

testimony

From: jmglenon@hotmail.com
Sent: Sunday, February 24, 2008 2:30 PM
To: testimony
Subject: Testimony for SB 3225

Committee: Senate Ways & Means Committee

Committee-Chair: Senator Roz Baker

Hearing-Date: Monday, Feb 25, 2008, 10:30am

My Testimony is: I support SB 3225 to regulate aquarium collection, with amendments as noted:

Testimony to date is 3 to 1 in support over opposition. Support reflects a wide and varying cross section of community groups, advisory groups, user groups, Hawaiian Civic Clubs, Maui Countyâ€™s mayor and community leaders. Those opposed are all aquarium collectors, exporters, re-sellers and suppliers.

1) Establish an interim FRA for South Maui from Kahekeli Park heading south to Ahihi Keanou. This would span an open area between two existing management areas, and it takes up far less than the 30% of Mauiâ€™s shoreline prescribed. Olowalu south past Ukumehame is all finger coral and could be a prime recovery area if protected.

2) Establish an interim FRA for Oahu covering all of Kaneâ€™ohe Bay. Three Hawaii Civic clubs are clamoring for this recovery for their species and habitat. They have suffered massive coral destruction there.

3) Establish a limited entry program for all islands as drafted by the West Hawaii Fisheries Council and DAR, with the following changes: a) There will be no exceptions to the limited entry program for those licensed and permitted collectors outside West Hawaii. b) Permits will be non-transferable. c) Permits will be non-renewable outside West Hawaii.

4) Establish an interim no-take list effective immediately to include all species known to die in transit or soon after. This interim no-take list shall be replaced by a permanent no-take list once adequate science occurs to develop that list.

5) Permits will be valid only on the island for which they are issued.

6) Fines for collecting marine species in violation of any of the terms of this bill will be: \$50/fish for the 1st offense, \$100/fish for the 2nd offense, \$200/fish for the 3rd offense, permit revoked on the 4th offense.

I support DARâ€™s request for verification of catch reports, and further request that any and all appropriation(s) be deleted from this bill.

Name: James Glennon

Name-of-my-island: Maui

Phone: 808-891-1680

SendTestimony: Send Testimony

email: jmglenon@hotmail.com

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testimony

From: jenks1kauai@msn.com
Sent: Sunday, February 24, 2008 2:30 PM
To: testimony
Subject: Testimony for SB 3225

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Name: Miki Jenkins

Name-of-my-island: Kauai

Phone: 808-652-5570

SendTestimony: Send Testimony

email: jenks1kauai@msn.com

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testimony

From: mailer@secureserver.net
Sent: Sunday, February 24, 2008 3:01 PM
To: testimony
Subject: Testimony for SB 3225

Committee: Senate Ways & Means Committee

Committee-Chair: Senator Roz Baker

Hearing-Date: Monday, Feb 25, 2008, 10:30am

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Name: Rhonda Martocci

Name-of-my-island: Maui

Phone: 6159488800

SendTestimony: Send Testimony

email: rmartocci

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testimony

From: linda@kauaidesign.com
Sent: Sunday, February 24, 2008 3:01 PM
To: testimony
Subject: Testimony for SB 3225

Committee: Senate Ways & Means Committee

Committee-Chair: Senator Roz Baker

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Name: Linda Pizzitola

Name-of-my-island: Kaua'i

Phone: 808 822-0055

SendTestimony: Send Testimony

email: linda@kauaidesign.com

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testimony

From: kinipaka@hawaii.rr.com
Sent: Sunday, February 24, 2008 2:15 PM
To: testimony
Subject: Testimony for SB 3225

Committee: Senate Ways & Means Committee

Committee-Chair: Senator Roz Baker

Hearing-Date: Monday, Feb 25, 2008, 10:30am

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Name: Dean Morris

Name-of-my-island: Kauai

Phone: (808) 651-1099

SendTestimony: Send Testimony

email: kinipaka@hawaii.rr.com

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testimony

From: revjuddee@maui.net
Sent: Friday, February 22, 2008 10:46 PM
To: testimony
Subject: Testimony for SB 3225

Committee: Senate Ways & Means Committee

Committee-Chair: Senator Roz Baker

Hearing-Date: Monday, Feb 25, 2008, 10:30am

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I support DARâ€™s request for verification of catch reports, and further request that any and all appropriation(s) be deleted from this bill.

Name: Rev. Juddee Kawaiola

Name-of-my-island: Maui

Phone: 874.8687

SendTestimony: Send Testimony

email: revjuddee@maui.net

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testimony

From: miranda@maui.net
Sent: Friday, February 22, 2008 10:46 PM
To: testimony
Subject: Testimony for SB 3225

Committee: Senate Ways & Means Committee

Committee-Chair: Senator Roz Baker

Hearing-Date: Monday, Feb 25, 2008, 10:30am

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Name: Miranda Kawaiola

Name-of-my-island: Maui

Phone: 280.5226

SendTestimony: Send Testimony

email: miranda@maui.net

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Sent: Friday, February 22, 2008 10:30 PM
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Committee: Senate Ways & Means Committee

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Hawaii's rare fish are being exploited by greedy profiteers. The number of reef fish taken has increased exponentially during the past several years. Regulation is necessary or soon the reefs will become a barren underwater wasteland.

I support DAR's request for verification of catch reports, and further request that any and all appropriation(s) be deleted from this bill.

Name: Hank Janpol

Name-of-my-island: Maui

Phone: 573-2431

SendTestimony: Send Testimony

email: alohanalei@yahoo.com

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testimony

From: heather@nomoplastcbag.com
Sent: Friday, February 22, 2008 9:46 PM
To: testimony
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Committee: Senate Ways & Means Committee

Committee-Chair: Senator Roz Baker

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Name: Heather Riley

Name-of-my-island: Maui

Phone: 808.877.2857

SendTestimony: Send Testimony

email: heather@nomoplastcbag.com

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testimony

From: james_kashner@hotmail.com
Sent: Friday, February 22, 2008 9:01 PM
To: testimony
Subject: Testimony for SB 3225

Committee: Senate Ways & Means Committee

Committee-Chair: Senator Roz Baker

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Name: james kashner

Name-of-my-island: big islande

Phone: 808-756-0259

SendTestimony: Send Testimony

email: james_kashner@hotmail.com

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testimony

From: Morris1895@aol.com
Sent: Saturday, February 23, 2008 7:00 AM
To: testimony
Subject: Testimony for SB 3225

Committee: Senate Ways & Means Committee

Committee-Chair: Senator Roz Baker

Hearing-Date: Monday, Feb 25, 2008, 10:30am

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Name: Marc Morris

Name-of-my-island:

Phone: 818 547 5776

SendTestimony: Send Testimony

email: Morris1895@aol.com

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testimony

From: ianjane@hotmail.com
Sent: Saturday, February 23, 2008 7:00 AM
To: testimony
Subject: Testimony for SB 3225

Committee: Senate Ways & Means Committee

Committee-Chair: Senator Roz Baker

Hearing-Date: Monday, Feb 25, 2008, 10:30am

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Name: Ian Jane

Name-of-my-island:

Phone:

SendTestimony: Send Testimony

email: ianjane@hotmail.com

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testimony

From: watersciences@earthlink.net
Sent: Saturday, February 23, 2008 7:00 AM
To: testimony
Subject: Testimony for SB 3225

Committee: Senate Ways & Means Committee

Committee-Chair: Senator Roz Baker

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Â 5)Â Â Â Â Â Permits will be valid only on the island for which they are issued.

6)Â Â Â Â Fines for collecting marine species in violation of any of the terms of this bill will be: \$50/fish for the 1st offense, \$100/fish for the 2nd offense, \$200/fish for the 3rd offense, permit revoked on the 4th offense.

Â Â Â Â I support DARâ€™s request for verification of catch reports, and further request that any and all appropriation(s) be deleted from this bill.

Name: D.L. Marrin

Name-of-my-island: Kauai

Phone: 808-647-0247

SendTestimony: Send Testimony

email: watersciences@earthlink.net

This e-mail was generated from a form submission on your website:
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testimony

From: islandjim@gmail.com
Sent: Friday, February 22, 2008 8:31 PM
To: testimony
Subject: Testimony for SB 3225

Committee: Senate Ways & Means Committee
Committee-Chair: Senator Roz Baker
Hearing-Date: Monday, Feb 25, 2008, 10:30am
My_Testimony_is: I support SB 3225 to regulate aquarium collection, with amendments as noted:

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I support DAR's request for verification of catch reports, and further request that any and all appropriation(s) be deleted from this bill.

