

Testimony in favor of SB 3225. 11 February, 2008

My name is Robin Newbold. I am a marine biologist. For 20 years I taught marine biology and oceanography at Saddleback College in CA.

I started diving on Maui's reefs 30 years ago. I have witnessed the decline in reef fish around Maui, and have seen this trend accelerate in the past 12 years. In 1995, I began working with Dr. Eric Brown studying fish populations along Maui's south shore. In 2000, I introduced a community-based coral reef monitoring program to Hawaii and trained volunteers on the main Hawaiian Islands to help scientists monitor the fish. In 2002, I received a grant from US Fish and Wildlife to evaluate fish populations at 12 sites in Maui County and Coastal Zone Management funded us to compare fish populations at protected and non-protected sites.

So I've spent quite a bit of time underwater over the past 30 years - studying and observing Hawaii's reef fish. I was even out yesterday morning! One thing I can tell you: its gotten a LOT easier to count the fish - there are very few left!

Before beginning my testimony I have 2 messages to deliver:

1st: The Maui Nui Marine Resource Council - Maui's version of the West Hawaii Fisheries Council - voted overwhelmingly last Thursday to support SB 3225 and asked that I relay their vote to you. Council members include all major stakeholders, a cross section of ethnic groups, and representatives from each geographic area of Maui. We ask that you seriously consider this vote from residents of Maui who are concerned about the future of our reefs, the Hawaiian culture, our economy and our subsistence fishers.

2nd: Ed Lindsey, one of our treasured *kapunas* on Maui and Chair of the Council, asked that I convey 3 messages from him regarding the taking of reef fish for the aquarium trade. In the interest of time I'll summarize:

- "Don't destroy our heritage. Provide for our children. Leave the fishes on the reefs."

Ed Lindsey often reminds us: "the fish come first"; "the fish come first." If we take care of the fishes they will take care of us, but we must take care of them first. If we do not, no one will have anything."

Ed also told us that during WWII Martial Law prohibited getting in the water or even fishing from land for 3 years. At the end of 3 years the fish populations had recovered. Fish populations then were not as decimated as they are now, he said, but a moratorium on fishing provided the opportunity the fishes needed to recover. Many of Hawaii's best scientists agree that giving the fish a chance to recover is our best hope for recovery. Will they recover from such a decimated state? We don't know, but we must take decisive action NOW. One important step is to stem the tide of fish that are taken alive and shipped around the world.

I am here today to support Senate Bill 3225. It proposes a compromise with an industry that involves very few people - mostly young people who have moved here from elsewhere . . . didn't have a job . . . and noticed that its pretty easy to jump in the water and pick up fish. After all, taking fish off the reef is rather like picking up dollar bills from your back yard.

But the reefs are NOT *their* yard! The reefs are an invaluable natural resource that provides a multitude of benefits to the people of Hawaii. Healthy coral reefs protect our beaches and

provide habitat for our fish which in turn feed our people, provide a link to our heritage and attract visitors to our island home. But the reefs are being destroyed and fish populations threatened through ignorance and greed. We MUST do something quickly to reverse this trend.

Here's a very important point: Healthy reefs are extremely complex natural ecosystems, and as such are difficult to understand and thus impossible to "manage". Again . . . Evidence the severely deteriorated state of our reefs despite DLNR's efforts to manage them for the past 50 years!

So if we don't understand reef ecosystems well enough to manage them, *what can we do* to at least halt the plummeting number of fish on our reefs? Answer: Reduce the wholesale extraction of fish from the reefs.

Somewhere between 2 and 10 million beautiful reef fish are being taken by collectors for shipment away from their island home. THIS must stop!

SB 3225 does not ask for a complete moratorium - as it probably should. SB 3225 is a compromise - allowing the take of 20 fish / day for the aquarium trade, with a no take of those species which are rare, or at serious risk, or are unlikely to survive transport. Some of the fish in highest demand are not even guaranteed to arrive alive! And many others are very difficult to keep alive in captivity - and thus usually die within 30 days.

One reason Hawaii's fish are in such high demand for the aquarium craze around the world is that 25% of our fish species are found nowhere else in the world! They are UNIQUE to Hawaii. Thus they are purchased by aquarium enthusiasts from New York to Hong Kong - only to die because most people don't have the time or expertise to keep them alive.

