

From: [Danita Aiu](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] Cancellation of executive order 4580
Date: Sunday, December 3, 2023 1:27:22 PM

As a long time resident of the Kapaa area and a 7year member of the East Kauai Development plan, I am writing to ask you to cancel voting on this issue until the East Kauai Development Plan is finished and brought before the community. There has been no public announcement of this order bringing up the issue of transparency . Kapaa does not need more asphalt. With climate change what is needed is open space to absorb water and green space near the ocean for the families to enjoy. This is prime property near the ocean and on the bike path. No place in Kapaa charges for parking.This would be the first and change the small town feeling we love. We have a major decision here and the community should be given a chance to weigh in.please consider my request to take this issue off of your agenda, until the East Kauai Plan is complete. Thank you.

Danita Aiu
123 Melia St.
Kapaa Hi 96746

Sent from my iPad

From: [Tony Donna](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] F-5 Testimony for Herbivore Rules Package
Date: Tuesday, December 5, 2023 7:47:09 AM

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

I support the intent to accommodate commercial allowances, however the proposed rules now contradict pono fishing practices. I believe DAR does not have updated and complete stock assessments to properly set commercial allowances of these managed species.

I recommend the following non-commercial take of Kona Crab and managed species in this Herbivores rules package, but OPPOSE commercial allowances.

1. Establish the minimum size of manini at six inches;
2. Establish a bag limit for kala of two per person per day;
3. Observe the close spawning season for kala;
4. Prohibit the take of any uhu 'ele'ele or uhu uliuli;
5. Prohibit the take of any uhu at night;
6. Establish the minimum size for uhu pālupaluka and uhu 'ahu'ula at 14 inches;
7. Establish a bag limit of two uhu per person per day;
8. Observe close spawning season for uhu;
9. Allow the take of female pāpa'i kualoa without eggs;
10. Observe the close spawning season of May-September for pāpa'i kualoa.

Eliminate Commercial Allowances for Managed Species

Prohibit commercial take of any managed species until stock assessments are completed, spawning season are determined, and management tools are utilized to establish pono allowances and procedures.

Mahalo for allowing me to provide this testimony and recommendations.

Anthony Donna
Holualoa Hawaii
Sent from my iPhone

From: [Colin Kop](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] Opposed to DAR 5
Date: Tuesday, December 5, 2023 8:07:45 AM

Opposed to DAR 5.

Please do not pass 5. “Rules Regulating the Taking and Selling of Certain Marine Resources.”

Thank you and Mahalo,
Colin Kop

From: [Linda M](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] PSF No. 23KD-061
Date: Wednesday, November 29, 2023 4:37:07 PM

Chairwoman Chang
Board of Land and Natural Resources
State of Hawai'i

Testimony regarding:

Cancellation of Governor's Executive Order No. 4566; Issuance of Direct Lease to Kapa'a Business Association, Inc. for Non-Profit Office, Meeting Hall, and Public Parking Purposes, Kapa'a, Kawaihau, Kauai, TMK: (4) 4-5-008:008I

I was born and raised in Kapa'a town and I live on the same property that my grandfather purchased in 1900. I am not FOB, so I write this with some historical perspective and a deep interest in the best use of the town's resources for future generations.

I am opposed to the issuance of a lease to the Kapa'a Business Association Inc. for the following reasons:

1. There are few towns in Hawai'i that are on the ocean. Lahaina is gone leaving Haleiwa and Kailua-Kona. Kapa'a is the other and is blessed with having the Ke Ala Hele Makalae, the County of Kaua'i's 8-mile linear park/path along the coast of Kapa'a. What a gem! Nowhere else in Hawai'i! The property is OCEANFRONT, one block from the center of Kapa'a town and Kaumuali'i Highway, adjacent to easy road/walking access to the beach AND the Board is considering awarding a lease for a paid parking lot on the beach in Hawai'i? The media would have a heyday with this one.