I have lived and scuba dived on Maui for the past 15 years. I have noticed the steady decline in reef fish, especially the more exotic ones. No doubt there are several causes for the fish decline and aquarium collection is one of the major causes. Commercial collection needs to be stopped. The Yellow Tang is the number one exported fish.

Name: James Spears
Name-of-my-island: Maui
Phone: 808-264-1835
SendTestimony: Send Testimony
email: islandjim@gmail.com

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testimony

From: tigershark373@yahoo.com
Sent: Friday, February 22, 2008 7:30 PM
To: testimony
Subject: Testimony for SB 3225

Committee: Senate Ways & Means Committee
Committee-Chair: Senator Roz Baker

Hearing-Date: Monday, Feb 25, 2008, 10:30am

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Â IÂ support DARâ€™s request for verification of catch reports, and further request that any and all appropriation(s) be deleted from this bill.

Name: Linda Castro

Name-of-my-island: Maui

Phone: 808-344-2434

SendTestimony: Send Testimony

email: tigershark373@yahoo.com

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testimony

From: wobidog@yahoo.com
Sent: Friday, February 22, 2008 7:30 PM
To: testimony
Subject: Testimony for SB 3225

Committee: Senate Ways & Means Committee

Committee-Chair: Senator Roz Baker

Hearing-Date: Monday, Feb 25, 2008, 10:30am

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2) Establish an interim FRA for Oahu covering all of Kaneohe Bay. Three Hawaii Civic clubs are clamoring for this recovery for their species and habitat. They have suffered massive coral destruction there.

3) Establish a limited entry program for all islands as drafted by the West Hawaii Fisheries Council and DAR, with the following changes: a) There will be no exceptions to the limited entry program for those licensed and permitted collectors outside West Hawaii. b) Permits will be non-transferable. c) Permits will be non-renewable outside West Hawaii.

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I support DAR's request for verification of catch reports, and further request that any and all appropriation(s) be deleted from this bill.

Name: Rachel Bianco

Name-of-my-island: Maui

Phone: 808-281-8988

SendTestimony: Send Testimony

email: wobidog@yahoo.com

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testimony

From: maureen11chuen@hotmail.com
Sent: Friday, February 22, 2008 5:30 PM
To: testimony
Subject: Testimony for SB 3225

Committee: Senate Ways & Means Committee
Committee-Chair: Senator Roz Baker
Hearing-Date: Monday, Feb 25, 2008, 10:30am
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I support DAR's request for verification of catch reports, and further request that any and all appropriation(s) be deleted from this bill.

Name: Maureen McLaughlin
Name-of-my-island: Big Island
Phone: 808-895-0997
SendTestimony: Send Testimony
email: maureen11chuen@hotmail.com

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testimony

From: explormaui@yahoo.com
Sent: Friday, February 22, 2008 4:15 PM
To: testimony
Subject: Testimony for SB 3225

Committee: Senate Ways & Means Committee

Committee-Chair: Senator Roz Baker

Hearing-Date: Monday, Feb 25, 2008, 10:30am

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I support DAR's request for verification of catch reports, and further request that any and all appropriation(s) be deleted from this bill.

Name: MiQe Klemme

Name-of-my-island: Maui

Phone: 808-875-6181

SendTestimony: Send Testimony

email: explormaui@yahoo.com

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testimony

From: cenoteslim@yahoo.com
Sent: Friday, February 22, 2008 5:45 PM
To: testimony
Subject: Testimony for SB 3225

Committee: Senate Ways & Means Committee

Committee-Chair: Senator Roz Baker

Hearing-Date: Monday, Feb 25, 2008, 10:30am

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I support DAR's request for verification of catch reports, and further request that any and all appropriation(s) be deleted from this bill.

Name: glenn Vaughn

Name-of-my-island: Maui

Phone:

SendTestimony: Send Testimony

email: cenoteslim@yahoo.com

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testimony

From: surfinbaer@gmail.com
Sent: Friday, February 22, 2008 5:45 PM
To: testimony
Subject: Testimony for SB 3225

Committee: Senate Ways & Means Committee

Committee-Chair: Senator Roz Baker

Hearing-Date: Monday, Feb 25, 2008, 10:30am

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I support DAR's request for verification of catch reports, and further request that any and all appropriation(s) be deleted from this bill.

Name: Gavin Baer

Name-of-my-island: Oahu

Phone: 808-256-5888

SendTestimony: Send Testimony

email: surfinbaer@gmail.com

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testimony

From: ynez.reyes@hawaiiantel.net
Sent: Friday, February 22, 2008 4:45 PM
To: testimony
Subject: Testimony for SB 3225

Committee: Senate Ways & Means Committee

Committee-Chair: Senator Roz Baker

Hearing-Date: Monday, Feb 25, 2008, 10:30am

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I support DAR's request for verification of catch reports, and further request that any and all appropriation(s) be deleted from this bill.

Name: ynez fernandez-reyes

Name-of-my-island: Maui

Phone: 808 872-1284

SendTestimony: Send Testimony

email: ynez.reyes@hawaiiantel.net

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testimony

From: deborah.shields@vanderbilt.edu
Sent: Friday, February 22, 2008 3:15 PM
To: testimony
Subject: Testimony for SB 3225

Committee: Senate Ways & Means Committee
Committee-Chair: Senator Roz Baker
Hearing-Date: Monday, Feb 25, 2008, 10:30am
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I support DARâ€™s request for verification of catch reports, and further request that any and all appropriation(s) be deleted from this bill.

I do not live in hawaii, however I have been diving there yearly for 10 years. I have noticed fewer fish the last 2 years. Please regulate these collectors and save this valuable natural resource. Thanks you.

Name: Deb Shields
Name-of-my-island: tennessee
Phone: 615-646-9384
SendTestimony: Send Testimony
email: deborah.shields@vanderbilt.edu

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testimony

From: Kecia Joy [kecia@mauioceancenter.com]
Sent: Friday, February 22, 2008 2:39 PM
To: testimony
Subject: I respectfully request the committees support SB 3225.

Kecia Joy
24 Ho'oki Place
Kihei, HI 96753

testimony

From: FloB2@aol.com
Sent: Friday, February 22, 2008 8:09 PM
To: testimony
Subject: SB 3225 testimony, Senate Ways & Means Committee

SB 3225 testimony, Senate Ways & Means Committee

Senator Roz Baker, Chair
Senator Shan S. Tsutsui, Vice-Chair
Committee on Ways and Means
Florence Bahr, 2728 Kauhale St., Kihei, HI 96753
Monday February 25, 2008 10:30 AM .

Support of SB 3225, Relating to Fishing

I respectfully request the committees support SB 3225. I have been a volunteer at the Hawaiian Islands National Marine Sanctuary for years. One of our regular activities is doing reef surveys. We can see a considerable decrease in the amount of reef fish available to count. Please support this important bill to help stop the depletion of fish in our near shore waters.

Thank you for your consideration and for the job you do.

Sincerely,
Florence Bahr

Delicious ideas to please the pickiest eaters. Watch the video on AOL Living.

testimony

From: mstocker@ocr.org
Sent: Friday, February 22, 2008 9:01 PM
To: testimony
Subject: Testimony for SB 3225

Committee: Senate Ways & Means Committee

Committee-Chair: Senator Roz Baker

Hearing-Date: Monday, Feb 25, 2008, 10:30am

My Testimony is: I support SB 3225 to regulate aquarium collection. I was an aquarist for years - both fresh and salt water, with over 10 aquariums in my home of between 20 - 150 gallons. When I became aware of the devastating fatal harvest of wild reef, estuarian, river and lake fishes for the trade I lost my taste for the hobby. Knowing that the fatality rates for the fish that I had in my collection ran from 3 to 50 fish per animal in my tanks, I realized that my collection represented a fatal harvest that I could not reconcile to the joy that I received from viewing these animals in the privacy of my home. This fishery needs to be regulated; the "cost to business" does not square with the cost to the environment.

