

From: rtubbs@hawaii.rr.com
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] Testimony
Date: Monday, January 8, 2024 10:03:12 AM

BLNR Testimony

DATE: January 12, 2024 TIME: 9:00 a.m.

PLACE: DLNR Boardroom,

I will attend via Zoom please send link and sign me up.

Opposed to F. 4.

From Ron Tubbs B.S.N.D.

Please do not pass F. 4. Increased costs of fishing have led to the decline in fishers and fishers take. Gas, skyrocketing boat upkeep costs, poor weather, and overseas competition keeping prices low have all effected food fishers. Please do not pass the increase in fees. As a sea food fisher, it is already very difficult to pay for repairs and upkeep. Please read, I beg you to understand how most of Hawaii's very well-regulated fisheries are sustainable.

“The Big Lie”

We Are Asking You to Help Correct A Legal and Environmental Injustice!

Support Hawaii's Valuable Sustainable Fisheries

Sustainability is Key to Hawaii's future. Hawaii as the most isolated Islands in the world, are too dependent on tourism, military, and other non-sustainable [unreliable economic sources](#).

What are the sustainable renewable options for isolated Hawaii? Renewable resources like agriculture, sustainable fisheries and aquaculture need to be developed to their full potential. One of the main renewable resources Hawaiians of old used was fishing and growing fish in fishponds. Let's look at the sustainability and economics of aquarium fishing.

The scientifically proven [“Model Fishery”](#), the aquarium fishery could have a major sustainable economic benefit to Hawaii and as an ocean state should be leading the world with fisheries. Instead, it has allowed the banning of sustainable fishing. Aquarium fishers after the 2017 ruling to do HEPA were advised by lawyers to sue the State, how come only this one fishery has to do a HEPA? They do not and all permits apply now. Our morals and ethics led the way, and we decided not to sue. We took the right path. We have never

testified falsely and have always chosen not to hurt others. This did not work, there has been no truth, or justice with lies and poor decisions continuing to be made. I cannot sleep at night without thinking about how unjust these decisions have been.

Tourist groups like the vocal snorkel company opposed to the aquarium fishery make money when people view fish from their tourist and snorkel rental tour businesses, public and private aquariums holding fish in their opinion jeopardize their profits. Many in this group view the ocean as their bank account and do not want anything or anyone to take from their ocean. They testified recently; “we are worth more than fishers so you should ban them.” Their extensive public and media campaigns used to dupe well minded people and Hawaiian groups are all founded in misinformation. Because they use perverted ecology to drive their goals, they have been successful, it is truly a shame people believe them.

Even after [leading world renown researchers and State scientists correct the tourist groups and Earth Justice Lawyers](#) of the fishery facts, they still continued using **the lies**: ***“there are no fish left, aquarium fishermen have taken them”, “aquarium fishers are worse than child molesters”, “aquarium fishers break corals”, “aquarium fishers are Human traffickers”, “aquarium fishers are wildlife traffickers”, “aquarium fishers use crow bars”, “the netting of aquarium fish are like the slaughter of dolphins near the Japanese town of Taiji,” “aquarium fishers take money from tourist groups”, “the ocean is worth billions and aquarium fishers cost tourist groups money”, “aquarium fishers are inhumane”, “aquarium fishermen take fish from Hawaiians and reduce food for eating fish”, “the fishery does is not pono and does not meet Hawaiian historical criteria”*** and many more fallacies all of which shut down Hawaii’s ornamental aquaculture, ornamental live fish science, and the aquarium fishery. Eating fishers, public aquariums, tourist dolphin aquariums, and the international aquarium fisheries are next! Giving credence to these zealots, unwillingness to listen to the truth or change opinions, groups are dangerous. Monetary gain for Earth Justice lawyers (funded by billionaires and millionaires), a few tourist groups and Hawaiian groups is a huge motivation especially when tourism has seen difficulties.

