

[REDACTED]

From: mailinglist@capitol.hawaii.gov
Sent: Sunday, February 01, 2009 4:18 PM
To: WLOtestimony
Cc: [REDACTED]
Subject: Testimony for HB191 on 2/2/2009 9:00:00 AM

LATE TESTIMONY

Testimony for WLO 2/2/2009 9:00:00 AM HB191

Conference room: 325
Testifier position: support
Testifier will be present: No
Submitted by: George Schattenburg
Organization: Fork & Snork
Address: [REDACTED]
Phone: [REDACTED]
E-mail: [REDACTED]
Submitted on: 2/1/2009

Comments:

Our inshore reefs are critically depleted of fish and they need all the protection they can get

Testimony for HB191 on 2/2/2009 9:00:00 AM

mailinglist@capitol.hawaii.gov [mailinglist@capitol.hawaii.gov]

Sent: Sunday, February 01, 2009 7:06 PM

To: WLOtestimony

Cc: [REDACTED]

LATE TESTIMONY

Testimony for WLO 2/2/2009 9:00:00 AM HB191

Conference room: 325

Testifier position: oppose

Testifier will be present: Yes

Submitted by: Richard Xie

Organization: Individual

Address:

Phone:

E-mail: [REDACTED]

Submitted on: 2/1/2009

Comments:

This bill would kill Hawaii's most profitable and sustainable nearshore fishery. Study after study has shown that the marine ornamental fishery is very sustainable and collection levels are not having a negative impact on local fish populations. Hawaii needs to be a model for how to properly manage valuable marine resources. This bill is just the opposite: it's irresponsible, irrational and wholly in the interests of a few dedicated extremists rather than for the good of the people of Hawaii.

Testimony for HB191 on 2/2/2009 9:00:00 AM

mailinglist@capitol.hawaii.gov [mailinglist@capitol.hawaii.gov]

Sent: Monday, February 02, 2009 6:29 AM

To: WLOtestimony

Cc: [REDACTED]

LATE TESTIMONY

Testimony for WLO 2/2/2009 9:00:00 AM HB191

Conference room: 325

Testifier position: support

Testifier will be present: No

Submitted by: Kenneth Lau

Organization: Individual

Address:

Phone:

E-mail: [REDACTED]

Submitted on: 2/2/2009

Comments:

REVISION: We have all seen what can happen to Nature when Money is allowed to operate unrestricted. The path we are headed in is dangerous and irresponsible. Please impose regulations on the the tropical fish market in regards to capturing and gathering tropical fish in Hawaii. If we DON'T act SOON ENOUGH, one of Hawaii's natural beauties/attractions will disappear.

Thank you.

Testimony for HB191 on 2/2/2009 9:00:00 AM

mailinglist@capitol.hawaii.gov [mailinglist@capitol.hawaii.gov]

Sent: Sunday, February 01, 2009 7:13 PM

To: WLOtestimony

Cc: [REDACTED]

LATE TESTIMONY

Testimony for WLO 2/2/2009 9:00:00 AM HB191

Conference room: 325

Testifier position:

Testifier will be present: No

Submitted by: Esten Williams

Organization: Individual

Address:

Phone:

E-mail: [REDACTED]

Submitted on: 2/1/2009

Comments:

I am voting for this bill. I don't think anyone should take our native fish and sell them. This is an outrage! These are our gift and should not be used for profit. It is imperative that this bill is successful.

Testimony for HB191 on 2/2/2009 9:00:00 AM

mailinglist@capitol.hawaii.gov [mailinglist@capitol.hawaii.gov]

Sent: Sunday, February 01, 2009 8:03 PM

To: WLOtestimony

Cc: [REDACTED]

Attachments: HB 191.doc (22 KB)

LATE TESTIMONY

Testimony for WLO 2/2/2009 9:00:00 AM HB191

Conference room: 325

Testifier position: oppose

Testifier will be present: Yes

Submitted by: Wiliam J. Aila Jr.

Organization: Individual

Address: [REDACTED]

Phone: [REDACTED]

E-mail: [REDACTED]

Submitted on: 2/1/2009

Comments:

I apologize for the late testimony

LATE TESTIMONY

Representative Ken Ito, Chair, Committee on Water, Land, and Ocean Resources

Monday, February 2, 2009. 9:00 am. Conference Room 325

Testimony in strong opposition to HB 191

Aloha Chair Ito and members of the committee!

The findings in Section 1. of this bill is flawed. The Aquarium fish industry has not been unregulated for the past 50 years, it has been regulated by technology and market demand. It is these same market demands, influenced by the global recession that currently limit the numbers of fish exported from Hawaii.

There is no data that indicates that fishing for Aquarium fish has had major impacts on Hawaii's reefs, while there is convincing data that Maui's reefs are being impacted by poor development practices, such as the permitting of injection wells that leach an excess of nutrients into and onto the near shore reef areas.

There is no data that indicates that there are significant population declines and major shifts in species diversity, except where the marine tourist industry implements fish feeding into their viewing programs.

The Aquarium industry could not exist for any period of time if, as this bill states these fish "starve in a short period of time". Who would spend their hard earned money on something that dies after a short period of time?

It appears that the purpose of this act is to eliminate the Hawaii Aquarium Fish industry as it makes unsubstantiated claims and sets unrealistic and unnecessary limits.

This bill would require DLNR to create a "white list" of aquatic species for each County, analyze data that doesn't currently exist, with resources, that DLNR doesn't have.

LATE TESTIMONY

Testimony HB 191
Page two

Subsection (d) (3) which would prohibit the catching of Yellow Tangs, because they are endemic to Hawaii and Johnston Island, is a cleverly designed way to shut down the Hawaii Aquarium Industry. Even though DLNR has data that indicate the catch rates for Yellow Tangs are sustainable at current harvest levels.

Why would anyone want to shut down an industry that supports hundreds of small businessmen and their employees? An industry that brings outside money into the Hawaii economy and that adds to the diversity of that economy. Especially at a time where every dollar coming to Hawaii is sorely needed.

The best science and data that is available today clearly indicates that at the present number of fishermen and at the current level of harvest, this industry is sustainable.

Please don't let emotion keep you from doing the right thing, hold HB 191.

Mahalo for the opportunity to testify against HB 191.

William J. Aila Jr.
86-630 Lualualei Homestead Road
Waianae, Hawaii 96792
808.330.0376 cell.



KO'OLAUPOKO HAWAIIAN CIVIC CLUB

February 1, 2009

LATE TESTIMONY

Rep. Ken Ito, Chair
& Members
House Water, Land & Ocean Resources Committee
State Capitol
Honolulu, HI 96813

Subject: Testimony in Support of H.B. 191, Relating to Aquarium Aquatic Life

Aloha mai kakou!

The Ko'olaupoko Hawaiian Civic Club supports passage of House Bill 191, which would call for enhanced protections of native aquatic life in Hawaiian waters.

While we respect the desire of commercial interests to capitalize on the unique and appealing marketability of aquatic life that is found in and around our island reefs, the civic club is concerned that unrestrained collecting and irresponsible gathering can ultimately be a bad business decision in the long run.

If we deplete our resources, particularly those species that are unique to these island waters and found nowhere else in the world, how can any business that depends upon the sale of such sealife sustain itself? We suggest to the commercial harvesters that it makes good business sense to show some restraint and to accept some management policies that protect both the resource and the interests of responsible aquarium fish gatherers and suppliers.

We urge the Hawai'i State Legislature to support this bill and help pass it into law.

Mahalo for this opportunity offer our mana'o.

