: Wednesday, June 23, 2021 6:35:32 AM

I spent 18 months, during the Covid pandemic, seeing what our waters SHOULD look like. The fish flourished and are not there for mainland profit!

In addition, the EIS has no plans for enforcement, and we locals know how that plays out - the eventual playing out of fish!

Please reject this EIS plan.



College of Arts and Sciences, School of Social and Natural Sciences
Department of Biology and Marine Biology

Date: June 23, 2021

To: Chair Case and The Board of Land and Natural Resources

Re: Agenda Item F.3 Testimony, Support for Revised EIS

This letter supports the Revised Final Environmental Impact Statement for the West Hawaii Aquarium Fishery, Published June 8, 2021, in the environmental notice.

I have studied aquarium fisheries for over 20 years. My colleague Dr. Michael Tlusty (University of Massachusetts Boston) and I have worked extensively with NOAA-NMFS Coral Reef Program and USFWS and internationally to understand the trade in marine aquarium species. Our work is some of the most highly cited work on the marine aquarium trade. We have published papers looking directly at trade sustainability, including West Hawaii species and other countries/regions.

I would draw your attention to the following references:

Baillargeon, G. A., Tlusty, M. F., Dougherty, E. T., & Rhyne, A. L. (2020). Improving the productivity susceptibility analysis to assess data-limited fisheries. *Marine Ecology Progress Series*, 644, 143–156.

Rhyne AL, Tlusty MF, Szczebak JT, Holmberg RJ. 2017. Expanding our understanding of the trade in marine aquarium animals. *PeerJ* 5:e2949 <https://doi.org/10.7717/peerj.2949>

Rhyne AL, Tlusty MF, Kaufman L. 2014 Is sustainable exploitation of coral reefs possible? A view from the standpoint of the marine aquarium trade *Current Opinion in Environmental Sustainability* 7, 101-107

Rhyne AL, Tlusty MF, Kaufman L. 2012. Long-term trends of coral imports into the United States indicate future opportunities for ecosystem and societal benefits. *Conservation Letters* 5: 478-485

Rhyne AL, Tlusty MF, Schofield PJ, Kaufman L, Morris JA, Bruckner AW. 2012. Revealing the Appetite of the Marine Aquarium Fish Trade: the Volume and Biodiversity of fish imported into the United States. *PLOS One* 7 (5), e35808

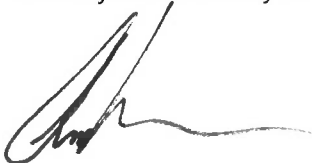
The West Hawaii fishery has one of the best monitoring frameworks from our assessment of global marine aquarium fisheries. The robust data set generated by DNLR over the past 20+ years has clearly demonstrated the west Hawaiian fishery was being managed before its closure. The additional limits on collectors, species, and catch numbers further safeguard and eliminate over-exploitation of the Hawaiian marine resources.

Having worked with public and private aquariums for nearly two decades, the aquarium fishery in Hawaii has enabled people from around the world to appreciate the beauty and learn about the marine life of Hawaii. Exposure to and appreciation for Hawaiian marine life creates an awareness and understanding of the importance of the health and viability of our oceans.

My one suggestion is that a monitoring plan is put in place to evaluate quarterly the number of fishes shipped from Hawaii. Dr. Tlusty and I have a system in place for automatic scanning of invoice data to enable the effective capture of this information. We can display anonymized data, and you can view an example of this at www.aquariumtradedata.org. We are willing to work with the State to determine a means to conduct this monitoring. We will provide this service for no cost, as we believe data transparency is critical for ensuring the future success of any fishery management plan.

I encourage your support the science; the science is not ambiguous or in question here. I urge support for the revised EIS, the revised whitelist, and limited permit issuance. These added measures will further ensure the ongoing sustainability of the Aquarium Fishery in West Hawaii.

When you are ready to discuss monitoring, please contact me at arhyne@rwu.edu

A handwritten signature in black ink, appearing to read 'Arhyne', with a long horizontal flourish extending to the right.

Andrew L. Rhyne, Ph.D.
Associate Professor of Marine Biology

From: [Carol Riccio](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] Agenda Item F.3 Testimony re EIS to reopen West Hawai'i to the aquarium trade
Date: Thursday, June 24, 2021 7:22:14 AM

Hello,

I am a long term Maui residents, having lived here for 23 years. I am writing to strongly urge you to **REJECT the revised Final Environmental Impact Statement (EIS) to reopen West Hawai'i to the aquarium trade**. I spent much of our time snorkeling in south and west Maui waters and have seen the decline in the reef health and the number and variety of fishes over this time. Allowing the take of thousands and thousands of fish from these waters is ludacris! Thinking that this won't affect the already flailing health of our reefs is not understanding how the ocean reef ecosystem works.

Please don't let the aquarium trade take our fish and contribute to the destruction of our reef ecosystem. Tourists come here to see the beauty of our reefs. Please help the reefs stay as healthy as possible and keep the fish where they belong.

Thank you,

Carol Riccio
Kihei, HI

From: lisbob@hawaii.rr.com
To: [DLNR.BLNR.Testimony](#)
Cc: [Bob & Lis Richardson](#)
Subject: [EXTERNAL] Agenda Item F.3 Testimony
Date: Saturday, June 19, 2021 2:26:58 PM

Aloha,

My husband and I are Hawaii residents, having owned our home on Maui in Kihei for about twenty years. We are writing to urge the Board of Land and Natural Resources (BLNR) to REJECT the revised Final Environmental Impact Statement (EIS) to reopen West Hawai'i to the aquarium trade. We are, in fact, against aquarium collecting practices in any part of Hawaii unless it becomes appropriately regulated with adequate enforcement to ensure 'best practices' for reef ecosystems. The licensing alone should be commensurate with the number of fish removed.

We are quite concerned that Hawaii residents receive no benefits from this "trade" and yet suffer the costs in terms of damage to the local reefs. We scratch our heads and wonder where the fish have gone and why the reefs are dying. When the reefs are compromised and deprived the fishes needed for a healthy ecosystem, it also impacts the near-shore coast. The environmental consequences seem potentially enormous. The collectors rob the coastal waters of the very populations needed to restore, maintain, and grow the already challenged reef systems. In addition, the level of mortality during transport and shipping of the collected fish is nothing short of mindboggling and totally unacceptable.

Please REJECT the EIS. If the aquarium collecting trade must be supported, it needs close scrutiny, regulation, and strict enforcement.

Sincerely,

Lis and Bob Richardson
95 Hoohale Street
Kihei, HI 96753

808-874-9374 (Home)
808-44-5777 (Cell)

June 21, 2021

Chair Case and The Board of Land and Natural Resources

RE: Support the West Hawaii Aquarium Revised EIS

Chair Case and Board members:

I contact you today to support the Revised Final Environmental Impact Statement (RFEIS) for the West Hawai'i Aquarium Fishery published June 8, 2021, in The Environmental Notice.

Pursuant to the best available science of the RFEIS, the *REVISED WHITE LIST AND LIMITED PERMIT ISSUANCE (PREFERRED) ALTERNATIVE* was developed that addresses the stated reason for denial of the previous FEIS submittal.

The preferred alternative is sustainable, only allowing take of species proven stable and increasing over twenty plus years of monitoring. The total allowable catch is an over all reduction from historic averages to ensure a buffer for climate change.

Aquarium Permits would be limited to 7 permit holders, fishing only the West Hawaii Regional Fishery Management Areas (WHRFMA), and limiting collection to 8 identified species. These species in turn would be subject to catch quotas.

Permittees would abide by all rules and regulations set forth in HRS 189-2,3 (Commercial Marine Permit), HRS-188-31 (Section 1.2.1), governing Aquarium Permit use, and would obtain a West Hawai'i Aquarium Permit as required under HAR 13-60.4 (Section 1.2.3.2). Existing slot limits for Yellow Tang and Kole remain in effect in addition to the individual catch quotas.

This Alternative supports the DLNR's purpose to ensure that in context to commercial aquarium collection, such fishing does not lead to degradation of fish populations and the habitats in which they occur. It specifically addresses concerns related to declining populations and sustainable collection. It supports the Applicant's purpose and need to continue fishers' livelihoods participating in the lawful, responsible, and sustainable commercial collection of various fish species from nearshore habitats.

Table 32. Proposed Individual Catch Quotas for the Revised White List. Annual limit [from January 1 through December 31](#) of each year

Species	Individual Catch Quota (per fisher)	Total Potential Catch (all 7fishers)
Yellow Tang	28,571	200,000
Black Surgeonfish	450	3,152
Orangespine Unicornfish	838	5,872
Kole	3,750	30,000
Bird Wrasse	49	344
Potter's Angelfish	625	4,376
Thompson's Surgeonfish	288	2,016
Brown Surgeonfish	114	800

I encourage your support to this program. In this well regulated artisanal fishery, you will return many back to work. And many of us in other parts of the world interested in marine sciences may again have the opportunity to study and enjoy such fauna.

Very truly yours,



Jennifer Rivera

JenRivera1113@gmail.com

06/21/2021

From: [Anke Roberts](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] 6/25 Agenda Item F.3: Please say NO to Aquarium Fishing
Date: Monday, June 21, 2021 12:26:50 PM

Aloha,

I would like to request that you please do NOT allow any mainland operators to gain access to our reefs again for the pet fish trade. I love snorkeling and taking underwater photos, and it is shocking to see how depleted our reefs are outside marine protected areas. The aquarium trade wants to take thousands of our endemic reef fish, leaving them to die before they ever reach their destination, or condemning them to a short life. These endemic reef fish are already rare on most of our reefs, and we hardly ever see fish like Potter's Angelfish and Yellowtail Coris. Having removed so many herbivores from our reefs in the last few decades has led to the dying of corals, since there are no fish to pick off the algae, and eventually the algae takes over. So please do not let them take any more of our important reef fish. If these fish are already so rare for us snorkelers to see, what fish will we show our children and grandchildren? What will you show your children and grandchildren when they want to go snorkeling and see Hawaiian reef fish? If we don't protect our reefs in any way we can, there will only be ta'ape left! The people who want to take our fish don't care if there won't be any left in a few years, they will just go elsewhere and deplete other reefs. So we need to send a message that Hawaii will not tolerate their greed and cruelty.

Mahalo for doing the right thing and protecting our reefs from short-sighted economic gains for a few non-Hawaiians.

Anke Roberts.

From: [Francine Roby](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] Agenda Item F.3 Reject EIS to Reopen West Hawaii to Aquarium Trade
Date: Sunday, June 20, 2021 7:37:48 AM

Aloha. I live in the Hamakua District and urge DLNR to protect West Hawaii reefs from any aquarium trade collection. This activity does not benefit Hawaii or the environment. It is just decimation of our Island's natural beauty and resources for a hobby trade. Leave the island's fish here, in the ocean. The EIS used to justify the policy appears ungrounded, without Native Hawaiian expertise or respect. I understand the data on which the EIS is based has been challenged for its accuracy. It doesn't propose any mitigation strategy or alternatives nor enforcement. It should be rejected and our fish and waters must remain protected.

Mahalo.

Francine Roby
46-3875 Old Mamalahoa Hwy
Honokaa HI 96727
808-785-4115
francineroby@gmail.com

From: [Deirdra Rogers](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] Please reject the revised final environmental Impact Statement(RFEIS)
Date: Sunday, June 20, 2021 3:54:32 PM

re: agenda item F.3.

Deirdra Rogers

June 20, 2021

Dear Members of the Board of Land & Natural Resources

I am writing to request that you reject the revised final environmental impact statement from the Pet Industry Joint Advisory Council (PIJAC) ,

I am a frequent visitor to Hawaii and I have loved snorkeling among the coral reefs for years. It has been obvious to me that the coral is not providing the varied and abundant fish as in the past.

The RFEIS states that the aquarium collection will include eight species, down from 40. However, I understand that Kona Coast's history of poaching and other devastation including coral damage from anchors, chains, and nets will certainly do NOTHING to limit collectors to eight species and will not prevent their hardware from damaging the corals to flush out more wildlife.

The RFEIS claims revenue and jobs from aquarium collection but fails to assess the impact on reef-based tourism, and of greater revenue and jobs—related to reef conservation. Stealing coral reef fish and damaging the wildlife for the benefit of a few collectors and aquarium aficionados is not worth the environmental devastation this practice provides. The aquarium trade calls this issue “user conflict,”but there is a big difference between users who extract and users who enjoy, appreciate and study the wildlife.

I would love to believe that you care more about the health of Hawaii's reefs, about the tourist industry and about reef conservation than you do about the free steal of your resources.

Please reject the revised final environmental Impact Statement(RFEIS) so I can return with my family and friends to enjoy Hawaii's natural beauty.

Sincerely,

Deirdra Rogers

--

Deirdra Rogers

415-218-6783 (work and cell)

415-457-7474 (home)

www.fitnessdefinedmarin.com

deirdrarogers@gmail.com

www.facebook.com/fitnessdefined

From: [Lupita Ruiz-Jones](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] Agenda Item F.3 Testimony
Date: Monday, June 21, 2021 9:32:40 AM

Aloha,

I am a Hawaii resident. We are blessed to call Hawaii home.
I am writing to ask that BLNR **REJECT the EIS!**

The environment and reef fish of West Hawai'i are vulnerable to over-exploration and the EIS was not done at a high critical thinking level. A more in depth analysis needs to be done before decisions can be made that are founded on solid science and implement critical thinking.

Mahalo for taking the time to receive my thoughts,
Lupita

Lupita Ruiz-Jones, PhD

Assistant Professor of Environmental Science
School of Natural Sciences & Mathematics
104 Wesselkamper

Chaminade University of Honolulu

3140 Waialae Ave, Honolulu, Hawaii 96816
o: 808.735.4858 | **e:** guadalupe.ruiz-jones@chaminade.edu



***"The intellectual apathy that I am told now exists among young people may have come about because these youths have never been convincingly taught that they can make a difference"** Frank Oppenheimer - founder of the Exploratorium in San Francisco*

From: [Saenz, Brett](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] Item F3 Support
Date: Monday, June 21, 2021 11:08:44 AM

June 21,2021

Chair Case and The Board of Land and Natural Resources

RE: Support the West Hawaii Aquarium Revised EIS

Chair Case and Boardmembers:

I contact you today to support the Revised Final Environmental Impact Statement (RFEIS) for the West Hawai'i Aquarium Fishery published June 8,2021, in The Environmental Notice.

Pursuant to the best available science of the RFEIS, the REVISED WHITE LIST AND LIMITED PERMIT ISSUANCE (PREFERRED) ALTERNATIVE was developed that addresses the stated reason for denial of the previous FEIS submittal.

The preferred alternative is sustainable, only allowing take of species proven stable and increasing over twenty plus years of monitoring. The total allowable catch is an over all reduction from historic averages to ensure a buffer for climate change.

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(all 7fishers)

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Kole	3,750	30,000
Bird Wrasse	49	344
Potter's Angelfish	625	4,376
Thompson's Surgeonfish	288	2,016
Brown Surgeonfish	114	800

I encourage your support to this program. In this well regulated artisanal fishery, you will return many back to work. And many of us in other parts of the world interested in marine sciences may again have the opportunity to study and enjoy such fauna.

Very truly yours,
Brett Saenz
bsaenz68@yahoo.com

Sent from Brett Saenz

From: [Kathi Saks](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] Testimony for Agenda Item F.3 6/25 Board Meeting
Date: Wednesday, June 23, 2021 4:14:42 PM

Aloha,

I am testifying for Agenda F.3. My name is Kathi Saks and I am a resident of Hawai'i.

I urge you to REJECT the PIJAC Revised Final Environmental Impact Statement (RFEIS). As an avid ocean swimmer/Snorkeler I have witnessed the loss of our beautiful reef fish of all sizes in just the last year. There has been no recovery from so many people who take them for aquariums and others. How many jobs must we fill before we find out that tourist don't want to visit and spend their money here when there are no fish to see? This is not a fantasy. I have heard visitors speak about how awful it is here to snorkel, how terrible the reef looks. Fish eat off the reef and redeposit to rebuild the reef. It's a cycle and without the fish the whole ecosystem falls apart. And for what? A few jobs in the **Pet** Industry.

