

DAVID Y. IGE
GOVERNOR OF HAWAII



**STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES**

POST OFFICE BOX 621
HONOLULU, HAWAII 96809

**Testimony of
SUZANNE D. CASE
Chairperson**

**Before the Senate Committees on
AGRICULTURE AND ENVIRONMENT
and
WATER AND LAND**

**Wednesday, March 16, 2022
1:00 PM
State Capitol, Conference Room 229 & Videoconference**

**In consideration of
HOUSE BILL 1988, HOUSE DRAFT 2
RELATING TO CORAL**

House Bill 1988, House Draft 2 proposes to prohibit the sale, import, or export of coral products, with certain exceptions and requires the Department of Land and Natural Resources (Department) to amend its administrative rules accordingly no later than 12/31/2022. **The Department supports this bill and offers the following comments.**

The Department requests that the deadline for rulemaking be pushed back to December 31, 2024. The Department has a long list of active and planned rulemaking priorities that are aimed to improve the sustainability of coral reef species for ecosystem health, local food security, cultural practices, and recreation. Even absent other rulemaking priorities, a 2022 deadline is highly ambitious considering the procedural requirements of Chapter 91, Hawaii Revised Statutes.

Thank you for the opportunity to comment on this measure.

SUZANNE D. CASE
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT

ROBERT K. MASUDA
FIRST DEPUTY

M. KALEO MANUEL
DEPUTY DIRECTOR - WATER

AQUATIC RESOURCES
BOATING AND OCEAN RECREATION
BUREAU OF CONVEYANCES
COMMISSION ON WATER RESOURCE MANAGEMENT
CONSERVATION AND COASTAL LANDS
CONSERVATION AND RESOURCES ENFORCEMENT
ENGINEERING
FORESTRY AND WILDLIFE
HISTORIC PRESERVATION
KAHOOLAWE ISLAND RESERVE COMMISSION
LAND
STATE PARKS

HB-1988-HD-2

Submitted on: 3/15/2022 11:23:56 AM

Testimony for AEN on 3/16/2022 1:00:00 PM

Submitted By	Organization	Testifier Position	Testify
David Sakoda	Testifying for DLNR	Comments	Remotely Via Zoom

Comments:

I am available for questions to DLNR. Please allow me Zoom access.



**Department of Land and Natural Resources
Hawaii State Aha Moku
State of Hawaii
Post Office Box 621
Honolulu, Hawaii 96809**

Testimony of
Hawaii State Aha Moku

Before the Senate Committees on
Water and Land
Agriculture and Environment

Wednesday, March 16, 2022
1:00 P.M.

State Capitol, Conference Room 229 & Videoconference

In **SUPPORT** of
House Bill 1988 HD 2
Relating to Coral

House Bill 1988 HD 1 prohibits the sale, import, or export of coral products with certain exceptions. It requires the department of land and natural resources to amend its administrative rules accordingly no later than 12/31/2022.

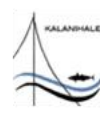
In the State of Hawaii, coral is a precious asset particularly to the native Hawaiian culture.

The Kumulipo, the Hawaiian Creation Chant is an authentic source of information on Hawaiian religion, ancient culture and way of life. It is the beginning of everything, and in this ancient chant is the refrain "*Hanau ka 'Uku ko 'ako 'a hanau kana, he Ako 'ako 'a puka* (Born was the coral polyp, born was the coral). The Kumulipo, and the coral is honored and revered by native Hawaiians on all the Islands. For this alone, all sale, import, or export of coral products with certain exceptions should be prohibited.

We **SUPPORT** the passage of House Bill 1988 HD2 and ask that this measure be adopted. Mahalo nui for the opportunity to testify on this important measure.

