My name is Sharon Atkinson and I live in Kaanapali on Maui

As a snorkeler on Maui for the past 20 years, I've witnessed the degradation of our reefs and the progressive depletion of Maui reef fish.

Please disallow the DAR West Hawaii plan to reopen the aquarium trade in the west Hawaii islands.

Maui reef fish are an important resource and should not be depleted by the aquarium trade.

Mahalo

From:	Daniel Bishop
То:	DLNR.BLNR.Testimony
Subject:	[EXTERNAL] Opposition to reopening Aquarium Fishing Trade
Date:	Thursday, April 11, 2024 8:37:02 PM

My name is Daniel Bishop and I am in strong opposition to the reopening of the Aquarium fishing trade

Mahalo Daniel Bishop Kaneohe Oahu

From:	chris Boyles
То:	DLNR.BLNR.Testimony
Subject:	[EXTERNAL] Agenda Item F2 and F3
Date:	Thursday, April 11, 2024 3:47:11 PM

I oppose banning the aquarium fishery, and I support managing resources by science as provided by DAR.

Sincerely, Chris Boyles

From:	
To:	DLNR.BLNR.Testimony
Subject:	[EXTERNAL] April 12; Agenda Items F.2 and F.3 Testimony Opposition to Reopening Reefs to Destructive Aquarium Trade
Date:	Thursday, April 11, 2024 4:57:47 PM

Dear Department of Land and Natural Resources,

I am writing to strongly oppose the proposed plan by the Division of Aquatic Resources (DAR) to reopen our reefs to the destructive aquarium trade. I urge you to uphold the December 8 unanimous Board vote directing DAR to begin rulemaking and to hold the required public hearings on the rules promptly.

The briefing document provided by DAR regarding the West Hawai'i Aquarium Plan (Item F.2) is deeply concerning. It fails to acknowledge the negative impacts of the proposed aquarium collection, including the significant reduction in yellow tang abundance in areas where collection has occurred. Furthermore, the proposed level of take exceeds that of subsistence, recreational, and commercial fishers combined, which is alarming.

Additionally, the document fails to address major cultural concerns, enforcement challenges, or the looming threat of climate change. The trade not only conflicts with local culture and native Hawaiian values, such as pono fishing practices, but it also disregards the opposition from Hawai'i's 46 moku that make up the entire state Aha Moku.

Moreover, a published cost/benefit analysis demonstrates that Hawai'i residents receive zero benefits from the aquarium trade but suffer all the costs. Given the dire predictions by scientists that we could lose 70% of our reefs by 2030 due to climate change, it is imperative that we prioritize reef conservation efforts. Reefs require more herbivores to thrive, and DAR's current herbivore rules for food fish are not robust enough to support reef health.

Legalizing aquarium collection would only provide cover for increased illegal poaching, exacerbating the ongoing threats to our marine ecosystems.

I implore you to uphold the December 8 vote and commence the rule making process to end the aquarium trade. Our reefs are invaluable treasures that must be protected for future generations to enjoy.

Thank you for considering my testimony.

AJ Cho





Ka Moku'aina 'O Hawai'i Aha Moku O Pae'Aina State of Hawai'i Aha Moku P. O. Box 621 Honolulu, Hawaii 96809

Testimony of the Hawaii State Aha Moku Board of Land and Natural Resources Friday, April 12, 2023

9:00 a.m.

DLNR Boardroom, Kalanimoku Bldg.

Concern – F-2

Agenda Item F-2: Non-Action Item Informational Briefing on Existing Fisheries Data and Management Considerations Related to the West Hawai'i Commercial Aquarium Fishery

The Hawaii State Aha Moku (Aha Moku) opposes this action item.

The purpose of this informational briefing is to provide the Board of Land and Natural Resources (BLNR) with a review of existing fisheries data and other management considerations to inform future decision-making on the issuance of a limited number of commercial aquarium fish permits to the West Hawaii Regional Fishery Management Area (WHRMFA).

While the submittal is lengthy and informative, it misses a critical part of its data collection. It does not analyze the impacts of commercial aquarium collections on native Hawaiian natural and cultural resources and the traditional *lawaia* practices of the forty-five (45) ahupua'a in the West Hawaii Region.

