



**Department of Land and Natural Resources
Aha Moku Advisory Committee
State of Hawaii
Post Office Box 621
Honolulu, Hawaii 96809**

Hawaii State Aha Moku Testimony
To the Board of Land and Natural Resources (Land Board)

May 26, 2023
Honolulu, Hawaii

Agenda Item F-1: 2nd REQUEST FOR APPROVAL TO HOLD PUBLIC HEARINGS ON AMENDMENTS TO AND COMPILATION OF CHAPTER 13-95, HAWAII ADMINISTRATIVE RULES, “RULES REGULATING THE TAKING AND SELLING OF CERTAIN MARINE RESOURCE.”

Aloha Chairperson Chang and Honorable Members of the Land Board,

We speak on behalf of the Aha Moku participants and members of Native Hawaiian generational families of the Pae’Aina of Hawai’i Nei – Moku O Keawe (Hawai’i Island), Moku O Pi’ilani (Maui), Moku O Kanaloa (Kaho’olawe), Nana’i Kaula (Lana’i), Moloka’i Pule O’o (Moloka’i), Moku O Kakuhihewa (O’ahu), Manokalanipo (Kaua’i), and Kawelonakala (Ni’ihau) **in Support of this 2nd Request for Approval from the Division of Aquatic Resources (DAR) to Hold Public Hearings on Amendments to and Compilation of Chapter 13-95, HAR “Rules regulating the taking and selling of certain marine resource.” Further, Aha Moku supports DAR’s second recommendation “That the Board delegate to the Chairperson the authority to appoint hearings officers to conduct the aforementioned public hearings.”**

Restored from the translations of ancient chants and mo’olelo dating to the 9th century, the Hawaii State Aha Moku is a natural and cultural resource sustainability process that is based on generational knowledge passed down for generations through the ahupua’a and moku boundaries that encompass land and ocean geography. It is a kuleana (responsibility) of the konohiki (manager) and the lawaia (fisher) to gather and fish responsibly, making sure that there is always enough fish for current and future generations.

In reviewing the proposed rules aha moku fully agrees with DAR’s position of using the statewide rules as a stepping stone for place-based management. It is traditionally understood that each island is unique and different because its geography is distinctive to its place. Seasons and spawning times vary island to island. What works on Moku O Keawe may not work on Manokalanipo. The proposed state-wide rules are meant as a foundational baseline for the State that can be built upon with further place-based regulations that address the specific and diverse needs of the various communities, specifically native Hawaiian cultural practitioners across the State.

Kapa’akai O Ka Aina¹ Analysis

The Kapa’akai Analysis can be used in determining whether traditional and customary practices would be impacted by the proposed statewide amendments to Chapter 13-95, HAR “Rules Regulating the Taking and

¹ Ka Pa’akai O Ka’Aina v. Land Use Commission, State of Hawai’i, 2000, Supreme Court of Hawai’i

Selling of Certain Marine Resources”, present and in the future when commercial marine license applications are considered, or “take” is considered (as defined in Definitions in HAR 13-95)

Findings of Fact and Conclusions of Law of the Kapa’akai Case

- Identification and scope of “valued cultural, historical, or natural resources” in petition or impacted area, including the extent to which traditional and customary native Hawaiian rights are exercised in the petition area;
- The extent to which those resources, including traditional and customary native Hawaiian rights, will be affected or impaired by the proposed actions;
- The feasible action, if any, to be taken to reasonably protect native Hawaiian rights if they are found to exist.

Mahalo nui loa, for the opportunity to support this request to hold public hearings on amendments to and compilation of Chapter 13-95, HAR, “Rules regulating the taking and selling of certain marine resources”, and to support the Land Board delegating to the Chairperson the authority to appoint hearing officers to conduct the aforementioned public hearings.

Respectfully and humbly yours,

Rocky Kaluhiwa, State Chair
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From: [S.A. Marek](#)
To: [DLNR.BLNR.Testimony](#); [CAPITOL2023-seninouye](#); [CAPITOL2023-senrichards](#); [CAPITOL2023-reptarnas](#)
Subject: [EXTERNAL] Protect wildlife, West Hawaii's reef fish, from the aquarium trade
Date: Friday, May 19, 2023 2:00:29 PM

Aloha,

If you live on Oahu, or Kauai, or Maui, you don't see the difference in the number of reef fish when you snorkel or dive in the ocean.

That's because the vast majority of reef fish were taken from the ocean off West Hawaii in past years for the aquarium trade. The Big Island's reef fish are wildlife, just as wonderful as neighboring islands, and they deserve protection.

Mahalo and happy swimming,

Sherry A. Marek
Big Island resident

From: rtubbs@hawaii.rr.com
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] Testimony F. 1-2
Date: Tuesday, May 23, 2023 8:59:41 AM

BOARD OF LAND AND NATURAL RESOURCES

DATE: May 26, 2023 TIME: 9:15 AM

Testimony in **support** of F. 1-2

For DLNR to effectively manage fisheries they need permits and permit income and the data they provide to manage fisheries. Please pass permit conditions and help DLNR in it's efforts to understand and manage fisheries.

Thanks, Ron Tubbs B.S. N.D. UHM 8 year Research degree.

Please read Testimony regarding fisheries:

Why Hawaiians, and Kama'aina Should Support Fisheries

When the first kanaka maoli/native Hawaiians settled the Hawaiian Islands 800 years ago, they lived off the ocean and land resources. The ocean meant survival, and cultural beliefs were used to develop rules to ensure the survival of its people, including sustainable fishing. Sustainability is the key to survival. A similar situation exists today, with Honolulu being the most remote city in the world, over 2500 miles from the port of Los Angeles, we've seen through Covid-induced supply chain problems how our island economy lacks diversity and is dangerously dependent on tourism, imports, and non-renewable resources.

Sustainability is Key

Marine fish are the [most reproductive vertebrates](#) on the planet. Making fish the most renewable resource there is in Hawaii. Opah Moon Fish produce 300 million eggs a year per pair, many other reefs fish produce tens of thousands to millions of fry per spawn per pair. Some reef fish spawn many times a day. Fish have the potential to renew and sustain current fishing practices if managed properly. We need to support a managed sustainable fishery to create a more sustainable society, especially in isolated Hawaii!

The state has greatly ignored the potential of what the ocean can offer and contribute to renewable sustainable resource use. The state allowed Tourists to shut down the proven sustainable aquarium fishery with lawsuits. There is now a big push to create even more restrictions on Uhu Kala and herbivores with new proposed rules. Science proves that some seafood fishing areas have declined fish, but science also shows many areas are still very abundant. So why pass laws that hurt abundant fishing grounds that will never be revoked. A short-term management plan is needed to address area concerns while allowing fishing in areas not shown to have fish declines. Working with fishers to enable fluid fishery management is a very important key to sustainability in Hawaii. **Managing fisheries effectively, not closing them or over managing them is paramount to the future of Hawaii.** Giving up our highly renewable

sustainable resources to only allow tourists in huge areas of our seas is a very dangerous path. Fishers have been forced out of huge areas and tourism has huge ecological impacts on these areas.