Recently my fellow snorkelers and I have been seeing hurt, dead even decapitated turtles. We have called DLNR. We have called the police. We have called every agency we can think of and more than once. We are told that there is just not enough personnel. So how in the world is DLNR going to enforce which fish an aquarium "fisherman" takes? At least give us and the fish a fighting chance and just outlaw Aquarium Fishing, PLEASE. Give Hawai'i fish a break. Who else is going to look out for them? Aren't you the **Board of LAND & NATURAL RESOURCES**? Working for the people, Aina, and Moana?

Mahalo for listening,
Kathi

June 22, 2021

Board of Land and Natural Resources

P.O Box 621,

Honolulu, Hawai'i 96809

Submitted via e-mail: blnr.testimony@hawaii.gov

Re: Revised Final Environmental Impact Statement for Issuance of 7 Commercial Aquarium Permits for the West Hawai'i Regional Fishery Management Area

Dear Chairperson Case and BLNR Board Members:

My name is Siena I. Schaar and I hold a Master's degree in Environmental Management. In 2021 I co-authored and published a cost-benefit analysis (CBA) that specifically analyzed Hawai'i's marine aquarium fishery to provide necessary information to decision makers. This report was published in the peer-reviewed Marine Policy journal, and is entitled "The future for Hawai'i's marine aquarium fishery: A cost benefit analysis compared to an environmental impact assessment" (2021) (*Please find attached with this testimony.*)

The Pet Industry Joint Advisory Council's (PIJAC's, or "Applicant's") Revised Final Environmental Impact Statement (RFEIS) failed to adequately analyze the environmental and socioeconomic impacts of the proposed commercial aquarium collection in the WHRFMA, and therefore, is not in compliance with HEPA requirements. Thus, **I strongly encourage the Board to reject PIJAC's RFEIS.**

- A. PIJAC failed to accurately analyze the costs and benefits and their distribution across relevant stakeholder groups, thereby ignoring the "Precautionary Principle" adopted by Hawai'i's Supreme Court.

Properly conducted CBAs are used in environmental impact studies to provide decision-makers "the balance required in complex regulatory decisions." Our independently conducted CBA was undertaken to analyze the costs and benefits of Hawai'i's marine aquarium industry for various scenarios and their distribution across stakeholder groups. Four past, current, and proposed management scenarios were explored and the CBA results were compared to the recommendations and conclusions of the FEIS before it was revised. The current RFEIS and PIJAC's "revisions" present costs that are nearly identical to those that the previously rejected FEIS posed.

Our CBA of the Hawai'i aquarium trade determined that ending the trade was the only option that yielded positive annual benefits, and negatively impacted the fewest stakeholders.

- We found that the **annual net positive benefit** of banning the aquarium trade was upwards of \$440,294,770 - factoring in potential costs, including **on-reef tourism** impacts to Big Island and O'ahu which the RFEIS chose to exclude due to "limited data".

Our CBA included potential impacts on on-reef tourism – deferring to the precautionary principle articulated by the Hawai‘i Supreme Court, where the Court concluded that, related to public trust resources, “where [scientific] uncertainty exists, a trustee’s duty to protect the resource mitigates in favor of choosing presumptions that also protect the resource.” The RFEIS chose to omit these potential impacts and costs, while the CBA followed the precautionary principle set-forth by the Hawai‘i Supreme Court and erred on the side of caution when making these critical assessments that ultimately impact public trust resources.

Further, our CBA determined that the prior EIS did not assess the costs and benefits of the aquarium trade and their distribution across stakeholder groups. Again, our CBA deferred to the judicial authority of the Hawaii Supreme Court, which reaffirmed “that all public resources are to benefit Hawai‘i’s people and that private or commercial use should receive a “high” level of scrutiny” making “the size of the stakeholder group” of interest. While the estimated market *benefits* of the aquarium trade were similar between the CBA and the EIS, the estimated costs were not:

- The EIS estimated the *costs* of the trade to Native Hawaiians and other stakeholder groups were negligible, and the EIS provided no justification for that estimation.
- The CBA estimated that aquarium collecting scenarios resulted **in annual net losses** upwards of \$440,594,770.

In PIJAC's various EISs, the comparatively low market benefit of the aquarium trade in Hawai‘i accrued to a small group of collectors, wholesalers and dealers, including seven unnamed collectors in the RFEIS. However, 1,415,872 residents, 83% of whom want to see an end to the trade due to environmental, cultural, and ethical concerns with capturing marine life for the pet trade outside Hawai‘i bore the losses.

Our CBA concluded that sustainable management requires that the costs and benefits accruing to all stakeholder groups be investigated to ensure policies are equitable. Relying on EIS recommendations that aim to support one group of stakeholders at the expense of others to determine policy could be considered biased.

- B. PIJAC, again, omitted key information regarding the true market dynamics of the fishery and thus, is misleading decision makers on to whom the market value of the fishery actually accrues.

PIJAC strategically omitted key discussion and explanation about the percentage of market benefits that actually accrue to economies outside of Hawai‘i. For example, one of PIJAC’s main supporting arguments for continuing the trade in Hawai‘i is the assertion that Hawai‘i benefits from millions of dollars in gross sales. *Table 5-3* (RFEIS, p103) depicts gross annual sales based on average, minimum and maximum per fish values from 2017 for the 7 proposed fishers. This table shows that for Yellow Tang, if the seven collectors caught 200k individuals and sold them for \$4.29/each, the average annual sales would create \$858k in market benefits presumably added “to the state’s economy.” This table estimates that sales alone, if limits of all eight species are maximized by all seven fishers, would bring in \$499,416-\$2,022,686, or an average of only \$1,059,640 into the State’s economy.

What this discussion, and the entire RFEIS, ignores is the reality of this export industry and who is actually realizing the large market benefits. At least 95% of the fish caught from our public trust resources are being exported and sold to mainland dealers who mark up the prices before selling the fish again to a retailer or a final consumer. This market supply chain was analyzed in our CBA and we found that U.S. mainland dealers may have a 500% mark-up or higher. In the case of the Yellow Tang, a survey of online U.S. aquaria retailers revealed that Hawaiian Yellow Tangs are being sold for an average price of \$74.41 – a **1,374% mark-up** from the \$4.29 base price that Hawai‘i sellers retail them for. Even if Hawai‘i fishers sell their Yellow Tang to the mainland for \$16, the number we used in our CBA, the mainland retailers may sell that same fish for \$74.41 - which still is a **465.1% mark-up**.

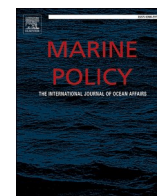
This larger market benefit never reaches Hawai‘i's economy and accrues in the U.S. mainland states where the fish are resold. Thus, outside stakeholder groups, such as the national and international pet industry retailers, are realizing the largest market benefits of all stakeholder groups. Again, the stakeholder groups who are losing the most are Native Hawaiians, residents of Hawai‘i, and Hawai‘i's tourist industry. **This is not equitable.**

As stated in our CBA, relying on an EIS that is funded and produced by an industry stakeholder group is likely to produce a document aimed at justifying the position of the funder, as is the case here. Sustainable management requires that the costs and benefits accruing to all stakeholder groups be investigated to ensure that policies are equitable. Given the above reasons, and many others outlined in our seven-page CBA report – **the Board must reject PIJAC's fatally flawed and skewed RFEIS.**

Mahalo,

A handwritten signature in black ink, appearing to read "Siena I. Schaar", written in a cursive style.

Siena I. Schaar, MEM



The future for Hawai'i's marine aquarium fishery: A cost benefit analysis compared to an environmental impact assessment

Siena I. Schaar^{*}, Linda J. Cox

Department of Land and Natural Resources, University of Hawai'i at Mānoa, 1910 East-West Road, Sherman Laboratory 101, Honolulu, HI 96822 USA

ARTICLE INFO

Keywords:

Hawai'i
Policy analysis
Cost-benefit analysis
Marine aquarium fishery
Marine ornamental trade
Fisheries management

ABSTRACT

Conflict has surrounded Hawai'i's commercial marine aquarium fishery since its inception in the late 1940s. In 2019, the Hawai'i Supreme Court requested that an environmental impact statement (EIS) analysing the ecological and cultural impacts of Hawai'i's marine aquarium fishery be completed for Hawai'i Island (Big Island) and O'ahu. The costs and benefits associated with the fishery and their distribution across stakeholder groups was however not addressed in the EIS. This paper presents a cost-benefit based analysis of four policy scenarios using existing secondary data for Hawai'i's marine aquarium fishery. From the analysis, a state-wide collection ban was the option that yielded positive annual net benefits and negatively impacted the fewest stakeholders. In contrast, the EIS recommends ten permits for fishing off the coast of Big Island be issued.

1. Introduction

Some view the marine aquarium fish trade as a path to expanding the conservation of reef environments based on the assumption that owning aquarium fishes cultivates awareness and interest in the conservation of their source habitats [46,6,31,47]. While conservation groups have promoted the aquarium trade as a means of enhancing livelihoods in developing countries, others are concerned that the profit motive of commercial fishers serves as an incentive to overharvest species commonly found in marine aquariums [37,39,59]. If marine aquarium fisheries are not properly regulated and the regulations are not promulgated, a common-pool resource dilemma will result in economic profitability prevailing over long-term sustainability – a tragedy of the commons scenario [43].

Hawai'i's commercial marine aquarium fishery has been a source of debate among various stakeholder groups including aquarium fishers and hobbyists, marine scientists, Native Hawaiians (Kānaka Maoli), resource managers, policy makers and community members [2,36,46]. The fishery's costs and benefits are distributed differently among these stakeholders, resulting in years of conflict. As has been observed in many fisheries around the world, fishers in Hawai'i under report their catches and mortality rates [23,48,52,56], which further exacerbates conflicts. The fishery is comprised of two geographically distinct zones. The first is the West Hawai'i Regional Fishery Management Area (WHRFMA) that extends the length of the west coast of Hawai'i Island (Big Island) from

Ka Lae, Ka'u[–] (South Point) to 'Upolu Point. The second encompasses North Kohala, and the main Hawaiian Islands excluding all zones that are designated as Marine Protected Areas (MPAs) [57].

Residents and Native Hawaiian cultural practitioners have pushed to ban aquarium fishing in Hawai'i citing the lack of sustainable and humane harvesting methods, inadequate enforcement, inaccurate catch reporting and poor alignment with Kānaka Maoli ideals of resource management [23]. In 2017, the Hawai'i Supreme Court placed a moratorium on aquarium fishery permits, citing a need for a Hawai'i Environmental Policy Act (HEPA) review [15–17]. The court concluded that the permitted use of fine mesh nets involves the public's use of state land and therefore requires discretionary approval from the state [15–17]. The court's request in 2019 for an environmental impact statement (EIS) analysing the ecological and cultural impacts of the marine aquarium fishery came after Environmental Assessments (EA) for Big Island and O'ahu were submitted by the Pet Industry Joint Advisory Council (PIJAC) and deemed insufficient by the State's Department of Land and Natural Resources (DLNR) Chair Suzanne D. Case [15–17]. The final environmental impact statement (EIS) funded by PIJAC and conducted by a consulting firm, which concluded that DLNR should issue permits to ten commercial aquarium fishers in the WHRFMA, was unanimously rejected by the Board of Land and Natural Resources (BLNR) after concluding that the EIS did not adequately disclose the potential environmental impacts of the proposed action [14]. PIJAC appealed BLNR's decision to the Environmental Council who affirmed BLNR's rejection of

^{*} Corresponding author.

E-mail addresses: Schaar@hawaii.edu (S.I. Schaar), Lcox@hawaii.edu (L.J. Cox).

<https://doi.org/10.1016/j.marpol.2021.104429>

Received 29 August 2020; Received in revised form 14 January 2021; Accepted 3 February 2021

Available online 17 February 2021

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Table 1
Description of policy scenarios analysed in CBA.

Scenario	Characteristics
A. Status quo (2019)	AQ Permits void and fishery continues without use of fine mesh nets on O'ahu, Big Island and no collecting in WHRFMA Voluntary catch report data Majority of catch is exported Unknown impacts to other fisheries, the environment, cultural resources and on-reef tourism State funds monitoring and management of fishery Potential for non-compliance Provides industry income Provides tax and fee revenue to state
B. Permitting system (2016)	Administrative rules and bag limits apply across the State Voluntary catch report data Majority of catch is exported Unknown impacts to other fisheries, the environment, cultural resources and on-reef tourism State funds monitoring and management of fishery Potential for non-compliance Provides industry income Provides tax and fee revenue to state
C. State-wide collecting ban	No aquarium species from Hawai'i state waters can be collected Collection exemptions possible for research, educational institutions and managers Wild-captured aquarium exports banned No impacts on other fisheries, the environment, cultural resources or on-reef tourism State avoids costs associated with managing the fishery Potential for non-compliance Loss of industry income Loss of tax and fees revenues to state
D. Captive breeding collection	Permits issued to fishers with facilities for captive breeding Opportunity to export from Hawai'i Unknown impacts on other fisheries, cultural resources, the environment and on-reef tourism State funds monitoring and management of fishery Potential for non-compliance Provides income opportunity for industry Provides tax and fee revenue to state

the EIS [27].

The 2019 state-wide moratorium allows commercial aquarium fishing to continue without commercial aquarium permits, as long as fine-mesh net equipment is not used and fishers possess a commercial marine license (CML), whereas, all collection has been outlawed regardless of gear-type for the WHRFMA [20]. A November 2020 order from Hawai'i's First Circuit Court requires environmental review for issuance of new or renewed annual CMLs to be used for aquarium fishing purposes, allowing aquarium collecting by CML holders to continue until their CML expire one year after issuance [18,21]. A January 2021 order from the same court further strengthened the November 2020 order by issuing an injunction to halt aquarium collection under existing CMLs, completely banning commercial aquarium fishing in the State of Hawai'i pending environmental review by the industry [13].

Many U. S. government agencies use cost benefit analysis (CBA) in addition to or in place of environmental impact assessment to assist in management decision-making. The U.S. Environmental Protection Agency [54] concluded that cost benefit analyses used to determine environmental regulations increased net benefits to society and "provide the balance required in complex regulatory decisions." International non-profit organizations also rely on CBAs in managing natural resources. Verdone [55] used CBA to analyse landscape forest restoration in Rwanda for the International Union for Conservation of Nature and Natural Resources.

This paper presents a cost benefit (CBA) based analysis using published information and existing data to provide evidence to assist decision makers considering the future of this fishery. Four policy scenarios were developed, the relevant costs and benefits for each scenario are described and/or estimated and their distribution across stakeholder groups are assessed. The CBA results are compared to the EIS recommendations and conclusions in order to determine how the two differ and which one provides a more accurate appraisal of maintaining the aquarium fishery.

2. Methods

Four past, current or proposed scenarios for managing this fishery are described (Table 1) in order to identify the associated costs and benefits, along with stakeholders impacted. Scenarios A and B assume that the aquarium fishery continues, though the number of fishers in the industry is not mandated in either one. Scenario A involves maintaining the 2019 status quo that restricts the use of fine mesh nets and no collecting in the WHRFMA. Scenario B assumes that the 2016 bag limits would be applied across the State. These were considered here because they both attempt to limit the catch. Scenario C involves a state-wide ban, which has been suggested by many stakeholders who do not benefit from the fishery. Scenario D allows the fishery to continue only to facilitate the establishment of captive breeding operations. This option is considered as one that protects wild fish in the long run, while also encouraging an industry that cultivates awareness and interest in the conservation of their source habitats by producing aquarium fish. The environmental impact statement (EIS) funded by PIJAC recommends limiting the number of permits, rather than limiting the catch.

The stakeholder groups who were identified in each scenario are described (Table 2) and the acronym used for the group throughout the

Table 2
Codes and descriptions for stakeholder groups.

Code	Stakeholder Group Description
S1	Native Hawaiians
S2	Residents of Hawai'i
S3	Tourists
S4	Collectors and wholesalers from O'ahu
S5	Collectors and wholesalers from Hawai'i Island excluding the WHRFMA
S6	Collectors and wholesalers from the WHRFMA
S7	All collectors and wholesaler in the State
S8	State government agencies

paper is identified. Previous research [2,23,36,46], various media reports, hearings and litigation surrounding the ongoing conflict in this fishery provided details about the stakeholder groups. A description of the methods used to estimate or describe each cost/benefit and their expected sign follow. While CBA normally involves discounting to ensure that net present value of costs and benefits are calculated, annual point estimates are used in this CBA. Since the estimates do not vary over time, discounting adds nothing to the analysis.

