

From: [jodean_akaka](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] Testimony Agenda F2 Herbivore
Date: Saturday, May 6, 2023 11:29:49 PM

To BLNR I OPPOSE this Herbivore proposal for the following reasons:

- #1-Majority of the people who catch and eat the proposed species is Hawaiians and locals. The economy is bad. You trying to stop us from getting food to feed our family
- #2- by imposing bag limits it's a direct infringement on our cultural practice of gathering food for our families. We've been subsisting for 6 generations now
- #3-The theory of this proposal is to stimulate coral growth due to climate change. And all the coral stimulus if any by imposing bag limits will be for nothing should another coral bleaching occur due to a warm season.
- #4-how many degrees cooler will the earth get by restricting people from catching fish?
- #5-Who is the global elites behind the funding of these proposals?
- #6-Do they have stock in Amazon, Walmart, Costco, etc. Battery and solar panel material metals?
- #7-this is a form of wiping out our culture.
- #8-too much government over reach and control
- #9-they say green but they stopping the fo real green people US and our families from living green.

Our families ask that you DO NOT PASS this proposal!

Mahalo
JoDean Akaka

From: [Bernice Akamine](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] OPPOSE: Reject this special exemption for Aquarium Trade!
Date: Monday, May 8, 2023 10:30:14 AM

Aloha Board of Land and Natural Resources

Please REJECT and do not approve the Division of Aquatic Resources' Herbivore Management Rule proposal that will go out for public hearings later. There are great data showing why Aquarium Trade was banned from Hawai'i Island and Maui in the first place!

DAR took it upon themselves to exempt Aquarium Collectors from the Kole (Goldring Surgeonfish) regulations that would apply to all food fishers, and although the Board did not direct DAR to do so. How can DAR tell local and subsistence food fishers that herbivore protections are necessary for reef health and fighting climate change while at the same time allowing the mainland-driven aquarium pet trade to take 30,000+ kole each year?

'A'ole!

Please listen to the people of Hawai'i as we try to move towards a more climate-resilient, restorative and regenerative future for ALL LIFE in Hawai'i. Ban aquarium trade once and for all!!!

Mahalo for this opportunity to testify.

Bernice Akami96785

From: [Tanya Anne](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] OPPOSE: Reject this special exemption for Aquarium Trade!
Date: Monday, May 8, 2023 12:14:44 PM

Aloha Board of Land and Natural Resources

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Mahalo for this opportunity to testify.

TANYA YAMANAKA AYNESAZIAN
96778

From: [Kallie Barnes](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] Testimony: Coral Reef Herbivore Conservation
Date: Wednesday, May 10, 2023 11:21:33 AM

Aloha,

I support the new herbivore fishing rules! Unless herbivore populations are replenished, Hawai'i's reefs will continue to degrade, especially as coral bleaching becomes more severe. Bleaching is predicted to be an annual event in Hawai'i by the year 2040, and it will take about a decade for most reef fish populations to recover. It is time to save the living lawnmowers of the reefs! More coral means more fish, more food, more coastal protection, more recreation, and more of the most amazing ecosystem in the world.

Mahalo,

Kallie

--

Kallie Barnes
Propagation Field Technician, Three Mountain Alliance

Email: kallieb@hawaii.edu

Cell: (808)796-6753

PO Box 52

Hawai'i National Park, HI 96718

ThreeMountainAlliance.org

From: [Jim Beets](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] New Herbivorous Fish Rules Amendment Support
Date: Wednesday, May 10, 2023 10:12:35 AM

Aloha,

I strongly support the proposed DAR fishing rules amendment. All the proposed rules are greatly needed. Herbivorous fishes are vital for coral reef health and maintenance, especially, as we observe increased effects on the marine environment and particularly in coastal waters.

Please support the fishing rules amendment.

Mahalo nui,

Jim Beets

--

Jim Beets
Professor Emeritus
Dept of Marine Science
University of Hawaii at Hilo
200 W. Kawili St.
Hilo, HI 96720-4019
Phone: 808-932-7600

From: [Ted Bohlen](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL]
Date: Tuesday, May 9, 2023 6:45:22 PM
Attachments: [herbivore testimony 5-12-23.pdf](#)

Please find attached the testimony of the Hawaii Reef and Ocean Coalition in support of tighter herbivore take restrictions and DAR's request to hold public hearings on proposed restrictions.



To: Members of the Hawai'i Board of Land and Natural Resources

From: Hawai'i Reef and Ocean Coalition (by Ted Bohlen)

Re: The Division of Aquatic Resources (DAR) request for approval from the Board of Land and Natural Resources, to hold public hearings to update Hawaii Administrative Rules (HAR) Chapter 13-95, "Rules Regulating the Taking and Selling of Certain Marine Resources."

I submit this testimony on behalf of the Hawaii Reef and Ocean Coalition (HIROC), a group of scientists, educators, filmmakers and environmental advocates who have been working since 2017 to protect Hawaii's coral reefs and ocean. HIROC **STRONGLY SUPPORTS strict regulations on the taking of certain species of herbivores and urges the Board to allow the DAR to hold public hearings on rule updates.**

Herbivorous fishes are critical to reef health in Hawai'i. They clean reef surfaces of seaweeds/algae, especially where sewage and fertilizer pollution has allowed seaweeds to smother corals. Where coral bleaching or other disturbances have killed corals, new coral will grow only if abundant and diverse herbivores are present to keep reef surfaces clean. In particular, parrotfishes (uhu), some surgeonfishes (kala, kole, and manini), and other herbivores (e.g., chubs or nenuue, sea urchins, etc.) are vital. **Herbivores need protection whether they are taken for food or for the aquarium trade, for individual or commercial fishing. The Board should eliminate the exemption for herbivores taken for the aquarium**

trade and should tighten restrictions on the amount of fish that can be taken commercially, where tens of thousands of pounds can be taken annually.

Herbivores – especially those that are the object of the proposed new fishing regulations – are terribly overfished in populated regions of the main Hawaiian Islands. Some herbivore species are declining and need protection. Uhu and kala stocks are at unsustainable fishing levels statewide. Fish count survey data have shown large differences in herbivore biomass (the total weight of fish per unit area) between highly fished and less fished across Hawai'i. In the absence of detailed stock assessments, when the populations are this low, the Board should follow the precautionary principle to ensure that stocks do not collapse completely.

The goal of this rule is to better manage our herbivorous fish populations so that we can sustain our fisheries and ensure future generations will have abundant fish. **HIROC strongly urges the Board to approve restrictions, both to sustain our fisheries and to protect the coral reefs on which our shorelines, economy and recreation depend.**

Unless herbivore populations are replenished as part of enhancing the ecological resilience of Hawai'i's reefs, the reefs will continue to degrade, especially as coral bleaching becomes more severe. Bleaching is predicted to be an annual event in Hawai'i by the year 2040, and it takes about a decade for most reef fish populations to recover. It is time to save the living lawnmowers of the reefs! More coral means more fish, more food, more coastal protection, more recreation, and more of the most amazing ecosystem in the world.

Mahalo for protecting the coral and fish stocks by adopting strict regulations on the taking of herbivorous fish for any purpose!

Hawai'i Reef and Ocean Coalition (by Ted Bohlen)

From: [Holokai Brown](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] OPPOSE: Reject this special exemption for Aquarium Trade!
Date: Tuesday, May 9, 2023 9:17:45 AM

Aloha Board of Land and Natural Resources

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DAR took it upon themselves to exempt Aquarium Collectors from the Kole (Goldring Surgeonfish) regulations that would apply to all food fishers, and although the Board did not direct DAR to do so. How can DAR tell local and subsistence food fishers that herbivore protections are necessary for reef health and fighting climate change while at the same time allowing the mainland-driven aquarium pet trade to take 30,000+ kole each year?

'A'ole!

Please listen to the people of Hawai'i as we try to move towards a more climate-resilient, restorative and regenerative future for ALL LIFE in Hawai'i. Ban aquarium trade once and for all!!!

Mahalo for this opportunity to testify.

Holokai Punahale Reed Brown
96704

From: [Healani Cahill](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] OPPOSE: Reject this special exemption for Aquarium Trade!
Date: Monday, May 8, 2023 12:12:32 PM

Aloha Board of Land and Natural Resources

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ʻAʻole!

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Mahalo for this opportunity to testify.

Healani M. Cahill
96737

From: [Dave Carrothers](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] Kole Regulations
Date: Wednesday, May 10, 2023 11:25:34 AM

Aloha,

I urge the Board to reject the Division of Aquatic Resources' Herbivore management rule proposal. By exempting aquarium collectors from the Kole regulations that apply to all other users, the DAR has shown a great disservice to us all. In fact, the aquarium trade should be banned, period.

Mahalo

David Carrothers
96738

From: [Ryan Chang](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] OPPOSE: Reject this special exemption for Aquarium Trade
Date: Tuesday, May 9, 2023 7:02:33 PM

Aloha Board of Land and Natural Resources,
Please REJECT and do not approve the Division of Aquatic Resources' Herbivore Management Rule proposal that will go out for public hearings later. There are great data showing why Aquarium Trade was banned from Hawai'i Island and Maui in the first place! DAR took it upon themselves to exempt Aquarium Collectors from the Kole (Goldring Surgeonfish) regulations that would apply to all food fishers, and although the Board did not direct DAR to do so. How can DAR tell local and subsistence food fishers that herbivore protections are necessary for reef health and fighting climate change while at the same time allowing the mainland-driven aquarium pet trade to take 30,000+ kole each year? 'A'ole!
Please listen to the people of Hawai'i as we try to move towards a more climate-resilient, restorative and regenerative future for ALL LIFE in Hawai'i. Ban aquarium trade once and for all!
Mahalo for this opportunity to testify.

Ryan Chang
96816

From: [Jennifer Ching](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL]
Date: Tuesday, May 9, 2023 10:42:00 AM

Aloha Board of Land and Natural Resources

Please **REJECT** and do not approve the Division of Aquatic Resources' Herbivore Management Rule proposal that will go out for public hearings later. There are great data showing why Aquarium Trade was banned from Hawai'i Island and Maui in the first place!

DAR took it upon themselves to exempt Aquarium Collectors from the Kole (Goldring Surgeonfish) regulations that would apply to all food fishers, and although the Board did not direct DAR to do so. How can DAR tell local and subsistence food fishers that herbivore protections are necessary for reef health and fighting climate change while at the same time allowing the mainland-driven aquarium pet trade to take 30,000+ kole each year?

'A'ole!

Please listen to the people of Hawai'i as we try to move towards a more climate-resilient, restorative and regenerative future for ALL LIFE in Hawai'i. ***Ban aquarium trade once and for all!***

Mahalo for this opportunity to testify,

Jennifer Ching
96725

From: [Christina Comfort](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] Testimony for hearings on 5/12
Date: Thursday, May 11, 2023 8:18:44 AM

Testimony for the May 12, 2023 meeting of the BLNR
Item F.2.

To the Board of Land and Natural Resources,

Mahalo for the opportunity to submit written testimony for the May 12, 2023 meeting. As part of the nonprofit WAI (Wastewater Alternatives & Innovations), I am writing to testify in strong support of Item F.2, which would approve public hearings on the revised amendments and compilation of HAR Chapter 13-95 “Rules Regulating the Taking and Selling of Certain Marine Resources.”

There is an urgent need to move forward on marine management actions that can help Hawai‘i’s reefs and nearshore fisheries to be more resilient in the face of climate change. Current projections indicate that as soon as 2032, we could see annual extreme coral bleaching events which will inevitably result in coral die-off and the loss of the sustaining habitat for nearshore fisheries (Dr. Mark Hixon, pers. comm.). We must act locally to increase our reef ecosystems’ resilience to warming and bleaching events by reducing additional stressors and creating the best possible environment for maintaining diversity and fish biomass (Donovan et al. 2021, [DOI: 10.1126/science.abd9464](#)).

There are actions that we can take locally to dramatically increase reef resilience. These include strengthening herbivore populations (which control the growth of algae on the reef and allow complex, biodynamic coral-based systems to thrive instead), reducing wastewater pollution (by repairing aging sewer infrastructure and converting cesspools), and reducing sedimentation (by rehabilitating watersheds and restoring natural streamflow). All three of these actions are extremely important and deserve attention and funding.

Managing herbivore populations, such as in the rule change public hearings proposed in item F.2, is the fastest and most immediate way to build resilience on reefs. Large infrastructure and watershed rehabilitation projects to reduce land-based pollution are also critical, but simply cannot happen in as short of a time frame as managing herbivore populations. Therefore, we strongly support moving forward with herbivore management actions such as F.2, and continuing to address all three types of resilience-building actions to give the reefs the best fighting chance in a warming and progressively less stable global environment.

Mahalo for the opportunity to testify,

Christina Comfort, M.Sc.
Water Quality Specialist

--

Christina Comfort, M.Sc. she/her
Program Manager
WAI: Wastewater Alternatives and Innovations
484-553-4205; www.waicleanwater.org

From: [Robert Culbertson](#)
To: [DLNR.BLNR.Testimony](#)
Cc: [LANIHAU-rsmith](#)
Subject: [EXTERNAL] Kole rule "exception"
Date: Monday, May 8, 2023 9:15:22 PM

Aloha members of the Board of Land and Natural Resources,

While I generally support the recognitions and efforts made by DAR to address threats to our reefs, at this time I must take issue with the misguided move to accommodate the wishes of 'Aquarium collectors', who appear to have special channels at the Department. Specifically, related to an amendment to exempt collectors from a wider proposed prohibition on 'takes' of Kole - below 5" sizes.

This proposal and special exemption is wrong because it establishes a priority for commercial Aquarium 'fishing' over and above recreational or subsistence fishing in violation of the department's own "hierarchy of uses" doctrine, which is supposed to put **commercial interests** BELOW (if at all) in relation to **conservation of the resource** as the top most priority, and **residential personal/ non commercial uses** (next level below conservation).

This proposal is wrong because it would obviously compete for, *and deplete*, a food fish which has helped local people thrive on the island over centuries.

This proposal is wrong because it both reflects and augments the kind of 'pay to play' corruptive practices in state policies and laws that are elsewhere being recognized and repelled throughout State government, and which undermine our civic culture generally.

Thank you, IF you are putting the resource *first!*

R A Culbertson
Honokaa
member, Big Island Reef Keepers hui

From: [Mendy Dant](#)
To: [DLNR.BLNR.Testimony](#); [LANIHAU-rsmith](#)
Subject: [EXTERNAL] F. DIVISION OF AQUATIC RESOURCES #2
Date: Wednesday, May 10, 2023 6:35:58 PM

Aloha Chair Chang, HIBLNR Riley Smith, and Board Members,

I am asking the public hearing request be denied.

I am the second generation of a 53-year-old family snorkel business in Kona, Hawaii. We have seen a drastic decrease in coral reef health over the past decade. Between the warmer ocean temperatures and a variety of pollutants our coral reefs have diminished, and we need to bring balance back. Herbivores are a critical part of coral reef ecosystems' health. They help to maintain the balance between corals and macroalgae on reefs. Macroalgae are extraordinarily fast growers and are generally less sensitive to changes in environmental factors, such as temperature and sedimentation, than coral species.

The ocean tourism industry is at stake if the state allows the taking of these fish populations for sale. Once they are gone, they are gone forever. The storm refuge that reefs offer to our shoreline is also at stake. These are critically important times to be conservative and help our environment to get back to healthy conditions. Close these jobs and support conservation jobs, offering job training for replanting coral gardens, if this is an issue for you to solve. This is the time to get creative and work together for the survival of our coral reefs.

We need to say goodbye once and for all to the aquarium fish collection factor in Hawaii. The fish are depleting, and we need to do what we can to control the reef fish depletion and the obvious is to stop giving permits to aquarium collectors and special treatment for commercial fishermen. Protect the fish here so they can reproduce, and do their various jobs in the reef system. Build back the fish population do not put them up for sale.

Hawaiian residents fishing for sustenance should be before commercial sales. On Hawaii Island, Miloli'i has a community-based system that takes care of the health of the fish populations for their current needs and future generations. We need to plan for tomorrow by not being greedy and careless today.

Please do not grant public hearings for commercial users to continue to deplete the fish populations. Mahalo for the opportunity to comment on this very important concern.

Sincerely,
Mendy Dant

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Mendy Dant
Executive Vice President
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www.fair-wind.com



[Travel Tips: Ocean Conservation](#)

"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: [Eric Dilley](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] Testimony in Support of Public Hearings for changes to "Rules Regulating the Taking and Selling of Certain Marine Resources"
Date: Thursday, May 11, 2023 7:04:02 AM

Dear BLNR,

I am writing to voice my support for changes in herbivorous fish take rules in the Chapter 13-95, Hawaii Administrative Rules, "Rules Regulating the Taking and Selling of Certain Marine Resources". The state faces many short and long term threats to our coral reefs including coastal development, sea level rise, ocean acidification, and ocean warming. As the oceans continue to warm with human driven climate change, corals will struggle to survive and recover from more frequent and severe ocean warming events.

Herbivores serve a vital function as "lawnmowers of the sea" that keep fast growing algae from overgrowing corals recovering from coral bleaching or that have died as a result. Without abundant herbivorous fish populations, coral reefs in Hawaii will continue to degrade through time and shift from coral dominated to algae dominated reefs. This would lead to massive losses of coral habitat and consequently losses in all coral reef organisms that reside in these habitats, including herbivorous fishes.

It is therefore crucial that the state take substantial and rapid action to conserve herbivorous fishes in Hawaiian waters to allow for Hawaiian corals to resist and recover from the effects of coral bleaching due to ocean warming. I strongly support all efforts to manage herbivorous fish populations to ensure they not only persist but thrive in Hawaiian waters of the future. With healthy populations of herbivores, we can give Hawaiian reefs a fighting chance of being able to persist for future generations. Thank you for your consideration.

Regards,
Eric Dilley

From: [Bob Douglas](#)
To: [Chris Blair-Townsend](#)
Subject: [EXTERNAL] OPPOSE DAR Exemption for Aquarium Trade in Revised Herbivore Rules
Date: Tuesday, May 9, 2023 7:28:50 AM

Aloha all,

I STRONGLY OPPOSE DAR Exemption for Aquarium Trade in Revised Herbivore Rules.

Respect and listen to the kāmaka maoli. They know better than a group bent on making money regardless of the negative impact.

Respect and listen to the scientists and environmentalists. They have been studying this issue for decades. The proof of the decimation is in the numbers.