If people want to see Hawaiian fish, let's encourage them to visit Hawaii!

Hawaii's fish belong in Hawaii. We need *them* to help "manage" the complex and delicate coral reef ecosystem that is the essence of our island home.

Parrots can't be taken from the Amazon, panda bears can't be taken from China, elephants can't be taken from Kenya; even Koa or Nenes can't be taken from Hawaii. So why we allow the taking of our unique and valuable fish? This needs to stop!

Without the fish, without the reefs, Hawaii as we know it will cease to be.

PLEASE vote in favor of keeping Hawaii's fish IN Hawaii. Our culture, our economy, our reefs and our way of life depend on it.

TO: Senator Clayton Hee, Chair
Senator Russell Kokubun, Vice-Chair & Member of the
Committee on Water and Land

FROM: Charles Kauluwehi Maxwell Sr.
Pukalani, Maui Hawaii 96768

SUBJECT: Hearing on SB3225 – Relating to Fishing

February 11, 2008 at 2:30pm.

Conference Room 414, State Capitol

TRESTIMONY IN SUPPORT

Dear Chair Hee and members of this committee, thank you for giving me the opportunity to testify on this bill regarding aquarium collecting.

There is great need for the controlling of collecting fish commercially and selling it within and out of State.

I have been a fisherman and diver all my life and have dived all around Maui and Molokai and seen the steady decline of the fish stock around our reefs as a result of unregulated taken of reef fish for Aquariums collectors.

This bill does not affect taking of fish for home use and does not interfere with the Native Hawaiian rights of gathering fish for sustenance. My only concern would be how enforceable this law would be considering the State Aquatics Division and the lack of personal that they presently have. However I am totally in favor of the Bill.

Mahalo for your time.

LATE TESTIMONY

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

February 5, 2008

Sen. Clayton Hee, Chair
Committee on Water & Land
Sen. Jill Tokuda, Chair
Committee on Agriculture & Hawaiian Affairs
Sen. Brian Taniguchi, Chair
Judiciary Committee

Subject: S.B. 3225, Relating to Salt-Water Aquarium Fish

Dear Chairs Hee, Tokuda, Taniguchi and Members:

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

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

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

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

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

Please support this bill. Mahalo.

Jerry Kaluhiwa, Cultural Practitioner
Na Iwi Ola o He`eia-Kea

LEIALOHA "ROCKY" KALUHIWA
P. O. BOX 4870
Kane`ohe, Hawai`i 96744

February 5, 2008

TO: SEN. CLAYTON HEE, CHAIR, & MEMBERS
COMMITTEE ON WATER & LAND
SEN. JILL TOKUDA, CHAIR, & MEMBERS
COMMITTEE ON AGRICULTURE & HAWAIIAN AFFAIRS
SEN. BRIAN TANIGUCHI, CHAIR, & MEMBERS
JUDICIARY COMMITTEE

FROM: LEIALOHA "ROCKY" KALUHIWA
Ko`olaupoko Hawaiian Civic Club

SUBJECT: S.B. 3225, RELATING TO ORNAMENTAL FISH

On behalf of the Ko`olaupoko Hawaiian Civic Club, we strongly support Senate Bill 3225, which would impose restrictions on the gathering of ornamental fish in Hawaiian waters. We also recommend that a kapu system, stopping all salt-water aquarium fish gathering, be imposed in the same areas as gill-net closures and to include near-shore areas and along our island reefs.

The Ko`olaupoko Hawaiian Civic Club is deeply committed to conservation of our island native resources in perpetuity. We feel these endangered species will be lost forever unless some system of protection is in place to ensure their survival.

For myself, living on the shoreline, I have noticed the depletion of opae lolo, baby shrimp, which has been targeted by aquarium fish collectors for many years. I have not seen any of these shrimp for a long time.

Baby mullet used to thrive in Kane`ohe Bay, and we would see it bubbling up in the thousands, silver masses around the bay. We don't see that any more.

The solution to this problem is a kakou thing, something all of us need to help with. Working together, as a community, we can bring some of these fish back so that they are plentiful once again.

But we need your kokua, to give us the time to replenish our local fish supplies. This bill would give us the time we need to work toward that goal. Ku lokahi kakou! *Mahalo.*



Protecting Native Hawaiian Traditional and Customary Rights
and Our Fragile Environment

www.KAHEA.org P.O. BOX 270112 HONOLULU, HAWAII 96827

February 11, 2008 2:30 p.m.

