

**From:** Ron Tubbs [rtmb@hawaiiantel.net]  
**Sent:** Monday, February 28, 2011 10:57 AM  
**To:** JDLTestimony  
**Subject:** Opposed to SB580 SD1 JDL 03-01-11 9:00AM in conference room 016.

## **THE TRUTH ABOUT TROPICAL FISH COLLECTING**

Testimony **Opposed** to SB580 SD1 JDL 03-01-11 9:00AM in conference room 016

by Ron Tubbs B.S. N.D. RT Distributors Inc.

SB580 started out as a complete ban on tropical fish collecting. After hearing both sides for many hours and weeks of information the WHL committee decided to not pass a full ban. The MCLD bill was created to give the activists something. Similar ideas for banning were brought before the Honolulu City Council in December and they too were opposed to it and did not pass it. Why because the facts are against a ban.

The truth is a few activists using false information are behind the ban not for fish ecosystem reasons but to get rid of ocean users so they can have it all for tourist ocean businesses. Most are opposed to a complete ban-they include the following: DLNR marine biologists (one said that if it comes to a ban they have not done their job right), William Ailia DLNR acting chair, Bill Walsh DLNR Kona DAR and even Tina Owens Lost fish coalitions came out at first against a ban.

Making laws which are not about the ocean but user group conflicts is not a good idea. Science needs to be the basis for Marine Resource Management. DLNR has lead the way on this and has done a great job for many years.

New MCLD's are not what the activists want. It is not about the fish or they would want a complete fishing ban. For Maui 2009 16,300 aquarium fish were taken compared to 319,491 non-aquarium commercial fishers captured (and killed). There were 5 tropical fish divers on Maui now there is only one. Activists have forced them out of business. Each adult reef fish produces one to five million fry per spawning. They can spawn several times per year. The 80 aquarium fish divers in Hawaii taking 900,000 fish annually has very little fish population impact! It is a very sustainable industry!

Look at how many preserves are already on Maui and all for one tropical fish diver on Maui!!!

The facts the real cause of the seaweed blooms on Maui links to follow after Maui preserves. Do not believe their lies.

### **West Side of Maui**

#### **Honolua Bay**

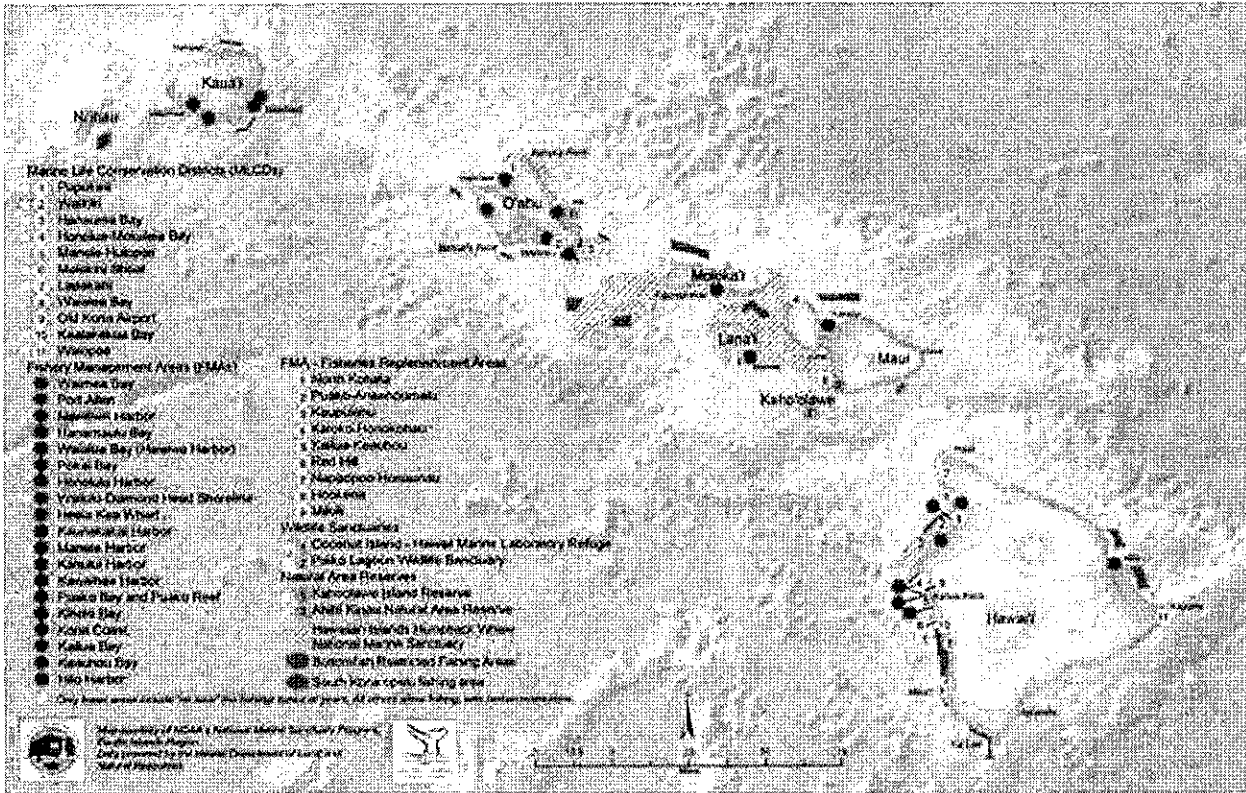
A marine preserve

Kahekili DAR Herbivore fisheries management area (HFMA) was created July 25th 2009 runoff created seaweed blooms aquarium collectors were blamed.

### **South Side of Maui**

**Molokini Crater**  
marine preserve

**La Perouse Bay**  
marine preserve area.



**seaweed Maui cause links;**

**Aspects of turtle presence off Honokowai, West Maui, Hawaii (1989 ...**

For years, these discharged *runoff* from pineapple and sugar cane fields directly into ... *West Maui* has gotten considerable attention because of repeated *seaweed* blooms. Studies commissioned in the mid-90's by the *West Maui Watershed* ...

