



The Judiciary, State of Hawai‘i
Ka ‘Oihana Ho‘okolokolo, Moku‘āina ‘o Hawai‘i

Testimony to the Thirty-Third Legislature, 2026 Regular Session

Senate Committee on Judiciary
Senator Karl Rhoads, Chair
Senator Mike Gabbard, Vice Chair

Thursday, February 26, 2026 at 10:00 a.m.
State Capitol, Conference Room 016 & Videoconference

By

Michelle Acosta
Deputy Chief Court Administrator, Hawai‘i State Judiciary

WRITTEN TESTIMONY ONLY

Bill No. and Title: Senate Bill No. 2078, Senate Draft 1, Relating to the Department of Land and Natural Resources.

Purpose: Clarifies that rules adopted by the Department of Land and Natural Resources pursuant to section 190-3, HRS, may regulate aquarium fish permits. Establishes a criminal penalty and monetary fines for aquarium fishing violations. Clarifies that each fish or aquatic life specimen taken in violation of certain fishing laws regarding aquarium fish and the possession and use of prohibited explosives, electrofishing devices, and poisonous substances constitutes a separate offense. (SD1)

Judiciary's Position:

The Judiciary provides the following comments. As currently written, the measure would take effect immediately upon approval. The Judiciary respectfully requests that the effective date be set no earlier than July 1, 2026. This additional time is critical to ensure proper implementation by the courts which would include necessary updates to the Judiciary Information Management System (JIMS).

Thank you for the opportunity to testify on Senate Bill No. 2078, SD1.

JOSH GREEN, M.D.
GOVERNOR | KE KIA'ĀINA

SYLVIA LUKE
LIEUTENANT GOVERNOR | KA HOPE KIA'ĀINA



STATE OF HAWAII | KA MOKU'ĀINA 'O HAWAII'
DEPARTMENT OF LAND AND NATURAL RESOURCES
KA 'OIHANA KUMUWAIWAI 'ĀINA

P.O. BOX 621
HONOLULU, HAWAII 96809

DAWN N.S. CHANG
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE
MANAGEMENT

RYAN K.P. KANAKA'OLE
FIRST DEPUTY

CIARA W.K. KAHAHANE
DEPUTY DIRECTOR - WATER

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

Testimony of
RYAN K.P. KANAKA'OLE
Acting Chairperson

Before the Senate Committee on
JUDICIARY

Thursday, February 26, 2026
10:00 AM
State Capitol, Conference Room 016

In consideration of
SENATE BILL 2078, SENATE DRAFT 1
RELATING TO THE DEPARTMENT OF LAND AND NATURAL RESOURCES

Senate Bill 2078, Senate Draft 1 proposes to clarify that rules adopted by the Department of Land and Natural Resources (Department) pursuant to section 190-3, HRS, may regulate aquarium fish permits; establishes a criminal penalty and monetary fines for aquarium fishing violations; and clarifies that each fish or aquatic life specimen taken in violation of certain fishing laws regarding aquarium fish and the possession and use of prohibited explosives, electrofishing devices, and poisonous substances constitutes a separate offense. **The Department of Land and Natural Resources (Department) appreciates the intent of this bill and offers the following comments.**

Section 188-31, Hawaii Revised Statutes (HRS), is primarily an authorizing statute that authorizes the Department to issue permits for using fine mesh nets to take aquatic life for aquarium purposes. It does not establish any specific prohibitions related to aquarium fishing, except as described in subsection (c), which states: "It shall be illegal to sell or offer for sale any fish or other aquatic life taken under an aquarium fish permit unless those fish and other aquatic life are sold alive for aquarium purposes." Therefore, as written, this bill would not accomplish its stated purpose to "increase fines for violations relating to aquarium fishing."

Act 35, Session Laws of Hawai'i 2022, established "a tiered administrative fine system for each specimen of aquatic life taken, killed, or injured" and "a criminal fine structure on a per-specimen basis for violations involving aquatic life." The Department currently has authority to levy fines on a per-specimen basis for aquarium fishing violations. Therefore, the

Department believes that the proposed addition of subsection (g) to section 188-70, HRS, is unnecessary.

Finally, the Department notes that, in addition to the statutory criminal penalties and monetary fines that courts can impose at sentencing upon conviction, the Department is authorized to impose administrative penalties pursuant to section 187A-12.5, HRS, through administrative enforcement actions before the Board of Land and Natural Resources (Board) and through the Civil Natural Resources Violation System (CRVS) established by chapter 199D, HRS, and implemented under sections 13-1-51 to -72, Hawaii Administrative Rules (HAR) and the associated administrative penalty schedule adopted by the Board on December 12, 2014. This suite of penalties and enforcement options gives the Department wide latitude to pursue penalties appropriately tailored to address the severity of each offense and to deter future violations. Further, there is value in allowing the courts to balance the factors of each individual circumstance to craft fair criminal sentences. High minimum monetary fines take discretion away from the courts at sentencing, forcing them to apply an increased minimum monetary fine across the board without being able to exercise discretion for each individual case.

Mahalo for the opportunity to comment on this measure.



OFFICE OF HAWAIIAN AFFAIRS

COMMENTS ON SENATE BILL 2078_SD1
RELATING TO THE DEPARTMENT OF LAND AND
NATURAL RESOURCES

Senate Committee on Judiciary
Hawai‘i State Capitol

February 26, 2026

10:00 A.M.

Room 016

Dear Chair Rhoads, Vice Chair Gabbard, and Members of the Senate Committee on
Judiciary:

The Office of Hawaiian Affairs (OHA) submits these **COMMENTS** on Senate Bill (SB) 2078. OHA appreciates the intent of this bill to: (1) strengthen enforcement and ensure the current judicial “ban” on aquarium collection is enforced through appropriate penalties and fines; and (2) clarify the Department of Land and Natural Resources’ (DLNR’s) existing power to ban the practice through rulemaking. At the same time, OHA strongly supports a complete statutory ban to extend and preserve the current status quo “judicial ban” on collection across kō pae ‘āina and to protect West Hawai‘i which is under imminent threat from resumed collection under existing rules propped by DLNR. OHA’s Board of Trustees (BOT) voted last November to support and introduce a statutory ban on aquarium fishing as part of OHA’s legislative package ([SB2535/HB2101](#)).

As set forth below, OHA’s position is based on repeat requests from our beneficiaries whose communities have been negatively affected by commercial aquarium collection to help ensure the ten year judicial pause in collection is extended permanently, consistent with OHA’s constitutional and statutory duties with respect to our beneficiaries and natural resources. OHA’s BOT voted to include a commercial aquarium ban bill in its package following the Association of Hawaiian Civic Clubs’ (AOHCC) decision in October 2025 to support a resolution calling on the legislature to ban commercial aquarium collection.¹ Shortly thereafter the County of Hawai‘i also unanimously adopted a resolution setting forth the same kāhea to this representative body. Other representative entities that have taken similar positions in the past include County of Kaua‘i and the Neighborhood Boards of Kahalu‘u, Kāne‘ohe, Kailua and Waimānalo.

Commercial Collection Negatively Affects Other Ocean Users

Commercial aquarium collection has divided our communities for decades due to the observed, negative impacts of the industry in marine areas targeted heavily for

¹ See AOHCC Resolution 2025-40, “Calling for a Ban on Commercial Aquarium Collection in State of Hawai‘i’s Waters,” [2025-AOHCC-ADOPTED-RESOLUTIONS.pdf](#).

collection. Supplementing kama‘āina observation and testimony, the industry’s own West Hawai‘i environmental impact statement (EIS) documented the negative impact of commercial aquarium collection on lau‘ipala (yellow tang), a species heavily targeted by the industry which has been valued, managed, and revered by Native Hawaiians as a food source and for use in healing rituals and other traditional practices for generations.² Nonetheless, in early October 2025, the Department of Land and Natural Resources (DLNR) Division of Aquatic Resources (DAR) proposed rules to reopen commercial aquarium collection in the West Hawai‘i Regional Fishing Management Area (WHRFMA).³ DAR’s proposed rules limit collection to the seven industry participants who contributed to the EIS, indicating the limited economic potential of this industry.

On October 15, 2025, West Hawai‘i beneficiaries attended OHA’s Committee on Beneficiary Advocacy and Empowerment to testify in opposition to DAR’s proposal, and to ask OHA for support in addressing the observed, negative effects of commercial aquarium collection in their communities. Subsequently, on October 24, 2025, the Board of Land and Natural Resources (Board) received over five hours of community testimony on the proposal to reopen the industry, overwhelmingly in opposition. During the public hearing, some Board members expressed the opinion that existing law *allowing* DLNR to issue commercial aquarium collection permits, Hawai‘i Revised Statutes (HRS) § 188-31, *requires* that it permit industry participants after they comply with HEPA.⁴ This is also a position advanced by the Attorney General’s Office in related litigation, highlighting the need for this bill to clarify existing DLNR powers to ban collection through rulemaking.

Following five hours of primarily opposition testimony, the Board voted to send the rules out for public hearing, moving this industry one step closer to reopening in West Hawai‘i. OHA’s Board of Trustees voted to adopt a ban on collection as part of its legislative package shortly thereafter, in response to calls for help from West Hawai‘i beneficiaries, and consistent with OHA policy related to protection of natural resources.

Commercial Aquarium Collection Has Limited Economic Benefits

According to the industry’s own advocates, the aquarium trade in WHRFMA generates between \$499,416 to \$2,022,686 of income per year within the state (as 67% of statewide industry activity).⁵ In contrast, healthy coral reefs generate more than \$1.2

² Pet Industry Joint Advisory Council, Revised Final Environmental Impact Statement Issuance of Commercial Aquarium Permits and Commercial Marine Licenses for the West Hawai‘i Regional Fishery Management Area (EIS) at p.122 (May 26, 2021), [2021-06-08-HA-Revised-FEIS-Hawaii-Island-Commercial-Aquarium-Permits.pdf](#).

³ Significantly, three Board members voted to approve the 2023 EIS and three voted to reject it; therefore, it was deemed approved by operation of law. See HRS § 343-5(e).

⁴ See Board members statements on the Board’s purported lack of authority to ban commercial aquarium collection, <https://www.youtube.com/watch?v=JE2zPoVp8qs&list=PLDh6ZXzdUvQkHtqVoauOkfa26NfNLh2pK&index=4> at 8:10:27; 7:22:09; 7:55:33.

⁵ RFEIS at p.102.

billion annually in tourism revenue and provide critical ecosystem services, including shoreline protection and food security, further enhancing their economic value.⁶

At the same time, costs for DAR to administer the permitting program and police compliance with geographically defined marine protected areas under the proposed rules reduce the economic value of this industry to the state. Moreover, DAR's sustainability conclusion for West Hawai'i is based on a permit-quota system that rests, in turn, upon untested enforcement and closes this industry to newcomers, further limiting the extent to which this industry benefits the public beyond existing industry participants.⁷ Whether DOCARE can in fact enforce the permit-quota system to maintain "sustainability" is unknown.

The Public Trust in Natural Resources Supports a Ban

Hawai'i's constitutional public trust doctrine, Haw. Const. Art. XI, § 1, requires that the state manage public resources for the benefit of present and future generations, with commercial uses disfavored under the law. Where the state permits commercial uses, commercial permittees have a high burden to justify their needs in light of any negative consequences on public trust uses including long term preservation of the resource itself and Native Hawaiian traditionally and customary practices. Moreover, where there is scientific uncertainty concerning the effects of commercial use, the precautionary principle cautions in favor of preservation. See *In re Waiāhole*, 94 Haw. 97, 115-142 (2000).

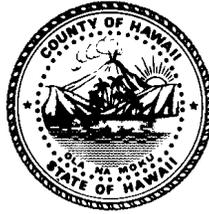
These constitutional principles clearly caution the state against authorizing an industry shown to repeatedly impinge upon the interests and concerns of the general public and those most intimately connected to the affected place and ecosystems. Beyond the specific interests of affected communities, businesses, and Native Hawaiian practitioners, up to 84% of Hawai'i Island and O'ahu residents favor banning the industry.⁸ This widespread concern with the aquarium industry points to a fundamental policy question that this legislature must confront: in an age of ecological uncertainty, with coral reefs facing potential extinction within the next fifty years, does the commercial extraction of reef fish serve a beneficial public purpose that justifies this small industry's outsize impacts on public trust uses and resources? OHA respectfully submits that it does not, and urges the legislature to pass SB2078_HD1 **and** a statewide ban.

Mahalo for the opportunity to present this testimony.

⁶ [Restoring Hawai'i's Reefs | The Nature Conservancy](#) (Sept. 16, 2018).

⁷ OHA is sensitive to concerns of industry participants but notes that because the industry was judicially banned, there has been no collection for the better part of a decade, and a ban would not displace existing jobs. Further OHA is committed to developing programs to help beneficiaries pursue other maritime career pathways.

⁸ See [Earthjustice Press Release](#), "Land Board Advances Plan to Re-Open West Hawai'i Waters to Aquarium Pet Industry," (Oct. 27, 2025) (citing poll).



HAWAI'I COUNTY COUNCIL

County of Hawai'i
West Hawai'i Civic Center, Bldg. A
74-5044 Ane Keohokalole Hwy.
Kailua-Kona, Hawai'i 96740

February 24, 2026

COMMITTEE ON JUDICIARY

Senator Karl Rhoads, Chair
Senator Mike Gabbard, Vice Chair

RE: **Support for SB2078, SD1, RELATING TO THE DEPARTMENT OF LAND AND NATURAL RESOURCES.**

Clarifies that rules adopted by the Department of Land and Natural Resources pursuant to section 190-3, HRS, may regulate aquarium fish permits. Establishes a criminal penalty and monetary fines for aquarium fishing violations. Clarifies that each fish or aquatic life specimen taken in violation of certain fishing laws regarding aquarium fish and the possession and use of prohibited explosives, electrofishing devices, and poisonous substances constitutes a separate offense. (SD1)

Hearing: **February 26, 2026 at 10:00 a.m.**

Aloha Chair, Vice Chair, and Members of the Committee,

Mahalo for the opportunity to submit testimony in strong support of S.B. No. 2078, SD1, which increases penalties for violations relating to aquarium fishing and clarifies that each unlawfully taken specimen constitutes a separate offense.

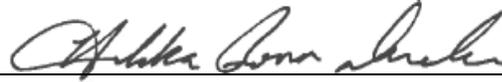
This measure appropriately recognizes the 2020 Environmental Court ruling requiring environmental review prior to the issuance or renewal of aquarium fishing permits and affirms the Department of Land and Natural Resources' authority under section 190-3, Hawai'i Revised Statutes, to regulate aquarium fish collection. By clarifying DLNR's rulemaking authority and strengthening penalties for violations, this bill reinforces the State's responsibility to protect nearshore ecosystems for present and future generations.

Hawai'i Island's coastal waters are foundational to our culture, subsistence practices, tourism economy, and overall environmental health. Aquarium fish species play a vital ecological role in maintaining reef balance. Ensuring that any collection activities are subject to proper environmental review and meaningful enforcement is essential to sustaining these fragile resources.

The bill's establishment of increased fines and the clarification that each specimen taken in violation constitutes a separate offense provide clear accountability and deterrence. These provisions support effective resource management and underscore the seriousness of unlawful extraction from our marine environment.

For these reasons, I respectfully urge the Committee to pass S.B. No. 2078, SD1.