DAR Exemption for Aquarium Trade in Revised Herbivore Rules
Re-affirms Need for Permanent Ban

Background:

- At the request of the aquarium trade (AQ), DAR has included a carve-out exemption for AQ on the kole minimum size limit in a revision of their Herbivore Management rules. On May 12, DAR will request BLNR to approve the proposed rules for public hearings.
- In 2019 when DAR began working on these rules, many urged DAR to include other species and regulations relating to AQ take, given its substantial impact on herbivore abundance which, in West Hawaii for example, far outpaces that of food fishers. Instead, advocates were repeatedly told by DAR staff and meeting facilitators that they would not accept any comments or input related to AQ, but that any size and bag limits would apply to all.
- DAR requested approval for the original rule package on Dec. 8, 2022, and at that meeting, cited the urgent need to increase herbivores since the critical heat threshold for annual coral bleaching is estimated to begin around 2030.
- BLNR listened to commercial/artisanal food fishers concerns with the proposed daily bag limit of 2 uhu, then directed DAR to redraft and include a carve-out for commercial take. 1 (one) aquarium collector asked to be exempt from the kole restrictions. There was no board direction to include AQ in that carve-out.
- Telling food fishers that it is important to let kole reach maturity before taking them, but then letting AQ take large numbers of juvenile kole is nonsensical, poor management, and counter-productive to DAR messaging that they believe in and support pono fishing practices.

Kole Data:

- Average annual AQ reported take of kole from 2000 – 2018 in West Hawai'i was 30,700 individuals. Collectors are currently asking to take 30,000 kole annually per the West Hawaii EIS accepted by BLNR in 2021.

Kole Data:

- Average annual AQ reported take of kole from 2000 – 2018 in West Hawai'i was 30,700 individuals. Collectors are currently asking to take 30,000 kole annually per the West Hawaii EIS accepted by BLNR in 2021.
- Per DAR data (Figure 1), that level of take significantly reduced kole abundance in the Open Areas (i.e., the 62% of the West Hawai'i coastline in which both AQ and food fishing occur):
 - 2010 AQ Open Area Impact: abundance was 36% lower than in FRAs where AQ is prohibited.
 - 2018 AQ Open Area Impact: abundance was 21% lower than in FRAs where AQ is prohibited; and, closely tracked that in 2014 – 2017, as well. (DLNR, 2019).

Native Hawaiian Opposition to AQ:

- Native Hawaiian opposition to the aquarium trade has never been stronger, with all 46 moku statewide on the record supporting a permanent AQ ban. Much of that opposition is based upon AQ's irreconcilable conflicts with pono practices and cultural values.
- DARs Herbivore Management Plan is comprised of 4 pillars, one of which is Pono Practices to "encourage responsible behavior guided by Hawaiian values and perspectives. ." (Figure 2)
- Yet, where AQ is concerned DAR ignores this pillar, disregarding the very pono practices it wants others to abide by, in favor of mainland AQ pet trade profits, and at the expense of Hawai'i's threatened reefs.
- **We have clearly and repeatedly expressed to DAR that it is unconscionable to reduce herbivore take by local subsistence and cultural food fishers – in the name of fending off climate change impacts – while allowing even a single herbivore to be taken for the mainland AQ pet trade.**

Benefits of Permanently Banning AQ

- The court-ordered AQ shut-down has already increased herbivore abundance by at least 1.8 million individuals (using annual reported catch as an estimate).

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- A permanent ban would annually allow hundreds of thousands of thousands of surgeonfishes, representing the important browser, grazer, and detritivore groups, to stay on their native reefs, increase resiliency to climate change, support Hawai'i's subsistence and cultural fishers, and all 1.4 million residents.
- It would be an important step in giving our reefs a fighting chance, while negatively impacting comparatively few people.

We ask that you please join us in our effort to maintain and further increase abundance of important herbivores by permanently banning AQ via rulemaking.

FIGURE 1. ADAPTED FROM DLNR 2019 REPORT TO THE LEGISLATURE ON EFFECTIVENESS OF THE WHRFMA:

Average annual AQ reported take of kole since 2000 was 30,700 which significantly reduced kole abundance.

Comparing abundance in areas closed to AQ but open to food fishers (red line) with areas open to both (green line), it is evident that AQ reduced kole abundance well beyond any food fishing impact.

For example: 36% lower in 2010 and 21% lower in 2018.

Page 2 of 2 684 words Text Predictions: On

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Comparing abundance in areas closed to AQ but open to food fishers (red line) with areas open to both (green line), it is evident that AQ reduced kole abundance well beyond any food fishing impact.

For example: 36% lower in 2010 and 21% lower in 2018.

NOTE: the vast majority of the West Hawaii coastline is open to both AQ and food fishing (i.e. green line), so the impact is widespread.

Figure 14. Overall changes in Goldring Surgeonfish (Kole) abundance (Mean ± SE) in FRAs, MPAs and Open areas, 1999-2018. Vertical bars indicate mean density (May–Nov) of Goldring Surgeonfish Young-of-Year (YOY). YOY are not included in trend line data.

Page 2 of 2 684 words Text Predictions: On

Aloha,
 Bob Douglas
 danhieus18@icloud.com
 Instagram.com/danhieus
 808-333-0402

From: [Bob Douglas](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] OPPOSE STRONGLY: Reject this special exemption for Aquarium Trade!
Date: Monday, May 8, 2023 10:43:50 AM

Aloha Board of Land and Natural Resources

Please REJECT and do not approve the Division of Aquatic Resources' Herbivore Management Rule proposal that will go out for public hearings later. There are great data showing why Aquarium Trade was banned from Hawai'i Island and Maui in the first place!

DAR took it upon themselves to exempt Aquarium Collectors from the Kole (Goldring Surgeonfish) regulations that would apply to all food fishers, and although the Board did not direct DAR to do so. How can DAR tell local and subsistence food fishers that herbivore protections are necessary for reef health and fighting climate change while at the same time allowing the mainland-driven aquarium pet trade to take 30,000+ kole each year?

'A'ole!

Please listen to the people of Hawai'i as we try to move towards a more climate-resilient, restorative and regenerative future for ALL LIFE in Hawai'i. Ban aquarium trade once and for all!!!

Mahalo for this opportunity to testify.

Aloha,

Bob Douglas

From: [Daniela Escontrela Diequez](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] Herbivore fish ammendment
Date: Tuesday, May 9, 2023 10:12:20 AM

Hello,

I am writing to show strong support for DAR's proposed herbivore rule amendments. Herbivores are integral for coral reef health as they clear up algae which allows coral to settle.

I strongly urge you to pass this ammendment

Dani Escontrela
PhD Candidate, Marine Biology
University of Hawai`i at Mānoa
Edmondson Hall 418
2538 McCarthy Mall
Honolulu, HI 96822

From: [Marybeth Fentriss](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] OPPOSE: Reject the special exemption for Aquarium Trade
Date: Wednesday, May 10, 2023 5:00:37 PM

Aloha Board of Land and Natural Resources,

Please REJECT and do not approve the Division of Aquatic Resources' Herbivore Management Rule proposal that will go out for public hearings later. There are great data showing why Aquarium Trade was banned from Hawai'i Island and Maui in the first place!

DAR took it upon themselves to exempt Aquarium Collectors from the Kole (Goldring Surgeonfish) regulations that would apply to all food fishers, and although the Board did not direct DAR to do so. How can DAR tell local and subsistence food fishers that herbivore protections are necessary for reef health and fighting climate change while at the same time allowing the mainland-driven aquarium pet trade to take 30,000+ kole each year? 'A'ole!

Please listen to the people of Hawai'i as we try to move towards a more climate-resilient, restorative and regenerative future for ALL LIFE in Hawai'i. Ban aquarium trade once and for all!

Mahalo for this opportunity to testify.

Marybeth Fentriss
96734
808-291-1166

From: [kapulei flores](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] OPPOSE: Reject this special exemption for Aquarium Trade!
Date: Wednesday, May 10, 2023 9:40:05 PM

Aloha,

Please REJECT and do not approve the Division of Aquatic Resources' Herbivore Management Rule proposal that will go out for public hearings later. There is great data showing why Aquarium Trade was banned from Hawai'i Island and Maui in the first place!

DAR took it upon themselves to exempt Aquarium Collectors from the Kole (Goldring Surgeonfish) regulations that would apply to all food fishers, and although the Board did not direct DAR to do so. How can DAR tell local and subsistence food fishers that herbivore protections are necessary for reef health and fighting climate change while at the same time allowing the mainland-driven aquarium pet trade to take 30,000+ kole each year? 'A'ole!

Please listen to the people of Hawai'i as we try to move towards a more climate-resilient, restorative and regenerative future for ALL LIFE in Hawai'i. Ban aquarium trade once and for all!

Mahalo nui

From: [cindy Freitas](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] OPPOSE: Reject this special exemption for Aquarium Trade!
Date: Monday, May 8, 2023 3:50:54 PM

Aloha Board of Land and Natural Resources

Please REJECT and do not approve the Division of Aquatic Resources' Herbivore Management Rule proposal that will go out for public hearings later. There are great data showing why Aquarium Trade was banned from Hawai'i Island and Maui in the first place!

DAR took it upon themselves to exempt Aquarium Collectors from the Kole (Goldring Surgeonfish) regulations that would apply to all food fishers, and although the Board did not direct DAR to do so. How can DAR tell local and subsistence food fishers that herbivore protections are necessary for reef health and fighting climate change while at the same time allowing the mainland-driven aquarium pet trade to take 30,000+ kole each year?

'A'ole!

Please listen to the people of Hawai'i as we try to move towards a more climate-resilient, restorative and regenerative future for ALL LIFE in Hawai'i. Ban aquarium trade once and for all!!!

Mahalo for this opportunity to testify.

Cindy Freitas
96745



*Dedicated to the conservation of coastal and marine environments,
emphasizing stewardship of the natural resources of Hanauma Bay*

Board of Land and Natural Resources
Dawn N.S. Chang, Chairperson
Department of Land and Natural Resources
P.O. Box 621
Honolulu, Hawaii 96809

FOR THE MEETING OF THE
BOARD OF LAND AND NATURAL RESOURCES

DATE: May 12, 2023

TIME: 9:15 AM

LOCATION: In person at 1151 Punchbowl St, Room 132
(Kalanimoku Building) online via ZOOM, livestream via YouTube

Re: Testimony in support of Item F-2 with recommended changes.

May 10, 2023

Aloha Chair Chang and Members of the Board of Land and Natural Resources,

Founded in 1990, Friends of Hanauma's Bay [FOHB] is the leading NGO advocate with local, state, and federal decision makers for the best stewardship of the natural resources of Hanauma Bay. FOHB also proposed and funds the first restoration project of endemic Hawaiian corals in Hanauma's history.

FOHB supports the Division of Aquatic Resources' (DAR) Agenda Item F-2 request for approval from the Board of Land and Natural Resources, to hold public hearings to update Hawaii Administrative Rules (HAR) Chapter 13-95, "Rules Regulating the Taking and Selling of Certain Marine Resources" with the following recommended changes:



*Dedicated to the conservation of coastal and marine environments,
emphasizing stewardship of the natural resources of Hanauma Bay*

- **The Board should eliminate the exemption for all herbivores (like *kole* or Goldring Surgeonfish) taken for the mainland aquarium trade.**
- **The Board should tighten restrictions on the amount of fish that can be taken commercially, where tens of thousands of pounds can be taken annually.**
- **Subsistence fishers should not be subjected to more stringent take limitations than the commercial fishing industry.**

Herbivorous fishes are critical to the health of Hawaii's coral reefs and deserve strict regulations on their take. Where coral bleaching or other disturbances have killed corals, new coral will grow only if abundant and diverse herbivores are present to keep reef surfaces clean of seaweeds/algae. In particular, parrotfishes (uhu), some surgeonfishes (kala, kole, and manini), and other herbivores (e.g., chubs or nenuue, sea urchins, etc.) are vital to the ability of our coral reefs to survive and thrive.

Unfortunately, herbivores – especially those that are the object of the proposed new fishing regulations – are terribly overfished in populated regions of the main Hawaiian Islands. Uhu and kala stocks are at unsustainable fishing levels statewide. Fish count survey data have shown large differences in herbivore biomass (the total weight of fish per unit area) between highly fished and less fished areas across Hawai'i. In the absence of detailed stock assessments, when the populations are this low, the Board should follow the precautionary principle to ensure that stocks do not collapse completely.

Please direct DAR to incorporate our recommended changes above in its proposed update to Hawaii Administrative Rules (HAR) Chapter 13-95 before commencing public hearings.

Mahalo for the opportunity to testify on this issue.

With Aloha,

Lisa Bishop
President
Friends of Hanauma Bay



May 12, 2023

Board of Land and Natural Resources

RE: Item F. 2 Public Hearing Request for Rule Amendments to Chapter 13-95. Opposition to Kole exemption for Commercial Aquarium Pet Trade

Dear Chair Chang and Board Members

We express our strong opposition to DAR's proposal to exclude regulations for the take of Kole for the commercial aquarium pet trade, while at the same time, requiring all others adhere to these regulations. Applying such exemptions is contrary to good scientific management and contradicts BLNR's hierarchy of priorities to first protect the resource, second, to protect the resource for the public and only last, accommodate commercial interests.

Kole are important herbivores, like many other species, taken en masse by the aquarium pet trade. This is why in 2019, when DAR began working on their herbivore management rules, we and many others urged DAR to include other species and regulations relating to aquarium take, given its substantial impact on herbivore abundance which, in West Hawaii, far exceeds that of food fishers. We were repeatedly told by DAR that they would not be including any additional species taken by the trade but that any size/bag limitations would apply to all.

On December 8th 2022, DAR requested approval of BLNR to take the original rule package out to public hearings, citing the urgent need to increase herbivores since the critical heat threshold for annual coral bleaching is estimated to begin around 2030. At that meeting BLNR heard from commercial/artisanal food fishers who were concerned with the proposed daily bag limit of 2 uhu and kala regulations. The Board then directed DAR to look further into these concerns and consider new language related to commercial take of uhu and kala. 1 (one) aquarium collector asked to be exempt from the kole restrictions. There was no board direction to include the aquarium trade in the new language, nor any reference to Kole in the Option 2 slide that DAR presented to the Board which they then voted to support.

Telling food fishers that it is important to let kole reach maturity before taking them, but then letting the commercial aquarium pet trade take large numbers of juvenile kole (e.g. 30,000 kole proposed to be taken under the West Hawaii EIS) is nonsensical, poor management, and counter-productive to DAR messaging that they believe in and support pono fishing practices and that herbivores need immediate protections.

We respectfully urge the Board to reject this special exemption for the aquarium pet trade. The community has long opposed the trafficking of our important reef wildlife for the mainland pet trade which remains incompatible with local values, pono practices, cultural traditions, which severely degrades our reefs and the growing threats our reefs face from climate change resulting in coral bleaching.

Thank you,

Inga Gibson

On behalf of For the Fishes

Option 2:

Revised proposed statewide herbivore rules (HAR 13-95) to incorporate commercial exemptions to uhu and kala bag limits with additional commercial restrictions such as seasonal closures, maximum size limits for sale, and annual catch limits.



From: [Judith Graham](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] DAR aquarium collection rules
Date: Wednesday, May 10, 2023 6:07:18 PM

Dear board members:

I have lived on the Big Island for over 50 years.

I believe it is contrary to DLNR's espoused practice to allow aquarium collectors to net endemic kole below the 5" inch length when that is the minimum length for residents. In my view and I'm sure that of many others, DLNR should not now be preferring this industry over the local people in its new rules.

Plus, there is supposedly a 30,000 number upper limit of kole which may be taken annually. I surely noticed in the industry EIS in 2021 there was no real corroboration of collection numbers except from collectors' own reports. This is the honor system. The Board undoubtedly recognizes that is not properly applicable to a lucrative business.

I really encourage Board members just to Google the names of any of these fish species and you will see the market prices which are being fetched.

Thank you.

Judy Graham

From: [Haeleigh Grajo](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] OPPOSE: Reject Special Exemption for Aquarium Trade
Date: Wednesday, May 10, 2023 10:21:05 AM

Aloha Board of Land and Natural Resources,

Please **do not pass/approve** the Division of Aquatic Resources' Herbivore Management Rule proposal that allows the aquarium trade to continue collection of juvenile kole as an exemption. Kole is an endemic fish of Hawai'i and plays an important role in our ecosystem. Allowing the aquarium trade to continue collecting juveniles will likely cause harm to our precious ecosystem. Limiting the local fisherman of Hawai'i, yet allowing outside companies to continue collection does little to improve the issue. A'ole aquarium trade!!

Locals of Hawai'i are pushing to combat erasure, and return to the old, more sustainable ways of life. Implementing this exemption for aquarium trade collection would be a step backwards in our efforts.

Mahalo,

Haeleigh Grajo
96725

From: [John Graves](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] In support of herbivore management rules
Date: Wednesday, May 10, 2023 11:17:01 AM

I am a scientific diver who spends quite a bit of time underwater on coral reefs in Hawaii and the Pacific. Coral reefs depend upon healthy herbivore populations to stay healthy, and fish of all kinds depend on our coral reefs for shelter and food. If either of these systems gets out of balance, decline is inevitable for both our reefs and the fish communities they support.

Unfortunately, these ecosystems are under pressure from many directions. Coral reefs are being degraded by pollution, agricultural runoff, the increased frequency of bleaching events and damaging storms in our warming oceans and other stressors. Herbivore populations are also under significant fishing pressure, and many species of reef fish and large pelagic food fish have declined substantially in the last 30 years. These dual pressures on our coral reefs and fish populations are unsustainable, and we can already see the changes occurring on our reefs.

We live in a critical moment, where our actions now WILL determine if future generations in Hawaii will still be able to enjoy the beauty and the bounty of healthy coral reefs, or if these ecosystems will degrade to a shadow of what they once were. I strongly support new regulations including updated catch sizing and bag limits, and urge you all to make your voices heard on this issue. Thank you,

--

John Graves
Masters of Science
Tropical Conservation Biology and Environmental Science
University of Hawai'i at Hilo

From: [Gregg G](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] Strongly oppose special Aquarium Collectors exemption for the kole (Goldring Surgeonfish) regulations that would apply to all food fishers!
Date: Wednesday, May 10, 2023 9:58:48 PM

I STRONGLY oppose a Aquarium Collectors exemption for the kole (Goldring Surgeonfish) regulations that would apply to all food fishers!