2.1. Cost and benefit estimates and descriptions

2.1.1. State management costs

Since both Scenarios A and B involve limiting the industry's catch and require voluntary reporting, the State will have to enforce these regulations. Therefore, to estimate this cost, DAR personnel in DLNR were contacted and asked to estimate DAR's 2019 management cost for Hawai'i's marine aquarium fishery including salaries of employees who work directly with the fishery, aquarium fish surveys and any other costs associated with the fishery that DAR funds. DAR officials provided a low estimate of USD 300,000 annually covering the time spent by 20 or more individuals in the aquarium fishery along with their supplies and equipment. Their high estimate of USD 500,000 annually includes costs, such as fringe benefits that are not included DAR's annual 2019 budget, but are found in DLNR's overall budget. For Scenario C, these management costs should be eliminated overtime. Scenario D would likely involve management costs, which could be reduced as the policies and regulations that support this scenario are refined.

2.1.2. Tourism value

According to the Hawai'i Tourism Authority [29], the State's economy relied on tourism for its largest source of private capital. Spalding et al. [50], estimated the "on-reef" tourism value for the entire state of Hawai'i at USD 550.8 million per year. Spalding was contacted and estimated, using the existing data base the annual "on-reef" values for O'ahu and Hawai'i Island to be approximately USD 442,496,000 and USD 16,921,000 respectively, for an annual upper bound of USD 459,417,000. This was inflated to 2019 USD for a total annual value of USD 478,891,356.77. Cesar and Beukering [7] estimated the value of tourism to be USD 304 million and inflating this value to 2019 USD yields a low estimate of approximately USD 442.1 million.

This estimated tourism value between USD 478,891,356.77 and 442,100,000 USD represents the direct and indirect market value of on-reef tourism to the State in 2019. Maintaining this value over time is partially contingent on maintaining the health and beauty of Hawai'i's reefs. The aquarium fishery may reduce this over time as fish are removed from the reefs in Scenarios A and B because the limits are not calculated based on the productivity of the fishery and are difficult to enforce. Evidence also suggests that catches are underreported. Therefore, if the fishery continues, overharvesting of this public resource will likely occur and as a result, the value of tourism will decrease. Uncertainty exists as to how quickly this decline will occur. Researchers predict that unmitigated bleaching events could lead to the loss of shallow coral cover in Hawai'i by the year 2050 [35], which indicates that a 30 year time frame could be considered in making marine resource management decisions and would result in an extremely large total cost of continuing this aquarium fishery by 2050.

2.1.3. Industry income

In order to determine the market value of the aquarium fishery in Hawai'i, the methods used by Dierking [22] were updated with recent data to conservatively estimate 2019 gross revenue for the industry. Unpublished 2019 catch report summary information, unpublished 2019 dealer purchase information, unpublished 2019 individual catch reports, and unpublished permit lists from 2015 to 2018 were obtained from DAR. The 2019 price and cost information from dealer websites, retail price lists on websites, and industry structure information

provided the data used for the estimation. The lower bound for total revenue accruing to fishers was calculated by multiplying the "diver price" for each species by the number sold to estimate annual revenue of USD 1,676,982 in 2019.

Wholesale revenue could not be estimated due to the lack of price information among local fishers who are also wholesalers. In order to estimate the upper bounds, the 2016 catch report data for "number sold" was used with retail prices on the website of a Hawai'i based fisher retailing fish. The "number sold" on the 2016 catch report for each of 12 species was multiplied by the 2019 retail price listed by the primary collector/retailer. The total revenue across all the species represents the upper bounds of USD 8,343,896, which includes the value of the fish after they were exported.

2.1.4. License fees

The State does collect license fees for the aquarium fishery. Commercial aquarium permits are USD 50 and recreational aquarium permits have no cost [20]. Commercial aquarium collectors must also purchase USD 100 commercial marine fishing licenses annually from DAR. Scenario A, which represents the status quo in 2019 only accounts for the cost of the commercial marine fishing license since all commercial aquarium permits are void. Scenario D assumes that a permit is required to collect for captive breeding. This scenario explores an option that would raise the permit cost to USD 500 and cap the number of permits issued at 100 state-wide.

2.1.5. Export values

The industry values also include the value of fish exported, which were investigated to determine how much of this value accrues to the State. Catch reports for 2016 are the most recent, complete annual data set and thus are used to estimate exports. Twelve species commonly targeted in Hawai'i's marine aquarium fishery (Table a1, appendix) were included. The data for six out of the twelve species discussed in this study (*Naso lituratus*, *Forcipiger flavissimus*, *Chaetodon multicinctus*, *Zanclus cornutus*, *Centropyge potteri*, *Coris gaimard*) indicated that the fish sales on initial catch reports by licensed fishers was lower than numbers of fish reportedly purchased by licensed dealers from licensed fishers on dealer sales and export reports. This suggests that a percentage of the catch was not reported on catch reports or was sold to dealers by fishers who do not report their catch to the state.

Dierking [22], reported that roughly 95% of the aquarium fish caught from the West Hawai'i fishery were exported. Two criteria were used to identify retailers from which price information was obtained. The first criteria requires that the species' primary and sole collection origin had to be Hawai'i, and the second requires the species be one of the 12 species described in this study, not including captive bred fish. Retail prices for 2019 were collected from 11 online aquaria retailers with 10 on mainland U.S.A. and one from Hawai'i. Species name, price, retailer name, city of operation and website information were used to generate an average out-of-state retail price for each of the 12 species and were compared to online retail prices offered by the local aquarium fishers/retailer. Retail price differences were 1.5–5.1 times higher in mainland markets compared to the local market.

The profits made on the mainland and the taxes on the value added accrues to the area in which the fish is retailed. Since these profits and taxes occur from the sale of a Hawai'i public resource, a negative impact occurs in comparison to keeping the fish in the reef to ensure that the State's tourism sector and/or residents continue to benefit from these fish. This is consistent with a 2019 decision by the Hawai'i Supreme Court that "all public natural resources are held in trust by the State for the common benefit of Hawai'i's people and the generations to come" ([8], p. 1150).

2.1.6. Environmental costs

Hawai'i's marine aquarium fishery almost exclusively targets herbivores and corallivores. The development of a State Coral Bleaching

Table 3
Cost and benefits associated with each scenario.

Scenario	Impacted Stakeholder Groups	Annual Estimates (USD)	
		Low	High
A. Status Quo (2019)			
- State management costs	S8	-300,000.00	-500,000.00
- Tourism value	S2, S3, S8	-442,105,806.46	-478,891,356.77
+ Industry income	S4, S5	1,784,936.43	8,343,896.00
+ License fees	S8	17,400.00	17,400.00
Total valued net benefit		-440,603,470.03	-471,030,060.77
Costs/benefits not valued			
- Losses from exports	S2, S8		
- Environmental costs	S1, S2, S3, S7, S8		
- Social costs	S1, S2, S8		
- Other fisheries' indirect costs	S1, S2, S7, S8		
- Captive breeding costs	S4, S5		
B. Permitting System (2016)			
- State management costs	S8	-300,000.00	-500,000.00
- Tourism value	S2, S3, S8	-442,105,806.46	-478,891,356.77
+ Industry income	S7	1,784,936.43	8,343,896.00
+ License fees	S8	26,100.00	26,100.00
Total valued net benefit		-440,594,770.03	-471,021,360.77
Costs/benefits not valued			
- Losses from exports	S2, S8		
- Environmental costs	S1, S2, S3, S7, S8		
- Social costs	S1, S2, S8		
- Other fisheries' indirect costs	S1, S2, S7, S8		
- Captive breeding costs	S7		
C. Statewide AQ Collection Ban			
+ Tourism value	S2, S3, S8	442,105,806.46	478,891,356.77
- Industry income	S7	-1,784,936.43	-8,343,896.00
- License fees	S8	-26,100.00	-26,100.00
Total valued net benefit		440,294,770.03	470,521,360.77
Costs/benefits not valued			
+ Environmental costs	S1, S2, S3, S7, S8		
+ Social costs	S1, S2, S7, S8		
+ Other fisheries' Indirect costs	S1, S2, S8		
D. Captive Breeding Collection			
- State management costs	S8	-300,000.00	-500,000.00
- Tourism value	S2, S3, S8	-442,105,806.45	-478,891,356.77
+ Industry income	S7	1,784,936.43	8,343,896.00
+ License fees	S8	50,000.00	50,000.00
Total valued net benefit		-440,570,870.03	-470,997,460.77
Costs/benefits not valued			
- Losses from exports	S2, S8		
- Environmental costs	S1, S2, S3, S7, S8		
- Social costs	S1, S2, S7, S8		
- Other fisheries' indirect costs	S1, S2, S8		
- Captive breeding costs	S7		

Recovery Plan, in collaboration with the National Oceanic and Atmospheric Association (NOAA), DLNR, and DAR concluded that the establishment of a combination of Marine Protected Areas (MPAs) and Herbivore Fishery Management Areas (HFMA) across the main Hawaiian Islands ranked among the most preferred actions to address the State's coral reef recovery from climate change induced bleaching events [19]. The State's decision to employ spatial herbivore management, highlights the importance of herbivores as a critical tool for reef recovery and resiliency, thus increasing their value and importance in Hawai'i's coral reef ecosystems.

Past studies have indicated that climate change impacts coupled with local, human-induced stressors can retard coral reef resilience, resulting in regime shifts from coral to algal turf dominated systems if left unchecked [1,8,9,26,30]. Herbivores have been found to play critical roles in resisting these regime shifts [26]. While the long-term impact of the aquarium fishery on herbivore management is uncertain, the potential exists for the fishery to prevent the State from realizing its reef recovery goals.

2.1.7. Social costs

A 2017 survey of Hawai'i residents concluded that 90% of respondents support further regulation of Hawai'i's marine aquarium fishery, and that 83% of respondents support ending the trade altogether [4]. From the fishers' perspective, Stevenson et al. [51] found that 20.7% of all fishers disliked the bureaucracy and 17.2% disliked the poor reputation of the West Hawai'i aquarium fishery.

No secondary information about the overall social impacts is available. However, the Pet Industry Joint Advisory Council [44] did summarize several interviews in a Cultural Impact Statement found in Appendix A that describes the contentious nature of the fishery and its lack of alignment with Native Hawaiian values and fishing/management views/traditions [44].

While the impact of the fishery on the long-term social well-being of State's residents is uncertain, the majority appears to conclude that continuing to operate this fishery reduces their social well-being.

2.1.8. Indirect costs for other fisheries

While some studies have indicated that fish populations have increased in open areas and Fish Replenishment Areas (FRAs) where no aquarium collecting occurs, other studies have argued that many marine aquarium fish stocks in Hawai'i are still relatively data poor [41]. The Hawai'i Supreme Court has adopted a precautionary principle associated with the public trust with a ruling concluding that "where (scientific) uncertainty exists, a trustee's duty to protect the resource mitigates in favour of choosing presumptions that also protect the resource" ([32], p. 466)).

Overfishing is the primary driver of reef fish declines across the main Hawaiian Islands and the populations of food-fish species that overlap with some commonly collected aquarium species are particularly affected [24]. Specific concern regarding the sustained abundance of some commonly targeted food-fish species in the West Hawai'i aquarium fishery exists due to some species exhibiting declining populations [57]. Concern regarding the aquarium fishery's impact on the commercial and recreational nearshore reef fisheries has arisen due to overlap in target species [46,57]. This concern supports the conclusion that the aquarium fishery is likely to have negative impacts on other fisheries in the long-run.

2.1.9. Captive breeding costs

Scenario D involves allowing the aquarium fishery to continue in order to support captive breeding efforts. In order for this scenario not to have negative impacts on Hawai'i reefs, a detailed policy and supporting regulations would be required. Descriptions of the costs paid by wholesalers and collectors by Dierking [22] can be used to infer the cost categories associated with local collection and wholesale business operations. Captive breeding and husbandry would result in similar costs

Table 4

A comparison of procedures and recommendations for the CBA to those for the 2020 Hawai'i Island EIS.

Cost Benefit Analysis	Big Island 2020 EIS ^a
Explores four policy alternatives, including a ban.	Rejected considering a ban since it did not meet PIJAC's purpose. Considered three scenarios that involved no permit limits and one with a permit limit.
Provided evidence-based recommendations based on impact estimates, descriptions, and the distribution of them among stakeholder groups.	Provided a recommendation based on direct market benefits of the industry.
Recommends a statewide ban on the collection and export of marine aquaria. Suggests that captive breeding collection might hold potential if properly managed.	Recommends reducing the number of permits to ten across the State.
Completed as a student project using existing secondary data and not funded by any industry, government agency or non-profit organization.	Funded by the PIJAC.

^a [44]

as wild collection, along with some additional costs to accommodate more technologically advanced equipment required to stimulate spawning [40,58].

Marine ornamental species can be categorized as demersal spawners or pelagic spawners. Most demersal spawners produce clutches of eggs in nests or on substrates and tend to form strong breeding pairs, often displaying parental care which makes them the preferred choice for captive breeding aquarists [40]. The specialized knowledge and equipment required for rearing marine aquarium fish that are pelagic spawners will make them more expensive to produce compared to wild collection [49]. This increase in costs would primarily impact those that purchase these captive bred fish. Currently, nearly all of these people live outside of the State and therefore likely have no particular interest in protecting the public resources of residents. Rhyné [49] also argues that promoting access to breeding information could result in more successful ornamental rearing and help conserve populations of wild aquarium fish.

3. Results and discussion

The results indicate that Scenario C, a state-wide ban on aquarium collecting, is the only scenario that produced positive net benefits (Table 3). Because point estimates in 2019 USD were the only quantitative data presented here, this conclusion is based on one annual estimate of costs and benefits. The stakeholder groups negatively impacted by a state-wide ban include a small group of local fishers, wholesalers, and dealers that comprise Hawai'i industry while benefits accrue to larger populations of stakeholders.

The status quo policy in Scenario A would allow collection to continue with methods other than fine-mesh nets. In the WHRFMA, where all permits are now void, poaching has been observed, resulting in vessel, aquarium gear and fish take seizures [5]. Thus, monitoring costs may increase if this scenario occurs. Scenario B, which represents what took place in 2016 does not put a cap on the issuance of permits, though it does provide for the collection of fees by the State. Overall, market benefits would still accrue only to aquarium collectors and wholesalers, though the distribution of net benefits between these industry members varies between Scenarios A and B because Scenario A excludes fishers in the WHRFMA.

Scenario D allows collection for captive breeding with a permit similar to DAR's Special Activity Permit system which allows research, education or management institutions to collect marine organisms with specific gear restriction exemptions [18,21]. However, all existing permit holders can claim to be engaged in breeding. Further research may be needed to identify potential regulatory and enforcement solutions for Scenario D. Fishers could be required to prove their capacity to captive breed species and stricter live-fish export regulations could be developed. While this would increase costs, the potential indirect and non-market benefits associated with not removing fish from the reefs in the long-run would also increase and provide the positive benefits associated with consumers having access to aquarium fish. Militz et al. [38] found that 90.5% of consumer respondents were willing to pay more for fishes that were certified as harvested in an environmentally

sustainable way. This type of certification could be considered for captive bred fish to create a mechanism that convinces the customers to absorb some of the costs associated with switching to a sustainable practice [38]. In addition, captive breeding facilities could become attractions for residents and visitors. If captive breeding attractions included educational content designed to inform people about protecting fish and the surrounding reefs, the carrying capacity of Hawai'i's near shore ecosystems may increase.

A comparison of this CBA with the PIJAC funded EIS found that the procedures and overall recommendations were significantly different (Table 4). Both the CBA and the EIS relied on existing data to complete the analysis and the market benefits of the industry estimated by the CBA and the EIS are similar. The EIS did not consider a ban because it did not meet PIJAC's purpose to continue fishers' livelihoods [44]. The EIS considered three scenarios that involved unlimited permits and one that limited permits on the Big Island to ten. The costs for Native Hawaiians and other stakeholder groups of continuing to operate the fishery were considered negligible and no justification is provided as to why this decision was made [44]. No recommendations on compliance enforcement relative to the proposed bag limits or oversight to prevent poaching were included. No caveat was included that oversight and enforcement expenses might increase if permits were limited [44]. One individual who was allegedly named as one of the proposed permit holders [45] was also cited in a February 2020 poaching incident (R. Umberger, personal communication; [5]) which indicates the need for such a caveat. Overall the EIS puts forth a recommendation that supports the industry.