Sincerely,



HOLEKA GORO INABA, Ed.D.,
Council Chair, District 8, North Kona

HGI.wpb

SB-2078-SD-1

Submitted on: 2/24/2026 2:16:38 PM

Testimony for JDC on 2/26/2026 10:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Charles KH Young	Testifying for Hawaii Island Aha Moku	Support	Written Testimony Only

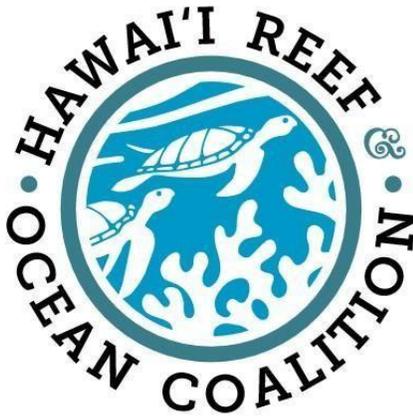
Comments:

Aloha: I am submitting testimony in support of SB2078 on behalf of the Hawaii Island Aha Moku. The Hawaii Island Aha Moku has consistently supported a complete ban on Aquarium Fish Collecting in the West Hawaii Regional Fishery Management Area and accross the State, which is the preferred solution . However the introduction of higher fines will ensure that those who also poach Aquarium Fish are deterred from doing so. The industry has proven itself to be unreliable in reporting and enforcing regulations as a number of poaching incidents have been prosecuted since 2017 when permits were disallowed.

The Hawaii Island Aha Moku strongly supports the passage of SB 2078.

Charles Young

Po'o Hawaii Island Aha Moku



To: The Honorable Senator Karl Rhoads, Chair, the Honorable Mike Gabbard, Vice Chair, and Members of the Judiciary Committee.

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

Re: **Hearing SB2078 SD1 RELATING TO THE DEPARTMENT OF LAND AND NATURAL RESOURCES**

Hearing: Thursday, February 26, 2026 10:00 a.m. CR016 Decision-making

Aloha Chair Lee, Vice Chair Inouye, and Members of the Water, Land, and Cultural and the Arts Committee!

The Hawai'i Reef and Ocean Coalition (HIROC) is a group of scientists, educators, filmmakers and environmental advocates who have been working since 2017 to protect Hawaii's coral reefs and ocean.

The Hawai'i Reef and Ocean Coalition **SUPPORTS SB2078 SD1, but COMMENTS that it should accompany a ban on aquarium fishing!**

This measure is needed to protect the coral reefs and marine species from unpermitted and under-penalized taking of aquarium fish.

This bill establishes a criminal penalty and increased monetary fines for aquarium fishing violations. It clarifies that each fish or aquatic life specimen taken in violation of certain fishing laws regarding aquarium fish and the possession and use of prohibited explosives, electrofishing devices, and poisonous substances constitutes a separate offense.

DLNR has estimated that administering the aquarium trade costs the State hundreds of thousands of dollars annually, excluding enforcement.

Stronger enforcement is needed. Data from the DLNR's Division of Aquatic Resources show that, contrary to earlier assumptions, **yellow tang populations have not recovered** as biologically or historically expected following the court-ordered cessation of aquarium collecting in late 2017.

Please pass SB2078 SD1 and a ban on aquarium fishing to help protect Hawai'i's reefs and reef wildlife!

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



February 26, 2026

Senate Committee on Judiciary

RE: SUPPORT FOR SB 2078 SD1 Aquarium Fishing; Fine Increase

Dear Chair Rhoads, Vice-Chair Gabbard, and Members of the Committee:

For the Fishes, a Maui-based nonprofit organization dedicated to the protection of coral reef wildlife, supports SB 2078 and offers the following context regarding enforcement challenges associated with the commercial aquarium trade.

Commercial aquarium collection has been illegal since the Hawai'i Supreme Court's October 2017 decision. However, DLNR-DAR did not begin enforcing the ruling in West Hawai'i until January 2018, and statewide enforcement did not occur until February 2021.

In less than five years, there have been four large-scale aquarium poaching and wildlife trafficking investigations involving the illegal collection of thousands of reef animals. In each instance, meaningful enforcement action occurred only after federal agencies, including NOAA and the U.S. Fish and Wildlife Service, led investigations — despite state agencies having access to similar information.

Outcomes have been limited. In one case, the Board of Land and Natural Resources assessed more than \$200,000 in fines, yet the defendants left the country without payment. In another, more than 300 violations resulted in convictions on four counts and a \$4,000 fine through a plea agreement; a related \$106,084 civil penalty is currently being challenged.

In 2023, the aquarium trade's attorney acknowledged in open court that a "black market" exists and that Hawai'i reef fish are readily available online. Since then, numerous examples have been identified and referred to federal authorities.

More recently, we learned that DAR had been aware of an aquarium fish trafficking case since January 2025, after reading about it in the newspaper. However, no state investigation was initiated regarding the dealer or the collectors involved. In December, DAR contacted the U.S. Fish and Wildlife Service to request the names of the collectors "in

case they apply for an aquarium permit in the future.” That appears to have been the extent of the state’s response.

This raises serious concerns. When credible information regarding potential violations becomes available — particularly where other agencies have already conducted substantial investigative work — timely follow-up at the state level is critical. Consistent enforcement is essential to deterrence, accountability, and maintaining public trust in the management of our marine resources.

These circumstances underscore the broader enforcement challenges associated with the aquarium trade.

These examples demonstrate the difficulty of enforcing aquarium collection laws. While SB 2078 strengthens penalties, enforcement alone has proven insufficient. When the trade was previously legal, DAR reported spending up to \$500,000 annually to manage it, while generating less than \$5,000 in state revenue.

If the Legislature seeks to best protect Hawai‘i’s reef wildlife and reduce ongoing enforcement burdens, the most effective solution is to permanently close commercial aquarium collection, with exemptions for bona fide research, education, public display, and aquaculture.

Thank you for the opportunity to provide testimony.



Testimony Before The
Senate Committee on Judiciary (JDC)
IN SUPPORT OF SB2078 SD1
February 26, 2026, 10:00 a.m., Room 016 & via Videoconference

We are Olan Leimomi Fisher and Kevin Chang, Kua'āina Advocate and Executive Director, respectively, testifying on behalf of [Kua'āina Ulu 'Auamo \(or KUA\)](#). "Kua'āina Ulu 'Auamo" stands for "grassroots growing through shared responsibility," and our acronym "KUA" means "backbone." **Our mission is to connect and empower communities to improve their quality of life through the collective care for their biocultural (natural and cultural) heritage, serving as a "backbone organization" that supports creative and community-driven solutions to problems stemming from environmental degradation.** Hawai'i's biocultural resources continue to be negatively impacted by political, economic, and social changes, and the increasing dangers of climate change make fostering and empowering resilient communities acutely critical.

Currently KUA supports three major networks of: (1) over 40 mālama 'āina (caring for our 'āina or "that which feeds") community groups collectively referred to as E Alu Pū (moving forward together); (2) over 60 loko i'a (fishpond aquaculture systems unique to Hawai'i) and wai 'ōpae (anchialine pool systems) sites in varying stages of restoration and development, with numerous caretakers, stakeholders, and volunteers known as the Hui Mālama Loko I'a ("caretakers of fishponds"); and (3) the Limu Hui made up of over 50 loea (traditional experts) and practitioners in all things "limu" or locally-grown "seaweed." **Our shared vision is to once again experience what our kūpuna (ancestors) referred to as 'ĀINA MOMONA – abundant and healthy ecological systems that sustain our community resilience and well-being.**

KUA supports SB2078 SD1 as an incremental step toward 'āina momona.

A popular quote of community leader Mac Poepoe is "**we do not play with our food.**"

KUA supports this bill based on the long term place-based opposition by traditional fishing communities in West Hawai'i to the commercial aquarium (AQ) fishing trade, and the growing sentiment of support for a statewide ban within our networks. We feel that this similar measure related to establishing criminal penalties and monetary fines for AQ fishing violations is also important to deter illegal collection. **However, enforcement is not enough as we all know, and we encourage a complete statewide ban as the most effective, lasting, and enforceable solution to this issue as well.**

E Alu Pū members in West Hawai'i have long opposed commercial AQ collection in their region. Their opposition to AQ collection is based on their Native Hawaiian cultural philosophies, values, and traditions of lawai'a pono and place-based fishery management. In 1998, the West Hawai'i Regional Fishery Management Area (WHRFMA) was created along with the West Hawai'i Fishery Council (WHFC), largely in response to the AQ trades' decimation of their fishery. WHRFMA and WHFC were built upon the strong community efforts to make fishery

governance more local and pertinent to the communities most dependent on the fishery. Further, the litigious history of the AQ trade shows the strong West Hawai'i pushback to this commercial industry that nearly eradicated entire fish species before the communities started taking formal action.

Some of these species are traditional food species and are necessary for upholding our unique and important reef ecosystems which should be a priority of our state. The highly lucrative aquarium trade primarily serves extractive interests for sales to an industry outside of our state for a non-essential, non-food use . Further, it is becoming feasible to grow the very species that go for the highest dollars in the aquaculture trade.

The communities we work with are committed to ensuring the long-term health of our biocultural resources that they have cared for and depended on for generations since time immemorial. **We believe protecting our environment, the foundation of our very existence, is about sustained and long-term commitments toward achieving 'āina momona abundance once again.** To get there requires maintaining protections for mālama 'āina, including through this bill to prohibit an extractive, non-essential practice not rooted in Native Hawaiian culture or practices. Our decisions today will continue to shape the future that our keiki's keiki's keiki will one day inherit – we hope for a future of shared and harmonious abundance, and hope you do, too.

Mahalo nui loa for this opportunity to submit testimony. Please **PASS** SB2078 SD1.

Aloha 'Āina Momona no nā kau ā kau.



**PUAKŌ FOR
REEFS**

A Community Dedicated to Saving Puakō Reef

Return the reef to its historic 70% coral coverage from its existing 7%.

www.Puako4reefs.org * [Puako for Reefs Facebook](#)

Story map of Puakō: [Wahi Pana -A Sacred Place](#)

HEARING FOR STATE SENATE COMMITTEE ON JUDICIARY

Thursday, February 26, 2026 10:0 AM

Conference Room 415, State Capitol

TO: Committee on Judiciary Chair Kari Rhoads, Vice-Chair Mike Gabbard, and all members
RE: SENATE BILL 2078 SD1. Relating to the Department of Land and Natural Resources

We all know that enforcement is a critical component of all regulatory framework and agrees that existing fines for aquarium fish collecting are not even close to deterring illegal takings. Poaching continues regularly, and making each fish taken a separate infraction is an excellent solution.

Given the severe limitations in enforcement resources, we believe the only way to eliminate the poaching is to ban all aquarium fish collection. This would simplify all the enforcement protocols. However, because illegal collection continues under the current system, we also support substantially increased fines in addition to a total prohibition on aquarium collecting.

Puakō For Reefs has invested millions of dollars in community-raised funds, along with thousands of volunteer hours, to mitigate a major stressor—wastewater—impacting our coral reefs. It is deeply concerning to see these efforts undermined by another **preventable** stressor.

For five years, the Puakō community funded a dedicated reef monitor, known locally as “Randy the Ranger”, who conducted nighttime outreach and education, while helping deter poaching. His presence proved effective, but the program ultimately ended due to funding constraints and repeated confrontations.

Several additional considerations underscore the need for action:

- Traditional stewardship practices and respect for Native Hawaiian values regarding ocean resources have been largely neglected. The assumption of an unlimited supply of reef fish is demonstrably false. Many of the most heavily collected species are key herbivores that control algae and are essential to reef health.
- Hawai'i's Constitution establishes a public trust duty to protect natural resources. This is an important opportunity to reaffirm and uphold that obligation.
- The aquarium trade provides no meaningful benefit to residents, while the environmental degradation and enforcement costs are borne by all.

Please vote in favor of this bill. Let's get more serious about our reef and ocean waters.

Sincerely,

Barbara Bell for Puakō for Reefs Board members and its many volunteers
Karen Anderson, Board Chair, **Stephanie Erickson**, Board Treasurer,
Barbara Bell, Board Secretary, and **George Fry**, Board member



SENATOR KARL RHOADS, CHAIR
SENATOR MIKE GABBARD, VICE CHAIR
SENATE COMMITTEE ON JUDICIARY

COMMENTS IN SUPPORT OF SB 2078 SD1

Thursday, February 26, 2026, 10:00 a.m.
Conference Room 016 & Videoconference
State Capitol
415 South Beretania Street

Dear Chair Rhoads, Vice Chair Gabbard, and Committee Members:

Earthjustice submits this testimony in support of SB 2078 SD1, which clarifies that rules adopted by the Department of Land and Natural Resources (“DLNR”), including rules adopted pursuant to Haw. Rev. Stat. § 190-3, may prohibit aquarium collection; establishes a criminal penalty and monetary fines for aquarium collection violations; and further clarifies that the illegal take of each fish or aquatic life specimen constitutes a separate offense.

Earthjustice is a public interest environmental law organization with a Mid-Pacific Office based in Honolulu for nearly 40 years. For over a decade, we have represented a hui of reef advocates—including Native Hawaiian subsistence fishers and cultural practitioners from throughout the pae ‘āina—to protect Hawai‘i’s reefs from the extraction hundreds of thousands of fish each year to supply the global aquarium pet industry.

We appreciate and support the intent of this bill to strengthen deterrence for illegal aquarium collection and to clarify DLNR’s existing authority under Haw. Rev. Stat. § 190-3 to ban aquarium collection. This clarification would correct the Department of the Attorney General’s erroneous view that DLNR lacks this authority, which halted a community-led petition to ban commercial collection by administrative rule that was unanimously approved by the Board of Land and Natural Resources in 2023 (discussed further below).

Although clarifying DLNR’s rulemaking authority to prohibit aquarium collection would be helpful on some level, *the legislature must act this session to prohibit commercial aquarium collection* to prevent harm to Hawai‘i’s reefs from this extractive practice, particularly since DLNR has already begun forging ahead with rulemaking to *reopen* West Hawai‘i to commercial collection (discussed further below). We include below reasons and justification for a ban on commercial aquarium collection, which is under consideration in other bills this session, including HB 2101.

An Opportunity To Reverse A Historical Injustice

In 1953, Hawai‘i’s territorial legislature passed a law allowing “aquarium fish permits” that would enable collectors to use fine-meshed nets to capture juvenile fish targeted by the commercial aquarium trade. See Haw. Rev. Stat. § 188-31. This law’s passage was based on the ignorant view by those in power that the fish species sought after by the industry are “not edible.” S. Stand. Comm. Rep. 442, in 1953 Senate Journal, at 669. ***Such a finding would never stand today.*** Commercial aquarium collectors target popular food fish including kole (goldring surgeonfish) and pāku‘iku‘i (achilles tang), herbivorous fish that are essential to coral reef health, and other colorful fishes that are found nowhere else in the world—all of which are culturally significant for Native Hawaiians. Because of this outdated legislation, commercial aquarium collectors have enjoyed a ***decades-long pass to extract hundreds of thousands of fish from Hawai‘i’s reefs annually,*** which has devastated nearshore ecosystems by reducing fish populations and directly damaging reefs through harmful collection methods.

Litigation And Other Community-Led Advocacy

Due to Hawai‘i Supreme Court and environmental court rulings mandating environmental review, ***no legal commercial aquarium collection has occurred in West Hawai‘i since 2017, or anywhere else in the state (including O‘ahu) since 2021.***¹ In 2023, the Board of Land and Natural Resources unanimously approved a community-led petition to ban commercial aquarium collection by administrative rule. The rulemaking petition was filed by reef advocates including lawai‘a pono practitioners from West Hawai‘i, which has been ground zero for commercial aquarium collection for decades, and Kāne‘ohe, which experienced a dramatic increase in commercial aquarium collection after collectors depleted West O‘ahu reefs.

Rather than initiating rulemaking to ban commercial aquarium collection, as the unanimously approved rulemaking petition proposed, DLNR staff instead ***ran in the opposite direction by developing rules to authorize aquarium collection.*** The Board is now planning to resume issuing aquarium fish permits, starting with seven West Hawai‘i permits. O‘ahu’s reefs are next in line for permits that could be issued to fifteen collectors upon completion and acceptance of an Environmental Impact Statement (“EIS”).