Aloha Chairman Hee and members of Senate Committee on Water and Land,

We support S.B. 3225 to protect Hawai'i's coral reef fish by establishing bag limits for ornamental fish highly sought by the aquarium trade.

We strongly urge the Senate to pass SB 3225 because it establishes reasonable limitations on the number of reef fish the aquarium trade may take from our reefs. The marine wildlife protected by this legislation, like the cleaning wrasse, provide crucial environmental services that keep our reefs healthy and functioning. Without protections, these species could be hunted to extinction, compromising the health of our oceans and the strength of our unique culture.

Protecting Hawai'i's reef is paramount to perpetuating Hawai'i's unique culture. The continued, uncontrolled take of resources from our coral reefs by commercial interests has long undermined the health of our nearshore waters. This is compromising the ocean-based tourist industry in Hawai'i, and more importantly the basic practices of Native Hawaiian cultural practitioners. The loss of our healthy marine environment, means Hawaiians lose their refrigerator and Hawai'i loses its cultural heritage.

Passing this legislation is an important step in protecting Hawai'i's nearshore waters and the cultural practices that rely on them.

KAHEA: The Hawaiian-Environmental Alliance is an islands-wide network of over 2,000 people, including Native Hawaiian cultural practitioners, conservationists, and concerned community members, working to protect Hawai'i's unique natural and cultural resources.

Mahalo,

Marti Townsend
Program Director

MONUMENTAL
LATE TESTIMONY



BurtonJP@aol.com
02/10/2008 05:50 AM

To Linda.Smith@hawaii.gov
cc
bcc
Subject marine aquarium collectors bill

WALTE TESTIMONY

Dear Ms. Smith,

I do not live in Hawaii. I live in Pittsburgh and possibly have to voice or let's say an opinion on the matter of the proposed bill SB3225. By training I am an aquatic biologist on the freshwater side of the science. I worked for the Michigan Department of Natural Resources some years ago and I have seen first hand the affect of poor legislation when it comes to resource management.

Two years ago I presented a paper at the Ornamental Marine Conference in Las Vegas that is held at the same time as the World Aquaculture Symposium. The topic was the sustainability of the marine aquarium trade. I would like to give you my side of the story. I currently own seven pet stores of which 3 have marine programs. My focus is not on selling fish but on preserving them in the wild as well as preserving the hobby as a tool to educate people on the care and study of these animals in captivity. Too many people think that having any animal in captivity is wrong and is probably the primary source of the bill currently before you. To have these animals in the hobby is important but there are things that need to be changed in the hobby. John Muir stated in his support of the national park system, "We need the national parks to allow people to know them, because to know them is to learn to love them. That is the key to preserving our environment as a whole." That is paraphrased but accurate in meaning. It is why pets and the study of animal care by the general public is important. The hobbies take us closer to nature for those of us that cannot be a part of it.

What do I think should be done? People that handle the fish in the trade should have to pass a knowledge test. That goes for the retailers, shippers, and collectors. They need a background in water chemistry and behavior of the various species in the wild and in captivity. I was at a meeting where your Big Island conservation proposal was presented to the public and I fully endorse the beginnings of what I think is a really good start. It is also the beginning of an accumulation of knowledge about the in-shore environment which ultimately will allow us to learning how to preserve the various species of animals and plants that are so dear and important to the Hawaiian past. Anybody with any sense knows

how fragile the island environment is. Your Big Island conservation program is a good start and to scrap that concept is a mistake. The potential monies developed from the sale of these animals could provide some needed funds for the ecological studies that need to be done in the future to protect the resources and the natural environment from more than just fishing for aquarium fish. These funds could also be used to develop local aquaculture businesses that could specialize in producing captive bred fish for the hobby. There are so many possibilities to be explored. To destroy the trade, which this bill certainly would do, as well as turn law abiding citizens into black market businessmen will only make matters worse.

The one thing that would decrease the fish used in the aquarium trade is to put pressure on the airlines to treat fish shipments with priority. There are many issues to be addressed in transportation. I have been involved in trying to improve transportation but without some government support I'm not sure how far we are going to get.