Me kealoha pumehana,

/s/ MAHEALANI CYPHER
President

P. O. Box 664
Kaneohe, HI 96744
Ph. (808) 235-8111
koolaupokohcc.org

Testimony for HB191 on 2/2/2009 9:00:00 AM

mailinglist@capitol.hawaii.gov [mailinglist@capitol.hawaii.gov]

Sent: Sunday, February 01, 2009 8:40 PM

To: WLOtestimony

Cc: [REDACTED]

Attachments: koolaupoko hcc testimony --1.doc (112 KB)

LATE TESTIMONY

Testimony for WLO 2/2/2009 9:00:00 AM HB191

Conference room: 325

Testifier position: support

Testifier will be present: No

Submitted by: Mahealani Cypher

Organization: Ko`olaupoko Hawaiian Civic Club

Address: [REDACTED] HI 96744

Phone: [REDACTED]

E-mail: [REDACTED]

Submitted on: 2/1/2009

Comments:



KO'OLAUPOKO HAWAIIAN CIVIC CLUB

February 1, 2009

LATE TESTIMONY

Rep. Ken Ito, Chair
& Members
House Water, Land & Ocean Resources Committee
State Capitol
Honolulu, HI 96813

Subject: Testimony in Support of H.B. 191, Relating to Aquarium Aquatic Life

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If we deplete our resources, particularly those species that are unique to these island waters and found nowhere else in the world, how can any business that depends upon the sale of such sealife sustain itself? We suggest to the commercial harvesters that it makes good business sense to show some restraint and to accept some management policies that protect both the resource and the interests of responsible aquarium fish gatherers and suppliers.

We urge the Hawai'i State Legislature to support this bill and help pass it into law.

Mahalo for this opportunity offer our mana`o.

Me kealoha pumehana,

/s/ MAHEALANI CYPHER
President

P. O. Box 664
Kaneohe, HI 96744
Ph. (808) 235-8111
koolaupokohcc.org

Testimony for HB191 on 2/2/2009 9:00:00 AM

LATE TESTIMONY

mailinglist@capitol.hawaii.gov [mailinglist@capitol.hawaii.gov]

Sent: Monday, February 02, 2009 5:55 AM

To: WLOtestimony

Cc: [REDACTED]

Testimony for WLO 2/2/2009 9:00:00 AM HB191

Conference room: 325

Testifier position: oppose

Testifier will be present: No

Submitted by: Steven Leong

Organization: Individual

Address: [REDACTED]

Phone: [REDACTED]

E-mail: [REDACTED]

Submitted on: 2/2/2009

Comments:

I am opposed to H.B. 191

I am a 57 year old Japanese, Chinese, Hawaiian fisherman who has been fishing for tropical fish since I was 12. I have seen years when there were an abundance of one species of fish, and others when there was of another. Fish larvae are dispersed by the millions in the water column each season. There is no shortage of small fish. As long as they can find a place of refuge to settle in, they will grow, and survive, till either they get eaten, or killed by some means. Then that space in the reef will be open for another juvenile fish to take.

Pollution of our systems and oceans, overturned rocks where many of the juvenile fish live by new immigrants, and run offs are more severe problems that need to be addressed.

Mr. Bob of Snorkel Bobs seem to have a personal vendetta that he will not let go of or compromise on. Perhaps someone less emotional, and more objective would be better to study the impact collectors are doing to the reefs.

Sincerely,
Steven T.W. Leong

Testimony for HB191 on 2/2/2009 9:00:00 AM

mailinglist@capitol.hawaii.gov [mailinglist@capitol.hawaii.gov]

Sent: Monday, February 02, 2009 4:54 AM

To: WLOtestimony

Cc: [REDACTED]

Attachments: HB191.Support.Rene.Umberger.doc (48 KB)

LATE TESTIMONY

Testimony for WLO 2/2/2009 9:00:00 AM HB191

Conference room: 325

Testifier position: comments only

Testifier will be present: Yes

Submitted by: Rene Umberger

Organization: Individual

Address:

Phone:

E-mail: [REDACTED]

Submitted on: 2/2/2009

Comments:

Comments only - already registered support on Jan. 30th.

COMMITTEE ON WATER, LAND, & OCEAN RESOURCES
Rep. Ken Ito, Chair
Rep. Sharon E. Har, Vice Chair

LATE TESTIMONY

DATE: Monday, February 02, 2009
TIME: 9:00 a.m.
PLACE: Conference Room 325
State Capitol
415 South Beretania Street

Re: HB191, Relating to Aquarium Aquatic Life

Thank you for hearing this bill and considering this important piece of legislation.

I fully support this bill, and see it as a bold step forward and in keeping with Hawaii's rich legislative tradition of being true leaders in the U.S.

My name is Rene Umberger, and for 25 years I have owned and operated a small dive business on Maui. With close to 10,000 dives on Hawaii's reefs I have witnessed the disappearance from our reefs of many aquarium fish species. Reefs I was once proud to share with friends and clients, I'm now embarrassed by because most of the fish are gone. The very animals that my customers come to see in Hawaii are taken off our reefs by aquarium collectors.

DAR and UH studies have borne out my observations and shown that aquarium collecting causes significant population declines in targeted species, between 38% - 75% in one studyⁱ. A 1998 DLNR report listed aquarium collecting as a major cause of coral reef degradation on Oahu.ⁱⁱ Collectors will tell you they are collecting sustainably, but science is telling you otherwise.

Not only does the aquarium collection industry have major impacts on our reefs, but it also negatively impacts the marine tour industries which rely on healthy and vibrant reefs for their tours. Overall, the aquarium trade impacts are disproportional to both its economic value and its number of participants. It's a relatively small industry, with fewer than 100 collectors reporting and less than \$2 million in revenues compared to the \$800 million per year marine tour industryⁱⁱⁱ which employs more than 2,000 full time people.^{iv}

We can also compare the value of a school of 100 fish, worth about \$300 to a collector, but worth hundreds of times more to marine tourism. \$300 is what two scuba divers would pay for just one trip to go see those fish. Fish, that when left on the reef, will contribute to its health and beauty for decades and generate tremendous added value - value that is constant and grows, year after year. The more reef fish that are left on our reefs, the more valuable our reefs become. It's as simple as that.

Last year I was the chair of a 175 member task force of marine tour operators, conservation groups, NOAA, DAR and community representatives all working together to create a set of

marine tourism standards for environmentally sustainable behaviors. For months we debated whether it's ok for dive leaders to ever touch or pick up marine life like hermit crabs, even as part of an educational underwater dive tour. Meanwhile, that same animal that a dive guide may or may not have touched, can be scooped up by an aquarium collector and sold off to the highest bidder. So while one industry standardizes ways to minimize its environmental impacts another goes into that very environment and degrades it.

Not only are there conflicts with marine tourism, but there are also conflicts with some deeply held values by many of Hawaii's residents that have never been addressed properly. For instance, how do the fish being scooped up and shipped off for profit without concern for what happens to them once it leaves, align with Malama Aina?^v

The crux of this bill is to create a white list which requires evidence that no harm is being done to neither the species nor the eco-system before any species can be collected. The idea of a white list, in fact, comes from the DLNR which has helped West Hawaii create one for its shoreline and is now in the rule making process. What is critical in the formation of a white list is the criteria by which a species is included. One of the obvious criteria is the species captive survivability.

Criteria #1-- Survivability: The bill proposes that a species would have to live at least 180 days to be included. A clear case for needing this criteria comes from the Moorish Idol, a fish recently included in DAR's West Hawaii white list even though the vast majority of these fish die within a week of captivity in a hobbyists tank. I've attached a recent Tropical Fish Hobbyist article, "Still Impossible After All These Years: Keeping Moorish Idols" where the author concurs with other experts that Moorish Idols should be left in the wild and asks the reader to do so, as well (as if the readers were the ones taking them off our reefs), and he documents that of the 382 Moorish Idols he tracked for the article, 74% of them were dead within a week. The word that comes to mind here is waste... what a terrible waste of a precious resource – especially in this economy.

For this fish, and many if not all others, the deception here is that people don't buy these animals KNOWING that they're going to die within a few weeks – they have no idea – they actually think it's their fault that the animal died, that the chemical balance was wrong or the fish was sick already or the water temperature was wrong. No one has told them that the fish was doomed to die, prematurely, in a tank the minute it was caught in a collector's net.

One expert recently told me that death rates are "astronomical" when you consider how many fish new hobbyists kill.