[www.turtles.org/aspects.htm](http://www.turtles.org/aspects.htm)

<http://www.turtles.org/aspects.htm>

<http://www.hcri.ssri.hawaii.edu/files/media/mc-lpub-2005-01-03.pdf>

<http://www.indigenousportal.com/es/Medio-Ambiente/Moloka-i-s-reef-is-choking-to-death.html>

Kahekili DAR Herbivore fisheries management area (HFMA) was created July 25th 2009

Nitrite runoff problems link:

<http://www.hcri.ssri.hawaii.edu/files/media/mc-lpub-2002-12-18.pdf>

urban runoff effects coral reefs link:

<http://www.hcri.ssri.hawaii.edu/files/media/mc-lpub-2002-07-15.pdf>

Maui runoff and reef algae growth link:

<http://www.hcri.ssri.hawaii.edu/files/media/mc-lpub-2001-07-14.pdf>

We made it illegal to take herbivores on west Maui when the problem is runoff! The fish do not even eat this kind of algae!! This is what happens when ocean management laws are made for non scientific reasons. Activist did what for the environment here? They distract from the real issues!

## **THE TRUTH ABOUT TROPICAL FISH COLLECTING**

UN Ocean Conference; "The ocean and its resources belong to all and no one group can lay claim the ocean". This is the basis of State and International Law regarding the World's Oceans. Our State and DNLN regulate the Ocean to three miles out. We should not eliminate groups from Ocean usage but regulate Oceans to maintain their resources. To outright ban any ocean user group would be illegal.

The legality of any bill banning one group from the ocean could have legal ramifications.

Tropical fish collectors love the ocean and agree with environmental groups about protecting and maintaining our oceans resources for all future generations. Aquariums educate about marine animals and ecosystems. Tropical fish collecting and the Hawaii aquarium trade promote Hawaii's economy and tourism through the many aquarium enthusiasts who visit to see the fish. Aquarium fish around the world our Hawaii's little ambassadors. Tourism is important and we want tourists to see our wonderful oceans with all their beauty. Aquarium Fish Collectors avoid tourist areas.

The State of Hawaii DNLN has done a great job in both management and regulation of the States Fisheries. In Kona, millions of dollars in fish counts and catch report data prove our industry is not only sustainable but fish counts have increased. State laws creating 35% Fish Replenishment Area closures, size limits, permits, and many other laws have been very effective in managing our State ocean resources. Catch reports are done on time under penalty of law. Catch reports are accurate not only for legal purposes but DNLN has stated current catches may be used to set future catch limits. The aquarium Trade is one of the most regulated businesses in Hawaii. Permits and inspections are required from U.S. Fish and Wildlife services, USDA, and certified veterinarians.

The ecology of the ocean is amazing. Reef fish are the most renewable resource producing one to five million fry per spawning. Adult size may be reached within a few months. Radio labeled and genetic studies show nearly 60% of the millions of fry return to the reef from where they were spawned. Most of these small fish do not reach adulthood. Eels, sharks, other predators and lack of food and or habitat all reduce populations. In the end 1-10% live to adult breeding stage. This is still 10,000-50,000 adult breeders per one original pair. Aquarium fishermen collect the smaller size of abundant fish resulting in little impact to reef populations. "Survival of the fittest" even helps future populations. We are truly a sustainable fishery.

Aquarium fishermen love the ocean and the fish. Everything is done to keep the fish alive and healthy. With regular care, fish live longer in captivity. The national 7 billion dollar a year pet industry has many workers who rely on products to be sold for maintaining aquarium fish. Those who rely on aquarium fish and related products to feed their families depend on Hawaii's renewable fish resources. Numerous Hawaii residents, especially, many part-Hawaiians, depend on Tropical Fish collecting to support their families. The Hawaii businesses that have greatly benefited from the tropical fish industry

are: Hawaii air carriers together make million from us yearly, boat dealers, boat repair shops, dive shops, fishing supply stores, aquarium pet stores, pet store wholesalers, box suppliers, bag suppliers, oxygen gas suppliers, aquarium maintenance, tourist aquariums in Hotels, Sea Life Park, Waikiki Aquarium, gas stations, computer repair, office supply, interisland cargo shippers, Fish and Wildlife inspections fees, USDA inspections fees, Department of Agriculture fees, DNLR permit fees, ect. To underestimate the value to the state would be serious.

The **Hawai'i Tropical Fish Association (HTFA)** represents a wide array of businesses and individuals involved with the marine aquarium trade in the Hawaiian Islands. Our members include marine aquarium fishermen, fish dealers and wholesalers, pet stores, fish breeders (aqua culturists), and aquarium hobbyists. ***Our goal is to promote the marine aquarium trade in Hawai'i, educate the public, and ensure that our industry remains sustainable for future generations to enjoy.***

Marine aquaria—both public and private—are vital tools for raising public awareness on the importance of reefs and related conservation methods. Although Hawai'i provides only a small percentage of the world's marine aquarium fish, **we are renowned for our sustainable, humane, and environmentally-friendly fishing methods** (Wood 1985). Hawaii leads the world in using responsible collection methods and providing the highest quality fish to aquarists worldwide. By law, Hawaiian aquarium fishes can be captured using only small-mesh fence and hand nets, which does not harm the marine environment, ensures that the fish stay healthy, and allows us to release any unwanted fish unharmed.

Because fish suitable for aquariums are small, abundant, and reproduce quickly, **the aquarium fishery in Hawai'i has proven to be sustainable.** The fishery is regulated and monitored by the state, and research conducted since 1997 by DLNR has shown that aquarium fish have not declined in numbers over the past ten years. The same studies have shown that our fishery does not harm coral or otherwise affect the health of the reef.

Aquarium Fish Collectors and what we do.

We care and do many things to protect our fish and Ocean resources.

For years fish collectors have provided fish to educate schools across the nation. In Hawaii schools are taken on field trips to local aquarium fish wholesalers or children to ocean fieldtrips by some of our collectors. One program brought live fish to the classrooms for children education. Fish collection for major public aquariums locally and worldwide educate many on Ocean ecology. Many fish rarer or not have been caught and donated to Waikiki Aquarium for research and education.