These ahupua'a are: Pu'uanahulu, Pu'uwa'awa'a, Kiholo, Kaupulehu, Kukio, Awake'e, Laemano, Kalupulehu, Koelehuluhulu, Kau, Kalaoa, O'oma Kaloko, Honokohauiki, Puapua'a, Holualoa, Kaumalumalu, Kahulu'u, Keauhou, Honuaino, Kaumo'o, Kealakekua, Ke'ei, Honaunau, Keokea, Kealia, Kalahiki, Ho'okena, Waiea, Honokua, Kaohe, Maunaoni, Maku'u, Kolo, Olelomuana, Opihihale, Ka'apuna, Kipahoehoe, Lika, Papa, Ho'opuloa, Miloli'i, Honomalino, Okoe, Kapua, and Kaulanamauna.

Further, another critical consideration is that the Kapa'akai Analysis must be done for each permit for a commercial aquarium collector. This is because this analysis came directly from the Hawaii Supreme Court Case Ka Pa'akai O Ka'Aina¹ which directed the following Findings of Fact and Conclusions of Law: 1) Identification and scope of "valued cultural, historical, or natural resources" in petition or impacted area, including the extent to which traditional and customary native Hawaiian rights are exercised in the petition area; 2)The extent to which those resources, including traditional and customary native Hawaiian rights, will be affected or impaired by the proposed actions; and 3)The feasible action, if any, to be taken to reasonably protect native Hawaiian rights if they are found to exist.

Each ahupua'a has native Hawaiian *lawaia* with traditional coastal and ocean gathering and fishing practices. It is not stated in the informational briefing how these practices are impacted.

Pae'Aina: Moku O Keawe, Moku O Piilani, Moku O Kanaloa, Nana'i Kaula, Moloka'i Pule O'o, Moku O Kakuhihewa, Manokalanipo, Ka'Aina O Kawelonakala

¹ Ka Pa'akai O Ka'Aina vs. Land Use Commission, State of Hawai'i (No.21162 (CIV.NO.96-190K)), State of Hawaii, 2000, Supreme Court of Hawai'i

We believe that the DLNR Division of Aquatic Resources (DAR) cannot provide the BLNR with a review of existing fisheries data and other management considerations without including the native Hawaiian fisheries management practices. Native Hawaiians are symbiotic with natural and cultural resources – each cannot survive without the other and their management practices are passed down through generations perpetually. Further, DLNR's own Mission Statement to "Enhance, protect, conserve and manage Hawai'i's unique and limited natural, cultural and historic resources held in public trust for current and future generations of the people of Hawaii Nei, and its visitors, in partnership with others from the public and private sectors" supports the indigenous people's unique cultural and natural resource management practices.

Additionally, we do believe that DAR is looking at their review through the eyes of existing laws. If that is so, then they have neglected to look at the Kapa'akai Analysis, A Hawaii Supreme Court mandate, and the Hawaii State Aha Moku which comes from Act 288, SLH 2012, in an advisory capacity attached to DLNR. Both are now in the Hawaii State Constitution and must be considered in natural AND cultural resources in any review of existing fisheries data and management considerations.

Mahalo for the opportunity to express our concerns about the DAR review of existing fisheries data and other management considerations.

Respectfully yours,

Charles Young, Po'o Moku O Keawe (Hawai'i) 808-987-9052 Youngc042@hawaii.rr.com

Leimana DaMate, Luna Alaka'i/Executive Director Hawaii State Aha Moku 808-640-1214 Leimana.k.damate@hawaii.gov

From:	Ann Dorsey
To:	DLNR.BLNR.Testimony
Subject:	[EXTERNAL] April 12; Agenda Items F.2 and F.3 Testimony Opposition to Reopening Reefs to Destructive Aquarium Trade
Date:	Thursday, April 11, 2024 5:48:09 PM

Dear Department of Land and Natural Resources,

I am writing to strongly oppose the proposed plan by the Division of Aquatic Resources (DAR) to reopen our reefs to the destructive aquarium trade. I urge you to uphold the December 8 unanimous Board vote directing DAR to begin rulemaking and to hold the required public hearings on the rules promptly.

The briefing document provided by DAR regarding the West Hawai'i Aquarium Plan (Item F.2) is deeply concerning. It fails to acknowledge the negative impacts of the proposed aquarium collection, including the significant reduction in yellow tang abundance in areas where collection has occurred. Furthermore, the proposed level of take exceeds that of subsistence, recreational, and commercial fishers combined, which is alarming.