Name: Michael Stocker

Name-of-my-island: In California

Phone: 415-488-0553

SendTestimony: Send Testimony

email: mstocker@ocr.org

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THE HUMANE SOCIETY
OF THE UNITED STATES



HUMANE SOCIETY
INTERNATIONAL

February 24, 2008

To: Senate Ways & Means Committee
Senator Roz Baker, Chair
Monday, Feb. 25, 2008, 10:30 am

From: The Humane Society of the United States / Humane Society International
2100 L Street NW
Washington, DC 20037 USA

SB 3225 SD1: In Support with amendments - Relating to Fishing - Ornamental Fish Collection

The Humane Society of the United States (HSUS/HSI), this nation's largest animal protection organization, with more than 10.8 million members and constituents, including 46,243 in Hawaii, and The HSUS/HSI's international arm, Humane Society International (HSI), support SB 3225 SD1 with amendments.

The global trade in live wild animals as pets—including live fish for display in home aquaria— involves hundreds of millions of animals every year. The trade threatens the survival of wild populations and causes unacceptable treatment of the animals. This thriving industry feeds on consumer demand for rare and beautiful animals. From monkeys, tigers, and small carnivores, to exotic birds such as parrots, to reptiles and amphibians, to fish, few species are safe from this demand.

The global trade in marine fish involves between 20 and 24 million individual animals, 99 percent of whom are wild-caught (Wabnitz et al. 2003). The U.S. Coral Reef Task Force has recognized that U.S. demand for aquarium species can threaten the sustainability of coral reef species and ecosystems (U.S. Coral Reef Task Force 2000). In this, the International Year of the Coral Reef, established by the International Coral Reef Initiative, it is fitting that Hawaii is re-examining its control over this destructive trade.

The HSUS/HSI opposes the keeping of wild animals as pets. By "wild" we mean any species that has not been domesticated by selective breeding for certain traits that make them appropriate companion animals, whether they are bred in captivity or taken directly from the wild.

Keeping wild animals as pets is inhumane. For wild-caught animals, one concern is that the means by which they are captured and transported to consumers cause unacceptable levels of injury and mortality. Those animals who survive the journey from the wild to the living room may fare no better. Wild animals are difficult to care for in a home environment. In many cases, the husbandry needs are unknown or impossible to meet. Many wild animals are sold as newborns or juveniles; as they grow to maturity they become difficult and dangerous to keep. As a result, wild animals suffer and die from malnourishment, neglect, and abuse in captivity.

High levels of mortality of marine fish in the aquaria trade, associated with inadequate handling and transport, have been widely recognized as a problem (Wabnitz et al 2003). One study demonstrated mortality rates of fish from Sri Lanka to the United Kingdom of 15 percent during and immediately after collection, 10 percent during transit, and 5 percent in holding facilities (Wood 1985). This means that 30 percent of the fish collected died before reaching the market. Once in a home aquarium, mortality rates continue to climb due to inadequate husbandry. The industry treats fish like cut flowers to be displayed until they die (often of starvation), then discarded and replaced.

The wild-caught fish trade is cruel, wasteful, and destructive to Hawaii's biological diversity. The husbandry needs of some of the most popular fish exported from Hawaii—such as butterflyfish (*Chaetodon* spp.) who must eat coral or the cleaner wrasses (*Labroides* spp.) who must eat ectoparasites and other materials such as mucous from the bodies of other fish—simply cannot be met in captivity. Experts on captive husbandry of marine fish have created lists of commonly traded species categorized by their suitability for maintenance in aquaria, such as one that created five categories ranging from species that are “almost impossible to keep and should be left on the reef” to those that are “very hardy with almost all individuals readily acclimatizing to aquarium conditions” (Michael 1999 in Wabnitz et al. 2003). Among the species that are most commonly exported from Hawaii, the Hawaiian cleaner wrasse (*Labroides phthirophagus*) and the ornate butterflyfish (*Chaetodon ornatus*) are considered to be “almost impossible to keep and should be left on the reef” due to their restricted diets. The fourspot butterflyfish (*Chaetodon quadrimaculatus*) and the multiband butterflyfish (*Chaetodon multicinctus*) are also among the top ten species collected in Hawaii, and as coral feeding specialists are unlikely to be suitable for long-term maintenance in home aquaria. Indeed, another author’s list of species for “the beginner [hobbyist] to avoid” includes many taxa that are among the most commonly exported species from Hawaii: all butterflyfishes (Family Chaetodontidae), Achilles tang (*Acanthurus achilles*), and Moorish idol (*Zanclus cornutus*) (Paletta 2001). Collection and export of specimens that have virtually no chance of survival in the home aquaria should cease.

Collection of animals from the wild for the pet trade is harmful to wild populations. There are many examples of wild populations that have been decimated by over-collection to supply the exotic pet trade including the slow lorises of Southeast Asia (*Nycticebus* spp.), the hyacinth macaw of South America (*Anodorhynchus hyacinthinus*) of Central and South America, and the radiated tortoise of Madagascar (*Geochelone radiata*). Among marine fish species that are threatened by collection for the aquaria trade are the Banggai cardinalfish of Indonesia (*Pterapogon kauderni*), the scribbled angelfish of Australia and Papua New Guinea (*Chaetodontoplus duboulayi*), and the mandarinfish of The Phillipines (*Synchiropus splendidus*). In Hawaii, researchers have raised concerns about the collection of uncommon or rare species for the trade including Tinker’s butterflyfish (*Chaetodon tinkeri*), the Hawaiian turkeyfish (*Pterois sphex*) and the flame angelfish (*Centropyge loricula*).

There are many problems with the current management of collection of fish for export from Hawaii. The number of fish exported from Hawaii annually is unknown. In 1995 the official export figure was 422,823 according to the Department of Land and Natural Resources (DLNR). However, this figure was based on reports filed by only 40 percent of people permitted or licensed to export fish, and therefore is believed to significantly underestimate the actual number of fish exported (Boggiatto et al. 2004). The fact that 60 percent of permit and license holders

disregard the requirement to provide monthly catch reports to DLNR apparently without consequence is of concern. The lack of such basic information as the number of fish exported on a species-specific basis does not allow effective management.

Although allowed by law, Hawaii's DLNR has not adopted regulations that limit the number of fish collected by each permit holder (a bag limit), size limits, open and closed seasons, or other common management tools adopted by other jurisdictions that export marine fish for the aquaria trade, such as Florida. The DLNR requires collectors to have permits, and commercial collectors to have licenses, but the nearly 200 permit holders can collect any number of fish of any species. They can also collect fish anywhere with the exception of Marine Life Conservation Districts, and Fish Replenishment Areas established in 2000 on the west coast of Hawaii island. As a result, although the industry is regulated in the sense that permits are issued, except as noted in the previous sentence, there is no management system being applied that would ensure that wild populations are not harmed by levels of collection. This is troubling given the apparent high level of trade.

There is ample scientific and anecdotal evidence that the level of collection of marine fish for the home aquaria trade has had significant detrimental impacts on wild fish populations in Hawaii. Research has established that collection of fish for the aquarium trade is a major source of over-fishing on the island of Hawaii (Tissot 1999; Tissot and Hallacher 2003); in one study, seven of ten fish species targeted by collectors were found to be significantly reduced in abundance (*ibid*). Anecdotally, independent divers and dive tour operators have been reporting declines in fish abundance for at least the past decade; and many testified in favor of SB 3225. Although every area where collection occurs has not been studied in order to scientifically determine the impact of collection on the abundance of species, this should not be used as an excuse for inaction. When it comes to extractive wildlife use, precaution should be applied in cases of scientific uncertainty in order to protect species from over-exploitation.

In addition to concerns about the sustainability of collection and the survival of collected species, current aquarium collection practices in Hawaii raise significant concerns about the effects of aquarium collection on Hawaii's valuable coral reef ecosystems. Among the top Hawaiian exports are the yellow tang (*Zebrasoma flavescens*), kole (*Ctenochaetus strigosus*), chevron tang (*Ctenochaetus hawaiiensis*), Achilles tang (*Acanthurus achilles*), and clown tang (*Naso lituratus*), all of which are important herbivorous species that have experienced significant population declines in areas where fish are collected for export. Herbivorous fish play a crucial role in reef ecosystems by preventing algae to outcompete living corals. On other reefs around the world, overfishing of herbivores has resulted in ecosystem shifts in which corals and other important reef-dwelling benthic invertebrates become smothered by overabundant fleshy algae.

Destructive collection techniques are also of concern. Collectors in Hawaii have been observed breaking coral to capture fish and even using bleach, both of which are illegal (Tissot and Hallacher 2003).