For me, this is exactly where the line is drawn between fishing and aquarium collecting. I'm not against fishing. I eat fish. Fishing feeds people... Aquarium collecting feeds bank accounts, and I don't mean Hawaii's. Our fish are considered "the livestock necessary to drive purchases of lucrative dry-goods"^{vi}. A Moorish Idol may sell there for \$40, but the tank, lighting and chemicals will run more than \$1,000. When a fisher pulls a fish out of the water and feeds a family, an ohana, a community, there is no waste. Fishing feeds someone, or something, but

waiting for a fish to die in a tank and then flushing it, feeds no one, which is why I don't consider it to be fishing.

Criteria #2 -- Population Trends: Addresses the science that has shown the negative impacts unlimited aquarium collecting has on marine life populations. It also gives weight to the idea that the fish are more valuable when left on our reefs. For instance, though researchers and Kona DAR resource managers know that butterflyfish populations in Kona are in trouble, with diversity down by 1/3 and some species now almost completely missing in areas, they still included them in their white list. These are some of Hawaii's most beautiful and fragile fish, some surviving only on coral polyps (which are not found in fish tank aquariums, so they starve to death).

Criteria #3 -- Collection limit. Assuming fewer species than currently allowed will be collected once the white lists are in place, those collected species will become even more vulnerable as pressure increases to try and compensate for lost revenues. Populations must be protected to insure sustainability.

Criteria #4 -- Eco-system based management: An example of a negative (and illegal) impact to reef ecosystems comes from the Feather Duster Worms harvested mostly from Kaneohe Bay. A 1998 DLNR report^{vii} documented how the reef structure was being damaged by feather duster worm collectors, who must use a hammer and a chisel to break apart the reef in order to collect it.^{viii} According to State collection reports, ~45,000 of these worms have been collected on Oahu reefs every year since 2000 by about 12 collectors. As you know, damaging coral and live rock in Hawaii is illegal.

Further, the DLNR hasn't had the funding for staff so they can enforce the laws, and this year it will get even worse. So when the collectors say that nothing needs to be done other than enforcing current laws, we all know that's not going to happen.

Another important example shows a management gap addressed by the criteria. 1.76 million hermit crabs and their shells have been removed from Oahu reefs since 2000 (by a group of 14 -25 collectors). I contacted researchers and experts on this and they were shocked, astonished and alarmed, because when you take a hermit crab off the reef, its shell, critical habitat for population survival, goes with it, dooming the population in that area. According to retired UH zoology professor Dr. Ernie Reese, hermit crabs are also essential to the ecosystem because they are scavengers needed to keep the ecosystem clean. So while meaning no harm, and only trying to make a living, Oahu collectors have inadvertently threatened entire populations – only time will tell.

And while DAR resource managers may share these and other concerns, their hands are tied. And that's the issue at hand, because resource managers should and do know better, but without clear mechanisms in place to help execute plans the resource, and Hawaii's people, suffer. We need these mechanisms.

Criteria #5 – Protection of Endemic species: 45% of the top 20 most collected fish in Hawaii are endemic to the Hawaiian Islands and found nowhere else on Earth. Because these endemic fish are unique and beautiful, they're in high demand and heavily targeted by the aquarium trade. These endemic species are part Hawaii's precious natural legacy. If they are over-collected, there is no replacement pool to replace them from: ONCE THEY'RE GONE, THEY'RE GONE. Hawaii's endemic fish deserve to be held to the same high standard the U.S. holds for wild native bird species – they cannot be shipped out – and neither should our native fish, especially not for the aquarium hobby.

If you were to go out with a fish collector, you would, no doubt, see him being careful with the animal to minimize visible damage to it. Nonetheless, it is a stressful process and research shows that that these fish die from the stress and starvation inherent in capture, holding and shipping.^{ix} In fact, if one were to look closely, it would become apparent that along with illegal coral breaking, according to HRS 711-1109, the starvation and deaths associated with the industry are, in fact, animal cruelty in the 2nd degree.

Regardless of whether "marine ornamentals" are pets, ornaments or reef janitors, they are animals and, as such, even though they may not be "man's best friend" they do have rights to not be tortured, starved or killed under current HRS.

DLNR can't or won't respond to the need for industry reform as evidenced by their proposed solution in the 2009 report to the legislature on the rule adoption progress. No rules, and no legislation are being proposed, only a potential "tightening" of the permit application.

I know all about that because on Dec. 26th I applied for a Commercial Fishing and Aquarium Collecting License. It took all of 2 minutes online, and cost me \$50. On Jan. 8, they mailed it to me. Even though the law says that they will issue permits only to those who can "satisfy the department that they possess facilities to and can maintain fish and other aquatic life alive and in reasonable health." They required me to satisfy nothing. I am a licensed commercial aquarium collector and I don't even know what a "bubbler" is.

Consider this disparity: in order to take my customers on a dive to just look at the fish, in Maui County I pay \$500 a year for a permit to access **one** reef. If I wanted to take them snorkeling there, it would cost another \$500. If I wanted to take them to another Maui reef, another \$500, and so on.

This shows how the current system is not set up to recognize the true value of the resource and is an example of the free for all mentality given to our marine resources. Unfortunately, we all know now that there is no such thing as an unlimited supply of fish.

For \$50 a year, I can go to EVERY reef in the State that's not an MPA, and take every fish and TAKE every living creature off it, for my personal gain – and your loss.

The industry will continue to argue against strong regulations. Some have already claimed an unintended consequence would be increased fishing pressure on reef fish sold for consumption. This only acknowledges that collectors will not lose their jobs as they've asserted, they'll simply switch over to fishing in order to keep the paychecks coming in. If they did want to switch, no doubt, their skills and knowledge make them invaluable assets and with great potential. They have knowledge that no one else has, and I encourage them to use that knowledge to enhance the state of our much diminished reefs.

Our reefs are in desperate need of management that will foster reef recovery. State biologists and researchers are now in agreement: it's extraction that's reducing the fish populations and nothing comes close to the full impact that extraction has: not dirty water, not urban development and not tourism. When the species present and abundant on the reefs are the ones that aren't targeted for collection, there is no other argument.

It's a matter of recognizing where the true value lies: \$1.6 million in collected fish, shipped to the mainland as another industry's livestock vs. animals that stay on Hawaii's reefs sustaining the health and well being of our nearshore waters, our people and our visitors. We deserve this level of care, concern and deliberation.

The collecting of Hawaii's precious marine life must not be wasteful, and must not break current laws. The system should be evidence based and sustainability must be proven by studies and eco-system based management, as well. Aquarium marine life is integral to healthy coral reef functioning and its complex balance should not be threatened by the industry.

This is an industry that has proven that it can't self regulate – it must have strong limits and fees that correspond to the very high value placed on healthy, vibrant reefs by all of Hawaii's people. While the Kona coast has had area closures protecting some their marine life populations, the rest of the State has had nothing, and so our reefs just get emptier and sicker. The measures in this bill are needed for the entire State, to protect vulnerable species and important habitats.

There is a tradition in this State of being true leaders in the social realm whether it's for health care or reproductive rights. I believe the time is ripe for Hawaii to take that same step into the realm of truly valuing the natural heritage that is Hawaii Nei.

Thank you for this opportunity to provide testimony.

Rene Umberger

-
- ⁱ Brian Tissot and Leon Hallacher, 2003. Effects of Aquarium Collectors on Coral Reef Fishes in Kona, Hawaii.
- ⁱⁱ Clark, Athline M. and Gulko, Dave (1999). Hawaii's State of the Reefs Report, 1998. Department of Land and Natural Resources, Honolulu, Hawaii 41 pp.
- ⁱⁱⁱ DLNR, Clark & Gulko, 1999
- ^{iv} Markrich, Michael. 2004. The Hawai'i Boat Industry 2003 – A Survey and Economic Description. 50 pp.
- ^v Brian Tissot, 2005. Washington State University. Integral Marine Ecology: Community-Based Fishery Management in Hawaii.
- ^{vi} Robert Fenner, aquarium expert, 40 year industry veteran and author of The Conscientious Aquarist. www.wetwebmedia.com/marlifeusebiz.htm
- ^{vii} Clark, Athline M. and Gulko, Dave (1999). Hawaii's State of the Reefs Report, 1998. Department of Land and Natural Resources, Honolulu, Hawaii 41 pp.
- ^{viii} Ibid.
- ^{ix} Rubec and Cruz, 2005. Monitoring the chain of custody to reduce delayed mortality of net-caught fish in the aquarium trade.