If you read this e-mail thank you for your time. My company is dedicated as a business to sell pet care supplies and to educate people about the animals in our care. I'd be glad to do anything possible to help the cause of using the aquarium hobby to promote education of the environment.

Burton Patrick
Publisher of Total Pet Magazine (www.totalpetmagazine.com)
Owner of Burton's Total Pet
412-369-7530
burtonjp@aol.com

Who's never won? [Biggest Grammy Award surprises of all time on AOL Music.](#)



LATE TESTIMONY

THE SENATE
TWENTY-FOURTH LEGISLATURE 2008

COMMITTEE ON WATER AND LAND
Senator Clayton Hee, Chair
Senator Russell S. Kokubun, Vice Chair

Monday, February 11, 2008
2:30 pm, Conference Room 414 State Capitol

SENATE BILL NO. 3225
Relating to fishing

Chairman Hee, Vice Chairman Kokubun and members of the committee, my name is Linda Paul and I am testifying behalf of the Ocean Law & Policy Institute of the Pacific Forum CSIS in favor of SB 3225 if amended as mentioned below.

Hawaii entered the global marine aquarium trade in 1953 and most of the marine aquarium fish and invertebrates collected in U.S. waters today come from Hawaii. While over 100 species of fish are collected, just seven of those species comprise 90% of the harvest. The yellow tang, an algae eater, accounts for approximately 72% of the total.

Aquarium fish collectors generally take small, pre-reproductive fish before they have a chance to reproduce. Many of these fish are herbivores, most often surgeon fish, who graze down algae growing on our reefs. When large numbers of these grazers are removed from Hawaii's reefs both native and alien species of algae rapidly spread, smothering live coral and destroying fish habitat. The aquarium fish harvest needs to be limited to protect our reef ecosystems.

At the present time, the only management approach that seems to be working is the one in place for West Hawaii, which not only addresses competing uses, but also sets aside areas for long-term fish replenishment and sustainable fishing. We support amendments to this bill that will implement the management approach taken in West Hawaii in other parts of our State.

This bill also needs to be amended to provide the authority for the establishment of an airport inspection program to enable the collection of accurate information on the number

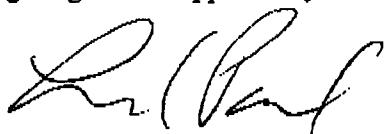
1001 Bishop Street
Paahii Tower, Suite 1150
Honolulu, HI 96813
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Facsimile: (808) 599-8690
Email: linpaul@aloha.net

of marine animals collected and exported for the aquarium trade. Analysis indicates that less than 45% of required reports are not filed and that the total number of live reef fish exported has been grossly underestimated (about 20% of the total).

Inspection rules were drafted a few years ago to set up an aquarium trade monitoring program to determine actual exports. However, the attorney general's office would not let the draft rules go forward until an exception was made to §187A-15 HRS, which requires that before any bag or container used to carry aquatic life is examined, the agent has to have 'probable cause' that the container carries contraband. An amendment to this bill is needed that will exempt the aquarium trade monitoring program from this requirement.

The U.S. Constitution does not require probable cause if (1) there is consent (i.e. given in the course of taking out a commercial fishing marine license (§189-2), or aquarium fish permit (§188-31 HRS), (2) there is a valid regulatory scheme in place (in this case an aquarium trade monitoring program), and (3) there are no criminal penalties imposed for violations of the license or permit. (The loss of one's permit or license and the payment of a fine are civil, not criminal, penalties.)

We urge you to pass this bill with the above-mentioned amendments. Thank you for giving me the opportunity to testify.



Linda Paul, Director
262-6859

testimony

LATE TESTIMONY

From: John and Dawn Balog [aiabalog@hawaii.rr.com]
Sent: Monday, February 11, 2008 9:55 AM
To: testimony
Cc: John and Dawn Balog
Subject: senator Clayton Hee and senate water and Land Committee re:SB 3225

Aloha,

I support SB3225 to establish bag limits of fish caught for the aquarium trade.

Visiting Maui as a tourist for thirty years and living on Maui for the past 15 years my husband and I have noticed a sharp decline in fish as we snorkle along the reef in west maui. This year we have yet to see a yellow tang or moorish idol where once there were plentiful numbers to be viewed all along the shallow reef areas in that vicinity.