Additionally, the document fails to address major cultural concerns, enforcement challenges, or the looming threat of climate change. The trade not only conflicts with local culture and native Hawaiian values, such as pono fishing practices, but it also disregards the opposition from Hawai'i's 46 moku that make up the entire state Aha Moku.

Moreover, a published cost/benefit analysis demonstrates that Hawai'i residents receive zero benefits from the aquarium trade but suffer all the costs. Given the dire predictions by scientists that we could lose 70% of our reefs by 2030 due to climate change, it is imperative that we prioritize reef conservation efforts. Reefs require more herbivores to thrive, and DAR's current herbivore rules for food fish are not robust enough to support reef health.

Legalizing aquarium collection would only provide cover for increased illegal poaching, exacerbating the ongoing threats to our marine ecosystems.

I implore you to uphold the December 8 vote and commence the rule making process to end the aquarium trade. Our reefs are invaluable treasures that must be protected for future generations to enjoy.

Thank you,

Ann Dorsey

From:	Dara Fitzgerald
To:	DLNR.BLNR.Testimony
Subject:	[EXTERNAL] April 12; Agenda Items F.2 and F.3 Testimony Opposition to Reopening Reefs to Destructive Aquarium Trade
Date:	Thursday, April 11, 2024 7:25:22 PM

Dear Department of Land and Natural Resources,

I am writing to strongly oppose the proposed plan by the Division of Aquatic Resources (DAR) to reopen our reefs to the destructive aquarium trade. I urge you to uphold the December 8 unanimous Board vote directing DAR to begin rulemaking and to hold the required public hearings on the rules promptly.

The briefing document provided by DAR regarding the West Hawai'i Aquarium Plan (Item F.2) is deeply concerning. It fails to acknowledge the negative impacts of the proposed aquarium collection, including the significant reduction in yellow tang abundance in areas where collection has occurred. Furthermore, the proposed level of take exceeds that of subsistence, recreational, and commercial fishers combined, which is alarming.

Additionally, the document fails to address major cultural concerns, enforcement challenges, or the looming threat of climate change. The trade not only conflicts with local culture and native Hawaiian values, such as pono fishing practices, but it also disregards the opposition from Hawai'i's 46 moku that make up the entire state Aha Moku.

Moreover, a published cost/benefit analysis demonstrates that Hawai'i residents receive zero benefits from the aquarium trade but suffer all the costs. Given the dire predictions by scientists that we could lose 70% of our reefs by 2030 due to climate change, it is imperative that we prioritize reef conservation efforts. Reefs require more herbivores to thrive, and DAR's current herbivore rules for food fish are not robust enough to support reef health.

Legalizing aquarium collection would only provide cover for increased illegal poaching, exacerbating the ongoing threats to our marine ecosystems.

I implore you to uphold the December 8 vote and commence the rule making process to end the aquarium trade. Our reefs are invaluable treasures that must be protected for future generations to enjoy.

Thank you for considering my testimony.

Dara Fitzgerald, Honolulu and Hawi

To BLNR,

Please uphold the December 8 vote and begin the process to end the Aquarium Fish Collection Trade in Hawaii.

As a lifelong resident of Hawaii and avid ocean swimmer I have seen first hand the reduction in yellow tang and other reef fish along the Kona Coast, as well as the deterioration of our coral reefs.

I trust that, as an entity charged with protecting our natural resources, you will NOT allow the harvesting of our precious reef fish to begin again. Please be on the right side of history and ban this destructive trade once and for all.

After being a public school teacher in Kona for 30+ years, I am now retired. As you know, we are in an environmental crisis. Our fish and reefs need your help for a chance at survival. Please do the right thing now so future generations of children have a chance to enjoy these natural resources as we have.

Sincerely, Michele Buki Hudson

Sent from my iPhone

From:	<u>Johnny Isham</u>
То:	DLNR.BLNR.Testimony
Subject:	[EXTERNAL] Oppose F3-F4
Date:	Thursday, April 11, 2024 6:57:44 PM

Hello my name is Johnny Isham and I strongly Oppose F-2 and F3. Why are we looking to close a very manageable fish industry because of some peoples feelings.