Global warming can only be solved by reducing carbon footprints and utilizing sustainable highly renewable resources. Oceans are being impacted which is why a fluid management plan is greatly needed. Deep refuge and ecosystem resilience can help but what does the future hold?

What happened during the last coral bleaching event in 2014 and 2015 to reef fish populations. [CORAL Excerpt: "Biblical" Spawning Event on Hawaiian Reefs](#) occurred in 2014 and 2015 when corals bleached. Warmer oceans delivered the biggest reef fish spawn ever. With [corals in Hawaii recovering](#), fishermen are still not letting their guard down. This year 2023 may hold another ocean warming event what will happen? Fishers should continue to work with DLNR to ensure sustainability and fish and ocean health. Many ocean issues in the past have been reported fishermen have aided researchers in studying them.

Native Hawaiians and the Aquarium Fishery Impacts

There is one thing that can be said about *ka po'e kahiko*, the people of old, it is that they were intelligent, ingenious, and constantly looking to improve fishing methods, why not improve fishing types and maintain a more sustainability fishery too? As a culture Hawaiians must adapt to the renewable sustainable resource uses that benefit their livelihood to continue to survive like they did when they first arrived in Hawaii. Hawaiians should be the leaders in fishing and continue their historical fishing practice.

The Cultural Impact Assessment and the Testimony of Native Hawaiians who oppose but, do not understand the aquarium fishery and how allowing 15 permitted aquarium fishermen on Oahu and 7 fishermen in West Hawaii will impact them. More restrictions of a limited species whitelist, conservative daily individual catch limits, weather-imposed fishing restrictions, a significant deep-water reserve, **factual data showing no past impacts to larger food fish or larger aquarium fish populations, and no overfishing of species that will result in harm to cultural practices means the fishery does not impact Hawaiians culturally. Those proven conclusions based in science were done on 60 fishers in West Hawaii and 80 fishers on Oahu. The science learned from the aquarium fishery studies need to be used to manage sustainable seafoods consumption and supporting Hawaiians culturally important seafoods businesses. The huge amount of aquarium fishery science would support new Hawaiians into the fishery.**

A fish that is eaten, chopped up for palu (chum), used for bait, or is offered as ho'okupu (an offering), or placed in aquarium is no longer available for wild spawning. If you sell the small abundant reef fish for 400% more money than a large breeding food fish, you can reduce biomass ocean take and still sustainably support your family

even more than with sea foods. The FEIS provides analysis and indicates that the aquarium fish environmental review results in a sustainable fishing practice. **Overall fish for Hawaiian culture will not be reduced by the aquarium fishery!**

None of the proposed whitelisted species are commonly caught fish to be offered in ceremony. Having stated this, if a Kahu of a ceremony decides that a whitelisted species is required for a ceremony and is likely to result in it remaining available through a sustainable fishing practice based on HEPA results and decades of science.

Not all Native Hawaiian families willingly identify the species that is their family Aumakua and not all members of a species of fish are Aumakua. It would be impossible unless someone came forward and identified an individual of whitelisted species as Aumakua, to analyze cultural impacts and mitigation measures in that situation. To date no one has disclosed this concern.

Many Hawaiians are in support the aquarium fishery because it allows them the right to fish as a way to support their families, pay their bills. All this is done in a proven highly studied sustainable way with this fishery. It does comply with kanaka maoli values of living in harmony and balance (fishing in a sustainable way) with nature. The key to our future is sustainability and utilizing our renewable resources in a sustainable and ecofriendly way.

The aquarium fishery is in harmony with the Hawaiian's way of life; it is like using fishponds as a way to provide kanaka maoli cultural practices to feed their family and support their way of life. [Menehune](#), little people who built [heiau](#) and [fishponds](#), were forced out by new immigration arrivals. Aquarium aquaculture is a must for a sustainable Hawaii. Aquaculture and many other businesses depend on the aquarium fishery. Public aquariums, researchers, tourist aquariums have all been unfairly targeted by the anti-aquarium fish propaganda generated originally by tourist groups. Do not believe them, using eco propaganda for a non-sustainable financial gain over a proven sustainable aquarium fishery. Kau kau fisheries are next and are already being targeted.

Hawaiians were sustainable fishermen and it historically enabled survival. If more Hawaiians took aquarium fish it would reduce the impacts on larger breeder eating fish and provide even more sustainable income to needy Hawaiian families. Many Hawaiian families have worked in the aquarium fish business for decades and for a small, misinformed Hawaii group to oppose the fishery is not right. Nearly one third of those testifying last year on the fishery were Hawaiian or had hawaiian family ties. More Hawaiian fishers should join a proven sustainable profitable fishery. Eating fish in nearshore and highly populated areas has declined. There is much evidence to prove the aquarium fishery does not have this same problem. By taking small fish and leaving big breeders you make a "Model Fishery". The only aquarium fishery is the only fishery to pass an environmental review!

Hawaii pet owners spent 355 million dollars on pets in 2021. Providing 21.8 million state tax revenues and 27.3 million local tax revenues. Hawaii residents have 1.7 pets per household on average. Nearly 57% of Hawaii households have one pet. The U.S.

has 11.1 million households who own fish out of 123.6 million total U.S. households. That is 11% of U.S. household's own fish.

In 2022, [Hawaii imported](#) 179 million dollars in goods and exported only 24 million in goods, 87% less than imports! Moreover, Hawaii's leading exports are largely waste products from the goods that were imported: iron steel scrap, aircraft parts, aluminum waste, and copper waste. Only one **renewable** export made the top ten export list-shrimp aquaculture. Hawaii state pet industry generated 355 million in sales with the national U.S. generating 260 billion dollars.

Any bill to shut down Hawaii's Aquarium Fishery is a blow to our economy's independence by reducing Hawaii's exports even further, and by taking away jobs-not only the fishermen (many of whom are Hawaiian), but also jobs from all the related businesses Hawaii's Aquarium Fishery supports: ex. Those small businesses and individuals in fishing supply stores, boat and motor repair shops, aquarium suppliers, pet shops, packing and shipping material shops, inspectors, and larger businesses such as air cargo, and the airlines.

Any bill to shut down Hawaii's Aquarium Fishery is a blow to our economy's independence, sustainability, and renewable resource use by reducing Hawaii's exports even further, and by taking away jobs-not only the fishermen (many of whom are Hawaiian), but also jobs from all the related businesses Hawaii's Aquarium Fishery supports: ex. Those small businesses and individuals in fishing supply stores, boat and motor repair shops, aquarium suppliers, pet shops, packing and shipping material shops, inspectors, and larger businesses such as air cargo, and the airlines.

Obviously, the bills introduced by the Hawaii State Legislature to shut down the fishery do not take into account the harm they will do to Hawaiian fishermen who fish in the fishery and the state's economy. Hawaii has a sustainable and very valuable way to feed local families. **It is "user conflict" with very few groups, who gain to profit, in the incorrect name of ecology that threatens that way of life.** That is why anti aquarium fish bills never pass because science and the sustainable practices they create are pono.

To perpetuate prejudice against the fishery is not the Hawaiian way. To take away fisheries and Hawaiian family's way of life away hurts the Hawaiian community especially when it is not needed for ecology reasons.