I'm reminded of the lines from the Joni Mitchell song, "paved paradise to put in a parking lot."

2. The Kapa'a Business Association, Inc. does not represent all the businesses in Kapa'a. Two other organizations representing businesses are the Old Kapaa Town business Hui and the Royal Coconut Coast Association (RCCA).

3. The DLNR Land Division did not reach out to any of the other business organizations or non-profits in the area informing them of a possible lease option.

4. Members of the business and resident community attended a meeting called by Representative Nadine Nakamura on November 3, 2023, at the community's request, to address this issue. Besides the business community, there were others representing a halau, a Hawaiian cultural organization and some sports teams. At this meeting the DLNR land agent informed the group that the Kapa'a Business Association, Inc. was the applicant for the lease which is slated for approval at the December 8th meeting. It was revealed that the Association plans to use the space for paid public parking, non-profit office and meeting hall. It was a "done deal."

I am opposed to the issuance of a lease to the Kapa'a Business Association for their intended purpose. Public-owned property on the beach in Hawai'i should be for park or other recreational activities that can be planned and enjoyed by everyone.

I urge this Commission not to issue any lease at this time and to table this matter. The opportunity for the community to determine how it wants to develop its land resources will present itself in the next couple of months when the County of Kaua'i will launch the East Kaua'i Community Plan Update. Let the community decide how it wants to use these 'special' properties.

Sincerely,

Linda Paik Moriarty

From: [Lance Roylo](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] Urgent Concern Regarding Herbivore Conservation
Date: Tuesday, December 5, 2023 6:44:58 AM

Dear Board of Land and Natural Resources,

I am writing to express my deep concern about the crucial role of herbivores in the recovery and survival of our reefs. It is evident that these herbivores play a vital role in the delicate ecosystem balance, yet their numbers are severely depleted, especially in proximity to human population centers.

I urge the Board's attention to the proposed herbivore fishing rules by DAR, which, in my assessment, are insufficient to effectively replenish herbivore populations. Strengthening these rules is paramount to ensure the survival and restoration of our reefs, which are integral to our ecosystem's health and resilience.

I implore the Board to reconsider and fortify the herbivore fishing regulations to provide a better chance for these essential creatures to thrive again. The future health of our reefs and the wider marine environment depends on our collective action today.

Thank you for your time and consideration.

Sincerely,
Lance Roylo

Sent from my iPhone

From: [Elizabeth Scamahorn](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] No to Extend PR21
Date: Monday, December 4, 2023 3:05:13 PM

Members of this Board,

As a voting member of our community, I oppose the land use agenda numbered D-6 on 12-7-23, the PR 21 extension.

I oppose any further development at this time until our roads, infrastructure, and support material in case of a natural disaster are in place.

I have communicated with members of the administration and sitting members of boards and now understand that these requests are in motion in separate and independent committees!

I oppose any further action around the CocoPalms Development to proceed until all of these issues that are on the books are *combined* to prove to our community that we have a *plan* before we are overrun and unable to save people, places, and our wonderful position as a vacation community.

Sincerely with Aloha,
Elizabeth Scamahorn

From: rtubbs@hawaii.rr.com
To: [DLNR, BLNR, Testimony](#)
Subject: [EXTERNAL] Opposed to DAR 5
Date: Tuesday, December 5, 2023 7:51:05 AM
Attachments: [image003.png](#)
[image004.png](#)

Friday Oct. 8th 9am BLNR Meeting

Opposed to DAR 5.

Please do not pass 5. "Rules Regulating the Taking and Selling of Certain Marine Resources."

blnr.testimony@hawaii.gov

Please provide testimony link thanks!

Aloha,

From Ron Tubbs B.S.N.D. UHM

Please make more changes to the rules package. While this is effective management in fish population depleted areas nearshore and near highly populated areas it is over management in most Hawaii Ocean areas with very healthy reefs.

