

From: [Lenley Lewis](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] Agenda item F-5
Date: Tuesday, December 5, 2023 11:09:35 PM

Aloha Chair Chang and members of the BLNR,

I support, with amendments, the proposed rule changes to better protect herbivorous fish species that play a vital role in our reef ecosystems.

By increasing size limits for kole and manini, setting more reasonable bag limits for kala (unicornfish) and uhu (parrotfish), and establishing annual commercial catch limits and additional commercial restrictions on the take of kala and uhu, these rules better steward critical species essential to a healthy coral reef ecosystem.

I hope the board will consider these amendments: 1) reinstating the original proposed bag limit of 2 for kala and 2) reinstating the proposed protection of “blue” uhu “supermales,” as taking these individuals can alter reproductive cycles and decrease reproduction rates.

Sincerely,
Lenley Lewis
Laupahoehoe

Sent from my iPhone

From: [Susan Hogan](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] BLNR meeting of Dec. 7, 2023
Date: Tuesday, December 5, 2023 1:26:06 PM

re: BLNR meeting of Dec. 7, 2023
Agenda Item F (Aquatic Resources) sub item #5
Proposal to amend fishing regulations for kala, kole, manini, uhu, and pāpa‘i kualoa in HAR
Chap 13-95, “Rules regulating the taking and selling of certain marine resources”

Dear Chair Chang and Members of the Land Board:

With deep concern about the health and future of Hawaii's coral reefs, I strongly support strengthening protections for herbivorous fishes, especially parrotfish (uhu) and unicornfish (kala).

These reef grazers are absolutely vital to help keep reefs resilient and allow new coral growth by controlling algae. Their populations have become far too depleted, particularly near more populated islands like Oahu. Without an abundance of these species, reef recovery will be incredibly difficult in light of growing threats like warming oceans.

Therefore, I urge you to amend the proposed rules by:

- 1) Reinstating specific protections for the blue uhu, which play an outsized role in reef health and ecosystem functions like sand production.
- 2) Reinstating the total allowable commercial catch limits for uhu and kala to no more than 50% of recent averages.
- 3) Reinstating commercial daily bag limits for uhu and kala.

Please give our reef ecosystems a fighting chance.

Thank you for your consideration of this testimony.

Sincerely,
Susan Hogan

From: [Jonee Peters](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] BLNR Mtg 12/8/2023 for item F-5
Date: Tuesday, December 5, 2023 7:58:34 PM

Aloha Chair Chang and Board Members,

I'm asking this board to adopt and pass rule #F-5 - Request for Final Approval to Amend and Compile Chapter 13-95, Hawaii Administrative Rules, "Rules Regulating the Taking and Selling of Certain Marine Resources." on the agenda for 12/8/2023.

Our local fishers are being asked to reduce their take of marine herbivores, which are needed for the health of our corals.

Additionally, I would suggest rulemaking to restrict or end the permitting for the aquarium trade (AQ) massive take of herbivores. AQ collectors have harvested more marine herbivores than the subsistence fishers, recreational and commercial food fishers. Our coral, the lifeline of our oceans, are being decimated by the AQ collectors' practice of breaking the coral to catch fish species that hide within the reef. This calls for the need for a permanent ban on the aquarium (AQ) trade.

Mahalo!

--

Jonnetta "Jonee" Leina'ala Peters
Executive Director



From: [Antu Harvey](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] DEC 8 mtg - Agenda Item F5 - Rules re Taking Certain Marine Resources -
Date: Tuesday, December 5, 2023 11:41:24 AM

Dawn Chang, Chair
Hawai'i Board of Land and Natural Resources

Aloha Chair Chang and Land Board Members,

My name is Antu Harvey, from Hōlualoa, Kona, Island of Hawaii and am a citizen advocate for 'āina health and sustainability for future generations.

Please do not approve the proposed amendments as is and modify as follows:

(1) **Reduce the total allowable commercial catch of uhu and kala:** The DAR proposed limits are “~75% of the 5-yr. average reported sales (2017-2021).” This and prior average catches have reduced both fishes to very low levels such that they are considered depleted by the National Marine Fisheries Service. Please reduce the total allowable catch to no more than 50% of the recent reported sales.

(2) **Reinstate the commercial daily bag limits for uhu and kala:** Daily catch limits dilute fishing intensity at any given time and place, thereby spreading the removal of fish over the course of the year so that regional stocks can better absorb exploitation.

I am strongly in favor of replenishing our severely depleted populations of coral reef herbivores. By eating seaweeds, these fishes keep reef surfaces clean so corals can flourish. Herbivores are the natural **lawnmowers** of the sea that can save our reefs from poor water quality, pollution, and coral bleaching, yet they must be abundant to do so. The science is clear that herbivores are depleted near human population centers because of fishing.

Importantly, herbivores are about far more than fishing and feeding people. They are the natural resilience mechanism needed for our reefs to recover and thrive. As saviors of our reefs, they are far more valuable to all the people of Hawai'i alive than as food. Healthy coral reefs protect our coasts from erosion, provide fisheries for many species (not just herbivores), and are valuable sources of recreation, tourism, and spiritual connection. Our reefs are seriously threatened by poor water quality and increasingly severe coral bleaching. Without abundant and diverse herbivores, many of our reefs are now covered in seaweeds, which quickly smother corals unless they are removed by these natural lawnmowers.

The science is clear that the present version of the Division of Aquatic Resources (DAR) proposed herbivore fishing rules is not enough to restore the critical ecological services of two important fishes: uhu (parrotfishes), which are the heavy lifters, cleaning the reef by scraping and excavating dead surfaces, and kala (unicornfish), which are the largest browsers of fleshy seaweeds on our reefs.

This issue is not about environmentalists vs. fishers; it is about the long-term perspective of those who care about the future of our valuable coral reefs vs. the short-term perspective of those who would continue to allow the depletion of our reef saviors.

As our 'āina stewards, please help save our reef systems and support restoring their natural equilibrium.

Mahalo.

Antu Harvey

From: [Kevin Weng](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] F 5. Regulating the Taking and Selling of Certain Marine Resources: MAKE STRONGER RULES
Date: Tuesday, December 5, 2023 3:51:56 PM

F 5. Regulating the Taking and Selling of Certain Marine Resources:
MAKE STRONGER RULES

There is ample evidence that herbivore fishes are important for reef ecosystem health, so the rules should go further in reducing the take on kala and uhu species. I am a fisherman and I take and eat uhu. If we want abundant fishes for future generations, we need to reduce our harvest now. Therefore we should:

- Reduce the total allowable commercial catch of uhu and kala to no more than 50% of the recent reported sales.
- Establish a commercial bag limit for uhu and kala.
- Prohibit take of blue uhu.

Kevin Weng
spearfisherman
Fish biologist
Palolo

From: [leslee.cook](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] F-5 Testimony for Herbivore Rules Package
Date: Tuesday, December 5, 2023 5:32:00 PM

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

I as a citizen here in Hawaii, I strongly support the intent to accommodate commercial allowances, however the proposed rules are not in right practice with the sustainability for future generations. The proposed rules now contradict **pono (only necessary)** fishing practices. I strongly 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 and closely document the 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. Closely observe and document the spawning season for uhu;
 9. Only allow the take of female pāpa'i kualoa **if without eggs**;
 10. Closely observe and monitor the spawning season of May-September for pāpa'i kualoa.
- We the people want those documents to be publicly recorded.

Eliminate Commercial Allowances for ANY 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.

If we need to hire more Land and Natural Resources Officers to manage these waters and harbors, then you can make that happen. The high fees for breaking these laws/rulings will pay for their salaries.

These fish are our future and we must manage them appropriately, and it is your duty to respect our resources.

Mahalo nui loa for allowing me to provide this testimony and recommendations.

Respectfully,

Leslee Cook, LMFT
Holualoa, The Big Island

From: [Janice Glennie](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] F-5 Testimony: Herbivore Rules Package
Date: Tuesday, December 5, 2023 11:14:22 AM

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

I am a 40-year resident of Kailua-kona. I support a strong, sustainable commercial fisheries. Current rules proposed to regulate them are not sufficient, however, to protect the resource.

Having discussed and researched the topic with marine experts, I support the non-commercial take of Kona Crab and managed species in this Herbivores rules package, but I 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.
11. Eliminate Commercial Allowances for Managed Species
12. 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 considering my views on this important matter.

Sincerely,
Janice Palma-Glennie

P.O. Box 4849
Kailua-Kona, Hawai'i 96745

From: [Laila Kaupu](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] F-5 Kona Crab and Herbivores Rules Testimony and Recommendations
Date: Tuesday, December 5, 2023 9:19:35 PM

Aloha Chair Chang & members of the board,

My name is Laila Kaupu. I'm a lineal descendant, konohiki apprentice, and 'ōpelu lawai'a practitioner of Miloli'i. I serve as the Outreach & Monitoring Coordinator of the Miloli'i CBSFA. My kūleana is to konohiki the natural and cultural resources that feed me, my family, and my village, and also to instill these traditional and cultural practices into the next generation. Molding them into the next generation of Konohiki of mauka to makai, the next generation of Kupuna.

Thinking ahead, can you support and confirm, that the kūleana I have inherited will not be just a thing of the past with nothing to feed the future with?

Mahalo to DAR for your steadfast efforts on this rules package but I just gatta say, following the herbivore rules package to where it is now has been a struggle to advocate for. When my continued stance for pono fishing, traditional and customary cultural practices for subsistence living whether it be mauka or makai, seems to always be at risk. Now, the risk of being commercially over-run even more than already is.

Taking the time to revise the rules package only to come back with a carve out to support commercial harvest and doing away with pono practices -spawning seasonal closures, bag limits, gear restrictions, no uhu harvest at night, etc- you allow for the highest potential depletion of these marine resources State wide. Leading to the starvation of our next generations. I feel like DAR has disregarded these suggestions and recommendations from the people, and the chair. Here I am, recommending these recommendations, where risk of backlash, and a deeper lost of trust could be on the horizon.

Of all things, commercial take shouldn't even be a thought to consider in this package, being that the stock assessments are inconclusive, for many species but in this paragraph the kala. How do you expect us to support commercial take when stock assessments be referencing “the kala stocks may not be depleted. DAR plans to re-assess kala stocks in the next year” and at the same time allow commercial allowance with no daily bag limit and no seasonal closure. Allow the time for the "re-assessment" to happen, and consider this per moku.

Commercial uhu take is also a no, no! Especially when allowing night time harvesting. You know how important they are, so I won't get too gritty. These are managed species, and specifically identified as needing to be managed and protected. Managing them to be harvested without a limit is not protecting them.

Complete the stock assessments for O'ahu, and not allow commercial take of kala and uhu until it has been assessed. This should pertain to each moku.

Commercial uhu and kala licenses should be tied to individual moku of which stock assessments have been done for.

No commercial permit holder per moku should possess more than 1 license and must have

established residency of more than 5 years and fish specifically in the waters of the moku they reside.

O'ahu with the heaviest fishing pressures of the State, is not something that other islands should be inheriting. Allowing the package through will do just that.

Prohibit commercial take of any managed species until stock assessments are completed, spawning season are determined, after which management tools are applied to establish pono allowances and procedures. If non-commercial fishers can be accommodated now, set rules appropriately that managed and protect the species. When stock assessment are completed and commercial license procedures and support is in place, then commercial allowance may be made.

I recommend the following non-commercial take of Kona Crab and managed species of Herbivores in this 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 a slot limit of 14 inches to 20 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.

Mahalo
Laila Kaupu
Outreach & Monitoring
Miloli'i CBSFA, Kalanihale

From: [Pete Wilson](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] Fines for illegal beach modifications
Date: Tuesday, December 5, 2023 10:22:32 PM

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

I support, with amendments, the proposed rule changes to better protect herbivorous fish species that play a vital role in our reef ecosystems.

By increasing size limits for kole and manini, setting more reasonable bag limits for kala (unicornfish) and uhu (parrotfish), and establishing annual commercial catch limits and additional commercial restrictions on the take of kala and uhu, these rules will help to better steward critical species that are essential building blocks of a healthy coral reef ecosystem.

I appreciate that there have been many changes made to these rules since they were originally proposed, including the removal of nenue, wana, and several surgeonfish species from potential regulation, and the removal of bag limits for kole and manini. I do respectfully ask that the board consider reinstating the original proposed bag limit of 2 for kala - a long-lived and highly sought after species that may merit stronger protections. In addition, I also ask that you consider reinstating the proposed protection of "blue" uhu or supermales, given that the taking of these individuals can have a disproportionate impact on reproductive cycles and reproduction rates of these particularly important species.

--

Pete Wilson
13-927 Kahukai Street
Pahoa HI 96778
808-557-8108

From: [Jill Mapley](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] Fish Pono Testimony
Date: Tuesday, December 5, 2023 9:38:35 PM

Dawn Chang, Chair
Hawai'i Board of Land and Natural Resources

Aloha Chair Chang and Land Board Members,

I am strongly in favor of replenishing our severely depleted populations of coral reef herbivores. By eating seaweeds, these fishes keep reef surfaces clean so corals can flourish.

Herbivores are the natural lawnmowers of the sea that can save our reefs from poor water quality, pollution, and coral bleaching, yet they must be abundant to do so. The science is clear that herbivores are depleted near human population centers because of fishing.