Rare species are left alone and protected by collectors. Collectors have repopulated fish to areas where populations have declined due to extreme warm summers. Fish population issues are reported to researchers.

Turtles caught in nets are remove when found. Hooks and fishing line around turtles are removed. A hook found in monk seals mouth was reported and NOAA captured and removed the hook. Garbage and nets are removed by many collectors. Some even collect the old bottles found in the ocean. Illegal dumping grounds are reported. Old downed planes and wrecks are reported and identified by researchers.

Many boat rescues and ocean users have been aided by tropical fish collectors. Ocean abuses have been reported by aquarium collectors. Many aquarium fish collectors are Marine Biologists, Zoologist, and Ichthyologists. Information is shared by most collectors with other researchers to aid in ocean ecology. Black coral infestation of an invasive species was reported for observation. Pictures and video are shared. Fish populations are watched by collectors to aid researchers.

The recent toxic killing of puffer fish in Hawaii has led to the self imposed no collection of all puffers until the natural or manmade poison can be identified or eliminated. Researchers are brought samples and taken to normally abundant puffer locations to help with the problem. Pregnant reef fish are collected with our help for researchers to aid breeding projects. Ocean food is supplied for captive breeding stocks. Trigger fish have been supplied for US Navel ocean propulsion studies.

Invasive species like Argus groupers and blue line snappers are targeted and eliminated with the help of the tropical fish collectors. These invasive species kill more marine fish than the aquarium fish collectors!

Aquarium fish collectors have gone on TV shows and spoke for ocean ecology and shared information to protect our ocean. NOAA researchers and others studying fish are educated in fish collecting techniques for research purposes. We are the best eyes of Hawaii as we go many places other divers or tourists do not and can greatly help with the preservation and care of the oceans of Hawaii.

The ocean is our future more than anyone else's. We love to give back. If you need our help doing so contact us.

Ron Tubbs B.S. N.D.

President

RT Distributors Inc.

\_\_\_\_\_ Information from ESET Smart Security, version of virus signature database 5908 (20110225)  
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The message was checked by ESET Smart Security.

<http://www.eset.com>

\_\_\_\_\_ Information from ESET Smart Security, version of virus signature database 5910 (20110226)  
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The message was checked by ESET Smart Security.

<http://www.eset.com>

\_\_\_\_\_ Information from ESET Smart Security, version of virus signature database 5914 (20110228)

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The message was checked by ESET Smart Security.

<http://www.eset.com>

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Information from ESET Smart Security, version of virus signature database 5914 (20110228)

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The message was checked by ESET Smart Security.

<http://www.eset.com>



# LATE TESTIMONY

To: Chair Clayton Hee, WLH Committee

From: Darrell Tanaka, fisherman

Re: SB580, to create MLCDs for the island of Maui

The committee(s) on JDL has scheduled a public hearing on 03-01-11 9:00AM in conference room 016.

Testimony in **OPPOSITION**

Many fishermen of Maui do not want anymore areas closed to fishing, for many reasons, but we are open to meaningful regulations.

If your intent is to pass this bill, please remove the wording re. MLCDs and replace it with, FMA or Fisheries Managed Areas....there is a significant difference in which a FMA allows for fishing but with specific rules for species, amounts that can be taken and gear restrictions. MLCDs on the other hand is simply a ban of fishing...that would pretty much destroy the recreational fishers here.

Respectfully submitted,  
Darrell Tanaka  
Fisherman



A handwritten signature consisting of the letters 'FMA' is enclosed within a hand-drawn blue oval. A thin blue line extends from the left side of the oval, curving upwards and to the left, ending near the word 'Fisherman' in the signature block above.

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Monday, February 28, 2011 9:32 AM  
**To:** JDLTestimony  
**Cc:** keithc@snorkelbob.com  
**Subject:** Testimony for SB580 on 3/1/2011 9:00:00 AM

**LATE TESTIMONY**

Testimony for JDL 3/1/2011 9:00:00 AM SB580

Conference room: 016  
Testifier position: support  
Testifier will be present: No  
Submitted by: Keith Christie  
Organization: Individual  
Address:  
Phone:  
E-mail: [keithc@snorkelbob.com](mailto:keithc@snorkelbob.com)  
Submitted on: 2/28/2011

**Comments:**

I strongly support SB580 to protect Hawaii's wildlife from commercial aquarium collection.



# LATE TESTIMONY

**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Monday, February 28, 2011 9:42 AM  
**To:** JDLTestimony  
**Cc:** cperritt@yahoo.com  
**Subject:** Testimony for SB580 on 3/1/2011 9:00:00 AM

Testimony for JDL 3/1/2011 9:00:00 AM SB580

Conference room: 016  
Testifier position: support  
Testifier will be present: No  
Submitted by: Chris Perritt  
Organization: Individual  
Address:  
Phone:  
E-mail: [cperritt@yahoo.com](mailto:cperritt@yahoo.com)  
Submitted on: 2/28/2011

**Comments:**

I support with an amendment to include SB580's original intent and language: "to protect all of Hawaii's reef wildlife from commercial aquarium collecting."

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Monday, February 28, 2011 10:09 AM  
**To:** JDLEvidence  
**Cc:** rob@silins.com  
**Subject:** Testimony for SB580 on 3/1/2011 9:00:00 AM

**LATE TESTIMONY**

Testimony for JDL 3/1/2011 9:00:00 AM SB580

Conference room: 016  
Testifier position: support  
Testifier will be present: No  
Submitted by: Rob Silins  
Organization: Individual  
Address:  
Phone:  
E-mail: [rob@silins.com](mailto:rob@silins.com)  
Submitted on: 2/28/2011

Comments:

Please protect your reef fish from the aquarium trade. As a scuba diver I have extensively dove Hawaii for the last 15 years. On my last trip aboard the Kona Aggressor, we dove reefs is the south where dayboats can't reach, that had no fish. Where one would expect abundant yellow tang there were none. I spend a fair bit of money every year traveling with my family to dive locations around the world. Hawaii's reefs are not what they once were, and no longer my first choice for travel. Without it's natural splendor, Hawaii is just an overpriced Island in the middle of nowhere. Please take steps to protect Hawaii's reefs from business that leave most of the profit on the mainland in the hands of wholesalers and shops, while Hawaii gets very little for the fish and suffers economically in the future because the reefs are dead or dying.