Let us work together to preserve our fragile coastal ecosystem. Fish are rapidly disappearing from our waters. We need to maintain a balance by preserving, caring and nourishing the fish we have in our waters. Unlimited collecting for the aquarium trade should not be allowed to happen.

Let us work together to replenish the ocean. The time to act is NOW. I support SB3225 to establish bag limits of fish caught for the aquarium trade.

Mahalo, Dawn and John Balog

John and Dawn Balog
143 Kualapa Place
Lahaina, HI 96761

testimony

From: CAROMAN@aol.com
Sent: Monday, February 11, 2008 10:16 AM
To: testimony
Subject: Support for SB 3225

LATE TESTIMONY

Dear Sirs,

I am writing this note in support of the SB 3225.

The hearing is at 2.30PM 2-11-08 before WTL and WAM.

We are tourists from the mainland who visit the Big Island each year.

I have been concerned about the general loss of population of reef fish for some time now. As a diver, snorkeler and nature photographer, I have been observing this decline on a regular basis.

There are many demands upon the reef fishery, from subsistence to recreational usage. It is my observation that there are significantly fewer fish than when we started coming to Maui over 10 years ago.

This decline is well documented...it is easy to find many articles, both scientific and anecdotal that support this conclusion.

Even many fish aquarium collectors agree that it is harder to find these fish and that the practice of fish collecting should be better managed. You can find these opinions expressed on www.reef.com, which is a reef fish collectors website, supported by the aquarium industry.

It is also true that there are responsible reef collectors, this has been documented in a variety of studies.

NONETHELESS, the net effects of these activities seems to be a dramatic decline in fish populations and damage to coral reefs that support the fish populations.

Until we find comprehensive and effective ways to manage, monitor and sustain our fisheries I believe it is important to establish and enforce the laws of SB 3225.

I would like to add that the bill should contain monies and resources for enforcement of this bill. Without enforcement, there will be little impact.

Thanks,
Robert Kihm and Ann Roman
8858 East Nichols Place
Centennial, CO 80112
303-893-6552

The year's hottest artists on the red carpet at the Grammy Awards. [AOL Music takes you there.](#)

testimony

From: ScubaDrewRR [scubadrewvideo@hawaii.rr.com]
Sent: Monday, February 11, 2008 10:15 AM
To: testimony
Subject: SB3225 – RELATING TO FISHING. Testamony

LATE TESTIMONY

Emailed to: testimony@capitol.hawaii.gov

HUI MALAMA O PUPUKEA-WAIMEA

February 11, 2008

Senate Committee on Water and Land

Hearing Monday Feb. 11, 2008

2:30 p.m., Conf. Room 414

SB3225 – RELATING TO FISHING. *Fishing; Ornamental Fish; Bag Limits; No Take Category; Appropriation*

Dear Chair Hee, Vice Chair Kokubun, and Members:

On behalf of **Hui Malama o Pupukea Waimea**, a community group committed to stewardship of the marine life conservation district and ahupua`a of Pupukea and Waimea, I write in

SUPPORT of SB3225 with amendments.

The Hui supports the intent of the bill, which would establish regulations and limits to an otherwise unregulated industry that is having a devastating impact on Hawaii's coral reefs.

The Hui hesitates, however, to endorse the parts of the bill that remain vague and generic regarding site specific regulation and species regulation, potentially leaving loopholes that would continue to have a negative impact on our marine ecosystem.

The Hui recommends this bill be modeled after existing programs, such as the West Hawaii fisheries studies that focuses on site specific and species specific regulations based on physical data.

The Hui commends the authors of the bill, supports its general intent, and particularly endorses the proposal for limits and regulations to be established.

Thank you for considering our comments.

Sincerely,

Drew Wheeler, Board of Directors
293-8506

Board of Directors

Denise Antolini

Bob Leinau

Cora Sanchez

Juliana Simone

Drew Wheeler

testimony

From: SB Kona [sbkona@snorkelbob.com]
Sent: Monday, February 11, 2008 10:09 AM
To: testimony
Subject: Senate Bill 3225

LATE TESTIMONY

Aloha,

My name is Monica Pezze. I am a resident of Kailua Kona, Hawaii and am writing SUPPORTING senate bill 3225. My phone # is 808-331-1369.