When does DLNR/DAR/BLNR start to actually protect ALL of our natural resources/our reefs/our wildlife? Yellow Tang were once collected in Waikiki but those fish are gone.

A select few make \$millions off the aquarium trade while the ongoing collection has decimated the populations of collected fish? How does a licensed fish collector (5th permit issued I believe) get appointed to run DLNR and promote the acceleration of aquarium fish collection? The people want this stopped! Who will finally stand up to special interests before the fish are collected, dead and gone?

Mahalo for considering my testimony!

Gregg Gruwell - Kamuela, HI

From: [Phyllis Hanson](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] please reject any exemptions on aquarium trade
Date: Wednesday, May 10, 2023 3:36:35 PM

Please... save the fish.

Reduce extracting of local fish and same for aquarium fish, many of which die in transport.

Best plan is to ban ALL aquarium fish collecting.

Thank you, pHyllis Hanson, Keauhou, 808-324-6645

From: [Cory](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] aquarium collectors
Date: Sunday, May 7, 2023 9:10:03 PM

Aloha board members,

Please do NOT exempt Aquarium Collectors from the kole (Goldring Surgeonfish) regulations that would apply to all food fishers.

How can DAR tell local and subsistence food fishers that herbivore protections are necessary for reef health and fighting climate change while at the same time allowing the mainland driven aquarium pet trade to take 30,000+ kole each year?

mahalo,

Cory Harden, Hilo

From: [Eric Co](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] Testimony in support of the DLNR-DAR s
Date: Wednesday, May 10, 2023 7:23:02 PM

May 10, 2023

To: State of Hawaii Board of Land and Natural Resources

From: Eric Co, Vice President, The Harold KL Castle Foundation

Re: Support for the Division of Aquatic Resources' 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 resources"

Aloha BLNR Directors,

The Harold KL Castle Foundation is in strong support of the amended rules as proposed by DLNR-DAR. Our nearshore reef resources are impacted by several issues, namely land based pollution, invasive species, and overuse (of many kinds). Unfortunately, there is no smoking gun; we cannot lay the blame for these issues at any individual's or user group's feet, and yet it is all of our problem to deal with, including fishers. As an avid reef fisher myself, I recognize this is a sacrifice we all need to make if we are to sustain our resources for the health and well being of future generations. Moreover, herbivores are our last line of defense against the immense threats of climate change. Healthy reefs will be more resilient reefs.

We feel the DLNR-DAR has been reasonable in making concessions to include longtime commercial fishers. We applaud their efforts to be inclusive of local families who have made a case for preserving their income. We also applaud DLNR-DAR's efforts to more closely track commercial catch *and* commercial sales through the issuance of licenses. This kind of data is necessary for them to make informed management decisions and care for our resources adaptively in the future.

We hope you will approve these rules for public hearing. These are the right actions to take at the right moment.

Mahalo for the opportunity to testify,
Eric Co

Eric Co
Vice President of Resiliency
Āina + Community

Harold K.L. Castle Foundation
1197 Auloa Road
Kailua, Hawai'i 96734

direct 808 263 8922
cell 808 295 9745
office 808 263 7073
fax 808 261 6918
Zoom: 808 295 9745

To review our giving approach, to apply, to learn more about us, click [here](#)



From: [Hannah Hartmann](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] OPPOSE: Reject this special exemption for Aquarium Trade!
Date: Wednesday, May 10, 2023 7:16:57 PM

Aloha Board of Land and Natural Resources,

Please REJECT and do not approve the Division of Aquatic Resources' Herbivore Management Rule proposal that will go out for public hearings later. There are great data showing why Aquarium Trade was banned from Hawai'i Island and Maui in the first place!

DAR took it upon themselves to exempt Aquarium Collectors from the Kole (Goldring Surgeonfish) regulations that would apply to all food fishers, and although the Board did not direct DAR to do so. How can DAR tell local and subsistence food fishers that herbivore protections are necessary for reef health and fighting climate change while at the same time allowing the mainland-driven aquarium pet trade to take 30,000+ kole each year?

'A'ole!

Please listen to the people of Hawai'i as we try to move towards a more climate-resilient, restorative and regenerative future for ALL LIFE in Hawai'i. Ban aquarium trade once and for all!!!

Mahalo for this opportunity to testify.

Hannah Hartmann
96720

From: [Christine Heath](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] OPPOSE: Reject this special exemption for Aquarium Trade!
Date: Monday, May 8, 2023 10:01:57 AM

Aloha Board of Land and Natural Resources Please REJECT and do not approve the Division of Aquatic Resources' Herbivore Management Rule proposal that will go out for public hearings later. There are great data showing why Aquarium Trade was banned from Hawai'i Island and Maui in the first place! DAR took it upon themselves to exempt Aquarium Collectors from the Kole (Goldring Surgeonfish) regulations that would apply to all food fishers, and although the Board did not direct DAR to do so. How can DAR tell local and subsistence food fishers that herbivore protections are necessary for reef health and fighting climate change while at the same time allowing the mainland-driven aquarium pet trade to take 30,000+ kole each year? 'A'ole! Please listen to the people of Hawai'i as we try to move towards a more climate-resilient, restorative and regenerative future for ALL LIFE in Hawai'i. Ban aquarium trade once and for all!!! Mahalo for this opportunity to testify.

Christine Heath
Papaaloa, Hi, 96780

--

Christine Heath
Ex. Director
Hawaii Counseling & Education Center
612-702-6539

11 May 2023

4162-C Puu Panini Avenue
Honolulu, HI 96822

Hawai'i Board of Land and Natural Resources

Aloha Land Board:

In your deliberations regarding herbivore fishing rules, **I urge you to keep in the forefront of your minds the critical importance of herbivores in keeping our coral reefs alive.** While the scientific community has long been aware of the crucial link, most of our society sees herbivores only as a fisheries issue.

Although testifying as a private citizen, I am a PhD marine biologist who has studied herbivory on Hawaiian coral reefs since the 1970s, and I am currently the Hsiao Endowed Professor of Marine Biology at the University of Hawai'i at Mānoa.

Please allow me to explain why **the continued existence of our coral reefs depends critically on there being abundant herbivores.** First, some background. Living coral reefs are immensely important for Hawai'i, providing our society with food, coastal protection from rising sea levels, medicines, recreation, tourism, and most importantly, a way of life deeply embedded in our local culture. **Unfortunately, our reefs are critically endangered,** historically from poor land use practices that smothered corals with silt and mud, and leached excess fertilizers and sewage into our coastal waters, thereby allowing seaweeds to overgrow and kill corals (reviews by Williams et al. 2019, Donovan et al. 2021). Now our reefs are threatened by ever-worsening ocean warming, which causes corals to bleach and die. Nearly unheard of in Hawai'i until this century, coral bleaching hit Hawai'i hard in 2014, 2015, and 2019, resulting in over 50% coral mortality on the Big Island (Kramer et al. 2016). We are now leaving three years of relatively cool-water La Niña conditions and are entering what will apparently be an extreme El Niño period, which will likely cause severe coral bleaching later this year and perhaps beyond. Working with climate scientists, coral biologists predict that our reefs will bleach every year starting sometime in the 2030s (van Hooijdonk et al. 2016). **We do not have much time to save our reefs.**

Given these conditions, studies around the world have shown that abundant herbivores – especially parrotfishes (uhu) and surgeonfishes (kala, manini, etc.) – can not only prevent reefs from being overgrown by seaweeds, but also allow corals killed by bleaching and other disturbances to recover (reviews by Hixon 2015, Williams et al. 2019, Donovan et al. 2021). **When coral dies for any reason, seaweeds take over and the reef dies UNLESS abundant herbivores keep dead reef surfaces clean so new corals can settle, survive, and grow. Unfortunately, herbivores are currently not providing this ecological service in Hawai'i because they are overfished.** How do we know this? First, it is well known among kupuna fishermen that the abundance of these fishes is far below historical levels. I personally have witnessed the decline in uhu and surgeonfishes comparing my time on O'ahu in the 1970s to the situation today. Second, a technical stock assessment has determined that uhu, kala, and other surgeonfishes are overfished (Nadon 2017). Third, across Hawai'i, the abundance of fished species, including herbivores, decreases with increasing human population levels (Friedlander et al. 2018, Gorospe et al. 2018, Stamoulis et al. 2018), but unfished species do not show the same pattern, indicating that pollution is not the major cause of fish population declines (Friedlander et al. 2018).

The good news is that the fishing community and everyone who eats seafood can be the heroes who save our reefs by giving the uhu, kala, and other herbivores a break to allow their populations to recover. Fisheries analyses have shown that, with effective replenishment measures in place, our herbivore populations have high recovery potential (Gorospe et al. 2018, Stamoulis et al. 2018, Chung et al. 2019). Indeed, the Kahekili Herbivore Fisheries Management Area on Maui has demonstrated recovery of herbivores and their benefits (Williams et al. 2016).

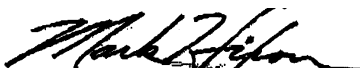
The bad news is that the proposed herbivore fishing rules will not allow recovery of our primary herbivore populations: uhu and kala. Especially at issue is allowing a commercial catch of 34,000 pounds of uhu and 10,000 pounds of kala annually, reducing the reported annual catch by only 25%. Other issues include the ability of more affluent fishers to buy commercial licenses to bypass recreational restrictions, as well as allowing aquarium fishers to take small kole. An additional general issue is that the state provides insufficient funding for education for voluntary compliance and enforcement penalties for those who overfish illegally. And why are we the only state not requiring recreational fishing licenses?

Given the currently low population sizes of herbivores the only prudent approach is to enact the precautionary principle and strongly restrict herbivore fisheries across the board until their populations recover. Yes, this will be unpopular with commercial fishers, yet in the long run, our reefs and their fisheries will benefit. Continuing to allow substantial take of herbivore will mean the demise of our reefs, and eventual collapse of our fisheries. Many subsistence fishers understand this, as do many recreational fishers I know. Uhu and other herbivores are far more valuable for our reefs and our society alive than dead.

The recovery of herbivore populations has been shown to allow the recovery of coral reefs, which in turn results in replenished fisheries. In short, more herbivores means more live coral, which means more productive fisheries and more of all the other goods and services provided by healthy coral reefs. **If we do not invest in the future of our reefs now, then we in the marine biology community fear that our children and grandchildren will be unable to experience the many benefits of reefs that were enjoyed by previous generations. Time is short. Please be brave and save the uhu and friends for the future of our reefs and our fisheries.**

Thank you for considering my testimony. Please contact me if you desire additional information, including reprints of pertinent peer-reviewed scientific literature I have cited.

Mahalo,



Mark Hixon

Literature Cited (all these papers include studies conducted in Hawai'i)

Chung, A. E., L. M. Wedding, A. L. Green, A. M. Friedlander, G. Goldberg, A. Meadows, and M. A. Hixon. 2019. Building coral reef resilience through spatial herbivore management. *Frontiers in Marine Science* 6: doi: 10.3389/fmars.2019.00098.

Donovan, M. K., D. E. Burkepile, C. Kratochwill, T. Shlesinger, S. Sully, T. A. Oliver, G. Hodgson, J. Freiwald, and R. v. Woesik. 2021. Local conditions magnify coral loss after marine heatwaves. *Science* 372: 977–980.

Friedlander, A. M., M. K. Donovan, K. A. Stamoulis, I. D. Williams, E. K. Brown, E. J. Conklin, E. E. DeMartini, K. S. Rodgers, R. T. Sparks, and W. J. Walsh. 2018. Human induced gradients of reef fish declines in the Hawaiian Archipelago viewed through the lens of traditional management boundaries. *Aquatic Conservation: Marine and Freshwater Ecosystems* 28: 146-157.

Gorospe, K. D., M. J. Donahue, A. Heenan, J. M. Gove, I. D. Williams, and R. E. Brainard. 2018. Local biomass baselines and the recovery potential for Hawaiian coral reef fish communities. *Frontiers in Marine Science* 5: doi: 10.3389/fmars.2018.00162.

Hixon, M. A. 2015. Reef fishes, seaweeds, and corals: a complex triangle. Pages 195-215 *in* C. Birkeland, editor. *Coral reefs in the Anthropocene*. Springer, Dordrecht, Netherlands.

Kramer, K. L., Cotton, S. P., Lamson, M. R., and Walsh, W. J. 2016. Bleaching and catastrophic mortality of reef-building corals along west Hawai'i island: findings and future directions. *Proc. 13th Int. Coral Reef Symp.* 1:219–230.

Nadon, M. O. 2017. Stock assessment of the coral reef fishes of Hawaii, 2016. NOAA Technical Memorandum NMFS-PIFSC-60.

Stamoulis, K. A., J. M. S. Delevaux, I. D. Williams, M. Poti, J. Lecky, B. Costa, M. S. Kendall, S. J. Pittman, M. K. Donovan, L. M. Wedding, and A. M. Friedlander. 2018. Seascape models reveal places to focus coastal fisheries management. *Ecological Applications* 28: 910-925.

van Hooijdonk, R., J. Maynard, J. Tamelander, J. Gove, G. Ahmadi, L. Raymundo, G. Williams, S. F. Heron, and S. Planes. 2016. Local-scale projections of coral reef futures and implications of the Paris Agreement. *Scientific Reports* 6: 39666: doi: 10.1038/srep39666.

Williams, I. D., D. J. White, R. T. Sparks, K. C. Lino, J. P. Zamzow, E. L. A. Kelly, and H. L. Ramey. 2016. Responses of herbivorous fishes and benthos to 6 years of protection at the Kahekili Herbivore Fisheries Management Area, Maui. *PLoS One* 11: e0159100. doi:0159110.0151371/journal.pone.0159100.

Williams, I. D., T. L. Kindinger, C. S. Couch, W. J. Walsh, D. Minton, and T. A. Oliver. 2019. Can herbivore management increase the persistence of Indo-Pacific coral reefs? *Frontiers in Marine Science* 6: doi: 10.3389/fmars.2019.00557.

From: [HULI Hawai'i](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] OPPOSE: REJECT this special exemption for Aquarium Trade!
Date: Tuesday, May 9, 2023 10:28:18 AM
Attachments: [DAR Exemption for Aquarium Trade in Revised Herbivore Rules Re-affirms Need for Permanent Ban.pdf](#)

Aloha Board of Land and Natural Resources

HULI PAC is an organization of community members around Hawai'i Island. We hope more resident testimony helps shape a stronger path for our future narrative, grounded in cultural values before offshore profits that will regenerate and benefit all life. We ask you to **REJECT** the Division of Aquatic Resources' Herbivore Management Rule proposal that will go out for public hearings later. Specifically, relating to *an amendment to exempt collectors* from a wider proposed prohibition on 'takes' of Kole - below 5" sizes. The impact of just this one rule could mean the state would be sanctioning the *extraction of as many as 30,000 more Kole* to the collectors each year in West Hawaii. * Attached pdf: *DAR Exemption for Aquarium Trade in Revised Herbivore Rules Re-affirms Need for Permanent Ban*

1. The Kole and **all** herbivore species and water quality on land impact the ocean life quality, and they **ARE ALL** a cultural and communal resource! This proposed commercialization of Kole or any herbivore fish species will be extracting natural resources from our ocean (already degraded by pollution, over-tourism, and too much commercial fishing) and exporting aquarium fish for private profit and not for sustaining our 'āina
 - Cumulative impacts on our coral and herbivore fish species through human activities, climate change, commercial extractions, and overpopulation cause an overabundance of stresses to our fragile coral ecosystem by means of; imbalance of nutrients in our ocean, more frequent and extreme brown water run-offs, sea level rise, trade-wind disruption (risks of reduced rain-water recharge), storm or tsunami inundation flooding at well site (risks of the aquifer and ocean contamination) – call into **question the assumption** there are enough herbivore species to help manage our coral reef and food systems as resources that will forever exceed our needs.
2. The Kole is a cultural and communal resource. Sending Kole or any herbivore species abroad contradicts the ***Native Hawaiian Traditional and Customary Rights & the Public Trust Doctrine***, *perpetuating and supporting a regenerative coral ecology for generations to come.*

Under Hawai'i law, the State and its agencies are obligated to preserve and protect the exercise of traditional and customary Native Hawaiian rights. Hawai'i courts have made clear that traditional and customary practices for subsistence, cultural, and religious purposes "must be protected to the extent feasible" under the Hawai'i Constitution.

The Public Trust Doctrine: *"To provide enduring protection of certain precious natural resources in Hawai'i for the benefit of not only all people but for the benefit of future generations."*

"The Public Trust Doctrine closely mirrors native Hawaiian and native American notions of stewardship of natural resources and the relationship between human beings and those resources."

- Hawaiian culture is inherently tied to place. Shipping pieces of this place (fish, seawater, rocks, and coral) away from Hawai'i, is a direct *violation* of the proper cultural stewardship (mālama 'āina) listed in the public trust doctrine.

- Extracting and shipping our precious fish to [foreign lands] is wasteful and compromises Hawai'i's future security.

2. Whatever has motivated The Department of Aquatic Resources (DAR) to conceive this patently *unfair* rule causes immense ***distrust*** in DAR by the people of West Hawai'i. It will likely have an *islandwide ripple effect* on accountability around the [Public Trust Doctrine](#) & [Native Hawaiian Traditional and Customary Rights](#).

'A'ole!

Please honor the people of Hawai'i Island as we try to move towards a more climate-resilient future by respecting ike Hawai'i (Hawaiian knowledge) towards a restorative and regenerative future for ALL LIFE in Hawai'i. To do so, you should ***ban the aquarium trade once and for all***. Please, recognize why it was banned in the first place.

Mahalo for this opportunity to testify.

Maki Morinoue
HULI PAC, member
www.hulihi.com
96725

DAR Exemption for Aquarium Trade in Revised Herbivore Rules Re-affirms Need for Permanent Ban

Background:

- At the request of the aquarium trade (AQ), DAR has included a carve-out exemption for AQ on the kole minimum size limit in a revision of their Herbivore Management rules. On May 12, DAR will request BLNR to approve the proposed rules for public hearings.
- In 2019 when DAR began working on these rules, many urged DAR to include other species and regulations relating to AQ take, given its substantial impact on herbivore abundance which, in West Hawaii for example, far outpaces that of food fishers. Instead, advocates were repeatedly told by DAR staff and meeting facilitators that they would not accept any comments or input related to AQ, but that any size and bag limits would apply to all.
- DAR requested approval for the original rule package on Dec. 8, 2022, and at that meeting, cited the urgent need to increase herbivores since the critical heat threshold for annual coral bleaching is estimated to begin around 2030.
- BLNR listened to commercial/artisanal food fishers concerns with the proposed daily bag limit of 2 uhu, then directed DAR to redraft and include a carve-out for commercial take. 1 (one) aquarium collector asked to be exempt from the kole restrictions. There was no board direction to include AQ in that carve-out.
- Telling food fishers that it is important to let kole reach maturity before taking them, but then letting AQ take large numbers of juvenile kole is nonsensical, poor management, and counter-productive to DAR messaging that they believe in and support pono fishing practices.