Testimony for HB191 on 2/2/2009 9:00:00 AM

mailinglist@capitol.hawaii.gov [mailinglist@capitol.hawaii.gov]

LATE TESTIMONY

Sent: Monday, February 02, 2009 6:22 AM

To: WLOtestimony

Cc: [REDACTED]

Testimony for WLO 2/2/2009 9:00:00 AM HB191

Conference room: 325

Testifier position: support

Testifier will be present: No

Submitted by: F & J Cummings

Organization: Individual

Address:

Phone:

E-mail: [REDACTED]

Submitted on: 2/2/2009

Comments:

Testimony for HB191 on 2/2/2009 9:00:00 AM

mailinglist@capitol.hawaii.gov [mailinglist@capitol.hawaii.gov]

Sent: Sunday, February 01, 2009 9:57 PM

To: WLOtestimony

Cc: [REDACTED]

LATE TESTIMONY

Testimony for WLO 2/2/2009 9:00:00 AM HB191

Conference room: 325

Testifier position: support

Testifier will be present: No

Submitted by: Nina Monasevitch

Organization: Individual

Address:

Phone: [REDACTED]

E-mail: [REDACTED]

Submitted on: 2/1/2009

Comments:

As a 31 year resident of Kauai and an avid scuba diver, the decimation of fish and reefs I have witnessed here is astonishing and unconscionable. Stop the insanity! Protect our delicate marine ecosystem. All life, including yours, depends on a healthy ocean.

LATE TESTIMONY

KO`OLAU FOUNDATION

February 2, 2009

To: Rep. Ken Ito, Chair, and Members
Committee on Water, Land & Ocean Resources

From: Leialoha "Rocky" Kaluhiwa, President
Ko`olau Foundation

Subject: Testimony in Support of H.B. 191, Relating to Aquarium Aquatic Life

Aloha kakahiaka kakou!

My name is Rocky Kaluhiwa, president of the Ko`olau Foundation and a lifelong resident of He`eia-Kea.

The Ko`olau Foundation supports House Bill 191, which would institute additional protections for Hawai`i's native aquatic species that are collected for sale to aquarium owners and suppliers.

My family and I have lived on Kane`ohe Bay and relied on its resources for food over many generations. We have watched with deep concern as commercial harvesters came in and removed nets and buckets full of native fish from the Bay.

Our kupuna from long ago understood their kuleana, their responsibility to gather fish and other aquatic resources responsibly. When the supply was plentiful, we gathered what we needed for our families. When the supply was low, a kapu was placed on gathering that type of seafood. When the supply was plentiful again, the supply was lifted.

We would like to see this legislature, and the Kane`ohe Bay Regional Council, adopt laws and policies that incorporate our Hawaiian kapu system as a more practical way of managing our ocean resources.

Mahalo for this opportunity to testify in support of this bill. Aloha.

P. O. Box 4749
Kane`ohe, HI 96744
Ph. (808) 286-7955
rockyfromheeia@aol.com

[REDACTED]

From: mailinglist@capitol.hawaii.gov
Sent: Monday, February 02, 2009 8:13 AM
To: WLOtestimony
Cc: [REDACTED]
Subject: Testimony for HB191 on 2/2/2009 9:00:00 AM

Testimony for WLO 2/2/2009 9:00:00 AM HB191

Conference room: 325
Testifier position: support
Testifier will be present: No
Submitted by: Nadine Ornborg
Organization: Individual
Address:
Phone:
E-mail: [REDACTED]
Submitted on: 2/2/2009

LATE TESTIMONY

Comments:

LATE TESTIMONY

COMMITTEE ON WATER, LAND, & OCEAN RESOURCES
Rep. Ken Ito, Chair
Rep. Sharon E. Har, Vice Chair

DATE: Monday, February 02, 2009
TIME: 9:00 a.m.
PLACE: Conference Room 325
State Capitol
415 South Beretania Street

Re: HB191, Relating to Aquarium Aquatic Life

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I fully support this bill, and see it as a bold step forward and in keeping with Hawaii's rich legislative tradition of being true leaders in the U.S.

My name is Rene Umberger, and for 25 years I have owned and operated a small dive business on Maui. With close to 10,000 dives on Hawaii's reefs I have witnessed the disappearance from our reefs of many aquarium fish species. Reefs I was once proud to share with friends and clients, I'm now embarrassed by because most of the fish are gone. The very animals that my customers come to see in Hawaii are taken off our reefs by aquarium collectors.

DAR and UH studies have borne out my observations and shown that aquarium collecting causes significant population declines in targeted species, between 38% - 75% in one studyⁱ. A 1998 DLNR report listed aquarium collecting as a major cause of coral reef degradation on Oahu.ⁱⁱ Collectors will tell you they are collecting sustainably, but science is telling you otherwise.

Not only does the aquarium collection industry have major impacts on our reefs, but it also negatively impacts the marine tour industries which rely on healthy and vibrant reefs for their tours. Overall, the aquarium trade impacts are disproportional to both its economic value and its number of participants. It's a relatively small industry, with fewer than 100 collectors reporting and less than \$2 million in revenues compared to the \$800 million per year marine tour industryⁱⁱⁱ which employs more than 2,000 full time people.^{iv}

We can also compare the value of a school of 100 fish, worth about \$300 to a collector, but worth hundreds of times more to marine tourism. \$300 is what two scuba divers would pay for just one trip to go see those fish. Fish, that when left on the reef, will contribute to its health and beauty for decades and generate tremendous added value - value that is constant and grows, year after year. The more reef fish that are left on our reefs, the more valuable our reefs become. It's as simple as that.

Last year I was the chair of a 175 member task force of marine tour operators, conservation groups, NOAA and DAR representatives and community members all working together to create

a set of marine tourism standards for environmentally sustainable behaviors. For months we debated whether it's ok for dive leaders to ever touch or pick up marine life like hermit crabs, even as part of an educational underwater dive tour. Meanwhile, that same animal that a dive guide may or may not have touched, can be scooped up by an aquarium collector and sold off to the highest bidder. So while one industry standardizes ways to minimize its environmental impacts another goes into that very environment and degrades it.

Not only are there conflicts with marine tourism, but there are also conflicts with some deeply held values by many of Hawaii's residents that have never been addressed properly. For instance, how do the fish being scooped up and shipped off for profit without concern for what happens to them once it leaves, align with Malama Aina?^v

The crux of this bill is to create a white list which requires evidence that no harm is being done to neither the species nor the eco-system before any species can be collected. The idea of a white list, in fact, comes from the DLNR which has helped West Hawaii create one for its shoreline and is now in the rule making process. What is critical in the formation of a white list is the criteria by which a species is included. One of the obvious criteria is the species captive survivability.

Criteria #1-- Survivability: The bill proposes that a species would have to live at least 180 days to be included. A clear case for needing this criteria comes from the Moorish Idol, a fish recently included in DAR's West Hawaii white list even though the vast majority of these fish die within a week of captivity in a hobbyists tank. I've attached a recent Tropical Fish Hobbyist article, "Still Impossible After All These Years: Keeping Moorish Idols" where the author concurs with other experts that Moorish Idols should be left in the wild and asks the reader to do so, as well (as if the readers were the ones taking them off our reefs), and he documents that of the 382 Moorish Idols he tracked for the article, 74% of them were dead within a week. The word that comes to mind here is waste... what a terrible waste of a precious resource – especially in this economy.

For this fish, and many if not all others, the deception here is that people don't buy these animals KNOWING that they're going to die within a few weeks – they have no idea – they actually think it's their fault that the animal died, that the chemical balance was wrong or the fish was sick already or the water temperature was wrong. No one has told them that the fish was doomed to die, prematurely, in a tank the minute it was caught in a collector's net.

One expert recently told me that death rates are "astronomical" when you consider how many fish new hobbyists kill.

