

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.

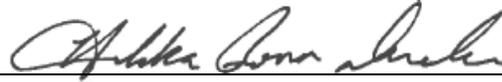
This measure appropriately recognizes the 2020 Environmental Court ruling requiring environmental review prior to the issuance or renewal of aquarium fishing permits and affirms the Department of Land and Natural Resources' authority under section 190-3, Hawai'i Revised Statutes, to regulate aquarium 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.



**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

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: 2/23/2026 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.