Taking what you need, in a scientifically proven regulated sustainable way, to support your family pay your bills and make a better life for Hawaiian families continues with those employed by the aquarium fishery. Trying to remove those rights is not pono especially when so much science proves the fishery is sustainable.

The aquarium fishery benefits all of Hawaii residents. Schools, tourist, Hawaiian emersion schools can all visit fish in public aquariums increasing education and knowledge of reef fish and ocean biology. We take and educate the children and the world about Hawaii with our fishery. Every home marine aquarium hobbyist becomes aware of Hawaii's beauty, culture and ecosystem science. We have been commended and recognized worldwide for our ecofriendly and sustainable fishing practices, that is what being kanaka maoli is about. awaiia's marine fish

Hawaiian Hawaiian fishing values are correct if the fishery is sustainable; the aquarium fishery is a sustainable fishery. To ban native Hawaiians from any fisheries is not pono or constitutional. It is biased and prejudice against the fishery for user conflict reasons not for cultural reasons. Ecological decisions should be solely science based. But when science strongly supports sustainable renewable resource aquarium fish usage it can be used to achieve and comply with kanaka maoli values of living in harmony and balance (fishing in a sustainable way) with nature.

The fishery does not even kill fish but allows them to survive humanely in well cared for environments as pets. To be loved.

The state role is regulated and maintain sustainability. DLNR has done a great job in making sure the fishery continues to be sustainable in the future.

Many Hawaiians and their families are supported by the aquarium fishery.

The West Hawaii Aquarium fishery recently passed HEPA environmental review. This means Hawaii's Aquarium fishery will be the first and only Hawaii Fishery to do a complete environmental review and pass. Hopefully permits to catch aquarium fish in West Hawaii will soon be issued. The environmental review competition makes the fishery permits the most sustainable and the best studied fishery in the world!

Why do people oppose the aquarium fishery? Why was the fishery closed?

The only DLNR permit to pass an environmental review and still people want to close the fishery? What?

Historically to scientists and DAR (Division Of Aquatic Resources) and researchers, the objection to the fishery was based in “**user conflict**”. The fishery was called a “Model Fishery” because unlike other fisheries, it leaves big breeders to quickly renew fish populations ensuring sustainability. Also, West Hawaii MPA closed areas to separate the fishery allowed for closed areas for fish replenishment.

The fishery faced closure when tourist groups sued the state of Hawaii using HEPA environmental laws. At first the two lower courts sided with the State, then The State supreme court ruled an environmental review was required. Despite 20 years of fish counts and a huge amount of data proving the fishery was sustainable how did the courts rule in favor of tourist groups with billionaire resorts backing earth justice lawsuits. First misinformation was spread by the opposition. Tourist ocean tours businesses and snorkel rentals companies stood to profit by being the only way to see pretty Hawaii fish. They claimed in depositions no more fish, broken corals, and other statements that stood no ground scientifically. Studies proved corals were no different in open versus closed areas. Fish counts showed the main fish collected by fishers actually increased in population. Science did not support their claims. Why then was science not used to fight the claims?

To protect other DAR issued permits the state only argued for the fishery on legal definitions and grounds that highly regulated managed DAR issued permits should not be subject to HEPA environmental review. The huge amount of **fishery science was not used to defend the fishery and no researchers were called to testify**. Based on misinformation the courts ruled against the State, closing the fishery until an environmental review was completed. The cost to the small fishery and the State of

Hawaii for this user conflict was huge. Thirty Years of fish counts and data which supported the fisheries was used to compile thousands of pages of fishery review at the cost of hundreds of thousands of dollars to the fishers. Millions of dollars were spent by the state to defend the fishery in legal fees and fish counts. All due to user conflict. Justice was not served. A few greedy user groups have ruined it for all and threatened tourism, eating fisheries and even Hawaiian fishing due to the Supreme Court ruling. All permits issued by DLNR, and BLNR are now subject to HEPA laws. This is very dangerous to Tourism, Fisheries and Event permits issued by DLNR!

The Science

Marine fish are the [most reproductive vertebrates on the planet](#). Making fish the most renewable resource there is. The state has greatly ignored the potential of the **206-billion-dollar a year U.S. pet industry** economic benefits and what it could offer the state in sustainable business. The state allowed Tourists to shut down the fishery with lawsuits that perverted facts and supported a few tourist groups businesses. This included many Hawaiians fishing in the fishery and working to help pack the fish. How would you feel if you lost your job because someone lied to make more money? It has been very frustrating to the fishers!

Leading scientist spoke out in objection to these decisions. To favor the huge ecological impacts of tourism over a proven sustainable aquarium fishery is unconstitutional, a miscarriage of justice and poor decision making. The lies perpetuated by anti-aquarium fishery groups were used in lawsuits and even earth justice lawyers spout this misinformation, to knowingly lie under oath in court or legislative testimony is perjury. Yet even the new bill this year continue the lies. Science if read will give the truth but few bother to read the lengthy data, believing instead in biased for profit propaganda from who-tourist groups not scientists.

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](#), (links removed by state why? But available upon request) 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"**. She later recanted this statement but did finally pass the aquarium fish HEPA. With many reef fish populations on the rise overall, Hawaii's Aquarium Fishery is the true definition of "Sustainability." Abundant small fish are taken leaving breeders to repopulate making the aquarium fishery a "Model Fishery".

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 science did not matter. Biased user group conflict based in a few tourist groups in opposition to fishery who wanted tourist to pay only them to see reef fish spread misinformation to achieve their goals.

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 BLNR land board decision not to approve fisheries environmental review. Why? Because the fishery is sustainable.

Dr. DAN A. POLHEMUS : “ This serves to point out that undue focus and hyperbole about aquarium collecting and its impact on the reefs is dangerously shortsighted and counterproductive. We need to think and act holistically.” Dr. DAN A.

POLHEMUS Division of Aquatic Resources State of Hawaii DLNR 1151 Punchbowl St. Honolulu, HI 96813 Real important ecological issues have been left by the wayside anti aquarium fish propaganda has hurt the environment!

ROBERT E. HUETER, Ph.D.: “I see that TIRN is now taking credit for legislation to stop the Hawaiian aquarium trade. This is not something I would’ve necessarily supported and, given the chance, would have discussed the sustainability of this trade with you. Please see the attached editorial on this issue by my respected friend and aquarium expert, Dr. Bruce Carlson. **If TIRN is going to continue to operate like this, taking semi-scientific positions without consulting its own Science Advisors, then I wish for you to remove me from your list of advisors.**” ROBERT E. HUETER, Ph.D. Senior Scientist & Director, Center for Shark Research
Perry W. Gilbert Chair in Shark Research Manager, Sharks & Rays Conservation Research Program Mote Marine Laboratory 1600 Ken Thompson Parkway Sarasota, FL 34236 USA