For me, this is exactly where the line is drawn between fishing and aquarium collecting. I'm not against fishing. I eat fish. Fishing feeds people... Aquarium collecting feeds bank accounts, and I don't mean Hawaii's. Our fish are considered "the livestock necessary to drive purchases of lucrative dry-goods"^{vi}. A Moorish Idol may sell there for \$40, but the tank, lighting and chemicals will run more than \$1,000. When a fisher pulls a fish out of the water and feeds a family, an ohana, a community, there is no waste. Fishing feeds someone, or something, but

waiting for a fish to die in a tank and then flushing it, feeds no one, which is why I don't consider it to be fishing.

Criteria #2 -- Population Trends: Addresses the science that has shown the negative impacts unlimited aquarium collecting has on marine life populations. It also gives weight to the idea that the fish are more valuable when left on our reefs. For instance, though researchers and Kona DAR resource managers know that butterflyfish populations in Kona are in trouble, with diversity down by 1/3 and some species now almost completely missing in areas, they still included them in their white list. These are some of Hawaii's most beautiful and fragile fish, some surviving only on coral polyps (which are not found in fish tank aquariums, so they starve to death).

Criteria #3 -- Collection limit. Assuming fewer species than currently allowed will be collected once the white lists are in place, those collected species will become even more vulnerable as pressure increases to try and compensate for lost revenues. Populations must be protected to insure sustainability.

Criteria #4 -- Eco-system based management: An example of a negative (and illegal) impact to reef ecosystems comes from the Feather Duster Worms harvested mostly from Kaneohe Bay. A 1998 DLNR report^{vii} documented how the reef structure was being damaged by feather duster worm collectors, who must use a hammer and a chisel to break apart the reef in order to collect it.^{viii} According to State collection reports, ~45,000 of these worms have been collected on Oahu reefs every year since 2000 by about 12 collectors. As you know, damaging coral and live rock in Hawaii is illegal.

Further, the DLNR hasn't had the funding for staff so they can enforce the laws, and this year it will get even worse. So when the collectors say that nothing needs to be done other than enforcing current laws, we all know that's not going to happen.

Another important example shows a management gap addressed by the criteria. 1.76 million hermit crabs and their shells have been removed from Oahu reefs since 2000 (by a group of 14 -25 collectors). I contacted researchers and experts on this and they were shocked, astonished and alarmed, because when you take a hermit crab off the reef, its shell, critical habitat for population survival, goes with it, dooming the population in that area. According to retired UH zoology professor Dr. Ernie Reese, hermit crabs are also essential to the ecosystem because they are scavengers needed to keep the ecosystem clean. So while meaning no harm, and only trying to make a living, Oahu collectors have inadvertently threatened entire populations – only time will tell.

And while DAR resource managers may share these and other concerns, their hands are tied. And that's the issue at hand, because resource managers should and do know better, but without clear mechanisms in place to help execute plans the resource, and Hawaii's people, suffer. We need these mechanisms.

Criteria #5 – Protection of Endemic species: 45% of the top 20 most collected fish in Hawaii are endemic to the Hawaiian Islands and found nowhere else on Earth. Because these endemic fish are unique and beautiful, they're in high demand and heavily targeted by the aquarium trade. These endemic species are part Hawaii's precious natural legacy. If they are over-collected, there is no replacement pool to replace them from: ONCE THEY'RE GONE, THEY'RE GONE. Hawaii's endemic fish deserve to be held to the same high standard the U.S. holds for wild native bird species – they cannot be shipped out – and neither should our native fish, especially not for the aquarium hobby.

If you were to go out with a fish collector, you would, no doubt, see him being careful with the animal to minimize visible damage to it. Nonetheless, it is a stressful process and research shows that that these fish die from the stress and starvation inherent in capture, holding and shipping.^{ix} In fact, if one were to look closely, it would become apparent that along with illegal coral breaking, according to HRS 711-1109, the starvation and deaths associated with the industry are, in fact, animal cruelty in the 2nd degree.

Regardless of whether "marine ornamentals" are pets, ornaments or reef janitors, they are animals and, as such, even though they may not be "man's best friend" they do have rights to not be tortured, starved or killed under current HRS.

DLNR can't or won't respond to the need for industry reform as evidenced by their proposed solution in the 2009 report to the legislature on the rule adoption progress. No rules, and no legislation are being proposed, only a potential "tightening" of the permit application.

I know all about that because on Dec. 26th I applied for a Commercial Fishing and Aquarium Collecting License. It took all of 2 minutes online, and cost me \$50. On Jan. 8, they mailed it to me. Even though the law says that they will issue permits only to those who can "satisfy the department that they possess facilities to and can maintain fish and other aquatic life alive and in reasonable health." They required me to satisfy nothing. I am a licensed commercial aquarium collector and I don't even know what a "bubbler" is.

Consider this disparity: in order to take my customers on a dive to just look at the fish, in Maui County I pay \$500 a year for a permit to access **one** reef. If I wanted to take them snorkeling there, it would cost another \$500. If I wanted to take them to another Maui reef, another \$500, and so on.

This shows how the current system is not set up to recognize the true value of the resource and is an example of the free for all mentality given to our marine resources. Unfortunately, we all know now that there is no such thing as an unlimited supply of fish.

For \$50 a year, I can go to EVERY reef in the State that's not an MPA, and take every fish and TAKE every living creature off it, for my personal gain – and your loss.

The industry will continue to argue against strong regulations. Some have already claimed an unintended consequence would be increased fishing pressure on reef fish sold for consumption. This only acknowledges that collectors will not lose their jobs as they've asserted, they'll simply switch over to fishing in order to keep the paychecks coming in. If they did want to switch, no doubt, their skills and knowledge make them invaluable assets and with great potential. They have knowledge that no one else has, and I encourage them to use that knowledge to enhance the state of our much diminished reefs.

Our reefs are in desperate need of management that will foster reef recovery. State biologists and researchers are now in agreement: it's extraction that's reducing the fish populations and nothing comes close to the full impact that extraction has: not dirty water, not urban development and not tourism. When the species present and abundant on the reefs are the ones that aren't targeted for collection, there is no other argument.

It's a matter of recognizing where the true value lies: \$1.6 million in collected fish, shipped to the mainland as another industry's livestock vs. animals that stay on Hawaii's reefs sustaining the health and well being of our nearshore waters, our people and our visitors. We deserve this level of care, concern and deliberation.

The collecting of Hawaii's precious marine life must not be wasteful, and must not break current laws. The system should be evidence based and sustainability must be proven by studies and eco-system based management, as well. Aquarium marine life is integral to healthy coral reef functioning and its complex balance should not be threatened by the industry.

This is an industry that has proven that it can't self regulate – it must have strong limits and fees that correspond to the very high value placed on healthy, vibrant reefs by all of Hawaii's people. While the Kona coast has had area closures protecting some their marine life populations, the rest of the State has had nothing, and so our reefs just get emptier and sicker. The measures in this bill are needed for the entire State, to protect vulnerable species and important habitats.

There is a tradition in this State of being true leaders in the social realm whether it's for health care or reproductive rights. I believe the time is ripe for Hawaii to take that same step into the realm of truly valuing the natural heritage that is Hawaii Nei.

Thank you for this opportunity to provide testimony.

Rene Umberger

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- ⁱ Brian Tissot and Leon Hallacher, 2003. Effects of Aquarium Collectors on Coral Reef Fishes in Kona, Hawaii.
- ⁱⁱ Clark, Athline M. and Gulko, Dave (1999). Hawaii's State of the Reefs Report, 1998. Department of Land and Natural Resources, Honolulu, Hawaii 41 pp.
- ⁱⁱⁱ DLNR, Clark & Gulko, 1999
- ^{iv} Markrich, Michael. 2004. The Hawai'i Boat Industry 2003 – A Survey and Economic Description. 50 pp.
- ^v Brian Tissot, 2005. Washington State University. Integral Marine Ecology: Community-Based Fishery Management in Hawaii.
- ^{vi} Robert Fenner, aquarium expert, 40 year industry veteran and author of The Conscientious Aquarist. www.wetwebmedia.com/marlifeusebiz.htm
- ^{vii} Clark, Athline M. and Gulko, Dave (1999). Hawaii's State of the Reefs Report, 1998. Department of Land and Natural Resources, Honolulu, Hawaii 41 pp.
- ^{viii} Ibid.
- ^{ix} Rubec and Cruz, 2005. Monitoring the chain of custody to reduce delayed mortality of net-caught fish in the aquarium trade.