The Board is taking these steps based on its ***erroneous view that it lacks the power to ban commercial aquarium collection and that only the legislature can ban this extractive activity.*** Indeed, at the October 24, 2025 Board meeting approving rulemaking proceedings to reopen West Hawai‘i to commercial aquarium collection, Chair Chang directed the dozens of

¹ Given the lack of any legal collection in five years or more, any claims that a ban would negatively affect current livelihoods is disingenuous at best and, at worst, suggests ongoing illegal poaching.

community members who testified in opposition to the Board's action as follows: "*I would urge you to talk story to the legislators for a different fix.*"²

Meanwhile, in 2024, the Hawai'i Supreme Court affirmed the Board's default decision to approve an industry-sponsored EIS for West Hawai'i commercial collection. The EIS was approved by operation of law when the Board failed to reach a majority vote and instead reached a 3-3 tie decision. The Hawai'i Supreme Court *did not endorse* the EIS's findings and conclusions that commercial aquarium collection has insignificant environmental effects, or the EIS's failure to propose measures and alternatives to reduce environmental harm. Rather, the court held that the EIS contained sufficient information—including the concerns, data, and studies that reef advocates had submitted in commenting on the EIS—to inform future permitting decisions. Under well-settled Hawai'i Supreme Court precedent, *EIS approval does not guarantee permit approval*. Rather, an EIS is an informational document that informs agency decision-making.

Community Sentiment Strongly Opposing Commercial Collection

Three public opinion polls conducted since 2012 have repeatedly shown overwhelming public support for ending commercial aquarium collection in Hawai'i. The 2025 poll showed that *84% of O'ahu and Hawai'i Island residents support a ban*, while only 10% support collection. The following government and non-government entities have passed resolutions supporting and urging a state legislative ban:

- Hawai'i County Council;
- Kaua'i County Council;
- Neighborhood boards for Waimānalo, Kailua, Kāne'ohe, and Kahalu'u;
- Association of Hawaiian Civic Clubs;
- Ko'olaupoko Hawaiian Civic Club;
- Ko'olau Foundation; and
- Kāne'ohe Bay Regional Council.

The public and government entities have called upon the legislature to act.

Hundreds Of Thousands In State Subsidies For The Trade

² See Board of Land and Natural Resources Oct. 24, 2025 Meeting, <https://www.youtube.com/watch?v=JE2zPoVp8qs&list=PLDh6ZXzdUvOkHtqVoauOkfa26NfNLh2pK&index=4> at 8:10:27; see also *id.* at 7:22:09 and 7:55:33 (Board Members Denise Iseri-Matsubara's and Riley Smith's statements on the Board's purported lack of authority to ban commercial aquarium collection).

If the legislature does not act and the Board proceeds as planned, collectors would pay just \$100 per year (just **\$700 total** for 7 West Hawai'i collectors, which are the only permits even potentially on the table at this time) for a program that the Division of Aquatic Resources has estimated would cost the state **\$300,000-\$500,000** annually to administer *for Hawai'i Island alone*.³ Enforcing the Board's proposed aquarium catch quotas—*if it even were possible*—would be extremely resource-intensive, since enforcement would require counting live fish at sea and onshore, further straining the Division of Conservation and Resources and Enforcement's limited resources. Collectors would extract hundreds of thousands of fish and ship them overseas to sell as ornamental pets, while Hawai'i's reefs increasingly struggle to feed local families and withstand climate change. The legislature should prioritize pono food fishing and reef resilience to benefit all Hawai'i citizens over an extractive practice that benefits only a handful of commercial collectors.

Harmful Impacts Of The Trade

Data from the industry-sponsored West Hawai'i EIS show that fish populations are significantly lower in areas open to commercial aquarium collection than in areas closed to collection. For example, the diagram below from the EIS shows significantly lower lau'ipala (yellow tang) density in open areas (green) than in closed areas (blue and red). It is also our understanding that the Division of Aquatic Resources is collecting significantly less fish population data along West Hawai'i than it has in prior years, which will hinder the agency's ability to assess how resumed collection would affect West Hawai'i populations. The Division's claim that collection is "sustainable," therefore, cannot be validated and is mere guesswork *at best* under this scaled back data collection regime.

³ See Schaar & Cox, The future for Hawai'i's marine aquarium fishery: A cost benefit analysis compared to an environmental impact statement, Marine Policy (2021) (attached).

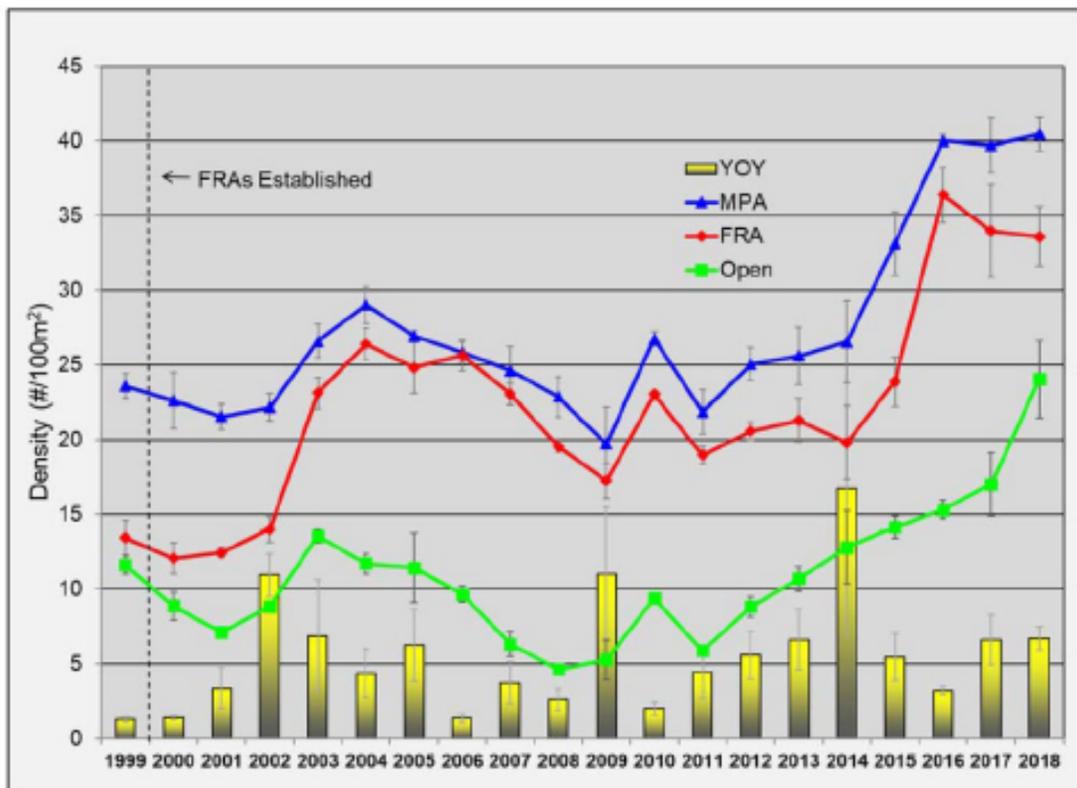


Figure 5. Overall changes in Yellow Tang density (Mean \pm SE) in FRAs, MPAs, and Open Areas, 1999-2018. Yellow vertical bars indicate mean density (MAY-NOV) of Yellow Tang YOY. YOY are not included in trend line data (DAR 2019a).

Availability of Reef-Safe Alternatives

Rather than propping up a wasteful and costly industry that stands to benefit only a handful of collectors, Hawai'i should continue to invest in reef-safe alternatives to commercial aquarium collection. Biota Aquariums operates a Waimānalo-based facility that has been successfully aqua-culturing and selling lau'ipala (yellow tang)—the Hawai'i reef fish most sought-after by the aquarium pet trade—for years. Prohibiting wild catch of reef life for the aquarium pet trade would enable modern, reef-safe aquarium fish operations to flourish and thrive in Hawai'i. Such operations create jobs and provide economic opportunities without threatening further harm to public trust resources.

For the first time since the territorial legislature enacted Haw. Rev. Stat. § 188-31, Hawai'i's reefs have finally had a break from commercial aquarium collection. Now that the Board is on the precipice of reopening Hawai'i's reefs to this destructive activity, the legislature is presented with a rare opportunity to right historical wrongs and fulfill its constitutional

duties to protect Hawai'i's reef ecosystems as public trust and culturally significant resources for present and future generations. See Haw. Const. art. XI, § 1; Haw. Const. art. XII, § 7.

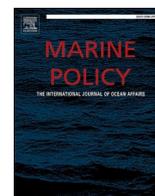
Mahalo for the opportunity to testify. Please do not hesitate to contact us with any questions or for further information.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read 'MC', is centered below the closing text.

Mahesh Cleveland, Esq.
Senior Attorney
Earthjustice, Mid-Pacific Office

Attachment



The future for Hawai'i's marine aquarium fishery: A cost benefit analysis compared to an environmental impact assessment

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ABSTRACT

Conflict has surrounded Hawai'i's commercial marine aquarium fishery since its inception in the late 1940s. In 2019, the Hawai'i Supreme Court requested that an environmental impact statement (EIS) analysing the ecological and cultural impacts of Hawai'i's marine aquarium fishery be completed for Hawai'i Island (Big Island) and O'ahu. The costs and benefits associated with the fishery and their distribution across stakeholder groups was however not addressed in the EIS. This paper presents a cost-benefit based analysis of four policy scenarios using existing secondary data for Hawai'i's marine aquarium fishery. From the analysis, a state-wide collection ban was the option that yielded positive annual net benefits and negatively impacted the fewest stakeholders. In contrast, the EIS recommends ten permits for fishing off the coast of Big Island be issued.

1. Introduction

Some view the marine aquarium fish trade as a path to expanding the conservation of reef environments based on the assumption that owning aquarium fishes cultivates awareness and interest in the conservation of their source habitats [46,6,31,47]. While conservation groups have promoted the aquarium trade as a means of enhancing livelihoods in developing countries, others are concerned that the profit motive of commercial fishers serves as an incentive to overharvest species commonly found in marine aquariums [37,39,59]. If marine aquarium fisheries are not properly regulated and the regulations are not promulgated, a common-pool resource dilemma will result in economic profitability prevailing over long-term sustainability – a tragedy of the commons scenario [43].

Hawai'i's commercial marine aquarium fishery has been a source of debate among various stakeholder groups including aquarium fishers and hobbyists, marine scientists, Native Hawaiians (Kānaka Maoli), resource managers, policy makers and community members [2,36,46]. The fishery's costs and benefits are distributed differently among these stakeholders, resulting in years of conflict. As has been observed in many fisheries around the world, fishers in Hawai'i under report their catches and mortality rates [23,48,52,56], which further exacerbates conflicts. The fishery is comprised of two geographically distinct zones. The first is the West Hawai'i Regional Fishery Management Area (WHRFMA) that extends the length of the west coast of Hawai'i Island (Big Island) from

Ka Lae, Ka'u[–] (South Point) to 'Upolu Point. The second encompasses North Kohala, and the main Hawaiian Islands excluding all zones that are designated as Marine Protected Areas (MPAs) [57].

Residents and Native Hawaiian cultural practitioners have pushed to ban aquarium fishing in Hawai'i citing the lack of sustainable and humane harvesting methods, inadequate enforcement, inaccurate catch reporting and poor alignment with Kānaka Maoli ideals of resource management [23]. In 2017, the Hawai'i Supreme Court placed a moratorium on aquarium fishery permits, citing a need for a Hawai'i Environmental Policy Act (HEPA) review [15–17]. The court concluded that the permitted use of fine mesh nets involves the public's use of state land and therefore requires discretionary approval from the state [15–17]. The court's request in 2019 for an environmental impact statement (EIS) analysing the ecological and cultural impacts of the marine aquarium fishery came after Environmental Assessments (EA) for Big Island and O'ahu were submitted by the Pet Industry Joint Advisory Council (PIJAC) and deemed insufficient by the State's Department of Land and Natural Resources (DLNR) Chair Suzanne D. Case [15–17]. The final environmental impact statement (EIS) funded by PIJAC and conducted by a consulting firm, which concluded that DLNR should issue permits to ten commercial aquarium fishers in the WHRFMA, was unanimously rejected by the Board of Land and Natural Resources (BLNR) after concluding that the EIS did not adequately disclose the potential environmental impacts of the proposed action [14]. PIJAC appealed BLNR's decision to the Environmental Council who affirmed BLNR's rejection of

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Table 1
Description of policy scenarios analysed in CBA.

Scenario	Characteristics
A. Status quo (2019)	AQ Permits void and fishery continues without use of fine mesh nets on O'ahu, Big Island and no collecting in WHRFMA Voluntary catch report data Majority of catch is exported Unknown impacts to other fisheries, the environment, cultural resources and on-reef tourism State funds monitoring and management of fishery Potential for non-compliance Provides industry income Provides tax and fee revenue to state
B. Permitting system (2016)	Administrative rules and bag limits apply across the State Voluntary catch report data Majority of catch is exported Unknown impacts to other fisheries, the environment, cultural resources and on-reef tourism State funds monitoring and management of fishery Potential for non-compliance Provides industry income Provides tax and fee revenue to state
C. State-wide collecting ban	No aquarium species from Hawai'i state waters can be collected Collection exemptions possible for research, educational institutions and managers Wild-captured aquarium exports banned No impacts on other fisheries, the environment, cultural resources or on-reef tourism State avoids costs associated with managing the fishery Potential for non-compliance Loss of industry income Loss of tax and fees revenues to state
D. Captive breeding collection	Permits issued to fishers with facilities for captive breeding Opportunity to export from Hawai'i Unknown impacts on other fisheries, cultural resources, the environment and on-reef tourism State funds monitoring and management of fishery Potential for non-compliance Provides income opportunity for industry Provides tax and fee revenue to state

the EIS [27].

The 2019 state-wide moratorium allows commercial aquarium fishing to continue without commercial aquarium permits, as long as fine-mesh net equipment is not used and fishers possess a commercial marine license (CML), whereas, all collection has been outlawed regardless of gear-type for the WHRFMA [20]. A November 2020 order from Hawai'i's First Circuit Court requires environmental review for issuance of new or renewed annual CMLs to be used for aquarium fishing purposes, allowing aquarium collecting by CML holders to continue until their CML expire one year after issuance [18,21]. A January 2021 order from the same court further strengthened the November 2020 order by issuing an injunction to halt aquarium collection under existing CMLs, completely banning commercial aquarium fishing in the State of Hawai'i pending environmental review by the industry [13].

Many U. S. government agencies use cost benefit analysis (CBA) in addition to or in place of environmental impact assessment to assist in management decision-making. The U.S. Environmental Protection Agency [54] concluded that cost benefit analyses used to determine environmental regulations increased net benefits to society and "provide the balance required in complex regulatory decisions." International non-profit organizations also rely on CBAs in managing natural resources. Verdone [55] used CBA to analyse landscape forest restoration in Rwanda for the International Union for Conservation of Nature and Natural Resources.

This paper presents a cost benefit (CBA) based analysis using published information and existing data to provide evidence to assist decision makers considering the future of this fishery. Four policy scenarios were developed, the relevant costs and benefits for each scenario are described and/or estimated and their distribution across stakeholder groups are assessed. The CBA results are compared to the EIS recommendations and conclusions in order to determine how the two differ and which one provides a more accurate appraisal of maintaining the aquarium fishery.