These slanderous comments, all of which are not true, will now be corrected with facts and links to scientific proof which discredits all these lies:

Looking at the fishery opposition statements closer:

“there are no fish left, aquarium fishermen have taken them”

From the [2020 DLNR West Hawaii Report To the Legislature](#):

Page 28 “Overall **Yellow Tang** abundance in the 30’-60’ depth range over the entire West Hawai’i coast is estimated to have increased by over 3.4 million fish from 1999/2000 to

2017/2018 **(150% increase)**

to a **current population of about 5.7 million fish within this depth range alone.**" (5.7 million yellow tangs, 30-60ft depth alone, times 1.14 million fry per spawn per pair results in 6 trillion 260 billion fry per year result in a potential 62 billion new fish on reefs every year at a 1% survival rate.)

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

Pager 17 "the marine aquarium fishery has been the most economically valuable commercial inshore fishery in the State of Hawai'i with FY 2017" (the **206-billion-dollar a year U.S. pet industry** economic benefits could be a great sustainable boom for exports from Hawaii)

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

"aquarium fishers are worse than child molesters"

This statement has no merits, it has been published in books by Snorkel Bob "Some Fishes I have Known", no one catching aquarium fish has ever been prosecuted or proven to do such terrible acts and is pure slander going to show the true nature of the zealots opposing the aquarium fishery.

"aquarium fishers break corals"

Corals and The Aquarium Fishery;

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

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

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

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

“aquarium fishers are Human traffickers”

This statement has no merits, no one catching aquarium fish has ever been prosecuted or proven to do such terrible acts and is pure slander going to show the true nature of the [zealots opposing the aquarium fishery.](#)

“aquarium fishers are wildlife traffickers”

This statement has no merits, all fish taken by aquarium fishers are not endangered species, in fact the IUCN, [International Union for Conservation of Nature](#) has deemed all species targeted by aquarium fishers in Hawaii as species of **“least concern.”** See each species can be reviewed in [“Fish Base”](#) search results and all species taken have been fully reviewed in the [West Hawaii Aquarium Fishery full 1585 page HEPA.](#) This is not a true statement!

“aquarium fishers use crow bars”

No aquarium fisherman has ever used a crowbar, it is pure slander. [See proof of no coral damage](#) from 20 years of research, corals and the aquarium fishery with more links above.

“the netting of aquarium fish are like the slaughter of dolphins near the Japanese town of Taiji,”

What? we do not kill Marine mammals or any fish, [there is no bycatch, larger breeders are not taken](#), fish replenish fully in just a few months, and no lasting environmental damage is done.

“aquarium fishers take money from tourist groups”

[Act 306 gave West Hawaii tourists in 1999 a MPA](#) (Marine Protected Area) system where 33% of West Hawaii for tourist use only. Science in two recent studies has shown tourist activities have caused fish declines. It was clearly not the aquarium fishers who were responsible for lack of fish in tourist areas.

“the ocean is worth billions and aquarium fishers cost tourist groups money”

An unproven statement. [Tourist groups have their own areas](#) where aquarium fishers do not go. Tourists who have aquariums at home are more likely to visit ocean activities supporting local tourist ocean users.

“aquarium fishers are inhumane”

Aquarium fishers do not even kill fish but care for and love fish as pets. How is that inhumane? **~Sincerely, Emily S. Munday, M.S. Washington State University:** In conclusion, we determined that the [methods commonly used by aquarium fishers in Hawaii do not cause mortality](#) in Yellow Tang. *As far as aquarium related mortality in Hawaii goes here's a quote from a Cesar 2002 study “Mortality rates of aquarium fish are low and have gone down considerably since the last survey in 1984. Currently, mortality rates from collection to wholesaler are estimated at 0 to 1 percent. In the wholesaler's tanks, mortality rates range from close to 0% up to 2%. During shipment, rates range from 0.75% to 2%. This give a current total of between 1% and 5%, down from a range of 5% to 8% in the early 1980's (van Poolen and Obara, 1984; estimates of wholesalers and collectors, own study).*

“aquarium fishermen take fish from Hawaiians and reduce food for eating fish”