MP & C. Prednor

A pair of *Zanclus cornutus* photographed in their wild habitat—where, at least for now, they should be allowed to remain.

Never purchase a Moorish idol that is not already feeding. It would be better if it is feeding with gusto, but this would be an extremely rare individual. The size of the specimen also seems to play a pretty big role in success or failure. The smaller the individual, the younger it is, and hence the greater chance you will have success with it. Individuals between the 2- and 4-inch mark seem to do somewhat better than those larger or smaller. Any individual that does not appear to be perfect should be automatically disqualified from purchase.

I chose eight specimens, but I turned away eighteen other individuals. From what I have experienced, there are easily twice as many specimens that are doomed before they even leave a fish store as there are fish that reach those stores in a healthy condition.

Contrary to most recommendations, newly purchased specimens should be quickly removed from situations that are not as near perfect as possible. Getting a specimen into an appropriate setting as soon as possible seems to go a long way toward long-term success. This also holds true for quarantining specimens. If a quarantine tank that suits the Moorish idol's long-term care is not available, then it may be better to forego quarantine. There are many, many reports of otherwise perfect individuals dying in quarantine tanks within days of acquisition. Conditions in quarantine would match the intended long-term aquarium as closely as possible. Moorish idols do not transport well, and each

acclimation that is done before they reach their final home seems to take more out of them.

Irresponsible Is Irresponsible

The Moorish idol is one of the species that is most asked about, but it is usually never given a chance by those responding to such queries, and rightfully so. The recommendations from acknowledged experts all follow the same thoughts: the Moorish idol is better off left in the ocean. However, there will always be experienced aquarists willing to accept the challenge, and others who insist upon keeping the Moorish idol, regardless of warnings. After reading this article, perhaps some readers who may have otherwise failed at keeping this species will now succeed. But hopefully, most will not even attempt to keep this species at all. When the fish have already been obtained (or in very rare instances, when they are acquired by an expert attempting to uncover the secrets to successfully keeping them), this article can serve as a concise and compiled reference to which the aquarist can refer.

While it is the main intent of this article to discourage the acquisition of Moorish idols, it is also to acknowledge that there will always be a market for the species, and that reference material for their care is sorely lacking. It is hoped that you, the reader, will do the responsible thing and leave Moorish idols in the wild; if not, at least have enough information available for this most demanding and impossible of species.

The Body Count

And here we conclude, exactly where we began, just like the wrap-up scene in a crime drama, with a pile of bodies. This article was over two years in the writing; I was gathering data and constantly researching anecdotal reports from hundreds of individual Moorish-idol keepers. Two years ago, I approached this species with bright eyes, full of wonder and hope. That was the beginning.

Today, I still look at them with bright eyes, and they still fill me with wonder. But I, like many before me, have had my hopes dashed by *Zanclus cornutus*. And here, the analogy to a crime drama is not so far off. Perhaps, as conscientious aquarists, we should close our eyes now and imagine the body count playing in this horrible end scene. In my home, eight bodies lined up, and in countless other homes many, many more...bodies upon bodies...

After reading this, knowing that the strict keeping conditions contained herein were still met with failure eight times and met with success zero times, will you still purchase that Moorish idol? It is my sincerest hope that you will not.

Are you ready for the total body count, one I have been tallying for the nearly three years it took to conceive, plan, and write this article? It's 382 bodies. This table details how long the various fish I had been keeping tabs on survived in hobbyist aquariums:

Time Survived	Number
Less than a week	280
1 to 2 weeks	38
2 weeks to 1 month	15*
1 to 2 months	6
2 to 6 months	5
6 months to 1 year	12**
1 to 2 years	7
2 to 5 years	19
Total	382

*includes 6 of the author's fish
**includes 2 of the author's fish

Three hundred eighty-two bodies and not one single living individual made it through the time it took me to finish this article, the last having been reported dead as this article was going to press. Zero made it. ☹️

LATE TESTIMONY

OPPOSED TO HB191

I ROBERT GOODWIN HAVE BEEN A SMALL BUSINESS OWNER FOR 24 YEARS.

I AM THE SOLE PROVIDER OF A FAMILY OF 6.

TROPICAL FISH GIVES HAWAII A DIVERSE ECONOMIC OPTION OTHER THEN TOURISM, IN AN EVER SHRINKING ECONOMY.

CURRENTLY HAWAII TROPICAL FISH ASSOCIATION IS WORKING WITH DLNR VIA HCR347 AND RULES ARE CURRENTLY IN PLACE FOR THE BIG ISLAND, AND RULES ARE BEING MADE FOR SOUTH MAUI, AND KANEOHE BAY. HB191 MAY AFFECT CURRENT RULES THAT THE DEPARTMENT HAS ALREADY IMPLEMENTED.

CURRENTLY HAWAII TROPICAL FISH ASSOCIATION AND DEPARTMENT OF LAND AND NATURAL RESOURCES ARE WORKING ON A STATE WIDE LIMITED ENTRY PROGRAM.

CATCH DATA FROM DLNR DOES NOT SHOW ANY SIGNIFICANT INCREASE OR DECREASE OF CURRENT STOCK LEVELS OF AQUARIUM FISH.

MUCH MAHALO REPRESENTATIVES

OPPOSED TO HB191

LATE TESTIMONY

MY NAME IS KEOLA GOODWIN. I HAVE BEEN A WATER MAN FOR THE BETTER PART OF MY LIFE IN HAWAII. MY DAD TAUGHT ME TO FISH AS A YOUNG BOY. AND THE MAIN THING HE TOLD ME WAS. "JUST BECAUSE YOU DON'T SEE WHAT YOU SAW LAST TIME, IT DOES NOT MEAN THAT THE FISH AREN'T THERE. THEY MOVE OFF ACROSS THE REEF TO FEED THE SAME WAY YOU WOULD GO TO A RESTAURANT TO EAT". I DO KNOW THAT HB191 IS NOT ABOUT PROTECTING RESOURCES MORE LIKE EXCLUSIVE RESOURCE. THE BIG PROBLEM WE FACE TODAY IS SOME DO NOT WANT TO SHARE. THEY WANT IT ALL FOR THEMSELVES. LIKE SPONGE BOB.

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LATE TESTIMONY

OPPOSED TO HB191

I CHRISTINA MARTINEZ AM SICK AND TIRED OF EVERY DIVE TOUR OPERATOR THINKING THEY ARE MORE HOLY, THAN EVERY OTHER REEF USER. WAS IT NOT THE DIVE TOUR INDUSTRY AT MOLOKINI, MAUI WHO CAUSED MASSIVE DAMAGE TO THE REEF AND WAS FINED. MAYBE WE SHOULD THINK HARD ABOUT LETTING DIVE TOURS OPERATE IN MARINE PRESERVES. WHAT IS THE MAYOR OF MAUI DOING ABOUT THAT, IF SHE IS SO CONCERNED.

LATE TESTIMONY

January 31, 2009
Re: HB191
OPPOSED

Pg: 1 of 2

Dear Representative Ito,

My name is Carina Sugiyama, and I am writing in opposition to HB191. I, together with my husband have a marine tropical fish import/export business here in Hawaii. We have been in the tropical fish business for 16 years. I was born in Europe and raised in the mainland. I have lived in Hawaii for over 30 years and consider this my home. My children were born and raised here.

We have a business which supplies us with a steady income and provides employment for many people in Hawaii, as well as people across the nation. We not only provide income to the fisherman, but to many local businesses. It is not just us that benefit from our business. It will be a domino effect of job loss if this bill is passed. Many of our local supply companies here in Hawaii would lose a tremendous amount of sales and income, which in turn would be a great loss of revenue to the State. The passing of this bill, I feel would have a far greater negative consequence to all areas of business, not only to the fish industry.