Because Hawai'i's Supreme Court reaffirmed that all public resource are to benefit Hawai'i's people [32] and that private or commercial use should receive a "high" level of scrutiny, the size of the stakeholder groups is also of interest. The resident population, including Native Hawaiians, was 1,415,872 in 2019 [53] and Pet Industry Joint Advisory Council [44] indicates that their preferred plan would directly benefit ten resident fishers with permits and their employees. Visitors, which numbered 10,424,995 in 2019 [28], will also likely pay a cost if marine aquarium fish are removed from the State's reefs. Tourists can also decide to travel elsewhere should the reefs become degraded, which will result in significant market costs for Hawai'i in the long-term.

4. Conclusion and recommendations

The analysis presented here determined that a state-wide ban on collection is likely to produce impacts of positive annual net benefits. The EIS funded by PIJAC recommended that collection permits be limited to ensure that the fishery remains in existence. Relying on EIS recommendations that aim to support one group of stakeholders at the expense of others to determine policy could be considered biased. CBA is used globally for evidence-based decision-making.

When considering the "sustainability" of any system, distributional and equity issues over a long-time frame must be considered [10]. The CBA presented in this paper explores these distributional issues that this fishery poses to a variety of stakeholder groups and the environment using the available evidence. While modern economic systems often

focus on gross domestic product to track economic progress and guide policy, tracking environmental and social indicators has been identified as important to ensure sustainability in certain economic sectors specific to Hawai'i [42].

Other fisheries, which pose similar environmental problems [3,11,12,25,33,34], should consider employing CBA in order to inform decision-making. Relying on an EIS funded by an industry stakeholder group is likely to produce a document aimed at justifying the position of the funder. Stakeholders that receive cultural ecosystem services from resources that are also being harvested for market benefits often include relatively large populations of disadvantaged minorities and indigenous populations. Businesses interested in protecting their market benefits likely have an advantage if an EIS is the only source of management recommendations. Sustainable management requires that the costs and benefits accruing to all stakeholder groups be investigated to ensure that policies are equitable.

Funding

This research did not receive any specific grant from funding agencies in the public, commercial or not-for-profit sectors.

CRediT authorship contribution statement

Siena Schaar: Investigation, Formal analysis, Writing - original draft. **Linda J. Cox:** Conceptualization, Methodology, Supervision, Writing - review & editing.

Declaration of Competing Interest

none.

Data availability

The majority of data used for this research came from secondary sources. Relevant pricing data was collected from public websites and catch data was retrieved by UIPA from the Hawai'i Department of Aquatic Resources (DAR).

Appendix

See Tables A.1–A.3.

Table A.1

The 12 common marine aquarium species included in this report.

Common Name	Scientific Name	Hawaiian Name
Yellow Tang ^b	<i>Zebrasoma flavescens</i>	Lau'ipala, Lau'i pala, or Lā'i pala)
Goldring Surgeonfish ^a	<i>Ctenochaetus strigosus</i>	Kole
Achilles Tang ^b	<i>Acanthurus achilles</i>	Paku'iku'i
Orangespine Unicornfish ^b	<i>Naso lituratus</i>	Umaumalei, Kala, Ume, Mahaha, Pakala, Pakalakala or 'Ohua
Chevron Tang ^b	<i>Ctenochaetus hawaiiensis</i>	n/a
Longnose Butterflyfish, (Forcefish) ^b	<i>Forcipiger flavissimus</i>	Lau wiliwili nukunuku 'oi'oi
Multiband (Pebbled) Butterflyfish ^a	<i>Chaetodon multicinctus</i>	Kikākapu, Kapuhili
Fourspot Butterflyfish ^b	<i>Chaetodon quadrimaculatus</i>	Lauhau
Tinker's Butterflyfish ^b	<i>Chaetodon tinker</i>	n/a
Moorish Idol ^b	<i>Zanclus cornutus</i>	Kihikihi
Potter's Angelfish ^a	<i>Centropyge potteri</i>	n/a
Yellowtail Coris Wrasse ^b	<i>Coris gaimard</i>	Hinalea 'akilolo

^a Indicates endemic species

^b Indicates native species

Table A.2

Average retail prices (U.S Mainland) compared to average retail price (local collector/seller) of 12 common aquarium species, and price difference (%).

Common Name	Scientific Name	Avg. Retail Price (U.S Mainland) n = 10	Avg. Retail Price (Local collector/seller) n = 1	Mark-up (%)
Yellow Tang	<i>Zebrasoma flavescens</i>	\$74.41	\$16.00	465.1
Goldring Surgeonfish	<i>Ctenochaetus strigosus</i>	\$71.88	\$14.00	513.4
Achilles Tang	<i>Acanthurus achilles</i>	\$392.32	\$150.00	261.5
Orangespine Unicornfish	<i>Naso lituratus</i>	\$152.71	\$37.50	407.2
Chevron Tang	<i>Ctenochaetus hawaiiensis</i>	\$233.11	\$150.00	155.4
Longnose Butterflyfish	<i>Forcipiger flavissimus</i>	\$46.00	\$15.00	306.6
Multiband Pebbled Butterflyfish	<i>Chaetodon multicinctus</i>	\$35.37	\$10.00	353.7
Fourspot Butterflyfish	<i>Chaetodon quadrimaculatus</i>	\$78.99	\$40.00	197.5
Tinker's Butterflyfish	<i>Chaetodon tinker</i>	\$699.99	\$350.00	200.0
Moorish Idol	<i>Zanclus cornutus</i>	\$49.98	\$10.00	499.8
Potter's Angelfish	<i>Centropyge potteri</i>	\$108.06	\$30.00	360.2
Yellowtail Coris	<i>Coris gaimard</i>	n/a	\$30.00	n/a

Table A.3

Comparison of specimens reported sold on licensed aquarium collectors' detailed catch reports (2016) versus specimens reported bought from licensed fishers by licensed dealers, on licensed aquarium dealers' personal sales and export reports (2016).

Common Name	Scientific Name	No. Sold (AQ detailed catch report)	No. Bought (AQ dealer pers. Sale/export report)	% (no. bought/no. sold)
Yellow Tang	<i>Zebrasoma flavescens</i>	322,651	284,784	88.26
Goldring Surgeonfish	<i>Ctenochaetus strigosus</i>	45,765	44,106	96.37
Achilles Tang	<i>Acanthurus achilles</i>	6787	5758	84.84
Orangespine Unicornfish ^a	<i>Naso lituratus</i>	9966	10,338	103.73
Chevron Tang	<i>Ctenochaetus hawaiiensis</i>	5126 (B.I only)	4135	80.67
Longnose Butterflyfish ^a	<i>Forcipiger flavissimus</i>	1329	1507	113.39
Multiband Pebbled Butterflyfish ^a	<i>Chaetodon multicinctus</i>	314	666	212.10
Fourspot Butterflyfish	<i>Chaetodon quadrimaculatus</i>	480	448	93.33
Tinker's Butterflyfish	<i>Chaetodon tinker</i>	293 (B.I only)	218	74.40
Moorish Idol ^a	<i>Zanclus cornutus</i>	805 (B.I only)	970	120.50
Potter's Angelfish ^a	<i>Centropyge potteri</i>	6708	8726	130.08
Yellowtail Coris Wrasse ^a	<i>Coris gaimard</i>	866	993	114.67

(B.I only) indicates collection and reporting on detailed catch report only from Hawai'i island

^a Indicates sales or export reporting over 100% of what was reported on initial detailed catch report.

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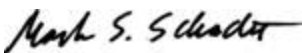
From: [Mark Schacht](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] Agenda Item F.3/ I Urge BLNR to reject the Revised EIS submitted by the Aquarium Industry (PIJAC)
Date: Sunday, June 20, 2021 9:16:39 AM

I oppose the Revised Final Environmental Impact Statement (Revised FEIS) submitted by the PIJAC for the issuance of commercial aquarium permits for the West Hawai'i Regional Fishery Management Area, and urge that it be rejected by the BLNR.

I first began scuba diving in Hawaii in 1985, and have logged hundreds of dives off the Big Island, Maui, Lanai and Molokai. I have shot thousands of underwater photos and many hours of underwater video while leading divers in underwater adventures on Hawaii's reefs. Some of my video of Lanai's 1st Cathedral was purchased and used in National Geographic TV's "Amazing Planet".

It's worth noting that the stated purpose of PIJAC's Revised EIS submission is to allow for the "sustainable" commercial collection of 8 important fish species from the West Hawai'i Regional Fishery Management Area (WHRFMA). Yet PIJAC's voluminous submission seems seriously flawed and fails to demonstrate how the harvesting of over 246,000 fish will not have a detrimental immediate and long term impact on the affected reefs.

Throughout nearly forty years of diving here, I have witnessed a serious decline in the number and diversity of wild reef fish in all of these locations. While the causes of this documented decline are several, including climate change and polluted runoff, there is no question that the aquarium industry's pernicious trade is a contributor. It has no place in a Hawaii increasingly impacted by warming waters, coral bleaching and ocean acidification, and I urge the BLNR to reject the PIJAC's Revised EIR.



Mark Schacht

Divemaster & Videographer

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Board of Land and Natural Resources of Hawaii

22nd June 2021

Ref: **Item F3 Support**

Support for the West Hawaii Environmental Impact Statement published 8th June 2021 – Supportive Testimony

Dear Sir

Tropical Marine Centre is Europe's largest and oldest importer of ornamental marine animals 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 50 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 Europe in respect of identification and handling of CITES listed corals species.

Through the collecting operations in particular in West Hawaii which supplied Tropical Marine Centre, we strongly support the implementation of this initiative. The additional limits on collectors, species and collecting numbers ensure and promote a sustainable fishery in Hawaii and one that benefits and supports the livelihoods of people of Hawaiian descent.

Our industry further supports all efforts by the Hawaiian Ornamental Aquarium Industry to provide supporting evidence for continuing this sustainable and responsible trade in Hawaii, through Environmental impact studies and cultural assessments. The solution provided is well balanced and addresses any environmental concerns given in the past whilst still allowing the fishery to operate and held accountable.

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, 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 0.3% for the long journey from the Pacific, the onward longevity in our aquariums, with our retailers, public institutes, researchers and with the hobbyist is very high.

We have supported many breeding initiatives throughout the world on over 200 different species being not only responsible for many world firsts in our hatchery but also supportive to various projects in various institutes and nurseries including species typically observed in Hawaii. Captive breeding is seen like a replacement to wild collection and a more sustainable approach, but we do firmly believe through empirical evidence over the last 5 decades that these must go hand in hand with short supply chain fisheries. The species this study targets are unique to Hawaii and should therefore be responsibly managed and any economic benefit as such should be retained by the people of Hawaii. Breeding initiatives are rarely commercially done at source and usually closer to where the market operates for logistical reasons. We truly believe it is important to respect local heritage and sustainable short supply chain establishment that offers a viable and ecologically responsible method of supplying our industry for decades and centuries to come in hand with development of science and aquaculture efforts.

The iconic status in our hobby of many unique species from Hawaii signposts not only the economic importance of Hawaiian species in our trade but also the love, appreciation and dedication to the keeping of these animals by a world-wide hobby that shares an investment with the people of Hawaii in sustaining their success and survival in both the wild and in captivity. In so doing the Ornamental Aquarium Industry keep these iconic animals in the consciousness of a much wider public audience and adds to the scientific knowledge so needed for their future survival, both in the wild and in aquariums, for future generations to enjoy.

Tropical Marine Centre already considers the aquarium fishery in West Hawaii to be one of the best managed and regulated of all the 42 collection areas we work with worldwide. The cessation of a sustainable and low impact trade of highly -valued marine animals from Hawaii will remove livelihoods from skilled people of Hawaii and focus trade away to other countries which do not benefit from the same level of scrutiny, oversight and regulation already applied to the collection of animals for the ornamental aquarium industry in Hawaii.

Yours sincerely
Brian Schaff [Biotechnology Eng.]
CEO

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From: [Henri Etta Schmitz](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] Agenda item F.3 testimony
Date: Tuesday, June 22, 2021 7:42:02 PM

Aloha....as a Hawaii full time resident who enjoys snorkeling I would urge you to reject the extremely flawed EIS. I'm sure many others have listed those flawsso I won't do that. I just simply ask that you weigh the cruel use of one of our loveliest natural resources against the overwhelming desire of most to save and enjoy that resource. Mahalo for your time, Henri Etta Schmitz, Paauilo, HI

From: [Rosanne Shank](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] Agenda Item F3 Testimony
Date: Wednesday, June 23, 2021 7:27:02 AM

My name is Rosanne Shank. I live in Kailua Kona, HI. and I am a resident of the state of Hawaii.

I have been an ocean advocate for over the 25 years that I have lived here. I continue to love the ocean, it's creatures and the many activities that I love to do there. I am asking you to please REJECT the EIS! Over the years I have seen areas under management improve immensely and I love the idea that our reef fish are staying on the reef to do the much needed jobs that they have there, like eating algae and keeping the ecological system in balance. We live in a most beautiful part of the world and I don't believe we should be devastating our reefs for someone's aquarium tank in an office in a high rise.

Please reject this EIS statement.

Yours sincerely,

Rosanne Shank

78-7091 Heeia Way

Kailua Kona

Hawaii 96749

808-937-5153

jingleshell@hotmail.com

From: [Diane Shepherd](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] Agenda Item F.3 Testimony
Date: Wednesday, June 23, 2021 4:56:57 PM

Dear Sirs:

I write to ask that the Revised Final EIS relating to the aquarium trade be rejected. Marine ecosystems worldwide are in decline, under attack from climate change, pollution, and overfishing. Hawai'i is no exception. I have been diving in Hawai'i waters since 1967 and have witnessed the changes in our nearshore environment. Permitting the removal of species for the frivolous aquarium trade can only further degrade our reefs. The State should support measures to increase reef resilience, not impair it.

Thank you, Dr. Diane Shepherd
3329 Kehala Dr., Kihei, HI 96753
808-283-2024

Sent from [Mail](#) for Windows 10

From: [Todd Shiraki](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] Item F3 SUPPORT
Date: Monday, June 21, 2021 9:00:23 AM

Dear Chair Case and Board of land and natural resource members

Please support the West Hawaii Aquarium Revised FEIS. The revised EIS clearly addresses all of the denial points on the first EIS. All data shows that this is a sustainable fishery especially now with the culturally sensitive species like the Achilles Tang removed.

Again please support the revised FEIS and get these fishermen their jobs back

Mahalo

Todd Shiraki

From: [Virginia Small](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] Reject the EIS
Date: Thursday, June 24, 2021 8:20:13 AM

Aloha,

I have been a resident of the Kona area of the Big Island since 1975. I have been an avid snorkeler since that time as well and can testify that there are fewer reef fish now than in the 70's. The worst time seemed to be when the aquarium fish collectors had free reign to collect all the fish they could.

PROTECT OUR FISH POPULATIONS. REJECT THIS FAULTY EIS.

Hawaii is special and vulnerable. Our fish should not be collected from the wild. Most die before ever making it to an aquarium setting. This is a business that does not need to exist.

Mahalo for 'listening',
Virginia Small
Holualoa, Kona, Hawaii

Sent from my iPad

From: [Pea Dog](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] Agenda Item F.3 Testimony
Date: Tuesday, June 22, 2021 9:40:13 AM

Dear Sir or Madam:

I am a Hawaii Island resident and scuba diver who dives the West Hawaii Island coast approximately five days a week ranging from South Kona to North Kohala. I have directly seen the impacts of the aquarium collection trade on the reefs over the years and have been thrilled to see an exceedingly small recovery over the past year since the aquarium collection ban was enacted.

While I say "recovery" I mean that I am FINALLY seeing a small number of baby fish again.

I make no bones about it. The aquarium trade has devastated our reefs.

Even with the current ban, collectors have continued to collect. I, personally, witnessed one of the biggest offenders (who has made the news on multiple occasions) out on his boat collecting and then packing a shipment. He and his wife fled before DOCARE officers could be called.

The latest EIS is a farce. It does not address how communities of reef species are disrupted by aquarium collecting or even address restoring diminished supply. How do the collectors plan to replenish the reefs after they have removed the herbivores? Herbivores are vital to the health of the entire ocean ecosystem.