2. Methods

Four past, current or proposed scenarios for managing this fishery are described (Table 1) in order to identify the associated costs and benefits, along with stakeholders impacted. Scenarios A and B assume that the aquarium fishery continues, though the number of fishers in the industry is not mandated in either one. Scenario A involves maintaining the 2019 status quo that restricts the use of fine mesh nets and no collecting in the WHRFMA. Scenario B assumes that the 2016 bag limits would be applied across the State. These were considered here because they both attempt to limit the catch. Scenario C involves a state-wide ban, which has been suggested by many stakeholders who do not benefit from the fishery. Scenario D allows the fishery to continue only to facilitate the establishment of captive breeding operations. This option is considered as one that protects wild fish in the long run, while also encouraging an industry that cultivates awareness and interest in the conservation of their source habitats by producing aquarium fish. The environmental impact statement (EIS) funded by PIJAC recommends limiting the number of permits, rather than limiting the catch.

The stakeholder groups who were identified in each scenario are described (Table 2) and the acronym used for the group throughout the

Table 2
Codes and descriptions for stakeholder groups.

Code	Stakeholder Group Description
S1	Native Hawaiians
S2	Residents of Hawai'i
S3	Tourists
S4	Collectors and wholesalers from O'ahu
S5	Collectors and wholesalers from Hawai'i Island excluding the WHRFMA
S6	Collectors and wholesalers from the WHRFMA
S7	All collectors and wholesaler in the State
S8	State government agencies

paper is identified. Previous research [2,23,36,46], various media reports, hearings and litigation surrounding the ongoing conflict in this fishery provided details about the stakeholder groups. A description of the methods used to estimate or describe each cost/benefit and their expected sign follow. While CBA normally involves discounting to ensure that net present value of costs and benefits are calculated, annual point estimates are used in this CBA. Since the estimates do not vary over time, discounting adds nothing to the analysis.

2.1. Cost and benefit estimates and descriptions

2.1.1. State management costs

Since both Scenarios A and B involve limiting the industry's catch and require voluntary reporting, the State will have to enforce these regulations. Therefore, to estimate this cost, DAR personnel in DLNR were contacted and asked to estimate DAR's 2019 management cost for Hawai'i's marine aquarium fishery including salaries of employees who work directly with the fishery, aquarium fish surveys and any other costs associated with the fishery that DAR funds. DAR officials provided a low estimate of USD 300,000 annually covering the time spent by 20 or more individuals in the aquarium fishery along with their supplies and equipment. Their high estimate of USD 500,000 annually includes costs, such as fringe benefits that are not included DAR's annual 2019 budget, but are found in DLNR's overall budget. For Scenario C, these management costs should be eliminated overtime. Scenario D would likely involve management costs, which could be reduced as the policies and regulations that support this scenario are refined.

2.1.2. Tourism value

According to the Hawai'i Tourism Authority [29], the State's economy relied on tourism for its largest source of private capital. Spalding et al. [50], estimated the "on-reef" tourism value for the entire state of Hawai'i at USD 550.8 million per year. Spalding was contacted and estimated, using the existing data base the annual "on-reef" values for O'ahu and Hawai'i Island to be approximately USD 442,496,000 and USD 16,921,000 respectively, for an annual upper bound of USD 459,417,000. This was inflated to 2019 USD for a total annual value of USD 478,891,356.77. Cesar and Beukering [7] estimated the value of tourism to be USD 304 million and inflating this value to 2019 USD yields a low estimate of approximately USD 442.1 million.

This estimated tourism value between USD 478,891,356.77 and 442,100,000 USD represents the direct and indirect market value of on-reef tourism to the State in 2019. Maintaining this value over time is partially contingent on maintaining the health and beauty of Hawai'i's reefs. The aquarium fishery may reduce this over time as fish are removed from the reefs in Scenarios A and B because the limits are not calculated based on the productivity of the fishery and are difficult to enforce. Evidence also suggests that catches are underreported. Therefore, if the fishery continues, overharvesting of this public resource will likely occur and as a result, the value of tourism will decrease. Uncertainty exists as to how quickly this decline will occur. Researchers predict that unmitigated bleaching events could lead to the loss of shallow coral cover in Hawai'i by the year 2050 [35], which indicates that a 30 year time frame could be considered in making marine resource management decisions and would result in an extremely large total cost of continuing this aquarium fishery by 2050.

2.1.3. Industry income

In order to determine the market value of the aquarium fishery in Hawai'i, the methods used by Dierking [22] were updated with recent data to conservatively estimate 2019 gross revenue for the industry. Unpublished 2019 catch report summary information, unpublished 2019 dealer purchase information, unpublished 2019 individual catch reports, and unpublished permit lists from 2015 to 2018 were obtained from DAR. The 2019 price and cost information from dealer websites, retail price lists on websites, and industry structure information

provided the data used for the estimation. The lower bound for total revenue accruing to fishers was calculated by multiplying the "diver price" for each species by the number sold to estimate annual revenue of USD 1,676,982 in 2019.

Wholesale revenue could not be estimated due to the lack of price information among local fishers who are also wholesalers. In order to estimate the upper bounds, the 2016 catch report data for "number sold" was used with retail prices on the website of a Hawai'i based fisher retailing fish. The "number sold" on the 2016 catch report for each of 12 species was multiplied by the 2019 retail price listed by the primary collector/retailer. The total revenue across all the species represents the upper bounds of USD 8,343,896, which includes the value of the fish after they were exported.

2.1.4. License fees

The State does collect license fees for the aquarium fishery. Commercial aquarium permits are USD 50 and recreational aquarium permits have no cost [20]. Commercial aquarium collectors must also purchase USD 100 commercial marine fishing licenses annually from DAR. Scenario A, which represents the status quo in 2019 only accounts for the cost of the commercial marine fishing license since all commercial aquarium permits are void. Scenario D assumes that a permit is required to collect for captive breeding. This scenario explores an option that would raise the permit cost to USD 500 and cap the number of permits issued at 100 state-wide.

2.1.5. Export values

The industry values also include the value of fish exported, which were investigated to determine how much of this value accrues to the State. Catch reports for 2016 are the most recent, complete annual data set and thus are used to estimate exports. Twelve species commonly targeted in Hawai'i's marine aquarium fishery (Table a1, appendix) were included. The data for six out of the twelve species discussed in this study (*Naso lituratus*, *Forcipiger flavissimus*, *Chaetodon multicinctus*, *Zanclus cornutus*, *Centropyge potteri*, *Coris gaimard*) indicated that the fish sales on initial catch reports by licensed fishers was lower than numbers of fish reportedly purchased by licensed dealers from licensed fishers on dealer sales and export reports. This suggests that a percentage of the catch was not reported on catch reports or was sold to dealers by fishers who do not report their catch to the state.

Dierking [22], reported that roughly 95% of the aquarium fish caught from the West Hawai'i fishery were exported. Two criteria were used to identify retailers from which price information was obtained. The first criteria requires that the species' primary and sole collection origin had to be Hawai'i, and the second requires the species be one of the 12 species described in this study, not including captive bred fish. Retail prices for 2019 were collected from 11 online aquaria retailers with 10 on mainland U.S.A. and one from Hawai'i. Species name, price, retailer name, city of operation and website information were used to generate an average out-of-state retail price for each of the 12 species and were compared to online retail prices offered by the local aquarium fishers/retailer. Retail price differences were 1.5–5.1 times higher in mainland markets compared to the local market.

The profits made on the mainland and the taxes on the value added accrues to the area in which the fish is retailed. Since these profits and taxes occur from the sale of a Hawai'i public resource, a negative impact occurs in comparison to keeping the fish in the reef to ensure that the State's tourism sector and/or residents continue to benefit from these fish. This is consistent with a 2019 decision by the Hawai'i Supreme Court that "all public natural resources are held in trust by the State for the common benefit of Hawai'i's people and the generations to come" ([8], p. 1150).

2.1.6. Environmental costs

Hawai'i's marine aquarium fishery almost exclusively targets herbivores and corallivores. The development of a State Coral Bleaching

Table 3
Cost and benefits associated with each scenario.

Scenario	Impacted Stakeholder Groups	Annual Estimates (USD)	
		Low	High
A. Status Quo (2019)			
- State management costs	S8	-300,000.00	-500,000.00
- Tourism value	S2, S3, S8	-442,105,806.46	-478,891,356.77
+ Industry income	S4, S5	1,784,936.43	8,343,896.00
+ License fees	S8	17,400.00	17,400.00
Total valued net benefit		-440,603,470.03	-471,030,060.77
Costs/benefits not valued			
- Losses from exports	S2, S8		
- Environmental costs	S1, S2, S3, S7, S8		
- Social costs	S1, S2, S8		
- Other fisheries' indirect costs	S1, S2, S7, S8		
- Captive breeding costs	S4, S5		
B. Permitting System (2016)			
- State management costs	S8	-300,000.00	-500,000.00
- Tourism value	S2, S3, S8	-442,105,806.46	-478,891,356.77
+ Industry income	S7	1,784,936.43	8,343,896.00
+ License fees	S8	26,100.00	26,100.00
Total valued net benefit		-440,594,770.03	-471,021,360.77
Costs/benefits not valued			
- Losses from exports	S2, S8		
- Environmental costs	S1, S2, S3, S7, S8		
- Social costs	S1, S2, S8		
- Other fisheries' indirect costs	S1, S2, S7, S8		
- Captive breeding costs	S7		
C. Statewide AQ Collection Ban			
+ Tourism value	S2, S3, S8	442,105,806.46	478,891,356.77
- Industry income	S7	-1,784,936.43	-8,343,896.00
- License fees	S8	-26,100.00	-26,100.00
Total valued net benefit		440,294,770.03	470,521,360.77
Costs/benefits not valued			
+ Environmental costs	S1, S2, S3, S7, S8		
+ Social costs	S1, S2, S7, S8		
+ Other fisheries' Indirect costs	S1, S2, S8		
D. Captive Breeding Collection			
- State management costs	S8	-300,000.00	-500,000.00
- Tourism value	S2, S3, S8	-442,105,806.45	-478,891,356.77
+ Industry income	S7	1,784,936.43	8,343,896.00
+ License fees	S8	50,000.00	50,000.00
Total valued net benefit		-440,570,870.03	-470,997,460.77
Costs/benefits not valued			
- Losses from exports	S2, S8		
- Environmental costs	S1, S2, S3, S7, S8		
- Social costs	S1, S2, S7, S8		
- Other fisheries' indirect costs	S1, S2, S8		
- Captive breeding costs	S7		

Recovery Plan, in collaboration with the National Oceanic and Atmospheric Association (NOAA), DLNR, and DAR concluded that the establishment of a combination of Marine Protected Areas (MPAs) and Herbivore Fishery Management Areas (HFMA) across the main Hawaiian Islands ranked among the most preferred actions to address the State's coral reef recovery from climate change induced bleaching events [19]. The State's decision to employ spatial herbivore management, highlights the importance of herbivores as a critical tool for reef recovery and resiliency, thus increasing their value and importance in Hawai'i's coral reef ecosystems.

Past studies have indicated that climate change impacts coupled with local, human-induced stressors can retard coral reef resilience, resulting in regime shifts from coral to algal turf dominated systems if left unchecked [1,8,9,26,30]. Herbivores have been found to play critical roles in resisting these regime shifts [26]. While the long-term impact of the aquarium fishery on herbivore management is uncertain, the potential exists for the fishery to prevent the State from realizing its reef recovery goals.

2.1.7. Social costs

A 2017 survey of Hawai'i residents concluded that 90% of respondents support further regulation of Hawai'i's marine aquarium fishery, and that 83% of respondents support ending the trade altogether [4]. From the fishers' perspective, Stevenson et al. [51] found that 20.7% of all fishers disliked the bureaucracy and 17.2% disliked the poor reputation of the West Hawai'i aquarium fishery.

No secondary information about the overall social impacts is available. However, the Pet Industry Joint Advisory Council [44] did summarize several interviews in a Cultural Impact Statement found in Appendix A that describes the contentious nature of the fishery and its lack of alignment with Native Hawaiian values and fishing/management views/traditions [44].

While the impact of the fishery on the long-term social well-being of State's residents is uncertain, the majority appears to conclude that continuing to operate this fishery reduces their social well-being.

2.1.8. Indirect costs for other fisheries

While some studies have indicated that fish populations have increased in open areas and Fish Replenishment Areas (FRAs) where no aquarium collecting occurs, other studies have argued that many marine aquarium fish stocks in Hawai'i are still relatively data poor [41]. The Hawai'i Supreme Court has adopted a precautionary principle associated with the public trust with a ruling concluding that "where (scientific) uncertainty exists, a trustee's duty to protect the resource mitigates in favour of choosing presumptions that also protect the resource" ([32], p. 466)).

Overfishing is the primary driver of reef fish declines across the main Hawaiian Islands and the populations of food-fish species that overlap with some commonly collected aquarium species are particularly affected [24]. Specific concern regarding the sustained abundance of some commonly targeted food-fish species in the West Hawai'i aquarium fishery exists due to some species exhibiting declining populations [57]. Concern regarding the aquarium fishery's impact on the commercial and recreational nearshore reef fisheries has arisen due to overlap in target species [46,57]. This concern supports the conclusion that the aquarium fishery is likely to have negative impacts on other fisheries in the long-run.

2.1.9. Captive breeding costs

Scenario D involves allowing the aquarium fishery to continue in order to support captive breeding efforts. In order for this scenario not to have negative impacts on Hawai'i reefs, a detailed policy and supporting regulations would be required. Descriptions of the costs paid by wholesalers and collectors by Dierking [22] can be used to infer the cost categories associated with local collection and wholesale business operations. Captive breeding and husbandry would result in similar costs

Table 4

A comparison of procedures and recommendations for the CBA to those for the 2020 Hawai'i Island EIS.

Cost Benefit Analysis	Big Island 2020 EIS ^a
Explores four policy alternatives, including a ban. Provided evidence-based recommendations based on impact estimates, descriptions, and the distribution of them among stakeholder groups. Recommends a statewide ban on the collection and export of marine aquaria. Suggests that captive breeding collection might hold potential if properly managed. Completed as a student project using existing secondary data and not funded by any industry, government agency or non-profit organization.	Rejected considering a ban since it did not meet PIJAC's purpose. Considered three scenarios that involved no permit limits and one with a permit limit. Provided a recommendation based on direct market benefits of the industry. Recommends reducing the number of permits to ten across the State. Funded by the PIJAC.

^a [44]

as wild collection, along with some additional costs to accommodate more technologically advanced equipment required to stimulate spawning [40,58].

Marine ornamental species can be categorized as demersal spawners or pelagic spawners. Most demersal spawners produce clutches of eggs in nests or on substrates and tend to form strong breeding pairs, often displaying parental care which makes them the preferred choice for captive breeding aquarists [40]. The specialized knowledge and equipment required for rearing marine aquarium fish that are pelagic spawners will make them more expensive to produce compared to wild collection [49]. This increase in costs would primarily impact those that purchase these captive bred fish. Currently, nearly all of these people live outside of the State and therefore likely have no particular interest in protecting the public resources of residents. Rhyné [49] also argues that promoting access to breeding information could result in more successful ornamental rearing and help conserve populations of wild aquarium fish.

3. Results and discussion

The results indicate that Scenario C, a state-wide ban on aquarium collecting, is the only scenario that produced positive net benefits (Table 3). Because point estimates in 2019 USD were the only quantitative data presented here, this conclusion is based on one annual estimate of costs and benefits. The stakeholder groups negatively impacted by a state-wide ban include a small group of local fishers, wholesalers, and dealers that comprise Hawai'i industry while benefits accrue to larger populations of stakeholders.

The status quo policy in Scenario A would allow collection to continue with methods other than fine-mesh nets. In the WHRFMA, where all permits are now void, poaching has been observed, resulting in vessel, aquarium gear and fish take seizures [5]. Thus, monitoring costs may increase if this scenario occurs. Scenario B, which represents what took place in 2016 does not put a cap on the issuance of permits, though it does provide for the collection of fees by the State. Overall, market benefits would still accrue only to aquarium collectors and wholesalers, though the distribution of net benefits between these industry members varies between Scenarios A and B because Scenario A excludes fishers in the WHRFMA.