The ring leaders that support and are pushing these bills run a propaganda campaign against the aquarium industry with false information.

Most of them also run businesses that use the ocean and have just as much or worse impact on the ocean and ecosystem but yet they won't shut down their businesses to "protect the fish".

People love saying the fish belong in the ocean and not in a fish tank yet they have pets like dogs and cats that they keep trapped in a yard or house why don't they believe let them be free in their natural environment.

Fishing is great Hawaii renewable resource that needs management and not total closure. This is a user conflict not a resource issue.

Thank you Johnny

Sent from my iPhone

From:	Rufus Kimura
То:	DLNR.BLNR.Testimony
Subject:	[EXTERNAL] Agenda Item F2 and F3
Date:	Thursday, April 11, 2024 6:21:24 PM

I oppose banning the aquarium fishery, and I support managing resources by science as provided by DAR. I was born and raised on Molokai and have held a commercial fishing permit from the State of Hawaii for the past 30 years. I dove for aquarium fish for the past 27 years until the collection ban was implemented by the state a few years ago. I continue to renew my commercial permit every year (while not actively fishing) in the hopes that Hawaii will someday follow scientific management protocols with its renewable marine resources and reissue aquarium collection permits. At the very least, the State of Hawaii should treat all ocean user groups fairly and equally. If the State maintains that an EIS is necessary for the issuance of aquarium permits, it is only fair that all commercial entities that utilize State waters or natural resources be required to submit valid EIS documents.

Aloha, Rufus Kimura

#808.354.6080

From: Kathryn Lezenby
Sent: Thursday, April 11, 2024 10:10 PM
To: BLVR.Testimony@Hawaii.Gov <BLVR.Testimony@Hawaii.Gov>
Subject: April 12, Agenda Items F.2 and F.3 Testimony

My name is Kathryn Lezenby. I live at 3718 Baring Street, Philadelphia, PA, 19104. As a person who cares deeply about the natural world and especially the protection and welfare of fishes, I am commenting on the proposed plan by the Division of Aquatic Resources to reopen West Hawaiian water to fish collection for the aquarium trade. I urge the Board to uphold its enlightened and unanimous vote directing the DAR to begin rulemaking to ban such removal of Hawaii's fishes. I don't condone keeping fishes in captivity, but this industry, while it is still legal, has the option of breeding them for sale. There is no compelling reason for removing them from the wild and important reasons to leave them where they belong. Please keep Hawaii's fish in the ecosystem to which they are adapted to thrive and of which they play an integral role. With science gaining greater understanding of the sentience of fish and their social interactions, as well as their part in reef ecosystems, the treatment of these animals as mere commodities for human amusement or decoration and their collection for frivolous purposes needs to be reconsidered. It causes unjustified suffering and mortality, perpetuates disproved notions that fishes lack awareness or have self-interest in their own lives, disrupts the functioning of reefs, and leaves these vulnerable to poaching and damage. Protect Hawaii's paradise from this avoidable cruelty and destruction.

From:	Steven Lombardi
To:	DLNR.BLNR.Testimony
Subject:	[EXTERNAL] Agenda Item F2 and F3
Date:	Thursday, April 11, 2024 4:33:37 PM

I oppose banning the aquarium fishery, and I support managing resources by science as provided by DAR

Environmental impact assessment findings

- The population of Yellow Tangs has increased by 150% from 1999 to 2018 (during active collection), with a recorded increase of 5.7 million fish in the depths of 30'-60'. This likely represents a smaller number than the actual natural increase in population size since the population was only evaluated from 30 to 60 feet.
- The population of Kole Tangs has increased by 118% from 1999 to 2018 (during active collection), with a recorded increase of 5.1 million fish in the depths of 30' to 60'. This likely represents a smaller number than the actual natural increase in population size since the population was only evaluated from 30 to 60 feet. One sample site recorded a 254% increase in Kole populations (Manuaka). This represents a 20-year high in Kole tang populations despite collection. **Public Opinion Polls**

 Polls conducted by Tropical Truth in November of 2023 found that 96% of Hawaiians support the "sustainable use" of Hawaii's natural resources.
 Additionally, scientists at the University of Hawaii and the NOAA have shown no long-term data demonstrating that fish collection poses any threat to Hawaiian fish populations.