The EIS does not address enforcement or compliance. The DLNR asked them to include this information and it was wholly ignored. ***The aquarium collectors have already proven that they will not follow the law by ignoring the present ban*** and enforcement and compliance needs to be addressed in the EIS.

The EIS does not address the unacceptably high mortality rate of fish after collection and during shipment.

The Hawaiian culture fishes for food. It does NOT collect fish to ship to the mainland for people to keep in aquariums. Aquarium collection is contrary to Hawaiian cultural practices and beliefs.

I will add that with tourism being the number one industry on Hawaii Island, having fish in our ocean is vital for visitors who snorkel and scuba dive.

Our fish need to stay HERE in Hawaii for the benefit of the people in Hawaii. For the benefit of the ocean. For the benefit of the coral reefs and for the beauty of the ocean.

Mahalo,

Pamela Small
Kawaihae, HI

From: sandy_smith@reagan.com
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] REFEIS Application West Hawaii
Date: Tuesday, June 22, 2021 5:07:09 AM

Dear Director and Committee Members,

I most strongly urge you to reject the Revised Final Environmental Impact Statement.

As a former member of the Great Lakes Commission and an avid underwater visitor to Hawaii I can attest to the potential upset to delicate subsurface ecology.

On Lake Erie, the commercial fishing fleet continued to exceed catch harvest and by illegal netting methods (gill nets) drive the Blue Gill Perch into extinction. This occurred

all the while operating under the watch of the Ohio, Pennsylvania and New York states' DNR's. Enforcement and letters from the departments did not stop this. The final result was the extinction of the Blue Gill Perch and an uneconomic fishery for decades to come.

In Hawaii and other coastal areas of the U.S. I have seen first hand the accelerated depletion of native species and coral reef structure while visiting. From one carelessly

placed anchor to the impact of a commercial operation to collect fish. One only has to look to the National Marine Underwater Sanctuary site near Marathon, Florida to see

the negative fallout of "nearby" collection activities.

Just because this venture will be economically convenient for the operators does not make it a sound decision for all. As a businessman and environment advocate, please deny the Revised Final Environmental Impact Statement for the Kona operation.

Yours In Nature,
Sidney E. Smith
11159 S Gerfalcon Pl
Nampa, ID 83686
208-869-5048

From: [Ryan S](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] Fisheries ban
Date: Monday, June 21, 2021 3:15:25 PM

As someone who worked for water pollution control and fishery services I cannot understand why public officials are caving to baseless claims which used (now) knowingly fraudulent data to promote a ban.

This should not be a decision of personal agenda but that of science.

Lift the ban, support sustainable harvest, & support putting resources back into the environment through proceeds.

In a year where everyone claims to be about the science while simultaneously ignoring and suppressing any scientific data against a narrative be the voice of reason. Support science, support the spread of science, support the funding of science through the economy.

Sincerely,
Ryan Snodgrass

From: [Kukuiohiwai](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] June 25, 2021 BLNR Agenda Item F.3 Testimony
Date: Thursday, June 24, 2021 12:51:53 AM

Hannah Kihalani Springer
Kukui'ohiwai, Ka'ūpūlehu
72-3403 Mamalahoa Highway
Kailua, Kona, Hawai'i * 96740

June 24, 2021

Testimony **Against Accepting** the Revised Final Environmental Impact Statement for the Proposed Issuance of Commercial Aquarium Permits, Commercial Marine Licenses, and West Hawai'i Aquarium Permits for the West Hawai'i FMA

Me ka ha'aha'a,

Though Hawai'i nei has well articulated laws and rules addressing environmental and cultural protection, we have not demonstrated the political will to sufficiently fund and staff the Departments and Divisions responsible for implementation and enforcement of these rules. Section 3.7.2 does refer to an applicant proposed "new Certificate of Origin system", but the applicant, as noted, does not have the authority to implement this. Compliance measures are not clearly stated and given the vast geographic area of West Hawai'i, I do not have confidence in the proposal to sufficiently protect the marine / cultural resources of West Hawai'i.

Many cultural practitioners were contacted for comment and our opinions are summarized and included in the RFEIS. Our concerns were stated, but not addressed in the document.

Government agencies may not defer their duties to Mālama 'Āina or any other Public Trust obligations, and the RFEIS does not describe how these obligations will be met.

For these and many reasons specified by many others, please, **Do Not Accept the RFEIS.**

And, if the RFEIS is accepted, I pray that you choose the **No Action Alternative.**

Mahalo,
Hannah Kihalani Springer

From: [Jesse Staalman](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] West Hawaii Reefs
Date: Monday, June 21, 2021 10:55:49 AM

To whom it may concern,

I am heavily opposed to the reopening of the West Hawaii Reefs to Aquarium collecting. I'm not a resident of Hawaii, but I've spent much of my life working hard to do what I can to help recover lost reefs. I'm currently in the solar industry pushing hard for us to transition of of harmful power production. My wife and I are selective on the products we use and the cars we purchase, all to better our environment and primarily to save the reefs we have such a deep love for.

Please let this e-Mail matter, and keep commercial vendors from damaging our reefs for financial gain.

Jesse S Staalman

Sales Manager

Smart Energy Today, Inc.

[828-279-3780](#)

From: jons8791@gmail.com
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] Item F3 Support/West Hawaii Aquarium EIS
Date: Monday, June 21, 2021 10:50:55 AM

June **21**, 2021

Chair Case and Boardmembers:

I contact you today to support the Revised Final Environmental Impact Statement (RFEIS) for the West Hawai'i Aquarium Fishery published June 8, 2021, in The Environmental Notice.

Pursuant to the best available science of the RFEIS, the *REVISED WHITE LIST AND LIMITED PERMIT ISSUANCE (PREFERRED) ALTERNATIVE* was developed that addresses the stated reason for denial of the previous FEIS submittal.

The preferred alternative is sustainable, only allowing take of species proven stable and increasing over twenty plus years of monitoring. The total allowable catch is an over all reduction from historic averages to ensure a buffer for climate change.

Aquarium Permits would be limited to 7 permit holders, fishing only the West Hawaii Regional Fishery Management Areas (WHRFMA), and limiting collection to 8 identified species. These species in turn would be subject to catch quotas.

Permittees would abide by all rules and regulations set forth in HRS 189-2,3 (Commercial Marine Permit), HRS-188-31 (Section 1.2.1), governing Aquarium Permit use, and would obtain a West Hawai'i Aquarium Permit as required under HAR 13-60.4 (Section 1.2.3.2). Existing slot limits for Yellow Tang and Kole remain in effect in addition to the individual catch quotas.

This Alternative supports the DLNR's purpose to ensure that in context to commercial aquarium collection, such fishing does not lead to degradation of fish populations and the habitats in which they occur. It specifically addresses concerns related to declining populations and sustainable collection. It supports the Applicant's purpose and need to continue fishers' livelihoods participating in the lawful, responsible, and sustainable commercial collection of various fish species from nearshore habitats.

Table 32. Proposed Individual Catch Quotas for the Revised White List. Annual limit [from January 1 through December 31](#) of each year

Species	Individual Catch Quota (per fisher)	Total Potential Catch (all 7fishers)
Yellow Tang	28,571	200,000
Black Surgeonfish	450	3,152
Orangespine Unicornfish	838	5,872
Kole	3,750	30,000
Bird Wrasse	49	344
Potter's Angelfish	625	4,376
Thompson's	288	2,016

Surgeonfish		
Brown Surgeonfish	114	800

I encourage your support to this program. In this well regulated artisanal fishery, you will return many back to work. And many of us in other parts of the world interested in marine sciences may again have the opportunity to study and enjoy such fauna.

Very truly yours,
Jonathan Stanley JonS8791@gmail.com

From: [R Stetson](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] Agenda Item F.3 Testimony
Date: Wednesday, June 23, 2021 8:48:33 AM

Aloha Esteemed BLNR,

As a longtime resident of Hawaii Island, I have personally witnessed the harm to its ocean life engendered by the aquarium trade through the nearly two decades of time that I have frequented our local ocean environment.

It is difficult for me to comprehend that there even remains a basis for the argument of whether removing hundreds of thousands of Hawaii's native fish year after year is OK. And not only removing them, but through that action consigning them to a cruel life sentence and death. And is it not also quite clear that this assault on Hawaii's marine life is disrupting the balance of nature -- with its far-reaching consequences that can not easily be remedied by human intervention, if at all?

Are we not the stewards/protectors of all things Hawaiian? Have we not been fighting for this particular cause over and over again, through years of time? And to what end? So that a business consortium may profit at the expense of Hawaii's life blood and the death of its sustainable future?

Even from a purely economic standpoint, preserving Hawaii's fish and their habitat, on the other hand, points to a much broader, inclusive, sustainable, economic outcome through visitors that flock to Hawaii precisely to witness its unique ocean environment and creatures. As it is, the inexorable dwindling of Hawaii's under-protected ocean life is already turning underwater tourism towards more pristine areas around the globe -- and away from Hawaii.

I respectfully request that the BLNR not only reject this current EIS, but that it put permanent protection in place once and for all to preserve Hawaii's precious underwater world and the creatures therein.

Sincerely,

Robin Stetson
Big Island Resident

From: [Veda Stram](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] Re: Agenda Item F.3
Date: Wednesday, June 23, 2021 10:02:17 AM

Hello!

Please ban all practices allowing for the removal of any species from our amazing ecosystems!
Nature's design demands that ALL natural species must remain where they are!

THANK YOU!

Veda Stram
Camano Island WA 98282
360/631-5100

From: [Natalie Streeter](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] commercial aquarium collection
Date: Wednesday, June 23, 2021 8:57:44 AM

I Am HAWAI'I RESIDENT and I want the **BLNR to REJECT THE Environmental Impact Statement** (EIS). Please protect our very special coast line fish. Mahalo

Natalie Streeter
87-3198 Kihikihi Rd
Captain Cook, HI 96704
5305148431

From: [Richard Strieber](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] Support the West Hawaii Aquarium EIS
Date: Monday, June 21, 2021 12:22:20 PM

Richard Strieber
1611 Hawks Tree Lane
San Antonio, TX 78248

June 21, 2021

Dear Hawaii Board of Land and Natural Resources,

I support DLNR's adoption of the Environmental Impact Statement analyzing Issuance of Commercial Aquarium Permits for the West Hawai'i Regional Fishery Management Area (WHRFMA). This EIS fully analyzes all of the potential impacts the Hawaii aquarium fishery may have on the environment under each of the alternatives. The EIS proposes measures to avoid and minimize already insignificant impacts on fish species and the environment in the WHRFMA.

The preferred alternative is sustainable, only allowing take of species proven stable and increasing over twenty plus years of monitoring. The total allowable catch is an overall reduction from historic averages to ensure a buffer for climate change.

Aquarium Permits would be limited to seven permit holders, fishing only the West Hawaii Regional Fishery Management Areas (WHRFMA), and limiting collection to eight identified species. These species in turn would be subject to catch quotas.

As you know, West Hawaii aquarium fishers have been out of work for over three years. The West Hawaii aquarium fishery is one of the best-managed near-shore fisheries in the world. Numerous scientists and DLNR staff agree with this conclusion. The West Hawaii Fishery Management Area was developed with significant input from all parties, including the environmental community as well as Native Hawaiians.

The Proposed Action is an overall reduction in take over the Pre-Aquarium Collection Ban alternative. Although I felt the fishery was sustainable in the past, a common critique is that there are no limits. Reducing catches by approving only the seven proposed permits is a practical approach to address this concern. This will ensure the vitality and sustainability of the West Hawaii Fishery while addressing the critics.

Enforcement has always been another talking point of those opposed to any fishery. By issuing seven permits, the fishermen can easily self-police as they know who is permitted to legally fish. The limitation on the number of permits also assists DOCARE/enforcement as they will easily know who is legally allowed to fish by the limited number of boats which are registered.

Sincerely,
Richard Strieber

From: [Linda Sue](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] Aquarium collecting: REJECT the Final Environmental Impact Study
Date: Monday, June 21, 2021 5:52:04 AM

As expected, the mainland pet industry is back, trying to reopen our reefs to destructive aquarium collection. Act today! Tell

The Board of Land and Natural Resources they must REJECT the Final Environmental Impact Study for failing to disclose the significant environmental and cultural impacts of this destructive, ornamental trade. The BLNR must protect the reefs, as the reefs protect the entire island chain. Part of this protection depends on the protection of the species that live there... that is making sure that adequate populations of marine life continue to live there, especially if there are inadequate methods to oversee the activity of collectors for the aquarium trade.

When captured reef fish only have a 3-20% survival for a the first year, something else must be done. Aquarium collectors need to learn how to breed them in captivity RATHER than always taking from the wild population!

Culturally, all animals are considered sacred and are there to help feed and sustain our people, while keeping the ecosystem healthy. Taking fish to supply mainland and international hobbyist aquariums, for sheer ornamental purposes, is not acceptable.

Considering the ecosystem... if the reefs die off not only because of climate change, but also because the aquarium trade reduces the populations of marine life, then we are all in trouble. Without reefs, there will be increased dangers from storm surges and other natural disasters.

PROTECT our fishes... PROTECT the reefs... PROTECT our islands. Yes, it really is that simple.

Thanks for reading,
Linda Sue
Honolulu, HI 96813



June 21, 2021

Chair Case and The Board of Land and Natural Resources

RE: Support the West Hawaii Aquarium Revised EIS

Chair Case and Board members:

I contact you today to support the Revised Final Environmental Impact Statement (RFEIS) for the West Hawai'i Aquarium Fishery published June 8, 2021, in The Environmental Notice.

Pursuant to the best available science of the RFEIS, the *REVISED WHITE LIST AND LIMITED PERMIT ISSUANCE (PREFERRED) ALTERNATIVE* was developed that addresses the stated reason for denial of the previous FEIS submittal.

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This Alternative supports the DLNR's purpose to ensure that in context to commercial aquarium collection, such fishing does not lead to degradation of fish populations and the habitats in which they occur. It specifically addresses concerns related to declining populations and sustainable collection. It supports the Applicant's purpose and need to continue fishers' livelihoods participating in the lawful, responsible, and sustainable commercial collection of various fish species from nearshore habitats.

Table 32. Proposed Individual Catch Quotas for the Revised White List. Annual limit [from January 1 through December 31](#) of each year

3765 Zip Industrial Blvd.
Atlanta, GA 30354
www.sunpet.com



800.996.1181
404.761.7260
Fax 404.761.7980

Species	Individual Catch Quota (per fisher)	Total Potential Catch (all 7fishers)
Yellow Tang	28,571	200,000
Black Surgeonfish	450	3,152
Orangespine Unicornfish	838	5,872
Kole	3,750	30,000
Bird Wrasse	49	344
Potter's Angelfish	625	4,376
Thompson's Surgeonfish	288	2,016
Brown Surgeonfish	114	800

I encourage your support to this program. In this well regulated artisanal fishery, you will return many back to work. And many of us in other parts of the world interested in marine sciences may again have the opportunity to study and enjoy such fauna.

Very truly yours,
Barry Wisebram, President
Sun Pet LTd.
Barry.wisebram@sunpet.com

From: [Ellen Sweeney](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] Agenda item F.3
Date: Wednesday, June 23, 2021 1:26:06 PM

Catching wild fish for aquariums is wrong. Please don't fall for the refrain "it will create jobs" or "people want choice". Wildlife is under attack the world over, including in the oceans. Fish are not statistics. Please leave them alone.

Ellen Sweeney
3275 Harlan Dr.
Redding, CA

From: [Tom Wallace](#)
To: [DLNR.BLNR.Testimony](#)
Cc: tommy.waters@honolulu.gov
Subject: [EXTERNAL] Aquarium fish collection
Date: Tuesday, June 22, 2021 5:55:34 PM

Once again our reefs are under attack.

Agenda item f.3 will allow the return to destructive aquarium fishing. Our reefs are under stress in many ways including over fishing and warming waters and an increase in climate related storms.

Proponents of aquarium fish collection will claim that the new Final Environmental Impact Statement (FEIS) shows that aquarium fishing is sustainable; but it is clearly not. You will get other testimony stating the failings of the FEIS, I do not need to repeat them here. Please remember the abundance of all fish in the oceans when you were growing up. There are not as many reef fish today as there were even 10 years ago, let alone 100 years ago.