Scenario D allows collection for captive breeding with a permit similar to DAR's Special Activity Permit system which allows research, education or management institutions to collect marine organisms with specific gear restriction exemptions [18,21]. However, all existing permit holders can claim to be engaged in breeding. Further research may be needed to identify potential regulatory and enforcement solutions for Scenario D. Fishers could be required to prove their capacity to captive breed species and stricter live-fish export regulations could be developed. While this would increase costs, the potential indirect and non-market benefits associated with not removing fish from the reefs in the long-run would also increase and provide the positive benefits associated with consumers having access to aquarium fish. Miltz et al. [38] found that 90.5% of consumer respondents were willing to pay more for fishes that were certified as harvested in an environmentally

sustainable way. This type of certification could be considered for captive bred fish to create a mechanism that convinces the customers to absorb some of the costs associated with switching to a sustainable practice [38]. In addition, captive breeding facilities could become attractions for residents and visitors. If captive breeding attractions included educational content designed to inform people about protecting fish and the surrounding reefs, the carrying capacity of Hawai'i's near shore ecosystems may increase.

A comparison of this CBA with the PIJAC funded EIS found that the procedures and overall recommendations were significantly different (Table 4). Both the CBA and the EIS relied on existing data to complete the analysis and the market benefits of the industry estimated by the CBA and the EIS are similar. The EIS did not consider a ban because it did not meet PIJAC's purpose to continue fishers' livelihoods [44]. The EIS considered three scenarios that involved unlimited permits and one that limited permits on the Big Island to ten. The costs for Native Hawaiians and other stakeholder groups of continuing to operate the fishery were considered negligible and no justification is provided as to why this decision was made [44]. No recommendations on compliance enforcement relative to the proposed bag limits or oversight to prevent poaching were included. No caveat was included that oversight and enforcement expenses might increase if permits were limited [44]. One individual who was allegedly named as one of the proposed permit holders [45] was also cited in a February 2020 poaching incident (R. Umberger, personal communication; [5]) which indicates the need for such a caveat. Overall the EIS puts forth a recommendation that supports the industry.

Because Hawai'i's Supreme Court reaffirmed that all public resource are to benefit Hawai'i's people [32] and that private or commercial use should receive a "high" level of scrutiny, the size of the stakeholder groups is also of interest. The resident population, including Native Hawaiians, was 1,415,872 in 2019 [53] and Pet Industry Joint Advisory Council [44] indicates that their preferred plan would directly benefit ten resident fishers with permits and their employees. Visitors, which numbered 10,424,995 in 2019 [28], will also likely pay a cost if marine aquarium fish are removed from the State's reefs. Tourists can also decide to travel elsewhere should the reefs become degraded, which will result in significant market costs for Hawai'i in the long-term.

4. Conclusion and recommendations

The analysis presented here determined that a state-wide ban on collection is likely to produce impacts of positive annual net benefits. The EIS funded by PIJAC recommended that collection permits be limited to ensure that the fishery remains in existence. Relying on EIS recommendations that aim to support one group of stakeholders at the expense of others to determine policy could be considered biased. CBA is used globally for evidence-based decision-making.

When considering the "sustainability" of any system, distributional and equity issues over a long-time frame must be considered [10]. The CBA presented in this paper explores these distributional issues that this fishery poses to a variety of stakeholder groups and the environment using the available evidence. While modern economic systems often

focus on gross domestic product to track economic progress and guide policy, tracking environmental and social indicators has been identified as important to ensure sustainability in certain economic sectors specific to Hawai'i [42].

Other fisheries, which pose similar environmental problems [3,11,12,25,33,34], should consider employing CBA in order to inform decision-making. Relying on an EIS funded by an industry stakeholder group is likely to produce a document aimed at justifying the position of the funder. Stakeholders that receive cultural ecosystem services from resources that are also being harvested for market benefits often include relatively large populations of disadvantaged minorities and indigenous populations. Businesses interested in protecting their market benefits likely have an advantage if an EIS is the only source of management recommendations. Sustainable management requires that the costs and benefits accruing to all stakeholder groups be investigated to ensure that policies are equitable.

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CRediT authorship contribution statement

Siena Schaar: Investigation, Formal analysis, Writing - original draft. **Linda J. Cox:** Conceptualization, Methodology, Supervision, Writing - review & editing.

Declaration of Competing Interest

none.

Data availability

The majority of data used for this research came from secondary sources. Relevant pricing data was collected from public websites and catch data was retrieved by UIPA from the Hawai'i Department of Aquatic Resources (DAR).

Appendix

See Tables A.1–A.3.

Table A.1

The 12 common marine aquarium species included in this report.

Common Name	Scientific Name	Hawaiian Name
Yellow Tang ^b	<i>Zebrasoma flavescens</i>	Lau'ipala, Lau'i pala, or Lā'i pala)
Goldring Surgeonfish ^a	<i>Ctenochaetus strigosus</i>	Kole
Achilles Tang ^b	<i>Acanthurus achilles</i>	Paku'iku'i
Orangespine Unicornfish ^b	<i>Naso lituratus</i>	Umaumalei, Kala, Ume, Mahaha, Pakala, Pakalakala or 'Ohua
Chevron Tang ^b	<i>Ctenochaetus hawaiiensis</i>	n/a
Longnose Butterflyfish, (Forcefish) ^b	<i>Forcipiger flavissimus</i>	Lau wiliwili nukunuku 'oi'oi
Multiband (Pebbled) Butterflyfish ^a	<i>Chaetodon multicinctus</i>	Kikākapu, Kapuhili
Fourspot Butterflyfish ^b	<i>Chaetodon quadrimaculatus</i>	Lauhau
Tinker's Butterflyfish ^b	<i>Chaetodon tinkeri</i>	n/a
Moorish Idol ^b	<i>Zanclus cornutus</i>	Kihikihi
Potter's Angelfish ^a	<i>Centropyge potteri</i>	n/a
Yellowtail Coris Wrasse ^b	<i>Coris gaimard</i>	Hinalea 'akilolo

^a Indicates endemic species

^b Indicates native species

Table A.2

Average retail prices (U.S Mainland) compared to average retail price (local collector/seller) of 12 common aquarium species, and price difference (%).

Common Name	Scientific Name	Avg. Retail Price (U.S Mainland) n = 10	Avg. Retail Price (Local collector/seller) n = 1	Mark-up (%)
Yellow Tang	<i>Zebrasoma flavescens</i>	\$74.41	\$16.00	465.1
Goldring Surgeonfish	<i>Ctenochaetus strigosus</i>	\$71.88	\$14.00	513.4
Achilles Tang	<i>Acanthurus achilles</i>	\$392.32	\$150.00	261.5
Orangespine Unicornfish	<i>Naso lituratus</i>	\$152.71	\$37.50	407.2
Chevron Tang	<i>Ctenochaetus hawaiiensis</i>	\$233.11	\$150.00	155.4
Longnose Butterflyfish	<i>Forcipiger flavissimus</i>	\$46.00	\$15.00	306.6
Multiband Pebbled Butterflyfish	<i>Chaetodon multicinctus</i>	\$35.37	\$10.00	353.7
Fourspot Butterflyfish	<i>Chaetodon quadrimaculatus</i>	\$78.99	\$40.00	197.5
Tinker's Butterflyfish	<i>Chaetodon tinkeri</i>	\$699.99	\$350.00	200.0
Moorish Idol	<i>Zanclus cornutus</i>	\$49.98	\$10.00	499.8
Potter's Angelfish	<i>Centropyge potteri</i>	\$108.06	\$30.00	360.2
Yellowtail Coris	<i>Coris gaimard</i>	n/a	\$30.00	n/a

Table A.3

Comparison of specimens reported sold on licensed aquarium collectors' detailed catch reports (2016) versus specimens reported bought from licensed fishers by licensed dealers, on licensed aquarium dealers' personal sales and export reports (2016).

Common Name	Scientific Name	No. Sold (AQ detailed catch report)	No. Bought (AQ dealer pers. Sale/export report)	% (no. bought/ no. sold)
Yellow Tang	<i>Zebrasoma flavescens</i>	322,651	284,784	88.26
Goldring Surgeonfish	<i>Ctenochaetus strigosus</i>	45,765	44,106	96.37
Achilles Tang	<i>Acanthurus achilles</i>	6787	5758	84.84
Orangespine Unicornfish ^a	<i>Naso lituratus</i>	9966	10,338	103.73
Chevron Tang	<i>Ctenochaetus hawaiiensis</i>	5126 (B.I only)	4135	80.67
Longnose Butterflyfish ^a	<i>Forcipiger flavissimus</i>	1329	1507	113.39
Multiband Pebbled Butterflyfish ^a	<i>Chaetodon multicinctus</i>	314	666	212.10
Fourspot Butterflyfish	<i>Chaetodon quadrimaculatus</i>	480	448	93.33
Tinker's Butterflyfish	<i>Chaetodon tinkeri</i>	293 (B.I only)	218	74.40
Moorish Idol ^a	<i>Zanclus cornutus</i>	805 (B.I only)	970	120.50
Potter's Angelfish ^a	<i>Centropyge potteri</i>	6708	8726	130.08
Yellowtail Coris Wrasse ^a	<i>Coris gaimard</i>	866	993	114.67

(B.I only) indicates collection and reporting on detailed catch report only from Hawai'i island

^a Indicates sales or export reporting over 100% of what was reported on initial detailed catch report.

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LATE

OCEAN JANITORS HAWAII

Testimony of **SUPPORT**
SB2078
February, 25th, 2026

Aloha Chair and members of the committee,

My name is Taha'a Kahele, Testifying on behalf of Ocean Janitors Hawaii a 501(c)(3) Non-profit organization that focuses on marine ecosystem stewardship and marine-debris removal. **Ocean Janitors Hawaii stands in strong and unwavering support of SB2078.** Which establishes criminal penalties and increased fines for violations related to aquarium fishing. This bill is a crucial step toward protecting our precious marine ecosystems from illegal poaching and exploitation.

Our coral reefs are under immense pressure from climate change, pollution, and overharvesting. The aquarium trade has contributed to significant declines in fish populations, particularly herbivores like yellow tang (*lau 'ipala*), which play a key role in maintaining reef health by controlling algae growth. By making violations a misdemeanor with fines up to \$1,000 per specimen, SB 2078 will provide stronger deterrents against illegal collection, ensuring better enforcement and accountability. This aligns with the Department of Land and Natural Resources' (DLNR) efforts to safeguard our ocean resources for future generations.

However, while I applaud the bill's focus on penalties, I urge the Legislature to go further and enact a complete ban on commercial aquarium fisheries statewide. The practice is inherently unsustainable, as evidenced by historical data showing 80-90% declines in targeted species in areas open to collection. It conflicts with core Hawaiian values such as *mālama 'āina* (caring for the land and sea) and pono fishing, which emphasize taking only what is needed for subsistence, not for commercial export that primarily benefits outsiders. Local communities bear the costs of depleted reefs—reduced biodiversity, weaker fisheries for residents, and diminished cultural practices—while receiving minimal economic returns. Since temporary moratoriums, we've seen signs of reef recovery, proving that ending this trade would allow our oceans to thrive. However we do acknowledge the fact that fish populations have not recovered.

Passing SB 2078 is essential, but a full ban would truly honor our *kuleana* (responsibility) to protect Hawai'i's unique marine life. Mahalo for considering my testimony and for your commitment to our 'āina.

Mahalo for allowing me to present this testimony,

Me ka pomaikai a me ke aloha,

Taha'a H. Kahele, Director of Conservation & Cultural Management

HAWAI'I OCEAN LEGISLATIVE TASK FORCE



February 26, 2026

Hawai'i State Legislature
Senate Committee on the Judiciary

Re: Testimony in **SUPPORT** for SB 2078 SD1, Relating to the Department of Land and Natural Resources

Aloha Chair Rhoads, Vice Chair Gabbard, and esteemed members of the committee,

The Ocean Legislative Task Force—a coalition of more than 150 individuals across over 20 organizations statewide—**supports** SB 2078 SD1, relating to the Department of Land and Natural Resources. This measure establishes criminal penalties and fines for aquarium fishing violations and clarifies that each individual fish or specimen taken illegally—and each use of prohibited methods such as explosives, electrofishing devices, or poisons—constitutes a separate offense.

Healthy coral reef ecosystems are essential to Hawai'i's environmental, cultural, and economic well-being. Reef fish and other aquatic species play critical roles in maintaining ecological balance, supporting biodiversity, and sustaining the natural systems that protect shorelines and provide food security and cultural value for local communities. Ensuring that existing protections are meaningful and enforceable helps safeguard these shared resources for present and future generations.

This measure reinforces the importance of responsible stewardship by recognizing that individual actions—no matter how small they may seem—can have cumulative and lasting impacts on marine ecosystems. Clear and consistent accountability helps promote compliance with established conservation laws and supports the State's broader efforts to protect Hawai'i's fragile marine environment.

The Ocean Legislative Task Force respectfully urges your support for SB 2078 SD1.

Mahalo for the opportunity to provide testimony.

The Hawai'i Ocean Legislative Task Force advocates for measures that advance cesspool conversion and wastewater management, protect Hawai'i's coral reefs and reef fish, ensure transparent and sustainable implementation of the Green Fee program and long-term environmental staffing, and support other measures that strengthen Hawai'i's coastal and marine ecosystems.

Opposed to SB 2078 SD1

Aloha Senators, esteemed JDC committee members,

Please do not pass biased, prejudiced, unconstitutional Bills like SB 2078 SD1.

Opposed to over-reaching laws that are biased against one group and not another. Daily Marine mammal act violations occur by tourist boats, 3000 CML license permits for fishing are active, and yet inactive, a completely environmentally reviewed fishery with past and future sustainability, and a rules package with the strictest new laws ever enacted for any fishery worldwide are needed before permitting needs further regulations and penalties?

This bill is an obvious attempt to supersede legal passage and constitutional procedures.

The BLNR DAR 2026 rules package already covers every section of SB 2078; no House version is active. Bill could interfere with the BLNR rules package, but I think that is the point SB 2078 current wording intent is to derail the current legal process.

This is clearly another attempt to close and overregulate the most managed fishery with excessive, unfair penalties and regulations, all due to user conflict, not resource issues.

Giving one group over another legal considerations is prejudiced, unconstitutional, and unfair to say the least.

BLNR's vote to "Ban the Aquarium fishery" was never going to be a ban; the board knew very well it could not constitutionally ban the fishery, and the Attorney General confirmed this with them. So their plan was to proceed with permits under the rules package in response to the rules package procedures.

After 6 years and hundreds of thousands of dollars, for out-of-work fishermen who leveraged their homes, lost their retirements, had no source of income from the fishery, paid legal fees, and EIS Company fees, the EIS passes. Let's not forget the fishery was sustainable before the shutdown. Still, the lawsuit did not use science in fishery defense, or were the fishermen involved in the lawsuit brought against the State of Hawaii.

The lawsuit lawyers mainly concentrated on protecting other state permits. With the ruling they, too, are at risk! Why is this the only permit that has done and passed an EIS, yet is still being attacked by anti-fishers? When it is clearly the best fishery a "Model Fishery". Leaving larger breeding fish, closed areas for tourists, and the best-managed fishery in the world.

The BLNR passes the West Hawaii EIS 2020. This decision was appealed due to a conflict within a biased user groups.

The Supreme Court ruled that the EIS passage stands and that DLNR may issue permits again. It involved an exhaustive review of the fishery over 7 years. Where are the permits?