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

Rocky Kaluhiwa, Kahu Nui O Kakuhihewa
Hawaii State Aha Moku
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Legacy Reef Foundation



Haereticus Environmental Laboratory

Fair Wind



Environmental Caucus of The Democratic Party of Hawaii

March 16, 2022, 1pm

RE: OPPOSE HB 1988 HD2; RELATING TO CORAL, UNLESS AMENDED

Dear Chairs Gabbard and Inouye and Members of the Senate Water & Land and Agriculture & Environment Committees:

For the Fishes, Conservation Council for Hawaii, Kai Palaoa, Moana Ohana, Sierra Club of Hawaii Moku Lua Group, Kalanihale, Center for Biological Diversity, Friends of Hanauma Bay, Legacy Reef Foundation, Haereticus Environmental Laboratory, Hawaii Reef & Ocean Coalition, Environmental Caucus of the Democratic Party of Hawaii, Fair Wind Charters and Ocean Defenders Alliance-Hawaii ask for your **OPPOSITION to HB1988, Relaing to Coral, unless the bill is amended**, as noted below.

As drafted **this bill protects corals that grow outside Hawaii, BUT excludes Hawaii corals from those same protections.** This measure would prohibit the import, export, and sale of products such as jewelry and trinkets made from corals that grow outside Hawaii but still allow for commercial sales and exports of those products if they are made from *Hawaii* corals, which can be harvested under state issued Commercial Marine Licenses or federal permits, dependent upon the location.

The bill claims to recognize that “the commercial use of coral contributes to the decline and degradation of the State's coral reefs,” yet completely fails to protect Hawaii’s own corals. This grave exception also exposes the state to dormant commerce clause issues given that as drafted, it would only exclude the sale of out of state sourced products, and not serve the local interests, or protecting the natural resources of, the state.

Allowing for the sale of jewelry and trinkets made from Hawaii coral, while prohibiting the sale of those products made from corals from outside Hawaii products is **unenforceable**. It is impossible for DOCARE to differentiate between the numerous coral products, species, their origin and what may have been legally versus illegally harvested.

Further, prohibiting the sale of non-Hawaii corals could have **disastrous consequences** on our own corals by increasing demand, increasing harvesting efforts, and with that, the likelihood of poaching, including taking coral species that have long been prohibited from harvesting. These issues can be addressed by **equally applying sales prohibitions to all products**. The state legislature rightfully did this for shark fins (2010) and ivory products (2016) by prohibiting the sale of all products, regardless of their source, particular species or origin.

Importantly, Black coral, ‘ēkaha kū moana, is a living native Hawaiian ancestor. Hawaiian history and culture is grounded in the kumulipo, where all life begins from the sacred coral polyp. Allowing commercial exploitation of these corals is disrespectful to native Hawaiian cultural values, traditions and practices.

The bill is **supportable only if it is** amended to prohibit the sale of all coral products for commercial purposes by adding the below:

Page 1, line 16- 17 adds harvest

“~187A- Sale, import, **harvest** or export of coral products; prohibited. (a) It shall be unlawful for any person to import into, export from, sell in, **harvest** or offer for sale in the State any coral product.

Page 2, lines 15, 16 deletes “state-permitting” and adds under a Special Activity Permit for non-commercial purposes and clarifies the existing allowed issuance of federal permits if for non-commercial purposes.

(b) This section shall not apply to: (1) Coral products imported, exported, sold, **harvested** or offered for sale for the purposes of:

(1) Coral products imported, exported, sold, **harvested** or offered for sale for the purposes of:...

(F) State [~~permitted~~] harvesting **under a Special Activity Permit for non-commercial purposes;** and

(2) Coral products **or harvesting** expressly authorized by federal law or federal permit **for non-commercial purposes**

We have no objection to existing exemptions in the HD2 allowing for the harvesting of corals, in state or federal waters, as needed, for *non-commercial purposes* such as research, education and replanting, or for use in native Hawaiian cultural practices as protected under our state constitution.

Thank you for your consideration of these critical amendment, should the Committees decide to move this measure forward.