DAR needs to work more closely to fishers to effectively manage fisheries. There should be a plan to hold regular DAR fishers meetings as part of these rules. Umbrella statewide management rules like these is not ecologically sustainable management.

Hawaii's Most Sustainable Resource

Overall West Hawaii **Kole** abundance in the 30'-60' depth range over the entire West Hawai'i Coast is estimated to have **increased 118%** (>5.1 million fish) during 1999 to 2017 with a current estimated **population of almost 9.6 million fish**. **Marine fish are the [most reproductive vertebrates on the planet](#). Making fish the most renewable resource there is in Hawaii.** Opah Moon Fish produce **300 million eggs a year per pair**, many other reefs fish produce tens of thousands to millions of fry per spawn per pair. Some reef fish spawn many times a day. Fish have the potential to renew and sustain with increased fishing if managed properly. We need to rethink and review with scientific support new management for sustainable fisheries to create a more sustainable resource use especially in isolated Hawaii!

Why then are we increasing the size of Kole to 5 inches everywhere in Hawaii with no aquarium fish exemption. Isn't it better to take the small non breeders and leave the large breeding fish? BLNR and DAR are excluding the most valuable lowest impact fishery in these rules? Let's look at ecology. During the earths past [5 extinction level earth events](#) ocean life survives at a much higher rate and "[deep refuge](#)" is the science behind ocean survivability. While highly populated areas near shore fish depletion and shallow coral bleaching are issues with Hawaii are a major

issue huge areas remain pristine and untouched with deep refuge reserves. Fish and ocean life will be around long after Humans go extinct.

Hawaii's Imports and Future Sustainability Tourism Fisheries

Honolulu is the most remote city in the world and our economy is dangerously dependent on imports. For the month of May 2021 [Hawaii imported](#) 179 million dollars in goods and exported only 24 million in goods. Hawaii is too dependent on imports, overseas food supplies and nonrenewable resources. Exports from Hawaii are lacking.

Over 10 Million visitors to Hawaii in 2019 created one of the biggest environmental impacts globally. It is not just overseas travel on planes! Overseas travel to Hawaii emits over [two tons of carbon dioxide per passenger](#)! A one person Hawaii trip overseas produces as much CO2 as driving an average car (4 tons CO2 per year) for 6 months! Multiply that time 30,000 a day and that is 60,000 tons of CO2 per day in tourist air travel to Hawaii alone. One day of Hawaii tourist produces the equivalent of 15 years of average car emissions every day!

Renewable sustainable Hawaii activities need to be supported and encouraged.

Yet 25% of our economy depends on tourism. 80% of tourists also do ocean activities and create huge ocean impacts much more so than any Hawaii fishery. Tourism is also too vulnerable to be depended on, just look at what happened during covid, 911 and after the Lahaina fire.

Ocean tourist groups have complained that there are no more fish at their dive and snorkeling sites. Studies prove it was the tourists that led to a decline in fish not the fishermen or global warming. [Recent studies](#) showed the decline of fish to Hanauma Bay when tourism stopped due to covid. Another covid time [Molokini study](#) also showed declines in fish due to tourism. So tourism not aquarium fishers is to blame for the changes in fish populations in close to fishers areas.

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

The state and researchers said about the aquarium fishery: "Model fishery", "Sustainable Fishery", Fishers worked hard to get Act 306 and the 2014 rules packages implemented by working with DLNR, DAR, WHFC (West Hawaii Fishery Council) every step of the way. That is why they were a model fishery. They have worked with tourist groups to protect areas for tourism. But tourism impacts in those areas were more than the fishery had. More corral damage and fish population declines are directly linked to tourism. Tourist groups wrongly blame the fishery for their own damage.

One major study showed Yellow Tangs per pair- produce 1.14 million fry per pair per year! With a low estimated 1 million yellow tangs on Oahu that means up to 570 billion fish eggs every year on Oahu only. Most do not survive to adult breeding stage. Even if only one percent survive to adult breeding stage, then that is 5 billion 700 million new fish on Oahu reefs every year that could make it to adult breeding stages! The ability to repopulate far out ways low aquarium fishery impacts.