Importantly, herbivores are about far more than fishing and feeding people. They are the natural resilience mechanism needed for our reefs to recover and thrive. As saviors of our reefs, they are far more valuable to all the people of Hawai'i alive than as food. Healthy coral reefs protect our coasts from erosion, provide fisheries for many species (not just herbivores), and are valuable sources of recreation, tourism, and spiritual connection. Our reefs are seriously threatened by poor water quality and increasingly severe coral bleaching. Without abundant and diverse herbivores, many of our reefs are now covered in seaweeds, which quickly smother corals unless they are removed by these natural lawnmowers.

The science is clear that the present version of the Division of Aquatic Resources (DAR) proposed herbivore fishing rules is not enough to restore the critical ecological services of two important fishes: uhu (parrotfishes), which are the heavy lifters, cleaning the reef by scraping and excavating dead surfaces, and kala (unicornfish), which are the largest browsers of fleshy seaweeds on our reefs. In particular, at the very least, please:

(1) Reduce the total allowable commercial catch of uhu and kala: The DAR proposed limits are “~75% of the 5-yr. average reported sales (2017-2021).” This and prior average catches have reduced both fishes to very low levels such that they are considered depleted by the National Marine Fisheries Service. Please reduce the total allowable catch to no more than 50% of the recent reported sales.

(2) Reinstate the commercial daily bag limits for uhu and kala: Daily catch limits dilute fishing intensity at any given time and place, thereby spreading the removal of fish over the course of the year so that regional stocks can better absorb exploitation.

(3) Reinstate the blue uhu (large male parrotfish) protections: The depletion of blue uhu has caused problems in two ways. First, the harem-like uhu mating system is disrupted, thereby reducing reproduction. Second, these largest herbivores are critical for keeping dead reef surfaces clean so new coral can grow, plus each individual fish poops hundreds of pounds of sand each year.

This issue is not about environmentalists vs. fishers; it is about the long-term perspective of those who care about the future of our valuable coral reefs vs. the short-term perspective of those who would continue to allow the depletion of our reef saviors.

Mahalo,
Sydney Mapley

Sent from my iPhone

From: [Cynthia Josserand](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] Fishing Restrictions
Date: Wednesday, December 6, 2023 7:31:59 AM

I urge BLNR to place needed restrictions on fishing. Hawaii can no longer refuse to face yet another threat to the coral reefs. Is it not enough that we continue to let thousands of homes dump sewage into our ocean and let chemicals pollute it with runoff waters? Putting restrictions on overfishing is a small step in protecting our reef system.

The Board needs to ask what will happen to our State when the reefs are gone. Can we really afford to put one more solution on the back burner?

Mahalo for your consideration.

Cynthia Josserand

From: [Marcia Pasqua](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] HAR Chap 13-95
Date: Tuesday, December 5, 2023 12:13:10 PM
Attachments: [HAR Chap 13-95 Testimony.docx](#)

re: BLNR meeting of Dec. 7, 2023

Agenda Item F (Aquatic Resources) sub item #5

Proposal to amend fishing regulations for kala, kole, manini, uhu, and pāpa'i kualoa in HAR Chap 13-95, "Rules regulating the taking and selling of certain marine resources"

Dear Chair Chang and Members of the Land Board,

I have been snorkeling here in Hawai'i since the early 1980's and have witnessed the decline of our reefs first hand over the years. My family's go-to beach is Kaimana where we swim and snorkel weekly. The reef there is overgrown with algae and the numbers of herbivores have reduced significantly. I only occasionally see parrot fish or unicorn fish, both extremely important to the reef ecosystem.

The present version of the Division of Aquatic Resources (DAR) proposed herbivore fishing rules is not enough to restore the critical ecological services of the uhu (parrotfishes), which are the heavy lifters, cleaning the reef by scraping and excavating dead surfaces, and kala (unicornfish), which are the largest browsers of fleshy seaweeds on our reefs. In particular, at the very least, please:

(1) **Reduce the total allowable commercial catch of uhu and kala:** The DAR proposed limits are "~75% of the 5-yr. average reported sales (2017-2021)." This and prior average catches have reduced both fishes to very low levels such that they are considered depleted by the National Marine Fisheries Service. Please reduce the total allowable catch to no more than 50% of the recent reported sales.

(2) **Reinstate the commercial daily bag limits for uhu and kala:** Daily catch limits dilute fishing intensity at any given time and place, thereby spreading the removal of fish over the course of the year so that regional stocks can better absorb exploitation.

(3) **Reinstate the blue uhu (large male parrotfish) protections:** The depletion of blue uhu has caused problems in two ways. First, the harem-like uhu mating system is disrupted, thereby reducing reproduction. Second, these largest herbivores are critical for keeping dead reef surfaces clean so new coral can grow, plus each individual fish poops hundreds of pounds of sand each year.

Mahalo,
Marcia Pasqua

From: [James Shipman](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] Herbivore Fishing Rules
Date: Wednesday, December 6, 2023 7:30:38 AM

Dawn Chang, Chair
Hawai'i Board of Land and Natural Resources

Aloha Chair Chang and Land Board Members,

I am strongly in favor of replenishing our severely depleted populations of coral reef herbivores. By eating seaweeds, these fishes keep reef surfaces clean so corals can flourish. Herbivores are the natural lawnmowers of the sea that can save our reefs from poor water quality, pollution, and coral bleaching, yet they must be abundant to do so. The science is clear that herbivores are depleted near human population centers because of fishing.

Importantly, herbivores are about far more than fishing and feeding people. They are the natural resilience mechanism needed for our reefs to recover and thrive. As saviors of our reefs, they are far more valuable to all the people of Hawai'i alive than as food. Healthy coral reefs protect our coasts from erosion, provide fisheries for many species (not just herbivores), and are valuable sources of recreation, tourism, and spiritual connection. Our reefs are seriously threatened by poor water quality and increasingly severe coral bleaching. Without abundant and diverse herbivores, many of our reefs are now covered in seaweeds, which quickly smother corals unless they are removed by these natural lawnmowers.

The science is clear that the present version of the Division of Aquatic Resources (DAR) proposed herbivore fishing rules is not enough to restore the critical ecological services of two important fishes: uhu (parrotfishes), which are the heavy lifters, cleaning the reef by scraping and excavating dead surfaces, and kala (unicornfish), which are the largest browsers of fleshy seaweeds on our reefs. In particular, at the very least, please:

(1) **Reduce the total allowable commercial catch of uhu and kala:** The DAR proposed limits are “~75% of the 5-yr. average reported sales (2017-2021).” This and prior average catches have reduced both fishes to very low levels such that they are considered depleted by the National Marine Fisheries Service. Please reduce the total allowable catch to no more than 50% of the recent reported sales.

(2) **Reinstate the commercial daily bag limits for uhu and kala:** Daily catch limits dilute fishing intensity at any given time and place, thereby spreading the removal of fish over the course of the year so that regional stocks can better absorb exploitation.

(3) **Reinstate the blue uhu (large male parrotfish) protections:** The depletion of blue uhu has caused problems in two ways. First, the harem-like uhu mating system is disrupted, thereby reducing reproduction. Second, these largest herbivores are critical for keeping dead reef surfaces clean so new coral can grow, plus each individual fish poops hundreds of pounds of sand each year.

This issue is not about environmentalists vs. fishers; it is about the long-term perspective of

those who care about the future of our valuable coral reefs vs. the short-term perspective of those who would continue to allow the depletion of our reef saviors.

Mahalo,

James Shipman
808-753-3091

From: [Daniel S. Nakasone](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] Herbivore fishing rules
Date: Wednesday, December 6, 2023 8:25:25 AM

I encourage board members to strengthen rules on herbivore fishing. I would go as far as placing a moratorium (Kapu) on these species so they can recover.

I gave up throw netting years ago because I see little of these species and I don't want to be part of the problem.

Videos and photos on social media are accelerating the demise of these species. Divers like to show off their large catches, which encourages others to do the same. We see this with Kole quite often on YouTube.

Malama o ke Kai.

Dan Nakasone
Wahiawa, HI

From: [Pete Wilson](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] Herbivore rules
Date: Tuesday, December 5, 2023 10:20:19 PM

Agenda item: F-5

What is happening: The BLNR will consider granting final approval to a set of rule changes intended to better steward our coral reefs, by establishing greater protections for certain herbivorous surgeonfish and uhu (parrotfish).

Herbivorous fish play key roles in the health and maintenance of our reef ecosystem, particularly in “grazing” algae and limu that can smother coral or prevent coral from growing. This in turn helps to enhance our climate resilience and reduce coastal erosion, while ensuring a healthy and abundant ecosystem for fishers, cultural practitioners, ocean enthusiasts, and all who have a stake in our ecological and cultural integrity.

By increasing size limits for kole and manini, setting more reasonable bag limits for kala (unicornfish) and uhu (parrotfish), and establishing annual commercial catch limits and additional commercial restrictions on the take of kala and uhu, these rules will help to better steward essential building blocks of a healthy coral reef ecosystem. These modest proposals will also still allow fishers to harvest more than enough of the targeted species to feed their families (and maybe a neighbor or two).

There has been some concern about the final proposed draft rules not including stricter bag limits on kala, a highly sought-after and long-lived species (studies on wild fish have shown that they may attain over 50 years of age), nor a ban on the taking of “blue” uhu that can disrupt reproductive cycles and lead to diminished reproductive output.

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Pete Wilson
13-927 Kahukai Street
Pahoa HI 96778
808-557-8108

From: [donna.raupp](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] herbivorous fish
Date: Tuesday, December 5, 2023 10:36:06 AM

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

I support, with amendments, the proposed rule changes to better protect herbivorous fish species that play a vital role in our reef ecosystems.

By increasing size limits for kole and manini, setting more reasonable bag limits for kala (unicornfish) and uhu (parrotfish), and establishing annual commercial catch limits and additional commercial restrictions on the take of kala and uhu, these rules will help to better steward critical species that are essential building blocks of a healthy coral reef ecosystem.

I appreciate that there have been many changes made to these rules since they were originally proposed, including the removal of nenuue, wana, and several surgeonfish species from potential regulation, and the removal of bag limits for kole and manini. I do respectfully ask that the board consider reinstating the original proposed bag limit of 2 for kala - a long-lived and highly sought after species that may merit stronger protections. In addition, I also ask that you consider reinstating the proposed protection of "blue" uhu or supermales, given that the taking of these individuals can have a disproportionate impact on reproductive cycles and reproduction rates of these particularly important species.

Accordingly, I ask that you vote in favor of adopting these rules, with the amendments requested above. Thank you for your consideration of this important matter.

Sincerely,
Donna Raupp

From: [Brian Dunleavy](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] In favor of sustainable fisheries
Date: Tuesday, December 5, 2023 1:45:47 PM

Hi, I am writing to state that I am in favor of sustainable fisheries of marine ornamentals in Hawaii. I hope that in the near future sustainable fishing is permitted again.

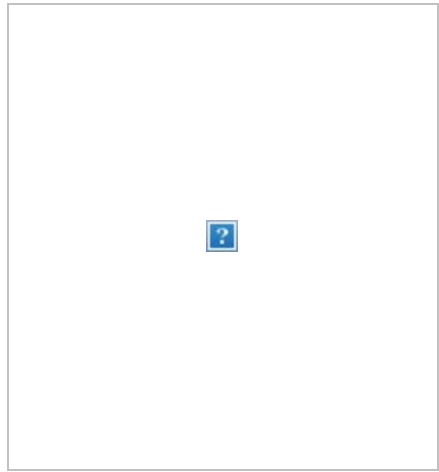
Sincerely
Brian Dunleavy

From: [Aloha Dino Hawaii](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] Opposed to DAR 5.
Date: Tuesday, December 5, 2023 9:18:33 AM

Opposed to DAR 5.

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

From: [Ted Bohlen](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] Proposed Herbivore Fishing Rules, Item 5. Request for Final Approval to Amend and Compile Chapter 13-95, Hawaii Administrative Rules, "Rules Regulating the Taking and Selling of Certain Marine Resources." [Testimony-Dec]
Date: Tuesday, December 5, 2023 7:22:06 PM



To: Board of Land and Natural Resources

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

Re: Proposed Herbivore Fishing Rules, Item 5. [Request for Final Approval to Amend and Compile Chapter 13-95, Hawaii Administrative Rules, "Rules Regulating the Taking and Selling of Certain Marine Resources." \[Testimony-Dec\]](#)

Date: December 5, 2023

Aloha Board Members:

The Hawai'i Reef and Ocean Coalition (HIROC) is a group of scientists, educators, filmmakers and environmental advocates who have been working since 2017 to protect Hawaii's coral reefs and ocean. **The Hawai'i Reef and Ocean Coalition STRONGLY SUPPORTS adoption of rules that provide increased protection of herbivores in Hawai'i.**

Tighter rules on herbivore takes are not just a fishing issue. To assist in future coral survival, it is essential that the State amend its herbivore rules now!

Hawai'i's coastline, recreation-based economy, beaches, and lifestyle all depend on healthy coral reefs. But, our coral reefs face a grim future with a warmer and more acidic ocean and land-based pollution including nutrients that fertilize macro algae seaweeds that choke the reefs. We need to protect our fragile coral reefs now so they have a chance of surviving the coming

stresses by, among other things, ensuring abundant and diverse stocks of herbivores, which clean the reefs by consuming seaweeds. As noted in an article recently published in Nature, **mitigating both local land and sea-based human impacts, especially in terms of pollutants and over-fishing, provides coral reef ecosystems with the best opportunity to persist under climate change.** ^[1]

Herbivore populations are extremely depleted on Oahu. Direct undersea surveys of herbivore populations have been performed across all moku of the main Hawaiian islands and Papahānaumokuākea. ^[2] Herbivore species targeted for fishing here are far below their potential abundance levels as compared to Papahānaumokuākea and other unfished locations.