Inga Gibson

Pono Advocacy

On behalf of For the Fishes and the above-noted organizations

PonoAdvocacy@gmail.com, 808.922.9910

HB-1988-HD-2

Submitted on: 3/15/2022 12:58:22 PM

Testimony for AEN on 3/16/2022 1:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Ted Bohlen	Testifying for Hawai'i Reef and Ocean Coalition	Oppose	Remotely Via Zoom

Comments:

To: The Honorable Michael Gabbard, Chair, The Honorable Clarence Nishihara, Vice Chair, and Members of the Senate Committee on Agriculture and Environment, and

The Honorable Senators Lorraine R. Inouye, Chair, Gilbert S.C. Keith-Agaran, Vice Chair, and members of the Senate Committee on Water and Land

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

RE: Hearing RELATING TO CORAL, Wednesday, March 16, 2022, 1:00 pm

Aloha Chairs Gabbard and Inouye, Vice Chairs Nishihara and Keith-Agaran, and members of the Committees:

The Hawai'i Reef and Ocean Coalition COMMENTS that it respectfully OPPOSES THIS BILL UNLESS IT IS AMENDED TO ALSO PROHIBIT HARVESTING AND COMMERCIAL SALE OF HAWAI'I CORALS!

The Hawai'i Reef and Ocean Coalition supports the bill's intent to prohibit the import, export and sale of coral products. However, as drafted, the bill will unintentionally lead to increased harvesting and potential poaching of local coral, because it exempts commercial sale of Hawai'i-sourced coral products, while prohibiting commercial sales of coral products from elsewhere. **This ironically would be worse for Hawaii corals than the status quo.**

DLNR's Division of Aquatic Resources (DAR) reportedly does not issue permits for coral takes, only Special Activity Permits's for non-commercial research and replanting, which HIROC doesn't oppose. Apparently, anyone can harvest coral with a \$100 Commercial Marine License, and self-report takes after the fact. With no verification and little enforcement (since it will be nearly impossible to determine the species and origin of the coral jewelry and different products), **this bill will essentially produce open season on Hawaii's corals.**

The Hawai'i Reef and Ocean Coalition believes that a prohibition on harvesting and commercial sale of coral products regardless of origin (including Hawaii-sourced corals), is needed to protect corals, which are under stress from multiple causes. The Hawai'i Reef and Ocean Coalition **OPPOSES the bill unless it is amended to protect Hawaii-sourced corals.**

The Hawai'i Reef and Ocean Coalition proposes the following simple but critical amendments:

SECTION 2. Chapter 187A, Hawaii Revised Statutes, is amended by adding a new section to part I to be appropriately designated and to read as follows: "§187A- Sale, import, or export of coral products; prohibited. (a) It shall be unlawful for any person to **harvest**, import into, export from, sell in, or offer for sale in the State any coral product.

(b) This section shall not apply to:

(1) Coral products imported, exported, sold, or offered for sale for the noncommercial purposes of:

(A) Research or scientific identification by an accredited museum or university; (B) Rehabilitation or restoration of historic and culturally significant Hawaiian sites; (C) Cultural practices and sacraments performed by native Hawaiians;

(D) ~~Use as limestone or construction materials, cosmetics, or medicines~~; ~~(E) Education; or~~

~~[(F) State permitted harvesting for non-commercial purposes; and]~~

~~[(2) Coral products expressly authorized by federal law or federal permit for noncommercial purposes.]~~

HD1 currently provides an exemption for the sale of Hawaii-sourced coral if the coral is collected under a NOAA issued federal permit. Hawaii should lead by example and clearly exclude the commercial sale of any and all Hawaii-sourced coral as well. This is consistent with other laws (shark fins, ivory products) where federal agencies may issue.

Please pass this bill, but **only if it is amended to protect Hawaii's corals!**

Mahalo!

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



March 15, 2022

COMMITTEE ON WATER AND LAND
Senator Lorraine R. Inouye, Chair
Senator Gilbert S.C. Keith-Agaran, Vice Chair

COMMITTEE ON AGRICULTURE AND ENVIRONMENT
Senator Mike Gabbard, Chair
Senator Clarence K. Nishihara, Vice Chair

March 16, 2022 at 1:00 p.m.