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Monday, February 28, 2011 10:18 AM  
**To:** JDLTestimony  
**Cc:** Victoriarmartocci@gmail.com  
**Subject:** Testimony for SB580 on 3/1/2011 9:00:00 AM

**LATE TESTIMONY**

Testimony for JDL 3/1/2011 9:00:00 AM SB580

Conference room: 016  
Testifier position: support  
Testifier will be present: No  
Submitted by: Victoria Martocci  
Organization: Individual  
Address:  
Phone:  
E-mail: [Victoriarmartocci@gmail.com](mailto:Victoriarmartocci@gmail.com)  
Submitted on: 2/28/2011

**Comments:**

Aloha Chair Hee and Committee Members,  
&#160;

Thank you for hearing this important bill protecting reef wildlife.&#160; I support it with the following amendment:

Please reinsert the language from SB580's original form that puts a kapu on the sale of Hawaii's reef wildlife for aquariums, and protect our reefs from the international aquarium trade/hobby.

I support SB 580 because reef wildlife shouldn't be wasted for the benefit of a few - it should be protected for all of Hawaii. This has been my continuous belief over the past few years of supporting these efforts.

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Monday, February 28, 2011 10:24 AM  
**To:** JDLTestimony  
**Cc:** jenniferc@oha.org  
**Subject:** Testimony for SB580 on 3/1/2011 9:00:00 AM

**LATE TESTIMONY**

Testimony for JDL 3/1/2011 9:00:00 AM SB580

Conference room: 016  
Testifier position: support  
Testifier will be present: No  
Submitted by: Jennifer Chiwa  
Organization: Individual  
Address:  
Phone:  
E-mail: [jenniferc@oha.org](mailto:jenniferc@oha.org)  
Submitted on: 2/28/2011

Comments:



**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Monday, February 28, 2011 11:11 AM  
**To:** JDLTestimony  
**Cc:** brent.a.carman@gmail.com  
**Subject:** Testimony for SB580 on 3/1/2011 9:00:00 AM

**LATE TESTIMONY**

Testimony for JDL 3/1/2011 9:00:00 AM SB580

Conference room: 016  
Testifier position: support  
Testifier will be present: No  
Submitted by: Brent Carman  
Organization: Individual  
Address:  
Phone:  
E-mail: [brent.a.carman@gmail.com](mailto:brent.a.carman@gmail.com)  
Submitted on: 2/28/2011

**Comments:**

I want to retract all of my previous testimony sent on Thursday, February 03, 2011 10:27AM in support of SB580. I would like to correct any misrepresentation in my testimony on SB580 that could be misconstrued. I want to be clear I do not represent any official DLNR policy and my view points are strictly personal. Within DAR there has never been anything directly said to me that I could lose my job for testifying or supporting SB580. My assertion that "all of our staff except one wants this fishery banned," was misplaced as was the statement "every fisher that comes into our office." I am changing my testimony to as follows.

I feel that aquarium collecting can be managed properly with the right rules and regulations in place. DAR continues to work hard to manage this resource and will always strive for the possibility of a viable and sustainable aquarium fishery. With passage of the West Hawaii rule recommendations from the West Hawaii Fisheries Council, Big Island Association of Aquarium Fishermen and Dr. William Walsh (DAR Kona) in the near future, the hope is to continue working towards achieving this goal expeditiously. I value the WHFC and BIAAF members and their work here has been very important in helping to manage coral reef resources in West Hawaii.

Dar and the West Hawaii community via the WHFC have been working for years to develop effective and sustainable management recommendations for the aquarium fishery. I would encourage these recommendations to be approved as quickly as possible without delay. Recently many aquarium collectors have worked cooperatively to better manage the fishery and their participation should continue to be encouraged. Please provide the resources, provide the mandate and demand effective management of the aquarium trade rather than just giving up and banning it. Thousands of hours have been spent over the last 12 years by the community to develop workable management recommendations and I would encourage legislators to consult with them.

There is a powerful set of data showing the effectiveness of the FRA's. I support the creation of MLC's on Maui because area closures have proven to be effective. I support management and the community in West Hawaii, the WHFC and the aquarium collectors working towards a sustainable fishery. Area closures are one tool that can be and should be used in management's tool box and the FRA's have proven their effectiveness and now we need the other draft administrative rules passed so we can continue to work towards a sustainable aquarium fishery. FRA's work and it's a great idea to establish them statewide.

Thank you for the opportunity to allow me to clarify myself.  
Brent Carman

# LATE TESTIMONY

**From:** Christian Kahahawai [kahakauai@gmail.com]  
**Sent:** Monday, February 28, 2011 11:40 AM  
**To:** JDLTestimony; Sen. Clayton Hee; Sen. Maile Shimabukuro; sengabbard@Capitol.hawaii.go;  
Sen. Les Ihara, Jr.  
**Subject:** Opposed to SB580 SD1 JDL 03-01-11 9:00AM in conference room 016

Aloha Senators,

I am strongly **opposed** to bill SB580. A total ban of our aquarium fishery is absolutely unnecessary and is an overly extreme measure which should not be taken lightly. This fishery is the most regulated in the state and stands "as-is" a sustainable industry as stated by William Aila, the Director of Hawaii's DLNR. Many of our fisherman are working with the DLNR and DAR in order to successfully create new and more effective ways to better manage this industry in order to keep it sustainable and healthy for both the industry as well as the reef ecosystems. This issue has been ongoing for years and years and is STILL a matter of morale disagreement and is not and never has been about a resource problem. Most do not understand the industry and believe it involves savage and brutal treatment of these animals which is simply NOT the case. We take very good care of our animals and make sure we do everything we can to keep them healthy, and safe. Because some people disagree with something, does NOT mean it should be banned entirely. History should have taught us by now that you should not ban something that you do not understand, simply because you do not agree with it. Look at what happened to the culture of the Hawaiian people and the art of Hula...