More complete and accurate data would likely improve the analyses and more data should be gathered. But, in the absence of more complete data, the DAR should **follow the precautionary principle**, which the Hawai‘i Supreme Court has recognized as an inherent attribute of the Public Trust Doctrine, especially given the risks of herbivore depletion to coral and other aquatic public trust resources. ^[3] The Board should prioritize natural and cultural resources over commercial activity that impairs those resources.

While the Hawai‘i Reef and Ocean Coalition supports the adoption of tighter rules on herbivore takes, there are a few modifications that should be made to the proposed rules.

1. In particular, the commercial annual catch limit (ACL) for uhu (parrot fishes) is too high (34,000 lbs. for initial phase Redlip Parrotfish). To allow recovery of stocks of this critical reef-cleaner before annual coral bleaching occurs (projected to be by 2040 ^[4]), the **commercial catch limits for parrot fish should be reduced by at least 50%. The same applies to kala.**
2. The rules should restrict takes by all categories, but should **focus more on commercial and recreational takes, rather than subsistence fishing.**
3. The rules should be place-based, including **community-based subsistence fishing areas.**

Mahalo for your service and for taking action to protect our herbivores and our reefs,

Hawai‘i Reef and Ocean Coalition (by Ted Bohlen from Manoa, Oahu)

[1] Jamison M. Gove, Gareth J. Williams, Joey Lecky, Eric Brown, Eric Conklin, Chelsie Counsell, Gerald Davis, Mary K. Donovan, Kim Falinski, Lindsey Kramer, Kelly Kozar, Ning Li, Jeffrey A. Maynard, Amanda McCutcheon, Sheila A. McKenna, Brian J. Neilson, Aryan Safaie, Christopher Teague, Robert Whittier, Gregory P. Asner. **“Coral reefs benefit from reduced land–sea impacts under ocean warming.”** *Nature*, 2023; DOI: [10.1038/s41586-023-06394-w](https://doi.org/10.1038/s41586-023-06394-w)

[2] Edwards et al. 2014, **“Global assessment of the status of coral reef herbivorous fishes: evidence for fishing effects”**; Friedlander et al. 2018, **“Human induced gradients of reef fish declines in the Hawaiian Archipelago viewed through the lens of traditional management boundaries”**; Gorospe et al. 2018, **“Local biomass baselines and the recovery potential for Hawaiian coral reef fish communities”**; Stamoulis et al. 2018, **“Seascape models reveal places to focus coastal fisheries management.”**

[3] Gonzales-Laxe 2005, **“The precautionary principle in fisheries management.”**

[4] van Hooijdonk et al 2016 supplement, **“Local-scale projections of coral reef futures and implications of the Paris Agreement.”**

From: [C. Wilcox](#)
To: [DLNR.BLNR.Testimony](#)
Cc: [Doug Harper](#)
Subject: [EXTERNAL] Proposed Herbivore Fishing Rules
Date: Tuesday, December 5, 2023 12:41:55 PM

Testimony on Proposed Rules...Certain Marine Resources DLNR Agenda Item F5, Dec 8, 2023

To: Chair Dawn Chang and Members of the BLNR
From: Carol Wilcox
Date: Dec 5, 2023

Aloha BLNR,
Thank you for the opportunity to testify.

These Rules as originally written would have provided some protection to Hawaii's herbivores in an effort to save our reefs from being overrun with algae. The Rules have since been watered down to address the concerns of commercial fishing interests. The revised rules will not provide the reef protection intended.

I urge the BLNR to reinstate earlier language regarding blue uhu protections, the commercial daily bag limits, and the reduction of total allowable commercial catch of uhu and kala. In the future, if we really want our marine resources to endure, the BLNR might want to consider 1. Fishing licenses 2. No-take areas and 3. Limits on squid fishing.

Again, thank you for the opportunity to testify, and for your public service.

From: [Kimberly Jeffries](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] Regulating Taking and Selling of Certain Marine Resources (F 5): Replenishing Herbivore Populations (F 5)
Date: Tuesday, December 5, 2023 3:42:40 PM

I strongly advocate for the replenishment of our severely depleted populations of coral reef herbivores, specifically addressing the Division of Aquatic Resources (DAR) proposed herbivore fishing rules (F 5). These species play a vital role in maintaining reef surfaces, promoting coral growth, and combating water quality issues.

****Stronger rules are needed to reduce the take on kala and uhu species for the benefit of future generations. I propose:****

1. ****Reduce Total Allowable Commercial Catch (F 5):**** The DAR proposed limits, "~75% of the 5-yr. average reported sales (2017-2021)," have led to depletion. Please reduce the total allowable catch to no more than 25% of recent reported sales.
2. ****Reinstate Commercial Daily Bag Limits (F 5):**** Reinstating daily catch limits would spread the removal of fish throughout the year, allowing regional stocks to better absorb exploitation.
3. ****Reinstate Blue Uhu Protections (F 5):**** The depletion of blue uhu disrupts the harem-like mating system and hampers the crucial role of these large herbivores in maintaining reef cleanliness and facilitating coral growth. I propose prohibiting the take of Blue Uhu until positive results are observed.

These measures are crucial not only to preserve the health of our reefs but also to ensure the sustainability of marine resources for future generations.

This issue transcends environmentalists vs. fishers; it is about the long-term protection of those who care about the future of our valuable coral reefs vs. the short-term perspective of those who would continue to allow the unsustainable depletion of our most valuable resources.

Preserving the health of the reef for future generations is our Kuleana.

From: [Steven Williams](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] testimony F5
Date: Wednesday, December 6, 2023 7:39:30 AM

Testimony for agenda item F-5

Testimony:

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

I support, with amendments, the proposed rule changes to better protect herbivorous fish species that play a vital role in our reef ecosystems.

By increasing size limits for kole and manini, setting more reasonable bag limits for kala (unicornfish) and uhu (parrotfish), and establishing annual commercial catch limits and additional commercial restrictions on the take of kala and uhu, these rules will help to better steward critical species that are essential building blocks of a healthy coral reef ecosystem.

I appreciate that there have been many changes made to these rules since they were originally proposed, including the removal of nenua, wana, and several surgeonfish species from potential regulation, and the removal of bag limits for kole and manini. I do respectfully ask that the board consider reinstating the original proposed bag limit of 2 for kala - a long-lived and highly sought after species that may merit stronger protections. In addition, I also ask that you consider reinstating the proposed protection of "blue" uhu or supermales, given that the taking of these individuals can have a disproportionate impact on reproductive cycles and reproduction rates of these particularly important species.

[Optional personal message]

Accordingly, I ask that you vote in favor of adopting these rules, with the amendments requested above. Thank you for your consideration of this important matter.

Sincerely,
[Steven Williams](#)

From: [Greg Puppione](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] Testimony for agenda item F-5
Date: Tuesday, December 5, 2023 10:11:43 PM

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

I support, with amendments, the proposed rule changes to better protect herbivorous fish species that play a vital role in our reef ecosystems.

By increasing size limits for kole and manini, setting more reasonable bag limits for kala (unicornfish) and uhu (parrotfish), and establishing annual commercial catch limits and additional commercial restrictions on the take of kala and uhu, these rules will help to better steward critical species that are essential building blocks of a healthy coral reef ecosystem.

I appreciate that there have been many changes made to these rules since they were originally proposed, including the removal of nenue, wana, and several surgeonfish species from potential regulation, and the removal of bag limits for kole and manini. I do respectfully ask that the board consider reinstating the original proposed bag limit of 2 for kala - a long-lived and highly sought after species that may merit stronger protections. In addition, I also ask that you consider reinstating the proposed protection of "blue" uhu or supermales, given that the taking of these individuals can have a disproportionate impact on reproductive cycles and reproduction rates of these particularly important species.

Accordingly, I ask that you vote in favor of adopting these rules, with the amendments requested above. Thank you for your consideration of this important matter.

Sincerely,
Greg Puppione
Honolulu, HI

From: [Bobbie Best](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] Testimony for agenda item F-5
Date: Tuesday, December 5, 2023 10:06:13 AM

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

I support, with amendments, the proposed rule changes to better protect herbivorous fish species that play a vital role in our reef ecosystems.

By increasing size limits for kole and manini, setting more reasonable bag limits for kala (unicornfish) and uhu (parrotfish), and establishing annual commercial catch limits and additional commercial restrictions on the take of kala and uhu, these rules will help to better steward critical species that are essential building blocks of a healthy coral reef ecosystem.

I appreciate that there have been many changes made to these rules since they were originally proposed, including the removal of nenuue, wana, and several surgeonfish species from potential regulation, and the removal of bag limits for kole and manini. I do respectfully ask that the board consider reinstating the original proposed bag limit of 2 for kala - a long-lived and highly sought after species that may merit stronger protections. In addition, I also ask that you consider reinstating the proposed protection of "blue" uhu or supermales, given that the taking of these individuals can have a disproportionate impact on reproductive cycles and reproduction rates of these particularly important species.

I live near the beach and see how important the reefs are. I'm involved in more than half a dozen environmental groups at this crucial time. I ask that you vote in favor of adopting these rules, with the amendments requested above. Mahalo for your consideration of this important matter.

Bobbie Best
280 Hauoli
Wailuku

From: [nan harter](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] Testimony for agenda item F-5
Date: Wednesday, December 6, 2023 5:41:51 AM

Testimony for agenda item F-5

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

I support, with amendments, the proposed rule changes to better protect herbivorous fish species that play a vital role in our reef ecosystems.

By increasing size limits for kole and manini, setting more reasonable bag limits for kala (unicornfish) and uhu (parrotfish), and establishing annual commercial catch limits and additional commercial restrictions on the take of kala and uhu, these rules will help to better steward critical species that are essential building blocks of a healthy coral reef ecosystem.

I appreciate that there have been many changes made to these rules since they were originally proposed, including the removal of nenuue, wana, and several surgeonfish species from potential regulation, and the removal of bag limits for kole and manini. I do respectfully ask that the board consider reinstating the original proposed bag limit of 2 for kala - a long-lived and highly sought after species that may merit stronger protections. In addition, I also ask that you consider reinstating the proposed protection of "blue" uhu or supermales, given that the taking of these individuals can have a disproportionate impact on reproductive cycles and reproduction rates of these particularly important species.

As a lifetime Maui resident and someone who spends hours in the ocean everyday, I have seen a large decline in our fish populations. Please establish strong limits for fish taken from our waters by commercial and private fishing to protect our vulnerable resources.

Accordingly, I ask that you vote in favor of adopting these rules, with the amendments requested above. Thank you for your consideration of this important matter.

Sincerely,
Nancy Harter

From: [Arnie Kotler](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] Testimony for agenda item F-5
Date: Tuesday, December 5, 2023 3:38:32 PM

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

I support, with amendments, the proposed rule changes to better protect herbivorous fish species that play a vital role in our reef ecosystems.

By increasing size limits for kole and manini, setting more reasonable bag limits for kala (unicornfish) and uhu (parrotfish), and establishing annual commercial catch limits and additional commercial restrictions on the take of kala and uhu, these rules will help to better steward critical species that are essential building blocks of a healthy coral reef ecosystem.

I appreciate that there have been many changes made to these rules since they were originally proposed, including the removal of nenue, wana, and several surgeonfish species from potential regulation, and the removal of bag limits for kole and manini. I do respectfully ask that the board consider reinstating the original proposed bag limit of 2 for kala - a long-lived and highly sought after species that may merit stronger protections. In addition, I also ask that you consider reinstating the proposed protection of "blue" uhu or supermales, given that the taking of these individuals can have a disproportionate impact on reproductive cycles and reproduction rates of these particularly important species.

Accordingly, I ask that you vote in favor of adopting these rules, with the amendments requested above. Thank you for your consideration of this important matter.

Sincerely,
Arnold Kotler
Kihei, Maui

From: [Marilyn Mick](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] Testimony for agenda item F-5
Date: Tuesday, December 5, 2023 2:30:22 PM

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

I support, with amendments, the proposed rule changes to better protect herbivorous fish species that play a vital role in our reef ecosystems.

By increasing size limits for kole and manini, setting more reasonable bag limits for kala (unicornfish) and uhu (parrotfish), and establishing annual commercial catch limits and additional commercial restrictions on the take of kala and uhu, these rules will help to better steward critical species that are essential building blocks of a healthy coral reef ecosystem.

I appreciate that there have been many changes made to these rules since they were originally proposed, including the removal of nenu, wana, and several surgeonfish species from potential regulation, and the removal of bag limits for kole and manini. I do respectfully ask that the board consider reinstating the original proposed bag limit of 2 for kala - a long-lived and highly sought after species that may merit stronger protections. In addition, I also ask that you consider reinstating the proposed protection of "blue" uhu or supermales, given that the taking of these individuals can have a disproportionate impact on reproductive cycles and reproduction rates of these particularly important species.

Accordingly, I ask that you vote in favor of adopting these rules, with the amendments requested above. Thank you for your consideration of this important matter.

Aloha, Marilyn Mick , Honolulu

From: [Local I'a](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] Testimony for Rules on herbivorous fish species
Date: Tuesday, December 5, 2023 8:14:10 PM

Aloha Chair Chang and Board members,

Our reefs depend on Uhu and other fish species that eat algae. The algae is becoming more abundant at an exceedingly fast rate and covering up the coral that dies as a result. Please consider regulating the taking of fish species that are known to eat algae because they are needed to protect our reefs. Unfortunately carnivorous Ta'ape are also contributing to the decline of the herbivorous fish populations because they eat these fish when they are small. As a sustainable fish business we encourage people to eat Taape and for fishers to catch them. We choose to never sell Uhu because the customer is not aware that most are caught at night when the fish is not moving and 'sleeping' in a mucous bubble. We feel Uhu should not be bought or sold at all, but as much regulation as can be done will help. I have been a marine biologist for many years and a fishmonger in Hawaii for 7 years.