Dr. Bruce Carlson, PHD: “You can now see how the misuse of science and scientists (**ROBERT E. HUETER**) has resulted in the present situation in Hawaii, where one of **the best studied inshore (and most highly regulated) fisheries has been trashed by passionate and very misguided individuals.** They are led here by a **few master manipulators of disinformation spewing forth wild accusations based on anecdotal evidence.** Brian Tissot and Leon Hallacher (2002 Cons. Biol. 17(6): 1759-1768) went out in the field and actually did the hard work to collect data and found no significant differences (algal cover, coral damage) in areas where fish are collected compared to protected areas nearby (DLNR has similar data). They DID report a “significant” difference in the populations of aquarium fishes in the two areas (no one disputes that there should be fewer fishes in areas where they are being collected). But to show you how scientific terms are corrupted by opponents, they equate “significant” with “damaging” (it’s reminiscent of the issue we have with the public misunderstanding the concept of “theory” used in a scientific context). For 17 years, DLNR biologists have conducted extensive underwater surveys, nearly 7000, to monitor the populations of aquarium fish species on the Kona coast, where the major aquarium fishery is located. The result is the fishery is stable and sustainable. **There is no evidence of ecological harm to the reefs. In fact, the populations of yellow tang and kole on the Kona**

coast, even in areas that are fished, are significantly higher than marine protected areas on Maui and even Papahānaumokuākea.” Dr. Bruce Carlson PHD, former director, Waikiki Aquarium, Atlanta Aquarium

Tina Owens executive director of the LOST FISH Coalition: *“A great deal of the “sky is falling” news you’ve heard about the reef recently is just **plain not true. 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 and Inga Gibson.”*

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. letter: “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. “Relating to the West Hawaii Regional Fishery Management Area.” The 2015 and 2020 Report found that the **“The Hawaii marine aquarium fishery is currently the most economically valuable commercial inshore fishery** in the State with FY 2014 reported landings greater than \$2.3 million.” 15. This actually understates the overall economic impact of the aquarium trade, as it includes only the sales of the fish themselves. It does not account for the sales of boats, equipment, fuel, packaging or the related services such as repairs cargo handling, inspectors, or shipping associated with aquarium fish collection. Misinformation about the Environmental Impact of Aquarium Fish Collection 16. There is a **great deal of public misinformation about the effects of the aquarium fishery in Hawai’i.** In support of and as part of the public record of the Governor’s veto this summer of SB 1240, twelve PhD fisheries scientists signed the letter attached as Exhibit 1 to my declaration. Rather than rely on anecdotal reports of citizens who feel like fish populations have declined, they cited to peer-reviewed scientific reports demonstrating: · Data collected from 1999 to date from over 6,700 underwater surveys show that populations of the most heavily collected aquarium fish species (yellow tang and DECLARATION OF MICHAEL F. BOBER IN SUPPORT OF INTERVENTION- 5 kole) are increasing, not declining. **This clearly indicates that the fishery is sustainable.”**

· “Adult populations of these species are *no different* in fished areas than they are in reserve areas (adult fish are not collected). Adult female yellow tang produce up to 20,000 eggs in each of multiple spawning events during the year, **ensuring a sustainable fishery**. Yearly one pair produces 1.14 million fry. “

Even larger adult breeding yellow tang populations were no different in open versus closed fishing areas.

·” The data and scientific reports show so **no significant differences in the health of the coral systems in collection areas as opposed to the system of protected Fish Replenishment Areas where no collection is allowed**. 17. The **signatories to this letter are some of the most respected fisheries scientists in Hawai‘i and on the mainland**. “

- Brian Bowen, Ph.D., Research Professor, Hawai‘i Institute of Marine Biology, U.H.

· Bruce Carlson, Ph.D., former Director, Waikiki Aquarium (retired)

· Michael Domeier, Ph.D., Director, Marine Conservation Science Institute (Kona)

· Cynthia Hunter, Ph.D., Director, Marine Option Program & Assoc. Prof., Dept. of Biology, U.H.

· Randall Kosaki, Ph.D., Hawai‘i Coral Reef Biologist

· Richard Pyle, Ph.D. Associate Zoologist, Bernice P. Bishop Museum

· John E. Randall, Ph.D., Senior Ichthyologist, Bernice P. Bishop Museum (retired)

· Andrew Rossiter, Ph.D., Director, Waikiki Aquarium, U.H.

· Andrew Rhyne, Ph.D., Assoc. Professor, Roger Williams University

· Leighton Taylor, Ph.D., former Director, Waikiki Aquarium (retired)

Brian Tissot, Ph.D., · Rob Toonen, Ph.D., : “The Aquarium Fishery, especially in West Hawai‘i, is an example of community involvement working with government to create a fishery management system that is a model for other fisheries. We are concerned with the level of **false information and lack of data these individuals have used to support their assertions**, and the **havoc they have created over a well-managed fishery** that has benefited from the aforementioned good-will partnerships. It is not possible to provide a detailed analysis of all the scientific methods, data, and conclusions available on this issue in this brief letter, but these **peer-reviewed findings have been independently checked by researchers at multiple Universities across the country and have subsequently been supported by additional independent surveys performed by the Coral Reef Ecosystem Division of the federal National Oceanic and Atmospheric Administration (NOAA)**.

They concluded:

There were no significant differences in damaged coral between control and collected sites to indicate the presence of destructive fishing practices. In addition, there were no increases in the abundance of macroalgae where the abundance of herbivores was reduced by aquarium collecting. DLNR has more recent data showing no significant differences in herbivore biomass or macroalgal cover between Fish Replenishment Areas and open areas.

Ocean tourist groups have complained that there are no more fish at their dive and snorkeling sites. [News article](#) discusses the loss of fish in tourist areas. [Recent studies](#) showed the return of fish to Hanauma bay when tourism stopped due to covid. Now that tourism has returned to the bay, more research showed [fish are disappearing](#) again! The large groups of tourists have scared the fish out of these areas. Huge tourist snorkel and dive groups greatly impact fish feeding and reproduction behavior effecting fish populations. Unlike tourists Fishermen do not go to same areas day in and day out in large numbers, fishermen rotate their sites to prevent overfishing. Are tourism impacts being used to blame the aquarium fishery? Aquarium fishermen do not go to tourist areas, but more and more tourists are coming into and taking aquarium fishing areas away from fishermen. The 20 years of FRA fish replenishment aquarium fish [fish counts](#) off West Hawaii show increase in overall fish populations so why are tourist areas having less fish and why is the proven sustainable fishery closed?

The fishery has only 7 fishers in West Hawaii and 14 fishers on Oahu left. The impacts proposed will be very small compared to the previous take and is supported by the DLNR DAR and BLNR to be approved for permit issuance. The previous historical take in the past was sustainable and extremely small compared to seafood fishers. The fishery should be increased and expanded in the future to fight global warming and sustainability! Fish are the most renewable vertebrates on the planet producing up to 300 million fry per year per pair!

Small abundant smaller reef fish will be taken leaving the breeders to repopulate. Even with projected global warming Herbivore issues the fishery will still be sustainable. HEMARC study with its 1200 fish counts showed reef fish targeted for aquarium fish purposes are not the fish in decline. Highly human populated areas with lots of seafood take are the fish in decline.

Aquarium fishers differ in that they leave the breeders. Thus, this is the reason the fishery is called a "Model Fishery".

The **value of fish taken for aquarium purposes is 400 times the value of fish taken for seafoods purposes.** Aquarium fishes are not killed, and they are treated humanely! The 260 billion dollar a year Pet Industry greatly relies on aquarium fish for many sales. Hawaii desperately needs a sustainable renewable industry to combat both global warming and economic dependance on tourism.