The whole point of the rules package is to grant these permits. The rules process began too long after the EIS was passed. The Land Board, BLNR, in a 7-0 unanimous vote, wants these rules to go ahead. The legislature has not banned the fishery in over 20 attempts in 20 years. So the legislature has also voted against a ban or closure of the fishery in the past. There is a reason why!

Why in this bill biased and only effecting the Aquarium Fishery; to be the only fishery to be a class C Felony is unconstitutional and prejudicial. Why don't other fisheries, which have not done an EIS or other Ocean Commercial permits without an exhaustive EIS passage and multiple rules packages and decades of fish counts, have to comply with similar laws?

The aquatic resources educational class, limited to this one fishery, also appears to be a violation of fishermen's rights and prejudiced in favor of this fishery alone. What about the daily tourism marine mammal offenses occurring, and other fishermen's violations?

SB 2078 SD 1 added a provision to the AQ permit rules (188-31), taking jurisdiction away from the legislature and giving it to BLNR and DAR through rulemaking. So BLNR can ban AQ fishery without the legislature, as requested in the petition. So, not management or science, but political lawyer appointees should be able to ban sustainable fisheries. Science, not politics, should manage fisheries in an ecologically sustainable manner.

It violates the public domain, all user group access to the Oceans laws to ban one user group over another and is unconstitutional. Do not pass this biased, prejudiced, overregulating EIS, Federal State constitutional and Supreme court rulings, BLNR rulings, and recent passage by the Small Business board.

The State's role in fisheries is to manage, not ban, fisheries or user groups. Excessive unfair laws violate that role.

Right now, BLNR cannot impose a permanent ban without legislative approval. The purpose of section 190-3 is to create marine conservation districts based on documented ecological need, and if the administrative record shows it is science-based, conservation-driven. DLNR, BLNR, and DAR already have emergency management capabilities and currently have a highly regulatory rules package in place.

Please do not pass SB 2078, which is excessive, biased, and premature; it could negatively affect many months of DAR, DLNR, and BLNR work under the current rules package in play, and is heading to public meetings soon.

Ron Tiubbs, B.S.N.D. UHM

Please defer SB 2078; it could eliminate the AQ fishery without conservation justification. The Judiciary Committee should understand that it carries significant constitutional violations and litigation risks.



TESTIMONY
IN SUPPORT TO SENATE BILL 2078 SD1
RELATING TO THE DEPARTMENT OF LAND AND NATURAL RESOURCES.

SENATE COMMITTEE on JUDICIARY
Hawai'i State Capitol

February 26, 2026

10:00 a.m.

CR 016

Aloha Chair Rhoads, Vice Chair Gabbard, and members of the Judiciary Committee,

Ho'āla Kealakekua Nui, Inc. (HKN) is in **STRONG SUPPORT for SB2078 SD1**, which clarifies that rules adopted by the DLNR pursuant to section 190-3, HRS, may regulate aquarium fish permits. Establishes a criminal penalty and monetary fines for aquarium fishing violations. Clarifies that each fish or aquatic life specimen taken in violation of certain fishing laws regarding aquarium fish and the possession and use of prohibited explosives, electrofishing devices, and poisonous substances constitutes a separate offense. (SD1)

HKN supports an increase in penalties to capture recovery and to balance the destruction caused by the commercial aquarium pet trade. The value of coral reefs and subordinate marine life forms heavily rely on herbivore fish listed on the White List that allows collection. We spend lots of money through our partnerships with the Division of Aquatic Resources, The Nature Conservancy, numerous nonprofit organizations, and hundreds of community members who participate in the restoration and maintenance of coral reefs which require a healthy population of herbivores. The current penalties minimizes the investment and restoration efforts moving forward.

The commercial aquarium pet trade industry would require DOCARE staff to work around the clock specifically in marine areas. That would require more staffing and funding for night differential. The increase in penalties caused by the industry can support added enforcement to regulate the industries cumulative impacts.

Although HKN supports the increase in fines, we strongly support a total statewide ban that has been debated over the decades. Both an increase and ban will send a strong message that the industry is extractive on Hawai'i's public marine resources, and minimize poaching in areas where the State already mandates prohibitions.

HKN would like to thank this committee for hearing this measure and the opportunity to provide a voice. We strongly urge this committee to pass SB2078 SD1.

Mahalo Nui,

Shane Akoni Palacat-Nelsen
Executive Director

SB-2078-SD-1

Submitted on: 2/24/2026 3:45:38 PM

Testimony for JDC on 2/26/2026 10:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Mike Nakachi	Testifying for Moana Ohana	Support	Written Testimony Only

Comments:

Aloha mai Kakou,

Aloha Chair Rhoads and Honorable committie members,

My Name is Mike Nakachi from Moana Ohana, from Moku O Keawe.

We strongly support this bill as well at the amendments for a Complete Ban of Aquarium fishing as it is the easiest way to manage and enforce any take of the illegal aquarium trade as there is NO approved permits in the state currently. Our Moku O keawe since 2017 and Oahu in 2019.

Have these fines applicable for any illegal aquarium collecting and amend for a complete Ban of aquarium fishing.

Mahalo for your time and please keep this moving forward.

Malama pono, Mike

SB-2078-SD-1

Submitted on: 2/25/2026 8:51:43 AM

Testimony for JDC on 2/26/2026 10:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Maki Morinoue	Testifying for HULI PAC	Support	Written Testimony Only

Comments:

Aloha Chair, Vice Chair, and members of this committee,

My name is Maki Morinoue, and I am testifying on behalf of HULI PAC. HULI PAC is an organization whose mission is to endorse and support candidates and office holders of integrity who serve the āina and people of Hawai'i Island as a priority.

* Important, Hawai'i Island County Council representatives unanimously passed Res. No. 422-25 in January 2026, sending a stronger message to our Hawai'i State Legislature to take the action of prohibiting the harvest of aquatic life from state marine waters for ornamental commercial aquarium purposes.

HULI PAC strongly supports SB2078, which strengthens penalties for illegal aquarium fishing and protects Hawai'i's nearshore ecosystems.

This bill aligns Hawai'i law with the 2020 Environmental Court ruling, which affirmed that aquarium fishing permits require full environmental review under HEPA. Despite this, illegal collection continues because current penalties are too low to deter harm. SB2078 corrects that gap by increasing fines and treating each fish taken illegally as a separate offense, reflecting the real ecological damage caused.

Reef fish are not decorations—they are essential to reef health. Herbivorous fish control invasive algae, support coral growth, and maintain balance in fragile reef ecosystems. When these fish are removed, reefs degrade, coral dies, and fisheries, food security, and local livelihoods suffer.

SB2078 is about accountability, deterrence, and mālama 'āina. It protects public trust resources, supports enforcement, and upholds the court's findings that Hawai'i's reefs deserve meaningful protection—not paper rules without consequences.

However, enforcement alone is not enough — the most effective, lasting, and enforceable solution is a complete ban.

Please pass SB2078 and stand for our reefs, our culture, and future generations.

Mahalo,

Maki Morinoue (HULI PAC, Hawai'i Island)

SB-2078-SD-1

Submitted on: 2/25/2026 9:15:51 AM

Testimony for JDC on 2/26/2026 10:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Malia Kipapa	Testifying for Ka 'Ohana Kipapa	Support	Written Testimony Only

Comments:

RE: Testimony in Strong Support of SB2078

Aloha Chair and Legislative Committee,

My name is Malia Kipapa and I am from Kona Hawaii. I am in strong support of SB2078 and provide the following points in support of this bill.

- Strongly support higher fines
- To support and clarify BLNR's authority to ban aquarium fishing
- Request for a Statewide ban on Aquarium Fishing is also needed – It is not one bill or the other, we need both. Even while AQ fishing has not been permitted, poaching still occurs.

I appreciate the opportunity to share my testimony and urge the senate to pass this bill in support of our collective community in West Hawai'i and throughout the pae'aine.

Mahalo,

Malia Kipapa

**Testimony of The Nature Conservancy
Supporting SB2078 SD1, Relating to the Department of Land and Natural Resources
Committee on Judiciary
February 26, 2026 at 10:00 am
Conference Room 016 and via Videoconference**

Dear Chair Rhoads, Vice Chair Gabbard, and Members of the Committee:

Mahalo for the opportunity to testify today. The Nature Conservancy (TNC) Hawai'i and Palmyra supports SB2078 SD1, which clarifies that rules adopted by the Department of Land and Natural Resources pursuant to section 190-3, HRS, may regulate aquarium fish permits, establishes a criminal penalty and monetary fines for aquarium fishing violations, and clarifies that each fish or aquatic life specimen taken in violation of certain fishing laws regarding aquarium fish and the possession and use of prohibited explosives, electrofishing devices, and poisonous substances constitutes a separate offense.

TNC's mission is to conserve the lands and waters on which all life depends, and we strongly support policies that recognize Indigenous rights, strengthen community governance, and support sustainable livelihoods. TNC works closely with dozens of communities and individuals leading community-based makai management efforts across five Hawaiian Islands. We carry kuleana to the places where we work and to the people and communities we work alongside, including those directly impacted by, and continuing to raise concerns about, the effects of the aquarium trade on their livelihoods, culture, and ways of life.

As a science-based organization dedicated to conserving the biodiversity that underpins all life on Earth, we are deeply aware that biodiversity is declining at an unprecedented rate. To reverse this trend, we must find better, more inclusive ways to manage humanity's footprint on land, freshwater, and the ocean. Addressing the twin crises of rapid climate change and biodiversity loss requires strong partnerships among communities, governments, and businesses—and above all, a foundation of respect for peoples, communities, and cultures. When policy aligns with people and place, we strengthen the conditions for the lands, waters, and communities of Hawai'i to thrive now and into the future.

In Hawai'i, we rely heavily on the partnership and stewardship of communities that mālama 'āina. These are the people with intimate, place-based knowledge of our nearshore ecosystems. That knowledge must inform and guide the management of our shared resources, for the health of our reefs and the well-being of the people connected to them.

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As documented by the Division of Aquatic Resources' William Walsh (2014), the rise of the aquarium trade in the 1970s ignited longstanding conflict among collectors, fishers, and community members, leading to Act 306 and the creation of Fish Replenishment Areas. Opposition to aquarium harvest and trade in West Hawai'i is longstanding, spanning over 50 years. This opposition is not simply about resource use; it is about deeply held values. According to West Hawai'i community partners that we deeply engage with, harvesting reef fish for commercial aquarium sale is not viewed as a culturally acceptable use of Hawai'i's fishery resource.

In that spirit, we urge the Committee to move forward legislation that reflects the values of communities and preserves the integrity of ecosystems across Hawai'i. Mahalo for the opportunity to testify in support of SB2078 SD1 and for your continued commitment to thoughtful, community-based resource management.

Guided by science, TNC is a non-profit organization dedicated to the preservation of the lands and waters upon which all life depends. The Conservancy has helped protect more than 200,000 acres of natural lands in Hawai'i and Palmyra Atoll. We manage 84,000 acres in 13 nature preserves and 18 managed areas and have supported over 50 coastal communities to help protect and restore the nearshore reefs and fisheries of the main Hawaiian Islands.



Ko`olau Foundation

P. O. Box 4749 / 46-005 Kawa St., #205
Kane`ohe, HI 96744

LATE

February 25, 2026

To: Sen. Karl Rhoads, Chair
Sen. Mike Gabbard, Vice Chair
& Members of the Judiciary Committee

From: Mahealani Cypher, President

Re: S.B. 2078, S.D.1 – Relating to the Department of Land & Natural
Resources - SUPPORT

Aloha Chair Rhoads, Vice Chair Gabbard, and Committee Members:

The Ko`olau Foundation supports S.B. 2078, S.D.1, which clarifies rules adopted by the Department of Land and Natural Resources (DLNR), establishes stricter penalties and how they would be assessed, prohibits certain devices for capturing these fish and allows DLNR to impose a ban on aquarium fishing.

We would prefer that this bill was amended to declare an out-right, statewide ban on aquarium fishing, because the current system depends on self-reporting by permittees of aquarium fish-gathering, and it's highly unlikely that anyone will report that they are violating these rules. Enforcement, of course, is always the challenge, but – in our view – the fact that DLNR has greatly increased its staff of conservation enforcement officers, perhaps that challenge has been mitigated.

Another option that you might consider is to encourage DLNR to adopt the Hawaiian traditional custom of imposing a “Kapu System”, where gathering of certain marine resources is forbidden during periods when the resource numbers are diminished, and the Kapu is lifted when these numbers become plentiful. That seems more logical and worked for hundreds of years before western contact. DLNR would need to conduct regular monitoring and ascertain estimates of the fish count before a Kapu is imposed, regularly checking, and come before the DLNR to obtain approval before lifting the Kapu.

Nevertheless, our aquarium fish numbers are dwindling, and it's critical that something be done to deal with this matter.

We urge all of you to act favorably by passing this bill out of committee.

Mahalo for considering our mana`o.

SB-2078-SD-1

Submitted on: 2/23/2026 9:19:04 PM

Testimony for JDC on 2/26/2026 10:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Nicholas Zehr	Individual	Oppose	Written Testimony Only

Comments:

Chair, Vice Chair, and Members of the Committee:

Thank you for the opportunity to submit testimony in opposition to SB2078. Protecting Hawai‘i’s nearshore ecosystems is an important and widely shared goal. Our reefs are culturally, ecologically, and economically vital. However, SB2078 moves primarily in the direction of heightened criminal penalties and mandatory minimum punishment rather than focusing on measurable conservation outcomes, due process, and proportional enforcement.

First, existing law already provides meaningful enforcement tools. The aquarium fishery has effectively been halted following the court’s ruling requiring environmental review. Increasing fines and layering additional criminal penalties does not address the underlying policy question of how to manage the fishery responsibly; it simply escalates punishment in a context where commercial collection is already suspended.

Second, mandatory minimum penalties, particularly jail time without possibility of parole, reduce judicial discretion and can lead to disproportionate outcomes. Hawai‘i has worked in recent years to reduce over-criminalization and avoid unnecessarily punitive approaches. Environmental stewardship should prioritize restoration, education, and targeted enforcement against truly harmful conduct rather than automatic incarceration.

Third, per-specimen penalties that treat each fish as a separate offense can rapidly multiply liability in ways that may be excessive relative to the actual environmental impact. Enforcement policy should be calibrated to ecological harm, not structured in a way that creates cascading penalties disconnected from scientific assessment.

Finally, if the Legislature's intent is long-term reef protection, the more durable solution lies in transparent rulemaking, science-based management, adequate funding for monitoring and enforcement, and clear standards following completion of environmental review, not in simply increasing fines.

For these reasons, I respectfully urge the Committee to reconsider SB2078 and instead pursue balanced, evidence-based conservation policy that protects marine life while ensuring proportional, fair enforcement. Mahalo for your consideration.

24 February 2026

Re: SB2078 Relating to the Department of Land and Natural Resources

Aloha e Committee Chair Rhoads, Vice Chair Gabbard, and Members of the Senate Committee on Judiciary,

I am U'ilani Naipo of Moku O Keawe, and I am writing in support of this measure, SB2078, which establishes criminal penalties and monetary fines for aquarium fishing violations. This is necessary to protect our nearshore resources.

At the same time, enforcement alone is not enough. To be effective in protecting our reefs, this measure must be paired with a ban on commercial aquarium collection. It is not one or the other — we need both.

Although commercial aquarium collectors of West Hawai'i have been out of the water for nine years, poaching continues. That ongoing illegal activity demonstrates why stronger penalties and enforcement are needed. For these reasons, I support SB2078, DLNR's authority to ban, and other measures supporting the ban on aquarium fishing.

Mahalo for the opportunity to testify in strong support.