Mahalo for your time and consideration

Ashley Watts

Local I'a Community Supported Fishery

Sent from my iPhone

From: [Marva Chun](#)
To: [DLNR.BLNR.Testimony](#)
Cc: [Marva Chun](#)
Subject: [EXTERNAL] Testimony to preserve our ocean
Date: Tuesday, December 5, 2023 4:15:42 PM

Subject line: Testimony for agenda item F-1

Testimony:

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

I kindly urge the board to approve the final adoption of the Ocean Stewardship Fee rules. With millions of people visiting and enjoying our ocean waters every year, when implemented, this fee will help generate much needed funds to support Hawai'i's marine conservation and protection, and importantly the Department of Land and Natural Resources' work.

I'm in the water almost every day, surfing, kayaking, swimming, and walking the beaches.

Our nearshore waters are a key foundation of Hawai'i's environment, culture, climate resiliency, and economy and deserve proper management to ensure our island's health for generations to come.

Thank you for this opportunity to testify on this important matter.

Sincerely,

Marva Chun

Aquarium fish collection petition

Agenda item: F-3

What is happening: Community groups including Kalanihale, KUPA Friends of Ho'okena Beach Park, Moana 'Ohana, Ko'olaupoko Hawaiian Civic Club, and For the Fishes, have petitioned the Department of Land and Natural Resources to establish rules prohibiting the taking of marine life for commercial aquarium purposes.

The commercial take of marine life for the aquarium market has been a

concern of Kānaka Maoli subsistence communities, ecologists, recreational fishers, and reef enthusiasts for decades. However, the DLNR has been unable to properly manage this industry, with O‘ahu rules that are not about environmental protection but to reduce waste, and West Hawai‘i Island rules that were continually violated until a recent lawsuit invalidated all commercial aquarium collection permits, albeit temporarily. These community groups have finally said that enough is enough, and that a commercial aquarium collection ban is the only way to prevent this industry from further impacting our coral reefs.

Reef fish are essential components of a healthy nearshore ecosystem. They help to maintain the coral reefs that protect our shorelines from rising seas and coastal erosion; are a critical component of traditional fishing practices; have cultural and spiritual significance; and are a precious resource for residents and visitors alike. Commercial aquarium collection, driven by the immense profit to be made by selling certain reef fish - such as kole and lau‘ipalā, herbivores that are critical to coral reef health - may have a disproportionate impact on reef biodiversity and ecological function, yet has not been properly managed in spite of decades of concern. As our economy rebuilds, the temptation to see our reef fish as nothing more than swimming dollar bills will only entice more and more companies to enter the trade - even further impacting our ecological integrity, cultural practices, food security, and climate resilience.

Community groups across the islands have long fought to stop the take of marine life for commercial aquarium purposes. This is your opportunity to support these groups and help protect our precious life sustaining coral reefs for generations to come!

Testimony:

Email: blnr.testimony@hawaii.gov

Subject line: Testimony for agenda item F-3

Testimony:

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

I kindly urge you to reject the staff recommendation, and approve the petition submitted by Kalanihale, KUPA Friends of Ho‘okena Beach Park, Moana ‘Ohana, Ko‘olaupoko Hawaiian Civic Club, and For the Fishes to

enact the administrative rulemaking process to prohibit the take of marine life for commercial aquarium purposes.

Reef fish are essential components of a healthy near-shore ecosystem including the coral reefs that protect our shorelines from degradation by rising seas and coastal erosion, and are a critical component of traditional fishing practices, have cultural and spiritual significance, and are a precious resource for residents and visitors alike.

Commercial aquarium collection, driven by the immense profit to be made by selling certain reef fish - such as kole and lau'ipalā, herbivores critical to coral reef health - may have a disproportionate impact on reef biodiversity and ecological function, yet has not been properly managed in spite of decades of concern. As our economy rebuilds, the temptation to see our reef fish as nothing more than swimming dollar bills will only entice more and more companies to enter the trade - even further impacting our ecological integrity, cultural practices, food security, and climate resilience.

I stand with the Kānaka Maoli and other community groups calling for a ban on commercial aquarium collection and urge you to do the same.

Thank you for your consideration of this important matter.

Sincerely,
Marva Chun

Herbivore rules

Agenda item: F-5

What is happening: The BLNR will consider granting final approval to a set of rule changes intended to better steward our coral reefs, by establishing greater protections for certain herbivorous surgeonfish and uhu (parrotfish).

Herbivorous fish play key roles in the health and maintenance of our reef ecosystem, particularly in “grazing” algae and limu that can smother coral or prevent coral from growing. This in turn helps to enhance our climate resilience and reduce coastal erosion, while ensuring a healthy and abundant ecosystem for fishers, cultural practitioners, ocean enthusiasts, and all who have a stake in our ecological and cultural integrity.

By increasing size limits for kole and manini, setting more reasonable bag limits for kala (unicornfish) and uhu (parrotfish), and establishing annual commercial catch limits and additional commercial restrictions on the take of kala and uhu, these rules will help to better steward essential building blocks of a healthy coral reef ecosystem. These modest proposals will also still allow fishers to harvest more than enough of the targeted species to feed their families (and maybe a neighbor or two).

There has been some concern about the final proposed draft rules not including stricter bag limits on kala, a highly sought-after and long-lived species (studies on wild fish have shown that they may attain over 50 years of age), nor a ban on the taking of “blue” uhu that can disrupt reproductive cycles and lead to diminished reproductive output.

Testimony:

Email: blnr.testimony@hawaii.gov

Subject line: Testimony for agenda item F-5

Testimony:

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

I support, with amendments, the proposed rule changes to better protect herbivorous fish species that play a vital role in our reef ecosystems.

By increasing size limits for kole and manini, setting more reasonable bag limits for kala (unicornfish) and uhu (parrotfish), and establishing annual commercial catch limits and additional commercial restrictions on the take of kala and uhu, these rules will help to better steward critical species that are essential building blocks of a healthy coral reef ecosystem.

I appreciate that there have been many changes made to these rules since they were originally proposed, including the removal of nenu, wana, and several surgeonfish species from potential regulation, and the removal of bag limits for kole and manini. I do respectfully ask that the board consider reinstating the original proposed bag limit of 2 for kala - a long-lived and highly sought after species that may merit stronger protections. In addition, I also ask that you consider reinstating the proposed protection of “blue” uhu or supermales, given that the taking of these individuals can have a

disproportionate impact on reproductive cycles and reproduction rates of these particularly important species.

Accordingly, I ask that you vote in favor of adopting these rules, with the amendments requested above. Thank you for your consideration of this important matter.

Sincerely,
Marva Chun

Fines for illegal beach modifications

Agenda items: K-1 and K-5

Position: Support proposed fines and penalties

What's happening (from our friends at Surfrider O'ahu): The Board of Land and Natural Resources will be evaluating recommendations from the Office of Conservation and Coastal Lands to bring fines and penalties against homeowners who have ignored notices of violation and expired temporary permits. Although Hawai'i has a strong policy against shoreline hardening, it is only in more recent years that OCCL has taken a stronger stance in ensuring that private property owners are held accountable for their actions. One of the homeowners on the agenda is Joshua VanEmmerik who laid rebar and poured concrete on the public beach in the fall of 2022. [Read more from Surfrider O'ahu here.](#)

From: [Sarah Severino](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] Written Testimony for Chapter 13-95: Rules Regulating the Taking and Selling of Certain Marine Resources
Date: Tuesday, December 5, 2023 12:12:33 PM
Attachments: [CORAL Logo Horiz Color RGB.png](#)

Dawn Chang, Chair
Hawai'i Board of Land and Natural Resources

Aloha Chair Chang and Land Board Members,

I am strongly in favor of replenishing our severely depleted populations of coral reef herbivores. By eating seaweeds, these fishes keep reef surfaces clean so corals can flourish. Herbivores are the natural lawnmowers of the sea that can save our reefs from poor water quality, pollution, and coral bleaching, yet they must be abundant to do so. The science is clear that herbivores are depleted near human population centers because of fishing.

Importantly, herbivores are about far more than fishing and feeding people. They are the natural resilience mechanism needed for our reefs to recover and thrive. As saviors of our reefs, they are far more valuable to all the people of Hawai'i alive than as food. Healthy coral reefs protect our coasts from erosion, provide fisheries for many species (not just herbivores), and are valuable sources of recreation, tourism, and spiritual connection. Our reefs are seriously threatened by poor water quality and increasingly severe coral bleaching. Without abundant and diverse herbivores, many of our reefs are now covered in seaweeds, which quickly smother corals unless they are removed by these natural lawnmowers.

The science is clear that the present version of the Division of Aquatic Resources (DAR) proposed herbivore fishing rules is not enough to restore the critical ecological services of two important fishes: uhu (parrotfishes), which are the heavy lifters, cleaning the reef by scraping and excavating dead surfaces, and kala (unicornfish), which are the largest browsers of fleshy seaweeds on our reefs. In particular, at the very least, please:

(1) Reduce the total allowable commercial catch of uhu and kala: The DAR proposed limits are “~75% of the 5-yr. average reported sales (2017-2021).” This and prior average catches have reduced both fishes to very low levels such that they are considered depleted by the National Marine Fisheries Service. Please reduce the total allowable catch to no more than 50% of the recent reported sales.

(2) Reinstate the commercial daily bag limits for uhu and kala: Daily catch limits dilute fishing intensity at any given time and place, thereby spreading the removal of fish over the course of the year so that regional stocks can better absorb exploitation.

(3) Reinstate the blue uhu (large male parrotfish) protections: The depletion of blue uhu has caused problems in two ways. First, the harem-like uhu mating system is disrupted, thereby reducing reproduction. Second, these largest herbivores are

critical for keeping dead reef surfaces clean so new coral can grow, plus each individual fish poops hundreds of pounds of sand each year.

This issue is not about environmentalists vs. fishers; it is about the long-term perspective of those who care about the future of our valuable coral reefs vs. the short-term perspective of those who would continue to allow the depletion of our reef savors.

Mahalo,

--

Sarah Severino
Maui Nui Research Program Coordinator

Coral Reef Alliance

1441 Kapiolani Blvd, Suite 1114
PMB 29802
Honolulu, HI 96814-4402
(808) 425 0616



Stay up-to-date with our recent [news from the reef](#).

Aloha,

I am submitting testimony in favor of more protective measures for our reef fish for discussion under **Agenda Item F-5: Set Pono Rules for Herbivores (Reef Fish)**.

Our lands and waters of Hawai'i remain illegally occupied by the U.S. The rights and interests of the Hawaiian Kingdom have not been relinquished. The harm that has and continues to occur are a product of this continued illegal occupation. The highest interest, honestly, for our oceans (and our lands) would be the return of our ahupua'a mountain out to sea traditional management system. This means reinstating fishing boundaries, placing konohiki who know the resource best and are guided by values that foster life, foresight, and flourishing, enhancing fish stocks through traditional feeding practices, implementing rotational/seasonal kapu, binding users to district where they are in turn required to care for the places that feed them, banning commercial fishing and more.

More and more communities have and are fully capable of managing their fisheries.

Some of the biggest challenges are actually: State and Federal agencies, the regulations these agencies create which are actually harmful, the lack of enforcement, oversight, power hoarding, and understanding of the places and resources they have "jurisdiction" for (to name a few of the issues). Many communities are wanting to manage their oceans to allow them to become rich again and instead have to deal with the State and or Federal government who denies them this right or allows so through never ending procedural hearings, meetings, and votes. Again, these are agencies who are responsible for managing these lands, waters, and oceans for the *best interest of the resource*. I cannot understand, why the delay? What is best for the resource is best for the people, period (not the other way around). It is so much easier to get a permit and regulation passed in favor of irreversibly damaging a resource, rather than protect it, how come?

Our lands, waters, and oceans need stewardship by those who are able to nurture its health and those of the people. Right now, there's an imbalance that has been tipping the scale for far too long. Our oceans are suffering, fish populations are diminishing, corals dying off, favorable limu blooms diminishing, nursery grounds open to takes when they should be closed, folks fishing during breeding seasons, growing number of boats accessing our fisheries, etc. Meanwhile, more and more fishers who come to take, do not center reciprocity in their practice, are ignorant of the health of the places they fish are allowed to enter, take, and possess fish from areas they do not care for. When you take care of a place you learn the life of the system and have greater regard and understanding for the complex system of life that governs the sea and gives life to humans.

The ask for a Pono Rules for Herbivores leads us in a direction of fostering life. It is one that aligns with a greater call for reinstating pono to our lands and waters.

In particular, at the very least:

- (1) Reduce the total allowable commercial catch of uhu and kala to no more than 50%;**
- (2) Reinststate the commercial daily bag limits for uhu and kala and;**
- (3) Reinststate the blue uhu (large male parrotfish) protections.**

Ke Aloha 'Āina,

Loke Aloua

December 5, 2023

Hawai'i Board of Land and Natural Resources
December 7, 2023, 9:15 AM
Kalanimoku Building, 1151 Punchbowl St., Room 132

Via email: blnr.testimony@hawaii.gov

Re: Qualified support for Agenda Item F-5, "Request for Final Approval to Amend and Compile Chapter 13-95, Hawaii Administrative Rules, 'Rules Regulating the Taking and Selling of Certain Marine Resources.'"