VIA VIDEO CONFERENCE
Conference Room 229

**Re: COMMENTS AND REQUESTED AMENDMENTS FOR HOUSE BILL 1988 HD2
- RELATING TO CORAL.**

Aloha Chair Inouye, Chair Gabbard and Members of the Committee,

Please accept these comments submitted by the Center for Biological Diversity (Center) requesting **crucial amendments to House Bill 1988 HD2**, which would prohibit the sale, import, or export of coral products, with certain exceptions and requires the Department of Land and Natural Resources to amend its administrative rules accordingly.

The Center is a non-profit 501(c)(3) membership corporation dedicated to the protection of native, threatened, and endangered species and the habitats they depend on to survive. Through science, policy, and environmental law, the Center is actively involved in conserving marine ecosystems. The Center has more than 88,000 members throughout the United States, including Hawai'i, with a direct interest in ensuring that imperiled species are properly protected from destructive practices in our oceans. In pursuit of this mission, the Center has worked extensively to protect ocean ecosystems in Hawai'i and nationwide from various threats including improper commercial exploitation. The Center is highly invested in conserving fragile and impacted Hawaiian coral reefs and the marine species that depend on them.

Coral reefs are in crisis. The world has lost a third of its coral reefs due to climate change and other factors in the past 30 years. Ocean warming and acidification, caused by greenhouse gas emissions, has caused large-scale coral bleaching events resulting in unprecedented coral mortality and associated reef decline during the past decades. These mass bleaching events have increased in frequency, severity, and magnitude, and are projected to continue. We must do all we can to protect our coral reefs.

Between 2014 and 2017, a massive warming-induced coral bleaching event swept across the planet killing millions of corals on hundreds of reefs from Hawai‘i to the Great Barrier Reef. As a result, Hawaiian coral has substantially declined in recent years. Scientists predict that the frequency and severity of warming events in the Pacific will increase and are likely to cause stronger mass coral bleaching placing all coral, including our imperiled Hawaiian corals, at a high risk of extinction.

The Center would like to support this bill, however, the amendments made in earlier committees unfortunately added an exemption allowing for the continued commercial sale of coral if the coral was harvested in Hawai‘i. Allowing for the sale of Hawaiian coral, while prohibiting the sale of corals from outside Hawai‘i, is likely unconstitutional under the Dormant Commerce Clause and is entirely unenforceable. It would be impossible for DOCARE to differentiate between the numerous coral products, species, their origin and what may have been legally versus illegally harvested.

It is imperative that this legislature protect our coral for scientific and cultural reasons. Native Hawaiians have long recognized the importance of our coral. In the Kumulipo (Hawaiian creation chant) for example, coral is revered as the first organism created:

***Hanau ka ‘Uku-ko‘ako‘a, hanau kana, he ‘Ako‘ako‘a, puka
Born was the coral polyp, born was the coral, came forth***

Please accept this suggested amendment which would prohibit the sale of all coral products for commercial purposes:

Page 1, line 16- 17 adds harvest

“~187A- Sale, import, **harvest** or export of coral products; prohibited. (a) It shall be unlawful for any person to import into, export from, sell in, **harvest** or offer for sale in the State any coral product.

Page 2, lines 15, 16 deletes “state-permitting” and adds for non-commercial purposes

(b) This section shall not apply to: 4 (1) Coral products imported, exported, sold, **harvested** or offered for sale for the purposes of:

(1) Coral products imported, exported, sold, **harvested** or offered for sale for the purposes of:

(F) State [~~permitted~~] harvesting **for non-commercial purposes**; and

(2) Coral products or **harvesting** expressly authorized by federal law or federal permit **for non-commercial purposes**

The Center has no objection to existing exemptions in the HD2 allowing for the harvesting of corals, in state or federal waters, as needed, for non-commercial purposes such as research, education and replanting, or for use in native Hawaiian cultural practices as protected under our state constitution.

The Center humbly asks this committee to **amend HB 1988 HD2** to protect our coral and reefs by prohibiting the commercial sale of Hawai'i sourced coral.

Mahalo for your consideration,

/s/ Maxx Phillips

Maxx Phillips, Esq.