Kole Data:

- Average annual AQ reported take of kole from 2000 – 2018 in West Hawai'i was 30,700 individuals. Collectors are currently asking to take 30,000 kole annually per the West Hawaii EIS accepted by BLNR in 2021.
- Per DAR data (Figure 1), that level of take significantly reduced kole abundance in the Open Areas (i.e., the 62% of the West Hawai'i coastline in which both AQ and food fishing occur):
 - 2010 AQ Open Area Impact: abundance was 36% lower than in FRAs where AQ is prohibited.
 - 2018 AQ Open Area Impact: abundance was 21% lower than in FRAs where AQ is prohibited; and, closely tracked that in 2014 – 2017, as well. (DLNR, 2019).

Native Hawaiian Opposition to AQ:

- Native Hawaiian opposition to the aquarium trade has never been stronger, with all 46 moku statewide on the record supporting a permanent AQ ban. Much of that opposition is based upon AQ's irreconcilable conflicts with pono practices and cultural values.
- DARs Herbivore Management Plan is comprised of 4 pillars, one of which is Pono Practices to "encourage responsible behavior guided by Hawaiian values and perspectives. . ." (Figure 2)
- Yet, where AQ is concerned DAR ignores this pillar, disregarding the very pono practices it wants others to abide by, in favor of mainland AQ pet trade profits, and at the expense of Hawai'i's threatened reefs.
- **We have clearly and repeatedly expressed to DAR that it is unconscionable to reduce herbivore take by local subsistence and cultural food fishers – in the name of fending off climate change impacts – while allowing even a single herbivore to be taken for the mainland AQ pet trade.**

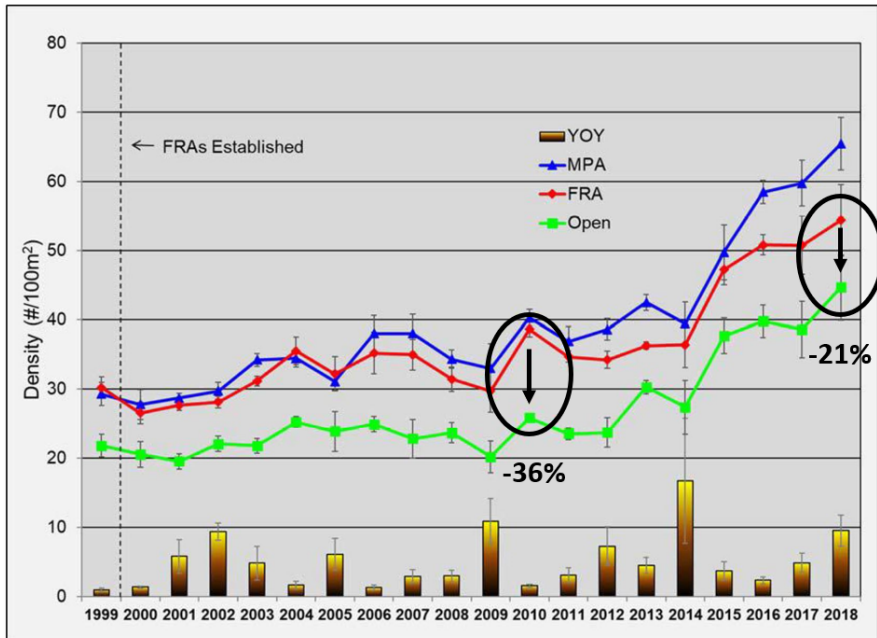
Benefits of Permanently Banning AQ

- The court-ordered AQ shut-down has already increased herbivore abundance by at least 1.8 million individuals (using annual reported catch as an estimate).

- A permanent ban would annually allow hundreds of thousands of surgeonfishes, representing the important browser, grazer, and detritivore groups, to stay on their native reefs, increase resiliency to climate change, support Hawai'i's subsistence and cultural fishers, and all 1.4 million residents.
- It would be an important step in giving our reefs a fighting chance, while negatively impacting comparatively few people.

We ask that you please join us in our effort to maintain and further increase abundance of important herbivores by permanently banning AQ via rulemaking.

FIGURE 1. ADAPTED FROM DLNR 2019 REPORT TO THE LEGISLATURE ON EFFECTIVENESS OF THE WHRFMA:



Average annual AQ reported take of kole since 2000 was 30,700 which significantly reduced kole abundance.


Comparing abundance in areas closed to AQ but open to food fishers (red line) with areas open to both (green line), it is evident that AQ reduced kole abundance well beyond any food fishing impact.

For example: 36% lower in 2010 and 21% lower in 2018.

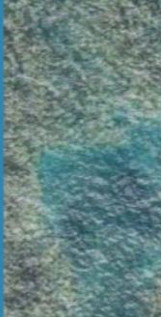
NOTE: the vast majority of the West Hawaii coastline is open to both AQ and food fishing (i.e. green line), so the impact is widespread.

Figure 14. Overall changes in Goldring Surgeonfish (Kole) abundance (Mean ± SE) in FRAs, MPAs and Open areas, 1999-2018. Vertical bars indicate mean density (May-Nov) of Goldring Surgeonfish Young-of-Year (YOY). YOY are not included in trend line data.

FIGURE 2. FROM THE DAR HERBIVORE MANAGEMENT PLAN, 2021, AND REFERENCED IN DARS SUBMITTAL TO BLNR IN 2022:



PONO PRACTICES encourages responsible behavior guided by Hawaiian values and perspectives through education and outreach, statewide rules, strengthened enforcement, and local partnerships to encourage sustainable behaviors and practices in nearshore waters. The Pono Practices pillar is a call to action for resource users to interact with nearshore resources in a pono way. **Herbivore-Specific Objective:** Develop and implement statewide herbivore management measures that increase herbivorous fishes and invertebrate diversity, abundance, and biomass to promote both ecological complementarity and functional redundancy as well as reinforce pono practices through balancing scientific understanding with traditional ecological knowledge to promote sustainable use and stewardship of natural resources.



From: [Sarah Hutchinson - NOAA Affiliate](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] New Herbivore Fishing Rules
Date: Wednesday, May 10, 2023 1:10:19 PM

I support the New Herbivore Fishing Rules. Current commercial rules are far too lenient to protect our coral reefs.

--

Sarah Hutchinson, M.Sc. (she/her/hers)

Dr. Nancy Foster Scholar

NOAA Office of National Marine Sanctuaries

Honolulu, Hawai'i

Cell: 240-529-9012 | sarah.hutchinson@noaa.gov



From: [Kayley Jakob](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] OPPOSE: Reject the special exemption for Aquarium Trade
Date: Wednesday, May 10, 2023 10:27:13 AM

Aloha Board of Land and Natural Resources,

Please REJECT the Division of Aquatic Resources' Herbivore Management Rule proposal that will go out for public hearings later. There was a reason why Aquarium trade was banned from Hawai'i and Maui. DAR acted independently of the Board to exempt Aquarium Collectors from the Kole (Golden Surgeonfish) regulations that would apply to all food fishers. DAR is allowing a mainland-driven aquarium pet trade to take 30,000+ kole each year, but tells all local and subsistence food fishers that herbivore protections are necessary for reef health and climate change? This is a slap in the face to both the local community and all who have worked to protect and improve our reef systems!

Please listen to the people of Hawai'i as we try to move towards a more climate-resilient, restorative, and regeneration environment for ALL LIFE in Hawai'i and BAN AQUARIUM TRADE in its entirety!

Mahalo for the opportunity to testify.

Kayley Jakob
96740

From: [Jeannie Jewell](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] OPPOSE: Reject this special exemption for Aquarium Trade!
Date: Monday, May 8, 2023 11:35:14 AM

Aloha Board of Land and Natural Resources

Please REJECT and do not approve the Division of Aquatic Resources' Herbivore Management Rule proposal that will go out for public hearings later. There are great data showing why Aquarium Trade was banned from Hawai'i Island and Maui in the first place!

DAR took it upon themselves to exempt Aquarium Collectors from the Kole (Goldring Surgeonfish) regulations that would apply to all food fishers, and although the Board did not direct DAR to do so. How can DAR tell local and subsistence food fishers that herbivore protections are necessary for reef health and fighting climate change while at the same time allowing the mainland-driven aquarium pet trade to take 30,000+ kole each year?

'A'ole!

Please listen to the people of Hawai'i as we try to move towards a more climate-resilient, restorative and regenerative future for ALL LIFE in Hawai'i. Ban aquarium trade once and for all!!!

Mahalo for this opportunity to testify.

Jean jewell
96725

From: [Tressie \(Aloha\) Kaponō](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] I support the "New Herbivore Fishing Rules"
Date: Thursday, May 11, 2023 4:01:08 AM

Aloha,

I am writing to support the 'New Herbivore Fishing Rules.'

Me ke kāko‘o piha,
Aloha Kaponō

May 12, 2023

Board of Land and Natural Resources
Honolulu, HI

RE: Item F. 2 Public Hearing Request for Rule Amendments to Chapter 13-95. Opposition to Exemption for Take of Kole for Aquarium Pet Trade

Dear Chair Chang and Board Members,

I write to express our strong opposition to DAR's proposal to exclude the aquarium pet trade (AQ) from the proposed minimum size limits for kole, and to have that limit aimed solely at Hawai'i's food fishers.

BLNR did not request this of DAR:

It is evident in the video recordings of your Dec. 8 and 9, 2022 meetings that you gave no direction to DAR to make this exemption. The discussions were focused on creating an exemption for artisanal commercial fishers so that folks who cannot fish for themselves can "fish at Foodland." There was no discussion of this carve-out for AQ, and no direction to DAR to do so. Therefore, we respectfully urge you to have DAR remove it before taking the rules out for public meetings.

DAR ignored numerous requests by dozens of people to factor AQs massive take of herbivores:

We tried to engage with DAR on this issue at the very beginning of their herbivore scoping in 2019/2020. DAR was urged to prioritize Hawai'i's food fishers and to include in the management plan an end to AQs massive take of herbivores. Instead, the complete opposite has happened, and *the entire burden of increasing herbivore abundance has been shifted to food fishers.*

On May 11, 2023, NOAA predicted a 90% chance for an ocean heat wave beginning this summer:

NOAA's prediction included an "80% chance of at least a moderate El Niño. . . [and] a ~55% chance of a strong El Niño." The potential for a climate-change induced catastrophe on our reefs, in our lifetimes, is very real. We must urgently increase herbivore abundance for our reefs and all the important services they provide – especially in feeding Hawai'i's people – to survive.

Expecting food fishers to bear this burden and sacrifice so much while allowing AQ to take even a single fish is unjustifiable. If allowed to resume, AQ would certainly continue its decades-long degradation of this critically important natural resource. Please see our attached Q & A for more information. Therefore, we also respectfully urge you to remedy this by directing DAR to draft a rule that will permanently end the commercial take of Hawai'i's fishes for AQ.

Thank you,
Rene Umberger
On behalf of the Kapu AQ Hui



End the Trafficking of Hawaii’s Reef Wildlife for the Global Commercial Aquarium Pet Trade



Q: Why end the capture and sale of Hawai’i’s marine life for the aquarium pet trade?

Plans are underway to allow hundreds of thousands of Hawai’i’s fragile wild marine animals to be taken from our reefs every year for sale to the aquarium (AQ) pet trade outside Hawai’i. **A single aquarium collector can take upwards of 500 animals in a matter of hours**; meaning thousands of fish can be removed per collector, per week. Numerous polls show that upwards of **84% of Hawai’i voters want to see an end to this destructive trade** due to its negative environmental impacts and conflicts with cultural and local values.¹

For example, taking Hawai’i’s marine life for the AQ pet trade is contrary to native Hawaiian cultural practices, traditions and values of taking only what is needed for subsistence, using only *pono* fishing practices, and respecting marine wildlife, as many of the animals taken by the trade are culturally significant. When left on their native reefs, these marine animals play a vital role in reef health and resiliency and protect the larger marine ecosystem, especially in light of increasing climate change related impacts.

The Hawai’i State Aha Moku, comprised of all 46 moku statewide, strongly supports ending commercial AQ (2023), as does O’ahu’s Kaneohe Bay Regional Council, Ko’olaupoko Native Hawaiian Civic Club, and the Kahalu’u, Kaneohe, Kailua and Waimanalo Neighborhood Boards (2021), the Environmental Caucus of the Democratic Party of Hawai’i (2018, 2022), and the Kauai and Hawai’i Island County Councils (2011). In addition, Maui County enacted laws that have successfully deterred the trade from operating there (2010, 2011). The trade currently seeks to take reef fishes and other animals from O’ahu and West Hawai’i reefs where historically most collection has occurred.

Q: What authority does DLNR have to end the capture and sale of Hawai’i’s marine life for the aquarium pet trade?

Under HRS § 190-3, DLNR can in its discretion implement rules “. . . prohibit[ing] activities that may disturb, degrade, or alter the marine environment. . .” In both peer-reviewed and grey literature, including DLNRs, the extent to which aquarium collection has disturbed, degraded, AND altered the marine environment is well-described, from decades past, to the present. For example, since 1999, DLNR’s Division of Aquatic Resources (DAR) has documented yellow tang populations on West Hawai’i reefs where collection occurs. According to this DAR data, as recently as 2016, the last full year of AQ operations before the court invalidated collection permits, yellow tang abundance in areas where collection occurred was more than **80% lower than abundance in protected areas**.^{2a}



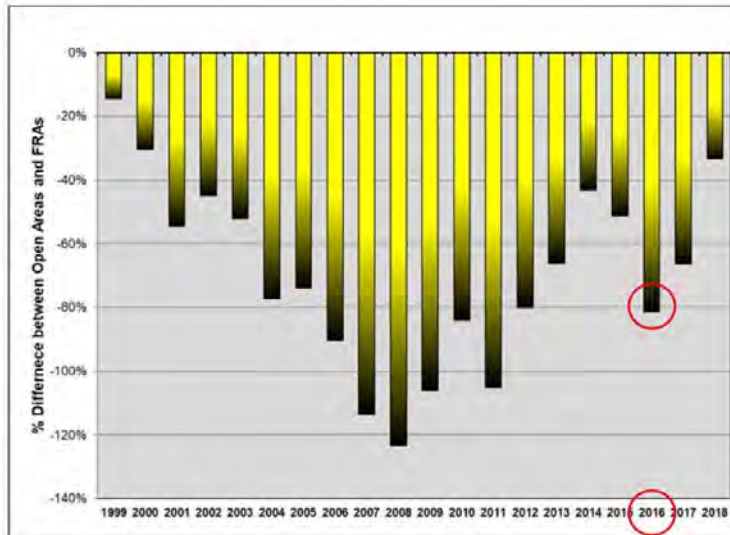


Figure 6. Difference in mean Yellow Tang abundance in West Hawai'i Fish Replenishment Areas (FRAs, n=9) relative to Open Areas (n=10). Bars represent the % difference in abundance for each year from 1999 to 2018. Bars below the x axis indicate greater abundance in the FRAs than the Open areas.

Q: How would ending AQ align with DLNRs current plans?

Herbivores, the algae-eating fishes that protect coral reefs from algal overgrowth, are critical to the survival of Hawai'i's reefs in the face of climate change. Increasing herbivore abundance and reducing land-based pollution are widely accepted by scientists as immediate actions to take if Hawai'i's reefs are to survive the catastrophic effects of climate change, which is forecast to **cause the loss of 70% of Hawai'i's coral reefs over the next 25 years.**²

The critical importance of herbivores has led DAR to ask food fishers to reduce or stop taking these fish in times of extreme coral reef stress, although many are prized food fishes, and in 2021, to publish an Herbivore Management Plan aimed at increasing herbivore abundance.^{3,27} A key part of the plan incorporates pono practices which "encourages responsible behavior guided by Hawaiian values and perspectives. . ." Given that native Hawaiian opposition to commercial AQ is based upon the trade's irreconcilable conflicts with pono practices, ending commercial AQ is an important, immediate action that DLNR can take to protect these important species for both subsistence fishing and cultural reasons.

Permanently ending commercial AQ is necessary as demonstrated in West Hawai'i where the average annual take of herbivorous reef fishes by AQ is, historically and under the trade's most recent EIS proposal, far greater than the number taken by subsistence, recreational, cultural and commercial food fishers, *combined* (per excerpt below).^{4, 5, 2a}

Table 9. Island comparison of the number and pounds of reef fishes caught by recreational and commercial fishers relative to aquarium collectors 2008-2011.