Aloha Chair Chang and Land Board Members,

We appreciate DAR's commitment to restoring Hawai'i's algae-eating reef fishes (herbivores), as these fish are critical to our environment, economy, security, and communities. However, we believe the proposed rules are *insufficient* to safeguard the fish themselves and, therefore, to safeguard their many other contributions.

As marine scientists, we have studied Hawai'i's reef fish populations and coral reefs for decades. In this time, we have documented the severe depletion of herbivore populations across the islands and the significant impact this depletion of herbivores has had on our reefs.

Herbivores are a critical part of the coral reef ecosystem, while also being important fisheries. They are as essential to Hawai'i's reefs as pollinators are to our forests. Herbivores play a unique and vital role in fostering coral growth, grazing algae that otherwise smothers and kills corals. The role of herbivores has long been well established in the scientific literature (e.g., Hixon. 2015), so there is high confidence that this role must be protected. Herbivore fishing rules must recognize and conserve this reciprocal relationship, while balancing the importance of the fisheries for subsistence and livelihoods. If they do not, we risk the loss of both coral reefs and all the food fish that depend on them.

Herbivore populations have declined and are hovering at dangerously low levels in many of our most important places. Based on over 20-thousand scientific surveys of reef fish populations across all moku of the main Hawaiian Islands, it has been documented that herbivores are extremely depleted around O'ahu and parts of Maui and Hawai'i, and are at low abundance elsewhere in the main Hawaiian Islands, with the exception of Kaho'olawe, Ni'ihau and other relatively unpopulated moku (Donovan et al. 2023). O'ahu's herbivore populations are less than 5% of abundance compared to unfished locations across Hawai'i, and even after accounting for variation due to other factors such as land-based pollution, biomass is less than 50% of potential (unfished) biomass. At these low abundances, herbivore populations are in crisis, alongside other targeted species (Friedlander et al. 2018, Gorospe et al. 2018, Stamoulis et al. 2018). New fishing rules must not only slow or halt declines, but substantially support their replenishment.

The evidence is clear, much of the decline is the result of overfishing, and fishing-driven reductions have compromised reef health. Multiple studies demonstrate two clear patterns: 1) populations of herbivores targeted by fishers decline with increasing human populations; and 2) there is no

equivalent decline for species that are not targeted by fishers (Williams et al. 2008, Friedlander et al. 2018). These findings indicate that fishing is the primary driver behind the declines, as land-based pollution would affect all fishes, not just those targeted for consumption. Donovan et al. (2023) took into account other sources that drive herbivore populations (e.g., waves, depth, habitat, pollution) and revealed that in many places, especially where herbivore abundance is low, the fishing-driven reductions have led to less healthy reefs. While reducing land-based pollution is essential for preserving and restoring the resilience of Hawai'i's reefs, effective fishing rules must also be part of the solution.

Reefs with more herbivores are healthier and more resilient to disturbances. Recent high-profile studies from Hawai'i (Gove et al. 2023) and globally (Donovan et al. 2021) have shown unequivocally that reefs with more herbivores are healthier and more resilient to disturbances, including to coral bleaching events, which are caused by climate-driven marine heatwaves and expected to occur more frequently and more severely in the coming years (van Hooidonk et al. 2016). Already, as a result of a 2015 marine heatwave, Hawai'i has lost up to 50% of its live coral cover in some places (Kramer et al. 2016). High abundance and diversity of herbivores can help coral reefs recover from bleaching by keeping algae in check and space open for new coral growth. If we hope to mitigate the loss of live coral and subsequent spikes of algae growth caused by future bleaching events, we must begin increasing herbivore populations immediately, as experience from coral reefs around the world indicates that it can take decades for reef fish populations to recover from intensive exploitation (MacNeil et al. 2015).

The commercial exemptions for uhu and kala will further deplete species that are already overfished and hovering at dangerously low levels. The proposed bag limits and exemptions for commercial take will ensure a continued decline of uhu and kala populations, which are already at perilously low levels. The rules as submitted are based on maintaining the status quo, and evidence cited above shows that the status quo has resulted in depleted fisheries and degraded reefs. Further, much of commercial activity is focused in the areas that are in the most trouble (O'ahu, parts of Maui), and these locations cannot withstand further population declines. Uhu and kala in particular require more conservative management as they fulfill specialized niches in maintaining reef health. Uhu do the heavy lifting when it comes to scraping algae off dead reef surfaces, and kala are major browsers of larger fleshy algae. Without rules that support sufficient uhu and kala populations, algae will continue to take over the living reef building corals that provide the architectural structure that all reef species need to thrive.

Herbivore rules that do not focus on reef health imperil Hawai'i's economy and security. Coral reefs underpin Hawai'i's tourism industry and coastal security, providing jobs and protecting coastlines from erosion and flooding. A 2018 U.S. Army Corps of Engineers study calculated the value of Hawai'i's ocean-based economy and shoreline resources at upwards of \$9 billion annually (USACE 2018). Sandy beaches and the reefs that protect them are central to this economy. Reefs also serve as valuable natural infrastructure, providing our first line of defense against wave-driven coastal erosion and flooding by diminishing up to 97% of wave energy (cite). A 2019 U.S. Geological Survey study estimated that Hawai'i's reefs help to avoid direct flood damages worth \$344 million to buildings and indirect damages of \$492 million to economic activity annually (Storlazzi et al. 2019). Additionally, uhu are among the primary producers of the sand that naturally replenishes our beaches, with a large uhu producing hundreds of pounds of sand annually (Ong and Holland 2010). The continued exploitation of herbivores puts reefs and our ocean-based economy at risk, and the loss of reefs puts coastal property owners and infrastructure at increased risk of flooding and erosion. New fishing rules should consider the weight of this tradeoff and support reef health and the interests of our larger community with the appropriate scale it deserves when considering the interests of commercial reef fishers.

To help build reef resilience and fishery populations, we ask that the BLNR:

- **Reduce total allowable commercial catch to no more than 50% of recent reported sales** and assess the sustainability of these levels as soon as possible and adjust if needed.
- **Reinstate the blue uhu (large male parrotfish) protections** to prevent loss of our largest herbivores and further disruption to reproduction of prime spawners, the large, sexually mature fish that produce the most offspring.
- **Reinstate the noncommercial limit on take of kala to two per person per day**, a more conservative limit that has a greater chance of allowing recovery while the stock is being re-assessed. These are very long-lived fish so the assumption that they are sensitive to overfishing is well founded.
- **Reinstate the commercial daily bag limits** so regional stocks can better absorb harvest with reduced localized depletion.

While we recognize and sympathize that these changes may impact the livelihoods of a few, it is necessary to weigh these costs with the much larger and more widespread costs of losing our reefs, which will affect every person and business in Hawai'i. Therefore, we must do what is necessary to protect the coral reefs and associated natural resources, held in public trust, that underpin Hawai'i's economy and security for current and future generations.

As recent experiences have shown, we are not adequately prepared to withstand the impacts of climate-driven extreme events, and we do not have the luxury of time to prepare for events already at our doorstep. It is imperative that we take appropriate action now to prevent further losses.

Mahalo,

Greg Asner, Ph.D.

Keisha Bahr, Ph.D.

Charles Birkeland, Ph.D.

John H.R. Buns, Ph.D.

Anne Chung, Ph.D.

Richard R. Coleman, Ph.D.

Eric Conklin, Ph.D.

Mary Donovan, Ph.D.

Dani Escontrela, Ph.D. Candidate

Kim Falinski, Ph.D.

Alan Friedlander, Ph.D.

Mark Hixon, Ph.D.

Cynthia Hunter, Ph.D.

Matthew Iacchei, Ph.D.

Jacob L. Johansen, Ph.D.

Elizabeth M.P. Madin, Ph.D.

Robin Martin, Ph.D.

Orion McCarthy, Ph.D. Candidate

Sheila A. McKenna, Ph.D.

Lisa C. McManus, Ph.D.

Kirsten L.L. Oleson, Ph.D.

Glauco Antonio Puig-Santana

Ku'u'lei S. Rogers, Ph.D.

Rodney V. Salm, PhD

Jennifer Smith, Ph.D.

Robert J. Toonen, Ph.D.

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HUI HO'OMALU I KA 'AINA
ADVOCATES FOR NATIVE KNOWLEDGE

December 5, 2023

Hawaii Board of Land and Natural Resources

Testimony Item: F-5

DAR request for final approval to amend and compile Chapter 13-95, HAR, "Rules Regulating the Taking and Selling of Certain Marine Resources".

Aloha members,

Hui Ho'omalulu i ka Aina is makaala regarding the marine resources of our islands as they feed and provide cultural resources for our very existences.

These proposed rules are **substantially different** from the ones we have previously reviewed and commented upon. We request deferral of this item until it has been publicly vetted.

The changes in these proposals reflect the commercial take of our resources and we must have an opportunity to participate in their consideration, which we did not.

Further, in order to obtain specific information on the DAR process and any data used to develop these proposals, it is necessary to file a UIPA.

This process is backwards from pono practice and established procedures. We support adaptive management but the "other way around", **data first, rules next, adapt when data changes**.

These rules are life to us, not a business and not taken lightly.

Mahalo for considering our testimony in the context we offer it, the traditional and cultural practitioners of Hawaii.

Me ka pono,

Makaala Kaaumoana

Vice Chair

Hui Ho'omalulu i ka 'Aina is a taro root organization founded in the early 1980's by traditional practitioners of moku Halele'a to address threats and impacts to the natural and cultural resources of Kaua'i. Founded by farmers and fishermen, weavers and hunters, we seek to provide context for issues related to the ecology of our ahupua'a. The organization is an active advocate for those native things and ways that are disappearing. We are not a nonprofit, we are an activist organization. We do not whine and wait, we act.



December 5th

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

My name is Maki Morinoue, and I am representing HULI PAC, an organization seeking legislative leaders grounded in Hawaiian values to steer Hawai'i toward a regenerative and restorative future. I am a fourth-generation kama'aina of Hōlualoa. After observing all the changes occurring during my lifetime and listening to our kupunas, I see a pattern in our Hawai'i leadership. After listening to many community members who advocate and protect the balance of our ecosystem, I support the intent to accommodate commercial allowances; however, the proposed rules now contradict the Hierarchy of Uses Principle and pono fishing practices.

I recommend the following non-commercial take of Kona Crab and managed species in this Herbivores rules package and **STRONGLY OPPOSING** 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 seasons are determined, and management tools are utilized to establish pono allowances and procedures.

Mahalo for allowing me to provide this testimony and recommendations for revitalizing our reef fish species.

Maki Morinoue
HULI PAC, Chair
Hōlualoa, Hawai'i Island



December 5, 2023

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

Re: Testimony and Recommendations for F-5 Request for Final Approval to Amend and Compile Chapter 13-95, Hawaii 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) firmly believes in protecting and properly managing herbivore populations on our reefs. Ka'ūpulehu has a rich history detailing the importance of herbivorous surgeonfish across many generations.

Analysis of middens in Ka'ūpulehu show surgeonfish as the most consumed fish family for traditional subsistence going as far back as 1235 ([Morrison and Reith 2018](#)). More recently, a 2014 creel survey also shows surgeonfish as one of the most commonly fished for group in Ka'ūpulehu ([Koike et al. 2014](#)).

In response to decades of overfishing in Ka'ūpulehu, in 2016 KMLAC instituted an all species rest area with the creation of the Ka'ūpulehu Marine Reserve (§13-60.4-5(d)(1)). We have since seen a 310% increase in surgeonfish biomass within the Ka'ūpulehu Marine Reserve.

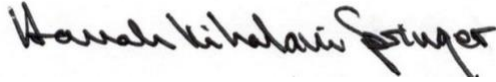
KMLAC values informed decision-making and relies on the best available science to guide our management and rulemaking. KMLAC opposes commercial carveouts for herbivores, particularly those with incomplete stock assessments. We recommend DAR finishes working with NOAA to accurately update stock assessments of target herbivore species before considering, let alone codifying, commercial carveouts.

It remains our intention to encourage and work with other communities across the pae'āina to similarly protect and manage their waters to provide a sustainable resource for their tables, recreational enjoyment, and spiritual enrichment. KMLAC is supportive of the intent of herbivore rules, but does not support the currently written proposal that has been substantially weakened.

We recommend prioritizing protection and proper management over commercial interests by amending these rules to remove commercial carveouts for uhu and kala, and having one single daily bag limit for

each species that is equal for all fishers. We also recommend reinstating spawning closures for uhu and kala, and to reinstate prohibitions for take of blue uhu (uhu uliuli and uhu 'ele'ele). With these changes the herbivore rules will actually be more likely to achieve their intent of protecting and promoting herbivore populations on our reefs.

'O mākou nō me ka 'oia'i'o,



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



Kaikea Nakachi,

Dawn Chang, Chair
Hawai'i Board of Land and Natural Resources

Aloha Chair Chang and Land Board Members,

I support Hawai'i, Native Hawaiians, residents, and our communities moving forward in a positive direction. I believe that we need to keep the coral reefs healthy so that our waters can thrive and remain healing water.

According to SurfWater.org (<https://www.surfrider.org/news/protecting-clean-water-public-health-in-hawaii>) here is an excerpt, "In **Hawai'i**, life revolves around the **water**. As the Hawai'ian proverb says - Ola i ka wai. **Water** is life. Our communities are dependent upon the ocean not only for recreation, but also celebrations, gatherings, sustenance, and cultural practices. Clean, ocean water is therefore not simply important - it is a necessity.