- 72% of Hawaiians found that scientists who conducted this environmental impact analysis had more credibility in the debate than animal rights activists.
- 73% of Hawaiians felt that Hawaii should allow sustainable fish collection.
- 78% of Hawaiians felt that regulators at the Board of Land and Natural Resources should manage natural resources based on data from science instead of the opinions of special interest groups.

- Steven

Aloha,

Mahalo for your time in reviewing my concern surrounding reinstating fish collection permits along Hawaii shorelines.

I have taken some time to review both the positive and negative impacts for both economic and environmental reasons from published papers to respective articles.

Here is some feedback from your average Hawaii visitor.

I work in the tour industry on a snorkel specific tour and the most common comments we have.... "there are no fish here!", " I have been visiting Hawaii for over 30 years and sadly there are less fish along this shoreline then I have ever seen". "Is the reef dying? It seems like it is getting worse every year."

On the opposite spectrum I have also heard visitors ask "Is the reef rebounding? I was here less then 5 years ago and I have noticed it seemingly more healthy and more fish."

I receive these comments with a grain of salt and perspective and constantly ask myself... what do you think?

Now with the hope of MAT there may be a light at the end of the tunnel for this industry but with the greatest respect that organization should be put to the test in regulation of highly impacted areas for fish collection like industry world leader Japan, Indonesia and the Philippines. Of those regions in the Pacific only Fiji is MAT implemented. It would be prudent for Hawaii to watch MAT's impact and regional growth for an extended period of time to set a new standard before assuming a new standard has been set and can be set along the west coast of Hawaii. I would also like to see if certifications like MAC and HHT are going to be a mandatory portion of permitting and who is going to in fact be physically meeting collectors to check limits, check on the standard for the chain of survival and husbandry and supply chain standards.

You and I both know, especially in West Hawaii, regulation is a rare commodity. So rare in fact, in the case of the spinner dolphin, NOAA federal regulation had to step in for the state. The exploitation of the spinner dolphins is a prime example of our poor state

regulation. How will this be different for fish collection? All industries on the water hold this experience and opinion. We simply do not have the correct, efficient and staff facilitated resources to manage another fishery at this time.

In my research I read that for sustainable fish collection to have the lessor of an impact there are still some major outlying factors necessary to fall into place. Meaning as it stands right now, even with the greatest collection and husbandry tactics it is still considered a negative impact. The climate crisis in conjunction with ocean acidification, habitat loss, over fishing and pollution remain to be an huge impact on the reef. Not only did overcollection have an impact on west Hawaii from 1976-2018, but most important, during that time period of 40 plus years our reef fish were overfished for commercial fisheries as well. Commercial fisheries, not local fisheries. I know this because I have an ex-boyfriend who moved here in the 90's to spearfish for commercial practice and knows the amount they took. He has not forgiven himself for that. In fact, everything I read stated that yes... fish collection does have a negative impact on the reef, even when done without cyanide, and it certainly DOES NOT contribute to growth and health of the reef. The only positive is, if done correctly of highest standards, it can help 3rd world countries find a more sustainable fishery to practice versus over fishing during their state of crisis. Hawaii is not in that state of crisis. Each year the aquarium trade is predicted to expand by 10% meaning the pressure along our coast line for yellow tang and the likes on the species list created will only become more.

It is of my greatest concern and opinion we allow our reef ecology along west Hawaii more time from 47 years of unregulated collection and overfishing to rebound and give our reefs the greatest chance to respond to global efforts of climate change. As it stands we still don't know if our efforts will save our reefs. Now is not the time to be taking species out of our finely balanced reef biodiversity.

It is my belief, while greatly respected, 7 permits will not help our states economy but rather just the business entity themselves... who remain to be un-named.

The action to permit and continue trade will have a negative impact and the loss for the whole greatly still out weighs the benefit for 7 at this time. The fish taken by this trade should instead remain part of local Hawaiian practice for the present and future generations.

Mahalo for your work on this. Patty Peters

From:	Michelle Pillen
To:	DLNR.BLNR.Testimony
Subject:	[EXTERNAL] April 12; Agenda Items F.2 and F.3 Testimony Opposition to Reopening Reefs to Destructive Aquarium Trade
Date:	Thursday, April 11, 2024 4:43:18 PM

Dear Department of Land and Natural Resources,

I am writing to **strongly oppose** the proposed plan by the Division of Aquatic Resources (DAR) to reopen our reefs to the destructive aquarium trade. I urge you to uphold the December 8 unanimous Board vote directing DAR to begin rulemaking and to hold the required public hearings on the rules promptly.