[West Hawaii 2020 report to the legislature](#) and **“My Turn: We expect better”** show no decline in any adult fish in open or closed areas throughout West Hawaii, only small abundant fish are taken not effecting adult breeders or larger fish used for cultural Hawaiian uses. Fish taken replenish within a few months! Because, they have no science indoctrination and buying off the West Hawaii Hawaiian community has been their goal to keep the aquarium fishery shut down. Problem is many Hawaiians in the fishery were making good money sustainably, now that has ended, and even more [Hawaiians are out of jobs and leaving Hawaii](#) due to rich tourist lies and misinformation. Eating fisheries are now at risk and lawsuits and testimony from the same people are now trying to shut down or severely restrict cultural eating fisheries. Obviously closing

fisheries hurts Hawaiians and tourism does not provide enough income or well-paid jobs to support Hawaiians living in Hawaii.

“The fishery does is not pono and does not meet Hawaiian historical criteria.”

Native Hawaiians and Fishing

Recent testimony by these groups against the fishery were full of lies based on this misinformation campaign and the closed to commercial fishing [Miloli'i Community-Based Subsistence Fishing Area \(CBSFA\)](#) will have zero impacts to their fisheries. It is easy to understand how Hawaiians resent any other fishers in their food fish areas. Especially in South Hawaii where the fishing grounds are narrow and drop off quickly from shore. They have been lied to and do not understand that their fish are not affected. Many testifiers from this group are now working for the same people who oppose the aquarium fishery. Misinformation was spoon fed to those testifiers from those tourist groups opposing the fishery. Many more Hawaiians who you did not hear from are for the fishery and oppose these same groups. No one expected the BLNR to pass the “Petition to Ban the Aquarium fishery”. Many did not attend because they could not understand how the BLNR could make such a bad decision.

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

When Kau Kau fishing for our Hawaiian ohana graduation parties using gill nets we caught many reef fishes we did not eat, those fish were Moorish Idols, many types of butterflies, wrasses, small angel fishes and others were just discarded in the trash. We thought nothing of it. Little did we know just one of those same very abundant reef fish were more valuable than our whole seafood catches. Getting 50.00 for one fish we considered as garbage. Keeping these fish alive is better at feeding many Hawaiian families. Tourism, not the state or science, has taken that income survival option away from me and my Hawaiian family. Here is my story.

Hawaiian ohana historical fishing methods were stone hooks, vine nets, fishponds and spears. Using these methods provided less catch per unit time CPU, than is available today with monofilament see through nets, metal hooks and advanced spear guns. Glass dive masks, scuba and other technology were not available before the late 1800's and these techniques can provide access to sustainable managed fish populations that were not available to Hawaiians historically.

To see some Hawaiians ignore and not understand the importance of the most valuable near shore fishery we had and see it's closure unfairly is something Hawaiians should try and understand better.

A fish that is eaten, chopped up for palu (chum), used for bait, or is offered as ho'okupu (an offering), or placed in aquarium is no longer available for wild

spawning. If you sell the small abundant reef fish for 400% more money than a large breeding food fish, you can reduce biomass ocean take and still sustainably support your family even more than with sea foods. The FEIS (Full Environmental Impact Statement) provides an extremely detailed analysis of the AQ fishery and indicates that the aquarium fishery environmental results prove it was a past sustainable fishing practice. The review also provides detailed science to ensure future fishery activities will be sustainable.

You will see below in the science section that all large fish are not reduced and **Overall Kau Kau fish for Hawaiian cultural uses will not be reduced by the aquarium fishery!**

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

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

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

“We are concerned with the level of false information and lack of data these individuals have used to support their assertions, and the havoc they have created over a well-managed fishery that has benefited from the aforementioned good-will partnerships. It is not possible to provide a detailed analysis of all the scientific methods, data, and conclusions available on this issue in this brief letter, but these peer-reviewed findings have been independently checked by researchers at multiple Universities across the country and have subsequently been supported by additional independent surveys performed by the Coral Reef Ecosystem Division of the federal National Oceanic and Atmospheric Administration (NOAA).”

“· Data collected from 1999 to date from over 6,700 underwater surveys show that populations of the most heavily collected **aquarium fish species are increasing, not declining. This clearly indicates that the fishery is**

sustainable”.