Hawai'i Director and Staff Attorney

Center for Biological Diversity

1188 Bishop Street, Suite 2412

Honolulu, Hawai'i 96813

(808) 284-0007

MPhillips@biologicaldiversity.org

HB-1988-HD-2

Submitted on: 3/12/2022 12:47:46 AM

Testimony for AEN on 3/16/2022 1:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Jennifer Azuma Chrupaluk	Individual	Support	Written Testimony Only

Comments:

Prohibit all sales of unbleached coral.

HB-1988-HD-2

Submitted on: 3/12/2022 11:06:05 AM

Testimony for AEN on 3/16/2022 1:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Douglas Perrine	Individual	Support	Written Testimony Only

Comments:

Hawaii's corals, essential to our tourist economy, our lifestyle, and our food supply, are under dire threat from climate change. We have already lost major components of our coral reefs and are facing the possibility of the loss of this entire ecosystem. Other tropical locations face the same threat. Trafficking of coral skeletons is a component of ecocide and must be banned for both economic and moral reasons. Please advance HB1988.

HB-1988-HD-2

Submitted on: 3/14/2022 1:51:39 PM

Testimony for AEN on 3/16/2022 1:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Robert Culbertson	Testifying for Big island "Reef Keepers" Hui	Comments	Written Testimony Only

Comments:

Aloha Senators!

As to HB 1988 HD2:

The bill is supportable only if it is amended to prohibit the sale of all coral products for commercial purposes by adding the below:

Page 1, line 16- 17 adds harvest “~187A- Sale, import, harvest or export of coral products; prohibited. (a) It shall be unlawful for any person to import into, export from, sell in, harvest or offer for sale in the State any coral product.

Page 2, lines 15, 16 deletes “state-permitting” and adds for non-commercial purposes

(b) This section shall not apply to: 4 (1) Coral products imported, exported, sold, harvested or offered for sale for the purposes of:

(1) Coral products imported, exported, sold, harvested or offered for sale for the purposes of:

(F) State [-permitted] harvesting for non-commercial purposes; and

(2) Coral products or harvesting expressly authorized by federal law or federal permit for non-commercial purposes

Thank you for your discerning consideration!

R A Culbertson

for Big Island "Reef Keepers" Hui

HB-1988-HD-2

Submitted on: 3/14/2022 2:19:40 PM

Testimony for AEN on 3/16/2022 1:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Diane Ware	Individual	Oppose	Written Testimony Only

Comments:

Dear Chairs and Committee Members,

As drafted this bill protects corals that grow outside Hawaii, BUT it excludes Hawaii corals from those same protections. It would prohibit the import, export, and sale of **products such as jewelry and trinkets made from corals that grow outside Hawaii** but still ALLOW **sales and exports** of those products if they are made from *Hawaii* harvested coral!

Why would the state protect corals from other countries but **not offer the same protections to Hawaii's native corals?** This dangerous exemption would further drive demand, harvesting and poaching of Hawaii's precious corals, which can be taken by anyone with a measly \$100 commercial marine license and no verification of take.

Allowing for the sale of jewelry and trinkets **made from Hawaii coral**, but prohibiting the sale of those products made from corals from outside Hawaii products is unenforceable. How is DOCARE to differentiate between the numerous coral products, species, their origin and what was legally versus illegally harvested?

Black coral, 'ēkaha kū moana, is a living native Hawaiian ancestor. Hawaiian history and culture is grounded in the kumulipo, where all life begins from the sacred coral polyp. Allowing commercial exploitation is disrespectful to kanaka Maoli and violates your oaths to uphold the public trust doctrine of our constitution.

The bill is **supportable only if it is** amended to prohibit the sale of all coral products for commercial purposes.

Respectfully amend to protect Hawai'i's natural resources from unnecessary commercial profits.