Please do not take this decision lightly as many people's livelihoods depend on this industry. We will continue to work with the state to further refine our industries techniques in order to better serve our fishes and the people of Hawaii nei.

Aloha,

Christian Pi'ikaiokalani Kahahawai  
Kailua Kona - Aquarium Fisherman



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**From:** Mary Markl [ahimsamary99999@gmail.com]  
**Sent:** Monday, February 28, 2011 11:56 AM  
**To:** JDLEstimony  
**Subject:** Support Bill SB580

## LATE TESTIMONY

Please protect Hawaii's reef's fish which has shamefully been exploited for some people's greed. Many die shortly after in this process prompting even more to be taken than die and the loop continues. You have the power and obligation by office and the aina to totally stop this or you will be as guilty as them for not protecting them when you had the power to. You also lessen Hawaii's economy as a special tourist attraction for many who want to come to visually see them without the fish being hurt as a result. Apparently people will do anything for greed, don't let them. Support protection to keep our fish here in Hawaii's water now and in the future.

Thank you.

M. Markl



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**From:** kkinck@juno.com  
**Sent:** Monday, February 28, 2011 9:40 AM  
**To:** JDLTestimony  
**Subject:** Senate Bills 580 and 1522

## LATE TESTIMONY

Dear Honorable Chair Hee, Vice-Chair Shimabukuro, and Committee Members,

I am writing to ask for your absolute support of SB 580 (relating to commercial collection of reef wildlife) and SB 1522 (relating to large-scale dog breeders).

SB 580: The commercial collection of our valuable reef fish needs to be outlawed throughout the State of Hawaii. This is an abominable practice that has led to some species seeing an almost a 70 percent decline per yer for the last two years. The entire aquatic food chain is dependent upon what happens to and upon our precious coral reefs. As I'm sure you know commercial "harvest" of these valuable resources results in a 40 percent mortality rate prior to marketing the survivors and most of them die within 2 years residing in aquariums. This is an absolute endorsement of abolishing the entire industry and only allowing captive breeding under strict controls.

SB 1522: Large-scale unregulated dog breeders can not be permitted to continue. I'm sure you've seen the horror stories on the evening news over the past few years illustrating what happens to the dogs trapped in this environment. Clearly licensing and inspection programs need to be instituted to control this unscrupulous practice.

Thank you in advance for your complete and unqualified support of these two important Senate Bills.

Mahalo,

Keith King  
73-994 Ahikawa Street  
Kailua-Kona, HI 96740

# LATE TESTIMONY

Sen. Clayton Hee, Chair  
Sen. Maile Shimabukuro, Vice Chair  
Committee on Judiciary & Labor  
Tuesday, Mar. 1, 2011

## Testimony concerning SB580 SD1, relating to Aquatic Life

I am a full time commercial fisherman on Oahu, deriving the majority of my income from saltwater aquarium fish. I am proud to be part of what I know is a vibrant and healthy fishery that contributes to our state's economy while providing thousands of people in Hawaii and around the world an opportunity to experience the ocean firsthand.

As somebody who fishes exclusively on Oahu, I do not feel qualified to provide an opinion on the current draft of SB580 SD1, which would establish MLCs on the island of Maui. However, I hope that before this measure moves forward, the fishing community on Maui will be consulted, along with DLNR.

Finally, I implore the committee to respect the decision of the Water & Land Committee, who after much deliberation and testimony decided that a ban on the sale of aquarium fish was not warranted. Our fishery has been monitored for more than 30 years, and every indication has been that our activities are sustainable, do not harm the health of our coral reefs, and do not harm tourism. The West Hawaii fishery, especially, has been studied extensively since 1998 and is now one of the best managed fisheries in the state. Although there is some concern about this fishery's future, the state is currently in the process of introducing further regulations and limits that will help ensure its long term viability. This position has remained consistent through several administrations, and any concern in this area should be directed towards the DLNR biologists who have been charged with managing the fishery. If SB580 is to be moved forward, please be considerate of these facts and do not revert it back to its original form.

Thank you for the opportunity to testify,  
Matthew Ross

# LATE TESTIMONY

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**From:** Torun [starfire\_retreat@hawaii.rr.com]  
**Sent:** Monday, February 28, 2011 12:10 PM  
**To:** JDLTestimony  
**Subject:** Support SB 580

*Dear Honorable Chair Hee, Vice-Chair Shimabukuro and Committee Members:*

*Please **SUPPORT SB 580** to protect our precious reef wildlife and fragile reef ecosystems.*

*Millions of animals are taken from Hawaii's reefs each year, with up to 40% dying before reaching their final destination.*

*In the interest of our marine tourism economy and the environment, reef wildlife belongs on our reefs!*

*Thank you for your consideration.*

***David and Torun Almer** 808-328-2061  
84-5142 Keala O Keawe Road  
Captain Cook, HI 96704-8418*

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Monday, February 28, 2011 12:14 PM  
**To:** JDLTestimony  
**Cc:** aliaska@hawaii.rr.com  
**Subject:** Testimony for SB580 on 3/1/2011 9:00:00 AM

**LATE TESTIMONY**

Testimony for JDL 3/1/2011 9:00:00 AM SB580

Conference room: 016  
Testifier position: support  
Testifier will be present: No  
Submitted by: Aliaska Brozen  
Organization: Individual  
Address:  
Phone:  
E-mail: [aliaska@hawaii.rr.com](mailto:aliaska@hawaii.rr.com)  
Submitted on: 2/28/2011

Comments:  
SUPPORT with an amendment including SB 580's original intent and language to protect all of Hawaii's reef wildlife from commercial aquarium collectors!



**LATE TESTIMONY**

February 28, 2011

TESTIMONY **SB 580** - Reef Wildlife/Aquatic Life... SUPPORT!!!!