“ **Adult populations of these species are *no different* in fished areas than they are in reserve areas (adult fish are not collected).** Adult female yellow tang produces up to 20,000 eggs in each of multiple spawning events during the year, ensuring a sustainable fishery.” (low reproductive yellow tangs produce per pair per year 1.14 million fry per spawn, all large breeders are left to broadcast breed out to sea, fish return around 60 days later to grow on reefs to adult breeding stage within 4 months, rapidly repopulating reefs, this is why the fishery is considered a “Model Fishery”, most reef fish can even produce more per spawn).

“ The data and scientific reports show **no significant differences in the health of the coral systems** in collection areas as opposed to the system of protected Fish Replenishment Areas where no collection is allowed.”

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

Complete publication, journal list link:

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

I would strongly Caution you **to not believe Anti Aquarium fish proponents.** Here is a good example. The petitioner says in their petition claim herbivore fish are declining due to the aquarium fishery. **DLNR has more recent data showing no significant differences in herbivore biomass or macroalgal cover between Fish Replenishment Areas and open areas.** They even try to hide the truth by using old reports and science taken out of context and ignoring current research.

Repeatedly Scientist have reach out to fishery opposition, only to be ignored and misquoted. They know better-that means they are intentionally lying and providing perjury in testimony. Proof:

Dr. Bruce Carlson, PHD: “You can now see how the misuse of science and scientists (**ROBERT E. HUETER**) has resulted in the present situation in Hawaii, where one of **the best studied inshore (and most highly regulated) fisheries has been trashed by passionate and very misguided individuals.** They are led here by a **few master manipulators of disinformation spewing forth wild accusations based on anecdotal evidence.** Brian Tissot and Leon Hallacher (2002 Cons. Biol. 17(6): 1759-1768) went out in the field and actually did the hard work to collect data and found no significant differences (algal cover, coral

damage) in areas where fish are collected compared to protected areas nearby (DLNR has similar data). They DID report a “significant” difference in the populations of aquarium fishes in the two areas (no one disputes that there should be fewer fishes in areas where they are being collected). But to show you how scientific terms are corrupted by opponents, they equate “significant” with “damaging” (it’s reminiscent of the issue we have with the public misunderstanding the concept of “theory” used in a scientific context). For 17 years, DLNR biologists have conducted extensive underwater surveys, nearly 7000, to monitor the populations of aquarium fish species on the Kona coast, where the major aquarium fishery is located. The result is the fishery is stable and sustainable. **There is no evidence of ecological harm to the reefs. In fact, the populations of yellow tang and kole on the Kona coast, even in areas that are fished, are significantly higher than marine protected areas on Maui and even Papahānaumokuākea.**” Dr. Bruce Carlson PHD, former director, Waikiki Aquarium, Atlanta Aquarium

Tina Owens executive director of the LOST FISH Coalition, Ecologist, Sustainable fishing advocate, and Member West Hawaii Fisheries Council says:

“A great deal of the “sky is falling” news you’ve heard about the reef recently is just plain not true. Clearly if the goal is to get rid of the aquarium fishery and management prevents that goal being reached, then discrediting the benefits and successes of management would seem the only way left to go. And so they have taken that path.

They have held community meetings and displayed a lot of false or twisted data, quoting from papers outdated by more than 15 years, and “re-interpreting” data from scientific papers. They have been telling people that “there are no fish left,” which is patently untrue.”

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

It is a good thing for folks to scrutinize and ask questions about what’s going on in our fisheries and on our reefs. These are important to all of us. A realistic perspective does need to be maintained, however. Let me elaborate. On Maui in 2009 there were a total of 16,300 aquarium animals caught, representing 82 different species. Yellow tangs accounted for 69% while Kole

was 7% of the catch. During that same year non-aquarium commercial fishers captured (and killed) 319,491 reef fishes of 75 species. While yellow tangs weren't caught to any degree there was considerable overlap in a number of the other species. To the commercial food catch one can add another 480,000 reef fish taken by recreational/subsistence fishers (extrapolated from 2006 NOAA Rec Fishing Survey data). So, in the grand scheme of things, **the aquarium take on Maui is literally a drop in the bucket, representing less than 2% of the total mortality of reef animals that year. This serves to point out that undue focus and hyperbole about aquarium collecting and its impact on the reefs is dangerously shortsighted and counterproductive.** We need to think and act holistically. (It should be noted Maui has no tropical fish collection since 2013 thanks to misinformation and harassment).