The briefing document provided by DAR regarding the West Hawai'i Aquarium Plan (Item F.2) is deeply concerning. It fails to acknowledge the negative impacts of the proposed aquarium collection, including the significant reduction in yellow tang abundance in areas where collection has occurred. Furthermore, the proposed level of take exceeds that of subsistence, recreational, and commercial fishers combined, which is alarming.

Additionally, the document fails to address major cultural concerns, enforcement challenges, or the looming threat of climate change. The trade not only conflicts with local culture and native Hawaiian values, such as pono fishing practices, but it also disregards the opposition from Hawai'i's 46 moku that make up the entire state Aha Moku.

Moreover, a published cost/benefit analysis demonstrates that Hawai'i residents receive zero benefits from the aquarium trade but suffer all the costs. Given the dire predictions by scientists that we could lose 70% of our reefs by 2030 due to climate change, it is imperative that we prioritize reef conservation efforts. Reefs require more herbivores to thrive, and DAR's current herbivore rules for food fish are not robust enough to support reef health.

Legalizing aquarium collection would only provide cover for increased illegal poaching, exacerbating the ongoing threats to our marine ecosystems.

I implore you to uphold the December 8 vote and commence the rule making process to end the aquarium trade. Our reefs are invaluable treasures that must be protected for future generations to enjoy.

Thank you for considering my testimony.

Michelle Pillen Kailua, Hawai'i Dear Board of Natural Resources,

I sincerely ask on behalf of marine life and habitat, that you oppose the attempts by DAR to reopen the aquarium collection trade in Hawai'i.

I love the ocean so much and believe that it is in our collective best interests to protect animals, fish, and coral reefs by allowing them to live and thrive where they belong in the wild.

No profit or enjoyment obtained by humans as a result of aquarium collection is worth the risk of endangering marine life.

Many of these creatures are killed in the collection and transportation processes and only a small percentage of these creatures would even make it to their destinations...

Simply put, it is unethical even when the strictest precautions are taken.

Please oppose these measures and keep Hawai'i waters safe for marine life.

As deep as the ocean, Jessica Rogers

Sent from my iPhone

To Land Board Members,

I oppose the banning of the aquarium fishery, and I support managing the resources by science as proven by DAR. Please support the aquarium fishery and the livelihoods of the local fisherman. Mahalo for your support, Caelly Shiraki Fisherman of Hawaii

Sent via the Samsung Galaxy S23 Ultra 5G, an AT&T 5G smartphone

Dear Hawaii's Board of Land & Natural Resources,

I am opposed to DAR's plan to allow fishes to be caught for the aquarium trade instead of prohibiting it.

Please uphold the December 8 vote and begin the rule process to end the aquarium fish trade that inherently conflicts with local culture and native Hawaiian values, including pono fishing practices to only take what is needed.

Hawai'i's 46 moku that make up the entire state Aha Moku oppose AQ collecting.

A published cost/benefit analysis shows Hawai'i residents receive ZERO benefits from the AQ trade, but suffer ALL the costs.

Scientists forecast that we'll lose 70% of our reefs by 2030 due to climate change. Scientists agree that reefs need more herbivores if they are to have a fighting chance; and, that DARs herbivore rules for food fish are not strong enough. Please save your reefs so I can visit them with my family.

Any legal collection only provides cover for even more illegal poaching that continues even today!

Sincerely,

Janet S. Toole

121 1st Avenue

Phoenixville, PA 19460

From:	christopher vockley
То:	DLNR.BLNR.Testimony
Subject:	[EXTERNAL] Agenda Item F2 and F3
Date:	Thursday, April 11, 2024 5:09:15 PM

To whom it may concern:

I am writing to share that I oppose banning the aquarium fishery, and I support managing resources by science as provided by DAR.

I understand that this is a politically charged issue, however, the data is clear: Hawaii's aquarium fishery has historically been the best managed marine aquarium fishery in the world. Please follow the data and end the ban on the collection of marine ornamental fish.

Best regards,

Christopher M Vockley, Ph.D.