Unfortunately, increasing development pressures over the last 150 years has resulted in declining water quality across the state. Outdated and failing wastewater infrastructure are major contributors to water pollution. Over 53 million gallons of partially treated sewage leach out of Hawaii's approximate 88,000 cesspools every day, contaminating our drinking and recreational waters and damaging our coral reef ecosystems."

I am strongly in favor of replenishing our severely depleted populations of coral reef herbivores. By eating seaweeds, these fishes keep reef surfaces clean so corals can flourish. Herbivores are the natural lawnmowers of the sea that can save our reefs from poor water quality, pollution, and coral bleaching, yet they must be abundant to do so. The science is clear that herbivores are depleted near human population centers because of fishing.

Importantly, herbivores are about far more than fishing and feeding people. They are the natural resilience mechanism needed for our reefs to recover and thrive. As saviors of our reefs, they are far more valuable to all the people of Hawai'i alive than as food. Healthy coral reefs protect our coasts from erosion, provide fisheries for many species (not just herbivores), and are valuable sources of recreation, tourism, and spiritual connection. Our reefs are seriously threatened by poor water quality and increasingly severe coral bleaching. Without abundant and diverse herbivores, many of our reefs are now covered in seaweeds, which quickly smother corals unless they are removed by these natural lawnmowers.

The science is clear that the present version of the Division of Aquatic Resources (DAR) proposed herbivore fishing rules is not enough to restore the critical ecological services of two important fishes: uhu (parrotfishes), which are the heavy lifters, cleaning the reef by scraping and excavating dead surfaces, and kala (unicornfish), which are the largest browsers of fleshy seaweeds on our reefs. ***At the very least, please:***

(1) **Reduce the total allowable commercial catch of uhu and kala:** The DAR proposed limits are “~75% of the 5-yr. average reported sales (2017-2021).” This and prior average catches have reduced both fishes to very low levels such that they are considered depleted by the National Marine Fisheries Service. Please reduce the total allowable catch to no more than 50% of the recent reported sales.

(2) **Reinstate the commercial daily bag limits for uhu and kala:** Daily catch limits dilute fishing intensity at any given time and place, thereby spreading the removal of fish over the course of the year so that regional stocks can better absorb exploitation.

(3) **Reinstate the blue uhu (large male parrotfish) protections:** The depletion of blue uhu has caused problems in two ways. First, the harem-like uhu mating system is disrupted, thereby reducing reproduction. Second, these largest herbivores are critical for keeping dead reef surfaces clean so new coral can grow, plus each individual fish poops hundreds of pounds of sand each year.

This issue is not about environmentalists vs. fishers; it is about the long-term perspective of those who care about the future of our valuable coral reefs vs. the short-term perspective of those who would continue to allow the depletion of our reef saviors.

Let me know if there is anything that I can do to help. I would be happy to volunteer to help in whatever way that I can.

Mahalo,

Deborah King
300 Wai Nani Way Apt 2311
Honolulu, HI 96815
808-369-6370



Hawai'i Wildlife Fund

PO Box 1801, Kealahou HI 96750 (Hawai'i) & PO Box 790637, Paia HI 96779 (Maui)

Celebrating 27+ years of protecting Hawai'i's native wildlife
through research, education and conservation.

06 December 2023

Board of Land and Natural Resources (BLNR)
P.O. Box 621
Honolulu, HI 96809

Re: Support for three BLNR Agenda Items pertaining to the Division of Aquatic Resources:

- F1: "Ocean Stewardship User Fee"
- F2-A: "Molokini Shoal Marine Life Conservation District, Maui"
- F5: "Rules Regulating the Taking and Selling of Certain Marine Resources."

Dear Chair Chang and members of the Board of Land and Natural Resources,

On behalf of Hawai'i Wildlife Fund (HWF), we are writing in **SUPPORT** of Agenda Items **F1** (Request for Final Approval to Adopt a New Chapter Under Hawai'i Administrative Rules as Title 13, Chapter 13-78, "**Ocean Stewardship User Fee**"), **F2-A** (Request for Final Approval to Adopt Proposed Amendments to and Compilation of Hawai'i Administrative Rules Chapters 13-31, "**Molokini Shoal Marine Life Conservation District, Maui**"), and **F5** (Request for Final Approval to Amend and Compile Chapter 13-95, Hawai'i Administrative Rules, "**Rules Regulating the Taking and Selling of Certain Marine Resources**").

Founded in 1996, Hawai'i Wildlife Fund (HWF) is a small nonprofit organization dedicated to the conservation of Hawai'i's native wildlife. We engage and inspire our communities through education, outreach, marine debris removal, conservation, habitat restoration, research, and advocacy campaigns to keep Hawai'i alive and wild.

Pertaining to Agenda Item **F1** ("Ocean Stewardship User Fee"), HWF is excited to see the concept of a marine user fee come into fruition and we **support** the clarification of commercial operator requirements and due dates to help facilitate smooth implementation. We request that the distribution of funds generated from these user fees are applied directly to local marine conservation efforts, with funding and support provided to proactive conservation projects conducted by non-profit organizations and community groups. We are looking forward to a gradual increase of this fee, based on the findings of the "Willingness to Pay" survey of visitors completed collaboratively by HWF and other NGOs in 2001.

Pertaining to Agenda Item **F2-A** ("Molokini Shoal Marine Life Conservation District, Maui"), HWF **supports** the rules amendments requiring a Molokini MLCD Use Permit for commercial activities, prohibiting anchoring within the MLCD, and clarifying the Permit Fee schedule. We believe that these

updated rules will help minimize preventable coral and marine resource damage in this delicate area. Similar to the Ocean Stewardship User Fee, we request that the distribution of funds generated from the Molokini MLCD Permit fees are applied directly to local conservation efforts conducted by non-government organizations and other partners.

Pertaining to Agenda Item **F5**, “Rules Regulating the Taking and Selling of Certain Marine Resources,” HWF **supports** the Final Approval for the rule amendments, intended to enhance populations of coral reef grazers, including manini, kole, kala and uhu. Coral reef grazers are a critical part of coral reef ecosystems in Hawai‘i, as they create space for coral regrowth and new coral settlement through their consumption of algal competitors. Since the severe loss of coral cover due to warm seasonal sea temperatures and coral bleaching in some areas of the state in 2015, 2016, and 2019, HWF appreciates the work of DLNR to develop a Coral Bleaching Recovery Plan and new rules to promote coral reef resiliency into the future. Enhanced protection of herbivorous fish and invertebrates was listed as a key strategy in this document, and HWF agrees that the proposed rules can help improve coral reef resiliency into the future. Additional recommended strategies for improved coral reef resiliency include pollution reduction, water quality improvements, invasive species prevention, and the development of coral restoration techniques. We hope to see additional rule interventions and amendments to support these other strategies in the future.

Mahalo for your consideration of these important new rules and rule amendments.

Me ka mahalo pumehana,

Hannah Bernard | HWF Co-founder & Executive Director (hannah@wildhawaii.org)

Megan Lamson, M. Sc. | HWF President & Program Director (megan@wildhawaii.org) &

Lindsey Kramer, M. Sc. | HWF Coral Reef and Resources Specialist (lindsey@wildhawaii.org),



December 5, 2023

ATTN: Hawai'i Department of Land & Natural Resources
Board of Land and Natural Resources
1151 Punchbowl Street, Boardroom
Honolulu, Hawai'i 96813
Submitted via Email: BLNR.testimony@hawaii.gov

SUBJECT: Comments on Agenda Item F-5: Request for Final Approval to Amend and Compile Chapter 13-95, Hawai'i Administrative Rules, "Rules Regulating the Taking and Selling of Certain Marine Resources," BLNR Meeting December 7-8, 2023, 9:00 a.m.

Aloha pumehana kākou:

Kua'āina Ulu 'Auamo ([KUA](#)) submits this letter in response to the Hawai'i Department of Land and Natural Resources (DLNR), Board of Land and Natural Resources (BLNR)'s request for public comments regarding updates to Hawai'i Administrative Rules (HAR) Chapter 13-95 (hereinafter "Herbivore Rules"). **Due to the various differing viewpoints within our KUA community, we are not taking a position on this rules package, but offer general COMMENTS on the proposal that are reflective (but not exhaustive) of some of the mana'o (perspectives) shared with us from community members.**

"Kua'āina Ulu 'Auamo" stands for "grassroots growing through shared responsibility," and our acronym "KUA" means "backbone." Our mission is to connect and empower communities to improve their quality of life through the collective care for their biocultural (natural and cultural) heritage, serving as a "backbone organization" that supports creative and community-driven solutions to problems stemming from environmental degradation. Hawai'i's biocultural resources continue to be negatively impacted by political, economic, and social changes, and the increasing dangers of climate change make fostering and empowering resilient communities acutely critical.

KUA works to increase our communities' resiliency, adaptation, and transformation through community-based biocultural (natural and cultural) resource management, currently supporting three major networks of: (1) almost 40 mālama 'āina (caring for our 'āina or "that which feeds") community groups collectively referred to as E Alu Pū (moving forward together); (2) over 60 loko i'a (fishpond aquaculture systems unique to Hawai'i) and wai 'ōpae (anchialine pool systems) sites in varying stages of restoration and development, with numerous caretakers, stakeholders, and volunteers known as the Hui Mālama Loko I'a ("caretakers of fishponds"); and (3) the Limu Hui made up of over 50 loea (traditional experts) and practitioners in all things "limu" or locally-grown "seaweed." Our shared vision is to once again experience what our



kūpuna (ancestors) referred to as **‘āina momona** – abundant and healthy ecological systems that sustain our community resilience and well-being. As part of our founding network, E Alu Pū, we facilitate a working group on community fishery management called the Lawai‘a Pono Hui (LPH). Much of the themes expressed in this comment letter were taken from LPH discussions.

The fish species included in these Herbivore Rules are extremely important not only for the health of our coral reefs, but also culturally to Native Hawaiian and local fishers alike. For example, the **uhu** is one of the most beloved i‘a in Native Hawaiian culture, with all of the various phases given their own names, and legends of supernatural uhu such as Uhumāka‘ika‘i, raised by the lawai‘a Puniakaia. Similarly, the **kala** is a celebrated i‘a in Hawai‘i, known for its distinct pungent odor, and taking on the fragrance of the limu that it eats, particularly in Keahi, Kailua, and Waikīkī, O‘ahu areas. According to the mo‘olelo of Lonoikamakahiki, the kala is considered a favored and sacred i‘a. The **manini** is likewise a punahele (favorite) fish of Hawai‘i, loved by both maka‘āinana and ali‘i. Mary Kawena Puku‘i wrote of manini being so abundant in her birthplace of Ka‘ū that it was caught and dried in the millions during the kauwela (summer) months, and preserved for year round enjoyment. (See *Generally, Native Use of Fish in Hawaii*, 1972). **Considering the significance of these i‘a to our people, KUA appreciates DAR’s efforts for this rulemaking, especially with recent studies showing that herbivore populations in parts of Hawai‘i are extremely depleted, at less than 5% of potential healthy populations.**

Below are some specific mana‘o from our network community members, shared with us since the Herbivore Rules have been updated and submitted for Final Approval:

- 1. Network members support the adoption of the originally-proposed meaningful commercial restrictions for uhu and kala, at least until place-based rules can be established.** After discussions with DAR leadership and staff, network members expressed appreciation for their intent to tailor rules *in the future* based on community-specific place, data, and needs. And they appreciate the rules allowing for additional restrictions on commercial take of uhu and kala pursuant to the adaptive management authority under HRS § 187A-5(b). However, they feel that the updated proposed commercial rules for uhu and kala are not enough to protect the drastically depleted populations from commercial interests, especially with no bag limits or any spawning restrictions. DAR’s reasoning for less commercial restrictions is that it leaves room for future island/placed-based rules. However, given the current state of governance, **new island/placed-based rules for herbivores would likely take another decade or more to formalize**. KUA Network members found the originally proposed commercial rules for uhu and kala already very generous to commercial fishers, and at least offered *some* protections from overfishing that the amended rules clearly *do not*.



Indeed, **the significant changes to the updated commercial rules for uhu and kala left some questioning whether these sections of the proposed rules were changed *too much* since the public hearings. Some felt this could trigger the commercial carve-outs to begin the whole Chapter 91 rulemaking process again to allow for fair and informed public input.** Network members feel the Board should consider that commercial fishers are largely not the stewards of our precious marine life, and the urgent need for commercial restrictions on our precious aquatic resources continues to be a huge concern for our Native Hawaiian and subsistence lawai'a. DAR's mission taken from its website is "...to manage, conserve and restore the state's unique aquatic resources and ecosystems for present and future generations." Yet the substantial commercial carve-outs in this final submittal left many in our networks wondering "**How does continuing essentially no commercial restrictions for the overfished status-quo of our herbivore populations support DAR's mission 'to manage, conserve and restore the state's unique aquatic resources and ecosystems for present and future generations'?**" Clearly, *commercial operators are heavily favored in comparison to non-commercial fishers*, including our subsistence lawai'a that are protected under Article XII, Section 7 of the Hawai'i State Constitution.