Given these serious concerns, The HSUS/HSI urges the state of Hawaii to adopt a moratorium on the commercial collection and export of marine fish, or at least the establishment of bag limits as was proposed in the original version of this bill. We note that there was tremendous support for

the original version of this bill from many individuals, community groups, and businesses and community leaders in Hawaii.

The HSUS/HSI nonetheless supports the amended bill, SB 3225 SD1, because, if enacted, it would lead to the establishment of extensive areas where collecting will be prohibited. The program in West Hawaii on which this approach builds has shown high levels of community support and success in increasing the abundance of collected species within the fish replenishment areas (Tissot et al. 2004). In the first five years, seven out of the ten most heavily collected species (representing 94 percent of all collected fish) had increased in density in the fish replenishment areas (Walsh et al. 2004).

We respectfully make the following recommendations to amend SB 3225 SD1:

- An interim Fish Replenishment Area (FRA) should be established for South Maui from Kahekili Park south to Ahihi Keanou. This would span an open area between two existing management areas, and would encompass less than the 30 percent of Maui's shoreline. Olowalu south past Ukumehame is all finger coral and could be a prime recovery area if protected.
- An interim FRA should be established for Oahu covering all of Kane'ohe Bay, where there has been massive coral destruction and local citizen concern.
- A limited entry program should be established for all islands as drafted by the West Hawaii Fisheries Council and DLNR's Division of Aquatic Resources, with the following changes: a) there will be no exceptions to the limited entry program for those licensed and permitted collectors outside West Hawaii; b) permits will be non-transferable; c) permits will be non-renewable outside West Hawaii.
- An interim no-take list should be established, effective immediately, to include all species known to die in transit or soon after that are difficult to keep alive once in captivity. This interim no-take list shall be replaced by a permanent no-take list once studies are undertaken to develop that list.
- Permits should be valid only on the island for which they are issued.
- Fines for collecting marine species in violation of any of the terms of this Act should be at least: \$50/fish for the 1st offense, \$100/fish for the 2nd offense, \$200/fish for the 3rd offense, permit revoked on the 4th offense.
- Catch reports should be verified with unannounced on-site inspections and permits revoked if reports are not filed in the previous month.
- Funds for the implementation of these provisions should be derived from taxes or fees on the industry (the "users pay principle"). Users should pass these costs on to consumers.

Thank you for this opportunity to provide testimony on SB 3225 SD1.

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Wood, E. 1985. *Exploitation of Coral Reef Fishes for the Aquarium Trade*. Marine Conservation Society, Ross-on-Wye, UK. (cited in Wabnitz 2003)

William J. Aila Jr.
86-630 Lualualei Homestead Road
Wai'anae, Hawai'i 96792
PH# 330-0376

February 23, 2008

Honorable Sen. Rosalyn H. Baker
Chair, Committee on Ways and Means

Re: Opposition to SB 3225 SD1

Aloha Chair Baker, and members of the committee!

I am an employee of the DLNR, however my testimony presented is that of an individual who has participated in the fishery in the past and presently possesses a commercial fishing license and an aquarium fish license.

I oppose SB 3225 SD1, because the Aquarium fishery in Hawaii is fished at a sustainable rate. The amendment, which instructs DLNR to implement an O'ahu Fisheries Management Area, is the wrong tool to fix a non-problem! If Maui desires one then please remove O'ahu from the bill.

If there are aquarium fishermen in Kaneohe, and on Maui and Hawaii Island that are causing problems, then deal with them through enforcement. If DLNR has data gaps and underestimates the number of fish shipped out of Hawaii then bust the dealers on the basis of under reporting on their dealer reports or bills of ladings, DLNR requires or should require a paper trail.

An O'ahu Fisheries Management Area would create conflicts between DLNR and other fishermen, at a critical time, where cooperation between all ocean users is necessary to make solid decisions on how to manage ocean resources.

The goal of this bill appears to prohibiting aquarium fish collecting on a commercial level. If this is accomplished an unintended consequence will almost certainly be an increase effort directed at reef fish that is sold for consumption at the markets. I don't think that the proponents of this bill are considering this probable impact.

Page two
Testimony SB 3225 SD1

An alternative action would be for DLNR to implement a cap on the number of Aquarium collectors and institute a limited entry fishery. This would result in limited core of professional fishermen with less of an impact to the resource. It is the new entrants to the fishery that have the highest impact on the resource as they "learn the ropes".

Should DLNR manage this fishery correctly and enforce the existing rules and regulations, institute a limited entry mechanism, and collect real time data, there is no reason for this fishery not to continue.

Please hold SB 3225 SD1, Mahalo for the opportunity to testify on this bill.

William J. Aila Jr.

testimony

From: Julian Lifschiz [julesue@sbcglobal.net]
Sent: Sunday, February 24, 2008 9:14 AM
To: testimony
Subject: bill pasage 3225 S D 1

TO: Senate Ways & Means Committee
Senator Roz Baker, Chair; Senator Shan S. Tsutsui, Vice-Chair

From: Dr. Julian M. Lifschiz

Re: **TESTIMONY IN SUPPORT OF SB 3225 SD1**

To be heard on: Monday February 25, 2008 10:30 AM

Sergeant-at-Arms: Please make 35 copies of this testimony for submission to the committee

Dear Senator Baker, Senator Tsutsui and members of the Senate Ways and Means Committee,

I would be pleased if you would amend SB 3225 SD1 according to the recommendations of the Department of Land and Natural Resources (DLNR). The plan that they recommend has been modeled on the highly successful plan from West Hawaii and represents sound management of the aquarium industry. Sound management is, "Lord knows" what we need.! Please amend it and pass it.

Thank you very much,

Julian M. Lifschiz DDS

Dr. Jule Lifschiz
E-mail: julesue@sbcglobal.net

testimony

From: Darla J White [onareef@yahoo.com]

Sent: Sunday, February 24, 2008 2:11 PM

To: testimony

Subject: Disagree with SB3225 SD1

Attachments: 1774497355-Testimony_SB3225SD1.doc; 1587070597-Testimony_SB3225SD1.docx

Darla White

Disagree with language of SB3225 SD1

To: The Hawai'i State Senate Ways and Means Committee

The Honorable Rosalyn Baker, Chair

From: Darla J White

RE: SB 3225 SD1

Aloha,

I respectfully disagree with bill SB3225 SD1 the way it currently reads. I believe that the changes proposed by DLNR are appropriate and encompass detailed aspects necessary for the effective management of the aquarium trade in Hawai'i. The recommendations are backed by solid science and nearly a decade of experience. I personally have been a part of that science as a research diver collecting data for the West Hawai'i Aquarium Project from May of 2000 until November 2006, and have a deep understanding of the issues.

The Kona DAR/DLNR office has worked closely with UH researchers and the community through the West Hawai'i Fisheries Management Council. Act 306 (now HRS 188-F) was written specific to the West Hawai'i aquarium fishery, and has been beneficial both to the reef fish populations and the aquarium trade. However, attempting a blanket ruling for the other islands is not necessarily appropriate, especially given habitat differences among islands. Moreover, the nearly ten years of research that has been done surrounding Act 306 has indicated more refined rules are appropriate for other islands, such as are outlined in the DLNR recommendations.

While the day use mooring and lay net bans are beneficial, and I am a proponent of both, they are two other issues that are in process and are unrelated to this issue. This bill as it is currently written excludes many important measures critical to the management of the aquarium fishery.

Please consider revisions to the current language of SB3225 SD1 by adding in the DLNR recommendations, AND by striking any and all amendments proposed by Snorkel Bob's efforts.

Best regards,

Darla White
755 Kupulau Dr.
Kihei, HI 96753-9349
808-345-2312

Darla White

Disagree with language of SB3225 SD1

Darla J White
Field Coordinator for Fish Surveys
Kahekili Herbivore Fisheries Management Area, Maui
University of Hawai'i at Manoa, Botany Department
Cell: 808-345-2312; Fax 888-570-2641
onareef@yahoo.com or darla.white@hawaii.edu

Darla White

Disagree with language of SB3225 SD1

~~Re: SB3225 SD1~~ Re: SB3225 SD1

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Please consider revisions to the current language of SB3225 SD1 by adding in the DLNR recommendations, AND by striking any and all amendments proposed by Snorkel Bob's efforts.