Diane Ware, 99-7815 Kapoha Pl, Volcano Hi 96785

HB-1988-HD-2

Submitted on: 3/14/2022 3:01:11 PM

Testimony for AEN on 3/16/2022 1:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Cynthia Punihaole Kennedy	Individual	Comments	Written Testimony Only

Comments:

I am writing in support of HB 1988 with **an amendment**. This bill protects corals outside of Hawaii but does not protect corals grown in Hawaii. **It is very important that the bill be amended** to also protect Hawaii-grown corals from being harvested for export or sales. **If this bill is not amended I request that this bill be deferred.**

HB-1988-HD-2

Submitted on: 3/14/2022 4:04:39 PM

Testimony for AEN on 3/16/2022 1:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Lois Crozer	Individual	Support	Written Testimony Only

Comments:

Just like the ivory ban, this is a smart move so that it's harder to rape the oceans and make a profit.

HB-1988-HD-2

Submitted on: 3/14/2022 4:52:16 PM

Testimony for AEN on 3/16/2022 1:00:00 PM

Submitted By	Organization	Testifier Position	Testify
JANE CARLILE	Individual	Support	Written Testimony Only

Comments:

I support ocean coral health. Any commercial use of coral taken from the ocean is harmful to that health, as is fouling of ocean waters or physical destruction of the coral by walking on it or striking it with marine craft or other objects. Certainly, taking of coral for adornment or decoration purposes should be prohibited and the prohibition enforced. Mahalo to all who support that goal.



Environmental Caucus of The Democratic Party of Hawai'i

To: The Honorable Lorraine R. Inouye, Chair
The Honorable Gilbert S.C. Keith-Agaran, Vice Chair
Committee on Water and Land

The Honorable Mike Gabbard, Chair
The Honorable Clarence K. Nishihara, Vice Chair
Committee on Agriculture and Environment

Re: **HB 1988, HD 2 – RELATING TO CORAL**

Hearing: Wednesday, March 16, 2022, 1:00 p.m., Conference Room 229 and Via
Videoconference

Position: Strong Support

Aloha, Chairs Inouye and Gabbard and Vice Chairs Keith-Agaran and Nishihara and Members of the Committees on Water and Land, and Agriculture and Environment:

The Environmental Caucus of the Democratic Party of Hawai'i strongly supports HB 1988, HD2 and requests that this measure be PASSED by your Committee. This bill would prohibit the sale, import, or export of coral products, with certain exceptions. It would require the Department of Land and Natural Resources to amend its administrative rules accordingly no later than 12/31/2022.

The commercial use of coral contributes to the decline and degradation of the State's coral reefs. Further, the sale, import and export of coral jewelry in the State continues to threaten coral reefs and reef ecosystems in Hawaii and other parts of the world; therefore, this bill would offer protections to our coral reefs.

Mahalo nui loa for this opportunity to testify. Please pass this bill.

Respectfully submitted,

Melodie Adyja

Alan Burdick

Co-Chairs, Environmental Caucus of the Democratic Party of Hawai'i

Email: legislativepriorities@gmail.com

HB-1988-HD-2

Submitted on: 3/15/2022 3:11:02 PM

Testimony for AEN on 3/16/2022 1:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Andrea Quinn	Individual	Support	Written Testimony Only

Comments:

Dear Honorable Committee Members:

Please support HB1988.

To protect our marine environment is to protect our tourism dollars.

Thank you for the opportunity to present my testimony.

Andrea Quinn

Kihei, Maui

HB-1988-HD-2

Submitted on: 3/15/2022 8:08:23 PM

Testimony for AEN on 3/16/2022 1:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Ian Chun	Testifying for Hawaiian Black Coral	Support	Written Testimony Only

Comments:

AEN/WTL Committees,

I support HB1988 HD2 and think House members have done a fair job making amendments based on science and not emotion. For decades our state and nation have allowed corals sourced, harvested, and trafficked by foreign nations without sustainable peer reviewed science, harvesting practices oversight, or a record of chain of custody. This has encouraged unethical commerce which has been confusing to consumers attempting to differentiate unsustainable products from locally harvested and made coral jewelry. Our small coral fishery is the most studied precious coral fishery in the world. It has been well managed by the state of Hawaii and NOAA. Federally regulated coral beds have quotas which have rarely been met. I fact correspondence with NOAA Fisheries and the Western Pacific Fishery Management Council as of 03/15/2022 state:

“While there are **currently no permit holders**, we have implemented bed specific annual catch limits (ACL) and accountability measures (AM) for precious corals, including black corals in the Au Au Channel since 2012 and catches at all beds **have remained below the ACL since we implemented the system of ACLs and AMs.**”

I respect the many testifiers right to their **opinion** in opposition of this bill but encourage Senate members to pass legislation based on the best know peer reviewed science conducted by NOAA, UH, and our states scientists and not on emotionally driven misinformation.