Tourism and Cultural Hawaiian Impacts (should we choose Tourism over sustainable fisheries? Do we have to?)

<https://www.hawaiinewsnow.com/2021/06/02/survey-majority-of-residents-prefer-limiting-the-number-of-visitors-coming-into-hawaii/>

<https://www.traveloffpath.com/hawaii-faces-overtourism-with-maui-planning-to-limit-number-of-tourists/>

<https://beatofhawaii.com/hawaii-summer-travel-starts-dizzying-influx-towering-frustrations/>

<https://beatofhawaii.com/kauai-tourism-plan-will-include-new-fees-and-enforcement/>

<https://www.hawaiinewsnow.com/2021/06/18/residents-east-maui-beg-relief-island-experiences-visitor-boom/>

<https://www.civilbeat.org/2021/06/its-time-for-hawaii-to-get-serious-about-managing-tourism/>

Hawaii's love-hate relationship with tourism

... It's not just Hawaii residents who are being priced out of paradise. Slowly but surely, tourists are also wondering whether they can still afford to visit here

[read more...](#)

Study: If Hawaii Tourism is Called 'Regenerative' Locals will Like Tourists

... regenerative tourism makes the tourism industry and tourists more attractive to residents. An overwhelming 96.3% of Kaua'i residents responded favorably

[read more...](#) 2022 links

<http://www.hawaiifreepress.com/Articles-Main/ID/33988/Is-Hawaii-is-being-run-for-tourism-at-the-expense-of-locals>

<https://www.staradvertiser.com/2020/07/27/hawaii-news/covid-19-claims-900-honolulu-businesses-survey-finds/>

The [Hawaii State Constitution, and laws](#) regarding fisheries and public ocean submerged lands states:

The State of Hawaii public officers' oath is to uphold the state's constitution. If decisions are made that are biased and not based on facts it violates that oath. This is why we should commend our legislators for making the right decisions and not banning the aquarium fishery in past proposed legislation. It is unconstitutional (State, Federal and International Laws, [UN resolution](#) 2749) to shut out any ocean user group. Fishery management, not closure, is the government's role in fisheries. No one group can lay claim to any part of the ocean, it is a public trust. The court's decision for the aquarium fishery to do an environmental review was not based at all in science but on legal interpretation.

Protections for Native Hawaiians

The legislative aquarium fish closure bills made no carve-outs or provisions to protect native Hawaiians. The Hawai'i Constitution guarantees that the State will "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" Hawai'i Const. Art. XII, § 7. Hawaiians have relied on the islands' near-shore fisheries for centuries, and this bill does not take into account the impacts that a moratorium may have on native Hawaiian livelihood, culture, and way of life.

Public Access to Fisheries

The bill also impermissibly restricts public fishing access. Under the Hawai'i Constitution, "[a]ll fisheries in the sea waters of the State . . . shall be free to the public, subject

to . . . the right of the State to regulate the same” Hawai’i Const. Art. XI, § 6. The 2 moratorium would eliminate an entire fishery over time, completely denying public access. This goes far beyond mere “regulation” of fisheries and would therefore violate the Constitution.¹

Equal Protection and Due Process

The bill also raises significant concerns under the equal protection and due process clauses of the United States Constitution, which are designed to protect against exactly this kind of arbitrary, unsupported government action. Even assuming the bill would be subject to only rational basis review (and setting aside for now the possibility that it would disproportionately impact native Hawaiians), there appears to be no rational basis for the proposed law. In fact, DLNR filed comments objecting to the bill because there is no scientific basis for it at all. The supposed benefits have not been studied, and there is no evidence that the moratorium will do anything to advance the State’s purported interests. *See, e.g., Nehring v. Ariyoshi*, 443 F. Supp. 228, 239 (D. Haw. 1977) (concluding that there would be an equal protection violation under rational basis review where the State had not studied alleged environmental benefits and could produce no evidence to support their existence).

Dormant Commerce Clause

Any aquarium fish closure bill or proposal raises legal concerns under the Dormant Commerce Clause, and there are other constitutional legal concerns with shutting down one user group over another. It cannot legally be about a small Hawaiian groups not liking the fishery but about those Hawaiians participating in the fishery and their rights to fish for aquarium fish.

I am a resident of Waimanalo living with and supporting many of my Hawaiian families. Hundreds of Hawaiians benefit from jobs related to my aquarium fishery business. Collecting, shipping and maintaining aquariums has provided much needed jobs for Waimanalo boys and families. Feeding their children and helping the survive. It is difficult for many Hawaiians I have seen it firsthand my workers and close family struggling to survive. HEPA restrictions have already hurts Hawaiians.

Hawaiian cultural concerns with Oahu's aquarium fishery: Q's answered.

Past Hawaiian 's existed in harmony with natural resources, you utilized sustainable renewable resources wisely. There were no imports.

Video explains sustainability of fishery. Link:

<https://www.youtube.com/watch?v=xt8sRh493UI>

Website with scientific links regarding the Oahu aquarium fishery.

<https://hawaiitropicalsaltwateraquariumfish.com/>

As one of the most isolated Islands in the world Hawaii needs to increase its dependence on its own renewable resources. The most renewable and sustainable [resource in Hawaii is fish](#).

Using the same fish for aquarium purposes is 450% higher in value than if sold them for foods. Less biomass is taken, and the fish are kept alive and not killed. Only smaller abundant fish are fished leaving larger fish for Hawaiians as seafoods. **It is scientifically proven that removing smaller fish has little impact on populations and is sustainable. Most of the fish taken are not of species consumed by Hawaiians for food purposes.**

Hawaii Tourism Sustainability and Fisheries Review 2023, The truth, the science:

- A. **Intro The Problem Fisheries Tourism "User Conflict"**
- B. **Conclusion Suggested Legislation needed.**
- C. **The Science**
- D. **Tourism High carbon Footprint**
- E. **Tourism High Tourist Death Rate**
- F. **Tourism Whale Strikes**
- G. **Tourism Manta Ray Strikes**
- H. **Tourism Dolphin Tours**
- I. **Tourism Corals Damaged**
- J. **Tourism Vulnerabilities**
- K. **Tourism Effects on Fish Populations**
- L. **Tourism Closing Sustainable Fisheries over "User Conflict"**
- M. **Tourism and Cultural Impacts**
- N. **Additional Sources**

Intro The Problem

"Don't Look Up" Netflix movie meaning: The climate crisis and the pandemic are the two most obvious metaphors for the film's comet. Through *Don't Look Up*, McKay points out that we live in a society that allows us to bypass scientific fact and ignore the threat of our own self-destruction for individual short-term gain. (Embedded Links in [Blue](#))

A satire about the foolishness of political officials ignoring science and believing misinformation for self-gain.

The point is that the State of Hawaii desperately needs to increase renewable sustainable resource use to fight global warming and meet Hawaii's Zero net carbon footprint plans.