The maximum 6% take of past aquarium fishery populations was sustainable! 30% take is considered by many researchers to be the sustainable limit. The Oahu environmental review is only asking for less than 5% of all species to be taken by fishermen. For most species listed in the environmental review preferred option the amount of take would be less than 1%!

Sustainable jobs and economic boosts to the state are greatly needed. The United States 100-billion-dollar pet industry could even further support Hawaii with much needed sustainable incomes at a low carbon footprint. There is an even bigger worldwide demand and potential for monetary gain. Aquaculture and aquarium fish business should be major state goals to make sure Hawaii more sustainable.

The statue requirements based on previous exhaustive review and previous passage of the [West Hawaii Aquarium Fishery full 1585 page HEPA](#), and passage of the complete exhaustive 6-year Cultural assessment (CIA) by the fishery are more than enough to counter the petitioners unscientific, no supporting journals links, and non-peer reviewed biased cultural claims are being submitted by the petitioner.

The Petitioner also ignores science or distorts science, and discounts an extensive CIA, cultural assessment and uses old 2009 DAR reports in their petition. The [2020 Report to the Legislature](#) showed significant increased fish counts not shown in the 2009 report. Yellow tangs and Kole tangs showed huge population increases during aquarium fishing periods, which totally counters their herbivore depletion petition argument.

Here is what those facts really are from the [2020 DLNR West Hawaii Report To the Legislature](#):

Page 28 “Overall **Yellow Tang** abundance in the 30’-60’ depth range over the entire West Hawai’i coast is

estimated to have increased by over 3.4 million fish from 1999/2000 to 2017/2018 **(150% increase)** to a current population of about 5.7 million fish within this depth range alone.”

Page 37 “Overall **Kole** abundance in the 30’-60’ depth range over the entire West Hawai’i coast is estimated to have **increased 118%** (>5.1 million fish) during this time period with a current estimated population of almost 9.6 million fish. As with Yellow Tang, summer 2014 recruitment for Kole in many areas was very strong. Recruitment at the Manuka survey site for example was 254% higher than on any other previous survey at the site over the last 20 years.”

Page 17 “the marine aquarium fishery has been the most economically valuable commercial inshore fishery in the State of Hawai’i with FY 2017”

<https://files.hawaii.gov/dlnr/reports-to-the-legislature/2020/AR20-WHRFMA-Rpt-FY19.pdf>

With a population of 5.7 million fish in west Hawaii 30-60ft depth range and historical catch of 5% and maximum sustainable yield of 20% and the ability to reproduce in 4 months with 7 drops per year producing 1.14 million fry per pair. Then a take of 285,000 fish per year by the aquarium fishery at current breeding yellow tang market value means a more than sustainable total retail value of 57 million for West Hawaii alone and for one fish only. Multiply that times sustainable take for many species state wide you could have a sustainable highly regulated very valuable source of income for Hawaiian, locals and all done with no coral damage, no impacts to overall herbivore populations with an already highly regulated fishery.

A sustainable, highly renewable low impact environmental Hawaii future should include the aquarium fishery.

West Hawaii Fishery Value

Remember the fishery had access to only a small portion of West Hawaii FRA’s and was the lowest biomass (Poundage) take and left breeders to repopulate-it is the only fishery that targets smaller abundant fish which leaves breeders to quickly repopulate.

Epilogue- proven sustainable:

Video link: [Aquarium Fish environmental review Oahu 2021](#)

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

“My Turn: We expect better” A pro fishery open published letter from twenty one of the best minds and world renown researchers in Marine Biology, those doing the fish counts with hands on direct PhD knowledge; here they are condemning past BLNR decision to not pass the aquarium fish HEPA the first time, once again ignoring their research.