Brian Tissot Ph. D and his work with a 2003 paper was used wrongly by Earth Justice ([paid off by Tourist groups](#)) recently again in the Supreme Court Appeal to overturn the passage of the aquarium fishery West Hawaii HEPA, even their lawyers use misinformation. What Tissot truly thinks:

[Read more about Brian Tissot's work in "Managing Nemo"](#)
<http://wsm.wsu.edu/s/we.php?id=315>

A Brush with Snorkel Bob by Eric Sorensen | © Washington State University

“Brian Tissot Ph. D was the foundation of aquarium science here in Hawaii,” says Bill Walsh, an aquatic biologist for the Division of Aquatic Resources and the state’s top fish scientist in West Hawaii.

Indeed, had Robert “Snorkel Bob” Wintner has been Brash, hyperbolic, and a font of good quotes, he makes it easy to see why reporters regularly seek him out for the obligatory pro-ban point of view. He also shows how scientists and advocates debate under different rules of engagement. Where Tissot stays close to the numbers and verifiable facts, **Wintner can prefer stories to numbers and pick scientists who suit his cause**, like Teresa Telecky of the Humane Society. Both Wintner and the Society oppose keeping wild animals as pets.

Wintner says. “And when you talk about trafficking in wildlife for the pet trade, it has a nasty ring to it.”

Wintner had seen one of Tissot’s presentations on Maui, he says, and basically wrote him off when the value-based slide of his presentation was the only one to discuss banning the trade.

To most people—including scientists and the state of Hawaii—West Hawaii is a fishery, a place where you can catch fish. But Wintner chooses to disagree even on that and **compares the netting of aquarium fish to the slaughter of dolphins near the Japanese town of Taiji.**

In some ways, he says, science is itself a value and scientists are prone to lean in certain directions, like those that will bring in grant money. **Wintner discounts any assertion that he might have a financial incentive to see more**

fish for the customers of his snorkel shops. “My vested interest is to take care of what takes care of me.”

On the one hand, his definition of science includes the anecdotal. On the other, **he doesn't need science or data at all.**

Snorkel Bob Winter: **“The people who live here don't need data to know what they know in their hearts: They don't want this to happen to their friends who happen to be fish on these reefs,”** he says. **“And if they haven't yet met them, they still don't want this to happen. There's the data. You can call it ethical, you can call it values, you can call it social, you can call it data.”**

“Brian Tissot PhD was the foundation of aquarium science here in Hawaii,” says Bill Walsh, an aquatic biologist for the Division of Aquatic Resources and the state's top fish scientist in West Hawaii.

To Tissot, the West Hawaii fishery shows how a mix of science- and community-based management can reconcile competing interests and points of view to conserve a treasured ocean resource. Alongside similar efforts off Florida and Australia's Great Barrier Reef, **it could be a model for conservation activities elsewhere.**

Brian Tissot Ph.D. “the West Hawaii fishery is a marvel of modern marine policy, an admirable blend of conservation science and sociology, or “integral ecology,” capable of pointing the way for embattled fisheries around the world”.

Only now the fishery's hard-won consensus is being jeopardized by a group rekindling efforts for an outright ban on all aquarium collecting in Hawaii. Among those leading the charge is Robert Wintner, owner and namesake of the “Snorkel Bob” dive shops. He is an outlier among the aquarium trade's critics: brash, hyperbolic, unyielding, and prone to ego-flavored pronouncements that begin with, “I, Snorkel Bob.” His website links to a *Honolulu Star-Advertiser* review of his book, *Some Fishes I Have Known*. The review says it “can be considered environmentalist propaganda and, as such, is most excellent at what it accomplishes.”