Hearing Tuesday March 1, 2011

9:00 a.m. - Room 016

State Judiciary and Labor Committee

Chair – Senator Hee

Vice Chair – Senator Shimabukuro

Please **support** this Bill. Mountains of testimony has been presented and it has proven that there is no doubt, and quite apparent, especially to the residents of the big island that we have a serious problem. You are the ones who can help us and turn the tide to rectify a problem that has been glossed over by those who see our reefs only as dollar signs. The future is up to you.

Thank you for the opportunity to testify.

**Ginger Towle**

President – West Hawaii Humane Society

Box 2695, Kailua-Kona, Hawaii 96740

Phone 329-2051

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Monday, February 28, 2011 2:44 PM  
**To:** JDLTestimony  
**Cc:** gdlandis@gmail.com  
**Subject:** Testimony for SB580 on 3/1/2011 9:00:00 AM

**LATE TESTIMONY**

Testimony for JDL 3/1/2011 9:00:00 AM SB580

Conference room: 016  
Testifier position: support  
Testifier will be present: No  
Submitted by: Gary Landis  
Organization: Individual  
Address:  
Phone:  
E-mail: [gdlandis@gmail.com](mailto:gdlandis@gmail.com)  
Submitted on: 2/28/2011

**Comments:**

Aloha Chair Hee and Committee Members,

Thank you for hearing this important bill protecting reef wildlife. I support it with the following amendment: Please reinsert the language from SB580's original form that puts a kapu on the sale of Hawaiian reef wildlife for aquariums and protect our reefs from international aquarium trade/hobby.

I support SB 580 because reef wildlife shouldn't be wasted for the benefit of the few - it should be protected for all of Hawaii.

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Monday, February 28, 2011 3:05 PM  
**To:** JDLTestimony  
**Cc:** gdlandis@gmail.com  
**Subject:** Testimony for SB580 on 3/1/2011 9:00:00 AM

**LATE TESTIMONY**

Testimony for JDL 3/1/2011 9:00:00 AM SB580

Conference room: 016  
Testifier position: support  
Testifier will be present: No  
Submitted by: Stephanie Landis  
Organization: Individual  
Address:  
Phone:  
E-mail: [gdlandis@gmail.com](mailto:gdlandis@gmail.com)  
Submitted on: 2/28/2011

**Comments:**

Dear Chair Hee and Committee Members,

Thank you for considering this very important bill protecting reef wildlife. I support this bill with the following amendment: please reinsert the language from SB580's original form that bans the sale of Hawaii's reef wildlife for aquariums, and protect our reefs from the international aquarium trade and hobby. I strongly support SB580 and this amendment because I know from personal observation in the last 11 years that our reefs had been badly depleted and i can't believe we are letting this happen for the benefit of so few.



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**From:** Randy Fernley [coralfish@hawaiiantel.net]  
**Sent:** Monday, February 28, 2011 3:47 PM  
**To:** JDLTestimony  
**Subject:** Testimony for SB 580 SD1

**LATE TESTIMONY**

Aloha Committee Members,

I support SB 580 SD1.

If this bill were to pass, I would like to see the MLCD areas designated by the DLNR restricted to all commercial activities.  
Thank you for your time

Randy Fernley  
Coral Fish Hawaii  
Aiea, HI

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Monday, February 28, 2011 9:58 PM  
**To:** JDLTestimony  
**Cc:** tony@pop-hawaii.com  
**Subject:** Testimony for SB580 on 3/1/2011 9:00:00 AM

**LATE TESTIMONY**

Testimony for JDL 3/1/2011 9:00:00 AM SB580

Conference room: 016  
Testifier position: oppose  
Testifier will be present: No  
Submitted by: Tony Costa  
Organization: Hawaii Nearshore Fishermen  
Address:  
Phone:  
E-mail: [tony@pop-hawaii.com](mailto:tony@pop-hawaii.com)  
Submitted on: 2/28/2011

Comments:

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Monday, February 28, 2011 10:22 PM  
**To:** JDLTestimony  
**Cc:** bfunai@hawaii.rr.com  
**Subject:** Testimony for SB580 on 3/1/2011 9:00:00 AM

**LATE TESTIMONY**

Testimony for JDL 3/1/2011 9:00:00 AM SB580

Conference room: 016  
Testifier position: oppose  
Testifier will be present: No  
Submitted by: Brian F. Funai  
Organization: Individual  
Address:  
Phone:  
E-mail: [bfunai@hawaii.rr.com](mailto:bfunai@hawaii.rr.com)  
Submitted on: 2/28/2011

Comments:  
Chairman Hee and Members of the Judiciary Committee

With all due respect for people of the island of Maui, I must strongly oppose SB580. One of the most obvious things that supporters of this type of legislation will not say is that creating Marine Life Conservation Districts further and further concentrates fishing activity into smaller and smaller areas by removing what is left of our viable fishing grounds. There are miles and miles of former fishing grounds that have been ruined by agricultural runoff, sewage/injection well infiltration, development, dredging for our harbors, invasive species and filling of our coastal submerged lands. All of these have nothing to do with fishing but fishermen nearly always feel the brunt because they are the "problem" when a new MLCD is created. Yet when these things are created, fishermen sit by the side watching as no one does anything while further degradation occurs from these other sources.

We also know historically that MLCDs are NOT automatically free from ongoing damage, as Pupukea, Hanauma and even other "pristine" areas have become overrun by over use.

To arbitrarily say that two MLCDs are to be created makes about as much sense as simply saying two new stadiums shall be built on Maui.

Fishermen are not against protection of our precious ocean resource but lets look at creating things that care for it in a sensible way. Lets let these management decisions be based on science, cultural knowledge, historical knowledge and the intimate knowledge of the ocean (that only the best fishermen have gained over years of interaction with it) be used to determine what is needed to protect our oceans. Let's not just arbitrarily pick a number out of the air and let's especially not sell out our island residents.