According to researchers If we keep our current course 90% of coral reefs will be gone by 2043

As a reminder, herbivorous reef fish eat the algae on the coral, which help keep the coral healthy.

At best, allowing aquarium fishing will benefit a few individuals and will take away a precious resource from all Hawaiian residents and visitors. When you look at the benefit / reward it just does not make sense.

Thank you for your listening. Let us together let Hawaii lead in reef conservation.

Tom Wallace
Honolulu HI

From: [Lynda Tanabe](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] Reject RFEIS
Date: Wednesday, June 23, 2021 3:00:40 AM

Hi my name is Lynda Tanabe I'm a resident of Ewa Beach Hawaii. I am writing to you asking that you reject the final Revised Environmental Impact statement regarding Hawaii Island. commercial aquarium permits.

I have been living in Hawaii since 1986 and have noticed a market decrease and small reef fish since then. The yellow tangs are practically gone. I moved to Hawaii to enjoy the oceans and must say I've noticed a noticeable decrease in the condition of our coral reefs and decrease in the small reef fish.

Please consider this sad but true statement. These fish belong in our oceans not in aquariums.

Thank you for continuing to protect our marine wildlife

Lynda Tanabe
Sent from my iPhone

From: [Darrell Tanaka](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] Testimony June 25, 2021
Date: Tuesday, June 22, 2021 7:13:07 PM

Testimony for June 25, 2021 Land board hearing,

Item : DAR F3 relating to aquarium fishing.

Dear Land Board Member,

Are you going to manage the aquarium fishery based on emotions, or are you going to manage the aquarium fishery using science and common sense??? Because how you vote will set precedence for how DLNR will manage Hawaii's resources....Closure is not management....Management means doing things the hard way and finding compromise.

Sincerely,
Darrell Tanaka
Fisherman on Maui.

From: [Gabriela Taylor](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] Aquarium fish collection Reject the EIS
Date: Saturday, June 19, 2021 2:17:27 PM

I am a 50 year resident of Kauai and feel trangly that you do not allow anyone to collect aquarium fish anywhere. There should be a lawa and anyone who breaks it will be charged. Reject the EIS.

Mahalo, Gabrieia Taylor

From: [david thomson](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] Hawaii ornamental fish trade
Date: Wednesday, June 23, 2021 6:47:12 AM

Hello,

I am writing to share my thoughts on the ornamental fish trade ban in Hawaii.

I have kept saltwater aquariums for almost 40 years. It has been a big part of my life. I have been involved in the industry at many different levels. I have been a hobbyist, worked in fish stores, and bred and sold saltwater fish and corals. I have loved it, and through doing so have developed the biggest love for our oceans and everything that lives in them.

I still remember the first time we visited Hawaii. The first time I could look in the water was at the marina when we got there. I saw a pair of Moorish Idols swimming along the wall, followed by a group of yellow tangs with some convict tangs mixed in. It was amazing to see the fish I had at home in the wild. I will never forget that experience. It is why I want to take my family to Hawaii, and why Hawaii is different than going to Florida. Because of those animals we have kept, loved and cared for it makes going to Hawaii a dream location.

I also care deeply about protecting those same animals and the entire ecosystem. They are all beautiful, amazing creatures that everyone should be able to admire. Their populations need to be watched, cared for and protected. That protection needs to be backed by science and watched carefully and transparently.

I believe the solution is not always just a flat ban. Maybe sometimes it does require a ban at times, but that is something that should always be watched and managed. Then when things improve or certain metrics are met, things are opened back up in a calculated and orderly way. Surveys can be done, and numbers can be calculated to get and keep population levels where they are decided to be.

If I had not ever had a chance to see and keep saltwater fish as a child growing up in Kansas, I likely would not have the love I have for the ocean and places like Hawaii that I do now. Keeping an aquarium and loving the animals is different than seeing them in a video or magazine. They are still cool to see in those pictures, but caring for those animals makes it so much more real. That is what then makes me care about the places those animals live. It makes me want to protect those places, and it makes it a dream to visit those places.

I ask you to please seek balance in this issue and come up with a balanced solution.

Thank you,
David Thomson
Flower Mound Texas

June 16, 2021

TO: Chair Case and Board of Land and Natural Resource Members

RE: In support of West Hawaii Aquarium Revised FEIS

Hello,

I'm writing in support of the revised environmental impact statement for the aquarium fishery in West Hawaii. I visit Kona regularly and was inspired to learn to snorkel by visiting public aquariums when I was growing up.

The science presented in the new preferred alternative demonstrates a sustainable fishery. Not everyone has the ocean at their doorstep and having aquariums allows those who love the environment to experience it no matter where they live.

Sincerely,

Evelyn Tiong

evilynt@hotmail.com

JUNE 16, 2021

CHAIR CASE AND BOARD OF LAND AND NATURAL RESOURCE MEMBERS
REGARDING: SUPPORT OF WEST HAWAII AQUARIUM REVISED FEIS

Hello,

I support the West Hawaii revised FEIS and feel it firmly establishes the sustainability of the fishery going into the future. I have always been an aquarium enthusiast and love being able to observe such beautiful fish. It's the only window into their world I have and I know many people feel the same way. My kids have learned through this exposure too and have enormous respect for the ocean and the fish.

Sincerely,
Christopher V Tiongco
cvtiongco@gmail.com

**To: Chair Case and Board of Land and Natural Resource Members
In Support of West Hawaii Aquarium Revised FEIS**

Aloha Chair Case and Board Members,

I am resident of the Big Island and I support the recently published West Hawaii aquarium revised FEIS. The best data available is showing that the preferred alternative is sustainable and there are no detrimental impacts to fish populations or their habitat. Now with the number of species that would be allowed to be caught being reduced to just those showing tremendous stability, as well as catch limits in place, I believe this even further removes any possibility of negative impacts. Management seems to have been very effective. I support allowing aquarium fishing to resume in West Hawaii.

**Thank you very much,
Cristina Tiongco
June 16, 2021
ina.dimples@yahoo.com**

From: [Michael F. Tlusty](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] Item F3 Support
Date: Thursday, June 24, 2021 5:53:36 AM

Chair Case and The Board of Land and Natural Resources
blnr.testimony@hawaii.gov

Re: “Item F3 Support “ Support the West Hawaii Aquarium Revised EIS

Chair Case and Boardmembers:

This letter is for support the Revised Final Environmental Impact Statement for the West Hawaii Aquarium Fishery, Published June 8 2021, in the environmental notice.

I have studied aquarium fisheries for over 2 decades. My colleague (Dr Andrew Rhyne, Roger Williams University) and I have worked extensively with the NOAA-NMFS Coral Reef Program, USFWS, as well as internationally to understand the trade in marine aquarium species. Our work has been published as:

- Baillargeon, G. A., Tlusty, M. F., Dougherty, E. T., & Rhyne, A. L. (2020). Improving the productivity susceptibility analysis to assess data-limited fisheries. *Marine Ecology Progress Series*, 644, 143–156.
- Rhyne AL, Tlusty MF, Szczebak JT, Holmberg RJ. 2017. Expanding our understanding of the trade in marine aquarium animals. *PeerJ* 5:e2949 <https://doi.org/10.7717/peerj.2949>
- Rhyne AL, Tlusty MF, Kaufman L. 2014 Is sustainable exploitation of coral reefs possible? A view from the standpoint of the marine aquarium trade *Current Opinion in Environmental Sustainability* 7, 101-107
- Rhyne AL, Tlusty MF, Kaufman L. 2012. Long-term trends of coral imports into the United States indicate future opportunities for ecosystem and societal benefits. *Conservation Letters* 5: 478-485
- Rhyne AL, Tlusty MF, Schofield PJ, Kaufman L, Morris JA, Bruckner AW. 2012. Revealing the Appetite of the Marine Aquarium Fish Trade: the Volume and Biodiversity of fish imported into the United States. *PloS one* 7 (5), e35808
- Rhyne A, Rotjan R, Bruckner A, Tlusty M 2009. Crawling to collapse: Ecologically unsound ornamental invertebrate fisheries. *PLOS One* 4(12):e8413

From our assessment of global marine ornamental fisheries, West Hawaii fishery has one of the best management and monitoring frameworks. The robust data set generated by DNLN over the past 20+ years has clearly demonstrated the west Hawaiian fishery was being managed before its closure. The additional limits on collectors, species, and catch numbers further safeguard potential over-exploitation of the States Marine Resources.

Having previously worked at a public aquarium for nearly 2 decades, the Aquarium Fishery in Hawaii has enabled people the world over without the means to travel to Hawaii, to visit Public Aquariums, keep aquariums, and to appreciate the beauty and learn about the marine life of Hawaii. Exposure to and appreciation for Hawaiian marine life creates an awareness and understanding of the importance of the health and viability of our oceans.

My one suggesting is that a monitoring plan be put in place to quarterly evaluate the number of fish being shipped from Hawaii. Dr Rhyne and I have a system in place for automatic scanning of invoice data to enable the effective capture of this information. We have the ability to display anonymized data, and an example can be viewed at aquariumtradedata.org. We are willing to work with the state to determine a means to conduct this monitoring, and will provide this service for no cost, as we believe data transparency is critical for ensuring the future success of the fishery.

I encourage your support the science; the science is not ambiguous or in question here. I encourage your support for the Revised FEIS and the Revised whitelist and limited Permit issuance,

which will further ensure the ongoing sustainability of the Aquarium Fishery in West Hawaii.
When you are ready to discuss monitoring, please contact me at michael.tlusty@umb.edu.

Submitted in good faith,

Michael Tlusty, PhD

~~~~~  
**Michael Tlusty, PhD**  
*Associate Professor – Sustainability and Food Solutions*  
*School for the Environment*  
*University of Massachusetts at Boston*  
*Boston, MA 02125*  
*617-287-5285*  
[www.tlusty.solutions](http://www.tlusty.solutions)  
[Google Scholar](#)  
Pronouns: he, him, his

*We wish to acknowledge that the University of Massachusetts Boston is situated upon the traditional, ancestral, and unceded land of the Pawtucket and Massachusett First Nations. We pay respect to the elders, both past and present, as well as future generations. This acknowledgement demonstrates our commitment to working to dismantle the systems of oppression that have displaced Indigenous Peoples and the ongoing legacies of settler colonialism.*  
~~~~~

From: [Vivian Toellner](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] Agenda Item F.3 Testimony -Half a Million Fish removed from Hawaii !!
Date: Monday, June 21, 2021 6:22:03 PM

More than half a million aquarium fish have been collected despite a 2017 state Supreme Court ruling. A new order says that shouldn't have happened. Published November 2020.

<https://www.civilbeat.org/2020/11/new-court-ruling-further-restricts-commercial-aquarium-fishing-in-hawaii/>



New Court Ruling Further Restricts Commercial Aquarium Fishing In Hawaii

More than half a million aquarium fish have been collected despite a 2017 state Supreme Court ruling. A new order says that shouldn't have happened.

www.civilbeat.org

*A new state environmental court ruling is expected to **rein in** Hawaii's aquarium fish trade and give a boost to opponents of the controversial commercial practice in local waters.*

It won't bring that practice to an immediate halt, however, and that has some conservationists worried there could be a "run on the reefs" by aquarium fish collectors before their permits expire. First Circuit Judge Jeffrey Crabtree's order, issued Friday, found that the state agency responsible for protecting Hawaii's nearshore waters has been violating state environmental law because it fails to require the proper environmental reviews for all aquarium fishing.

Previously, in 2017, [the Hawaii Supreme Court made clear](#) that commercial fishermen needed an approved environmental impact statement if they wanted to use fine-mesh nets to collect aquarium fish.



A kole tang, the second most targeted species in West Hawaii by the aquarium fishers.

Still, the Department of Land and Natural Resources continued to issue commercial marine licenses, or “CMLs,” for the aquarium fishermen who used methods other than mesh nets, under a different state statute. Crabtree’s order says that practice violated the state’s Environmental Policy Act. In less than three years **since that Supreme Court ruling came out, more than half a million fish have been collected from Hawaii waters for aquarium sales, according to figures provided by DLNR to the court. (Many more have been taken and not**

counted !)

“The court finds the current levels of commercial aquarium fish capture ... (are) far more than enough to meet the criteria for HEPA,” Crabtree wrote, referring to the state’s environmental review process. DLNR said in a statement Monday that it’s taking “immediate steps” to comply with Crabtree’s order. Specifically, it said it won’t issue any new CMLs for aquarium fishing, nor would it renew the existing licenses.

However, the agency did not say it would cancel the existing CMLs for aquarium fish sales. Instead, the DLNR statement pointed out that Crabtree had declined to issue an immediate injunction against the licenses as part of his order. The DLNR’s statement is “a good start” and reflects Crabtree’s order to come to an agreement, said Mahesh Cleveland, associate attorney with the environmental legal group Earthjustice.

The law firm’s Mid-Pacific office filed suit against DLNR on behalf of longtime aquarium trade opponents such as Willie Kaupiko and [Mike Nakachi](#). “I can’t really predict where this is going to go,” Cleveland said. Earthjustice and its clients are weighing next steps, he added. “The concern is that by not invalidating existing CMLs that’ll cause those collectors to do a run on the reef,” Cleveland added. Such licenses expire after a year, DLNR said. Out of 3,000 CMLs for the state, only 41 report catches for aquarium sales, it added.

The local aquarium trade had generated a lot of contention in recent decades, particularly on Hawaii island’s Kona side, where there have been numerous reported confrontations and even [worrisome underwater altercations](#) between harvesters and those determined to stop the trade. DLNR has also arrested several people for illegal aquarium fishing following the Supreme Court’s 2017 order. In one **bizarre** episode in September, a well-known Kailua Kona-based aquarium fisherman, Steve Howard, **refused to tell DLNR authorities** the whereabouts of two divers

working with him once they intercepted Howard on the water. The missing divers prompted a search-and-rescue operation in West Hawaii, but they were later found safe at a gas station with their diving equipment. Howard was arrested.

Please accept this as my testimony for the protection of Hawaii's aquarium fish and reefs, and **rein in** Hawaii's Aquarium fish trade. Be strong for what is Hawaii.

Vivian Toellner, PO Box 6894, Hilo HI 96720

From: [Tlaloc Tokuda](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] Agenda Item F.3 Testimony
Date: Tuesday, June 22, 2021 3:30:25 PM

Aloha BLNR, my name is tlaloc tokuda and i hope you reject the EIS.

- ~ The EIS is wholly flawed-- relying on insufficient, faulty, inadequate and improper data and assumptions;
- ~ The EIS fails to accurately analyze the environmental consequences to reefs and fish abundance of 7 aquarium collectors taking over 246,000 fish, claiming it won't cause an impact;
- ~ The EIS fails to accurately analyze the cultural and socioeconomic consequences of aquarium collection in West Hawai'i and ignores the research showing that Hawai'i residents receive ZERO benefits from the trade, but suffer ALL the costs.
- ~ The EIS fails to propose and analyze any meaningful mitigation or alternatives that would reduce the impacts;
- ~ The EIS fails to adequately incorporate input of Native Hawaiian practitioners, experts, community members, and consulted parties.
- ~ The EIS has NO PLAN for enforcement and compliance measures, even though DLNR asked them to provide them, and even though the trade has shown itself to be full of scofflaws.

So i hope you stop the unsustainable fish harvesting of our reef fish. Mahalo for your consideration.

tlaloc tokuda,
Kailua Kona, HI 96740

From: [BARBARA TOMASINO](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] Pending action to allow removal of tropical fish from Hawaii's waters
Date: Tuesday, June 22, 2021 9:56:14 AM

I have family in Maui;and have been there many times. Along with friends and family I have been privileged to dive the amazing waters of Hawaii

I cannot condone allowing ANYBODY removing any of the inhabitants of Hawaii waters for financial gain. Please protect your waters and it's beauty for all to enjoy

Warm Regards,
Barbara Tomasino

From: [Alberto Torruella](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] Hawaii Fish Collection Ban
Date: Tuesday, June 22, 2021 3:43:34 AM

This is another case in which politics triumph over science. What kind of example are we giving the world? The best managed fishery in the world is closed because of cheap politics. No other industry sells fish at this price/pound. This was sustainable fishing at its best. PITA is like NRA they do what they want no matter the public opinion.