“They replenish fish very quickly,” Tissot says. Even more striking is work showing **genetic relationships** between parents and offspring that end up 15, 49, 140, even 184 kilometers away. “What it demonstrates is all these populations are all connected, which is really good,” Tissot says. “So if you wipe out a population in one area, it will be reseeded from somewhere else, **which is what you want.**”

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

The State of Hawaii public officers' oath is to uphold the state's constitution. If decisions are made that are biased and not based on facts it violates that oath. This is why we should commend our legislators for making the right decisions and not banning the aquarium fishery in past proposed legislation. It is unconstitutional (State, Federal and International Laws, [UN resolution](#) 2749) to

shut out any ocean user group. Fishery management, not closure, is the government's role in fisheries. No one group can lay claim to any part of the ocean, it is a public trust. But the Legislature and now the BLNR has allowed this to happen.

The court's decision for the aquarium fishery to do an environmental review was not based at all on science but on biased legal interpretation based on misinformation presented in the lawsuit.

Aloha Legislative members and Governor,

The legislature allocated funds and rules to expand aquaculture in the last legislative session noting the great need of these activities to meet the state's goals of sustainability. All those actions were wasted!

BLNR rejects Aquarium fish collection for Research and Ornamental propagation SAP (special activities permit). The BLNR decision greatly impacts all research and propagation for all fish in any aquarium. All aquaculture of marine species impacted. **Biased board members said they did not even read applicants proposal.** One member denied it for personal I do not want fish in "captivity" reasons. It is OK to kill a fish, but God forbid you keep a fish alive in an aquarium even for research!

BLNR just also passed "Petition to Ban Aquarium Fishery". It appears they have sided with the tourist groups. This could mean the end to the fishery and all ornamental aquaculture.

The anti-aquarium fish stance by many board members is based on opinion and personal beliefs, this is in violation of oath and ethics standards. Must watch! SAP rejection Hearing:

<https://www.youtube.com/live/WijOydB68xE?feature=share> BLNR hearing 6-9-23 2 hours 10 min into video is F1 SAP permit for ornamental aquaculture for aquariums denied and aquarium fishery discussed in depth.

The opposition to this is backed by rich billionaire Michael Dell, a west Hawaii tourist resort owner. Dell paid Earth Justice to sue fishermen away from his ocean. The big Island resort owners are funding earth justice and the anti-fishery tourism based "User Conflict".

They are buying Hawaii, taking away sustainable fisheries, and replacing it with a huge carbon footprint of non-sustainable tourism greatly impacting Hawaii's future.

Tourism is essential to our economy, but we must not give up proven sustainable highly renewable fisheries to tourism lawsuits. Only you can stop this. Where is their HEPA why has on this fishery had to do one when clearly the laws imply all permits must do a HEPA.

Marine fish are the most reproductive vertebrates on the planet. Making marine fish the most renewable resource there is in Hawaii. Opah Moon Fish produce 300 million eggs a year per pair, many other reefs fish produce tens of thousands to millions of fry per spawn per pair. Some reef fish spawn many

times a day. Fish have the potential to renew and sustain current fishing practices if managed properly. We need to support a managed sustainable fishery to create a more sustainable society, especially in isolated Hawaii! The problem “User Group” activist groups now oppose all fisheries and their research.

The commercial aquarium fishy is closed and so is aquarium fishery aquaculture. The State of Hawaii has invested millions in aquaculture research and all ornamental aquaculture, but it has been shut down with lies.

We need our most valuable, most sustainable aquarium fisheries to increase Hawaii’s sustainability. But Hawaii’s most well studied and most sustainable fishery with the lowest impacts has a serious “user conflict” issue. The most valuable fishery in Hawaii, with the least fishery biomass taken, has been defamed repeatedly for personal gain by a few radical tourist groups. These same groups now oppose eating fisheries and Earth Justice lawyers now threaten to sue tourist groups too. Tourist groups like the vocal snorkel companies oppose the fishery to make more money. These groups want to be the only ones who make money on Hawaii’s oceans. Viewing fish in public and private aquariums, or holding any fish, in their opinion, jeopardizes their profits. Many in this group view the ocean as their bank account and do not want anything or anyone to take from their ocean. They testify; “we are worth more than fishers so you should ban them.” It is not just the aquarium fishery but public aquariums, dolphin tourist programs, aquariums in breeding facilities and researchers who are collecting coral and fish samples are all in their sights. They have effectively shut down all science related to ornamental aquaculture of Hawaii fish.