2. **KUA strongly applauds DLNR and DOCARE for their recent efforts to increase capacity of DOCARE**, and especially appreciates the recent 41 graduates from the DOCARE Academy who have already made strong and positive impacts in communities across Hawai'i. Mahalo nui loa and we hope that these proposed rules and any other new rules will be met with increased capacity for DOCARE enforcement.
3. As Chairperson Chang has emphasized in several board meetings and the recent Flores-Case 'Ohana decision make clear, **DLNR and DAR are responsible for conducting the Ka Pa'akai analysis, for this and other board actions**. In the future, meaningfully and thoughtfully conducting this analysis *prior* to the public hearing process would likely aid in more community support and understanding of these rules and other actions. Although KUA is very grateful to see a partial analysis in this final submittal; we do not see the analysis as applied to the significant discrepancies in commercial versus noncommercial restrictions, and **how the lack of meaningful commercial restrictions will affect the ability of Native Hawaiian lawai'a to continue their practices with little to no herbivore populations remaining after unfettered commercial take?** As expressed above, KUA members are also very disappointed by the removal of commercial spawning season restrictions.



Mahalo nui loa to the Board for considering our testimony and the other valuable testimonies of respected scientists and subsistence community lawai'a. **Lastly, we stress the importance of direct and meaningful collaboration with communities and placing strong focus and attention on the voices of subsistence fishers who wish to work with our state to further the values embodied in our constitution.**

Mahalo nui loa for considering our testimony.

Pūpūkahi i holomua e ho'okanaka!
Let us all unite to better the human condition!

'O ke aloha 'āina no nā kau ā kau,

Kevin K.J. Chang
Executive Director

Olan Leimomi Fisher
Kua'āina Advocate



December 5, 2023

To: Hawai'i Department of Land & Natural Resources Board of Land and Natural Resources 1151 Punchbowl Street, Boardroom Honolulu, Hawai'i 96813 Submitted via Email: BLNR.testimony@hawaii.gov

Re: RECOMMENDATION TO RESCOPE Agenda Item F-5: Request for Final Approval to Amend and Compile Chapter 13-95, Hawai'i Administrative Rules, "Rules Regulating the Taking and Selling of Certain Marine Resources," BLNR Meeting December 7-8, 2023, 9:00 a.m.

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

Mālama 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 better protect our finite and precious resources here in Hawai'i.

In August when the amendments to Chapter 13-95 were proposed, MPW supported, with reservations, the commercial allotment of kala and uhu. While we felt that limiting these fish seasonally to commercial take of 10,000 lbs. (kala) and 34,000 lbs. (uhu), setting bag limits, designating no take during spawning, and disallowing the take of blue uhu was an improvement compared to current commercial take, we felt the abundance of herbivorous fish on the reef is critical to a healthy and resilient marine ecosystem and limiting subsistence fishers while allowing substantial commercial take is therefore not in the best interest of the coral reef ecosystem. At the same time, we supported the non-commercial rules as they were proposed.

Since then, however, the rules before you for final approval are not the same rules that were presented to the public. The proposed rules pertaining to commercial take of kala and uhu were cut out significantly to the point that they no longer reflect rules that we support. For this reason, we regret to have to oppose the request for final approval to amend Hawaii Administrative Rules (HAR) chapter 13-95 and make a RECOMMENDATION TO RESCOPE so that the community has a chance to weigh in on the drastic changes made to much-needed commercial regulations.

Mahalo for the opportunity to provide testimony.

Jenny Yagodich

Jenny Yagodich
Director of Educational Programs &
Makai Watch Coordinator

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

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www.pupukeawaimea.org

December 4, 2023

Re: F-5 Kona Crab and Herbivores Rules Testimony and Recommendations

Aloha Chair Chang and Board Members,

I am U'ilani Naipo, Miloli'i CBSFA Administrator. On behalf of my community, I manage partner relations as it relates to our CBSFA – with the State, NGOs, researchers, etc. I also represent and align Miloli'i with neighboring communities in Kapalilua and in West Hawai'i, to collectively work on stewarding our communities.

Mahalo to Brian and the DAR team for their hard work for the request you made to them last year, working this rules package. Many of us have followed and participated in scoping, briefings, and public hearings. We struggled to remain calm to the rationale and outcome of this latest proposal.

The task to carve out for commercial allowance resulted in negotiating out many common pono fishing practices, that which stems from traditional and customary subsistence fishing practices – spawning season closure, daily bag limit, no harvest of uhu at night.

Negotiated into this rules package for commercial allowance are rules that remove sufficient protection for kala and uhu. These are managed species, and specifically identified as needing to be managed and protected.

Another aspect of looking at this carve out for this commercial fishery is that you must consider one, the impact to the fish stock itself and two, the impact to the marine ecosystems they are being harvested from. We can not go by a stock assessment reference of “the kala stocks may not be depleted. DAR plans to re-assess kala stocks in the next year” and at the same time allow commercial allowance with no daily bag limit and no seasonal closure.

A healthy ecosystem allows for a carve out for a fishery - albeit for commercial or subsistence. The fishery must be measured for its impact to the entire ecosystem. When statewide rules (as oppose to moku-based rules) are implemented there should be sufficient tools in place to support the fishery that

constantly measures impact to the overall fishery. This fishery for this commercial take of these managed species does not have updated and complete stock assessments, particularly for O‘ahu where it has the greatest harvest pressure for kala and uhu.

I strongly suggest we update and complete stock assessments (for O‘ahu first), and not allow commercial allowance for kala and uhu until then. Commercial uhu and kala licenses (as these are managed species), should be tied to moku of which stock assessments have been completed for. No moku-based commercial permit holder should possess more than 1 license and must have established residency and fish in waters of that moku. O‘ahu appears to have the heaviest fishing pressure for kala and uhu of which the other islands should not worry of inheriting.

Managed species should be prohibited from commercial take unless stock assessment and spawning period are identified, per moku. Non-commercial (if necessarily) rules should be set first, at least 1 or 2 year prior before considering commercial allowance. This would reveal if non-commercial rules are sufficient for subsistence fishers, and as well identify the fishing pressure for the species, and stock assessments are in place before considering ACL to be set for commercial allowance. This may be a huge burden on DAR, however we are now experiencing the complexity of trying to do a commercial carve out without the data and tools to manage it. Much time and effort is being made by haphazardly combine different fisheries when they could co-exist if conditions to manage both exist. This is now pitting non-commercial fishers against commercial fishers, and a few of us are willing to say – let’s side for the herbivores! If non-commercial fishers can be accommodated now, set rules appropriately that managed and protect the species. When stock assessments are completed and commercial license procedures and support is in place, commercial allowance may be made.

I recommend the following non-commercial take of Kona Crab and managed species of Herbivores in this 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 pāpā'i kualoa without eggs;
10. Observe the close spawning season of May-September for pāpā'i kualoa.

Eliminate Commercial Allowances for Managed Species

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

Aloha,



U'ilani Naipo

Board of Land and Natural Resources
Department of Aquatic Resources
1151 Punchbowl St., Room 330
Honolulu, Hawai'i 96813

Date: December 5, 2023

Re: Testimony for Agenda item F.5 Request for Final Approval to Amend and Compile Chapter 13-95, Hawaii Administrative Rules, "Rules Regulating the Taking and Selling of Certain Marine Resources."

Aloha my name is Kaikea Nakachi from Moku 'o Keawe and I do not support the amendments to the herbivore rules as currently written. DAR does a wonderful job in their recommendation explaining why we need to protect herbivores. Unfortunately, all of the changes made since the May meeting have weakened the rules and reversed protections to where they are now ineffective and no longer uphold the original intent of the rules.

I supported scientists, community members, practitioners, and subsistence and recreational fishermen in the originally proposed herbivore moratorium in 2015 after Hawai'i experienced unprecedented bleaching. I once again supported scientists, community members, practitioners, and subsistence and recreational fishermen when this herbivore rule package was proposed in December of last year. We rallied in May of this year to remove the counterintuitive and dangerous exemption for AQ collectors for kole. And we are rallying again, against the egregious changes made since then that have seriously undermined everything the rules were designed to accomplish.

Here we are again at the end of 2023, soon to be 2024. Nearly a decade after the first proposed herbivore moratorium and we have NOTHING to show for it. Every year we put off protections for herbivores is another year commercial fishermen have their way with a public trust resource at the expense of the resource and its resilience, at the expense of cultural practices, and at the expense of every other fishermen (subsistence and recreational). We CANNOT allow another year of inaction. Every year we get one year closer to the next bleaching event, the next climate-change driven storm, all the while continuing to overfish our herbivores. We need protections NOW and we need them to be meaningful, intentional, data-driven, and culturally appropriate. As currently written they are not and they will FAIL to protect herbivores and we will have wasted a decade we could have been protecting fish and building their resilience.

We cannot allow a permit system that will essential become a payment to the state of Hawai'i to overfish and circumvent important protections. We cannot allow commercial carve outs to be made from incomplete stock assessments. We cannot allow a rule to be made by DLNR that is unenforceable. There is not enough oversight or capacity to ensure ACLs are properly abided by. By creating commercial carve outs the state is elevating a commercial activity above other stake holders, above cultural practices, and above their own responsibility to the resource. As currently written, this rule package goes against the mission of DLNR and should be put back again to public hearings and be amended to align with the communities needs and DLNR's own mission.

In order for the herbivore rules to adequately accomplish protections I recommend the following:

Remove commercial permit and ACLs and keep the singular daily bag limit of two per fisher per day for kala and uhu, respectively, to be equal for all fishers.

Reinstate “Prohibiting the take of any uhu ‘ele‘ele or uhu uliuli” [§13-95-16(a) in the May 2023 proposal] to protect blue uhu.

As currently written, the rule package would require Ka Pa‘akai Analysis, since the rules would allow those who pay for a commercial permit to fish more than subsistence fishers practicing their Native Hawaiian gathering rights. That commercial activity would absolutely impact the customary practice of mālama and subsistence fishing. If the above recommendations are implemented it would allow equal participation by all fishers continued customary practices of subsistence fishing on an acceptable and fair daily bag limit, while actively applying the customary practice of mālama that is vital to the successful implementation of rules to protect herbivores.

I advise the board to consider the success of community-led management that elevates Native Hawaiian knowledge and practices in place-based rules that effectively manage herbivores and other resources. I advocate for us all to support community-based fishery management that is proven to be more successful than the state acting by itself. I believe the state and western management has much to learn from the Hawaiian knowledge-holders in our communities, and would steer DAR to follow the community’s lead in managing their resources.

I humbly urge the board to commit to rules that actually protect herbivores and implement the changes I have recommended above. While deferring for another round of public outreach allows more time for commercial fishers to fish unchecked, it would be worth it to make these necessary improvements to the rules. If passed as currently written we will not adequately protect herbivores and we will have allowed a small minority of fishers to have undue influence on rule making.

Me ka ha‘aha‘a (humbly) and with great aloha,
Kaikea Nakachi

Testimony for December 8, 2023
Division of Aquatic Resources Proposed Herbivore Fishing Rules Hearing

Dec. 5, 2023

Dawn Chang, Chair
Hawai'i Board of Land and Natural Resources

Aloha Chair Chang and Land Board Members,

I am strongly in favor of replenishing our severely depleted populations of coral reef herbivores. By eating seaweeds, these fishes keep reef surfaces clean so corals can flourish. Herbivores are the natural lawnmowers of the sea that can save our reefs from poor water quality, pollution, and coral bleaching, yet they must be abundant to do so. The science is clear that herbivores are depleted near human population centers because of fishing.

Importantly, herbivores are about far more than fishing and feeding people. They are the natural resilience mechanism needed for our reefs to recover and thrive. As saviors of our reefs, they are far more valuable to all the people of Hawai'i alive than as food. Healthy coral reefs protect our coasts from erosion, provide fisheries for many species (not just herbivores), and are valuable sources of recreation, tourism, and spiritual connection. Our reefs are seriously threatened by poor water quality and increasingly severe coral bleaching. Without abundant and diverse herbivores, many of our reefs are now covered in seaweeds, which quickly smother corals unless they are removed by these natural lawnmowers.

The science is clear that the present version of the Division of Aquatic Resources (DAR) proposed herbivore fishing rules is not enough to restore the critical ecological services of two important fishes: uhu (parrotfishes), which are the heavy lifters, cleaning the reef by scraping and excavating dead surfaces, and kala (unicornfish), which are the largest browsers of fleshy seaweeds on our reefs. In particular, at the very least, please:

(1) Reduce the total allowable commercial catch of uhu and kala: The DAR proposed limits are “~75% of the 5-yr. average reported sales (2017-2021).” This and prior average catches have reduced both fishes to very low levels such that they are considered depleted by the National Marine Fisheries Service. Please reduce the total allowable catch to no more than 50% of the recent reported sales.

(2) Reinstate the commercial daily bag limits for uhu and kala: Daily catch limits dilute fishing intensity at any given time and place, thereby spreading the removal of fish over the course of the year so that regional stocks can better absorb exploitation.

(3) Reinstate the blue uhu (large male parrotfish) protections: The depletion of blue uhu has caused problems in two ways. First, the harem-like uhu mating system is disrupted, thereby reducing reproduction. Second, these largest herbivores are critical for keeping dead reef surfaces clean so new coral can grow, plus each individual fish poops hundreds of pounds of sand each year.

This issue is not about environmentalists vs. fishers; it is about the long-term perspective of those who care about the future of our valuable coral reefs vs. the short-term perspective of those who would continue to allow the depletion of our reef saviors.

Mahalo,



Sherri Rigg
E: riggcomm@gmail.com

**Board of Land and Natural Resources
Department of Aquatic Resources
1151 Punchbowl St., Room 330
Honolulu, Hawai'i 96813**

Date: December 6, 2023

Re: Testimony for F-5 Request for Final Approval to Amend and Compile Chapter 13-95, Hawaii Administrative Rules, "Rules Regulating the Taking and Selling of Certain Marine Resources."