With the state of our economy and the millions of people now on unemployment, it would seem to me that we should be trying to maintain all businesses and keep our people employed, instead we are being forced to close our businesses and have our employees take days off so that we can come here to these Legislative meetings year after year.

It is so sad that one individual has made it his life's work to shut down an industry that has provided so much, for so many, for so many years. Especially, since there is no scientific data to back his claims. We have had to listen to so many lies and half truths about our industry based on one man's emotions. What a waste of time and effort for so many people during these difficult times

It is a known fact of the benefits to people, watching fish, which is why so many doctor's offices have fish tanks. Most recently a report came out on the effects of fish tanks and music on Alzheimer patients. They found that the colorful, moving fish stimulated these patients and increased their levels of melatonin, improving many of the behavior problems associated with Alzheimer's. Which includes violence, sleep disorders, suicide, depression, anxiety and poor diet.

After suffering for 9 years to this awful debilitating disease, I lost my mother-in-law almost 2 years ago to Alzheimer's. I am very passionate about anything to do with the benefits to these patients and their loved ones. By introducing this safe, but stimulating pastime to someone with Alzheimer's you could improve their quality of life. This is a breakthrough that could benefit many.

It would be so sad if the rest of the world would no longer be able to enjoy the beauty of our tropical fish., here in the islands. For those people who might never come to Hawaii, or if they do, but have no desire to go snorkeling, then, at least perhaps the enjoyment would come from having these fish in their aquariums.

Thank you for your time,

Sincerely,

Carina Sugiyama
Carina Sugiyama
Wayne's Ocean World


LATE TESTIMONY

Opposition to HB 191

I was born on the Island of Molokai and grew up fishing and diving in the ocean. For the past twenty five years I have lived in Waianae and have made my living by catching aquarium fish. Currently, I support my family including two elderly parents with this income from the ocean.

I respect the ocean and love Hawaii, but I do not see the passing of HB 191 to be a positive thing. As responsible and regulated fishermen, aquarium divers maintain and care for the reefs far more carefully than the hordes of tourists that trample Haunama Bay each day. I have not seen a decline in the amount of aquarium fish over the years and truly believe that this industry is one of Hawaii's few renewable and sustainable resources. As we are beginning to see with the current economic downturn, those of us who live in Hawaii cannot rely solely on tourism to provide jobs.

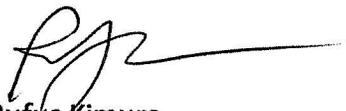
Contrary to some of the slander that has been promoted against us by those intent on creating an emotionally charged campaign, we do not destroy the reef with crow bars and traffic in ill treated and half dead fish. The end consumer dictates the species of fish that are collected as they are only willing to pay for fish that will survive well in captivity. This is not a guessing game. Every aquarium diver knows exactly which fish will adapt well, and they will not waste time, energy or resources trying to harvest fish that are ill suited to aquaria.

The promoters of HB 191 have created a bill that is based on a number of erroneous facts. As none of them have ever been involved in the aquarium industry I find their accusations a bit humorous. There was a study a few months ago that proved that sunscreen was harmful to corals. However, I do not feel as though it is rational to propose a bill to ban sunscreen slathering tourists from using the ocean.

As aquarium divers we take an extremely minute amount of bio mass from the ocean. A full day's catch, if weighed, wouldn't even be more than two pounds of fish. However, those two pounds of fish can be worth upwards of a thousand dollars. Pound for pound, Hawaii's economy is getting its best value with aquarium fish as opposed to any other local fishery.

In conclusion, I am in support of any rational and scientifically based method of resource management. However, HB 191 is just an attempt to accomplish a biased personal agenda and put hundreds of locals out of a job. Currently, our Hawaii Tropical Fish Association is voluntarily cooperating with DLNR to provide for better management and a more comprehensive understanding of the tropical fish industry. I feel as though this is a far better solution to a sustainable future rather than the passing of HB 191.

Sincerely,



Rufus Kimura

Aquarium Permit #10179

**PETS PACIFICA, INCORPORATED**

94-486 UKEE STREET - WAIKAPU, HAWAII 96797 - (808) 677-7749 - (808) 677-7387

LATE TESTIMONY

1-26-09

Dear Legislator,

I am writing to testify against House Bill 191. The bill would cripple a source of jobs, and would not solve basic problems of pollution and environmental change that changes saltwater ecosystem balance.

Hawaii needs to maintain a responsible diversified economy. Since Hawaii is going through a downturn reducing jobs and related green renewable income and thus becoming more dependent on just military and tourism is not good. Live fish exporting generates lots of free publicity for Hawaii as saltwater tourism paradise. Most price lists and books list Hawaii as a valuable source of these species. Many hotels and restaurants use live local fish to showcase our natural beauty such as Kahala Hotel, Pacific Beach Hotel, John Dominis, Nick's fishmarket, Zippys Kahala, and Hilton Hawaiian Village. Even the Governor's office had a saltwater aquarium. Watching fish has been shown to lower blood pressure and relax people. Hence the hobby has health benefits as well as economic benefits.

Exporting many live fish such as yellow tangs will reexport carbon, mercury, lead, and fertilizers that would otherwise further imbalance our environment.

I am chief executive of Petland Inc, a pet shop and Pets Pacifica Inc. a pet supply wholesaler. I also serve on state of Hawaii senior advisory committee plants and animals. I previously served on the Cayetano economic revitalization tax committee. My opinion stated herein are my own and my companys' opinions and do not reflect the opinion of the senior advisory committee.

Most local fish collectors responsibly capture fish without harming the environment. The local collectors recognize their livelihood depends on future supply. Most local collectors only have a market for the smaller juvenile stages and do not generally collect the adult stages. Hence populations are generally not endangered by collectors since breeders are not captured, captured specimens are small percentage of available population, and corals are not damaged. Because local collectors only collect juveniles their export quantities vary based on seasonal availability. The situation is similar to Oama fisherman who also have similar seasonal and yearly changes in fish catch. Local fish collectors do not collect oama since most food fish are illegal to collect for aquarium use. Contrary to the bullshit in bill 191 there are plenty of herbivores out there. While



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approximately 10% of the herbivores consumption of algae is held in body mass temporarily 90% of consumption comes out as shit. Eventually as fish die they return to fertilizer. Solving the algae problem will not occur by stopping the collection of a few thousand pounds of small ornamental fish when we import millions of tons of fertilizers, mercury, petroleum, arsenic, lead and other elements into the state which is eventually released into the environment.

Hawaii's basic problem is a saltwater environment changing because of human overpopulation and related pollution. For instance look at the Ala Wai Canal. There is a shortage of ornamental fishes there. The corals there died decades ago. They were not killed by collectors. They were obviously killed by pollution. The pollution does not stay in the canal. It flows daily into the Pacific Ocean after killing most corals and ornamental fish in the Ala Wai. When it accumulates in the canal the state of Hawaii dredges the pollution out and dumps into the Pacific. The pollution that kills in the Ala Wai is thus spread throughout the saltwater environment. Hawaii government dumped heavy metals and other contaminants from the Ala Wai off Oahu about 5 years ago. Since that time City government added millions of gallons of untreated effluent to the Ala Wai. The story is similar for most urban streams.

Please study the attached aquarium fish harvest report. Fish population is greatest on big island which has the lowest human population per square mile. You will also notice high quantity of feather dusters taken from Oahu. Feather dusters thrive in muck and runoff such as found around Oahu shorelines and streams. Big Island also has had the lower average income than Oahu and Maui. Hence job opportunities are where the need is greatest.