Instead, Hawaii allows rich lawyers to shut down opposing businesses with **Endless Environmental Litigation** using defective HEPA (Hawaii Environmental Policy Act HRS 343 Ch 189) laws. Even if you pass the HEPA you face endless environmental litigation and will never get permits just look at TMT. The Superferry knew it could not pass HEPA and just pulled out. Hawaii business is at extreme risk due to the defective laws.

Legally the aquarium fishery when **West Hawaii Passed its HEPA review in 2022 it should have received permits right away**. Instead, the state chose to delay giving out the aquarium permits. Why? Maybe the fact that every permit DLNR issues should also have to do an environmental review and pressure received by eco groups to sue is why. Blackmail! Justice is not being served!

The environmentally friendly Superferry was effectively shut down by tour boat, airline, and inter-island cargo businesses. It was a lower carbon footprint way of traveling. The scientifically proven sustainable aquarium fishery was closed by tourist businesses spouting misinformation for private gain and with tourist billionaire business (Michael Dell Four Seasons Kona) money paying off Earth Justice to perpetuate the continuing lawsuits.

Why is the aquarium fishery the only DLNR issued permit who must do a HEPA permit process? Legally all permits DLNR issues should have to do HEPA permit processes too, if they have any environmental impacts. Any lawsuit would force the issue very quickly. All DLNR permits are at risk to lawsuits. Suing tourist permits would be the right thing to do to protect the environment!

The states only argument fighting for the aquarium fishery permits was legal definition. The state lawyers did not use any of the science of the fishery. Unscientific opposing profiting tourist user group misinformation was allowed into depositions without any scientific opposition. The **miscarriage of justice** continues for the overly regulated highly proven sustainable "Model Fishery" when it was closed due to "User Conflict".

Conclusion Suggested Steps Needed

Instead of penalizing highly sustainable fisheries and depending on highly destructive tourism; Hawaii needs to support and develop renewable resources. Fishery laws are being made without proper studies and fish counts. Over regulation of renewable resource use is being done every year! Do fish counts on every Island. Manage stocks with science.

Fisheries are the solution not the problem!

Step back, review and promote sustainable agriculture, aquaculture, fisheries and look at Hawaii's renewable resources with a new perspective. The fate of the planet lies in the use of renewable resources and their sustainable use! More legislation against highly renewable resources is the worst thing Hawaii can do.

<https://www.hawaii.edu/news/2020/09/10/can-aquaculture-repair-hawaii-economy/>

Tourism High carbon Footprint

Hawaii's major problem we face is that "Everyday 30,000 tourist flying to Hawaii creates more Global Warming CO2 gas emissions than if you drove your car for 13,000 years".

Over 10 Million visitors to Hawaii in 2019 created one of the biggest environmental impacts globally. It is not just the overseas travel on planes! Overseas travel to Hawaii emits over [two tons of carbon dioxide per passenger](#)! 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!

It is not just the overseas travel on planes! It is also the carbon footprint of tens of thousands of

additional cars on the road and all the imported goods needed to support tourism.

8 million visitors on average per year participated in Hawaii Marine commercial activities and greatly impacted Hawaii's oceans. The impacts of these 8 million visitors to our oceans far outweighs impacts by fishermen. It is Global Warming not fishers that are the greatest threat to our oceans.

Tourism is going up with no end in sight.

<https://finance.yahoo.com/news/hawaii-tourism-way-just-getting-125047160.html>

<https://www.vox.com/the-highlight/2019/7/25/8881364/greta-thunberg-climate-change-flying-airline>

<https://airplanesandavocados.com/marine-tourism-hawaii-sustainable/>

<https://www.hawaiitourismauthority.org/news/news-releases/2020/hawai-i-visitor-statistics-released-for-2019/#:~:text=A%20total%20of%2010%2C424%2C995%20visitors,up%203.0%20percent%20from%202018>

<https://www.hawaiinewsnow.com/2021/06/11/hawaii-tourism-officials-call-more-sustainable-industry/>

Tourism High Tourist Death Rate

Ocean activities causes about 60 deaths a year. Most of those deaths being tourist. Most of those tourists who died were snorkelers. No ocean safety training was provided but everyone must sign liability release forms. Of the 60 ocean deaths every year most of them are tourists. It is OK to kill tourists, but God forbid you want to keep a fish alive as a pet!

[Snorkeling In Hawaii Is A Leading Cause Of Tourist Deaths ...https://www.civilbeat.org > 2016/01 > stand-up-or-die-s...](https://www.civilbeat.org/2016/01/stand-up-or-die-s...)

Jan 11, 2016 — Despite being touted as a leisure activity, snorkeling *deaths* are the most ... Stand Up Or Die: Snorkeling In Hawaii Is A Leading Cause Of *Tourist Deaths* ... *Snorkel Bob's*, the largest snorkeling outfit in the state, teaches ...

https://m.facebook.com/story.php?story_fbid=503782077721446&id=109509517148706

[News 2 | Snorkel Safety Study](#)

[http://www.snorkelsafetystudy.com > index.php > news-2](http://www.snorkelsafetystudy.com/index.php/news-2)

Stand Up Or Die: Snorkeling In Hawaii Is A Leading Cause Of Tourist Deaths ...

Lifeguards pulled Alexa DiGiorgio from Hanauma Bay just before 10am on a ...

[Researchers probe for answers to snorkel-related fatalities ...](#)

[https://www.mauinews.com > local-news > 2021/01 > re...](https://www.mauinews.com/local-news/2021/01/re...)

Jan 22, 2021 — Maui had more *deaths* than other islands from 2009-2018 ... however the vast majority of *visitor* drownings are while snorkeling, yet very few ... While wearing the *snorkel gear* in his experiment using sensors, oxygen levels ...

[Hawaii Struggling To Find Out If Full-Face Snorkel Masks Are ...](#)

[https://www.civilbeat.org > 2019/10 > hawaii-struggling-t...](https://www.civilbeat.org/2019/10/hawaii-struggling-t...)

Search for: [How many people have died from full face snorkel masks?](#)

How many people die snorkeling in Hawaii? Search underway near Molokini Crater for missing snorkeler from California

<https://www.hawaiinewsnow.com/2021/09/15/search-underway-missing-california-snorkeler-off-molokini-crater/>

How many people have died from full face snorkel masks? A **full-face mask** was worn in five drownings and a traditional two-piece **mask** and **snorkel** was worn in 11 drownings, according to state health department data.Oct 8, 2019

<https://www.mauinews.com/news/local-news/2021/01/researchers-probe-for-answers-to-snorkel->

[related-fatalities/](#)

<https://www.miamiherald.com › local › article251092309>

There is a class action lawsuit against snorkel tour groups. Snorkel rental companies do not provide any safety education and should be held responsible! They do however make you sign a liability release form.

Tourism Whale Strikes

Every day during whale season tourist boats chase down whales to increase tourist viewing. Tourists' tours from kayaks, sailboats to big tour boats all have been observed chasing whales. Many social media post shows these activities with no prosecutions for NOAA law violations. I have watched in horror as big tour boats drive right up on top of whale calves and moms to try and get a close-up view of the whales. The biggest Boats on Maui have the most horrendous violations and whale strike documentation. How many strikes have occurred that we do not know about! Tourists are loving our whales to death. Recent years have seen less whales visiting Hawaii, what role does tourist boats play in this. See links:

Boat strikes humpback whale calf off south Maui. 70 children on board watch as boat hits whale mom and calf!