The state too has greatly ignored the potential of the **206-billion-dollar a year U.S. pet industry** economic benefits and what it could offer the state in highly renewable sustainable business.

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

Hawaii’s major problem we face is that “[Everyday 30,000 tourist flying to Hawaii creates more Global Warming CO2 gas emissions than if you drove your car for 13,000 years](#)”. That is 4 million 745 thousand years of car diving every year in airline tourist travel carbon footprint output alone. Tourism generates 25% of Hawaii’s economy but it is also Hawaii’s greatest source of environmental impacts to our oceans. Snorkel ocean tour businesses are also the leading cause of tourist deaths. (facts links presented upon request).

A few minority tourist groups’ relentless campaign of misinformation, funded by a billionaire tourist resort owner, led to a biased decision in 2017 by the Hawaii Supreme Court where the aquarium fishery was ruled to do a complete

environmental review.

Why does the most studied, “Model Fishery” in the world, and scientifically proven sustainable fishery have to do an environmental review? You see fishers were not represented in the case. Earth justice, and it’s very well-paid lawyers, backed by numerous biased tourist company owners, sued the State of Hawaii DLNR who issued aquarium permits. 20 years of science and 2000 fish counts disproved every statement the petitioners made in the lawsuit. Many of those statements were known by the petitioners not to be true due to scientists’ corrections and well published peer reviewed studies, making nearly all the testimony in our opinion perjury.

To protect other permits, given by the state of Hawaii to other groups, like eating fishers and other tourist ocean users, the Attorney General for Hawaii only argued on legal merits of the lawsuit and did not introduce any of the 30 years of fish counts or sustainability scientific proof done by the fishery. No scientist, or fishers were called to discredit the opposition.

The decision to have the most sustainable, most studied, “Model Fishery” fishery in the world and the most valuable fishery in Hawaii do and environmental review based on legal definitions was a huge miscarriage of justice. Especially since every statement provided by petitioners were false statements. This was a big blow to the sustainability of Hawaii and a big victory for an unsustainable huge environmental impact tourism industry.

The Hawaii HEPA process has notoriously led to the end of many valuable Hawaii projects. The Superferry, knowing the HEPA process to be very expensive cumbersome and taking too long pulled out of the process, which cost the state millions. It could have reduced interisland shipping costs and reduced the State of Hawaii’s carbon footprint. The Super Ferry loss was also due to “user conflict” mainly from other competing transportation businesses. The Thirty Meter Telescope also has lost to the HEPA process and may never return despite it’s HEPA passage. Will the aquarium fishery ever recover despite its HEPA passage and scientifically proven sustainability? Billionaires back the tourist groups with huge pockets. Hawaiians have been duped into supporting the tourist in their endeavors because of the clout against the approved HEPA they can bring.

HEPA laws are defective, are too quickly ruled on by judges and the BLNR who do not even read the research on the topic and have now allowed businesses to remove competitors all in the name of biased perverted ecology.

With the passage of the Study [West Hawaii Aquarium Fishery full 1585 page HEPA](#) in 2020, the opposition is now hoping the BLNR, Hawaii Supreme Courts, Legislature and the Governor of Hawaii do not read it and act only based on their study interpretation lies and misinformation. They are now also trying to discredit it with paid off and gullible Hawaiian groups. Recent testimony by these groups against the fishery were full of lies based on this misinformation campaign and the closed to commercial fishing [Miloli’i Community-Based Subsistence Fishing Area \(CBSFA\)](#) will have zero impacts to their fisheries.

Many testifiers from this group are now working for the same people who oppose the aquarium fishery.

Obviously, Billions of dollars from Tourism Hotel owners and lies can buy Hawaii's Oceans. Threats to sue others will happen whether or not the State bans the fishery. The bad decision will only lead to more closures due to HEPA.

True ecology is the real loser in these user conflict battles. Misinformation does huge harm to the environment; serious issues have been ignored and it also ends up creating even bigger environmental damage.