The state further complicates the problem by dumping with city cooperation partially treated sewage directly into the Pacific or indirectly into Lake Wilson which in turn is discharged into Waialua Stream and in turn into Pacific Ocean by Haleiwa. Recently the state DLNR has irresponsibly been dumping substantial quantities of sewage water into Waialua to save money. The sewage has a high fertilizer content which changes the balance in saltwater encouraging seaweed growth and discouraging coral growth. Since many fish depend on coral for food there is a problem. Algae eaters such nenuue, yellow tang and manini increase in population while coral eaters starve. Please note the salvinia molesta problem in Lake Wilson could not be replicated in a state lab because tap water was too clean and lacked sufficient nutrients. Salvinia was the floating plant that grew aggressively in Lake Wilson about 5 years ago until government agencies irradiated plant. Ironically the Lake was probably cleaner and better suited for discharge with salvinia in it than with salvinia gone. Salvinia probably converted human waste into green foliage and reduced fertilizer content similar to the experiment in the Ala Wai canal with floating plants.

Oahu sewer treatment plants are being forced by the federal epa to clean up discharge to reduce pollution content. Currently direct discharge water has been showed to kill sea urchins which indicate invertebrate toxicity. Since invertebrate include corals this is a



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serious problem. Before blaming a few fisherman perhaps the state should shoulder more of the responsibility.

The military has not helped matters by admitting to dropping hundreds of tons of pollutants including chemical weapons and ammunition into our waters and adjacent waters such as Johnson Island. These chemicals have undesirable effect on saltwater environment.

The state further complicates matters by encouraging Hawaiian Electric to advertise switch to compact fluorescent bulbs. While these bulbs use less electricity they have mercury which is shown to be toxic to fish and humans. The problem has gotten so bad that the usfda and epa have issued warnings about humans eating too much tuna since it includes too much mercury. It stands to logic if we are poisoned by fish with too much mercury than it is probably hurting fish population as well. Exporting ornamental fish with mercury seems more responsible than keeping it here to poison our people.

Our population generates significant co2 emissions. Co2 readings on Hawaii mountaintops indicate a 1% rise in air content annually. While the main news has been about global warming the less well known fact is that most of the co2 has been absorbed into the oceans where it has been converted into algae and acidified water. Research indicates small co2 increases generate significant rises in plant and algal growth. Algae and seaweed population increases have been found in many Hawaiian waters of both alien and local species. Research also indicates many fish species such as flame angels do not reproduce well when the water is acidified by co2. The solution would therefore be to reduce co2 emissions and increase exports of carbon such as aquarium fishes.

Our waters were a phosphorus desert. Now human pollution adds significant quantities of phosphorus to the saltwater environment. That phosphorus is crucial to supporting algal growth. Phosphorus comes from human effluent and fertilizers as well as colas and detergents. Exporting algae eaters tends to reduce environmental phosphorus.

The fish conservation districts and military off limits areas already create significant areas where fishing is limited. Limited state tax resources also make fish conservation areas more easily enforceable by DLNR. Fish conservation areas put more stress on other areas. Perhaps fish conservation areas should be reduced to allow less intensive harvesting. Last report I have indicates 284182 yellow tangs were caught. State waters have 4500 square miles. Just over 63 yellow tangs were caught per square mile. Last year 39413 assorted kole, yelloweye, and goldring were caught. That was just over 8.75 per square mile. The state's own figures confirm the conclusion of the United Nations study on Ocean to Aquarium as follows. "Most traders argue that the collection of marine ornamentals for the aquarium trade has no negative impact on reef fish populations. This is likely to be true for fisheries that are fairly small in comparison to the available resource base (fish population)." If you include federal fisheries conservation zone Hawaii has 800,000 square miles of ocean to collect from diluting catch density still further.



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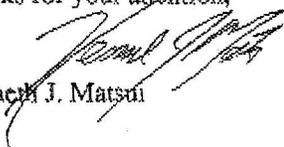
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The aquarium ornamental fish are generally from 1/2 to 3 inches when caught. Several dozens would make a pound. The small size also tends to indicate the small ecological impact brought about by their capture. If we assume a dozen per pound than 23,681 pounds were captured of yellow tangs. In contrast according to the Hawaii state data book over 26 million pounds of human consumption fish were captured in 2000. Although they weigh less they do generate more revenue per pound than most human consumption fish. Since it takes about 10 pounds of food to produce a pound of human consumption fish then the 26 million pounds of human consumption fish probably consumed 260 million pounds of food which generally included a lot of aquarium fish such as yellow tangs. In comparison 23,681 pounds of aquarium fish pales against 260 million pounds of fish, algae and corals consumed.

Our fathers were smarter than we are. They used effluent in Lake Wilson to irrigate pineapple and sugar cane which was exported with nutrients to mainland partially offsetting imports of nutrients. Water was also cleaned and recycled through ag process. We similarly need to encourage tropical fish collection to partially offset the imbalance caused by human overpopulation. Simply allowing CO₂, phosphorus, nitrogen, carbon, lead, arsenic, and mercury to accumulate worsens the problem.

State finances are bad because of dishonest past accounting that hid expenses such as state retirees health care benefit promises. According to the Pew trust Hawaii pensions were only funded 63% about 6 months ago. With the stock market crash the imbalance will have increased since the time of the study. Further limiting export jobs such as fish collections will increase damage from state finance dishonesty since we will need income now more than ever in the past to fund hidden promises of the past that went unfunded.

Thanks for your attention,



Kenneth J. Matsui

**COMMERCIAL MARINE AQUARIUM HARVESTS
2006 - 2007, State of Hawaii**

Island	Calendar Year: 2006				
	Species	No. fishers	No. caught	No. sold	Value
Hawaii	Yellow Tang	36	380,071	379,012	\$1,118,482
	Kole, Yelloweye, Goldring	34	32,623	31,100	\$64,961
	Hermits	4	815	214	\$121
	Other	38	91,263	88,495	\$233,328
	Subtotal	39	504,772	498,821	\$1,416,892
Oahu	Hermits	25	325,548	317,945	\$27,955
	Featherduster	13	53,558	52,008	\$62,954
	Yellow Tang	18	15,145	15,095	\$53,503
	Kole, Yelloweye, Goldring	18	8,933	8,874	\$26,412
	Other	37	95,872	94,979	\$311,837
	Subtotal	41	499,056	488,901	\$482,660
Maui	Yellow Tang	4	10,247	10,178	\$26,391
	Kole, Yelloweye, Goldring	3	486	469	\$1,302
	Other	5	1,396	1,374	\$4,783
	Subtotal	6	12,129	12,021	\$32,476
State	Yellow Tang	58	405,463	404,285	\$1,198,376
	Hermits	29	326,363	318,159	\$28,076
	Featherduster	14	53,594	52,044	\$63,041
	Kole, Yelloweye, Goldring	55	42,042	40,443	\$92,674
	Other	80	188,495	184,812	\$549,862
	TOTAL	86	1,015,957	999,743	\$1,932,029

12/5/07

Island	Calendar Year: 2007 ¹				
	Species	No. fishers	No. caught	No. sold	Value
Hawaii	Yellow Tang	32	267,000	258,165	\$879,534
	Kole, Yelloweye, Goldring	31	30,375	29,409	\$64,887
	Hermits	5	10,493	10,401	\$1,081
	Other	36	58,138	49,049	\$165,795
	Subtotal	36	366,006	347,024	\$1,111,297
Oahu	Hermits	21	215,571	215,562	\$20,933
	Featherduster	12	25,350	25,350	\$26,718
	Yellow Tang	26	10,962	10,780	\$39,362
	Kole, Yelloweye, Goldring	27	8,834	8,804	\$25,503
	Other	44	68,049	67,426	\$224,706
	Subtotal	46	328,766	327,922	\$337,222
Maui	Yellow Tang	6	6,220	5,956	\$17,295
	Kole, Yelloweye, Goldring	4	204	184	\$756
	Other	6	2,064	1,829	\$10,166
	Subtotal	7	8,488	7,969	\$28,216
State	Yellow Tang	62	284,182	274,901	\$936,191
	Hermits	27	226,584	226,413	\$22,463
	Kole, Yelloweye, Goldring	60	39,413	38,397	\$91,146
	Featherduster	14	25,397	25,397	\$26,847
	Other	84	127,684	117,807	\$400,088
	TOTAL	87	703,260	682,915	\$1,476,735

¹/ Harvests exclude Kauai and Lanai collections due to few licensees reporting, data preliminary due to late reporting by fishers