<https://www.hawaiinewsnow.com/2019/03/30/boat-strikes-humpback-whale-calf-off-south-maui/>

<https://ftw.usatoday.com/2020/12/floppy-newborn-whale-and-man-overboard-caught-on-video>



Maui tourist whale watching tours hit whales and calves! Many of the nation wide 115 whales run into are done by Hawaii whale watching, dolphin tours every year! NOAA: "Injury and death occurs".

[Whales find boats a deadly hazard off Hawaii - NBC News](#)

www.nbcnews.com › us › news-environment › whales-find-boats-deadl...

May 8, 2006 - Humpback whales are a popular tourist attraction in Hawaii, but this ... and 2005, there were 33 reported strikes involving whales and boats among the ... Boat captains are required to notify NOAA officials of any accidents by ...

<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>

over 115 whale strikes WOW!

https://hawaiihumpbackwhale.noaa.gov/res/vessel_collisions.html

<https://hawaiihumpbackwhale.noaa.gov/science/permittedresearch.html>

<https://www.staradvertiser.com/2018/12/19/breaking-news/noaa-reminds-people-to-watch-out-for-humpback-whales-as-they-migrate-to-hawaii/>

<http://oceanconservancy.org/wp-content/uploads/2014/03/lwssdata.pdf>

<https://iwc.int/ship-strikes>

<https://www.google.com/search?>

[g=noaa+hawaii+boat+whale+strikes&tbm=isch&source=univ&client=firefox-b-1-d&sa=X&ved=2ahUKEwj6iYXdr5ToAhULqZ4KH26AjAQ7Al6BAglEBk](https://www.google.com/search?q=noaa+hawaii+boat+whale+strikes&tbm=isch&source=univ&client=firefox-b-1-d&sa=X&ved=2ahUKEwj6iYXdr5ToAhULqZ4KH26AjAQ7Al6BAglEBk)

<https://sanctuaries.noaa.gov/science/sentinel-site-program/hawaiihumpbackwhale/vessel-impacts.html>

<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.cbsnews.com/news/moon-humpback-whale-broken-spine-vessel-strike-last-journey-canada-hawaii/>

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 though them. Tourists take corals and shells as souvenirs home with them [greatly impacting the environment](#).

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.**

Corals damaged by Tourism "Tourism and Recreational Impacts | Reef Resilience"

<https://reefresilience.org/stressors/local-stressors/coral-reefs-tourism-and-recreational-impacts/>

"As Tourism Returns, We Can't Allow Cruise Companies to Destroy Coral Reefs for Profit - EcoWatch"

<https://www.ecowatch.com/coral-reefs-destruction-tourism-conservation-2653139944.html>

"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/>

<https://www.kitv.com/story/44090398/maui-sea-turtle-photo-causes-uproar-on-social-media>

Enforcement Action against John Joseph Barry III and Avalanche Adventures Corp. for Alleged Stony Coral and Live Rock Damage Resulting from the May 28, 2021, *Avalanche* Anchoring Incident Within the Waters of the Kaloko-Honokōhau Fish Replenishment Area / Netting Restricted Area, Hawai'i Island.

Enforcement Action against Kimberly Brady for Alleged Stony Coral Damage Resulting from the March 24-25, 2021, *Blaze II* anchoring incident outside the Māla Wharf, Lāhainā, Maui.

Enforcement Action against Anthony Hodgson and 2G Vessel Owner Limited for Alleged Stony Coral and Live Rock Damage Resulting from the September 29-30, 2021, *Endless Summer* Anchoring Incident within the Kailua Bay Fisheries Management Area, Island of Hawaii.

<https://www.seattletimes.com/life/travel/hawaii-tour-boat-company-to-pay-almost-400000-for-damaging-coral-reefs/>

<https://nypost.com/2020/09/05/yacht-owners-fined-after-extensive-damage-to-hawaiian-coral-reef/>

Tourism Manta Ray Strikes

Video shows serious Manta Ray injuries from boat prop strikes off West Hawaii, one person recently died from a boat strike there too.

<https://www.khon2.com/video/state-proposes-manta-ray-tour-regulation-amid-increasing-popularity/8117101/>

<https://www.khon2.com/local-news/second-manta-ray-in-less-than-a-month-has-been-found-injured-off-kona/>

<https://www.khon2.com/local-news/big-island-may-implement-new-manta-ray-viewing-rules/>

<https://www.hawaiinewsnow.com/2022/09/05/calls-more-protection-grow-after-beloved-manta-ray-dies-oahus-north-shore/>

<https://www.khon2.com/local-news/young-manta-ray-dies-after-apparent-anchor-line-entanglement/>

Wow how many manta rays have been hit by tourist boats in west Hawaii, so sad, these same people sued the aquarium fishery, we never had any whale or manta ray strikes effects like these.

<https://www.staradvertiser.com/2022/10/30/hawaii-news/the-state-is-proposing-the-first-ever-rules-for-manta-ray-viewing-at-two-popular-spots-off-the-kona-coast/>

<https://dlnr.hawaii.gov/dobor/nr15-161b/>

KAILUA-KONA — Manta ray viewing site rules have yet to be implemented nearly six years after the state set out to regulate the industry, and over a year after a draft of the proposal was published.

<https://www.westhawaii.com/2019/12/14/hawaii-news/manta-ray-viewing-site-rules-still-a-ways-off/>

Tourism Dolphin Tours

Dolphins feed at night and rest during the day. Interrupting this can have huge impacts. Tour boats for years chase down dolphins endlessly daily with dozens of boats waiting in line to jump in the water with dolphin schools. It is now illegal but that does not stop them. Giving tourist a close view of whales and dolphins is always going to happen especially without enforcement. Pacific Whale foundation has received many tickets! They continue.

<https://www.hawaiinewsnow.com/2023/01/28/residents-call-action-after-tour-boat-gets-too-close-dolphins-remote-oahu-beach/>

<https://www.civilbeat.org/2021/05/will-hawaii-spinner-dolphins-finally-get-a-rest-from-the-crowds/>

<https://www.dolphinsandyou.com/why-cant-we-swim-with-dolphins-in-hawaii/>

<https://www.staradvertiser.com/2022/11/18/hawaii-news/hawaii-spinner-dolphins-at-risk-of-disease-study-finds/>

<https://catalog.data.gov/dataset/species-distribution-dolphins-hawaii>

Tourism Corals Damaged

Uneducated tourists will always step on corals. It has been going on for years. It is not just the

divers and snorkelers it is also the anchors!

"As Tourism Returns, We Can't Allow Cruise Companies to Destroy Coral Reefs for Profit - EcoWatch"
<https://www.ecowatch.com/coral-reefs-destruction-tourism-conservation-2653139944.html>

"Tourism and Recreational Impacts | Reef Resilience" <https://reefresilience.org/stressors/local-stressors/coral-reefs-tourism-and-recreational-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/>

<https://www.kitv.com/story/44090398/maui-sea-turtle-photo-causes-uproar-on-social-media>

Tourism Vulnerabilities

Hawaii was greatly impacted by the 911 terrorist attack, 2008 stock market crash, Covid, and God forbid airplane accidents. It is a leisure industry and not essential so highly dependent on economy. We must diversify! The state of Hawaii has a bad reputation for being a very difficult place to do business. When Covid hit: Hawaii Panics. Not Enough Tourists. Diversification Never Happened. Issues will soon arise again. The legislature needs to be the ones leading the way!