Best regards,

~~808-961-9349~~

Darla White

Disagree with language of SB3225 SD1



THE SENATE
TWENTY-FOURTH LEGISLATURE 2008

COMMITTEE ON WAYS AND MEANS
Senator Rosalyn H. Baker, Chair
Senator Shan S. Tsutsui, Vice Chair

Monday, February 25, 2008
10:30 pm, Conference Room 211 State Capitol

SENATE BILL NO. 3225, SD1
Relating to fishing

Chair Baker, Vice Chair Tsutsui and members of the committee, my name is Linda Paul and I am testifying behalf of the Ocean Law & Policy Institute of the Pacific Forum CSIS in favor of SB 3225 SD1.

Hawaii entered the global marine aquarium trade in 1953 and most of the marine aquarium fish and invertebrates collected in U.S. waters today come from this State. While over 100 species of fish are collected, just seven of those species comprise 90% of the harvest with the yellow tang, an algae eater, comprising almost three quarters of all the reef fish taken in Hawaii for export to the mainland for the home aquarium trade.

Aquarium fish collectors generally take small, pre-reproductive fish before they have a chance to reproduce. Many of these fish are herbivores, most often surgeon fish such as the yellow tang, which graze down algae growing on our reefs. When large numbers of these grazers are removed from Hawaii's reefs both native and alien species of algae rapidly spread, smothering live coral and destroying fish habitat.

The aquarium fish harvest needs to be managed very carefully to prevent our reef ecosystems from being negatively impacted by the removal of large numbers of herbivores. At the present time, the only management approach that seems to be working is the one in place for West Hawaii, which not only addressed competing uses, but also created Fish Replenishment Areas (FRAs) with plenty of community input as to the size and location of the areas to be set aside.

In addition, not only do FRAs protect breeding females, they are also fairly easy to enforce in contrast to other methods such as size and bag limits. Before any bag or container used to carry aquatic life can be inspected for compliance with a fishing rule, Hawaii Revised Statutes §187A-15 currently requires that an officer has to have 'probable cause' that the container carries contraband, even though the Constitution does not require such if (1) there is consent (i.e. given in the course of taking out a commercial fishing

marine license (§189-2), or aquarium fish permit (§188-31 HRS), (2) there is a valid regulatory scheme in place (in this case an aquarium trade monitoring program), and (3) there are no criminal penalties imposed for violations of the license or permit. (The loss of one's permit or license and the payment of a fine are civil, not criminal, penalties.)

This bill is also needed to provide authority for the establishment of an aquarium trade monitoring program to enable the collection of accurate information on the number of marine animals collected and exported for the aquarium trade. Analysis indicates that less than half of the required reports are not filed and that the total number of live reef fish exported out of the State has been grossly underestimated (about 20% of the total).

We support this amended bill and thank you for giving us the opportunity to submit testimony.



Linda Paul, Director
262-6859

OCTOPUS GARDEN DIVERS, INC.

KIHEI, HI

FAX COVER SHEET:

PAGE 1 of 4

Senator Roz Baker, Chair

Senator Shan Tsutsui, Vice Chair

Committee on Ways and Means

Monday, Feb. 25, 2008, 10:30 AM, Room 211

Fax to:

Senate Sergeant at Arms Office:

1-800-586-6659

Senator Roz Baker, Chair
Senator Shan Tsutsui, Vice Chair
Committee on Ways and Means
Monday, Feb. 25, 2008, 10:30 AM, Room 211

From: Octopus Garden Divers, Inc., Kihel, HI

Support with reservations of S.B. No. 3225, SD1, Relating to Fishing - Ornamental Fish Bag Limits

Aloha Senator Baker and Committee Members,

My name is Rene Umberger, and for over 20 years, I have owned and operated a small dive business on Maui. I am also on the Maui Nui Marine Resource Council Bag Limit Committee. While I strongly support SB 3225, SD1 in it's intent to regulate the aquarium trade, I do not support SD1 as it relates to other types of fishing, boat anchoring or other recreational activities. This bill was originally intended to be about the unlimited aquarium fish catch, and that's where I'd like to see it return.

In addition, I am strongly in favor of FRA's for the rest of State waters, but only when they are combined with take limits on the fish desperately in need of protection from aquarium industry overharvesting. The aquarium trade has been irresponsible in it's harvesting practices, as evidenced by the DLNR's own studies. I am including an excerpt from the 2005 DLNR report to the Legislature on the effectiveness of the West Hawaii FRA's.

The table below shows densities, within FRA's, of 5 of the top 10 collected fish species. Please note that 3 of these species are still in decline and 2 have had only marginal improvement YEARS after the establishment of replenishment areas.

Common Name	Scientific Name	Mean Density* Before	Mean Density* After	Overall % Change in Density#
Ornate Butterflyfish	<i>Chaetodon ornatus</i>	0.87	0.75	-14%
Multiband Butterflyfish	<i>Chaetodon multicinctus</i>	5.71	5.02	-12%
Hawaiian Cleaner Wrasse	<i>Labroides phthirophagus</i>	0.88	0.73	-18%
Chevron Tang	<i>Ctenochaetus hawaiiensis</i>	0.22	0.23	+2%
Longnose and Forcepsfish	<i>Forcipiger spp.</i>	0.73	0.77	+6%

These fish are in immediate need of protection. Not only are their numbers significantly reduced, but several of them are known to starve to death within a few months, at most, while in captivity. The no take list being proposed by the Maui Nui Marine Resource Council, includes these species and I urge you to amend the bill to include the list, in it's entirety, as an interim measure until a permanent list is adopted by the DLNR.

Without harvesting limits on certain species, the FRA's are only good for a few species living within the protected area. Even the Hawaii Coral Reef Initiative recommends bag limits for West Hawaii: In their Research Program Report they list under Recommendations: "Require species-specific harvesting limitations for rare species in open areas."

Outside the FRA's, in the "open areas", millions of Hawaii's fish are still captured and shipped off in high numbers, all of them dying well before their natural life spans would be in the wild. From the time they are captured to their ultimate death in captivity, these wild caught fish are treated inhumanely. This is evidenced by their name, "ornamental" fish. They aren't even considered to be living animals or pets, they are considered to be cheap, throw away, easily replaced decorations. The industry:

- Targets wild caught fish which have an extremely high mortality rate in capture, transport and captivity
- Guards those numbers but they are estimated by experts to be between 35 – 65%
- Retailers won't even guarantee that our fish will live more than 14 days once leaving their shops and many of Hawaii's fish sold over the internet aren't even guaranteed to arrive alive at the purchasers doorstep.

One of my clients who used to own an aquarium shop recently told me that responsible retailers don't sell wild caught fish because they are widely known to die quickly in captivity.

The Humane Society of the U.S. recognizes the many issues with the aquarium trade and is against wild caught fish used as ornaments and pets.

Not only is this a shameful waste of a precious Hawaiian resource, but it is hurting my industry, as well. The aquarium trade generates just a few million dollars and employs just a few hundred people. Comparatively, a recent State sponsored study showed that the marine tourism industry generates several hundred million dollars annually and employs over 2000 people. The aquarium trade generates very little for the economy, yet it contributes significantly to the stress and degradation that is occurring on Hawaii's reef systems today.

As a commercial dive tour operator since 1984, I've watched the slow and steady decline of Maui's reefs and fish. Reefs where I was once proud I'm now embarrassed when taking my clients to their old favorite sites because most of the fish are gone, especially the targeted species. When I conduct REEF fish count surveys, yellow tangs go from being at the very top of the abundance list in conservation districts to the very bottom of the list outside of them.

While I'm not suggesting that the aquarium industry is the only cause of this, it is certainly the major contributor, and as such is harming an industry that generates hundreds of times more for the economy than fish collecting does.

Another compelling argument comes from the U.S. congress which set a precedent for regulating wild caught animals that had almost the exact same issues as our fish, when they passed the Wild Caught Bird Act in 1992. In doing so they recognized that trade should be suspended for wild caught animals that are unsustainably harvested and have unacceptably high mortality rates.

The law notes that the U.S prohibits the export of all wild caught birds that are native to the U.S. Contrast that to the wild caught fish here where almost 50% of the top 20 exported fish are native to Hawaii.

Because of all of these reasons, and many more, the ornamental fish trade needs limits put on what and how much they can take from Hawaii's reefs. I urge you to pass SB 3225 with our suggested amendments. Thank you for your time and consideration.