Please Change. Normally science is against industry, in this case politics was the only one against it and science was defending it.

Not a sufficient economic gain for the state. Put a \$5 per fish collected tax on it. Maybe you can understand economics better.

Please consider the environment before printing this email.

.....
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From: [Richard Townsend](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] FEIS Hearing Testimony
Date: Tuesday, June 22, 2021 6:53:39 AM

Aloha,

First and foremost, thank you for allowing me to weigh in on this subject. I appreciate your time and consideration on the matter for which you are considering today.

The aquarium fishery FEIS hearing before you today is due to an “USER CONFLICT” and not for any true environmental causes. For years, half-truths have been used in testimony to attack the now proven sustainable fishery. It has been demoralizing for the fishers and the scientist who have studied the fishery. Allowing for the HEPA laws to be misused in such an anti-science manner in order to shut down a conflicting business to tourism is very unfair. It is a sad day when elected and appointed officials are cherry picking unverified science to make decisions. At the end of the day, sustainable fisheries are both good for tourism and fishers who depend on this lifestyle for income which leads to tax revenue.

The State of Hawaii depends heavily on tourism yet ignores what that tourism does to the environment and instead has scapegoated the fishers with an unfair blame on unverified impacts to Hawaii’s beautiful fishery and natural resources. To ignore the giant carbon footprint that tourism uses, the impact of tourist traffic in the migration paths of large and small oceanic mammals and the impact of shore traffic of tourists to the merging fragile ecosystems of ocean and land, is derelict at best and potentially exposes conflicts of interest between that industry and the officials who are entrusted with making decisions on the stewardship of the lands.

Fishers understand the need for sustainable fisheries and a managed ecosystem. They pay fees that go directly to the DNLR and understand that those fees go directly back to environment for that sustainability and oversight. It is in the best interest for fishers to have a sustainable and managed ecosystem in which they can provide for their families. Very little tourism tax revenue or fees makes their way back into DNLR and a population who is there for only a brief moment in time does not respect the fragile ecosystem in the same way that lifetime residents do.

We need to diversify our economy and utilize our natural renewable resources. I implore you to not only pass the aquarium fish FEIS, but to also consider future sustainable renewable uses of our ocean resources. Tourism at it’s current form is also not renewable and exacts a huge demand on our oceans and state resources.

We understand DLNR’s concern for global warming and the environment. The fishers have always worked with DLNR and cared about this too. In the future they will gladly address any concerns there are. Right now, there is no fishery population concerns and corals have come back. The proposed FEIS does more than enough to address current issues.

For years commercial ocean tour groups have impacted Hawaii’s environment and marine life (<http://www.oceanwidescience.org/PDF/Whale%20collision%20report.PDF>) without regulations. It has increased over the years exponentially and is not sustainable and the damage done to Hawaii’s and the world’s environment may be irreversible.

The Supreme court ruled in 2017 that aquarium fishermen were required to do an EIS before receiving a permit from DLNR for commercial fishing. The impacts of this proven sustainable fishery are nowhere near those of 30,000 tourist a day. We need to protect the oceans and the world, and the first step is to require Ocean Tour activity permits to pass similar environmental impact reviews.

Maui tourist whale watching tours hit whales and caves! Many of the nationwide 115 whales ran into are done by Hawaii whale watching and dolphin tours every year!
(<https://sanctuaries.noaa.gov/science/sentinel-site-program/hawaiihumpbackwhale/vessel-impacts.html>).

Whales Dolphin's, turtles and fish at snorkel and scuba dive sites are relentlessly pursued, harassed and hurt by large numbers of tourists. Corals are stepped on, trampled and anchors dragged through them. Tourists take corals and shells as souvenirs home with them greatly impacting the environment (<https://seasidewithemily.com/marine-tourism-hawaii-sustainable/>).

The number of tourists has increased 65% over the last 20 years and is only expected to continue to rise. Over 80% of these tourists participate in marine tourism activities throughout the five main islands; Oahu, Maui, Kauai, the Big Island, and Lanai. Marine tourism includes active activities such as scuba diving and snorkeling, as well as passive activities such as dolphin and whale encounters on boats. **Hawaii's tourism.**

Over 10 Million visitors to Hawaii in 2019 created one of the biggest environmental impacts globally. Overseas travel to Hawaii emits over two tons of carbon dioxide per passenger (<https://www.vox.com/the-highlight/2019/7/25/8881364/greta-thunberg-climate-change-flying-airline>)! A one person Hawaii trip overseas produces as much CO₂ as driving an average car (4 tons CO₂ per year) for 6 months! Multiply that time 30,000 a day and that is 60,000 tons of CO₂ per day in tourist air travel to Hawaii alone. Overseas tourism is one of the highest CO₂ carbon footprint activities!

Marine commercial ocean activities operators are generally willing to let guests do whatever they want if it ensures a good review – even if their behavior is harmful.

Even passive activities such as whale or dolphin watching from a boat can have a long-lasting impact on these animals. Vocalization is the primary sense of cetaceans and is used to communicate, navigate, and locate prey. These vocalization patterns are altered by the presence of tour boats. In humpback whales, this can affect the song phase and duration leading to animal stress and confusion. Sleeping spinner dolphins are also affected by these excursions from boats. Spinner dolphins feed off-shore at night and return to sheltered bays and coastlines during the day to rest and tend to their young. Unfortunately, this leaves them vulnerable to tour boats. Operators offering dolphin sighting excursions often target these bay areas because they know dolphins will be sleeping here. This interrupts crucial rests periods for dolphins, which leads to dolphin aggression and leaves them fatigued and more susceptible to prey later on.

Hawaii has many other marine species that are also protected under state law and the Endangered Species Act and Marine Protection Act. However, these policies are ignored in order to impress guests; for example, by removing an octopus from its resting place and making it ink. Touching a Hawaiian Green Sea Turtle is punishable by law under the Endangered Species Act and Hawaiian state law, however, many tourists are either unaware or indifferent to this law, and punishment usually is not carried out in these circumstances.

One of the most frequently observed damaging behaviors by tourists is the kicking, stepping on, and sitting on of coral reefs. Studies conducted on Oahu showed that over 30% of marine tourism businesses offered introductory diving for non-certified participants, which involved placing inexperienced divers directly into reef locations. These divers are unfamiliar with diving and thus unsure how to maintain buoyancy, which results in them constantly kicking or touching fragile coral.

Tourism in Hawaii also represents 17% of gross state product. Should marine tourism and human activity continue to have such a detrimental impact on our oceans, there may soon be no marine tourism industry in Hawaii, which would be devastating to the state's economy. In a larger perspective, quite simply if the oceans die, we die. The oceans are Earth's biggest carbon sink and without it, life on earth cannot survive. Industries like marine tourism with such an impact, and also such a voice, need to be change makers and pave the path for a more sustainable future.

The operation of commercial and recreational thrill-craft (e.g., water sledding, parasailing vessels and highspeed motor craft) may also adversely affect marine mammals and turtles in Hawaiian waters. Small, fast and highly maneuverable, these crafts increase the risk of collision between marine species and vessels. Their small size increases the risk of injury to vessel operators and passengers, while their high speed reduces the time for the animals and operators to detect and avoid collision. The state of Hawai'i prohibits parasailing and certain other boating activities in areas off

the western and southern shores of Maui during the humpback whale breeding season. However, thrill-craft continue to operate in other Hawaiian waters where humpback whales are found.

Coral reefs are also vulnerable to impacts from vessels and can be damaged by improper anchoring and from ship groundings.

Below are a list of links documenting much of the negative impact that tourism and the tourism industry has on the environment and lack of safety:

<https://www.miamiherald.com/news/local/community/florida-keys/article251092309.html>

<https://www.mauinews.com/news/local-news/2021/01/researchers-probe-for-answers-to-snorkel-related-fatalities/>

<https://www.hawaiinewsnow.com/2021/06/11/hawaii-tourism-officials-call-more-sustainable-industry/>

<https://reefresilience.org/stressors/local-stressors/coral-reefs-tourism-and-recreational-impacts/>

<https://www.kitv.com/story/44090398/maui-sea-turtle-photo-causes-uproar-on-social-media>

<https://www.ecowatch.com/coral-reefs-destruction-tourism-conservation-2653139944.html>

<https://www.hawaiinewsnow.com/2021/06/02/survey-majority-of-residents-prefer-limiting-the-number-of-visitors-coming-into-hawaii/>

<https://sanctuaries.noaa.gov/science/sentinel-site-program/hawaiihumpbackwhale/vessel-impacts.html>

<https://www.kitv.com/story/41877870/whalevessel-collisions-nine-total-instances-reported-this-season>

<https://www.hawaiinewsnow.com/2019/03/30/boat-strikes-humpback-whale-calf-off-south-maui/>

<https://www.hawaiinewsnow.com/2019/04/02/hawaii-team-finds-many-humpback-whales-with-boat-strike-scarring/>

<https://www.hawaiinewsnow.com/2019/03/30/boat-strikes-humpback-whale-calf-off-south-maui/>

<https://sanctuaries.noaa.gov/science/sentinel-site-program/hawaiihumpbackwhale/vessel-impacts.html>

https://hawaiihumpbackwhale.noaa.gov/res/vessel_collisions.html

<https://hawaiihumpbackwhale.noaa.gov/science/permittedresearch.html>

Here are some links from DNLR concerning Tourism related impacts:

"Division of Aquatic Resources | Coral Reefs" <https://dlnr.hawaii.gov/dar/habitat/coral-reefs/>

"Coral Reefs | Recreational Impacts to Reefs" <https://dlnr.hawaii.gov/coralreefs/recreational-impacts-to-reefs/>

In summary, to deny the FEIS for fisheries while continuing to maintain the same or less restrictions on tourism impacts to the environment has no basis in science and letting tourism to continue at the rate that it is and stifling fishers is not fair or in the best interest of the ecosystems of Hawaii. At least there have been attempts by the fishing industry to do an EIS and understand their impact. They have agreed to regulations that were imposed previously and have been willing to not only work with, but to advocate for the DNLR in sustaining fisheries. Marine biologists often utilize the knowledge and services of fishers to do their studies and fishers are more than obliged to offer them. The cooperation should not be punished, but rather it should be cultivated. I ask that you consider to approve the current FEIS.

Thank you again for your time and consideration,

Richard Townsend

richptown@gmail.com

From: [True](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] Agenda Item 5.3 Testimony
Date: Wednesday, June 23, 2021 4:09:58 PM

Please reject this sham EIS. The aquarium fishers have proven themselves to be willing to cheat and steal time and time again. And that is exactly what they are doing by removing our beautiful fish from our waters. Stealing from all of us who appreciate their beauty and their value for creating healthy reefs. And the mortality of those fish taken is unconscionable. Allowing the aquarium trade makes no sense on so many levels.

Aloha and mahalo, Mary True, Pepekeo

From: [Mary Tubb](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] Testimony in SUPPORT of the Final Environmental Impact Statement of Aquarium Collecting in West Hawaii
Date: Wednesday, June 23, 2021 10:05:22 PM

Testimony in Support of Item 3, the FEIS for the Aquarium Fishery Friday 6-25-21 Land Board Hearing 9 am
Please pass the aquarium fishery FEIS and support Sustainable Fisheries.

From Mary Tubbs
PO Box 1434
Kailua, Hawaii

I cannot say it any better than the (21) Marine Biologist Ph.D. scientists did in their 2020 letter published in West Hawaii Today copied below. Please read it..

Thank you,

Mary Tubbs, M.Ed., N.C.S.P.

My Turn: We expect better

By William Walsh Ph.D., Ivor Williams Ph.D., Brian Tissot Ph.D.; Leon Hallacher Ph.D.; Bruce Carlson Ph.D.; Charles Birkeland Ph.D.; Jeremy Claisse Ph.D.; Mark Christie Ph.D.; Richard Pyle Ph.D.; Leighton Taylor Ph.D.; Randy Kosaki Ph.D.; Cynthia Hunter Ph.D.; Brian Bowen Ph.D.; Brian Zgliczynski Ph.D.; Jeff Ebel Ph.D.; Alan Friedlander Ph.D.; Kosta Stamoulis Ph.D.; Delisse Ortiz Ph.D.; Jan Dierking Ph.D.; Rob Toonen Ph.D.; and Jim Beets Ph.D. My Turn | Thursday, June 25, 2020, 12:05 a.m.

Last month, the Board of Land and Natural Resources (BLNR) unanimously rejected the Final Environmental Impact Statement (FEIS) on aquarium collecting in West Hawaii. What is particularly distressing and demoralizing about the BLNR decision was that it clearly was not based on the best available science and relevant monitoring data. Other than a single preliminary question, neither the chairperson nor board members asked any questions or solicited any input from the four Division of Aquatic Resources (DAR) staff

members, including three aquatic biologists, who attended the meeting. The DAR staff certainly could have provided science-based information and background on the issues being discussed and used as rationale for the FEIS denial.

For example, Chairwoman Suzanne Case stated that a lack of data regarding the number of fish that would be collected was of particular concern and there really are no limits on the numbers that can be taken. DAR has over 40 years of West Hawaii aquarium catch and permit data and it is clear that the amount of catch has tightly tracked the number of collectors. Catch and the number of permits have been significantly correlated so there is little justification to assume that there are no limits on the number of fish that would be taken given that the FEIS suggests limiting the number of permit holders to 10. Based on the clear evidence from the existing dataset, the projected total yearly take by these 10 aquarium permit holders would be substantially less than the take by the yearly average of 49 permit holders working in the period since the no-aquarium collecting Fish Replenishment Areas (FRA) were established in 1999. Similarly, concern was expressed about the threat of climate changes such as coral bleaching on reefs, which thus warrants extreme caution in reviewing activities such as aquarium collecting. This concern over coral bleaching is certainly warranted but somewhat surprising given that the Department of Land and Natural Resources (DLNR) leadership has not implemented the 2017 Coral Bleaching Recovery Plan which was developed by DAR and the University of Hawaii based on the input of over 100 scientists and resource managers from around the world. The goal of the plan was to implement management actions to promote coral recovery after bleaching in Hawaii and the scope of the plan was much more comprehensive than just focusing on aquarium collecting.

The chairperson and the board also had issues with the aquarium take of Achilles tang referring to it as highly depleted. Aquarium fishers in West Hawaii are the only ones in Hawaii who have a bag limit for this species (10 fish/person/day). This limit was based on an earlier effort to implement islandwide size and bag limits for a wide

range of fish species for which there were management and community concerns. A total of 15 public meetings involving over 380 people were conducted from January to June 2009 and a consensus was achieved on the management rules. All this effort was thrown asunder when the DLNR chairperson at the time refused to allow implementation of the rules.

The 1998 law, which established the West Hawaii Regional Fishery Management Area (WHRFMA), required the DLNR/DAR to present a report to the legislature every five years on the effectiveness of the WHRFMA. To do so, it was necessary to study how the new regulations were working. To accomplish this, DAR in association with the University of Hawaii at Hilo, established a rigorous, scientific monitoring program in 1999 to track changes in reef fish populations and coral reef benthic communities. Over the past 20 years, 82 survey divers have conducted over 2,100 underwater surveys for this monitoring project. Additionally, a number of other scientists have conducted research in West Hawaii relating to aquarium issues and/or targeted species.

The monitoring data show that the regulations put in place have been very effective in managing aquarium collecting in West Hawaii. The West Hawaii Regional Fishery Management Area is among the best studied and most effective fishery management efforts to date, and scientific data clearly show that management is working with population increases of the primary targets. For example, as noted in the 2019 DLNR/DAR legislative report, the populations of the two most heavily collected species of West Hawaii aquarium fish, yellow tang and kole, which collectively made up 92% of total aquarium catch in (fiscal year 2017-18), more than doubled over the past two decades. Their populations even increased in the areas open to collecting likely due to spillover from protected areas.

As experienced Hawaii marine science researchers with a direct/intimate understanding of this issue, we find the disregard for the science-based management initiatives of DAR and island communities demoralizing and counterproductive. We expect better from DLNR leadership. We want to re-emphasize that the strong

support we are expressing for this fishery is due entirely to the survey efforts and results of the DAR research team. There is a huge amount of data and other information showing that the aquarium fishery is sustainably managed and that the system works. This type of science-based management should be a model for other fisheries in Hawaii. The truth is out there, it needs to be embraced.