Sincerely,



U'ilani Naipo

SB-2078-SD-1

Submitted on: 2/24/2026 1:31:54 PM

Testimony for JDC on 2/26/2026 10:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Noelle Lindenmann	Individual	Support	Written Testimony Only

Comments:

Aloha Chair, Vice Chair and members of the Committee -

I am submitted testimony today in strong support of SB2078.

I support higher fines as indicated in this bill. I support and want to clarify BLNR's authority to ban aquarium fishing. (I believe without this clarity, they can and will pass off authority.)

I believe a statewide ban on aquarium fishing is needed. It is not one bill or another at this time. We need both. Even while aquarium fishing has been banned, poaching still occurs. We need to have enforcement for poachers.

Mahalo for this opportunity to provide testimony,

Noelle Lindenmann, Kailua-Kona

SB-2078-SD-1

Submitted on: 2/24/2026 2:47:56 PM

Testimony for JDC on 2/26/2026 10:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Nedi McKnight	Individual	Support	Written Testimony Only

Comments:

I strongly support SB2078. Fish belong in the ocean- not confined to a glass box of water, assuming they even survive the stress of capture and transport. The collection of wild fish for aquariums can also damage fragile reef ecosystems, disrupting biodiversity and weakening the overall health of coral reefs. Please strengthen the penalties for illegal collection, or better yet, ban aquarium fishing entirely.

Aloha Chair, Vice Chair, and members of the committee,

In January 2026, the Hawai‘i Island County Council unanimously passed Resolution No. 422-25, urging the State Legislature to prohibit the commercial aquarium harvest of aquatic life from Hawai‘i’s marine waters. This unanimous action reflects a clear and growing public mandate: our communities expect stronger protection for our reefs and the ecosystems that sustain us.

I strongly support SB2078 because it addresses a critical enforcement gap. Despite the 2020 Environmental Court ruling requiring aquarium fishing permits to undergo full environmental review under the Hawai‘i Environmental Policy Act (HEPA), illegal collection continues. One reason is simple — the current penalties are too weak to deter it.

SB2078 strengthens accountability by increasing penalties and recognizing that every fish taken illegally causes real ecological harm. Treating each illegally taken fish as a separate offense reflects the cumulative damage inflicted on our reefs.

Reef fish are not ornamental commodities. They are essential to the survival of Hawai‘i’s coral reef ecosystems. Herbivorous species control invasive algae, support coral recovery, and help maintain the delicate balance that allows reefs to thrive. When these fish are removed, reefs deteriorate, coral dies, and the consequences ripple outward—affecting fisheries, food security, coastal protection, and the cultural relationship our communities have with the ocean.

Our reefs are public trust resources. They belong to the people of Hawai‘i and to future generations. Laws intended to protect them must be meaningful and enforceable. SB2078 is a necessary step toward ensuring that illegal extraction is no longer treated as a minor cost of doing business.

At the same time, enforcement alone cannot fully address the problem. The long-term, durable solution is a complete prohibition on the commercial harvest of reef species for aquariums. Until that happens, stronger penalties are essential to protect what remains of these fragile ecosystems.

I respectfully urge you to pass SB2078 and stand for the protection of Hawai‘i’s reefs, the health of our oceans, and the responsibility we share to mālama ‘āina for those who will come after us.

Mahalo.

February 24, 2026

RE: Testimony in Opposition of SB2078 SD1

Aloha Chair Rhoads, Vice Chair Gabbard, and Members of JDC,

I respectfully submit this testimony regarding the use of HRS 190-3 (Marine Life Conservation Program Rules) to effectively eliminate a legislatively authorized fishery. Although the amendments proposed in the Senate Draft do not prohibit aquarium fishing, it transfers jurisdiction of implementing a statewide aquarium fishery ban from the Legislature to the Board of Land and Natural Resources through administrative rulemaking under Chapter 190.

BLNR has authority to designate marine conservation districts and adoption of rules governing activities within those areas under Chapter 190, through the adoption of rules pursuant to Chapter 91.

Commercial aquarium collection, fisheries management, and permits are governed under HRS Chapter 188, including HRS § 188-31. Those statutes reflect legislative policy determinations regarding the authorization and regulation of commercial aquarium collection activities, and those determinations remain within legislative control.

HRS Chapter 190 was enacted to provide a conservation zoning mechanism. It was not enacted as a substitute pathway for repealing or nullifying the aquarium fishery established under HRS § 188-31. If the practical effect of rulemaking under Chapter 190 is to eliminate the ability to exercise permits issued under HRS § 188-31, that outcome constitutes a substantive and legislative policy change and that jurisdiction belongs to the Legislature — not to an administrative zoning mechanism.

HRS Chapter 190 and Chapter 188 serve distinct purposes:

- Chapter 190 – Marine life conservation zoning, designation, and rule adoption
- Chapter 188 – Aquarium fisheries management and permitting

If one statute authorizes permits for a fishery while another is used for rulemaking to eliminate the ability to exercise that permit, those rules conflict with statutory intent and challenge legislative authority.

If this measure allows for a shift in existing policy pertaining to aquarium collection activities rather than regulating marine conservation districts, that decision must be made directly by the legislature through amendment of Chapter 188 – not indirectly through authority under Chapter 190.

Administrative rule-making should never nullify legislative enactments.

For those reasons, I respectfully request that this measure is deferred.

Mahalo for your consideration.

SB-2078-SD-1

Submitted on: 2/24/2026 5:18:50 PM

Testimony for JDC on 2/26/2026 10:00:00 AM

Submitted By	Organization	Testifier Position	Testify
William Caron	Individual	Support	Written Testimony Only

Comments:

Aloha Chair, Vice Chair, and members of the committee,

I am testifying in support of SB2078, which establishes stronger criminal penalties and monetary fines for aquarium fishing violations and clarifies that each fish or aquatic life specimen taken in violation of the law constitutes a separate offense. This bill is a necessary step toward accountability for an industry that has operated for decades with impunity, devastating our reefs while facing only minimal consequences.

The Case for Stronger Penalties Is Overdue

The aquarium trade has a long and well-documented history of illegal activity in Hawai‘i. Since 2018, multiple large-scale poaching operations have been exposed—not by state enforcement, but by community tips. These operations resulted in criminal convictions involving at least 10 industry members. Yet even when caught, the penalties have been insufficient to deter future violations. When each fish is treated as a single count, the potential fines begin to reflect the true scale of the damage. This is basic accountability.

SB2078 sends a clear message: our reefs are not a resource to be plundered with impunity. Each animal taken illegally is a loss to the ecosystem, to the cultural practices that depend on healthy reefs, and to the community that has fought for decades to protect these waters.

Enforcement Has Failed—And Will Continue to Fail

However, we must be honest about what stronger penalties alone can achieve. The recent history of this issue reveals a pattern of enforcement failure that no fine structure can fix. A federal investigation publicly exposed an aquarium trade poaching operation more than a year ago. State agencies were aware. The Division of Aquatic Resources did not act. No state enforcement was initiated.

If state agencies will not act when illegal activity is documented and handed to them, increasing penalties for a law they refuse to enforce will produce no meaningful change. The same communities that have spent decades reporting poaching will be left to watch, yet again, as the state fails to protect our reefs.

The Only Real Solution Is a Permanent Ban

SB2078 is a worthwhile improvement to existing law. But it is not a substitute for the fundamental reform our reefs and communities deserve. The most effective, lasting, and enforceable solution remains a **complete and permanent ban on commercial aquarium collecting**.

- A ban removes the ambiguity that allows poaching to flourish.
- A ban eliminates the market incentive that drives illegal take.
- A ban aligns state law with the overwhelming consensus of community opposition, cultural practitioners, and conservation science.
- A ban is enforceable because it is simple: no collection means no question about what is legal.

A Comprehensive Approach

We can and should support both immediate improvements and long-term solutions. SB2078 strengthens the tools available when enforcement actually occurs. But we must also pass HB1988 to permanently end this destructive industry. Stronger penalties and a permanent ban are not mutually exclusive; they are complementary. One deters violators; the other removes the license to exploit altogether.

What We Owe Our Reefs and Our Future

For over a century, the aquarium trade has extracted millions of fish from Hawai'i's reefs, leaving behind depleted ecosystems, broken food webs, and communities that have watched their inheritance diminish year after year. The cultural violation is as profound as the ecological one. Native Hawaiian practices that sustained these reefs for generations were pushed aside for an industry that profits by shipping our living heritage to mainland aquariums.

SB2078 acknowledges the scale of that harm by matching penalties to the number of animals taken. It is a necessary reform. But we must not mistake incremental improvement for fundamental change. The reef cannot be partially protected any more than it can be partially healthy.

I urge you to pass SB2078 **and** to support HB1568 when it crosses over. Stronger penalties now, a permanent ban now. Our reefs have waited long enough.

Mahalo for the opportunity to testify.

SB-2078-SD-1

Submitted on: 2/24/2026 5:26:52 PM

Testimony for JDC on 2/26/2026 10:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Brenna	Individual	Support	Written Testimony Only

Comments:

Aloha Kakou

O wau o Brenna no kaliponi mai au noho au ma Kealakekua. I write today with many others who speak for the reef who has no say and the fish that have no voice in government. Our reef is not for sale. Not for one fish or two. The detriment this aquarium trade inflicts on the health of the reef is still evident from the past with fish stocks still unstable. All precautions should be taken, strict reprimand for aquarium trade of any kind should be enforced. I strongly support SB2078.

Mahalo,

Brenna Lonergan

SB-2078-SD-1

Submitted on: 2/24/2026 7:31:18 PM

Testimony for JDC on 2/26/2026 10:00:00 AM

Submitted By	Organization	Testifier Position	Testify
janet Matlock	Individual	Support	Written Testimony Only

Comments:

Aloha,

As a full-time resident of Kailua Kona, I strongly SUPPORT SB2078 SD1.

Since 2017, we have seen the slow but positive effects of stopping the aquarium collection industry on our reefs. It is time to enact this longtime status quo into permanent law, making it clear that Kona's and all of Hawai'i's waters should never hunting grounds for the aquarium trade. There needs to be strong and enforced penalties for those who choose to ignore this ban, as well.

There is simply no good reason to capture these fish essential to the life and health of our reefs - many of which simply die - in order to sell as ornaments to collectors far beyond our shores.

Mahalo for your support of this important Bill.

janet Matlock Kailua Kona

SB-2078-SD-1

Submitted on: 2/24/2026 10:02:45 PM

Testimony for JDC on 2/26/2026 10:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Kanani Enos	Individual	Support	Written Testimony Only

Comments:

Aloha Chair Rhoads, Vice Chair Gabbard, and members of the Judiciary Committee,

My name is Kanani Enos. I am the Director of Cultural and Community Affairs at Ho‘āla Kealakekua Nui, Inc. (HKN). I am a lineal descendant to the South Kona area (also known as Kapalilua), spanning from Miloli‘i to Kealakekua. I am writing in STRONG SUPPORT for SB2078 SD1 which clarifies that rules adopted by the Department of Land and Natural Resources pursuant to section 190-3, HRS, may regulate aquarium fish permits. Establishes a criminal penalty and monetary fines for aquarium fishing violations. Clarifies that each fish or aquatic life specimen taken in violation of certain fishing laws regarding aquarium fish and the possession and use of prohibited explosives, electrofishing devices, and poisonous substances constitutes a separate offense. (SD1)

Our marine resources deserve the most meaningful levels of protection, and this bill supports that by establishing a criminal penalty and increasing fines. I also support a Statewide ban on Aquarium Fishing and feel both bills are needed to provide the highest levels of protection, as poaching still occurs even while Aquarium Fishing has not been permitted.

Mahalo to the committee for hearing this measure and for the opportunity to provide testimony. I strongly urge this committee to pass SB2078 SD1.

With Aloha,

Kanani Enos

TESTIMONY IN SUPPORT TO SB 2078 SD1
RELATING TO THE DEPARTMENT OF LAND AND NATURAL RESOURCES.

SENATE COMMITTEES on JUDICIARY
Hawai'i State Capitol

February 26, 2026

10:00AM

CR 016

Aloha Chair Rhoads, Vice Chair Gabbard, and members of the committee,

My name is Keanu Binney-Medeiros, I am a lineal descendant of Kealakekua Bay and proud a Hoa'āina that works for Ho'āla Kealakekua Nui Inc.

I stand in strong support of SB2078 SD1 which clarifies that rules adopted by the Department of Land and Natural Resources pursuant to section 190-3, HRS, may regulate aquarium fish permits. Establishes a criminal penalty and monetary fines for aquarium fishing violations. Clarifies that each fish or aquatic life specimen taken in violation of certain fishing laws regarding aquarium fish and the possession and use of prohibited explosives, electrofishing devices, and poisonous substances constitutes a separate offense. (SD1)

The aquarium pet trade targets herbivore fish species that are **vital** to reef health. These fish control algae growth and create space for coral to survive and recover. When they are removed, reefs become imbalanced and less resilient, especially in the face of climate change and increasing human pressure.

Unlawful extraction must be treated with the utmost seriousness. Each fish taken weakens an already stressed ecosystem. This measure is necessary to strengthen protections for Hawaii's reefs. Ensuring that unlawful extraction is treated with the seriousness it deserves at the highest level of protection.

If Hawai'i is truly committed to reef health, then we need both SB2078 SD1 and a statewide ban on the aquarium pet trade. A ban sets the boundary, and strong enforcement ensures that boundary is respected. We must align our enforcement with our values, Hawaii's marine resources deserve the highest level of protection to ensure long-term sustainability.

Mahalo for the opportunity to testify, and I respectfully urge your support for SB2078 SD1.



Keanu Binney-Medeiros

February 25, 2026

Judiciary Committee
Conference Room 016
State Capitol
415 South Beratania Street

Re: Testimony in support of SB2078

My name is Kaikea Nakachi and I **strongly support SB2078**.

Being born and raised on Hawai'i Island, I have personally witnessed the damage of the entitled, unnecessary, insensitive, and inappropriate aquarium trade. I watched the droves of Maui aquarium fishers move to Hawai'i Island after they were banned on Maui. I watched them illegally continue after the supreme court mandated them to stop when it was determined the state violated HEPA by issuing permits without cultural or environmental review.

I submitted testimony supporting this bill when it was heard last week by WLA, I submitted testimony supporting HBB2101, and in support of SB2996 on 2/9/26. Last year I joined dozens of communities and over 1300 individuals from across the pae'āina to urge the BLNR to not move forward with a permit process for commercial aquarium collection. In 2024 I supported the resolution sent to BLNR for administrative rules to ban commercial aquarium collection.

I also participated in the CIS conducted by the industry as part of their EIS. My entire 'ohana, including my grandpa who has since passed away, were interviewed. Along with dozens of other West Hawaii families, we gave them pages and pages of 'ike directly explaining the kānaka 'ōiwi values and practices that are impacted by the aquarium industry. The CIS presented to the state for West Hawaii was copy and pasted from the earlier O'ahu CIS, and simply said "no impact to Hawaiian culture." All of our voices were ignored and placed outside of the report in an appendix.

As a kanaka maoli who holds a master's degree in tropical conservation biology and environmental science, I have both the mo'okū'auhau containing generational knowledge of pono and sustainable practices in Hawai'i, as well as the academic background of western research and management. It allows me clarity in seeing how wrong this industry is, and that it should never have been allowed to begin with. Now, as we face unprecedented global threats of climate change, coral bleaching, and ocean acidification, we cannot afford to overfish our local ocean. I will always support what our kūpuna taught us: reciprocal practices to steward healthy marine resources that allow sustainable subsistence fishing.

Unfortunately, we have lost our way. Most of the fishing done today is no longer reciprocal. There is so much take and take and so little given back. The aquarium industry is the absolute worst in this regard. Taking millions of fish over the years, majority being keiki, who will never contribute to Hawai'i. They will not get a chance to provide the ecosystem service as herbivores to help coral recover from bleaching. They will not be available as prey for other fish or animals to eat and become momona/prosperous. They will not get the chance to grow up and contribute to the next generation of their own species. And there is absolutely nothing given back, to the ocean, to the Hawaiian people.