Mahalo,
Monica Pezze

Testimony for the Committee on
Water and Land

Senator Clayton Hee

LATE TESTIMONY

My name is Ruth Yamauchi, am 81 years old with a fixed income. Due to the high cost of living here in Hawaii, I have to depend on my son Dennis, who is a diver to help with household expenses and mostly to take care of me.

If you pass Bill 3225, I may have to move in with my daughter who is a single parent, who also works hard to make a living. This action I am contemplating is that my son may have to move and live in Fiji and dive for his friend who has a business there. At my age, I dread to make any drastic changes in my life and I pray this does not have to happen, that he can still live in Hawaii, work hard and be with me.

Thank you very much for your consideration on this matter

Sincerely,
Ruth Yamauchi
1024 Noelani St
Pearl City, HI 96782
Phone No. 455-3678

testimony

From: For The Sea [forthesea@gmail.com]
Sent: Monday, February 11, 2008 7:40 AM
To: testimony
Subject: Bill 3225 testimony

My name is Ziggy Livnat and I am a resident of the Big Island of Hawaii. I would like to please show my strong SUPPORT for Senate Bill 3225 to establish bag limits on the aquarium trade.

Our fish belong in the ocean and not in some aquarium elsewhere. the amount of \$ and joy to locals and tourists a like that the fish in the water bring cannot equal to some individuals private profit!

Thank you,

Sincerely

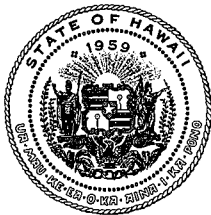
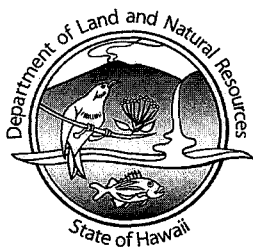
Ziggy

Ziggy Livnat
P.O.Box 1209
Kealahou, HI 96750
(808) 328 1155
www.ForTheSea.com

LATE TESTIMONY



LINDA LINGLE
GOVERNOR OF HAWAII



STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES

POST OFFICE BOX 621
HONOLULU, HAWAII 96809

LAURA H. THIELEN
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE
MANAGEMENT

RUSSELL Y. TSUJI
FIRST DEPUTY

KEN C. KAWAHARA
DEPUTY DIRECTOR - WATER

AQUATIC RESOURCES
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HISTORIC PRESERVATION
KAHOOLAWE ISLAND RESERVE COMMISSION
LAND
STATE PARKS

**TESTIMONY OF THE CHAIRPERSON OF THE
BOARD OF LAND AND NATURAL RESOURCES**

On Senate Bill 3225 – RELATING TO FISHING

**SENATE COMMITTEE ON
WATER AND LAND**

February 11, 2008

Senate Bill 3225 proposes to set limits on the daily take of ornamental reef fishes, with specific reference to yellow tang, and also calls upon the Department of Land and Natural Resources (Department) to undertake stock assessment for the yellow tang and places prohibitions on the take of selected aquarium trade species groups. The bill also makes an appropriation to support a yellow tang stock assessment for one year. While the Department recognizes the need for comprehensive and sustainable strategies for managing ornamental fish, the Department nonetheless has concerns with the approach of this bill in addressing the ornamental fish taking issue and the fiscal impacts it will have on the Executive Supplemental Budget request.

The aquarium fishery is the most highly valued commercial fishery in state waters, with landing revenues exceeding those of akule, opelu, lobsters, and even bottomfish. Almost 200 commercial fishers presently hold valid aquarium permits for this fishery.

In addition to the strategies outlined below, the Department will work with the ornamental fish industry to investigate and pursue comprehensive and sustainable strategies for managing this fishery and increasing the viability of coral reef fish stocks in general, including stock enhancement, aquaculture, and expansion of the current artificial reef program.

The aquarium fishery in West Hawaii has been managed since 2000 by previous legislative mandate, in the form of Act 306, Session Laws of Hawaii 1998. This Act established the West Hawai'i Regional Fisheries Management Area, extending from Upolu Point to South Point, and created a network of Fish Replenishment Areas (FRA), comprising 35% of this coastline. Aquarium collecting is prohibited within these FRAs.

We support the establishment of FRAs as they present a more viable and enforceable management strategy than the bag limits proposed in this measure. In particular, we consider the latter to be overly contingent upon intensive enforcement, which is complicated by limited rights of catch inspection under current law.