One testifier representing “For the Fishes” Inga Gibson claimed in her written testimony to the House: “...according to NOAA, there is a stockpile of existing harvested coral that coral dealers enter into the market as needed, based on consumer demand”

The largest coral bed in our state the Au Au channel has seen an entire decade of catches below the annual catch limit. There are currently no permit holders. And other than myself am unaware of any other harvesters in the State. Because such statements can manipulate the truth and perception within our community and law makers I reached out to NOAA find out if this claim had any validity. The following is a verbatim email I received from Keith Kamikawa Fisheries Management Specialist with NOAA today.

“Dear Mr. Chun,

Thank you for your communication on March 8, 2022, regarding the State of Hawaii Legislature’s House Bill 1988 relating to corals, which if approved, would prohibit the sale of legally harvested black coral from Federal and State waters. You also provided a copy of public

testimony submitted by the group For the Fishes that states, “...according to NOAA, there is a stockpile of existing harvested coral that coral dealers enter into the market as needed, based on consumer demand” and asked for NOAA Fisheries’ position on this statement.

Our understanding is that, historically, black coral fishermen would collect coral trees and store them for times when there was market demand. However, **most of the fishermen who participated in this practice have since retired and/or passed on, so NOAA Fisheries cannot confirm that there remains a stockpile of existing harvested corals anymore.**

NOAA Fisheries and the Western Pacific Fishery Management Council manage the precious coral fisheries in Federal waters around the main Hawaiian islands under the Fishery Ecosystem Plan for the Hawaii Archipelago (Hawaii FEP) and implementing regulations at Title 50 Code of Federal Regulations, Part 665, Sections 665.250-665.270 (50 CFR 665.250-665.270). **While there are currently no permit holders, we have implemented bed specific annual catch limits (ACL) and accountability measures (AM) for precious corals, including black corals in the Au Au Channel since 2012 and catches at all beds have remained below the ACL since we implemented the system of ACLs and AMs.**

We are currently in the process of preparing new ACLs and AMs for Hawaii precious corals for the 2022-2025 fishing years, as required by 50 CFR 665.269. The federal fishing year for precious corals begins July 1 and ends June 30 the following year. You can find more details on this process by reviewing the ACLs and AMs for the 2019-2021 fishing years for Hawaii precious coral on our website (Pacific Island Fisheries 2019-2021 Annual Catch Limits and Accountability Measures).

Thank you again for your communication Keith Kamikawa”

I hope this email shed more light on the current state of the black coral fishery. I applaud the state for drafting several pieces of legislation in the past few years to put Hawaii at the forefront of conservation. I encourage our decision makers to continue following sound science in their decision making process. There are many dire issues that require immediate attention and deserve the time and effort of our community, scientists, and politicians. Political tribalism has gained a lot of traction nationwide now more than ever. We have well studied and sustainable fisheries here in Hawaii that have come under fire from “don’t touch don’t take” non profit organizations. Lets make sure to analyze our fisheries with deep regard while passing new laws.

Finally I would like to remind committee members of the AEN/WAL that precious corals in Hawaii are not the same as shallow reef building corals, have a low level of participation, are found at depths far beyond recreational dive limits, require divers to hand harvest (no dredging or dragging), have no proven scientific publications supporting a threat to the resource, and Black Coral is our state gem. The coral fishery and coral jewelers in Hawaii have long fell victim to unfair trade practices competing with unknown foreign corals harvested, sourced, and shipped without the rightful and watchful eye of our own regulations. I thank you for the opportunity to comment on this measure.

Sincerely,
Ian Chun

hawaiianblackcoral@gmail.com