Mahalo,

Rene Umberger

Rene Umberger

Octopus Garden Divers, Inc.

(808) 875-0183

testimony

From: Lori Kane [velorakane@hawaiiantel.net]
Sent: Saturday, February 23, 2008 9:26 PM
To: testimony
Subject: SB 3225 SD1

February 23, 2008

TO: Senate Ways & Means Committee
Senator Roz Baker, Chair; Senator Shan S. Tsutsui, Vice-Chair

From: Lori Kane
Re: **TESTIMONY IN SUPPORT OF SB 3225 SD1**

To be heard on: Monday February 25, 2008 10:30 AM

Sergeant-at-Arms: Please make 35 copies of this testimony for submission to the committee

Dear Senator Baker, Senator Tsutsui and members of the Senate Ways and Means Committee,

Please amend SB 3225 SD1 according to the recommendations of the Department of Land and Natural Resources (DLNR). The plan that they recommend has been modeled on the highly successful plan from West Hawaii and represents sound management of the aquarium industry. Please amend it and then pass it.

Thank you very much,

Lori Kane
Puanahulu
Big Island

testimony

From: Cindy Walsh [cindywalsh@hawaii.rr.com]
Sent: Saturday, February 23, 2008 6:18 PM
To: testimony
Subject: TESTIMONY IN SUPPORT OF SB 3225 SD1

February 23, 2008

TO: Senate Ways & Means Committee
Senator Roz Baker, Chair; Senator Shan S. Tsutsui, Vice-Chair

From Cynthia Walsh, po box 976, Captain Cook, HI 96704

Re: **TESTIMONY IN SUPPORT OF SB 3225 SD1**

To be heard on: Monday February 25, 2008 10:30 AM

Sergeant-at-Arms: Please make 35 copies of this testimony for submission to the committee

Dear Senator Baker, Senator Tsutsui and members of the Senate Ways and Means Committee,

I would like to ask that you amend SB 3225 SD1 according to the recommendations of the Department of Land and Natural Resources (DLNR). The plan that they recommend has been modeled on the highly successful plan from West Hawaii and represents sound management of the aquarium industry. Please amend it and pass it.

Thank you very much, Cynthia Walsh

testimony

From: Jerene [jerenela@hawaii.rr.com]
Sent: Saturday, February 23, 2008 6:15 PM
To: testimony
Subject: TESTIMONY IN SUPPORT OF SB 3225 SD1

February 23, 2008

TO: Senate Ways & Means Committee
Senator Roz Baker, Chair; Senator Shan S. Tsutsui, Vice-Chair

From:L. JERENE 81-1081 Keopuka Mauka Rd. Kealakekua Hi. 96750

Re: **TESTIMONY IN SUPPORT OF SB 3225 SD1**

To be heard on: Monday February 25, 2008 10:30 AM

Sergeant-at-Arms: Please make 35 copies of this testimony for submission to the committee

Dear Senator Baker, Senator Tsutsui and members of the Senate Ways and Means Committee,

Please will you amend SB 3225 SD1 according to the recommendations of the Department of Land and Natural Resources (DLNR). This bill represents sound management of the aquarium industry. It has been modeled on the highly successful plan from West Hawaii. I will be ever so grateful if you will amend it and pass it.

Mahalo Nui Loa,

Jerene

testimony

From: COLIN & ROWENA GOULD [rocokona@aloha.net]
Sent: Sunday, February 24, 2008 6:24 AM
To: testimony
Subject: testimony for SB 3225 SD1

February 23, 2008

TO: Senate Ways & Means Committee
Senator Roz Baker, Chair; Senator Shan S. Tsutsui, Vice-Chair

From: Colin Gould P.P.Box 2123, Kailua-Kona HI 96745
Re: **TESTIMONY IN SUPPORT OF SB 3225 SD1**

To be heard on: Monday February 25, 2008 10:30 AM

Sergeant-at-Arms: Please make 35 copies of this testimony for submission to the committee

Dear Senator Baker, Senator Tsutsui and members of the Senate Ways and Means Committee,

Please amend SB 3225 SD1 according to the recommendations of the Department of Land and Natural Resources (DLNR). The plan that they recommend has been modeled on the highly successful plan from West Hawaii and represents sound management of the aquarium industry. I live in Kona and I have seen the difference that FRAs have made here. Please amend it and pass it.

Thank you very much,
Colin Gould

Caroline Halualani Bright
46-317 Halualani Place
Kane'ohe, HI 96744
Ph. 235-6789

February 25, 2008

TO: SEN. ROSALIND BAKER, CHAIR
AND MEMBERS
SENATE COMMITTEE ON WAYS & MEANS

FROM: CAROLINE HALUALANI BRIGHT
Kupa'aina of Ha'iku Valley
Kupuna, Komomua 'Ohana

SUBJECT: **S.B. 3225, S.D. 1 – RELATING TO FISHING**

As an elder of the Komomua 'ohana from He'eia, Ko'olaupoko, I wish to testify in strong support of this bill to protect our resources.

I have spent much of my life fishing and gathering in the waters of Kane'ohe Bay. That was our family's "ice-box", and we only gathered what we needed to sustain ourselves.

I still go and collect limu, crab, catch my own squid – and practice my lawai'a traditions to this day, even at my age.

One of my 'ohana shared with me recently an advertisement from the internet of someone who was trying to sell fish caught from our island waters. These fish are hard to find any more. That means they are become less plentiful, and we should be more careful to protect is.

These people who collect our island fish for sale to aquarium owners don't seem to care that they are depleting the resource. If all of us did that same thing, there would be nothing left.

We survived in the old days by being careful not to take more than we needed, and our people never caught the babies or the mother fish about to give birth. Nowadays, new people are coming in with selfish attitudes, trying to make money by over-gathering the resource. This is so pono'ole.

You can help protect our resources. Please support this bill.

Mahalo.

JERRY KALUHIWA
P. O. BOX 4870
Kaneohe, HI 96744

February 25, 2008

SEN. ROSALIND BAKER, CHAIR, & MEMBERS
COMMITTEE ON WAYS & MEANS
State Capitol
Honolulu, Hawaii 96813

Subject: S.B. 3225, S.D.1, Relating to Fishing

Dear Senator Baker and Members:

I wish to testify in support of Senate Bill 3225, Senate Draft 1, which would protect our native Hawaiian fish from over-gathering by aquarium collectors.

As a native Hawaiian cultural practitioner of lawai`a for all my life, I have watched with growing concern the serious problem of our fish disappearing from Kane`ohe Bay. Over 60 years, I saw how the mullet has decreased, the moi is decreasing, so is the `uhu, the kumu, the weke, weke`ula, all of these have been getting scarcer. Every kind of native fish is disappearing. They are even doing nighttime harvesting of the baby fish, so the fish can't even grow to maturity. I recently saw people with flashlights out on the reef and, when I checked it out in the morning, I found they had pried and turned over the coral. They are using the mesh net system and this is killing the coral, too.

I fought for years to have better regulations to protect all of these island fish, but nobody did anything except to pass the gillnet fishing regulation last year.

This over-gathering, and taking of juvenile fish, are against our cultural practices. Hawaiians never took the babies, they never took more than they needed. When they saw that the fish supply was getting smaller, they went elsewhere to fish.

Our people practiced the kapu system, where closures were needed to protect the fish and allow the stock to replenish. But we never had permanent kapu closures, only temporary until the fish were plentiful again.

Please support this bill. Mahalo.

JERRY KALUHIWA
He`eia-Kea

testimony

From: Duane & Marjorie [erwayd001@hawaii.rr.com]
Sent: Sunday, February 24, 2008 5:15 PM
To: testimony
Subject: SUPPORT - SB 3225 SD1 - Senate Ways & Means Comm. - 2/25/08 @ 10:30a.m. - please make 35 copies and distribute

Importance: High

Aloha Senator Baker and Ways & Means Committee members!

We urge you to fully support the DLNR's recommendations as they have been modeled on the VERY successful plan from West Hawaii. "Our" plan is based on sound management of the aquarium (fish collectors) industry, so it is definitely worthy of your support.

Please amend it and pass it.