Thank you for your time,  
Brian F. Funai  
Kaneohe, Hawaii

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Monday, February 28, 2011 10:25 PM  
**To:** JDLTestimony  
**Cc:** bjesquire@gmail.com  
**Subject:** Testimony for SB580 on 3/1/2011 9:00:00 AM

**LATE TESTIMONY**

Testimony for JDL 3/1/2011 9:00:00 AM SB580

Conference room: 016  
Testifier position: support  
Testifier will be present: No  
Submitted by: Bradley Jones  
Organization: Individual  
Address:  
Phone:  
E-mail: [bjesquire@gmail.com](mailto:bjesquire@gmail.com)  
Submitted on: 2/28/2011

**Comments:**

Hawaii's position as a leader in the national on environmental issues is in question if we can't even protect our own valuable marine resources from a small but influential predatory industry such as the aquarium trade. Hawaii is not a third world country. We value our ocean and all the animals that live in it. Please do the right thing and stop the unchecked pillaging of our precious ocean before we lose one of the most important reasons people pay to visit Hawaii.

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Tuesday, March 01, 2011 2:05 AM  
**To:** JDLEstimony  
**Cc:** stuart@well.com  
**Subject:** Testimony for SB580 on 3/1/2011 9:00:00 AM

**LATE TESTIMONY**

Testimony for JDL 3/1/2011 9:00:00 AM SB580

Conference room: 016  
Testifier position: support  
Testifier will be present: No  
Submitted by: Stuart Karlan  
Organization: Individual  
Address:  
Phone:  
E-mail: [stuart@well.com](mailto:stuart@well.com)  
Submitted on: 3/1/2011

Comments:

In light of the depleting tropical fish population, it makes financial and ethical sense to sharply reduce the harvesting of Hawai'i reef fish. Please vote for these strict regulations, amendments and the original intent of this bill.



**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Tuesday, March 01, 2011 5:24 AM  
**To:** JDLTestimony  
**Cc:** saltywatervideo@gmail.com  
**Subject:** Testimony for SB580 on 3/1/2011 9:00:00 AM  
**Attachments:** DSC02890.JPG; Ali @ TT.JPG

**LATE TESTIMONY**

Testimony for JDL 3/1/2011 9:00:00 AM SB580

Conference room: 016  
Testifier position: support  
Testifier will be present: No  
Submitted by: Ali Young  
Organization: Salty Water Videp  
Address:  
Phone:  
E-mail: [saltywatervideo@gmail.com](mailto:saltywatervideo@gmail.com)  
Submitted on: 3/1/2011

**Comments:**

This is a picture of a sick turtle I photographed,,,,our reefs need every little bit of support available,,,,A lot of politicians professed how they were environmentalist and what they were going to do for Hawaii,,,,Well the ocean here in Hawaii,,Maui should be at the top of the list. 2 things attract visitors to the islands, The weather and the ocean,,,,, I dont understand why it has gone on as long as it should stop allowing the sale for aquariums our precious reef fish.  
Oysters are going extinct in the world,,,, how sad that they no human was looking out for them and only took and took until this.  
The condition and beauty of the reefs needs to be priority stop the reef fish entirely, Take care of the land and the land will take care of you my father told me,,I am hawaiian and this taking for aquariums is wrong in every way to my people to the culture to hawaii.

Aloha,,,Ali

**From:** Anne Rillero [annerillero@pacificwhale.org]  
**Sent:** Monday, February 28, 2011 11:26 PM  
**To:** JDLEstimony  
**Subject:** Testimony SB 580 "Relating to Aquatic Wildlife"

**LATE TESTIMONY**

Testimony

Committee on Judiciary and Labor  
Senator Clayton Hee, Chair  
Senator Maile S.L. Shimabukuro, Vice Chair Tuesday, March 1, 2011 Conference Room 016

Regarding: SB 580, SDI "Relating to Aquatic Wildlife"

Dear Chair Hee, Vice Chair Shimabukuro and Committee Members,

As the Conservation Director at Pacific Whale Foundation, I would like to thank you for hearing Senate Bill 580, a bill to protect aquatic life. I am unable to attend the March 1 hearing, but would like you to know that Pacific Whale Foundation supports this bill, with the reinstatement of its original language, which bans the sale of Hawaii's reef wildlife for aquariums.

Pacific Whale Foundation strongly supports the establishment of prohibitions, penalties and fines for knowingly selling aquatic life for aquarium purposes taken from waters within the jurisdiction of the State of Hawaii. We have gathered hundreds of petition signatures urging the State of Hawaii to take action to protect reef wildlife from aquarium collecting. Many of our members have written to State government officials, expressing concern about Hawaii's reefs and the impact of the aquarium collecting trade.

SB 580, in its original form, is essential in protecting Hawaii's tourism industry, our state's number one industry. Our beautiful coral reefs have significance in our appeal as a world-class visitor destination.

43% of Hawaii's visitors engage in snorkeling or diving activities. That's nearly one out of every two people who visit Hawaii. There are 1,000 ocean recreation businesses in Hawaii (Athline Clark, DAR), collectively generating more than \$800 million in revenues for the state. Snorkeling and scuba diving rank highly as important activities for visitors; for example, they are the 5th most popular activities for visitors from the West.

The aquarium collecting trade is relatively small. Yet at the same time, the aquarium collecting trade has significant detrimental impacts to our island's coral reefs and poses a significant threat to tourism and our residents' way of life.

What aquarium collectors are taking cannot be replaced. Coral reefs are complex ecosystems. The colorful reef fish found among the corals each play an important role in maintaining the reef's natural balance.

For example, herbivores, which are collected by the aquarium trade in large numbers, play a significant role in controlling benthic algae.

Without these fish, algae can grow out of control, killing the corals that are the very foundation of all reef life. 86% of all reef fish taken by aquarium collectors are algae-eaters.

The aquarium collector trade is not focused on maintaining the balance of the reef. They are seeking fish that can be sold in the most profitable manner. The fish that are gathered are selected based on the aquarium industry's preferences for fish sizes, colors or rarity.



This can result in overexploitation of certain important species, which undermines the reef ecosystem. Smaller fish, measuring 2 to 10 cm in length, are most frequently sought, which results in high collection levels of juvenile fish -- fish that have not yet had the opportunity to reproduce and replenish the reef.