Reef Fish Catch Numbers				
	Recreational	Commercial	Total Non AQ	Aquarium
West Hawai'i	146,176	48,498	194,674	343,729

Additionally, the ongoing court-ordered closure has already demonstrated the effectiveness of prohibiting AQ collecting in building coral reef resiliency: **in the last 5 years, the abundance of several important herbivore species has increased in West Hawai'i by at least 1.8 million fish**, a figure derived solely from the approximately 350,000 fish previously taken by AQ each year being left on the reef (i.e., excluding the additional young they produced). The effect of leaving those fish on the reef is documented in DAR data which shows, in the first year alone after the closure, yellow tang abundance increased by ~40% in the previously collected areas (i.e., the “open” areas, representing the majority of West Hawai'i reefs). Proof that the increase was solely due to the removal of AQ collection pressure is reflected in the areas long-protected from AQ pressure: those areas experienced no increase in abundance whatsoever.^{2a}

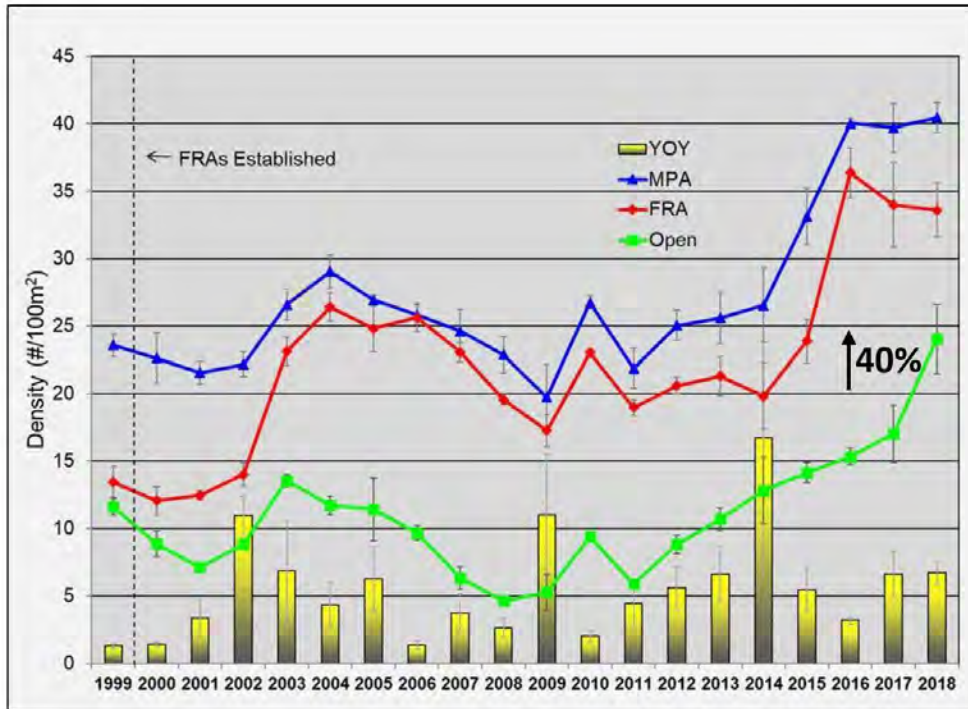


Figure 5. Overall changes in Yellow Tang abundance (Mean ± SE) in FRAs, MPAs and Open areas, 1999-2018. Yellow vertical bars indicate mean density (May -Nov) of Yellow Tang Young-of-Year (YOY). YOY are not included in trend line data.

A permanent closure via rulemaking fits with the Herbivore Management Plan, Pono Practices Action Pillar #1, to: “implement new and/or revised rules that promote [responsible] harvesting practices of herbivorous species by 2023 at the Statewide level. . .”

Q: How has the AQ trade harmed subsistence and other food fishers?

Numerous reef fish species that are important to local fishers are heavily targeted by the AQ pet trade. One species, paku'iku'i (Achilles tang) has been particularly impacted according to DAR data showing **the AQ trade took upwards of 80% of their populations along 65% of the West Hawai'i coastline**, an amount that was having a “major impact” on the species.^{25, 26} Since at least 2006, DAR documented paku'iku'i population declines due to AQ impact but took no action to protect paku'iku'i for food fishers. It was only in December, 2022, that DAR finally took action on the severe paku'iku'i population decline. Unfortunately for local fishers, DAR waited until populations were so critically low, a complete prohibition that included food fishing was required. The mainland AQ pet trade profited for decades, and now Hawai'i residents, especially local fishers, suffer the consequences.

Q: What is the status of the trade, why are rules needed, and what activities should be exempt?

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 Rene Umberger | For the Fishes: rene@forthefishes.org
 Mike Nakachi | Moana Ohana: mike@moanaohana.com

As detailed below, there has been no legal commercial AQ harvesting since early 2018 in West Hawai'i and since early 2021 for the rest of the state. No jobs are therefore at stake. **Noncommercial collection by public aquariums, for research, or education, or for captive breeding/aquaculture is allowed through DLNR's continued issuance of Special Activity Permits (SAP), separate from commercial collections permits. Recreational take for local home aquariums, typically done with scoop nets, is also allowed.** Rules are needed to make the commercial aspect of the closure permanent, before the AQ pet trade regains access to Hawai'i's reefs (while still allowing for the issuance of SAP's).

DLNR's failure to support efforts to enact rules or state legislation to address the trade's significant environmental and cultural impacts led to litigation driven by native Hawaiian community leaders and marine protection organizations (2012). That suit resulted in a Hawai'i Supreme Court opinion and Environmental Court ruling (2017) that AQ collection permits were illegal and invalid because DLNR had failed to comply with the Hawai'i Environmental Policy Act (HEPA).⁶ This led to injunctions preventing DLNR from permitting and licensing any commercial AQ collection until a court determines that adequate environmental impact statements (EIS) and other legal HEPA requirements have been met.

The Board of Land and Natural Resources (BLNR) has, thus far, reviewed three deeply flawed EISs prepared on behalf of the AQ pet trade by Virginia-based pet industry lobbyists known as the Pet Industry Joint Advisory Council (PIJAC), which proposed 15 aquarium collection permits on O'ahu and 7 in West Hawai'i with collection rates similar to and, for some species, even greater than what was taken by dozens of collectors.^{7, 8, 9, 10} BLNR rejected the first EISs for each island, and then on a split vote, accepted by default a revised EIS for West Hawai'i (2020, 2021).^{11, 13, 14} Though acceptance led to the court lifting the injunction for West Hawai'i on January 30, 2023, ultimate acceptance of the EIS remains on appeal.

Q: What evidence shows poaching is a major problem within the trade?

Seven AQ collectors operating illegally in West Hawai'i were caught in 3 separate incidents over a 7-month period in 2020 for nearly one thousand criminal violations involving the illegal take of over 1,100 animals.^{15, 16, 17} Among the five who were charged, two pleaded guilty and were convicted, two fled the state, failing to appear for their court dates, and the fifth collector, who originally pleaded not guilty to 344 counts, was recently convicted and fined just \$4,000 following a plea arrangement.^{18, 19} The criminal fines yielded less than 10 percent of the market value of the illegally captured marine animals, which does not serve to deter future violations.

The secretive nature of the trade, occurring offshore and underwater, coupled with DOCARE's lack of staffing and resources, make enforcement nearly impossible. Enforcement actions have only occurred with support of NOAA's Office of Law Enforcement driven by numerous tips from the community, such as those received through 808-NO-POACH, a joint reward tip-line implemented by Kapu AQ Hui members to support DOCARE. The issuance of even 1 commercial collection permit (re)opens our reefs to poaching for the black market. Other state wildlife trafficking laws (e.g., ivory, rhino horn, coral/live rock, shark fins) rightfully prohibit any legal commercial trade recognizing that any lawful trade only provides cover for unlawful activities.

Q: What are the costs/benefits of the trade?

The value of "on-reef" tourism directly and indirectly associated with in-water activities such as diving and snorkeling on O'ahu and Hawai'i Island is estimated at \$440,294,770 in an independent peer-reviewed cost-benefit analysis (CBA) of four Hawai'i AQ collection scenarios.²⁰ The CBA found that banning the trade was the only option that yielded positive annual economic benefits to **Hawai'i's 1.4 million residents because it prevented the degradation of coral reef health and beauty caused by the trade.** Allowing collection only benefitted a small handful of collectors, marine dealers, and, notably, out of state wildlife pet trade dealers.

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The CBA also uncovered DLNR-DAR's **cost to manage the trade at \$300,000 - \$500,000 annually, not including enforcement.**²⁰

Comparing the management costs reported in the CBA to the state's revenues from the trade reveals that the state is operating in the red where AQ collection is concerned. If the trade were reopened to 22 collectors (who would take as much as 40 collectors), as proposed in the EIS's, DLNR would receive just \$2,200 in annual licensing fees which are \$100 per collector. Using the trade's average historical reported gross sales of \$532,000, by a similar number of collectors, the state would also receive approximately \$21,280 in general excise tax revenue.⁷ Combined, **the \$23,480 in revenue from the trade falls grossly short of the \$300,000 - \$500,000 required for the state's attempted management of the trade**, so taxpayers would continue to bear this cost—economically and environmentally.

Q: What does science say?

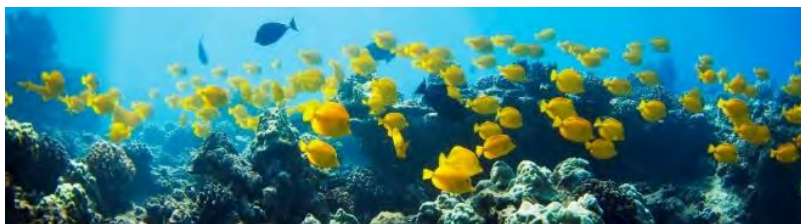
Recent statewide research found that the number of herbivores on a reef is *the* critical factor for Hawai'i's coral reef health in combatting climate change impacts. Researchers found that large numbers of smaller herbivores (i.e., abundance) are more effective at keeping algae from smothering corals than smaller numbers of larger fish (i.e. biomass).²¹

In areas protected from AQ collecting, yellow tangs are one of the most abundant herbivores on the reef. However, because yellow tangs are the most heavily collected species, they are far less abundant on reefs where collecting has occurred: averaging **60% less** abundant in West Hawai'i;^{2a} and, **93% less** abundant on O'ahu.²³

The most heavily collected reefs are now among the most impacted and most vulnerable to climate change. For example, South Kohala is in grave danger with coral bleaching around Puako and Kawaihae projected to occur annually by 2035.² Annual reported AQ take encompassing **the Kohala area in the years just prior to the 2018 closure averaged 140,425 fish, which is more than the AQ trade is allowed to take from Australia's entire Great Barrier Reef**, although it is hundreds of times larger than Hawai'i's total reef area.²⁴ Under the flawed West Hawai'i EIS, collection at even higher rates could be focused in just one area, but no impacts were disclosed and no mitigation was proposed, one of the many reasons why acceptance of the EIS is being challenged in court.

Q: What is the best alternative to wild-caught reef wildlife?

Captive-bred (i.e. aquacultured) yellow tangs are now widely available to consumers via efforts of Hawai'i Pacific University's Oceanic Institute and the Biota Group in Waimanalo. There is no need to allow the capture of wild yellow tangs and other species that are available via aquaculture for the pet trade. Polls show that **81% of Hawai'i residents agree that ONLY aquacultured fish should be kept as pets in home aquariums.**¹ Now and into the future there will be many jobs in aquaculture and, already, numerous former collectors have joined efforts at reef replanting, recovery and aquaculture.



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Mike Nakachi | Moana Ohana: mike@moanaohana.com

References:

- ¹ Anthology Research Poll (2017): <https://www.humanesociety.org/news/poll-shows-near-total-support-legislation-protecting-hawaiis-reefs-and-marine-life-overharvest>
- ^{2a} DLNR Report to Legislature (2020): <https://files.hawaii.gov/dlnr/reports-to-the-legislature/2020/AR20-WHRFMA-Rpt-FY19.pdf>
- ² NOAA (2019): <https://www.integratedecosystemassessment.noaa.gov/regions/hawaii/hi-climatevulnerabilityassessment>
- ³ DLNR Outreach Flyers: <https://www.dropbox.com/s/ih9xe244jq0ii4l/Outreach%20herbivore%20flyers.pdf?dl=0>
- ⁴ DLNR Herbivore Management Outreach: <https://dlnr.hawaii.gov/holomua/herbivoremanagement/participate-in-the-process/>
- ⁵ For the Fishes et al. BLNR Testimony (2021) at pg. 11: https://www.dropbox.com/s/qco6987mxyzflzv/6.25.21_BLNR_Testimony_Item%20F.3_WH_AQ_RFEIS.pdf?dl=0
- ⁶ Hawaii Supreme Court (2017): <https://www.dropbox.com/s/logi932d53rd1uf/Aquarium%20Collection%20Opinion-1.pdf?dl=0>
- ⁷ West Hawaii AQ EIS (2020): http://oeqc2.doh.hawaii.gov/EA_EIS_Library/2020-04-23-HA-FEIS-Hawaii-Island-Commercial-Aquarium-Permits.pdf
- ⁸ West Hawaii AQ Revised EIS (2021): http://oeqc2.doh.hawaii.gov/EA_EIS_Library/2021-06-08-HA-Revised-FEIS-Hawaii-Island-Commercial-Aquarium-Permits.pdf
- ⁹ Oahu AQ EIS (2021): http://oeqc2.doh.hawaii.gov/EA_EIS_Library/2021-09-08-OA-FEIS-Oahu-Commercial-Aquarium-Permits.pdf
- ¹⁰ BLNR West Hawaii AQ EIS Non-Acceptance (2020): <https://www.dropbox.com/s/4grcxlywib9usl/2020-06-23-HA-Non-Acceptance-Hawaii-Island-Commercial-Aquarium-Permits.pdf?dl=0>
- ¹¹ BLNR West Hawaii AQ Revised EIS Acceptance (2021): <https://earthjustice.org/news/press/2021/hawaii-land-board-deadlocked-on-aquarium-pet-trade>
- ¹² Lawsuit to Stop Reopening of AQ Trade in West Hawaii Under Flawed EIS (2021): <https://earthjustice.org/news/press/2021/coalition-sues-hawaii-land-board-to-halt-reopening-of-aquarium-pet-trade>
- ¹³ Oahu AQ EIS Rejection Press Release (2021): <https://earthjustice.org/news/press/2021/hawaii-land-board-again-rejects-aquarium-pet-trade>
- ¹⁴ BLNR Oahu AQ EIS Non-Acceptance: http://oeqc2.doh.hawaii.gov/EA_EIS_Library/2021-10-23-OA-FEIS-Non-acceptance-Oahu-Commercial-Aquarium-Permits.pdf
- ¹⁵ Feb. 2020 AQ Poaching Arrests: <https://www.hawaiinewsnow.com/2020/02/23/hawaii-island-men-cited-violating-aquarium-fishing-laws/>
- ¹⁶ August 2020 AQ Poaching Arrest: <https://www.hawaiinewsnow.com/2020/08/28/hawaii-county-man-arrested-illegal-catch-aquarium-fish/>
- ¹⁷ Sept. 2020 AQ Poaching Arrest: <https://www.staradvertiser.com/2020/09/17/breaking-news/state-officers-arrest-big-isle-aquarium-collector-after-bizarre-kona-incident/>
- ¹⁸ Small Fine for One Feb. 2020 AQ Poacher: <https://www.staradvertiser.com/2020/06/06/hawaii-news/a-west-hawaii-aquarium-fisher-gets-a-small-fine-for-a-big-illegal-haul/>
- ¹⁹ Larger Fine for Feb. 2020 Main AQ Poacher: <https://www.westhawaiitoday.com/2020/09/09/hawaii-news/kealakekua-man-fined-5500-for-fish-poaching/>
- ²⁰ Schaar and Cox (2021). AQ Cost Benefit Analysis: <https://doi.org/10.1016/j.marpol.2021.104429>
- ²¹ Foo and Asner (2021): <https://gdcs.asu.edu/sites/default/files/2021-08/Foo%20and%20Asner%202021%20Depth-dependent%20indicators%20of%20algal%20turf%20herbivory%20in%20the%20MHI.pdf>
- ²³ Grabowsky & Thornhill (2020). Abundance of AQ-Targeted Fish on Oahu: <https://www.dropbox.com/s/bnbxjpi617a1gnx/Aquarium%20Fish%20Paper%20Grabowsky%20and%20Thornhill.pdf?dl=0>
- ²⁴ Queensland Marine Aquarium Fish Summary Report (2018): <https://www.dropbox.com/s/kdyx9v20bo738mb/Queensland%20Summary%20Fishing%20Report.pdf?dl=0>
- ²⁵ DLNR/DAR, Walsh et. al (2010) Long-Term Monitoring of Coral Reefs of the Main Hawaiian Islands Final Report 2009 NOAA Coral Reef Conservation Program State of Hawai'i Monitoring Report NA06NOS4260113 10/01/2006 – 09/30/2010
- ²⁶ DLNR/DAR Walsh et. al (2012) Long-Term Monitoring of Coral Reefs of the Main Hawaiian Islands Final Report 2009 NOAA Coral Reef Conservation Program Hawai'i Island Monitoring Report NA09NOS4260100 10/01/2009 – 12/31/2012
- ²⁷ DLNR Herbivore Management Plan (2021): <https://dlnr.hawaii.gov/holomua/files/2021/11/Sustainable-Herbivore-Management-Plan-2021.pdf>

From: [Malina Keawe](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] OPPOSE: Reject this special exemption for Aquarium Trade!
Date: Monday, May 8, 2023 6:54:42 PM

Aloha Board of Land and Natural Resources Please REJECT and do not approve the Division of Aquatic Resources' Herbivore Management Rule proposal that will go out for public hearings later. There are great data showing why Aquarium Trade was banned from Hawai'i Island and Maui in the first place! DAR took it upon themselves to exempt Aquarium Collectors from the Kole (Goldring Surgeonfish) regulations that would apply to all food fishers, and although the Board did not direct DAR to do so. How can DAR tell local and subsistence food fishers that herbivore protections are necessary for reef health and fighting climate change while at the same time allowing the mainland-driven aquarium pet trade to take 30,000+ kole each year? 'A'ole! Please listen to the people of Hawai'i as we try to move towards a more climate-resilient, restorative and regenerative future for ALL LIFE in Hawai'i. Ban aquarium trade once and for all!!! Mahalo for this opportunity to testify.
Dana Keawe 96749

From: [Walter Kelly](#)
To: [DLNR.BLNR.Testimony](#)
Cc: [Jim Medeiros Sr.](#)
Subject: [EXTERNAL] AQ Exemption
Date: Wednesday, May 10, 2023 9:48:32 AM

PROTECT KEOPUKA OHANA
P.O. Box 166 Honaunau, Hawaii 96726
808-938-5340 konajack@earthlink.net

May 10, 2023

Aloha ,

Protect Keopuka Ohana, a coalition of environmental activists and Hawaiian cultural practitioners, active in the Kona community for the last 23 years, is in strong opposition to the proposal that will allow the Aquarium Fish Industry to once again take thousands of reef fish from our West Hawaii coastline.

I am appalled the Department of Aquatic Resources would even consider such a proposal. After all the years and effort that went in to write the rules limiting the extent of Aquarium Fish Industry's abuse of the Kona coastline, it is hard to believe that such a proposal is even given the light of day.

The Department's philosophy that it is its job to permit commercial activities while controlling the adverse effects of such permitting, needs to be updated for modern times. Nothing is safe. The abuses suffered by Hawaii's natural marine resources are astounding. It's the Department's duty to "preserve and protect the Hawaiian culture" not make sure that the Hawaiian culture can be monetized for the benefit of a few.

Protect and preserve, as mandated in the Hawaii State Constitution.