BH: ... Many in Hawaii travel are worried about the latest visitor statistics and data just starting to come in about our fast-cooling and non-diversified economy. It's becoming increasingly evident that managing tourism may not be as big an issue as was thought a month ago. Wasn't it just yesterday that people were complaining about too many tourists? And well, now, to be honest, we hear that far less frequently....

The latest forecast by the state's UH Economic Research Organization (UHERO) shows that the state of Hawaii's economy is worse than it had predicted six months earlier. That is due to high inflation, with the US heading towards a recession and a slipping global economy. The only bright light at this point is the return of Japanese visitors, which recovery is finally underway....

read ... [Hawaii Panics. Not Enough Tourists. Diversification Never Happened.](#)

<https://www.sfgate.com/hawaii/article/larry-ellison-blocks-lanai-beach-17446613.php>

... folks who seem to rank high on the milking list: tourists....

[read more...](#)

Hawaii's love-hate relationship with tourism

... It's not just Hawaii residents who are being priced out of paradise. Slowly but surely, tourists are also wondering whether they can still afford to visit here

[read more...](#)

Tourism Effects on Fish Populations

Ocean tourist groups have complained that there are no more fish at their dive and snorkeling sites. [News article](#) discusses the loss of fish in tourist areas. [Recent studies](#) showed the return of fish to Hanauma bay when tourism stopped due to covid. Now that tourism has returned to the bay, more research showed [fish are disappearing](#) again! The large groups of tourists have scared the fish out of these areas. Huge tourist snorkel and dive groups greatly impact fish feeding and reproduction behavior effecting fish populations. Unlike tourists Fishermen do not go to same areas day in and day out in large numbers, fishermen rotate their sites to prevent overfishing. Are tourism impacts being used to blame the aquarium fishery? Aquarium fishermen do not go to tourist areas, but more and more tourists are coming into and taking aquarium fishing areas away from fishermen. The 20 years of FRA fish replenishment aquarium fish [fish counts](#) off West Hawaii show increase in overall fish

populations so why are tourist areas having less fish and why is the proven sustainable fishery closed?

Changes in the Behavior of Marine Life



Top: Tourists feeding native coral reef fish in Hawaii.

Bottom: A snorkeling tourist reaches to touch a sea turtle in Hawaii.

Photos © Ziggy Livnat, For the Sea Productions/Marine Photobank

Marine life interactions, such as fish feedings and encounters with charismatic or rare species, are increasingly popular activities for divers and snorkelers. Recreational impacts on marine ecosystems and species may be caused by diver presence or harassment, or from the feeding of marine life. In some cases, diving has been shown to reduce fish abundance at high-use sites (e.g., Kaneohe Bay, Oahu), ref while in other areas, no significant effects on reef fish communities have been observed (e.g., Bonaire). ref

Fish feeding has been shown to result in a number of negative changes in fish behavior, including changes in time spent obtaining food, the size of the animal's home range, reproductive activity, population density, migration patterns, and species composition due to an increase in the larger, more aggressive species. ref Fish feeding has also been shown to greatly increase the aggressive behavior of the larger species and may result in divers being bitten.

Tourism Closing Sustainable Fisheries over “User Conflict”

Sources: Fishery info Sustainability proven but Aquarium fishery still closed.

Video links aquarium fish EIS you tube, **amazing video** of the environmental review:

<https://www.youtube.com/watch?v=xt8sRh493UI>

https://www.youtube.com/watch?v=Z45MzI_Nkt8

<https://www.youtube.com/watch?v=psTHLKfsdIA&t=8s>

<https://hawaiitropicalsaltwateraquariumfish.com/>

Tourism and Cultural Hawaiian Impacts

<https://www.hawaiinewsnow.com/2021/06/02/survey-majority-of-residents-prefer-limiting-the-number-of-visitors-coming-into-hawaii/>

<https://www.traveloffpath.com/hawaii-faces-overtourism-with-maui-planning-to-limit-number-of-tourists/>

<https://beatofhawaii.com/hawaii-summer-travel-starts-dizzying-influx-towering-frustrations/>

<https://beatofhawaii.com/kauai-tourism-plan-will-include-new-fees-and-enforcement/>

<https://www.hawaiinewsnow.com/2021/06/18/residents-east-maui-beg-relief-island-experiences-visitor-boom/>

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... It's not just Hawaii residents who are being priced out of paradise. Slowly but surely, tourists are also wondering whether they can still afford to visit here

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Study: If Hawaii Tourism is Called 'Regenerative' Locals will Like Tourists

... regenerative tourism makes the tourism industry and tourists more attractive to residents. An overwhelming 96.3% of Kaua'i residents responded favorably

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<http://www.hawaiifreepress.com/Articles-Main/ID/33988/Is-Hawaii-is-being-run-for-tourism-at-the-expense-of-locals>

<https://www.staradvertiser.com/2020/07/27/hawaii-news/covid-19-claims-900-honolulu-businesses-survey-finds/>

In Today's Hearing Date 2-10-239 :15 am but labeled incorrectly 02.23.2023 BOARD OF LAND AND NATURAL RESOURCES.

In today's meeting anti aquarium fisher activist Is cautioned this is public hearing, and not to slander others! It did not matter **Snorkel Bob continued to do just that, slander with unproven and untrue accusations at today's BLNR hearing.**

Before the vote approving the lease one board member said this is not the format or place for slanderous comments.

Robert Whitener aka **Snorkel Bob** called lease applicant who was a **tropical fish wholesaler "a human trafficker" and accused him of violating many laws.** The DAR state representative testified that there have never been any violations for fish reporting violations and all reporting was matching and accurate. HSL fish wholesaler was asking for state lease and was hit with "**slanderous testimony**" all of which had **no truth or evidence of support. All claims expressed by Whitener, were clearly not true.** His is close to Rene Umberger they spout the same misinformation regularly hoping some sucker believes them. The Snorkel Bob condemns Marine Biology scientists regularly attaching them in his books. Who wants to be the only one paid for viewing pretty Hawaii fish?

This is not the first time for fishery opposition and slanderous inaccurate attacks have occurred: **Snorkel bob has published books raking the fishery over the coals and even printed that the fishers are worse "than child molesters"**. All are unproven claims and are slanderous to the fishery and individuals involved. He was also in violation of FBI Internet Crimes Bureau laws and has had to remove slanderous untrue claims before. He was also prosecuted and convicted of tax evasion and on and on. This is who we listen to and his anti aquarium fish propaganda.

Item M. 9. Can be viewed on the later today rebroadcast of the BLNR Meeting. The

testimony and vote in favor of the fishery wholesaler for lease renewal can be watched 30 min into the hearing on you tube link below:

https://www.youtube.com/watch?v=ubA3zmqZ_M

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