Hawaii's precious endemic species -- those species that developed over countless generations to fit Hawaii's unique environment and today are found nowhere else but Hawaii -- are especially threatened by the aquarium trade. 25% of Hawaii's marine life is endemic (Athline Clark, DAR). Almost half of the top 20 species gathered by aquarium collectors are endemic. Some of these endemic species die quickly in captivity. Yet the aquarium trade continues to collect them because they can command a high price: one rare Hawaii endemic recently retailed for \$9,500.

What is especially disturbing about the aquarium collector trade is that it is so wasteful -- the fish that are gathered have an extremely high mortality rate. Fish in the wild can live for many years, once they get through the precarious juvenile stage. For example, Yellow Tangs can live for more than 40 years, yet between capture and retail, an estimated 20 - 40 percent of Hawaii's Yellow Tangs will die before reaching the hobbyist. (R. Fenner, Sept. 2010, wetwebmedia.com). A 2000 report by the Trade Subgroup of the International Working Group of the U.S. Coral Reef Task Force noted that: "it has been estimated that the mortality of reef species from source reef to home aquaria may be as high as 90%." This high mortality rate creates additional pressures on our reefs, as collectors seek to replace what is dying.

According to a 1998 World Resources Institute report, nearly 58% of the world's reefs are at risk from a range of human activities, including global warming, marine pollution, coastal development, destructive fishing practices, overexploitation of resources, disease and runoff from improper land-use practices (Bryant et al., 1998). The study concluded that the international trade in coral, reef fish, live rock, and other reef organisms contribute significantly to the decline and degradation of reefs..

The International Coral Reef Initiative (ICRI) adopted a resolution in the fall of 1999 recognizing that "international trade in corals and coral reef species is contributing to the stresses on these systems.

We have an opportunity in Hawaii to show leadership in reef protection by passing SB 580.

It has been well-established in many parts of the world that living marine wildlife has a far greater economic value than captured or killed wildlife. This is certainly true in Hawaii, as it relates to our coral reefs. It is imperative that Hawaii's leaders recognize the economic value of our reef resources to our entire community, and not allow these precious shared resources to be squandered by the relatively small percentage of the population that engages in collecting for the aquarium trade.

Please support SB580 in its original form.

Thank you for your time and interest in this important matter.

Sincerely,

Anne Rillero

Director of Conservation and Member Communications Pacific Whale Foundation 300 Ma'alaea Rd., Suite 211 Wailuku, HI 96793

Phone: 808-280-3196

Fax: 808-243-9021

Email: [anne@pacificwhale.org](mailto:anne@pacificwhale.org)

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Tuesday, March 01, 2011 7:26 AM  
**To:** JDLTestimony  
**Cc:** jim@jtltiming.com  
**Subject:** Testimony for SB580 on 3/1/2011 9:00:00 AM

**LATE TESTIMONY**

Testimony for JDL 3/1/2011 9:00:00 AM SB580

Conference room: 016  
Testifier position: oppose  
Testifier will be present: No  
Submitted by: Jim Lovell  
Organization: Individual  
Address:  
Phone:  
E-mail: [jim@jtltiming.com](mailto:jim@jtltiming.com)  
Submitted on: 3/1/2011

Comments:

With only one full time collector on Maui, it seems that we already have enough area regulated. We do not need more just because another user group wants exclusive use of the ocean.

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Monday, February 28, 2011 4:18 PM  
**To:** JDLEstimony  
**Cc:** shayla@blissfulhat.com  
**Subject:** Testimony for SB580 on 3/1/2011 9:00:00 AM

**LATE TESTIMONY**

Testimony for JDL 3/1/2011 9:00:00 AM SB580

Conference room: 016  
Testifier position: support  
Testifier will be present: No  
Submitted by: Shayla Middleton  
Organization: Individual  
Address:  
Phone:  
E-mail: [shayla@blissfulhat.com](mailto:shayla@blissfulhat.com)  
Submitted on: 2/28/2011

**Comments:**

I am in full support of this bill. I support an amendment to include SB580's original intent and language: to protect all of Hawaii's reef wildlife from commercial aquarium collecting.

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Monday, February 28, 2011 8:15 PM  
**To:** JDLTestimony  
**Cc:** duberstem001@hawaii.rr.com  
**Subject:** Testimony for SB580 on 3/1/2011 9:00:00 AM

**LATE TESTIMONY**

Testimony for JDL 3/1/2011 9:00:00 AM SB580

Conference room: 016  
Testifier position: support  
Testifier will be present: No  
Submitted by: Jeanne Mosley  
Organization: Individual  
Address:  
Phone:  
E-mail: [duberstem001@hawaii.rr.com](mailto:duberstem001@hawaii.rr.com)  
Submitted on: 2/28/2011

**Comments:**  
NEED AMENDMENT TO PROTECT ALL OF HAWAII'S REEF WILDLIFE FROM COMMERCIAL AQUARIUM COLLECTING.



# LATE TESTIMONY

Judiciary and Labor Committee

Chair, Senator Clayton Hee, Vice Chair Maile Shimabukuro

March 1, 2011

9:00AM room 16

SB580 SD1

**Support SB580, not SB580 SD1**

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

SB580 was an excellent bill. Banning all commercial aquarium fish collecting, aside from public aquariums, is the only solution to Hawaii's waning fish population. Experience has shown that aquarium fish reserves do not work. They use a lot of taxpayer dollars to subsidize an industry that benefits few and does great harm to our reefs and ultimately our tourist economy. Aquarium fish are beautiful to look at, which encourages tourist activities such as snorkeling and diving. Also, as these fish are herbivores, they help eliminate algae overgrowth on live coral. Now, partly because of the loss of these helpful animals, coral is dying around the Hawaiian islands. We cannot continue to kill our ecosystem and expect to thrive.

I respectfully request that this committee **amend SB580 SD1** back to its original form, otherwise the population of Hawai`i's aquarium fish will continue on their path towards extinction.

Mahalo for hearing my concerns.

**Netra Halperin, M.A.**

Kihei, Hawai`i