I have never understood the mindset that it is okay to harvest a public resource for private monetary gain. Permitting any shoreline harvesting of any kind for monetary gain, in today's world, burdens the resource.

Our Hawaiian and local families who depend on these fish for food and to pass on traditional knowledge, use in whole, less than 10% of the 30,000 pounds of yellow eye kole that the proposal purports to allow. Our use is a subsistence use and no profiteering is involved.

We call on the DAR and Board of Natural Resources to reject this proposal.

We call on the BLNR to convene a working group to re-write its Administrative Rules to better reflect its constitutional duty to the Hawaiian people. Mahalo.

Jim Medeiros Sr.
President
Protect Keopuka Ohana

May 10, 2023

Board of Land and Natural Resources
State of Hawai‘i
Honolulu, Hawai‘i

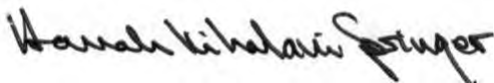
Re: Letter of Opposition to the Division of Aquatic Resource’s Proposed Amendments and Exemptions to Chapter 13-95, Hawai‘i Administrative Rules, “Rules Regulating the Taking and Selling of Certain Marine Resources.”

Me ka ha‘aha‘a,

The Ka‘ūpulehu Marine Life Advisory Committee (KMLAC) opposes the proposed amendments and exemptions to Chapter 13-95, Hawai‘i Administrative Rules, “Rules Regulating the Taking and Selling of Certain Marine Resources” as currently written by the Division of Aquatic Resources (DAR). The mission of DAR is to work with the people of Hawai‘i to manage, conserve and restore the state’s unique aquatic resources and ecosystems for present and future generations. We commend and support DAR “working with the people of Hawai‘i” as seen in their consultation with uhu and kala fishers and dealers to revise amendments regarding the uhu and kala rules. However, there was no consultation to revise the kole regulations to allow the commercial aquarium harvest of kole less than five inches in length. Additionally, this exemption further erodes trust between the government and other commercial fishers, subsistence fishers, and recreational fishers that are not exempt from the minimum length of five inches for kole. Kole, as an endemic fish to Hawai‘i nei, is a unique aquatic resource, and this exemption is not a pono way to manage, conserve, or restore the unique aquatic resources of Hawai‘i.

Currently, no person may take or attempt to take any specimen of aquatic life while within the Ka‘ūpulehu Marine Reserve (§13-60.4-5(d)(1)). Prior to becoming the Ka‘ūpulehu Marine Reserve, collection of aquatic life for aquarium purposes and the possession of aquarium collecting gear was prohibited within Ka‘ūpulehu, which was designated as both a Fish Replenishment Area (FRA) and Netting Restricted Area ((§13-60.4-5(b)(1-2)&(c)(2)). As these regulations suggest, the KMLAC does not support the aquarium trade in Hawai‘i. DAR’s Herbivore Management Plan is guided by 4 pillars, one of which is Pono Practices to “encourage responsible behavior guided by Hawaiian values and perspectives.” DAR’s own data demonstrates significantly reduced kole abundance in Open Areas compared to FRAs, where aquarium collection is prohibited (DLNR 2019). By including this exemption DAR would knowingly contribute to reducing the endemic kole populations and cater to an industry seeking to remove over 30,000 kole from West Hawai‘i annually and whose permitting process has still not been approved yet. This is completely at odds with the Hawaiian values and perspectives of Pono Practices that DAR’s Herbivore Management Plan is supposed to abide by, and also goes against what we at the KMLAC stand for. The KMLAC opposes this exemption and recommends the board permanently ban the aquarium trade to benefit pono practices and uphold the values in the mission of DAR.

‘O mākou nō me ka ‘oia’i’o,



Hannah Kihalani Springer,
For the Ka‘ūpulehu Marine Life Advisory Committee



Kaikea Nakachi,

From: [Malie Larish](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] Support for the "New Herbivore Fishing Rules"
Date: Wednesday, May 10, 2023 2:40:33 PM

To Whom It May Concern:

I support the 'New Herbivore Fishing Rules. Unless herbivore populations are replenished, Hawai'i's reefs will continue to degrade, especially as coral bleaching becomes more severe. Bleaching is predicted to be an annual event in Hawai'i by the year 2040, and it takes about a decade for most reef fish populations to recover. It is time to save the living lawnmowers of the reefs! More coral means more fish, more food, more coastal protection, more recreation, and more of the most amazing ecosystem in the world.

Respectfully,

Mālielani Larish
808-430-7258

From: leinaur001@hawaii.rr.com
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] "Rules Regulating the taking and selling of certain Marine Resources"
Date: Wednesday, May 10, 2023 6:19:00 PM

"Rules Regulating the taking and selling of certain Marine Resources"

Our Aquatic resources are in decline. Nearshore waters are over harvested on Oahu's North Shore. I am in the water a lot and have been active between Kahuku Point and Haleiwa for over 50 years. Fish need more protection with reduced bag limits, increased minimum size [...at a minimum ideally all fish would have had an opportunity to reproduce]. Poaching is a problem in the Pupukea MLCD.

What is noticed as missing the most between Waimea and Haleiwa is uhu.

Mature kumu are rare. Many coral are stressed.

DLNR makes concessions to those who use the ocean for financial gain. What do these harvesters give back? We need to dampen the thrill of the kill mentality. A healthy ocean is valuable beyond price.

More constraints please.

Ola loa e, Bob Leinau

From: [Mike Lillie](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] OPPOSE: Reject this special exemption for Aquarium Trade!
Date: Tuesday, May 9, 2023 7:10:27 AM

Aloha Board of Land and Natural Resources

Please REJECT and do *not* approve the Division of Aquatic Resources' Herbivore Management Rule proposal that will go out for public hearings later. There are plenty of good reasons why the Aquarium Trade was banned from Hawai'i Island and Maui in the first place!

DAR took it upon themselves to exempt Aquarium Collectors from the Kole (Goldring Surgeonfish) regulations that would apply to all food fishers, and although the Board did not direct DAR to do so. How can DAR tell local and subsistence food fishers that herbivore protections are necessary for reef health and fighting climate change while at the same time allowing the mainland-driven aquarium pet trade to take 30,000+ kole each year?

'A'ole!

Please listen to the people of Hawai'i as we try to move towards a more climate-resilient, restorative and regenerative future for ALL LIFE in Hawai'i. ***Ban aquarium trade once and for all!!!***

Mahalo.

Mike Lillie
Hawi 96719

From: [Live Peace Hawaii](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] 'A'OLE aquarium trade !!!!
Date: Wednesday, May 10, 2023 8:24:13 PM

'A'ole!

Please honor the people of Hawai'i Island as we try to move towards a more climate-resilient future by respecting ike Hawai'i (Hawaiian knowledge) towards a restorative and regenerative future for ALL LIFE in Hawai'i. To do so, you should ***ban the aquarium trade once and for all***. Please, recognize why it was banned in the first place.

Mahalo for this opportunity to testify.



May 10, 2023

Re: COMMENTS regarding Agenda Item F-2: Second Request for Approval to Hold Public Hearings on Amendments to and Compilation of Chapter 13-95, Hawai'i Administrative Rules, "Rules Regulating the Taking and Selling of Certain Marine Resources" BLNR Meeting May 12, 2023, 9:15AM; Kalanimoku Building and via ZOOM and YouTube

Aloha Chair Chang and Board Members,

Mōlama Pūpūkea-Waimea (MPW) is the grassroots, community non-profit that actively works to care for, educate about, and protect our fragile, near-shore marine ecosystems. Our mission is "working to replenish and sustain the natural and cultural resources of the Pūpūkea and Waimea ahupua'a for present and future generations through active community stewardship, education, and partnerships."

We commend the Division of Aquatic Resources (DAR) for its efforts to improve the outdated rules in Chapter 13-95, Hawai'i Administrative Rules (HAR), to best protect our finite and precious resources here in Hawai'i. However, MPW offers comments of concern specifically regarding the proposed amendments to HAR § 13-95-25(b), which would allow commercial aquarium fish permittees an exemption to "take, possess, or sell kole less than five inches in length..." (DAR F-2 Submittal, Page 95-21).

First, this kole exemption for aquarium fishers was not highlighted or discussed during scoping meetings for these amendments – leaving the vast majority of our communities uninformed causing MPW and others to question procedural compliance, especially given the long history of local opposition and recent lifting of the injunction banning of aquarium fishing statewide. Second, kole are beloved and praised fish for Native Hawaiian and kama'ōina subsistence fishing communities across Hawai'i – to allow aquarium permittees to take more kole than other fishers reads as both favoring the commercial aquarium trade over our local people, and also unconscionable given the documented decline of these fish populations in areas where poorly managed aquarium fishing was once allowed. Lastly, there seems to be no restriction on "Annual Catch Limit" (ACL) for the kole, leaving us to question whether this exemption would be completely unrestricted whereas ACLs are included for both uhu and kala.

For the above reasons, MPW strongly opposes the inclusion of the exemption for aquarium fish permittees to take kole and urges the BLNR to avoid unnecessary time and expense by removing this concerning and questionable exemption before holding public hearings for the other proposed amendments. MPW would likely support the other rule amendments if the exemption favoring aquarium fishers is removed.

Mahalo for the opportunity to provide testimony.

Denise Antolini
Board President, Mōlama Pūpūkea-Waimea

Mālama Pūpūkea-Waimea
Post Office Box 188
Hale'iwa, HI 96712

Board of Directors

Denise Antolini
Keelan Barcina
Anne Chung
Sydney Covell
Olan Leimomi Fisher
Bob Leinau Jacqueline
Leinau

Advisory Council

Athline Clark
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Dr. Alan Friedlander
Debbie Gowensmith
Maxx E. Phillips
Bill Quinlan
Palakiko Yagodich

Staff

Jenny Yagodich, Director of
Educational Programs &
Makai Watch Coordinator

Federal Nonprofit Organization
501(c)(3) FEIN 27-0855937
www.pupukeawaimea.org

From: [S.A. Marek](#)
To: [DLNR.BLNR.Testimony](#); [CAPITOL2023-seninouye](#); [CAPITOL2023-senrichards](#); [CAPITOL2023-reptarnas](#)
Subject: [EXTERNAL] The reef fish of Hawaii are wildlife, not a "natural resource"
Date: Tuesday, May 9, 2023 7:41:38 PM

Aloha,

The reef fish of Hawaii are wildlife. Wildlife.

They are not just a "natural resource" to be meted out by Homo "sapiens" (ahem, "wise") by the BLNR of Hawaii to the aquarium trade.

Happy swimming,

Sherry A. Marek
Big Island resident

From: [Shannon Matson](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] Support new herbivore fishing rules
Date: Wednesday, May 10, 2023 9:17:08 AM

Aloha,

These new rules will not satisfy everyone, but I believe they are a necessary and important step to help regulate over harvesting of these herbivore fishes that are a crucial part of our reef ecosystem. Please pass these rules.

Mahalo,
Shannon Matson
Puna Resident

MAUI OCEAN CENTER

*Our Mission: To foster understanding,
wander and respect for Hawaii's marine life.*

05/10/2023

Dear BLNR,

RE: DAR request to hold Hawaii statewide hearings on the updated proposed rules with regard to HAR 13-95 including commercial fishery accommodations.

Maui Ocean Center strongly supports the DAR request.

"You should be afraid if you are in the ocean and do not see sharks." Sylvia Earle

This applies to the entire marine eco-system where everything is connected. If we destroy one link in this system the results can be catastrophic. We are witnessing unprecedented threats to the oceans, which clearly are anthropomorphic; caused by us.

Here in Ma'alaea, Maui we have a 303d classified marine embayment by DOH/EPA which means impaired. In 2020 Hawaii had 301 303d listed marine embayments – how many more is acceptable to us? In 1996 Steven Dollar, an environmental scientist, surveyed Ma'alaea Bay for coral reef eco system coverage and found it to be 75%+. In 2006 DAR/DLNR surveyed the entire State of Hawaii for coral reef eco system coverage and found it to be about 8% at Ma'alaea Bay. Same sad story with Limu; just talk with any kupuna who grew up in Hawaii or Limu Hai organization. An estimated 25% of marine life are depended on coral reef at some time in their life cycle. As of this writing we are learning of the scientific projections of elevated ocean water temperatures later this year as el nino conditions start gaining strength; this will create stressors in the ocean if it materializes.

Marine Protected Areas (MPA's) have now produced data showing that they work. Why not apply the science here on a wider scale as I would question our notions and practices what constitutes a sustainable baseline harvest of species specific biomass. For decades there has been talk about managing fisheries yet we are finding that the average size and volume have dramatically diminished. This trend will only accelerate parallel to population growth and increase in wealth.

Small calibrations, inch added there or one month added here, to framework may buy us more time, but will this be enough for our kids and grand kids experience the beauty in the ocean?



Tapani Vuori
General Manager



192 Ma'alaea Road Wailuku, Hawaii 96793 • mauiocenter.com • 808.270.7000

From: [Dolly Mawae](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] BLNR
Date: Tuesday, May 9, 2023 10:39:36 PM

Aloha

My name Dollymae K. Mawae of Hoolehua, Molokai. Born and raised her on Molokai. My testimony to BLNR is to inform you that I me and my Ohana (Robert Low Sr, Sheyden-Wayne Kaholoaa, Roselani Low, Keaupuni Low and Esther Kaholoaa) all oppose the Herbivore proposal. I don't understand why you feel there is a purpose to lockdown an set rules for a place that takes care of its self. Is it money. We are truly born and raised the life style of proving and gathering from the land and sea to put food on the table, You should really look into how people like us survive by what is around us.. We don't have Woodland, Walmart, Costco, Sam's or any other ... We have never ran into problems GATHERING OR ANY PROBLEM OF RUNNING OUT of fish. You can study all you like but we have never ran out. By the way did you study the amount of fish the seal eats. THAT should be something you guys should make an issue about, not locking down or taking a way our icebox..

So I OPPOSE AND MY OHAHA TOO

Mahalo
Dollymae K. Mawae.

May 9, 2023 10:38pm

From: [Rebecca Melendez](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] Division of Aquatic Resources Herbivore Management Rule proposal is WRONG
Date: Tuesday, May 9, 2023 7:06:05 AM

Division of Aquatic Resources Herbivore Management Rule proposal is WRONG!

This proposal and special exemption is wrong because it establishes a priority for commercial Aquarium 'fishing' over and above recreational or subsistence fishing in violation of the department's own "hierarchy of uses" doctrine, which is supposed to put **commercial interests** BELOW (if at all) in relation to **conservation of the resource as the top most priority, and residential personal/ non commercial uses** (next level below conservation).

This proposal is wrong because it would obviously compete for, *and deplete*, a food fish which has helped local people thrive on the island over centuries.

This proposal is wrong because it both reflects and augments the kind of 'pay to play' corruptive practices in state policies and laws that are elsewhere being recognized and repelled throughout State government, and which undermine our civic culture generally.

Rebecca Melendez

From: [Tyson Mollena](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] Sustainable Herbivore Management Plan Statewide.
Date: Sunday, May 7, 2023 4:13:45 PM

Aloha, To whom it may concern:

I am unsure if my testimony will be read, acknowledged or accepted as a Hawaiian, a Fisherman and a provider for my family.

I am from the island of Molokai, specifically Hoolehua, Homestead. I oppose the, "Sustainable Herbivore Management Plan Statewide".

Molokai should be left alone and not included in this plan. We take care of our own resources. Every year there is seasons, during each season we gather what we need to provide for our families.

This system have been working for us for generations without the use of regulations. So I don't see why we need to be apart of this management plan you're proposing. Molokai should be left alone and not included.

Hoping my testimony will be heard and used to stop this plan to regulate the amount, the size and the fish we are allowed to gather on Molokai.

Thank you for your time.

A hui hou,

Tyson Mollena

Sent from my iPhone

From: [Uilani Naipo](#)
To: [DLNR.BLNR.Testimony](#)
Cc: [U'ilani Naipo](#)
Subject: [EXTERNAL] OPPOSE F2: Reject this special exemption for Aquarium Trade!
Date: Monday, May 8, 2023 4:27:44 PM

Aloha Board of Land and Natural Resources

Please **OPPOSE** F-2 the Division of Aquatic Resources' Herbivore rules package proposal to proceed for public hearing **OR** have DAR remove the AQ exemption and allow them to proceed.

- 1) During scoping of the Herbivore rules package, DAR did not include the AQ exemption. This is significant as DAR could have immediately received the strong opposition by subsistence lawai'a as well as commercial and recreational fishers that feed into our local food systems. Many fishers are likely not aware of this insert to the Herbivore Rules Package.
- 2) The exemption for Commercial Aquarium harvest of kole is very disrespectful in allowing a non-traditional Hawaiian fishing practice to sell our natural resources for private gain. And furthermore, to allow this non-traditional practice to be allowed take of kole more than the propose limit for the rest of lawai'a.
- 3) The 2023 Legislation SB505, Statewide Ban for Harvesting of Aquatic Life for Commercial Aquarium was [strongly supported](#) (although it was not adopted). This should demonstrate the strong opposition to AQ exemption in this rules package as well AQ activity happen anywhere in our State.

DAR took it upon themselves to insert this exemption for Aquarium Collectors to the Kole (Goldring Surgeonfish) regulations that would apply to all food fishers, although the Board did not direct DAR to do so. How can DAR tell local and subsistence food fishers that herbivore protections are necessary for reef health and fighting climate change while at the same time allowing the mainland-driven aquarium pet trade to take 30,000+ kole each year?

Please help us to move towards a more climate-resilient, restorative and regenerative future for ALL LIFE in Hawai'i.

Mahalo for this opportunity to testify,

U'ilani Naipo
96704

May 10, 2023

Board of Land and Natural Resources
State of Hawai'i
Honolulu, Hawai'i



Re: Letter of Opposition to the Division of Aquatic Resource's Proposed Ammendements and Exemptions to Chapter 13-95, Hawai'i Administrative Rules, "Rules Regulating the Taking and Selling of Certain Marine Resources."


Aloha mai Kakou,

DAR's Herbivore Management Plan is guided by 4 pillars, one of which is Pono Practices to "encourage responsible behavior guided by Hawaiian values and perspectives." DAR's own data demonstrates significantly reduced kole abundance in Open Areas compared to FRAs, where aquarium collecting is prohibited (DLNR 2019). By including this exemption DAR would knowingly contribute to reducing the endemic kole populations and cater to an industry seeking to remove 30'000 kole from West Hawai'i annually, under a permit process we hope never gets approved. This is completely at odds with the Hawaiian values and perspectives of Pono Practices that DAR's Herbivore Management Plan is supposed to abide by. Moana Ohana opposes this exemption and recommends the board permanently ban the aquarium trade to benefit pono practices and uphold the values in the mission of DAR.