Mahalo nui loa,
Duane & Marjorie Erway
PO Box 2807
Kailua-Kona, HI 96745
808-324-4624

Senator Rosalyn H. Baker, Chair
Senator Shan S. Tsutsui, Vice Chair
Ways and Means Committee

Monday, February 25, 2008
10:30 am
Conference Room 211

In Strong Opposition to SB3225 SD1

Chair Baker and Vice-Chair Tsutsui, and Honorable Committee Members of the Senate Ways and Means Committee. I am Roy Morioka of Waialae-Iki, Oahu, a retiree and fisherman and I thank you for this opportunity to testify in strong opposition to this bill as it attempts to usurp the aha moku council process, violates the intent of chapter 91 rule making process and fails to establish baseline references of our marine resources.

The original bill was to establish bag limits to commercial aquarium fish collectors and has evolved into a measure that would circumvent the aha moku council process established during the 2007 session of this legislature by not awaiting the recommendations by the aha kiole council recommendations regarding the management of our resources scheduled to be received by the legislature 20 days before its 2009 session.

Secondly, the department of land and natural resources through legislation to establish the Oahu and Maui regional fishery management areas when they already have authority under "**§187A-2 Powers and duties of department**. The department shall: 3) Establish, manage, and regulate public fishing areas, artificial reefs, fish aggregating devices, marine life conservation districts, shoreline fishery management areas, refuges, and other areas pursuant to title 12; 6) Gather and compile information and statistics concerning the habitat and character of, and increase and decrease in, aquatic resources in the State, including the care and propagation of aquatic resources for protective, productive, and aesthetic purposes, and other useful information, which the department deems proper;" simply appears to bypass the chapter 91 process that includes citizen participation in the development of fishery management rules. This is further evidenced by the egregious striking of, **SECTION 4. Section 188F-6, Hawaii Revised Statutes, is repealed.**

~~["§188F-6] Rules. The department shall adopt rules to effectuate the purposes of this chapter in accordance with chapter 91."~~, that effectively eliminates public participation.

Thirdly, the depart has not done its job through the years by conducting the necessary studies to monitor the status of our marine resources and investigated the changes and impacts to these resources by consumptive and non-consumptive uses. To submit a report after five years without a baseline from which to gauge the effectiveness of the creation of these regional management areas is simply counter to the foundation of scientific analyses.

Therefore, I humbly seek your committee's action to hold this bill by withholding any funding to the department for this measure until the issues and concerns noted above are addressed and properly administered after the aha kiole report is received and acted upon by the legislature, the chapter 91 process is observed, and the establishment of a scientific basis from which the department can recommend the creation of these and other regional fishery management areas for public consideration. Thank you for this opportunity to testify and consideration of my concerns.

Sincerely,
Roy N. Morioka

COMMITTEE ON WAYS AND MEANS

Senator Rosalyn H. Baker, Chair

Senator Shan S. Tsutsui, Vice Chair

February 24, 2008

RE: HB3225 HD-1 scheduled to be heard by WAM on Monday, 2/25/08 at 10:30 am in conference room 211.

My name is Brian F. Funai and I am testifying in opposition to SB3225 HD-1.

SB3225 HD-1 provides that the Department of Land and Natural Resources is to establish a network of fish replenishment areas on Maui and Oahu with the option of establishing them on additional islands as warranted in the future.

Three years ago, this type of system of marine area closures was introduced in multiple bills that that were killed by your legislature. I will be asking you to do the same today for the very same reasons why you did back then.

Today's "management" of our ocean resources has been thinly disguised as "protection" of areas of the ocean by closing them off to fishing, yet all this does is to eliminate the residents you represent from the use of the ocean resources that are then reserved for commercial tour purposes.

There is also no scientific basis for these area closures as the approach is to take big enough areas to make sure you cover everything that you do not know about, "just in case". I find this to be absurd, inefficient and not nearly respectful to the manner in which the native people managed Hawaii's ocean resources for a thousand years and up to the not so distant past. They knew what, when, where and, most importantly, why things were going on so that they could survive on, be part of and perpetuate Hawaii's ocean resources. They did not have permanent and total closures.

I would ask that you please examine the basis for which this measure is being proposed on as I understand there is much fanfare being touted on the success of the West Hawaii Fisheries Management Area FRAs. The successes in these West Hawaii areas were a few in a limited number of fish species that were studied and not all of those studied. Please do not let the hype mislead this committee as again, it is based on very limited knowledge of what is actually going on in the ocean in totality.

The people that are asking you to kill this bill are island residents that do indeed have an interest in protecting our ocean resources and are not in any way asking for things to continue on as they have been. There are measures being proposed in other bills that make sense – please look at these other bills and give island people a chance to manage the resource. We fish for recreational, cultural and subsistence purposes, are part of what makes Hawaii what it is and will care for the ocean so that we can continue to do so. It is not in the interest of the State to further eliminate and alienate local people who can actually help restore, monitor and care for Hawaii.

I strongly oppose this bill for these reasons and ask that you please kill SB3225 HD-1.

Thank you for your time and allowing me to testify.

Brian F. Funai
Kaneohe, HI 96744

testimony

From: Diana Dahl [melofarm@hawaii.rr.com]
Sent: Sunday, February 24, 2008 9:50 AM
To: testimony
Subject: Support for SB 3225

SB 3225 testimony, Senate Ways & Means Committee

Senator Roz Baker, Chair

Senator Shan S. Tsutsui, Vice-Chair

Committee on Ways and Means

Diana Dahl, Haiku, Hawaii 96708

Monday February 25, 2008 10:30 AM .

Support of SB 3225, Relating to Fishing

I respectfully request the committee's support SB 3225 which puts limits on the taking of our reef fish.
Mahalo.

Sincerely, Diana Dahl

testimony

From: Robin Newbold [robin@mauirobin.com]
Sent: Sunday, February 24, 2008 9:35 AM
To: testimony
Subject: TESTIMONY IN SUPPORT OF SB 3225 SD1 ONLY WITH AMENDMENTS

To: Senate Ways & Means Committee
Senator Roz Baker, Chair; Senator Shan S. Tsutsui, Vice-Chair

From: Robin Newbold, Kihei, HI 808-875-7661
Retired Professor of Marine Biology and Oceanography, Saddleback College (22 years)
Coral reef research and education on Maui (12 years)
Date: 24 February, 2008

**Re: TESTIMONY IN SUPPORT OF SB 3225 SD1 only with amendments
Collecting of ornamental fish for the Aquarium Trade**

Hearing: Monday February 25, 2008 10:30 AM

Sergeant-at-Arms: Please make 35 copies of this testimony for submission to the committee

Dear Senator Baker, Senator Tsutsui and members of the Senate Ways and Means Committee,

SB 3225, as re-written by Senator Hee, addresses an entirely different set of problems than the original bill intended, and imposes a management scheme that was devised for West Hawaii in response to severe conflict between aquarium collectors and the tourism industry. It works well in West Hawaii because it resolves the human conflict, and because the extensive shoreline and unusual bottom topography provide an abundance of fish. None of these conditions exist on or around the islands of Oahu and Maui.

Reef fish on West Hawaii are many times more abundant than those around Oahu and Maui because of differences in habitat, currents, recruitment, and bottom topography. For example, Dan Polhemus estimates the standing stock of yellow tang around West Hawaii to be 5,000,000 fish. Around Maui we rarely see a yellow tang except in the protected areas. But even in protected areas yellow tang are not abundant because much of Maui's underwater habitat does not naturally support vast numbers of fish. Thus, even a relatively minor amount of aquarium collecting quickly decimated reef fish populations on Maui. At this point, there are too few fish to allow further collecting around Maui; this is also true for Kaneohe Bay on Oahu.

When the FRA system was devised for West Hawaii collectors were making a living from collecting reef fish for the global aquarium trade. But on Maui, seven collectors reported earning \$28,000 in 2007 (according to DLNR records); that is not enough for even one collector to call it a business. Thus aquarium collecting around Maui must be considered a hobby that strips Maui's reefs of fish that are desperately needed by our culture, our shorelines and our economy. The reef fish help build the reefs that protect our coast during storms; they keep the coral clean and allow the native *limu* to flourish, and they attract residents and tourists to the beauty beneath the waves.

In a 2003 study of Kihei's reefs by the Hawaii Coral Reef Initiative, Director Mike Hamnett concluded

that Kihei's reefs alone contribute \$28,000,000 / year net to the State's economy with 29% of that coming from the snorkeling and diving industry. In the same report, Director Hamnett reported that living coral reef generates \$364,000,000 / year to the state's economy. Without the fish, this revenue will be lost.