By William Walsh Ph.D., Ivor Williams Ph.D., Brian Tissot Ph.D.; Leon Hallacher Ph.D.; Bruce Carlson Ph.D.; Charles Birkeland Ph.D.; Jeremy Claisse Ph.D.; Mark Christie Ph.D.; Richard Pyle Ph.D.; Leighton Taylor Ph.D.; Randy Kosaki Ph.D.; Cynthia Hunter Ph.D.; Brian Bowen Ph.D.; Brian Zgliczynski Ph.D.; Jeff Ebel Ph.D.; Alan Friedlander Ph.D.; Kosta Stamoulis Ph.D.; Delisse Ortiz Ph.D.; Jan Dierking Ph.D.; Rob Toonen Ph.D.; and Jim Beets Ph.D. My Turn | Thursday, June 25, 2020, 12:05 a.m.

“The fishery was and will be sustainable!” (especially with only 25 fishers left out of over 200)

· Data collected from 1999 to date from over 6,700 underwater surveys show that populations of the most heavily collected aquarium fish species 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.

· The data and scientific reports show **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.

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).”

*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.”*

Complete publication, journal list link:

<https://home.mycloud.com/action/share/d209054a-1eaf-453a-a5f6-56c4e4a6e2ab>

Corals and The Aquarium Fishery;

Dr. Bill Walsh Recognized as an Outstanding Natural resource manager by the United States Coral Reef Task force and head of the 20-year West Hawaii Regional Fishery Management Area Report to the Legislature 2020 showed **no differences between coral damage in open versus closed areas related to the Aquarium Fisheries coral impacts.** Dr. Brian Tissot a member of the CRAMP (Coral Reef Assessment and Monitoring Program) in a multi-year West Hawaii study on impact and damage on the coral reef found **“there was no difference between areas closed to aquarium collecting and areas opened. In fact, the highest impact area studied with the most damage was in a MPA”**, Marine Protected Areas, where aquarium fishermen do not fish. The closed MPA areas are mainly used by tourist groups.

Clearly long-term science studies prove the aquarium fishery does not cause coral damage.

Dr. Bill Walsh DAR study Link: <https://files.hawaii.gov/dlnr/reports-to-the-legislature/2020/AR20-WHRFMA-Rpt-FY19.pdf>

Dr. Brian Tissot one study link p.68: <https://www.malamamaunalua.org/wp-content/uploads/DLNR-DAR-2010.pdf>

More scientists speak out: Below is Dr. Dan Polhemus Division of Aquatic Resources response to Rene Umberger (he is trying to correct the anti aquarium fish proponent and constant source of misinformation)

It is a good thing for folks to scrutinize and ask questions about what’s going on

in our fisheries and on our reefs. These are important to all of us. A realistic perspective does need to be maintained, however. Let me elaborate. On Maui in 2009 there were a total of 16,300 aquarium animals caught, representing 82 different species. Yellow tangs accounted for 69% while Kole was 7% of the catch. During that same year non-aquarium commercial fishers captured (and killed) 319,491 reef fishes of 75 species. While yellow tangs weren't caught to any degree there was considerable overlap in a number of the other species. To the commercial food catch one can add another 480,000 reef fish taken by recreational/subsistence fishers (extrapolated from 2006 NOAA Rec Fishing Survey data). **So, in the grand scheme of things, the aquarium take on Maui is literally a drop in the bucket, representing less than 2% of the total mortality of reef animals that year. 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.** (It should be noted Maui has no tropical fish collection since 2013 thanks to misinformation and harassment).

"My Turn" Complete file link: <https://home.mycloud.com/action/share/d209054a-1eaf-453a-a5f6-56c4e4a6e2ab>

Is the closure of the aquarium fishery unconstitutional?

Yes, science proof of sustainability means the fishery closure based in lies and misinformation by tourist opposition is unconstitutional.

International laws, United States Laws and the [Hawaii State Constitution](#) regarding fisheries and public ocean submerged lands states it is the common heritage of all me not just one user group.