The results of the management in West Hawaii are clear. Compared to the period before the FRAs were in effect (1999-2000), recent data indicates that:

- The overall number of yellow tangs along the West Hawai'i coast has increased by 35%.
- And the number of yellow tangs within the FRAs has increased by 95%.

These increases have occurred in conjunction with an expansion of the aquarium fishery:

- The total number of yellow tangs collected has increased by 81%.
- The value of the yellow tang catch has increased by 164%.
- And the price paid to the fisherman for each yellow tang has increased by 46%

Despite this success, management of the aquarium fishery in West Hawaii remains a work in progress, and efforts are presently underway to strengthen it by instituting a limited entry program, and by proposing restrictions on species for which sound data exists indicating they should not be harvested.

Relative to non-appropriation-related items, the Department makes the following recommendations:

1) Because the yellow tang is far and away the most important species in the aquarium fishery, comprising 73% of the total fish catch and 67% of the total value in FY 2007, and because 90% of the statewide yellow tang catch comes from the island of Hawaii and almost all of that from West Hawaii, the Department recommends that the stock assessment proposed in this bill be constrained to encompass only West Hawaii as defined above. This approach is further supported by the fact that there has been extensive field monitoring of the West Hawaii reefs and associated fish populations at multiple sites for almost 10 years. There is thus a suitable base of data from which to conduct such a meaningful regional stock assessment, data that is currently lacking at similar levels of quality for the remainder of the State. The Department shall conduct a continuing stock assessment for yellow tangs in West Hawaii waters every two years starting in 2010, based upon the best available data, and will seek to extend this stock assessment to a statewide scope if sufficient data are available.

2) In addition, the Department recommends a deep and broad approach to strengthening aquarium management in areas beyond West Hawaii by amending this measure as follows:

a) The Department shall establish a network of FRAs on Maui and Oahu, comprising at least 30% of the coastline but no more than 35%, no later than January 2010. Aquarium fish collecting will be prohibited within the FRAs. The Department shall also have the option of establishing FRAs on additional islands should future circumstances warrant.

b) The Department shall designate the specific areas for aquarium closure (FRAs) and other restrictions only after close consultation and substantive dialog with community residents and resource users.

c) The Department shall begin implementation of a limited entry program for aquarium fishing in West Hawaii no later than June 2009, and for Maui and Oahu no later than June 2010, and will define or establish criteria for documenting and certifying participation in the fishery. The Department shall also have the option of establishing a limited entry program on additional islands should future circumstances warrant.

d) The Department shall develop appropriate criteria for classifying species as being of sufficient concern for a harvest prohibition. A listing of these species of special concern shall be completed no later than January 2009 in West Hawaii and no later than January 2010 on Maui and Oahu.

e) The Department shall evaluate and if necessary revise the statewide aquarium catch report (C6) required by Section 189-3, Hawaii Revised Statutes, so as to provide more accurate information on daily catch and effort with enhanced geographic resolution.

f) The Department shall seek to verify all aquarium catch reports with wholesaler purchase reports. The Department shall have the authority to examine books, records, and holding facilities of all aquarium wholesalers to provide an accurate estimate of the catch in the Hawaii aquarium fishery.

g) The Department shall institute a series of sequentially escalating penalties, potentially including suspension or revocation of aquarium and/or wholesale dealer permits, via civil proceedings, for individuals found not to be in compliance with monthly reporting requirements. The Department will also revisit the language of its Commercial Marine License to ensure that it contains a clear right to inspection of catch, and suitable consequences for failure to submit monthly reports, so that the Department may more effectively and responsibly manage this fishery.

3) The Department recommends that this bill at the very least be amended to exclude the West Hawaii Regional Management Area of Hawaii Island from its provisions. The commercial aquarium fishery in this portion of the State is already under a sustainable management regime of Fisheries Replenishment Areas instituted by the Legislature via Act 306 in 1998. The limits imposed in the current bill would conflict with this existing management regime, under which both the status of the yellow tang stock and the amount of catch in the fishery have increased during the past five years, as noted previously.

Overall, these proposed amendments represent an unprecedented commitment by the Department to make the aquarium fishery the best managed and most sustainable commercial fishery in the State of Hawaii.

Thank you for the opportunity to testify.