In the March, 2005, advertising supplement to the Honolulu Advertised, sponsored by DLNR, Director Peter Young reminded us that the value of Hanauma Bay (alone) as a recreational site is estimated to be \$35,000,000 / year (Wan Buerking & Cesar, 2004). On Maui visitors once enjoyed fish watching from Honolua Bay to La Parouse, but now ask "where are all the fish?" and conclude that they will vacation elsewhere next year. We can't let that happen; we must protect the fish!

Clearly the \$2 - \$3 / fish that the collectors earn by taking the fish from the reef is not worth loosing them. **Establishing an FRA that includes all of Maui's reefs, and at least those in Kaneohe Bay on Oahu makes sense.**

Establishing a series of patchwork FRAs to manage a hobby on Maui isn't reasonable. It will be impossible to enforce. Our shoreline isn't long enough. Our reefs don't have enough fish. Enforcement will be a nightmare. Establishing Maui as an FRA where fish and invertebrates may not be taken for the global aquarium trade is the only reasonable solution for Maui.

Please give our fish time to recover. Keep Maui's fish on the reef. Make all of Maui an FRA now.

Mahalo nui,

Robin Newbold
Kihei, Hawaii

Addendum:

According to a study by Tissot and Hallacher in 2003 (<http://www.coralreefnetwork.com/kona/impact/default.htm>), collecting of fish for the aquarium trade in West Hawaii reduced natural fish stocks from 38% - 100% in 5 years (see below). Maui does not have enough fish to adopt this management system.

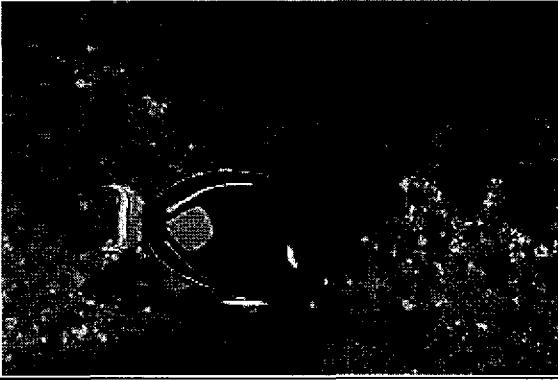
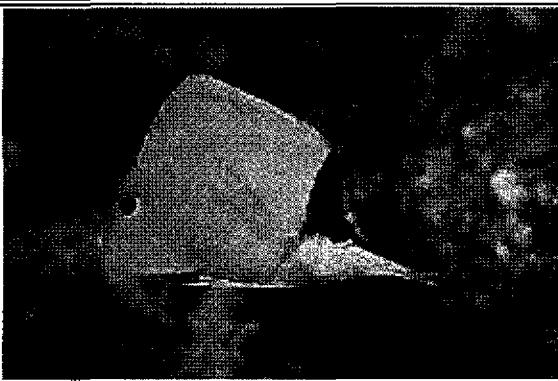
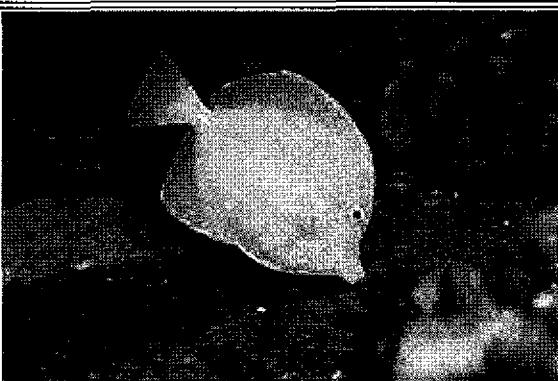
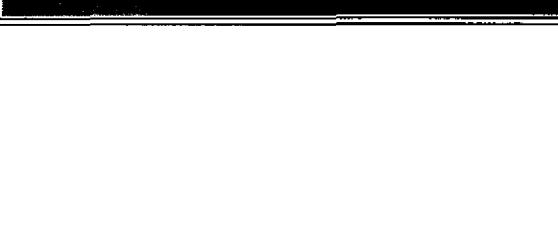
IMPACTS OF AQUARIUM COLLECTORS ON CORAL REEF FISHES IN KONA, HAWAII

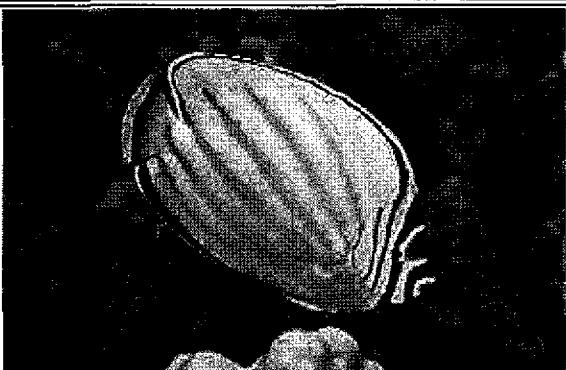
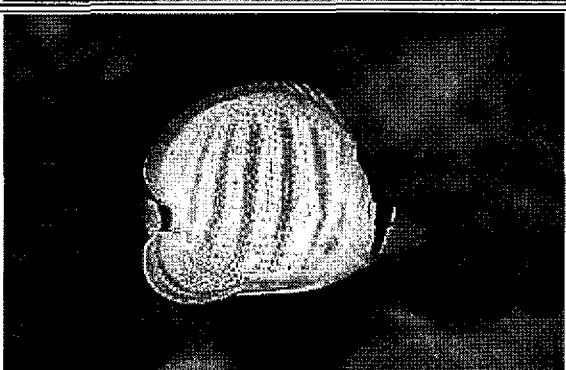
Brian Tissot & Leon Hallacher

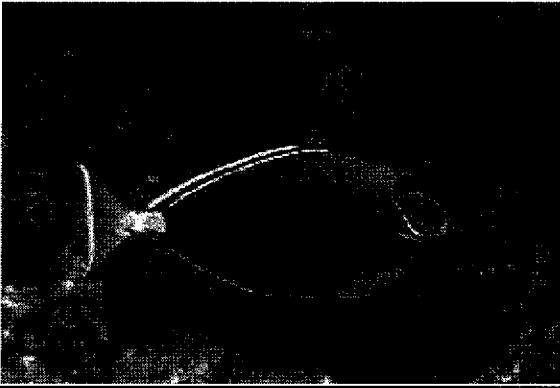
The Targeted Fishes

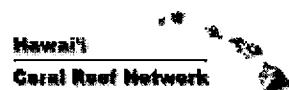
Results from the Study

Targeted Species	Impacts of Collectors	Image
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Achille's Tang <i>Acanthurus achilles</i>	Reduced by 58% Natural # fish/acre = 31 #fish/acre collected = 18	
Longnose Butterflyfish <i>Forcipiger spp</i>	Reduced by 54% Natural # fish/acre = 185 #fish/acre collected = 100	
Yellow Tang <i>Zebrasoma flavescens</i>	Reduced by 47% Natural # fish/acre = 875 #fish/acre collected = 413	
Moorish Idol <i>Zanclus cornutus</i>	Reduced by 46% Natural # fish/acre = 32 #fish/acre collected = 15	
Potter's Angelfish <i>Centropyge potteri</i>	Reduced by 46% Natural # fish/acre = 76 #fish/acre collected = 35	

		
Four-spot Butterflyfish <i>Chaetodon quadrimaculatus</i>	<u>Reduced by 42%</u> Natural # fish/acre = 10 #fish/acre collected = 4	
Ornate Butterflyfish <i>Chaetodon ornatissimus</i>	<u>Reduced by 39%</u> Natural # fish/acre = 36 #fish/acre collected = 14	
Multi-band Butterflyfish <i>Chaetodon multicinctus</i>	<u>Reduced by 38%</u> Natural # fish/acre = 212 #fish/acre collected = 81	
Goldring surgeonfish <i>Ctenochaetus strigosus</i>	<u>no significant change</u> Natural # fish/acre = 1332 #fish/acre collected = 196	

		
Clown tang <i>Naso lituratus</i>	<u>no significant change</u> Natural # fish/acre = 120 #fish/acre collected = None	



Last update: 1/25/2005

Note: while the last two species say "no significant change", the numbers show the clown tang went from 120 fish / acre to none (100% reduction) and the Goldring Surgeon went from 1332 fish / acre to 196 fish / acre, (85% reduction).