In the face of food insecurity, it is in the best interest of the people of Hawai‘i to limit these inappropriate types of commercial fishing and focus on promoting abundance to support subsistence fishing and allow fish populations to be healthy and resilient enough to weather climate change and the myriads of other threats.

I am proud to be one of many voices that have shown up year after year to defend Hawaiian reef fish in legislative committee hearings, BLNR meetings, county council meetings, and even supreme court hearings. I was incredibly disheartened to hear the opinion of the BLNR feeling that HRS § 188-31 prevented them from banning commercial aquarium collection outright. I tried to urge them that the statute states that the board **may** issue an aquarium fish permit, not **shall**. The word **may** would give the board the decision-making power issue or not issue permits. I also attempted to argue that the statute would still be satisfied with a permit process that is limited to non-commercial applicants.

Communities have been instrumental in helping DOCARE enforce rules in the past and nearly all of the poaching incidents in the last 8 years were only caught because of communities watching out for resources. Even now, a collector that was caught has fled the state and has a warrant out for his arrest. He left two women stranded with their catch and they were forced to swim ashore and seek aid from a gas station, still in their wetsuits.

<https://www.staradvertiser.com/2020/09/17/breaking-news/state-officers-arrest-big-isle-aquarium-collector-after-bizarre-kona-incident/>

The head of DAR, Brian Nielsen, was quoted in 2020 after that incident “Illegal collection of aquarium fish in West Hawaii is turning into a persistent problem... this is the third arrest that we’ve seen associated with illegal aquarium harvest in West Hawaii just this year which indicates this is a larger problem the department’s going to need to deal with.” Well to me the best way to deal with this is banning this harmful industry and the increasing penalties and enforcement to ensure poaching does not occur. It is also easier to enforce a rule banning commercial aquarium trade than it would be to regulate an annual catch limit. There will be no way for the state to ensure they are only catching and shipping out the allowed amount, and if the past is any indication, they will not report accurate numbers so that they will be able to continue business.

The commercial aquarium fishers have shown us year after year their true colors. Whether by poaching, or by their actions in these hearings. They often use their one minute of testimony to belittle and insult BLNR members, or the native Hawaiians who are trying to protect their ancestral shores from the impacts of their industry. They also make it very apparent what their values are. They continue to ignore cultural concerns over their methods, and they focus entirely on numbers and prices. This is particularly apparent in their recent testimony for SB2996 using DAR’s population estimate for yellow tang in West Hawaii to estimate the total amount of money they are worth (which was something like \$180 billion). I cannot stress enough how dangerous this mindset is, when public trust resources and being viewed only as dollar signs. When 2078 was heard in WLA last week, it was added to amend HRS § 188-31 to clarify BLNR has the power to ban the industry. This removes the excuse given when the AG interceded in 2023 when BLNR unanimously voted to accept the resolution to initiate rulemaking to ban commercial aquarium collection. Immediately after WLA passed the bill with those amendments, the fisheries program manager from DAR notified us that the 7 aquarium collectors

who are trying to fish again in West Hawaii saw the writing on the wall that they might get banned and wanted their permits to be bought out. We are trying to end the aquarium trade because it is bad for everyone else in Hawaii, and the aquarium fishers are willing to impact everyone else if it means they can make money. Even as their trade is banned they are seeking every dime they can get from our islands and our people.

Please carefully listen to the multitude of native Hawaiian fishers and caretakers as they provide written testimony in this decision-making hearing. Please read their passionate yet respectful call for pono rules. Then listen to the handful of aquarium fishermen. Listen to their arrogance, listen to them insult those of us who are trying to protect our traditional shores from their greed. They may even insult you as committee members. It is my hope that we can ban the destructive trade, but we also need to increase the penalties. As long as aquarium collectors stand to make billions, they will fish, and they will poach. We therefore NEED to increase our management, by both ending commercial take, AND enforcing harsher penalties for those that poach and place profit over all else. Please help us to keep our fish here on our reefs. With stiffer penalties, more might second guess poaching or illegal aquarium collection. I would even urge the committee to further amend this package. While I support removing the excuse BLNR gave that they did not have the authority to end the trade, I would also support the legislature itself simply ending the trade on its own by repealing HRS § 188-31. The current ocean conditions are not what they were in the 1950s, and I do not think the state new the level of take this industry would end up doing. I urge this committee to repeal HRS § 188-31, call for the ban on commercial aquarium collection, and institute the higher fines and stipulations of this bill. The banning of this trade and the increased fines will be what DOCARE will need to properly enforce this dangerous industry and allow our public trust resources a chance to recover so they might flourish again for the benefit of all.

Mahalo nui,
Kaikea Nakachi

OPPOSED to SB 2078 SD-1

Aloha Chairs and Senators,

As a Data Specialist and Teacher in Hawaii schools for 35 years, who was provided with aquariums by the AQ fishery, I am OPPOSED TO 2078 SD1. Aquariums with local fish are a most valuable tool for teaching students and the public about many scientific concepts, and our fundamental values of appreciating, respecting, and caring for nature.

This bill as amended is an unlawful, back-door attempt to shut down the AQ fishery. It transfers the authority and jurisdiction of an entire legislature that manage, and regulate this sustainable aquarium fishery under DLNR, through existing statutes and a permit structure-HRS188-31 and undermines it. It replaces trust in a large (76 person) legislative body which ensures constitutionality and fairness, and places it in the vulnerable hands of just (7) BLNR members.

The premise that the aquarium fishery causes irreparable harm to fish populations, even years after closure- is false, many other factors affect fish counts. Case in point is the research discovery of [Hawai'i Institute of Marine Biology \[Ocean Sustainability \(Aug., 2025\)\]](#) during Covid in 2020. They found that when Hanauma Bay, which received 1 million visitors a year, but which has always been off-limits to aquarium divers, was suddenly shut down for 7 months, the fish returned and in just 7 months the bay was revitalized into a vibrant "haven for wildlife." Overcrowding is just one of several significant factors influencing fish counts. Please take the target off the AQ fishery's back and keep local fish in our schools and public aquariums. Vote No on SB2078 SD1.

Thank you for this opportunity to testify.

Mary Tubbs, M.Ed.
NEA Retired

SB-2078-SD-1

Submitted on: 2/25/2026 8:10:29 AM

Testimony for JDC on 2/26/2026 10:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Klayton Kubo	Individual	Oppose	Written Testimony Only

Comments:

Oppose because of added language like this "including but not limited to"

Klayton Kubo

Waimea, Kaua'i

SB-2078-SD-1

Submitted on: 2/25/2026 9:09:45 AM

Testimony for JDC on 2/26/2026 10:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Buffy Nakachi	Individual	Support	Written Testimony Only

Comments:

I support SB2078. I support a complete ban on aquarium fishing in Hawai'i. We are stewards of the lands and seas of Hawai'i and we need to protect ALL the flora and fauna of our 'aina. Banning aquarium fishing will allow our reefs to flourish and thrive, not to just be sustainable. The flora and fauna of this 'aina belongs to everyone, not just a handful of greedy fisherman who will plunder our reefs just for a temporary gain. The cost to our 'aina is too high for just 7 individuals. The price to monitor and enforce aquarium collecting is too high for the minimal reward. Please ban all aquarium collecting in Hawai'i waters. Mahalo.

SB-2078-SD-1

Submitted on: 2/25/2026 9:29:32 AM

Testimony for JDC on 2/26/2026 10:00:00 AM

Submitted By	Organization	Testifier Position	Testify
C.Yamamoto	Individual	Support	Written Testimony Only

Comments:

I support this bill.

On behalf of the Ruddle 'Ohana from Moku o Keawe, mahalo for the opportunity to submit testimony in strong SUPPORT of SB078.

Our 'ohana stands firmly opposed to aquarium fish collecting in Hawai'i. This practice provides no benefit to the health of our reefs and directly undermines the State's public trust responsibility to protect our marine resources for present and future generations.

Hawai'i's coral reef ecosystems are foundational to our culture, food systems, and way of life. They must be managed on a generational timeline—not sacrificed for short-term private gain. Too often, we see profit prioritized over sustainability, and entitlement placed above kuleana. Aquarium fishing exemplifies this imbalance.

SB078 is a necessary and critical enforcement tool. Even during periods when aquarium fishing has not been permitted, poaching has continued. Enforcement across Hawai'i's vast reef systems is already extremely challenging given limited DLNR and DOCARE resources. Stronger penalties are essential to deter illegal activity and to reinforce that these resources are not free to exploit.

We also want to be clear: this is not a choice between enforcement authority or a statewide ban—we need both. BLNR must retain clear authority to regulate and prohibit aquarium fishing, and Hawai'i also needs a permanent, statewide ban to provide clarity, consistency, and long-term protection. One without the other is insufficient.

SB078 strengthens accountability and supports effective management now, while a full statewide ban remains the long-term solution our reefs urgently need.

Mahalo for standing for our coral reefs, and the collective future of Hawai'i by advancing this measure.

Me ke aloha,

Kawika Ruddle

For the Ruddle 'Ohana



LATE

K A H E L E

**Testimony of Support
SB2078
February 25th, 2026**

Aloha Chair and Members of the Committee,

My name is Taha'a H. Kahele, I am a lineal descendant of Miloli'i, one of the last fishing villages on the island of Hawai'i (Moku O Keawe). Where our reefs are vital to our community, culture, and economy. I am writing in strong support of Senate Bill 2078, which establishes criminal penalties and increased fines for violations related to aquarium fishing. This bill is a crucial step toward protecting our precious marine ecosystems from illegal poaching and exploitation.

Our coral reefs are under immense pressure from climate change, pollution, and overharvesting. The aquarium trade has contributed to significant declines in fish populations, particularly herbivores like yellow tang (*lau'ipala*), which play a key role in maintaining reef health by controlling algae growth. By making violations a misdemeanor with fines up to \$1,000 per specimen, SB 2078 will provide stronger deterrents against illegal collection, ensuring better enforcement and accountability. This aligns with the Department of Land and Natural Resources' (DLNR) efforts to safeguard our ocean resources for future generations.

However, while I applaud the bill's focus on penalties, I urge the Legislature to go further and enact a complete ban on commercial aquarium fisheries statewide. The practice is inherently unsustainable, as evidenced by historical data showing 80-90% declines in targeted species in areas open to collection. It conflicts with core Hawaiian values such as *mālama 'āina* (caring for the land and sea) and pono fishing, which emphasize taking only what is needed for subsistence, not for commercial export that primarily benefits outsiders. Local communities bear the costs of depleted reefs—reduced biodiversity, weaker fisheries for residents, and diminished cultural practices—while receiving minimal economic returns. Since temporary moratoriums, we've seen signs of reef recovery, proving that ending this trade would allow our oceans to thrive. However we do acknowledge the fact that fish populations have not recovered.

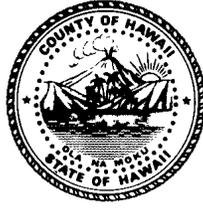
Passing SB 2078 is essential, but a full ban would truly honor our *kuleana* (responsibility) to protect Hawai'i's unique marine life. Mahalo for considering my testimony and for your commitment to our 'āina.

Mahalo for allowing me to present this testimony,

Me ka pomaikai a me ke aloha,

Taha'a H. Kahele

Jennifer Kagiwada
Council Member District 2 South Hilo



Office: (808) 961-8272
jennifer.kagiwada@hawaiicounty.gov

HAWAI'I COUNTY COUNCIL - DISTRICT 2

25 Aupuni Street • Hilo, Hawai'i 96720

LATE

DATE: February 25, 2026
TO: Senate Committee on Judiciary
FROM: Jennifer Kagiwada, Council Member
Council District 2
SUBJECT: SB2078

Aloha Chair Rhoads, Vice Chair Gabbard, and esteemed Committee Members,

I am writing in **strong support of SB 2078**. Hawai'i's reefs are already under serious strain; coral bleaching, declining fish populations, and increased pressure on our nearshore waters make it clear that stronger protection is necessary. When violations don't carry real consequences, people begin to feel like they can simply pay a fine and move on. Strengthening penalties helps reinforce the understanding that our environmental laws exist for preserving our reefs. By adding in language to express that each specimen taken is classified as a separate offense this bill will help prevent exploitation of loopholes that reduce accountability.

Resolution No. 422-25, recently adopted by the County of Hawai'i, has urged legislative action to prohibit commercial aquarium collection. This Resolution received overwhelming community support which reflects the on-going and serious concerns about the long-term health of Hawai'i's marine ecosystems.

Mahalo,

A handwritten signature in black ink, appearing to read "Jenn Kagiwada".

Jenn Kagiwada

LATE

SB-2078-SD-1

Submitted on: 2/25/2026 1:28:42 PM

Testimony for JDC on 2/26/2026 10:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Alexander McNicoll	Individual	Support	Written Testimony Only

Comments:

I am in strong support of **SB2078 SD1**.

REBECCA VILLEGAS
Council Member
District 7, Central Kona



PHONE: (808) 323-4267
FAX: (808) 323-4786
EMAIL: Rebecca.villegas@hawaiicounty.gov

HAWAI'I COUNTY COUNCIL

West Hawai'i Civic Center, Bldg. A
74-5044 Ane Keohokalole Hwy.
Kailua-Kona, Hawai'i 96740



February 25, 2026

TESTIMONY OF REBECCA VILLEGAS COUNCIL MEMBER,

HAWAI'I COUNTY COUNCIL

ON SB 2078 SD1, RELATING TO THE DEPARTMENT OF LAND AND NATURAL RESOURCES.
AQUARIUM FISHING; FINE INCREASE; RULES

Senate Committee on Judiciary

Chair Rhoads, Vice Chair Gabbard and Members of the Committee:

Mahalo for the opportunity to submit testimony in strong support of S.B. No. 2078, SD1, which increases penalties for violations relating to aquarium fishing and clarifies that each unlawfully taken specimen constitutes a separate offense.

This measure appropriately recognizes the 2020 Environmental Court ruling requiring environmental review prior to the issuance or renewal of aquarium fishing permits and affirms the Department of Land and Natural Resources' authority under section 190-3, Hawai'i Revised Statutes, to regulate aquarium fish collection. By clarifying DLNR's rulemaking authority and strengthening penalties for violations, this bill reinforces the State's responsibility to protect nearshore ecosystems for present and future generations.

Hawai'i Island's coastal waters are foundational to our culture, subsistence practices, tourism economy, and overall environmental health. Aquarium fish species play a vital ecological role in maintaining reef balance. Ensuring that any collection activities are subject to proper environmental review and meaningful enforcement is essential to sustaining these fragile resources.

The bill's establishment of increased fines and the clarification that each specimen taken in violation constitutes a separate offense provide clear accountability and deterrence. These provisions support effective resource management and underscore the seriousness of unlawful extraction from our marine environment.

For these reasons, I respectfully urge the Committee to pass S.B. No. 2078, SD1.

Hawai'i County is an Equal Opportunity Provider and Employer.

Mahalo for the opportunity to provide testimony.

A handwritten signature in black ink, appearing to read 'Rebecca Villegas', with a stylized flourish at the end.

Rebecca Villegas
Council Member, Hawai'i County Council

LATE

SB-2078-SD-1

Submitted on: 2/25/2026 4:33:49 PM

Testimony for JDC on 2/26/2026 10:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Kapulei Flores	Individual	Support	Written Testimony Only

Comments:

Aloha,

I am writing in support of SB2078 that would increase the fines around aquarium fishing. Putting stronger penalties in place is necessary to deter illegal collection. In the long term it may not be enough and a ban may need to be put in place. Please help us protect our fish and marine ecosystems.

Mahalo, Kapulei