I'm Angel Seery residing in Kailua-Kona on the island of Hawai'i. I fully support the petition to establish rules for regulating the taking and selling of herbivore species in Hawai'i.

As an avid diver and snorkeler of the area, I have come to be completely enthralled with life on West Hawai'i's reefs. Watching manini "march" to foraging grounds are some of my most cherished encounters underwater. Not only are they beautiful, but the herbivores of the reef ecosystem help protect coral during times of stress. Because of these meaningful roles, I am driven to speak on the behalf of the tropical fish of Hawai'i.

Hawai'i's herbivores are not only important in reef maintenance but, culturally significant as well. By allowing commercial harvest of these fish, you not only endanger the reef itself but, the cultural significance that Hawai'i cherishes. Not only are our fish needed on the reef more than ever with the ever present threat of coral bleaching, but the methods and motives of commercial harvest do not align with Hawaiian values. The greed of few should not cause suffering to the many that rely on the reef ecosystem.

Again I ask that you vote in favor of the rule package to further protect bio-culturally significant species in Hawaiian waters, thus preserving the unique and rich resources and bringing forth conservation leadership for the coral ecosystems.

Mahalo,
Angel Seery

December 6, 2023

To: The Board of Land and Natural Resources, State of Hawaii
From: Mike Sur
Subj: TESTIMONY IN **SUPPORT** OF PROPOSED RULES ON HARVEST OF
MANINI, KOLE, KALA, UHU, AND PAPAI KUALOA (December 7-8
2023 Meeting)

Chair Chang, Members of the Land Board:

I fully **support approval** of the proposed rules relating to the take of specified herbivores and kona crab.

I am a middle aged "local boy" and have fished in the state throughout my lifetime. I have been involved in fishing matters at the local, state, and federal level for more than 20 years.

I participated in the two Land Board hearings addressing the harvest of specified herbivores and kona crab as well as participated in the Oahu public scoping session on the matter.

The proposed rules before the Board indicate that DLNR has heeded the concerns of stakeholders.

Thank you for the opportunity to testify.

Sincerely,



Mike Sur

**Testimony of The Nature Conservancy
In Support, With Amendments, of Agenda Item F-5, "Request for Final Approval to
Amend and Compile Chapter 13-95, Hawaii Administrative Rules, 'Rules Regulating the
Taking and Selling of Certain Marine Resources.'"**

**Hawai'i Board of Land and Natural Resources
December 7, 2023, 9:15 AM
Kalanimoku Building, 1151 Punchbowl St., Room 132**

Aloha Chair Chang and Board Members:

The Nature Conservancy (TNC), Hawai'i and Palmyra supports the Hawai'i Division of Aquatic Resources' (DAR) proposal to refine statewide rules governing fishing for critical herbivorous fishes, with amendments as described below, to better ensure the long-term sustainability of these fisheries and the reefs that rely on them.

We support the intent of the proposed rules; however, we are concerned that they have been substantially weakened since first introduced to the Board of Land and Natural Resources in December 2022, and going out to public hearing in May 2023. We believe that the rules currently being proposed are *insufficient* to recover our most depleted herbivore populations and, therefore, to safeguarding our reefs, culture, economy, and coastlines.

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 billion¹ 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 year², with healthy coral reefs reducing up to 97% of the wave energy reaching our coastlines³, protecting important coastal properties, roads, and resources such as beaches, fishponds, and estuaries. Research has also shown that nearshore

¹ Storlazzi, C.D., Reguero, B.G., Cole, A.D., Lowe, E., Shope, J.B., Gibbs, A.E., Nickel, B.A., McCall, R.T., van Dongeren, A.R., Beck, M.W., 2019, Rigorously valuing the role of U.S. coral reefs in coastal hazard risk reduction: [U.S. Geological Survey Open-File Report 2019-1027](#).

USACE, 2018, Hawaiian Islands National Shoreline Management Study. Alexandria, VA Available at: <https://usace.contentdm.oclc.org/digital/collection/p16021coll2/id/2963/>.

² Storlazzi, C.D., Reguero, B.G., Cole, A.D., Lowe, E., Shope, J.B., Gibbs, A.E., Nickel, B.A., McCall, R.T., van Dongeren, A.R., Beck, M.W., 2019, Rigorously valuing the role of U.S. coral reefs in coastal hazard risk reduction: [U.S. Geological Survey Open-File Report 2019-1027](#).

³ Ferrario, F., Beck, M.W., Storlazzi, C.D., Micheli, F., Shepard, C.C., and Airolidi, L., 2014, The effectiveness of coral reefs for coastal hazard risk reduction and adaptation: Nature Communications, vol. 5, 3794

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fisheries can produce as many as seven million meals for Hawai'i families each year, valued at over \$10 million annually⁴.

But Hawai'i reefs and the benefits they provide for our communities are threatened by a combination of stressors, such as unsustainable harvest of herbivorous fishes that help keep reefs healthy, land-based pollutants that stimulate algae growth, direct damage from storms and ship groundings, 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%⁵ in recent decades and, following the state's first mass coral bleaching event in 2015, some reefs experienced up to 90% coral mortality⁶. The best available projections of ocean warming indicate that reefs in Hawai'i may start bleaching every year within the next decade⁷.

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 fisheries⁸. 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 populations⁹. Recent research in Hawai'i has reinforced this finding, with a

⁴ Grafeld S, Oleson KLL, Teneva L, Kittinger JN (2017) Follow that fish: Uncovering the hidden blue economy in coral reef fisheries. *PLoS ONE* 12(8): e0182104. <https://doi.org/10.1371/journal.pone.0182104>

⁵ Minton, D., E. Conklin, P. Weiant and C. Wiggins, 2012, 40 Years of Decline on Puakō's Coral Reefs: A review of Historical and Current Data (1970-2010). TNC Technical report prepared for the National Fish and Wildlife Foundation. 140 pp.

⁶ Kramer, K., S. Cotton, M. Lamson, W. Walsh. 2016. Bleaching and catastrophic mortality of reef-building corals along west Hawai'i island: findings and future directions. In: *Proceedings of the 13th International Coral Reef Symposium*, Honolulu. p 229–241.

⁷ van Hooidek, 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. *Sci. Rep.* 6, 39666. <https://doi.org/10.1038/srep39666>;

Maynard J, Williams G, Hum, K, Conklin E, 2022, Mapping coral reef vulnerability to climate change in Hawai'i to aid in planning a resilient managed area network and reef restoration. SymbioSeas technical report for the Lenfest Ocean Program, 17pp.

⁸ Friedlander AM., Nowlis J, Koike H. 2015. Stock assessments using reference points and historical data: stock status and catch limits. Pages 91-118 In: *Applying Marine Historical Ecology to Conservation and Management: Using the Past to Manage for the Future* (JN Kittinger, LE McClenachan, K Gedam, LK Blight ed.). University of California Press.

⁹ Graham, N. A. J., Jennings, S., MacNeil, M. A., Mouillot, D. & Wilson, S. K. Predicting climate-driven regime shifts versus rebound potential in coral reefs. *Nature* 518, 94–97 (2015).

statewide analysis showing that reefs in West Hawai'i that had abundant herbivores recovering more quickly from the impacts of the 2015 mass coral bleaching¹⁰.

There is very strong evidence, however, that **herbivore populations in Hawai'i are depleted**¹¹. Communities across the state have voiced concerns that many species of herbivores are not as abundant as they used to be, and in-water 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 just-released statewide analysis revealed that in many places, especially where herbivore abundance is low, fishing-driven reductions in herbivore populations have led to less healthy reefs¹². 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. But we urge the Board to include the May 2023 DAR draft language limiting non-commercial take of kala to two per person per day instead of the four in the current proposal, as a limit of two has a greater chance of allowing recovery while the stock is being re-assessed. 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 decreases the size limit for the uhu species that reach spawning age at smaller sizes, 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 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 fishers¹³. This is a win-win.

¹⁰ Gove, J.M., Williams, G.J., Lecky, J. et al. Coral reefs benefit from reduced land–sea impacts under ocean warming. *Nature* (2023). <https://doi.org/10.1038/s41586-023-06394-w>

¹¹ Nadon, M. O. 2017. Stock assessment of the coral reef fishes of Hawaii, 2016. U.S. Dep. Commer., NOAA Tech. Memo., NOAA-TM-NMFS-PIFSC-60, 212 p. doi:10.7289/V5/TM-PIFSC-60.

¹² Donovan, M. K., C. W. W. Counsell, M. J. Donahue, J. Lecky, L. Gajdzik, S. D. Marcoux, R. Sparks, and C. Teague. 2023. Evidence for managing herbivores for reef resilience. *Proceedings of the Royal Society B: Biological Sciences*. <https://dx.doi.org/10.1098/rspb.2023.2101>.

¹³ Harford W, 2021, Simulation testing of size limits and bag limits for Hawaiian herbivorous fishes. *Nature Analytics Technical Report prepared for the Hawai'i Division of Aquatic Resources*, 123pp.

However, we urge the Board to include the May 2023 DAR draft blue uhu (large male parrotfish) protections to prevent loss of our largest herbivores and further disruption to reproduction of prime spawners, the large, sexually mature fish that produce the most offspring. In uhu mating systems, the largest individuals are males that defend territories and mate with a harem of females. Removing the large, blue uhu not only removes the largest individuals that have the greatest ecological benefit, it also initiates a lengthy process during which there is no spawning within the harem as the largest female changes sex to a male and takes over territorial and mating roles.

The current proposal also 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.** We urge the Board to reduce total allowable commercial catch to no more than 50% of recent reported sales, assess the sustainability of these levels as soon as possible, and adjust if needed. We also believe that including the May 2023 DAR draft language on commercial daily bag limits would enable regional stocks to better absorb harvest without localized depletion. 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 to reverse longstanding declines.

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. Communities across the state recognize this need and are proposing their own rules, including voluntary codes of conduct and often at great personal cost, to ensure these resources are available and cultural practices can be perpetuated by their keiki, mo'opuna and generations to come.

If modified to better manage harvest, the proposed rules will be an important step towards improved management of our nearshore resources. Therefore, we ask that you adopt the changes detailed below to help build reef resilience and fish populations, we ask that the BLNR amend the December 7, 2023 proposal to add back in specific language from DAR proposal dated May 12, 2023 (available on the [BLNR website](#)) :

- **Add back in the “Commercial daily bag limit of thirty uhu pālukaluka per CML holder”** so regional fish populations can better absorb exploitation by spreading it over time.

- **Add back in the “Prohibiting the take of any uhu ‘ele‘ele or uhu uliuli”** thereby protecting the blue uhu (large male parrotfish), the mature fish that produce the most offspring.
- **Add back in “Creating a daily bag limit for kala (Bluespine Unicornfish) of two per person per day and prohibiting the possession of more than two kala at any one time with an exception for commercial marine dealers”** to restore depleted kala.

In addition, we ask that you **reduce total allowable annual commercial catch to no more than 50% of recent reported sales** to give these populations a chance to recover.

As caretakers of resources held in public trust, we urge the BLNR to pass rules that will adequately protect Hawai‘i’s nearshore ecology, cultural heritage, economic priorities and coastal security.

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 has supported 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.

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December 6, 2023

Hawai'i Board of Land and Natural Resources

Aloha Chair Dawn Chang and Land Board Members,

I am in favor of legislating all efforts to replenish our severely depleted populations of coral reef herbivores. Hawaii tropical fish keep our reef surfaces clean so coral reefs can regrow and flourish, which is critical to maintaining and preserving our already fragile ocean environment. Without protection, unhealthy reefs create smaller fish populations which in turn, cause pollution to our ocean waters, off-shore and especially near-shore. This creates a vicious cycle as our reef health declines there is a greater chance of less fish populations and an unhealthy ocean for our next generation. But legislation provides more than fishing, feeding, and cultural rights.

Both national and local studies by our ocean experts have indicated that herbivores are depleted near populated centers because of fishing. Providing legislation now to protect our coral reefs will also protect our coasts from further erosion, which DLNR, BLNR and coastal communities are challenged with. Without healthy reefs, our coasts will continue to diminish and cause irrefutable economic harm. Protection of our coral reefs are a part of the greater efforts to mitigate climate change to our Hawaiian islands.

Healthy coral reefs are one of the most important valuable sources of recreation, tourism, and spiritual connection. Without it, Hawaii may no longer have pristine oceans for our residents' benefit and visitors to enjoy and hope of sustaining our already critical tourism industry long-term will be thwarted --- affecting not only a decrease in future tourism numbers, but eventually a great loss of employment and opportunity for local residents that work in all aspects of our hospitality industry.

The most important fishes that can save our reefs are the uhu and the kala - which clean our reefs by scraping and excavating dead surfaces, and devouring the seaweeds that smother our reefs.

I am asking BLNR to consider:

- (1) **Reducing the total allowable commercial catch of uhu and kala,**
- (2) **Reinstate the commercial daily bag limits for uhu and kala,**
- (3) **Reinstate protections for the blue uhu (large male parrotfish).**

I have been a regular distance swimmer in Waikiki Beach for nearly 20 years. As I see first-hand fishers that take more than needed during the allowable "on years" as well as illegal night fishing, I will personally testify that our fish populations are not returning during the "off-limit" years. In turn, the

coral reefs, excluding the Waikiki marine sanctuary area, continue to suffer and die. The difference between the reefs within and outside of the designated sanctuary are startling.

I ask that you please consider the number of positive, long-term effects that can happen by acting now to sustain and protect the future of our valuable coral reefs.

Mahalo,
Glenna J. Wong