Why create an exemption for Aquarium fish collectors DAR? This process here continues to erode public trust. A process that I have been involved with for most of my life thus far on Moku O Keawe, as a member of the original fish working group here in West Hawaii in the early 90's that then led to the establishment of the West Hawaii Fisheries Council for West Hawaii in 1999. This is another example of DAR showing preferential treatment to a wildlife trafficking industry such as the Aquarium fish trade and the commercial tropical fish collectors that have benefited off public trust / ancestral resources for their own financial gain. A'ole AQ! Communities across the Pae Aina, must NOT concede anymore! We are cultural practitioners who have already conceded 40 plus years by allowing this destructive Aquarium fish trade to operate in this process. The process is flawed. We humbly ask that you please join us in our effort to maintain and further increase abundance of important herbivores by permanently banning AQ via rulemaking.

Art. XII Sec. 7 of the Hawai'i Constitution requires all agencies to protect and enforce Native Hawaiian traditional and customary practices (including the practice of mālama as is well documented in the and the valued natural and cultural resources and sites these practices rely upon. (see e.g. Ka Pa'akai o ka 'Āina v. Land Use Comm'n). The public trust accordingly recognizes the heightened duty of the state to consider/prioritize such practices in resource management (In Re: Waiahole, etc. plus Hawai'i Constitution Art. XI Sec. 1 and 6. There is a strong legal foundation if not requirement to give priority consideration to Native Hawaiian traditional and customary practitioners and their concerns, particularly over other competing special interest groups whose commercial activities are decidedly not recognized under the state constitution.

Me ke aloha no ke ola o ka 'āina (*with aloha for our living lands and waters*),


Michael Nakachi
Moana Ohana LLC

Aloha BLNR,

My name is Kaikea Nakachi and I oppose proposed amendments and exemptions to Chapter 13-95, Hawai'i Administrative Rules, "Rules Regulating the Taking and Selling of Certain Marine Resources" as currently written by the Division of Aquatic Resources (DAR). The mission of DAR is to work with the people of Hawai'i to manage, conserve and restore the state's unique aquatic resources and ecosystems for present and future generations. I commend and support DAR "working with the people of Hawai'i" as seen in their consultation with uhu and kala fishers and dealers to revise amendments regarding the uhu and kala rules. However, there was no consultation to revise the kole regulations to allow the commercial aquarium harvest of kole less than five inches in length. Additionally, this exemption further erodes trust between the government and other commercial fishers, subsistence fishers, and recreational fishers that are not exempt from the minimum length of five inches for kole. Kole, as an endemic fish to Hawai'i nei, is a unique aquatic resource, and this exemption is not a pono way to manage, conserve, or restore the unique aquatic resources of Hawai'i.

DAR's Herbivore Management Plan is guided by 4 pillars, one of which is Pono Practices to "encourage responsible behavior guided by Hawaiian values and perspectives." DAR's own data demonstrates significantly reduced kole abundance in Open Areas compared to FRAs, where aquarium collection is prohibited (DLNR 2019). By including this exemption DAR would knowingly contribute to reducing the endemic kole populations and cater to an industry seeking to remove over 30,000 kole from West Hawai'i annually and whose permitting process has still not been approved yet. This is completely at odds with the Hawaiian values and perspectives of Pono Practices that DAR's Herbivore Management Plan is supposed to abide by. Art. XII Sec. 7 of the Hawai'i Constitution requires all agencies to protect and enforce Native Hawaiian traditional and customary practices (including the practice of mālama) and the valued natural and cultural resources and sites these practices rely upon. (see e.g. *Ka Pa'akai o ka 'Āina v. Land Use Comm'n*). The public trust accordingly recognizes the heightened duty of the state to consider/prioritize such practices in resource management (*In Re: Waiahole, etc.* plus Hawai'i Constitution Art. XI Sec. 1 and 6). There is a strong legal foundation, if not requirement, to give priority consideration to Native Hawaiian traditional and customary practitioners and their concerns, particularly over other competing special interest groups whose commercial activities are decidedly not recognized under the state constitution.

I urge the BLNR to uphold the intent of the herbivore management plan, the mission of DAR, and the state's required duty to protect and enforce Native Hawaiian traditional and customary practices by not approving this exemption and by permanently banning the harmful aquarium trade in Hawai'i. By doing so the BLNR, DAR, and DLNR can focus on working with communities to ensure the herbivore management plan and future rules can be pono and fulfill their proper intent.

Mahalo me ke aloha mau,
Kaikea Nakachi

From: [Scott Neish](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] No exemption for aquarium collectors
Date: Monday, May 8, 2023 6:26:37 AM

This is wrong in every way!

Sent from my iPad

From: [Dave Erdman](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] Testimony IN POSITIVE FAVOR for Continuation of Friday Fireworks at Hilton Hawaiian Village by Hawaii Explosives and Pyrotechnics Inc.
Date: Tuesday, May 9, 2023 10:41:41 PM

Aloha to DNLR Land Board Public Hearing Committee:

Today I am writing as a local resident living near the Hilton Hawaiian Village at Uraku Tower on Kapiolani Blvd, with our lanai facing Kona Street and the Hilton Hawaiian Village **in Support and Positive Favor of continuation of the Friday Fireworks at Hilton Hawaiian Village by Hawaii Explosives and Pyrotechnics, Inc.**

My family and friends look forward each Friday to enjoying our Aloha Friday dinner on our lanai and watching the fireworks, supported by our community neighbor, the Hilton Hawaiian Village. The few minutes of fireworks is a special treat for us to celebrate the week, and think about how special Hawaii is with our friends and family.

Our out of town guests from Japan or from the US or Canada always look forward to visit us at our apartment to celebrate Aloha Friday with the sky lit up and the enjoyable happy noise of the fireworks.

We know the visitors, from where ever they come from, look forward to the special Friday evening fireworks by Hawaii Explosives and Pyrotechnics and supported by Hilton Hawaiian Village.

At our Uraku Tower apartment, we are fortunate we have a high unit to watch, but it is also a main reason we purchased our unit over ten years ago. We thank the owners and management at the Hilton Hawaiian Village for continuing to share the fireworks with the community, our residents, and visitors. It is a special treat for all.

During Covid when the fireworks were paused, we felt something really missing on our Aloha Friday. We were all so excited when the fireworks resumed.

I also see many local residents at Ala Moana Park each Friday evening enjoying the “free entertainment” of the fireworks from a straw mat eating a Bento or BBQ. They celebrate the special evening along with visitors who learn of the unique location to watch.

On my Wife’s 50th birthday, we held a very special evening party at one of the ground floor rooms at the Hilton Hawaiian Village on a Friday evening where we could view the fireworks. Our guests, who were local residents, will never forget the evening filled with love and fireworks as we stood outside, at a safe distance to watch and treasure the moment.

MAHALO to Hawaii Explosives and Pyrotechnics for providing the fireworks to the Hilton Hawaiian Village. We **support continuation of this event and working with Hawaii Explosives and approving their request for continuation.** We are fortunate for the Hilton Hawaiian Village to invest in the fireworks over the years, and every Friday.

Regards,

Dave Erdman

Dave Erdman | Founder, CEO & President

PacRim Marketing Group, Inc.

1357 Kapiolani Blvd., Suite 888

Honolulu, HI 96814 USA

From: [Lynelle Paulo](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] OPPOSE: Reject this special exemption for Aquarium Trade!
Date: Tuesday, May 9, 2023 10:59:26 AM

Aloha Board of Land and Natural Resources

Please REJECT and do not approve the Division of Aquatic Resources' Herbivore Management Rule proposal that will go out for public hearings later. There are great data showing why Aquarium Trade was banned from Hawai'i Island and Maui in the first place!

DAR took it upon themselves to exempt Aquarium Collectors from the Kole (Goldring Surgeonfish) regulations that would apply to all food fishers, and although the Board did not direct DAR to do so. How can DAR tell local and subsistence food fishers that herbivore protections are necessary for reef health and fighting climate change while at the same time allowing the mainland-driven aquarium pet trade to take 30,000+ kole each year?

'A'ole!

Please listen to the people of Hawai'i as we try to move towards a more climate-resilient, restorative and regenerative future for ALL LIFE in Hawai'i. Ban aquarium trade once and for all!!!

Mahalo for this opportunity to testify.

[YOUR FULL NAME]
[ZIP CODE]

Sent from my iPhone

From: [Amanda Pavese](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] OPPOSE: Reject this special exemption for Aquarium Trade!
Date: Wednesday, May 10, 2023 10:32:00 AM

Aloha Board of Land and Natural Resources,

Please REJECT and do not approve the Division of Aquatic Resources' Herbivore Management Rule proposal that will go out for public hearings later. There are great data showing why Aquarium Trade was banned from Hawaii Island and Maui in the first place!

DAR took it upon themselves to exempt Aquarium Collectors from the Kole (Golding Surgeonfish) regulations that would apply to all food fishers although the Board did not direct DAR to do so. How can DAR tell local and subsistence food fishers that herbivore protections are necessary for reef health and righting climate change while at the same time allowing the mainland-driven aquarium pet trade to take 30,000+ kole each year? 'A'ole!

Please listen to the people of Hawaii as we try to move towards a more climate-resilient, restorative and regenerative future for ALL LIFE in Hawaii. Ban aquarium trade once and for all!
Mahalo for this opportunity to testify.

Amanda Pavese
96740

From: [Samson Poomaihealani](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] OPPOSE: Reject this special exemption for Aquarium Trade!
Date: Monday, May 8, 2023 10:21:56 AM

Aloha Board of Land and Natural Resources Please REJECT and do not approve the Division of Aquatic Resources' Herbivore Management Rule proposal that will go out for public hearings later. There are great data showing why Aquarium Trade was banned from Hawai'i Island and Maui in the first place! DAR took it upon themselves to exempt Aquarium Collectors from the Kole (Goldring Surgeonfish) regulations that would apply to all food fishers, and although the Board did not direct DAR to do so. How can DAR tell local and subsistence food fishers that herbivore protections are necessary for reef health and fighting climate change while at the same time allowing the mainland-driven aquarium pet trade to take 30,000+ kole each year? 'A'ole! Please listen to the people of Hawai'i as we try to move towards a more climate-resilient, restorative and regenerative future for ALL LIFE in Hawai'i. Ban aquarium trade once and for all!!! Mahalo for this opportunity to testify. Samson Poomaihealani 96780

From: [Mike Rudenko](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] OPPOSE: Reject this special exemption for Aquarium Trade!
Date: Wednesday, May 10, 2023 7:06:18 AM

Aloha Board of Land and Natural Resources,

Please REJECT and do not approve the Division of Aquatic Resources' Herbivore Management Rule proposal that will go out for public hearings later. There are great data showing why Aquarium Trade was banned from Hawai'i Island and Maui in the first place!

DAR took it upon themselves to exempt Aquarium Collectors from the Kole (Goldring Surgeonfish) regulations that would apply to all food fishers, and although the Board did not direct DAR to do so. How can DAR tell local and subsistence food fishers that herbivore protections are necessary for reef health and fighting climate change while at the same time allowing the mainland-driven aquarium pet trade to take 30,000+ kole each year? 'A'ole!

Please listen to the people of Hawai'i as we try to move towards a more climate-resilient, restorative and regenerative future for ALL LIFE in Hawai'i. Ban aquarium trade once and for all!

Mahalo for this opportunity to testify.

Mike Rudenko
Kapaau, Hawaii, 96755

From: [Siena Schaar](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] Testimony in Opposition to the Special Kole Exemption for the AQ Trade
Date: Tuesday, May 9, 2023 7:19:43 PM

Aloha Board of Land and Natural Resources,

I am submitting testimony in **strong opposition** to the DAR's Herbivore Management Rule proposal to give a special exemption for aquarium collectors to take Kole (Goldenring Surgeonfish) that are smaller than five (5) inches.

In 2021, I published a peer-review cost-benefit analysis that assessed the aquarium fish trade in Hawai'i (Schar & Cox, 2021). The results of my research showed that the State's aquarium fishery generally has a negative impact on our State, and the continuation of the fishery harms the overwhelming majority of stakeholders. As it relates to Kole (Goldenring Surgeonfish), my research found that the average retail price of a Kole from a local collector to the mainland wholesale market is roughly \$14, and once sold to the mainland, these same fish retail for almost \$72 each. None of the 500%+ markup, and associated revenue from the sale of Kole in the mainland and international aquarium fish trade ever comes back to Hawai'i. The profits made on the mainland and the taxes on the value added accrue in 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 on the reef here in Hawai'i.

While I applaud DAR's initiative to protect and manage Hawai'i's herbivores for the health and well-being of our environment and all of the stakeholders who are dependent on healthy and abundant reefs and marine environments – I strongly advise the BLNR to reject DAR's proposal to exempt those who participate in the aquarium trade from protections that limit the take of Kole that are smaller than five inches. This exemption wi

Mahalo nui for your consideration, and please do not hesitate to reach out if you have any questions.

Mālama,
Siena I. Schaar, MEM

From: [Kyler Shigematsu](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] OPPOSE: Reject this special exemption for aquarium trade
Date: Wednesday, May 10, 2023 8:36:39 PM

Aloha Board of Land and Natural Resources,

I do not approve the Division of Aquatic Resources' herbivore management proposal.

It is not fair to the people of Hawaii if you exempt aquarium collectors from juvenile Kole. If you ask anyone who grew up in Hawaii, they have most likely ate Kole before.

We value our natural resources, and to limit us from gathering a fish that has been collected for generations is a sad thing to see. Especially if others (aquarium collectors) are still allowed to take this fish for money.

If a kole is harvested from our reef, I would want see it on someone's dinner plate here in Hawaii, rather than in an aquarium thousands of miles away.

Mahalo for this opportunity to testify,

Kyler Shigematsu
96727

From: [Simmy](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] OPPOSE EXEMPTION FOR THE AQUARIUM TRADE
Date: Thursday, May 11, 2023 8:50:47 AM

ALOHA BLNR
PLEASE OPPOSE THIS SPECIAL EXEMPTION FOR AQUARIUM TRADE.
CUMMALATIVE IMPACTS ON OUR CORAL AND HERBIVORE FISH AND WATER
QUALITY IS A HUGE CONCERN. WE NEED TO PRESERVE AND PROTECT FOR THE
NOW AND NEXT GENERATION. WHAT WE DO NOW HAVE A GREAT EFFECT FOR
THE FUTURE.
KEEP OUR CULTURAL AND NATURAL RESOURCES HERE IN HAWAII.
MAHALO,
WEST HAWAII SURFING ASSOCIATION
KAILUA KONA

From: [Motter Snell](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] Please reject
Date: Tuesday, May 9, 2023 10:41:47 AM

REJECT the special exemption for Aquarium Trade for harvesting Kole.

Protect our oceans and fish!

Sincerely,

M. Snell

Holualoa 96725

From: [Kēhau Springer](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] OPPOSE: Reject this special exemption for Aquarium Trade!
Date: Monday, May 8, 2023 1:43:15 PM

Aloha Board of Land and Natural Resources

Please REJECT and do not approve the Division of Aquatic Resources' Herbivore Management Rule proposal that will go out for public hearings later. There are great data showing why Aquarium Trade was banned from Hawai'i Island and Maui in the first place!

DAR took it upon themselves to exempt Aquarium Collectors from the Kole (Goldring Surgeonfish) regulations that would apply to all food fishers, and although the Board did not direct DAR to do so. How can DAR tell local and subsistence food fishers that herbivore protections are necessary for reef health and fighting climate change while at the same time allowing the mainland-driven aquarium pet trade to take 30,000+ kole each year?

'A'ole Pono kēlā!!

Please listen to the people of Hawai'i as we try to move towards a more climate-resilient, restorative and regenerative future for ALL LIFE in Hawai'i. Ban aquarium trade once and for all!!!

Mahalo for this opportunity to testify.
Shauna Kēhaunani Springer
96749

From: [Emma Stierhoff](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] OPPOSE: Reject this special exemption for Aquarium Trade!
Date: Monday, May 8, 2023 10:56:34 AM

Aloha Board of Land and Natural Resources,

I am writing to implore you to REJECT the Division of Aquatic Resources' Herbivore Management Rule proposal that will go out for public hearings later. There are great data showing why Aquarium Trade was banned from Hawai'i Island and Maui in the first place, and that information should not be ignored.

It is concerning that DAR took it upon themselves to exempt Aquarium Collectors from the Kole (Goldring Surgeonfish) regulations that would apply to all food fishers, although the Board did not direct DAR to do so. How can DAR tell local and subsistence food fishers that herbivore protections are necessary for reef health and fighting climate change while at the same time allowing the mainland-driven aquarium pet trade to take 30,000+ kole each year? We musn't allow private entities to over-extract from our fisheries while limiting locals who rely on these resources.

Please listen to the people of Hawai'i as we try to move towards a more climate-resilient, restorative and regenerative future for ALL LIFE in Hawai'i and do not approve DAR's Herbivore Management Rule proposal. Ban aquarium trade once and for all!

Mahalo for the opportunity to testify.

Emma Stierhoff
96720

--

Emma Stierhoff (she/her)
Graduate Assistant & Master of Science Student
Tropical Conservation Biology and Environmental Science
University of Hawai'i at Hilo

From: [James Stone](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] Fwd: New Kala fishing rules
Date: Thursday, May 11, 2023 9:15:14 AM

Sent from my iPad

Begin forwarded message:

From: James Stone <Hakaano@hotmail.com>
Date: May 11, 2023 at 9:07:13 AM HST
To: Brian.r.Ishida@hawaii.gov, Dickensonstone1970@gmail.com
Subject: New Kala fishing rules

BLNR, As regards new Kala fishing regulations, I would hope to have an exemption for Molokai substance fishers to provide for their families. We subsist on our taro for poi and gardens and inshore fish for a major portion of our diet. As proposed, a limit of two Kala per fisher per day hardly makes an effort worthwhile to secure fish for our family unit, let alone our extended families . With factors such as inclement weather, tide level windows, visibility due to inadequate sunlight and a dramatic decrease in effective fishers, such new proposed limitations on the number of Kala harvestable will not be adequate to support our dietary traditions or needs. A more reasonable number of legal, harvestable Kala would be at least seven legal sized per fisher per day. As suggested, an exemption for Molokai resident fishers would be reasonable/acceptable for us to continue our sustainability and traditional lifestyle/diet. Thanks, Jim stone

Sent from my iPad

From: [Reed Test](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] OPPOSE: Reject this special examination for Aquarium Trade!
Date: Wednesday, May 10, 2023 7:09:11 PM

Aloha Board of Land and Natural Resources,

Please REJECT and do not approve the Division of Aquatic Resources' Herbivore Management Rule proposal that will go out for public hearings later. There are great data showing why Aquarium Trade was banned from Hawai'i Island and Maui in the first place! DAR took it upon themselves to exempt Aquarium Collectors from the Kole (Goldring Surgeonfish) regulations that would apply to all food fishers, and although the Board did not direct DAR to do so. How can DAR tell local and subsistence food fishers that herbivore protections are necessary for reef health and fighting climate change while at the same time allowing the mainland-driven aquarium pet trade to take 30,000+ kole each year? 'A'ole!