William Walsh Ph.D., Ivor Williams Ph.D., Brian Tissot Ph.D.; Leon Hallacher Ph.D.; Bruce Carlson Ph.D.; Charles Birkeland Ph.D.; Jeremy Claisse Ph.D.; Mark Christie Ph.D.; Richard Pyle Ph.D.; Leighton Taylor Ph.D.; Randy Kosaki Ph.D.; Cynthia Hunter Ph.D.; Brian Bowen Ph.D.; Brian Zgliczynski Ph.D.; Jeff Ebel Ph.D.; Alan Friedlander Ph.D.; Kosta Stamoulis Ph.D.; Delisse Ortiz Ph.D.; Jan Dierking Ph.D.; Rob Toonen Ph.D.; and Jim Beets Ph.D.

From: [Laura Ullman](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] Don't let aquarium's fish for their artificial reefs!
Date: Tuesday, June 22, 2021 9:00:27 PM

To whom it may concern,

Taking our food fish and the fishes needed to keep our Papa (reefs) healthy and abundant and shipping them to the “mainland” for Aquarium Displays and ornamentation is just Hewa Loa, and can never be construed as sustainable, helping to reduce the effects of climate change or more importantly helping us to restore true AINA MOMONA (Abundance)!!! The laws protect all of our resources and our rights as Native Hawaiians/Kanaka Maoli to practice and protect our cultural practices — BLNR seeking to approve an EIS for continued EXTRACTION OF OUR REEF FISHES TO THE “MAINLAND” is Hewa and violates our rights under the States Constitution and other related laws and impacts our Native and local Fishers able to support themselves and their families!!!

Laura

Sent from my iPhone

From: [Cynthia Urry](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] West Hawaii Aquarium Collectors
Date: Tuesday, June 22, 2021 5:51:28 PM

Dear BLNR,

We need to keep our West Hawaii waters free from the aquarium collectors. We have so many issues with our coral reefs that all the algae eaters are working overtime. With our

rising temperatures and the forecast for another epic coral bleaching event this summer , we cannot have more algae eating fish missing from our already delicate ecosystem.

Please have mercy on West Hawaii which is already suffering from cesspool damage, sewage spills and overuse from tourists on our precious reefs. Once they're gone, Hawaii dies.

Sincerely ,

Cyndy Urry
78-6855 Kuhinanui St.
Kailua Kona , Hi. 96740

From: [Krista Vessell](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] Please protect Hawaii's fish
Date: Monday, June 21, 2021 6:54:45 AM

As a resident of the state of Hawaii, I am asking that you please REJECT the Final Environmental Impact Study for failing to disclose the significant environmental and cultural impacts of the destructive ornamental trade of collecting fish for aquariums. Our fish belong in the OCEAN, not fish tanks!

Mahalo for helping to keep our reefs healthy and our fish populations thriving for our keiki.

Krista V.

From: [DeborahWallace](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] Reject the EIS. Item F.3
Date: Tuesday, June 22, 2021 5:47:27 PM

Please do not allow aquarium fishing in Hawaii. With damage from a warming ocean, overfishing, and agricultural runoff, our coral reefs are in great danger.

Aquarium fishing is harmful to the reefs. The coral reefs need the herbaceous fish that eat the algae which otherwise will destroy the coral.

Fish begin to die quickly when they are taken from the water. In order to compensate for this, aquarium collectors take 2 to 3 times more fish than needed to make up for those that die in captivity and in transport.

Healthy coral reefs are good for tourism. Many tourists come here to dive and snorkel hoping to see beautiful coral reefs and an abundance of fish. Banning aquarium fishing is one thing we can do to help restore our depleted fish supply and our damaged reefs.

It makes absolutely no sense to allow aquarium fishing for the profit of a very few individuals to the detriment of all of Hawaii.

Thank you for your consideration
Deborah Wallace

Sent from my iPad

From: [Colleen Wallis](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] REJECT THE EIS
Date: Saturday, June 19, 2021 5:34:14 PM

As I have stated in the past, the aquarium fish trade is a horrible trade that disregards the welfare of those fishes that only want to live out their lives in the ocean in which they were born. Many don't even survive the capturing process and are discarded like trash. Why can't they breed and raise their own fishes for their trade and stop raping our shorelines.

It is a disgrace to allow these aquarium traders to continue their trade.

Colleen Wallis

Reef teacher and kailua, Kona resident

June 23, 2021

Aloha Chair Case and members of the Board of Land and Natural Resources.

As experienced Hawai'i marine science researchers with a direct/intimate understanding of the issues surrounding marine fisheries and their management, we offer our strong support for BLNR acceptance of the Revised Final Environmental Impact Statement (Agenda item F3) for the issuance of Commercial Aquarium Permits and Commercial Marine Licenses for the West Hawai'i Regional Fishery Management Area (WHRFMA).

We want to emphasize that the strong support we are expressing for this aquarium fishery is due largely to the survey efforts and results of the DAR research team and their scientific associates. There is a huge amount of data and other information showing that the aquarium management system works, and the fishery is sustainably managed. This type of science-based management should be a model for other fisheries in Hawai'i.

The 1998 law which established the West Hawai'i Regional Fishery Management Area required the DLNR/DAR to present a report to the legislature every five years on the effectiveness of the WHRFMA. To do so it was necessary to study how the new regulations were working. To accomplish this, DAR in association with the University of Hawai'i Hilo, established a rigorous, scientific monitoring program in 1999 to track changes in reef fish populations and coral reef benthic communities. Over the past 20 years, 82 survey divers have conducted over 2,100 underwater surveys for this monitoring project. Additionally, a number of other scientists have conducted research in West Hawai'i relating to aquarium issues and/or targeted species.

The monitoring data show that the regulations put in place have been very effective in managing aquarium collecting in West Hawai'i. The West Hawai'i Regional Fishery Management Area is among the best studied and most effective fishery management efforts to date, and scientific data clearly show that management is working with population increases of the primary targets. For example, as noted in the 2019 DLNR/DAR legislative report, the populations of the two most heavily collected species of West Hawai'i aquarium fish, Yellow Tang and Kole, which collectively made up 92% of total aquarium catch in (FY17/18), more than doubled over the past two decades. Their populations even increased in the areas open to collecting likely due to spillover from protected areas. Similarly, the abundances of the other six species proposed for collection have increased or remained stable over the past decades in all management areas.

Jim Beets Ph.D.	Randy Kosaki Ph.D.
Charles Birkeland Ph.D.	Delisse Ortiz Ph.D.
Brian Bowen Ph.D.	Richard Pyle Ph.D.
Bruce Carlson Ph.D.	Kosta Stamoulis Ph.D.
Mark Christie Ph.D.	Leighton Taylor Ph.D.
Jeremy Claisse Ph.D.	Brian Tissot Ph.D.
Jan Dierking Ph.D.	Rob Toonen Ph.D.
Jeff Ebel Ph.D.	William Walsh Ph.D.
Alan Friedlander Ph.D.	Ivor Williams Ph.D.
Leon Hallacher Ph.D.	Brian Zgliczynski Ph.D.
Cynthia Hunter Ph.D.	

From: [Diane Ware](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] 6/25/21 agenda item F.3 WH AQ Trade—I request oral testimony
Date: Wednesday, June 23, 2021 6:37:47 PM

In support of rejection by the Board of the Pet Industry FEIS

Dear Chair and Members of the Board,

My name is Diane Ware and I am a Sierra Club member on the Big Island active with the Group's Aquarium Collection Issues Committee since 2008. At that time The Sierra Club Moku Loa Group and its 700 Big Island members supported Res. 308 requesting the State to ban commercial aquarium fish collection as a step toward conserving our endemic reef ecosystem for its inherent value to future generations supported the Hawai'i County Council's resolution to the State asking for a ban of aquarium reef fish collection. I have also served as an outings leader for 25 years and in that capacity have lead coastal hikes/camping, kayak and snorkel outings on the West side of Hawaii. I lived for a time before statehood on 'Oahu. I learned to swim and snorkel there and was in awe of the underwater abundance. West Hawai'i known as the Gold Coast for its abundance of iconic yellow Tangs has lost that distinction due to the loss of the vast schools of Tang. I gave up snorkeling years ago due to a feeling of loss and dismay.

Unfortunately yellow Tang are the top seller for the profit oriented Pet Trade which stands to benefit hugely from the action proposed by the trade. The current monetary retail value of Tang now starts at about \$100 yielding them \$20,000,000/ year while the 7 permittees would only see sales of approximately \$1,000,000 for the proposed quota of 200,00 Tang a year. The Gold Coast is gone unless this board acknowledges the loss of the kanaka maoli's abundant reef ecosystem to allow privileged persons around the world to take our precious wildlife for frivolous hobby and pleasure. Giving away a part of the indigenous culture is a form of environmental racism. I urge you to respect the indigenous people who have given testimony here in favor of the no action alternative due to negative impacts and a majority of all residents who support a ban of the trade. It is time for this government that ceded all the lands and nearshore waters of the Hawaiian Kingdom to stop taking the kanaka maoli resources and give back to the people. Try just waiting 5-10 years to let true natural abundance of the reef ecosystem to return.

Respectfully I note the Board request for testimony to focus on applicable laws. I find deficiencies in the FEIS's failure to comply with these applicable laws:

- 1- The Public Trust Doctrine in Article XII of the constitution regarding Natural and Cultural resources
- 2- HEPA HRS 343
- 3- The Animal Cruelty Statute HRS 711-1109
- 4- Hawai'i Open Government Policy regarding Transparency

~Regarding the Constitutional protection of natural resources and cultural practices found in

Article XII, I will quote an interviewee from the CIA section:

“The state has a duty to ensure our reefs can feed us for generations to come, not to line the aquarium pet trade’s pockets.” said **Ka’imi Kaupiko, who regularly fishes with his family in Miloli’i, the state’s last traditional Hawaiian fishing village.** “These collectors are taking food off of our tables, and the state is doing nothing to ensure the industry’s practices are sustainable.”

As concluded in the CIA (Appendix A), “cultural impacts would occur if a significant decline in the population of a White List Species considered to be a cultural resource occurs. The DAR (2019a) has noted significantly declining populations in one or more management areas for 12 of the White List Species. Therefore, cumulative cultural resource impacts to these 12 White List (now 8) Species would occur under any of the four alternatives which include collection of these species. However, given that some native Hawaiians believe any collection for aquarium purposes is contrary to cultural practices, any aquarium collection could have a cumulative impact, though that impact cannot be quantified at this time.”

The RDEIS does not propose mitigation measures specific to reducing the cultural impacts that are not ecological in nature, other than to admit the No Action Alternative is the only alternative with no cultural impact.

In section 5.4.2.1, the consequence of the No Action Alternative does not even mention the benefit to cultural practitioners of reduced extraction of reef fishes and habitat health on the native Hawaiian communities that depend on the reef.

~HEPA Chapter 343 HRS noncompliance

Traditional and customary practices occur within a belief system in which ecology, environment, and culture are inseparable. This is the most serious flaw in the good intentions behind the requirement for Environmental Impact Statements and Cultural Impact Assessments. Biological, Socio-economic, Physical, and Cultural Resources and traditional and customary practices are inseparable, which is why the impact on resources and traditional and customary practices cannot be “quantified” and any harm or loss is therefore considered irreparable. The revised FEIS now acknowledges “negative “ impacts to the culture but does not identify or quantify those impacts. This is the most serious flaw in the good intentions behind the requirement for Environmental Impact Statements and Cultural Impact Assessments.

~Non compliance with Cruelty to Animals Statute HRS 711-1109 and HRS 188-31 regulating aquarium collection:

The acts of cruelty start with puncturing the swim bladders to avoid barotrauma and continue at warehouse facilities on the island that seem not to be monitored or regulated for compliance as mandated in regulations governing permits (HRS 188-31). The FEIS applicant exempts itself from accounting for any consequences of fish treatment after leaving the ocean on the basis that this is out of the scope of the document. Yet the barotrauma usually occurs before leaving the boat and If not done can lead to death as in the case of the 500+ tangs found dead in trash cans at the harbor. The FEIS in section 5.4.2 claims mortality is rare or minimal from reef to retailer relying on scant documentation, although one study from the Philippines reported 10% mortality. At that rate with say 250,000/yr collected that would be 25,000 fishes. The applicant may think that insignificant but it is unnecessary “waste” as reported by numerous Hawaiian interviewees who report “bags of dead fish” and the 500+ yellow Tangs found dead in trash cans. This is also unnecessary suffering.

~Open Government Policy for transparency

The Pet Industry has denied transparency by not disclosing to the public who the “privileged” permittees are. They have been requested to do so by the Plaintiffs and numerous commenters including myself and Sierra Club.

I urge the Board to reject this EIS. The EIS fails to propose and analyze any meaningful mitigation or alternatives that would reduce impacts to the culture and enjoyment of residents and visitors. The EIS also fails to adequately incorporate the input of Native Hawaiian practitioners, plaintiffs, community members and visitors alike.

Please Malama pono rather than give away precious wildlife of our reefs.

Diane Ware
808-967-8642
volcanogetaway@yahoo.com
99-7815 Kapoha
Volcano HI 96785

From: [Michelle Waters Art](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] Please no collecting reef fish for the aquarium trade
Date: Wednesday, June 23, 2021 10:58:02 AM

To whom it may concern,

This comment is in reference to agenda item F.3.

I have visited Hawaii many times to snorkel and see native fish in the wild. I am writing to urge the state to continue the ban on capturing fishes from the reefs for the commercial aquarium trade, as the revised environmental impact statement is based on inadequate data, and effective enforcement of limited fish removal is not probable.

The reefs and fish are already stressed by global warming, coral bleaching and other factors, and will result in the deaths of many of the fish who will die after being captured. It's also very cruel to confine wild fish in a glass box.

As someone who looks forward to visiting Hawaii again later this year to snorkel I implore the state to deny the Pet Industry Joint Advisory Council's efforts to overturn the ban on capturing fish in Hawaii. The council argues that capturing fish will add jobs for the state, but many jobs exist because people want to see native Hawaiian fish and wildlife. Those jobs will disappear if the fish are gone.

Thank you for your consideration of my comments.

Sincerely,
Michelle Waters
Los Gatos, CA

From: [Madolin Wells](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] Agenda Item F.3 Testimony
Date: Saturday, June 19, 2021 2:20:03 PM

Aloha!

I am a Hawai'i resident asking BLNR to **REJECT the EIS!** It is inadequate, just a repeat of previous attempts, does not address any of the concerns of stakeholders who care about the true environmental impacts. Chipping away at critical protections of reef life, tropical fish, and all other aspects of Hawaii's fragile eco-system is wrong. Exotic tropical fish are neither pets nor toys. Please don't allow this to happen.

The real answer is to eliminate and permanently outlaw the aquarium trade completely, period. That is the only way for our oceans to begin the recovery process from decades of wanton destruction and commercial greed. Seeing it coming back to life during the previous period of moratorium was beautiful and inspiring.

We cannot continue taking for granted the life-giving beauty of the ocean and expect to withstand unending assault without repercussions from known threats and very likely, threats we have yet to discover.

Mahalo for your time.

Madolin Wells

From: [Laurel Whillock](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] REJECT the revised Final Environmental Impact Statement (EIS) to reopen West Hawai'i to the aquarium trade
Date: Sunday, June 20, 2021 12:21:58 AM

I am a full-time resident of the Big Island, living on the Kona side. I'm a recreational SCUBA diver who got certified here in 1993 and moved to the Big Island so I could dive along the Kona and Kohala coasts. In the years I've been diving here I've seen the quality of our dive sites deteriorate as the numbers of colorful tropical fish has diminished. Their absence has had a direct impact on the quality of diving on the entire West side of the island. I've traveled to many international dive destinations that have strict rules about no aquarium fish collecting and their reefs are vibrant, colorful and full of life. West Hawaii's dive experiences suffer greatly by comparison.

Experiencing the beauty and diversity of life in the ocean is one of the main reasons tourists come to West Hawaii. The current flawed EIS report indicates they'll see an abundance of colorful reef fish. That's not currently the case. Our reefs and fish stocks need much more time to replenish and heal. Taking thousands of fish off the reefs to benefit only a few businesses is poor management. Please consider the longer view and reject the revised Final Environmental Impact Statement to reopen West Hawaii to the aquarium trade.

Mahalo,
Laurel Whillock
Kailua-Kona, HI