Please listen to the people of Hawai'i as we try to move towards a more climate-resilient, restorative and regenerative future for ALL LIFE in Hawai'i. Ban aquarium trade once and for all!

Mahalo for this opportunity to testify.

Reed Test

96720

**Testimony of The Nature Conservancy
In Support of Agenda Item F-2, "Second Request for Approval to Hold Public Hearings on
Revised Amendments to and Compilation of Chapter 13-95, Hawaii Administrative Rules,
'Rules Regulating the Taking and Selling of Certain Marine Resources.'"**

**Hawai'i Board of Land and Natural Resources
May 12, 2023, 9:15 AM
Kalanimoku Building, 1151 Punchbowl St., Room 132 and via Teleconference**

Aloha Chair Chang and Board Members:

The Nature Conservancy (TNC) of Hawai'i and Palmyra supports the Hawai'i Division of Aquatic Resources' (DAR) proposal to refine statewide rules governing recreational fishing for critical herbivorous fishes. We ask the Board to approve the request to allow DAR to hold public hearings on the rules governing recreational fishing and remove the commercial fishing exemptions contained in the current amendment request to allow for more sustainable commercial rules to be collaboratively developed with fishers and the larger community. This will better ensure the long-term sustainability of these fisheries and the reefs that rely on them.

Coral reefs are vital to Hawai'i's economy, culture and lifestyle, but are facing unprecedented threats now and into the future that jeopardize their ability to continue to provide for the residents of Hawai'i. While providing food, livelihoods, coastal protection, recreational opportunities, and cultural connections for residents and visitors, our islands' nearshore reefs provide more than \$2 billion each year in flood protection and reef-related tourism alone. The U.S. government estimates that Hawai'i's reefs protect more than \$830 million in coastal infrastructure each year, with healthy coral reefs reducing up to 97% of the wave energy reaching our coastlines, protecting important coastal properties, roads, and resources such as beaches, fishponds, and estuaries. Research has also shown that nearshore fisheries can produce as many as seven million meals for Hawai'i families each year, valued at over \$10 million annually.

But Hawai'i reefs and the benefits they provide for our communities are threatened by a combination of stressors, such as land-based pollutants, direct damage from storms and ship groundings, unsustainable harvest, and, increasingly, by the impacts of climate change, including rising sea levels and sea-surface temperatures. Scientists estimate that live coral cover in some areas of Hawai'i has declined by 60% and, following the state's first mass coral bleaching event in 2015, some reefs experienced up to 90% coral mortality. The best available projections of ocean warming indicate that reefs in Hawai'i may start bleaching every year within the next decade.

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Duncan MacNaughton Jean E. Rolles Crystal K. Rose Nathan E. Smith

Founders: Samuel A. Cooke Herbert C. Cornuelle

Corals provide the structure and habitat essential for the diverse, productive reefs we rely on, and the loss of corals begins a process of degradation that leads to the loss of many of the benefits that reefs provide, including fish habitat. As reefs have declined over the past century, we have also lost up to 90% of some of Hawai'i's most valuable nearshore fisheries. Action to restore the resilience of our reefs is essential and the need is urgent.

Ensuring that reefs have **healthy herbivore populations is one of the most important and effective actions we can take** to make reefs as resilient as possible in a changing world. Many stressors can kill corals and lead to the loss of the habitat they create, and the ability of reefs to recover from damage depends on the presence of an abundant, diverse population of herbivores that can keep seaweed populations in check, keeping reef area clear for new corals to settle and grow. Studies from around the world have demonstrated that resilience and recovery is enhanced by healthy herbivore populations, and recent research in Hawai'i has reinforced this finding, with reefs in West Hawai'i that had abundant herbivores recovering more quickly from the impacts of the 2015 mass coral bleaching.

There is very strong evidence, however, that **herbivore populations in Hawai'i are depleted**. Communities across the state have voiced concerns that many species of herbivores are not as abundant as they used to be, and visual surveys conducted by many organizations across the state show that herbivore populations in many areas are far below what could and should be present on those reefs. A stock assessment conducted by fisheries scientists from the National Oceanic and Atmospheric Administration found that both the surgeonfish kala and parrotfish uhu palukaluka, both part of the DAR rule proposal, are experiencing overfishing (i.e., fish are being removed faster than they are replenished), with kala stocks particularly at risk. All herbivores are important for the health of the reef, but these two species play critical roles in reef function, with kala cropping back macroalgae that compete with corals for space and inhibit the recovery of bleached or damaged corals, and uhu palukaluka being the single most important species in Hawai'i for scraping the reef free of all algae and other coral-competitors so that new corals can settle and grow to repair reefs.

The recreational size and bag limits that DAR proposes would be important steps towards rebuilding healthy herbivore populations across the state. The size limits proposed for manini, kole, kala, and uhu would allow fish to reach reproductive age before harvest, providing the opportunity for them to spawn and help contribute to the next generation of fish for the reef before they are harvested. The rules proposed for uhu sensibly decrease the size limit for smaller-bodied uhu species, allowing more of them to be caught, while increasing the size limit for larger and longer-lived species to allow those fish to reach reproductive age before harvest. Fisheries model projections show that the size limit proposed for kole will likely both increase the sustainability of the fishery, and also lead to increased fishery harvest, as a more robust population creates more offspring for future harvest. Fisheries model projections similarly indicate that the proposed combination of size limits and bag limits for uhu and kala will lead to both healthier herbivore populations on the reef and increased harvest for fishers. This is a win-win.

The proposal also, however, includes **substantial exemptions to the above rules for commercial take that the best available science indicates would compromise the ability of the overall rules package to ensure that both the fisheries and reefs are healthy and sustainable into the future.** Long-term sustainable fisheries that can meet the needs of Hawai'i residents for locally-caught seafood and food security are essential, and we believe that **revising those commercial exemptions is necessary to provide the abundant herbivore populations our reefs and communities will need now and in the years to come.** In examining the DAR commercial catch data, we found that there were very few fishing trips reported by fishers for either uhu or kala that exceed the proposed bag limits (median catch per trip was only 3 fish for both species), meaning the bag limits would only lead to an approximately 10% reduction in the harvest of those species. Given ongoing population declines in both species at current fishing levels, it is highly likely that both species will continue to decline under the proposed commercial fishing rules. A greater reduction in commercial fishing pressure will be needed for population recovery.

The proposed size limit exemption that enables aquarium collectors to take juvenile kole before they spawn will allow large numbers of fish to be harvested before they reach sexual maturity, hastening an even greater decline in kole populations. In addition, the techniques used to collect kole for the aquarium trade can also cause the kind of damage to reefs that healthy herbivore populations are so important to help repair, potentially creating a feedback loop where fewer herbivores are present to repair more damage.

In order to reduce the declines in abundance currently seen in each of these species and allow them to recover to the point where they can provide more robust fisheries and enhance the resilience of reefs to climate change and other impacts, a greater reduction in annual harvest is needed. We urge the Board and DAR to consider removing the commercial exemptions from the proposed rules so that DAR can take the time necessary to gather input, place-based knowledge, and the best available science from a broad array of experts and stakeholders and balance the needs of individual fishers with those of the larger community. Such collaboratively-developed alternatives could include removing the commercial exemptions altogether, only having them apply to islands where there are active reported fisheries for those species, dramatically reducing the annual catch limit and/or bag limits proposed to allow more recovery of the depleted stock, and/or implementing restrictions on surround netting, trapping, and/or spearing methods that are particularly effective at harvesting these species and can lead to unsustainable harvest. Our collective goal should be to develop sensible rules that will lead to sufficient harvest to feed our families in Hawai'i while also ensuring a healthy reef now and into the future.

The ability of Hawai'i's reefs to sustain recreational, subsistence and commercial harvest now and for generations to come relies on our ability to allow depleted herbivore stocks to recover and restore the resilience of our reefs so that they can continue to provide the structure, diversity, and habitat essential for reef fish and so many of the benefits that reefs provide to the people of Hawai'i.

If modified to eliminate or significantly reduce commercial take, the proposed rules will be an important step towards improved management of our nearshore resources. We urge you to recognize the importance and need for meaningful herbivore rules by amending the proposed rules prior to approving them for public hearing.

Mahalo for your support and stewardship of Hawai'i's natural resources.

The Nature Conservancy of Hawai'i and Palmyra is a non-profit organization dedicated to the preservation of the lands and waters upon which all life depends. The Conservancy has helped protect more than 200,000 acres of natural lands in Hawai'i and Palmyra Atoll. We manage 40,000 acres in 13 nature preserves and work in over 50 coastal communities to help protect and restore the nearshore reefs and fisheries of the main Hawaiian Islands. We forge partnerships with government, private parties, and communities to protect forests and coral reefs for their ecological values and for the many benefits they provide to people.

From: [Melamed, Mia](#)
To: [DLNR.BLNR.Testimony](#)
Subject: Opposition 13-95-25 b. Kole: Oppose exemption on aquarium collection of Kole under 5 inches
Date: Wednesday, May 10, 2023 4:09:43 PM

Aloha,

Submitting testimony to oppose harvest of Kole under 5 inches to any person holding a valid aquarium fish permit.

Mahalo,
Mia

Mia B. Melamed Tierney
Habitat & Fish Monitoring Technician II
Division of Aquatic Resources - Kaua'i
State of Hawai'i Department of Land and Natural Resources
3060 'Eiwa St. Rm#306, Lihu'e HI 96766-1875

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Contacts:

Mobile: +1 (808) 651 2486

From: [Thelma Tomich](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] OPPOSE: Reject this special exemption for Aquarium Trade
Date: Wednesday, May 10, 2023 11:58:26 AM

Aloha e BLNR,

Please REJECT and do not approve DAR's Herbivore Management rule proposal.
Aquarium trade should be BANNED.

mahalo piha,
Thelma Kihalani Tomich
96710

From: rtivefish@gmail.com
To: [DLNR, BLNR, Testimony](#)
Subject: [EXTERNAL] Testimony
Date: Thursday, May 11, 2023 7:13:45 AM

FOR THE MEETING OF THE BOARD OF LAND AND NATURAL RESOURCES

DATE: May 12, 2023 TIME: 9:15 AM

I will be Attending the meeting via Zoom, please provide me a link to testify.

Ron Tubbs B.S.N.D. UHM 8 years research degree.
rtubbs@hawaii.rr.com

F. DIVISION OF AQUATIC RESOURCES

1. **Support** SAP issuance for Monterey Bay Aquarium

2. Testifying in **Support** of Public Hearings on “Rules Regulating the Taking and Selling of Certain Marine Resources.”

Re: Kole exemption, Manini, Uhu, Kala and specifically species *Scarus rubroviolaceus*, *Chlorurus perspicillatus*, *Scarus rubroviolaceus*, and *Chlorurus perspicillatus*).

I **support** the need to: Create an **exemption** from the 5” minimum size limit to **allow validly permitted commercial aquarium collectors to collect kole** pursuant to the terms and conditions of a valid aquarium fish permit and other aquarium fishing regulations. Years of fish counts support this. Leaving bigger breeders does not affect larger fish populations. Example West Hawaii Study showed larger yellow tang population remained the same despite collection of over a million yellow tangs a year. Overall kole and yellow tang populations in west Hawaii increased by millions. Science and years of fish counts clearly support this decision.

Kole populations while fishery was active in West Hawaii showed a population increase of 10%. That is 2.1 million fish more during the height of collection in 2014 before closure due to the user conflict lawsuit. Link:

<https://repository.library.noaa.gov/view/noaa/14870>

(It should be noted here; how does a sustainable fishery get shut down? Prejudicial misinformation campaign by rich tourist groups is how. Lower educated, biased based, sometimes well-meaning individuals continue to spout misinformation!)

“The FRAs have been very successful in increasing Kole populations. The number of Kole has increased significantly in all management areas, including Open Areas, from 1999/2000 to 2012/2013. **Overall, Kole abundance in 30’-60’ depth range over the entire West Hawai’i coast has increased by over 2.1 million fish during this time period with a current population of about 6.5 million fish.**”

More importantly larger eating fish populations in areas of aquarium fish collection do not seem to be affected. Removing smaller Kole should increase food fish populations due to increased food supply. Larger fish are left on the reefs to repopulate and quickly renew fish populations. Example: studies prove Yellow tangs, a low reproductive breeder, produce 1.4 million fry per year, per pair and reach adult breeding size in 4 months. Their populations increased by 2.5 million fish in the same study. Tissot study and Walsh West Hawaii studies also showed no decline in large breeder size yellow tangs.

Eating fish

When the aquarium fishery shut down, I went to work doing eating fish. The fish value per biomass was much less. The value can be 100% less value for the same fish. The 100 billion dollars per industry not only demanded live healthy fish but the fish benefited by living decent humane lives after collection. For someone who loves the ocean that was a much more preferred outcome.

It is currently very hard to make money at seafoods. Gas expenses, boat expenses, broken down truck, blown boat motors, parts cost rising, sick family members and repair cost increases have greatly affected the whole seafoods fishery not just me personally! How many fishers have found other work? How many permitted Uhu Kala fishers remain?

We do not want to lose our food fishers! Low carbon footprint and extremely renewable resources use should be promoted, not regulated out of existence. Imported fish are so cheap it is difficult to compete at the fish store.

Please manage fisheries for the future but also help fishers. Listen to them work with them they also want healthy oceans!

Imported seafoods and tourism are not ecofriendly activities!

Support public hearings but I have an issue with **section 6. d.** It says “if you are commercial diver and catch less than 340 pounds you cannot get a permit, but a non-previous year’s fisher person can still be permitted” This needs to be changed. I **suggest this section be removed.** Even though shallow reefs, highly populated zones with increased fishing and Bays have reduced fish due to fishing there are still plenty of shallow and deeper reefs around the state that have plenty of Kala, Uhu, and Kole.

We desperately need sustainable highly renewable resource use to fight global warming. We must adapt moving forward. Laws that close or over protect fisheries are not productive but laws that manage fisheries effectively and support fishermen need to be supported.



Large Breeding size Kala at deeper depths, this picture was taken at 151 feet deep. These depths protect Kala, Uhu, and many other species from overfishing, global warming, and pollution. This is referred to as “[Deep Refuge Theory](#)” Deep fish populations can effectively renew shallower fish species.

**Aquarium Fishery-
Scientist Speak**

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 propoganda 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. “

· “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.

From: [Keo Von Gogh](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] New Herbivore Fishing Rules
Date: Tuesday, May 9, 2023 4:13:33 PM

Aloha,

I support the New Herbivore Fishing Rules. The goal of this rule amendment is to better manage our herbivorous fish populations so that we can sustain our fisheries and ensure future generations will have abundant fish to keep the icebox full.

Mahalo,
Keomailani Von Gogh
808.345.8032
Sent from my iPhone

From: [Lorraine Waianuhea](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] OPPOSE special exemption for aquarium trade
Date: Tuesday, May 9, 2023 7:30:36 PM

Aloha Board of Land and Natural Resources,

Please REJECT and do not approve the Division of Aquatic Resources' Herbivore Management Rule proposal that will go out for public hearings later. There are great data showing why Aquarium Trade was banned from Hawai'i Island and Maui in the first place!

DAR took it upon themselves to exempt Aquarium Collectors from the Kole (Goldring Surgeonfish) regulations that would apply to all food fishers, although the Board did not direct DAR to do so. How can DAR tell local and subsistence food fishers that herbivore protections are necessary for reef health and fighting climate change while at the same time allowing the mainland-driven aquarium pet trade to take 30,000+ kole each year? 'A'ole!

Please listen to the people of Hawai'i as we try to move towards a more climate-resilient, restorative and regenerative future for all life in Hawai'i. Please ban aquarium trade once and for all.

Mahalo for the opportunity to provide testimony,
Lorraine Waianuhea

May 11, 2023

Subject: Support for May 13, 2023 Agenda Item F2 – Herbivore Rules

State of Hawai'i
Department of Land and Natural Resources
P.O. Box 621
Honolulu, HI 96809

Aloha kāua,

As an unaffiliated non-commercial reef fisherman and diver, I support the Division of Aquatic Resources request to hold public hearings oppose the Updates to the Herbivore Rules (HAR 13-95). Our community is eager to provide input into this process, and I urge you to approve this request so that we may do so closer to home since not everyone is able to travel to Honolulu during the week. Not providing the chance for us to share our perspective and knowledge is a disservice to the administrative rulemaking process and to the mission of the Department of Land and Natural Resources.

Conservation measures must be implemented if our children, are going to continue to enjoy fish, or coral reefs. The biocultural importance of herbivores is irreplaceable. Corals are the first creature created in the Hawaiian Kumulipo. Herbivores have been a primary food source for coastal Hawaiian communities in Kona for hundreds of years. Herbivore populations are linked to resilient reefs.

Data showing the decline of reef fish due to overharvest is the rationale behind these rules. After 23 years in the water along the Kona Coast of Hawai'i Island, I have observed, photographed, and caught many herbivores. Fishermen know, and the science shows, in areas that are easier to access from shore or dive year-round there are fewer fish. In rougher, more remote, inaccessible areas there are more. As a community, fishermen have not changed our take of herbivores voluntarily despite having more information on their ecological importance to reef habitat. Awareness is not enough - we need to have clear, fair, equitable rules to help us do the right thing.

Thank you,

A handwritten signature in black ink, appearing to read "Charles H. Wiggins, Jr.", with a stylized flourish at the end.

Charles H. Wiggins, Jr.
Waimea, Lalamilo, Kohala Hema, Moku o Keawe